



**CITY OF NEW BERLIN
PLAN COMMISSION MEETING**

Monday, October 3, 2022

6:00 PM

Zoom Meeting

<https://us02web.zoom.us/j/86750236251>

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

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 Commissioners. Interested parties may also participate by:

- Downloading the ZOOM app located at <https://zoom.us/> and utilize this unique ID to join:
- Following this direct link to the meeting: <https://us02web.zoom.us/j/86750236251>

AGENDA

PUBLIC HEARING(S)

PRIVILEGE OF THE FLOOR

CALL TO ORDER; PLEDGE OF ALLEGIANCE

ROLL CALL; DECLARATION OF QUORUM

APPROVAL OF MINUTES

1. August 15, 2022 Plan Commission Meeting Minutes

PLAN COMMISSION SECRETARY'S REPORT

CONTINUED BUSINESS

2. (6) KW SG-2102512 Lance McTrusty with Bauer Sign and Lighting – 13823 W. National Avenue – Sign waiver request for Minuteman Press. (Tabled 1/10/2022 & Remained on the table 8/15/2022)
3. (7) NJ UA-2200499 Kohler Pit Interim Grading Plan - 4635 S. Racine Ave. - Use and Site Approval for an Interim Grading Plan for Kohler Pit. (TABLED 4/11/2022, Remained on the table 8/15/2022)

NEW BUSINESS

4. (2) MH CU-2201582 Durbin Petroleum LLC - 15551 W. Cleveland Ave. - Conditional Use Approval to reoccupy the existing building for a gas station and construct a new fuel pump canopy in the B-2 Zoning District. (PUBLIC HEARING HELD 8/15/2022)

5. (1) KH SG-2202022 Reggie Peters with Lemberg Electric – 14000 W. Cleveland Avenue – Sign waiver requests for Cleveland Pub
6. (7) NJ LD-2201278 Josh Radomski, Director of Public Works, on behalf of City of New Berlin for New Berlin Centre Cemetery - 18001 W. National Avenue (Tax Key #: 1262-960)-1-Lot Certified Survey Map.

PENDING

7. (4) KW LD-2201280 Mellisa Hayes on behalf of Kyle Kloc and Natalie Anastas - 5920 S. Racine Avenue - 2-Lot Certified Survey Map. (Tabled 7/11/2022)

COMMUNICATIONS

8. 2023 Plan Commission Meeting Dates - Kelly Wall

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: Lance McTrusty – Bauer Sign and Lighting / Minuteman Press Sign Waiver Request

LOCATION: 13823 W. National Avenue (Tax Key #: 1202.987)

REQUEST: Approval of a Waiver Request to allow for an additional wall sign, for a total of two wall signs, for Minuteman Press located at 13823 W. National Avenue.

D.R.C RECOMMENDATION: Recommend denial of this Waiver Request for Minuteman Press located at 13823 W. National Avenue, subject to the application, plans on file and the following reasons:

WAIVER REQUEST: *Applicant is requesting a waiver from Section 275-61I(2)(a) of the Zoning Code, which states that “only two signs may be permitted per business. Owners may elect for them to be any combination of wall signs, ground signs, or monument signs, not exceeding a total of two, and approved by DCD staff.”*

1. The applicant (Minuteman Press) is proposing to install a second wall sign on the west elevation. Applicant’s letter and proposal are attached.
2. Per §275-61I(1)(c)[6] of the Zoning Code, applicants 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.
 - a. A previous wall sign waiver (File #: SG-79-04) was reviewed by the Plan Commission on December 8, 2004. The request for a wall sign was approved with the condition that *“it is not practical to locate a monument sign on this property as required by Section 275-61(I)(1)(c)(1) of the Municipal Code. Based on recommendation from the Transportation Division Engineer, staff is requesting that this requirement be waived for this particular tenant and allow the installation of this wall sign.”*
3. Per §275-61I(2)(c), separate wall canopy or fascia signs may be allowed for each tenant in a retail, shopping, industrial or commercial center, subject to the approval of an overall coordinated sign plan by the DCD staff for the building. The size of wall signs approved in this manner shall be figured using the width of the bay occupied by each tenant.
 - a. The Plan Commission originally reviewed the applicant’s request at the January 10, 2022 meeting and tabled the item with direction to explore a coordinated sign plan / multi-tenant sign.
 - b. In August, the applicant and owner submitted a “coordinated sign plan” in which staff recommended denial, as the requirements of the plan did not benefit all tenants equally. However, it was requested that the application remain tabled at the August Plan Commission meeting.
4. The business has obtained a permit to install a wall sign on the north (front) elevation.
5. Pursuant to 275-61D(5) of the Zoning Code: *“An applicant may appeal a decision made by staff to the Plan Commission or the Community Development Authority (where applicable) for determination. An additional review fee as determined by the Director shall be required for any sign application that is forwarded to the Plan Commission or the Community Development Authority (where applicable) for review.”*

6. Pursuant to 275-61D(6) of the Zoning Code: *“An applicant may request a waiver from the Plan Commission or Community Development Authority (where applicable) for the requirements set forth in this section.”*

Background:

1. Per §275-52C, Waivers/modifications:
 - (1) *The Plan Commission may waive or modify any or all of the other requirements of this article if it determines that:*
 - i. *The site or activity in question will have no appreciable off-site impact;*
 - ii. *Compliance with the requirement(s) is impractical or impossible due to site conditions or other circumstances beyond the control of the applicant; or*
 - iii. *The specific requirement is not necessary for a particular site to ensure compliance with the requirements of this chapter.*
2. Over the last few years, the building has been converted to a multi-tenant building with at least 4 tenants.

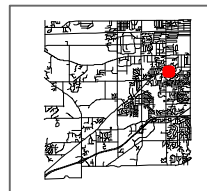
Attachments:

Location Map
Applicant Letter
Owner Letter
Sign Rendering
1/10 Meeting Minutes

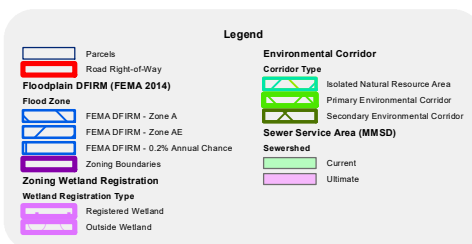
SG-2102512

Minuteman Press

13823 W. National Avenue



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



0 45 90 Feet



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**2500 South 170th Street
New Berlin, Wisconsin 53151
Proudly Made In the USA!**

September 29, 2021

New Berlin Planning Commission
3805 S. Casper Drive
New Berlin, WI 53151

Dear Planning Commission:

We are here today to ask for your approval to have a second sign on the North-East side of the Minuteman space. Previously this was allowed and approved by the Planning Commission for the former tenant, Interstate Music to have a second sign due to the same hardships, see attachment A.

There are several hardships this shopping center has, that should reinforce our request to be allowed the second sign. The positioning of the building as compared to the road is not horizontal to National Ave, making it hard to see any of the tenants store front signs, see attachment B, as you can see you cannot see the former Interstate Music sign over their main entrance, but you can see the side sign well.

The other hardship is there is no safe place to place a monument sign by the road. There is an electrical easement and vision triangle on the far North-East side of the property, then just a narrow strip of grass along the entire storefronts that leads to another electrical easement and sight triangle on the South-West side of the property, see attachments B & C. Per code this property is allowed a monument but there is no reasonable place that one could go, that is safe for the community.

Due to the fact that Interstate Music was granted a waiver for the additional side sign, which was much larger than what we are proposing, and the fact that the building slants away from the road not allowing motorists to see the main signage over storefronts from a distance, and that fact that there is no safe place to install a monument sign, which code allows, we strongly feel that we should be granted the second wall sign per the attached drawing, due to the hardships. There is a store Michelsen's Office Furniture 2 blocks away at 14059 W. National Ave, that has a monument sign and 4 wall signs, see attachment D, this is another reason why our request is not overwhelming.

We thank for your time, and effort, as you review and consider our simple request for a second wall sign.

Sincerely,

Paul Butler

January 27, 2022

Kelly Wall

Principal Planner

City of New Berlin

3805 S. Casper Dr.

New Berlin, WI 53151

Phone: (262) 797-2445

Email: kwall@newberlin.org

Dear Ms. Wall:

Thank you for taking the time to discuss the signage at 13819 West National Avenue. It is our goal to communicate and work together with the City of New Berlin. As the building owner, we collaborate with each tenant individually to review their signage needs. We agree with the request to add an additional sign on the west side of the building for Minuteman Press. It is esthetically pleasing and fits well with the unique position of the building placement on the lot.

At this point in time, we have no plans to introduce a master tenant sign. If we should decide in the future, we would propose a Coordinated Sign Plan to work within the sign code square footage requirements and present all the details to the plan commission for review and discussion.

Best Regards,

A handwritten signature in black ink, consisting of a stylized 'R' followed by a long horizontal line that ends in a small loop.

Richard Dahl

Distinctive Ventures, LLC

File	Minuteman Press
Location	New Berlin
Client	
Sales rep	Paul Butler
Date	cb 09/17/21
Revision	cb 09/21/21

Web: www.bauersignusa.com
 Phone: 262-784-0500
 Fax: 262-784-6675

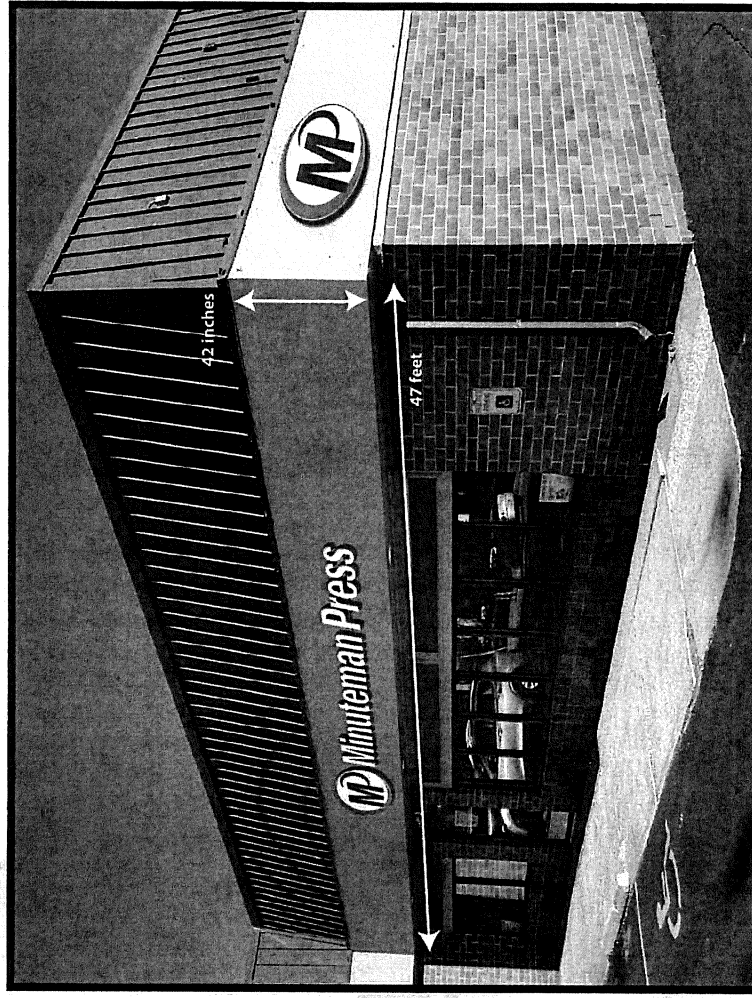
2500 South 170th
 New Berlin, Wisconsin
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SPECIFICATIONS

FABRICATE AND INSTALL (1SET) INTERNALLY ILLUMINATED, RACEWAY MOUNTED CHANNEL LETTERS.

- FACES TO BE #7328 WHITE ACRYLIC
- LOGO MODULE FACE TO BE DECORATED WITH TRANSLUCENT VINYL OVERLAYS TBD - BEST MATCH TO PMS 341C AND PMS 165C
- RETURNS TO BE .040X3" AND BACKS TO BE .050 ALUMINUM
- TRIMCAPS TO BE 1" WHITE PAINTED PMS 341C
- EXTERIORS PAINTED PMS 341C
- INTERIORS PAINTED WHITE
- ILLUMINATED WITH WHITE LEDs
- POWERED WITH APPROPRIATE LOAD POWER SUPPLIES
- RACEWAY TO BE 5"x3.5" x 49" AND PAINTED TBD TO MATCH FACADE



Printed artwork colors are not always representative of final product colors. Please refer to specifications for call out or salesman for samples.
 These drawings are the exclusive property of Bauer Sign Company. Not to be duplicated in any way without expressed written permission!

FINAL ELECTRICAL
 CONNECTION IS CLIENT'S
 RESPONSIBILITY

Our products are certified by:
 Underwriters Laboratories, Inc.

This sign shall be manufactured in accordance with
 the specifications of the International Sign Association
 and shall comply with all applicable local, state and
 federal codes and regulations.

Scale: 1/2" = 1'



**CITY OF NEW BERLIN
PLAN COMMISSION - MINUTES
Monday, January 10, 2022**

REGULAR MEETING

Zoom Meeting

6:00 PM

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

This Committee 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 # 859 1230 9075: to join.

All votes were taken via a voice roll call vote.

PUBLIC HEARING(S)

(4) NJ CU-2102623 Jim Hart, New Berlin Utility Manager, on behalf of the New Berlin Utility Department -15451 W. Beloit Road (Tax Key #: 1254993001) (also referred to as 4950 S. Moorland Road (Tax Key #: 1254-982 in City files) - Conditional Use to reconstruct the Westridge Lift Station. (PUBLIC HEARING 6:00 PM)

Deputy Clerk/Licensing Specialist, Rubina Medina reviewed the procedures to be conducted as this meeting was held via zoom.

Mayor Ament read the rules for a public hearing and called the public hearing to order at 6:01 PM.

Deputy Director of Community Development, Nikki Jones read the Public Hearing Notice and gave a brief presentation to the Commission. Diane Thoun with Clark Dietz gave a presentation.

Mayor Ament asked if there were any citizens in attendance that had questions for clarification. No questions were asked.

Mayor Ament asked if any citizens in attendance wished to speak in favor of the application. There were none.

Mayor Ament asked if any citizens in attendance wished to speak in opposition of the application. There were none.

Mayor Ament asked the Commissioners if they had any questions for clarification and/or comments. Commissioners did have questions which were answered.

The Public Hearing Adjourned at 6:16 PM.

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 6:17 PM and led the Pledge of Allegiance.

ROLL CALL; DECLARATION OF QUORUM

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

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 Planner Kelly Wall, City Attorney Mark Blum, and Deputy City Clerk/Licensing Specialist Rubina Medina.

APPROVAL OF MINUTES

ITEM: December 6, 2021 Meeting Minutes

MOTION: Motion to approve the minutes from the December 6, 2021 meeting.

VOTE: Motion by: Commissioner Felda
Second by: Commissioner Rafel
Motion Passed 7-0.

PLAN COMMISSION SECRETARY'S REPORT

No Report.

NEW BUSINESS

ITEM: (6) KW SG-2102512 Lance McTrusty with Bauer Sign and Lighting – 13823 W. National Avenue – Sign waiver request for Minuteman Press.

Kelly Wall introduced the item and read DCD Recommendation. Applicant is requesting a waiver from Section 275-61(2)(a) of the Zoning Code, which states that “only two signs may be permitted per business. Owners may elect for them to be any combination of wall signs, ground signs, or monument signs, not exceeding a total of two, and approved by DCD staff.” Kelly stated that staff is recommending denial of this Waiver Request for Minuteman Press located at 13823 W. National Avenue, subject to the application, plans on file and the reasons listed on the staff report which is attached to the agenda packet.

The Plan Commission reviewed the application for waiver request.

MOTION: Motion to table the waiver request from Lance McTrusty with Bauer Sign and Lighting.

VOTE: Motion by: Alderman Stribl
Second by: Mayor Ament
Motion Passed 7-0.

ITEM: (5) KW SG-2102518 Chris Hampton with Springfield Sign – 14855 W. National Avenue – Sign waiver request for Culvers.

Kelly Wall introduced the item and read DCD Recommendation. Applicant is requesting a waiver from Section 275-611(1)(g)[7] of the Zoning Code, which states that a sign containing an EMC shall not be located closer than 100 feet from a residentially zoned property. The distance shall be calculated as the shortest measurable distance between the face of the sign to the edge of the residential zoning district, in a straight line without regard to intervening structures. Right-of-way is not included and shall be subtracted from this measurement. Kelly stated that staff is recommending denial of the Waiver Request for Culvers located at 14855 W. National Avenue, subject to the application, plans on file and the following reasons listed on the staff report attached to the agenda packet.

The Plan Commission reviewed the application for waiver request.

MOTION: Motion to deny the waiver request from Culvers to have an EMC located at 14855 W. National Avenue.

VOTE: Motion by: Alderman Stribl
Second by: Commissioner Rafel
Motion Passed 7-0.

ITEM: (7) KW CU-2001518 Justin Bohler with ReVision Real Estate – 17400 W. National Avenue – Extension of approval for the Conditional Use, Site and Architecture for the construction of a new office/service commercial building.

Kelly Wall introduced the item and read DCD Recommendation. Staff is recommending approval of a 12 month extension for the approval of a Conditional Use Permit for Property ReVision to construct a new office and service commercial building, located at 17400 W. National Avenue, subject to the application, plans on file and the conditions of approval: See Original Staff Report from 2/1/2021 which is attached to the agenda packet.

The Plan Commission reviewed the application for waiver request.

MOTION: Motion to recommend approval of the 12 month extension of the Conditional use, Site and Architecture for the construction of a new office/service commercial building located at 17400 W. National Avenue subject to the application, plans on file and staff's conditions.

VOTE: Motion by: Commissioner McGrath
Second by: Commissioner Biller
Motion Passed 7-0.

ITEM: (4) KW LD-2102520 Darin Frerichs with Berengaria Development, LLC - 5200 S. Moorland Road - 2-Lot Certified Survey Map.

Kelly Wall introduced the item and stated that the applicant has requested additional time to make revisions. Staff recommendation is to table this item.

MOTION: Motion to approve the request to table the Certified Survey Map application located at 5200 S. Moorland Road.

VOTE: Motion by: Mayor Ament
Second by: Commissioner Anderson
Motion Passed 7-0.

ITEM: (4) NJ CU-2102623 Jim Hart, New Berlin Utility Manager, on behalf of the New Berlin Utility Department -15451 W. Beloit Road (Tax Key #: 1254993001) (also referred to as 4950 S. Moorland Road (Tax Key #: 1254-982 in City files) - Conditional Use to reconstruct the Westridge Lift Station. (PUBLIC HEARING 6:00 PM)

Nikki introduced the item and read staff's recommendation.

MOTION: Motion to approve the Conditional Use for the New Berlin Utility Department to reconstruct the Westridge Lift Station, located at 15451 W. Beloit Road, subject to the application, plans on file and staff's conditions.

VOTE: Motion by: Commissioner Biller
Second by: Commissioner Rafel
Motion Passed 7-0.

ADJOURN

MOTION: Motion to adjourn the Plan Commission meeting at 7:00 PM.

VOTE: Motion by: Commissioner Rafel
Second by: Commissioner Biller
Motion Passed 7-0.

Respectfully Submitted,
Rubina Medina
Deputy City Clerk/Licensing Specialist

STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT/PROJECT: Emily Petrie with Kohler Pit / Kohler Pit Interim Filling & Grading Permit

LOCATION: 4635 S. Racine Avenue (Tax Key #: 1231992)

REQUEST: Applicant is requesting Use & Site Approval for an on-going filling and grading permit for the property located at 4635 S. Racine Avenue.

D.R.C. RECOMMENDATION: Approval of the request for an on-going filling and grading permit for the property located at approximately 4635 S. Racine Avenue subject to the application, plans on file and the following conditions:

1. Planning:

- a. The applicant shall adhere to the submitted Plan of Operation:
 - i. The project will consist of an on-going fill operation to prepare the site for future development.
 - ii. Hours of Operation: Applicant shall abide by the hours of operation, which are: 7:00 AM to 7:00 PM Monday – Friday and 7:00 AM to 4:00 PM Saturday. No work to be completed on Sunday. Extended hours may be necessary from time to time. The applicant will notify the City for exceptions to the hours of operation and when large volume activities are anticipated. Grading and filling are anticipated to take up to three years.
 - iii. Fill material will be hauled in by dump trucks. Average daily construction vehicle counts will vary, but could be up to 200 loads a day during this job.
 - iv. This request is to allow for filling the site per the grading plan. The applicant is proposing to re-grade the site in three phases to minimize open ground and runoff to the wetlands.
 - v. The contractor will be required to follow the terms of this permit and to provide adequate supervision of the hauling project, the trucking activity, the condition of the tracking pad and the ingress/egress areas, the actual dumping of the dirt, erosion control activities and the stabilization, seeding and restoration in order to keep all activities in compliance with this permit and all City, State, and Federal Regulations.
 - vi. Kohler Pit will require a clean soil certification and a certificate of insurance before any fill can be placed on their property.
- b. Tree inventory and removal has been provided. Applicant shall pay the tree fee based on calculations prepared by staff.
- c. Applicant shall supply the City with final grading plans as each phase is completed.
- d. Applicant shall accommodate an annual inspection by the City upon request by Staff. Staff shall review the site and the Annual Report every year for compliance with this zoning permit and refer any unresolved issues to the Plan Commission for review.
- e. Applicant shall provide staff with an Annual Report in the following format:
 - i. Site Plan showing locations of fill placed during the previous year.

- ii. The approximate quantity of fill brought in during the previous year.
 - iii. If available, an aerial photo to be included at a minimum of every third year beginning in 2022.
 - iv. Advanced discussions presenting potential modifications to the site plan, the grades, or methods of operations and the reasons for those requests.
 - v. Any other relevant project data or information from the previous year or anticipated for the following year.
- f. Sale of topsoil is permitted with this permit. See Plan of Operation letter.
 - g. Only equipment and trucks used to grade, transport and compact material shall be parked and stored on-site.
 - h. Any future buildings placed on this site shall require a soils engineering report at the time of building permit application.
 - i. Final grades shall be consistent with those on the submitted grading plans. Minor topography changes that deviate from the approved conceptual grading plan can be staff approved.
 - j. Employee parking shall be contained on-site.
 - k. Grading and/or filling shall not extend beyond the limits of disturbance shown on submitted plans. Perimeter vegetation shall be maintained to the maximum extent practicable.
 - l. Dust control measures shall be in place and maintained at all times.
 - m. Any tracking on Racine Avenue or Lawnsdale Road will need to be cleaned up immediately.
 - n. Per Section 275-55.A(4)(a) of the Zoning Code, "In all cases, fill shall consist of clean earth containing no more than 25%, by volume, of building stone and concrete, and no more than 5%, by volume, of incidental asphalt. Fill operations which exceed these limits or operations that require more than one year for completion are considered a landfill and will be regulated as such."
 - o. Per Section 275-55.A(4)(b) of the Zoning Code, "Fill shall consist of satisfactory soil or a mixture of satisfactory soil, stone, gravel or other acceptable materials which is of a character and quality satisfactory for the purpose intended. The material shall be free from sod, stumps, logs or other organic matter, all types of refuse including construction refuse, fragments of concrete larger than two feet in any dimension and such other material that in the judgment of the Director is unsuitable."
 - p. A stoned area shall be provided for the staging of the construction equipment, job trailers, parking for the contractors/sub-contractors, inspectors and visitors to the site.
 - q. Grading and Erosion Control permits are required.

2. Storm Water Utility:

a. Modeling

- i. The SWMP is missing the post and future development models. Please review and resubmit for review and approval.

- b. Future development of the site will be inhibited by the grading operations, as it pertains to sanitary facilities. Plan of operation notes *"the areas of site that is likely acceptable for septic are in the north and northwest parts of the site. The grading plan leaves some of this area untouched. A mound system would likely be able to be sited there, however, perk tests have not been conducted to date. However, the current thinking on future development for the site is self-storage. This type of development would not require a septic."*
 - c. WDNR NOI required.
 - d. WDNR fill permits required for any filling of wetlands.
 - e. A grading recertification 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.
3. City Engineer:
- a. The minimum allowable overland flow is 1.5%. The ditch along Racine Avenue is at 0.4% slope. The designer and the property owner are aware that the ditch line along Racine Ave and the west side of the fill section are less than 1.5% and will likely be wet.
 - b. Access to the site is limited to the access from the owner's adjacent property to the north. If additional access points are requested from Waukesha County, a copy of the access permit shall be on file with the City of New Berlin.
 - c. The filling of this site as proposed may render this land incapable to hosting a Private on-site wastewater treatment system. A site has not been identified or perk tested for a POWTS location.
 - d. Haul routes for this filling and grading work shall use arterial roads. Per Municipal Code Section 261-5, heavy traffic prohibited, roads listed as prohibited for heavy traffic in this section, shall not be used for hauling for this project. Note, that Coffee Road is being resurfaced during of September 2022. Please instruct all drivers of this request.

DETAILS IN ATTACHED STAFF REPORT

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

Meeting of October 3, 2022

**Emily Petrie with Kohler Pit/ Kohler Pit On-going Filling and Interim Grading Plan
4635 S. Racine Avenue (Tax Key #: 1231992)**

DATE STAFF REPORT PREPARED: September 2, 2022

APPLICANT / OWNER(S): Emily Petrie with Kohler Pit / Kohler Pit, Inc.

REQUEST/DESCRIPTION OF PROJECT: Use and Site approval for an Interim Grading Plan located at 4635 S. Racine Avenue

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: Several resubmittals with the most recent on 9/2/2022

DATE OF COMPLETENESS DETERMINATION: 9/2/2022; revised plan submitted on 9/1/2022
Application Check List Enclosed: No

PRE-APPLICATION CONFERENCE HELD: Yes
(Date(s) of Meeting(s): Numerous Zoom meetings and phone calls / Site Visit(s): Several with the most recent on 8/4/2022)

CONCEPTUAL PLAN: Yes, see attached plans.
Recommended Y / N / Other: Yes

SIZE OF DEVELOPMENT / PARCEL(S): 35.6 Acres

CURRENT ZONING: Q-1, Quarrying and Extractive District

CURRENT LAND USE: Vacant

PROPOSED ZONING: N/A

PROPOSED LAND USE: The applicant is proposing a phased grading plan.

PROPOSED LOT SIZE(S): N/A

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North:	Zoning: Q-1/PUD	Land Use: Club Car Business
South:	Zoning: R-1/R-2	Land Use: Single-Family Residential
East:	Zoning: R-1/R-2	Land Use: Single-Family Residential
West:	Zoning: R-1/R-2	Land Use: Single-Family Residential

CONFORMANCE WITH THE 2020 COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes
Chapter 12: Neighborhood "B": West Lincoln Avenue & Western Areas: Yes, this request meets the intent of this Chapter.

Vision:

- Development in this area will incorporate environmental protection as a basic value, including its importance as an aquifer recharge area.
- Larger assemblages of environmentally sensitive or floodplain areas will be preserved as either publicly or privately owned open space.

Land use:

- Future Land Use Map: Quarry
- Land Use Section - Quarry
 - ✓ During the planning horizon for this Plan, it is anticipated that two of these quarries will transition and be reclaimed into their approved post-mining land uses. Specifically, the New Valley Sand & Gravel Quarry (identified in Neighborhood "J" has been identified as a future business park and **the Kohler Pit has the following approved post-mining land uses – rural commercial, agriculture and aquaculture (both in recreational & commercial formats).** Kohler Ridge Subdivision was approved by the Common Council in, 2016. The subdivision encompasses a portion of the former Kohler Sand & Gravel Mine and resulted in the complete restoration of approximately 65 acres of formerly mined land.
- Chapter 12, Neighborhood B
 - ✓ Among the sand and gravel quarries in Neighborhood B is the Kohler Pit, located at 20640 W. Kohler Court. The Kohler Pit has a reclamation plan, approved by the Plan Commission in May 2003, which outlines what types of land uses should be implemented as the company reclaims sections of the quarry. **The plan discusses aquaculture, forestry, recreation, retail, and residential as appropriate future uses for the land.**
 1. Aquaculture (i.e. fish farming) uses intend to provide both a commercial food product and recreational fishing opportunities for the public.
 2. Forestry uses, termed as "agriculture" in the plan, would allow for tree growth on graded slopes for bank stabilization and green space. These trees could be forested for various markets as needed.
 3. Recreational uses would include trails, parks, and for-fee camping areas similar to those provided in Wisconsin state parks.
 4. Residential uses would be constructed on selected parcels in order to finance other uses. Profits from land sales to developers would provide this financial support.
 5. **Rural commercial uses along Racine Avenue would offer services for the immediate neighborhood. Although commercial uses were not requested by the neighborhood at public meetings, this corridor would provide an appropriate level of small-scale retail uses or other low intensity uses not requiring public utilities, such as indoor self-storage or small-scale office.**

The section below will be reviewed at the time of a Use, Site and Architectural application for this parcel.

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.*

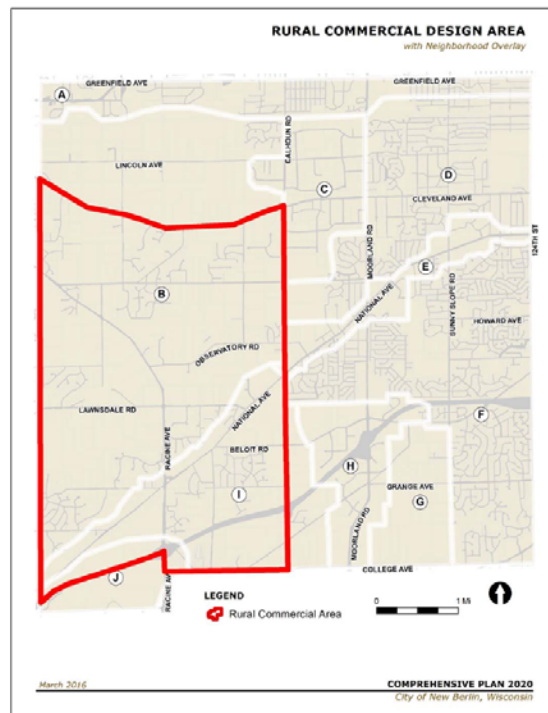


Figure 12.12-1. Rural Commercial Design Area.

ZONING CODE (Chapter 275): Yes, will meet all the requirements of Chapter 275-37B(1) (Quarrying and Extractive District) and Chapter 275-37B (4) (Shoreland Wetland Holding District) of the Zoning Code and Section 275-55A of the Zoning Code related to filling and grading.

SUBDIVISION CODE (CHAPTER 235): N/A

PUBLIC HEARING REQUIRED: No

CONCEPTUAL USE / SITE /ARCHITECTURAL REVIEW:

Use Approval Required: Yes

Site Plan Required: Yes, conceptual grading plan.

Architectural Review Required: No

PROPOSED ARCHITECTURE: N/A

UNIQUE SITE CHARACTERISTICS:

Environmental Corridor: Yes

Wetland On Property: Yes, wetland delineation report prepared by Heartland Ecological Group, Inc. dated January 23, 2019.

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

NRCS Map Classification: Not inventoried.

Floodplain: No

Topography / Geologic: Site is fairly flat.

BIKE & PEDESTRIAN FACILITIES: N/A

PARK & OPEN SPACE PLAN: N/A

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): Shown on plans.

Woodland, Tree, and Vegetation Protection: Trees to be removed are indicated on the plans. A tree fee will be required.

Wildlife Habitat Protection: N/A

Wildlife Management Plan: N/A

ENVIRONMENTAL IMPACT: All the fill placed on this site will be clean fill. The applicant is required to adhere to the fill standards in Section 275-55A(4) of the Zoning Code. The applicant has submitted a wetland delineation report completed by Heartland Ecological Group, Inc., dated January 23, 2019.

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. A storm water maintenance plan has been submitted and is under review.

SANITARY SEWER PROVISION:

Within Current Sewer Service Area: No

Sewershed Capacity Available: N/A

Adequate Linkage: N/A

On-site system required: Yes, the County will likely require a holding tank for any future development on this site, unless a suitable site can be located for septic system.

WATER USAGE CALCULATION: No change.

TRAFFIC IMPACT: All trucks will enter and exit the site through the main drive area. The range of truck loads during this job would be around 200 loads per day.

SCHOOL DISTRICT IMPACT: N/A

PREVIOUS ACTION:

4/11/2022 Request was tabled by the Plan Commission.

8/15/2022 Plan Commission placed the item back on the table.

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

1. Please see the applicant's Plan of Operation.
2. This would permit Kohler Pit, Inc. to accept fill that meets the clean fill requirements. The project is scheduled to begin this fall and will be done in phases per the applicant's plan of operation letter.
3. Section 275-55A(4) of the Zoning Code requires Plan Commission approval for filling operations.
4. No asphalt will be brought to this site.
5. In a WDNR letter dated 6/4/2019 regarding Artificial Wetland Exemption Determination, the conclusion states, "based upon the information provided above, the wetland identified as W-1 lacked a wetland

history prior to August 1, 1991 and fulfills all artificial wetland exemption standards. Therefore, W-1 is exempt from state wetland regulations. The area identified was not included in this review and is not exempt from state wetland regulations."

a. Note, Wetland -1 (W-1) is 2.94 acres.

6. In a WDNR letter dated 5/8/2019 regarding Wetland Delineation Report prepared by Heartland Ecological Group, Inc., the WDNR confirmed that the wetland boundaries were acceptable.
7. Staff is not requiring a Conservation Easement as part of the filling and grading application. An easement may be required in the future to preserve the quality trees that remain in the environmental corridor area. This will be reviewed at the time of a Use, Site and Architecture permit application. .
8. The applicant met with City staff on August 17, 2022 to discuss the future land use use of this site once the filling and grading work is completed. Due to the lack of public utilities in this area, self-storage was discussed. Any development at this location would require a private onsite waste treatment System (POWTS). It was also discussed that the storage would be designed to fit into the rural character of the area.
 - a. The current Plan of Operation attached to this staff report notes a "Potential Future Development" section that addresses the discussion during the meeting with staff.
 - b. Staff also discussed the potential need for a PUD to help spell out exactly what the City and applicant would expect.

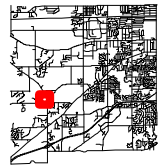
D.R.C. RECOMMENDATION:

Approval of the request for an on-going filling and grading permit for the property located at approximately 4635 S. Racine Avenue subject to the application, plans on file and the following conditions:
See Executive Summary.

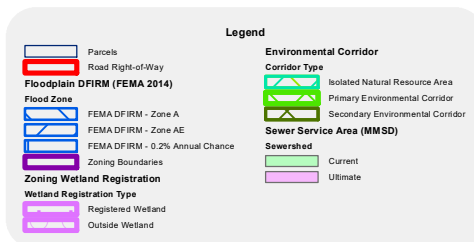
ATTACHMENTS:

Location Map
Plan of Operation
Plan Set

UA-2200499
Kohler Pit Interim Grading Plan
4635 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



0 112.5 225 Feet

Kohler Pit Inc. – Fill Site Plan of Operation

Kohler Pit Inc. proposes to fill the site at 4635 S. Racine Avenue (NBC 1231992) in the City of New Berlin. The site is comprised of an old gravel pit and a farm field that is approximately 10' lower than adjacent Racine Avenue. Two wetlands were delineated on the property; one was determined to be artificial and the other not. Kohler Pit plans to fill the site over about 3 years. This project will be conducted during business hours of 7 AM to 7 PM.

Fill Placement

The site will be filled with clean fill. No contaminated soils, organic soils, large boulders or concrete or asphalt chunks larger than 6" will be allowed. Trucks bringing in material will enter the site on Kohler Court, be weighed on the scale, drive into the fill area along the north drive, dump their load in the designated area, return to the scale and office to be weighted and to pay their tipping fee. See the Plan of Operation Exhibit for the truck path.

Tree Removal

The City had stated that their primary interest was with the trees on the west side of the property and that they were not concerned with the tree lines along the north and south property lines. To that end, we have conducted a tree survey for the west side of the site that locates all of the specimen trees 4" DBH and larger. The tree survey exhibit also shows which trees will be removed as part of filling the site, and that the western wooded area will be preserved with this work.

Storm Water Management

The filling plan will utilize sediment traps / basins in the southern portion of the site for erosion control and storm water management during the phased filling work. These BMPs have been oversized to provide sufficient volume for a future development that may have approximately 50% impervious surface (13.8 acres). The future development would convert the sediment traps/basins into the final wet pond and rain garden. A stormwater management plan has been attached to this submittal which details how the devise will achieve the water quantity, water quality and infiltration requirements.

Potential Future Development

Kohler Pit Inc. is open and interested in seeing this land developed in the future in a manner consistent with the rural character envisioned by the City for this area. Our ideal development plan is a self-storage use with rural building architecture befitting to this area. This future plan would include large undulating berms along Racine Avenue and Lawndale Road to screen and hide the views of the development from the surrounding area. The filling work being provided new will provide an adequate site for this future development and support the bermed screening envisioned. Access to the future development is expected from Lawndale Road. We do not envision needing a building with plumbing, but there are areas in the northwest part of the site that will be untouched that are suitable for a septic field should that be desired.

Phasing & Erosion Control

The site will be filled in three phases. We estimate that each phase will take about a year to fill. Please see the grading and erosion control plan for more information including the full Construction Sequence. Here is a summary. In all phases sediment runoff will be controlled by the sediment basins along the south end of the site.

Phase 1 is the SE corner of the site which includes building the sediment traps / basins in the location of the future wet pond and rain garden. Runoff from the NE area (Phase 2) will have a temporary diversion swale which will divert the water around the fill area. The west side of the site will remain internally draining during this phase.

Phase 2 is the NE corner of the site. As it is filled, the runoff will either drain to the sediment basin or some will drain into the old gravel pit, which is internally draining.

Phase 3 is the west side of the site including the old gravel pit. Once the hole of the old pit is filled, this area will then drain to the sediment basins.

Topsoil Management

Note that during the phased filling, some of the existing topsoil stockpiles on site, as well as surplus topsoil, will be trucked off and sold. We will return sufficient topsoil on the site to be able to respread all disturbed areas as part of the restoration effort.

Restoration

Each phase will be respread with topsoil and seeded with DOT seed mix #20. At the end of Phase 3, the sediment basins will remain for erosion control and storm water reasons. The sediment basins will be reworked as a wet pond and rain garden as part of a future development. See the erosion control plan and construction sequence for more detailed information.

Schedule of Operation

As mentioned above, we anticipate that each phase will take about one year. Below is an estimated schedule:

Phase 1	Summer 2022 – Summer 2023
Phase 2	Summer 2023 – Summer 2024
Phase 3	Summer 2024 – Summer 2025

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CONTRACTOR IS REQUIRED TO CONTACT DIGGERS HOTLINE TOLL FREE TO OBTAIN LOCATION OF UNDERGROUND UTILITIES PRIOR TO COMMENCING THE WORK. WISCONSIN STATUTE 182.0715 REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE.

CALL DIGGERS HOTLINE 1-800-242-8511

NOTE:
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WISCONSIN

PAUL J. JENSWOLD
E-34365
MILWAUKEE, WI

PROFESSIONAL ENGINEER

DESIGN • LAND SURVEYING

TRIO

CIVIL ENGINEERING

4100 N. CALHOUN RD.
BROOKFIELD, WI 53005
PHONE: (262) 790-1480
FAX: (262) 790-1481
EMAIL: jpuddeto@trioeng.com

PROJECT:
KOHLER PIT
FILL SITE
CITY OF NEW BERLIN, WISCONSIN
BY: KOHLER PIT, INC.
20640 W KOHLER CT
NEW BERLIN, WI 53146

REVISION HISTORY	
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05/26/22	per VILLAGE REVIEW
07/01/22	GRADING REVISIONS
08/31/22	per CITY COMMENTS

DATE:
AUGUST 31, 2022

JOB NUMBER:
07007

DESCRIPTION:

INTERIM
GRADING PLAN

SHEET

C1.0

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**SEDIMENT TRAP
(FUTURE RAIN GARDEN BASIN P-1)**
TOP - 907.00
BERM BETWEEN WETLAND & BASIN - 904.00
10' WIDE SPILLWAY - 906.00
BOTTOM - 902.50
1-YR = 903.44
2-YR = 903.57
10-YR = 904.07
100-YR = 905.30

EXISTING
WETLAND

TOP OF BERM EL. 904.00;
TEMPORARILY RAISE BERM TO 907.00
FOR SILT TRAP CONSTRUCTION, SEE
EROSION CONTROL PLAN

30" OUTLET PIPE
INV. = 903.25

82.4 LF ~ 30" HDPE
STM SEWER AT 0.30%

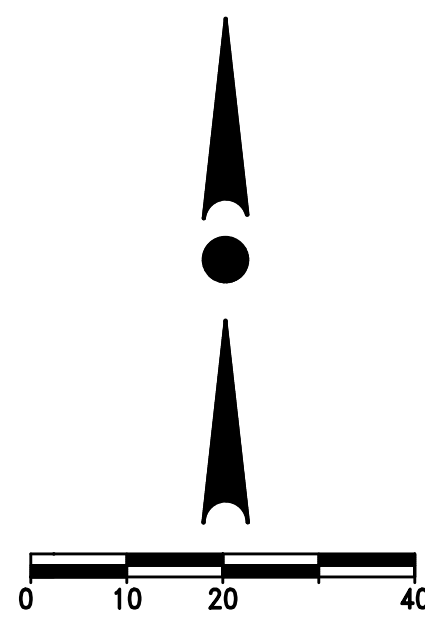
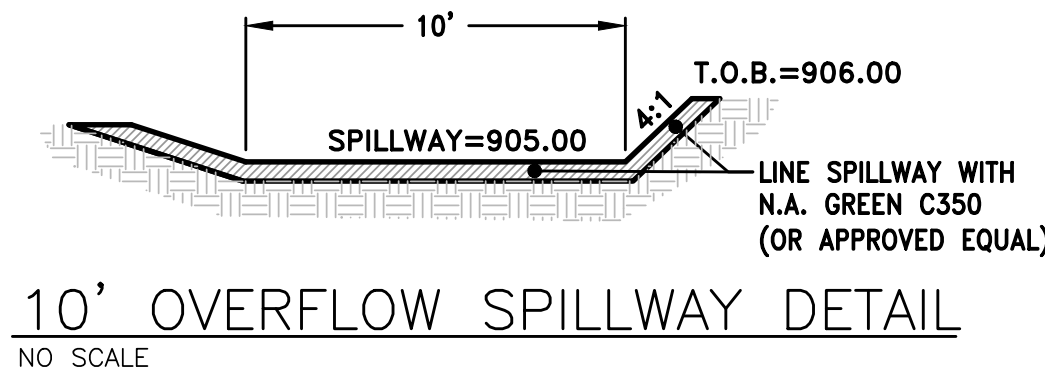
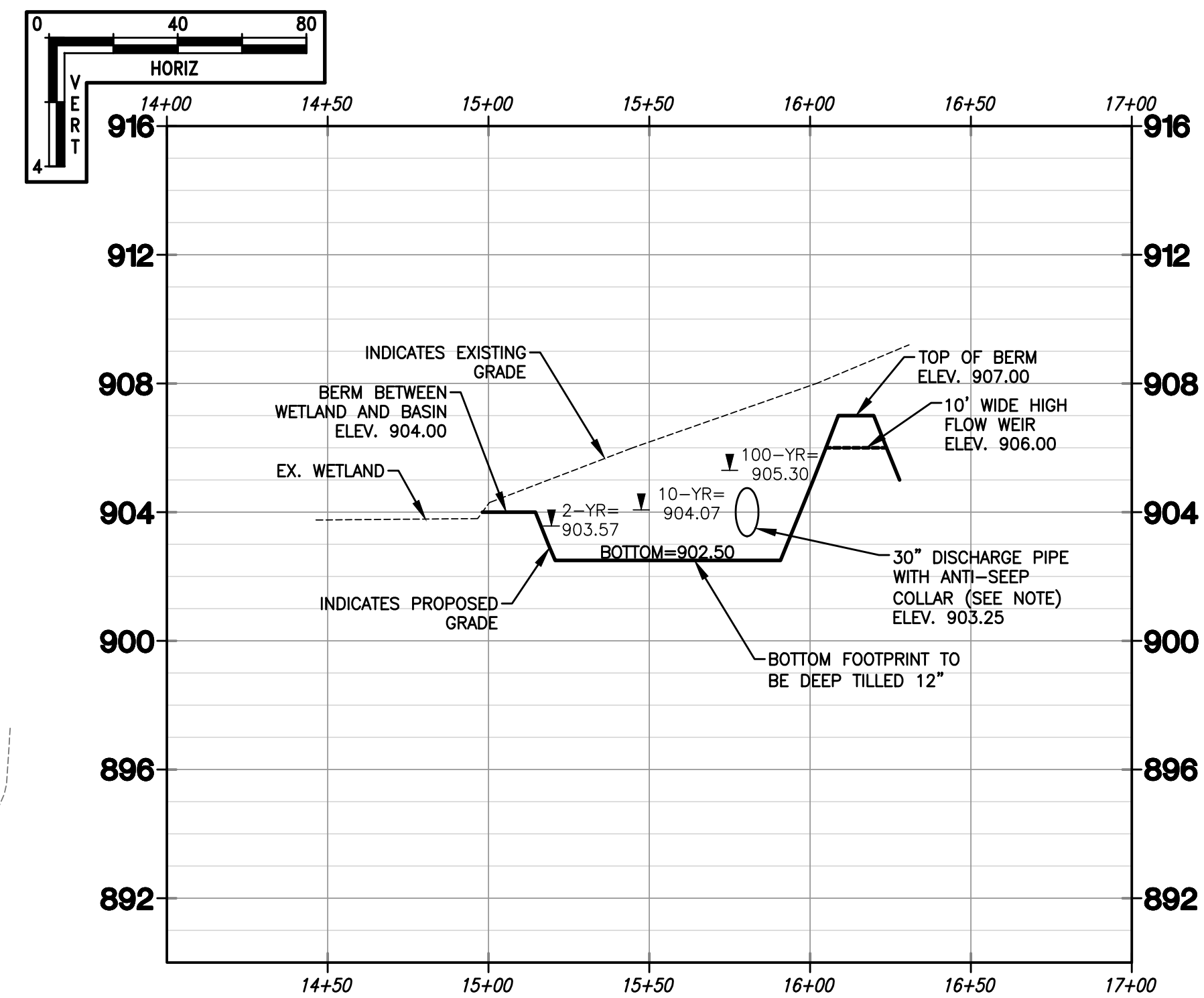
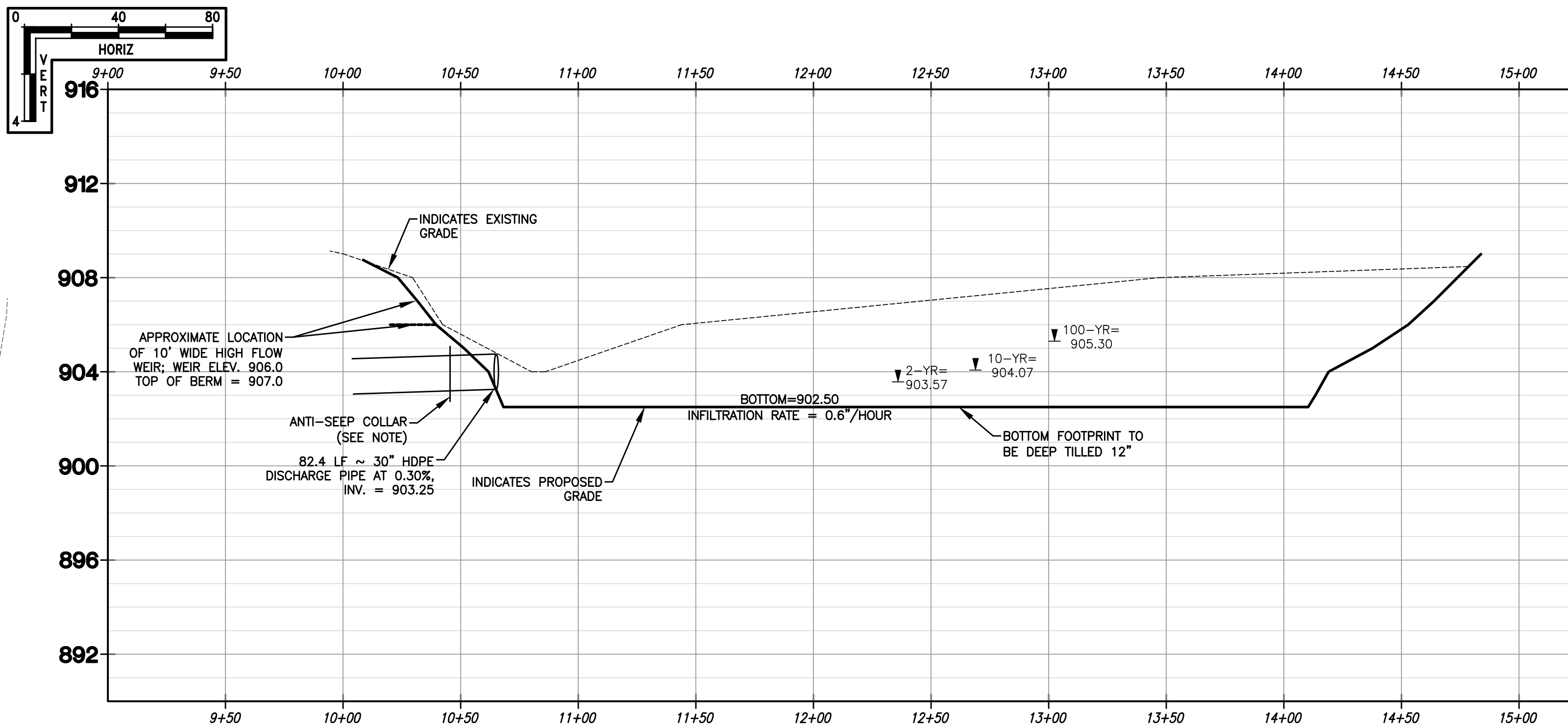
10' SPILLWAY
EL. 906.00

30" OUTLET PIPE
INV. = 903.00

903.71" WATER VALVE

905.28" WATER VALVE

TWO-PIECE ANTI-SEEP COLLAR NOTES:
- ANTI-SEEP COLLAR MATERIAL SHALL MATCH OUTLET PIPE MATERIAL.
- ANTI-SEEP COLLARS SHALL BE 1/4" POLYETHYLENE SHEETS WITH COLLAR
FOR PIPE; DIMENSIONS SHALL BE AS NOTED ON THE DETAIL.
- INSTALL ANTI-SEEP COLLARS PER MANUFACTURER SPECIFICATIONS.



Scale: 1" = 20' (22"x34")
Scale: 1" = 40' (11"x17")



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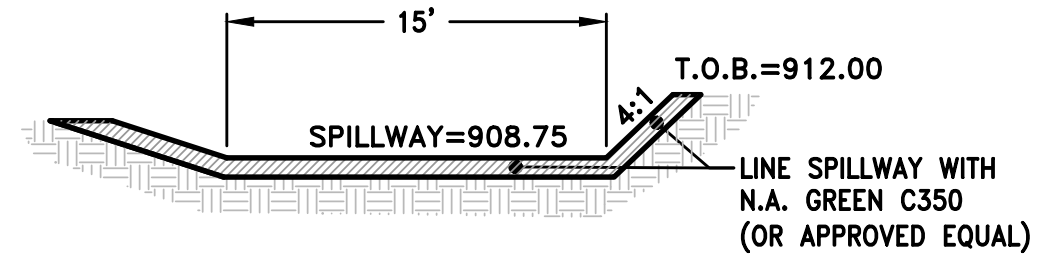
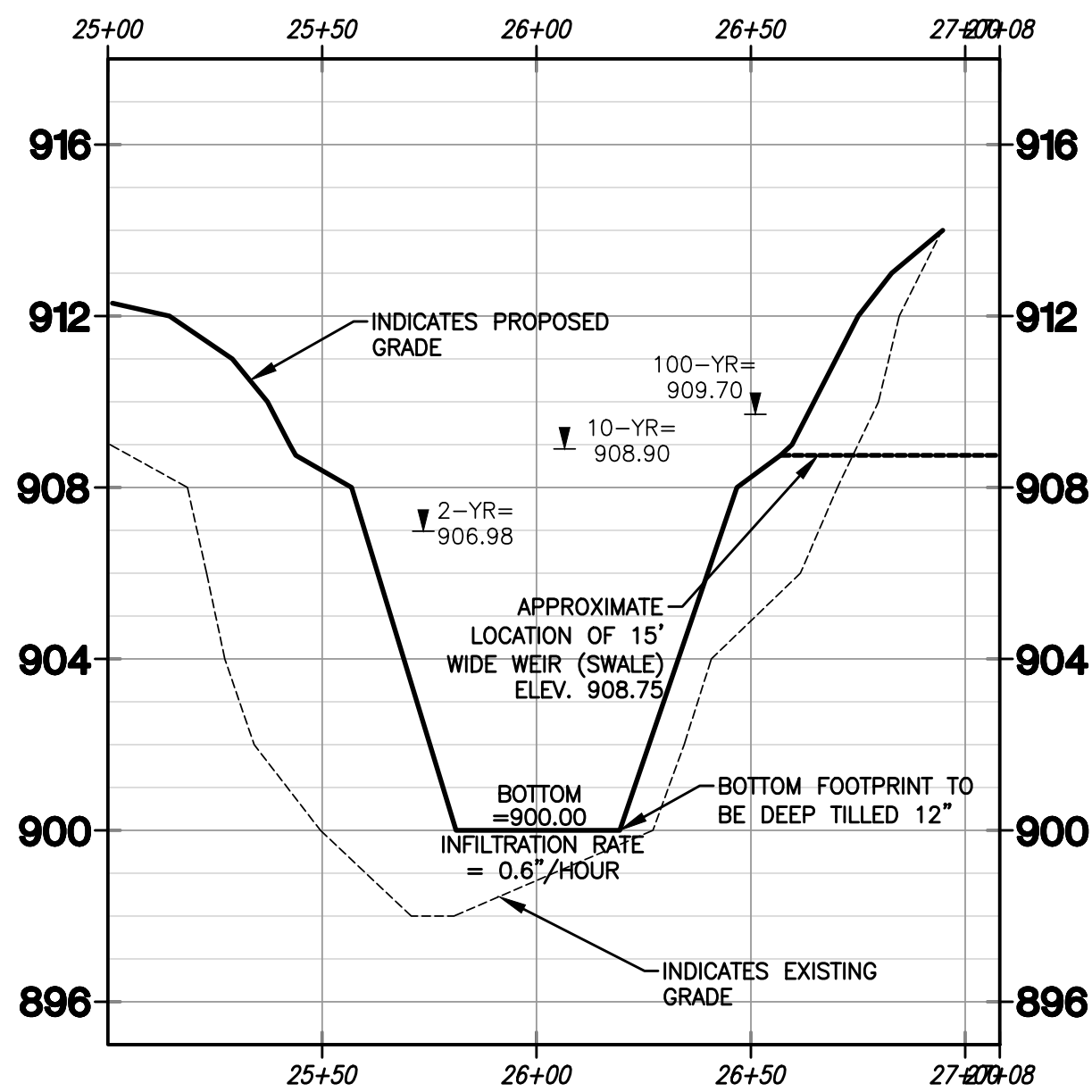
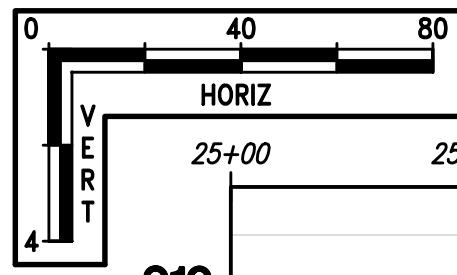
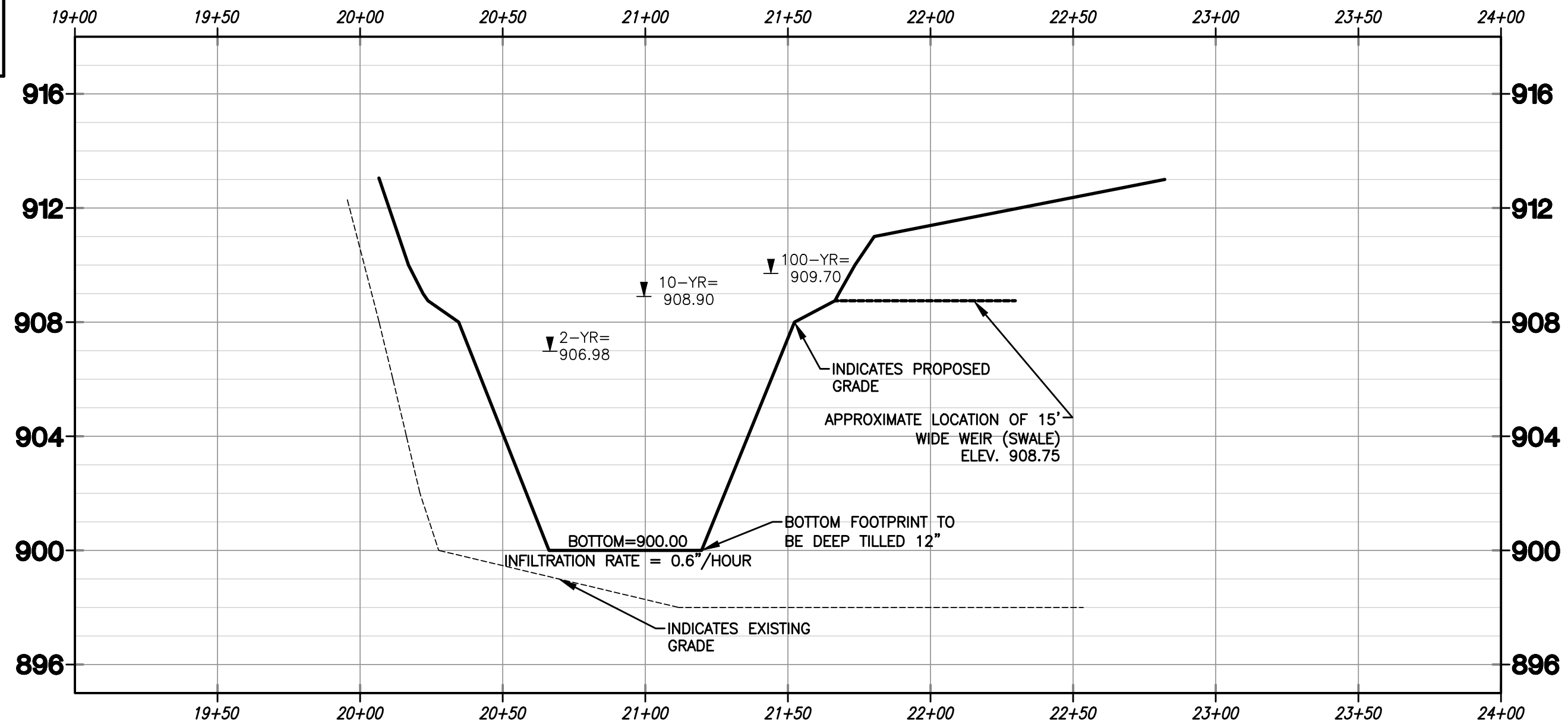
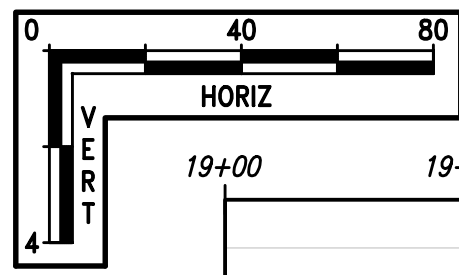
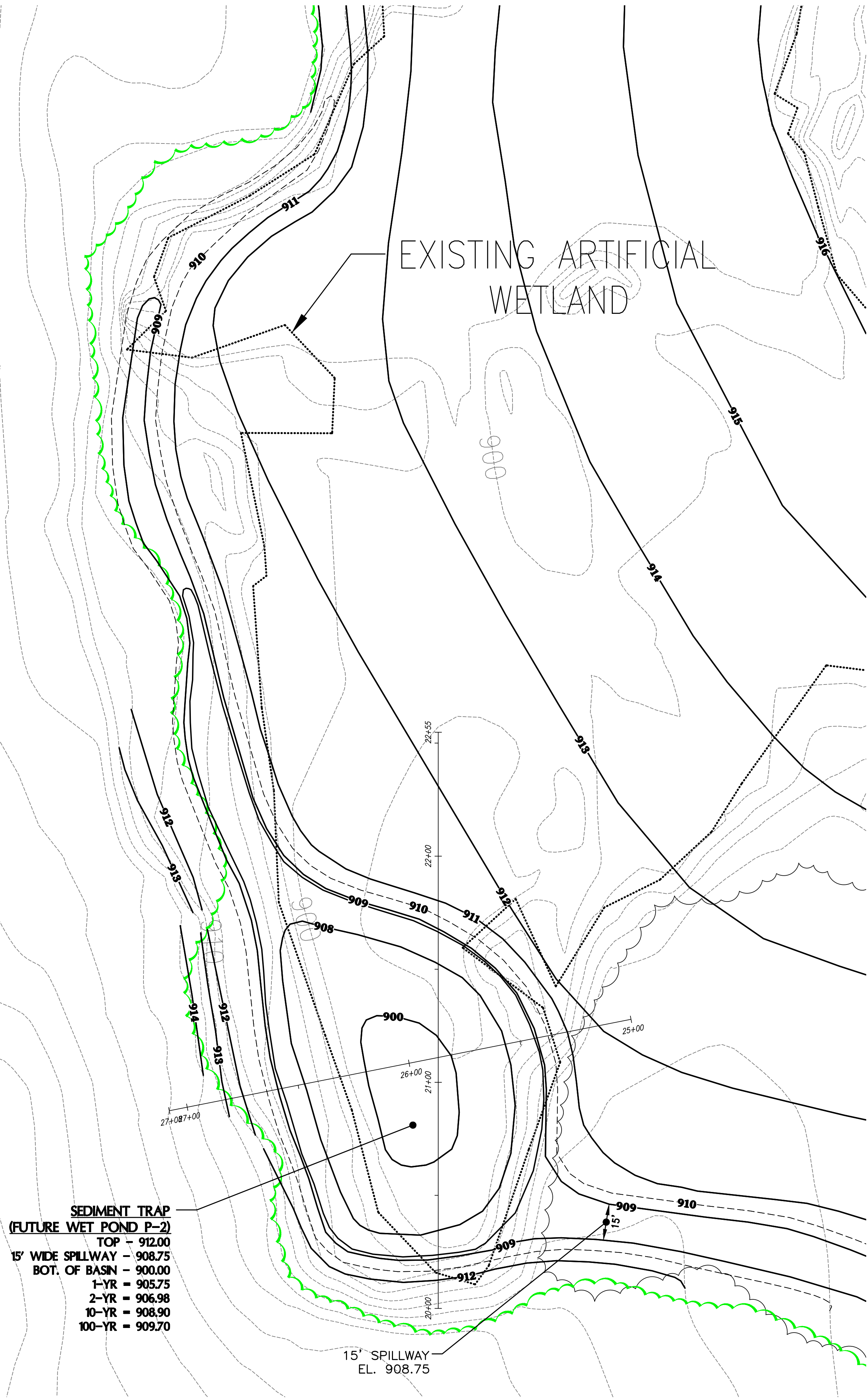
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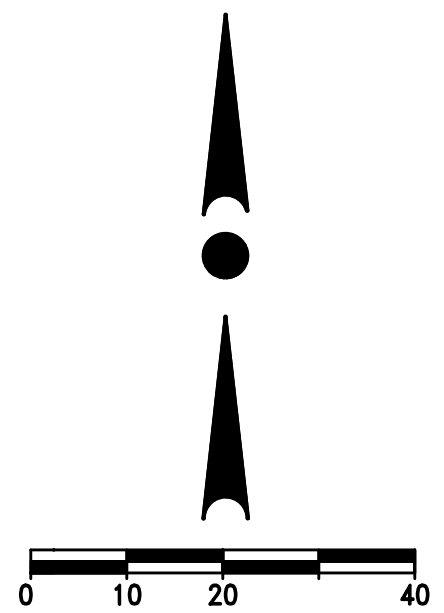
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SHEET
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15' OVERFLOW SPILLWAY DETAIL
NO SCALE



Scale: 1" = 20' (22"x34")

Scale: 1" = 40' (11"x17")



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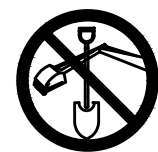
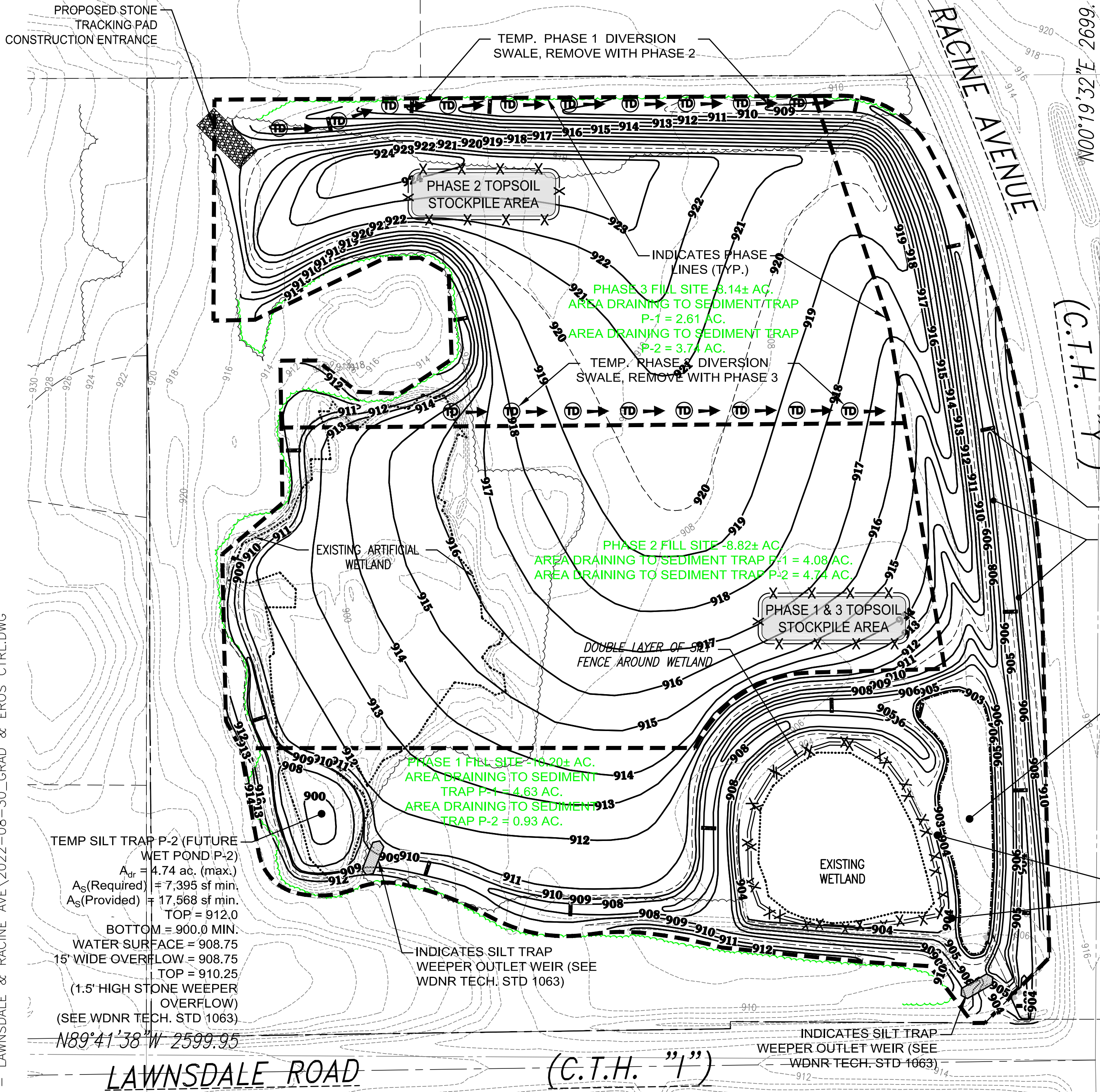
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POND PLAN

SHEET

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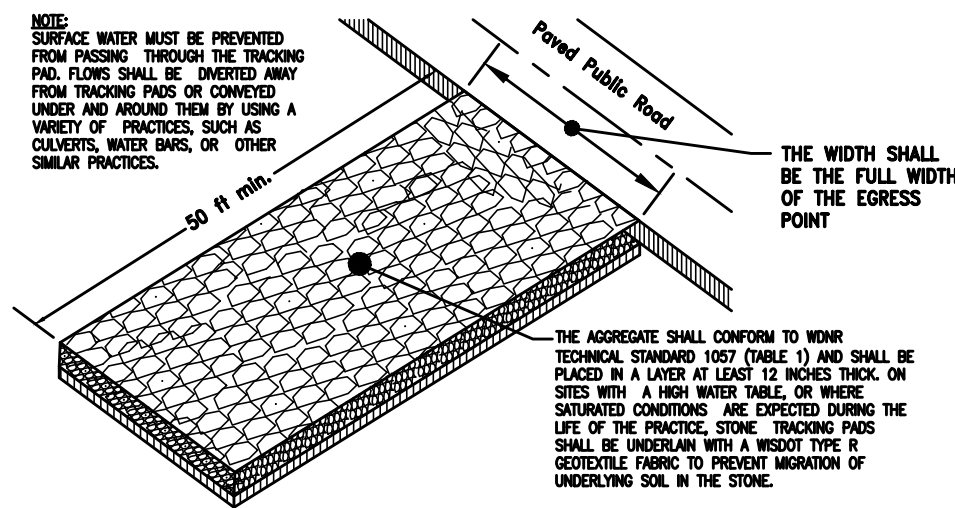
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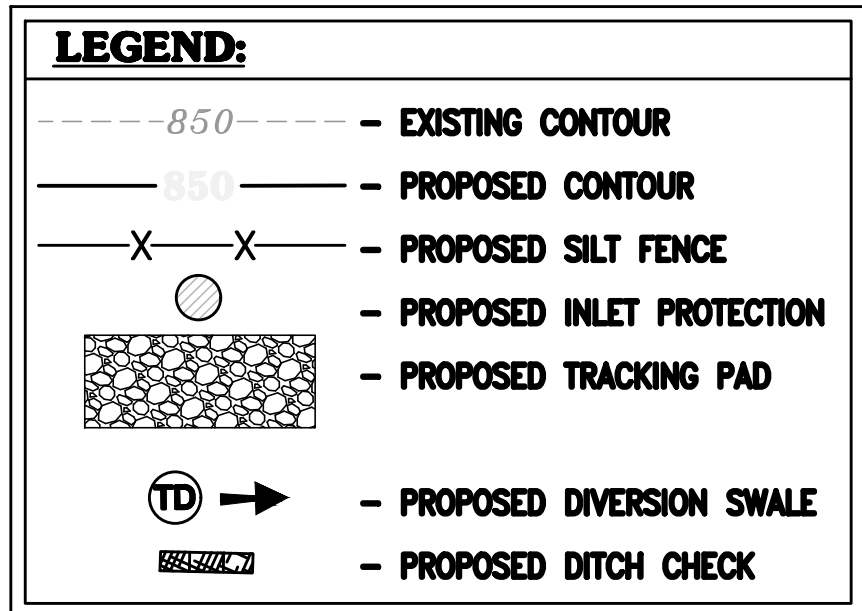
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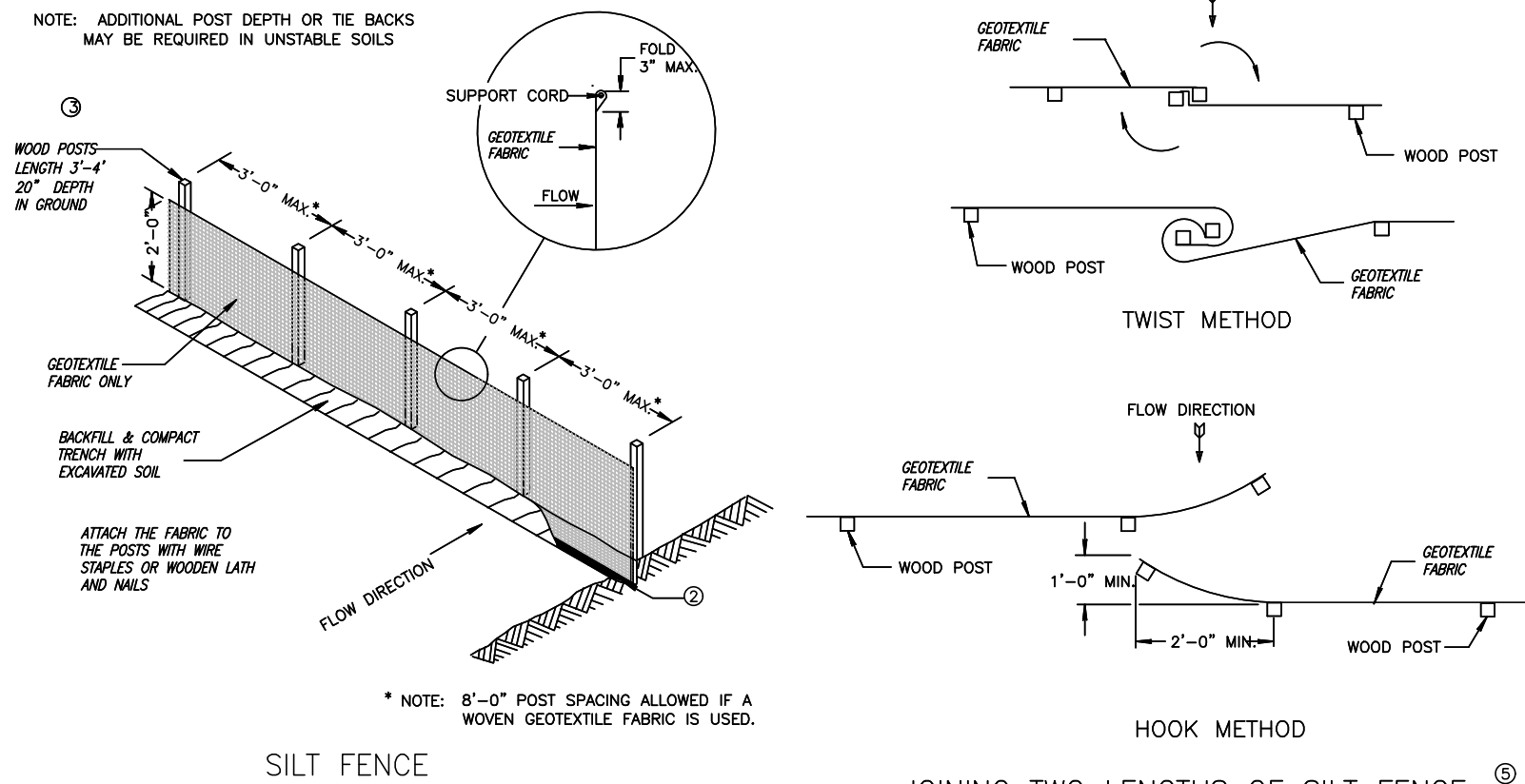
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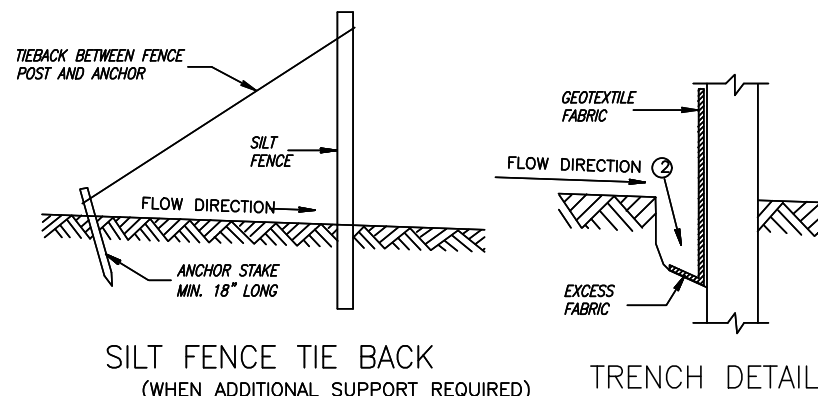
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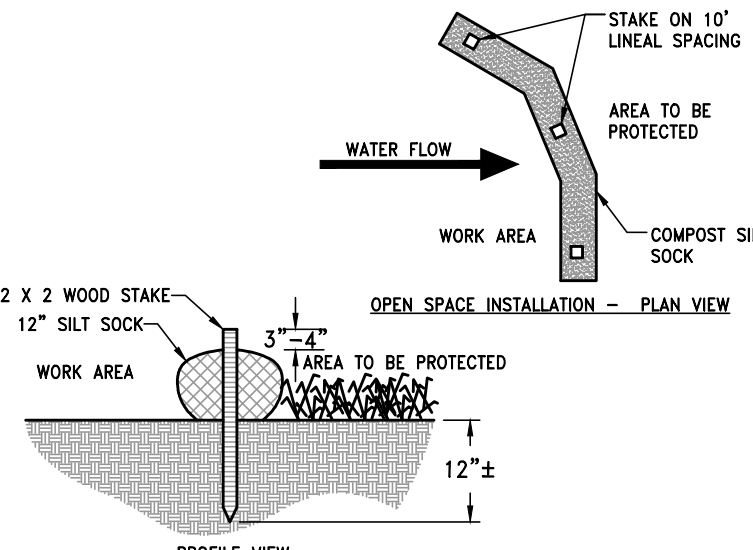
- NOTES:**
- DUST CONTROL MEASURES SHALL BE IN PLACE AND MAINTAINED AT ALL TIMES.
 - ANY TRACKED MATERIAL ONTO RACINE AVE. OR LAWNSDALE ROAD SHALL BE CLEARED UP IMMEDIATELY.
 - PER SECTION 275-55.A(4)(A) OF THE ZONING CODE, "IN ALL CASES, FILL SHALL CONSIST OF CLEAN EARTH CONTAINING NO MORE THAN 25% BY VOLUME, OF BUILDING STONE AND CONCRETE, AND NO MORE THAN 5% BY VOLUME, OF INCIDENTAL ASPHALT. FILL OPERATIONS WHICH EXCEED THESE LIMITS OR OPERATIONS THAT REQUIRE MORE THAN ONE YEAR FOR COMPLETION ARE CONSIDERED A LANDFILL AND WILL BE REGULATED AS SUCH."
 - PER SECTION 275-55.A(4)(B) OF THE ZONING CODE, "FILL SHALL CONSIST OF SATISFACTORY SOIL OR A MIXTURE OF SATISFACTORY SOIL, STONE, GRAVEL OR OTHER ACCEPTABLE MATERIALS WHICH IS OF A CHARACTER AND QUALITY SATISFACTORY FOR THE PURPOSE INTENDED. THE MATERIAL SHALL BE FREE FROM SOD, STUMPS, LOGS OR OTHER ORGANIC MATTER, ALL TYPES OF REFUSE INCLUDING CONSTRUCTION REFUSE, FRAGMENTS OF CONCRETE LARGER THAN TWO FEET IN ANY DIMENSION AND SUCH OTHER MATERIAL THAT IN THE JUDGMENT OF THE DIRECTOR IS UNSUITABLE."
 - CONTRACTOR SHALL PROVIDE A STONE STAGING AREA FOR CONSTRUCTION EQUIPMENT, JOB TRAILER, AND PARKING.



SILT FENCE



SILT FENCE TIE BACK
(WHEN ADDITIONAL SUPPORT REQUIRED)



- NOTES:**
- ALL MATERIAL TO MEET MANUFACTURER'S SPECIFICATIONS
 - REFER TO MANUFACTURERS AND/OR SUPPLIERS SPECIFICATIONS FOR INSTALLATION RECOMMENDATIONS.
 - ACTUAL LOCATION MAY BE FIELD ADJUSTED TO MINIMIZE DISTURBANCE TO EXISTING VEGETATION.
 - INSTALL EVERY 200' OR 2' GRADE DROP IN SWALES.

STRAW WATTLE
DITCH CHECK INSTALLATION DETAIL
NO SCALE

- GENERAL NOTES**
- HORIZONTAL BRACE REQUIRED WITH 2" X 4" WOODEN FRAME OR EQUIVALENT AT TOP OF POSTS.
 - TRENCH SHALL BE A MINIMUM OF 4" WIDE & 6" DEEP TO BURY AND ANCHOR THE GEOTEXTILE FABRIC. TRENCH SHALL BE TO FIT TRENCH AND BACKFILL & COMPACT TRENCH WITH EXCAVATED SOIL.
 - WOOD POSTS SHALL BE A MINIMUM SIZE OF 1" X 12" OF OAK OR HICKORY.
 - SILT FENCE TO EXTEND ACROSS THE TOP OF THE PIPE.
 - CONSTRUCT SILT FENCE FROM A CONTINUOUS ROLL IF POSSIBLE BY CUTTING LENGTHS TO AVOID JOINTS. IF A JOINT IS NECESSARY USE ONE OF THE FOLLOWING TWO METHODS: A) OVERLAP THE END POSTS AND TWIST, OR ROTATE AT LEAST 180 DEGREES; B) HOOK THE END OF EACH SILT FENCE LENGTH.

This drawing based on Wisconsin Department of Transportation Standard Detail Drawing 8 E 9-6.

WISCONSIN DEPARTMENT OF NATURAL RESOURCES. CONSERVATION PRACTICE STANDARD:	
1052	NON-CHANNEL EROSION MAT
1053	CHANNEL EROSION MAT
1055	SEDIMENT BALE BARRIER (NON-CHANNEL)
1056	SILT FENCE
1060	STORM INLET PROTECTION FOR CONST. SITES
1062	DITCH CHECK
1057	STONE TRACKING PAD AND TIRE WASHING
1058	MULCHING FOR CONSTRUCTION SITES
1059	TEMPORARY SEEDING
1061	DE-WATERING
1063	SEDIMENT TRAP
1064	SEDIMENT BASIN

- CONSTRUCTION SEQUENCE PLAN**
- PHASE 1**
- INSTALL TRACKING PAD AT SITE ACCESS POINT.
 - CLEAR AND GRUB SITE.
 - STRIP TOPSOIL FROM PHASE 1, BEGINNING FIRST WITH SILT TRAP AREA.
 - CONSTRUCT SILT TRAPS, FUTURE RAIN GARDEN & WET POND.
 - BEGIN MASS GRADING OF THE SITE. MASS GRADING MAY ONLY OCCUR/CONTINUE AFTER EROSION CONTROL MEASURES ARE INSTALLED/CONSTRUCTED (SILT TRAP, SWALES, DITCH CHECKS, ETC).
 - INSTALL TEMPORARY DIVERSION SWALES, PER PLAN.
 - ROUGH GRADE SITE. NOTE THAT ROUGH GRADING MAY OCCUR CONCURRENT WITH CONSTRUCTION OF THE DIVERSION SWALES.
 - DISTURBED SLOPES OF DIVERSION SWALES AND SILT TRAP TO BE RESTORED IMMEDIATELY (WITHIN 7 DAYS OF DISTURBANCE) WITH TOPSOIL, SEED AND EROSION MATTING.
 - FINISH GRADE THE PHASE 1 SITE.
 - STABILIZE FINISHED PHASE 1 GRADES WITH TOPSOIL, SEED AND MULCH. PROVIDE TOPSOIL, SEED AND BLANKET TO ALL SWALES AND SLOPES OVER 4:1 SLOPE.
 - REMOVE ALL SEDIMENT FROM SILT TRAP AND STABILIZE DISTURBED AREA.
- PHASE 2**
- CLEAR AND GRUB SITE.
 - STRIP TOPSOIL FROM PHASE 2.
 - REMOVE TEMPORARY DIVERSION SWALES AS INDICATED ON PLAN.
 - BEGIN MASS GRADING OF THE SITE. MASS GRADING MAY ONLY OCCUR/CONTINUE AFTER EROSION CONTROL MEASURES ARE INSTALLED/CONSTRUCTED (SILT TRAP, SWALES, DITCH CHECKS, ETC) AND PHASE 1 IS COMPLETE AND STABILIZED.
 - FINISH GRADE THE PHASE 2 SITE.
 - STABILIZE FINISHED PHASE 2 GRADES WITH TOPSOIL, SEED AND MULCH. PROVIDE TOPSOIL, SEED AND BLANKET TO ALL SWALES AND SLOPES OVER 4:1 SLOPE.
 - REMOVE ALL SEDIMENT FROM SILT TRAP AND STABILIZE DISTURBED AREA.
- PHASE 3**
- CLEAR AND GRUB SITE.
 - STRIP TOPSOIL FROM PHASE 3.
 - REMOVE TEMPORARY DIVERSION SWALES AS INDICATED ON PLAN.
 - BEGIN MASS GRADING OF THE SITE. MASS GRADING MAY ONLY OCCUR/CONTINUE AFTER EROSION CONTROL MEASURES ARE INSTALLED/CONSTRUCTED (SILT TRAP, SWALES, DITCH CHECKS, ETC) AND PHASE 2 IS COMPLETE AND STABILIZED.
 - FINISH GRADE THE PHASE 3 SITE.
 - STABILIZE FINISHED PHASE 3 GRADES WITH TOPSOIL, SEED AND MULCH. PROVIDE TOPSOIL, SEED AND BLANKET TO ALL SWALES AND SLOPES OVER 4:1 SLOPE.
 - REMOVE ALL SEDIMENT FROM SILT TRAPS AND STABILIZE ALL DISTURBED AREAS, PER PLAN. SEED, MULCH AND STABILIZE SLOPES, AS NECESSARY.
 - REMOVE ALL ACCUMULATED SEDIMENT FROM PERMANENT PERIMETER SWALES AND STABILIZE DISTURBED AREAS WITH SEED AND BLANKET, AS NECESSARY.
 - LATE SEASON (AFTER OCTOBER 15) STABILIZATION NOTES:
 - ALL AREAS THAT WILL REMAIN DISTURBED AFTER OCTOBER 15 MUST BE TEMPORARY SEEDDED AS OF THAT DATE.
 - ANY FINAL SITE STABILIZATION THAT OCCURS AFTER OCTOBER 15 MAY REQUIRE CONTRACTOR TO COVER DISTURBED AREAS WITH THE ANIONIC FORM OF POLYACRYLAMIDE (PAM), PER WDNR TECHNICAL STANDARD 1050 AND W6DOT PAL LIST. CONTRACTOR SHALL COORDINATE WITH CITY ENGINEER AND WDNR FOR LATE SEASON STABILIZATION REQUIREMENTS.



PROJECT:
KOHLER PIT
FILL SITE
CITY OF NEW BERLIN, WISCONSIN
BY: KOHLER PIT, INC.
20640 W KOHLER CT
NEW BERLIN, WI 53146

REVISION HISTORY	
DATE	DESCRIPTION
2/3/22	NTIAL SUBMITTAL
05/26/22	per VILLAGE REVIEW
07/01/22	GRADING REVISIONS
08/31/22	per CITY COMMENTS

DATE:
AUGUST 31, 2022

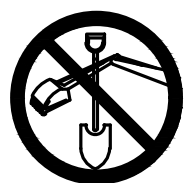
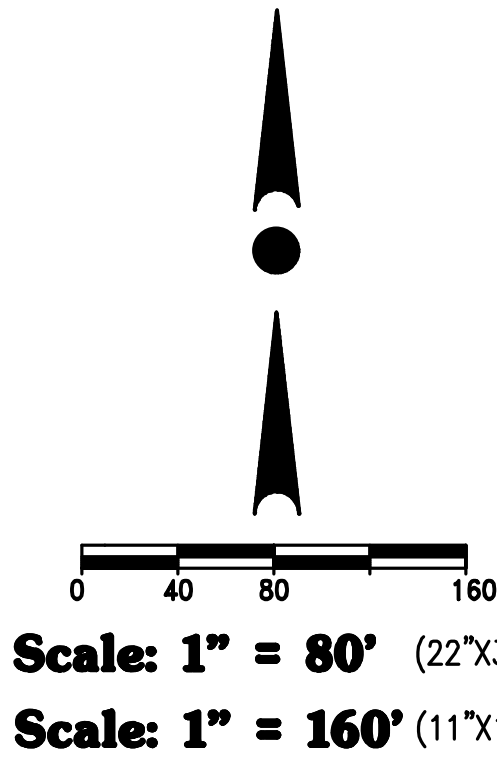
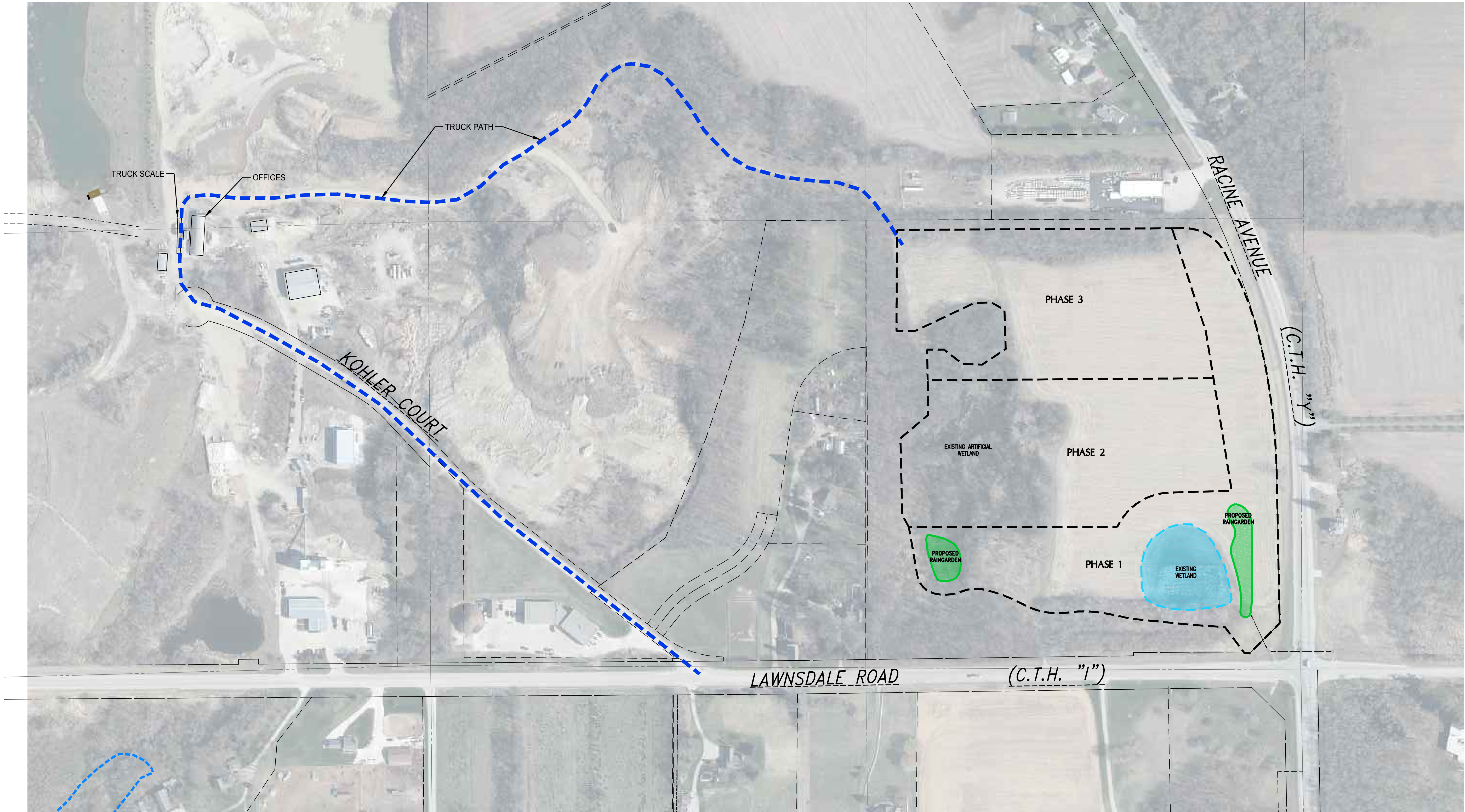
JOB NUMBER:
07007

DESCRIPTION:
EROSION
CONTROL PLAN

SHEET

C1.3

H:\C700\783\07007-01\CONCEPTS\FRONT 36 ACRE - LAWNSDALE & RACINE AVE\2022-06-27_TREE SURVEY AND OPERATIONS.DWG



CONTRACTOR IS REQUIRED TO CONTACT DIGGERS HOTLINE TOLL FREE TO OBTAIN LOCATION OF UNDERGROUND UTILITIES PRIOR TO COMMENCING THE WORK. WISCONSIN STATUTE 162.0715 REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE.
CALL DIGGERS HOTLINE 1-800-243-8511

NOTE:
EXISTING UNDERGROUND UTILITY INFORMATION WAS OBTAINED FROM AVAILABLE RECORDS. THE ENGINEER MAKES NO GUARANTEE AS TO THE ACCURACY OF THIS INFORMATION. VERIFICATION TO THE SATISFACTION OF THE CONTRACTOR OF ALL UNDERGROUND UTILITIES, WHETHER OR NOT SHOWN ON THE PLANS, SHALL BE ASSUMED AS A CONDITION OF THE CONTRACT. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN LOCATION OF UTILITIES IN THE FIELD AND LOCATIONS SHOWN ON THE PLANS.

WISCONSIN

PAUL J. JENSWOLD
E-34365
MILWAUKEE, WI

PROFESSIONAL ENGINEER

DESIGN • LAND SURVEYING

TRIO

CIVIL ENGINEERING

4100 N. CALHOUN RD.
BROOKFIELD, WI 53005
PHONE: (262) 790-1480
FAX: (262) 790-1481
EMAIL: jjudello@trioeng.com

PROJECT:
KOHLER PIT
FILL SITE
CITY OF NEW BERLIN, WISCONSIN
BY: KOHLER PIT, INC.
20640 W KOHLER CT
NEW BERLIN, WI 53146

REVISION HISTORY	
DATE	DESCRIPTION
2/3/22	INITIAL SUBMITTAL
05/26/22	per VILLAGE REVIEW
07/01/22	GRADING REVISIONS

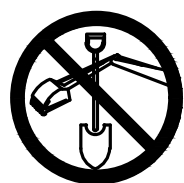
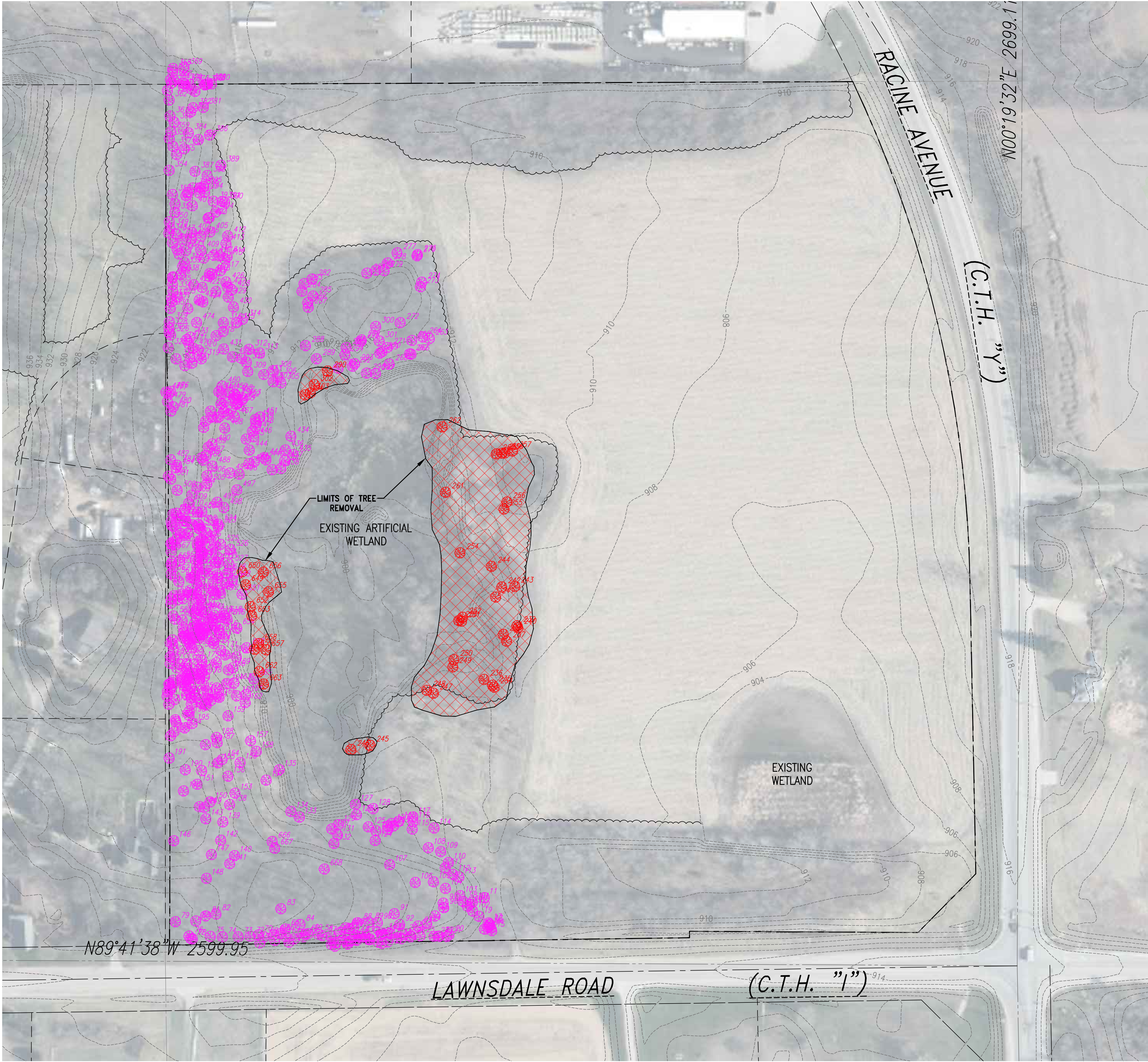
DATE:
JULY 1, 2022

JOB NUMBER:
07007

DESCRIPTION:
PLAN OF OPERATIONS

SHEET
1 OF 1

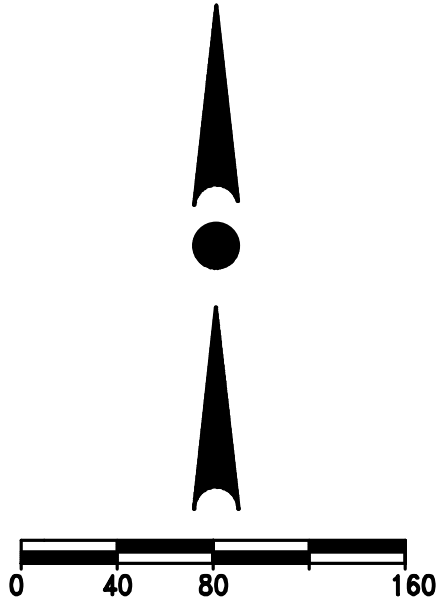
H:\C700\783\07007-01\CONCEPTS\FRONT 36 ACRE - LAWNSDALE & RACINE AVE\2022-06-27_TREE SURVEY AND OPERATIONS.DWG



CONTRACTOR IS REQUIRED TO CONTACT DIGGERS HOTLINE TOLL FREE TO OBTAIN LOCATION OF UNDERGROUND UTILITIES PRIOR TO COMMENCING THE WORK. WISCONSIN STATUTE 182.0715 REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE.

CALL DIGGERS HOTLINE 1-800-242-8511

NOTE:
EXISTING UNDERGROUND UTILITY INFORMATION WAS OBTAINED FROM AVAILABLE RECORDS. THE ENGINEER MAKES NO GUARANTEE AS TO THE ACCURACY OF THIS INFORMATION. VERIFICATION TO THE SATISFACTION OF THE CONTRACTOR OF ALL UNDERGROUND UTILITIES, WHETHER OR NOT SHOWN ON THE PLANS, SHALL BE ASSUMED AS A CONDITION OF THE CONTRACT. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN LOCATION OF UTILITIES IN THE FIELD AND LOCATIONS SHOWN ON THE PLANS.



Scale: 1" = 80' (22"x34")
Scale: 1" = 160' (11"x17")

TREE SURVEY LEGEND

- INDICATES SPECIMEN TREE TO BE PRESERVED
 - INDICATES SPECIMEN TREE TO BE REMOVED
- TREE SURVEY COMPLETED BY
WACHTEL TREE SCIENCE INC. IN MAY 2022

TREE IMPACT SUMMARY

- Total # of Trees Surveyed = 651 trees
- Total DBH of Trees Surveyed = 5,647 inches
- Total # of Trees to be Removed = 44 trees (6.8%)
- Total DBH of Trees to be Removed = 366 inches (6.5%)



PROJECT:
KOHLER PIT
FILL SITE
CITY OF NEW BERLIN, WISCONSIN
BY: KOHLER PIT, INC.
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REVISION HISTORY	
DATE	DESCRIPTION
2/3/22	INITIAL SUBMITTAL
05/26/22	per VILLAGE REVIEW
07/01/22	GRADING REVISIONS

DATE:
JULY 1, 2022

JOB NUMBER:
07007

DESCRIPTION:
TREE REMOVAL PLAN

SHEET
1 OF 3

Tree ID	DBH (in.)	Common Name	New Data Field	Status	Removed?
11	7	Black Walnut	Good	Alive	N
12	15	American Basswood	Good	Alive	N
13	12	American Basswood	Good	Alive	N
14	7	American Basswood	Good	Alive	N
15	10	American Basswood	Good	Alive	N
16	9	American Basswood	Good	Alive	N
17	4	American Basswood	Good	Alive	N
18	5	American Basswood	Good	Alive	N
19	8	Black Walnut	Good	Alive	N
20	7	American Basswood	Good	Alive	N
21	10	American Basswood	Fair	Alive	N
22	8	American Basswood	Fair	Alive	N
23	15	Black Cherry	Good	Alive	N
24	7	American Basswood	Fair	Alive	N
25	28	American Basswood	Good	Alive	N
26	10	American Basswood	Good	Alive	N
27	7	American Basswood	Good	Alive	N
29	29	American Basswood	Good	Alive	N
30	11	American Basswood	Good	Alive	N
31	14	American Basswood	Good	Alive	N
32	6	American Basswood	Good	Alive	N
33	4	Shagbark Hickory	Good	Alive	N
34	8	American Basswood	Good	Alive	N
35	8	American Basswood	Good	Alive	N
36	7	American Basswood	Good	Alive	N
37	7	American Basswood	Good	Alive	N
38	4	American Basswood	Good	Alive	N
39	9	American Basswood	Good	Alive	N
40	16	American Basswood	Good	Alive	N
41	5	American Basswood	Good	Alive	N
42	41	White Oak	Fair	Alive	N
43	4	American Basswood	Good	Alive	N
44	6	American Basswood	Good	Alive	N
45	7	American Basswood	Good	Alive	N
46	6	American Basswood	Good	Alive	N
47	10	American Basswood	Good	Alive	N
48	5	American Basswood	Good	Alive	N
49	10	American Basswood	Good	Alive	N
50	9	American Basswood	Good	Alive	N
51	15	American Basswood	Good	Alive	N
52	5	American Basswood	Good	Alive	N
53	9	American Basswood	Good	Alive	N
54	4	American Basswood	Good	Alive	N
55	14	American Elm	Good	Alive	N
56	12	Northern Red Oak	Good	Alive	N
57	5	Shagbark Hickory	Good	Alive	N
58	6	American Basswood	Good	Alive	N
59	11	American Basswood	Good	Alive	N
60	5	Shagbark Hickory	Good	Alive	N
61	6	American Elm	Good	Alive	N
62	6	American Elm	Good	Alive	N
63	10	Black Walnut	Good	Alive	N
64	8	Shagbark Hickory	Good	Alive	N
65	7	Shagbark Hickory	Good	Alive	N
66	7	Shagbark Hickory	Good	Alive	N
67	6	American Basswood	Good	Alive	N
68	5	American Basswood	Fair	Alive	N
69	6	American Basswood	Good	Alive	N
70	20	Northern Red Oak	Good	Alive	N
71	8	American Basswood	Good	Alive	N
72	6	American Elm	Good	Alive	N
73	32	Northern Red Oak	Good	Alive	N
74	14	Northern Red Oak	Good	Alive	N
75	32	Northern Red Oak	Good	Alive	N
76	9	Black Cherry	Poor	Alive	N
77	6	American Elm	Good	Alive	N
78	7	American Elm	Good	Alive	N
79	19	Black Walnut	Good	Alive	N
80	9	Black Walnut	Good	Alive	N
81	10	Black Walnut	Good	Alive	N
82	7	Northern Red Oak	Good	Alive	N
83	5	Green Ash	Good	Alive	N
84	4	Black Cherry	Fair	Alive	N
85	8	Mulberry	Good	Alive	N
86	5	American Basswood	Good	Alive	N
87	10	American Elm	Good	Alive	N
88	6	Black Walnut	Good	Alive	N
89	8	Black Cherry	Fair	Alive	N
90	13	Black Walnut	Good	Alive	N

Tree ID	DBH (in.)	Common Name	New Data Field	Status	Removed?
90	13	Black Walnut	Good	Alive	N
91	6	American Basswood	Good	Alive	N
92	7	Black Cherry	Good	Alive	N
93	5	American Basswood	Good	Alive	N
94	10	American Basswood	Good	Alive	N
95	6	Green Ash	Good	Alive	N
96	6	American Elm	Good	Alive	N
97	12	Black Walnut	Good	Alive	N
98	5	Green Ash	Good	Alive	N
99	5	Green Ash	Good	Alive	N
100	4	Green Ash	Good	Alive	N
101	5	Green Ash	Good	Alive	N
102	5	Green Ash	Good	Alive	N
103	6	American Basswood	Good	Alive	N
104	15	Black Walnut	Good	Alive	N
105	6	Black Walnut	Good	Alive	N
106	7	Black Walnut	Good	Alive	N
107	7	Black Cherry	Good	Alive	N
108	4	Black Walnut	Good	Alive	N
109	9	Black Walnut	Good	Alive	N
110	10	Black Cherry	Good	Alive	N
111	10	American Basswood	Good	Alive	N
112	6	Black Walnut	Good	Alive	N
113	14	Black Walnut	Good	Alive	N
114	8	Black Walnut	Good	Alive	N
115	4	Black Walnut	Good	Alive	N
116	5	Black Walnut	Good	Alive	N
117	4	Black Walnut	Good	Alive	N
118	6	Black Cherry	Good	Alive	N
119	5	Black Cherry	Fair	Alive	N
120	6	Black Cherry	Fair	Alive	N
121	4	Black Cherry	Good	Alive	N
122	5	Black Cherry	Good	Alive	N
123	8	Black Cherry	Good	Alive	N
124	6	Black Cherry	Good	Alive	N
125	5	Black Cherry	Good	Alive	N
126	6	Black Walnut	Good	Alive	N
127	14	Black Walnut	Good	Alive	N
128	7	Black Walnut	Good	Alive	N
129	7	Black Walnut	Good	Alive	N
130	7	Black Walnut	Good	Alive	N
131	7	Black Walnut	Good	Alive	N
132	29	Black Locust	Good	Alive	N
133	6	Green Ash	Good	Alive	N
134	11	Black Cherry	Good	Alive	N
135	7	Black Cherry	Good	Alive	N
136	6	Black Walnut	Good	Alive	N
137	8	Black Cherry	Good	Alive	N
138	4	Black Walnut	Good	Alive	N
139	9	Black Walnut	Good	Alive	N
140	5	Black Cherry	Good	Alive	N
141	6	Black Walnut	Good	Alive	N
142	7	Black Walnut	Good	Alive	N
143	12	Black Cherry	Good	Alive	N
144	10	Black Walnut	Good	Alive	N
145	9	Black Walnut	Good	Alive	N
146	19	Siberian Elm	Good	Alive	N
147	11	Black Walnut	Good	Alive	N
148	10	Black Cherry	Good	Alive	N
149	9	Black Locust	Fair	Alive	N
150	9	Black Walnut	Fair	Alive	N
151	9	American Elm	Good	Alive	N
152	6	Black Walnut	Good	Alive	N
153	8	Black Cherry	Good	Alive	N
154	7	Black Cherry	Poor	Alive	N
155	10	Black Walnut	Good	Alive	N
156	6	Black Walnut	Good	Stump	N
157	6	Black Walnut	Good	Stump	N
158	9	Black Walnut	Good	Stump	N
159	6	Black Walnut	Good	Stump	N
160	7	Black Walnut	Good	Stump	N
161	5	Black Walnut	Good	Stump	N
162	4	Black Walnut	Good	Stump	N
163	4	Black Walnut	Good	Stump	N
164	11	Black Walnut	Good	Stump	N
165	10	Black Walnut	Good	Stump	N
166	8	Black Walnut	Good	Stump	N
167	11	Black Walnut	Good	Stump	N
168	7	Black Walnut	Good	Stump	N
169	5	Black Walnut	Good	Stump	N
170	6	Black Walnut	Good	Stump	N

Tree ID	DBH (in.)	Common Name	New Data Field	Status	Removed?
171	12	Black Walnut	Good	Stump	N
172	14	American Basswood	Good	Stump	N
173	11	Black Walnut	Good	Stump	N
174	5	Black Walnut	Good	Stump	N
175	6	Black Walnut	Good	Stump	N
176	10	Black Walnut	Good	Stump	N
177	8	Black Walnut	Good	Stump	N
178	8	American Basswood	Good	Stump	N
179	13	American Basswood	Good	Stump	N
180	4	American Basswood	Good	Stump	N
181	4	American Basswood	Good	Stump	N
182	8	Black Walnut	Good	Stump	N
183	6	Black Walnut	Good	Stump	N
184	8	Black Walnut	Good	Stump	N
185	12	Black Walnut	Good	Stump	N
186	9	Black Walnut	Good	Stump	N
187	7	Black Walnut	Good	Stump	N
188	4	Black Cherry	Good	Stump	N
189	9	Black Walnut	Good	Stump	N
190	7	Northern Red Oak	Good	Alive	N
191	21	Black Walnut	Good	Alive	N
192	10	Shagbark Hickory	Good	Alive	N
193	9	Black Walnut	Good	Alive	N
194	12	Black Walnut	Good	Alive	N
195	10	Black Walnut	Good	Alive	N
196	18	Black Walnut	Good	Alive	N
197	7	American Basswood	Good	Alive	N
198	19	American Basswood	Good	Alive	N
199	10	Black Walnut	Good	Alive	N
200	9	Black Walnut	Good	Alive	N
201	11	American Basswood	Good	Alive	N
202	8	American Basswood	Good	Alive	N
203	10	American Basswood	Good	Alive	N
204	5	American Basswood	Good	Alive	N
205	11	American Basswood	Good	Alive	N
206	8	American Basswood	Good	Alive	N
207	10	American Basswood	Good	Alive	N
208	8	American Basswood	Good	Alive	N
209	6	American Basswood	Good	Alive	N
210	4	American Basswood	Good	Alive	N
212	17	Black Walnut	Good	Alive	N
213	7	American Elm	Fair	Alive	N
214	7	American Basswood	Good	Alive	N
215	5	American Basswood	Good	Alive	N
216	5	American Basswood	Good	Alive	N
217	5	American Basswood	Good	Alive	N
218	12	American Basswood	Fair	Alive	N
219	10	American Elm	Good	Alive	N
220	4	American Elm	Good	Alive	N
221	28	Northern Red Oak	Good	Alive	N
222	7	American Basswood	Good	Alive	N
223	6	American Basswood	Good	Alive	N
224	8	American Basswood	Good	Alive	N
225	6	American Basswood	Poor	Stump	N
226	4	American Basswood	Good	Stump	N
227	9	American Basswood	Good	Stump	N
228	9	American Basswood	Good	Stump	N
229	9	American Basswood	Good	Stump	N
230	9	American Basswood	Good	Stump	N
231	11	American Basswood	Good	Stump	N
232	5	American Basswood	Good	Stump	N
233	8	American Basswood	Good	Stump	N
234	5	Black Walnut	Good	Stump	Y
235	4	Black Cherry	Good	Stump	Y
236	8	Green Ash	Good	Stump	Y
237	9	Black Cherry	Good	Stump	Y
238	7	Black Cherry	Good	Stump	Y
239	9	Black Walnut	Good	Stump	Y
240	6	American Elm	Good	Stump	Y
241	13	Black Walnut	Good	Stump	Y
242	9	Black Walnut	Good	Stump	Y
243	7	Black Walnut	Good	Stump	Y
244	11	Black Cherry	Good	Alive	Y
245	12	Black Walnut	Excellent	Alive	Y
246	16	American Elm	Good	Alive	Y
247	7	Honeylocust	Good	Alive	Y
248	7	Honeylocust	Good	Alive	Y
249	12	Black Walnut	Excellent	Alive	Y
250	11	American Elm	Good	Alive	Y
251	9	Big Tooth Aspen	Good	Alive	Y

Tree ID	DBH (in.)	Common Name	New Data Field	Status	Removed?
252	8	Big Tooth Aspen	Good	Alive	Y
253	4	Big Tooth Aspen	Good	Alive	Y
254	8	Big Tooth Aspen	Good	Alive	Y
255	10	Mulberry	Fair	Alive	Y
256	10	Black Cherry	Fair	Alive	Y
257	8	Black Cherry	Good	Alive	Y
258	10	Black Walnut	Excellent	Alive	Y
259	9	Mulberry	Fair	Alive	Y
260	10	Black Cherry	Fair	Alive	Y
261	4	Spruce	Good	Alive	Y
262	6	Spruce	Excellent	Alive	Y
263	6	Black Cherry	Good	Alive	N
264	6	Black Walnut	Good	Alive	N
265	7	Mulberry	Fair	Alive	N
266	4	Black Cherry	Excellent	Alive	N
267	6	Black Cherry	Excellent	Alive	N
268	8	Mulberry	Fair	Alive	N
269	8	Black Cherry	Fair	Alive	N
270	8	Black Cherry	Good	Alive	N
271	10	Black Cherry	Good	Alive	N
272	8	Black Walnut	Excellent	Alive	N
273	5	Ash	Good	Alive	N
274	7	Ash	Good	Alive	N
275	7	Ash	Good	Alive	N
276	7	Black Cherry	Good	Alive	N
277	5	Ash	Good	Alive	N
278	8	Ash	Good	Alive	N
279	7	Ash	Good	Alive	N
280	9	Ash	Good	Alive	N
281	12	Black Walnut	Excellent	Alive	N
282	8	Black Cherry	Fair	Alive	N
283	9	Mulberry	Fair	Alive	N
284	9	Black Cherry	Good	Alive	N
285	12	Black Walnut	Fair	Alive	N
286	10	Ash	Good	Alive	N
287	6	Black Cherry	Good	Alive	N
288	8	Mulberry	Fair	Alive	N
289	10	Black Walnut	Excellent	Alive	N
290	8	Black Walnut	Excellent	Alive	Y
291	9	Mulberry	Fair	Alive	N
292	6	Black Cherry	Excellent	Alive	N
293	9	Black Walnut	Excellent	Alive	N
294	8	Black Cherry	Excellent	Alive	N
295	8	Black Cherry	Fair	Alive	N
296	6	Mulberry	Fair	Alive	N
297	8	Black Cherry	Excellent	Alive	N
298	8	Black Cherry	Good	Alive	N
299	13	Black Cherry	Good	Alive	N
300	8	Ash	Excellent	Alive	N
301	8	Mulberry	Fair	Alive	N
302	13	Black Walnut	Good	Alive	Y
303	6	Black Cherry	Poor	Alive	Y
304	11	Black Walnut	Good	Alive	Y
305	9	Black Cherry	Good	Alive	N
306	6	Black Cherry	Good	Alive	N
307	8	Black Cherry	Excellent	Alive	N
308	8	Black Cherry	Excellent	Alive	N
309	8	Black Cherry	Good	Alive	N
310	7	Black Cherry	Fair	Alive	N
311	8	Shagbark Hickory	Excellent	Alive	N
312	13	American Elm	Good	Alive	N
313	12	Black Cherry	Excellent	Alive	N
314	10	Ash	Good	Alive	N
315	7	Black Cherry	Excellent	Alive	N
316	5	Black Cherry	Excellent	Alive	N
317	12	Black Cherry	Fair	Alive	N
318	18	Black Walnut	Excellent	Alive	N
319	22	Black Walnut	Excellent	Alive	N
320	10	Ash	Good	Alive	N
321	7	American Basswood	Excellent	Alive	N
322	7	American Basswood	Excellent	Alive	N
323	15	Black Walnut	Excellent	Alive	N
324	25	American Basswood	Good	Alive	N
325	21	American Basswood	Excellent	Alive	N
326	8	American Basswood	Excellent	Alive	N
327	10	American Basswood	Excellent	Alive	N
328	10	American Basswood	Good	Alive	N
329	17	American Basswood	Fair	Alive	N
330	9	American Basswood	Good	Alive	N
331	19	Northern Red Oak	Fair	Alive	N

Tree ID	DBH (in.)	Common Name	New Data Field	Status	Removed?
332	21	Northern Red Oak	Excellent	Alive	N
333	4	Black Cherry	Excellent	Alive	N
334	13	American Basswood	Fair	Alive	N
335	5	Black Cherry	Good	Alive	N
336	4	American Elm	Good	Alive	N
337	5	Black Cherry	Good	Alive	N
338	5	Ash	Good	Alive	N
339	5	Ash	Good	Alive	N
340	5	Ash	Good	Alive	N
341	11	American Elm	Good	Alive	N
342	4	Black Cherry	Good	Alive	N
343	8	Black Walnut	Excellent	Alive	N
344	4	Black Cherry	Excellent	Alive	N
345	4	Shagbark Hickory	Fair	Alive	N
347	4	Shagbark Hickory	Good	Alive	N
348	10	Hickory	Good	Alive	N
349	10	Shagbark Hickory	Good	Alive	N
350	7	American Basswood	Good	Alive	N
351	5	Shagbark Hickory	Good	Alive	N
352	7	American Basswood	Good	Alive	N
353	9	American Basswood	Good	Alive	N
354	36	Black Walnut	Good	Alive	N
355	8	American Basswood	Excellent	Alive	N
356	13	Black Walnut	Excellent	Alive	N
357	8	Shagbark Hickory	Good	Alive	N
358	10	American Basswood	Excellent	Alive	N
359	14	American Basswood	Excellent	Alive	N
360	4	Black Cherry	Good	Alive	N
361	16	American Basswood	Excellent	Alive	N
362	9	American Basswood	Excellent	Alive	N
363	7	American Basswood	Good	Alive	N
364	6	American Basswood	Good	Alive	N
365	6	American Basswood	Good	Alive	N
366	13	American Basswood	Good	Alive	N
367	8	Black Walnut	Good	Alive	N
368	8	Black Walnut	Good	Alive	N
369	12	American Basswood	Good	Alive	N
370	13	American Basswood	Excellent	Alive	N
371	10	American Basswood	Excellent	Alive	N
372	11	American Basswood	Excellent	Alive	N
373	7	American Basswood	Excellent	Alive	N
374	10	American Basswood	Good	Alive	N
375	12	Black Walnut	Excellent	Alive	N
376	10	American Basswood	Poor	Alive	N
377	10	American Basswood	Poor	Alive	N
378	10	American Basswood	Poor	Alive	N
379	14	American Basswood	Dead	Alive	N
380	17	American Basswood	Fair	Alive	N
381	13	American Basswood	Good	Alive	N
382	6	American Basswood	Excellent	Alive	N
383	7	American Basswood	Excellent	Alive	N
384	7	Black Walnut	Good	Alive	N
385	8	Black Walnut	Good	Alive	N
386	8	Black Walnut	Excellent	Alive	N
387	11	Black Walnut	Excellent	Alive	N
388	6	Shagbark Hickory	Good	Alive	N
389	10	Black Walnut	Good	Alive	N
390	9	Black Walnut	Good	Alive	N
391	4	American Basswood	Good	Alive	N
393	9	Shagbark Hickory	Excellent	Alive	N
394	5	Shagbark Hickory	Excellent	Alive	N
395	10	Shagbark Hickory	Good	Alive	N
396	6	American Basswood	Good	Alive	N
397	5	Black Walnut	Excellent	Alive	N
398	14	Black Walnut	Excellent	Alive	N
399	4	American Basswood	Good	Alive	N
400	9	American Basswood	Good	Alive	N
401	11	Black Walnut	Excellent	Alive	N
402	12	Ash	Fair	Alive	N
403	9	American Elm	Fair	Alive	N
404	9	Black Walnut	Good	Alive	N
405	14	American Elm	Good	Alive	N
406	7	American Elm	Good	Alive	N
407	15	American Elm	Poor	Alive	N
408	4	Black Cherry	Good	Alive	N
409	8	Black Walnut	Excellent	Alive	N
410	8	Black Cherry	Excellent	Alive	N
411	13	Northern Red Oak	Excellent	Alive	N
412	11	Black Walnut	Good	Alive	N
413	5	Shagbark Hickory	Excellent	Alive	N

Tree ID	DBH (in.)	Common Name	New Data Field	Status	Removed?
414	6	Ash	Good	Alive	N
415	4	Ash	Good	Alive	N
416	4	Ash	Good	Alive	N
417	7	Ash	Good	Alive	N
418	6	American Elm	Fair	Alive	N
419	12	Black Cherry	Good	Alive	N
420	4	Shagbark Hickory	Good	Alive	N
421	13	Black Cherry	Excellent	Alive	N
422	7	American Elm	Good	Alive	N
423	13	Black Cherry	Good	Alive	N
424	7	Black Cherry	Good	Alive	N
425	10	Black Walnut	Good	Alive	N
426	7	Ash	Good	Alive	N
427	8	Ash	Good	Alive	N
428	6	Shagbark Hickory	Good	Alive	N
429	12	Black Walnut	Excellent	Alive	N
430	11	Black Cherry	Fair	Alive	N
431	9	Black Cherry	Poor	Alive	N
432	4	American Basswood	Excellent	Alive	N
433	9	Black Cherry	Excellent	Alive	N
434	4	Black Cherry	Excellent	Alive	N
435	7	Black Cherry	Excellent	Alive	N
436	11	Black Cherry	Fair	Alive	N
437	11	Black Cherry	Good	Alive	N
438	4	Black Cherry	Excellent	Alive	N
439	4	Black Cherry	Excellent	Alive	N
440	7	Black Cherry	Good	Alive	N
441	7	Black Walnut	Excellent	Alive	N
442	10	Black Walnut	Excellent	Alive	N
443	8	Black Walnut	Good	Alive	N
444	6	Black Cherry	Fair	Alive	N
445	6	Black Cherry	Excellent	Alive	N
446	9	Black Cherry	Excellent	Alive	N
447	4	Black Cherry	Excellent	Alive	N
448	4	Black Cherry	Excellent	Alive	N
449	4	Black Cherry	Excellent	Alive	N
450	5	Black Cherry	Excellent	Alive	N
451	5	Black Cherry	Excellent	Alive	N
452	6	Black Cherry	Good	Alive	N
453	10	Ash	Good	Alive	N
454	7	Black Cherry	Excellent	Alive	N
455	5	Black Cherry	Fair	Alive	N
456	5	Black Cherry	Good	Alive	N
457	5	Black Cherry	Good	Alive	N
458	5	Black Cherry	Good	Alive	N
459	7	Black Cherry	Good	Alive	N
460	8	Black Cherry	Good	Alive	N
461	4	Black Cherry	Good	Alive	N
462	14	Ash	Fair	Alive	N
463	8	Black Cherry	Good	Alive	N
464	8	Black Cherry	Fair	Alive	N
465	8	Black Cherry	Poor	Alive	N
466	8	Black Cherry	Poor	Alive	N
467	10	Black Cherry	Fair	Alive	N
468	16	Black Walnut	Good	Alive	N
469	5	Black Cherry	Fair	Alive	N
470	5	American Elm	Good	Alive	N
471	5	American Elm	Fair	Alive	N
472	5	Black Cherry	Good	Alive	N
473	6	Black Cherry	Poor	Alive	N
474	5	American Elm	Fair	Alive	N
475	4	American Elm	Good	Alive	N
476	9	American Basswood	Poor	Alive	N
477	9	American Basswood	Poor	Alive	N
478	29	American Basswood	Good	Alive	N
479	12	American Basswood	Good	Alive	N
480	7	American Elm	Good	Alive	N
481	24	Black Cherry	Good	Alive	N
482	21	American Basswood	Good	Alive	N
483	10	Black Cherry	Fair	Alive	N
484	14	Black Cherry	Good	Alive	N
485	4	American Basswood	Good	Alive	N
486	6	American Basswood	Good	Alive	N
487	9	American Basswood	Excellent	Alive	N
488	9	American Basswood	Excellent	Alive	N
489	12	American Basswood	Good	Alive	N
490	4	American Basswood	Fair	Alive	N
491	12	Black Cherry	Excellent	Alive	N
492	6	American Elm	Excellent	Alive	N
493	6	American Basswood	Good	Alive	N

Tree ID	DBH (in.)	Common Name	New Data Field	Status	Removed?
494	10	American Basswood	Excellent	Alive	N
495	9	Black Cherry	Poor	Alive	N
496	6	Ash	Good	Alive	N
497	12	Black Walnut	Excellent	Alive	N
498	9	Black Walnut	Excellent	Alive	N
499	20	Black Walnut	Good	Alive	N
500	16	Black Cherry	Poor	Alive	N
501	11	Black Cherry	Good	Alive	N
502	15	Mulberry	Poor	Alive	N
503	5	Ash	Good	Alive	N
504	5	Ash	Good	Alive	N
505	8	Ash	Good	Alive	N
506	7	Ash	Good	Alive	N
507	10	Shagbark Hickory	Good	Alive	N
508	10	American Basswood	Good	Alive	N
509	20	Black Walnut	Good	Alive	N
510	7	American Basswood	Excellent	Alive	N
511	17	Black Walnut	Good	Alive	N
512	4	American Basswood	Good	Alive	N
513	4	American Basswood	Good	Alive	N
514	6	American Basswood	Good	Alive	N
515	9	American Basswood	Good	Alive	N
516	4	American Basswood	Good	Alive	N
517	10	American Basswood	Good	Alive	N
518	9	American Basswood	Good	Alive	N
519	11	American Basswood	Excellent	Alive	N
520	8	American Basswood	Good	Alive	N
521	9	American Basswood	Excellent	Alive	N
522	5	Black Cherry	Good	Alive	N
523	4	Black Cherry	Good	Alive	N
524	8	Black Cherry	Good	Alive	N
525	5	Black Cherry	Good	Alive	N
526	7	Black Cherry	Good	Alive	N
527	5	Black Cherry	Good	Alive	N
528	5	Black Cherry	Good	Alive	N
529	6	American Basswood	Good	Alive	N
530	5	Black Cherry	Good	Alive	N
531	7	American Elm	Good	Alive	N
532	9	American Basswood	Excellent	Alive	N
533	5	American Basswood	Excellent	Alive	N
534	4	Shagbark Hickory	Excellent	Alive	N
535	10	American Basswood	Excellent	Alive	N
536	10	American Basswood	Excellent	Alive	N
537	7	American Basswood	Good	Alive	N
538	7	American Basswood	Good	Alive	N
539	11	American Basswood	Excellent	Alive	N
540	11	American Basswood	Excellent	Alive	N
541	7	American Basswood	Excellent	Alive	N
542	4	American Basswood	Poor	Alive	N
543	10	Black Cherry	Good	Alive	N
544	6	American Basswood	Good	Alive	N
545	6	American Basswood	Good	Alive	N
546	8	American Basswood	Good	Alive	N
547	9	American Basswood	Good	Alive	N
548	10	American Basswood	Good	Alive	N
549	4	American Basswood	Good	Alive	N
550	10	American Basswood	Excellent	Alive	N
551	6	American Basswood	Good	Alive	N
552	9	American Basswood	Good	Alive	N
554	7	American Basswood	Good	Alive	N
555	6	American Basswood	Good	Alive	N
556	6	American Basswood	Good	Alive	N
557	8	American Basswood	Good	Alive	N
558	12	American Basswood	Good	Alive	N
559	5	American Basswood	Excellent	Alive	N
560	9	American Basswood	Good	Alive	N
561	17	American Basswood	Good	Alive	N
562	10	American Basswood	Excellent	Alive	N
563	10	American Basswood	Good	Alive	N
564	6	American Basswood	Fair	Alive	N
565	15	Black Walnut	Good	Alive	N
566	7	American Basswood	Good	Alive	N
567	19	American Basswood	Good	Alive	N
568	21	American Basswood	Poor	Alive	N
569	9	American Basswood	Good	Alive	N
570	9	American Basswood	Good	Alive	N
571	10	Black Cherry	Fair	Alive	N
572	6	American Basswood	Good	Alive	N
573	6	American Basswood	Good	Alive	N
574	7	American Basswood	Good	Alive	N

Tree ID	DBH (in.)	Common Name	New Data Field	Status	Removed?
575	7	American Basswood	Good	Alive	N
576	16	Black Walnut	Good	Alive	N
577	5	American Basswood	Fair	Alive	N
578	8	American Basswood	Excellent	Alive	N
579	9	American Basswood	Good	Alive	N
580	5	American Basswood	Good	Alive	N
581	11	American Basswood	Excellent	Alive	N
582	7	American Elm	Good	Alive	N
583	7	American Elm	Fair	Alive	N
584	25	American Basswood	Fair	Alive	N
585	13	Black Walnut	Excellent	Alive	N
586	12	American Elm	Poor	Alive	N
587	4	American Basswood	Good	Alive	N
588	8	American Basswood	Good	Alive	N
589	6	American Basswood	Good	Alive	N
590	8	American Basswood	Good	Alive	N
591	6	American Basswood	Good	Alive	N
592	6	American Basswood	Fair	Alive	N
593	12	American Basswood	Excellent	Alive	N
594	16	Black Walnut	Good	Alive	N
595	15	American Basswood	Fair	Alive	N
596	12	Shagbark Hickory	Good	Alive	N
597	4	American Basswood	Good	Alive	N
598	9	American Basswood	Good	Alive	N
599	9	American Basswood	Good	Alive	N
600	11	American Basswood	Good	Alive	N
601	9	American Basswood	Excellent	Alive	N
602	7	American Basswood	Poor	Alive	N
603	8	American Basswood	Good	Alive	N
604	9	American Basswood	Excellent	Alive	N
605	7	American Basswood	Excellent	Alive	N
606	10	American Basswood	Excellent	Alive	N
607	9	American Basswood	Good	Alive	N
608	4	American Basswood	Fair	Alive	N
609	6	American Basswood	Good	Alive	N
610	6	American Basswood	Fair	Alive	N
611	9	American Basswood	Good	Alive	N
612	5	American Basswood	Good	Alive	N
613	5	American Basswood	Good	Alive	N

STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT/PROJECT: Bill Morris / Durbin Petroleum, LLC.

LOCATION: 15551 W. Cleveland Avenue (Tax Key #: 1195.974)

REQUEST: Conditional Use Permit for Durbin Petroleum, LLC to reoccupy the existing building as a gas station and construct a fuel pump canopy, located at 15551 W. Cleveland Avenue.

D.R.C. RECOMMENDATION: Approval of the Conditional Use Permit for Durbin Petroleum, LLC to reoccupy the existing building as a gas station and construct a fuel pump canopy, located at 15551 W. Cleveland Avenue, subject to the application, plans on file and the following conditions of approval:

1. Planning:

- a. Architecture Review Committee approval required prior to issuance of the Zoning Permit.
 - i. The Architecture Review Committee approved the canopy on August 15, 2022.
- b. Plan of operation shall be consistent with plans on file. Applicant is requesting to reoccupy the existing building as a gas station and convenience store and construct a new fuel pump canopy and six fuel pumps.
 - i. Hours of operation: 24 hours a day, 7 days a week
 - ii. Number of employees: 2 to 4
- c. Per Section 275-57 of the Zoning Code, parking for a 3,618 square foot commercial building requires 18 parking stalls.
 - i. This parking lot shall maintain the existing 18 parking stalls one of which shall be an ADA van accessible stall.
- d. Employee and customer parking shall be contained on site.
- e. Approval of the Landscaping Plan and payment of all installation and maintenance sureties (Letter of Credit) is required. Landscape plans shall meet all the requirements of Article VIII Section 275-53 through 275-56 of the City's Zoning Code. A registered Landscape Architect shall stamp plans.
- f. Plans shall meet requirements of Zoning Code Sections 275-41C(2)(a) and 275-41C(2)(b) for automotive fuel sales.
 - i. Per Section 275-41C(2)(a), All fuel pumps and service islands shall comply with the yard requirements of the zoning district in which the use is allowed; and
 - ii. Per Section 275-41C(2)(b) The outermost edge of any protective canopy shall not be closer than 25 feet to the base setback line and shall meet the

side yard and rear yard setbacks.

- g. Per Section 275-46D(4) of the Zoning Code, the vision clearance triangle space shall be 60 feet. No obstructions, such as structures, parking, landscaping or vegetation shall be permitted in any district between the heights of 3 ft. and 10 ft. above the plane through the mean curb grades within the vision clearance triangle space.
- h. All permanent and temporary signs require a Sign Application to be filed prior to installation.
- i. No outdoor storage of materials permitted for this business. Dumpsters shall be properly screened from street and public view in accordance with Article VII Section 275-56 of the New Berlin Municipal Ordinance.
- j. A site visit will be performed after issuance of the Zoning Permit. Per Section 275-53B(1)(11) All existing nonconformities and outstanding code violations shall be identified, resolved, and remedied by the deadline dates.
- k. This application does not include any interior or exterior building modifications to the existing building. There will be a new canopy. The color of the canopy shall be included with the sign permit. Separate applications and permits are required for any modifications.

2. Building Inspection:

- a. Building plans shall be signed and stamped by a licensed architect or professional engineer per the Wisconsin Enrolled Commercial Building Code (Comm. 361.31).
- b. The State of Wisconsin Commerce review can be done locally as per (Comm.361.60) if under cubic foot rule per Wis. Stat. Section 101.12(3) (b) and (g).
- c. Apply and obtain appropriate building, HVAC, electric, plumbing and fire permits from the City of New Berlin Building Inspection Division. The building shall be fully accessible from the parking lot to the interior elements (Com. 63.1101 and ICC/ANSI A117.1).
- d. Plumbing: State review is required for over 16 fixtures - new and/or replacements.
- e. Contractor/Owner is responsible for contacting, applying for permits and inspections from required State of Wisconsin departments.

3. Fire Department:

- a. Maintain fire sprinkler coverage throughout.
- b. Key for Knox box is required.
- c. Provide fire extinguishers every 75' of travel.
- d. Maintain egress/emergency lighting throughout.
- e. Maintain 24' fire access width for fire lane.

4. Engineering:

- a. No outdoor displays shall be allowed on the concrete surrounding the building.
- b. Maintain an ADA Accessible Route.
- c. Notice to the property owner, the intersection of CTH O (Moorland Rd.) and CTH D (Cleveland Ave.) is scheduled for reconstruction in 2024 by the Waukesha County Department of Public Works.

- d. The Waukesha County Hazmat Coordinator has identified the corner of Moorland Rd. and Cleveland Ave. as a potential hazardous materials site. If contaminated soils are encountered in the excavation of the fuel tanks, contact Steve Todd at Waukesha County.

DETAILS IN ATTACHED STAFF REPORT

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

Meeting of October 3, 2022

Bill Morris / Durbin Petroleum, LLC
15551 W. Cleveland Avenue

DATE STAFF REPORT: 09/20/2022

APPLICANT / OWNER(S): Bill Morris on behalf of Durbin Petroleum, LLC / Vancalle New Berlin, LLC

REQUEST / DESCRIPTION OF PROJECT: Conditional Use application to reoccupy an existing building as a gas station and construct a fuel pump canopy and fuel pumps, located at 15551 W. Cleveland Avenue.

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 06/28/2022; Revised Plans 08/26/2022

DATE OF COMPLETENESS DETERMINATION: 07/06/2022; Revised Plans 08/26/2022
Application Check List Enclosed: N/A

PRE-APPLICATION CONFERENCE HELD: Yes
Dates of Meetings: 06/16/2022; Several phone calls and Zoom meetings.

CONCEPTUAL PLAN: N/A

SIZE OF DEVELOPMENT / PARCEL(S):

Development Size: 3,618 Sq. Ft.
Parcel Size: 0.937 Acres

CURRENT ZONING: B-2 (General Retail Sales and Service District)

CURRENT LAND USE: Vacant Commercial Building

PROPOSED ZONING: N/A

PROPOSED LAND USE: Automotive Fuel Sales

PROPOSED LOT SIZE (S): N/A

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

<i>North:</i> Zoning: B-4	Land Use: Commercial (Fast Food Restaurant - Wendy's)
<i>South:</i> Zoning: O-3	Land Use: Residential
<i>East:</i> Zoning: R-5	Land Use: Residential
<i>West:</i> Zoning: O-2/SPO	Land Use: Business Park (Office Building)

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:

- Create flexible but predictable compatibility standards for new construction and redevelopment related to site planning, building design and materials, landscaping, buffering, access, signage, and other land use impacts.*
- Maintain public infrastructure in the neighborhood, including streets and sewer services, to maintain property values.*

Land Use:

- Future Land Use Map: Suburban Commercial*

ZONING CODE (CHAPTER 275): Yes, this request is consistent with Section 275-34B(2) of the Zoning Code. Automotive fuel sales are considered conditional uses within the B-2 zoning district.

DEVELOPMENT CODE (CHAPTER 235): N/A

PUBLIC HEARING REQUIRED: Yes, required for a Conditional Use. A Public Hearing was held on August 15, 2022.

CONDITIONAL USE REQUIRED: Yes

USE / SITE / ARCHITECTURAL REVIEW:

Conditional Use Approval Required: Yes

Site Plan Required: Yes

Architectural Review Required: Yes, ARC approved the request on August 15, 2022.

PROPOSED ARCHITECTURE: The applicant is proposing to construct a new fuel pump canopy and six fuel pumps. The ARC approved the proposed plans at the August 15, 2022 meeting.

UNIQUE SITE CHARACTERISTICS:

Environmental Corridor: No

Wetlands on Property: No

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

NRCS Map Classification: Not Inventoried.

Floodplain: No

Topography / Geologic: Site slopes from the north to the south.

ALTERNATIVE TRANSPORTATION PLAN: No improvements identified.

PARK & OPEN SPACE PLAN: No improvements identified.

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): Shown on plans.

Woodland, Tree, and Vegetation Protection: N/A

Wildlife Habitat Protection: N/A

Wildlife Management Plan: N/A

ENVIRONMENTAL IMPACT: No impact.

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 and/or as identified by the Department of Community Development.

SANITARY SEWER PROVISION:

Within Current Sewer Service Area: Yes

Sewershed Capacity Available: Yes

Adequate Linkage: Yes

Onsite System Required: No

WATER USAGE CALCULATION: Will be determined at the time of Building Permit.

TRAFFIC IMPACT: Previously, this location operated as a gas station and traffic is expected to be similar to the previous approved land use.

SCHOOL DISTRICT IMPACT: No impact.

PREVIOUS ACTION:

04/04/2005	Plan Commission recommend to Common Council approval of rezoning from B-4 to B-2.
04/12/2005	Common Council approval of rezoning from B-4 to B-2.
06/06/2005	Plan Commission approval of the Conditional Use Permit for the construction of an Open Pantry convenience store, gas station and retail/office space.
03/07/2022	Plan Commission Public Hearing for Conditional Use Permit (File #: CU-2200213).
04/11/2022	Applicant withdrew application for Conditional Use Permit (File #: CU-2200213).
08/15/2022	Plan Commission Public Hearing for Conditional Use Permit (File #: CU-2201582).

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

1. Architecture Review Committee approval required prior to issuance of the Zoning Permit.
 - a. The Architecture Review Committee approved the canopy on August 15, 2022.
2. Plan of operation shall be consistent with plans on file. Applicant is requesting to reoccupy the existing building as a gas station and convenience store and construct a new fuel pump canopy and six fuel pumps.
 - a. Hours of operation: 24 hours a day, 7 days a week
 - b. Number of employees: 2 to 4
3. A traffic impact analysis was not required since this location previously operated as a gas station and traffic is expected to be similar to the previous approved land use.

**Department of
Community Development**

4. A Landscaping Plan is required. Approval of the Landscaping Plan and payment of all installation and maintenance sureties (Letter of Credit) is required. Landscape plans shall meet all the requirements of Article VIII Section 275-53 through 275-56 of the City's Zoning Code.
 - a. Zoning Code Section 275-65F requires a "substantial bufferyard" of 15 ft. for residential uses adjacent to commercial uses that are under 5,000 sq. ft.
5. Per Section 275-57 of the Zoning Code, parking for a 3,618 square foot commercial building requires 18 parking stalls.
 - a. This parking lot shall maintain the existing 18 parking stalls one of which shall be an ADA van accessible stall.
6. Per Section 275-46D(4) of the Zoning Code, the vision clearance triangle space shall be 60 feet. No obstructions, such as structures, parking, landscaping or vegetation shall be permitted in any district between the heights of 3 ft. and 10 ft. above the plane through the mean curb grades within the vision clearance triangle space.
7. Plans shall meet requirements of Zoning Code Sections 275-41C(2)(a) and 275-41C(2)(b) for automotive fuel sales.
 - a. Per Section 275-41C(2)(a), *"All fuel pumps and service islands shall comply with the yard requirements of the zoning district in which the use is allowed"*; and
 - b. Per Section 275-41C(2)(b) *"The outermost edge of any protective canopy shall not be closer than 25 feet to the base setback line and shall meet the side yard and rear yard setbacks"*.
8. Per Section 275-27C. Approval criteria: *"The Plan Commission of the City of New Berlin will grant approval of conditional use permits only if it finds that the proposed use complies with all relevant regulations set forth in this chapter, including, but not limited to, § 275-41, Use-specific regulations, and Article VIII, General Development Regulations. Per § 66.1001(2m)(b), Wis. Stats., a conditional use does not need to be consistent with the City's Comprehensive Plan."*
 - (1) *Approval of a conditional use. Recommendations and decisions on conditional uses should be based on consideration of the following criteria:*
 - (a) *Whether the proposed use corrects an error or meets the challenge of some changing condition, trend, or fact;*
 - (b) *Whether the proposed use is consistent with the health, safety, or general welfare of the general public;*
 - (c) *Whether the proposed use will protect the natural environment, including, but not limited to air, water, storm water management, wildlife, and vegetation.*
 - (2) *Changes to the use. In acting on a conditional use, the Plan Commission/CDA shall consider the stated purpose of the proposed use and shall approve the petition only if it finds that the applicant has provided substantial evidence as that term is defined in Wis. Stats. § 62.23(7) that the use will meet the following criteria for approval:*
 - (a) *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 request is compliant.
 - (b) *Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of the City to provide them;*

**Department of
Community Development**

Yes, the proposed request is compliant.

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

Yes, the proposed request is compliant.

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

Yes, the proposed request is compliant.

- (e) *The proposed use will not be used to legitimize a nonconforming use or structure*

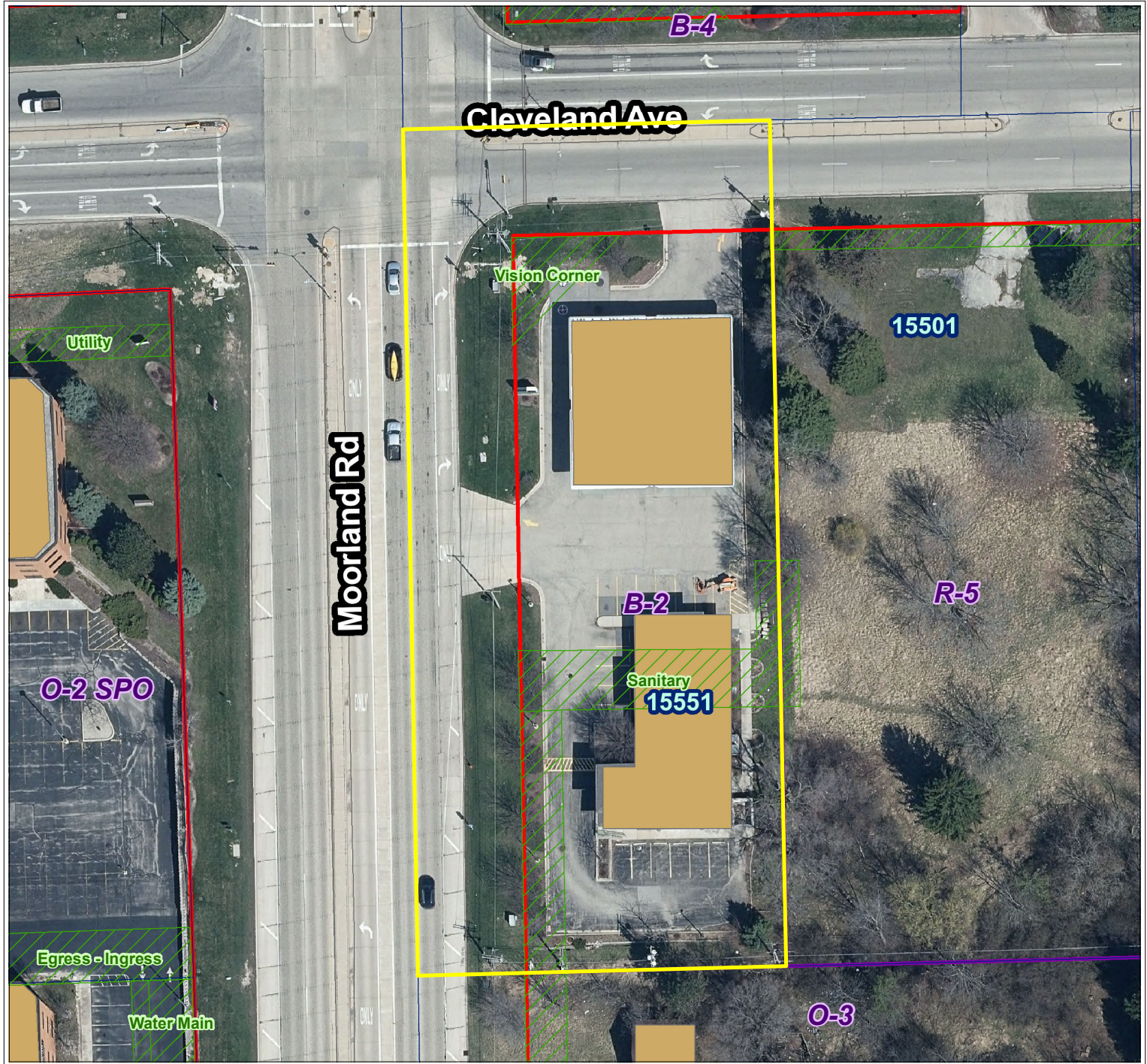
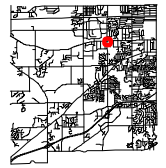
Yes, the proposed request is compliant.

D.R.C RECOMMENDATION:

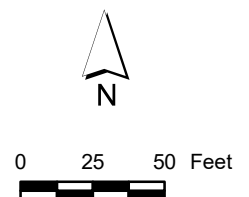
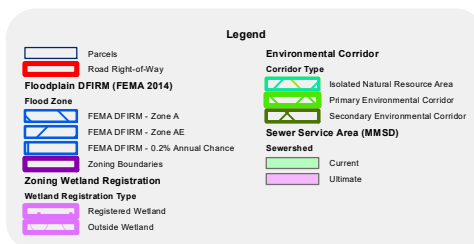
Approval of the Conditional Use Permit for Durbin Petroleum, LLC to reoccupy the existing building as a gas station and construct a fuel pump canopy, located at 15551 W. Cleveland Avenue, subject to the application, plans on file and the following conditions of approval:
SEE EXECUTIVE SUMMARY.

ATTACHMENTS:

Location Map
Plan of Operation Letter
Revised Plans



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



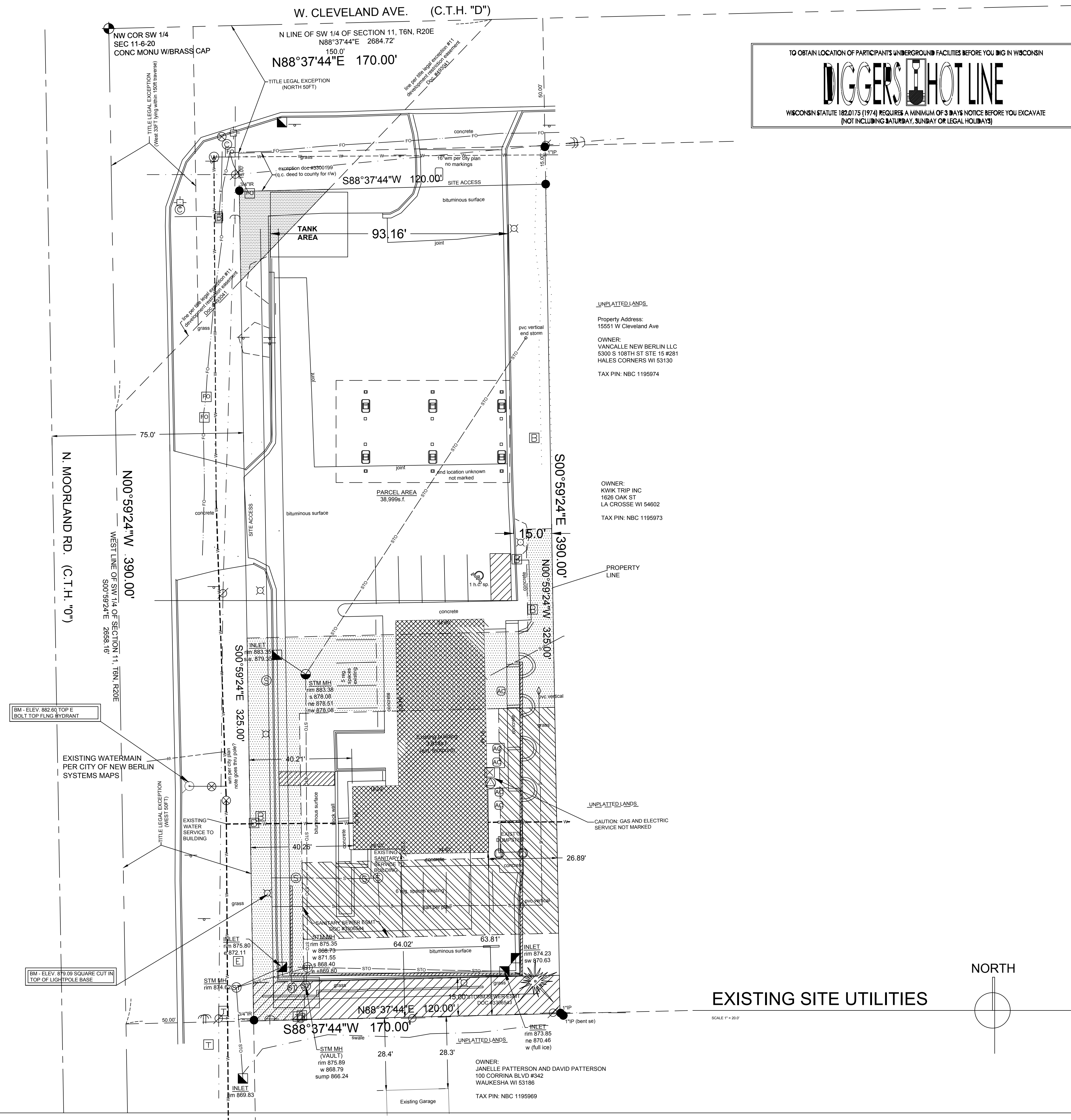
SITE AND OPERATION PLAN FOR

15551 CLEVELAND AVENUE
NEW BERLIN. WI 53151

To: Staff and Committee Members

- A. LOCATION of proposed use is: 15551 CLEVELAND AVENUE NEW BERLIN WI. 53151
Existing Gas Station with Convenience Store.
- B. The activities shall include the operation of the existing 3618 sq ft convenience store, construction of the proposed gasoline canopy, sales being for cars, suv's and small trucks.
- C. The number of employees to operate is 2 to 4 on largest shift
- D. Hours of operation
24 Hours/7 Days

Gasoline deliveries two-four trucks per week. Inside store deliveries 4-6 per week.
Operation to commence upon building clean up and canopy construction
With all approvals from City of New Berlin
No phasing is intended
- E. Currently there are 18 parking spaces on site
- F. Traffic flow is North on Moorland and East on Cleveland
- G. Area being served
Immediate Neighborhood
- H. The proposed interior remodel and Construction shall be completed in 2022 with operation to commence immediately
- I. Security cameras shall be installed both inside and outside of the building
- J. No hazards that we are aware of on site.
Tests shall be conducted prior to fuel tank installation for state approvals



A2a	DURBIN PETROLEUM LLC 15551 W CLEVELAND AVENUE NEW BERLIN WI. 53151	WILLIAM A MORRIS ARCHITECT LLC 5313 87TH PLACE PLEASANT PRAIRIE WI 53158	REVISIONS	DATE
			1-25-22	8-22-22
			3-4-22	
			3-21-22	
			5-25-22	6-28-22

STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT/PROJECT:	Reggie Peters – Lemberg Electric / Cleveland Pub EMC Sign Waiver Request
LOCATION:	14000 W. Cleveland Avenue
REQUEST:	Approval of three Waiver Requests for Cleveland Pub at 14000 W. Cleveland Avenue
D.R.C RECOMMENDATION:	Recommend denial of all three Waiver Requests for Cleveland Pub located at 14000 W. Cleveland Avenue, subject to the application, plans on file and the following reasons:
WAIVER REQUEST #1:	Applicant is requesting a waiver from §275-61I(1)(c)[3]: <i>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.</i>
WAIVER REQUEST #2:	Applicant is requesting a waiver from §275-61I(1)(g)[1]: <i>The sign area for EMCs or changeable message signs shall be included in the total permitted sign area allowed and shall not exceed 50% of the total sign area. The maximum size for an EMC or changeable message sign is 24 square feet.</i>
WAIVER REQUEST #3:	Applicant is requesting a waiver from §275-61I(1)(g)[7]: <i>A sign containing an EMC shall not be located closer than 100 feet from a residentially zoned property. The distance shall be calculated as the shortest measurable distance between the face of the sign to the edge of the residential zoning district, in a straight line without regard to intervening structures. Right-of-way is not included and shall be subtracted from this measurement.</i>
1.	The applicant is proposing to replace their existing reader board with an EMC (electronic message centers). Applicant's letter and proposal are attached.
2.	Waiver Request #1: The proposed monument sign is 38.02 square feet when the maximum the code allows is 32 square feet. <u>A waiver of 6.02 square feet is required.</u> See applicant letter.
3.	Waiver Request #2: The proposed EMC is 56.15% of the overall sign when the code requires a maximum 50%. <u>A waiver of 6.15% is required.</u> See applicant letter.
4.	Waiver Request #3: The proposed EMC sign is 68 feet from a residential property when the code requires 100 feet (excluding the ROW). <u>A waiver of 32 feet is required.</u> a. <i>215' distance from residential property to sign (yellow line)</i> <u><i>- 147' ROW (blue line)</i></u> <i>68' distance from residential property to sign, excluding ROW, per code (pink line)</i>

5. All signage shall be located outside of the Vision Triangle, per §275-46.
6. Pursuant to §275-61D(5): *An applicant may appeal a decision made by staff to the Plan Commission or the Community Development Authority (where applicable) for determination. An additional review fee as determined by the Director shall be required for any sign application that is forwarded to the Plan Commission or the Community Development Authority (where applicable) for review.*
7. Pursuant to §275-61D(6): *An applicant may request a waiver from the Plan Commission or Community Development Authority (where applicable) for the requirements set forth in this section.*

Background:

1. Per §275-52C, Waivers/modifications:

- (1) *The Plan Commission may waive or modify any or all of the other requirements of this article if it determines that:*
 - (a) *The site or activity in question will have no appreciable off-site impact;*
 - (b) *Compliance with the requirement(s) is impractical or impossible due to site conditions or other circumstances beyond the control of the applicant; or*
 - (c) *The specific requirement is not necessary for a particular site to ensure compliance with the requirements of this chapter.*

Attachments:

Location Map

Applicant Letter

Plans

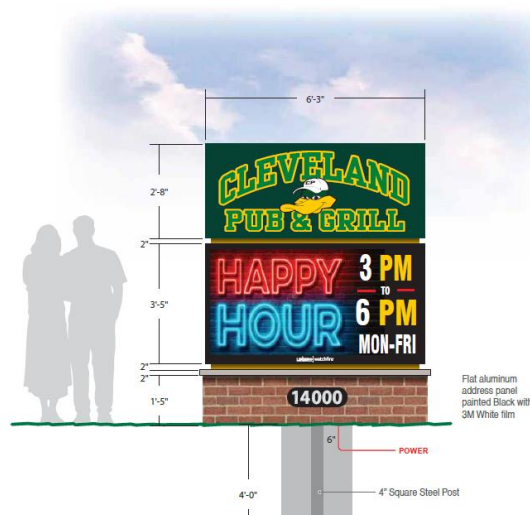
Map - EMC Setback

Map - Vision Triangle Boundary

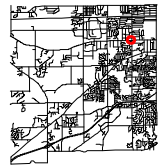
Existing Sign



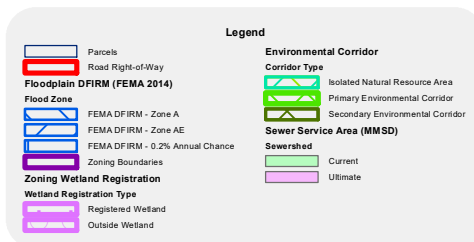
Proposed Sign



SG-2202022 Cleveland Pub EMC 14000 W Cleveland Avenue



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



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August 31, 2022

City of New Berlin – Planning Commission
3805 S Casper Drive, New Berlin, WI, 53151

RE: Cleveland Pub and Grill, Free Standing Sign and Electronic Message Center

To Whom It May Concern:

Lemberg Electric, on behalf of Cleveland Pub and Grill requests approval to install a new freestanding monument sign with electronic message center.

At this time, the code states that §275-61I(1)(c)[3]: 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.

The proposed sign square footage is **38.02 square feet, meaning we are requesting a 6.02 square foot variance.**

If the above variance is approved, we will also need to request a variance for “§275-61I(1)(g)[1]: The sign area for EMCs or changeable message signs shall be included in the total permitted sign area allowed and **shall not exceed 50% of the total sign area.** The maximum size for an EMC or changeable message sign is 24 square feet.”

A square footage of 38.02 will put the **size of the EMC at 56.15% of the total sign**, meaning we will need to **request a variance of 6.15%.**

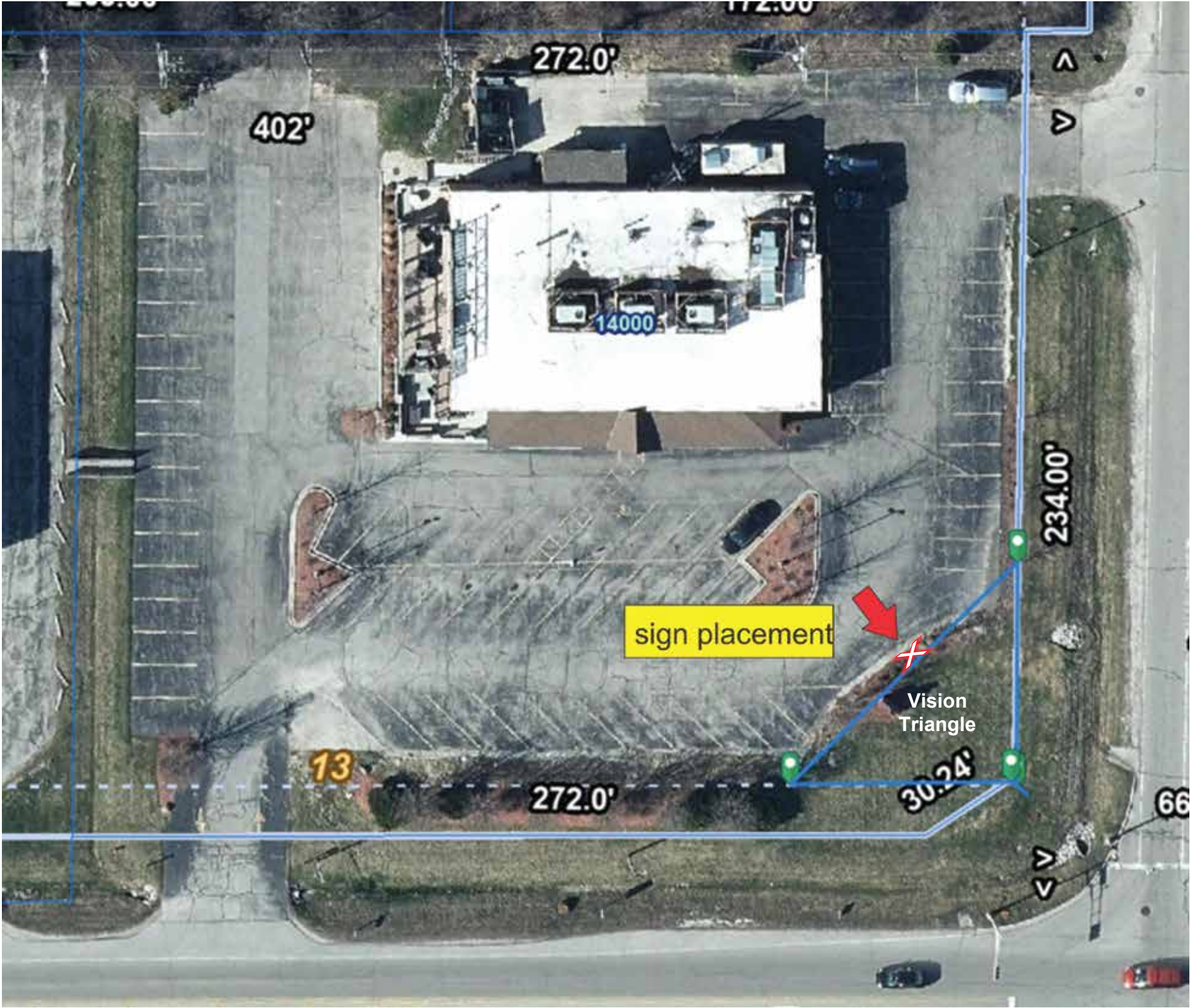
We feel that a slightly larger message board will be less distracting to drivers, as they do not need to strain to read the text. The electronic message center can be programmed to dim or turn off at times set by the establishment, and the message center will not display messages that flash or change rapidly.

Thank you for your consideration of this request. Please do not hesitate to contact me directly with any questions or comments. My direct line is 262-202-9145 and my email is rpeters@lembergelectric.com.

Sincerely,
Lemberg Electric Company, Inc.



Reggie Peters
Assistant Project Manager



SIGNS

4085 North 128th Street
Brookfield, WI 53005
p. 262-781-1500
www.LembergElectric.com

Client: Cleveland Pub & Grill
Location: 14000 W Cleveland Avenue
City: New Berlin, Wisconsin 53151

Sales Representative: Skip DeBack
Project Manager: Zach Wenger
Designer: Mark Mayzik

Scale: N/A
Paper Size: 11x17
Signature / Date:

Client / Location or Project / Sign Classification / Version# or Sheet / Revision# / Drawing Status
Cleveland_Pub&Grill_SITE_MAP_r00_D

Date:
08-29-22

Monument Sign with EMC Specifications

One (1) Monument Sign with an Electronic Message Center
Single Sided, Size: 6'-3" H x 6'-3" W (EMC: 3' x 6')
Illuminated with internal White LED - 7100K
Sign to have Photo Cell

(A) Sign Cabinet:
Extruded aluminum cabinet 15"+/- deep with routed 1/8" aluminum face (no exposed fasteners), backed with white acrylic, logo decorated 3M translucent film, (Digital Print).
Remove back for service, (countersunk screws).

(B) Graphics:
Logo and letters routed out of aluminum face and backed with white acrylic. 3M translucent film applied to 1st surface.

(C) 10mm Watchfire Full Color EMC:
Wireless communication, software and web-based training.

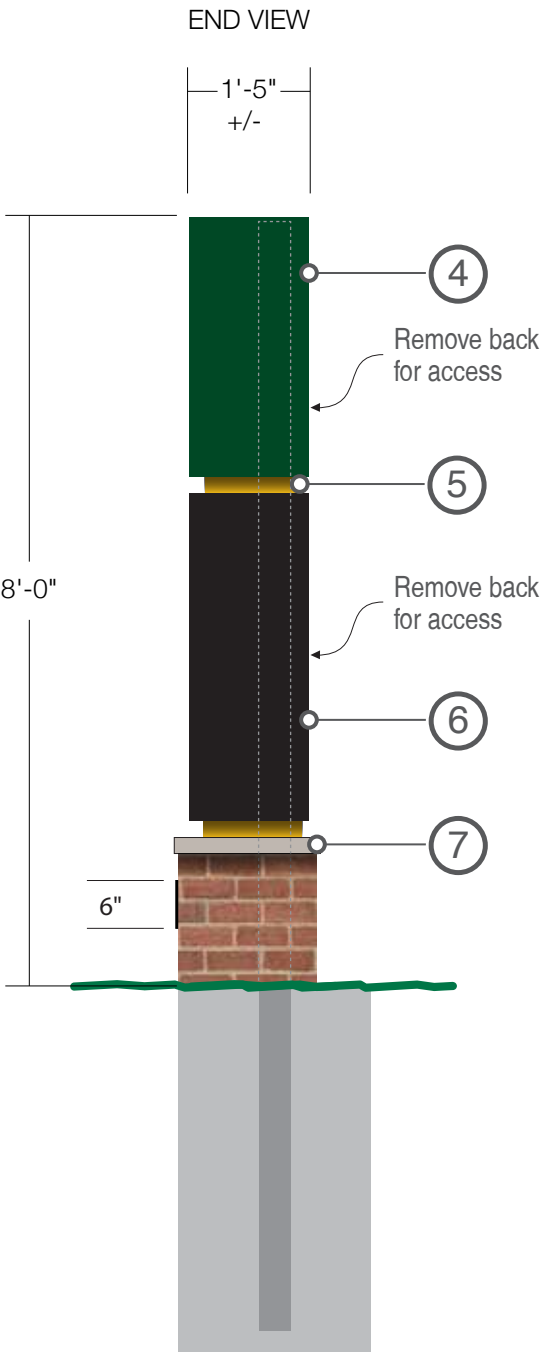
(D) Masonry Base:
Summitville thin brick construction. Fabricated steel angle frame with diagonal bracing to prevent sag.

Installation Method:
4" x 4" (1/4" wall) square steel center post. Sign & EMC to saddle mount center post. Center post set in 24" Dia. concrete footing, 4' below grade. 2 separate electrical circuits required.

- Colors: (Suggested)
- 1) 3M trans. film, Vivid Green 3630-156
 - 2) 3M trans. film, Yellow 3630-015
 - 3) Digital Print
 - 4) Hunt Club (SW 6468)
 - 5) Yellow paint to match 3M film 3630-015
 - 6) Black paint, satin finish
 - 7) Warm Gray paint (PMS 3C)



Flat aluminum address panel painted Black with 3M White film



SIGNS

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Brookfield, WI 53005
p. 262-781-1500
www.LembergElectric.com

Client: Cleveland Pub & Grill
Location: 14000 W Cleveland Avenue
City: New Berlin, Wisconsin 53151

Sales Representative: Skip DeBack
Project Manager: Zach Wenger
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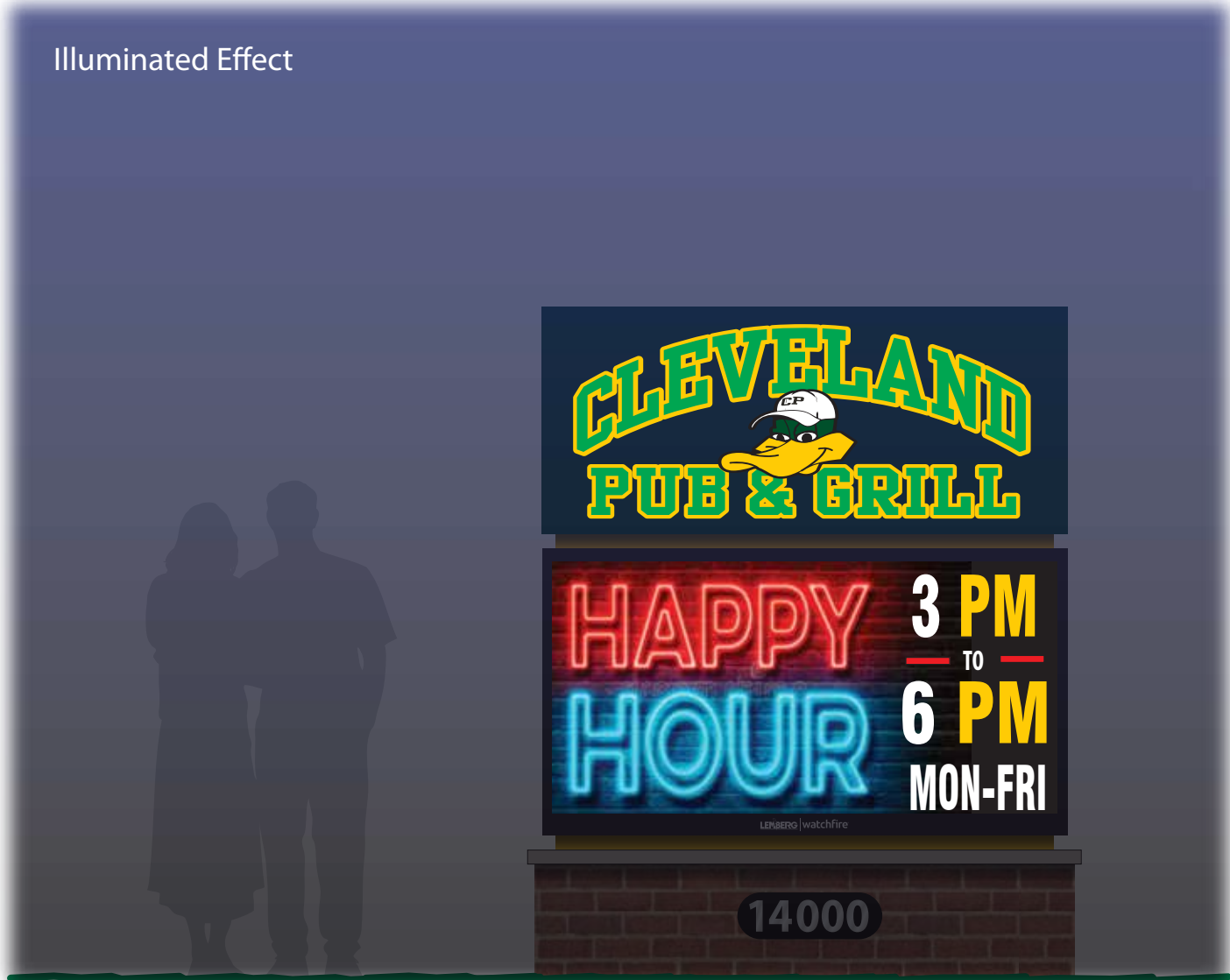
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Paper Size: 11x17
Signature / Date:

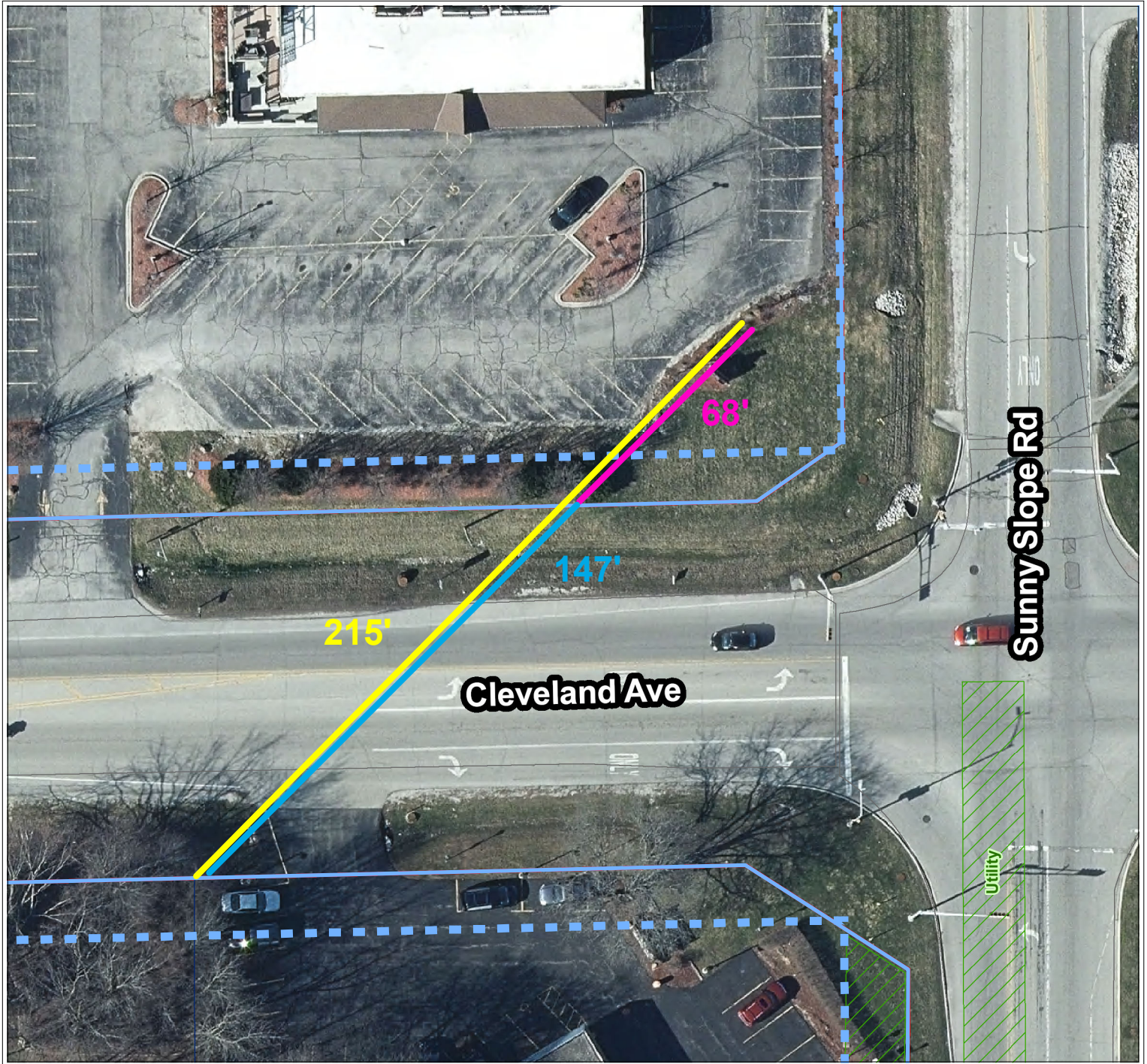
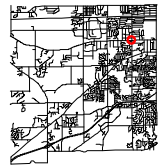
Client / Location or Project / Sign Classification / Version# or Sheet / Revision# / Drawing Status
Cleveland_Pub&Grill_MON_v03_r01_D

Date:
08-29-22

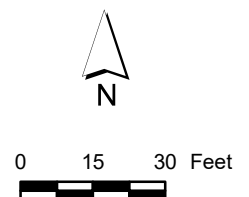
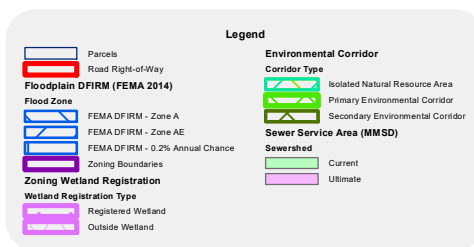


Approximate Location (not actual)

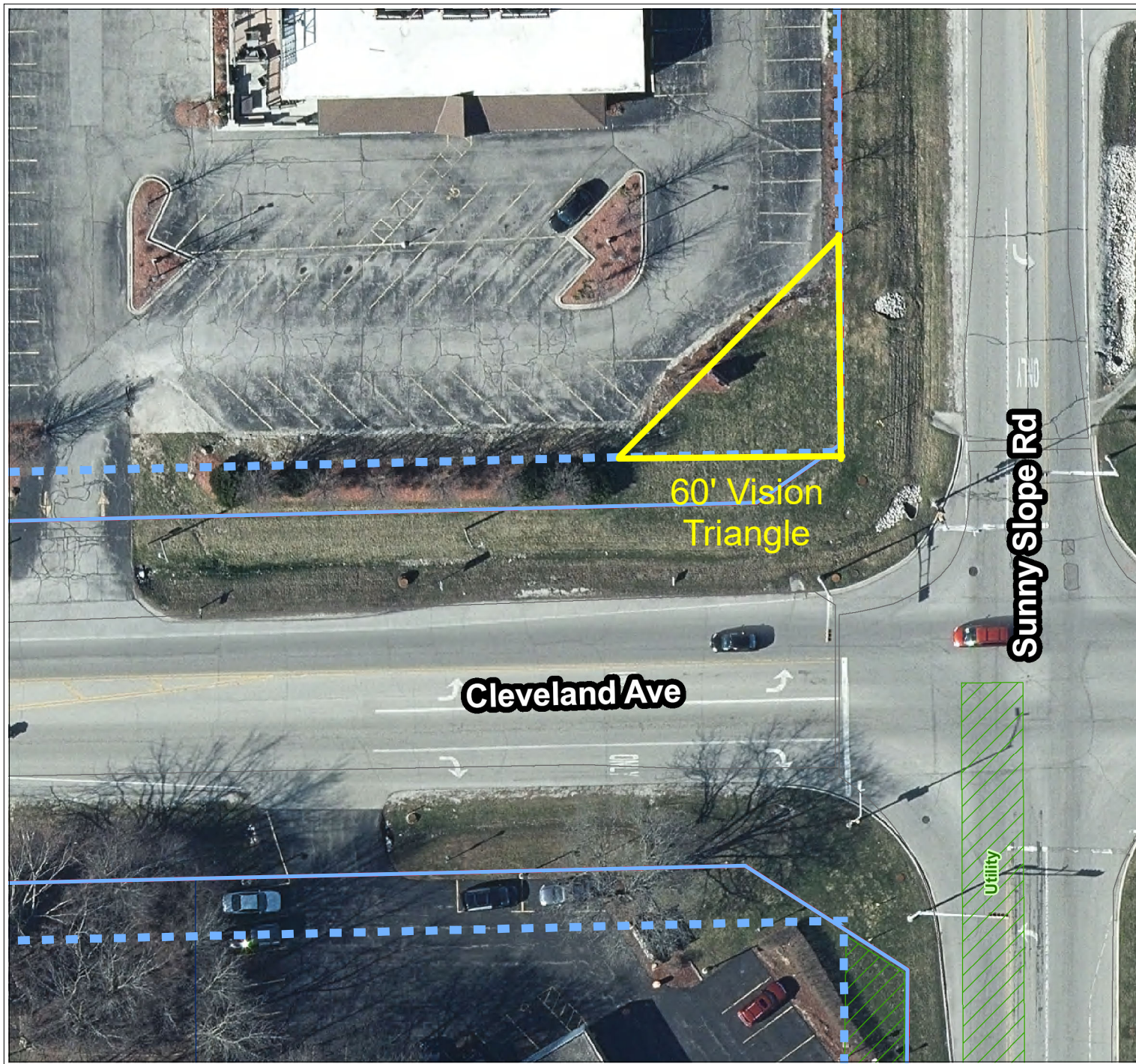
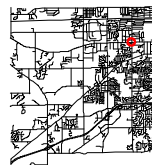




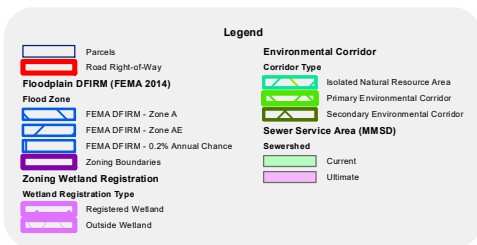
City of New Berlin
 Department of Community Development
 3805 S Casper Dr.
 New Berlin WI 53151
 (262) 797-2445
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SG-2202022 Cleveland Pub EMC 14000 W Cleveland Avenue



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October 11, 2022

TO: Common Council
Mayor Ament
Alderman Stribl
Alderman Harenda

FROM: Plan Commission

RE: Items from the October 3, 2022 Plan Commission Meeting requiring Common Council action.

- (7) NJ LD-2201278 Josh Radomski, Director of Public Works, on behalf of City of New Berlin for New Berlin Centre Cemetery - 18001 W. National Avenue (Tax Key #: 1262-960)-1-Lot Certified Survey Map.

Council Motion:

This item was considered at the Plan Commission meeting on October 3, 2022. It was recommended to the Common Council on a vote of 5-0. I do hereby move to approve the 1-Lot Certified Survey Map for the property located at 18001 W. National Avenue (Tax Key # 1262-960), subject to the application, plans and conditions on file.

STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT/PROJECT: Josh Radomski, Director of Public Works, on behalf of the City of New Berlin / 1-Lot Certified Survey Map for New Berlin Centre Cemetery

LOCATION: 18001 W. National Avenue (Tax Key #: 1262-960)

REQUEST: Approval of a 1-Lot Certified Survey Map

REVIEW SCHEDULE:

CSM Received (Complete):	8/26/2022
Completeness Determination:	8/26/2022
90-day time limit expires:	11/24/2022
Final Common Council Action:	10/11/2022

D.R.C. RECOMMENDATION: Recommend to Common Council approval of the 1-Lot Certified Survey Map for the property located at 18001 W. National Avenue (Tax Key # 1262-960), 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. Per Waukesha County, add dimension of 40' from centerline of National Avenue to the dedication line and a dimension of 7' for the width of the dedication. Add to the legal description the 7' dedication to Waukesha County language.
6. Final CSM layout subject to adjustments needed based on ground penetrating radar survey work.

DETAILS IN ATTACHED STAFF REPORT

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

Meeting of October 3, 2022

**Josh Radomski, Director of Public Works, on behalf of the City of New Berlin / 1-Lot Certified
Survey Map for 18001 W. National Avenue (Tax Key # 1262-960)**

DATE STAFF REPORT CREATED: September 19, 2022

APPLICANT / OWNER(S): Josh Radomski, Director of Public Works

REQUEST / DESCRIPTION OF PROJECT: Approval of the 1-Lot Certified Survey Map for the property located at 18001 W. National Avenue (Tax Key # 1262-960).

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 5/31/2022 (initial submittal – not complete)
8/26/2022 (Revised Complete CSM submitted).

DATE OF COMPLETENESS DETERMINATION: 8/26/2022

PRE-APPLICATION CONFERENCE HELD: Yes
Date(s) of Meeting(s): Several meetings via ZOOM.
Site Visit(s): 8/19/2022

CONCEPTUAL PLAN: Yes, a CSM has been submitted.

SIZE OF DEVELOPMENT / PARCEL(S):
Lot 1: 1.80 acres (After CSM is recorded)

CURRENT ZONING: I-1 (Institutional District)

CURRENT LAND USE: New Berlin Centre Cemetery

PROPOSED ZONING: N/A

PROPOSED LAND USE: One single lot

PROPOSED LOT SIZE: Lot 1: 1.80 acres (After CSM is recorded)

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

<i>North:</i>	Zoning: R-3 (Suburban Single-Family Residential)	Land Use: Single-Family Residential
<i>South:</i>	Zoning: R-1/R-2 (Rural Conservation Residential)	Land Use: Single-Family Residential
<i>East:</i>	Zoning: R-1/R-2 (Rural Conservation Residential) & C-1 (Upland Resource Conservancy)	Land Use: Vacant
<i>West:</i>	Zoning: R-1/R-2 (Rural Conservation Residential)	Land Use: Single-Family Residential

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes, the request meets the intent of this Chapter.

Chapter 19: Neighborhood “I”: National Avenue West: Yes, this submittal 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. Any development should occur gradually as a mix of lower density single-family development, farms, large areas of preserved open spaces, rural trails and facilities, and small-scale neighborhood oriented retail. Development in this area will incorporate environmental protection as a basic value, including its importance as an aquifer recharge area.*

Land use:

- *Future Land Use Map: Institutional*

ZONING CODE (Chapter 275): Yes, this request meets the requirements of Section 275-36B(1) of the Zoning Code.

DEVELOPMENT CODE (CHAPTER 235): Yes

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 down from south to north towards National Avenue.

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: No impact.

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: No

Sewer Shed Capacity Available: N/A

Adequate Linkage: N/A

Onsite System Required: Yes, if it is ever developed beyond its current use.

WATER USAGE CALC.: A private well would be necessary for water.

TRAFFIC IMPACT: No increase.

SCHOOL DISTRICT IMPACT: N/A

Notice Sent to Affected School District(s): No

PREVIOUS ACTION:

9/14/2021 Resolution No. 2021-29 was approved. This resolution approved the agreement between the City of New Berlin and the NB Centre Cemetery Association, as well as the City's acceptance of said abandoned cemetery per Wis. Stats. Sec. 157.115. See attached resolution for additional information.

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

1. This CSM has been prepared to clean up legal documents for the New Berlin Centre Cemetery.
2. In the I-1 District, the minimum lot size is 40,000 sq. ft. and the lot width requirement is 200'. The proposed lot meets these requirements.
3. Representatives from Waukesha County DOT, the City of New Berlin and the consultant from Ruekert-Mielke met on site to perform additional measurements to determine the right-of-way location.
4. Ground penetrating radar survey work to be completed.

D.R.C. RECOMMENDATION:

Recommend to Common Council approval of the 1-Lot Certified Survey Map for the property located at 18001 W. National Avenue (Tax Key # 1262-960), subject to the application, plans on file and the following conditions: **See Executive Summary.**

ATTACHMENTS:

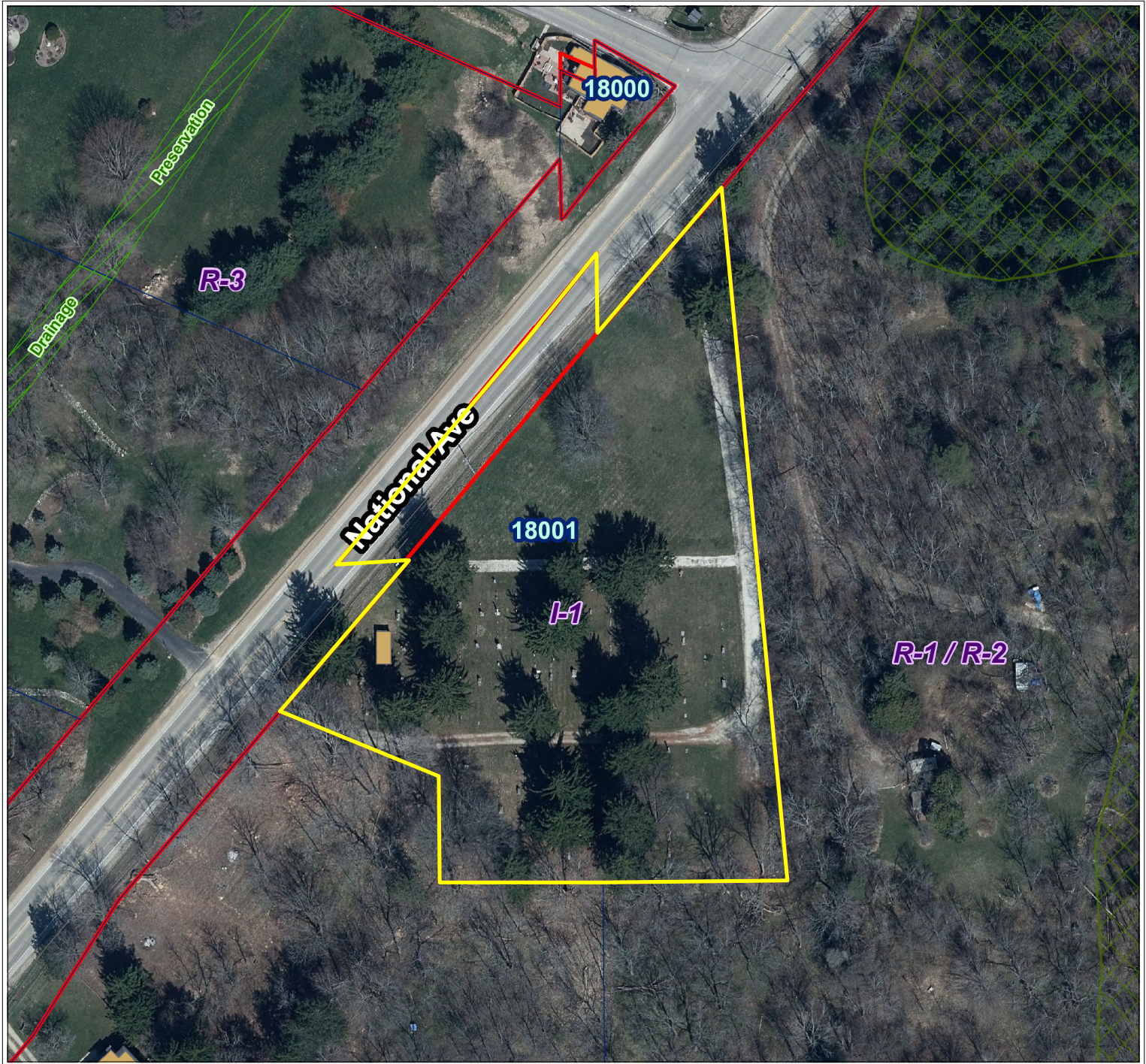
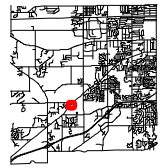
Location Map

CSM

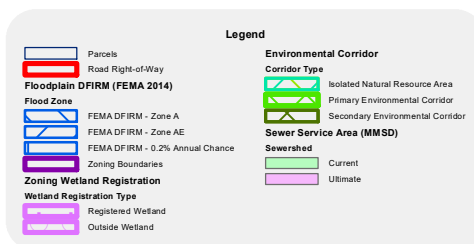
LD-2201278

New Berlin Centre Cemetery CSM

18001 W. National Avenue



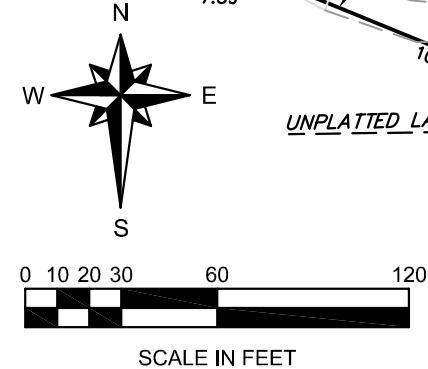
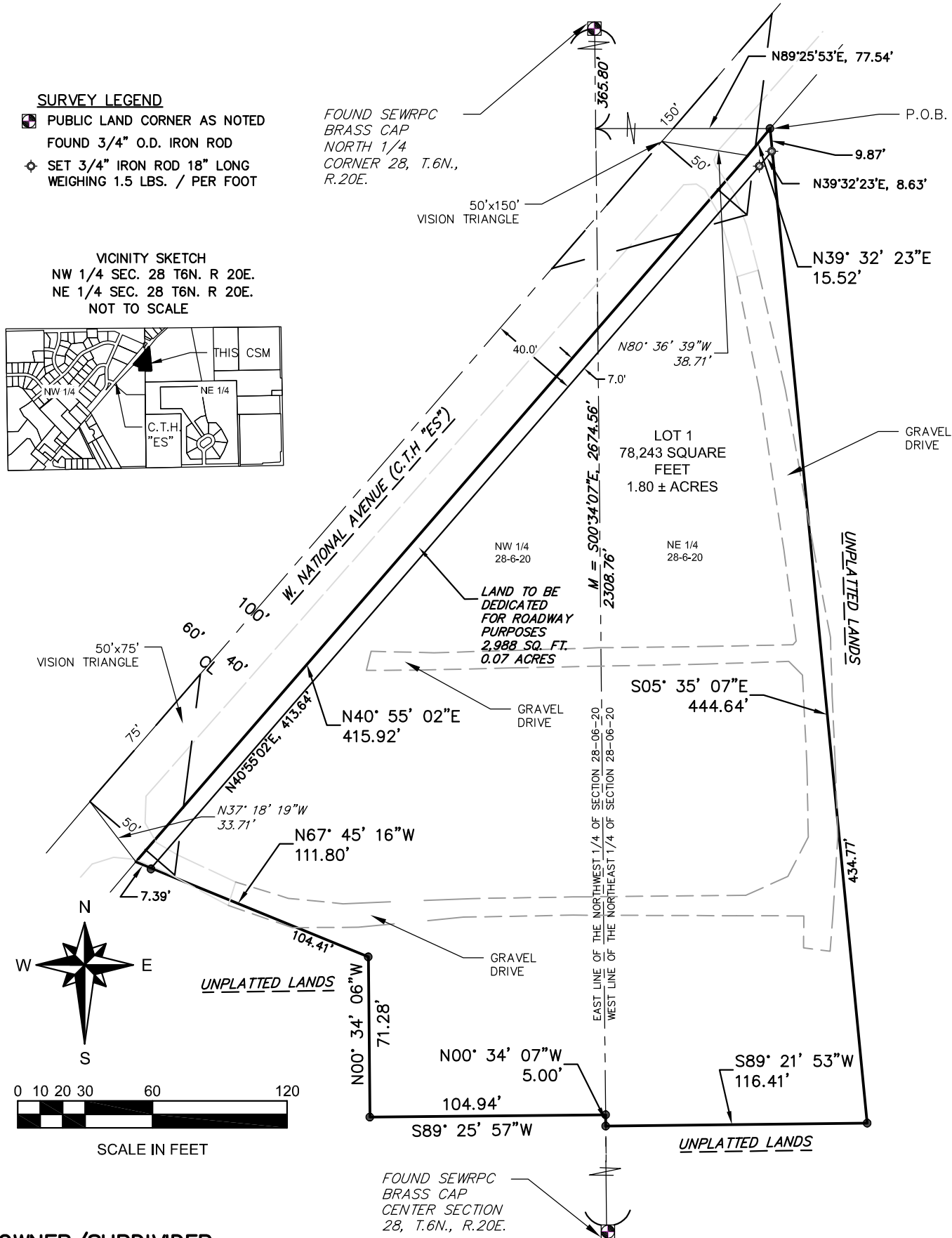
City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
(262) 797-2445
www.newberlin.org



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CERTIFIED SURVEY MAP -

BEING PART OF UNPLATTED LANDS, LOCATED IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4,
AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 06 NORTH,
RANGE 20 EAST, CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.



OWNER/SUBDIVIDER:

City of New Berlin
3805 S. Casper Ave.
New Berlin, WI 53151

PREPARED BY:

Ruekert & Mielke, Inc.
W233 N2080 Ridgeview Pkwy.
Waukesha, WI 53188
262-542-5733

BEARINGS ARE REFERENCED TO THE
WISCONSIN STATE PLANE COORDINATE
SYSTEM, SOUTH ZONE (NAD 83), THE
WEST LINE OF THE NE 1/4 OF SECTION
28-6-20 MEASURED TO BEAR
S00°34'07"E.

Ruekert • Mielke
www.ruekertmielke.com

DRAFT

John M. Schulz, P.L.S. 3253

Dated this 23rd day of August, 2022

CERTIFIED SURVEY MAP - _____

BEING PART OF UNPLATTED LANDS, LOCATED IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4,
AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 06 NORTH,
RANGE 20 EAST, CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.

SURVEYOR’S CERTIFICATE

I, John M. Schulz, of Ruekert & Mielke, Professional Land Surveyor, do hereby certify that at the direction of the City of New Berlin, that I have surveyed, divided and mapped a part of unplatted lands, located in the Northwest 1/4 of the Northeast, and the Northeast 1/4 of the Northwest 1/4 of Section 28, Town 6 North, Range 20 East, City of New Berlin, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of the Northeast 1/4 of Section 28, Township 6 North, Range 20 East; thence bearing S00°34’07”E along the West line of said Northeast 1/4, a distance of 365.80 feet; thence bearing N89°25’53”E, a distance of 77.54 feet to the POINT OF BEGINNING (POB); thence bearing S05°35’07”E, a distance of 444.64 feet; thence bearing S89°21’53”W, a distance of 116.41 feet; thence bearing N00°34’07”W, a distance of 5.00 feet; thence bearing S89°25’57”W, a distance of 104.94 feet; thence bearing N00°34’06”W, a distance of 71.28 feet; thence bearing N67°45’16”W, a distance of 111.80 feet to the Southeasterly Right-of-Way (ROW) line of West National Avenue; thence bearing N40°55’02”E along said line, a distance of 415.92 feet; thence bearing N39°32’23”E along said line, a distance of 15.52 feet to the POINT OF BEGINNING. Containing 1.80 acres (78,243 Sq. Ft.) more or less of land. Excepting and dedicating therefrom the Northwesternly 7 feet measured at right angles to the centerline of West National Avenue. Subject to covenants, conditions, restrictions and easements of record.

That I have made this survey, land division and map by the direction of the City of New Berlin, Owner of said land.

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

That I have fully complied with the provisions of Chapter 236 or the Wisconsin Statutes and the City of New Berlin ordinances in surveying, dividing and mapping of same.

GENERAL NOTES:

- A. This Certified Survey Map was prepared without the benefit of a Title Commitment.
- B. This site contains zero buildings
- C. Property lines are retraced from historical surveys, and deed descriptions.
- D. This survey is contained within the parcel identified by Tax Key: NBC 1262960.
- E. Zoning is I-1 (Institutional), adjacent lands are zoned R-1/R-2 Rural Estate S-F Residential.
- F. Within the area of the vision corner easement, the height of all plantings, berms, fencing, signs or any other structure shall be limited to 24 inches above the intersection elevation. No roadway access is permitted over the vision corners from adjacent lots.

RUEKERT/MIELKE TAKES NO RESPONSIBILITY FOR ANY UNDERGROUND STRUCTURES OR BURIED MATERIALS SUCH AS, BUT NOT LIMITED TO, FOUNDATIONS, WELLS, SEPTIC, HOLDING TANKS, UTILITIES, HAZARDOUS MATERIALS, OR ANY OTHER ITEMS OF WHICH NO EVIDENCE CAN BE FOUND ON THE SURFACE BY A REASONABLE INSPECTION.

OWNER/SUBDIVIDER:

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DRAFT

John M. Schulz, P.L.S. 3253

Dated this 23rd day of August, 2022

G:\C30_2018\14_New Berlin\10031 New Berlin Centre Cemetery\dwg\CSM\20220823 CSM.dwg

CERTIFIED SURVEY MAP - _____

BEING PART OF UNPLATTED LANDS, LOCATED IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 06 NORTH, RANGE 20 EAST, CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.

CORPORATE OWNER’S CERTIFICATE

City of New Berlin, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owners do hereby certify that said corporation caused the land on this map to be surveyed, divided and mapped as represented on this map.

_____ day of _____, 2022.
David Ament, Mayor

_____ day of _____, 2022.
Rubina Medina, City Clerk

STATE OF WISCONSIN }
COUNTY OF WAUKESHA } SS

Personally came before me this _____ day of _____, 20 __ ,
the above named _____, and _____ to me
known to be the person(s) who
executed the foregoing instrument and acknowledged the same.

Notary Public _____ County, Wisconsin.
My commission expires _____

OWNER/SUBDIVIDER:
City of New Berlin
3805 S. Casper Ave.
New Berlin, WI 53151

PREPARED BY:
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W233 N2080 Ridgeview Pkwy.
Waukesha, WI 53188
262-542-5733



DRAFT

John M. Schulz, P.L.S. 3253

Dated this 23rd day of August, 2022

G:\C3D_2018\14_New Berlin\10031 New Berlin Centre Cemetery\dwg\CSM\20220823 CSM.dwg

CERTIFIED SURVEY MAP - _____

BEING PART OF UNPLATTED LANDS, LOCATED IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4,
AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 06 NORTH,
RANGE 20 EAST, CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.

PLAN COMMISSION APPROVAL

Approved, that this Certified Survey Map, in the City of New Berlin, is hereby approved by
the Plan Commission.

Date

David Ament, Chairman

I hereby certify that the foregoing is a copy of a resolution adopted by the Plan Commission
of the City of New Berlin.

Date

Nikki Jones, Secretary

COMMON COUNCIL RESOLUTION

Resolved, that this Certified Survey Map, in the City of New Berlin, is hereby approved by the
Common Council.

Date

David Ament, Mayor

I hereby certify that the foregoing is a copy of a resolution adopted by the Common Council
of the City of New Berlin.

Date

Rubina Medina, City Clerk

OWNER/SUBDIVIDER:

City of New Berlin
3805 S. Casper Ave.
New Berlin, WI 53151

PREPARED BY:

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DRAFT

John M. Schulz, P.L.S. 3253

Dated this 23rd day of August, 2022

G:\C30_2018\14_New Berlin\10031 New Berlin Centre Cemetery\dwg\CSM\20220823 CSM.dwg

RESOLUTION NO. 2021-29**RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY OF
NEW BERLIN AND THE NB CENTRE CEMETERY ASSOCIATION, AS WELL AS
THE CITY'S ACCEPTANCE OF SAID ABANDONED CEMETERY PER
WIS. STATS. SEC. 157.115.**

WHEREAS, the NB Centre Cemetery Association owns and operates the Sunny Side Cemetery off of Racine Avenue in the City; and

WHEREAS, the Association has contacted the City and advised that its funds for operating and insuring the cemetery are rapidly diminishing and it expects that it will ultimately need to abandon the cemetery as it no longer owns lots which it could sell to raise funds; and

WHEREAS, Wisconsin Statutes Section 157.115 allows for a municipality to assume responsibility for the operation and maintenance of the cemetery if that cemetery were deemed to be abandoned. Specifically, if a cemetery authority fails to care for a cemetery for one or more years, the city may take control of the cemetery, as well as manage and care for the cemetery and collect and manage all Trust Funds connected with the cemetery; and

WHEREAS, should an abandonment continue for five or more years, the municipality is required to take control of the cemetery, as well as to assume the aforementioned management responsibilities; and

WHEREAS, the Association is desirous of transferring its remaining assets to the City along with its rights to the cemetery property itself so that the cemetery does not fall into disrepair pending its acceptance by the City under Wisconsin Statutes Section 157.115; and

WHEREAS, discussions have occurred with the New Berlin Centre Cemetery Association officers regarding the assignment of rights and responsibilities of the Association in the Sunny Side Cemetery; and

WHEREAS, the New Berlin Centre Cemetery Association has consented to the terms of an agreement, a copy of which is attached hereto and marked Exhibit "A" which would provide for the City to accept responsibility for the operation and maintenance of the cemetery, as well as the transfer of the Association's legal rights in the cemetery by Quit Claim Deed, Exhibit "B" and the transfer of the remaining funds being held by the Association to the City.

WHEREAS, attached hereto and marked as Exhibit "C" is a copy of the Minutes of the New Berlin Centre Cemetery Association Board consenting to the conveyance of the property, the adoption of the Agreement and the transfer of funds.

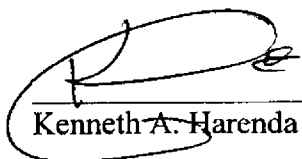
NOW THEREFORE, BE IT RESOLVED, by the Common Council City of New Berlin as follows:

1. The City of New Berlin does hereby accept the rights being held by the New Berlin Centre Cemetery Association in the New Berlin Centre Cemetery, as provided for in the attached Deed, Exhibit "B", as authorized by the attached Minutes, Exhibit "C".
2. Be it further resolved that the City of New Berlin does further accept the approximate sum of \$5,662.92 from the New Berlin Centre Cemetery Association, which funds are to be held by the City to help defray the costs of the ongoing operation and maintenance of the New Berlin Centre Cemetery.
3. Be it further resolved that the City of New Berlin does hereby approve the Agreement between the Association and the City relative to the City's acceptance of the cemetery as provided for in that Agreement, pursuant to Wisconsin Statutes Section 157.115.
4. Be it further resolved that, the Mayor and City Clerk are hereby authorized to execute the Agreement with the New Berlin Centre Cemetery Association, Exhibit "A".
5. The City Staff is hereby directed to undertake such actions as may be necessary to effectuate the intention of these Resolutions.

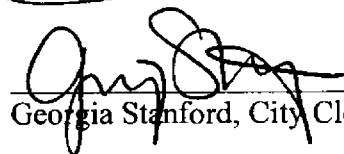
Passed and approved on this 14th day of September, 2021.

CITY OF NEW BERLIN

By:


Kenneth A. Harenda II, Council President

By:


Georgia Stanford, City Clerk