Plan Commission
MEETING AGENDA

August 14, 2023 - 6:00 PM
Council Chambers
3805 S. Casper Drive

Published: 8/4/2023
Amended: 8/9/2023

AGENDA

1. PUBLIC HEARING(S)

A. KH DCD1-2301206 Floodplain Amendments (Public Hearing 6:00 PM)

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. July 10, 2023 Meeting Minutes

6. PLAN COMMISSION SECRETARY'S REPORT

7. CONTINUED 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. Tabled 7/10/23)

8. NEW BUSINESS

A. KH DCD1-2301206 Floodplain Amendments (Public Hearing 6:00 PM)

B. (1) GK/NJ CP-2300808 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 AND 2030 Comprehensive Plan Updates. (Public Hearing 7/10/23)

C. (1) GK/NJ 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) - Rezone from I-1 and C-2 to B-1/PUD, Rm-1/PUD, I-1 PUD & C-2. (Public Hearing 7/10/23)

D. (1) GK/NJ LD-2300812 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) - 4-Lot Certified Survey Map.

E. (4) KW UA-2301370 Matt Anderson with Matty's Bar and Grille, Inc. - 14460 W. College Avenue (Tax Key #: 1292-995-001) - Use, Site, and Architectural approval for a 4,375 square foot banquet and event building.

F. (4) KH SP-2301340 Ryan Janssen - 5715 S. Sunny Slope Road - Theofila Estates Subdivision Concept

G. (3) GK LD-2301367 Scott Funk - 1710 S. Craftsman Drive (Tax Key #'s: 1174-066 & 1174-987-001) - 2-Lot Certified Survey Map.

H. (1) GK/NJ UA-2301359 - Jordan Chapman with ALRIG USA (DBA New Berlin Retail Management II LLC) - 1401 S. Moorland Road (Tax Key #: 1161-995-001) - Use, Site and Architectural approval for a conceptual

commercial development plan (3 multi-tenant retail buildings at the SW corner of Greenfield Avenue and Moorland Road).

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:	**City of New Berlin / §275-65 of the Zoning Code, Floodplain Zoning Updates**
LOCATION:	**Citywide**
REQUEST:	**Plan Commission hold a public hearing and recommend to the Common Council adoption of Ordinance # 2675 that approves the updates to the Zoning Code, Chapter 275.**
D.R.C. RECOMMENDATION:	**Plan Commission hold a public hearing and recommend to the Common Council adoption of Ordinance # 2675 that approves the updates to the Zoning Code, Chapter 275.**

Background:

1. **Federal Emergency Management Agency (FEMA) has updated the flood maps for Waukesha County as part of their RiskMAP program. The new Flood Insurance Rate Maps (FIRM) will become effective October 19, 2023. As a result, some properties will see a change in its risk zone and/or Base Flood Elevation (BFE). An Open House was held on July 10, 2023 at City Hall with City staff and the DNR for the public to view the maps and ask questions. Letters were sent to the affected properties regarding this Open House and the upcoming changes.**
2. **The proposed Zoning Code updates correspond to the map revisions. These Zoning Code updates include changes to the dates and numbers only, not the map revisions.**
3. **The following changes are proposed to §275-65 of the Zoning Code, Floodplain Zoning:**
    a. **§275-65A(5)(b). Update Flood Insurance Rate Map (FIRM) Panel Numbers and dates.**
    b. **§275-65A(5)(c). Correctly identify the regional floodplain areas.**
    c. **§275-65A(5)(e). Correct code reference.**
    d. **§275-65C. Correct code reference.**

Next Steps:

1. **Public hearing held before Plan Commission.**
2. **Plan Commission recommendation forwarded to the Common Council for final action.**
3. **Common Council review for final action.**

Previous Action:

6/27/2023 Common Council set the public hearing date for August 14, 2023.

Attachments:

Draft Zoning Code Amendments
Ordinance # 2675

§ 275-65. Floodplain Zoning.

A. Statutory authorization, findings of fact, statement of purpose, title and general provisions.

(1) Statutory authorization. This article is adopted pursuant to the authorization in §§ 61.35 and 62.23, Wis. Stats., and the requirements in § 87.30, Wis. Stats.

(2) Finding of fact. Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

(3) Statement of purpose. This article is intended to regulate floodplain development to:

(a) Protect life, health and property;

(b) Minimize expenditures of public funds for flood control projects;

(c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;

(d) Minimize business interruptions and other economic disruptions;

(e) Minimize damage to public facilities in the floodplain;

(f) Minimize the occurrence of future flood blight areas in the floodplain;

(g) Discourage the victimization of unwary land and home buyers;

(h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and

(i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(4) Title. This article shall be known as the "Floodplain Zoning Ordinance for the City of New Berlin, Wisconsin."

(5) General provisions.

(a) Areas to be regulated. This article regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO Zones. Regional flood elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most-restrictive information shall apply.

(b) Official maps and revisions. The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the letter of map change process (see §275-65H) before they are effective. No changes to regional flood elevations (RFEs) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Department of Community Development, City of New Berlin. If more than one map or revision is referenced, the most current restrictive shall apply.

[1] Based on the FIS:

[a] Flood Insurance Rate Map (FIRM) Panel Numbers 55133C0218~~G~~H, 55133C0219~~G~~H, 55133C0238~~G~~H, 55133C0239~~G~~H, 55133C0327~~G~~H, 55133C0329~~G~~H, 5133C0331~~G~~H, 55133C0332~~G~~H, 55133C0334~~G~~H, 55133C0342~~G~~H, 55133C0351~~G~~H, 55133C0352~~G~~H, 55133C0353~~G~~H, 55133C0354~~G~~H, 55133C0361~~G~~H and 5133C0362~~G~~H, dated ~~November 5, 2014~~ October 19, 2023, with corresponding profiles that are based on the Waukesha County

Flood Insurance Study (FIS), dated~~ November 5, 2014~~ October 19, 2023, Volumes 55133CV001~~C~~D, 55133CV002~~C~~D, ~~and~~ 55133CV003~~C~~D, 55133CV004D and 55133CV005D, are hereby incorporated in the City of New Berlin Floodplain Ordinance and the floodplain districts as set forth in §~~s~~ 275-65~~.22 through 275-65.31~~ as well as the City of New Berlin Zoning Map.

[b] Flood Insurance Rate Map (FIRM) Panel Numbers 55133C0333G, 55133C0337G, and 55133C0341G, dated November 5, 2014.

[2] Maps based upon other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

[a] Any one-hundred-year dam failure analyses as approved from time to time by the DNR and FEMA.

[b] All DNR- and FEMA-approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations, letters of map amendment, letters of map revision and other information are on file in the office of the Department of Community Development, City of New Berlin.

[c] Waukesha County Flood Storage Maps, Panel Numbers ~~4~~12 and ~~9~~16, dated~~ November 5, 2014~~ October 19, 2023, approved by the DNR.

(c) Establishment of floodplain zoning districts. The regional floodplain areas are divided into four districts as follows:

[1] The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to §275-65E(1)(e).

[2] The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway and displayed as AE Zones on the FIRM,~~ or within A Zones shown on the FIRM when determined according to §275-65E(1)(e)~~ or when floodway limits have been determined according to §275-65E(1)(e) within A Zones shown on the FIRM.

[3] The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood and do not have a BFE or floodway boundary determined, including A, AH, and AO Zones on the FIRM~~, or when floodway limits have been determined according to §275-65E(1)(e) within A Zones shown on the FIRM~~.

[4] The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(d) Locating floodplain boundaries. Discrepancies between boundaries on the Official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in [1] or [2] below. If a significant difference exists, the map shall be amended according to §275-65H. The Director can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Director shall be responsible for documenting actual predevelopment field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Director and an applicant over the district

boundary line shall be settled according to §275-65G(3)(c) and the criteria in [1] and [2] below. Where the flood profiles are based on established base flood elevations from the FIRM, FEMA must approve any map amendment or revision pursuant to §275-65H.

[1] If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

[2] Where flood profiles do not exist, the location of the boundary shall be determined by the map scale.

(e) Removal of lands from floodplain.

[1] Compliance with the provisions of this article shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to § 275-65~~.29~~H. Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a letter of map change (LOMC).

[2] The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of the approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:

[a] The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;

[b] The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.

[3] Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(f) Compliance.

[1] No structure or use within the areas regulated by this article shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of this article and all other applicable local, state, and federal regulations that apply to uses within the jurisdiction of these regulations.

[2] Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with §275-65I.

[3] Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with §275-65I.

(g) Municipalities and state agencies regulated.

[1] Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this article and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wis. Stats., applies.

[2] The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when § 30.2022, Wis. Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards.

[3] If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under §30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply:

[a] The applicant provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location;

[b] The project is exempt from a DNR permit under §30.123(6)(3);

[c] The capacity is not decreased;

[d] The top road grade is not raised, and;

[e] No floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(h) Abrogation and greater restrictions.

[1] This article supersedes all the provisions of any municipal zoning ordinance enacted under § 62.23 or § 87.30, Wis. Stats., which relates to floodplains. If another ordinance is more restrictive than this article, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

[2] This article is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this article imposes greater restrictions, the provisions of this article shall prevail.

(i) Interpretation. In their interpretation and application, the provisions of this article are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this article required by Ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this article or in effect on the date of the most-recent text amendment to this article.

(j) Warning and disclaimer of liability. The flood protection standards in this article are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This article does not imply or guarantee that nonfloodplain areas or permitted floodplain uses will be free from flooding and flood damages. This article does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this article.

(k) Severability. Should any portion of this article be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not

be affected.

(l) Annexed areas for cities and villages. The Waukesha County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code, and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's Official Zoning Map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal Director. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

B. General standards applicable to all floodplain districts.

(1) General standards. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

(a) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:

[1] Be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

[2] Be constructed with materials resistant to flood damage;

[3] Be constructed by methods and practices that minimize flood damages;

[4] Mechanical and utility equipment must be elevated to or above the flood protection elevation.

(b) If a subdivision or other proposed new development is in a floor-prone area, the community shall assure that:

[1] Such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;

[2] Public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damages;

[3] Adequate drainage shall be provided to reduce exposure to flood hazards, and all subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this article and all other requirements in §275-65G(1)(b).

(2) Hydraulic and hydrologic analyses.

(a) No floodplain development shall:

[1] Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or

[2] Cause any increase in the regional flood height due to floodplain storage area lost.

(b) The Director shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of §275-65H are met.

(3) Watercourse alterations. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified, in writing, all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The standards of §275-

65B(2) must be met, and the flood-carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to §275-65H, the applicant shall apply, with community acknowledgement, for a letter of map revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

(4) Chapters 30 and 31, Wis. Stats., development. Development which requires a permit from the Department under Chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the Floodplain Zoning Ordinance are made according to §275-65H.

(5) Public or private campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

(a) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;

(b) A land use permit for the campground is issued by the Director;

(c) The character of the river system and the elevation of the campground are such that a seventy-two-hour warning of an impending flood can be given to all campground occupants;

(d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedure for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

(e) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated, by the officials identified in (d) above, to remain in compliance with all applicable regulations, including those of the State Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;

(f) All mobile recreational vehicles places on the site must meet one of the following:

[1] Only camping units that are fully licensed, if required, and ready for highway use are allowed (A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.); or

[2] The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or

[3] Meet the requirements in either §275-65C, D, or E(1) for the floodplain district in which the structure is located.

(g) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;

(h) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;

(i) The campground shall have signs clearly posted at all entrances warning of the

flood hazard and the procedures for evacuation when a flood warning is issued; and

(j) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells, shall be properly anchored and placed at or floodproofed to the flood protection elevation.

(k) Standards for structure in a campground:

[1] All structures must comply with section §275-65B(5) or meet the applicable requirements in §275-65C, D, or E(1) for the floodplain district in which the structure is located;

[2] Deck/landing - a portable landing maybe allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls, or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with §275-65B(5)(d). Any suck deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

[3] Decks/patios that are constructed completely at grade may be allowed, but must also comply with applicable shoreland zoning standards.

[4] Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with §275-65B(5)(d).

[5] Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenance equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with the §275-65B(5)(d).

(l) A land use permit shall be obtained as provided under §275-65G(1)(b) before any development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

C. Floodway District (FW).

(1) Applicability. This section applies to all floodway areas on the Floodplain Zoning Maps and those identified pursuant to §275-65E(1)(e).

(2) Permitted uses. The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District if they are not prohibited by any other ordinance, they meet the standards in §275-65C(3) and (4), and all permits or certificates have been issued according to §275-65G(1):

(a) Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

(b) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

(c) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of §275-65C(3)(d).

(d) Uses or structures accessory to open space uses or classified as historic structures that comply with §275-65C(3) and (4).

(e) Extraction of sand, gravel or other materials that complies with §275-65C(3)(d).

(f) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31 Wis. Stats.

(g) Public utilities, streets and bridges that comply with §275-65C(3)(c).

(h) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch 383 Wis. Adm. Code.

(i) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinance and chs. NR 811 and NR 812, Wis. Adm. Code.

(j) Wastewater treatment ponds or facilities permitted under ch NR 110.15(3(b), Wis. Adm. Code.

(k) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

(3) Standards for development in floodway areas.

(a) General.

[1] Any development in the floodway shall comply with §275-65B and have a low flood damage potential.

[2] Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to §275-65B(2) and §275-65G(1)(b)[3]: The analysis must be completed by a registered professional engineer in the state of Wisconsin.

[3] Any encroachment in the regulatory floodway is prohibited unless the data submitted for [2] above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in §275-65-A(5)(e).

(b) Structures. Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

[1] The structure is not designed for human habitation and does not have a high flood damage potential and is constructed to minimize flood damage;

[2] Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:

[a] Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without

human intervention during flooding;

[b] Have structural components capable of meeting the provision of §275-65C(3)(b)[7] and;

[c] Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with §275-65C(3)(b)[7].

[3] Must be anchored to resist flotation, collapse and lateral movement;

[4] Mechanical and utility equipment must be elevated to, or above, the flood protection elevation; and

[5] They must not obstruct the flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.

[6] For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets [1] through [5] above and meets or exceeds the following standards:

[a] The lowest floor must be elevated to or above the regional flood elevation;

[b] A minimum of two openings having a total net area not less than one square inch for every square foot of enclosed area subject to flooding;

[c] The bottom of all such openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open;

[d] The use must be limited to parking, building access or limited storage.

[7] Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:

[a] Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;

[b] Construction of well, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provision in §275-65C(4)(d) and (e);

[c] Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;

[d] Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and

[e] Placement of utilities to or above the flood protection elevation.

(c) Public utilities, streets and bridges. Public utilities, streets and bridges may be allowed by permit if:

[1] Adequate floodproofing measures are provided to the flood protection elevation; and

[2] Construction meets the development standards of §275-65B(2).

(d) Fills or deposition of materials. Fills or deposition of materials may be allowed by permit if:

[1] The requirements of §275-65B(2) are met;

[2] No material is deposited in navigable waters unless a permit is issued by the Department pursuant to Ch. 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1344, has been issued, if applicable, and all other requirements have been met;

[3] The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

[4] The fill is not classified as a solid or hazardous material.

(4) Prohibited uses. All uses not listed as permitted uses in §275-65C(2) are prohibited, including the following uses:

(a) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

(b) Storing materials that are buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

(c) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

(d) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code;

(e) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code;

(f) Any solid or hazardous waste disposal sites;

(g) Any wastewater treatment ponds or facilities, except those permitted under § NR 110.15(3)(b), Wis. Adm. Code; and

(h) Any sanitary sewer or water supply lines, except those to service exiting or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

D. Floodfringe District (FF).

(1) Applicability. This section applies to all floodfringe areas shown on the Floodplain Zoning Maps and those identified pursuant to §275-65E(1)(e).

(2) Permitted uses. Any structure, land use, or development is allowed in the Floodfringe District if the standards in §275-65D(3) are met, the use is not prohibited by this chapter or any other ordinance or regulation, and all permits or certificates specified in §275-65G(1) have been issued.

(3) Standards for development in floodfringe areas. §275-65B(1) shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of §275-65F.

(a) Residential uses. Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe area shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of §275-65F.

[1] All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet §275-65A(5)(e).

[2] Notwithstanding [1] above, a basement or crawlspace floor may be placed at or above one foot above the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protections elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed lower than one foot above the regional flood elevation.

[3] Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in [4] below.

[4] In developments where existing street or sewer line elevations make compliance with [3] above impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation if:

[a] The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

[b] The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

(b) Accessory structures or uses. In addition to §275-65B(1), new construction and substantial improvements of accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(c) Commercial uses. In addition to §275-65B(1), any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of §275-65D(3)(a). Subject to the requirements of §275-65D(3)(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(d) Manufacturing and industrial uses. In addition to §275-65B(1), any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in §275-65G(5). Subject to the requirements of 275-65D(3)(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(e) Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with §275-65G(5). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(f) Public utilities, streets and bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans, and:

[1] When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with §275-65G(5).

[2] Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(g) Sewage systems. All sewage disposal systems shall be designed to minimize or

eliminate infiltration of floodwater into the system, pursuant to §275-65G(5)(c), to the flood protection elevation and shall meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.

(h) Wells. All wells shall be designed to minimize or eliminate infiltration of floodwaters into the system, pursuant to §275-65G(5)(c), to the flood protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.

(i) Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(j) Deposition of materials. Any deposited material must meet all the provisions of this article.

(k) Manufactured homes.

[1] Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage and prepare, secure approval of and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

[2] In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

[a] Have the lowest floor elevated to the flood protection elevation; and

[b] Be anchored so they do not float, collapse or move laterally during a flood.

[3] Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in §275-65D(3)(a).

(l) Mobile recreational vehicles. All mobile recreational vehicles must be on site for less than 180 consecutive days and be either:

[1] Fully licensed and ready for highway use (A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.); or

[2] Shall meet the elevation and anchoring requirements in §275-65D(3)(k)[2] and [3].

E. Other floodplain districts. Other floodplain districts may be established under this chapter and reflected on the Floodplain Zoning Map. These districts may include General Floodplain Districts and Flood Storage Districts.

(1) General Floodplain District (GFP).

(a) Applicability. The provisions for this district shall apply to development in all floodplains mapped as A, AO, AH and in AE Zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in §275-65A(5)(b)[1].

(b) Floodway Boundaries. For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in §275-65A(5)(b)[1], the boundaries of the regulatory floodway shall be determined pursuant to §275-65E(1)(e). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of §275-65C. If the development is located entirely within the floodfringe, the development is subject to the standards of §275-65D.

(c) Permitted uses. Pursuant to §275-65E(1)(e), it shall be determined whether the

proposed use is located within a floodway or floodfringe area. Those uses permitted in floodway (§275-65C(2)) and floodfringe areas (§275-65D(2)) are allowed within the General Floodplain District, according to the standards of §275-65E(1)(d), provided that all permits or certificates required under §275-65G(1) have been issued.

(d) Standards for development in the General Floodplain District. §275-65C applies to floodway areas, determined pursuant to §275-65E(1)(e); §275-65D applies to floodfringe areas, determined pursuant to §275-65E(1)(e).

[1] New construction and substantial improvements of structures in zone AO shall have the structure's lowest floor, including basement, elevated:

[a] To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade, plus one additional foot of freeboard; or

[b] If the depth is not specified on the FIRM, to or above three feet above the highest adjacent grade.

[2] New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation; or

[3] In AO/AH Zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

[4] All development in zones AO and zone AH shall meet the requirements of §275-65D applicable to flood fringe areas.

(e) Determining floodway and floodfringe limits. Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the Director shall:

[1] Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures, and the flood zone as shown on the FIRM.

[2] Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood heights and flood flows, regional flood elevation, and to determine floodway boundaries:

[a] A hydrologic and hydraulic study as specified in §275-65G(1)(b)[3];

[b] A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types; and other pertinent information;

[c] Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

(2) Flood Storage District. The Flood Storage District delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

(a) Applicability. The provisions of this subsection apply to all areas within the Flood

Storage District (FSD), as shown on the Official Floodplain Zoning Maps.

(b) Permitted uses. Any use or development which occurs in a Flood Storage District must meet the applicable requirements in §275-65D(3).

(c) Standards for development in Flood Storage Districts.

[1] Development in a Flood Storage District shall not cause an increase equal or greater than 0.00 feet in the height of the regional flood.

[2] No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the predevelopment ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.

[3] If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as Flood Storage District, on this waterway, is rezoned to the Floodfringe District. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per §275-65H of this article.

[4] No area may be removed from the Flood Storage District unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

F. Nonconforming uses.

(1) General.

(a) Applicability.

[1] The standards in this section shall apply to all uses and building that do not conform to the provisions contained within a floodplain zoning ordinance or with s.87.30, Stats and §§NR116.12-14, Wis Adm. Code and 44 CFR 59-72. These standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this article or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has a burden of proving that the use or structure was complaint with the floodplain zoning ordinance in effect at the time the use or structure was created.

[2] As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value and a list of the costs of those activities associated with changes to those buildings.

(b) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this article may continue, subject to the following conditions:

[1] No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this article. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems

or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

[2] If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted, and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this article.

[3] The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.

[4] No modification or addition to any nonconforming structure or any structure with a nonconforming use which, over the life of the structure, would equal or exceed 50% of its present equalized assessed value shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dryland access must be provided for residential and commercial uses in compliance with §275-65D(3)(a). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this subsection.

[5] No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dryland access must be provided for residential and commercial uses in compliance with §275-65D(3)(a). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.

[6] If, on a per-event basis, the total value of the work being done under [4] and [5] above equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dryland access must be provided for residential and commercial uses in compliance with §275-65D(3)(a).

[7] Except as provided in [8] below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its predamaged condition equals or exceeds 50% of the structure's present equalized assessed value.

[8] For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum requirements are met and all required permits have been granted prior to the start of construction.

[a] Residential structures:

[i] Shall have the lowest floor, including basement, elevated to or above the flood protection elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of §275-65G(5)(b).

[ii] Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.

[iii] Shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

[iv] In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

[v] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in §275-65E(1)(d).

[vi] In AO Zones, shall have adequate drainage paths around the structure on slopes to guide floodwaters around and away from the structure.

[b] Nonresidential structures:

[i] Shall meet the requirements of subsection [i] through [vi] above.

[ii] Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation or, together with attendant utility and sanitary facilities, shall meet the standards in §275-65G(5)(a) or (b).

[iii] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in §275-65E(1)(d).

(c) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as an historic structure, the alteration will comply with §275-65C(3)(a), flood-resistant materials are used, and construction practices and floodproofing methods that comply with §275-65G(5) are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of §275-65F(1)(b)[8][a] if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and is the minimum necessary to preserve the historic character and design of the structure.

(2) Floodway District.

(a) Modifications or additions. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the

Floodway District, unless such modification or addition:

[1] Has been granted a permit or variance which meets all ordinance requirements;

[2] Meets the requirements of 275-65F(1);

[3] Shall not increase the obstruction to flood flows or regional flood height; and

[4] Any addition to the existing structure shall be floodproofed, pursuant to §275-65G(5), by means other than the use of fill, to the flood protection elevation; and

[5] If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

[a] The enclosed are shall be designed by a registered architect or engineer to allow for the efficient entry and exit of floodwaters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

[b] The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

[c] Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

[d] The use must be limited to parking, building access or limited storage.

(b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a Floodway District shall meet the applicable requirements of all municipal ordinances, §275-65G(5)(c) and Ch. SPS 383, Wis. Adm. Code.

(c) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in a Floodway District shall meet the applicable requirements of all municipal ordinances, §275-65G(5)(c) and Chs. NR 811 and NR 812, Wis. Adm. Code.

(3) Floodfringe District.

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of §275-65D(3), except where (b) below is applicable.

(b) Where compliance with the provisions of (a) above would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in §275-65G(3), may grant a variance from those provisions of (a) above for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

[1] No floor is allowed below the regional flood elevation for residential or commercial structures;

[2] Human lives are not endangered;

[3] Public facilities, such as water or sewer, shall not be installed;

[4] Flood depths shall not exceed two feet;

[5] Flood velocities shall not exceed two feet per second; and

[6] The structure shall not be used for storage of materials as described in §275-65D(3)(e).

(c) All new private sewage disposal systems, or additions to, replacement, repair or maintenance of a private sewage disposal system, shall meet all the applicable provisions of all local ordinances, §275-65G(5)(c) and Ch. SPS 383, Wis. Adm. Code.

(d) All new wells, or additions to, replacement, repair or maintenance of a well, shall meet the applicable provisions of this article, §275-65G(5)(c) and Chs. NR 811 and NR 812, Wis. Adm. Code.

(4) Flood Storage District. No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in §275-65E(2)(c) are met.

G. Administration. The Director of Community Development shall administer this article.

(1) Director.

(a) Duties and powers. The Director is authorized to administer this article and shall have the following duties and powers:

[1] Advise applicants of the chapter provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

[2] Issue permits and inspect properties for compliance with provisions of this article and issue certificates of compliance where appropriate.

[3] Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.

[4] Keep records of all official actions, such as:

[a] All permits issued, inspections made, and work approved.

[b] Documentation of certified lowest floor and regional flood elevations.

[c] Floodproofing certificates.

[d] Records of water surface profiles, Floodplain Zoning Maps and ordinances, nonconforming uses and structures, including changes, appeals, variances and amendments.

[e] All substantial damage assessment reports for floodplain structures.

[f] List of nonconforming structures and uses.

[5] Submit copies of the following items to the Department's regional office:

[a] Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.

[b] Copies of any case-by-case analyses, and other required information.

[c] Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

[6] Investigate, prepare reports, and report violations of this article to the Municipal Department of Community Development and Attorney for prosecution. Copies of the reports shall also be sent to the Department's ~~r~~Regional office.

[7] Submit copies of amendments to the FEMA ~~r~~Regional office.

(b) Land use permit. A land use permit shall be obtained before any new

development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. All applications shall be submitted on the appropriate forms and in numbers as required by the Director. For projects requiring a land use permit, the Plan Commission shall review and take action for these projects upon receiving a written report from the Department of Community Development. Application submittals shall include, but not be limited to, the following information:

[1] General information.

[a] Name and address of the applicant, property owner and contractor.

[b] Legal description, proposed use, and whether it is new construction or a modification.

[2] Site development plan. A site plan, drawn to scale, shall be submitted with the permit application form and shall contain:

[a] Location, dimensions, area and elevation of the lot;

[b] Location of the ordinary high-water mark of any abutting navigable waterways;

[c] Location of any structures, with distances measured from the lot lines and street center lines;

[d] Location of any existing or proposed on-site sewage systems or private water supply systems;

[e] Location and elevation of existing or future access roads;

[f] Location of floodplain and floodway limits as determined from the Official Floodplain Zoning Maps;

[g] The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study, North American Vertical Datum (NAVD);

[h] Data sufficient to determine the regional flood elevation in NAVD at the location of the development and to determine whether or not the requirements of §275-65C or §275-65D are met; and

[i] Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to §275-65B(2). This may include any of the information noted in §275-65C(3)(a).

[3] Hydraulic and hydrologic studies to analyze developments. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the state. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by DCD.

[a] Zone A floodplains and in AE zones within which a floodway is not delineated:

[i] Hydrology. The appropriate method shall be based on the standards in Ch. NR 116.07(3), Wis. Adm. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

[ii] Hydraulic modeling. The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Adm. Code, Hydraulic Analysis: Determination of the Regional Flood Elevation, and the following:

- Determination of the required limits of the hydraulic model shall be based on detailed study

information for downstream structures (dam, bridge, or culvert) to determine adequate starting WSEL for the study.

- Channel sections must be surveyed.
- Minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- A maximum distance of 500 feet between cross sections is allowed in developed areas, with additional intermediate cross sections required at transitions in channel bottom slope, including a survey of the channel at each location.
- The most-current version of HEC-RAS shall be used.
- A survey of bridge and culvert openings and the top of road is required at each structure.
- Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- Standard accepted engineering practices shall be used when assigning parameters for the base model, such as flow, Manning's N values, expansion and contraction coefficients, or effective flow limits. The base model shall be calibrated to past flooding data, such as high-water marks, to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
- The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

[iii] Mapping. A work map of each of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development, and whether the proposed development is located in the floodway.

- If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure

that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

[b] Zone AE floodplains.

[i] Hydrology. If the proposed hydrology will change the existing study, the appropriate method shall be based on the standards in Ch. NR 116.07(3), Wis. Adm. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

[ii] Hydraulic modeling. The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Adm. Code, Hydraulic Analysis: Determination of the Regional Flood Elevation, and the following:

- Duplicate Effective Model. The Effective Model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the Effective Model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
- Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the Effective Model date but shall import the model into the most-current version of HEC-RAS ~~from~~ for Department review.
- Existing (Preproject Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
- Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
- All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
- Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be

identical to those in the Effective Model and result in water surface elevations and top widths computed by the Revised Models matching those in the Effective Models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

[iii] Mapping. Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

- Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary/Floodway Maps (FBFMs), construction plans, and bridge plans.
- Certified topographic map of a suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- Annotated FIRM panel showing the revised one-percent and two-tenths-percent annual chance floodplains and floodway boundaries.
- If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plan Coordinate System in accordance with FEMA mapping specifications.
- The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- All cross sections from the Effective Model shall be labeled in accordance with the effective map and a cross-section lookup table shall be included to relate to the model input numbering scheme.
- Both the current and proposed floodways shall be shown on the map.
- The stream center line or profile baseline used to measure stream distances in the model shall be visible on the map.

[4] Expiration. All permits issued under the authority of this article shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

(c) Certificate of compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the

Director, except where no permit is required, subject to the following provisions:

[1] The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this article.

[2] Application for such certificate shall be concurrent with the application for a permit.

[3] If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed.

[4] The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of §275-65G(5) are met.

[5] Where applicable pursuant to §275-65E(1)(d), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.

[6] Where applicable pursuant to §275-65E(1)(d), the applicant must submit certification by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by §275-65E(1)(d).

(d) Other permits. Prior to obtaining a floodplain development permit, the applicant must secure all necessary permits from federal, state, and local agencies, including those required by the United States Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344.

(2) Department of Community Development.

(a) The Department of Community Development shall review and advise the Plan Commission and the Common Council on all proposed amendments to this article, maps and text.

(3) Board of Appeals. The Board of Appeals, created under § 62.23(7)(e), Wis. Stats., is hereby authorized or shall be appointed to act for the purposes of this article. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Director shall not be the Secretary of the Board.

(a) Powers and duties. The Board of Appeals shall:

[1] Appeals: hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Department of Community Development in the enforcement or administration of this article.

[2] Boundary disputes: hear and decide disputes concerning the district boundaries shown on the Official Floodplain Zoning Map.

[3] Variances: hear and decide, upon appeal, variances from the article standards.

(b) Appeals to the Board.

[1] Appeals to the Board may be taken by any person aggrieved or by any officer or department of the municipality affected by any decision of the Director. Such appeal shall be taken within 30 days, unless otherwise provided by the rules of the Board, by filing with the official whose

decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.

[2] Notice and hearing for appeals, including variances.

[a] Notice. The Board shall:

[i] Fix a reasonable time for the hearing;

[ii] Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and

[iii] Assure that notice shall be mailed to the parties in interest and the Department's regional office at least 10 days in advance of the hearing.

[b] Hearing. Any party may appear in person or by agent. The Board shall:

[i] Resolve boundary disputes according to §275-65G(3)(c);

[ii] Decide variance applications according to §275-65G(3)(d); and

[iii] Decide appeals of permit denials according to §275-65G(4).

[3] Decision. The final decision regarding the appeal or variance application shall:

[a] Be made within a reasonable time;

[b] Be sent to the Department's regional office within 10 days of the decision;

[c] Be a written determination signed by the Chairman or Secretary of the Board;

[d] State the specific facts which are the basis for the Board's decision;

[e] Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction, or grant or deny the variance application; and

[f] Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(c) Boundary disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

[1] If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary;

[2] The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and

[3] If the boundary is incorrectly mapped, the Board should inform the Department of Community Development or the person contesting the boundary location to petition the Common Council for a map amendment according to §275-65H.

(d) Variances.

[1] The Board may, upon appeal, grant a variance from the standards of this article if an applicant convincingly demonstrates that:

[a] Literal enforcement of the article provisions will cause unnecessary hardship;

[b] The hardship is due to adoption of the Floodplain Ordinance and unique property conditions not common to adjacent lots or premises. In such case, the ordinance or map must be amended;

[c] The variance is not contrary to the public interest; and

[d] The variance is consistent with the purposes of this article in §275-65A(3).

[2] In addition to the criteria in [1] above, to qualify for a variance under FEMA regulations, the following criteria have been met:

[a] The variance shall not cause any increase in the regional flood elevation;

[b] Variances can only be granted for lots that are less than 1/2 acre and are contiguous to existing structures constructed below the RFE;

[c] The applicant has good and sufficient cause for issuance of the variance;

[d] Failure to grant the variance would result in exceptional hardship;

[e] Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

[f] The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

[3] A variance shall not:

[a] Grant, extend or increase any use prohibited in the zoning district.

[b] Be granted for a hardship based solely on an economic gain or loss.

[c] Be granted for a hardship which is self-created.

[d] Damage the rights or property values of other persons in the area.

[e] Allow actions without the amendments to this article or map(s) required in §275-65H.

[f] Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

[4] When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to $25.00 per $100.00 of coverage. A copy shall be maintained with the variance record.

(4) Review of appeals of permit denials.

(a) The Department of Community Development, §275-65G(2), and the Board of Appeals shall review all data related to the appeal. This may include:

[1] Permit application data listed in §275-65G(1)(b).

[2] Floodway/Floodfringe determination data in §275-65E(1)(e).

[3] Data listed in §275-65C(3)(a)[2] where the applicant has not submitted this information to the Director.

[4] Other data submitted with the application or submitted to the Board with the appeal.

(b) For appeals of all denied permits, the Board shall:

[1] Follow the procedures of 275-65G(3);

[2] Consider Department of Community Development recommendations; and

[3] Either uphold the denial or grant the appeal.

(c) For appeals concerning increases in regional flood elevation, the Board shall:

[1] Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of §275-65H; and

[2] Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase, provided no other reasons for denial exist.

(5) Floodproofing standards.

(a) No permit or variance shall be issued for a nonresidential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA floodproofing certificate. Floodproofing is not an alternative to the development standards in §275-65B, C, D, or E(1).

(b) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

[1] Certified by a registered professional engineer or architect; or

[2] That meets or exceeds the following standards:

[a] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

[b] The bottom of all openings shall be no higher than one foot above grade; and

[c] Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(c) Floodproofing measures shall be designed, as appropriate, to:

[1] Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

[2] Protect structures to the flood protection elevation;

[3] Anchor structures to foundations to resist flotation and lateral movement;

[4] Minimize or eliminate infiltration of floodwaters; and

[5] Minimize or eliminate discharges into floodwaters.

[6] Placement of essential utilities to or above the flood protection elevation; and

[7] If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

[a] The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

[b] The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

[c] Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

[d] The use must be limited to parking, building access or limited storage.

(6) Public information.

(a) Place marks on structures to show the depth of inundation during the regional flood.

(b) All maps, engineering data and regulations shall be available and widely distributed.

(c) All real estate transfers should show what floodplain zoning district any real property is in.

H. Amendments.

(1) General.

(a) Obstructions or increases may only be permitted if amendments are made to this article, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with (b) below.

[1] In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a conditional letter of map revision from FEMA and amendments are made to this article, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with (b) below. Any such alterations must be reviewed and approved by FEMA and the DNR.

[2] In A Zones, increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a conditional letter of map revision from FEMA and amendments are made to this article, the Official Floodplain Maps, floodway lines, and water surface profiles, in accordance with (b) below.

(b) The Common Council shall change or supplement the Floodplain Zoning District boundaries and this article in the manner outlined in §275-65H(2). Actions which require an amendment to the article and/or submittal of a letter of map change (LOMC) include, but are not limited to, the following:

[1] Any fill or floodplain encroachment that obstructs flow causing any increase in the regional flood height.

[2] Any change to the floodplain boundaries and/or watercourse alterations on the FIRM.

[3] Any change to any other officially adopted Floodplain Maps listed in §275-65A(5)(b)[2].

[4] Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.

[5] Correction of discrepancies between the water surface profiles and Floodplain Zoning Maps.

[6] Any upgrade to a floodplain zoning ordinance text required by § NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.

[7] All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

(2) Procedures. Ordinance amendments may be made upon petition of any interested party

according to the provisions of § 62.23, Wis. Stats. Such petitions shall include all necessary data required by §275-65E(1)(e) and §275-65G(1)(b). The land use permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

(a) The proposed amendment shall be referred to the Department of Community Development for a public hearing and recommendation to the Common Council. The amendment and notice of public hearing shall be submitted to the Department's regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of § 62.23, Wis. Stats.

(b) No amendments shall become effective until reviewed and approved by the Department.

(c) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the Common Council.

I. Enforcement and penalties.

(1) Any violation of the provisions of this article by any person shall be unlawful and shall be referred to the City Attorney, who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than $10 and not more than $50 for each offense, together with the taxable cost of such action. Each day that the violation exists shall constitute a separate offense. Every violation of this article is a public nuisance, and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to § 87.30, Wis. Stats.

J. Definitions. See §275-70

ORDINANCE NO. 2675

ORDINANCE TO AMEND CHAPTER 275 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF NEW BERLIN

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

SECTION I

Section 275-65 of the Zoning Code of the City of New Berlin is hereby amended to read as follows:

A. Statutory authorization, findings of fact, statement of purpose, title and general provisions.

(1) Statutory authorization. This article is adopted pursuant to the authorization in §§ 61.35 and 62.23, Wis. Stats., and the requirements in § 87.30, Wis. Stats.

(2) Finding of fact. Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

(3) Statement of purpose. This article is intended to regulate floodplain development to:

(a) Protect life, health and property;

(b) Minimize expenditures of public funds for flood control projects;

(c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;

(d) Minimize business interruptions and other economic disruptions;

(e) Minimize damage to public facilities in the floodplain;

(f) Minimize the occurrence of future flood blight areas in the floodplain;

(g) Discourage the victimization of unwary land and home buyers;

(h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and

(i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(4) Title. This article shall be known as the "Floodplain Zoning Ordinance for the City of New Berlin, Wisconsin."

(5) General provisions.

(a) Areas to be regulated. This article regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO Zones. Regional flood elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most-restrictive information shall apply.

(b) Official maps and revisions. The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the letter of map change process (see §275-65H) before they are effective. No changes to regional flood elevations (RFEs) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Department of Community Development, City of New Berlin. If more than one map or revision is referenced, the most current restrictive shall apply.

[1] Based on the FIS:

[a] Flood Insurance Rate Map (FIRM) Panel Numbers 55133C0218H, 55133C0219H, 55133C0238H, 55133C0239H, 55133C0327H, 55133C0329H, 5133C0331H, 55133C0332H, 55133C0334H, 55133C0342H, 55133C0351H, 55133C0352H, 55133C0353H, 55133C0354H, 55133C0361H and 5133C0362H, dated October 19, 2023, with corresponding profiles that are based on the Waukesha County Flood Insurance Study (FIS), dated October 19, 2023, Volumes 55133CV001D, 55133CV002D, 55133CV003D, 55133CV004D and 55133CV005D, are hereby incorporated in the City of New Berlin Floodplain Ordinance and the floodplain districts as set forth in § 275-65 as well as the City of New Berlin Zoning Map.

[b] Flood Insurance Rate Map (FIRM) Panel Numbers 55133C0333G, 55133C0337G, and 55133C0341G, dated November 5, 2014.

[2] Maps based upon other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

[a] Any one-hundred-year dam failure analyses as approved from time to time by the DNR and FEMA.

[b] All DNR- and FEMA-approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations, letters of map amendment, letters of map revision and other information are on file in the office of the Department of Community Development, City of New Berlin.

[c] Waukesha County Flood Storage Maps, Panel Numbers 12 and 16, dated October 19, 2023, approved by the DNR.

(c) Establishment of floodplain zoning districts. The regional floodplain areas are divided into four districts as follows:

[1] The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to §275-65E(1)(e).

[2] The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway and displayed as AE Zones on the FIRM, or when floodway limits have been determined according to §275-65E(1)(e) within A Zones shown on the FIRM.

[3] The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood and do not have a BFE or floodway boundary determined, including A, AH, and AO Zones

on the FIRM.

[4] The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(d) Locating floodplain boundaries. Discrepancies between boundaries on the Official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in [1] or [2] below. If a significant difference exists, the map shall be amended according to §275-65H. The Director can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Director shall be responsible for documenting actual predevelopment field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Director and an applicant over the district boundary line shall be settled according to §275-65G(3)(c) and the criteria in [1] and [2] below. Where the flood profiles are based on established base flood elevations from the FIRM, FEMA must approve any map amendment or revision pursuant to §275-65H.

[1] If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

[2] Where flood profiles do not exist, the location of the boundary shall be determined by the map scale.

(e) Removal of lands from floodplain.

[1] Compliance with the provisions of this article shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to § 275-65H. Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a letter of map change (LOMC).

[2] The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of the approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:

[a] The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;

[b] The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.

[3] Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(f) Compliance.

[1] No structure or use within the areas regulated by this article shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of this article and all other applicable local, state, and federal

regulations that apply to uses within the jurisdiction of these regulations.

[2] Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with §275-65I.

[3] Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with §275-65I.

(g) Municipalities and state agencies regulated.

[1] Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this article and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wis. Stats., applies.

[2] The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when § 30.2022, Wis. Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards.

[3] If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under §30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply:

[a] The applicant provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20’ span at the same location;

[b] The project is exempt from a DNR permit under §30.123(6)(3);

[c] The capacity is not decreased;

[d] The top road grade is not raised, and;

[e] No floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(h) Abrogation and greater restrictions.

[1] This article supersedes all the provisions of any municipal zoning ordinance enacted under § 62.23 or § 87.30, Wis. Stats., which relates to floodplains. If another ordinance is more restrictive than this article, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

[2] This article is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this article imposes greater restrictions, the provisions of this article shall prevail.

(i) Interpretation. In their interpretation and application, the provisions of this article are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this article required by Ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this article or in effect on the date of the

most-recent text amendment to this article.

(j) Warning and disclaimer of liability. The flood protection standards in this article are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This article does not imply or guarantee that nonfloodplain areas or permitted floodplain uses will be free from flooding and flood damages. This article does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this article.

(k) Severability. Should any portion of this article be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not be affected.

(l) Annexed areas for cities and villages. The Waukesha County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code, and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's Official Zoning Map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal Director. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

B. General standards applicable to all floodplain districts.

(1) General standards. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

(a) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:

[1] Be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

[2] Be constructed with materials resistant to flood damage;

[3] Be constructed by methods and practices that minimize flood damages;

[4] Mechanical and utility equipment must be elevated to or above the flood protection elevation.

(b) If a subdivision or other proposed new development is in a floor-prone area, the community shall assure that:

[1] Such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;

[2] Public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damages;

[3] Adequate drainage shall be provided to reduce exposure to flood hazards, and all subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this article and all other requirements in §275-65G(1)(b).

(2) Hydraulic and hydrologic analyses.

(a) No floodplain development shall:

[1] Obstruct flow, defined as development which blocks the conveyance of

floodwaters by itself or with other development, causing any increase in the regional flood height; or

[2] Cause any increase in the regional flood height due to floodplain storage area lost.

(b) The Director shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of §275-65H are met.

(3) Watercourse alterations. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified, in writing, all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The standards of §275-65B(2) must be met, and the flood-carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to §275-65H, the applicant shall apply, with community acknowledgement, for a letter of map revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

(4) Chapters 30 and 31, Wis. Stats., development. Development which requires a permit from the Department under Chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the Floodplain Zoning Ordinance are made according to §275-65H.

(5) Public or private campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

(a) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;

(b) A land use permit for the campground is issued by the Director;

(c) The character of the river system and the elevation of the campground are such that a seventy-two-hour warning of an impending flood can be given to all campground occupants;

(d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedure for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

(e) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated, by the officials identified in (d) above, to remain in compliance with all applicable regulations, including those of the State Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;

(f) All mobile recreational vehicles places on the site must meet one of the following:

[1] Only camping units that are fully licensed, if required, and ready for highway use are allowed (A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.); or

[2] The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must

be removed from the floodplain for a minimum of 24 hours; or

[3] Meet the requirements in either §275-65C, D, or E(1) for the floodplain district in which the structure is located.

(g) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;

(h) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;

(i) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and

(j) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells, shall be properly anchored and placed at or floodproofed to the flood protection elevation.

(k) Standards for structure in a campground:

[1] All structures must comply with section §275-65B(5) or meet the applicable requirements in §275-65C, D, or E(1) for the floodplain district in which the structure is located;

[2] Deck/landing - a portable landing maybe allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls, or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with §275-65B(5)(d). Any suck deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

[3] Decks/patios that are constructed completely at grade may be allowed, but must also comply with applicable shoreland zoning standards.

[4] Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with §275-65B(5)(d).

[5] Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenance equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with the §275-65B(5)(d).

(l) A land use permit shall be obtained as provided under §275-65G(1)(b) before any development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

C. Floodway District (FW).

(1) Applicability. This section applies to all floodway areas on the Floodplain Zoning Maps and those identified pursuant to §275-65E(1)(e).

(2) Permitted uses. The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District if they are not prohibited by any other ordinance, they meet the standards in §275-65C(3) and (4), and all permits or certificates have been issued according to §275-65G(1):

(a) Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

(b) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

(c) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of §275-65C(3)(d).

(d) Uses or structures accessory to open space uses or classified as historic structures that comply with §275-65C(3) and (4).

(e) Extraction of sand, gravel or other materials that complies with §275-65C(3)(d).

(f) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31 Wis. Stats.

(g) Public utilities, streets and bridges that comply with §275-65C(3)(c).

(h) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch 383 Wis. Adm. Code.

(i) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinance and chs. NR 811 and NR 812, Wis. Adm. Code.

(j) Wastewater treatment ponds or facilities permitted under ch NR 110.15(3(b), Wis. Adm. Code.

(k) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

(3) Standards for development in floodway areas.

(a) General.

[1] Any development in the floodway shall comply with §275-65B and have a low flood damage potential.

[2] Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to §275-65B(2) and §275-65G(1)(b)[3]: The analysis must be completed by a registered professional engineer in the state of Wisconsin.

[3] Any encroachment in the regulatory floodway is prohibited unless the data submitted for [2] above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in §275-65A(5)(e).

(b) Structures. Structures accessory to permanent open space uses, including utility

and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

[1] The structure is not designed for human habitation and does not have a high flood damage potential and is constructed to minimize flood damage;

[2] Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:

[a] Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;

[b] Have structural components capable of meeting the provision of §275-65C(3)(b)[7] and;

[c] Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with §275-65C(3)(b)[7].

[3] Must be anchored to resist flotation, collapse and lateral movement;

[4] Mechanical and utility equipment must be elevated to, or above, the flood protection elevation; and

[5] They must not obstruct the flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.

[6] For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets [1] through [5] above and meets or exceeds the following standards:

[a] The lowest floor must be elevated to or above the regional flood elevation;

[b] A minimum of two openings having a total net area not less than one square inch for every square foot of enclosed area subject to flooding;

[c] The bottom of all such openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open;

[d] The use must be limited to parking, building access or limited storage.

[7] Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:

[a] Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;

[b] Construction of well, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provision in §275-65C(4)(d) and (e);

[c] Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;

[d] Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and

[e] Placement of utilities to or above the flood protection elevation.

(c) Public utilities, streets and bridges. Public utilities, streets and bridges may be allowed by permit if:

[1] Adequate floodproofing measures are provided to the flood protection elevation; and

[2] Construction meets the development standards of §275-65B(2).

(d) Fills or deposition of materials. Fills or deposition of materials may be allowed by permit if:

[1] The requirements of §275-65B(2) are met;

[2] No material is deposited in navigable waters unless a permit is issued by the Department pursuant to Ch. 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1344, has been issued, if applicable, and all other requirements have been met;

[3] The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

[4] The fill is not classified as a solid or hazardous material.

(4) Prohibited uses. All uses not listed as permitted uses in §275-65C(2) are prohibited, including the following uses:

(a) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

(b) Storing materials that are buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

(c) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

(d) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code;

(e) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code;

(f) Any solid or hazardous waste disposal sites;

(g) Any wastewater treatment ponds or facilities, except those permitted under § NR 110.15(3)(b), Wis. Adm. Code; and

(h) Any sanitary sewer or water supply lines, except those to service exiting or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

D. Floodfringe District (FF).

(1) Applicability. This section applies to all floodfringe areas shown on the Floodplain Zoning Maps and those identified pursuant to §275-65E(1)(e).

(2) Permitted uses. Any structure, land use, or development is allowed in the Floodfringe District if the standards in §275-65D(3) are met, the use is not prohibited by this chapter or any other ordinance or regulation, and all permits or certificates specified in §275-

65G(1) have been issued.

(3) Standards for development in floodfringe areas. §275-65B(1) shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of §275-65F.

(a) Residential uses. Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe area shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of §275-65F.

[1] All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet §275-65A(5)(e).

[2] Notwithstanding [1] above, a basement or crawlspace floor may be placed at or above one foot above the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protections elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed lower than one foot above the regional flood elevation.

[3] Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in [4] below.

[4] In developments where existing street or sewer line elevations make compliance with [3] above impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation if:

[a] The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

[b] The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

(b) Accessory structures or uses. In addition to §275-65B(1), new construction and substantial improvements of accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(c) Commercial uses. In addition to §275-65B(1), any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of §275-65D(3)(a). Subject to the requirements of §275-65D(3)(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(d) Manufacturing and industrial uses. In addition to §275-65B(1), any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in §275-65G(5). Subject to the requirements of 275-65D(3)(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(e) Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in

compliance with §275-65G(5). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(f) Public utilities, streets and bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans, and:

[1] When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with §275-65G(5).

[2] Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(g) Sewage systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of floodwater into the system, pursuant to §275-65G(5)(c), to the flood protection elevation and shall meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.

(h) Wells. All wells shall be designed to minimize or eliminate infiltration of floodwaters into the system, pursuant to §275-65G(5)(c), to the flood protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.

(i) Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(j) Deposition of materials. Any deposited material must meet all the provisions of this article.

(k) Manufactured homes.

[1] Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage and prepare, secure approval of and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

[2] In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

[a] Have the lowest floor elevated to the flood protection elevation; and

[b] Be anchored so they do not float, collapse or move laterally during a flood.

[3] Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in §275-65D(3)(a).

(l) Mobile recreational vehicles. All mobile recreational vehicles must be on site for less than 180 consecutive days and be either:

[1] Fully licensed and ready for highway use (A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.); or

[2] Shall meet the elevation and anchoring requirements in §275-65D(3)(k)[2] and [3].

E. Other floodplain districts. Other floodplain districts may be established under this chapter and

reflected on the Floodplain Zoning Map. These districts may include General Floodplain Districts and Flood Storage Districts.

(1) General Floodplain District (GFP).

(a) Applicability. The provisions for this district shall apply to development in all floodplains mapped as A, AO, AH and in AE Zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in §275-65A(5)(b)[1].

(b) Floodway Boundaries. For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in §275-65A(5)(b)[1], the boundaries of the regulatory floodway shall be determined pursuant to §275-65E(1)(e). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of §275-65C. If the development is located entirely within the floodfringe, the development is subject to the standards of §275-65D.

(c) Permitted uses. Pursuant to §275-65E(1)(e), it shall be determined whether the proposed use is located within a floodway or floodfringe area. Those uses permitted in floodway (§275-65C(2)) and floodfringe areas (§275-65D(2)) are allowed within the General Floodplain District, according to the standards of §275-65E(1)(d), provided that all permits or certificates required under §275-65G(1) have been issued.

(d) Standards for development in the General Floodplain District. §275-65C applies to floodway areas, determined pursuant to §275-65E(1)(e); §275-65D applies to floodfringe areas, determined pursuant to §275-65E(1)(e).

[1] New construction and substantial improvements of structures in zone AO shall have the structure's lowest floor, including basement, elevated:

[a] To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade, plus one additional foot of freeboard; or

[b] If the depth is not specified on the FIRM, to or above three feet above the highest adjacent grade.

[2] New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation; or

[3] In AO/AH Zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

[4] All development in zones AO and zone AH shall meet the requirements of §275-65D applicable to flood fringe areas.

(e) Determining floodway and floodfringe limits. Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the Director shall:

[1] Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures, and the flood zone as shown on the FIRM.

[2] Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood heights and flood flows, regional flood elevation, and to determine floodway boundaries:

[a] A hydrologic and hydraulic study as specified in §275-65G(1)(b)[3];

[b] A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types; and other pertinent information;

[c] Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

(2) Flood Storage District. The Flood Storage District delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

(a) Applicability. The provisions of this subsection apply to all areas within the Flood Storage District (FSD), as shown on the Official Floodplain Zoning Maps.

(b) Permitted uses. Any use or development which occurs in a Flood Storage District must meet the applicable requirements in §275-65D(3).

(c) Standards for development in Flood Storage Districts.

[1] Development in a Flood Storage District shall not cause an increase equal or greater than 0.00 feet in the height of the regional flood.

[2] No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the predevelopment ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.

[3] If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as Flood Storage District, on this waterway, is rezoned to the Floodfringe District. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per §275-65H of this article.

[4] No area may be removed from the Flood Storage District unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

F. Nonconforming uses.

(1) General.

(a) Applicability.

[1] The standards in this section shall apply to all uses and building that do not conform to the provisions contained within a floodplain zoning ordinance or with s.87.30, Stats and §§NR116.12-14, Wis Adm. Code and 44 CFR 59-72. These standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this article or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has a burden of proving that the use or structure was complaint with the floodplain zoning ordinance in effect at the time the use or structure was created.

[2] As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their

present equalized assessed value and a list of the costs of those activities associated with changes to those buildings.

(b) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this article may continue, subject to the following conditions:

[1] No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this article. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

[2] If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted, and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this article.

[3] The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.

[4] No modification or addition to any nonconforming structure or any structure with a nonconforming use which, over the life of the structure, would equal or exceed 50% of its present equalized assessed value shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dryland access must be provided for residential and commercial uses in compliance with §275-65D(3)(a). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this subsection.

[5] No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dryland access must be provided for residential and commercial uses in compliance with §275-65D(3)(a). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.

[6] If, on a per-event basis, the total value of the work being done under [4] and [5] above equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous

dryland access must be provided for residential and commercial uses in compliance with §275-65D(3)(a).

[7] Except as provided in [8] below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its predamaged condition equals or exceeds 50% of the structure's present equalized assessed value.

[8] For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum requirements are met and all required permits have been granted prior to the start of construction.

[a] Residential structures:

[i] Shall have the lowest floor, including basement, elevated to or above the flood protection elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of §275-65G(5)(b).

[ii] Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.

[iii] Shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

[iv] In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

[v] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in §275-65E(1)(d).

[vi] In AO Zones, shall have adequate drainage paths around the structure on slopes to guide floodwaters around and away from the structure.

[b] Nonresidential structures:

[i] Shall meet the requirements of subsection [i] through [vi] above.

[ii] Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation or, together with attendant utility and sanitary facilities, shall meet the standards in §275-65G(5)(a) or (b).

[iii] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in §275-65E(1)(d).

(c) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as an historic structure, the alteration will comply with §275-65C(3)(a), flood-resistant materials are used, and construction practices and floodproofing methods that comply with §275-65G(5)

are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of §275-65F(1)(b)[8][a] if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and is the minimum necessary to preserve the historic character and design of the structure.

(2) Floodway District.

(a) Modifications or additions. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:

[1] Has been granted a permit or variance which meets all ordinance requirements;

[2] Meets the requirements of 275-65F(1);

[3] Shall not increase the obstruction to flood flows or regional flood height; and

[4] Any addition to the existing structure shall be floodproofed, pursuant to §275-65G(5), by means other than the use of fill, to the flood protection elevation; and

[5] If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

[a] The enclosed are shall be designed by a registered architect or engineer to allow for the efficient entry and exit of floodwaters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

[b] The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

[c] Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

[d] The use must be limited to parking, building access or limited storage.

(b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a Floodway District shall meet the applicable requirements of all municipal ordinances, §275-65G(5)(c) and Ch. SPS 383, Wis. Adm. Code.

(c) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in a Floodway District shall meet the applicable requirements of all municipal ordinances, §275-65G(5)(c) and Chs. NR 811 and NR 812, Wis. Adm. Code.

(3) Floodfringe District.

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of §275-65D(3), except where (b) below is applicable.

(b) Where compliance with the provisions of (a) above would result in unnecessary hardship and only where the structure will not be used for human habitation or be

associated with a high flood damage potential, the Board of Appeals, using the procedures established in §275-65G(3), may grant a variance from those provisions of (a) above for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

[1] No floor is allowed below the regional flood elevation for residential or commercial structures;

[2] Human lives are not endangered;

[3] Public facilities, such as water or sewer, shall not be installed;

[4] Flood depths shall not exceed two feet;

[5] Flood velocities shall not exceed two feet per second; and

[6] The structure shall not be used for storage of materials as described in §275-65D(3)(e).

(c) All new private sewage disposal systems, or additions to, replacement, repair or maintenance of a private sewage disposal system, shall meet all the applicable provisions of all local ordinances, §275-65G(5)(c) and Ch. SPS 383, Wis. Adm. Code.

(d) All new wells, or additions to, replacement, repair or maintenance of a well, shall meet the applicable provisions of this article, §275-65G(5)(c) and Chs. NR 811 and NR 812, Wis. Adm. Code.

(4) Flood Storage District. No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in §275-65E(2)(c) are met.

G. Administration. The Director of Community Development shall administer this article.

(1) Director.

(a) Duties and powers. The Director is authorized to administer this article and shall have the following duties and powers:

[1] Advise applicants of the chapter provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

[2] Issue permits and inspect properties for compliance with provisions of this article and issue certificates of compliance where appropriate.

[3] Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.

[4] Keep records of all official actions, such as:

[a] All permits issued, inspections made, and work approved.

[b] Documentation of certified lowest floor and regional flood elevations.

[c] Floodproofing certificates.

[d] Records of water surface profiles, Floodplain Zoning Maps and ordinances, nonconforming uses and structures, including changes, appeals, variances and amendments.

[e] All substantial damage assessment reports for floodplain structures.

[f] List of nonconforming structures and uses.

[5] Submit copies of the following items to the Department's regional office:

[a] Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.

[b] Copies of any case-by-case analyses, and other required information.

[c] Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

[6] Investigate, prepare reports, and report violations of this article to the Municipal Department of Community Development and Attorney for prosecution. Copies of the reports shall also be sent to the Department's Regional office.

[7] Submit copies of amendments to the FEMA Regional office.

(b) Land use permit. A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. All applications shall be submitted on the appropriate forms and in numbers as required by the Director. For projects requiring a land use permit, the Plan Commission shall review and take action for these projects upon receiving a written report from the Department of Community Development. Application submittals shall include, but not be limited to, the following information:

[1] General information.

[a] Name and address of the applicant, property owner and contractor.

[b] Legal description, proposed use, and whether it is new construction or a modification.

[2] Site development plan. A site plan, drawn to scale, shall be submitted with the permit application form and shall contain:

[a] Location, dimensions, area and elevation of the lot;

[b] Location of the ordinary high-water mark of any abutting navigable waterways;

[c] Location of any structures, with distances measured from the lot lines and street center lines;

[d] Location of any existing or proposed on-site sewage systems or private water supply systems;

[e] Location and elevation of existing or future access roads;

[f] Location of floodplain and floodway limits as determined from the Official Floodplain Zoning Maps;

[g] The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study, North American Vertical Datum (NAVD);

[h] Data sufficient to determine the regional flood elevation in NAVD at the location of the development and to determine whether or not the requirements of §275-65C or §275-65D are met; and

[i] Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to §275-65B(2). This may include any of the information noted in §275-65C(3)(a).

[3] Hydraulic and hydrologic studies to analyze developments. All hydraulic and hydrologic studies shall be completed under the direct supervision of

a professional engineer registered in the state. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by DCD.

[a] Zone A floodplains and in AE zones within which a floodway is not delineated:

[i] Hydrology. The appropriate method shall be based on the standards in Ch. NR 116.07(3), Wis. Adm. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

[ii] Hydraulic modeling. The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Adm. Code, Hydraulic Analysis: Determination of the Regional Flood Elevation, and the following:

- Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, or culvert) to determine adequate starting WSEL for the study.
- Channel sections must be surveyed.
- Minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- A maximum distance of 500 feet between cross sections is allowed in developed areas, with additional intermediate cross sections required at transitions in channel bottom slope, including a survey of the channel at each location.
- The most-current version of HEC-RAS shall be used.
- A survey of bridge and culvert openings and the top of road is required at each structure.
- Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- Standard accepted engineering practices shall be used when assigning parameters for the base model, such as flow, Manning's N values, expansion and contraction coefficients, or effective flow limits. The base model shall be calibrated to past flooding data, such as high-water marks, to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
- The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study

profiles shall be no more than 0.00 feet.

[iii] Mapping. A work map of each of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development, and whether the proposed development is located in the floodway.

- If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

[b] Zone AE floodplains.

[i] Hydrology. If the proposed hydrology will change the existing study, the appropriate method shall be based on the standards in Ch. NR 116.07(3), Wis. Adm. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

[ii] Hydraulic modeling. The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Adm. Code, Hydraulic Analysis: Determination of the Regional Flood Elevation, and the following:

- Duplicate Effective Model. The Effective Model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the Effective Model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
- Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the Effective Model date but shall import the model into the most-current version of HEC-RAS for Department review.
- Existing (Preproject Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
- Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any

proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

- All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
- Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the Effective Model and result in water surface elevations and top widths computed by the Revised Models matching those in the Effective Models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

[iii] Mapping. Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

- Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary/Floodway Maps (FBFMs), construction plans, and bridge plans.
- Certified topographic map of a suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- Annotated FIRM panel showing the revised one-percent and two-tenths-percent annual chance floodplains and floodway boundaries.
- If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plan Coordinate System in accordance with FEMA mapping specifications.
- The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- All cross sections from the Effective Model shall be labeled in accordance with the effective map and a cross-section lookup table shall be included to relate to the model input numbering scheme.
- Both the current and proposed floodways shall be shown on the map.
- The stream center line or profile baseline used to measure stream distances in the model shall be visible on the map.

[4] Expiration. All permits issued under the authority of this article shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

(c) Certificate of compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Director, except where no permit is required, subject to the following provisions:

[1] The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this article.

[2] Application for such certificate shall be concurrent with the application for a permit.

[3] If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed.

[4] The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of §275-65G(5) are met.

[5] Where applicable pursuant to §275-65E(1)(d), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.

[6] Where applicable pursuant to §275-65E(1)(d), the applicant must submit certification by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by §275-65E(1)(d).

(d) Other permits. Prior to obtaining a floodplain development permit, the applicant must secure all necessary permits from federal, state, and local agencies, including those required by the United States Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344.

(2) Department of Community Development.

(a) The Department of Community Development shall review and advise the Plan Commission and the Common Council on all proposed amendments to this article, maps and text.

(3) Board of Appeals. The Board of Appeals, created under § 62.23(7)(e), Wis. Stats., is hereby authorized or shall be appointed to act for the purposes of this article. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Director shall not be the Secretary of the Board.

(a) Powers and duties. The Board of Appeals shall:

[1] Appeals: hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Department of Community Development in the enforcement or administration of this article.

[2] Boundary disputes: hear and decide disputes concerning the district

boundaries shown on the Official Floodplain Zoning Map.

[3] Variances: hear and decide, upon appeal, variances from the article standards.

(b) Appeals to the Board.

[1] Appeals to the Board may be taken by any person aggrieved or by any officer or department of the municipality affected by any decision of the Director. Such appeal shall be taken within 30 days, unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.

[2] Notice and hearing for appeals, including variances.

[a] Notice. The Board shall:

[i] Fix a reasonable time for the hearing;

[ii] Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and

[iii] Assure that notice shall be mailed to the parties in interest and the Department's regional office at least 10 days in advance of the hearing.

[b] Hearing. Any party may appear in person or by agent. The Board shall:

[i] Resolve boundary disputes according to §275-65G(3)(c);

[ii] Decide variance applications according to §275-65G(3)(d); and

[iii] Decide appeals of permit denials according to §275-65G(4).

[3] Decision. The final decision regarding the appeal or variance application shall:

[a] Be made within a reasonable time;

[b] Be sent to the Department's regional office within 10 days of the decision;

[c] Be a written determination signed by the Chairman or Secretary of the Board;

[d] State the specific facts which are the basis for the Board's decision;

[e] Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction, or grant or deny the variance application; and

[f] Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(c) Boundary disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

[1] If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating

the boundary;

[2] The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and

[3] If the boundary is incorrectly mapped, the Board should inform the Department of Community Development or the person contesting the boundary location to petition the Common Council for a map amendment according to §275-65H.

(d) Variances.

[1] The Board may, upon appeal, grant a variance from the standards of this article if an applicant convincingly demonstrates that:

[a] Literal enforcement of the article provisions will cause unnecessary hardship;

[b] The hardship is due to adoption of the Floodplain Ordinance and unique property conditions not common to adjacent lots or premises. In such case, the ordinance or map must be amended;

[c] The variance is not contrary to the public interest; and

[d] The variance is consistent with the purposes of this article in §275-65A(3).

[2] In addition to the criteria in [1] above, to qualify for a variance under FEMA regulations, the following criteria have been met:

[a] The variance shall not cause any increase in the regional flood elevation;

[b] Variances can only be granted for lots that are less than 1/2 acre and are contiguous to existing structures constructed below the RFE;

[c] The applicant has good and sufficient cause for issuance of the variance;

[d] Failure to grant the variance would result in exceptional hardship;

[e] Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

[f] The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

[3] A variance shall not:

[a] Grant, extend or increase any use prohibited in the zoning district.

[b] Be granted for a hardship based solely on an economic gain or loss.

[c] Be granted for a hardship which is self-created.

[d] Damage the rights or property values of other persons in the area.

[e] Allow actions without the amendments to this article or map(s) required in §275-65H.

[f] Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic

structure.

[4] When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to $25.00 per $100.00 of coverage. A copy shall be maintained with the variance record.

(4) Review of appeals of permit denials.

(a) The Department of Community Development, §275-65G(2), and the Board of Appeals shall review all data related to the appeal. This may include:

[1] Permit application data listed in §275-65G(1)(b).

[2] Floodway/Floodfringe determination data in §275-65E(1)(e).

[3] Data listed in §275-65C(3)(a)[2] where the applicant has not submitted this information to the Director.

[4] Other data submitted with the application or submitted to the Board with the appeal.

(b) For appeals of all denied permits, the Board shall:

[1] Follow the procedures of 275-65G(3);

[2] Consider Department of Community Development recommendations; and

[3] Either uphold the denial or grant the appeal.

(c) For appeals concerning increases in regional flood elevation, the Board shall:

[1] Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of §275-65H; and

[2] Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase, provided no other reasons for denial exist.

(5) Floodproofing standards.

(a) No permit or variance shall be issued for a nonresidential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA floodproofing certificate. Floodproofing is not an alternative to the development standards in §275-65B, C, D, or E(1).

(b) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

[1] Certified by a registered professional engineer or architect; or

[2] That meets or exceeds the following standards:

[a] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

[b] The bottom of all openings shall be no higher than one foot above grade; and

[c] Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(c) Floodproofing measures shall be designed, as appropriate, to:

[1] Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

[2] Protect structures to the flood protection elevation;

[3] Anchor structures to foundations to resist flotation and lateral movement;

[4] Minimize or eliminate infiltration of floodwaters; and

[5] Minimize or eliminate discharges into floodwaters.

[6] Placement of essential utilities to or above the flood protection elevation; and

[7] If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

[a] The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

[b] The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

[c] Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

[d] The use must be limited to parking, building access or limited storage.

(6) Public information.

(a) Place marks on structures to show the depth of inundation during the regional flood.

(b) All maps, engineering data and regulations shall be available and widely distributed.

(c) All real estate transfers should show what floodplain zoning district any real property is in.

H. Amendments.

(1) General.

(a) Obstructions or increases may only be permitted if amendments are made to this article, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with (b) below.

[1] In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a conditional letter of map revision from FEMA and amendments are made to this article, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with (b) below. Any such alterations must be reviewed and approved by FEMA and the DNR.

[2] In A Zones, increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a conditional letter of map revision from FEMA and amendments are made to this article, the Official Floodplain Maps, floodway lines, and water surface profiles, in accordance with (b) below.

(b) The Common Council shall change or supplement the Floodplain Zoning District

boundaries and this article in the manner outlined in §275-65H(2). Actions which require an amendment to the article and/or submittal of a letter of map change (LOMC) include, but are not limited to, the following:

[1] Any fill or floodplain encroachment that obstructs flow causing any increase in the regional flood height.

[2] Any change to the floodplain boundaries and/or watercourse alterations on the FIRM.

[3] Any change to any other officially adopted Floodplain Maps listed in §275-65A(5)(b)[2].

[4] Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.

[5] Correction of discrepancies between the water surface profiles and Floodplain Zoning Maps.

[6] Any upgrade to a floodplain zoning ordinance text required by § NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.

[7] All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

(2) Procedures. Ordinance amendments may be made upon petition of any interested party according to the provisions of § 62.23, Wis. Stats. Such petitions shall include all necessary data required by §275-65E(1)(e) and §275-65G(1)(b). The land use permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

(a) The proposed amendment shall be referred to the Department of Community Development for a public hearing and recommendation to the Common Council. The amendment and notice of public hearing shall be submitted to the Department's regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of § 62.23, Wis. Stats.

(b) No amendments shall become effective until reviewed and approved by the Department.

(c) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the Common Council.

I. Enforcement and penalties.

(1) Any violation of the provisions of this article by any person shall be unlawful and shall be referred to the City Attorney, who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than $10 and not more than $50 for each offense, together with the taxable cost of such action. Each day that the violation exists shall constitute a separate offense. Every violation of this article is a public nuisance, and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to § 87.30, Wis. Stats.

J. Definitions. See §275-70

SECTION II

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

SECTION III

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

SECTION IV

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

PASSED AND ADOPTED by the Common Council this 29th day of August, 2023.

APPROVED:

_____

David Ament, Mayor

Countersigned:

_____

Rubina Medina, City Clerk

Plan Commission
MEETING MINUTES

July 10, 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. (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)

This Public Hearing was moved to the August 14, 2023 Plan Commission.

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)

Nikki Jones 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:

- Dan Romnek of Mandel Group spoke about the project.
- Don Lee spoke about the traffic study and design.
- Virginia Staller, 15616 W. Ridge Rd.
- Greta Fayle, 15613 Brook Dr.
- Lucy Gehrs, 15634 Brook Dr.

Mayor Ament asked if there was anyone wishing to speak in favor of the public hearing. There were none.

Mayor Ament asked if there was anyone wishing to speak in opposition of the public hearing. There were none.

Mayor Ament asked if there were questions and/or comments from Plan Commissioners.

- Commissioner McGrath asked a question.
- Commissioner Anderson asked a question.
- Commissioner Felda asked a question.
- Mayor Ament asked a question.
- City Attorney Mark Blum read a question submitted via email from Fire Chief Polzin.

2. PRIVILEGE OF THE FLOOR

None

3. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Mayor Ament called the Common Council meeting to order at 06:49 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 Felda, Commissioner Anderson, Commissioner McGrath, Mayor Ament

Excused: Commissioner Rafel, Alderman Stribl

Staff Present: DCD Director Greg Kessler, DCD Deputy Director Nikki Jones, Principal Planner Kristen Hogan, Principal Planner Kelly Wall, City Attorney Mark Blum, Deputy City Clerk Megan Godshall

Deputy City Clerk Godshall stated there is a quorum, and the meeting was properly noticed.

5. APPROVAL OF MINUTES

A. June 5, 2023 Meeting Minutes

MOTION: Motion to Approve

VOTE: Motion by: Commissioner Anderson
Second by: Commissioner McGrath
Motion Passed 5-0

6. PLAN COMMISSION SECRETARY'S REPORT

No 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.

MOTION: Motion to Approve

VOTE: Motion by: Commissioner McGrath
Second by: Commissioner Schulpius
Motion Passed 5-0

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)

MOTION: Motion to Table

VOTE: Motion by: Commissioner Anderson
Second by: Commissioner Felda
Motion Passed 5-0

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.

MOTION: Motion to Deny

VOTE: Motion by: Mayor Ament
Second by: Commissioner Anderson
Motion Passed 5-0

9. COMMUNICATIONS

None

10. ADJOURN

MOTION: Motion to Adjourn at 7:16 PM

VOTE: Motion by: Commissioner Schulpius
Second by: Commissioner McGrath
Motion Passed 5-0

Respectfully Submitted,
Megan Godshall, Deputy City Clerk

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:	**Approval of the 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 conditions of approval:**

1. **Planning:**
   a. **Plan of operation shall be consistent with submitted plans on file. Applicant is proposing to reoccupy the existing building for a gas station and convenience store, construct an 891 square foot building addition onto the convenience store and build a car wash. Applicant will be eliminating the auto service part of the business.**
      i. **Hours of operation:**
         1. **Gas Station / Convenience store: 24/7**
         2. **Car wash: 7am – 9 pm daily**
      ii. **Number of Employees: 4 full time, 4 part time**
   b. **The Architectural Review Committee approved the plans on June 5, 2023.**
   c. **Approval of the Landscaping Plan and payment of all installation and maintenance sureties is required. Landscape plans shall meet all the requirements of §275-53 through §275-56 of the Zoning Code.**
      i. **Landscape Plans shall be stamped by a licensed Landscape Architect.**
      ii. **Landscape Quote and Letter of Credit required.**
      iii. **On the Landscape Plan, the existing vegetation shall be shown in a lighter line weight than the proposed vegetation.**
      iv. **The symbols, labels, sizes and quantities for the proposed vegetation shall match what is listed in the landscape schedule.**
      v. **A tree replacement schedule shall be provided for any trees removed greater than 4 inches DBH, per §275-54B(7). Tree species, condition and size shall be provided.**
      vi. **No landscaping is planned to be removed from the north property line, per the developer.**

vii. **Golden Barberry are listed in the landscape schedule, but not shown on the plan.**

viii. **Vegetation between the height of 3 feet and 10 feet shall be located outside of the vision triangle, per §275-46D(4)(b).**

d. **Employee and customer parking shall be contained on site.**

e. **Dumpsters shall be properly screened from the street and public view in accordance with §275-56 of the Zoning Code.**

f. **All permanent and temporary signs require a Sign Application to be filed prior to installation.**

g. **Per §275-60E, a sound study may be requested by the Plan Commission. Should any substantiated complaints be filed with Code Compliance, DCD staff will investigate the issues and follow up with the applicant. Additional noise mitigation measures may need to be taken.**

h. **Soil testing shall be required as part of building permit. Soil borings shall analyze for presence of hydrocarbons. If hydrocarbons are found to be present on the site, soil borings on the adjacent properties, with property owner's permission, may be required.**

2. **Building:**

a. **Separate permits for car wash and remodel with addition will be required.**

b. **City of New Berlin does not grant temporary or phased occupancies.**

c. **Building plans shall be signed and stamped by a licensed architect or professional engineer per the Wisconsin Enrolled Commercial Building Code (Comm. 361.31).**

d. **The State of Wisconsin Commerce review can be done locally as per (Comm.361.60) if under cubic foot rule per WI Stat 101.12(3) (b) and (g).**

e. **Apply and obtain appropriate building, HVAC, electric, plumbing and fire permits from the City of New Berlin Building Inspection Division.**

f. **Zoning approval will be required before applying for the building permit. Separate application and plans are required.**

g. **The building shall be fully accessible from the parking lot to the interior elements (Com. 63.1101 and ICC/ANSI A117.1).**

h. **Plumbing: State review is required for over 16 fixtures - new and/or replacements.**

i. **Plumbing: Additional state review maybe required for both projects**

3. **Engineering:**

a. **Civil Plans shall be stamped by a Professional Engineer.**

b. **Parking spaces shall be 9' wide and 18' long. There are various sized parking spaces.**

c. **Per §275-57A(7)(e)[3], Wheel stops, continuous curbs, and/or bollards shall be located a minimum of 4' from any structures, buildings, walls, or plant material, excluding ground cover, to prevent a vehicle from driving onto the landscaped area or hitting any structure or plant material at the edge of a parking area. Parking around the building needs be addressed for this code section.**

d. **Per Table 275-57-3, drive aisles for 2-way traffic shall be 24' wide.**
    i. **Drive aisles shall be measured from the face of the obstacle to the face of the obstacle.**
    ii. **Do not edit the dimension line labels to falsify the distances.**
e. **Per 275-57A(4), All off-street parking areas open to the public shall provide and reserve parking spaces for use by motor vehicles which transport physically disabled persons in accordance with state and federal requirements.**
    i. **ADA parking spaces shall meet all ADA requirements. ADA parking spaces shall be 8' wide by 18' long, with a 5' hatched area.**
    ii. **As only one ADA space is required, it shall be van accessible. The current plan has the hatching on the wrong side of the ADA stall.**
f. **Per Table 275-51-1 for Automotive Fuel Sales, a 3,166 SF building requires 16 parking spaces plus one space at each fuel pump.**
g. **Show the proposed grading for the perimeter of the property with the additional pavement and car wash structure.**
    i. **No grading submitted or approved as part of this permit. If grading is to occur, it shall follow §275-55.**
h. **Erosion control inspection shall be done prior to the start of construction.**

4. **Fire:**
    a. **Provide fire extinguishers every 75' of travel.**
    b. **Car wash shall be 30 feet from any other structure.**
        i. **Building setback is 15' from the side property line. Although the measurement on the plan says it is 15' from the property line, it is only measuring 11'. Building shall be moved 4' to the east.**
    c. **Building shall be fully sprinklered.**
    d. **Maintain egress/emergency lighting throughout.**
5. **Utilities:**
    a. **Shall be reviewed at the time of building permit.**
    b. **Water - Need clarification on water piping and valves.**
    c. **Sewer - Plan shows new sewer lateral to main. Existing lateral needs to be abandoned at the main.**

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

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

Meeting of August 14, 2023

Harjeet Walia / Welcome East Side LLC
17200 W. Cleveland Avenue

DATE STAFF REPORT: May 12, 2023

APPLICANT / OWNER(S): Harjeet Walia with Welcome East Side LLC

REQUEST / DESCRIPTION OF PROJECT: 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.

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 4/21/23

DATE OF COMPLETENESS DETERMINATION: 4/28/23

PRE-APPLICATION CONFERENCE HELD: Yes
Date(s) of Meeting(s): 4/6/2022, 1/25/2023, 7/6/2023, numerous phone calls and emails exchanged
Site Visit(s): 5/16/2023

CONCEPTUAL PLAN: N/A

SIZE OF DEVELOPMENT / PARCEL(S): 1.27 acres

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

CURRENT LAND USE: Gas station, convenience store, and service station

PROPOSED ZONING: N/A

PROPOSED LAND USE: Gas station, convenience store, and car wash

PROPOSED LOT SIZE(S): N/A

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North:	Zoning: B-1	Land Use: Commercial
South:	Zoning: O-2	Land Use: Light Industrial
East:	Zoning: M-1 SPO, C-1 SPO	Land Use: Light Industrial
West:	Zoning: B-2	Land Use: Commercial

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes, below is a review of the social, economic and physical factors outlined in the various sections of the Plan:

Chapter 12: Neighborhood B (West Lincoln Avenue & Western Area): Yes, this submittal meets the intent of this Chapter.
Planning Context/Vision/Development Polices:

Vision:

- *Any development shall occur as a mix of conservation development, farms, large areas of preserved open spaces, rural trails and facilities, and small-scale neighborhood-oriented retail.*

Land use

- *Future Land Use Map: Rural Commercial*

ZONING CODE (Chapter 275): Yes, this request is consistent with Section 275-34B(2) of the Zoning Code.

SUBDIVISION CODE (CHAPTER 235): N/A

PUBLIC HEARING REQUIRED: Yes, held on June 5, 2023.

CONDITIONAL USE REQUIRED: Yes. Automotive Fuel Sales are a conditional use in the B-2 District.

USE / SITE /ARCHITECTURAL REVIEW:
Use Approval Required: Yes
Site Plan Required: Yes
Architectural Review Required: Yes, this was approved at the June 5, 2023 ARC meeting.

PROPOSED ARCHITECTURE: The applicant is proposing an addition onto the existing building and to construct a new standalone car wash.

UNIQUE SITE CHARACTERISTICS:
Environmental Corridor: No
Wetland On Property: No
Conservancy Districts (C-1, C-2): No
NRCS Map Classification: Not inventoried.
Floodplain: No
Topography / Geologic: This site is relatively flat.

BIKE & PEDESTRIAN FACILITIES: No improvements identified.

PARK & OPEN SPACE PLAN: No improvements identified.

NATURAL RESOURCES PROTECTION:
Limits of Disturbance (LOD): Shown on plans.
Wildlife Habitat Protection: N/A
Wildlife Management Plan: N/A

ENVIRONMENTAL IMPACT: No impact.

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

SANITARY SEWER PROVISION:
Within Current Sewer Service Area: Yes
Sewershed Capacity Available: Yes
Adequate Linkage: Yes
On-site system required: No

WATER USAGE CALCULATION: Will be determined at the time of the building permit.

TRAFFIC IMPACT: No impact. The ITE Manual states that a TIA is not required for a development with a gas station, convenience store and car wash with less than 100 peak trips per hour.

SCHOOL DISTRICT IMPACT: N/A

PREVIOUS ACTION:

9/28/1960	Plan Commission approval of building permit for Moore Oil Company
10/21/1963	Plan Commission approval of PU-56 for Moore Oil Company Service Station
6/5/1972	Plan Commission denial for storage of U-Haul trucks and trailers
5/18/1981	Plan Commission denial of U-62-81 for storage of U-Haul trucks and trailers at AM Petroleum Limited
3/14/1983	Plan Commission approval of U-30-83 for Murphy Oil Corp/Spur Station storage addition
5/20/1991	Plan Commission approval of UA-17-91 for a new 50’ x 60’ canopy and new pump islands and dispensers
6/7/1999	Plan Commission approval of CU-6-99 for new pump islands and dispensers, a 50’ x 60’ canopy and fuel card service as well as outdoor storage of the ice machine, soda machine and dumpster behind the building and repainting of the building and adding a tricolor band
10/1/2001	Plan Commission approval of U-63-01 for Citgo canopy and pump enhancements
6/5/2023	Plan Commission Public Hearing for CU-2300814.

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

1. Site Development Standards outlined in §275-34 of the Zoning Code:
    a. Minimum Building Setbacks: 40’ Front, 15’ Side, 25’ Rear
    b. Lot Coverage: 50% Maximum Coverage by Buildings, 75% Maximum Coverage by Impervious Surfaces, 25% Minimum Coverage by Open Space and Landscaping
        i. Existing: 2,275 SF Convenience Store
        ii. Proposed: 3,166 SF Convenience Store & 1,155 SF Car Wash
2. Ordinance # 2668 amending the Zoning Code was approved by the Common Council on April 25, 2023 and was published on May 3, 2023. This ordinance approved Zoning Code amendments pertaining to the approval criteria for car wash facilities.
    a. This application was filed with the City on April 21, 2023 and determined to be complete on April 28, 2023, therefore the Zoning Code amendments approved under Ordinance # 2668 do not apply for this application.

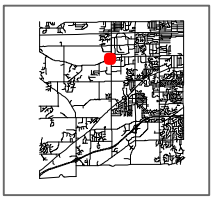
3. Questions from 6/5/23 Public Hearing:
    a. Monitoring wells:
        i. Per the DNR, there are 2 closed sites with continuing obligations at this location. Reports are on file with the Department of Community Development.
        ii. Soil testing shall be required as part of building permit. Soil borings shall analyze for presence of hydrocarbons. If hydrocarbons are found to be present on the site, soil borings on the adjacent properties, with property owner's permission, may be required.
    b. Car wash hours in the City of New Berlin:
        i. National Car Wash (14967 W. National Avenue) - 24/7
        ii. Roadrunner Express Wash & Lube (5275 S. Moorland Road) - 8 am to 5 pm Monday – Friday, 8 am to 5 pm Saturday, 8 am to 4 pm Sunday
        iii. Kwik Trip (15700 W. Small Road) - 24/7
        iv. Kwik Trip (2101 S. Moorland Road) - 24/7
        v. Kwik Trip (13975 W. Cleveland Avenue) - 24/7
        vi. BP (14001 W. National Avenue) - 6 am to 10 pm Monday – Friday, 7 am to 10 pm Saturday and Sunday
        vii. Amoco (13996 W. National Avenue) - 24/7
        viii. BP (12401 W. Beloit Road) - 24/7
        ix. Silver Star (15300 W. National Ave) - 8am - 8pm April – September, 8am - 7pm Oct - March

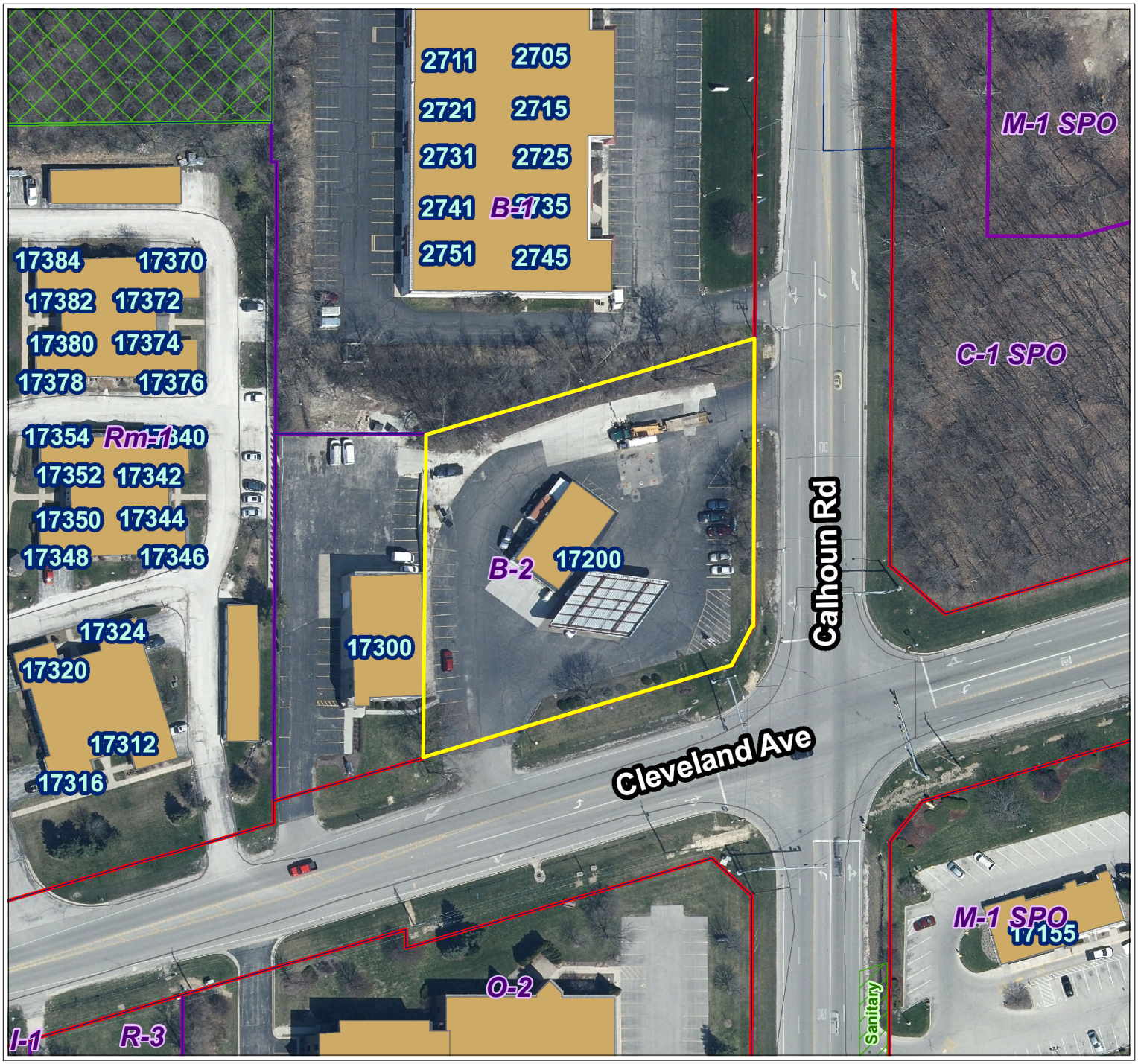
D.R.C RECOMMENDATION: Approval of the Conditional Use Permit to reoccupy the existing building for a gas station and convenience store, construct a small addition and build a car wash located at 17200 W. Cleveland Avenue, subject to the application, plans on file and the following conditions of approval: **See Executive Summary.**

ATTACHMENTS:
Location Map
Plan of Operation 5/25/23
Civil Plans 7/10/23
Photometric Plan 7/10/23
Architectural Plans – Car Wash 7/10/23
Architectural Plans – Convenience Store 7/10/23

City of New Berlin
Community Development

CU-2300814
Welcome East Side LLC
17200 W. Cleveland Avenue





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

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William A. Morris
Architect – L.L.C.

April 24 2023
Amended 5-25-23
City of New Berlin
3805 S Casper Dr.
New Berlin Wi. 53151

Attention: MS Kristen Hogan
RE: WELCOME EAST SIDE LLC
17200 Cleveland Ave
New Berlin Wi. 53151

SITE OPERATION PLAN NARRATIVE:

This is an existing site with a Citgo Convenience Store building, which has operated in the city of New Berlin for many years.
It is the intention of Welcome East Side LLC to remodel the existing building, and add a small cooler addition to the building; removing the existing service bay area.

Furthermore; it is Welcome East Side LLC's intention to construct a new car wash building on the site, complying with setbacks and landscape buffers.
The store would operate 24/7, 365 days a year.
We ask that the car wash hours be approved as 7:00 am to 9:00 pm daily
The employees for the remodeled convenience store would be 4- full time and 4-part time
Mr. Harjeet Walia is the agent for Welcome East Side LLC.
Mr. Walia has operated convenience stores for many years in the metropolitan area, including Milwaukee and the surrounding communities.
His decision to proceed with this location is in part due to the surrounding existing developments and its location in your community; offering fuel for the local residents, the communing public, along with offering grab and go sandwiches coffee and beverages inside the newly expanded store.
He looks forward to working with you, within your community.

William A Morris RA ALA

William A. Morris – Architect ALA -LLC * 5313 – 87th Place * Pleasant Prairie WI 53158

ADDITION AND REMODELING OF EXISTING BUILDING FOR & NEW CAR WASH BLDG
WELCOME EASTSIDE LLC
17200 W CLEVELAND AVENUE
NEW BERLIN WISCONSIN

INDEX OF DRAWINGS

A1	TITLE SHEET, INDEX OF DRAWINGS, GENERAL NOTES
A2	FLOOR PLAN OF EXISTING BUILDING
A2a	DEMOLITION PLAN
A3	PROPOSED FLOOR PLAN FOR REMODELED BUILDING
A4	EXTERIOR PHOTOS OF EXISTING BUILDING
A5	EXTERIOR ELEVATIONS FOR CONVENIENCE STORE REMODEL
A6	FOUNDATION PLAN FOR CONVENIENCE STORE ADDITION
A6a	BUILDING SECTIONS
A6b	BUILDING SECTIONS
A6c	REFLECTED CEILING PLAN
A6d	ROOF PLAN
A7	PROPOSED CAR WASH NEW BUILDING FOUNDATION PLAN, FLOOR PLAN AND ELEVATIONS
A8	PROPOSED SITE PLAN LAYOUT
A9	UTILITY PLAN
A9a	UTILITY PLAN FROM CITY OF NEW BERLIN
A9b	UTILITY PLAN FROM CITY OF NEW BERLIN
A9c	SURVEY OF EXISTING PROPERTY
A9d	UTILITY DETAILS
A10	LANDSCAPING PLAN
A11	MISCELLANEOUS DETAILS, DUMPSTER ENCLOSURE
A12	PHOTOMETRIC PLAN
CR	COLOR ELEVATIONS RENDERING
ERC 1	EROSION CONTROL
ERC 2	EROSION CONTROL DETAILS

1. All work shall be performed in accordance with all applicable local, federal, state and national codes and ordinances and all authorities having jurisdiction.

2. The Contractor and its Subcontractors shall verify all dimensions and/or discrepancies in plans and report any errors to the Architect prior to commencement of the work, or be responsible for same.

3. Do not scale drawings. Verify all on site dimensions and conditions by each subcontractor.

4. All carpentry, plumbing, mechanical and electrical work is to be coordinated between the trades as part of their installation layout. Verify locations of plumbing and HVAC lines with Builder before installation.

5. On site verification of all dimensions and conditions shall be the responsibility of each subcontractor.

6. Architect shall not have control or charge of, and not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the work, or for the acts or omissions of the subcontractors, or other persons performing any of the work, or for the failure of any of them to carry out the work in accordance with the intent of the contract documents.

7. Verify sizes and installation requirements and specifications of all items supplied by others before proceeding with work related thereto.

8. The commencement of each subcontractor's work shall constitute acceptance of all sub-surfaces.

9. Should unsuitable soil conditions arise, promptly advise the Architect of same before proceeding with any further work.

10. Stock pile material as directed by Owner or Builder, Protect all trees and wetland areas retained on site. Provide erosion control as required by the governing authority.

11. Verify locations of all underground lines before proceeding with sub-soil work.

12. Contact Diggers Hot line 48 hours before any underground work.

13. Each Subcontractor shall obtain and provide necessary bonds, permits and necessary inspections as required by municipal, county, state, federal or other agencies having jurisdiction.

14. Truss manufacturer to design and fabricate floor and roof trusses in accordance with all applicable codes.

15. The minimum live load for floor shall be 50 p.s.f. and the minimum snow load for roofs shall be 35 p.s.f. The minimum dead load for floors and roofs shall be 10 p.s.f. The maximum deflection shall be L/480. All girder trusses shall be designed to accept all concentrated loads as required. Truss drawings shall be submitted to the Builder and shall be sealed by a State of Wisconsin licensed structural engineer or by the truss manufacturers engineer registered in Wisconsin. Truss Manufacturer shall confirm headers and lam beams for truss bearing on all span

16. All concrete and reinforcing work shall conform to ACI specifications and recommendations. All concrete footings shall bear on 3000 p.s.f. minimum soil capacity on virgin ground, minimum 3'-8" below grade. All concrete shall attain a 28-day compressive strength of 4000 P.S.I. for walls slabs; 4000 P.S.I. exterior slab use 6% air entrainment

17. All construction lumber shall be Southern Yellow Pine Fb 1000, E-1.3 #2 or better, unless otherwise noted. All wood in contact with concrete or grade shall be pressure treated. Shim all sill plates and provide sill sealer below plate and grout any gaps greater than ¼".

18. All engineered joists and beams, i.e., micro lams, TJI's, etc. shall be installed in accordance with the manufacturers specifications.

19. Provide doubts cripples under all headers greater than 4'-0".

20. All concentrated loads from headers and beams shall be solid-blocked down to foundation, steel, or girder beams. No back filling of foundation shall occur until floor system is in place to brace top of concrete walls

21. All work shall be performed in a good workmanlike manner. Each subcontractor shall amend and make good at his own cost any defects and other faults in his workmanship and materials.

22. Each contractor to clean up debris inside and outside the building site which has been caused by his work and place in dumpster provide by builder on a daily basis.

23. All electrical work shall conform to the National Electric Code, NEC latest edition and local building code.

These drawings and Specifications: Specifications and the accompanying drawings are complimentary and what is called for by one shall be binding as if called for by both the quality and quantity shall prevail.

Coordination of work: A general contract will be left for the work and successful contractor shall be responsible for all other sub-contractors and coordination of the Specifications and or dimensions of all work or where it comes in contact with others work. All details of material selections shall be reviewed and referred to the owner where questions occur. Errors due to failure to comply with this requirement shall be corrected at the expense of the contractor or contractors involved.

Codes Ordinances: All work shall comply with all local, state, and county codes and regulations as applicable.

Examination of the Site: Contractor shall visit the site and review all existing conditions. He shall familiarize himself as to the nature and location of the work and the general and local conditions that he is to perform. He shall have full knowledge as to the transportation, disposal, handling of materials, availability of water, electric power, and all other facilities in the area where work shall be

performed or that having a bearing on the performance of his work. Dispose of all debris legally.

Contractor shall field verify all dimensions prior to starting work and coordinate same with all trades.

Construction is scheduled to occur while owners occupy the adjacent business. The contractor is responsible for providing safety and access at all times to the site for the owners clients as well as employees. The owner and Architect shall have no responsibility for means and methods of the work performed by contractors.

Weather conditions: Contractor shall protect all parts of their work from weather damage frost, rain, heat, ect. and shall be responsible for replacement and or repair of any damaged work to the satisfaction of the owner which in his opinion have become damaged due the above.

Responsibility of the Contractor: Each contractor is responsible for and must guarantee first class workmanship and materials that have been provided and installed by him.

Each contractor shall furnish all necessary barricades, temporary construction dust screens and scaffolding as required for completing their work in a safe workman like manner.

Surveys, Permits, and Regulations: The owner shall furnish all required surveys, contractors shall obtain and pay for all local necessary permits.

Auto Insurance: Each contractor shall maintain auto insurance for their respective vehicles used during project or on owners property.

Fire and Extended Insurance: The owner shall maintain in effect fire insurance and builders risk insurance coverage as required upon all items and materials on the property that are a part of or are necessary and stored on site for the completion of the work.

Pilferage: Each contractor shall be responsible for his own equipment, tools and materials required for construction and or including those items relating to any work furnished by the owner and delivered to the job site.

Electrical: All work shall comply with National Electrical Code, current edition, and any electrical code requirements of the local jurisdiction.

Guarantee: All contractors shall provide a one year guarantee of their work from the date of acceptance by the owner and shall leave the site in perfect and working order upon completion.

Dumpsters: General contractor shall provide all necessary dumpsters during construction and shall coordinate for all trades including that work which may be performed by the owner.

Clean up: General contractor shall at the end of the project fully broom clean all surfaces of dust and debris and leave site in a clean unconstructive condition.

Erosion control measures shall be established prior to any excavating on this site and shall be the responsibility of the excavating contractor performing any work, all shall comply with the state of Wisconsin DNR technical standards

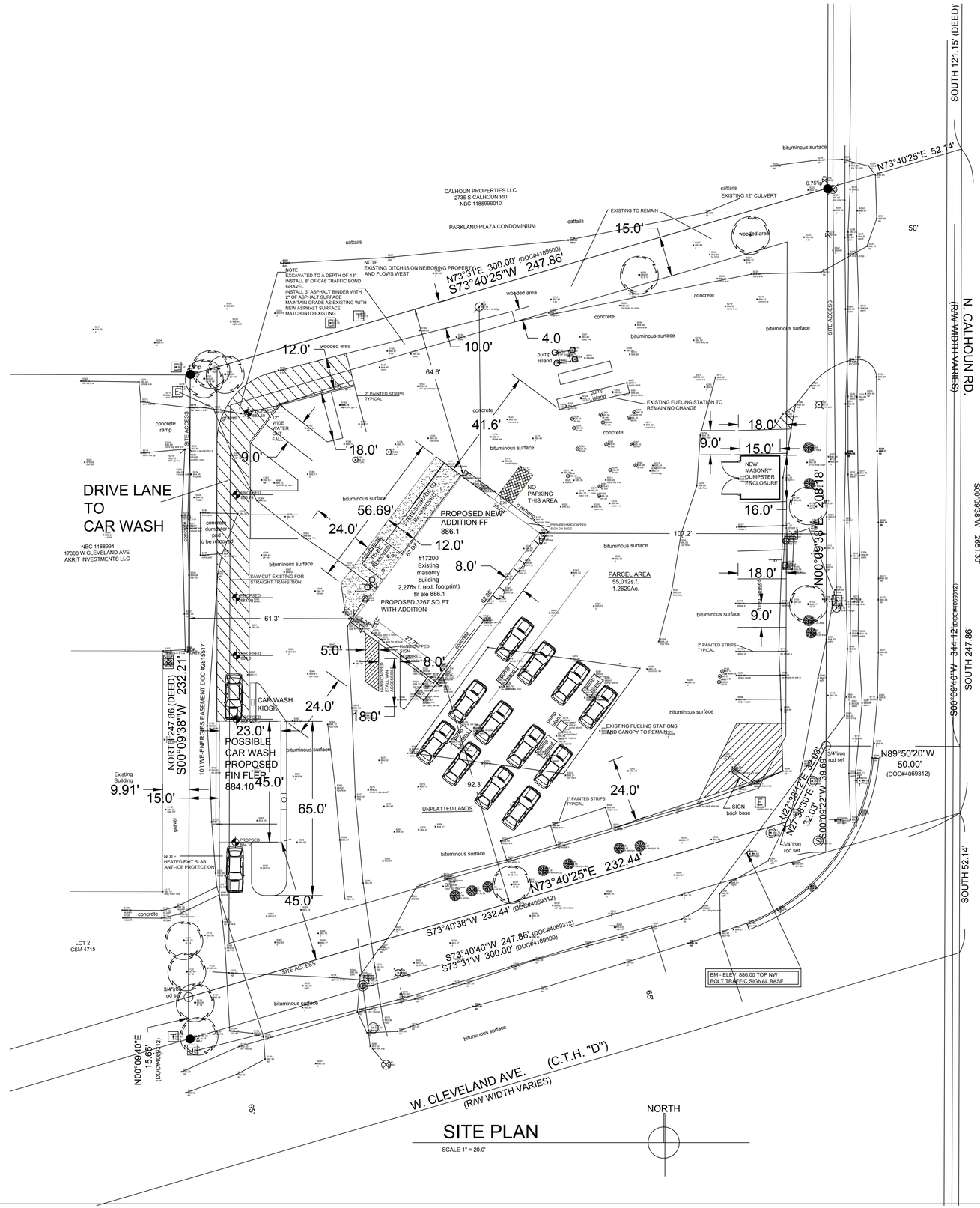
DATE
4-14-23

REVISIONS
6-29-23
7-10-23

WILLIAM A. MORRIS ARCHITECT LLC
5313 87TH PLACE
PLEASANT PRAIRIE, WI. 53158

REMODELING OF EXISTING BUILDING
WELCOME EASTSIDE LLC
17200 CLEVELAND AVENUE
NEW BERLIN WI.

A1



SITE PLAN

SCALE 1" = 20.0'

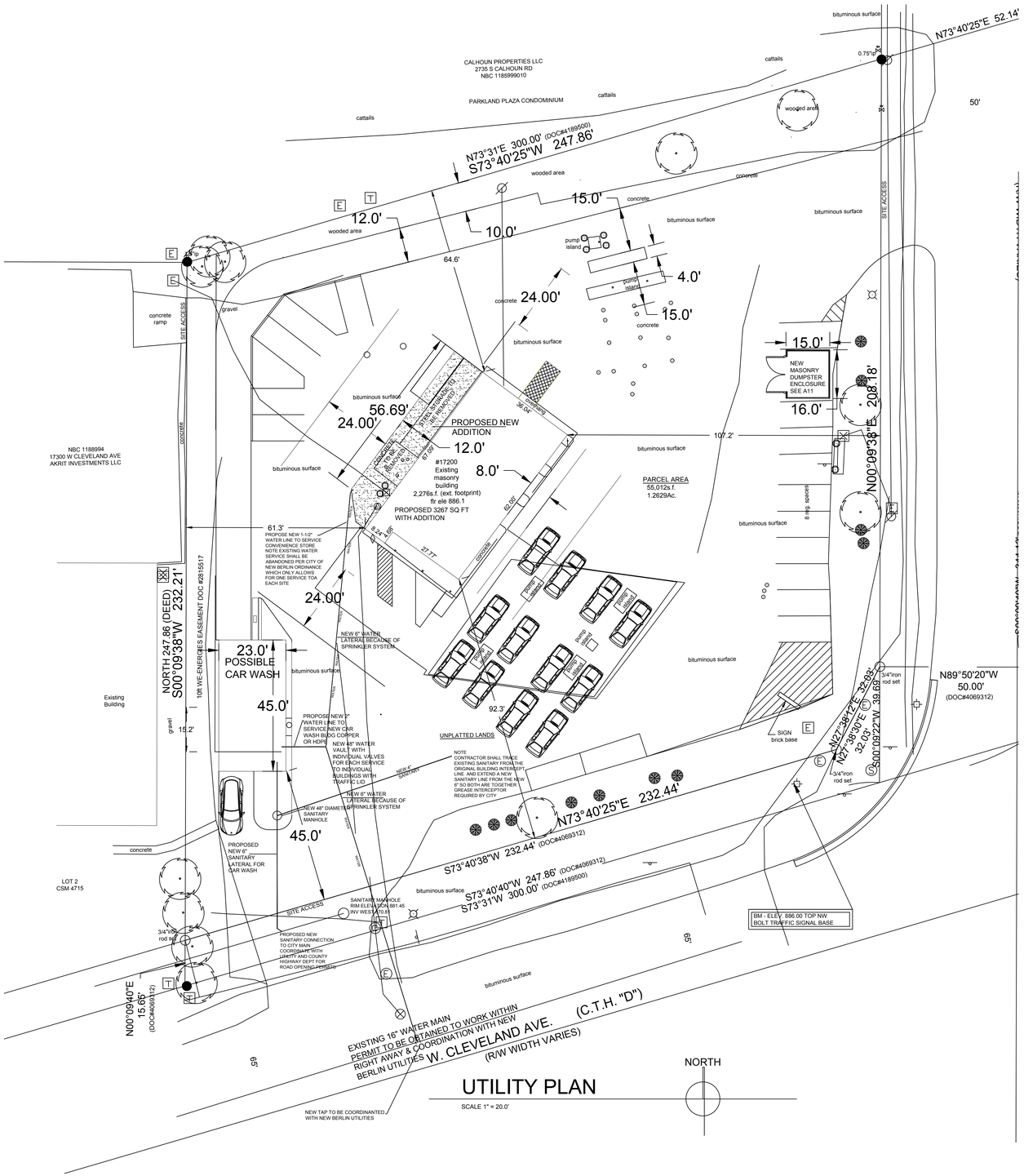
NOTE
THE EXISTING WATER SERVICE SHALL BE ABANDONED AT THE STREET CURB STOP PER REQUIREMENT OF NEW BERLIN UTILITIES AND NEW SERVICE INSTALLED

DAT
REVISIONS 4-24-23 6-29-23 7-10-23

WILLIAM A MORRIS ARCHITECT LLC
5313 87TH PLACE
PLEASANT PRAIRIE WI. 53158

REMODELING OF EXISTING BUILDING FOR
WELCOME EAST SIDE LLC
17200 CLEVELAND AVENUE
NEW BERLIN WI.

A8



UTILITY PLAN

NOTE
THE EXISTING WATER SERVICE SHALL BE ABANDONED AT THE STREET CURB STOP PER REQUIREMENT OF NEW BERLIN UTILITIES AND NEW SERVICE INSTALLED

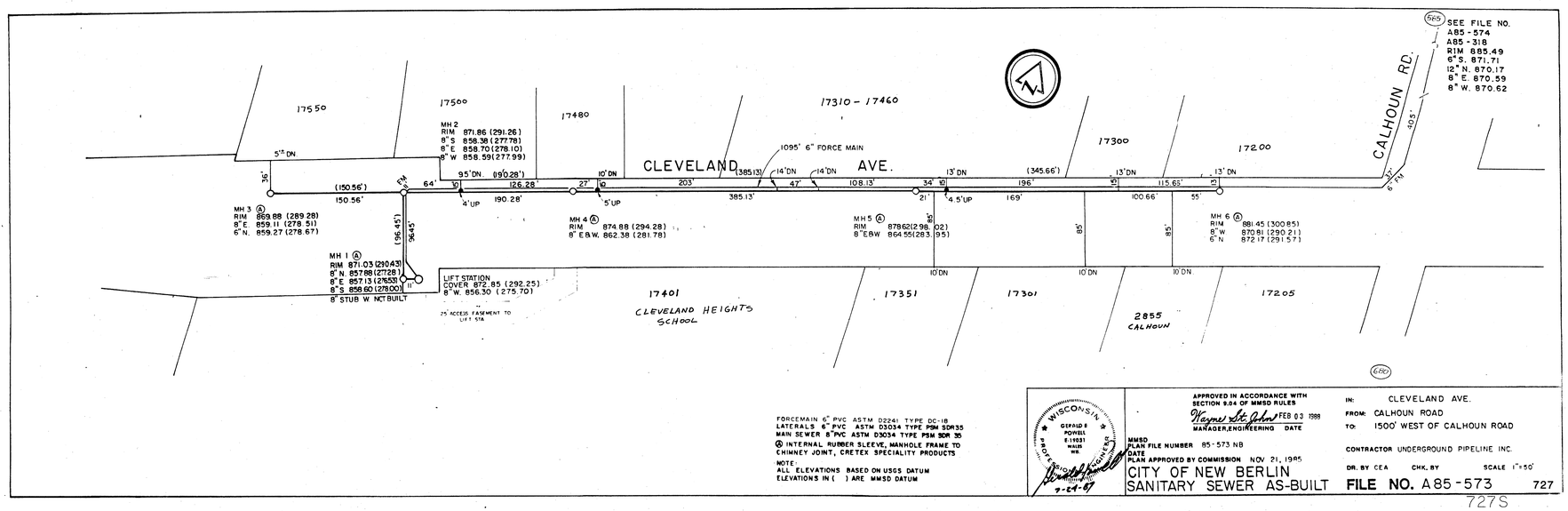
D

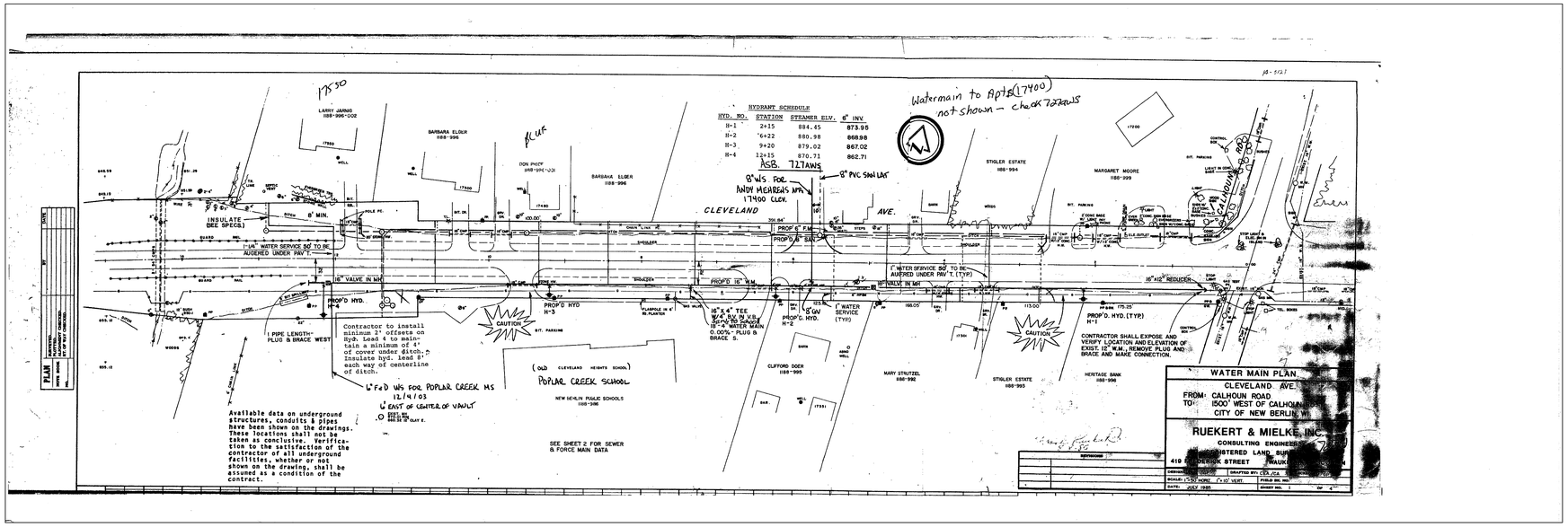
REVISIONS
4-24-23
6-29-23
7-10-23

WILLIAM A MORRIS ARCHITECT LLC
5313 87TH PLACE
PLEASANT PRAIRIE WI. 53158

REMODELING OF EXISTING BUILDING FOR
WELCOME EAST SIDE LLC
17200 CLEVELAND AVENUE
NEW BERLIN WI.

A9





DATE

DATE

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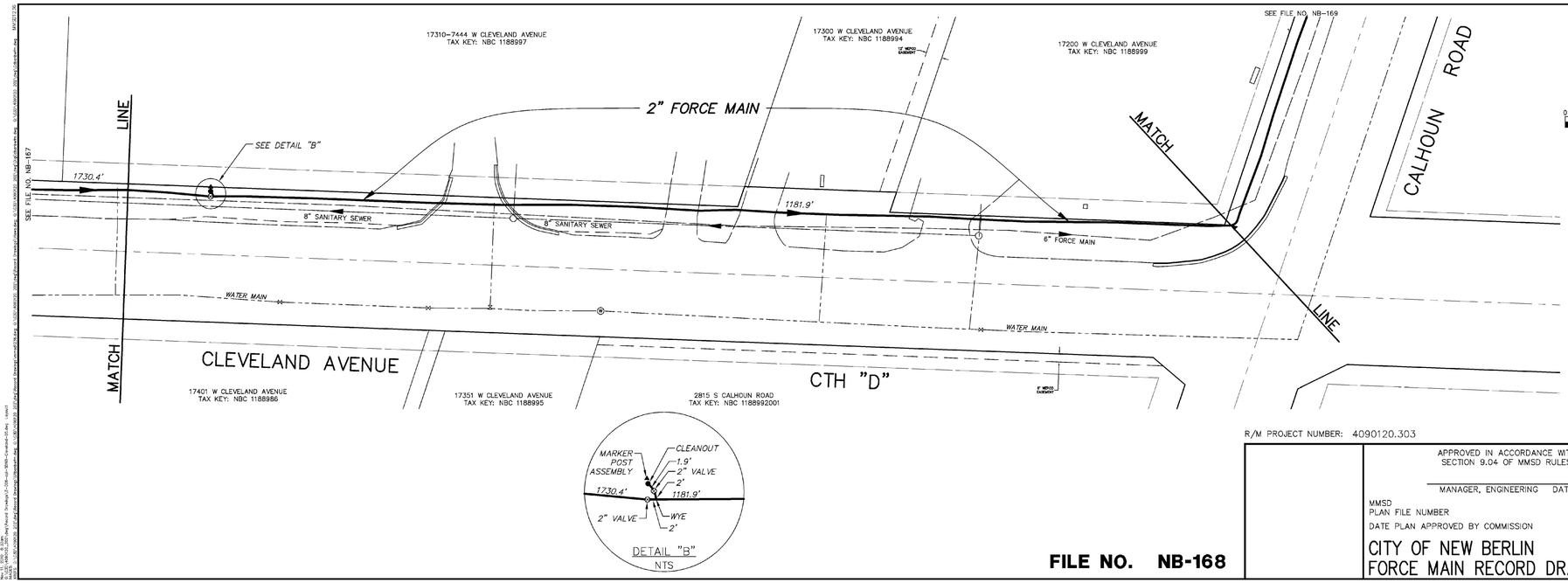
5313 87TH PLACE
PLEASANT PRAIRIE WI. 53158

REMODELING OF EXISTING BUILDING FOR
WELCOME EAST SIDE LLC
17200 CLEVELAND AVENUE
NEW BERLIN WI.

A9a



NOTES:

FORCE MAIN 2" POLYETHYLENE DR 11 UNLESS OTHERWISE NOTED

INTERNAL RUBBER SLEEVE, MANHOLE FRAME TO CHIMNEY JOINT, CONFORMS TO STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN (SWS) 8.42.3 TYPICAL FOR ALL MANHOLES

ALL ELEVATIONS BASED ON USGS DATUM (NGVD–29)

MMSD DATUM ( )

▲ MARKER POST ASSEMBLY

DETAIL "B"
NTS

FILE NO. NB-168

R/M PROJECT NUMBER: 4090120.303

TOWN: 6 N RANGE: 20 E SECTION(s): 9 NE

APPROVED IN ACCORDANCE WITH SECTION 9.04 OF MMSD RULES

MANAGER, ENGINEERING DATE

MMSD
PLAN FILE NUMBER

DATE PLAN APPROVED BY COMMISSION

CITY OF NEW BERLIN
FORCE MAIN RECORD DRAWING

IN: CLEVELAND AVENUE/ CTH "D"
FROM: 880' SOUTHWEST OF CALHOUN ROAD
TO: CALHOUN ROAD
CONTRACTOR: RJ UNDERGROUND INC
DESIGN ENGINEER: REUKERT–MIELKE INC
DR. BY: JTN CHK. BY: SCALE: 1" = 40'
DATE COMPLETED: AUGUST, 2010

1060S6

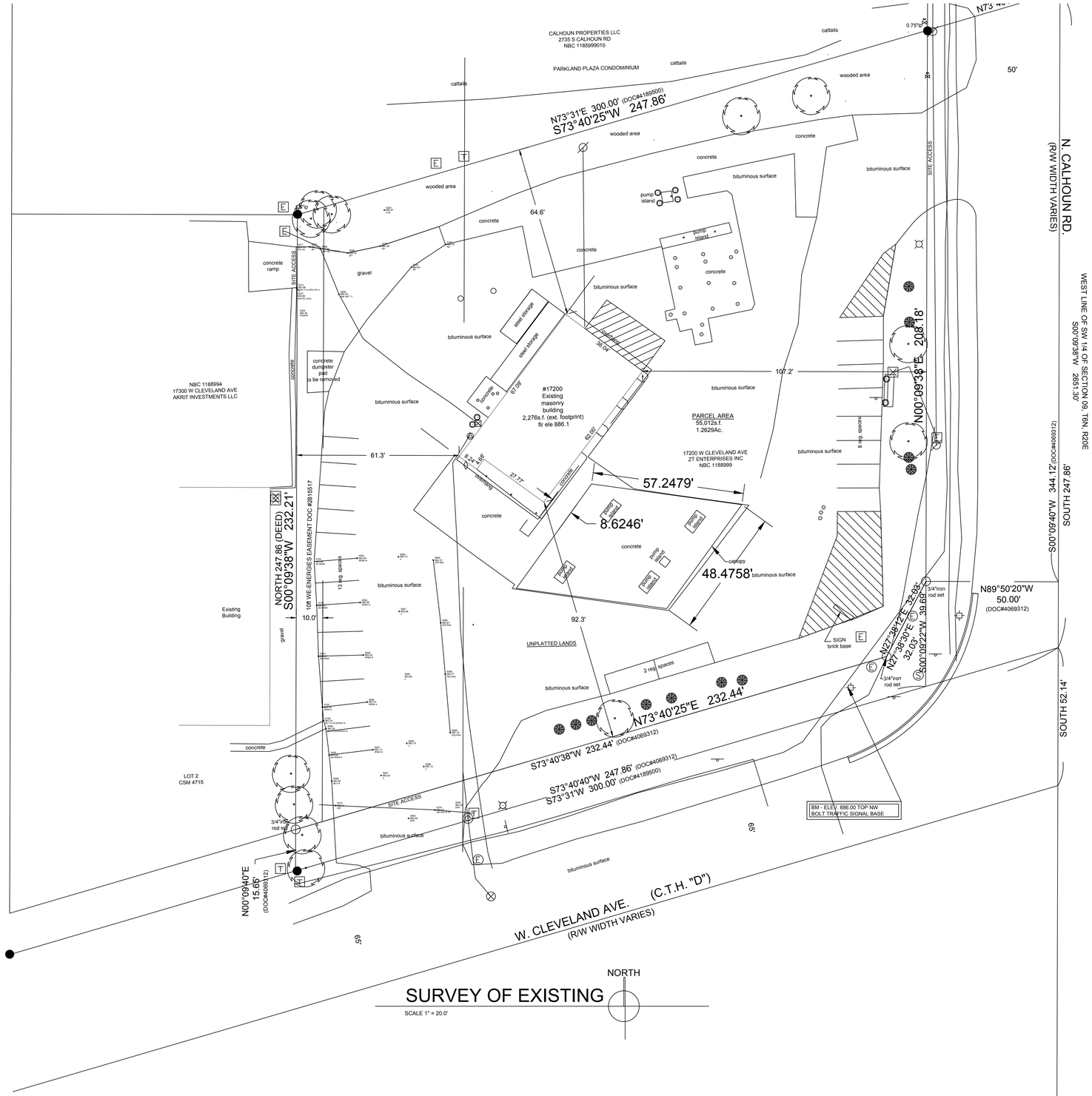
DATE

DATE

WILLIAM A MORRIS ARCHITECT LLC
5313 87TH PLACE
PLEASANT PRAIRIE WI. 53158

REMODELING OF EXISTING BUILDING FOR
WELCOME EAST SIDE LLC
17200 CLEVELAND AVENUE
NEW BERLIN WI.

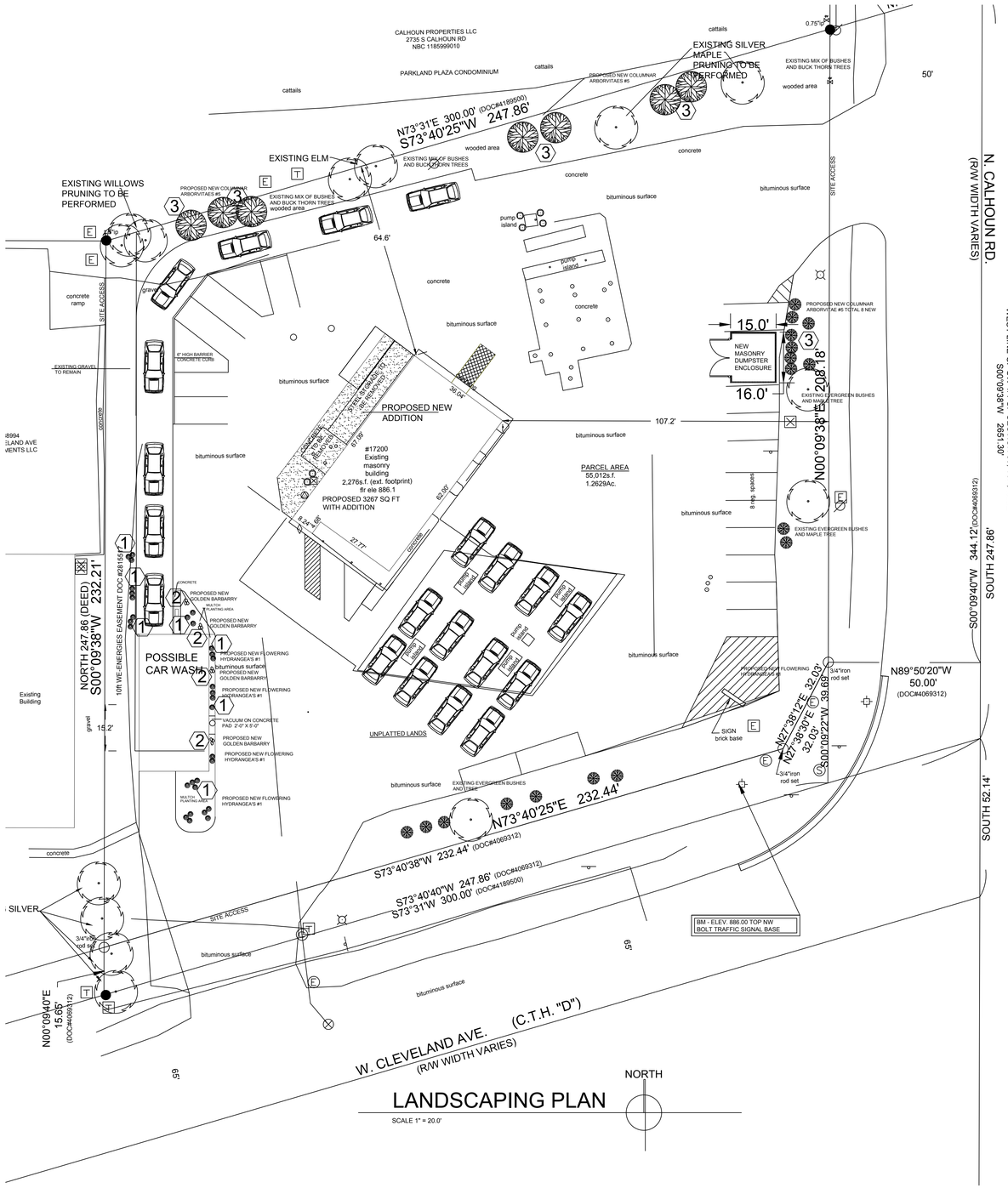
A9b



SURVEY OF EXISTING

SCALE 1" = 20.0'

DATE	
WILLIAM A MORRIS ARCHITECT LLC 5313 87TH PLACE PLEASANT PRAIRIE WI. 53158	
REMODELING OF EXISTING BUILDING FOR WELCOME EAST SIDE LLC 17200 CLEVELAND AVENUE NEW BERLIN WI.	
A9c	



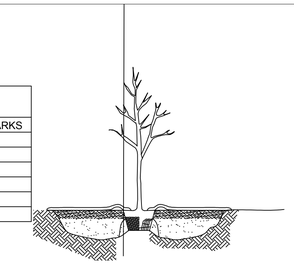
LANDSCAPING PLAN

SCALE 1" = 20.0'

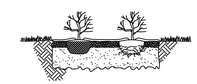
NOTE
ALL LANDSCAPE AREA'S SHALL BE COVERED WITH WEED BARRIER AND MIN 3" MULCH

LANDSCAPING SCHEDULE

MARK	DISCRIPTION	SIZE	QUANITY	REMARKS
1	FLOWERING HYDRANGEA	5 GAL	22	
2	GOLDEN BARBERRY	5 GAL	12	
3	COLUMNAR ARBORVITAE	6'-0"	15	



TREE PLANTING DETAIL



BUSH PLANTING DETAIL

NOTE
THE EXISTING WATER SERVICE SHALL BE ABANDONED AT THE STREET CURB STOP PER REQUIREMENT OF NEW BERLIN UTILITIES AND NEW SERVICE INSTALLED

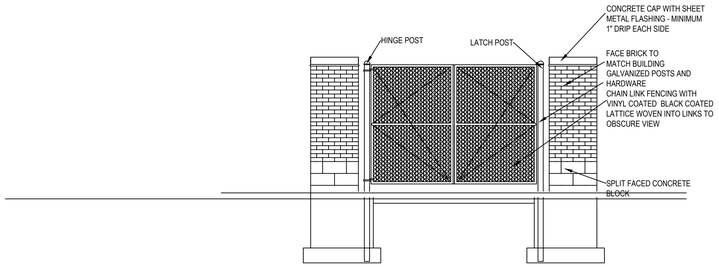
DAT

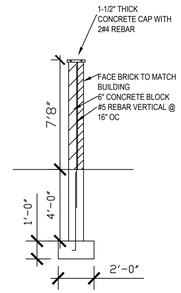
REVISIONS
4-24-23
6-29-23
7-10-23

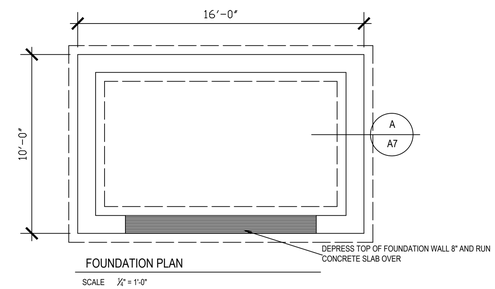
WILLIAM A MORRIS ARCHITECT LLC
5313 87TH PLACE
PLEASANT PRAIRIE WI. 53158

REMODELING OF EXISTING BUILDING FOR
WELCOME EAST SIDE LLC
17200 CLEVELAND AVENUE
NEW BERLIN WI.

A10







FOUNDATION PLAN

SCALE 1/4" = 1'-0"

REFUSE ENCLOSURE

DUMPSTER ENCLOSURE

SCALE 1/8"= 1'-0"

PRELIMINARY DWG
NOT FOR CONSTRUCTION

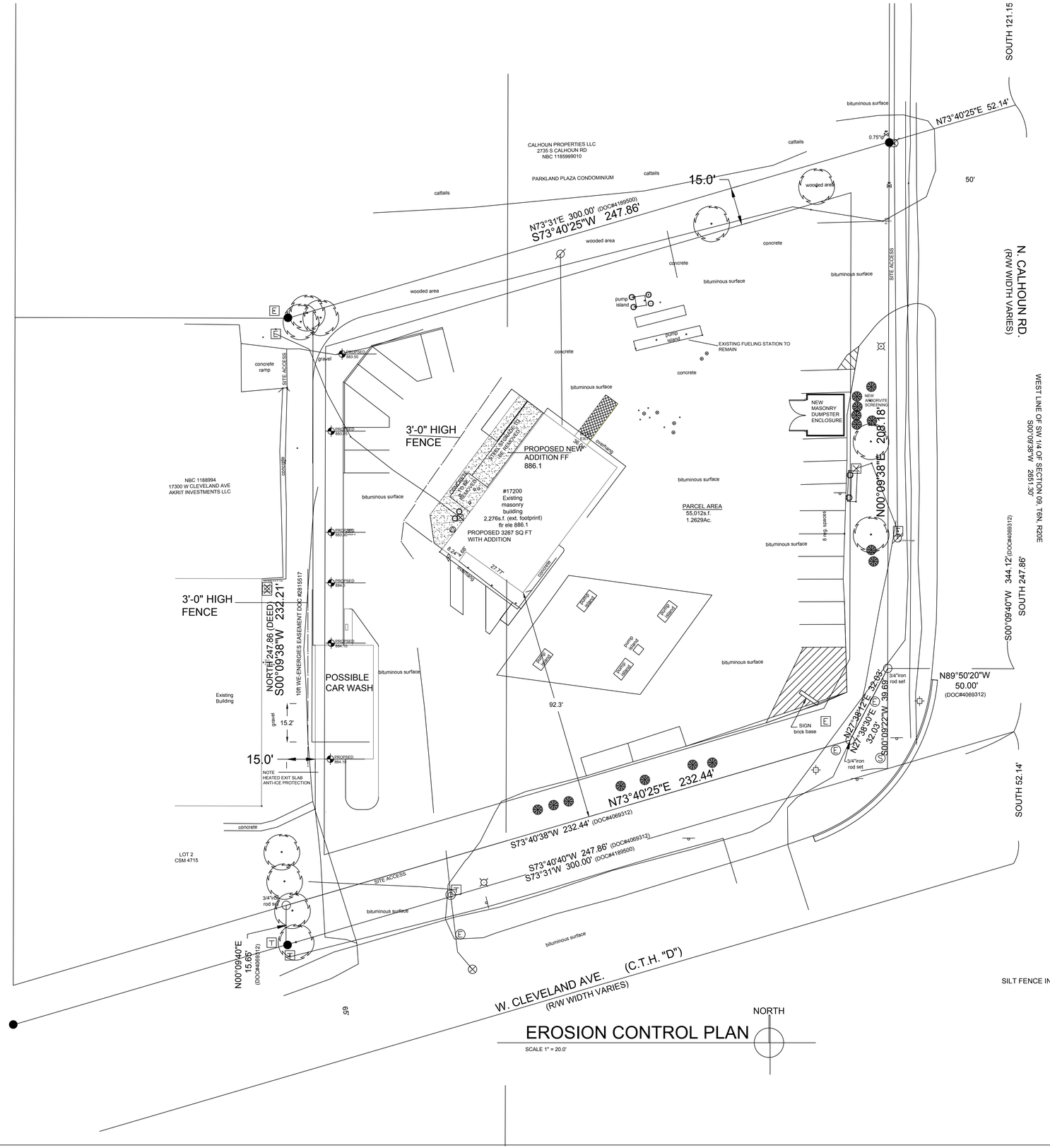
DATE
4-14-23

REVISIONS
6-29-23

WILLIAM A. MORRIS ARCHITECT LLC
5313 87TH PLACE
PLEASANT PRAIRIE, WI. 53158

REMODELING OF EXISTING BUILDING
WELCOME EASTSIDE LLC
17200 CLEVELAND AVENUE
NEW BERLIN WI.

A11



EROSION CONTROL PLAN

SCALE 1" = 20.0'

EROSION & SEDIMENT CONTROL

THE EROSION AND SEDIMENT CONTROL PROVISIONS DETAILED ON THE DRAWINGS AND SPECIFIED HEREIN ARE THE MINIMUM REQUIREMENTS FOR EROSION CONTROL.

PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL PREPARE ANY REVISIONS, ADJUSTMENTS OR PROPOSED ALTERATIONS TO THE CONSTRUCTION SEQUENCING AND/OR EROSION CONTROL PLANS. THE CONTRACTOR IS RESPONSIBLE TO NOTIFY ENGINEER OF RECORD AND REGULATORY OFFICIALS OF ANY CHANGES TO THE EROSION CONTROL AND STORMWATER MANAGEMENT PLANS. MODIFICATIONS TO THE APPROVED EROSION CONTROL DESIGN IN ORDER TO MEET UNFORESEEN FIELD CONDITIONS IS ALLOWED IF MODIFICATIONS CONFORM TO BEST MANAGEMENT PRACTICES (BMP'S). ALL SIGNIFICANT DEVIATIONS FROM THE PLANS MUST BE SUBMITTED AND APPROVED BY THE VILLAGE OF SOMERS.

THE CONTRACTOR IS RESPONSIBLE FOR INSTALLATION, MAINTENANCE, REPAIR AND REMOVAL OF ALL EROSION CONTROL DEVICES REQUIRED FOR THE PROJECT WHICH SHALL BE DONE IN ACCORDANCE WITH THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES (DNR) TECHNICAL STANDARDS (REFERRED TO AS BMP'S) AND VILLAGE OF SOMERS ORDINANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ADDITIONAL CONTROL MEASURES WHICH MAY BE NECESSARY TO MEET UNFORESEEN FIELD CONDITIONS. SEE VILLAGE OF SOMERS AND WDNR EROSION CONTROL CONSTRUCTION FOR ADDITIONAL DETAILS OR REQUIREMENTS.

ALL EROSION AND SEDIMENT CONTROL MEASURES AND DEVICES SHALL BE INSPECTED BY THE CONTRACTOR AS REQUIRED IN THE WISCONSIN ADMINISTRATIVE CODE (SPS 360.21) AND MAINTAINED PER SPS 360.22.

INSPECTIONS AND MAINTENANCE OF ALL EROSION CONTROL MEASURES SHALL BE ROUTINE (ONCE PER WEEK MINIMUM) TO ENSURE PROPER FUNCTION OF EROSION CONTROLS AT ALL TIMES. SEDIMENT AND EROSION CONTROL MEASURES ARE TO BE IN WORKING ORDER AT THE END OF EACH WORK DAY. THE CONTRACTOR SHALL CHECK THE EROSION AND SEDIMENT CONTROL PRACTICES FOR MAINTENANCE NEEDS AT ALL THE FOLLOWING INTERVALS UNTIL THE SITE IS STABILIZED:

A. AT LEAST WEEKLY.

B. WITHIN 24 HOURS AFTER A RAINFALL EVENT OF 0.5 INCHES OR GREATER. A RAINFALL EVENT SHALL BE CONSIDERED TO BE THE TOTAL AMOUNT OF RAINFALL RECORDED IN ANY CONTINUOUS 24-HOUR PERIOD. ALL EROSION AND SEDIMENT CONTROL ITEMS SHALL BE INSPECTED WITHIN 24 HOURS OF ALL RAIN EVENTS EXCEEDING 0.5 INCHES IMMEDIATELY REPAIR ANY DAMAGE OBSERVED DURING THE INSPECTION.

THE CONTRACTOR SHALL MAINTAIN A MONITORING RECORD WHEN THE LAND DISTURBING CONSTRUCTION ACTIVITY INVOLVES

A. THE CONDITION OF THE EROSION AND SEDIMENT CONTROL PRACTICES AT THE INTERVALS SPECIFIED ABOVE.

B. A DESCRIPTION OF THE MAINTENANCE CONDUCTED TO REPAIR OR REPLACE EROSION AND SEDIMENT CONTROL PRACTICES. EROSION AND SEDIMENT CONTROL INSPECTIONS AND ENFORCEMENT ACTIONS MAY BE CONDUCTED BY

WDNR, VILLAGE OF SOMERS OR THEIR AUTHORIZED AGENTS DURING AND AFTER THE CONSTRUCTION OF THIS PROJECT.

EROSION AND SEDIMENT CONTROL INSPECTIONS AND ENFORCEMENT ACTIONS MAY BE CONDUCTED BY WDNR, VILLAGE OF SOMERS OR THEIR AUTHORIZED AGENTS DURING AND AFTER THE CONSTRUCTION OF THIS PROJECT. ADDITIONAL EROSION CONTROL MEASURES, AS REQUESTED BY STATE OR LOCAL INSPECTORS AND/OR THE ENGINEER OF RECORD, SHALL BE INSTALLED WITHIN 24 HOURS OF REQUEST.

ALL SEDIMENT AND EROSION CONTROL DEVICES, INCLUDING PERIMETER EROSION CONTROL MEASURES SUCH AS CONSTRUCTION ENTRANCES, SILT FENCE AND EXISTING INLET PROTECTION SHALL BE INSTALLED PRIOR TO COMMENCING EARTH DISTURBING

VEGETATIVE COVER AND IS STABILIZED.

INSTALL SILT FENCE PER SECTION 628 OF THE "STATE SPECIFICATIONS" AND WDNR TECHNICAL STANDARD 1056 AT THE LOCATIONS

OR SILTATION AT THE SITE OF THE PROPOSED SILT FENCE. CONTRACTOR SHALL INSTALL SILT FENCING AT DOWNSLOPE SIDE OF STOCKPILES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLATION, MAINTENANCE AND REMOVAL OF ALL REQUIRED SILT FENCE MATERIAL.

ALL PROPOSED STORM SEWER STRUCTURES AND ADJACENT EXISTING STORM INLETS SHALL HAVE A LAYER OF GEOTEXTILE FABRIC (TYPE "FF") INSTALLED BETWEEN THE FRAME & GRATE TO PREVENT SEDIMENT OR SILT FROM ENTERING THE SYSTEM. THE INLET PROTECTION SHALL BE INSPECTED BY THE CONTRACTOR AND REPLACED EVERY 14 DAYS AND AFTER EACH RAINFALL EVENT. FABRIC TO BE REPLACED AS NEEDED TO MEET FIELD CONDITIONS.

THE CONTRACTOR IS RESPONSIBLE FOR CONTROLLING WIND EROSION (DUST) DURING CONSTRUCTION AT HIS/HER EXPENSE (WHEN NECESSARY OR AS REQUIRED BY LOCAL INSPECTORS AND/OR ENGINEER OF RECORD).

EROSION CONTROL FOR UTILITY CONSTRUCTION (STORM SEWER, SANITARY SEWER, WATER MAIN, ETC.):

A. PLACE EXCAVATED TRENCH MATERIAL ON THE HIGH SIDE OF THE TRENCH.

B. BACKFILL, COMPACT AND STABILIZE THE TRENCH IMMEDIATELY AFTER PIPE CONSTRUCTION.

C. ANY WATER PUMPED FROM PITS, TRENCHES, WELLS OR PONDS SHALL BE DISCHARGED INTO A SEDIMENTATION BASIN OR FILTERING TANK IN ACCORDANCE WITH WDNR TECHNICAL STANDARD 1061 AND BMP'S PRIOR TO RELEASE INTO THE STORM SEWER, RECEIVING STREAM OR DRAINAGE DITCH. PUMPED WATER CAN BE TREATED IN FILTER BAGS, STONE FILTERS OR SIMILAR DEVICES. QUALITY OF PUMPED WATER SHALL BE CONTINUOUSLY MONITORED DURING PUMPING OPERATIONS.

RESPONSIBLE TO COORDINATE LOCATION(S) WITH THE PROPER AUTHORITIES, PROVIDE NECESSARY FEES AND OBTAIN ALL

HAVE PRIOR APPROVAL BY THE VILLAGE OF SOMERS.

DITCH CHECKS AND APPLICABLE EROSION NETTING/MATTING SHALL BE INSTALLED IMMEDIATELY AFTER COMPLETION OF GRADING EFFORTS WITHIN DITCHES/SWALES TO PREVENT SOIL TRANSPORTATION.

ALL EXPOSED SOIL AREAS THAT WILL NOT BE BROUGHT TO FINAL GRADE OR ON WHICH LAND DISTURBING ACTIVITIES WILL NOT BE PERFORMED FOR A PERIOD GREATER THAN 7 DAYS AND REQUIRE VEGETATIVE COVER FOR LESS THAN 1 YEAR, REQUIRE

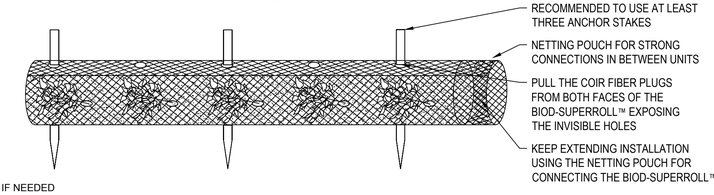
TECHNICAL STANDARD 1059 AND VILLAGE OF SOMERS ORDINANCE.

SOIL PILES LEFT UNDISTURBED FOR 7 OR MORE DAYS WILL NEED TO BE STABILIZED BY AN APPROVED METHOD. ALL DISTURBED AREAS NOT COVERED BY PERMANENT STRUCTURES OR PAVEMENT SHALL BE FINISHED GRADED WITH 3"-6" TOPSOIL, SEEDED AND STABILIZED WITHIN 7 DAYS OF REACHING FINAL GRADE. IF DISTURBANCE OCCURS AFTER NOVEMBER 15TH AND BEFORE MAY 15TH, TYPE A SOIL STABILIZER SHALL BE USED.

ALL DISTURBED AREAS SHALL BE STABILIZED WITH CLASS I, TYPE A EROSION MATTING. EROSION MATTING AND/OR NETTING USED ONSITE SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S GUIDELINES AND WDNR TECHNICAL STANDARDS 1052.

PAVED SURFACES ADJACENT TO CONSTRUCTION SITE VEHICLE ACCESS SHALL BE SWEPT AND/OR SCRAPED TO REMOVE ACCUMULATED SOIL, DIRT AND/OR DUST AT THE END OF EACH WORK DAY AND AS REQUESTED BY VILLAGE OF SOMERS.

EROSION CONTROL MEASURES SHALL BE REMOVED ONLY AFTER SITE CONSTRUCTION IS COMPLETE WITH ALL SOIL SURFACES HAVING AN ESTABLISHED VEGETATIVE COVER.



SILT FENCE INSTALLED IF NEEDED

NOTES:

1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
2. DO NOT SCALE DRAWING.
3. THIS DRAWING IS INTENDED FOR USE BY ARCHITECTS, ENGINEERS, CONTRACTORS, CONSULTANTS AND DESIGN PROFES: FOR PLANNING PURPOSES ONLY. THIS DRAWING MAY NOT BE USED FOR CONSTRUCTION.
4. ALL INFORMATION CONTAINED HEREIN WAS CURRENT AT THE TIME OF DEVELOPMENT BUT MUST BE REVIEWED AND APPF THE PRODUCT MANUFACTURER TO BE CONSIDERED ACCURATE.
5. CONTRACTOR'S NOTE: FOR PRODUCT AND COMPANY INFORMATION VISIT www.CADdetails.com/info AND ENTER REFERENCE NUMBER 084-023.

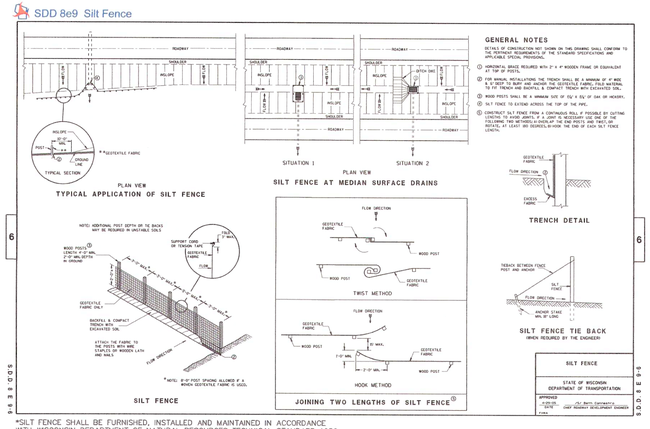
DATE
DATE 7-10-23

WILLIAM A MORRIS ARCHITECT LLC
5313 87TH PLACE
PLEASANT PRAIRIE WI. 53158

REMODELING OF EXISTING BUILDING FOR
WELCOME EAST SIDE LLC
17200 CLEVELAND AVENUE
NEW BERLIN WI.

ERC1

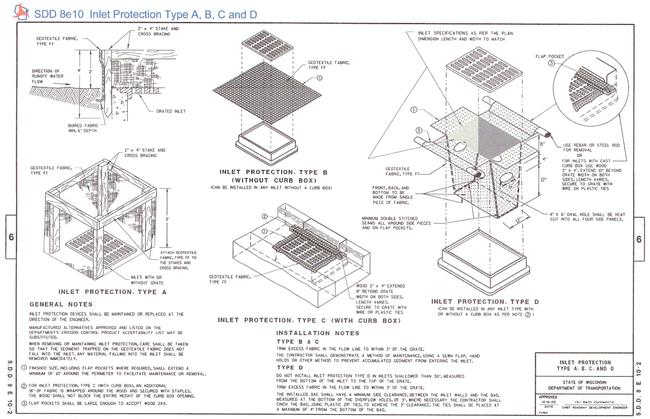
SDD 8e9 Silt Fence



*SILT FENCE SHALL BE FURNISHED, INSTALLED AND MAINTAINED IN ACCORDANCE WITH WISCONSIN DEPARTMENT OF NATURAL RESOURCES TECHNICAL STANDARD 1056.

1 SILT FENCE DETAIL N.T.S

SDD 8e10 Inlet Protection Type A, B, C and D



*INLET PROTECTION SHALL BE FURNISHED, INSTALLED AND MAINTAINED IN ACCORDANCE WITH WISCONSIN DEPARTMENT OF NATURAL RESOURCES TECHNICAL STANDARD 1060.

3 INLET PROTECTION DETAIL N.T.S

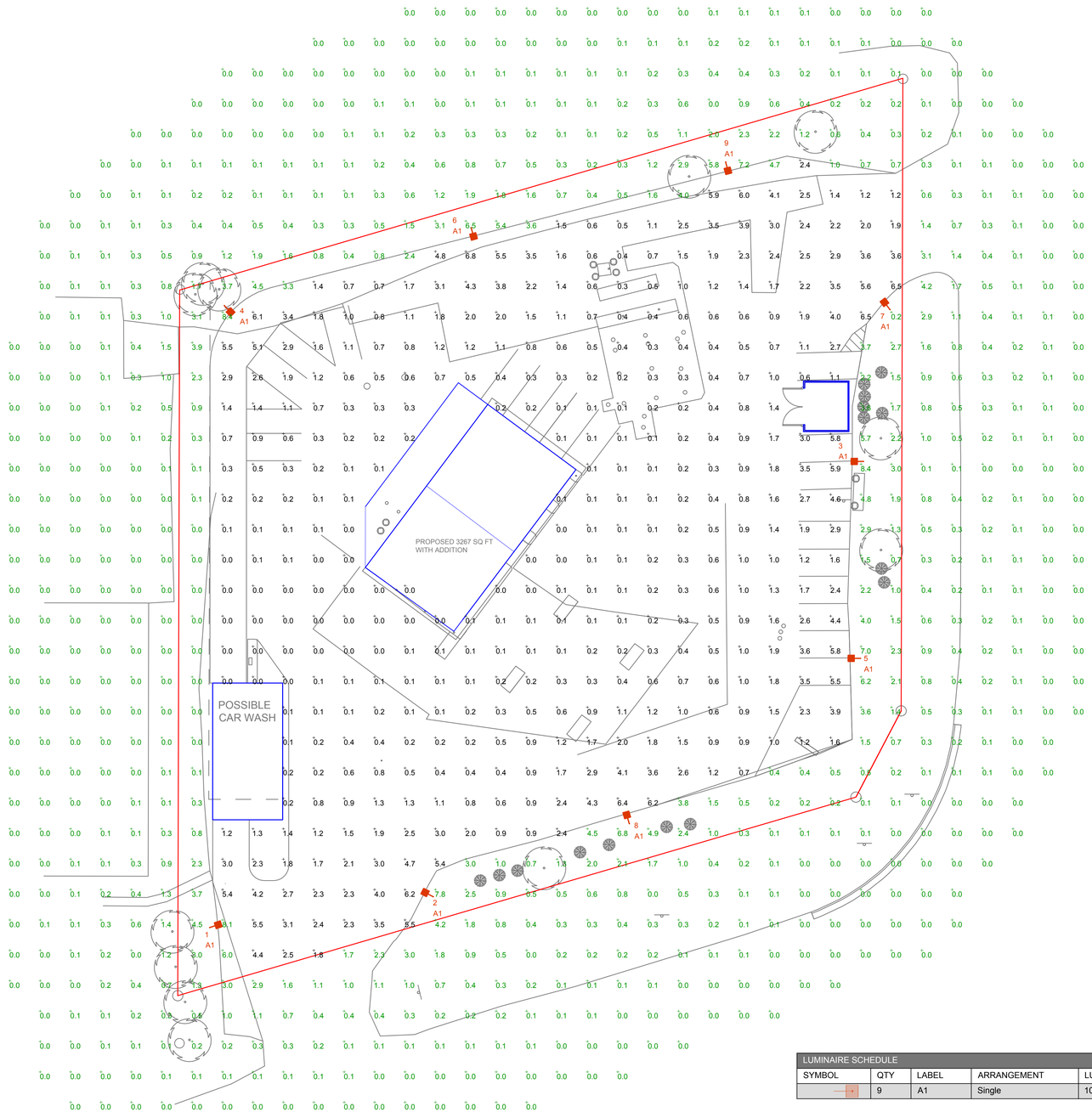
DATE

DATE
6-29-23

WILLIAM A MORRIS ARCHITECT LLC
5313 87TH PLACE
PLEASANT PRAIRIE WI. 53158

REMODELING OF EXISTING BUILDING FOR
WELCOME EAST SIDE LLC
17200 CLEVELAND AVENUE
NEW BERLIN WI.

ERC2



NOTE:
AREA LIGHTS ON NEW 15 FT. POLES MOUNTED ON 2 FT. CONCRETE BASES

ANY EXISTING LIGHTING FROM CANOPY
NOT INCLUDED IN PHOTOMETRIC CALCULATION

THIS SITE IS LOCATED IN A REGION WHERE
LIGHTING IS REGULATED BY LOCAL ORDINANCES

ILLUMINATION LEVELS ARE THE RESULT OF CONDITIONS OR REQUESTS BY OTHERS
RED LEONARD ASSOCIATES IS NOT RESPONSIBLE
FOR INCIDENTS CAUSED BY INSUFFICIENT LIGHTING
AND DOES NOT RECOMMEND THESE LEVELS FOR
SECURITY AND SAFETY REASONS

LUMINAIRE LOCATION SUMMARY

LUM NO.	LABEL	MTG. HT.
1	A1	17
2	A1	17
3	A1	17
4	A1	17
5	A1	17
6	A1	17
7	A1	17
8	A1	17
9	A1	17

FOOTCANDLE LEVELS CALCULATED AT GRADE USING INITIAL LUMEN VALUES

LABEL	AVG	MAX	MIN	AVG/MIN	MAX/MIN
PAVED AREA	1.29	6.8	0.0	N.A.	N.A.
UNDEFINED	0.54	8.4	0.0	N.A.	N.A.

LUMINAIRE SCHEDULE

SYMBOL	QTY	LABEL	ARRANGEMENT	LUMENS	LLF	BUG RATING	WATTS/LUMINAIRE	TOTAL WATTS	MANUFACTURER	CATALOG LOGIC
	9	A1	Single	10450	1.020	B2-U0-G2	68	612	Cree Lighting	OSQ-ML-C-DA + OSQM-C-11L-57K7-4M-UL-NM-XX

REDLEONARD ASSOCIATES
1340 Kemper Meadow Dr, Forest Park, OH 45240
513-574-9500 I redleonard.com

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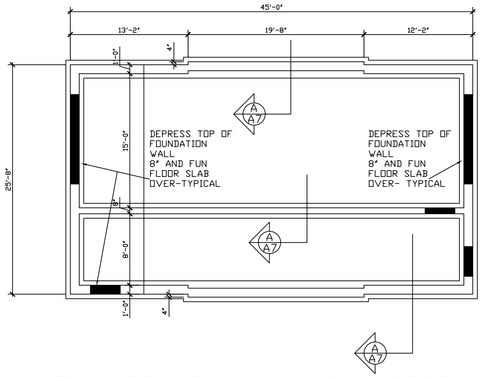
ANY SITE PLAN(S), FLOOR PLAN(S), RENDERING(S), LIGHTING LAYOUT(S) AND PHOTOMETRIC PLAN(S) INCLUDING BUT NOT LIMITED TO ANY PROJECT(S) CREATED/PRODUCED BY RED LEONARD ASSOCIATES INC., ARE ONLY INTENDED FOR ILLUSTRATION AND QUOTING PURPOSES ONLY. RED LEONARD ASSOCIATES HAS THE RIGHT TO USE THIRD PARTY LASERS, SCANNERS, AND CAMERAS BUT ACTUAL PROJECT CONDITIONS, DIMENSIONS, AND ACCURACY OF MEASUREMENTS MAY DIFFER FROM THESE OR ANY PARAMETERS. RED LEONARD ASSOCIATES INC. ASSUMES NO LIABILITY FOR WHAT IS CREATED/PRODUCED IN THESE RECREATIONS. THIS INCLUDES BUT IS NOT LIMITED TO THE USE OF, INSTALLATION OF AND/OR INTEGRITY OF EXISTING BUILDING(S), SURROUNDING AREA FOR PRODUCT(S) SUCH AS EXISTING POLE(S), ANCHOR BOLT(S), BASE(S), ARCHITECTURAL AND SIGNAGE STRUCTURE(S), LANDSCAPING PLAN(S), LIGHTING PLAN(S), FIXTURE SELECTION(S) AND PLACEMENT, MATERIAL(S), COLOR ACCURACY, TEXTURE(S), AND ANYTHING ATTRIBUTED TO PHOTO REALISM THAT IS CREATED. FURTHERMORE, RED LEONARD ASSOCIATES INC., DOES NOT ASSUME LIABILITY WHATSOEVER FOR ANY PURCHASES MADE BY CLIENT BEFORE, DURING, OR AT THE CONCLUSION OF THE PUBLISHED WORK. THE CUSTOMER, ITS RELATIVE AFFILIATES, AS WELL AS ANY OTHER PERSON(S) IN VIEWING OF THIS PRODUCT IS RESPONSIBLE FOR VERIFYING COMPLIANCE WITH ANY BUT NOT LIMITED TO ALL CODES, PERMITS, RESTRICTIONS, INSTRUCTIONS, PURCHASES, AND INSTALLATIONS OF OBJECTS VIEWED WITHIN THIS DOCUMENT(S) OR PROJECT(S). SYMBOLS ARE NOT DRAWN TO SCALE. SIZE IS FOR CLARITY PURPOSES ONLY. SIZES AND DIMENSIONS ARE APPROXIMATE, ACTUAL MEASUREMENTS MAY VARY. DRAWINGS ARE NOT INTENDED FOR ENGINEERING OR CONSTRUCTION USE. THIS DOCUMENT, ANY RED LEONARD DRAWING(S), OR PROJECT(S) IS NOT TO BE USED AND/OR INTENDED FOR ENGINEERING OR CONSTRUCTION PURPOSES, BUT FOR ILLUSTRATIVE PURPOSES ONLY. ANY LOCATIONS OF EMERGENCY LIGHTING SHOWN WERE PROVIDED BY OTHERS. RED LEONARD ASSOCIATES IS NOT RESPONSIBLE FOR INSUFFICIENT LIGHTING DURING AN EMERGENCY EVENT. ANY USE OF THIS DOCUMENTATION AND/OR OTHER ARTICLES PRODUCED BY RED LEONARD WITHOUT WRITTEN AUTHORIZATION FROM JAYME J. LEONARD IS STRICTLY PROHIBITED.

SCALE: 1" = 20'
LAYOUT BY: JAN
DWG SIZE: D
DATE: 05/09/23

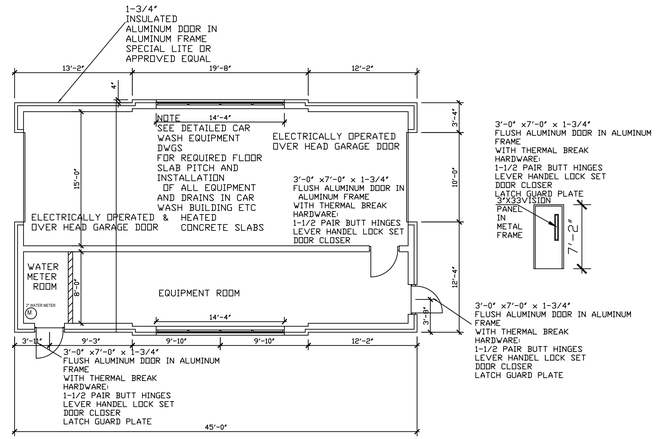
PROJECT NAME:
WALIA
NEW BERLIN, WI
DRAWING NUMBER:
RL-8771-S1

A12



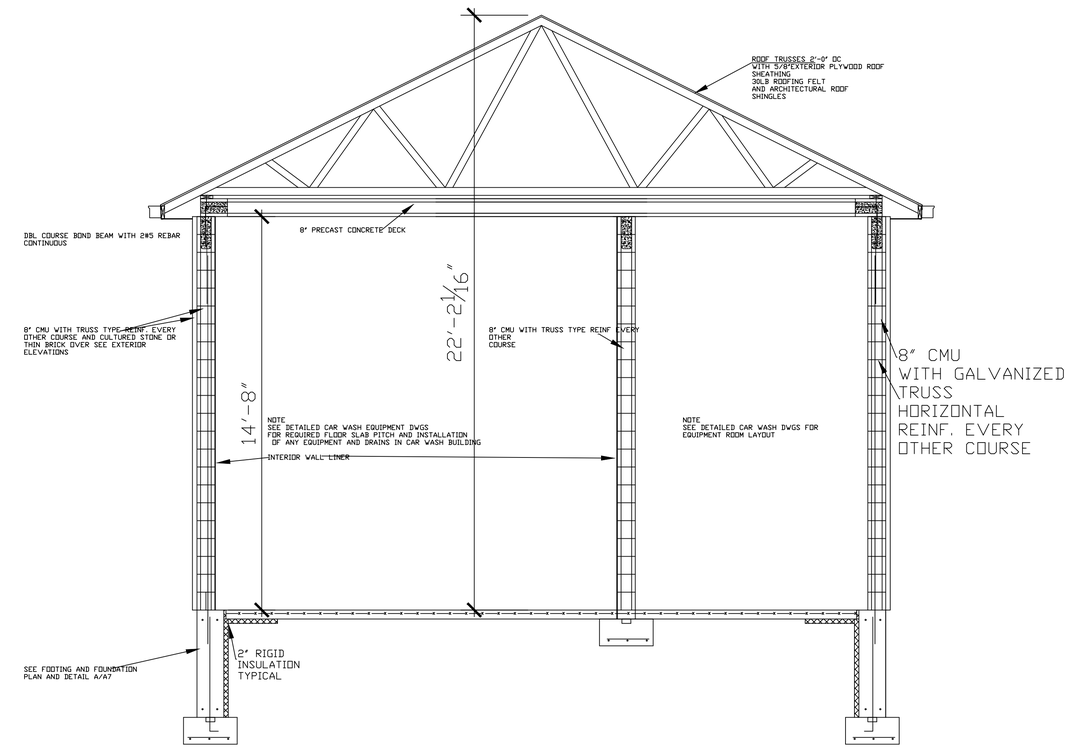
FOUNDATION PLAN CAR WASH BUILDING

SCALE 1/8"= 1'-0"



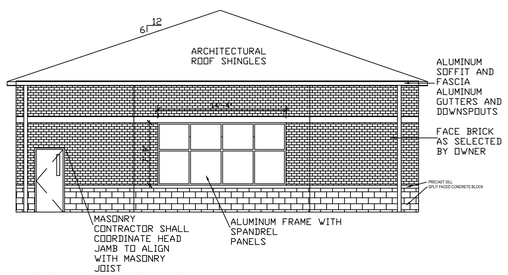
FLOOR PLAN CAR WASH BUILDING

SCALE 1/8"= 1'-0"



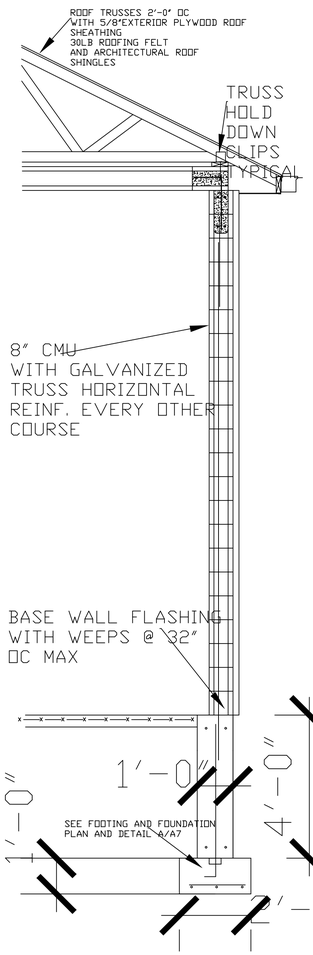
B/A7 SECTION

SCALE 1/2" = 1'-0"



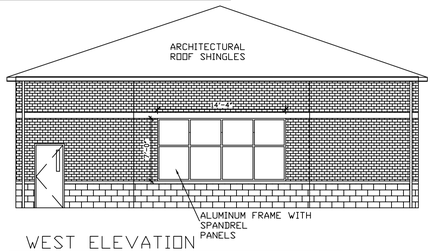
EAST ELEVATION

SCLAE 1/8" = 1'-0"



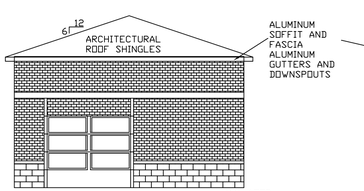
1/A7 WALL SECTION

SCALE 3/4" = 1'-0"



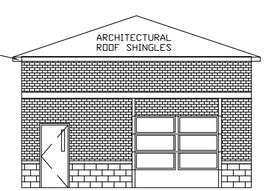
WEST ELEVATION

SCLAE 1/8" = 1'-0"



SOUTH ELEVATION

SCLAE 1/8" = 1'-0"



NORTH ELEVATION

SCLAE 1/8" = 1'-0"

DATE
4-14-23

REVISIONS

WILLIAM A. MORRIS - ARCHITECT LLC
5313 87TH PLACE
PLEASANT PRAIRIE, WI. 53158

REMODELING OF EXISTING BUILDING
WELCOME EASTSIDE LLC
17200 CLEVELAND AVENUE
NEW BERLIN WI.

A7

EXISTING NORTH ELEVATION

NTS

EXISTING EAST ELEVATION

NTS

EXISTING SOUTH ELEVATION

NTS

EXISTING WEST ELEVATION

NTS

PRELIMINARY DWG
NOT FOR CONSTRUCTION

DATE
4-14-23

REVISIONS
6-29-23

WILLIAM A. MORRIS ARCHITECT LLC
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PLEASANT PRAIRIE, WI. 53158

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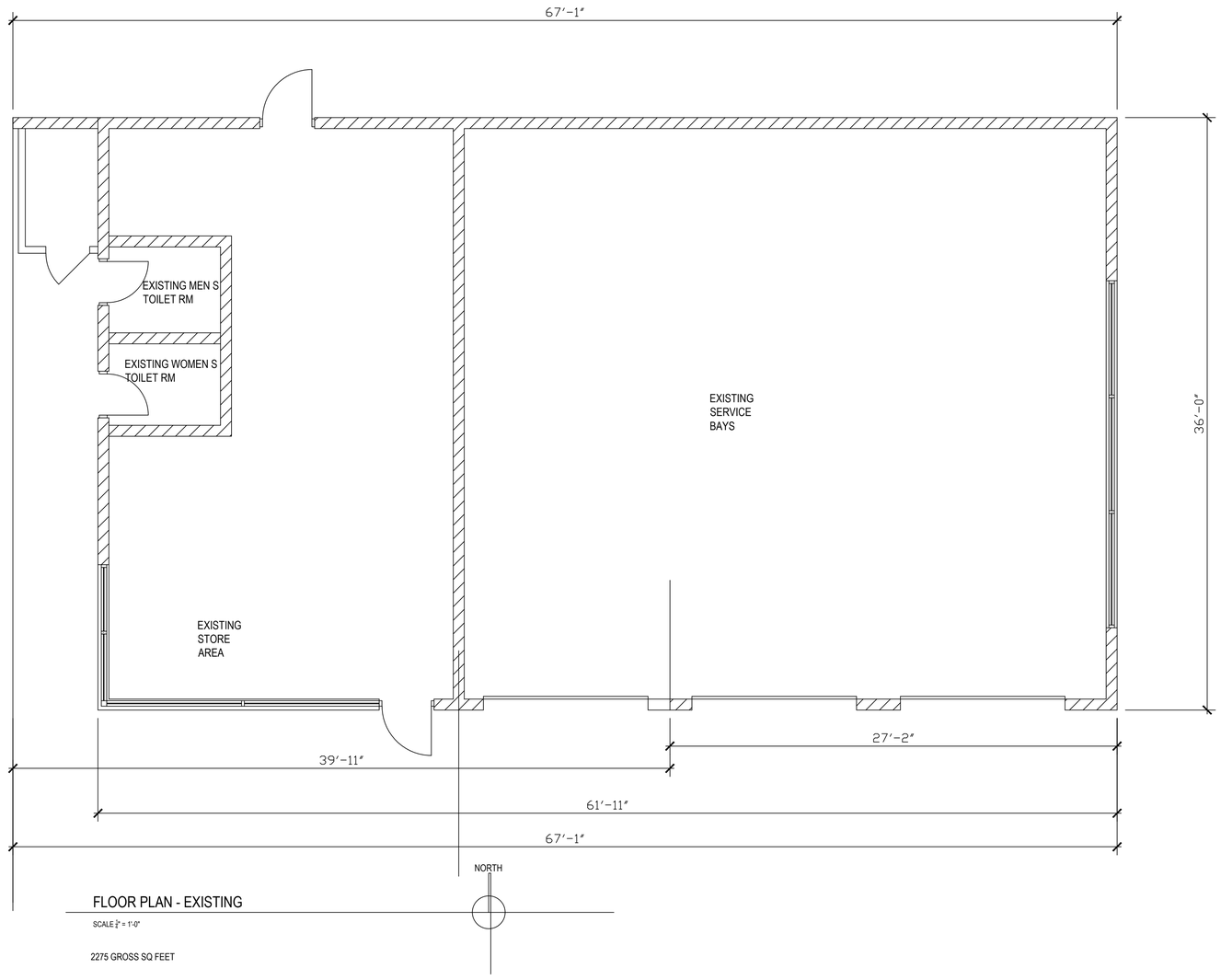
NEW BERLIN WI.

A4



FLOOR PLAN - EXISTING

SCALE $\frac{1}{4}$" = 1'-0"

2275 GROSS SQ FEET

PRELIMINARY DWG
NOT FOR CONSTRUCTION

DATE
4-14-23

REVISIONS
5-29-23
7-10-23

WILLIAM A. MORRIS ARCHITECT LLC
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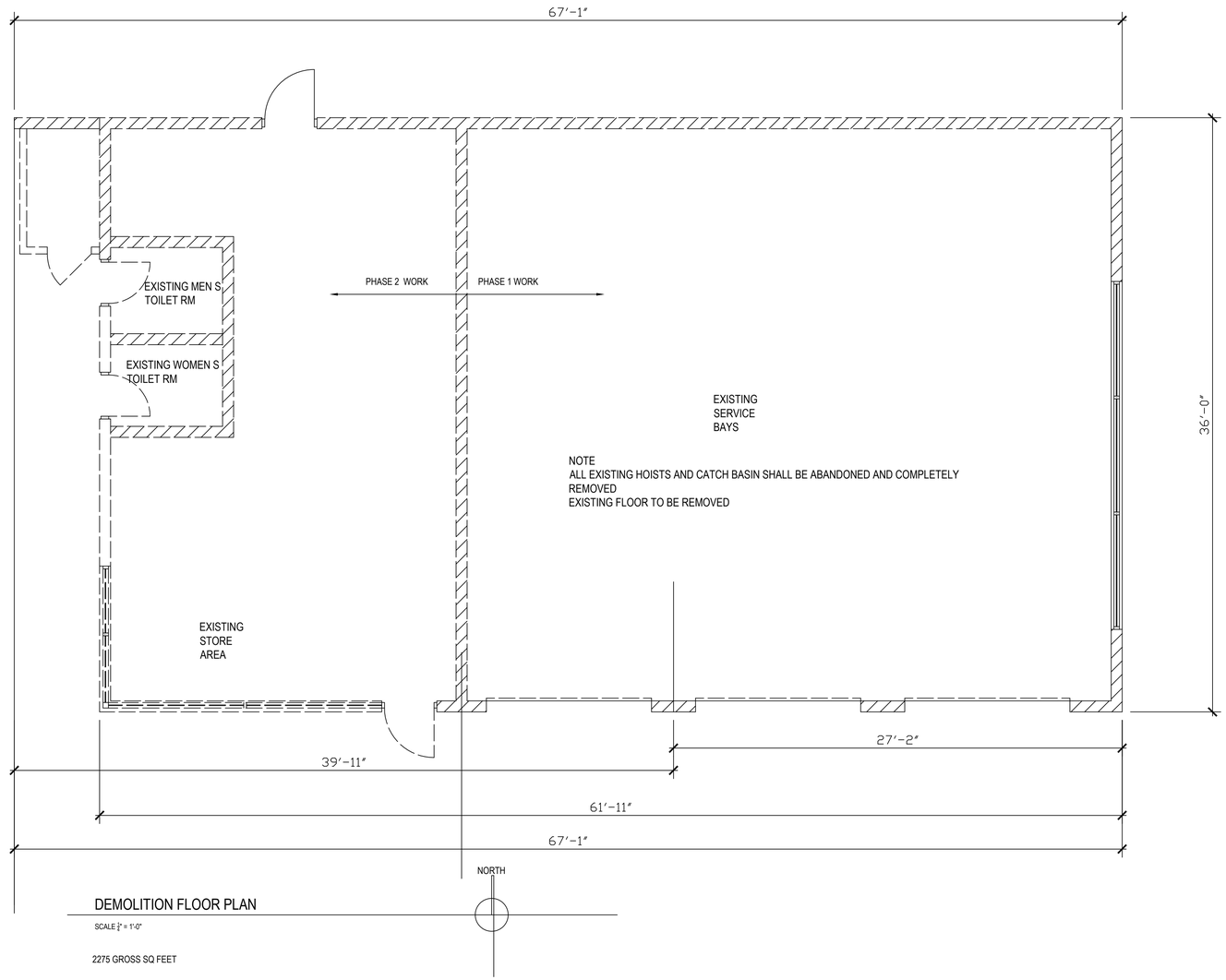
REMODELING OF EXISTING BUILDING
WELCOME EASTSIDE LLC
17200 CLEVELAND AVENUE
NEW BERLIN WI.

A2



DEMOLITION FLOOR PLAN

SCALE $\frac{1}{4}$" = 1'-0"

2275 GROSS SQ FEET

PRELIMINARY DWG
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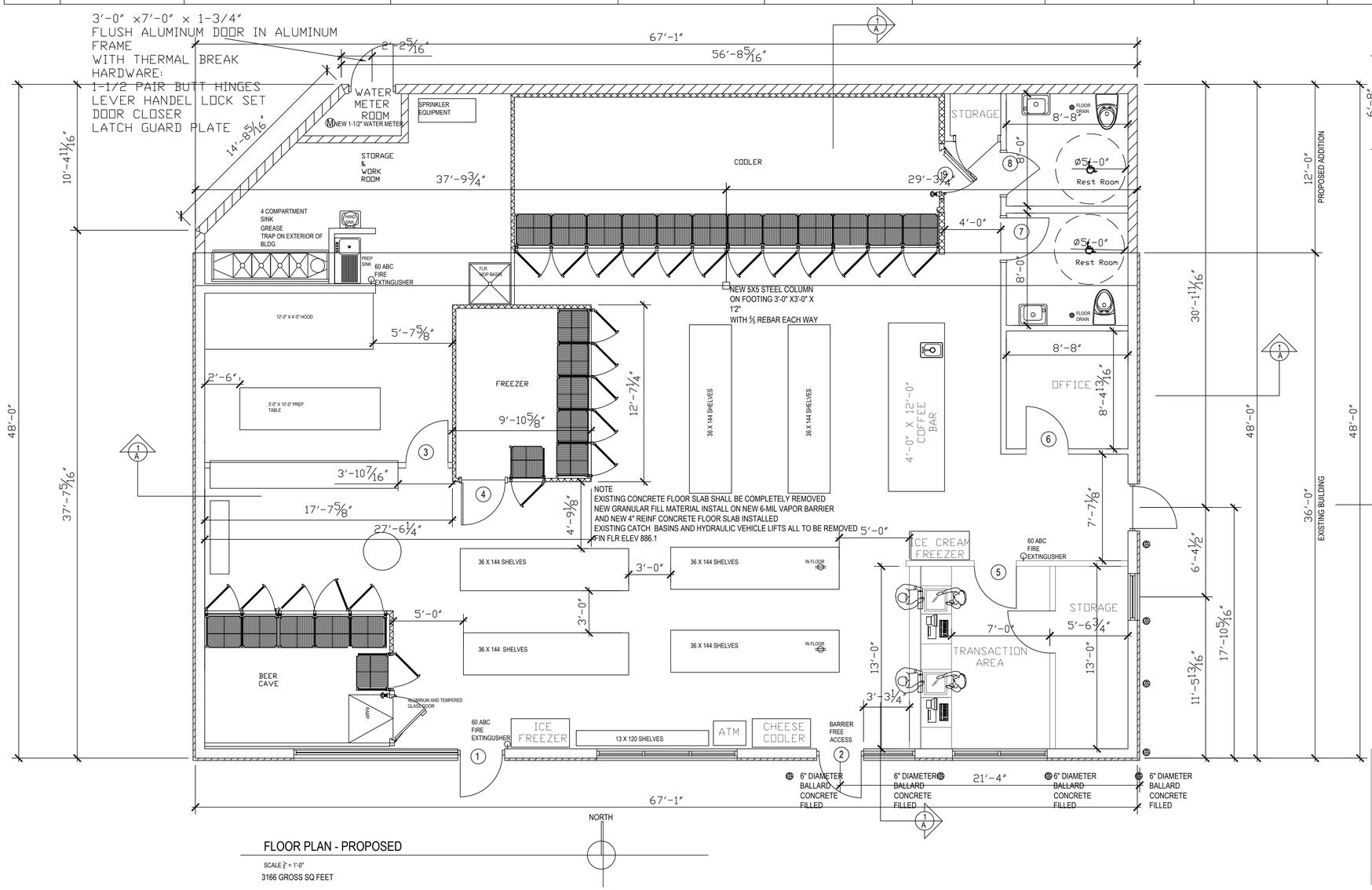
NEW BERLIN WI.

A2a

DOOR SCHEDULE

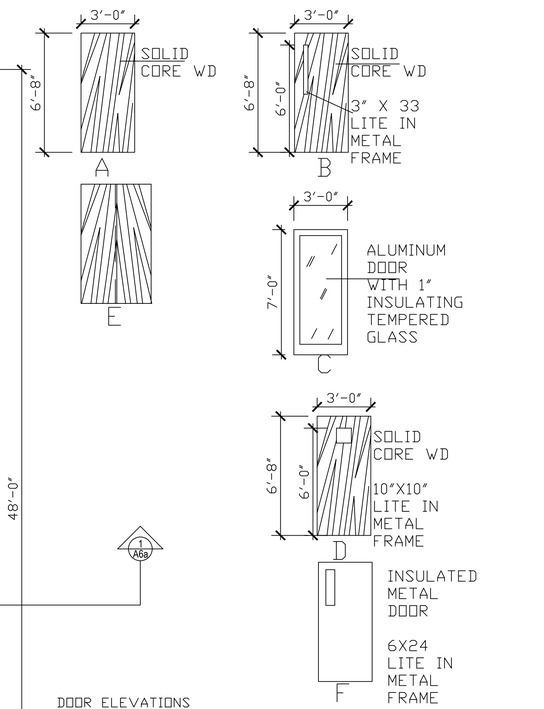
DOOR MARK	DOOR SIZE	DOOR TYPE	FRAME TYPE	FRAME FINISH	DOOR FINISH	DOOR LABEL	HARDWARE GROUP	ELEVATION	REMARKS
1	3'-0" X 7'-0" X1-3/4" ALUMINUM STORE FRONT DOOR WITH TEMPERED INSULATION GLASS	ALUMINUM	ALUMINUM	BRONZE	BRONZE		C	C	
2	3'-0" X 7'-0" X1-3/4" ALUMINUM STORE FRONT DOOR WITH TEMPERED INSULATION GLASS	ALUMINUM	ALUMINUM	BRONZE	BRONZE		C	C	
3	3'-0" X 7'-0" X1-3/4" SOLID CORE WOOD MAPLE VENEER	SOLID CORE WOOD	HOLLOW METAL	PAINTED	STAINED SEALED AND (2) COATS POLYURETHANE FINISH		D	A	
4	COOLER DOOR BY MANUFACTURE								
5	3'-0" X 7'-0" X1-3/4" SOLID CORE WOOD MAPLE VENEER	SOLID CORE WOOD	HOLLOW METAL	PAINTED	STAINED SEALED AND (2) COATS POLYURETHANE FINISH		D	A	
6	3'-0" X 7'-0" X1-3/4" SOLID CORE WOOD MAPLE VENEER	SOLID CORE WOOD	HOLLOW METAL	PAINTED	STAINED SEALED AND (2) COATS POLYURETHANE FINISH		D	A	
7	3'-0" X 7'-0" X1-3/4" SOLID CORE WOOD MAPLE VENEER	SOLID CORE WOOD	HOLLOW METAL	PAINTED	STAINED SEALED AND (2) COATS POLYURETHANE FINISH		A	A	
8	3'-0" X 7'-0" X1-3/4" SOLID CORE WOOD MAPLE VENEER	SOLID CORE WOOD	HOLLOW METAL	PAINTED	STAINED SEALED AND (2) COATS POLYURETHANE FINISH		A	A	
9	COOLER DOOR BY MANUFACTURE								



FLOOR PLAN - PROPOSED

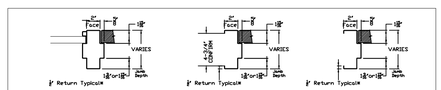
SCALE 1/4" = 1'-0"

3166 GROSS SQ FEET



DOOR ELEVATIONS

SCALE 1/4" = 1'-0"



HOLLOW METAL FRAME DETAILS

SCALE 3" = 1'-0"

HARDWARE GROUP "A"
1-1/2 PAIR BALL BEARING BUTTS
LEVER HANDEL LOCK SET
KICK PLATE

HARDWARE GROUP "B"
PIVOT HINGES
PANIC HARDWARE WITH DELAY RELEASE SYSTEM
FULL WEATHER STRIPPING
DOOR SWEEP
THRESHOLD WITH THERMAL BREAK

HARDWARE GROUP "C"
1-1/2 PAIR BALL BEARING BUTTS
PUSH PULL HARDWARE
KEY ACCESS AND THUMB RELEASE EXTERIOR
HYDRO CLOSER + WIND CHAIN
FULL WEATHER STRIPPING
DOOR SWEEP
THRESHOLD WITH THERMAL BREAK

HARDWARE GROUP "D"
1-1/2 PAIR BALL BEARING BUTTS
LOCK SET
KICK PLATE

HARDWARE GROUP "E"
PIVOT HINGE AT FLOOR
SLIDING DOOR TRACK AND GLIDES AT TOP
PULL HARDWARE SET EACH DOOR LEAF

HARDWARE GROUP "F"
1-1/2 PAIR BALL BEARING HINGES
PUSH HARDWARE
KICK PLATES

HARDWARE GROUP "G"
1-1/2 PAIR BALL BEARING HINGES
LEVER HANDEL LOCK SET
EXTERIOR KEY ACCESS
HYDRO CLOSER
KICK PLATES

HARDWARE GROUP "H"
1-1/2 PAIR BALL BEARING HINGES
LEVER HANDEL PASSAGE SET

PRELIMINARY DWG
NOT FOR CONSTRUCTION

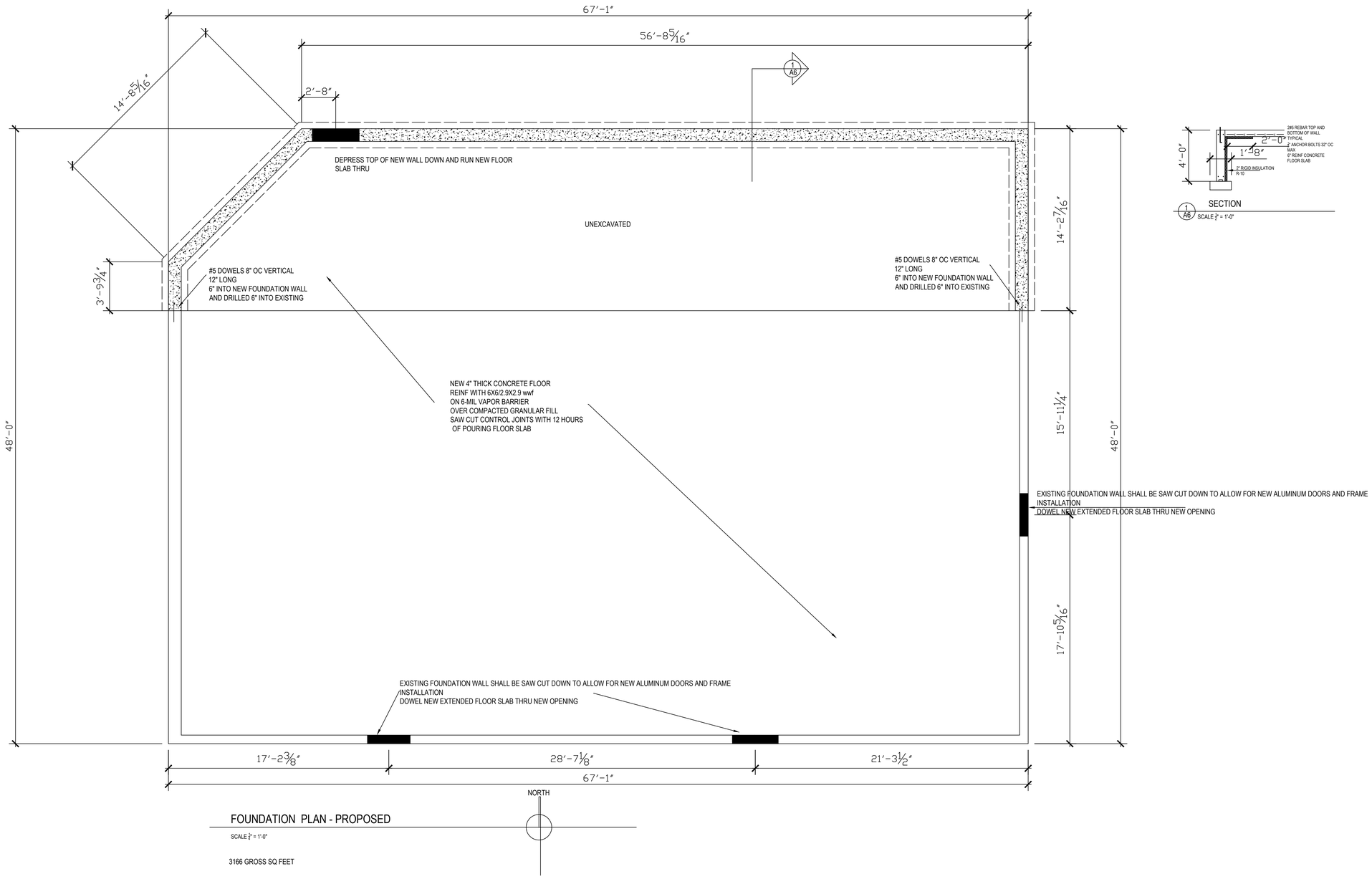
DATE
4-14-23

REVISIONS
6-29-23
7-10-23

WILLIAM A. MORRIS ARCHITECT LLC
5313 87TH PLACE
PLEASANT PRAIRIE, WI. 53158

REMODELING OF EXISTING BUILDING
WELCOME EASTSIDE LLC
17200 CLEVELAND AVENUE
NEW BERLIN WI.

A3



FOUNDATION PLAN - PROPOSED

SCALE 1/4" = 1'-0"

3166 GROSS SQ FEET

SECTION

SCALE 1/2" = 1'-0"

PRELIMINARY DWG
NOT FOR CONSTRUCTION

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5-29-23
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WILLIAM A. MORRIS ARCHITECT LLC
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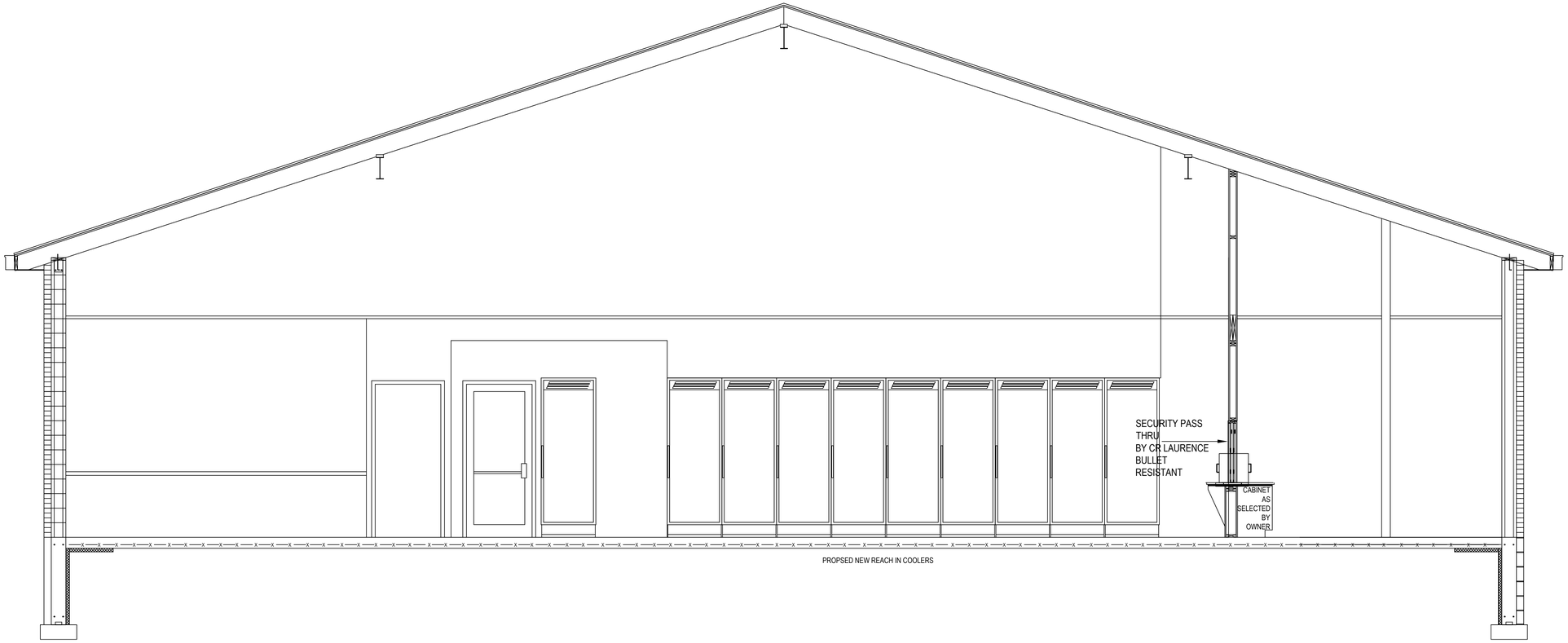
REMODELING OF EXISTING BUILDING
WELCOME EASTSIDE LLC
17200 CLEVELAND AVENUE
NEW BERLIN WI.

A6



1 A6a BUILDING SECTION
SCALE $\frac{3}{4}$" = 1'-0"

PRELIMINARY DWG
NOT FOR CONSTRUCTION

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REMODELING OF EXISTING BUILDING
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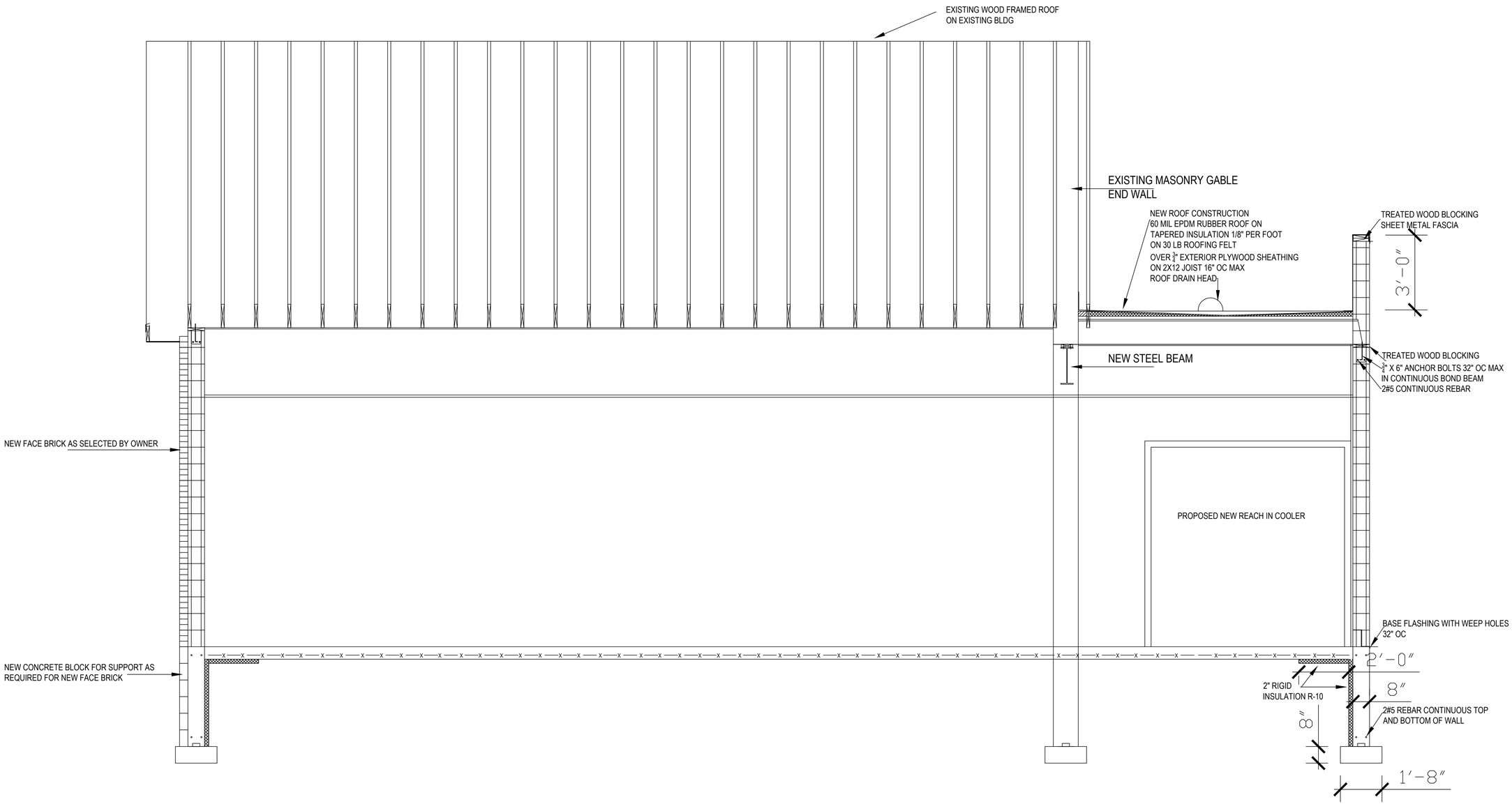
NEW BERLIN WI.

A6a



2
A6a

BUILDING SECTION

SCALE 1/2" = 1'-0"

PRELIMINARY DWG
NOT FOR CONSTRUCTION

DATE
4-14-23

REVISIONS

WILLIAM A. MORRIS ARCHITECT LLC
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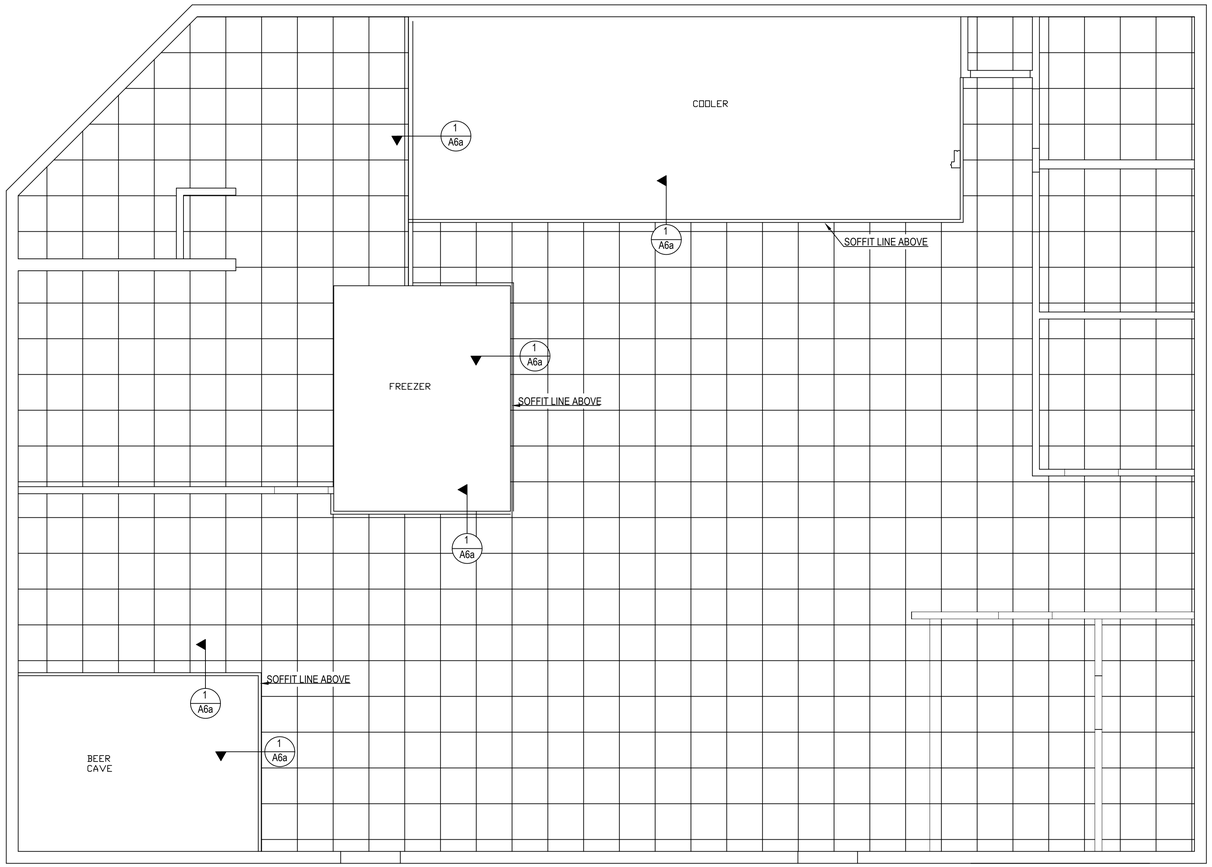
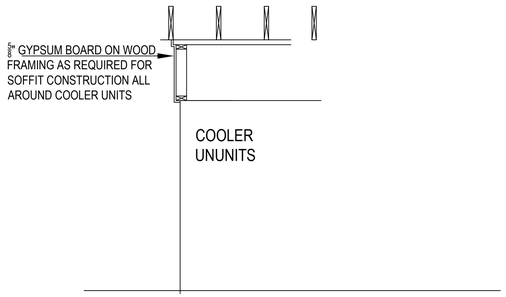
A6b



NORTH

REFLECTED CEILING PLAN

SCALE $\frac{1}{4}$" = 1'-0"



1 A6a DETAIL AT SOFFITS

SCALE $\frac{1}{2}$" = 1'-0"

PRELIMINARY DWG
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5313 87TH PLACE
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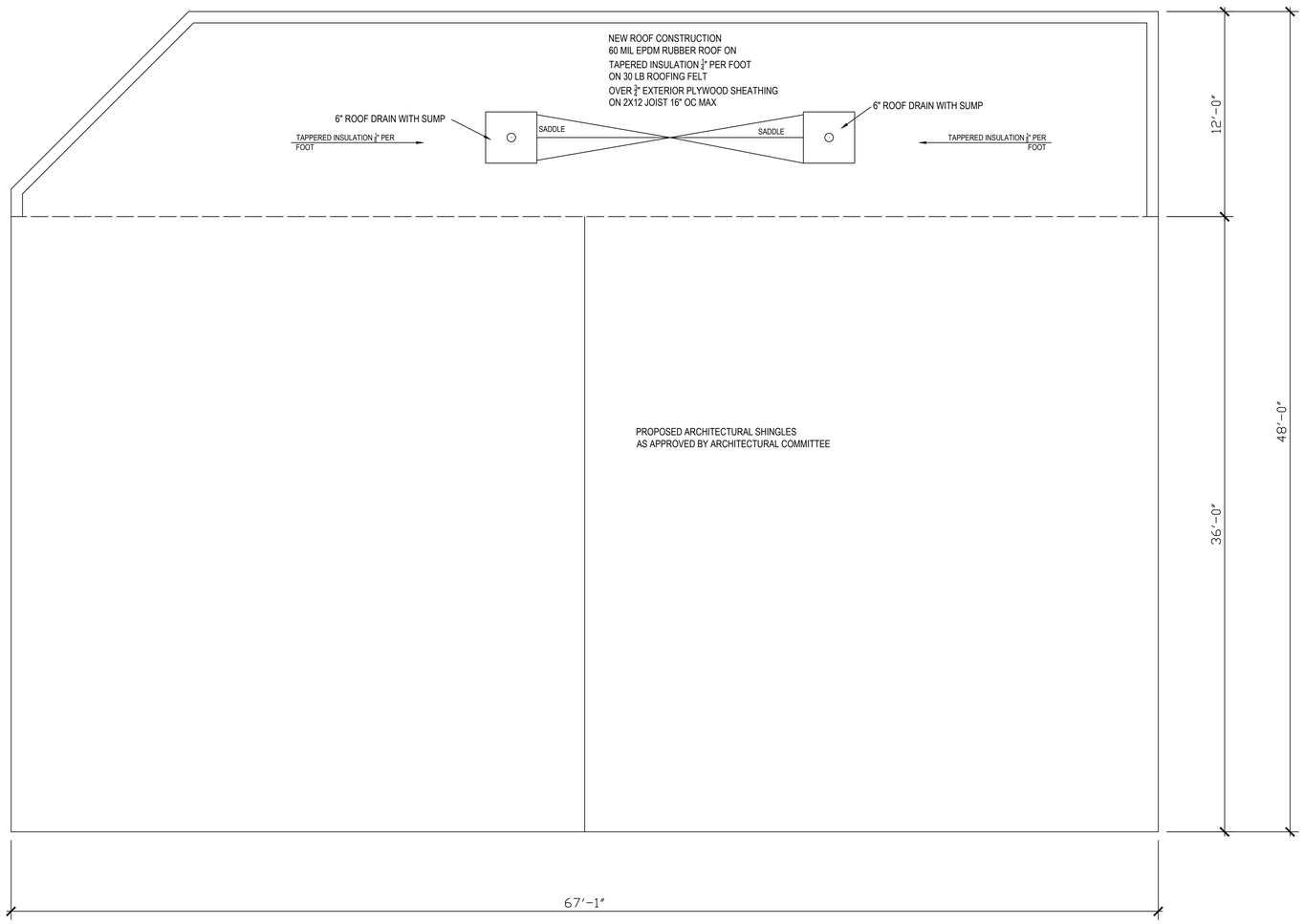
REMODELING OF EXISTING BUILDING
WELCOME EASTSIDE LLC
17200 CLEVELAND AVENUE
NEW BERLIN WI.

A6c



NORTH

ROOF PLAN

SCALE 1/4" = 1'-0"

PRELIMINARY DWG
NOT FOR CONSTRUCTION

DATE
4-14-23

REVISIONS

WILLIAM A. MORRIS ARCHITECT LLC
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REMODELING OF EXISTING BUILDING
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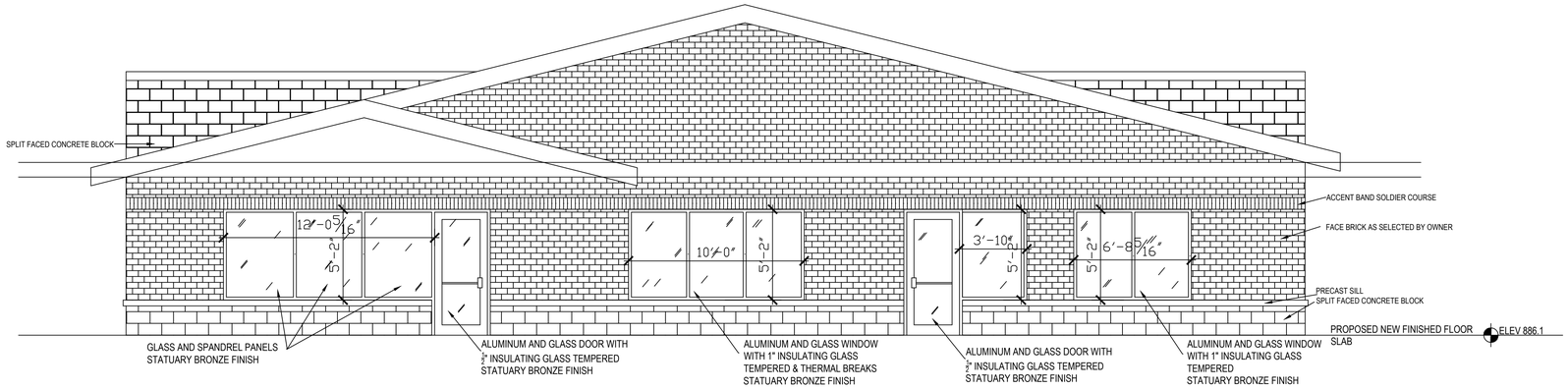
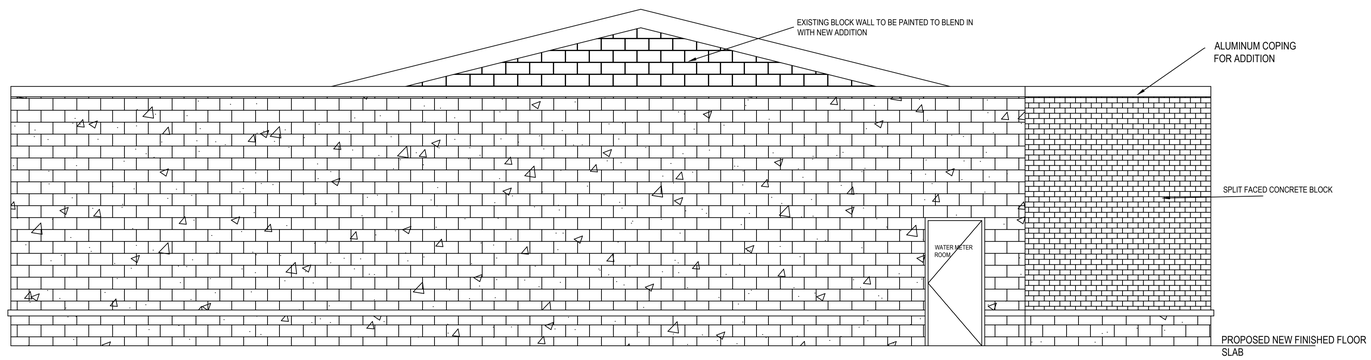
17200 CLEVELAND AVENUE
NEW BERLIN WI.

A6d



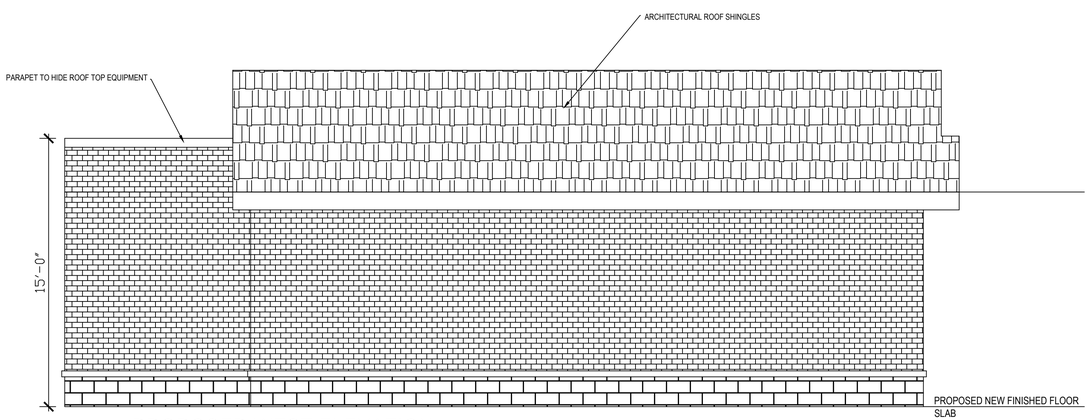
PROPOSED SOUTH ELEVATION

SCALE 1/4" = 1'-0"



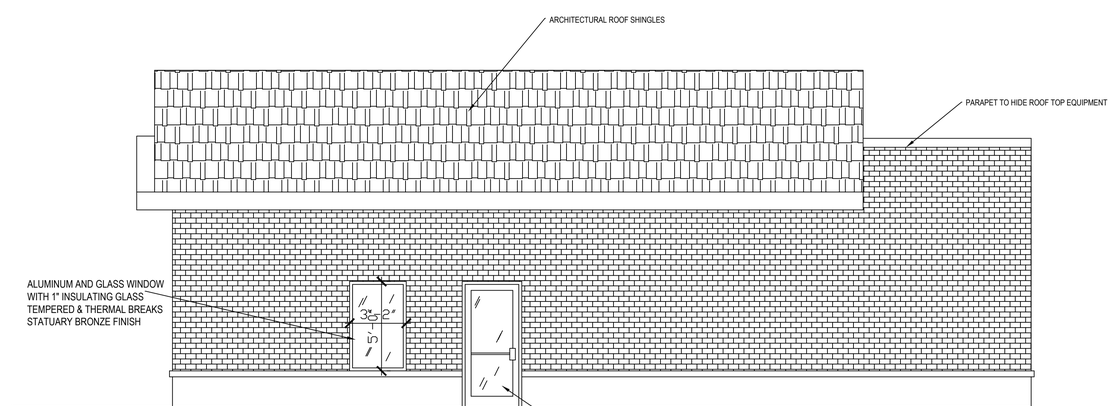
PROPOSED NORTH ELEVATION

SCALE 1/4" = 1'-0"



PROPOSED WEST ELEVATION

SCALE 1/4" = 1'-0"



PROPOSED EAST ELEVATION

SCALE 1/4" = 1'-0"

PRELIMINARY DWG
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REMODELING OF EXISTING BUILDING
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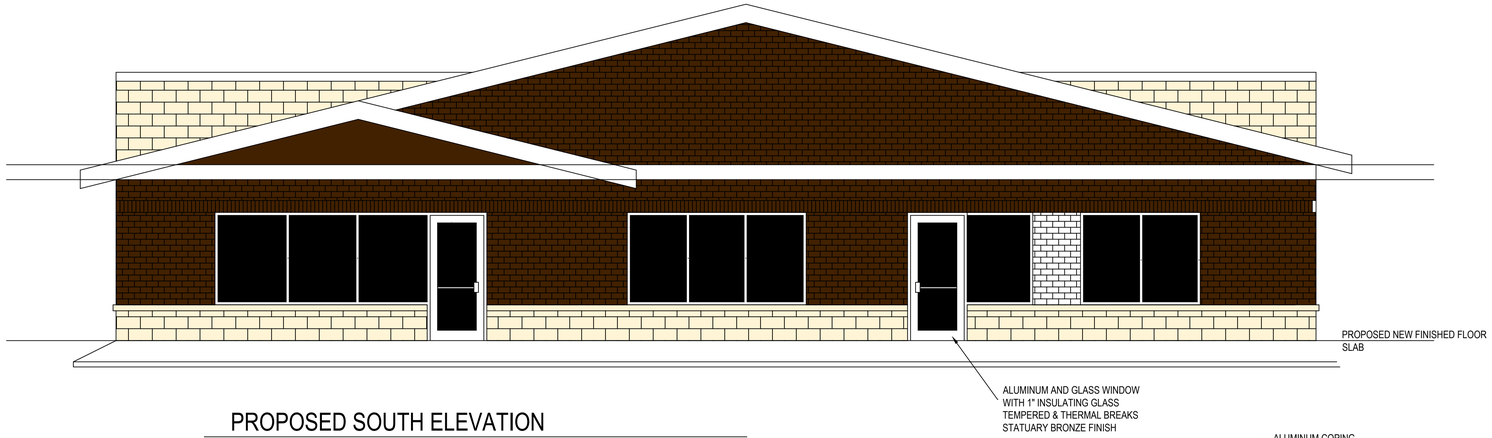
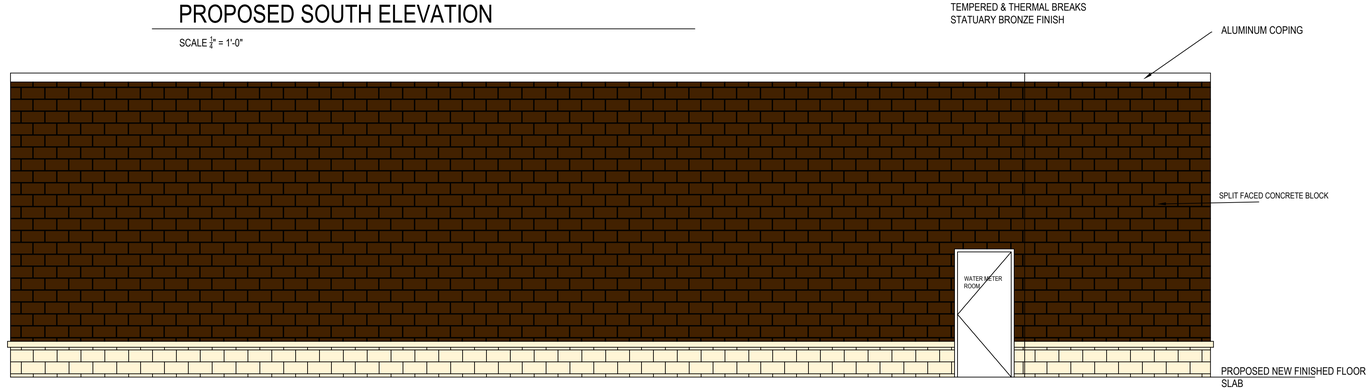
NEW BERLIN WI.

A5



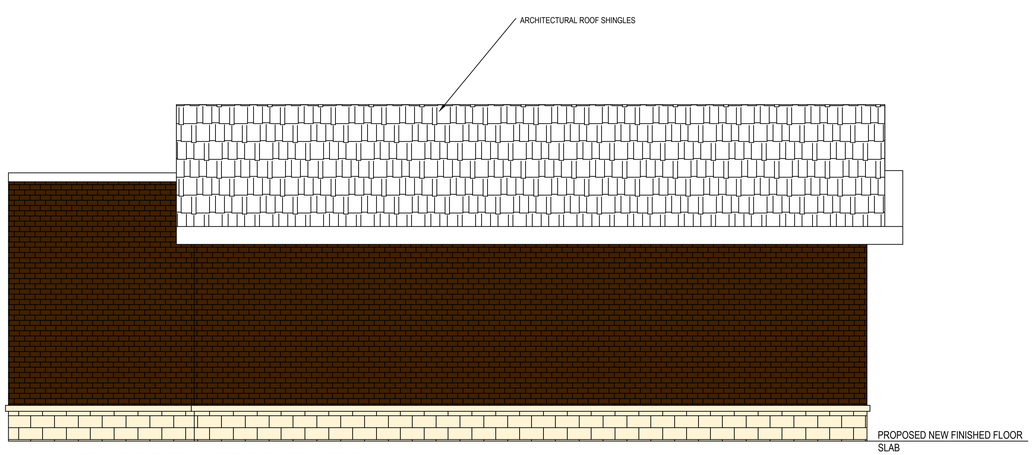
PROPOSED SOUTH ELEVATION

SCALE $\frac{1}{4}$" = 1'-0"



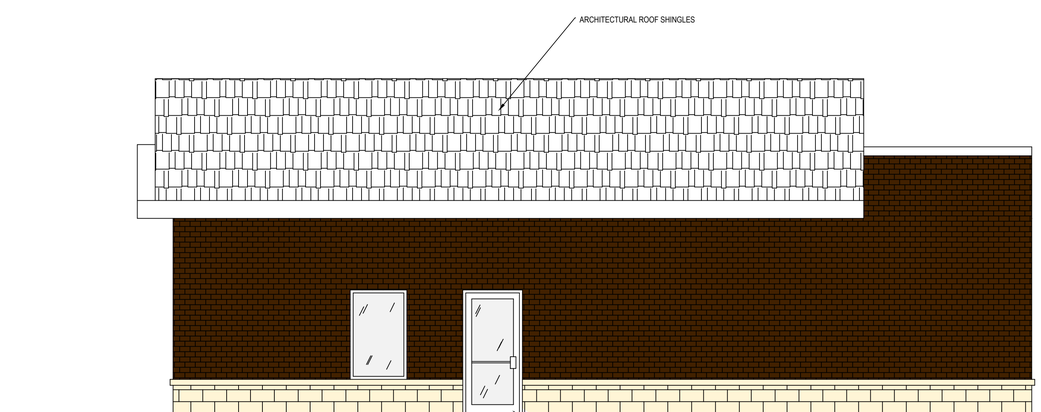
PROPOSED NORTH ELEVATION

SCALE $\frac{1}{4}$" = 1'-0"



PROPOSED WEST ELEVATION

SCALE $\frac{1}{4}$" = 1'-0"



PROPOSED EAST ELEVATION

SCALE $\frac{1}{4}$" = 1'-0"

ALUMINUM AND GLASS WINDOW WITH 1" INSULATING GLASS TEMPERED & THERMAL BREAKS STATUARY BRONZE FINISH

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PLEASANT PRAIRIE, WI. 53158

REMODELING OF EXISTING BUILDING
WELCOME EASTSIDE LLC
17200 CLEVELAND AVENUE
NEW BERLIN WI.

CR

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT:	**City of New Berlin / §275-65 of the Zoning Code, Floodplain Zoning Updates**
LOCATION:	**Citywide**
REQUEST:	**Plan Commission hold a public hearing and recommend to the Common Council adoption of Ordinance # 2675 that approves the updates to the Zoning Code, Chapter 275.**
D.R.C. RECOMMENDATION:	**Plan Commission hold a public hearing and recommend to the Common Council adoption of Ordinance # 2675 that approves the updates to the Zoning Code, Chapter 275.**

Background:

1. **Federal Emergency Management Agency (FEMA) has updated the flood maps for Waukesha County as part of their RiskMAP program. The new Flood Insurance Rate Maps (FIRM) will become effective October 19, 2023. As a result, some properties will see a change in its risk zone and/or Base Flood Elevation (BFE). An Open House was held on July 10, 2023 at City Hall with City staff and the DNR for the public to view the maps and ask questions. Letters were sent to the affected properties regarding this Open House and the upcoming changes.**
2. **The proposed Zoning Code updates correspond to the map revisions. These Zoning Code updates include changes to the dates and numbers only, not the map revisions.**
3. **The following changes are proposed to §275-65 of the Zoning Code, Floodplain Zoning:**
    a. **§275-65A(5)(b). Update Flood Insurance Rate Map (FIRM) Panel Numbers and dates.**
    b. **§275-65A(5)(c). Correctly identify the regional floodplain areas.**
    c. **§275-65A(5)(e). Correct code reference.**
    d. **§275-65C. Correct code reference.**

Next Steps:

1. **Public hearing held before Plan Commission.**
2. **Plan Commission recommendation forwarded to the Common Council for final action.**
3. **Common Council review for final action.**

Previous Action:

6/27/2023 Common Council set the public hearing date for August 14, 2023.

Attachments:

Draft Zoning Code Amendments
Ordinance # 2675

§ 275-65. Floodplain Zoning.

A. Statutory authorization, findings of fact, statement of purpose, title and general provisions.

(1) Statutory authorization. This article is adopted pursuant to the authorization in §§ 61.35 and 62.23, Wis. Stats., and the requirements in § 87.30, Wis. Stats.

(2) Finding of fact. Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

(3) Statement of purpose. This article is intended to regulate floodplain development to:

(a) Protect life, health and property;

(b) Minimize expenditures of public funds for flood control projects;

(c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;

(d) Minimize business interruptions and other economic disruptions;

(e) Minimize damage to public facilities in the floodplain;

(f) Minimize the occurrence of future flood blight areas in the floodplain;

(g) Discourage the victimization of unwary land and home buyers;

(h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and

(i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(4) Title. This article shall be known as the "Floodplain Zoning Ordinance for the City of New Berlin, Wisconsin."

(5) General provisions.

(a) Areas to be regulated. This article regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO Zones. Regional flood elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most-restrictive information shall apply.

(b) Official maps and revisions. The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the letter of map change process (see §275-65H) before they are effective. No changes to regional flood elevations (RFEs) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Department of Community Development, City of New Berlin. If more than one map or revision is referenced, the most current restrictive shall apply.

[1] Based on the FIS:

[a] Flood Insurance Rate Map (FIRM) Panel Numbers 55133C0218~~G~~H, 55133C0219~~G~~H, 55133C0238~~G~~H, 55133C0239~~G~~H, 55133C0327~~G~~H, 55133C0329~~G~~H, 5133C0331~~G~~H, 55133C0332~~G~~H, 55133C0334~~G~~H, 55133C0342~~G~~H, 55133C0351~~G~~H, 55133C0352~~G~~H, 55133C0353~~G~~H, 55133C0354~~G~~H, 55133C0361~~G~~H and 5133C0362~~G~~H, dated ~~November 5, 2014~~ October 19, 2023, with corresponding profiles that are based on the Waukesha County

Flood Insurance Study (FIS), dated~~ November 5, 2014~~ October 19, 2023, Volumes 55133CV001~~C~~D, 55133CV002~~C~~D, ~~and~~ 55133CV003~~C~~D, 55133CV004D and 55133CV005D, are hereby incorporated in the City of New Berlin Floodplain Ordinance and the floodplain districts as set forth in §~~s~~ 275-65~~.22 through 275-65.31~~ as well as the City of New Berlin Zoning Map.

[b] Flood Insurance Rate Map (FIRM) Panel Numbers 55133C0333G, 55133C0337G, and 55133C0341G, dated November 5, 2014.

[2] Maps based upon other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

[a] Any one-hundred-year dam failure analyses as approved from time to time by the DNR and FEMA.

[b] All DNR- and FEMA-approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations, letters of map amendment, letters of map revision and other information are on file in the office of the Department of Community Development, City of New Berlin.

[c] Waukesha County Flood Storage Maps, Panel Numbers ~~4~~12 and ~~9~~16, dated~~ November 5, 2014~~ October 19, 2023, approved by the DNR.

(c) Establishment of floodplain zoning districts. The regional floodplain areas are divided into four districts as follows:

[1] The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to §275-65E(1)(e).

[2] The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway and displayed as AE Zones on the FIRM,~~ or within A Zones shown on the FIRM when determined according to §275-65E(1)(e)~~ or when floodway limits have been determined according to §275-65E(1)(e) within A Zones shown on the FIRM.

[3] The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood and do not have a BFE or floodway boundary determined, including A, AH, and AO Zones on the FIRM~~, or when floodway limits have been determined according to §275-65E(1)(e) within A Zones shown on the FIRM~~.

[4] The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(d) Locating floodplain boundaries. Discrepancies between boundaries on the Official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in [1] or [2] below. If a significant difference exists, the map shall be amended according to §275-65H. The Director can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Director shall be responsible for documenting actual predevelopment field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Director and an applicant over the district

boundary line shall be settled according to §275-65G(3)(c) and the criteria in [1] and [2] below. Where the flood profiles are based on established base flood elevations from the FIRM, FEMA must approve any map amendment or revision pursuant to §275-65H.

[1] If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

[2] Where flood profiles do not exist, the location of the boundary shall be determined by the map scale.

(e) Removal of lands from floodplain.

[1] Compliance with the provisions of this article shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to § 275-65~~.29~~H. Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a letter of map change (LOMC).

[2] The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of the approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:

[a] The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;

[b] The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.

[3] Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(f) Compliance.

[1] No structure or use within the areas regulated by this article shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of this article and all other applicable local, state, and federal regulations that apply to uses within the jurisdiction of these regulations.

[2] Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with §275-65I.

[3] Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with §275-65I.

(g) Municipalities and state agencies regulated.

[1] Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this article and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wis. Stats., applies.

[2] The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when § 30.2022, Wis. Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards.

[3] If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under §30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply:

[a] The applicant provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location;

[b] The project is exempt from a DNR permit under §30.123(6)(3);

[c] The capacity is not decreased;

[d] The top road grade is not raised, and;

[e] No floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(h) Abrogation and greater restrictions.

[1] This article supersedes all the provisions of any municipal zoning ordinance enacted under § 62.23 or § 87.30, Wis. Stats., which relates to floodplains. If another ordinance is more restrictive than this article, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

[2] This article is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this article imposes greater restrictions, the provisions of this article shall prevail.

(i) Interpretation. In their interpretation and application, the provisions of this article are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this article required by Ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this article or in effect on the date of the most-recent text amendment to this article.

(j) Warning and disclaimer of liability. The flood protection standards in this article are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This article does not imply or guarantee that nonfloodplain areas or permitted floodplain uses will be free from flooding and flood damages. This article does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this article.

(k) Severability. Should any portion of this article be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not

be affected.

(l) Annexed areas for cities and villages. The Waukesha County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code, and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's Official Zoning Map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal Director. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

B. General standards applicable to all floodplain districts.

(1) General standards. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

(a) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:

[1] Be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

[2] Be constructed with materials resistant to flood damage;

[3] Be constructed by methods and practices that minimize flood damages;

[4] Mechanical and utility equipment must be elevated to or above the flood protection elevation.

(b) If a subdivision or other proposed new development is in a floor-prone area, the community shall assure that:

[1] Such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;

[2] Public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damages;

[3] Adequate drainage shall be provided to reduce exposure to flood hazards, and all subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this article and all other requirements in §275-65G(1)(b).

(2) Hydraulic and hydrologic analyses.

(a) No floodplain development shall:

[1] Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or

[2] Cause any increase in the regional flood height due to floodplain storage area lost.

(b) The Director shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of §275-65H are met.

(3) Watercourse alterations. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified, in writing, all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The standards of §275-

65B(2) must be met, and the flood-carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to §275-65H, the applicant shall apply, with community acknowledgement, for a letter of map revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

(4) Chapters 30 and 31, Wis. Stats., development. Development which requires a permit from the Department under Chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the Floodplain Zoning Ordinance are made according to §275-65H.

(5) Public or private campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

(a) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;

(b) A land use permit for the campground is issued by the Director;

(c) The character of the river system and the elevation of the campground are such that a seventy-two-hour warning of an impending flood can be given to all campground occupants;

(d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedure for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

(e) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated, by the officials identified in (d) above, to remain in compliance with all applicable regulations, including those of the State Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;

(f) All mobile recreational vehicles places on the site must meet one of the following:

[1] Only camping units that are fully licensed, if required, and ready for highway use are allowed (A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.); or

[2] The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or

[3] Meet the requirements in either §275-65C, D, or E(1) for the floodplain district in which the structure is located.

(g) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;

(h) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;

(i) The campground shall have signs clearly posted at all entrances warning of the

flood hazard and the procedures for evacuation when a flood warning is issued; and

(j) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells, shall be properly anchored and placed at or floodproofed to the flood protection elevation.

(k) Standards for structure in a campground:

[1] All structures must comply with section §275-65B(5) or meet the applicable requirements in §275-65C, D, or E(1) for the floodplain district in which the structure is located;

[2] Deck/landing - a portable landing maybe allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls, or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with §275-65B(5)(d). Any suck deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

[3] Decks/patios that are constructed completely at grade may be allowed, but must also comply with applicable shoreland zoning standards.

[4] Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with §275-65B(5)(d).

[5] Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenance equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with the §275-65B(5)(d).

(l) A land use permit shall be obtained as provided under §275-65G(1)(b) before any development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

C. Floodway District (FW).

(1) Applicability. This section applies to all floodway areas on the Floodplain Zoning Maps and those identified pursuant to §275-65E(1)(e).

(2) Permitted uses. The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District if they are not prohibited by any other ordinance, they meet the standards in §275-65C(3) and (4), and all permits or certificates have been issued according to §275-65G(1):

(a) Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

(b) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

(c) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of §275-65C(3)(d).

(d) Uses or structures accessory to open space uses or classified as historic structures that comply with §275-65C(3) and (4).

(e) Extraction of sand, gravel or other materials that complies with §275-65C(3)(d).

(f) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31 Wis. Stats.

(g) Public utilities, streets and bridges that comply with §275-65C(3)(c).

(h) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch 383 Wis. Adm. Code.

(i) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinance and chs. NR 811 and NR 812, Wis. Adm. Code.

(j) Wastewater treatment ponds or facilities permitted under ch NR 110.15(3(b), Wis. Adm. Code.

(k) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

(3) Standards for development in floodway areas.

(a) General.

[1] Any development in the floodway shall comply with §275-65B and have a low flood damage potential.

[2] Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to §275-65B(2) and §275-65G(1)(b)[3]: The analysis must be completed by a registered professional engineer in the state of Wisconsin.

[3] Any encroachment in the regulatory floodway is prohibited unless the data submitted for [2] above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in §275-65-A(5)(e).

(b) Structures. Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

[1] The structure is not designed for human habitation and does not have a high flood damage potential and is constructed to minimize flood damage;

[2] Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:

[a] Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without

human intervention during flooding;

[b] Have structural components capable of meeting the provision of §275-65C(3)(b)[7] and;

[c] Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with §275-65C(3)(b)[7].

[3] Must be anchored to resist flotation, collapse and lateral movement;

[4] Mechanical and utility equipment must be elevated to, or above, the flood protection elevation; and

[5] They must not obstruct the flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.

[6] For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets [1] through [5] above and meets or exceeds the following standards:

[a] The lowest floor must be elevated to or above the regional flood elevation;

[b] A minimum of two openings having a total net area not less than one square inch for every square foot of enclosed area subject to flooding;

[c] The bottom of all such openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open;

[d] The use must be limited to parking, building access or limited storage.

[7] Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:

[a] Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;

[b] Construction of well, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provision in §275-65C(4)(d) and (e);

[c] Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;

[d] Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and

[e] Placement of utilities to or above the flood protection elevation.

(c) Public utilities, streets and bridges. Public utilities, streets and bridges may be allowed by permit if:

[1] Adequate floodproofing measures are provided to the flood protection elevation; and

[2] Construction meets the development standards of §275-65B(2).

(d) Fills or deposition of materials. Fills or deposition of materials may be allowed by permit if:

[1] The requirements of §275-65B(2) are met;

[2] No material is deposited in navigable waters unless a permit is issued by the Department pursuant to Ch. 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1344, has been issued, if applicable, and all other requirements have been met;

[3] The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

[4] The fill is not classified as a solid or hazardous material.

(4) Prohibited uses. All uses not listed as permitted uses in §275-65C(2) are prohibited, including the following uses:

(a) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

(b) Storing materials that are buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

(c) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

(d) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code;

(e) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code;

(f) Any solid or hazardous waste disposal sites;

(g) Any wastewater treatment ponds or facilities, except those permitted under § NR 110.15(3)(b), Wis. Adm. Code; and

(h) Any sanitary sewer or water supply lines, except those to service exiting or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

D. Floodfringe District (FF).

(1) Applicability. This section applies to all floodfringe areas shown on the Floodplain Zoning Maps and those identified pursuant to §275-65E(1)(e).

(2) Permitted uses. Any structure, land use, or development is allowed in the Floodfringe District if the standards in §275-65D(3) are met, the use is not prohibited by this chapter or any other ordinance or regulation, and all permits or certificates specified in §275-65G(1) have been issued.

(3) Standards for development in floodfringe areas. §275-65B(1) shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of §275-65F.

(a) Residential uses. Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe area shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of §275-65F.

[1] All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet §275-65A(5)(e).

[2] Notwithstanding [1] above, a basement or crawlspace floor may be placed at or above one foot above the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protections elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed lower than one foot above the regional flood elevation.

[3] Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in [4] below.

[4] In developments where existing street or sewer line elevations make compliance with [3] above impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation if:

[a] The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

[b] The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

(b) Accessory structures or uses. In addition to §275-65B(1), new construction and substantial improvements of accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(c) Commercial uses. In addition to §275-65B(1), any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of §275-65D(3)(a). Subject to the requirements of §275-65D(3)(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(d) Manufacturing and industrial uses. In addition to §275-65B(1), any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in §275-65G(5). Subject to the requirements of 275-65D(3)(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(e) Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with §275-65G(5). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(f) Public utilities, streets and bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans, and:

[1] When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with §275-65G(5).

[2] Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(g) Sewage systems. All sewage disposal systems shall be designed to minimize or

eliminate infiltration of floodwater into the system, pursuant to §275-65G(5)(c), to the flood protection elevation and shall meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.

(h) Wells. All wells shall be designed to minimize or eliminate infiltration of floodwaters into the system, pursuant to §275-65G(5)(c), to the flood protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.

(i) Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(j) Deposition of materials. Any deposited material must meet all the provisions of this article.

(k) Manufactured homes.

[1] Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage and prepare, secure approval of and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

[2] In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

[a] Have the lowest floor elevated to the flood protection elevation; and

[b] Be anchored so they do not float, collapse or move laterally during a flood.

[3] Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in §275-65D(3)(a).

(l) Mobile recreational vehicles. All mobile recreational vehicles must be on site for less than 180 consecutive days and be either:

[1] Fully licensed and ready for highway use (A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.); or

[2] Shall meet the elevation and anchoring requirements in §275-65D(3)(k)[2] and [3].

E. Other floodplain districts. Other floodplain districts may be established under this chapter and reflected on the Floodplain Zoning Map. These districts may include General Floodplain Districts and Flood Storage Districts.

(1) General Floodplain District (GFP).

(a) Applicability. The provisions for this district shall apply to development in all floodplains mapped as A, AO, AH and in AE Zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in §275-65A(5)(b)[1].

(b) Floodway Boundaries. For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in §275-65A(5)(b)[1], the boundaries of the regulatory floodway shall be determined pursuant to §275-65E(1)(e). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of §275-65C. If the development is located entirely within the floodfringe, the development is subject to the standards of §275-65D.

(c) Permitted uses. Pursuant to §275-65E(1)(e), it shall be determined whether the

proposed use is located within a floodway or floodfringe area. Those uses permitted in floodway (§275-65C(2)) and floodfringe areas (§275-65D(2)) are allowed within the General Floodplain District, according to the standards of §275-65E(1)(d), provided that all permits or certificates required under §275-65G(1) have been issued.

(d) Standards for development in the General Floodplain District. §275-65C applies to floodway areas, determined pursuant to §275-65E(1)(e); §275-65D applies to floodfringe areas, determined pursuant to §275-65E(1)(e).

[1] New construction and substantial improvements of structures in zone AO shall have the structure's lowest floor, including basement, elevated:

[a] To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade, plus one additional foot of freeboard; or

[b] If the depth is not specified on the FIRM, to or above three feet above the highest adjacent grade.

[2] New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation; or

[3] In AO/AH Zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

[4] All development in zones AO and zone AH shall meet the requirements of §275-65D applicable to flood fringe areas.

(e) Determining floodway and floodfringe limits. Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the Director shall:

[1] Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures, and the flood zone as shown on the FIRM.

[2] Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood heights and flood flows, regional flood elevation, and to determine floodway boundaries:

[a] A hydrologic and hydraulic study as specified in §275-65G(1)(b)[3];

[b] A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types; and other pertinent information;

[c] Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

(2) Flood Storage District. The Flood Storage District delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

(a) Applicability. The provisions of this subsection apply to all areas within the Flood

Storage District (FSD), as shown on the Official Floodplain Zoning Maps.

(b) Permitted uses. Any use or development which occurs in a Flood Storage District must meet the applicable requirements in §275-65D(3).

(c) Standards for development in Flood Storage Districts.

[1] Development in a Flood Storage District shall not cause an increase equal or greater than 0.00 feet in the height of the regional flood.

[2] No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the predevelopment ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.

[3] If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as Flood Storage District, on this waterway, is rezoned to the Floodfringe District. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per §275-65H of this article.

[4] No area may be removed from the Flood Storage District unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

F. Nonconforming uses.

(1) General.

(a) Applicability.

[1] The standards in this section shall apply to all uses and building that do not conform to the provisions contained within a floodplain zoning ordinance or with s.87.30, Stats and §§NR116.12-14, Wis Adm. Code and 44 CFR 59-72. These standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this article or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has a burden of proving that the use or structure was complaint with the floodplain zoning ordinance in effect at the time the use or structure was created.

[2] As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value and a list of the costs of those activities associated with changes to those buildings.

(b) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this article may continue, subject to the following conditions:

[1] No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this article. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems

or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

[2] If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted, and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this article.

[3] The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.

[4] No modification or addition to any nonconforming structure or any structure with a nonconforming use which, over the life of the structure, would equal or exceed 50% of its present equalized assessed value shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dryland access must be provided for residential and commercial uses in compliance with §275-65D(3)(a). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this subsection.

[5] No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dryland access must be provided for residential and commercial uses in compliance with §275-65D(3)(a). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.

[6] If, on a per-event basis, the total value of the work being done under [4] and [5] above equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dryland access must be provided for residential and commercial uses in compliance with §275-65D(3)(a).

[7] Except as provided in [8] below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its predamaged condition equals or exceeds 50% of the structure's present equalized assessed value.

[8] For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum requirements are met and all required permits have been granted prior to the start of construction.

[a] Residential structures:

[i] Shall have the lowest floor, including basement, elevated to or above the flood protection elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of §275-65G(5)(b).

[ii] Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.

[iii] Shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

[iv] In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

[v] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in §275-65E(1)(d).

[vi] In AO Zones, shall have adequate drainage paths around the structure on slopes to guide floodwaters around and away from the structure.

[b] Nonresidential structures:

[i] Shall meet the requirements of subsection [i] through [vi] above.

[ii] Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation or, together with attendant utility and sanitary facilities, shall meet the standards in §275-65G(5)(a) or (b).

[iii] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in §275-65E(1)(d).

(c) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as an historic structure, the alteration will comply with §275-65C(3)(a), flood-resistant materials are used, and construction practices and floodproofing methods that comply with §275-65G(5) are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of §275-65F(1)(b)[8][a] if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and is the minimum necessary to preserve the historic character and design of the structure.

(2) Floodway District.

(a) Modifications or additions. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the

Floodway District, unless such modification or addition:

[1] Has been granted a permit or variance which meets all ordinance requirements;

[2] Meets the requirements of 275-65F(1);

[3] Shall not increase the obstruction to flood flows or regional flood height; and

[4] Any addition to the existing structure shall be floodproofed, pursuant to §275-65G(5), by means other than the use of fill, to the flood protection elevation; and

[5] If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

[a] The enclosed are shall be designed by a registered architect or engineer to allow for the efficient entry and exit of floodwaters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

[b] The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

[c] Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

[d] The use must be limited to parking, building access or limited storage.

(b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a Floodway District shall meet the applicable requirements of all municipal ordinances, §275-65G(5)(c) and Ch. SPS 383, Wis. Adm. Code.

(c) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in a Floodway District shall meet the applicable requirements of all municipal ordinances, §275-65G(5)(c) and Chs. NR 811 and NR 812, Wis. Adm. Code.

(3) Floodfringe District.

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of §275-65D(3), except where (b) below is applicable.

(b) Where compliance with the provisions of (a) above would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in §275-65G(3), may grant a variance from those provisions of (a) above for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

[1] No floor is allowed below the regional flood elevation for residential or commercial structures;

[2] Human lives are not endangered;

[3] Public facilities, such as water or sewer, shall not be installed;

[4] Flood depths shall not exceed two feet;

[5] Flood velocities shall not exceed two feet per second; and

[6] The structure shall not be used for storage of materials as described in §275-65D(3)(e).

(c) All new private sewage disposal systems, or additions to, replacement, repair or maintenance of a private sewage disposal system, shall meet all the applicable provisions of all local ordinances, §275-65G(5)(c) and Ch. SPS 383, Wis. Adm. Code.

(d) All new wells, or additions to, replacement, repair or maintenance of a well, shall meet the applicable provisions of this article, §275-65G(5)(c) and Chs. NR 811 and NR 812, Wis. Adm. Code.

(4) Flood Storage District. No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in §275-65E(2)(c) are met.

G. Administration. The Director of Community Development shall administer this article.

(1) Director.

(a) Duties and powers. The Director is authorized to administer this article and shall have the following duties and powers:

[1] Advise applicants of the chapter provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

[2] Issue permits and inspect properties for compliance with provisions of this article and issue certificates of compliance where appropriate.

[3] Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.

[4] Keep records of all official actions, such as:

[a] All permits issued, inspections made, and work approved.

[b] Documentation of certified lowest floor and regional flood elevations.

[c] Floodproofing certificates.

[d] Records of water surface profiles, Floodplain Zoning Maps and ordinances, nonconforming uses and structures, including changes, appeals, variances and amendments.

[e] All substantial damage assessment reports for floodplain structures.

[f] List of nonconforming structures and uses.

[5] Submit copies of the following items to the Department's regional office:

[a] Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.

[b] Copies of any case-by-case analyses, and other required information.

[c] Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

[6] Investigate, prepare reports, and report violations of this article to the Municipal Department of Community Development and Attorney for prosecution. Copies of the reports shall also be sent to the Department's ~~r~~Regional office.

[7] Submit copies of amendments to the FEMA ~~r~~Regional office.

(b) Land use permit. A land use permit shall be obtained before any new

development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. All applications shall be submitted on the appropriate forms and in numbers as required by the Director. For projects requiring a land use permit, the Plan Commission shall review and take action for these projects upon receiving a written report from the Department of Community Development. Application submittals shall include, but not be limited to, the following information:

[1] General information.

[a] Name and address of the applicant, property owner and contractor.

[b] Legal description, proposed use, and whether it is new construction or a modification.

[2] Site development plan. A site plan, drawn to scale, shall be submitted with the permit application form and shall contain:

[a] Location, dimensions, area and elevation of the lot;

[b] Location of the ordinary high-water mark of any abutting navigable waterways;

[c] Location of any structures, with distances measured from the lot lines and street center lines;

[d] Location of any existing or proposed on-site sewage systems or private water supply systems;

[e] Location and elevation of existing or future access roads;

[f] Location of floodplain and floodway limits as determined from the Official Floodplain Zoning Maps;

[g] The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study, North American Vertical Datum (NAVD);

[h] Data sufficient to determine the regional flood elevation in NAVD at the location of the development and to determine whether or not the requirements of §275-65C or §275-65D are met; and

[i] Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to §275-65B(2). This may include any of the information noted in §275-65C(3)(a).

[3] Hydraulic and hydrologic studies to analyze developments. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the state. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by DCD.

[a] Zone A floodplains and in AE zones within which a floodway is not delineated:

[i] Hydrology. The appropriate method shall be based on the standards in Ch. NR 116.07(3), Wis. Adm. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

[ii] Hydraulic modeling. The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Adm. Code, Hydraulic Analysis: Determination of the Regional Flood Elevation, and the following:

- Determination of the required limits of the hydraulic model shall be based on detailed study

information for downstream structures (dam, bridge, or culvert) to determine adequate starting WSEL for the study.

- Channel sections must be surveyed.
- Minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- A maximum distance of 500 feet between cross sections is allowed in developed areas, with additional intermediate cross sections required at transitions in channel bottom slope, including a survey of the channel at each location.
- The most-current version of HEC-RAS shall be used.
- A survey of bridge and culvert openings and the top of road is required at each structure.
- Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- Standard accepted engineering practices shall be used when assigning parameters for the base model, such as flow, Manning's N values, expansion and contraction coefficients, or effective flow limits. The base model shall be calibrated to past flooding data, such as high-water marks, to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
- The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

[iii] Mapping. A work map of each of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development, and whether the proposed development is located in the floodway.

- If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure

that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

[b] Zone AE floodplains.

[i] Hydrology. If the proposed hydrology will change the existing study, the appropriate method shall be based on the standards in Ch. NR 116.07(3), Wis. Adm. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

[ii] Hydraulic modeling. The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Adm. Code, Hydraulic Analysis: Determination of the Regional Flood Elevation, and the following:

- Duplicate Effective Model. The Effective Model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the Effective Model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
- Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the Effective Model date but shall import the model into the most-current version of HEC-RAS ~~from~~ for Department review.
- Existing (Preproject Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
- Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
- All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
- Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be

identical to those in the Effective Model and result in water surface elevations and top widths computed by the Revised Models matching those in the Effective Models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

[iii] Mapping. Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

- Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary/Floodway Maps (FBFMs), construction plans, and bridge plans.
- Certified topographic map of a suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- Annotated FIRM panel showing the revised one-percent and two-tenths-percent annual chance floodplains and floodway boundaries.
- If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plan Coordinate System in accordance with FEMA mapping specifications.
- The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- All cross sections from the Effective Model shall be labeled in accordance with the effective map and a cross-section lookup table shall be included to relate to the model input numbering scheme.
- Both the current and proposed floodways shall be shown on the map.
- The stream center line or profile baseline used to measure stream distances in the model shall be visible on the map.

[4] Expiration. All permits issued under the authority of this article shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

(c) Certificate of compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the

Director, except where no permit is required, subject to the following provisions:

[1] The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this article.

[2] Application for such certificate shall be concurrent with the application for a permit.

[3] If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed.

[4] The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of §275-65G(5) are met.

[5] Where applicable pursuant to §275-65E(1)(d), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.

[6] Where applicable pursuant to §275-65E(1)(d), the applicant must submit certification by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by §275-65E(1)(d).

(d) Other permits. Prior to obtaining a floodplain development permit, the applicant must secure all necessary permits from federal, state, and local agencies, including those required by the United States Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344.

(2) Department of Community Development.

(a) The Department of Community Development shall review and advise the Plan Commission and the Common Council on all proposed amendments to this article, maps and text.

(3) Board of Appeals. The Board of Appeals, created under § 62.23(7)(e), Wis. Stats., is hereby authorized or shall be appointed to act for the purposes of this article. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Director shall not be the Secretary of the Board.

(a) Powers and duties. The Board of Appeals shall:

[1] Appeals: hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Department of Community Development in the enforcement or administration of this article.

[2] Boundary disputes: hear and decide disputes concerning the district boundaries shown on the Official Floodplain Zoning Map.

[3] Variances: hear and decide, upon appeal, variances from the article standards.

(b) Appeals to the Board.

[1] Appeals to the Board may be taken by any person aggrieved or by any officer or department of the municipality affected by any decision of the Director. Such appeal shall be taken within 30 days, unless otherwise provided by the rules of the Board, by filing with the official whose

decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.

[2] Notice and hearing for appeals, including variances.

[a] Notice. The Board shall:

[i] Fix a reasonable time for the hearing;

[ii] Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and

[iii] Assure that notice shall be mailed to the parties in interest and the Department's regional office at least 10 days in advance of the hearing.

[b] Hearing. Any party may appear in person or by agent. The Board shall:

[i] Resolve boundary disputes according to §275-65G(3)(c);

[ii] Decide variance applications according to §275-65G(3)(d); and

[iii] Decide appeals of permit denials according to §275-65G(4).

[3] Decision. The final decision regarding the appeal or variance application shall:

[a] Be made within a reasonable time;

[b] Be sent to the Department's regional office within 10 days of the decision;

[c] Be a written determination signed by the Chairman or Secretary of the Board;

[d] State the specific facts which are the basis for the Board's decision;

[e] Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction, or grant or deny the variance application; and

[f] Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(c) Boundary disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

[1] If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary;

[2] The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and

[3] If the boundary is incorrectly mapped, the Board should inform the Department of Community Development or the person contesting the boundary location to petition the Common Council for a map amendment according to §275-65H.

(d) Variances.

[1] The Board may, upon appeal, grant a variance from the standards of this article if an applicant convincingly demonstrates that:

[a] Literal enforcement of the article provisions will cause unnecessary hardship;

[b] The hardship is due to adoption of the Floodplain Ordinance and unique property conditions not common to adjacent lots or premises. In such case, the ordinance or map must be amended;

[c] The variance is not contrary to the public interest; and

[d] The variance is consistent with the purposes of this article in §275-65A(3).

[2] In addition to the criteria in [1] above, to qualify for a variance under FEMA regulations, the following criteria have been met:

[a] The variance shall not cause any increase in the regional flood elevation;

[b] Variances can only be granted for lots that are less than 1/2 acre and are contiguous to existing structures constructed below the RFE;

[c] The applicant has good and sufficient cause for issuance of the variance;

[d] Failure to grant the variance would result in exceptional hardship;

[e] Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

[f] The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

[3] A variance shall not:

[a] Grant, extend or increase any use prohibited in the zoning district.

[b] Be granted for a hardship based solely on an economic gain or loss.

[c] Be granted for a hardship which is self-created.

[d] Damage the rights or property values of other persons in the area.

[e] Allow actions without the amendments to this article or map(s) required in §275-65H.

[f] Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

[4] When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to $25.00 per $100.00 of coverage. A copy shall be maintained with the variance record.

(4) Review of appeals of permit denials.

(a) The Department of Community Development, §275-65G(2), and the Board of Appeals shall review all data related to the appeal. This may include:

[1] Permit application data listed in §275-65G(1)(b).

[2] Floodway/Floodfringe determination data in §275-65E(1)(e).

[3] Data listed in §275-65C(3)(a)[2] where the applicant has not submitted this information to the Director.

[4] Other data submitted with the application or submitted to the Board with the appeal.

(b) For appeals of all denied permits, the Board shall:

[1] Follow the procedures of 275-65G(3);

[2] Consider Department of Community Development recommendations; and

[3] Either uphold the denial or grant the appeal.

(c) For appeals concerning increases in regional flood elevation, the Board shall:

[1] Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of §275-65H; and

[2] Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase, provided no other reasons for denial exist.

(5) Floodproofing standards.

(a) No permit or variance shall be issued for a nonresidential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA floodproofing certificate. Floodproofing is not an alternative to the development standards in §275-65B, C, D, or E(1).

(b) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

[1] Certified by a registered professional engineer or architect; or

[2] That meets or exceeds the following standards:

[a] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

[b] The bottom of all openings shall be no higher than one foot above grade; and

[c] Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(c) Floodproofing measures shall be designed, as appropriate, to:

[1] Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

[2] Protect structures to the flood protection elevation;

[3] Anchor structures to foundations to resist flotation and lateral movement;

[4] Minimize or eliminate infiltration of floodwaters; and

[5] Minimize or eliminate discharges into floodwaters.

[6] Placement of essential utilities to or above the flood protection elevation; and

[7] If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

[a] The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

[b] The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

[c] Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

[d] The use must be limited to parking, building access or limited storage.

(6) Public information.

(a) Place marks on structures to show the depth of inundation during the regional flood.

(b) All maps, engineering data and regulations shall be available and widely distributed.

(c) All real estate transfers should show what floodplain zoning district any real property is in.

H. Amendments.

(1) General.

(a) Obstructions or increases may only be permitted if amendments are made to this article, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with (b) below.

[1] In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a conditional letter of map revision from FEMA and amendments are made to this article, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with (b) below. Any such alterations must be reviewed and approved by FEMA and the DNR.

[2] In A Zones, increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a conditional letter of map revision from FEMA and amendments are made to this article, the Official Floodplain Maps, floodway lines, and water surface profiles, in accordance with (b) below.

(b) The Common Council shall change or supplement the Floodplain Zoning District boundaries and this article in the manner outlined in §275-65H(2). Actions which require an amendment to the article and/or submittal of a letter of map change (LOMC) include, but are not limited to, the following:

[1] Any fill or floodplain encroachment that obstructs flow causing any increase in the regional flood height.

[2] Any change to the floodplain boundaries and/or watercourse alterations on the FIRM.

[3] Any change to any other officially adopted Floodplain Maps listed in §275-65A(5)(b)[2].

[4] Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.

[5] Correction of discrepancies between the water surface profiles and Floodplain Zoning Maps.

[6] Any upgrade to a floodplain zoning ordinance text required by § NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.

[7] All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

(2) Procedures. Ordinance amendments may be made upon petition of any interested party

according to the provisions of § 62.23, Wis. Stats. Such petitions shall include all necessary data required by §275-65E(1)(e) and §275-65G(1)(b). The land use permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

(a) The proposed amendment shall be referred to the Department of Community Development for a public hearing and recommendation to the Common Council. The amendment and notice of public hearing shall be submitted to the Department's regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of § 62.23, Wis. Stats.

(b) No amendments shall become effective until reviewed and approved by the Department.

(c) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the Common Council.

I. Enforcement and penalties.

(1) Any violation of the provisions of this article by any person shall be unlawful and shall be referred to the City Attorney, who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than $10 and not more than $50 for each offense, together with the taxable cost of such action. Each day that the violation exists shall constitute a separate offense. Every violation of this article is a public nuisance, and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to § 87.30, Wis. Stats.

J. Definitions. See §275-70

ORDINANCE NO. 2675

ORDINANCE TO AMEND CHAPTER 275 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF NEW BERLIN

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

SECTION I

Section 275-65 of the Zoning Code of the City of New Berlin is hereby amended to read as follows:

A. Statutory authorization, findings of fact, statement of purpose, title and general provisions.

(1) Statutory authorization. This article is adopted pursuant to the authorization in §§ 61.35 and 62.23, Wis. Stats., and the requirements in § 87.30, Wis. Stats.

(2) Finding of fact. Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

(3) Statement of purpose. This article is intended to regulate floodplain development to:

(a) Protect life, health and property;

(b) Minimize expenditures of public funds for flood control projects;

(c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;

(d) Minimize business interruptions and other economic disruptions;

(e) Minimize damage to public facilities in the floodplain;

(f) Minimize the occurrence of future flood blight areas in the floodplain;

(g) Discourage the victimization of unwary land and home buyers;

(h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and

(i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(4) Title. This article shall be known as the "Floodplain Zoning Ordinance for the City of New Berlin, Wisconsin."

(5) General provisions.

(a) Areas to be regulated. This article regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO Zones. Regional flood elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most-restrictive information shall apply.

(b) Official maps and revisions. The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the letter of map change process (see §275-65H) before they are effective. No changes to regional flood elevations (RFEs) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Department of Community Development, City of New Berlin. If more than one map or revision is referenced, the most current restrictive shall apply.

[1] Based on the FIS:

[a] Flood Insurance Rate Map (FIRM) Panel Numbers 55133C0218H, 55133C0219H, 55133C0238H, 55133C0239H, 55133C0327H, 55133C0329H, 5133C0331H, 55133C0332H, 55133C0334H, 55133C0342H, 55133C0351H, 55133C0352H, 55133C0353H, 55133C0354H, 55133C0361H and 5133C0362H, dated October 19, 2023, with corresponding profiles that are based on the Waukesha County Flood Insurance Study (FIS), dated October 19, 2023, Volumes 55133CV001D, 55133CV002D, 55133CV003D, 55133CV004D and 55133CV005D, are hereby incorporated in the City of New Berlin Floodplain Ordinance and the floodplain districts as set forth in § 275-65 as well as the City of New Berlin Zoning Map.

[b] Flood Insurance Rate Map (FIRM) Panel Numbers 55133C0333G, 55133C0337G, and 55133C0341G, dated November 5, 2014.

[2] Maps based upon other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

[a] Any one-hundred-year dam failure analyses as approved from time to time by the DNR and FEMA.

[b] All DNR- and FEMA-approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations, letters of map amendment, letters of map revision and other information are on file in the office of the Department of Community Development, City of New Berlin.

[c] Waukesha County Flood Storage Maps, Panel Numbers 12 and 16, dated October 19, 2023, approved by the DNR.

(c) Establishment of floodplain zoning districts. The regional floodplain areas are divided into four districts as follows:

[1] The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to §275-65E(1)(e).

[2] The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway and displayed as AE Zones on the FIRM, or when floodway limits have been determined according to §275-65E(1)(e) within A Zones shown on the FIRM.

[3] The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood and do not have a BFE or floodway boundary determined, including A, AH, and AO Zones

on the FIRM.

[4] The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(d) Locating floodplain boundaries. Discrepancies between boundaries on the Official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in [1] or [2] below. If a significant difference exists, the map shall be amended according to §275-65H. The Director can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Director shall be responsible for documenting actual predevelopment field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Director and an applicant over the district boundary line shall be settled according to §275-65G(3)(c) and the criteria in [1] and [2] below. Where the flood profiles are based on established base flood elevations from the FIRM, FEMA must approve any map amendment or revision pursuant to §275-65H.

[1] If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

[2] Where flood profiles do not exist, the location of the boundary shall be determined by the map scale.

(e) Removal of lands from floodplain.

[1] Compliance with the provisions of this article shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to § 275-65H. Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a letter of map change (LOMC).

[2] The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of the approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:

[a] The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;

[b] The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.

[3] Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(f) Compliance.

[1] No structure or use within the areas regulated by this article shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of this article and all other applicable local, state, and federal

regulations that apply to uses within the jurisdiction of these regulations.

[2] Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with §275-65I.

[3] Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with §275-65I.

(g) Municipalities and state agencies regulated.

[1] Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this article and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wis. Stats., applies.

[2] The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when § 30.2022, Wis. Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards.

[3] If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under §30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply:

[a] The applicant provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20’ span at the same location;

[b] The project is exempt from a DNR permit under §30.123(6)(3);

[c] The capacity is not decreased;

[d] The top road grade is not raised, and;

[e] No floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(h) Abrogation and greater restrictions.

[1] This article supersedes all the provisions of any municipal zoning ordinance enacted under § 62.23 or § 87.30, Wis. Stats., which relates to floodplains. If another ordinance is more restrictive than this article, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

[2] This article is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this article imposes greater restrictions, the provisions of this article shall prevail.

(i) Interpretation. In their interpretation and application, the provisions of this article are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this article required by Ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this article or in effect on the date of the

most-recent text amendment to this article.

(j) Warning and disclaimer of liability. The flood protection standards in this article are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This article does not imply or guarantee that nonfloodplain areas or permitted floodplain uses will be free from flooding and flood damages. This article does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this article.

(k) Severability. Should any portion of this article be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not be affected.

(l) Annexed areas for cities and villages. The Waukesha County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code, and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's Official Zoning Map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal Director. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

B. General standards applicable to all floodplain districts.

(1) General standards. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

(a) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:

[1] Be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

[2] Be constructed with materials resistant to flood damage;

[3] Be constructed by methods and practices that minimize flood damages;

[4] Mechanical and utility equipment must be elevated to or above the flood protection elevation.

(b) If a subdivision or other proposed new development is in a floor-prone area, the community shall assure that:

[1] Such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;

[2] Public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damages;

[3] Adequate drainage shall be provided to reduce exposure to flood hazards, and all subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this article and all other requirements in §275-65G(1)(b).

(2) Hydraulic and hydrologic analyses.

(a) No floodplain development shall:

[1] Obstruct flow, defined as development which blocks the conveyance of

floodwaters by itself or with other development, causing any increase in the regional flood height; or

[2] Cause any increase in the regional flood height due to floodplain storage area lost.

(b) The Director shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of §275-65H are met.

(3) Watercourse alterations. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified, in writing, all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The standards of §275-65B(2) must be met, and the flood-carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to §275-65H, the applicant shall apply, with community acknowledgement, for a letter of map revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

(4) Chapters 30 and 31, Wis. Stats., development. Development which requires a permit from the Department under Chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the Floodplain Zoning Ordinance are made according to §275-65H.

(5) Public or private campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

(a) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;

(b) A land use permit for the campground is issued by the Director;

(c) The character of the river system and the elevation of the campground are such that a seventy-two-hour warning of an impending flood can be given to all campground occupants;

(d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedure for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

(e) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated, by the officials identified in (d) above, to remain in compliance with all applicable regulations, including those of the State Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;

(f) All mobile recreational vehicles places on the site must meet one of the following:

[1] Only camping units that are fully licensed, if required, and ready for highway use are allowed (A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.); or

[2] The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must

be removed from the floodplain for a minimum of 24 hours; or

[3] Meet the requirements in either §275-65C, D, or E(1) for the floodplain district in which the structure is located.

(g) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;

(h) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;

(i) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and

(j) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells, shall be properly anchored and placed at or floodproofed to the flood protection elevation.

(k) Standards for structure in a campground:

[1] All structures must comply with section §275-65B(5) or meet the applicable requirements in §275-65C, D, or E(1) for the floodplain district in which the structure is located;

[2] Deck/landing - a portable landing maybe allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls, or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with §275-65B(5)(d). Any suck deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

[3] Decks/patios that are constructed completely at grade may be allowed, but must also comply with applicable shoreland zoning standards.

[4] Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with §275-65B(5)(d).

[5] Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenance equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with the §275-65B(5)(d).

(l) A land use permit shall be obtained as provided under §275-65G(1)(b) before any development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

C. Floodway District (FW).

(1) Applicability. This section applies to all floodway areas on the Floodplain Zoning Maps and those identified pursuant to §275-65E(1)(e).

(2) Permitted uses. The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District if they are not prohibited by any other ordinance, they meet the standards in §275-65C(3) and (4), and all permits or certificates have been issued according to §275-65G(1):

(a) Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

(b) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

(c) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of §275-65C(3)(d).

(d) Uses or structures accessory to open space uses or classified as historic structures that comply with §275-65C(3) and (4).

(e) Extraction of sand, gravel or other materials that complies with §275-65C(3)(d).

(f) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31 Wis. Stats.

(g) Public utilities, streets and bridges that comply with §275-65C(3)(c).

(h) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch 383 Wis. Adm. Code.

(i) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinance and chs. NR 811 and NR 812, Wis. Adm. Code.

(j) Wastewater treatment ponds or facilities permitted under ch NR 110.15(3(b), Wis. Adm. Code.

(k) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

(3) Standards for development in floodway areas.

(a) General.

[1] Any development in the floodway shall comply with §275-65B and have a low flood damage potential.

[2] Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to §275-65B(2) and §275-65G(1)(b)[3]: The analysis must be completed by a registered professional engineer in the state of Wisconsin.

[3] Any encroachment in the regulatory floodway is prohibited unless the data submitted for [2] above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in §275-65A(5)(e).

(b) Structures. Structures accessory to permanent open space uses, including utility

and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

[1] The structure is not designed for human habitation and does not have a high flood damage potential and is constructed to minimize flood damage;

[2] Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:

[a] Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;

[b] Have structural components capable of meeting the provision of §275-65C(3)(b)[7] and;

[c] Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with §275-65C(3)(b)[7].

[3] Must be anchored to resist flotation, collapse and lateral movement;

[4] Mechanical and utility equipment must be elevated to, or above, the flood protection elevation; and

[5] They must not obstruct the flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.

[6] For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets [1] through [5] above and meets or exceeds the following standards:

[a] The lowest floor must be elevated to or above the regional flood elevation;

[b] A minimum of two openings having a total net area not less than one square inch for every square foot of enclosed area subject to flooding;

[c] The bottom of all such openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open;

[d] The use must be limited to parking, building access or limited storage.

[7] Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:

[a] Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;

[b] Construction of well, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provision in §275-65C(4)(d) and (e);

[c] Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;

[d] Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and

[e] Placement of utilities to or above the flood protection elevation.

(c) Public utilities, streets and bridges. Public utilities, streets and bridges may be allowed by permit if:

[1] Adequate floodproofing measures are provided to the flood protection elevation; and

[2] Construction meets the development standards of §275-65B(2).

(d) Fills or deposition of materials. Fills or deposition of materials may be allowed by permit if:

[1] The requirements of §275-65B(2) are met;

[2] No material is deposited in navigable waters unless a permit is issued by the Department pursuant to Ch. 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1344, has been issued, if applicable, and all other requirements have been met;

[3] The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

[4] The fill is not classified as a solid or hazardous material.

(4) Prohibited uses. All uses not listed as permitted uses in §275-65C(2) are prohibited, including the following uses:

(a) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

(b) Storing materials that are buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

(c) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

(d) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code;

(e) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code;

(f) Any solid or hazardous waste disposal sites;

(g) Any wastewater treatment ponds or facilities, except those permitted under § NR 110.15(3)(b), Wis. Adm. Code; and

(h) Any sanitary sewer or water supply lines, except those to service exiting or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

D. Floodfringe District (FF).

(1) Applicability. This section applies to all floodfringe areas shown on the Floodplain Zoning Maps and those identified pursuant to §275-65E(1)(e).

(2) Permitted uses. Any structure, land use, or development is allowed in the Floodfringe District if the standards in §275-65D(3) are met, the use is not prohibited by this chapter or any other ordinance or regulation, and all permits or certificates specified in §275-

65G(1) have been issued.

(3) Standards for development in floodfringe areas. §275-65B(1) shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of §275-65F.

(a) Residential uses. Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe area shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of §275-65F.

[1] All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet §275-65A(5)(e).

[2] Notwithstanding [1] above, a basement or crawlspace floor may be placed at or above one foot above the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protections elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed lower than one foot above the regional flood elevation.

[3] Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in [4] below.

[4] In developments where existing street or sewer line elevations make compliance with [3] above impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation if:

[a] The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

[b] The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

(b) Accessory structures or uses. In addition to §275-65B(1), new construction and substantial improvements of accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(c) Commercial uses. In addition to §275-65B(1), any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of §275-65D(3)(a). Subject to the requirements of §275-65D(3)(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(d) Manufacturing and industrial uses. In addition to §275-65B(1), any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in §275-65G(5). Subject to the requirements of 275-65D(3)(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(e) Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in

compliance with §275-65G(5). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(f) Public utilities, streets and bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans, and:

[1] When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with §275-65G(5).

[2] Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(g) Sewage systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of floodwater into the system, pursuant to §275-65G(5)(c), to the flood protection elevation and shall meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.

(h) Wells. All wells shall be designed to minimize or eliminate infiltration of floodwaters into the system, pursuant to §275-65G(5)(c), to the flood protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.

(i) Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(j) Deposition of materials. Any deposited material must meet all the provisions of this article.

(k) Manufactured homes.

[1] Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage and prepare, secure approval of and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

[2] In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

[a] Have the lowest floor elevated to the flood protection elevation; and

[b] Be anchored so they do not float, collapse or move laterally during a flood.

[3] Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in §275-65D(3)(a).

(l) Mobile recreational vehicles. All mobile recreational vehicles must be on site for less than 180 consecutive days and be either:

[1] Fully licensed and ready for highway use (A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.); or

[2] Shall meet the elevation and anchoring requirements in §275-65D(3)(k)[2] and [3].

E. Other floodplain districts. Other floodplain districts may be established under this chapter and

reflected on the Floodplain Zoning Map. These districts may include General Floodplain Districts and Flood Storage Districts.

(1) General Floodplain District (GFP).

(a) Applicability. The provisions for this district shall apply to development in all floodplains mapped as A, AO, AH and in AE Zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in §275-65A(5)(b)[1].

(b) Floodway Boundaries. For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in §275-65A(5)(b)[1], the boundaries of the regulatory floodway shall be determined pursuant to §275-65E(1)(e). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of §275-65C. If the development is located entirely within the floodfringe, the development is subject to the standards of §275-65D.

(c) Permitted uses. Pursuant to §275-65E(1)(e), it shall be determined whether the proposed use is located within a floodway or floodfringe area. Those uses permitted in floodway (§275-65C(2)) and floodfringe areas (§275-65D(2)) are allowed within the General Floodplain District, according to the standards of §275-65E(1)(d), provided that all permits or certificates required under §275-65G(1) have been issued.

(d) Standards for development in the General Floodplain District. §275-65C applies to floodway areas, determined pursuant to §275-65E(1)(e); §275-65D applies to floodfringe areas, determined pursuant to §275-65E(1)(e).

[1] New construction and substantial improvements of structures in zone AO shall have the structure's lowest floor, including basement, elevated:

[a] To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade, plus one additional foot of freeboard; or

[b] If the depth is not specified on the FIRM, to or above three feet above the highest adjacent grade.

[2] New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation; or

[3] In AO/AH Zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

[4] All development in zones AO and zone AH shall meet the requirements of §275-65D applicable to flood fringe areas.

(e) Determining floodway and floodfringe limits. Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the Director shall:

[1] Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures, and the flood zone as shown on the FIRM.

[2] Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood heights and flood flows, regional flood elevation, and to determine floodway boundaries:

[a] A hydrologic and hydraulic study as specified in §275-65G(1)(b)[3];

[b] A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types; and other pertinent information;

[c] Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

(2) Flood Storage District. The Flood Storage District delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

(a) Applicability. The provisions of this subsection apply to all areas within the Flood Storage District (FSD), as shown on the Official Floodplain Zoning Maps.

(b) Permitted uses. Any use or development which occurs in a Flood Storage District must meet the applicable requirements in §275-65D(3).

(c) Standards for development in Flood Storage Districts.

[1] Development in a Flood Storage District shall not cause an increase equal or greater than 0.00 feet in the height of the regional flood.

[2] No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the predevelopment ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.

[3] If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as Flood Storage District, on this waterway, is rezoned to the Floodfringe District. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per §275-65H of this article.

[4] No area may be removed from the Flood Storage District unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

F. Nonconforming uses.

(1) General.

(a) Applicability.

[1] The standards in this section shall apply to all uses and building that do not conform to the provisions contained within a floodplain zoning ordinance or with s.87.30, Stats and §§NR116.12-14, Wis Adm. Code and 44 CFR 59-72. These standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this article or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has a burden of proving that the use or structure was complaint with the floodplain zoning ordinance in effect at the time the use or structure was created.

[2] As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their

present equalized assessed value and a list of the costs of those activities associated with changes to those buildings.

(b) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this article may continue, subject to the following conditions:

[1] No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this article. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

[2] If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted, and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this article.

[3] The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.

[4] No modification or addition to any nonconforming structure or any structure with a nonconforming use which, over the life of the structure, would equal or exceed 50% of its present equalized assessed value shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dryland access must be provided for residential and commercial uses in compliance with §275-65D(3)(a). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this subsection.

[5] No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dryland access must be provided for residential and commercial uses in compliance with §275-65D(3)(a). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.

[6] If, on a per-event basis, the total value of the work being done under [4] and [5] above equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous

dryland access must be provided for residential and commercial uses in compliance with §275-65D(3)(a).

[7] Except as provided in [8] below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its predamaged condition equals or exceeds 50% of the structure's present equalized assessed value.

[8] For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum requirements are met and all required permits have been granted prior to the start of construction.

[a] Residential structures:

[i] Shall have the lowest floor, including basement, elevated to or above the flood protection elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of §275-65G(5)(b).

[ii] Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.

[iii] Shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

[iv] In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

[v] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in §275-65E(1)(d).

[vi] In AO Zones, shall have adequate drainage paths around the structure on slopes to guide floodwaters around and away from the structure.

[b] Nonresidential structures:

[i] Shall meet the requirements of subsection [i] through [vi] above.

[ii] Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation or, together with attendant utility and sanitary facilities, shall meet the standards in §275-65G(5)(a) or (b).

[iii] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in §275-65E(1)(d).

(c) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as an historic structure, the alteration will comply with §275-65C(3)(a), flood-resistant materials are used, and construction practices and floodproofing methods that comply with §275-65G(5)

are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of §275-65F(1)(b)[8][a] if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and is the minimum necessary to preserve the historic character and design of the structure.

(2) Floodway District.

(a) Modifications or additions. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:

[1] Has been granted a permit or variance which meets all ordinance requirements;

[2] Meets the requirements of 275-65F(1);

[3] Shall not increase the obstruction to flood flows or regional flood height; and

[4] Any addition to the existing structure shall be floodproofed, pursuant to §275-65G(5), by means other than the use of fill, to the flood protection elevation; and

[5] If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

[a] The enclosed are shall be designed by a registered architect or engineer to allow for the efficient entry and exit of floodwaters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

[b] The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

[c] Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

[d] The use must be limited to parking, building access or limited storage.

(b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a Floodway District shall meet the applicable requirements of all municipal ordinances, §275-65G(5)(c) and Ch. SPS 383, Wis. Adm. Code.

(c) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in a Floodway District shall meet the applicable requirements of all municipal ordinances, §275-65G(5)(c) and Chs. NR 811 and NR 812, Wis. Adm. Code.

(3) Floodfringe District.

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of §275-65D(3), except where (b) below is applicable.

(b) Where compliance with the provisions of (a) above would result in unnecessary hardship and only where the structure will not be used for human habitation or be

associated with a high flood damage potential, the Board of Appeals, using the procedures established in §275-65G(3), may grant a variance from those provisions of (a) above for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

[1] No floor is allowed below the regional flood elevation for residential or commercial structures;

[2] Human lives are not endangered;

[3] Public facilities, such as water or sewer, shall not be installed;

[4] Flood depths shall not exceed two feet;

[5] Flood velocities shall not exceed two feet per second; and

[6] The structure shall not be used for storage of materials as described in §275-65D(3)(e).

(c) All new private sewage disposal systems, or additions to, replacement, repair or maintenance of a private sewage disposal system, shall meet all the applicable provisions of all local ordinances, §275-65G(5)(c) and Ch. SPS 383, Wis. Adm. Code.

(d) All new wells, or additions to, replacement, repair or maintenance of a well, shall meet the applicable provisions of this article, §275-65G(5)(c) and Chs. NR 811 and NR 812, Wis. Adm. Code.

(4) Flood Storage District. No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in §275-65E(2)(c) are met.

G. Administration. The Director of Community Development shall administer this article.

(1) Director.

(a) Duties and powers. The Director is authorized to administer this article and shall have the following duties and powers:

[1] Advise applicants of the chapter provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

[2] Issue permits and inspect properties for compliance with provisions of this article and issue certificates of compliance where appropriate.

[3] Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.

[4] Keep records of all official actions, such as:

[a] All permits issued, inspections made, and work approved.

[b] Documentation of certified lowest floor and regional flood elevations.

[c] Floodproofing certificates.

[d] Records of water surface profiles, Floodplain Zoning Maps and ordinances, nonconforming uses and structures, including changes, appeals, variances and amendments.

[e] All substantial damage assessment reports for floodplain structures.

[f] List of nonconforming structures and uses.

[5] Submit copies of the following items to the Department's regional office:

[a] Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.

[b] Copies of any case-by-case analyses, and other required information.

[c] Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

[6] Investigate, prepare reports, and report violations of this article to the Municipal Department of Community Development and Attorney for prosecution. Copies of the reports shall also be sent to the Department's Regional office.

[7] Submit copies of amendments to the FEMA Regional office.

(b) Land use permit. A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. All applications shall be submitted on the appropriate forms and in numbers as required by the Director. For projects requiring a land use permit, the Plan Commission shall review and take action for these projects upon receiving a written report from the Department of Community Development. Application submittals shall include, but not be limited to, the following information:

[1] General information.

[a] Name and address of the applicant, property owner and contractor.

[b] Legal description, proposed use, and whether it is new construction or a modification.

[2] Site development plan. A site plan, drawn to scale, shall be submitted with the permit application form and shall contain:

[a] Location, dimensions, area and elevation of the lot;

[b] Location of the ordinary high-water mark of any abutting navigable waterways;

[c] Location of any structures, with distances measured from the lot lines and street center lines;

[d] Location of any existing or proposed on-site sewage systems or private water supply systems;

[e] Location and elevation of existing or future access roads;

[f] Location of floodplain and floodway limits as determined from the Official Floodplain Zoning Maps;

[g] The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study, North American Vertical Datum (NAVD);

[h] Data sufficient to determine the regional flood elevation in NAVD at the location of the development and to determine whether or not the requirements of §275-65C or §275-65D are met; and

[i] Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to §275-65B(2). This may include any of the information noted in §275-65C(3)(a).

[3] Hydraulic and hydrologic studies to analyze developments. All hydraulic and hydrologic studies shall be completed under the direct supervision of

a professional engineer registered in the state. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by DCD.

[a] Zone A floodplains and in AE zones within which a floodway is not delineated:

[i] Hydrology. The appropriate method shall be based on the standards in Ch. NR 116.07(3), Wis. Adm. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

[ii] Hydraulic modeling. The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Adm. Code, Hydraulic Analysis: Determination of the Regional Flood Elevation, and the following:

- Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, or culvert) to determine adequate starting WSEL for the study.
- Channel sections must be surveyed.
- Minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- A maximum distance of 500 feet between cross sections is allowed in developed areas, with additional intermediate cross sections required at transitions in channel bottom slope, including a survey of the channel at each location.
- The most-current version of HEC-RAS shall be used.
- A survey of bridge and culvert openings and the top of road is required at each structure.
- Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- Standard accepted engineering practices shall be used when assigning parameters for the base model, such as flow, Manning's N values, expansion and contraction coefficients, or effective flow limits. The base model shall be calibrated to past flooding data, such as high-water marks, to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
- The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study

profiles shall be no more than 0.00 feet.

[iii] Mapping. A work map of each of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development, and whether the proposed development is located in the floodway.

- If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

[b] Zone AE floodplains.

[i] Hydrology. If the proposed hydrology will change the existing study, the appropriate method shall be based on the standards in Ch. NR 116.07(3), Wis. Adm. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

[ii] Hydraulic modeling. The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Adm. Code, Hydraulic Analysis: Determination of the Regional Flood Elevation, and the following:

- Duplicate Effective Model. The Effective Model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the Effective Model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
- Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the Effective Model date but shall import the model into the most-current version of HEC-RAS for Department review.
- Existing (Preproject Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
- Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any

proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

- All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
- Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the Effective Model and result in water surface elevations and top widths computed by the Revised Models matching those in the Effective Models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

[iii] Mapping. Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

- Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary/Floodway Maps (FBFMs), construction plans, and bridge plans.
- Certified topographic map of a suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- Annotated FIRM panel showing the revised one-percent and two-tenths-percent annual chance floodplains and floodway boundaries.
- If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plan Coordinate System in accordance with FEMA mapping specifications.
- The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- All cross sections from the Effective Model shall be labeled in accordance with the effective map and a cross-section lookup table shall be included to relate to the model input numbering scheme.
- Both the current and proposed floodways shall be shown on the map.
- The stream center line or profile baseline used to measure stream distances in the model shall be visible on the map.

[4] Expiration. All permits issued under the authority of this article shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

(c) Certificate of compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Director, except where no permit is required, subject to the following provisions:

[1] The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this article.

[2] Application for such certificate shall be concurrent with the application for a permit.

[3] If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed.

[4] The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of §275-65G(5) are met.

[5] Where applicable pursuant to §275-65E(1)(d), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.

[6] Where applicable pursuant to §275-65E(1)(d), the applicant must submit certification by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by §275-65E(1)(d).

(d) Other permits. Prior to obtaining a floodplain development permit, the applicant must secure all necessary permits from federal, state, and local agencies, including those required by the United States Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344.

(2) Department of Community Development.

(a) The Department of Community Development shall review and advise the Plan Commission and the Common Council on all proposed amendments to this article, maps and text.

(3) Board of Appeals. The Board of Appeals, created under § 62.23(7)(e), Wis. Stats., is hereby authorized or shall be appointed to act for the purposes of this article. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Director shall not be the Secretary of the Board.

(a) Powers and duties. The Board of Appeals shall:

[1] Appeals: hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Department of Community Development in the enforcement or administration of this article.

[2] Boundary disputes: hear and decide disputes concerning the district

boundaries shown on the Official Floodplain Zoning Map.

[3] Variances: hear and decide, upon appeal, variances from the article standards.

(b) Appeals to the Board.

[1] Appeals to the Board may be taken by any person aggrieved or by any officer or department of the municipality affected by any decision of the Director. Such appeal shall be taken within 30 days, unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.

[2] Notice and hearing for appeals, including variances.

[a] Notice. The Board shall:

[i] Fix a reasonable time for the hearing;

[ii] Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and

[iii] Assure that notice shall be mailed to the parties in interest and the Department's regional office at least 10 days in advance of the hearing.

[b] Hearing. Any party may appear in person or by agent. The Board shall:

[i] Resolve boundary disputes according to §275-65G(3)(c);

[ii] Decide variance applications according to §275-65G(3)(d); and

[iii] Decide appeals of permit denials according to §275-65G(4).

[3] Decision. The final decision regarding the appeal or variance application shall:

[a] Be made within a reasonable time;

[b] Be sent to the Department's regional office within 10 days of the decision;

[c] Be a written determination signed by the Chairman or Secretary of the Board;

[d] State the specific facts which are the basis for the Board's decision;

[e] Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction, or grant or deny the variance application; and

[f] Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(c) Boundary disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

[1] If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating

the boundary;

[2] The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and

[3] If the boundary is incorrectly mapped, the Board should inform the Department of Community Development or the person contesting the boundary location to petition the Common Council for a map amendment according to §275-65H.

(d) Variances.

[1] The Board may, upon appeal, grant a variance from the standards of this article if an applicant convincingly demonstrates that:

[a] Literal enforcement of the article provisions will cause unnecessary hardship;

[b] The hardship is due to adoption of the Floodplain Ordinance and unique property conditions not common to adjacent lots or premises. In such case, the ordinance or map must be amended;

[c] The variance is not contrary to the public interest; and

[d] The variance is consistent with the purposes of this article in §275-65A(3).

[2] In addition to the criteria in [1] above, to qualify for a variance under FEMA regulations, the following criteria have been met:

[a] The variance shall not cause any increase in the regional flood elevation;

[b] Variances can only be granted for lots that are less than 1/2 acre and are contiguous to existing structures constructed below the RFE;

[c] The applicant has good and sufficient cause for issuance of the variance;

[d] Failure to grant the variance would result in exceptional hardship;

[e] Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

[f] The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

[3] A variance shall not:

[a] Grant, extend or increase any use prohibited in the zoning district.

[b] Be granted for a hardship based solely on an economic gain or loss.

[c] Be granted for a hardship which is self-created.

[d] Damage the rights or property values of other persons in the area.

[e] Allow actions without the amendments to this article or map(s) required in §275-65H.

[f] Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic

structure.

[4] When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to $25.00 per $100.00 of coverage. A copy shall be maintained with the variance record.

(4) Review of appeals of permit denials.

(a) The Department of Community Development, §275-65G(2), and the Board of Appeals shall review all data related to the appeal. This may include:

[1] Permit application data listed in §275-65G(1)(b).

[2] Floodway/Floodfringe determination data in §275-65E(1)(e).

[3] Data listed in §275-65C(3)(a)[2] where the applicant has not submitted this information to the Director.

[4] Other data submitted with the application or submitted to the Board with the appeal.

(b) For appeals of all denied permits, the Board shall:

[1] Follow the procedures of 275-65G(3);

[2] Consider Department of Community Development recommendations; and

[3] Either uphold the denial or grant the appeal.

(c) For appeals concerning increases in regional flood elevation, the Board shall:

[1] Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of §275-65H; and

[2] Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase, provided no other reasons for denial exist.

(5) Floodproofing standards.

(a) No permit or variance shall be issued for a nonresidential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA floodproofing certificate. Floodproofing is not an alternative to the development standards in §275-65B, C, D, or E(1).

(b) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

[1] Certified by a registered professional engineer or architect; or

[2] That meets or exceeds the following standards:

[a] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

[b] The bottom of all openings shall be no higher than one foot above grade; and

[c] Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(c) Floodproofing measures shall be designed, as appropriate, to:

[1] Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

[2] Protect structures to the flood protection elevation;

[3] Anchor structures to foundations to resist flotation and lateral movement;

[4] Minimize or eliminate infiltration of floodwaters; and

[5] Minimize or eliminate discharges into floodwaters.

[6] Placement of essential utilities to or above the flood protection elevation; and

[7] If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

[a] The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

[b] The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

[c] Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

[d] The use must be limited to parking, building access or limited storage.

(6) Public information.

(a) Place marks on structures to show the depth of inundation during the regional flood.

(b) All maps, engineering data and regulations shall be available and widely distributed.

(c) All real estate transfers should show what floodplain zoning district any real property is in.

H. Amendments.

(1) General.

(a) Obstructions or increases may only be permitted if amendments are made to this article, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with (b) below.

[1] In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a conditional letter of map revision from FEMA and amendments are made to this article, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with (b) below. Any such alterations must be reviewed and approved by FEMA and the DNR.

[2] In A Zones, increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a conditional letter of map revision from FEMA and amendments are made to this article, the Official Floodplain Maps, floodway lines, and water surface profiles, in accordance with (b) below.

(b) The Common Council shall change or supplement the Floodplain Zoning District

boundaries and this article in the manner outlined in §275-65H(2). Actions which require an amendment to the article and/or submittal of a letter of map change (LOMC) include, but are not limited to, the following:

[1] Any fill or floodplain encroachment that obstructs flow causing any increase in the regional flood height.

[2] Any change to the floodplain boundaries and/or watercourse alterations on the FIRM.

[3] Any change to any other officially adopted Floodplain Maps listed in §275-65A(5)(b)[2].

[4] Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.

[5] Correction of discrepancies between the water surface profiles and Floodplain Zoning Maps.

[6] Any upgrade to a floodplain zoning ordinance text required by § NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.

[7] All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

(2) Procedures. Ordinance amendments may be made upon petition of any interested party according to the provisions of § 62.23, Wis. Stats. Such petitions shall include all necessary data required by §275-65E(1)(e) and §275-65G(1)(b). The land use permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

(a) The proposed amendment shall be referred to the Department of Community Development for a public hearing and recommendation to the Common Council. The amendment and notice of public hearing shall be submitted to the Department's regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of § 62.23, Wis. Stats.

(b) No amendments shall become effective until reviewed and approved by the Department.

(c) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the Common Council.

I. Enforcement and penalties.

(1) Any violation of the provisions of this article by any person shall be unlawful and shall be referred to the City Attorney, who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than $10 and not more than $50 for each offense, together with the taxable cost of such action. Each day that the violation exists shall constitute a separate offense. Every violation of this article is a public nuisance, and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to § 87.30, Wis. Stats.

J. Definitions. See §275-70

SECTION II

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

SECTION III

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

SECTION IV

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

PASSED AND ADOPTED by the Common Council this 29th day of August, 2023.

APPROVED:

_____

David Ament, Mayor

Countersigned:

_____

Rubina Medina, City Clerk

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**
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.**
D.R.C. RECOMMENDATION:	**Recommend to Plan Commission adoption of Resolution # 23-14 that approves the general amendments to the 2030 Comprehensive Plan Chapter 10 and Chapter 11 including the properties located at 1750 S. Moorland Road (includes Tax Key #'s: 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, and forward to the Common Council for their review and approval by Ordinance.**

Background:

1. **The applicant has simultaneously applied for a rezoning (See File #: RZ-2300810) and 4-Lot CSM (See File #: LD-2300812). Action for these applications is anticipated for the August 14, 2023 Plan Commission meeting. This request is consistent with those applications.**

2. **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).**

3. **Previous Action:**

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

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

c. **Plan Commission held a public hearing a their July 10, 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. **Corresponding zoning District – 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.**

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

6. **Corresponding zoning district – 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.***

b. **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."***

7. **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.**

8. **The impetus for the 2030 Comprehensive Plan update (Chapter 10 – Land Use & Chapter 11 – Neighborhood A, Greenfield Avenue). Minor editing and overall format update for the 2030 Comprehensive Plan layout.**

Rationale:

1. **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:

   - See request above.

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

   - ***Current Future Land Use Map:*** **Suburban Commercial**
   - ***Proposed 2030 Future Land Use Map:*** **Suburban Commercial, Mixed Residential and Institutional**
   - ***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. **Chapter 22: Implementation:** 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: Recommend to Plan Commission adoption of Resolution # 23-14 that approves the amendments to the 2030 Comprehensive Plan Chapter 10 and Chapter 11 including the properties located at 1750 S. Moorland Road (includes Tax Key #'s: 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, and forward to the Common Council for their review and approval by Ordinance.

Attachments:

Location Map
Zoning Comparison Map
Future Land Use Comparison Map
CSM
Applicant Letter
Concept Master Plan & Associated Documents
Draft Chapters – Minor Edits as part of the 2030 Update*

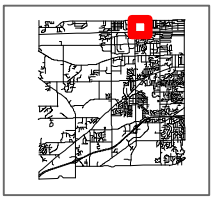
- Chapter 10 – Land Use (See Application File #: CP-2300780 for the updates to this Chapter. Appears on this same Plan Commission agenda.)
- Chapter 11 – Neighborhood A – Greenfield Avenue

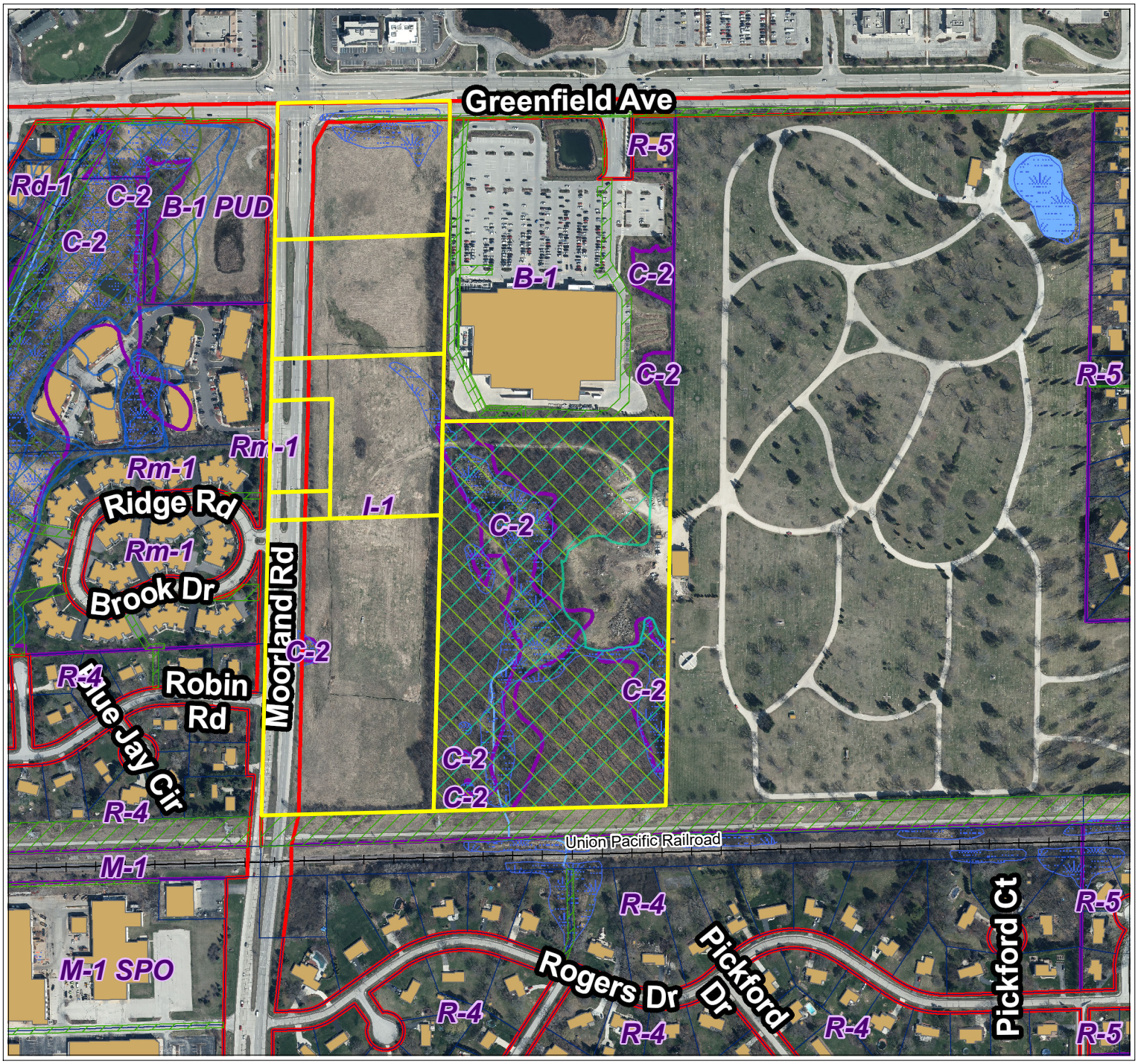
Resolution # 23-14

**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

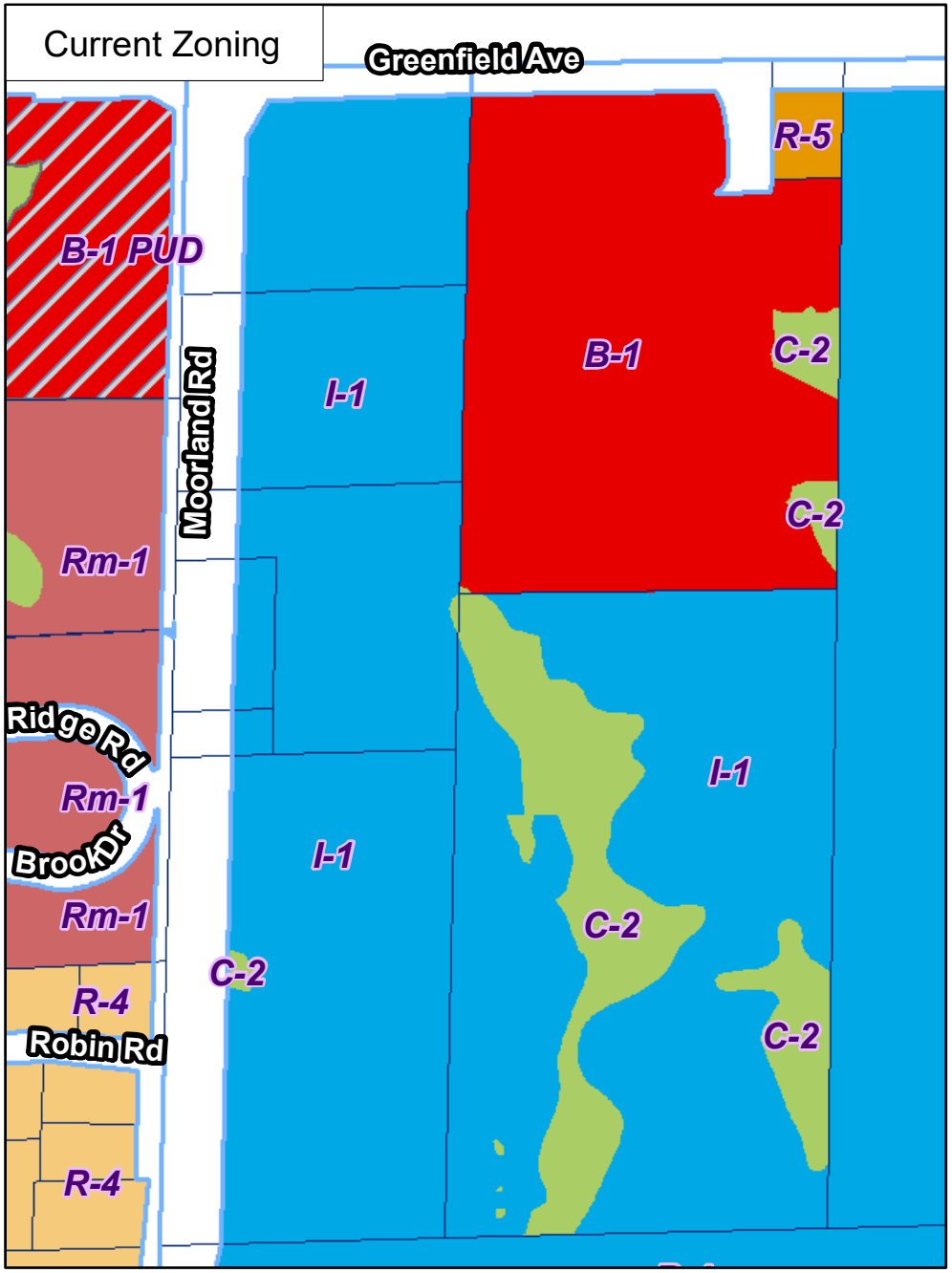
City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
(262) 797-2445
www.newberlin.org

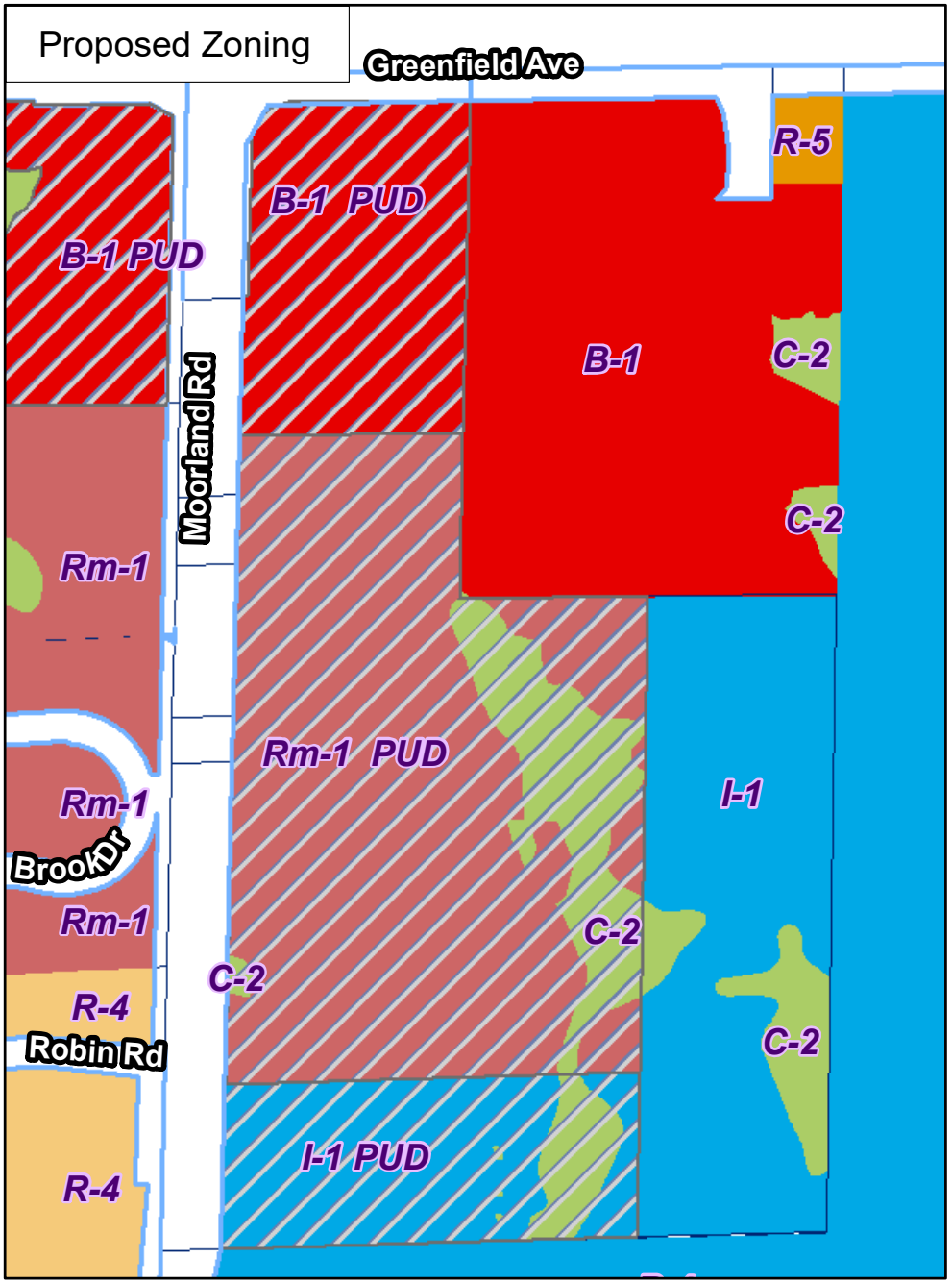
N

0 175 350 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: 5/30/2023 3:14:28 PM





City of New Berlin
Community Development

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Department of Community Development
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New Berlin WI 53151
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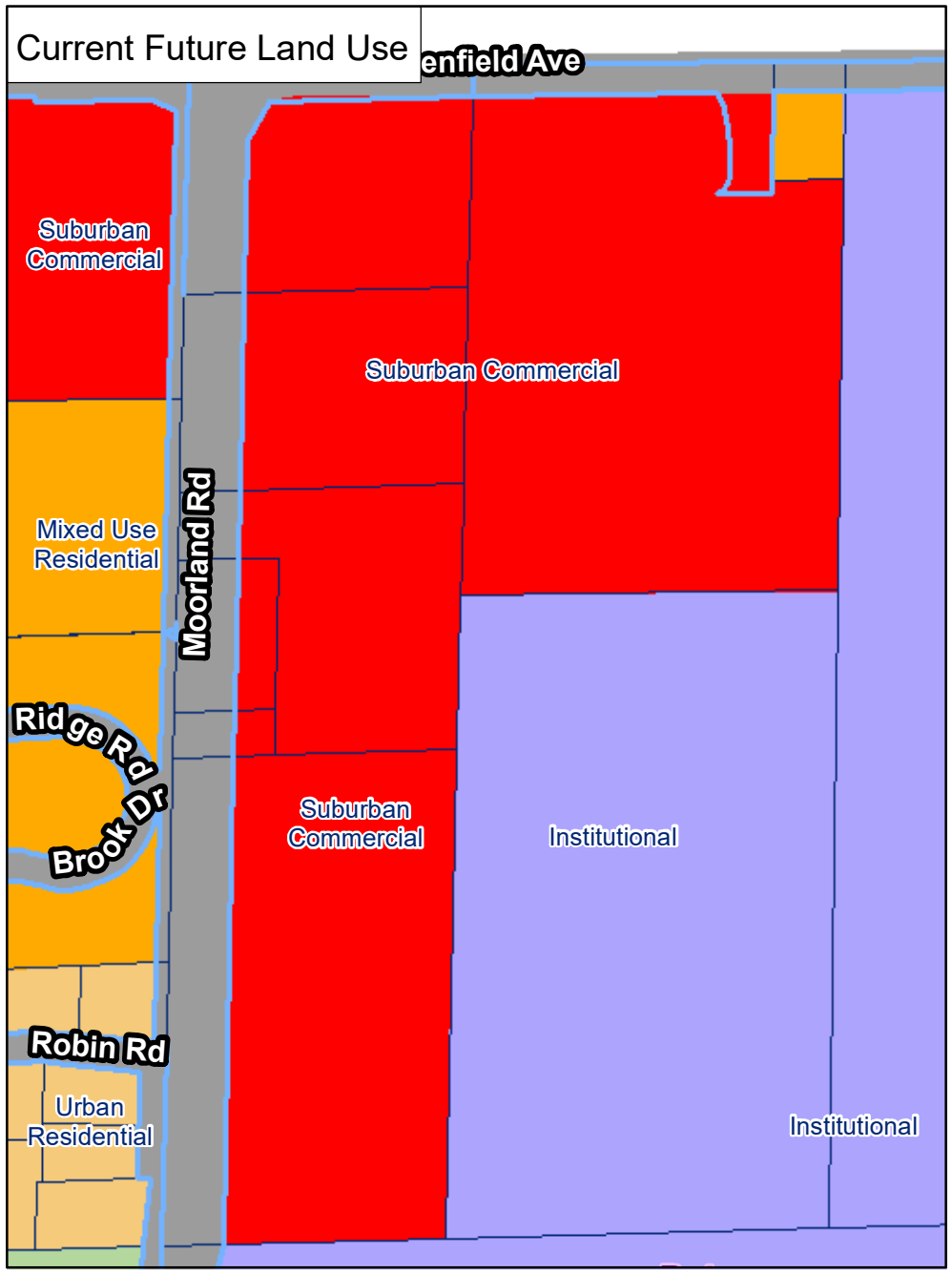
RZ--2300810
Mandel PUD Rezone
1750 S. Moorland Rd

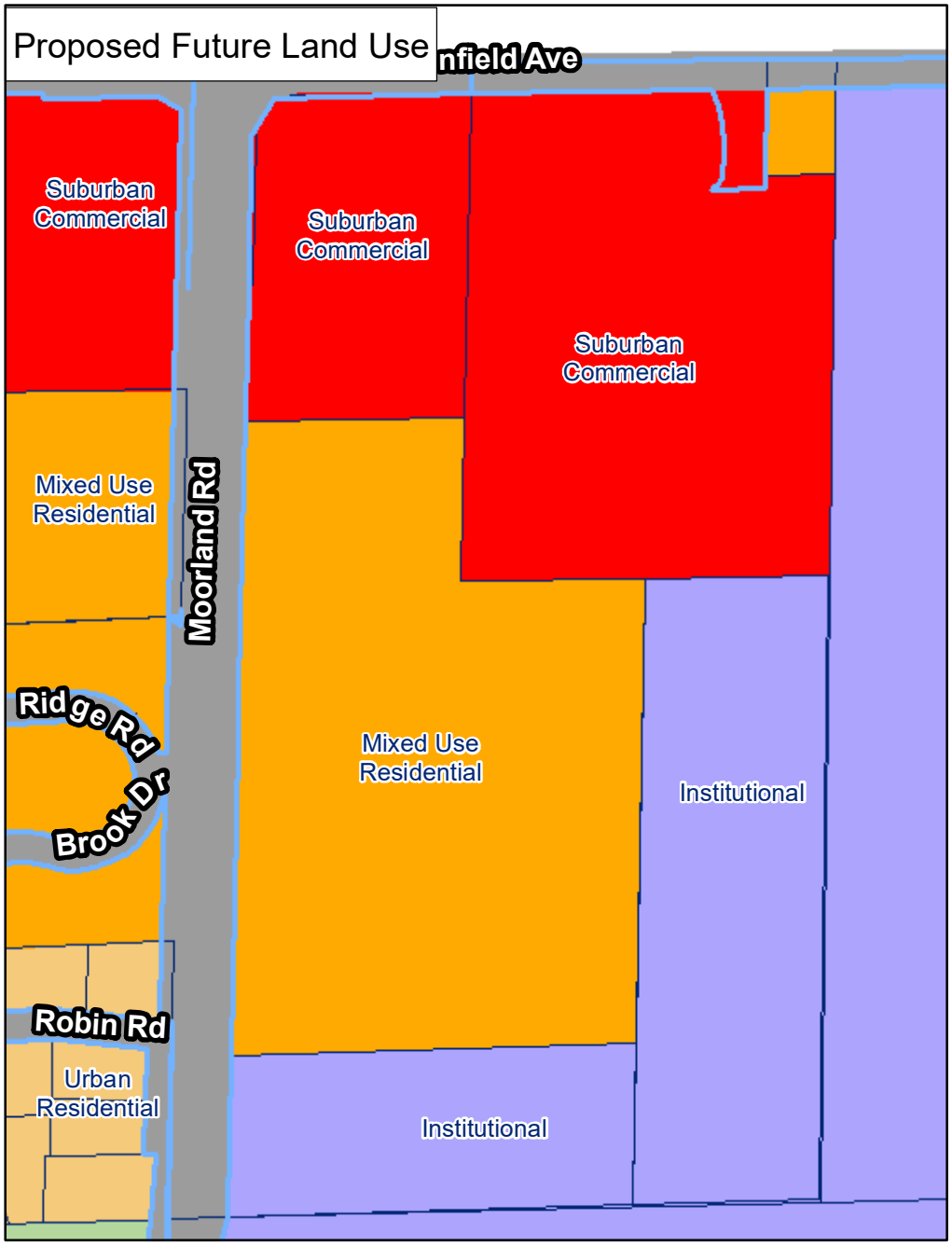
Legend
Parcels
Road Right-of-Way

N

0 170 340 Feet
7

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





City of New Berlin
Community Development

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

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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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

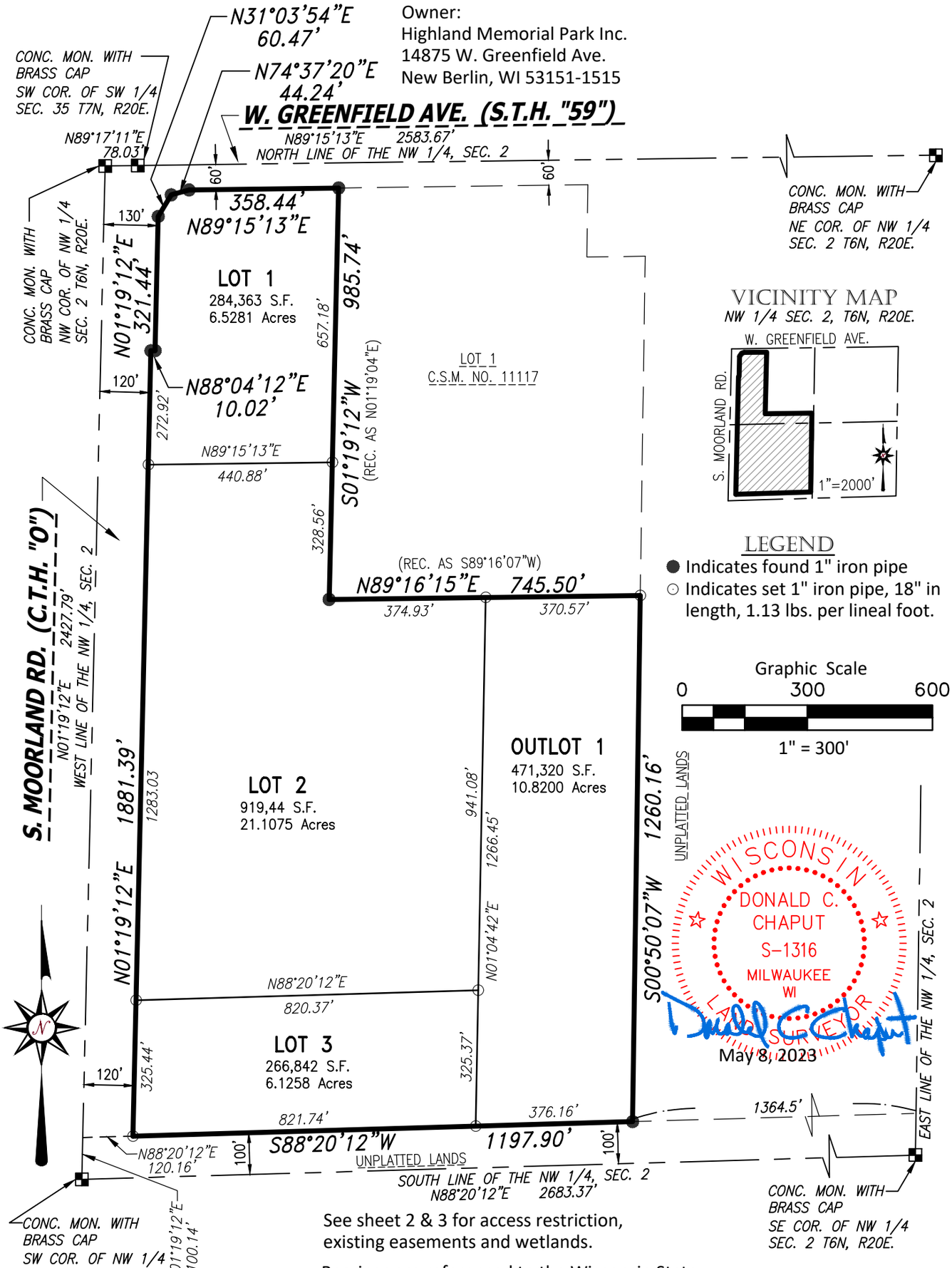
1"=160' @ 11x17

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

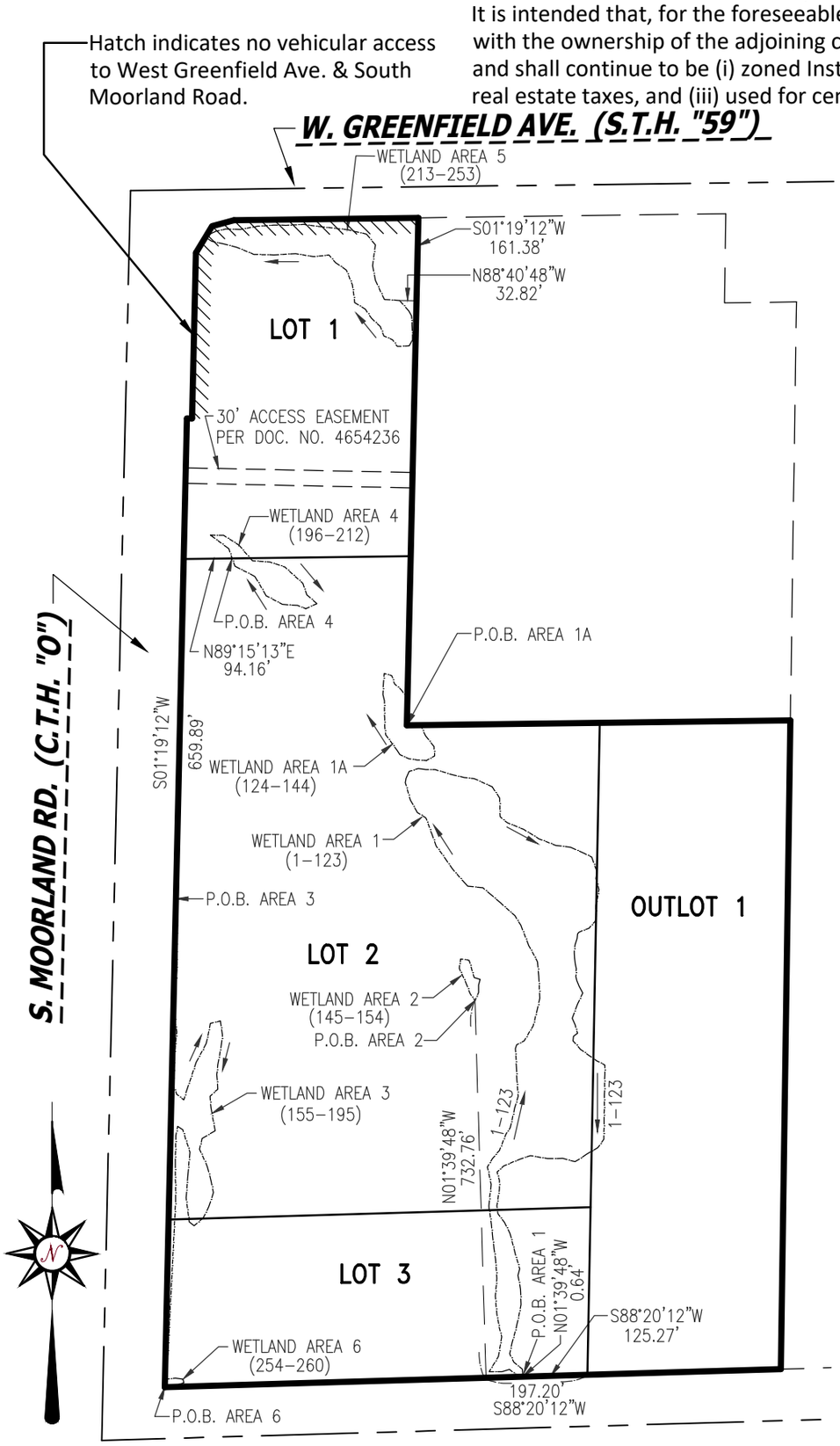
This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

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

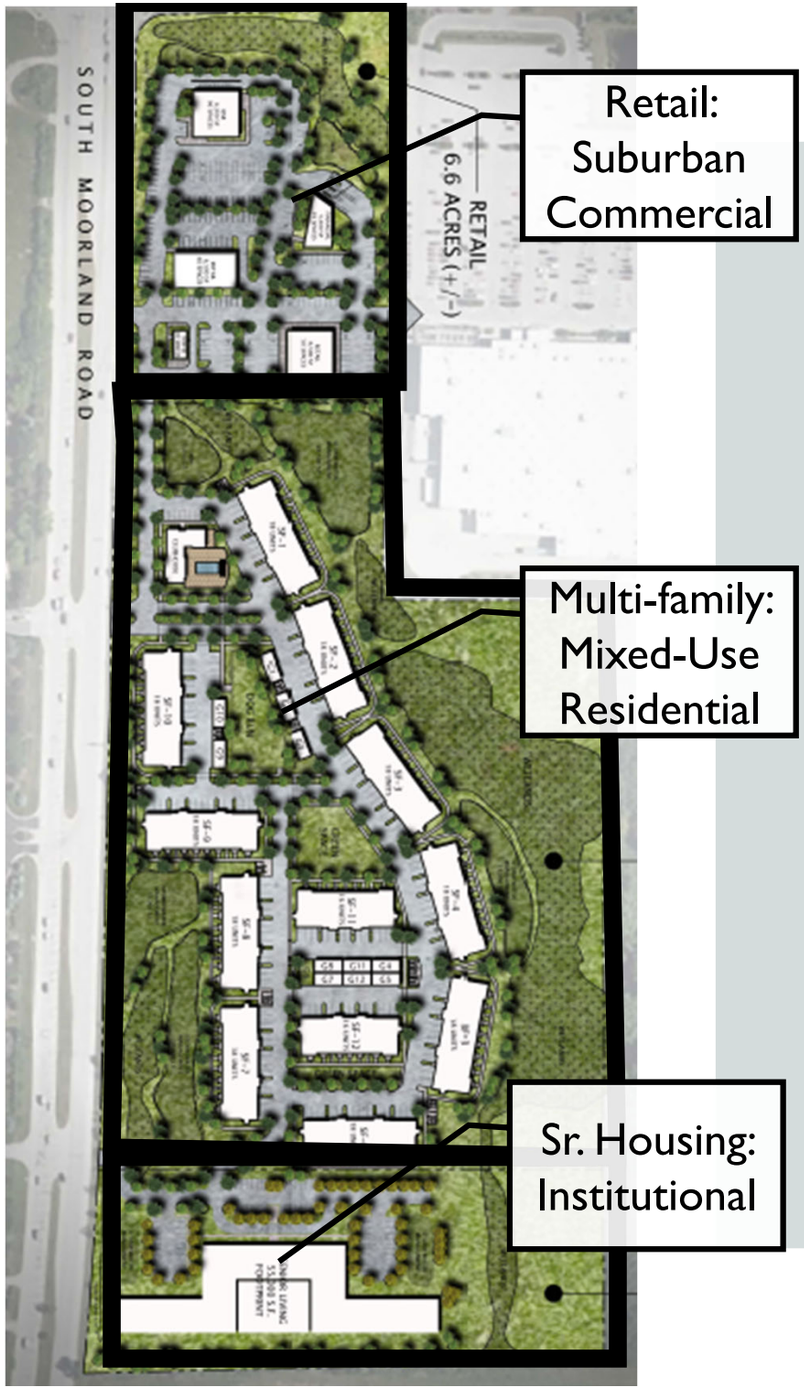
_____
GEORGIA STANFORD , CITY CLERK

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

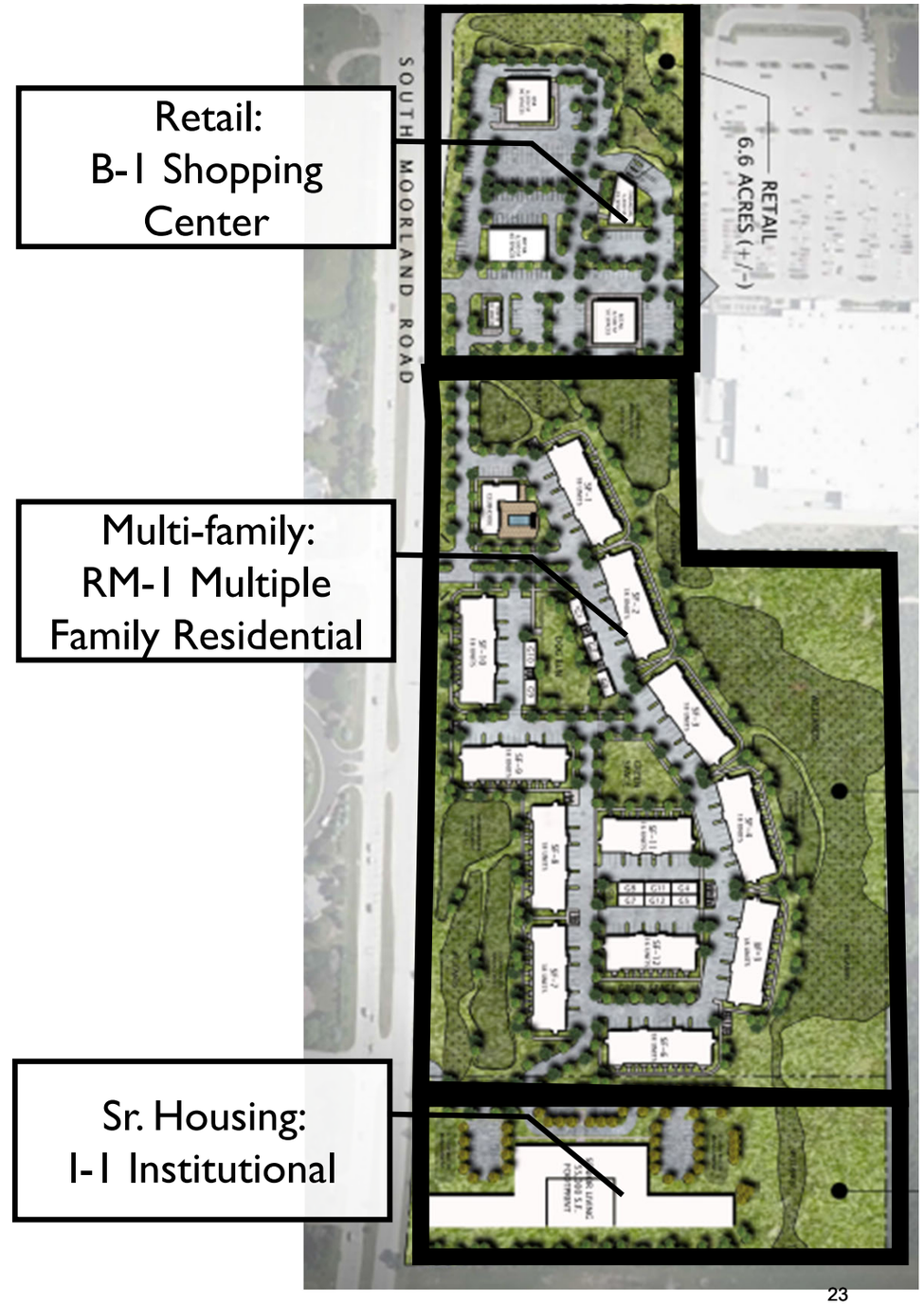
ZONING

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



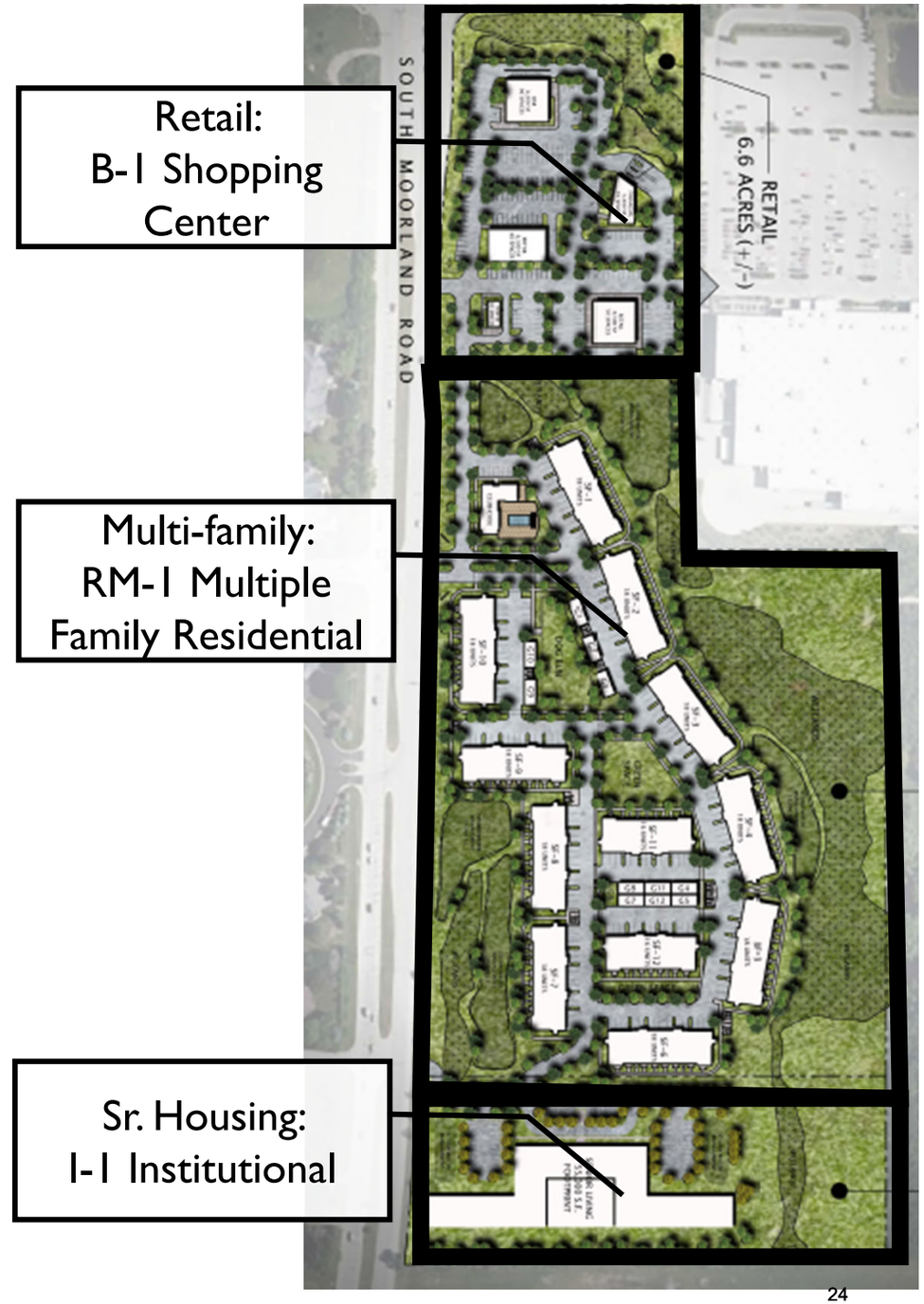
ZONING

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		

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*

STATE OF WISCONSIN WAUKESHA COUNTY CITY OF NEW BERLIN

RESOLUTION NUMBER # 23-14

A Resolution adopting the amendments to the City's 2030 Comprehensive Plan Chapter 10: Land Use and Chapter 11: "Neighborhood A" Greenfield Avenue

---

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

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

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

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

WHEREAS, the City of New Berlin prepared the "City of New Berlin 2020 Comprehensive Plan", which is on file with the Department of Community Development and available on the City's website www.newberlin.org, containing all maps and other descriptive materials, to be the comprehensive plan for the City; and

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

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

WHEREAS, Department of Community Development Staff, working at the request of Dan Romnek on behalf of Mandel Group & the City of New Berlin, have prepared amendments to the Future Land Use Map within the City's adopted 2030 Comprehensive Plan Chapter 10: Land Use and Chapter 11: "Neighborhood A" Greenfield Avenue and are now completed and need to be incorporated into the City's adopted Comprehensive Plan.

WHEREAS, the Future Land Use Map amendments requested by Dan Romnek on behalf of Mandel Group and the City of New Berlin are 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) to amend the Future Land Use from Suburban Commercial to Suburban Commercial, Mixed Residential and Institutional with a Planned Unit Development Overlay. It is necessary to incorporate these Future Land Use Map amendments into the City's adopted 2030 Comprehensive Plan Chapter 10: Land Use and Chapter 11: "Neighborhood A" Greenfield Avenue. A copy 2030 Comprehensive Plan Chapters 10 & 11 along with the map is attached as Exhibit A. Amendments to an adopted comprehensive plan pursuant to WI State Statute 66.1001 require a Class I notification along with a public hearing.

WHEREAS, the Plan Commission reviewed and approved the proposed amendments to 2030 Comprehensive Plan Chapter 10: Land Use and Chapter 11: "Neighborhood A" Greenfield Avenue West, on August 14, 2023 following approximately three months of public comment from the date of the public notice; and

WHEREAS, the City has duly noticed a public hearing on the aforementioned comprehensive plan amendments and the Plan Commission held the public hearing on July 10, 2023.

WHEREAS, the Plan Commission of the City of New Berlin by a X-X vote of the Commissioners present and voting recorded in its official minutes, adopted Resolution # 23-14 recommended approval of this comprehensive plan amendment on August 14, 2023.

NOW, THEREFORE, BE IT RESOLVED, that the Plan Commission of the City of New Berlin hereby accepts and adopts the attached City of New Berlin 2030 Comprehensive Plan amendments to the 2030 Comprehensive Plan Chapter 10: Land Use and Chapter 11: "Neighborhood A" Greenfield Avenue, recognizing that the Common Council must also adopt the Comprehensive Plan amendments via Ordinance for it to become effective; and

BE IT FURTHER RESOLVED that the Plan Commission does hereby recommend that the Common Council adopt Ordinance No. 2678, which will constitute its adoption of the Comprehensive Plan amendments.

Passed and adopted by the Plan Commission on this 29th day of August, 2023.

APPROVED:

_____
David A. Ament, Mayor

Certified/Countersigned:

_____
Nikki Jones
Plan Commission Secretary

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.~~ via Ordinance # 2678 on 8/29/2023.

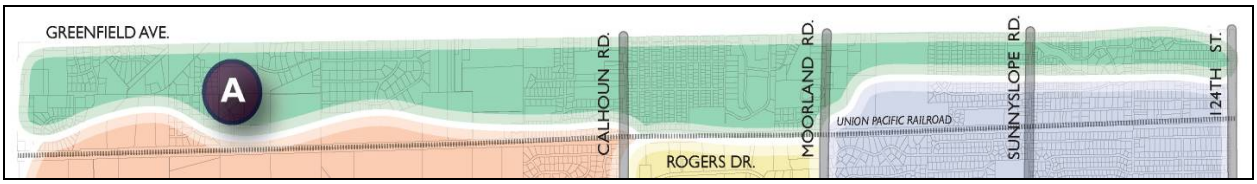


Figure 11.1. Neighborhood A Context Map.

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.

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.

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.

Figure 11.2. Greenfield Avenue Corridor.

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

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.

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.

2015 – 2016 Update

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 11.58). 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.

Figure 11.58 - North Moorland Road Corridor Map.

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.

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)

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. See Figure 11.6.

Figure 11.96 Sample Development Pictures

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,~~ Figure 11.~~8~~5.
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.
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

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~~7 through 11.~~7~~9 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.~~5~~7. Highest-Rated Image for Open Space.

Figure 11.~~6~~8. Second Highest-Rated Image for Open Space.

Figure 11.~~7~~9. Third Highest-Rated Image for Open Space.

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.

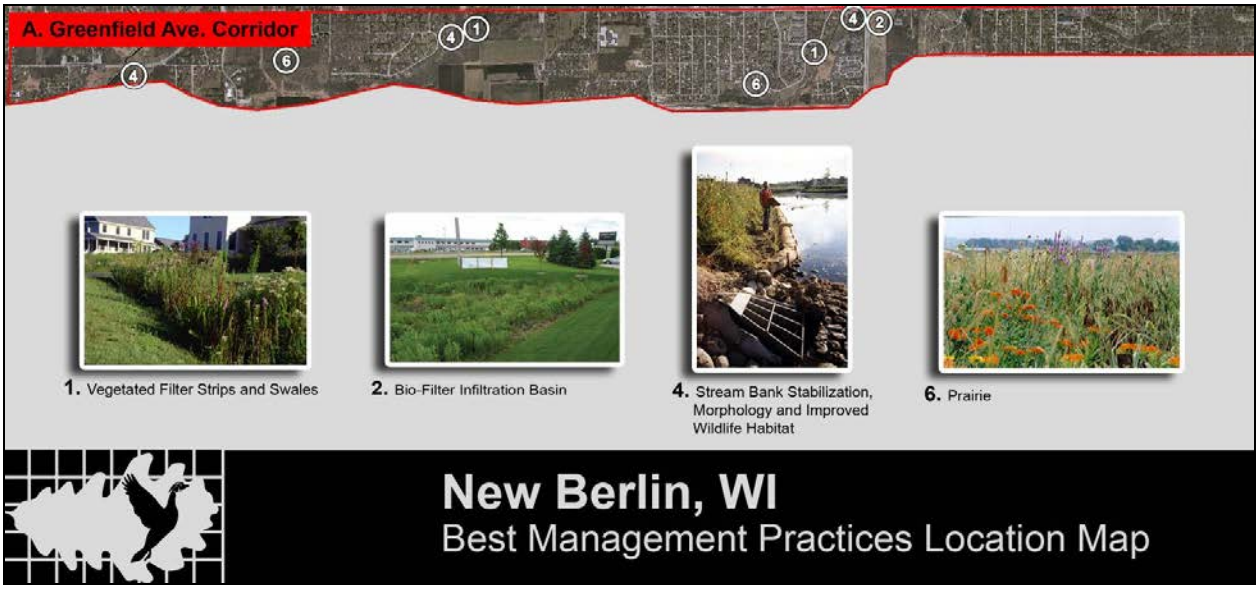


Figure 11.10. Best Management Practices Map for Neighborhood A.
Source: Applied Ecological Services, Inc.

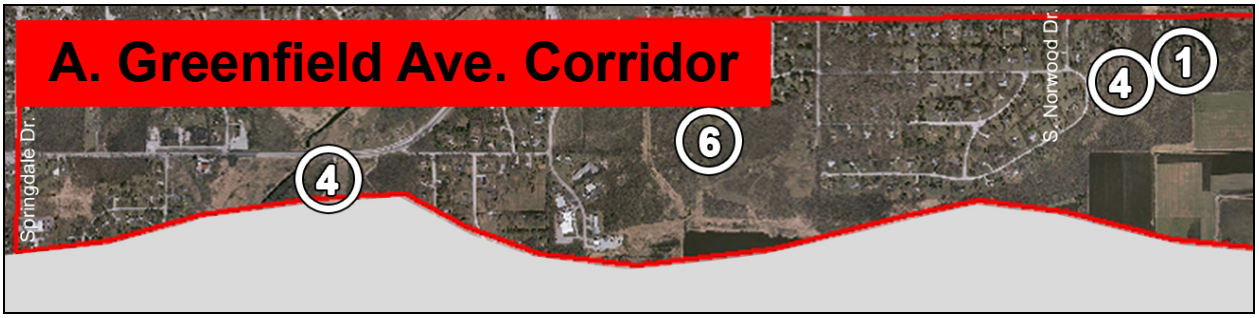


Figure 11.11. Best Management Practices Map from Springdale Drive to east of South Norwood Drive.
Source: Applied Ecological Services, Inc.

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

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

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

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.

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.

Figure 11.13. Highest-Rated Image for Road Design.

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

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

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~~ 2050 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~~ replaces 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. The report is available on the SEWRPC website www.sewrpc.org.

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 Retail.

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 Signage.

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.

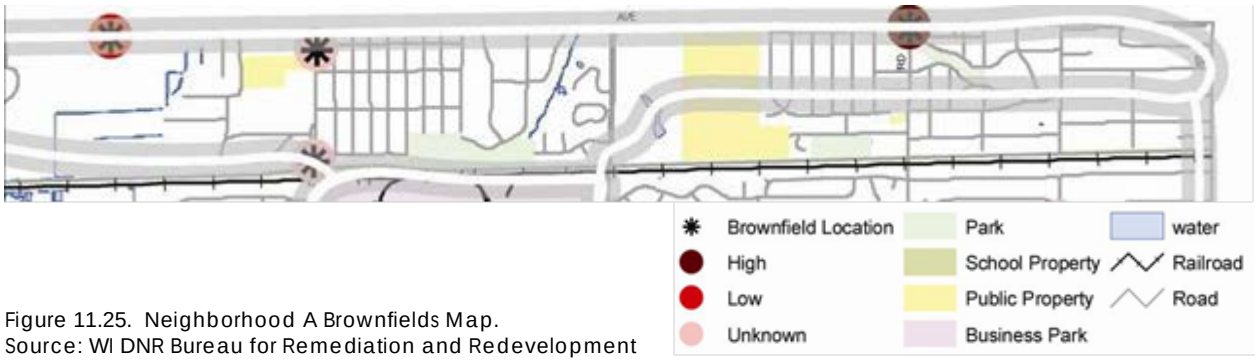


Figure 11.25. Neighborhood A Brownfields Map.
Source: WI DNR Bureau for Remediation and Redevelopment

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.

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:	**Recommend to Common Council adoption of Planned Unit Development Ordinance # 2679 that approves the rezoning of the properties located at 1750 S. Moorland Road (Tax Key #'s: 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, Rm-1/PUD, I-1/PUD, C-2 & I-1.**

DETAILS IN ATTACHED STAFF REPORT:

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

Meetings of August 14, 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, 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:
Proposed Rm-1/PUD District:

In the attached PUD 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).

Proposed I-1/PUD District:
In the attached PUD 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).

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
- *Proposed 2030 Future Land Use Map:* Suburban Commercial, Mixed Residential and Institutional (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

ZONING CODE (Chapter 275): 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 the 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).
710/2023	Plan Commission held a public hearing.

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.

    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 at the August 14, 2023 Plan Commission meeting.
3. There is a parcel of land located at 1640 S. Moorland Road / Tax Key # 1158-989 (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

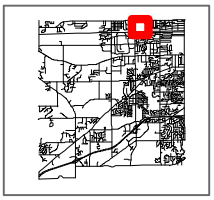
D.R.C. RECOMMENDATION: Recommend to Common Council adoption of Planned Unit Development Ordinance # 2679 that approves the rezoning of the properties located at 1750 S. Moorland Road (Tax Key #'s: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) from I-1 and C-2 to

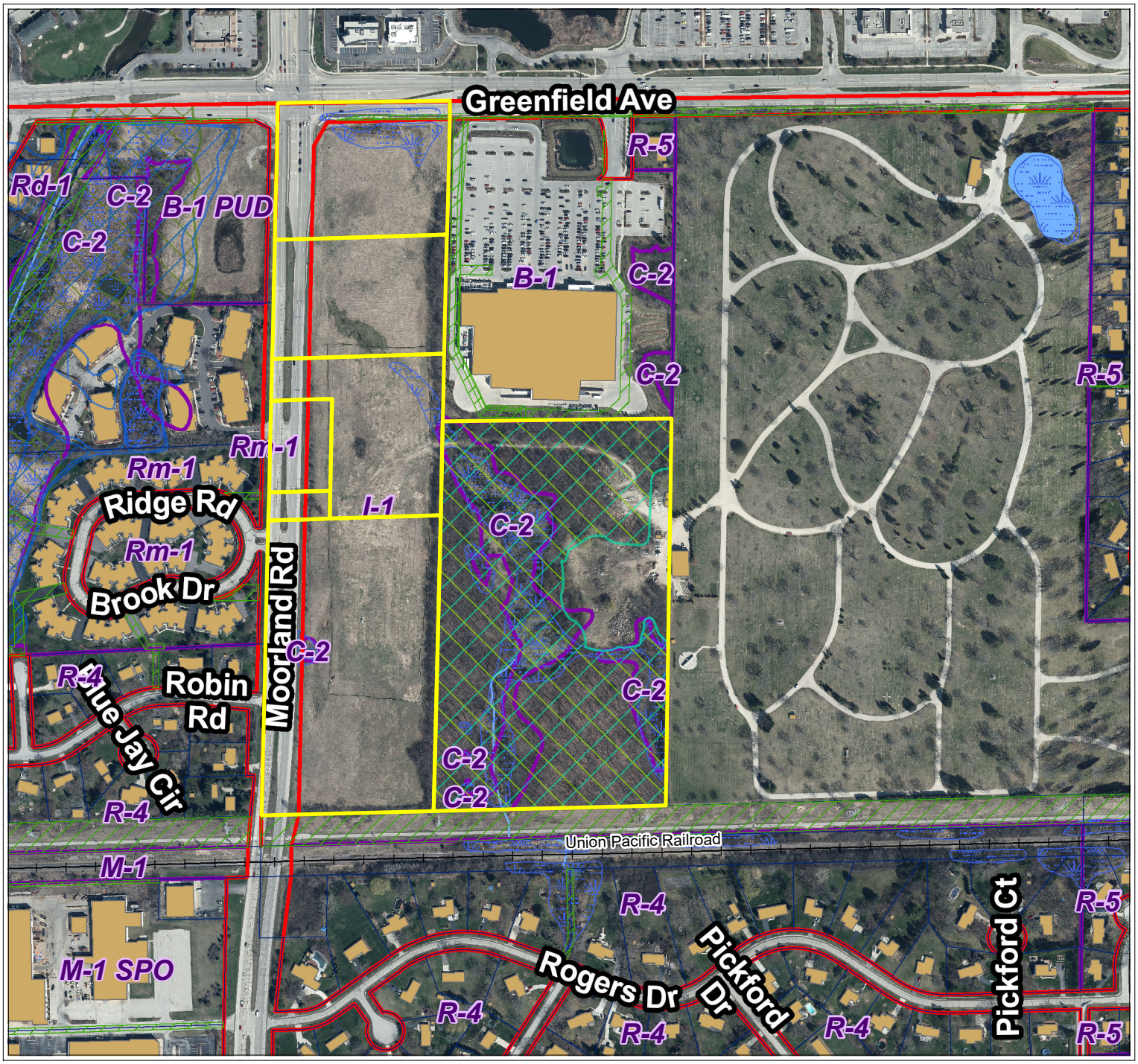
B-1/PUD, Rm-1/PUD, I-1/PUD, C-2 & I-1. **See Executive Summary.**

ATTACHMENTS:
Location Map
Zoning Comparison Map
Future Land Use Comparison Map
Applicant Letter
CSM
Concept Master Plan & Associated Documents (Note, wetland information can be viewed in the 7/10/2023 report)
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

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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0 175 350 Feet

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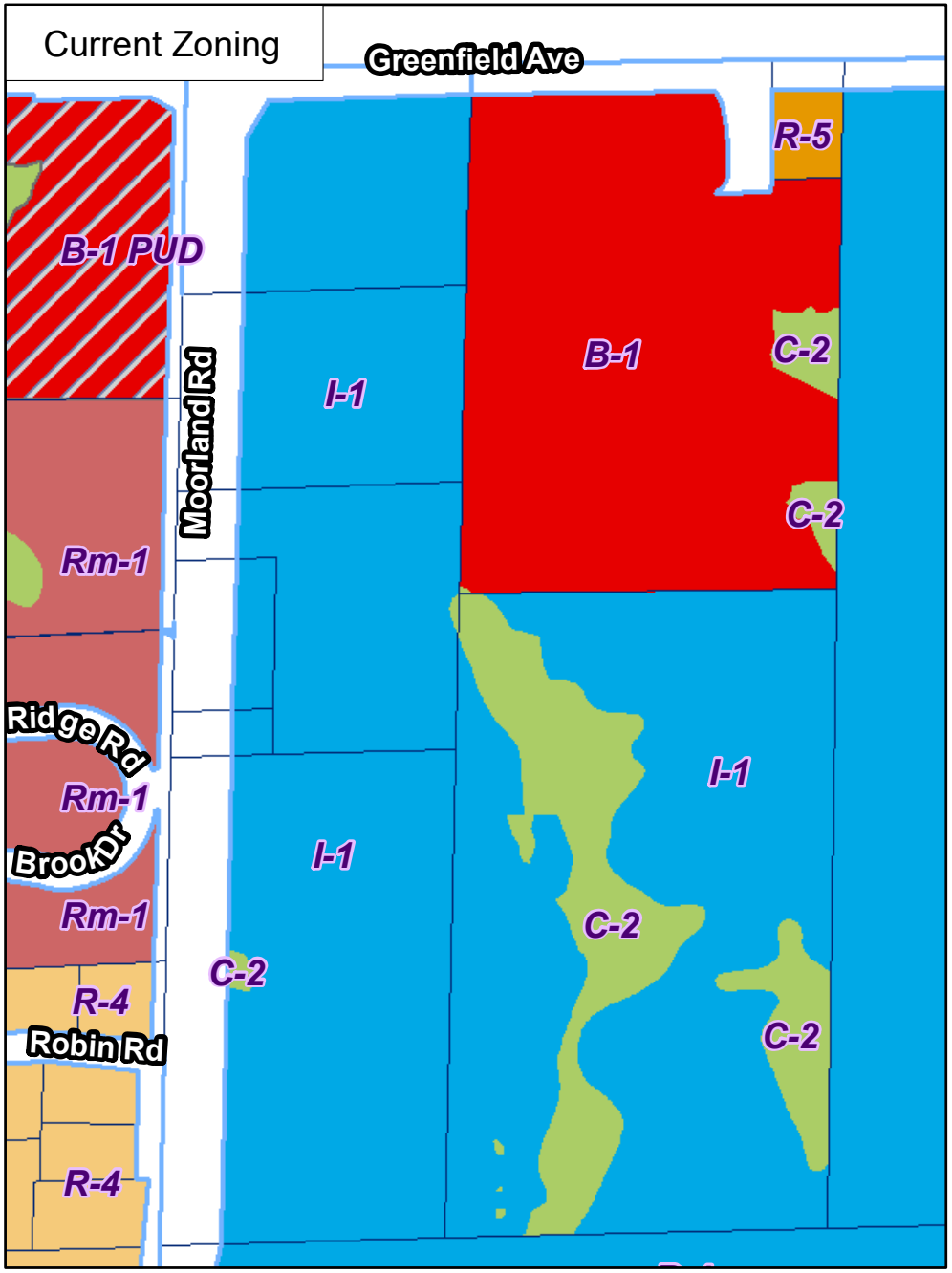

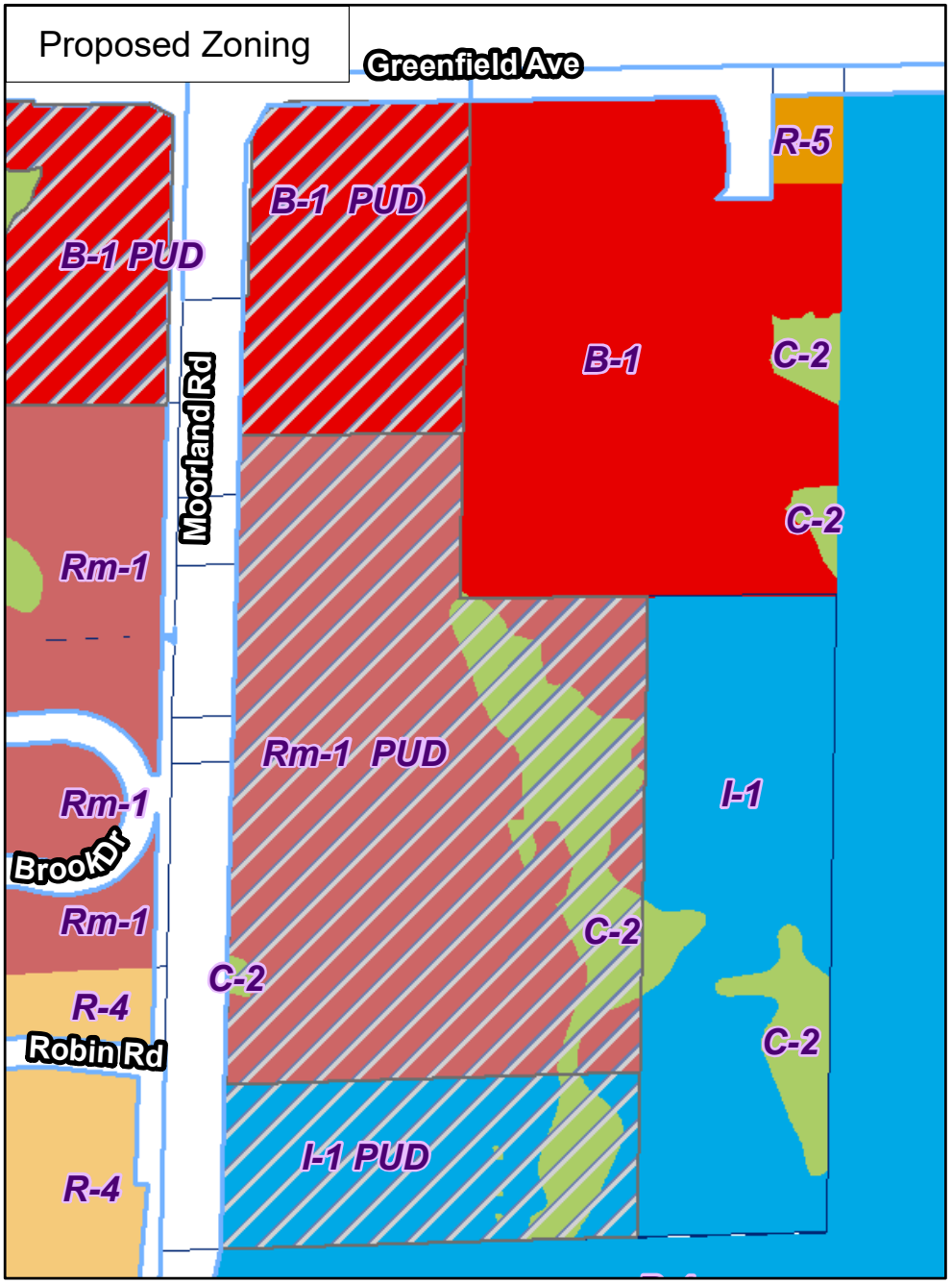

City of New Berlin
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RZ--2300810
Mandel PUD Rezone
1750 S. Moorland Rd

Legend
Parcels
Road Right-of-Way

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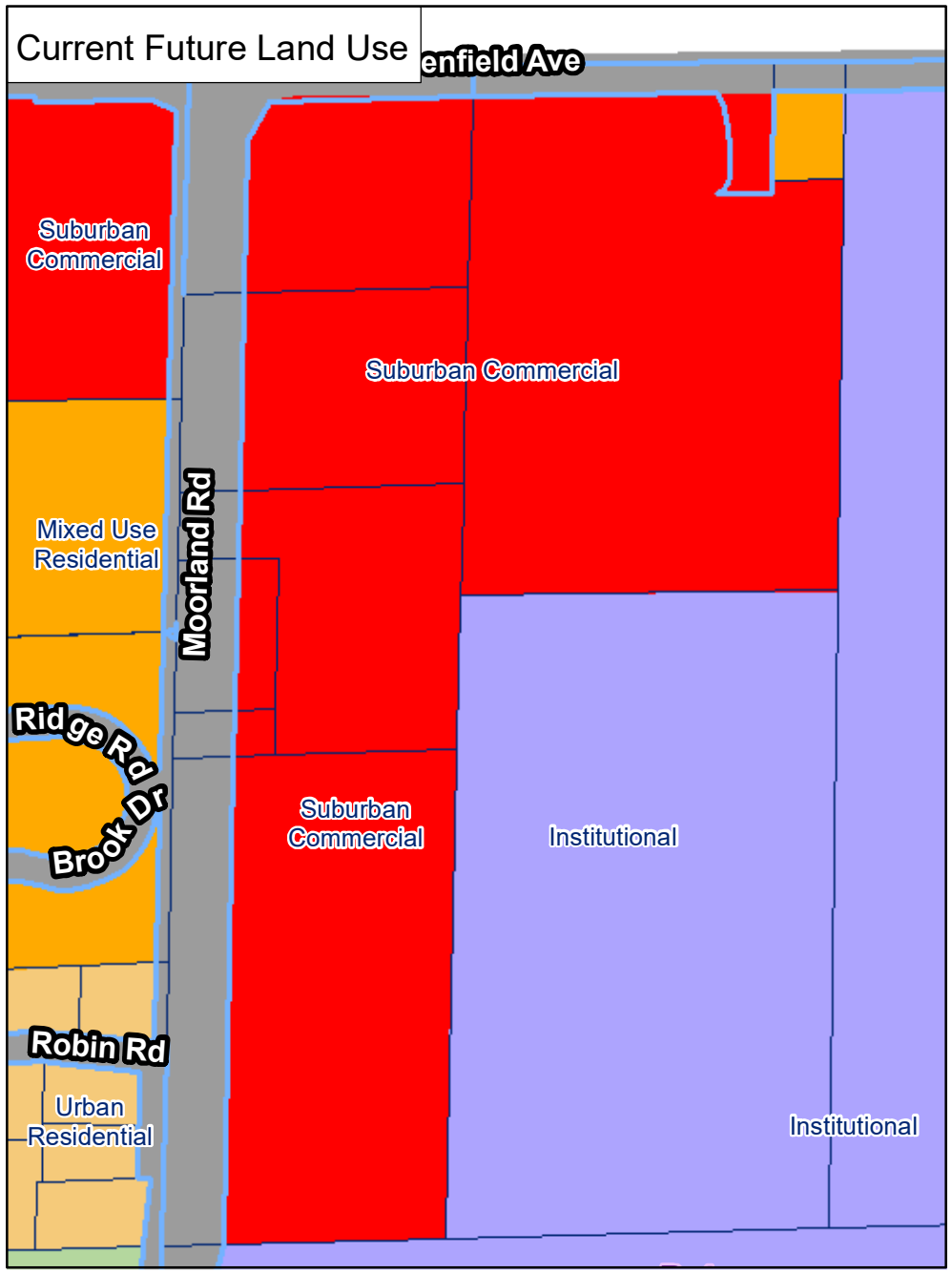
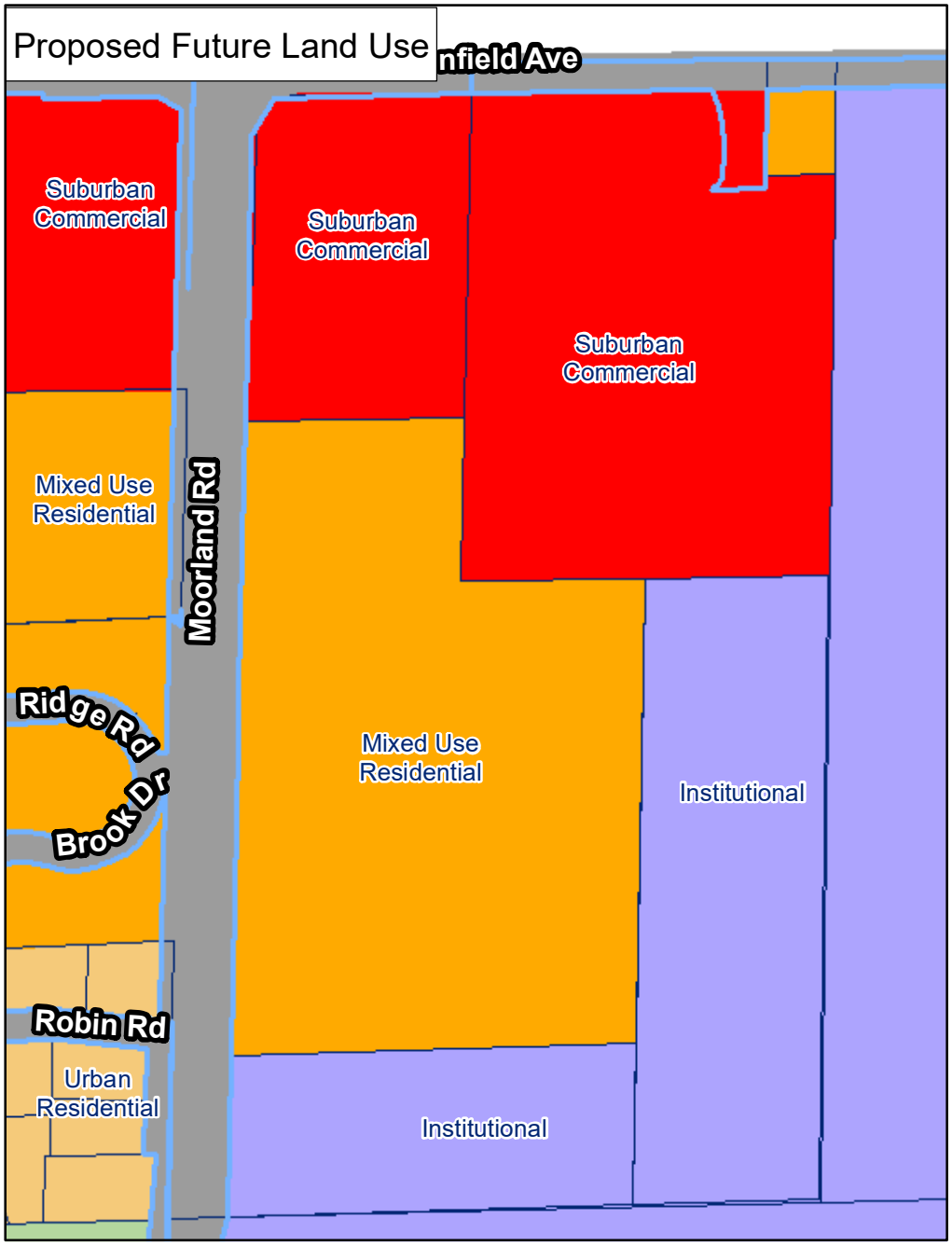
0 170 340 Feet

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





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

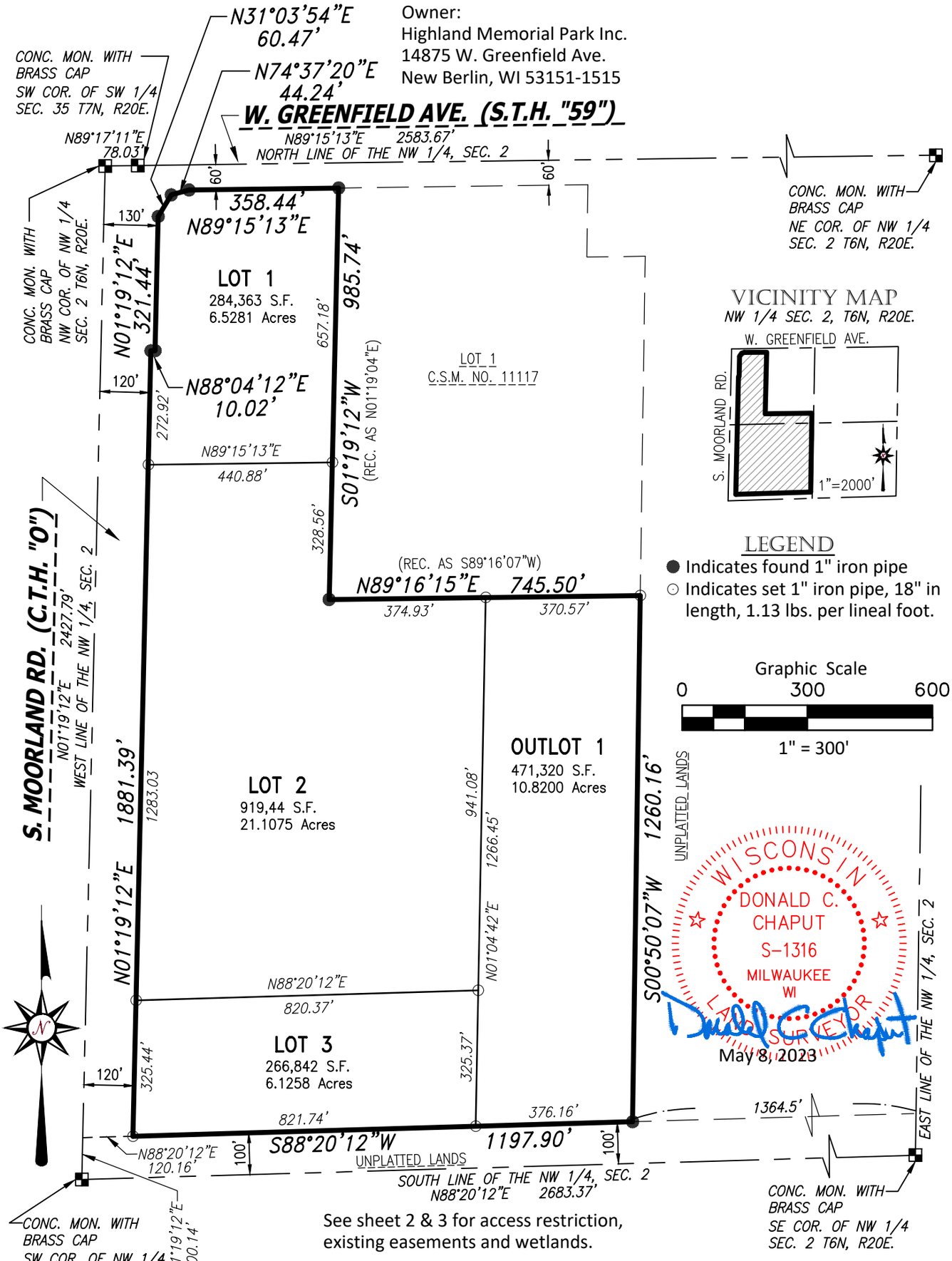
MARCH 10, 2023

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

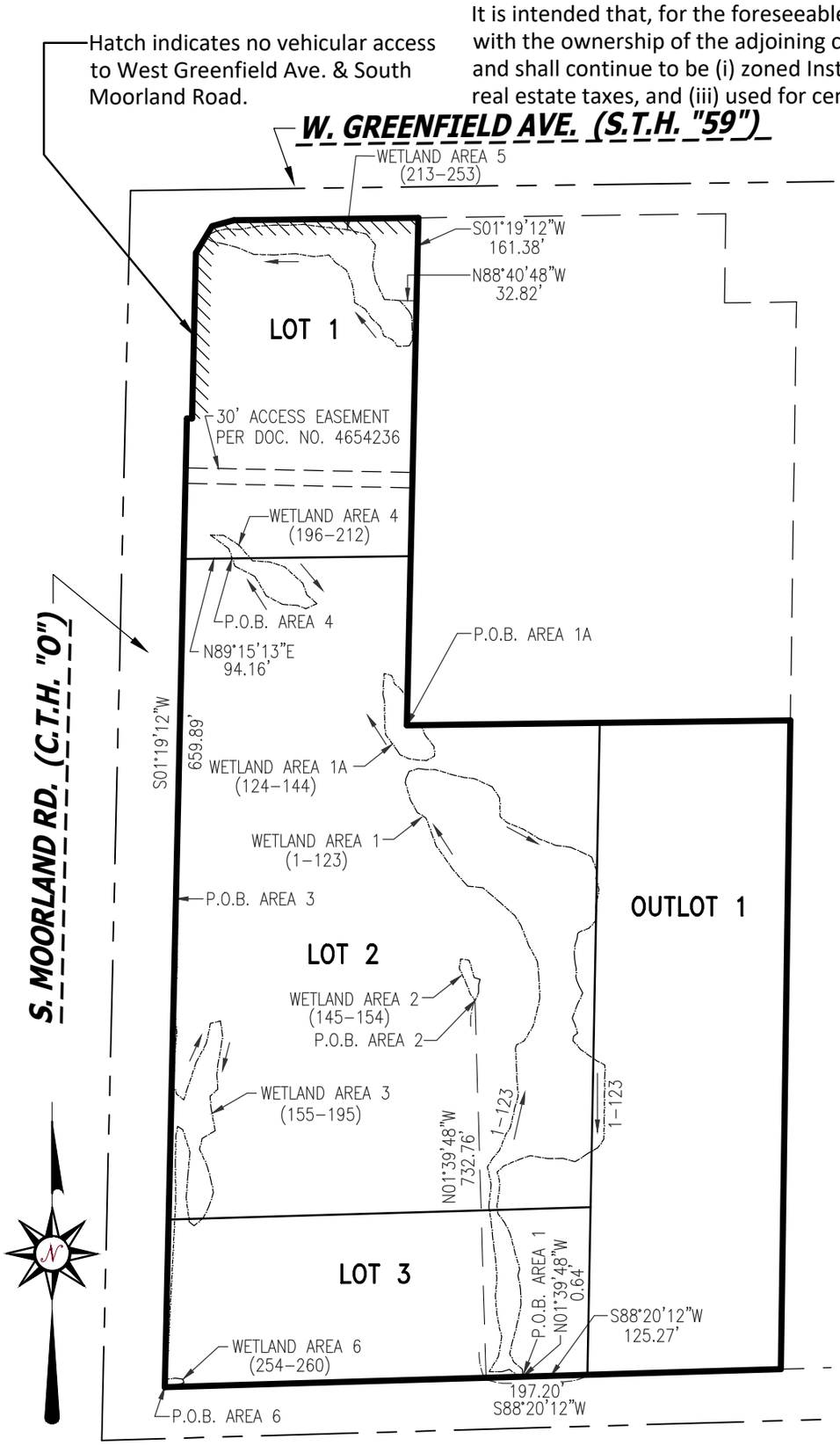
This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

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
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Milwaukee, WI 53204
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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

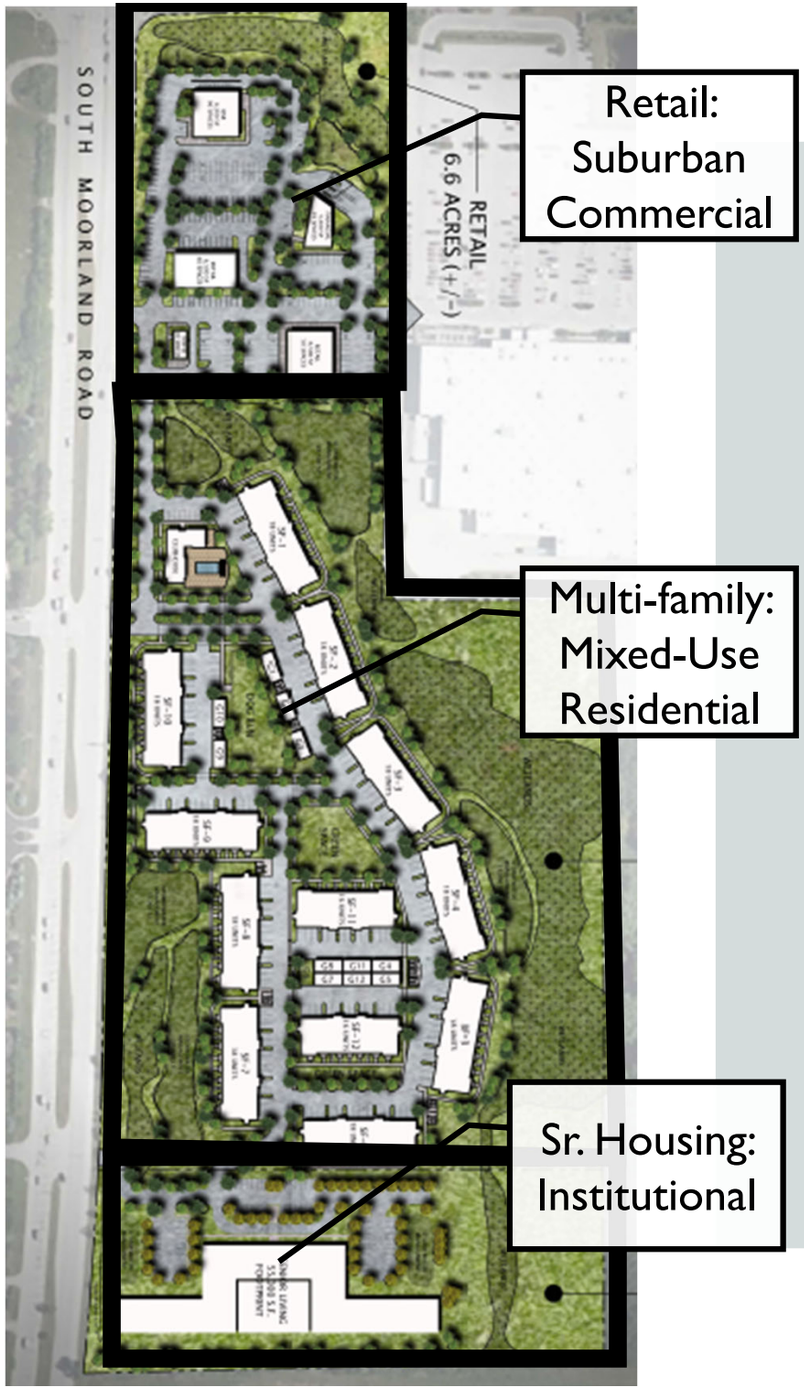
_____
GEORGIA STANFORD , CITY CLERK

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

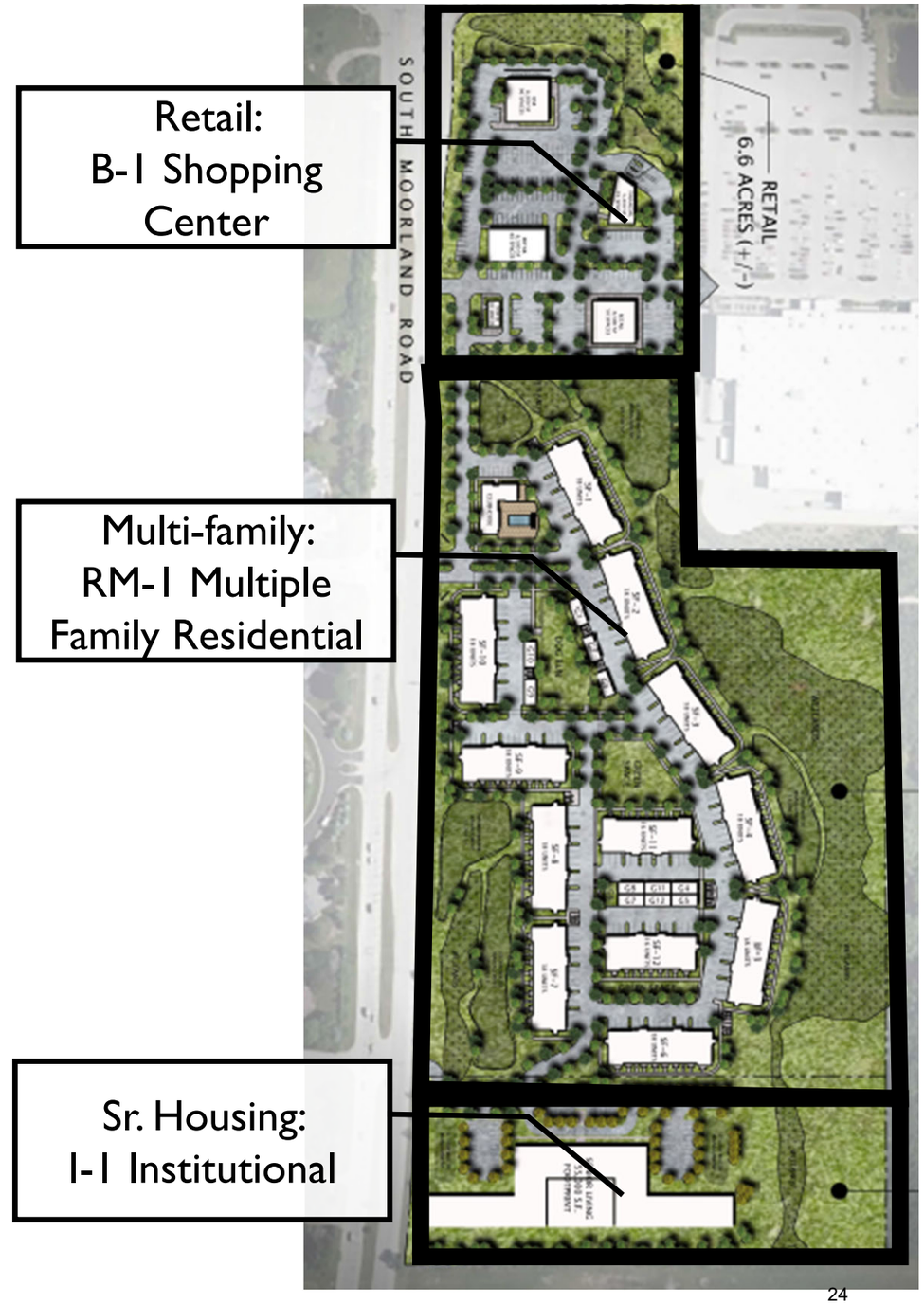
ZONING

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



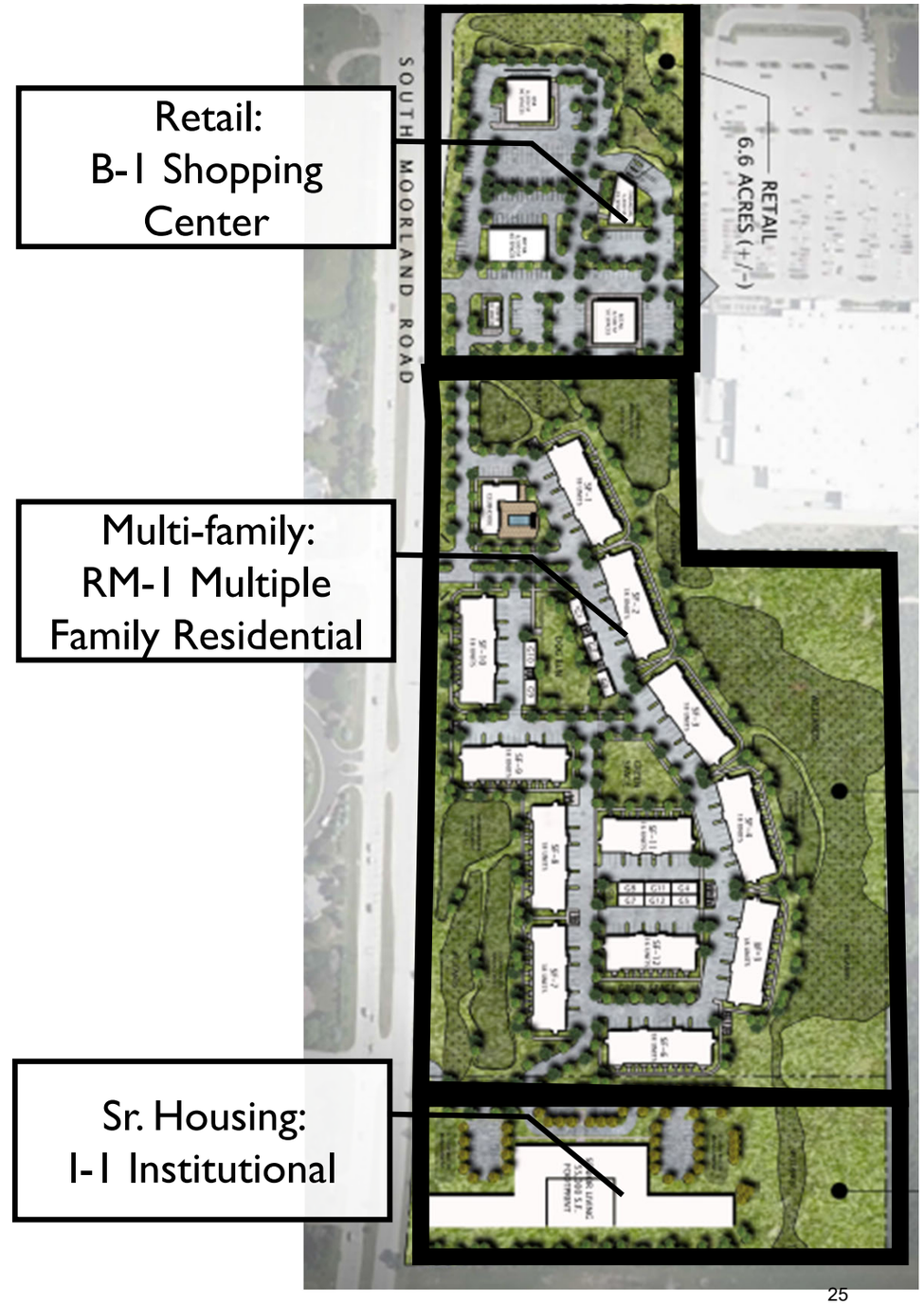
ZONING

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

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Milwaukee, Wisconsin 53202
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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*

TADI

3055: 6-15-2023

EXHIBIT 6-1
CONCEPTUAL DRAWING
RECOMMENDED MODIFICATIONS
SCENARIO 2

NEW BERLIN, WISCONSIN

STATE OF WISCONSIN **WAUKESHA COUNTY** **CITY OF NEW BERLIN**

ORDINANCE NO. 2679

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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.

   - The following Zoning Code Section shall not apply to this request – 275-41 C(20)(c) "A property containing a car wash establishment shall not be located closer than 100' from the border of lands designated as residential in the City's Comprehensive Plan."
   - 275-41C(2)(c), "A property containing a car wash establishment shall not be located closer than 100 feet from the border of a residentially zoned or residentially used property due to the intensity of the use of such facilities and the impact which they are likely to have with regard to noise, light pollution and traffic in surrounding neighborhoods and streets. The distance shall be calculated as the shortest measurable distance between the property lines of the property in which the car wash facility is desired to the edge of the residential zoning district, in a straight line without regard to intervening structures. Right-of-way is not included and shall be subtracted from this measurement. A GIS map will be created by the City for any such requests."

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."

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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)

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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 thorough review by DCD to determine whether or not the loss of parking will have a detrimental impact on the uses on site.

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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).

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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 cause to 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:

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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 275-33B(10) Multiple-Family District.

1. Principal Uses (See also Chapters 275-33B(10), 275-41B and Table 275-33-1)

2. Accessory Uses (See also Chapters 275-33C, 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.

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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 minimum of 15 feet to sidewalks and 30 feet to buildings. Current code reads, "All impervious surfaces shall be setback a minimum of 30 feet." Applicant shall be required to meet all DNR runoff regulations and treat runoff before it enters the wetlands.

6. Coverage (See also Chapter 275-33D and Table 275-33-6)

a. Table 275-33-6 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.

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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,

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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))

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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:

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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).

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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))

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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 VI

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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.

Section VII

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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 VIII

WHEREFORE, The Mandel Neighborhood Development Plan **and Highland Memorial Park Cemetery** 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

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Rm-1/PUD, Section V to I-1/PUD & to be named the Mandel Neighborhood Development Plan **and Highland Memorial Park Cemetery** 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. 2679, on behalf of the City of New Berlin.

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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

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT:	**Dan Romnek on behalf of Mandel Group & City of New Berlin / 4-Lot Certified Survey Map**
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:	**Approval of a 4-Lot Certified Survey Map**
REVIEW SCHEDULE:	**CSM Received: 5/12/2023** **Completeness Determination: 5/12/2023** **90-day time limit expires: 8/10/2023** **Final Common Council Action: 8/22/2023** **60-day extension expires: 10/9/2023**
D.R.C. RECOMMENDATION:	**Recommend to Common Council approval of a 4-Lot Certified Survey Map 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), subject to the application, plans on file and the following conditions:**

1. **Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing.**
2. **A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.**
3. **The CSM shall be recorded with Waukesha County Register of Deeds prior to the issuance of any new zoning or building permits.**
4. **Applicant and/or property owner shall apply for and obtain appropriate building, plumbing and electrical permits prior to any construction on any parcel.**
5. **Approval of the Comprehensive Plan Amendment (see file #: CP-2300808) and Rezoning (see file #: RZ-2300810) is required prior to action on the Certified Survey Map.**
6. **Applicant shall dedicate the appropriate right-of-way to Waukesha County.**
7. **A note shall be added to the face of the CSM stating, "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 adjoining cemetery property the east, and shall continue to be zoned Institutional, exempt from the real estate taxes and used for cemetery purposes."**
8. **Address Waukesha County comments from Jason Mayer outlined in an email dated July 28, 2023.**

a. **Applicant shall coordinate with Waukesha County to show the proposed access locations on the CSM and to restrict access on the remaining frontage along CTY O (Moorland Road).**

b. **The County anticipates a signalized intersection at W. Ridge Road and typically requires a 150' x 100' vision easement along the centerline of CTY O and the new street. This area may need to be dedicated to the County. Continue to coordinate with Waukesha County on the signal design and provide documentation on what the County will require prior to the City signing the CSM.**

DETAILS IN ATTACHED STAFF REPORT:

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

Meetings of August 14, 2023

Dan Romnek on behalf of Mandel Group & City of New Berlin / 4-Lot Certified Survey Map 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: July 7, 2023

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

REQUEST / DESCRIPTION OF PROJECT: Approval of a 4-Lot Certified Survey Map 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)

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): 6/22/23

CONCEPTUAL PLAN: Yes

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:

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 an application for a Rezoning (see file # RZ-2300810).

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 an application for a Rezoning (see file # RZ-2300810).

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

PROPOSED DENSITY: Will be reviewed at the future Use, Site and Architectural application submittals.

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

- Proposed 2030 Future Land Use Map: Suburban Commercial, Mixed Residential and Institutional (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

ZONING CODE (Chapter 275): 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): Yes

REZONING REQUIRED: Yes, see file # RZ-2300810.

CONDITIONAL USE REQUIRED: No

PUBLIC HEARING REQUIRED: A Joint Public Hearing was held on August 14, 2023 for the Comprehensive Plan Amendment (see file #: CP-2300808) and Rezoning (see file #: RZ-2300810).

USE / SITE / ARCHITECTURAL REVIEW:
Use Approval Required: No
Site Plan Required: Yes
Architectural Review Required: No

PROPOSED ARCHITECTURE: N/A

UNIQUE SITE CHARACTERISTICS:
Environmental Corridor: Yes, Isolated Natural Resource Area.
Wetland On Property: Yes, Wetlands shall be registered on the City's Zoning Map.
Conservancy Districts (C-1, C-2): No
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): N/A
Wildlife Habitat Protection: N/A
Wildlife Management Plan: N/A

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

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).
710/2023	Plan Commission held a public hearing.

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

1. The applicant has simultaneously applied for a Comprehensive Plan Amendment (see file #: CP-2300808) and Rezoning (see file #: RZ-2300810). Action for these applications is anticipated for the August 14, 2023 Plan Commission meeting.
2. The applicant has requested a Planned Unit Development Overlay Ordinance. The proposed lots meet the minimum lot area and width for each of the proposed zoning districts in the PUD.
3. Outlot 1 shall have an outlot status as outlined in the conditions of approval in this staff report.

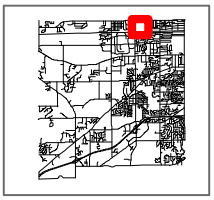
D.R.C. RECOMMENDATION: Recommend to Common Council approval of a 4-Lot Certified Survey

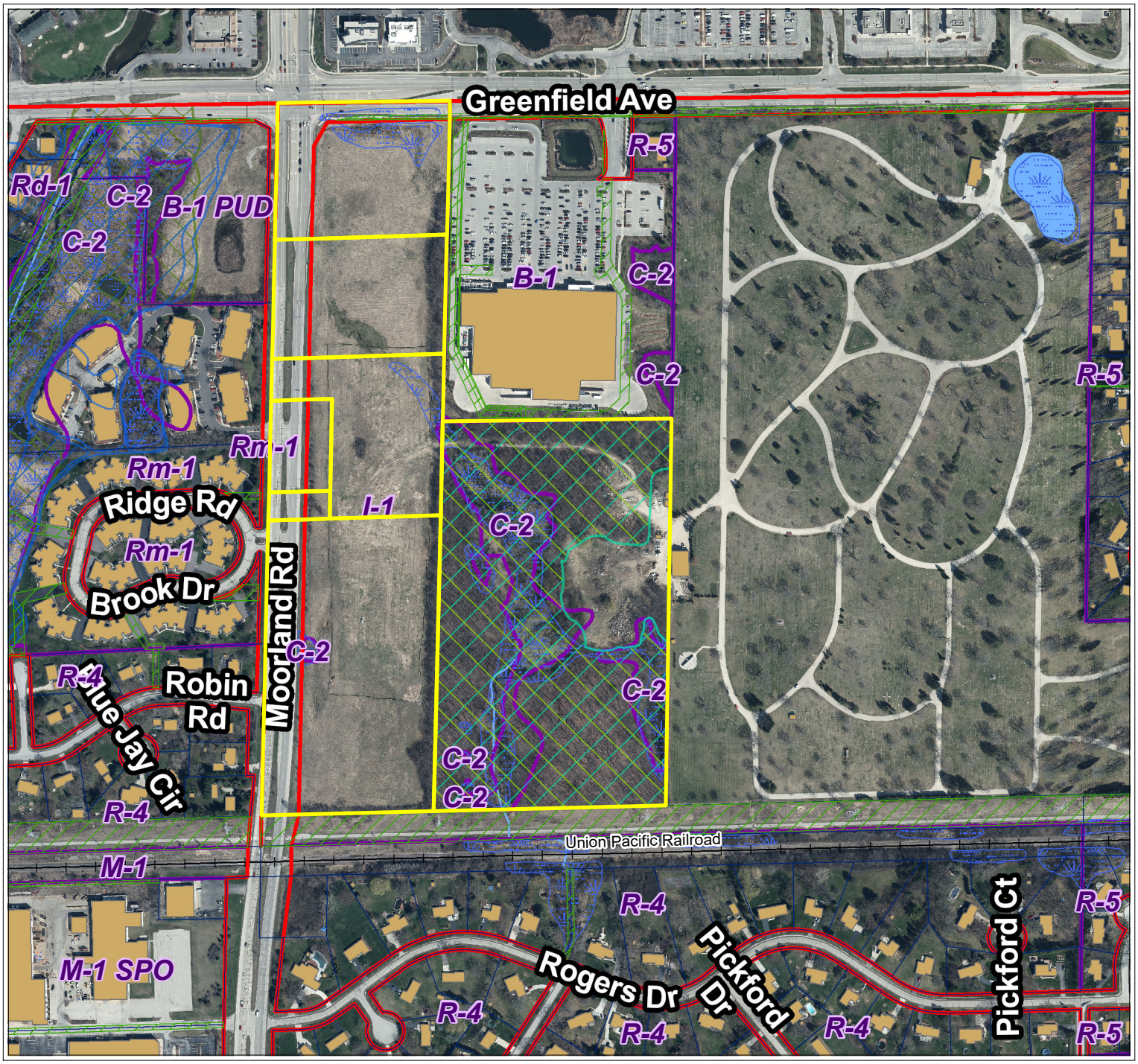
Map for the properties located at 1750 S. Moorland Road (includes Tax Key #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992), subject to the application, plans on file and the following conditions: **See Executive Summary.**

ATTACHMENTS:
Location Map
Zoning Comparison Map
Future Land Use Comparison map
Applicant Letter
CSM

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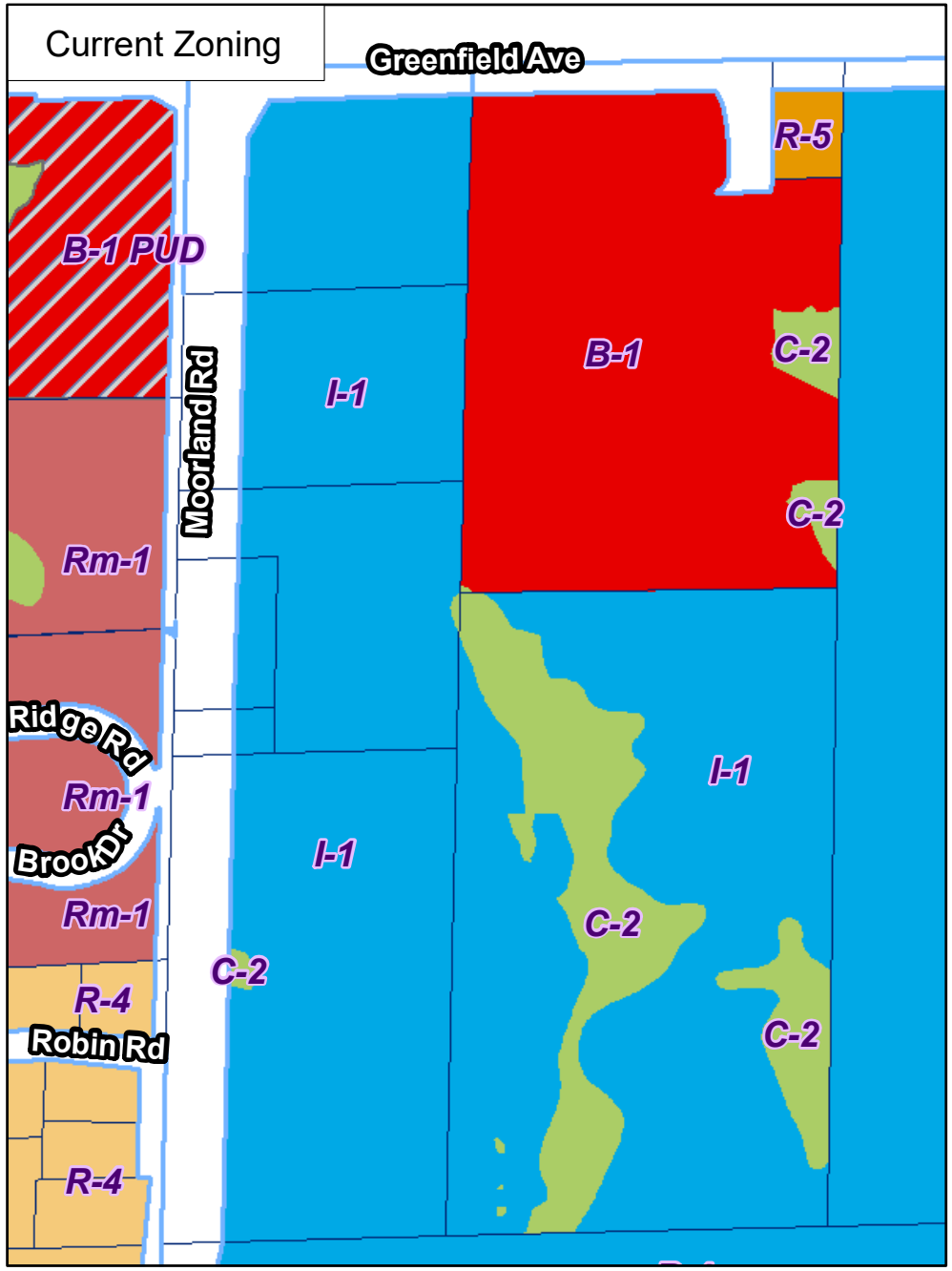
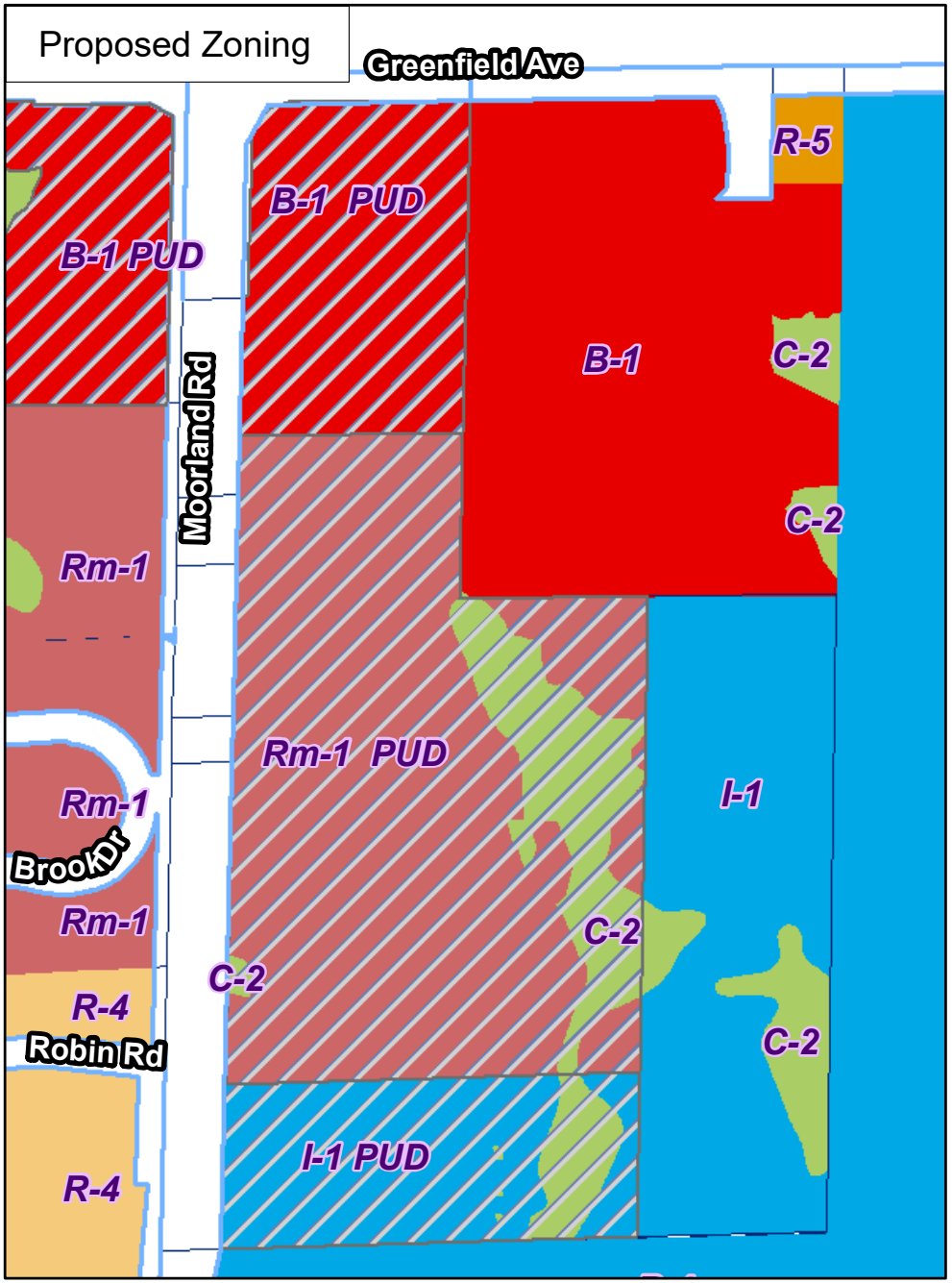
Map Printed: 5/30/2023 3:14:28 PM





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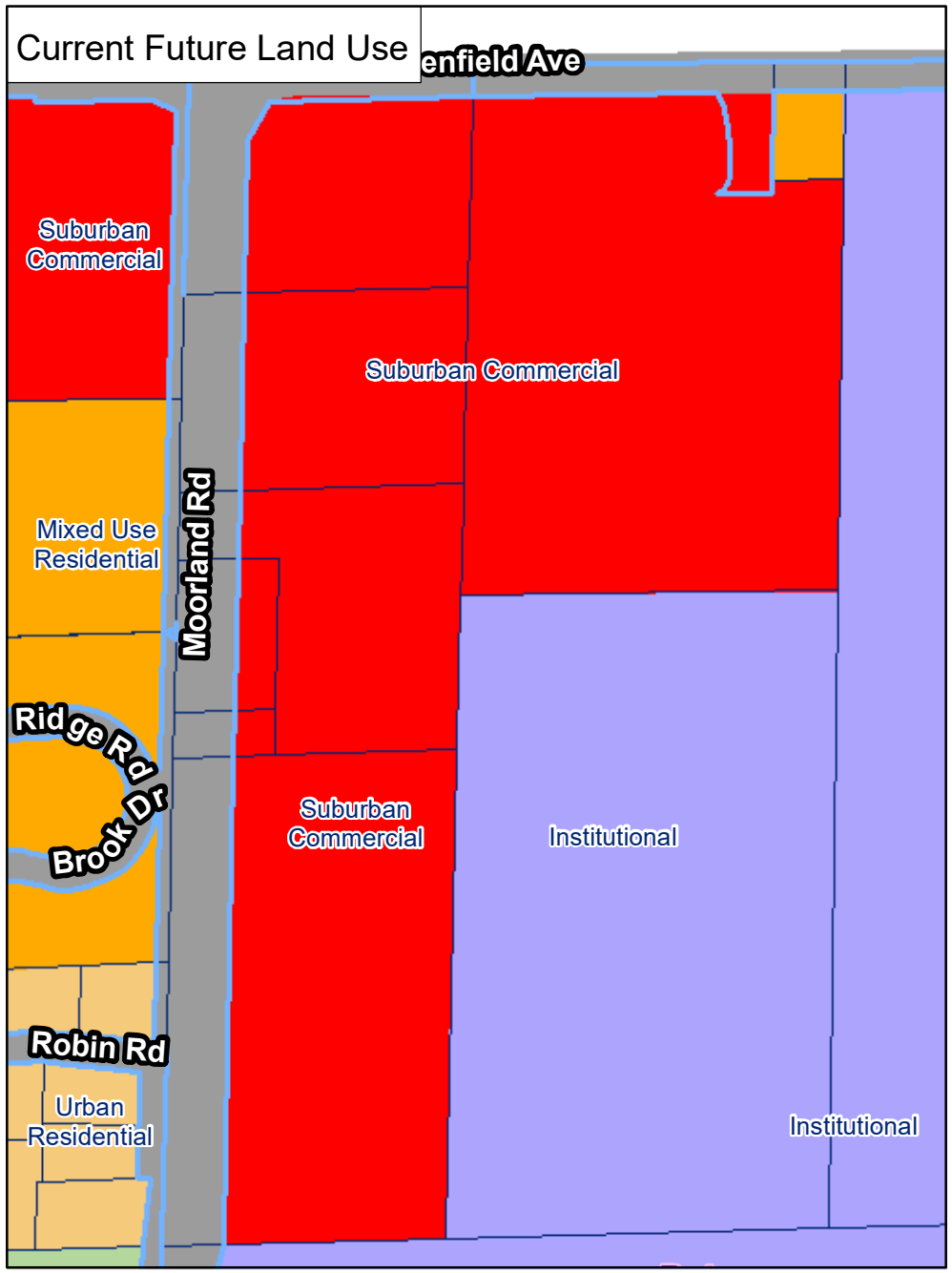
RZ--2300810
Mandel PUD Rezone
1750 S. Moorland Rd

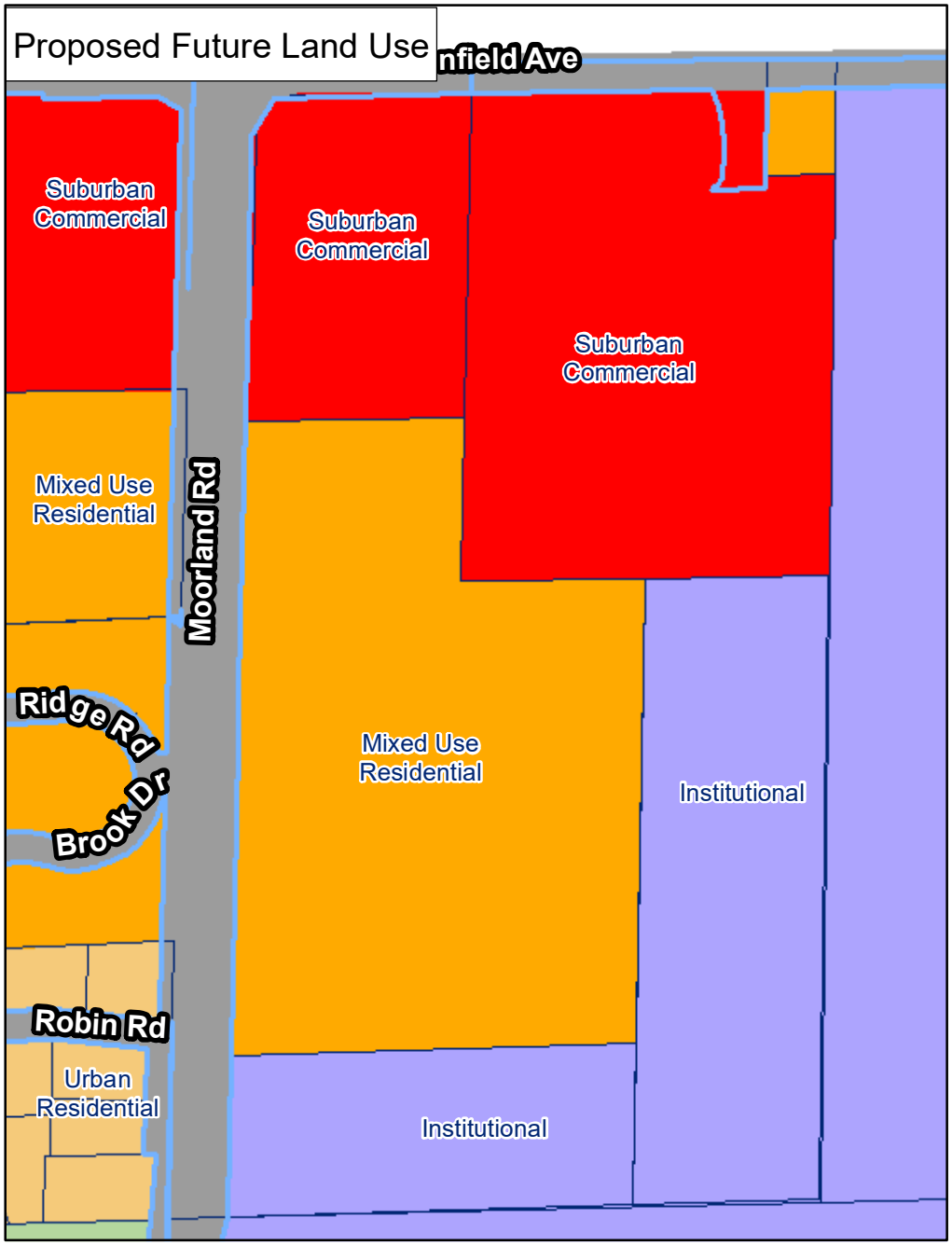
Legend
Parcels
Road Right-of-Way

N

0 170 340 Feet
9

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
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

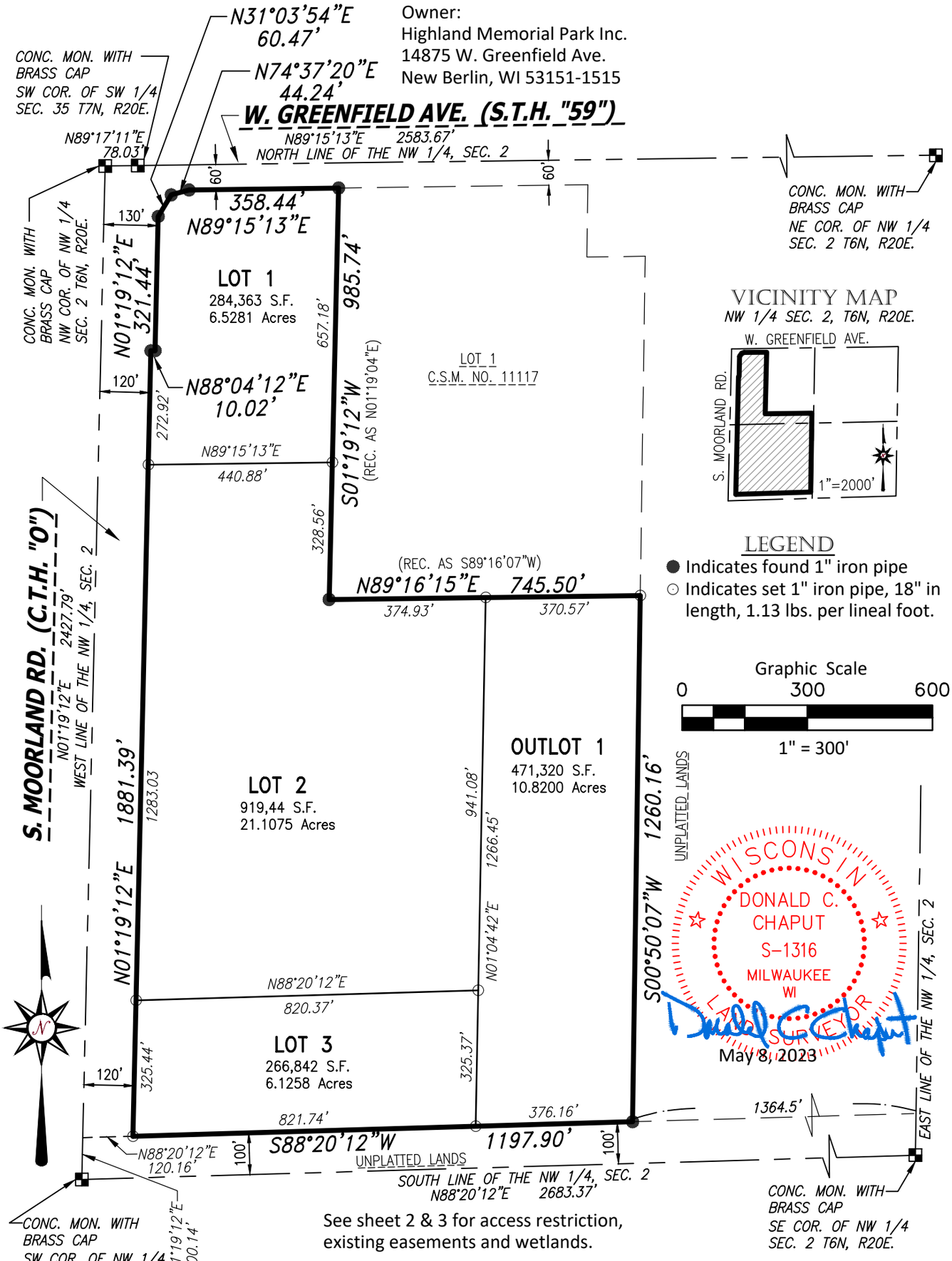
MARCH 10, 2023

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

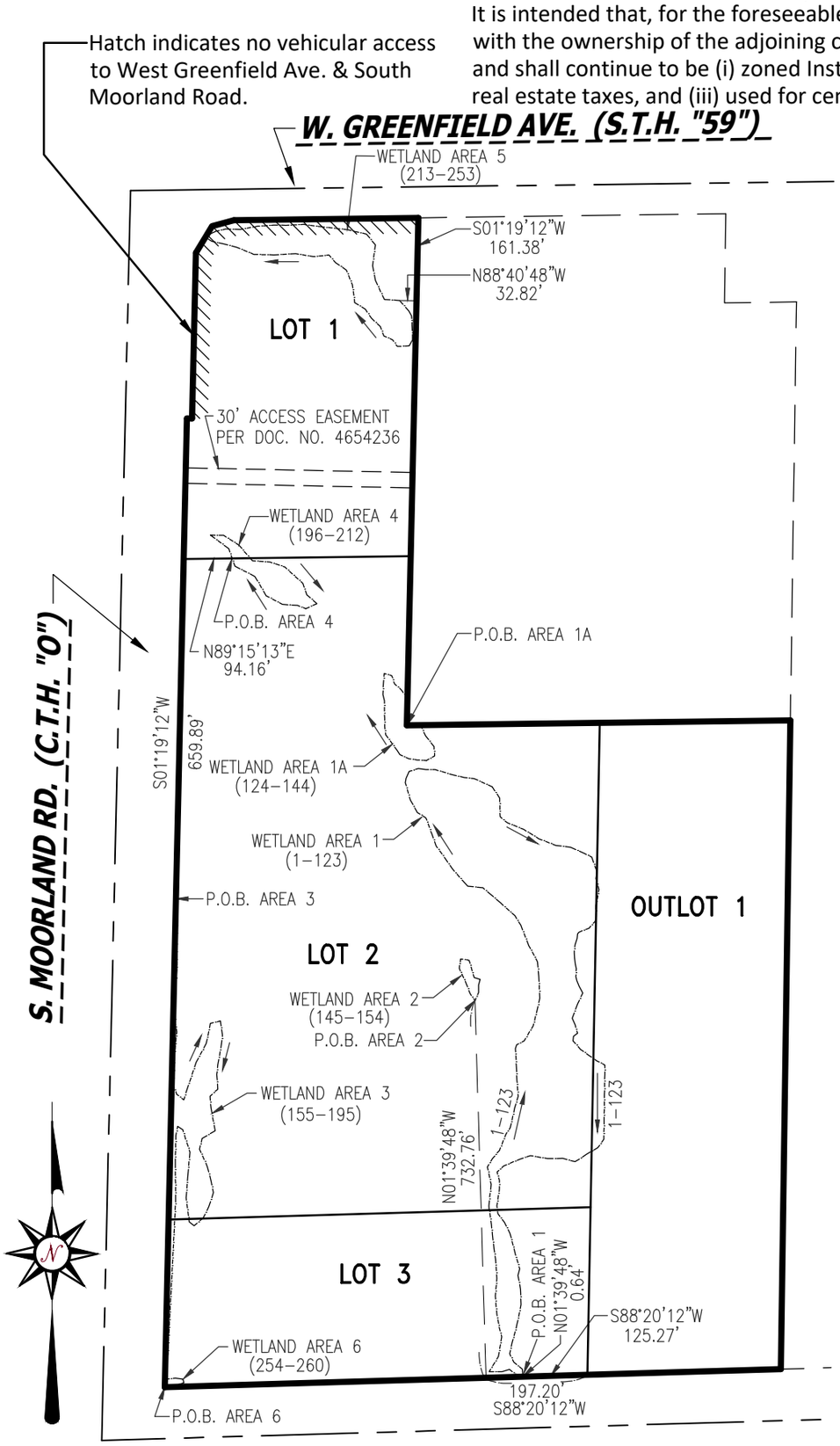
This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

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

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT:	**Matt Anderson with Matty's Bar & Grille / New Catering & Banquet Building**
LOCATION:	**14460 W. College Avenue (Tax Key #: 1292-995-001)**
REQUEST:	**Use, Site, and Architecture Approval for the construction of a 4,372 square foot building located at 14460 W. College Avenue.**
D.R.C RECOMMENDATION:	**Recommend approval of the Use, Site, and Architecture for the construction of a 4,372 square foot building located at 14460 W. College Avenue subject to the application, plans on file and the following conditions:**

Planning:

1. **The applicant is proposing to construct a 4,372 square foot catering and banquet building.**
2. **Architectural Review Committee approval required.**
3. **Plan of Operation:**
    a. **Applicant shall adhere to the submitted plan of operation.**
    b. **Employee and customer parking shall be contained on site.**
        i. **Should the owner utilize a shared parking agreement, a copy shall be on-file with the Department of Community Development.**
4. **Approval of a 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.**
5. **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.**
6. **Plans shall meet the B-2, General Retail Sales and Service District, requirements in Section 275-34B(2).**
7. **Mechanical equipment shall be properly screened from the street and public view in accordance with Section 275-56.G of the Zoning Code.**
8. **Applicant shall show any roof, ground, and wall mounted equipment on architectural plans.**
9. **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.**
10. **All permanent and temporary signs require a Sign Application to be filed prior to installation.**
11. **The property, which is served by the City of Muskego's sewer utility, shall obtain approval from the City of Muskego for the proposed building and sanitary connection.**
12. **Applicant shall comply with all domesic water supply requirements as well as fire prevention requirements.**
    a. **Applicant shall verify if the existing well will be used for both.**
13. **Applicant shall adhere to Zoning Permit # 2300076 relating to 2023 Outdoor Events.**
14. **The event tent and shipping container on-site shall be removed prior to November 1, 2023.**
    a. **An inspection will be made to confirm they have been removed.**

Building Inspection:

Inspection– State Review

15. **Building plans shall be signed and stamped by a licensed architect or professional engineer per the Wisconsin Enrolled Commercial Building Code (SPS.361.31).**
16. **Building plans shall be approved by the State of Wisconsin Department of Commerce Safety and Buildings Division (SPS361.60.**
17. **State letter and 4 sets of plans (1 must be wet stamped) required with Building Permit application.**
18. **Apply and obtain appropriate demo, building, HVAC, kitchen hood, electric, plumbing, and fire permits from the City of New Berlin Building Inspection Division.**
19. **Zoning approval will be required before applying for the building permit. Separate application and plans are required.**
20. **Plumbing: State review is required for over 16 fixtures – new and/or replacements.**

Engineering:

21. **Provide a lighting plan which shows the proposed site plan underlay. All parking stalls and pedestrian movement areas shall provide a minimum of 0.4 fc light intensity. Existing site lighting shall be included in the lighting plan.**
22. **Based on previous Zoning Permits, it appears that 47 parking spaces are available beyond the existing uses. The project narrative states that the proposed building will have 100 persons at maximum capacity, which requires 33 parking stalls, based on Zoning Code requirements for banquet halls. Therefore, sufficient parking is provided.**

Fire Department:

23. **New structure and existing restaurant shall be sprinkled and protected by fire alarm.**
24. **Capacity load calculation and signage shall be posted.**

City of Muskego:

25. **A separate sanitary sewer lateral is required for this building.**
26. **Owner shall provide as-builts for all existing sanitary sewer laterals.**
27. **Owner must provide sanitary sewer flow for proposed new building.**

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

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

Meeting of August 14, 2023

Matt Anderson / Matty's Bar & Grille
14460 W. College Avenue

DATE STAFF REPORT REVISED: July 10, 2023

APPLICANT / OWNER(S): Matt Anderson – Matty's Bar & Grille / Anderson Real Estate Management

REQUEST/DESCRIPTION OF PROJECT: Use, Site and Architecture approval for a 4,375 square foot catering and banquet building for Matty's located at 14460 W. College Avenue.

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 6/30/2023

DATE OF COMPLETENESS DETERMINATION: 7/5/2023
Application Check List Enclosed: No

PRE-APPLICATION CONFERENCE HELD: Yes
(Date(s) of Meeting(s): 3/10/2023 / Site Visit(s): various site visits)

CONCEPTUAL PLAN: N/A

SIZE OF DEVELOPMENT / PARCEL(S): 2.25 acres

CURRENT ZONING: B-2, General Retail Sales & Service District

CURRENT LAND USE: Matty's Bar & Grille

PROPOSED ZONING: N/A

PROPOSED LAND USE: Catering/banquet hall

PROPOSED LOT SIZE: N/A

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North:	Zoning: A-1	Land Use:	Agriculture
South:	Zoning: N/A	Land Use:	City of Muskego
East:	Zoning: R-3	Land Use:	Single-Family Home
West:	Zoning: R-3	Land Use:	Single-Family Home

CONFORMANCE WITH THE 2020 COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes
Chapter 17: Neighborhood "G": Sections 26 and 35: Yes, this submittal meets the intent of this Chapter.

Planning Context/Vision/Development Polices:

Vision:

- Neighborhood G is considered to be a sizeable land area in New Berlin that can accommodate the amount of development desired to offset the City's tax base and accommodate new businesses and residents. Planning for a specific scale of development in Neighborhood G may relieve development pressure City-wide, as the western half of New Berlin remains the area in which residents and businesses wish to maintain higher open space percentages.

Development Policies:

- Require coordinated, pre-planned concepts/development proposals to ensure a cohesive and coordinated development pattern. Developments must take into consideration how adjacent parcels would be developed.

Land use

- *Future Land Use Map: Suburban Commercial & Urban Residential*

ZONING CODE (CHAPTER 275): Yes, meets all the requirements of Chapter 275-34B(2).

SUBDIVISION CODE (CHAPTER 235): N/A

REZONING REQUIRED: No

CONDITIONAL USE REQUIRED: No

PUBLIC HEARING REQUIRED: N/A

USE / SITE / ARCHITECTURAL REVIEW:
-**Conditional Use Approval Required:** No
-**Site Plan Required:** Yes, please see submitted site layout.
-**Architectural Review Required:** Yes

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: Site is relatively flat.

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: N/A

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. Any additional projects may include additional storm water management on site.

SANITARY SEWER PROVISION: Yes, existing home and restaurant are serviced through the City of Muskego.
-Within Current Sewer Service Area: Yes, through the City of Muskego.
-Basin Capacity Available: N/A
-Basin Balance (If known): N/A
-Adequate Linkage: Yes

WATER USAGE CALC.: Will be reviewed at time of building permit. Applicant shall comply with all domestic water supply requirements as well as fire prevention requirements.

TRAFFIC IMPACT: Applicant plans to accommodate all parking within the existing parking lot.

SCHOOL DISTRICT IMPACT: N/A

PREVIOUS ACTION:

7/7/97	Plan Commission approved interior and exterior modifications for College Pub.
6/1/98	Plan Commission approved a patio for Just Matty's.
5/3/99	Plan Commission approved modifications to a previously approved patio (File #: U-34-98).
11/4/02	Plan Commission approved a building addition for Matty's.
2/2/04	Plan Commission approved rezoning from R-3 to B-2.
2/10/04	Common Council approved rezoning from R-3 to B-2.
3/1/04	Plan Commission approved an addition for Matty's Bar & Grille.
5/9/08	Staff administratively approved the enclosure of a patio for Matty's Bar & Grille.
12/29/08	Staff administratively approved outdoor seating, additional parking spaces and lighting for Matty's Bar & Grille.
2/1/10	Plan Commission approved a parking lot addition.
6/7/10	Plan Commission approved a one-lot certified survey map to combine two lots.
6/22/10	Common Council approved a one-lot certified survey map to combine two lots.
11/21/11	Architecture Review Committee approved a smoking shelter.
4/10/12	Architecture Review Committee approved a patio with outside seating.
9/03/14	Approval for Temporary Events until such time a Conditional Use approval could be applied for.
4/8/15	Plan Commission held a public hearing on this request.
4/17/2015	Approval for two Temporary Events to be held prior to the approval of this Conditional Use request.
4/8/2015	Plan Commission held a public hearing for this business to hold outdoor events.
5/4/2015	Plan Commission approved a Conditional Use Permit for this business to hold outdoor events.
4/13/2016	Plan Commission re-approved the outdoor events for this business.
3/6/2017	Plan Commission held a public hearing for this business to hold additional outdoor events.
3/30/2017	Plan Commission approved the additional outdoor events.
3/5/2018	Plan Commission approved additional outdoor events. (Application File #: CU-1700138)
7/21/2021	Staff approved an administrative permit for a covered patio and stage via UA #: 2101028.
2/6/2023	Plan Commission held a public hearing for CU-2300076 for Matty's Outdoor Events.
3/6/2023	Plan Commission tabled this item.
4/12/2023	Plan Commission approval of the Conditional Use Permit.

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

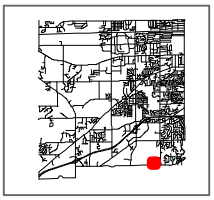
1. Applicant shall adhere to Zoning Permit # 2300076 relating to 2023 Outdoor Events.
2. The event tent and shipping container on-site shall be removed prior to November 1, 2023.
    a. An inspection will be made to confirm they have been removed.

D.R.C RECOMMENDATION: Approval of the Use, Site, and Architecture for a 4,375 square foot catering and banquet building for the property located at 14460 W. College Avenue subject to the application, plans on file and the following conditions: **See Executive Summary.**

ATTACHMENTS:
Location Map
Plan of Operation
Plans

City of New Berlin
Community Development

UA-2301370
Matty's Catering/Banquet Building
14460 W. College Ave.



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

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 62.5 125 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.

mattysbar.com

PLAN OF OPERATION (275-24C (3)) FOR 14460 W. COLLEGE EVE NEW BERLIN...ADDITIONAL EVENT SPACE

The plan of operation for the proposed event space building would be to host events as we have been doing for years seasonally in tented and covered pavilion spaces. This has been the vision of the company for over 10 years to cater in our own space onsite year-round. The building will have space for events up to 100-person capacity. Events that we have tailored a niche for are the smaller showers, birthday, and anniversary parties, tasting events, celebrations of life, youth sports banquets and the like. The building will also include a catering kitchen and bathrooms accessible from the indoor event space as well as general public use seasonally with our open air event space. The gathering space activities are food and beverage service related to events for both inside and outside of the buildings.

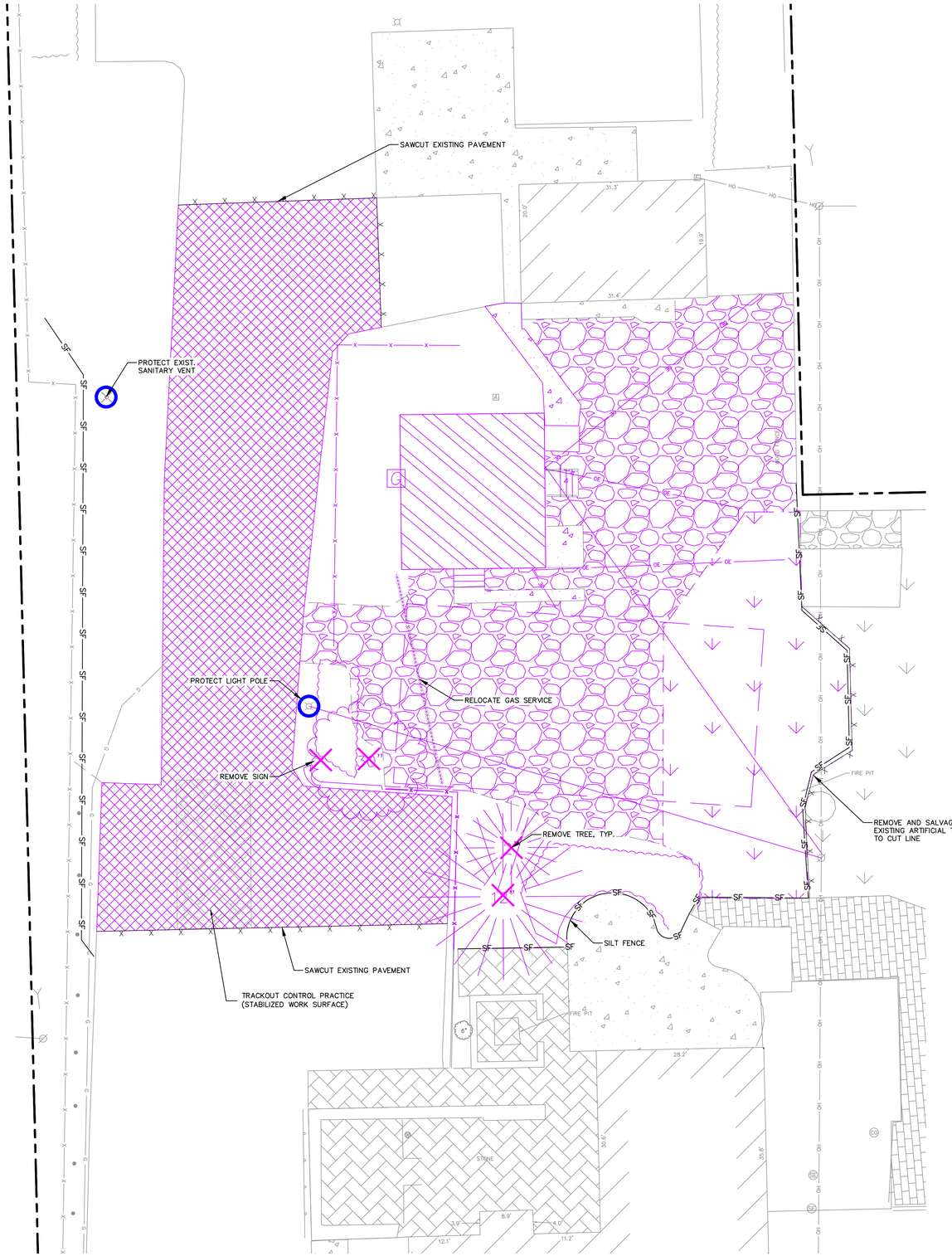
The proposed estimated frequency of use of the building would be 3 to 5 events per week. Events are typically weekend driven but can occur any day of the week. The season would be yearlong and hours of operation would vary with the vent type. We have and do host corporate breakfast events as early as 7 am and evening events that go as long as 12 am.

The total # of employees associated with the event space would be maximum 15, and the # of employees associated with the largest work shift would be 10.

There are no vehicles associated with this onsite event space.

SHEET INDEX

C1.0	DEMOLITION PLAN
C2.0	SITE PLAN OVERVIEW
C2.1	SITE PLAN
C3.0	GRADING & EROSION CONTROL PLAN
C4.0	UTILITY PLAN
C5.0	NOTES & DETAILS



GENERAL NOTES

1. REFER TO THE EXISTING CONDITIONS SURVEY FOR EXISTING CONDITIONS NOTES AND LEGENDS.
2. ALL WORK IN THE ROW AND/OR PUBLIC EASEMENTS SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR SEWER & WATER CONSTRUCTION IN WISCONSIN AND MUNICIPAL REQUIREMENTS.
3. EXISTING GRADE SPOT ELEVATIONS SHOWN FOR INFORMATIONAL PURPOSES. DURING CONSTRUCTION MATCH EXISTING GRADES AT CONSTRUCTION LIMITS.
4. NO SITE GRADING OUTSIDE OR DOWNSLOPE OF PROPOSED SILT FENCE LOCATION. NO LAND DISTURBANCE BEYOND PROPERTY LINES.
5. JSD SHALL BE HELD HARMLESS AND DOES NOT WARRANT ANY DEVIATIONS BY THE OWNER/CONTRACTOR FROM THE APPROVED CONSTRUCTION PLANS THAT MAY RESULT IN DISCIPLINARY ACTIONS BY ANY OR ALL REGULATORY AGENCIES.

DEMOLITION NOTES

1. THIS PLAN INDICATES ITEMS ON THE PROPERTY INTENDED FOR DEMOLITION BASED ON THE CURRENT SITE DESIGN THAT HAVE BEEN IDENTIFIED BY A REASONABLE OBSERVATION OF THE EXISTING CONDITIONS THROUGH FIELD SURVEY RECONNAISSANCE, "DIGGER'S HOTLINE" LOCATION, AND GENERAL "STANDARD OF CARE". THERE MAY BE ADDITIONAL ITEMS THAT CAN NOT BE IDENTIFIED BY A REASONABLE ABOVE GROUND OBSERVATION, OF WHICH THE ENGINEER WOULD HAVE NO KNOWLEDGE OR MAY BE A PART OF ANOTHER DESIGN DISCIPLINE. IT IS THE CONTRACTOR'S/BIDDER'S RESPONSIBILITY TO REVIEW THE PLANS, INSPECT THE SITE AND PROVIDE THEIR OWN DUE DILIGENCE TO INCLUDE IN THEIR BID WHAT ADDITIONAL ITEMS, IN THEIR OPINION, MAY BE NECESSARY FOR DEMOLITION. ANY ADDITIONAL ITEMS IDENTIFIED BY THE CONTRACTOR/BIDDER SHALL BE IDENTIFIED IN THE BID AND REPORTED TO THE ENGINEER OF RECORD. JSD TAKES NO RESPONSIBILITY FOR ITEMS ON THE PROPERTY THAT COULD NOT BE LOCATED BY A REASONABLE OBSERVATION OF THE PROPERTY OR OF WHICH THEY WOULD HAVE NO KNOWLEDGE.
2. ALL TREES CALLED OUT TO BE REMOVED SHALL BE REMOVED IN THEIR ENTIRETY AND STUMPS SHALL BE GROUND TO PROPOSED SUBGRADE.
3. ABANDONED/REMOVED ITEMS SHALL BE DISPOSED OF OFF SITE UNLESS OTHERWISE NOTED.
4. PRIOR TO CONSTRUCTION, THE CONTRACTOR IS RESPONSIBLE FOR:
   - 4.1. EXAMINING ALL SITE CONDITIONS RELATIVE TO THE CONDITIONS INDICATED ON THE ENGINEERING DRAWINGS. ANY DISCREPANCIES ARE TO BE REPORTED IMMEDIATELY TO THE ENGINEER AND RESOLVED PRIOR TO THE START OF CONSTRUCTION.
   - 4.2. VERIFYING UTILITY ELEVATIONS AND NOTIFYING ENGINEER OF ANY DISCREPANCIES. NO WORK SHALL BE PERFORMED UNTIL THE DISCREPANCIES ARE RESOLVED.
   - 4.3. NOTIFYING ALL UTILITIES PRIOR TO THE REMOVAL OF ANY UNDERGROUND UTILITIES.
   - 4.4. NOTIFYING THE DESIGN ENGINEER AND LOCAL CONTROLLING MUNICIPALITY 48 HOURS PRIOR TO THE START OF CONSTRUCTION TO ARRANGE FOR APPROPRIATE CONSTRUCTION INSPECTION.
5. ANY SANITARY SEWER, SANITARY SEWER SERVICES, WATER MAIN, WATER SERVICES, STORM SEWER, OR OTHER UTILITIES, WHICH ARE DAMAGED BY THE CONTRACTORS, SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AT THE CONTRACTOR'S EXPENSE.
6. CONTRACTOR IS RESPONSIBLE FOR SITE SAFETY DURING THE CONSTRUCTION OF THESE IMPROVEMENTS.
7. CONTRACTOR TO COORDINATE PRIVATE UTILITY REMOVAL / ABANDONMENT AND NECESSARY RELOCATION WITH RESPECTIVE UTILITY COMPANY. COORDINATION REQUIRED PRIOR TO CONSTRUCTION.
8. ALL DEMOLITION SHALL BE IN ACCORDANCE WITH THE APPROVED MUNICIPALITY RECYCLING PLAN.
9. ANY CONTAMINATED SOILS SHALL BE REMOVED IN ACCORDANCE WITH FEDERAL AND STATE REGULATIONS TO AN APPROVED LANDFILL.
10. ALL EXISTING UTILITIES TO BE FIELD LOCATED AND FLAGGED BY CONTRACTOR.
11. ALL PERIMETER EROSION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO THE START OF DEMOLITION ACTIVITIES. CONTRACTOR SHALL KEEP ALL STREETS AND PAVEMENT FREE AND CLEAR OF ALL CONSTRUCTION RELATED DIRT, DUST AND DEBRIS.

EROSION CONTROL NOTES

1. CONTRACTOR IS RESPONSIBLE TO NOTIFY ENGINEER OF RECORD AND OFFICIALS OF ANY CHANGES TO THE EROSION CONTROL PLAN. ENGINEER OF RECORD AND APPROPRIATE CITY OF NEW BERLIN OFFICIALS MUST APPROVE ANY CHANGES PRIOR TO DEVIATION FROM THE APPROVED PLANS.
2. ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED BY THE CONTRACTOR IN ACCORDANCE WITH THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WDNR) TECHNICAL STANDARDS (REFERRED TO AS BMP'S) AND CITY OF NEW BERLIN ORDINANCE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN A COPY OF THESE STANDARDS. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ADDITIONAL EROSION CONTROL MEASURES WHICH MAY BE NECESSARY TO MEET UNFORESEEN FIELD CONDITIONS.
3. INSTALL PERIMETER EROSION CONTROL MEASURES (SUCH AS TRACKOUT CONTROL PRACTICE, INLET PROTECTION, AND SILT FENCE) PRIOR TO ANY SITE WORK, INCLUDING GRADING OR DISTURBANCE OF EXISTING SURFACE COVER, AS SHOWN ON PLAN. MODIFICATIONS TO THE APPROVED EROSION CONTROL DESIGN IN ORDER TO MEET UNFORESEEN FIELD CONDITIONS IS ALLOWED IF MODIFICATIONS CONFORM TO BMP'S. ALL DESIGN MODIFICATIONS MUST BE APPROVED BY THE CITY OF NEW BERLIN PRIOR TO DEVIATION OF THE APPROVED PLAN.
4. ADDITIONAL EROSION CONTROL MEASURES, AS REQUESTED BY STATE INSPECTORS, LOCAL INSPECTORS, COUNTY INSPECTORS AND/OR ENGINEER OF RECORD SHALL BE INSTALLED WITHIN 24 HOURS OF REQUEST.
5. INSPECTIONS AND MAINTENANCE OF ALL EROSION CONTROL MEASURES SHALL BE ROUTINE (ONCE PER WEEK MINIMUM) TO ENSURE PROPER FUNCTION OF EROSION CONTROLS AT ALL TIMES. EROSION CONTROL MEASURES ARE TO BE IN WORKING ORDER AT THE END OF EACH WORK DAY.
6. ALL EROSION AND SEDIMENT CONTROL ITEMS SHALL BE INSPECTED WITHIN 24 HOURS OF ALL RAIN EVENTS EXCEEDING 0.5 INCHES. ANY DAMAGED EROSION CONTROL MEASURES SHALL BE REPAIRED OR REPLACED IMMEDIATELY UPON INSPECTION.
7. TRACKOUT CONTROL PRACTICE SHALL BE INSTALLED AT ALL LOCATIONS OF VEHICLE INGRESS/EGRESS POINTS. ADDITIONAL LOCATIONS OTHER THAN AS SHOWN ON THE PLANS MUST BE PRIOR APPROVED BY THE MUNICIPALITY. TRACKOUT CONTROL PRACTICES SHALL BE MAINTAINED BY THE CONTRACTOR IN A CONDITION WHICH WILL PREVENT THE TRACKING OF MUD OR DRY SEDIMENT ONTO ADJACENT PUBLIC STREETS AFTER EACH WORKING DAY OR MORE FREQUENTLY AS REQUIRED.
8. PAVED SURFACES ADJACENT TO CONSTRUCTION SITE VEHICLE ACCESS SHALL BE SWEPT AND/OR SCRAPED TO REMOVE ACCUMULATED SOIL, DIRT AND/OR DUST AFTER THE END OF EACH WORK DAY AND AS REQUESTED BY THE CITY OF NEW BERLIN.

LEGEND

- PROPERTY LINE
- SAWCUT EXISTING PAVEMENT
- SILT FENCE
- EXISTING GAS
- EXISTING OVERHEAD
- EXISTING FENCE
- TREE REMOVAL
- FEATURE TO BE PROTECTED
- GAS SERVICE TO BE RELOCATED
- ASPHALT TO BE DEMOLISHED
- CONCRETE TO BE DEMOLISHED
- BUILDING TO BE DEMOLISHED
- GRAVEL TO BE REMOVED
- ARTIFICIAL TURF TO BE REMOVED
- FENCE TO BE DEMOLISHED
- OVERHEAD TO BE DEMOLISHED

north

SCALE IN FEET

10' 0 10'

DIGGERS HOTLINE

Toll Free (800) 242-8511

JSD

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

CLIENT:
VENTURE CONSTRUCTION GROUP

CLIENT ADDRESS:
17500 WEST LIBERTY LANE
NEW BERLIN, WI 53146

PROJECT:
MATTY'S BAR & GRILLE

PROJECT LOCATION:
14460 COLLEGE AVENUE
NEW BERLIN, WI
WAUKESHA COUNTY

PLAN MODIFICATIONS:

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Designed By:	JJS
Reviewed By:	TJB
Approved By:	TJB

SHEET TITLE:
DEMO SHEET

SHEET NUMBER:
C1.0

JSD PROJECT NO: 22-12044

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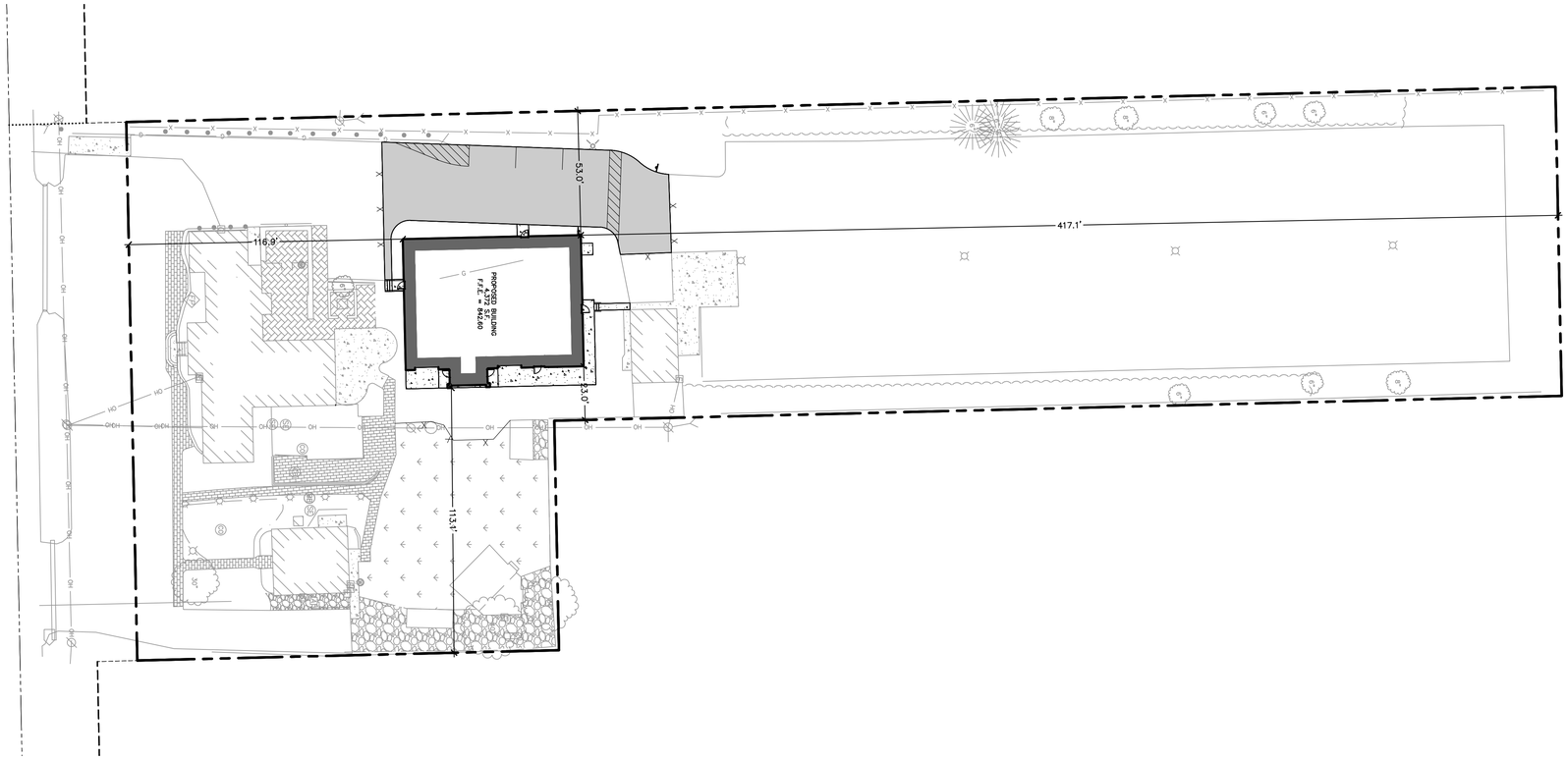

LEGEND

- PROPERTY LINE
- BUILDING OUTLINE
- EDGE OF PAVEMENT
- ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- FENCE

SITE INFORMATION BLOCK

SITE ADDRESS	14460 COLLEGE AVENUE
PROPERTY ACREAGE	2.25 ACRES
PROPOSED BUILDING SQUARE FOOTAGE	4,312
TOTAL BUILDING SQUARE FOOTAGE	11,142
NUMBER OF PARKING STALLS	
SURFACE	
LARGE	135
ACCESSIBLE	3
TOTAL SURFACE	135
EXISTING VS. PROPOSED SITE COVERAGE	
EXISTING IMPERVIOUS SURFACE AREA	72,983 SF
EXISTING PERVIOUS SURFACE AREA	25,176 SF
EXISTING IMPERVIOUS SURFACE AREA RATIO	0.74
PROPOSED IMPERVIOUS SURFACE AREA	74,167 SF
PROPOSED PERVIOUS SURFACE AREA	23,992 SF
PROPOSED IMPERVIOUS SURFACE AREA RATIO	0.76

north

SCALE IN FEET

10' 0 10'

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WAUKESHA, WISCONSIN 53188
P. 262.513.0666

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Designed By: JJS
Reviewed By: TJB
Approved By: TJB

SHEET TITLE:
SITE PLAN OVERVIEW

SHEET NUMBER:
C2.0

JSD PROJECT NO: 22-12044

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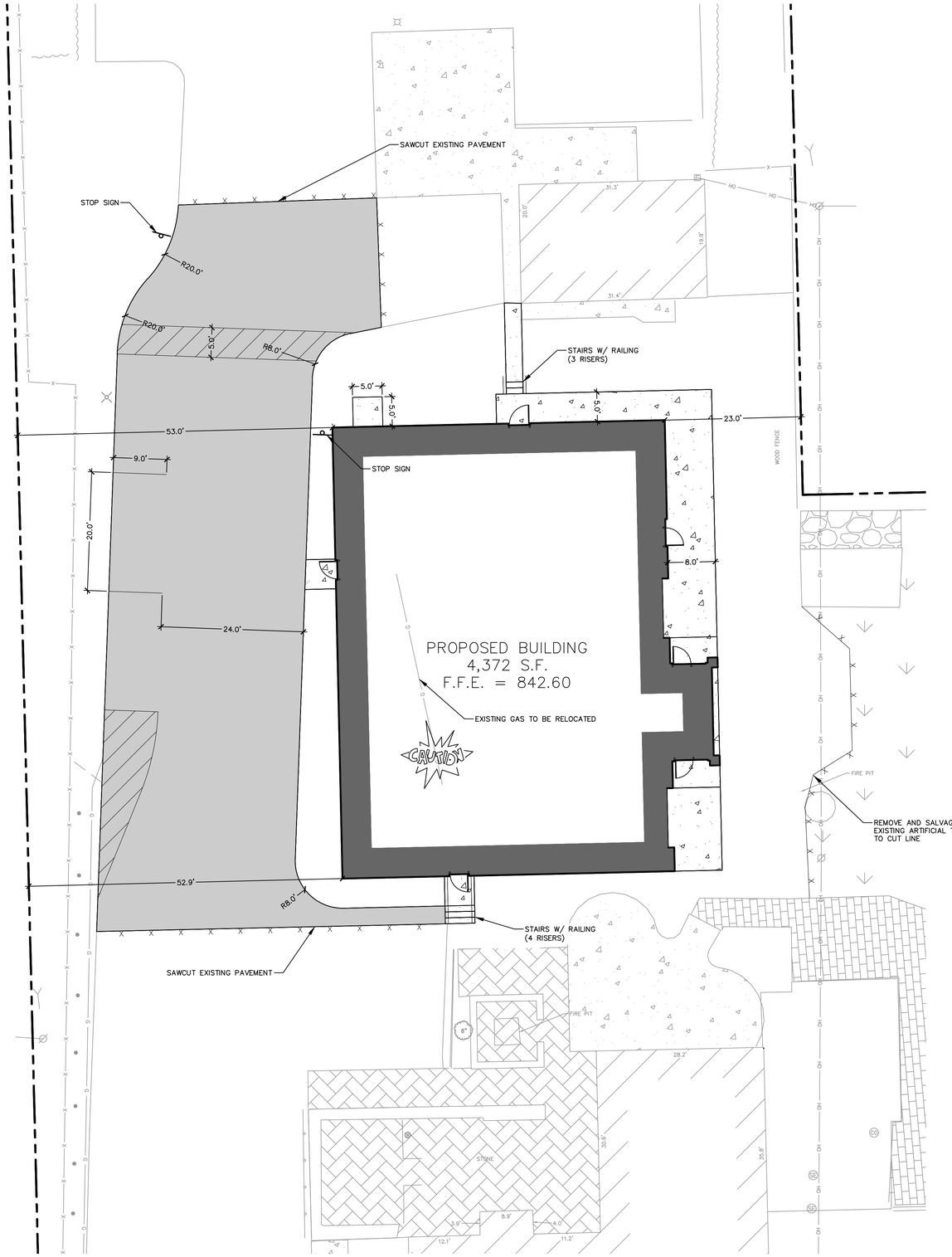
File: R:\2022\22120441\DWG\22-12044 C2 Site Plan.dwg Layout: C2.0 User: jsimon Plotted: Jun 26, 2023 - 12:07pm Xref's:



PAVING NOTES

1. GENERAL

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

1.2. SURFACE PREPARATION – NOTIFY ENGINEER/OWNER OF UNSATISFACTORY CONDITIONS. DO NOT BEGIN PAVING WORK UNTIL DEFICIENT SUBBASE AREAS HAVE BEEN CORRECTED AND ARE READY TO RECEIVE PAVING.

2. ASPHALTIC CONCRETE PAVING SPECIFICATIONS

2.1. CODES AND STANDARDS – THE PLACING, CONSTRUCTION AND COMPOSITION OF THE ASPHALTIC BASE COURSE AND ASPHALTIC CONCRETE SURFACE COURSE SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 450, 455, 460 AND 465 OF THE STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, CURRENT EDITION. HEREAFTER, THIS PUBLICATION WILL BE REFERRED TO AS STATE HIGHWAY SPECIFICATIONS.

2.2. WEATHER LIMITATIONS – APPLY TACK COATS WHEN AMBIENT TEMPERATURE IS ABOVE 50° F (10° C) AND WHEN TEMPERATURE HAS NOT BEEN BELOW 35° F (1° C) FOR 12 HOURS IMMEDIATELY PRIOR TO APPLICATION. DO NOT APPLY WHEN BASE IS WET OR CONTAINS EXCESS OF MOISTURE. CONSTRUCT ASPHALTIC CONCRETE SURFACE COURSE WHEN ATMOSPHERIC TEMPERATURE IS ABOVE 40° F (4° C) AND WHEN BASE IS DRY AND WHEN WEATHER IS NOT RAINY. BASE COURSE MAY BE PLACED WHEN AIR TEMPERATURE IS ABOVE 30° F (–1° C).

2.3. GRADE CONTROL – ESTABLISH AND MAINTAIN REQUIRED LINES AND ELEVATIONS FOR EACH COURSE DURING CONSTRUCTION.

2.4. CRUSHED AGGREGATE BASE COURSE – THE TOP LAYER OF BASE COURSE SHALL CONFORM TO SECTIONS 301 AND 305, STATE HIGHWAY SPECIFICATIONS.

2.5. BINDER COURSE AGGREGATE – THE AGGREGATE FOR THE BINDER COURSE SHALL CONFORM TO SECTIONS 460 AND 315, STATE HIGHWAY SPECIFICATIONS.

2.6. SURFACE COURSE AGGREGATE – THE AGGREGATE FOR THE SURFACE COURSE SHALL CONFORM TO SECTIONS 460 AND 465, STATE HIGHWAY SPECIFICATIONS.

2.7. ASPHALTIC MATERIALS – THE ASPHALTIC MATERIALS SHALL CONFORM TO SECTION 455 AND 460, STATE HIGHWAY SPECIFICATIONS.

3. CONCRETE PAVING SPECIFICATIONS

3.1. CONCRETE PAVING SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 415 AND 416 OF THE STATE HIGHWAY SPECIFICATIONS.

3.2. CONCRETE PAVEMENT SHALL BE REINFORCED WITH NOVOMESH 950 (OR EQUAL) FIBER REINFORCEMENT AT A RATE OF 5 LBS/CUBIC YARD.

3.3. CURING COMPOUNDS SHALL CONFORM TO SECTION 415 OF THE STATE HIGHWAY SPECIFICATIONS.

3.4. CONTRACTOR SHALL PROVIDE CONTROL JOINTS AND CONSTRUCTION JOINTS OF ONE–QUARTER CONCRETE THICKNESS AT AN EQUAL RATIO OF LENGTH TO WIDTH WHEREVER POSSIBLE WITH A MAXIMUM LENGTH BETWEEN JOINTS OF 8' ON CENTER.

3.5. CONTRACTOR SHALL PROVIDE EXPANSION JOINTS IN SIDEWALKS AT A MAXIMUM 24' ON CENTER.

3.6. EXTERIOR CONCRETE SURFACES SHALL BE BROOM FINISHED.

3.7. ALL CONCRETE SURFACES TO BE SEALED WITH TYPE TK–26UV CONCRETE SEALANT.

LEGEND

- PROPERTY LINE
- BUILDING OUTLINE
- EDGE OF PAVEMENT
- ASPHALT PAVEMENT
- CONCRETE PAVEMENT

north

SCALE IN FEET

10' 0 10'

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

CLIENT:
VENTURE CONSTRUCTION GROUP

CLIENT ADDRESS:
17500 WEST LIBERTY LANE
NEW BERLIN, WI 53146

PROJECT:
MATTY'S BAR & GRILLE

PROJECT LOCATION:
14460 COLLEGE AVENUE
NEW BERLIN, WI
WAUKESHA COUNTY

PLAN MODIFICATIONS:

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Designed By:	JJS
Reviewed By:	TJB
Approved By:	TJB

SHEET TITLE:
SITE PLAN

SHEET NUMBER:
C2.1

JSD PROJECT NO: 22-12044

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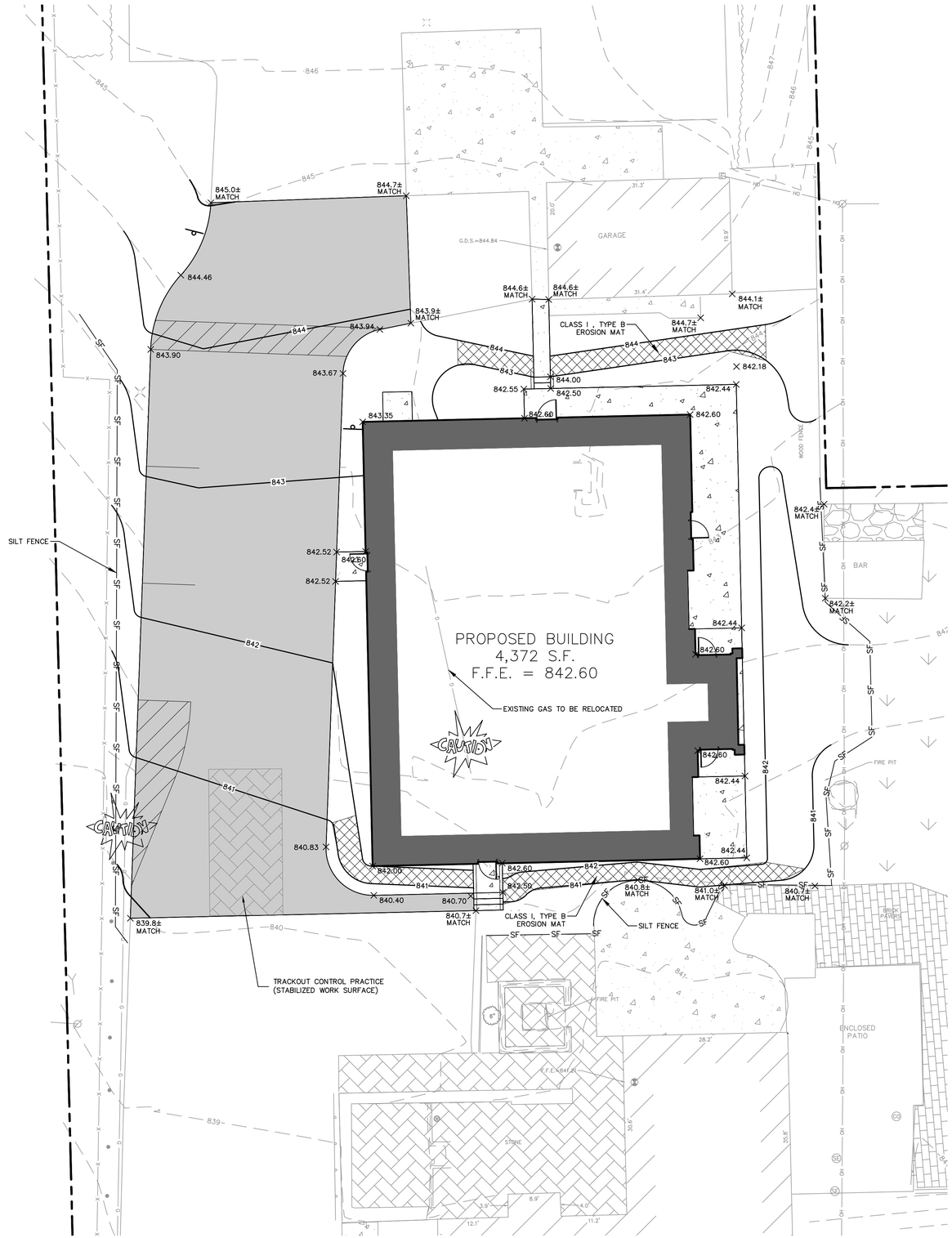

GRADING AND SEEDING NOTES

1. ALL PROPOSED GRADES SHOWN ARE FINISHED GRADES. CONTRACTOR SHALL VERIFY ALL GRADES, MAKE SURE ALL AREAS DRAIN PROPERLY AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO CONSTRUCTION.
2. CONTRACTOR SHALL ASSUME SOLE RESPONSIBILITY FOR COMPUTATIONS OF ALL GRADING QUANTITIES. WHILE JSD PROFESSIONAL SERVICES, INC. ATTEMPTS TO PROVIDE A COST EFFECTIVE APPROACH TO BALANCE EARTHWORK, GRADING DESIGN IS BASED ON MANY FACTORS, INCLUDING SAFETY, AESTHETICS, AND COMMON ENGINEERING STANDARDS OF CARE. THEREFORE, NO GUARANTEE CAN BE MADE FOR A BALANCED SITE.
3. ANY WORK WITHIN RIGHT-OF-WAY SHALL BE PROPERLY PERMITTED AND COORDINATED WITH THE APPROPRIATE OFFICIALS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES. ALL GRADING WITHIN RIGHT-OF-WAY IS SUBJECT TO APPROVAL BY SAID OFFICIALS.
4. CONTRACTOR SHALL PROVIDE NOTICE TO THE MUNICIPALITY IN ADVANCE OF ANY SOIL DISTURBING ACTIVITIES, IN ACCORDANCE WITH MUNICIPAL REQUIREMENTS.
5. ALL DISTURBED AREAS SHALL BE SODDED AND/OR SEEDED AND MULCHED IMMEDIATELY FOLLOWING GRADING ACTIVITIES.
6. CONTRACTOR SHALL WATER ALL NEWLY SODDED/SEEDED AREAS DURING THE SUMMER MONTHS WHENEVER THERE IS A 7 DAY LAPSE WITH NO SIGNIFICANT RAINFALL.
7. CONTRACTOR TO DEEP TILL ALL COMPACTED PERVIOUS SURFACES PRIOR TO SODDING AND/OR SEEDING AND MULCHING.
8. ALL SLOPES 20% OR GREATER SHALL BE TEMPORARY SEEDED, MULCHED, OR OTHER MEANS OF COVER PLACED ON THEM WITHIN 2 WEEKS OF DISTURBANCE.
9. ALL EXPOSED SOIL AREAS THAT WILL NOT BE BROUGHT TO FINAL GRADE OR ON WHICH LAND DISTURBING ACTIVITIES WILL NOT BE PERFORMED FOR A PERIOD GREATER THAN 30 DAYS AND REQUIRE VEGETATIVE COVER FOR LESS THAN 1 YEAR, REQUIRE TEMPORARY SEEDING FOR EROSION CONTROL. SEEDING FOR EROSION CONTROL SHALL BE IN ACCORDANCE WITH WDNR TECHNICAL STANDARD 1059 AND CITY OF NEW BERLIN ORDINANCE.

EROSION CONTROL NOTES

1. INSTALL EROSION CONTROLS ON THE DOWNSTREAM SIDE OF STOCKPILES. IF STOCKPILE REMAINS UNDISTURBED FOR MORE THAN SEVEN (7) DAYS, TEMPORARY SEEDING AND STABILIZATION IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES IS REQUIRED. IF DISTURBANCE OCCURS BETWEEN NOVEMBER 15TH AND MAY 15TH, THE MULCHING SHALL BE PERFORMED BY HYDRO-MULCHING WITH A "TACKIFIER."
2. DITCH CHECKS AND APPLICABLE EROSION NETTING/MATTING SHALL BE INSTALLED IMMEDIATELY AFTER COMPLETION OF GRADING EFFORTS WITHIN DITCHES/SWALES TO PREVENT SOIL TRANSPORTATION.
3. EROSION CONTROL FOR UTILITY CONSTRUCTION:
   A. PLACE EXCAVATED TRENCH MATERIAL ON THE HIGH SIDE OF THE TRENCH.
   B. BACKFILL, COMPACT, AND STABILIZE THE TRENCH IMMEDIATELY AFTER PIPE CONSTRUCTION.
   C. DISCHARGE TRENCH WATER INTO A SEDIMENTATION BASIN OR FILTERING TANK IN ACCORDANCE WITH THE DEWATERING TECHNICAL STANDARD NO. 1061 PRIOR TO RELEASE INTO THE STORM SEWER, RECEIVING STREAM, OR DRAINAGE DITCH.
4. ALL SLOPES 4:1 OR GREATER SHALL BE STABILIZED WITH CLASS I, TYPE B EROSION MATTING OR APPLICATION OF A WISCONSIN DEPARTMENT OF TRANSPORTATION (WisDOT) APPROVED POLYMER SOIL STABILIZATION TREATMENT OR A COMBINATION THEREOF, AS REQUIRED WITHIN 7 DAYS OF REACHING FINAL GRADE AND/OR AS SOON AS CONDITIONS ALLOW. DRAINAGE SWALES SHALL BE STABILIZED WITH CLASS II, TYPE B EROSION MATTING. EROSION MATTING AND/OR NETTING USED ONSITE SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S GUIDELINES AND WDNR TECHNICAL STANDARDS 1052 AND 1053.
5. CONTRACTOR SHALL TAKE ALL NECESSARY STEPS TO CONTROL DUST ARISING FROM CONSTRUCTION OPERATIONS. REFER TO WDNR TECHNICAL STANDARD 1068.
6. EROSION CONTROL MEASURES SHALL NOT BE REMOVED UNTIL ALL LAND DISTURBING CONSTRUCTION ACTIVITY AT THE SITE HAS BEEN COMPLETED AND THAT A UNIFORM PERENNIAL VEGETATIVE COVER HAS BEEN ESTABLISHED WITH A DENSITY OF AT LEAST 70% FOR UNPAVED AREAS AND AREAS NOT COVERED BY PERMANENT STRUCTURES OR THAT EMPLOY EQUIVALENT PERMANENT STABILIZATION MEASURES.
7. CONTRACTOR/OWNER SHALL FILE A NOTICE OF TERMINATION UPON COMPLETION OF THE PROJECT IN ACCORDANCE WITH WDNR REQUIREMENTS AND/OR PROPERTY SALE IN ACCORDANCE WITH WDNR REQUIREMENTS.
8. <u>STABILIZATION PRACTICES:</u>
   - 8.1. STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE IN PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED. NO MORE THAN SEVEN (7) DAYS SHALL PASS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS CEASED UNLESS:
   - 8.2. THE INITIATION STABILIZATION MEASURES BY THE SEVENTH (7) DAY AFTER CONSTRUCTION ACTIVITY HAS CEASED IS PRECLUDED BY SNOW COVER. IN THAT EVENT, STABILIZATION SHALL BE INITIATED AS SOON AS PRACTICABLE.
   - 8.3. CONSTRUCTION ACTIVITY WILL RESUME ON A PORTION OF THE SITE WITHIN FOURTEEN (14) DAYS FROM WHEN ACTIVITY CEASED, (I.E. THE TOTAL TIME PERIOD THAT THE CONSTRUCTION ACTIVITY IS TEMPORARILY CEASED IS LESS THAN FOURTEEN (14) DAYS. IN THAT EVENT, STABILIZATION MEASURES DO NOT HAVE TO BE INITIATED ON THAT PORTION OF THE SITE BY THE SEVENTH (7) DAY AFTER CONSTRUCTION ACTIVITY HAS TEMPORARILY CEASED.
   - 8.4. STABILIZATION MEASURES SHALL BE DETERMINED BASED ON SITE CONDITIONS AT THE TIME OF CONSTRUCTION ACTIVITY HAS CEASED, INCLUDING BUT NOT LIMITED TO WEATHER CONDITIONS AND LENGTH OF TIME MEASURE MUST BE EFFECTIVE. THE FOLLOWING ARE ACCEPTABLE STABILIZATION MEASURES:
     - PERMANENT SEEDING; IN ACCORDANCE WITH APPROVED CONSTRUCTION SPECIFICATION
     - TEMPORARY SEEDING; MAY CONSIST OF SPRING OATS(100LBS/ACRE) AND/OR WHEAT OR CEREAL RYE (150LB/ACRE)
     - HYDRO-MULCHING WITH A TACKIFIER
     - GEOTEXTILE EROSION MATTING
     - SODDING

LEGEND

- PROPERTY LINE
- BUILDING OUTLINE
- EDGE OF PAVEMENT
- ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- 959 — PROPOSED 1 FOOT CONTOUR
- 960 — PROPOSED 5 FOOT CONTOUR
- 959 — EXISTING 1 FOOT CONTOUR
- 960 — EXISTING 5 FOOT CONTOUR
- SPOT ELEVATION
  - EP – EDGE OF PAVEMENT
  - FG – FINISH GRADE
  - EC – EDGE OF CONCRETE
  - BOC – BACK OF CURB
  - MATCH – MATCH EXISTING GRADE
  - HP – HIGH POINT
  - SW – SIDEWALK
- FG: XXX.XX

north

SCALE IN FEET

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P. 262.513.0666

CLIENT:
VENTURE CONSTRUCTION GROUP

CLIENT ADDRESS:
17500 WEST LIBERTY LANE
NEW BERLIN, WI 53146

PROJECT:
MATTY'S BAR & GRILLE

PROJECT LOCATION:
14460 COLLEGE AVENUE
NEW BERLIN, WI
WAUKESHA COUNTY

PLAN MODIFICATIONS:

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Designed By:	JJS
Reviewed By:	TJB
Approved By:	TJB

SHEET TITLE:
GRADING PLAN

SHEET NUMBER:
C3.0

JSD PROJECT NO: 22-12044

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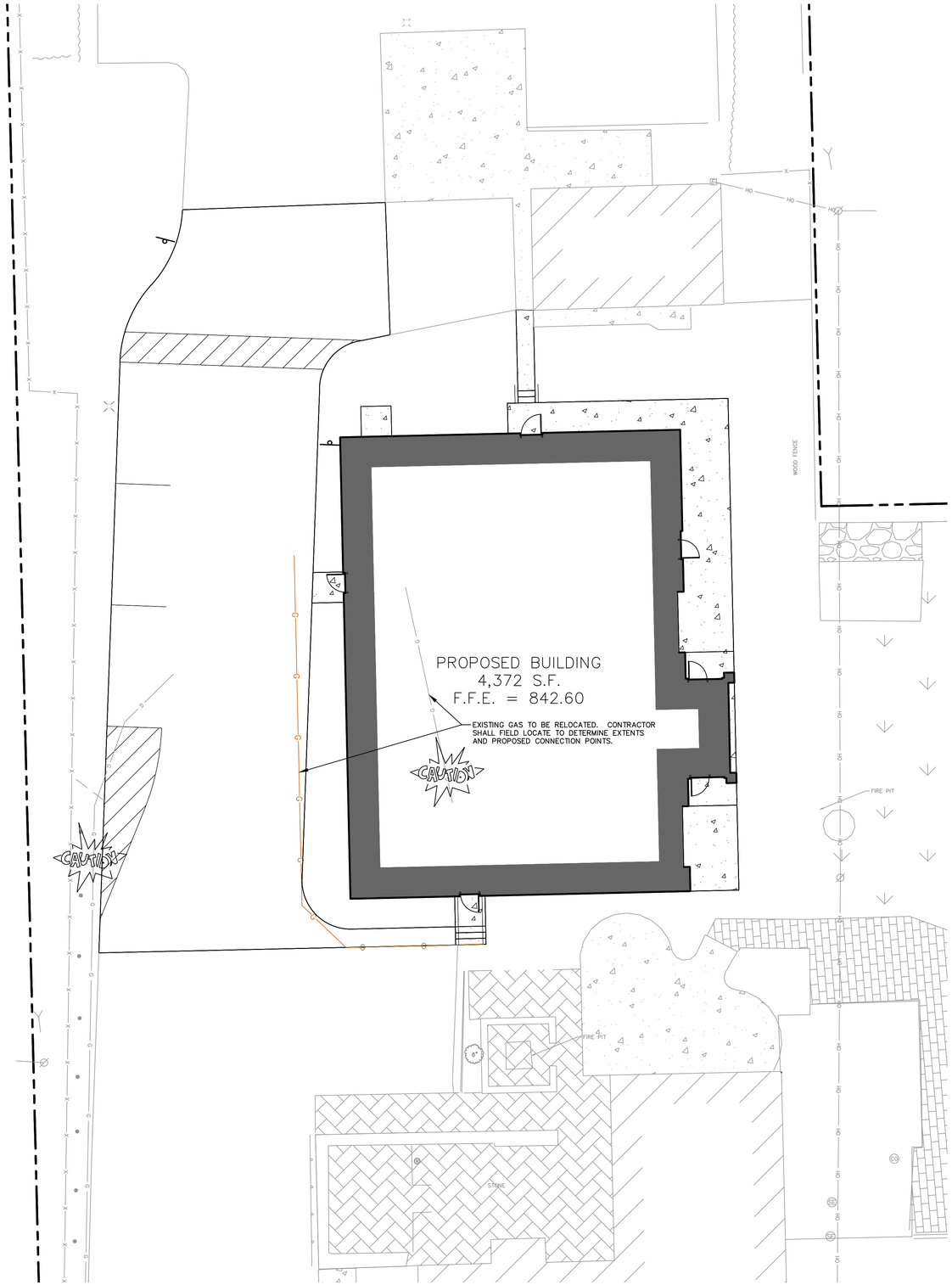

UTILITY NOTES

1. ALL EXISTING UTILITIES ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO THE TYPE AND LOCATIONS OF UNDERGROUND UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO. CONTRACTOR/OWNER SHALL CALL "DIGGER'S HOTLINE" PRIOR TO ANY CONSTRUCTION.

2. PRIOR TO CONSTRUCTION, THE PRIME CONTRACTOR IS RESPONSIBLE FOR:
   - EXAMINING ALL SITE CONDITIONS RELATIVE TO THE CONDITIONS INDICATED ON THE ENGINEERING DRAWINGS. ANY DISCREPANCIES ARE TO BE REPORTED TO THE ENGINEER AND RESOLVED PRIOR TO THE START OF CONSTRUCTION.
   - OBTAINING ALL PERMITS INCLUDING PERMIT COSTS, TAP FEES, METER DEPOSITS, BONDS, AND ALL OTHER FEES REQUIRED FOR PROPOSED WORK TO OBTAIN OCCUPANCY.
   - VERIFYING ALL ELEVATIONS, LOCATIONS AND SIZES OF SANITARY, WATER AND STORM LATERALS AND CHECK ALL UTILITY CROSSINGS FOR CONFLICTS. NOTIFY ENGINEER OF ANY DISCREPANCY. NO WORK SHALL BE PERFORMED UNTIL THE DISCREPANCY IS RESOLVED.
   - NOTIFYING ALL UTILITIES PRIOR TO INSTALLATION OF ANY UNDERGROUND IMPROVEMENTS.
   - NOTIFYING THE DESIGN ENGINEER AND MUNICIPALITY 48 HOURS PRIOR TO THE START OF CONSTRUCTION TO ARRANGE FOR APPROPRIATE CONSTRUCTION OBSERVATION.
   - COORDINATING ALL CONSTRUCTION WITH OTHER CONTRACTORS INVOLVED WITH CONSTRUCTION OF THE PROPOSED DEVELOPMENT AND FOR REPORTING ANY ERRORS OR DISCREPANCIES BETWEEN THESE PLANS AND PLANS PREPARED BY OTHERS.

3. ALL UTILITY WORK SHALL BE DONE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN – AND ALL STATE AND LOCAL CODES AND SPECIFICATIONS. IT IS THE CONTRACTORS RESPONSIBILITY TO DETERMINE WHICH SPECIFICATIONS AND CODES APPLY, AND TO COORDINATE ALL CONSTRUCTION ACTIVITIES WITH THE APPROPRIATE LOCAL AND STATE AUTHORITIES.

4. SPECIFICATIONS SHALL COMPLY WITH THE VILLAGE OF CALEDONIA SPECIAL PROVISIONS.

5. LENGTHS OF ALL UTILITIES ARE TO CENTER OF STRUCTURES OR FITTINGS AND MAY VARY SLIGHTLY FROM PLAN. LENGTHS SHALL BE VERIFIED IN THE FIELD DURING CONSTRUCTION.

6. CONTRACTOR SHALL INSTALL A PEDESTRIAN FENCE AROUND ALL EXCAVATIONS TO BE LEFT OPEN OVER NIGHT AS REQUIRED IN CONSTRUCTION SITES WHERE THE POTENTIAL FOR PEDESTRIAN INJURY EXISTS.

7. CONTRACTOR SHALL ADJUST AND/OR RECONSTRUCT ALL UTILITY COVERS (SUCH AS MANHOLE COVERS, VALVE BOX COVERS, ETC.) TO MATCH THE FINISHED GRADES OF THE AREAS AFFECTED BY THE CONSTRUCTION.

8. THE PRIME CONTRACTOR IS RESPONSIBLE FOR COORDINATING ALL CONSTRUCTION WITH OTHER CONTRACTORS INVOLVED WITH CONSTRUCTION OF THE PROPOSED DEVELOPMENT AND FOR REPORTING ANY ERRORS OR DISCREPANCIES BETWEEN THESE PLANS AND PLANS PREPARED BY OTHERS.

9. ANY SANITARY SEWER, SANITARY SEWER SERVICES, WATER MAIN, WATER SERVICES, STORM SEWER, OR OTHER UTILITIES, WHICH ARE DAMAGED BY THE CONTRACTORS, SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AT THE CONTRACTOR'S EXPENSE.

10. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING THE ENGINEER WITH AS–BUILT CONDITIONS OF THE DESIGNATED IMPROVEMENTS IN ORDER THAT THE APPROPRIATE DRAWINGS CAN BE PREPARED, IF REQUIRED. ANY CHANGES TO THE DRAWINGS OR ADDITIONAL ITEMS MUST BE REPORTED TO THE ENGINEER AS WORK PROGRESSES.

11. ROOF LEADER/STORM DRAIN LINES – ALL ROOF LEADERS/STORM DRAIN LINES ENCOUNTERED WHICH ARE NOT SHOWN ON THE PLANS SHALL BE BROUGHT TO THE ATTENTION OF JSD PRIOR TO ABANDONMENT, REMOVAL, OR CONNECTION TO THE PROPOSED STORM SEWER SYSTEM.

    FIELD TILE CONNECTION – ALL FIELD TILE ENCOUNTERED DURING CONSTRUCTION SHALL BE INCLUDED IN THE UNIT PRICE(S) FOR STORM SEWER. TILE LINES CROSSED BY THE TRENCH SHALL BE REPLACED WITH THE SAME MATERIAL AS THE STORM SEWER.

north

SCALE IN FEET

10' 0 10'

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Designed By:	JJS
Reviewed By:	TJB
Approved By:	TJB

SHEET TITLE:
UTILITY SHEET

SHEET NUMBER:
C4.0

JSD PROJECT NO: 22-12044

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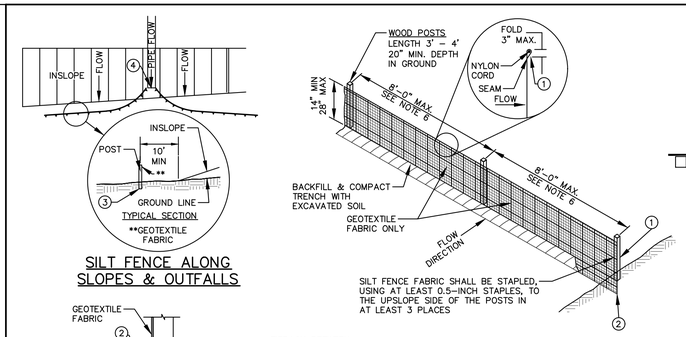
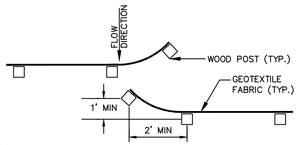
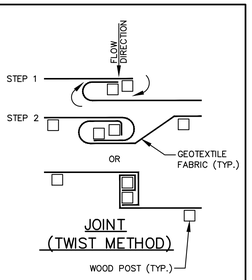


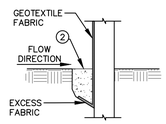
SILT FENCE ALONG SLOPES & OUTFALLS



JOINT (HOOK METHOD)

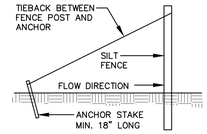


JOINT (TWIST METHOD)



NOTE:
ADDITIONAL POST DEPTH OR TIE BACKS MAY BE REQUIRED IN UNSTABLE SOILS.

TRENCH DETAIL



SILT FENCE TIE BACK
(WHEN ADDITIONAL SUPPORT REQUIRED)

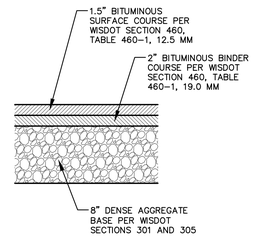
GENERAL NOTES:

1. SILT FENCE SHALL BE ANCHORED BY SPREADING AT LEAST 8-INCHES OF FABRIC IN A 4-INCH WIDE AND 6-INCH DEEP TRENCH OR 6-INCH DEEP V-TRENCH ON THE UPSLOPE SIDE OF THE FENCE. TRENCHES SHALL NOT BE EXCAVATED WIDER OR DEEPER THAN NECESSARY FOR PROPER INSTALLATION.
2. FOLD MATERIAL TO FIT TRENCH AND BACKFILL AND COMPACT TRENCH WITH EXCAVATED SOIL.
3. WOOD POSTS SHALL BE A MINIMUM SIZE OF 1.125-INCHES x 1.125-INCHES OF DRIED OAK OR HICKORY.
4. SILT FENCE TO EXTEND ABOVE THE TOP OF PIPE.
5. SILT FENCE CONSTRUCTION AND GEOTEXTILE FABRIC SHALL CONFORM TO WDNR TECHNICAL STANDARD 1056.
6. POST SPACING SHALL BE SELECTED BASED ON GEOTEXTILE FABRIC (8-FEET FOR WOVEN & 3-FEET FOR NON-WOVEN)

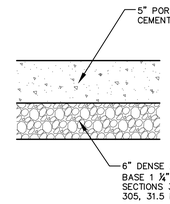
REV. 7-01-2019

SILT FENCE

N.T.S.



STANDARD DUTY ASPHALT PAVEMENT SECTION



CONCRETE SIDEWALK SECTION

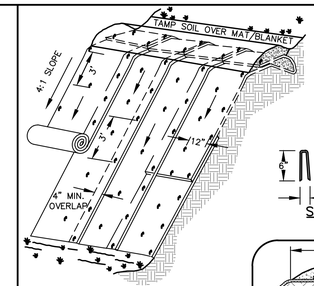
GENERAL NOTES:

1. PAVEMENT SECTIONS ARE MINIMUM THICKNESS BASED ON SIMILAR PROJECTS WITH SIMILAR EXPECTED TRAFFIC LOADING. JSD CANNOT GUARANTEE PERFORMANCE AND/OR LIFE EXPECTANCY OF PROPOSED PAVEMENT DESIGN.
2. REFER TO GEOTECHNICAL ENGINEER OF RECORD FOR PAVEMENT RECOMMENDATIONS.
3. WISDOT STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, INCLUDING SUPPLEMENTAL SPECIFICATIONS, COMPACTION REQUIREMENTS:
   - BITUMINOUS CONCRETE: REFER TO SECTION 460-3.
   - BASE COURSE: REFER TO SECTION 301.3.4.2, STANDARD COMPACTION.
4. CONCRETE EQUIPMENT PADS SHALL HAVE A MINIMUM 5" THICK PORTLAND CEMENTER CONCRETE OVER COMPACTED 6" THICK DENSE GRADED BASE WITH REINFORCEMENT FOR CRACK CONTROL.

REV. 7-01-2019

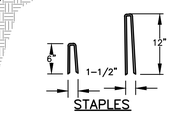
PAVEMENT SECTIONS

N.T.S.

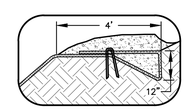


ISOMETRIC VIEW TYPICAL SLOPE SOIL STABILIZATION

NOTE:
MATS/BLANKETS SHOULD BE INSTALLED VERTICALLY DOWNSLOPE.



STAPLES



BERM

GENERAL NOTES:

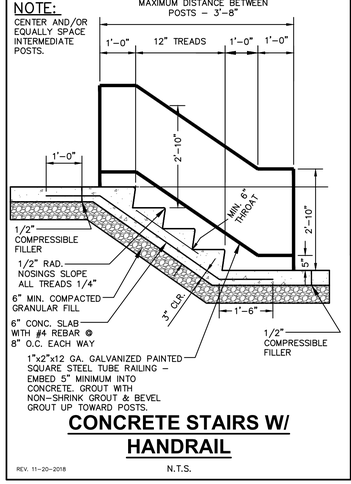
1. EROSION MAT CONSTRUCTION SHALL BE IN ACCORDANCE WITH WISCONSIN DNR TECHNICAL STANDARD 1052 "NON-CHANNEL EROSION MAT".
2. ONLY WisDOT EROSION CONTROL PRODUCT ACCEPTABILITY LIST (PAL) APPROVED MATS SHALL BE ALLOWED. REFER TO EROSION CONTROL PLAN FOR EXACT MAT CLASSIFICATION.
3. APPLY PERMANENT SEEDING BEFORE PLACING BLANKETS.
4. LAY BLANKETS LOOSELY AND STAKE OR STAPLE TO MAINTAIN DIRECT CONTACT WITH THE SOIL. DO NOT STRETCH.
5. ONLY WisDOT EROSION CONTROL PRODUCT ACCEPTABILITY LIST (PAL) APPROVED MATS SHALL BE ALLOWED. REFER TO EROSION CONTROL PLAN FOR EXACT MAT CLASSIFICATION.

REV. 11-19-2018

EROSION MATTING

N.T.S.

NOTE:
CENTER AND/OR EQUALLY SPACE INTERMEDIATE POSTS.



CONCRETE STAIRS W/ HANDRAIL

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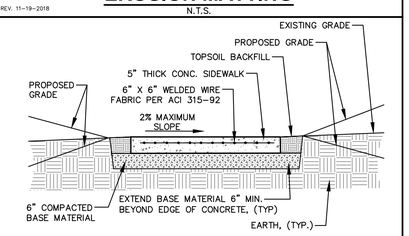
REV. 11-20-2018



CONCRETE SIDEWALK

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REV. 7-01-2019

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Designed By:	JJS
Reviewed By:	TJB
Approved By:	TJB

SHEET TITLE:
DETAILS

SHEET NUMBER:
C5.0

JSD PROJECT NO: 22-12044

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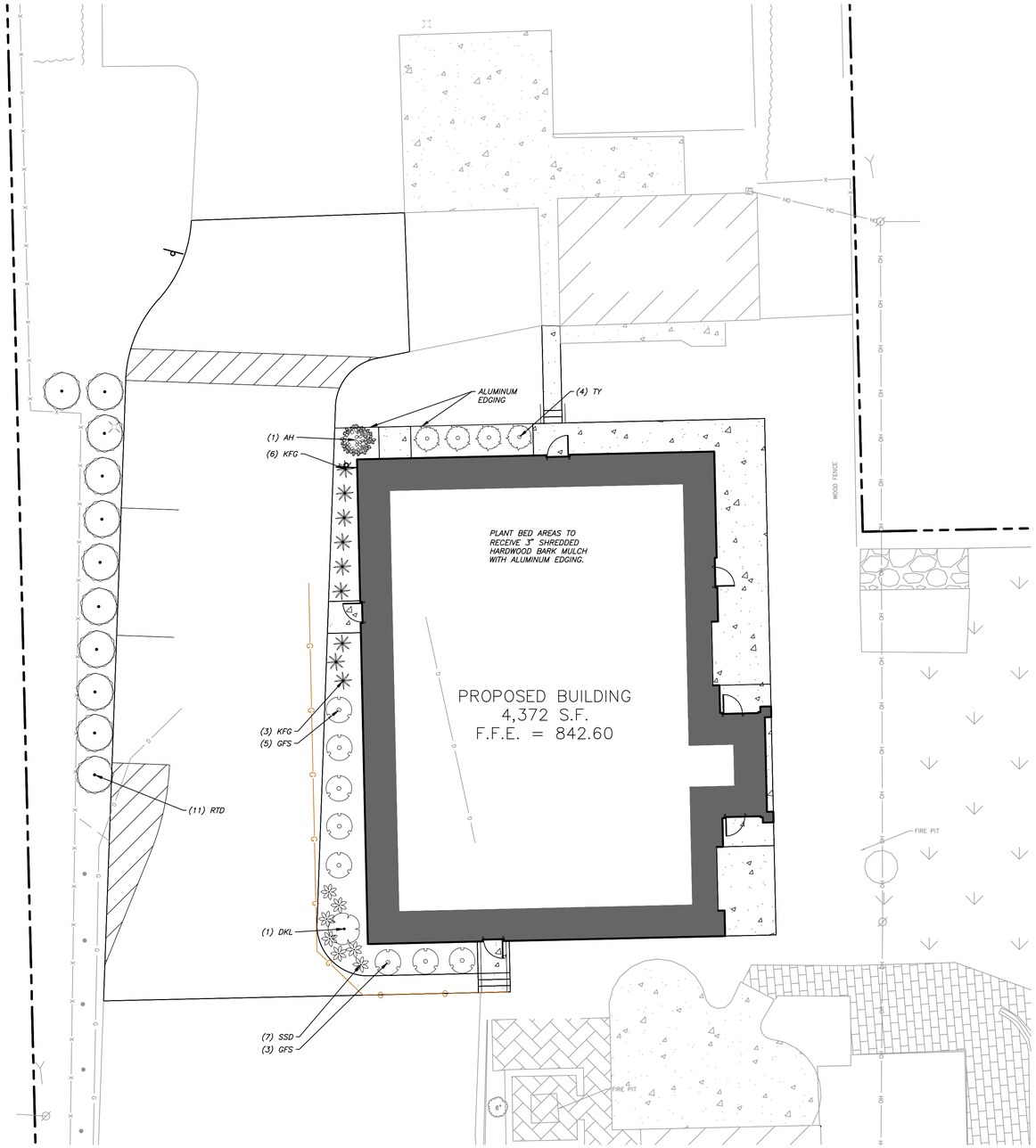


PLANT SCHEDULE

PLANT SCHEDULE					
DECIDUOUS SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	CONT	SIZE
	RTD	11	Cornus baileyi / Bailey's Red-twig Dogwood	B & B	36" Ht.
	AH	1	Hydrangea arborescens 'Annabelle' / Annabelle Hydrangea	Cont.	#3
	GFS	8	Spiraea japonica 'Goldflame' / Goldflame Japanese Spirea	Cont.	#3
	DKL	1	Syringa meyeri 'Palibin' / Dwarf Korean Lilac	B & B	24" Tall
EVERGREEN SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	CONT	SIZE
	TY	4	Taxus x media 'Tauntonii' / Taunton's Anglo-Japanese Yew	B & B	24" Tall
PERENNIALS & GRASSES	CODE	QTY	BOTANICAL / COMMON NAME	CONT	SIZE
	KFG	9	Calamagrostis x acutiflora 'Karl Foerster' / Karl Foerster Feather Reed Grass	Cont.	#1
	SSD	7	Hemerocallis x 'Stella D'Oro' / Stella D'Oro Daylily	Cont.	#1

CONTRACTOR AND OWNER RESPONSIBILITY NOTES

1. GUARANTEE: THE CONTRACTOR SHALL GUARANTEE ALL PLANTS THROUGH ONE (1) YEAR AFTER ACCEPTANCE BY THE OWNER'S REPRESENTATIVE. PLANTS SHALL BE ALIVE AND IN HEALTHY AND FLOURISHING CONDITION AT THE END OF THE GUARANTEE PERIOD. THE CONTRACTOR SHALL REPLACE (AT NO COST TO OWNER) ANY PLANTS THAT ARE DEAD OR NOT IN A VIGOROUS THRIVING CONDITION. REPLACEMENT PLANTS SHALL BE OF THE SAME KIND AND SIZE AS ORIGINALLY SPECIFIED UNLESS OTHERWISE DIRECTED BY OWNER'S REPRESENTATIVE. RESTORE BEDS AS NECESSARY FOLLOWING PLANT REPLACEMENT, INCLUDING BUT NOT LIMITED TO BEDDING, EDGING, MULCH, ETC. REPLACE PLANTS DAMAGED AT TIME OF PLANTING. REPAIR AREAS DISTURBED IN ANY WAY DURING PLANT REPLACEMENT AT NO COST TO OWNER. CONTRACTOR SHALL PROVIDE A ONE (1)-YEAR STRAIGHTENING GUARANTEE FOR ALL TREES.
2. CONTRACTOR IS RESPONSIBLE FOR STAKING THE PLANT MATERIALS FOR REVIEW BY OWNER'S REPRESENTATIVE PRIOR TO DIGGING AND PLACEMENT AND SHALL COORDINATE ALL FINE GRADING AND RESTORATION WITH THE GRADING CONTRACTOR.
3. MAINTENANCE: (CONTRACTOR) FOR ALL PLANTINGS, SEEDED AND/OR SODDED LAWN AREAS: THE CONTRACTOR SHALL MAINTAIN ALL PLANTINGS AND LAWN AREAS FOR A MINIMUM TIME PERIOD OF 60 DAYS, UNTIL FINAL ACCEPTANCE BY OWNER'S REPRESENTATIVE. THE CONTRACTOR IS RESPONSIBLE FOR ADEQUATELY WATERING PLANTS AND LAWN/TURFGRASS DURING THIS 60 DAY ESTABLISHMENT PERIOD. CONTRACTOR IS RESPONSIBLE FOR THE ESTABLISHMENT OF HEALTHY VIGOROUS PLANT MATERIALS AND LAWN/TURFGRASS GROWTH. CONTRACTOR IS ALSO RESPONSIBLE FOR ANY PRUNING OF PLANT MATERIALS, AND SHAPING AND/OR REPLACEMENT OR SUPPLEMENT OF DEFICIENT SHREDDED HARDWOOD BARK MULCH DURING THIS PERIOD. LONG TERM PLANT MATERIALS AND LAWN/TURFGRASS MAINTENANCE AND ANY PROGRAM FOR SUCH IS THE RESPONSIBILITY OF THE OWNER. ALL PLANTINGS AND LAWN/TURFGRASS AREAS SHALL BE MAINTAINED IN A MANICURED CONDITION UNTIL THE TIME WHEN THE OWNER'S ACCEPTANCE IS GIVEN.
4. MAINTENANCE: (OWNER) THE OWNER IS RESPONSIBLE FOR THE CONTINUED MAINTENANCE, REPAIR AND REPLACEMENT OF ALL LANDSCAPING MATERIALS AND WEED BARRIER FABRIC AS NECESSARY FOLLOWING THE ONE (1) YEAR CONTRACTOR GUARANTEE PERIOD.

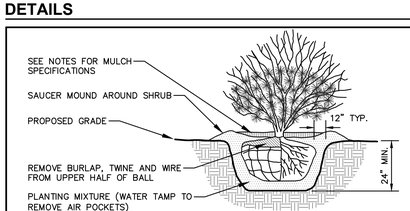
GENERAL NOTES

1. REFER TO THE EXISTING CONDITIONS SURVEY FOR EXISTING CONDITIONS NOTES AND LEGEND.
2. ALL WORK IN THE ROW SHALL BE IN ACCORDANCE WITH THE MUNICIPAL STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
3. JSD SHALL BE HELD HARMLESS AND DOES NOT WARRANT ANY DEVIATIONS BY THE OWNER/CONTRACTOR FROM THE APPROVED CONSTRUCTION PLANS THAT MAY RESULT IN DISCIPLINARY ACTIONS BY ANY OR ALL REGULATORY AGENCIES.
4. DRAWING FOR REVIEW – NOT FOR CONSTRUCTION UNLESS OTHERWISE NOTED IN THE TITLE BLOCK.
5. THE LANDSCAPE CONTRACTOR SHALL COORDINATE ALL FINE GRADING AND TOPSOILING WITH GENERAL CONTRACTOR
6. REFER TO "LANDSCAPE DETAILS AND NOTES" SHEET FOR ADDITIONAL DETAILS, NOTES AND SPECIFICATION INFORMATION INCLUDING MATERIALS, GUARANTEE AND EXECUTION RELATED TO LANDSCAPE PLAN
7. CONTRACTOR SHALL REVIEW SITE CONDITIONS FOR UTILITY CONFLICTS, DRAINAGE ISSUES, SUBSURFACE ROCK, AND PLANT PLACEMENT CONFLICTS PRIOR TO PLANT INSTALLATION. REPORT ANY CONDITIONS THAT MAY HAVE ADVERSE IMPACT ON PLANTING OPERATIONS TO LANDSCAPE ARCHITECT
8. DO NOT COMMENCE PLANTING OPERATIONS UNTIL ALL ADJACENT SITE IMPROVEMENTS, IRRIGATION INSTALLATION (IF APPLICABLE), AND FINISH GRADING ARE COMPLETE
9. ALL WORK IN THE R-O-W AND PUBLIC EASEMENTS SHALL BE IN ACCORDANCE WITH LOCAL MUNICIPAL REQUIREMENTS. JSD SHALL BE HELD HARMLESS AND DOES NOT WARRANT ANY DEVIATIONS BY THE OWNER/CONTRACTOR FROM THE APPROVED CONSTRUCTION PLANS THAT MAY RESULT IN DISCIPLINARY ACTIONS BY ANY OR ALL REGULATORY AGENCIES. LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE DONE TO UTILITIES. CONTRACTOR MUST CALL 1-800-242-8511 FOR UTILITY LOCATIONS AT LEAST THREE DAYS PRIOR TO DIGGING. HAND DIG AND INSTALL ALL PLANTS THAT ARE NEAR EXISTING UTILITIES. PROTECT PREVIOUSLY INSTALLED WORK OF OTHER TRADES. CONTRACTOR IS RESPONSIBLE FOR STAKING THE PLANT MATERIALS FOR REVIEW BY OWNER PRIOR TO DIGGING AND PLACEMENT AND SHALL COORDINATE ALL FINE GRADING AND RESTORATION WITH THE GRADING CONTRACTOR.
10. DELIVERY AND HANDLING: DO NOT DELIVER MORE PLANT MATERIALS THAN CAN BE PLANTED IN ONE DAY, UNLESS ADEQUATE, APPROPRIATE AND SECURE STORAGE IS PROVIDED AND APPROVED BY OWNER'S REPRESENTATIVE. AT ALL TIMES, PROTECT ALL PLANT MATERIALS FROM WIND AND DIRECT SUN. DELIVER PLANTS WITH LEGIBLE IDENTIFICATION LABELS. PROTECT PLANTS DURING DELIVERY AND DO NOT PRUNE PRIOR TO DELIVERY. ALL TREES AND SHRUBS SHALL BE PLANTED ON THE DAY OF DELIVERY; IF THIS IS NOT POSSIBLE, PROTECT THE PLANT MATERIALS NOT PLANTED BY STORING THEM IN A SHADED, SECURE AREA, PROTECTING THE ROOT MASS WITH WET SOIL, MULCH, HAY OR OTHER SUITABLE MEDIUM. CONTRACTOR TO KEEP ALL PLANT MATERIALS ADEQUATELY WATERED TO PREVENT ROOT DESICCATION. DO NOT REMOVE CONTAINER GROWN STOCK FROM CONTAINERS BEFORE TIME OF PLANTING. DO NOT PICK UP CONTAINER OR BALLED PLANTS BY STEM OR ROOTS. ALL PLANTS SHALL BE LIFTED AND HANDLED FROM THE BOTTOM OF THE CONTAINER OR BALL. PERFORM ACTUAL PLANTING ONLY WHEN WEATHER AND SOIL CONDITIONS ARE SUITABLE IN ACCORDANCE WITH LOCALLY ACCEPTED BEST HORTICULTURAL PRACTICES.
11. MATERIALS – PLANTS: ALL PLANTS SHALL CONFORM TO THE LATEST VERSION OF THE AMERICAN STANDARD FOR NURSERY STOCK ANSI Z60.1. PLANTS SHALL BE TRUE TO SPECIES AND VARIETY SPECIFIED AND NURSERY GROWN IN ACCORDANCE WITH GOOD HORTICULTURAL PRACTICES UNDER CLIMATIC CONDITIONS SIMILAR TO THOSE IN THE LOCALITY OF THE PROJECT FOR AT LEAST 2 YEARS. PLANTS SHALL BE FRESHLY DUG (DURING THE MOST RECENT FAVORABLE HARVEST SEASON). PLANTS SHALL BE SO TRAINED IN DEVELOPMENT AND APPEARANCE AS TO BE UNQUESTIONABLY SUPERIOR IN FORM, COMPACTNESS, AND SYMMETRY. PLANTS SHALL BE SOUND, HEALTHY, VIGOROUS, WELL BRANCHED AND DENSELY FOLIATED WHEN IN LEAF, AND FREE OF DISEASE AND INSECTS (ADULT EGGS, PUPAE OR LARVAE). THEY SHALL HAVE HEALTHY, WELL-DEVELOPED ROOT SYSTEMS AND SHALL BE FREE FROM PHYSICAL DAMAGE OR OTHER CONDITIONS THAT WOULD PREVENT THRIVING GROWTH OR PREMATURE MORTALITY. PLANTS SHALL BE OF THE HIGHEST QUALITY, POSSESS TYPICAL GROWTH HABITS AND FORM FOR THEIR SPECIES AND BE FREE OF INJURY. PARKWAY TREES AND PARKING LOT TREES SHALL HAVE A MINIMUM BRANCHING HEIGHT OF SIX (6) FEET ABOVE THE GROUND TO ALLOW ADEQUATE VISUAL AND PHYSICAL CLEARANCE.
12. PRUNING: THE CONTRACTOR SHALL PRUNE ALL TREES AND REPAIR ANY INJURIES THAT OCCURRED DURING THE PLANTING PROCESS. DOUBLE LEADERS, DEAD BRANCHES, AND LIMBS DAMAGED OR BROKEN DURING THE PLANTING PROCESS, SHALL BE PRUNED. THIS SHALL BE THE ONLY PRUNING ALLOWED AT PLANTING. PRUNING SHALL CONFORM TO THE LATEST VERSION OF THE AMERICAN STANDARD FOR TREE CARE OPERATIONS, ANSI A300. PRUNE TREES IN ACCORDANCE WITH NAA GUIDELINES. DO NOT TOP TREES. PRUNE SHRUBS ACCORDING TO STANDARD HORTICULTURAL PRACTICES. ON CUTS OVER 3/4" IN DIAMETER AND BRUISES OR SCARS ON BARK, TRACE THE INJURED CAMBIUM LAYER BACK TO LIVING TISSUE AND REMOVE. SMOOTH AND SHAPE WOUNDS SO AS NOT TO RETAIN WATER. TREAT THE AREA WITH AN APPROVED INCONSPICUOUS LATEX BASED ANTISEPTIC TREE PAINT, IF PRUNING OCCURS "IN SEASON". DO NOT PRUNE ANY OAK TREES DURING THE MONTHS FROM APRIL TO OCTOBER.
13. CLEANUP: THE WORK AREA SHALL BE KEPT SAFE AND NEAT AT ALL TIMES. DISPOSED OF EXCESS SOIL. REMOVE ALL CUTTINGS AND WASTE MATERIALS. SOIL AND BRANCHES. BIND AND WRAP THESE MATERIALS, ANY REJECTED PLANTS, AND ANY OTHER DEBRIS RESULTING FROM ALL PLANTING TASKS AND PROMPTLY CLEAN UP AND REMOVE FROM THE PROJECT SITE. UNDER NO CIRCUMSTANCES SHALL THE ACCUMULATION OF SOIL, BRANCHES OR OTHER DEBRIS BE ALLOWED UPON A PUBLIC PROPERTY IN SUCH A MANNER AS TO RESULT IN A PUBLIC SAFETY HAZARD OR DAMAGE. LIKEWISE, UNDER NO CIRCUMSTANCES SHALL ANY DEBRIS OR INCIDENTAL MATERIALS BE ALLOWED UPON ADJACENT PRIVATE PROPERTY.
14. ANY SUBSTITUTIONS IN PLANT TYPE, LOCATION, OR SIZE SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
15. CONTRACTOR TO VERIFY PLANT MATERIAL QUANTITIES AND SQUARE FOOTAGES. QUANTITIES SHOWN ON PLAN TAKE PRECEDENCE OVER THOSE ON SCHEDULE.

LANDSCAPE MATERIAL NOTES

1. MATERIALS – PLANTING MIXTURE: ALL HOLES EXCAVATED FOR TREES, SHRUBS, PERENNIALS AND ORNAMENTAL GRASSES SHALL BE BACKFILLED WITH TWO (2) PARTS TOPSOIL, ONE (1) PART SAND AND ONE (1) PART COMPOST. SOIL MIXTURE SHALL BE WELL BLENDED PRIOR TO INSTALLATION.
2. MATERIALS – TOPSOIL: TOPSOIL TO BE CLEAN, FRIABLE LOAM FROM A LOCAL SOURCE, FREE FROM STONES OR DEBRIS OVER 3/4" IN DIAMETER, AND FREE FROM TOXINS OR OTHER DELETERIOUS MATERIALS. TOPSOIL SHALL HAVE A pH VALUE BETWEEN 6 AND 7. TOPSOIL AND PLANTING SOIL SHALL BE TESTED TO ENSURE CONFORMANCE WITH THESE SPECIFICATIONS AND SHALL BE AMENDED TO MEET THESE SPECIFICATIONS. PROVIDE TEST RESULTS TO OWNER'S REPRESENTATIVE PRIOR TO PLACEMENT. DO NOT PLACE FROZEN OR MUDDY TOPSOIL. APPLY SOIL AMENDMENTS TO ALL LANDSCAPE AREAS PER SOIL TEST.
3. MATERIALS – SHREDDED HARDWOOD BARK MULCH: ALL PLANTING AREAS LABELED ON PLAN SHALL RECEIVE CERTIFIED WEED FREE SHREDDED HARDWOOD BARK MULCH INSTALLED TO A MINIMUM AND CONSISTENT DEPTH OF 3-INCHES. SHREDDED HARDWOOD BARK MULCH SIZE & COLOR TO BE APPROVED BY OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION. FERTILIZER SHALL BE IN ACCORDANCE WITH APPLICABLE LOCAL, COUNTY AND STATE REQUIREMENTS. SHREDDED HARDWOOD BARK MULCH AREAS SHALL NOT RECEIVE WOVEN WEED BARRIER FABRIC.
4. MATERIALS – ALUMINUM EDGING: EDGING SHALL BE 1/8" X 4", ALUMINUM EDGING, MILL FINISH. OWNER'S REPRESENTATIVE SHALL APPROVE PRODUCT SPECIFICATION PROVIDED BY LANDSCAPE CONTRACTOR.

DETAILS

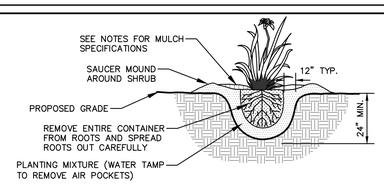


NOTE:
1. ROOT FLARE TO BE EXPOSED.

SHRUB PLANTING DETAIL

N.T.S.

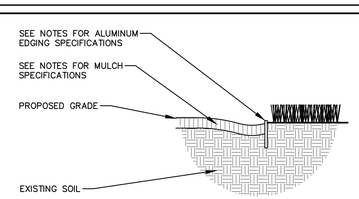
REV. 01-03-2019



PERENNIAL/ORNAMENTAL GRASS PLANTING DETAIL

N.T.S.

REV. 01-03-2019



ALUMINUM LANDSCAPE EDGING DETAIL

N.T.S.

REV. 01-03-2019

north

SCALE IN FEET

10' 0 10'

DIGGERS HOTLINE

Toll Free (800) 242-8511

JSD

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jsdinc.com

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

CLIENT:
VENTURE CONSTRUCTION GROUP

CLIENT ADDRESS:
17500 WEST LIBERTY LANE
NEW BERLIN, WI 53146

PROJECT:
MATTY'S BAR & GRILLE

PROJECT LOCATION:
14460 COLLEGE AVENUE
NEW BERLIN, WI
WAUKESHA COUNTY

PLAN MODIFICATIONS:

#	Date:	Description:
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

Designed By:	JJS
Reviewed By:	TJB
Approved By:	TJB

SHEET TITLE:
LANDSCAPE PLAN

SHEET NUMBER:
L1.0

JSD PROJECT NO: 22-12044

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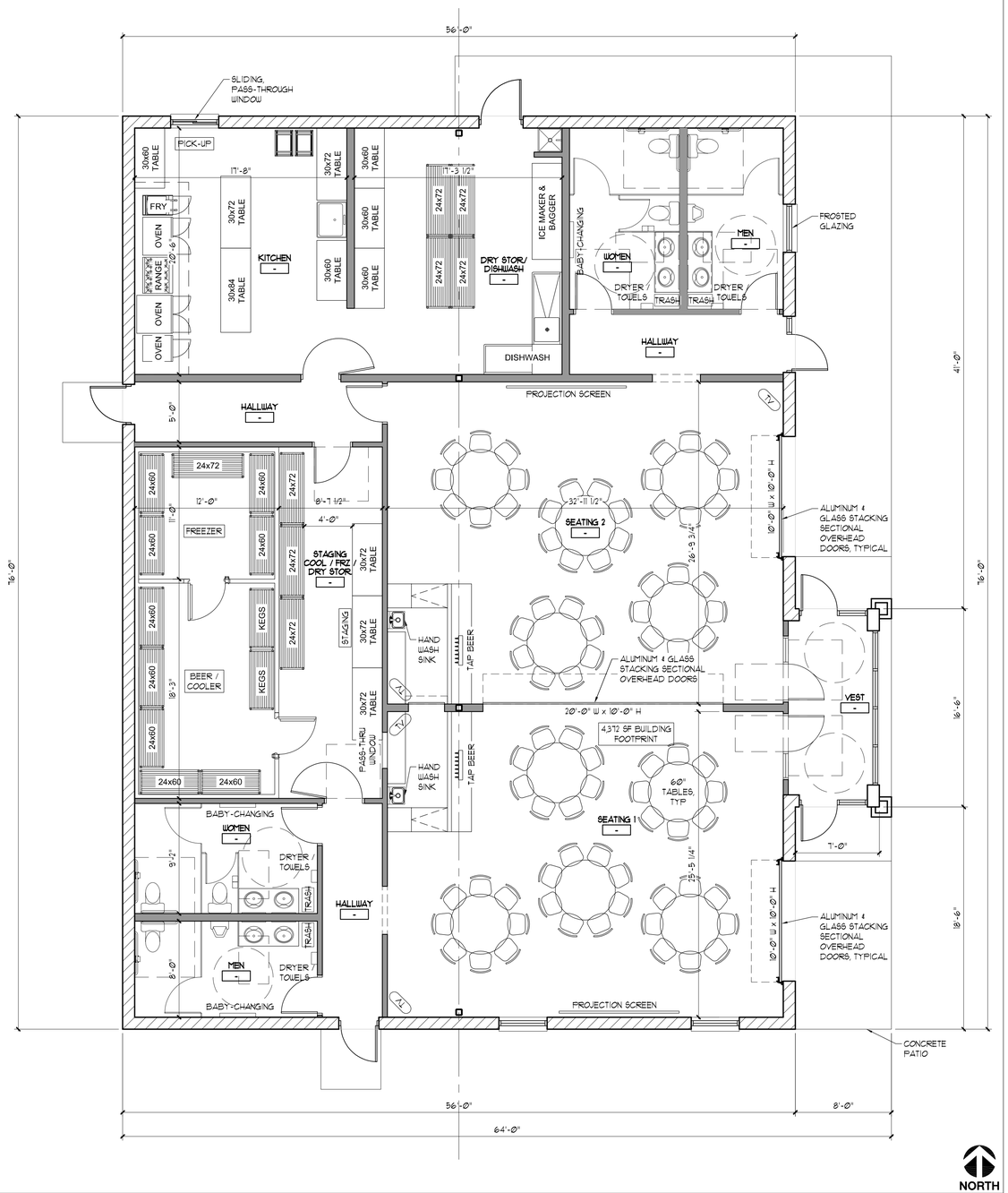
File: R:\2022\22\12044\DWG\22-12044 L1 Landscape.dwg Layout: L1.0 User: kbyrne Plotted: Jun 26, 2023 - 3:30pm Xrefs: 22-12044 Matty's

PLOT DATE: 6/28/2023

FILE NAME: P:_PROJECTS\VENTURE - MATTYSBAR&GRILLE\A101_VENTURE-MATTYSBAR&GRILLE.DWG

FLOOR PLAN NOTE:
- FLOOR PLAN IS PRELIMINARY IN NATURE, IT WAS PREPARED TO PORTRAY THE SCOPE OF WORK, NO EXTENSIVE BUILDING CODE RESEARCH WAS PREPARED.
- THE BUILDING CODE AND THE AMERICAN WITH DISABILITIES ACT (ADA) REQUIRE THAT NEW BUILDINGS BE DESIGNED AND CONSTRUCTED IN SUCH A MANNER THAT THE FACILITY IS READILY ACCESSIBLE TO AND USABLE BY INDIVIDUALS WITH DISABILITIES.

GENERAL NOTES 2



PROPOSED FLOOR PLAN 1
SCALE: 3/16" = 1'-0"

FULL SIZE PRINT = 24" x 36" SHEET

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REV. #	REV. DATE	DESCRIPTION	REV. BY:
	06/30/23	CITY PLAN COMMISSION SUBMITTAL	KBJ

Project:

Proposed New Building For:

Matty's Bar & Grille
14460 W. College Ave.
New Berlin, WI 53151

PERSPECTIVE DESIGN, INC.
11525 W. North Avenue
Wauwatosa, WI 53226
Tel (414) 302-1750 Fax (414) 302-1781

Drawing Title:

PROPOSED FLOOR PLAN

THIS BOX IS ½" x ½"

Date: 06/30/23
Scale: 3/16"=1'-0"
Drawn: KBJ
Job: 23-051
Sheet: A1.1

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PLOT DATE: 6/29/2023

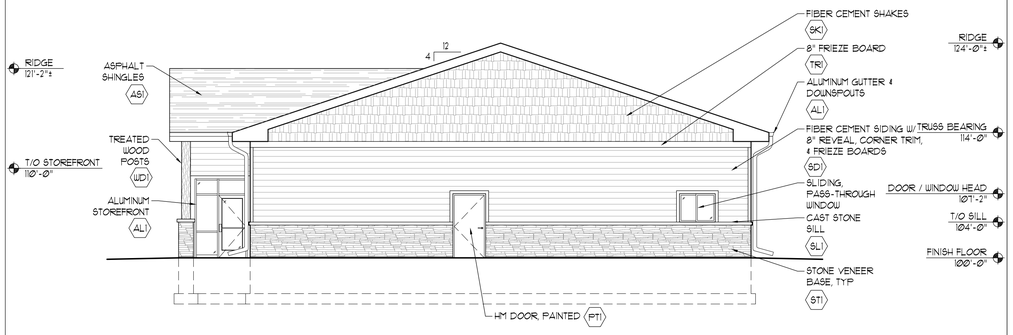
NOT USED 6

(A) EXTERIOR MATERIALS

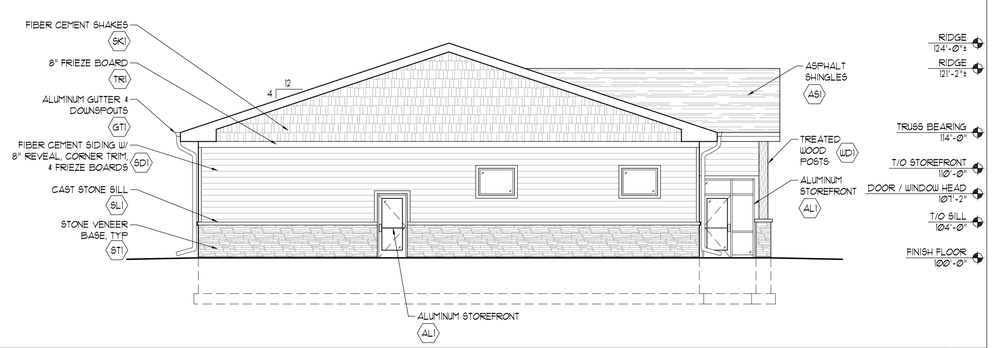
TAG	MATERIAL	MANUFACTURER	COLOR/SPECS.	REMARKS
AL1	ALUMINUM STOREFRONT	KAWNEER OR EQUAL	DARK BRONZE	TO MATCH EXISTING RESTAURANT BUILDING
AS1	ASPHALT SHINGLES	GAF	TIMBERLINE, COLOR: BARKWOOD	TO MATCH EXISTING RESTAURANT BUILDING
GT1	GUTTER & DOWNSPOUTS	BY ROOFING CONTRACTOR	TERRA BRONZE	TO MATCH EXISTING RESTAURANT BUILDING
PT1	PAINT	SHERWIN WILLIAMS OR EQUAL	MEDIUM BUFF COLOR TO MATCH SIDING	
SD1	SIDING	JAMES HARDIE	FIBER CEMENT LAP SIDING, 8" REVEAL, COLOR: COBBLESTONE	TO MATCH EXISTING RESTAURANT BUILDING
SK1	SHAKES SIDING	JAMES HARDIE	FIBER CEMENT SHAKES SIDING	TO MATCH EXISTING RESTAURANT BUILDING
SL1	SILL	BY MASON	OFF WHITE TO MATCH EXISTING RESTAURANT BUILDING	
ST1	STONE	BY MASON	MEDIUM BUFF COLOR TO MATCH EXISTING RESTAURANT BUILDING	
TR1	TRIM, CORNER BOARDS, & FRIEZE BOARDS	JAMES HARDIE	TO MATCH EXISTING RESTAURANT BUILDING	
WD1	WOOD	BY CARPENTER	STAIN TO MATCH EXISTING RESTAURANT BUILDING	

EXTERIOR MATERIALS NOTES:
1. PROVIDE CONTROL JOINTS IN MASONRY WALLS AS NECESSARY, CONTACT ARCHITECT IF UNSURE OF LOCATION
2. PROVIDE COLOR SAMPLES OF ALL EXT. MATERIALS TO OWNER/ARCH. FOR APPROVAL PRIOR TO INSTALLATION
3. PROVIDE ELECTRIC AS NEEDED

EXTERIOR MATERIAL SCHEDULE 3



NORTH ELEVATION 5
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION 2
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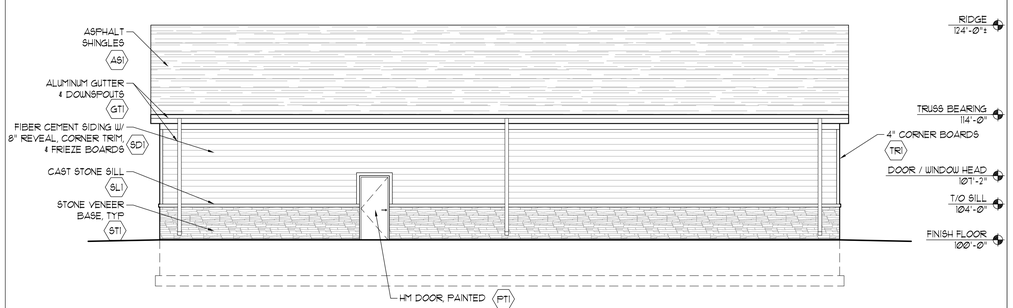
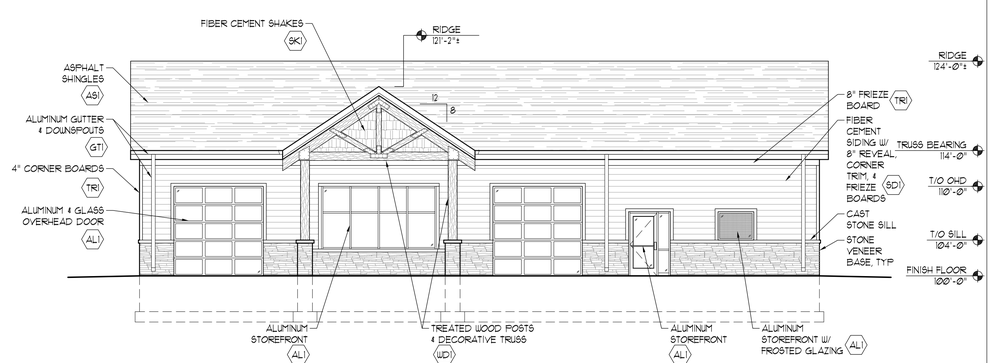


WEST ELEVATION 4
SCALE: 1/8" = 1'-0"



EAST ELEVATION 1
SCALE: 1/8" = 1'-0"

FILE NAME: P:_PROJECTS\VENTURE - MATTYSBARGRILLE\A201_VENTURE-MATTYSBARGRILLE.DWG

FULL SIZE PRINT = 24" x 36" SHEET

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New Berlin, WI 53151

PERSPECTIVE DESIGN, INC.
11525 W. North Avenue
Wauwatosa, WI 53226
Tel (414) 302-1780 Fax (414) 302-1781

Drawing Title:
EXTERIOR ELEVATIONS

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Date: 06/30/23
Scale: 1/8"=1'-0"
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Job: 23-051
Sheet: A2.1

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PLOT DATE: 6/28/2023

FILE NAME: P:_PROJECTS\VENTURE - MATTY'S BAR & GRILLE\R201_VENTURE-MATTY'S BAR & GRILLE.DWG

NOT USED | 5

NORTH ELEVATION | 4
SCALE: 1/8" = 1'-0"

SOUTH ELEVATION | 2
SCALE: 1/8" = 1'-0"

WEST ELEVATION | 3
SCALE: 1/8" = 1'-0"

EAST ELEVATION | 1
SCALE: 1/8" = 1'-0"

FULL SIZE PRINT = 24" x 36" SHEET

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COLORED EXTERIOR ELEVATIONS

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Job: 23-051
Sheet: R2.1

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Luminaire Schedule						
Symbol	Qty	Label	Arrangement	Total Lamp Lumens	LLF	Description
	6	KT-WPLED35PS-S3-8CSB-VDIM (35	Single	4890.6	0.900	Adjustable Wall Pack 35W 4000k

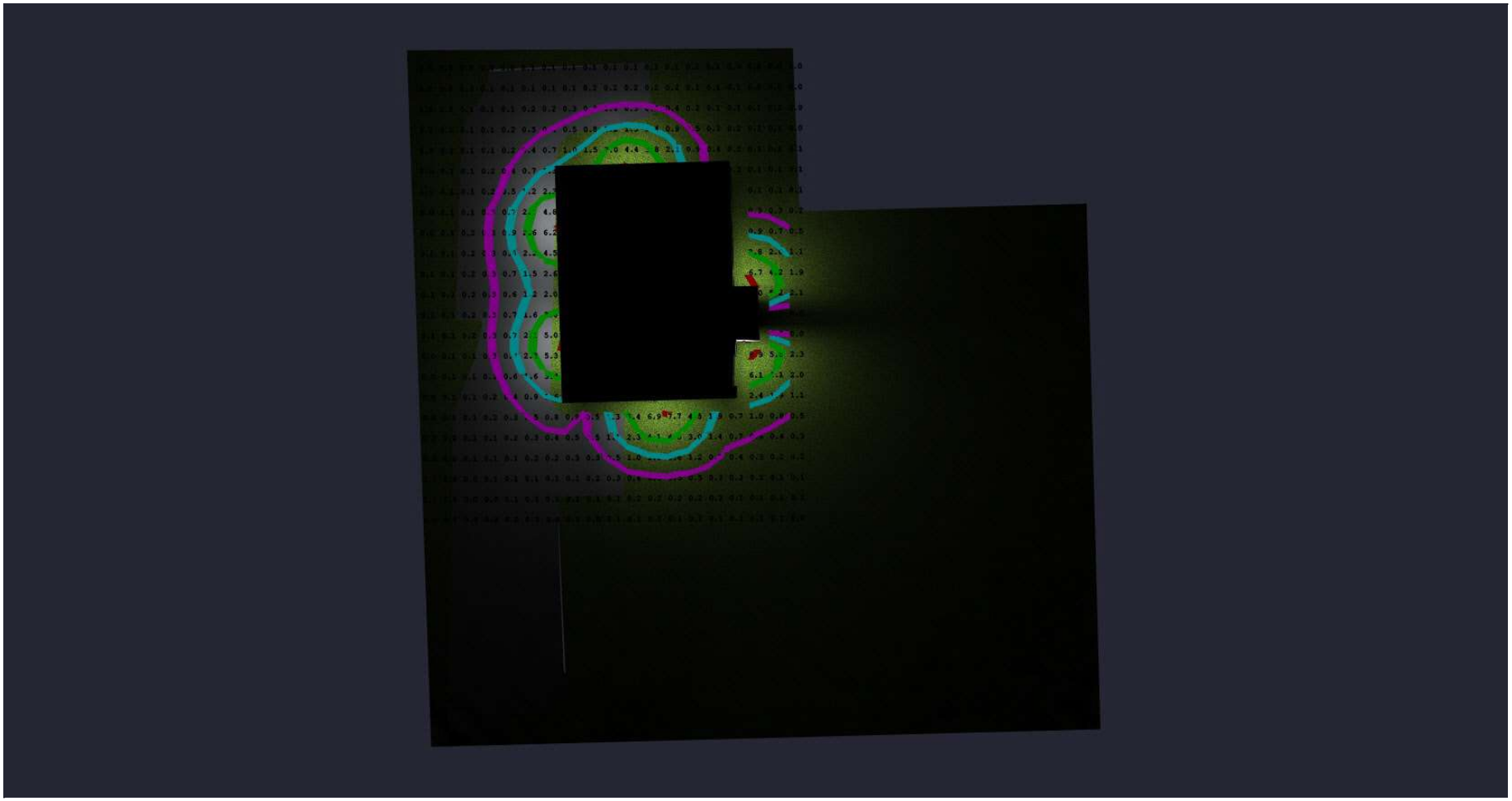
Calculation Summary								
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min	Workplane Height
CalcPts_1	Illuminance	Fc	0.96	9.0	0.0	N.A.	N.A.	0

Luminaire Location Summary						
LumNo	Label	X	Y	Mount Height	Orient	Tilt
1	KT-WPLED35PS-S3-8CSB-VDIM (35	48.365	178.399	16	177.853	0
3	KT-WPLED35PS-S3-8CSB-VDIM (35	49.5	138.2	16	180	0
4	KT-WPLED35PS-S3-8CSB-VDIM (35	79.4	118.6	16	270	0
7	KT-WPLED35PS-S3-8CSB-VDIM (35	69.8	194.2	16	90	0
8	KT-WPLED35PS-S3-8CSB-VDIM (35	108.5	155.3	16	90	0
9	KT-WPLED35PS-S3-8CSB-VDIM (35	108.5	137.9	16	270	0

Matty's New Building
KT-WPLED35-S3
MH- 16'

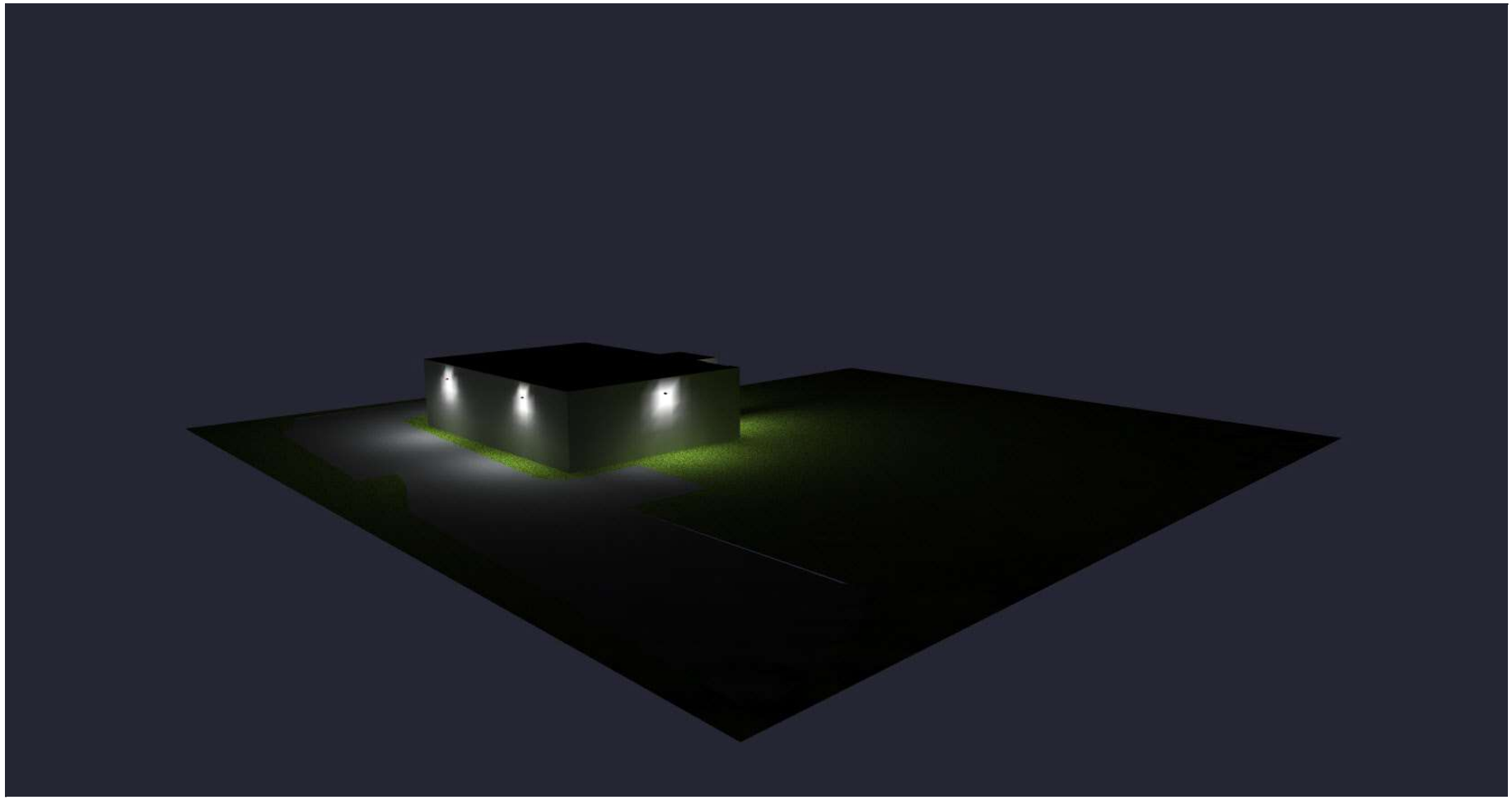
Keystone Technologies Lighting Layout
2750 Morris Road
Lansdale, PA 19446
Phone 1-800-464-2680
Email: LightingLayouts@keystonetech.com

Date:6/29/2023



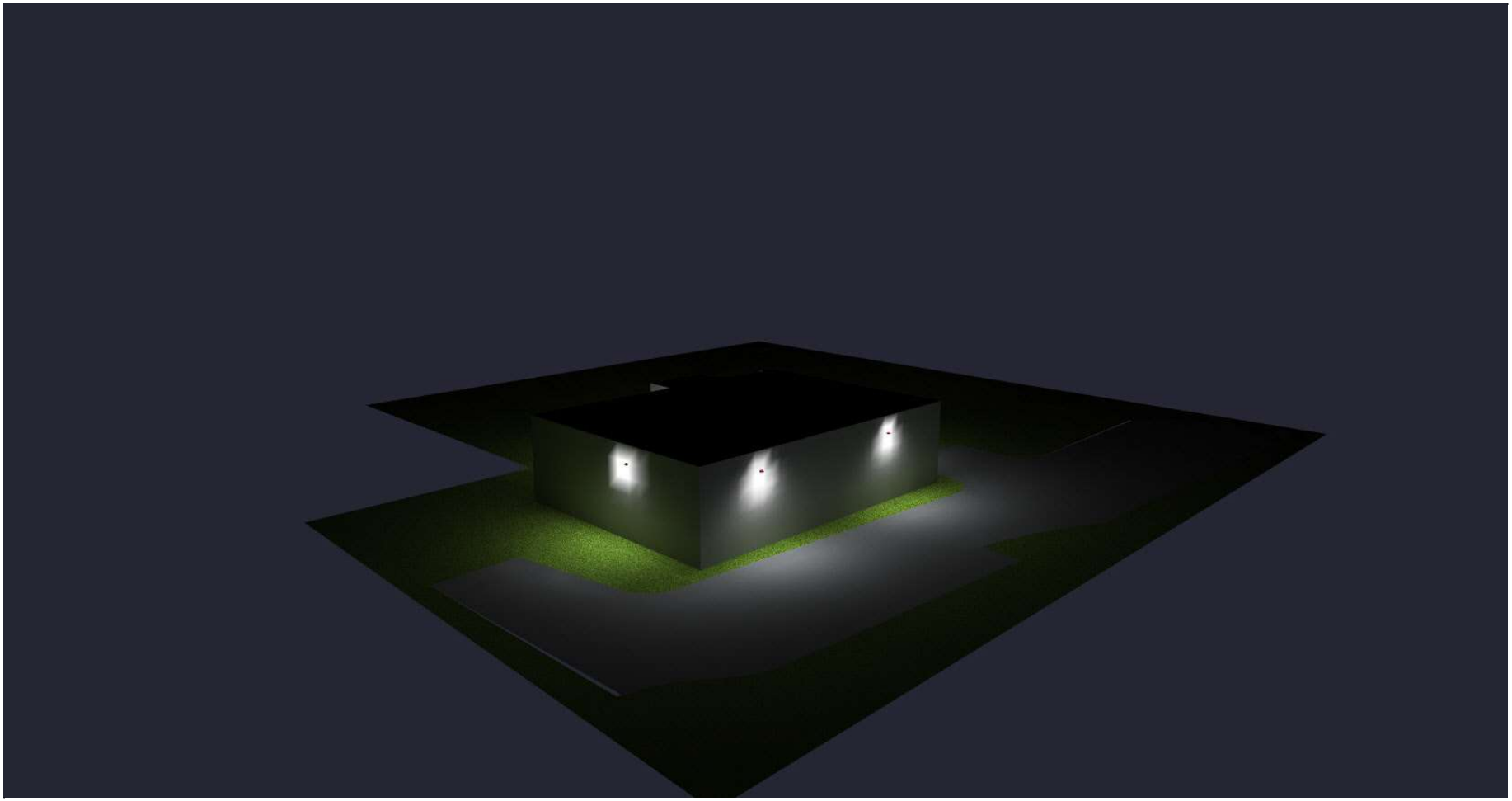
Matty's New Building KT-WPLED35-S3 Red = 8+ FC's Green = 4 FC Blue = 2 FC Violet = 1 FC	Keystone Technologies Lighting Layout 2750 Morris Road Lansdale, PA 19446 Phone 1-800-464-2680 Email: LightingLayouts@keystonetech.com

Date:6/29/2023



Matty's New Building KT-WPLED35-S3 MH- 16'	Keystone Technologies Lighting Layout 2750 Morris Road Lansdale, PA 19446 Phone 1-800-464-2680 Email: LightingLayouts@keystonetech.com

Date:6/29/2023



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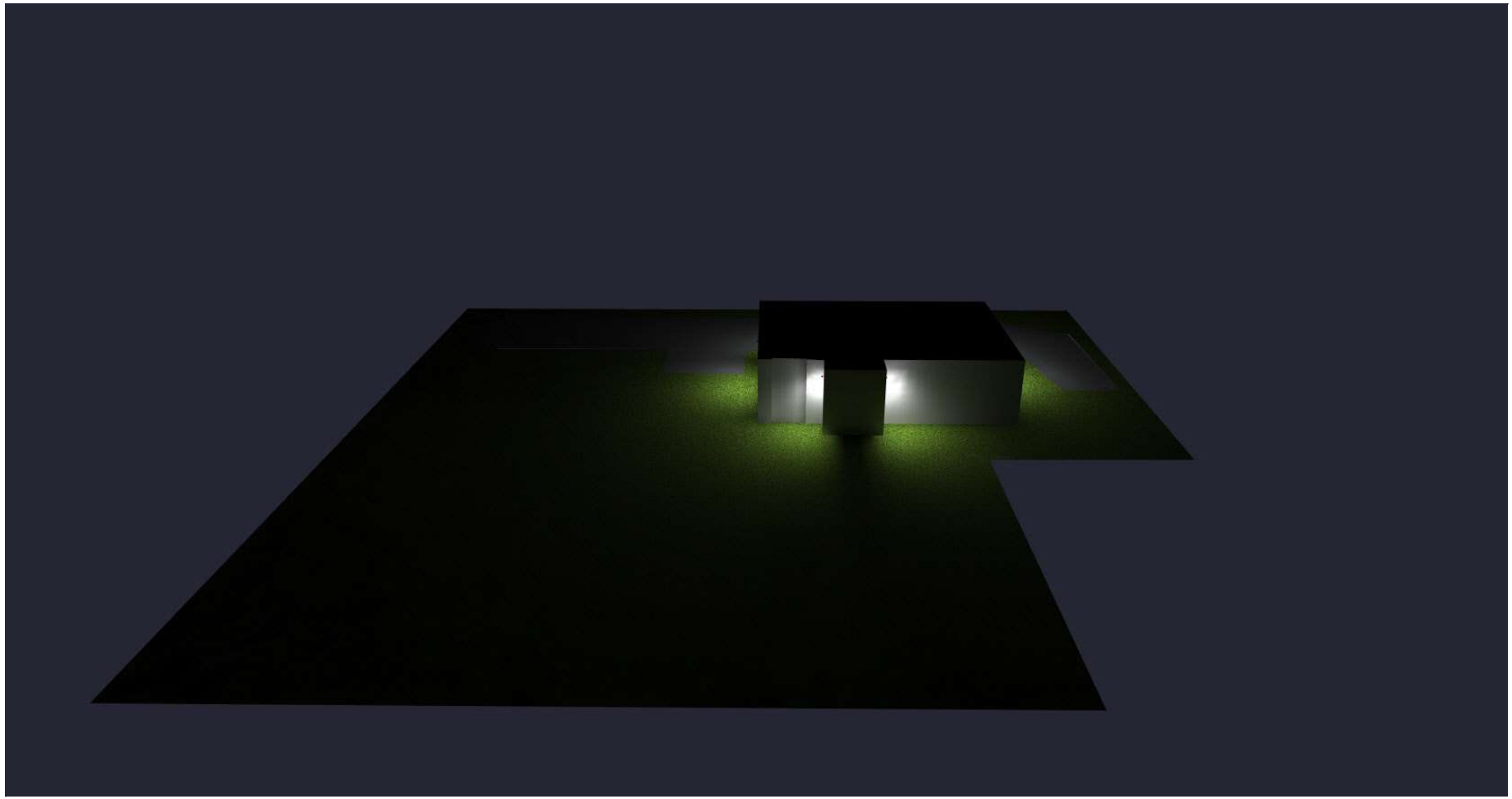


Matty's New Building KT-WPLED35-S3 MH- 16'	Keystone Technologies Lighting Layout 2750 Morris Road Lansdale, PA 19446 Phone 1-800-464-2680 Email: LightingLayouts@keystonetech.com

Date:6/29/2023

Thank you for allowing Keystone Technologies the opportunity to create and provide this Lighting Layout report.

Illumination results shown on this lighting design are based on project parametrics provided to Keystone used in conjunction with luminaire photometric testing conducted under laboratory conditions. Actual project conditions differing from these design parameters may affect field results, such as (but not limited to) windows, furnishings, floor/ceiling/wall surface texture reflectivity, site cleanliness, and lighting component tolerances. Illumination results shown have not been field verified by Keystone and therefore the actual measured results may vary from actual field conditions.

The customer is responsible for verifying dimensional accuracy along with compliance with any applicable electrical, lighting, or energy code. In no event will Keystone Technologies be held responsible for any loss resulting from any use of this lighting design.

Matty's New Building KT-WPLED35-S3 MH- 16'	Keystone Technologies Lighting Layout 2750 Morris Road Lansdale, PA 19446 Phone 1-800-464-2680 Email: LightingLayouts@keystonetech.com

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT:	**Ryan Janssen, Ryan's Buying LLC / Theofila Estates 14-Lot Conceptual Subdivision**
LOCATION:	**Approximately 5715 S. Sunny Slope Road (Lot 2 of CSM # 12457)**
REQUEST:	**Concept Plan discussion and information from the August 1, 2023 site visit.**
D.R.C. RECOMMENDATION:	**NO RECOMMENDATION, for discussion purposes only.**

DETAILS IN ATTACHED STAFF REPORT:

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

Meetings of August 1, 2023 (Plan Commission Site Visit) & August 14, 2023 (Plan Commission Meeting)

Ryan Janssen, Ryan's Buying LLC / Theofila Estates 14-Lot Conceptual Subdivision
Approximately 5715 S. Sunny Slope Road (Lot 2 of CSM # 12457)

DATE STAFF REPORT PREPARED: July 20, 2023

APPLICANT / OWNER(S): Ryan Janssen, Ryan's Buying LLC / Theofila C Krokowski Living Trust

REQUEST / DESCRIPTION OF PROJECT: The applicant is requesting a site visit and further discussion for a 14-lot conceptual subdivision on 17.39 acres located at approximately 5715 S. Sunny Slope Road (Lot 2 of CSM # 12457).

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 6/30/23

DATE OF COMPLETENESS DETERMINATION: 6/30/23

PRE-APPLICATION CONFERENCE HELD: Yes
(Date(s) of Meeting(s): 6/16/23 Plan Commission Site Visit(s): 8/1/23)

CONCEPTUAL PLAN: Yes

SIZE OF DEVELOPMENT / PARCEL(S): 17.39 acres

CURRENT ZONING: A-2 (Agricultural and Rural Holding District)

CURRENT LAND USE: Farmland

PROPOSED ZONING: R-6 (Section 35 Low-Density Single-Family Residential District) (See File #: RZ-2301341)

PROPOSED LAND USE: Single-family residential subdivision

PROPOSED LOT SIZES: 25,000 SF minimum lot area

PROPOSED DENSITY: 17.39 total acres / 14 lots = 1 lot per 1.2 acres.

ADJACENT ZONING AND LAND USE:

North:	Zoning: R-1/R-2, R-6	Land Use: Single Family Residential
South:	Zoning: P-2	Land Use: City Park
East:	Zoning: R-3, C-2	Land Use: Single Family Residential
West:	Zoning: P-2	Land Use: City Park

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes

Chapter 17: Neighborhood G: Sections 26 & 35 South Moorland Road Corridor: Yes, the concepts meet the intent of this Chapter.

Vision:

- *Even though neighborhood G is unique, it cannot be independently planned separately from neighborhood H. The two neighborhoods are integrated and will share land uses, new roadway and trail connections and should be considered as one cohesive area. In determining an appropriate lot size for this Section, the team needed to better understand approximately how many units could fit into the residential portion identified on the Future Land Use Map based on various lot size combinations. Historically, this area called for a maximum gross density of 1 dwelling unit per 2 acres south of Grange Avenue. After careful review and looking at a variety of development concept scenarios, for what the land could hold in this area, rather than focusing on a density for this area, it was determined that lot size and various environmental constraints will be the focus. The lot sizes in this area under the R-6, Section 35 Low-Density Single-Family District, will have a minimum lot size similar to that of the adjacent subdivisions east of Sunny Slope Road. The Plan Commission and Common Council may approve smaller lot sizes pursuant to the City's zoning and subdivision codes and the vision for Neighborhood "G", in order to protect environmental features such as woodlands and tree lines, provide for additional tree protection and/or avoid steep topography. All lots shall adhere to the City's adopted zoning and subdivision codes. The future land use map for Urban Residential in Section 35 identifies approximately 199 net acres of land to be developed under the newly created R-6 Zoning District. The vision for Section 35 includes the following elements that have been incorporated into the development of the plan:*
    - *A system of meaningful pedestrian connections to create a walkable and connected community.*
      A paved trail (over the new sewer and water services) shall be required to connect these lots to the park to the south. An off road sidepath shall be constructed along Sunny Slope Road to connect to the existing off road sidepath to the north and south of this property.
    - *Focus on sound planning and architecture practices.*
      Per §275-59C(1)(d)[6][g] R-6, Section 35 Low-Density Single-Family Residential District states, "Home construction in the R-6 District shall utilize architectural materials similar in quality to subdivisions east of Sunny Slope Road. An approval from an architectural review board of the homeowner's association may be required prior to issuance of the building permits from the City."
    - *Provide a regional park complex.*
      Applicant understands the park complex is located west and south of this parcel and will note this on the future plat so that future land owners are aware.
- *The recommended development for Neighborhood G balances new residential areas with new business park land uses as well as an approximately 96 plus acre park complex that would contain a mixture of active and passive park uses. Housing areas in Neighborhood G should reflect the character and quality of adjacent subdivisions classified as Suburban and Urban Residential on the future land use map. The southern portion of Neighborhood G, consisting mostly of Section 35 which is roughly the area of Grange Avenue to the North, College Avenue to the South, Moorland Road to the West and Sunny Slope Road to the East, shall be reserved for low-density single-family subdivision development that balances development with existing sensitive environmental features including wetlands, woodlands, existing tree rows, floodplain and environmental corridors.*

Development Policies:

- *Encourage the continuation of agricultural uses as long as the property owners so desire. As agricultural lands transition to residential developments, the subdivision design could incorporate farming and agriculture uses as viable open space options.*
  Adjacent parcels will continue to be farmed.
- *As development occurs, require off-road paths and trail connections, where appropriate to connect to the City's Utility easement / public trail and on-road bike paths for both residential and non-residential development to create an interconnected trail system for much of the Section 34/35 area. All path and trail connections shall be constructed at the time of development and public trail easements shall be provided to the City.*
  A paved trail (over the new sewer and water services) shall be required to connect these lots to the park to the south. An off road sidepath shall be constructed along Sunny Slope Road to connect to the existing off road sidepath to the north and south of this property.
- *Include on-road bike paths for new streets and on existing streets where possible for non-residential development and major thoroughfares, and again, in order to create an interconnected trail system for much of the Section 34/35 area. Work to create linkages to the off-road paths and trail system through private development and/or public projects. All path and trail connections shall be constructed at the time of development and public trail easements shall be provided to the City.*
  A paved trail (over the new sewer and water services) shall be required to connect these lots to the park to the south. An off road sidepath shall be constructed along Sunny Slope Road to connect to the existing off road sidepath to the north and south of this property.
- *Require coordinated, pre-planned concepts/development proposals to ensure a cohesive and coordinated development pattern. Developments must take into consideration how adjacent parcels would be developed.*
  The development plan is consistent with the Future Land Use Map. This development shall connect to City Sewer and Water (currently there is no service provided to this parcel).

Land Use

- *Future Land Use Map: Urban Residential*

ZONING CODE (Chapter 275): The lots will need to meet the requirements in §275-33B(7). Since this is a conceptual plan, a detailed review of all the lot standards has not been completed. This is done at the time of preliminary plat when more detailed plans are required.

DEVELOPMENT CODE (CHAPTER 235): Yes, in compliance with §235-15, which recommends submittal of an application for a Voluntary Sketch Plan.

REZONING REQUIRED: Yes, a rezoning application has been submitted (See File #: RZ-2301341)

CONDITIONAL USE REQUIRED: No

PUBLIC HEARING REQUIRED: Not for the Voluntary Sketch Plan. A public hearing will be required for the rezoning application.

USE / SITE / ARCHITECTURAL REVIEW:
Use Approval Required: No
Site Plan Required: Yes, see concept subdivision plan
Architectural Review Required: No

PROPOSED ARCHITECTURE: N/A

UNIQUE SITE CHARACTERISTICS:
Environmental Corridor: Yes, Secondary Environmental Corridor.
Wetland On Property: Wetlands will be registered on the City's Zoning Map. Wetlands were field delineated by Heartland Ecological Services on May 18, 2023.
Conservancy Districts (C-1, C-2): No
NRCS Map Classification: Not Inventoried
Floodplain: No
Topography / Geologic: Site slopes from the northwest to the southeast.

BIKE & PEDESTRIAN FACILITIES PLAN: A paved trail (over the new sewer and water services) shall be required to connect these lots to the park to the south. An off road sidepath shall be constructed along Sunny Slope Road to connect to the existing off road sidepath to the north and south of this property.

- The Comprehensive Plan, Chapter 6, Figure 6.16
  - Sunny Slope Road is identified as having on road and off road pedestrian trail facilities.
- The Comprehensive Plan, Chapter 6, Section "Needs Assessment for Bicycle and Pedestrian Routes"
  - *"Better bicycle and pedestrian trail linkages between residential subdivisions and other subdivisions, parks, schools, libraries and commercial nodes."*
- The Comprehensive Plan, Chapter 6, Section "Polices for multi-modal transportation"
  - *"Construct bicycle and pedestrian facilities as recommended by the Comprehensive Plan."*

PARK & OPEN SPACE PLAN: No improvements.

NATURAL RESOURCES PROTECTION:
Limits of Disturbance (LOD): Subdivision boundary is shown on the concept plan.
Wildlife Habitat Protection: N/A
Wildlife Management Plan: An Endangered Resources review will be completed on the property prior to the preliminary plat being submitted.

ENVIRONMENTAL IMPACT: Wetlands will be registered on the City's Zoning Map. Wetlands were field delineated by Heartland Ecological Services on May 18, 2023.

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 stormwater management plan will be required at the time of submittal for the preliminary plat.

SANITARY SEWER PROVISION:
Within Current Sewer Service Area: Yes
Basin Capacity Available: Yes
Adequate Linkage: This development shall connect to City Sewer and Water (currently there is no service provided to this parcel).
Onsite System Required: No

WATER USAGE CALC.: Estimated 250 GPD per new single-family lot.

TRAFFIC IMPACT: TIA will not be required at the time of preliminary plat.

SCHOOL DISTRICT IMPACT: 8.26 total estimated students
Elementary – 4.34 students (14 lots * 0.31 students)
Middle – 1.96 students (14 lots * 0.14 students)
High School – 1.96 students (14 lots * 0.14 students)
Notice Sent to Affected School District(s): Will be sent upon submittal of application for preliminary plat.

PREVIOUS ACTION: SOUTH MOORLAND ROAD (SECTION 35) COMPREHENSIVE PLAN AMENDMENTS:
Approximately two years of public comment and 29 meetings held with those interested in the Comprehensive Plan Amendments for Chapters 10, 17, and 18 to plan Section 35, South Moorland Road Corridor area.

- **12/1/2014** Staff presented a memo to the Plan Commission dated November 10, 2014 summarizing the Section 35 Master Planning Update.
- **3/28/2015** Staff began holding the South Moorland Road Corridor – Neighborhood Plan – "Staff Open Office Hours". Office hours continued through June. Upwards of 12,000 postcards were sent to residents in the City of New Berlin notifying them of the office hours in June.
- **4/8/2015** Staff notified the Plan Commission of the South Moorland Road Corridor – Neighborhood Plan – "Staff Open Office Hours".
- **5/4/2015** Plan Commission requested the Common Council set a Public Hearing date for June 29, 2015 (Note: item tabled at the May 12, 2015 Common Council meeting in order to provide more time for discussions with the property owners).
- **7/28/2015** Common Council set a date for a Public Hearing on 9/9/15 for the amendments.
- **8/24/2015** Special Plan Commission Meeting - Commission presentation & discussion on recommendations and action.
- **9/9/2015** Public Hearing.
- **10/5/2015** Plan Commission adoption of Resolution #: 15-03 & recommendation to Council.
- **10/13/2015** Common Council adoption of Ordinance 2553 to approve the amendments to the Comprehensive Plan.

PREVIOUS ACTION: SOUTH MOORLAND ROAD CORRIDOR (SECTION 35) ZONING CODE AMENDMENTS:
The Plan Commission adopted amendments to the Zoning Code reflecting the Comprehensive Plan amendments above, which established new Zoning Districts for this area of the City, which included the R-6, Section 35 Low–Density Single-Family Residential District and P-2, Section 35 Park Complex District.

- **12/7/2015** Plan Commission held a public hearing.
- **1/6/2016** Plan Commission recommend to Common Council adoption of an Ordinance to approve the amendments.
- **1/12/2016** Common Council adoption of Ordinance 2558 to approve the amendments to the Zoning Code.

PREVIOUS ACTION:
- **8/31/2020** Plan Commission held a public hearing on the rezoning.
- **10/5/2020** Plan Commission accepted a request from the applicant to withdraw their requests for a similar rezoning and land division.
- **3/6/2023** Plan Commission held a public hearing on the rezoning (See File#: RZ-2300230)
- **4/13/2023** Plan Commission recommend to Common Council adoption of an Ordinance to approve the rezoning and approval of a 2-Lot CSM.
- **4/25/2023** Common Council adoption of Ordinance 2669 to approve the rezoning and approval of a 2-Lot CSM.
- **8/1/2023** Plan Commission site walk for Theofila Estates Concept Subdivision.

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:
1. The applicant is proposing a 14-lot subdivision on 17.39 acres.
2. The site visit was held with the Plan Commission and general public on August 1, 2023. §235-15 of the City of New Berlin Subdivision Code allows the owner to voluntarily invite the Plan Commission, Department of Community Development staff, members of the Common Council and abutting neighbors to visit the site prior to the filing of a preliminary plat. This allows attendees the opportunity to see the

area of the proposed subdivision in person, ask any questions they may have and visualize the proposal first hand.

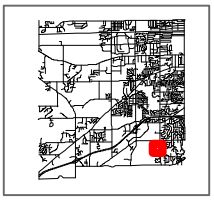
3. Wetlands will be registered on the City's Zoning Map. Wetlands were field delineated by Heartland Ecological Services on May 18, 2023. An endangered resources review of the subject property will be required prior to submittal of the preliminary plat.
4. Right-of-Way widths shall be a minimum of 60 feet in the R-6 District, per §275-33D(18).
5. For subdivisions in the R-6 District, the minimum lot width at the base setback line is 110 feet and 130 feet for a corner lot. The minimum lot depth is 155 feet. Per §275-33D(17), "In the R-6 and R-7 District, the Plan Commission and Common Council may approve smaller lot sizes, including reduced lot width and depth, where appropriate, in order to protect environmental features such as waterways, woodlands and tree lines, provide for additional tree protection and/or avoid steep topography; any allowed lots smaller than 25,000 square feet shall adhere to the City's adopted zoning and subdivision codes. Additional landscaping/screening requirements may apply. See § 275-41B(6)."
6. Cross-sections and plan & profile sheets are required for all roadways at the time of preliminary plat.
7. Per §235-23B(1), Provide an integrated system of lots, streets, pedestrian trails, and infrastructure. Any planned trail shall be identified on the plat and installed with the initial subdivision infrastructure.
8. Plans shall show any required public easements.
9. Construction site erosion control shall meet the requirements §275-55.2.
10. WDNR NOI required prior to the start of any construction.
11. The proposed development is within the Ultimate Sewer Service Area, MMSD Chapter 13 applies, including funding letter.
12. Stormwater Management Plan (SWMP) shall be submitted according to §275-55.1. SWMP Maintenance Agreement is required; City of New Berlin boilerplate agreement is available online.
13. This development shall connect to City Sewer and Water between Lot 9 and Lot 10. A paved trail (over the new sewer and water services) shall be required to connect these lots to the park to the south. A public easement shall be placed over this trail.
14. An off road sidepath shall be constructed along Sunny Slope Road to connect to the existing off road sidepath to the north and south of this property.
15. Berming is required along Sunny Slope Road.
16. Applicant understands the park complex is located west and south of this parcel and will note this on the future plat so that future landowners are aware.
17. Environmental Corridor shall not be located on any future platted lots.
18. Fire hydrants spaced per City Ordinance.

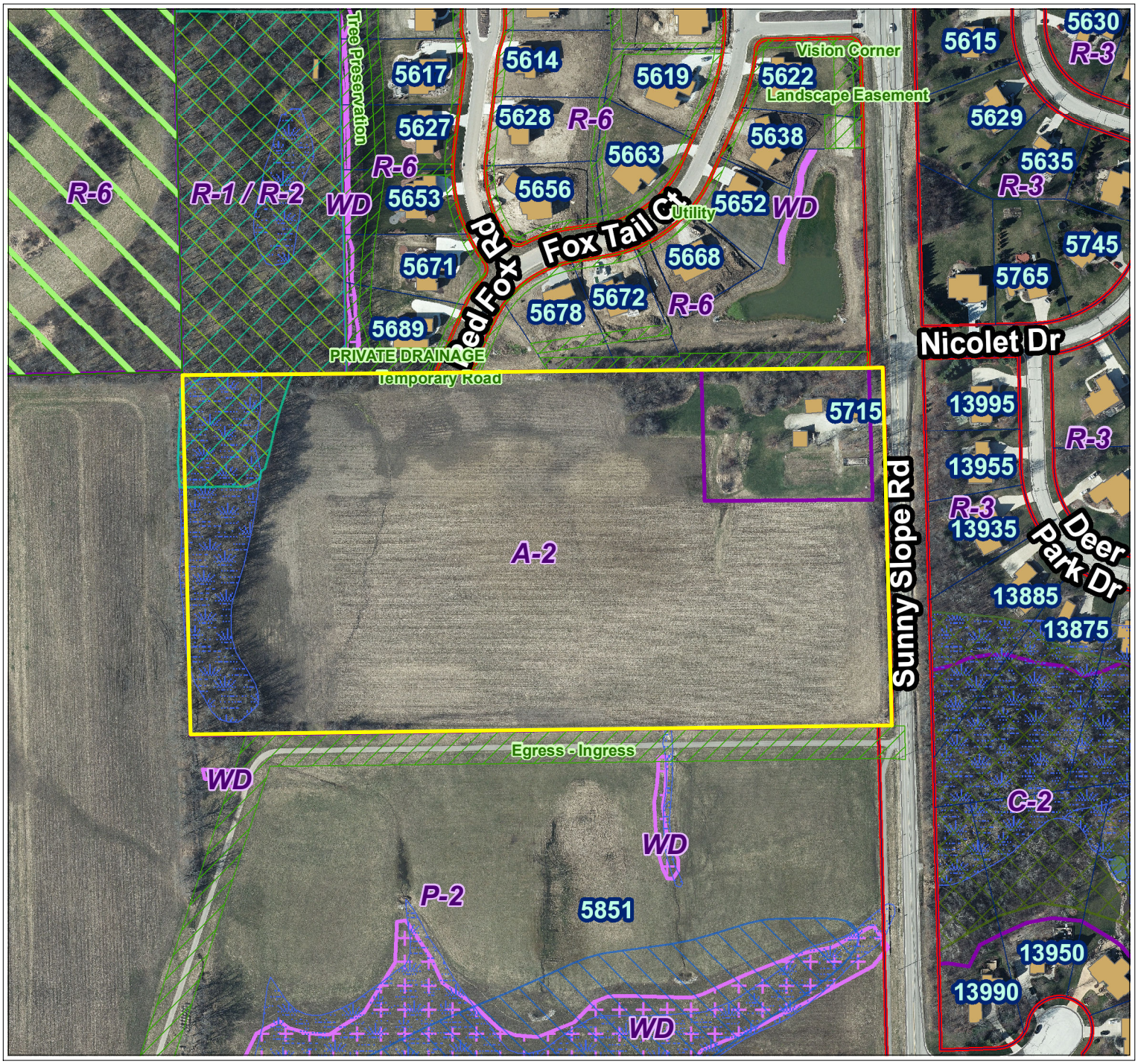
STAFF RECOMMENDATION: NO RECOMMENDATION, for discussion purposes only.

ATTACHMENTS:
Location Map
Concept Plan
Site Walk Photos

City of New Berlin
Community Development

SP-2301340
Theofila Estates Subdivision Concept
5715 S. Sunny Slope 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
- Wetland

Sewer Service Area (MMSD)

Sewershed

- Current
- Ultimate

N

0 100 200 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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EXHIBIT A

*Optional Lot Size Reduction to 20,000 sf for R-6 per 275-33D(17):
Plan Commission and Common Council may approve smaller lot sizes, including reduced lot width and depth, where appropriate, in order to protect environmental features such as waterways, woodlands and tree lines, provide for additional tree protection and/or avoid steep topography; any allowed lots smaller than 25,000 square feet shall adhere to the City's adopted zoning and subdivision codes. Additional landscaping/screening requirements may apply.

TREE PRESERVATION EASEMENT RESTRICTIONS:

Those areas identified as TREE PRESERVATION EASEMENT in this Subdivision shall be subject to the following restrictions:

1. The grading, filling and/or removal of topsoil is prohibited.
2. The removal or destruction of vegetative cover, i.e. trees, shrubs, grasses, etc. is prohibited with the exception that dead, dying or diseased vegetation may be removed at the discretion of the land owner under the recommendation of a forester or naturalist with approval from the City of New Berlin Department of Community Development. Invasive plant species, as identified by the Wisconsin Department of Natural Resources, may also be removed with approval from the City of New Berlin Department of Community Development.
3. The construction of any permanent or temporary structures, fencing, pools, decks, play equipment or the like is prohibited.
4. The introduction of any plant material not indigenous to the existing environment is prohibited.
5. Unauthorized removal of trees within the Tree Preservation Easement shall require re-planting in accordance with the City's Tree Replacement Policy noted in Zoning Code Section 275-54B(6). Because the species and/or quality of the tree that has been removed is not able to be determined after-the-fact, the required number of replacement trees will be based on the stump size, regardless of the species or quality of the original tree.

WETLAND DELINEATION:

Wetland boundaries shown herein were delineated and provided by Heartland Ecological Services, dated 5/18/2023

FUTURE ADJACENT PARKLAND:

Krokowski Property is located adjacent to a future active park complex. This future park area will include ball fields, possibly with lighting, as well as a variety of other activities to be determined as park planning is finalized.

SIDE ENTRY GARAGE SETBACKS:

When a garage is proposed with an entry facing an interior lot line, the garage shall be set back a minimum of 30 feet from the lot line opposite the garage door. The setback shall be measured perpendicular from the edge closest to the street of each garage door opening. There shall be a twenty-four-foot access radius in and out of the garage door. The side-entry driveway shall be located not less than five feet from the side lot line.

BASEMENT RESTRICTION FOR GROUNDWATER NOTE:

Although all Lots in the Subdivision have been reviewed and approved for development with single-family residential use in accordance with Section 236 Wisconsin Statutes, some Lots contain soil conditions that, due to the possible presence of groundwater near the surface, may require additional soil engineering and foundation design with regard to basement construction. It is recommended that a licensed professional engineer design a basement and foundation that will be suitable to withstand the various problems associated with saturated soil conditions on basement walls or floors or that other special measures be taken. Soil conditions should be subject to each owner's special investigation prior to construction and no specific representation is made herein.

DEVELOPMENT SUMMARY

Total Lots - 14 lots

Total Area - 17.39 acres [Lot 2 of CSM]

Developable Area - 17.24 acres [Excludes 0.15 ac of Wetland]

Density - 0.81 un/ac net

Street Length - **790 lf (56.42 lf/lot)**

Zoning: R-6

Design Criteria:
Lot Area= 25,000 s.f. (Min.)*
Lot Width = 110' (Typical)
130' (Corner Lot)

Setbacks:
Front = 30 Ft.
Side = 10 Ft.
Rear = 25 Ft.

SITE PLAN (A)

KROKOWSKI PROPERTY
CITY OF NEW BERLIN, WI

NORTH
0 25 50 100
Scale: 1" = 50' (22"X34")
Scale: 1" = 100' (11"X17")
DATE: 05-24-2023

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT:	**Scott Funk / Two (2) Lot Certified Survey Map (CSM)**	
LOCATION:	**1710 S. Craftsman Drive (Tax Key #: 1174-066 and 1174-987-001)**	
REQUEST:	**2-Lot Certified Survey Map**	
REVIEW SCHEDULE:	**CSM Received:**	**07/05/2023**
	Completeness Determination:	**07/05/2023**
	90-day time limit expires:	**10/03/2023**
	Final Common Council Action (expected):	**08/29/2023**
	45-day extension expires:	**N/A**
D.R.C. RECOMMENDATION:	**Recommend to Common Council approval of the 2-Lot Certified Survey Map located at approximately 1710 S. Craftsman Drive (Tax Key #: 1174-066 and 1174-987-001) subject to the application, plans on file and the following conditions:**	

1. **Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing.**
2. **A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.**
3. **The CSM shall be recorded with Waukesha County Register of Deeds prior to the issuance of any new Zoning or Building Permits.**
4. **Applicant shall coordinate with DCD staff to prepare a Conservation Easement for Parcel #2 (Tax Key: 1174-987-001), subject to final review and approval of the City Attorney.**
    a. **Applicant shall provide a legal description for all areas to be protected within the easement.**
    b. **The Conservation Easement shall be recorded with the Waukesha County Register of Deeds prior to signing the CSM.**
5. **Applicant and/or new property owners shall apply for and obtain appropriate building, plumbing and electrical permits prior to any construction on any parcel.**

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

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

Meeting of August 14, 2023

Scott Funk / Two (2) Lot Certified Map (CSM)
1710 S. Craftsman Drive (Tax Key #: 1174-066 and 1174-987-001

DATE STAFF REPORT PREPARED: July 6, 2023

APPLICANT / OWNER(S): Scott Funk (Owner)

REQUEST / DESCRIPTION OF PROJECT: Approval of the 2-Lot Certified Survey Map located at 1710 S. Craftsman Drive (Tax Key #: 1174-066 and 1174-987-001).

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 07/05/2023

DATE OF COMPLETENESS DETERMINATION: 07/05/2023

PRE-APPLICATION CONFERENCE HELD: Yes, multiple meetings were held at the DCD front counter.
Date(s) of Meeting(s): several meetings and numerous phone calls and emails exchanged prior to submittal
Staff Site Visit: July 14, 2023

CONCEPTUAL PLAN: Yes, CSM attached.

SIZE OF DEVELOPMENT / PARCEL(S): Parcel #1: 28,595 Square Feet (0.5011 Acres) and Parcel #2: 882,903 Square Feet (20.269 Acres).

CURRENT ZONING: R-4 (Low-Density Single Family Residential) and C-2 (Shoreland Wetland Holding District)

CURRENT LAND USE: Single-family home and wetland conservancy

PROPOSED ZONING: Not applicable – No change requested.

PROPOSED LAND USE: Continue use as single-family residential parcel.

PROPOSED LOT SIZES: The proposed lot sizes are as follows after right-of-way dedication:
Parcel #1: 28,595 Square Feet
Parcel #2: 882,903 Square Feet (20.269 Acres)

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North:	Zoning: R-4	Land Use: Single Family Residential / East Brook Subdivision
South:	Zoning: R-4	Land Use: Single Family Residential / East Brook Subdivision
East:	Zoning: C-2	Land Use: Vacant Wetland Parcel
West:	Zoning: R-4	Land Use: Single Family Residential / East Brook Subdivision

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes

Chapter 11: Neighborhood A: Greenfield Avenue: The submittal meets the intent of this Chapter. The larger parcel, Tax Key #: 1174-987-001, falls within Chapter 12: Neighborhood B: West Lincoln Avenue & Western Area. However, the request is being reviewed under Chapter 11.

Planning Context / Vision / Development Policies*:*

- 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 nonconforming lot, structure, and use standards, and require compliance with landscaping regulations. Phase out nonconforming 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. Fig. 11.8 - North Moorland Road Corridor Map. New Berlin 2020 Comprehensive Plan 11:7
- Address flooding and localized drainage issues along the eastern portion of the neighborhood.
- Encourage land combinations that accommodate future development options.

Land Use:

- *Future Land Use Map: Suburban Residential & Country Residential (Neighborhood A & B)*

ZONING CODE (Chapter 275): Yes, this request is consistent with Sections 275-33B(4), table 275-33-2 and 275-37B(4) of the Zoning Code.

DEVELOPMENT CODE (CHAPTER 235): Yes

REZONING REQUIRED: Not applicable

CONDITIONAL USE REQUIRED: Not applicable

PUBLIC HEARING REQUIRED: Not applicable

USE / SITE / ARCHITECTURAL REVIEW:
Use Approval Required: No
Site Plan Required: Yes, see 2-Lot CSM attached.
Architectural Review Required: No

PROPOSED ARCHITECTURE: Not applicable

UNIQUE SITE CHARACTERISTICS:
Environmental Corridor: Parcel #1 does contain a small portion of Primary Environmental Corridor. Parcel #2 contains a considerable amount of mapped Primary Environmental Corridor.
Wetland on Property: Parcel #1 does contain a small amount of mapped wetland and Parcel #2 is almost entirely comprised of wetland and is zoned C-2. There is an Assured Delineation Report dated January 5, 2021 on file with

the City. The revised wetland boundary has been delineated and will be registered with the City (File #: WD-2100242).
Conservancy Districts (C-1, C-2): Yes, Parcel #1 contains a small amount of wetland (C-2) and Parcel #2 contains a considerable amount of wetland (C-2).
NRCS Map Classification: Not Inventoried
Floodplain: There is no mapped floodplain on Parcel #1 but there is mapped floodplain on Parcel #2.
Topography / Geologic: Site slopes downward generally from the west to the east with about an 18' grade change.

BIKE & PEDESTRIAN FACILITIES PLAN: No improvements identified

PARK & OPEN SPACE PLAN: No improvements identified

NATURAL RESOURCES PROTECTION:
Limits of Disturbance (LOD): Not applicable for a CSM
Woodland, Tree & Vegetation Protection: Not applicable for a CSM
Wildlife Habitat Protection: Not applicable for a CSM.
Wildlife Management Plan: Not applicable for a CSM.

ENVIRONMENTAL IMPACT: Both parcels have been field delineated for wetlands by an Assured Delineator. This report, dated January 5, 2021, was completed by the Heartland Ecological Group and is on file with the City. The new boundary has been registered with the City (File #: WD-2100242).

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: Not applicable
Adequate Linkage: Not applicable
Onsite System Required: Yes, current home located at 1710 Craftsman Dr. has an onsite system.

WATER USAGE CALC.: Not applicable

TRAFFIC IMPACT: Not applicable

SCHOOL DISTRICT IMPACT: Not applicable

PREVIOUS ACTION:

- **April 2021** Wetland delineation registered with the City.

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

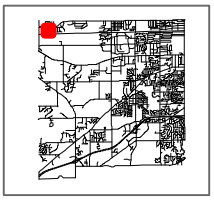
1. The applicant owns both Parcel #1 and Parcel #2 and wishes to build a detached garage at the back of Parcel #1. In order to do this, the applicant is adding an approximate 50' to the back of Parcel #1 in order to meet the City's setback requirements for this detached garage. No other construction activity will take place on either parcel. There are no impacts to the delineated wetlands on either Parcel #1 or Parcel #2.
2. Parcel #2 will remain in largely conservancy but the City shall require that a conservation easement be prepared for Parcel #2.

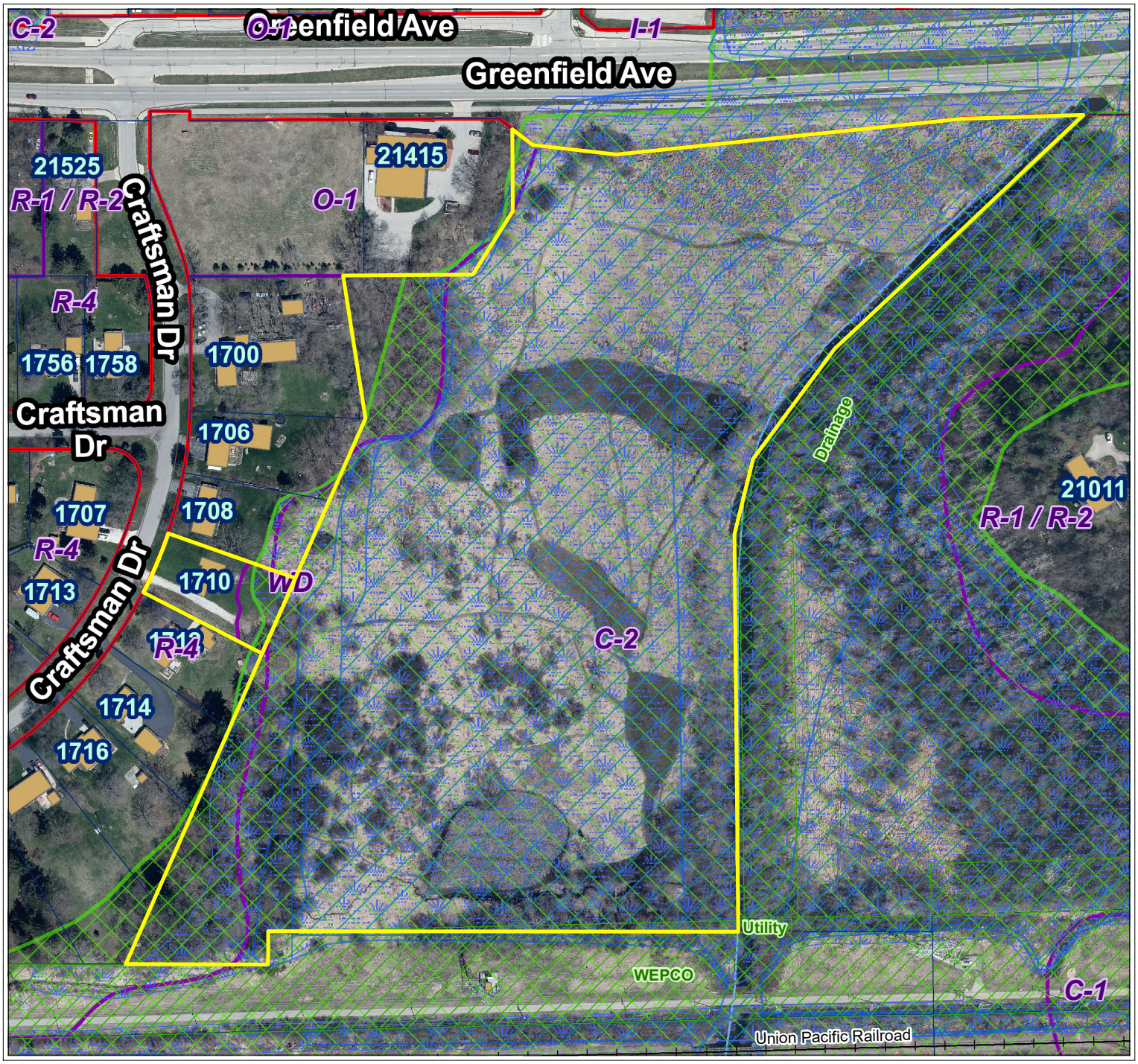
D.R.C. RECOMMENDATION: Recommend to Common Council approval of the 2-Lot Certified Survey Map located at approximately 1710 S. Craftsman Drive (Tax Key #: 1174-066 and 1174-987-001) subject to the application, plans on file and the following conditions: **See Executive Summary.**

ATTACHMENTS:
Location Map
Applicant Letter
Proposed CSM

City of New Berlin
Community Development

LD-2301367
Scott Funk - 2-Lot CSM
1710 S. Craftsman Dr.
(Tax Key #'s: 1174-006 & 1174-987-001)





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**
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  - 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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0 80 160 Feet

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June 28, 2023

City of New Berlin Department of Community Development
3805 S. Casper Dr.
New Berlin, WI 5315

RE: Conservation Easement Letter

I would like the following items allowable on my conservation's easement on my 20-acre parcel Tax Key NBC 1174987001:

- Future retention pond for storm water management for commercial lot (see attached map)
- Future wildlife pond if permitted from the DNR or other applicable agencies (see attached map, exact location unknown)
- Tree planting allowable
- Agricultural use and farming
- Recreational use such as hunting, fishing, ATV riding
- Easement allowance does not hinder eligibility for FSA, USDA, NRCS or similar programs in the future
- No public access

Regards,

Scott Funk

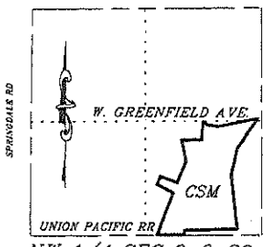
CERTIFIED SURVEY MAP NO._____

BEING ALL OF LOT 21 IN EAST BROOK, AND LANDS, BEING A PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 6, TOWN 6 NORTH, RANGE 20 EAST, IN THE CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.

PREPARED FOR:
SCOTT & TINA FUNK
1710 S. CRAFTSMAN DR.
NEW BERLIN, WI 53146

PREPARED BY:
CHRISTOPHER J. KUNKEL
S-1755
14195 BEECHWOOD TRAIL
NEW BERLIN, WI 53151

VICINITY MAP



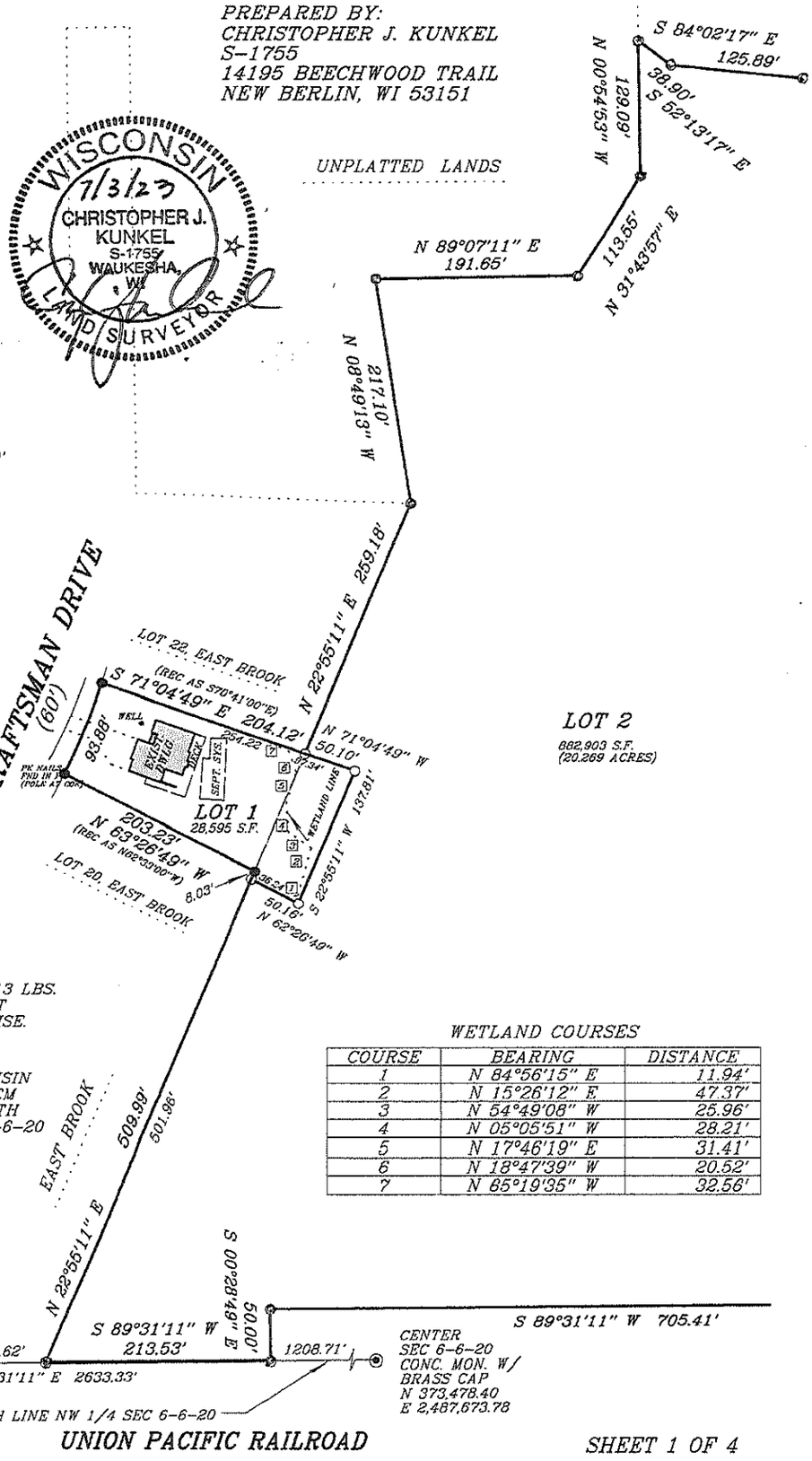
NW 1/4 SEC 6-6-20
SCALE:1"=2000'

WISCONSIN
7/3/23
CHRISTOPHER J. KUNKEL
S-1755
WAUKESHA, WI
LAND SURVEYOR

N
W E

SCALE:1"=150'

0 100' 200' 300'



NOTE:
∘ – DENOTES 1"x18" IRON PIPE 1.13 LBS. PER LINEAL FOOT SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.

• – DENOTES 1" IRON PIPE FOUND

BEARINGS REFER TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM SOUTH ZONE, IN WHICH THE SOUTH LINE OF THE NW 1/4 SECTION 6-6-20 BEARS N89°31'11"E.

WETLAND COURSES

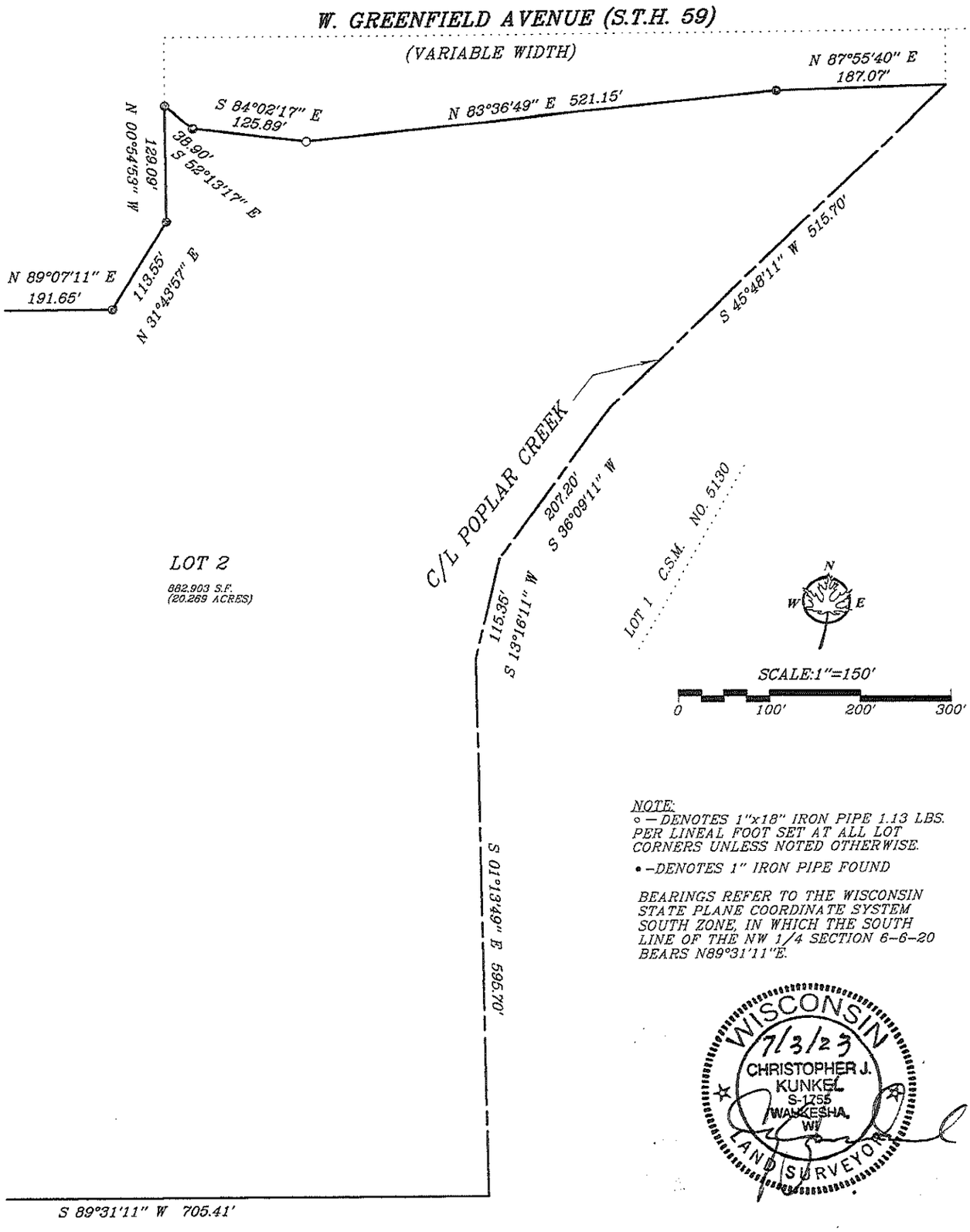
COURSE	BEARING	DISTANCE
1	N 84°56'15" E	11.94'
2	N 15°26'12" E	47.37'
3	N 54°49'08" W	25.96'
4	N 05°05'51" W	28.21'
5	N 17°46'19" E	31.41'
6	N 18°47'39" W	20.52'
7	N 85°19'35" W	32.56'

SHEET 1 OF 4

THIS INSTRUMENT DRAFTED BY CHRISTOPHER J. KUNKEL S-1755

CERTIFIED SURVEY MAP NO._____

BEING ALL OF LOT 21 IN EAST BROOK, AND LANDS, BEING A PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 6, TOWN 6 NORTH, RANGE 20 EAST, IN THE CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.



NOTE:
○ — DENOTES 1"x18" IRON PIPE 1.13 LBS. PER LINEAL FOOT SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.

• –DENOTES 1" IRON PIPE FOUND

BEARINGS REFER TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM SOUTH ZONE, IN WHICH THE SOUTH LINE OF THE NW 1/4 SECTION 6–6–20 BEARS N89°31'11"E.

WISCONSIN
7/3/23
CHRISTOPHER J. KUNKEL
S-1755
WAUKESHA, WI
LAND SURVEYOR

SHEET 2 OF 4

CERTIFIED SURVEY MAP NO. _____

BEING ALL OF LOT 21 IN EAST BROOK, AND LANDS, BEING A PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 6, TOWN 6 NORTH, RANGE 20 EAST, IN THE CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.

SURVEYORS CERTIFICATE

I, Christopher J. Kunkel, Professional Land Surveyor, hereby certify that I have surveyed, divided and mapped all of Lot 21 in East Brook, and lands, being a part of the SE 1/4 of the NW 1/4 of Section 6, Township 6 North, Range 20 East, City of New Berlin, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the west ¼ corner of said Section 6; thence N89°31'11"E along the south line of said NW ¼ Section 6, 1424.62 feet to the place of beginning of the lands to be described; thence N22°55'11"E, 509.99 feet to the southeasterly corner of said Lot 21, thence N63°26'49"W along the south line of said Lot 21, 203.23 feet to a point on the east line of S. Craftsman Drive; thence northeasterly 93.88 feet along said east line and the arc of a curve, whose center lies to the northwest, whose radius is 661.15 feet; and whose chord bears N22°30'11"E, 93.78 feet; thence S71°04'49"E along the northeasterly line of said Lot 21, 204.12; thence N22°55'11"E, 259.18 feet; thence N08°49'13"W, 217.10 feet; thence N89°07'11"E, 191.65 feet; thence N31°43'57"E, 113.55 feet; thence N00°54'53"W, 129.09 feet; thence S52°13'17"E along the south line of W. Greenfield Avenue (S.T.H. 59), 38.90 feet; thence S84°20'17"E along said south line, 125.89 feet; thence N83°36'49"E along said south line, 521.15 feet; thence N87°55'40"E along said south line, 187.07 feet; thence S45°48'11"W along the center line of Poplar Creek; 515.70 feet; thence S36°09'11"W along said center line, 207.20 feet; thence S13°16'11"W along said center line, 115.35 feet; thence S01°13'49"E along said center line, 595.70 feet to a point on the north line of the Union Pacific Railroad right-of-way; thence S89°31'11"W along said north line; 705.41 feet; thence S00°28'49"E along said north line; 50.00 feet; thence S89°31'11"W along said north line and the south line of the NW ¼ of said Section 6, 213.53 feet to the place of beginning..

Said lands containing 911,498 square feet of land, more or less.

That I have made such survey, land division and map by the direction of the Scott M. and Tina M. Funk, owners of said land.

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

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

_____ Date 7/3/23

Christopher J. Kunkel S-1755

WISCONSIN
CHRISTOPHER J. KUNKEL S-1755 WAUKESHA, WI
LAND SURVEYOR

Sheet 3 of 4

CERTIFIED SURVEY MAP NO. _____

BEING ALL OF LOT 21 IN EAST BROOK, AND LANDS, BEING A PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 6, TOWN 6 NORTH, RANGE 20 EAST, IN THE CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN

OWNERS CERTIFICATE OF DEDICATION

As owners, we hereby certify that we have caused the land described above to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of the ordinances of the City of New Berlin and that this map is required by s.236.10 or s. 236.12 to submitted to the following for approval or objection: City of New Berlin.

Witness the hand and seal of said owners this _____day of _____, 20_____.

_____ _____
Witness Scott M. Funk

_____ _____
Witness Tina M. Funk

Personally came before me this _____ day of _____ 20_____, the above named Scott M. Funk and Tina M. Funk, owners, to me be known as the persons who executed the foregoing instrument and acknowledged the same.

_____
Notary Public-State of Wisconsin

My commission expires:_____

PLANNING COMMISSION APPROVAL

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

_____ _____
David Ament, Chairman Nikki Jones, Secretary

COMMON COUNCIL APPROVAL

Approved by the Common Council of the City of New Berlin on this _____day of_____, 20_____.

WISCONSIN
7/3/23
CHRISTOPHER J. KUNKEL
S-1755
WAUKESHA WI
LAND SURVEYOR

_____ _____
David Ament, Mayor Rubina R. Medina, City Clerk

This instrument drafted by Christopher J. Kunkel S-1755

Sheet 4 of 4

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT:	**Jordan Chapman with ALRIG USA (DBA New Berlin Retail Management II LLC) / Commercial Development Plan for the SW corner of Greenfield Avenue and Moorland Road / Plan includes approximately 6 acres of commercial development (3 multi-tenant retail buildings at the SW corner of Greenfield Avenue and Moorland Road.**
LOCATION:	**1401 S. Moorland Road (Tax Key #: 1161-995-001)**
REQUEST:	**Concept plan review for a Commercial Development Plan for the SW corner of Greenfield Avenue and Moorland Road / Commercial Development Plan, located at approximately 1401 S. Moorland Road.**
D.R.C. RECOMMENDATION:	**NO RECOMMENDATION, Plan Commission review and discussion regarding the concept plan submitted for a Commercial Development Plan for the SW corner of Greenfield Avenue and Moorland Road, located at approximately 1401 S. Moorland Road.**

Main questions/points to review and resolve by the Plan Commission:

Staff has been meeting with this developer for several months. At this time, we wanted to get the Plan Commission involved prior to the applicant making any other formal application requests. There are two main issues that Staff would like to discuss on this project before they move forward, including: 1) removal of the PUD Ordinance for the hotel and conference center that had previously been planned for this location and 2) overall design, architecture and layout. While the applicant submitted many materials, we would like to focus the Plan Commission discussion on these two items in order to provide direction to this applicant on future submittals.

1. **A PUD Ordinance #: 2128 – The Deer Creek Inn & Conference Center PUD Overlay District currently is in place for this property to allow for a hotel and conference center. At this time, the previous applicant is no longer pursuing that project. If this new development moves forward, the following documents will need to be vacated:**
    a. **Rezone to remove PUD Ordinance # 2128;**
    b. **Use Approval for the Hotel and Conference Center;**
    c. **Development Agreement; and**
    d. **Building Permit.**
2. **Site Plan**
    a. **The plan of operation and site plan indicate three multi-tenant commercial buildings. Two of the proposed buildings show a drive-thru.**
    b. **Submittal will be required to meet all setbacks in the B-2 Zoning District (General Retail Sales and Service) if that is the district utilized. In order to address concerns from the neighborhood meeting, a PUD is suggested:**

i. **Sidepaths along Moorland Road – applicant to install and maintain sidepaths on their property. This would be included in the Development Agreement.**

ii. **Address the fast food comments by adding the following:**

a. **Prohibited use - 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."**

b. **Fast casual type restaurants would not be prohibited. 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.**

iii. **Add more specific information on upfront setbacks to Moorland Road to create space for additional landscaping and buffering. This would allow for enhanced landscaping plans.**

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.**

v. **Site Amenities - 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.**

a. **This retail corner development shall incorporate "Welcome to the City of New Berlin" signage as part of a separate agreement with the City. ALRIG USA 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 the project.**

3. **Comprehensive Plan / Land Use:**

a. **Future Land Use Designation: Suburban Commercial.**

Developers will be encouraged to establish creative commercial centers that do not place emphasis on the parking areas, but on the commercial uses themselves. This can be accomplished by placing some parking to the side or behind buildings and utilizing internal landscaping throughout the parking areas. Signage and lighting should be placed and designed to ensure visibility without being excessive.

4. **Fire Comments:**

a. **All fire lane access shall be 24' wide and accommodate turning radius of the New Berlin Fire Departments largest apparatus, a 2018 Rosenbauer ladder aerial 109' truck.**

b. **Separate hydrant layout map submittal required to comply with Chapter 124-12.**

5. **Engineering:**
    a. **Per Zoning Code Section 275-57 (2)(g). All parking lot areas containing 50 spaces or more shall consider providing bicycle parking facilities. It appears bicycle parking has been provided, but it is not labeled.**
    b. **Per Zoning Code Section 275-57(7)(a). All drive aisles and parking space widths shall be measured from edge of pavement to edge of pavement. (Not including the flange line of the curb). Parking stall depths can be measured to the face of curb, where applicable. As drawn, the drive aisles are only 22' wide and the parking stalls adjacent to the curb and gutter are only 8' wide.**
    c. **Per Development Handbook Section 5.2.12.5 - The parking lot shall be accessible by a Single-Unit Box truck as a minimum. If deliveries are anticipated, a delivery route through the site shall be possible. Provide verification of vehicle turning movements on the site plan. Verify turning radii in drive thru lanes.**
    d. **Per Development Handbook Section 5.2.12.4 - Sidewalks adjacent to parking stalls shall be 8' wide.**
    e. **At the time of full Use, Site and Architecture application submittal, the following additional plans shall be submitted:**
        i. **Grading Plan**
        ii. **Lighting Plan**
        iii. **Landscaping Plan**
        iv. **Erosion Control plan**
        v. **Utility Plan**
        vi. **Stormwater Plan details**
        vii. **Roadway Improvement Plans (Moorland Road Left Turn Lane)**
6. **General Comments:**
    a. **Waukesha County will be the approving authority on the roadway improvements and access permitting along CTH O (Moorland Rd.).**
    b. **A Full TIA has been reviewed by both the City of New Berlin and Waukesha County.**
    c. **Provide a sidewalk along Moorland Road from Greenfield Avenue to the New Berlin Bike Trail.**
    d. **Sidewalk lighting may be discussed.**
    e. **Provide pedestrian connections internal to the development.**
    f. **Site layouts should include landscaping, sustainable features, and signage and/or banners to promote Greenfield Avenue as a major gateway to the City.**
    g. **Provide Utility plans that show the water main looping.**
    h. **Public water main would need to be within an easement.**
    i. **See the Development Handbook for public infrastructure requirements.**
    j. **Discuss the option of gateway signage for the City of New Berlin.**
    k. **Provide a full tree inventory and replacement plan.**
    l. **Provide landscape plan.**

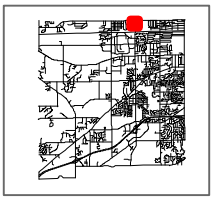
At a minimum, the following documents/reports would be required to be submitted with any future applications to help the City better understand the site:

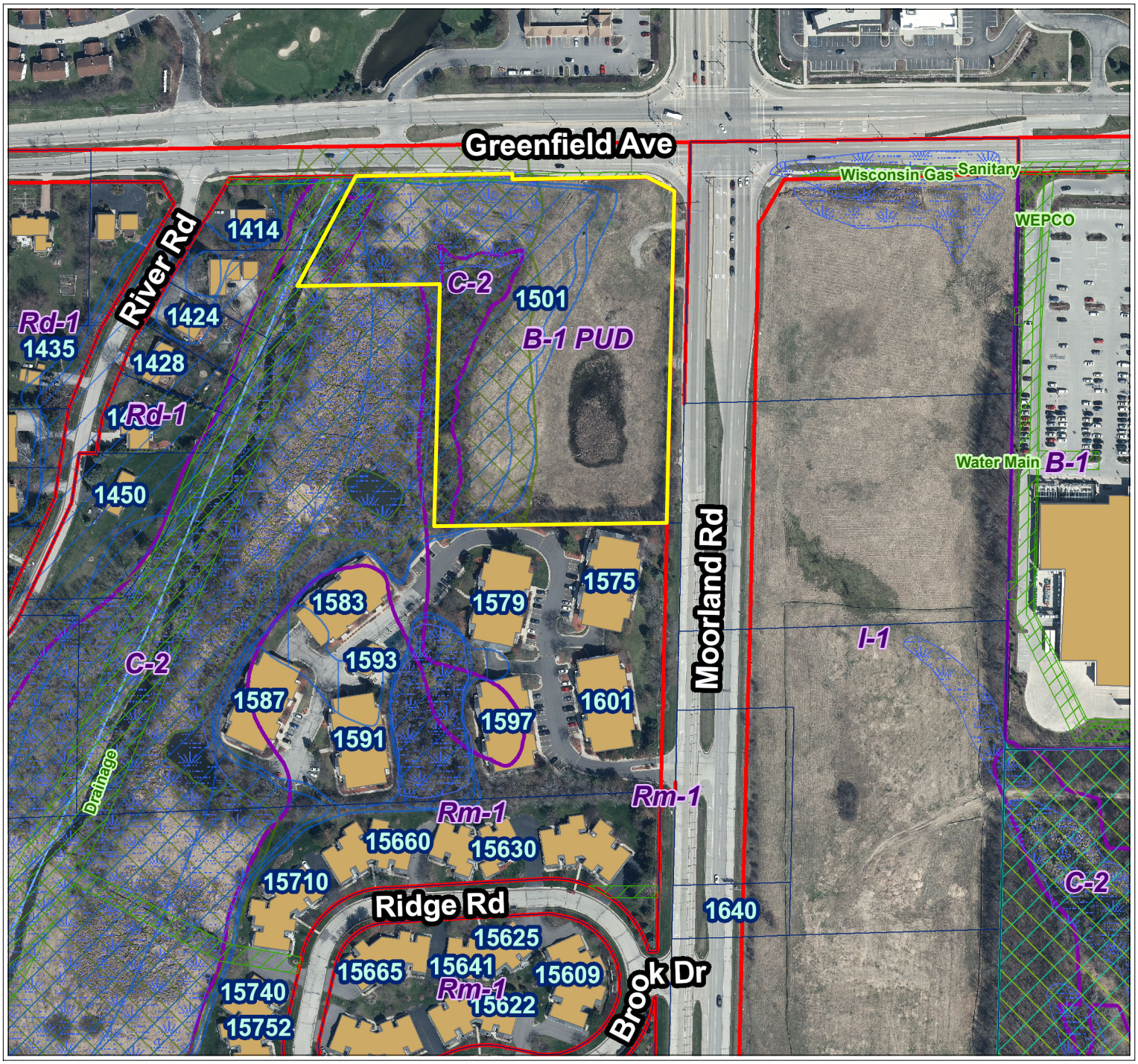
- ***Additional background on the retail component of this development***
- ***Traffic Impact Analysis***
- ***Storm Water Management Plan***
- ***WDNR Wetland Fill Permits if planning to fill wetlands as noted on conceptual site plan.***
- ***Tree Inventory Report & Replacement Schedule***
- ***General Submittal items – Lighting Plan, Landscaping Plan, Grading, Full Utility Plans (Sewer, Water, Storm Sewer), etc.***

ATTACHMENTS:
Location Map
Concept Plans & Sample Architecture
Door to Door Summary (forthcoming)
PUD Ordinance #: 2128 – The Deer Creek Inn & Conference Center PUD Overlay District. This document is being included as it is referenced in this document.

City of New Berlin
Community Development

UA-2301359
ALRIG USA - Retail Concept Plan
1401 S. Moorland Road





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Logic DA, LLC
10400 W Innovation Dr, Suite 330
Milwaukee, WI 53226
www.LogicDA.com

06/30/2023

City of New Berlin
Department of Community Development
New Berlin, WI 53151-3097

Letter of Intent
Proposed Development
1401 South Moorland Road
New Berlin, WI 53151

To Whom it May Concern,

It is our pleasure to submit this letter of intent to pursue land use and related approvals for the development of the vacant lot on a 6.2570 acre property located at 1401 South Moorland Road. This submittal is for conceptual review of the development of the site for 3 multi-tenant buildings. Phase I will be to develop the site for building #1 and #2. Phase II will be for building #3 in the future.

Building #1 (North End) is proposed for an approximate 5,664 square foot 2 tenant building. One of the tenants will be a national brand café with a drive thru and approximately +/-448 square foot outdoor patio area. The second space will be for retail and a landlord room.
Building #2 (middle building) is proposed for an approximate 7,990 square foot multi-tenant building. It will have a drive-thru at the South end cap space and approximately +/-448 square foot outdoor patio area.

Building #3 (South End) will be a future part of Phase II. The proposal includes an approximate 7,990 square foot multi-tenant building. It will have a drive-thru at the South end cap space and outdoor patio area.

There will be two driveway access points to the site. One will be off of the West corner of the property on Greenfield Avenue and the second off of Moorland Road on the south corner of the property. Phase I for the first two building will have off-street parking providing for approximately 116 vehicles. Phase II for Building #3 will add an additional proposed 70 stalls. The trash enclosures for each building will be in the rear of the buildings and will match their respective building.

Project Team:
Developer: ALRIG USA
Architect: Logic Design & Architecture, Inc.
Civil Engineer: Pinnacle Engineering Group
Landscape Design: TBD
Structural Engineer: TBD
Mechanical Engineer: TBD

It is our best belief that the proposed site layout, new buildings, parking, and landscaping all contribute to a better use, circulation and substantial improvement to the overall aesthetic of the parcel and surrounding environment. We look forward to working with the city throughout this approval process

Warm regards,

Adam J. Stein
Principal, Architect, NCARB

Report on Door to Door Outreach for Alrig USA

SW Corner of Greenfield Avenue and Moorland Road, New Berlin

July 26, 2023

Drafted by Mary Claire Lanser

Lanser Public Affairs is a grassroots public affairs and community outreach organization retained by developers for over nineteen years. The community outreach for the Alrig proposal followed my usual process, which demonstrates respect for everyone and to all opinions.

Process: Working from a database of closest addresses, I visited 155 residences. The database included residents that will eventually receive public hearing notices. I spoke with people at 62 of these addresses. I introduced myself, clearly stated that I am hired to provide information, answer questions, write down comments, and urge people to attend the July 26 Neighborhood Meeting at City Hall. Using a binder that contains site plan, architecture/landscaping details, and the aerial map illustrating the site location, I went through as much information as desired. I noted comments on large index cards (one per address). I distributed an invitation to the July 26 Neighborhood Meeting, emphasizing that, while it is open house, there will be a presentation starting at 6:15 (and to be there by then if they want to hear it presented "top to bottom"). I left the invitation in a door hanger bag when there was no answer. Visit times ranged approximately two to forty-five minutes. I urged people to share my contact information with anyone interested in more details and to call me anytime if they thought of additional questions. People seemed to appreciate the personal outreach.

Date of visits: July 8, 10, 11, and 17

Streets visited: Blue Jay, Brook, Canary, Cardinal, Coachlight, Greenfield, Ridge, River, Robin

Comments Summarized: **(Bolded items represent many similar responses.)**

- **The site has sat vacant and looked terrible for decades (an "eyesore"); it is time something happens here. (Glad the hotel/water park didn't get built).**
- **Interested/concerned about traffic and access, for this site and for their streets. Will want to know more about traffic at the neighborhood meeting and/or once the studies are done.**
- **Excited that sidewalks are to be built the entire length of the development on the east side of Moorland, and along the Moorland side of this development to the west. (A resident had been collecting petition signatures in favor of sidewalks to get to the railroad trail and to Walgreens, WalMart, or further north to Brookfield. Appreciates developer funded sidewalks; didn't know how her idea would be paid for.)**
- **Commercial is good, and better than residential. Would like coffee shop, interesting/ethnic/different/cool restaurant(s), or boutique stores. Opposed to fast food.**
- **Would be opposed to "just another strip mall" but appreciates the City's expectations for this Gateway to New Berlin.**
- **Good for tax base and New Berlin's growth.**
- **Interested in wetlands preservation and storm water management.**
- **Interested in updates about Mandel's approval status.**
- **In favor of signalized intersection at Brook/Ridge and Moorland, including pedestrian signals.**
- **In favor of elegant monument indicating that motorists are now in New Berlin, like Brookfield has.**
- **Likes the way New Berlin invites residents and holds neighborhood meetings to inform and solicit feedback.**
- **In favor of all of it, both corners.**
- Will restaurants and food waste draw vermin?
- Likes City's coordination of developments on both sides of Moorland, and working with Waukesha County to minimize construction disruption.
- Appreciates the City's careful consideration of development proposals and strict, enforceable requirements.
- Doesn't want development here, or sidewalks; likes the site the way it is. Or make it into a prairie for green space.
- Try not to bring "low class trash" to the area "like Walmart (but I am not racist.")
- Make sure signals for this intersection are coordinated with nearest ones.

- Concerned about wildlife habitat for deer and turkeys.
- In favor of sidewalks because people currently walk on the road to get to the bus stop. Or they walk their bikes on the grass to the trail.
- Doesn't want signals or removal of any median cuts. Wants all access to remain as is. (Discussed role of the County.)
- This outreach and transparency are great.
- The City doesn't care what I think.
- Upset the City has grown since he moved here in the 60's.
- Likes the Mayor and Alderman. Trusts officials to make decisions.
- Fine, as long as there is no TIF.
- Thinks site looks natural now and prefers this. Moved here for privacy, quiet, and trees. Not for development.
- Concerned businesses won't survive and buildings will be vacant. Former government worker; "I know how this works".
- People can just walk on the grass; they don't need sidewalks.
- Feels City Staff is coordinating Alrig and Mandel development process, which is a positive for residents.

Signage shown as example only, final design/details submittal for AHJ approvals by tenants.

Landscaping shown for reference only, refer to Landscape design drawings for final design & details

Proposed Outlot Buildings @ Moorland Rd.

New Berlin, WI | May 19th, 2023

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ALRIG USA

logic design & architecture, inc.

PLOT DATE: 6/28/2023

FILE NAME: C:\USERS\WMACDONALD\LOGIC DA DROPBOX\WESLEY MACDONALD__ACTIVE PROJECTS\22-145_1401 MOORLAND NB OUTLOTS\SHEETS\SHEETS_22-145_1401 MOORLAND NB OUTLOTS.DWG

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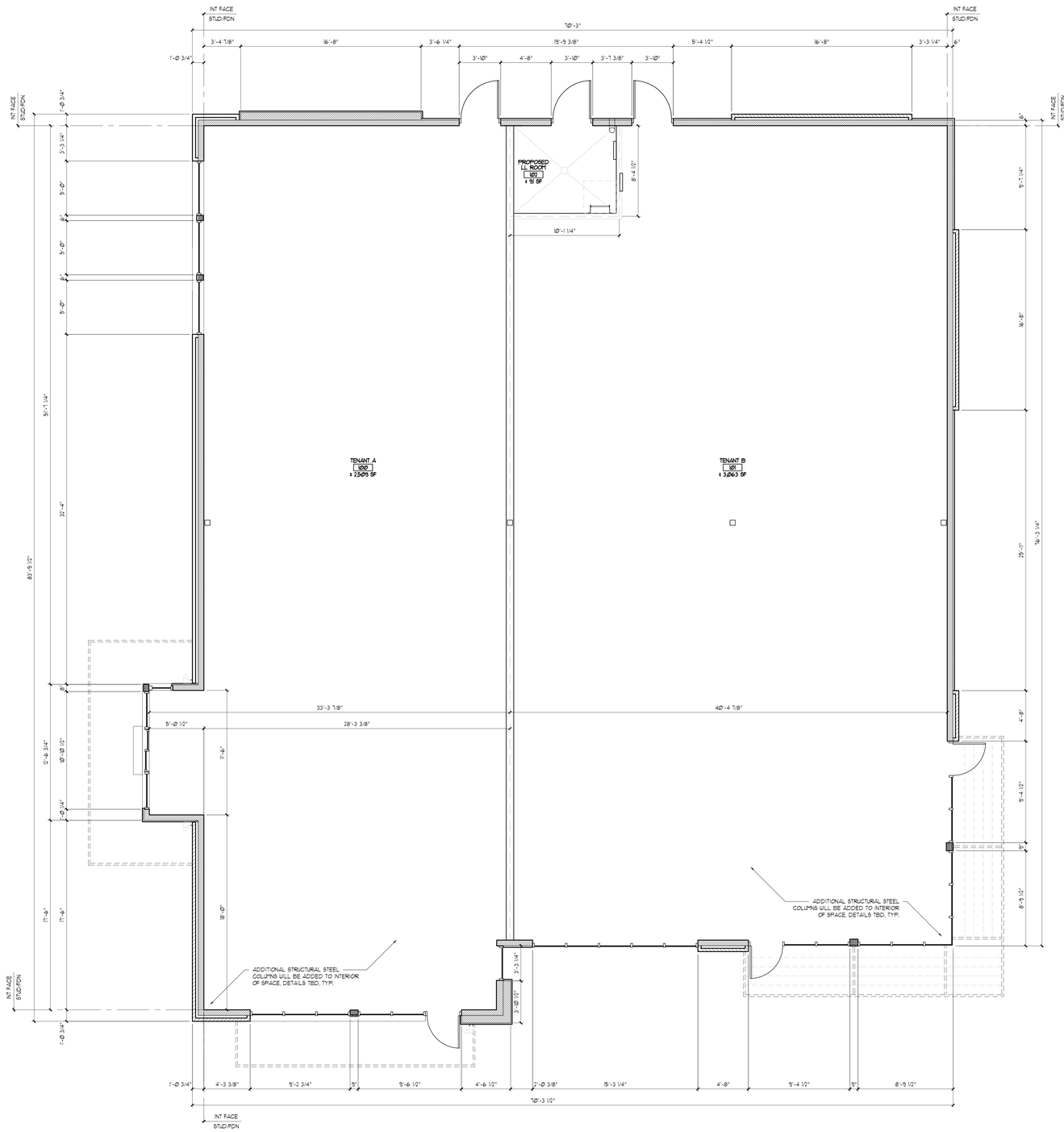

PLAN NORTH

FLOOR PLAN | 1
1/4" = 1'-0"

logic design & architecture, inc.

LogicDA.com : 414.909.0080

Project Manager: AEV
Job Number: 22-145

Consultant

Additional Info

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Project Name

New Retail Outlot Building 1

1401 South Moorland Rd
New Berlin, WI 53151

Dates/Revisions

06.30.23
PC SUBMITTAL

- PRELIMINARY - NOT FOR CONSTRUCTION

Drawing Title

PROPOSED FLOOR PLAN

A1.1

PLOT DATE: 6/28/2023

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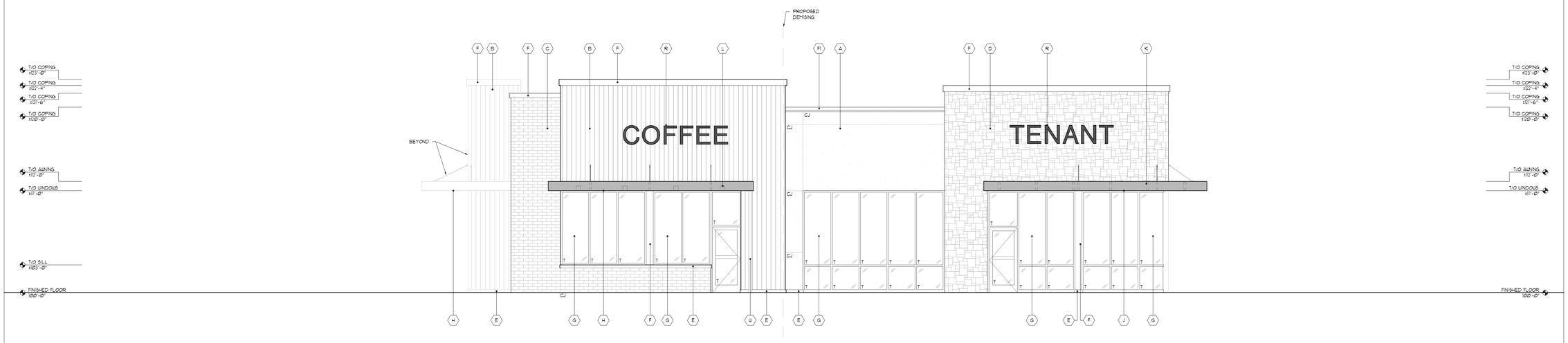

GLAZING: S+ SPANDREL T+ TEMPERED --- SIGNAGE SHOWN FOR REFERENCE PURPOSES ONLY - FINAL LOCATIONS, TYPE, AND AHJ APPROVALS BY TENANT, TYPICAL.

EAST ELEVATION
1/4" = 1'-0" | 2

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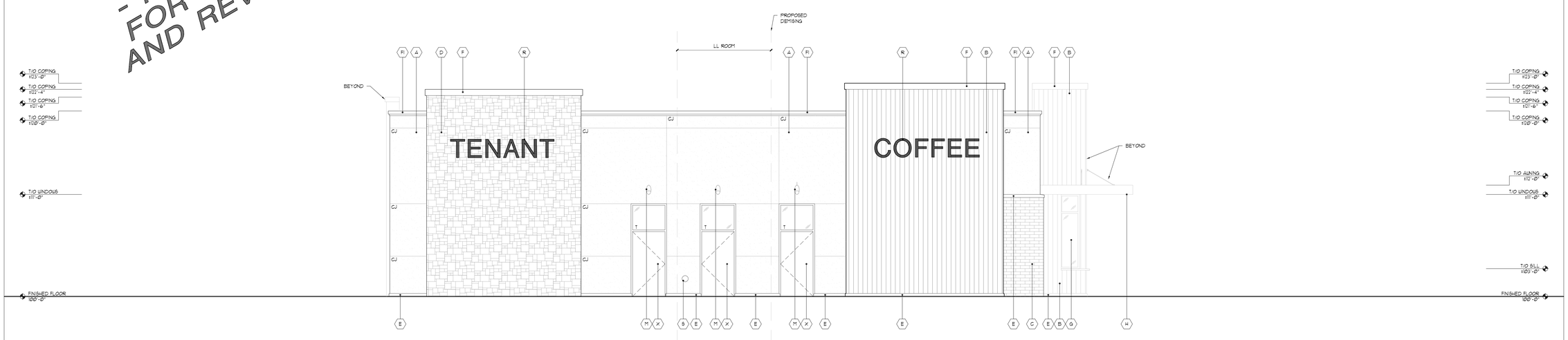

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WEST ELEVATION
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Project Name

New Retail Outlot Building 1

1401 South Moorland Rd
New Berlin, WI 53151

Dates/Revisions

06.30.23
PC SUBMITTAL

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Drawing Title

PROPOSED ELEVATIONS

A2.1

PLOT DATE: 6/28/2023

FILE NAME: C:\USERS\WMACDONALD\LOGIC DA DROPBOX\WESLEY MACDONALD_ACTIVE PROJECTS\22-145_1401 MOORLAND NB OUTLOTS\SHEETS\22-145_1401 MOORLAND NB OUTLOTS.DWG

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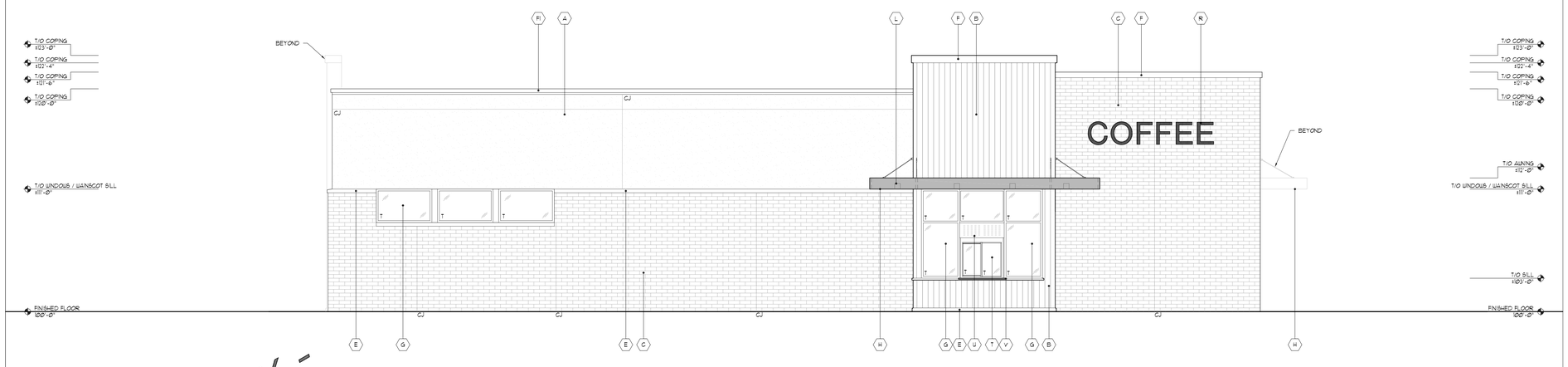

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SOUTH ELEVATION 1/4" = 1'-0" | 2

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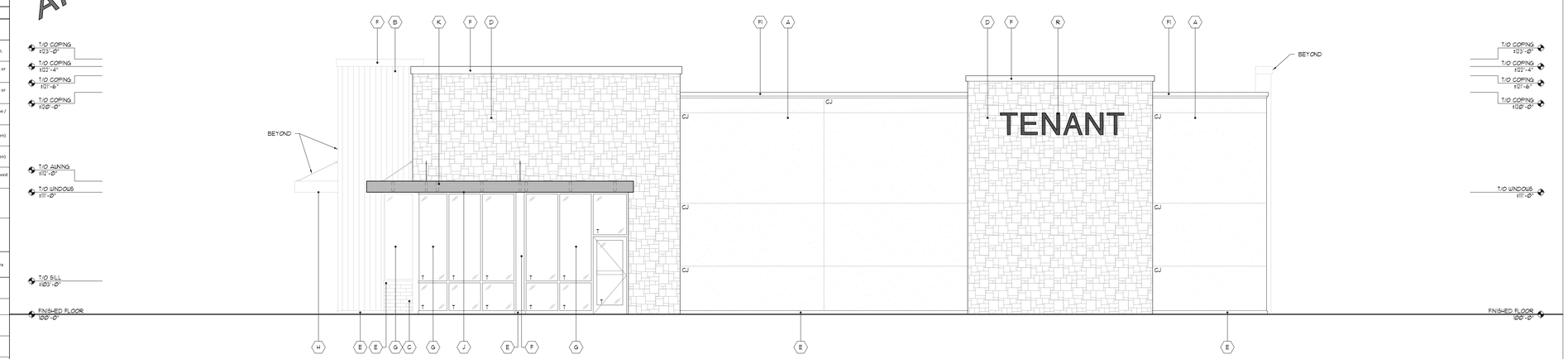

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NORTH ELEVATION 1/4" = 1'-0" | 1

Exterior Material Schedule

Key	Material	Color / Spec	Details / Add'l Info	Mfg. Info
A	EIFS Finish	STO Lotusan | or Equal | Color: PPG0002-6 Knight's Armour	Drainage Type EIFS per mfg. | Install per mfg. | **GC to provide Architect large color sample for final approval**	STO Lotusan
B	Roughsawn Fiber Cement Panels	Roughsawn - Tobacco	Install Vertical | Use only factory corners, H/J trim, & coping and color matched sealants - R/T Elevations & Details, typical.	Nichiha USA, Inc.
C	Brick Veneer	Heritage Collection Color: Winter	Running Bond | Utility Size | Mortar: Gray (SM100) | Apply penetrating sealer to brick & grout per Mfg recommendations	County Materials or similar
D	Reflection Stone Veneer	Color: Vision	Random Pattern | Mortar: Gray (SM100) | Apply penetrating sealer per Mfg. recommendations	County Materials or similar
E	Cast Stone / Precast Concrete	Pewter | Smooth Finish	Caps, bands, sills - refer to sections | Mortar: Gray (SM100) Apply penetrating sealer per mfg. | Submit shop drawings for review and approval	Custom Cast Stone / Spec Mix
F	Metal #1	Color: Matte Black	coping, flashing, etc. - also see sections	Pac-Clad (Petersen)
F1	Metal #2	Color: "Cityscape"	coping, flashing, etc. - also see sections	Pac-Clad (Petersen)
G	Aluminum Storefront System	Black Anodized Frames	Full lite doors w/ 1" insulated Low-E clear glazing. (u.o.n.) w/ thermally broken frames - R/T elevations for tempered and spandrel locations.	Kawneer or approved equal
H	Steel Canopy (with welded chamfered corners) & Spruce Soffit	Prime & Epoxy Paint Sherwin Williams 6991 Black Magic | Clear Seal Bruce	Galvanized Steel Tube perimeter w/ steel tube standoffs. Finish all with exterior epoxy coating system or equal per Mfg. recommendations | Submit shop drawings for review and approval Spruce to be stained **AND SEALED (ALL SIDES)** to match Nichiha	TBD
J	Steel Awning (with welded chamfered corners) & Steel Louvers	Prime & Epoxy Paint to match Storefront Black	Galvanized Steel Tube perimeter w/ steel tube standoffs. Finish all with exterior epoxy coating system or equal per Mfg. recommendations | Submit shop drawings for review and approval.	TBD
K	Awning Mounted Lighting	Black Finish	Down | 9002 W1 RW LED3590 M BK L1 WRS | Wall Mount 10'-6" AFF	Lumiere Lanterns
L	Recessed Lighting	Black Finish	LDN4 4S/20 LO4BR LS MVOLT E220 | Recessed LED - Coord. Locations w/ Reflected Ceiling Plan. Provide battery backup @ egress doors, typ.	Lithonia
M	Emergency Egress Lighting	Black Finish	TRL-EM-BR-EL | Wall mounted centered over door	Triton LED
R	Tenant Signage	TBD by tenant	Generic signage shown for reference - Tenants are responsible for actual signage design and AHJ approvals, typical. LL GC to coordinate w/ tenant for all sign locations, provide power & blocking as necessary.	TBD
S	Overflow Downspout Nozzle	Z199-Prefinished	Mount 20" AFF	TBD
T	Drive-Thru Window	To Match Storefront	275 Series - 47 -1/2" W x 43-1/2" H with Manual open/Electronic Release (M.O.E.R.) - R/T Tenant Specs	Ready Access
U	Drive-Thru Air Curtain	To Match Storefront	AA300 - 275 Pass-Thru Air Curtain System - R/T Tenant Specs	Ready Access
V	Drive-Thru Shelf	Stainless Steel	275 Series - 47 -1/2" W x 10" D - R/T Tenant Specs	Ready Access
W	Downspout	Color: To Match Adj. Wall	Opend faced downspout connect to storm inlet - GC to provide inlet debris screen on storm pipe (Prefinished to match concrete panels)	TBD
X	HM Painted Door	Color: To Match Adj Wall		TBD

N+A1:E29otes: Refer to sections and wall types for additional information. GC to install all products per industry standards and manufacturer's recommendations. Design/Build Contractors and GC to coordinate Knox Box, Security Camera, and all other AHJ required items not shown on elevations, typical.

EXTERIOR MATERIAL SCHEDULE | 4

logic design & architecture, inc.

LogicDA.com : 414.909.0080

Project Manager: AEV
Job Number: 22-145

Consultant

Additional Info

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Project Name

New Retail Outlot Building 1

1401 South Moorland Rd
New Berlin, WI 53151

Dates/Revisions

06.30.23
PC SUBMITTAL

- PRELIMINARY - NOT FOR CONSTRUCTION

Drawing Title

PROPOSED ELEVATIONS

A2.2

PLOT DATE: 6/28/2023

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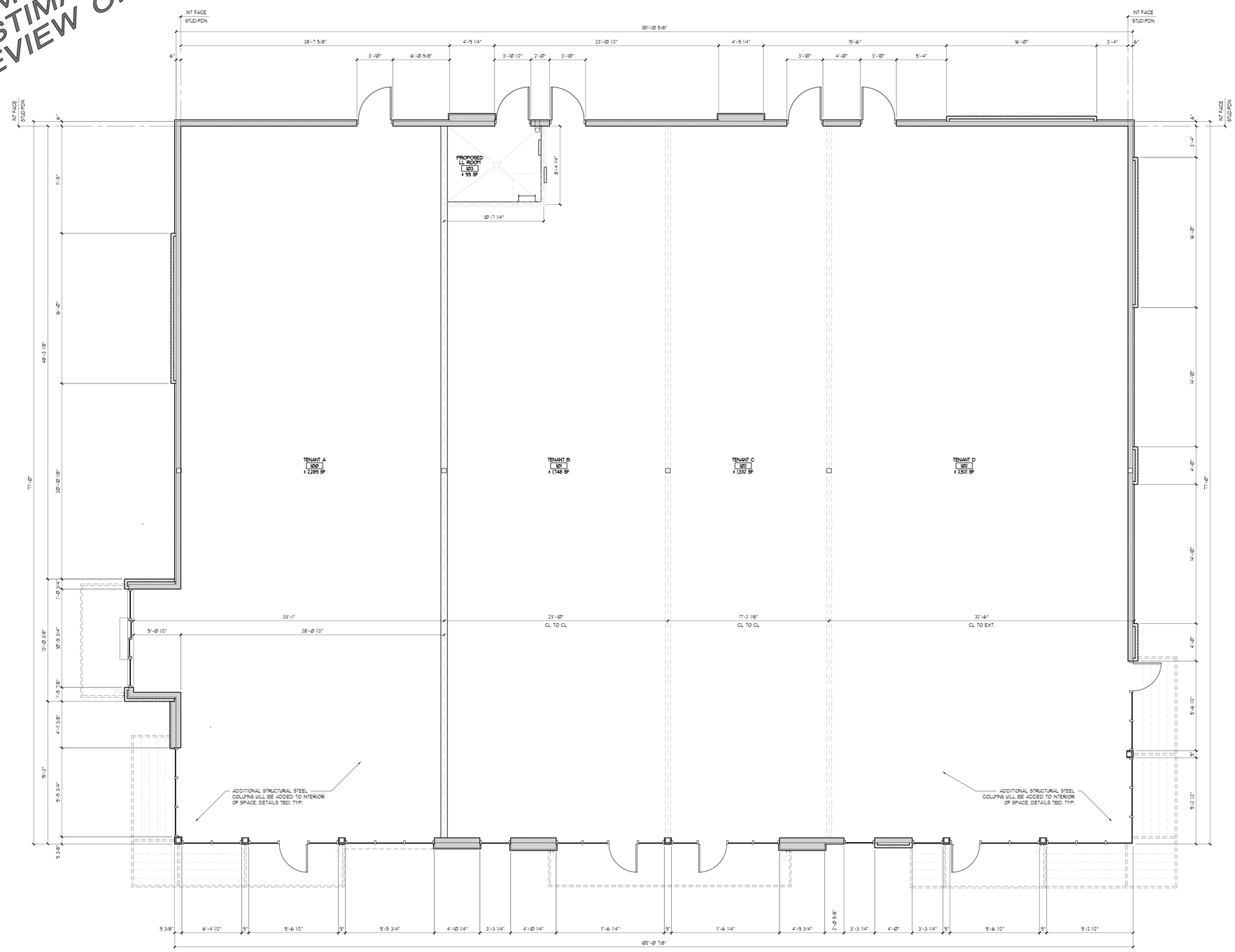

FLOOR PLAN 1
1/4" = 1'-0"

logic design & architecture, inc.

LogicDA.com : 414.909.0080

Project Manager: AEV
Job Number: 22-145

Consultant

Additional Info

Project Name

New Retail Outlot Building 2

1401 South Moorland Rd
New Berlin, WI 53151

Dates/Revisions

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Drawing Title

PROPOSED FLOOR PLAN

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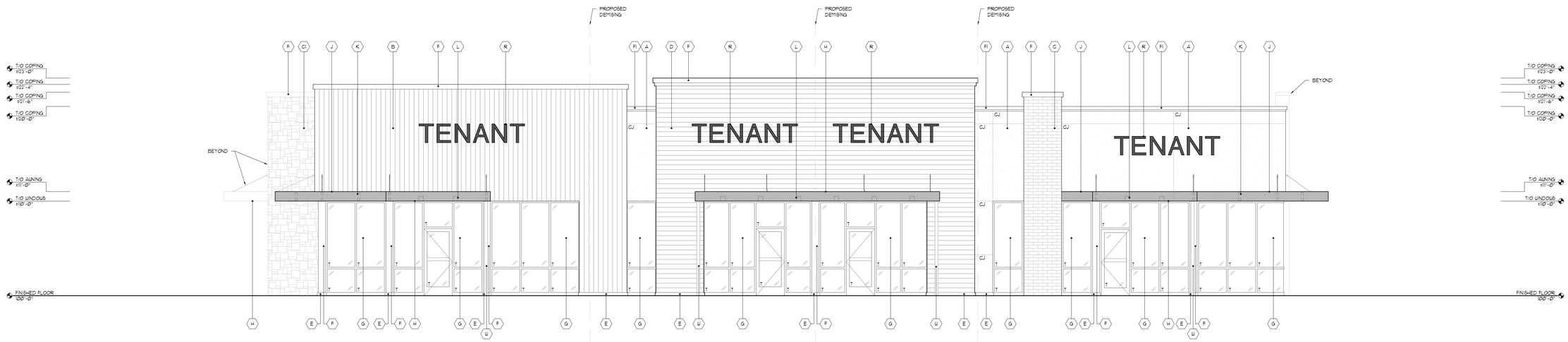

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EAST ELEVATION 2
1/4" = 1'-0"

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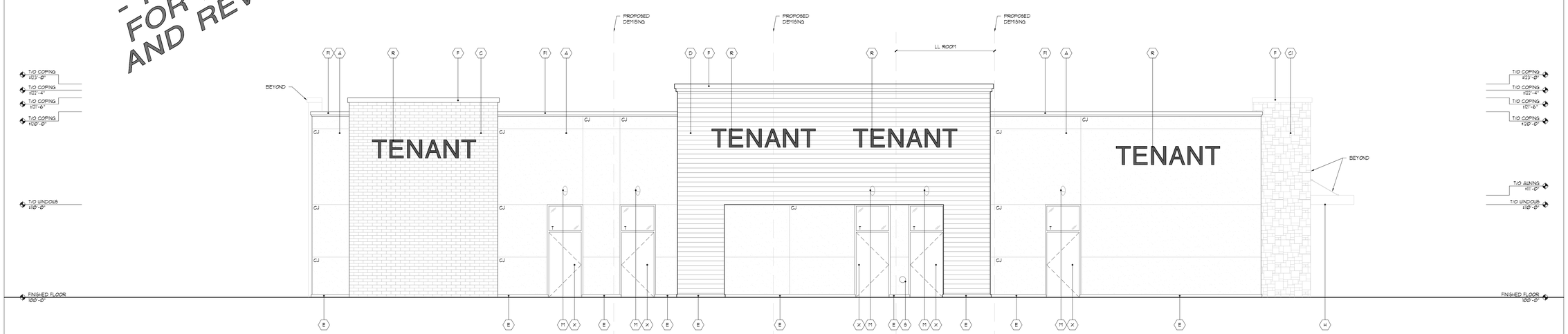

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PROPOSED ELEVATIONS

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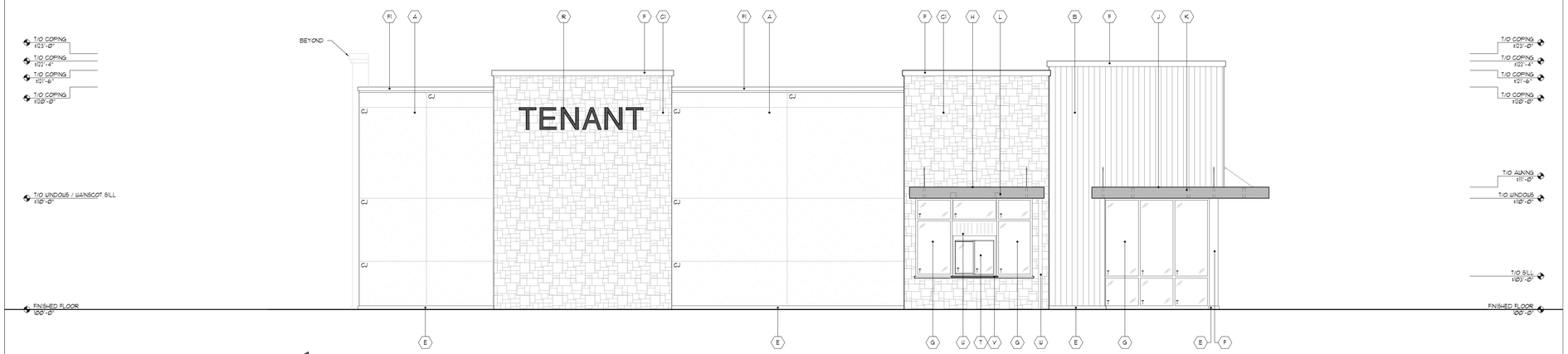

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SOUTH ELEVATION 1/4" = 1'-0" | 2

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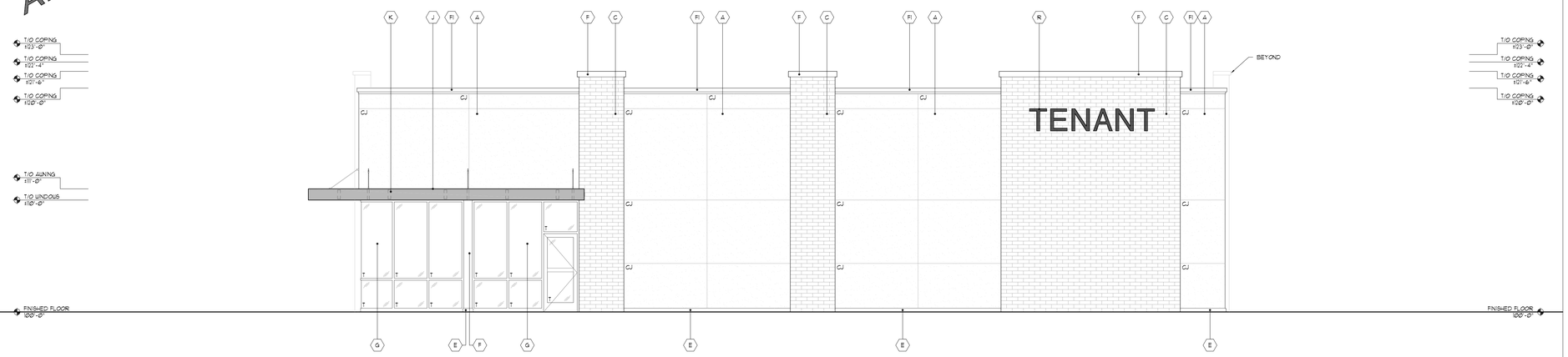

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NORTH ELEVATION 1/4" = 1'-0" | 1

Exterior Material Schedule

Key	Material	Color / Spec	Details / Add'l Info	Mfg. Info
A	EIFS Finish	STO Lotusan | or Equal | Color: PPG20002-6 Knight's Armour	Drainage Type EIFS per mfg. | Install per mfg. | **GC to provide Architect large color sample for final approval**	STO Lotusan
B	Roughsawn Fiber Cement Panels	Vintagewood - Spruce	Install Vertical | Use only factory corners, H/J trim, & coping and color matched sealants - R/T Elevations & Details, typical.	Nichiha USA, Inc.
C	Brick Veneer	Heritage Collection Color: Graystone	Running Bond | Utility Size | Mortar: Gray (SM100) | Apply penetrating sealer to brick & grout per Mfg recommendations	County Materials or similar
C1	Reflection Stone Veneer	Color: Vision	Random Pattern | Mortar; Gray (SM100) | Apply penetrating sealer per Mfg recommendations	County Materials or similar
D	Metal Wall System	Pac-Clad HWP Precision Wall Panels Color: Stone White	Install Vertical | Color Matched trim and sealants - R/t Elevations & Details, typical. Submit shop drawings & details to Arch for approval.	Pac-Clad (Petersen)
E	Cast Stone / Precast Concrete	Pewter | Smooth Finish	Caps, bands, sills - refer to sections | Mortar: Gray (SM100) Apply penetrating sealer per mfg. | Submit shop drawings for review and approval	Custom Cast Stone / Spec Mix
F	Metal #1	Color: Matte Black	coping, flashing, etc. - also see sections	Pac-Clad (Petersen)
F1	Metal #2	Color: "Cityscape"	coping, flashing, etc. - also see sections	Pac-Clad (Petersen)
G	Aluminum Storefront System	Black Anodized Frames	Full tile doors w/ 1" insulated Low-E clear glazing (u.o.n.) w/ thermally broken frames - R/T elevations for tempered and spandrel locations.	Kawneer or approved equal
H	Steel Canopy (with welded chamfered corners) & Spruce Soffit	Prime & Epoxy Paint Sherwin Williams 6991 Black Magic | Clear Seal Sruce	Galvanized Steel Tube perimeter w/ steel tube standoffs. Finish all with exterior epoxy coating system or equal per Mfg. recommendations | Submit shop drawings for review and approval Spruce to be stained **AND SEALED (ALL SIDES)** to match Nichiha	TBD
J	Steel Awning (with welded chamfered corners) & Steel Louvers	Prime & Epoxy Paint to match Storefront Black	Galvanized Steel Tube perimeter w/ steel tube standoffs. Finish all with exterior epoxy coating system or equal per Mfg. recommendations | Submit shop drawings for review and approval.	TBD
K	Awning Mounted Lighting	Black Finish	Down | 9002 W1 RW LED3590 M BK L1 WRS | Wall Mount 10'-6" AFF	Lumiere Lanterna
L	Recessed Lighting	Black Finish	LON4 40/10 LO4BR LS MVOLT EZ10 | Recessed LED - Coord. Locations w/ Reflected Ceiling Plan. Provide battery backup @ egress doors, typ.	Lithonia
M	Emergency Egress Lighting	Black Finish	TRL-EM-BR-EL | Wall mounted centered over door	Triton LED
R	Tenant Signage	TBD by tenant	Generic signage shown for reference - Tenants are responsible for actual signage design and AHJ approvals, typical. LL GC to coordinate w/ tenant for all sign locations, provide power & blocking as necessary.	TBD
S	Overflow Downspout Nozzle	Z199-Prefinished	Mount 20" AFF	TBD
T	Drive-Thru Window	To Match Storefront	275 Series - 47 -1/2" W x 43-1/2" H with Manual open/Electronic Release (M.O.E.R.) - R/T Tenant Specs	Ready Access
U	Drive-Thru Air Curtain	To Match Storefront	AA300 - 275 Pass-Thru Air Curtain System - R/T Tenant Specs	Ready Access
V	Drive-Thru Shelf	Stainless Steel	275 Series - 47 -1/2" W x 10" D - R/T Tenant Specs	Ready Access
W	Downspout	Color: To Match Adj. Wall	Opend faced downspout connect to storm inlet - GC to provide inlet debris screen on storm pipe (Prefinished to match concrete panels)	TBD
X	HM Painted Door	Color: To Match Adj Wall		TBD

N+A1.E2Notes: Refer to sections and wall types for additional information. GC to install all products per industry standards and manufacturer's recommendations. Design/Build Contractors and GC to coordinate Knox Box, Security Camera, and all other AHJ required items not shown on elevations, typical.

EXTERIOR MATERIAL SCHEDULE | 4

logic design & architecture, inc.

LogicDA.com : 414.909.0080

Project Manager: AEV
Job Number: 22-145

Consultant

Additional Info

Project Name

New Retail Outlot Building 2

1401 South Moorland Rd
New Berlin, WI 53151

Dates/Revisions

06.30.23
PC SUBMITTAL

- PRELIMINARY - NOT FOR CONSTRUCTION

Drawing Title

PROPOSED ELEVATIONS

A2.2

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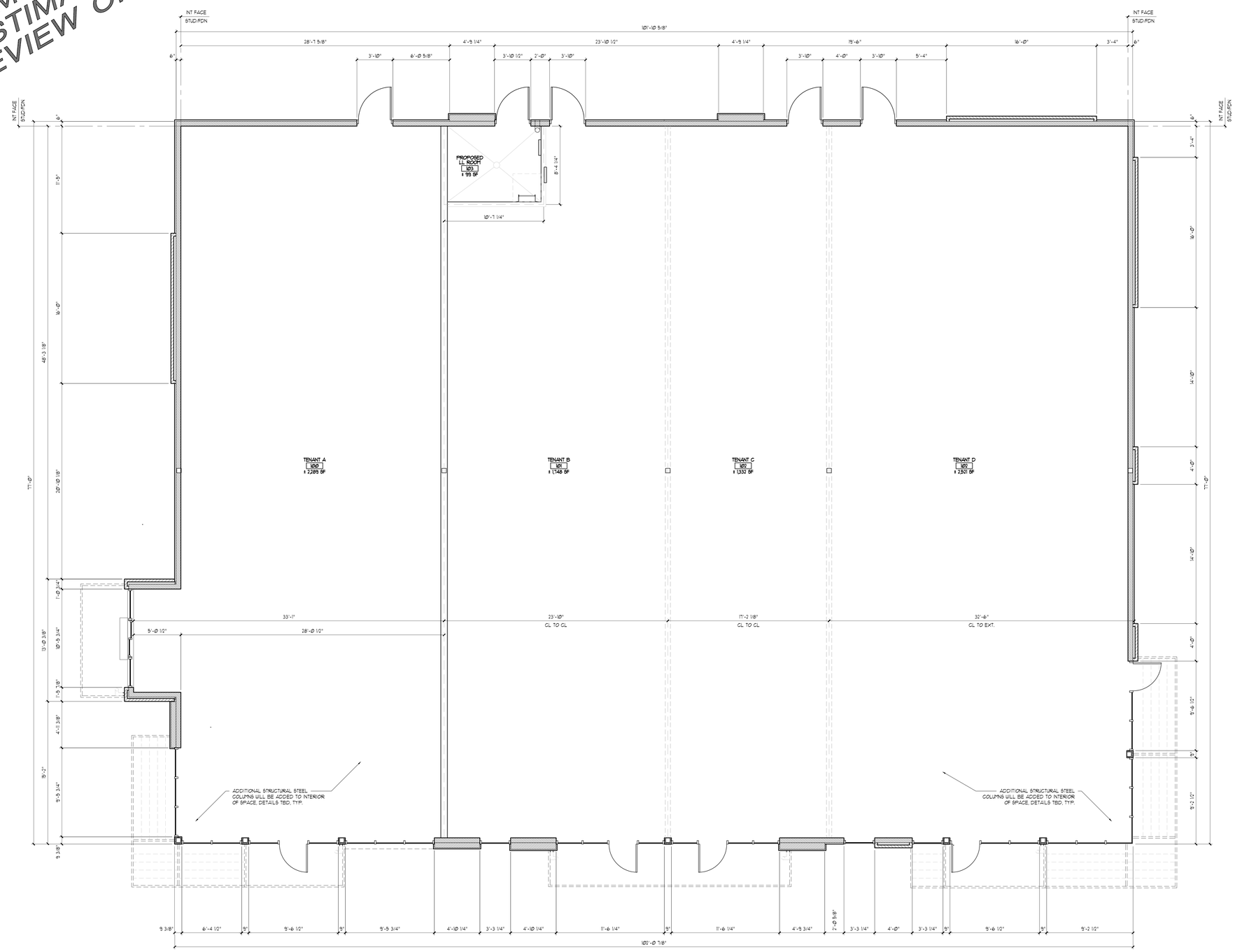
PLOT DATE: 6/28/2023

FILE NAME: C:\USERS\WMACDONALD\LOGIC DA DROPBOX\WESLEY MACDONALD_ACTIVE PROJECTS\22-145_1401 MOORLAND NB OUTLOTS\SHEETS\SHEETS_22-145_1401 MOORLAND NB OUTLOTS.DWG

NOT USED | 2

- PRELIMINARY - FOR ESTIMATING AND REVIEW ONLY



FLOOR PLAN | 1
1/4" = 1'-0"

logic design & architecture, inc.

LogicDA.com : 414.909.0080

Project Manager: AEV
Job Number: 22-145

Consultant

Additional Info

Project Name

New Retail Outlot Building 3

1401 South Moorland Rd
New Berlin, WI 53151

Dates/Revisions

06.30.23
PC SUBMITTAL

- PRELIMINARY - NOT FOR CONSTRUCTION

Drawing Title

PROPOSED FLOOR PLAN

A1.1

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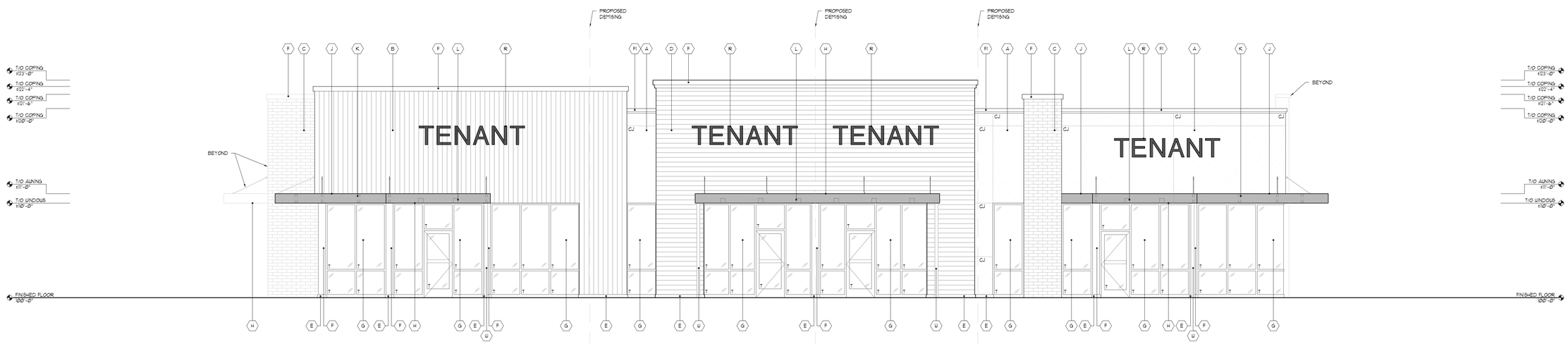
PLOT DATE: 6/28/2023

FILE NAME: C:\USERS\WMACDONALD\LOGIC DA DROPBOX\WESLEY MACDONALD_ACTIVE PROJECTS\22-145_1401 MOORLAND NB OUTLOTS\SHEETS\SHEETS_22-145_1401 MOORLAND NB OUTLOTS.DWG

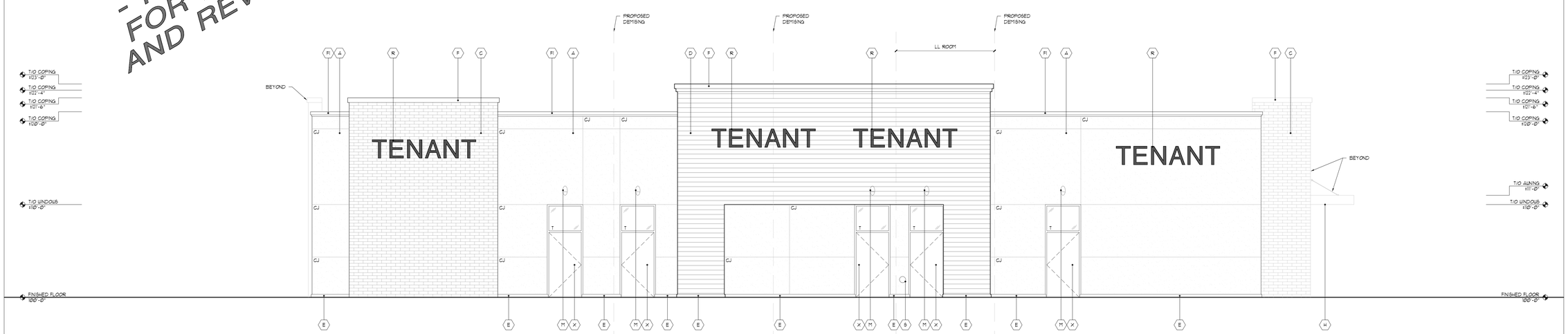
NOT USED | 3



GLAZING: S+ SPANDREL T+ TEMPERED --- SIGNAGE SHOWN FOR REFERENCE PURPOSES ONLY - FINAL LOCATIONS, TYPE, AND AHJ APPROVALS BY TENANT, TYPICAL.

EAST ELEVATION 1/4" = 1'-0" | 2

- PRELIMINARY - FOR ESTIMATING AND REVIEW ONLY



GLAZING: S+ SPANDREL T+ TEMPERED --- SIGNAGE SHOWN FOR REFERENCE PURPOSES ONLY - FINAL LOCATIONS, TYPE, AND AHJ APPROVALS BY TENANT, TYPICAL.

WEST ELEVATION 1/4" = 1'-0" | 1

logic design & architecture, inc.

LogicDA.com : 414.909.0080

Project Manager: AEV
Job Number: 22-145

Consultant

Additional Info

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Project Name

New Retail Outlot Building 3

1401 South Moorland Rd
New Berlin, WI 53151

Dates/Revisions

06.30.23
PC SUBMITTAL

- PRELIMINARY - NOT FOR CONSTRUCTION

Drawing Title

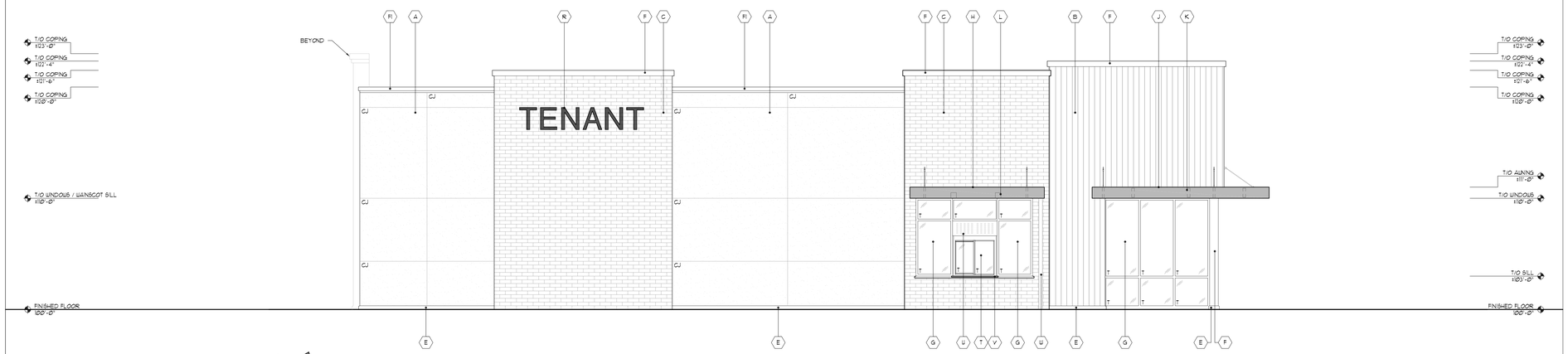
PROPOSED ELEVATIONS

A2.1

PLOT DATE: 6/28/2023

FILE NAME: C:\USERS\WMACDONALD\LOGIC DA DROPBOX\WESLEY MACDONALD_ACTIVE PROJECTS\22-145_1401 MOORLAND NB OUTLOTS\SHEETS_22-145_1401 MOORLAND NB OUTLOTS.DWG

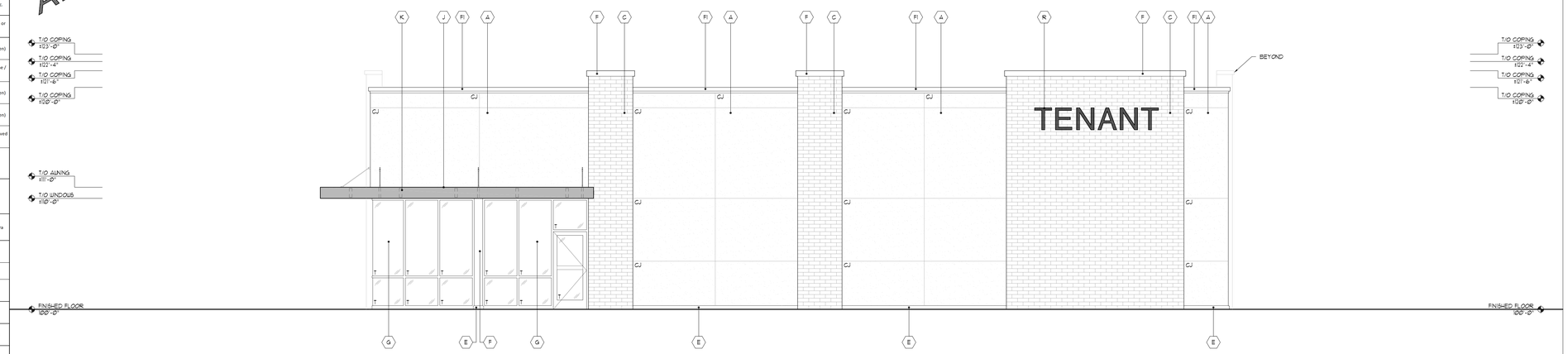
NOT USED | 3



GLAZING: S+ SPANDREL T+ TEMPERED --- SIGNAGE SHOWN FOR REFERENCE PURPOSES ONLY - FINAL LOCATIONS, TYPE, AND AHJ APPROVALS BY TENANT, TYPICAL.

SOUTH ELEVATION 1/4" = 1'-0" | 2

- PRELIMINARY - FOR ESTIMATING AND REVIEW ONLY



GLAZING: S+ SPANDREL T+ TEMPERED --- SIGNAGE SHOWN FOR REFERENCE PURPOSES ONLY - FINAL LOCATIONS, TYPE, AND AHJ APPROVALS BY TENANT, TYPICAL.

NORTH ELEVATION 1/4" = 1'-0" | 1

Exterior Material Schedule

Key	Material	Color / Spec	Details / Add'l Info	Mfg. Info
A	EIFS Finish	STO Lotuson | or Equal | Color: PPG Fog	Drainage Type EIFS per mfg. | Install per mfg. | **GC to provide Architect large color sample for final approval**	STO Lotuson
B	Roughsawn Fiber Cement Panels	Vintagewood - Ash	Install Vertical | Use only factory corners, H/J trim, & coping and color matched sealants - R/T Elevations & Details, typical.	Nichiha USA, Inc.
C	Brick Veneer	Heritage Collection Color: Slate	Running Bond | Utility Size | Mortar: Gray (SM100) | Apply penetrating sealer to brick & grout per Mfg recommendations	County Materials or similar
D	Metal Wall System	Pac-Clad HWP Precision Wall Panels Color: Sierra Tan	Install Vertical | Color Matched trim and sealants - R/t Elevations & Details, typical. Submit shop drawings & details to Arch for approval.	Pac-Clad (Petersen)
E	Cast Stone / Precast Concrete	Pewter | Smooth Finish	Caps, bands, sills - refer to sections | Mortar: Gray (SM100) Apply penetrating sealer per mfg. | Submit shop drawings for review and approval	Custom Cast Stone / Spec Mix
F	Metal #1	Color: Matte Black	coping, flashing, etc. - also see sections	Pac-Clad (Petersen)
F1	Metal #2	Color: Sierra Tan	coping, flashing, etc. - also see sections	Pac-Clad (Petersen)
G	Aluminum Storefront System	Black Anodized Frames	Full lite doors w/ 1" insulated Low-E clear glazing (u.o.n.) w/ thermally broken frames - R/T elevations for tempered and spandrel locations.	Kawneer or approved equal
H	Steel Canopy (with welded chamfered corners) & Spruce Soffit	Prime & Epoxy Paint Sherwin Williams 6991 Black Magic | Clear Seal Sruce	Galvanized Steel Tube perimeter w/ steel tube standoffs. Finish all with exterior epoxy coating system or equal per Mfg. recommendations | Submit shop drawings for review and approval Spruce to be stained **AND SEALED (ALL SIDES)** to match Nichiha	TBD
J	Steel Awning (with welded chamfered corners) & Steel Louvers	Prime & Epoxy Paint to match Storefront Black	Galvanized Steel Tube perimeter w/ steel tube standoffs. Finish all with exterior epoxy coating system or equal per Mfg. recommendations | Submit shop drawings for review and approval.	TBD
K	Awning Mounted Lighting	Black Finish	Down | 9002 W1 RW LED3590 M BK L1 WRS | Wall Mount 10'-6" AFF	Lumiere Lanterna
L	Recessed Lighting	Black Finish	LDN4 40/10 LD4BR L5 MVOLT EZ10 | Recessed LED - Coord. Locations w/ Reflected Ceiling Plan. Provide battery backup @ egress doors, typ.	Lithonia
M	Emergency Egress Lighting	Black Finish	TRL-EM-BR-EL | Wall mounted centered over door	Triton LED
R	Tenant Signage	TBD by tenant	Generic signage shown for reference - Tenants are responsible for actual signage design and AHJ approvals, typical. LL GC to coordinate w/ tenant for all sign locations, provide power & blocking as necessary.	TBD
S	Overflow Downspout Nozzle	Z199-Prefinished	Mount 20" AFF	TBD
T	Drive-Thru Window	To Match Storefront	275 Series - 47-1/2" W x 43-1/2" H with Manual open/Electronic Release (M.O.E.R.) - R/T Tenant Specs	Ready Access
U	Drive-Thru Air Curtain	To Match Storefront	AA300 - 275 Pass-Thru Air Curtain System - R/T Tenant Specs	Ready Access
V	Drive-Thru Shelf	Stainless Steel	275 Series - 47-1/2" W x 10" D - R/T Tenant Specs	Ready Access
W	Downspout	Color: To Match Adj. Wall	Opend faced downspout connect to storm inlet - GC to provide inlet debris screen on storm pipe (Prefinished to match concrete panels)	TBD
X	HM Painted Door	Color: To Match Adj Wall		TBD

N+A1.E2Notes: Refer to sections and wall types for additional information. GC to install all products per industry standards and manufacturer's recommendations. Design/Build Contractors and GC to coordinate Knox Box, Security Camera, and all other AHJ required items not shown on elevations, typical.

EXTERIOR MATERIAL SCHEDULE | 4

logic design & architecture, inc.

LogicDA.com : 414.909.0080

Project Manager: AEV
Job Number: 22-145

Consultant

Additional Info

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Project Name

New Retail Outlot Building 3

1401 South Moorland Rd
New Berlin, WI 53151

Dates/Revisions

06.30.23
PC SUBMITTAL

- PRELIMINARY - NOT FOR CONSTRUCTION

Drawing Title

PROPOSED ELEVATIONS

A2.2

SITE DATA TABLE

ZONING: B-2 GENERAL RETAIL SALES & SERVICE DISTRICT

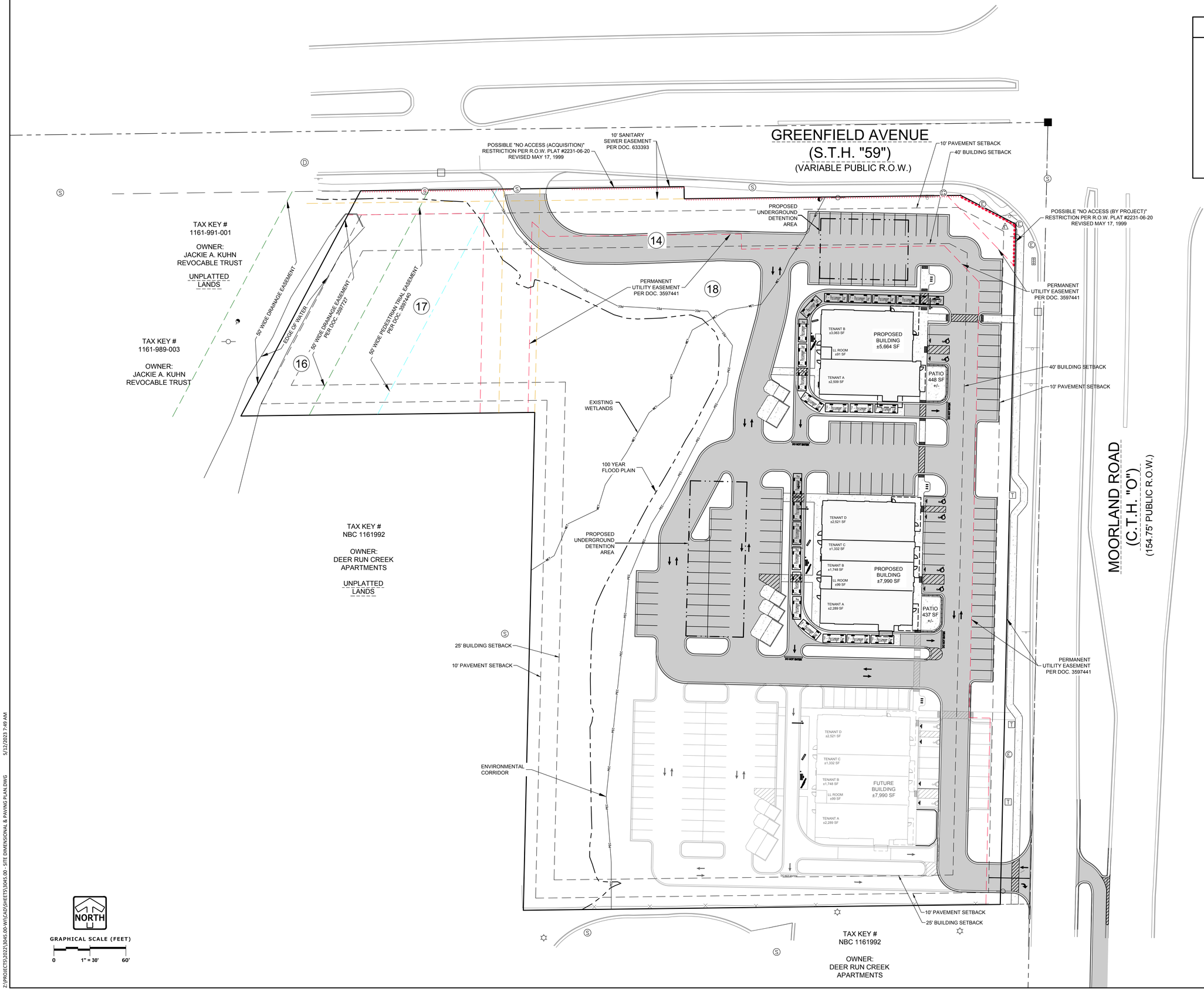
PARCEL SIZE: 6.257 AC

PROPOSED PARKING: 116 STALLS (INCLUDES 6 ADA STALLS)
PROPOSED PARKING RATIO: 8.78 STALLS PER 1000 SF

PROPOSED PARKING STALLS AFTER FUTURE BUILD OUT: 186 STALLS (INCLUDES 10 ADA STALLS)
PROPOSED PARKING RATIO AFTER FUTURE BUILD OUT: 8.74 STALLS PER 1000 SF

MIN FRONT SETBACK:	40 FT
MIN SIDE SETBACK:	15 FT
MIN REAR SETBACK:	25 FT
MIN WETLAND SETBACK:	10 FT
MAX BUILDING HEIGHT:	35 FT

GREEN SPACE:	CITY REQUIRES:	25.0% MIN.
	PROPOSED:	62.0%
	PROPOSED AFTER FUTURE BUILD OUT:	47.7%



Z:\PROJECTS\2023\3045.00-WI\CAD\SHEETS\3045.00 - SITE DIMENSIONAL & PAVING PLAN.DWG 5/12/2023 7:49 AM

ALRIG NEW BERLIN - SITE DIMENSIONAL PLAN

05.15.2023

PINNACLE ENGINEERING GROUP

20725 WATERTOWN ROAD | SUITE 100 | BROOKFIELD, WI 53186 | WWW.PINNACLE-ENGR.COM

PLAN | DESIGN | DELIVER

PEG JOB# 3045.00

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LEGAL DESCRIPTION:

AS DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NUMBER DM0009809 WITH A COMMITMENT DATE OF OCTOBER 26, 2022.

PARCEL 1:

That part of the East 1/2 of the North 1/2 of the Northeast 1/4 of Section 3, Township 6 North, Range 20 East in the City of New Berlin, Waukesha County, Wisconsin, described as follows:

Commencing at the Northeast corner of said 1/4 Section; thence South along the East line of said 1/4 Section, 187.695 feet; thence West and parallel to the North line of said 1/4 Section, 422.38 feet; thence North and parallel to the East line of said 1/4 Section, 187.695 feet to a point in the North line of said 1/4 Section; thence East along the North line of said 1/4 Section, 422.38 feet to the point of beginning, reserving therefrom the North 33 feet and the East 24.75 feet for highway purposes; and further excepting the lands conveyed in Personal Representative's Deed recorded as Doc. No. 2428000.

PARCEL 2:

Part of the Northeast 1/4 of Section 3, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows:

Commencing at a point in the North line of the Northeast 1/4 of Section 3, Township 6 North, Range 20 East, 422.38 feet West of the Northeast corner thereof; thence running West along said North line 123.88 feet to a point; thence South 28°42' West along the center line of a ditch 269.61 feet to a point; thence East and parallel to the North line of said 1/4 Section 243.61 feet to a point; thence North 2°08' East 236.65 feet to the point of beginning; reserving the North 33 feet for public highways, except Doc. No. 664247.

PARCEL 3:

That part of the East 1/2 of the North 1/2 of the Northeast 1/4 of Section 3, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows:

Commencing at a point in the East line of said 1/4 Section, 187.695 feet South of the Northeast corner thereof; thence West and parallel to the North line of said 1/4 Section, 422.28 feet to a point; thence South and parallel to the East line of said 1/4 Section, 154.695 feet to a point; thence East and parallel to the North line of said 1/4 Section, 422.38 feet to a point in the East line of said 1/4 Section; thence North along the East line of said 1/4 Section, 154.695 feet to the place of beginning, reserving therefrom the East 24.75 feet for highway purposes.

PARCEL 4:

That part of the East 1/2 of the North 1/2 of the Northeast 1/4 of Section 3, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows:

Commencing at a point in the East line of said 1/4 Section, 342.390 feet South of the Northeast corner thereof; thence West and parallel to the North line of said 1/4 Section, 422.38 feet to a point; thence South and parallel to the East line of said 1/4 Section, 154.695 feet to a point; thence East and parallel to the North line of said 1/4 Section, 422.38 feet to a point in the East line of said 1/4 Section; thence North along the East line of said 1/4 Section, 154.695 feet to the place of beginning.

PARCEL 5:

That part of the East 1/2 of the North 1/2 of the Northeast 1/4 of Section 3, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows:

Commencing at a point in the East line of said 1/4 Section, 497.085 feet South of the Northeast corner thereof; thence West and parallel to the North line of said 1/4 Section, 422.38 feet to a point; thence South and parallel to the East line of said 1/4 Section, 154.695 feet to a point; thence East and parallel to the North line of said 1/4 Section, 422.38 feet to a point in the East line of said 1/4 Section; thence North along the East line of said 1/4 Section, 154.695 feet to the place of beginning, reserving therefrom the East 24.75 feet for highway purposes.

ALL ABOVE PARCELS ALSO DESCRIBED AS FOLLOWS:

All that part of the NE1/4 of the NE1/4 of Section 3, Township 6 North, Range 20 East, City of New Berlin, Waukesha County, Wisconsin, described as follows:

Commencing at the Northeast corner of the NE1/4 of said Section 3; being marked by a concrete monument with brass cap; thence South 01°18'52" West along the East line of said NE1/4 651.780 feet; thence South 89°17'15" West parallel to the North line of said NE1/4 24.765 feet to the West right of way line of S. Moorland Road (CTH "O") and the place of beginning of the lands hereinafter described; thence continuing South 89°17'15" West parallel to said North line 397.615 feet; thence North 01°18'52" East parallel to the East line of said NE1/4 415.130 feet; thence South 89°17'15" West parallel to the North line of said NE1/4 244.991 feet (recorded as 243.61 feet) to a point in the centerline of a ditch; thence North 27°59'15" East along the center of the ditch 212.624 feet to the South right of way line of Greenfield Avenue (STH "59"); thence North 89°17'15" East along said South right of way line 269.654 feet; thence South 00°42'45" East 10.000 feet; thence continuing North 89°17'15" East along said South right of way line 230.485 feet; thence South 62°27'24" East 51.924 feet to the West right of way line of S. Moorland Road (CTH "O"); thence South 01°18'52" West along said West right of way line 567.146 feet to the place of beginning.

GENERAL NOTES

1. Right of Way widths and locations are based on surveys on record.
2. The property depicted on the survey has direct physical ingress and egress via Greenfield Avenue, a publicly dedicated right of way and via Moorland Road - County Trunk Highway "O", a publicly dedicated right of way.
3. At the time of this survey the subject property contained snow covered ground conditions. Pinnacle Engineering Group, LLC takes no responsibility for any improvements that can not be located based on a reasonable visual observation.
4. Existing improvements graphically shown on this survey are limited to a predefined "Project Area" specified by the Owner/Client. Pinnacle Engineering Group, LLC takes no responsibility for improvements outside of this "Project Area".
5. Utilities on or above the surface of the surveyed property observed in the process of conducting the fieldwork graphically shown on the survey. Underground utility locations shown are based on field location markings by Digger's Hotline ticket #20230402102, #20230402107, #20230402099, #20230202106, #20230402097 and #20230402101 with a clear date of February 3, 2023. The location and size of underground structures and utilities shown hereon have been located based on a reasonable visual observation and are shown for informational purposes only. PINNACLE ENGINEERING GROUP, LLC. does not guarantee the location of utilities shown. Contact Digger's Hotline prior to the start of any activity.

CERTIFICATION

To: First American Title Insurance Company, Alrig USA Acquisitions LLC, a Michigan limited liability company, Greenmoor LLC, a Wisconsin limited liability company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS LAND TITLE SURVEYS, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 5, 6, 7(a), 8, 11(a), 11(b), 13, 14, 16, 17, 18 and 19 of Table A thereof. The fieldwork was completed on FEBRUARY 6, 2023.

John P. Konopacki, PLS
License No. S-2461

Date of Plat or Map: FEBRUARY 14, 2023

PINNACLE ENGINEERING GROUP, LLC.
20725 WATERTOWN ROAD SUITE 100
BROOKFIELD, WI 53186
Phone: 262-754-8888
Fax: 262-754-8850

WISCONSIN JOHN P. KONOPACKI S-2461 SUMMIT, WI LAND SURVEYOR

VICINITY MAP

SCALE 1":1000'

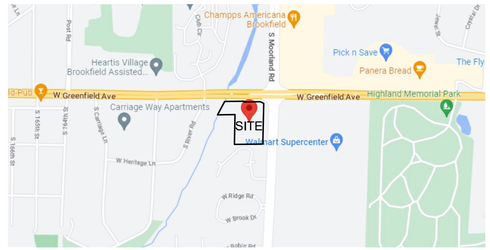


TABLE A

1. Monuments placed at all corners of the surveyed property boundary.
2. Address (as disclosed in title commitment): 1401 S. Moorland Road, New Berlin, WI 53151
3. Flood Zone Classification: The property lies with in Zone "X" and Zone"AE"of the Flood Insurance Rate Map Community Panel No. 55133C0238G with an effective date of NOVEMBER 5, 2014. Zone "X" areas are determined to be outside the 0.2% annual chance floodplain. Zone "AE" areas have Base Flood Elevations determined.
4. Gross Land Area: 272,555 Square Feet (6.2570 Acres)
5. Vertical Datum: North American Vertical Datum of 1988(12), (NAVD88). Contours are shown at a 1' interval based on actual ground survey of the current ground terrain. Reference Benchmark: Concrete monument with brass cap at the Northeast corner of the Northeast 1/4 Section 3, Town 6 North, Range 20 East, Elevation = 845.39 (GPS).
6. Letter / Zoning Report not supplied by client at time of survey.
7. The subject property is vacant - No Buildings Observed.
8. Substantial features observed in the process of conducting the survey graphically shown on survey.
11. Evidence of underground utilities existing or serving the property as determined by plans and/or reports not provided by the client at the time of the survey.
    b) Private utility locate by:
13. Names of adjoining owners according to current public records: Shown on Survey.
14. Distance to the nearest intersecting street: Shown on Survey.
16. No evidence of recent earth moving work, building construction or building additions observed in the process of conducting the fieldwork.
17. No evidence of changes in street right of way lines and street or sidewalk construction or repairs observed in the process of conducting the fieldwork.
18. Offsite easements, if any, shown on Survey.
19. Certificate of Professional Liability Insurance furnished upon request and in effect throughout the contract term.

NOTES CORRESPONDING TO SCHEDULE B - II

1, 4 - 8, 13, 19 NOT SURVEY RELATED

2 - 3, 9 - 12 VISIBLE EVIDENCE SHOWN IF ANY

14. Terms and provisions of Easement to City of New Berlin for sanitary sewer purposes dated 04/06/1965 and recorded 04/21/1965, in Vol. 1011 Deeds, Pg. 49, as Doc. No. 633393. AFFECTS SURVEYED PROPERTY, AS SHOWN; and Conveyance of Rights in Land to State of Wisconsin, Department of Transportation dated 10/07/1999 and recorded 10/14/1999, in Reel 2999, Image 0218, as Doc. No. 2511227.

15. Terms and provisions of Grant of Transmission Line Easement dated recorded 01/10/2001, as Doc. No. 2615800. DOESN'T AFFECT SURVEYED PROPERTY.

16. Terms and provisions of Storm Water Management Practices Maintenance Agreement dated 08/11/2008 and recorded 09/08/2008, as Doc. No. 3597727. AFFECTS SURVEYED PROPERTY, AS SHOWN ON SURVEY

17. Terms and provisions of Permanent Pedestrian Trail Easement and Agreement dated 08/11/2008 and recorded 09/08/2008, as Doc. No. 3597440. AFFECTS SURVEYED PROPERTY, AS SHOWN.

18. Terms and provisions of Permanent Utility Easement and Agreement dated 08/20/2008 and recorded 09/08/2008, as Doc. No. 3597441. AFFECTS SURVEYED PROPERTY, AS SHOWN.

LEGEND OF SYMBOLS & ABBREVIATIONS

SANITARY MANHOLE
STORM MANHOLE
STORM INLET
CLEANOUT
CATCH BASIN
LATERAL
UNKNOWN MANHOLE
WELL
HYDRANT
WATER VALVE
DOWN SPOUT
SPRINKLER VALVE
WATER SHUT OFF
STANDPIPE
WATER MANHOLE
FLOOD LIGHT
LIGHT POLE
TRAFFIC SIGNAL POLE
UTILITY POLE
GUY WIRE

FIBER OPTIC MARKER
FIBER OPTIC MANHOLE/VAULT
TELEPHONE PEDESTAL
TELEPHONE MANHOLE/VAULT
TELEPHONE MARKER
TRANSFORMER
ELECTRIC METER/PEDESTAL
ELECTRIC MANHOLE/VAULT
CABLE TV RISER/BOX CABLE
TV MANHOLE/VAULT
GAS VALVE
GAS METER
GAS MARKER
AIR CONDITIONING UNIT
VENT
DIRECTIONAL ARROW
DUMPSTER
HANDICAP STALL
SPOT ELEVATION

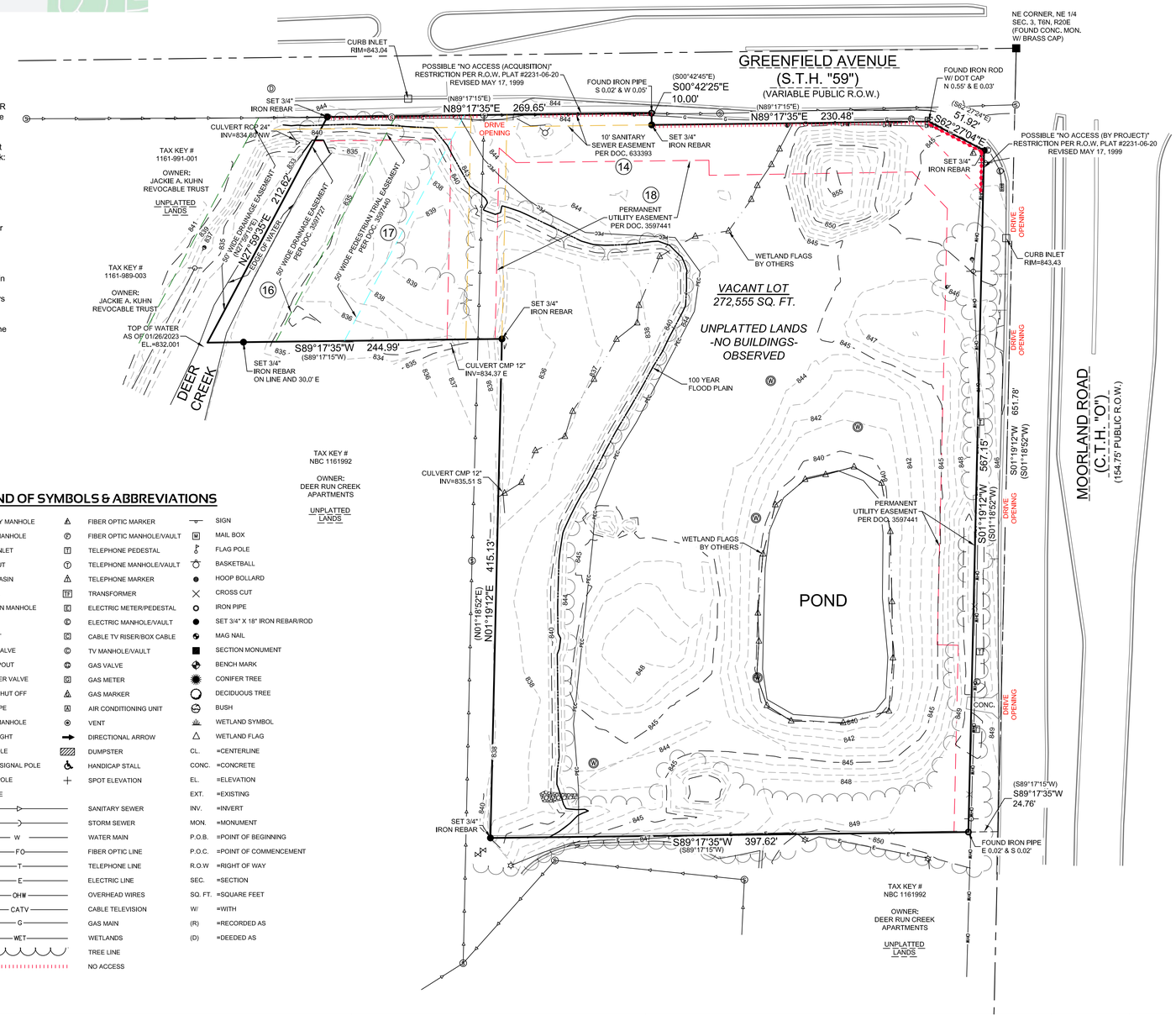
SANITARY SEWER
STORM SEWER
W — WATER MAIN
FO — FIBER OPTIC LINE
T — TELEPHONE LINE
E — ELECTRIC LINE
OHW — OVERHEAD WIRES
CATV — CABLE TELEVISION
G — GAS MAIN
WET — WETLANDS
TREE LINE
NO ACCESS

SIGN
MAIL BOX
FLAG POLE
BASKETBALL
HOOP BOLLARD
CROSS CUT
IRON PIPE
SET 3/4" X 18" IRON REBAR/ROD
MAG NAIL
SECTION MONUMENT
BENCH MARK
CONIFER TREE
DECIDUOUS TREE
BUSH
WETLAND SYMBOL
WETLAND FLAG
CL. =CENTERLINE
CONC. =CONCRETE
EL. =ELEVATION
EXT. =EXISTING
INV. =INVERT
MON. =MONUMENT
P.O.B. =POINT OF BEGINNING
P.O.C. =POINT OF COMMENCEMENT
R.O.W =RIGHT OF WAY
SEC. =SECTION
SQ. FT. =SQUARE FEET
W/ =WITH
(R) =RECORDED AS
(D) =DEEDED AS

NORTH

GRAPHICAL SCALE (FEET)
0 1" = 50' 100'

Bearings referenced to the Wisconsin State Plane Coordinate System, South Zone (NAD, 1983/2011). The east line of the Northeast 1/4 of Section 3, Township 6 North, Range 20 East has a bearing of S01°19'12"W.



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BROOKFIELD, WI 53186
(262) 754-8888

LOCATION: 1401 S. MOORLAND RD.

THAT PART OF THE NE 1/4 OF THE NE 1/4 OF SEC. 3, T6N, R20E, CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.

ALTA/NSPS LAND TITLE SURVEY

REVISIONS

PEG JOB No.: 3045.00
PEG PM: MS
DATE: 02/16/2023
SCALE: 1"=50'
DRAFTED BY: KGD

SHEET 1 OF 1

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SURVEY

STATE OF WISCONSIN WAUKESHA COUNTY CITY OF NEW BERLIN

ORDINANCE NO. 2128

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

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

SECTION I

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

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

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

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

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

SECTION II

PLANNED UNIT DEVELOPMENT SUMMARY

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

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

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

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

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

(1) Principal Uses (See also Section 17.1204)

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

(2) Accessory Uses (See also Section 17.0503)

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

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

(3) Conditional Uses (See also Section 17.1205)

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

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

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

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

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

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

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

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

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

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

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

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

(9) Traffic, Loading, Parking, and Access

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

(10) Lot Coverage and Open Space

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

(11) Nonconforming Uses, Structures, and Lots (See also Section 17.0600)

(a) None

(12) Performance Standards (See also Section 17.0700)

(a) All plans for the improvements to the public way are to be approved and completed prior to building permits being issued.

(13) Signs (See also Sections 17.0800 and 17.1300)

(a) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, used, changed, or modified until after the owner has applied for and the Plan Commission has reviewed and approved the application for the sign permit.

(14) Use and Site Plan Review (See also Section 17.1300)

(a) No principal or accessory use, development or structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied, no site or premise shall be altered, used, changed, modified, occupied, or building permit approved until after the owner has applied for and the Plan Commission has reviewed and approved the application for the zoning permit/use approval.

(15) Architectural Review (See also Section 17.1300)

(a) No principal or accessory use, development, structure or sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied and no site or premise shall be altered, used, changed, modified, building permit approved, or occupied until after the owner has applied for and the Architectural Control Committee of the Plan Commission has reviewed and approved the architecture for the zoning permit/use approval.

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

SECTION III

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

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

APPROVED:

Mayor James Gatzke

Countersigned/Certified:

Judy Weter, City Clerk