

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

PUBLIC HEARING

6:00 P.M. (4) DH R-9-03 Lyndenwood Condominiums – 14500 & 14510 W.
Beloit – Rezone to PUD as previously approved.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

DECEMBER 8, 2003

MINUTES

The public hearing relative to the request by Matthew L. Kiefert, c/o Poplar Creek Development to rezone the property known as 3095 and 3111 S. Calhoun Road from A-1 Agricultural, A-2 Agricultural and Rural Holding District, O-2 Business Park Development District, and C-2 Shoreland Wetland District to R-1/R-2 Rural Estate Single-Family Residential, O-2 Business Park Development District, and C-2 Shoreland Wetland District was called to order at 6:00 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.

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. James Krahn, developer of the project, gave a brief presentation describing the request and showed maps indicating the location.

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

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

Linda Borowski, 4805 S. Forest Avenue – I live in the North Oaks Estate Subdivision. I also happen to be the association president for the North Oaks Estate Homeowners Assoc. I hesitated coming up here because I'm not sure if I'm in favor or opposed because generally I have to say that when this plan was hammered out about three years

ago, working with Jim Krahn was a delight. He took all of our neighborhood interests to heart and I believe at the time he really had a very good plan. At this time I have some concerns that the board discussed last week. These concerns were given to Jim Krahn and I don't want to speak in opposition to his development because we have been invited to look at his developments and they are truly high quality. They have good appeal, style, and it is true that he has a lot of green space. These are all concerns of which North Oak Estates has always put forward before this Commission. We do try to preserve our neighborhood quality, our standard of life, and our property values. We try to maintain low density if we can. We have been very involved in this process. As of recently, we are very pleased to have Hickory Hills behind us and now we are looking at the last piece in our puzzle which is this Lyndenwood development.

One thing I do have to say is that time has really changed things in the past three years and with that we have seen Hickory Hills, Target, two hotels, a gas station, and Motion Fitness. We have seen the area change dramatically. At one time, the transitional plan to go from North Oak Estate's half acre lots with executive style homes to single family and then to eight family condominiums that were next to an institution made perfect sense. What the board discussed that I have to relay to you as a concern, is that we pushed and pressured Hickory Hills to development four unit condominiums and that was partially because Forest Point on the North side of the freeway is a sore thumb every time we go by and see these very large structures. We are now asking whether or not large eight unit condos are out of place and that they don't transition well from single family homes to the four unit condos developed by Hickory Hills.

Our members, as always, have pushed for low density. 3.8 units per acre seems to be a fairly good compromise but we still would wish to see single family homes. If we can't see single family homes, why not continue with two family condominiums. Lastly, please consider four family condos.

In conclusion, it is our belief that it would be fair to say that eight unit condos were not appropriate for the Hickory Hills site, it is easy to say that eight unit condos closer to North Oak Estates is also inappropriate. What I am asking is that you respect and consider our concerns and make the right choice for us.

Mayor Wysocki asked three times if anyone else wished 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 - The concern I have is that it was about three years ago or better when this was reviewed so I am wondering if by the time this comes to us whether the Planning staff can supply us with an updated staff report. Our codes have changed since this was approved and we have things like Chapter 13 for MMSD. I would like to look at those numbers.

Mayor Wysocki – The staff report that will be coming to you next month will have updated information on it.

Mr. Teclaw - Along those same lines, it is difficult to know if it conforms to our current zoning ordinances and our Master Plan. How does this fit into our current Master Plan?

Mr. Haines – The area is designated as mixed use residential. It is consistent with the Master Plan.

Mr. Teclaw – In the Ordinance on Page 12 of the staff report the public hearing date needs to be changed to today. Is there anything in the text portion of the PUD that is not consistent with the underlying zoning districts. Let us know, as Commissioners, if they are making exceptions or requiring variances.

Mayor Wysocki asked for further questions, seeing none.

Mayor Wysocki closed the public hearing at 6:16 P.M.

NEW BERLIN PLAN COMMISSION
NEW BERLIN CITY HALL COUNCIL CHAMBERS
DECEMBER 8, 2003
MINUTES

The Plan Commission meeting of December 8, 2003 was called to order by Mayor Wysocki at 6:23 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.

Motion by Mr. Sisson to approve the Plan Commission Minutes of November 3, 2003. Seconded by Mr. Teclaw. Motion carried unanimously.

Plan Commission Secretary's Report - none

SPECIAL PRESENTATION

5. (4)GK PG-926 New Valley Redevelopment Study Presentation

Greg Kessler, Director of Community Development gave a presentation on New Valley Redevelopment giving an overview of the concept of the project and proposed timeline. Mr. William Carity was available to answer questions.

Mr. Kessler informed the Plan Commission that a draft resolution would be brought forward in January for their review and discussion. It is possible that by the February 2nd Plan Commission meeting that the Plan Commission and staff will have completed their review of the Master Plan and Zoning and forward the resolution along with their recommendations on to Council.

6. ()TK PG-818 Parade of Homes Update

Tony Kim, Inspection Services Division spoke about the 2003 Parade of Homes which featured 30 homes in three subdivisions. Some of the information included about the homes was square footage, prices, lot size, number of rooms, and decorating trends.

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

Item referred to January 2004 Plan Commission meeting.

CONTINUED ITEMS

8. (7)OA U-60-03 Poplar Creek Church – 17770 W. Cleveland Ave. – Church.
(Deferred 11/3/03)

Motion by Alderman Ament to table the request by Poplar Creek Church to locate a church at 17770 W. Cleveland Avenue for the following reason:

- 1) Complete information has not been submitted and plans still contain items Staff has asked to be changed as part of the previous review. Revised plans also introduced new storm water, drainage, and engineering concepts that had not been identified on previous plans.

Seconded by Mr. Sisson. Motion carried unanimously.

9. (2)DH U-86-98 National Manor Phase II – 3360 S. Sunny Slope Rd. – Multi-Family Use Approval for Senior Housing and Single-Family Lots.
Request for Twelve-Month Extension of Zoning Permit.

Motion by Mr. Teclaw to approve the request by National Manor Phase II located at 3360 S. Sunny Slope Road for a one year extension to the Zoning Permit that will expire on 01/07/2005.

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

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

Item remains on table.

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

Item remains on table.

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

Item remains on table.

NEW BUSINESS

13. (3)OA U-68-03 Pomp's Tires – 2315 S. Calhoun Rd. – Addition of Asphalt

Paved Tire Storage Area.

Motion by Alderman Ament to approve the request by Pomp's Tire for an after the fact use approval for an addition of asphalt paved tire storage area located at 2315 S. Calhoun Road subject to:

- 1) The applicant and/or business shall be required to submit a landscaping/screening plan that shows adequate screening of the outside storage area from both Calhoun Road and Lincoln Ave. The landscaping/screening plan shall be approved prior to issuance of the Zoning Permit.
- 2) The applicant and/or the business shall be required to submit a grading and storm water plan that shall be approved prior to issuance of the Zoning Permit.
- 3) The applicant and/or business shall submit specs on the material, height, etc of the fence.
- 4) Section 275-61 of the New Berlin Zoning Ordinance states that businesses located along arterials or major thoroughfares need to have a monument sign with a base that matches or enhances the exterior architecture and color of the principal building. Arterials include Calhoun Road, Cleveland Avenue, Greenfield Avenue, Lincoln Avenue, Moorland Road and National Avenue. Monument signs are also required within the New Berlin Industrial Park.
- 5) The outside storage of materials must be located within the storage areas or inside the building. Tires in both storage areas shall not exceed the height of the fence unless adequately screened.
- 6) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the Municipal Code.
- 7) Employee and customer parking must be contained on site.
- 8) Apply and obtain appropriate building, plumbing, and electrical permits as needed.
- 9) Applicant is required to relocate the outside storage and supply adequate storage.

Seconded by Mr. Sisson. Motion carried unanimously.

14. (2)TK U-64-03 Burger King Restaurant – 3500 S. Moorland Rd. – After the fact Paint Building.

Motion by Mr. Barnes to deny without prejudice the request by Burger King Restaurant for after the fact painting of the building exterior located at 3500 S. Moorland Road based on the following:

- 1) The applicant and/or business shall have the option to restore the building to its original approved color (Permit #U-165-83) or apply for a color sequence to the building that the Architectural Review Committee and Plan Commission can review and ultimately approve or deny.

- 2) If the Architectural Review Committee and the Plan Commission decide to ultimately deny any alternative color sequences to the exterior and roof of the building, then the applicant and/or business shall be required to restore the building to its original colors by June 30, 2004.
- 3) The applicant and/or the business shall be required to submit a lighting plan for the property that meets Section 275-60(I) "Lighting" of the New Berlin Zoning Ordinance. The current exterior lighting for the business was never approved.
- 4) Dumpsters must be properly screened from the street and public view in accordance with Section 275-56 of the New Berlin Zoning Ordinance.

Seconded by Mr. Felda. Motion carried unanimously.

15. (6)NJ CU-12-03 New Berlin Water Utility #4 – Green Ridge Pumphouse – 12400 W. Crawford Dr. – Pumping and Metering Station. (Public Hearing 11/3/03) (Public Hearing 11/3/03)

Motion by Alderman Ament to approve the request by New Berlin Water Utility #4 for a pumping and metering station located at 12400 W. Crawford Drive subject to:

- 1) Site and Architectural Plans
 - a) The entire building shall be constructed of the same finished materials as required by the Architecture Review Committee.
- 2) Applicant shall follow the City of New Berlin Storm Water Management Plan.
- 3) Applicant shall follow all Fire Department Conditions.
- 4) General
 - a) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - b) Building plans shall be approved by the Wisconsin Department of Commerce (Comm 61.70 Certified municipalities and counties) (5)(c) 3.
 - c) Remedy all open building, plumbing and electrical permits.
 - d) Apply and obtain appropriate building, plumbing and electrical permits.
 - e) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code. No outside storage shall be permitted on the lot.

Seconded by Mr. Sisson. Motion carried unanimously.

16. (4)NJ CU-13-03 Grange Avenue Milwaukee Water Booster Station – 5500 Frances – Booster Station. (Public Hearing 11/3/03)

Motion by Alderman Ament to table the request by Grange Avenue Milwaukee Booster Station for a booster station located at 5500 Frances for the following reason:

- 1) Based on an onsite meeting between Staff and DNR, the Applicant is required to provide a floodplain study for Staff and DNR review. The floodplain study must verify that the proposed project does not negatively impact adjacent and downstream properties. All City of New Berlin and DNR criteria must be met due to the location of the building within the floodplain. A letter of approval from the DNR is also required prior to issuance of the Conditional Use Permit.

Seconded by Mr. Teclaw. Motion carried unanimously.

17. (4)OA U-70-03 City of New Berlin – Well #11 – 13042 W. Valley Ridge Dr. – Temporary Chain Link Fence.

Motion by Alderman Ament to approve the request by City of New Berlin Water Utility for a temporary chain link fence located at 13042 W. Valley Ridge Drive subject to:

- 1) Approval is granted for the temporary installation of a 9' chain link fence and barbed wire. Chain link fence and barbed wire shall be removed upon issuance of the first Building Permit within 500' of this parcel or prior to occupancy.
- 2) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site. Building must be maintained per Chapter 201 of the City of New Berlin Municipal Code.
- 3) Building must meet all applicable building and fire codes and the following requirements of the City of New Berlin Fire Department.

Seconded by Mr. Sisson. Motion carried unanimously.

18. (5)OA U-67-03 Sportsman's Warehouse – 15470 Beloit Road – "Outdoor" themed retail establishment.

Motion by Mr. Sisson to approve the request by Sportsman's Warehouse for an "outdoor" themed retail establishment located at 15470 Beloit Road subject to:

- 1) Plan of Operation
 - a) Hours of Operation: 9:00 AM – 9:00 PM, Monday through Sunday.
 - b) Sportsman's Warehouse anticipates employing a total of 60-90 employees depending on season.
 - c) Outdoor storage of materials not permitted. Remove all semi-trailers from behind Target and Michael's by December 8th, 2003. Cart coral and storage not permitted outside. All carts must be stored within the store.
 - d) Outdoor display and sales not permitted without an application for temporary use.

- e) Signage requires separate application and Plan Commission approval. Creation of an updated Moorland Common Coordinated Sign Standard will be required to accommodate Sportsman's Warehouse. Sign Standard shall be executed prior to issuance of Sign Permit.
- 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) Submittal of final building material samples for City of New Berlin Architectural Review Committee approval required prior to aboveground building permit approval.
 - c) Submittal and approval of a detailed site lighting plan with poles, heads and fixtures matching those used on the Target Building required. Lighting Plan to be reviewed, approved and signed by the Department of Community development prior to installation of any fixtures.
 - d) Exterior lights on the building must match Target's.
 - e) Area of the building to be cover by future addition will be painted to match building unless an application for the final tenant is on file prior to issuance of Building Permit.
 - f) Dumpster enclosure including trash compactor must be screened from public view. All recyclable cardboards must be stored within the dumpster enclosure and out of public view.
- 3) 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) Sportsman's Warehouse first floor elevation is to match the existing Target and Michael's first floors of 883.0'.
 - c) Revised plans shall address the 18' sidewalk along the East of the building. This could be reduced to make room for landscaping along the building.
 - d) Show if loading bay is depressed or on grade.
 - e) Loading dock/ truck bay is facing against the flow of traffic requiring a turning radius that is large to either enter or leave the dock. One-way traffic pattern across the back of the buildings going west to the east (from Moorland Road towards Forest Pointe development). Dock could be flipped around to face the East instead of West for easier access and maneuverability.
 - f) Show locations of all public utility connections; storm sewer, sanitary sewer and water laterals. Locate the utilities in the easements and the hydrants.
 - g) Show location of downspout and storm sewer connections to the storm sewer system.
 - h) Show locations of the Curb and Gutter.
 - i) Final lift of asphalt along the rear service drive shall be installed prior to occupancy.

- j) Full set of state approved Building Plans.
- 4) 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.
- 5) Building Inspections and Fire
 - a) Building must meet all applicable building and fire codes. Building must be fully sprinklered.
 - b) Submittal of all MSDS sheets including quantities and forms of all gun powder and ammunitions is required.
 - c) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site.
 - d) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - e) Building plans shall be approved by Wisconsin Department of Commerce (Comm 61.70 Certified municipalities and counties) (5) (c) 3.
 - f) Erosion control shall be in place prior to issuance of Building Permit.
 - g) Apply and obtain appropriate building, plumbing and electrical permits.

Seconded by Mr. Barnes. Motion carried unanimously.

19. (5)NJ CU-10-03 Berkshire Senior & Townhomes – 15295 W. Main St. – Senior Housing and Townhouses. (Public Hearing 11/3/03)

Motion by Mr. Sisson to approve the request by Berkshire Senior & Townhomes for senior housing and townhouses located at 15295 W. Main Street subject to:

- 1) Architectural Plans.
 - a) Approval of the exterior architecture and materials for construction by the Architectural Review Committee is required.
 - b) Lighting Plan.
 - i) Per Section 275-59I (3)(4)(5)(6) the applicant shall supply a site lighting and street lighting plan. The building owners shall purchase and install City Center style lighting along Main Street at locations approved by DCD staff as recommended by the City Center Development Plan.

- ii) Applicant shall provide photometric information.
Applicant shall supply a table with average, minimum, average/minimum, maximum / minimum light loss factors (LLF).
- 2) Site Plan.
 - a) A stake out survey shall be required at the time of building permit demonstrating that building setbacks are measured to the building overhang (eves) and parking setback including back up and turn around areas are located out of the 5' pavement setback.
 - b) Staff may require handicap accessible ramps be added between this site and the library site.
 - c) Stands, benches, trash receptacles shall be purchased and installed by the developer near the front entrance.
 - 3) Applicant, per Section 275-56(C)(2) shall submit a Landscaping Installation Bond and Maintenance Bond prior to issuance of the Zoning Permit.
 - 4) Engineering.
 - a) Coffee Street and Main Street shall be completed and appropriate utilities installed before occupancy. The development is required to abut a fully improved street per Section 275-53B(4).
 - b) Utility construction plans must be approved by City Engineering and by DNR and MMSD prior to the issuance of the Developers Agreement.
 - c) A Developers Agreement will be required for all utilities including the water main, sanitary sewer, storm sewer, street lighting, sidewalk, and street furniture. This shall be completed prior to the issuance of a building permit.
 - d) Erosion control plan and permit shall be approved, in place and inspected prior to the issuance of a building permit.
 - 5) Storm water Utility.
 - a) Verify that all storm water runoff is handled by the appropriate pond. All bypass shall be accounted for. The applicant shall verify that all storm sewer inlets can handle the water on the site. Applicant shall show the gutters and downspouts prior to building permits being issued.
 - 6) Fire Department. Buildings must meet all applicable building and fire codes.
 - a) Buildings to be fully sprinklered. FDC to be changed to 5" storz.
 - b) Applicant shall install an Intelligent Alarm System.
 - c) Knox Boxes are required.
 - d) Class III standpipes in all staircases.
 - e) Fire separations in attic are required every 3000 square feet. Catwalk in attic required.
 - f) Fire hydrant within 150 feet of sprinkler connection. Fire hydrant location is not as agreed to with architect for apartment building.
 - g) Show access routes. Fire walls to divide four families into two family row houses.

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

20. (5)NJ LD-11-03 General Capitol Parcels – 15295 Main St. – 15295 Main St. – Sw ¼ Sec. 14 – Two-Lot Land Division.

Motion by Mr. Barnes to recommend to Council approval of the request by General Capitol Parcels for a two-lot land division located at 15295 Main Street, subject to the application, plans on file, and the following conditions:

- 1) Applicant shall correct all drafting errors and ambiguities as identified by staff on the face of the CSM.
- 2) A Developer's Agreement for the construction of Main Street and public utilities are required before a building permit for Lot 1 shall be issued.
- 3) All costs, including land dedication, for the extension of Main Street into lot 1 for access to un-platted lands to the south shall not be at the expense of the City.
- 4) All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp required.

Seconded by Mr. Sisson. Motion carried unanimously.

21. (5)OA R-8-03 Elmwood School Parcel – 5150 S. Sunny Slope Rd. – Rezone from I-1 to R-4. (Public Hearing 11/3/03)

Motion by Mr. Barnes to recommend to Council approval of the request for the Elmwood School Parcel located at 5150 S. Sunny Slope Rd. to rezone from I-1 to R-4.

Alderman Rush Wilkens submitted a communication to Plan Commission voicing his support of rezoning to single family.

The future land use map has this identified as institutional use. The Master Plan is made up of several individual plans and in some instances there may be conflicts between future land use, economic components, alternative transportation issues, etc. The linkages of the subset of plans that make up the Master Plan need to be looked at closer.

Seconded by Mr. Sisson. Motion carried unanimously.

22. (4)DH S-165-03 Wildwood Preserve – 5611 S. Calhoun Rd. – Conceptual review of 46-Lot Subdivision.

No Action.

23. (2)NJ R-6-03 National Regency – 13750 W. National Avenue – Rezone from R-5 to I-1/PUD Institutional – Set public hearing.

Motion by Alderman Ament to forward to Common Council to request a public hearing be set for January 5, 2004 to rezone the property located at 3130 S. Sunny Slope Road from R-5 to I-1/PUD and to amend the Pro-health Care, Inc. Planned Unit Development Overlay District legal description.

Seconded By Mr. Sisson. Motion carried unanimously.

24. (4)OA R-10-03 Matty's Bar & Grill – 14444 W. College Avenue – Rezone from R-3 to B-2. – Set public hearing.

Motion by Alderman Ament to forward to Common Council to set a Public Hearing at the January 5, 2004 Plan Commission meeting regarding the petition to rezone the property next to Matty's Bar & Grille located at 14444 West College Avenue from R-3 to B-2.

Seconded by Mr. Sisson. Motion carried unanimously.

25. (3)OA RO-50-03 The Murphy Insurance Group – 16873 W. Greenfield Avenue – Independent insurance agency and financial services.

Motion by Alderman Ament to approve the request by The Murphy Insurance Group for independent insurance agency and financial services located at 16873 W. Greenfield Avenue subject to:

- 1) Per Condition #1 for Plan Commission approval of Zoning Permit #RO-39-03:

A new application showing the monument sign with Carr, Kulkowski & Stuller and the new tenant (Digalog Systems) shall be submitted to the Department of Community Development by November 3, 2003.

This condition has not been met as of today's date.

- 2) Per Condition #2 for Plan Commission approval of Zoning Permit #RO-39-03:

Letter from Glen Kulkoski of October 8, 2003 the following issues shall be addressed:

- a) The illegal monument sign shall be moved outside of the vision triangle and behind the ultimate right of way of Greenfield Avenue and 169th Street must be relocated by December 1, 2003.
- b) Revised drainage plans showing a catch basin that retains water in the parking lot and changes the downspouts to meet the original approved plans are required shall be submitted by November 3, 2003. Plan must address all drainage, grading and storm water issues laid out in previous communications, including the letter sent by Glen Kulkowski.
- c) The parking lot shall be properly striped.

d) The Department of Community Development will allow a flagpole surrounded by low-growing shrubs to replace the Norway Maple Tree that was shown in the approved landscaping plans.

These condition have not been met as of today's date.

3) Execution of Letter of Credit satisfactory to City Attorney to ensure compliance with conditions.

Seconded by Mr. Sisson. Motion carried unanimously.

26. (5)OA SG-75-03 The Varsity Club – 12400 W. Beloit Rd. – Wall Sign.

Motion by Alderman Ament to approve the request by The Varsity Club for a wall sign located at 12400 W. Beloit Road subject to:

- 1) The sign, as proposed fails to meet the City of New Berlin Sign Code. However, staff recommends that the Plan Commission approve the application waiving the typical sign requirements due to the unusual circumstances including the following:
 - a) The property is located on 124th Street and Beloit Road. Monument signs are not required on either of these streets.
 - b) The ultimate right of way of this property does not allow room for a ground sign on this property
 - c) The proposed wall sign is more desirable than two cabinet signs on the façade of the building.
- 2) The protruding cabinet wall sign shall read “The Varsity Club” in yellow lettering on a brown crest on a white background.
- 3) The protruding cabinet wall sign shall not exceed:
4’0” in length x 4’0” in height = 16 square feet
- 4) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275-61 New Berlin Municipal Code.
- 5) A payment of \$21.00 is due per the following calculations:
Protruding cabinet wall sign face: 16 square feet x 2 sides x \$3/square foot = \$96.00 Less application fee (\$75): \$21.00

Seconded by Mr. Gihring. Motion carried unanimously.

27. (3)TK RO-53-03 Sprint Spectrum – 15600 W. National Ave. – Retail.

Motion by Mr. Sisson to approve the request by Sprint Spectrum for retail located at 15600 W. National Avenue subject to:

- 1) The Re-Occupancy Permit Application for Sprint Spectrum does not indicate the number of employees and frequency of customer visits as required, and is therefore incomplete.

- 2) The parking situation at this development is of concern to Staff, as all employee and customer parking must be contained on site. Code requires eight to nine parking spaces for this 1,737 square foot tenant space plus parking for employees. There are nine available parking spots; therefore there is no employee parking located on site.
- 3) The Code Compliance Department has indicated that there are some problems with the brick pavers along the street edges of Qdoba Plaza. Written plans to resolve these issues according to the requirements of the Code Compliance Officer are required prior to review of any further Re-Occupancy applications for this development.

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

28. (3)OA 17000 Rogers Drive - Waive right of first refusal. Refer to letter dated November 6, 2003 from Walsh & Keating, S.C.

Motion by Alderman Ament to recommend that Common Council waive the City's "Right of first refusal" to purchase the property located at 17000 West Rogers Drive.

Seconded by Mr. Sisson. Motion carried unanimously.

29. ()DH PG-927 Resolution #03-44 Declaration of Public Necessity and Relocation Order for Janesville Road Sanitary Sewer in the City of New Berlin, Waukesha County, Wisconsin.

Motion by Alderman Ament to recommend to Council approval of Resolution #03-44 Declaration of Public Necessity and Relocation Order for Janesville Road Sanitary Sewer with the following comments:

- 1) This report is required by Chapter 275-15D(8)(a)(3) & (4)
- 2) The Utilities Commission has recommended approval
- 3) Common Council has referred this to Plan Commission for their report.

Seconded by Mr. Sisson. Motion carried unanimously.

30. (3)BM U-71-03 Star Line Trucking Corp. – 18480 Lincoln Avenue – Construct (7) seven bins inside parking lot to hold decorative stone.

Motion by Alderman Ament to approve the request by Star Line Trucking Corp. to construct (7) seven bins inside parking lot to hold decorative stone located at 18480 Lincoln Avenue subject to:

- 1) The storage bin area shall be 135' x 20' and shall be located in the rear fenced in gravel parking lot as shown on site plans submitted to the Department of Community Development on November 14, 2003.

- 2) The storage bin area shall be screened with landscaping from Lincoln Avenue.
- 3) The storage bins shall be constructed of concrete block and not exceed 8'0" in height. The height of material stored within the bins shall not exceed 8'0" in height.
- 4) Commercial customer visits and sales of decorative stone are not permitted. This approval is for storage only.
- 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) Several items are being stored outside without approval. These items including two pickups stored overnight outside the rear fenced in parking lot, the boat, the snow plow, wooden boxes, and other miscellaneous junk shall be removed by December 22, 2003 or prior to issuance of zoning permit.

Seconded by Mr. Barnes. 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 #31-36.
Seconded by Mr. Sisson. Motion carried unanimously.

ZONING PERMITS

31. (7)SP RO-44-03 Bella Salon & Spa – 16640 W. National Ave. – Nail Salon and Spa.

The request by Bella Salon & Spa for a nail salon and spa located at 16640 W. National Avenue has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities)
- 2) Building plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties. (5)(c)3)
- 3) Apply for and obtain appropriate building, plumbing, and electrical permits.
- 4) No outside storage 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) Per Article VIII Chapter 275-61 of the municipal code all signage for this property shall require submittal of a separate Sign Permit Application.
 - 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. 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.
32. (1)SP RO-45-03 Kathy Does Mostly Windows – 13701-03 W. Greenfield Ave. – Window Treatment Work Shop.
- The request by Kathy Does Mostly Windows for a window treatment work shop located at 13701-03 W. Greenfield Avenue has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:
- 1) The residential portion of this property is an accessory use to the existing business and can only be occupied by the proprietor or a designated employee (manager). This unit cannot be leased out as a commercial rental property.
 - 2) No outside storage shall be permitted.
 - 3) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
 - 4) Per Article VIII Chapter 275-61 of the municipal code all signage for this property shall require submittal of a separate Sign Permit Application.
 - 5) Employee and customer parking must be contained on site.
 - 6) 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.
 - 7) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
 - 8) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
33. (3)SP RO-46-03 Printery, Inc. – 2644-48 S. 162 St. – Printed Goods and Finished Goods Storage.

The request by Printery, Inc. for printed goods and finished goods storage located at 2644-48 S. 162 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.
 - 2) No forklifts or other equipment other than enclosed shipping trucks or vans shall be used to transport printed good supplies between facilities.
 - 3) Outside storage of junk and trash is not permitted. Wooden pallets behind the 2606 & 2608 tenant bays shall be removed by November 5, 2003.
 - 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.
34. (3)SP RO-47-03 John R. Brandt – 2675 S. Calhoun Rd. – Management Firm Specializing in Accounting, Tax, Sales, and Business Operations.

The request by John R. Brandt for a management firm specializing in accounting, tax, sales, and business operations located at 2675 S. Calhoun Road has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) A Master Identification Sign Application, including a timeline for installation, for Parkland Plaza shall be submitted by January 27, 2004. This is two weeks after the annual Parkland Plaza Condominium Association meeting at which association members will decide on the monument signage proposal.
- 2) At the same meeting of the Parkland Plaza Condominium Association the sign section of the Parkland Plaza Condo Association Rules shall be updated to reflect the Coordinated Sign Standard for Parkland Plaza.
- 3) Updated landscaping plans shall be submitted to the Department of Community Development by November 25, 2003 for staff review and approval.

- 4) All sign 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 Parkland Plaza Coordinated Sign Standard.
 - 5) No outside storage shall be permitted on this property.
 - 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 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.
35. (5)BM RO-48-03 Michael M. Koscinski – 16145 W. National Ave. – CPA Office.

The request by Michael M. Koscinski for a CPA Office located at 16145 W. National Avenue has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) The updated parking lot as shown in site plans submitted to the Department of Community Development November 21, 2003 shall be striped and the driveway leading to the garage on the back of the building shall be paved to meet the requirements of Article VIII chapter 275-57 of the Municipal Code in its entirety by July 31, 2004.
- 2) The residential portion of this property is an accessory use to the existing business and cannot be leased out as a commercial rental property.
- 3) Per Zoning permit U-82-01 Applicant will be required to incorporate the West National Avenue Redevelopment Plan design and guidelines for street edge, lighting, pedestrian pathways, signage and landscaping. Monument signage is required for businesses within the West National Avenue Redevelopment area. A monument sign application shall be submitted to the Department of Community Development by May 1, 2004.
- 4) Per Zoning Permit U-82-01 all parking stalls in front of the building that encroach into National Avenue ROW shall be eliminated and restored to green space as shown on site plans submitted November 21, 2003. All paved area along National Avenue shall be setback a minimum of 10' as required by Code by July 31, 2004.

- 5) Interior construction has started without any permit issuance. Double permit fees will be charged for all applicable work done without a permit per Section 30.65 of the Wisconsin Uniform Building Code. Work shall be stopped until applicant acquires a Re-occupancy Permit and proper building permits.
 - 6) No outside storage shall be permitted for this property.
 - 7) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
 - 8) Per Article VIII Chapter 275-61 of the municipal code all signage for this property shall require submittal of a separate Sign Permit Application.
 - 9) Employee and customer parking must be contained on site.
 - 10) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - 11) 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.)
 - 12) Apply and obtain appropriate building, plumbing, and electrical permits.
 - 13) If they 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.
 - 14) Landscaping must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
 - 15) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
36. (3)SP RO-51-03 Finish Systems – 2691 S. Calhoun – Distributor of Coatings and Spray Equipment to Industrial Customers.

The request by Finish Systems for distribution of coatings and spray equipment to industrial customers located at 2691 S. Calhoun Road has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) A Master Identification Sign Application, including a timeline for installation, for Parkland Plaza shall be submitted by January 27, 2004. This is two weeks after the annual Parkland Plaza Condominium Association meeting at which association members will decide on the monument signage proposal.
- 2) At the same meeting of the Parkland Plaza Condominium Association the sign section of the Parkland Plaza Condo Association Rules shall be updated to reflect the Coordinated Sign Standard for Parkland Plaza.
- 3) Updated landscaping plans shall be submitted to the Department of Community Development by November 25, 2003 for staff review and approval.

- 4) All sign 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 Parkland Plaza Coordinated Sign Standard.
- 5) All flammable coatings and solvents shall be stored in flammable cabinets.
- 6) No outside storage shall be permitted on this property.
- 7) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
- 8) Employee and customer parking must be contained on site.
- 9) Sprinkler head relocation may be required in the future per the direction of the City of New Berlin Fire Department.
- 10) Fire extinguishers are required.
- 11) If new walls are added in the future, building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
- 12) Building plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per Wisconsin Department of Commerce (Comm 61.70 Certified Municipalities and Counties. (5)(c)3.)
- 13) Apply and obtain appropriate building, plumbing, and electrical permits when required by code.
- 14) 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.
- 15) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
- 16) 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. Teclaw to approve consent agenda items 37-46, 48-52.
Seconded by Mr. Sisson. Motion carried unanimously.

STAFF APPROVED

37. (7)BM U-61-03 J. W. Winco – 2815 S. Calhoun Rd. – 25th Anniversary Party.

The request by J. W. Winco for a 25th Anniversary party located at 2815 S. Calhoun 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) Hours of operation for the Open House and Reception shall be limited to 2:00 p.m. thru 8:00 p.m. October 3, 2003.
- 2) A tent shall be installed on the location in the parking shown on site plans submitted September 30, 2003. The tent shall be installed on October 2, 2003 and removed by October 6, 2003.
- 3) All debris, materials, vehicles, and equipment associated with the open house/reception excluding the tent shall be removed directly after the open house/reception on October 3, 2003.
- 4) Parking shall be prohibited on Calhoun Road and Cleveland Avenue. All overflow parking shall be located on the back parking lot at 2855 South Calhoun Road with the owner's permission.
- 5) No overnight outside storage of equipment, vehicles, junk or materials shall be permitted on the property. The pallets, wood boxes, and drums shall be removed from the south parking lot by October 17, 2003.
- 6) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
- 7) Building must be maintained per Chapter 201 of the City of New Berlin Municipal Code.
- 8) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

38. (7)BM U-63-03 D H Graphics – 4135 S. Racine Ave. – Sale of Christmas Trees.

The request by D H Graphics for the sale of Christmas trees located at 4135 S. Racine 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) Approval will be granted for a one-year probationary period subject to the result and outcome of the operation. Applicant will be required to reapply to the Plan Commission for additional years if they want to continue this business at this location. Future approval for additional years shall be contingent on a determination by the City of New Berlin Police Department regarding Christmas Tree Sales at this location. An application for additional years must be submitted to the Department of Community Development (planning) prior to September 24, 2004. Any application for Christmas Tree sales is submitted to the Department of Community Development (planning) after September 24, 2004, it shall only be issued a temporary permit.
- 2) Tree display and parking areas shall be restricted to the areas identified on the site plan submitted to the Department of Community Development (planning) on October 3, 2003.

- 3) Lighting of trees must be shielded so as not to spill onto the public right-of-way. Any wiring other than temporary lights strung off of existing outlets will require the application for an electrical permit and inspection.
 - 4) This probationary approval will be granted for a period starting the day after Thanksgiving, November 28, 2003 through December 24, 2003. This site must be cleared of all Christmas trees and debris by the end of the day on December 30, 2002.
 - 5) Hours of operation will be limited to 10:00 AM to 7:00 PM or as approved by the Plan Commission for the duration of the season.
 - 6) Applicant must provide portable bathroom with chemical toilets from a licensed distributor during the duration of sales. The portable bathroom shall be emptied weekly.
 - 7) All inspections for open permits for building, plumbing, and electrical work done on this property must be completed by April 1, 2004.
 - 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.
39. (7)BM U-65-03 Ken Sidello – 16840A W. Victor Rd. – Loading Dock in Back of Building.

The request by Ken Sidello for a loading dock in back of the building located at 16840A has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) Construction of the loading dock ramp shall not reduce green space on the property below the required 30% per Article VIII Chapter 275-35 of the Municipal Code.
- 2) The loading dock and ramp shall be constructed per plans submitted to the Department of Community Development (planning) on November 19, 2003.
- 3) A second sump pump shall be installed to accommodate additional storm water drainage from the new ramp.
- 4) The catch basin at the bottom of the loading dock ramp will require State of Wisconsin Plumbing approval prior to issuance of a plumbing permit.
- 5) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
- 6) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).

- 7) Building plans shall be approved by the New Berlin Department of Community Development Inspection Division per Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and Counties. (5)(c) 3.
 - 8) Apply and obtain appropriate building, plumbing, and electrical permits as needed.
 - 9) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
 - 10) Building must be maintained per Chapter 201 of the City of New Berlin Municipal Code.
 - 11) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
40. (2)BM U-66-03 Kimberly Eigenberger – 14129 Waters Edge Trail – Construction of an Unheated Sunroom.

The request by Kimberly Eigenberger for construction of an unheated sunroom located at 14129 Waters Edge Trail 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) Prior to issuance of Zoning Permit for patio enclosure the deck permit shall be finalized.
 - 2) Applicant shall be required to apply for a Building Permit for the existing deck by December 3rd, 2003. At which time the existing foundation piers will need to be dug out for an inspection to verify frost depth. Double fees shall be paid for the deck permit.
 - 3) The patio enclosure shall be built on the existing deck and foundation following the footing inspection and issuance of the necessary Building Permit.
 - 4) The materials used to construct the unheated sunroom shall match the exterior of the existing building.
 - 5) All open Building Permits shall be scheduled for final inspection prior to issuance of Building Permit for the new patio enclosure.
 - 6) Building plans and construction shall conform to the Wisconsin Uniform Dwelling Code.
 - 7) Building plans shall be approved by the Department of Community Development Inspection Division.
 - 8) Apply and obtain appropriate building, plumbing, and electrical permits.
 - 9) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
 - 10) Building must meet all applicable building and fire codes.
41. (4)OA U-69-03 New Berlin Historical Society - 19765 W. National Avenue-Historic Park - 20' diameter Victorian style gazebo.

The request by New Berlin Historical Society for a 20' diameter Victorian style gazebo located in the Historic Park at 19765 W. National Avenue has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) Per Article VI Chapter 275-46 of the Municipal Code the required setback for the gazebo may be decreased to the average setback of the existing abutting structures on each side, but may not be setback less than 15 feet.
 - 2) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - 3) Building plans shall be approved by the Department of Community Development Inspection Division per Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties (5)(c) 3).
 - 4) Apply and obtain appropriate building, plumbing, and electrical permits.
 - 5) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
 - 6) Building must meet all applicable building and fire codes.
42. (2)SP SG-71-03 Burger King – 3500 S. Moorland Rd. – Monument Sign.

The request by Burger King for a monument sign located at 3500 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) The two-sided monument sign shall be internally illuminated and shall be turned off outside of business hours.
- 2) The two-sided monument sign faces shall contain the Burger King logo on a white background on half and a reader board with four lines of eight inch copy on the other half. The two sided monument sign faces shall not exceed: 8'0" in length x 4'0" in height = 32 square feet
- 3) The overall height of the two-sided internally-illuminated monument sign shall not exceed 6'0"
- 4) The Department of Community Development has not received a site plan showing the location of the monument sign. Applicant shall submit a site plan showing the location prior to issuance of Sign Permit. The monument sign shall be located behind the ultimate right of way of Greenfield Avenue.
- 5) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275-61 New Berlin Municipal Code.
- 6) A payment of \$59.00 is due per the following calculations:
Monument Sign Face: 32 square feet x 2 sides x \$3/square foot = \$192.00
Less application fee (\$75): \$117.00
Less excess application fee paid (\$58): \$59
- 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.
43. (7)BM SG-72-03 DH Graphics/Christmas Tree Sales – 4135 S. Racine Ave. – Temporary 3' x 4' Sign on Posts.

The request by DH Graphics/Christmas Tree Sales for a temporary 3' x 4' sign on posts located at 4135 S. Racine Avenue has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Article VIII Chapter 275-61 of the City of New Berlin Municipal Code.
 - 2) The overall temporary ground sign shall not exceed a maximum of 8'0" in height and the sign shall be behind the ultimate right of way of South Racine Avenue.
 - 3) The temporary ground sign face shall not exceed 4'0" in width x 3'0" in height and shall read "Fresh Cut Christmas Trees" in red on a white background.
 - 4) The temporary ground sign shall be erected no earlier than November 28, 2003 and shall be removed by December 24, 2003.
 - 5) The temporary ground face shall not be illuminated.
 - 6) A payment of \$0.00 is required per calculations below:
Temporary ground Sign Face: (3'0" x 4'0") = 12 sq.ft. x 2 side = 24 sq.ft. x \$3.00/sq.ft. = \$72.00
Less Application Fee (\$75.00) = \$0.00
 - 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.
44. (3)BM SG-74-03 Vivace Salon – 2725 S. Calhoun – Update to previously approved wall sign.

The request by Vivace Salon for an update to previously approved wall sign 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 small ground sign posted in front of the Vivace tenant bay is not permitted and shall be removed prior to issuance of Sign Permit.
- 2) The wall sign shall be internally illuminated and turned off outside of business hours. It shall read "VIVACE Salon" in white individual channel letters with duranodic bronze 313 returns mounted on a raceway. The raceway shall be painted to match the façade of the building on which it is placed.

- 3) All features of the internally-illuminated wall sign shall meet the Coordinated Sign Standard for Parkland Plaza and the Condominium Association Rules.
 - 4) The internally-illuminated wall sign face shall not exceed:
(VIVACE) 1'6" in height x 11'0" in width = 16.5 square feet
(Salon) 0'10" in height x 7'0" in width = 5.81 square feet
For a total of 22.31 square feet
 - 5) The two temporary ground sign face replacements shall read "Vivace Salon & Spa" in black lettering on white acrylic.
 - 6) The temporary ground sign face replacements shall not exceed 0'6" in height x 1'0" in width = .5 square feet
 - 7) The temporary ground sign face replacements have been installed prior to issuance of Sign Permit and are subject to a double fee per Chapter 275-61 of the New Berlin Code.
 - 8) A sign application showing the agreed upon monument sign proposal for Parkland Plaza based on the guidelines meeting between members of the Parkland Plaza Condominium Association and the Department of Community Development on September 30, 2003 shall be submitted by January 27, 2004. This is two weeks after the annual Parkland Plaza Condominium Association meeting at which association members will decide on the monument signage proposal.
 - 9) 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 Parkland Plaza Coordinated Sign Standard.
 - 10) A payment of \$0.00 is due per the following calculations:
Wall Sign Face: (1'6" x 11'0") = 16.5 sq.ft. x 1 side = 22.31 sq.ft. x \$3.00/sq.ft. = \$49.50
Wall Sign Face: (0'6" x 7'0") = 5.81 sq.ft. x 1 side = 5.81 sq.ft. x \$3.00/sq.ft. = \$17.43
Temporary Ground Sign Face Change: (0'6" x 1'0") = .5 sq.ft. x 2 sides = 1 sq.ft. x \$3.00/sq.ft. = \$3.00
Double Fee: (2 x \$3.00) = \$6.00
Less Application Fee: (\$75.00) = \$0.00
 - 11) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
 - 12) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
45. (5)SP SG-76-03 Associated Bank – 15665 W. National Ave. – 24 Sq. Ft. Banner to be Hung on Building.

The request by Associated Bank for a 24 sq. ft. banner to be hung on the building located at 15665 W. National Avenue has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) The temporary banner shall not be illuminated. It shall read “Associated Bank OPEN YOUR BUSINESS CHECKING TODAY” in black letters on a white background.
- 2) The temporary banner shall be permitted for 30 days.
- 3) The internally-illuminated wall sign face shall not exceed:
8’0” in length x 3’0” in height = 24 square feet
- 4) Dumpsters shall be screened from public view per Section 275-56 of the New Berlin Code. Dumpster screening plans shall be submitted to the Department of Community Development by December 13, 2003.
- 5) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit.
- 6) A payment of \$0 is due per the following calculations:
Wall Sign Face: 24 square feet x 1 side x \$3/square foot = \$72.00
Less application fee (\$75): \$0
- 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.

46. (4)OA SG-77-03 Art Source – 5125 S. Towne Dr. – Monument Sign Face Change.

The request by Art Source for a monument sign face change 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) The Department of Community Development has received and will be reviewing the Re-Occupancy Permit Application from Art Source. A Permit has not yet been issued. The Sign Permit shall not be issued until the Re-Occupancy Permit is issued per New Berlin Code Section 275-61.
- 2) The two-sided monument sign faces shall read “Art Source” in burgundy lettering on a white background.
- 3) The two sided monument sign faces shall not exceed:
8’0” in length x 1’3” in height = 10 square feet
- 4) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275-61 New Berlin Municipal Code.
- 5) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.

- 6) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
47. (3)SP SG-78-03 New Berlin Chamber of Commerce – 2140 S. Calhoun – 19’4” x 36” High Banner for the New Berlin Christmas Parade.

Motion by Mr. Sisson to approve the request by New Berlin Chamber of Commerce for a 19’4” x 36” high banner for the New Berlin Christmas parade located at 2140 S. Calhoun Road subject to 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 Ordinance.
- 2) The non-illuminated temporary banner shall not exceed 19’4” x 3’0” = 58 square feet. The non-illuminated temporary banner shall read “NEW BERLIN CHRISTMAS PARADE November 8 • 3:30 pm SPONSORED BY NEW BERLIN CHAMBER of COMMERCE & VISITORS’ BUREAU”.
- 3) The banner shall be hung on the Walmart fence, shall be posted on October 24, 2003 and shall be removed by the end of the day on November 10, 2003.

Seconded by Mr. Teclaw. Motion passes with Alderman Ament voting present.

48. (2)SP SG-79-03 Tobacco Outlet – 3628 S. Moorland Rd. – Install One New Set of Internally Illuminated Channel Letters.

The request by Tobacco Outlet to install one new set of internally illuminated channel letters 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) The wall sign shall be internally illuminated and turned off outside of business hours.
- 2) The internally illuminated wall sign shall read “TOBACCO OUTLET” in red channel letters.
- 3) All sign specifications are to meet the requirements of the New Berlin City Center Coordinated Sign Standard for New Berlin Plaza. This includes:
 - a) Faces to be of “Rohm & Hass” Plexiglas #2283 red.
 - b) Neon color shall be two strokes of 15 mm green glass pumped red 3 ½” from face.
 - c) Returns to be painted to match 313 Bronze.Plans showing the Tobacco Outlet sign meeting these specification shall be submitted to the Department of Community Development by November 20,2003 or prior to issuance of a Sign Permit.
- 4) The internally illuminated wall sign shall not exceed:

17'0" in length x 1'6" in height = 25.5 square feet

- 5) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275-61 New Berlin Municipal Code.
 - 6) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
 - 7) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
49. (1)SP SG-80-03 Mitchell Bank – 12400 W. National Ave. – Temporary Banner.

The request by Mitchell Bank for a temporary banner located at 12400 W. National Avenue has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) The temporary banner shall read "NOW OPEN" in white letters on a blue background with a white Mitchell Bank logo on the left.
 - 2) The wall sign face shall not exceed:
10 feet in length x 2 feet in height = 20 square feet
 - 3) The temporary banner shall be permitted for 30 days.
 - 4) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275-61 New Berlin Municipal Code.
 - 5) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
 - 6) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
50. (5)BM SG-81-03 New Berlin Public Library – 15151 Main Street – Temporary Construction Signs.

The request by New Berlin Public Library for temporary construction signs located at 15151 Main 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) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of Article VIII, Chapter 275-61 of the City of New Berlin Municipal Code.
- 2) The non-illuminated temporary development sign shall be removed upon completion of the New Berlin Public Library Project.
- 3) The overall non-illuminated temporary development sign shall not exceed 10'6" in height.

- 4) The dimensions of the non-illuminated temporary development sign shall not exceed:
6'6" in height x 7'0" in width = 45.5 square feet in area
 - 5) The non illuminated temporary development sign face shall read "Future Home of New Berlin Public Library – Architect Plunkett Raysich Architects Two Park Plaza, Suite 300 10850 West Park Place Milwaukee WI 53224 414 359-3060 – Construction Manager Riley Construction One Park Plaza, Suite 900 11270 West Park Place Milwaukee WI 53224 414 359-0100 – Consulting Engineers – Structural, Plumbing, HVAC, Electrical: Arnold & O'Sheridan – Civil: HNTB – Library Planner: Howard R. Green Company – Lighting Consultant: Klein Lighting , LLC" in blue letters on a white and light blue background including City of New Berlin, Plunkett Raysich, and Riley Construction logos.
 - 6) The non-illuminated temporary development sign shall be located behind all ultimate right of ways within the City Center Development and the City of New Berlin as a whole.
 - 7) The temporary Development sign face shall not be illuminated.
 - 8) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
 - 9) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
51. (5)NJ SG-83-03 MiCocina Mexican Restaurant – 15366 W. Beloit Rd. – Banner.

The request by MiCocina Mexican Restaurant for a banner located at 15366 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:

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.

- 1) The temporary banner face shall not exceed 12'0" in length x 2'8" in height and shall read "MI COCINA MEXICAN CUISINE".
- 2) The temporary banner shall be removed 30 days from the issuance of the sign permit.
- 3) The temporary banner face shall not be illuminated.
- 4) This letter shall also serve as a violation letter for putting up the sign prior to issuance of the sign permit.
- 5) A payment of \$96.00 is required per calculations below:
Temporary Banner Sign Face: (12'0" x 2'8") = 32 sq.ft. x 1 side = 32 sq.ft. x \$3.00/sq.ft. = \$96.00
Less Application Fee (\$75.00) = \$21.00 + double fee (\$75.00) = \$96.00
- 6) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.

- 7) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
52. (2)SP SG-84-03 National Regency – 13750 W. National Ave. – Monument Sign.

The request by National Regency for a monument sign located at 13750 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) Conditions for approval of Sign Permit SG-23-03 for one portable ground sign located at 13750 West National Avenue states that a payment of \$147.00 was due prior to issuance of the permit. That remaining sign fee has not been paid and the Sign Permit was never issued, therefore that sign was in violation. The fee shall be paid, so that the sign can be made legal with a permit, prior to issuance of the new monument sign permit (SG-84-03).
- 2) he internally-illuminated monument sign shall be located outside of the vision triangle. A new site plan showing the sign located outside of the vision triangle shall be submitted prior to issuance of a sign permit.
- 3) Two directional signs pointing to the “Linden Grove Corporate Office” are located on the property. Directional signs are not to have any company names or logos and as such these signs are not permitted. These signs shall be removed prior to issuance of a sign permit.
- 4) The overall height of the sign shall not exceed 8’0”. The submitted sign plans show the monument sign with a total height of 8’2”. New plans showing the monument sign with an overall height of 8’0” shall be submitted prior to issuance of a sign permit.
- 5) The monument sign faces shall read “PROHEALTH CARE REGENCY SENIOR COMMUNITIES NEW BERLIN” in white lettering on a blue background.
- 6) The monument sign shall not exceed 5’8” in length x 5’8” height = 32 square feet
- 7) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275-61 New Berlin Municipal Code.
- 8) Payment of \$264 is due per the following calculations:
Sign Face: 5’8” in length x 5’8” in height = 32 square feet x 2 sides x \$3/square foot = \$192.00
Less application fee (\$75): \$117.00
Plus Outstanding Permit Fee (\$147): \$264.00
- 9) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
- 10) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.

COMMUNICATIONS

53. Communication To: Plan Commission
Communication From: David Haines, Planning Services Manager
RE: Planning Commissioners Journal, Fall 2003

Plan Commissioners acknowledged receipt of communication.

54. Communication To: Plan Commission
Communication From: David Haines, Planning Services Manager
RE: (PG-926) New Valley TIF Redevelopment Study.
City of Muskego Common Council Minutes of October 28, 1003.
Letter dated October 30, 2003 from Jill Blenski, Deputy Clerk City of Muskego, addressed to Mr. Carity and Mr. Kessler.
Letter dated November 4, 2003 from Gregory Kessler addressed to Mr. Carity and Mr. Turk.

Plan Commissioners acknowledged receipt of communication.

55. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: Letter dated November 4, 2003 to Raymond Grzys regarding Basin No. NB-9.

Plan Commissioners acknowledged receipt of communication.

56. Communication To: Plan Commission
Communication From: David Haines, Planning Services Manager
RE: "New Model Floodplain Zoning Ordinance Available", Floodplain and Shoreland Management Notes. Fall 2003.

Plan Commissioners acknowledged receipt of communication.

57. Communication To: Plan Commission
Communication From: David Haines, Planning Services Manager
RE: "TIF Legislation Expected to Boost Economic Development", The Business Journal, November 21, 2003.

Plan Commissioners acknowledged receipt of communication.

ADDENDUM ITEM

58. (7)DH R-7-03 Poplar Creek Development – 3095-3111 S. Calhoun – Rezone from A-1/A-2 to R-1/R-3/I-1.

Motion by Alderman Ament to request the developer and staff review for purposes of identification areas to be set aside in open space and identify such on plat.

City Attorney Blum – The motion that would be appropriate at this time, if any, would be to require by the position that was taken and what that means that each member of the Plan Commission makes a statement in respect to why they voted the way they did and send that information onto the Council. There has been a motion made at the last meeting so the best you can provide the council is clarification of why you all voted the way you did.

Alderman Ament – The reason I voted for denial is they did not follow our code that calls for setting aside the areas that we want to preserve for conservation subdivision by way of zoning districts.

Mr. Teclaw – The reason I voted for denial because as we have learned in a conservation subdivision, we truly do protect up front, through the zoning, the sensitive environmental areas. A sentence from our code reads, all required open space lands shall be permanently restricted from future subdivision development. The only way to do that is to zone that in a conservation zoning by which you can enforce and protect.

Mr. Sisson – I voted in favor of this and we spend a fair amount of time clarifying, scrutinizing, etc. this. In the last month I spent some time talking to staff about what this process looks like, and the stages that are gone through. I look forward to the preliminary plat stage, which comes next and voting on the final analysis. As I understand it, nothing has changed, nothing has been modified, therefore, as far as I am concerned, it is still suitable for the benefit of this committee.

May Wysocki – I am in favor because I believe in the process of this conservation subdivision and the way to delineate and preserve the open space system as we do that through the planning process. The ultimate plat review is what protects, not even the zoning. The zoning can be changed. The final preliminary plat is the protection of the proposed areas that we, as a Plan Commission, determine are the natural features we wish to protect and any other features we can get with regards to the open space requirements.

Mr. Barnes – I voted in favor also because of the fact that through our zoning code we do have the proper safe guards in place to protect the sensitive environmental areas.

Mr. Gihring – I voted in favor because our process does not require the developer to delineate C-1 areas and I think that is something we need to fix. I didn't think it was fair to the developer to make a requirement of him if it wasn't in our requirements for our submission. The other reason, is that I thought that we could handle this at the preliminary plat stage. I am not real sure that we can.

Mr. Felda – I also voted in favor. Looking at it after discussion with people on the staff, I would now like to see the area identified first. Also, I don't support that the developer has total say in what area needs to be delineated and I would have some reservations at this time to cast the same type of vote but I wanted to make my opinion known.

Motion by Alderman Ament to adjourn the Plan Commission Meeting at 11:13 P.M. Seconded by Mr. Sisson. Motion carried unanimously.