

PUBLIC HEARING

6:00 P.M. (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.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

JUNE 7, 2004

MINUTES

The public hearing relative to the request by Bruce McCallum, c/o Woodridge Community Church for a Conditional Use for the construction of a church within a residential zoning district at 13800 W. Howard Avenue was called to order by Mayor Wysocki at 6:05 P.M.

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

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.

Bruce McCallum, the applicant presented additional information explaining the request.

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

Bill Dempsey, 3211 S. Ridge Crest Ct. - Moving into a new area is always a challenge for a military family and finding a place to worship is probably second only to the quality of the schools in deciding where to live and call home. My wife and I are both members of Woodridge Community Church and it has been a place where we feel that we have been able to use our gifts and be a part of a community and I hope you can appreciate how difficult that is when you only live someplace for a couple of years. One of the challenges for us in finding a place to worship was the fact that Woodridge currently meets at the Christian school and it would have been significantly easier if it had been in a permanently established location. As a member of the armed forces for over 26 years, I feel that it has been a privilege and an honor and a personal commitment to defend our country and our national security, but also our Constitutional protection. I hope you will consider the right to have a place to worship in your community as one of the more significant things we enjoy in our formal government. Again, I want to say thank you for your consideration and for the great blessing that it has been for us to be here in New Berlin.

Jan Lupien – 14130 W. Howard Avenue – This would be the sixth church in a two mile radius. There are three churches on Beloit, there is one on 124th & Coldspring which is being sold, I'm not sure why, there is a Catholic church down on Howard and this would be the sixth church. To me that is a little bit over saturated. I go to church, I am not against churches, but I know that whole area is swampy and what he says about the drainage is difficult for me to believe. Once you put asphalt down and a building with all the water, you are going to have problems. I am already paying taxes for developers that went in and developed places that should not have been developed and now basements are flooding. Also, if the taxes are exactly the same as what this piece of land would generate that would be fine, but I question that also. The traffic, they can say what they want, but I live on Howard and it is very, very difficult to make a left turn onto Howard

because of the traffic. There will be a time when there will probably have to be a stop light there.

Dwight Randall, 3772 Sunny Slope Road – I am here on behalf of my parents who own the property directly North of the church who cannot be in attendance tonight. I have six folders here with engineering reports concerning the church property. Flooding is being experienced even now. Five wetland basins exist with three connective channels to absorb all the water from the surface flow area. One acre of wetland equals one million gallons of storm water retention. (Mr. Randall spoke referring to the map indicating wetlands). Giles Engineering did soil borings finding water at 8 ft. after 8 days. From experience I know this area does not freeze in the wintertime. These wetlands are not flooded continually. They flood independent of each other. This is difficult property to build on without adversely impacting the properties around them.

The church has not presented a consistent plan of usage for this property. At the public meeting on May 23 they indicated day care, recreational activities, school and pre school. It seems like the activities they submitted here are certainly on an increase over what they said they would have on this property which impacts on traffic and congestion and a number of other things in a residential area. In the past the church has submitted documents from the DNR which indicate the lot line is 132 ft. north of present location. There is an area of trees cut 120' x 300'. This is probably an accident but none the less these things are happening and they are costly to us. Mr. Randall distributed photos.

Mary Treadaway, 13855 W. Howard Avenue- I live directly across the street from the project. Our driveway comes out directly across from the proposed driveway of this project. When we built here five or six years ago, my husband went to the Plan Commission and asked what this piece of property was zoned and he was told that it was R-3 or R-4, so we expected that eventually there would be some homes built across the street. We had lived in New Berlin prior to this for about ten years. We have been citizens for about 15 years. This is a very different plan from what we had expected based on our construction of our home at this property. Under what conditions do you change the zoning for a piece of property once somebody has made a commitment in that neighborhood?

Mr. Agbaji – In this case the zoning is not being changed, it is just allowed with the existing zoning with a conditional use permit.

Ms. Treadaway – What does conditional use of this property mean?

Mr. Agbaji – We will review the use, site, and architecture based on public input and they will be operating under negotiated conditions.

Ms. Treadaway – One of the previous speakers was talking about the traffic on Howard Avenue. That is one of my concerns as well, that the driveway is going to be coming out directly across from mine and I hope that could be changed a bit so that we wouldn't be coming head to head with cars coming out the driveway, not just on Sundays but during other activities during the week. That is a concern for ourselves as well as our neighbors.

Timothy Samorajski, 13775 W. Crawford – I am approximately a quarter to a half mile from this proposed site. A reference was made to the church as being willing to make containment in lieu of property taxes. I admit I haven't come to a lot of these meetings, but from my understanding that is an almost unprecedented proposal. Churches are tax exempt from property taxes so you caught my attention by making that proposal. I was wondering if a representative could give a few more details about how much, how long and how it might compare if homes were put in there. I was also wondering if you could flush out a comment you made on integrating the church into the fabric of the New Berlin community. Could you provide a few examples on how you think that could be done.

Michael Schober – Payment in lieu of taxes has been done in the past. I think the first one I

remember is the St. Lukes facility. St. Lukes came in about 1985 and made such a same proposal. Since that time, it has been done on several occasions. It depends on the philosophy of the applicant and what they think their obligation is to the tax payers of the community. The way it would work, is this. The offer that is being made, even though there is no legal obligation to do it, is to pay the same as what city taxpayers pay but a determination would be made as to the portions of the city's budget the church uses such as police and fire protection, highways, and other things that the church would get a benefit from. There would be other things in the city's budget that the church would not use. The portions of the city's budget that the church would get a benefit would be the basis upon which the church would make its contribution in lieu of taxes. If the church had a value of 1.5 million dollars for the first phase and if the city tax rate was 6.21 per thousand, that first phase would generate about 10,000 dollars paid annually.

Bruce McCallum – There are multiple ways that this church has traditionally contributed to communities in many ways including making better citizens, that being traditionally the reason for them being tax free institutions along with schools, Italian centers, etc. I would be glad to have the day care as a conditional use. That was in our initial planned use for the property, but it is no longer a serious consideration.

Thomas Buyarski, 3821 Sunny View Drive- I live about four lots up. I want to express my concern and the concerns of my neighbors about the water accumulation that this might cause back there. We have been here about 20 years now and we have had 20 years of water problems. During spring thaws or any heavy rains we get a great deal of accumulated water and my concern is that the elevation of our property is less than what the major portions of the church property is. It seems to me that any interruption on this property is going to cause more run off toward us, which is a lower area. I just wanted to express my concern and find out exactly what is going to be done to prevent that from happening.

Bill Mech, 12930 W. Weatherstone – In the interest of disclosure, I am a member of Woodridge Community Church but I don't speak tonight as an advocate but rather as a tax payer and citizen and resident of the area. I live about one half mile from the subject property. I am also Commissioner for the sixth district to the New Berlin Crime Prevention Commissioner. Three issues that I heard tonight often come up in hearings like this. Impact on traffic, impact on taxes, and why one more church? Everyday, at least twice a day I drive on Howard and Sunny Slope to get to work and return, sometimes more than that, right through that intersection where this property lies and to me the traffic is not at all congested. I rarely have to wait for more than four cars before I can turn and make my way along, whether it be right or left turn, morning or afternoon rush. Any traffic that a church would have at this corner would have no impact on the peak weekday rush hour traffic periods. There would be additional traffic on Sunday mornings and perhaps a time or two during the week.

As for taxes, it is true that churches are exempt from general property taxes and corporate income taxes but the good faith effort that Woodridge is proposing to pay which is more like a user fee for services is entirely appropriate. I would like to remind commission members that there are many ways to build up the tax base in communities but precious few ways to build up the moral base in communities which churches do very well.

Often the question is asked, why do we need another church in this town, don't we have enough now? For people who view churches as not serving a particularly useful purpose, perhaps the answer is always we have enough already. For those who draw strength from them and find meaning in their life in the context of the church, the answer is always, more please. I would like to speak for those in the middle, my experiences over the last two years have made me aware that within one mile of this property, the New Berlin Police Dept. has responded to calls for domestic violence, violation of restraining order, hit and run vehicle accidents, outstanding warrants, suspicion of illegal drug use and sales, vandalism, theft, burglary, and criminal damage to property. In this light, I can't imagine a better thing in the neighborhood than a church where members are consistently striving to do the right thing. I think it would be an addition to the

quality of my neighborhood. Thank you for listening.

Walter Keil, 3811 S. Sunny View Drive – At the intersection of Howard and Sunny Slope Road, there is a problem for people who want to make a left turn on Sunny Slope to head South. Their sight distance is impeded by a row of trees that have been planted along the property line. Too often I come through that intersection to make a left turn when someone wants to make a right and they have their nose out into the traffic. I have requested that the city take a look at this to see if something could be done. Personally, I think those trees should be removed.

My second comment concerns drainage. The lot that I have lived on for 44 years gets water build up when there is a heavy rain. It will drain off (indicated on map) I don't know what kind of facilities in the City of New Berlin have been put together when they rebuilt Howard Avenue, what they took into account to carry off the run off water . I have pictures to show where the water would bubble out at a couple points where the water was suppose to go but it was just too much.

As far as the church, I have no objection to it. Thank you.

Mike Gillard, 13500 W. North Lane – I believe the church is a good thing. I do believe, however, that church location is not paramount to the need to have a church built at any one particular location. I myself belong to a church in downtown Milwaukee and had no problem driving 15-20 minutes every Sunday to go or periodically throughout the week. I don't want the committees heart strings to be pulled by the feeling that they are compelled to build the church in this location. I think it was clear by some of the arguments made tonight that there is significant drainage issues that need to be further investigated and convince myself that no further run off is going to be a problem. I am also concerned about the various phases of this build. According to the map, there is a foot path leading northeast through this area of land with a retreat center that is drawn on the map. I am a little concerned that the full plan has not been disclosed at this point in time. I get the impression that there might be some shell gaming going on with the concept of Institutional use and now using the term conditional use which is a very vague definition of the bottom line that the church is going to build in an area where clearly there are drainage issues.

Jan Lupien – 14130 W. Howard Avenue – This whole area including Eisenhower is all wet. My sump pump runs on almost a continuous basis. Behind me, what is zoned conservancy, I went to City Hall twice where I was told it would never be built on. There are homes there now and supposedly they took care of the water situation. Their neighbor in the back has to wear hip boots to get in his shed. The pool at Eisenhower is sinking. They built that high school on a swamp. I feel sorry for these people that think they are going to have a basement, they are going to have floods. You can say whatever you want to say and do whatever you want to do, but after the fact, is what you have to look at. Someone really has to know what they are doing here.

Harold Bauer, 14120 W. Howard Avenue – I would like to recommend that the commission deny approval at this point until there is a concrete plan for water drainage showing all elevations and if it is definite that a berm is going to have to be along the back of the houses. It would seem to me that the only way they can protect a flood problem on that row of houses, is until those things are finalized and in writing that nothing be approved at this point in time. I don't think the Planning Dept. or the Commission has enough information to make the right decision right now. I recommend postponing it.

Mitchell Baxter, 13765 W. Linfield Drive - I live approximately one quarter mile south of the site. I am here to speak as a member of the Woodridge Community Church. I wanted to address an earlier comment about how the church immigrates into the community. My wife and I have been married nine years. We have been members of New Berlin for the entire time. We moved to the Weatherstone area looking for a new place. At the time we were members of a church in Richfield which is approximately a 35 minute drive. We decided we wanted someplace closer to home. While we were looking for a new church to attend, there was a flyer that went out through the neighborhood about a church on Howard Avenue. We are now both members of Woodridge

Church. That is why having a church where you reside is important.

Ken Stop, Harper Group – On the drainage issue, the simple fact is that capacity of the system right now isn't working and that is why you have flooding and I'd like to say that one of the real solutions to your flooding is to allow this development to occur so that that water can be managed. Right now it isn't managed and floods whenever it wants to. If you allow the development to happen, I can guarantee the situation will improve. That is why there are water management engineers. It is not magic, it's physics. If you want to leave it along and just keep going the way you are, you'll continue to have the flood or you can start managing the water and have lesser flooding.

Steve Miles, 3801 S. Sunny View Drive – I'm up in the corner. The thing about that corner up there is with this last rain we had, that 8", I didn't have 8" like they had in Milwaukee, I had almost 10". (Indicated on map where all the rain drains to) My land is lower. My sump pump has not stopped running, even though the rain has stopped. It's going to help with having a system to regulate disbursement to the wetlands but as other people have already shown, there is water there that we don't even know about. I'd hate to see a mistake. So many times you see retention ponds and they are full. The pictures I have seen of Howard Avenue with full culverts bothers me. That bothers me tremendously. I'm new here. I've only been here a year and a half and already I can't get in my back yard because it's so sloppy and if I have to wear boots, I just won't go back there. I wish that everyone would make educated decisions. I know the church will be built, I'm sure that everything will be OK but there is going to be a time when we will have a lot of rain and if the rain is going to come, it's got to go some place. Please make sure it goes some place that can be controlled.

Walter Keil, 3811 S. Sunny View Drive – I'd like to point out the difference in elevation from this area to my lot is approximately 15 feet difference in elevation. I don't care who the engineer is, the water will always seek the lowest point.

Kathee Buyarski, 3821 Sunny View Drive – My husband spoke earlier, I just want to reiterate that we are very concerned about the water. We don't have any problems with the church. I think it would be wonderful but we need to really think this through. We have a water problem, our sump pumps go, we deal with what we have now and I don't know how it could be fixed. I think we need to study this harder, think about what we are doing because once it starts, its not going to stop. Then what happens if there is a problem? We all live in that area and it's lower and there is water every where with springs and it's not being taken into account. So, my concern is think before you act.

Sue Kusnierz, 17411 E. Elmwood Road - I am a member of New Berlin and I am also a member of the church. The land is beautiful so if we can preserve the wetland and at the same time help the neighbors it would be a wonderful thing. I also want you to realize that in New Berlin there are always going to be changes, it's a growing city. We are a small church and want to be allowed to be part of the community. Our membership is not that big but we come faithfully all the way from Brown Deer to the western end of Waukesha County. If you allow us, we would love to be involved with your community. The small membership that we have, we often do things for the church members by repairing roofs or helping elderly. I think as a community, I hope you look at the aspect that this church would love to get involved with having a service orientated community.

Vern Bentley, 3450 S. Johnson Road – When I came to the public hearing for the church that they are building right now on Cleveland Avenue across from Stiglers on the north side of Cleveland, those people said they were going to have services on Wednesday night and Sunday morning and that is all they had said. I talked to those people from the church now, they have a beautiful place there and have a lot more activities which you can't really blame them for having. Five or six years ago there was a church that wanted to build on Moorland Road by the Clark Station, South of Cleveland and the people said that it was a seven day a week church with different activities and involvement. What I am asking for clarification of now is to what the

church we are considering is actually going to be like. It is going to be one day a week, two days a week, seven days a week?

Bruce McCallum, 13440 Wilbur Dr. – We submitted a statement with our application materials which gives a detailed service schedule and outlines what our church is all about. We have no school intended. We have youth activities, that being the reason why we eventually may need a gym. We have services Sunday morning, currently that is all. I would anticipate administrative meetings during the week, seasonal services, youth group meetings, licensed day care, music rehearsals, adult education, weddings, funerals, congregation business meetings, vacation bible school, athletic events. We don't have summer festivals for fund raising. If there is anything else you can think of, I would be glad to answer.

Paula Berkhahn, 13725 W. Howard – I haven't heard anything about camping on this land until tonight. I am a camper and I would not camp on that land anywhere. I would like to know how they plan on doing it.

Bruce McCallum – Our church is kind of an outdoorsy, typical Wisconsin church. We have an area to the east of the building which is snake habitat right now, and is partially paved by the previous owner and we want to rehabilitate this area so we can use it as a community open space to have picnics or outdoor activities. Camping was just added because we have had church camps, we go to Green Lake. One of the issues that our Pastor does have which was mentioned earlier, is for retreats so busy people can get away and through guided meditation and prayer, rehabilitate their spirituality. This is a conceptual drawing only with no more definite plans.

Dwight Randall, 3772 S. Sunny Slope Road – We have had difficulties in the past five years with the church and property lines. The exact location of the boundary lines needs to be resolved. I have been to services at the church and I have no problem with the church and in spite of the difficulties we have had, we still maintain cordiality between us which is quite remarkable. My concern is and always will be the impact of this large of a project, the amount of asphalt, and the surface water and how this project will alter the natural conditions that exist there. There is simply not enough hard engineering submitted on this project yet. We need to know for sure, what is being proposed will not be adversely impacted by those situations and the properties around it will not be adversely affected by it. That is my major concern and has been from day one. I would strongly recommend to take the opportunity to review the engineering reports that I have given you before you make a decision on this and have more solid engineering done. The probability that your retention pond will not hold the capacity of water it is designed for is extremely high. There needs to be some work done on this project.

Tim Samorajski, 13775 W. Crawford – The statement was made that you see this project as part of the answer to an already existing drainage problem. I was wondering if you could provide a few more details how you feel this project is part of the solution and what qualifies you to make that judgment.

Bruce McCallum – We have already received DNR water quality certification on this project. We have Army Corp Engineers, Federal Regulation report on this area. We have proof from the DNR for endangered species. Those three regulatory agencies have looked and approved it. It is now for New Berlin Engineering. They have sent us staff comments. These people are responsible for the actual water impact and water run off. In addition, we have paid for the consultation of engineers to provide us water run off calculations and designed this pond in collaboration with MMSD and have met all of those regulations. They will be inspected, they will be verified, and again we need to meet these predevelopment regulations as we explained in our informational meeting. The people who have been trained to do this have made this determination. Our water management plan works. I am not qualified to do this, that is why we hired people who are.

Kathee Buyarski, 3821 Sunny View Dr. - Because of the comments that were just made, with

the DNR meeting, etc., that is one of the areas that is quite in contention with the homeowners along the end because we were supposed to be notified of the DNR meeting and be able to attend that and we did not. We were not notified of the meeting so did not attend but we were fortunate enough to have a special DNR meeting and the people along the south and those concerned did attend but the problem was that every question we raised regarding water we were given the answer of, I'm sorry, that's out of my expertise. So the questions and concerns we had were not addressed at that time either. The concern is that need to know for sure that this has been looked at and engineered properly.

Eric Nitschke, City of New Berlin Storm Water Engineer – The issues brought up tonight are issues that we hear in our division all the time. Storm water run off, wetlands, development, even the traffic engineering aspect. Storm water run off is really a two faced problem. It is the run off rate and it is also the volume. You have seen the problems with volume that MMSD has been having when the tunnel fills up and they run out of volume storage, they have some problems. The same goes for any impervious area. We also look at the actual discharge rates because that creates an impact to the immediate areas downstream. So, in our ordinance we actually cover not only the run off rates which were spoken about, but they also fall under MMSD, Chapter 13 requirements which are even more stringent as far as the run off rates go from this project. Aside from that we have also been working with the DNR. It is my understanding that the DNR has given a Chapter 30 permit for this site. Pam Schense, the contact with DNR is an extremely busy person, she and I have been playing phone tag over the past several weeks. I have been able to get in contact with one of her counter parts and there are items that the city is trying to clarify in that Chapter 30 permit. Needless to say, the church will be treated no differently than any other development. They must follow the ordinances and requirements that are set up and they also will be required to take care of the water that is running off their site. That doesn't mean that the church needs to make any problems that are currently exist better. Our ordinances make it a better situation but beyond that there is not a requirement for them to do anything out of the ordinary. That in a nutshell is what we look at; we look the volume control, we look at the wetlands, if the wetlands need to stay hydrated, run off rates from the site itself, and that pretty much covers it.

Mayor Wysocki asked Plan Commissioners for questions for purpose of clarification?

Alderman Ament – On page 3 of the staff report it says the Army Corp of Engineers has reissued.... What does that mean?

Bruce McCallum – That is the title of the document received after submission to Army Corp.

Alderman Ament – We were talking about that some of the reason that parking is now toward Howard and Sunny Slope rather than the structure being there with parking behind is to help with cars and headlights affecting the neighbors. Because the building is closer to the neighbors, is that going to create more of a light problem from the building. Again this issue with some other taller buildings like churches creating nuisances.

Bruce McCallum - The snake habitat plan required us to move it to the rear.

Mayor Wysocki – If you would like to look at a similar layout, further south on Sunny Slope just south of Beloit Road, the Methodist Church there has a similar configuration as this layout and it works out very well because it seems as the building location is a better buffer to the adjoining subdivision than if it were the other way.

Alderman Ament – Referring to the layout showing the parking, on the northern part where the access is on Sunny Slope, on our drawings it looks like it is showing a road directly across the street. Is that where it is, directly across?

Mr. Agbaji – Yes.

Alderman Ament – The other issue is the stop light on Howard and Sunny Slope. Are we putting in any provisions for a light? I would like to see the church have some responsibility for that light. Also, in regard to the future retreat area, that is not part of the current application.

Mr. Agbaji – That is correct.

Mr. Teclaw – Three phases are indicated over ten years. It is interesting that the first phase is a gym, the second is an educational building referencing not having the day care, the third one being the actual church sanctuary. Can you provide a time line?

Mr. McCallum – The time line is ten years. Phase I will be a multi use building, serving as a worship center and education. The interior structure of that building will be made so it can be converted into a gym once Phase II and III are built. It will be similar to the facility we have now, temporary seating, half gym, classrooms.

Mr. Teclaw – Comments have been made as to the wetness of the sight. I do drive by and notice how wet it is. If they excavate a water holding basin, even though it is shown as being outside the wetland, is there any data that would show how much would fill in with water that would diminish the holding capacity? I think that is the primary concern that I am hearing from these people. They are being told that it will get better but do we have any assurance? Do the numbers that we have been given work? Do we have any assurance that this design would work on this property.

Mr. Nitschke – Not yet. That is one of my staff comments that because it needs separation from the ground water and so the output pressure is still one of the questions. They are going to have to provide information that the clay liner will be able to withstand the pressure to keep the ground water from pushing holes through the liner.

Mr. Teclaw – Has there been discussion about sharing the cost of the traffic light?

Mr. Nitschke – Ron Schildt would be the engineer responsible for that and to my knowledge, he has not mentioned anything about a traffic light.

Mr. Teclaw – As far as the future retreat, I would hope they would introduce the verbiage that this is proposed for the future.

Mr. Gihring – I assume that when this comes to us for approval, we will have a complete storm water management plan for this project. I'm getting the impression that maybe there is some additional work that has to be done downstream from here. I am wondering how this will get done.

Mayor Wysocki - It fits in with our Storm Water Master Plan.

Mr. Nitschke – Part of the Storm Water Master Plan is that they show that they do not adversely impact downstream conditions. What they are going to need to do is show the existing level of service with ditches and culverts on Howard, showing their proposal for storm water management does not increase any of the impacts down the stream. If the level of service is low on Howard right now as it is, it would be something that the city would address. This development in and of itself, according to our ordinances cannot adversely affect the downstream condition.

Mr. Sisson – Looking at the site plan, the wetland as well as the setback and snake habitat has been delineated. However, when you look at the building construction, the wetland and setback is overlaid with Phase I and the snake habitat is overlaid with Phase I and III. How do we reconcile that when we come together at our next meeting and have to discuss this for approval?

Mr. Agbaji – The wetland and snake habitat is going to remain for the entire project.

Mr. Teclaw – Originally there was a request for one wetland crossing, the plan shows two. Is there any specification from the DNR on this?

Mr. Nitschke – There was a formal submittal that was made with two wetland crossings. I made my comments on my review based on that submittal. What came to pass was that it was a submittal that was made in error by the applicant. We had a submittal after that so that comment is an old comment.

Mayor Wysocki called the public hearing closed at 7:50 P.M.

NEW BERLIN PLAN COMMISSION
NEW BERLIN CITY HALL COUNCIL CHAMBERS

JUNE 7, 2004

MINUTES

The Plan Commission was called to order by Mayor Wysocki at 8:00 P.M.

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

Motion by Alderman Ament to approve the Plan Commission Minutes of May 3, 2004. Seconded by Mr. Sisson. Motion carried unanimously.

Plan Commission Secretary's Report - none

CONTINUED ITEMS

5. (5)NJ U-19-04 Deer Creek Parkway Homes – 14905 Library Ln. - City Center. Use, site, and architecture approval for a phased 118 unit condominium complex. (Tabled 4/5/04)

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 use, site and architecture for the construction of Deer Creek Parkway Homes, a condominium development with (1)-16 unit building and (3) – 34 unit buildings for a total of 118 units located at 14905 W. Library Lane subject to the application, plans on file, and the following conditions:

- 1) The Plan Commission grants a waiver under 275-52C for the following items:
 - a) The applicant requests a waiver to deviate from the City's 30' vision triangle and the 15' maximum setback per the PUD Ordinance to allow a 22'-11" setback from the ROW and 22'-11" vision triangle along Deer Creek Parkway at the southeast corner of Unit #1. The reason is the intersection of Deer Creek Parkway and Wilbur Drive is a controlled intersection with a stop sign on Deer Creek Parkway and it is adequate for the safety of pedestrians, site distances and sight angles.
 - b) If a stone accent band is used, then the base should be a simulated stone base to match for consistency. However, the applicant is requesting the following: The majority of the base, which is called out as "Texture Coating", will not be visible due to the amount of landscaping that will be placed at the base of all buildings. This information can be seen on the landscaping drawings. If required, the developer is willing to omit the stone accent band at the base of the building.
 - c) The applicant requests a 9' x 18' parking stall instead of 9' x 19' as required by 275-57A(7)(a) for the underground garages.
 - d) The applicant requests a waiver from section 275-57A (7)(b)(2) Backup Area. The applicant does not want to have a back up turn around area at the end of the drive aisle of the underground parking spaces. Applicant shall identify these spaces for "compact car use only".

- 2) Site Layout.
 - a) A separate application and approval by Plan Commission for the building marked "possible future residential" will be required.
 - b) Applicant shall remove the parking space located within the 10' setback from the right-of-way for the 16-unit building.
 - c) The site plan (Sheet C1.0) indicates one-way arrows in and out with 12' to 18' driveway widths to the underground parking garage. However, the parking plan assumes two-way traffic in and out. Applicant shall resolve conflicts with parking in the 34-unit building via one of the following options:
 - i. Eliminate at least 2 parking spaces (#23 and 24) in the underground garage and mark the drive aisles and garage doors as one-way traffic only; or
 - ii. Adjust site plans to enlarge the driveways and garage doors to be 24' wide and accommodate 2-way traffic.
 - d) The underground garage entrance shall be wide and tall enough to allow garbage removal, since dumpsters and recycling will be located in the parking garage area.
 - e) Landscape Plan
 - i. A revised landscape plan to include the size in DBH instead of Caliper for each tree per Section 275-56C(7).
 - ii. Applicant shall submit a landscape installation and maintenance bond per Section 275-56C(2) prior to the issuance of the Zoning Permit. A landscape architect shall sign and stamp plans.
 - iii. The landscape plans indicates proposed flowerbeds on the West side of the 16-unit building. The plans show many proposed trees in the 10' setback/pond access area, which will make access impossible. This plan should be coordinated with the Planning and Engineering Divisions.
 - iv. Landscaping shall be kept a minimum of 25-feet away from street/pedestrian lights.
- 3) Engineering
 - a) Submit revised engineering plans prior to the issuance of the Zoning Permit that address concerns identified in the letter dated May 28, 2004.
 - b) Building must be ADA compliant, parking lot, sidewalk and entrances.
 - c) Plat of Survey is required. Show the Ultimate Right-of-way on the Plat of Survey.
 - d) Each condo unit will be assigned an address. Addresses for the 16-unit building shall be 14900 through 14930 W. Wilbur Dr. Developer should mark up a floor plan showing his preference for which unit receives what number.
 - e) The footing, overhangs, and any cantilevered projections of the 16-unit condo must all remain outside of the ROW.
 - f) Gas and electric and cable plans for Deer Creek Parkway shall be completed prior to the installation of the sidewalk and curb because there isn't a large terrace area for these items to be located in later.
 - g) Plan and profile of the box culvert is needed prior to Zoning Permit.
- 4) Submit revised lighting and roadway plans prior to Zoning Permit approval that address lighting and roadway issues as identified in a letter dated May 28, 2004.
- 5) Submit revised storm water plans prior to Zoning Permit approval that address all concerns identified in a letter dated May 28, 2004.
- 6) Utility
 - a) Meet all the requirement outlined by the Utilities Division Engineer in a letter dated May 28, 2004 prior to issuance of Zoning Permit.
 - b) All new sanitary laterals and water services shall conform to City Standards.
 - c) Pay all Sanitary and Water Impact Fees associated with the meter size required for the new building as determined by the Plumbing Inspector.
- 7) Fire Department Comments

- a) Fully Sprinkle.
 - b) Monitored Alarm System required.
 - c) Knox Box required.
 - d) Fire hydrant within 150' of sprinkler connection on each building.
 - e) Fire hydrant in place and operational prior to combustible construction above grade.
 - f) Vehicles must be able to exit. Vertical clearance for rigs.
- 8) General
- a) Applicant shall finalize the Developer's Agreement and submit to the Engineering Division. All coordination efforts for infrastructure and phasing for this development are identified in the Developer's Agreement.
 - b) Applicant shall submit the location of the site amenities identified on page C4.3 on a revised site plan prior to the issuance of the Zoning Permit.
 - 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 needs to be permitted, installed and inspected prior to the issuance of building permits.
 - g) All signage will be handled through a separate sign permit application.

Seconded by Mr. Felda. Motion carried unanimously.

6. (5)OA U-25-04 Independence Place – 14775 W. National Ave. - Use, site, and architectural approval for a Multi Tenant Professional Office Building.(Tabled 5/3/04)

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

Motion by Alderman Ament to approve the use, site and architecture for the construction of Independence Place, a new multi-tenant office building to house Hintzke & Associates located at 14775 West National Avenue, subject to the application, plans on file, and the following conditions:

- 1) Plan of Operation
 - a) This approval is for Hintzke & Associates only. All future tenants shall be required to apply for and obtain a Reoccupancy Permit prior to occupying the building.
- 2) Architectural Plans
 - a) All air-conditioning units and roof top units must be properly labeled and aesthetically incorporated into the building elevation. Ground units must be appropriately screened with landscaping from public view.
 - b) Per Section 275-61(i)(1)c) All new signs and or replacement of existing signs located along arterials or major thoroughfares shall be placed on a monument base constructed of the same material and color or shall enhance the exterior architecture of the principal building. A monument sign will be required for this business. A separate application will be necessary.
- 3) Site Plan
 - a) Submittal of a revised set of plans that address all outstanding Engineering concerns outlined in the prior staff correspondence is required prior to issuance of Zoning Permit. Engineering will require a complete set of plans showing the center load driveway off of National Ave.
 - b) Building must be ADA compliant, parking lot, sidewalk and entrances.
 - c) Plat of Survey is required. Show the Ultimate Right-of-way on the Plat of Survey.

- 4) Storm Water
 - a) Provide upstream and downstream hydraulic analysis to verify that they are not adversely affecting the National Avenue storm sewer or the private swale that drains to Deer Creek. Also provide a form of water quality measure that will address the site run-off. Work with examples provided by the Storm water Division Engineer.
 - b) Storm water plan shall be approved by Storm water Engineer prior to the issuance of a Zoning Permit.
- 5) Transportation
 - a) Developer is required to follow National Avenue Lighting Plan and Landscaping Plan. Check with Mark Schroeder in Parks, Recreation and Forestry Department for specifics.
 - b) Minimum driveway and drive aisle width is 24-feet measured from edge of pavement. Update parking to endure maneuverability for (4) parking stalls on the east property line.
- 6) Utilities
 - a) Meet all the requirement outlined by the Utilities Division Engineer prior to issuance of Zoning Permit.
 - b) Water Utility requires separate meter room.
 - c) All new sanitary laterals and water services shall conform to City Standards. Abandon all water services at the main per City Standards if they (it) will not be reused for the proposed new building.
 - d) Pay all Sanitary and Water Impact Fees associated with the meter size required for the new building as determined by the Plumbing Inspector.
- 7) Fire Department
 - a) Building must meet all applicable fire codes. Building must be fully sprinklered. Sprinkler system must be monitored.
 - b) Fire Department requires 5" Storz connection.
 - c) Knox box required.
- 8) Landscaping Plan
 - a) Revised landscaping plan that reflects the new site layout is required. 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.
- 9) Building Inspections
 - a) Razing permits shall be obtained prior to the demolition of existing home.
 - b) Electrical Permit for disconnecting service to existing home and inspection required prior to issuance of wrecking 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 Permit required prior to Building Permit. Erosion control measures shall be in place prior to issuance of Building Permits.
 - g) Apply and obtain appropriate building, plumbing and electrical permits.

Seconded by Mr. Teclaw. Motion carried unanimously.

7. (4)NJ LD-3-04 John R. Stigler – 5300 Egofske Rd. – Se ¼ Sec. 29 – Two-Lot Land Division. (Tabled 4/5/04)

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

Motion by Alderman Ament to recommend to Common Council approval of the Certified Survey Map for the property located at 5300 Egofske Road subject to the plans on file and the following conditions:

- 1) The City will pre-approve up to 3' high retaining walls on this lot staying at least 15' from any lot line.
- 2) A minimum 100' required front setback shall be shown on the face of the CSM.
- 3) A house on this lot shall have a fully exposed south side with slope transition along the front and back of the house.
- 4) A new culvert shall be required at time of building permit.
- 5) Per Section 235-15D (2)(c) where public sewer service is not available, adequate lot sizes and elevations shall be provided for on-site sewage systems and all lots shall meet soil requirements as set forth in applicable state statutes and county ordinances. Applicant shall obtain County Sanitary permits for the new lot from Waukesha County. Applicant will be required to move the existing septic system to accommodate the new lot.
- 6) All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 7) 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. Sisson. Motion carried unanimously.

8. (7)NJ S-167-04 Woodland Meadows – 3335 S. Catamount Dr. – Six-Lot Preliminary Conservation Subdivision. (Tabled 4/5/04)
Item remains on Table.
9. (4)NJ LD-1-04 Alfredo Cortez – 6235 Racine Pl. – Se ¼ Sec. 32 – Two-Lot Land Division. (Tabled 3/1/04)

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 approval of the Certified Survey Map for the property located at 6235 Racine Place subject to the plans on file and the following conditions:

- 1) A note shall be placed on the face of the CSM stating “parcel 2 shall have a driveway no wider than 10' constructed of a pervious surface material at least 5' off the property line, but no closer to the wetland than 15'.” Applicant shall contact the Storm Water Division Engineer to review acceptable previous materials.

- 2) A note shall be placed on the face of the CSM stating "this Land Division is conditioned upon any and all on-site disposal system(s) constructed to serve the proposed buildings to be considered Temporary Service by the City of New Berlin because subject lands are located within the ultimate sewer service area of the City. Accordingly, the Owner, successors and assignees, agree to abandon the on-site disposal facilities and connect the building(s) to the public sewer system within twelve (12) months of written notification to do so by the City. Owner shall be solely responsible to pay all fees and obtain all permits necessary for said public sewer connection and abandonment of the existing on-site disposal system components. The Owner hereby specifically agrees that if he fails to comply with the provisions of this paragraph that the City may cause such abandonment and connection to be performed and that all costs and charges resulting there from may be placed on the tax roll as a special assessment as provided by Wisconsin Statute. This restriction shall be binding upon the Owner, the heirs of the owner, successors and assignees of the owner."
- 3) City shall initiate a rezoning of the C-2 area that was delineated by the applicant through a wetland delineation report.
- 4) Applicant shall add the septic fields and house stakeout to the plat of survey with setbacks.
- 5) Applicant shall add the existing home and encroaching fence to the face of the CSM.
- 6) Applicant shall obtain Waukesha County DOT access permit for frontage on College Avenue prior to the City signing the CSM.
- 7) Applicant shall obtain sanitary permits for both lots from Waukesha County.
- 8) City will require a detailed grading plan at time of building permit application.
- 9) The City will require the owners to construct drainage swales along the southerly lot line. The CSM shall show a 30' drainage easement along southerly line.
- 10) Parcel 2 is a low lot. Up to 4' of fill will be required in future house area to get gravity flow to future sanitary sewer. For this reason garage footings may need to be designed to go deeper.
- 11) All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 12) Payment of \$2,137.60 per lot in Public Site, Open Space and Trail fee shall be paid before the City shall sign the CSM.

Seconded by Alderman Ament. Motion carried unanimously.

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

No Discussion.

NEW BUSINESS

11. (7)NJ LD-6-04 William Stock – 21200 W. Barton Rd. – Se ¼ Sec. 30 – Two-Lot Land Division.

Motion by Mr. Sisson to recommend to Common Council approval of the Certified Survey Map for the property located at 21200 W. Barton Road subject to the plans on file and the following conditions:

- 1) At the time of building permit, a grading plan will be required showing the house for this lot or a generic house shell (66' x 54'). The grading plan shall show proposed contours, location of existing trees, and proposed driveway location. The plan shall show existing and proposed grades adequate to show how a house could be built without the use of high retaining walls, and without exceeding the City slope standards for yards and driveways.

- 2) Applicant shall show the wetland tie and bearing information on the CSM and submit the wetland report.
- 3) Applicant shall correct drafting errors identified by Staff.
- 4) There is a large existing 30% slope from 100' to 200' back in the lot. The house shall not be situated within this area.
- 5) City shall initiate a rezoning for the area that was delineated as C-2 by SEWRPC.
- 6) Final CSM shall be submitted at a scale not to exceed 1" to 200'.
- 7) Applicant shall add Conservancy/Wetland Restrictions provided by Waukesha County to the CSM.
- 8) A new culvert shall be required at time of building permit.
- 9) Applicant shall obtain County Sanitary permits for the new lot from Waukesha County.
- 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. Felda. Motion passes with Mayor Wysocki, Mr. Gihring, Alderman Ament. Mr. Sisson, Mr. Felda voting Yes and Mr. Teclaw voting No.

12. (4)OA R-11-03 Moorland Road Golf Center – 5900 S. Moorland Rd. – Rezone from A-1 to P-1/PUD. (Public Hearing 2/2/04, Tabled 3/1/04, Public Hearing 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 recommend to Common Council adoption of an ordinance that approves the rezoning of property known as Virgil and Raymond Saltzmann located at 5900 South Moorland Road from A-1, Agricultural District to P-1/PUD, Park Planned Unit Development District.

Seconded by Alderman Ament. Motion carried unanimously.

13. (3)NJ R-5-04 Francisco & Alcira Munoz – 1580 S. Springdale – Rezone from R-1/R-2 to R-3. (Public Hearing 5/3/04)

Motion by Mr. Felda to recommend to Common Council adoption of an ordinance that approves the rezoning of the property known as Steven Munoz located at 1580 S. Springdale Road from R-1/R-2 to R-3.

Seconded by Mr. Sisson.

Motion by Mr. Teclaw to table the adoption of an ordinance that approves the rezoning of the property known as Steven Munoz located at 1580 S. Springdale Road from R-1/R-2 to R-3 to allow for environmental corridor delineation.

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

14. (4)OA U-36-04 GMR Marketing – 5000 S. Towne Dr. – Mural on Outside of Building.

Motion by Mr. Sisson to approve the use, site and architecture for exterior architectural alteration for GMR located at 5000 South Towne Drive subject to the application, plans on file, and the following:

- 1) Article X Section 275-68 (B)(3) of the New Berlin Municipal Ordinance requires that a double fee shall be charged if work is started before a permit is issued. Applicant is required to pay a double application fee by June 7, 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) Architectural Review Committee approval required prior to issuance of the Zoning Permit.
- 4) Applicant shall be required to remove all illegal directional signage on site prior to issuance of Zoning Permit.

Seconded by Mr. Gihring.

Motion by Mr. Teclaw to table the request for exterior architectural alteration for GMR located at 5000 South Towne Drive to allow for criteria to be developed dealing with this type of request to determine what images are appropriate.

Seconded by Mr. Felda. Motion carried unanimously.

15. (7)NJ U-23-04 Mike Hegan's Field of Dreams – 16701 W. Cleveland Ave. – Awning, Paint Building Exterior, Construct Pillars, Emergency Door Installed, and Trailers, Car Dolly, and Straight Truck to be Stored and Used. (Tabled 5/3/04)

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

Motion by Mr. Teclaw to approve the use, site and architecture for Mike Hegan's Field of Dreams and Mel's Novelty for outside storage of (1) car dolly and (1) 35' to 45' straight truck located at 16701 W. Cleveland Avenue subject to the application, plans on file, and the following:

- 1) Plan of Operation
 - a) Per a letter dated May 17, 2004 from the applicant, DBA Mel's Novelty, a video game service operation will also be located within this building. This business shall be ancillary to Mike Hegan's Field of Dreams and shall not exceed 50% of the business operations at this facility.
- 2) Site Plan
 - a) Per Section 275-56G of the Zoning Code, dumpsters shall be properly screened from the street and public view. Dumpsters shall be kept within the designated enclosure at all times. Applicant shall submit a plan for a dumpster enclosure by August 1, 2004.
- 3) Applicant shall paint the entire building with the light brown color (Country Club) that was submitted.
- 4) Applicant shall apply for a separate sign permit for signage lettering on the awning.
- 5) General
 - a) Building plans for door installation and detail shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - b) Building plans shall be approved by the New Berlin Department of Community Development Inspection Division per Wisconsin Department of Commerce (Comm 61.70 Certified municipalities and counties. (5)(c)3.
 - c) Apply and obtain appropriate building permit for door installation. Double fees will be charged for work without a permit per building code.
 - d) Administratively close out or have inspections scheduled for open permits by July 1, 2004.

Seconded by Alderman Ament. Motion carried unanimously.

Motion by Alderman Ament to deny the application for the construction of the two brick pylons with 5' replicas architectural enhancements located at 16701 W. Cleveland Avenue for the following reasons:

- 1) A separate Sign Application is required.
 - a) Applicant shall apply for an overall coordinated sign package if the applicant wishes to have the pillars as part of their signage for this development.
 - b) The two brick pylons with 5-foot baseball replicas architectural enhancements appear to be in the ultimate-right-of-way. Applicant shall provide updated plans to show pylons are located outside of the ultimate right-of-way.
 - c) Applicant shall provide a hold harmless agreement to the City because these are located over a utility easement.

Seconded by Mr. Teclaw. Motion carried unanimously.

16. (7)OA R-6-04 Joseph Ziegler – 19485 W. Coffee Rd. – Rezone from R-1/R-2 to R-3. - Set Public Hearing for July 12.

Motion by Alderman Ament to forward to Common Council to set a public hearing at the July 12, 2004 Plan Commission meeting regarding the petition to rezone the property located at 19485 West Coffee Road from R-1/R-2, Rural Estate Single Family Residential to R-3, Suburban Single Family Residential.

Seconded by Mr. Teclaw. Motion carried unanimously.

17. (5)NJ R-7-04 James French – 4461 S. Sunny Slope Rd. – Rezone from R-4 to I-1. – Set Public Hearing for July 12.

Motion by Alderman Ament to forward to Common Council to set a public hearing at the July 12, 2004, Plan Commission meeting regarding the petition to rezone the property located at 4461 S. Sunny Slope Road from R-4 to I-1.

Seconded by Mr. Sisson. Motion carried unanimously.

18. ()DH PG-938 CSM Process Amendment (Public Hearing 5/3/04)

Motion by Mr. Sisson to recommend to Common Council adoption of an ordinance that amends Chapter 275.

Amendment by Alderman Ament to drop the word “the” in Step 8 in Section 235-15.1(K).

Seconded by Mr. Gihring.

Motion by Alderman Ament to table the adoption of an ordinance that amends Chapter 275 to allow for referencing State Statutes and Appendix A in the submittal requirements.

Seconded by Mr. Teclaw. Motion carried unanimously.

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

Plan Commissioners were asked if staff approved Signs and Reoccupancies should be continued to be brought forward on a consent portion of the agenda.

Alderman Ament preferred to see the reoccupancies, but not necessarily the signs. Plan Commissioners felt reoccupancies could be listed under an "Actions by Staff" category without all the conditions.

Specific examples will be presented for the next meeting.

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. Gihring to approve consent agenda items #20,21, 23-29. Seconded by Mr. Teclaw. Motion carried unanimously.

ZONING PERMITS

20. (7)NJ RO-12-04 Custom Shutters, LLC –16291 W. Lincoln Ave. – Office and Warehouse.

The request by Custom Shutters, LLC for an office and warehouse located at 16291 W. Lincoln 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) Applicant shall schedule open permit for inspection prior to May 1, 2004.
- 2) No outside storage shall be permitted.
- 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 states there will be no construction alterations to this space.
- 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.

21. (7)OA RO-13-04 American Realty, Ltd. – 16642 W. National Ave. – Real Estate Sales Office.

The request by American Realty, Ltd. for a real estate sales office located at 16642 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) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities)
- 2) 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)
- 3) No outside storage shall be permitted.
- 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) Per Article VIII Chapter 275-61 of the municipal code any signage for this property shall require submittal of a separate Sign Permit Application.
- 6) Employee and customer parking must be contained on site.
- 7) Permits are required from the Building, Inspection, and Zoning Departments for any interior and exterior alterations or modifications. All outstanding permits for this property shall be satisfied prior to the issuance of any new building, plumbing, or 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.

22. (3)NJ RO-14-04 Brucker Foods – 2648 S. 162 St. – Warehouse.

The request by Brucker Foods for a warehouse located at 2648 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) A double fee will be assigned to this project as the applicant has already occupied the building. The applicant shall submit the additional \$350 prior to the issuance of the Zoning Permit.
- 2) Various items on the site including pallets and trailers shall be removed from this site by July 1, 2004.
- 3) No outside storage shall be permitted, except for the storage of two company vans and one delivery truck.
- 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 building or structural modifications.
- 7) The monument sign here will not accommodate any further signage. Therefore, this business will not have any signage at this time.
- 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.

Motion by Mr. Teclaw to waive Condition #1 referring to double fee. Seconded by Alderman Ament. Motion carried unanimously.

Motion to approve as amended by Alderman Ament. Seconded by Mr. Teclaw. Motion carried unanimously.

23. (2)OA RO-15-04 Gustos – 14260 W. National Ave. – Italian Restaurant.

The request by Gustos for an Italian restaurant located at 14260 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: 11:00 AM to 10:00 PM daily.
- 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.
24. (3)NJ RO-16-04 MK Corporation – 2665 S. Moorland Rd. – Office.

The request by MK Corporation for an office located at 2665 S. Moorland 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 Dept. of Commerce (Comm. 61.70 Certified municipalities and counties. (5)(C)3.
 - 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) The monument sign here will not accommodate any further signage. Therefore, this business will not have any signage at this time.
 - 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.
25. (2)OA RO-17-04 Scrap 'n Stamp Studio – 14240 W. National Ave. – Sale of Supplies for Scrapbooks and Rubber Stamping Projects.

The request by Scrap 'n Stamp Studio for sale of supplies for scrapbooks and rubber stamping projects located at 14240 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; Saturdays 10:00 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 meter room on plans for Building Permit. Submitted plans show meter room in adjoining tenant space.
 - 4) 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.
 - 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) No outside storage shall be permitted.
 - 7) Building plans shall be stamped and signed by a registered architect or engineer.
 - 8) 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.
 - 9) Employee and customer parking must be contained on site.
 - 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. Building must be fully sprinklered. Fire Extinguishers are required.
26. (7)NJ RO-18-04 Spectrum Resources, Inc. – 2800 S. 166th St. – Office/Warehouse of Printing Materials.

The request by Spectrum Resources, Inc. for an office/warehouse of printing materials located at 2800 S. 166th 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) 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. Applicant shall indicate that the brown construction dumpster will be removed as soon as work is finished and the green dumpster will be properly screened from the public right-of-way or stored within the building. Applicant shall submit a site plan identifying the location of the dumpster enclosure and an elevation identifying the color and materials. Applicant shall also identify a time line for installation of the enclosure by July 1, 2004.
- 2) Applicant shall remove the Apex for lease sign by July 1, 2004.
- 3) Applicant shall remove the old signage by July 1, 2004. If applicant desires to add a new sign to the monument base a sign permit is required.
- 4) Applicant shall close out the open building and electrical permits for internal alterations from 2002 by July 1, 2004.
- 5) No outside storage shall be permitted.
- 6) Building plans shall be stamped and signed by a registered architect or engineer.
- 7) 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.
- 8) Employee and customer parking must be contained on site.
- 9) Application does not include any exterior building modifications.
- 10) Apply for and obtain appropriate building, plumbing, and electrical permits when required to do so by code.

- 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. Fire Extinguishers are required.
27. (7)NJ RO-19-04 Allan Integrated Control Systems – 16680 W. Cleveland Ave. – Mezzanine Office.

The request by Allan Integrated Control Systems for a mezzanine office located at 16680 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) Applicant shall close out open building inspection permits by July 1, 2004.
 - 2) All tenants in this facility need re-occupancy permits. Applicant shall apply for any outstanding re-occupancy permits by July 1, 2004.
 - 3) Applicant shall take down the non-conforming signage. If the applicant wishes to have signage at this location, the applicant shall submit a monument sign plan and anticipated installation date by July 1, 2004.
 - 4) No outside storage shall be permitted.
 - 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) Employee and customer parking must be contained on site.
 - 9) Application does not include any exterior building modifications.
 - 10) Apply for and obtain appropriate building, plumbing, and electrical permits when required to do so by code.
 - 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. Fire Extinguishers are required.
28. (7)NJ RO-20-04 Saturn Lounge, Inc. – 16620-16622 Rogers Dr. – Commercial Photography Business.

The request by Saturn Lounge, Inc. for a commercial photography business located at 16620-16622 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) Applicant shall close out building permits by July 1, 2004.
- 2) Landlord shall address the plows and landscaping materials on site by July 1, 2004.
- 3) No outside storage shall be permitted.
- 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 Dept. of Commerce (Comm. 61.70 Certified municipalities and counties. (5)(C)3.

- 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) Employee and customer parking must be contained on site.
 - 8) Application does not include any exterior building modifications.
 - 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.
29. (5)OA RO-21-04 Hobby Town USA Learning 4 Ever – 3830 S. Moorland Rd. – Retail Sales of Hobby, Entertainment, Collectible, Educational, and Gift Merchandise to the Public.
- 1) Hours of Operation: M-F, 10:00 AM to 9:00 PM; Saturdays 10:00 AM to 5:00 PM, Sundays 12:00 AM to 5:00 PM.
 - 2) Employee and customer parking must be contained on this site. All future tenants of this building are required to apply for and receive approval from the Plan Commission prior to signing a lease or occupying the building. Prospective tenants will be reviewed on an individual basis and could be denied subject to inadequate on-site parking.
 - 3) All open permits within Moorland Point Plaza shall be addressed prior to issuance of any new permits within Moorland Point Plaza.
 - 4) Dumpsters must be properly screened from the street and public view in accordance with Chapter 275-56 of the Municipal Code.
 - 5) A separate application is required from the Department of Community Development for any signs or banners for this business.
 - 6) No outside storage of vehicles or equipment will be permitted on the property.
 - 7) Building plans shall be stamped and signed by a registered architect or engineer.
 - 8) 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.
 - 9) Employee and customer parking must be contained on site.
 - 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. Building must be fully sprinklered. 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 Alderman Ament to approve consent agenda items #30-44. Seconded by Mr. Sisson. Motion carried unanimously.

STAFF APPROVED

30. (5)OA SG-19-04 Northwestern Mutual – 15885 W. National Ave. – Construction Sign.

The request by Northwestern Mutual for a construction sign located at 15885 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 monument sign shall be located outside of the ultimate right-of-way of National Avenue.
- 2) Upon completion of the construction project, the ground sign (construction sign) shall be taken down.
- 3) After completion of construction and removal of all signs, a monument sign application shall be filed no later than Friday July 30, 2004.
- 4) The sign face shown to the right is the approved face for the sign. Any variation of this sign face shall require a new sign application to be filed.
- 5) The sign face shall not exceed 8' in width x 4' in height for a total of 32 square feet.
- 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.
- 7) \$21.00 is due per the following calculations:
Sign Face: 8' x 4' = 32 square feet
32 square feet x \$3.00/ sq. ft. = \$96.00
Less application fee: (\$96.00 -\$75.00)= \$21.00
- 8) 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. (7)NJ SG-20-04 York International – 16830 W. Victor Rd. – Face Change.

The request by York International for a sign face change located at 16830 W. Victor 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) The monument sign shall be located outside of the ultimate right-of-way of Victor Road.
- 2) The monument sign face change shall read, "YORK Heating and Air Conditioning" in black lettering on a white background. Sign will also include a snowflake logo. Sign shall be fabricated aluminum style cabinet.
- 3) The monument sign face change shall not exceed 48" in width x 18" in height for a total of 6 square feet.
- 4) The overall height of the sign shall not exceed 6'0".
- 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) No payment is due per the following calculations:
Sign Face: 48" x 18" = 6 square feet * 2 Sides = 12 square feet
12 square feet x \$3.00/ sq. ft. = \$36.00
Less application fee: (\$75): \$16.65
- 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.

32. (7)OA SG-21-04 Sugar Creek Antiques – 17900 W. National Ave. – Wall Sign.

The request by Sugar Creek Antiques for a wall sign located at 17900 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) 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 Article VIII Chapter 275-61 New Berlin Municipal Code and Rural Commercial Design Guidelines.
 - 2) No outside storage is permitted on this property. All outside storage of wooden crates, palettes, junk, and materials shall be removed from the property by June 9, 2004.
 - 3) The car for sale shall be removed from the property by June 9, 2004.
 - 4) The colored streamers shall be removed from the ground sign by June 9, 2004.
 - 5) Grass must be cut and property maintained in accordance with Chapter 201 of the Non-residential Property Maintenance Code by June 9, 2004.
 - 6) The internally illuminated wall sign face shall not exceed:
2'11" in height x 13'0" in width = 37.96 square feet in area
The internally illuminated wall sign shall read "Sugar Creek Antiques" in individual yellow channel letters. The channel letters shall be mounted directly on the front façade of the building.
 - 7) The sign face shall not be illuminated.
 - 8) A payment of \$38.88 is required per calculations below:
Wall Sign Face: (2'11" x 13'0") = 37.96 sq.ft. x 1 side = 37.96 x \$3.00/sq.ft. = \$113.88
Less Application (\$75.00) \$38.88
33. (4)OA SG-22-04 Spirit Manufacturing – 5340 S. Emmer Dr. – Face Change.
- The request by Spirit Manufacturing for a sign face change located at 5340 S. Emmer 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) The monument sign shall be located outside of the ultimate right-of-way of Emmer Drive.
 - 2) The monument sign face change shall read, "SPIRIT Manufacturing" in red and gray lettering on a white background.
 - 3) The monument sign face change shall not exceed 8' in width x 2' in height for a total of 16 square feet.
 - 4) The overall height of the sign shall not exceed 7'0".
 - 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 and the Westridge Towne Corporate Park Sign Standard.
 - 6) No Payment is due per the following calculations:
Sign Face: 18" x 84" = 10.5 square feet * 2 Sides = 21 square feet
21 square feet x \$3.00/ sq. ft. = \$63.00
Less application fee: (\$75): \$0.
 - 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.
34. (4)OA SG-23-04 New Berlin Oaks – 5150 S. Towne Dr. – Monument Sign and Directional Signs.

The request by New Berlin Oaks for a monument sign and directional signs located at 5150 S. Towne 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) 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-30-04 approved by Plan Commission on May 3, 2004 in its entirety.
- 2) The internally illuminated monument sign shall be located outside of the ultimate right-of-way of Towne and Stratton Drives respectively.
- 3) The required Westridge/ Towne Corporate Park address plaque shall be mounted on the base of the sign.
- 4) The monument sign faces shall read "New Berlin Oaks - DeMattia" & "Buy Seasons" in white on a dark grey lexan background.
- 5) Overall monument sign face shall not exceed 6' 8" in width x 5' 2" in height for a total of 16.67 square feet.
- 6) The overall height of the sign shall not exceed 8'.
- 7) 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.
- 8) Payment of \$24.00 is due per the following calculations:
 Sign Face: 6' 8" x 2' 6" = 16.67 sq.ft. x 2 sides = 33 sq.ft.
 33 square feet x \$3.00/ sq. ft. = \$99.00
 Less application fee: (\$75): \$24.00

35. (4)OA SG-24-04 GMR Marketing – 5000 S. Towne Dr. – Banner.

The request by GMR Marketing for a banner located at 5000 S. Towne 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) 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 all prior Zoning Permit issued to GMR.
- 2) The temporary banner shall be removed 30 days from the issuance of the sign permit or by July 7, 2004.
- 3) The temporary light pole banners shall read "GMR" in white on a dark grey background with pictures of people at various events.
- 4) Overall temporary light pole banners face shall not exceed 8' in width x 2' in height for a total of 16 square feet.
- 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) Payment of \$357.00 is due per the following calculations:
 Sign Face: 8' x 2' = 16 square feet x 9 signs = 144 square feet
 144 square feet x \$3.00/ sq. ft. = \$432.00
 Less application fee: (\$75): \$357.00

36. (4)OA SG-25-04 The Conservancy – 13150 W. Janesville Rd. – Development Sign.

The request by The Conservancy for a development sign located at 13150 W. Janesville 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) The non-illuminated v-shaped temporary development ground sign shall be located outside of the ultimate right-of-way of Janesville Road. The sign shall be located outside of the wetland areas.

- 2) The monument sign faces shall read, "RESIDENTIAL LOTS – THE CONSERVANCY OF NEW BERLIN – 67 LOTS – MLG (262)-797-9400 in green and blue writing on a white and tan background. Sign shall be fabricated of vinyl wood that is primed and painted.
 - 3) The v-shaped temporary development ground sign face shall not exceed 4' in width x 8' in height for a total of 32 square feet.
 - 4) The overall height of the sign shall not exceed 11'. The face is erected onto two (2) 4" x 4" x 7' green treated lumber that have been primed and painted white. The sign will be 3' from the ground
 - 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) No payment is due per the following calculations:
 Sign Face: $4' \times 8' = 32$ square feet
 32 square feet x 2 sides = 64 square feet x \$3.00/ sq. ft. = \$192.00
 Less application fee: (\$75): \$117.00
 - 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.
37. (1)OA SG-26-04 Charcoal Grill Restaurant – 15375 W. Greenfield Ave. – Temporary Banner – 3'6" high x 7'5" wide.

The request by Charcoal Grill Restaurant for a temporary banner, 3'6" high x 7'5" wide located at 15375 W. Greenfield 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) 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 Article VIII Chapter 275-61 of the City of New Berlin Municipal Code.
 - 2) The temporary banner face shall not exceed:
 $3'6''$ in height x $7'5''$ in width = 26 square feet in area
 - 3) The temporary banner shall read "Brunch" in red on a white background. The temporary banner shall be removed by May 10, 2004.
 - 4) The temporary banner face shall not be illuminated.
 - 5) A payment of \$0.00 is required per calculations below:
 Temporary Banner Sign Face: ($3'6'' \times 7'5''$) = 26 sq.ft. x 1 side = 26 sq.ft. x \$3.00/sq.ft. = \$78.00
 Less Application Fee (\$75.00) = \$3.00 - \$3.00 pre payment = \$0.00
 - 6) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
 - 7) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
38. (1)OA SG-27-04 Charcoal Grill Restaurant – 15375 W. Greenfield Ave. – Mother's Day Banner.

The request by Charcoal Grill Restaurant for a Mother's Day Banner located at 15375 W. Greenfield 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) 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 Article VIII Chapter 275-61 of the City of New Berlin Municipal Code.
 - 2) The temporary banner face shall not exceed:
3'9" in height x 8'0" in width = 30 square feet in area
The temporary banner shall read "Mother's Day" in red on a white background.
 - 3) The temporary banner shall be removed by May 10, 2004.
 - 4) The temporary banner face shall not be illuminated.
 - 5) A payment of \$0.00 is required per calculations below:
Temporary Banner Sign Face: (3'9" x 8'0") = 30 sq.ft. x 1 side = 30 sq.ft. x \$3.00/sq.ft. = \$90.00
Less Application Fee (\$75.00) = \$15.00 - \$15.00 pre payment = \$0.00
 - 6) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
 - 7) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
39. (4)OA SG-28-04 GMR Marketing – 5000 S. Towne Dr. – Monument Sign.
- The request by GMR Marketing for a monument sign located at 5000 S. Towne 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) 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 all prior Zoning Permit issued to GMR.
 - 2) The internally illuminated monument sign shall be located outside of the ultimate right-of-way of Towne Drive and Beloit Road.
 - 3) The monument sign faces shall read "GMR" in white on a dark grey background and "the way to live marketing" in black on a light brushed grey background.
 - 4) Overall monument 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 8'.
 - 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.
 - 7) Payment of \$117.00 is due per the following calculations:
Sign Face: 8' x 4' = 32 sq.ft. x 2 sides = 64 sq.ft.
64 square feet x \$3.00/ sq. ft. = \$192.00
Less application fee: (\$75): \$117.00
40. (7)OA U-28-04 Tumbleweed Restaurant – 4900 S. Moorland Rd. – Exterior Cooler Addition.
- The request by Tumbleweed Restaurant for an exterior cooler addition located at 4900 S. Moorland 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) Architectural Review Committee requires the same cedar siding stained to match existing exterior be incorporated with the existing columns. Please submit a revised color rendering showing how this will be accomplished with your Building Permit application.
 - 2) The replaced siding on the mansard above this area must be stained to match the existing façade.

- 3) Relocated access ramp to rear door must meet Wisconsin Enrolled Commercial Building Code requirements. Applicant must show details with Building Permit application.
 - 4) Building plans shall be stamped 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 per Wisconsin Dept. of Commerce (Comm. 61.70 Certified municipalities and counties. (5)(c)3).
 - 6) Apply and obtain appropriate building, plumbing and electrical permits.
 - 7) Any open permits shall be scheduled for inspection or administratively closed out where appropriate by June 7, 2004.
 - 8) Building must be maintained per Chapter 201 of the City of New Berlin Municipal Code.
 - 9) Building must meet all applicable building and fire codes. Addition must be fully sprinklered.
41. (4)OA U-29-04 William Luterbach – 5400 Westridge Dr. – Dock Doors.

The request by William Luterbach for dock doors 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) Two new loading dock doors with depressed ramps shall be located on the east elevation of the building and measure 8' x 12'.
 - 2) A second sump pump of equal size to the existing sump-pump shall be installed to accommodate additional storm water drainage from the new ramp.
 - 3) Per Article VIII Chapter 275-42(G)(3)(b)[4] and Article VIII Chapter 275-56(H)(1)(c) of the Municipal Code, the chain link fence with slats in disrepair currently being used for screening purposes of outside storage shall be removed by June 8, 2004. A plan for screening of outside storage that meets the requirements of Article VIII Chapter 275-56(H) in its entirety shall be submitted to the Department of Community Development by June 8, 2004. Outside Storage of any and all materials and equipment shall be prohibited on this property without screening that meets all requirements of Article VIII Chapter 275 of the Municipal Code.
 - 4) The parking lot shall be resealed and resstriped 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) The catch basin at the bottom of the loading dock ramp will require State of Wisconsin Plumbing approval prior to issuance of a plumbing permit.
 - 7) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - 8) 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).
 - 9) Apply and obtain appropriate building, plumbing, and electrical permits as needed.
 - 10) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
 - 11) Building must be maintained per Chapter 201 of the City of New Berlin Municipal Code.
 - 12) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
42. (4)OA U-30-04 Buy Seasons, Inc. – 5150 S. Towne Dr. – Warehouse Sale.

The request by Buy Seasons, Inc. for a warehouse sale located at 5150 S. Towne 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) Plan of Operation
 - a) This Zoning Permit is issued as a temporary use approval at this location only. Approval will be granted for a one-year (one time) probationary sale date of April 30th through May 2nd, 2004 with hours of operations as stipulated in the Plans of Operation. Applicant will be required to reapply to the Plan Commission for future sales and a decision will be made following an evaluation of the outcome of this sale. Applicant for annual operation at this location must be filed with the Department of Community Development by February 25, 2005 to be on the April 2004 Plan Commission meeting agenda.
 - 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 # RO-06-04 approved by Plan Commission on April 4, 2004 in its entirety.
- 2) If Buy Seasons Inc. desires signage for this temporary sale, Buy Seasons must meet all the requirements of Article VIII Chapter 275-61 of the Municipal Code and Sign Standards for Towne Corporate Park of Westridge. Applicant shall apply for and receive a Sign Permit from the Department of Community Development (planning) prior to installation of any signage.
- 3) No outside storage for Buy Seasons, Inc. shall be permitted on this property.
- 4) Dumpsters shall be properly screened from the street and public view in accordance with Article VIII Chapter 275-56 of the New Berlin Municipal Code.
- 5) Employee and customer parking must be contained on site.
- 6) Sprinkler system plans shall be approved by the New Berlin Fire Department prior to permitting and installation.
- 7) Apply for and obtain appropriate building, plumbing, and electrical permits when required to do so by code.

43. (3)NJ U-31-04 Flanner's Audio & Video, Inc. – 16271 W. Lincoln Ave. – Overnight Parking for 15 Vehicles.

The request by Flanner's Audio & Video, Inc. for overnight parking for 15 vehicles located at 16271 W. Lincoln 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) This approval is valid for overnight outside storage of fifteen Flanner's Audio & Video, Inc. vehicles only.
- 2) The property owner or management company shall repair and restore to original grade any potholes and low spots in the front parking lot by September 30, 2004. The front parking lot shall be resealed and restriped by September 30, 2004. The parking lot shall not be expanded from its current dimensions.
- 3) Apply for and obtain appropriate building, plumbing, and electrical permits when required to do so by code.
- 4) Employee and customer parking must be contained on site.
- 5) 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.
- 6) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
- 7) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

44. (7)NJ U-32-04 United Roofers Local 65 – 16601 W. Dakota St. – Garage.

The request by United Roofers Local 65 for a garage located at 16601 W. Dakota 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) Construction of the garage will reduce the southerly driving isle from 24' to 14' in width. Due to this reduction, the southerly entrance shall be enter only and the southerly driving aisle shall be one way only. Signs reflecting these requirements shall be posted prior to construction of the garage.
- 2) The garage shall meet all site and setback requirements of the M-1 Zoning District in its entirety.
- 3) The garage will be used for storage of riding lawn mower, snow thrower, and left over building materials from the apprenticeship program.
- 4) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Chapter 275-56 of the New Berlin Municipal Ordinance. Dumpsters shall be stored inside the garage upon completion of construction or a dumpster screening plan shall be submitted to the Department of Community Development by June 30, 2004.
- 5) No outside storage shall be permitted.
- 6) Building plans shall be stamped and signed by a registered architect or engineer.
- 7) Building plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per Wisconsin Department of Commerce.
- 8) Apply for and obtain appropriate building, plumbing, and electrical permits when required to do so by code.
- 9) Per the architectural review committee applicant shall ensure that the shingles, siding and trim colors complement the principal structure.
- 10) Employee and customer parking must be contained on site.
- 11) Application does not include any exterior building modifications.
- 12) 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.
- 13) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
- 14) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

COMMUNICATIONS

52. () Communication To: Plan Commission
Communication From: David Haines, Planning Services Manager
RE: 2003 Wisconsin Act 233

Mr. Haines explained that this communication is an amendment to the Smart Growth Act that was passed in 1999. It reduces the numbers of actions that must be consistent with the Master Plan.

53. () Communication To: Plan Commission
Communication From: David Haines, Planning Services Manager
RE: Memo dated April 30, 2004 from Bob Sigrist, Manager of Inspection Services referencing Detached Garage Building Permit at 6210 Racine Place.

Motion by Mr. Sisson for no objection to approval of the building permit at 6210 Racine Place for a detached garage.

Seconded by Mr. Teclaw. Motion carried unanimously.

54. () Communication To: Plan Commission

Communication From: David Haines, Planning Services Manager
RE: Memo dated May 3, 2004 from Mayor Wysocki referencing Appointment of
Vice Chairman

Plan Commissioners acknowledged receipt of this communication.

55. () Communication To: Plan Commission
Communication From: David Haines, Planning Services Manager
RE: Memo dated May 3, 2004 from Mayor Wysocki referencing Appointment of
Plan Commission Subcommittees

Plan Commissioners acknowledged receipt of this communication.

56. () Communication To: Plan Commission
Communication From: David Haines, Planning Services Manager
RE: Planning Commissioners Journal, Spring 2004

Plan Commissioners acknowledged receipt of this communication.

57. () Communication To: Plan Commission
Communication From: David Haines, Planning Services Manager
RE: Master Plan Completion Plan – PG-516

Mr. Haines presented an updated plan to completing each of the elements listed on the Master Plan Timeline. Each of these elements need to be approved and adopted under Smart Growth by January 1, 2010.

58. () Communication To: Plan Commission
Communication From: David Haines, Planning Services Manager
RE: "Facts Related To Well Water Use in the City of New Berlin", re: Wildwood
Preserve, 5611 S. Calhoun (R-2-04)

Plan Commissioners acknowledged receipt of this communication.

59. () Communication To: Plan Commission
Communication From: David Haines, Planning Services Manager
RE: Letter from Southeastern Wisconsin Regional Planning Commission
(SEWRPC) to David Haines dated May 19, 2004 in reference to Biltmore
Estates (S-166-04)

Plan Commissioners acknowledged receipt of this communication.

Motion by Alderman Ament to adjourn the Plan Commission meeting at 11:50 P.M.
Seconded by Mr. Sisson. Motion carried unanimously.