Plan Commission
MEETING AGENDA

July 10, 2023 - 6:00 PM
Council Chambers
3805 S. Casper Drive

Published: 6/30/2023

AGENDA

1. PUBLIC HEARING(S)

A. (7) KH CP-2300780 & RZ-2300781 Jim Duerrwaechter - 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) - Request to amend the Future Land Use Map within the City's Comprehensive Plan from Rural Commercial and Suburban Residential to Rural Commercial and Suburban Residential AND rezone from B-2 and R-3 to B-2 and R-3 AND 2030 Comprehensive Plan Updates. (Joint Public Hearing 6:00 PM)

B. (1) GK/NJ CP-2300808 & RZ-2300810 Dan Romnek on behalf of Mandel Group - 1750 S. Moorland Road (includes Tax Keys #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158- 991 & a portion of 1158-992) - Amend the Future Land Use Map within the City's Comprehensive Plan from Suburban Commercial to Suburban Commercial, Mixed Residential and Institutional with a Planned Unit Development Overlay AND rezone from I-1 and C-2 to B-1/PUD, Rm-1/PUD, I-1 PUD, C-2, I-1 AND 2030 Comprehensive Plan Updates. (Joint Public Hearing 6:01)

2. PRIVILEGE OF THE FLOOR

3. CALL TO ORDER, PLEDGE OF ALLEGIANCE

4. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

5. APPROVAL OF MINUTES

A. June 5, 2023 Meeting Minutes

6. PLAN COMMISSION SECRETARY'S REPORT

7. CONTINUED BUSINESS

A. (3) KW UA-2200118 Brian Hatzung with Zimmerman Architectural Studios on behalf of Veit - 18600. W. Lincoln Avenue (Tax Key: 1167-994-001) - Review and approval of an amendment to the Use, Site, and Architecture to construct a 37,800 sq. ft. building.

8. NEW BUSINESS

A. (3) NJ/KH CU-2300814 Welcome East Side LLC - 17200 W. Cleveland Avenue - Conditional Use Approval to reoccupy the existing building for a gas station and convenience store, construct a small addition to the rear of the building and construct a new car wash (PUBLIC HEARING 6/5/23)

B. (6) KW UA-2301098 Scott and Melissa Kandel – 4015 S. Belgrave Road (Tax Key #: 1245-376) – Resolution Approving a Partial Release of Restriction on Lot No. 13 of the Waterbury Estates Subdivision Plat to allow for a screened-in porch, patio, and shed to be installed.

9. COMMUNICATIONS

10. ADJOURN

Supplemental Information:

- *The meeting agenda and agenda packet are available online at www.NewBerlin.org. The minutes are published online and are approved at the next regularly scheduled meeting.*
- *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.*
- *You may provide comments to the City Clerk via email at CitizenComments@NewBerlin.org. Comments will be forwarded to the Mayor and members of the governing body. Emailed comments are not read during the meeting.*
- *The City of New Berlin strives to host inclusive, accessible meetings that enable all individuals to engage and participate fully. Any person who has a qualifying disability under the Americans with Disabilities Act that requires that the meeting be accessible, please contact City Clerk Rubina R. Medina at (262) 786-8610 or via email at CityClerk@NewBerlinWI.gov at least 48 hours before the scheduled meeting time. Efforts will be made to accommodate the needs of disabled individuals through appropriate aids and/or services.*
- *It is also possible that members of and possibly 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 in the above notice.*

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT / PROJECT:	**Jim Duerrwaechter / Future Land Use Map Amendments**
LOCATION:	**18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963)**
CURRENT FUTURE LAND USE:	**Rural Commercial and Suburban Residential**
PROPOSED FUTURE LAND USE:	**Rural Commercial and Suburban Residential**
CURRENT ZONING:	**B-2 (General Retail Sales and Service District) & R-3 (Suburban Single-Family Residential District)**
REQUEST:	**Plan Commission review, discussion and hold a public hearing on the Future Land Use Map amendments to the 2030 Comprehensive Plan (Chapter 10: Land Use and Chapter 19: Neighborhood "I": National Avenue West) for the following properties:** ➢ **18335 W. National Ave (Tax Key #: 1262.961) from Rural Commercial to Rural Commercial and Suburban Residential** ➢ **Tax Key #: 1262.962 (located behind 18335 W. National Avenue) from Suburban Residential to Rural Commercial and Suburban Residential** ➢ **18395 W. National Ave (Tax Key #: 1262.963) from Rural Commercial to Rural Commercial and Suburban Residential**
D.R.C. RECOMMENDATION:	**Public hearing, no action.**

Background:

1. The applicant has simultaneously applied for a Rezoning (see file #: RZ-2300781) and 2-Lot CSM (see file #: LD-2300782). Action for these applications is anticipated for the August 14, 2023 Plan Commission meeting.
    a. This request is consistent with the proposed rezoning of the property to B-2 (General Retail Sales and Service District) and R-3 (Suburban Single-Family Residential District).
2. The existing Principal Use for Lot 1 (see file #: LD-2300782) is Commercial, with Residential Quarters allowed as an Accessory Use, per §275-42G(1)(a). The building is currently unoccupied.
    a. The property owner of Lot 1 intends to sell the property as a single-family home.
    b. This property has been zoned B-2 dating back to the 1963 City Zoning Map and going forward to today. A business has been in operation at this location since 1964. Any future businesses located on Lot 1 must comply with §275-42G(4): Home Occupations.

c. Upon approval of the CSM, Lot 1 will be required to construct a garage, per §275-33E(1)(d). A garage shall be constructed within one year of approval of the CSM.

d. The monument sign located on proposed Lot 1 shall be removed prior to the City signing the CSM.

3. The existing Principal Use for Lot 2 (see file #: LD-2300782) is Commercial, with Residential Quarters allowed as an Accessory Use, per §275-42G(1)(a). The building is currently being used as a business with residential quarters.

   a. Lot 2 will continue as a commercial use, with residential quarters allowed as an accessory use.

   b. Outdoor storage shall be removed prior to the City signing the CSM, as it is a prohibited use in the B-2 District, per §275-34C.

   c. An average landscape bufferyard of 15' is required when a Commercial Use is adjacent to a Single-Family Residential Use, per §275-56F. DCD Staff will work with the applicant on the landscape plan to ensure proper bufferyards are met prior to the City signing the CSM. The existing building located on Lot 2 meets the 15' side setback, so there is room for landscaping in this area.

Rationale:

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes

1. **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.
   - National Avenue is a scenic rural corridor, with rural-oriented commercial uses located at specific nodes. These nodes include Prospect Hill, and the intersection of Beloit Road and National Avenue.

   Development Policies:

   - Residential uses will be permitted and accommodated pursuant to policies outlined in the Zoning and Development codes.
   - Encourage rural commercial land uses in the Prospect Hill area, and at the intersection of Beloit Road and National Avenue. Some examples of rural commercial uses are commercial nurseries, feed and seed stores, farmers markets, farm implement sales and supply stores, antique stores, and small-scale grocery stores serving residents of western New Berlin.
   - Develop the area immediately west of Calhoun Road as a gateway into rural western New Berlin. Permit the development of this area for a mix of commercial and residential uses, but require that commercial use to be oriented to a rural theme.

   Land Use:

   - Future Land Use Map: Rural Commercial and Suburban Residential

2. **<u>Chapter 10: Land Use</u>:** Yes, this submittal meets the intent of this Chapter.

Future Land Use Category: Rural Commercial

- Rural Commercial should be located primarily along National Avenue west of Calhoun Road. These uses should be located in enclosed structures. Where outdoor storage and sales are necessary, they should be located in the side or rear yards. Landscaping and screening should be used to minimize the transition from agricultural and rural residential uses to these commercial developments. Lighting should be carefully evaluated. Rural commercial architectural design standards should be adhered to.

Future Land Use Category: Suburban Residential

- The Suburban Residential designation reflects the rural setting of the existing residential areas on the western half of the City. Lots in this category are generally located in existing subdivisions that have already been developed at higher densities than the surrounding Country Residential area. The Suburban Residential areas are typically served by private on-site sewerage disposal systems and private wells. On average, lots are 35,000 square feet in this district. New development may occur as infill development, but are not expansions to the existing subdivisions. Infill development is the development of vacant lots within existing subdivisions.

3. **<u>Chapter 22: Implementation</u>:** Yes, this submittal meets the intent of this Chapter.

Amending the Plan

- This Plan is intended to be changed and revised over time. The City's values, goals, and capabilities may change as New Berlin grows, and the Plan must be amended to reflect those changes. The Plan should be reviewed and amended at least once every year. Suggestions for amendments can be brought forward by City staff, officials, and/or residents, and should be consistent with the overall vision of the Plan. Proposed amendments could originate in any of the following way:
    - Amendments proposed as corrections of clerical or administrative errors, mapping errors, and updated data for text, tables, and maps. Such amendments would be drafted by City staff.
    - Amendments proposed as a result of discussions between officials and citizens.
    - Amendments proposed as a result of recommendations discussed during a City planning process.
- When a change is proposed, it should follow this general procedure:
    - Recommendation by the Plan Commission to conduct a review process for the proposed amendment.
    - Facilitation of public hearings as required by applicable Wisconsin State Statutes and/or ordinances.
    - Recommendation from the Plan Commission to the Common Council.
    - Consideration and decisions by the Common Council.

Plan Element Consistency

- As future amendments and updates are made, consistency between the Plan elements must be ensured.

  <u>The applicant has submitted requests to the City to amend the Comprehensive Plan / Future Land Use Map and rezone the property, so the request meets the consistency requirements.</u>

RURAL COMMERCIAL DESIGN GUIDE:

Buildings

- 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.

Roofs

- 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.

Colors

- Earth tones such as grays, browns, greens, and tans are encouraged.

Parking areas

- 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.

Landscaping

- 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

- 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

- Lighting shall be down cast, zero degree tilt, cutoff fixtures not exceeding 25 feet in height (including the light pole base and/or pedestal). Lighting shall be positioned so as not to cause glare on adjacent properties and streets. At a minimum, site lighting marking the entrance to businesses shall match or complement that which may be chosen by the City as standard decorative street lighting. Site lighting shall meet the requirements of § 275-60I in its entirety.

Cross Access

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

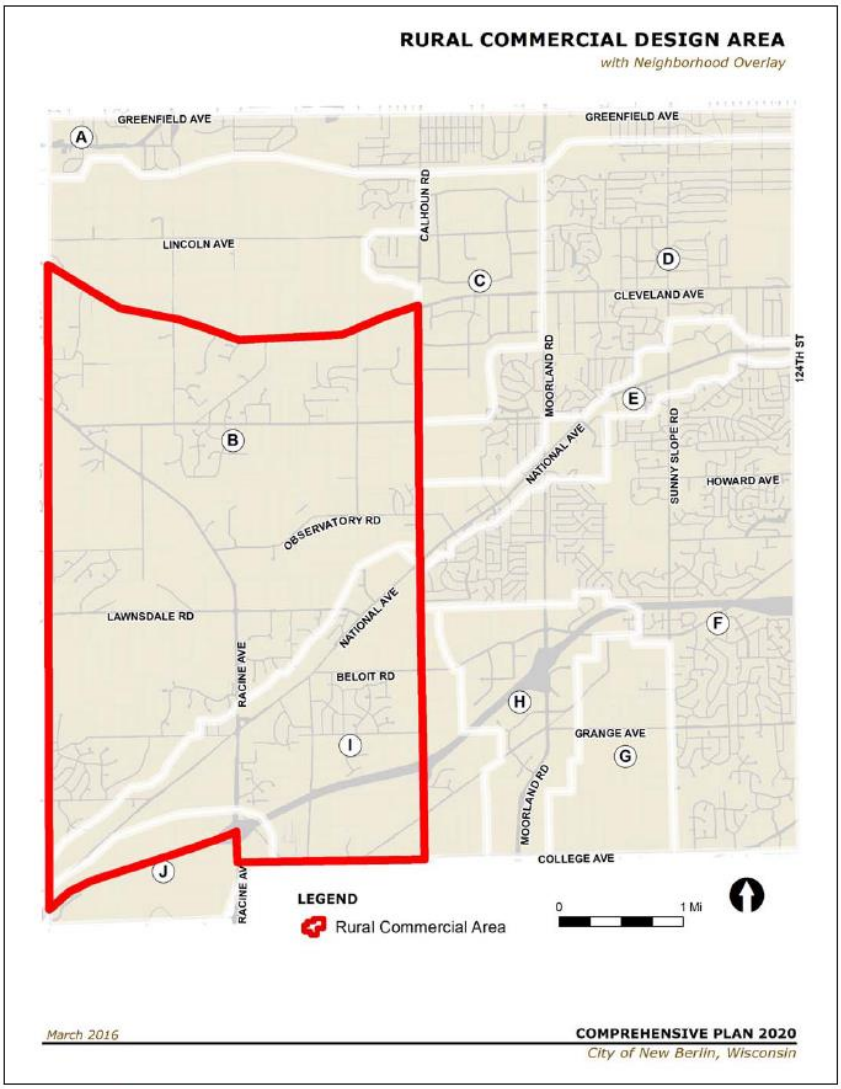


Figure 12.12-1. Rural Commercial Design Area.

D.R.C. RECOMMENDATION: Public hearing, no action. **See Executive Summary.**

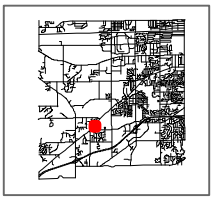
Attachments:
Location Map
Future Land Use Comparison Map
Zoning Comparison Map
CSM
Draft Chapters – Minor edits as part of the 2030 Update*

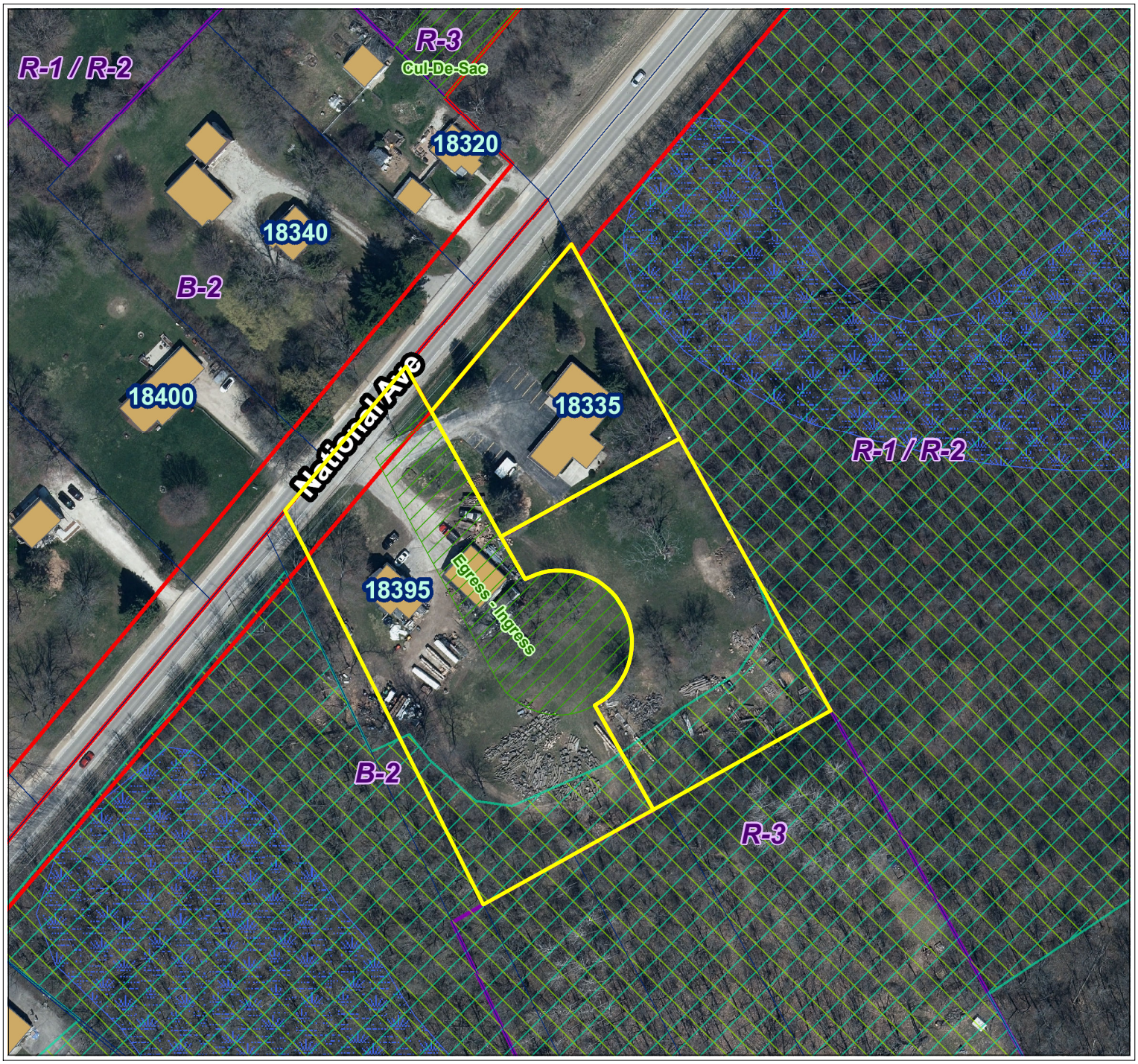
- Chapter 19 - Neighborhood I: National Avenue West

Resolution # ___ *(forthcoming)*

**These chapters may need additional editing as we move through the overall 2030 update and review all chapters over the next 6 months.*

CP-2300780, RZ-2300781 & LD-2300782
Reno Potter
18335 W. National Ave, Tax Key #: 1262.962 & 18395 W. National Ave





Legend

- Parcels
- Road Right-of-Way

Floodplain DFIRM (FEMA 2014)

Flood Zone

- FEMA DFIRM - Zone A
- FEMA DFIRM - Zone AE
- FEMA DFIRM - 0.2% Annual Chance
- Zoning Boundaries

Zoning Wetland Registration

Wetland Registration Type

- Registered Wetland
- Outside Wetland

Environmental Corridor

Corridor Type

- Isolated Natural Resource Area
- Primary Environmental Corridor
- Secondary Environmental Corridor
- Wetland

Sewer Service Area (MMSD)

Sewershed

- Current
- Ultimate

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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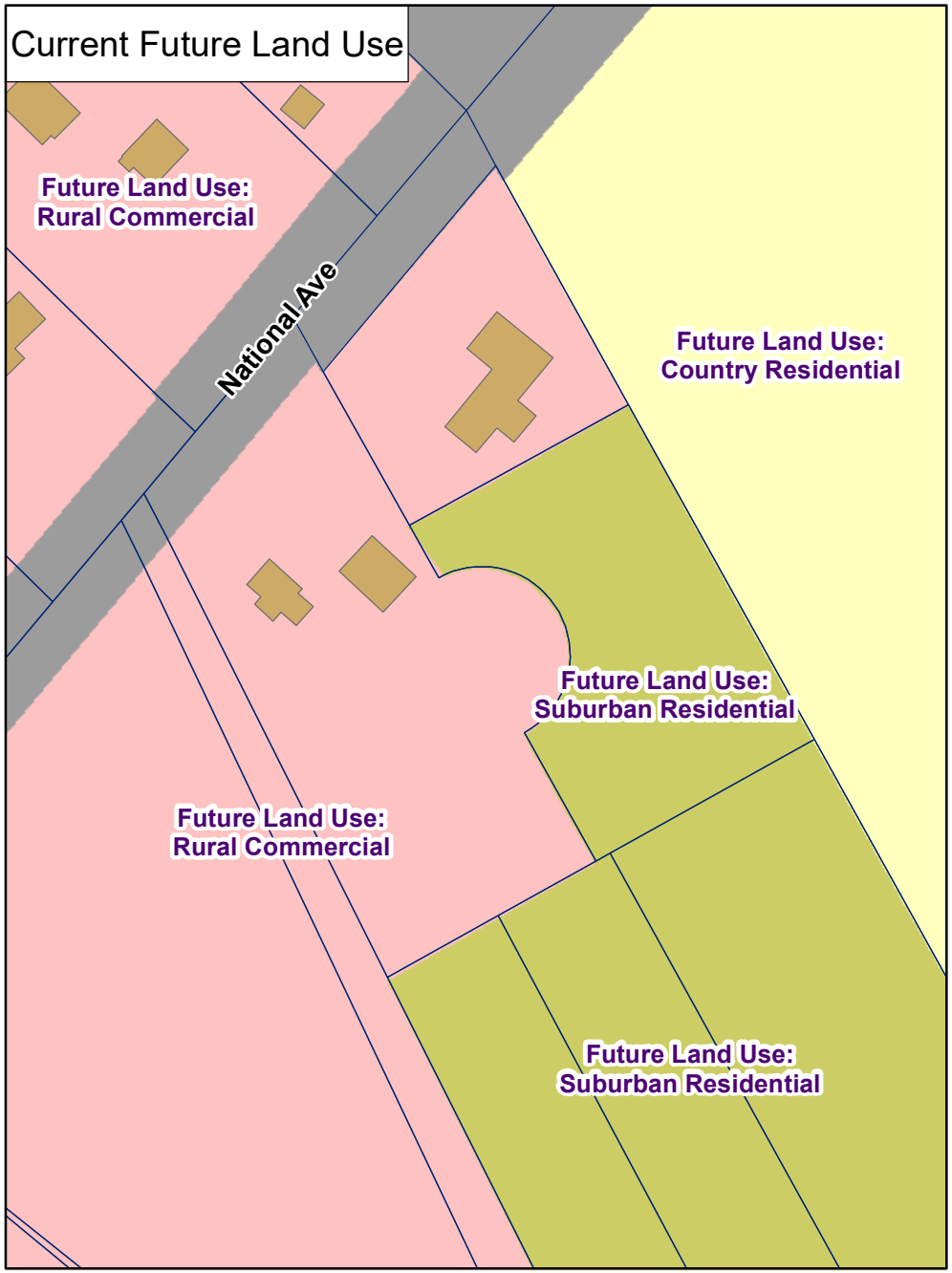

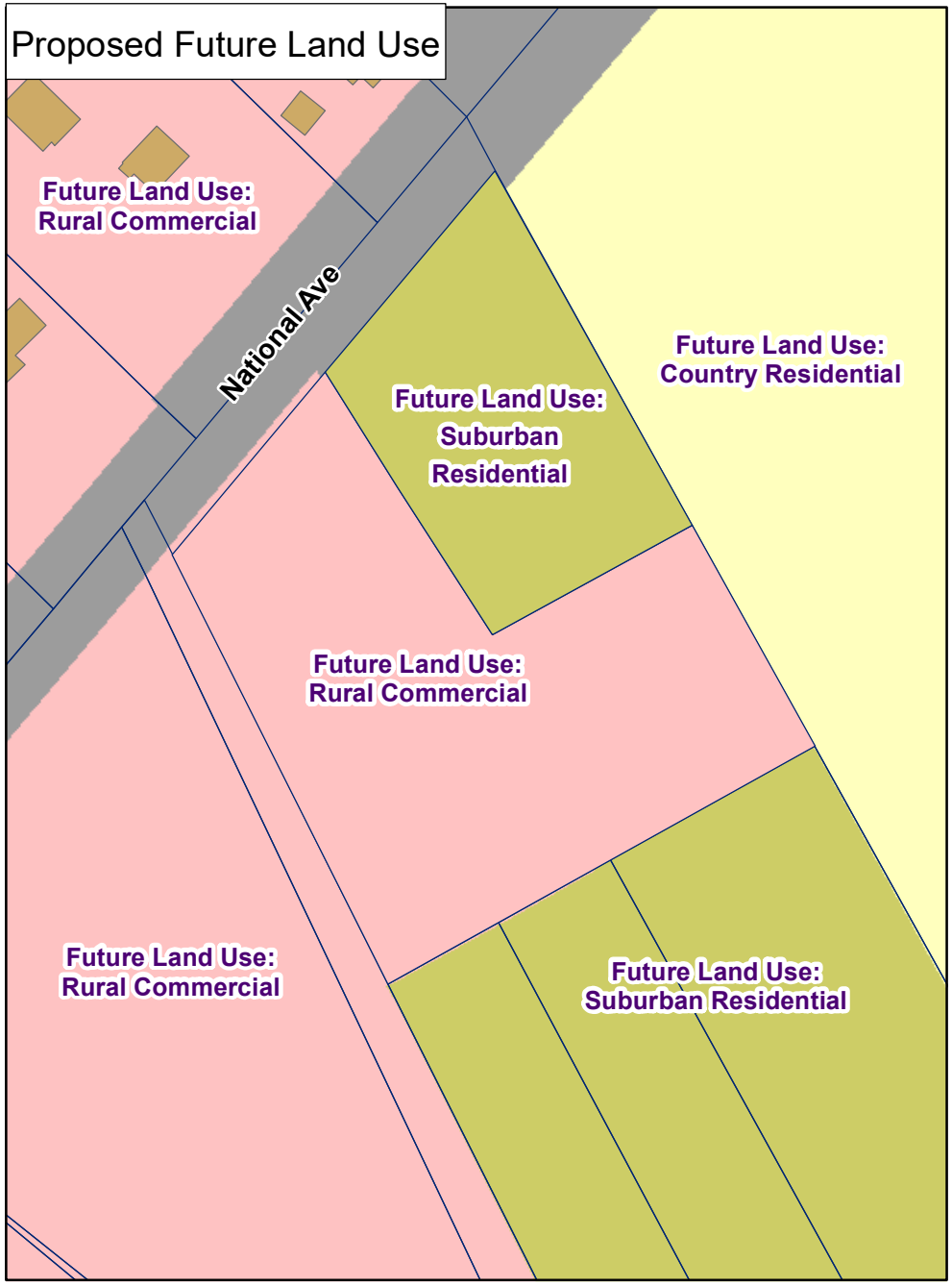

City of New Berlin
Community Development

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New Berlin WI 53151
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www.newberlin.org

CP-2300780
Reno Potter
Taxkey # 1262962

Legend
- Parcels
- Road Right-of-Way

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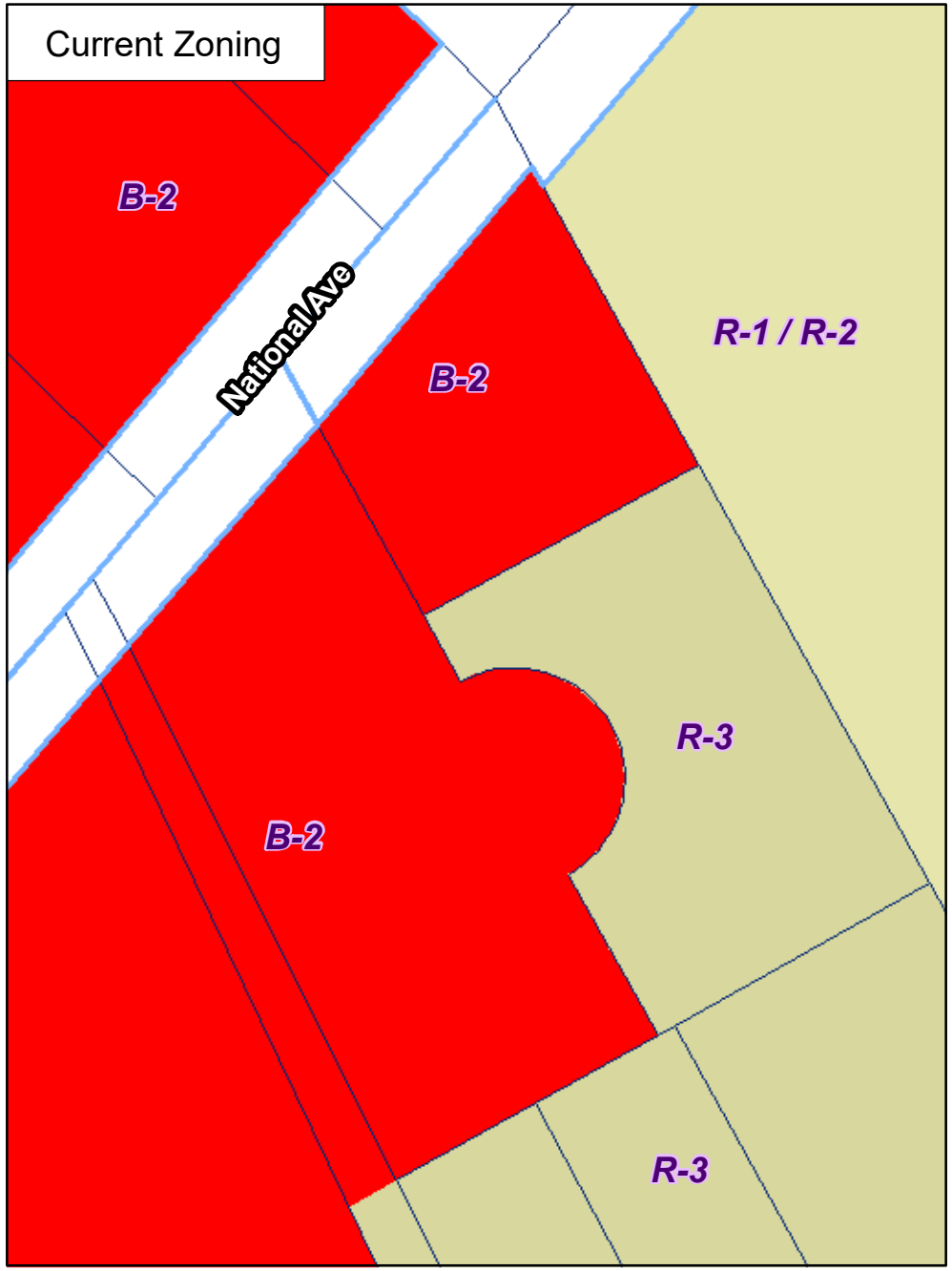

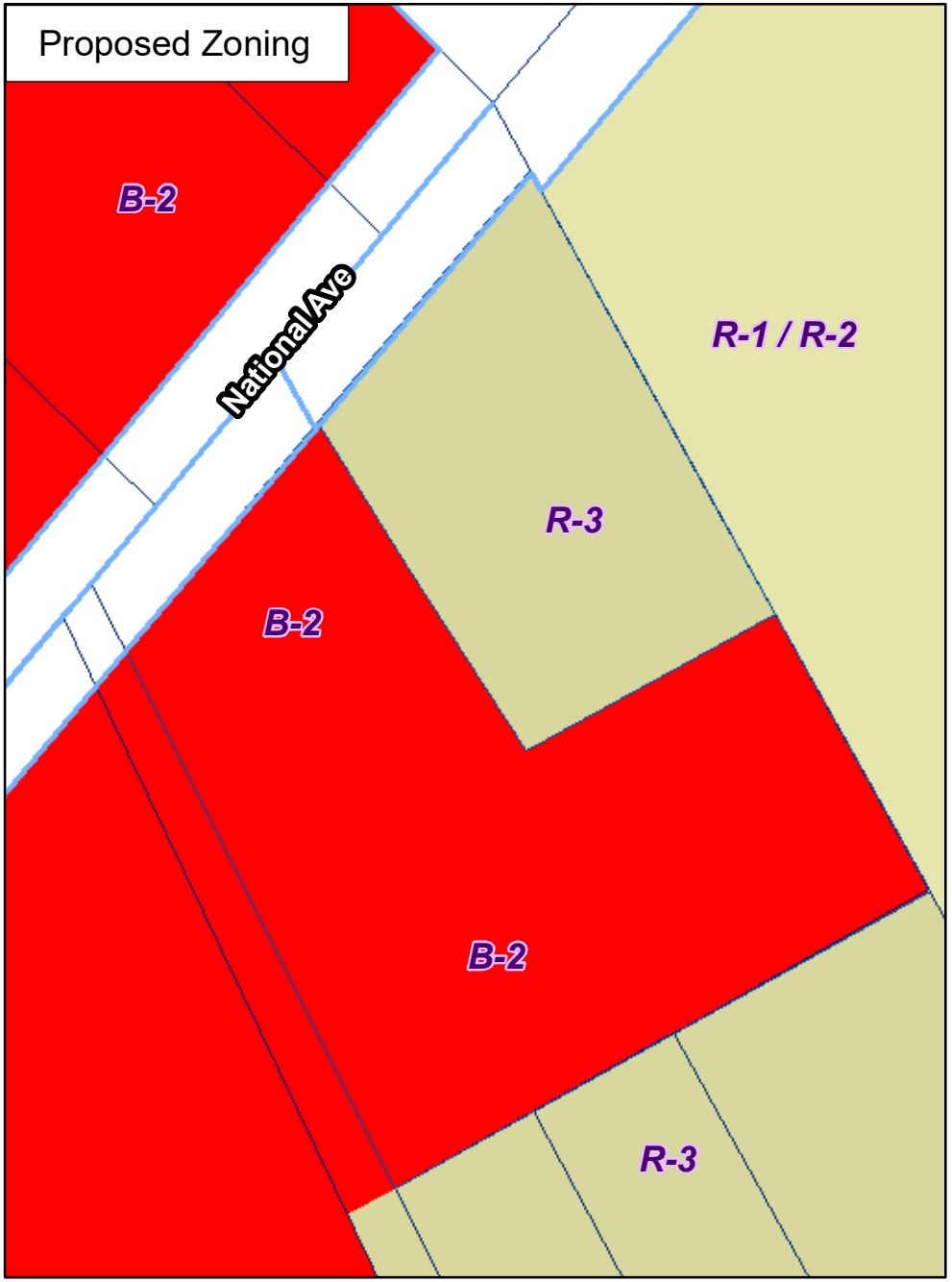

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RZ-2300781
Reno Potter
18335, 18395 W. National,
& Taxkey# 1262962

Legend
Parcels
Road Right-of-Way

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0 40 80 Feet
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CERTIFIED SURVEY MAP NO. _____

Being a part of the Southeast 1/4 of the Northwest 1/4 of Section 28, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

Prepared for:
Lynn L. Reno
16960 West College Avenue
Muskego, WI 53150-2749

William R. Potter
3055 South Meadow Creek Court
New Berlin, WI 53146-4905

Prepared by:
Dennis C. Sauer P.L.S. 2421
Metropolitan Survey Service, Inc.
8482 South 76th Street
Franklin, WI 53132

NOTES:

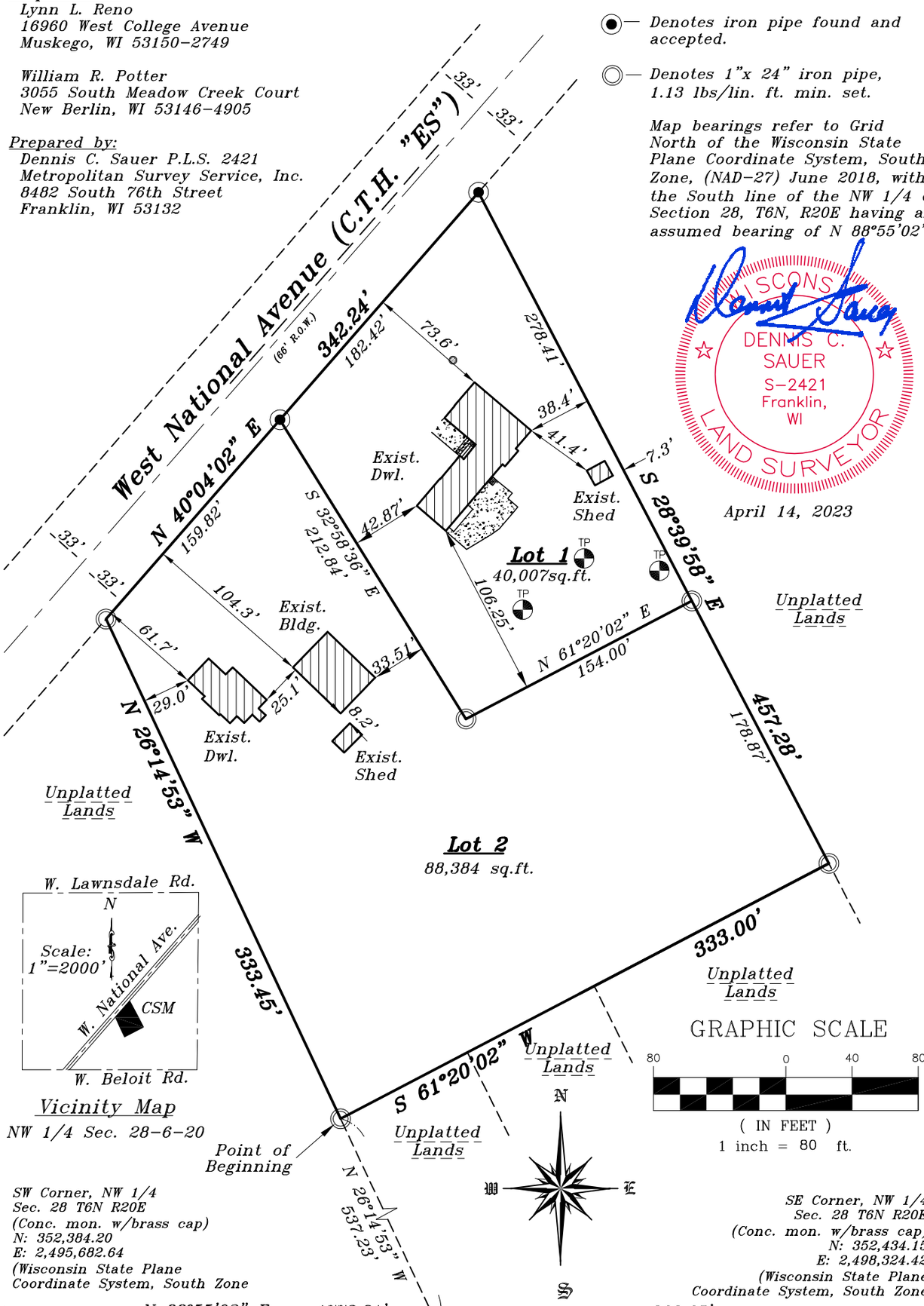
Denotes iron pipe found and accepted.

Denotes 1"x 24" iron pipe, 1.13 lbs/lin. ft. min. set.

Map bearings refer to Grid North of the Wisconsin State Plane Coordinate System, South Zone, (NAD-27) June 2018, with the South line of the NW 1/4 of Section 28, T6N, R20E having an assumed bearing of N 88°55'02" E.

WISCONSIN
DENNIS C. SAUER
S-2421
Franklin, WI
LAND SURVEYOR

April 14, 2023



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Sheet 1 of 5

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southeast 1/4 of the Northwest 1/4 of Section 28, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

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

I have surveyed, divided, and mapped a part of the Southeast 1/4 of the Northwest 1/4 of Section 28, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of said Northwest 1/4; thence N 88°55′02″ E along the South line of said Northwest 1/4, 1773.81 feet; thence N 26°14′53″ W, 537.23 feet to the point of beginning of the lands to be described; thence continuing N 26°14′53″ W, 333.45 feet to a point on the Southeasterly right-of-way line of West National Avenue (C.T.H. "ES"); thence N 40°04′02″ E along said right-of-way line, 342.24 feet; thence S 28°39′58″ E, 457.28 feet; thence S 61°20′02″ W, 333.00 feet to the point of beginning.

Said lands containing 128,391 square feet (2.95 acres).

That I have made such survey, land division and map by the direction of Lynn L. Reno and William R. Potter, owners of said land.

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

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

April 14, 2023
Date

Dennis C. Sauer
Professional Land Surveyor S-2421

WISCONSIN
DENNIS
C SAUER
S-2421
FRANKLIN
WISCONSIN
LAND SURVEYOR

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southeast 1/4 of the Northwest 1/4 of Section 28, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

OWNER'S CERTIFICATE

Lynn L. Reno, as owner, does hereby certify that she caused the lands described on this map to be surveyed, divided, combined and mapped and dedicated as represented on this map in accordance with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the Subdivision Regulations of the City of New Berlin.

IN WITNESS WHEREOF, the said Lynn L. Reno, has caused these presents to be signed at _____, Wisconsin, this _____ day of _____, 20___.

_____
Lynn L. Reno, Owner

STATE OF WISCONSIN)
_____COUNTY) SS

PERSONALLY, came before me this _____ day of _____, 20_____, Lynn L. Reno, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____
Notary Public-State of Wisconsin
My Commission Expires: _____

WISCONSIN
DENNIS C SAUER
S-2421
FRANKLIN
WISCONSIN
LAND SURVEYOR
4/14/23

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southeast 1/4 of the Northwest 1/4 of Section 28, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

OWNER'S CERTIFICATE

William R. Potter, as owner, does hereby certify that he caused the lands described on this map to be surveyed, divided, combined and mapped and dedicated as represented on this map in accordance with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the Subdivision Regulations of the City of New Berlin.

IN WITNESS WHEREOF, the said William R. Potter has caused these presents to be signed at _____, Wisconsin, this _____ day of _____, 20___.

_____
William R. Potter, Owner

STATE OF WISCONSIN)
_____COUNTY) SS

PERSONALLY, came before me this _____ day of _____, 20_____, William R. Potter, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____
Notary Public-State of Wisconsin
My Commission Expires: _____

WISCONSIN
DENNIS
C SAUER
S-2421
FRANKLIN
WISCONSIN
LAND SURVEYOR
4/14/23

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southeast 1/4 of the Northwest 1/4 of Section 28, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

PLAN COMMISSION APPROVAL

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

_____
David Ament, Chairman
City of New Berlin

_____
Nikki Jones, Secretary
City of New Berlin

COMMON COUNCIL APPROVAL

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

_____
David Ament, Mayor
City of New Berlin

_____
Rubina R. Medina, City Clerk
City of New Berlin

WISCONSIN
DENNIS
C SAUER
S-2421
FRANKLIN
WISCONSIN
LAND SURVEYOR
4/14/23

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

CHAPTER 19: NEIGHBORHOOD I

NATIONAL AVENUE WEST

Revisions approved by Council on 7/26/2016 via Ordinance # 2569.
Revisions approved by Council on 11/15/2016 via Ordinance #2579.

The National Avenue West neighborhood is generally bounded by National Avenue to the west, the northern boundary of Mill Valley and College Avenue to the south, and the Westridge Business Park to the east (Figure 19.1).

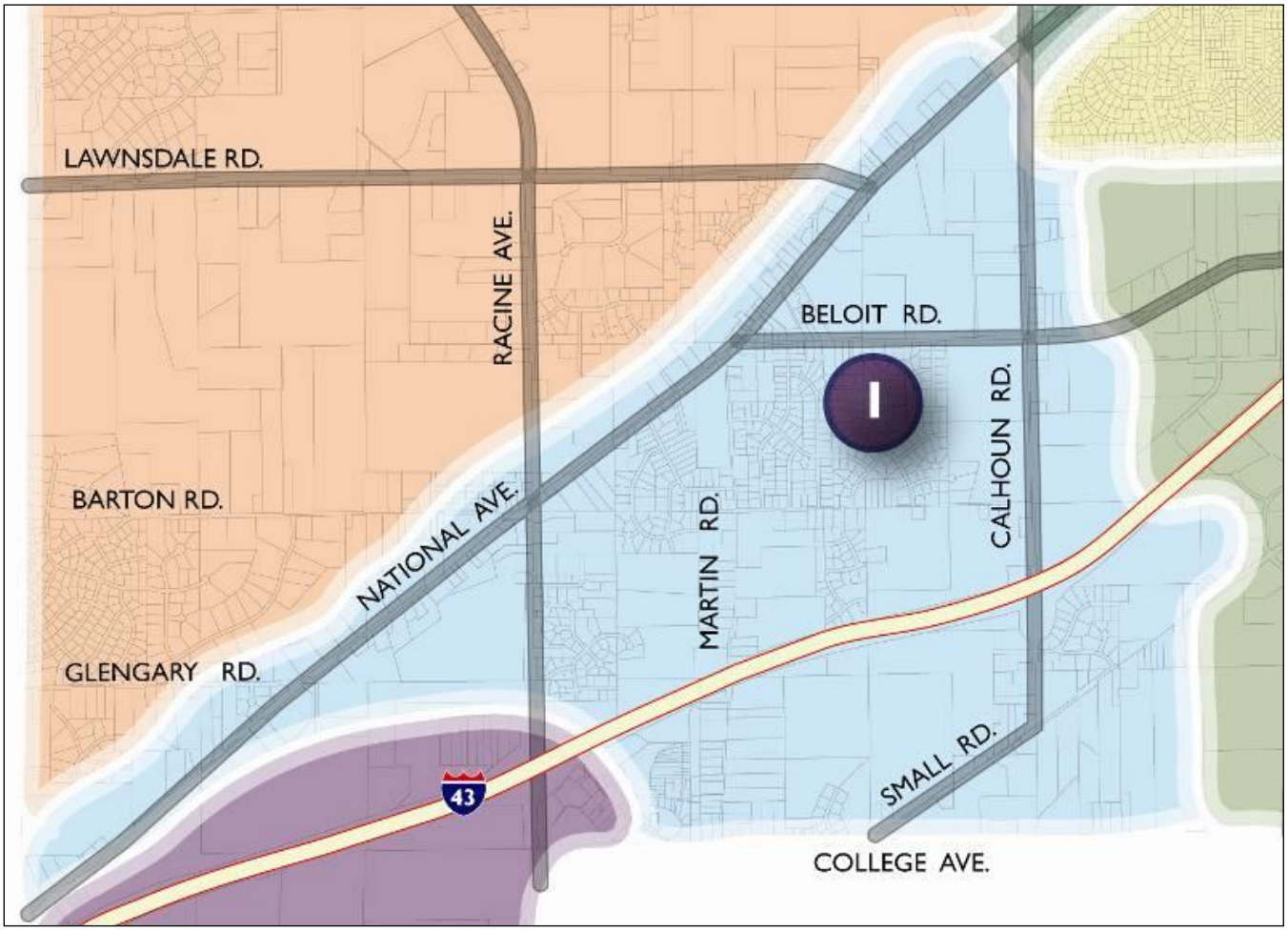


Figure 19.1. Neighborhood I Context Map.

The area primarily includes agricultural land, undeveloped land, and residential subdivisions. The neighborhood is not served by sanitary sewer with the exception of the Linnie Lac area, which

receives this service through an intermunicipal agreement with Muskego. Aside from Linnie Lac, only a small portion of the neighborhood is anticipated to be served by sanitary sewer through the New Berlin Urban Service Area Boundary. Current zoning regulations permit a maximum of one dwelling unit per five acres. The occasional large lot subdivision is served by private on-site wastewater treatment systems (POWTS). There are many environmentally sensitive areas distributed throughout the neighborhood. The area is valuable to both the City and the region as an aquifer recharge area.

There is a strong consensus in the community that the rural character of the area is important to the overall image and character of the City. There is a desire to balance the preservation of the rural and environmental character with the need to maintain adequate property values for area landowners. In addition, access and mobility to and through the area (trails and paths) will require careful planning in conjunction with area property owners.

National Avenue is primarily a rural commercial arterial in Neighborhood I (Figure 19.2). The remainder of the corridor is a non-cohesive mix of residential and small-scale commercial uses. It is the home of Prospect Hill, an historic commercial district, and a small business cluster at Beloit Road and National Avenue. As one of the highest points in New Berlin, the Prospect Hill area offers some of the best vistas in the City. Recent changes to the intersection by the Waukesha County Department of Transportation may greatly alter the character and function of the Prospect Hill area. In addition, the major assemblage of property immediately west of Calhoun Road can set the image for the National Avenue West area.

Figure 19.2. National Avenue Corridor.

PUBLIC INPUT

Initial Neighborhood Meeting

On September 24, 2008, residents and property owners in Neighborhood I met to learn about the comprehensive planning process and to complete an image preference survey. For the survey, attendees were instructed to rate individual images based on two factors: 1) whether or not the use was desirable for their neighborhood, and 2) whether or not they liked the overall image. Prompts were provided with each image, e.g. "setback", "building character", etc., that helped to focus the rating for each image. Forty-three attendees completed the image preference survey. Additional information regarding these surveys is provided in Figure 19.3.

New Berlin Comprehensive Plan Update

DESIGN PREFERENCE SURVEY
BACKGROUND INFORMATION - Neighborhood I (42)

1. **WHAT IS YOUR GENDER?**
   - ☐ FEMALE = 33.3%
   - ☐ MALE = 66.7%
2. **HOW MANY PEOPLE LIVE IN YOUR HOUSEHOLD ON A REGULAR BASIS?**
   - ☐ 1 = 9.7%
   - ☐ 2-3 = 68.2%
   - ☐ 4-5 = 16.6%
   - ☐ 6 OR MORE = 5.5%
3. **OF THOSE LIVING IN YOUR HOUSEHOLD, HOW MANY ARE CHILDREN (UNDER THE AGE OF 18 YEARS OLD)?**
   - ☐ 0 = 71.4%
   - ☐ 1-2 = 21.4%
   - ☐ 3-5 = 4.7%
   - ☐ 6 OR MORE = 2.5%
4. **WHAT IS YOUR AGE?**
   - ☐ UNDER 18 YEARS OLD
   - ☐ 18-24 YEARS OLD
   - ☐ 25-34 YEARS OLD = 2.3%
   - ☐ 35-44 YEARS OLD = 26.1%
   - ☐ 45-54 YEARS OLD = 11.9%
   - ☐ 55-64 YEARS OLD = 9.5%
   - ☐ 65 YEARS OR OLDER = 26.1%
5. **HOW LONG HAVE YOU LIVED IN NEW BERLIN?**
   - ☐ LESS THAN A YEAR = 2.3%
   - ☐ 2-3 YEARS
   - ☐ 3-5 YEARS
   - ☐ 6-10 YEARS = 7.1%
   - ☐ 11-20 YEARS = 16.6%
   - ☐ MORE THAN 20 YEARS = 64.2%
   - ☐ DO NOT LIVE IN NEW BERLIN = 9.5%
6. **WHAT TYPE OF RESIDENTIAL BUILDING DO YOU LIVE IN?**
   - ☐ SINGLE FAMILY = 97.5%
   - ☐ DUPLEX = 2.5%
   - ☐ MULTI-FAMILY (MORE THAN 2 UNITS)
   - ☐ CONDOMINIUM
   - ☐ MOBILE HOME
   - ☐ ELDERLY HOUSING
   - ☐ OTHER (PLEASE SPECIFY)
7. **DO YOU OWN OR RENT YOUR HOME?**
   - ☐ OWN = 100.0%
   - ☐ RENT
   - ☐ OTHER (PLEASE SPECIFY)
8. **WHERE DO YOU LIVE IN NEW BERLIN? (USE MAP ON BACK OF THIS PAGE)**
   - ☐ AREA A
   - ☐ AREA B
   - ☐ AREA C
   - ☐ AREA D
   - ☐ AREA E
   - ☐ AREA F
   - ☐ AREA G
   - ☐ AREA H
   - ☐ AREA I
   - ☐ AREA J
9. **DO YOU WORK IN NEW BERLIN?**
   - ☐ YES = 28.6%
   - ☐ NO = 71.4%
10. **PLEASE WRITE AN "X" TO INDICATE THE TYPES AND NUMBER OF PROPERTIES YOU OWN IN NEW BERLIN:**

	1 property	2-3 properties	4 or more properties	I do not own this type of property
Residential	32		1	
Commercial			1	
Industrial				
Other			1	

Figure 19.3. Background Information Summary of Neighborhood I Listening Session Survey Respondents.

Attendees were to rate the images only for their neighborhood, not the entire City. After the survey, attendees had an opportunity to discuss what uses they would like to see in New Berlin as a whole. The highest-rated images for each of the following two categories are shown throughout this chapter. These are the categories where the average score was positive, indicating support for these land uses.

- Road Design -- Desired characteristics included landscaped roads, on-road bike paths, and rural road sections with no curb.
- Open Space -- Preferred characteristics were the agricultural and natural open spaces and views, active recreation, and trails and paths.

Attendees also rated images for the following five categories. The average scores were negative, indicating limited support for these land uses.

- Commercial Retail
- Business Office / Light Industrial
- Multi-family Housing
- Parking
- Commercial Signage

Subsequent discussion during the Neighborhood Meeting supported that these uses were not desirable as new uses in the neighborhood. Appendix K provides the full summary of highest-rated and lowest-rated images for the neighborhood.

Neighborhood Review Meeting

Neighborhood I reconvened on March 4, 2009 to review the results of the survey and future land use recommendations. Attendees supported continued low-density residential for within Neighborhood I. Some wanted to see the southwest corner of Calhoun Road and National Avenue be developed as a commercial use, but due to site and access restrictions, country residential was confirmed as the most appropriate land use for the site.

Questions arose regarding the permitted size of developments in areas designated as rural commercial. Attendees wanted to ensure that businesses along National Avenue could not be torn down and consolidated into one larger development.

Discussions also focused on the long-term future land use category of agriculture. Attendees were split on this issue. Some felt that the City should encourage continued agricultural uses without limiting parcels currently zoned A-1 to only agricultural uses. Others wished to see the City require that parcels currently zoned A-1 be designated as "Agriculture" on the Future Land Use map.

Attendees conversed with City staff about the property owned by the New Berlin School District on the east side of Martin Road. Considerations included whether the Institutional designation

would still be appropriate if the School District chose to sell the land. Country Residential was recommended as the adequate designation for the land based on surrounding land uses.

The National Avenue and Racine Avenue intersection was raised as a concern among attendees. Several attendees wished to see pedestrian connections, bike paths, sidepaths, and active uses at the intersection. City staff explained the limitations of municipal planning efforts near County highway areas.

PUBLIC INPUT

Initial Neighborhood Meeting

On January 30, 2018, residents and property owners in Neighborhood I met to discuss potential uses on the former Prospect Hill School site. A concept plan for self-storage and small business centers was shown and surrounding neighbors and residents were able to provide feedback and ask questions. One of the primary concerns that neighbors expressed, was regarding the ability to maintain the rural environment on the west side of the City. Neighbors were also concerned about the potential for negative impacts associated with development.

Neighborhood Review Meetings

Neighborhood I reconvened on January 24, 2019 to discuss another potential development on a parcel adjacent to the school. Neighbors voiced concerns regarding the potential environmental impact to the surrounding area. However, when discussing various potential uses, neighbors seemed to favor agricultural uses as opposed to retail or light industrial.

Residents in Neighborhood I were invited to a neighborhood meeting on February 4, 2020 to discuss a potential redevelopment on the for Prospect Hills School site. Attendees were able to review concept plans for an indoor sports facility.

VISION

West Side Open Space

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.

The area on the border of Neighborhood H and Neighborhood I, along Small Road and College Avenue, has a Future Land Use designation of Business Park/Industrial. It is anticipated that these properties will be incorporated into the Westridge/Moorland East Business Park at the time of their development.

National Avenue Corridor West

National Avenue is a scenic rural corridor, with rural-oriented commercial uses located at specific nodes. These nodes include Prospect Hill, and the intersection of Beloit Road and National Avenue.

DEVELOPMENT POLICIES

West Side Open Space

1. While agricultural uses are encouraged to remain, it is recognized that the area may continue to develop as conservation residential developments. Residential uses will be permitted and accommodated pursuant to policies outlined in the Zoning and Development codes. As agricultural lands transition to residential developments, the subdivision design should attempt to incorporate farming and agriculture uses as viable open space options.
2. Areas that are environmentally sensitive as wetlands and recharge areas should be established as priority areas for open space preservation.
3. The allowable base density, before incentives or bonuses, is one dwelling unit per five acres for new developments, with a requirement that an applicant demonstrate the capability of providing Private On-site Wastewater Treatment Systems (POWTS) that satisfy County and State regulations. Applicants should refer to the City Zoning and Development Code for regulations relating to this standard.
4. While it is recognized that State regulations for POWTS may change, it is the policy of the City of New Berlin that these possible changes do not affect this maximum allowable density.
5. Explore and implement amenities that are consistent with a rural theme, such as equestrian facilities, trails, bed and breakfasts, nature preserves, parks, and others.
6. The parcels near the border of Neighborhood H and Neighborhood I, along Small Road and College Avenue, that have a Future Land Use designation of Business Park/Industrial are anticipated to be incorporated into the Westridge/Moorland East Business Park at the time of their development.

National Avenue Corridor West

1. Encourage rural commercial land uses in the Prospect Hill area, and at the intersection of Beloit Road and National Avenue. Some examples of rural commercial uses are commercial nurseries, feed and seed stores, farmers markets, farm implement sales and supply stores, antique stores, and small-scale grocery stores serving residents of western New Berlin.
2. Identify scenic corridors and views, and encourage their protection.
3. Develop the area immediately west of Calhoun Road as a gateway into rural western New Berlin. Permit the development of this area for a mix of commercial and residential uses, but require that commercial use to be oriented to a rural theme.
4. Reinforce the historic village nature of Prospect Hill. Promote the preservation and renovation of historic buildings in the area. Require new construction and modifications

of existing buildings to be accomplished in such a way as to respect the historic character of the area.

AGRICULTURAL AND CULTURAL RESOURCES

Agricultural lands exist in the western half of the City that contribute to the rural and natural character of the community. Agricultural lands are encouraged to continue as a permitted use. These lands are transitional and should include unique farming opportunities for area landowners. Local food production, artisan farming, and hobby farming are encouraged as ways to maintain farmland in the City.

The New Berlin Landmarks Commission and the City jointly identified and mapped a series of cultural landmarks within the City, seventeen of which are located within Neighborhood I:

- A. E. Gilbert Cream City Brick Mansion, c. 1897
- Cheney-Faulkner-Cooper House, c. 1840s
- Collection of Arrowheads found by Lee Faulkner
- Creamery (now Mustang Shelley's), c. 1890
- Cupola Tower, c. 1920
- Dr. John Livingston Ingersoll House, c. 1858
- Elger's Store (now Chappel Sports), c. 1900
- Former Site of the Round Barn, c. 1898
- Freewill Baptist Church, c. 1859 (also on the National Register of Historic Places)
- Hales Mill Pond (Linnie Lac), c. 1836. First dam and first sawmill in Waukesha County
- Julius Heil House, c. 1880
- Linnie Lac Dam and Lake Site, c. 1836
- Native American Artifacts found on former Mayor Earl Rathke's farm (near Linnie Lac Lake)
- New Berlin Centre Cemetery, c. 1841
- Peck's Dance Hall and Saloon, c. 1871
- Theodora Winton Youman's Birthplace (house moved to the Historic Park in 2001)
- Weston Antique Orchards, c. 1860 (also on the National Register of Historic Places)
- New Berlin Center Cemetery – designated November 21, 2013
- Foster/Giesfeldt Home – designated December 18, 2014ADD NEW LANDMARKS HERE

Many of these landmarks are located within the Prospect Hill Settlement, which contains a concentrated number of historic landmarks. Some of the landmarks were moved from other areas of the City. In addition to the designated landmarks in Neighborhood I, four historic districts have also been identified by the City:

- East Prospect, located along National Avenue near Beloit and Martin Roads,
- Linnie Lac Mill District, located south of Interstate 43 east of Racine Avenue,
- New Berlin Center, located along National Avenue from Lawnsdale Road on the west into Neighborhood E on the east,

- Prospect Hill Settlement, located around the National and Racine Avenue intersection.

Refer to Chapter 4 for the City-wide New Berlin Landmarks map.

The Prospect Hill Historic District has become a notable area for historic landmarks within the City of New Berlin. The District has the potential to draw even more visitors to New Berlin than it does currently. As City staff and the New Berlin Landmarks Commission work to strengthen the recognition for historic areas in the City, focus should be placed on encouraging rural commercial activities within the Prospect Hill Historic District and marketing the District to visitors. These cultural resources should be translated into economic development opportunities.

Survey Results: Open Space

Figures 19.4 through 19.6 illustrate the three highest-rated images for open space in Neighborhood I. Preferred characteristics were the agricultural and natural open spaces and views, active recreation, and trails and paths.

Figure 19.4. Highest-Rated Image for Open Space.

Figure 19.5. Second Highest-Rated Image for Open Space.

Figure 19.6. Third Highest-Rated Image for Open Space.

NATURAL RESOURCES

Neighborhood I is primarily Country Residential land use with some areas of Suburban Residential. In addition, potential soil limitations exist that should be considered when reviewing plans for redevelopment in the neighborhood (Figure 19.8).

Sensitive features include streams, floodplains, and environmental corridors located in the neighborhood.

Throughout future residential development areas in this neighborhood, there should be sufficient space to incorporate a combination of Best Management Practices (BMPs) that work together as a Stormwater Treatment Train™ to remove pollutants and reduce the quantity and velocity of stormwater runoff. See Figure 19.9 for a diagram of BMP locations.

Figure 19.9. Best Management Practices Map for Neighborhood I.
Source: Applied Ecological Services, Inc.

Recommendations

The recommendations listed below correspond with the numbers and symbols shown on the map in Figure 19.9:

1. Vegetated swales are effective in filtering pollutants and reducing stormwater runoff velocity, in direct contrast to piped storm sewer conveyances. They can be implemented in rear yard swales, parks and common areas to treat and transfer surface runoff to stormwater management systems. They also reduce maintenance costs for these common areas. Vegetated swales can be flatter than typical turf grass swales to increase residence time and to promote infiltration and evapotranspiration. This increases the spacing of catch basins or can eliminate the need for piped storm sewer conveyance in new construction.

2. Bio-filter infiltration basins can be provided as an alternative to detention basins in the central and western portion of the neighborhood to promote infiltration and groundwater recharge.
3. This number is reserved for recessed parking and cul-de-sac islands, which are not recommended for specific locations in the neighborhood. Should property owners in the neighborhood propose to install recessed parking lot and cul-de-sac islands, the appropriateness of such basins should be determined based on property characteristics.
4. Stream banks along Calhoun Creek should be inspected for areas that need to be stabilized to prevent further soil erosion. In conjunction with the above-mentioned BMPs, stream bank stabilization will improve aquatic wildlife, improve groundwater quality, and reduce flooding.
5. To reduce the velocity and quantity of stormwater runoff from individual lots, rain gardens can be implemented. This will be feasible since Country Residential lots will tend to be larger in size. Rain gardens are localized infiltration basins that provide a means for stormwater runoff to cool, infiltrate and recharge the groundwater.
6. Throughout the parks and the undeveloped areas planned for Country Residential, there are opportunities to implement prairie to serve as a filter of surface water runoff as well as reduce maintenance in common areas. There may also be the opportunities to provide infiltration basins to encourage groundwater recharge, particularly in areas with pervious soils.

EXISTING TRANSPORTATION SYSTEM

The existing transportation system in Neighborhood I is comprised of a roadway network and bicycle/pedestrian facilities.

Roadway Network

New Berlin classifies its roads under the following functional classification: principal arterials, primary arterial, standard arterials, collectors and local streets. The roadways in Neighborhood I are comprised of principal arterials, primary arterials, standard arterials, collectors and local streets as listed below:

Principal Arterials accommodate inter-community traffic moving through New Berlin to another community or destination outside New Berlin. They tend to be highways or freeways carrying more traffic on more lanes at higher speeds than other streets. Access to and from principal arterial in the Milwaukee area is generally limited to primary arterials at controlled interchanges.

New Berlin has one principal arterial, which is IH-43 with two access points. One East of Neighborhood I at Moorland Road (CTH O) and one west of Neighborhood I at Racine Avenue (CTH Y). IH-43 is a high-speed freeway connecting the Milwaukee Metropolitan area with the City of Beloit.

Primary Arterials accommodate inter-community and intra-community trips and traffic. Design speeds tend to be between 35 and 55 miles per hour. Access is not limited as in principal arterials. The primary arterials in Neighborhood I are summarized below.

- Beloit Road (CTH I) – two travel lanes
- Racine Avenue (CTH Y) – varies between two and four travel lanes
- National Avenue (CTH ES) – two travel lanes
- College Avenue (CTH HH) – two travel lanes

Standard Arterials accommodate inter-community and intra-community traffic. They operate at slightly lower speeds than principal and primary arterials. Standard arterials provide more connections with individual parcels of land comprised of residential and commercial uses. The standard arterials in Neighborhood I are summarized below.

- Calhoun Road – two travel lanes
- Small Road (West of Moorland) – two travel lanes

Collectors provide the connection between arterials and local streets and serve both local and through traffic in residential neighborhoods, commercial areas and industrial areas. They distribute trips from the primary and standard arterials to the local streets and they collect traffic from the local streets and channel it onto the arterial system. Collectors should be designed to accommodate a balance of through traffic and access to adjacent residences, businesses and industry. The collectors in Neighborhood I are summarized below.

- Barton Road – two travel lanes
- Glengarry Road – two travel lanes
- Martin Road – two travel lanes
- Beres Road – two travel lanes

Local Streets comprise all land access streets designed to serve local traffic that is not part of the higher classified street network. In New Berlin, this includes streets serving residential, commercial and industrial areas. Local streets operate at the lowest posted speed limits and provide the most direct access to individual parcels of land.

Bicycle & Pedestrian Facilities

In Neighborhood I, an on-road bicycle facility is provided on National Avenue (CTH ES) between Calhoun Road and the western City limits. East of Calhoun Road, an off-road facility is provided adjacent to National Avenue.

Off-road recreational trails are provided through Calhoun Park in Neighborhood I. These trails are maintained by the City.

Public Transit

Currently, the local transit systems (MCTS, WMT and WCTS) do not provide bus service within Neighborhood I.

School busing is provided for the public, private and parochial schools in the City.

FUTURE TRANSPORTATION SYSTEM

Survey Results: Road Design

Figures 19.10 through 19.12 illustrate the three highest-rated images for road design in Neighborhood I. Desired characteristics included landscaped roads, on-road bike paths, and rural road sections with no curb.

Figure 19.10. Highest-Rated Image for Road Design.

Figure 19.11. Second Highest-Rated Image for Road Design.

Figure 19.12. Third Highest-Rated Image for Road Design.

Roadway Network

In Neighborhood I, the SEWRPC Year 2035 Recommended Regional Transportation System Plan identifies additional capacity needed on IH-43. The plan recommends widening IH-43 to a six-lane facility, within the existing right-of-way, from the Hale Interchange to Racine Avenue (County Hwy Y).

SEWRPC staff is currently preparing a major review and update of the regional land use and transportation plans for Southeastern Wisconsin. This effort, called VISION 2050, is expected to be completed in 2016. Vision 2050 will replace the current year 2035 plans, extending the design year of the plans to 2050. It should be noted that the SEWRPC plans are advisory only. Refer to the SEWRPC VISION 2050 plan for the most updated information related to their regional planning efforts and recommendations.

- **Calhoun Road Project -** In 2019, the City plans to repair 200 feet South of Cleveland Avenue to Beloit Road. Based on pavement condition and storm water management issues, the reconstruction of Calhoun Road between Cleveland Avenue and Beloit Road is warranted. The alignment is proposed to remain as a rural cross-section with two 12-foot wide driving lanes, with a 5-foot wide paved shoulder and 3-foot wide crushed aggregate shoulder on both sides of the roadway. Line of sight improvements and significant storm water management improvements will be needed. The overall Project approach will be similar to the City's approach on Coffee Road and Grange Avenue. It is recommended that a frost barrier be incorporated into the design. The City is considering phasing construction over several years.

Bicycle & Pedestrian Facilities

As shown on Figure 6.16, the following facilities are proposed in Neighborhood I or have been incorporated into recently completed roadway improvement projects:

Proposed On-Road Facilities:

- Racine Avenue
- Martin Road
- Beres Road
- Small Road
- College Avenue
- Calhoun Road
- Beloit Road

On-road bike paths should include striping and signage to identify the lane. Where topography and road width permit, signage should encourage drivers to change lanes when passing bicyclists.

Public Transit

The City should work with the local transit system to maintain the existing routes within the City and look for opportunities to expand and improve the transit system.

ECONOMIC DEVELOPMENT

Economic development policies for the National Avenue West neighborhood are largely guided by the 2002 Economic Development and Revitalization Plan. Based on recommendations in the Plan, proposed economic development activities focus primarily on residential development with limited commercial development that has an agrarian or natural emphasis. Cultural resources should be promoted as potential revenue for the neighborhood and for the City.

~~According to 2009 estimated tax levies, the National Avenue West neighborhood comprises 4.2% of the total tax levy for the City. Neighborhood I has an estimated assessment value of approximately $199 million, with a tax levy of approximately $1,100,000.~~

Brownfields

Two brownfields are located in Neighborhood I, both of which are labeled as an unknown petroleum risk (Figure 19.13).

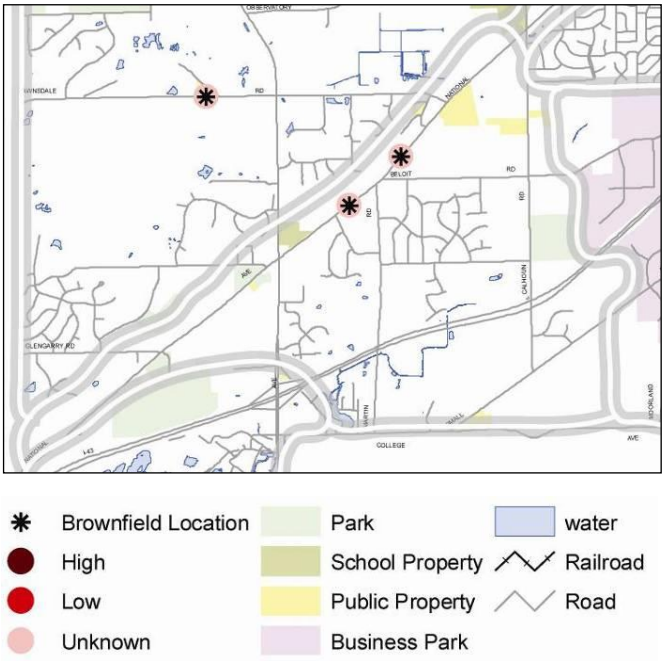


Figure 19.13. Neighborhood I Brownfields Map.
Source: WI DNR Bureau for Remediation and Redevelopment

Petroleum risk applies only to petroleum discharges from underground and aboveground tank systems, and is used to determine agency jurisdiction. The Wisconsin Department of Natural Resources (DNR) has jurisdiction for review of high-risk sites and sites also contaminated with non-petroleum substances. The Wisconsin Department of Safety and Professional Services has jurisdiction for all other sites with discharges from petroleum tanks. High risk factors are:

- confirmed contamination in a water supply well above a Chapter NR 140 preventive action limit,
- confirmed free petroleum product with a thickness of .01 feet or more,
- groundwater contamination above an NR 140 enforcement standard within 1,000 feet of a well operated by a public utility,
- groundwater contamination above an NR 140 enforcement standard within 100 feet of any other water supply well, and
- groundwater contamination above an NR 140 enforcement standard in fractured bedrock.

The brownfields in Neighborhood I can be found at the locations listed below:

- 18970 W. National Avenue; ERP

- 18500 W. National Avenue; LUST

The acronym "LUST" signifies the existence of a Leaking Underground Storage Tank. The acronym "ERP" signifies an Environmental Repair Program effort. The DNR classifies ERP sites as sites other than LUST sites that have contaminated soil and/or groundwater. Examples include industrial spills or dumping needing long term investigation, buried containers of hazardous substances, and closed landfills that have caused contamination. ERP sites include petroleum contamination from above-ground (not underground) storage tanks.

The City should continue to follow the status of these brownfields as development activities take place on or around each site.

Rural Commercial Design Guide

The Rural Commercial Design Guide ("Guide"), adopted by the City in 2001, serves as a design tool for economic development in Neighborhood I. The Guide provides design standards for areas west of Calhoun Road from the southern border of the City (Interstate 43 / College Avenue) to Cleveland Avenue on the north (in Neighborhood B). The area is further defined and a map of the area is provided in Chapter 12 (Neighborhood B). 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 design standards affecting recommendations for economic development in Neighborhood I 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. More details on the design standards and recommendations are provided in Chapter 12 (Neighborhood B).

Recommendations

The 2002 Economic Development and Revitalization Plan process hosted a series of visioning workshops to discuss desired businesses and industries with the New Berlin Economic Development Corporation, Focus New Berlin and the New Berlin Plan Commission. The following recommendations are based on the 2002 Plan and have been updated to reflect current desires for specific sites within Neighborhood I:

- **National Avenue from Lawnsdale Road to Calhoun Road and National Avenue at Intersection with Beloit and Martin Road**
  For the first two areas, the City should encourage rural commercial development such as nurseries, antique stores, and small grocery and convenience stores.
- **Intersection of National Avenue with Racine Avenue**
  The intersection of National Avenue with Racine Avenue should foster small-scale rural oriented cottage shops, cafes, and antique stores that respect and reinforce the historic and rural character of nearby Prospect Hill.
- **Intersection of Racine Avenue and College Avenue**

The northwest corner of the Racine Avenue and Interstate 43 interchange houses a quarry, and is planned for a regional City business park. This area is also considered as a long-range job center. The northeastern corner of the Racine Avenue and College Avenue intersection should promote a mix of small-scale light manufacturing, office, retail, and restaurant or hotel uses. Medium-density residential townhouses or senior housing could provide a transition between businesses and the IH-43 interchange.

HOUSING

Neighborhood I is primarily single-family housing on large lots or single-family within a conservation subdivision.

LAND USE

Neighborhood I represents a variety of land uses, with the majority of the neighborhood being low-density residential. Farming, open space, and rural commercial uses are permitted and encouraged to remain

Recommendations

The institutional parcel on Martin Road south of Beres Road and north of Interstate 43 was changed to Country Residential (currently shown as Country Residential on the map). Other changes approved in 2009, included lot line changes for existing rural commercial along National Avenue, a change from Mixed-Use Residential to Country Residential on the southwest corner of Calhoun Road and National Avenue (Tax Key: 1236-996), Rural Commercial at the intersection of Martin Road and College Avenue (Tax Keys: 1283-998, 1283-966, 1238-989, 1283-988), Residential Estate adjacent to the Business Park (Tax Keys: 1286-999002, 1285-994, 1285-994003, 1285-994002, 1285-994001), and additional industrial use along Small Road (Tax Key: 1286-989, 1286-990, 1286-991). These recommendations were incorporated into the initial Future Land Use Map adopted in 2009.

A large number of farm operations exist in Neighborhood I, and the protection and preservation of these uses is integral to this land use. Artisan farming, community-supported agriculture, and similar farming techniques are encouraged. On-site sales of products are appropriate in these areas, including small farm markets and similar uses.

While agricultural uses are encouraged to remain as long as the owners wish to operate farms, this designation allows for property owners to transition to development in a way that maintains the rural character. As land divisions and rezones are presented in these areas, the City will consider the appropriateness of such changes on a case-by-case basis.

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT:	**Jim Duerrwaechter / Rezoning**
LOCATION:	**18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963)**
REQUEST:	**Request to rezone the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) from B-2 and R-3 to B-2 and R-3.**
D.R.C. RECOMMENDATION:	**Public hearing, no action.**

DETAILS IN ATTACHED STAFF REPORT:

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

Meetings of July 10, 2023

Jim Duerrwaechter / Rezoning
18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963)

DATE STAFF REPORT PREPARED: May 12, 2023

APPLICANT / OWNER(S): Jim Duerrwaechter / Lynn Reno, William Potter

REQUEST / DESCRIPTION OF PROJECT: Rezone the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) from B-2 and R-3 to B-2 and R-3.

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 4/20/23

DATE OF COMPLETENESS DETERMINATION: 4/25/23

PRE-APPLICATION CONFERENCE HELD: Yes
Date(s) of Meeting(s): 4/6/23
Site Visit(s): 5/12/23

CONCEPTUAL PLAN: A 2-Lot CSM has been submitted (see file # LD-2300782).

SIZE OF DEVELOPMENT / PARCEL(S):

0.60 acres	18335 W. National Ave (Tax Key #: 1262.961)
0.89 acres	Tax Key #: 1262.962
1.53 acres	18395 W. National Ave (Tax Key #: 1262.963)

CURRENT ZONING: B-2 (General Retail Sales and Service District) & R-3 (Suburban Single-Family Residential District)

CURRENT LAND USE: Commercial/Residential

PROPOSED LOT SIZES: Applicant has filed an application for a 2-Lot CSM (see file # LD-2300782).

Lot 1	40,007 square feet
Lot 2	88,384 square feet

PROPOSED ZONING: Applicant has filed an application for a 2-Lot CSM (see file # LD-2300782).

Lot 1	R-3 (Suburban Single-Family Residential District)
Lot 2	B-2 (General Retail Sales and Service District)

PROPOSED LAND USE: Applicant has filed an application for a 2-Lot CSM (see file # LD-2300782).

Lot 1	Residential
Lot 2	Commercial

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North:	Zoning: B-2, R-3	Land Use: Residential
South:	Zoning: R-3	Land Use: Residential
East:	Zoning: R-1/R-2, R-3	Land Use: Residential
West:	Zoning: B-2	Land Use: Commercial

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes

Chapter 19: Neighborhood I: National Avenue West:

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.
- National Avenue is a scenic rural corridor, with rural-oriented commercial uses located at specific nodes. These nodes include Prospect Hill, and the intersection of Beloit Road and National Avenue.

Development Policies:

- Residential uses will be permitted and accommodated pursuant to policies outlined in the Zoning and Development codes.
- Encourage rural commercial land uses in the Prospect Hill area, and at the intersection of Beloit Road and National Avenue. Some examples of rural commercial uses are commercial nurseries, feed and seed stores, farmers markets, farm implement sales and supply stores, antique stores, and small-scale grocery stores serving residents of western New Berlin.
- Develop the area immediately west of Calhoun Road as a gateway into rural western New Berlin. Permit the development of this area for a mix of commercial and residential uses, but require that commercial use to be oriented to a rural theme.

Land Use:

- Future Land Use Map: Rural Commercial and Suburban Residential

ZONING CODE (Chapter 275): Yes, this request meets the requirements of §275-33B(3) and §275-34B(2) of the Zoning Code.

DEVELOPMENT CODE (CHAPTER 235): N/A

REZONING REQUIRED: Yes

CONDITIONAL USE REQUIRED: No

PUBLIC HEARING REQUIRED: Yes

USE / SITE / ARCHITECTURAL REVIEW:
Use Approval Required: No
Site Plan Required: Yes, see attached CSM.
Architectural Review Required: No

PROPOSED ARCHITECTURE: N/A

UNIQUE SITE CHARACTERISTICS:
Environmental Corridor: Yes, Isolated Natural Resource Area.
Wetland On Property: No
Conservancy Districts (C-1, C-2): No
NRCS Map Classification: Not Inventoried
Floodplain: No
Topography / Geologic: Site slopes to the 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
Wildlife Habitat Protection: N/A
Wildlife Management Plan: N/A

ENVIRONMENTAL IMPACT: No impact.

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

SANITARY SEWER PROVISION:
Within Current Sewer Service Area: No
Basin Capacity Available: N/A
Adequate Linkage: N/A
Onsite System Required: Yes

WATER USAGE CALC.: No increase.

TRAFFIC IMPACT: No increase.

SCHOOL DISTRICT IMPACT: N/A
Notice Sent to Affected School District(s): No

PREVIOUS ACTION (18335 W. NATIONAL AVENUE):

1959	Building permit.
1964	Use approval for a wire cutting shop operating on site.
4/17/1989	Plan Commission approval of U-32-89 conceptual business addition.
3/17/1997	Plan Commission approval of re-occupancy RO-18-97 for Pure Air Ventilation.
7/7/2003	Plan Commission approval of re-occupancy RO-17-03 for Arizona Spa.

PREVIOUS ACTION (18395 W. NATIONAL AVENUE):

1979	Garage U-90-79.
11/20/1989	Plan Commission approval of a home occupation and addition to house U-159-89.

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

1. The rezoning must meet the following criteria outlined in New Berlin Municipal Code §275-22(F):

    a. The proposed rezoning is consistent with the Comprehensive Plan and the stated purposes of Chapter 275;

    The Future Land Use map identifies this area as Rural Commercial and Suburban Residential. The applicant has filed a separate application for a Comprehensive Plan Amendment (See File #: CP-2300780) to amend the Future Land Use Map within the City's Comprehensive Plan (Chapter 10 – Land Use and Chapter 19 – "Neighborhood I") from Rural Commercial and Suburban Residential to Rural Commercial and Suburban Residential.

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

    Yes, the proposed rezoning is compliant. This property is not served by public sanitary sewer and water facilities. Density will not increase as a result of this rezoning.

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

    Yes, the proposed rezoning is compliant.

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

    Yes, the proposed rezoning is compliant. Any future development shall require a separate application to be filed with the Department of Community Development.

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

    Yes, the proposed rezoning is compliant.

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

    No, it will not be a spot zoning. It will be consistent with the Future Land Use Map within the Comprehensive Plan, as proposed to be amended with application # CP-2300780.

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

    Yes, the proposed rezoning is the minimum action necessary to accomplish the intent of the petition.

2. The applicant has simultaneously applied for a Comprehensive Plan Amendment (see file #: CP-2300780) and 2-Lot CSM (see file #: LD-2300782). Action for these applications is anticipated for the August 14, 2023 Plan Commission meeting.

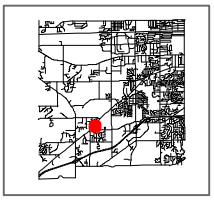
    a. This request is consistent with the proposed Comprehensive Plan Amendment to update the Future Land Use Map within the Comprehensive Plan to Rural Commercial and Suburban Residential.

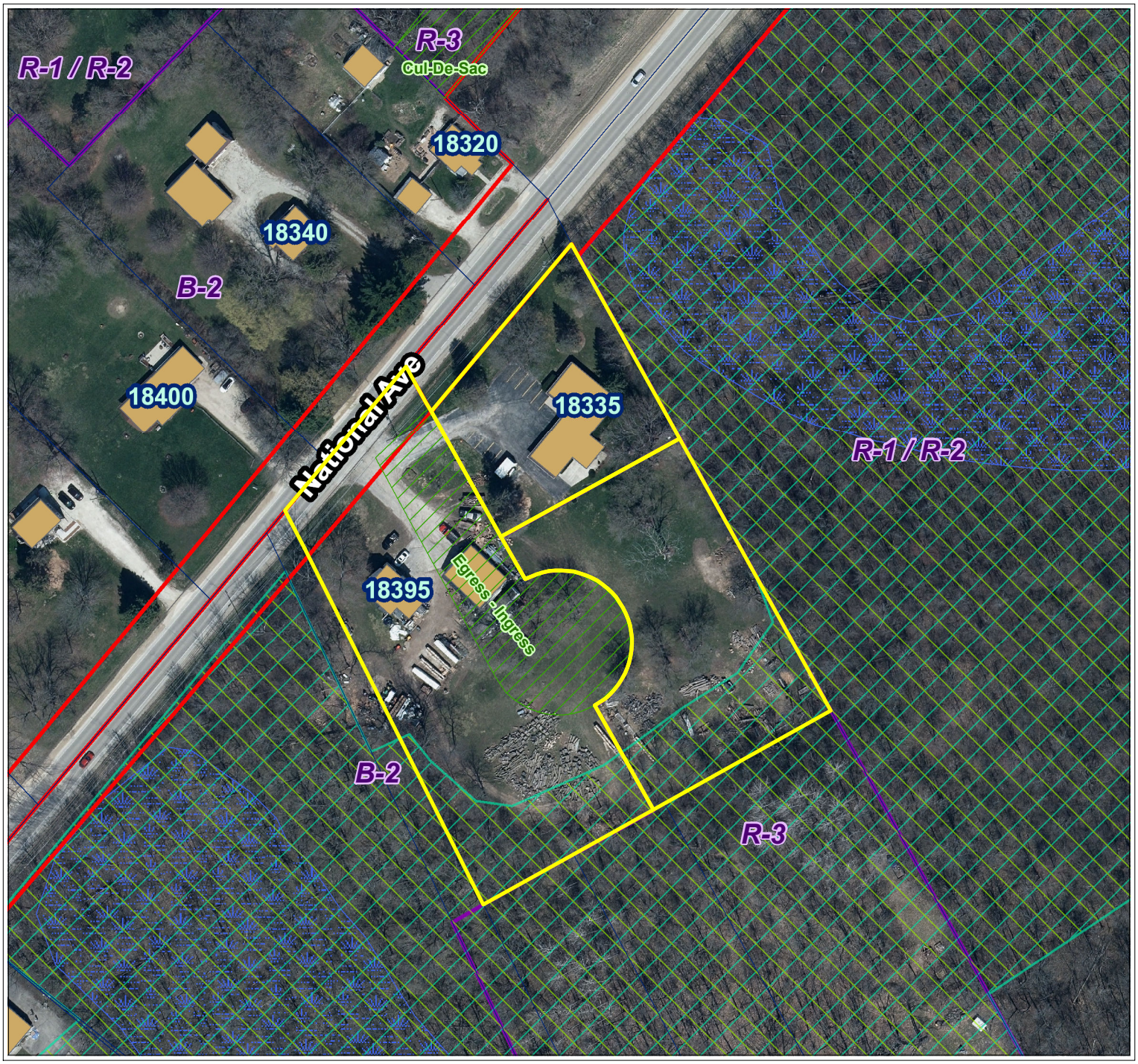
3. The existing Principal Use for Lot 1 (see file #: LD-2300782) is Commercial, with Residential Quarters allowed as an Accessory Use, per §275-42G(1)(a). The building is currently unoccupied.
    a. The property owner of Lot 1 intends to sell the property as a single-family home.
    b. This property has been zoned B-2 dating back to the 1963 City Zoning Map and going forward to today. A business has been in operation at this location since 1964. Any future businesses located on Lot 1 must comply with §275-42G(4): Home Occupations.
    c. Upon approval of the CSM, Lot 1 will be required to construct a garage, per §275-33E(1)(d). A garage shall be constructed within one year of approval of the CSM.
    d. The monument sign located on proposed Lot 1 shall be removed prior to the City signing the CSM.
4. The existing Principal Use for Lot 2 (see file #: LD-2300782) is Commercial, with Residential Quarters allowed as an Accessory Use, per §275-42G(1)(a). The building is currently being used as a business with residential quarters.
    a. Lot 2 will continue as a commercial use, with residential quarters allowed as an accessory use.
    b. Outdoor storage shall be removed prior to the City signing the CSM, as it is a prohibited use in the B-2 District, per §275-34C.
    c. An average landscape bufferyard of 15' is required when a Commercial Use is adjacent to a Single-Family Residential Use, per §275-56F. DCD Staff will work with the applicant on the landscape plan to ensure proper bufferyards are met prior to the City signing the CSM. The existing building located on Lot 2 meets the 15' side setback, so there is room for landscaping in this area.

D.R.C. RECOMMENDATION: Public hearing, no action. **See Executive Summary.**

ATTACHMENTS:
Location Map
Zoning Comparison Map
CSM

CP-2300780, RZ-2300781 & LD-2300782
Reno Potter
18335 W. National Ave, Tax Key #: 1262.962 & 18395 W. National Ave





Legend

- Parcels
- Road Right-of-Way

Floodplain DFIRM (FEMA 2014)

Flood Zone

- FEMA DFIRM - Zone A
- FEMA DFIRM - Zone AE
- FEMA DFIRM - 0.2% Annual Chance
- Zoning Boundaries

Zoning Wetland Registration

Wetland Registration Type

- Registered Wetland
- Outside Wetland

Environmental Corridor

Corridor Type

- Isolated Natural Resource Area
- Primary Environmental Corridor
- Secondary Environmental Corridor
- Wetland

Sewer Service Area (MMSD)

Sewershed

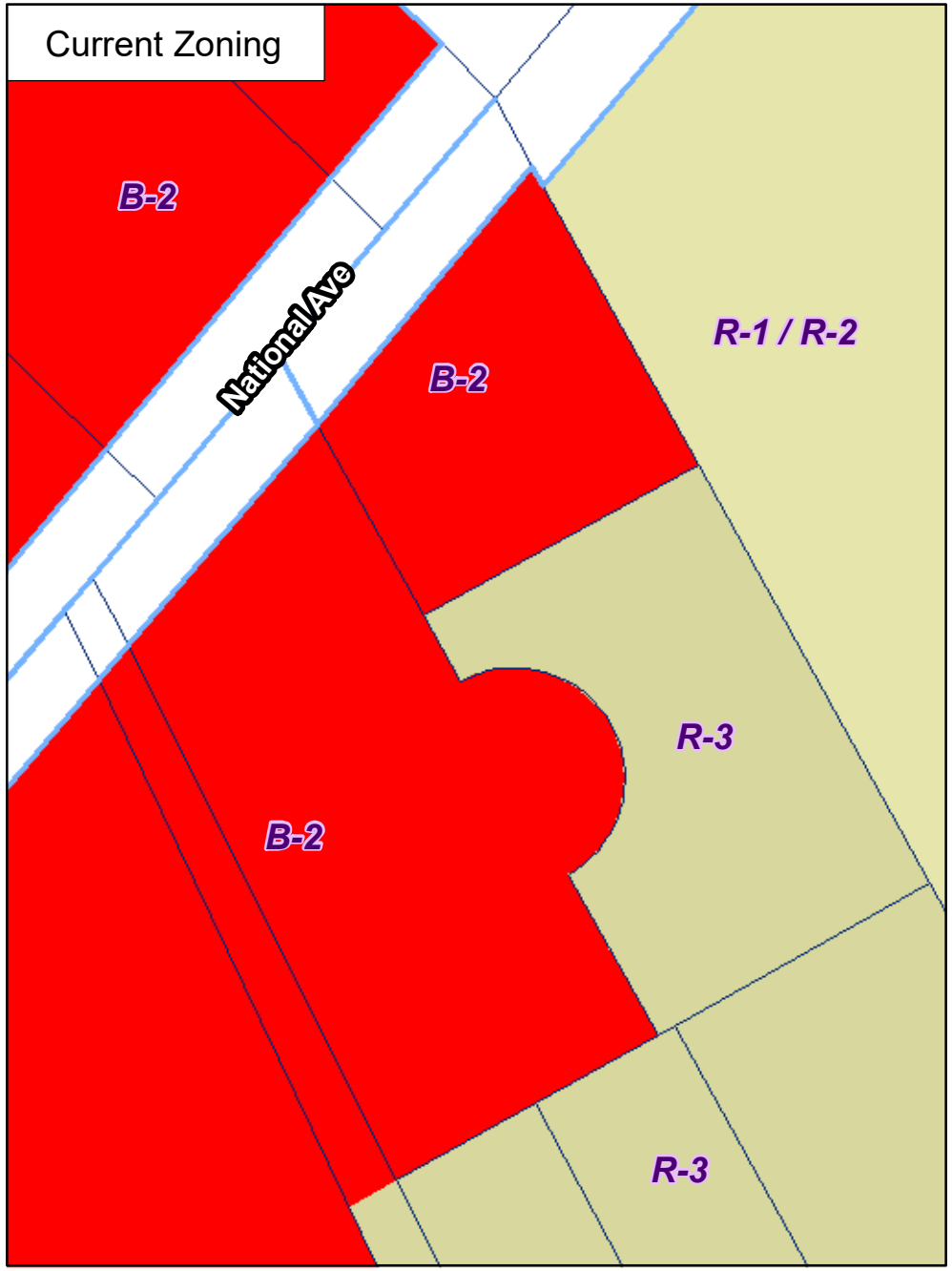
- Current
- Ultimate

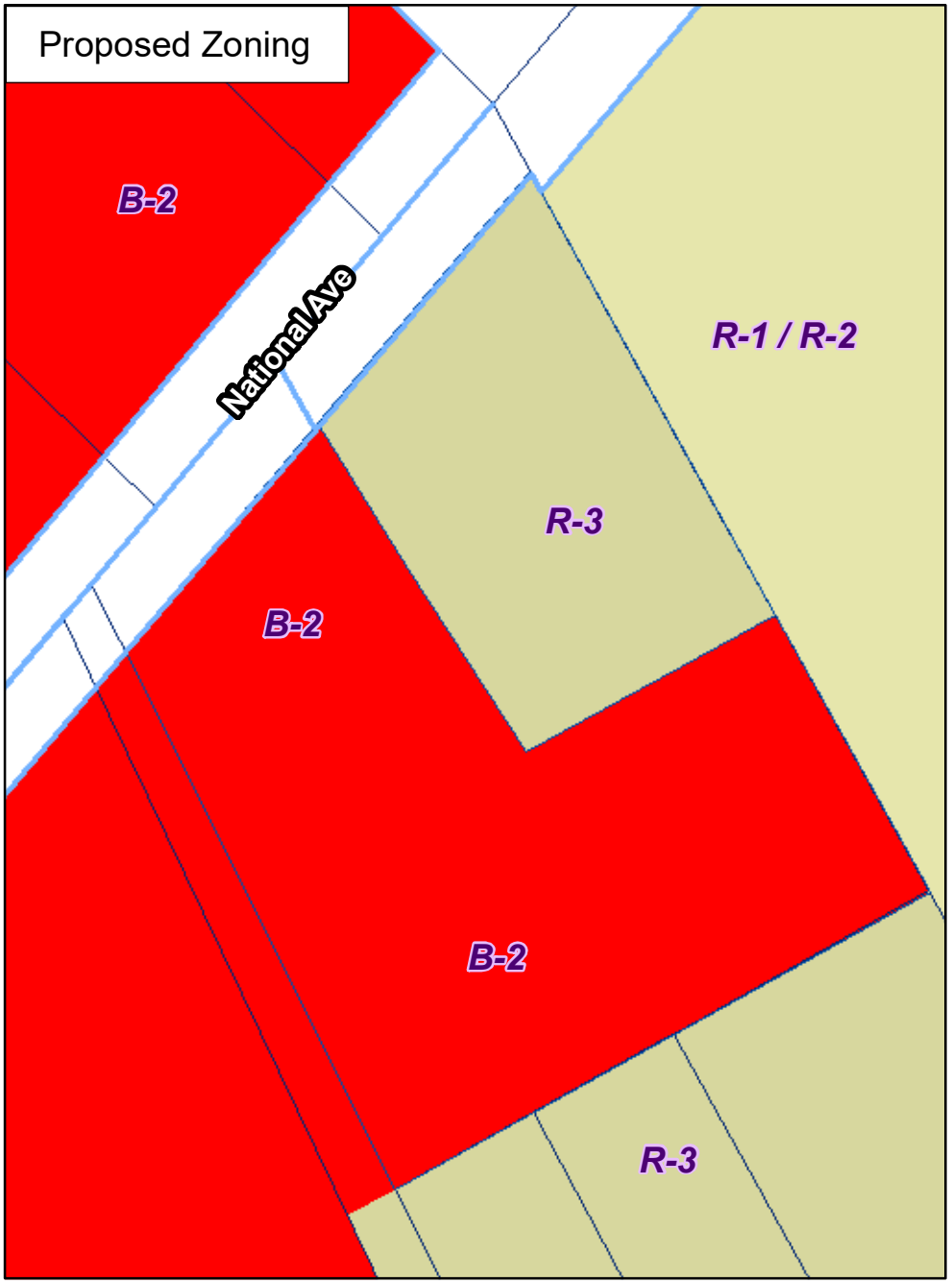
City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
(262) 797-2445
www.newberlin.org

N

0 45 90 Feet

The information and depictions herein have been produced using data available through photogrametric means by the City of New Berlin. The informations and depictions herein are for informational purposes and the City of New Berlin specifically disclaims accuracy in this reproduction and specifically admonishes and advises that any and all depiction, measurements, distances depicted herein and as to which specific or precise accuracy is required should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means.





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

RZ-2300781
Reno Potter
18335, 18395 W. National,
& Taxkey# 1262962

Legend
Parcels
Road Right-of-Way

N

0 40 80 Feet
8

P:\DCD\Projects\RZ\RZ-2300781 Reno Potter\GIS\Zoning Comparison.mxd

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southeast 1/4 of the Northwest 1/4 of Section 28, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

Prepared for:
Lynn L. Reno
16960 West College Avenue
Muskego, WI 53150-2749

William R. Potter
3055 South Meadow Creek Court
New Berlin, WI 53146-4905

Prepared by:
Dennis C. Sauer P.L.S. 2421
Metropolitan Survey Service, Inc.
8482 South 76th Street
Franklin, WI 53132

NOTES:

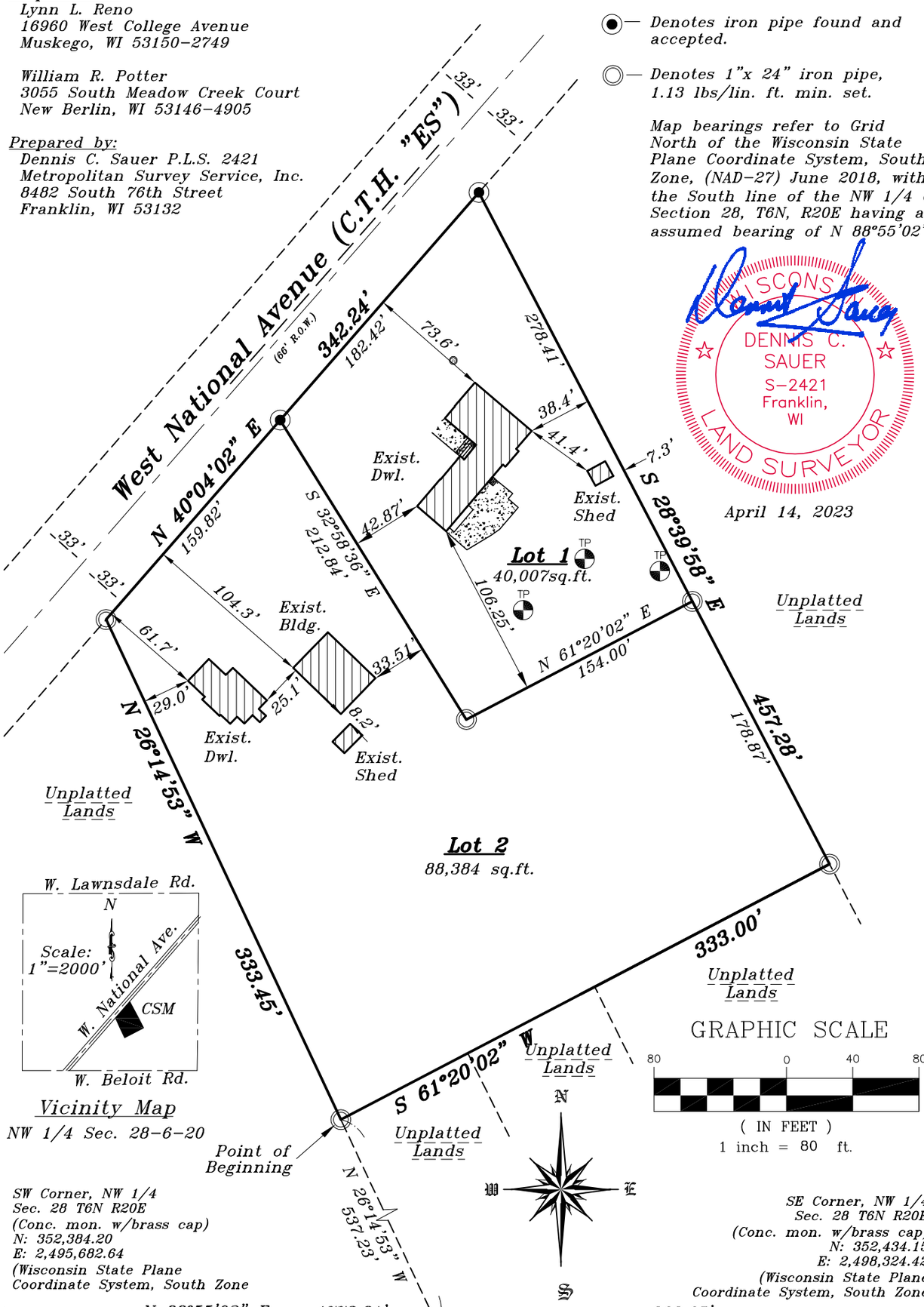
Denotes iron pipe found and accepted.

Denotes 1"x 24" iron pipe, 1.13 lbs/lin. ft. min. set.

Map bearings refer to Grid North of the Wisconsin State Plane Coordinate System, South Zone, (NAD-27) June 2018, with the South line of the NW 1/4 of Section 28, T6N, R20E having an assumed bearing of N 88°55'02" E.

WISCONSIN
DENNIS C. SAUER
S-2421
Franklin, WI
LAND SURVEYOR

April 14, 2023



S:\M\CSM's\NewBerlin\114217

Sheet 1 of 5

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southeast 1/4 of the Northwest 1/4 of Section 28, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

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

I have surveyed, divided, and mapped a part of the Southeast 1/4 of the Northwest 1/4 of Section 28, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of said Northwest 1/4; thence N 88°55′02″ E along the South line of said Northwest 1/4, 1773.81 feet; thence N 26°14′53″ W, 537.23 feet to the point of beginning of the lands to be described; thence continuing N 26°14′53″ W, 333.45 feet to a point on the Southeasterly right-of-way line of West National Avenue (C.T.H. "ES"); thence N 40°04′02″ E along said right-of-way line, 342.24 feet; thence S 28°39′58″ E, 457.28 feet; thence S 61°20′02″ W, 333.00 feet to the point of beginning.

Said lands containing 128,391 square feet (2.95 acres).

That I have made such survey, land division and map by the direction of Lynn L. Reno and William R. Potter, owners of said land.

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

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

April 14, 2023
Date

Dennis C. Sauer
Professional Land Surveyor S-2421

WISCONSIN
DENNIS
C SAUER
S-2421
FRANKLIN
WISCONSIN
LAND SURVEYOR

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southeast 1/4 of the Northwest 1/4 of Section 28, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

OWNER'S CERTIFICATE

Lynn L. Reno, as owner, does hereby certify that she caused the lands described on this map to be surveyed, divided, combined and mapped and dedicated as represented on this map in accordance with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the Subdivision Regulations of the City of New Berlin.

IN WITNESS WHEREOF, the said Lynn L. Reno, has caused these presents to be signed at _____, Wisconsin, this _____ day of _____, 20___.

_____
Lynn L. Reno, Owner

STATE OF WISCONSIN)
_____COUNTY) SS

PERSONALLY, came before me this _____ day of _____, 20_____, Lynn L. Reno, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____
Notary Public-State of Wisconsin
My Commission Expires: _____

WISCONSIN
DENNIS C SAUER
S-2421
FRANKLIN
WISCONSIN
LAND SURVEYOR
4/14/23

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southeast 1/4 of the Northwest 1/4 of Section 28, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

OWNER'S CERTIFICATE

William R. Potter, as owner, does hereby certify that he caused the lands described on this map to be surveyed, divided, combined and mapped and dedicated as represented on this map in accordance with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the Subdivision Regulations of the City of New Berlin.

IN WITNESS WHEREOF, the said William R. Potter has caused these presents to be signed at _____, Wisconsin, this _____ day of _____, 20___.

_____
William R. Potter, Owner

STATE OF WISCONSIN)
_____COUNTY) SS

PERSONALLY, came before me this _____ day of _____, 20_____, William R. Potter, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____
Notary Public-State of Wisconsin
My Commission Expires: _____

WISCONSIN
DENNIS
C SAUER
S-2421
FRANKLIN
WISCONSIN
LAND SURVEYOR
4/14/23

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southeast 1/4 of the Northwest 1/4 of Section 28, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

PLAN COMMISSION APPROVAL

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

_____
David Ament, Chairman
City of New Berlin

_____
Nikki Jones, Secretary
City of New Berlin

COMMON COUNCIL APPROVAL

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

_____
David Ament, Mayor
City of New Berlin

_____
Rubina R. Medina, City Clerk
City of New Berlin

WISCONSIN
DENNIS
C SAUER
S-2421
FRANKLIN
WISCONSIN
LAND SURVEYOR
4/14/23

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

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT:	**Dan Romnek on behalf of Mandel Group & City of New Berlin / 2030 Comprehensive Plan Amendments**
LOCATION:	**1750 S. Moorland Road (includes Tax Key #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992)**
CURRENT FUTURE LAND USE:	**Suburban Commercial**
PROPOSED FUTURE LAND USE:	**Suburban Commercial, Mixed Residential and Institutional with a Planned Unit Development Overlay**
CURRENT ZONING:	**I-1 (Institutional District) / C-2 (Shoreland-Wetland Holding District)**
REQUEST:	**A request to amend the Future Land Use Map within the City's Comprehensive Plan (Chapter 11 - Neighborhood "A" and Chapter 10 - Land Use) for the properties located at 1750 S. Moorland Road (includes Tax Key #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) from Suburban Commercial to Suburban Commercial, Mixed Residential and Institutional with a Planned Unit Development Overlay. In addition, Plan Commission discuss the following 2030 Comprehensive Plan chapters as part of a general update to the plan: ▪ Chapter 10 – Land Use ▪ Chapter 11- Neighborhood "A"**
D.R.C. RECOMMENDATION:	**Public hearing, no action.**

<u>Background:</u>

1. Site Plan

a. **In the Applicant's attached site plan, they have indicated that a senior living development would occupy the southern end of this parcel (a portion of Tax Key #: 1158-991 and a portion of Tax Key #: 1158-992), and multi-family middle area on the above Tax Keys along with Tax Key #'s: 1158-989 & 1158-994, 1158-993 & a portion of 1158-991-001). See map below.**

b. **The proposed retail use on the corner of Moorland Road and Greenfield Avenue is consistent with the Suburban Commercial Future Land Use designation. The majority of the retail use would be located on Tax Key #: 1158-990 and a portion of Tax Key: 1158-991-001).**

2. **A Neighborhood Meeting was held on April 10, 2023. Residents within the area were invited.**

3. **Plan Commission reviewed the concept plan at their April 13, 2023 Plan Commission meeting.**

4. **Wetlands have been field verified by Eric Parker with Heartland Ecological Group and will be registered with the City per Section 275-37E of the Zoning Code.**

5. **Zoning Code – Rm-1, Multiple-Family Residential District:**

   a. **Per Zoning Code Section 275-33B(9), *"Net density shall not exceed seven dwelling units per Rm-1 zoned acre. Net density calculations shall include the area of land upon which the dwelling units are proposed to be located and including common open space and associated facilities on the tract of land zoned Rm-1, excluding rights-of-way of publically dedicated streets and private streets."***

      1. **In the attached packet, the applicant has identified the following density information: Net density 14.22 units / acre (212 units / 14.9 developable acres) OR gross density 9.90 units / acre (212 units / 21.4 acres).**

   b. **Per Zoning Code Section 275-33E(3), *"Multi-family dwellings are required to have a certain portion of the required parking spaces located in an enclosed attached or underground parking garage. Refer to Zoning Code Section 275-57 for off-street parking requirements."* Zoning Code Section 275-57A(3) (Table 275-57-1) states the following requirements for multi-family development, *"2 spaces per dwelling unit plus 1/10 of a space per dwelling unit shall be provided for guest parking. A minimum of 1 space per dwelling unit shall be provided in an attached or underground garage."***

      1. **Applicant's preliminary packet indicates the required parking is 446 stalls and they would provide 430 stalls. Plans do not indicate how many spaces would be attached or provided in an underground garage.**

      2. **Applicant will need to provide a Code Comparison summary and identify if the parking will meet the above section. Plans are not detailed enough at this point to determine this.**

c. **<u>Based on their summary, they would need a Planned Unit Development (PUD) Ordinance to vary from the Zoning code.</u>**

6. **Zoning Code – I-1, Institutional District:**

   a. ***Per Zoning Code Section 275-41B(1)(a)The density of an elderly housing development shall not exceed 14 dwelling units per acre.***

      1. **In the attached packet, the applicant has identified the following density information: Net density 33.3 units / acre (150 units / 4.5 developable acres) OR gross density 23.01 units / acre (150 units / 6.5 acres).**

      2. ***Per Zoning Code Section 275-41B(1)(d) Visitor and staff parking shall be provided. Underground or attached parking for residents shall be provided at a ratio consistent with expected automobile usage rates.***

      3. ***Applicant's packet indicates the required parking is yet to be determined.***

      4. ***Applicant will need to provide a Code Comparison summary and identify if the parking will meet the above section. Plans are not detailed enough at this point to determine this.***

7. **Fire Comments:**

   a. **Below are comments from the Fire Chief regrading this proposed development:**

      1. ***"Our history for similar type facilities providing the same multi-levels of care is an average of one call for every bed over a year. So we most likely are looking at 150-200+ depending on the scope of the project. Again, this depends greatly on the level of services their employees will provide such as lift assist.***

      2. ***If this looks to move forward we would reach out to fire departments in other communities in which they have facilities to get a better idea of the impact to us."***

8. **General Comments:**

   a. **Waukesha County will be the approving authority on the roadway improvements and access permitting along CTH O (Moorland Rd.).**
   b. **A TIA has been submitted dated June 15, 2023 and is under review.**
   c. **If a signal is warranted, WisDOT may need to review the intersection for interconnectivity.**
   d. **Provide a sidewalk along Moorland Road from Greenfield Avenue to the New Berlin Bike Trail. Installation and maintenance to be completed by the developer.**
   e. **Sidewalk lighting may be discussed.**
   f. **Provide pedestrian connections internal to the development.**
   g. **Site layouts should include landscaping, sustainable features, and signage and/or banners to promote Greenfield Avenue as a major gateway to the City.**
   h. **Provide Utility plans that show the water main looping.**
   i. **Public water main would need to be within an easement.**
   j. **See the Development Handbook for public infrastructure requirements.**
   k. **Discuss the option of gateway signage for the City of New Berlin.**
   l. **Provide a full tree inventory and replacement plan.**
   m. **Provide landscape plan.**

9. **The impetus for the 2030 Comprehensive Plan update (Chapter 10 – Land Use & Chapter 11 – Neighborhood A, Greenfield Avenue)**

      i. **Minor editing and overall format update for the 2030 Comprehensive Plan layout.**

Rationale:

The Comprehensive Plan includes the following statements regarding this area:

1. **Chapter 11: Neighborhood A: Greenfield Avenue:**

   Planning Context / Vision / Development Policies:

   Vision Neighborhood A:

   - *Greenfield Avenue will be a mixed commercial and residential corridor, and shall act as a gateway to the northern area of New Berlin. The eastern half of the corridor should foster a more urban mix of uses, while the western half should encourage a mix of rural commercial, residential, and environmental features.*

   Development Policies:

   - *Create development standards for site layout, building character, and landscaping that are suitable for new development along the corridor.*
   - *Tighten non-conforming lot, structure, and use standards, and require compliance with landscaping regulations. Phase out non-conforming commercial uses over time.*
   - *Recognize the Greenfield Avenue and Moorland Road primary intersection as a major gateway into the city from the north. Encourage signature well-designed buildings that are compatible with surrounding areas including recent development across the street in the City of Brookfield.*
   - *Site development should include prominent signage, increased landscaping, sustainable strategies for stormwater management, and methods to minimize the parking field, such as structured parking.*
   - *Address flooding and localized drainage issues along the eastern portion of the neighborhood.*
   - *Encourage land combinations that accommodate future development options.*

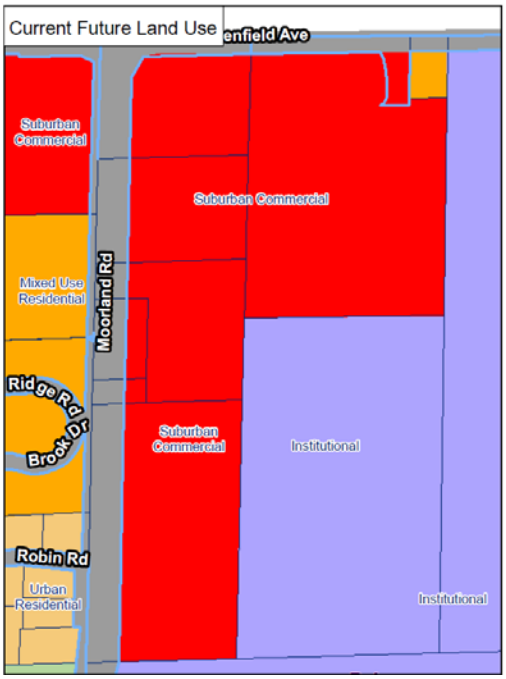
   Land Use:

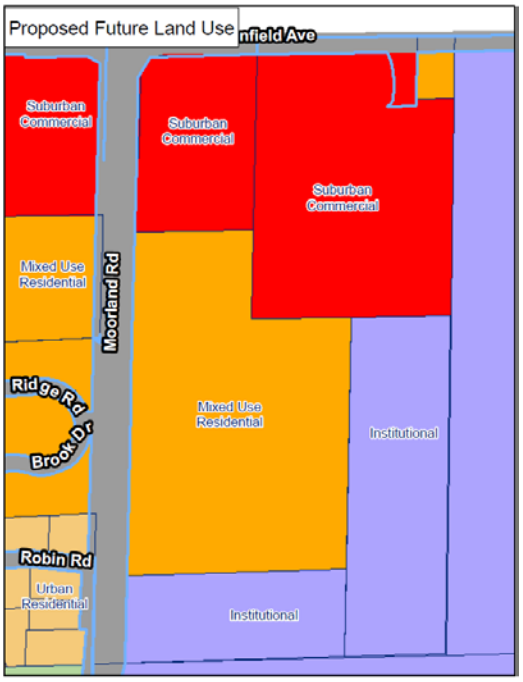
   - **See request above.**

2. **Chapter 10: Land Use:**

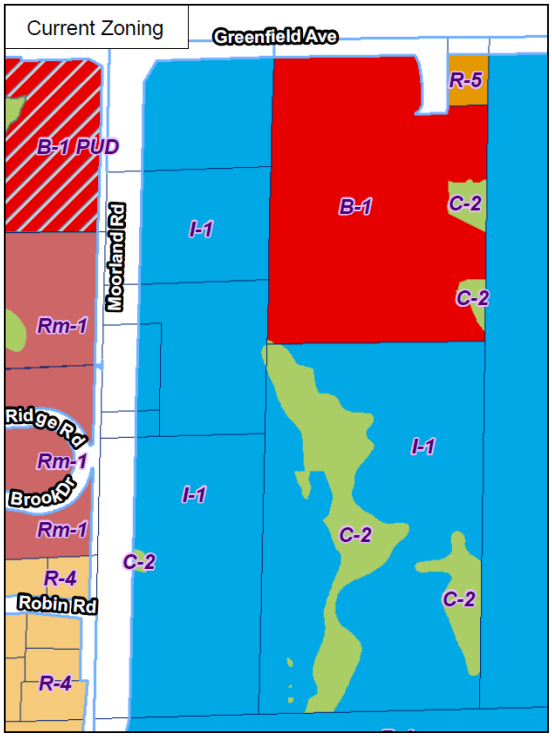
   - ***Current Future Land Use Map:*** **Suburban Commercial**

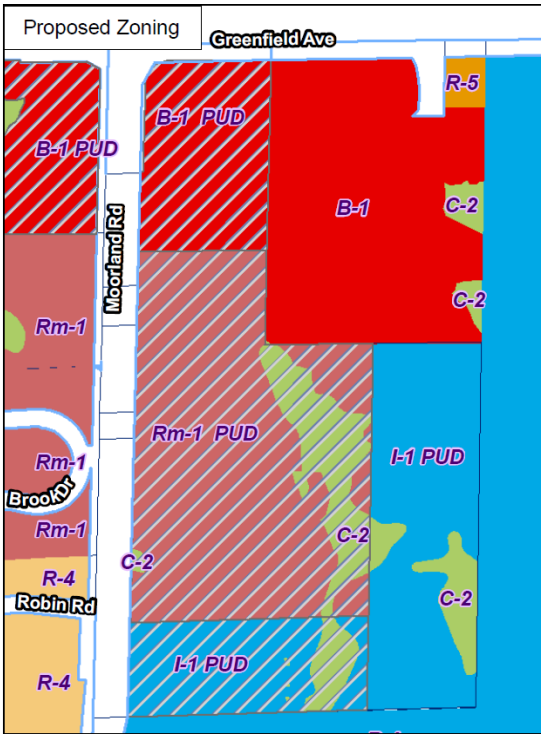
   - ***2030 Future Land Use Map Suggestion:*** **Suburban Commercial, Mixed Residential and Institutional with a Planned Unit Development Overlay**





- *The corresponding zoning districts are B-1/PUD (Shopping Center District / Mandel PUD), Rm-1/PUD (Multiple-Family Residential District / Mandel PUD), I-1/PUD (Institutional District / Mandel PUD) & I-1 (Institutional District) (See File #: RZ-2300810)*





3. **<u>Chapter 22: Implementation:</u>** Yes, this request meets the intent of this Chapter.

Amending the Plan

- This Plan is intended to be changed and revised over time. The City's values, goals, and capabilities may change as New Berlin grows, and the Plan must be amended to reflect those changes. The Plan should be reviewed and amended at least once every year. Suggestions for amendments can be brought forward by City staff, officials, and/or residents, and should be consistent with the overall vision of the Plan. Proposed amendments could originate in any of the

following way:

- Amendments proposed as corrections of clerical or administrative errors, mapping errors, and updated data for text, tables, and maps. Such amendments would be drafted by City staff.
- Amendments proposed as a result of discussions between officials and citizens.
- Amendments proposed as a result of recommendations discussed during a City planning process.

- When a change is proposed, it should follow this general procedure:
  - Recommendation by the Plan Commission to conduct a review process for the proposed amendment.
  - Facilitation of public hearings as required by applicable Wisconsin State Statutes and/or ordinances.
  - Recommendation from the Plan Commission to the Common Council.
  - Consideration and decisions by the Common Council.

Plan Element Consistency

- As future amendments and updates are made, consistency between the Plan elements must be ensured.
  The applicant has submitted requests to the City to amend the Comprehensive Plan / Future Land Use Map and rezone the property, so the request meets the consistency requirements.

D.R.C. RECOMMENDATION: Public hearing, no action.

Attachments:
Location Map
Rezoning Comparison Map
Future Land Use Comparison Map
Applicant Letter
Concept Master Plan & Associated Documents
Draft PUD

Draft Chapters – Minor Edits as part of the 2030 Update*

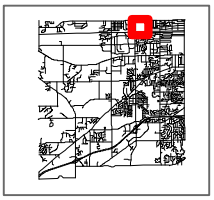
- Chapter 11 – Neighborhood A – Greenfield Avenue

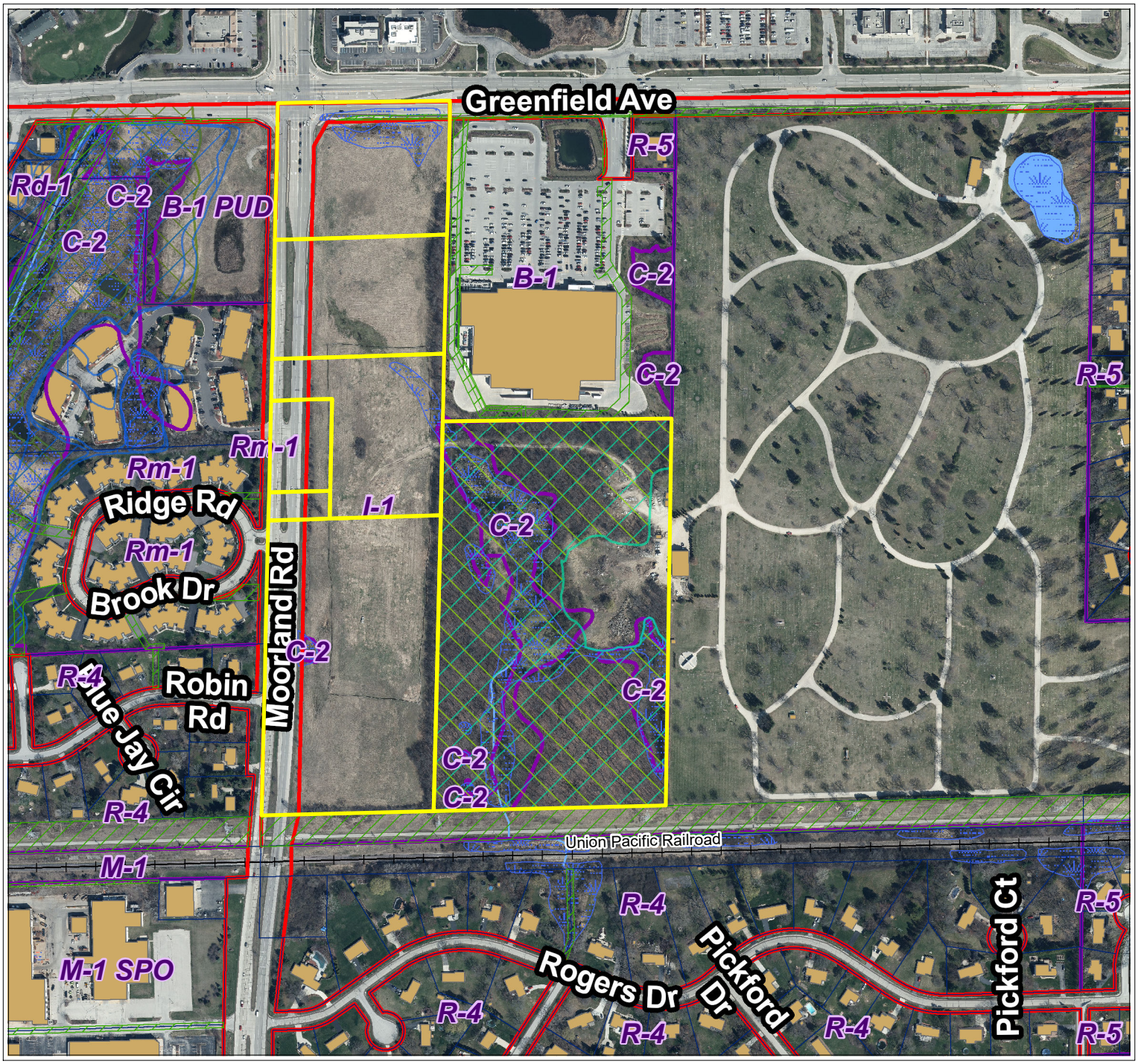
Resolution #____ *(forthcoming)*

**These chapters will may need additional editing as we move through the overall 2030 Update & review all chapters over the next 6 months.*

CP-2300808, RZ-2300810 & LD-230012
Mandel Development
1750 S. Moorland Road
Tax Key #'s: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & 1158-992

City of New Berlin
Community Development





Legend

- Parcels
- Road Right-of-Way

Floodplain DFIRM (FEMA 2014)

Flood Zone

- FEMA DFIRM - Zone A
- FEMA DFIRM - Zone AE
- FEMA DFIRM - 0.2% Annual Chance
- Zoning Boundaries

Zoning Wetland Registration

Wetland Registration Type

- Registered Wetland
- Outside Wetland

Environmental Corridor

Corridor Type

- Isolated Natural Resource Area
- Primary Environmental Corridor
- Secondary Environmental Corridor
- Wetland

Sewer Service Area (MMSD)

Sewershed

- Current
- Ultimate

N

0 175 350 Feet

City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
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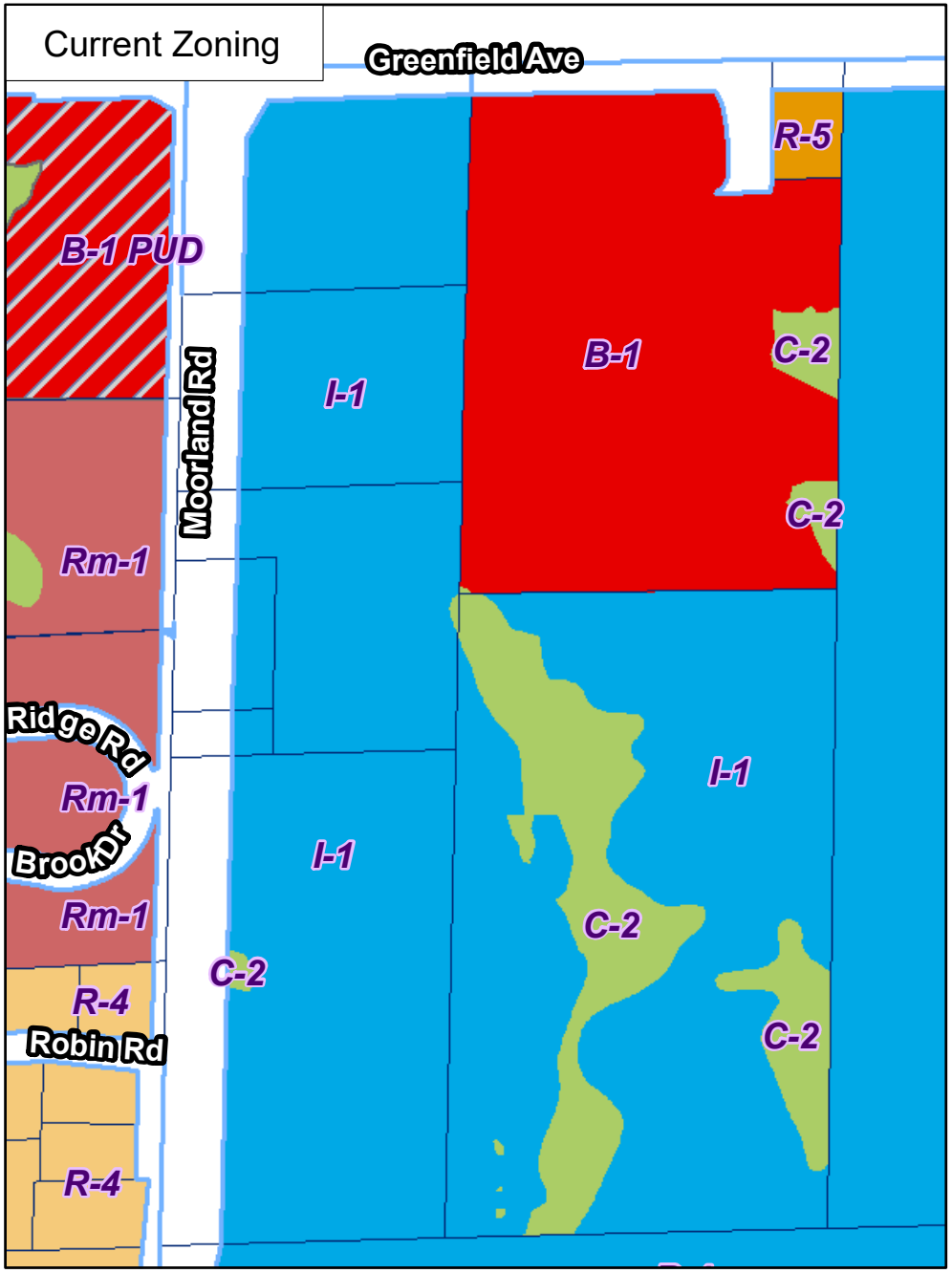
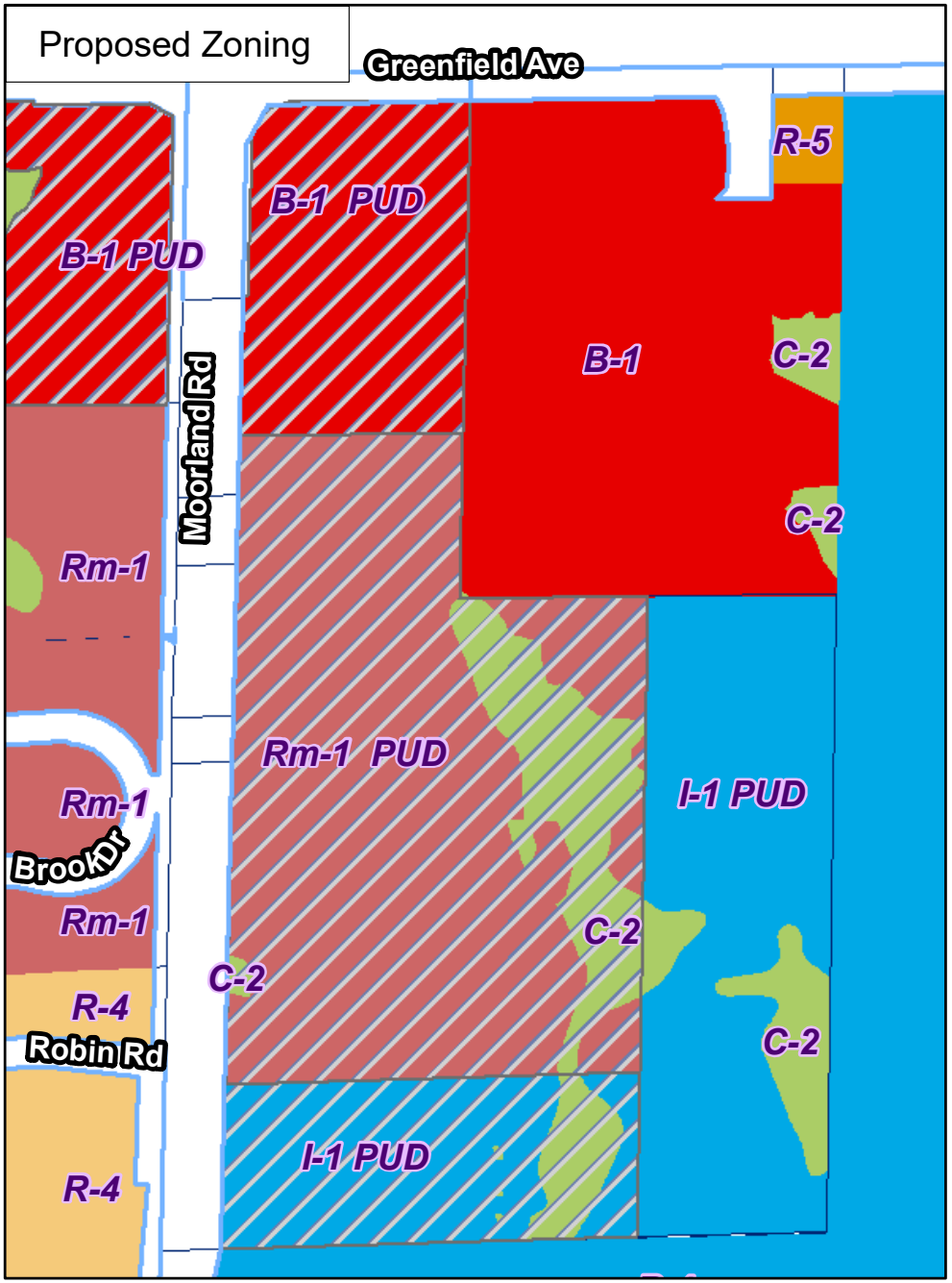
www.newberlin.org

The information and depictions herein have been produced using data available through photogrametric means by the City of New Berlin. The informations and depictions herein are for informational purposes and the City of New Berlin specifically disclaims accuracy in this reproduction and specifically admonishes and advises that any and all depiction, measurements, distances depicted herein and as to which specific or precise accuracy is required should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means.





City of New Berlin
Community Development

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Department of Community Development
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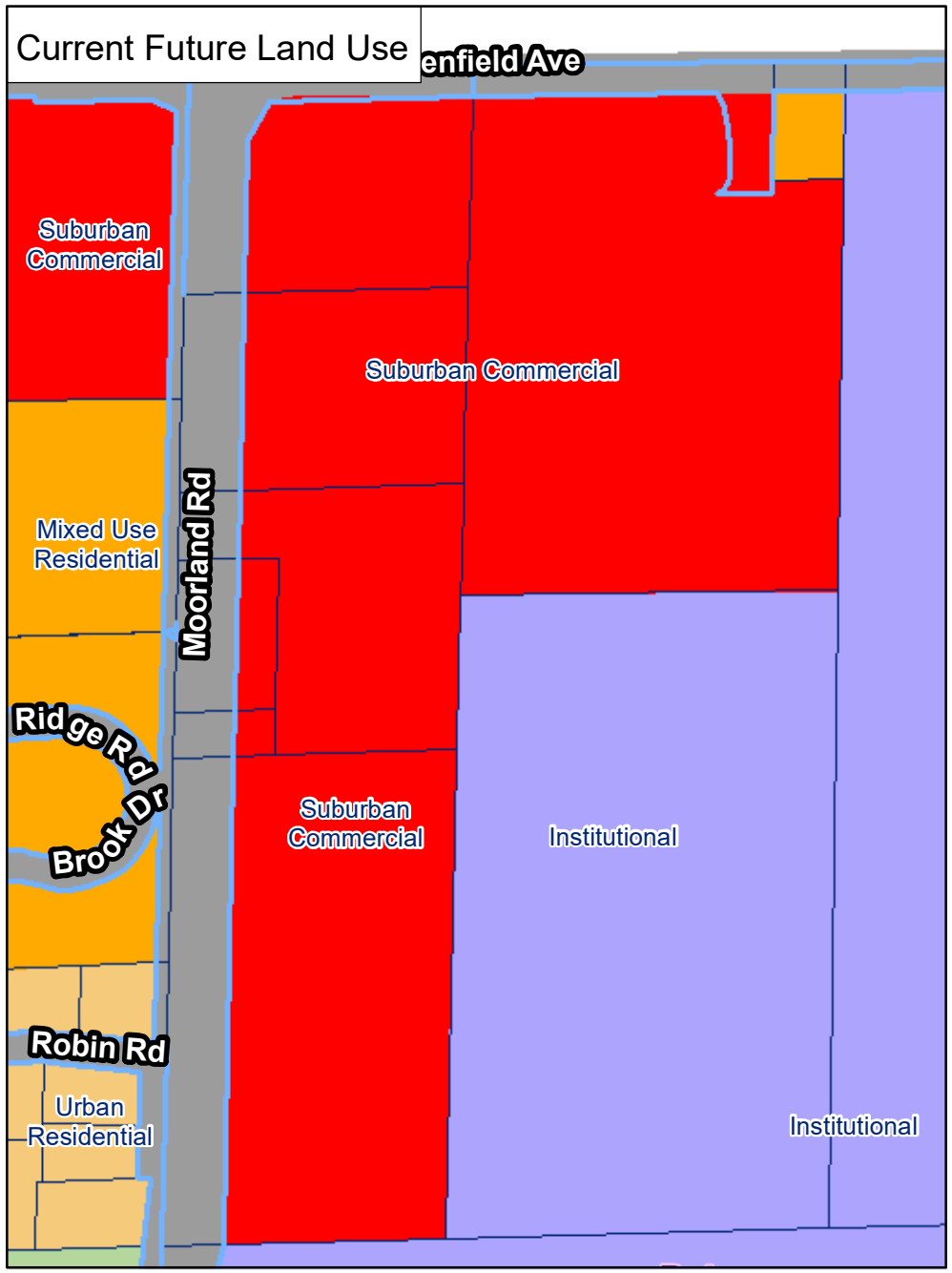
RZ--2300810
Mandel PUD Rezone
1750 S. Moorland Rd

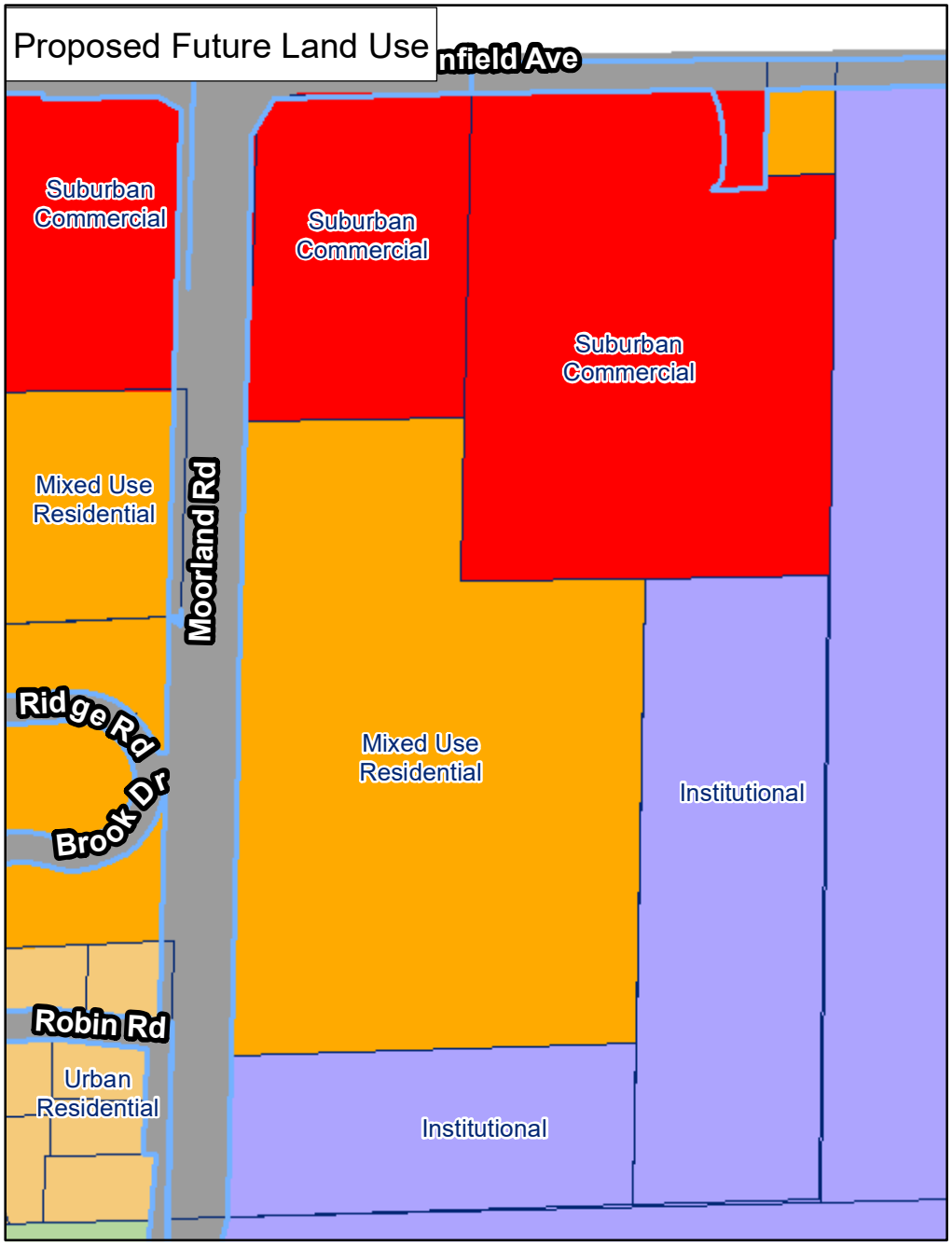
Legend
Parcels
Road Right-of-Way

N

0 170 340 Feet
8

Taxkeys:1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & portion of 1158-992





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CP--2300808
Mandel
1750 S. Moorland Rd

Taxkeys:1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & portion of 1158-992

Legend
Parcels
Road Right-of-Way

N

0 170 340 Feet

9

MANDEL GROUP

330 East Kilbourn Avenue
Suite 600 South
Milwaukee, Wisconsin 53202
414 . 347 . 3600
mandelgroup.com

April 21, 2023

City of New Berlin
Department of Community Development
3805 S. Casper Drive,
New Berlin, WI 53151

RE: Mandel Group, Inc.
New Berlin Multifamily – Moorland Rd. and Greenfield Ave.

Mandel Group, Inc. **("Mandel")** is requesting that the Plan Commission and Common Council consider a Certified Survey Map (CSM), Comprehensive Plan Amendment, and Rezoning of the land at the southeast corner of Moorland Road and Greenfield Avenue, more particularly described in Exhibit A, for a mixed-use project including retail, multi-family, and senior living.

Development Summary

Mandel is proposing a mixed-use project on the southeast corner of Moorland Road and Greenfield Avenue, which includes a mix of retail uses on the corner, multi-family residential, and senior housing. This project responds to desired uses by the City, residents, and interested developers. By approving the items below in a Planned Unit Development, the City will ensure a cohesive, master-planned project that fits within the context of the immediate surrounding areas and New Berlin as a whole.

Certified Survey Map

The Certified Survey Map, included as Exhibit B, consolidates all or a portion of 6 existing parcels (NBC 1158990, NBC 1158991001, NBC 1158993, NBC 1158994, NBC 1158991, and a portion of NBC 1158992) into 3 new parcels and one outlot. The three new parcels are divided by use to include a ~6.5-acre parcel (Lot 1), a ~20.9-acre parcel (Lot 2), and a ~6.1-acre parcel (Lot 3). The outlot (Outlot 1) is ~10.8 acres and will be retained by Highland Memorial Park (cemetery - existing owner).

Along with the CSM, Mandel is requesting that the Comprehensive Land Use Plan be amended, and Zoning be changed to reflect the intended uses outlined below.

Comprehensive Land Use Plan Amendment

The current Land Use for this site is Suburban Commercial Mandel is requesting that the Comprehensive Land Use Plan be amended as follows:

- Lot 1 (6.5 acres): Suburban Commercial
- Lot 2 (20.9 acres): Mixed-Use Residential
- Lot 3 (6.1 acres): Institutional
- Outlot 1 (10.8 acres): NO CHANGE

There is currently a City-owned parcel (NBC 1158989) that is approximately 0.4 acres along Moorland Road. Mandel is proposing that this parcel be included in the PUD and zoned RM-1. Mandel and the City will negotiate a swap of this parcel in exchange for Mandel installing City of New Berlin signage along Moorland Road.

These Land Use designations align with the site plan, included as Exhibit C, and also align with the requested Zoning change as outlined below.

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Milwaukee, Wisconsin 53202
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mandelgroup.com

Zoning

Mandel is requesting that the zoning for this site be updated under the Planned Unit Development (PUD) ordinance per the included Exhibit D. The underlying zoning districts align with the intended uses of retail, multi-family, and senior living. By utilizing a PUD, the city is permitted to allow for departures from the underlying zoning code to provide a cohesive, master-planned development with uses, design, and site layouts that complement and enhance each other. I've included a zoning comparison as Exhibit E that identifies the zoning requirements and any requested departures from the underlying zoning, summarized here:

- Retail – PUD / B-1 Shopping District
  - Uses
    - Code: Currently allows for a car wash
    - Proposed: Specifically allow for a car wash
    - Rationale: There is significant interest in this site by several car wash operators. After discussion with staff and the alderperson, we are requesting the PUD allow for a car wash. The location of such car wash may be restricted to exclude the hard corner and will be required to obtain site plan approval through the normal City approval process, where design, location, and screening will be specified.
  - Wetland Setback
    - Code: 10 feet
    - Proposed: 0 feet to pavement, 30 feet to buildings
    - Rationale: To provide a connection between the retail and multi-family, the road at the southwest corner of retail parcel will likely be within 10 feet of the pocket wetland west of WalMart. This connection is critical to provide the necessary full access off Moorland Road for the retail patrons.
- Multi-family – PUD / RM-1 Multiple Family Residential
  - Uses: Accessory Garages
    - Code: Not Specified
    - Proposed: Allow for Accessory Garages, Clubhouse
    - Rationale: The code does not specifically address accessory structures. Mandel proposes that the PUD specifically allows for Accessory Garages and a Clubhouse.
  - Density
    - Code: 7 units per acre
    - Proposed: 10 units per acre
    - Rationale: In order fully utilize the site, we are proposing a density slightly higher than existing code. This density is significantly less than other multi-family projects near the site and slightly higher than the Brookridge Condos (7.5 units / acre) on the west side of Moorland.
  - Setbacks: Side yard
    - Code: 15 feet
    - Proposed: 15 feet to building, 12 feet to porches, stoops, balconies
    - Rationale: To provide for appropriate circulation and access, the buildings are situated such that the buildings respect the 15-foot setback, but the attached porches, stoops, and/or balconies extend roughly 3 feet off of the building. This happens in one location on the site at building SF-6 on the south property line, abutting the new senior housing parcel.
  - Setbacks: Wetlands

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        - Code: 30 feet
        - Proposed: 30 feet to buildings, 15 feet to sidewalks
        - Rationale: Similar to the side yard setback, the buildings are situated to provide appropriate and necessary circulation and access on the site. As the site is constrained with wetlands on the east, north and portions of the west side of the multifamily parcel, we are respecting the 30-foot setback with our buildings, but the sidewalk access to the unit entries in the rear of the building encroach into the 30-foot setback. Our civil engineer discussed this condition with the DNR, who indicated that it would be allowed with a requirement to treat the stormwater runoff from the sidewalks prior to draining into the wetlands. There are several options to accomplish this, and we will work with the DNR to obtain their approval of the sidewalk design.
    - Building Separation
        - Code: 30 feet
        - Proposed: 15 feet
        - Rationale: There are a few locations on the site where the distance between buildings is between 15 and 20 feet. These primarily occur at the utility rooms, with distance between units at least 20 feet in all locations. To achieve the appropriate circulation, access, and setbacks, a slightly reduced building separation is required.
    - Parking: Attached Parking Stalls
        - Code: 1 stall per unit
        - Proposed: 0.7 attached stalls per unit, 0.3 detached & covered parking stalls per unit
        - Rationale: We intend to provide 1 covered stall per unit. We are requesting the PUD allow for the covered parking to be accomplished with a combination of attached and detached covered parking stalls. The footprint of the building does not allow for 1 attached stall per unit. This also provides a price-sensitive resident with the option to select a unit without an attached garage and use a surface stall as we do not charge for surface stalls.
    - Parking: Total Stalls
        - Code: 2.0 stalls per unit
        - Proposed: 1.7 stalls per unit
        - Rationale: Mandel currently manages over 4,500 units and has access to parking usage data at similar, suburban developments. That data reflects parking provided between 1.2 and 1.6 stalls per unit and parking usage between 1.0 and 1.3 stalls per unit. Our goal is to provide adequate parking but not overpark the site, which would result in unused garage or surface parking lots that would take away from the green space planned for the site. A chart of parking ratios is included as Exhibit F.
- Senior Living – PUD / I-1 Institutional
    - Permitted Uses
        - Code: Allows for Community Living, Assisted Living, does not address Independent Living senior housing
        - Proposed: Specifically allow for Independent Living
        - Rationale: The purpose of the senior housing is to provide a continuum of care. This includes independent living (minimal services), assisted living, and memory care / dementia care. This has been a successful model for many senior housing

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developers as it provides residents options to begin their residency in independent living and stay on the same campus as their needs become greater.

- Setbacks: Front
  - Code: 50 feet
  - Proposed: 25 feet
  - Rationale: The purpose of this request is two-fold. First, as the site is constrained to the east with wetlands, providing flexibility for the site plan will be important to design the buildings in a way that makes sense for the operations plan. Additionally, this setback is in alignment with the RM-1 setback requirement for the parcel directly to the north and provides consistency with relation to the setback along Moorland throughout the development.
- Setbacks: Side yard
  - Code: 50 feet
  - Proposed: 5 feet
  - Rationale: This will allow for flexibility in designing the access drive-lane which is pinched due to the wetlands along Moorland and could cause vehicle stacking issues at the entrance if the angle of access is too tight. The existing tree line would remain and be supplemented by additional landscaping screening to the south. Additionally, the nearest house is more than 300 feet from the property line, with power lines, rail line, and trail which prevents development between the two uses.
- Parking:
  - Code: 1 stall per unit, additional 10% of total for guest parking
  - Proposed: 0.75 stalls per unit plus 1 stall per employee during peak shift turnover.
  - Rationale: This parking ratio is appropriate given the use of the site. Memory Care residents are not allowed to drive. The parking need for Assisted Living residents is minimal. This ratio is consistent with similar senior housing developments. Additionally, 1 stall per employee during peak shift turnover will be provided.

Wetlands

There are significant amounts of wetlands on the site. Attached is the Wetland Delineation that was prepared by Heartland Ecological Group in August of 2022. Also attached is the Artificial Wetland Exemption Decision Letter from the WDNR as Exhibit H and the Approved Jurisdictional Determination (AJD) by the US Army Corps of Engineers.

Sincerely,
MANDEL GROUP, INC.

Dan Romnek
Development Associate
dromnek@mandelgroup.com

330 East Kilbourn Avenue
Suite 600 South
Milwaukee, Wisconsin 53202
414 . 347 . 3600
mandelgroup.com

Enclosures:	Exhibit A	New Berlin Master Plan
	Exhibit B	Certified Survey Map
	Exhibit C	Proposed Comprehensive Land Use Plan
	Exhibit D	Proposed Zoning Map
	Exhibit E	Zoning Comparison
	Exhibit F	Multifamily Parking Ratios
	Exhibit G	Wetland Delineation Map
	Exhibit H	WDNR Artificial Wetland Exemption Decision Letter
	Exhibit I	USACE Approved Jurisdictional Determination Letter

NOTE:
ALL SITE INFORMATION CONTAINED IN THIS CONCEPTUAL SITE PLAN – INCLUDING PROPERTY BOUNDARIES, WETLANDS, FLOOD PLANES, EASEMENTS, ETC.– HAVE BEEN ACQUIRED THROUGH PUBLICLY AVAILABLE INFORMATION. JLA ARCHITECTS DOES NOT GUARANTEE THE ACCURACY OR COMPLETENESS OF THIS INFORMATION. AS THE PROJECT PROGRESSES, OWNER SHALL OBTAIN A CURRENT, COMPLETE, AND ACCURATE SITE SURVEY.

JLA ARCHITECTS

MOORLAND & GREENFIELD MIXED-USE DEVELOPMENT

CONCEPTUAL MASTERPLAN

MARCH 10, 2023

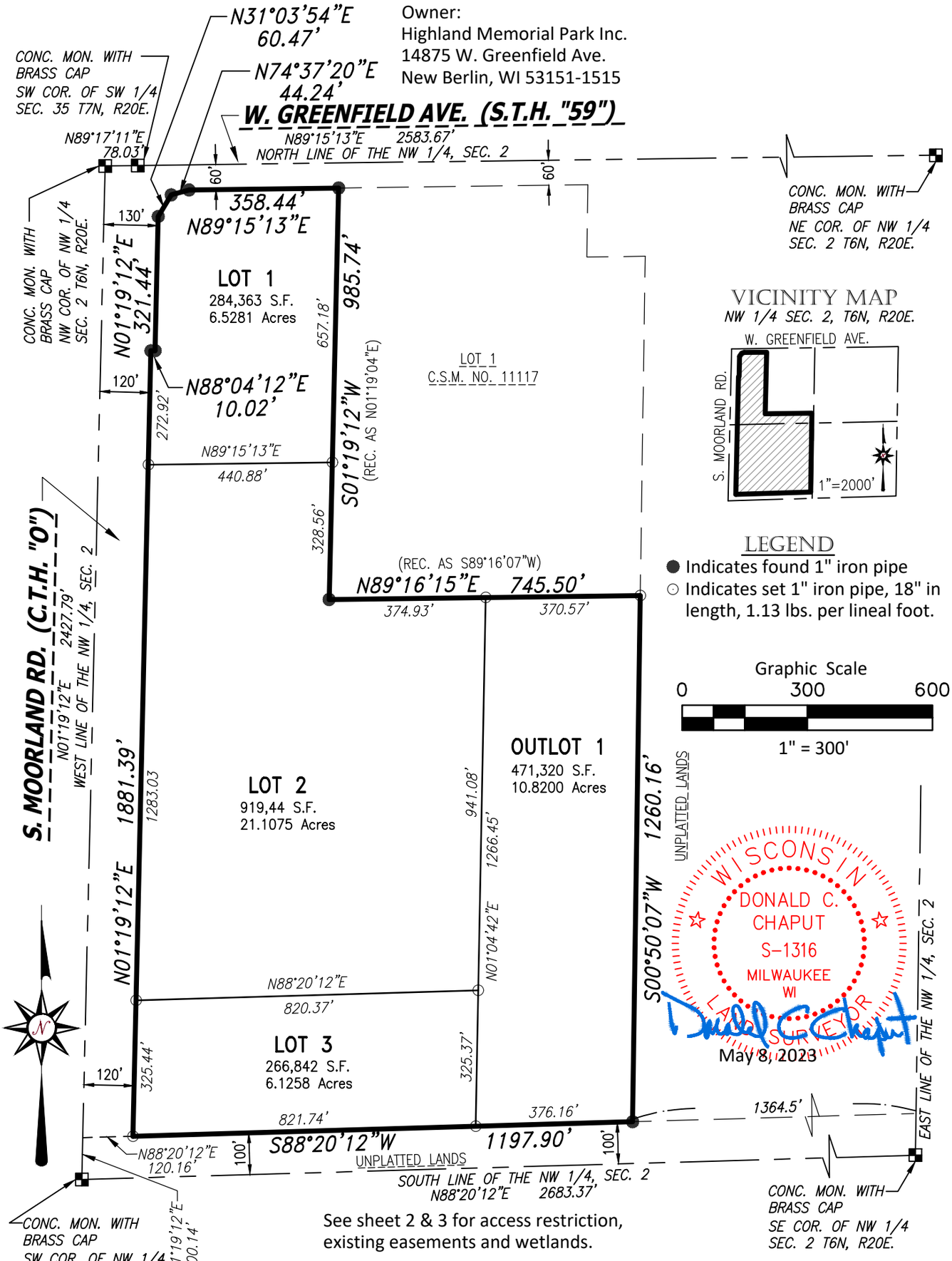
1"=160' @ 11x17

15

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

Owner:
Highland Memorial Park Inc.
14875 W. Greenfield Ave.
New Berlin, WI 53151-1515



See sheet 2 & 3 for access restriction, existing easements and wetlands.

Bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone (NAD 83/2011) in which the West line of the Northwest 1/4 of Section 2 bears N01°19'12"E.

CHAPUT LAND SURVEYS
234 W. Florida Street
Milwaukee, WI 53204
414-224-8068
www.chaputlandsurveys.com

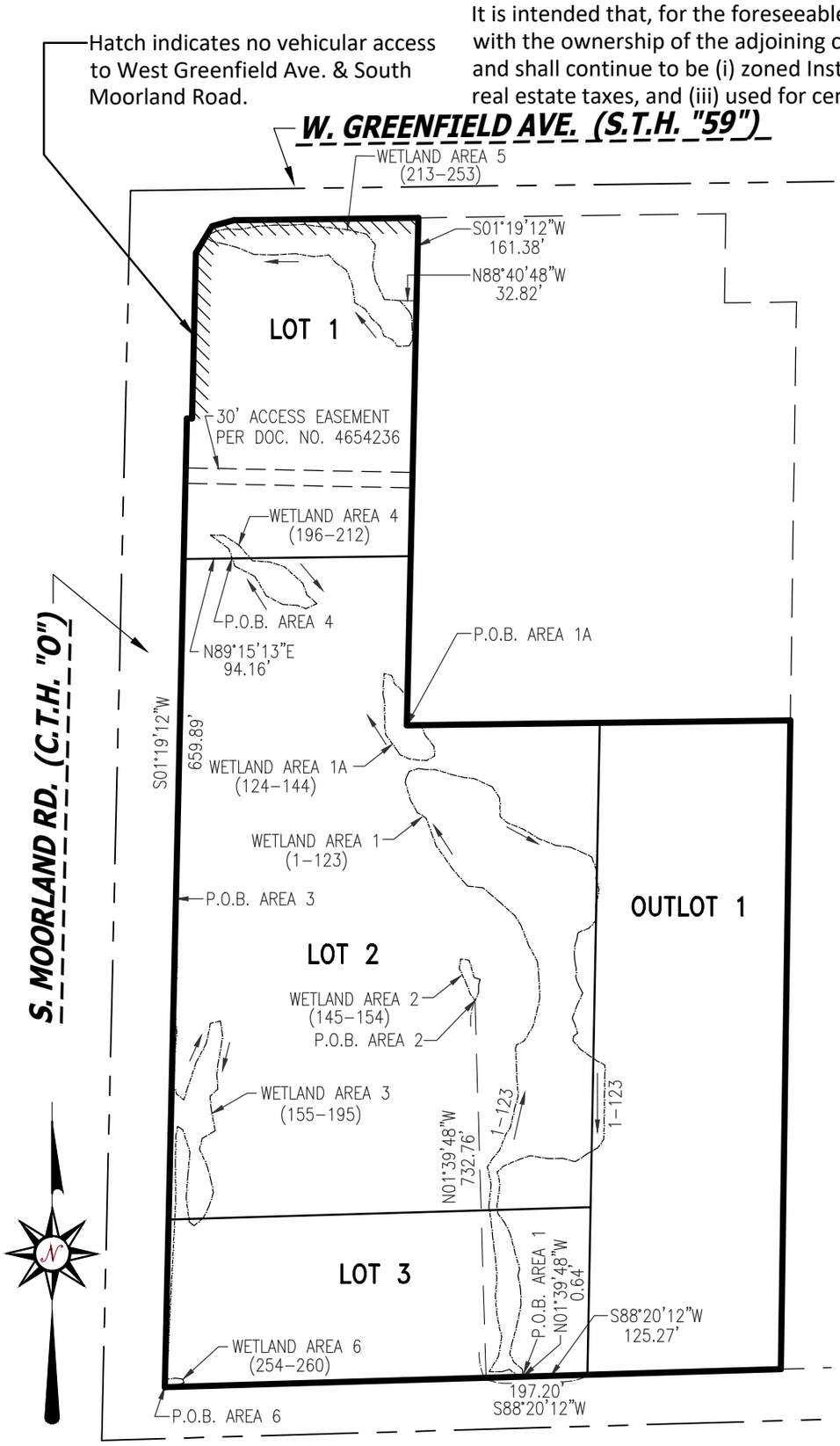
This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 1 of 6 Sheets

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

Note: Access to Outlot 1 shall be provided by separate document. It is intended that, for the foreseeable future, Outlot 1 shall remain with the ownership of the adjoining cemetery property to the east, and shall continue to be (i) zoned Institutional, (ii) exempt from real estate taxes, and (iii) used for cemetery purposes.



Graphic Scale

0 300 600

1" = 300'

WISCONSIN DONALD C. CHAPUT S-1316 MILWAUKEE WI LAND SURVEYOR

May 8, 2023

CHAPUT LAND SURVEYS
234 W. Florida Street
Milwaukee, WI 53204
414-224-8068
www.chaputlandsurveys.com

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 2 of 6 Sheets

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

WETLAND AREA 1

LINE	BEARING	DIST.
L1	N85°40'45"W	9.00'
L2	N53°56'37"W	21.58'
L3	S72°04'50"W	14.82'
L4	N89°14'18"W	25.28'
L5	N31°47'03"E	34.40'
L6	N09°13'48"E	38.96'
L7	N15°07'01"W	15.10'
L8	N10°31'35"W	30.27'
L9	N04°41'38"W	34.91'
L10	N05°14'17"E	34.31'
L11	N04°11'45"W	36.86'
L12	N08°36'18"W	20.98'
L13	N05°43'06"W	26.23'
L14	N06°22'27"W	20.87'
L15	N07°52'20"W	37.00'
L16	N06°30'03"E	41.90'
L17	N12°11'39"W	34.47'
L18	N30°19'11"E	19.35'
L19	N41°03'09"E	20.56'
L20	N21°26'49"E	33.84'
L21	N34°02'07"E	15.41'
L22	N12°55'23"E	38.75'
L23	N16°19'23"E	24.25'
L24	N04°35'17"W	30.68'
L25	N02°02'40"W	26.15'
L26	N03°23'55"W	35.56'
L27	N18°22'30"E	7.88'
L28	N61°46'30"E	16.31'
L29	N31°14'06"E	34.17'
L30	N14°13'25"E	30.12'
L31	N12°46'32"E	25.20'
L32	N02°47'07"W	42.49'
L33	N05°01'44"W	28.00'
L34	N27°50'52"W	36.06'
L35	N21°28'56"W	42.73'
L36	N32°13'09"W	21.84'
L37	N48°12'19"W	36.88'
L38	N49°57'21"W	29.18'
L39	N48°40'44"W	16.20'
L40	N84°16'55"W	29.27'
L41	N44°42'38"W	9.72'
L42	N40°58'52"W	36.37'
L43	N34°43'43"W	22.31'
L44	N35°26'58"W	31.32'
L45	N20°08'31"W	25.25'
L46	N20°20'31"W	36.49'
L47	N58°09'42"W	19.82'
L48	N29°26'41"W	27.39'
L49	N16°12'08"W	35.26'
L50	N10°37'45"E	8.95'
L51	N23°45'27"E	14.61'
L52	N73°26'51"E	18.75'
L53	S83°20'41"E	14.78'
L54	S89°24'13"E	18.00'
L55	S73°04'36"E	35.01'
L56	S77°00'03"E	23.44'
L57	S84°19'50"E	19.20'
L58	S65°22'54"E	38.68'
L59	S33°29'17"E	26.56'
L60	S01°12'23"E	35.99'
L61	S49°37'35"E	17.77'

WETLAND AREA 1 CONTINUED

LINE	BEARING	DIST.
L62	S68°06'17"E	34.55'
L63	S58°15'10"E	34.93'
L64	S68°36'30"E	35.73'
L65	S83°09'41"E	28.84'
L66	S64°43'34"E	45.22'
L67	S19°54'01"E	28.99'
L68	S07°22'30"W	14.36'
L69	S15°52'33"E	22.28'
L70	S11°11'10"W	31.28'
L71	S01°53'21"E	21.86'
L72	S13°08'14"W	9.79'
L73	S42°39'22"W	17.12'
L74	S67°51'00"W	21.39'
L75	S39°19'28"W	3.91'
L76	S07°24'58"W	8.99'
L77	S17°39'52"W	13.39'
L78	S06°00'59"W	15.38'
L79	S05°21'43"E	21.69'
L80	S12°16'45"E	9.95'
L81	S02°44'39"W	15.07'
L82	S11°39'47"E	7.87'
L83	S22°12'23"E	12.05'
L84	S29°25'35"E	14.68'
L85	S25°39'29"W	23.60'
L86	S20°27'52"W	29.73'
L87	S23°57'46"E	14.97'
L88	S15°39'07"E	15.98'
L89	S53°34'08"W	9.83'
L90	S04°05'57"W	9.17'
L91	S41°24'20"E	21.82'
L92	S54°30'41"E	21.25'
L93	S55°33'33"E	17.70'
L94	S61°58'51"E	17.53'
L95	S00°51'12"W	57.85'
L96	S00°51'13"W	49.21'
L97	S00°51'12"W	37.09'
L98	S35°50'42"W	20.14'
L99	S59°58'58"W	24.79'
L100	S56°34'33"W	26.91'
L101	N74°55'10"W	25.11'
L102	S89°24'39"W	29.37'
L103	N80°18'48"W	34.22'
L104	S71°10'47"W	20.57'
L105	S67°10'30"W	34.96'
L106	S47°27'45"W	17.25'
L107	S16°07'58"E	16.33'
L108	S00°46'54"E	16.91'
L109	S09°00'53"W	33.18'
L110	S06°49'31"E	15.63'
L111	S37°15'58"E	20.99'
L112	S27°02'39"E	24.55'
L113	S14°08'30"E	39.63'
L114	S16°42'20"E	31.22'
L115	S14°25'44"W	13.51'
L116	S10°45'31"E	27.62'
L117	S01°31'41"E	29.15'
L118	S11°09'47"W	39.66'
L119	S15°08'18"W	37.23'
L120	S12°41'40"W	21.41'
L121	S26°34'38"E	18.34'
L122	S49°55'12"E	21.23'
L123	S06°00'02"E	13.96'

WETLAND AREA 1A

LINE	BEARING	DIST.
L124	N89°16'15"E	27.08'
L125	S24°20'06"E	22.95'
L126	S38°18'39"E	26.62'
L127	S04°00'42"E	18.15'
L128	S61°08'14"W	18.50'
L129	N86°32'49"W	18.00'
L130	N82°30'38"W	16.34'
L131	N64°17'32"W	19.10'
L132	N33°25'05"W	10.15'
L133	N35°57'49"W	37.16'
L134	N08°00'40"W	15.68'
L135	N00°32'18"W	17.35'
L136	N00°26'50"W	32.95'
L137	N13°57'33"W	12.68'
L138	N02°37'38"E	22.22'
L139	N05°07'49"E	18.65'
L140	S74°13'33"E	15.17'
L141	S18°33'40"E	17.34'
L142	S49°27'36"E	17.62'
L143	S35°27'41"E	19.59'
L144	S01°19'12"W	52.51'

WETLAND AREA 2

LINE	BEARING	DIST.
L145	N35°21'09"W	16.68'
L146	N20°42'37"W	20.55'
L147	N24°52'25"W	32.68'
L148	N08°29'20"E	18.61'
L149	S81°25'05"E	16.54'
L150	S16°10'34"E	35.29'
L151	S74°11'37"E	11.92'
L152	S14°32'03"W	11.38'
L153	S00°00'17"E	14.37'
L154	S23°24'00"W	17.32'

WETLAND AREA 3

LINE	BEARING	DIST.
L155	S07°20'49"E	11.69'
L156	S00°29'46"E	66.02'
L157	S00°28'28"W	66.39'
L158	S05°15'54"W	65.67'
L159	S07°08'56"E	49.63'
L160	S05°41'09"W	45.86'
L161	S02°03'09"W	58.27'
L162	S20°42'16"E	18.17'
L163	S51°54'21"E	17.81'
L164	N18°08'58"E	76.54'
L165	N28°00'51"E	41.42'
L166	N11°44'07"E	39.82'
L167	N75°51'42"E	20.11'
L168	S08°47'56"E	26.90'
L169	S05°59'40"W	15.29'
L170	S09°39'06"W	44.24'
L171	S06°12'34"W	18.58'
L172	S03°22'47"E	28.85'
L173	S47°20'45"W	20.14'
L174	S04°18'48"E	23.31'
L175	S10°19'22"E	44.45'
L176	S59°10'45"W	29.64'
L177	S12°40'22"W	21.02'
L178	S24°01'08"E	36.80'
L179	S14°10'48"E	29.73'
L180	S12°13'50"E	22.36'
L181	S18°22'08"W	28.75'
L182	S26°19'28"W	24.72'
L183	S49°50'11"W	23.42'
L184	N51°01'45"W	12.08'
L185	N07°14'41"W	47.16'
L186	N04°21'57"E	44.64'
L187	N05°05'36"E	44.36'
L188	N17°42'12"W	45.44'
L189	N55°12'02"W	11.86'
L190	S11°34'43"W	18.24'
L191	S01°22'56"W	53.19'
L192	S00°43'01"E	71.29'
L193	S02°53'22"W	301.58'
L194	S36°27'13"W	8.15'
L195	N01°19'12"E	892.31'

WETLAND AREA 4

LINE	BEARING	DIST.
L196	N19°38'07"W	20.13'
L197	N53°29'10"W	44.25'
L198	S88°30'14"E	25.58'
L199	S57°33'15"E	34.98'
L200	S41°23'04"E	40.38'
L201	S85°19'45"E	34.51'
L202	S71°38'53"E	30.16'
L203	S47°34'54"E	46.92'
L204	S19°02'52"E	23.69'
L205	S49°11'33"E	26.05'
L206	S65°48'22"W	23.51'
L207	N68°03'30"W	17.35'
L208	N86°16'33"W	29.20'
L209	N61°54'11"W	35.77'
L210	N30°15'58"W	43.38'
L211	N63°00'52"W	43.41'
L212	N19°38'07"W	16.21'

WETLAND AREA 5

LINE	BEARING	DIST.
L213	S41°17'37"E	27.36'
L214	S28°41'58"E	10.29'
L215	S03°37'59"E	18.61'
L216	S01°54'18"E	28.64'
L217	S30°56'55"W	13.24'
L218	S87°14'32"W	23.04'
L219	N34°33'06"W	15.54'
L220	N66°37'22"W	18.65'
L221	N20°28'43"W	19.73'
L222	N46°50'20"W	23.71'
L223	N34°14'16"W	20.57'
L224	N57°28'35"W	24.72'
L225	N07°47'33"W	35.28'
L226	N22°05'23"W	30.37'
L227	N55°45'14"W	25.55'
L228	N40°27'54"W	19.46'
L229	S84°24'23"W	31.56'
L230	N80°04'46"W	34.07'
L231	S86°31'07"W	42.87'
L232	N88°16'25"W	38.38'
L233	N67°31'59"W	36.08'
L234	N75°39'46"W	27.98'
L235	N78°11'46"W	21.72'
L236	N57°41'36"W	9.26'
L237	N11°15'12"W	4.06'
L238	N47°42'31"E	9.25'
L239	N64°43'15"E	12.04'
L240	N78°42'32"E	18.38'
L241	S88°48'47"E	27.98'
L242	N79°52'10"E	34.48'
L243	N85°56'14"E	30.99'
L244	S89°24'40"E	24.07'
L245	N87°15'21"E	34.45'
L246	S82°30'29"E	34.36'
L247	S83°31'19"E	51.16'
L248	S76°59'54"E	38.10'
L249	S39°33'59"E	27.48'
L250	S07°50'34"W	40.67'
L251	S11°03'34"E	29.22'
L252	S25°07'46"E	40.76'
L253	S86°27'57"E	29.76'

WETLAND AREA 6

LINE	BEARING	DIST.
L254	N01°19'12"E	13.13'
L255	N90°00'00"E	2.92'
L256	N84°40'05"E	16.41'
L257	S83°28'10"E	14.92'
L258	S11°14'23"E	7.42'
L259	S71°54'22"W	25.21'
L260	S88°20'12"W	13.20'

WISCONSIN
DONALD C. CHAPUT
S-1316
MILWAUKEE
WI
LAND SURVEYOR

May 8, 2023

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 3 of 6 Sheets

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN}
:SS
MILWAUKEE COUNTY}

I, DONALD C. CHAPUT, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, which is bounded and described as follows:
COMMENCING at the Southwest corner of said Northwest 1/4 Section; thence North 00°19'12" East along the West line of said Northwest 1/4 Section, 100.14 feet to a point; thence North 88°20'12" East 120.16 feet to a point on the East line of South Moorland Road and the point of beginning of lands hereinafter described; thence North 01°19'12" East along said East line 1881.39' to a point; thence North 88°04'12" East along said East line 10.02 feet to a point; thence North 01°19'12" East along said East line 321.44 feet to a point; thence North 31°03'54" East along said East line 60.47 feet to a point; thence North 74°37'20" East along said East line 44.24 feet to a point on the South line of West Greenfield Avenue; thence North 89°15'13" East along said South line 358.44 feet to a point on the West line of Lot 1 of Certified Survey Map No. 11117; thence South 01°19'12" West along said West line 985.74 feet to a point on the South line of said Lot 1; thence North 89°16'15" East along said South line 745.50 feet to a point; thence South 00°50'07" West 1260.16 feet to a point 100 feet North of the South line of said 1/4 Section; thence South 88°20'12" West along a line which is parallel to and 100 feet North of said South line 1197.90 feet to the point of beginning.

Said lands contains 1,941,970 square feet, or 44.5815 acres.

THAT I have made the survey, land division and map by the direction of HIGHLAND MEMORIAL PARK INC., owners.

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

THAT I have fully complied with Chapter 236 of the Wisconsin Statutes and the Land Division Regulations of the City of New Berlin in surveying, dividing and mapping the same.

May 8, 2023
DATE

WISCONSIN
DONALD C. CHAPUT
S-1316
MILWAUKEE
WI
LAND SURVEYOR

Donald C Chaput
DONALD C. CHAPUT
PROFESSIONAL LAND SURVEYOR S-1316

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 4 of 6 Sheets

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

STATE OF WISCONSIN}
:SS
WAUKESHA COUNTY}

HIGHLAND MEMORIAL PARK INC., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, certifies that said corporation caused the land described on this Certified Survey Map to be surveyed, divided and mapped as represented on this map or plat in accordance with the subdivision regulations of the City of New Berlin and Chapter 236 of the Wisconsin Statutes.

HIGHLAND MEMORIAL PARK INC., does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of New Berlin.

IN WITNESS WHEREOF, the HIGHLAND MEMORIAL PARK INC. has caused these presents to be signed by the hand of _____ , on this _____ , day of _____, 2023.

HIGHLAND MEMORIAL PARK INC.

By: _____

Its: _____

STATE OF WISCONSIN}
:SS
COUNTY}

Personally came before me this ___ day of _____, 2023, _____, the _____ of the above named corporation, to me known as the person who executed the foregoing instrument and acknowledged that he/she executed the foregoing instrument as such officer on behalf of entity, by its authority.

Notary Signature: _____

Notary Name: _____

Notary Public, State of _____. My commission expires: _____

(Notary Seal)

WISCONSIN
DONALD C.
CHAPUT
S-1316
MILWAUKEE
WI
LAND SURVEYOR

May 8, 2023

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 5 of 6 Sheets

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

PLANNING COMMISSION CERTIFICATE OF APPROVAL

APPROVED by the Planning Commission of the City of New Berlin on this ____day of _____, 2023.

_____
DAVE AMENT, CHAIRPERSON / MAYOR

_____
NIKKI JONES, SECRETARY

COMMON COUNCIL CERTIFICATE OF APPROVAL

APPROVED by the Common Council of the City of New Berlin in accordance with the Resolution adopted on this _____ day of _____, 2023

_____
DAVE AMENT, COUNCIL PRESIDENT

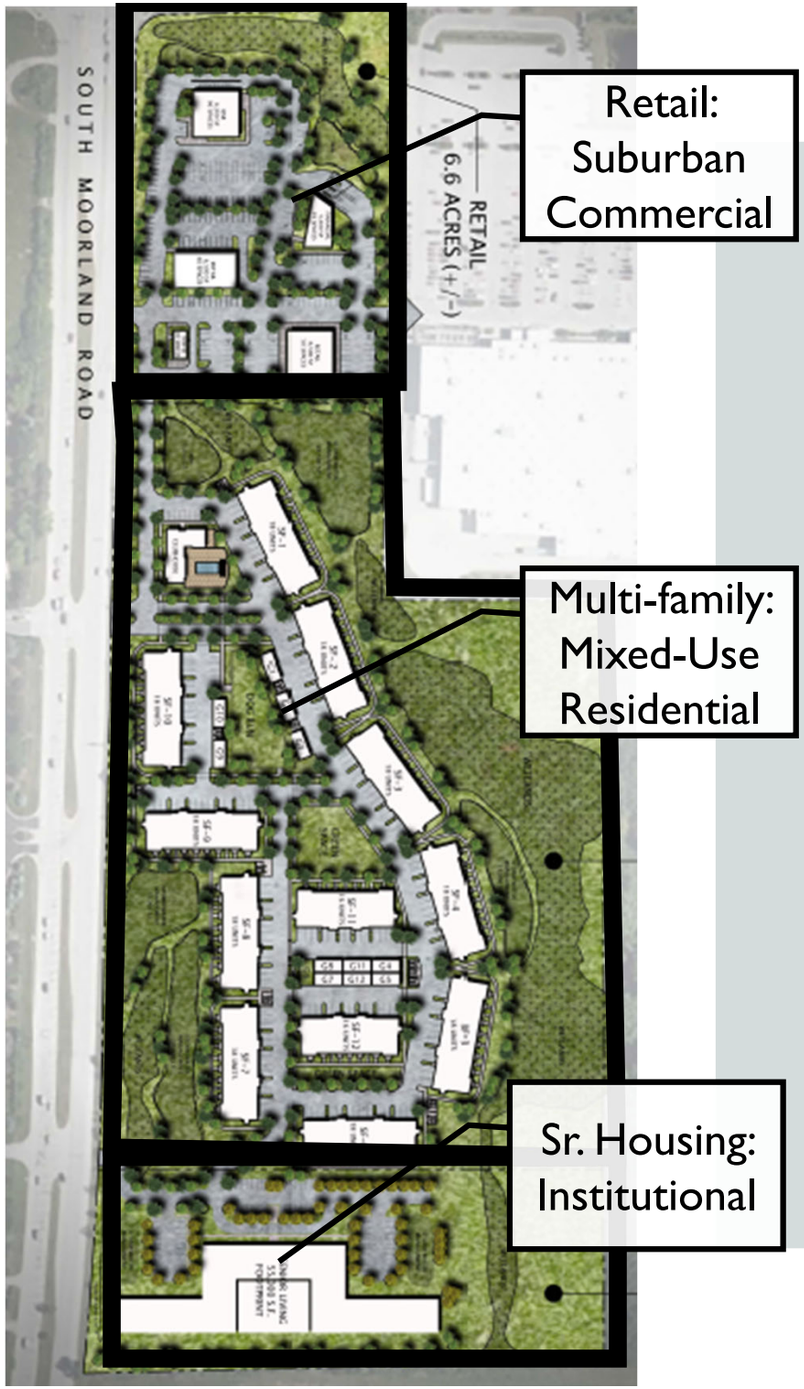
_____
GEORGIA STANFORD , CITY CLERK

WISCONSIN
DONALD C. CHAPUT
S-1316
MILWAUKEE
WI
LAND SURVEYOR

May 8, 2023

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 6 of 6 Sheets



COMPREHENSIVE LAND USE PLAN

Future Land Use Plan (current)

- Suburban Commercial

Future Land Use Plan (proposed)

- Retail: Suburban Commercial
- Multi-family: Mixed-Use Residential
- Senior Housing: Institutional

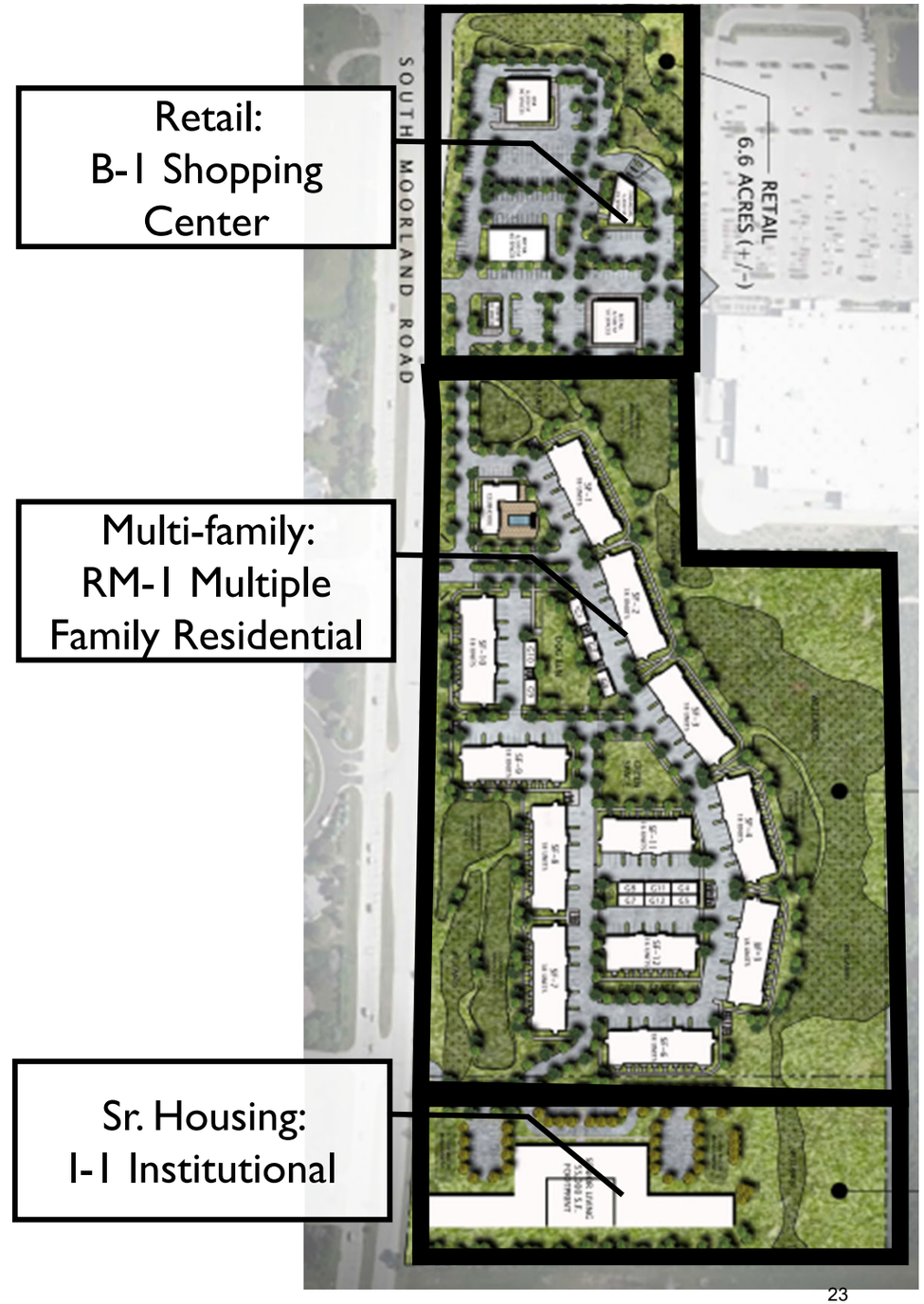
ZONING

Current Zoning

- The Entire parcel is currently zoned I-1 Institutional

Proposed Zoning

- Retail Parcel: (B1) Shopping Center / PUD
  - Approximately 6.5 acres
  - Commercial development with a range of uses that could include retail, service, restaurant, financial institution
- Multi-Family Parcel: (RM-1) Multiple Family Residential / PUD
  - Approximately 20.9 acres
  - Multi-family development with approximately 218 units
  - Wooded and wetland areas south of Walmart to be preserved
- Senior Living Parcel: (I-1) Institutional / PUD
  - Approximately 6.1 acres
  - Senior housing development with approximately 150 units including Independent Living, Assisted Living, and Memory Care



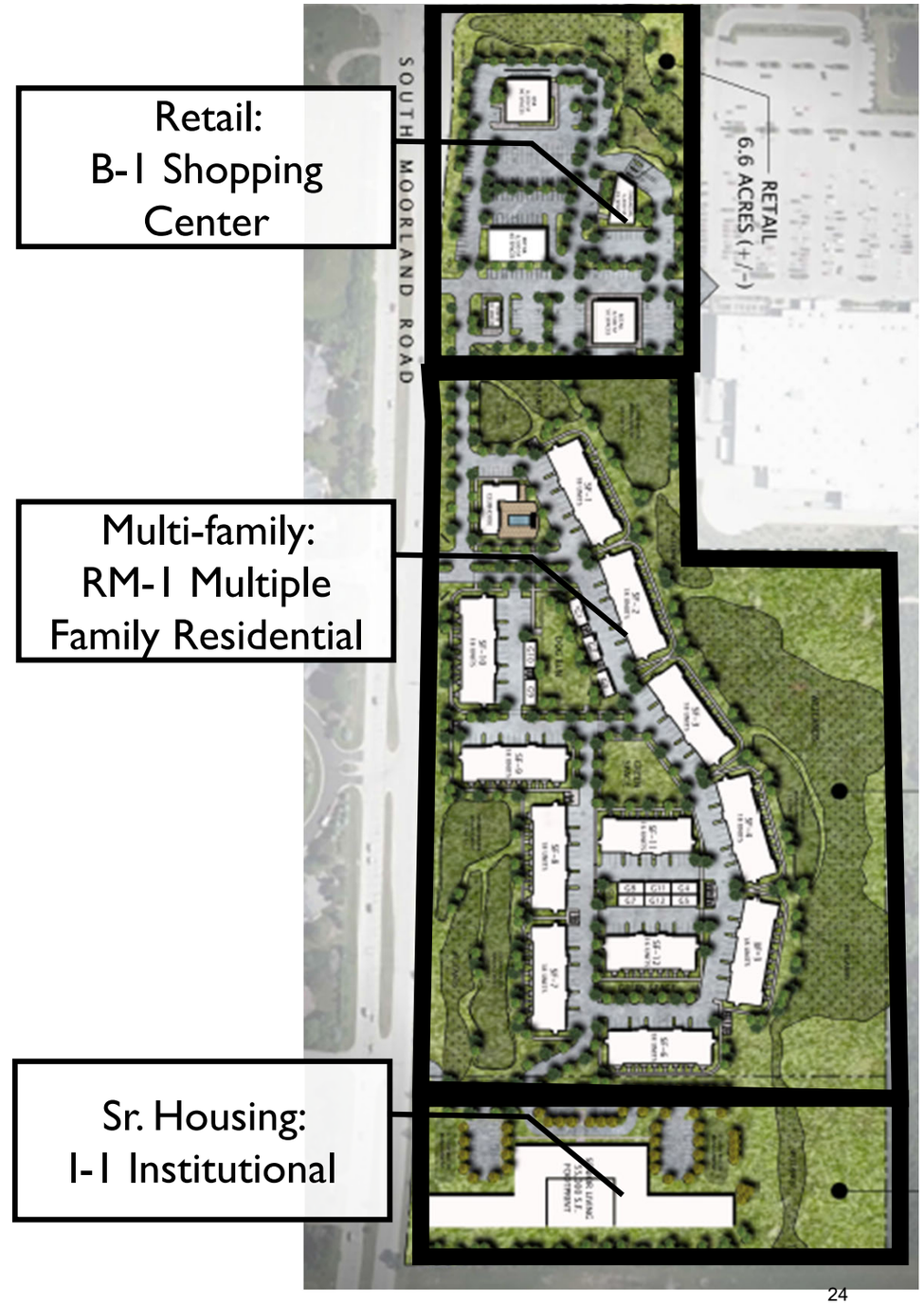
ZONING

Current Zoning

- The Entire parcel is currently zoned I-1 Institutional

Proposed Zoning

- Retail Parcel: (B1) Shopping Center / PUD
  - Approximately 6.5 acres
  - Commercial development with a range of uses that could include retail, service, restaurant, financial institution
- Multi-Family Parcel: (RM-1) Multiple Family Residential / PUD
  - Approximately 20.9 acres
  - Multi-family development with approximately 218 units
  - Wooded and wetland areas south of Walmart to be preserved
- Senior Living Parcel: (I-1) Institutional / PUD
  - Approximately 6.1 acres
  - Senior housing development with approximately 150 units including Independent Living, Assisted Living, and Memory Care



New Berlin / Moorland Road - Retail Parcel

CONCEPT DESIGN & ZONING INFORMATION

JLA ARCHITECTS

REGULATION	USES	DENSITY	MINIMUM LOT AREA	MINIMUM LOT WIDTH	SETBACKS					LOT COVERAGE			MINIMUM FLOOR AREA	BLDG. HEIGHT		BUILDING SEPARATION	PARKING	
					FRONT	SIDE	REAR	OHMW	WETLANDS	BLDG COVERAGE	IMPERVIOUS	LANDSCAPE		MIN.	MAX.		TOTAL	BIKE
B-1 Zoning District Shopping Center District	Variety of Commercial Uses Permitted, Conditional, Accessory		Neighborhood Centers 3 Acres 130,680 s.f. Community Centers 10 Acres 435,600 s.f. Internal Lots 40,000 s.f. 0.92 Acres	200 ft.	Moorland 40 ft. Minimum	25 ft. Minimum	25 ft. Minimum	50 ft. Minimum	All Impervious Surfaces 10 ft. Minimum	50% Maximum	75% Maximum	25% Minimum	Not Specified	None	35 ft. Hotels 35 ft.	Not Specified	Varies By Use	
Current Retail Design Acres: 6.6 Aggregate Commercial Square Feet: 25,000	To Be Determined Car Wash??		Parcel 287,496 s.f.	650' (+/-) (at Moorland)	85 ft. (Minimum)	40 ft. (Minimum)	60 ft. (Minimum)	Not Applicable	0 ft. Minimum (To Pavement) 30 ft. Minimum (To Buildings)	Footprint x (+/-) #VALUE! Building Coverage	Impervious x (+/-) #VALUE! Impervious Coverage	Landscape x (+/-) #VALUE! Landscape Coverage	To Be Determined			Not Applicable	To Be Determined	

New Berlin / Moorland Road - Multi-Family Parcel

CONCEPT DESIGN & ZONING INFORMATION

JLA ARCHITECTS

REGULATION	USES	DENSITY	MINIMUM LOT AREA	MINIMUM LOT WIDTH	SETBACKS					MAXIMUM LOT COVERAGE	MINIMUM FLOOR AREA	BLDG. HEIGHT		BUILDING SEPARATION	USABLE OPEN SPACE	UNIT SIZES				OFF-STREET PARKING			
					FRONT	SIDE	REAR	SHORE	WETLANDS			MIN.	MAX.			STUDIOS	1BR	2BR	3BR	ATTACHED	TOTAL	GUEST	BIKE
RM-1 Zoning District Multiple Family Residential District Web Link: RM-1 Zoning	Multi-Family = Permitted Accessory Garages = Accessory (?) Amenity Uses = Not specified Not closer than 120 feet to single family residential lands	Maximum of 7 units per zoned acre	Larger of: 6,500 s.f. per unit OR 20,000 s.f.	120 ft.	Moorland 25 ft. Minimum	15 ft. Minimum	50 ft. Minimum	50 ft. Minimum	All Impervious Surfaces 30 ft. Minimum	Not Specified	2000 s.f. per building	None	35 ft. To Midpoint	30 ft. Minimum	Not Specified	500 s.f. Minimum	650 s.f. Minimum	800 s.f. Minimum	1000 s.f. Minimum	1.0 Per Unit (Minimum) Part of Total	2.0 Per Unit (Minimum) Plus Guest	1 per 10 units (Minimum)	None
Current Multi-Family Design Acres: 21.4 Units: 212	Multi-Family Residential Accessory Garages Clubhouse: Amenity Space/Leasing	9.9 Units per acre	Parcel 932,184 s.f. 4,397 s.f. per unit	945' (+/-) and 1275' (+/-) (at street)	25 ft. (Minimum) (not signs)	15 ft. (Building) 12 ft. (Porch/Stoop)	50 ft. (Minimum)	Not Applicable	15 ft. Minimum (To Sidewalks) 30 ft. Minimum (To Buildings)		Clubhouse 4,000 s.f. Stacked Flats 10,000 s.f. 12,000 s.f.		35 ft. To Midpoint	15 ft. Minimum		TBD - Will comply with RM-1 Zoning				Attached 0.7 Per Unit (Minimum) Detached 0.3 Per Unit (Minimum)	1.7 Per Unit (Minimum)	1 per 10 units (Minimum)	

New Berlin / Moorland Road - Senior Parcel

CONCEPT DESIGN & ZONING INFORMATION

JLA ARCHITECTS

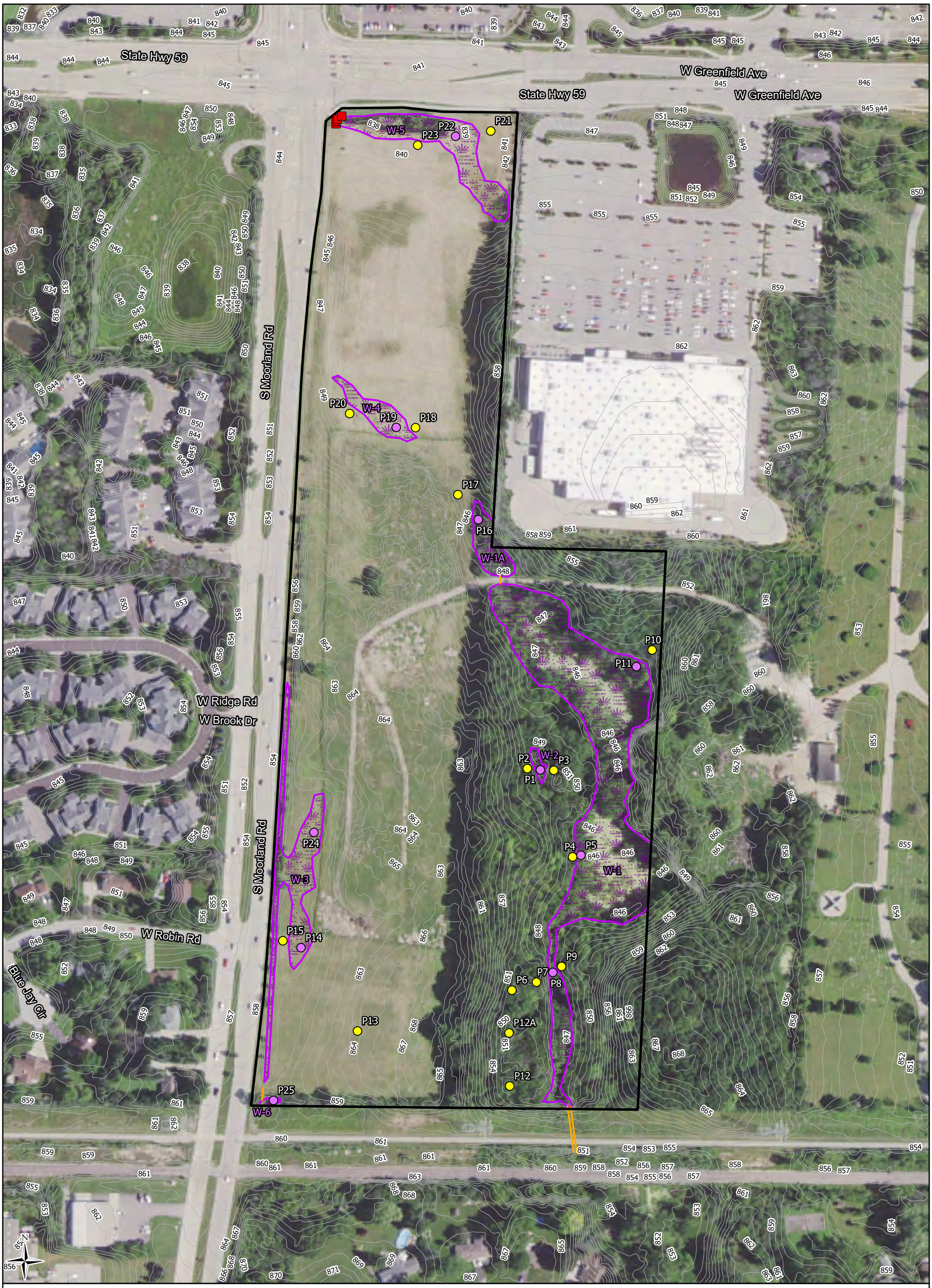
REGULATION	USES	DENSITY	MINIMUM LOT AREA	MINIMUM LOT WIDTH	SETBACKS					LOT COVERAGE			MINIMUM FLOOR AREA	BLDG. HEIGHT		BUILDING SEPARATION	UNIT SIZES				OFF-STREET PARKING			
					FRONT	SIDE	REAR	OHMW	WETLANDS	BLDG COVERAGE	IMPERVIOUS	LANDSCAPE		MIN.	MAX.		STUDIOS	1BR	2BR	3BR	ATTACHED	TOTAL	GUEST	BIKE
I-1 Zoning District Institutional District	Community Living = Permitted Assisted Living = Permitted	Not Specified	40,000 s.f.	200 ft.	Moorland 50 ft. Minimum	50 ft. Minimum	50 ft. Minimum	50 ft. Minimum	All Impervious Surfaces 30 ft. Minimum	50% Maximum	70% Maximum	30% Minimum	Not Specified	None	45 ft. To Midpoint	Not Specified	Not Specified				Not Specified	Community Living 1.0 space per bed (Minimum) Senior Living 1.0 space per unit (Minimum) plus Guest	10% of Total (Minimum)	None
Current Senior Design Acres: 6.5 Units: 150	Independent Senior Living Community Based Residential Facility Assisted Living	Current (150 Units): 23.1 Units Per Acre Desired: 25.0 Units Per Acre	Parcel 283,140 s.f.	320' (+/-) (west)	25 ft. (Minimum) Match MF	5 feet (Minimum)	50 ft. Minimum	Not Applicable	30 ft. Minimum	Footprint 60,000 (+/-) 21.2% Building Coverage	Impervious 105,000 (+/-) 37.1% Impervious Coverage	Landscape 118,140 (+/-) 41.7% Landscape Coverage	To Be Determined		3 Stories 45' To Midpoint	Not Applicable	To Be Determined					Community Living 0.75 per unit Senior Living 0.75 per unit Employee Parking 1.0 per max employee count		

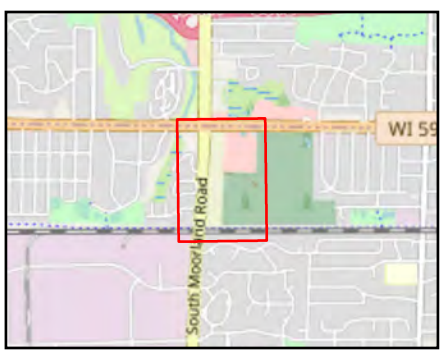
330 East Kilbourn Avenue
Suite 600 South
Milwaukee, Wisconsin 53202
414 . 347 . 3600
mandelgroup.com

New Berlin - Moorland & Greenfield
Parking Analysis

Location	Units	Parking Stalls	Stalls / Unit	Occupied Parking Stalls	Occupied Stalls / Unit
Beaumont*	83	175	2.11	108	1.30
Belay	46	54	1.17	46	1.00
Corners of Brookfield	244	353	1.45	290	1.19
Crescent	102	132	1.29	118	1.16
Echelon	188	294	1.56	221	1.18
Library Hill	139	192	1.38	176	1.27
Prairie Walk	56	76	1.36	55	0.98
The West	177	277	1.56	234	1.32
Woodnote	150	246	1.64	N/A	N/A
Total/Average	**1,185**	**1,799**	**1.52**	**1,248**	**1.05**

**Total stalls include public parking stalls, usage per unit is in-line with comp set*





Study Area (35.07 ac)
Field Delineated Wetland (4.62 ac)
Waukesha Co 1ft Contours
Culvert
Culvert Outlet

Sample Points

Upland
Wetland

0 200 Ft

Heartland ECOLOGICAL GROUP INC

Figure 6. Field Delineated Wetlands

Moorland Rd. & Greenfield Ave.
Project #20220732
T6N, R20E, S2
C New Berlin, Waukesha Co

2020 NAIP
Waukesha Co, HEG
LRR: MW

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
N7725 Hwy 28
Horicon, WI, 53032

October 6, 2022

Dan Romnek
330 E. Kilbourn Ave., Suite 600 South
Milwaukee, WI 53202

EXE-SE-2022-68-03508

RE: Artificial Wetland Exemption Determination for an area described as Wetlands W-2, the ditch portion of Wetland W-3, the southeast portion of Wetland W-5, and Wetland W-6, located in the City of New Berlin, Waukesha County

Dear Mr. Romnek:

This letter is in response to your request for an artificial wetland exemption determination for the above mentioned wetlands.

According to 281.36 (4n), State Statutes, a landscape feature where hydrophytic vegetation may be present as a result of human modification to the landscape or hydrology and for which no definitive evidence exists showing a prior wetland or stream history before August 1, 1991, may be exempt from state wetland regulations. The following types of artificial wetlands cannot be exempted from state wetland regulation: 1) a wetland that serves as a fish spawning area or that is passage to a fish spawning area and 2) a wetland created as a result of a wetland mitigation requirement. In addition, DNR must also consider whether the artificial wetland is providing significant flood protection to adjacent or downstream properties and infrastructure, and/or significant water quality functions to adjacent or downstream water bodies.

The Department reviewed the following materials to aid in our exemption determination:

- The request narrative
- Site photographs that show different angles and views of the wetland
- Historic Maps such as the Original Land Survey Plat, Bordner Survey, USGS topographic Quad map, and/or soil mapping

Conclusion:
Based upon the information provided above, the wetlands identified as Wetlands W-2, the ditch portion of Wetland W-3, the southeast portion of Wetland W-5, and Wetland W-6 lacked a wetland history prior to August 1, 1991 and fulfill all artificial wetland exemption standards. Therefore, Wetlands W-2, the ditch portion of Wetland W-3, the southeast portion of Wetland W-5, and Wetland W-6 are exempt from state wetland regulations.

This letter describes DNR's decision regarding the jurisdictional status of Wetlands W-2, the ditch portion of Wetland W-3, the southeast portion of Wetland W-5, and Wetland W-6, and is only valid for state jurisdictional purposes. For decisions regarding the federal jurisdictional status of Wetlands W-2, the ditch portion of Wetland W-3, the southeast portion of Wetland W-5, and Wetland W-6, you will need to contact the U.S. Army Corps of Engineers.

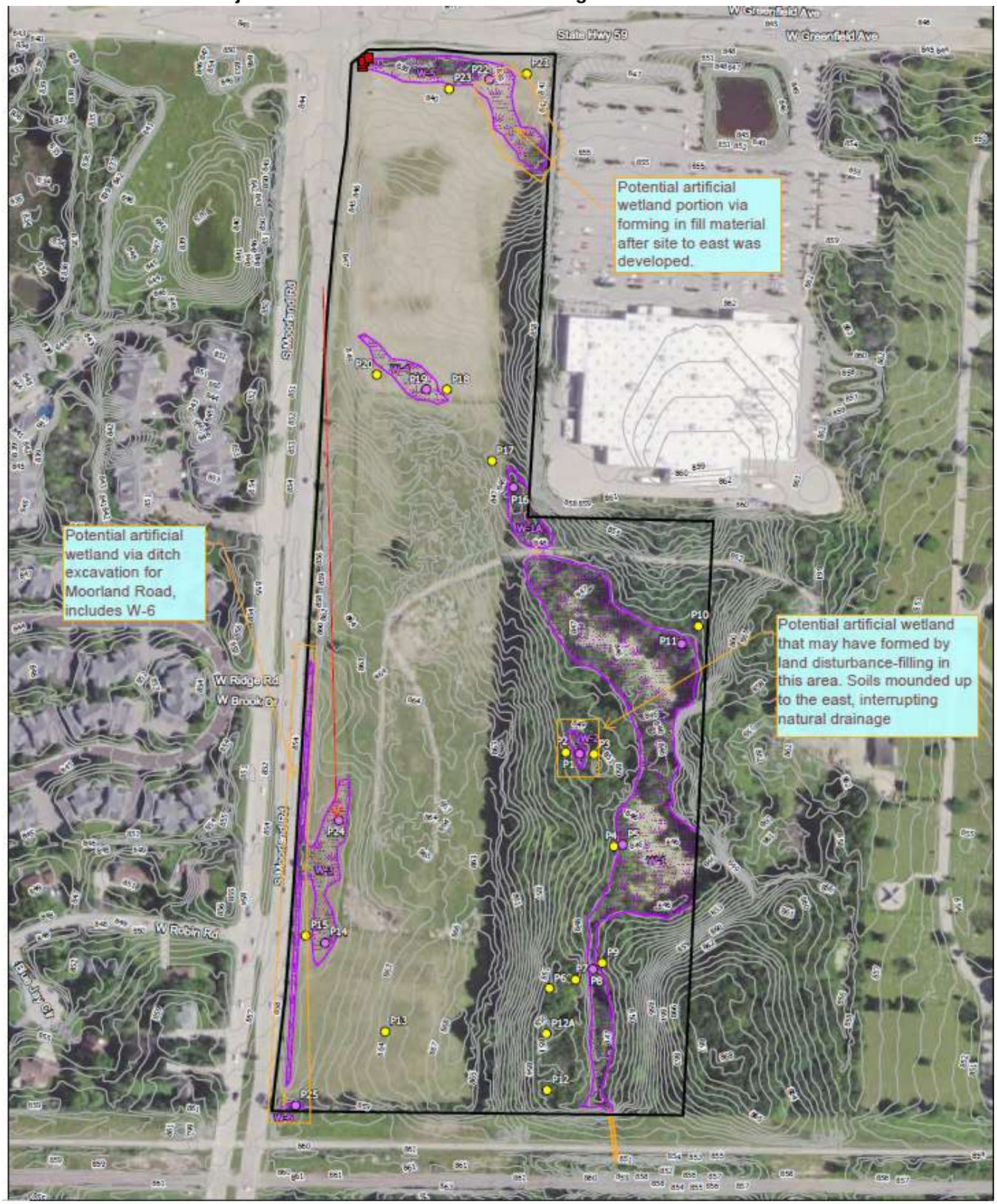
If you have any questions, please call me at (920) 296-6507 or email marty.dillenburg@wisconsin.gov.

Sincerely,

Marty Dillenburg
Water Management Specialist

Copy to: Eric Parker, Principal Scientist, Heartland Ecological Group
Chris Jors, Sr. Specialist-Biologist, SEWRPC
US Army Corps of Engineers

Wetlands W-2, the ditch portion of Wetland W-3, the southeast portion of Wetland W-5, and Wetland W-6 were found to not be subject to state of Wisconsin wetland regulations.



Regulatory File No. MVP-2016-02880-TKO

Heartland Ecological Group Inc.
Attn: Eric Parker
4821 Elm Island Circle
Waterford, WI 53186

Dear Mr. Parker:

This letter regards an approved jurisdictional determination for the property at 1550 South Moorland Road, City of New Berlin, WI. The project site is in Section 02, Township 06 North, Range 20 East Waukesha County, Wisconsin. The review areas for our jurisdictional determination are identified on Figure 2 of the enclosed figures, labeled 2022-02880 Figures 1-2 of 2.

The review areas contain no waters of the United States subject to Corps of Engineers (Corps) jurisdiction Therefore, you are not required to obtain Department of the Army authorization to discharge dredged or fill material within these areas. The rationale for this determination is provided in the enclosed Approved Jurisdictional Determination form. This determination is only valid for the review areas described. You are also cautioned that the area of waters described on the enclosed Jurisdictional Determination form is approximate and is not based on a precise delineation of aquatic resources.

If you object to this approved jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the address shown on the form.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the enclosed NAP. It is not necessary to submit an RFA form to the division office if you do not object to the determination in this letter.

This approved jurisdictional determination may be relied upon for five years from the date of this letter. However, the Corps reserves the right to review and revise the determination in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. This determination may be renewed at the end of the five year period provided you submit a written request and our staff are able to verify that the limits established during the original determination are still accurate.

Regulatory Division (File No. 2016-02880-TKO)

If you have any questions, please contact Tim Orlowski in our Green Bay office at (920) 912-5427 or timothy.k.orlowski@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

Joseph Shoemaker
WI East Branch Chief

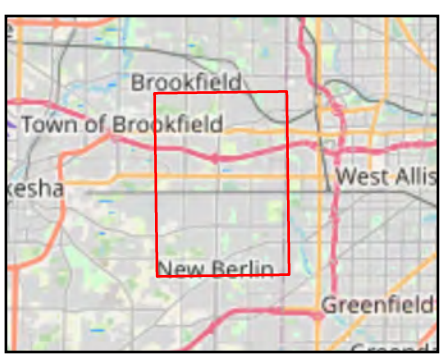
Enclosures

cc:
Marty Dillenburg, WI DNR

2016-02880-TKO
Figure 1

Approximate AJD Review Area

Section 21
Section 24
Section 19
Section 28
Section 27
Section 26
Section 25
Section 30
7N 20E
7N 21E
Section 33
Section 34
Section 35
Section 36
Section 31
Section 4
Section 3
Section 2
Section 1
Section 6
Section 9
Section 10
6N 20E
Section 11
Section 12
Section 7
6N 21E
Section 16
Section 15
Section 14
Section 13
Section 18
Section 21



Study Area (35.07 ac)
PLSS Township
PLSS Section

0 1,000 2,000 Ft

Heartland ECOLOGICAL GROUP INC

Figure 1. Project Location

Moorland Rd. & Greenfield Ave.
Project #20220732
T6N, R20E, S2
C New Berlin, Waukesha Co

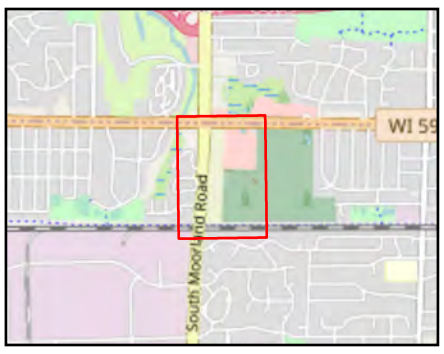
OpenStreetMap
ESRI
36
LRR: MW

2016-02880-TKO
Figure 2

Review Area in Yellow

State Hwy 59
S Moorland Rd
W Ridge Rd
W Brook Dr
W Robin Rd
Blue Jay Cir

W-1 W-1A W-2 W-3 W-4 W-5 W-6
P1 P2 P3 P4 P5 P6 P7 P8 P9 P10 P11 P12 P12A P13 P14 P15 P16 P17 P18 P19 P20 P21 P22 P23 P24 P25



Study Area (35.07 ac)
Field Delineated Wetland (4.62 ac)
Waukesha Co 1ft Contours
Culvert
Culvert Outlet

Sample Points

Upland
Wetland

0 200 Ft

Heartland ECOLOGICAL GROUP INC

Figure 6. Field Delineated Wetlands

Moorland Rd. & Greenfield Ave.
Project #20220732
T6N, R20E, S2
C New Berlin, Waukesha Co

2020 NAIP
Waukesha Co, HEG 37 LRR: MW

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 1/12/2023

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: 2016-02880-TKO

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: WI County/parish/borough: Waukesha City: New Berlin

Center coordinates of site (lat/long in degree decimal format): Lat. 43.0124° **N**, Long. -88.1044° **E**.

Universal Transverse Mercator: 16

Name of nearest waterbody: Deer Creek

Name of watershed or Hydrologic Unit Code (HUC): Pewaukee River-Fox River 0712000601

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 12/05/2022

☐ Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no"*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. **Waters of the U.S.:** N/A

2. **Non-regulated waters/wetlands (check if applicable):**[1]

☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **The review area includes five wetlands, labeled W-1 (2.99 ac), W-1A (0.19 ac), and W-2 (0.04 ac), ditched portion of W-3 (approximately 0.3 ac) and W-6 (0.01.) totaling 3.53 acres. These wetlands are non-jurisdictional, based on a review of the August 2022 Heartland Ecological Group delineation report and other materials, including USDA soils, Wisconsin Wetland Inventory, WI DNR DEM and Hillshade, Google Earth aerial photos and street view, ground level photos, and historic aerial imagery. Based on the delineation report and topographic contours, wetlands W-1, 1A, and 2 are located in depressional features, are surrounded by upland (confirmed by data points and review of imagery showing a lack of wet signatures), and do not have any inlets or outlets connecting them to WOTUS. There are no other surface or shallow subsurface connections to downstream waters, confirmed by reviewing of the above-mentioned resources. The ditched portion of W-3 and the entirety of W-6 are roadside ditch conveyance swales that were constructed in upland.**

Wetlands 1 and 1A are in a complex which sits in a north/south oriented valley in the eastern portion of the study area. A road, constructed in the 1970's, bisects the complex though the wetlands are connected to one another by a culvert. This complex sits in a depressional feature with boundaries transiting to uplands on the east, west, and north. This is evident when viewing DEM and hillshade layers, as well as Waukesha 1 ft contours, and is supported by upland sample points along the identified boundary. A topographic feature extends northwest from W-1A towards W-4. Review of historic arial images show no persistent wet signatures or a continuation of hydrophytic vegetation which indicates this feature does not serve as an outlet or confined connection between these wetlands. USDA soil data shows the area along the western wetland boundary, mapped as non-hydric. A portion of the complex extends outside of the study area to the east, but the above resources show containment along contours. A culvert to the south of the complex provides stormwater input from a subdivision adjacent to the study area. No wet signatures are identified

[1] Supporting documentation is presented in Section III.F.

as outlets, and no outlets connect this drainage area to any other waters. Topographic breaks and several sample points define the wetland boundaries.

W-2 is an isolated wetland sitting in a slight depression just west of the center of W-1. Boundaries transition to uplands on the north, south, east, and west as indicated while viewing hillshade, DEM, and contour layers. USDA soil data shows the majority of the wetland sitting in an area mapped as non-hydric, with a small portion to the west mapped in predominantly non-hydric soils. This is also supported by upland sample points on the east and west of the wetland. The delineation report states historic fill was noted to the east, separating W-2 from W-1. An artificial berm or roadway sits to the north however this does not separate W-2 from any other waters.

There are no discrete surface or subsurface connections from the above-mentioned wetlands to any other waters. The nearest downstream tributary is Deer Creek, a tributary to the Fox River, which is located approximately 1,300 feet to the west.

The wetlands do not border, are not neighboring to or contiguous with another water of the US. They are not separated from another water of the US by man-made barriers, dikes or berms. Due to existing and surrounding land use (disturbed upland in transportation corridors and use) and proximity to other waters, there are no ecological connections to other wetlands or waters. These aquatic resources do not support a link to interstate or foreign commerce; are not known to be used by interstate or foreign travelers for recreation or other purposes; do not produce fish or shellfish that could be taken and sold in interstate or foreign commerce; and are not known to be used for industrial purposes by industries in interstate commerce. Therefore, the Corps has determined that Wetlands 1, 1A, and 2 are not regulated by the Corps under Section 404 of the Clean Water Act.

Both the ditched portion of W-3 and W-6 are roadside ditch conveyance swales that were constructed as part of road improvements for South Moorland Rd. sometime between 1963-70. The ditches do not carry relatively permanent flow (based on aerial photos), and were constructed in upland (based on 1) delineation report and historic aerial images showing a lack of wet signatures prior to road expansion, and 2) a lack of hydric soils in this area), and drain only upland (as shown by the delineation report's wetland boundaries). No wet signatures are visible within the borders of these wetlands prior to road construction identified in 1970.

In accordance with the preamble to the 1986 Corps Regulations (33 CFR Parts 320-330), the Corps does not generally consider the following activities to be waters of the United States; non-tidal drainage and irrigation ditches excavated on dry land. Further clarification is provided in the December 2, 2008 Revised Guidance on Clean Water Act Jurisdiction following the Supreme Court Decision in Rapanos v. U.S. and Carabell v. U.S. issued jointly by the Corps and EPA which indicates that ditches excavated wholly in and draining only uplands and do not carry a relatively permanent flow are not waters of the United States.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): N/A

C. SIGNIFICANT NEXUS DETERMINATION: N/A

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): N/A

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): N/A

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- ☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - ☒ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:

☒ Other (explain, if not covered above): **See Section II.B.2 above**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☒ Wetlands: 3.22 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: August 2022 Heartland Ecological Group, Inc.
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  ☒ Office concurs with data sheets/delineation report.
  ☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps:
☐ Corps navigable waters' study:
☒ U.S. Geological Survey Hydrologic Atlas:
  ☒ USGS NHD data.
  ☐ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 New Berlin Quad
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Waukesha County
☒ National wetlands inventory map(s). Cite name: Surface Waters and Wetlands
☒ State/Local wetland inventory map(s): WI Wetland Inventory
☐ FEMA/FIRM maps:
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): Google Earth 2000-2022
  or ☒ Other (Name & Date): Applicant provided ground level 8/2022
☐ Previous determination(s). File no. and date of response letter:
☐ Applicable/supporting case law:
☐ Applicable/supporting scientific literature:
☒ Other information (please specify): WI DNR DEM and Hillshade viewed on NRV
  Waukesha County Historic Aerials: 1941-2017
  Waukesha County Mapping, 1ft contours

B. ADDITIONAL COMMENTS TO SUPPORT JD:

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL		
Applicant: Heartland Ecological Group (Eric Parker)	**File No.:** 2016-02880-TKO	**Date:** 1/12/2023

Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT	
REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)	
ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.	
POINT OF CONTACT FOR QUESTIONS OR INFORMATION:	
If you have questions regarding this decision and/or the appeal process you may contact: Tim Orlowski U.S. Army Corps of Engineers Green Bay Field Office 211 N. Broadway St, Suite 221 Green Bay, WI 54303 (651) 290-5010	If you only have questions regarding the appeal process you may also contact the Division Engineer through: Administrative Appeals Review Officer Mississippi Valley Division P.O. Box 80 (1400 Walnut Street) Vicksburg, MS 39181-0080 601-634-5820 FAX: 601-634-5816
RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.	

_____ Signature of appellant or agent.	Date:	Telephone number:

CHAPTER 11: NEIGHBORHOOD A

GREENFIELD AVENUE

Revisions approved by Council 1/10/2012 via Ordinance #2480, 5/14/2013 via Ordinance #2504, 8/27/2013 via Ordinance #2510, ~~and on~~ 6/14/16 via Ordinance #2568 and on DATE via Ordinance # TBD .

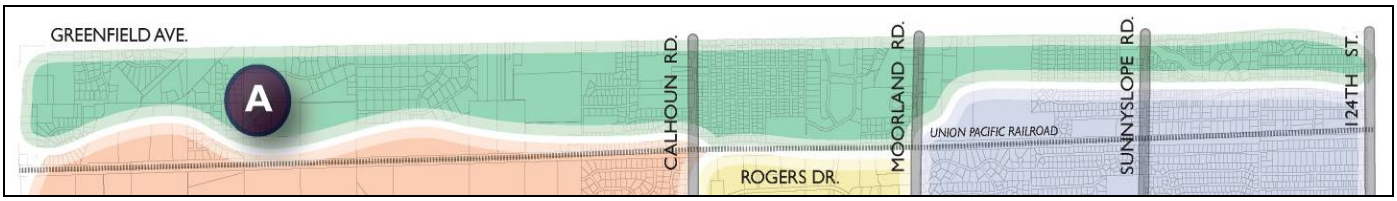


Figure 11.1. Neighborhood A Context Map.

Greenfield Avenue is the dividing line between New Berlin and the City of Brookfield, and serves as the northern border of Neighborhood A. In addition to this northern boundary, the neighborhood is bounded by the City limits to the east and west, and the Union Pacific rail line to the south (Figure 11.1).

The Greenfield Avenue corridor is primarily residential in character, although some agricultural, park, and small-scale retail uses are scattered throughout. The character of the corridor varies from east to west, generally reflecting the transition from urban to rural of the city as a whole. Greenfield Avenue serves as the thoroughfare for Wisconsin State Highway 59 in New Berlin (Figure 11.2). The corridor was the subject of the Greenfield Avenue Corridor Plan in 1995, and has undergone major improvements between 124th Street on the east and Springdale Road on the west. Improvements include road widening, landscaping, and the installation of bicycle and pedestrian paths. The final expansion of Greenfield Avenue has occurred near Johnson Road.

Figure 11.2. Greenfield Avenue Corridor.

Development opportunities in the corridor include the future ~~Deer Creek hotel, conference center, and water park,~~commercial development which is to be situated at the southwest corner of Greenfield Avenue and Moorland Road. The developer for the hotel once planned

for this intersection is no longer interested in doing the project. This development opportunity, along with potential development on the southeast corner of Greenfield and Moorland, could serve as a strong gateway into both the neighborhood and New Berlin.

The intersection of Greenfield Avenue with Johnson Road provides another development opportunity for commercial office space or additional housing. Public comments supported housing development consistent with adjacent zoning district or continued open space. Both the southwest and southeast corners contain sensitive features and pose some grading challenges near the right-of-way. Allocating sensitive features for preservation during the site development process would enhance the environmental and aesthetic quality of the intersection.

Figure 11.3. Intersection of Greenfield Avenue with Sunny Slope Road.

Other development opportunity nodes along Greenfield Avenue include the intersections with Calhoun Road and Sunny Slope Road (Figure 11.3). Currently, both intersections house one-story retail structures that could better serve as gateways into the city. As redevelopment opportunities emerge, the City should encourage taller buildings with smaller setbacks to hold the street edge at these intersections.

PUBLIC INPUT

Initial Neighborhood Meeting

On July 23, 2008, residents and property owners in Neighborhood A met to learn about the comprehensive planning process and to complete an image preference survey. For the survey, attendees were instructed to rate individual images based on two factors: 1) whether or not the use was desirable for their neighborhood, and 2) whether or not they liked the overall image. Prompts were provided with each image, e.g. “setback”, “building character”, etc., that helped to focus the rating for each image. Fourteen attendees completed the image preference survey. Additional information regarding these surveys is provided in Figure 11.4.

Attendees were to rate the images only for their neighborhood, not the entire city. After the survey, attendees had an opportunity to discuss what uses they would like to see in New Berlin as a whole. The highest-rated images for each of the following five categories are shown throughout this chapter. These categories had average scores that were positive overall, indicating support for these land uses.

- Commercial Retail -- Preferred characteristics were the small-scale retail buildings with high-quality materials, balanced parking that does not dominate the site, and residential scaled buildings.

- Road Design -- Desired characteristics included landscaping along the street right-of-way, medians, and a sidewalk along major corridors to connect area businesses.
- Multi-family Housing Parking -- Preferred characteristics include landscaping within and around the parking, accessible parking, and screening of the parking lots from nearby streets or pedestrian areas.
- Open Space -- Preferred open space characteristics included retaining the overall natural and environmental areas, maintaining views of the natural areas, paths and trails, and small active play areas.
- Commercial Signage

Attendees also rated images for the following two categories. The average scores were negative, indicating limited support for these land uses.

- Business Office / Light Industrial

Subsequent discussion supported that these uses were not desirable in the neighborhood. The full summary of highest-rated and lowest-rated images for Neighborhood A can be found in Appendix K.

New Berlin Comprehensive Plan Update

DESIGN PREFERENCE SURVEY
BACKGROUND INFORMATION - Neighborhood A (14)

1. **WHAT IS YOUR GENDER?**
   - □ FEMALE = 57.1%
   - □ MALE =42.9%

2. **HOW MANY PEOPLE LIVE IN YOUR HOUSEHOLD ON A REGULAR BASIS?**
   - □ 1 = 21.4%
   - □ 2-3 = 21.4%
   - □ 4-5 = 50.0%
   - □ 6 OR MORE = 7.2%

3. **OF THOSE LIVING IN YOUR HOUSEHOLD, HOW MANY ARE CHILDREN (UNDER THE AGE OF 18 YEARS OLD)?**
   - □ 0 = 85.7%
   - □ 1-2
   - □ 3-5 = 14.3%
   - □ 6 OR MORE

4. **WHAT IS YOUR AGE?**
   - □ UNDER 18 YEARS OLD
   - □ 18-24 YEARS OLD
   - □ 25-34 YEARS OLD
   - □ 35-44 YEARS OLD = 7.1%
   - □ 45-54 YEARS OLD = 57.2%
   - □ 55-64 YEARS OLD = 14.2%
   - □ 65 YEARS OR OLDER = 21.5%

5. **HOW LONG HAVE YOU LIVED IN NEW BERLIN?**
   - □ LESS THAN A YEAR
   - □ 2-3 YEARS
   - □ 3-5 YEARS = 7.1%
   - □ 6-10 YEARS
   - □ 11-20 YEARS = 21.4%
   - □ MORE THAN 20 YEARS = 64.2%
   - □ DO NOT LIVE IN NEW BERLIN

6. **WHAT TYPE OF RESIDENTIAL BUILDING DO YOU LIVE IN?**
   - □ SINGLE FAMILY = 92.9%
   - □ DUPLEX
   - □ MULTI-FAMILY (MORE THAN 2 UNITS)
   - □ CONDOMINIUM = 7.1%
   - □ MOBILE HOME
   - □ ELDERLY HOUSING
   - □ OTHER (PLEASE SPECIFY)

7. **DO YOU OWN OR RENT YOUR HOME?**
   - □ OWN = 100%
   - □ RENT
   - □ OTHER (PLEASE SPECIFY)

8. **WHERE DO YOU LIVE IN NEW BERLIN? (USE MAP ON BACK OF THIS PAGE)**
   - □ AREA A
   - □ AREA B
   - □ AREA C
   - □ AREA D
   - □ AREA E
   - □ AREA F
   - □ AREA G
   - □ AREA H
   - □ AREA I
   - □ AREA J

9. **DO YOU WORK IN NEW BERLIN?**
   - □ YES = 14.2%
   - □ NO = 85.7%

10. **PLEASE WRITE AN "X" TO INDICATE THE TYPES AND NUMBER OF PROPERTIES YOU OWN IN NEW BERLIN:**

	1 property	2-3 properties	4 or more properties	I do not own this type of property
Residential	13	1		
Commercial	1			
Industrial	1			
Other				

Figure 11.4. Background Information Summary for Neighborhood A Listening Session Survey Respondents.

Neighborhood Review Meeting

Neighborhood A reconvened on February 18, 2009 to review the results of the survey and review future land use recommendations. The intersection of Greenfield Avenue and Johnson Road was the focus of discussion, as attendees did not wish to see commercial uses in that area. Rather, attendees preferred the idea of allowing housing developments that would respect environmental features. Others recommended that the intersection should remain undeveloped to prevent future traffic problems and maintain the existing natural character. A few attendees inquired about the fiscal impact of constructing residential over commercial uses.

Fig. 11.5~~8~~ - North Moorland Road Corridor Map.

Other issues raised during the meeting included the availability of water and how development would negatively impact the existing level of water usage; the condition of Calhoun Road and the number of lanes needed as Calhoun Road is improved; and the need and requirement of sidewalks.

Chapter 11 Update – 2015 – 2016

Summary update and activities include several meetings and discussions with the property owner, brokers, and various groups interested in the parcels located in the NW Section 2 – North Moorland Road Corridor (Southeast corner of Moorland Road and Greenfield Avenue).

The Department of Community Development has been going through the process of analyzing the area now referred to as the North Moorland Road Corridor. This area is generally bounded by Moorland Road to the West, the Highland Memorial Park Cemetery and Walmart development to the East, Greenfield Avenue to the North and the New Berlin Recreational Trail to the South (Figure 11.5~~8~~). In order to guide the City in land use and zoning decisions it is best to understand the impact new developments will have on the School District, traffic patterns, stormwater and environmental features. Development policies were prepared to guide future development requests.

VISION

Greenfield Avenue will be a mixed commercial and residential corridor, and shall act as a gateway to the northern area of New Berlin. The eastern half of the corridor should foster a more urban mix of uses, while the western half should encourage a mix of rural commercial, residential, and environmental features.

DEVELOPMENT POLICIES

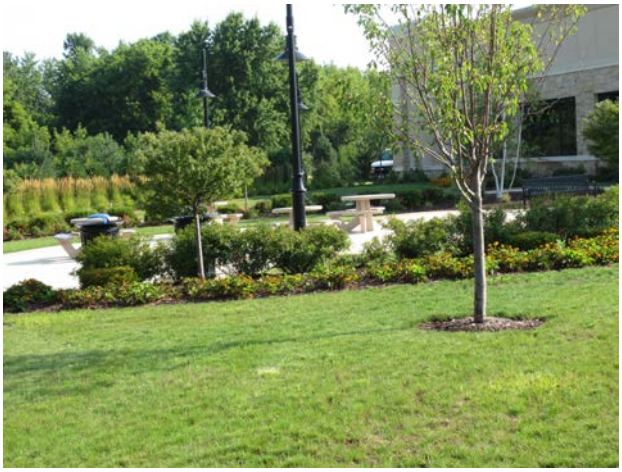
1. Create development standards for site layout, building character, and landscaping that are suitable for new development along the corridor.
2. Tighten nonconforming lot, structure, and use standards, and require compliance with landscaping regulations. Phase out nonconforming commercial uses over time.
3. Recognize the Greenfield Avenue and Moorland Road primary intersection as a major gateway into the city from the north. Encourage signature well-designed buildings that are compatible with surrounding areas including recent development across the street in the City of Brookfield.
4. Site development should include prominent signage, increased landscaping, sustainable strategies for stormwater management, and methods to minimize the parking field, such as structured parking.
5. Address flooding and localized drainage issues along the eastern portion of the neighborhood.
6. Encourage land combinations that accommodate future development options.

~~Northwest Section 2 –North Moorland Road Corridor (Southeast corner of Moorland Road and Greenfield Avenue)~~

DEVELOPMENT POLICES FOR NORTHWEST SECTION 2 –NORTH MOORLAND ROAD CORRIDOR (SOUTHEAST CORNER OF MOORLAND ROAD AND GREENFIELD AVENUE)

1. Recognize the Greenfield Avenue/Moorland Road intersection as a major gateway into the city from the north. Encourage signature, well designed buildings that are compatible with surrounding areas including recent development across the street in the City of Brookfield. Buildings should incorporate architecture features such as towers, unique features, clocks, and elevated architectural details.

2. Unique to the intersection located at the southeast corner of Moorland Road and Greenfield Avenue, the City has established parameters for the planning of this area in order to ensure that it develops uniformly. This section lays out specific policies to help ensure the cohesive development. This area is intended for retail, commercial and office uses located on the corner (tax key #: 1158-990) then transitioning to the south to allow for some additional commercial or retail ~~on the first floor with some residential integrated above~~ (tax key #: 1158-991-001 & 1158-993). The far southern parcel (tax key #: 1158-991) could be developed as low-density multi-family residential as defined above in this section or senior living. Parcel lines are not intended to be rigid; however, the City intends to establish the transition of uses to better describe the intended use of this land. See Map, Fig.



11.8.

3. Net density not to exceed those established within Zoning Code Section 275-33(8), Rm-1, Multiple Family Residential District and Section 275-41B(1), Elderly housing and assisted-living facilities. Any request to exceed the density requirement shall require the use of a Planned Unit Development (PUD) and must incorporate information included within this section as part of a neighborhood development plan.
4. Site development shall include prominent gateway signage, increased landscaping and planting beds to be planted throughout the year.
5. Careful traffic management coordination between the City of New Berlin, Waukesha County and any applicants to include the possible signalized intersection along Moorland Road, roadway along with and pedestrian connection to the east to the Walmart development.
6. As development occurs, require off-road sidepaths along Moorland Road and trail connections, where appropriate.
7. All path and trail connections shall be constructed at the time of development and public trail easements shall be provided to the City.
8. Coordinated utilities including a water main loop and sewer connection to Moorland Road and east to Walmart.
9. Encourage a three-dimensional approach for storm water best management techniques for improving the quality of groundwater and surface water.
10. Sustainable and creative strategies for storm water management and methods to minimize the parking field, such as structured or underground parking.
11. Protection of the woodlands and wetlands, especially the higher quality woodlands and wetlands that may exist on the approximately 21 acre parcel having tax key #:1158-992 located directly behind the Walmart parcel. This parcel should be investigated for future trail connections if the Highland Memorial Park Cemetery would consider selling the parcel.

Fig. 11.9 Sample development pictures.

12. Require coordinated, pre-planned development proposals to ensure a cohesive and coordinated development pattern. Developments must take into consideration how adjacent parcels would be developed.
13. The entire corner shall be coordinated and ultimately connected to the Walmart shopping center development. Ultimately utilizing Riverwood Lane as an additional cross access point. This access point was indicated on the Walmart construction plans. Coordination will need to occur with Walmart in order to make the connection work within their parking lot.
14. With the investment and construction of any new roadway, public utility, storm water infrastructure improvements, the City should approve an overall official roadway map for this area and require dedication of appropriate right-of-way areas that are consistent with past approvals for adjacent parcels and development projects, at the time of land platting where private development is taking place. The development shall also construct the roadway, public utility, and storm water infrastructure to City specifications where the City deems it necessary in order to service that development and—/—or overall development for the area.
15. Development proposals shall include appropriate utility easements and/or roadway reservations or dedications to ensure public infrastructure (utility or roadway) extensions/connections and a coordinated development pattern are achieved.
16. Any future development requiring coordinated access and/or utility extensions in this area may require the applicant to submit a surety instrument to the City to cover future public improvements and cost contributions.
17. All utility extensions shall be at the expense of the developer to service their respective developments. The City shall endeavor to collect funds from future developments that connect into the utilities where appropriate and collected funds shall be redistributed back to the developer that installed the infrastructure.

AGRICULTURAL AND CULTURAL RESOURCES

Figure 11.5. Highest-Rated Image for Open Space.

Agricultural lands exist in the western half of the city and contribute to the rural and natural character of the community. Some of these lands in Neighborhood A continued to be farmed. All agricultural lands should continue to be permitted uses in all land use districts. The City should include unique farming opportunities for agricultural landowners. Local food production, artisan farming, and hobby farming are encouraged as ways to maintain farmland in the city.

The New Berlin Landmarks Commission and the City jointly identified and mapped a series of cultural landmarks within the city. The city-wide New Berlin Landmarks map is provided in Chapter 4. The Greenfield Avenue neighborhood has two designated landmarks: Calhoun Hall (now

Calhoun Station), c. 1900, and the Needham-Johnson House, c. 1868 (also listed on the National Register of Historic Places). The corridor also housed Tacl's Tavern and Roadhouse, c. 1927, which was torn down in 2000. Neighborhood A also includes two historic districts as identified by the City: Calhoun Farms, located south of Greenfield Avenue and west of Calhoun Road, and Conrad Park-Needham Farm, located south of Greenfield Avenue and west of 124th Street.

Survey Results: Open Space

Figures 11.5 through 11.7 illustrate the three highest-rated images for open space in Neighborhood A. Preferred open space characteristics included retaining the overall natural and environmental areas, maintaining views of the natural areas, paths and trails, and small active play areas.

Figure 11.6. Second Highest-Rated Image for Open

Figure 11.7. Third Highest-Rated Image for Open

Recommendations

NATURAL RESOURCES

Neighborhood A is planned for a mix of Suburban Residential, Suburban Commercial, and Urban Residential and Mixed Use Residential land uses with limited park space. Sensitive features include streams and secondary environmental corridors located throughout the neighborhood.

In addition, potential soil limitations exist that should be considered when reviewing plans for development in the neighborhood Hydric soils, poorly drained soils, and slopes greater than 12% are all considerations in Neighborhood A.

Refer to Chapter 5 – Agricultural & Natural Resources and the applicable regulating agencies for natural resources maps and additional information.

Due to the existing development pattern there is limited space for implementing large scale Best Management Practices (BMPs), particularly along the easterly part that is already developed. See Figure 11.10 for a diagram of BMP locations.

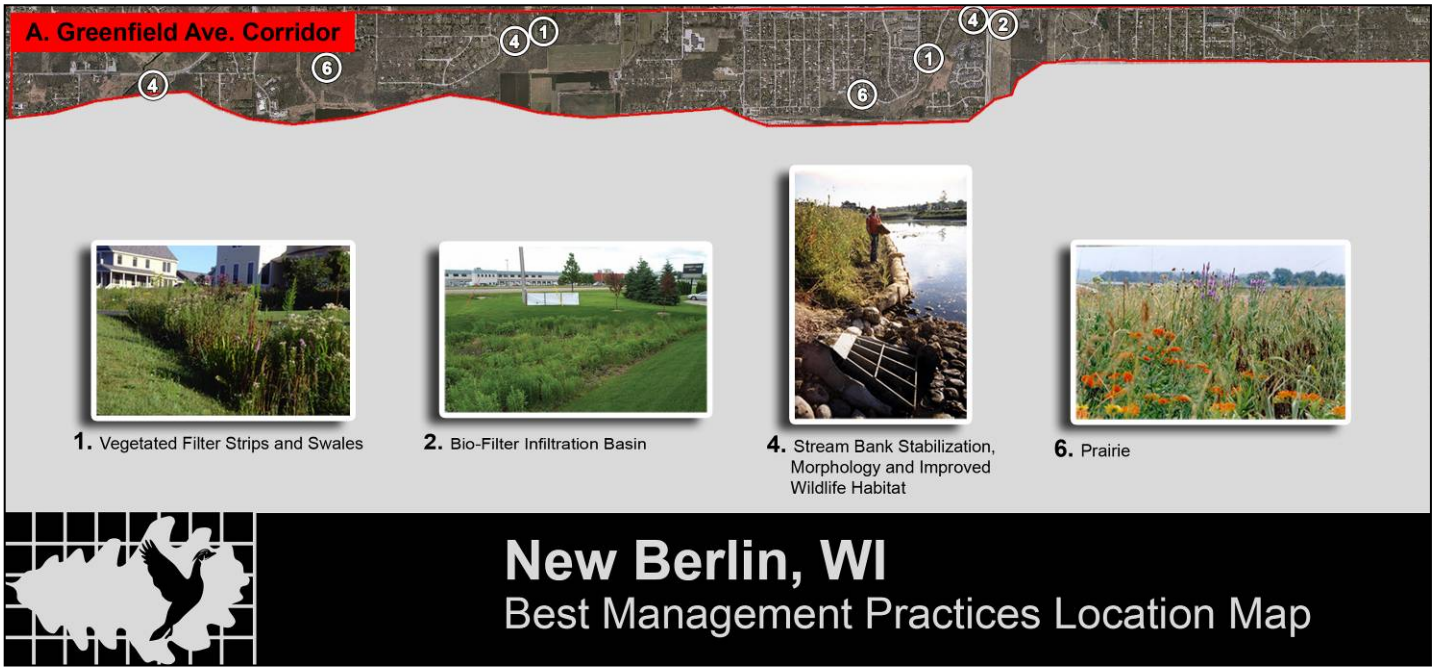


Figure 11.10. Best Management Practices Map for Neighborhood A.
Source: Applied Ecological Services, Inc.

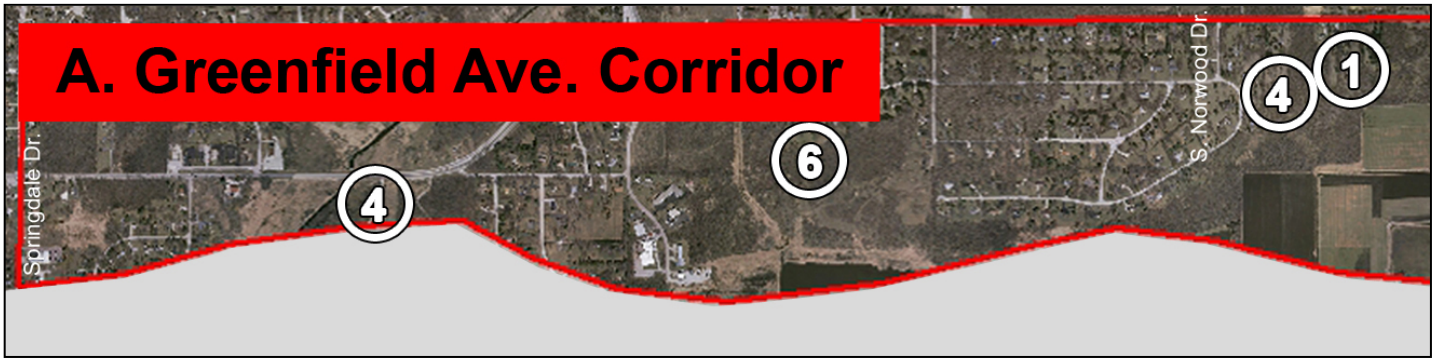


Figure 11.11. Best Management Practices Map from Springdale Drive to east of South Norwood Drive.
Source: Applied Ecological Services, Inc.

Figure 11.12. Best Management Practices Map from South Calhoun Road to South Sherwood Drive.
Source: Applied Ecological Services, Inc.

Recommendations

The recommendations listed below correspond with the numbers and symbols shown on the map in Figures 11.11 and 11.12:

1. Vegetated filter strips and swales are effective in filtering pollutants and reducing storm water runoff velocity, in direct contrast to piped storm sewer conveyances. They can be implemented along the environmental corridor located in the northwest corner of Section 4 to filter surface runoff before entering the waterways. Vegetated swales can be flatter than typical turf grass swales to increase residence time and to promote infiltration and evapotranspiration. This increases the spacing of catch basins or can eliminate the need for piped storm sewer conveyance in new construction.

2. Bio-filter infiltration basins can be provided as an alternative to detention basins in the western and central portion of the neighborhood to promote infiltration and groundwater recharge.

3. This number is reserved for recessed parking and cul-de-sac islands, which are not recommended in the neighborhood.

4. Stream banks along Poplar Creek, Deer Creek and Underwood Creek should be inspected for areas that need to be stabilized to prevent further soil erosion. In conjunction with the above-mentioned BMPs, stream bank stabilization will improve aquatic wildlife, improve water quality and reduce flooding.

5. This number is reserved for rain barrels, cisterns, and rain gardens, which are not recommended for specific locations in the neighborhood. Should property owners in the neighborhood propose to install rain barrels, cisterns, and rain gardens, the appropriateness of such techniques should be determined based on property characteristics.

6. Along the environmental corridor in the undeveloped areas in Section 5 and in Buena Park, there may be opportunity to implement prairies to serve as a filter of surface water runoff and encourage infiltration in areas tributary to Poplar Creek and Deer Creek.

EXISTING TRANSPORTATION SYSTEM

The existing transportation system in Neighborhood A is comprised of a roadway network, bicycle/pedestrian facilities, public transit and rail service.

Roadway Network

New Berlin classifies its roads under the following functional classification: principal arterials, primary arterials, standard arterials, collectors and local streets. The roadways in Neighborhood A are comprised of primary arterials, standard arterials and local streets as listed below:

Primary Arterials accommodate inter-community and intra-community trips and traffic. Design speeds tend to be between 35 and 55 miles per hour. Access is not limited as in principal arterials. The primary arterials in Neighborhood A are summarized below.

- Greenfield Avenue (STH 59) – Four travel lanes
- Moorland Road (CTH O) – Four travel lanes

Standard Arterials accommodate inter-community and intra-community traffic. They operate at slightly lower speeds than principal and primary arterials and provide more connections with individual parcels of land comprised of residential and commercial uses. The standard arterials in Neighborhood A are summarized below.

- Calhoun Road – Two travel lanes
- Sunny Slope Road – Two travel lanes
- 124th Street – Two travel lanes

Figure 11.13. Highest-Rated Image for Road Design.

Collectors provide the connection between arterials and local streets and serve both local and through traffic in residential neighborhoods, commercial areas and industrial areas. They distribute trips from the primary and standard arterials to the local streets and they collect traffic from the local streets and channel it onto the arterial system. The collector in Neighborhood A is summarized below.

- Springdale Road – Two travel lanes

Figure 11.14. Second Highest-Rated Image for Road Design.

Local Streets comprise all land access streets designed to serve local traffic that is not part of the higher classified street network. In New Berlin, this includes streets serving residential, commercial and industrial areas. Local streets operate at the lowest posted speed limits and provide the most direct access to individual parcels of land.

Figure 11.15. Third Highest-Rated Image for Road Design.

Bicycle & Pedestrian Facilities

The following off-road facilities are currently provided in the Greenfield Avenue neighborhood.

- Greenfield Avenue

- New Berlin Recreational Trail

Public Transit

MCTS Route 6 New Berlin Industrial Park Express has stopped service to ~~services~~ this area. ~~In general the service begins in the City of Milwaukee, heads to Brookfield Square Mall, then onto the New Berlin Industrial Park with a few stops along Moorland Road and then ending at Buy Seasons just off Small Road. Route 6 is now providing service to bring employees to some specific businesses including FedEx SmartPost, BuySeasons, Inc., as well as other business along the route. There is funding for approximately 4 years. Service started approximately August 2014.~~

School busing is provided for the public, private and parochial schools in the city.

Rail Service

The **Union Pacific** freight rail line runs through the northern portion of the City of New Berlin between, and parallel to, Lincoln Avenue and Greenfield Avenue. Spurs from this line serve the New Berlin Industrial Park.

FUTURE TRANSPORTATION SYSTEM

Survey Results: Road Design

Figures 11.13 through 11.15 illustrate the three highest-rated images for road design in Neighborhood A. Desired characteristics included landscaping along the street right-of-way, medians, and a sidewalk along major corridors to connect area businesses.

Roadway Network

Calhoun Road (Greenfield Avenue to Cleveland Avenue): In 2010, the City rehabilitated the section of Calhoun Road between Greenfield Avenue and Cleveland Avenue. A two-lane roadway with intersection improvements was completed as part of this project.

The SEWRPC Year 2035 Recommended Regional Transportation System Plan suggests widening Calhoun Road to a four-lane County facility between Greenfield Avenue and National Avenue.

SEWRPC staff is currently preparing a major review and update of the regional land use and transportation plans for Southeastern Wisconsin. This effort, called VISION 2050, is expected to be completed in 2016. Vision 2050 will replace the current year 2035 plans, extending the design year of the plans to 2050. It should be noted that the SEWRPC plans are advisory only. Refer to the SEWRPC VISION 2050 plan for the most updated information related to their regional planning efforts and recommendations[JN1].

The SEWRPC Vision 2050 continues to recommend the widening of Calhoun Road to a four-lane County facility; however, now proposes to widen the road only to Coffee Road and suggests

looking at options to reserve right-of-way from Coffee Road south to National Avenue for any future widening projects.

Bicycle & Pedestrian Facilities

No additional bicycle and pedestrian facilities are currently proposed in Neighborhood A.

Public Transit

The City should work with the local transit systems to maintain the existing routes within the City and look for opportunities to expand and improve the transit system.

Rail Service

The City should work with Union Pacific to maintain the existing freight rail line and service to the New Berlin Industrial Park.

Additional Recommendations

The following recommendations are drawn from the Greenfield Avenue Corridor Plan, prepared for the Cities of Brookfield and New Berlin in 1995. The purpose of the Plan was to analyze the impacts of the new Greenfield Avenue layout on adjacent lands. Applicable recommendations from the Plan have been extracted and combined with suggestions gathered during public input sessions for the comprehensive plan process.

1. Encourage entrance consolidation or side street access for new and redeveloped parcels.
2. Install low growing shrubs, perennials, native wildflowers, and/or grasses in the median that are salt and drought tolerant.
3. Add small planting areas throughout the length of the corridor in addition to colored concrete pavers or textured concrete at major intersections. Similar planting areas, to be planted seasonally by the developer, should be considered at the primarily intersections and integrated into mixed use developments. See figure 11.9 for sample pictures.
4. Signs should be used throughout the corridor to identify the edge of New Berlin. Specifically, gateway signage should be installed adjacent to the vision triangle limits on the corners at 124th Street Moorland Road, Calhoun Road and Sunny Slope Road to the maximum extent practicable.
5. Consideration should be given to the burial of existing overhead electric distribution lines along Greenfield Avenue.
6. Residential zoning should remain intact where currently existing in the corridor and any new commercial activity should be compatible with surrounding uses.
7. Maintenance and upgrading of commercial areas should be encouraged along the corridor, including façade improvements, shared parking, and small-scale signs.

ECONOMIC DEVELOPMENT

~~The Greenfield Avenue corridor contributes a fair amount of tax levy considering its size relative to the entire City. According to 2009 estimated tax levies, the neighborhood comprises 7.3% of~~

~~the total tax levy for the City. Neighborhood A has an estimated assessment value of approximately $346 million, with a tax levy of approximately $1,828,000.~~

Economic development is based on the mix of uses and quality development that exist along the Greenfield Avenue corridor and proposed developments within the neighborhood. Redevelopment and new development proposals should respond to the following issues:

- The intersections of Greenfield Avenue with Moorland Road and Calhoun Road should encourage development at a higher scale with more intense uses. Development should occur vertically, with structured parking when possible, to preserve existing open space.
- Sections of existing multi-family or single-family should be maintained, with housing being permitted as part of mixed use developments.
- Sustainable construction and site development practices are encouraged for new and redeveloped projects such as: pervious pavement, green roofs, alternative stormwater management techniques, energy efficient building practices, and shared parking lots. The City should explore providing incentives for these types of practices.
- Johnson Road should be developed in such a manner that provides a gateway into the City. Uses could include housing that responds to the topography and access constraints.

Survey Results: Commercial Retail

Figures 11.16 through 11.18 illustrate the three highest-rated images for commercial retail in Neighborhood A. Preferred characteristics were the small-scale retail buildings with high quality materials, balanced parking that does not dominate the site, and residential scaled buildings.

Figure 11.16. Highest-Rated Image for Commercial Retail.

Figure 11.17. Second Highest-Rated Image for Commercial

Figure 11.18. Third Highest-Rated Image for Commercial Retail.

Survey Results: Parking

Figures 11.19 through 11.21 illustrate the three highest-rated images for parking in Neighborhood A. Preferred characteristics include landscaping within and around the parking, accessible parking, and screening of the parking lots from nearby streets or pedestrian areas.

Figure 11.19. Highest-Rated Image for Parking.

Figure 11.20. Second Highest-Rated Image for Parking.

Figure 11.21. Third Highest-Rated Image for Parking.

Survey Results: Commercial Signage

Figures 11.22 through 11.24 illustrate the three highest-rated images for commercial signage in Neighborhood A. Small-scale awning and building signage was preferred over large-scale monument signage.

Figure 11.22. Highest-Rated Image for Commercial

Figure 11.23. Second Highest-Rated Image for Commercial Signage.

Figure 11.24. Third Highest-Rated Image for Commercial Signage.

Brownfields

Four brownfields are located in Neighborhood A, one of which is a high petroleum risk (Figure 11.25). Petroleum risk applies only to petroleum discharges from underground and aboveground tank systems, and is used to determine agency jurisdiction. The Wisconsin Department of Natural Resources (DNR) has jurisdiction for review of high-risk sites and sites also contaminated with non-petroleum substances. The Wisconsin Department of Commerce has jurisdiction for all other sites with discharges from petroleum tanks. High risk factors are:

- confirmed contamination in a water supply well above a Chapter NR 140 preventive action limit,
- confirmed free petroleum product with a thickness of .01 feet or more,
- groundwater contamination above an NR 140 enforcement standard within 1,000 feet of a well operated by a public utility,
- groundwater contamination above an NR 140 enforcement standard within 100 feet of any other water supply well, and
- groundwater contamination above an NR 140 enforcement standard in fractured bedrock.

The high petroleum risk brownfield in Neighborhood A is located at 14001 Greenfield Avenue, and is a Leaking Underground Storage Tank (LUST). The low petroleum risk brownfield is located on the Industrial Waste Corporation land just west of the intersection of South Ridgeway Road

and Greenfield Avenue. This low risk brownfield is an Environmental Repair Program (ERP) effort. The DNR classifies ERP sites as sites other than Leaking Underground Storage Tank (LUST) sites that have contaminated soil and/or groundwater. Examples include industrial spills or dumping needing long term investigation, buried containers of hazardous substances, and closed landfills that have caused contamination. ERP sites include petroleum contamination from above-ground (not underground) storage tanks[JN2].

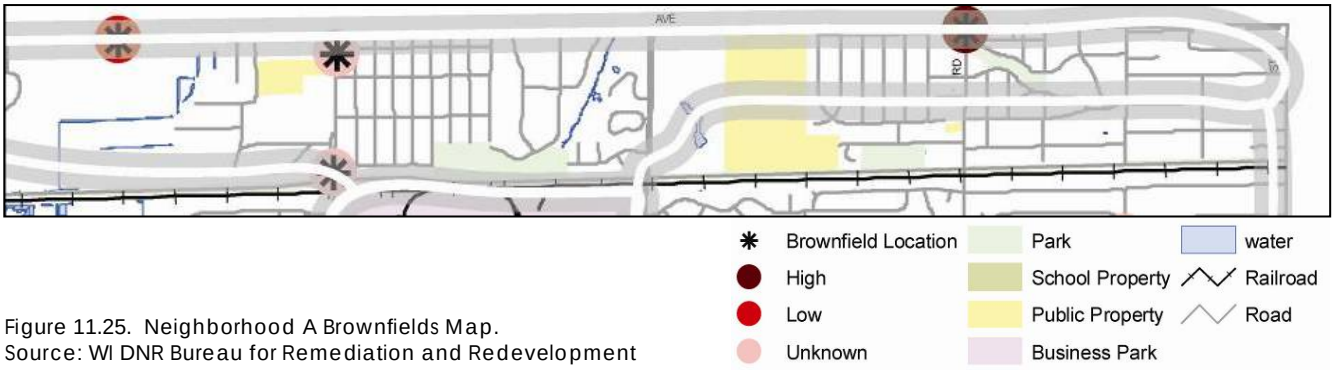


Figure 11.25. Neighborhood A Brownfields Map.
Source: WI DNR Bureau for Remediation and Redevelopment

Two brownfields are considered to have an unknown petroleum risk level:

- 1420 S. Calhoun Road; ERP
- 1810 S. Calhoun Road; LUST

The City should continue to follow the status of brownfield sites in the neighborhood as development activities take place on and around each site.

Recommendations

Economic development policies for the Greenfield Avenue corridor are largely guided by the 2002 Economic Development and Revitalization Plan. Based on recommendations in the Plan, development in Neighborhood A should foster a mix of small-scale retail and residential uses, with more intense uses and structures at major intersections.

The 2002 Economic Development and Revitalization Plan process hosted a series of visioning workshops to discuss desired businesses and industries with the New Berlin Economic Development Corporation, Focus New Berlin and the New Berlin Plan Commission. The following recommendations are based on the 2002 Plan and have been updated to reflect current desires for specific sites within Neighborhood A:

Key intersections should be developed or redeveloped to serve as gateways into New Berlin. Intersections can be divided into two types, primary and secondary, based on the intensity of development and the amount of traffic.

Primary intersections would have taller buildings and an increased intensity of development with buildings reinforcing the street edge. These areas could include institutional, civic, commercial,

and residential uses. ~~Small-scale retail could provide an opportunity for ground floor shops with upper-story residences.~~ Site layouts should include landscaping, sustainable features, and signage and/or banners to promote Greenfield Avenue as a major gateway to the city.

Primary intersections include:

- Intersection of Greenfield Avenue and Moorland Road.

Secondary intersections would have buildings reinforcing the street edge; however, the buildings would be a maximum of two to three stories, could be mixed use, and less intense. Site layouts should include landscaping, sustainable features, and gateway signage to promote Greenfield Avenue. Secondary intersections include:

- Intersection of Greenfield Avenue and Johnson Road.
- Intersection of Greenfield Avenue and Calhoun Road.
- Intersection of Greenfield Avenue and Sunny Slope Road.

Desired businesses within these areas, and along Greenfield Avenue in general, may include the following:

- Retail, including furniture, gardening, apparel, grocery stores, convenience stores, computers and electronic goods, and sporting goods.
- Finance-Insurance-Real Estate (FIRE), including law firms, real estate agencies, insurance agencies, brokers.
- Professional specialties including physicians offices, medical clinics, engineering, architectural, planning and surveying firms.
- Personal services are those services including dry cleaners, beauty salons, and other various personal services.
- Small arts and crafts studios and antique shops in older commercial areas, especially along both Greenfield Avenue and Sunny Slope Road, should be encouraged, including those small enough and adaptable enough to be “housed” in smaller mixed use buildings. For example, some small arts and crafts studios and shops could be located on the first floor of mixed residential/commercial buildings.
- Rural oriented cottage businesses, antiques, organic farms, and horticultural and landscaping firms with experimental gardens and arboretums on the City’s western half, generally the area west of Calhoun Road.
- Commercial gyms, fitness centers and businesses that cater to recreational and leisure-time activities.
- Eating and drinking establishments, including fine quality dining in close proximity to hotels and business parks.

HOUSING

Neighborhood A includes a variety of single-family subdivisions and multi-family options for residents. Sections of existing low-density multi-family or single-family should be maintained, with housing being permitted as part of mixed use developments.

- ~~Note:~~ Residential quarters are ~~now~~ allowed as an accessory use in the B-2, B-3 and B-5 districts. ~~per recent Zoning Code updates~~.

LAND USE

Neighborhood A represents a variety of land uses with urban housing at the eastern end, rural and environmental uses at the western end, and commercial scattered throughout the corridor. A mix of uses should be maintained and enhanced as indicated on the Future Land Use Map located in Chapter 10.

Recommendations

- Continue the development of housing within established subdivisions.
- Maintain small-scale commercial and residential areas throughout the corridor. Larger-scale commercial and institutional uses should be located at "primary" intersections: (e.g. where Greenfield Avenue traverses Moorland Road) to serve as prominent gateways into New Berlin.
- Encourage stronger landscaping on all corners at the intersection of Greenfield Avenue with Sunny Slope Road.
- Allow lands zoned as A-1 to be transitional agricultural uses.
- Encourage the preservation of natural resources and allow these areas to serve as linkages throughout the neighborhood.
- ~~Two parcels along Greenfield Avenue and S. Johnson Road have been changed from Suburban Commercial to Rural Commercial to better fit with the character of the area. These recommendations were incorporated into the initial Future Land Use Map adopted in 2009.~~

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT:	**Dan Romnek on behalf of Mandel Group & City of New Berlin / Rezoning**
LOCATION:	**1750 S. Moorland Road (includes Tax Key #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992)**
REQUEST:	**Request to rezone the properties located at 1750 S. Moorland Road (includes Tax Key #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) from I-1 and C-2 to B-1/PUD (Planned Unit Development), Rm-1/PUD, I-1/PUD, C-2 & I-1.**
D.R.C. RECOMMENDATION:	**Public hearing, no action.**

<u>DETAILS IN ATTACHED STAFF REPORT:</u>

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

Meetings of July 10, 2023

Dan Romnek on behalf of Mandel Group & City of New Berlin / Rezoning
1750 S. Moorland Road (includes Tax Key #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992)

DATE STAFF REPORT PREPARED: June 6, 2023

APPLICANT / OWNER(S): Dan Romnek on behalf of Mandel Group & City of New Berlin / Highland Memorial Park

REQUEST / DESCRIPTION OF PROJECT: Request to rezone the properties located at 1750 S. Moorland Road (includes Tax Key #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) from I-1 and C-2 to B-1/PUD (Planned Unit Development), Rm-1/PUD, I-1/PUD, C-2 & I-1.

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 5/12/23

DATE OF COMPLETENESS DETERMINATION: 5/12/23

PRE-APPLICATION CONFERENCE HELD: Yes
Date(s) of Meeting(s): Numerous meetings
Site Visit(s): 6/22/2023

CONCEPTUAL PLAN: A 4-Lot CSM has been submitted (See File # LD-2300812).

SIZE OF DEVELOPMENT / PARCEL(S): 44.5814 Acres

CURRENT ZONING: I-1 (Institutional District) & C-2 (Shoreland Wetland Holding District)

CURRENT LAND USE: Vacant

PROPOSED LOT SIZES: Applicant has filed a separate application for a 4-Lot CSM (See File # LD-2300812).

Lot 1:	6.5281 Acres
Lot 2:	21.1075 Acres
Lot 3:	6.1258 Acres
Outlot 1:	10.8200 Acres

PROPOSED ZONING: Applicant has filed a separate application for a 4-Lot CSM (See File # LD-2300812).

Lot 1:	B-1/PUD (Shopping Center District)
Lot 2:	Rm-1/PUD& C-2 (Multi-Family Residential District)
Lot 3:	I-1/PUD & C-2 (Institutional District)
Outlot 1:	I-1/PUD & C-2 (Institutional District)

PROPOSED LAND USE: Applicant has filed a separate application for a 4-Lot CSM (See File # LD-2300812).

Lot 1:	Commercial
Lot 2:	Multi-Family
Lot 3:	Senior Living Facility
Outlot 1:	Part of Highland Memorial Park Cemetery

PROPOSED DENSITY: See attached PUD and Applicant's packet.

ADJACENT ZONING AND LAND USE:

North:	Zoning: Commercial	Land Use: City of Brookfield (Bank & Commercial)
South:	Zoning: I-1 & R-4	Land Use: Rail Road Easement and New Berlin Bike Trail Residential
East:	Zoning: B-1/I-1	Land Use: Walmart & Highland Memorial Park Cemetery
West:	Zoning: B-1/PUD/Rm-1/R-4	Land Use: Vacant Commercial/Deer Creek Apartments/Brookridge Condominiums & Moorland Highlands Subdivision

Conformance with Comprehensive Plan and Municipal Code: Yes
Chapter 11: Neighborhood A: Greenfield Avenue:

Planning Context / Vision / Development Policies:

Vision:

- *Greenfield Avenue will be a mixed commercial and residential corridor, and shall act as a gateway to the northern area of New Berlin. The eastern half of the corridor should foster a more urban mix of uses, while the western half should encourage a mix of rural commercial, residential, and environmental features.*

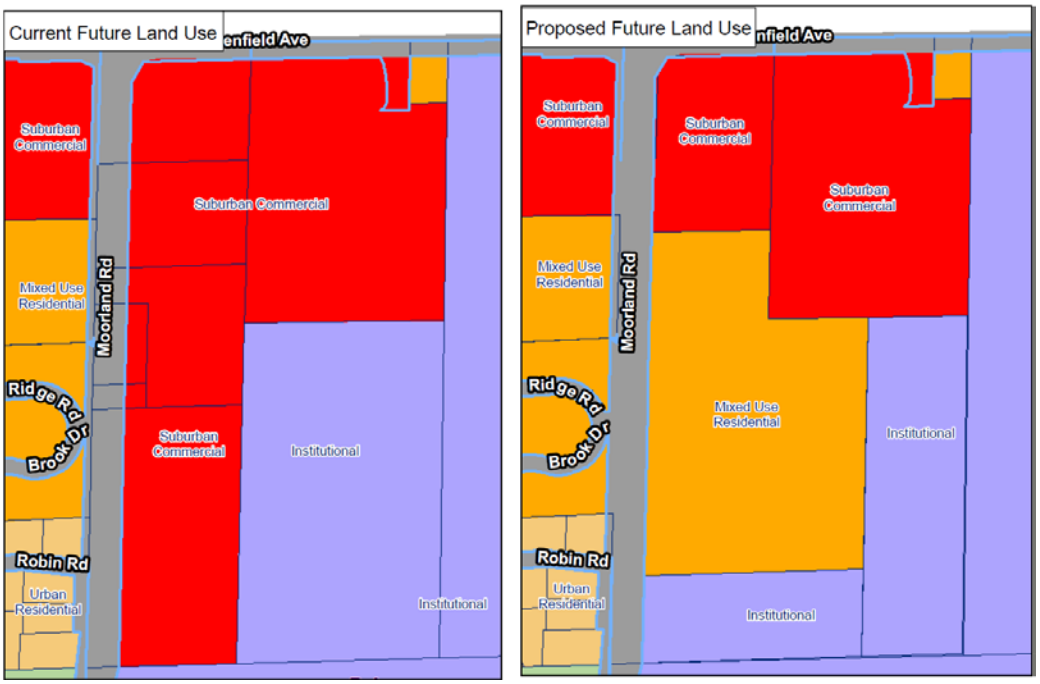
Development Policies:

- *Create development standards for site layout, building character, and landscaping that are suitable for new development along the corridor.*
- *Tighten non-conforming lot, structure, and use standards, and require compliance with landscaping regulations. Phase out non-conforming commercial uses over time.*
- *Recognize the Greenfield Avenue and Moorland Road primary intersection as a major gateway into the city from the north. Encourage signature well-designed buildings that are compatible with surrounding areas including recent development across the street in the City of Brookfield.*
- *Site development should include prominent signage, increased landscaping, sustainable strategies for stormwater management, and methods to minimize the parking field, such as structured parking.*
- *Address flooding and localized drainage issues along the eastern portion of the neighborhood.*
- *Encourage land combinations that accommodate future development options.*

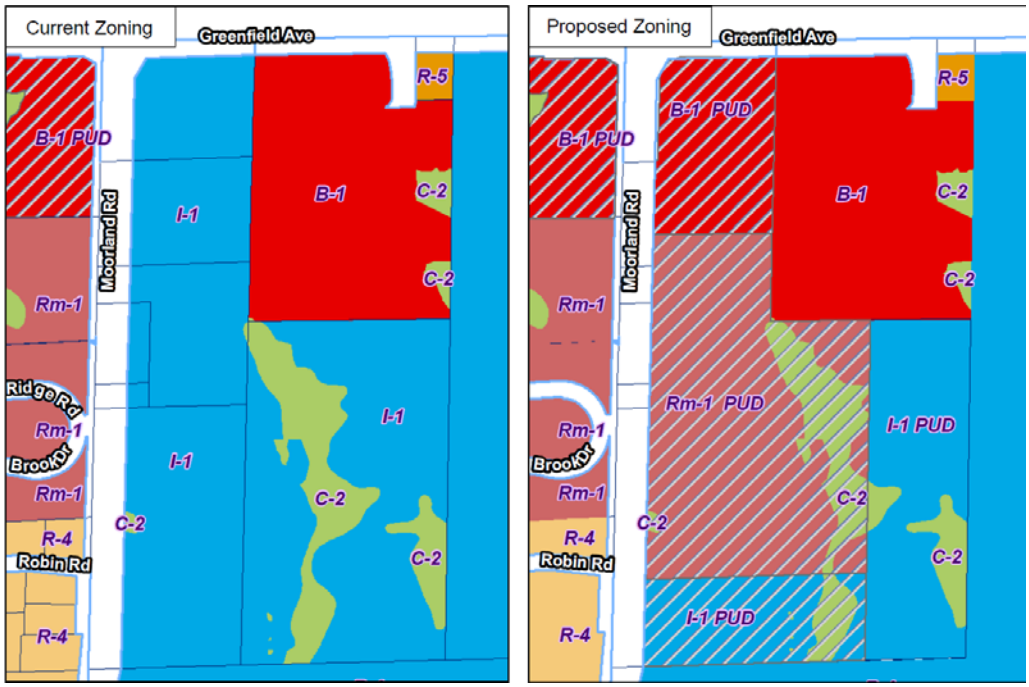
Land Use:

- *Current Future Land Use Map:* Suburban Commercial

- *<u>2030 Future Land Use Map Suggestion:</u>* Suburban Commercial, Mixed Residential and Institutional with a Planned Unit Development Overlay (See File #: CP-2300808)



- The corresponding zoning districts are B-*1/PUD (Shopping Center District / Mandel PUD), Rm-1/PUD (Multiple-Family Residential District / Mandel PUD), I-1/PUD (Institutional District / Mandel PUD) & I-1*



<u>ZONING CODE (Chapter 275)</u>: Yes, with the attached proposed PUD Ordinance, this request would meet the requirements of Sections 275-33B(10), 275-34B(1), 275-36B(1) & 275-37B(4) of the Zoning Code.

DEVELOPMENT CODE (CHAPTER 235): N/A

REZONING REQUIRED: Yes

CONDITIONAL USE REQUIRED: No

PUBLIC HEARING REQUIRED: Yes

USE / SITE / ARCHITECTURAL REVIEW:
Use Approval Required: A conceptual Use Approval Application File #: UA-2300419 was reviewed at the April 13, 2023 Plan Commission meeting. Separate Use, Site and Architecture applications will be required for each use and proposed development.
Site Plan Required: Yes, see attached CSM.
Architectural Review Required: Not at this time, however conceptual information has been shared for the residential portion of this development as part of the conceptual review and as part of this PUD Rezoning request.

PROPOSED ARCHITECTURE: Not at this time, however conceptual information has been shared for the Residential portion of this development as part of the conceptual review and as part of this PUD Rezoning request.

UNIQUE SITE CHARACTERISTICS:
Environmental Corridor: Yes, Isolated Natural Resource Area.
Wetland On Property: Yes, Wetlands shall be registered on eh City's Zoning Map.
Conservancy Districts (C-1, C-2): Yes, C-2
NRCS Map Classification: Not Inventoried
Floodplain: No
Topography / Geologic: Site is overall fairly flat however the current owner has filled and added berms over the years. This is why the contours appear to look like berms on the topography map.

BIKE & PEDESTRIAN FACILITIES PLAN: As part of the PUD Ordinance and Development Agreement for this project, the applicant is proposing to install and maintain a sidepath along the length of their development. This was an important issue that residents brought up during the conceptual review of the project at the Neighborhood Meeting held on April 10, 2023 and at the Plan Commission Meeting on April 13, 2023.

PARK & OPEN SPACE PLAN: No improvements identified.

NATURAL RESOURCES PROTECTION:
Limits of Disturbance (LOD): Shown on the conceptual plans and will be required to be shown on the future Use, Site and Architectural application submittals.
Wildlife Habitat Protection: Will be reviewed at the future Use, Site and Architectural application submittals.
Wildlife Management Plan: Will be reviewed at the future Use, Site and Architectural application submittals.

ENVIRONMENTAL IMPACT: Will be reviewed at the future Use, Site and Architectural application submittals. A tree inventory has been submitted and staff will continue to work with the applicant on any replacements at the time of Use, Site and Architecture applications.

STORMWATER 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 full report will be reviewed at the future Use, Site and Architectural application submittals.

SANITARY SEWER PROVISION:
Within Current Sewer Service Area: Yes
Basin Capacity Available: Yes
Adequate Linkage: Yes
Onsite System Required: No

WATER USAGE CALC.: Will be reviewed at the future Use, Site and Architectural application submittals. The Utility Department has reviewed the project conceptually and there is adequate supply for this project.

TRAFFIC IMPACT: A Traffic Impact Study dated June 15, 2023 has been submitted to the City of New Berlin and Waukesha County. This study is under review by Waukesha County. Comments are anticipated soon regarding the overall study, in particular Exhibit 6-1, Conceptual Drawing Recommended Modifications, Scenario 2.

SCHOOL DISTRICT IMPACT: Yes
Notice Sent to Affected School District(s): Will be sent with future applications.

PREVIOUS ACTION:
Past Action on projects that did not move forward:

	ProHealth submitted a plan for a large medical building on this site. This project never moved forward.
6/29/2017	Continental Properties submitted a concept plan for a mixed use development. It was reviewed by the Plan Commission and a Neighborhood Meeting was held.

Recent Action:

4/10/2023	Neighborhood Meeting regarding concept plan.
4/13/2023	Plan Commission review of concept plan.
4/25/2023	Common Council reviewed an RAS for the potential sale of City property located at 1640 S. Moorland Road / Tax Key # 1158-989 (along Moorland Road across from Robin Trial).

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

1. The rezoning must meet the following criteria outlined in New Berlin Municipal Code Chapter 275-22(F):

    a. The proposed rezoning is consistent with the Comprehensive Plan and the stated purposes of Chapter 275;
    The Future Land Use map identifies this area as Suburban Commercial. The applicant has filed a separate application for a Comprehensive Plan Amendment (See File #: CP-2300808) to amend the Future Land Use Map within the City's Comprehensive Plan (Chapter 10 – Land Use and Chapter 11 – "Neighborhood A") from Suburban Commercial to Suburban Commercial, Mixed Residential and Institutional with a Planned Unit Development Overlay.

    b. Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;
    Yes, the proposed rezoning is compliant. This property will be served by public sanitary sewer and water facilities.

    c. Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of the City to provide them;
    Yes, the proposed rezoning is compliant.

d. The proposed development has taken into account impacts on surrounding properties or the natural environment, including air, water, noise, storm water management, soils, wildlife, and vegetation;
Yes, the proposed rezoning is compliant. Any future developments shall be required to submit a separate application with the Department of Community Development. A full storm water report along with utility plans and civil engineering plans will be reviewed at the future Use, Site and Architectural application submittals.

e. The land proposal for rezoning is suitable for development and will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas;
Yes, the proposed rezoning is compliant.

f. The proposed rezoning will not be used to legitimize, or "spot zone," a nonconforming use or structure; and
No, it will not be a spot zoning. It will be consistent with the Future Land Use Map within the Comprehensive Plan, as proposed to be amended with application # CP-2300808.

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

2. The applicant has simultaneously applied for a Comprehensive Plan Amendment (see file #: CP-2300808) and 4-Lot CSM (see file #: LD-2300812). Action for these applications is anticipated for a future Plan Commission meeting.
3. There is a parcel of land located at 1640 S. Moorland Road / Tax Key # 1158989 (along Moorland Road across from Robin Trial) that the City would like to coordinate with the Developer as part of the PUD to sell the land to the developer and have the developer create City of New Berlin gateway signage.
4. The applicant is requesting a PUD for the following reasons:
    a. Increased density for the multi-family and senior living developments.
    b. Parking reductions.
    c. Setbacks
    d. Greenspace
    e. Sidepath along Moorland Road

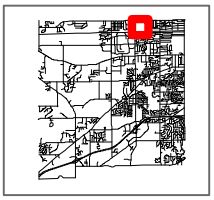
D.R.C. RECOMMENDATION: Public hearing, no action. **See Executive Summary.**

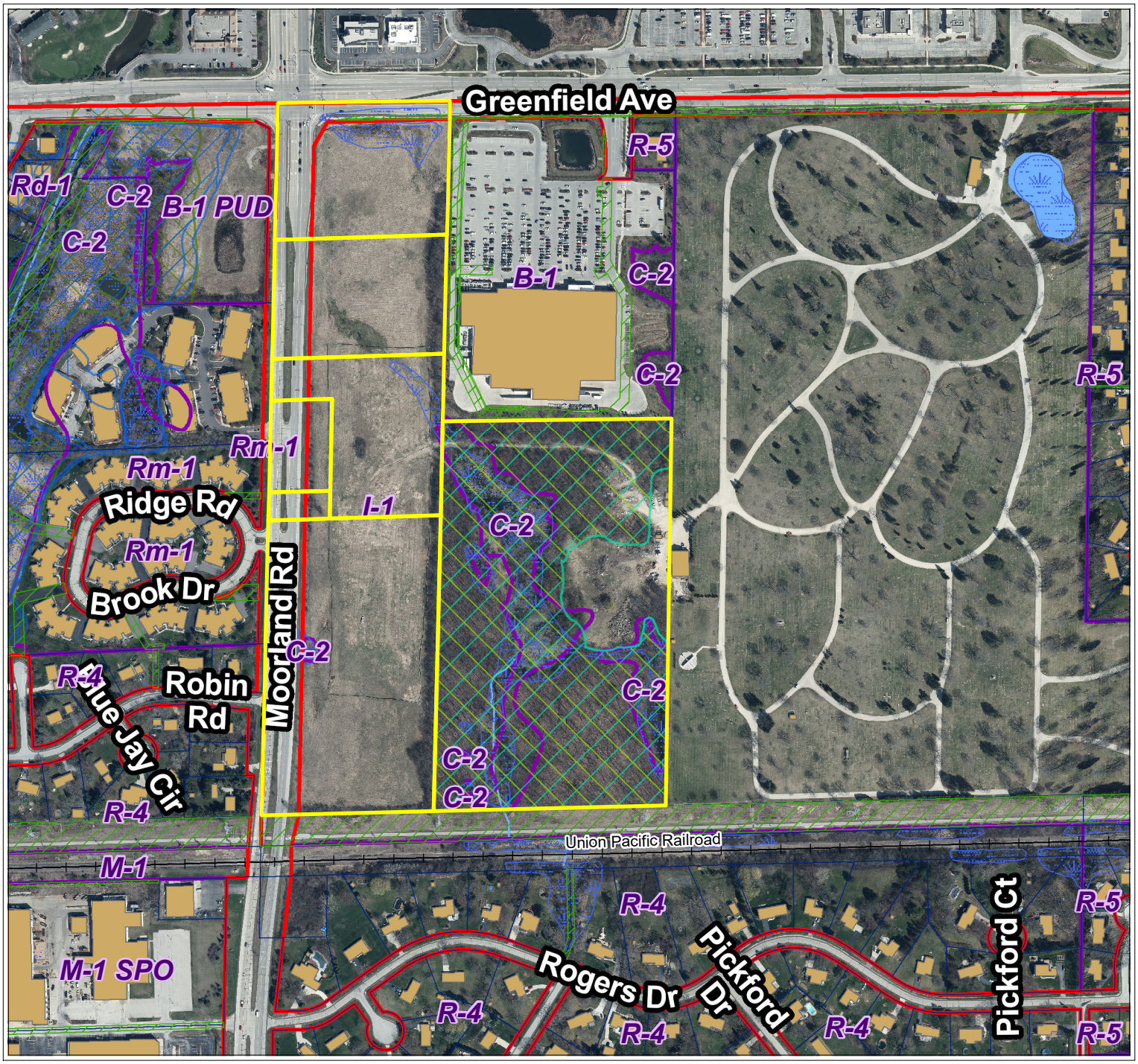
ATTACHMENTS:

Location Map
Rezoning Comparison Map
Future Land Use Comparison Map
Applicant Letter
Concept Master Plan & Associated Documents
DRAFT Traffic Exhibit 6-1
Draft PUD Ordinance

CP-2300808, RZ-2300810 & LD-230012
Mandel Development
1750 S. Moorland Road
Tax Key #'s: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & 1158-992

City of New Berlin
Community Development





Legend

- Parcels
- Road Right-of-Way

Floodplain DFIRM (FEMA 2014)

Flood Zone

- FEMA DFIRM - Zone A
- FEMA DFIRM - Zone AE
- FEMA DFIRM - 0.2% Annual Chance
- Zoning Boundaries

Zoning Wetland Registration

Wetland Registration Type

- Registered Wetland
- Outside Wetland

Environmental Corridor

Corridor Type

- Isolated Natural Resource Area
- Primary Environmental Corridor
- Secondary Environmental Corridor
- Wetland

Sewer Service Area (MMSD)

Sewershed

- Current
- Ultimate

N

0 175 350 Feet

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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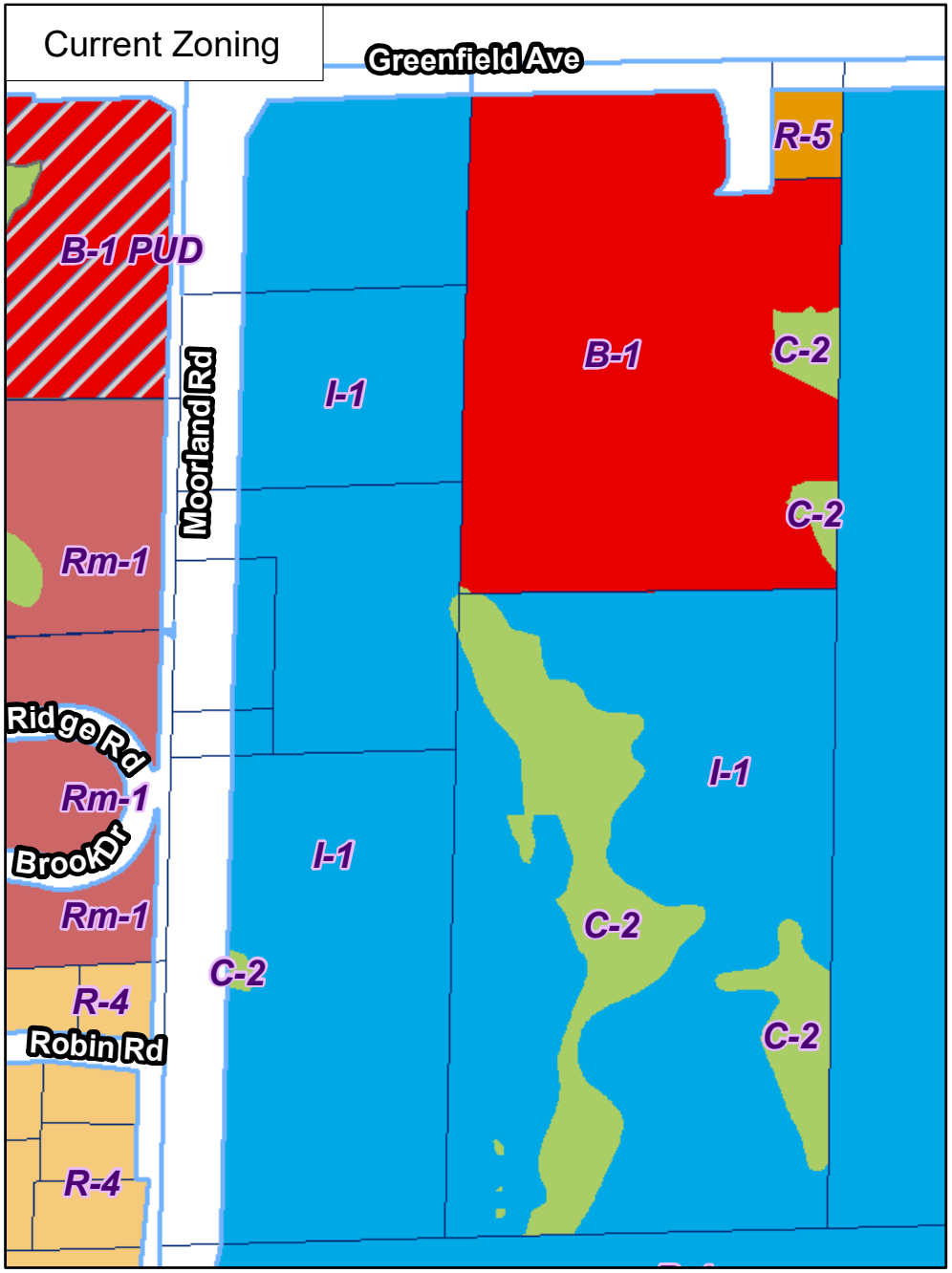
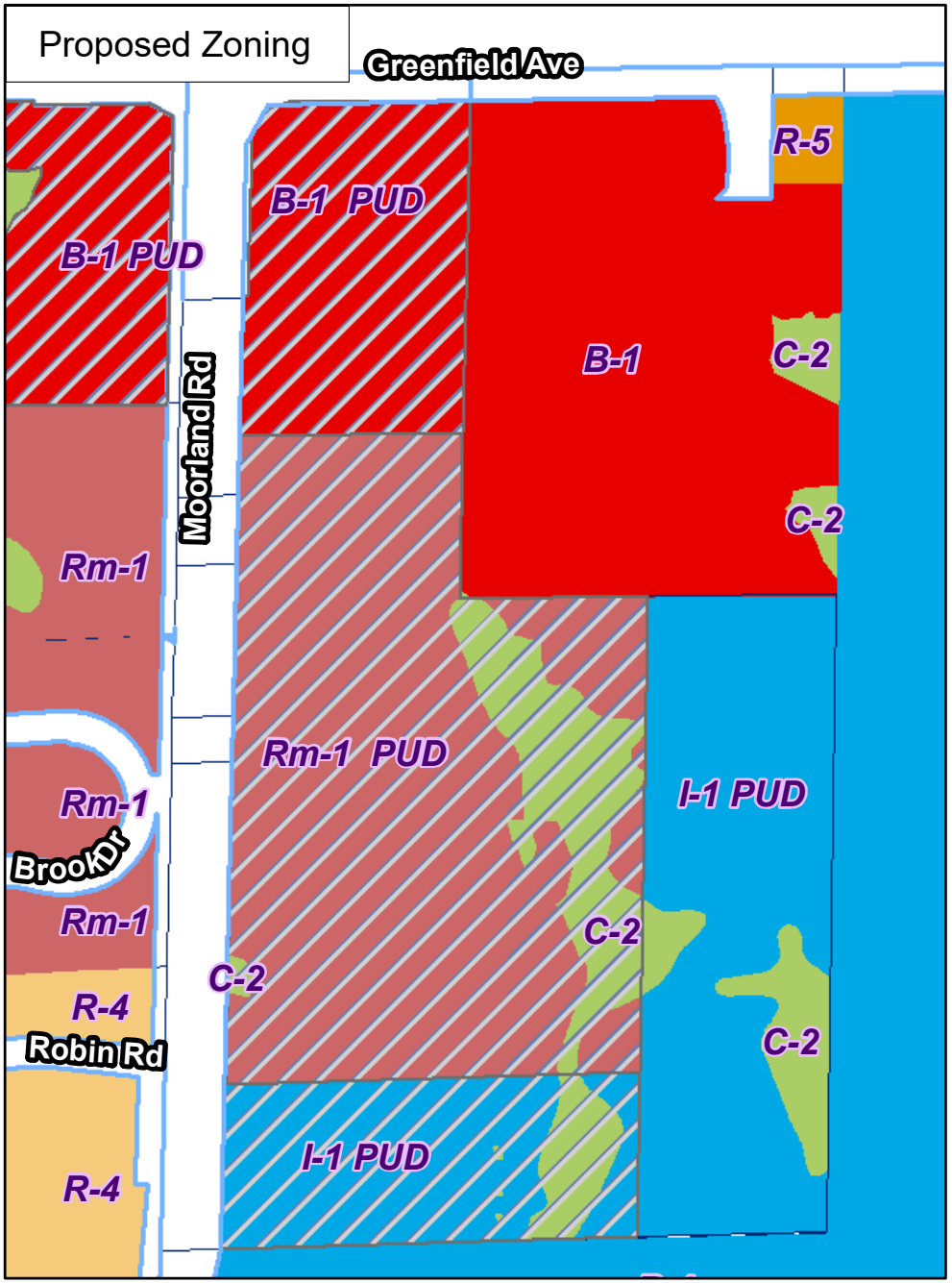
Map Printed: 5/30/2023 3:14:28 PM





City of New Berlin
Community Development

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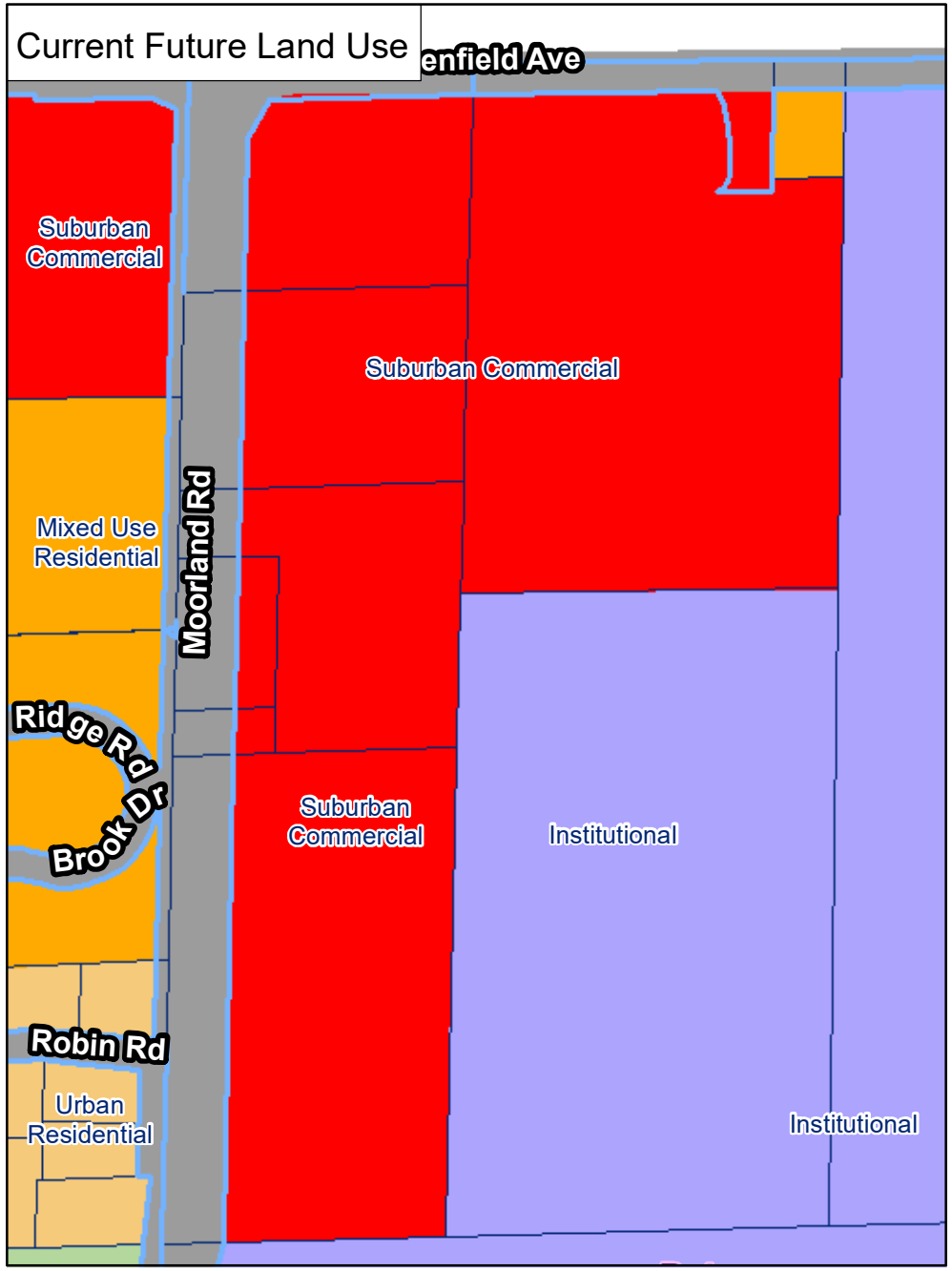
RZ--2300810
Mandel PUD Rezone
1750 S. Moorland Rd

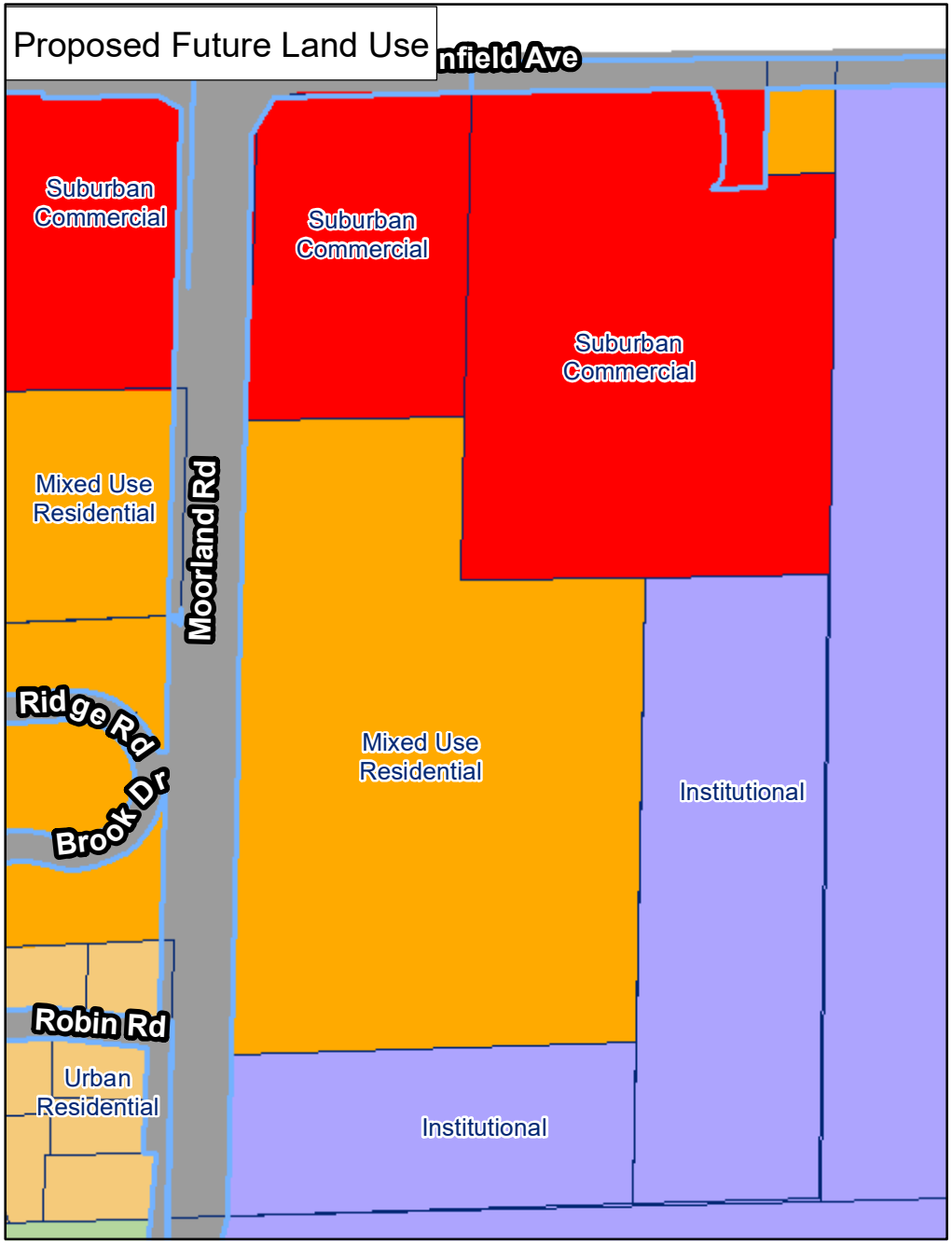
Taxkeys:1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & portion of 1158-992

Legend
Parcels
Road Right-of-Way

N

0 170 340 Feet
9





City of New Berlin
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CP--2300808
Mandel
1750 S. Moorland Rd

Taxkeys:1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & portion of 1158-992

Legend
Parcels
Road Right-of-Way

N

0 170 340 Feet
10

MANDEL GROUP

330 East Kilbourn Avenue
Suite 600 South
Milwaukee, Wisconsin 53202
414 . 347 . 3600
mandelgroup.com

April 21, 2023

City of New Berlin
Department of Community Development
3805 S. Casper Drive,
New Berlin, WI 53151

RE: Mandel Group, Inc.
New Berlin Multifamily – Moorland Rd. and Greenfield Ave.

Mandel Group, Inc. **("Mandel")** is requesting that the Plan Commission and Common Council consider a Certified Survey Map (CSM), Comprehensive Plan Amendment, and Rezoning of the land at the southeast corner of Moorland Road and Greenfield Avenue, more particularly described in Exhibit A, for a mixed-use project including retail, multi-family, and senior living.

Development Summary

Mandel is proposing a mixed-use project on the southeast corner of Moorland Road and Greenfield Avenue, which includes a mix of retail uses on the corner, multi-family residential, and senior housing. This project responds to desired uses by the City, residents, and interested developers. By approving the items below in a Planned Unit Development, the City will ensure a cohesive, master-planned project that fits within the context of the immediate surrounding areas and New Berlin as a whole.

Certified Survey Map

The Certified Survey Map, included as Exhibit B, consolidates all or a portion of 6 existing parcels (NBC 1158990, NBC 1158991001, NBC 1158993, NBC 1158994, NBC 1158991, and a portion of NBC 1158992) into 3 new parcels and one outlot. The three new parcels are divided by use to include a ~6.5-acre parcel (Lot 1), a ~20.9-acre parcel (Lot 2), and a ~6.1-acre parcel (Lot 3). The outlot (Outlot 1) is ~10.8 acres and will be retained by Highland Memorial Park (cemetery - existing owner).

Along with the CSM, Mandel is requesting that the Comprehensive Land Use Plan be amended, and Zoning be changed to reflect the intended uses outlined below.

Comprehensive Land Use Plan Amendment

The current Land Use for this site is Suburban Commercial Mandel is requesting that the Comprehensive Land Use Plan be amended as follows:

- Lot 1 (6.5 acres): Suburban Commercial
- Lot 2 (20.9 acres): Mixed-Use Residential
- Lot 3 (6.1 acres): Institutional
- Outlot 1 (10.8 acres): NO CHANGE

There is currently a City-owned parcel (NBC 1158989) that is approximately 0.4 acres along Moorland Road. Mandel is proposing that this parcel be included in the PUD and zoned RM-1. Mandel and the City will negotiate a swap of this parcel in exchange for Mandel installing City of New Berlin signage along Moorland Road.

These Land Use designations align with the site plan, included as Exhibit C, and also align with the requested Zoning change as outlined below.

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Suite 600 South
Milwaukee, Wisconsin 53202
414 . 347 . 3600
mandelgroup.com

Zoning

Mandel is requesting that the zoning for this site be updated under the Planned Unit Development (PUD) ordinance per the included Exhibit D. The underlying zoning districts align with the intended uses of retail, multi-family, and senior living. By utilizing a PUD, the city is permitted to allow for departures from the underlying zoning code to provide a cohesive, master-planned development with uses, design, and site layouts that complement and enhance each other. I've included a zoning comparison as Exhibit E that identifies the zoning requirements and any requested departures from the underlying zoning, summarized here:

- Retail – PUD / B-1 Shopping District
  - Uses
    - Code: Currently allows for a car wash
    - Proposed: Specifically allow for a car wash
    - Rationale: There is significant interest in this site by several car wash operators. After discussion with staff and the alderperson, we are requesting the PUD allow for a car wash. The location of such car wash may be restricted to exclude the hard corner and will be required to obtain site plan approval through the normal City approval process, where design, location, and screening will be specified.
  - Wetland Setback
    - Code: 10 feet
    - Proposed: 0 feet to pavement, 30 feet to buildings
    - Rationale: To provide a connection between the retail and multi-family, the road at the southwest corner of retail parcel will likely be within 10 feet of the pocket wetland west of WalMart. This connection is critical to provide the necessary full access off Moorland Road for the retail patrons.
- Multi-family – PUD / RM-1 Multiple Family Residential
  - Uses: Accessory Garages
    - Code: Not Specified
    - Proposed: Allow for Accessory Garages, Clubhouse
    - Rationale: The code does not specifically address accessory structures. Mandel proposes that the PUD specifically allows for Accessory Garages and a Clubhouse.
  - Density
    - Code: 7 units per acre
    - Proposed: 10 units per acre
    - Rationale: In order fully utilize the site, we are proposing a density slightly higher than existing code. This density is significantly less than other multi-family projects near the site and slightly higher than the Brookridge Condos (7.5 units / acre) on the west side of Moorland.
  - Setbacks: Side yard
    - Code: 15 feet
    - Proposed: 15 feet to building, 12 feet to porches, stoops, balconies
    - Rationale: To provide for appropriate circulation and access, the buildings are situated such that the buildings respect the 15-foot setback, but the attached porches, stoops, and/or balconies extend roughly 3 feet off of the building. This happens in one location on the site at building SF-6 on the south property line, abutting the new senior housing parcel.
  - Setbacks: Wetlands

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        - Code: 30 feet
        - Proposed: 30 feet to buildings, 15 feet to sidewalks
        - Rationale: Similar to the side yard setback, the buildings are situated to provide appropriate and necessary circulation and access on the site. As the site is constrained with wetlands on the east, north and portions of the west side of the multifamily parcel, we are respecting the 30-foot setback with our buildings, but the sidewalk access to the unit entries in the rear of the building encroach into the 30-foot setback. Our civil engineer discussed this condition with the DNR, who indicated that it would be allowed with a requirement to treat the stormwater runoff from the sidewalks prior to draining into the wetlands. There are several options to accomplish this, and we will work with the DNR to obtain their approval of the sidewalk design.
    - Building Separation
        - Code: 30 feet
        - Proposed: 15 feet
        - Rationale: There are a few locations on the site where the distance between buildings is between 15 and 20 feet. These primarily occur at the utility rooms, with distance between units at least 20 feet in all locations. To achieve the appropriate circulation, access, and setbacks, a slightly reduced building separation is required.
    - Parking: Attached Parking Stalls
        - Code: 1 stall per unit
        - Proposed: 0.7 attached stalls per unit, 0.3 detached & covered parking stalls per unit
        - Rationale: We intend to provide 1 covered stall per unit. We are requesting the PUD allow for the covered parking to be accomplished with a combination of attached and detached covered parking stalls. The footprint of the building does not allow for 1 attached stall per unit. This also provides a price-sensitive resident with the option to select a unit without an attached garage and use a surface stall as we do not charge for surface stalls.
    - Parking: Total Stalls
        - Code: 2.0 stalls per unit
        - Proposed: 1.7 stalls per unit
        - Rationale: Mandel currently manages over 4,500 units and has access to parking usage data at similar, suburban developments. That data reflects parking provided between 1.2 and 1.6 stalls per unit and parking usage between 1.0 and 1.3 stalls per unit. Our goal is to provide adequate parking but not overpark the site, which would result in unused garage or surface parking lots that would take away from the green space planned for the site. A chart of parking ratios is included as Exhibit F.
- Senior Living – PUD / I-1 Institutional
    - Permitted Uses
        - Code: Allows for Community Living, Assisted Living, does not address Independent Living senior housing
        - Proposed: Specifically allow for Independent Living
        - Rationale: The purpose of the senior housing is to provide a continuum of care. This includes independent living (minimal services), assisted living, and memory care / dementia care. This has been a successful model for many senior housing

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developers as it provides residents options to begin their residency in independent living and stay on the same campus as their needs become greater.

- Setbacks: Front
  - Code: 50 feet
  - Proposed: 25 feet
  - Rationale: The purpose of this request is two-fold. First, as the site is constrained to the east with wetlands, providing flexibility for the site plan will be important to design the buildings in a way that makes sense for the operations plan. Additionally, this setback is in alignment with the RM-1 setback requirement for the parcel directly to the north and provides consistency with relation to the setback along Moorland throughout the development.
- Setbacks: Side yard
  - Code: 50 feet
  - Proposed: 5 feet
  - Rationale: This will allow for flexibility in designing the access drive-lane which is pinched due to the wetlands along Moorland and could cause vehicle stacking issues at the entrance if the angle of access is too tight. The existing tree line would remain and be supplemented by additional landscaping screening to the south. Additionally, the nearest house is more than 300 feet from the property line, with power lines, rail line, and trail which prevents development between the two uses.
- Parking:
  - Code: 1 stall per unit, additional 10% of total for guest parking
  - Proposed: 0.75 stalls per unit plus 1 stall per employee during peak shift turnover.
  - Rationale: This parking ratio is appropriate given the use of the site. Memory Care residents are not allowed to drive. The parking need for Assisted Living residents is minimal. This ratio is consistent with similar senior housing developments. Additionally, 1 stall per employee during peak shift turnover will be provided.

Wetlands

There are significant amounts of wetlands on the site. Attached is the Wetland Delineation that was prepared by Heartland Ecological Group in August of 2022. Also attached is the Artificial Wetland Exemption Decision Letter from the WDNR as Exhibit H and the Approved Jurisdictional Determination (AJD) by the US Army Corps of Engineers.

Sincerely,
MANDEL GROUP, INC.

Dan Romnek
Development Associate
dromnek@mandelgroup.com

330 East Kilbourn Avenue
Suite 600 South
Milwaukee, Wisconsin 53202
414 . 347 . 3600
mandelgroup.com

Enclosures:	Exhibit A	New Berlin Master Plan
	Exhibit B	Certified Survey Map
	Exhibit C	Proposed Comprehensive Land Use Plan
	Exhibit D	Proposed Zoning Map
	Exhibit E	Zoning Comparison
	Exhibit F	Multifamily Parking Ratios
	Exhibit G	Wetland Delineation Map
	Exhibit H	WDNR Artificial Wetland Exemption Decision Letter
	Exhibit I	USACE Approved Jurisdictional Determination Letter

NOTE:
ALL SITE INFORMATION CONTAINED IN THIS CONCEPTUAL SITE PLAN – INCLUDING PROPERTY BOUNDARIES, WETLANDS, FLOOD PLANES, EASEMENTS, ETC.– HAVE BEEN ACQUIRED THROUGH PUBLICLY AVAILABLE INFORMATION. JLA ARCHITECTS DOES NOT GUARANTEE THE ACCURACY OR COMPLETENESS OF THIS INFORMATION. AS THE PROJECT PROGRESSES, OWNER SHALL OBTAIN A CURRENT, COMPLETE, AND ACCURATE SITE SURVEY.

JLA ARCHITECTS

MOORLAND & GREENFIELD MIXED-USE DEVELOPMENT

CONCEPTUAL MASTERPLAN

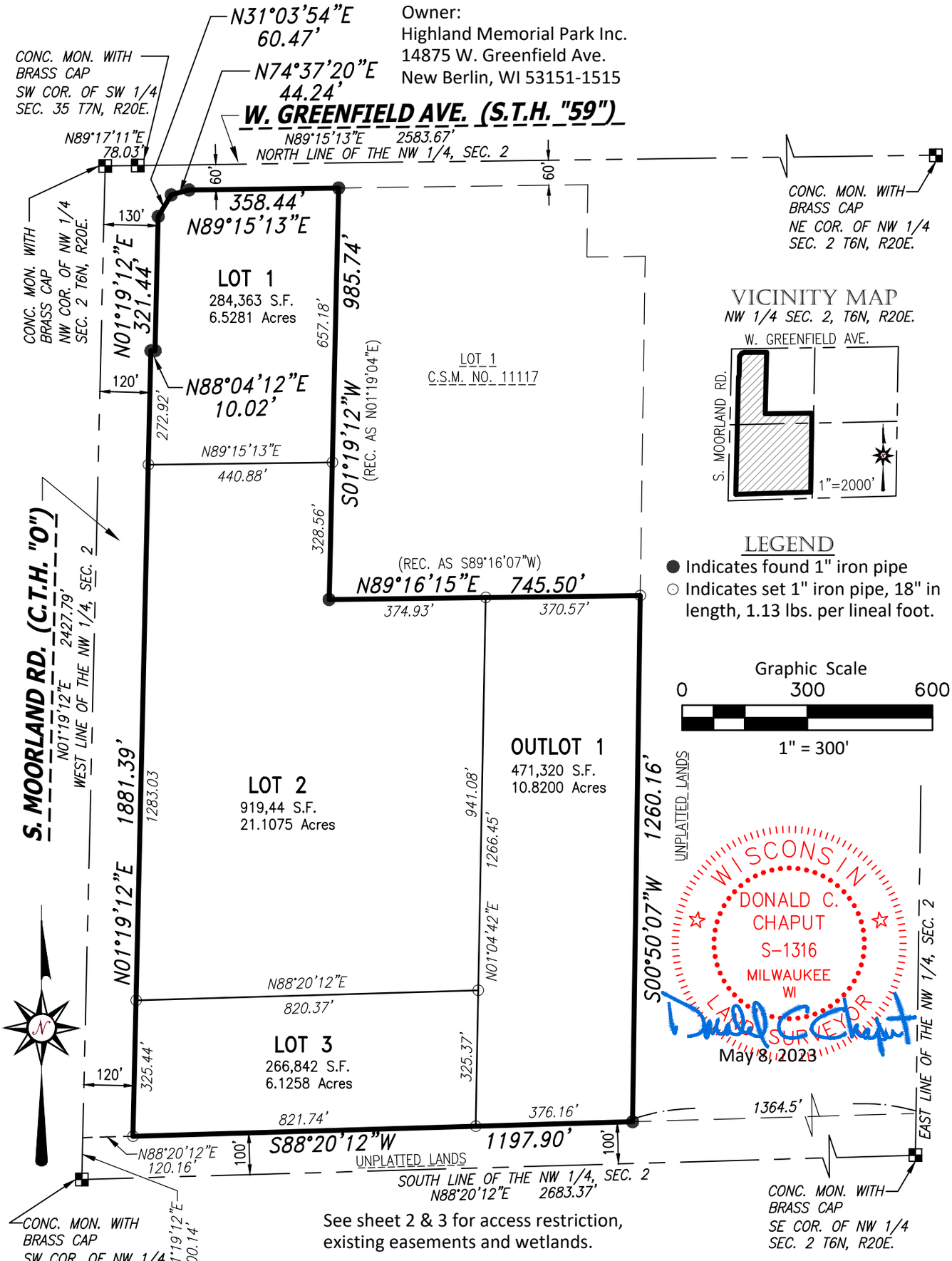
MARCH 10, 2023

1"=160' @ 11x17

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

Owner:
Highland Memorial Park Inc.
14875 W. Greenfield Ave.
New Berlin, WI 53151-1515



See sheet 2 & 3 for access restriction, existing easements and wetlands.

Bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone (NAD 83/2011) in which the West line of the Northwest 1/4 of Section 2 bears N01°19'12"E.

CHAPUT LAND SURVEYS
234 W. Florida Street
Milwaukee, WI 53204
414-224-8068
www.chaputlandsurveys.com

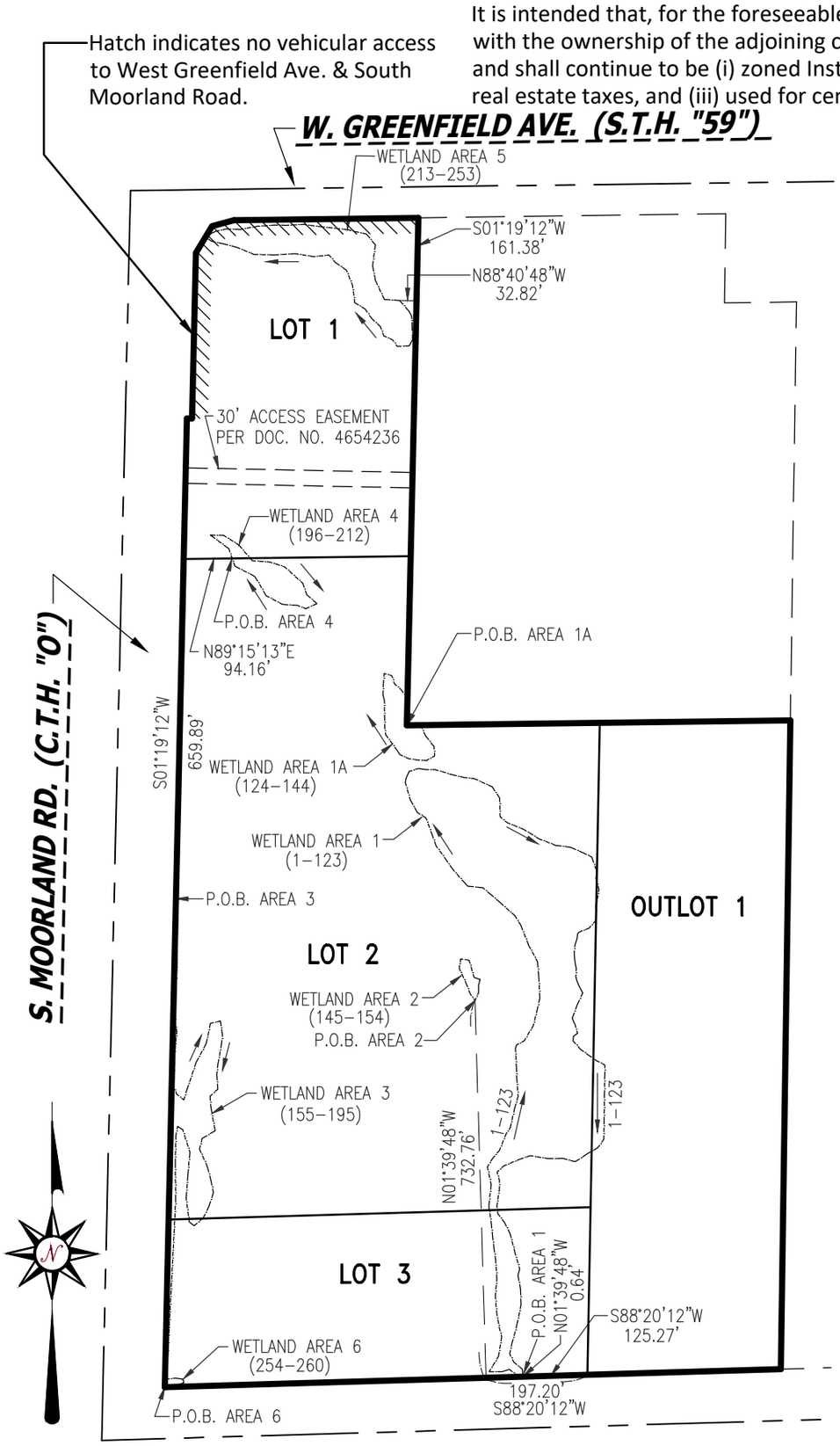
This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 1 of 6 Sheets

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

Note: Access to Outlot 1 shall be provided by separate document. It is intended that, for the foreseeable future, Outlot 1 shall remain with the ownership of the adjoining cemetery property to the east, and shall continue to be (i) zoned Institutional, (ii) exempt from real estate taxes, and (iii) used for cemetery purposes.



Graphic Scale

0 300 600

1" = 300'

WISCONSIN
DONALD C. CHAPUT
S-1316
MILWAUKEE
WI
LAND SURVEYOR

May 8, 2023

CHAPUT LAND SURVEYS
234 W. Florida Street
Milwaukee, WI 53204
414-224-8068
www.chaputlandsurveys.com

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 2 of 6 Sheets

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

WETLAND AREA 1

LINE	BEARING	DIST.
L1	N85°40'45"W	9.00'
L2	N53°56'37"W	21.58'
L3	S72°04'50"W	14.82'
L4	N89°14'18"W	25.28'
L5	N31°47'03"E	34.40'
L6	N09°13'48"E	38.96'
L7	N15°07'01"W	15.10'
L8	N10°31'35"W	30.27'
L9	N04°41'38"W	34.91'
L10	N05°14'17"E	34.31'
L11	N04°11'45"W	36.86'
L12	N08°36'18"W	20.98'
L13	N05°43'06"W	26.23'
L14	N06°22'27"W	20.87'
L15	N07°52'20"W	37.00'
L16	N06°30'03"E	41.90'
L17	N12°11'39"W	34.47'
L18	N30°19'11"E	19.35'
L19	N41°03'09"E	20.56'
L20	N21°26'49"E	33.84'
L21	N34°02'07"E	15.41'
L22	N12°55'23"E	38.75'
L23	N16°19'23"E	24.25'
L24	N04°35'17"W	30.68'
L25	N02°02'40"W	26.15'
L26	N03°23'55"W	35.56'
L27	N18°22'30"E	7.88'
L28	N61°46'30"E	16.31'
L29	N31°14'06"E	34.17'
L30	N14°13'25"E	30.12'
L31	N12°46'32"E	25.20'
L32	N02°47'07"W	42.49'
L33	N05°01'44"W	28.00'
L34	N27°50'52"W	36.06'
L35	N21°28'56"W	42.73'
L36	N32°13'09"W	21.84'
L37	N48°12'19"W	36.88'
L38	N49°57'21"W	29.18'
L39	N48°40'44"W	16.20'
L40	N84°16'55"W	29.27'
L41	N44°42'38"W	9.72'
L42	N40°58'52"W	36.37'
L43	N34°43'43"W	22.31'
L44	N35°26'58"W	31.32'
L45	N20°08'31"W	25.25'
L46	N20°20'31"W	36.49'
L47	N58°09'42"W	19.82'
L48	N29°26'41"W	27.39'
L49	N16°12'08"W	35.26'
L50	N10°37'45"E	8.95'
L51	N23°45'27"E	14.61'
L52	N73°26'51"E	18.75'
L53	S83°20'41"E	14.78'
L54	S89°24'13"E	18.00'
L55	S73°04'36"E	35.01'
L56	S77°00'03"E	23.44'
L57	S84°19'50"E	19.20'
L58	S65°22'54"E	38.68'
L59	S33°29'17"E	26.56'
L60	S01°12'23"E	35.99'
L61	S49°37'35"E	17.77'

WETLAND AREA 1 CONTINUED

LINE	BEARING	DIST.
L62	S68°06'17"E	34.55'
L63	S58°15'10"E	34.93'
L64	S68°36'30"E	35.73'
L65	S83°09'41"E	28.84'
L66	S64°43'34"E	45.22'
L67	S19°54'01"E	28.99'
L68	S07°22'30"W	14.36'
L69	S15°52'33"E	22.28'
L70	S11°11'10"W	31.28'
L71	S01°53'21"E	21.86'
L72	S13°08'14"W	9.79'
L73	S42°39'22"W	17.12'
L74	S67°51'00"W	21.39'
L75	S39°19'28"W	3.91'
L76	S07°24'58"W	8.99'
L77	S17°39'52"W	13.39'
L78	S06°00'59"W	15.38'
L79	S05°21'43"E	21.69'
L80	S12°16'45"E	9.95'
L81	S02°44'39"W	15.07'
L82	S11°39'47"E	7.87'
L83	S22°12'23"E	12.05'
L84	S29°25'35"E	14.68'
L85	S25°39'29"W	23.60'
L86	S20°27'52"W	29.73'
L87	S23°57'46"E	14.97'
L88	S15°39'07"E	15.98'
L89	S53°34'08"W	9.83'
L90	S04°05'57"W	9.17'
L91	S41°24'20"E	21.82'
L92	S54°30'41"E	21.25'
L93	S55°33'33"E	17.70'
L94	S61°58'51"E	17.53'
L95	S00°51'12"W	57.85'
L96	S00°51'13"W	49.21'
L97	S00°51'12"W	37.09'
L98	S35°50'42"W	20.14'
L99	S59°58'58"W	24.79'
L100	S56°34'33"W	26.91'
L101	N74°55'10"W	25.11'
L102	S89°24'39"W	29.37'
L103	N80°18'48"W	34.22'
L104	S71°10'47"W	20.57'
L105	S67°10'30"W	34.96'
L106	S47°27'45"W	17.25'
L107	S16°07'58"E	16.33'
L108	S00°46'54"E	16.91'
L109	S09°00'53"W	33.18'
L110	S06°49'31"E	15.63'
L111	S37°15'58"E	20.99'
L112	S27°02'39"E	24.55'
L113	S14°08'30"E	39.63'
L114	S16°42'20"E	31.22'
L115	S14°25'44"W	13.51'
L116	S10°45'31"E	27.62'
L117	S01°31'41"E	29.15'
L118	S11°09'47"W	39.66'
L119	S15°08'18"W	37.23'
L120	S12°41'40"W	21.41'
L121	S26°34'38"E	18.34'
L122	S49°55'12"E	21.23'
L123	S06°00'02"E	13.96'

WETLAND AREA 1A

LINE	BEARING	DIST.
L124	N89°16'15"E	27.08'
L125	S24°20'06"E	22.95'
L126	S38°18'39"E	26.62'
L127	S04°00'42"E	18.15'
L128	S61°08'14"W	18.50'
L129	N86°32'49"W	18.00'
L130	N82°30'38"W	16.34'
L131	N64°17'32"W	19.10'
L132	N33°25'05"W	10.15'
L133	N35°57'49"W	37.16'
L134	N08°00'40"W	15.68'
L135	N00°32'18"W	17.35'
L136	N00°26'50"W	32.95'
L137	N13°57'33"W	12.68'
L138	N02°37'38"E	22.22'
L139	N05°07'49"E	18.65'
L140	S74°13'33"E	15.17'
L141	S18°33'40"E	17.34'
L142	S49°27'36"E	17.62'
L143	S35°27'41"E	19.59'
L144	S01°19'12"W	52.51'

WETLAND AREA 2

LINE	BEARING	DIST.
L145	N35°21'09"W	16.68'
L146	N20°42'37"W	20.55'
L147	N24°52'25"W	32.68'
L148	N08°29'20"E	18.61'
L149	S81°25'05"E	16.54'
L150	S16°10'34"E	35.29'
L151	S74°11'37"E	11.92'
L152	S14°32'03"W	11.38'
L153	S00°00'17"E	14.37'
L154	S23°24'00"W	17.32'

WETLAND AREA 3

LINE	BEARING	DIST.
L155	S07°20'49"E	11.69'
L156	S00°29'46"E	66.02'
L157	S00°28'28"W	66.39'
L158	S05°15'54"W	65.67'
L159	S07°08'56"E	49.63'
L160	S05°41'09"W	45.86'
L161	S02°03'09"W	58.27'
L162	S20°42'16"E	18.17'
L163	S51°54'21"E	17.81'
L164	N18°08'58"E	76.54'
L165	N28°00'51"E	41.42'
L166	N11°44'07"E	39.82'
L167	N75°51'42"E	20.11'
L168	S08°47'56"E	26.90'
L169	S05°59'40"W	15.29'
L170	S09°39'06"W	44.24'
L171	S06°12'34"W	18.58'
L172	S03°22'47"E	28.85'
L173	S47°20'45"W	20.14'
L174	S04°18'48"E	23.31'
L175	S10°19'22"E	44.45'
L176	S59°10'45"W	29.64'
L177	S12°40'22"W	21.02'
L178	S24°01'08"E	36.80'
L179	S14°10'48"E	29.73'
L180	S12°13'50"E	22.36'
L181	S18°22'08"W	28.75'
L182	S26°19'28"W	24.72'
L183	S49°50'11"W	23.42'
L184	N51°01'45"W	12.08'
L185	N07°14'41"W	47.16'
L186	N04°21'57"E	44.64'
L187	N05°05'36"E	44.36'
L188	N17°42'12"W	45.44'
L189	N55°12'02"W	11.86'
L190	S11°34'43"W	18.24'
L191	S01°22'56"W	53.19'
L192	S00°43'01"E	71.29'
L193	S02°53'22"W	301.58'
L194	S36°27'13"W	8.15'
L195	N01°19'12"E	892.31'

WETLAND AREA 4

LINE	BEARING	DIST.
L196	N19°38'07"W	20.13'
L197	N53°29'10"W	44.25'
L198	S88°30'14"E	25.58'
L199	S57°33'15"E	34.98'
L200	S41°23'04"E	40.38'
L201	S85°19'45"E	34.51'
L202	S71°38'53"E	30.16'
L203	S47°34'54"E	46.92'
L204	S19°02'52"E	23.69'
L205	S49°11'33"E	26.05'
L206	S65°48'22"W	23.51'
L207	N68°03'30"W	17.35'
L208	N86°16'33"W	29.20'
L209	N61°54'11"W	35.77'
L210	N30°15'58"W	43.38'
L211	N63°00'52"W	43.41'
L212	N19°38'07"W	16.21'

WETLAND AREA 5

LINE	BEARING	DIST.
L213	S41°17'37"E	27.36'
L214	S28°41'58"E	10.29'
L215	S03°37'59"E	18.61'
L216	S01°54'18"E	28.64'
L217	S30°56'55"W	13.24'
L218	S87°14'32"W	23.04'
L219	N34°33'06"W	15.54'
L220	N66°37'22"W	18.65'
L221	N20°28'43"W	19.73'
L222	N46°50'20"W	23.71'
L223	N34°14'16"W	20.57'
L224	N57°28'35"W	24.72'
L225	N07°47'33"W	35.28'
L226	N22°05'23"W	30.37'
L227	N55°45'14"W	25.55'
L228	N40°27'54"W	19.46'
L229	S84°24'23"W	31.56'
L230	N80°04'46"W	34.07'
L231	S86°31'07"W	42.87'
L232	N88°16'25"W	38.38'
L233	N67°31'59"W	36.08'
L234	N75°39'46"W	27.98'
L235	N78°11'46"W	21.72'
L236	N57°41'36"W	9.26'
L237	N11°15'12"W	4.06'
L238	N47°42'31"E	9.25'
L239	N64°43'15"E	12.04'
L240	N78°42'32"E	18.38'
L241	S88°48'47"E	27.98'
L242	N79°52'10"E	34.48'
L243	N85°56'14"E	30.99'
L244	S89°24'40"E	24.07'
L245	N87°15'21"E	34.45'
L246	S82°30'29"E	34.36'
L247	S83°31'19"E	51.16'
L248	S76°59'54"E	38.10'
L249	S39°33'59"E	27.48'
L250	S07°50'34"W	40.67'
L251	S11°03'34"E	29.22'
L252	S25°07'46"E	40.76'
L253	S86°27'57"E	29.76'

WETLAND AREA 6

LINE	BEARING	DIST.
L254	N01°19'12"E	13.13'
L255	N90°00'00"E	2.92'
L256	N84°40'05"E	16.41'
L257	S83°28'10"E	14.92'
L258	S11°14'23"E	7.42'
L259	S71°54'22"W	25.21'
L260	S88°20'12"W	13.20'

WISCONSIN
DONALD C. CHAPUT
S-1316
MILWAUKEE
WI
LAND SURVEYOR

May 8, 2023

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 3 of 6 Sheets

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN}
:SS
MILWAUKEE COUNTY}

I, DONALD C. CHAPUT, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, which is bounded and described as follows:
COMMENCING at the Southwest corner of said Northwest 1/4 Section; thence North 00°19'12" East along the West line of said Northwest 1/4 Section, 100.14 feet to a point; thence North 88°20'12" East 120.16 feet to a point on the East line of South Moorland Road and the point of beginning of lands hereinafter described; thence North 01°19'12" East along said East line 1881.39' to a point; thence North 88°04'12" East along said East line 10.02 feet to a point; thence North 01°19'12" East along said East line 321.44 feet to a point; thence North 31°03'54" East along said East line 60.47 feet to a point; thence North 74°37'20" East along said East line 44.24 feet to a point on the South line of West Greenfield Avenue; thence North 89°15'13" East along said South line 358.44 feet to a point on the West line of Lot 1 of Certified Survey Map No. 11117; thence South 01°19'12" West along said West line 985.74 feet to a point on the South line of said Lot 1; thence North 89°16'15" East along said South line 745.50 feet to a point; thence South 00°50'07" West 1260.16 feet to a point 100 feet North of the South line of said 1/4 Section; thence South 88°20'12" West along a line which is parallel to and 100 feet North of said South line 1197.90 feet to the point of beginning.

Said lands contains 1,941,970 square feet, or 44.5815 acres.

THAT I have made the survey, land division and map by the direction of HIGHLAND MEMORIAL PARK INC., owners.

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

THAT I have fully complied with Chapter 236 of the Wisconsin Statutes and the Land Division Regulations of the City of New Berlin in surveying, dividing and mapping the same.

May 8, 2023
DATE

WISCONSIN
DONALD C. CHAPUT
S-1316
MILWAUKEE
WI
LAND SURVEYOR

Donald C Chaput
DONALD C. CHAPUT
PROFESSIONAL LAND SURVEYOR S-1316

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 4 of 6 Sheets

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

STATE OF WISCONSIN}
:SS
WAUKESHA COUNTY}

HIGHLAND MEMORIAL PARK INC., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, certifies that said corporation caused the land described on this Certified Survey Map to be surveyed, divided and mapped as represented on this map or plat in accordance with the subdivision regulations of the City of New Berlin and Chapter 236 of the Wisconsin Statutes.

HIGHLAND MEMORIAL PARK INC., does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of New Berlin.

IN WITNESS WHEREOF, the HIGHLAND MEMORIAL PARK INC. has caused these presents to be signed by the hand of _____ , on this _____ , day of _____, 2023.

HIGHLAND MEMORIAL PARK INC.

By: _____

Its: _____

STATE OF WISCONSIN}
:SS
COUNTY}

Personally came before me this ___ day of _____, 2023, _____, the _____ of the above named corporation, to me known as the person who executed the foregoing instrument and acknowledged that he/she executed the foregoing instrument as such officer on behalf of entity, by its authority.

Notary Signature: _____

Notary Name: _____

Notary Public, State of _____. My commission expires: _____

(Notary Seal)

WISCONSIN
DONALD C.
CHAPUT
S-1316
MILWAUKEE
WI
LAND SURVEYOR

May 8, 2023

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 5 of 6 Sheets

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

PLANNING COMMISSION CERTIFICATE OF APPROVAL

APPROVED by the Planning Commission of the City of New Berlin on this ____day of _____, 2023.

_____
DAVE AMENT, CHAIRPERSON / MAYOR

_____
NIKKI JONES, SECRETARY

COMMON COUNCIL CERTIFICATE OF APPROVAL

APPROVED by the Common Council of the City of New Berlin in accordance with the Resolution adopted on this _____ day of _____, 2023

_____
DAVE AMENT, COUNCIL PRESIDENT

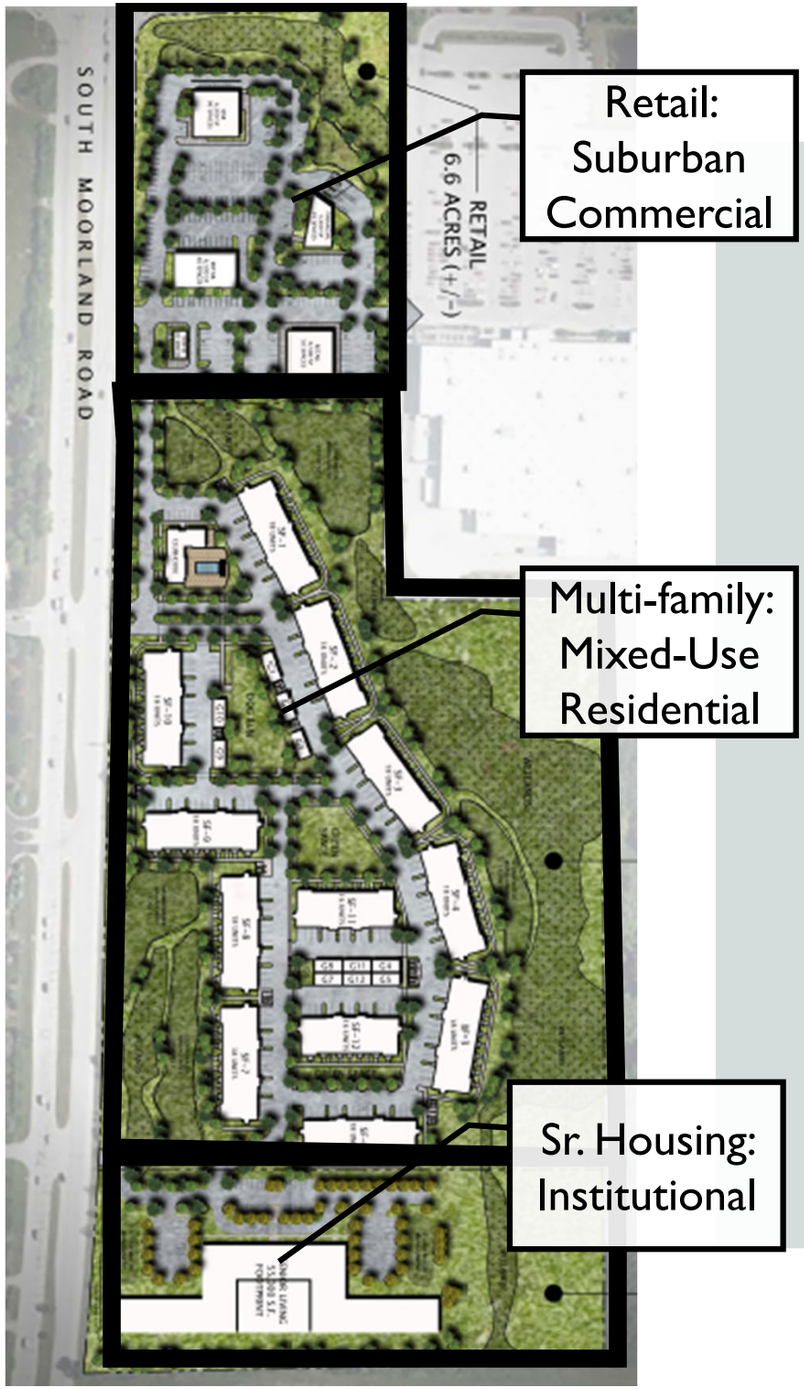
_____
GEORGIA STANFORD , CITY CLERK

WISCONSIN
DONALD C. CHAPUT
S-1316
MILWAUKEE
WI
LAND SURVEYOR

May 8, 2023

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 6 of 6 Sheets



COMPREHENSIVE LAND USE PLAN

Future Land Use Plan (current)

- Suburban Commercial

Future Land Use Plan (proposed)

- Retail: Suburban Commercial
- Multi-family: Mixed-Use Residential
- Senior Housing: Institutional

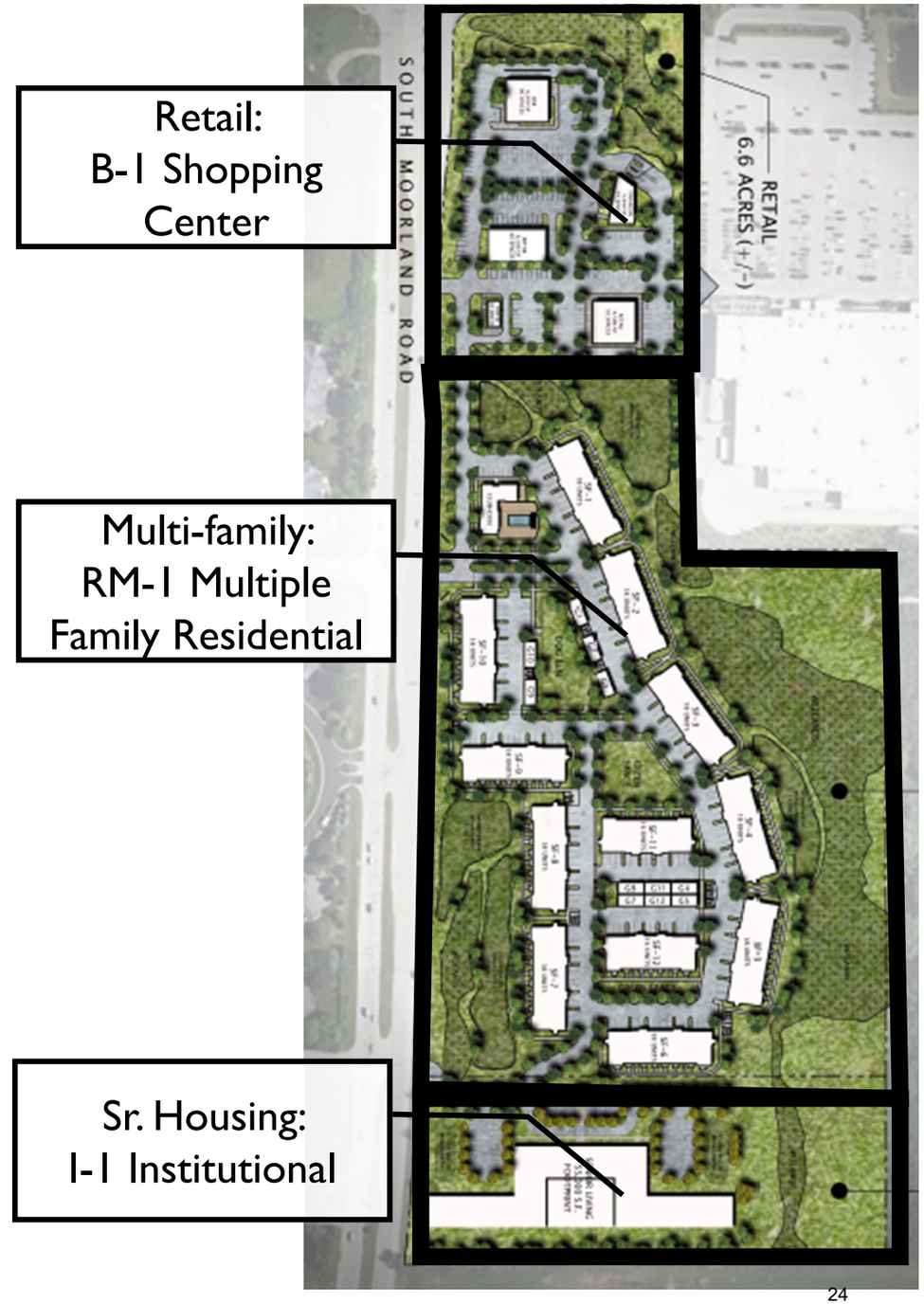
ZONING

Current Zoning

- The Entire parcel is currently zoned I-1 Institutional

Proposed Zoning

- Retail Parcel: (B1) Shopping Center / PUD
  - Approximately 6.5 acres
  - Commercial development with a range of uses that could include retail, service, restaurant, financial institution
- Multi-Family Parcel: (RM-1) Multiple Family Residential / PUD
  - Approximately 20.9 acres
  - Multi-family development with approximately 218 units
  - Wooded and wetland areas south of Walmart to be preserved
- Senior Living Parcel: (I-1) Institutional / PUD
  - Approximately 6.1 acres
  - Senior housing development with approximately 150 units including Independent Living, Assisted Living, and Memory Care



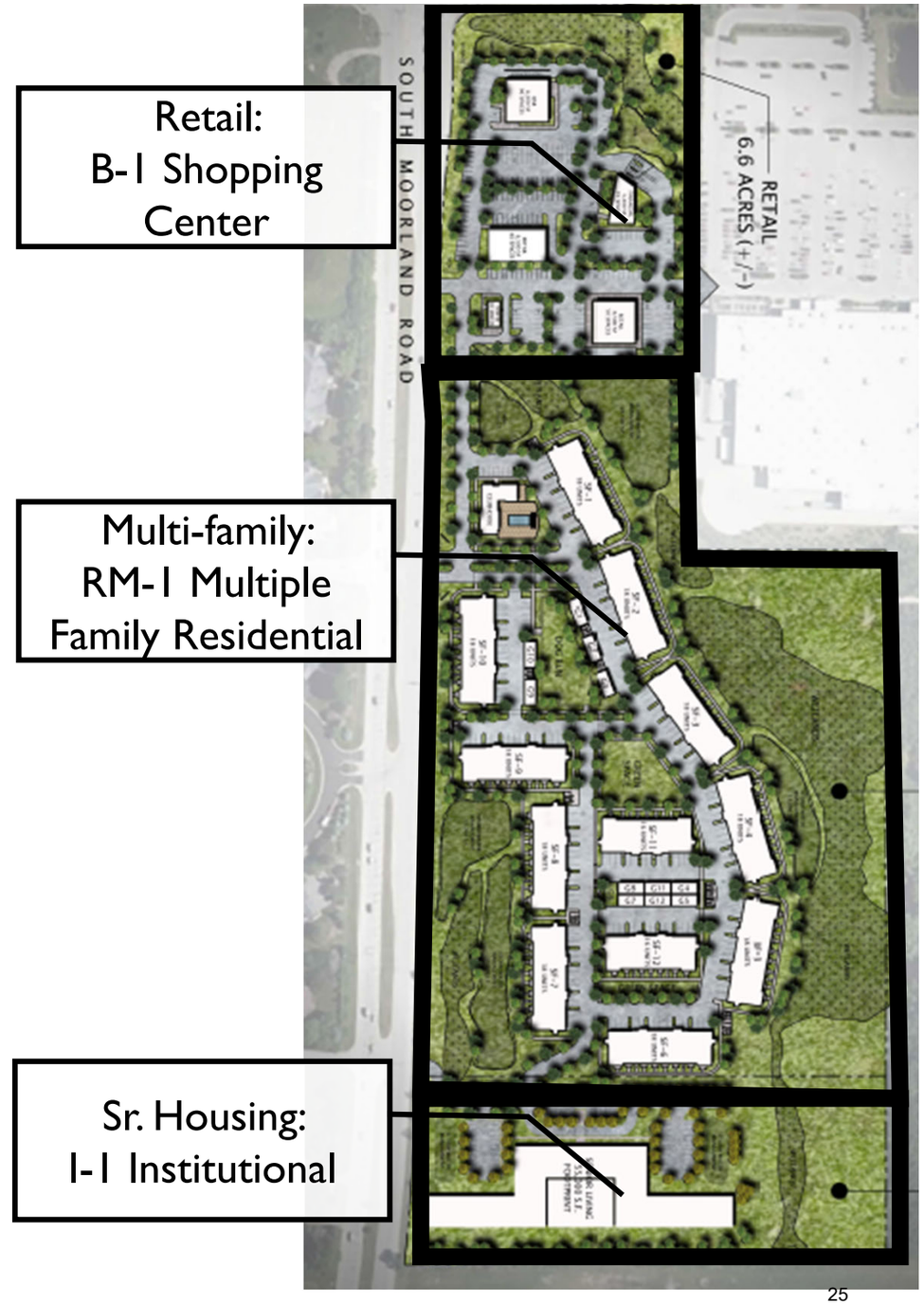
ZONING

Current Zoning

- The Entire parcel is currently zoned I-1 Institutional

Proposed Zoning

- Retail Parcel: (B1) Shopping Center / PUD
  - Approximately 6.5 acres
  - Commercial development with a range of uses that could include retail, service, restaurant, financial institution
- Multi-Family Parcel: (RM-1) Multiple Family Residential / PUD
  - Approximately 20.9 acres
  - Multi-family development with approximately 218 units
  - Wooded and wetland areas south of Walmart to be preserved
- Senior Living Parcel: (I-1) Institutional / PUD
  - Approximately 6.1 acres
  - Senior housing development with approximately 150 units including Independent Living, Assisted Living, and Memory Care



New Berlin / Moorland Road - Retail Parcel

CONCEPT DESIGN & ZONING INFORMATION

JLA ARCHITECTS

REGULATION	USES	DENSITY	MINIMUM LOT AREA	MINIMUM LOT WIDTH	SETBACKS					LOT COVERAGE			MINIMUM FLOOR AREA	BLDG. HEIGHT		BUILDING SEPARATION	PARKING	
					FRONT	SIDE	REAR	OHMW	WETLANDS	BLDG COVERAGE	IMPERVIOUS	LANDSCAPE		MIN.	MAX.		TOTAL	BIKE
B-1 Zoning District Shopping Center District	Variety of Commercial Uses Permitted, Conditional, Accessory		Neighborhood Centers 3 Acres 130,680 s.f. Community Centers 10 Acres 435,600 s.f. Internal Lots 40,000 s.f. 0.92 Acres	200 ft.	Moorland 40 ft. Minimum	25 ft. Minimum	25 ft. Minimum	50 ft. Minimum	All Impervious Surfaces 10 ft. Minimum	50% Maximum	75% Maximum	25% Minimum	Not Specified	None	35 ft. Hotels 35 ft.	Not Specified	Varies By Use	
Current Retail Design Acres: 6.6 Aggregate Commercial Square Feet: 25,000	To Be Determined Car Wash??		Parcel 287,496 s.f.	650' (+/-) (at Moorland)	85 ft. (Minimum)	40 ft. (Minimum)	60 ft. (Minimum)	Not Applicable	0 ft. Minimum (To Pavement) 30 ft. Minimum (To Buildings)	Footprint x (+/-) #VALUE! Building Coverage	Impervious x (+/-) #VALUE! Impervious Coverage	Landscape x (+/-) #VALUE! Landscape Coverage	To Be Determined			Not Applicable	To Be Determined	

New Berlin / Moorland Road - Multi-Family Parcel

CONCEPT DESIGN & ZONING INFORMATION

JLA ARCHITECTS

REGULATION	USES	DENSITY	MINIMUM LOT AREA	MINIMUM LOT WIDTH	SETBACKS					MAXIMUM LOT COVERAGE	MINIMUM FLOOR AREA	BLDG. HEIGHT		BUILDING SEPARATION	USABLE OPEN SPACE	UNIT SIZES				OFF-STREET PARKING			
					FRONT	SIDE	REAR	SHORE	WETLANDS			MIN.	MAX.			STUDIOS	1BR	2BR	3BR	ATTACHED	TOTAL	GUEST	BIKE
RM-1 Zoning District Multiple Family Residential District Web Link: RM-1 Zoning	Multi-Family = Permitted Accessory Garages = Accessory [?] Amenity Uses = Not specified Not closer than 120 feet to single family residential lands	Maximum of 7 units per zoned acre	Larger of: 6,500 s.f. per unit OR 20,000 s.f.	120 ft.	Moorland 25 ft. Minimum	15 ft. Minimum	50 ft. Minimum	50 ft. Minimum	All Impervious Surfaces 30 ft. Minimum	Not Specified	2000 s.f. per building	None	35 ft. To Midpoint	30 ft. Minimum	Not Specified	500 s.f. Minimum	650 s.f. Minimum	800 s.f. Minimum	1000 s.f. Minimum	1.0 Per Unit (Minimum) Part of Total	2.0 Per Unit (Minimum) Plus Guest	1 per 10 units (Minimum)	None
Current Multi-Family Design Acres: 21.4 Units: 212	Multi-Family Residential Accessory Garages Clubhouse: Amenity Space/Leasing	9.9 Units per acre	Parcel 932,184 s.f. 4,397 s.f. per unit	945' (+/-) and 1275' (+/-) (at street)	25 ft. (Minimum) (not signs)	15 ft. (Building) 12 ft. (Porch/Stoop)	50 ft. (Minimum)	Not Applicable	15 ft. Minimum (To Sidewalks) 30 ft. Minimum (To Buildings)		Clubhouse 4,000 s.f. Stacked Flats 10,000 s.f. 12,000 s.f.		35 ft. To Midpoint	15 ft. Minimum		TBD - Will comply with RM-1 Zoning				Attached 0.7 Per Unit (Minimum) Detached 0.3 Per Unit (Minimum)	1.7 Per Unit (Minimum)	1 per 10 units (Minimum)	

New Berlin / Moorland Road - Senior Parcel

CONCEPT DESIGN & ZONING INFORMATION

JLA ARCHITECTS

REGULATION	USES	DENSITY	MINIMUM LOT AREA	MINIMUM LOT WIDTH	SETBACKS					LOT COVERAGE			MINIMUM FLOOR AREA	BLDG. HEIGHT		BUILDING SEPARATION	UNIT SIZES				OFF-STREET PARKING			
					FRONT	SIDE	REAR	OHMW	WETLANDS	BLDG COVERAGE	IMPERVIOUS	LANDSCAPE		MIN.	MAX.		STUDIOS	1BR	2BR	3BR	ATTACHED	TOTAL	GUEST	BIKE
I-1 Zoning District Institutional District	Community Living = Permitted Assisted Living = Permitted	Not Specified	40,000 s.f.	200 ft.	Moorland 50 ft. Minimum	50 ft. Minimum	50 ft. Minimum	50 ft. Minimum	All Impervious Surfaces 30 ft. Minimum	50% Maximum	70% Maximum	30% Minimum	Not Specified	None	45 ft. To Midpoint	Not Specified	Not Specified				Not Specified	Community Living 1.0 space per bed (Minimum) Senior Living 1.0 space per unit (Minimum) plus Guest	10% of Total (Minimum)	None
Current Senior Design Acres: 6.5 Units: 150	Independent Senior Living Community Based Residential Facility Assisted Living	Current (150 Units): 23.1 Units Per Acre Desired: 25.0 Units Per Acre	Parcel 283,140 s.f.	320' (+/-) (west)	25 ft. (Minimum) Match MF	5 feet (Minimum)	50 ft. Minimum	Not Applicable	30 ft. Minimum	Footprint 60,000 (+/-) 21.2% Building Coverage	Impervious 105,000 (+/-) 37.1% Impervious Coverage	Landscape 118,140 (+/-) 41.7% Landscape Coverage	To Be Determined		3 Stories 45' To Midpoint	Not Applicable	To Be Determined					Community Living 0.75 per unit Senior Living 0.75 per unit Employee Parking 1.0 per max employee count		

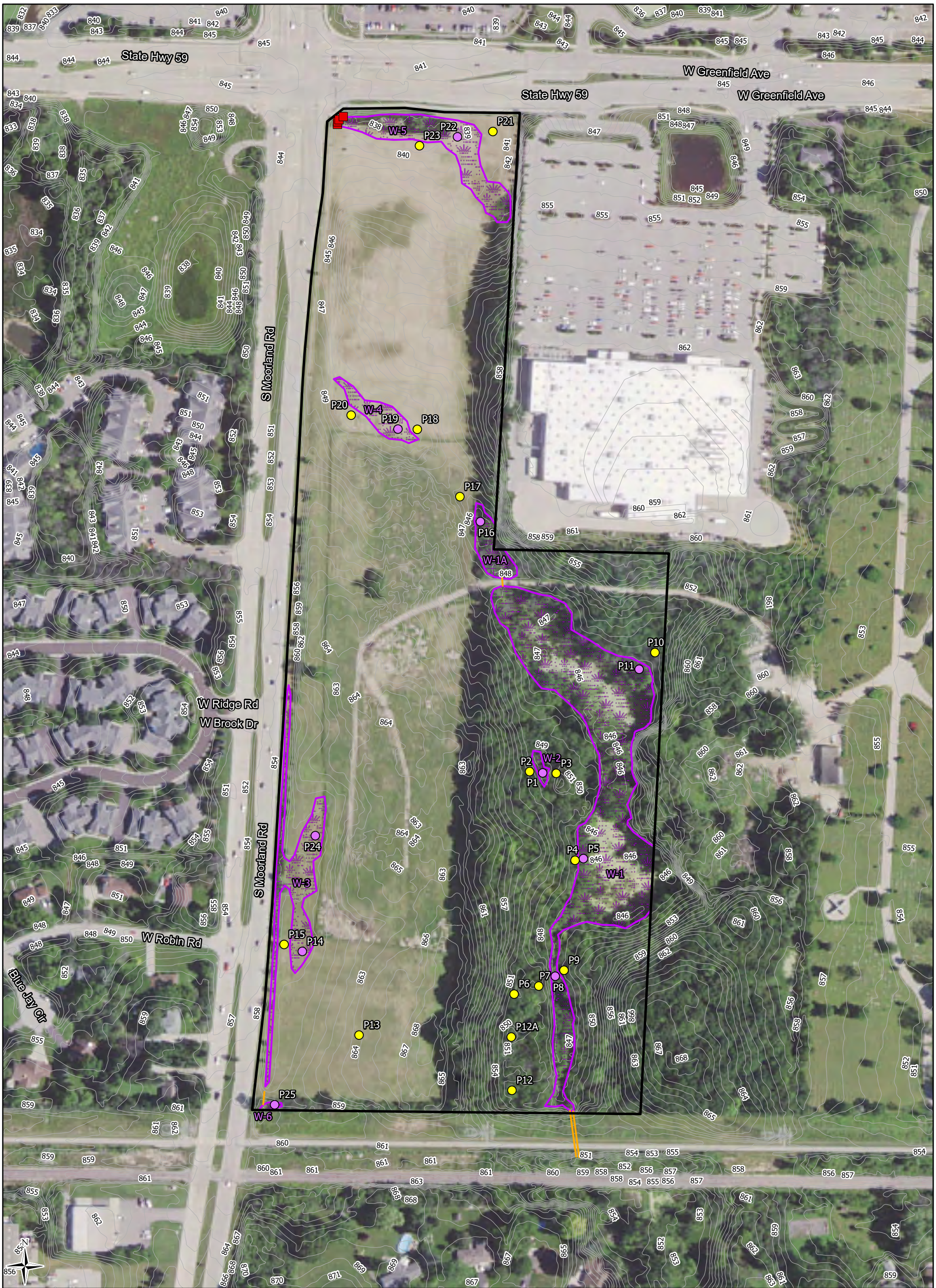
MANDEL GROUP

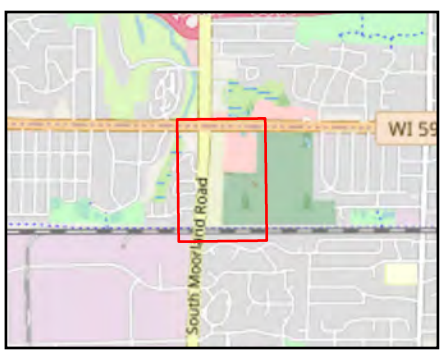
330 East Kilbourn Avenue
Suite 600 South
Milwaukee, Wisconsin 53202
414 . 347 . 3600
mandelgroup.com

New Berlin - Moorland & Greenfield
Parking Analysis

Location	Units	Parking Stalls	Stalls / Unit	Occupied Parking Stalls	Occupied Stalls / Unit
Beaumont*	83	175	2.11	108	1.30
Belay	46	54	1.17	46	1.00
Corners of Brookfield	244	353	1.45	290	1.19
Crescent	102	132	1.29	118	1.16
Echelon	188	294	1.56	221	1.18
Library Hill	139	192	1.38	176	1.27
Prairie Walk	56	76	1.36	55	0.98
The West	177	277	1.56	234	1.32
Woodnote	150	246	1.64	N/A	N/A
Total/Average	**1,185**	**1,799**	**1.52**	**1,248**	**1.05**

**Total stalls include public parking stalls, usage per unit is in-line with comp set*





Study Area (35.07 ac)
Field Delineated Wetland (4.62 ac)
Waukesha Co 1ft Contours
Culvert
Culvert Outlet

Sample Points

Upland
Wetland

0 200 Ft

Heartland ECOLOGICAL GROUP INC

Figure 6. Field Delineated Wetlands

Moorland Rd. & Greenfield Ave.
Project #20220732
T6N, R20E, S2
C New Berlin, Waukesha Co

2020 NAIP
Waukesha Co, HEG 30
LRR: MW

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
N7725 Hwy 28
Horicon, WI, 53032

October 6, 2022

Dan Romnek
330 E. Kilbourn Ave., Suite 600 South
Milwaukee, WI 53202

EXE-SE-2022-68-03508

RE: Artificial Wetland Exemption Determination for an area described as Wetlands W-2, the ditch portion of Wetland W-3, the southeast portion of Wetland W-5, and Wetland W-6, located in the City of New Berlin, Waukesha County

Dear Mr. Romnek:

This letter is in response to your request for an artificial wetland exemption determination for the above mentioned wetlands.

According to 281.36 (4n), State Statutes, a landscape feature where hydrophytic vegetation may be present as a result of human modification to the landscape or hydrology and for which no definitive evidence exists showing a prior wetland or stream history before August 1, 1991, may be exempt from state wetland regulations. The following types of artificial wetlands cannot be exempted from state wetland regulation: 1) a wetland that serves as a fish spawning area or that is passage to a fish spawning area and 2) a wetland created as a result of a wetland mitigation requirement. In addition, DNR must also consider whether the artificial wetland is providing significant flood protection to adjacent or downstream properties and infrastructure, and/or significant water quality functions to adjacent or downstream water bodies.

The Department reviewed the following materials to aid in our exemption determination:

- The request narrative
- Site photographs that show different angles and views of the wetland
- Historic Maps such as the Original Land Survey Plat, Bordner Survey, USGS topographic Quad map, and/or soil mapping

Conclusion:
Based upon the information provided above, the wetlands identified as Wetlands W-2, the ditch portion of Wetland W-3, the southeast portion of Wetland W-5, and Wetland W-6 lacked a wetland history prior to August 1, 1991 and fulfill all artificial wetland exemption standards. Therefore, Wetlands W-2, the ditch portion of Wetland W-3, the southeast portion of Wetland W-5, and Wetland W-6 are exempt from state wetland regulations.

This letter describes DNR's decision regarding the jurisdictional status of Wetlands W-2, the ditch portion of Wetland W-3, the southeast portion of Wetland W-5, and Wetland W-6, and is only valid for state jurisdictional purposes. For decisions regarding the federal jurisdictional status of Wetlands W-2, the ditch portion of Wetland W-3, the southeast portion of Wetland W-5, and Wetland W-6, you will need to contact the U.S. Army Corps of Engineers.

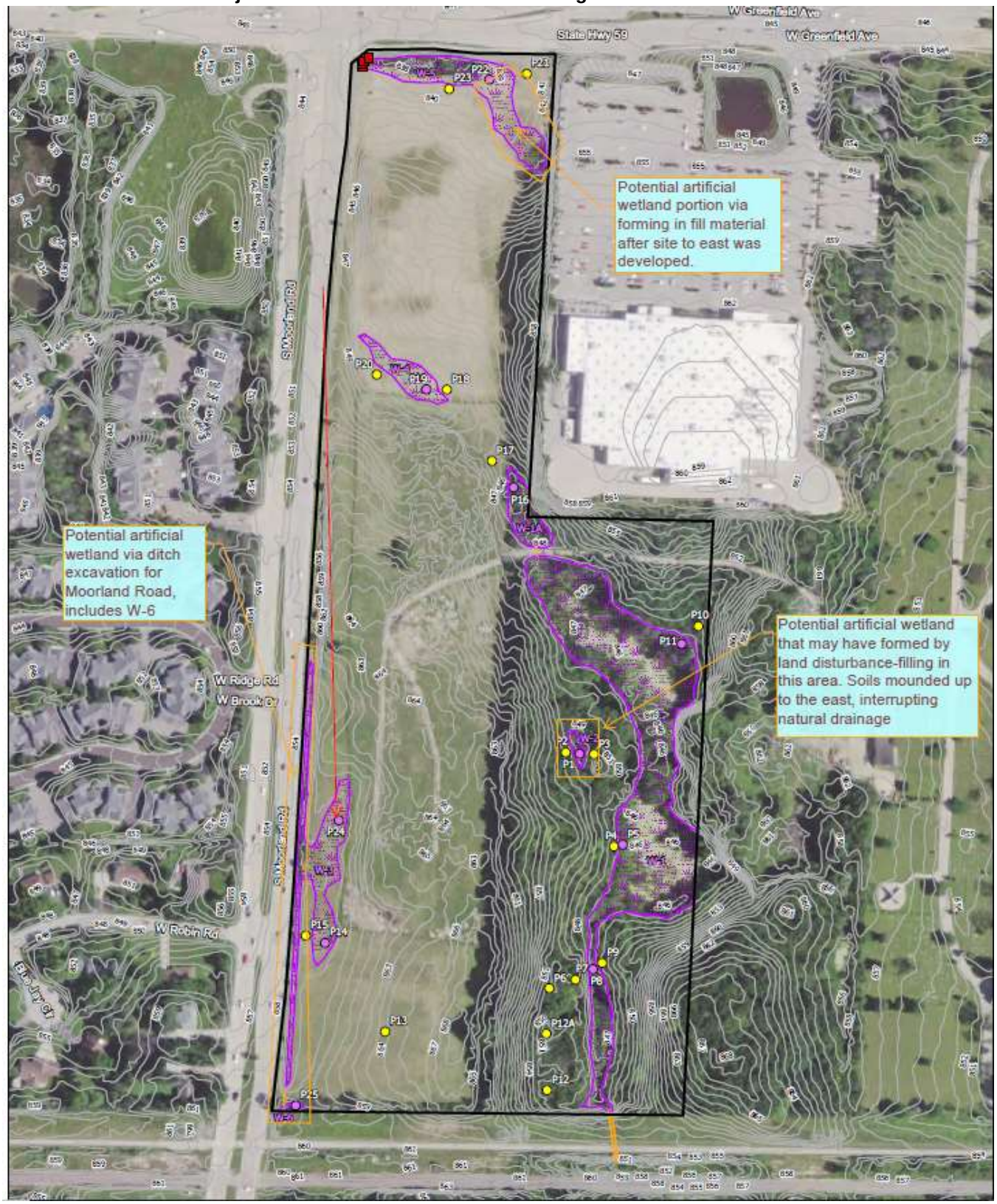
If you have any questions, please call me at (920) 296-6507 or email marty.dillenburg@wisconsin.gov.

Sincerely,

Marty Dillenburg
Water Management Specialist

Copy to: Eric Parker, Principal Scientist, Heartland Ecological Group
Chris Jors, Sr. Specialist-Biologist, SEWRPC
US Army Corps of Engineers

Wetlands W-2, the ditch portion of Wetland W-3, the southeast portion of Wetland W-5, and Wetland W-6 were found to not be subject to state of Wisconsin wetland regulations.



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
332 MINNESOTA STREET, SUITE E1500
ST. PAUL, MN 55101-1323

JANUARY 12, 2023

Regulatory File No. MVP-2016-02880-TKO

Heartland Ecological Group Inc.
Attn: Eric Parker
4821 Elm Island Circle
Waterford, WI 53186

Dear Mr. Parker:

This letter regards an approved jurisdictional determination for the property at 1550 South Moorland Road, City of New Berlin, WI. The project site is in Section 02, Township 06 North, Range 20 East Waukesha County, Wisconsin. The review areas for our jurisdictional determination are identified on Figure 2 of the enclosed figures, labeled 2022-02880 Figures 1-2 of 2.

The review areas contain no waters of the United States subject to Corps of Engineers (Corps) jurisdiction Therefore, you are not required to obtain Department of the Army authorization to discharge dredged or fill material within these areas. The rationale for this determination is provided in the enclosed Approved Jurisdictional Determination form. This determination is only valid for the review areas described. You are also cautioned that the area of waters described on the enclosed Jurisdictional Determination form is approximate and is not based on a precise delineation of aquatic resources.

If you object to this approved jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the address shown on the form.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the enclosed NAP. It is not necessary to submit an RFA form to the division office if you do not object to the determination in this letter.

This approved jurisdictional determination may be relied upon for five years from the date of this letter. However, the Corps reserves the right to review and revise the determination in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. This determination may be renewed at the end of the five year period provided you submit a written request and our staff are able to verify that the limits established during the original determination are still accurate.

Regulatory Division (File No. 2016-02880-TKO)

If you have any questions, please contact Tim Orlowski in our Green Bay office at (920) 912-5427 or timothy.k.orlowski@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

Joseph Shoemaker
WI East Branch Chief

Enclosures

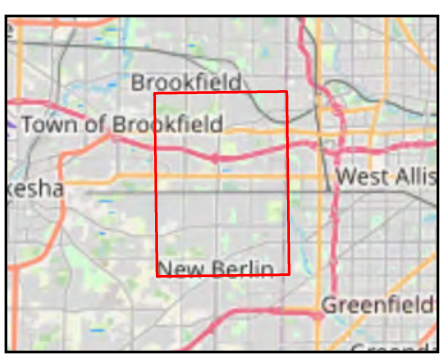
cc:
Marty Dillenburg, WI DNR

2016-02880-TKO
Figure 1

Approximate AJD Review Area

Section 21 | Section 24 | Section 19
Section 28 | Section 27 | Section 26 | Section 25 | Section 30
7N 20E | 7N 21E
Section 33 | Section 34 | Section 35 | Section 36 | Section 31
Section 4 | Section 3 | Section 2 | Section 1 | Section 6
Section 9 | Section 10 | Section 11 | Section 12 | Section 7
6N 20E | 6N 21E
Section 16 | Section 15 | Section 14 | Section 13 | Section 18
Section 21

N



Study Area (35.07 ac)
PLSS Township
PLSS Section

0 1,000 2,000 Ft

Heartland ECOLOGICAL GROUP INC

Figure 1. Project Location

Moorland Rd. & Greenfield Ave.
Project #20220732
T6N, R20E, S2
C New Berlin, Waukesha Co

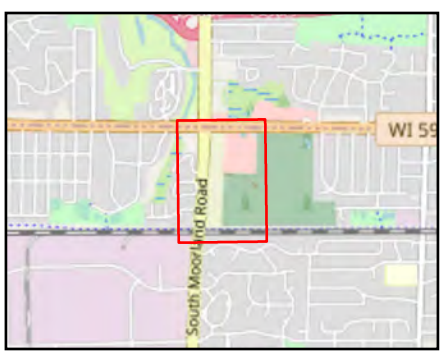
OpenStreetMap
ESRI

37

LRR: MW

2016-02880-TKO
Figure 2

Review Area in Yellow



- Study Area (35.07 ac)
- Field Delineated Wetland (4.62 ac)
- Waukesha Co 1ft Contours
- Culvert
- Culvert Outlet

Sample Points

- Upland
- Wetland

0 200 Ft

Heartland ECOLOGICAL GROUP INC

Figure 6. Field Delineated Wetlands

Moorland Rd. & Greenfield Ave.
Project #20220732
T6N, R20E, S2
C New Berlin, Waukesha Co

2020 NAIP
Waukesha Co, HEG 38 LRR: MW

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 1/12/2023

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: 2016-02880-TKO

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: WI County/parish/borough: Waukesha City: New Berlin

Center coordinates of site (lat/long in degree decimal format): Lat. 43.0124° **N**, Long. -88.1044° **E**.

Universal Transverse Mercator: 16

Name of nearest waterbody: Deer Creek

Name of watershed or Hydrologic Unit Code (HUC): Pewaukee River-Fox River 0712000601

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 12/05/2022

☐ Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no"*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. **Waters of the U.S.:** N/A

2. **Non-regulated waters/wetlands (check if applicable):**[1]

☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **The review area includes five wetlands, labeled W-1 (2.99 ac), W-1A (0.19 ac), and W-2 (0.04 ac), ditched portion of W-3 (approximately 0.3 ac) and W-6 (0.01.) totaling 3.53 acres. These wetlands are non-jurisdictional, based on a review of the August 2022 Heartland Ecological Group delineation report and other materials, including USDA soils, Wisconsin Wetland Inventory, WI DNR DEM and Hillshade, Google Earth aerial photos and street view, ground level photos, and historic aerial imagery. Based on the delineation report and topographic contours, wetlands W-1, 1A, and 2 are located in depressional features, are surrounded by upland (confirmed by data points and review of imagery showing a lack of wet signatures), and do not have any inlets or outlets connecting them to WOTUS. There are no other surface or shallow subsurface connections to downstream waters, confirmed by reviewing of the above-mentioned resources. The ditched portion of W-3 and the entirety of W-6 are roadside ditch conveyance swales that were constructed in upland.**

Wetlands 1 and 1A are in a complex which sits in a north/south oriented valley in the eastern portion of the study area. A road, constructed in the 1970's, bisects the complex though the wetlands are connected to one another by a culvert. This complex sits in a depressional feature with boundaries transiting to uplands on the east, west, and north. This is evident when viewing DEM and hillshade layers, as well as Waukesha 1 ft contours, and is supported by upland sample points along the identified boundary. A topographic feature extends northwest from W-1A towards W-4. Review of historic arial images show no persistent wet signatures or a continuation of hydrophytic vegetation which indicates this feature does not serve as an outlet or confined connection between these wetlands. USDA soil data shows the area along the western wetland boundary, mapped as non-hydric. A portion of the complex extends outside of the study area to the east, but the above resources show containment along contours. A culvert to the south of the complex provides stormwater input from a subdivision adjacent to the study area. No wet signatures are identified

[1] Supporting documentation is presented in Section III.F.

as outlets, and no outlets connect this drainage area to any other waters. Topographic breaks and several sample points define the wetland boundaries.

W-2 is an isolated wetland sitting in a slight depression just west of the center of W-1. Boundaries transition to uplands on the north, south, east, and west as indicated while viewing hillshade, DEM, and contour layers. USDA soil data shows the majority of the wetland sitting in an area mapped as non-hydric, with a small portion to the west mapped in predominantly non-hydric soils. This is also supported by upland sample points on the east and west of the wetland. The delineation report states historic fill was noted to the east, separating W-2 from W-1. An artificial berm or roadway sits to the north however this does not separate W-2 from any other waters.

There are no discrete surface or subsurface connections from the above-mentioned wetlands to any other waters. The nearest downstream tributary is Deer Creek, a tributary to the Fox River, which is located approximately 1,300 feet to the west.

The wetlands do not border, are not neighboring to or contiguous with another water of the US. They are not separated from another water of the US by man-made barriers, dikes or berms. Due to existing and surrounding land use (disturbed upland in transportation corridors and use) and proximity to other waters, there are no ecological connections to other wetlands or waters. These aquatic resources do not support a link to interstate or foreign commerce; are not known to be used by interstate or foreign travelers for recreation or other purposes; do not produce fish or shellfish that could be taken and sold in interstate or foreign commerce; and are not known to be used for industrial purposes by industries in interstate commerce. Therefore, the Corps has determined that Wetlands 1, 1A, and 2 are not regulated by the Corps under Section 404 of the Clean Water Act.

Both the ditched portion of W-3 and W-6 are roadside ditch conveyance swales that were constructed as part of road improvements for South Moorland Rd. sometime between 1963-70. The ditches do not carry relatively permanent flow (based on aerial photos), and were constructed in upland (based on 1) delineation report and historic aerial images showing a lack of wet signatures prior to road expansion, and 2) a lack of hydric soils in this area), and drain only upland (as shown by the delineation report's wetland boundaries). No wet signatures are visible within the borders of these wetlands prior to road construction identified in 1970.

In accordance with the preamble to the 1986 Corps Regulations (33 CFR Parts 320-330), the Corps does not generally consider the following activities to be waters of the United States; non-tidal drainage and irrigation ditches excavated on dry land. Further clarification is provided in the December 2, 2008 Revised Guidance on Clean Water Act Jurisdiction following the Supreme Court Decision in Rapanos v. U.S. and Carabell v. U.S. issued jointly by the Corps and EPA which indicates that ditches excavated wholly in and draining only uplands and do not carry a relatively permanent flow are not waters of the United States.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): N/A

C. SIGNIFICANT NEXUS DETERMINATION: N/A

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): N/A

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): N/A

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- ☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - ☒ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:

☒ Other (explain, if not covered above): **See Section II.B.2 above**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☒ Wetlands: 3.22 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: August 2022 Heartland Ecological Group, Inc.
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  ☒ Office concurs with data sheets/delineation report.
  ☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps:
☐ Corps navigable waters' study:
☒ U.S. Geological Survey Hydrologic Atlas:
  ☒ USGS NHD data.
  ☐ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 New Berlin Quad
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Waukesha County
☒ National wetlands inventory map(s). Cite name: Surface Waters and Wetlands
☒ State/Local wetland inventory map(s): WI Wetland Inventory
☐ FEMA/FIRM maps:
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): Google Earth 2000-2022
  or ☒ Other (Name & Date): Applicant provided ground level 8/2022
☐ Previous determination(s). File no. and date of response letter:
☐ Applicable/supporting case law:
☐ Applicable/supporting scientific literature:
☒ Other information (please specify): WI DNR DEM and Hillshade viewed on NRV
  Waukesha County Historic Aerials: 1941-2017
  Waukesha County Mapping, 1ft contours

B. ADDITIONAL COMMENTS TO SUPPORT JD:

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL		
Applicant: Heartland Ecological Group (Eric Parker)	**File No.:** 2016-02880-TKO	**Date:** 1/12/2023

Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT		
REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)		
ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.		
POINT OF CONTACT FOR QUESTIONS OR INFORMATION:		
If you have questions regarding this decision and/or the appeal process you may contact: Tim Orlowski U.S. Army Corps of Engineers Green Bay Field Office 211 N. Broadway St, Suite 221 Green Bay, WI 54303 (651) 290-5010	If you only have questions regarding the appeal process you may also contact the Division Engineer through: Administrative Appeals Review Officer Mississippi Valley Division P.O. Box 80 (1400 Walnut Street) Vicksburg, MS 39181-0080 601-634-5820 FAX: 601-634-5816	
RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.		
_____ Signature of appellant or agent.	Date:	Telephone number:

TADI

3055: 6-15-2023

EXHIBIT 6-1
CONCEPTUAL DRAWING
RECOMMENDED MODIFICATIONS
SCENARIO 2

NEW BERLIN, WISCONSIN

ORDINANCE NO. XXXX

Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery PUD / Planned Unit Development

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

SECTION I

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

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

WHEREAS, Dan Romnek with Mandel Group, Highland Memorial Park Cemetery, along with the City of New Berlin have submitted an application for a Planned Unit Development Overlay District located at 1750 S. Moorland Road (includes Tax Keys #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) in accordance with Sections 275-23 and 275-39(B)(1) of the New Berlin Municipal Code; and

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

WHEREAS, a public hearing was held on July 10, 2023 before the Plan Commission, and;

WHEREAS, based upon the recommendation from the Plan Commission at a meeting held on August 14, 2023 to approve the Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery / Planned Unit Development, and;

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ADOPTED BY THE CITY OF NEW BERLIN, the Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery / Planned Unit Development Ordinance is hereby adopted pursuant to Chapter 275-39(B)(1) of the New Berlin Municipal Code as follows:

SECTION II

Planned Unit Development Summary

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

Unless specified otherwise by this ordinance, any regulation not listed shall be regulated in accordance with the Zoning Ordinance dated May 3, 2023 and underlying zoning districts: Section 275-33B(10), Multi-Family Residential District, Section 275-34B(1), Shopping Center District, Section 275-36B(1), Institutional District and Section 275-37B(4) Shoreland Wetland Holding District.

The parcels of land that are the subject of this ordinance are located at approximately 1750 S. Moorland Road (includes Tax Keys #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-

994, 1158-989, 1158-991 & a portion of 1158-992) in the City of New Berlin, which are legally described below. The property is approximately 44.58 acres in size.

EXISTING LEGAL DESCRIPTIONS:

Tax Key #: 1158-990

PT NW1/4 SEC 2 T6N R20E; COM NW CRNR OF SEC 2; S ALNG W LINE OF SEC 446.82 FT; N86°45'E 561.43 FT; N0°00'30"E 435.22 FT TO N LINE OF SEC 2 BNG CNTLRNE OF ROAD; S87°56'W ALNG N LINE OF SEC 561.00 FT TO BGN: EX DOC #673527 FOR ROAD: EX DOC #2564075 FOR ROAD: INCLUDING ACCESS EASEMENT RECORDED AS DOC #4654236 ON 3/3/2022

Tax Key #: 1158-991-001

PT NW1/4 SEC 2 T6N R20E; COM AT PNT ON W LINE SEC 2 BNG 446.82 FT S OF NW CRNR; S ALNG W LINE OF SEC 388.59 FT; N86°45'E 561.37 FT; N0°00'30"E 388.59 FT; S86°45'W 561.43 FT TO BGN: EX DOC #0673527 FOR ROAD: INCLUDING ACCESS EASEMENT RECORDED AS DOC #4654236 ON 3/1/2022

Tax Key #: 1158-993

PT NW1/4 SEC 2 T6N R20E; COM ON W LINE 835.41 FT S OF NW CRNR; S ALNG W LINE OF SEC 137.59 FT; N86°45'E 200.00 FT; S & PARALLEL TO W LINE OF SEC 390.00 FT; N86°45'E 361.29 FT; N00°00'30"E 527.59 FT; S86°45'W 561.37 FT TO BGN: EX DOC #0673527 FOR ROAD: INCLUDING ACCESS EASEMENT RECORDED AS DOC #4654236 ON 3/1/2022

Tax Key #: 1158-994

PT NW.25 SEC 2 T6N R20E COM ON W LI 973 FT S OF NW COR,TH S 300 FT,TH N 86 DGR 45' E 200 FT,TH N 300 FT,TH S 86 DGR 45' W 200 FT/BGN EXC VOL 1066/493

Tax Key #: 1158-989

PT NW.25 SEC 2 T6N R20E COM AT NW COR,TH S 1273 FT,TH N 86 DGR 45' E 146 FT,TH S 80 FT,TH S 86 DGR 45' W 146 FT,TH N 80 FT/BGN ALSO COM 1353 FT S OF NW COR,TH S 10 FT,TH N 86 DGR 45' E 200 FT,TH N 90 FT,TH S 86 DGR 45' W 54 FT,TH S 80 FT, TH S 64 DGR 45' W 146 FT/BGN V1047 P674

Tax Key #: 1158-991

PT NW.25 SEC 2 T6N R20E 12.419 AC BEING V608 OF DEEDS P430 EX HY DEED IN V1066 P493

Tax Key #: 1158-992

PT NW.25 SEC 2 T6N R20E 21.877 AC. VOL 777 P86

****

A Certified Survey Map (CSM) has been submitted and will be attached as an Appendix to this PUD once recorded. It is a 4-Lot Certified Survey Map that will lay out the three Zoning Districts in this PUD, B-1/PUD, Rm-1/PUD and I-1/PUD. It also outlines that Outlot 4 will remain I-1, Institutional with no PUD overlay.

SECTION III

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

LANDS TO BE REZONED FROM I-1 TO B-1/PUD (LOT 1 ON PROPOSED CSM Appendix G) & LANDS TO REMAIN FUTUTRE LAND USE OF SUBURBAN COMMERCIAL:

Part of the Northwest 1/4 of the Northwest 1/4 of Section 2, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows; commencing at the Southwest corner of said Northwest 1/4 of Section; thence North 01°19’12” East, 100.14 feet along the west line of said Northwest 1/4 Section; thence North 88°20’12” East, 120.16 feet to a point on the East line of South Moorland Road; thence North 01°19’12” East along said East line 1608.47 feet to the Point of Beginning of the lands described herein: continue thence North 01°19’12” East along said East line 272.92 feet to a point; thence North 88°04’12” East along said East line 10.02 feet to a point; thence North 01°19’12” East along said East line 321.44 feet to a point; thence North 31°03’54” East along said East line 60.47 feet to a point on the South line of West Greenfield Avenue; thence North 74°37’20” East along said South line 44.24 feet to a point; thence North 89°15’13” East along said South line 358.44 feet to a point

on the East line of Lot 1, Certified Survey Map No. 11117; thence South 01°19'04" West along said East line 657.18 feet to a point; thence South 89°15'13" West 440.88 feet to the point of beginning. Said lands described containing 284,363 square feet or 6.5281 acres.

B-1/PUD: Mandel Neighborhood Development Plan / Planned Unit Development District

The overall purpose of this PUD is to begin to establish a set parameters and requirements for the creation of a cohesive mixed-use neighborhood development that can serve as neighborhood center rather than a continuous, repetitive, bland, homogenous and isolated set of land uses by parking lots, drive aisles and very little to no connectivity. The PUD is being used to organize and connect several developments; fully interconnect streets, drive aisles, walk-ways, & bikeways within the development and to the surrounding neighborhoods; support retail shops & services; create active & secure pedestrian-friendly settings; and to make "parking" ultimately a shared resource available in support of "all" users within the PUD rather than just on a parcel-by-parcel basis. Appendix "A" dated March 10, 2023 Conceptual Master Plan reflects the City's desired neighborhood plan design principles. The plan is meant to be flexible and not rigid, and to provide guidance for future development over the years. The design is based on principals in The City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue.

The B-1/PUD: Mandel Neighborhood Development / Planned Unit Development District is intended to provide for commercial uses consistent with the B-1 Shopping Center District.

Unless specified otherwise by this section, all new development shall be in accordance with the B-1 Zoning District, per Section 275-34B(1) Shopping Center District.

1. Principal Uses (See also Chapters 275-34C, 275-41C and Table 275-34-1)

    a. Carwash – This land use is considered a principal use within the basic underlying zoning district but pursuant to this PUD and the applicant's letter dated April 21, 2023 this land use will be considered prohibited on the hard corner of Moorland Road and Greenfield Avenue or as a building pad directly along Moorland Road.

2. Accessory Uses (See also Chapters 275-34C, 275-42, and Table 275-34-1)

3. Conditional Uses (See also Chapters 275-34C, 275-27 and Table 275-34-1)

4. Prohibited Uses (See also Chapters 275-34C and Table 275-34-1)

    a. Fast food restaurants.

        i. Focus at this property shall be on restaurants new to New Berlin and/or the region. Fast food restaurants shall be prohibited. Fast casual restaurants are suitable and would be allowable. By definition, pursuant to the American Planning Association's *"A Glossary of Zoning, Development and Planning Terms,"* a fast food restaurant is considered to be "restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed."

        ii. Not included as being prohibited would be a fast casual type restaurant. By definition, a fast casual restaurant, found primarily in the United States and Canada, does not offer full table service, but advertises higher quality food than fast food restaurants, with fewer frozen or processed ingredients. It is an intermediate concept between fast food and casual dining.

5. Lot Area and Width (See also Chapters 275-44, 275-45, and 275-46)

   a. Parcels of land subject to this PUD Ordinance may be configured in any manner by Subdivision, CSM or meets and bounds transfer subject to City review and approval under WI Statutes CH. 236 and New Berlin Municipal Code Chapter 275 and 235. (See, Appendix A, Conceptual Master Plan).

   b. In order to maintain maximum flexibility with the Conceptual Master plan, there shall be a zero lot line setback from property lines if developed as part of a unified project. To the maximum extent practicable the developers shall endeavor to push the buildings as close to Moorland Road to establish a well-defined street edge. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction. These setbacks assume adequate vision triangles, parking and circulation. The Plan Commission shall have the authority to require larger setbacks on a case-by-case basis in order to accommodate for safety and/or to further the redevelopment vision for this area.

6. Setback and yards (See also Chapter 275-34D and Table 275-34-2)

   a. Table 275-34-2 shall apply unless modified below.

      i. All buildings along major arterials (Moorland Road and Greenfield Avenue), shall have, where practicable, a zero lot line setback from the roadway's ultimate right-of-way. The Plan Commission may approve a greater setback due to site constraints and/or any other site development related circumstances.

      ii. No building shall be closer than 25' to another building except as provided for below.

      iii. In all cases building locations and setbacks must provide adequate spacing so land, buildings, and structures are readily accessible to emergency vehicles and the handicapped. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction.

      iv. Respecting the creative design process, the Plan Commission reserves the right to require greater setbacks owing to health, safety and welfare concerns to ensure, the proposed onsite buildings, structures, and entry ways are situated and designed to minimized adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.

      v. Wetland Setback. All impervious surfaces shall be setback a minimum of zero (0) feet.

7. Lot Coverage (See also Chapter 275-34D and Table 275-34-3)

   a. Table 275-34-3 shall not apply, however, through redevelopment efforts, the City and this applicant would not be able to achieve this amount of open space on the newly created parcels, given the urban setting and the existing cross access easements for shared parking and utilities. The applicant and the City will work together to achieve additional green space around the building / future building(s) with planters and other urban design measures, and adding additional plantings. Future development shall coordinate with the City on any storm water management requirements.

8. Time Limits (See also Chapter 275-23(F))

   a. If the development has not commenced, as evidenced by the securing of the initial Zoning Permits for Mandel Neighborhood Development and Highland Memorial Park Cemetery PUD and building permits for construction of any project defined in this PUD, and construction has not started within one calendar year from the approval of this ordinance, the Mandel Neighborhood Development and Highland Memorial Park Cemetery Planned Unit Development Overlay District ordinance shall expire and become null and void. The underlying basic use district shall remain in force.

b. If the developer requires an extension of the time limits, any extension shall be requested by the developer in writing explaining the hardship and sent via Certified Mail to the Department of Community Development not less than 60 days prior to the expiration of this PUD. The Common Council may allow multiple extensions in the sole exercise of its discretion.

9. Use and Site Plan Review (See also Chapters 275-24 and 275-53)

a. No principal or accessory use, development or structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied, no site or premise shall be altered, used, changed, modified, occupied, or building permit approved until after the owner has applied for and received approval of the application for the zoning permit/use approval. An approved PUD Ordinance shall not be construed as a Zoning Permit or any other approval until the Plan Commission has granted an approval and staff has determined that all conditions of that approval have been satisfied.

10. Parking & Circulation (See also Chapter 275-57)

a. Parking lots may be located at the property line as long as circulation, vision triangles, and/or drainage are taken into consideration.

b. There is shared parking amongst the parcels within the B-1/PUD.

c. Any additional buildings and/or loss of parking for greenspace(s) will require a thorough review by DCD to determine whether or not the loss of parking will have a detrimental impact on the uses on site.

d. Bicycle parking. All parking lot areas containing 50 spaces or more shall provide bicycle parking facilities (bike racks) that accommodate a minimum of 10 bikes.

11. Architecture (See also Chapter 275-59)

a. No principal or accessory use, development, structure or sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied and no site or premise shall be altered, used, changed, modified, building permit approved, or occupied until after the owner has applied for and the Architectural Review Committee of the Plan Commission has reviewed and approved the architecture for the zoning permit/use approval.

b. Architecture shall be 5-sided and each building shall have a distinct architectural feature. All rooftop mechanicals shall be screened from all public right-of-ways and shall be subject to architecture review. Applicant shall review images in Appendix B. Several key development policies are laid out in Appendix B including the following that apply to this intersection:

- *Create development standards for site layout, building character, and landscaping that are suitable for new development along the corridor.*
- *Recognize the Greenfield Avenue and Moorland Road primary intersection as a major gateway into the city from the north. Encourage signature well-designed buildings that are compatible with surrounding areas including recent development across the street in the City of Brookfield.*
- *Site development should include prominent signage, increased landscaping, sustainable strategies for stormwater management, and methods to minimize the parking field, such as structured parking.*
- *Encourage land combinations that accommodate future development options.*

- *Recognize the Greenfield Avenue/Moorland Road intersection as a major gateway into the city from the north. Encourage signature, well designed buildings that are compatible with surrounding areas including recent development across the street in the City of Brookfield. Buildings should incorporate architecture features such as towers, unique features, clocks, and elevated architectural details.*
- *Unique to the intersection located at the southeast corner of Moorland Road and Greenfield Avenue, the City has established parameters for the planning of this area in order to ensure that it develops uniformly. This section lays out specific policies to help ensure the cohesive development. This area is intended for retail, commercial and office uses located on the corner (tax key #: 1158-990) then transitioning to the south to allow for some additional commercial or retail (tax key #: 1158-991-001 & 1158-993). The far southern parcel (tax key #: 1158-991) could be developed as low-density multi-family residential as defined above in this section or senior living. Parcel lines are not intended to be rigid; however, the City intends to establish the transition of uses to better describe the intended use of this land*

Sample images of desired development –

Figure 11.17. Second Highest-Rated Image for Commercial

Figure 11.20. Second Highest-Rated Image for Parking.

Figure 11.23. Second Highest-Rated Image for Commercial Signage.

Fig. 11.9 Sample development pictures.

12. <u>Signage</u> (See also Chapter 275-61J(3))

a. Per Zoning Code Section 275-61J(3) Special Commercial Areas – Moorland Road Business Corridor. This area is identified within the Moorland Road Business Corridor North See also figure VIII-11.

i. Off premise signage along Moorland Road may be permitted under this PUD to provide additional signage for a cohesive development. This statement modifies Zoning Code Section 275-61J(3)(c)[3].

ii. Zoning Code Section 275-61J(3)(c)[5] is modified to allow for an overall sign height of 15 ft. due to the site constraints along Moorland Road, which include, a deep parcels with buildings located behind other buildings, retaining walls/fences, heavy landscaping, sidepaths, and large county right-of-way.

iii. Additional City wayfinding signage is allowed.

iv. See the appendix section of a sample monument sign.

v. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.

1. This retail corner development shall incorporate "Welcome to the City of New Berlin" signage as part of a separate agreement with the City to sell a parcel of land at Tax Key #: 1158-989 in exchange for the applicant to design, building, coordinate and pay for installation of a City sign. Mandel shall coordinate with the City of New Berlin on the exact size and location for this particular sign. Square feet and overall height are flexible for this sign design and will be determined by the City at the time of design process. Said agreement shall be approved by the City prior to the approval of this Ordinance.

13. Landscaping (See also Chapter 275-54 and Chapter 275-56.

a. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.

i. Each development application within this area will be required to provide an enhanced landscaping plan. Refer to images in Chapter 11.

b. Financial security See also Chapter 275-56C(2)

i. At the time of final execution of a certified survey map, subdivision plat or landscape plan with the city, the owner is required to make a fiscal arrangement, either by escrowed funds, certificate of deposit or letter of credit, with the City to ensure that the owner is in full compliance with the landscape installation and maintenance requirements.

ii. A maintenance portion of the surety is required to ensure that the landscape installation is maintained during its critical establishment (five-year) period following installation. The amount of the maintenance portion of the surety shall be 20% of the original surety. Currently the code calls for, "three-year for maintenance."

14. Site Amenities

a. Each development shall incorporate public outdoor amenity space(s) and amenities, including but not limited to gathering / seating spaces, benches, picnic tables, bike racks, garbage cans, etc. Public art should also be considered.

15. Integration

The City of New Berlin is an applicant to this PUD as a current owner of a portion of the lands within this PUD. Mandel has agreed to extend an Offer to Purchase to the City to obtain the city-owned land. In return Mandel will agree, via a separate agreement between the City and Mandel, to design and construct a City entryway sign at the corner of Moorland Road and Greenfield Avenue. Nothing within this ordinance shall be deemed to alter the agreements between Mandel and the City in this regard.

SECTION IV

Legal Description of parcels to be rezoned to Rm-1/PUD:

LANDS TO BE REZONED FROM I-1 TO Rm-1/PUD (LOT 2 ON PROPOSED CSM Appendix G) & LANDS TO BE AMENDED TO FUTUTRE LAND USE OF MIXED USE RESIDENTIAL:

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows; Commencing at the Southwest corner of the Northwest 1/4 of Section; thence North 01°19'12" East, 100.14 feet along the West line of said Northwest 1/4 Section; thence North 88°20'12" East, 120.16 feet to a point on the East line of South Moorland Road; thence North 01°19'12" East along said East line 325.44 feet to the Point of Beginning of the lands described

herein: continue thence North 01°19'12" East along said East line 1283.03 feet to a point; thence North 89°15'13" East 440.88 feet to a point along the West line of lot 1, Certified Survey Map No. 11117; thence South 01°19'04" West along said West line 328.56 feet to a point along the South line of Lot 1, Certified Survey Map No. 11117; thence North 89°16'15" East along aforesaid South line 374.93 feet to a point; thence South 01°04'42" West, 941.08 feet to a point; thence South 88°20'12" West 820.37 feet to the Point of Beginning. Said lands described containing 91,944 square feet or 21.1075 acres.

Rm-1/PUD: Mandel Neighborhood Development Plan / Planned Unit Development District

The overall purpose of this PUD is to begin to establish a set parameters and requirements for the creation of a cohesive mixed-use neighborhood development that can serve as neighborhood center rather than a continuous, repetitive, bland, homogenous and isolated set of land uses by parking lots, drive aisles and very little to no connectivity. The PUD is being used to organize connect several developments; fully interconnect streets, drive aisles, walk-ways, & bikeways within the development and to the surrounding neighborhoods; support retail shops & services; create active & secure pedestrian-friendly settings; and to make "parking" ultimately a shared resource available in support of "all" users within the PUD rather than just on a parcel-by-parcel basis. Appendix "A" dated March 10, 2023 represents a conceptual master plan that reflects the City's desired neighborhood plan design principles. The plan is meant to be flexible and not ridged, and to provide guidance for future development over the years. The design is based on principals in The City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue.

The Rm-1/PUD: Mandel Neighborhood Development / Planned Unit Development District is intended to provide for additional density than what is allowed in the Rm-1 Multiple-Family Residential District. The District will allow up to 212 units (9.9 units per acre).

Unless specified otherwise by this section, all new development shall be in accordance with the Rm-1 Zoning District, per Section 275-34B(1) Shopping Center District.

1. Principal Uses (See also Chapters 275-33B(10), 275-41B and Table 275-33-1)

2. Accessory Uses (See also Chapters 275-34C, 275-42, and Table 275-33-1)

    a. Club house, pools, dog walking area and other typical uses that will serve the residents of the development.

3. Conditional Uses (See also Chapters 275-33C, 275-27 and Table 275-33-1)

4. Lot Area and Width (See also Chapters 275-44, 275-45, and 275-46)

    a. Parcels of land subject to this PUD Ordinance may be configured in any manner by Subdivision, CSM or meets and bounds transfer subject to City review and approval under WI Statutes CH. 236 and New Berlin Municipal Code Chapter 275 and 235. (See Appendix A, Conceptual Master Plan).

    b. In order to maintain maximum flexibility with the redevelopment plans, there shall be a zero lot line setback from property lines if developed as part of a unified project. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction. These setbacks assume adequate vision triangles, parking and circulation. The Plan Commission shall have the authority to require larger setbacks on a case-by-case basis in order to accommodate for safety and/or to further the redevelopment vision for this area.

5. Setback and yards (See also Chapter 275-33D and Table 275-33-2)

    a. Table 275-33-2 shall apply unless modified below.

        i. All buildings along major arterials (Moorland Road and Greenfield Avenue), shall have, where practicable, a zero lot line setback from the roadway's ultimate right-of-way. The Plan Commission may approve a greater setback due to site constraints and/or any other site development related circumstances.

ii. Section 275-44E(1) and (2) shall not apply for purposes of building separation. Respecting the creative design process regarding building separation, the Plan Commission reserves the right to require greater setbacks owing to health, safety and welfare concerns to ensure, the proposed onsite buildings, structures, and entry ways are situated and designed to minimized adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.

iii. In all cases building locations and setbacks must provide adequate spacing so land, buildings, and structures are readily accessible to emergency vehicles and the handicapped. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction.

iv. Respecting the creative design process, the Plan Commission reserves the right to require greater setbacks owing to health, safety and welfare concerns to ensure, the proposed onsite buildings, structures, and entry ways are situated and designed to minimized adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.

v. Wetland Setback. All impervious surfaces shall be setback a minim of 15 feet to sidewalks and 30 feet to buildings. Current code reads, “All impervious surfaces shall be setback a minimum of 30 feet.”

6. Coverage (See also Chapter 275-33D and Table 275-33-6)

a. Table 275-34-3 shall not apply, however, through redevelopment efforts, the City and this applicant would not be able to achieve this amount of open space on the newly created parcels, given the urban setting and the existing cross access easements for shared parking and utilities. The applicant and the City will work together to achieve additional green space around the building / future building(s) with planters and other urban design measures, and adding additional plantings. Future development shall coordinate with the City on any storm water management requirements.

7. Time Limits (See also Chapter 275-23(F))

a. If the development has not commenced, as evidenced by the securing of the initial Zoning Permits for Mandel Neighborhood Development and Highland Memorial Park Cemetery PUD and building permits for construction of any project defined in this PUD, and construction has not started within one calendar year from the approval of this ordinance, the Mandel Neighborhood Development and Highland Memorial Park Cemetery Planned Unit Development Overlay District ordinance shall expire and become null and void. The underlying basic use district shall remain in force.

b. If the developer requires an extension of the time limits, any extension shall be requested by the developer in writing explaining the hardship and sent via Certified Mail to the Department of Community Development not less than 60 days prior to the expiration of this PUD. The Common Council may allow multiple extensions in the sole exercise of its discretion.

8. Use and Site Plan Review (See also Chapters 275-24 and 275-53)

a. No principal or accessory use, development or structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied, no site or premise shall be altered, used, changed, modified, occupied, or building permit approved until after the owner has applied for and received approval of the application for the zoning permit/use approval. An approved PUD Ordinance shall not be construed as a Zoning

Permit or any other approval until the Plan Commission has granted an approval and staff has determined that all conditions of that approval have been satisfied.

9. Parking & Circulation (See also Chapter 275-57)

   a. Parking lots may be located at the property line as long as circulation, vision triangles, and/or drainage are taken into consideration.

   b. 1.7 spaces per dwelling. A minimum of 0.7 space per dwelling unit shall be provided in attached garage. A minimum of 0.3 space per dwelling unit shall be provided in detached garage. One space per 10 units for guest parking. Currently the code reads, *"2 spaces p dwelling unit plus 1/10 of a space per dwelling unit shall be provided for guest parking a minimum of 1 space per dwelling unit shall be provided in an attached or underground garage."*

10. Architecture (See also Chapter 275-59)

   a. No principal or accessory use, development, structure or sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied and no site or premise shall be altered, used, changed, modified, building permit approved, or occupied until after the owner has applied for and the Architectural Review Committee of the Plan Commission has reviewed and approved the architecture for the zoning permit/use approval.

   b. Additional requirements for this zoning district listed in Chapter 275-59D(3)(d).

   c. Specific designs will be based on conceptual images shared during the Conceptual Development Review Phase (See Application File #: UA-2300419 as presented at the April 13, 2023 Plan Commission meeting) and concepts included in this PUD. See Appendix D, Multiple-Family Residential Concepts.

11. Signage (See also Chapter 275-61J(3))

   a. Per Zoning Code Section 275-61J(3) Special Commercial Areas –Moorland Road Business Corridor. This area is identified within the Moorland Road Business Corridor North See also figure VIII-11.

      i. Off premise signage along Moorland Road may be permitted under this PUD to provide additional signage for a cohesive development. This statement modifies Zoning Code Section 275-61J(3)(c)[3].

      ii. Zoning Code Section 275-61J(3)(c)[5] is modified to allow for an overall sign height of 15 ft. due to the site constraints along Moorland Road, which include, a deep parcels with buildings located behind other buildings, retaining walls/fences, heavy landscaping, sidepaths, and large county right-of-way. Additional City wayfinding signage is allowed.

      iii. See the appendix section of a sample monument sign.

      iv. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.

         1. This retail corner development shall incorporate "Welcome to City of New Berlin" signage as part of a separate agreement with the City to sell a parcel of land at Tax Key #: in exchange for the applicant to design, building, coordinate and pay for installation of a City sign. Mandel shall coordinate with the City of New Berlin on the exact size and location for this particular sign.

12. Landscaping (See also Chapter 275-54 and Chapter 275-56.

   a. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue,

Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.

i. Each development application within this area will be required to provide an enhanced landscaping plan. Refer to images in Chapter 11.

b. Financial security See also Chapter 275-56C(2)

i. At the time of final execution of a certified survey map, subdivision plat or landscape plan with the city, the owner is required to make a fiscal arrangement, either by escrowed funds, certificate of deposit or letter of credit, with the City to ensure that the owner is in full compliance with the landscape installation and maintenance requirements.

ii. A maintenance portion of the surety is required to ensure that the landscape installation is maintained during its critical establishment (five-year) period following installation. The amount of the maintenance portion of the surety shall be 20% of the original surety. Currently the code calls for, "three-year for maintenance."

Section V

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

LANDS TO BE REZONED FROM I-1 TO I-1/PUD (LOT 3 ON PROPOSED CSM Appendix G) & LANDS TO BE AMENDED TO FUTUTRE LAND USE OF INSTITUTIONAL:
Part of the Southwest 1/4 of the Northwest 1/4 of Section 2, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows; Commencing at the Southwest corner of the Northwest 1/4 Section; thence North 01°19'12" East, 100.14 feet along the West line of said Northwest 1/4 Section; thence North 88°20'12" East, 120.16 feet to the Point of Beginning of the lands described herein: thence North 01°19'12" East along the East line of South Moorland Road, 325.44 feet to a point; thence North 88°20'12" East, 820.37 feet to a point; thence South 01°04'42" West, 325.37 feet to a point 100.00 feet North of the South line of said 1/4 Section; thence South 88°20'12" West parallel with said South line 821.74 feet to the Point of Beginning. Said lands described containing 266,842 square feet or 6.1258 acres.

I-1/PUD: Mandel Neighborhood Development Plan / Planned Unit Development District

The overall purpose of this PUD is to begin to establish a set parameters and requirements for the creation of a cohesive mixed-use neighborhood development that can serve as neighborhood center rather than a continuous, repetitive, bland, homogenous and isolated set of land uses by parking lots, drive aisles and very little to no connectivity. The PUD is being used to organize connect several developments; fully interconnect streets, drive aisles, walk-ways, & bikeways within the development and to the surrounding neighborhoods; support retail shops & services; create active & secure pedestrian-friendly settings; and to make "parking" ultimately a shared resource available in support of "all" users within the PUD rather than just on a parcel-by-parcel basis. Appendix "A" dated March 10, 2023 represents a conceptual master plan that reflects the City's desired neighborhood plan design principles. The plan is meant to be flexible and not ridged, and to provide guidance for future development over the years. The design is based on principals in The City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue.

The I-1/PUD: Mandel Neighborhood Development / Planned Unit Development District is intended to provide for additional density than what is allowed in the I-1 Institutional District. The District will allowed up to 150 units.

Unless specified otherwise by this section, all new development shall be in accordance with the B-1 Zoning District, per Section 275-34B(1) Shopping Center District.

1. Principal Uses (See also Chapters 275-36B(1), 275-41B and Table 275-36-1)

2. Accessory Uses (See also Chapters 275-36B, 275-42, and Table 275-36-1)

3. Conditional Uses (See also Chapters 275-34C, 275-27 and Table 275-36-1)

4. Lot Area and Width (See also Chapters 275-44, 275-45, and 275-46)

   a. Parcels of land subject to this PUD Ordinance may be configured in any manner by Subdivision, CSM or meets and bounds transfer subject to City review and approval under WI Statutes CH. 236 and New Berlin Municipal Code Chapter 275 and 235. (See Appendix A, Conceptual Master Plan).

   b. In order to maintain maximum flexibility with the redevelopment plans, there shall be a zero lot line setback from property lines if developed as part of a unified project. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction. These setbacks assume adequate vision triangles, parking and circulation. The Plan Commission shall have the authority to require larger setbacks on a case-by-case basis in order to accommodate for safety and/or to further the redevelopment vision for this area.

5. Setback and yards (See also Chapter 275-36D and Table 275-36-2)

   a. Table 275-36-2 shall not apply.

      i. All buildings along major arterials (Moorland Road and Greenfield Avenue), shall have, where practicable, a zero lot line setback from the roadway's ultimate right-of-way. The Plan Commission may approve a greater setback due to site constraints and/or any other site development related circumstances.

      ii. The setback from the south property line (rear) shall not be closer than 12', the setback from the east property line (side) shall be 50' and the setback from the north property line (front) shall be 25'.

      iii. In all cases building locations and setbacks must provide adequate spacing so land, buildings, and structures are readily accessible to emergency vehicles and the handicapped. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction.

      iv. Respecting the creative design process, the Plan Commission reserves the right to require greater setbacks owing to health, safety and welfare concerns to ensure, the proposed onsite buildings, structures, and entry ways are situated and designed to minimized adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.

      v. Wetland Setback. All impervious surfaces shall be setback a minim of 15 feet to sidewalks and 30 feet to buildings.

6. Lot Coverage (See also Chapter 275-36D and Table 275-36-3)

   a. Table 275-36-3 shall not apply, however, through redevelopment efforts, the City and this applicant would not be able to achieve this amount of open space on the newly created parcels, given the urban setting and the existing cross access easements for shared parking and utilities. The applicant and the City will work together to achieve additional green space around the building / future building(s) with planters and other urban design measures, and adding additional plantings. Future development shall coordinate with the City on any storm water management requirements.

7. Time Limits (See also Chapter 275-23(F))

   a. If the development has not commenced, as evidenced by the securing of the initial Zoning Permits for Mandel Neighborhood Development and Highland Memorial Park Cemetery PUD and building permits for construction of any project defined in this PUD, and construction has not started within one calendar year from the approval of this ordinance, the Mandel Neighborhood Development and Highland Memorial Park Cemetery Planned Unit

Development Overlay District ordinance shall expire and become null and void. The underlying basic use district shall remain in force.

b. If the developer requires an extension of the time limits, any extension shall be requested by the developer in writing explaining the hardship and sent via Certified Mail to the Department of Community Development not less than 60 days prior to the expiration of this PUD. The Common Council may allow multiple extensions in the sole exercise of its discretion.

8. Use and Site Plan Review (See also Chapters 275-24 and 275-53)

a. No principal or accessory use, development or structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied, no site or premise shall be altered, used, changed, modified, occupied, or building permit approved until after the owner has applied for and received approval of the application for the zoning permit/use approval. An approved PUD Ordinance shall not be construed as a Zoning Permit or any other approval until the Plan Commission has granted an approval and staff has determined that all conditions of that approval have been satisfied.

9. Parking & Circulation (See also Chapter 275-57)

a. Parking lots may be located at the property line as long as circulation, vision triangles, and/or drainage are taken into consideration.

b. Community and Senior Living, 0.75 spaces per dwelling unit. One space per maximum employee count. Currently the code reads, *"One spaces per dwelling unit plus. The Plan Commission may reduce the parking requirement when assisted care is provided. The Plan Commission may require an additional 10% of the parking requirement for guest parking."*

10. Architecture (See also Chapter 275-59)

a. No principal or accessory use, development, structure or sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied and no site or premise shall be altered, used, changed, modified, building permit approved, or occupied until after the owner has applied for and the Architectural Review Committee of the Plan Commission has reviewed and approved the architecture for the zoning permit/use approval.

b. Additional requirements for this zoning district listed in Chapter 275-59D(3)(d).

c. Specific designs will be based on conceptual images shared during the Conceptual Development Review Phase (See Application File #: UA-2300419 as presented at the April 13, 2023 Plan Commission meeting) and concepts included in this PUD. See Appendix E , Senior Living Residential Concepts

11. Signage (See also Chapter 275-61J(3))

a. Per Zoning Code Section 275-61J(3) Special Commercial Areas – Moorland Road Business Corridor. This area is identified within the Moorland Road Business Corridor North See also figure VIII-11.

i. Off premise signage along Moorland Road may be permitted under this PUD to provide additional signage for a cohesive development. This statement modifies Zoning Code Section 275-61J(3)(c)[3].

ii. Zoning Code Section 275-61J(3)(c)[5] is modified to allow for an overall sign height of 15 ft. due to the site constraints along Moorland Road, which include, a deep parcels with buildings located behind other buildings, retaining walls/fences, heavy landscaping, sidepaths, and large county right-of-way.

iii. Additional City wayfinding signage is allowed.

iv. See the appendix section of a sample monument sign.

v. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.

1. This retail corner development shall incorporate "Welcome to City of New Berlin" signage as part of a separate agreement with the City to sell a parcel of land at Tax Key #: in exchange for the applicant to design, building, coordinate and pay for installation of a City sign. Mandel shall coordinate with the City of New Berlin on the exact size and location for this particular sign.

12. Landscaping (See also Chapter 275-54 and Chapter 275-56.

a. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.

i. Each development application within this area will be required to provide an enhanced landscaping plan. Refer to images in Chapter 11.

b. Financial security See also Chapter 275-56C(2)

i. At the time of final execution of a certified survey map, subdivision plat or landscape plan with the city, the owner is required to make a fiscal arrangement, either by escrowed funds, certificate of deposit or letter of credit, with the City to ensure that the owner is in full compliance with the landscape installation and maintenance requirements.

ii. A maintenance portion of the surety is required to ensure that the landscape installation is maintained during its critical establishment (five-year) period following installation. The amount of the maintenance portion of the surety shall be 20% of the original surety. Currently the code calls for, "three-year for maintenance."

Section VII

LANDS TO BE REMAIN ZONED I-1 (OUTLOT 1 ON PROPOSED CSM Appendix G) LANDS TO REMAIN FUTURE LAND USE OF INSTITUTIONAL:

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows; Commencing at the Southwest corner of the Northwest 1/4 of Section 2; thence North 01°19'12" East, 100.14 feet along the West line of said Northwest 1/4; thence North 88°20'12" East, 941.90 feet to the Point of Beginning of the lands described herein: thence North 01°04'42" East, 1266.45 feet to a point on the South line of Lot 1, Certified Survey Map No. 11117; thence North 89°16'07" East along said South line of Lot 1 aforesaid 370.57 feet to a point; thence South 00°50'07" West, 1260.16 feet to a point 100 feet North of the South line of said 1/4 Section; thence South 88°20'12" West parallel to said South line 376.16 feet to the Point of Beginning. Said lands described containing 471,320 square feet or 10.82 acres.

AREAS ZONED C-2, SHORELAND WETLAND HOLDING DISTRICT ON THE CITY'S ZONING MAP WILL REMAIN UNCHANGED. NEW WETLANDS WILL BE REGISTERED ON THE CITY'S ZONING MAP.

Section VII

WHEREFORE, The B-1/PUD: Mandel Neighborhood Development Plan Planned Unit Development Overlay District Ordinance having been approved as a Planned Unit Development on APPROVAL DATE HERE, pursuant to Chapter 275-23 of the New Berlin Zoning Code, the Common Council hereby adopts this Ordinance and approves the rezoning of land described in Section III to B-1/PUD, Section IV to Rm-1/PUD, Section V to I-1/PUD & to be named the Mandel Neighborhood Development Plan Planned Unit Development Overlay District and Section VI to I-1/PUD (Highland Memorial Park Cemetery PUD), pursuant to the conditions set forth herein.

The Mayor and City Clerk are authorized to execute this Ordinance No. XXXX on behalf of the City of New Berlin.

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

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

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

PASSED AND ADOPTED by the Common Council this APPROVAL DATE HERE.

APPROVED:

_____
David A. Ament, Mayor

Countersigned:

_____
Rubina Medina, City Clerk

APPENDIX A

Conceptual Master Plan

“CONCEPTUAL ONLY”

JLA ARCHITECTS

MOORLAND & GREENFIELD MIXED-USE DEVELOPMENT

CONCEPTUAL MASTERPLAN

MARCH 10, 2023
1"=160' @ 11x17

APPENDIX B

The City's Comprehensive Plan Chapter 11 Neighborhood "A" Greenfield Avenue.

"CONCEPTUAL ONLY"

INSERT DRAFT PLAN

APPENDIX C

Multiple-Family Concepts

“CONCEPTUAL ONLY”

INSERT CONCEPTS HERE

APPENDIX E

Senior Living Concepts

“CONCEPTUAL ONLY”

INSERT CONCEPTS HERE

APPENDIX F

Welcome to New Berlin Concepts

“CONCEPTUAL ONLY”

INSERT CONCEPTS HERE

APPENDIX G

DRAFT CSM #

INSERT RECORDED CSM HERE

Plan Commission
MEETING MINUTES

June 5, 2023 - 6:00 PM
Council Chambers
3805 S. Casper Drive

Please note: Minutes are unofficial until approved at the next regular scheduled meeting.

MINUTES

1. PUBLIC HEARING(S)

A. (3) NJ/KH CU-2300814 Welcome East Side LLC - 17200 W. Cleveland Avenue - Conditional Use Approval to reoccupy the existing building for a gas station and convenience store, construct a small addition to the rear of the building and construct a new car wash (PUBLIC HEARING 6:00 PM)

Kristen Hogan introduced the Public Hearing item to the Plan Commissioners.

Mayor Ament asked if there were any questions for clarification. Questions were asked by the following:

- Mary Heibl, 20160 W. National Ave.
- David Rohr, 2721 S. Calhoun Rd.
- Herjeet Walia, 17200 W. Cleveland Ave.

Mayor Ament asked if there was anyone wishing to speak in favor of the public hearing. The following constituents spoke in favor:

- William Morris, Project Architect, 531 87th Place, Pleasant Prairie

Mayor Ament asked if there was anyone wishing to speak in opposition of the public hearing. There was none.

Mayor Ament asked if there were questions and/or comments from Plan Commissioners. Commissioner Felda made a comment for clarification. Mayor Ament and Commissioner Anderson asked questions for clarification.

B. (4) NJ CU-2300898 Mr. Connor McMahon with A.W. Oakes & Son, Inc. on behalf of Waukesha County - Johnson Sand & Gravel - 6600-6666 S. Crowbar Road (Tax Key #'s: 2182-999-011 & 2182-999-013 - Conditional Use Approval to set up a temporary mobile concrete batch plant to supply concrete for the WisDOT Moorland Road project (PUBLIC HEARING 6:01 PM)

Greg Kessler introduced the Public Hearing item to the Plan Commissioners.

Mayor Ament asked if there were any questions for clarification. Questions were asked by the following:

- Mary Heibl, 20160 W. National Ave.
    - Ed Anastas, A.W. Oakes spoke to clarify questions

Mayor Ament asked if there was anyone wishing to speak in favor of the public hearing. There was none.

Mayor Ament asked if there was anyone wishing to speak in opposition of the public hearing. The following constituant spoke in opposition:

- Mary Heibl, 20160 W. National Ave.

Mayor Ament asked if there were questions and/or comments from Plan Commissioners. Commissioners McGrath and Rafel asked questions for clarification.

2. PRIVILEGE OF THE FLOOR

None

3. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Mayor Ament called the Common Council meeting to order at 06:45 PM.
Mayor Ament led the Pledge of Allegiance.

4. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Deputy City Clerk Megan Godshall took the roll call as follows:

Present: Commissioner Schulpius, Commissioner Anderson, Commissioner Felda, Commissioner Rafel, Commissioner McGrath, Mayor Ament

Excused: Alderman Stribl

Staff Present: DCD Director Greg Kessler, Principal Planner Kristen Hogan, City Attorney Mark Blum, Deputy City Clerk Megan Godshall

Deputy Clerk Godshall stated there is a quorum and the meeting was properly noticed in accordance with the open meetings law.

5. APPROVAL OF MINUTES

A. May 8, 2023 Meeting Minutes

MOTION: Motion to Approve

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

6. PLAN COMMISSION SECRETARY'S REPORT

No Report

7. NEW BUSINESS

A. (4) NJ CU-2300898 Mr. Connor McMahon with A.W. Oakes & Son, Inc. on behalf of Waukesha County - Johnson Sand & Gravel - 6600-6666 S. Crowbar Road (Tax Key #'s: 2182-999-011 & 2182-999-013 - Conditional Use Approval to set up a temporary mobile concrete batch plant to supply concrete for the WisDOT Moorland Road project (PUBLIC HEARING 6:01 PM)

MOTION: Motion to Approve as revised of the conditions in the staff report

VOTE: Motion by: Commissioner Rafel
Second by: Board Member Schulpius
Motion Passed 6-0

8. COMMUNICATIONS

None

9. ADJOURN

MOTION: Motion to Adjourn

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

Respectfully Submitted,
Megan Godshall, Deputy City Clerk

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT: **Brian Hatzung with Zimmerman Architectural Studios / Amendment to waiver for 37,800 sq. ft office and shop for Veit**

LOCATION: **18600 W. Lincoln Avenue (Tax Key #: 1167-994-001)**

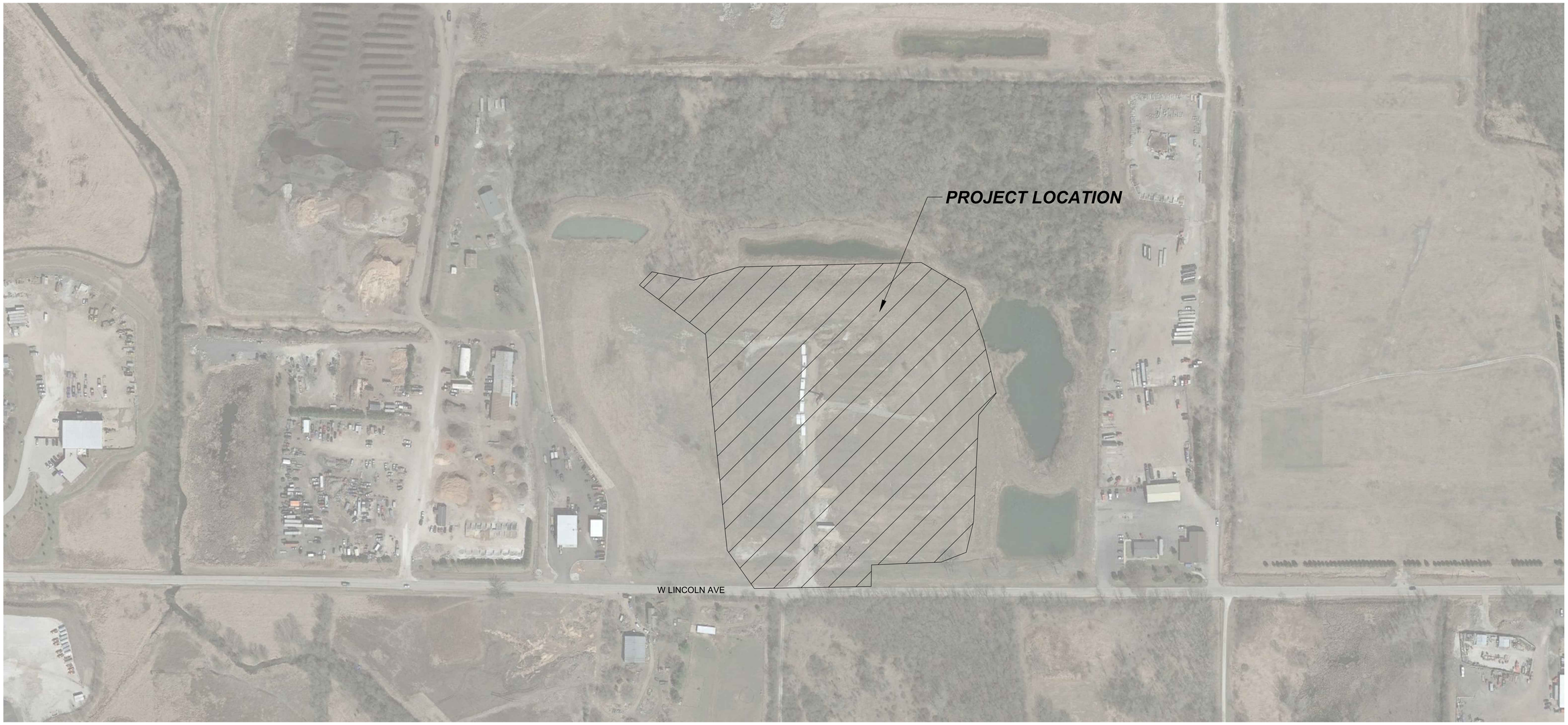
REQUEST: **Review and approval of an amendment to the previous Use, Site and Architecture approval for a 37,800 square foot office and shop building located at 18600 W. Lincoln Avenue.**

D.R.C. RECOMMENDATION: **Recommend approval of an amendment to the previously approved Use, Site and Architecture approval for a 37,800 square foot office and shop building, along with the revised Waiver Request, located at 18600 W. Lincoln Avenue subject to the application, plans on file, and the following conditions:** ***See Original Staff Report.***

Waiver Request: **Per §275-57A(7)(d)[2], Parking areas and aisles in all districts shall be paved with an asphalt or concrete surface. The applicant is proposing all driveways, parking lots, and building entrances will be paved with asphalt. The applicant is requesting that an area west of the proposed building and parking lot, be a gravel surface for future development. <u>Staff can support the wavier to use gravel surface for the areas proposed, on the plans attached to this staff report.</u>**

1. **The Plan Commission approved the Use, Site and Architecture for a 37,800 square foot office and shop building, along with the Waiver Request, located at 18600 W. Lincoln Avenue, on March 7, 2022.**
2. **The applicant is requesting a modification to the previously approved waiver.**
3. **The applicant has significantly reduced the size of the storage building (approved by the Plan Commission on 3/6/2023) and now no longer needs all of the pavement that was previously planned to serve the building.**
4. **The Plan Commission previously approved a waiver, as part of the original approval, to allow gravel surface for the areas identified on the original plan set. This request is to reduce an additional 32,288 square feet of pavement north of the main office building, and use gravel instead.**
5. **Staff supports this waiver based on the nature of the applicants business and use of tracked equipment on site.**

<u>DETAILS IN ATTACHED ORIGINAL STAFF REPORT DATED 3/7/2022:</u>



LEGEND:

UTILITY

EXISTING:

- WATERMAIN
- BURIED ELECTRIC
- OVERHEAD WIRE
- GAS LINE
- SANITARY SEWER
- STORM SEWER
- UTILITY POLE
- LIGHT POLE
- SANITARY MANHOLE
- FIRE HYDRANT
- WATER VALVE
- STORM SEWER STRUCTURE

PROPOSED:

- WATERMAIN
- ELECTRICAL LINE
- GAS LINE
- SANITARY SEWER
- STORM SEWER
- WATER VALVE
- STORM SEWER STRUCTURE
- FLARED END SECTION

GRADING

EXISTING:

- MAJOR CONTOUR
- MINOR CONTOUR
- EXIST 100.00 — EXISTING SPOT ELEVATION

PROPOSED:

- MAJOR CONTOUR
- MINOR CONTOUR
- 100.00 — SPOT ELEVATION (FINISHED GRADE, TOP OF PAVEMENT, FLANGE OF CURB)
- DOOR 100.00 — DOOR ELEVATION
- GR 100.00 — GROUND GRADE AT BUILDING
- 100.50T/C 100.00E/P — SPOT ELEVATION (T/C - TOP OF CURB, E/P - EDGE OF PAVEMENT)
- 100.50T/W 100.00B/W — RETAINING WALL SPOT ELEVATION (T/W - TOP OF WALL, B/W - GROUND GRADE AT BOTTOM)
- 12" FES 100.00B/W — FLARED END SECTION (PIPE SIZE, INVERT ELEVATION)
- DRAINAGE FLOW DIRECTION
- EMERGENCY OVERFLOW ROUTE

SITE

EXISTING:

- EXISTING PARKING COUNT
- EXISTING SIGN
- EXISTING ADA PARKING SPACE

PROPOSED:

- PARKING COUNT
- ADA PARKING SPACE
- SIGN
- TRUNCATED DOMES
- PAVEMENT MARKING DIRECTIONAL ARROWS

GENERAL NOTES AND SPECIFICATIONS:

1. THE EXISTING SITE INFORMATION ON THIS PLAN WAS TAKEN FROM A SITE SURVEY PROVIDED BY CAPITOL SURVEY ENTERPRISES. THE ENGINEER MAKES NO WARRANTY OR REPRESENTATION WITH REFERENCE TO THE ACCURACY AND COMPLETENESS OF THE EXISTING CONDITIONS INDICATED OR NOT INDICATED ON THE ENGINEERING PLANS PROVIDED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING SITE CONDITIONS INCLUDING UNDERGROUND UTILITIES, UNDERGROUND UTILITY ELEVATIONS, BUILDING SETBACKS AND EXISTING BUILDING LOCATIONS. THE CONTRACTOR SHALL INFORM THE OWNER AND ENGINEER OF ANY DISCREPANCIES PRIOR TO COMMENCING WITH WORK. QUESTIONS REGARDING THE EXISTING SURVEY SHALL BE DIRECTED TO THE PARTIES LISTED ABOVE.
2. BEFORE PROCEEDING WITH ANY UTILITY CONSTRUCTION, CONTRACTOR SHALL EXCAVATE EACH EXISTING LATERAL TO BE CONNECTED TO (VERIFYING ELEVATION, LOCATION AND SIZE). SHOULD THE EXISTING UTILITY NOT BE AS INDICATED ON THE PLAN, THE ENGINEER SHALL BE NOTIFIED IMMEDIATELY FOR EVALUATION.
3. ALL UTILITY CONSTRUCTION SHALL ADHERE TO THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN (2003), AS WELL AS, THE MUNICIPAL CONSTRUCTION STANDARDS AND THE DEPT. OF SAFETY AND PROFESSIONAL SERVICES SEC. 382-387.
4. ALL PERMITS MUST BE RECEIVED FROM THE MUNICIPALITY AND WDNR PRIOR TO THE START OF CONSTRUCTION. IT IS THE CONTRACTORS RESPONSIBILITY TO ENSURE ALL APPLICABLE PERMITS ARE RECEIVED PRIOR TO STARTING CONSTRUCTION.
5. NOTIFY THE CODE COMPLIANCE DEPT. AT LEAST 48 HOURS BEFORE STARTING CONSTRUCTION.
6. BACKFILL REQUIREMENTS AND ROADWAY/SIDEWALK RESTORATION SHALL ADHERE TO LOCAL STANDARDS (GRANULAR BACKFILL UNDER OR WITHIN 5' OF CURBS, SIDEWALK, OR PAVEMENT. SPOIL MAY BE USED ELSEWHERE. SLURRY BACKFILL WILL BE REQUIRED IN PUBLIC ROADWAYS.)
7. ALL BUILDING UTILITIES SHALL BE VERIFIED WITH THE ARCHITECTURAL PLANS PRIOR TO CONSTRUCTION.
8. ALL PROPOSED WATERMAIN SHALL BE PVC SDR 18, CLASS 150, AWWA C900 WITH ELASTOMERIC JOINTS.
9. PROPOSED STORM SEWER SHALL BE RCP CLASS III, ASTM C-76 WITH BELL & SPIGOT OR TONGUE AND GROOVE JOINTS CONFORMING TO ASTM C-433 (UNLESS OTHERWISE NOTED).
10. A MEANS TO LOCATE BURIED UNDERGROUND EXTERIOR NONMETALLIC UTILITIES MUST BE PROVIDED. PROVIDE TRACER WIRE OR OTHER METHODS IN ORDER TO BE LOCATED IN ACCORD WITH THE PROVISIONS SECTIONS 182.0715(2R) OF THE STATE STATUTES.
11. UTILITY TRENCHES SHALL BE MECHANICALLY COMPACTED IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN.
12. ALL MANHOLES, CATCH BASINS, INLETS, VALVES BOXES, ETC WITHIN THE PROJECT AREA SHALL BE RESET AND ADJUSTED TO MATCH FINISH GRADE.
13. ALL EXCAVATED OR STRIPPED MATERIALS NOT BEING REPLACED IN UTILITY TRENCHES OR BEING USED FOR FILL SHALL BE REMOVED FROM THE SITE, UNLESS OTHERWISE DIRECTED BY THE OWNER.
14. SEE ARCHITECTURAL PLANS FOR EXACT BUILDING & FOUNDATION DETAILS AND ORIENTATION.
15. ALL ON-SITE CONCRETE CURB AND GUTTER TO BE 18" WIDE VERTICAL FACE, UNLESS OTHERWISE NOTED. REVERSE OR REGULAR STYLE CURB DENOTED ON PLANS.
16. ALL CURB ELEVATIONS ARE EDGE OF PAVEMENT UNLESS OTHERWISE NOTED. SEE CURB DETAIL FOR TOP OF CURB ELEVATIONS.
17. ALL CURB RADII ARE MEASURED TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
18. CONTRACTOR SHALL MATCH PROPOSED CONCRETE CURB AND GUTTER, SIDEWALK AND PAVEMENT TO EXISTING IN ELEVATION AND ALIGNMENT.
19. REMOVAL OF CURB AND GUTTER, SIDEWALK AND PAVEMENT SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS OF THE WISCONSIN D.O.T.
20. ALL CONCRETE FOR CURB AND GUTTER, ROADWAY AND SIDEWALKS MUST CONFORM TO THE STANDARD SPECIFICATIONS FOR READY MIXED CONCRETE. MINIMUM 28 DAY COMPRESSIVE STRENGTH TEST MUST EQUAL 4000 PSI.
21. CONTRACTOR IS RESPONSIBLE FOR PROTECTING ALL PROPERTY CORNERS.
22. CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE TO EXISTING UTILITIES OR SITE IMPROVEMENTS. CONTRACTOR SHALL DOCUMENT ALL EXISTING DAMAGE PRIOR TO START OF CONSTRUCTION AND NOTIFY CONSTRUCTION MANAGER OF ANY FINDINGS.
23. PROJECT SAFETY ON-SITE SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
24. CONTRACTOR IS RESPONSIBLE FOR VERIFYING EXISTING SOIL CONDITIONS, CONSTRUCTION MANAGER MAY HAVE SOILS REPORT FOR MORE INFO.
25. CONTRACTOR IS RESPONSIBLE FOR PROVIDING THE OWNER WITH A SET OF MARKED UP PLANS (AS-BUILTS) SHOWING ANY CHANGES DURING CONSTRUCTION.

CIVIL SHEET INDEX:

C1.10 PROJECT LOCATION AND GENERAL NOTES
C1.11 SITE PLAN - SOUTH
C1.12 SITE PLAN - NORTH
C1.20 OVERALL GRADING PLAN
C1.21 GRADING PLAN - SOUTH
C1.22 GRADING PLAN - NORTH
C1.30 EROSION CONTROL PLAN
C1.40 EXISTING SURVEY
C1.41 EXISTING SURVEY
C5.00 CONSTRUCTION DETAILS

DIGGER'S HOTLINE CALL BEFORE YOU DIG 1-800-242-8511

IN ACCORDANCE WITH WISCONSIN STATUTE 182.0175, DAMAGE TO TRANSMISSION FACILITIES, EXCAVATOR SHALL BE SOLELY RESPONSIBLE TO PROVIDE ADVANCE NOTICE TO THE DESIGNATED "ONE CALL SYSTEM" NOT LESS THAN THREE WORKING DAYS PRIOR TO COMMENCEMENT OF ANY EXCAVATION REQUIRED TO PERFORM WORK CONTAINED ON THESE DRAWINGS, AND FURTHER, EXCAVATOR SHALL COMPLY WITH ALL OTHER REQUIREMENTS OF THIS STATUTE RELATIVE TO EXCAVATOR'S WORK.

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Owner:

VEIT

Consultant:

Harwood Engineering Consultants
255 North 21st Street | Milwaukee, WI 53233
P 414.935.5354 | www.hecl.com

Project:
VEIT & COMPANY, INC.
OFFICE AND SHOP FACILITY

Location:
W LINCOLN AVE
NEW BERLIN, WI 53151

Key Plan:

Sheet:
PROJECT LOCATION & GENERAL NOTES

100% Construction Documents Set

Scale: 1" = 120'

North

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	6/16/2023	City Resubmittal

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5.26.22

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21-0073.00

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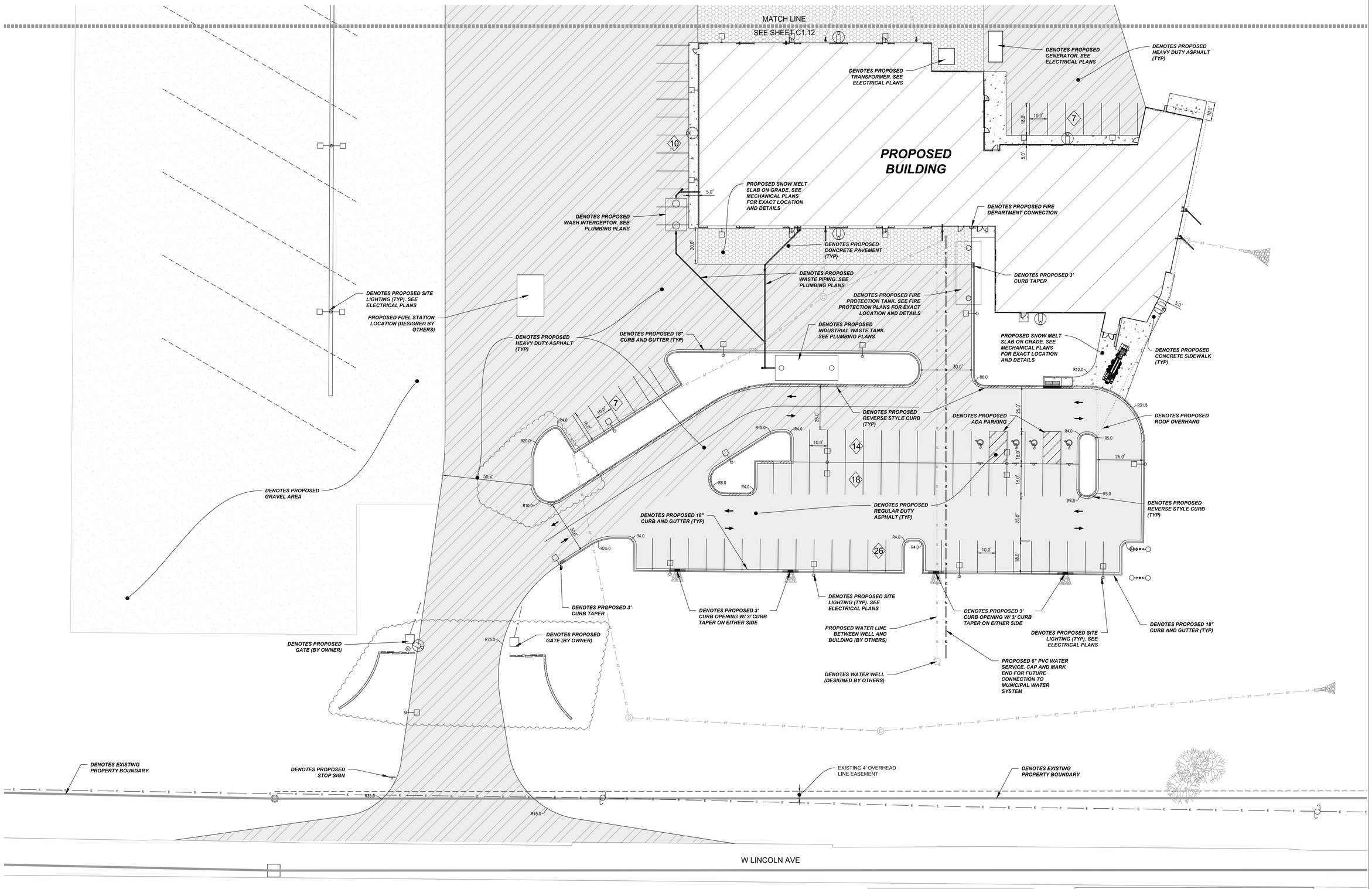
C1.10



SITE CALCULATION TABLE

TOTAL SITE AREA	53.01 AC
TOTAL DISTURBED AREA	12.50 AC
EXISTING IMPERVIOUS AREA	0.00 AC
PROPOSED IMPERVIOUS AREA	10.67 AC
PROPOSED GREENSPACE	42.34 AC (80% OF SITE)

PARKING SPACES REQUIRED
OFFICE = 1 PER 300 SF
PROP OFFICE SF = 20,346 = 68 SPACES
SHOP = 1 PER EMPLOYEE
PROP SHOP EMPLOYEES = 14 = 14 SPACES
TOTAL SPACES REQUIRED = 82

PROPOSED REGULAR PARKING SPACES	78
PROPOSED HANDICAP PARKING	4
PROPOSED TOTAL PARKING	82

HATCH LEGEND

- PROPOSED CONCRETE SIDEWALK
- PROPOSED CONCRETE PAVEMENT
- PROPOSED REGULAR DUTY ASPHALT PAVEMENT
- PROPOSED HEAVY DUTY ASPHALT PAVEMENT
- PROPOSED GRAVEL AREA
- PROPOSED DEPRESSED CURB
- PROPOSED TAPER CURB
- PROPOSED REVERSE CURB

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Project:
VEIT & COMPANY, INC.
OFFICE AND SHOP FACILITY

Location:
W LINCOLN AVE
NEW BERLIN, WI 53151

Key Plan:

Sheet:
SITE PLAN - SOUTH

100% Construction Documents Set

Scale: 1" = 20'

North

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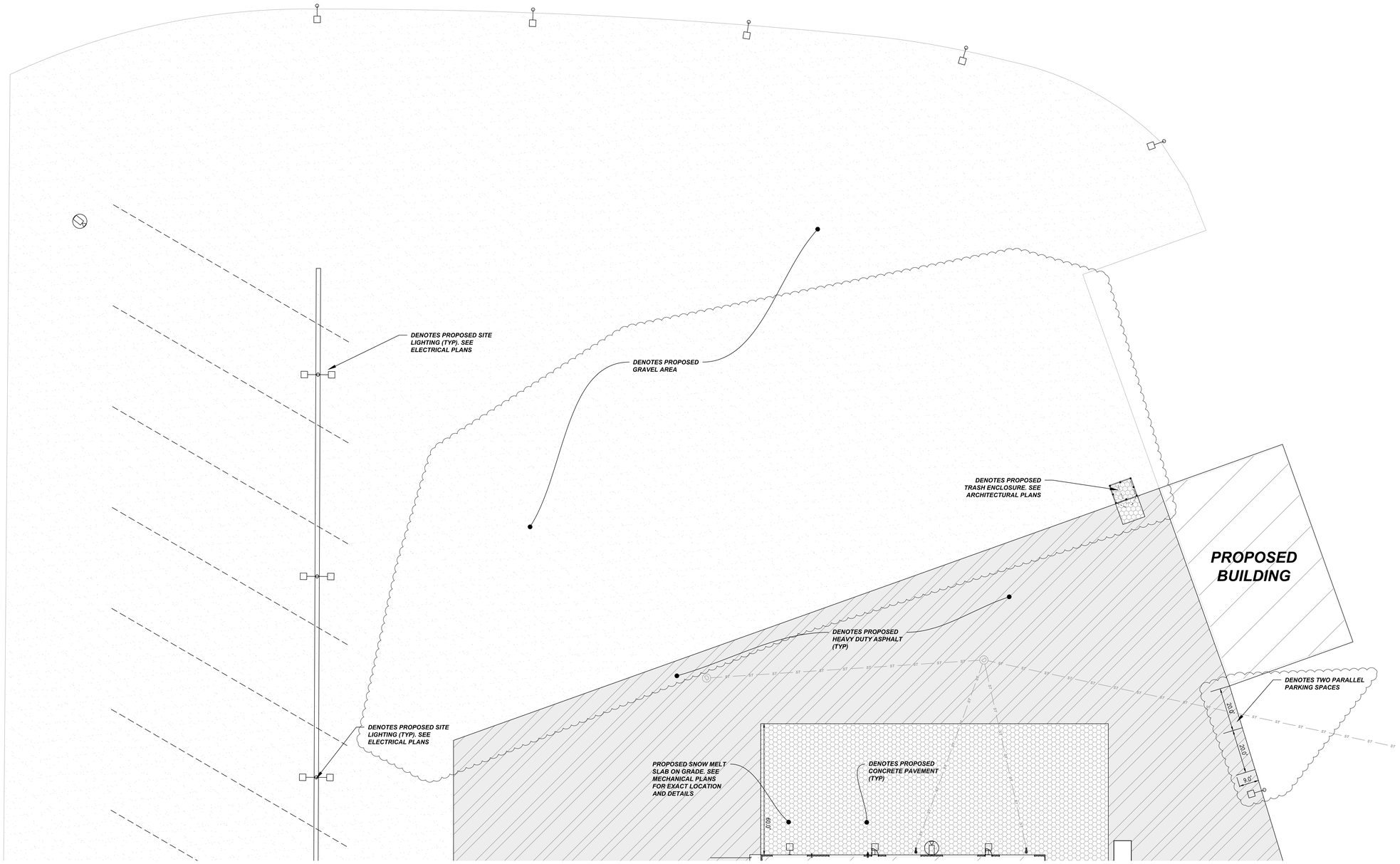

HATCH LEGEND

- PROPOSED CONCRETE SIDEWALK
- PROPOSED REGULAR DUTY ASPHALT PAVEMENT
- PROPOSED HEAVY DUTY ASPHALT PAVEMENT
- PROPOSED CONCRETE PAVEMENT
- PROPOSED GRAVEL AREA

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Project:
VEIT & COMPANY, INC.
STORAGE BUILDING

Location:
18600 W. Lincoln Ave.
New Berlin, WI 53151

Key Plan:

Sheet:
SITE PLAN - NORTH

Scale: 1" = 20'

North

Revisions:

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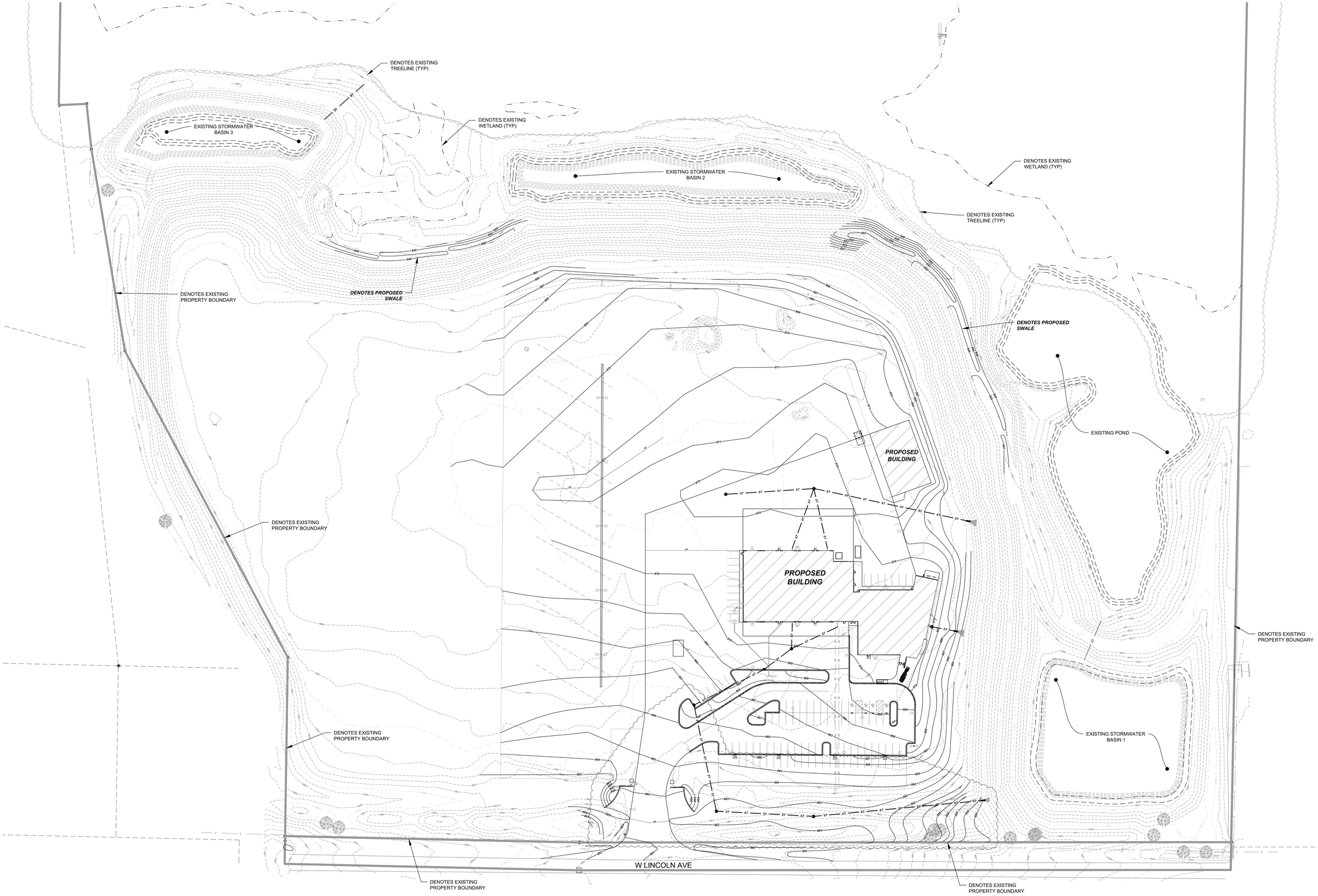

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Project:
VEIT & COMPANY, INC.
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Location:
18600 W. Lincoln Ave.
New Berlin, WI 53151

Key Plan:

Sheet:
OVERALL GRADING PLAN

Scale: 1" = 50'

North

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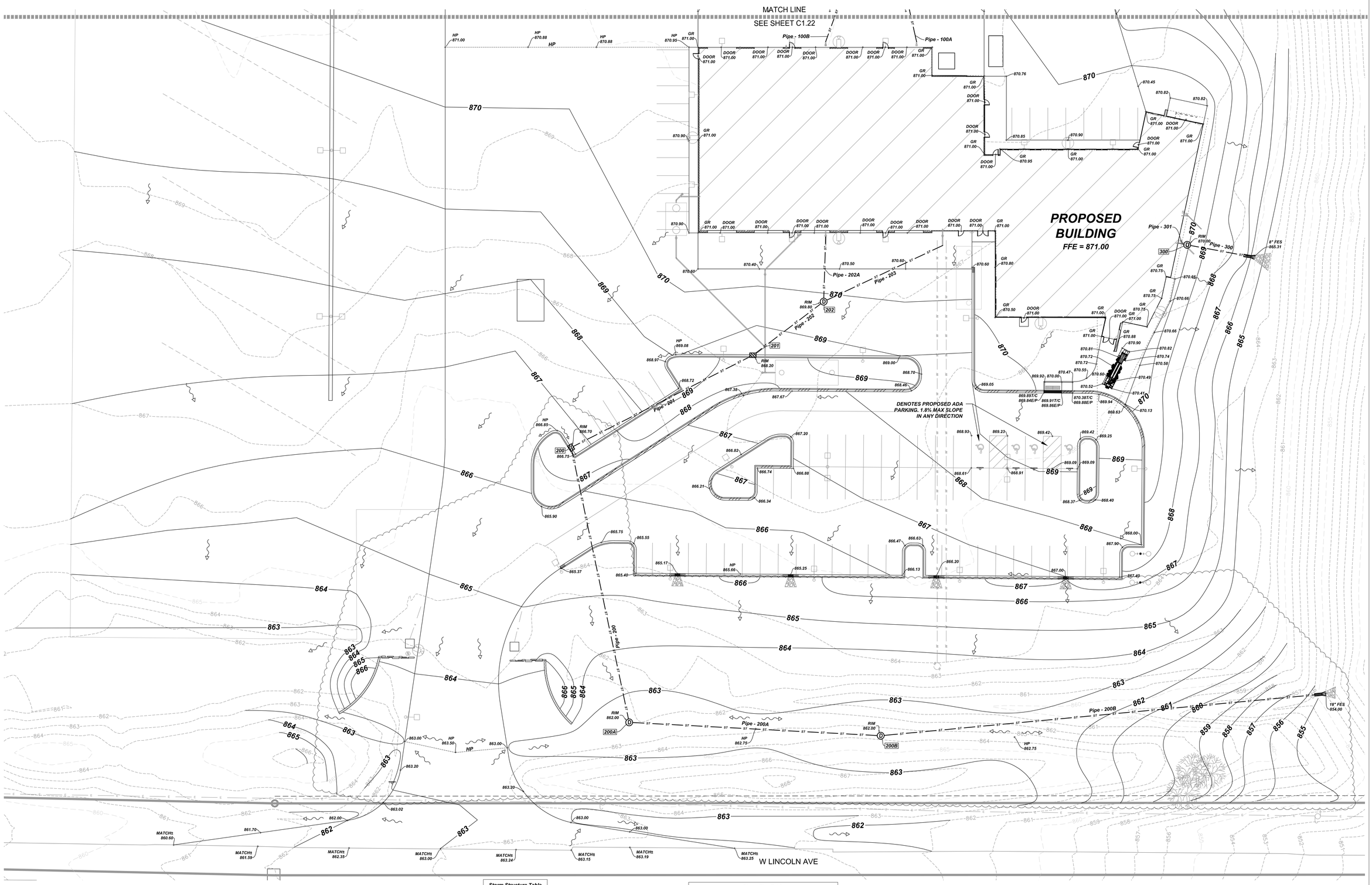

Storm Structure Table					
#	Structure Details				
100	CATCH BASIN RIM = 869.00 Pipe - 101 = 863.30 Pipe - 100B = 863.30 Pipe - 100A = 863.30 Pipe - 100 = 863.30	200A	CATCH BASIN RIM = 862.00 Pipe - 200 = 857.89 Pipe - 200A = 857.89	202	CATCH BASIN RIM = 869.80 Pipe - 203 = 865.25 Pipe - 202A = 865.25 Pipe - 202 = 865.25
101	CATCH BASIN RIM = 869.00 Pipe - 101 = 864.57	200	CATCH BASIN - CURB RIM = 866.70 Pipe - 201 = 863.13 Pipe - 200 = 863.13	300	CATCH BASIN RIM = 870.00 Pipe - 301 = 865.69 Pipe - 300 = 865.69
200B	CATCH BASIN RIM = 862.00 Pipe - 200A = 856.49 Pipe - 200B = 856.49	201	CATCH BASIN - CURB RIM = 868.20 Pipe - 202 = 864.26 Pipe - 201 = 864.26		

Storm Pipe Table					
Pipe Name	Size	Material	Length	Slope	Description
Pipe - 100	24	RCP	230	1.00%	W/ FES
Pipe - 100A	8	RCP	88	5.14%	
Pipe - 100B	8	RCP	91	4.93%	
Pipe - 101	15	RCP	127	1.00%	
Pipe - 200	12	RCP	156	3.36%	
Pipe - 200A	15	RCP	140	1.00%	
Pipe - 200B	18	RCP	249	1.00%	W/ RCP FES
Pipe - 201	12	RCP	113	1.00%	
Pipe - 202	8	RCP	49	2.00%	
Pipe - 202A	6	PVC	36	5.00%	
Pipe - 203	8	RCP	73	3.00%	
Pipe - 300	8	HDPE	38	1.00%	W/ FES
Pipe - 301	6	HDPE	5	1.00%	PLUMBING PIPE

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Key Plan:

Sheet:
GRADING PLAN - SOUTH

Scale: 1" = 20'

North

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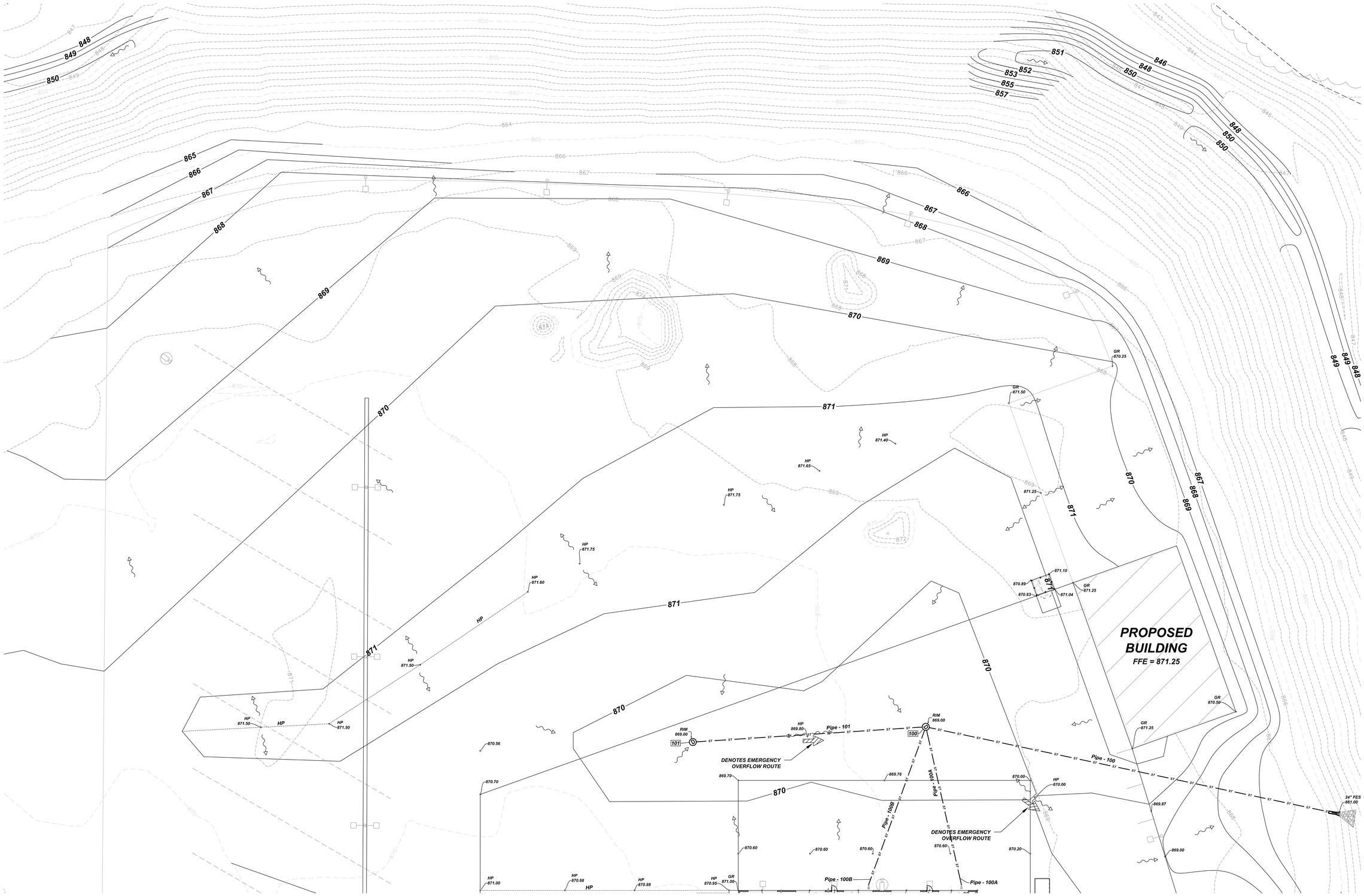

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Project:
VEIT & COMPANY, INC.
STORAGE BUILDING

Location:
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Key Plan:

Sheet:
GRADING PLAN - NORTH

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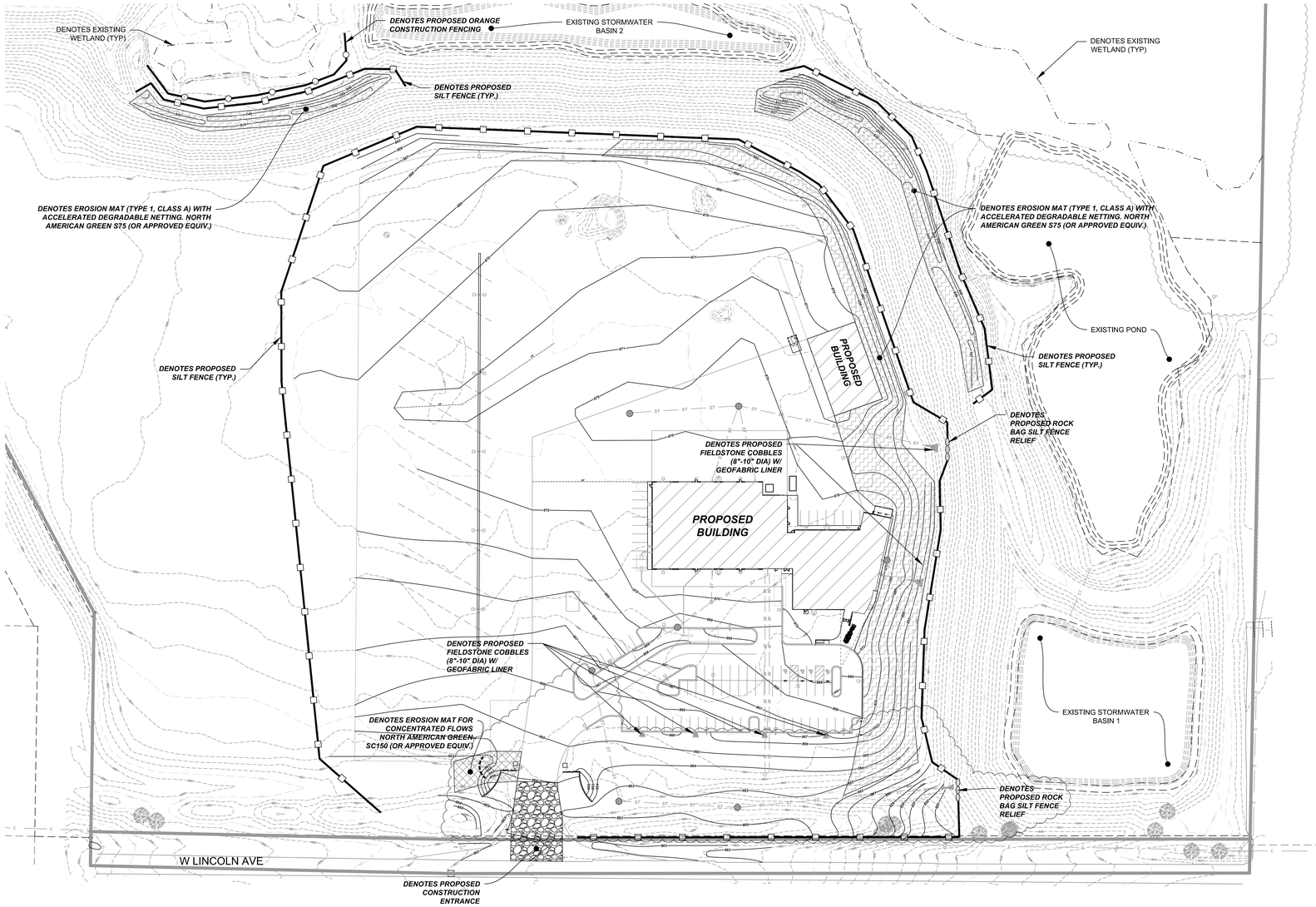


EROSION CONTROL NOTES AND PHASING

1. WDNR PERMIT COVERAGE IS REQUIRED. POST WDNR CERTIFICATE OF PERMIT COVERAGE ON SITE AND MAINTAIN UNTIL CONSTRUCTION ACTIVITIES HAVE CEASED, THE SITE IS STABILIZED, AND A NOTICE OF TERMINATION IS FILED WITH WDNR.
2. KEEP A COPY OF THE CURRENT EROSION CONTROL PLAN ON SITE THROUGHOUT THE DURATION OF THE PROJECT.
3. SUBMIT PLAN REVISIONS OR AMENDMENTS TO THE ENGINEER AT LEAST 5 DAYS PRIOR TO FIELD IMPLEMENTATION.
4. CONTRACTOR IS RESPONSIBLE FOR ROUTINE SITE INSPECTIONS AT LEAST ONCE EVERY 7 DAYS AND WITHIN 24 HOURS AFTER A RAINFALL EVENT OF 0.5 INCHES OR GREATER. KEEP INSPECTION REPORTS ON-SITE AND MAKE THEM AVAILABLE UPON REQUEST.
5. INSPECT AND MAINTAIN ALL INSTALLED EROSION CONTROL PRACTICES UNTIL THE CONTRIBUTING DRAINAGE AREA HAS BEEN STABILIZED.
6. WHEN POSSIBLE: PRESERVE EXISTING VEGETATION (ESPECIALLY ADJACENT TO SURFACE WATERS), MINIMIZE LAND-DISTURBING CONSTRUCTION ACTIVITY ON SLOPES OF 20% OR MORE, MINIMIZE SOIL COMPACTION, AND PRESERVE TOPSOIL.
7. REFER TO THE WDNR STORMWATER CONSTRUCTION TECHNICAL STANDARDS AT http://dnr.wi.gov/topic/stormwater/standards/const_standards.html.
8. INSTALL PERIMETER EROSION CONTROLS, (IF REQUIRED) AND TRACKOUT CONTROL PRACTICES PRIOR TO ANY LAND-DISTURBING ACTIVITIES, INCLUDING CLEARING AND GRUBBING. USE WDNR TECHNICAL STANDARD 1057 FOR TRACKOUT CONTROL AT CONSTRUCTION ENTRANCE(S) (IF REQUIRED).
9. INSTALL INLET PROTECTION PRIOR TO LAND-DISTURBING ACTIVITIES IN THE CONTRIBUTING DRAINAGE AREA AND/OR IMMEDIATELY UPON INLET INSTALLATION. COMPLY WITH WDNR TECHNICAL STANDARD STORM DRAIN INLET PROTECTION FOR CONSTRUCTION SITES #1060.
10. STAGE CONSTRUCTION GRADING ACTIVITIES TO MINIMIZE THE CUMULATIVE EXPOSED AREA. CONDUCT TEMPORARY GRADING FOR EROSION CONTROL PER WDNR TECHNICAL STANDARD TEMPORARY GRADING PRACTICES FOR EROSION CONTROL #1067.
11. PERMITTING OF GROUNDWATER DEWATERING IS THE RESPONSIBILITY OF THE CONTRACTOR. GROUNDWATER DEWATERING IS SUBJECT TO A DNR WASTEWATER DISCHARGE PERMIT AND A DNR HIGH CAPACITY WELL APPROVAL IF CUMULATIVE PUMP CAPACITY IS 70 GPM OR MORE.
12. PROVIDE ANTI-SCOUR PROTECTION AND MAINTAIN NON-EROSIVE FLOW DURING DEWATERING. PERFORM DEWATERING OF ACCUMULATED SURFACE RUNOFF IN ACCORDANCE WITH WDNR TECHNICAL STANDARD DE-WATERING #1061.
13. EXISTING STORMWATER BASINS WILL SERVE AS SEDIMENT BASINS DURING CONSTRUCTION.
14. INSTALL AND MAINTAIN SILT FENCING PER WDNR TECHNICAL STANDARD SILT FENCE #1056. REMOVE SEDIMENT FROM BEHIND SILT FENCES AND SEDIMENT BARRIERS BEFORE SEDIMENT REACHES A DEPTH THAT IS EQUAL TO ONE-HALF OF THE FENCE AND/OR BARRIER HEIGHT.
15. REPAIR BREAKS AND GAPS IN SILT FENCES AND BARRIERS IMMEDIATELY. REPLACE DECOMPOSING STRAW BALES (TYPICAL BALE LIFE IS 3 MONTHS), LOCATE, INSTALL, AND MAINTAIN STRAW BALES PER WDNR TECHNICAL STANDARD DITCH CHECKS #1062.
16. INSTALL AND MAINTAIN FILTER SOCKS IN ACCORDANCE WITH WDNR TECHNICAL STANDARD INTERIM MANUFACTURED PERIMETER CONTROL AND SLOPE INTERRUPTION PRODUCTS # 1071.
17. IMMEDIATELY STABILIZE STOCKPILES AND SURROUND STOCKPILES AS NEEDED WITH SILT FENCE OR OTHER PERIMETER CONTROL IF STOCKPILES WILL REMAIN INACTIVE FOR 7 DAYS OR LONGER.
18. IMMEDIATELY STABILIZE ALL DISTURBED AREAS THAT WILL REMAIN INACTIVE FOR 14 DAYS OR LONGER.
    - BETWEEN SEPTEMBER 15 AND OCTOBER 15: STABILIZE WITH MULCH, TACKIFIER, AND A PERENNIAL SEED MIXED WITH WINTER WHEAT, ANNUAL OATS, OR ANNUAL RYE, AS APPROPRIATE FOR REGION AND SOIL TYPE
    - OCTOBER 15 THROUGH COLD WEATHER: STABILIZE WITH A POLYMER AND DORMANT SEED MIX, AS APPROPRIATE FOR REGION AND SOIL TYPE.
19. STABILIZE AREAS OF FINAL GRADING WITHIN 7 DAYS OF REACHING FINAL GRADE.
20. SWEEP/CLEAN UP ALL SEDIMENT/TRASH THAT MOVES OFF-SITE DUE TO CONSTRUCTION ACTIVITY OR STORM EVENTS BEFORE THE END OF THE SAME WORKDAY OR AS DIRECTED BY THE WDNR/MUNICIPALITY. SEPARATE SWEPT MATERIALS (SOILS AND TRASH) AND DISPOSE OF APPROPRIATELY.
21. CONTRACTOR IS RESPONSIBLE FOR CONTROLLING DUST PER WDNR TECHNICAL STANDARD DUST CONTROL ON CONSTRUCTION SITES # 1068.
22. PROPERLY DISPOSE OF ALL WASTE AND UNUSED BUILDING MATERIALS (INCLUDING GARBAGE, DEBRIS, CLEANING WASTES, OR OTHER CONSTRUCTION MATERIALS) AND DO NOT ALLOW THESE MATERIALS TO BE CARRIED BY RUNOFF INTO THE RECEIVING CHANNEL.
25. FOR NON-CHANNELIZED FLOW ON DISTURBED OR CONSTRUCTED SLOPES 4:1 OR GREATER (OR AS SHOWN ON THE PLAN), PROVIDE CLASS I TYPE TYPE A (WITH ACCELERATED DEGRADABLE NETTING) EROSION CONTROL MATTING. SELECT EROSION MATTING FROM WDOT'S PRODUCT ACCEPTABILITY LIST (PAL); INSTALL AND MAINTAIN PER WDNR TECHNICAL STANDARD NON-CHANNEL EROSION MAT #1052.
23. FOR CHANNELIZED FLOW ON DISTURBED OR CONSTRUCTED AREAS (OR AS SHOWN ON THE PLANS), PROVIDE NORTH AMERICAN GREEN SC150 (OR APPROVED EQUAL) EROSION CONTROL MATTING. INSTALL AND MAINTAIN PER WDNR TECHNICAL STANDARD CHANNEL EROSION MAT #1053.
24. MAKE PROVISIONS FOR WATERING DURING THE FIRST 8 WEEKS FOLLOWING SEEDING OR PLANTING OF DISTURBED AREAS WHENEVER MORE THAN 7 CONSECUTIVE DAYS OF DRY WEATHER OCCUR.
25. INSTALL ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES (SUCH AS TEMPORARY SEDIMENT BASINS, DITCH CHECKS, EROSION CONTROL MATTING, SILT FENCING, FILTER SOCKS, WATTLES, SWALES, ETC.), OR AS DIRECTED BY WDNR/MUNICIPALITY
26. NOTICE OF TERMINATION: WHEN THE SITE HAS BEEN FULLY STABILIZED AND ALL STORMWATER DISCHARGES FROM THE SITE AUTHORIZED UNDER THE NOI PERMIT HAVE BEEN ELIMINATED, A NOTICE OF TERMINATION SHALL BE FILED WITH THE DNR. CONTRACTOR SHALL SUBMIT A COMPLETED NOTICE OF TERMINATION APPLICATION IN ACCORDANCE WITH THE PERMIT REQUIREMENTS PRIOR TO FINAL PAYMENT.

GENERAL NOTES:

DETAIL OF CONSTRUCTION NOT SHOWN ON THIS DRAWING SHALL CONFORM TO THE PERTINENT REQUIREMENTS OF THE STANDARD SPECIFICATIONS AND APPLICABLE SPECIAL PROVISIONS.

WHEN POSSIBLE THE SILT FENCE SHOULD BE CONSTRUCTED IN AN ARC OR HORSESHOE SHAPE, WITH THE ENDS POINTING UPSLOPE TO MAXIMIZE BOTH STRENGTH AND EFFECTIVENESS.

① CROSS BRACE WITH 2" x 4" WOODEN PRIME OR EQUIVALENT AT TOP OF POSTS AS DIRECTED BY THE ENGINEER.

② MINIMUM 14 GAGE WIRE REQUIRED, FOLD FABRIC 3" OVER THE WIRE AND STAPLE OR PLACE WIRE RINGS ON 17" C-C.

③ EXCAVATE A TRENCH A MINIMUM OF 4" WIDE AND 6" DEEP TO BURY AND ANCHOR THE GEOTEXTILE FABRIC. FOLD MATERIAL TO FIT TRENCH AND BACKFILL AND COMPACT TRENCH WITH EXCAVATED SOIL.

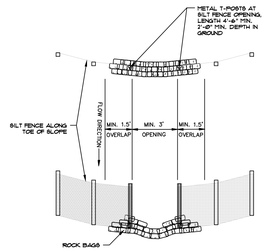
④ WIRE SUPPORT FENCE SHALL BE 14 GAGE MINIMUM WOVEN WIRE WITH A MAXIMUM MESH SPACING OF 6". SECURE TOP OF GEOTEXTILE FABRIC TO TOP OF FENCE WITH STAPLES OR WIRE RINGS AT 12" C-C.

⑤ GEOTEXTILE FABRIC SHALL BE REINFORCED WITH AN INDUSTRIAL POLY-PROPYLENE NETTING WITH A MAXIMUM MESH SPACING OF 3/4" OR EQUAL. A HEAVY DUTY NYLON TOP SUPPORT CORD OR EQUIVALENT IS REQUIRED.

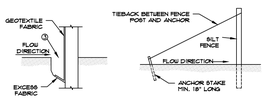
⑥ STEEL POSTS SHALL BE STUDDED "TEE" OR "U TYPE" WITH A MINIMUM WEIGHT OF 1.35 lb/ft. ft. (WITHOUT ANCHORS). FIN ANCHORS SUFFICIENT TO RESIST POST MOVEMENT ARE REQUIRED. WOOD POSTS SHALL BE A MINIMUM SIZE OF 4" DIA. OR 1-1/2" x 3-1/2" EXCEPT WOOD POSTS FOR GEOTEXTILE FABRIC REINFORCED WITH NETTING SHALL BE A MINIMUM SIZE OF 1-1/8" x 1-1/8" OAK OR HICKORY.

ALTERNATIVES A AND B ARE EQUAL AND EITHER MAY BE USED.

NOTE: ADDITIONAL POST DEPTH OR TIE BACKS MAY BE REQUIRED IN UNSTABLE SOILS

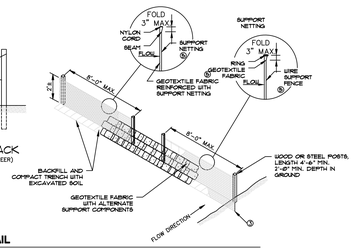


ROCK BAGS SILT FENCE RELIEF DETAIL

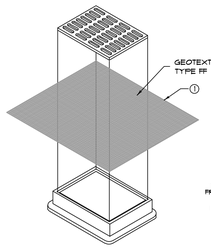


TRENCH DETAIL

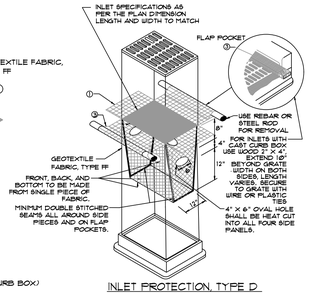
SILT FENCE TIE BACK
(WHEN REQUIRED BY THE ENGINEER)



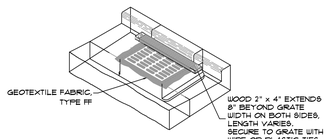
SILT FENCE DETAIL
NTS



INLET PROTECTION, TYPE B
(WITHOUT CURB BOX)
(CAN BE INSTALLED IN ANY INLET WITHOUT A CURB BOX)



INLET PROTECTION, TYPE D
(CAN BE INSTALLED IN ANY INLET TYPE WITH OR WITHOUT A CURB BOX AS PER NOTE) ③



INLET PROTECTION, TYPE C (WITH CURB BOX)

GENERAL NOTES:

INLET PROTECTION DEVICES SHALL BE MAINTAINED OR REPLACED AT THE DIRECTION OF THE ENGINEER

MANUFACTURED ALTERNATIVES APPROVED AND LISTED ON THE DEPARTMENT'S EROSION CONTROL PRODUCT ACCEPTABILITY LIST MAY BE SUBSTITUTED.

WHEN REMOVING INLET PROTECTION, CARE SHALL BE TAKEN SO THAT SEDIMENT TRAPPED ON THE GEOTEXTILE FABRIC DOES NOT FALL INTO INLET. ANY MATERIAL FALLING INTO THE INLET SHALL BE REMOVED IMMEDIATELY.

FINISHED SIZE, INCLUDING FLAP POCKETS WHERE REQUIRED, SHALL EXTEND A MINIMUM OF 18" AROUND THE PERIMETER TO FACILITATE MAINTENANCE OR REMOVAL.

FOR INLET PROTECTION, TYPE C WITH CURB BOX, AND ADDITIONAL 18" OF FABRIC IS WRAPPED AROUND THE WOOD AND SECURED WITH STAPLES. THE WOOD SHALL NOT BLOCK THE ENTIRE HEIGHT OF THE CURB BOX OPENING.

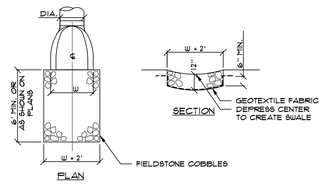
FLAP POCKETS SHALL BE LARGE ENOUGH TO ACCEPT WOOD 2x4.

INSTALLATION NOTES:

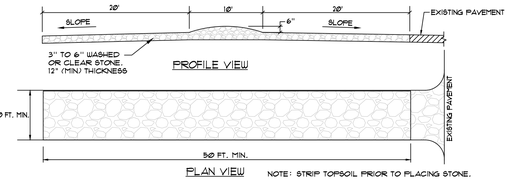
TYPES B & C:
TRIM EXCESS FABRIC IN THE FLOW LINE TO WITHIN 3" OF THE GRATE. THE CONTRACTOR SHALL DEMONSTRATE A METHOD OF MAINTENANCE, USING A DEUN FLAP, HAND HOLDS OR OTHER METHOD TO PREVENT ACCUMULATED SEDIMENT FROM ENTERING THE INLET.

TYPE D:
DO NOT INSTALL INLET PROTECTION TYPE D IN INLETS SHALLOWER THAN 30", MEASURED FROM THE BOTTOM OF THE INLET TO THE TOP OF THE GRATE.
TRIM EXCESS FABRIC IN THE FLOW LINE TO WITHIN 3" OF THE GRATE.
THE INSTALLED BAG SHALL HAVE A MINIMUM SIDE CLEARANCE BETWEEN THE INLET WALLS AND THE BAG MEASURED AT THE BOTTOM OF THE OVERFLOW HOLES OF 3". WHERE NECESSARY THE CONTRACTOR SHALL CINCH THE BAG USING PLASTIC ZIP TIES TO ACHIEVE THE 3" CLEARANCE. THE TIES SHALL BE PLACED AT A MAXIMUM IF 4" FROM THE BOTTOM OF THE BAG.

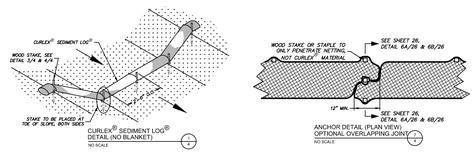
INLET PROTECTION
NTS

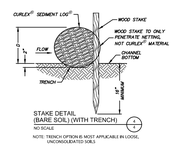


FIELDSTONE COBBLES AT PIPE ENDWALL 105
NTS 11/19/10



CONSTRUCTION ENTRANCE AND TRACKING PAD DETAIL
NTS





GENERAL NOTES:

DITCH CHECKS SHALL BE MANUFACTURED PRODUCTS AND LISTED ON THE CURRENT WISDOT PAL LIST.

INSTALL PER MANUFACTURERS REQUIREMENTS.

ADJUST SPACING AS NEEDED TO MEET MANUFACTURER'S REQUIREMENTS.

DITCH CHECK
NTS

EROSION CONTROL LEGEND

- SILT FILTER FENCE
- ORANGE CONSTRUCTION FENCE
- CONSTRUCTION ENTRANCE
- EROSION MAT
- DITCH CHECK
- INLET SEDIMENT GUARD
- ROCK BAG SILT FENCE RELEIF

DIGGER'S HOTLINE — CALL BEFORE YOU DIG — 1-800-242-8511

IN ACCORDANCE WITH WISCONSIN STATUTE 182.0175, DAMAGE TO TRANSMISSION FACILITIES, EXCAVATOR SHALL BE SOLELY RESPONSIBLE TO PROVIDE ADVANCE NOTICE TO THE DESIGNATED "ONE CALL SYSTEM" NOT LESS THAN THREE WORKING DAYS PRIOR TO COMMENCEMENT OF ANY EXCAVATION REQUIRED TO PERFORM WORK CONTAINED ON THESE DRAWINGS, AND FURTHER, EXCAVATOR SHALL COMPLY WITH ALL OTHER REQUIREMENTS OF THIS STATUTE RELATIVE TO EXCAVATOR'S WORK.

Zimmerman ARCHITECTURAL STUDIOS, INC.
2122 W. Mount Vernon Avenue | Milwaukee, WI 53233 | zastudios.com
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Project:
VEIT & COMPANY, INC.
OFFICE AND SHOP FACILITY

Location:
W LINCOLN AVE
NEW BERLIN, WI 53151

Key Plan:

Sheet:
EROSION CONTROL PLAN

100% Construction Documents Set

Scale: 1" = 60'

North

Revisions:

No.	Date:	Description:
	6/16/2023	City Resubmittal

Date:
5.26.22

Project No:
21-0073.00

Sheet No:
C1.30

SURVEYOR'S DESCRIPTION:

PARCEL I:

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

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4 SECTION AND THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE N 00°55'25" E 1328.59 ALONG THE WEST LINE OF SAID 1/4 SECTION TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SOUTHWEST 1/4 SECTION; THENCE N 89°57'47" E 942.07 FEET ALONG SAID NORTH LINE; THENCE S 01°04'13" W 1328.77 FEET TO THE SOUTH LINE OF SAID 1/4 SECTION; THENCE S 89°58'12" W 938.74 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

PARCEL II:

PART OF THE SOUTHEAST 1/4 AND THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWN 6 NORTH, RANGE 20 EAST, IN THE CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4 SECTION (ALSO KNOWN AS THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 4, TOWN 6, RANGE 20 EAST) AND THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE N 88°45'06" W 424.17 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 SECTION; THENCE N 00°51'01" E 297.46 FEET; THENCE N 27°59'17" W 500.01 FEET; THENCE N 09°25'21" W 294.31 FEET; THENCE N 06°04'06" W 65.62 FEET; THENCE S 87°25'34" W 40.08 FEET; THENCE N 00°53'21" E 398.66 FEET; THENCE S 89°03'46" E 767.36 FEET TO THE EAST LINE OF SAID SOUTHEAST 1/4 SECTION; THENCE S 00°55'25" W 1488.24 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

PARCEL III:

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

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4 SECTION; THENCE N 00°55'25" E 1328.59 FEET ALONG THE WEST LINE OF SAID 1/4 SECTION TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SOUTHWEST 1/4 SECTION AND THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE CONTINUING N 00°55'25" E 159.65 FEET; THENCE S 89°03'46" E 942.38 FEET; THENCE S 01°04'02" W 143.63 FEET TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SOUTHWEST 1/4 SECTION; THENCE S 89°57'47" W 942.07 ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

MISCELLANEOUS NOTES:

1. LEGAL DESCRIPTION PROVIDED BY THE SURVEYOR BASED ON INFORMATION FROM THE CLIENT AND WAUKESHA COUNTY PUBLIC RECORD.

2. THE UNDERGROUND UTILITY INFORMATION AS SHOWN HEREON IS BASED, IN PART, ON INFORMATION FURNISHED BY THE UTILITY COMPANIES, DIGGERS HOTLINE AND THE LOCAL MUNICIPALITY. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED NOR CERTIFIED TO.

3. NO ZONING INFORMATION PROVIDED BY INSURER AT THE TIME OF SURVEY.

4. NO ADDRESS, NEITHER OBSERVED, NOR RECORDED, CURRENTLY EXISTS FOR THE SUBJECT PROPERTY.

5. ALL UTILITIES SERVING THE PROPERTY ENTER THROUGH ADJOINING PUBLIC STREETS AND/OR EASEMENTS OF RECORD.

6. SUBJECT PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN PER INFORMATION FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 55133C0219G, WITH A DATE OF IDENTIFICATION OF 11/05/2014, IN COMMUNITY NO. 550487, THE CITY OF NEW BERLIN, WHICH IS THE COMMUNITY IN WHICH THE SUBJECT PROPERTY IS SITUATED.

MISCELLANEOUS NOTES:

7. THERE IS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS ON THE PROPERTY AT TIME OF SURVEY.

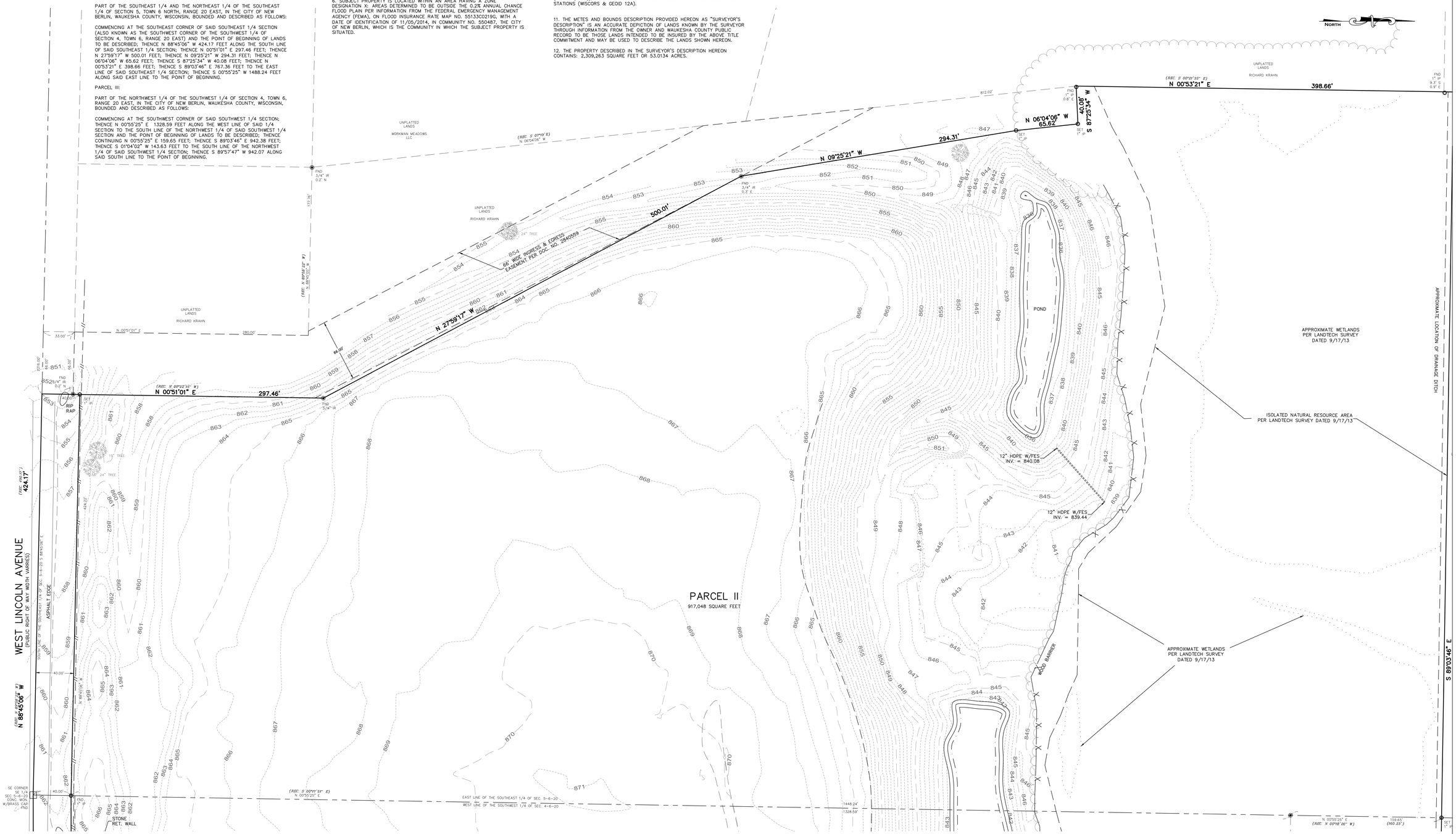
8. APPROXIMATE WETLAND LOCATIONS AS SHOWN ON THIS SURVEY ARE FROM LANDTECH SURVEY DATED 9/17/13 AND ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT REFLECT THE CURRENT LOCATION OF ANY WETLANDS ON THE PROPERTY.

9. ALL BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 4–6–20 WHICH HAS A MEASURED BEARING OF S 89°58'12" W.

10. SURVEY DATUM:
COORDINATES ARE BASED ON THE WISCONSIN COUNTY COORDINATE SYSTEM (WCCS), WAUKESHA COUNTY. NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD83(2011)). NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88(2012)), USING THE WISCONSIN CONTINUALLY OPERATING REFERENCE STATIONS (WISCORS & GEOID 12A).

11. THE METES AND BOUNDS DESCRIPTION PROVIDED HEREON AS "SURVEYOR'S DESCRIPTION" IS AN ACCURATE DEPICTION OF LANDS KNOWN BY THE SURVEYOR THROUGH INFORMATION FROM THE OWNER AND WAUKESHA COUNTY PUBLIC RECORD TO BE THOSE LANDS INTENDED TO BE INSURED BY THE ABOVE TITLE COMMITMENT AND MAY BE USED TO DESCRIBE THE LANDS SHOWN HEREON.

12. THE PROPERTY DESCRIBED IN THE SURVEYOR'S DESCRIPTION HEREON CONTAINS: 2,309,263 SQUARE FEET OR 53.0134 ACRES.



I CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY, AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION AND DIMENSIONS OF ALL VISIBLE STRUCTURES THEREON, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY.
THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO, WITHIN ONE (1) YEAR FROM DATE THEREOF.

AUGUST 18, 2021
DATE

MICHAEL J. BERRY R.L.S.
REGISTERED LAND SURVEYOR S-2545

WISCONSIN MICHAEL J. BERRY S-2545 BROOKFIELD, WI LAND SURVEYOR

GRAPHIC SCALE
40 0 20 40 80
(IN FEET)
1 INCH = 40 FT.

LEGEND

SAN	SANITARY SEWER	EP	ELECTRIC PEDESTAL	GV	GAS VALVE
ST	STORM SEWER	EM	ELECTRIC BOX AT GRADE	MH	MANHOLE
W	WATER MAIN	TB	TELEPHONE BOX AT GRADE	ST	STORM MANHOLE
G	BURIED GAS LINE	TP	TELEPHONE PEDESTAL	CB	CATCH BASIN
TEL	BURIED TELEPHONE LINE	TV	TV PEDESTAL	CI	CURB INLET
E	BURIED ELECTRIC LINE	GM	GAS METER		METAL LIGHT POLE
FO	BURIED FIBER OPTIC LINE	AC	AIR CONDITIONER		CONCRETE LIGHT POLE
//	OVERHEAD UTILITY LINES	UP	UTILITY POLE		WOOD LIGHT POLE
CATV	BURIED CABLE TELEVISION LINES		WOOD SIGN	CMB	MAIL BOX
COMB	COMBINATION SEWER		METAL SIGN	OF	FIBER OPTIC MARKER
	WOOD FENCE	P	FLAG POLE	GUY	GUY WIRE
	METAL FENCE		BOLLARD		
	EDGE OF TREES AND BRUSH		BOLLARD LIGHT		
994.32 DS	DOOR SILL ELEVATION		YARD LIGHT		
	FIRE DEPARTMENT CONNECTION				

PLAT OF SURVEY WITH TOPOGRAPHY

FOR

VIET
LINCOLN AVENUE
NEW BERLIN, WISCONSIN

DRAWN BY:	NJF	DATE:	AUG. 18, 2021
CHECKED BY:	NJF	DRAWING NO.	P-0
CSE JOB NO.:	21-080	SHEET	1 OF 2

CSE
CAPITOL SURVEY ENTERPRISES
220 REGENCY CT. STE. 210
BROOKFIELD, WI 53045
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Project:
VEIT & COMPANY, INC.
OFFICE AND SHOP FACILITY

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W LINCOLN AVE
NEW BERLIN, WI 53151

Key Plan:

Sheet:
EXISTING SURVEY

100% Construction Documents Set

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North

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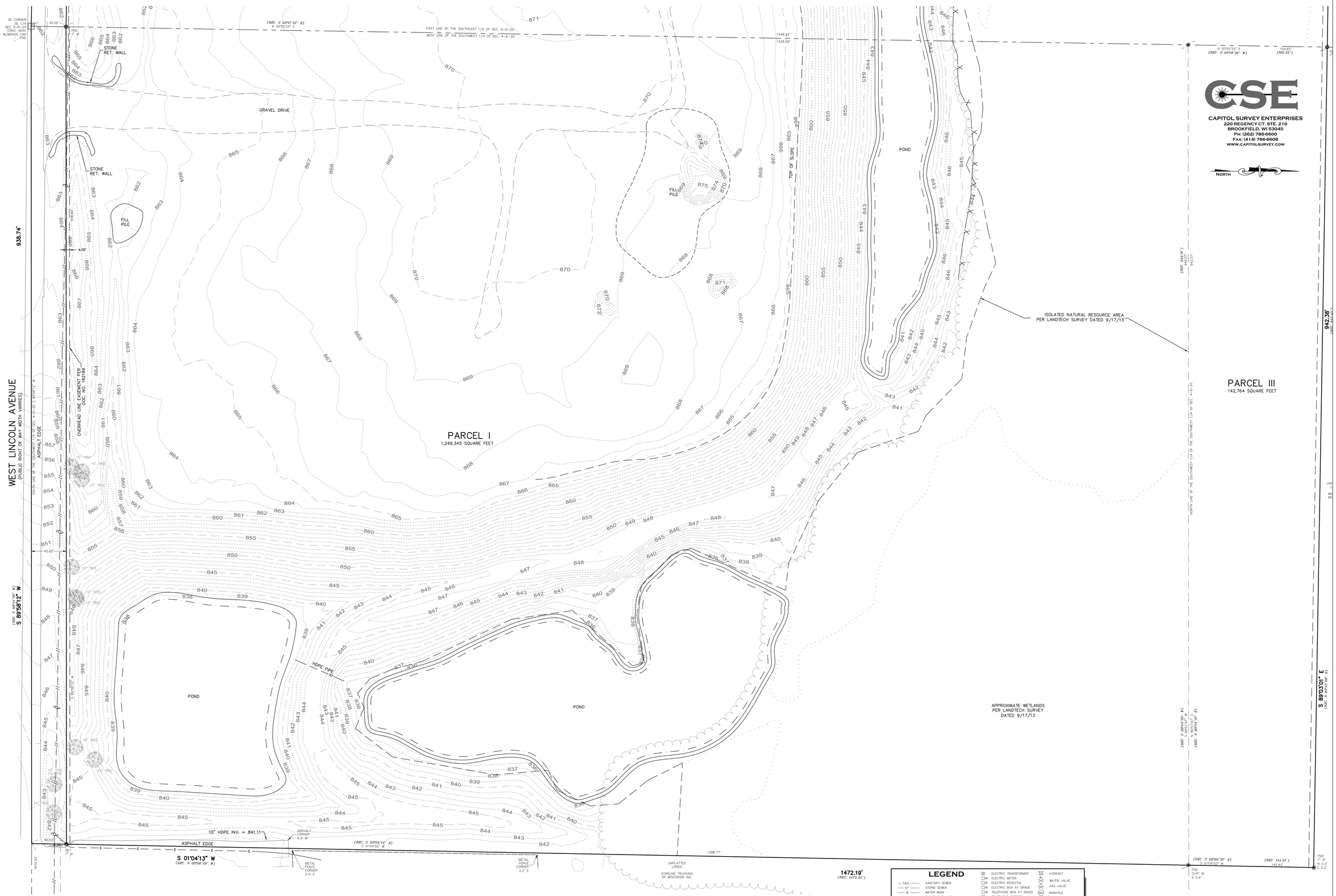

LEGEND

SAN	SANITARY SEWER	ELECTRIC TRANSFORMER	HYDRANT
ST	STORM SEWER	ELECTRIC METER	WATER VALVE
W	WATER MAIN	ELECTRIC PEDESTAL	GAS VALVE
G	BURIED GAS LINE	ELECTRIC BOX AT GRADE	MANHOLE
TEL	BURIED TELEPHONE LINE	TELEPHONE BOX AT GRADE	STORM MANHOLE
E	BURIED ELECTRIC LINE	TELEPHONE PEDESTAL	CATCH BASIN
FO	BURIED FIBER OPTIC LINE	TV PEDESTAL	CURB INLET
//	OVERHEAD UTILITY LINES	GAS METER	METAL LIGHT POLE
CATV	BURIED CABLE TELEVISION LINES	AIR CONDITIONER	CONCRETE LIGHT POLE
COMB	COMBINATION SEWER	UTILITY POLE	WOOD LIGHT POLE
	WOOD FENCE	WOOD SIGN	MAIL BOX
	METAL FENCE	METAL SIGN	FIBER OPTIC MARKER
	EDGE OF TREES AND BRUSH	FLAG POLE	GUY WIRE
994.32 DS	DOOR SILL ELEVATION	BOLLARD	
	FIRE DEPARTMENT CONNECTION	BOLLARD LIGHT	
		YARD LIGHT	

GRAPHIC SCALE
40 0 20 40 80
(IN FEET)
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CSE JOB NO.:	21 - 080	SHEET	2 OF 2

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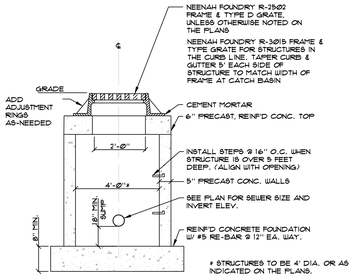
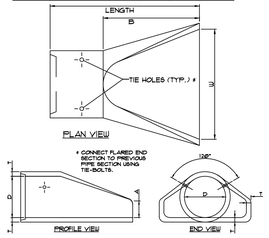
21-0073.00

Sheet No:
C1.41

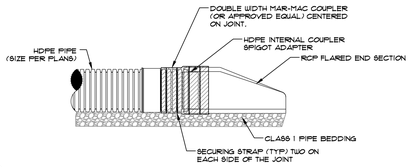


01 CATCH BASIN DETAIL
NTS

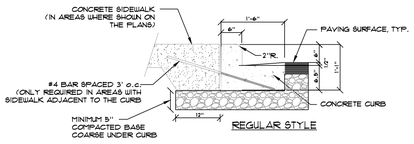
PIPE DIAMETER D	LENGTH	T	A	B	W	WEIGHT PER SECTION
INCHES	FEET	INCHES	INCHES	INCHES	INCHES	LBS
12	6'-0"	2	4	24	24	930
15	6'-0"	2 1/4	6	27	30	1410
18	6'-0"	2 1/2	9	31	36	1990
21	6'-0"	2 3/4	9	36	42	1280
24	6'-0"	3	9 1/2	43 1/2	48	1930
27	6'-0"	3 1/4	10 1/2	49 1/2	54	1930
30	6'-0"	3 1/2	12	56	60	2790
33	6'-0"	3 3/4	13 1/2	58 1/2	66	3850
36	8'-2"	4	15	63	72	4100
42	8'-2"	4 1/2	21	63	78	5360
48	8'-2"	5	24	72	84	6550
54	8'-2 1/2"	5 1/2	27	69	90	8040
60	8'-3"	6	30	69	96	8730

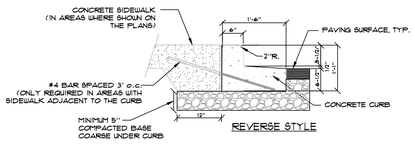


02 RCP FLARED END SECTION
NTS

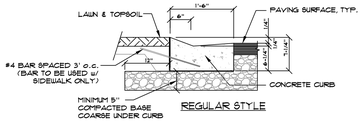


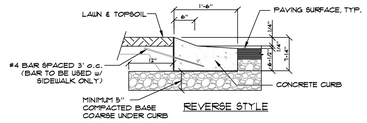
03 HDPE RCP FLARED END SECTION
NTS





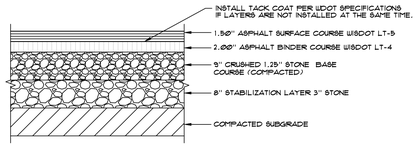
04 18" CURB AND GUTTER
NTS



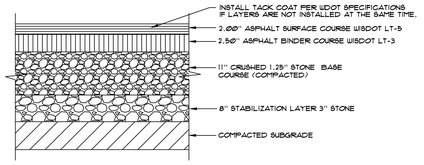


NOTE:
- REVERSE STYLE CURB LOCATIONS ARE NOTED ON THE PLANS.

05 18" DEPRESSED CURB AND GUTTER
NTS

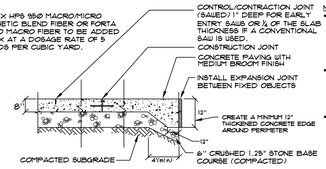


06 REGULAR DUTY PAVEMENT
NTS



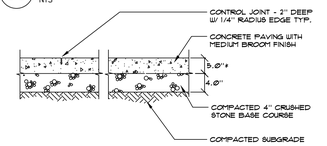
07 HEAVY DUTY PAVEMENT
NTS

NOTE:
- MATRIX HPS 950 MACRO/MICRO SYNTHETIC BLEND FIBER OR FORTA FERRO MACRO FIBER TO BE ADDED TO MIX AT A DOSAGE RATE OF 5 POUNDS PER CUBIC YARD.



NOTES:
- TIE BARS SHALL BE INSTALLED AT ALL AREAS WHERE CONCRETE PAVEMENT ABUTS CURB AND GUTTER AND CONSIST OF NO. 4 EPOXY COATED REINFORCING BARS 24 INCHES IN LENGTH AND 48 INCHES ON CENTER.
- CONTROL/ CONTRACTION/ CONSTRUCTION JOINTS SHALL BE SPACED AT 12' MAXIMUM AND CONSTRUCTED IN CONFORMANCE WITH THE AMERICAN CONCRETE INSTITUTE (ACI-330R) RECOMMENDATIONS.
- EXPANSION JOINTS SHALL BE PROVIDED WHERE PAVEMENT ABUTS FIXED OBJECTS, MEETING ACI-330R STANDARDS.

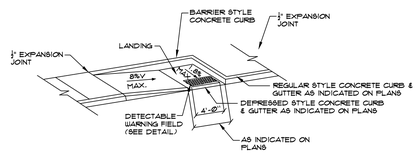
08 CONCRETE PAVEMENT
NTS



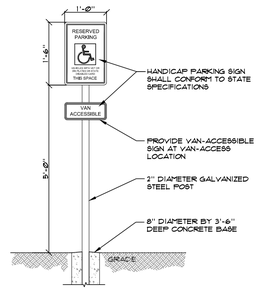
* NOTE:
SIDEWALK SHALL BE 7" AT DRIVEWAY SECTIONS

NOTES:
- CONTROL JOINT SPACING SHALL BE A MAXIMUM OF 5' AND CONSTRUCTED IN CONFORMANCE WITH AMERICAN CONCRETE INSTITUTE (ACI) RECOMMENDATIONS.
- EXPANSION JOINTS SHOULD BE PROVIDED WHERE PAVEMENT ABUTS FIXED OBJECTS.
- MATRIX BI BLEND MICRO FIBER TO BE ADDED AT A RATE OF 1.5 POUNDS PER CUBIC YARD.

09 CONCRETE SIDEWALK
NTS



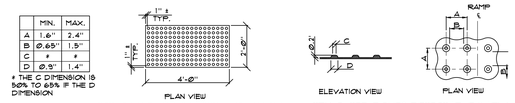
10 HANDICAP RAMP - TYPE 3
NTS



11 HANDICAP SIGN
NTS

	MIN.	MAX.
A	1.6"	2.4"
B	0.65"	1.5"
C	*	*
D	0.9"	1.4"

* THE C DIMENSION IS 50% TO 65% OF THE D DIMENSION



DETECTABLE WARNING FIELD (TYPICAL)** TRUNCATED DOMES DETECTABLE WARNING PATTERN DETAIL

**DETECTABLE WARNING FIELDS TO BE NEENAH FOUNDRY DETECTABLE WARNING FIELDS (OR APPROVED EQUAL) UNPAINTED NATURAL COLOR AND FIELD WEATHERED PRIOR TO INSTALLATION (VERIFY COLOR W/ OWNER PRIOR TO INSTALLATION)

12 TRUNCATED DOMES
NTS

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Owner:
VEIT

Consultant:
Harwood Engineering Consultants
255 North 21st Street | Milwaukee, WI 53233
P 414.475.5554 | www.hec.com

Project:
VEIT & COMPANY, INC.
OFFICE AND SHOP FACILITY

Location:
W LINCOLN AVE
NEW BERLIN, WI 53151

Key Plan:

Sheet:
CONSTRUCTION DETAILS

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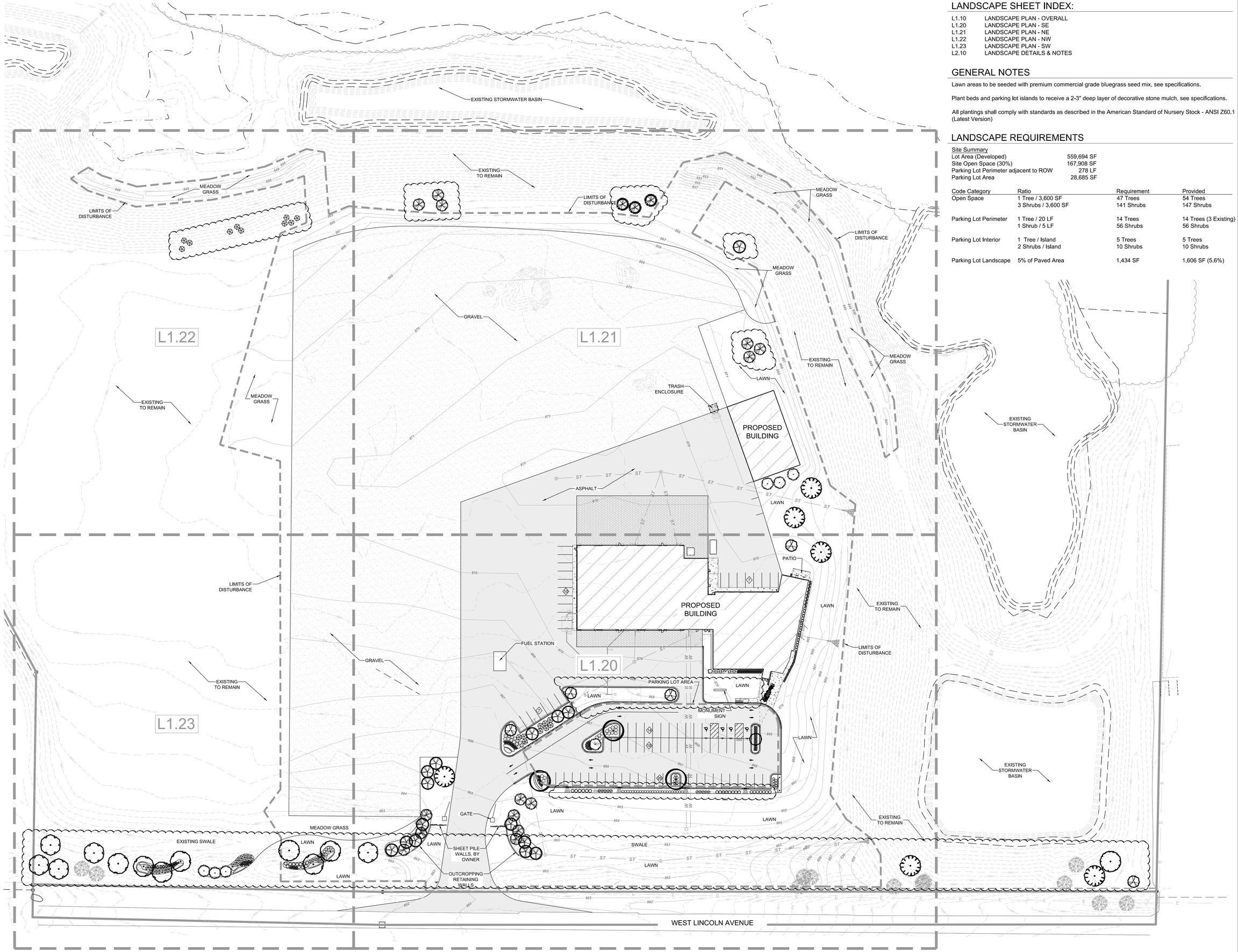

LANDSCAPE SHEET INDEX:

L1.10	LANDSCAPE PLAN - OVERALL
L1.20	LANDSCAPE PLAN - SE
L1.21	LANDSCAPE PLAN - NE
L1.22	LANDSCAPE PLAN - NW
L1.23	LANDSCAPE PLAN - SW
L2.10	LANDSCAPE DETAILS & NOTES

GENERAL NOTES

Lawn areas to be seeded with premium commercial grade bluegrass seed mix, see specifications.

Plant beds and parking lot islands to receive a 2-3" deep layer of decorative stone mulch, see specifications.

All plantings shall comply with standards as described in the American Standard of Nursery Stock - ANSI Z60.1 (Latest Version)

LANDSCAPE REQUIREMENTS

Site Summary

Lot Area (Developed)	559,694 SF
Site Open Space (30%)	167,908 SF
Parking Lot Perimeter adjacent to ROW	278 LF
Parking Lot Area	28,685 SF

Code Category	Ratio	Requirement	Provided
Open Space	1 Tree / 3,600 SF 3 Shrubs / 3,600 SF	47 Trees 141 Shrubs	54 Trees 147 Shrubs
Parking Lot Perimeter	1 Tree / 20 LF 1 Shrub / 5 LF	14 Trees 56 Shrubs	14 Trees (3 Existing) 56 Shrubs
Parking Lot Interior	1 Tree / Island 2 Shrubs / Island	5 Trees 10 Shrubs	5 Trees 10 Shrubs
Parking Lot Landscape	5% of Paved Area	1,434 SF	1,606 SF (5.6%)

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LANDSCAPE PLAN - OVERALL

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North

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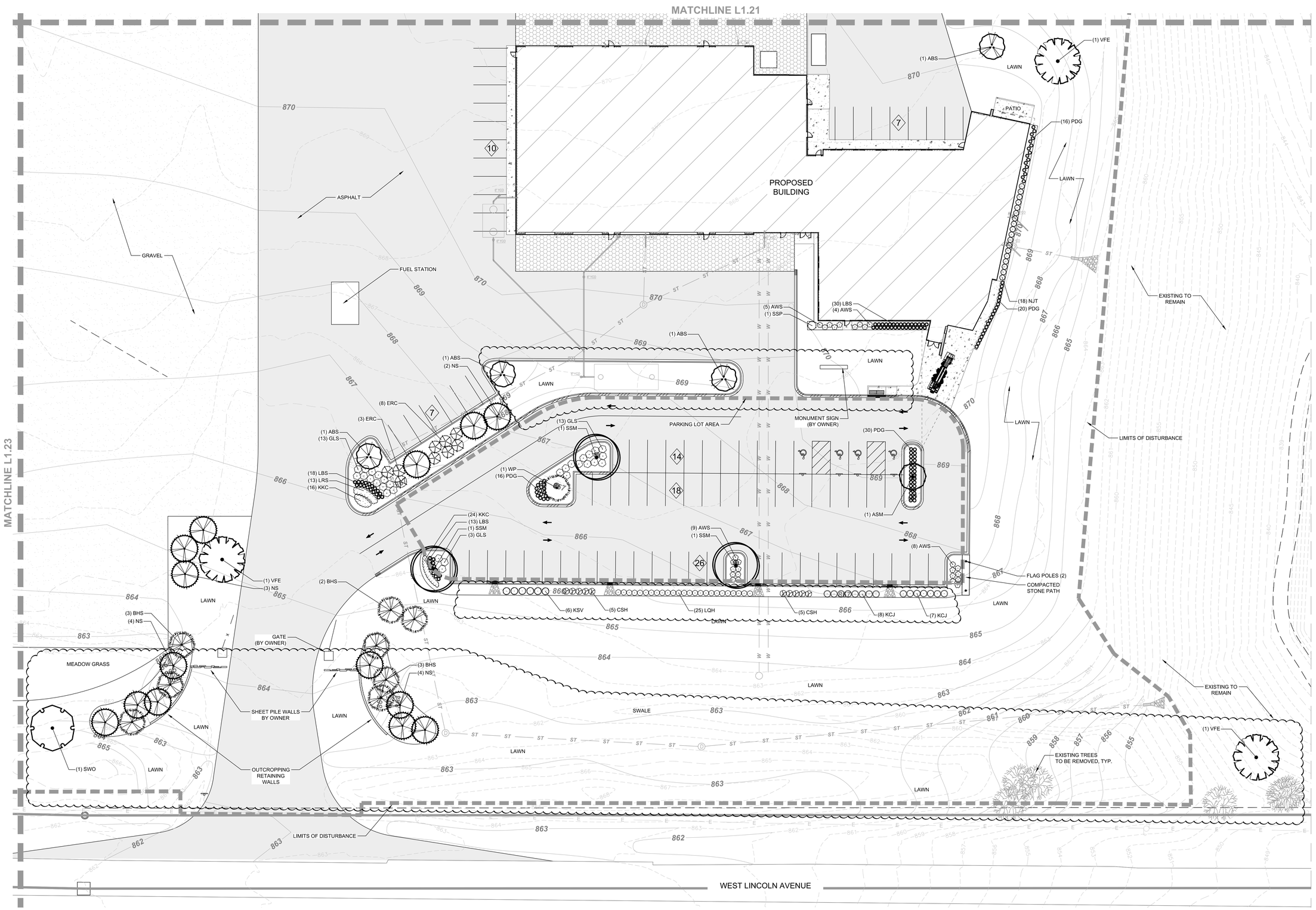

PLANT SCHEDULE SOUTH EAST

ORNAMENTAL TREES	QTY	COMMON NAME	BOTANICAL NAME	SIZE	ROOT
ABS	4	Autumn Brilliance Serviceberry (Multi)	Amelanchier x grandiflora 'Autumn Brilliance'	7' Ht.	B&B

EVERGREEN TREES	QTY	COMMON NAME	BOTANICAL NAME	SIZE	ROOT
NS	14	Norway Spruce	Picea abies	8' Ht.	B&B
BHS	8	Black Hills Spruce	Picea glauca 'Densata'	6' Ht.	B&B
WP	1	White Pine	Pinus strobus	8' Ht.	B&B

DECIDUOUS TREES	QTY	COMMON NAME	BOTANICAL NAME	SIZE	ROOT
SSM	3	State Street Miyabei Maple	Acer miyabei 'Morton' TM	2" Cal. DBH	B&B
ASM	1	Apollo Sugar Maple	Acer saccharum 'Barrett Cole' TM	2" Cal.	B&B
SWO	1	Swamp White Oak	Quercus bicolor	2" Cal. DBH	B&B
VFE	3	Valley Forge American Elm	Ulmus americana 'Valley Forge'	4" Cal. DBH	B&B

DECIDUOUS SHRUBS	QTY	COMMON NAME	BOTANICAL NAME	SIZE	ROOT
NJT	18	New Jersey Tea	Ceanothus americanus	24" Ht.	Cont.
CSH	10	Cool Splash False Honeysuckle	Diervilla sessilifolia 'Cool Splash'	18" Ht.	Cont.
LQH	25	Little Quick Fire Hydrangea	Hydrangea paniculata 'SMHPFL'	24" Ht.	Cont.
GLS	29	Gro-Low Fragrant Sumac	Rhus aromatica 'Gro-Low'	18" Ht.	Cont.
AWS	26	Anthony Waterer Spiraea	Spiraea x bumalda 'Anthony Waterer'	18" Ht.	Cont.
KSV	6	Spice Island Koreanspice Viburnum	Viburnum carlesii 'Spice Island'	36" Ht.	Cont.

EVERGREEN SHRUBS	QTY	COMMON NAME	BOTANICAL NAME	SIZE	ROOT
ERC	9	Eastern Red Cedar	Juniperus virginiana	5' Ht.	B&B
KCJ	15	Kallay's Compact Pfitzer Juniper	Juniperus x pfitzeriana 'Kallay's Compact'	24" Sprd.	Cont.
SSP	1	Chalet Swiss Stone Pine	Pinus cembra 'Chalet'	7' Ht.	B&B

ORNAMENTAL GRASSES	QTY	COMMON NAME	BOTANICAL NAME	SIZE	ROOT
LBS	61	Little Bluestem	Schizachyrium scoparium	1 Gal.	Pot
PDG	82	Prairie Dropseed	Sporobolus heterolepis	1 Gal.	Pot

PERENNIALS	QTY	COMMON NAME	BOTANICAL NAME	SIZE	ROOT
KKC	40	Kim's Knee High Coneflower	Echinacea purpurea 'Kim's Knee High'	4.5"	Pot
LRS	13	Little Spire Russian Sage	Perovskia atriplicifolia 'Little Spire'	4.5"	Pot

DIGGER'S HOTLINE CALL BEFORE YOU DIG 1-800-242-8511

IN ACCORDANCE WITH WISCONSIN STATUTE 182.0175, DAMAGE TO TRANSMISSION FACILITIES, EXCAVATOR SHALL BE SOLELY RESPONSIBLE TO PROVIDE ADVANCE NOTICE TO THE DESIGNATED "ONE CALL SYSTEM" NOT LESS THAN THREE WORKING DAYS PRIOR TO COMMENCEMENT OF ANY EXCAVATION REQUIRED TO PERFORM WORK CONTAINED ON THESE DRAWINGS, AND FURTHER, EXCAVATOR SHALL COMPLY WITH ALL OTHER REQUIREMENTS OF THIS STATUTE RELATIVE TO EXCAVATOR'S WORK.

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Consultant:
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Project:
VEIT & COMPANY, INC.
OFFICE AND SHOP FACILITY

Location:
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NEW BERLIN, WI 53151

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LANDSCAPE PLAN - SE

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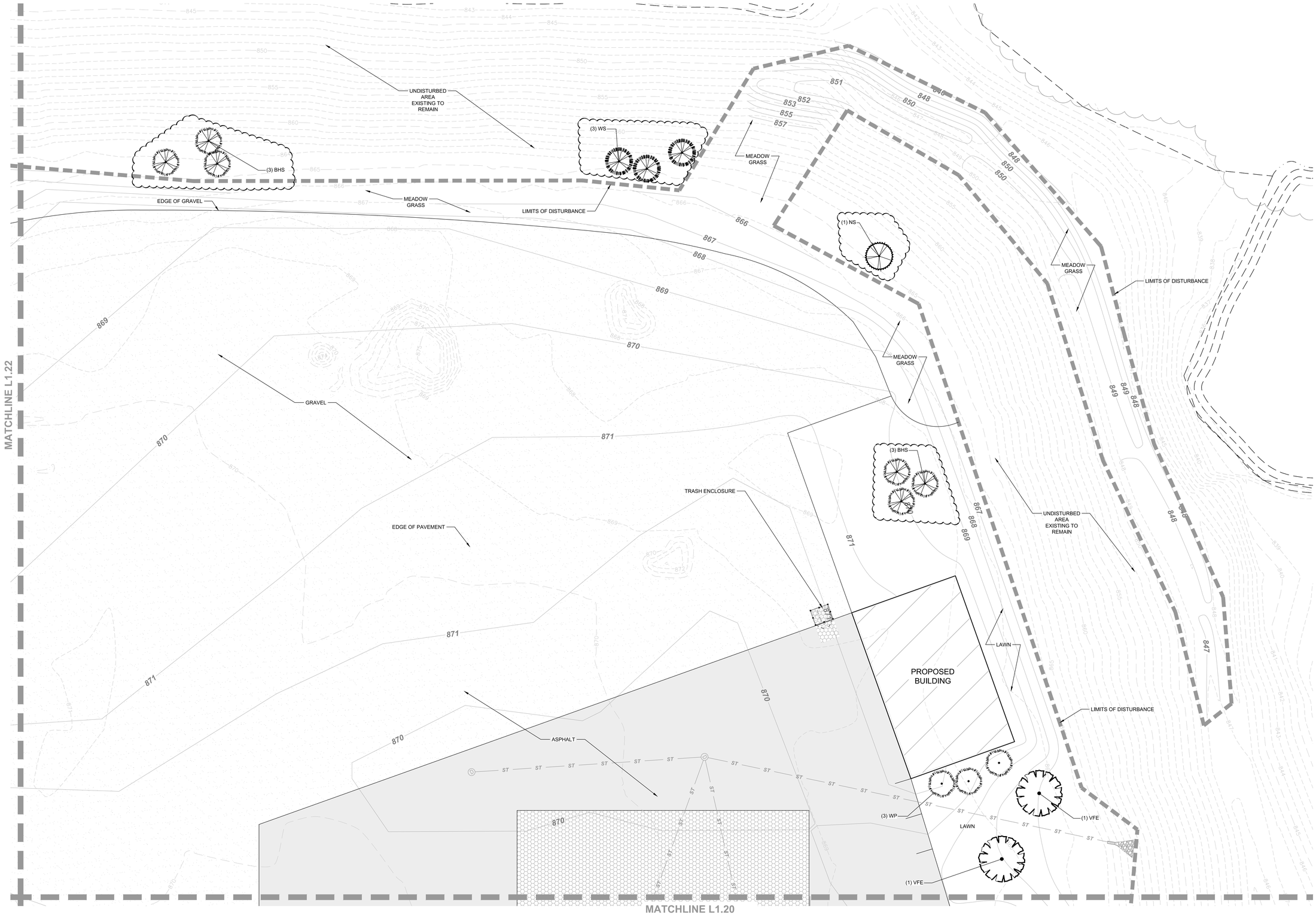

PLANT SCHEDULE NORTH EAST

EVERGREEN TREES	QTY	COMMON NAME	BOTANICAL NAME	SIZE	ROOT
NS	1	Norway Spruce	Picea abies	8' Ht.	B&B
WS	3	White Spruce	Picea glauca	6' Ht.	B&B
BHS	6	Black Hills Spruce	Picea glauca 'Densata'	6' Ht.	B&B
WP	3	White Pine	Pinus strobus	8' Ht.	B&B

DECIDUOUS TREES	QTY	COMMON NAME	BOTANICAL NAME	SIZE	ROOT
VFE	2	Valley Forge American Elm	Ulmus americana 'Valley Forge'	4" Cal. DBH	B&B

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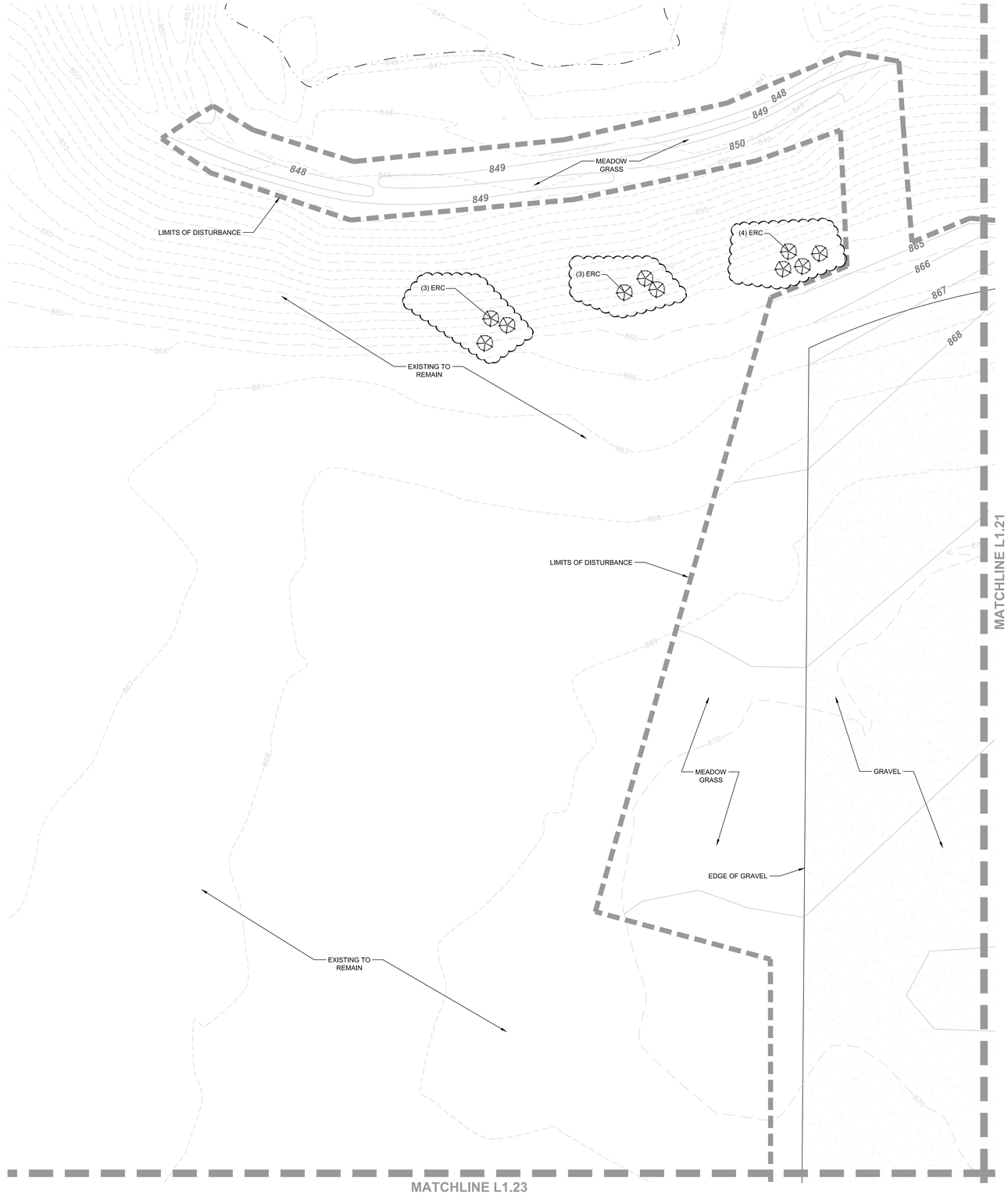

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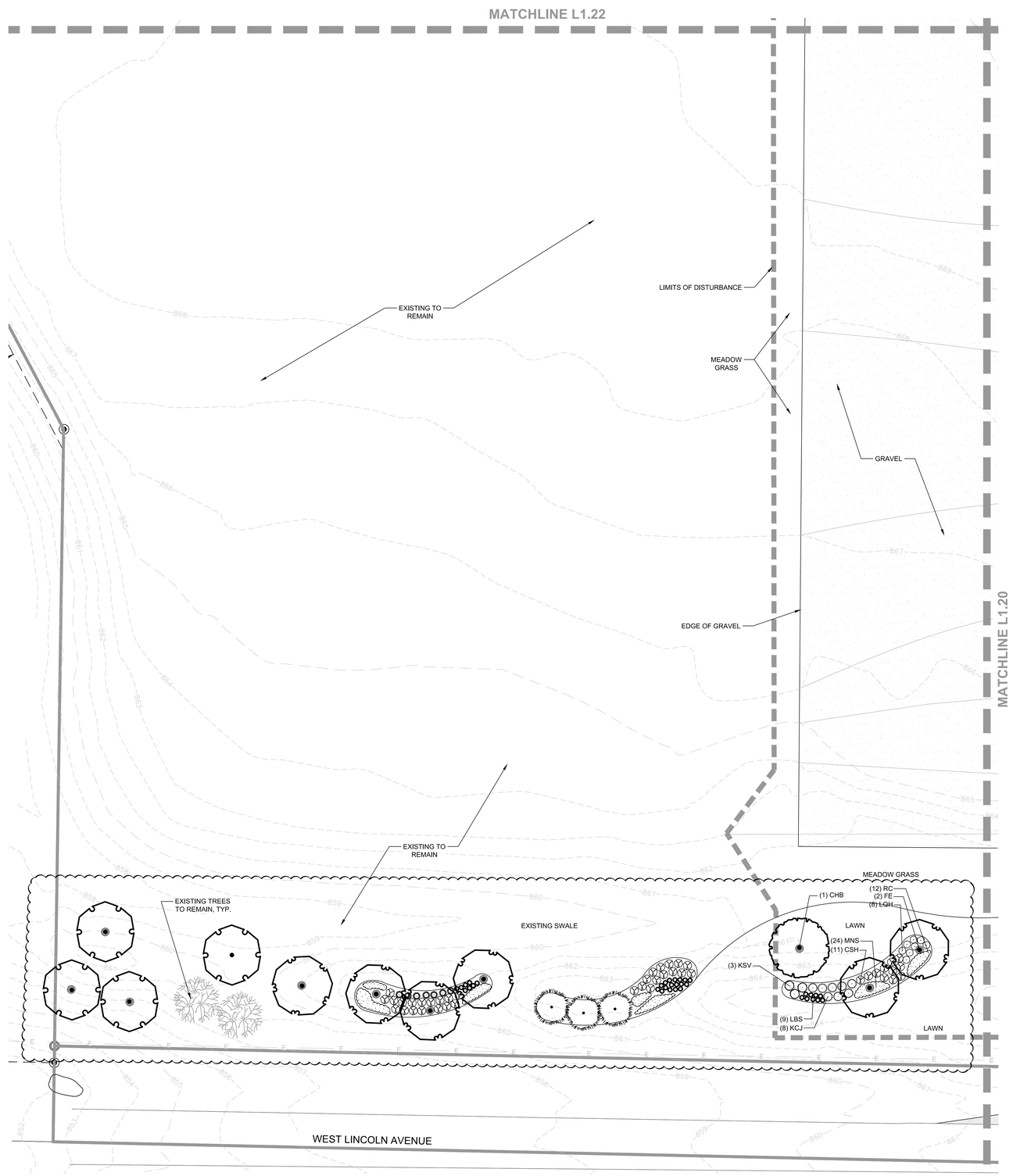

PLANT SCHEDULE SOUTH WEST

EVERGREEN TREES	QTY	COMMON NAME	BOTANICAL NAME	SIZE	ROOT
WP	3	White Pine	Pinus strobus	8' Ht.	B&B
DECIDUOUS TREES	**QTY**	**COMMON NAME**	**BOTANICAL NAME**	**SIZE**	**ROOT**
CHB	1	Common Hackberry	Celtis occidentalis	2" Cal. DBH	B&B
SWO	4	Swamp White Oak	Quercus bicolor	2" Cal. DBH	B&B
FE	6	Frontier Elm	Ulmus carpinifolia x parvifolia 'Frontier'	4" Cal. DBH	B&B
DECIDUOUS SHRUBS	**QTY**	**COMMON NAME**	**BOTANICAL NAME**	**SIZE**	**ROOT**
CSH	42	Cool Splash False Honeysuckle	Diervilla sessilifolia 'Cool Splash'	18" Ht.	Cont.
LQH	8	Little Quick Fire Hydrangea	Hydrangea paniculata 'SMHPFL'	24" Ht.	Cont.
KSV	3	Spice Island Koreanspice Viburnum	Viburnum carlesii 'Spice Island'	36" Ht.	Cont.
EVERGREEN SHRUBS	**QTY**	**COMMON NAME**	**BOTANICAL NAME**	**SIZE**	**ROOT**
KCJ	8	Kallay's Compact Pfitzer Juniper	Juniperus x pfitzeriana 'Kallay's Compact'	24" Sprd.	Cont.
ORNAMENTAL GRASSES	**QTY**	**COMMON NAME**	**BOTANICAL NAME**	**SIZE**	**ROOT**
SSG	7	Shenandoah Switch Grass	Panicum virgatum 'Shenandoah'	1 Gal.	Pot
LBS	34	Little Bluestem	Schizachyrium scoparium	1 Gal.	Pot
PERENNIALS	**QTY**	**COMMON NAME**	**BOTANICAL NAME**	**SIZE**	**ROOT**
RC	28	Rozanne Cranesbill	Geranium x 'Rozanne'	4.5"	Pot
HRD	24	Happy Returns Daylily	Hemerocallis x 'Happy Returns'	4.5"	Pot
PDD	16	Purple de Oro Daylily	Hemerocallis x 'Purple de Oro'	4.5"	Pot
MNS	48	May Night Sage	Salvia nemorosa 'May Night'	4.5"	Pot

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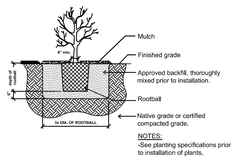
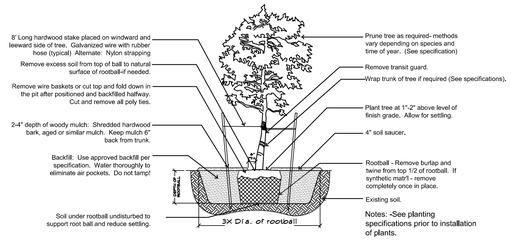


Shrub Planting Detail
Not To Scale



Tree Planting Detail
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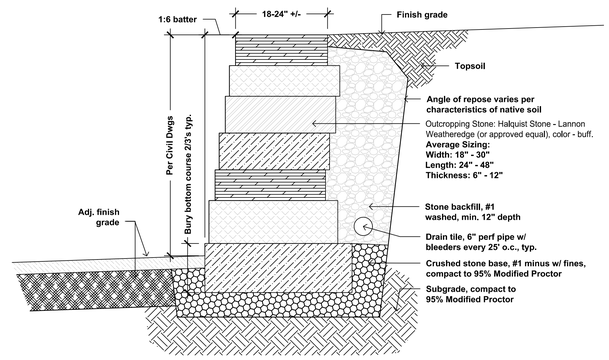
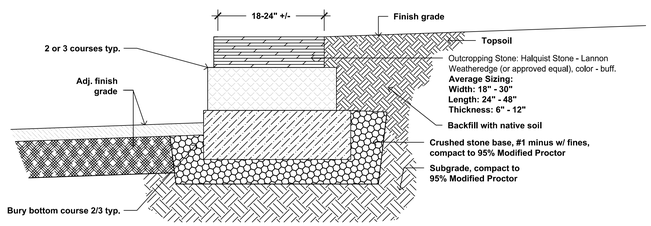


Outcropping Retaining Wall Detail
Not To Scale



Outcropping Accent Detail
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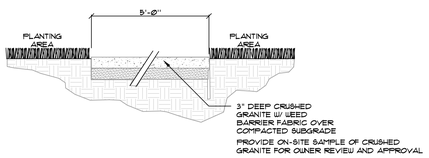


Compacted Stone Path Detail
Not To Scale

General Notes

1.01 All landscape installation & maintenance to conform with all applicable local codes & ordinances, including (but not limited to) select portions of City of New Berlin Municipal Code.

1.02 See Site dwgs. for work limits, scope of construction, hardscape, dimensions &/or construction notes. See Civil dwgs. for all hardscape, grading, stormwater management, site utilities & erosion control. See Landscape dwgs. for landscape plans, site amenities, details, schedules, notes. See Architectural dwgs. for all construction. See Electrical drawings for all power, circuiting, lighting & security. See Mechanical drawings for other site equipment.

1.03 Contractor shall provide shop drawings and material submittals of **all** hardscape & landscape construction elements shown in plan set for Landscape Architect review prior to construction.

1.04 Contractor to provide samples for Landscape Architect's approval on all colors, finishes & materials prior to construction, including (but not limited to) topsoil, gravels, mulches, seed mixes et al.

1.05 Caution: underground utilities are present on site. The Contractor shall verify location of all above- and below-grade utilities, both public & private, prior to commencement of site construction. If unanticipated above- or below-grade conditions are encountered, notify Client & Landscape Architect prior to proceeding. Coordinate with local public utility locating entity as needed.

1.06 Contractor to verify hardscape layout prior to construction. Contact Landscape Architect if discrepancies are found.

1.07 Contractor to limit construction traffic to within work limit lines. All adjacent damage shall be the responsibility of the contractor to restore. See Civil drawings for limits of disturbance.

1.08 All written dimensions supersede scaled dimensions. All dimensions are taken from face of curb, wall or existing building foundations.

Landscape Notes

2.01 Rough grading & topsoil import/spreading are to be completed by others. Finish grading, seed area and planting bed preparation shall be the landscape contractor's responsibility. Verify all existing site and grading conditions prior to construction.

2.02 All areas disturbed by site construction shall be fine graded and restored with vegetative cover as shown. See plans for cover types & locations, see specifications for materials & installation.

2.03 Contractor shall verify plant quantities shown on plan. Symbol quantities take precedence over plant keys, except as noted in the plant schedule. Contractor shall forward a material list to the Landscape Architect prior to construction identifying species, sizes & plant sources to be used on the project.

2.04 All plant materials shall conform to the schedule and shall meet quality requirements outlined in the ANLA "American Standard for Nursery Stock", ANSI Z60.1-2004.The Landscape Architect reserves the right to reject any substandard planting material. Such rejected material shall be removed from the project site immediately.

2.05 An Owner's representative shall be allowed to inspect and approve trees at the nursery prior to delivery to the site.

2.06 All nursery tags/labels shall be left on plant materials until the project punch-list inspection is completed by the Landscape Architect. Untagged materials will be assumed to be deficient.

2.07 Topsoil requirements:

- All planting beds shall contain screened blended topsoil mix to a min. depth of 18". All turf, low-mow & shortgrass prairie areas shall have min. 6".
- Existing topsoil meeting project specifications may be stripped, stored & re-used if previously approved. Contractor shall remove all excessive clay, gravel & stones detrimental to healthy plant growth. Contractor shall remove all debris greater than 1" diameter.
- Contaminated soil shall be removed from the project site if discovered.
- Subgrade shall be tilled and/or scarified prior to placement of topsoil.
- Contractor shall be responsible for obtaining soil tests for existing or imported topsoil. Soil testing results shall include (but are not limited to) soil pH, % organic matter, % nitrogen / phosphorus / potassium, % calcium, and soil texture (percentages of sand, silt and/or clay.) Soil testing shall include recommendations for soil amendments if required to support growth of standard ornamental landscape materials.

2.08 Contractor is responsible for ensuring that all tree pits & planting areas drain properly. Notify Landscape Architect if drainage or moisture problems are encountered while planting.

2.09 Contractor shall backfill all trees, shrubs & evergreens with a mix of 1/3 plant starter mix & 2/3 remaining soil. Plant Starter Mix shall be 40% organic black topsoil, 30% sphagnum moss, 20% composted manure & 10% coarse sand by volume. Submit material information for review.

2.10 All perennial and groundcover areas shall receive a 3" layer of plant starter mix and perennial starter fertilizer, rototilled into the top 6" of blended topsoil in beds.

2.11 Unless otherwise shown, all perennials & shrubs to be planted in triangular arrangements. For plants not shown individually, refer to the spacing shown in the plant schedule.

2.12 Stone mulch: Planting beds and maintenance strips shall contain 2-3" of Mississippi washed @ min. 1" dia installed over non-woven geotextile fabric over compacted subgrade. Edge with metal edging.

2.13 Bed edging: Shall be 5" ht., 12-gauge steel, galvanized / powdercoated finish, color TBD from standard range. Colmet 'Commercial-Grade Steel Edging' available from Colmet, Garland TX, 800-829-8225. Or approved equal. Install per mfr's requirements.

2.14 Contractor shall provide positive drainage away from all structures for a minimum of 10'.

2.15 Contractor shall be responsible for providing base bid comprehensive landscape establishment, maintenance and warranty care for one year after installation. Work shall include all watering (as needed for establishment), weeding (once monthly), pruning (twice per season), fertilizing (twice per season), pest management (as needed, min 3 visits per season) and spring / fall clean-ups. Prior to beginning installation, the contractor shall submit a 12-mo. calendar for review/approval including all anticipated maintenance activities & dates.

Seeding Notes & Mixes

3.01 This work shall consist of preparing the seed beds and furnishing, sowing and mulching the required seed on the various seeded areas, as outlined in the site plans and specifications. All turf restoration shall be seeded turf unless otherwise noted.

3.02 Rough grading, drainage work, topsoiling and fine grading shall be completed before sowing the seed mixes. The areas to be seeded shall be worked with plow chisels, discs & harrows, soil finishers and/or other appropriate equipment until a reasonably even and loose seedbed is obtained. Seed beds shall be prepared immediately in advance of the seeding. If proposed seed areas are weedy, contractor to apply herbicide or other weed control measures to eliminate weeds. Conform with seed supplier's specifications if required.

3.03 Confirm that anticipated project schedule date(s) fall within the respective seed supplier's approved calendar prior to installation. Installations completed outside of acceptable seeding dates shall be the performed at the sole responsibility and expense of the contractor. For dormant seeding, a min. of one over-seed application in the following season will be required.

3.04 Seeds shall be PLS and will be mixed in accordance w/ mfr's specifications. Provide invoices, bag-tags or mix analysis results for approval prior to installation.

3.05 The seed mixtures shall be sown by means of equipment adapted to the purpose. Mechanical distribution of seed (i.e. Truax seed drill, Brillion seeder, cultipacker, slit-seeder, drop spreader or broadcast spreader) are the only accepted methods. No hand-broadcasting of seed.

3.06 No seeding shall occur if the wind exceeds 12 MPH.

3.07 Coordinate erosion control and/or mulching with Civil dwgs:

- In sloped areas steeper than 4:1, erosion matting shall be installed by others. Landscape installation shall be coordinated with the erosion control contractor.
- In areas with slopes between 4:1 and 8:1, landscape contractor shall apply clean hay or straw mulch, free of debris and seeds, on all newly seeded areas. Mulch shall be uniformly spread over the designated area at a rate of 55 bales per acre or as indicated in the respective seed supplier's specifications. Mulch material shall be chopped and blown into the seeded area.
- Lightweight E.C. matting and/or hydromulch will be accepted as a no-cost alternate if approved by Landscape Architect prior to application.

3.08 See Civil dwgs for erosion control devices. Coordinate with erosion control contractor where required to ensure that topsoil, seeding and/or mat installations are properly coordinated.

3.09 Seed mix substitutions will be considered only if submitted for approval 10 days before the close of bidding. All mixes shall be installed & maintained per supplier's specifications.

BLUEGRASS MIX:
"Deluxe 50 Mix" shall be supplied by Reinders or equivalent. Apply @ 6 lbs per 1,000 SF.

MEADOW GRASS MIX:
"Short Native Grass Mix" shall be supplied by Reinders or equivalent. Apply @ 1/3 lbs per 1,000 SF, plus cover crop.

3.10 Contractor shall be responsible for providing base bid comprehensive seed area establishment, maintenance and warranty care for all seeded areas:

- Bluegrass areas shall be for 60 days after installation. Work shall include all watering (min. 1" per week, or as needed), weeding & mowing. Assume 2 mowings prior to Owner hand-off.
- All other seed areas (wet-tolerant) shall be for three years after installation. Work shall include all watering (as needed for establishment), weeding (both spot herbicide and/or hand-pulling, depending on necessity, once per month), spring / fall clean-up & mowing. Expect 4-5 mowings in the first year, 3-4 mowings in the second year and 2-3 mowings in the third year. All mowings shall be timed to cut germinating weeds but not desirable forbs / grasses. Overseed each spring any bare areas larger than 1 sq. ft.
- Prior to beginning installation, the contractor shall submit a 36-month calendar for review/approval including all anticipated maintenance activities.

Hardscape / Amenity Notes

5.01 Outcropping Stone Accents: Lannon supplied by Halquist Stone or equivalent. 48"x36"x8" average dimensions.

5.02 Outcropping Stone Accents @ Excavator Arm: Lannon supplied by Halquist Stone or equivalent. 48"x36"x8" average dimensions. Prior to selection and placement of outcropping stone at the Excavator Arm the contractor shall contact the Landscape Architect and /or Architect to coordinate the stone selection and placement.

5.03 Outcropping Retaining Walls: Lannon supplied by Halquist Stone or equivalent. 48"x36"x8" average dimensions. See Civil Plans for top and bottom wall elevations.

5.04 Outdoor site furnishings: Shall be By Owner

5.05 Flagpoles: See specifications.
Flagpoles shall be 35' ht. with a maximum 6'x10' flag size. Model # 'EC35IH', clear anodized finish, internal halyard w/ matching flange-mount shoe bases.
Available from Eder Flag, Oak Creek WI, 800-558-6044. Or approved equal. Install per manufacturers specifications.

5.06 Irrigation Performance Specification: Irrigation System shall be provided by landscape contractor via design/build irrigation contractor. Irrigation design shall follow all local and state codes/requirements. Irrigation contractor shall have a minimum of 5 years experience designing and installing this type of work.

DIGGER'S HOTLINE CALL BEFORE YOU DIG 1-800-242-8511

IN ACCORDANCE WITH WISCONSIN STATUTE 182.0175, DAMAGE TO TRANSMISSION FACILITIES, EXCAVATOR SHALL BE SOLELY RESPONSIBLE TO PROVIDE ADVANCE NOTICE TO THE DESIGNATED "ONE CALL SYSTEM" NOT LESS THAN THREE WORKING DAYS PRIOR TO COMMENCEMENT OF ANY EXCAVATION REQUIRED TO PERFORM WORK CONTAINED ON THESE DRAWINGS, AND FURTHER, EXCAVATOR SHALL COMPLY WITH ALL OTHER REQUIREMENTS OF THIS STATUTE RELATIVE TO EXCAVATOR'S WORK.

Zimmerman ARCHITECTURAL STUDIOS, INC.
2122 W. Mount Vernon Avenue | Milwaukee, WI 53233 | zastudios.com
TELEPHONE [414] 476.9500
FACSIMILE [414] 476.8582

Owner:
VEIT

Consultant:
Harwood Engineering Consultants
255 North 21st Street | Milwaukee, WI 53233
P 414.935.2004 | www.hecl.com

Project:
VEIT & COMPANY, INC.
OFFICE AND SHOP FACILITY

Location:
W LINCOLN AVE
NEW BERLIN, WI 53151

Key Plan:

Sheet:
LANDSCAPE DETAILS & NOTES

100% Construction Documents Set

Scale: NTS

North

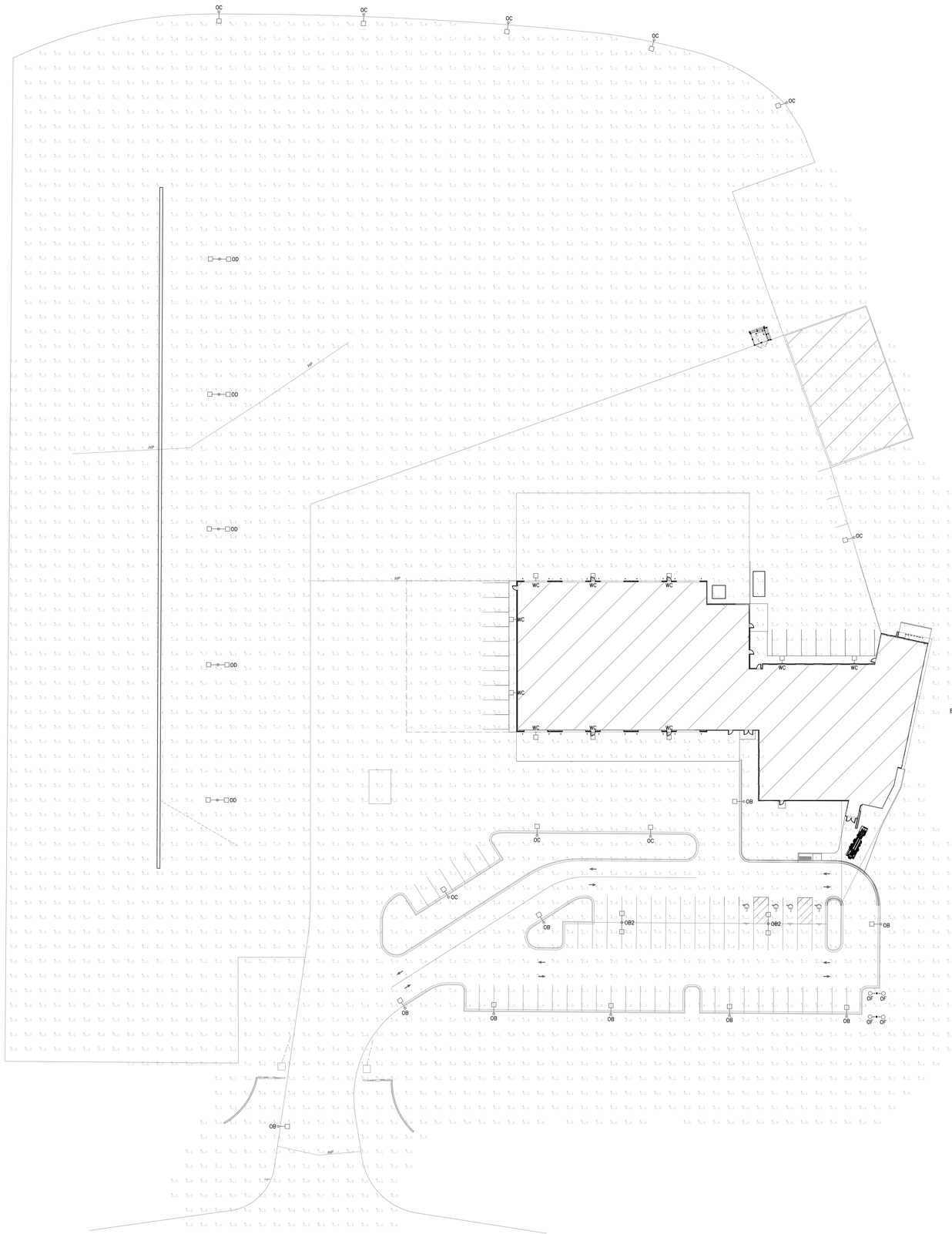
Revisions:

No:	Date:	Description:
4	02/17/2023	CB #3
	06/16/2023	City Resubmittal

Date:
5.26.22

Project No:
21-0073.00

Sheet No:
L2.10



1 ELECTRICAL SITE CALCULATION PLAN
1/32" = 1'-0"

2 ES1.0 TYPE OB/OB2/OC/OD/WC LUMINAIRES

NOT TO SCALE

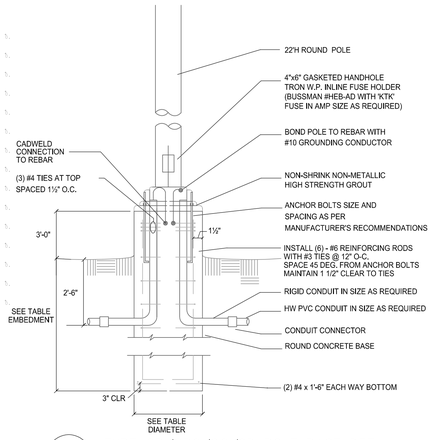
TYPE OB: LITHONIA RSX1 LED/P2/R3/RPA/22'H ROUND POLE SERIES
- SINGLE LUMINAIRE ON 22'H POLE/3'H AFG CONC. BASE
- TYPE III DISTRIBUTION
- 9,843 LUMENS AT 73 WATTS, 4000 KELVIN

TYPE OB2: LITHONIA RSX1 LED/P2/R3/RPA/22'H ROUND POLE SERIES
- DOUBLE LUMINAIRE @ 180DEG ON 22'H POLE/3'H AFG CONC. BASE
- TYPE III DISTRIBUTION
- 9,843 LUMENS EA. AT 73 WATTS EA., 4000 KELVIN

TYPE OC: LITHONIA RSX1 LED/P3/R4/RPA/22'H ROUND POLE SERIES
- SINGLE LUMINAIRE ON 22'H POLE/3'H AFG CONC. BASE
- TYPE IV DISTRIBUTION
- 14,206 LUMENS AT 110 WATTS, 4000 KELVIN

TYPE OD: LITHONIA RSX1 LED/P3/R3/RPA/(2)GFCI RECEPTACLES/22'H ROUND POLE SERIES
- DOUBLE LUMINAIRE @ 180DEG ON 25'H POLE/3'H AFG CONC. BASE
- TYPE IV DISTRIBUTION
- 14,026 LUMENS EA. AT 110 WATTS EA., 4000 KELVIN
- EACH POLE SHALL BE ORDERED w/ (2) HANDHOLE PROVISIONS FOR GFCI WATERPROOF DUPLEX RECEPTACLES, ONE AT 30" ABOVE BOTTOM OF POLE TO CENTER OF HANDHOLE AND ONE 42" ABOVE BOTTOM OF POLE TO CENTER OF HANDHOLE. E.C. SHALL PROVIDE, INSTALL, AND WIRE THESE GFCI WATERPROOF DUPLEX RECEPTACLES COMPLETE WITH SLIM METALLIC WHILE-IN-USE COVERS AT THESE HANDHOLE LOCATIONS.

TYPE WC: LITHONIA RSX1 LED/P3/R4/WBA SERIES
- TYPE IV DISTRIBUTION
- 14,206 LUMENS AT 110 WATTS, 4000 KELVIN



3 ES1.0 TYPE OB/OB2/OC/OD POLE BASE DETAIL

NOT TO SCALE

NOTES:
1. DIMENSIONS GIVEN ARE MINIMUM. PROVIDE POLE BASE DIAMETER AND DEPTH AS REQUIRED IN ACCORDANCE WITH LOCAL SOIL AND WIND VELOCITY CONDITIONS.

2. ALL LIGHTING POLE CONCRETE BASES SHALL BE LOCATED A MINIMUM OF 12 INCHES OFF THE FACE OF THE CURBING EDGE OF SIDEWALK OR CENTERED WITHIN AN ISLAND. IN ALL CASES, HOWEVER, FINAL LOCATIONS OF LIGHTING POLES MUST BE VERIFIED WITH THE ARCHITECT/ENGINEER PRIOR TO INSTALLATION.

3. ALL DIMENSIONS POLE BASE ARE FOR BIDDING ONLY. POLE BASE SHALL MATCH THOSE AT EXISTING POLES, IF APPLICABLE.

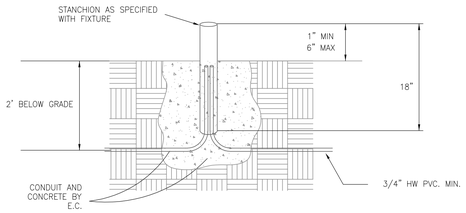
POLE HEIGHT	BASE EMBEDMENT/DIAMETER			
	1 HEAD	2 HEAD	3 HEAD	4 HEAD
15'-0"	6'-5"/2'-0"	6'-5"/2'-0"	6'-5"/2'-0"	6'-5"/2'-0"
20'-0"	6'-5"/2'-0"	6'-5"/2'-0"	8'-0"/2'-0"	8'-0"/2'-0"
25'-0"	6'-5"/2'-0"	8'-0"/2'-0"	9'-0"/2'-0"	10'-0"/2'-0"
30'-0"	8'-0"/2'-6"	9'-0"/2'-6"	10'-0"/2'-6"	10'-0"/2'-6"

NOTES:
1. TABLE IS BASED ON SOIL BEARING PRESSURE OF 3000 PSF. AND A LATERAL BEARING PRESSURE OF 200 PSF/FT.

4 ES1.0 TYPE OF FLOODLIGHT

NOT TO SCALE

TYPE OF: LITHONIA DSXF1LED/P2/40K/70CRI/NSP/UNV/FV SERIES
- ADJUSTABLE FLOODLIGHT ON CONC. BASE
- NARROW SPOT OPTIC w/ FULL VISOR
- 5,242 LUMENS AT 42 WATTS, 4000 KELVIN
- (2) FIXTURES ARRANGED @ 180DEG PER POLE



5 ES1.0 GROUND MOUNTED LIGHTING FIXTURE DETAIL

NTS

NOTES

1. CONDUIT TO JUNCTION BOX SHALL BE SET INTO CONCRETE BASE.

2. ALL ELECTRICAL CONNECTIONS SHALL BE PREWIRED TO THE JUNCTION BOX. ALL JUNCTION BOX CABLE ENTRANCES SHALL BE WATERTIGHT.

3. ALL MOUNTING HARDWARE SHALL BE CORROSION RESISTANT.

4. ALL FIXTURES IN THE SAME AREA SHALL BE AT THE SAME ELEVATION.

HARWOOD ENGINEERING CONSULTANTS, LTD
255 North 21st Street Milwaukee Wisconsin 53233
414.475.5554 414.773.9299 fax harwood@hecl.com
HEC Project Number: 21-0073.00

Zimmerman ARCHITECTURAL STUDIOS, INC.
2122 W. Mount Vernon Avenue | Milwaukee, WI 53233 | zastudios.com
TELEPHONE [414] 476.9500
FACSIMILE [414] 476.8582

Owner:

VEIT

Consultant:

HARWOOD ENGINEERING CONSULTANTS

Project:

OFFICE AND SHOP FACILITY

Location:
18600 W. LINCOLN AVE.
NEW BERLIN, WI 53146

Key Plan:

N

Sheet:

ELECTRICAL SITE CALCULATION PLAN

100% CONSTRUCTION DOCUMENTS SET

Scale:

1/32" = 1'-0"

Revisions:

No:	Date:	Description:
1	6/9/22	ADDENDUM #1
4	2/17/23	C.B. #3
5	5/17/23	C.B. #5
	6/16/2023	City Resubmittal

Date:

5.26.2022

Project No:

210073.00

Sheet No:

ESC1.0

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT:	**Brian Hatzung with Zimmerman Architectural Studios / 37,800 sq. ft office and shop for Veit**
LOCATION:	**18600 W. Lincoln Avenue (Tax Key #s: 1167-994 & 1172-999-003)**
REQUEST:	**Use, Site and Architecture approval for a 37,800 square foot office and shop building located at 18600 W. Lincoln Avenue.**
D.R.C. RECOMMENDATION:	**Recommend approval of Use, Site and Architecture approval for a 37,800 square foot office and shop building, along with the Waiver Request, located at 18600 W. Lincoln Avenue subject to the application, plans on file, and the following conditions:**

Waiver Request: **Per §275-57A(7)(d)[2], Parking areas and aisles in all districts shall be paved with an asphalt or concrete surface. The applicant is proposing all driveways, parking lots, and building entrances will be paved with asphalt. The applicant is requesting that an area west of the proposed building and parking lot, be a gravel surface for future development. <u>Staff can support the wavier to use gravel surface for the areas proposed, on the plans attached to this staff report.</u>**

1. **Planning**
    a. **Architecture Review Committee approval required.**
    b. **Plan of Operation:**
        i. **Applicant shall adhere to the submitted plan of operation.**
        ii. **The applicant is proposing to construct a 37,800 square foot office and shop building.**
        iii. **Employee and customer parking shall be contained on site.**
    c. **Approval of the Landscaping Plan and payment of all installation and maintenance sureties is required. Landscape plans shall meet all the requirements of Article VIII Section 275-53 through 275-56 of the City's Zoning Code.**
    d. **Applicant shall provide a list of trees to be removed. Removal of significant trees shall be replaced per the tree replacement schedule outlined in §275-54B(6) of the Zoning Code.**
    e. **Plans shall meet the M-1, Light Industrial District, requirements in Section 275-35B(4).**
    f. **Mechanical equipment shall be properly screened from the street and public view in accordance with Section 275-56.G of the Zoning Code.**
    g. **Applicant shall show any roof, ground, and wall mounted equipment on architectural plans.**
    h. **Dumpsters shall be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.**

i. **All permanent and temporary signs require a Sign Application to be filed prior to installation.**

j. **The property, which is located outside of the current MMSD Sewer Service District, shall require a Private On-Site Waste Treatment System (POWTS).**

k. **Private On-Site Waste Treatment System shall be approved by Waukesha County.**

l. **Applicant shall execute a Hold Harmless Agreement as required by the City Attorney, if a Holding Tank is to be used.**

m. **Private water supply wells meeting the requirements of the Wisconsin Department of Natural Resources shall be required.**

n. **Applicant shall provide copies of any applicable WDNR and/or Army Corp of Engineers permits prior to the issuance of the Zoning Permit.**

o. **Wetlands shall be clearly marked in the field with construction fencing and signage during site work.**

2. **Inspections**

Commercial HVAC

a. **All work must comply with the International Building, Mechanical, and Fuel Gas Codes.**

b. **Every heating, ventilating and air conditioning system shall be balanced IMC/SPS 364.0313(1).**

c. **Mechanical system controls shall be located 48 inches above the finished floor unless otherwise noted per IBC 1101.2 / ANSI A117.1-308.2 & 3.**

d. **IECC 5032.7 / IMC 603.9 Ductwork shall be sealed at all joints.**

e. **All gas piping installations shall comply with NFPA 54-2009, National Fuel Gas Code.**

f. **Requires a separate electric permit.**

g. **Call for required inspections 262-797-2445.**

h. **Compliance statements, plans in electronic format and balancing report(s) required at time of final inspection.**

Inspections

i. **Building plans shall be signed and stamped by a licensed architect or professional engineer per the Wisconsin Enrolled Commercial Building Code (SPS.361.31).**

j. **Building plans shall be approved by the State of Wisconsin Department of Commerce Safety and Buildings Division (SPS.361.60). State letter required with permit application.**

k. **Apply and obtain appropriate building, electric, and plumbing permits from the City of New Berlin Building Inspection Division.**

l. **The building shall be fully accessible from the parking lot to the interior elements (SPS.363.1101 and ICC/ANSI A117.1).**

3. **Engineering**

a. **Sheet C1.10:**

i. **General Note 5. Change "Public Works Inspection Dept." to Code Compliance.**

b. **Sheet C1.11:**

   i. **Per 275-57A.(7)(a). All drive aisles and parking space widths shall be measured from edge of pavement to edge of pavement. Therefore, widths shall not include the flange of the curb and gutter.**

   ii. **Per Table 275-57-3, the drive aisle width shall be 24 feet for two way traffic.**

   iii. **Check the drive aisle widths, not including the curb and gutter flange.**

   iv. **No Municipal water will be extended to this property in the future, therefore remove the 6-inch PVC water service. This property is outside the Ultimate MMSD sewer service area.**

   v. **If a holding tank is required on this property, provide a copy of the recorded Holding Tank Agreement.**

c. **Sheet C1.40:**

   i. **The plan shows a Wetland per Landtech Survey dated 9/17/2013. Confirm if a fill permit was issued on this wetland since this date.**

d. **Sheet ES1.0:**

   i. **Per 275-60I.(6). Lights and light fixtures shall have a maximum height of 25 feet measured to the bottom of the luminaire. This height includes the height of the base.**

   ii. **Show photometrics out to 0.4fc beyond the parking lot.**

   iii. **This plan shows future parking south of the planned parking area. This parking is not approved as part of this plan and should be removed.**

4. **Fire Department**

   a. **Maintain fire sprinkler coverage throughout.**

   b. **Key for Knox box is required.**

   c. **Audio/Visual Annunciation required throughout for waterflow activation.**

   d. **Provide fire extinguishers every 75’ of travel.**

   e. **Maintain egress/emergency lighting throughout.**

   f. **Maintain 24’ fire access width for fire lane.**

   g. **Maintain fire alarm coverage throughout.**

   h. **Name and address on front and rear where applicable.**

   i. **Waterflow activation shall be monitored.**

5. **Storm Water**

   a. **WDNR NOI required.**

   b. **SWMP Maintenance Agreement is required; City of New Berlin boilerplate agreement is available online.**

   c. **A grading recertification is required per DH Section VI.D.7. If stormwater management devices are to be used as sediment control devises for erosion control during construction, a certification is required prior to Building Permit and a recertification is required prior to occupancy.**

<u>DETAILS IN ATTACHED STAFF REPORT</u>

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

Meeting of March 7, 2022

Brian Hatzung with Zimmerman Architectural Studios / Use Approval
18600 W. Lincoln Avenue (Tax Key #s: 1167-994 & 1172-999-003)

DATE STAFF REPORT PREPARED: February 7, 2022

APPLICANT / OWNER(S): Brian Hatzung with Zimmerman Architectural Studios on behalf of Veit / Vav North LLC and Kjv North LLC

REQUEST/DESCRIPTION OF PROJECT: Use, Site and Architecture approval for a 37,800 square foot office and shop building located at 18600 W. Lincoln Avenue.

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 1/7/2022

DATE OF COMPLETENESS DETERMINATION: 1/10/2022
Application Check List Enclosed: No

PRE-APPLICATION CONFERENCE HELD: Yes
Date(s) of Meeting(s): 5/7/2021
Site Visit: 7/23/2021 & 10/29/2021

CONCEPTUAL PLAN: Yes, see attached plans. A CSM has been submitted as part of a separate application (File #: LD-2200117).

SIZE OF DEVELOPMENT / PARCEL(S): 37,800 sq. ft. / 51.76 acres (See File #: LD-2200117)

CURRENT ZONING: M-1 (Light Manufacturing), C-1 (Upland Resource Conservancy District) and C-2 (Shoreland Wetland Holding District)

CURRENT LAND USE: Vacant

PROPOSED ZONING: N/A

PROPOSED LAND USE: The applicant is proposing to construct a 37,800 sq. ft. office and shop building located at 18600 W. Lincoln Avenue.

PROPOSED LOT SIZE (S): 51.76 Acres after CSM is recorded (See File #: LD-2200118).

ADJACENT ZONING AND LAND USE:

North:	Zoning: C-1	Land Use: Certified Products
South:	Zoning: B-3/C-1	Land Use: Single-Family Home / Vacant (Conservancy)
East:	Zoning: M-1	Land Use: Starline Trucking
West:	Zoning: M-1/M-2	Land Use: Suburban Asphalt /Residential

CONFORMANCE WITH THE 2020 COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes
Chapter 12: Neighborhood B: *West Lincoln Avenue and Western Area:* Yes, this submittal meets the intent of this Chapter.

Planning Context / Vision / Development Policies:

Planning Context:

- *The West Lincoln Avenue area offers a unique set of challenges for balancing development with preservation. Considered to be an industrial zone, this area is a mix of industrial, conservation, residential, and agricultural zoning. It is not served by public utilities, and some sites may have restrictions for septic systems due to the years of soils disturbance from sod farms, peat mining and fill operations. Much of the area is in a floodplain, and the railroad is currently a barrier to the north. Water for fire protection will need to be addressed as public water is not available in this area.*
- *While there are various barriers to development, the Lincoln Avenue corridor is designated for future industrial developments and has the potential to accommodate some of the forecasted job demand for the City. The area is near the interstate and adjacent to existing industrial parks. The rail line could be an asset for new businesses that locate in the corridor. The City recognizes that major changes in this area will involve overcoming substantial barriers, ensuring due diligence on the part of property owners, and requiring detailed planning so that proper land uses are established.*
- *The vision for the West Lincoln Avenue area is to develop it into a unique business park environment with campus settings designed around environmentally sensitive areas. Clean, environmentally sensitive light industrial and office parks will be encouraged. Private on-site wastewater treatment systems will need to be evaluated on a site-by-site basis. Larger assemblages of environmentally sensitive or floodplain areas will be preserved as either publicly or privately owned open space. The farthest western portion of Lincoln Avenue is designated for country residential developments. Potential uses along this corridor could include corporate headquarters, business offices, or uses needing railroad access.*

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.*

West Lincoln Avenue Polices:

- *Given the substantial barriers to planning and development, a separate plan should be established for the West Lincoln Avenue corridor that recognizes the long-term commitment on the part of the City.*
- *Public sanitary sewer service shall not be extended into this area, with the exception of parcels designated to be within the Urban Service Area Boundary as amended by the City.*
- *Development along Lincoln Avenue shall not occur until the following conditions are met: any proposed development shall dedicate the proper road right of way; shall adhere to the Rural Design Cross sections identified in the Developer's Handbook for any necessary roadway improvements and shall provide field delineations when required to do so by Code. In addition, stormwater drainage and floodplain issues are to be accommodated; a reclamation plan needs to be on file by an Engineer certifying the bearing capacity; utilities are available (adequate plan for sewer and water); and groundwater, floodwater, and stormwater have been adequately accommodated. If sewer and water are not provided, businesses that have a low intensity and do not require sewer should be targeted. Alternative techniques for water will need to be explored to provide for fire safety and building code requirements.*
- *Larger assemblages of properties should be the priority for this corridor. Pull land together in larger components rather than in a piecemeal fashion. Agreements should be sought among landowners to come together when projects arise.*

- *Any future development requiring coordinated access in this area may require the applicants to submit a surety instrument to the City to cover future public improvements and cost contributions.*

Economic Development:

- *Economic development for Neighborhood B focuses primarily on business park / light industrial opportunities along Lincoln Avenue, housing development, and limited commercial development that has an agrarian or natural emphasis.*

Land Use:

- *Future Land Use Map:* Business Park / Industrial

ZONING CODE (Chapter 275): Yes, will meet all the requirements of Chapter 275-35B(4) and Chapter 275-37B (3) & (4) of the Zoning Code.

SUBDIVISION CODE (CHAPTER 235): N/A

PUBLIC HEARING REQUIRED: No

CONCEPTUAL USE / SITE /ARCHITECTURAL REVIEW:
Use Approval Required: Yes
Site Plan Required: Yes, see attached.
Architectural Review Required: Yes, will be reviewed at the March 7, 2022 Architectural Review Committee meeting.

PROPOSED ARCHITECTURE: See attached building elevations.

UNIQUE SITE CHARACTERISTICS:
Environmental Corridor: Yes, Primary Environmental Corridor
Wetland On Property: Yes, a wetland report completed by SEWRPC, dated November 20, 2012, was previously submitted (File #: WD-14-004).
Conservancy Districts (C-1, C-2): Yes, C-1 and C-2.
NRCS Map Classification: N/A
Floodplain: No
Topography / Geologic: The site is highest in the center of the property and slopes to the northwest and northeast.

BIKE & PEDESTRIAN FACILITIES: No improvements identified.

PARK & OPEN SPACE PLAN: No improvements identified.

NATURAL RESOURCES PROTECTION:
Limits of Disturbance (LOD): Shown on site plan.
Woodland, Tree, and Vegetation Protection: A Conservation Easement was recorded on August 26, 2015 (Doc #: 4162776).
Wildlife Habitat Protection: N/A
Wildlife Management Plan: N/A

ENVIRONMENTAL IMPACT: A wetland report completed by SEWRPC, dated November 20, 2012, was previously submitted.

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. Applicant has included a storm water plan for this area from Harwood Engineering Consultants dated January 6, 2022.

SANITARY SEWER PROVISION:
Within Current Sewer Service Area: No
Sewershed Capacity Available: No
Adequate Linkage: No
On-site system required: Yes

WATER USAGE CALCULATION: Will be determined at the time of building permit.

TRAFFIC IMPACT: The applicant submitted a Traffic Impact Analysis dated November 8, 2021**.** The analysis predicts that the user (at full build) is expected to generate about 350 daily trips, with 70 (50 in/20 out) during the weekday AM peak hour and 50 trips (20 in/30 out) during the weekday PM peak hour.

Since the proposed development is the relocation of an existing business, the *peak hour* traffic volumes expected to be generated were based on actual traffic counts conducted at the two existing businesses located along Lincoln Avenue and S. 179th Street. However, the expected weekday *daily* traffic was calculated based on the type of the proposed uses and on trip rates and fitted curve equations as published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual, 10th Edition*.

Since the proposed business is expected to include the regional headquarters of an industrial business with specifically designated space for office, Land Use 710, General Office Building, was used for the land use type for the site to calculate the daily traffic at the site with employees used as the independent variable to calculate new trips. As previously discussed, to provide a conservative/worst case (high) traffic condition, the trip generation was based off the highest peak hour at the existing facility which was calculated as 6:15 to 7:15am and 3:15 to 4:15pm whereas the analysis was based off the traffic volumes along the adjacent streets.

The trip generation table developed for the opening year of the proposed development is shown on Exhibit 6A. As shown, the total number of existing trips generated from the existing businesses is about 210 daily trips per weekday, with 35 trips (25 in/10 out) during the weekday AM peak hour and 25 trips (10 in/15 out) during the weekday PM peak hour.

The trip generation table developed for the future year (full build) of the proposed development is shown on Exhibit 6B. As shown, the total number of daily trips expected to be generated from the proposed development is about 350 daily trips (an increase of 290 new daily trips) per weekday, with 70 trips (50 in/20 out) during the weekday AM peak hour and 50 trips (20 in/30 out) during the weekday PM peak hour.

SCHOOL DISTRICT IMPACT: N/A

PREVIOUS ACTION:
6/29/15 – Plan Commission approved a request to rezone the property from C-1 & C-2 to M-1, C-1 & C-2 and to remove a portion of C-1 (RZ-12-005).
7/28/15 – Common Council approved rezoning request.
4/22/14 – Wetland registration submitted to City.
8/25/15 – Plan Commission approved a fill and grading plan for this former quarry site to stabilize and restone it.
8/16/21 – Plan Commission reviewed a conceptual plan for Veit, for an office and maintenance facility.
CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

1. The applicant is proposing a 37,800 square foot regional office and shop building.
2. The applicant has submitted a CSM application for a 1-lot CSM (LD-2200117).
3. A conceptual plan for Veit was reviewed by the Plan Commission at the August 16, 2021 meeting.
    a. The Plan Commission reviewed and discussed the applicant's proposed plan of operation.
4. This Use Approval request does not allow for or approve of any sort of crushing (permanent or temporary) at this site or as part of this application.
5. A Conservation Easement was recorded on August 26, 2015 (Doc #: 4162776) to protect the area on the north side of the property.

D.R.C. RECOMMENDATION: Recommend to Common Council approval of the Use, Site and Architecture approval for a 37,800 square foot office and shop building located at 18600 W. Lincoln Avenue (Tax Key #s: 1167-994 & 1172-999-003) subject to the application, plans on file and the following conditions: **See Executive Summary.**

Attachments:
Location Map
Plan of Operation
Plans
Elevations

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT:	**Harjeet Walia / Welcome East Side LLC**
LOCATION:	**17200 W. Cleveland Avenue**
REQUEST:	**Conditional Use Permit to reoccupy the existing building for a gas station and convenience store, construct a small addition and build a car wash located at 17200 W. Cleveland Avenue.**
D.R.C. RECOMMENDATION:	**Recommend <u>tabling</u> the request for a Conditional Use Permit to reoccupy the existing building for a gas station and convenience store, construct a small addition and build a car wash located at 17200 W. Cleveland Avenue, subject to the application, plans on file and the following reasons:**

1. **Additional information has been requested.**

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT:	**Scott and Melissa Kandel / Resolution approving a Partial Release of Restriction on Lot No. 13 of the Waterbury Estates Subdivision Plat to allow for a screened-in porch, patio, and shed to be installed.**
LOCATION:	**4015 S. Belgrave Road (Tax Key #: 1245-376)**
REQUEST:	**Approval of a Resolution approving a Partial Release of Restriction on Lot No. 13 of the Waterbury Estates Subdivision Plat to allow for a screened-in porch, patio, and shed to be installed.**
REVIEW SCHEDULE:	**Request Received: 5/26/2023** **Final Common Council Action: 7/25/2023**
D.R.C. RECOMMENDATION:	**Recommend to the Common Council approval of a Resolution approving a Partial Release of Restriction on Lot No. 13 of the Waterbury Estates Subdivision Plat to allow for a screened-in porch, patio, and shed to be installed for the property located at 4015 S. Belgrave Road (Tax Key #: 1245-376), subject to the application, plans on file and the following conditions:**

1. **This request is specific to the lot located at the above address. This request shall not apply to any other lots included within Waterbury Estates.**
2. **If this request is approved by the Plan Commission and Common Council, the applicant shall execute a Partial Release of Restriction subject to final review and approval by the City Attorney.**
   a. **A final survey/stake out survey will be required that indicates the area of disturbance for the screened-in porch, patio, shed, and associated grading.**
3. **Applicant and/or property owner shall apply for and obtain appropriate building, plumbing and electrical permits prior to any construction on the parcel.**
4. **The following language shall be added to the Building Permit:**
   a. **Per Section 275-37D(3)(c)[5] of the Zoning Code, *disturbance of natural features on the site shall be kept to a minimum. The Limits of Disturbance for the construction of the screened-in porch, patio, shed, and associated grading has been identified on the site plan. Disturbance and/or tree removal beyond this point is prohibited. Construction fencing shall be installed to delineate the limits of disturbance, as approved by DCD via the building permit, and no grading and/or tree removal may occur beyond these limits.***
5. **The limits of disturbance shall be clearly identified in the field with silt fence or other fencing material prior to any site work. Applicant shall apply for an Erosion Control Permit with the City. The fencing shall be inspected and approved prior to any site work.**

6. **This Zoning Permit shall serve as the Agreement between the City of New Berlin and this lot owner(s), and any future lot owner(s), that the landscaping will be installed per conditions above and that the applicant shall adhere to the limits of disturbance outlined in his permit. Applicant shall sign this permit.**

DETAILS IN ATTACHED STAFF REPORT

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

Meeting of July 10, 2023

Scott and Melissa Kandel / Resolution approving a Partial Release of Restriction on Lot No. 13 of the Waterbury Estates Subdivision Plat to allow for a screened-in porch, patio, and shed to be installed / 4015 S. Belgrave Road (Tax Key #: 1245-376)

DATE STAFF REPORT CREATED: June 12, 2023

APPLICANT / OWNER(S): Scott and Melissa Kandel

REQUEST / DESCRIPTION OF PROJECT: Approval of a Resolution approving a Partial Release of Restriction on Lot No. 13 of the Waterbury Estates Subdivision Plat to allow for a screened-in porch, patio, and shed to be installed.

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 5/26/2023

DATE OF COMPLETENESS DETERMINATION: 5/30/2023

PRE-APPLICATION CONFERENCE HELD: No
Date(s) of Meeting(s): Several phone calls and emails.
Site Visit(s): 1/26/2023

CONCEPTUAL PLAN: Yes, a concept plan was submitted.

SIZE OF DEVELOPMENT / PARCEL(S): 0.75 Acres

CURRENT ZONING: R-4.5 (Medium Density Single-Family Residential District)

CURRENT LAND USE: Single- Family residential

PROPOSED ZONING: N/A

PROPOSED LAND USE: Screened-in porch, patio, and shed.

PROPOSED LOT SIZE: N/A

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North:	Zoning: C-2 (Shoreland Wetland Holding District) & C-3 (Permanent Open Space/Conservation Lands)	Land Use: Vacant/Drainage
South:	Zoning: R-4.5 (Medium-Density Residential)	Land Use: Single-Family Residential
East:	Zoning: R-4.5 (Medium-Density Residential)	Land Use: Vacant Outlot/Stormwater Pond
West:	Zoning: R-5 (Medium-Density Residential)	Land Use: Single-Family Residential

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes, the request meets the intent of this Chapter. Planning Context / Vision / Development Polices

Chapter 16: Neighborhood "F": Urban Residential South: Yes, this submittal meets the intent of this Chapter.

Planning Context / Vision / Development Policies:

Development Policies:

- *Create flexible but predictable compatibility standards for new construction and redevelopment related to site planning, building design and materials, landscaping, buffering, access, singe, and other land use impacts.*
- *Maintain public infrastructure in the neighborhood, including streets and sewer service, to maintain property values.*
- *Complete the linear greenway system connecting the City Center south to the neighborhood.*

Land Use:

- *Future Land Use Map: Urban Residential*

ZONING CODE (Chapter 275): Yes, this request meets the requirements of Section 275-33B(5) of the Zoning Code.

DEVELOPMENT CODE (CHAPTER 235): No

PUBLIC HEARING REQUIRED: No

CONDITIONAL USE REQUIRED: No

USE / SITE /ARCHITECTURAL REVIEW:
Use Approval Required: Yes
Site Plan Required: Yes, a survey was submitted showing the proposed screened-in porch, patio, and shed.
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 gradually from the west to the east.

BIKE & PEDESTRIAN FACILITIES PLAN: No improvements identified.

PARK & OPEN SPACE PLAN: No improvements identified.

NATURAL RESOURCES PROTECTION:
Limits of Disturbance (LOD): Would need to be shown on the Erosion Control Plan for the building permit for the screened-in porch, patio, and shed.

Woodland, Tree, and Vegetation Protection: Applicant is not proposing to remove any quality trees. Attached survey shows trees on the property. Dead, dying, or diseased trees are allowed to be removed, along with buckthorn and other small trees in the area of proposed construction.
Wildlife Management Plan: N/A

ENVIRONMENTAL IMPACT: Applicant plans to remove some small, low-quality trees. No trees being removed will require replacement. A site visit was conducted on January 26, 2023.

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

SANITARY SEWER PROVISION:
Within Current Sewer Service Area: Yes
Sewer Shed Capacity Available: N/A
Adequate Linkage: N/A
Onsite System Required: No

WATER USAGE CALC.: N/A

TRAFFIC IMPACT: N/A

SCHOOL DISTRICT IMPACT: N/A
Notice Sent to Affected School District(s): No

PREVIOUS ACTION:

11/21/2002	Waterbury Estates Subdivision Plat recorded with Waukesha County Register of Deeds Office.
2016	Existing home was built.
1/20/2023	Application submitted for a Partial Release of Restriction to allow for a screened-in porch, patio, shed and pool within the Tree Preservation Easement. See file UA-2300184.
4/13/2023	Plan Commission action on UA-2300184 – Recommendation to Plan Commission to deny the request.
4/20/2023	Applicant requested that their application with withdrawn from the 4/25/2023 Common Council meeting.

CONSISTENCY WITH PREVIOUS ACTION: N/A

FINDINGS:

1. The Waterbury Estates Subdivision Plat was recorded at the Waukesha County Register of Deeds Office on November 21, 2002.
2. The original staff report for the subdivision (See File: S-149-97) states that *"Tree Preservation Easement required on all but the front 110' of lots 12-19. Tree Preservation Easement Restrictions similar to Wetland Preservation Restrictions to be created and placed on the face of the plat."*
3. Per Doc #: 2883773, the Waterbury Estates Subdivision Plat states the following regarding Tree Preservation Easement Restrictions:
    i. No existing live tree with a diameter of five inches (5") or more at a height of four feet (4') above ground shall be cut down, destroyed, mutilated, moved or disfigured.

4. After reviewing the staff reports, plat of survey, and subdivision plat, staff have determined that the intent of the Tree Preservation Easement was to protect the trees and prevent any encroachment within the easement. Because of these restrictions, DCD staff cannot unilaterally approve and/or waive this restriction without the applicant first seeking approval from the Plan Commission and Common Council – following the same approval process which established this requirement in the first place when the CSM was approved back in 1999 (recorded at the County in 2002).

5. The applicant would like to install a screened-in porch, patio, and shed. See attached plans and survey. The approximate area of disturbance is approximately 575 square feet.
6. DCD staff conducted a site visit on January 26, 2023 and has confirmed that, based upon direct conversation with homeowner and staking onsite, that no trees and/or high quality vegetation would be impacted. The footprint of proposed construction (screened-in porch, patio, and shed) avoids all existing quality trees.
7. Application previously submitted for a Partial Release of Restriction to allow for a screened-in porch, patio, shed and pool within the Tree Preservation Easement. See file UA-2300184. The application was withdrawn from the 4/25/2023 meeting at the request of the applicant. The current request does not include the pool that was part of the previous request.

D.R.C. RECOMMENDATION: Recommend to the Common Council approval of a Resolution approving a Partial Release of Restriction on Lot No. 13 of the Waterbury Estates Subdivision Plat to allow for a screened-in porch, patio, and shed to be installed for the property located at 4015 S. Belgrave Road (Tax Key #: 1245-376), subject to the application, plans on file and the following conditions: **See Executive Summary.**

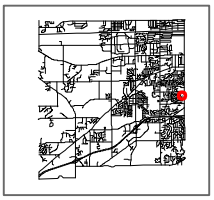
ATTACHMENTS:
Location Map
Owner Letter
Plat of Survey
Draft Resolution
Draft Partial Restriction Release

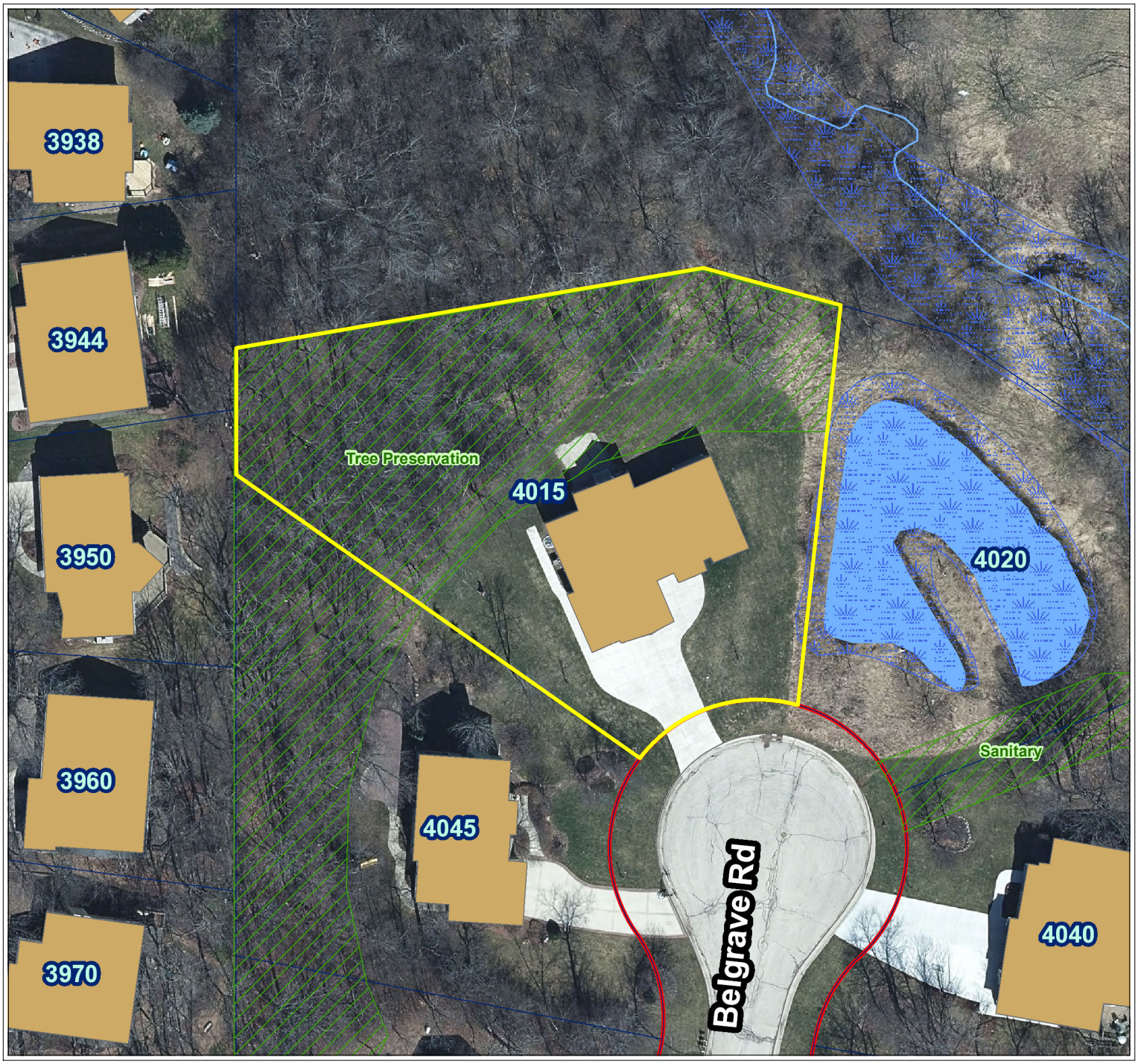
Pictures looking towards the proposed patio and screened-in porch.

Picture looking towards the proposed shed.

City of New Berlin
Community Development

UA-2301098
Kandel Restriction Release
4015 S. Belgrave Road





Legend

- Parcels
- Road Right-of-Way

Floodplain DFIRM (FEMA 2014)

Flood Zone

- FEMA DFIRM - Zone A
- FEMA DFIRM - Zone AE
- FEMA DFIRM - 0.2% Annual Chance
- Zoning Boundaries

Zoning Wetland Registration

Wetland Registration Type

- Registered Wetland
- Outside Wetland

Environmental Corridor

Corridor Type

- Isolated Natural Resource Area
- Primary Environmental Corridor
- Secondary Environmental Corridor

Sewer Service Area (MMSD)

Sewershed

- Current
- Ultimate

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

N

0 20 40 Feet

The information and depictions herein have been produced using data available through photogrametric means by the City of New Berlin. The informations and depictions herein are for informational purposes and the City of New Berlin specifically disclaims accuracy in this reproduction and specifically admonishes and advises that any and all depiction, measurements, distances depicted herein and as to which specific or precise accuracy is required should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means.

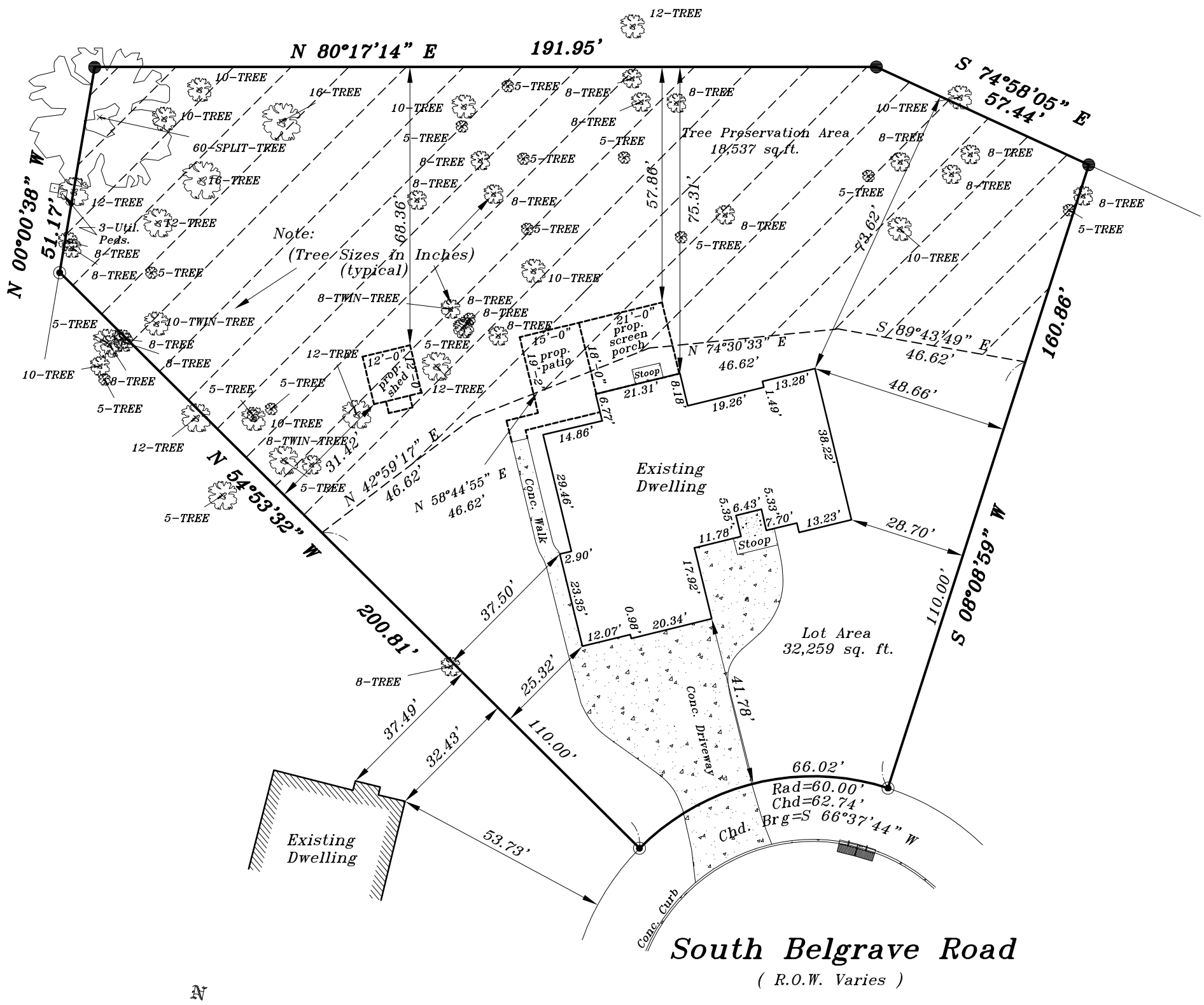
Map Printed: 2/20/2023 8:33:47 AM

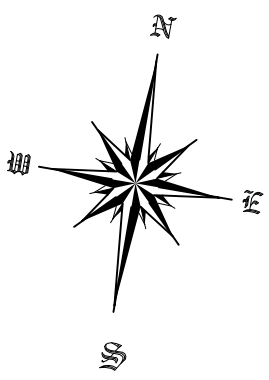
PLAT OF SURVEY

LOCATION: 4015 South Belgrave Road, New Berlin, Wisconsin

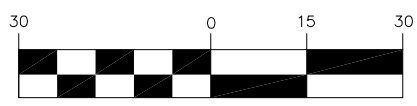
LEGAL DESCRIPTION:
Lot 13 of **WATERBURY ESTATES**, being a subdivision of a part of the Northeast 1/4 of the Northeast 1/4 of Section 24, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

December 20, 2022 Survey No. 113997
January 16, 2023 Updated Survey Showing Proposed Improvements
January 17, 2023 Revised Survey
May 5, 2023 Removed "Future Pool"
May 10, Added Prop. Patio Dimensions

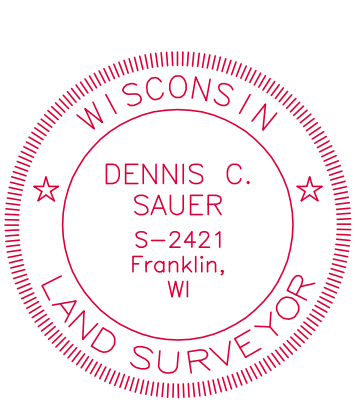




GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



METROPOLITAN SURVEY SERVICE, INC.
PROFESSIONAL LAND SURVEYORS
9415 West Forest Home Avenue, Suite 202
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PH. (414) 529-5380
survey@metropolitansurvey.com
www.metropolitansurvey.com

◉ — *Denotes Iron Pipe Found*
● — *Denotes Iron Rod Found*
◎ — *Denotes Iron Pipe Set*

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY. ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENT, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM THE DATE HEREOF.

SIGNED _____
Dennis C. Sauer
Professional Land Surveyor S-2421

STATE OF WISCONSIN CITY OF NEW BERLIN WAUKESHA COUNTY

RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF NEW BERLIN
TO PARTIALLY RELEASE A RESTRICTION ON LOT 13
WATERBURY ESTATES PLAT PURSUANT TO WIS. STATS. SEC. 236.293**

WHEREAS, the Common Council of the City of New Berlin approved a Plat for the Waterbury Estates subdivision which was recorded with the Waukesha County Register of Deeds on November 21, 2002, as Document No. 2883773;

WHEREAS, the said Plat contains a note restricting the cutting down and destroying, mutilation, movement or disfigurement of living trees with diameters of five (5) inches or more at a height of four (4) feet;

WHEREAS, said restriction is applicable to Lot 13 of said subdivision, which is otherwise known as 4015 South Belgrave Road, New Berlin, Wisconsin, Tax Key No. NBC 1245-376; and

WHEREAS, the current owners of said Lot 13, Scott and Melissa Kandel have submitted an application to the City of New Berlin seeking a partial release of the tree preservation restriction on their lot;

WHEREAS, the applicant desires to construct a screened-in porch, patio, and shed to be installed on their property; and

WHEREAS, they wish to install the aforementioned improvements within the tree preservation area, the area of disturbance of the tree preservation area would be approximately 575 square feet, and is depicted on the survey attached as Exhibit A; and

WHEREAS, the City of New Berlin has inspected the property and has determined that no trees and/or high quality vegetation would be impacted by the release of the restriction in this area, and the construction of the improvements which they are requesting; and

WHEREAS, City of New Berlin Plan Commission has reviewed the request of the Kandels to partically release the restriction on the tree preservation area for the purpose of the construction of the screened-in porch, patio, and shed and has recommended to the City of New Berlin Common Council approval of a partial restriction release to allow for this to occur, which approval occurred at the City of New Berlin Plan Commission meeting on July 10, 2023; and

WHEREAS, the portion of the tree preservation area to be released from the restriction set forth in the Waterbury Estates subdivision Plat is approximately 575 square feet is more specifically described in the attached map, Exhibit A; and

WHEREAS, Wis. Stats. Sec. 236.293 permits the release of restrictions on platted lands by action of the Common Council.

NOW, THEREFORE, by the Common Council of the City of New Berlin does hereby resolve as follows:

BE IT RESOLVED that that portion of the tree preservation area for Lot 13 of the Waterbury Estates subdivision (which property is otherwise known as 4015 South Belgrave Road, New Berlin, Wisconsin, City of New Berlin Tax Key No. NBC 1245-376), and which is more specifically described in the attached Exhibit A, is hereby released from the restriction set forth on the Plat for the Waterbury Estates Subdivision, and the owner of said property shall hereby be permitted to construct a screened-in porch, patio, and shed subject to the approval of this partial restriction release by those entities with jurisdiction for the approval of the Plat. Said approval is further subject to the property owners agreeing to provide a final survey/stakeout survey that indicates the areas of disturbance for the screened-in porch, patio, and shed and associated grading, as well as the application for all required building, plumbing, and electrical permits prior to any construction on the parcel, the erection of erosion control measures as required by the City for the proposed construction. The Building Permit shall require that disturbance of natural features on the property shall be kept to a minimum. The limits of disturbance for construction of the screened-in porch, patio, and shed, and associated grading shall not exceed the areas as depicted in the attached Exhibit A. Construction fencing shall be installed to delineate the limits of disturbance and no grading and/or tree removal may occur beyond the limits of the area set forth in Exhibit A. The City's consent to this construction is subject to the requirement that the applicant sign the City's Zoning Permit consenting to the aforementioned terms and conditions and that a failure to abide by its terms may result in a revocation of the zoning and/or building permits.

BE IT FURTHER RESOLVED that the tree preservation easement and restriction on the Plat of Waterbury Estates subdivision shall always remain in full force and effect according to its terms.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute a release of restriction in accordance with this resolution and record the same with the Waukesha County Register of Deeds.

Dated at New Berlin, Wisconsin this _____ day of _____ 2023.

APPROVED:

_____
David Ament, Mayor

Countersigned:

_____
Medina Rubina, City Clerk

Document Number	**RESOLUTION TO PARTIALLY RELEASE RESTRICTION ON LOT 13 OF WATERBURY ESTATES SUBDIVISION** **Title of Document**

Please see the attached Resolution

Record this document with the Register of Deed.

Name and Return Address
Attorney Mark G. Blum
720 Clinton Street, P.O. Box 766
Waukesha, WI 53187

(Parcel Identification Number)

Drafted by:
Attorney Mark G. Blum
Hippenmeyer, Reilly, Blum,
Schmitzer, Fabian & English, S.C.
720 Clinton Street, P.O. Box 766
Waukesha, WI 53187-0766
Phone: (262) 549-8181
Fax: (262) 549-8191
mgblum@hrblawfirm.com

STATE OF WISCONSIN **CITY OF NEW BERLIN** **WAUKESHA COUNTY**

RESOLUTION NO. _____

RESOLUTION OF THE CITY OF NEW BERLIN TO PARTIALLY RELEASE A RESTRICTION ON LOT 13 OF WATERBURY ESTATES SUBDIVISION

WHEREAS, the City of New Berlin approved a Plat for the Waterbury Estates subdivision which was recorded with the Waukesha County Register of Deeds on November 21, 2002, as Document No. 2883773;

WHEREAS, said Plat contains language concerning a tree preservation easement and Plat restriction, noted on said Plat; and

WHEREAS, the City has received an application from the owners of the property at 4015 South Belgrave Road, New Berlin, Wisconsin, seeking to construct a screened-in, porch, and shed within a portion of the aforementioned tree preservation easement and restriction; and

WHEREAS, the area in which the applicant wishes to construct the aforementioned improvement is approximately 575 square feet and is more specifically described in the attached legal description, Exhibit A; and

WHEREAS, the application was reviewed by the City of New Berlin Plan Commission on July 10, 2023, at which time the Commission recommended approval of a partial release of restriction to the Common Council to allow for the construction of the aforementioned improvements within the tree preservation area; and

WHEREAS, the City finds that the lands shown on Exhibit A, which the applicant wishes to utilize for the enclosed porch, patio, and shed, has minimal vegetation and no high-quality vegetation which would be adversely impacted by this partial release, and the construction of the improvements as described herein.

NOW, THEREFORE, the City of New Berlin as the approving entity for the Plat of Waterbury Estates subdivision hereby consents pursuant to Wis. Stats. Sec. 236.293 to the partial release of the tree preservation easement and restriction within the lands described as Lot 13 as the Waterbury Estates subdivision for the sole purpose of allowing for the construction of an enclosed porch, patio, shed, and swimming pool and hereby releases from the tree preservation restriction, the area depicted in Exhibit A, solely for these purposes. This partial release shall only apply to the lands depicted in Exhibit A. The balance of the lands within the tree preservation area on this lot, as well as the others in the subdivision, shall remain in full force and effect.

The restriction release for lands depicted in Exhibit A shall only be for the purpose of the construction of the enclosed porch, patio, and shed and the related grading and the construction related to them, as well as appurtenances thereto. No other construction or improvements are permitted under this restriction release.

This release is approved by action of the Common Council of the City of New Berlin by resolution on the _____ day of _____ 2023, as is documented by Resolution No. 23-_____.

APPROVED:

_____
David Ament, Mayor

Countersigned:

_____
Medina Rubina, City Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF WAUKESHA)

Personally came before me, this _____ day of _____, 2023 the above-named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____

_____
Print Name, Notary Public
State of Wisconsin
My Commission is permanent/expires: _____