



**CITY OF NEW BERLIN
PLAN COMMISSION MEETING**

Monday, June 6, 2022

6:00 PM

Zoom Meeting

<https://us02web.zoom.us/j/83761253858>

The Plan Commission has satisfied the requirements as directed by the Common Council on June 22, 2021 and Ordinance No. 2651 to hold this meeting via electronic means.

Any comments that the public wishes to make may be communicated to the city via email at citizencomments@newberlin.org and will be forwarded to the Mayor and City Council. Interested parties may also participate by:

- Downloading the ZOOM app located at <https://zoom.us/> and utilize this unique ID to join: 837 6125 3858
- Following this direct link to the meeting: <https://us02web.zoom.us/j/83761253858>
- Find your local number: <https://us02web.zoom.us/j/83761253858>

AGENDA

PUBLIC HEARING(S)

1. (7) KW RZ-2200596 Aaron Kahle with Kahle Builders LLC - Tax Key #: 1268-993 - Rezone approximately 3.5278 acres of Tax Key #: 1268-993 from R-1/R-2 to I-1 PUD. (PUBLIC HEARING 6:00 PM)
2. (7) KW CP-2200597 Aaron Kahle with Kahle Builders LLC - Tax Key #: 1268-993 - Amend the Future Land Use Map within the City's Comprehensive Plan (Chapter 10 - Land Use and Chapter 19 - "Neighborhood I"). (PUBLIC HEARING 6:00 PM)

PRIVILEGE OF THE FLOOR

CALL TO ORDER; PLEDGE OF ALLEGIANCE

ROLL CALL; DECLARATION OF QUORUM

APPROVAL OF MINUTES

3. May 2, 2022 Plan Commission Meeting Minutes

PLAN COMMISSION SECRETARY'S REPORT

CONTINUED BUSINESS

NEW BUSINESS

4. (7) KW RZ-2200596 Aaron Kahle with Kahle Builders LLC - Tax Key #: 1268-993 - Rezone approximately 3.5278 acres of Tax Key #: 1268-993 from R-1/R-2 to I-1 PUD. (PUBLIC HEARING 6:00 PM)

5. (7) KW CP-2200597 Aaron Kahle with Kahle Builders LLC - Tax Key #: 1268-993 - Amend the Future Land Use Map within the City's Comprehensive Plan (Chapter 10 - Land Use and Chapter 19 - "Neighborhood I"). (PUBLIC HEARING 6:00 PM)
6. (7) KW LD-2200599 Aaron Kahle with Kahle Builders LLC - 5330 S. Racine Ave and Tax Key #: 1268-993 - 1-Lot CSM.
7. (7) KW UA-2200600 Aaron Kahle with Kahle Builders LLC - Tax Key #: 1268-993 - Use, Site and Architecture for a 101, 000 square foot parking lot addition for OAW Ethic Indoor.
8. (1) MH LD-2200947 Kain Construction LLC on behalf of Dan and Vickie Balmer - 13016 W. Graham Street (Tax Key # 1156.137), 13100 W. Graham Street (Tax Key # 1156.139) and (Tax Key # 1156.138) - 2-Lot CSM.

PENDING

COMMUNICATIONS

ADJOURN

PLEASE NOTE:

- ✓ It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that members of and possible a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.
- ✓ Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact City Clerk Rubina R. Medina (262) 786-8610.

STAFF REPORT EXECUTIVE SUMMARY

APPLICANT/PROJECT:	Aaron Kahle with Kahle Builders LLC on behalf of Ethic Indoor LLC / Ethic Indoor Sports Facility Planned Unit Development
LOCATION:	Tax Key #: 1268-993 – Approximately 3.5278 acres
REQUEST:	Request to rezone approximately 3.5278 acres of the property located at Tax Key #: 1268-993 from R-1/R-2 to I-1/PUD.
D.R.C. RECOMMENDATION:	Recommend to Common Council adoption of Ordinance 2661 that approves the rezoning of approximately 3.5278 acres of the property located at Tax Key #: 1268-993 from R-1/R-2 to I-1/PUD.

DETAILS IN ATTACHED STAFF REPORT

**CITY OF NEW BERLIN
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLAN COMMISSION STAFF REPORT**

Meeting of June 6, 2022

**Aaron Kahle with Kahle Builders LLC
for Ethic Indoor Sports Facility Planned Unit Development
Tax Key #: 1268-993 –3.5278 acres**

DATE STAFF REPORT PREPARED: May 13, 2022

APPLICANT / OWNER(S): Aaron Kahle with Kahle Builders LLC / Ethic Indoor LLC

REQUEST/DESCRIPTION OF PROJECT: Request to rezone 3.5278 acres of the property located at Tax Key #: 1268-993 from R-1/R-2 to I-1/PUD.

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 3/22/2022

DATE OF COMPLETENESS DETERMINATION: 3/25/2022

Application Check List Enclosed: No

PRE-APPLICATION CONFERENCE HELD: Yes

Date(s) of Meeting(s): 3/16/2022 / Site Visit(s): 5/20/2022

CONCEPTUAL PLAN: Yes, see attached plans.

Recommended Y / N / Other: N/A

SIZE OF DEVELOPMENT / PARCEL(S): 3.5278 Acres

12.7652 acres after 1-Lot CSM (See File #: LD-2200599).

CURRENT ZONING: R-1/R-2 (Single-Family Residential)

CURRENT LAND USE: Vacant

PROPOSED ZONING: I-1/PUD (Institutional with Planned Unit Development)

PROPOSED LAND USE: Applicant has submitted a use approval application to construct additional parking for OAW Ethic Indoor (See File #: UA-2200600).

PROPOSED LOT SIZE(S): N/A

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North: Zoning: R-1/R-2 Land Use: Residential (Vacant Land)

South: Zoning: B-2 Land Use: Commercial (Martin's Tap)

East: Zoning: B-2/B-3 Land Use: Commercial (Prospect Hill Garden Center)

West: Zoning: R-1/R-2 Land Use: Residential (Rogers Glen Subdivision)

CONFORMANCE WITH THE COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes (See File #: CP-2200597).

Chapter 19: Neighborhood “I”: National Avenue West: Yes, this request meets the intent of this Chapter. Planning Context / Vision / Development Policies:

Vision:

- *The National Avenue West area, like the Western Area neighborhood (Neighborhood B), should be a regional model of rural development.*

Development Policies:

- *Develop the area immediately west of Calhoun Road as a gateway into rural western New Berlin. Permit the development of this area for a mix of commercial and residential uses, but require that commercial use to be oriented to a rural theme.*

Land use:

- Future Land Use Map: Institutional (See File #: CP-2200597)

The Rural Commercial Design Guide

- *The Rural Commercial Design Guide, adopted by the City in 2001, serves as a contributor to economic development conditions in Neighborhood B. The Guide provides design standards for areas west of Calhoun Road with the southern border at IH-43/College Avenue and the northern border at Cleveland Avenue (Figure 12.12-1). The boundaries are further defined as both sides of Cleveland Avenue and Calhoun Road with the exception of the properties located within the New Berlin Industrial Park SPO and the B-2 and O-2 zoned parcels near the intersection of Cleveland Avenue and Calhoun Road (Tax Keys: 1188-994, 1188-999, 1188-992001, 1188-993 and 1188-020). The West Lincoln Avenue corridor is not included. The intent of the Design Guide is to retain and encourage small business and office developments, provide safe and convenient pedestrian access, and ensure quality visual appearances. The Rural Commercial Design Area also includes land within Neighborhood I (National Avenue & West Neighborhood) and a small portion of Neighborhood J (I-43 & Racine Quarries).*
- *The design standards affecting recommendations for economic development in Neighborhood B include provisions for cross access between neighboring parcels where feasible, and the requirement that new buildings correspond proportionally and stylistically to existing buildings in rural commercial areas.*
- Details of the Rural Commercial Design Standards are below:
 - *To the maximum extent practicable, parking Areas shall be located to the side or behind buildings. The perimeter of the parking lot shall provide for a lawn area in which trees and shrubs will be planted so as to allow ample snow storage capacity yet avoid damage to plantings from same.*
 - *Existing tree lines should be preserved. If removal of existing tree lines is required due to its undesirable nature, new planting that results in no less of a screening effect shall be required when adjacent to residential uses.*
 - *Signage shall be designed in unity with the building design through the use of the same or similar materials and colors. Ground, monument signs, or wall mounted signs made of wood, hanging from a wooden or wrought iron mount are acceptable. Signs that suit the architectural features of the building are acceptable. Neon tubed exterior accent light, external neon tubed signs and internally illuminated signs are not permitted.*
 - *Lighting shall be down cast, zero degree tilt, cutoff fixtures not exceeding 25 feet in height (including the light pole base and/or pedestal). Lighting shall be positioned so as not to cause glare on adjacent properties and streets. At a minimum, site lighting marking the entrance to businesses shall match or complement that which may be chosen by the City as standard decorative street lighting. Site lighting shall meet the requirements of § 275-60I in its entirety.*

- *Cross Access to and between neighboring properties shall be implemented wherever possible. The goal in this requirement is to remove as much incidental site to site traffic thus reducing the possibility of traffic conflicts and accidents. Cross access drives may be either the interconnection of parking lots or the construction of a separate drive.*

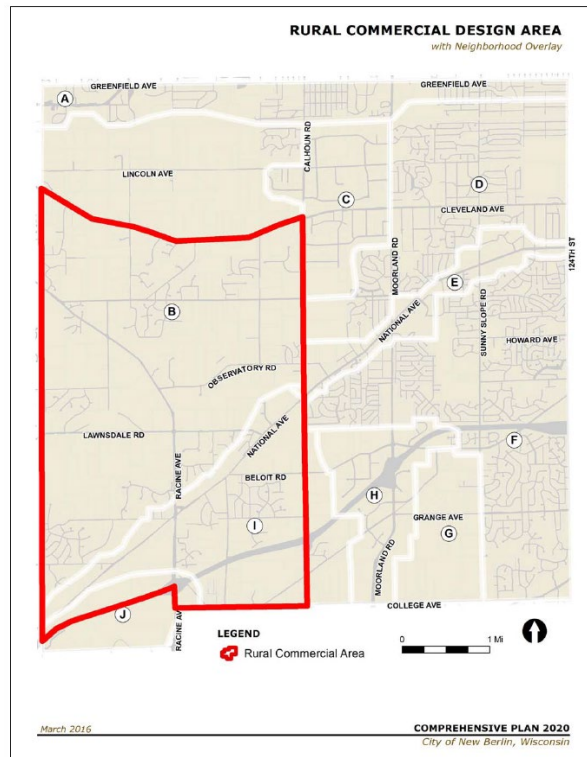


Figure 12.12-1. Rural Commercial Design Area.

ZONING CODE (Chapter 275): Yes, this request is consistent with Sections 275-36B(1) and 275-39B(1) of the Zoning Code.

SUBDIVISION CODE (CHAPTER 235): N/A

PUBLIC HEARING REQUIRED: Yes

CONCEPTUAL USE / SITE /ARCHITECTURAL REVIEW:

Use Approval Required: Not for this application. See File #: UA-2200600.

Site Plan Required: Yes, site plan attached.

Architectural Review Required: Not for this application.

PROPOSED ARCHITECTURE: N/A

UNIQUE SITE CHARACTERISTICS:

Environmental Corridor: No

Wetland On Property: No

Conservancy Districts (C-1, C-2): No

NRCS Map Classification: Not inventoried.

Floodplain: No

Topography / Geologic: This site slopes slightly to the west with more intense grade change (sloping) to the east.

BIKE & PEDESTRIAN FACILITIES: N/A

PARK & OPEN SPACE PLAN: N/A

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): N/A

Woodland, Tree, and Vegetation Protection: N/A

Wildlife Habitat Protection: N/A

Wildlife Management Plan: N/A

ENVIRONMENTAL IMPACT: None.

STORM WATER MANAGEMENT / DRAINAGE PLAN: Applicant is required to adhere to all City of New Berlin Codes, Ordinances and Plans regarding storm water conveyance and maintenance as identified by the Department of Community Development. Additional information has been submitted with the Use, Site and Architecture application (File #: UA-2200600).

SANITARY SEWER PROVISION:

Within Current Sewer Service Area: No

Sewershed Capacity Available: N/A

Adequate Linkage: N/A

On-site system required: Yes, the existing septic/mound system will be utilized.

WATER USAGE CALCULATION: N/A (No increase)

TRAFFIC IMPACT: A Traffic Impact Study was previously submitted for this development. (See UA-2000602). The proposed parking lot is to serve existing parking and programming needs. No expansion of the plan of operation is allowed or permitted as part of these requests.

SCHOOL DISTRICT IMPACT: N/A

PREVIOUS ACTION:

1953	Prospect Hills School constructed
1956	Building addition
1964	Building addition
1967	Building addition
2005	Use Approval for Living Word Apostolic Church
2008	Re-occupancy for Wisconsin Air Academy
2020	OAW/Ethic Indoor constructed

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

1. The rezoning must meet the following criteria outlined in New Berlin Municipal Code Chapter 275-22 (F):
 - (a) *The proposed rezoning is consistent with the Comprehensive Plan and the stated purposes of chapter 275;*

- The Future Land Use map identifies this area as single-family residential. The PUD request is allowed per Section 275-39B(1).

(b) Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;

- Yes, the proposed rezoning is compliant.

(c) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of the City to provide them;

- Yes, the proposed development is compliant.

(d) The proposed development has taken into account impacts on surrounding properties or the natural environment, including air, water, noise, storm water management, soils, wildlife, and vegetation;

- Yes, the facility will be required to meet Zoning Code Section 275-60, Performance Standards.

(e) The land proposal for rezoning is suitable for development and will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas;

- Yes, the proposed development is compliant.

(f) The proposed rezoning will not be used to legitimize, or "spot zone," a nonconforming use or structure; and

- No, it will not be spot zoning. The applicant is proposing to add 3.5278 acres to the property at 5330 S. Racine Avenue (See File #: LD-2200599), to accommodate additional parking. Rezoning is required in order to amend the PUD (Ord #2633), to include the additional land.

(g) The proposed rezoning is the minimum action necessary to accomplish the intent of the petition, and an administrative modification, variance, or conditional use permit could not be used to achieve the same result.

-Yes, a rezoning and a new/revised PUD ordinance is required in order to accommodate the requested use.

2. Aaron Kahle with Kahle Builders, LLC has requested to amend PUD Ord. #2633 and to rezone to I-1/PUD, Institutional District, in order to accommodate additional parking, on 3.5278 acres of land, for OAW Ethic Indoor.
3. Zoning Code Section 275-39B(1)(a) allows for PUD Districts and identifies the purpose in several statements:
 - a. The purpose of this section is to provide for a greater variety and choice of design and layout for suburban living; to gain greater efficiencies; to coordinate design development efforts; to conserve and make available open space; to utilize new technologies to urban development; and to gain flexibility over conventional land development control regulations.
 - b. This section should not be used as a device for circumventing the City's land control regulations. Further, this section shall not be used to put undue or unfair constraints on a landowner or developer. The PUD Planned Unit Development Overlay District under this chapter will allow for flexibility of overall development design and layout with benefits to be derived by both the developer and the community.
 - c. A PUD Overlay District may be used where the underlying zoning district is too narrow in scope for a particular property or project. Elements, standards, or whole sections from other zoning districts may be used to supplement the basic underlying use district to create a mixed-use zoning district.
 - d. A PUD Overlay District may also be used where the underlying basic use district may be too broad in scope and may need to be focused to be compatible with surrounding development or with surrounding environmental conditions.
 - e. Development approved under the PUD Overlay District regulations is intended to provide a safe and

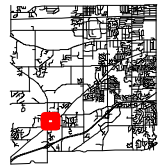
efficient system for pedestrian and vehicular traffic; to provide attractive recreation and open spaces as integral parts of development; to enable economic design in the location of public or private utilities and community facilities; to utilize new development technologies; and to ensure adequate standards of construction and planning. There shall be equal application of all regulations to land within the same PUD Overlay District or subdistrict.

D.R.C. RECOMMENDATION:

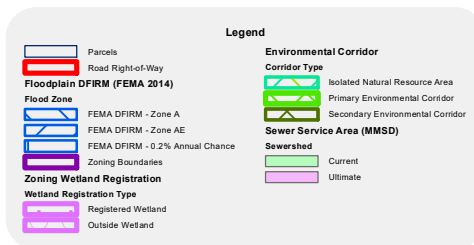
Recommend to Common Council adoption of Ordinance 2661 that approves the rezoning of approximately 3.5278 acres of the property located at Tax Key #: 1268-993 from R-1/R-2 to I-1/PUD. **See Executive Summary.**

ATTACHMENTS:

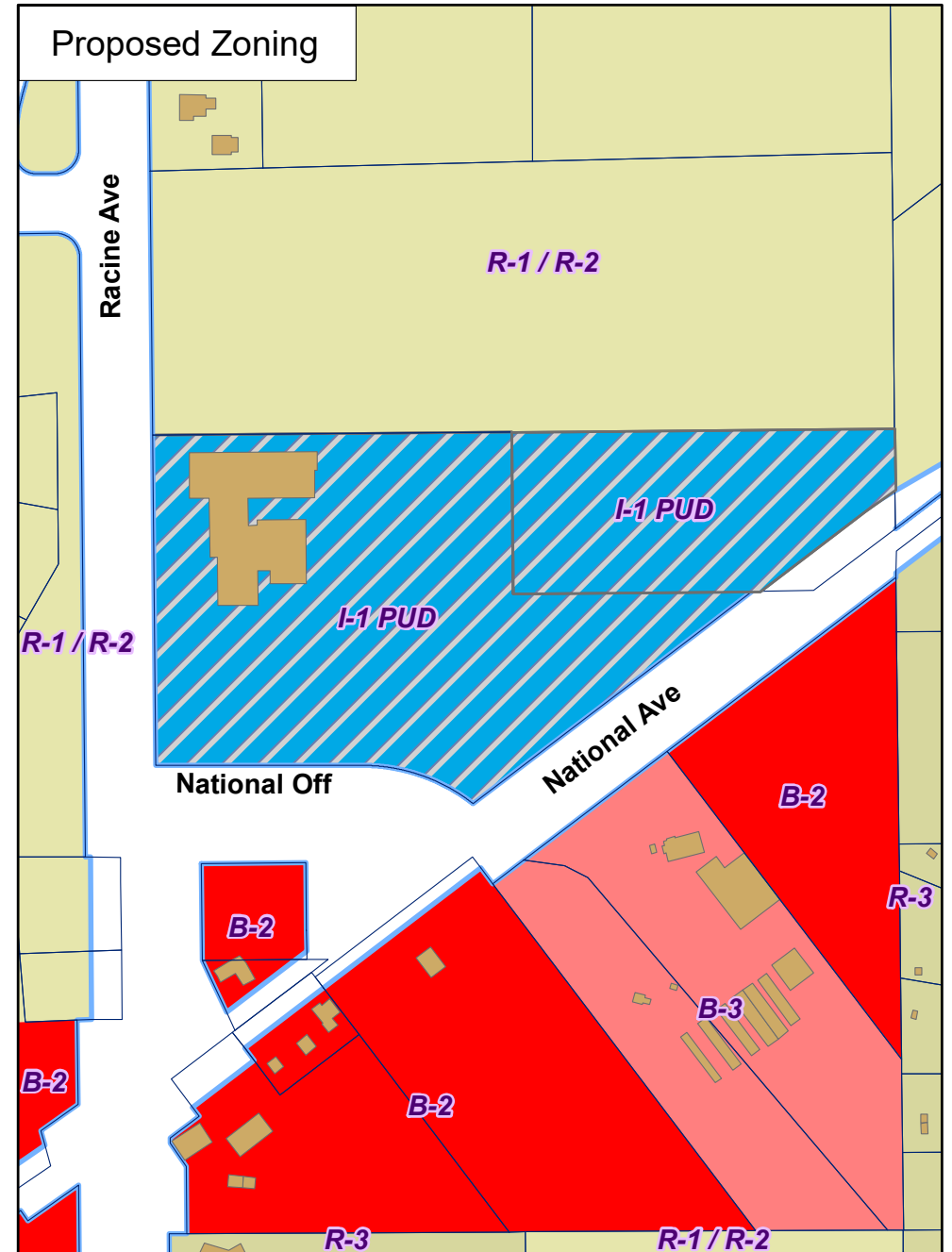
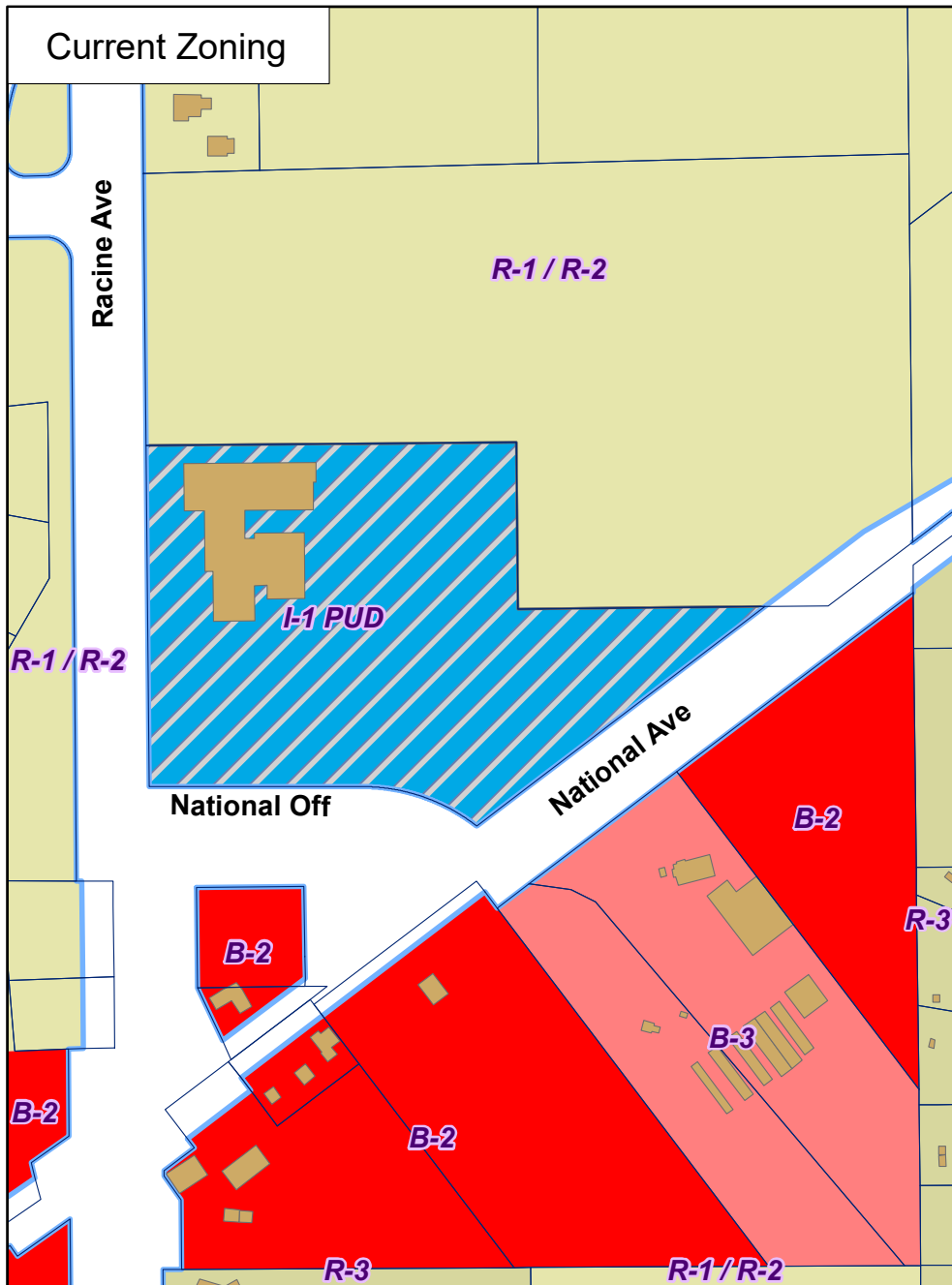
Location Map
Zoning Comparison Map
Plan of Operation
Site Plan
PUD Ordinance Draft



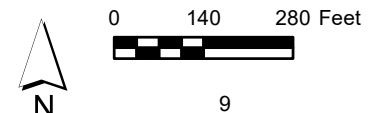
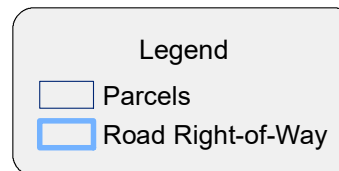
City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
(262) 797-2445
www.newberlin.org



0 120 240 Feet



RZ-2200596
Ethic Amendment
5330 S. Racine Ave



Proposed Additional Parking at OAW Indoor Sports Complex

May 12, 2022

Parking:

Ethic Indoor, LLC (OAW Indoor Sports Complex) is proposing 322 additional parking spaces to alleviate any parking issues or shuttling for future needs. By doing this, we will also eliminate the pressure for clients to park on National Ave. to avoid our planned shuttling service for events. We will not be increasing our event sizes with this addition. The additional spaces will release the stress on parking for New Berlin.

Stormwater Management:

We will be using the lot to the North of OAW Indoor Sports Complex for the storm water pond. We have thoroughly thought out the northern parcel for future development and the construction of the retention pond. At this point, the lot split as designed, was the cleanest split for the additional parking proposed for OAW Indoor.

Sincerely,

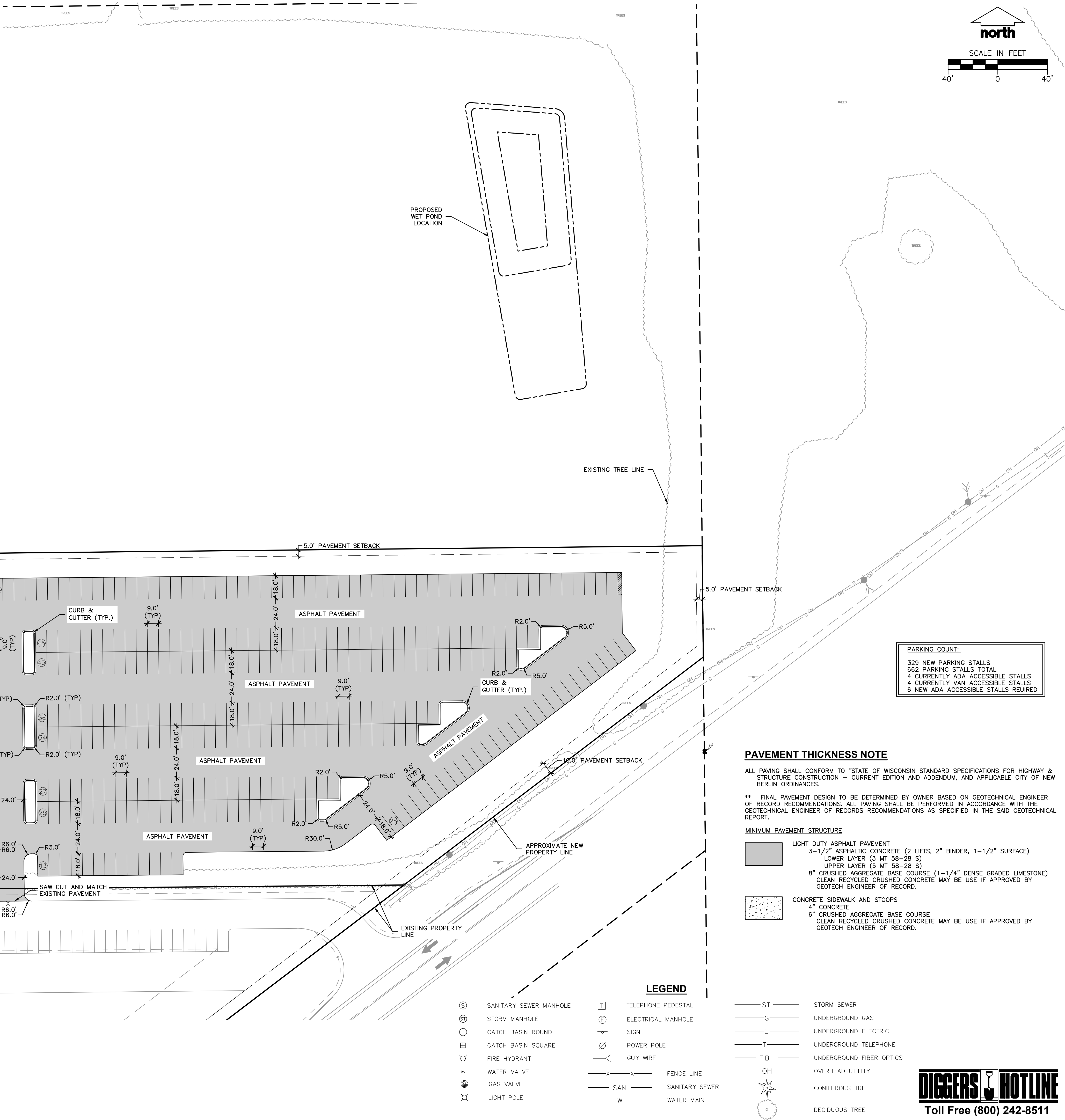
Aaron Kahle

Co-Owner of Ethic Indoor, LLC

PAVING NOTES

1. ALL PAVING SHALL CONFORM TO "STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY & STRUCTURE CONSTRUCTION AND APPLICABLE CITY OF NEW BERLIN ORDINANCES.
2. CONCRETE PAVING SPECIFICATIONS--
- CODES AND STANDARDS -- THE PLACING, CONSTRUCTION AND COMPOSITION OF THE CONCRETE PAVEMENT SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 415 AND 416 OF THE STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, CURRENT EDITION. HEREAFTER, THIS PUBLICATION WILL BE REFERRED TO AS STATE HIGHWAY SPECIFICATIONS.
- CRUSHED AGGREGATE BASE COURSE -- THE BASE COURSE SHALL CONFORM TO SECTIONS 301 AND 305, STATE HIGHWAY SPECIFICATIONS. CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.
- SURFACE PREPARATION -- NOTIFY CONTRACTOR OF UNSATISFACTORY CONDITIONS. DO NOT BEGIN PAVING WORK UNTIL DEFICIENT SUBBASE AREAS HAVE BEEN CORRECTED AND ARE READY TO RECEIVE PAVING.

3. ASPHALTIC CONCRETE PAVING SPECIFICATIONS--
- CODES AND STANDARDS -- THE PLACING, CONSTRUCTION AND COMPOSITION OF THE ASPHALTIC BASE COURSE AND ASPHALTIC CONCRETE SURFACING SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 450, 455, 460 AND 465 OF THE STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, EDITION OF 2005. HEREAFTER, THIS PUBLICATION WILL BE REFERRED TO AS STATE HIGHWAY SPECIFICATIONS.
- WEATHER LIMITATIONS -- APPLY TACK COATS WHEN AMBIENT TEMPERATURE IS ABOVE 50° F (10° C) AND WHEN TEMPERATURE HAS NOT BEEN BELOW 35° F (1° C) FOR 12 HOURS IMMEDIATELY PRIOR TO APPLICATION. DO NOT APPLY WHEN BASE IS WET OR CONTAINS EXCESS OF MOISTURE. CONSTRUCT ASPHALTIC CONCRETE SURFACE COURSE WHEN ATMOSPHERIC TEMPERATURE IS ABOVE 40° F (4° C) AND WHEN BASE IS DRY AND WHEN WEATHER IS NOT RAINY. BASE COURSE MAY BE PLACED WHEN AIR TEMPERATURE IS ABOVE 30° F (-1° C).
- GRADE CONTROL -- ESTABLISH AND MAINTAIN REQUIRED LINES AND ELEVATIONS FOR EACH COURSE DURING CONSTRUCTION.
- CRUSHED AGGREGATE BASE COURSE -- THE TOP LAYER OF BASE COURSE SHALL CONFORM TO SECTIONS 301 AND 305, STATE HIGHWAY SPECIFICATIONS. CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.
- BINDER COURSE AGGREGATE -- THE AGGREGATE FOR THE BINDER COURSE SHALL CONFORM TO SECTIONS 460.2.7 AND 315, STATE HIGHWAY SPECIFICATIONS.
- SURFACE COURSE AGGREGATE -- THE AGGREGATE FOR THE SURFACE COURSE SHALL CONFORM TO SECTIONS 460.2.7 AND 465, STATE HIGHWAY SPECIFICATIONS.
- ASPHALTIC MATERIALS -- THE ASPHALTIC MATERIALS SHALL CONFORM TO SECTION 455 AND 460, STATE HIGHWAY SPECIFICATIONS.
- SURFACE PREPARATION -- NOTIFY CONTRACTOR OF UNSATISFACTORY CONDITIONS. DO NOT BEGIN PAVING WORK UNTIL DEFICIENT SUBBASE AREAS HAVE BEEN CORRECTED AND ARE READY TO RECEIVE PAVING.



PARKING COUNT:	
329	NEW PARKING STALLS
662	PARKING STALLS TOTAL
4	CURRENTLY ADA ACCESSIBLE STALLS
4	CURRENTLY VAN ACCESSIBLE STALLS
6	NEW ADA ACCESSIBLE STALLS REQUIRED

PAVEMENT THICKNESS NOTE

ALL PAVING SHALL CONFORM TO "STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY & STRUCTURE CONSTRUCTION -- CURRENT EDITION AND ADDENDUM, AND APPLICABLE CITY OF NEW BERLIN ORDINANCES.

** FINAL PAVEMENT DESIGN TO BE DETERMINED BY OWNER BASED ON GEOTECHNICAL ENGINEER OF RECORD RECOMMENDATIONS. ALL PAVING SHALL BE PERFORMED IN ACCORDANCE WITH THE GEOTECHNICAL ENGINEER OF RECORDS RECOMMENDATIONS AS SPECIFIED IN THE SAID GEOTECHNICAL REPORT.

MINIMUM PAVEMENT STRUCTURE

- LIGHT DUTY ASPHALT PAVEMENT
3-1/2" ASPHALTIC CONCRETE (2 LIFTS, 2" BINDER, 1-1/2" SURFACE)
LOWER LAYER (3 MT 58-28 S)
UPPER LAYER (5 MT 58-28 S)
8" CRUSHED AGGREGATE BASE COURSE (1-1/4" DENSE GRADED LIMESTONE)
CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.
- CONCRETE SIDEWALK AND STOOPS
4" CONCRETE
6" CRUSHED AGGREGATE BASE COURSE
CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.

LEGEND

- ⊙ SANITARY SEWER MANHOLE
⊙ STORM MANHOLE
⊕ CATCH BASIN ROUND
⊕ CATCH BASIN SQUARE
⊕ FIRE HYDRANT
⊕ WATER VALVE
⊕ GAS VALVE
⊕ LIGHT POLE
- ⊕ TELEPHONE PEDESTAL
⊕ ELECTRICAL MANHOLE
⊕ SIGN
⊕ POWER POLE
⊕ GUY WIRE
⊕ FENCE LINE
⊕ SANITARY SEWER
⊕ WATER MAIN

- ST — STORM SEWER
— G — UNDERGROUND GAS
— E — UNDERGROUND ELECTRIC
— T — UNDERGROUND TELEPHONE
— FIB — UNDERGROUND FIBER OPTICS
— OH — OVERHEAD UTILITY
☼ CONIFEROUS TREE
☼ DECIDUOUS TREE

PAVEMENT STRIPING NOTES

1. CONTRACTOR SHALL CONSULT STRIPING COLOR WITH OWNER PRIOR TO CONSTRUCTION.
2. PROVIDE CONTRACTOR GRADE ACRYLIC, STRIPING PAINT FOR NEW ASPHALT OR COATED ASPHALT. ALL STRIPING SHALL BE APPLIED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
3. THOROUGHLY CLEAN SURFACES FREE OF DIRT, SAND, GRAVEL, OIL AND OTHER FOREIGN MATTER. CONTRACTOR RESPONSIBLE TO INSPECT PAVEMENT SURFACES FOR CONDITIONS AND DEFECTS THAT WILL ADVERSELY AFFECT QUALITY OF WORK, AND WHICH CANNOT BE PUT INTO AN ACCEPTABLE CONDITION THROUGH NORMAL PREPARATORY WORK AS SPECIFIED.
4. DO NOT PLACE MARKING OVER UNSOUND PAVEMENTS. IF THESE CONDITIONS EXIST, NOTIFY OWNER. STARTING INSTALLATION CONSTITUTES CONTRACTOR'S ACCEPTANCE OF SURFACE AS SUITABLE FOR INSTALLATION.
5. LAYOUT MARKINGS USING GUIDE LINES, TEMPLATES AND FORMS. STENCILS AND TEMPLATES SHALL BE PROFESSIONALLY MADE TO INDUSTRY STANDARDS. "FREE HAND" PAINTING OF ARROWS, SYMBOLS, OR WORDING SHALL NOT BE ALLOWED. APPLY STRIPES STRAIGHT AND EVEN.
6. PROTECT ADJACENT CURBS, WALKS, FENCES, AND OTHER ITEMS FROM RECEIVING PAINT.
7. APPLY MARKING PAINT AT A RATE OF ONE (1) GALLON PER THREE TO FOUR HUNDRED (300-400) LINEAL FEET OF FOUR (4) INCH WIDE STRIPES. (OR TO MFG. SPECIFICATION)
8. BARRICADE MARKED AREAS DURING INSTALLATION AND UNTIL THE MARKING PAINT IS DRIED AND READY FOR TRAFFIC.
9. ALL HANDICAPPED ACCESSIBLE PARKING SHALL BE LOCATED PER 2009 IBC 1106.6



CREATE THE VISION TELL THE STORY

MADISON | MILWAUKEE | WAUSAU
APPLETON | KENOSHA | CHICAGO
COEUR D'ALENE

MILWAUKEE REGIONAL OFFICE
W238 N1610 BUSSE ROAD, SUITE 100
WAUKESHA, WISCONSIN 53188
P. 262.513.0666

CLIENT:
KAHLE BUILDERS

CLIENT ADDRESS:
15171 W. NATIONAL AVE.
NEW BERLIN, WI 53151

PROJECT:
ETHIC INDOOR
SPORTS FACILITY

PROJECT LOCATION:
5330 S. RACINE AVE.
NEW BERLIN, WI

PLAN MODIFICATIONS:	
#	Date:
1	04.05.2022
2	04.19.2022
3	
4	
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13	
14	
15	

Design/Drawn: YTI/JJS
Approved: TJB

SHEET TITLE:
DIMENSION AND
PAVEMENT ID PLAN

SHEET NUMBER:

C1.0

JSD PROJECT NO:

ORDINANCE NO. ~~2633~~2661**City of New Berlin Redevelopment Plan / Ethic Indoor Sports Facility Planned Unit Development
Amended PUD Ordinance to Amend Ordinance 2633**

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

SECTION I

WHEREAS, The City of New Berlin (City) has adopted a Comprehensive Plan under Wis. Statutes Sections 62.23 and 66.1001; and

WHEREAS, The City has adopted a Zoning Ordinance under Wis. Statutes 62.23 and does allow planned unit development overlays (PUD) per Section 275-39B(1) of the New Berlin Municipal Code; and

WHEREAS, Aaron Kahle with Kahle Builders LLC has submitted an application for a Planned Unit Development Overlay District located at 5330 S. Racine Avenue (Tax Key #: 1268.960) in accordance with Sections 275-23 and 275-39(B)(1) of the New Berlin Municipal Code; and

WHEREAS, the procedure for the creation of a PUD Overlay District has been followed in compliance with Section 275-22 and 275-23 of the New Berlin Municipal Code; and

WHEREAS, a public hearing was held on June 1, 2020 before the Plan Commission, and;

WHEREAS, based upon the recommendation from the Plan Commission at a meeting held on July 21, 2020 to approve the Ethic Indoor Sports Facility Planned Unit Development via Ordinance #2633, and;

WHEREAS, the Plan Commission for the City of New Berlin approved textual changes to the Ethic Indoor Sports Facility PUD Ordinance #2633 on the 6th day of May 2022; and

WHEREAS, the applicable entities have submitted a City of New Berlin Assessor Splits and Joins application, to add approximately 3.5278 acres (Doc # _____) to the property located at 5330 S. Racine Avenue (Tax Key #: 1268.960) into the Ethic Indoor Sports Facility PUD via Ordinance #2633 on the 14th day of June, 2022;

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ADOPTED BY THE CITY OF NEW BERLIN, the Ethic Indoor Sports Facility Planned Unit Development Ordinance is hereby adopted pursuant to Chapter 275-39(B)(1) of the New Berlin Municipal Code as follows:

SECTION II**Planned Unit Development Summary**

The purpose of the Planned Unit Development (PUD) is to create a zoning district that allows flexibility from the rigid development standards of underlying zoning districts. This PUD ordinance shall specify all elements of what is to be modified or added to the basic underlying district, and provisions of the underlying basic use district not specifically enumerated as changed, modified, or deleted shall remain in full effect.

Unless specified otherwise by this ordinance, any regulation not listed shall be regulated in accordance with the Zoning Ordinance dated June 11, 2019 and underlying zoning district Section 275-36B(1), Institutional District.

The parcel of land that is the subject of this ordinance is located at 5330 S. Racine Avenue in the City of New Berlin, which is legally described below. The property is approximately 9.15 acres in size.

As cited in Exhibit _____, the PUD was amended to include an additional 3.5278 acres to allow for an additional 329 parking stalls and to accommodate for stormwater. In the event that stormwater for this parcel is being addressed off-site, all stormwater management shall be to serve this planned unit development as part of the PUD ordinance #2633, and no other development. Off-site stormwater management shall be restricted and said restrictions shall be described in the form of a deed restriction and private drainage easement (See Exhibit _____ and _____) subject to approval by the City of New Berlin. Said easement and deed restriction may not be modified in any form unless approved by the City of New Berlin.

The layout of the parking area shall be reviewed and approved by the City as part of the accompanying Use Approval (Zoning Permit #2200600).

Legal Description of Parcel to be rezoned to I-1/PUD:

5330 S. Racine Avenue / Tax Key #: 1268-960

PT SE.25 SEC 29 T6N R20E LYING E OF RACINE AVE AND N OF NATIONAL AVE APPROX 8 ACRES EX 1.31 & .81AC TO WAUKESHA CTY DOC #3563674 04/15/2008 UTILITY EASEMENT DOC #3669387 DOC #4372921 11/28/2018 DOC #4383400 02/15/2019

The lands being added to this PUD are as follows:

S. Racine Avenue / Tax Key #: 1268-993

PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 20 EAST, IN THE CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE N00°32'05"W ALONG THE WEST LINE OF SAID 1/4 SECTION 782.39 FEET; THENCE N89°58'01"E 60.00 FEET TO A POINT ON THE NORTHEAST INTERSECTION OF SOUTH RACINE AVENUE AND WEST NATIONAL AVENUE; THENCE N00°32'05"W ALONG THE EAST LINE OF SAID RACINE AVE. 550.74 FEET; THENCE N89°27'55"E 600.00 FEET TO THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE CONTINUING N89°27'55"E 640.05 FEET THENCE S00°36'03"E 101.90 FEET TO A POINT ON THE NORTHERLY LINE OF WEST NATIONAL AVE.; THENCE S54°20'24"W ALONG SAID NORTHERLY LINE OF SAID AVE. 62.71 FEET; THENCE S52°42'34"W ALONG SAID NORTHERLY LINE 220.62 FEET; THENCE S89°27'55"W 412.12 FEET; THENCE N00°32'05" W 270.00 FEET TO THE POINT OF BEGINNING.

LANDS CONTAINING 153,673 SQUARE FEET OR 3.5278 ACRES

SECTION III

I-1/PUD: Ethic Indoor Sports Facility Planned Unit Development District

The overall purpose of this PUD is to begin to establish a set of parameters and requirements for the creation of an indoor sports facility on the rural west side of New Berlin. Per the plan of operation, the facility will offer indoor fields and court rentals for youth team training as well as a variety of camps and classes for all ages. The facility will also offer adult training memberships and music/school tutoring. Sports medicine, athletic apparel, and a café will also be available for public use.

The I-1/PUD: Ethic Indoor Sports Facility Planned Unit Development District is intended to provide for additional institutional uses consistent with the I-1 Institutional District. The District will allow for indoor recreational uses identified in the plan of operation for Ethic Indoor Sports Facility. This PUD is being created and established expressly for the establishment of the Ethic Indoor Sports Facility. Changes including a future name change or ownership would not require an amendment to the PUD as long as the exact same plan of operation is adhered to. Any additions or changes to the uses listed below, or not listed in the approved plan of operation, would require the

applicant and/or property owner to amend this PUD. As a result, no additional uses nor any increase in the intensity of the use and occupancy would be approved without first amending this PUD.

Unless specified otherwise by this section, all new development shall be in accordance with the I-1 Zoning District, per Section 275-36B(1) Institutional District.

1. Principal Uses (See also Chapters 275-36C, 275-41G and Table 275-36-1)
 - a. Indoor sports facility adhering to the following limitations and plan of operation.
2. Accessory Uses (As identified in applicants plan of operation) (See also Chapters 275-36C, 275-41G and Table 275-36-1)
 - a. Café – Beverages and prepared foods only. No food prep to occur on-site.
 - b. Tutoring services
 - c. Sports clinics and classes
 - d. Team practices
 - e. Membership based health and fitness uses
 - f. Pro shop / athletic apparel
 - g. Sports medicine
 - h. Tournaments and sporting events
3. Conditional Uses (See also Chapters 275-36C, 275-41G and Table 275-36-1)
 - a. Conditional uses are prohibited within the PUD. Any changes would require amending this PUD.
4. Prohibited Uses
 - a. Outdoor courts and/or ball fields
 - b. Outdoor storage – Use and storage of hazardous materials
 - c. Central composting
 - d. Hospitals
 - e. Recycling centers
 - f. Regional utility facility
 - g. Dormitories
 - h. Assisted living facilities
 - i. Multi-family residential
 - i. Any intensity of the use and the resulting impact to surrounding properties must not exceed the designed capacity of the parking lot and/or traffic management restrictions as set forth in the zoning permit for the use approval.

5. Lot Area and Width (See also Chapters 275-44, 275-45, and 275-46)
6. Setback and yards (See also Chapter 275-36D and Table 275-36-2)
 - a. No portion or any part of this building shall exceed 45'.
7. Lot Coverage (See also Chapter 275-36D and Table 275-36-2)
8. Time Limits (See also Chapter 275-23(F))
 - a. If the development has not commenced, as evidenced in the construction of the footings and foundation for the new building within one calendar year from the date of publication of this ordinance, the Ethic Indoor Sports Facility 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 developer requires an extension of the time limits, any extension shall be requested by the developer in writing and sent via Certified Mail to the Department of Community Development not less than 60 days prior to the expiration of this PUD. The Common Council may allow multiple extensions.
9. Use and Site Plan Review (See also Chapters 275-24 and 275-53)
 - 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 received approval of the application for the zoning permit/use approval. An approved PUD Ordinance shall not be construed as a Zoning Permit or any other approval until the Plan Commission has granted an approval and staff has determined that all conditions of that approval have been satisfied.
10. Parking & Circulation (See also Chapter 275-57)
 - a. The City of New Berlin reserves the right to review any substantiated complaints and forward the matter to the Plan Commission for review.
 - b. There shall be no parking within the public right-of-way.
 - c. All emergency circulation areas and ADA parking, shall remain free and clear and unobstructed for intended use. No standing of vehicles is permitted.
 - a.—The applicant acknowledges the standards set forth in this PUD and UA. Should the terms be violated, code enforcement matters may be brought forward to the Plan Commission for action. This may result in the revocation or modification of the zoning permit and such other relief as permitted under the City Code.
11. Architecture (See also Chapter 275-59 & Rural Commercial Design Guide)
 - 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 Review Committee of the Plan Commission has reviewed and approved the architecture for the zoning permit/use approval.
 - b. Buildings shall be constructed to be harmonious with their natural and built surroundings including adjacent properties, while avoiding repetition and monotony. Building designs shall utilize materials that reflect a rustic rural character. Cedar or clapboard siding, stone and

brickwork or other comparable materials that achieve the same quality in appearance are acceptable. Aluminum and vinyl siding shall be prohibited. New buildings shall correspond in height, width, proportion, relationship to street, roof forms, composition, rhythm, proportion of openings, materials and color to the other buildings in the district. All designs are subject to review and approval by the Department of Community Development and Plan Commission. Plans should show building elevations of structures to either side of the proposed structure, and must show the compatible scale.

- c. Decorative metal panels may be considered by the Architectural Review Committee.

12. Signage (See also Chapter 275-61 & Rural Commercial Design Guide)

- a. All signs shall meet requirements set forth in the Rural Commercial Design Guide.
 - i. Signage shall be designed in unity with the building design through the use of the same or similar materials and colors. Ground, monument signs, or wall mounted signs made of wood, hanging from a wooden or wrought iron mount are acceptable. Signs that suit the architectural features of the building are acceptable. Neon tubed exterior accent light, external neon tubed signs and internally illuminated signs are not permitted. Signage shall meet the requirements of § 17.08 (10) in its entirety.
- b. Signs located within the Rural Commercial Area shall not include external neon tube lighting or internal illumination. The Rural Commercial Area is defined in the City of New Berlin Comprehensive Plan, Chapter 12. Please refer to that document for specific information. (Zoning Code 275-61F(2)(c))
- c. EMCs are not allowed within the Rural Commercial Area. [Zoning Code 275-61I(1)(g)[9] and 275-61F(2)(c); City of New Berlin Comprehensive Plan, Chapter 12; and Figure X.]
- d. All new signs and/or replacement of existing signs located along arterials or major thoroughfares, including National Avenue and Racine Avenue, shall be placed on a monument base constructed of the same material and color or shall enhance the exterior architecture of the principal building. (Zoning Code 274-61I(1)(c)[1])
 - i. The width of the sign base shall be adjusted to match the width of the sign box/sign panel. The sign base shall be a minimum of 18 inches tall. The monument sign shall not exceed eight feet in height. The sign shall be set back entirely outside the ultimate right-of-way and vision triangle.
 - ii. Monument signs shall not exceed 32 square feet in face area per side. The face area includes all surface area of the signage box and sign face but excludes the surface area of the signage base described.
 - iii. Address plaque or numbers shall be required on the monument base or incorporated onto the sign face.
 - iv. The applicant may request a waiver from the Plan Commission for the requirement for a monument sign. If a waiver is granted, the monument sign may not be substituted for an additional wall sign.

13. Property Maintenance

- a. The owner or occupant of the premises or his/her agent shall maintain the structures and exterior property in compliance with these requirements.
- b. The owner shall maintain the property in compliance with all provisions of the New Berlin Municipal Code; use, site & architectural approval, and/or a plan approved as part of a Developer's Agreement approved by the Common Council. If the property is not found to be in

compliance with the code, zoning / conditional use approval, the approved plans and/or the Developer's Agreement, the city may take action to correct the situation, after providing the owner or operator with notice of the defective condition and an opportunity to cure the alleged defective condition. Costs of any such corrective action by the City shall be assessed as a special charge against the property, to be added to the property tax bill pursuant to Section 66.0627 of the Wisconsin Statutes.

- c. All vacant structures and premises thereof shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health and safety.
- d. Vacant or abandoned properties, including, but not limited to, buildings, storm water, parking, and landscaping, shall be maintained for the safety of the community, the local environment, and the visual impacts to the surrounding properties. Maintenance includes watering, snow removal, trimming and pruning landscaping, continued screening of dumpsters, promptly repairing any building or site damage, and prompt removal of graffiti. Any covering of glass surfaces shall be done in such a way as to blend in with the rest of the building and in a visually attractive manner. Chain-link fencing to exclude trespass shall be permitted for not more than 120 days, after which it shall be removed or replaced with visually attractive fencing.
- e. The owner of the vacant property and/or building shall remove all signs from the building and repaint the wall area behind the signs if this area has faded leaving an image of the signs.
- f. The owner of the vacant property and/or building is responsible for keeping the same free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, earth products, any accumulation of newspapers, circulars or flyers, discarded items including but not limited to furniture, clothing, appliances or any other items that give the appearance that the property or building is vacant.
- g. In the absence of an active zoning permit, the owner of the vacant property and/or building shall keep vestibule and/or emergency lights illuminated in the interior of the building to offer a positive appearance and safe condition of the property. Parking lot lighting shall remain illuminated.
- h. The owner(s) of the vacant property and/or building is responsible for maintaining existing landscaping and landscaping required as a condition of a permit and shall not permit the landscaping to become overgrown or die. If the landscaping becomes overgrown or dies, the owner is responsible for replacing the previously existing landscaping in accordance with Section 275-56C(14). Landscaping includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges, trees or other similar plantings.
- i. The owner of the vacant property and/or building shall secure the same so that it is not accessible to unauthorized persons, including but not limited to the closure and locking of windows and doors (walk through, sliding and garage) and any other opening of such size that may allow a child to access the interior of a structure; chaining or padlocking gates, and repairing fencing. Broken windows shall be secured by means of re-glazing with undamaged glass or other permanent material, and not by cardboard, plywood or other temporary means except as necessary temporarily for not more than 10 business days while awaiting re-glazing.
- j. The property owner may display one professionally designed sign, consistent with local sign ordinances, not to exceed 32 square feet in area at the entrance of the building, which offers contact information and a statement that the building is available for lease.

- k. If the owner of the property or building is an entity or does not reside within 50 miles of the City limits, the owner shall contract with a person to provide property management to perform weekly inspections to verify that all requirements of this ordinance, enforcement notice, and any other applicable laws are being met. The property shall be posted with name and 24-hour contact phone number of the local property management representative.

14. Policies

- a. Any proposed changes to the use or plan of operation may require a neighborhood meeting.
- b. No expansion permitted for industrial uses.
- c. Additional uses or intensity of uses shall not have a negative impact on the level of service. LOS shall be no worse than a level C.

SECTION IV

WHEREFORE, The I-1/PUD: Ethic Indoor Sports Facility Planned Unit Development Overlay District Ordinance having been approved as a Planned Unit Development on ~~August 6, 2020~~ June 14, 2022, pursuant to Chapter 275-23 of the New Berlin Zoning Code, the Common Council hereby adopts this Ordinance and approves the rezoning of land described in Section II to I-1/PUD to be named the Ethic Indoor Sports Facility Planned Unit Development Overlay District, pursuant to the conditions set forth herein.

The Mayor and City Clerk are authorized to execute this Ordinance No. ~~2633-2661~~ on behalf of the City of New Berlin.

This ordinance shall take effect upon the passage and publication as required by law, and upon the final approval of the Development Plans as recommended by the Plan Commission, and the City Clerk shall so amend the Code of Ordinances and zoning map of the City of New Berlin, and shall indicate the date and number of this amending ordinance therein.

The several sections of this ordinance are declared to be severable. If any section shall be declared by decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other portions of the ordinance.

All ordinances or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

PASSED AND ADOPTED by the Common Council this 14th day of June, 2022. ~~6th day of August, 2020~~.

APPROVED:

David A. Ament, Mayor

Countersigned:

~~Georgia Stanford~~ Rubina Medina, City Clerk

Appendices:

A – Plan of Operation

B – CSM

C – Deed Restriction

D – Private Drainage Easement

APPENDIX A
ETHIC INDOOR SPORTS FACILITY
PLAN OF OPERATION

Ethic Indoor Sports Facility, LLC

Plan of Operations

Project Description

The clean and rural design of this indoor sports facility development includes 153,000 sq ft of indoor training and recreational space for families and teams to enjoy. Ethic will offer indoor fields and court rental for youth team training, in addition to a variety of camps and classes for all ages. Ethic will host indoor tournaments and events throughout the year for baseball/softball, basketball, and volleyball. Ethic will not only be an option for youth, but will also be available for adult training memberships, including the use of the gym or classes. Ethic will also offer music and school tutoring to meet the needs of all families. In addition, sports medicine, athletic apparel, and a café will be available for public use.

Hours of Operation

The proposed hours for the gym use will be:

*Monday-Sunday 5am-10pm

The proposed hours for the building/facility will be:

*Monday-Sunday 8am-10pm

Staff/Customer Parking and Operations

The proposed staff for the development will be 7-10 employees Monday-Friday 8am -10pm. Customer parking for the site will allocate 260-270 spots to date. Peak hours of the facility will be from 5-10pm M-F from Oct-April.

Site Maintenance

During the spring, summer, and fall months, a hired service will provide lawn and landscaping maintenance on a regular basis. During the winter months, a hired service will provide snow clearing/plowing/salting on an as needed basis.

Site Security

The facility's exterior perimeter will host motion-activated cameras that will be recorded. The interior of Ethic will have recording security cameras throughout the building for the safety of all clients. Card reader entry will be used for the gym and front entry. The parking lot and facility interior will be well lit with minimal light pollution to neighboring properties.

APPENDIX B
ETHIC INDOOR SPORTS FACILITY
Certified Survey Map (CSM)

APPENDIX C
ETHIC INDOOR SPORTS FACILITY
DEED RESTRICTION

APPENDIX D
ETHIC INDOOR SPORTS FACILITY
DRAINAGE EASEMENT

STAFF REPORT

EXECUTIVE SUMMARY

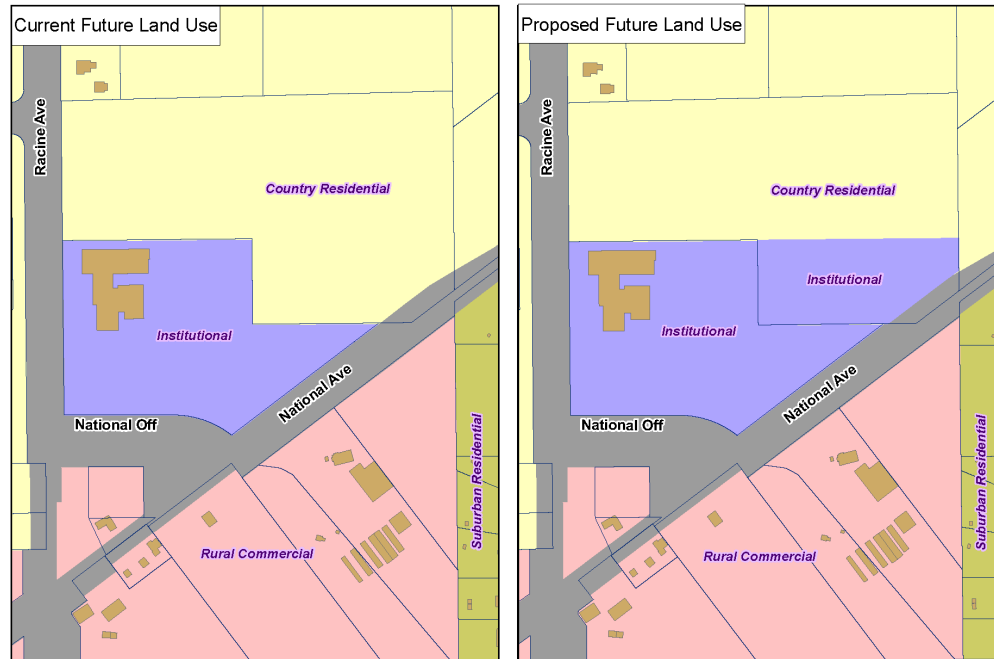
APPLICANT/PROJECT:	Aaron Kahle – Kahle Builders LLC on behalf of Ethic Indoor LLC / 2030 Comprehensive Plan Amendments
LOCATION:	Tax Key #: 1268-993 – Approximately 3.5278 acres
CURRENT FUTURE LAND USE:	Single-Family Residential
PROPOSED FUTURE LAND USE:	Institutional with Planned Unit Development Overlay
CURRENT ZONING:	R-1/R-2 (Rural Estate Single-Family Residential)
REQUEST:	A request to amend the Future Land Use Map within the City’s Comprehensive Plan (Chapter 19 - Neighborhood “I” and Chapter 10 - Land Use) for approximately 3.5278 acres of Tax Key #: 1268-993 from Single-Family Residential to Institutional with Planned Unit Development.
D.R.C. RECOMMENDATION:	Recommend approval of Plan Commission Resolution #: 22-01 approving the amendment to the future land use map approximately 3.5278 acres of the property located at Tax Key #: 1268-993, from Single-Family Residential to Institutional with Planned Unit Development and forward to the Common Council for their review and approval by Ordinance.

Background:

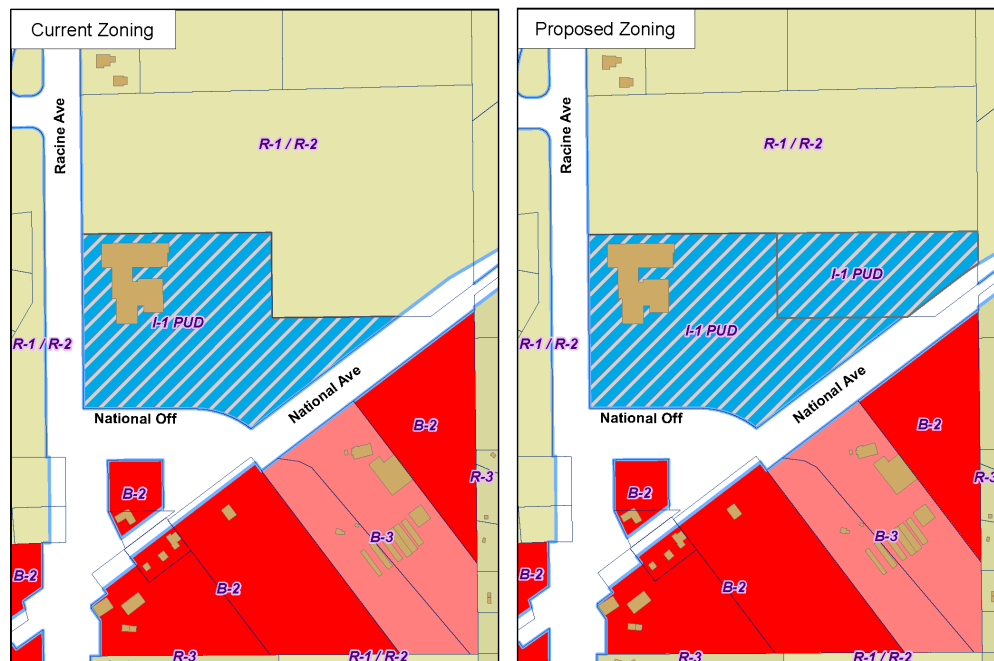
1. The applicant is proposing to construct additional parking for OAW Ethic Indoor.
 - a. 329 new parking stalls are proposed. The existing parking lot has 317. Total parking stalls would be 662 after the proposed lot is built.
 - b. The applicant is not proposing any changes to their plan of operation or intensity of events held on-site.
 - c. The additional parking is to serve existing needs and reduce existing parking issues.
2. OAW Ethic Indoor was approved and constructed in 2020.
3. Staff has met with the owner multiple times regarding parking issues on-site and off-site. The owner is proposing additional parking to remedy existing issues and relieve overflow parking.
4. The property is currently zoned R-1/R-2 and the Future Land Use designation in the Comprehensive Plan is Single-Family Residential. Based upon the adjacent land use and current development patterns for the west side of New Berlin, it would be recommended that any future development of this parcel be in accordance with the PUD Overlay developed for the property. The Common Council approved an I-1 Planned Unit Development for the property via Ordinance No. 2633 on August 6, 2020.

Chapter 10: Land Use:

- *2030 Future Land Use Map: Single-Family Residential*
- *Proposed Future Land Use Map Suggestion: Institutional*



- *The corresponding zoning district is I-1 (Institutional) with a PUD.*



Chapter 22: Implementation: Yes, this request meets the intent of this Chapter. Note, all of the following citations are found within the comprehensive plan that describe when and how to amend the plan.

- *On page 22:1 of the Plan the following statement is made, “This element shall include a process*

for updating the comprehensive plan. A comprehensive plan under this subsection shall be updated no less than once every 10 years.”

- *On page 22:1 of the Plan the following statement is made, “This chapter of the comprehensive plan provides a guide for how this Plan is to be monitored, amended, updated, and used to accomplish the recommendations contained within the elements of the Comprehensive Plan.”*
- *Monitoring the Plan – Page 22:4 states the following, “The Plan must reflect the current principals, goals, objectives and development polices of the City at all times. City staff should review the Plan with the following in mind:*
 - *New land use opportunities*
 - *Further plan detail and refinements*
 - *Market shifts*
 - *Economic and demographic changes and growth patterns*
 - *Unforeseen challenges*
 - *Changes in legislation*
- *Development within the City should be monitored on an ongoing basis, and compared to the City goals and objectives outlined throughout the Plan to ensure that current policies are achieving the intended results.*
- *Amending the Plan – Page 22:4 of the Plan states, “This Plan is intended to be changed and revised over time. The City’s values, goals, and capabilities may change as New Berlin grows, and the Plan must be amended to reflect those changes. The Plan should be reviewed and amended at least once every year. Suggestions for amendments can be brought forward by City staff, officials, and/or residents, and should be consistent with the overall vision of the Plan. Proposed amendments could originate in any of the following way:*
 - *Amendments proposed as corrections of clerical or administrative errors, mapping errors, and updated data for text, tables, and maps. Such amendments would be drafted by City staff.*
 - *Amendments proposed as a result of discussions between officials and citizens.*
 - *Amendments proposed as a result of recommendations discussed during a City planning process.”*
- *Page 22:4 of the Plan states “When a change is proposed, it should follow this general procedure:*
 - *Recommendation by the Plan Commission to conduct a review process for the proposed amendment.*
 - *Facilitation of public hearings as required by applicable Wisconsin State Statutes and/or ordinances.*
 - *Recommendation from the Plan Commission to the Common Council.*
 - *Consideration and decisions by the Common Council.”*
- *Page 22:5 of the Plan states, “Plan amendments and updates should coincide with the ongoing monitoring schedule. Furthermore, revisions to this Plan shall be adopted by Ordinance and adhere to certain procedural requirements as state in the Wisconsin State Statutes 66.1001(4).”*
- *Plan Element Consistency – Page 22:5 of the Plan states, “As future amendments and updates are made, consistency between the Plan elements must be ensured.” In this case, the applicant has submitted simultaneous requests to the City to amend both the Comprehensive Plan / Future Land Use Map and a Rezoning application to rezone the property so the request meets the consistency requirements.”*

- Plan Implementation – Page 22:5 of the Plan states, *“The process of updating the City’s Future Land Use Plan will utilize the Future Land Use Policies and the Future Land Use Plan classifications to derive specific standards and regulations needed for the implementation of the Plan. However, the zoning map will not necessarily be amended immediately to bring all parcels into conformity with this Plan. Rather, this Plan will serve as the long-range guide to specific decisions about particular parcels over time. When requests are made for zoning map amendments, the following guidelines will be considered:*
 - *The map amendment is in agreement with this Plan and other plans designed to further detail the Plan for the location in question; or*
 - *The existing zoning classification does not promote the public health, safety, or welfare purpose, and the proposed zoning classification does promote a public health, safety, or welfare propose; or*
 - *There have been major changes of an economic, physical, or social nature not anticipated in the adopted Plan that substantially alters the area’s character.”*
- In addition, below are several other sources that Staff located and has paraphrased which indicate that the Comprehensive Plan, in general, should not be a static document but rather a document that is utilized daily and updated as necessary and/or as requested.
- The State of Wisconsin’s A Guide to Preparing the Implementation Element of a Local Comprehensive Plan – Implementation Guide states the following, “Monitor your plan’s performance and your community may find that adjustments or revisions need to be made for things that were unforeseen, for conditions that have changed, or for incorrect choices or errors that were made.” The Guide goes on to state, “To be effective tools for guiding a community’s development through times of change, comprehensive plans must be somewhat “organic”. Every plan will eventually need to be amended to reflect a community’s changing conditions.
- Wisconsin State Statue 66.1001(2)(i) requires the following – “the Implementation element shall include a process for updating the comprehensive plan. A comprehensive plan under this subsection shall be updated no less than once every 10 years.”

The Rural Commercial Design Guide

- *The Rural Commercial Design Guide, adopted by the City in 2001, serves as a contributor to economic development conditions in Neighborhood B. The Guide provides design standards for areas west of Calhoun Road with the southern border at IH-43/College Avenue and the northern border at Cleveland Avenue (Figure 12.12-1). The boundaries are further defined as both sides of Cleveland Avenue and Calhoun Road with the exception of the properties located within the New Berlin Industrial Park SPO and the B-2 and O-2 zoned parcels near the intersection of Cleveland Avenue and Calhoun Road (Tax Keys: 1188-994, 1188-999, 1188-992001, 1188-993 and 1188-020). The West Lincoln Avenue corridor is not included. The intent of the Design Guide is to retain and encourage small business and office developments, provide safe and convenient pedestrian access, and ensure quality visual appearances. The Rural Commercial Design Area also includes land within Neighborhood I (National Avenue & West Neighborhood) and a small portion of Neighborhood J (I-43 & Racine Quarries).*
- *The design standards affecting recommendations for economic development in Neighborhood B include provisions for cross access between neighboring parcels where feasible, and the requirement that new buildings correspond proportionally and stylistically to existing buildings in rural commercial areas.*
- Details of the Rural Commercial Design Standards are below:
 - *Building designs shall utilize materials that reflect a rural character. Cedar or clapboard siding, stone and brickwork, or other comparable materials that achieve the same quality in appearance are acceptable. Aluminum and vinyl siding shall be prohibited. New*

buildings shall correspond in height, width, proportion, relationship to street, roof forms, composition, rhythm, proportion of openings, materials and color to the other buildings in the district.

- *Four sided architecture that utilizes similar building materials and design for all sides of a proposed structure is required.*
- *Mansards, pents (lean-to), gambrels or other roof shapes not characteristic of the architectural area shall not be allowed. Rolled roofing, tar and gravel and other similar roofing materials are prohibited except that such materials may be used on flat or slightly sloped roofs which are not visible from the ground.*
- *Earth tones such as grays, browns, greens, and tans are encouraged.*
- *To the maximum extent practicable, parking Areas shall be located to the side or behind buildings. The perimeter of the parking lot shall provide for a lawn area in which trees and shrubs will be planted so as to allow ample snow storage capacity yet avoid damage to plantings from same.*
- *Existing tree lines should be preserved. If removal of existing tree lines is required due to its undesirable nature, new planting that results in no less of a screening effect shall be required when adjacent to residential uses.*
- *Signage shall be designed in unity with the building design through the use of the same or similar materials and colors. Ground, monument signs, or wall mounted signs made of wood, hanging from a wooden or wrought iron mount are acceptable. Signs that suit the architectural features of the building are acceptable. Neon tubed exterior accent light, external neon tubed signs and internally illuminated signs are not permitted.*
- *Lighting shall be down cast, zero degree tilt, cutoff fixtures not exceeding 25 feet in height (including the light pole base and/or pedestal). Lighting shall be positioned so as not to cause glare on adjacent properties and streets. At a minimum, site lighting marking the entrance to businesses shall match or complement that which may be chosen by the City as standard decorative street lighting. Site lighting shall meet the requirements of § 275-60I in its entirety.*
- *Cross Access to and between neighboring properties shall be implemented wherever possible. The goal in this requirement is to remove as much incidental site to site traffic thus reducing the possibility of traffic conflicts and accidents. Cross access drives may be either the interconnection of parking lots or the construction of a separate drive.*

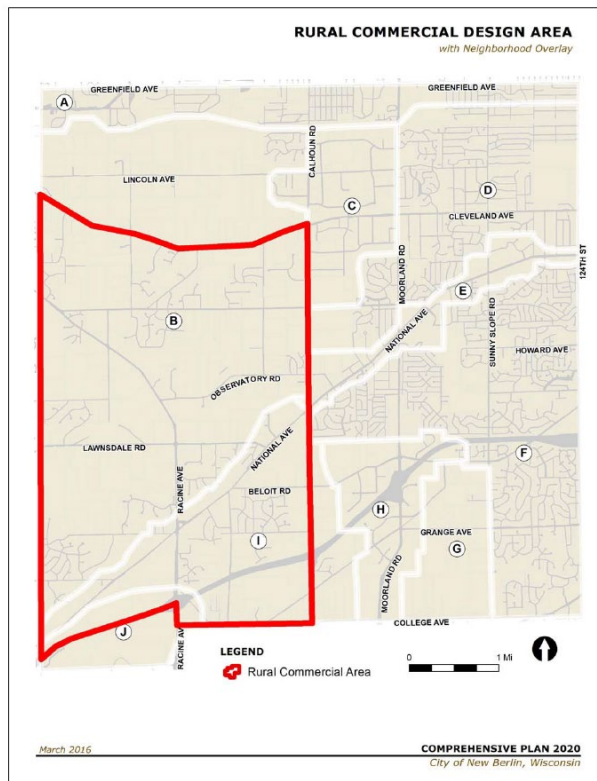


Figure 12.12-1. Rural Commercial Design Area.

Attachments:

Location Map

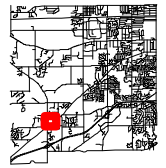
Rezoning Comparison Map Exhibit

Future Land Use Map Comparison Map Exhibit

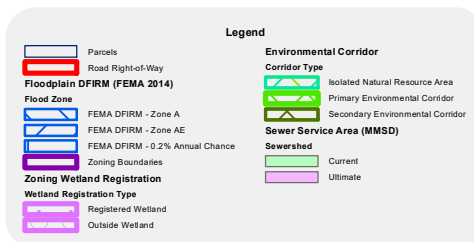
Site Plan

Resolution #22-01 (*forthcoming*)

CP-2200597
Ethnic Comprehensive Plan Amendment
Tax Key #: 1268-993 – Approximately 3.5278 acres

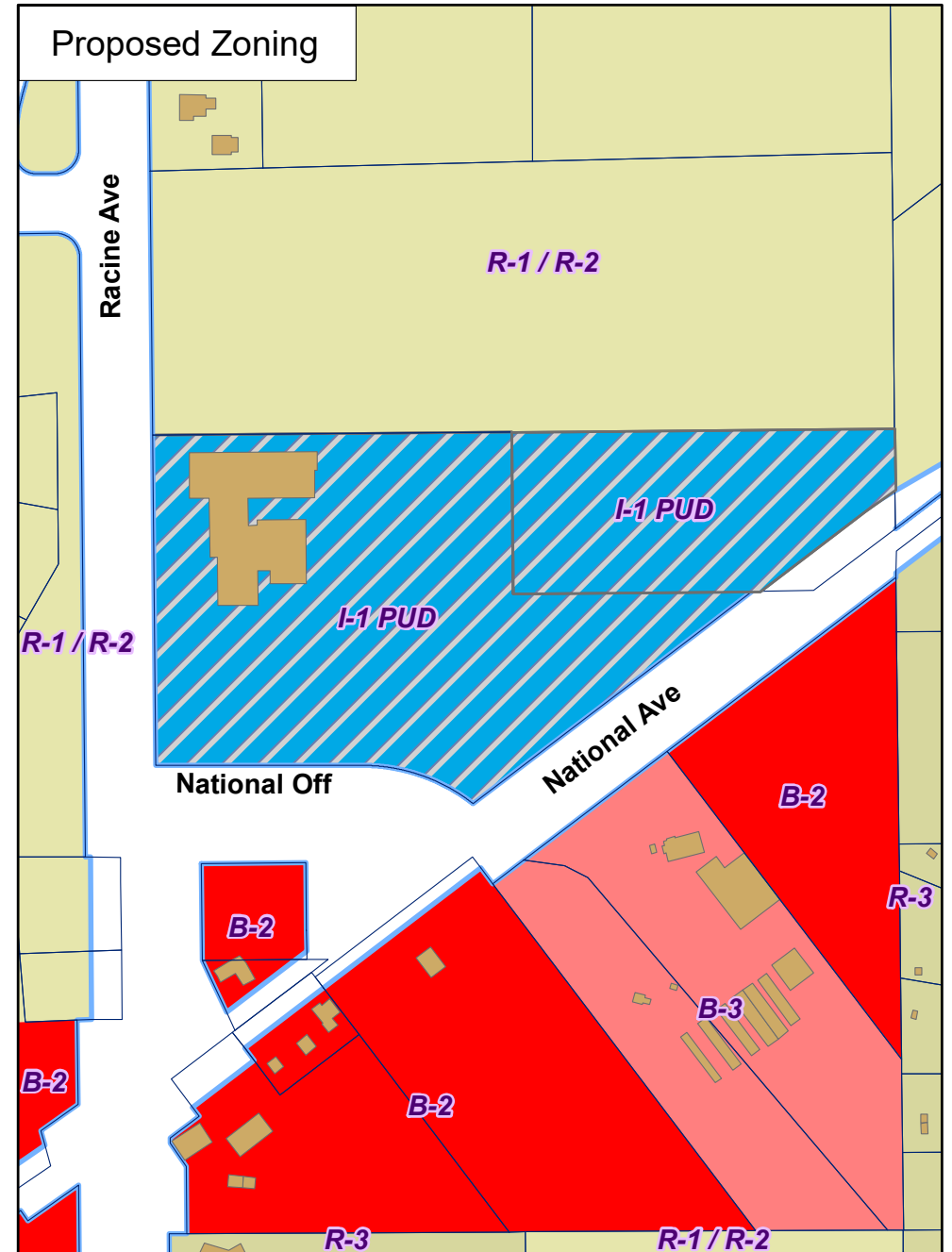
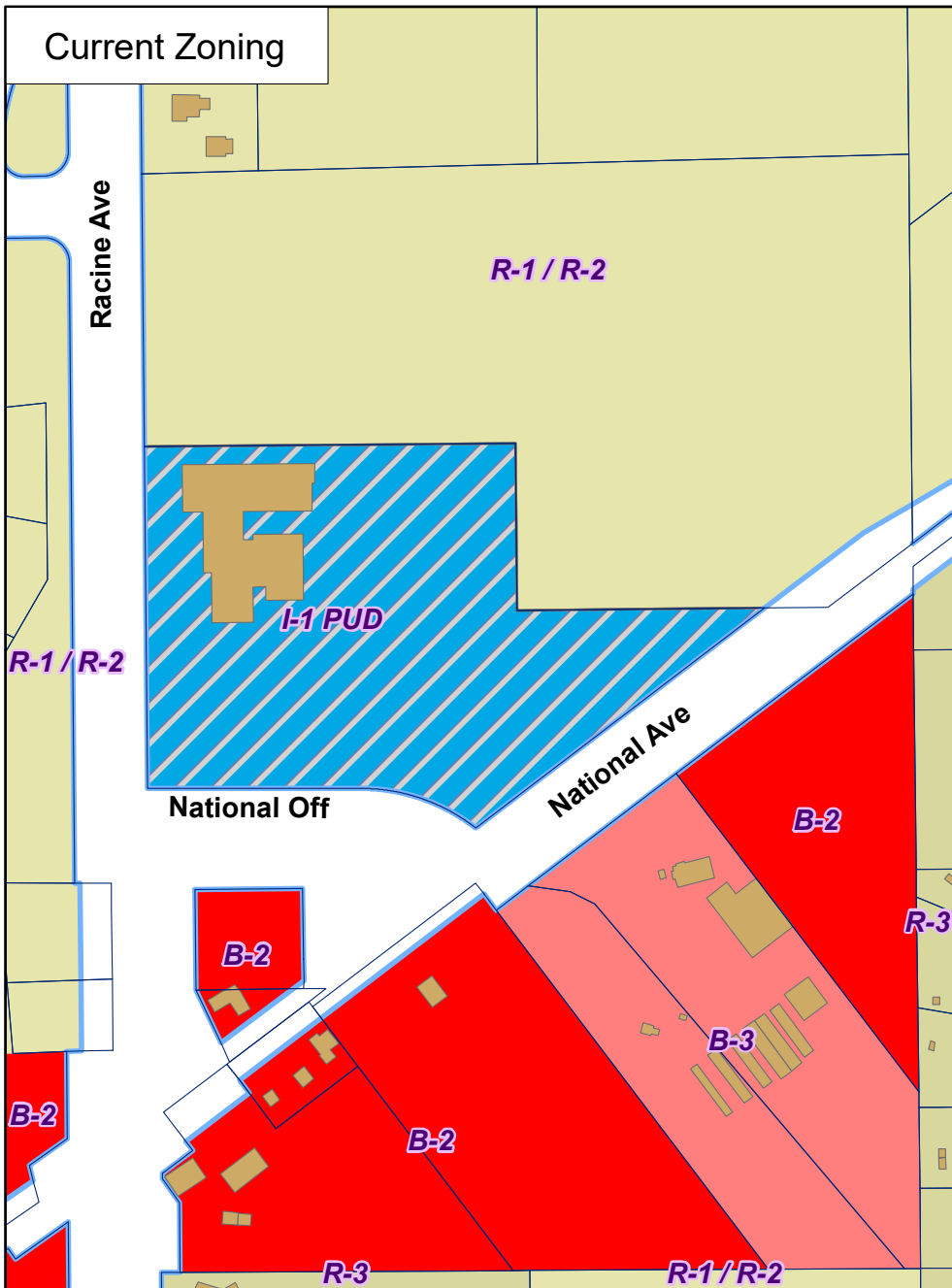


City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
(262) 797-2445
www.newberlin.org

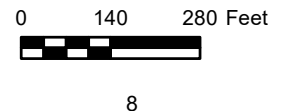
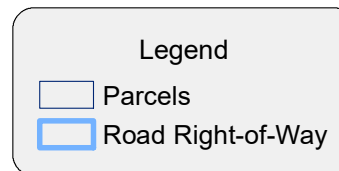


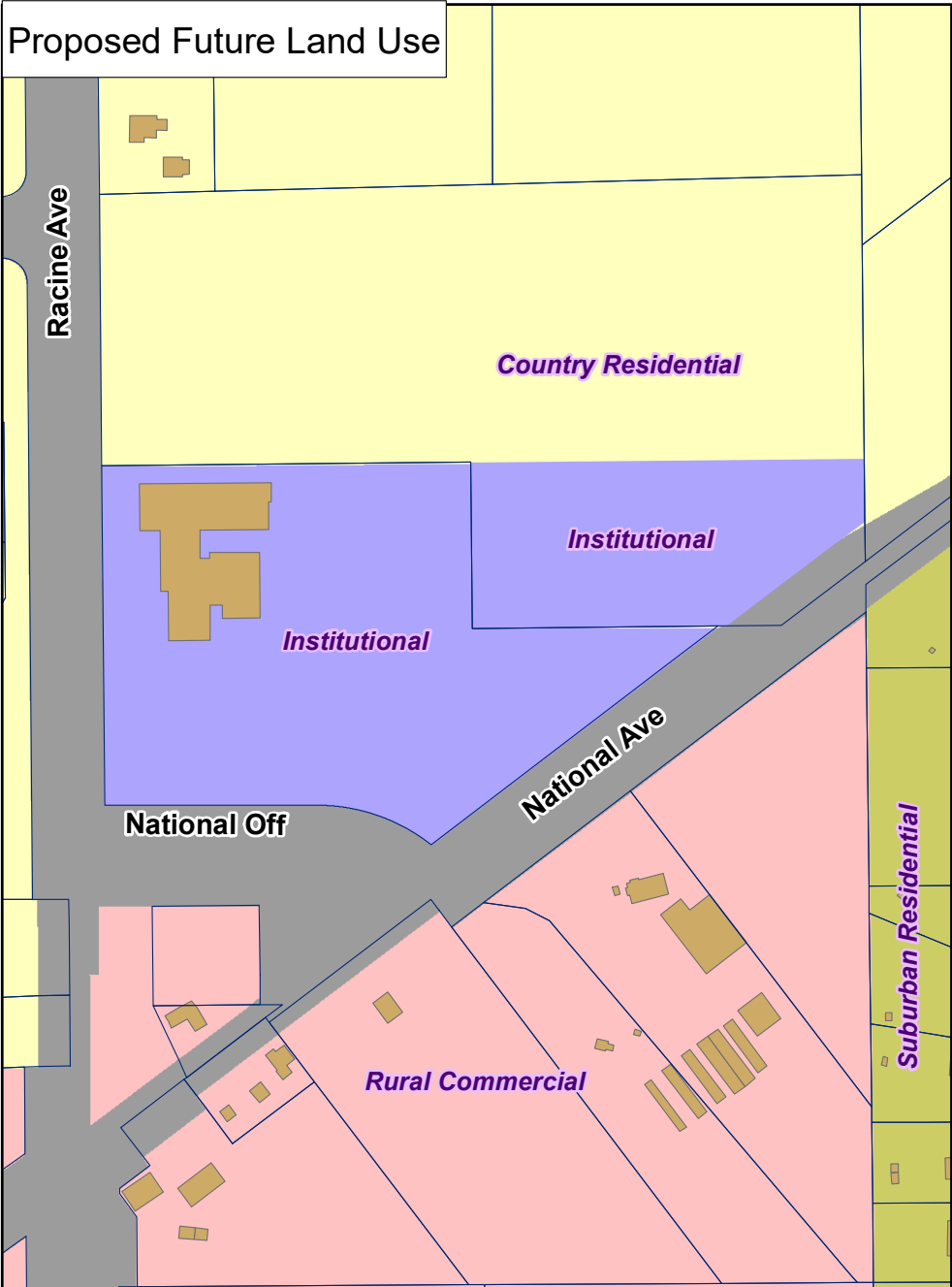
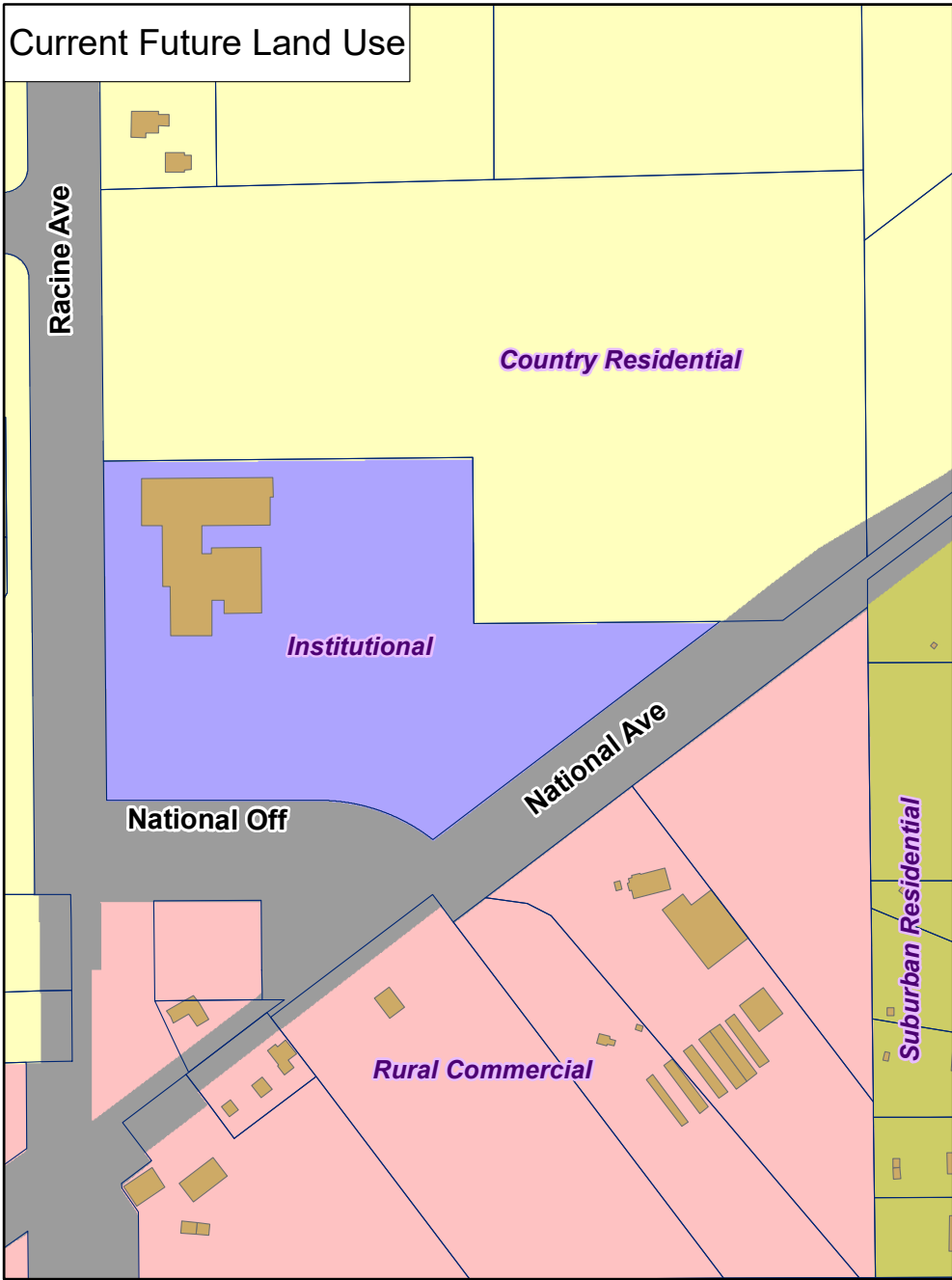
0 120 240 Feet





RZ-2200596 Ethic Amendment 5330 S. Racine Ave





City of New Berlin
 Department of Community Development
 3805 S Casper Dr.
 New Berlin WI 53151
 (262) 797-2445
www.newberlin.org

CP-2200597
Ethic Amendment
5330 S. Racine Ave

Legend

Parcels

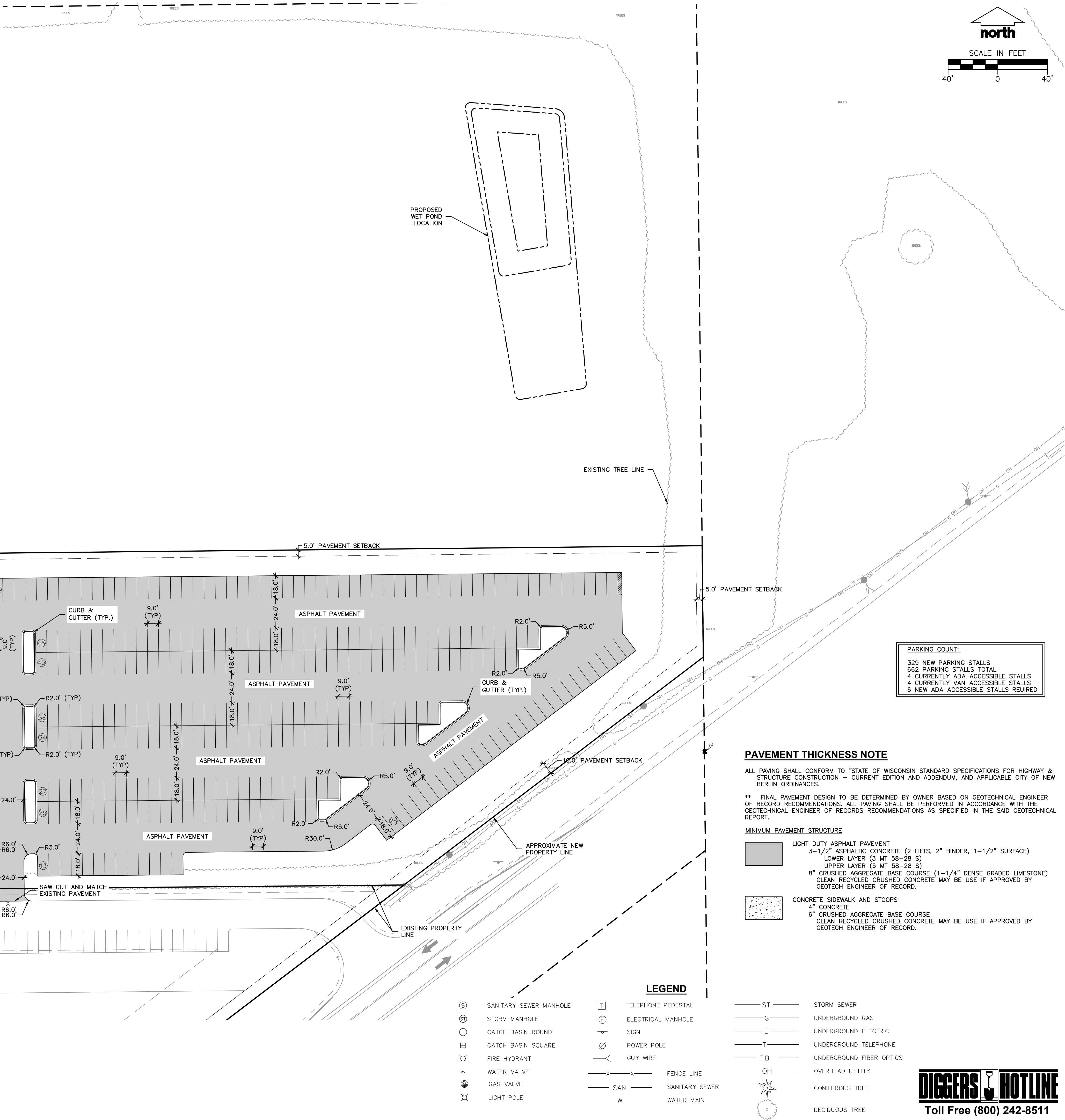
Road Right-of-Way



PAVING NOTES

1. ALL PAVING SHALL CONFORM TO "STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY & STRUCTURE CONSTRUCTION AND APPLICABLE CITY OF NEW BERLIN ORDINANCES.
2. CONCRETE PAVING SPECIFICATIONS--
- CODES AND STANDARDS -- THE PLACING, CONSTRUCTION AND COMPOSITION OF THE CONCRETE PAVEMENT SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 415 AND 416 OF THE STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, CURRENT EDITION. HEREAFTER, THIS PUBLICATION WILL BE REFERRED TO AS STATE HIGHWAY SPECIFICATIONS.
- CRUSHED AGGREGATE BASE COURSE -- THE BASE COURSE SHALL CONFORM TO SECTIONS 301 AND 305, STATE HIGHWAY SPECIFICATIONS. CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.
- SURFACE PREPARATION -- NOTIFY CONTRACTOR OF UNSATISFACTORY CONDITIONS. DO NOT BEGIN PAVING WORK UNTIL DEFICIENT SUBBASE AREAS HAVE BEEN CORRECTED AND ARE READY TO RECEIVE PAVING.

3. ASPHALTIC CONCRETE PAVING SPECIFICATIONS--
- CODES AND STANDARDS -- THE PLACING, CONSTRUCTION AND COMPOSITION OF THE ASPHALTIC BASE COURSE AND ASPHALTIC CONCRETE SURFACING SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 450, 455, 460 AND 465 OF THE STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, EDITION OF 2005. HEREAFTER, THIS PUBLICATION WILL BE REFERRED TO AS STATE HIGHWAY SPECIFICATIONS.
- WEATHER LIMITATIONS -- APPLY TACK COATS WHEN AMBIENT TEMPERATURE IS ABOVE 50° F (10° C) AND WHEN TEMPERATURE HAS NOT BEEN BELOW 35° F (1° C) FOR 12 HOURS IMMEDIATELY PRIOR TO APPLICATION. DO NOT APPLY WHEN BASE IS WET OR CONTAINS EXCESS OF MOISTURE. CONSTRUCT ASPHALTIC CONCRETE SURFACE COURSE WHEN ATMOSPHERIC TEMPERATURE IS ABOVE 40° F (4° C) AND WHEN BASE IS DRY AND WHEN WEATHER IS NOT RAINY. BASE COURSE MAY BE PLACED WHEN AIR TEMPERATURE IS ABOVE 30° F (-1° C).
- GRADE CONTROL -- ESTABLISH AND MAINTAIN REQUIRED LINES AND ELEVATIONS FOR EACH COURSE DURING CONSTRUCTION.
- CRUSHED AGGREGATE BASE COURSE -- THE TOP LAYER OF BASE COURSE SHALL CONFORM TO SECTIONS 301 AND 305, STATE HIGHWAY SPECIFICATIONS. CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.
- BINDER COURSE AGGREGATE -- THE AGGREGATE FOR THE BINDER COURSE SHALL CONFORM TO SECTIONS 460.2.7 AND 315, STATE HIGHWAY SPECIFICATIONS.
- SURFACE COURSE AGGREGATE -- THE AGGREGATE FOR THE SURFACE COURSE SHALL CONFORM TO SECTIONS 460.2.7 AND 465, STATE HIGHWAY SPECIFICATIONS.
- ASPHALTIC MATERIALS -- THE ASPHALTIC MATERIALS SHALL CONFORM TO SECTION 455 AND 460, STATE HIGHWAY SPECIFICATIONS.
- SURFACE PREPARATION -- NOTIFY CONTRACTOR OF UNSATISFACTORY CONDITIONS. DO NOT BEGIN PAVING WORK UNTIL DEFICIENT SUBBASE AREAS HAVE BEEN CORRECTED AND ARE READY TO RECEIVE PAVING.



PARKING COUNT:	
329	NEW PARKING STALLS
662	PARKING STALLS TOTAL
4	CURRENTLY ADA ACCESSIBLE STALLS
4	CURRENTLY VAN ACCESSIBLE STALLS
6	NEW ADA ACCESSIBLE STALLS REIRED

PAVEMENT THICKNESS NOTE

ALL PAVING SHALL CONFORM TO "STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY & STRUCTURE CONSTRUCTION -- CURRENT EDITION AND ADDENDUM, AND APPLICABLE CITY OF NEW BERLIN ORDINANCES.

** FINAL PAVEMENT DESIGN TO BE DETERMINED BY OWNER BASED ON GEOTECHNICAL ENGINEER OF RECORD RECOMMENDATIONS. ALL PAVING SHALL BE PERFORMED IN ACCORDANCE WITH THE GEOTECHNICAL ENGINEER OF RECORDS RECOMMENDATIONS AS SPECIFIED IN THE SAID GEOTECHNICAL REPORT.

MINIMUM PAVEMENT STRUCTURE

- LIGHT DUTY ASPHALT PAVEMENT
3-1/2" ASPHALTIC CONCRETE (2 LIFTS, 2" BINDER, 1-1/2" SURFACE)
LOWER LAYER (3 MT 58-28 S)
UPPER LAYER (5 MT 58-28 S)
8" CRUSHED AGGREGATE BASE COURSE (1-1/4" DENSE GRADED LIMESTONE)
CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.
- CONCRETE SIDEWALK AND STOOPS
4" CONCRETE
6" CRUSHED AGGREGATE BASE COURSE
CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.

LEGEND

- | | | | |
|------|------------------------|-------|--------------------------|
| ⊙ | SANITARY SEWER MANHOLE | ⌈ | TELEPHONE PEDESTAL |
| ⊙ | STORM MANHOLE | ⊕ | ELECTRICAL MANHOLE |
| ⊕ | CATCH BASIN ROUND | — | SIGN |
| ⊕ | CATCH BASIN SQUARE | ⊗ | POWER POLE |
| ⊕ | FIRE HYDRANT | — | GUY WIRE |
| ⊕ | WATER VALVE | —X—X— | FENCE LINE |
| ⊕ | GAS VALVE | —SAN— | SANITARY SEWER |
| ⊕ | LIGHT POLE | —W— | WATER MAIN |
| —ST— | STORM SEWER | —OH— | OVERHEAD UTILITY |
| —G— | UNDERGROUND GAS | —FIB— | UNDERGROUND FIBER OPTICS |
| —E— | UNDERGROUND ELECTRIC | — | CONIFEROUS TREE |
| —T— | UNDERGROUND TELEPHONE | — | DECIDUOUS TREE |
| — | UNDERGROUND UTILITY | | |

PAVEMENT STRIPING NOTES

1. CONTRACTOR SHALL CONSULT STRIPING COLOR WITH OWNER PRIOR TO CONSTRUCTION.
2. PROVIDE CONTRACTOR GRADE ACRYLIC, STRIPING PAINT FOR NEW ASPHALT OR COATED ASPHALT. ALL STRIPING SHALL BE APPLIED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
3. THOROUGHLY CLEAN SURFACES FREE OF DIRT, SAND, GRAVEL, OIL AND OTHER FOREIGN MATTER. CONTRACTOR RESPONSIBLE TO INSPECT PAVEMENT SURFACES FOR CONDITIONS AND DEFECTS THAT WILL ADVERSELY AFFECT QUALITY OF WORK, AND WHICH CANNOT BE PUT INTO AN ACCEPTABLE CONDITION THROUGH NORMAL PREPARATORY WORK AS SPECIFIED.
4. DO NOT PLACE MARKING OVER UNSOUND PAVEMENTS. IF THESE CONDITIONS EXIST, NOTIFY OWNER. STARTING INSTALLATION CONSTITUTES CONTRACTOR'S ACCEPTANCE OF SURFACE AS SUITABLE FOR INSTALLATION.
5. LAYOUT MARKINGS USING GUIDE LINES, TEMPLATES AND FORMS. STENCILS AND TEMPLATES SHALL BE PROFESSIONALLY MADE TO INDUSTRY STANDARDS. "FREE HAND" PAINTING OF ARROWS, SYMBOLS, OR WORDING SHALL NOT BE ALLOWED. APPLY STRIPES STRAIGHT AND EVEN.
6. PROTECT ADJACENT CURBS, WALKS, FENCES, AND OTHER ITEMS FROM RECEIVING PAINT.
7. APPLY MARKING PAINT AT A RATE OF ONE (1) GALLON PER THREE TO FOUR HUNDRED (300-400) LINEAL FEET OF FOUR (4) INCH WIDE STRIPES. (OR TO MFG. SPECIFICATION)
8. BARRICADE MARKED AREAS DURING INSTALLATION AND UNTIL THE MARKING PAINT IS DRIED AND READY FOR TRAFFIC.
9. ALL HANDICAPPED ACCESSIBLE PARKING SHALL BE LOCATED PER 2009 IBC 1106.6

JSD

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MILWAUKEE REGIONAL OFFICE
W238 N1610 BUSSE ROAD, SUITE 100
WAUKESHA, WISCONSIN 53188
P. 262.513.0666

CLIENT:
KAHLE BUILDERS

CLIENT ADDRESS:
15171 W. NATIONAL AVE.
NEW BERLIN, WI 53151

PROJECT:
ETHIC INDOOR
SPORTS FACILITY

PROJECT LOCATION:
5330 S. RACINE AVE.
NEW BERLIN, WI

PLAN MODIFICATIONS:

#	Date:	Description:
1	04.05.2022	CITY SUBMITTAL
2	04.19.2022	OWNER REVIEW
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

Design/Drawn: YT/JJS

Approved: TJB

SHEET TITLE:
DIMENSION AND
PAVEMENT ID PLAN

SHEET NUMBER:
C1.0

JSD PROJECT NO: 209894

209894

DIGGERSHOTLINE

Toll Free (800) 242-8511

File: R:\2020\209894\DWG\209894 SHEET1 Paved Parking Addition.dwg Layout: C1.0 User: yhae Plotted: Apr 19, 2022 - 8:45am Xref:

THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF JSD PROFESSIONAL SERVICES, INC.

10

RESOLUTION NUMBER #22-01**A Resolution adopting the amendments to the City's 2030 Comprehensive Plan Chapter 10: Land Use and Chapter 19: Neighborhood "I": National Avenue West**

WHEREAS, Section 66.1001(4) of the Wisconsin Statutes, establish the required procedure for a local government to adopt a comprehensive plan and Section 66.1001(2) identifies the required elements of a comprehensive plan; and

WHEREAS, The planning process was open to the public and numerous efforts were made to assure the broadest participation to establish the goals and elements considered for and contained within the comprehensive plan in compliance with Section 66.1001 of the Wisconsin State Statutes, and

WHEREAS, The City of New Berlin prepared and followed a Public Participation Plan that was adopted by the Plan Commission on September 10, 2007 and the Common Council on September 25, 2007 a copy of which is on file in the Department of Community Development.

WHEREAS, the City of New Berlin Plan Commission has the authority to adopt the Comprehensive Plan and associated amendments as necessary by resolution and also to recommend that the Common Council adopt the comprehensive plan and associated amendments as necessary via Ordinance; and

WHEREAS, the City of New Berlin prepared the "City of New Berlin Comprehensive Plan", which is on file with the Department of Community Development and available on the City's website www.newberlin.org, containing all maps and other descriptive materials, to be the comprehensive plan for the City; and

WHEREAS, that the Plan Commission of the City of New Berlin adopted the City of New Berlin 2020 Comprehensive Plan as the City's comprehensive plan via Resolution No. 09-02 on November 2nd, 2009, and the Common Council adopted the Comprehensive Plan via Ordinance # 2422 on December 8th, 2009; and has been amended from time to time; and

WHEREAS, development within the City should be monitored on an ongoing basis, and compared to the City goals and objectives outlined throughout the Plan to ensure that current policies are achieving the intended results. Comprehensive Plan Chapter 22, Implementation states, *"This Plan is intended to be changed and revised over time. The City's values, goals, and capabilities may change as New Berlin grows, and the Plan must be amended to reflect those changes. The Plan should be reviewed and amended at least once every year."* This project includes an overall general update to the Comprehensive Plan.

WHEREAS, Department of Community Development Staff, working at the request of Aaron Kahle on behalf of Ethic Indoor LLC, have prepared amendments to the Future Land Use Map within the City's adopted 2030 Comprehensive Plan Chapter 10: Land Use and are now completed and need to be incorporated into the City's adopted Comprehensive Plan.

WHEREAS, the Future Land Use Map amendments requested by Aaron Kahle on behalf of Ethic Indoor LLC is for approximately 3.5278 acres of Tax Key #: 1268-993 to amend the Future Land Use from "Single-Family Residential" to "Institutional with Planned Unit Development Overlay." It is necessary to incorporate these Future Land Use Map amendments into the City's adopted 2030 Comprehensive Plan Chapter 10: Land Use Amendments to an adopted comprehensive plan pursuant to WI State Statute 66.1001 require a Class I notification along with a public hearing.

WHEREAS, the Plan Commission of the City of New Berlin by a ## vote of the Commissioners present and voting recorded in its official minutes, adopted Resolution #: 22-01 recommended approval of this comprehensive plan amendment on June 6, 2022.

NOW, THEREFORE, BE IT RESOLVED, that the Plan Commission of the City of New Berlin hereby accepts and adopts the attached City of New Berlin 2030 Comprehensive Plan amendments to the 2030 Comprehensive Plan Chapter 10: Land Use, recognizing that the Common Council must also adopt the Comprehensive Plan amendments via Ordinance for it to become effective; and

BE IT FURTHER RESOLVED that the Plan Commission does hereby recommend that the Common Council adopt Ordinance No. ##, which will constitute its adoption of the Comprehensive Plan amendments.

- No textual changes are proposed for Chapter 19.

Passed and adopted by the Plan Commission on this 6th day of June, 2022.

APPROVED:

David A. Ament, Mayor

Certified/Countersigned:

Nikki Jones
Plan Commission Secretary



**CITY OF NEW BERLIN
PLAN COMMISSION - MINUTES
Monday, May 2, 2022**

Regular Meeting

Via Zoom

6:00 PM

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

The Plan Commission has satisfied the requirements as directed by the Common Council on June 22, 2021 and Ordinance No. 2651 to hold this meeting via electronic means. The full text of this ordinance and the minutes from the above mentioned meeting can be viewed at www.newberlin.org

To participate in the meeting, view the meeting, and/or ask questions, the public was able to do so by downloading the ZOOM app located at <https://zoom.us/> and utilize Meeting ID #819 8542 6963 to join.

All votes were taken via a voice roll call vote.

PRIVILEGE OF THE FLOOR

Mayor Ament asked if there was anyone in attendance that wanted to take part in Privilege of the Floor. There was none.

Rubina Medina stated that no comments were received via email.

CALL TO ORDER; PLEDGE OF ALLEGIANCE

Mayor Ament called the Plan Commission meeting to order at 6:07 PM and led the Pledge of Allegiance.

ROLL CALL; DECLARATION OF QUORUM

Present: Mayor Ament, Ald. Stribl, McGrath, Rafel, Biller, Felda & Anderson.

Rubina Medina stated that there is a quorum and the meeting was properly noticed in accordance with the open meetings law.

City Staff present: Director of Community Development Greg Kessler, Deputy Director of Community Development Nikki Jones, Principal Planners Kelly Wall & Kristen Hogan. Principal Planner & Emergency Management Coordinator Morgan Henn, Attorney Mark Blum, and Deputy City Clerk/Licensing Specialist Rubina Medina.

APPROVAL OF MINUTES

ITEM: April 11, 2022 Plan Commission Meeting Minutes

MOTION: Motion to approve the April 11, 2022 Plan Commission Meeting Minutes

VOTE: Motion by: Commissioner McGrath
Second by: Commissioner Rafel
Motion Passed: 6-0

PLAN COMMISSION SECRETARY'S REPORT

NEW BUSINESS

ITEM: (3) KH PK-2200052 - Approval of the contract for the 2022 Buena Park Improvement Project.

Kristen Hogan read the DRC Recommendation.

MOTION: **Motion to Recommend to the Common Council the awarding of Construction Contract to the lowest responsive, responsible bidder Ray Stadler Construction for the construction of Buena Park Improvement Project in an amount of \$725,622.90 from account 04252900 61131 C2022.**

VOTE: Motion by: Mayor Ament
Second by: Commissioner Rafael
Motion Passed: 6-0

ITEM: (4) MH UA-2200591 - Rusell Raposa on behalf of Spa, Paw & Tail - 5055 S Emmer Dr - Use, Site and Architecture Approval to construct two outdoor dog exercise areas with 9' fencing and a 8' by 10' storage shed.

Morgan Henn read the DRC Recommendation. Plan Commission reviewed the use, site and architecture plans.

MOTION: **Motion to the Use, Site and Architecture plans for Rusell Raposa on behalf of Spa, Paw & Tail - 5055 S Emmer Dr to construct two outdoor dog exercise areas with 9' fencing and a 8' by 10' storage shed.**

VOTE: Motion by: Mayor Ament
Second by: Commissioner Rafael
Motion Passed 6-0

PENDING

ITEM: (7) KH UA-2200499 Kohler Pit Interim Grading Plan - 4635 S. Racine Ave. - Use and Site Approval for an Interim Grading Plan for Kohler Pit.

No Action.

ADJOURN

MOTION: **Motion to adjourn the Plan Commission meeting at 6:15 pm.**

VOTE: Motion by: Commissioner Felda
Second by: Commissioner Biller
Motion Passed 6-0

Respectfully Submitted,

*Rubina R. Medina
City Clerk*

STAFF REPORT EXECUTIVE SUMMARY

APPLICANT/PROJECT:	Aaron Kahle with Kahle Builders LLC on behalf of Ethic Indoor LLC / Ethic Indoor Sports Facility Planned Unit Development
LOCATION:	Tax Key #: 1268-993 – Approximately 3.5278 acres
REQUEST:	Request to rezone approximately 3.5278 acres of the property located at Tax Key #: 1268-993 from R-1/R-2 to I-1/PUD.
D.R.C. RECOMMENDATION:	Recommend to Common Council adoption of Ordinance 2661 that approves the rezoning of approximately 3.5278 acres of the property located at Tax Key #: 1268-993 from R-1/R-2 to I-1/PUD.

DETAILS IN ATTACHED STAFF REPORT

**CITY OF NEW BERLIN
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLAN COMMISSION STAFF REPORT**

Meeting of June 6, 2022

**Aaron Kahle with Kahle Builders LLC
for Ethic Indoor Sports Facility Planned Unit Development
Tax Key #: 1268-993 –3.5278 acres**

DATE STAFF REPORT PREPARED: May 13, 2022

APPLICANT / OWNER(S): Aaron Kahle with Kahle Builders LLC / Ethic Indoor LLC

REQUEST/DESCRIPTION OF PROJECT: Request to rezone 3.5278 acres of the property located at Tax Key #: 1268-993 from R-1/R-2 to I-1/PUD.

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 3/22/2022

DATE OF COMPLETENESS DETERMINATION: 3/25/2022

Application Check List Enclosed: No

PRE-APPLICATION CONFERENCE HELD: Yes

Date(s) of Meeting(s): 3/16/2022 / Site Visit(s): 5/20/2022

CONCEPTUAL PLAN: Yes, see attached plans.

Recommended Y / N / Other: N/A

SIZE OF DEVELOPMENT / PARCEL(S): 3.5278 Acres

12.7652 acres after 1-Lot CSM (See File #: LD-2200599).

CURRENT ZONING: R-1/R-2 (Single-Family Residential)

CURRENT LAND USE: Vacant

PROPOSED ZONING: I-1/PUD (Institutional with Planned Unit Development)

PROPOSED LAND USE: Applicant has submitted a use approval application to construct additional parking for OAW Ethic Indoor (See File #: UA-2200600).

PROPOSED LOT SIZE(S): N/A

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North: Zoning: R-1/R-2 Land Use: Residential (Vacant Land)

South: Zoning: B-2 Land Use: Commercial (Martin's Tap)

East: Zoning: B-2/B-3 Land Use: Commercial (Prospect Hill Garden Center)

West: Zoning: R-1/R-2 Land Use: Residential (Rogers Glen Subdivision)

CONFORMANCE WITH THE COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes (See File #: CP-2200597).

Chapter 19: Neighborhood “I”: National Avenue West: Yes, this request meets the intent of this Chapter. Planning Context / Vision / Development Policies:

Vision:

- *The National Avenue West area, like the Western Area neighborhood (Neighborhood B), should be a regional model of rural development.*

Development Policies:

- *Develop the area immediately west of Calhoun Road as a gateway into rural western New Berlin. Permit the development of this area for a mix of commercial and residential uses, but require that commercial use to be oriented to a rural theme.*

Land use:

- Future Land Use Map: Institutional (See File #: CP-2200597)

The Rural Commercial Design Guide

- *The Rural Commercial Design Guide, adopted by the City in 2001, serves as a contributor to economic development conditions in Neighborhood B. The Guide provides design standards for areas west of Calhoun Road with the southern border at IH-43/College Avenue and the northern border at Cleveland Avenue (Figure 12.12-1). The boundaries are further defined as both sides of Cleveland Avenue and Calhoun Road with the exception of the properties located within the New Berlin Industrial Park SPO and the B-2 and O-2 zoned parcels near the intersection of Cleveland Avenue and Calhoun Road (Tax Keys: 1188-994, 1188-999, 1188-992001, 1188-993 and 1188-020). The West Lincoln Avenue corridor is not included. The intent of the Design Guide is to retain and encourage small business and office developments, provide safe and convenient pedestrian access, and ensure quality visual appearances. The Rural Commercial Design Area also includes land within Neighborhood I (National Avenue & West Neighborhood) and a small portion of Neighborhood J (I-43 & Racine Quarries).*
- *The design standards affecting recommendations for economic development in Neighborhood B include provisions for cross access between neighboring parcels where feasible, and the requirement that new buildings correspond proportionally and stylistically to existing buildings in rural commercial areas.*
- Details of the Rural Commercial Design Standards are below:
 - *To the maximum extent practicable, parking Areas shall be located to the side or behind buildings. The perimeter of the parking lot shall provide for a lawn area in which trees and shrubs will be planted so as to allow ample snow storage capacity yet avoid damage to plantings from same.*
 - *Existing tree lines should be preserved. If removal of existing tree lines is required due to its undesirable nature, new planting that results in no less of a screening effect shall be required when adjacent to residential uses.*
 - *Signage shall be designed in unity with the building design through the use of the same or similar materials and colors. Ground, monument signs, or wall mounted signs made of wood, hanging from a wooden or wrought iron mount are acceptable. Signs that suit the architectural features of the building are acceptable. Neon tubed exterior accent light, external neon tubed signs and internally illuminated signs are not permitted.*
 - *Lighting shall be down cast, zero degree tilt, cutoff fixtures not exceeding 25 feet in height (including the light pole base and/or pedestal). Lighting shall be positioned so as not to cause glare on adjacent properties and streets. At a minimum, site lighting marking the entrance to businesses shall match or complement that which may be chosen by the City as standard decorative street lighting. Site lighting shall meet the requirements of § 275-60I in its entirety.*

- *Cross Access to and between neighboring properties shall be implemented wherever possible. The goal in this requirement is to remove as much incidental site to site traffic thus reducing the possibility of traffic conflicts and accidents. Cross access drives may be either the interconnection of parking lots or the construction of a separate drive.*

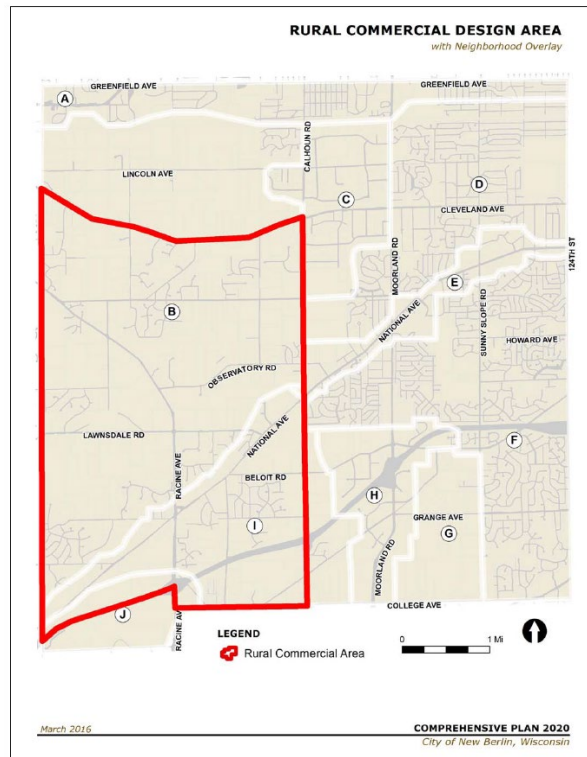


Figure 12.12-1. Rural Commercial Design Area.

ZONING CODE (Chapter 275): Yes, this request is consistent with Sections 275-36B(1) and 275-39B(1) of the Zoning Code.

SUBDIVISION CODE (CHAPTER 235): N/A

PUBLIC HEARING REQUIRED: Yes

CONCEPTUAL USE / SITE /ARCHITECTURAL REVIEW:

Use Approval Required: Not for this application. See File #: UA-2200600.

Site Plan Required: Yes, site plan attached.

Architectural Review Required: Not for this application.

PROPOSED ARCHITECTURE: N/A

UNIQUE SITE CHARACTERISTICS:

Environmental Corridor: No

Wetland On Property: No

Conservancy Districts (C-1, C-2): No

NRCS Map Classification: Not inventoried.

Floodplain: No

Topography / Geologic: This site slopes slightly to the west with more intense grade change (sloping) to the east.

BIKE & PEDESTRIAN FACILITIES: N/A

PARK & OPEN SPACE PLAN: N/A

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): N/A

Woodland, Tree, and Vegetation Protection: N/A

Wildlife Habitat Protection: N/A

Wildlife Management Plan: N/A

ENVIRONMENTAL IMPACT: None.

STORM WATER MANAGEMENT / DRAINAGE PLAN: Applicant is required to adhere to all City of New Berlin Codes, Ordinances and Plans regarding storm water conveyance and maintenance as identified by the Department of Community Development. Additional information has been submitted with the Use, Site and Architecture application (File #: UA-2200600).

SANITARY SEWER PROVISION:

Within Current Sewer Service Area: No

Sewershed Capacity Available: N/A

Adequate Linkage: N/A

On-site system required: Yes, the existing septic/mound system will be utilized.

WATER USAGE CALCULATION: N/A (No increase)

TRAFFIC IMPACT: A Traffic Impact Study was previously submitted for this development. (See UA-2000602). The proposed parking lot is to serve existing parking and programming needs. No expansion of the plan of operation is allowed or permitted as part of these requests.

SCHOOL DISTRICT IMPACT: N/A

PREVIOUS ACTION:

1953	Prospect Hills School constructed
1956	Building addition
1964	Building addition
1967	Building addition
2005	Use Approval for Living Word Apostolic Church
2008	Re-occupancy for Wisconsin Air Academy
2020	OAW/Ethic Indoor constructed

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

1. The rezoning must meet the following criteria outlined in New Berlin Municipal Code Chapter 275-22 (F):
 - (a) *The proposed rezoning is consistent with the Comprehensive Plan and the stated purposes of chapter 275;*

- The Future Land Use map identifies this area as single-family residential. The PUD request is allowed per Section 275-39B(1).

(b) Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;

- Yes, the proposed rezoning is compliant.

(c) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of the City to provide them;

- Yes, the proposed development is compliant.

(d) The proposed development has taken into account impacts on surrounding properties or the natural environment, including air, water, noise, storm water management, soils, wildlife, and vegetation;

- Yes, the facility will be required to meet Zoning Code Section 275-60, Performance Standards.

(e) The land proposal for rezoning is suitable for development and will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas;

- Yes, the proposed development is compliant.

(f) The proposed rezoning will not be used to legitimize, or "spot zone," a nonconforming use or structure; and

- No, it will not be spot zoning. The applicant is proposing to add 3.5278 acres to the property at 5330 S. Racine Avenue (See File #: LD-2200599), to accommodate additional parking. Rezoning is required in order to amend the PUD (Ord #2633), to include the additional land.

(g) The proposed rezoning is the minimum action necessary to accomplish the intent of the petition, and an administrative modification, variance, or conditional use permit could not be used to achieve the same result.

-Yes, a rezoning and a new/revised PUD ordinance is required in order to accommodate the requested use.

2. Aaron Kahle with Kahle Builders, LLC has requested to amend PUD Ord. #2633 and to rezone to I-1/PUD, Institutional District, in order to accommodate additional parking, on 3.5278 acres of land, for OAW Ethic Indoor.
3. Zoning Code Section 275-39B(1)(a) allows for PUD Districts and identifies the purpose in several statements:
 - a. The purpose of this section is to provide for a greater variety and choice of design and layout for suburban living; to gain greater efficiencies; to coordinate design development efforts; to conserve and make available open space; to utilize new technologies to urban development; and to gain flexibility over conventional land development control regulations.
 - b. This section should not be used as a device for circumventing the City's land control regulations. Further, this section shall not be used to put undue or unfair constraints on a landowner or developer. The PUD Planned Unit Development Overlay District under this chapter will allow for flexibility of overall development design and layout with benefits to be derived by both the developer and the community.
 - c. A PUD Overlay District may be used where the underlying zoning district is too narrow in scope for a particular property or project. Elements, standards, or whole sections from other zoning districts may be used to supplement the basic underlying use district to create a mixed-use zoning district.
 - d. A PUD Overlay District may also be used where the underlying basic use district may be too broad in scope and may need to be focused to be compatible with surrounding development or with surrounding environmental conditions.
 - e. Development approved under the PUD Overlay District regulations is intended to provide a safe and

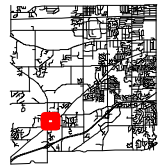
efficient system for pedestrian and vehicular traffic; to provide attractive recreation and open spaces as integral parts of development; to enable economic design in the location of public or private utilities and community facilities; to utilize new development technologies; and to ensure adequate standards of construction and planning. There shall be equal application of all regulations to land within the same PUD Overlay District or subdistrict.

D.R.C. RECOMMENDATION:

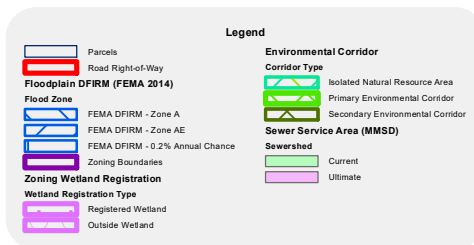
Recommend to Common Council adoption of Ordinance 2661 that approves the rezoning of approximately 3.5278 acres of the property located at Tax Key #: 1268-993 from R-1/R-2 to I-1/PUD. **See Executive Summary.**

ATTACHMENTS:

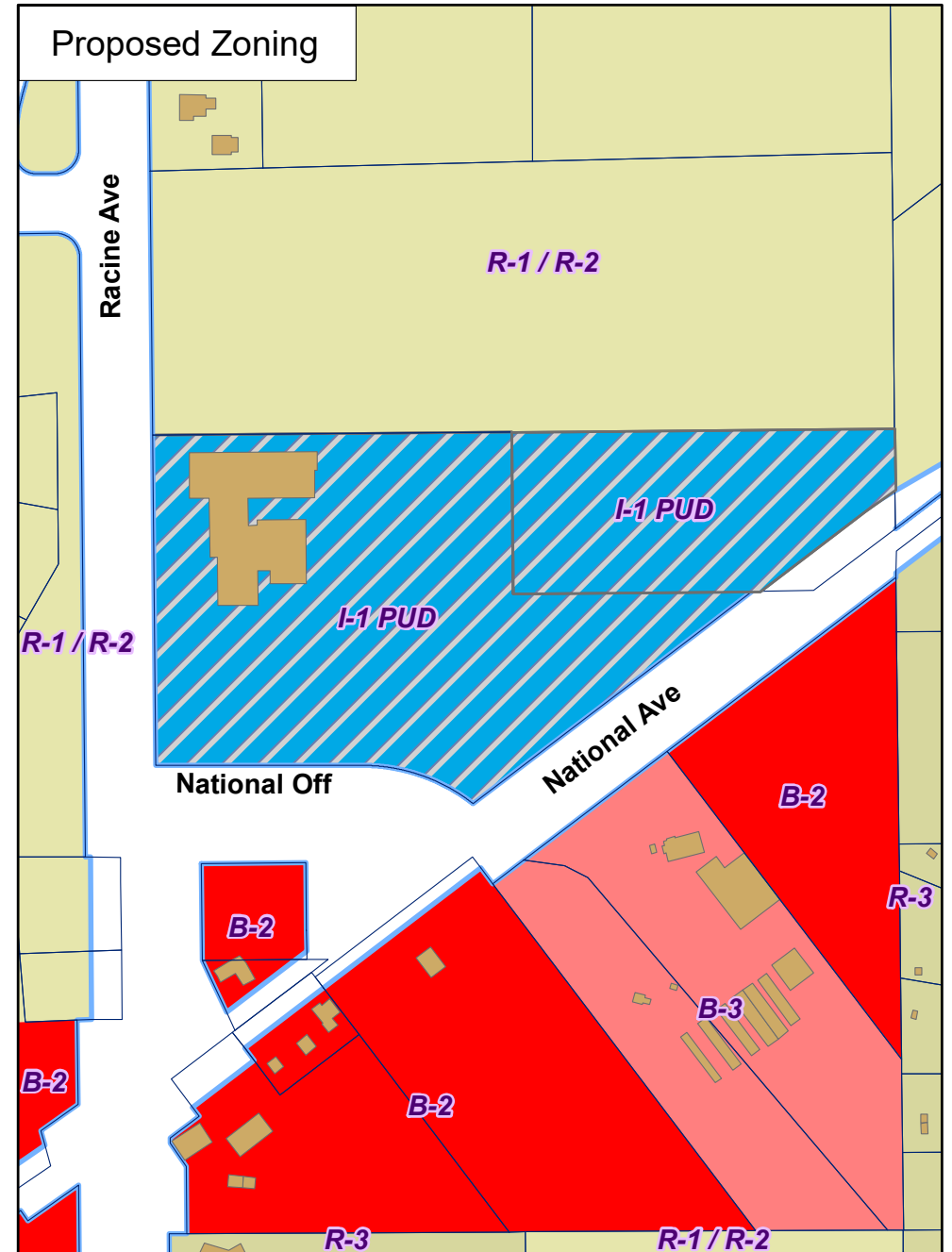
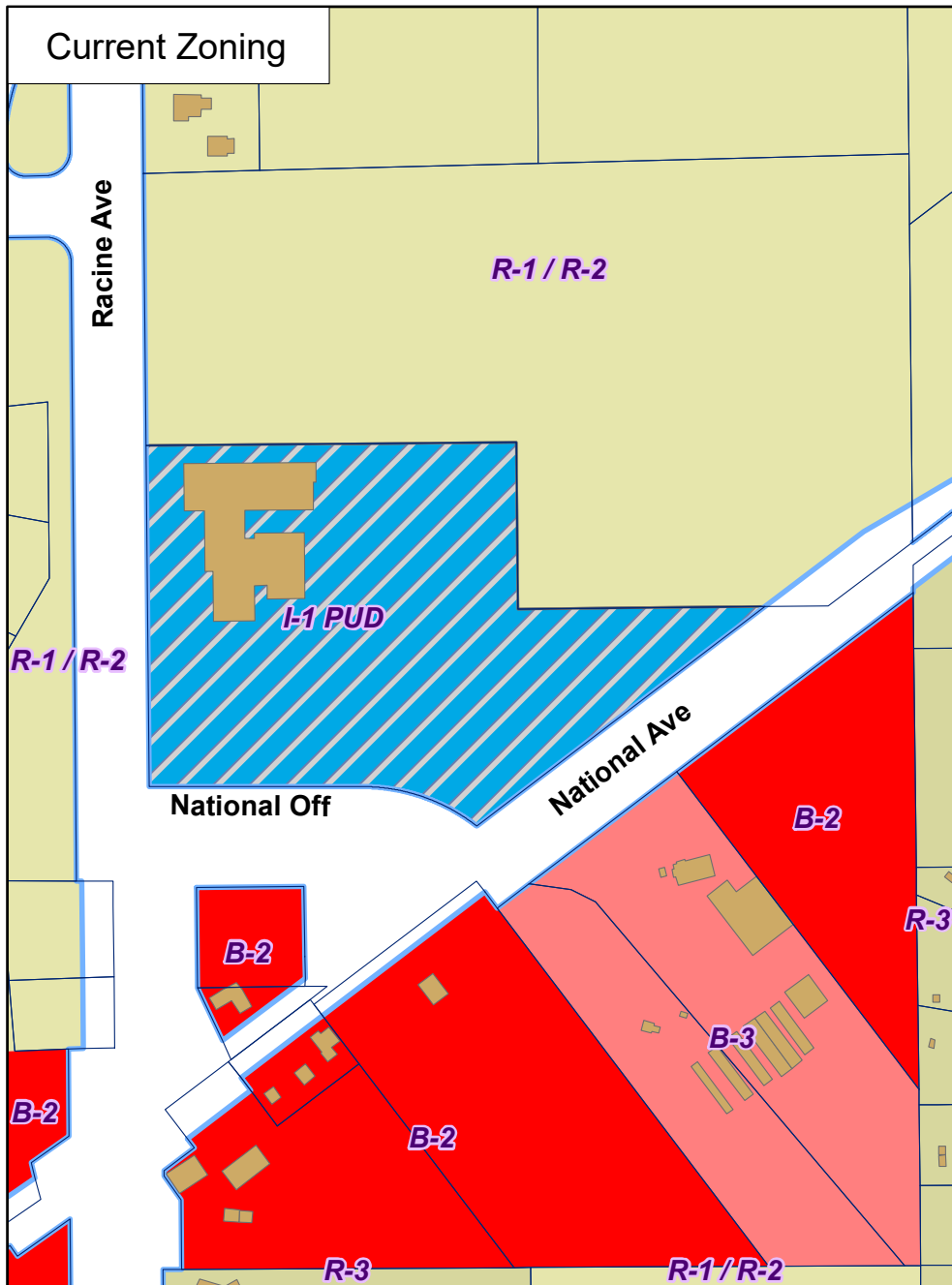
Location Map
Zoning Comparison Map
Plan of Operation
Site Plan
PUD Ordinance Draft



City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
(262) 797-2445
www.newberlin.org



0 120 240 Feet

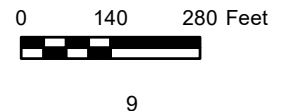


City of New Berlin
 Department of Community Development
 3805 S Casper Dr.
 New Berlin WI 53151
 (262) 797-2445
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RZ-2200596 Ethic Amendment 5330 S. Racine Ave

Legend

- Parcels
- Road Right-of-Way



Proposed Additional Parking at OAW Indoor Sports Complex

May 12, 2022

Parking:

Ethic Indoor, LLC (OAW Indoor Sports Complex) is proposing 322 additional parking spaces to alleviate any parking issues or shuttling for future needs. By doing this, we will also eliminate the pressure for clients to park on National Ave. to avoid our planned shuttling service for events. We will not be increasing our event sizes with this addition. The additional spaces will release the stress on parking for New Berlin.

Stormwater Management:

We will be using the lot to the North of OAW Indoor Sports Complex for the storm water pond. We have thoroughly thought out the northern parcel for future development and the construction of the retention pond. At this point, the lot split as designed, was the cleanest split for the additional parking proposed for OAW Indoor.

Sincerely,

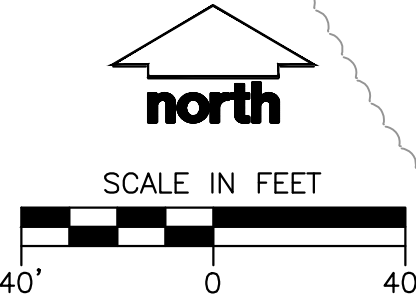
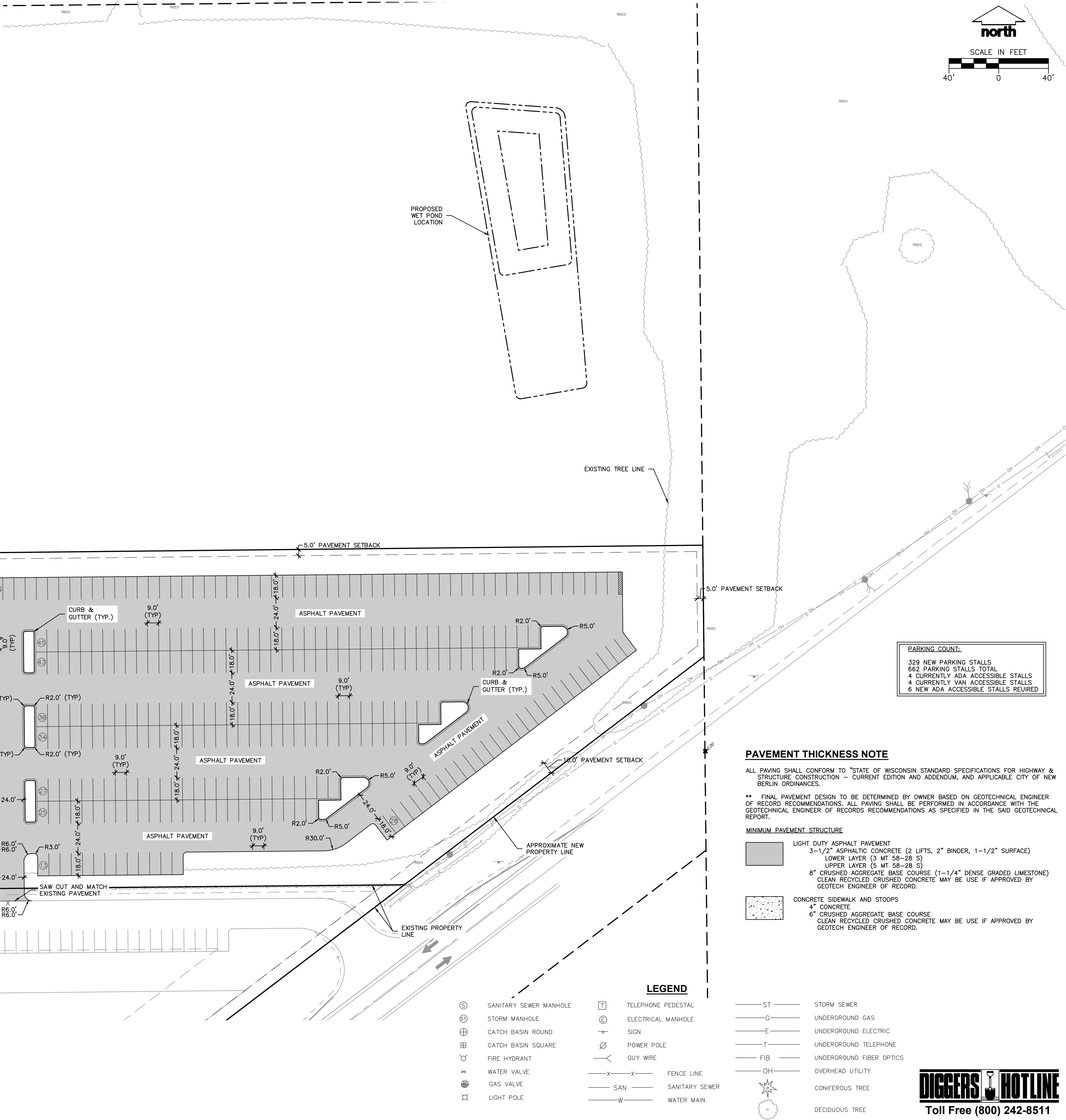
Aaron Kahle

Co-Owner of Ethic Indoor, LLC

PAVING NOTES

1. ALL PAVING SHALL CONFORM TO "STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY & STRUCTURE CONSTRUCTION AND APPLICABLE CITY OF NEW BERLIN ORDINANCES.
2. CONCRETE PAVING SPECIFICATIONS--
- CODES AND STANDARDS -- THE PLACING, CONSTRUCTION AND COMPOSITION OF THE CONCRETE PAVEMENT SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 415 AND 416 OF THE STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, CURRENT EDITION. HEREAFTER, THIS PUBLICATION WILL BE REFERRED TO AS STATE HIGHWAY SPECIFICATIONS.
- CRUSHED AGGREGATE BASE COURSE -- THE BASE COURSE SHALL CONFORM TO SECTIONS 301 AND 305, STATE HIGHWAY SPECIFICATIONS. CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.
- SURFACE PREPARATION -- NOTIFY CONTRACTOR OF UNSATISFACTORY CONDITIONS. DO NOT BEGIN PAVING WORK UNTIL DEFICIENT SUBBASE AREAS HAVE BEEN CORRECTED AND ARE READY TO RECEIVE PAVING.

3. ASPHALTIC CONCRETE PAVING SPECIFICATIONS--
- CODES AND STANDARDS -- THE PLACING, CONSTRUCTION AND COMPOSITION OF THE ASPHALTIC BASE COURSE AND ASPHALTIC CONCRETE SURFACING SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 450, 455, 460 AND 465 OF THE STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, EDITION OF 2005. HEREAFTER, THIS PUBLICATION WILL BE REFERRED TO AS STATE HIGHWAY SPECIFICATIONS.
- WEATHER LIMITATIONS -- APPLY TACK COATS WHEN AMBIENT TEMPERATURE IS ABOVE 50° F (10° C) AND WHEN TEMPERATURE HAS NOT BEEN BELOW 35° F (1° C) FOR 12 HOURS IMMEDIATELY PRIOR TO APPLICATION. DO NOT APPLY WHEN BASE IS WET OR CONTAINS EXCESS OF MOISTURE. CONSTRUCT ASPHALTIC CONCRETE SURFACE COURSE WHEN ATMOSPHERIC TEMPERATURE IS ABOVE 40° F (4° C) AND WHEN BASE IS DRY AND WHEN WEATHER IS NOT RAINY. BASE COURSE MAY BE PLACED WHEN AIR TEMPERATURE IS ABOVE 30° F (-1° C).
- GRADE CONTROL -- ESTABLISH AND MAINTAIN REQUIRED LINES AND ELEVATIONS FOR EACH COURSE DURING CONSTRUCTION.
- CRUSHED AGGREGATE BASE COURSE -- THE TOP LAYER OF BASE COURSE SHALL CONFORM TO SECTIONS 301 AND 305, STATE HIGHWAY SPECIFICATIONS. CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.
- BINDER COURSE AGGREGATE -- THE AGGREGATE FOR THE BINDER COURSE SHALL CONFORM TO SECTIONS 460.2.7 AND 315, STATE HIGHWAY SPECIFICATIONS.
- SURFACE COURSE AGGREGATE -- THE AGGREGATE FOR THE SURFACE COURSE SHALL CONFORM TO SECTIONS 460.2.7 AND 465, STATE HIGHWAY SPECIFICATIONS.
- ASPHALTIC MATERIALS -- THE ASPHALTIC MATERIALS SHALL CONFORM TO SECTION 455 AND 460, STATE HIGHWAY SPECIFICATIONS.
- SURFACE PREPARATION -- NOTIFY CONTRACTOR OF UNSATISFACTORY CONDITIONS. DO NOT BEGIN PAVING WORK UNTIL DEFICIENT SUBBASE AREAS HAVE BEEN CORRECTED AND ARE READY TO RECEIVE PAVING.



PARKING COUNT:	
329	NEW PARKING STALLS
662	PARKING STALLS TOTAL
4	CURRENTLY ADA ACCESSIBLE STALLS
4	CURRENTLY VAN ACCESSIBLE STALLS
6	NEW ADA ACCESSIBLE STALLS REQUIRED

PAVEMENT THICKNESS NOTE

ALL PAVING SHALL CONFORM TO "STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY & STRUCTURE CONSTRUCTION -- CURRENT EDITION AND ADDENDUM, AND APPLICABLE CITY OF NEW BERLIN ORDINANCES.

** FINAL PAVEMENT DESIGN TO BE DETERMINED BY OWNER BASED ON GEOTECHNICAL ENGINEER OF RECORD RECOMMENDATIONS. ALL PAVING SHALL BE PERFORMED IN ACCORDANCE WITH THE GEOTECHNICAL ENGINEER OF RECORDS RECOMMENDATIONS AS SPECIFIED IN THE SAID GEOTECHNICAL REPORT.

MINIMUM PAVEMENT STRUCTURE

- LIGHT DUTY ASPHALT PAVEMENT
3-1/2" ASPHALTIC CONCRETE (2 LIFTS, 2" BINDER, 1-1/2" SURFACE)
LOWER LAYER (3 MT 58-28 S)
UPPER LAYER (5 MT 58-28 S)
8" CRUSHED AGGREGATE BASE COURSE (1-1/4" DENSE GRADED LIMESTONE)
CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.
- CONCRETE SIDEWALK AND STOOPS
4" CONCRETE
6" CRUSHED AGGREGATE BASE COURSE
CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.

LEGEND

- | | | | |
|-------|--------------------------|-------|--------------------|
| ⊙ | SANITARY SEWER MANHOLE | ⌈ | TELEPHONE PEDESTAL |
| ⊙ | STORM MANHOLE | ⊕ | ELECTRICAL MANHOLE |
| ⊕ | CATCH BASIN ROUND | — | SIGN |
| ⊕ | CATCH BASIN SQUARE | ⊗ | POWER POLE |
| ⊕ | FIRE HYDRANT | — | GUY WIRE |
| ⊕ | WATER VALVE | —X—X— | FENCE LINE |
| ⊕ | GAS VALVE | —SAN— | SANITARY SEWER |
| ⊕ | LIGHT POLE | —W— | WATER MAIN |
| —ST— | STORM SEWER | —OH— | OVERHEAD UTILITY |
| —G— | UNDERGROUND GAS | ⊙ | CONIFEROUS TREE |
| —E— | UNDERGROUND ELECTRIC | ⊙ | DECIDUOUS TREE |
| —T— | UNDERGROUND TELEPHONE | | |
| —FIB— | UNDERGROUND FIBER OPTICS | | |

PAVEMENT STRIPING NOTES

1. CONTRACTOR SHALL CONSULT STRIPING COLOR WITH OWNER PRIOR TO CONSTRUCTION.
2. PROVIDE CONTRACTOR GRADE ACRYLIC, STRIPING PAINT FOR NEW ASPHALT OR COATED ASPHALT. ALL STRIPING SHALL BE APPLIED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
3. THOROUGHLY CLEAN SURFACES FREE OF DIRT, SAND, GRAVEL, OIL AND OTHER FOREIGN MATTER. CONTRACTOR RESPONSIBLE TO INSPECT PAVEMENT SURFACES FOR CONDITIONS AND DEFECTS THAT WILL ADVERSELY AFFECT QUALITY OF WORK, AND WHICH CANNOT BE PUT INTO AN ACCEPTABLE CONDITION THROUGH NORMAL PREPARATORY WORK AS SPECIFIED.
4. DO NOT PLACE MARKING OVER UNSOUND PAVEMENTS. IF THESE CONDITIONS EXIST, NOTIFY OWNER. STARTING INSTALLATION CONSTITUTES CONTRACTOR'S ACCEPTANCE OF SURFACE AS SUITABLE FOR INSTALLATION.
5. LAYOUT MARKINGS USING GUIDE LINES, TEMPLATES AND FORMS. STENCILS AND TEMPLATES SHALL BE PROFESSIONALLY MADE TO INDUSTRY STANDARDS. "FREE HAND" PAINTING OF ARROWS, SYMBOLS, OR WORDING SHALL NOT BE ALLOWED. APPLY STRIPES STRAIGHT AND EVEN.
6. PROTECT ADJACENT CURBS, WALKS, FENCES, AND OTHER ITEMS FROM RECEIVING PAINT.
7. APPLY MARKING PAINT AT A RATE OF ONE (1) GALLON PER THREE TO FOUR HUNDRED (300-400) LINEAL FEET OF FOUR (4) INCH WIDE STRIPES. (OR TO MFG. SPECIFICATION)
8. BARRICADE MARKED AREAS DURING INSTALLATION AND UNTIL THE MARKING PAINT IS DRIED AND READY FOR TRAFFIC.
9. ALL HANDICAPPED ACCESSIBLE PARKING SHALL BE LOCATED PER 2009 IBC 1106.6



CREATE THE VISION TELL THE STORY

MADISON | MILWAUKEE | WAUSAU
APPLETON | KENOSHA | CHICAGO
COEUR D'ALENE

MILWAUKEE REGIONAL OFFICE
W238 N1610 BUSSE ROAD, SUITE 100
WAUKESHA, WISCONSIN 53188
P. 262.513.0666

CLIENT:
KAHLE BUILDERS

CLIENT ADDRESS:
15171 W. NATIONAL AVE.
NEW BERLIN, WI 53151

PROJECT:
ETHIC INDOOR
SPORTS FACILITY

PROJECT LOCATION:
5330 S. RACINE AVE.
NEW BERLIN, WI

PLAN MODIFICATIONS:

#	Date:	Description:
1	04.05.2022	CITY SUBMITTAL
2	04.19.2022	OWNER REVIEW
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

Design/Drawn: YT/JJS
Approved: TJB

SHEET TITLE:
DIMENSION AND
PAVEMENT ID PLAN

SHEET NUMBER:

C1.0

JSD PROJECT NO:

ORDINANCE NO. ~~2633~~2661**City of New Berlin Redevelopment Plan / Ethic Indoor Sports Facility Planned Unit Development
Amended PUD Ordinance to Amend Ordinance 2633**

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

SECTION I

WHEREAS, The City of New Berlin (City) has adopted a Comprehensive Plan under Wis. Statutes Sections 62.23 and 66.1001; and

WHEREAS, The City has adopted a Zoning Ordinance under Wis. Statutes 62.23 and does allow planned unit development overlays (PUD) per Section 275-39B(1) of the New Berlin Municipal Code; and

WHEREAS, Aaron Kahle with Kahle Builders LLC has submitted an application for a Planned Unit Development Overlay District located at 5330 S. Racine Avenue (Tax Key #: 1268.960) in accordance with Sections 275-23 and 275-39(B)(1) of the New Berlin Municipal Code; and

WHEREAS, the procedure for the creation of a PUD Overlay District has been followed in compliance with Section 275-22 and 275-23 of the New Berlin Municipal Code; and

WHEREAS, a public hearing was held on June 1, 2020 before the Plan Commission, and;

WHEREAS, based upon the recommendation from the Plan Commission at a meeting held on July 21, 2020 to approve the Ethic Indoor Sports Facility Planned Unit Development via Ordinance #2633, and;

WHEREAS, the Plan Commission for the City of New Berlin approved textual changes to the Ethic Indoor Sports Facility PUD Ordinance #2633 on the 6th day of May 2022; and

WHEREAS, the applicable entities have submitted a City of New Berlin Assessor Splits and Joins application, to add approximately 3.5278 acres (Doc # _____) to the property located at 5330 S. Racine Avenue (Tax Key #: 1268.960) into the Ethic Indoor Sports Facility PUD via Ordinance #2633 on the 14th day of June, 2022;

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ADOPTED BY THE CITY OF NEW BERLIN, the Ethic Indoor Sports Facility Planned Unit Development Ordinance is hereby adopted pursuant to Chapter 275-39(B)(1) of the New Berlin Municipal Code as follows:

SECTION II**Planned Unit Development Summary**

The purpose of the Planned Unit Development (PUD) is to create a zoning district that allows flexibility from the rigid development standards of underlying zoning districts. This PUD ordinance shall specify all elements of what is to be modified or added to the basic underlying district, and provisions of the underlying basic use district not specifically enumerated as changed, modified, or deleted shall remain in full effect.

Unless specified otherwise by this ordinance, any regulation not listed shall be regulated in accordance with the Zoning Ordinance dated June 11, 2019 and underlying zoning district Section 275-36B(1), Institutional District.

The parcel of land that is the subject of this ordinance is located at 5330 S. Racine Avenue in the City of New Berlin, which is legally described below. The property is approximately 9.15 acres in size.

As cited in Exhibit _____, the PUD was amended to include an additional 3.5278 acres to allow for an additional 329 parking stalls and to accommodate for stormwater. In the event that stormwater for this parcel is being addressed off-site, all stormwater management shall be to serve this planned unit development as part of the PUD ordinance #2633, and no other development. Off-site stormwater management shall be restricted and said restrictions shall be described in the form of a deed restriction and private drainage easement (See Exhibit _____ and _____) subject to approval by the City of New Berlin. Said easement and deed restriction may not be modified in any form unless approved by the City of New Berlin.

The layout of the parking area shall be reviewed and approved by the City as part of the accompanying Use Approval (Zoning Permit #2200600).

Legal Description of Parcel to be rezoned to I-1/PUD:

5330 S. Racine Avenue / Tax Key #: 1268-960

PT SE.25 SEC 29 T6N R20E LYING E OF RACINE AVE AND N OF NATIONAL AVE APPROX 8 ACRES EX 1.31 & .81AC TO WAUKESHA CTY DOC #3563674 04/15/2008 UTILITY EASEMENT DOC #3669387 DOC #4372921 11/28/2018 DOC #4383400 02/15/2019

The lands being added to this PUD are as follows:

S. Racine Avenue / Tax Key #: 1268-993

PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 20 EAST, IN THE CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE N00°32'05"W ALONG THE WEST LINE OF SAID 1/4 SECTION 782.39 FEET; THENCE N89°58'01"E 60.00 FEET TO A POINT ON THE NORTHEAST INTERSECTION OF SOUTH RACINE AVENUE AND WEST NATIONAL AVENUE; THENCE N00°32'05"W ALONG THE EAST LINE OF SAID RACINE AVE. 550.74 FEET; THENCE N89°27'55"E 600.00 FEET TO THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE CONTINUING N89°27'55"E 640.05 FEET THENCE S00°36'03"E 101.90 FEET TO A POINT ON THE NORTHERLY LINE OF WEST NATIONAL AVE.; THENCE S54°20'24"W ALONG SAID NORTHERLY LINE OF SAID AVE. 62.71 FEET; THENCE S52°42'34"W ALONG SAID NORTHERLY LINE 220.62 FEET; THENCE S89°27'55"W 412.12 FEET; THENCE N00°32'05" W 270.00 FEET TO THE POINT OF BEGINNING.

LANDS CONTAINING 153,673 SQUARE FEET OR 3.5278 ACRES

SECTION III

I-1/PUD: Ethic Indoor Sports Facility Planned Unit Development District

The overall purpose of this PUD is to begin to establish a set of parameters and requirements for the creation of an indoor sports facility on the rural west side of New Berlin. Per the plan of operation, the facility will offer indoor fields and court rentals for youth team training as well as a variety of camps and classes for all ages. The facility will also offer adult training memberships and music/school tutoring. Sports medicine, athletic apparel, and a café will also be available for public use.

The I-1/PUD: Ethic Indoor Sports Facility Planned Unit Development District is intended to provide for additional institutional uses consistent with the I-1 Institutional District. The District will allow for indoor recreational uses identified in the plan of operation for Ethic Indoor Sports Facility. This PUD is being created and established expressly for the establishment of the Ethic Indoor Sports Facility. Changes including a future name change or ownership would not require an amendment to the PUD as long as the exact same plan of operation is adhered to. Any additions or changes to the uses listed below, or not listed in the approved plan of operation, would require the

applicant and/or property owner to amend this PUD. As a result, no additional uses nor any increase in the intensity of the use and occupancy would be approved without first amending this PUD.

Unless specified otherwise by this section, all new development shall be in accordance with the I-1 Zoning District, per Section 275-36B(1) Institutional District.

1. Principal Uses (See also Chapters 275-36C, 275-41G and Table 275-36-1)
 - a. Indoor sports facility adhering to the following limitations and plan of operation.
2. Accessory Uses (As identified in applicants plan of operation) (See also Chapters 275-36C, 275-41G and Table 275-36-1)
 - a. Café – Beverages and prepared foods only. No food prep to occur on-site.
 - b. Tutoring services
 - c. Sports clinics and classes
 - d. Team practices
 - e. Membership based health and fitness uses
 - f. Pro shop / athletic apparel
 - g. Sports medicine
 - h. Tournaments and sporting events
3. Conditional Uses (See also Chapters 275-36C, 275-41G and Table 275-36-1)
 - a. Conditional uses are prohibited within the PUD. Any changes would require amending this PUD.
4. Prohibited Uses
 - a. Outdoor courts and/or ball fields
 - b. Outdoor storage – Use and storage of hazardous materials
 - c. Central composting
 - d. Hospitals
 - e. Recycling centers
 - f. Regional utility facility
 - g. Dormitories
 - h. Assisted living facilities
 - i. Multi-family residential
 - i. Any intensity of the use and the resulting impact to surrounding properties must not exceed the designed capacity of the parking lot and/or traffic management restrictions as set forth in the zoning permit for the use approval.

5. Lot Area and Width (See also Chapters 275-44, 275-45, and 275-46)
6. Setback and yards (See also Chapter 275-36D and Table 275-36-2)
 - a. No portion or any part of this building shall exceed 45'.
7. Lot Coverage (See also Chapter 275-36D and Table 275-36-2)
8. Time Limits (See also Chapter 275-23(F))
 - a. If the development has not commenced, as evidenced in the construction of the footings and foundation for the new building within one calendar year from the date of publication of this ordinance, the Ethic Indoor Sports Facility 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 developer requires an extension of the time limits, any extension shall be requested by the developer in writing and sent via Certified Mail to the Department of Community Development not less than 60 days prior to the expiration of this PUD. The Common Council may allow multiple extensions.
9. Use and Site Plan Review (See also Chapters 275-24 and 275-53)
 - 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 received approval of the application for the zoning permit/use approval. An approved PUD Ordinance shall not be construed as a Zoning Permit or any other approval until the Plan Commission has granted an approval and staff has determined that all conditions of that approval have been satisfied.
10. Parking & Circulation (See also Chapter 275-57)
 - a. The City of New Berlin reserves the right to review any substantiated complaints and forward the matter to the Plan Commission for review.
 - b. There shall be no parking within the public right-of-way.
 - c. All emergency circulation areas and ADA parking, shall remain free and clear and unobstructed for intended use. No standing of vehicles is permitted.
 - a.—The applicant acknowledges the standards set forth in this PUD and UA. Should the terms be violated, code enforcement matters may be brought forward to the Plan Commission for action. This may result in the revocation or modification of the zoning permit and such other relief as permitted under the City Code.
11. Architecture (See also Chapter 275-59 & Rural Commercial Design Guide)
 - 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 Review Committee of the Plan Commission has reviewed and approved the architecture for the zoning permit/use approval.
 - b. Buildings shall be constructed to be harmonious with their natural and built surroundings including adjacent properties, while avoiding repetition and monotony. Building designs shall utilize materials that reflect a rustic rural character. Cedar or clapboard siding, stone and

brickwork or other comparable materials that achieve the same quality in appearance are acceptable. Aluminum and vinyl siding shall be prohibited. New buildings shall correspond in height, width, proportion, relationship to street, roof forms, composition, rhythm, proportion of openings, materials and color to the other buildings in the district. All designs are subject to review and approval by the Department of Community Development and Plan Commission. Plans should show building elevations of structures to either side of the proposed structure, and must show the compatible scale.

- c. Decorative metal panels may be considered by the Architectural Review Committee.

12. Signage (See also Chapter 275-61 & Rural Commercial Design Guide)

- a. All signs shall meet requirements set forth in the Rural Commercial Design Guide.
 - i. Signage shall be designed in unity with the building design through the use of the same or similar materials and colors. Ground, monument signs, or wall mounted signs made of wood, hanging from a wooden or wrought iron mount are acceptable. Signs that suit the architectural features of the building are acceptable. Neon tubed exterior accent light, external neon tubed signs and internally illuminated signs are not permitted. Signage shall meet the requirements of § 17.08 (10) in its entirety.
- b. Signs located within the Rural Commercial Area shall not include external neon tube lighting or internal illumination. The Rural Commercial Area is defined in the City of New Berlin Comprehensive Plan, Chapter 12. Please refer to that document for specific information. (Zoning Code 275-61F(2)(c))
- c. EMCs are not allowed within the Rural Commercial Area. [Zoning Code 275-61I(1)(g)[9] and 275-61F(2)(c); City of New Berlin Comprehensive Plan, Chapter 12; and Figure X.]
- d. All new signs and/or replacement of existing signs located along arterials or major thoroughfares, including National Avenue and Racine Avenue, shall be placed on a monument base constructed of the same material and color or shall enhance the exterior architecture of the principal building. (Zoning Code 274-61I(1)(c)[1])
 - i. The width of the sign base shall be adjusted to match the width of the sign box/sign panel. The sign base shall be a minimum of 18 inches tall. The monument sign shall not exceed eight feet in height. The sign shall be set back entirely outside the ultimate right-of-way and vision triangle.
 - ii. Monument signs shall not exceed 32 square feet in face area per side. The face area includes all surface area of the signage box and sign face but excludes the surface area of the signage base described.
 - iii. Address plaque or numbers shall be required on the monument base or incorporated onto the sign face.
 - iv. The applicant may request a waiver from the Plan Commission for the requirement for a monument sign. If a waiver is granted, the monument sign may not be substituted for an additional wall sign.

13. Property Maintenance

- a. The owner or occupant of the premises or his/her agent shall maintain the structures and exterior property in compliance with these requirements.
- b. The owner shall maintain the property in compliance with all provisions of the New Berlin Municipal Code; use, site & architectural approval, and/or a plan approved as part of a Developer's Agreement approved by the Common Council. If the property is not found to be in

compliance with the code, zoning / conditional use approval, the approved plans and/or the Developer's Agreement, the city may take action to correct the situation, after providing the owner or operator with notice of the defective condition and an opportunity to cure the alleged defective condition. Costs of any such corrective action by the City shall be assessed as a special charge against the property, to be added to the property tax bill pursuant to Section 66.0627 of the Wisconsin Statutes.

- c. All vacant structures and premises thereof shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health and safety.
- d. Vacant or abandoned properties, including, but not limited to, buildings, storm water, parking, and landscaping, shall be maintained for the safety of the community, the local environment, and the visual impacts to the surrounding properties. Maintenance includes watering, snow removal, trimming and pruning landscaping, continued screening of dumpsters, promptly repairing any building or site damage, and prompt removal of graffiti. Any covering of glass surfaces shall be done in such a way as to blend in with the rest of the building and in a visually attractive manner. Chain-link fencing to exclude trespass shall be permitted for not more than 120 days, after which it shall be removed or replaced with visually attractive fencing.
- e. The owner of the vacant property and/or building shall remove all signs from the building and repaint the wall area behind the signs if this area has faded leaving an image of the signs.
- f. The owner of the vacant property and/or building is responsible for keeping the same free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, earth products, any accumulation of newspapers, circulars or flyers, discarded items including but not limited to furniture, clothing, appliances or any other items that give the appearance that the property or building is vacant.
- g. In the absence of an active zoning permit, the owner of the vacant property and/or building shall keep vestibule and/or emergency lights illuminated in the interior of the building to offer a positive appearance and safe condition of the property. Parking lot lighting shall remain illuminated.
- h. The owner(s) of the vacant property and/or building is responsible for maintaining existing landscaping and landscaping required as a condition of a permit and shall not permit the landscaping to become overgrown or die. If the landscaping becomes overgrown or dies, the owner is responsible for replacing the previously existing landscaping in accordance with Section 275-56C(14). Landscaping includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges, trees or other similar plantings.
- i. The owner of the vacant property and/or building shall secure the same so that it is not accessible to unauthorized persons, including but not limited to the closure and locking of windows and doors (walk through, sliding and garage) and any other opening of such size that may allow a child to access the interior of a structure; chaining or padlocking gates, and repairing fencing. Broken windows shall be secured by means of re-glazing with undamaged glass or other permanent material, and not by cardboard, plywood or other temporary means except as necessary temporarily for not more than 10 business days while awaiting re-glazing.
- j. The property owner may display one professionally designed sign, consistent with local sign ordinances, not to exceed 32 square feet in area at the entrance of the building, which offers contact information and a statement that the building is available for lease.

- k. If the owner of the property or building is an entity or does not reside within 50 miles of the City limits, the owner shall contract with a person to provide property management to perform weekly inspections to verify that all requirements of this ordinance, enforcement notice, and any other applicable laws are being met. The property shall be posted with name and 24-hour contact phone number of the local property management representative.

14. Policies

- a. Any proposed changes to the use or plan of operation may require a neighborhood meeting.
- b. No expansion permitted for industrial uses.
- c. Additional uses or intensity of uses shall not have a negative impact on the level of service. LOS shall be no worse than a level C.

SECTION IV

WHEREFORE, The I-1/PUD: Ethic Indoor Sports Facility Planned Unit Development Overlay District Ordinance having been approved as a Planned Unit Development on ~~August 6, 2020~~ June 14, 2022, pursuant to Chapter 275-23 of the New Berlin Zoning Code, the Common Council hereby adopts this Ordinance and approves the rezoning of land described in Section II to I-1/PUD to be named the Ethic Indoor Sports Facility Planned Unit Development Overlay District, pursuant to the conditions set forth herein.

The Mayor and City Clerk are authorized to execute this Ordinance No. ~~2633-2661~~ on behalf of the City of New Berlin.

This ordinance shall take effect upon the passage and publication as required by law, and upon the final approval of the Development Plans as recommended by the Plan Commission, and the City Clerk shall so amend the Code of Ordinances and zoning map of the City of New Berlin, and shall indicate the date and number of this amending ordinance therein.

The several sections of this ordinance are declared to be severable. If any section shall be declared by decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other portions of the ordinance.

All ordinances or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

PASSED AND ADOPTED by the Common Council this 14th day of June, 2022. ~~6th day of August, 2020~~.

APPROVED:

David A. Ament, Mayor

Countersigned:

~~Georgia Stanford~~ Rubina Medina, City Clerk

Appendices:

A – Plan of Operation

B – CSM

C – Deed Restriction

D – Private Drainage Easement

APPENDIX A
ETHIC INDOOR SPORTS FACILITY
PLAN OF OPERATION

Ethic Indoor Sports Facility, LLC

Plan of Operations

Project Description

The clean and rural design of this indoor sports facility development includes 153,000 sq ft of indoor training and recreational space for families and teams to enjoy. Ethic will offer indoor fields and court rental for youth team training, in addition to a variety of camps and classes for all ages. Ethic will host indoor tournaments and events throughout the year for baseball/softball, basketball, and volleyball. Ethic will not only be an option for youth, but will also be available for adult training memberships, including the use of the gym or classes. Ethic will also offer music and school tutoring to meet the needs of all families. In addition, sports medicine, athletic apparel, and a café will be available for public use.

Hours of Operation

The proposed hours for the gym use will be:

*Monday-Sunday 5am-10pm

The proposed hours for the building/facility will be:

*Monday-Sunday 8am-10pm

Staff/Customer Parking and Operations

The proposed staff for the development will be 7-10 employees Monday-Friday 8am -10pm. Customer parking for the site will allocate 260-270 spots to date. Peak hours of the facility will be from 5-10pm M-F from Oct-April.

Site Maintenance

During the spring, summer, and fall months, a hired service will provide lawn and landscaping maintenance on a regular basis. During the winter months, a hired service will provide snow clearing/plowing/salting on an as needed basis.

Site Security

The facility's exterior perimeter will host motion-activated cameras that will be recorded. The interior of Ethic will have recording security cameras throughout the building for the safety of all clients. Card reader entry will be used for the gym and front entry. The parking lot and facility interior will be well lit with minimal light pollution to neighboring properties.

APPENDIX B
ETHIC INDOOR SPORTS FACILITY
Certified Survey Map (CSM)

APPENDIX C
ETHIC INDOOR SPORTS FACILITY
DEED RESTRICTION

APPENDIX D
ETHIC INDOOR SPORTS FACILITY
DRAINAGE EASEMENT

STAFF REPORT

EXECUTIVE SUMMARY

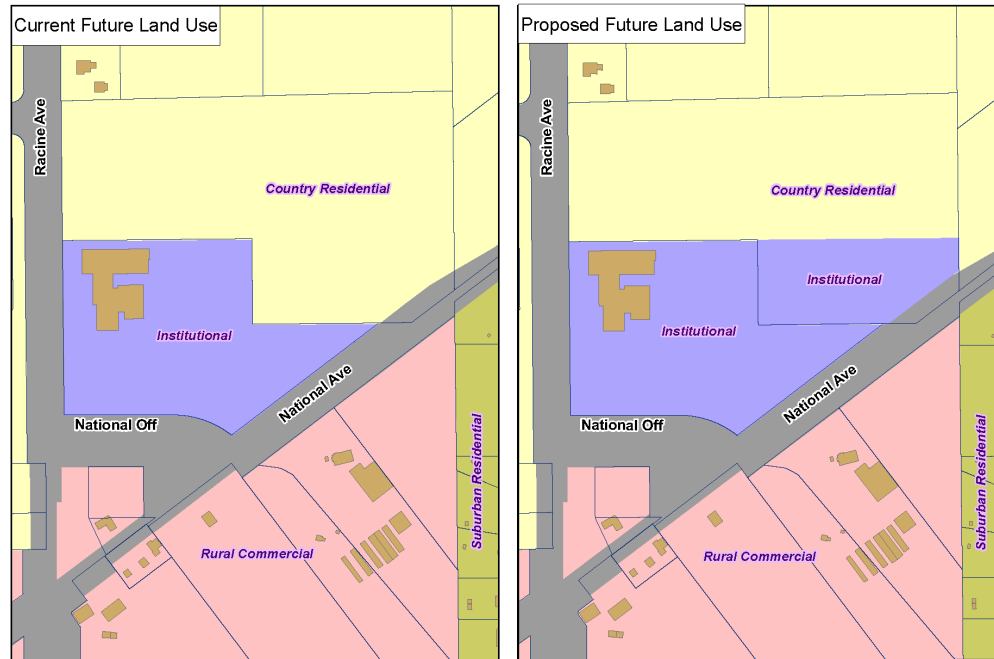
APPLICANT/PROJECT:	Aaron Kahle – Kahle Builders LLC on behalf of Ethic Indoor LLC / 2030 Comprehensive Plan Amendments
LOCATION:	Tax Key #: 1268-993 – Approximately 3.5278 acres
CURRENT FUTURE LAND USE:	Single-Family Residential
PROPOSED FUTURE LAND USE:	Institutional with Planned Unit Development Overlay
CURRENT ZONING:	R-1/R-2 (Rural Estate Single-Family Residential)
REQUEST:	A request to amend the Future Land Use Map within the City’s Comprehensive Plan (Chapter 19 - Neighborhood “I” and Chapter 10 - Land Use) for approximately 3.5278 acres of Tax Key #: 1268-993 from Single-Family Residential to Institutional with Planned Unit Development.
D.R.C. RECOMMENDATION:	Recommend approval of Plan Commission Resolution #: 22-01 approving the amendment to the future land use map approximately 3.5278 acres of the property located at Tax Key #: 1268-993, from Single-Family Residential to Institutional with Planned Unit Development and forward to the Common Council for their review and approval by Ordinance.

Background:

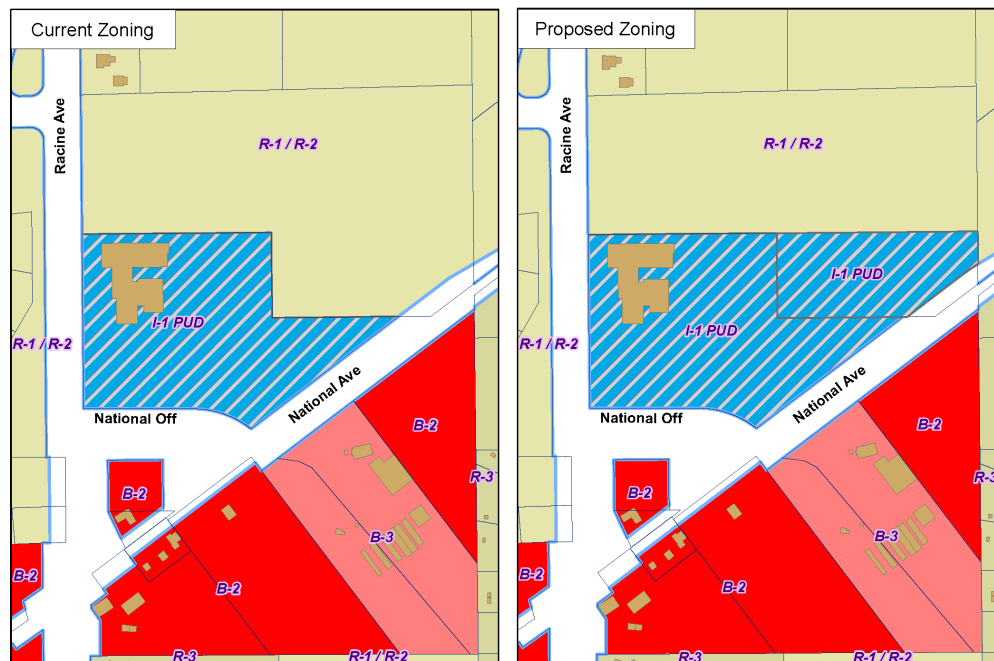
1. The applicant is proposing to construct additional parking for OAW Ethic Indoor.
 - a. 329 new parking stalls are proposed. The existing parking lot has 317. Total parking stalls would be 662 after the proposed lot is built.
 - b. The applicant is not proposing any changes to their plan of operation or intensity of events held on-site.
 - c. The additional parking is to serve existing needs and reduce existing parking issues.
2. OAW Ethic Indoor was approved and constructed in 2020.
3. Staff has met with the owner multiple times regarding parking issues on-site and off-site. The owner is proposing additional parking to remedy existing issues and relieve overflow parking.
4. The property is currently zoned R-1/R-2 and the Future Land Use designation in the Comprehensive Plan is Single-Family Residential. Based upon the adjacent land use and current development patterns for the west side of New Berlin, it would be recommended that any future development of this parcel be in accordance with the PUD Overlay developed for the property. The Common Council approved an I-1 Planned Unit Development for the property via Ordinance No. 2633 on August 6, 2020.

Chapter 10: Land Use:

- *2030 Future Land Use Map: Single-Family Residential*
- *Proposed Future Land Use Map Suggestion: Institutional*



- *The corresponding zoning district is I-1 (Institutional) with a PUD.*



Chapter 22: Implementation: Yes, this request meets the intent of this Chapter. Note, all of the following citations are found within the comprehensive plan that describe when and how to amend the plan.

- *On page 22:1 of the Plan the following statement is made, “This element shall include a process*

for updating the comprehensive plan. A comprehensive plan under this subsection shall be updated no less than once every 10 years.”

- *On page 22:1 of the Plan the following statement is made, “This chapter of the comprehensive plan provides a guide for how this Plan is to be monitored, amended, updated, and used to accomplish the recommendations contained within the elements of the Comprehensive Plan.”*
- *Monitoring the Plan – Page 22:4 states the following, “The Plan must reflect the current principals, goals, objectives and development polices of the City at all times. City staff should review the Plan with the following in mind:*
 - *New land use opportunities*
 - *Further plan detail and refinements*
 - *Market shifts*
 - *Economic and demographic changes and growth patterns*
 - *Unforeseen challenges*
 - *Changes in legislation*
- *Development within the City should be monitored on an ongoing basis, and compared to the City goals and objectives outlined throughout the Plan to ensure that current policies are achieving the intended results.*
- *Amending the Plan – Page 22:4 of the Plan states, “This Plan is intended to be changed and revised over time. The City’s values, goals, and capabilities may change as New Berlin grows, and the Plan must be amended to reflect those changes. The Plan should be reviewed and amended at least once every year. Suggestions for amendments can be brought forward by City staff, officials, and/or residents, and should be consistent with the overall vision of the Plan. Proposed amendments could originate in any of the following way:*
 - *Amendments proposed as corrections of clerical or administrative errors, mapping errors, and updated data for text, tables, and maps. Such amendments would be drafted by City staff.*
 - *Amendments proposed as a result of discussions between officials and citizens.*
 - *Amendments proposed as a result of recommendations discussed during a City planning process.”*
- *Page 22:4 of the Plan states “When a change is proposed, it should follow this general procedure:*
 - *Recommendation by the Plan Commission to conduct a review process for the proposed amendment.*
 - *Facilitation of public hearings as required by applicable Wisconsin State Statutes and/or ordinances.*
 - *Recommendation from the Plan Commission to the Common Council.*
 - *Consideration and decisions by the Common Council.”*
- *Page 22:5 of the Plan states, “Plan amendments and updates should coincide with the ongoing monitoring schedule. Furthermore, revisions to this Plan shall be adopted by Ordinance and adhere to certain procedural requirements as state in the Wisconsin State Statutes 66.1001(4).”*
- *Plan Element Consistency – Page 22:5 of the Plan states, “As future amendments and updates are made, consistency between the Plan elements must be ensured.” In this case, the applicant has submitted simultaneous requests to the City to amend both the Comprehensive Plan / Future Land Use Map and a Rezoning application to rezone the property so the request meets the consistency requirements.”*

- Plan Implementation – Page 22:5 of the Plan states, *“The process of updating the City’s Future Land Use Plan will utilize the Future Land Use Policies and the Future Land Use Plan classifications to derive specific standards and regulations needed for the implementation of the Plan. However, the zoning map will not necessarily be amended immediately to bring all parcels into conformity with this Plan. Rather, this Plan will serve as the long-range guide to specific decisions about particular parcels over time. When requests are made for zoning map amendments, the following guidelines will be considered:*
 - *The map amendment is in agreement with this Plan and other plans designed to further detail the Plan for the location in question; or*
 - *The existing zoning classification does not promote the public health, safety, or welfare purpose, and the proposed zoning classification does promote a public health, safety, or welfare propose; or*
 - *There have been major changes of an economic, physical, or social nature not anticipated in the adopted Plan that substantially alters the area’s character.”*
- In addition, below are several other sources that Staff located and has paraphrased which indicate that the Comprehensive Plan, in general, should not be a static document but rather a document that is utilized daily and updated as necessary and/or as requested.
- The State of Wisconsin’s A Guide to Preparing the Implementation Element of a Local Comprehensive Plan – Implementation Guide states the following, “Monitor your plan’s performance and your community may find that adjustments or revisions need to be made for things that were unforeseen, for conditions that have changed, or for incorrect choices or errors that were made.” The Guide goes on to state, “To be effective tools for guiding a community’s development through times of change, comprehensive plans must be somewhat “organic”. Every plan will eventually need to be amended to reflect a community’s changing conditions.
- Wisconsin State Statue 66.1001(2)(i) requires the following – “the Implementation element shall include a process for updating the comprehensive plan. A comprehensive plan under this subsection shall be updated no less than once every 10 years.”

The Rural Commercial Design Guide

- *The Rural Commercial Design Guide, adopted by the City in 2001, serves as a contributor to economic development conditions in Neighborhood B. The Guide provides design standards for areas west of Calhoun Road with the southern border at IH-43/College Avenue and the northern border at Cleveland Avenue (Figure 12.12-1). The boundaries are further defined as both sides of Cleveland Avenue and Calhoun Road with the exception of the properties located within the New Berlin Industrial Park SPO and the B-2 and O-2 zoned parcels near the intersection of Cleveland Avenue and Calhoun Road (Tax Keys: 1188-994, 1188-999, 1188-992001, 1188-993 and 1188-020). The West Lincoln Avenue corridor is not included. The intent of the Design Guide is to retain and encourage small business and office developments, provide safe and convenient pedestrian access, and ensure quality visual appearances. The Rural Commercial Design Area also includes land within Neighborhood I (National Avenue & West Neighborhood) and a small portion of Neighborhood J (I-43 & Racine Quarries).*
- *The design standards affecting recommendations for economic development in Neighborhood B include provisions for cross access between neighboring parcels where feasible, and the requirement that new buildings correspond proportionally and stylistically to existing buildings in rural commercial areas.*
- Details of the Rural Commercial Design Standards are below:
 - *Building designs shall utilize materials that reflect a rural character. Cedar or clapboard siding, stone and brickwork, or other comparable materials that achieve the same quality in appearance are acceptable. Aluminum and vinyl siding shall be prohibited. New*

buildings shall correspond in height, width, proportion, relationship to street, roof forms, composition, rhythm, proportion of openings, materials and color to the other buildings in the district.

- *Four sided architecture that utilizes similar building materials and design for all sides of a proposed structure is required.*
- *Mansards, pents (lean-to), gambrels or other roof shapes not characteristic of the architectural area shall not be allowed. Rolled roofing, tar and gravel and other similar roofing materials are prohibited except that such materials may be used on flat or slightly sloped roofs which are not visible from the ground.*
- *Earth tones such as grays, browns, greens, and tans are encouraged.*
- *To the maximum extent practicable, parking Areas shall be located to the side or behind buildings. The perimeter of the parking lot shall provide for a lawn area in which trees and shrubs will be planted so as to allow ample snow storage capacity yet avoid damage to plantings from same.*
- *Existing tree lines should be preserved. If removal of existing tree lines is required due to its undesirable nature, new planting that results in no less of a screening effect shall be required when adjacent to residential uses.*
- *Signage shall be designed in unity with the building design through the use of the same or similar materials and colors. Ground, monument signs, or wall mounted signs made of wood, hanging from a wooden or wrought iron mount are acceptable. Signs that suit the architectural features of the building are acceptable. Neon tubed exterior accent light, external neon tubed signs and internally illuminated signs are not permitted.*
- *Lighting shall be down cast, zero degree tilt, cutoff fixtures not exceeding 25 feet in height (including the light pole base and/or pedestal). Lighting shall be positioned so as not to cause glare on adjacent properties and streets. At a minimum, site lighting marking the entrance to businesses shall match or complement that which may be chosen by the City as standard decorative street lighting. Site lighting shall meet the requirements of § 275-60I in its entirety.*
- *Cross Access to and between neighboring properties shall be implemented wherever possible. The goal in this requirement is to remove as much incidental site to site traffic thus reducing the possibility of traffic conflicts and accidents. Cross access drives may be either the interconnection of parking lots or the construction of a separate drive.*

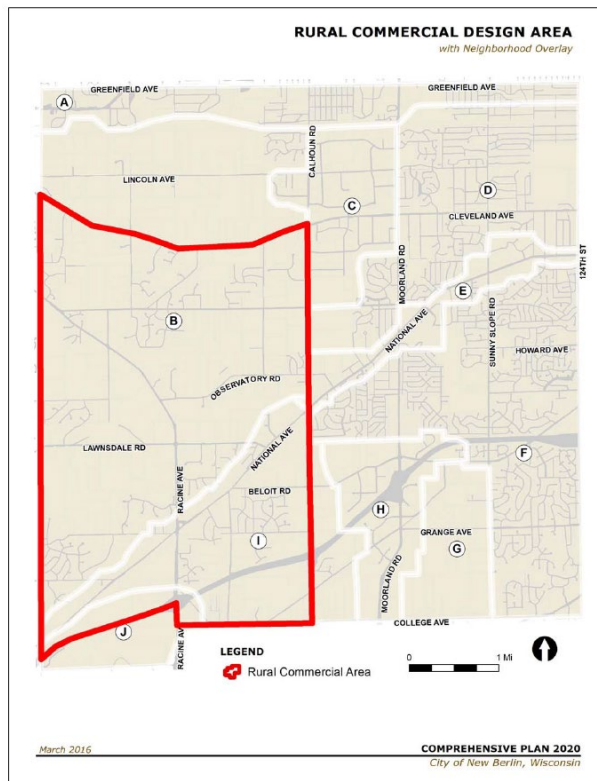


Figure 12.12-1. Rural Commercial Design Area.

Attachments:

Location Map

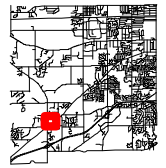
Rezoning Comparison Map Exhibit

Future Land Use Map Comparison Map Exhibit

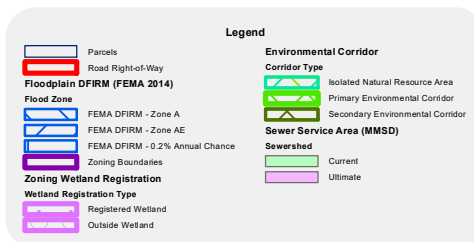
Site Plan

Resolution #22-01 (*forthcoming*)

CP-2200597
Ethnic Comprehensive Plan Amendment
Tax Key #: 1268-993 – Approximately 3.5278 acres

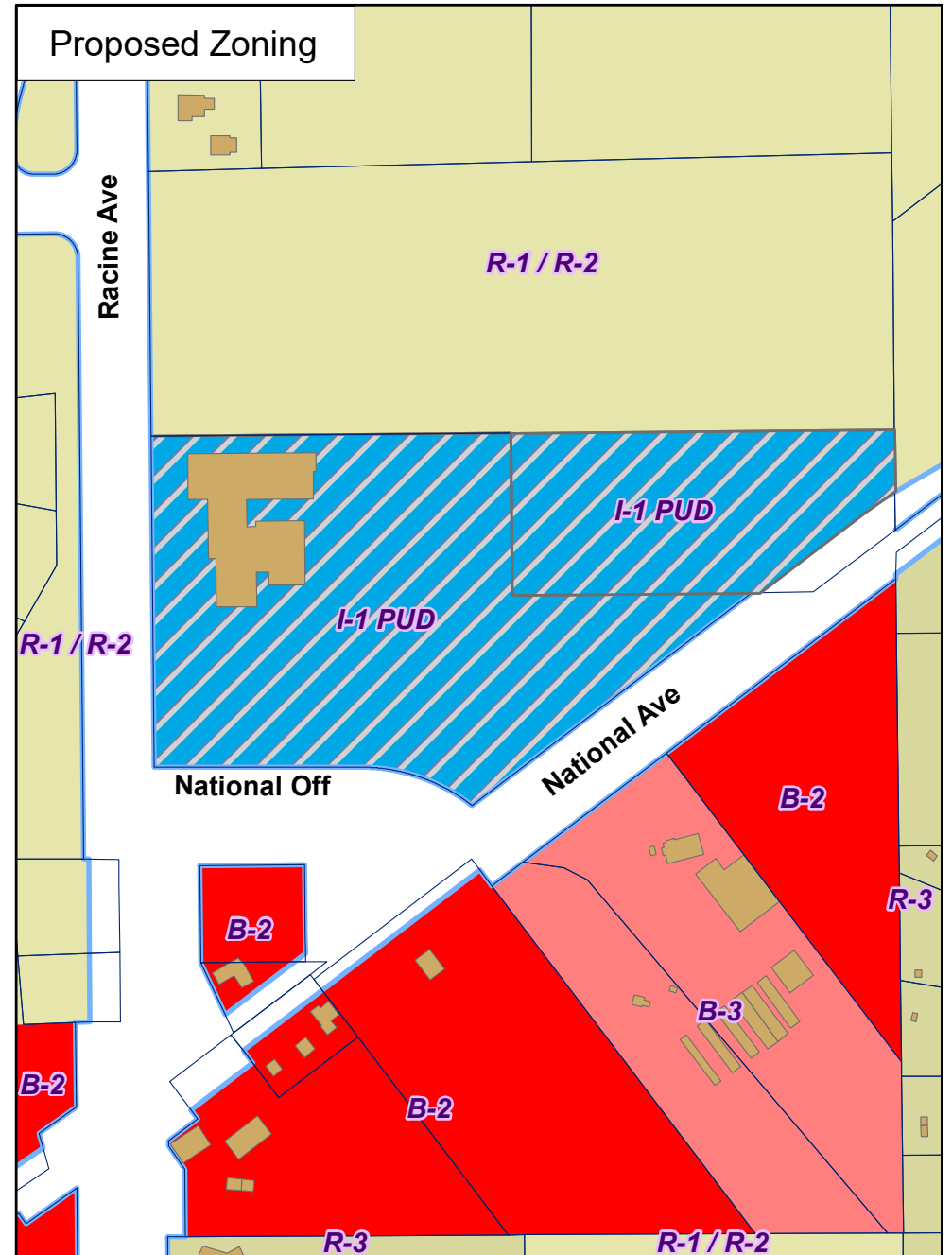
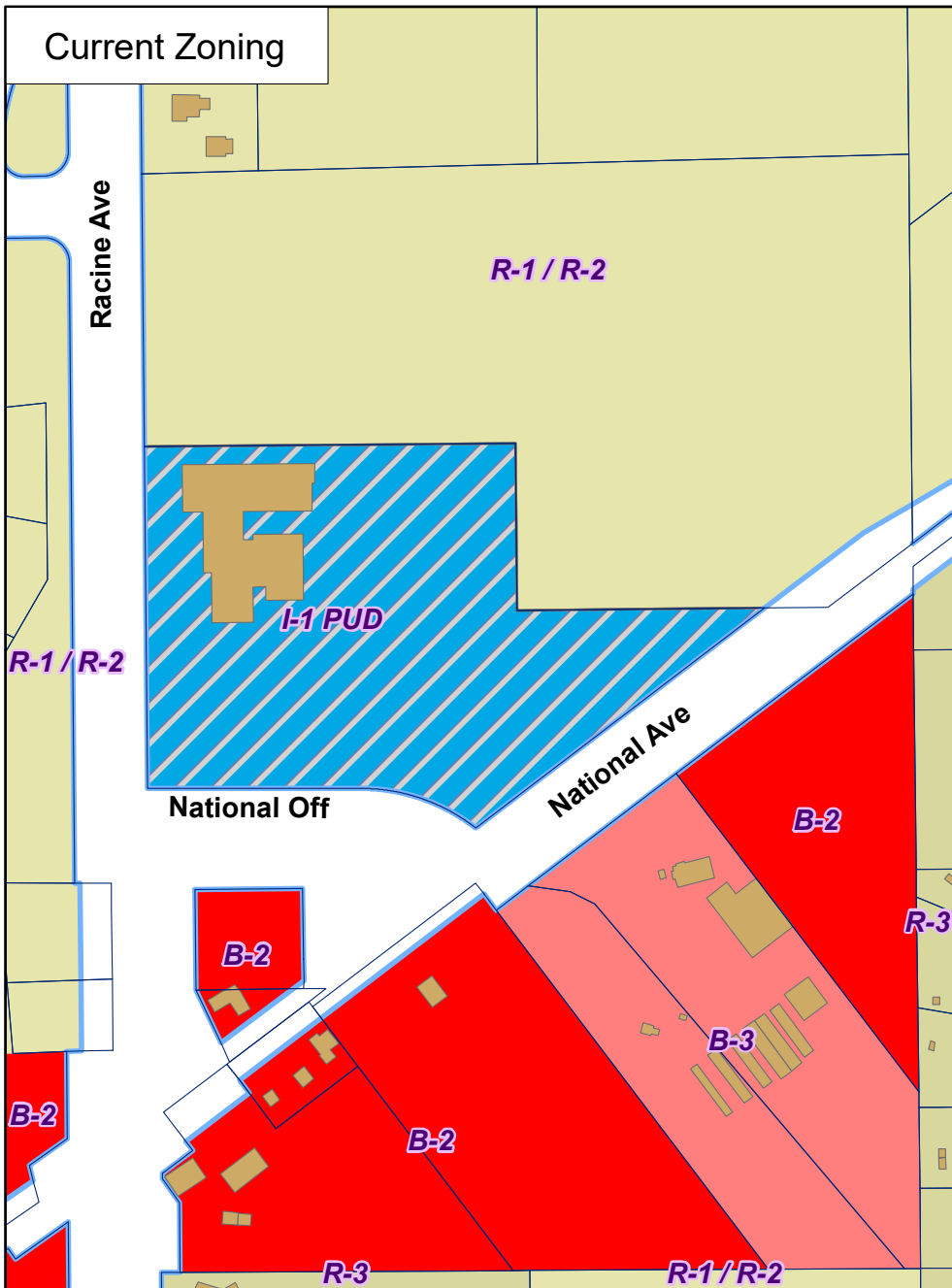


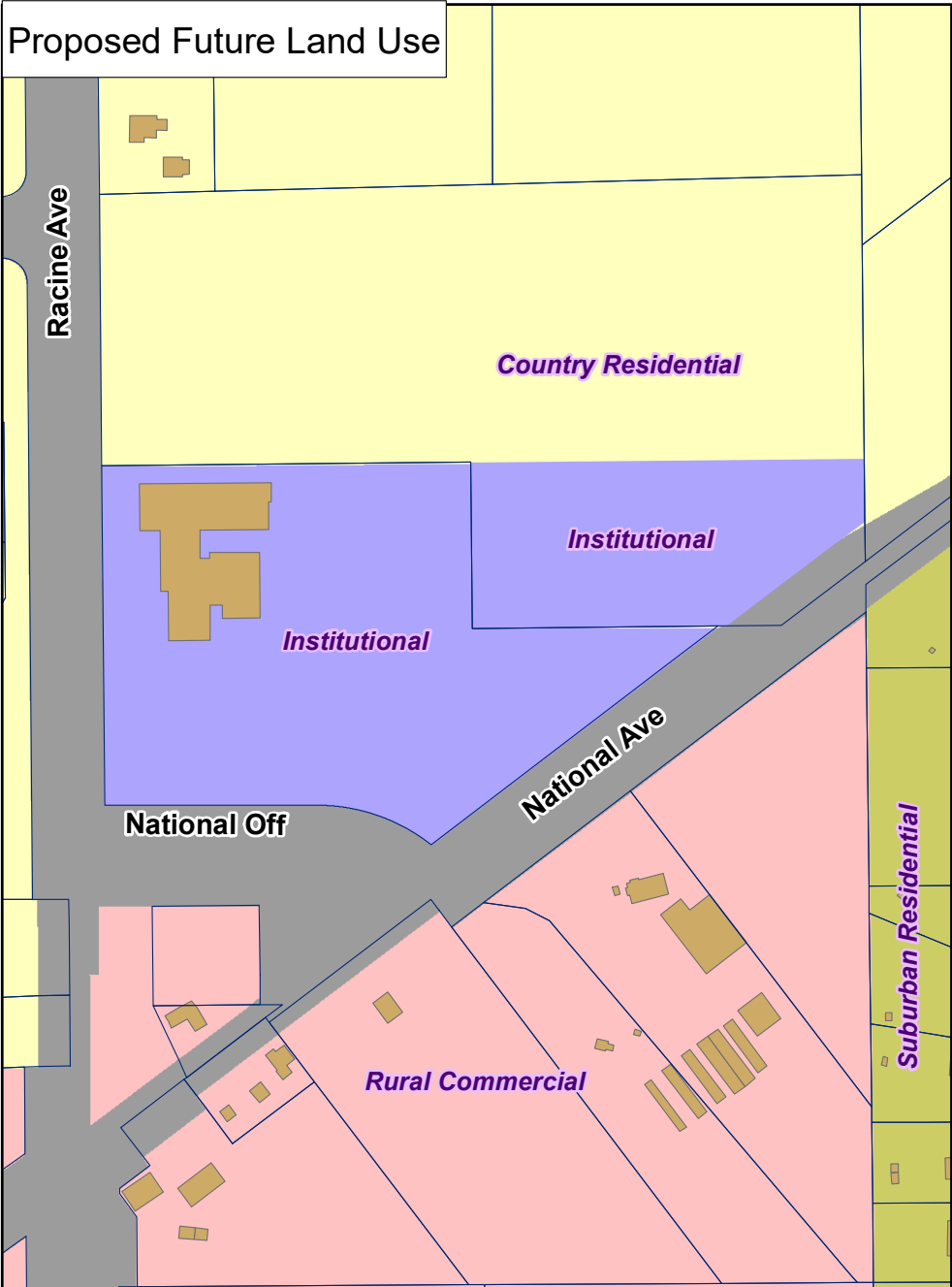
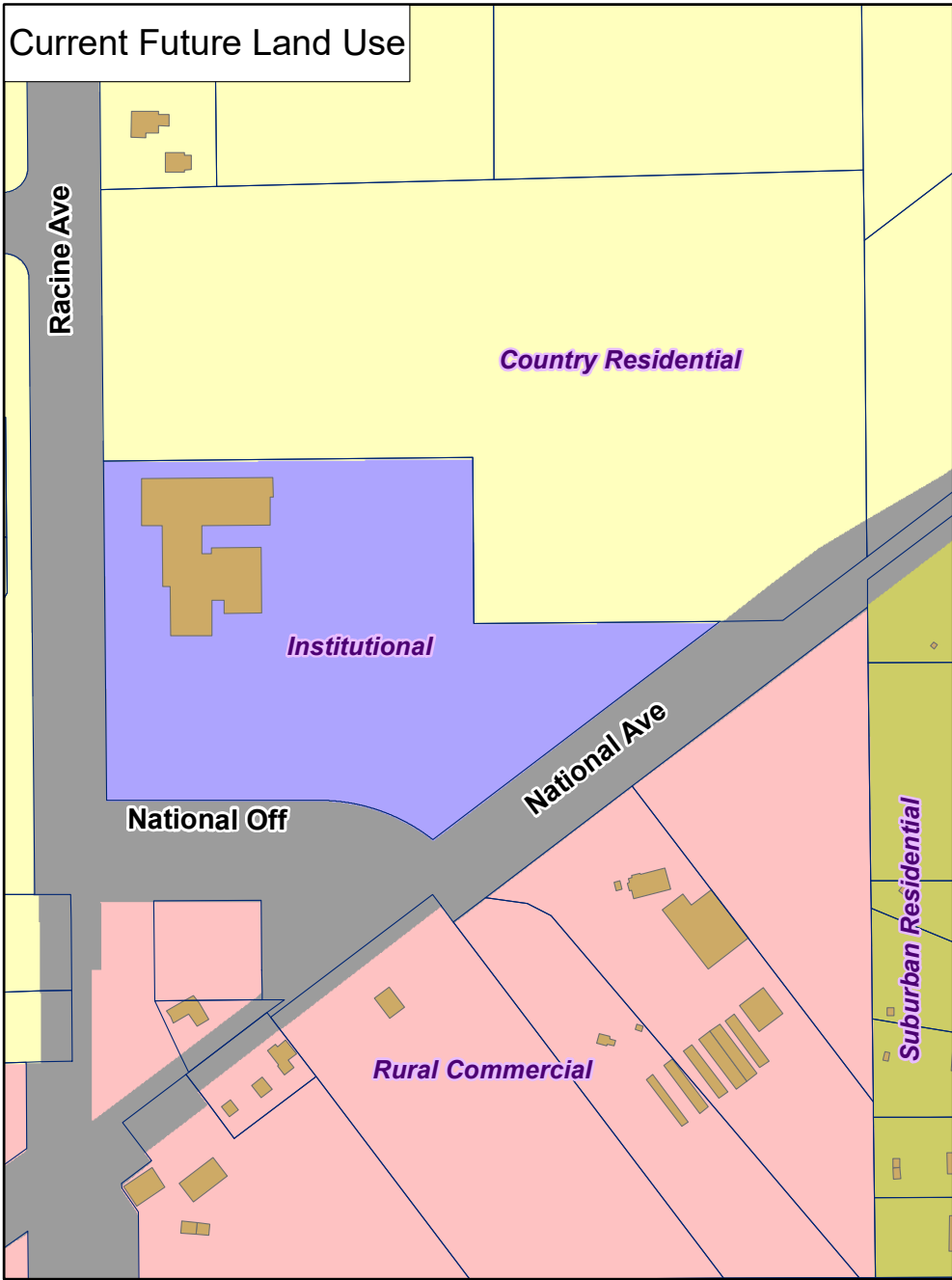
City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
(262) 797-2445
www.newberlin.org



0 120 240 Feet







CP-2200597
Ethic Amendment
5330 S. Racine Ave

Legend

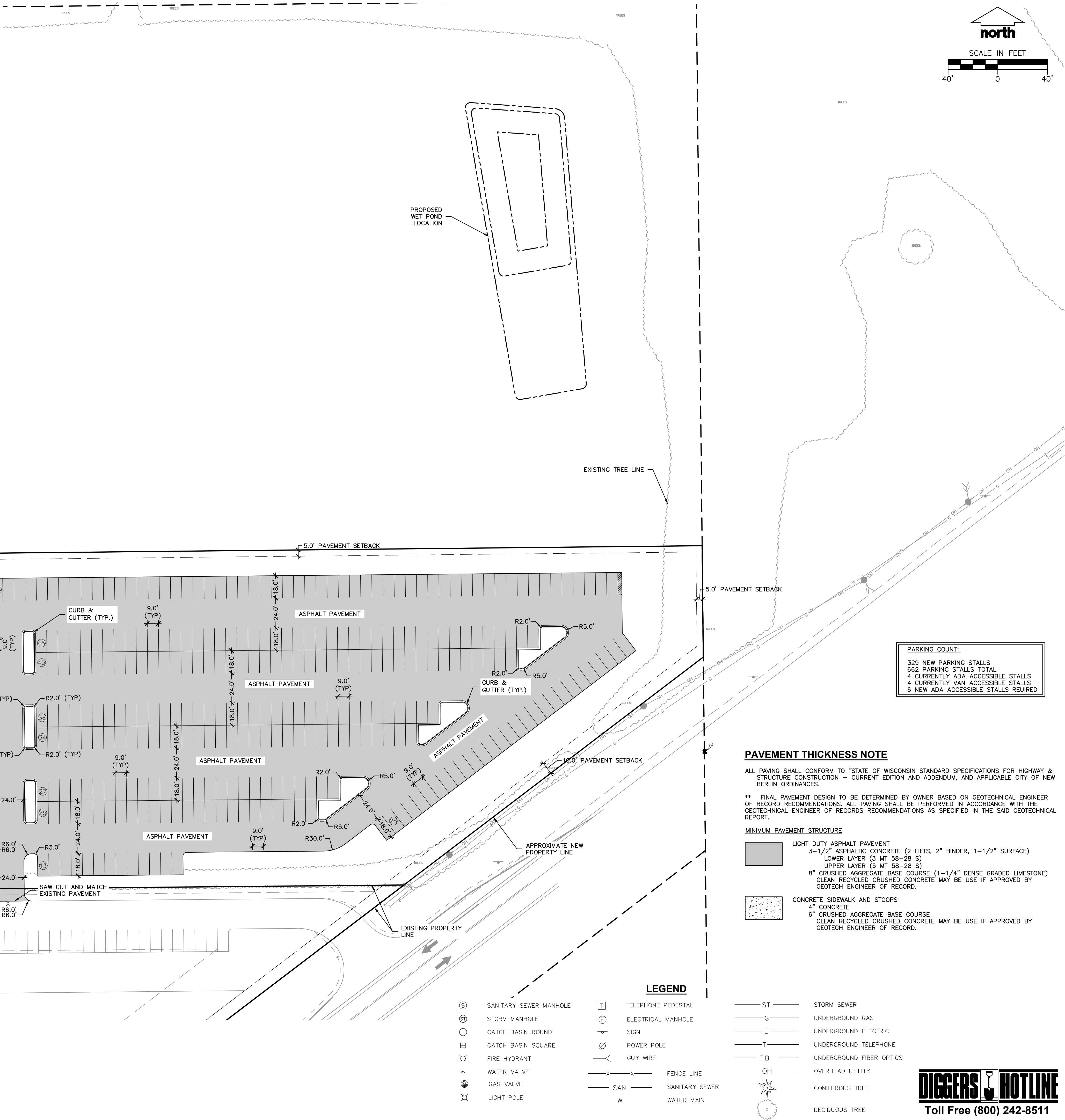
Parcels

Road Right-of-Way

PAVING NOTES

1. ALL PAVING SHALL CONFORM TO "STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY & STRUCTURE CONSTRUCTION AND APPLICABLE CITY OF NEW BERLIN ORDINANCES.
2. CONCRETE PAVING SPECIFICATIONS--
- CODES AND STANDARDS -- THE PLACING, CONSTRUCTION AND COMPOSITION OF THE CONCRETE PAVEMENT SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 415 AND 416 OF THE STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, CURRENT EDITION. HEREAFTER, THIS PUBLICATION WILL BE REFERRED TO AS STATE HIGHWAY SPECIFICATIONS.
- CRUSHED AGGREGATE BASE COURSE -- THE BASE COURSE SHALL CONFORM TO SECTIONS 301 AND 305, STATE HIGHWAY SPECIFICATIONS. CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.
- SURFACE PREPARATION -- NOTIFY CONTRACTOR OF UNSATISFACTORY CONDITIONS. DO NOT BEGIN PAVING WORK UNTIL DEFICIENT SUBBASE AREAS HAVE BEEN CORRECTED AND ARE READY TO RECEIVE PAVING.

3. ASPHALTIC CONCRETE PAVING SPECIFICATIONS--
- CODES AND STANDARDS -- THE PLACING, CONSTRUCTION AND COMPOSITION OF THE ASPHALTIC BASE COURSE AND ASPHALTIC CONCRETE SURFACING SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 450, 455, 460 AND 465 OF THE STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, EDITION OF 2005. HEREAFTER, THIS PUBLICATION WILL BE REFERRED TO AS STATE HIGHWAY SPECIFICATIONS.
- WEATHER LIMITATIONS -- APPLY TACK COATS WHEN AMBIENT TEMPERATURE IS ABOVE 50° F (10° C) AND WHEN TEMPERATURE HAS NOT BEEN BELOW 35° F (1° C) FOR 12 HOURS IMMEDIATELY PRIOR TO APPLICATION. DO NOT APPLY WHEN BASE IS WET OR CONTAINS EXCESS OF MOISTURE. CONSTRUCT ASPHALTIC CONCRETE SURFACE COURSE WHEN ATMOSPHERIC TEMPERATURE IS ABOVE 40° F (4° C) AND WHEN BASE IS DRY AND WHEN WEATHER IS NOT RAINY. BASE COURSE MAY BE PLACED WHEN AIR TEMPERATURE IS ABOVE 30° F (-1° C).
- GRADE CONTROL -- ESTABLISH AND MAINTAIN REQUIRED LINES AND ELEVATIONS FOR EACH COURSE DURING CONSTRUCTION.
- CRUSHED AGGREGATE BASE COURSE -- THE TOP LAYER OF BASE COURSE SHALL CONFORM TO SECTIONS 301 AND 305, STATE HIGHWAY SPECIFICATIONS. CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.
- BINDER COURSE AGGREGATE -- THE AGGREGATE FOR THE BINDER COURSE SHALL CONFORM TO SECTIONS 460.2.7 AND 315, STATE HIGHWAY SPECIFICATIONS.
- SURFACE COURSE AGGREGATE -- THE AGGREGATE FOR THE SURFACE COURSE SHALL CONFORM TO SECTIONS 460.2.7 AND 465, STATE HIGHWAY SPECIFICATIONS.
- ASPHALTIC MATERIALS -- THE ASPHALTIC MATERIALS SHALL CONFORM TO SECTION 455 AND 460, STATE HIGHWAY SPECIFICATIONS.
- SURFACE PREPARATION -- NOTIFY CONTRACTOR OF UNSATISFACTORY CONDITIONS. DO NOT BEGIN PAVING WORK UNTIL DEFICIENT SUBBASE AREAS HAVE BEEN CORRECTED AND ARE READY TO RECEIVE PAVING.



PARKING COUNT:	
329	NEW PARKING STALLS
662	PARKING STALLS TOTAL
4	CURRENTLY ADA ACCESSIBLE STALLS
4	CURRENTLY VAN ACCESSIBLE STALLS
6	NEW ADA ACCESSIBLE STALLS REIRED

PAVEMENT THICKNESS NOTE

ALL PAVING SHALL CONFORM TO "STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY & STRUCTURE CONSTRUCTION -- CURRENT EDITION AND ADDENDUM, AND APPLICABLE CITY OF NEW BERLIN ORDINANCES.

** FINAL PAVEMENT DESIGN TO BE DETERMINED BY OWNER BASED ON GEOTECHNICAL ENGINEER OF RECORD RECOMMENDATIONS. ALL PAVING SHALL BE PERFORMED IN ACCORDANCE WITH THE GEOTECHNICAL ENGINEER OF RECORDS RECOMMENDATIONS AS SPECIFIED IN THE SAID GEOTECHNICAL REPORT.

MINIMUM PAVEMENT STRUCTURE

- LIGHT DUTY ASPHALT PAVEMENT
3-1/2" ASPHALTIC CONCRETE (2 LIFTS, 2" BINDER, 1-1/2" SURFACE)
LOWER LAYER (3 MT 58-28 S)
UPPER LAYER (5 MT 58-28 S)
8" CRUSHED AGGREGATE BASE COURSE (1-1/4" DENSE GRADED LIMESTONE)
CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.
- CONCRETE SIDEWALK AND STOOPS
4" CONCRETE
6" CRUSHED AGGREGATE BASE COURSE
CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.

LEGEND

- | | | | |
|------|------------------------|-------|--------------------------|
| ⊙ | SANITARY SEWER MANHOLE | ⌈ | TELEPHONE PEDESTAL |
| ⊙ | STORM MANHOLE | ⊕ | ELECTRICAL MANHOLE |
| ⊕ | CATCH BASIN ROUND | — | SIGN |
| ⊕ | CATCH BASIN SQUARE | ⊘ | POWER POLE |
| ⊕ | FIRE HYDRANT | — | GUY WIRE |
| ⊕ | WATER VALVE | —X—X— | FENCE LINE |
| ⊕ | GAS VALVE | —SAN— | SANITARY SEWER |
| ⊕ | LIGHT POLE | —W— | WATER MAIN |
| —ST— | STORM SEWER | —OH— | OVERHEAD UTILITY |
| —G— | UNDERGROUND GAS | —FIB— | UNDERGROUND FIBER OPTICS |
| —E— | UNDERGROUND ELECTRIC | — | CONIFEROUS TREE |
| —T— | UNDERGROUND TELEPHONE | — | DECIDUOUS TREE |
| — | UNDERGROUND UTILITY | | |

PAVEMENT STRIPING NOTES

1. CONTRACTOR SHALL CONSULT STRIPING COLOR WITH OWNER PRIOR TO CONSTRUCTION.
2. PROVIDE CONTRACTOR GRADE ACRYLIC, STRIPING PAINT FOR NEW ASPHALT OR COATED ASPHALT. ALL STRIPING SHALL BE APPLIED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
3. THOROUGHLY CLEAN SURFACES FREE OF DIRT, SAND, GRAVEL, OIL AND OTHER FOREIGN MATTER. CONTRACTOR RESPONSIBLE TO INSPECT PAVEMENT SURFACES FOR CONDITIONS AND DEFECTS THAT WILL ADVERSELY AFFECT QUALITY OF WORK, AND WHICH CANNOT BE PUT INTO AN ACCEPTABLE CONDITION THROUGH NORMAL PREPARATORY WORK AS SPECIFIED.
4. DO NOT PLACE MARKING OVER UNSOUND PAVEMENTS. IF THESE CONDITIONS EXIST, NOTIFY OWNER. STARTING INSTALLATION CONSTITUTES CONTRACTOR'S ACCEPTANCE OF SURFACE AS SUITABLE FOR INSTALLATION.
5. LAYOUT MARKINGS USING GUIDE LINES, TEMPLATES AND FORMS. STENCILS AND TEMPLATES SHALL BE PROFESSIONALLY MADE TO INDUSTRY STANDARDS. "FREE HAND" PAINTING OF ARROWS, SYMBOLS, OR WORDING SHALL NOT BE ALLOWED. APPLY STRIPES STRAIGHT AND EVEN.
6. PROTECT ADJACENT CURBS, WALKS, FENCES, AND OTHER ITEMS FROM RECEIVING PAINT.
7. APPLY MARKING PAINT AT A RATE OF ONE (1) GALLON PER THREE TO FOUR HUNDRED (300-400) LINEAL FEET OF FOUR (4) INCH WIDE STRIPES. (OR TO MFG. SPECIFICATION)
8. BARRICADE MARKED AREAS DURING INSTALLATION AND UNTIL THE MARKING PAINT IS DRIED AND READY FOR TRAFFIC.
9. ALL HANDICAPPED ACCESSIBLE PARKING SHALL BE LOCATED PER 2009 IBC 1106.6



CREATE THE VISION TELL THE STORY

MADISON | MILWAUKEE | WAUSAU
APPLETON | KENOSHA | CHICAGO
COEUR D'ALENE

MILWAUKEE REGIONAL OFFICE
W238 N1610 BUSSE ROAD, SUITE 100
WAUKESHA, WISCONSIN 53188
P. 262.513.0666

CLIENT:
KAHLE BUILDERS

CLIENT ADDRESS:
15171 W. NATIONAL AVE.
NEW BERLIN, WI 53151

PROJECT:
ETHIC INDOOR
SPORTS FACILITY

PROJECT LOCATION:
5330 S. RACINE AVE.
NEW BERLIN, WI

PLAN MODIFICATIONS:	
#	Description:
1	04.05.2022 CITY SUBMITTAL
2	04.19.2022 OWNER REVIEW
3	
4	
5	
6	
7	
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9	
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11	
12	
13	
14	
15	
Design/Drawn: YT/JJS	
Approved: TJB	

SHEET TITLE:
DIMENSION AND
PAVEMENT ID PLAN

SHEET NUMBER:
C1.0

JSD PROJECT NO: 209894



RESOLUTION NUMBER #22-01**A Resolution adopting the amendments to the City's 2030 Comprehensive Plan Chapter 10: Land Use**

WHEREAS, Section 66.1001(4) of the Wisconsin Statutes, establish the required procedure for a local government to adopt a comprehensive plan and Section 66.1001(2) identifies the required elements of a comprehensive plan; and

WHEREAS, the planning process was open to the public and numerous efforts were made to assure the broadest participation to establish the goals and elements considered for and contained within the comprehensive plan in compliance with Section 66.1001 of the Wisconsin State Statutes, and

WHEREAS, the City of New Berlin prepared and followed a Public Participation Plan that was adopted by the Plan Commission on September 10, 2007 and the Common Council on September 25, 2007 a copy of which is on file in the Department of Community Development.

WHEREAS, the City of New Berlin Plan Commission has the authority to adopt the Comprehensive Plan and associated amendments as necessary by resolution and also to recommend that the Common Council adopt the comprehensive plan and associated amendments as necessary via Ordinance; and

WHEREAS, the City of New Berlin prepared the "City of New Berlin Comprehensive Plan", which is on file with the Department of Community Development and available on the City's website www.newberlin.org, containing all maps and other descriptive materials, to be the comprehensive plan for the City; and

WHEREAS, that the Plan Commission of the City of New Berlin adopted the City of New Berlin 2020 Comprehensive Plan as the City's comprehensive plan via Resolution No. 09-02 on November 2nd, 2009, and the Common Council adopted the Comprehensive Plan via Ordinance # 2422 on December 8th, 2009; and has been amended from time to time; and

WHEREAS, development within the City should be monitored on an ongoing basis, and compared to the City goals and objectives outlined throughout the Plan to ensure that current policies are achieving the intended results. Comprehensive Plan Chapter 22, Implementation states, *"This Plan is intended to be changed and revised over time. The City's values, goals, and capabilities may change as New Berlin grows, and the Plan must be amended to reflect those changes. The Plan should be reviewed and amended at least once every year."* This project includes an overall general update to the Comprehensive Plan.

WHEREAS, Department of Community Development Staff, working at the request of Aaron Kahle on behalf of Ethic Indoor LLC, have prepared amendments to the Future Land Use Map within the City's adopted Comprehensive Plan Chapter 10: Land Use and are now completed and need to be incorporated into the City's adopted Comprehensive Plan.

WHEREAS, the Future Land Use Map amendments requested by Aaron Kahle on behalf of Ethic Indoor LLC is for approximately 3.5278 acres of Tax Key #: 1268-993 to amend the Future Land Use from "Single-Family Residential" to "Institutional with Planned Unit Development Overlay." It is necessary to incorporate these Future Land Use Map amendments into the City's adopted Comprehensive Plan Chapter 10: Land Use Amendments to an adopted comprehensive plan pursuant to WI State Statute 66.1001 require a Class I notification along with a public hearing.

WHEREAS, the Plan Commission of the City of New Berlin by a 6-0 vote of the Commissioners present and voting recorded in its official minutes, adopted Resolution #: 22-01 recommended approval of this comprehensive plan amendment on June 6, 2022.

NOW, THEREFORE, BE IT RESOLVED, that the Plan Commission of the City of New Berlin hereby accepts and adopts the attached City of New Berlin Comprehensive Plan amendments to the Comprehensive Plan Chapter 10: Land Use, recognizing that the Common Council must also adopt the Comprehensive Plan amendments via Ordinance for it to become effective; and

BE IT FURTHER RESOLVED that the Plan Commission does hereby recommend that the Common Council adopt Ordinance No. 2662, which will constitute its adoption of the Comprehensive Plan amendments.

Passed and adopted by the Plan Commission on this 6th day of June, 2022.

APPROVED:

David A. Ament, Mayor

Certified/Countersigned:

Nikki Jones
Plan Commission Secretary

ORDINANCE NO. 2622

An ordinance to adopt the amendments to the City's Comprehensive Plan to incorporate the necessary Future Land Use Map Amendments into the City's adopted Comprehensive Plan, Chapter 10: Land Use

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

SECTION I

Pursuant to section 62.23(2) and (3) of the Wisconsin Statutes, the City of New Berlin, is authorized to prepare and adopt a comprehensive plan as defined in section 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

SECTION II

The Common Council of the City of New Berlin, Wisconsin, has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by Section 66.1001(4)(a) of the Wisconsin Statutes.

SECTION III

The Plan Commission of the City of New Berlin by a majority vote of the Commission members present and voting as recorded in its official minutes and adopted Resolution #22-01 on June 6, 2022 recommending to the Common Council the adoption of the ordinance that approves the Future Land Use amendments to the City's adopted Comprehensive Plan Chapter 10: Land Use, a copy of the chapter is attached as Exhibit A, containing amendments to the elements specified in section 66.1001(2) of the Wisconsin Statutes.

More specifically, the Future Land Use Map amendments requested by Aaron Kahle on behalf of Ethic Indoor LLC, to amend the Future Land Use for approximately 3.5278 acres of Tax Key #: 1268-993 from "Single-Family Residential" to "Institutional with Planned Unit Development Overlay".

SECTION IV

The City held a public hearing on June 6, 2022, on these Comprehensive Plan amendments, in compliance with the requirements of Section 66.1001(4)(d) of the Wisconsin Statutes.

SECTION V

The Common Council of the City of New Berlin, Wisconsin, does, by enactment of this ordinance, formally adopt the documents entitled, "**Future Land Use Map Amendments into the City's adopted Comprehensive Plan Chapter 10: Land Use**" which is attached hereto as Exhibit A pursuant to section 66.1001(4)(c) of the Wisconsin Statutes.

SECTION VI

All ordinances or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

SECTION VII

This ordinance shall take effect upon passage and publication as approved by law.

SECTION VIII

The several sections of this ordinance are declared to be severable. If any section shall be declared by decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other portions of the ordinance.

PASSED AND ADOPTED by the Common Council this 14th day of June, 2022.

APPROVED:

David A. Ament, Mayor

Countersigned:

Rubina Medina, City Clerk

STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT/PROJECT:	Aaron Kahle with Kahle Builders LLC on behalf of Ethic Indoor LLC / 1-Lot CSM		
LOCATION:	5330 S. Racine Avenue (Tax Key #: 1268-960 & Tax Key #: 1268-993)		
REQUEST:	1-Lot Certified Survey Map		
REVIEW SCHEDULE:	CSM Received:	4/25/2022	
	Completeness Determination:	4/26/2022	
	90-day time limit expires:	7/24/2022	
	Final Common Council Action (expected):	6/15/2022	
D.R.C. RECOMMENDATION:	Recommend to Common Council approval of the 1-Lot Certified Survey Map located at 5330 S. Racine Avenue (Tax Key #: 1268-960) & Tax Key #: 1268-993, subject to the application, plans on file and the following conditions:		
	1. Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing. 2. A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required. 3. The CSM shall be recorded with Waukesha County Register of Deeds prior to the issuance of any new zoning or building permits. 4. Applicant and/or new property owners shall apply for and obtain appropriate building, plumbing and electrical permits prior to any construction on any parcel. 5. Applicant shall submit a Split/Join form at the County and record both a Deed Restriction and Drainage Easement, prior to the City signing the CSM. 6. The following changes shall be made to the CSM: a. Legal description says N89d58M01SW but the map says N89d5801SE. b. Legal description says N00d32M05SE but the map says N00d32M05SW c. Legal description says N88d27M55SE but the map says N89d27M55SE d. The bearings on several lines in the legal description do not match the map. The map appears to have the correct bearings. e. City Clerk shall be changed to Rubina Medina.		

DETAILS IN ATTACHED STAFF REPORT:

CITY OF NEW BERLIN
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLAN COMMISSION STAFF REPORT

Meeting of June 6, 2022

Aaron Kahle with Kahle Builders LLC / 1-Lot Certified Survey Map
5330 S. Racine Avenue (Tax Key #: 1268-960) & Tax Key #: 1268-993

DATE STAFF REPORT PREPARED: May 11, 2022

APPLICANT / OWNER(S): Aaron Kahle – Kahle Builders LLC / Ethic Development LLC & Ethic Indoor LLC

REQUEST / DESCRIPTION OF PROJECT: Approval of the 1-Lot Certified Survey Map located at 5330 S. Racine Avenue (Tax Key #: 1268-960 & Tax Key #: 1268-993)

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 4/25/2022

DATE OF COMPLETENESS DETERMINATION: 4/26/2022

PRE-APPLICATION CONFERENCE HELD: Yes

Date(s) of Meeting(s): March 16, 2022

CONCEPTUAL PLAN: Yes, CSM is attached.

SIZE OF DEVELOPMENT / PARCEL(S):

Tax Key #: 1268-993: 3.5278 Acres

*Note: Additional lands (approximately 11.9437 acres) will remain following recording of this CSM & completion of Assessor's Split/Join Form.

Current Ethic Lot (Tax Key #: 1268-960): 9.2374 Acres

TOTAL: 12.7652 Acres

CURRENT ZONING: I-1 PUD (Institutional with Planned Unit Development) / R-1/R-2 (Single-Family Residential)

CURRENT LAND USE: Indoor Sports Complex / Vacant

PROPOSED ZONING: I-1/PUD (Institutional with Planned Unit Development) – (See File #: RZ-2200596)

PROPOSED LAND USE: OAW Ethic Indoor / Parking Lot

PROPOSED LOT SIZES: 12.7652 acres after 1-Lot CSM

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North: Zoning: R-1/R-2 Land Use: Residential (Vacant Land)

South: Zoning: B-2 Land Use: Commercial (Martin's Tap)

East: Zoning: B-2/B-3 Land Use: Commercial (Prospect Hill Garden Center)

West: Zoning: R-1/R-2 Land Use: Residential (Rogers Glen Subdivision)

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes (See File #: CP-2200597)

Chapter 19: Neighborhood "I": National Avenue West: Yes, this request meets the intent of this Chapter. Planning Context / Vision / Development Policies:

Vision:

- *The National Avenue West area, like the Western Area neighborhood (Neighborhood B), should be a regional model of rural development.*

Development Policies:

- *Develop the area immediately west of Calhoun Road as a gateway into rural western New Berlin. Permit the development of this area for a mix of commercial and residential uses, but require that commercial use to be oriented to a rural theme.*

Land use:

- Future Land Use Map: Country Residential – However, the applicant has submitted an application requesting to amend the Future Land Use plan to Institutional (See File #: CP-2200597).

ZONING CODE (Chapter 275): Yes, this request is consistent with Section 275-36B(1) of the Zoning Code and PUD Ordinance #2633 and proposed amendment via rezoning application (See File #: RZ-2200596).

DEVELOPMENT CODE (CHAPTER 235): Yes

REZONING REQUIRED: Yes (See File #: RZ-2200596)

CONDITIONAL USE REQUIRED: No

PUBLIC HEARING REQUIRED: Yes, for Rezoning and Comprehensive Plan Amendment (See File #'s: RZ-2200596 & CP-2200597).

USE / SITE / ARCHITECTURAL REVIEW:

Use Approval Required: Yes, a use approval has been submitted for a proposed parking lot expansion (See File #: UA-2200600)

Site Plan Required: Yes, a Certified Survey Map was submitted.

Architectural Review Required: No

PROPOSED ARCHITECTURE: N/A

UNIQUE SITE CHARACTERISTICS:

Environmental Corridor: No

Wetland On Property: No

Conservancy Districts (C-1, C-2): No

NRCS Map Classification: Not inventoried.

Floodplain: No

Topography / Geologic: This site slopes slightly to the west with more intense grade change (sloping) to the east.

BIKE & PEDESTRIAN FACILITIES PLAN: None identified.

PARK & OPEN SPACE PLAN: None identified.

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): Erosion control plan has been submitted.

Woodland, Tree, and Vegetation Protection: The applicant will be required to submit a tree inventory and adhere to 275-54.

Wildlife Habitat Protection: N/A

Wildlife Management Plan: N/A

Environmental Impact: N/A

STORM WATER MANAGEMENT / DRAINAGE PLAN: Applicant is required to adhere to all City of New Berlin Codes, Ordinances and Plans regarding storm water conveyance and maintenance as identified by the Department

of Community Development. Additional information has been submitted with the Use, Site and Architecture application (File #: UA-2200600).

SANITARY SEWER PROVISION:

Within Current Sewer Service Area: No

Sewershed Capacity Available: N/A

Adequate Linkage: N/A

On-site system required: Yes, the existing septic/mound system will be utilized.

WATER USAGE CALC.: N/A (No increase)

TRAFFIC IMPACT: A Traffic Impact Study was previously submitted for this development (See UA-2000602). The proposed parking is to serve existing parking and programming needs. No expansion of the plan of operation is allowed or permitted as part of these requests. See applicant's plan of operation.

SCHOOL DISTRICT IMPACT: N/A

PREVIOUS ACTION:

1953	Prospect Hills School constructed
1956	Building addition
1964	Building addition
1967	Building addition
2005	Use Approval for Living Word Apostolic Church
2008	Re-occupancy for Wisconsin Air Academy
2020	OAW/Ethic Indoor constructed

CONSISTENCY WITH PREVIOUS ACTION: Yes, see related applications with this request (See File #s: RZ-2200596, CP-2200597, and UA-2200600).

FINDINGS:

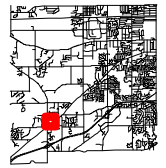
1. The applicant has simultaneously applied for a Rezoning, Comprehensive Plan Amendment and Use Approval to construct additional parking for OAW Ethic Indoor (See File #'s: RZ-2200596, CP-2200597, and UA-2200600).
2. The CSM shall be recorded with Waukesha County Register of Deeds prior to the issuance of any new zoning or building permits.
3. Applicant shall submit a Split/Join form at the County and record both a Deed Restriction and Drainage Easement, prior to the City signing the CSM.

STAFF RECOMMENDATION:

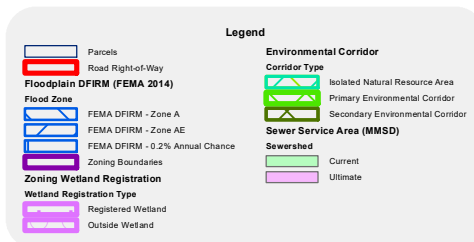
Recommend to Common Council approval of the 1-Lot Certified Survey Map located at 5330 S. Racine Avenue (Tax Key #: 1268-960) & Tax Key #: 1268-993, subject to the application, plans on file and the following conditions: **See Executive Summary.**

ATTACHMENTS:

Location Map
CSM



City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
(262) 797-2445
www.newberlin.org

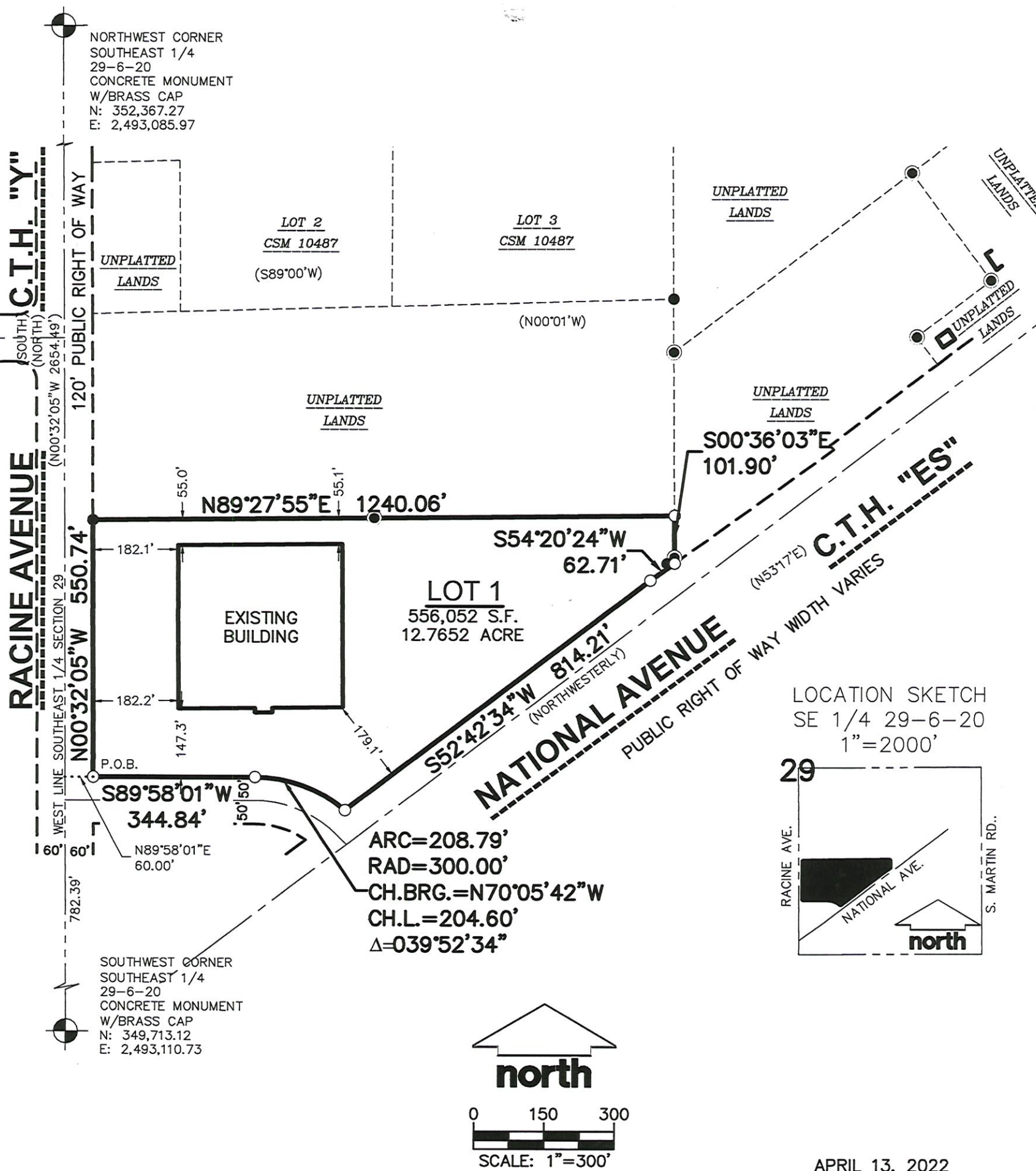


0 110 220 Feet

PRELIMINARY

CERTIFIED SURVEY MAP NO.

PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 20 EAST, IN THE CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN



File: R:\2020\209894\DWG\Survey Sheets\209894 CSM.dwg Layout: CSM 1 of 3 User: dspanjar Plotted: Apr 25, 2022 - 11:45am

SURVEYED BY: JSD MILWAUKEE REGIONAL OFFICE W238 N 1610 BUSSE ROAD, SUITE 100 WAUKESHA, WISCONSIN 53188 P. 262.513.0666	SURVEYED FOR: ETHIC INDOOR, LLC 15171 W. NATIONAL NEW BERLIN, WI	PROJECT NO: 20-9894 FIELDBOOK/PG: - SHEET NO: 1 OF 3	SURVEYED BY: JSD DRAWN BY: DHS CHECKED BY: AWW APPROVED BY: TJB	VOL. _____ PAGE _____ DOC. NO. _____ C.S.M. NO. _____
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PRELIMINARY

CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 20 EAST, IN THE CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN

LEGAL DESCRIPTION

PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 20 EAST, IN THE CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE N00°32'05"E ALONG THE WEST LINE OF SAID 1/4 SECTION 782.39 FEET; THENCE N89°58'01"W 60.00 FEET TO A POINT ON THE EAST LINE OF RACINE AVENUE, BEING THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE N00°32'05"W ALONG SAID EAST LINE AND PARALLEL WITH SAID WEST LINE 550.74 FEET; THENCE N88°27'55"E 1240.06 FEET; THENCE S00°36'03"E 101.90 FEET TO A POINT ON THE NORTHERLY LINE OF NATIONAL AVENUE; THENCE S54°20'24"W ALONG SAID NORTHERLY LINE 62.71 FEET; THENCE S52°42'34"W 814.21 FEET; THENCE NORTHWESTERLY 208.79 FEET ALONG THE ARC OF A CURVE TO THE LEFT WHOSE CENTER LIES TO THE SOUTHWEST, WHOSE RADIUS IS 300.00 FEET AND WHOSE CHORD BEARS N70°05'42"W 204.60 FEET; THENCE S89°58'01"W 344.84 FEET TO THE POINT OF BEGINNING.

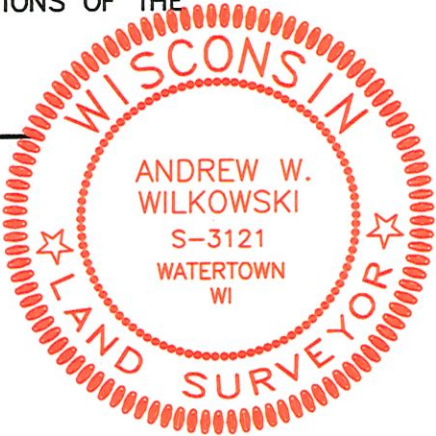
CONTAINING 556,052 SQUARE FEET OR 12.7652 ACRES.

SURVEYOR'S CERTIFICATE

I, ANDREW W. WILKOWSKI, PROFESSIONAL LAND SURVEYOR S-3121, DO HEREBY CERTIFY THAT BY DIRECTION OF ETHICS INDOOR, LLC, I HAVE SURVEYED, DIVIDED, AND MAPPED THE LANDS DESCRIBED HEREON AND THAT THE MAP IS A CORRECT REPRESENTATION IN ACCORDANCE WITH THE INFORMATION PROVIDED. I FURTHER CERTIFY THAT THIS CERTIFIED SURVEY MAP IS IN FULL COMPLIANCE WITH CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION REGULATIONS OF THE CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.

ANDREW W. WILKOWSKI, S-3121
PROFESSIONAL LAND SURVEYOR

APRIL 13, 2022
DATE



CORPORATE OWNER'S CERTIFICATE

ETHICS INDOOR, LLC, A LIMITED LIABILITY CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION HAS CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED HEREON. SAID CORPORATION FURTHER CERTIFIES THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.34, WISCONSIN STATUTES TO BE SUBMITTED TO THE CITY OF NEW BERLIN FOR APPROVAL.

IN WITNESS WHEREOF, THE SAID ETHICS INDOOR, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS REPRESENTATIVE THIS _____DAY OF _____, 2022.

BY: _____
AARON KAHLE,(TITLE)_____

STATE OF WISCONSIN) SS
WAUKESHA COUNTY) SS

PERSONALLY CAME BEFORE ME THIS _____DAY OF _____, 2022,
THE ABOVE NAMED REPRESENTATIVE OF THE ABOVE NAMED ETHICS INDOOR, LLC TO ME
KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND
ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, WAUKESHA COUNTY, WISCONSIN MY COMMISSION EXPIRES _____

THIS INSTRUMENT DRAFTED BY ANDREW W. WILKOWSKI, S-3121

SURVEYED BY: MILWAUKEE REGIONAL OFFICE W238 N 1610 BUSSE ROAD, SUITE 100 WAUKESHA, WISCONSIN 53188 P. 262.513.0666	SURVEYED FOR: ETHIC INDOOR, LLC 15171 W. NATIONAL NEW BERLIN, WI	PROJECT NO: 20-9894	SURVEYED BY: JSD	VOL. _____ PAGE _____
		FIELDBOOK/PG: -	DRAWN BY: DHS	
		SHEET NO: 2 OF 3	CHECKED BY: AWW	C.S.M. NO. _____
			APPROVED BY: TJB	

File: R:\2020\209894\DWG\Survey Sheets\209894 CSM.dwg Layout: CSM 2 of 3 User: dspanjar Plotted: Apr 25, 2022 - 11:45am

PRELIMINARY

CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 20 EAST, IN THE CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN

CITY OF NEW BERLIN PLAN COMMISSION APPROVAL

APPROVED FOR RECORDING PER CITY OF NEW BERLIN PLAN COMMISSION ACTION OF _____, 2022.

NIKKI JONES, SECRETARY

DAVID AMENT, MAYOR

CITY OF NEW BERLIN COMMON COUNCIL APPROVAL CERTIFICATE

RESOLVED THAT THIS CERTIFIED SURVEY MAP, WHICH HAS BEEN DULY FILED FOR THE APPROVAL OF THE CITY OF NEW BERLIN COMMON COUNCIL, BE AND THE SAME IS HEREBY APPROVED AND THE DEDICATIONS, IF ANY DESIGNATED HEREON, ARE HEREBY ACKNOWLEDGED AND ACCEPTED BY THE CITY OF CITY OF NEW BERLIN.

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF A RESOLUTION ADOPTED BY THE CITY OF NEW BERLIN ON THIS _____ DAY OF _____, 2022.

GEORGIA STANFORD, CLERK

DAVID AMENT, MAYOR

APRIL 13, 2022



THIS INSTRUMENT DRAFTED BY ANDREW W. WILKOWSKI, S-3121

SURVEYED BY:  MILWAUKEE REGIONAL OFFICE W238 N 1610 BUSSE ROAD, STE. 100 WAUKESHA, WISCONSIN 53188 P. 262.513.0666	SURVEYED FOR: ETHIC INDOOR, LLC 15171 W. NATIONAL NEW BERLIN, WI	PROJECT NO: 20-9894	SURVEYED BY: JSD
		FB/PG: -	DRAWN BY: DHS
		SHEET NO: 3 OF 3	CHECKED BY: AWW
			APPROVED BY: TJB

OFFICE OF THE REGISTER OF DEEDS	
_____ COUNTY, WISCONSIN	
RECEIVED FOR RECORD _____	
20 ____	AT _____ O'CLOCK ____ M
AS DOCUMENT # _____	
IN VOL. _____ OF CERTIFIED	
SURVEY MAPS ON PAGE(S) _____	
REGISTER OF DEEDS	

File: R:\2020\209894\DWG\Survey Sheets\209894 CSM.dwg Layout: CSM 3 of 3 User: dspanjar Plotted: Apr 25, 2022 - 7:53am

STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT/PROJECT: Aaron Kahle with Kahle Builders LLC on behalf of Ethic Indoor LLC / Parking Lot Addition

LOCATION: 5330 S. Racine Avenue (Tax Key #: 1268-960 & Tax Key #: 1268-993)

REQUEST: Approval of the Use, Site and Architecture for the construction of a 101,000 square foot parking addition located at 5330 S. Racine Avenue.

D.R.C. RECOMMENDATION: Approval of the Use, Site and Architecture for the construction of a 101,000 square foot parking addition located at 5330 S. Racine Avenue, subject to the application, plans on file and the following conditions:

1. Planning:

- a. All conditions of Zoning Permit UA-2000602 shall apply.
- b. The applicant is proposing to construct a 101,000 square foot parking addition with 329 new parking stalls. The additional parking will help serve existing parking needs.
- c. No new landscaping is proposed at this time. Applicant and the City will review current landscaping and ensure that is still in good condition. If not, the plantings shall be replaced prior to occupancy of the new addition. Should additional future parking be installed, approval of the Landscaping Plan and payment of all installation and maintenance sureties would be required at that time. Landscape plans shall meet all the requirements of Article VIII, §275-53 through §275-56 of the City's Zoning Code.
- d. Applicant shall have until September 29th, 2022, to re-locate the transformer per the approved plan (See Zoning Permit UA-2000602).
- e. Zoning Permit shall not be issued until applicant has recorded the 1-Lot CSM, Deed Restriction, and Drainage Easement.
- f. Dumpsters shall be properly screened from the street and public view in accordance with Article VIII, §275-56 of the New Berlin Municipal Ordinance.
- g. All permanent and temporary signs require an application to be filed prior to installation.
- h. Employee and customer parking shall be contained on site.

2. Engineering:

- a. Per 275-55A.(3)(h): Proposed lot grades shall not exceed a gradient of four feet horizontal to one foot vertical. A maximum slope of three feet horizontal to one foot vertical shall be allowed along the side of proposed buildings.
- b. Per 275-57A.(7)(e): Wheel stops or continuous curbs shall be provided, located and designed to protect screening, buffering, landscaping, and pedestrian ways from

damage or encroachment of vehicles and to provide necessary traffic control in parking.

- Provide wheel stops along the edges of the parking lot adjacent to down slopes.
 - c. Per 275-60I.(4): All areas designated on approved site plans for vehicular parking, loading, or circulation and used for such purpose after sunset shall provide artificial illumination in such areas, exclusive of approved anti-vandal lighting.
 - d. Provide a detail for the new ADA parking stall locations within the existing parking lot.
 - The existing parking lot should have 333 parking spaces with 8 ADA stalls
 - The proposed parking lot has 329 parking spaces and will require additional ADA stalls
 - The total number of parking spaces is 662 stalls. Per ADA standards, greater than 500 spaces requires 2% of the stalls be ADA, therefore 14 spaces are needed total and located on the shortest accessible route to the accessible entrance.
 - Provide a detail of the existing parking lot and how it will be modified for these additional ADA stalls.
 - e. Consider providing an additional cross access connection to the existing parking lot from the proposed parking lot for better traffic flow.
3. Stormwater:
- a. Storm Water Management Plan Required.
 - b. Details of pond and outlet structures required.
 - c. WDNR NOI required.
 - d. MMSD Chapter 13 required.
 - e. SWMP Maintenance Agreement is required; City of New Berlin boilerplate agreement is available online.
 - f. A grading recert is required per DH Section VI.D.7. If stormwater management devices are to be used as sediment control devices for erosion control during construction, a certification is required prior to Building Permit and a recertification is required prior to Occupancy.
4. Building Inspections:
- a. All work must comply with the ICC A117.1-2009, along with stamped plans.
 - b. Lighting plan and electrical permit will be required.
5. Fire Department:
- a. Maintain 24' fire access width for fire lane.
 - b. Parking lot per: NFPA Turning Radius 18.2.3.5.3.3, NFPA Chapter 18, Fire Apparatus Access Road 18.2.3.1

DETAILS IN ATTACHED STAFF REPORT

**CITY OF NEW BERLIN
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLAN COMMISSION STAFF REPORT**

Meeting of June 6, 2022

**Aaron Kahle with Kahle Builders LLC / Parking Addition
5330 S. Racine Avenue (Tax Key #: 1268-960 & Tax Key #: 1268-993)**

DATE STAFF REPORT PREPARED: May 11, 2022

APPLICANT / OWNER(S): Aaron Kahle with Kahle Builders LLC / Ethic Development LLC

REQUEST/DESCRIPTION OF PROJECT: Use, Site and Architecture approval for the construction of a 101,000 square foot parking addition located at 5330 S. Racine Avenue

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 4/25/22

DATE OF COMPLETENESS DETERMINATION: 4/26/22

Application Check List Enclosed: No

PRE-APPLICATION CONFERENCE HELD: Yes

(Date(s) of Meeting(s): 3/16/2022 / Site Visit(s): 5/20/2022

CONCEPTUAL PLAN: Yes, see attached plans.

Recommended Y / N / Other: N/A

SIZE OF DEVELOPMENT / PARCEL(S): 12.7652 acres after 1-Lot CSM (See File #: LD-2200599).

CURRENT ZONING: R-1/R-2

CURRENT LAND USE: Vacant

PROPOSED ZONING: I-1/PUD (See File #: RZ-2200596).

PROPOSED LAND USE: Parking Lot

PROPOSED LOT SIZE(S): 12.7652 acres after 1-Lot CSM (See File: LD-2200599).

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North: Zoning: R-1/R-2 Land Use: Residential (Vacant Land)

South: Zoning: B-2 Land Use: Commercial (Martin's Tap)

East: Zoning: B-2/B-3 Land Use: Commercial (Prospect Hill Garden Center)

West: Zoning: R-1/R-2 Land Use: Residential (Rogers Glen Subdivision)

CONFORMANCE WITH THE COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes (See File #: CP-2200597).

Chapter 19: Neighborhood "I": National Avenue West: Yes, this request meets the intent of this Chapter. Planning Context / Vision / Development Policies:

Vision:

- *The National Avenue West area, like the Western Area neighborhood (Neighborhood B), should be a regional model of rural development.*

Development Policies:

- *Develop the area immediately west of Calhoun Road as a gateway into rural western New Berlin. Permit the development of this area for a mix of commercial and residential uses, but require that commercial use to be oriented to a rural theme.*

Land use:

- Future Land Use Map: Institutional (See File #: CP-2200597)

ZONING CODE (Chapter 275): Yes, this request is consistent with Sections 275-36B(1), 275-39B(1) of the Zoning Code, PUD Ordinance #2633 and proposed amendment via rezoning application (See File #: RZ-2200596).

SUBDIVISION CODE (CHAPTER 235): N/A

PUBLIC HEARING REQUIRED: Not for this application.

CONCEPTUAL USE / SITE /ARCHITECTURAL REVIEW:

Use Approval Required: Yes

Site Plan Required: Yes, site plan attached.

Architectural Review Required: Not for this application.

PROPOSED ARCHITECTURE: N/A

UNIQUE SITE CHARACTERISTICS:

Environmental Corridor: No

Wetland On Property: No

Conservancy Districts (C-1, C-2): No

NRCS Map Classification: Not inventoried.

Floodplain: No

Topography / Geologic: This site slopes slightly to the west with more intense grade change (sloping) to the east.

BIKE & PEDESTRIAN FACILITIES: N/A

PARK & OPEN SPACE PLAN: N/A

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): Erosion control plan has been submitted.

Woodland, Tree, and Vegetation Protection: The applicant will be required to submit a tree inventory and adhere to 275-54.

Wildlife Habitat Protection: N/A

Wildlife Management Plan: N/A

ENVIRONMENTAL IMPACT: None.

STORM WATER MANAGEMENT / DRAINAGE PLAN: Applicant is required to adhere to all City of New Berlin Codes, Ordinances and Plans regarding storm water conveyance and maintenance as identified by the Department of Community Development.

SANITARY SEWER PROVISION:

Within Current Sewer Service Area: No

Sewershed Capacity Available: N/A

Adequate Linkage: N/A

On-site system required: Yes, the existing septic/mound system will be utilized.

WATER USAGE CALCULATION: No increase.

TRAFFIC IMPACT: A Traffic Impact Study was previously submitted for this development. (See UA-2000602). The proposed parking lot is to serve existing parking and programming needs. No expansion of the plan of operation is allowed or permitted as part of these requests.

SCHOOL DISTRICT IMPACT: N/A

PREVIOUS ACTION:

1953	Prospect Hills School constructed
1956	Building addition
1964	Building addition
1967	Building addition
2005	Use Approval for Living Word Apostolic Church
2008	Re-occupancy for Wisconsin Air Academy
2020	OAW/Ethic Indoor constructed

CONSISTENCY WITH PREVIOUS ACTION: Yes, see related applications with this request (See File #s: RZ-2200596, CP-2200597, and LD-2200599).

FINDINGS:

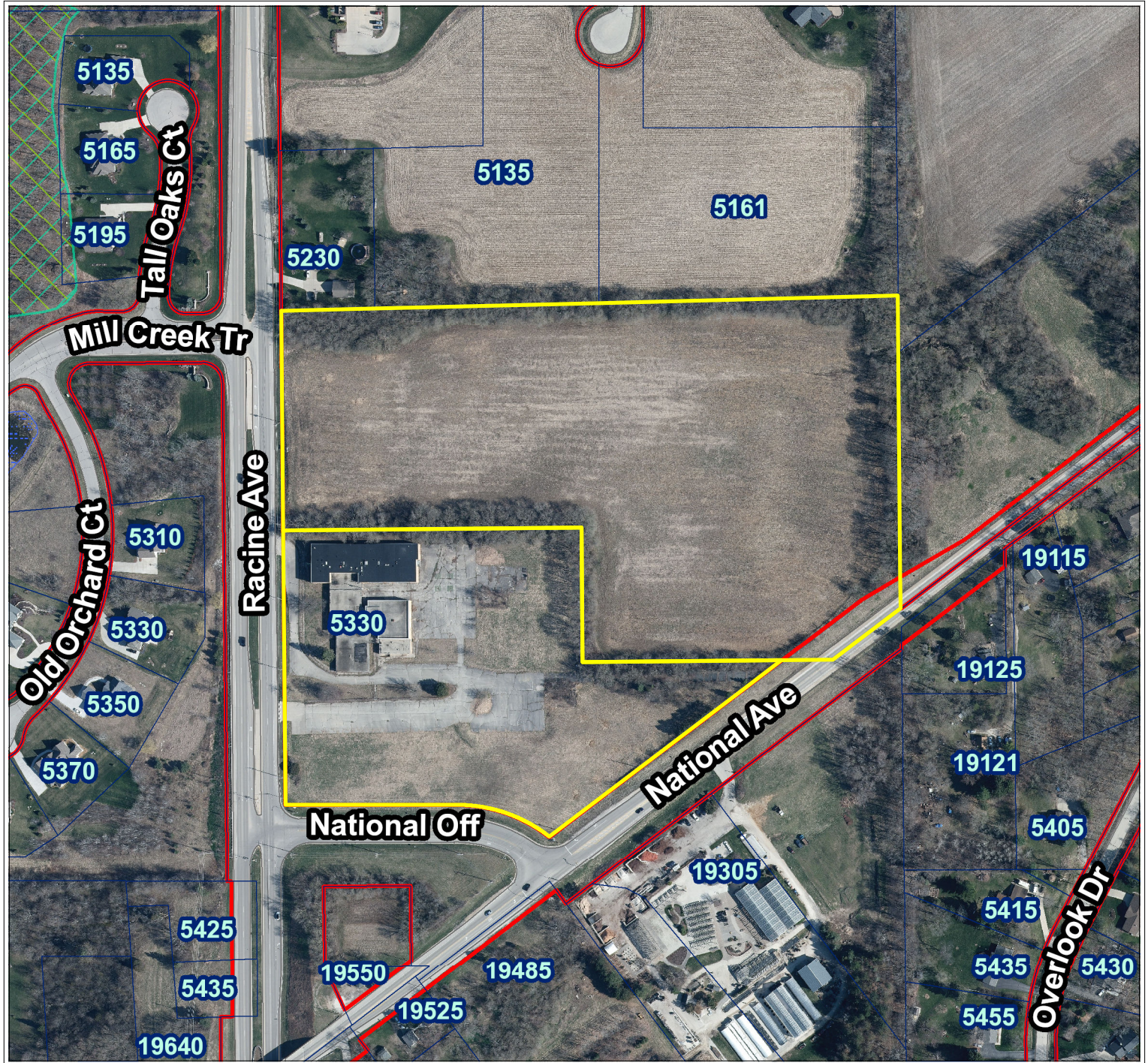
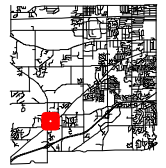
1. The applicant was approved to construct an approximately 153,000 square foot indoor sports complex in 2020.
2. Over the last year, the facility has held a number of events and tournaments where it was determined that more parking was needed. The applicant is now proposing to construct an additional parking lot.
3. The applicant has simultaneously applied for a Rezoning, Comprehensive Plan Amendment and Use Approval to construct additional parking for OAW Ethic Indoor (See File #s: RZ-2200596, CP-2200597, and LD-2200599).

D.R.C. RECOMMENDATION:

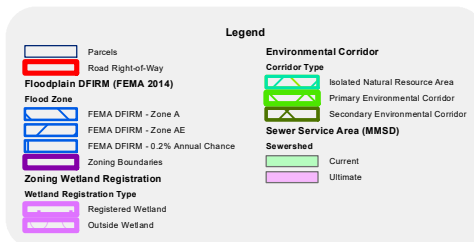
Use, Site and Architecture approval for the construction of a 101,000 square foot parking addition located at 5330 S. Racine Avenue, subject to the application, plans on file and the following conditions:
See Executive Summary.

Attachments:

Location Map
Applicant's Letter
Site Plan



City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
(262) 797-2445
www.newberlin.org



0 110 220 Feet



Proposed Additional Parking at OAW Indoor Sports Complex

May 12, 2022

Parking:

Ethic Indoor, LLC (OAW Indoor Sports Complex) is proposing 322 additional parking spaces to alleviate any parking issues or shuttling for future needs. By doing this, we will also eliminate the pressure for clients to park on National Ave. to avoid our planned shuttling service for events. We will not be increasing our event sizes with this addition. The additional spaces will release the stress on parking for New Berlin.

Stormwater Management:

We will be using the lot to the North of OAW Indoor Sports Complex for the storm water pond. We have thoroughly thought out the northern parcel for future development and the construction of the retention pond. At this point, the lot split as designed, was the cleanest split for the additional parking proposed for OAW Indoor.

Sincerely,

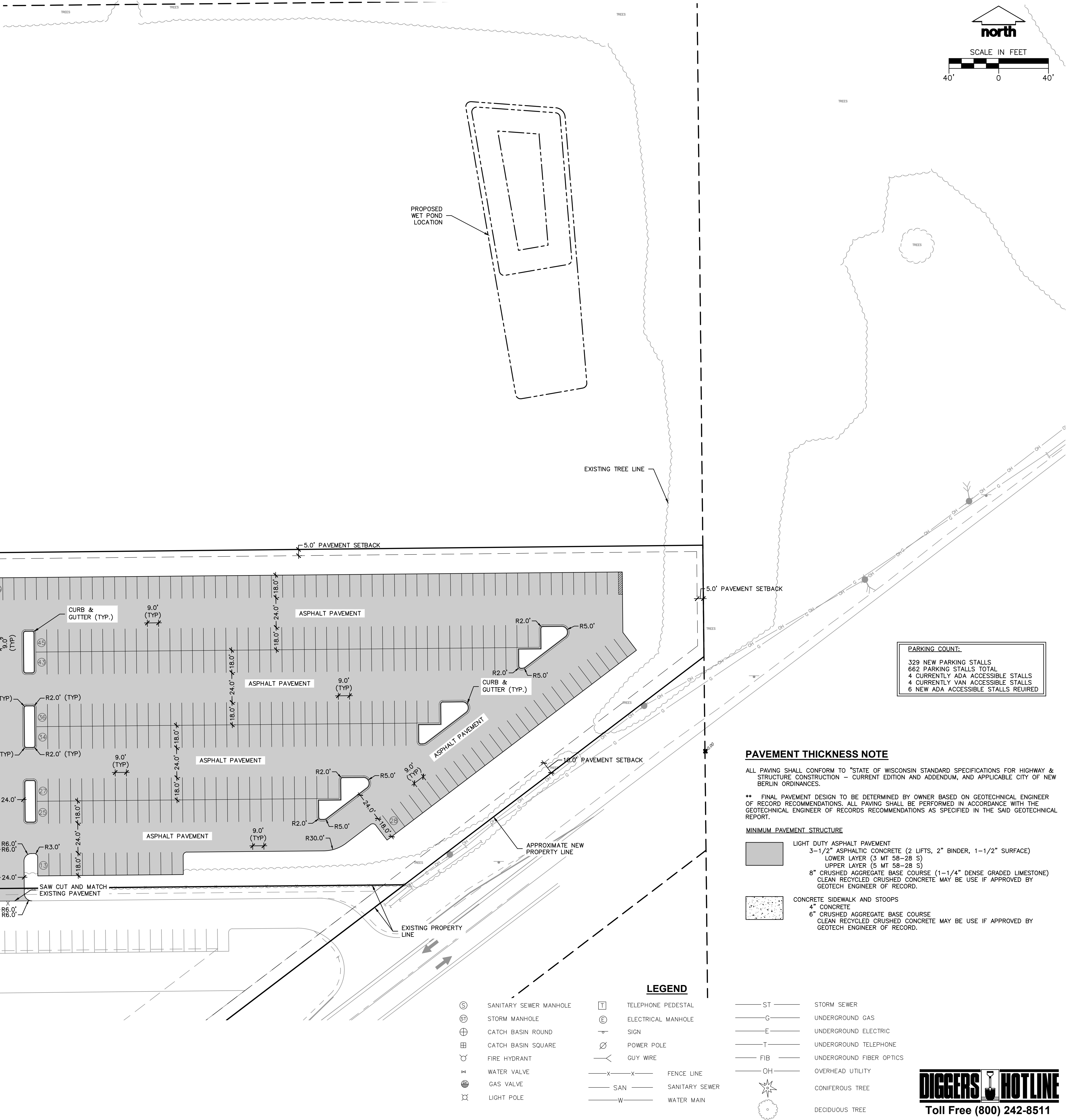
Aaron Kahle

Co-Owner of Ethic Indoor, LLC

PAVING NOTES

1. ALL PAVING SHALL CONFORM TO "STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY & STRUCTURE CONSTRUCTION AND APPLICABLE CITY OF NEW BERLIN ORDINANCES.
2. CONCRETE PAVING SPECIFICATIONS--
- CODES AND STANDARDS -- THE PLACING, CONSTRUCTION AND COMPOSITION OF THE CONCRETE PAVEMENT SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 415 AND 416 OF THE STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, CURRENT EDITION. HEREAFTER, THIS PUBLICATION WILL BE REFERRED TO AS STATE HIGHWAY SPECIFICATIONS.
- CRUSHED AGGREGATE BASE COURSE -- THE BASE COURSE SHALL CONFORM TO SECTIONS 301 AND 305, STATE HIGHWAY SPECIFICATIONS. CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.
- SURFACE PREPARATION -- NOTIFY CONTRACTOR OF UNSATISFACTORY CONDITIONS. DO NOT BEGIN PAVING WORK UNTIL DEFICIENT SUBBASE AREAS HAVE BEEN CORRECTED AND ARE READY TO RECEIVE PAVING.

3. ASPHALTIC CONCRETE PAVING SPECIFICATIONS--
- CODES AND STANDARDS -- THE PLACING, CONSTRUCTION AND COMPOSITION OF THE ASPHALTIC BASE COURSE AND ASPHALTIC CONCRETE SURFACING SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 450, 455, 460 AND 465 OF THE STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, EDITION OF 2005. HEREAFTER, THIS PUBLICATION WILL BE REFERRED TO AS STATE HIGHWAY SPECIFICATIONS.
- WEATHER LIMITATIONS -- APPLY TACK COATS WHEN AMBIENT TEMPERATURE IS ABOVE 50° F (10° C) AND WHEN TEMPERATURE HAS NOT BEEN BELOW 35° F (1° C) FOR 12 HOURS IMMEDIATELY PRIOR TO APPLICATION. DO NOT APPLY WHEN BASE IS WET OR CONTAINS EXCESS OF MOISTURE. CONSTRUCT ASPHALTIC CONCRETE SURFACE COURSE WHEN ATMOSPHERIC TEMPERATURE IS ABOVE 40° F (4° C) AND WHEN BASE IS DRY AND WHEN WEATHER IS NOT RAINY. BASE COURSE MAY BE PLACED WHEN AIR TEMPERATURE IS ABOVE 30° F (-1° C).
- GRADE CONTROL -- ESTABLISH AND MAINTAIN REQUIRED LINES AND ELEVATIONS FOR EACH COURSE DURING CONSTRUCTION.
- CRUSHED AGGREGATE BASE COURSE -- THE TOP LAYER OF BASE COURSE SHALL CONFORM TO SECTIONS 301 AND 305, STATE HIGHWAY SPECIFICATIONS. CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.
- BINDER COURSE AGGREGATE -- THE AGGREGATE FOR THE BINDER COURSE SHALL CONFORM TO SECTIONS 460.2.7 AND 315, STATE HIGHWAY SPECIFICATIONS.
- SURFACE COURSE AGGREGATE -- THE AGGREGATE FOR THE SURFACE COURSE SHALL CONFORM TO SECTIONS 460.2.7 AND 465, STATE HIGHWAY SPECIFICATIONS.
- ASPHALTIC MATERIALS -- THE ASPHALTIC MATERIALS SHALL CONFORM TO SECTION 455 AND 460, STATE HIGHWAY SPECIFICATIONS.
- SURFACE PREPARATION -- NOTIFY CONTRACTOR OF UNSATISFACTORY CONDITIONS. DO NOT BEGIN PAVING WORK UNTIL DEFICIENT SUBBASE AREAS HAVE BEEN CORRECTED AND ARE READY TO RECEIVE PAVING.



PAVEMENT STRIPING NOTES

1. CONTRACTOR SHALL CONSULT STRIPING COLOR WITH OWNER PRIOR TO CONSTRUCTION.
2. PROVIDE CONTRACTOR GRADE ACRYLIC, STRIPING PAINT FOR NEW ASPHALT OR COATED ASPHALT. ALL STRIPING SHALL BE APPLIED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
3. THOROUGHLY CLEAN SURFACES FREE OF DIRT, SAND, GRAVEL, OIL AND OTHER FOREIGN MATTER. CONTRACTOR RESPONSIBLE TO INSPECT PAVEMENT SURFACES FOR CONDITIONS AND DEFECTS THAT WILL ADVERSELY AFFECT QUALITY OF WORK, AND WHICH CANNOT BE PUT INTO AN ACCEPTABLE CONDITION THROUGH NORMAL PREPARATORY WORK AS SPECIFIED.
4. DO NOT PLACE MARKING OVER UNSOUND PAVEMENTS. IF THESE CONDITIONS EXIST, NOTIFY OWNER. STARTING INSTALLATION CONSTITUTES CONTRACTOR'S ACCEPTANCE OF SURFACE AS SUITABLE FOR INSTALLATION.
5. LAYOUT MARKINGS USING GUIDE LINES, TEMPLATES AND FORMS. STENCILS AND TEMPLATES SHALL BE PROFESSIONALLY MADE TO INDUSTRY STANDARDS. "FREE HAND" PAINTING OF ARROWS, SYMBOLS, OR WORDING SHALL NOT BE ALLOWED. APPLY STRIPES STRAIGHT AND EVEN.
6. PROTECT ADJACENT CURBS, WALKS, FENCES, AND OTHER ITEMS FROM RECEIVING PAINT.
7. APPLY MARKING PAINT AT A RATE OF ONE (1) GALLON PER THREE TO FOUR HUNDRED (300-400) LINEAL FEET OF FOUR (4) INCH WIDE STRIPES. (OR TO MFG. SPECIFICATION)
8. BARRICADE MARKED AREAS DURING INSTALLATION AND UNTIL THE MARKING PAINT IS DRIED AND READY FOR TRAFFIC.
9. ALL HANDICAPPED ACCESSIBLE PARKING SHALL BE LOCATED PER 2009 IBC 1106.6

PAVEMENT THICKNESS NOTE

ALL PAVING SHALL CONFORM TO "STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY & STRUCTURE CONSTRUCTION -- CURRENT EDITION AND ADDENDUM, AND APPLICABLE CITY OF NEW BERLIN ORDINANCES.

** FINAL PAVEMENT DESIGN TO BE DETERMINED BY OWNER BASED ON GEOTECHNICAL ENGINEER OF RECORD RECOMMENDATIONS. ALL PAVING SHALL BE PERFORMED IN ACCORDANCE WITH THE GEOTECHNICAL ENGINEER OF RECORDS RECOMMENDATIONS AS SPECIFIED IN THE SAID GEOTECHNICAL REPORT.

MINIMUM PAVEMENT STRUCTURE

LIGHT DUTY ASPHALT PAVEMENT
3-1/2" ASPHALTIC CONCRETE (2 LIFTS, 2" BINDER, 1-1/2" SURFACE)
LOWER LAYER (3 MT 58-28 S)
UPPER LAYER (5 MT 58-28 S)
8" CRUSHED AGGREGATE BASE COURSE (1-1/4" DENSE GRADED LIMESTONE)
CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.

CONCRETE SIDEWALK AND STOOPS
4" CONCRETE
6" CRUSHED AGGREGATE BASE COURSE
CLEAN RECYCLED CRUSHED CONCRETE MAY BE USE IF APPROVED BY GEOTECH ENGINEER OF RECORD.



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MILWAUKEE REGIONAL OFFICE
W238 N1610 BUSSE ROAD, SUITE 100
WAUKESHA, WISCONSIN 53188
P. 262.513.0666

CLIENT:
KAHLE BUILDERS

CLIENT ADDRESS:
**15171 W. NATIONAL AVE.
NEW BERLIN, WI 53151**

PROJECT:
**ETHIC INDOOR
SPORTS FACILITY**

PROJECT LOCATION:
**5330 S. RACINE AVE.
NEW BERLIN, WI**

PLAN MODIFICATIONS:		
#	Date:	Description:
1	04.05.2022	CITY SUBMITTAL
2	04.19.2022	OWNER REVIEW
3		
4		
5		
6		
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10		
11		
12		
13		
14		
15		

Design/Drawn: YT/JJS
Approved: TJB

SHEET TITLE:
**DIMENSION AND
PAVEMENT ID PLAN**

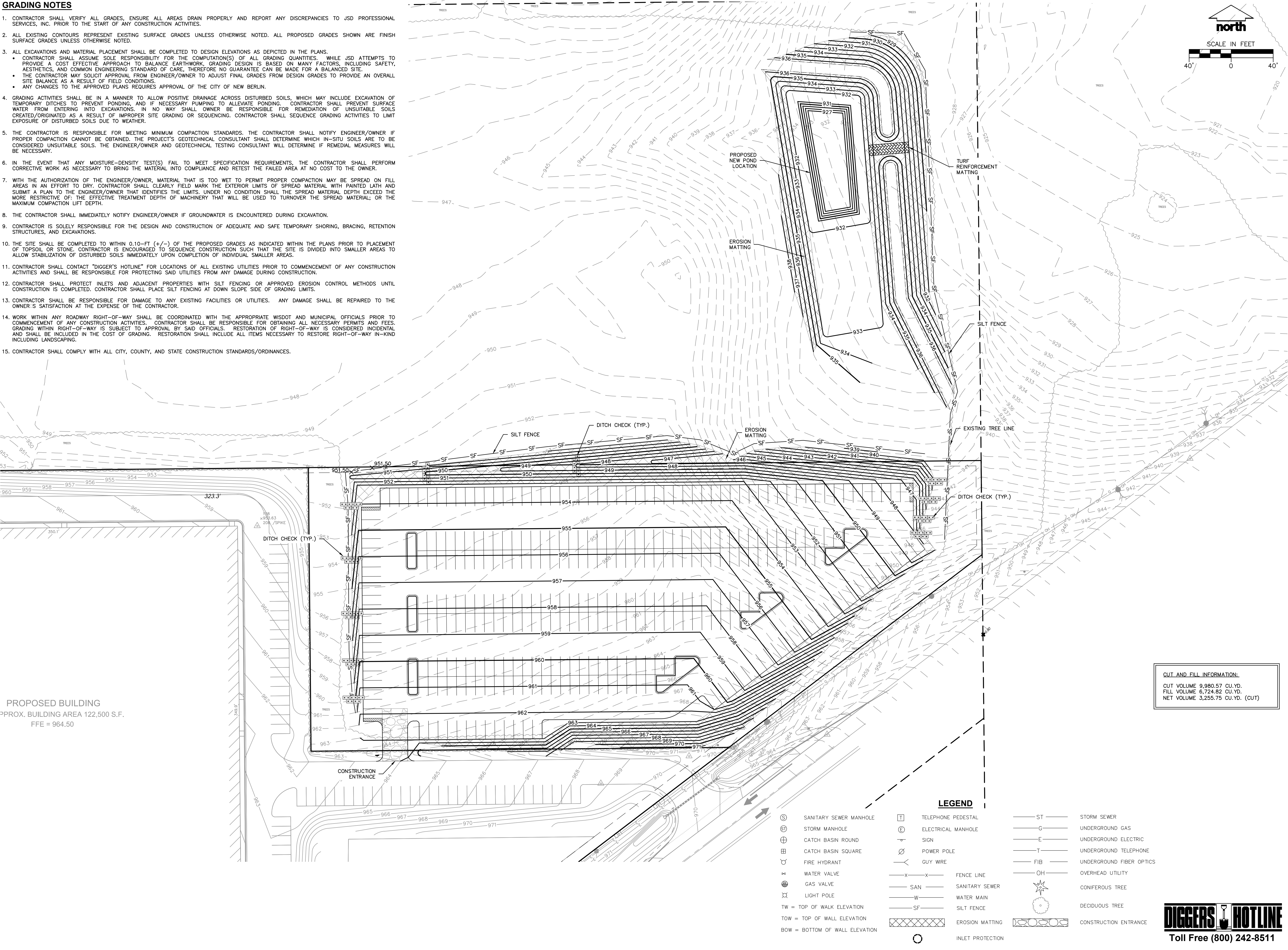
SHEET NUMBER:
C1.0

JSD PROJECT NO: 209894



GRADING NOTES

1. CONTRACTOR SHALL VERIFY ALL GRADES, ENSURE ALL AREAS DRAIN PROPERLY AND REPORT ANY DISCREPANCIES TO JSD PROFESSIONAL SERVICES, INC. PRIOR TO THE START OF ANY CONSTRUCTION ACTIVITIES.
2. ALL EXISTING CONTOURS REPRESENT EXISTING SURFACE GRADES UNLESS OTHERWISE NOTED. ALL PROPOSED GRADES SHOWN ARE FINISH SURFACE GRADES UNLESS OTHERWISE NOTED.
3. ALL EXCAVATIONS AND MATERIAL PLACEMENT SHALL BE COMPLETED TO DESIGN ELEVATIONS AS DEPICTED IN THE PLANS.
 - CONTRACTOR SHALL ASSUME SOLE RESPONSIBILITY FOR THE COMPUTATION(S) OF ALL GRADING QUANTITIES. WHILE JSD ATTEMPTS TO PROVIDE A COST EFFECTIVE APPROACH TO BALANCE EARTHWORK, GRADING DESIGN IS BASED ON MANY FACTORS, INCLUDING SAFETY, AESTHETICS, AND COMMON ENGINEERING STANDARD OF CARE. THEREFORE NO GUARANTEE CAN BE MADE FOR A BALANCED SITE.
 - THE CONTRACTOR MAY SOLICIT APPROVAL FROM ENGINEER/OWNER TO ADJUST FINAL GRADES FROM DESIGN GRADES TO PROVIDE AN OVERALL SITE BALANCE AS A RESULT OF FIELD CONDITIONS.
 - ANY CHANGES TO THE APPROVED PLANS REQUIRES APPROVAL OF THE CITY OF NEW BERLIN.
4. GRADING ACTIVITIES SHALL BE IN A MANNER TO ALLOW POSITIVE DRAINAGE ACROSS DISTURBED SOILS, WHICH MAY INCLUDE EXCAVATION OF TEMPORARY DITCHES TO PREVENT PONDING, AND IF NECESSARY PUMPING TO ALLEVIATE PONDING. CONTRACTOR SHALL PREVENT SURFACE WATER FROM ENTERING INTO EXCAVATIONS. IN NO WAY SHALL OWNER BE RESPONSIBLE FOR REMEDIATION OF UNSUITABLE SOILS CREATED/ORIGINATED AS A RESULT OF IMPROPER SITE GRADING OR SEQUENCING. CONTRACTOR SHALL SEQUENCE GRADING ACTIVITIES TO LIMIT EXPOSURE OF DISTURBED SOILS DUE TO WEATHER.
5. THE CONTRACTOR IS RESPONSIBLE FOR MEETING MINIMUM COMPACTION STANDARDS. THE CONTRACTOR SHALL NOTIFY ENGINEER/OWNER IF PROPER COMPACTION CANNOT BE OBTAINED. THE PROJECT'S GEOTECHNICAL CONSULTANT SHALL DETERMINE WHICH IN-SITU SOILS ARE TO BE CONSIDERED UNSUITABLE SOILS. THE ENGINEER/OWNER AND GEOTECHNICAL TESTING CONSULTANT WILL DETERMINE IF REMEDIAL MEASURES WILL BE NECESSARY.
6. IN THE EVENT THAT ANY MOISTURE-DENSITY TEST(S) FAIL TO MEET SPECIFICATION REQUIREMENTS, THE CONTRACTOR SHALL PERFORM CORRECTIVE WORK AS NECESSARY TO BRING THE MATERIAL INTO COMPLIANCE AND RETEST THE FAILED AREA AT NO COST TO THE OWNER.
7. WITH THE AUTHORIZATION OF THE ENGINEER/OWNER, MATERIAL THAT IS TOO WET TO PERMIT PROPER COMPACTION MAY BE SPREAD ON FILL AREAS IN AN EFFORT TO DRY. CONTRACTOR SHALL CLEARLY FIELD MARK THE EXTERIOR LIMITS OF SPREAD MATERIAL WITH PAINTED LATH AND SUBMIT A PLAN TO THE ENGINEER/OWNER THAT IDENTIFIES THE LIMITS. UNDER NO CONDITION SHALL THE SPREAD MATERIAL DEPTH EXCEED THE MORE RESTRICTIVE OF: THE EFFECTIVE TREATMENT DEPTH OF MACHINERY THAT WILL BE USED TO TURNOVER THE SPREAD MATERIAL; OR THE MAXIMUM COMPACTION LIFT DEPTH.
8. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY ENGINEER/OWNER IF GROUNDWATER IS ENCOUNTERED DURING EXCAVATION.
9. CONTRACTOR IS SOLELY RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ADEQUATE AND SAFE TEMPORARY SHORING, BRACING, RETENTION STRUCTURES, AND EXCAVATIONS.
10. THE SITE SHALL BE COMPLETED TO WITHIN 0.10-FT (+/-) OF THE PROPOSED GRADES AS INDICATED WITHIN THE PLANS PRIOR TO PLACEMENT OF TOPSOIL OR STONE. CONTRACTOR IS ENCOURAGED TO SEQUENCE CONSTRUCTION SUCH THAT THE SITE IS DIVIDED INTO SMALLER AREAS TO ALLOW STABILIZATION OF DISTURBED SOILS IMMEDIATELY UPON COMPLETION OF INDIVIDUAL SMALLER AREAS.
11. CONTRACTOR SHALL CONTACT "DIGGER'S HOTLINE" FOR LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES AND SHALL BE RESPONSIBLE FOR PROTECTING SAID UTILITIES FROM ANY DAMAGE DURING CONSTRUCTION.
12. CONTRACTOR SHALL PROTECT INLETS AND ADJACENT PROPERTIES WITH SILT FENCING OR APPROVED EROSION CONTROL METHODS UNTIL CONSTRUCTION IS COMPLETED. CONTRACTOR SHALL PLACE SILT FENCING AT DOWN SLOPE SIDE OF GRADING LIMITS.
13. CONTRACTOR SHALL BE RESPONSIBLE FOR DAMAGE TO ANY EXISTING FACILITIES OR UTILITIES. ANY DAMAGE SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AT THE EXPENSE OF THE CONTRACTOR.
14. WORK WITHIN ANY ROADWAY RIGHT-OF-WAY SHALL BE COORDINATED WITH THE APPROPRIATE WISDOT AND MUNICIPAL OFFICIALS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FEES. GRADING WITHIN RIGHT-OF-WAY IS SUBJECT TO APPROVAL BY SAID OFFICIALS. RESTORATION OF RIGHT-OF-WAY IS CONSIDERED INCIDENTAL AND SHALL BE INCLUDED IN THE COST OF GRADING. RESTORATION SHALL INCLUDE ALL ITEMS NECESSARY TO RESTORE RIGHT-OF-WAY IN-KIND INCLUDING LANDSCAPING.
15. CONTRACTOR SHALL COMPLY WITH ALL CITY, COUNTY, AND STATE CONSTRUCTION STANDARDS/ORDINANCES.



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MILWAUKEE REGIONAL OFFICE
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WAUKESHA, WISCONSIN 53188
P. 262.513.0666

CLIENT:
KAHLE BUILDERS

CLIENT ADDRESS:
**15171 W. NATIONAL AVE.
NEW BERLIN, WI 53151**

PROJECT:
**ETHIC INDOOR
SPORTS FACILITY**

PROJECT LOCATION:
**5330 S. RACINE AVE.
NEW BERLIN, WI**

PLAN MODIFICATIONS:		
#	Date:	Description:
1	04.05.2022	CITY SUBMITTAL
2	04.19.2022	OWNER REVIEW
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Design/Drawn: YT/JJS
Approved: TJB

SHEET TITLE:
**GRADING & EROSION
CONTROL PLAN**

SHEET NUMBER:

C2.0

JSD PROJECT NO:

209894



STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT/PROJECT: Kain Construction LLC on behalf of Dan and Vickie Balmer / 2-Lot Certified Survey Map

LOCATION: 13016 W. Graham Street (Tax Key # 1156.137), 13100 W. Graham Street (Tax Key # 1156.139) and (Tax Key # 1156.138)

REQUEST: Approval of a 2-Lot Certified Survey Map

REVIEW SCHEDULE:

CSM Received:	4/26/2022
Completeness Determination:	4/26/2022
90-day time limit expires:	7/25/2022
Final Common Council Action:	6/14/2022

D.R.C. RECOMMENDATION: Recommend to Common Council approval of the 2-Lot Certified Survey Map for the properties located at 13016 W. Graham Street (Tax Key # 1156.137), 13100 W. Graham Street (Tax Key # 1156.139) and (Tax Key # 1156.138), subject to the application, plans on file and the following conditions:

1. Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing.
2. A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
3. The CSM shall be recorded with Waukesha County Register of Deeds prior to the issuance of any new zoning or building permits.
4. Applicant and/or property owner shall apply for and obtain appropriate building, plumbing and electrical permits prior to any construction on any parcel.
5. Proposed Lot 2 square footage is 16,875 square feet. Revise CSM.
6. City Clerk is Rubina Medina. Revise Sheet 3 of CSM.

DETAILS IN ATTACHED STAFF REPORT

CITY OF NEW BERLIN
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLAN COMMISSION STAFF REPORT

Meeting of June 6, 2022

**Kain Construction LLC on behalf of Dan and Vickie Balmer / 2-Lot Certified Survey Map
13016 W. Graham Street (Tax Key # 1156.137), 13100 W. Graham Street (Tax Key # 1156.139) and
(Tax Key # 1156.138)**

DATE STAFF REPORT CREATED: April 28, 2022

APPLICANT / OWNER(S): Kevin Kain with Kain Construction LLC / Dan and Vickie Balmer

REQUEST / DESCRIPTION OF PROJECT: Approval of the 2-Lot Certified Survey Map for the properties located at 13016 W. Graham Street (Tax Key # 1156.137), 13100 W. Graham Street (Tax Key # 1156.139) and (Tax Key # 1156.138) 13016 and 13100 W. Graham Street.

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 4/26/2022

DATE OF COMPLETENESS DETERMINATION: 4/26/2022

PRE-APPLICATION CONFERENCE HELD: No

Date(s) of Meeting(s): Met at DCD counter 4/26/2022

Site Visit(s): 4/28/2022

CONCEPTUAL PLAN: Yes, a CSM has been submitted.

SIZE OF DEVELOPMENT / PARCEL(S):

Lot 1 (13100 W Graham Street): 6,750 SF

Lot 2 (NBC #1156.138): 6,750 SF

Lot 3 (13016 W Graham Street): 13,500 SF

TOTAL: 27,000 SF

CURRENT ZONING: R-5 (Medium-Density Single-Family Residential District)

CURRENT LAND USE: 2 single- family residential lots and one vacant lot

PROPOSED ZONING: N/A

PROPOSED LAND USE: 2 single-family residential lots

PROPOSED LOT SIZE:

Lot 1 (13100 W Graham Street): 10,125 SF

Lot 2 (13016 W Graham Street): 16,875 SF

TOTAL: 27,000 SF

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North: Zoning: R-5, Medium-Density Single-Family Residential	Land Use: Single-Family Residential
South: Zoning: R-5, Medium-Density Single-Family Residential	Land Use: Single-Family Residential
East: Zoning: R-5, Medium-Density Single-Family Residential	Land Use: Single-Family Residential
West: Zoning: R-5, Medium-Density Single-Family Residential	Land Use: Single-Family Residential

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes

Chapter 14: Neighborhood “D”: Urban Neighborhood North: Yes, this submittal meets the intent of this Chapter.

Planning Context / Vision / Development Policies:

Vision:

- *The Urban Neighborhood North shall continue to be a series of well maintained, single-family neighborhoods served by neighborhood amenities such as parks, pedestrian connections to adjacent neighborhoods and nearby shopping areas. Both the public infrastructure and the private housing stock should be maintained. New development and redevelopment should complement the residential character of the area. In compliance with State Smart Growth Legislation, the city should also encourage infill residential development of quarter acre lots or larger to match the existing character of the neighborhood.*

Development Policies:

- *Monitor housing conditions and nonconforming uses, and periodically assess the need for targeted building and Zoning Code enforcement programs.*

Land use:

- *Future Land Use Map: Urban Residential*

ZONING CODE (Chapter 275): Yes, this request meets the requirements of Section 275-33B(6) of the Zoning Code. See Findings Section for more information.

DEVELOPMENT CODE (CHAPTER 235): N/A

PUBLIC HEARING REQUIRED: No

CONDITIONAL USE REQUIRED: No

USE / SITE / ARCHITECTURAL REVIEW:

Use Approval Required: No

Site Plan Required: Yes, a Certified Survey Map was submitted.

Architectural Review Required: No

PROPOSED ARCHITECTURE: N/A

UNIQUE SITE CHARACTERISTICS:

Environmental Corridor: No

Wetland On Property: No

Conservancy Districts (C-1, C-2): No

NRCS Map Classification: Not Inventoried

Floodplain: No

Topography / Geologic: The site slopes to the east.

BIKE & PEDESTRIAN FACILITIES PLAN: No improvements identified.

PARK & OPEN SPACE PLAN: No improvements identified.

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): N/A

Woodland, Tree, and Vegetation Protection: N/A

Wildlife Management Plan: N/A

ENVIRONMENTAL IMPACT: N/A

STORM WATER MANAGEMENT / DRAINAGE: Applicant is required to adhere to all City of New Berlin Codes, Ordinances and Plans regarding storm water conveyance and maintenance as identified by the Department of Community Development.

SANITARY SEWER PROVISION:

Within Current Sewer Service Area: Yes

Sewer Shed Capacity Available: Yes

Adequate Linkage: Yes

Onsite System Required: No

WATER USAGE CALC.: No increase. This parcels will be served by the existing wells.

TRAFFIC IMPACT: No increase.

SCHOOL DISTRICT IMPACT: N/A

Notice Sent to Affected School District(s): No

PREVIOUS ACTION:

13016 W. Graham Street

1954 Existing home built.

2019 – 2022 Various additions and remodeling projects.

13100 W. Graham Street

1960s Existing home built.

CONSISTENCY WITH PREVIOUS ACTION: N/A

FINDINGS:

1. The applicant owns all three lots and would like to combine them to create two larger lots.
2. The existing lots are zoned R-5. Per Section 275-33D(2) of the Zoning Code, "In the R-5 District, the minimum lot area and lot width shall meet the minimum lot area and width requirements of the R-4.5 District when the lot is created after January 1, 2004."
3. Under Section 275-33D, In the R-4.5 District the minimum lot size is 15,000 sq. ft. and the lot width requirement is 100'. The current lots are legal non-conforming and do not meet these requirements. However, the proposed CSM combination will increase the overall acreage and this will make it more conforming.
4. *Zoning Code Section 275-44F, lots of record "an existing legal lot that contains less are than the lot requirements of this chapter may be used as a building site, provided that the proposed use is allowed in the zoning district."*

**Department of
Community Development
Staff Report**

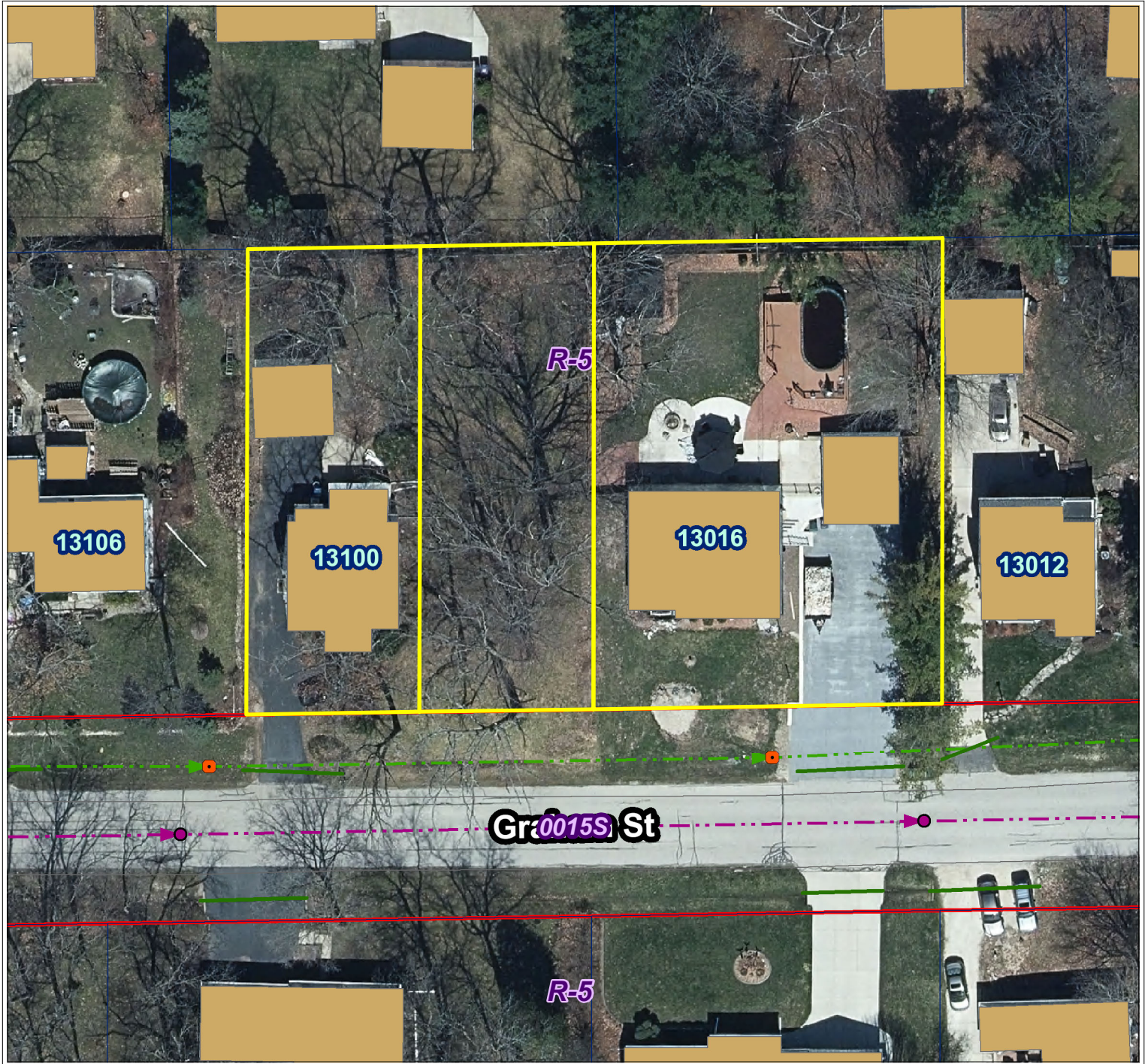
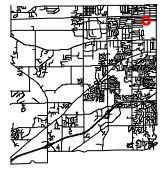
- a. *Minimum lot size requirements shown in the zoning districts apply to the creation of new lots and do not affect existing legally created lots or parcels, provided that the lot is a lot of record in the Waukesha County Register of Deeds' office prior to the effective date of this chapter.*
- b. *Vacant buildable lots of record can be used as a building site, provided that the use is allowed in the zoning district and the lot has frontage on and access to a public street. If an existing structure on a lot of record were to be damaged or destroyed, it would be allowed to be rebuilt in accordance with the Building Code and these Zoning Regulations.*
- c. *New building permits issued under this section shall be required to meet the setback and other yard requirements of this chapter. A building proposed with lesser dimensions and requisites than those stated in the code shall be issued a building permit only after a variance by the Board of Appeals.*

D.R.C. RECOMMENDATION:

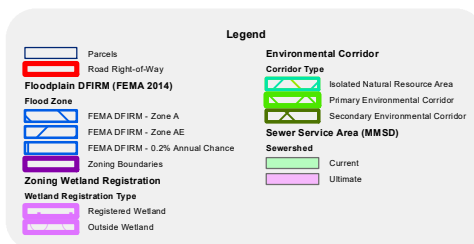
Recommend to Common Council approval of the 2-Lot Certified Survey Map for the properties located at 13016 W. Graham Street (Tax Key # 1156.137), 13100 W. Graham Street (Tax Key # 1156.139) and (Tax Key # 1156.138), subject to the application, plans on file and the following conditions: **See Executive Summary.**

ATTACHMENTS:

Location Map
CSM



City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
(262) 797-2445
www.newberlin.org



0 15 30 Feet

Waukesha County, Wisconsin.

NOTES:

◎—Denotes iron pipe found and accepted.

○ — Denotes 1"x24" iron pipe,
1.13 lbs/lin. ft. min. set.

Map bearings refer to Grid North of the Wisconsin State Plane Coordinate System, South Zone, (NAD-27) Dec. 2014, with the East line of the SE 1/4 of Section 1, T6N, R20E having an assumed bearing of N 0°17'27" E.

NE Cor.
SE 1/4
Sec. 1-6-20
(conc. mon.
w/brass cap)
N= 374,134.67
E=2,516.882.95



Scale: 1"=50'

Cheaney Homesites



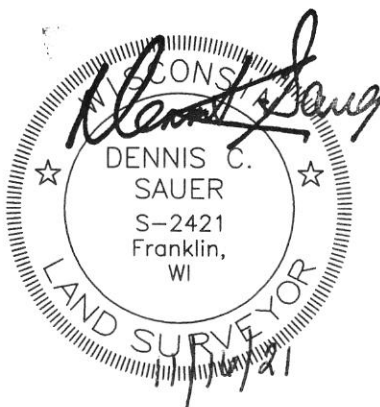
Scale:
1"=50'



Scale:
1"=2000'

Vicinity Map

SE 1/4 Sec. 1-6-20



SE Cor.
SE 1/4
Sec. 1-6-20
(conc. mon.
w/brass cap)
N= 371,475.51
E=2,516,869.32

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lots 16, 17, 18 and 19, Block 2, Graham and Blom's Maple Woods, being a part of the Northwest 1/4 of the Southeast 1/4 of Section 1, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

I, Dennis C. Sauer, a Professional Land Surveyor, hereby certify that:

I have surveyed, divided and mapped a redivision of Lots 16, 17, 18 and 19, Block 2, Graham and Blom's Maple Woods, being a part of the Northwest 1/4 of the Southeast 1/4 of Section 1, 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 Southeast 1/4; thence S 00°17'37" W along the East line of said Southeast 1/4, 998.18 feet to a point; thence S 88°59'28" W, 2186.00 feet to the Northeast corner of said Lot 16, Block 2, said point being the point of beginning of the lands to be described; thence continuing S 88°59'28" W along the North line of said Lots 16, 17, 18 and 19, Block 2, 200.00 feet to the Northwest corner of said Lot 19, Block 2; thence S 00°31'47" E along the West line of said Lot 19, Block 2, 135.00 feet to the Southwest corner of said Lot 19, Block 2 and the North line of Graham Street; thence N 88°59'28" E, along the South line of said Lots 16 through 19, Block 2 and North line of Graham Street, 200.00 feet to the Southeast corner of said Lot 16, Block 2; thence N 00°31'47" W along the East line of said Lot 16, Block 2, 135.00 feet to the point of beginning. Said lands containing 26,999 square feet.

That I have made such survey, land division and map by the direction of Daniel Balmer, owner of said land.

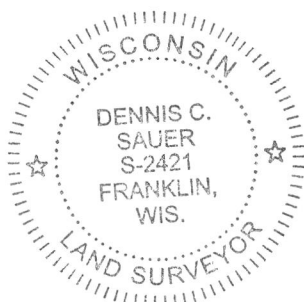
That such map is a correct representation of all exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the regulations of the City of New Berlin in surveying, dividing and mapping the same.

November 16, 2021
Date



Dennis C. Sauer
Professional Land Surveyor S-2421



CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lots 16, 17, 18 and 19, Block 2, Graham and Blom's Maple Woods, being a part of the Northwest 1/4 of the Southeast 1/4 of Section 1, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

OWNER'S CERTIFICATE

Daniel Balmer, as owner, do hereby certify that I have caused the land described on this map to be surveyed, divided and mapped as represented on this map in accordance with the requirements of Chapter 236.34 of the Wisconsin State Statutes and the regulations of the City of New Berlin.

WITNESS the hand and seal of said owner this _____ day of _____, 20____.

Daniel Balmer, Owner

STATE OF WISCONSIN)
_____ COUNTY) SS

PERSONALLY, came before me this _____ day of _____, 20____, Daniel Balmer, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public-State of Wisconsin
My Commission Expires: _____

PLAN COMMISSION APPROVAL

APPROVED by the Plan Commission of the City of New Berlin this _____ day of _____, 20____.

David Ament, Chairman
City of New Berlin

Nikki Jones, Secretary
City of New Berlin

COMMON COUNCIL APPROVAL

APPROVED by the Common Council of the City of New Berlin this _____ day of _____, 20____.

David Ament, Mayor
City of New Berlin

Georgia Stanford, City Clerk
City of New Berlin

THIS INSTRUMENT WAS DRAFTED BY:
Dennis C. Sauer, P.L.S. S-2421

