

ORDINANCE NO. 2128

**THE DEER CREEK INN & CONFERENCE CENTER
PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT**

The Common Council of the City of New Berlin do ordain as follows:

SECTION I

WHEREAS, the City of New Berlin allows planned unit developments, pursuant to Sec. 17.0329 of the New Berlin Municipal Code, and

WHEREAS, THE DEER CREEK INN & CONFERENCE CENTER, LLC located at 1285 Sunnyridge Road, Pewaukee, Wisconsin, 53072, by its managing partner, Donald Kitten desire to develop "The Deer Creek Inn & Conference Center" as a planned unit development and having submitted a PUD Petition on the 28th day of January, 2000, after which a public hearing was held on the 28th day of November, 2000, pursuant to Sec. 17.0329(3)(f)(2) of the New Berlin Municipal Code; and

WHEREAS, the Common Council for the City of New Berlin approved of The Deer Creek Inn & Conference Center, LLC Petition on the 28th day of November, 2000;

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ADOPTED BY THE CITY OF NEW BERLIN, that The Deer Creek Inn & Conference Center shall hereby be developed pursuant to this Planned Unit Development Overlay District Ordinance, adopted pursuant to Sec. 17.0329 of the New Berlin Municipal Code as follows:

The following described property is hereby rezoned B-1/PUD except those lands zoned C-2:
LEGAL DESCRIPTION: That part of the Northeast ¼ of the Northeast ¼ of Section 3, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, bounded and described as follows: Commencing at the Northeast corner of said ¼ section and the place of beginning of the lands to be described; thence S 1°18' 52" W along the East line of said ¼ section, 651.78 feet to a point; thence S 89°17'15" W, 422.38 feet to a point; thence N 1°18'52" E, 415.13 feet to a point; thence S 89°17'15" W, 243.61 feet to a point; thence N 27°43'46" E, 268.966 feet to a point on the North line of said ¼ section; thence N 89°17'15" E along the North line of said ¼ section, 546.26 feet to the place of beginning. EXCEPTING THEREFROM the North 50.00 feet and the East 33.00 feet for public highway purposes.

SECTION II

PLANNED UNIT DEVELOPMENT SUMMARY

The purpose of this Ordinance shall be to create a zoning district that allows creative project design and flexibility from the rigid development standards of underlying zoning districts.

This PUD shall comprise approximately 6 acres of the principal site for hotel and conference center. The principal use will be The Deer Creek Inn & Conference Center which is a full service hotel and conference center featuring a five story hotel structure containing up to 405 guest rooms. The facility would include; a conference center with banquet and meeting room facilities, up to 15,000 sq.ft. of retail and commercial tenant space and up to 2 full service restaurants which will encompass up to an additional 15,000 sq.ft. Two levels of below grade parking and surface parking for a total of approximately 1,000 vehicles included in plan will accommodate all allowable uses of the district.

A critical key component of the overall project will be addressing the incorporation of a storm water management plan to provide relief from flooding caused by occasional rainstorm events. A separate developer's agreement will be written and contain specific details describing the planning, construction and maintenance of the storm water detention basin. The storm water management district and related areas shall be described and will appear as part of the certified survey map for the Planned Unit Development Overlay District for The Deer Creek Inn & Conference Center. An easement shall be granted by The Deer Creek Inn & Conference Center to the City of New Berlin for access to the storm water detention basin.

B-1/PUD DEER CREEK INN & CONFERENCE CENTER DISTRICT

The B-1/PUD Conference Center District is intended to accommodate the needs of the corporate/industrial base of the City of New Berlin by providing meeting, conference and restaurant and retail facilities to host customers, clients, employees and the public who are located within and outside the region. The district is further intended to promote the provision of ample off-street parking and loading areas; stormwater management; and landscape screening in areas adjacent to non-business development or other incompatible uses.

(1) Principal Uses (See also Section 17.1204)

- (a) Hotels and Motels (with conference facilities).
- (b) Any other use that the Plan Commission finds will be similar in nature, operation, and function to uses allowed within the district.

(2) Accessory Uses (See also Section 17.0503)

- (a) Commercial activities permitted in the B-1 and B-2 district when the Plan Commission finds that the activity will meet the needs of the hotel and its guests and can be integrated into an overall plan for the development.
- (b) Multi-level parking garages for storage of vehicles used in conjunction with the operation of a business.
- (c) Off street parking and loading areas.

- (d) Outside display of conference exhibitors provided it does not obstruct traffic, sidewalk or fire lane areas; and is listed on the Plan Commission approved plan of operation.
- (e) Restaurants (not including drive-in or drive-through facilities).
- (f) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (g) Essential services.
- (h) Outdoor seating for restaurant and café's.
- (i) Any other use that the Plan Commission finds will be similar in nature, operation, and function to accessory uses allowed within the district.

(3) Conditional Uses (See also Section 17.1205)

- (a) Any other use that the Plan Commission finds will be similar in nature, operation, and function to conditional uses allowed within the district.

(4) Lot Area and Width (See also Sections 17.0204, 17.0500, and 17.0511)

- (a) A Hotel/Conference Center shall have a minimum development area of 5.0 acres. Attached Legal Description shall be amended by Certified Survey Map pursuant to Section 17.0329(7).

(5) Setback and Yards (See also Sections 17.0204, 17.0500 and 17.0511)

- (a) A minimum front yard setback of 50 feet from the base setback line shall be required.
- (b) There shall be a minimum side yard setback of 50 feet from each side of all structures.
- (c) There shall be a rear yard setback of not less than 50 feet.
- (d) There shall be a minimum shore yard setback of 50 feet from the ordinary high-water mark of any navigable body of water.
- (e) No accessory building or structure or parking lot or driveway, shall be located closer than five (5) feet to an internal lot line.
- (f) Roof canopies with their related structural support systems and other architectural aesthetic items such as arbors, trellises, awnings, etc. may encroach up to 30 feet into each front, side or rear yard.

(6) Time Limits (See also Section 17.0329 (4)(h))

- (a) If the development has not commenced, as evidenced by the securing of building permits, and construction has not started within the two calendar years from the effective date of this ordinance, the PUD Planned Unit Development Overlay District ordinance shall expire and become null and void. The underlying basic use district shall be in force.

- (b) If the development needs an extension of the time limits of this B-1/PUD Deer Creek Inn and Conference Center district, notice by Certified Mail not less than 30 days prior to the expiration of this PUD will be required. Common Council must approve extension.

(7) Tree Cutting, Site Grading, or Grubbing Limited

Parcels of land within the B-1/PUD Deer Creek Inn and Conference Center District may be clear-cut of trees, shrubbery, or underbrush, but only after agreement has been reached by the developer and City of New Berlin. Extraordinary effort will be used to preserve large trees wherever possible, especially, in front and side setbacks. The agreements shall include a comprehensive landscaping plan to reestablish attractive, appropriate vegetation and related features; and no land shall be pre-graded for development until a building permit has been secured from the City of New Berlin. Normal pruning, trimming, and shearing of vegetation; removal of dead, diseased, or insect-infested vegetation; and silvicultural thinning conducted under the recommendation of a forester shall be exempt from this restriction, but only after an initial occupancy permit has been issued.

(8) Building Height (See also Sections 17.0501 and 17.0503(1))

- (a) Building height shall conform to existing zoning ordinances.
- (b) Conference and retail facilities not exceed two (2) floors.
- (c) Building height shall be measured as the vertical distance from the highest established existing grade or finished grade at the building line, whichever is higher, to the highest point of the main building and does not include architecturally significant roofs, etc.

(9) Traffic, Loading, Parking, and Access

- (a) Two (2) approved access points are required prior to building permits being issued. The parking and storage of semi-tractors and semi-trailers, except for pickup and deliveries, is prohibited. Parking or storage of construction vehicles and equipment, except during periods of permitted construction activity is prohibited. (See also Section 17.0400)

(10) Lot Coverage and Open Space

- (a) The sum total of all buildings, accessory structures, outside storage areas, surface parking, driveways, and loading areas shall occupy not more than 75 percent of the lot area in a B-1/PUD district. Buildings shall occupy not more than 50 percent of the lot area. Pedestrian walkways, landscaped areas and other open space shall occupy a minimum of 25 percent of the lot.

- (11) Nonconforming Uses, Structures, and Lots (See also Section 17.0600)
 - (a) None
- (12) Performance Standards (See also Section 17.0700)
 - (a) All plans for the improvements to the public way are to be approved and completed prior to building permits being issued.
- (13) Signs (See also Sections 17.0800 and 17.1300)
 - (a) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, used, changed, or modified until after the owner has applied for and the Plan Commission has reviewed and approved the application for the sign permit.
- (14) Use and Site Plan Review (See also Section 17.1300)
 - (a) No principal or accessory use, development or structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied, no site or premise shall be altered, used, changed, modified, occupied, or building permit approved until after the owner has applied for and the Plan Commission has reviewed and approved the application for the zoning permit/use approval.
- (15) Architectural Review (See also Section 17.1300)
 - (a) No principal or accessory use, development, structure or sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied and no site or premise shall be altered, used, changed, modified, building permit approved, or occupied until after the owner has applied for and the Architectural Control Committee of the Plan Commission has reviewed and approved the architecture for the zoning permit/use approval.

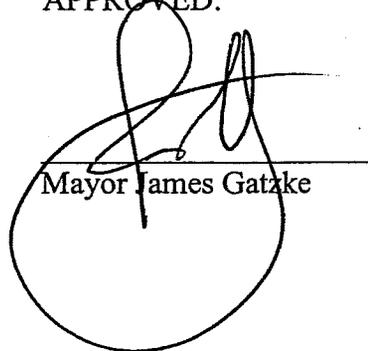
WHEREFORE, The Deer Creek Inn & Conference Center Planned Unit Development Overlay District having been approved as a Planned Unit Development on November 28, 2000, pursuant to Sec. 17.0329 of the New Berlin Municipal Code, the Common Council hereby adopts this Planned Unit Development Ordinance for The Deer Creek Inn & Conference Center.

SECTION III

This ordinance shall take effect upon the passage and publication as approved by law, and the City Clerk shall so amend the Code of Ordinances of the City of New Berlin, and shall indicate the date and number of this amending ordinance therein.

Adopted by the Common Council this 9th day of January, 2001.

APPROVED:



Mayor James Gatzke

Countersigned/Certified:



Judy Weter, City Clerk