

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

**NEW BERLIN PLAN COMMISSION
AUGUST 2, 2010
MINUTES**

The Plan Commission was called to order by Mr. Christel at 6:08 P.M.

In attendance were Mr. Sisson, Mr. Christel, Ms. Groeschel, Alderman Ament, Mr. Felda, and Ms. Broge. Also present were Nikki Jones, Planning Services Manager; Jessica Titel, Associate Planner; Amy Bennett, and Associate Planner; Tom Schmitzer, City Attorney's Office. Mayor Chiovatero arrived at 6:12 P.M.

Motion by Alderman Ament to approve the Plan Commission minutes of June 29, 2010. Seconded by Ms. Broge. Motion passes with Mr. Felda voting present.

Motion by Alderman Ament to approve the Plan Commission minutes of July 12, 2010. Seconded by Ms. Broge. Motion carried unanimously.

PLAN COMMISSION SECRETARY'S REPORT

Open Office Hours are held from 9:00-10:00 A.M. Monday – Friday in Conference Room A/B during which staff is available to answer any questions people may have concerning City Center. Information on presentations that have been made about City Center can also be found under City Spotlight on the City's website. www.newberlin.org

CONTINUED BUSINESS

1. (7)AB UA-10-20 Joe Wieneke – 18200 W. Lynette Ln. – Grading and Filling.
(Tabled 6/7/10, 7/12/10)

Item remains tabled.

NEW BUSINESS

2. (3)JT RZ-10-02 Dean Magner – 19470 W. Lincoln Ave. – Rezone from M-1, C-1, and C-2 to M-1, C-1, and C-2 to Field Delineate the Wetlands.(Public Hearing 7/12/10)

Motion by Mr. Sisson to table the request to rezone the property located at 19470 W. Lincoln Avenue from M-1, C-1 & C-2 to M-1, C-1 & C-2 while the applicant works to gather information requested at the public hearing held on July 12, 2010.

Seconded by Alderman Ament. Motion carried unanimously.

3. (4)JT CU-10-05 Kwik Trip – 15700 W. Small Rd. – Diesel Canopy and Tanks.(Public Hearing 7/12/10)

Motion by Alderman Ament to approve the Conditional Use Permit and Waiver Request #1 for the installation of a new diesel canopy, diesel pumps and underground storage tanks located at 15700 W. Small Road subject to the application, plans on file and the following conditions:

WAIVER REQUEST #1: Applicant is requesting a waiver from Section 275-57 E (4), driveway width maximums. The west driveway exceeds the maximum driveway widths. Due to the truck traffic and proposed use, Staff is able to support this waiver.

- 1) Planning:
 - a) Plan of Operation:
 - i. Applicant shall adhere to the submitted plan of operation.
 - ii. Hours of Operation: 24-hours
 - iii. Applicant is proposing to install a new diesel canopy, fuel pumps and underground storage tanks.
 - b) Approval of the Landscaping Plan and payment of all installation and maintenance sureties are required prior to issuance of the Zoning Permit. Landscape plans shall meet all the requirements of Article VIII Section 275-53 through 275-56 of the City's Zoning Code. A Registered Landscape Architect shall stamp plans. Landscape plan shall be approved and signed by the Department of Community Development prior to installation of any materials.
 - c) Applicant shall apply for and receive individual Sign Permits for any signage prior to installation or modification, even if signage is temporary.
 - i. "Kwik Trip" name is not permitted on the canopy. The site already includes the maximum allowable signage.
 - d) Dumpsters and mechanical equipment shall be properly screened from the street and public view in accordance with Section 275-56.G of the Zoning Code.
 - e) No outdoor storage permitted.
- 2) Stormwater:
 - a) Erosion Control notes shall include inspection and maintenance requirements.
 - b) Stormwater Management Plan Maintenance Agreement is required. The City of New Berlin boilerplate agreement is available online.
 - c) Applicant shall provide pond/bioretenention cross-sections.
 - d) Pond outlet details are required.
 - e) 100-yr overflow spillways and overland flow routes shall be shown on plans.
 - f) Overflow spillway location and detail is required.

- g) Applicant shall provide spot grades south of the south catch basin, possibly an 878.76 west of the existing sanitary manhole.
 - h) Slopes shall conform to the 4:1 maximum requirement.
- 3) Engineering:
- a) From the Developer's Handbook, Section 5; I Construction Plan Standards for Lot Grading Plans: (D) Construction Plan Standards (6) a minimum of two (2) permanent benchmarks shall be required for each forty (40) acre or less project. Survey documentation of ties to USGS, City of New Berlin Sanitary Sewer System (inverts) or MMSD using the conversion factor of 580.58 to achieve the same USGS datum. The grading and site plan must be presented in USGS datum. Relative datum is not acceptable design criteria.
 - b) Applicant shall add this note to each project plan sheet as follows: "All Site Improvements and construction shown on these plans shall conform to City of New Berlin Developer Handbook, Infrastructure Design Standards and Infrastructure Specifications, and where the plans do not comply, it shall be the sole responsibility and cost of the Developer to make revisions to plans and/or constructed infrastructure to comply at the Developer's sole expense."
 - c) All Erosion Control measures shall be in place and inspected/approved prior to site disruption of any kind.
 - d) From the Developer's Handbook, Section 3; III Storm Sewer: (O). Double inlets are required at low points in roadways and parking lots. Inlets shall be separated by one (1) eight foot (8-ft.) pipe length. Also Section 3; IV Streets And Roadways: (X) Parking Lots, (8). Single inlets at low points shall be double inlets.
 - e) From the Developer's Handbook, Section 3; IV Streets And Roadways: (X) Parking Lots, (7). General parking areas shall have at least a minimum of 6-inches of crushed aggregate base crushed and 4-inches of E-3 Asphaltic Concrete. Areas of heavy traffic, such as loading docks, shall have at least a minimum of 8-inches aggregate base course and 6-inches of E-3 Asphaltic Concrete. Applicant shall revise plan to meet this requirement.
 - f) From the Developer's Handbook, Section 3; VIII Lot Grading, Lot Drainage and Erosion Control Standards: (B) Grading Slope Standards, (8) Within ROW, maximum slope behind curb is ½" per foot (4%) and/or 0.7' of a foot total rise through the right-of-way from the back of the curb head to the lot pipe on the property. Applicant shall verify that all areas within the right-of-way meet this standard.
 - g) The site shall remain ADA compliant as per American National Standards ICC/ANSI A117.1-2003.
 - h) Any broken pavement or worn pavement markings should be replaced at this time.

- i) Per the Developer's Handbook, Section 3; VIII Lot Grading, Lot Drainage and Erosion Control Standards: (A) Developer Grading, (3) Applicant shall maintain five foot "No Touch Zones" from all lot lines. Silt fencing placement shall be a minimum of five feet from the property line.
- 4) Transportation:
 - a) Applicant shall apply for a driveway permit with the Department of Community Development for the driveway modifications.
 - b) Small Road is no longer CTH HI. Please revise plans.
 - c) Lighting plan does not follow city standards.
 - i. A chart with photometric summary information shall also be provided utilizing only points within on-site parking, circulation and pedestrian areas (Zoning Code §275-60I). Plan shall show light pole layout and illumination levels on plan sheets.
 - ii. The development light levels can be higher than the requirement for average footcandles, but must be equal to or lower than the average-to-minimum and maximum-to-minimum ratios in the zoning code. May need to include existing lighting units in the analysis for those areas shown as 0.0.
 - iii. The development light levels can not be higher than 0.5 footcandles at the property line.
 - d) Pavement marking and signing plan needed showing travel direction / restrictions.
- 5) Inspection:
 - a) Building plans shall be signed and stamped by a licensed architect or professional engineer per the Wisconsin Enrolled Commercial Building Code (Comm.61.31).
 - b) The State of Wisconsin Commerce review can be done locally as per (Comm.61.60).
 - c) Apply and obtain appropriate building, and electric permits from the City of New Berlin Building Inspection Division.
 - d) Provide structural calculations with building permit application
- 6) Fire:
 - a) Any new or existing fueling system and underground storage tanks are subject to WI COMM. approval and New Berlin Fire Department permit.
 - b) Applicant shall adhere to all applicable fire codes.

Seconded by Mr. Christel. Motion carried unanimously.

4. (5)AB SG-10-20 Maurice's – 15474 W. Beloit Rd. – Wall Sign.

Motion by Mr. Felda to approve the wall sign, along with Waiver Request #1, for Maurice's located at 15474 W. Beloit Road subject to the application, plans on file and based on the information below:

Waiver Request #1: The applicant is requesting a waiver from the City's Sign Requirements under Section 275-61 for monument sign height, square footage and the number of signs.

- 1) Pursuant to Section 275-61.I.(1)(a), "Wall signs or building signs. Wall signs and building signs shall be placed against the exterior walls or buildings and shall not extend more than 12 inches outside of a building's wall surface; shall not exceed one square foot in area for every one linear foot of building face width on which it is mounted."
The applicant is proposing a wall sign that will exceed the maximum square footage (112.88 sq. ft.) requirements allowed in the Zoning Code. The width of the tenant space is approximately 50'.
Due to existing site conditions such as the speed of traffic, size of the site, scale of the buildings and location of tenant space, staff supports and recommends approval of the waiver.
- 2) The Plan Commission has the authority to grant this waiver pursuant to Section 275-52(C), which states "The Plan Commission may waive or modify any or all of the other requirements of this article if it determines that:
 - a) The site or activity in question will have no appreciable off-site impact;
 - b) Compliance with the requirement(s) is impractical or impossible due to site conditions or other circumstances beyond the control of the applicant; or
 - c) The specific requirement is not necessary for a particular site to ensure compliance with the requirement of this chapter.

Seconded by Ms. Broge. Motion passes with Mayor Chiovatero, Mr. Christel, Alderman Ament, Mr. Sisson, Mr. Felda, Ms. Broge voting Yes and Ms. Groeschel voting No.

5. (3)JT U-47-08 John Anderson – 1708 S. 170th Street – Re-Approval of a Front Setback Modification for New Single-Family Home.

Motion by Alderman Ament to Re-approve the original Use Approval to apply Section 275-46.C which states: "The required street yards may, with Plan Commission approval, be decreased in any residential or business districts to the average of the existing street yards of the abutting structures on each side but in no case less than 15 feet in any residential district and five feet in any business district," and to construct a home with a 30.1-foot front yard setback rather than the required 40-foot front yard setback located at 1708 S. 170th Street subject to the application, plans on file and satisfaction of the original conditions of approval:

- 1) Section 275-46.C of the Zoning Code states: “The required street yards may, with Plan Commission approval, be decreased in any residential or business districts to the average of the existing street yards of the abutting structures on each side but in no case less than 15 feet in any residential district and five feet in any business district.” The front yard setback for the new home shall be a minimum of 30.1-feet.
- 2) Applicant shall apply for and obtain all appropriate building, plumbing and electrical permits for the approval and construction of the new home.

Seconded by Ms. Broge. Motion carried unanimously.

6. (5)JT SG-10-22 Quaker Steak & Lube – 4900 S. Moorland Rd. – Signage.

Motion by Alderman Ament to approve the request for 3 wall signs along with Waiver Requests #1 and #2 located at 4900 S. Moorland Road subject to the application, plans on file, Condition #4 and the following reasons:

WAIVER REQUEST #1: Applicant is requesting a waiver from Section 275-61I(1)(c) which states that monuments signs are required along arterials, including Moorland and Beloit Roads.

WAIVER REQUEST #2: Applicant is requesting a waiver from Section 275-61I(2)(a) which states that a building with two street frontages can submit an application for a third sign, but three wall signs are not allowed.

- 1) Monument sign at the entrance would not be visible from Moorland or Beloit Roads.
- 2) Monument signs are not allowed within the public right-of-way.
- 3) This property has two street frontages along Moorland Road and I-43. The Zoning Code does allow for a third sign when a business has two street frontages. Since installing a monument sign at this site is not practical, Staff can support a third wall sign for this business (Waiver #2).
- 4) Applicant shall provide dimensions for each approved sign prior to issuance of the sign permit.

Seconded by Mr. Christel.

Amendment to Motion by Ms. Broge to add approval of Waiver Requests #3 and #4:

WAIVER REQUEST #3: Applicant is requesting a waiver from Section 275-61A(1) which states that signs are for the purpose of location and identification and not for advertisement. The proposed signs that state: “Wings, Lube, Steak and Best Wings USA” are advertising the products offered rather than identifying the business.

WAIVER REQUEST #4: Applicant is requesting a waiver from Section 275-61.I(1)(a) and 275-61.I(2)(c) which states that individual channel lettering is required and that box signs/cabinet signs are prohibited. Applicant is proposing one panel sign on the south elevation.

Seconded by Mr. Sisson. Amendment passes with Mayor Chiovatero, Mr. Christel, Mr. Sisson, Mr. Felda, Ms. Broge voting Yes and Alderman Ament and Ms. Groeschel voting No.

Upon voting Motion as amended passes with Mayor Chiovatero, Mr. Christel, Mr. Sisson, Mr. Felda, Ms. Broge voting Yes and Alderman Ament and Ms. Groeschel voting No.

7. (2)JT UA-10-33 James Herbert – 2882 S. 149th St. – Deck within front yard.

Motion by Alderman Ament to approve the construction of a deck within the front yard on the property located at 2882 S. 149th Street subject to the application, plans on file and the following conditions:

- 1) Deck shall be constructed in the location depicted on the submitted plans.
- 2) Apply and obtain appropriate building permit through the City of New Berlin Community Development Department - Inspection Division.
- 3) The deck construction shall meet all requirements of the State of Wisconsin Uniform Dwelling Code Comm. 21 thru 23 and the Southeastern Wisconsin Building Code requirements.

Seconded by Ms. Groeschel. Motion carried unanimously.

8. (3)AB RZ-09-05 Buzzell – Approx. 18845 W. Norwood Dr. – Rezone from R-1/R-2 and C-2 to R-3 and C-2. (Public Hearing 12/7/09)(Tabled 1/4/10, 2/1/10)

Motion by Mr. Sisson to Recommend to Common Council Denial Without Prejudice of the rezoning request located at 18845 W. Norwood Drive based on the following reasons:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.
- 2) Staff has sent a 30-day notice and the applicant did not respond.

Seconded by Alderman Ament. Motion carried unanimously.

9. (3)AB LD-09-07 Buzzell – Approx. 18845 W. Norwood Dr. – Ne ¼ Sec. 5 -Two-Lot Land Division. (Tabled 12/7/09, Deferred 1/4/10, Tabled 2/1/10)

Motion by Mr. Sisson to Recommend to Common Council Denial Without Prejudice of the proposed land division located at 18845 W. Norwood Drive based on the following reasons:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.
- 2) Staff has sent a 30-day notice and the applicant did not respond.

Seconded by Alderman Ament. Motion carried unanimously.

ADJOURN

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 6:54 P.M.
Seconded by Mr. Christel. Motion carried unanimously.