

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

PUBLIC HEARING

6:01P.M (7)OA R-4-04 Andy Sommers – 18665 W. Coffee Rd. – Rezone from A-2 to R-1/R-2.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

APRIL 5, 2004

MINUTES

The public hearing relative to the request by Michael P. Doble c/o Andy Sommers to rezone the property known as approx. 18665 W. Coffee Road from A-2 Agricultural and Rural Holding District to R-1/R-2 Rural Estate Single Family Residential and C-2 Wetlands was dropped from the agenda by applicant request.

PUBLIC HEARING

6:02P.M. (4)DH R-2-04 Wildwood Preserve – 5611 S. Calhoun Rd. – Rezone from A-2,C-2,R-1/R-2 to A-2,C-2, R-3, R-1/R-2.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

APRIL 5, 2004

MINUTES

The public hearing relative to the request by Paul Milewski c/o Wimmer Brothers to rezone the property known as 5611 S. Calhoun Road from A-2 Agricultural and Rural Holding, C-2 Shoreland Wetland, and R-1/R-2 Rural Estate Single-Family Residential District to A-2 Agricultural and Rural Holding, C-2 Shoreland Wetland, R-3 Suburban Single-Family Residential and R-1/R-2 Rural Estate Single Family Residential District was called to order by Mayor Wysocki at 6:03 P.M.

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

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

Mayor Wysocki explained the procedure for a public hearing saying that he would ask for questions of clarification and then ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

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

Mark Wimmer, the applicant came forward with additional information explaining the request.

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

Michael York, 17670 W. Jacqueline Drive – We have been looking at this area for the 28 years we have lived in New Berlin and inquired what is going to happen to it and when. The questions I need clarified is if this is going to be West of Calhoun, isn't the lot size supposed to be three acres? Will there be sewer in this subdivision?

Mr. Haines said there are no plans to sewer this property. As far as the lot sizes, R-1/R-2 is a rural residential zoning category which allows for minimum lot sizes of 5 acres,

however conservation subdivisions require 5 acre density where at least half of the site must not be developed and preserved as open space and therefore there can be smaller lot sizes. In general, the number of lots that would be allowed if every lot was five acres would be the same number as the conservation subdivision with the smaller lot sizes but then also preserving open space.

Michael York – Are there plans for open access to these open space areas?

Mr. Haines – The map shows a planned recreational trail along the creek with public access.

Laura Engle – 17100 W. Beloit Road - What is intended to be done with the West side of Beloit Road, from Calhoun East?

Mr. Haines – The Land Use Map indicates lands between the edge of Westridge to Calhoun Road along Beloit Road are rural residential at five acre density.

Laura Engle – What about Calhoun Park? Mr. Haines said as far as I know there is no plans to expand Calhoun Park, however there is plans for a park further North of this development.

Mayor Wysocki suggested supplying Ms. Engle with a copy of a future land use map.

Sharon Wasielewski, 17380 W. Small Road – The access road for the new subdivision is going to come right next to our driveway. We are curious about the line of trees. Will they stay there?

Mayor Wysocki – Before this thing gets developed, all the issues with regards to landscaping has to be identified.

Mr. Wimmer – The location of that roadway is approximately in the same location as the driveway. It is our intent that all of our access points will have extensive landscaping. You're asking if the trees will be preserved, yes that is why the subdivision has been laid out so that that area falls within the conservation open space and will be permanently preserved. All of the green indicated on the map is meant to be preserved and held as open space. You can see under the green, the outline of the pine grove that actually exists outside of the single family lots but within the common area greenspace.

Bruce Wasielewski, 17380 W. Small – Will the wells lower our water table in the area?
Mayor Wysocki – It should not.

Sharon Wasielewski – What if there would be an issue with any of us existing owners with our wells. Mayor Wysocki said with the Master Plan study we have done with regard to water resources for the West side of New Berlin, we have planned for one unit for five acres, so that all the development that occurred to the West could be supported by the current water resources that are available. That is why we changed the Master Plan

four years ago. We took into account what we call the three dimensional planning, and we looked at how important understanding water resources are, and how well could we support continued development out there knowing we would have to rely on the groundwater. That is why the density came out as high as it did.

Sharon Wasielewski – We were told that there were offers to purchase by the developer three or four homes in the area of where Calhoun and Small Road meet. Why would that be?

Mr. Wimmer – You can see the adjoining properties that were identified as having extremely deep lots off of Calhoun. We have attempted to assemble a number of those lots so we could look at subsequent phases that may be able to work into those areas. We have no intent to pursue any further acquisitions but those four because of how they sit adjacent to the subdivision and our access points.

George Beres – 17725 W. Beres Road – Is this proposal consistent with the Master Plan? It was my feeling that development West of Calhoun Road was restricted. It seems this area infringes on that. We talked about lot sizes and because of conservation subdivision and the minimum lot sizes in this area. We talked about a walkway proposed. What about park land? We talked that every subdivision that is built, we have park land and playground area. What about school provisions?

Mr. Haines – This proposal does meet the Master Plan with one exception. The exception is the current office site that they are proposing to zone to R-3 that the Master Plan shows as residential. However, being that it is just one property, an existing house, I don't foresee a conflict with that. The proposal is at five acre density which is what the Master Plan says. As far as public facilities, one is the trail that is going to go along the creek. The idea of the trail is to be able to allow people to get up to Calhoun Park. As far as the school district goes, just using general ratios with the number of lots they are looking at would come to approximately 27 students based on averages throughout the region.

Mr. Beres – So we are saying the minimum lot size is 5 acres?

Mr. Haines – The minimum lot size is 5 acres if you develop it as a traditional subdivision. In a conservation subdivision, there is no minimum lot size. It is recommended that the lot size be no smaller than one acre.

Mr. Beres – So you are saying we could have one acre lots in that area.

Mayor Wysocki – Yes, but then they would be clustered as you can see. The idea is that on this total 173 acres, there are only 42 lots. That is what is proposed.

Mr. Beres – Is there any chance of changing that proposal in the future?

Mayor Wysocki – No. That is the purpose of this rezoning. There could be a change to

reduce open space as we go on to deal with engineering concerns. This is preliminary. We still need to do all the details of storm water analysis to make sure that this does fit the standards that we require.

Mr. Beres – Is that a roadway on Beres Road midway through and two accesses on Calhoun Road?

Mayor Wysocki – Those are the access streets.

Mr. Beres – What about in the subdivision where that house is now, is that an access street also?

Mr. Haines – Right now the developer is not proposing to connect those streets.

Mr. Beres – Doesn't that house right now have a right of way to the street?

Mr. Haines – Yes, that is one of the things staff is looking at to see whether or not that road should connect to the subdivision or not. We will be looking at the traffic impact.

Mr. Beres – It appears that road is right below the big hill on Beres Road and that's not going to cause a traffic problem?

Mr. Haines – That is one of the things we are going to look at when we get that traffic impact statement and we get down to the detailed engineering work.

? - You said there was a two year phase out for the nursery?

Mr. Wimmer – We hope to be able to make our way through the approval process here within the city and get the subdivision constructed late this summer or early fall. It would be our intent that nursery operation would be moved out of the right of way areas, out of the lot areas and concentrated into the agricultural areas, ultimately the open space that is just behind where the current office location is. Then they would be selling off their inventory for the landscaping operations in 2005 and 2006 and at that time nursery operations will cease. As part of our plans that we will submit, we will have a complete landscaping plan for the open space as far as which trees will be retained.

Joe Russ, 16800 W. Shadow Drive - I have lived in New Berlin all my life and I am hearing a couple things here tonight which sets some bells off. First I am hearing Phase I of the development and also seeing a number of dashed lines without any numbers along Calhoun Road. What are those marks for and what are the plans for that? It looks like additional houses.

Mr. Wimmer – At the time that we began this development we did not hold ownership of those lots. We were asked by City Planning to review how that land could be utilized by their owners. Since that time we have acquired two of those properties and basically it is an illustration on how all of those are extremely deep and how those could be developed

in the future.

Mayor Wysocki – That would be additional acreage. That land is not in the acreage calculation.

Ray Salzmann, 14890 College Ave - I have property South of the development. My biggest concern is storm water issues. We do experience some flooding now and I don't see any detention ponds. Unfortunately, there is none on that segment that goes down Small Road and is virtually flat. In reality, water would be coming onto my property more frequently. The other comment I have is that I will give the people credit over there for imagination and creativity of land use.

Mayor Wysocki – The project would have to meet our storm water management guidelines and codes. It could not contribute any more water off of that site.

Ray Salzmann – No offense, but I am skeptical of that. We have lived in the city for a long time and have heard those stories before and in reality it doesn't always work that way including your storm water ordinance.

Terry Randall, 17270 W. Small Rd. – Small Road is a busy street with parking on the shoulder. The speed limit is 35 mph. It must be limited to 35 mph. Would you guys continue the speed limit of 35 mph and would you increase the shoulder?

Mr. Haines – That would be one of the things we would look at with the traffic impact statement and see what types of improvements are necessary based on the number of units. We may be looking at acceleration and deceleration lanes. If those are required, the road would need to be widened. We would be looking at the traffic impact study when they apply for their preliminary plat.

Bruce Wasielewski, 17380 W. Small Rd – He mentioned acceleration and deceleration lanes might occur. That would occur right in front of my driveway then.

Mr. Haines – Right now we don't even know if they are required. The traffic impact study will tell us what would need to be worked out.

Alvin Boyd, 17345 Beres Rd. - I was concerned about all the green area on here. Who is going to maintain that area down the road?

Mr. Wimmer – As part of the conservation subdivision it is intended that it become a natural resource and that is to be allowed to grow naturally.

Mr. Boyd – That is what I'm concerned about, the natural thistles and all the noxious weeds.

Mr. Wimmer – I would like to clarify however, in respect to natural growth, the city's ordinance regarding noxious weeds would need to be complied with.

Mr. Boyd – There’s a lot of dandelions in there too.

Mayor Wysocki asked three times if there were any more questions for purpose of clarification, seeing none.

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

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

Joe Russ, 16800 Shadow Drive – I have lived in New Berlin all my life and I think this is one of the rural areas in New Berlin that should be kept that way. It being on the West side, what can be done if there is a water problem. If it’s about conservation, a number of years ago Trees on the Move cut down all the trees along Calhoun Creek. A little while later they applied for a \$14,000 grant for soil erosion control. So they cut the trees down so they could grow more trees. That’s just not the kind of development we need. If you want to keep it natural, it’s a tree farm. Now that you have gotten rid of a bunch of trees along the creek, all the storm water will be running off into the creek and right into Linnie Lac where they are spending a lot of money for that. Also the old helicopter is slowly turning into an eyesore.

I’d also like to make a complaint to the City about the sign for “Rezoning . . . call this number”. It is broken and is falling over. A sign lying on the ground doesn’t do any good. As far as the rezoning of that property with the house, that building was never a house. It was built and used as an office right away. It was built for a house, not an office. So I ask the Plan Commission to be considerate to the issues I raised regarding storm water, future wells in the City, try to preserve local resources, and listen to the citizens, not always the developer.

Sharon Wasielewski – I won’t get long winded, from all by questions, you know where I am coming from. This surrounds my house. When I moved here I was not aware of how busy Small Road is. I guess if you just drive by or maybe just spend a few minutes in my front yard, it may not seem busy. I have three small children that I can’t let go near the end of the road. People fly up and down our road as is. This is going to add traffic, not only by additional cars and residents, but also it is going to add to the pattern of dump trucks and construction vehicles which is a huge concern for myself and my neighbors.

My husband and I made many sacrifices in order to be able to move to New Berlin three years ago. This is our dream house surrounded by beautiful land and it is going to be very, very, sad to see it become huge mansions. I am not saying other people don’t have the right to take advantage of the development, but there is going to be a road built right next to my driveway. They can’t tell me how far it is from my driveway. The reason I am as upset as I am about this right now, is that I called the developer and wanted to ask some questions and nobody returned my calls. I didn’t want to come and lay all my problems on your shoulders because I figured it was pretty much a done deal, the developer had what seemed to be a plan the City would like, so I wanted to hear how this effects us. I never even got a return phone call.

My concern about our water table is that once it is done, it is done. Everybody in this room knows that as well as I do. Once the water table is depleted or there are problems, we the residents have to figure out how to get water into our house. I don't know how that would happen. I would like us to be a little more a part of the storm water study and the traffic plan study that you are talking about. Otherwise, if we can't be part of this then definitely, there is nothing else to do but oppose it.

? – I would just like to say I am opposed to this plan. This abuts our back yard and we like the wilderness look. Thank you.

Laura Engle, 17100 W. Beloit Road - I oppose anything that disturbs by area. I lived here 54 years and I never had no trouble with nobody. When we first moved out here we had a weight limit on Calhoun Road. Since the Westridge Industrial Park, that sign has been destroyed. Sunny Slope Road has a weight limit, no eighteen wheelers limitation posted.

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

Mayor Wysocki asked Plan Commissioners for further questions.

Alderman Ament – On the proposed density, it says 4.13 acres per unit.

Mr. Haines – Yes, one thing that they are looking at doing is, under our code you get what is called an open space incentive or also referred to as a density bonus, where if you have more than 50% open space, you get an additional bonus. It is called a transfer of density. If you have property that is offsite, you can use that as partial credit. What they are doing here is using another property for transfer density and they get a credit of a half of house.

Alderman Ament – Could we get an aerial photo showing the surrounding area. The other question I have is about the open space calculations. When you are talking about the amount of open space, are you including the C-2 areas in there.

Mr. Wimmer – I am taking the whole area. I am using the calculation sheet you have in your packets. This follows your ordinance exactly. I took the 173.69 acres at the very bottom and I took a percentage of what the lot area representing 30% of the total acreage involved here. The right of way represents 8% of the total acreage involved. The open space, meaning the C-2 and C-3 totaled 62%. So 62% is held in perpetual preservation.

Mr. Teclaw – I am seeing some inconsistency on a couple of the maps. I do see where you have made an effort to get your proposed R-1/R-2 zonings out of some of the natural areas and I compliment you for that but where you are showing proposed land use and then corresponding zonings in green in that upper left corner, it makes that appear like that is going to become preserved open space, at least according to your key. Then under

the rezoning that you requested with this petition, it is showing to be R-1/R-2 which, in fact, would make it developable land.

Mr. Wimmer – That is not our map, that is the City’s map. I have a copy of our rezoning request and we are requesting that that area go to A-2 and then C-3. There is an error in that map.

Mr. Teclaw – What is your time frame on the way you are proposing to come back later and rezone things to C-3.

Mr. Wimmer – We have been working with Planning on this whole cumbersome process. Our goal is to appear before you in June with the preliminary plat after which point the preliminary plat is ultimately approved, we will be back in to modify the zoning from A-2 areas to C-3 and any other technical adjustments that may have happened through the final platting process. We have a very good idea in terms of the roadway layout, the lot layout, the size of lots, and we have taken a great deal of care up front to make sure that this request is consistent with exactly what is coming in on the preliminary plat. My intent would be to be back here immediately following a preliminary plat approval which we hope to submit for the June meeting.

Mr. Teclaw – My last comment concerns the storm water ponds. It looks like you are showing a location of some of your storm water ponds within already wet or flooded areas. I don’t believe our code allows that either. Have you made plans to make the alterations?

Mr. Wimmer – We, at this time, do not have our storm water management policy proposed for within those areas. There are two existing ponds. Our storm water management ponds are proposed for this location (map). All of our storm water management ponds are well outside of those flood zones.

Mr. Teclaw – I didn’t realize that there were existing ponds there.

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

Mayor Wysocki closed the public hearing at 7:07 P.M.

PUBLIC HEARING

6:03P.M. (7)NJ CU-1-04 Randall & Charlene Mueller – 3760 Cari Adam Drive -
Build home in C-1 District.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

APRIL 5, 2004

MINUTES

The public hearing relative to the request by Randall and Charlene Mueller for a Conditional Use for building a residence in a C-1 Zoning District on the property known as 3760 Cari Adam Drive was called to order by Mayor Wysocki at 7:07 P.M.

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

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

Mayor Wysocki explained the procedure for a public hearing saying that he would ask for questions of clarification and then ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

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

Mayor Wysocki asked three times if there were any questions for purposes of clarification, seeing none.

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

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

Mayor Wysocki asked Plan Commissioners for questions for the purpose of clarification, seeing none.

Mayor closed the public hearing at 7:11 P.M.

NEW BERLIN PLAN COMMISSION
NEW BERLIN CITY HALL COUNCIL CHAMBERS

APRIL 5, 2004

MINUTES

The Plan Commission Meeting was called to order by Mayor Wysocki at 7:12 P.M.

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

Motion by Alderman Ament to approve the Plan Commission Minutes of March 1, 2004. Seconded by Mr. Sisson. Motion carried unanimously.

Plan Commission Secretary's Report - none

CONTINUED ITEMS

5. (4)AK U-55-02 Postler Landscape Supply – 16370 W. Small Rd. – Use, Site, and Architectural Approval for the former Demler Property. (Tabled 9/9/02)

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

Motion by Mr. Teclaw to approve the request by Postler Landscape Supply for dormers on the building located at 16370 W. Small Road and deny the request for the above ground pool in the sideyard based on the following:

- 1) Applicant shall submit a use approval application for the onsite scale prior to installation.
- 2) If applicant wishes to hold Christmas tree sales on the property, he shall first apply for a temporary use approval permit 3 months prior to the tree sale.
- 3) Any future modifications to the outside of the site, building, or change in the plan of operation or use of the business shall first require Plan Commission approval.

Seconded by Mr. Sisson.

Mark Postler suggested the Plan Commission grant approval for the pool with the stipulation that it be removed if a change of ownership of the property would occur.

Discussion on alternate locations of the pool and the applicants hardship. Plan Commissioners chose to vote separately on the issues of the dormers and pool.

Motion by Mr. Barnes to approve the request by Postler Landscape Supply for dormers on the building located at 16370 W. Small Road.

Seconded by Alderman Ament. Motion carried unanimously.

Motion by Mr. Barnes to table the request by Postler Landscape Supply for an above ground pool in the side yard of the building located at 16370 W. Small Road to allow the City Attorney to submit comments on this as a single situation.

Seconded by Mr. Teclaw. Motion carried unanimously.

6. (3)DH R-3-04 Gerald Timmers – 19925 W. Pinecrest Ln. – Rezone from R-1/R-2 to R-3. Set Public Hearing. (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. Teclaw to table the request by Gerald Timmers to rezone the property located at 19925 W. Pinecrest Lane from R-1/R-2 to R-3 for the following reason:

- 1) A wetland delineation and legal description of the wetland boundary needs to be prepared.

Seconded by Mr. Sisson. Motion carried unanimously.

7. (7)DH S-166-04 Biltmore Estates – 19205 W. Lawnsdale – 13-Lot Preliminary Plat Subdivision. (Tabled 3/1/04)

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

Motion by Mr. Sisson to recommend to Council approval of the 13-lot Preliminary Plat Subdivision for Biltmore Estates located at 19205 W. Lawnsdale subject to:

- 1) Site Layout
 - a) The metes and bounds description for the wetlands shall be submitted prior Developer's Agreement.
 - b) All wetlands shall be shown on the final plat with distances and bearings tied down.
 - c) The final plat shall show label the road as "S. Providence Drive."

- d) The final plat shall show a 30-foot wetland setback.
 - e) A note on the face of the final plat shall say, "Each individual lot owners shall have an undividable fractional ownership in Outlot 1 & 2. Waukesha County shall not be liable for any fees or special assessments in the event they become the owners of any lot or outlot in the subdivision by reason of tax delinquency."
 - f) The Gasline easement shall be shown as 100' wide on the final plat.
 - g) Documentation from Waukesha County permitting access to Lot 13 from Lawnsdale Dr is required prior to Developer's Agreement.
- 2) Utilities and Infrastructure
- a) A storm water management plan meeting the requirements of the City's Stormwater Ordinance will need to be submitted prior to Developer's Agreement.
 - b) The Developer's Agreement shall include provisions for deceleration, acceleration & by-pass lanes along Lawnsdale Road per Waukesha County standards. Deceleration lane shall have at least 100-feet of storage.
 - c) The Developer's Agreement shall include provisions for one streetlight at the access point on Lawnsdale Road.
 - d) The Developer's Agreement shall include provisions for a stop sign on Providence Dr at its intersection with Lawnsdale Rd.
 - e) The roadway width shall be 24-feet for curb & gutter section or 28-feet for ditch section. The intersection corner radii at Lawnsdale Road shall be 50-feet to edge of pavement.
 - f) Waukesha County permits are required for access to Lawnsdale Road (CTH I) and all work within the County's right-of-way
 - g) Any necessary pedestrian/horse crossing warning markings for Racine and Lawnsdale Rds shall be at the responsibility of the developer.
- 3) Environmental Corridor
- a) The Developer shall have the Secondary Environmental Corridor field delineated prior to approval of the Final Plat.
 - b) The Final Plat shall restrict building envelopes to be outside the Secondary Environmental Corridor.
- 4) The City shall initiate a rezoning of the C-2 zoning district boundaries to match the delineated wetland boundaries prior to approval of the Final Plat.
- 5) Payment of Public Site, Open Space and Trail fees are required prior to City signing Final Plat. (Fee will be based on rates in affect at the time of Final Plat approval, current rate would be \$2137.60 per buildable lot, \$27,788.80 total)

Seconded by Mr. Felda.

Kevin Zokan, applicant for this project spoke of his intent to allow the combination of pole barns and horses within the subdivision which would be acceptable in the zoning requirements.

Discussion about the location of the environmental corridor and natural resource areas. A report from SEWRPC is needed to validate the delineation of the environmental corridor line.

Motion by Mr. Sisson to withdraw approval. Seconded by Mr. Felda. Motion passes unanimously.

Motion by Alderman Ament to accept extension to May 16, 2004. Seconded by Mr. Teclaw. Motion passes unanimously.

Motion by Alderman Ament to table the request of the 13-lot Preliminary Plat Subdivision for Biltmore Estates located at 19205 W. Lawnsdale. Seconded by Mr. Teclaw. Motion passes unanimously.

8. ()DH PG-516-4 Transportation Master Plan (Public Hearing set for May 3, 2004)

No Action.

NEW BUSINESS

9. (7)NJ CU-1-04 Randall & Charlene Mueller – 3760 Cari Adam Drive - Build home in C-1 District.

Motion by Mr. Felda to approve the request by Randall & Charlene Mueller to build a single family home in the C-1 District located at 3760 Cari-Adam Drive subject to:

- 1) A plat of survey shall be submitted with the application for a building permit. The plat of survey shall show the recorded boundaries of the 20,000 sq. ft. area that may be disturbed.
- 2) This application does not cover any buildings or structures. Applicant shall apply and obtain appropriate building, plumbing and electrical permits as required by code.

Seconded by Mr. Gihring. Motion carried unanimously.

10. (4)OA U-15-04 Carl Klein – 21155 W. Edinbrough Dr. – Use Approval to locate Swimming Pool within the front yard.

Motion by Mr. Barnes to approve the request by Carl Klein to locate a swimming pool within the front yard located at 21155 W. Edinbrough Drive subject to:

- 1) A preliminary site evaluation by the Waukesha County Department of Health is required prior to obtaining City Permits.
- 2) Permit application must include a copy of the survey with the pool location drawn to scale. The drawing shall show distance to lot lines, driveway and the principle structure.
- 3) Applicant shall be required to provide some screening in the form of landscaping along the driveway.
- 4) All construction activities must be kept outside of the C-1 district and tree line. No activity is permitted within the C-1 district.
- 5) Building Permit and Electrical Permit shall be obtained per code requirement from the Building Inspection and Zoning Department prior to construction.

Seconded by Alderman Ament. Motion carried unanimously.

11. (4)OA U-20-04 Kiwanis Club of Muskego – 15555 W. Beloit Rd. – Use Approval for Annual Tree Sale at this location on May 1, 2004 from 8:00 A.M. – 12:00 P.M.

Motion by Mr. Sisson to approve the request by Kiwanis Club of Muskego for an annual tree sale at 15555 W. Beloit Road from 8:00 a.m. – 12:00 p.m. subject to:

- 1) Kiwanis Club of Muskego is authorized to have their annual tree sale at this location subject to the following conditions:
 - a) Applicant will be required to submit a letter to the Department of Community Development (Planning) 30 days prior to holding the tree sale. Letter must state the date and times of sale and a possible rain date.
 - b) A letter of consent from the Manager of Speedway must accompany the above letter.
- 2) The site must be cleared of all debris, materials, vehicles, signage and equipment by the end of the sale day.
- 3) The car and trailer for the tree sale shall be restricted to the West corner of the gas station next to the dumpster enclosure
- 4) Approval shall also be granted for two 32 sq. ft. or less temporary banners to be located on site behind the ultimate right of ways of Moorland and Beloit Roads. The banners may be erected two weeks prior to sale. The banners shall not be illuminated.
- 5) Volunteers shall park off site at the Park and Ride lot to allow for adequate room on site for the trailer, customers and gas station traffic to be contained on this site.
- 6) No outside storage of equipment, vehicles, or materials will be permitted on the property.
- 7) General Requirements:
 - a) Building must be maintained per Chapter 201 of the City of New Berlin Municipal Code.

b) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

Seconded by Alderman Ament. Motion carried unanimously.

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

Motion by Alderman Ament to table the request by John R. Stigler for a two lot land division located at 5300 Egofske Road for the following reasons:

- 1) Applicant shall correct all errors identified by Staff on the face of the CSM.
- 2) Per Section 235-26(B)(3) The Plan Commission may require in areas of steep slopes lot widths and depths greater than the minimum required in order to accomplish the above-stated standards. A grading plan is required showing the specific house in mind for this lot or a generic house shell (66' x 54'). The grading plan shall show proposed contours, location of existing trees, and a proposed swale out to the front of the lot along south side of lot line and a side-entry garage access driveway. The plan shall show existing and proposed grades adequate to show how a house could be built without the use of high retaining walls, without drainage affecting neighbors to South, and without exceeding the City slope standards for yards and driveways. It appears it may be difficult to accomplish these items with this narrow width lot due to very steep side-to-side slopes.
- 3) The City will pre-approve up to 3' high retaining walls on this lot staying at least 15' from any lot line.
- 4) A minimum required front setback shall be 100' shall be shown on the face of the CSM. There is an existing 20' grade change from north side lot line to south side lot line near the 50' setback. Near the rear of the lot there is only a 10' existing grade change from side lot line to side lot line.
- 5) A house on this lot shall have a fully exposed south side with slope transition along the front and back of the house.
- 6) A new culvert shall be required at time of building permit.
- 7) 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.
- 8) All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 9) 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 Mr. Barnes. Motion carried unanimously.

13. (3)AK U-17-04 Double Gee Bar Inc. – 16461 W. Greenfield Avenue –
Architectural change.

Motion by Alderman Ament to approve the request by Double Gee Bar Inc. for an after the fact use, site & architecture application to retain red neon lights on the front gable of the building located at 16461 W. Greenfield Avenue subject to:

- 1) Any future modifications to the outside of the site, building, or change in the plan of operation or use of the business shall first require Plan Commission approval.
- 2) The neon lights shall be turned off outside of normal business hours.

Seconded by Mr. Teclaw. Motion carried unanimously.

14. (5)NJ U-19-04 Deer Creek Parkway Homes – 14905 Library Ln. - City Center. Use, site, and architecture approval for a phased 152 unit condominium complex.

Motion by Alderman Ament to table the request by Deer Creek Parkway Homes for use, site, and architecture approval for a phased 152 unit condominium complex located at 14905 Library Lane for the following reasons:

- 1) Applicant shall detail in a letter to the City any items you wish to ask the Plan Commission to grant waivers from and identify your thought process.
- 2) Architectural Plans
 - a) Comments from the Architectural Review Committee include:
 - i) Applicant shall identify the percentage of brick versus other materials that are used on each of the elevations of the 16 and 34 unit buildings, to determine consistency with other City Center Projects.
 - ii) Applicant shall submit the 34-unit rendering to demonstrate how the street edge will appear from Deer Creek Parkway. This also may include making the units appear to have a walk up feel.
 - iii) Applicant shall identify the location of mechanicals (roof, wall or ground) on the elevations and landscaping plan to demonstrate how they will be screened.
 - iv) If a stone accent band is used, then the base should be a simulated stone base to match for consistency.
 - v) Line of site drawings will be required from the intersection of Main Street and Coffee as well as from across the creek to the East
 - vi) Dumpster enclosures shall be located in underground parking area. Surface dumpsters are prohibited.
 - b) Floor plans need to clarify if there are going to be rooms in the lofted areas of the 34-unit buildings and the number and type of bedrooms and their associated square footages.

- c) Per Section B-2/PUD (7)(b) any exclusive Village housing structure not within 75' of the right-of-way of an arterial street shall not exceed 50' in height. Applicant shall clarify on elevations that the height is measured from the mid-point.
 - d) Permanent real estate development entrance sign is required.
- 3) Site Layout.
- a) Per Section B-2/PUD (6) (d) All buildings fronting a public street shall have upfront setbacks with a maximum front yard setback of 15' from the base setback line. Several buildings do not meet this. Applicant shall request a waiver in writing.
 - b) Per Section B-2/PUD (6)(f) no building or structure shall be located closer than 10' from an internal lot line.
 - c) Applicant shall clearly locate the DNR 100' vegetated buffer around Deer Creek.
 - d) 30-foot vision corners shall be provided at all street intersections.
 - e) Applicant shall review the elevation views to include the corresponding elevations around the base of the buildings. This will allow staff to make sure what areas for the building will be exposed and what materials will be used in these areas. This should be done for each of the 5 buildings.
- 4) Traffic:
- a) Applicant shall submit a revised TIA reflecting the road connection to National Avenue, the additional units, and future commercial expansion of City Center.
 - b) All Public infrastructure shall be in place prior to any building permits being issued. (i.e. No phased roadway construction as proposed in plans, unless approved by the City Engineer as part of your Developer's Agreement).
 - c) Street Lighting and pedestrian lighting will be required along all streets. Photometrics are required.
 - d) Standard street cross-section is incorrect. See City of New Berlin Developer's Handbook for standard. (lane widths, curb width, cross-slope, fabric missing, asphalt thickness, aggregate depth, etc.)
 - e) All streets shall follow the standard cross-sections being used for the rest of City Center. (i.e. 12-foot traffic lanes with 5-foot bike lanes).
 - f) All roadways will be required to have street lighting per the City Center Lighting Plan. Street Lighting (23-foot poles) and pedestrian lighting (15-foot poles at 80-foot spacing) will be required along all streets.
 - g) Wilbur Drive shall be constructed prior to any building permits being issued. Wilbur Drive Bridge shall be completed by March 26th, 2005 per the WDNR Chapter 30 permit.

- h) If this street (Deer Creek Parkway) does eventually intersect with National Avenue, and a signal is installed, this segment of roadway becomes much more important in getting traffic from the east side of Deer Creek and the Wilbur Drive area to a signalized location on National Avenue.
 - i) Applicant has been given two roadway options:
 - i) Bike path along Deer Creek with sidepath along condo side, or
 - ii) Bike paths on-street with sidepath on condo side Neither of these are being used in the proposed plans.
 - iii) Revised plans shall include one of the above options.
 - j) Parking Calculations:
 - i) Total Proposed Parking Spaces (Underground & Surface):
321
 - ii) Total Parking Spaces Underground: 273 (62 spaces/34 unit bldg. & 25 spaces/16 unit bldg.)
 - iii) Guest/Public parking Spaces on Street: 46 Spaces (Of this parking, 27 of these will be for required unit parking.
 - iv) The Code requires "Two spaces per dwelling unit (304) plus 1/10 of a space per dwelling unit shall be provided for guest parking (15.2). A minimum of one space per dwelling unit shall be provided in an attached or underground garage (152). Total Parking required per code based on 152 units: 319 Spaces, applicant exceeds this by 2 spaces.
 - k) All resident parking shall be incorporated into the condo site plan. The use of on-street parking for residents will not be allowed.
 - l) No on-street parking will be allowed overnight. Applicant shall identify the location of visitor parking.
- 5) Storm Water. The major issues are items g, h, m, o, p, q, and s. All the other issues will need to be addressed as well.
- a) 2:1 side slopes will not be allowed in the overland flow swale.
 - b) P.E. stamp is required on calculations and plans.
 - c) Show all storm water connections to ponds 3 and 4.
 - d) Drainage area boundaries as approved by DNR are not being followed.
 - e) Grading will not be allowed to take place within 10 feet of the top of bank of the ponds. Southern-most building (16-unit) is within 2 feet of the design high water mark of pond 3. This will not be allowed.
 - f) Show more cohesion with Sigma's storm water management plan.
 - g) Deer Creek Parkway Right-of-Way needs to be dedicated to the City.
 - h) Sumps are called for in the Developer's Handbook, but they will be waived due to maintenance issues and other concerns.
 - i) Match storm sewer soffits.
 - j) Provide under drains in the roadway.
 - k) Applicant shall relocate the Honey Locust and Maple that are scheduled to be planted in the emergency overland flow path area.

- l) Sheet C2.0 shows no walking path going through the emergency overland flow path. Sheet C2.3 shows a walking path through the flow path. No walking path will be allowed unless reinforced. Applicant shall discuss these options further with the Storm Water Engineer.
 - m) Show drainage area boundary delineations and Tc flow paths.
 - n) Use proper runoff coefficient values. 25-year storms and greater should have 0.95 for impervious areas.
 - o) The road profile is not uniform. Show vertical curves.
 - p) Show inlet capacity calculations, bypass rates, flow spread, inlet efficiency rates, etc. Double inlets at low points are required. Discuss with the Storm water Engineer.
 - q) Show Sigma's proposed approved contours for pond 3.
 - r) Show sizing / capacity calculations for the emergency spillway box culvert.
 - s) Show the Deer Creek 100-year floodplain elevation at the discharge points.
 - t) Show analysis of culvert crossing under road.
- 6) Utility: The Plan Sheets C-3.0, 3.1, 3.2, and 3.3 do not conform with City Developer's Handbook design and plan preparation standards.
- a) Sheet C-3.0: The Sanitary Sewer is proposed outside the pavement along the west side and does not meet special requirements for proposed buildings. The proposed sanitary sewer should be adequately deep to provide gravity basement service to the proposed buildings. The sanitary sewer does not extend to the northerly limits of the proposed development for buildings requiring service. The Plan Sheet does not conform to City Developer's Handbook design and plan preparation standards.
 - b) Sheet C-3.1 & 3.2: The Water Main is proposed 10 feet east of the existing Interceptor Sanitary Sewer. We believe that based on depth of the Interceptor, that a 15-foot separation should be provided. The Plan Sheet does not conform to City Developer's Handbook design and plan preparation standards.
 - c) Sheet C-3.3: The Storm Sewer Plan Sheet does not conform to City Developer's Handbook design and plan preparation standards.
 - d) Applicant shall pay Water Impact Fees and Sanitary Sewer Impact Fees based upon domestic water meter size required for the entire building for domestic service, including sprinkling meter capacity, if installed. Because these are condos, each tenant/owner shall be metered independently via a dedicated water meter room as required by Chapter 267-10 of the City Code.
 - e) Sheets C-1.0, -2.0, -2.1, -2.2 & -2.3 do not show proposed Water Main and Sanitary Sewer associated with and required as an integral part of this project.
- 7) General
- a) Prior to the issuance of the Zoning Permit applicant shall finalize addresses for this development.

Seconded by Mr. Sisson. Motion carried unanimously.

15. (3)OA U-14-04 B. B. Service Co. – 20090 W. Lincoln Ave. – Building Addition.

Motion by Alderman Ament to approve the request by B.B. Service Co. for a building addition located at 20090 W. Lincoln Avenue subject to:

- 1) Plan of Operation
 - a) Zoning permit will be for shell building only and not for any tenant occupancy. All future tenants shall be required to apply for and obtain a Zoning Permit prior to occupying the building.
 - b) Applicant shall provide an updated detailed list of all equipment to be stored outside.
- 2) Architectural Plans:
 - a) The building elevations do not scale the same measurements as the floor plans. Applicant shall revise plans so that they match.
 - b) Comments from the Architectural Review Committee include:
 - i) The rear architecture should be labeled with the type of block to be used.
 - ii) Applicant shall consider using the best stone for the majority of the west elevation rather than the utility block.
 - iii) Original building façade will have to be re-painted in order to get an exact match to the addition.
- 3) Site Plan
 - a) Per Section 275-54A the applicant shall provide the Limits of Disturbance (LOD) on the site plan and landscaping plan.
 - b) All mechanicals including roof, wall and ground mounted and their associated screening mechanisms shall be shown on the landscaping plan and elevation plan.
 - c) Dumpster must be properly screened from the street and public view in accordance with the Zoning Code Section 275-56G(2)(b)(2).
 - d) A lighting plan was not submitted. One shall be submitted meeting City requirements prior to the issuance of the Zoning Permit. Per Section 275-58 I (3)(4)(5) and (6) the lighting plan shall include how the following will be addressed:
 - i) Lighting is oriented internally;
 - ii) Parking, loading and circulation area are illuminated to at least 0.4 foot-candles;
 - iii) Illuminating measured at property line is not greater than 0.5 foot-candles;
 - iv) Light fixtures are not taller than 24 feet including the base and their location on the plan; and
- 4) Engineering
 - a) Applicant shall verify truck-turning radius of the vehicles that will utilize the loading dock on the southern elevation.

- b) Applicant shall verify parking space dimensions to clarify that parking spaces are 9' x 19' and the drive aisle is 24' wide to allow for 2-way traffic.
- c) Applicant shall verify if curb will be placed around the parking and landscaped area.
- d) Connection to municipal water is required when it becomes available.
- e) Applicant shall obtain a culvert permit. A culvert is required.
- 5) Storm Water
 - a) Applicant shall landscape the area to the east that is currently crushed gravel.
 - b) Applicant shall provide a pond re-certification that confirms that the site drains to the pond.
- 6) Traffic
 - a) Plans state the area in the rear of the building will be limestone parking area. However, it is difficult to tell if limestone is currently on the site.
 - b) The area marked "Future Paved driveway extension" shall be paved as part of this application.
- 7) General
 - a) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - b) Building plans shall be approved by the Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties. (5)(c) 3.
 - c) Apply and obtain appropriate building, plumbing and electrical permits.
 - d) There are no additional parking stalls on site plan for the expansion.
 - e) Applicant shall submit Sanitary permits from Waukesha County.
 - f) Erosion control permit and installation inspection shall be obtained prior to the issuance of building permits.
 - g) Entire building to be fully sprinklered.
 - h) Water flow to be monitored.
 - i) The well water service and pressure tank shall be of a size and capacity to supply the hydraulically remote sprinkler with the required water flow and pressure for a minimum of 10 minutes. Comm 62.0904 (2) 6.

Seconded by Mr. Teclaw. Motion carried unanimously.

16. (5)OA R-13-03 Moorland Road LLC – 14775 W. National Ave. – Rezone from Rm-1 to O-3. (Public Hearing 3/1/04)

Motion by Mr. Barnes to recommend to Common Council approval of the petition to rezone the property located at 14775 W. National Avenue from Rm-1, Multi-Family Residential District to O-3, Transitional Office District.

Seconded by Mr. Sisson. Motion carried unanimously.

17. (7)NJ S-167-04 Woodland Meadows – 3335 S. Catamount Dr. – Six-Lot Preliminary Conservation Subdivision.

Motion by Alderman Ament to table the request for a six lot preliminary conservation subdivision located at 3335 S. Catamount Drive for the following reasons:

- 1) Site Layout
 - a) Applicant shall indicate building setback lines with dimensions including building envelopes.
 - b) The applicant states on page 1 that the minimum lot size will be two acres. However, the lots are a minimum of 1.6 acre in size.
 - c) The applicant states on page 2 that the developer intends to preserve all healthy trees, except for those removed for the road construction. However, a tree survey was not provided. Applicant shall survey trees over 4" DBH that are located in public ROW, or build able lots.
 - d) Applicant shall also add any notes to the plat about which areas will be deed restricted.
 - e) Applicant shall meet all conditions as outlined in their Satisfaction of the Conditional Letter of No Objection by Waukesha County Park and Land Use Department prior to submittal of the Final Plat. (See attached letter).
 - f) Applicant shall submit Satisfaction of the Conditional Letter of No Objection by State of Wisconsin.
 - g) Applicant shall add the environmental corridor boundary to the Final Plat.
 - h) A tree preservation easement shall be added along the eastern border of the property.
 - i) No septic systems should be in the open space areas. Change lot lines to keep existing septic on lot 6 or relocate existing system.
- 2) Storm water plan
 - a) The applicant states on page 3 of the impact statement that a storm water detention basin will be constructed in the southerly portion of the site. Plat does not show location of basin. Applicant shall identify if it is on outlot #2.
 - b) The maintenance of the storm water pond shall be the responsibility of the Homeowners Association and the maintenance plan shall be described in the Homeowners Association Covenants.
 - c) Applicant shall be required to follow our 2193 Storm Water Ordinance.
 - d) Applicant shall look into infiltration possibilities, and not just detention.

- e) Applicant shall be aware that the property to the north may potentially be used for flood control.
 - f) Location of Best Management Practices (BMP's) facilities shall be identified.
 - g) The impact statement says that approximately 75% of the post-development runoff will be directed to the south lot line. According to the existing contours, it appears that it is difficult to route 75% of the site's flow to the south lot line.
 - h) Applicant shall show offsite flow to the site. Especially the runoff to the drainage easement along the south lot line.
 - i) Engineering plans submitted for Developer's Agreement should address the existing high groundwater condition and the proposed large amount of filling, including any special compaction of the lots by the developer and any phasing of the subdivision.
- 3) Utility Plan.
- a) Applicant shall show the location and sizes of all utilities including power transmission poles and lines, telephone, cable, electrical, and gas mains on or within 100 feet of the tract with utility sizes and grades indicated and invert elevations where necessary.
 - b) Applicant shall submit a plan of the proposed water distribution system, showing of valves and fire hydrants or a plan showing the location of individual wells.
 - c) Applicant is required to show individual private water supply well on each final building site on the Final Plat.
- 4) Transportation Plan
- a) Existing Cul-de-sac is 995-feet long. The City standard length is a 900-foot maximum. With the extension as proposed, the cul-de-sac will be 2,040-feet long. The construction of Catamount Lane would alleviate this, but may never happen, due to the need for potentially two wetland crossings.
 - b) Catamount Lane would need to cross existing wetlands. Without this connection, and the future extension through lots 1 & 2 of CSM 7107, Catamount Drive should not be allowed in its current proposed location (see 1b above).
 - c) The proposed Catamount Drive shall extend 300' Northeasterly to the North lot line to provide a future second access for the following reasons:
 - i) The undeveloped land to the North is zoned for a similar residential use and density;
 - ii) It will provide a second access for Woodland Meadows Subdivision and any other future subdivisions to the North;
 - iii) There is a maximum 1500' block length in Chapter 35.

- d) Layout for Lots # 3 and 4 should be revised to accommodate future extension of Catamount Drive to the northeast and streets should extend to development boundary. If Catamount Lane can be constructed, the developer will be required to install a Type II barricade at the south end with a sign that reads "roadway to be extended in the future". Installation of a T-type cul-de-sac (Hammer Head) for appropriate turn around.
 - e) Current city standard for ROW width is 66-feet. Not 60' as shown on the plans.
 - f) Cul-de-sac ROW radius standard is 66-feet. The proposed 75-feet is acceptable, but not required.
 - g) Extension of Catamount Drive requires dedication of the southern 33-feet from a separate property owner, Lot 2 of CSM 6403 with Tax Key NBC1217-933-002. Applicant shall demonstrate how the final plat will include this portion of the street. While this area may be reserved for a road, Staff believes Council must approve part of the reservation.
 - h) Developer has submitted preliminary road construction plans. Typical road section is 5" of asphalt on 8" of stone, and mirafi fabric, not 3 1/2 "asphalt on 10" of stone. Detailed road plan shall show the end of the existing cul-de-sac on Catamount, demonstrate how rabbit ears will be cut off, and shall show how neighbors existing driveways and culverts will be affected. Ditches and cross-culverts will need to be larger than shown or an underground storm sewer constructed.
- 5) General
- a) Applicant shall submit with the preliminary plat or survey map indicating both existing and proposed lot grades, building grades, retaining walls, cut and fill calculations, and landscaping.
 - b) Erosion control permit shall be obtained and the installation inspected prior to commencement of on site grading.
 - c) Payment of \$2,137.60/lot in Public Site, Open Space and Trail Fees required prior to the City of New Berlin signing the Final Plat.
- 6) The Developer's Agreement and construction plans shall address the following:
- a) Developer's Agreement for all public improvements required. A separate application is required. Agreement to be approved by the Board of Public Works and Common Council. Approval of all surety instruments required prior to the City signing the Developer's Agreement.
 - b) Homeowners Association structure including association's covenants, deed restrictions, and by-laws, how the architecture approval is to be handled, enforcement of deed restrictions, and responsibilities of the homeowner's association in relation to open space, storm water management, and of common areas.
 - c) A stoned staging area, an area for job shacks, and construction parking shall be designated.
 - d) A final version of the landscape plan will be required with the Developer's Agreement including bonds.

- 7) Applicant states that Wetlands were field delineated by Thompson and Associates. Applicant shall provide this report to the City to identify the quality of wetlands. Applicant shall identify the areas to be rezoned.
 - a) Applicant shall rezone all wetlands to C-2.
 - b) Applicant shall rezone all open space to C-3.

Seconded by Mr. Barnes. Motion carried unanimously.

18. (1)OA U-18-04 Linda Flood – 3055 S. 128th St. – Construction of new Office Building.

Motion by Alderman Ament to approve the request by Linda Flood for construction of a new office building located at 3055 S. 128th Street subject to:

 - 1) Plan of Operation
 - a) This approval for StoneGate Homes LLC only. All future tenants shall be required to apply for and obtain a Zoning Permit prior to occupying the building.
 - b) StoneGate Homes has four Employees.
 - 2) Architectural Plans
 - a) Architectural Review Committee requires that the building be revised to provide a higher percentage of brick on the structure. Submittal of a revised architectural rendering that shows more brick on the exterior of the building is required. The elevation shall call out all the material for construction.
 - b) Prior to issuance of the Zoning Permit, approval of the revised exterior architecture and materials for construction by the Architectural Review Committee is required. Applicant shall submit material samples for review and archiving.
 - 3) Site Plan
 - a) Submittal of a revised site plan that address all the Engineering concerns outlined in the staff correspondence is required prior to issuance of Zoning Permit.
 - b) Plat of Survey is required at time of Building Permit application.
 - c) Applicant shall be required to submit a revised site plan that shows the limits of disturbance prior to issuance of Building Permit.
 - d) Show the Ultimate Right-of-way on the Plat of Survey.
 - 4) Storm Water
 - a) Must meet the requirement of MMSD Chapter 13 and the City of New Berlin Storm Water Utility The site is under the 1/2 acre of impervious and 1 total acre of disturbance. Therefore, no Chapter 13 is required and NR 151 does not apply.
 - b) The overall layout lends itself to a filter strip on the north side of the building. To make enough room for the filter strip, the house and front 4 parking spaces must be moved 7 feet south. A taper will be required along the north drive.
 - 5) Transportation

- a) Lighting is required for all parking, circulation and pedestrian areas. Minimum of 0.4 fc and maximum of 0.5 fc at the property line. Lighting plan required.
 - b) Unless curb stops will be used in the parking lot, the sidewalk areas that run parallel to parking areas shall be a minimum of 8-feet wide to account for vehicle overhang.
 - c) Last parking stall in the SW parking area should be removed or converted to motorcycle parking to allow for vehicles opposite them to be able to backup and exit their parking stall.
 - d) To accommodate the filter strip required by the Stormwater Engineer, taper the north drive isle at a 10:1 taper to offset the drive aisle the required 7-feet (ie a 70 foot taper).
- 6) Utilities
- a) Upgrade existing 1" water lateral to a minimum of 2" as required by City of New Berlin Developer's Handbook. Existing service lateral must be properly abandoned.
 - b) Water Utility requires separate meter room.
- 7) Fire Department
- a) Building must meet all applicable fire codes. Building must be fully sprinklered. Sprinkler system must be monitored.
 - b) 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) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site.
 - b) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - c) Building plans shall be approved by the Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties. (5)(c) 3.
 - d) Erosion control shall be in place prior to issuance of Building Permit.
 - e) Apply and obtain appropriate building, plumbing and electrical permits.

Seconded by Mr. Teclaw. Motion carried unanimously.

19. (3)NJ U-16-04 Underground Pipeline, Inc. – 2180 S. Springdale Rd. –

New Building.

Motion by Alderman Ament to approve the request by Underground Pipeline, Inc. for a new building located at 2180 S. Springdale Road subject to:

- 1) Plan of Operation
 - a) Applicant shall provide a more detailed list of job trailers and other equipment.
 - b) Outside storage has been allowed as part of earlier Zoning Permits.
 - c) Applicant shall submit a letter of approval from Wisconsin Electric Power Company prior to the issuance of the Zoning Permit.
- 2) Site Plan
 - a) The landscape plan shall be significantly increased in the area where the driveway will no longer go through to provide additional screening for outdoor storage.
 - b) The lighting plan submitted contains lighting levels below that of City requirements. Per Section 275-58 I (3)(4)(5) and (6) the revised lighting plan shall include how the following will be addressed at least in the areas to be paved for driveway and parking:
 - i) Lighting is oriented internally;
 - ii) Parking, loading and circulation area are illuminated to at least 0.4 foot-candles;
 - iii) Illuminating measured at property line is not greater than 0.5 foot-candles; and
 - iv) Light fixtures are not taller than 24 feet including the base and their location on the plan.
- 3) Engineering
 - a) Driveway near new addition does not have proper site distance. Moving it north to the minimum 5' off the property line will help, but it will still be short of the required 390' of sight distance. The City will require that this driveway be removed, and all access come from the other existing driveway to the south.
 - b) Ultimate right-of-way of Springdale Road shall be revised to shown as 66' as required along the entire length of the parcel. (33' on this side of the section line). Applicant shall adjust building and parking setbacks to conform to this change.
 - c) The City will require an asphalt driveway between the two parking lots.
 - d) Applicant shall move building 20' from the north property line instead of 15'.
 - e) Applicant shall verify truck-turning radius of the vehicles that will utilize the loading dock on the southern elevation.
 - f) Applicant shall verify parking space dimensions to clarify that parking spaces are 9' x 19' and the drive aisle is 24' wide to allow for 2-way traffic.
 - g) Curb and gutter will not be required.

- h) Applicant shall work with the storm water engineer prior to building permit to verify water quality measures.
 - i) Applicant shall identify the location of discharge from the catch basins and within the building and downspouts.
- 4) Architectural Plans:
- a) The building elevations do not scale the same measurements as the floor plans. Applicant shall revise plans so that they match.
- 5) General
- a) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - b) Building plans shall be approved by the Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties. (5)(c) 3.
 - c) Apply and obtain appropriate building, plumbing and electrical permits.
 - d) If this building is going to have a sewerage-holding tank, the County Health Department and local plumbing inspector shall be notified for their approval. However, it appears from plans there will be a septic system. Applicant shall submit Sanitary permits from Waukesha County.
 - e) Erosion control permit and installation inspection shall be obtained prior to the issuance of building permits.

Seconded by Mr. Sisson. Motion carried unanimously.

20. (5)OA U-9-04 Steven Edwards Salon – 3850 S. Moorland – Exterior Architectural Alterations and Entry Addition.

Motion by Alderman Ament to approve the request by Steven Edwards Salon for exterior architectural alterations and entry addition located at 3850 S. Moorland Road subject to:

- 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 Sign Permit # SG-86-03.
- 2) Match existing grades through out the site.
- 3) Building plans shall be stamped by a registered architect or engineer (Comm. 61.20 responsibilities).
- 4) 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).
- 5) Apply and obtain appropriate building, plumbing and electrical permits.
- 6) Open permits shall be scheduled for inspection or administratively closed out where appropriate by May 1, 2004.
- 7) Building must be maintained per Chapter 201 of the City of New Berlin Municipal Code.
- 8) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

Seconded by Mr. Sisson. Motion passes with Mr. Barnes abstaining.

21. (3)NJ R-5-04 Francisco & Alcira Munoz – 1580 S. Springdale – Rezone from R-1/R-2 to R-3. Set Public Hearing for May 3, 2004.

Motion by Mr. Sisson to forward to Common Council to set a Public Hearing at the May 3, 2004 Plan Commission meeting regarding the petition to rezone the property located at 1580 S. Springdale Road from R-1/R-2 to R-3, Suburban Single-Family Residential District.

Seconded by Alderman Ament. Motion carried unanimously.

Mayor Wysocki requested that notices be sent to residents up to 1000 ft.

22. (1)OA R-1-04 Carleton Point Condominiums – 13050 W. Cleveland Ave. – Rezone from I-1 to Rm-1/ PUD for a 48 unit condominium complex. (Public Hearing 3/1/04)

Motion by Alderman Ament to table the request to rezone the property located at 13050 W. Cleveland Avenue from I-1 Institutional District to Rm-1/PUD Multi-Family Planned Unit Development Overlay District for the following reason:

- 1) No TIA has been submitted to date. Staff sent letters on January 21, and February 16, 2004 notifying applicant to submit a Traffic Impact Analysis (TIA). Staff recommends that Plan Commission should not take action regarding this rezoning without a Traffic Impact Analysis.

Seconded by Mr. Barnes. Motion carried unanimously.

23. (7)NJ U-10-04 Crestview Duplexes – 16860 W. Observatory – Use, site, and architectural approval for 10 duplex condominium buildings..

Motion by Alderman Ament to table the request for use, site, and architectural approval for 10 duplex condominium buildings located at 16860 W. Observatory Road for the following reasons:

- 1) This project is not ready for a Chapter 13 submittal yet. The applicant has some items to clear up before Staff can approve sending it on to MMSD.
- 2) The applicant shall clearly identify the downstream system that they are draining too. Right now the applicant figures that they can tie into an existing storm sewer system in Malone Park. TDI has no capacity calculations, no location, no description, no drainage areas, no outfall information, and no maintenance record of this downstream storm sewer system. Until they get asbuilts or locate the system themselves, Staff cannot continue to review.
- 3) Various Utility concerns.

- 4) Applicant has not submitted site plans drawn and colored suited for public presentation in either format 24" x 36" or 11" x 17".
- 5) Applicant has not submitted building elevations or renderings of the duplexes drawn and colored suitable for public presentation in either format 24" x 36" or 11" x 17".
- 6) Applicant has not submitted building materials or color samples as is required by the PUD for staff and the Architecture Review Committee to review.
- 7) Cross sections and RTU location are not identified on the plans.
- 8) The Landscaping Plan does not indicate the location and size of all significant trees, does not identify significant trees to be removed, and does not discuss replacement trees per Section 275-54 of the Zoning Code.

Seconded by Mr. Teclaw. Motion carried unanimously.

24. (7)NJ U-11-04 Crestview Commercial – 16850 W. Observatory – Commercial, Multi-Tenant Building.

Motion by Alderman Ament to table the request for a commercial multi-tenant building located at 16850 W. Observatory for the following reasons:

- 1) Various Storm Water concerns. This project is not ready for a Chapter 13 submittal yet. The applicant has some items to clear up before Staff can approve sending it on to MMSD.
- 2) Various Utility Concerns.
- 3) The applicant shall clearly identify the downstream system that they are draining too. Right now the applicant figures that they can tie into an existing storm sewer system in Malone Park. TDI has no capacity calculations, no location, no description, no drainage areas, no outfall information, and no maintenance record of this downstream storm sewer system. Until they get asbuilts or locate the system themselves, Staff cannot continue to review.
- 4) Applicant has not submitted site plans drawn and colored suited for public presentation in either format 24" x 36" or 11" x 17".
- 5) Applicant has not submitted building elevations or renderings of the duplexes drawn and colored suitable for public presentation in either format 24" x 36" or 11" x 17".
- 6) Applicant has not submitted building materials or color samples as is required for staff and the Architecture Review Committee to review.
- 7) Cross sections and RTU location are not identified on the plans.
- 8) The Landscaping Plan does not indicate the location and size of all significant trees, does not identify significant trees to be removed, and does not discuss replacement trees per Section 275-54 of the Zoning Code.
- 9) The plans do not include a Lighting Plan per the City of New Berlin standards.

Seconded by Mr. Teclaw. Motion carried unanimously.

25. () PG-938 CSM Process Amendment

Motion by Mr. Barnes to recommend to Common Council approval of Chapter 235 Amendment and set a public hearing for May 3, 2004.
Seconded by Mr. Teclaw. Motion carried unanimously.

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

Motion by Mr. Sisson to approve Consent Agenda Items #28-31.
Seconded by Mr. Teclaw. Motion carried unanimously.

ZONING PERMITS

26. (3) NJ RO-4-04 Premium Waters, Inc. – 16301 W. Lincoln Ave. – Office.

The request by Premium Waters, Inc. for an office located at 16301 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) 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) This permit shall serve as a notice of a violation of the entire property. A letter outlining past violations and conditions of approval that have not been met has been attached along with this permit. All future permits and re-occupancies may be denied based on past conditions and violations not being met.
- 3) Owner of this facility shall close out any open permits on the property by March 1, 2004.
- 4) The multi-tenant reader board located at the northeast entrance to the site is legal non-conforming and the faces have been changed multiple times. This sign shall have an expiration date of February 27, 2004 at which time a master identification monument sign shall be applied for and submitted to the Department of Community Development (Planning). All modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signage must be applied for and receive a Sign Permit, and must meet the provisions of Article XI Section 275-61 of the New Berlin Municipal Ordinance.
- 5) No outside storage shall be permitted.
- 6) Application does not indicate any building or structural changes.
- 7) If there is anticipated construction, the building plans shall be stamped and signed by a registered architect or engineer (Comm. 61.209 Responsibilities).

- 8) 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.
- 9) 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.
- 10) Employee and customer parking must be contained on site.
- 11) Apply for and obtain appropriate building, plumbing, and electrical permits when required to do so by code.
- 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.

Motion by Mr. Teclaw to amend Condition 3 to June 1, 2004. Seconded by Alderman Ament. Motion carried unanimously.

Motion by Mr. Gihring to approve the amended Consent Agenda Item #26. Seconded by Mr. Barnes. Motion carried unanimously.

27. (3)NJ RO-5-04 Integrity Construction Corp. – 2622 S. 162 St. – Office/Warehouse.

The request by Integrity Construction Corp. for an office/warehouse located at 2622 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) No outside storage of material shall be permitted. The storage of construction equipment and supplies shall be contained entirely within the building.
- 2) This business will be limited to 3 pick up trucks.
- 3) This permit shall serve as a notice of violation of the entire property. A letter outlining past violations and conditions of approval that have not been met will be sent to the property owner.
- 4) Application does not indicate any building or structural changes.
- 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) Employee and customer parking must be contained on site.
- 7) Apply for and obtain appropriate building, plumbing, and electrical permits when required to do so by code.

- 8) Permits are required from the Building, Inspection, and Zoning Departments for any interior and exterior alterations or modifications. Apply for and obtain appropriate building, plumbing, and electrical permits.
- 9) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
- 10) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

Motion by Alderman Ament to amend Condition #3 to read violations exist on the entire property. Seconded by Mr. Sisson. Motion passes unanimously.

Motion by Alderman Ament to approve amended Consent Agenda Item #27. Seconded by Mr. Sisson. Motion passes unanimously.

28. (4) NJ RO-6-04 Buy Seasons, Inc. – 5150 S. Towne Dr. – Commerce/Mail-Order Company.

The request by Buy Seasons, Inc. for a commerce/mail-order company 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) If signage is desired by Buy Seasons Inc. or any future tenants on this property a monument sign meeting all requirements of Article VIII Chapter 275-61 of the Municipal Code and Sign Standards for Towne Corporate Park of Westridge shall be applied for and receive a Sign Permit from the Department of Community Development (planning).
- 2) No outside storage for Buy Seasons, Inc. shall be permitted on this property.
- 3) 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.
- 4) Employee and customer parking must be contained on site.
- 5) Interior building plans shall be stamped and signed by a registered architect or engineer (Comm. 61.20 Responsibilities).
- 6) Interior building plans shall be approved by the Wisconsin Dept. of Commerce [Comm. 61.70 Certified municipalities and counties. (5)(c) 3].
- 7) Only the building shell has received a final inspection per the general contractor's request. Interior finishing shall require new permits.
- 8) State approved interior-plumbing plans shall be required.
- 9) Sprinkler system plans shall be approved by the New Berlin Fire Department prior to permitting and installation.
- 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.
29. (7)NJ RO-7-04 International Product Technology, Inc. – 3110 S. 166 St. – General Office/Warehouse Operations of Design, Manufacture and Sales of Automated Inspection and Semiconductor Packaging Equipment.

The request by International Product Technology, Inc. for a general office/warehouse operations of design, manufacture and sales of automated inspection and semiconductor packaging equipment located at 3110 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) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code. The applicant or building owner shall paint the existing light poles, which have become rusted over the years by May 31st, 2004.
- 2) No outside storage shall be permitted.
- 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 interior or exterior building modifications.
- 7) Apply for and obtain appropriate building, plumbing, and electrical permits when required to do so by code.
- 8) All modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signage must be applied for and receive a Monument Sign Permit, and must meet the provisions of Article XI Section 275-61 of the New Berlin Municipal Ordinance.
- 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 meet all applicable building and fire codes. Fire Extinguishers are required.

30. (3)NJ RO-8-04 Modern Engineering – 2665 S. Moorland Rd. – Office and Conference Room.

The request by Modern Engineering for an office and conference room 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) There is an open A/C permit #8056 issued to Roth Heating on 4/30/03 for 6 air-conditioners. Applicant shall close out this permit.
- 2) No outside storage shall be permitted.
- 3) Building plans shall be stamped and signed by a registered architect or engineer.
- 4) 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.
- 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) Employee and customer parking must be contained on site.
- 7) Application does not include any exterior building modifications.
- 8) Apply for and obtain appropriate building, plumbing, and electrical permits when required to do so by code.
- 9) Permits are required from the Building, Inspection, and Zoning Departments for any interior and exterior alterations or modifications. Apply for and obtain appropriate building, plumbing, and electrical permits.
- 10) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
- 11) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

31. (5)OA RO-9-04 Curves for Women – 15401 W. National Ave. – Fitness Center.

The request by Curves for Women for a fitness center located at 15401 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) A double fee of \$230.00 will be assessed as the business has occupied and is in operation prior to issuance of this permit. Payment must be made by March 16th or prior to issuance of Zoning Permit.

- 2) The “Curves – Open March 1st” banner on the façade of the building must be removed by March 16, 2004. This is a violation of Section 275-61 of the City of New Berlin Municipal Code. The landlord/ property owner and tenant are required to remove the illegal sign or apply for a Sign Permit on or before March 16, 2004. This letter shall serve as a notice of the above violation.
- 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. Property owner is required to address the overall dumpster enclosure screening for this site as it relates to the entire City Center design guidelines. An overall screening plan must be submitted by April 5, 2004.
- 4) Employee and customer parking must be contained on site.
- 5) A final inspection must be scheduled and a Certificate of Occupancy obtained from the Building Inspection and Zoning Department by March 31, 2004.
- 6) Apply and obtain appropriate building, plumbing, and electrical permits.
- 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.

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 32, 33, 35, 36, 37, 39, 40, 41, 42, 43. Seconded by Mr. Sisson. Motion carried unanimously.

STAFF APPROVED

32. (7)OA U-8-04 A’Cad Solutions – 3720 S. Cari Adam Dr. – Home Occupation to Provide Consulting, Training and Modified “AutoCAD” Programs to Clients in the Manufacturing, Construction, Architecture, and Engineering Design Industry.

The request by A’Cad Solutions for a home occupation to provide consulting, training and modified “AutoCAD” programs to clients in manufacturing, construction, architecture, and engineering design industry located at 3720 S. Cari Adam 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) Home Occupation shall be conducted in accordance with Chapter 275-42(G)(4) of the City of New Berlin Zoning Ordinance in its entirety, including:
 - a) Every Home occupation shall be subject to periodic, unannounced inspection by the Zoning Administrator in response to complaints or to ensure compliance with this ordinance.
 - b) Home Occupation shall meet all applicable building and fire code safety requirements.
 - c) An Occupancy Permit is required from Building Inspection and Zoning Department. All conditions must be met prior to issuance of an Occupancy Permit.
 - 2) Business conducted in this home shall consist of consulting, training and modified "A-CAD" programs to clients in the manufacturing, construction, architecture, and engineering design industry.
 - 3) No more than one nonresident employee shall be employed by a home occupation per Section 275-42(G)(4) of the City of New Berlin Municipal Code.
 - 4) No outside storage shall be permitted for this business. No home occupation nor any storage of goods, materials, or products connected with a home occupation shall be allowed in any accessory building or detached garage.
 - 5) No Sign Permits shall be issued as such no sign is allowed for this business.
 - 6) All necessary permits required by the Building, Inspection, and Zoning Departments shall be obtained prior to commencement of any construction at this site. Please close out Plumbing Permit # 11990 issued 11/7/73 as part of Certificate of Occupancy.
 - 7) The business shall be conducted in 20% or less of the overall living space of the residence.
33. (7) OA U-13-04 Eisenhower Middle & High School – 4333 S. Sunny Slope Rd. – Construction of new Dugouts and Scorer Booths for baseball diamond.

The request by Eisenhower Middle & High School to construct new dugouts and scorer booths for the baseball diamond located at 4333 S. Sunny Slope 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) Approval of exterior architectural material and color scheme is required prior to issuance of Zoning Permit. Please submit the proposed color swatches for approval.
- 2) All necessary permits required by the Building, Inspection, and Zoning Departments shall be obtained prior to commencement of any construction at this site. All outstanding permits for this property shall be satisfied prior to the issuance of any new Building, Plumbing or Electrical Permits.

- 3) The Building Inspection Division requires that building plans be stamped by a professional architect or engineer for Building Permit application.
 - 4) The scorers booth/storage building shall be located as shown on the site plan submitted to the City of New Berlin Department of Community Development (planning) February 12, 2004. All changes related to Use, Site and Architecture shall require Plan Commission approval prior to any changes.
 - 5) If sewer and water is to be provided to this facility, plans must be approved by the city prior to installation.
 - 6) Building plans shall be approved by the Inspection Division per Wisconsin Department of Commerce (Comm. 61.70 (5) (C) 3.) certified municipalities and counties.
 - 7) Building must meet all applicable building and fire codes.
34. (5)OA SG-82-03 Sportsman's Warehouse – 15470 Beloit Road – sign.

Motion by Alderman Ament to approve the request by Sportsman's Warehouse for a sign located at 15470 Beloit Road subject to the application, the plans on file and the following:

- 1) Applicant is required to meet the conditions of Zoning Permit # U-67-03 approved by Plan Commission on December 8, 2003 in its entirety.
- 2) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of Article VIII Chapter 275-61 of the New Berlin Municipal Code and the Coordinated Sign Standard for Moorland Commons.
- 3) The third Moorland Commons monument sign will be constructed upon approval of the final building from this site. Sportsman's Warehouse shall have space reserved on the third monument sign.
- 4) The internally illuminated wall sign face dimensions shall not exceed: 8'6" in height and 27' 6" in width. Overall measurement of individual letters (sign face) is 132 square feet in area.
Wall sign shall read "Sportsman's Warehouse" in individual green channel letters mounted directly to the facade, with black returns and gold trim cap.
- 5) Accessory use wall signs consisting of individual channel letters which describe services and types of merchandise offered within the building shall be allowed as part of Sportsman's warehouse overall signage.
- 6) The internally illuminated Accessory use Wall Sign face dimensions shall not exceed:

Hunting	1' x 6' 6" = 5.5 sq ft
Fishing	1' x 5' 9" = 4.8 sq ft
Camping	1' x 6' 9" = 6.0 sq ft
Reloading	1' x 8' 6" = 7.3 sq ft
Outerwear	1' x 9' 4" = 8.3 sq ft
Footwear	1' x 8' 2" = 7.6 sq ft

Total area = 39.5 square feet.

The internally illuminated Accessory use Wall Signs shall read “Hunting – Fishing – Camping – Reloading – Outerwear – Footwear” in individual green channel letters mounted directly to the facade with black returns and gold trim cap.

- 7) Raceways shall be prohibited for all Sportsmen’s Warehouse signage including Accessory use Wall signs.
- 8) Wall sign and Accessory use wall sign letters shall be internally illuminated and turned off outside normal business hours.
- 9) A refund of \$1,069.50 shall be made per calculations below:
Wall Sign Face: 132 sq.ft. x 1 x \$3.00/sq.ft. = \$396.00
Accessory use Wall Sign Face: 39.5 sq.ft. x 1 side x \$3.00/sq.ft. = \$118.50
Plus Filling Fee: (\$50.00) = \$564.50
Applicant paid; \$1,634.00 less total permit fee of \$564.50 = \$1,069.50

Seconded by Mr. Barnes. Motion carried unanimously.

35. (5)OA SG-7-04 WalMart – 15333 W. National Ave. – Wall and Monument Sign.

The request by WalMart for a wall and monument sign located at 15333 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) Submittal of two sets of revises sign plans that have the exact color and material is required prior to issuance of Sign Permit. The revised plans must address color of returns and trim caps for all signage.
- 2) Prior to issuance of Sign Permit, applicant, property owner and staff must create a coordinated/ uniform sign standard for Wal-Mart and the adjoining retail establishments. This will facilitate the transitional change in sign color from the original red to white.
- 3) Applicant is required to meet the conditions of Zoning Permit # U-45-03 approved by Plan Commission on September 9, 2003 in its entirety.
- 4) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of Article VIII Chapter 275-61 of the New Berlin Municipal Code.
- 5) The internally illuminated monument sign face dimensions shall not exceed: 3’ 4” in height and 9’ 6” in width = 32 square feet.
Wall sign shall read “WAL MART – We Sell For Less” in white letters on a Wal-Mart green cabinet.
- 6) The internally illuminated wall sign face dimensions shall not exceed: 5’ in height and 38’ in width = 190 square feet.
Wall sign shall read “WAL MART” in individual white channel letters mounted directly to the façade.

- 7) Payment of \$15.00 must be received prior to issuance of the Sign Permit.
Sign Face: 7' 6" x 2' = 15 sq ft + 11' 5" x 10.4" = 10 sq ft Total = 25 square feet x \$3/square foot = \$75.00
Less application fee: (\$75): \$00.00
 - 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.
37. (1)OA SG-9-04 Hair Decisions & Oasis Spa – 12438 W. National Avenue – Wall Sign.

The request by Hair Decisions & Oasis Spa for a wall sign located at 12438 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 "NOW OPEN" banner on the east façade of the Mitchell Bank Plaza, the "Mr. Picnic" banner along National Avenue and the "Creative Constructors" sign must be removed by March 15, 2004. This is a violation of Section 275-61 of the City of New Berlin Municipal Code. The landlord/ property owner and tenants are required to remove the illegal signs or apply for Sign Permits on or before March 15, 2004. This letter shall serve as a notice of the above violation.
 - 2) The wall sign shall read "HAIR DECISIONS & OASIS SPA" in white channel letters with black trim caps and black returns, and shall be illuminated with white neon.
 - 3) The wall sign face shall not exceed 25' in length x 1' in height for a total of 25 square feet.
 - 4) All internally illuminated signs shall be turned off outside of normal business hours.
 - 5) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275-61 New Berlin Municipal Code.
 - 6) No payment of \$.00 is due per the following calculations:
Sign Face: 25 square feet x \$3/square foot = \$75.00
Less application fee (\$75): \$0.00
 - 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.
38. (2)OA SG-10-04 CQ Nails – 15433 W. National Ave. – wall sign.

Motion by Alderman Ament to approve the request by CQ Nails for a wall sign located at 15433 W. National Avenue subject to the application, the plans on file and the following:

- 1) A double fee will be assessed as the sign was installed prior to issuance of this permit. Payment must be made by March 19th or prior to issuance of Sign Permit.
- 2) Applicant is required to submit a revised sign plan that shows "C. Q." proportional to "NAILS" prior to issuance of Sign Permit. This must be installed by April 5, 2004.
- 3) The façade of the building must be properly restored prior to installation of signage.
- 4) Applicant shall be required to meet all conditions of RO-65-03 approved by Plan Commission on March 1, 2004 in its entirety.
- 5) The internally illuminated wall sign shall read "C.Q. NAILS" in individual channel letters with #2793 Red finish Plexiglas, gold trim caps, and white returns. The channel letters shall be mounted directly on the front façade. Signs must be aligned in height to match the adjacent sign.
- 6) The internally illuminated wall sign face shall not exceed 2' in height x 12' in width = 24 square feet in area.
- 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. Property owner is required to address the overall dumpster enclosure screening for this site as it relates to the entire City Center design guidelines. An overall screening plan must be submitted by April 5, 2004.
- 8) 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 Coordinated Sign Standard for Moorland Square.
- 9) The sign face shall be internally illuminated and turned off outside normal business hours.
- 10) A payment of \$75.00.00 is required per calculations below:
Wall Sign Face: (2'0'' x 12') = 24 sq.ft. x 1 side = 24 x \$3.00/sq.ft. = \$72
Double penalty fee for installation without a permit = \$75.00 x 2 = \$150.00
Less Application Fee (\$75.00) = \$75.00
- 11) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
- 12) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.

Seconded by Mr. Teclaw. Motion carried unanimously.

39. (2)OA SG-11-04 J . K. Lee Blackbelt Academy – 14240 W. National Ave. – Construction Sign.

The request by J. K. Lee Blackbelt Academy for a construction sign 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) A double fee will be assessed as the sign was installed prior to issuance of this permit. Payment must be made by March 22nd or prior to issuance of Sign Permit.
 - 2) The temporary development sign shall be removed upon installation of the permanent monument sign for this development.
 - 3) The sign face shall not exceed 4' in width x 11' in height for a total 44 square feet.
 - 4) Sign shall include the following: J.K. Lee Black Belt Academy, Architect, General Contractor, Plumbing, Fire Sprinklers, HVAC, Electrical and Park Bank Financing.
 - 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 \$57.00 is due prior to issuance of Sign Permit per the following calculations:
Sign Face: 4' x 11' = 44 square feet x \$3/square foot = \$132.00
Less application fee: (\$75): = \$57.00
Double penalty fee = \$57.00 x 2 = \$114.00
 - 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.
40. (2)OA SG-12-04 Curves For Women – 15401 W. National Avenue – One set of neon channel letters mounted to wall.

The request by Curves for Women for one set of neon channel letters mounted to wall located at 15401 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 façade of the building must be properly restored prior to installation of this sign.
- 2) The internally illuminated wall sign shall read “CURVES” in individual channel letters with #2793 Red finish Plexiglas, gold trim caps, and white returns. The channel letters shall be mounted directly on the front façade. Signs must be aligned in height to match the adjacent sign.
- 3) The internally illuminated wall sign face shall not exceed 2' in height x 7' in width = 14 square feet in area.
- 4) Applicant must meet all conditions of RO-9-04 approved by Plan Commission on April 5, 2004 in its entirety.
- 5) Applicant shall be required to obtain a Certificate of Occupancy prior to issuance of Sign Permit.

- 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. Property owner is required to address the overall dumpster enclosure screening for this site as it relates to the entire City Center design guidelines. An overall plan must be submitted by April 5, 2004 or prior to issuance of Sign Permit.
 - 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 and the Coordinated Sign Standard for Moorland Square.
 - 8) The sign face shall be internally illuminated and turned off outside normal business hours.
 - 9) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
 - 10) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
41. (4)OA SG-13-04 Balistreri & Associates Physical Therapy – 14999 W. Beloit Rd. – Temporary Banner Sign.
- The request by Balistreri & Associates Physical Therapy for a temporary banner sign located at 14999 W. Beloit Road has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:
- 1) The temporary banner shall be removed upon approval of an overall coordinated sign standard for this development. Applicant shall be required to apply for and install the approved new signage accordingly.
 - 2) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275.03 (10) of the City of New Berlin Municipal Code.
 - 3) The temporary banner face shall not exceed: 3’ in height x 10’ in width = 24 square feet in area.
 - 4) The temporary banner shall read “Balistreri & Associates Physical Therapy” in white on a blue background.
 - 5) The temporary banner face shall not be illuminated.
42. (7)BM SG-14-04 Earth Day Celebration – 16280 W. National Ave. – Signage.

The request for Earth Day Celebration signage located at 16280 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) City of New Berlin Temporary Earth Day Festival signs shall be installed at the following locations: New Berlin City Hall, two signs at Trees on the Move, New Berlin Library, Hickory Grove Senior Center, City of New Berlin Welcome Signs in Median of Moorland Road, City of New Berlin Welcome sign on National Avenue, New Berlin Center School, and ANR Pipeline in the Median of Grange Avenue.
 - 2) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of Article VIII Chapter 275-61 of the City of New Berlin Municipal Code.
 - 3) The temporary festival sign face dimensions shall not exceed:
3'2" in height x 4'0" width = 12.64 square feet in area
The temporary festival sign face shall read "Earth Day Festival – Saturday April 24 (Rain date: April 25) – 12:00 p.m. to 3:00 p.m. – Calhoun Park – Sponsored by: - City of New Berlin & Trees on the Move" in black on a white background.
 - 4) The temporary festival signs shall be removed by April 26, 2004.
 - 5) The temporary festival face shall not be illuminated.
 - 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.
43. (5)OA SG-15-04 Curves – 15401 W. National Ave. – Temporary Banner.

The request by Curves for a temporary banner located at 15401 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) Applicant is required to meet all conditions of RO-9-04 approved by Plan Commission on April 5, 2004 in its entirety.
- 2) The temporary banner shall read "Open March 1st - CURVES – The power to Amaze Yourself" in blue letters on an white background. The temporary banner shall be mounted directly on the front façade.
- 3) The internally illuminated wall sign face shall not exceed 2' in height x 12' in width = 24 square feet in area.
- 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. Property owner is required to address the overall dumpster enclosure screening for this site as it relates to the entire City Center design guidelines. An overall plan must be submitted by April 5, 2004.
- 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 Coordinated Sign Standard for Moorland Square.

- 6) Temporary banner shall be removed after 30 days or upon installation of the permanent wall sign for Curves.

COMMUNICATIONS

47. Communication To: Plan Commission
Communication From: Bob Sigrist, Manager of Inspection
RE: U-55-02 Postler landscaped Supply, 16370 W. Small Road

This communication is a summary of Postler Landscape Supply in regards to the Inspection Division.

48. Communication To: Plan Commission
Communication From: David Haines, Planning Services Manager
RE: Permit Process for Special Events (PG-939)

This communication is to help clarify when Plan Commission approval is required for various temporary events.

49. Communication To: Plan Commission
Communication From: David Haines, Planning Services Manager
RE: Environmental Corridor Workshop

Mayor Wysocki thanked Plan Commissioners for taking an active interest.

50. Communication To: Plan Commission
Communication From: David Haines, Planning Services Manager
RE: R-2-99 Woodridge Community Church – 13800 W. Howard – Rezone from R-4.5 to I-1. (Withdrawn)

This communication indicates that Woodridge Community Church is withdrawing it's rezoning request and replacing it with a conditional use application.

ADDENDUM ITEMS

1. () DH PG-654 Application Fees

Motion by Mr. Sisson to recommend to Common Council to authorize the Department of Community Development to establish consultant cost recovery fees for development applications.

Seconded by Alderman Ament. Motion carried unanimously.

2. () DH PG-936 Conservation Forum

Motion by Alderman Ament to recommend to Common Council to approve resolution authorizing the expenditure of contingency funds in an amount not to exceed \$20,000 to hire Mr. Randall Arendt to assist the City in the following:

- 1) Perform a review of our existing zoning and development codes (implementation mechanisms) and determine whether or not they are sufficient to meet the policies our Master Plan suggests.
- 2) Provide recommendations to improve our implementation tools (codes & conservation subdivision design criteria/policies) and provide additional suggestions regarding our development policies.
- 3) Assist in the creation of residential development policies and code language for Section 35 and other areas of the city that, at some point in the future, will be served by utilities.
- 4) Make a final presentation sometime mid-summer on how your recommendations impact New Berlin and what Master Plan and/or code amendments are necessary.

Seconded by Mr. Sisson. Motion carried unanimously.

Motion by Mr. Barnes to adjourn the Plan Commission Meeting at 9:47 P.M. Seconded by Mr. Sisson. Motion carried unanimously.