

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

PUBLIC HEARING

6:00 P.M. (2)NJ R-6-03 National Regency – 13750 W. National Avenue – Rezone
from R-5 to I-1/PUD Institutional

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

JANUARY 5, 2004

MINUTES

The public hearing relative to the request by Paul E. Milewski c/o National Regency to rezone the property known as 13750 W. National Avenue from R-5 Single Family to I-1/PUD Pro Health Care Campus Planned Unit Development was called to order by Mayor Wysocki at 6:03 P.M.

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

The applicant, Paul Milewski spoke about the background behind the request.

Mayor Wysocki asked if there was any questions for purpose of clarification.

Diane Olf, 14580 W. College Avenue – What is a PUD?

Ms. Jones – It is a Planned Unit Development or a special overlay district that allows different things than normal to go on in the I-1 (Institutional) District .

Mayor Wysocki asked three times if there was 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 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?

Mr. Teclaw – What is the ultimate proposed use for that particular piece of land.

Mr. Milewski – At this time there is no specific plan. The Planned Unit Development that was developed sited in detail a variety of health care related things that could take place within that institutional district. I think the purpose of the acquisition and the rezoning is simply to complete the package and the campus boundaries. At this time there are no specific plans for building or use.

Mr. Teclaw – Are there plans for that large undeveloped corner within the PUD?
I don't have a copy of the PUD document.

Mr. Milewski – If you remember in the September meeting, you approved an expansion to National Regency. That will actually project in the northerly direction connecting the building to the South and straight up in the middle as the arrow shows. That forms a courtyard and connects the existing buildings. There will be an internal loop road system that has a private drive that will connect the Sunny Slope entry to the medical clinic and then loops behind that parcel and comes out on Fieldpointe just on this side of the parking lot. The ordinance works in defining density much as the density is defined in the commercial development such as the requirements of minimum open space, heights on buildings, distances between buildings, etc.

Mr. Sisson – What are your plans for the brick retaining wall facing the street?

Mr. Milewski – As part of the Public Works meeting this morning and the Developers Agreement, ultimately what we have agreed to do and this also reiterates what we talked about in September, is that once this piece becomes a part of the overall campus, we have agreed to install sidepaths from the driveway along Sunny Slope to the intersection of Fieldpointe and Sunny Slope. In the course of doing that, because that whole section is rural with ditches, the retaining wall and grade differential will have to be graded back in order to widen the right of way. We would work with Engineering in order to come up with the appropriate design and your road experts in terms of how we will fit a 6 ft. walk within the right of way as well as with the necessary drainage facilities. That wall disappears and grading takes place all along there.

Alderman Ament – On Page 5 of the Staff Report under traffic impact it calls for an

update to the existing plan and then I look at the front page under proposed density where it states 14 units per acre of Area 2 in total. Do you have any plans in the future of adding to that density in that PUD to add units?

Mr. Milewski – Ultimately, what happens is the current PUD has two tests on how to configure the land use because of the fact that we have office clinics, professional office buildings, skilled nursing which you cannot say x-number per unit. What was established in the ordinance of the PUD in 2001 was a series of criteria that stated it must have x amount of open space, must be limited to this height, must be limited in terms of this distance from various buildings. A second test was imposed in terms of if a use that includes beds or housing types of units would have to be less than x number of units based on the overall acreage. The addition of the .6 acres, in effect does allow us to do more within the confines of the campus because we have now expanded the campus. It will be subject to the same limitations that the balance of the campus has imposed on.

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

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

PUBLIC HEARING

6:01 P.M. (4)OA R-10-03 Matty's Bar & Grill – 14444 W. College Avenue –
Rezone from R-3 to B-2.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

JANUARY 5, 2004

MINUTES

The public hearing relative to the request by Matthew Anderson c/o Matty's Bar and Grille to rezone the property known as 14444 W. College Avenue from R-3 Single Family to B-2 General Retail Sales and Service was called to order by Mayor Wysocki at 6:15 P.M.

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

Mayor Wysocki – According to what is indicated in the Staff Report, technically this request does not meet the Master Plan because the Master Plan identifies just the current parcel on which the facility is located as the only parcel with B-2 zoning even though the parking lot has been there for a number of years.

Mr. Agbaji – He has had an easement for parking for many years.

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

James Penoske, 14500 W. College Avenue – I live directly west of the property. That parking lot behind the bar was not there more than five years ago. That was just woods. Mayor Wysocki said I was referring to the part that extends onto this parcel, that is the

parking lot I was referring to. Mr. Penoske asked, in the front of it? Mayor Wysocki answered yes. Mr. Penoske asked what about the parking lot in back, is that going to be part of the change? Mr. Agbaji said that the parking lot in back is within the B-2 zoning, it is just the parcel to the East in discussion.

Mayor Wysocki asked three times for further 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?

James Penoske, 14500 W. College Avenue - We are having a lot of noise already from the bar. It is just going to get worse by adding this addition. Right now we have a beer garden that runs until 2:00 a.m. sometimes. I live right next door and there is so much noise coming from that bar already. Sometimes they shut it down, sometimes I call the police. They added 12' x 20' onto the building onto my side, which I allowed to happen providing there were no windows put in on my side. Well, there are windows facing my side and they are open continuously whenever they need them open for smoke or air or whatever. The noise is very bad. I call and complain. I am completely against this addition because it is just going to add more people in the building and more noise on my behalf.

Diane Olf, 14580 W. College Avenue – I am totally opposed to this. The reason why is that if you make it retail, then you bargain that they will expand. With that expansion comes other increases as well. I am already unable to keep my windows open in summer. I have to close them because it gets so loud, my children wake up and guess what, I don't get much sleep either. That is one reason but not the biggest reason. When you increase people coming in, you increase traffic. By doing that we will have more trash in front of our house, beer bottles, etc. I give them credit for making it look nice compared to when we moved in in 1993. We moved there understanding the terms, the terms that this building was a certain capacity. As a resident we are confined to our property, we feel they should be confined to theirs. I really feel this rezoning is a bad move for our small community, which he does not even live in.

Martin Kling, 14540 W. College Avenue – I am a resident of New Berlin for 48 years. I'm 85 years old and I think I am entitled to have a residential property as it was when I purchased it. The property has changed quite a bit. First of all, somebody told me that my property is not worth as much as it was because of the tavern. It is noisy, and at 2:00 a.m. you hear motorcycles and cars roaring their engines. Sometimes people stay even longer than 2:00 a.m. lingering outside. It is very, very noisy. Putting on a kitchen addition would cause moisture to come onto my property. After it is all put up what am I going to do. I can't do anything more after it is done. I wish I had a few more years better than I had.

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

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

Alderman Ament – That property is now zoned R-3? Mr. Agbaji said yes. Alderman Ament asked with that acreage, can anything be done with that under R-3? Mr. Agbaji said yes, it is part of that other parcel. It can be used as a single family residence.

Alderman Ament – I have a question about the sanitary sewer. Is this connected to Muskego? Mr. Agbaji said yes. Alderman Ament referred to the staff report indicating basin capacity available as none. Mr. Agbaji said that is why it comes from Muskego. Alderman Ament asked if this got rezoned and they put their request in, will there be a requirement to bring sewer lines down College or are they already there. Mr. Haines said the ones there are there and we would not be requiring them to add any.

Alderman Ament – The Mayor already pointed this out that this is not consistent with the Master Plan and the Future Land Use map identifies this as urban residential. The staff report indicated under findings 5(f) comments on eliminating spot zoning to facilitate orderly development. If we rezone this, would we add to spot zoning? Mr. Agbaji said that when the Future Land Use was done, it did not specifically address spot zoning in Section 26 and 35. Alderman Ament then turned to the letter from applicant and reasoned with neighbors earlier comments and wondered if the Alderman of this district has been notified. Is the intent to have a small office in the building? Mr. Agbaji said if he gets the rezoning to commercial, that is his proposed use for the building as it can no longer be used as residential.

Mr. Sisson – Can he make changes to the building? Mr. Agbaji said that the existing bar needs the rezoning for the addition. The existing parcel that he wants to rezone cannot have the residential addition and work on its own. He cannot expand the bar into the portion not zoned commercial.

Mr. Teclaw – I certainly understand what is trying to be done here by the applicants letter but must sympathize with the neighbors. I am wondering if there is another way that the addition can be done. First of all, when the immediate neighbors are speaking against it, it leads me to remember this is a spot zone right in between residences and I guess the question is not clearly answered by the Master Plan, of what is the future overall land use for this area.

Mayor Wysocki – My thinking is that because it was identified on the Master Land Use Plan, I would hesitate to call that spot zoning. We have many areas in the city where there is residentially surrounded business activities. I think when the Master Plan was updated, we did not remove this commercial in recognition that has been an existing facility and did not anticipate changes, therefore I see no spot zoning.

Matt Anderson, 14460 W. College Avenue – My letter indicates my speculations as far as

land improvements. As far as impact to the community, a letter could go out to my neighbors explaining to them what I am planning on doing and any questions could be clarified. This is not going to add any more parking to the facility. There is not going to be any more seating provided. It is simply to provide a kitchen for adequate food preparation. Hours of kitchen operation will not change. It will still be from 11:00 to 10:00 p.m. daily. This is all part of our taking that property from what it was as The College Pub to where it is now. Not being disrespectful but we have made something out of nothing. I take complaints personally and take care of them right away. I appreciate the concerns of my neighbors and attempt to discuss any problems with them to come up with solutions that we can all agree on. It is not my intent to disrupt their life style.

Mr. Teclaw – If the residence is converted to an office building, how will staff be looking at that from a standpoint of additional parking needs. What parking needs might go along with that and where will that additional parking go or would it be absorbed by the existing parking lot? Mr. Agbaji said parking for office use is one stall for every 200 sq. ft. of office space. He has 600 sq. ft. so he will need three parking stalls.

Mr. Teclaw – Is the property wrapped almost immediately behind there a residence and an out building? Mr. Agbaji said yes. Mr. Teclaw asked if any of those people speaking here tonight. Are they in favor of this? Mr. Agbaji said they would have received a notice.

Mayor Wysocki – If the rezoning goes through, he is forced to turn that home into an office. Under our code, you cannot have a residence under B-2. Mr. Haines said if someone is living there now, they do not have to move out and it would continue to be a legal nonconforming use. If they would move out for a period of 12 months, the property would lose its legal nonconforming status. Mayor Wysocki asked if someone is living there. Mr. Haines said yes. City Attorney agreed and said in addition to 12 months, if a portion of the property is destroyed or loses its value, that is a basis for nonconformity also.

Mr. Teclaw – From a standpoint of creating additional zoning there, would you be looking to make that a separate lot or is that undecided at this point?

Matt Anderson – My thinking was that the lot line would be eliminated and it would be one parcel. Mr. Agbaji said the business would cross the lot line so it would have to be eliminated.

Mr. Teclaw – Would it be possible to not rezone that entire property? Mr. Agbaji said the lots would be substandard. You would need setbacks from each building and minimum lot widths.

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

Mayor Wysocki closed the public hearing at 6:50 P.M.

NEW BERLIN PLAN COMMISSION
NEW BERLIN CITY HALL COUNCIL CHAMBERS

JANUARY 5, 2004

MINUTES

The Plan Commission Meeting of January 5, 2004 was called to order by Mayor Wysocki at 6:52 P.M.

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

Motion by Mr. Sisson to approve the Plan Commission Minutes of December 8, 2003. Seconded by Alderman Ament. Motion carried unanimously.

Plan Commission Secretary's Report – Mr. Haines commented on improving staff reports.

SPECIAL PRESENTATION

5. ()TK PG-229 Zoning Code/Condition of Approval Enforcement Update

Tony Kim, Code Enforcement/Violations gave an update on the code compliance and violation follow-up. A spread sheet was presented showing the location, type of violation and the status of each violation in the city. Mr. Kim went through the procedure of accomplishing compliance to the code and meeting conditions of Plan Commission approval and explained that this involves working closely with Inspection and Engineering Divisions and the City Attorney. Quarterly enforcement reports will be distributed.

CONTINUED ITEMS

6. (4)NJ CU-13-03 Grange Avenue Milwaukee Water Booster Station – 5500 Frances – Booster Station. (Public Hearing 11/3/03, Tabled 12/8/03)

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

Motion by Mr. Gihring to approve the request by Greg Bolin/Ruekert & Mielke/City of New Berlin - Grange Avenue Milwaukee Water Booster Station for a booster station located at 5500 Frances subject to:

- 1) A letter of approval with specific conditions from the DNR is required prior to issuance of Conditional Use Permit. Must meet all FEMA and DNR criteria for approval when building within the flood fringe areas. If additional fill is to be brought on to lot, they must apply to DNR for written permission and criteria.
- 2) The site plan shows the existing 33' ROW along Grange. The ultimate ROW is 50' and this should be dedicated for street purposes. The proposed building is within the front 50' setback as measured from the ultimate ROW and needs to be moved.
- 3) Staff recommends a midday generator-testing schedule due to residential neighborhood. This should help to control noise complaints.
- 4) Applicant shall provide a list of how much and what type of chemicals will be used at the site per the City of New Berlin Fire Department.
- 5) The generator fuel tank will need a separate review and permitting through the state.
- 6) The mountable curb on the plans shall be changed to a normal vertical curb instead to meet City standards.
- 7) Depending on the outcome of the Ruekert & Mielke study, applicant shall extend the swale along the southeastern portion of the site so as to catch drainage from the end of the driveway.
- 8) Applicant shall apply for a culvert permit. City will set grades and size.

Seconded by Mr. Sisson. Motion carried unanimously.

7. (5)DH U-59-03 New Berlin Public Library – 15051 Main St. – Library – Minor Architectural Revisions.

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

Motion by Mr. Barnes to approve the request by New Berlin Public Library for architectural changes to mechanical enclosure and front plaza.

Seconded by Mr. Teclaw. Motion carried unanimously.

8. (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)

Item remains on table per applicants request.

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

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

Motion by Alderman Ament to table the request by Jahnke & Jahnke for a preliminary seven-lot subdivision located at 4320 S. Moorland Road for the following reasons:

- 1) If applicant is unable to satisfactorily resolve the issues identified by staff prior to the February 2, 2004 Plan Commission meeting, another letter of extension will be required or action will be taken at that meeting. A revised plat that addresses all the issues shall be submitted by January 9, 2004 for action at the February 2, 2004 meeting.
- 2) Payment of \$450.00 additional application fees for the increase in the number of lots shall be made on or before January 26, 2004. No further action will be taken on this development without the payment of the outstanding application fee.
- 3) Name of the proposed subdivision being considered is "Regal Manor East Addition #1". This shall be reflected in all records and correspondence.
- 4) Legal documentation in the form of a binding contract or letter shall be submitted for the Bitz property to the north prior to Plan Commission taking any action on this application.
- 5) Explore the possibility of switching lot 3 and the out-lot because of the topography and the location of the stormsewer inlet.
- 6) Landscaping Plan:
 - a) The developer will be required to provide extensive coordinated screening in the form of a landscaping berm and or uniform fence for the parcels along Moorland Road to provide privacy for the rear of the parcels. This shall be reflected in the revised site and grading plans.
 - b) Submittal 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.
- 7) Storm Water
 - a) Storm water plans must meet the requirements of MMSD Chapter 13 and the City of New Berlin Storm Water Utility Ordinance in its entirety. Please contact the Storm water Engineer for details of submittal requirements.
- 8) Site Plan: Submittal of a revised site plan that addresses the following will be required:
 - a) Plat must show location of all existing structures, including the ones to be razed and those on the Bitz parcel.

- b) Future extension of Adell Avenue will require a 200' run from the cul-de-sac south at 5.0% to achieve the current elevation to the south of 914.0. The proposed road elevation in the cul-de-sac is 904.0.
- c) The north lot line of lot 7 will have to drain out to Adell Avenue and "not" to the neighbors lot to the north. Lot 1 also will be included in draining the north property line out to Adell Avenue and through the rear yard of the lot to a catch basin on the south lot line of lot 1.
- d) Place a highpoint at the mid-point of the proposed house pads along both lot lines for lots 1 and 2. For lot 3 place the highpoint on the south lot line at the mid-point of the house pad, on the north side of the lot the downspouts and lot grading can blend into the detention basin.
- e) For lots 5,6 and 7 the lot lines will drain to Adell Avenue over the back of curb from the back lot line, (Moorland Road right-of-way).
- f) Two catch basins should be added to the plans. The first catch basin to be added will be the extension of the proposed storm sewer along the east property line of the subdivision at the back of lots 2 and 3. From the proposed catch basin at the back of lots 2 and 3 on the north property line of lot 3 and the south property line of lot 2, extend and add a catch basin on the north lot line of lot 2 and the south lot line of lot 1.
- g) The second catch basin to be added to the storm sewer system should be placed behind the curb at the north lot line of lot 7. A swale from the northwest corner of the lot east along the north property line of lot 7 out to Adell Avenue will also be required to prevent drainage from leaving the site and subdivision.
- h) The house pad at lot 7 will probably require a +/- 2.5' exposure to be shown on the grading plan at the northeast corner of the foundation and along both the north and east exposures of the foundation.
- i) Proposed side entry garages on these lots will be discouraged when brought to the City of New Berlin due to the lot widths and the amount of elevational change from lot line to lot line on all of the proposed lots. Side entry garages across the front of the houses may be considered, inside side entry. Direct or straight in garage entries will be the most efficient to allow for the largest possible house design in the building pad areas.
- j) Show spot grades and elevations along all the lot lines and lot corners of the proposed lots. Also show the yard grades at the foundations of all the adjoining properties to the subdivision. Show the existing drainage patterns through the adjacent lots abutting the back, east, lot lines of lots 3, 2 and 1 out to Mayflower Drive.
- k) Show defined swales with a minimum pitch, slope, of 1.5% along lots 5, 6 and 7 from the back lot lines, Moorland Rd. right-of-way out to the right-of-way at Adell Avenue.
- l) The terrace area from the back-of-curb to the front lot lines is to be installed at .7' no higher or lower.

- m) Due to the apparent 30' front setback from the front lot line the eave of the house, extra steps in the garages will probably be required ranging from 1-3 depending on driveway locations on the lots. A maximum 10% driveway slope from the right-of-way to 20' in front of the garages will be calculated. For the 20' in front of the garages 8% to create an area of decreased slope to stand the vehicles on.
 - n) Future extension of Adell Avenue may require retaining along the right-of-way or extensive grading.
- 9) Transportation
- a) No TIA is required.
 - b) As shown on the plan, 10-feet on the west side of the development along Moorland Road shall be dedicated to the City of New Berlin as public R.O.W. based on the Waukesha County's ultimate R.O.W. for Moorland Road.
 - c) Outlot 2 shall be removed and the area dedicated to the City of New Berlin as public R.O.W. Instead of a temporary cul-de-sac as shown, we require a hammer-head turn around. Hammerhead shall be 75-feet wide and 35-feet deep. Will require a 8' x 45' temporary easement on both sides. Hammerhead shall be positioned 5-feet from the south property line.
 - d) Developer required to install a Type II barricade at the south end of the cul-de-sac with a sign that reads "ROADWAY TO BE EXTENDED IN THE FUTURE".
 - e) Current city standard for ROW width is changing to 66-feet. However, since this development is connecting to an already established subdivision, the 60-foot width is already established subdivision, the 60-foot width is acceptable.
 - f) Proposed cul-de-sac length is 700-feet, which is acceptable. However, any extension of the roadway further to the south will require a secondary access point.
- 10) Street & Utility
- a) The Utility Plans submitted for Water and Sanitary Sewer are incomplete and herewith REJECTED as NOT conforming (even reasonably) with the City's Developer's Handbook Standards.
 - b) The Preliminary & Final Plats need to show an additional Water Main Easement along Moorland Road frontage to properly accommodate proposed watermain construction in Year 2004 at no cost to the City-Utility.
 - c) A condition for approval to be included into the Developer's Agreement is that Developer agrees to be responsible for and to pay for the pending Watermain Special Assessment for the proposed Moorland Road Watermain Construction (Project W-136) in year 2004.
 - d) Preliminary and final Utility construction plans need to provide details for existing and future sanitary sewer service for Parcel at 4310 S. Moorland Road.
- 11) General Comments
- a) A tree survey/ inventory required for all trees on site.

- b) Developer's Agreement for all public improvements required. Separate application required. Agreement to be approved by the Board of Public Works and Common Council. Approval of all surety instruments required prior to the City signing the final Plat.
- c) An executed Developer's Agreement is required prior to clearing, grubbing, grading and/or utility/infrastructure work commencing.
- d) Satisfaction of the Conditional Letter of No Objection by Waukesha County Park and Land Use Department required.
- e) State of Wisconsin Department of Administration Letter of No Objection required.
- f) Length bearing and tie to all easements (public and private) required.
- g) Street name and subdivision name required. Urban cross-section required for proposed cul-du-sac.
- h) All non-city owned utilities, to include but not limited to; cable, telecommunication, electric, gas, etc., required to be provided underground.
- i) Any and all existing structures are to be razed. Razing permits are required.
- j) Payment of \$2,137.60/lot in Public Site, Open Space and Trail Fees required prior to the City of New Berlin signing the Final Plat.

Seconded by Mr. Teclaw. Motion carried unanimously.

10. (5)NJ U-13-03 New Berlin City Center Retail I – 15155 W. National Avenue – Reconsideration of previously approved multi-tenant retail building and overall site plan.

Motion by Mr. Sisson to approve the request for use, site and architecture for construction of Phase I, Building "B", a multi-tenant building located at 15155 West National Avenue subject to:

- 1) Plan of Operation
 - a) Prior to occupancy, all site improvements in this phase, including all parking, curb and gutter, landscaping, and storm sewer shall be completed.
 - b) This application is only for the "shell" of building "B". No tenant floor plans or plan of operations have been identified within this application.
 - c) Each tenant will be required to obtain a re-occupancy permit prior to building permits being issued. All future tenants will have to provide a Plan of Operation that shall state the number of employees in the largest shift as required by §275-24C(2)(d). Future tenants will be reviewed on a case-by-case basis for of parking and may be denied for lack of parking.
- 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.
 - b) The front windows shall not be blocked or opaque, and shall allow pedestrians to see into the store or display windows as recommended by the City Center Development Plan. Street level retail buildings are to have a minimum of 60% glazing facing the street, or its pedestrian walkway or plaza.
 - c) A final lighting plan will be required prior to the issuance of the Building Permit. Appropriate City Center banners are required on City Center lighting.
- 3) Site Plan.
- a) Applicant shall adjust the base setback along National Avenue to meet the 20' setback. Parts of Building B encroach this setback.
 - b) Vision corner at National Avenue and Coffee Road is being encroached by building "B". The Plan Commission waives this requirement as permitted by Section (6)(1) of the PUD.
 - c) The building owner shall purchase and install benches along the sidepaths along National Avenue and Coffee Street at locations approved by DCD staff as recommended by the City Center Development Plan.
 - d) Bike stands, trash receptacles and architecturally integrated newspaper racks shall be purchased and installed by the building owner and shown on the site plan as recommended by the City Center Development Plan.
- 4) Landscaping
- a) The final landscaping plan shall be submitted to DCD prior to the issuance of the Zoning Permit for final review and comment.
 - b) Applicant, per Section 275-56(C)(2) shall submit an Installation Bond and Maintenance Bond prior to issuance of the Zoning Permit.
- 5) Engineering / Storm water Utility.
- a) Applicant shall work with the engineering staff to finalize a more detailed grading plan. Additional spot grades around the building footprint, sidewalks and parking areas may be needed as well.
 - b) A plat of survey stamped by a registered land surveyor will be required with building permit submittal.
 - c) Applicant shall finalize any storm water issues with Engineering prior to the issuance of the Building Permit. Pipe labeled SI-7 shall be adjusted to be located further west in the corner of the parking place of building "D". Pipe labeled SI-4 shall be adjusted to be located further east in the corner of Building "C".
 - d) All sidewalk adjacent to perpendicular parking shall be 8-feet wide to account for vehicle overhang.
 - e) Drive aisle shall be increased to 24' in areas where it is shown to be only 22'.
 - f) Cross easements for access and parking are required prior to the issuance of the Building Permit.

- g) Applicant shall get utilities (water and sewer) approved and installed prior to the issuance of the Building Permit. Coffee Street and Main Street shall be completed and proper / appropriate utilities installed.
- 6) General
- a) This Zoning Permit does not cover any signage. A separate application will be necessary for all monument, entrance, and building signage requests. Per Section 275-61(I)(3) the applicant is required to work with DCD Staff and the Architecture Review Committee to develop an Overall Coordinated Sign Plan prior to any Sign Permits being issued.
 - 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 Department of Commerce (Comm 61.70 Certified municipalities and counties) (5)(c) 3.
 - d) Apply and obtain appropriate building, plumbing and electrical permits.
 - e) Buildings to be fully sprinklered. FDC to be changed to 5” storz.
 - f) Buildings must meet all applicable building and fire codes.
 - g) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code. No outside storage shall be permitted on the lot.
 - h) Fully sprinkle building. Sprinkler system to be monitored. Fire Department sprinkler connection be near an accessible location approved by the Fire Department.
 - i) Konx box required.

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

11. ()DH PG-921 Amendments to Chapter 235 – CSM Process.

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

Motion by Mr. Teclaw to table Chapter 235 Amendment #3 to allow staff to review other communities CSM Approval Process. Seconded by Mr. Barnes. Motion carried unanimously.

12. ()DH PG-921 Amendments to Chapter 275 – Discussion of Building Facades and Signage.

Item remains on Table.

13. ()DH PG-921 Discussion of Chapter 235, 275 and Bylaws – Miscellaneous.

Item remains on Table.

14. ()GK PG-926 Discussion of Resolution on Report and Findings to the Common Council Regarding the Development of the New Valley Sand & Gravel Quarry Site.

Item remains on Table.

NEW BUSINESS

15. (4)DH R-9-03 Lyndenwood Condominiums – 14500 & 14510 W. Beloit – Rezone to PUD as previously approved.

Motion by Mr. Barnes to recommend to Council approval of the petition to rezone the property located at 14500-14510 W. Beloit Road from R-4 to R-4.5/PUD, Rd-1/PUD, and Rm-1/PUD Lyndenwood Planned Unit Development Overlay District.

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

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

Motion by Alderman Ament to table the request by Hickory Hills for use, site and architectural approval for a 26 four-unit condominium complex located at 14602 W. Beloit Road to allow the applicant to submit revised plans.

Seconded by Mr. Teclaw. Motion carried unanimously.

17. (1)OA U-74-03 Orchard Lane Elementary School – 2015 S. Sunny Slope Rd. – Expansion of Class Rooms and Steel Roof Structure.

Motion by Alderman Ament to approve the request by Orchard Lane Elementary School for expansion of seven (7) existing classrooms at Orchard Lane Elementary School located at 2015 S. Sunny Slope Road subject to:

- 1) 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.
- 2) Approval of the site grading and drainage plan is required by the Stormwater Division Engineer prior to issuance of Zoning Permit.
- 3) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site.

- 4) Dumpster must be properly screened from the street and public view in accordance with New Berlin Municipal Code Chapter 275-56 enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.
- 5) Building must meet all applicable building and fire code. Building must be fully sprinklered. Alarm systems must be extended to all additions.
- 6) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
- 7) Building plans shall be approved by the Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties. (5)(c) 3.
- 8) Apply and obtain appropriate building, plumbing and electrical permits.
- 9) Erosion control shall be installed and inspected prior to the issuance of a building permit.

Seconded by Mr. Barnes. Motion carried unanimously.

18. (1)NJ LD-12-03 Bruce & Victoria Annoye – 12705 W. Forest Dr. – NE ¼ Sec. 1 - Two-Lot Land Division.

Motion by Mr. Barnes to recommend approval to Council for a two lot land division located at 12705 W. Forest Drive, NE ¼ Sec. 1 subject to:

- 1) Approval of this land division is contingent upon MMSD Sewer Service Allocation approval.
- 2) City will require an additional 5 feet of right-of-way along Forest Drive be dedicated to the City.
- 3) Applicant shall verify that the overhang of the existing dwelling is at least 10' from the proposed lot line. (It only scales 8' on CSM.). Applicant shall identify existing well on Lot 2.
- 4) The City will require the lot be split exactly in half with 89' widths.
- 5) Buildings to be razed will require a wrecking permit and inspection. Note on CSM shall read "Existing Outbuildings on Lot 1 to be razed within in one year of recording."
- 6) The new home will need to relocate the driveway so that it meets the 5' off the lot line requirement.
- 7) All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 8) Payment of \$2,137.60 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.

19. (7)OA U-72-03 Calvary Reformed Church – 4895 S. Calhoun Rd. – Church Addition.

Motion by Alderman Ament to table the request by Calvary Reformed Church for an addition located at 4895 S. Calhoun Road based on the following:

- 1) Plan of Operation
 - a) The proposed addition will be a new sanctuary with a seating capacity of 275.
 - b) There is an existing daycare facility on site.
 - c) Total number of employees is five.
 - d) Expecting to breaking ground in spring of 2004.
- 2) Transportation
 - a) TIA is required based on traffic generated in the peak hour.
 - b) Bypass, acceleration and deceleration lanes along Calhoun Road will be required as part of the improvements.
 - c) Sight distance from driveway to the south is only 235-feet. Based on the speed limit, a minimum of 390-feet (445-feet preferred) is needed. No increase in use of the driveway shall be approved until sight distance can be improved.
 - d) Ultimate ROW for Calhoun Road is 110 feet (55-feet on each side of the centerline), therefore the developer shall dedicate the easterly 22-feet along Calhoun Road to the City of New Berlin as public
 - e) No lighting plan was submitted. Lighting is require in all parking and circulation areas (Includes existing lot)
 - f) Curb & Gutter required throughout new parking lot.
 - g) Sidewalk along south side of parking shall be 8-feet wide to account for vehicle overhang.
 - h) Main drive aisle in new lot and driveway at Calhoun Road need to align better. Remove the four parking stalls just east of the drop-off loop, and redesign.
 - i) Many of the comer parking stalls in the new lot cannot be backed out from easily. Try moving or redesigning these to improve safety/ease of maneuvering.
- 3) 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.
 - b) Submittal and approval of a detailed site lighting plan with poles, heads and fixtures will be required. Lighting Plan to be reviewed, approved and signed by the Department of Community development prior to installation of any fixtures.
- 4) Site Plan: Submittal of a revised site plan that addresses the following will be required prior at the time of application for a Building Permit:
 - a) Plat of Survey is required. Building stake out survey required with Building Permit.
 - b) Show septic and well locations to verify no conflicts on revised survey.
 - c) Waukesha County Department of Health approval of proposed addition to septic system required prior to Plan Commission action. Letter of approval or no objection must be on file prior to issuance of Zoning Permit.

- d) Lower building and parking lot elevation is preferred. This would facilitate less fill being brought to the lot.
 - e) Slopes are not to exceed 4:1, 25%, anywhere on the lot. The current grading plans are showing slopes greater than 3:1. Either lower the parking lot or show retaining walls behind the curb sections to create the standard 4:1 slopes. Decreasing the size of the parking areas would be another possibility.
 - f) Show the islands for the proposed parking areas on the grading sheet. A minimum of a 5% ratio is required for green spaces in the parking lots.
 - g) ADA compliance will also be required for the proposed structure.
 - h) The footings of any structure must be place on virgin soils and/or engineered fill requiring a P.E. stamp.
 - i) Any soils or foundry sand will require the City Engineer approval prior to site disruption for the purposes of filling the lot +/- 15'.
- 5) Storm Water
- a) Must meet the requirement of MMSD Chapter 13 and the City of New Berlin Storm Water Utility Ordinance in its entirety. Approval of the stormwater management plan is required by the Stormwater Division Engineer prior to issuance of Zoning Permit.
- 6) Landscaping Plan
- a) Submittal 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.
- 7) Building Inspections and Fire
- a) Building must meet all applicable building and fire codes. Building must be fully sprinklered.
 - b) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site.
 - c) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - d) Building plans shall be approved by the Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties. (5)(c) 3.
 - e) Erosion control shall bin in place prior to issuance of Building Permit.
 - f) Apply and obtain appropriate building, plumbing and electrical permits.

Seconded by Mr. Teclaw. Motion carried unanimously.

20. (7)OA U-73-03 Preferred Cleaning Service, Inc. – 17390 W. National Ave. –

Office/Warehouse for Carpet Cleaning Business.

Motion by Alderman Ament to approve the request by Preferred Cleaning Service, Inc. to occupy and install two 10' x 8' overhead doors on the east elevation of a single tenant building located at 17390 West National Avenue subject to:

- 1) Prior to issuance of the Zoning Permit, approval of the exterior architecture and materials for construction by the Architectural Review Committee is required.
- 2) If signage is desired by applicant a Sign Permit shall be applied for with the Department of Community Development.
- 3) Employee and customer parking must be contained on site. All parking shall meet setback, dimensional, turning radius, and driving Isle requirements.
- 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) Building must meet all applicable building and fire codes.
- 6) Building plans shall be approved by the New Berlin Department of Community Development Inspection Division per Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and Counties. (5)(c) 3.
- 7) Apply and obtain appropriate building, plumbing, and electrical permits as needed.
- 8) Any interior floor plan changes shall require building plans to be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities)
- 9) Building plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties. (S)(c) 3.
- 10) Apply and obtain appropriate building, plumbing and electrical permits.

Seconded by Mr. Sisson. Motion carried unanimously.

21. (7)BM SG-86-03 Steven Edwards Color Group – 3850 S. Moorland Rd. – Monument Sign.

Motion by Alderman Ament to deny the request by Steven Edwards Color Group for a monument sign located at 3850 S. Moorland Road for the following reasons:

- 1) Steven Edwards Salon is located within the identified City Center Area of New Berlin. All roadside signage within this area “must be the same in terms of materials, plan, elevation, composition, and character” per the Moorland Road Visual Character section of the City Center Development Plan. The proposed monument sign has a sign face of a different character than other signs within the City Center Area and does not meet the requirements of the City Center Development Plan.

Seconded by Mr. Teclaw.

Motion and second withdrawn.

Motion by Alderman Ament to table the request by Steven Edwards Color Group for a monument sign located at 3850 S Moorland Road for the following reason:

- 1) To allow applicant to decide if they want to come back with a different sign.

Seconded by Mr. Teclaw. Motion carried with Mr. Barnes voting Present.

22. (7)BM RO-49-03 Advanced Manufacturing Services – 2835 S. 171 St. – Office / Warehouse – Reoccupancy.

Motion by Mr. Teclaw to approve the request by Advanced Manufacturing Services to re-occupy a tenant space within an existing multi-tenant building located at 2835 S. 171 Street subject to:

- 1) A Use Approval Application for a site improvement plan shall be submitted to the Department of Community Development by February 20, 2004 or prior to issuance of Zoning Permit. The plan shall include the following (Upon review by Department of Community Development staff further information may be required):
 - a) Existing grading/proposed pavement grading;
 - b) Overall site drainage;
 - c) Loading dock ramp elevation;
 - d) Loading dock ramp drainage;
 - e) Dumpster Enclosure/alternative interior storage plans;
 - f) Timeline for phasing of above requirements;
- 2) No outside storage shall be permitted. The metal drums, wooden pallets, and other materials, junk and trash shall be removed from the side and rear lots by January 19, 2004 or prior to issuance of Zoning Permit.
- 3) Failure to address the above conditions of approval by the given dates shall be considered a violation and shall be forwarded to the Director of Buildings, Inspections, and Zoning for legal action. This shall act as a notice of said violation.
- 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. Dumpster enclosures constructed of material to match the exterior architecture of the building/interior storage shall be required.
- 5) Employee and customer parking must be contained on site.
- 6) Apply for and obtain appropriate building, plumbing, and electrical permits when required to do so by code.

Seconded by Alderman Ament. Motion carried unanimously.

23. (7)OA U-75-03 Azizsons Contractors – 18480 W. National Ave. – After-the-Fact Use Approval to Paint Building, Operate a Retail Sale and Service Business of Outdoor Power Equipment, and Storage of Goods from an Unrelated Business.

Motion by Alderman Ament to approve the request by Azizsons Contractors for an after the fact use, site, and architectural approval for exterior painting located at 18480 W. National Avenue.

Seconded by Mr. Sisson. Motion carried unanimously.

Motion by Mr. Barnes to deny the request by Azizsons Contractors for expansion to include outside sales and service of power equipment and outside storage of unrelated goods to current business located at 18480 W. National Avenue based on the following reasons:

- 1) Prior to issuance of the Zoning Permit, approval of the exterior architectural alteration by the Architectural Review Committee is required.
- 2) The current operation granted under RO-2-99 by Plan Commission on March 1, 1999 was for contracting office operation only. The request to expand current operations to include sales and service of power equipment and outside storage of unrelated goods is denied for the following reasons:
 - a) Applicant has failed to provide details of plans of operation with supporting evidence of amount of traffic generated by the proposed business expansion. A TIA will be required prior to any business expansion.
 - b) Applicant has also failed to meet the requirement of Section 275-57 (A) as it relates to providing adequate onsite parking for the proposed business.
 - c) The site plans and floor plans provided are too sketchy.
 - d) Storage facility for unrelated goods not a permitted use in the B-2 district as requested by applicant.
- 3) Fire Department recommends denial due to the nature of the hazardous materials proposed and the lack of sprinkler system. Building will have to be sprinklered. Upper unit is a residence. Will need more details and approval of fire prior to Plan Commission consideration.
- 4) Building Inspection Comments:
 - a) Would recommend that no outside storage be allowed. There could be a significant amount of old junked snow blowers and other yard equipment that is beyond repair. No storage would force these types of things to be removed from the premises regularly.
 - b) Any interior floor plan changes shall require building plans to be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities)

- c) 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. (S)(c) 3.
 - d) Apply and obtain appropriate building, plumbing and electrical permits. 4. Plan of operation states that there is an outbuilding to be considered also. However the site plan has the outbuilding crossed out. If this building were added, there would need to be a PSE performed by the Waukesha County
 - e) Health Department for the location of the building and its proximity to the septic system. The outbuilding would also be too close to the principal structure and too close to the west lot line.
 - f) Plan also states that the landscaping will be maintained without any changes. Will need an updated landscaping plan.
- 5) No outside storage of vehicles, items, junk, or materials shall be permitted on the property.

Seconded by Mr. Gihring. Motion carried unanimously.

24. (5)NJ U-77-03 Deer Creek Parkway Homes – 14905 W. Main St. – City Center Condos – Conceptual Review.

Motion by Mr. Barnes to table the discussion for the conceptual use, site and architecture approval for construction of the City Center, Deer Creek Parkway Homes, a condominium development with (3) 16 unit buildings and (3) 34 unit buildings for a total of 150 units located at 14905 W. Main Street.

Seconded by Mr. Gihring. Motion carried unanimously.

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

Motion by Mr. Sisson to forward to Council to request a Public Hearing be set for February 2, 2004 to rezone the property located at 5900 S. Moorland Road from A-1 to P-1.

Seconded by Alderman Ament. Motion carried unanimously.

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

Motion by Alderman Ament to forward to Council to request a Public Hearing be set for February 2, 2004 to rezone the property located at 14999 W. Beloit Road from O-2 to B-2.

Seconded by Mr. Sisson. Motion carried unanimously.

27. ()DH PG-516-4 Transportation Master Plan

Motion by Mr. Sisson to approve the request to set a public hearing for May 3, 2004 on the City of New Berlin Transportation Plan as an Element of the Master Plan.

Seconded by Alderman Ament. Motion carried unanimously.

28. (7)NJ PG-929 West National Avenue Vacation of Frontage Rd.

Motion by Mr. Teclaw to table the request to recommend to Council adoption of the resolution to authorize the City of New Berlin Community Development Authority to report to the Common Council on the feasibility of vacating the West National Avenue Frontage Road on the North side of West National Avenue located at 15600-15820 W. National Avenue as recommended in the West National Avenue Redevelopment Plan.

Seconded by Mr. Sisson. 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 #29-35. Seconded by Mr. Barnes. Motion carried unanimously.

ZONING PERMITS

29. (7)SP RO-52-03 Centex Home Equity – 2725 S. Moorland Rd. – Office.

The request by Centex Home Equity for an office located at 2725 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) If this tenant fills up the remaining vacant space at the 2725 South Moorland Road property, the Real Estate sign in front of the building shall be removed by December 11, 2003.
- 2) Building plans for interior alternation shall be stamped and signed by a registered architect or engineer (Comm. 61.20 Responsibilities).
- 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).
- 4) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.

- 5) Per Article VIII Chapter 275-61 of the municipal code all signage for this property shall require submittal of a separate Sign Permit Application.
 - 6) Employee and customer parking must be contained on site.
 - 7) Permits are required from the Building, Inspection, and Zoning Departments for any interior and exterior alterations or modifications. Apply for and obtain appropriate building, plumbing, and electrical permits.
 - 8) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
 - 9) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
30. (3)SP RO-54-03 Schroeder Moving Systems – 2654 S. 162 St. – Warehouse.

The request by Schroeder Moving Systems for a warehouse located at 2654 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) Per Zoning Permit RO-32-03 “Inspections for numerous open permits for the entire property must be scheduled and completed so that they can be cleared up and closed out. All open permits open on the date of this permit shall be inspected and closed out by April 23, 2004 or prior to issuance of any further Re-occupancy Permits.” Paperwork for administrative closeouts of permits that remain open shall be completed by November 24, 2003 in order to satisfy this condition. Failure to do so will be considered a violation of Zoning Permit RO-32-03.
- 2) Outside storage of junk and trash is not permitted. Per Zoning Permit RO-46-03 “Wooden pallets behind the 2606 & 2608 tenant bays shall be removed by November 5, 2003.” The pallets are still in this location as of November 11, 2003. This shall serve as notice of violation.
- 3) No outside storage shall be permitted.
- 4) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
- 5) Per Article VIII Chapter 275-61 of the municipal code all signage for this property shall require submittal of a separate Sign Permit Application.
- 6) Employee and customer parking must be contained on site.
- 7) Permits are required from the Building, Inspection, and Zoning Departments for any interior and exterior alterations or modifications. Apply for and obtain appropriate building, plumbing, and electrical permits.
- 8) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
- 9) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

31. (3)SP RO-55-03 360 Networks - 2626 S. 162nd Street – Cable TV contractor that performs installs for cable companies.

The request by 360 Networks for cable TV contractor that performs installs for cable companies at 2626 S. 162nd Street has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) A building permit was issued for a separation wall between the 2624 and 2626 units. A final inspection has not been made on this wall. Access to both units shall be required upon the occupancy inspection for this applicant so that the inspection can be accomplished.
 - 2) Per Zoning Permit RO-32-03 and RO-54-03 “Inspections for numerous open permits for the entire property must be scheduled and completed so that they can be cleared up and closed out. All open permits open on the date of this permit shall be inspected and closed out by April 23, 2004 or prior to issuance of any further Re-occupancy Permits.” Paperwork for administrative closeouts of permits that remain open shall be completed by November 24, 2003 in order to satisfy this condition. Failure to do so shall be considered a violation of these Zoning Permits.
 - 3) Outside storage of junk and trash is not permitted. Per Zoning Permit RO-46-03 “Wooden pallets behind the 2606 & 2608 tenant bays shall be removed by November 5, 2003.” The pallets were still in this location as of November 11, 2003. This shall serve as notice of said violation.
 - 4) Outside storage of one truck, properly screened from the street and public view, shall be permitted.
 - 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) Any new construction shall comply with the following:
 - 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 City of New Berlin Department of Community Development Inspection Division per Wisconsin Dept. of Commerce (Comm 61.70) Certified municipalities and counties (5)(c)3.
 - 7) Employee and customer parking must be contained on site.
 - 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)SP RO-56-03 The Entertainment Company – 16662 W. National Ave. –

Office.

The request by The Entertainment Company for an office located at 16662 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) If future changes to the building are to be made the applicant shall apply for and obtain appropriate building, plumbing, and electrical permits.
- 2) No outside storage shall be permitted.
- 3) Per Article VIII Chapter 275-61 of the municipal code all signage for this property shall require submittal of a separate Sign Permit Application.
- 4) Employee and customer parking must be contained on site.
- 5) Permits are required from the Building, Inspection, and Zoning Departments for any interior and exterior alterations or modifications. All outstanding permits for this property shall be satisfied prior to the issuance of any new building, plumbing, or electrical permits.
- 6) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
- 7) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

33. (4)BM RO-57-03 Art Source – 5125 S. Towne Dr. – Office.

The request by Art Source for an office located at 5125 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) No outside storage shall be permitted for this property. The wooden pallets, wooden crates, wooden spools, and any additional junk, material, or debris in the rear lot shall be removed by December 22, 2003.
- 2) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance. All tenant dumpsters shall be stored inside the building by December 22, 2003. Any tenant dumpsters stored outside of the building shall be stored within dumpster enclosures approved by the Department of Community Development (planning). If outside storage of dumpsters is desired, dumpster enclosure plans shall be submitted to the Department of Community Development by January 5, 2003.
- 3) Per Article VIII Chapter 275-61 of the municipal code all signage for this property shall require submittal of a separate Sign Permit Application.
- 4) Employee and customer parking must be contained on site.
- 5) Interior building alteration plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities)
- 6) Building plans shall be approved by the New Berlin Department of Community Development Inspection Division per Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties (5)(c)3).

- 7) Apply and obtain appropriate building, plumbing and electrical permits for the alterations.
 - 8) 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.
 - 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.
34. (7)NJ RO-58-03 Universal Billing – 2875 S. 171 St. – Office.

The request by Universal Billing for an office located at 2875 S. 171 St. 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) Removal of all the pallets and outdoor storage in the rear of the building by January 16th, 2004. This site does not have approval from the Plan Commission for outside storage.
 - 2) Interior building alteration plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - 3) Building plans shall be approved by the New Berlin Department of Community Development Inspection Division per Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties (5)(c)3).
 - 4) Apply and obtain appropriate building, plumbing and electrical permits for the alterations. There are numerous open building, plumbing and electrical permits for this building. Applicant shall contact the Building Inspection Department to see that open permits are addressed by February 6, 2004.
 - 5) No outside storage shall be permitted.
 - 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) Per Article VIII Chapter 275-61 of the municipal code all signage for this property shall require submittal of a separate Sign Permit Application.
 - 8) Employee and customer parking must be contained on site.
35. (5)BM RO-59-03 Dollar Sense – 15332 Beloit Rd. – Dollar Store.

The request by Dollar Sense for a dollar store located at 15332 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 is required to apply for a Sign Permit from the Department of Community Development (planning) by February 6, 2004 or prior to issuance of Building Permit. Signage must meet the provisions of Article VIII Section 275-61 of the Municipal Code and the Westridge TIF District Overall Coordinated Sign Standard for Moorland Commons.
- 2) No outside storage of items, merchandise, junk, or material shall be permitted on the property.
- 3) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
- 4) Employee and customer parking must be contained on site and in accordance with the Target shared parking agreement.
- 5) 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.
- 6) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
- 7) Building plans shall be approved by the Wisconsin Department of Commerce (Comm 61.70 Certified municipalities and counties (5)(3)).
- 8) Apply and obtain appropriate building, plumbing, and electrical permits.
- 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 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.

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 item #36. Seconded by Alderman Ament. Motion carried unanimously.

STAFF APPROVED

36. (7)OA SG-85-03 Sprint Store – 15610 W. National Ave. – Wall Sign.

The request by Sprint Store for a wall sign located at 15610 W. National Ave. 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 275-61 New Berlin Municipal Code and the Coordinated Sign Standard for Qdoba Plaza.
- 2) Plan Commission has granted an approval of Re-occupancy for Sprint Store, however the Sign Permit shall not be issued until such time as the Zoning Permit for Sprint Store is issued.
- 3) The Starbucks Coffee Company sign currently has white neon, which is not allowed by the Coordinated Sign Standard for Qdoba Plaza. The property owner shall replace the white neon with 15mm green glass pumped red neon strokes to create uniformity with other tenant wall signs within Qdoba Plaza by February 2, 2004.
- 4) The Code Compliance Officer has indicated that there are problems with the brick pavers along the street edges of Qdoba Plaza. Written plans to resolve these issues meeting the requirements of the Code Compliance Officer shall be submitted by February 2, 2004.
- 5) Each new tenant within Qdoba Plaza shall be required to obtain a re-occupancy permit prior to building permits being issued. Future tenants will be reviewed on a case-by-case basis for adequacy of parking and may be denied for a lack of parking.
- 6) The internally illuminated wall sign face shall not exceed:
2'0" in height x 11'10" in width = 23.66 square feet in area
The internally illuminated wall sign shall read "Sprint Store" in 24" individual channel letters with #7328 white Plexiglas faces, 1" black trim caps, and black returns per the Coordinated Sign Standard for Qdoba Plaza.
- 7) Raceways shall be painted to match the exterior color of the building per coordinated sign standard for Qdoba Plaza.
- 8) The sign face shall be internally illuminated and turned off outside normal business hours.
- 9) A payment of \$0.00 is required per calculations below:
Wall Sign Face: (2'0" x 11'10") = 23.66 sq.ft. x 1 side = 23.66 sq.ft. x \$3.00/sq.ft. = \$70.98
Less Application Fee: (\$75.00) = \$0.00

COMMUNICATIONS

43. Communication To: Plan Commission
Communication From: David Haines, Planning Services Manager
RE: "Bike path plans are rolling along in Brookfield", Milwaukee Journal Sentinel, December 3, 2003.

Plan Commissioners acknowledged receipt of this communication.

44. Communication To: Plan Commission

Communication From: David Haines, Planning Services Manager
RE: "A New Turn: Builders hope to wriggle out of protecting snake", JSOnline

Plan Commissioners acknowledged receipt of this communication.

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