

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

PUBLIC HEARING

6:00 P. M. (5)OA R-13-03 Moorland Road LLC – 14775 W. National Ave. – Rezone from Rm-1 to O-3.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

MARCH 1, 2004

MINUTES

The public hearing relative to the request by Bernard A. Hintzke to rezone the property known as 14775 W. National Avenue from Rm-1 Multi-Family Residential District to O-3 Transitional Office District was called to order by Mayor Wysocki at 6:04 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Gihring, Mr. Teclaw, Mr. Sisson, Mr. Felda, Mr. Barnes. Also present were Greg Kessler, Director of Community Development; David Haines, Planning Services Manager; Olofu Agbaji, Associate Planner; Nikki Jones, Associate Planner; Anthony Kim, Code Enforcements/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. Agbaji gave a brief presentation describing the request and showed maps indicating the location.

Mr. Bernard Hintzke, the applicant came forward with additional comments explaining the request.

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

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

Tim Vollner, Michael, Best & Friedrick, Milwaukee, representing the owner of Hidden

Creek Apartments. - My client wishes to voice support for this rezoning, however they have a couple of concerns that they would like to have addressed. The first one is the access point into the parcel. They want to make sure that the access point does not move any further to the East. The next issue is to make sure that the dumpster is located as far West as possible. We would like to see the dumpster area to be landscaped to keep it out of view of the residents at Hidden Creek Apartments. Additionally, we would like to see more landscaping around the entire parking area. We also want to make sure that the lighting does not overlap into the Hidden Creek Apartments. We are in agreement with the hours of operation that the applicant has proposed. We want to make sure that this site plan is followed. We have one concern with the actual building plan that was presented. We have only been presented with the North and West elevations. I want to make sure the other two sides are the same. Lastly, my client does want to compliment the developer on this excellent plan and also the City of New Berlin for being willing to wait for a good developer.

Joseph Burant, owner of proposed property – This was originally my Father’s land and now after I bought it, it is my property where I raised my family, they all left and now I would like to sell it.

Mayor Wysocki asked three more 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.

Alderman Ament – In the letter to us from Bernard Hintzke several issues are pointed out. The first one is regarding professional office suites being a good transition, the second one being it would contribute less traffic. I agree with these both. I agree with No. 4 about public facilities and No. 7 about filling a need and No. 8 which refers back to some of the other things. I do have some concerns on Page 2 of the staff report under water use. If this were left as multi family do we know how it would compare? Mayor Wysocki said we could work on that calculation for the next meeting. Alderman Ament said the applicant may want to address the actual zoning description and the side and rear yard descriptions in our code. I want to make sure that they are aware of these things, especially the parking.

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

Mayor Wysocki closed the public hearing at 6:15 P.M.

PUBLIC HEARING

6:01 P.M (1)OA R-1-04 Carleton Point Condominiums – 13050 W. Cleveland Ave.  
– Rezone from I-1 to Rm-1/ PUD.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

MARCH 1, 2004

MINUTES

The public hearing relative to the request by Robert Williams, DC Investments c/o Carleton Pointe Condominiums to rezone the property known as 13050 W. Cleveland Avenue from I-1 Institutional to Rm-1/PUD Multi-Family Planned Unit Development Overlay was called to order by Mayor Wysocki at 6:15 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Gihring, Mr. Teclaw, Mr. Sisson, Mr. Felda, Mr. Barnes. Also present were Greg Kessler, Director of Community Development; David Haines, Planning Services Manager; Olofu Agbaji, Associate Planner; Nikki Jones, Associate Planner; Anthony Kim, Code Enforcements/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. Agbaji gave a brief presentation describing the request and showed maps indicating the location.

Attorney Donald J. Murn, appearing on behalf of the owner of the property – The brief history given by staff is current up to the fact that when this property was rezoned to I-1 there was not a PUD overlay required in the ordinance. That created a development problem from the standpoint of senior housing. It is rather a strange issue since the PUD Overlay was never granted. It is kind of a limbo zoning without the PUD Overlay. We would ask that the property be rezoned to Rm-1/ PUD.

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

Gerry Schinker, 13300 W. Glendale Drive - I have been a resident here for twenty years. In my twenty years and prior to that Carl Wineberg lived at 13200 W. Glendale right next to me and our concern over these years is Glendale Drive off of 134<sup>th</sup> & Cleveland runs

for about a block and a half and then dead ends. There has been many proposals trying to get Glendale Drive through and my concern is if this project goes through, is there any plans of Glendale Drive going through or staying as is as a dead end road.

Mayor Wysocki said as far as I know as part of this proposal there is no initiative to extend Glendale Drive.

Mayor Wysocki asked three times if there were any further questions for 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.

Nancy Birk, 13000 W. Cleveland Avenue – Our property is here (map shown) and we have lived there for four years this summer. We have tried working with the Mayor, the Alderman, and the Engineers because of the drainage that is coming off of that property onto our property. There is a ditch that runs in between the properties and is coming off of their property and runs underneath our driveway which during the past years when it has rained heavily, all the water erodes our driveway plus the water runs over and onto our property in our backyard. We have put in a lot of dirt in our backyard because of the water runoff from that property as well as the run off from the New Berlin Golf Course. We have asked for assistance on this and the Engineers say they will come out on a sunny day. Well, sunny days are not the days we need you coming out and looking at our property. It is not just our property, it is also the property East of us and then it keeps moving on down. So when the water runs off Cleveland Avenue and the property next door to us it is just a mess, therefore we oppose this proposal. It is not something that this area needs. There are all single family homes in that area and I don't think condominiums fit within that scope of the area.

Mary Promersberger, 13255 W. Glendale – My opposition to this would be because of the additional traffic on Cleveland Avenue. Right now it takes us several minutes or more to get out of the subdivision and this is going to cause the cars to probably double in number. I would ask the Commissioners to take this into consideration.

Karen Schleis, 2945 S. 130<sup>th</sup> Street – My concern is the traffic and the eyesore that this would create in a one and two family residential area. On National Avenue on the other end of our street, there is Fieldpointe Subdivision and off of 132<sup>nd</sup> Street there are a lot of apartment buildings already. Probably 75% of the traffic down our street is from the subdivision or the apartments. If we are talking about a 48 unit apartment building on the other end of our street, it is going to be a major highway and we have a lot of pets and kids and elderly people. The quote about City Living with a Touch of Country is being ruined.

Kevin Birk, 13000 W. Cleveland Avenue – What will they do about sewer, water, and

traffic with 48 units? They don't take care of the property now, they don't cut the grass, they don't do anything. What is that going to do for us? Put 48 units in there, are they going to keep this place up, 48 units is too big. Why do we have to rezone it, how many times did we rezone this property, how much time and effort did you guys put into this place and they didn't do anything. I feel that if they can't build it the way it is zoned, leave it the way it is.

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

Mayor Wysocki asked Plan Commissioners for questions for the purpose of clarification.

Mr. Teclaw – Next door is Rm-1 property. Is this undeveloped? Mayor Wysocki said Yes. Mr. Teclaw asked about basin capacity and referenced traffic impact analysis. Mayor Wysocki said that information would be available when it comes time to make a decision. Mr. Teclaw asked if historically, this was intended to be multi-family. Mr. Agbaji said it was originally an office district. Mr. Teclaw asked if anyone has looked at the drainage path that the residents are talking about? Mr. Agbaji directed him to information in the packet.

Bob Williams – I am the architect from TDI Associates. As it has been pointed out earlier, we have been working on this for a long time, since 1997. There is about 50 acres from the subdivision to the northwest and the golf course that drains through this property. We tried to get detention basins on the site to slow the water down, but the release rate was so high that we couldn't get culverts along Cleveland either on the North or South to work. We would need to rebuild the infrastructure for about a half mile. What this project is coming forward with is a large subregional detention basin on the golf course property to handle the 50 acres that is offsite so we can slow that water down to put a reasonable amount of flow into the ditch which would solve the neighbors problem.

Mayor Wysocki said we would need to get the reaction from the Park & Rec Commission since the storm water facility would be on the city land in the park. That is another component that would need to be reviewed.

Mr. Teclaw – So the way that you are proposing handling storm water at this time is offsite, not on this property. Mayor Wysocki said there is still required stormwater detention on the site.

Mr. Barnes – We see the dry detention basin on the park property where it looks to be a heavily forested area, what is the quality of those trees? Mayor Wysocki said it was reviewed by our storm water staff and if anything were to be done, it would have to be outside that wooded area. Again, these are the kinds of thing that will be coming to you with detailed recommendations from staff.

Alderman Ament - What would be the height of this building?

Mr. Williams – It is a two story building, but because the land slopes from the west to the east, the building splits so there are two stories on one side and two stories on the other side. There is underground parking under the whole thing. There are three levels to the east and three levels to the west but the ones in the west are one level above the ones in the east.

Alderman Ament – What is the overall height from ground level?

Mr. Williams – 35 ft.

Alderman Ament – When looking at the property next door that is Rm-1 and this is coming through as Rm-1 PUD. What reasons do we have for this being a PUD?

Mr. Williams – The primary reason is that the developer for this project will be funding this subregional stormwater detention pond and in order to make that part of the issue, it can be done as part of the PUD and it would meet the Rm-1 zoning.

Nancy Birk, 13000 W. Cleveland Avenue – How close would this proposal be to our property? Mr. Haines said according to the Rm-1 District, the side yard setback is a minimum of 15 feet.

Mr. Williams – Our plan shows 50 ft. off the property line.

Mayor Wysocki saw no further questions from the Plan Commissioners so called the public hearing closed at 6:50 P.M.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

MARCH 1, 2004

MINUTES

The Plan Commission Meeting was called to order by Mayor Wysocki at 7:00 P.M.

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

Motion by Mr. Sisson to approve the Plan Commission Minutes of February 2, 2004. Seconded by Alderman Ament. Motion passes with Mr. Barnes abstaining.

Plan Commission Secretary's Report - none

CONTINUED ITEMS

5. (4)OA R-11-03 Moorland Road Golf Center – 5900 S. Moorland Rd. – Rezone from A-1 to P-1. (Public Hearing 2/2/04)

Item is tabled per request of applicant.

6. (4)OA R-12-03 Motion Fitness & Racquet Club – 14999 W. Beloit Rd. – Rezone from O-2 to B-2. (Public Hearing 2/2/04)

Motion by Mr. Sisson to recommend to Common Council denial of the petition to rezone the Motion Fitness & Racquet Club property located at 14999 W. Beloit Road from O-2 to B-2 for the following reasons:

- 1) The proposed rezoning is not consistent with the Growth and Development Master Plan Update. The Future Land Use Plan identified this property as Mixed Use Residential Transitional. Other zoning districts may be appropriate as a transition between the Business Park and the Single Family Residential District than the B-2 District.
- 2) Rezoning the property is not the minimum action necessary to accomplish the intent of the petition as required by Section 275-22F(g).
- 3) The proposed rezoning has not taken the impact on surrounding properties into account as required by section 275-22 F (a) (d). Applicant has not submitted impact statement a B-2 zoning will have on the surrounding properties.

Seconded by Alderman Ament. Motion carried unanimously.

7. (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. Set Public Hearing for April 5, 2004 at 6:02 P.M. (Tabled 2/2/04)

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

Motion by Alderman Ament to forward to Common Council to set a public hearing at the Plan Commission on April 5, 2004 at 6:02 P.M. for consideration of a rezoning to A-2, R-1/R-2, R-3, and C-2 at approximately 5611 S. Calhoun Road.

Seconded by Mr. Teclaw. Motion carried unanimously.

8. (5)OA S-164-03 Jahnke & Jahnke Subdivision – 4320 S. Moorland Rd. – Preliminary Seven-Lot Subdivision. (Tabled 10/6/03, 11/3/03, 1/5/04, 2/2/04)

Item remains on table per applicants request.

9. (7)OA U-60-03 Poplar Creek Church – 17770 W. Cleveland Ave. – Construction of Phase I of New Bethel Assembly of God Church, Gym, School, Kid Zone, etc. (Deferred 11/3/03, Tabled 12/8/03, 1/5/04)

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

Motion by Mr. Gihring to approve the request by Poplar Creek Church for construction of Phase I of New Bethel Assembly of God Church, Gym, School, Kid Zone, etc located at 17770 W. Cleveland Avenue subject to:

- 1) Applicant must meet all the requirements of approval by the Wisconsin Department of Natural Resources as it relates to the protection of the Butler Garter Snake.
- 2) Submittal of a revised site lighting plan that shows the use of the decorative poles and luminaires for the entire site. Site lighting plan and fixtures must be approved prior to issuance of Zoning Permit.
- 3) Plan of Operation
  - a) This approval is for phase I only. A separate Use Approval application will be required for any other site development.

- b) The Church plans to utilize the single-family residence as office until building is complete. Razing permit must be obtained prior to issuance of Occupancy Permit for the church. Building must be razed no later than 30 days after the issuance of Certificate of Occupancy for the new church building.
  - c) Barn can not be used for storage. This is an older agricultural building and will not meet any International Building Code (IBC) requirements. A razing permit must be pulled for the barn prior to issuance of Zoning Permit. Barn will have to be razed prior to issuance of Building Permit. If the church requires an accessory building, it can construct one that meets the requirement of the IBC.
- 4) Architectural Plans
- a) The parking lot shoebox luminaires fixtures shall be replaced with the same decorative poles and luminaires to maintain a consistent theme throughout the campus. Architectural Review Committee approval of exterior light fixture is required prior to issuance of Zoning Permit.
  - b) Submittal of a revised architectural rendering that shows the future sanctuary and how it will tie in with the elevation of the proposed building. The elevation shall call out all the material for construction and colors for the future addition. This shall be approved prior to issuance of Building Permit.
- 5) 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) Curb and gutter will be required unless specifically waived by Storm Water Division Engineer for drainage purpose.
  - d) ADA requirements as per the Commercial Building Code.
- 6) Storm Water
- a) Must meet the requirement of the City of New Berlin Storm Water Utility Ordinance in its entirety.
  - b) Submittal of a revise stormwater calculation based on the revised site plan is required. Approval of the stormwater management plan is required by the Stormwater Division Engineer prior to issuance of Zoning Permit.
- 7) Transportation
- a) Signed copies of all County Access Permits shall be on file with the City of New Berlin prior to issuance of Zoning Permit.
  - b) The TIA based all the Level of Service calculations on a driveway with two exit lanes. The proposed plan only has a single exit lane. This will cause more on-site delay exiting the site. Applicant may revise plan to accommodate an additional lane.
  - c) Bypass, acceleration and deceleration lanes along Cleveland Avenue shall be installed per Waukesha County standards and as shown on the plans with the possible change to two exiting lanes from the church.

- 8) Fire Department
  - a) Building must meet all applicable fire codes. Building must be fully sprinklered. Sprinkler system must be monitored.
  - b) Standpipe required in all staircases.
  - c) Must meet flow requirement of IBC and adopted state administrative codes.
- 9) Landscaping Plan
  - a) 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.
- 10) 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. Sisson. Motion carried unanimously.

10. (7)OA SG-86-03 Steven Edwards Color Group – 3850 S. Moorland Rd. – Monument Sign. (Tabled 1/5/04)

Motion by Alderman Ament to remove this item from the table. Seconded by Mr. Sisson. Motion passes with Mr. Barnes abstaining and Mr. Teclaw not present.

Motion by Alderman Ament to approve the request by Steven Edwards Color Group for a monument sign located at 3850 S. Moorland road subject to:

- 1) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Chapter 275-56 of the New Berlin Municipal Code. Dumpster enclosures constructed of material to match the exterior architecture of the building shall be required. A dumpster enclosure plan and timeline for construction shall be submitted to the Department of Community Development (planning) by April 1, 2004.

- 2) The overall Internally illuminated monument sign shall not exceed 8'0" in height, shall not exceed 6'0" in width, and shall be located behind the ultimate right of way of South Moorland Road.
- 3) Per Article VIII Chapter 275-61 of the Municipal Code the sign shall be lowered from its current height of 14'0" to 8'0" upon instillation of the new sign face.
- 4) The Internally illuminated monument sign face shall not exceed:  
6'11/2" in height x 5'0" in width = 30.6 square feet in area  
The internally illuminated monument sign face shall read "Steven Edwards Color Group – Hair Cutting & Coloring Specialists – 262.782.4200" in black on a light gold background. The sign face shall include a circular red design.
- 5) The monument base shall not exceed 1'61/2" in height, shall not exceed 6'0" in width, and shall be constructed of masonry to match the exterior architecture of the building. Per Article VIII Chapter 275-61(I)(c)[5] of the Municipal Code, address numerals shall be included on both sides of the monument sign base.
- 6) The monument sign base shall be installed by January 5, 2006.
- 7) The monument sign shall be internally illuminated and shall be turned off outside normal business hours.
- 8) A payment of \$108.60 is required per calculations below:  
Monument Sign Face: (6'11/2" x 5'0") = 30.6 sq.ft. x 2 sides = 61.2 sq.ft.  
x \$3.00/sq.ft. = \$183.60  
Less Application Fee (\$75.00) = \$108.60

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

11. (4)GK PG-926 Resolution on Report and Findings to the Common Council Regarding the Development of the New Valley Sand & Gravel Quarry Site. (Tabled 1/5/04, No Action 2/2/04)

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

Mr. Greg Kessler, Director of Community Development reintroduced the project. Bill Carity addressed the Plan Commission and Steve Schulz and John Jansen from Ruckert & Mielke gave a power point presentation on water issues.

Amendments to Resolution:

Motion by Mr. Gihring to remove Rm-1 district from resolution. Seconded by Mr. Barnes. Motion passes unanimously.

Motion by Mr. Gihring to insert “essentially” before consistent and remove all references to multi family. Seconded by Mr. Sisson. Motion passes with Mayor Wysocki, Mr. Gihring, Mr. Barnes, Mr. Felda, Mr. Sisson voting Yes and Alderman Ament and Mr. Teclaw voting No.

Motion by Mr. Gihring to remove Item #3. Seconded by Mr. Sisson. Motion carried unanimously.

Motion by Mr. Gihring to reword Item #4 to read “Direct staff to assist Plan Commission and Community Development Authority to carry out the recommendations made in this resolution.” Seconded by Mr. Sisson. Motion carried unanimously.

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

Motion by Alderman Ament to remove Item #3, referring it to the CDA. Seconded by Mr. Teclaw. Motion fails with Alderman Ament and Mr. Teclaw voting Yes and Mr. Sisson, Mayor Wysocki, Mr. Barnes, Mr. Gihring, Mr. Felda voting No.

Motion by Mr. Sisson to end debate. Seconded by Mr. Barnes. Motion carried unanimously.

Motion by Mr. Sisson to approve the resolution on Report and Findings To The Common Council Regarding The Development Of The New Valley Sand & Gravel Quarry Site.

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

12. ( )DH PG-921 Amendments to the Zoning Ordinance, Subdivision Ordinance, and By-Laws. – Amendment #102 Community Development Authority.

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

Motion by Mr. Sisson to recommend adoption of Amendment #102 Community Development Authority.

Discussion followed with Plan Commissioners speaking about the duties of the Plan Commission vs. the duties of the Community Development Authority. Mayor Wysocki emphasized the part about specific action taken relating to the following powers shall be subject to review and approval by the Common Council. City Attorney Blum went into further explanation on the context of which the CDA operates.

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

13. ( )DH PG-516-4 Transportation Master Plan (P.H. set for May 3, 2004)

No Action.

#### NEW BUSINESS

14. (7)NJ U-1-04 T-Mobile – 3805 S. Casper Dr. – Place Nine PCS Antennas on Existing Tower.

Motion by Alderman Ament to approve the request by T-Mobile for an equipment shelter and nine PCS antennas on existing tower located at 12660 W. Beloit Road subject to:

- 1) Applicant shall submit a landscaping installation bond for the installation of the remaining trees and shrubs as part of the original landscape plan for this site. Planting shall be completed by May 1, 2004.
- 2) Applicant shall repair the landscape block retaining wall by May 1, 2004. Applicant may need to submit a plan to extend the retaining wall to the South to accommodate the planting area.
- 3) Applicant shall submit a copy of the revised lease agreement with AAT to the City prior to the issuance of the Building Permit.
- 4) Building plans shall be stamped by a registered architect or engineer.
- 5) Building plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per Wisconsin Dept. of commerce (Comm. 61.70 Certified municipalities and counties. (5)(c)3.
- 6) Apply and obtain appropriate building, plumbing and electrical permits.
- 7) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
- 8) Per Section 275-53B(1)(11) All existing nonconformities and outstanding code violations shall be identified, resolved, and remedied.

Seconded by Mr. Sisson. Motion carried unanimously.

15. (5)OA U-7-04 T-Mobile – 12660 W. Beloit Rd. – Equipment Shelter and Nine PCS Antennas on Existing Tower.

Motion by Alderman Ament to approve the request by T-Mobile for an equipment shelter and nine PCS antennas on existing tower located at 12660 W. Beloit Road subject to:

- 1) Applicant shall be required to upgrade the proposed landscaping plan by providing 6 additional arborvitaes for a total of 12. A revised landscaping plan must be submitted prior to issuance of Zoning Permit.
- 2) Per Section 275-53B(1)(11) All existing nonconformities and outstanding code violations shall be identified, resolved, and remedied.
- 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.

Seconded by Mr. Gihring. Motion carried unanimously.

16. (4)DH U-12-04 Little Muskego Lake Protection & Rehabilitation District – 5865 S. Martin Rd. – Compost of Aquatic Plants in the Area Zoned A-2 and Located Behind the Existing Pole Barn.

Motion by Mr. Gihring to approve the request by Little Muskego Lake Protection & Rehabilitation District to compost aquatic plants in the area zoned A-2 and located behind the existing pole barn located at 5865 S. Martin Road subject to:

- 1) This approval is on a temporary basis for one year. The applicant may re-apply for composting on the site on a permanent basis.
- 2) Aquatic plants shall be spread out, and a cover crop planted.
- 3) Unresolved complaints due to odor may be cause for the Plan Commission to revoke temporary approval.

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

17. (2)NJ U-3-04 National Regency – 13750 W. National Ave. – Exterior Canopy and Parking Lot Modifications.

Motion by Mr. Sisson to table the request by National Regency for an exterior canopy and parking lot modification located at 13750 W. National Avenue per request of applicant.

Seconded by Alderman Ament. Motion carried unanimously.

18. (4)OA U-6-04 Matty's Bar and Grille, Inc. – 14460 W. College Ave. – Addition.

Motion by Alderman Ament to approve the request by Matty's Bar and Grille, Inc. for an addition located at 14460 W. College Avenue subject to:

- 1) Both parcels must be combined into one tax key with a Certified Survey Map (CSM), and record with the County of Waukesha. This will eliminate the lot line and the conflict of the proposed building straddling two parcels.
- 2) Dedication of the Ultimate right of College Avenue in front of 14444 W. College Avenue will be required.
- 3) There is no Plan Commission approval for the Annual "Matty Gras" on file. If Matty's Bar & Grille wishes to continue this annual event, a Conditional Use Permit must be obtained from the City of New Berlin Plan Commission. This shall serve as a notice that the event must be properly noticed, reviewed and approved as part of the overall Plan of Operation for the establishment.
- 4) Applicant shall be required to submit a revised site plan that shows the limits of disturbance prior to issuance of Building Permit. Limits of disturbance shall show location of erosion control barrier.
- 5) Engineering
  - a) Submittal of a revised grading plan using USGS datum describing the contours in the field is required.
  - b) The contours will be at 1.0' intervals showing both existing and proposed elevations. Label all the lines with the correct contour. Show all proposed contours up to and past the points at which they blend into the existing grades on site
  - c) Show the first floor elevation of the existing structure. Also show the elevations at the corners of the existing house.
  - d) Show proposed elevations of the new addition.
  - e) Show location, height and distance of any retaining wall extensions. Also list the types of materials used to create the retaining wall.
  - f) Show several spot grades throughout the paved parking lot areas along College Avenue and up by the building.
  - g) Basement sump discharge shall exit building at the front wall.
  - h) Grease trap will be required if there is not at this time. Show location of trap if present.
- 6) The existing hold harmless agreement for 14460 W. College Avenue shall be extended to cover 14444 West College Avenue also.
- 7) Section 275-53B(1)(11) All existing nonconformities and outstanding code violations shall be identified, resolved, and remedied.
- 8) Building Inspection & Zoning
  - a) Building plans shall be stamped by a registered architect or engineer (Comm. 61.20 responsibilities).
  - b) 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)I3).

- c) Apply and obtain appropriate building, plumbing and electrical permits.
  - d) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
- 9) Fire Department
- a) Building must be fully sprinklered.
  - b) Sprinkler flow must be monitored. Sprinkler sys to meet flow requirements and design criteria must meet Comm. 62.0904.
  - c) Knox Box required.
  - d) No Building Permit will be issued until all outstanding Fire Code violations are corrected and outstanding permit for alarm system obtained.

Seconded Mr. Gihring. Motion carried unanimously.

19. (7)DH S-166-04 Biltmore Estates – 19205 W. Lawnsdale – 12-Lot Preliminary Plat Subdivision.

Motion by Alderman Ament to table the Biltmore Estates 12-Lot Preliminary Plan Subdivision located at 19205 W. Lawnsdale Road for the following reasons:

- 1) Boaring reports for Lots 4,5,8, and 10; or information from your soil tester that shows these lots are suitable for on-site septic systems, needs to be submitted.
- 2) Information submitted on February 19<sup>th</sup> requires additional time for review.
- 3) Providence Drive will be a North/South street.

Seconded by Mr. Sisson. Motion carried unanimously.

20. (4)NJ LD-1-04 Alfredo Cortez – 6235 Racine Pl. – Se ¼ Sec. 32 – Two-Lot Land Division.

Motion by Alderman Ament to table the request by Alfredo Cortez for a two lot land division located at 6235 Racine Place for the following reasons:

- 1) Applicant shall investigate the cattail area to determine if this area qualifies as wetland. If this is wetland, the applicant shall field delineate the wetlands.
- 2) The applicant shall submit a letter of extension prior to the April 5th Plan Commission meeting or Staff will adhere to the 90 day deadline (April 15, 2004):
  - a) Plan Commission Date: April 5th
  - b) Common Council Date: April 13th
  - c) Per Section 235-15D (2)I 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 add the septic fields and house stakeout to the CSM with setbacks.

- d) Applicant shall obtain Waukesha County DOT access permit for frontage on College Avenue prior to the City signing the CSM.
- e) Applicant shall obtain sanitary permits for both lots from Waukesha County.
- 3) The City will require a detailed grading plan at time of building permit application.
- 4) The City will require the owners to construct drainage swales.
- 5) Parcel 2 is a low lot up to 4' of fill will be required in future house area to get gravity flow to future sanitary sewer. For this reason garage footings may need to be designed to go deeper.
- 6) A note shall be placed on the face of the CSM stating "this Land Division is conditioned upon any and all on-site disposal system(s) constructed to serve the proposed buildings to be considered Temporary Service by the City of New Berlin because subject lands are located within the ultimate sewer service area of the City. Accordingly, the Owner, successors and assignees, agree to abandon the on-site disposal facilities and connect the building(s) to the public sewer system within twelve (12) months of written notification to do so by the City. Owner shall be solely responsible to pay all fees and obtain all permits necessary for said public sewer connection and abandonment of the existing on-site disposal system components. The Owner hereby specifically agrees that if he fails to comply with the provisions of this paragraph that the City may cause such abandonment and connection to be performed and that all costs and charges resulting there from may be placed on the tax roll as a special assessment as provided by Wisconsin Statute. This restriction shall be binding upon the Owner, the heirs of the owner, successors and assignees of the owner."
- 7) All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 8) 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. Sisson. Motion carried unanimously.

21. (5)OA U-4-04 South Phase Kasco PUD – 14300 W. Howard Ave. – Condominiums.

Motion by Alderman Ament to table the South Phase Kasco PUD request for Condominiums located at 14300 W. Howard Avenue for the following reasons:

- 1) For the application to be reviewed, the detailed building architecture dimensions and footprint must accompany the submitted plans.

- 2) Upon review of the PUD, this phase of the project does not have a Developer's Agreement on file for the proposed public infrastructure. Developers Agreement governing all the public infrastructure, roads, utilities, easements etc, must be approved prior to Use Approval. The agreement should also consider if a plan of operations concerning orderly development of the site would be included.
- 3) A preliminary engineering review of the submitted plans has identified the following shortcomings:
  - a) Roads and streets are required to be built to City of New Berlin standards whether private or public per Developers Handbook.
  - b) The timing of both the Howard Avenue reconstruction and the Sanitary sewer and water relay, construction, will need to be addressed via a Developer's Agreement prior to any plan approval taking place.
  - c) 60' Right-of-Way with "V" shape gutter sections and 12'-lanes, will be required. Cross sections of both the road details and curb and gutter details will match the corresponding details in the Developers Handbook.
  - d) Any multi-tenant building over a 2- family unit must be ADA code compliant. This compliance will require the developer to provide driveway slopes from the back-of-curb to the front of garages not to exceed 5% or +/- 1.25' of total rise in the driveway from the back-of-curb to the front of the garage slab. The four family buildings will have to have there elevations brought into compliance.
  - e) The grading plans will show the final architecture of all the various building foot prints. {A,B,C,D} types will be clearly represented on the plans, prior to any further review moving forward. The minimum and maximum square footages of the buildings will be stated on all the plans.
  - f) Unless otherwise noted all the various building footprints will be uniform, all A's, all B's, all C's and all D's will be the same.
  - g) Driveways and sidewalks will be shown on the plans as final locations to limit confusion of building elevations, locations and ADA requirements. Show all internal lot lines and building setbacks from public ROW on plans as required by the PUD.
  - h) The utility easement as shown on the plans between buildings #8 and #7 appears to be up against the building foundations of both buildings this could be a problem in the future accessing the easement for utility repairs. Also any utility in the easement must remain at least 15' from the outboard side of either side of the easement with a 10' horizontal separation between the utilities inside of the easement.
  - i) The measured distances to the building foot prints will always be to the eaves, "not the foundations of any building". There must be 30' between buildings and buildings must be setback 25' from the right-of-way. There must be 15' rear yard set-backs for the four families and 30' rear yard set-backs for the two families, etc. Setbacks are measured to the eaves of the structures "not the foundations".

- j) Identify all Wetlands by both a legal description and drawings to scale.
- k) Building #6 is only 12' from the Wetlands. The City of New Berlin requires that all new construction remain at least 30' from the Wetlands as well as any grading or site disruption. Building #18 also appears to be questionable depending on the location of the Wetlands.
- l) The placement of the silt fence in the 30' Drainage Easement along the boundaries of the project need to be pulled out and placed along the outside edge of the Easement.
- m) Show all benchmark locations and elevations.
- n) All storm sewers are required to have a minimum of 3.0' of cover over the pipe. Storm Sewer Manhole #19 fails to meet this criterion.
- o) All utilities must be located in the pavement area not behind the curb in the grass Right-of-Way. Not all the utilities are shown in the pavement. There are sections of storm sewer that are behind the curb.
- p) Building #21 shows no storm sewer service to it, review all utilities.
- q) Utilities need to be placed at right angles, perpendicular, from the mains to the City's Right-of-Way to assist in relocating the shut-offs at a future date.
- r) A 3% crown is required for all road construction per the City of New Berlin Developers Handbook.
- s) Overland swales need to be designed with a minimum 1.5% pitch to maintain acceptable flows.
- t) Identify the proposed grades in the building envelopes as either yard grade or garage slab.
- u) A Plat of Survey will be required with each new building location as it is applied for with three ties to the foundation, use a 200' radius for the ties.
- v) Public Easements for all the utilities in the project are to be filed and recorded with copies for the City of New Berlin prior to occupancy. These items will include all legal descriptions, plats and exhibits. Combine any multiple tax keys and parcels.
- w) The streets shall be named, designated, as soon as possible for the purposes of assigning addresses and lot locations or building locations.
- x) All purposed roadways are required to align with adjoining future developments.

Seconded by Mr. Barnes. Motion carried unanimously.

22. (3)NJ U-5-04 Mexican Accents – 16675 W. Glendale Ave. – Addition.

Motion by Alderman Ament to approve the request by Mexican Accents for an addition located at 16675 W. Glendale Avenue subject to:

- 1) Plan Commission waives the 5' parking/landscaping setback as required per Section 275-57(A)(7)(f)(3) of the Zoning Code. The area between the two buildings is used for overnight truck parking and for quickly maneuvering between the two properties.
- 2) Architectural Plans
  - a) Prior to issuance of the Zoning Permit, approval of the exterior architecture and materials for construction by the Architectural Review Committee is required. Addition shall be painted to match the existing building.
- 3) Site Plan / Landscaping
  - a) Applicant shall revise site plan to indicate parking lot layout and spaces meet the requirements set forth in 275-57. A plan for the parking lot to be striped (to City standards) and resealed shall be submitted by May 31st, 2004 and paving completed by August 31st, 2004.
  - b) Truck maneuvering area shall meet conditions per Section 275-57I(5) of the Zoning Code. Applicant shall demonstrate the truck turning radius of each type of truck on the plans.
  - c) Existing planting beds near the front of the building shall be planted.
- 4) Engineering
  - a) A plat of survey stamped by a Registered Land Surveyor (RLS) is required for stake out.
  - b) Applicant shall be required to install a water quality device in the inlet closest to the proposed addition. This is required in the storm water ordinance and is necessary because of the increased impervious area and the close proximity to a trash compactor. Examples of a water quality device are Vortech, Stormceptor, or Downstream Defender. Any device must be approved by the Storm Water Division Engineer before installation.
- 5) General
  - a) Fire Department will still need direct access to fire hydrant for sprinkler system.
  - b) Per Section 275-61(i)(1)c) All new signs and or replacement of existing signs located along arterials or major thoroughfares shall be placed on a monument base constructed of the same material and color or shall enhance the exterior architecture of the principal building. A monument sign will be required for this business. A separate application will be necessary and shall be submitted by May 31st, 2004.
  - c) 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.
  - d) Building plans shall be stamped and signed by a registered architect or engineer.
  - e) Building plans shall be approved by the Wisconsin Department of Commerce.

f) Per Section 275-53B(1)(11) All existing nonconformities and outstanding code violations shall be identified, resolved, and remedied. Closing of open permits will be required prior to the issuance of building permits. A copy of the outstanding building inspections will be sent to the applicant. An Administrative Permit Closeout Waiver Form has been given to the applicant.

g) Apply for and obtain appropriate building, plumbing, and electrical permits when required to do so by code.

Seconded by Mr. Barnes. Motion carried unanimously.

23. (7)OA LD-2-04 Tim Sidders – 20390 W. Barton Rd. – Sw ¼ Sec. 29 – Two-Lot Conceptual Land Division.

Plan Commission's discussion concluded that accommodating a land split would be difficult with the environmental corridor and the gas line easement. They did not have a problem converting the duplex into a single family residence. Since this item was for discussion only, no action was taken.

24. (7)OA LD-4-04 Andy Sommers – 18665 W. Coffee Rd. – Nw ¼ Sec. 16 – Four-Lot Conceptual Land Division

Plan Commissioners preferred that this item come as a proposal in the form of a rezoning request with a land division request to follow. Since this item was for discussion only, no action was taken.

25. (7)OA R-4-04 Andy Sommers – 18665 W. Coffee Rd. – Rezone from A-2 to R-1/R-2. Set Public Hearing for April 5, 2004 at 6:01 P.M.

Motion by Mr. Felda to forward to Common Council to set a public hearing at the Plan Commission on April 5, 2004 at 6:01 P.M. for consideration of a rezoning from A-2 to R-1/R-2 at 18665 W. Coffee Road.

Seconded by Mr. Barnes. Motion carried unanimously.

26. (3)DH R-3-04 Gerald Timmers – 19925 W. Pinecrest Ln. – Rezone from R-1/R-2 to R-3. Set Public Hearing for April 5, 2004 at 6:00 P.M.

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 reasons:

- 1) The Park and Open Space Master Plan proposes the primary environmental corridor on the site to be under City ownership. If the rezoning were approved, the applicant would have to apply for a Land Division to divide the site into two properties. During this process, the City may require (depending on the recommendation of the Park, Recreation and Forestry Commission) most of the site to be dedicated to the City in accordance with the Park and Open Space Master Plan. This would contradict the reason for the rezoning.
- 2) A wetland delineation and legal description of the wetland boundary needs to be prepared.

Seconded by Alderman Ament. Motion carried unanimously.

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

27. (4)OA SG-48-02 McDonald's – 4889 S. Moorland Road – Monument and wall sign.

Motion by Alderman Ament to deny the above inactive item based on the following:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.

Seconded by Mr. Gihring. Motion carried unanimously.

28. (2)OA SG-64-02 Hickory Grove Shopping Center – 14300 W. National Avenue – Temporary For Lease Sign.

Motion by Alderman Ament to deny the above inactive item based on the following:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.

Seconded by Mr. Gihring. Motion carried unanimously.

29. (3)TK U-2-04 Area Rental and Sales Co. – 16205 W. Rogers Dr. – Equipment Auction, Saturday, April 17, 2004.

Motion by Mr. Sisson to approve the request by Area Rental and Sales Co. for an Equipment Auction on Saturday, April 17, 2004.

Seconded by Alderman Ament. Motion carried unanimously.

CONSENT AGENDA (One motion and second will approve all of the following items

listed. Any item may be pulled from the list and handled separately.)

Motion by Alderman Ament to approve consent agenda items #31 and 32.  
Seconded by Mr. Gihring. Motion carried unanimously.

#### ZONING PERMITS

30. (5)OA RO-65-03 C. Q. Nails – 15433 W. National Ave. – Professional Nail Salon.

Motion by Mr. Gihring to approve the request by C. Q. Nails for a professional nail salon located at 15433 W. National Avenue subject to the application, the plans on file and the following:

- 1) This permit shall serve as a notice of violation for 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 will be denied based on past conditions and violations not being met.
- 2) The development sign located on the southeast corner of National and Moorland advertising “outlots available” shall be removed by Friday January 30, 2004.
- 3) Applicant is required to apply for a Sign Permit from the Department of Community Development (planning) by March 2, 2004. Signage must meet the provisions of Article VIII Section 275-61 of the Municipal Code and the Coordinated Sign Standard for Moorland Square.
- 4) No outside storage of items, merchandise, junk, or material shall be permitted on the property.
- 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) Building plans for any interior changes shall be stamped and signed by a registered architect or engineer (Comm. 61.20 responsibilities).
- 8) Building Plan shall be approved by the City of New Berlin Department of Community Development Inspection Division per Wisconsin Department of Commerce (Comm. 61.70 Certified Municipal Counties. (5) (c) 3.
- 9) 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.
- 10) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

Seconded by Mr. Sisson. Motion carried unanimously.

31. (3)NJ RO-1-04 Ken Matheson Agency, Inc. – 17025 W. Rogers Dr. – Insurance Office.

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

- 1) Building owner shall be required to provide to the Planning Services Division of the Department of Community Development, documentation that shows which spaces within the building are occupied, and by what businesses. Building owner shall submit this information by Friday February 27, 2004.
  - 2) No outside storage of junk, trash, or equipment shall be permitted for this tenant or on the property. The building owner shall be required to remove the trailer and the tables along the northern property line by Friday February 27, 2004.
  - 3) The wall sign located on the northern wall reading “Design Products Co” shall be repaired if the tenant is still in the building. or shall be removed by. If Design Products Co. is no longer in the building, the sign shall be removed by Friday February 27, 2004, and the wall painted by Friday May 7, 2004 so that the wall is of a uniform color.
  - 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. The building owner shall be required to submit a site plan that shows the location of where the dumpsters can be placed in an enclosure or placed where they can not be seen from public view by Friday February 27, 2004.
  - 5) Employee and customer parking must be contained on site.
  - 6) No wall signs or exterior signs shall be allowed for this business unless first applied for.
  - 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.
32. (7)NJ RO-3-04 York International – 16840A W. Victor Rd. – Sales Office and Product Distribution Warehouse for Heating and Air Conditioning Parts and Equipment.

The request by York International for a sales office and product distribution warehouse for heating and air conditioning parts and equipment located at 16840A W. Victor Road has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) Completion of all work associated with previously approved loading dock shall be completed by April 30<sup>th</sup>, 2004.
- 2) No outside storage shall be permitted.
- 3) Application does not indicate any building or structural changes.
- 4) If there is to be construction work the building plans shall be stamped and signed by a registered architect or engineer (Comm. 61.20 Responsibilities). Plan is stamped and signed by architect Vincent Milewski.
- 5) 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.
- 6) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
- 7) Employee and customer parking must be contained on site.
- 8) 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. Sprinkler head relocation will be necessary.

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 to approve consent agenda items 33 –37. Seconded by Mr. Felda. Motion carried unanimously.

#### STAFF APPROVED

33. (5)OA SG-94-03 Dollar Sense – 15332 W. Beloit Rd. – Wall Sign.

The request by Dollar Sense for a wall sign located at 15332 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) Applicant shall be required to meet all the design requirements of the Moorland Commons Coordinated Sign Standard in its entirety.
  - 2) Applicant shall be required to meet the conditions of RO-59-03 approved by Plan Commission on January 5, 2004 in its entirety. The following conditions must be addressed by February 16, 2004:
    - a) No outside storage of items, merchandise, junk, or material shall be permitted on the property.
    - b) The open permit for the installation of air conditioning by Thermo Dynamics shall be addressed prior to issuance of any new building permits for Dollar Sense.
  - 3) The wall sign shall read, "DOLLAR SENSE". Letters are to be constructed from .063 gauge aluminum backs with a minimum of .050 gauge aluminum returns, 5" deep. Faces are to be 1/8" thick white Plexiglas acrylic #7328. Faces are to be trimmed with 1" 313 Duranodic Bronze trim caps. Returns are to be 313 Duranodic Bronze.
  - 4) The sign face shall not exceed 16' 3" in width x 1'6" in height for a total 24.4 square feet.
  - 5) Raceways must be constructed of aluminum, primed and painted to "Matthews Nunance Grenadier Gold 34C-3D" to match the building fascia. Raceways must be mounted without visible fasteners or electrical feeds.
  - 6) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
  - 7) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275-61 New Berlin Municipal Code.
  - 8) Sign must be turned off after normal office hours.
  - 9) No payment is due per the following calculations:  
Sign Face: 16' 3" x 1'6" = 24.4 square feet x 2 sides x \$3/square foot = \$73.20. Less application fee: (\$75): \$00.00
  - 10) All open building, plumbing and electrical permits shall be closed out prior to any new permits being issued. Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
34. (2)OA SG-1-04 The Print Shop – 3628 S. Moorland Rd. – Wall Sign.

The request by The Print Shop for a wall sign located at 3628 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) Applicant shall be required to meet all the design requirements of the New Berlin City Center Coordinated Sign Standard For New Berlin Plaza in its entirety.
- 2) Applicant shall be required to meet all conditions of RO-33-03 approved by Plan Commission on September 8, 2003 in its entirety.

- 3) The internally illuminated channel letter wall sign shall read, "PRINTING". Letters/ faces are to be of "Rohm & Hass" RED Plexiglas #2283. Trim cap to be 1" Duranodic Bronze and returns to be painted to match 313 Bronze.
  - 4) The sign face shall not exceed 7' 10" in width x 1'3" in height for a total 7.8 square feet.
  - 5) Individual channel letter shall be flush mounted to the façade of the building. Signs must be aligned in height to match the adjacent sign.
  - 6) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
  - 7) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275-61 New Berlin Municipal Code.
  - 8) Sign must be turned off after normal business hours.
  - 9) No payment is due per the following calculations:  
Sign Face: 7' 10" x 1'3" = 7.8 square feet x \$3/square foot = \$29.25  
Less application fee: (\$75): \$00.00
  - 10) 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.
35. (4)OA SG-4-04 Dollar Sense – 15332 W. Beloit Rd. – Temporary Banner.

The request by Dollar Sense for a temporary banner located at 15332 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) 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.
- 2) Applicant shall be required to meet the conditions of RO-59-03 approved by Plan Commission on January 5, 2004 in its entirety. The following conditions must be addressed by February 16, 2004:
  - a) No outside storage of items, merchandise, junk, or material shall be permitted on the property.
  - b) The open permit for the installation of air conditioning by Thermo Dynamics shall be addressed prior to issuance of any new building permits for Dollar Sense.
- 3) The temporary banner face shall not exceed:  
2'0" in height x 16'0" in width = 32 square feet in area  
The temporary banner shall read "Dollar Sense" in blue on a white background.

- 4) The temporary banner shall be removed 30 days from the issuance of the sign permit.
  - 5) The temporary banner face shall not be illuminated.
  - 6) A payment of \$21.00 is required per calculations below:  
Temporary Banner Sign Face: (2'0" x 16'0") = 32 sq.ft. x 1 side = 32 sq.ft. x \$3.00/sq.ft. = \$96.00  
Less Application Fee (\$75.00) = \$21.00
  - 7) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
  - 8) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
36. (4)OA SG-5-04 Christopher Morgan – 16595 W. Stratton Dr. – Monument Sign.

The request by Christopher Morgan for a monument sign located at 16595 W. Stratton Drive has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) The internally illuminated monument signs shall be located outside of the ultimate right-of-way of the cul-de-sac bulb of Stratton Drive.
  - 2) Monument base shall be constructed of the same material as the principle building.
  - 3) The monument sign faces shall read "Christopher Morgan – FULFILMENT SERVICES" in white with gold trim on a black background. CM logo about the sign will also be the same color. Sign shall be fabricated aluminum with routed face and push through acrylic.
  - 4) The monument sign face shall not exceed 8' in width x 3' 5" in height for a total of 20 square feet.
  - 5) The overall height of the sign shall not exceed 6' 9".
  - 6) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275-61 New Berlin Municipal Code.
  - 7) No payment is due per the following calculations:  
Sign Face: 1.3' x 3' = 4 square feet + 8' x 2' = 16 square feet = 20 square feet. 20 square feet x \$3.00/ sq. ft. = \$60.00  
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. (2)OA SG-6-04 Envy Salon – 3550 S. Moorland Rd. – Wall Sign.

The request by Envy Salon for a wall sign located at 3550 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) Applicant shall be required to meet all the design requirements of the New Berlin City Center Coordinated Sign Standard For New Berlin Plaza in its entirety.
- 2) Applicant shall be required to meet all conditions of RO-31-03 approved by Plan Commission on September 8, 2003 in its entirety.
- 3) The internally illuminated channel letter wall sign shall read, "ENVY". Letters/ faces are to be of "Rohm & Hass" RED Plexiglas #2283. Trim cap to be 1" Duranodic Bronze and returns to be painted to match 313 Bronze.
- 4) The sign face shall not exceed 7' 6" in width x 2' in height = 15 square feet. The non-Lit letters "A Studio 890 Salon" shall not exceed 11' 5" in width x 10.4" in height = 10 square feet.
- 5) Individual channel letter shall be flush mounted to the façade of the building. Signs must be aligned in height to match the adjacent sign.
- 6) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
- 7) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275-61 New Berlin Municipal Code.
- 8) Sign must be turned off after normal business hours.
- 9) No payment is due per the following calculations:  
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
- 10) 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.

## COMMUNICATIONS

44. Communication To: Plan Commission  
Communication From: David Haines, Planning Services Manager  
RE: Letter dated January 20, 2004 from James E. Gatzke regarding China Dragon Restaurant, 15820 W. National Avenue. (RO-41-01)

Mr. Haines explained that China Dragon has an easement on the property to the North and is using it for parking, however that is in violation of our Zoning Code being that the property is zoned residential, not commercial. A resolution is trying to be worked out.

City Attorney Blum said it seems what is being asked by this communication is relief for the applicant's client and accept the parking that is happening on the adjacent premises.

Mayor Wysocki said it almost seems like Mr. Gatzke is asking us to ignore our code with regards to allowing commercial parking on a residential zoned lot. I don't think we can do that. City Attorney Blum added that the plan of operation for this particular restaurant does not include parking in that area.

45. Communication To: Plan Commission  
Communication From: David Haines, Planning Services Manager  
RE: Letter dated January 27, 2004 from State of Wisconsin/Department of Natural Resources addressed to Mr. And Mrs. Grassel regarding Poplar Creek Development. (R-7-03)

Plan Commissioners acknowledged receipt of this communication.

46. Communication To: Plan Commission  
Communication From David Haines, Planning Service Manager  
RE: Planning Commissioners Journal, Winter 2004

Plan Commissioners acknowledged receipt of this communication.

47. Communication To: Plan Commission  
Communication From: David Haines, Planning Services Manager  
RE: "Better Models for Commercial Development" by Edward T. McMahon.

Plan Commissioners acknowledged receipt of this communication.

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 12:32 A.M.  
Seconded by Mr. Gihring. Motion carried unanimously.