



Plan Commission MEETING AGENDA

September 25, 2023 - 6:00 PM
Council Chambers
3805 S. Casper Drive

Published: 9/15/2023

AGENDA

1. PUBLIC HEARING(S)

- A. (7) KH CP-2300780 & RZ-2300781 Jim Duerrwaechter - 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) - Request to amend the Future Land Use Map within the City's Comprehensive Plan from Rural Commercial and Suburban Residential to Rural Commercial and Suburban Residential AND rezone from B-2 and R-3 to B-5 and R-3 AND 2030 Comprehensive Plan Updates. (Joint 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. August 14, 2023 Meeting Minutes

6. PLAN COMMISSION SECRETARY'S REPORT

7. NEW BUSINESS

- A. (7) KH CP-2300780 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) - 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 2030 Comprehensive Plan Updates. (Public Hearing 9/25/23)
- B. (7) KH 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) - Rezone from B-2 and R-3 to B-5 and R-3. (Public Hearing 9/25/23)
- C. (7) KH LD-2300782 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) - 2-Lot Certified Survey Map.

8. COMMUNICATIONS

9. ADJOURN

Supplemental Information:

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

- *It is also possible that members of and possibly a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to in the above notice.*

STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT / PROJECT:	Jim Duerrwaechter / Future Land Use Map Amendments
LOCATION:	18335 W. National Ave (Tax Key #: 1262.961) Tax Key #: 1262.962 (located behind 18335 W. National Avenue) 18395 W. National Ave (Tax Key #: 1262.963)
CURRENT FUTURE LAND USE:	Rural Commercial and Suburban Residential
PROPOSED FUTURE LAND USE:	Rural Commercial and Suburban Residential
CURRENT ZONING:	B-2 (General Retail Sales and Service District) & R-3 (Suburban Single-Family Residential District)
REQUEST:	Plan Commission hold a public hearing and amend the 2030 Comprehensive Plan (Chapter 10: Land Use and Chapter 19: Neighborhood "I": National Avenue West) for the following properties: ➤ 18335 W. National Ave (Tax Key #: 1262.961) from Rural Commercial to Rural Commercial and Suburban Residential ➤ Tax Key #: 1262.962 (located behind 18335 W. National Avenue) from Suburban Residential to Rural Commercial and Suburban Residential ➤ 18395 W. National Ave (Tax Key #: 1262.963) from Rural Commercial to Rural Commercial and Suburban Residential
D.R.C. RECOMMENDATION:	Recommend to Plan Commission adoption of Resolution # 23-13 that approves the amendments to the 2030 Comprehensive Plan for the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) from Rural Commercial and Suburban Residential to Rural Commercial and Suburban Residential 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-2300781) and 2-Lot CSM (see file #: LD-2300782). Action for these applications is anticipated for the September 25, 2023 Plan Commission meeting.
 - a. This request is consistent with the proposed rezoning of the property to B-5 (Rural Commercial District) and R-3 (Suburban Single-Family Residential District).
2. The existing principal use for Lot 1 (see file #: LD-2300782) is Commercial, with residential quarters allowed as an accessory use, per §275-42G(1)(a). The building is currently unoccupied.

- a. The property owner of Lot 1 intends to sell the property as a single-family home.
 - b. This property has been zoned B-2 dating back to the 1963 City Zoning Map and going forward to today. A business has been in operation at this location since 1964. Any future businesses located on Lot 1 must comply with §275-42G(4): Home Occupations.
 - c. At such time as future applications are submitted, the applicant is advised that §275-33E(1)(d) requires the construction of a garage.
3. The existing principal use for Lot 2 (see file #: LD-2300782) is Commercial, with residential quarters allowed as an accessory use, per §275-42G(1)(a). The building is currently being used as a business with residential quarters.
 - a. Lot 2 will continue as a commercial use, with residential quarters allowed as an accessory use.
 - b. Outdoor storage is allowed as an accessory use in the B-5 Zoning District.
 - c. An average landscape bufferyard of 15' is required when a Commercial Use is adjacent to a Single-Family Residential Use, per §275-56F.
4. This rezoning request was further discussed with staff and the applicant and it was determined that B-5 (Rural Commercial District) was a more suitable zoning district that better aligned with the Comprehensive Plan than B-2 (General Retail Sales and Service District) in the Rural Commercial portion of the City. There was a Public Hearing date set for July 10, 2023, which did not occur to allow for an amendment to the rezoning application.

Rationale:

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes

1. **Chapter 19: Neighborhood I: National Avenue West:** Yes, this submittal meets the intent of this Chapter.

Planning Context / Vision / Development Policies:

Vision:

- The National Avenue West area, like the Western Area neighborhood (Neighborhood B), should be a regional model of rural development. Any development should occur gradually as a mix of lower density single-family development, farms, large areas of preserved open spaces, rural trails and facilities and small-scale neighborhood oriented retail.
- National Avenue is a scenic rural corridor, with rural-oriented commercial uses located at specific nodes. These nodes include Prospect Hill, and the intersection of Beloit Road and National Avenue.

Development Policies:

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

Land Use:

- Future Land Use Map: Rural Commercial and Suburban Residential

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

Future Land Use Category: Rural Commercial

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

Future Land Use Category: Suburban Residential

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

3. **Chapter 22: Implementation:** Yes, this submittal meets the intent of this Chapter.

Amending the Plan

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

Plan Element Consistency

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

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.

RURAL COMMERCIAL DESIGN GUIDE:

Buildings

- Building designs shall utilize materials that reflect a rural character. Cedar or clapboard siding, stone and brickwork, or other comparable materials that achieve the same quality in appearance are acceptable. Aluminum and vinyl siding shall be prohibited. New buildings shall correspond in height, width, proportion, relationship to street, roof forms, composition, rhythm, proportion of openings, materials and color to the other buildings in the district.
- Four sided architecture that utilizes similar building materials and design for all sides of a proposed structure is required.

Roofs

- Mansards, pents (lean-to), gambrels or other roof shapes not characteristic of the architectural area shall not be allowed. Rolled roofing, tar and gravel and other similar roofing materials are prohibited except that such materials may be used on flat or slightly sloped roofs which are not visible from the ground.

Colors

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

Parking areas

- To the maximum extent practicable, parking Areas shall be located to the side or behind buildings. The perimeter of the parking lot shall provide for a lawn area in which trees and shrubs will be planted so as to allow ample snow storage capacity yet avoid damage to plantings from same.

Landscaping

- Existing tree lines should be preserved. If removal of existing tree lines is required due to its undesirable nature, new planting that results in no less of a screening effect shall be required when adjacent to residential uses.

Signage

- Signage shall be designed in unity with the building design through the use of the same or similar materials and colors. Ground, monument signs, or wall mounted signs made of wood, hanging from a wooden or wrought iron mount are acceptable. Signs that suit the architectural features of the building are acceptable. Neon tubed exterior accent light, external neon tubed signs and internally illuminated signs are not permitted.

Lighting

- Lighting shall be down cast, zero degree tilt, cutoff fixtures not exceeding 25 feet in height (including the light pole base and/or pedestal). Lighting shall be positioned so as not to cause glare on adjacent properties and streets. At a minimum, site lighting marking the entrance to businesses shall match or complement that which may be chosen by the City as standard decorative street lighting. Site lighting shall meet the requirements of § 275-601 in its entirety.

Cross Access

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

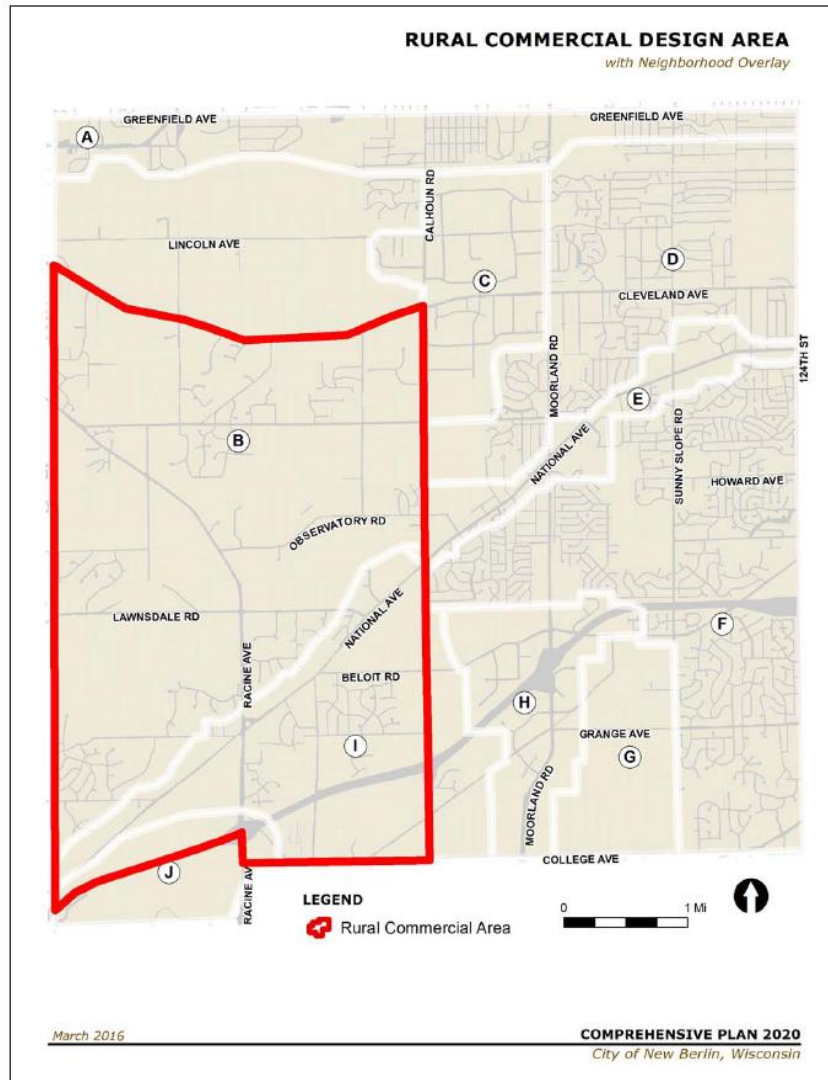


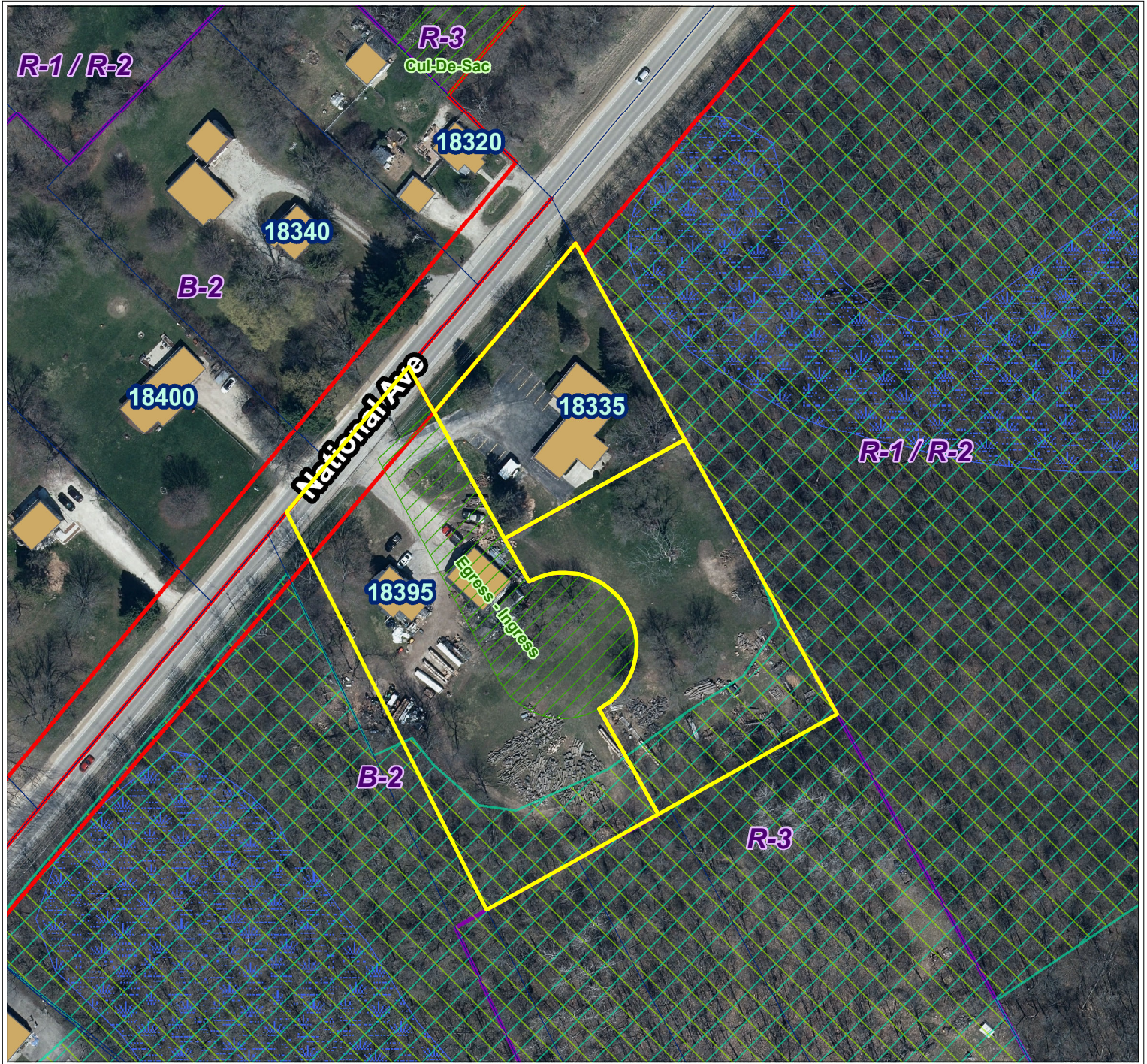
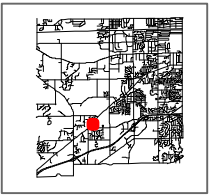
Figure 12-12-1. Rural Commercial Design Area

D.R.C. RECOMMENDATION:

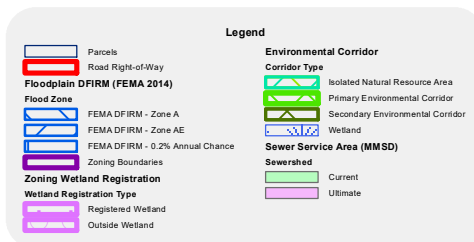
Recommend to Plan Commission adoption of Resolution # 23-13 that approves the amendments to the 2030 Comprehensive Plan for the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) from Rural Commercial and Suburban Residential to Rural Commercial and Suburban Residential and forward to the Common Council for their review and approval by Ordinance. **See Executive Summary.**

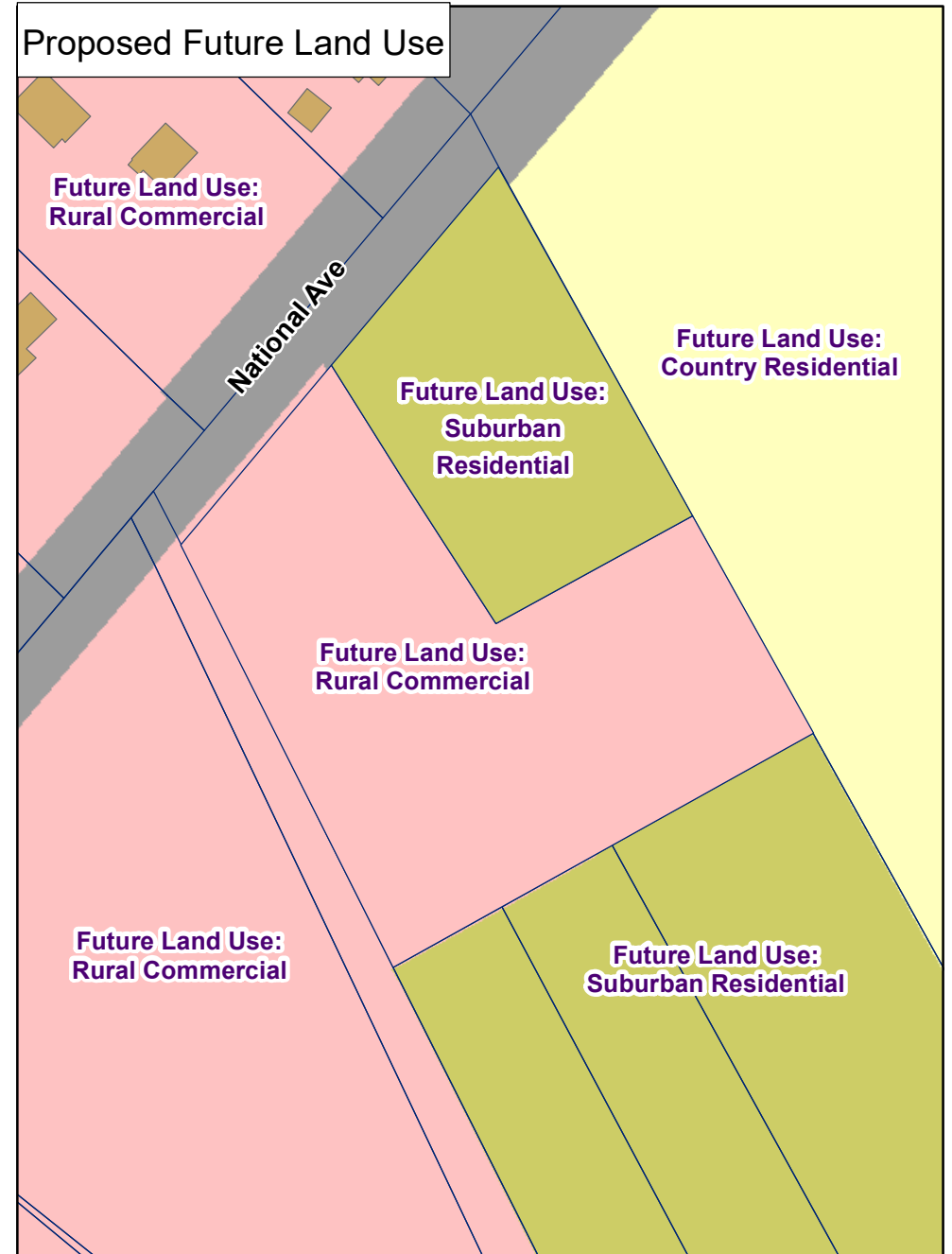
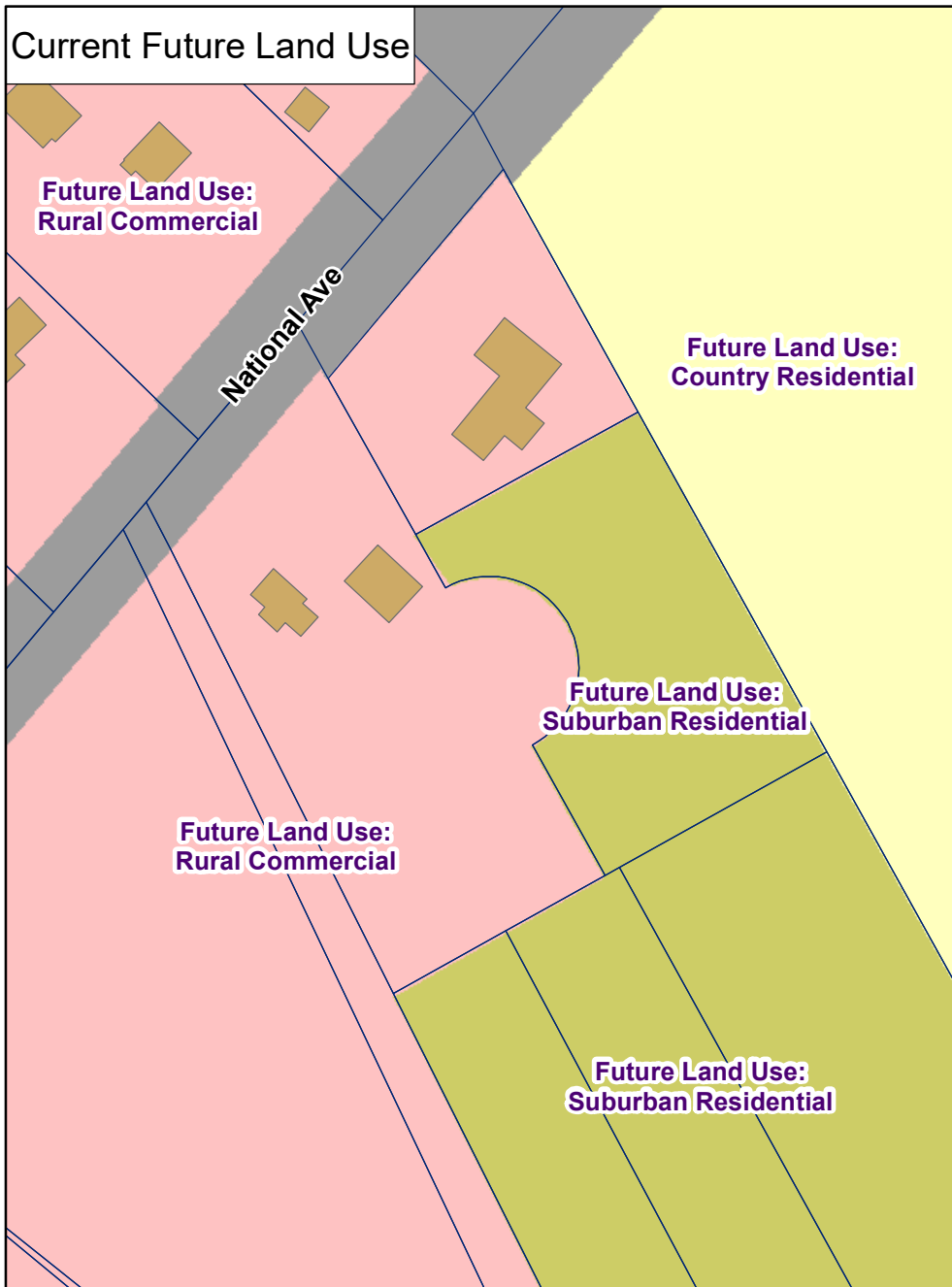
Attachments:

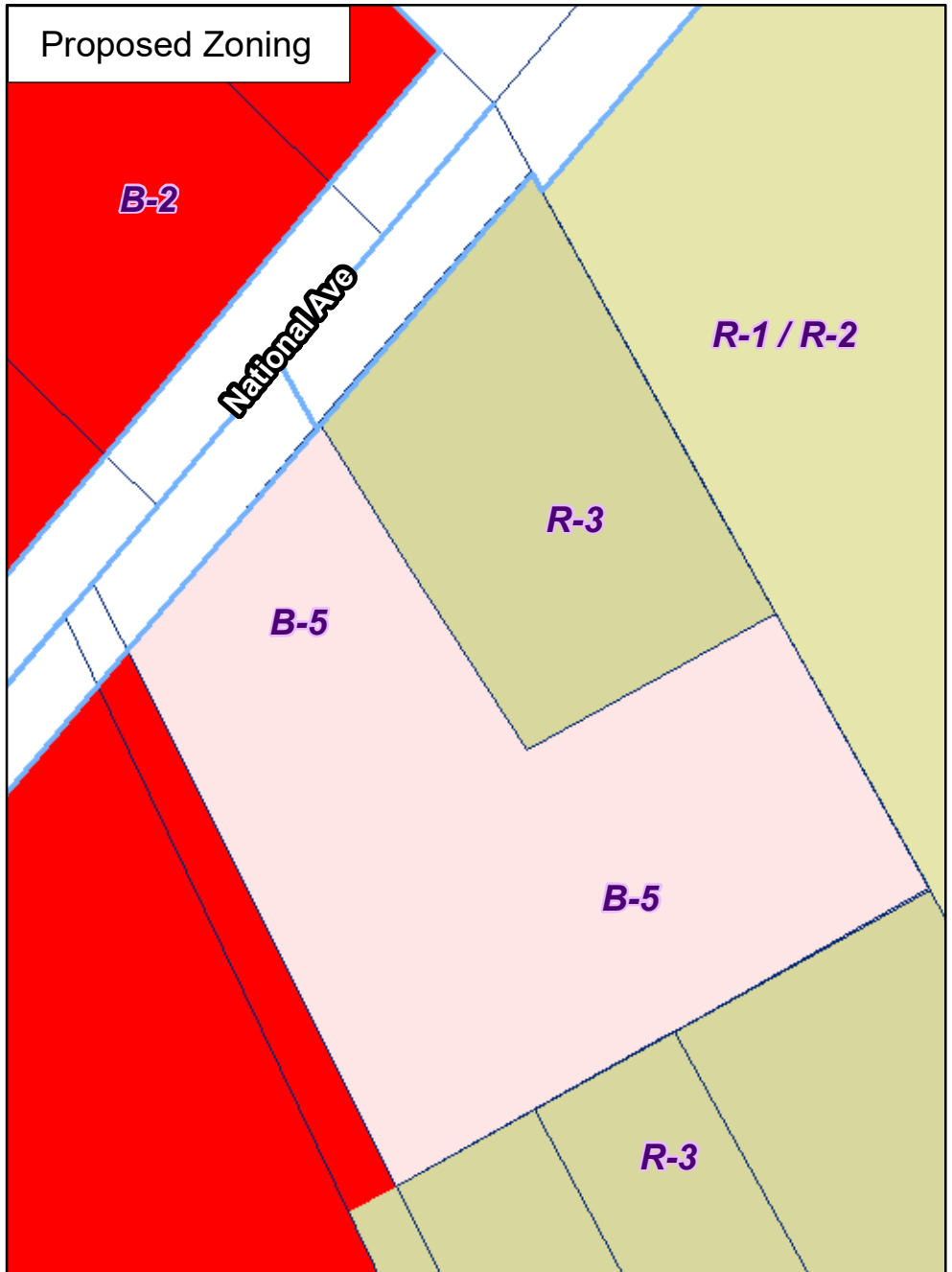
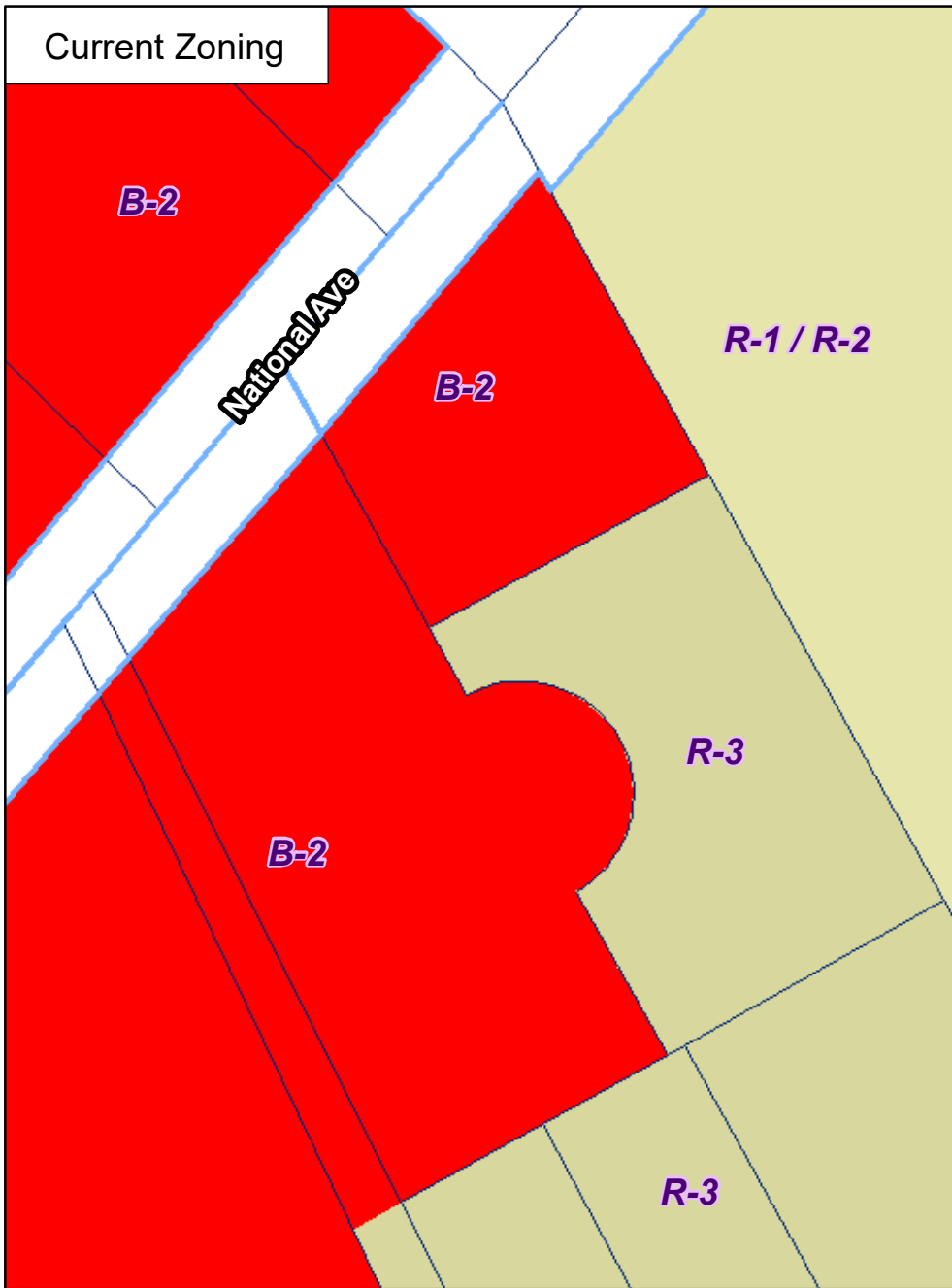
Location Map
 Future Land Use Comparison Map
 Zoning Comparison Map
 CSM
 Draft Resolution # 23-13
 Draft Chapter 10 - Land Use Plan - Minor edits as part of the 2030 Update
 Draft Chapter 19 - Neighborhood I: National Avenue West - Minor edits as part of the 2030 Update



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







CERTIFIED SURVEY MAP NO. _____

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

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

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

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

NOTES:

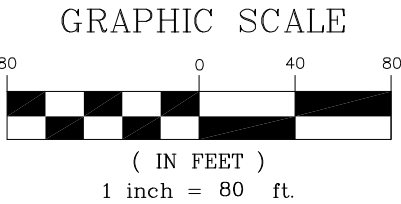
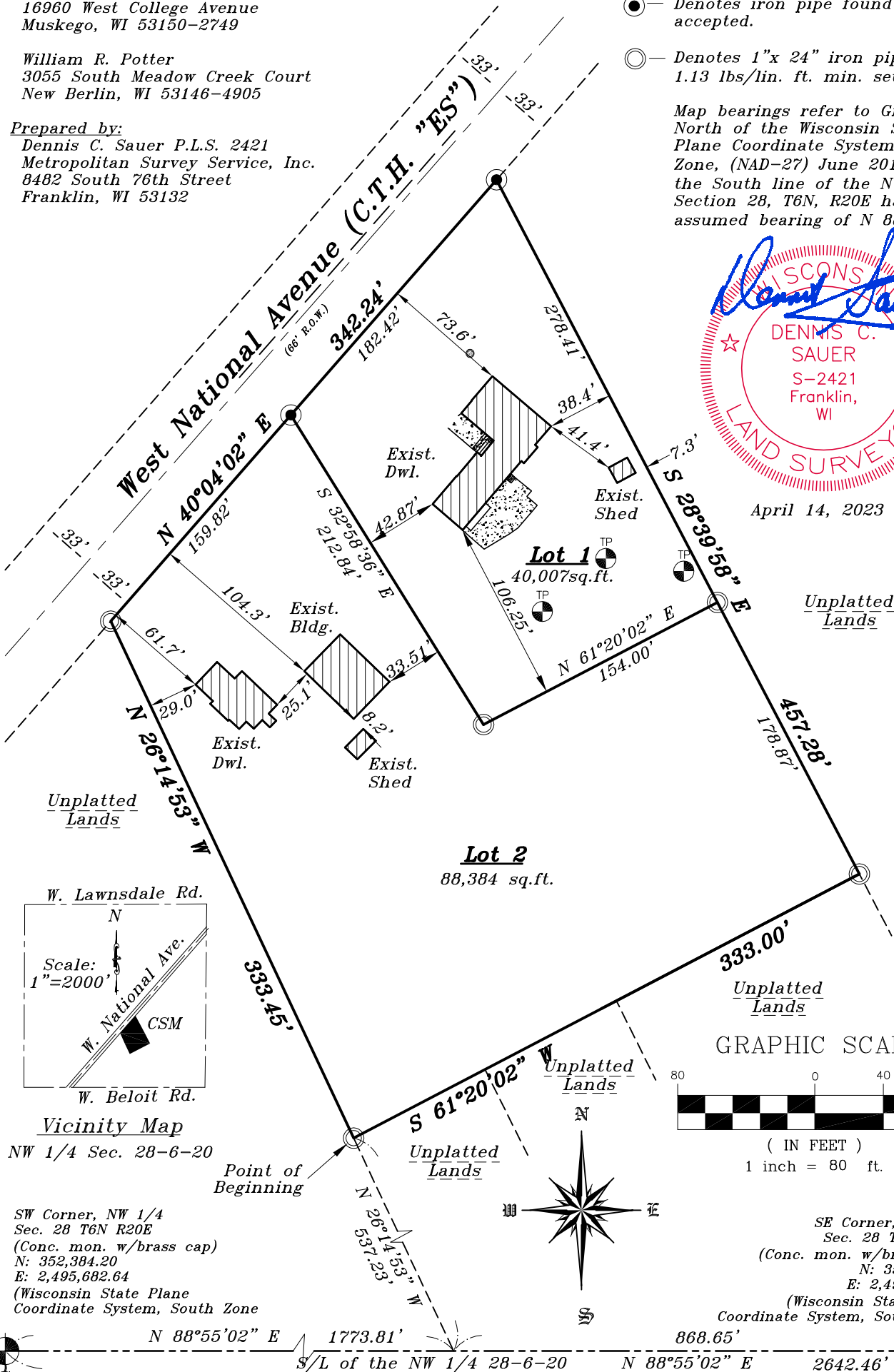
● — Denotes iron pipe found and accepted.

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

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

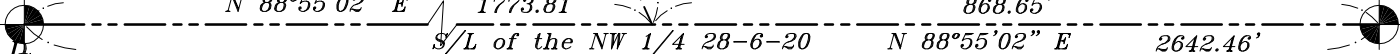


April 14, 2023



SW Corner, NW 1/4
Sec. 28 T6N R20E
(Conc. mon. w/brass cap)
N: 352,384.20
E: 2,495,682.64
(Wisconsin State Plane
Coordinate System, South Zone)

SE Corner, NW 1/4
Sec. 28 T6N R20E
(Conc. mon. w/brass cap)
N: 352,434.15
E: 2,498,324.42
(Wisconsin State Plane
Coordinate System, South Zone)



CERTIFIED SURVEY MAP NO. _____

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

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

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

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

Commencing at the Southwest corner of said Northwest 1/4;
thence N 88°55'02" E along the South line of said Northwest 1/4, 1773.81 feet; thence N 26°14'53" W, 537.23 feet to the point of beginning of the lands to be described; thence continuing N 26°14'53" W, 333.45 feet to a point on the Southeasterly right-of-way line of West National Avenue (C.T.H. "ES"); thence N 40°04'02" E along said right-of-way line, 342.24 feet; thence S 28°39'58" E, 457.28 feet; thence S 61°20'02" W, 333.00 feet to the point of beginning.

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

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

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

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

April 14, 2023
Date



Dennis C. Sauer
Professional Land Surveyor S-2421



CERTIFIED SURVEY MAP NO. _____

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

OWNER'S CERTIFICATE

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

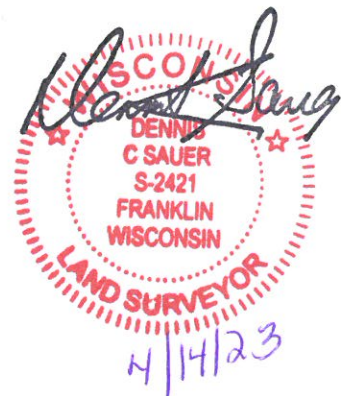
IN WITNESS WHEREOF, the said Lynn L. Reno, has caused these presents to be signed at _____, Wisconsin, this _____ day of _____, 20____.

Lynn L. Reno, Owner

STATE OF WISCONSIN)
_____COUNTY) SS

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

Notary Public-State of Wisconsin
My Commission Expires: _____



CERTIFIED SURVEY MAP NO. _____

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

OWNER'S CERTIFICATE

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

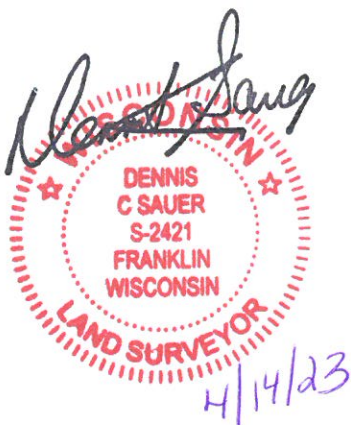
IN WITNESS WHEREOF, the said William R. Potter has caused these presents
to be signed at _____, Wisconsin, this _____ day of
_____, 20____.

William R. Potter, Owner

STATE OF WISCONSIN)
_____) COUNTY) SS

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

Notary Public-State of Wisconsin
My Commission Expires: _____



CERTIFIED SURVEY MAP NO. _____

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

PLAN COMMISSION APPROVAL

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

David Ament, Chairman
City of New Berlin

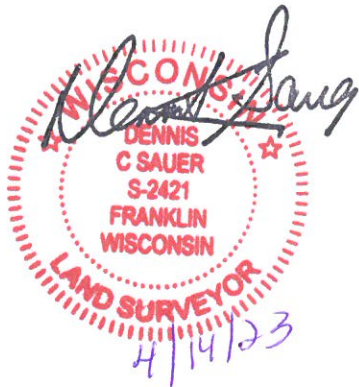
Nikki Jones, Secretary
City of New Berlin

COMMON COUNCIL APPROVAL

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

David Ament, Mayor
City of New Berlin

Rubina R. Medina, City Clerk
City of New Berlin



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

RESOLUTION NUMBER # 23-13**A Resolution adopting the amendments to the City's 2030 Comprehensive Plan Chapter 10: Land Use and Chapter 19: "Neighborhood I" National Avenue West**

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

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

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

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

WHEREAS, the City of New Berlin prepared the "City of New Berlin 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 Jim Duerrwaechter, have prepared amendments to the Future Land Use Map within the City's adopted 2030 Comprehensive Plan Chapter 10: Land Use and Chapter 19: "Neighborhood I" National Avenue West 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 Jim Duerrwaechter are for the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) to amend the Future Land Use from Rural Commercial and Suburban Residential to Rural Commercial and Suburban Residential. 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 19: "Neighborhood I" National Avenue West. A copy 2030 Comprehensive Plan Chapters 10 & 19 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 19: "Neighborhood I" National Avenue West, on September 25, 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 September 25, 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 # 23-13 recommended approval of this comprehensive plan amendment on September 25, 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 19: "Neighborhood I" National Avenue West, 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. 2676, which will constitute its adoption of the Comprehensive Plan amendments.

Passed and adopted by the Plan Commission on this 25th day of September, 2023.

APPROVED:

David A. Ament, Mayor

Certified/Countersigned:

Nikki Jones
Plan Commission Secretary

CHAPTER 10: LAND USE PLAN

Revisions approved by Council on ~~8/2/2011 via Ordinance #2457, on 1/10/2012 via Ordinance #2480, on 3/13/2012 via Ordinance #2484, on 5/14/2013 via Ordinance #2504, on 8/27/2013 via Ordinance #2510, on 5/12/2015 via Ordinance #2543, on 7/28/2015 via Ordinance #2545, on 10/13/2015 via Ordinance #2553, on 6/14/2016 via Ordinance #2568, on 7/26/16 via Ordinance #2569, on 2/9/21 via Ordinance # 2646~~ 9/26/2023 via Ordinance #2676.



LAND USE PLANNING IN RELATION TO STATE STATUTES

Section 62.23 of the Wisconsin Statutes grants cities and villages the authority to prepare and adopt local master plans or plan elements. In 1999, the Wisconsin Legislature enacted legislation that greatly expanded the significance of comprehensive plans within the State. The law, referred to as Wisconsin's "Smart Growth" law, provides a new framework for the development, adoption, and implementation of comprehensive plans by various units of government. The law, set forth in Section 66.1001 of the Wisconsin Statutes, requires that the administration of zoning, subdivision, and official mapping ordinances be consistent with a community's adopted comprehensive plan beginning on January 1, 2010.

In Waukesha County, 27 of the 37 cities, villages, and towns opted to participate in the Waukesha County Comprehensive Plan process. The process was led by County staff with assistance from the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and Waukesha County UW-Extension staff. The City of New Berlin selected to establish its own, more tailored Comprehensive Plan in lieu of participating through the County.

Several of the nine comprehensive planning elements required by Section 66.1001 of the Statutes must be updated or addressed to bring existing land use or master plans into compliance with the requirements of the comprehensive planning legislation. This chapter

provides the full Land Use Element for the City of New Berlin. Additional information regarding existing and future land uses can be found in each individual neighborhood chapter.

EXISTING LAND USES

Reviewing past and existing land use trends can aid in planning for the types of uses that are in demand. [Figure 10.1 illustrates the land use trends for the City of New Berlin from 1990 to 2020.](#) The existing land use map shown in Figure 10.2 is based on City assessment data from 2020 using Market Drive software produced by Assessment Technologies LLC. The map illustrates a high amount of single-family residential land with supporting industrial/manufacturing and commercial uses. Other land uses include agricultural, exempt, forest lands, multi-family residential, recreation, and undeveloped. Wetlands and woodlands are also identified.

[Figure 10.1 illustrates the land use trends for the City of New Berlin from 1990 to 2020.](#)

	1990			1995			2000			2020		
	Acres	% Dev.	% Total	Acres	% Dev.	% Total	Acres	% Dev.	% Total	Acres	% Dev.	% Total
Residential (1)(4)	6,227	62.0%	26.4%	6,563	59.9%	27.8%	6,782	58.3%	28.7%	13,574	69.1%	59.8%
Commercial (1)(4)	364	3.6%	1.5%	397	3.6%	1.7%	466	4.0%	2.0%	2,652	13.5%	11.7%
Industrial/Manufacturing (1)(4)	586	5.8%	2.5%	614	5.6%	2.6%	763	6.6%	3.2%	655	3.3%	2.9%
Transp./Common/Utilities (1)	2,061	20.5%	8.7%	2,549	23.3%	10.8%	2,681	23.0%	11.4%			0.0%
Government/Institutional/Exempt (1)(4)	422	4.2%	1.8%	434	4.0%	1.8%	473	4.1%	2.0%	1,139	5.8%	5.0%
Recreational (1)(2)(4)	384	3.8%	1.6%	406	3.7%	1.7%	470	4.0%	2.0%	1,633	8.3%	7.2%
Urban Subtotal(4)	10,044	100.0%	42.6%	10,963	100%	46.5%	11,635	100.0%	49.3%	19,653	100.0%	86.6%
Agricultural (4)	6,817	50.3%	28.9%	6,277	49.7%	26.6%	5,124	42.8%	21.7%	1,804	59.2%	7.9%
Natural Resources Areas	3,734	27.6%	15.8%	3,508	27.8%	14.9%	3,567	29.8%	15.1%			
Wetlands	2,323	17.1%	9.8%	2,269	18.0%	9.6%	2,301	19.2%	9.8%			
Woodlands/Forests(4)	1,283	9.5%	5.4%	1,130	8.9%	4.8%	1,154	9.6%	4.9%	224	7.4%	1.0%
Surface Water	128	0.9%	0.5%	109	0.9%	0.5%	112	0.9%	0.5%			
Other (4)	2,997	22.1%	12.7%	2,845	22.5%	12.1%	3,268	27.3%	13.9%			
Undeveloped Land(4)										1,018	33.4%	4.5%
Nonurban Subtotal(4)	13,548	100%	57.4%	12,630	100.0%	53.5%	11,959	100.0%	50.7%	3,046	100.0%	13.4%
Total	23,592		100.0%	23,593		100.0%	23,594			22,699		100.0%

SEWRPC & City of New Berlin Assessment Data -Market Drive software produced by Assessment Technologies LLC

1- Includes off-street parking areas.

2- Includes intensively used area of public and non-public recreation sites.

3- Includes extractive, landfills and unused land.

4- For the 2020 values, the City Assessor is using new software that does not calculate the information in the same way. The calculations are a bit different. The categories were matched as closely as possible.

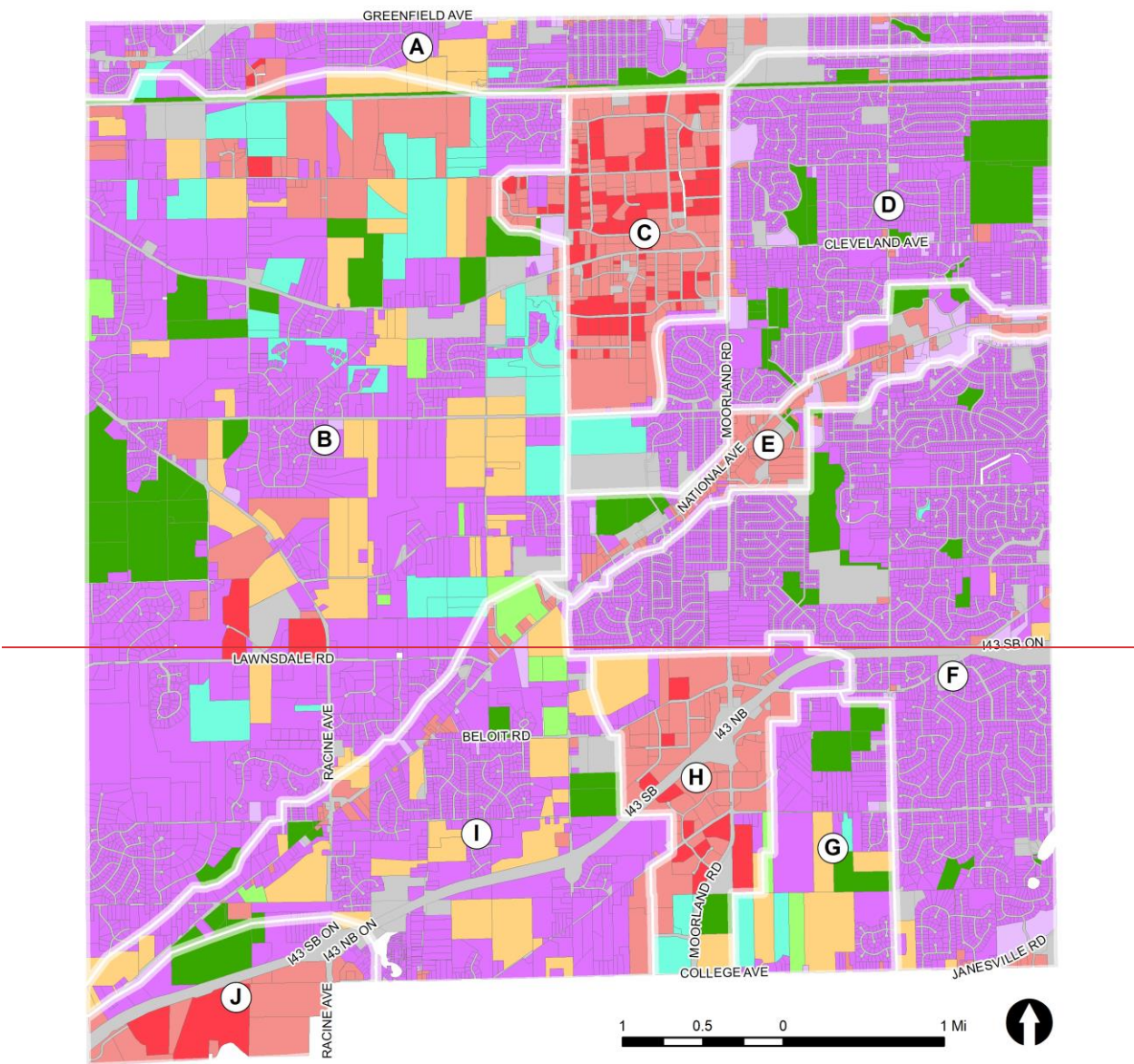
The predominate property type is used in this table. Wetlands, woodlands/forests and surface water were not calculated separately. We also did not differentiate between urban and non-urban for 2020.

[Figure 10.1. City of New Berlin Land Use Trends](#)
[Source: SEWRPC & City of New Berlin Assessment Data](#)

In 2020, the primary urban use within New Berlin consisted of residential land at approximately 13,574 acres, or 59.8% of the total area of New Berlin. This was an increase of 6,792 acres from 2000.

EXISTING LAND USE

with Neighborhood Overlay



EXISTING LAND USE

- | | | |
|--------------|--------------------------|---------------------------|
| Agricultural | Forest Land | Recreation |
| Commercial | Manufacturing | Single Family Residential |
| Exempt | Multi Family Residential | Undeveloped |

January 2021

COMPREHENSIVE PLAN 2030
City of New Berlin, Wisconsin

Figure 10.2. Existing Land Use Map of the City of New Berlin.

UPDATE

Even though the amount of agricultural land in the City has been decreasing over time, agricultural land still plays a significant role in New Berlin. Most new subdivisions built since 2015 have been conservation style subdivisions with an overall density of one home per 5 acres, in addition to density along with between 50 to 75 percent open space. The City has continued to monitor the subdivision ordinances every few years to ensure that we are continuing to preserve open spaces, wetlands and woodlands.

~~Other significant trends noted in the table have been the growth in commercial and industrial/manufacturing land use. It should be noted, that this growth was planned for and on track with the various development policies within each Neighborhood. This would include some growth in South Moorland Road Corridor, City Center and Moorland Road and Beloit Road.~~

Based upon survey work conducted by the Department of Community Development in 2008, this decrease can be attributed to market forces that have resulted in less overall income being derived from farming, multiple property ownerships creating smaller, less contiguous farmland acreages, and a general lack of interest in farming. Surveying large property owners whose current existing land use is agriculture, in 1999, 95% and in 2007, 91% of those surveyed identified that farming was not their main occupation. The Department mailed out 123 surveys representing 155 tracts of agricultural or undeveloped lands of 15 acres in size or larger. There was a 44% response rate to the 2008 survey. See Appendix F for both the survey results and the summary power point presentation that was presented at the Farmland & Open Space Landowners Focus Group meeting on July 9, 2008.

In order to continue forth with farmland preservation efforts, the Department of Community Development must continually look for economically viable ways of purchasing agriculture conservation easements through grant funding. Additionally, the Department should utilize its conservation subdivision regulations to plan for and permit farming as open space use. Planning for farms in conservation subdivisions could take place through the platting process by designing lot layouts, access, and other elements to accommodate farming as an open space use. The Department is also encouraged to continue promoting other agricultural preservation mechanisms to property owners such as easement dedications and / or purchase of development rights (PDR).

Other significant trends noted in the table have been the growth in commercial and industrial/manufacturing land use. This growth was planned for and is on track with the various development policies within each Neighborhood. This would include some growth in South Moorland Road Corridor, City Center and Moorland Road and Beloit Road.

LAND USE POLICIES

Several key policies were developed during the 2001 Growth and Development Master Plan (GDMP) process in order to guide the demographic and economic forces shaping the

community. These policies have been carried forward and will continue to help guide the City's land use planning efforts.

Although the Land Use Plan is ultimately organized around creating distinct neighborhoods and business centers, the following policies shall apply city-wide:

Policy 1: Managed Growth

Ensure that growth in New Berlin is affirmatively and responsibly managed based on available public services and suitability of the land for development.

Policy 2: Urban Boundaries

Maintain cohesive urban boundaries conducive to service delivery that support implementation of the adopted future land use plan.

Policy 3: Compatible Land Uses

Promote an orderly and compatible pattern of land uses avoiding "hodge-podge" development patterns. Provide appropriate transitions and buffers when differing uses are adjacent to one another.

Policy 4: Infrastructure

Utilize the provision of infrastructure in supporting and influencing growth in areas most suitable to accommodate growth.

Policy 5: Neighborhood Preservation

Preserve existing neighborhoods and encourage compatible infill development. (Infill development generally refers to either construction on vacant parcels in existing developed areas, or replacement of obsolete or dilapidated structures with new buildings.)

Policy 6: Rural Character

Preserve the existing character of the remaining rural areas in New Berlin.

Policy 7: Urban and Rural Distinction

Preserve and reinforce the distinction between urban and rural areas in New Berlin.

Policy 8: Open Space

Preserve open space throughout the city through both public and private development. Focus preservation efforts in environmentally sensitive areas, areas with recreational and trail opportunities, areas serving as buffers between different land uses, and neighborhood open space. Work to remove regulatory barriers that will reinforce that farming and/or large-scale gardening can remain a viable land use while respecting and preserving private property rights.

Policy 9: Development Quality

Require new development to meet sound planning and engineering standards with regard to sustainable architecture, site planning, and stormwater management.

These principles create an overall policy framework for the city.

LAND USE PLAN

The City of New Berlin Land Use Plan is intended to provide a guide for development, redevelopment, and preservation over the next ten (10) years and will need to be re-evaluated during 2021 and again near the year 2030. The Land Use Plan is based on standards that reflect the desires of community residents, committee members, elected officials and proven principles in community development, environmental preservation, and residential development. As part of the Land Use Plan, several factors have been explored related to the growth of the built environment:

- **Social factors** include those which give or maintain character (i.e. gathering areas, civic identity, and the “city living with a touch of country” feeling).
- **Economic factors** include the creation of jobs, balance of municipal expenses and revenue, and land value influenced by natural amenities and water quality.
- **Physical factors** include the character of the land (i.e. how it appears, areas that are preserved, what types of development are allowed, and where development is located).

The Land Use Plan cannot be successfully implemented by looking only at the physical attributes of growth. Diverse and healthy communities grow in all three areas, and a balance should be achieved to provide a quality environment for residents and business owners.

This Land Use Plan provides flexible recommendations and categories to provide long-range guidance to decision-makers. It recognizes that the City Zoning Map exists as a mechanism for property-specific recommendations. The purpose of the Land Use Plan is to serve as a link between the Land Use Policies and the development regulations. The City should explore implementing a form-based code versus continuing the use the traditional zoning ordinance (Euclidean Zoning) in order to implement infill and/or redevelopment opportunities.

When considering the proposed land uses for any particular parcel of property, the Land Use Policies must be considered in addition to the requirements of the entire Comprehensive Plan. The Land Use Plan Map, shown in Figure 10.3, identifies the future land use districts within the City of New Berlin.

Figure 10.3. Future Land Use Map for the City of New Berlin.

UPDATE

Section 34 – 35 – South Moorland Road Corridor

Section 35 is an area that is envisioned to be a mix of business park industrial, office, retail, residential, and passive and active park uses. In order to implement the conceptual neighborhood plan, the City has created three new zoning districts specifically for this geographic area. They include a new R-6 (Section 35 Low-Density Single-Family Residential), M-3 (Section 34 & 35 Business Park Development District) and P-2 (Section 35 Park Complex District) as further described below. The map below (Figure 10.54) identifies the Future Land Use and Zoning Code Section 275-13.1(H)(4), Figure I-1, identifies the designated zoning districts. All projects that require rezoning within this respective area shall be rezoned in accordance with Zoning Code Figure I-1 and future Plan Commission and Common Council actions.

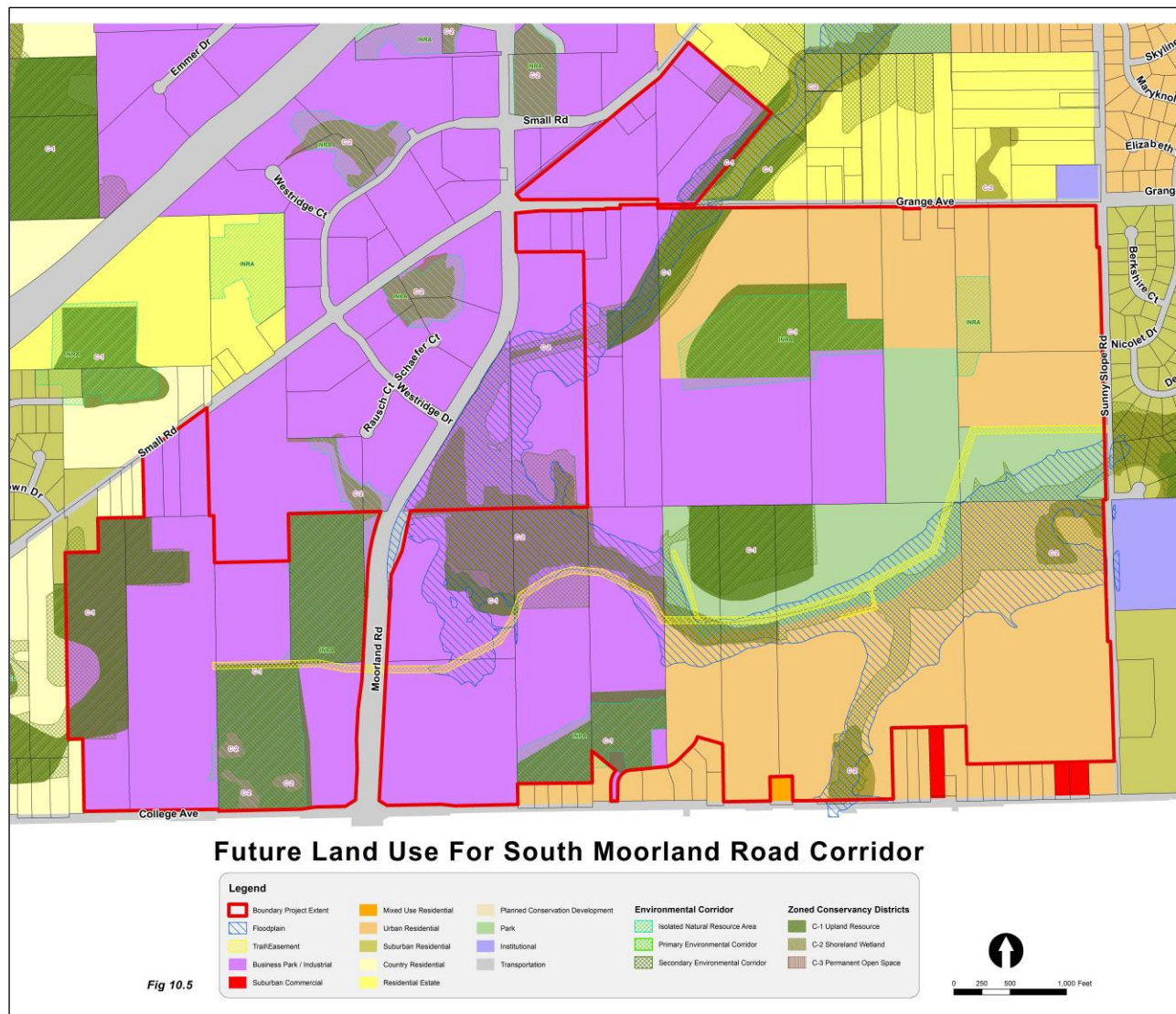


Figure 10.54 Future Land Use Map for South Moorland Road Corridor.

Northwest 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 10.5-1). 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 added within Chapter 11 – Neighborhood A (Greenfield Avenue Corridor) to guide any future development requests.



Urban Residential

The Urban Residential designation reflects the modern form of the residential subdivision with lots ranging in size from one to four dwelling units per acre, depending on underlying zoning and surrounding development patterns. While these communities may include various sizes and price ranges of homes, the primary land use is single-family detached homes. Attached single-family housing may be considered as a transitional use between lower density residential uses and non-residential development and highway corridors.

The corresponding zoning districts are:

- R-4 (Low-Density Single-Family Residential) which has a not-to-exceed density of 2.2 dwelling units per net residential acre for new large lot subdivisions to be served by public sanitary sewer and water facilities~~;~~
- R-4.5 (Medium-Density Single-Family Residential) which has a not-to-exceed density of 2.9 dwelling units per net residential acre, served by public sanitary sewer and water facilities~~;~~ ~~and~~
- R-5 (Medium-Density Single-Family Residential) which has a not-to-exceed density of 4.3 dwelling units per net residential acre, served by public sanitary sewer and water facilities. It should be noted that the City's current zoning ordinance states that "no unplatted lands" should be placed into the R-5 District.
- R-6 (Section 35 Low-Density Single-Family Residential) is unique to the South Moorland Road Corridor Area, a specific geographic area in the City (see §275-13.1H(4) Figure I-1 of the Zoning Code). ~~Unique to the South Moorland Road Corridor Area, a specific~~

~~geographic area (see Figure 10.5 of this document and Figure I-1 of the Zoning Code), the City plans to establish a new Zoning District, the R-6 (Section 35 Low-Density Single-Family Residential).~~ The R-6 Low-Density Single-Family Residential District is intended to provide for single-family residential development within Sections 34 and 35 with a minimum lot sizes similar to those in the above zoning districts and served by public sanitary sewer and water facilities. 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. Per Zoning Code Section §275-13.1(H)(4), "All projects that require rezoning within this respective area shall be rezoned in accordance with Zoning Code Figure I-1 and future Plan Commission and Common Council actions."

- ~~• Per Zoning Code Section 275-13.1(H)(4), "Along the South Moorland Road Corridor / Sections 34 and 35 area, transitional provisions will apply as noted in the map (Zoning Code Figure I-1). As properties within this area are developed, they shall be rezoned per that map."~~

Urban Residential districts include neighborhood parks and green spaces that provide amenities to local residents and are encouraged to provide links with the City's existing parks and recreation. Developers should incorporate the protection of environmentally sensitive areas, including the floodplain, into the development to create unique neighborhoods while protecting the natural environment. The number of cul-de-sacs should be minimized, emphasizing loop street layouts or multiple connections through and between subdivisions.

The Urban Residential areas also offer a continuing opportunity for more affordable housing to serve workers in the City's growing business parks. For example, housing on ¼ acre lots can help to retain and increase the diversity of the City's housing stock to allow for more personal housing options. The Community Development Authority (CDA) (formerly the New Berlin Housing Authority) is using tax credits and rent assistance to ensure a continued supply of affordable senior housing and apartments.

The City has worked closely over the past few years with Bank Five Nine to create a home loan grant program for first time home buyers. The program is funded by the Housing Trust Fund, which was created via Ordinance #: 2491, an ordinance to create a Housing Trust Fund for the City of New Berlin. The Common Council approved the transfer of Seventy Five Thousand Dollars (\$75,000.00) into the Fund. The City is able to provide qualified applicants with a \$2,500 grant to first time home buyers to pay for down payment and closing costs associated with buying their own home. The bank may match that request up to \$2,500 and will assist the City in reviewing the requests. The City has created a home loan grant application which is located on the City's website.

Certain institutional uses that can be compatible with residential uses, such as schools and neighborhood scale churches may be appropriate after careful site plan review.

Suburban Residential

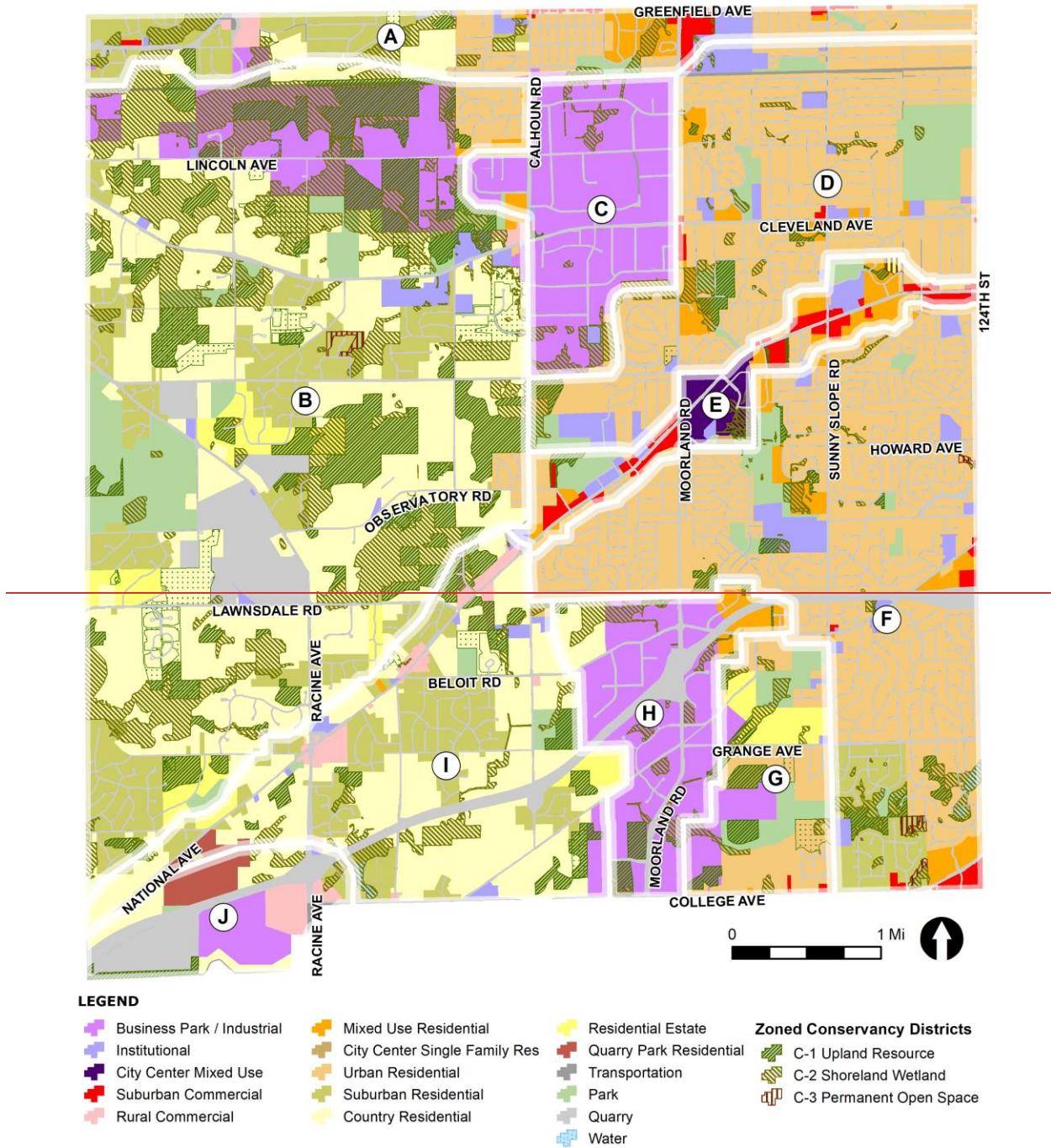
The Suburban Residential designation reflects the rural setting of the existing residential areas on the western half of the City. Lots in this category are generally located in existing subdivisions that have already been developed at higher densities than the surrounding Country Residential area. The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

The corresponding zoning district is:

- R-3 (Suburban Single- Family Residential) which has a not-to-exceed density of 2.0 dwelling units per net residential acre. This District is intended to be used for residentially platted lots already existing at this density range. As stated previously, Suburban Residential lots are served by private on-site sewerage disposal systems and private wells.

FUTURE LAND USE PLAN

with Zoned Conservancy and Neighborhood Overlay



March 2021

COMPREHENSIVE PLAN 2030

City of New Berlin, Wisconsin

Figure 10.3. Future Land Use Map for the City of New Berlin.

UPDATE AND RELOCATE

Residential Estate

Residential Estate is similar to the Country Residential category except for that it has a gross density not-to-exceed one dwelling unit per two acres. While agricultural uses are encouraged

to remain as long as the owners wish to operate farms, this designation provides an opportunity for the City to allow this area to develop, but maintain a sense of rural character. Before this land use category is implemented in this area, provisions for public sewer and water facilities must be made.

The preservation of the character of these areas should be accomplished through the use of clustering homes to help preserve the visual character but also to preserve larger open space areas for use as active or passive recreation or agriculture. Establishing open space areas which include streams, wetlands, woodlands, floodplains should be given high priority along with establishing greater setbacks from these resources.

The corresponding zoning district is:

- R-2E (Conservation Estate Single- Family Residential) which has a not-to-exceed density of 1.0 dwelling units per two acres. Homes within this District are intended to be served by public sanitary sewer and water facilities. Density bonuses are allowed pursuant to the City's zoning code.

Country Residential

Country Residential encompasses most of the area in the western portion of the City. These areas include various sizes and price ranges of homes with the primary land use being single-family detached homes. The average density of this area is envisioned to be a gross density of one dwelling unit per five acres.

Lot clustering that maintains an overall low density, while preserving substantial open space is encouraged in these areas. Country Residential Communities will be planned to include parks and green space or preserve agricultural land. This will provide amenities to local residents and work toward providing a link with the City's existing parks and recreation system. Developers should incorporate the protection of environmentally sensitive areas, including the floodplain, into the development to create unique neighborhoods while protecting the natural environment.

The corresponding zoning district is:

- R-1/R-2 (Rural Conservation Single-Family Residential) which has a not-to-exceed gross density of 1.0 dwelling unit five acres. Country Residential lots are served by private on-site sewerage disposal systems and private wells. Density bonuses are allowed pursuant to the City's Zoning Code.

There are also a large number of farm operations that exist in this area and the protection and preservation of these uses is integral to this land use. Some on-site sales of products are appropriate including small farm markets, landscape materials, and locally grown food. Artisan farming, flea markets, hobby farming and other activities that promote the continuation of

farming should be encouraged and regulatory barriers prohibiting these activities should be removed. In order to prevent excessive nuisances from occurring as a result from any of these associated farming related commercial activities, they should be regulated in their size, intensity and traffic impacts to prevent the proliferation of Rural Commercial Services in areas not designated as commercial.

Quarry Park Residential

~~Quarry Park Residential encompasses the following addresses and tax key #'s: 20685-20695 W. National Avenue (Tax Key #'s: 1276-999-001, 1276-999-002, 1276-993, & 1279-991). Primary land use being single-family detached homes in a conservation subdivision style setting. The development will consist of no more than 27 conservation subdivision style single-family residential lots on approximately 117 acres. The average density of this area is envisioned to be a gross density of one dwelling unit per approximately 4 acres. Quarry Park Residential encompasses the properties within Quarry Park Subdivision, which is an 18-lot single-family residential conservation subdivision. The density is one dwelling unit per 6.6 acres.~~

~~Lot clustering that maintains an overall low density, while preserving substantial open space is required in this area. Quarry Park Residential will be planned to include green spaces, nature trails, and a dock to service the pond, along with a variety of amenities for the residents. Developer shall incorporate the protection of environmentally sensitive areas, trees stands, and steep slope areas into the development to create a unique neighborhood while protecting the natural environment.~~

~~The lots in the Quarry Park Residential area will be served by a shared private waste treatment system and individual wells. A development agreement shall be required along with appropriate financial sureties, to be evaluated by the City, no more than annually and no less than every 5 years, for adequacy, to ensure for the proper maintenance and permitting of the onsite waste treatment facility in perpetuity.~~

The corresponding zoning district is:

- R-7 (Quarry Park Low-Density Single-Family Residential District) which is intended to provide for no more than 27 single-family residential lots which shall collectively be considered a residential community governed through a homeowners association and which is served by a community wide on-site sewage disposal system and private wells to be maintained solely by the homeowners association and/or the homeowners in the subdivision. A developer agreement shall be in place.

Mixed Use Residential

The Mixed Use Residential designation applies to several areas where more intense business uses meet single-family residential uses. The purpose of Mixed Use Residential is to provide a district for land uses and development that combine characteristics from other districts. There are several land uses that can occur in mixed use areas, including low-density multi-family, senior housing,

duplexes, condominiums, or institutional uses. Development approval for these uses requires a review to determine compatibility with surrounding land uses, particularly the residential neighborhoods.

The corresponding residential zoning districts are:

- ~~The~~ Rd-1 (Two-Family Residential District) is intended to provide for two-family residential development, at densities not to exceed 4.8 dwelling units per net residential acre, served by public sanitary sewer and water facilities.
- ~~The~~ Rm-1 (Multiple-Family Residential District) is intended to provide for multiple-family residential development served by municipal sewer and water facilities at densities not to exceed those established within the Zoning Code. New lands to be placed in the Rm-1 District by rezoning petition shall be located not closer than 120 feet to an existing single-family residential subdivision. 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 publicly dedicated streets and private streets.
- ~~The~~ I-1 (Institutional District) is intended to provide areas for public or private institutions or organizations housing social, educational, religious, or governmental activities.
- Zoning Code Section 275-41B(1) provides for elderly housing and assisted-living facilities. The density of an elderly housing development shall not exceed the densities established within the Zoning Code.
- A PUD could be considered when a mix of multi-family and retail/office uses are being proposed in order to accommodate creative site design. PUD's are not to be used for solely single-family residential.

Business Parks / Industrial

Business Parks / Industrial encompass a mixture of office, industrial, retail, commercial and service uses in a development with substantial landscaping and open space to create an attractive image. New industrial and office growth is encouraged to occur in these large developments so traffic impacts on surrounding uses can be minimized & managed and infrastructure can be provided.

The Business Parks / Industrial land use is placed in areas where there will be a minimal impact on residential uses and the natural environment. In addition, Business Parks parcels are generally located near major transportation corridors that can accommodate the truck and automobile traffic generated by such developments.

The corresponding zoning districts are:

- O-1 (Office and Business Service District) is intended to provide for individual or attractive groupings of office and financial service uses in aesthetically pleasing structures on lots with ample open space.

- O-2 (Business Park Development District) is intended to provide for the development of an attractive grouping of buildings limited to light industrial uses, offices, corporate headquarters, and support facilities in a parklike setting. The district is further intended to promote the provision of ample off-street parking and loading areas, open space, and landscape planting screens or buffer yards in areas adjacent to residential areas.
- O-3 (Transitional Office District) is intended to provide for low-intensity uses that serve as a transitional use between residential uses and districts and higher-intensity uses, including office, commercial and industrial uses. The district is also intended to accommodate areas where many residential homes are being converted to nonresidential uses such as business, medical, and professional offices. The O-3 District provides regulations that limit parking in side and rear yards, landscaping, architectural preservation of the existing residential character, and small-scale structures that blend in with the surrounding community while providing necessary services to the citizens of New Berlin.
- M-1 (Light Manufacturing District) is intended to provide for a range of light manufacturing and industrial uses. The M-1 Light Manufacturing District is also intended to provide for manufacturing and industrial development of a more-restrictive nature. The district is further intended to be used where the relative proximity to other uses requires more-restrictive regulation.
- M-2 (General Industrial District) is intended to provide for manufacturing and industrial development of a less-restrictive nature than in the M-1 Light Manufacturing District in areas where the relationship to surrounding land use would create fewer problems of compatibility. This district is further intended to allow, where properly screened, outside storage of vehicles, equipment, machinery, and inventory.
- M-3 (Section 34-35 Business Park Development District) is unique to the South Moorland Road Corridor Area, a specific geographic area in the City (see §275-13.1H(4) Figure I-1 of the Zoning Code). Unique to the South Moorland Road Corridor Area, the City plans to establish a new Zoning District, the M-3 Section 34-35 Business Park Development District.
The M-3 Section 34-35 Business Park Development District is intended for light manufacturing, office, retail and business uses. The M-3 Section 34-35 Business Park Development District is also intended to provide a broader mix of allowable uses including retail establishments within Sections 34 and 35 of the City to support both the business and residential development. The District is further intended to promote open space, intense vertical landscape, planting screens, buffer yards and preservation of existing environmental features (trees, wetlands, floodplain, rock outcroppings, steep slopes and viewsheds). Per Zoning Code Section §275-13.1(H)(4), "All projects that require rezoning within this respective area shall be rezoned in accordance with Zoning Code Figure I-1 and future Plan Commission and Common Council actions."

~~Per Zoning Code Section 275-13.1 (H) (4), "Along the South Moorland Road Corridor / Sections 34 and 35 area, transitional provisions will apply as noted in the map (Zoning Code Figure I-1). As properties within this area are developed, they shall be rezoned per that map."~~

City Center – Mixed Use



The City Center designation recognizes the substantial planning and investment being made in the commercial core at National Avenue, immediately east of Moorland Road. While the City Center is a part of the suburban business center corridor, the unique qualities desired by the City for this area merit special attention. The pedestrian orientation, distinctive streetscape, and the mixture of uses create the potential for this to become a unique area of the city. There are several land uses that can occur within the mixed use areas, including single-family residential, duplex residential, condominiums, townhomes, apartments, office, commercial, and institutional. Development approval for all of these uses requires a review to determine compatibility with surrounding land uses, particularly the adjacent residential neighborhoods.

Refer to the City Center PUD Ordinance #2526 and associated zoning map for a list of appropriate uses for this area.

City Center – Single-Family

The City-Center – Single-Family designation reflects the modern form of the residential subdivision with lots ranging in size from one to four dwelling units per acre, depending on underlying zoning and surrounding development patterns. While these communities may include various sizes and price ranges of homes, the primary land use is single-family detached homes. Attached single-family housing may be considered as a transitional use between lower density residential uses and non-residential development and highway corridors.

The corresponding zoning district is:

- R-4.5 (Medium-Density Single-Family Residential) which has a not-to-exceed density of 2.9 dwelling units per net residential acre, served by public sanitary sewer and water facilities.

Suburban Commercial

Suburban Commercial areas include the commercial areas of New Berlin primarily along National Avenue east of Calhoun Road. While these areas focus on retail sales and personal services, some office space and low-density multi-family housing is intermixed only when commercial development is incorporated on the first floor and residential is planned above. 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. The geographic boundaries of Suburban Commercial areas should be controlled to limit expansion of commercial development and the increasing number of vacant buildings, and at the same time provide flexibility to accommodate changes in the market.

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.

Unique to the intersection located at the southeast corner of Moorland Road and Greenfield Avenue, the City has established parameters for planning of this area in order to ensure that it develops uniformly. Chapter 11: Neighborhood A - Greenfield Avenue lays out specific policies to help ensure the cohesive development. This area is intended for retail and commercial uses located on the corner then transitioning to the south to allow for commercial retail and/or office on the first floor with residential integrated above. The far southern end of the parcel could be developed as low-density multi-family residential as defined above in this section.

The corresponding zoning districts are:

- B-1 (Shopping Center District) is intended to provide for neighborhood and community shopping centers with groupings of retail and customer service establishments to serve both the citizens of New Berlin, the surrounding region, and businesses. Hotels and regional uses are also appropriate in this district when planned appropriately in relation to traffic and landscaping. This district is intended to accommodate the requirement of on-site parking and loading facilities; landscape planting screens in areas adjacent to nonbusiness development or other incompatible uses; and a partially pedestrian-oriented shopping environment. Uses in this district are intended to be compatible with the character of the adjacent residential areas served.
- B-2 (General Retail Sales and Service District) is intended to accommodate a broad range of retail sales and service uses. The district is also intended to provide for the orderly and attractive development and grouping in appropriate and convenient locations for small-lot business activities of a general nature. The district is further intended to promote the provision of ample off-street parking and loading areas; landscape planting screens in areas adjacent to nonbusiness development or other incompatible uses; and development in character with the adjacent land uses.

Rural Commercial

Rural Commercial areas should maintain the “rural theme” in designing retail-oriented developments that include farm implement sales, produce markets, feed and seed stores, etc. to help support the agricultural environment but, may also include small-scale office-oriented uses. In addition, convenience retail uses may be appropriate in these areas to serve the day-to-day needs of residents, thus minimizing the necessity of driving for convenience goods.

Rural Commercial should be located primarily along National Avenue west of Calhoun Road. These uses should be located in enclosed structures. Where outdoor storage and sales are necessary, they should be located in the side or rear yards. Landscaping and screening should be used to minimize the transition from agricultural and rural residential uses to these commercial developments. Lighting should be carefully evaluated. Rural commercial architectural design standards should be adhered to. The Rural Commercial Design Guide shall be used to aid development. As properties apply for rezoning requests in these areas, the B-3 and B-5 Districts shall be considered to be more suitable than the B-2 District.

The corresponding zoning districts are:

- B-2 (General Retail Sales and Service) which is intended to accommodate a broad range of retail sales and service uses and provide for orderly and attractive development and grouping in appropriate and convenient locations for small lot business activities of a general nature. The minimum lot size for this district is 40,000 square feet.
- B-3 (General Bulk Sales) which is intended to accommodate the needs of the agricultural community for the western portion of the community without detracting from the character of the area. This district allows for outdoor storage, outdoor sales and automotive sales, service and repair. The minimum lot size for this district is 3 acres.
- B-5 (Rural Commercial District) which is intended to accommodate the needs of the agricultural community with a range of retail sales and service uses. The uses of these areas are intended to provide convenience for farms and the growing residential uses in the western area. The minimum lot size for this district is 40,000 square feet.

Institutional

Institutional uses encompass the main City Government facilities around City Hall, as well as schools, churches, and other nonprofits. Regarding church uses, these institutions have been classified into two types: Neighborhood Scale and Community Scale. Neighborhood scale churches are defined as a place of gathering for religious observance, ministry, and fellowship & related social events and may include classrooms for periodic religious instruction, kitchen, meeting area principally for members and administrative offices. These facilities are identified as those with a total building footprint of less than 14,999 square feet. Community scale churches are defined as a place of gathering for religious observance, ministry, and fellowship & related social events and may include classrooms for periodic religious instruction, and administrative offices. These facilities are identified as those with a total building footprint greater than 15,000 square feet or which have accessory uses, which include, but are not limited to uses such as banquet facilities, day school, day care facilities, retail stores, restaurant, workout centers / club, gymnasium, health care facilities, assisted living facilities, library, and café.

Parks

The City wishes to acquire and maintain parks and open space that are consistent with the adopted park and open space plans to encourage private preservation of open space and environmental areas, and to encourage the use of creative development alternatives (i.e. Conservation subdivisions to create neighborhood open space). ~~The short term actions are listed in Chapter 9: Community Facilities.~~

The corresponding zoning districts are:

- P-1 (Park and Recreation District) is intended to provide areas where open space and outdoor recreational needs of the citizens can be met without the undue disturbance of

natural resources and adjacent uses. When applied to privately owned recreational lands, this district is intended to avoid the conversion of such lands to other urban uses without adequate public review and approval. The district should be used for areas designated as parks in the adopted New Berlin Comprehensive Plan.

- P-2 (Section 35 Park Complex District) is unique to the South Moorland Road Corridor Area, a specific geographic area in the City (see §275-13.1H(4) Figure I-1 of the Zoning Code). Unique to the South Moorland Road Corridor Area, the City plans to establish a new Zoning District, the P-2 Section 35 Park Complex District. The P-2 Section 35 Park Complex District is intended to provide an area for a regional amenity that would provide tournament, practice and game space for baseball, softball and/or soccer. The District will also incorporate neighborhood park elements for neighboring residents. The complex will provide a buffer between the residential and business park land uses and may be expanded to create additional meaningful passive recreational opportunities and utilize the City's utility easement / public trail to create more of a linear parkway. Uses may include, but are not limited to, passive recreational trails, fishing ponds, winter sports activities, snowshoeing, cross country skiing, sledding, nature trails, bird watching and interpretive exercise trails. Per Zoning Code Section §275-13.1 (H) (4), "All projects that require rezoning within this respective area shall be rezoned in accordance with Zoning Code Figure I-1 and future Plan Commission and Common Council actions."

Per Zoning Code Section 275-13.1 (H) (4), "Along the South Moorland Road Corridor / Sections 34 and 35 area, transitional provisions will apply as noted in the map (Zoning Code Figure I-1). As properties within this area are developed, they shall be rezoned per that map."

In addition, the City's Park and Open Space Plan identifies a need for a City wide Youth Sports Complex. Specifically the Plan states, "at present, the City of New Berlin lacks a youth sports complex which typically incorporates outdoor athletic fields. A sports complex has the potential to enhance quality of life and community image, and promote the City's role as a regional center for sports tourism and recreation. Sports complexes are commonly funded through public-private partnerships." The Plan further states the development of new parks should, "include action plan related to acquisition and development of community youth sports complex. i.e. Pursue the planning, acquisition, and development of a community park with athletic fields to meet the needs of the youth sports organizations."

Where appropriate the facility will provide for active sports complexes to accommodate a mixture of athletic uses. Some active uses might include soccer, baseball/softball fields, basketball, playground and picnic area with shelter. Winter sports options should also be explored such as sledding, ice skating, cross country skiing, and snowshoeing along the City's trail easement. Some passive uses might include trails for hiking and walking and fishing.

The Park Plan states that in Section 35, "efforts to preserve, protect, and promote passive use (trails) of the C-1 and C-2 Conservancy areas is desired, as well as a pathway system to provide

the neighborhood and community with safe access to school, park and residential development, and enjoyment of the natural environment."

In addition, the City's Park and Open Space Plan identifies the need to acquire additional Community Parkland to account for the City's land area and population growth. Such Community Parkland shall incorporate an active park complex to address the City's need for additional ball fields and courts, as outlined in the Park and Open Space Plan, as well as passive park uses year-round. Linear parkways, which preserve open space, and provide connectivity within this area should be developed. The linear parkways could be integrated with the floodplain and creek areas.

Quarry

Quarries involve the mining and processing of minerals. They typically include both underground and surface mining activities. While they are typically located in rural areas, they can also create substantial land use impacts. A few of these quarry properties are actively being mined for non-metallic mineral resources (i.e. sand & gravel). As such, they are required to have a City approved Reclamation Plan pursuant to NR 135 and the City's zoning ordinance. The Reclamation Plan is required to identify post-mining land uses in addition to the "means & methods" for reclaiming the site. During the planning horizon for this Plan, it is anticipated that two of these quarries will transition and be reclaimed into their approved post-mining land uses. Specifically, the New Valley Sand & Gravel Quarry (identified in Neighborhood "J" has been identified as a future business park and the Kohler Pit has the following approved post-mining land uses – rural commercial, agriculture and aquaculture (both in recreational & commercial formats). Kohler Ridge Subdivision was approved by the Common Council in, 2016. The subdivision encompasses a portion of the former Kohler Sand & Gravel Mine and resulted in the complete restoration of approximately 65 acres of formerly mined land.

Conservancy Areas

C-1 Upland Resource Conservancy Zoning

The purpose of this district is to prevent the destruction of valuable natural and man-made resources and, in particular, woodlands, wetlands, wildlife habitat areas, perennial and intermittent streams, major lakes, floodlands and shorelands, significant water recharge and discharge areas, prairies, recreational and scenic areas, natural scientific areas, areas with poor soils or high groundwater, and areas of steep slopes, including primary environmental corridor, secondary environmental corridor and isolated natural resource areas. It should be noted that the City has established a new policy that states no "new" lands should be placed into this category and rather the use of "conservation easements" shall become the norm for preserving and protecting these natural resource assets.

C-2 Shoreland-Wetland Conservancy Zoning

The purpose of this district is to preserve, protect, and enhance the ponds, streams, and wetland areas of the City. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and

surface; prevent flood damage; control stormwater runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreation resources of the City.

C-3 Permanent Open Space/Conservation Zoning

The Permanent Open Space/Conservation Lands District is intended to serve as a preservation district to maintain lands that have been permanently designated as open space or conservation lands. This District serves as a more definitive designation of open space and conservation lands as an alternative to deed restrictions and easements. This District should be utilized for developments where potential development densities have been transferred to another area of the property or to another site within New Berlin; developments that will have open space permanently preserved; and other similar conservation and preservation practices that will contribute to the unique character of New Berlin.

Environmental Corridors

Environmental Corridors are shown on the City's Map of Potential Conservation Lands. The City clearly recognizes the importance of these natural resource assets and will continue to use "conservation easements" for their protection. The City will also continue to follow SEWRPC guidelines for preserving, protecting and managing development within these corridor areas. See Appendix J for SEWRPC's publication entitled "Environmental Corridors – Lifelines of the Natural Resource Base". The City will continue to use SEWRPC's Environmental Corridor Maps as a resource as amended.

Map of Potential Conservation Areas

The Map of Potential Conservation Lands for the City of New Berlin consists of wetlands; woodlands; Butler's Garter Snake habitat; Water; Slope; environmental corridors; and scenic vistas. This map should be used as a resource in addition to, but not limited to, other maps such as the future land use, zoning and FEMA FIRM maps for all land use decisions. These environmental features should be incorporated into all development proposals, as applicable.

LAND USE PLANNING IN WAUKESHA COUNTY

Under Wisconsin State Statutes, counties are required to incorporate into the county development plan all master plans that have been duly adopted by incorporated cities and villages under the State of Wisconsin City Planning Enabling Act. However, the Statutes do not provide direction as to resolving conflicts between county adopted land use objectives and local master plans. To address this issue, the Waukesha County Comprehensive Plan Advisory Committee determined specific approaches to be implemented during the County Plan process. The following County approaches are those which apply directly to New Berlin's Comprehensive Plan:

- All duly adopted local land use plans, whether prepared by incorporated cities and villages or by towns, would be reviewed for consistency with the County development objectives and standards approved by the Advisory Committee, as presented in Chapter 2 of this Plan. All inconsistencies would be identified and described.
- Municipalities will prepare preliminary land use plans in a manner consistent with the Advisory Committee approved development objectives and standards. Following review of local land use plans, inconsistencies with the development objectives were identified for the municipalities and adjustments were requested.
- The compiled preliminary County land use plan would be provided to all cities, villages, and towns in the County for review and comment.

Resulting from these approaches is the County land use element provided in the Waukesha County Comprehensive Plan. Due to the fact that the County is required to incorporate local master plans into its overall plan, New Berlin residents and property owners should first look to its own Comprehensive Plan for guiding objectives and policies. The Waukesha County Plan shall serve as a seamless overview of planning efforts county-wide.

LAND USE PLANNING IN THE REGION

The regional land use plan sets forth the fundamental concepts that are recommended to guide the development of the seven-county southeastern Wisconsin region. The most recent version of the plan, entitled "SEWRPC Planning Report No. 55: A Regional Land Use Plan and Transportation Plan for Southeastern Wisconsin: 2050, was adopted by SEWRPC in July 2016. This plan is intended to guide land use development and redevelopment through the year 2050.

Vision 2050 replaces the Vision 2035 plans. 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.

CHAPTER 19:

NEIGHBORHOOD I

NATIONAL AVENUE WEST

Revisions approved by Council on ~~7/26/2016 via Ordinance # 2569.~~ ~~Revisions approved by Council on 11/15/2016 via Ordinance #2579.~~ 9/26/2023 via Ordinance # 2676.

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

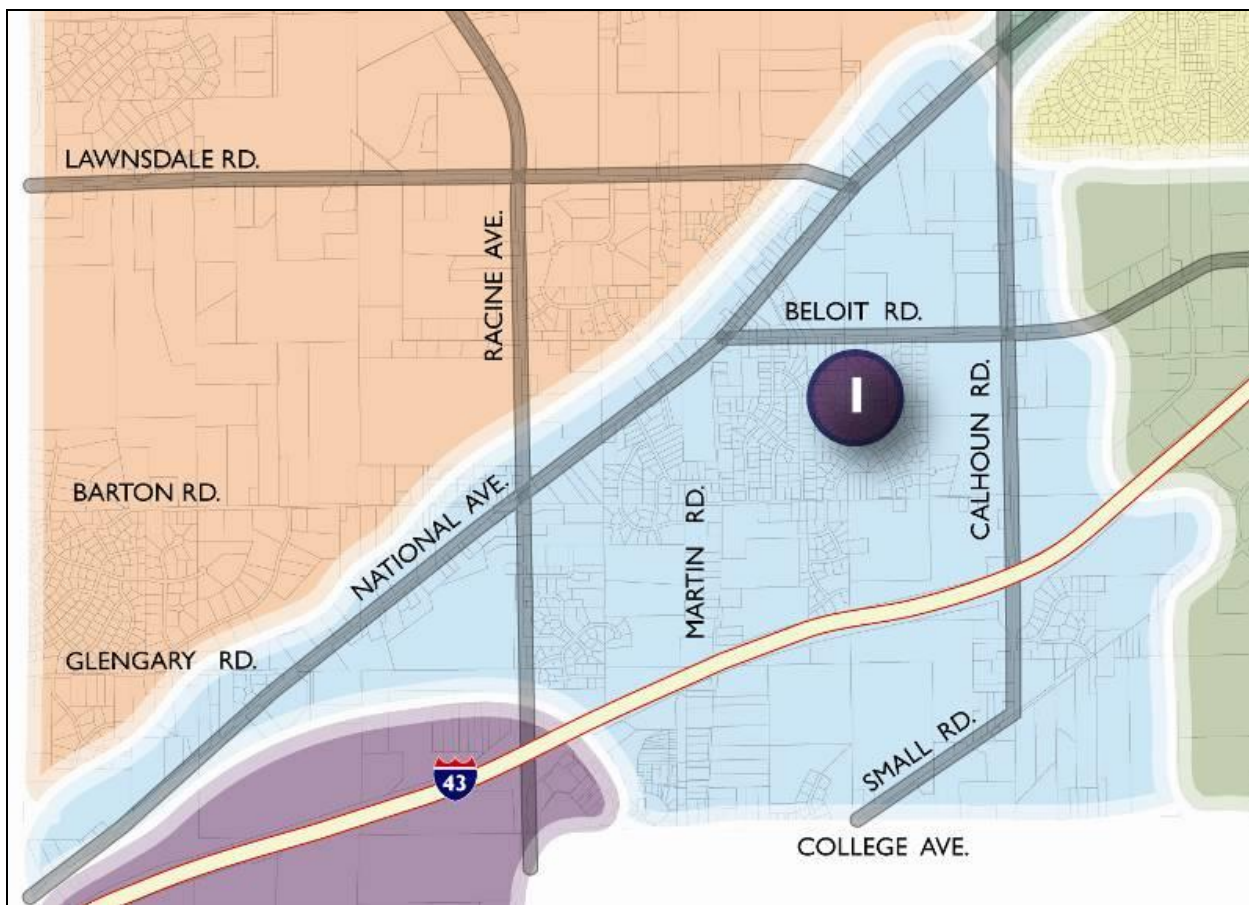


Figure 19.1. Neighborhood I Context Map.

The area primarily includes agricultural land, undeveloped land, and residential subdivisions. The neighborhood is not served by sanitary sewer with the exception of the Linnie Lac area, which receives this service through an intermunicipal agreement with Muskego. Aside from Linnie Lac, only a small portion of the neighborhood is anticipated to be served by sanitary sewer through

the New Berlin Urban Service Area Boundary. Current zoning regulations permit a maximum of one dwelling unit per five acres. The occasional large lot subdivision is served by private on-site wastewater treatment systems (POWTS). There are many environmentally sensitive areas distributed throughout the neighborhood. The area is valuable to both the City and the region as an aquifer recharge area.

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

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



Figure 19.2. National Avenue Corridor.

PUBLIC INPUT

Initial Neighborhood Meeting

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

New Berlin Comprehensive Plan Update

DESIGN PREFERENCE SURVEY BACKGROUND INFORMATION - Neighborhood I (42)

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

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

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

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

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

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

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

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

Neighborhood Review Meeting

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

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

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

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

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

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

2020 Update – Ethic Indoor Sports Facility

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

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

Residents in Neighborhood I were invited to a neighborhood meeting on February 4, 2020 to discuss a potential redevelopment on the for Prospect Hills School site. Attendees were able to review concept plans for an indoor sports facility. A public hearing was held on June 1, 2020 to rezone the property from I-1 to I-1 PUD. The Plan Commission recommend approval on July 21, 2020 for the Ethic Indoor Sports Facility PUD and Ordinance # 2633 was approved by the Common Council on August 6, 2020.

Additional parking for this facility was proposed in 2022 for the adjacent parcel. A joint public hearing was held on June 6, 2022 to rezone the property from R-1/R-2 to I-1 PUD and to amend the Future Land Use Map from Single Family Residential to Institutional. The Plan Commission recommend approval on June 6, 2022 for an amendment to the Ethic Indoor Sports Facility PUD and Ordinance # 2661 was approved by the Common Council on June 14, 2022.

2023 Update – Reno / Potter

A joint public hearing was held on September 25, 2023 to rezone the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) from B-2 and R-3 to B-5 and R-3 and to amend the Future Land Use Map from Rural Commercial and Suburban Residential to Rural Commercial and Suburban Residential. The Plan Commission recommend approval for both requests on September 25, 2023. Ordinance # 2677 (Rezoning) and Ordinance # 2676 (Comprehensive Plan Amendment) was approved by the Common Council on September 26, 2023.

VISION

West Side Open Space

The National Avenue West area, like the Western Area neighborhood (Neighborhood B), should be a regional model of rural development. Any development should occur gradually as a mix of lower density single-family development, farms, large areas of preserved open spaces, rural trails and facilities, and small-scale neighborhood oriented retail. Development in this area will incorporate environmental protection as a basic value, including its importance as an aquifer recharge area.

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

National Avenue Corridor West

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

DEVELOPMENT POLICIES

West Side Open Space

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

6. The parcels near the border of Neighborhood H and Neighborhood I, along Small Road and College Avenue, that have a Future Land Use designation of Business Park/Industrial are anticipated to be incorporated into the Westridge/Moorland East Business Park at the time of their development.

National Avenue Corridor West

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

AGRICULTURAL AND CULTURAL RESOURCES

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

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

- A. E. Gilbert Cream City Brick Mansion, c. 1897
- Cheney-Faulkner-Cooper House, c. 1840s
- Collection of Arrowheads found by Lee Faulkner
- Creamery (now Mustang Shelley's), c. 1890
- Cupola Tower, c. 1920
- Dr. John Livingston Ingersoll House, c. 1858
- Elger's Store (now Chappel Sports), c. 1900
- Former Site of the Round Barn, c. 1898
- Freewill Baptist Church, c. 1859 (also on the National Register of Historic Places)
- Hales Mill Pond (Linnie Lac), c. 1836. First dam and first sawmill in Waukesha County
- Julius Heil House, c. 1880
- Linnie Lac Dam and Lake Site, c. 1836

- Native American Artifacts found on former Mayor Earl Rathke's farm (near Linnie Lac Lake)
- New Berlin Centre Cemetery, c. 1841
- Peck's Dance Hall and Saloon, c. 1871
- Theodora Winton Youman's Birthplace (house moved to the Historic Park in 2001)
- Weston Antique Orchards, c. 1860 (also on the National Register of Historic Places)
- New Berlin Center Cemetery – designated November 21, 2013
- Foster/Giesfeldt Home – designated December 18, 2014

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

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

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

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

Survey Results: Open Space

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



Figure 19.4. Highest-Rated Image for Open Space.



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



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

NATURAL RESOURCES

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

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

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



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

Recommendations

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

1. Vegetated swales are effective in filtering pollutants and reducing stormwater runoff velocity, in direct contrast to piped storm sewer conveyances. They can be implemented in rear yard swales, parks and common areas to treat and transfer surface runoff to stormwater management systems. They also reduce maintenance costs for these common areas. Vegetated swales can be flatter than typical turf grass swales to increase residence time and to promote infiltration and evapotranspiration. This increases the spacing of catch basins or can eliminate the need for piped storm sewer conveyance in new construction.
2. Bio-filter infiltration basins can be provided as an alternative to detention basins in the central and western portion of the neighborhood to promote infiltration and groundwater recharge.
3. This number is reserved for recessed parking and cul-de-sac islands, which are not recommended for specific locations in the neighborhood. Should property owners in the neighborhood propose to install recessed parking lot and cul-de-sac islands, the appropriateness of such basins should be determined based on property characteristics.
4. Stream banks along Calhoun Creek should be inspected for areas that need to be stabilized to prevent further soil erosion. In conjunction with the above-mentioned BMPs, stream bank stabilization will improve aquatic wildlife, improve groundwater quality, and reduce flooding.
5. To reduce the velocity and quantity of stormwater runoff from individual lots, rain gardens can be implemented. This will be feasible since Country Residential lots will tend to be larger in size. Rain gardens are localized infiltration basins that provide a means for stormwater runoff to cool, infiltrate and recharge the groundwater.
6. Throughout the parks and the undeveloped areas planned for Country Residential, there are opportunities to implement prairie to serve as a filter of surface water runoff as well as reduce maintenance in common areas. There may also be the opportunities to provide infiltration basins to encourage groundwater recharge, particularly in areas with pervious soils.

EXISTING TRANSPORTATION SYSTEM

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

Roadway Network

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

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

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

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

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

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

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

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

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

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

Bicycle & Pedestrian Facilities

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

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

Public Transit

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

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

FUTURE TRANSPORTATION SYSTEM

Survey Results: Road Design

Figures 19.108 through 19.1210 illustrate the three highest-rated images for road design in Neighborhood I. Desired characteristics included landscaped roads, on-road bike paths, and rural road sections with no curb.



Figure 19.108. Highest-Rated Image for Road Design.



Figure 19.112. Second Highest-Rated Image for Road Design.



Figure 19.1210. Third Highest-Rated Image for Road Design.

Roadway Network

In Neighborhood I, the SEWRPC Year ~~2035~~2050 Recommended Regional Transportation System Plan identifies additional capacity needed on IH-43. The plan recommends widening IH-43 to a six-lane facility, within the existing right-of-way, from the Hale Interchange to Racine Avenue (County Hwy Y).

~~SEWRPC staff is currently preparing a major review and update of the regional land use and transportation plans for Southeastern Wisconsin. This effort, called VISION 2050, is expected to be completed in 2016. Vision 2050 will replace the current year 2035 plans, extending the design~~

~~year of the plans to 2050~~. It should be noted that the SEWRPC plans are advisory only. Refer to the SEWRPC VISION 2050 plan for the most updated information related to their regional planning efforts and recommendations. [The report is available on the SEWRPC website www.sewrpc.org](http://www.sewrpc.org).

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

Bicycle & Pedestrian Facilities

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

Proposed On-Road Facilities:

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

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

Public Transit

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

ECONOMIC DEVELOPMENT

Economic development policies for the National Avenue West neighborhood are largely guided by the 2002 Economic Development and Revitalization Plan. Based on recommendations in the Plan, proposed economic development activities focus primarily on residential development

with limited commercial development that has an agrarian or natural emphasis. Cultural resources should be promoted as potential revenue for the neighborhood and for the City.

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

Brownfields

Two brownfields are located in Neighborhood I, both of which are labeled as an unknown petroleum risk (Figure 19.1311).

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

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

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

- 18970 W. National Avenue; ERP
- 18500 W. National Avenue; LUST

The acronym “LUST” signifies the existence of a Leaking Underground Storage Tank. The acronym “ERP” signifies an Environmental Repair Program effort. The DNR classifies ERP sites as sites other than LUST sites that have contaminated soil and/or groundwater. Examples include industrial spills or dumping needing long term investigation, buried containers of hazardous substances, and closed landfills

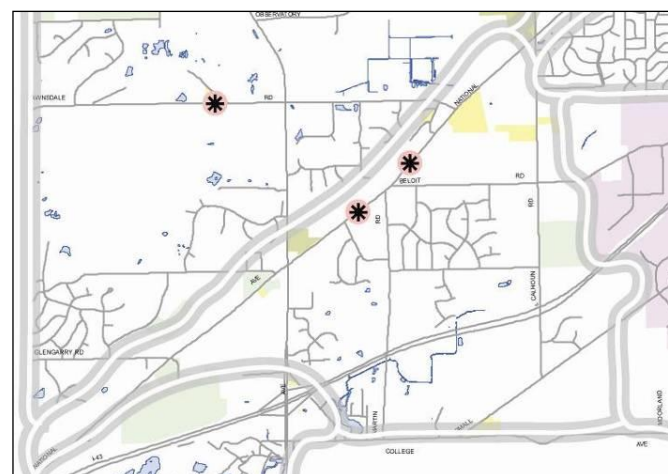


Figure 19.1311. Neighborhood I Brownfields Map.
Source: WI DNR Bureau for Remediation and Redevelopment

that have caused contamination. ERP sites include petroleum contamination from above-ground (not underground) storage tanks.

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

Rural Commercial Design Guide

The Rural Commercial Design Guide ("Guide"), adopted by the City in 2001, serves as a design tool for economic development in Neighborhood I. The Guide provides design standards for areas west of Calhoun Road from the southern border of the City (Interstate 43 / College Avenue) to Cleveland Avenue on the north (in Neighborhood B). The area is further defined and a map of the area is provided in Chapter 12 (Neighborhood B). The intent of the Design Guide is to retain and encourage small business and office developments, provide safe and convenient pedestrian access, and ensure quality visual appearances.

The design standards affecting recommendations for economic development in Neighborhood I include provisions for cross access between neighboring parcels where feasible, and the requirement that new buildings correspond proportionally and stylistically to existing buildings in rural commercial areas. More details on the design standards and recommendations are provided in Chapter 12 (Neighborhood B).

Recommendations

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

- **National Avenue from Lawnsdale Road to Calhoun Road and National Avenue at Intersection with Beloit and Martin Road**

For the first two areas, the City should encourage rural commercial development such as nurseries, antique stores, and small grocery and convenience stores.

- **Intersection of National Avenue with Racine Avenue**

The intersection of National Avenue with Racine Avenue should foster small-scale rural oriented cottage shops, cafes, and antique stores that respect and reinforce the historic and rural character of nearby Prospect Hill.

- **Intersection of Racine Avenue and College Avenue**

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

HOUSING

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

LAND USE

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

Recommendations

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

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

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

STAFF REPORT EXECUTIVE SUMMARY

APPLICANT/PROJECT:	Jim Duerrwaechter / Rezoning
LOCATION:	18335 W. National Ave (Tax Key #: 1262.961) Tax Key #: 1262.962 (located behind 18335 W. National Avenue) 18395 W. National Ave (Tax Key #: 1262.963)
REQUEST:	Request to rezone the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) from B-2 and R-3 to B-5 and R-3.
D.R.C. RECOMMENDATION:	Recommend to Common Council adoption of Ordinance # 2677 that approves the rezoning of the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) from B-2 and R-3 to B-5 and R-3.

DETAILS IN ATTACHED STAFF REPORT:

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

Meetings of September 25, 2023

Jim Duerrwaechter / Rezoning

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

DATE STAFF REPORT PREPARED: May 12, 2023

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

REQUEST / DESCRIPTION OF PROJECT: Rezone the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) from B-2 and R-3 to B-5 and R-3.

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

DATE OF COMPLETENESS DETERMINATION: 4/25/23

PRE-APPLICATION CONFERENCE HELD: Yes

Date(s) of Meeting(s): 4/6/23, as well as various counter visits and phone calls

Site Visit(s): 5/12/23

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

SIZE OF DEVELOPMENT / PARCEL(S):

0.60 acres 18335 W. National Ave (Tax Key #: 1262.961)

0.89 acres Tax Key #: 1262.962

1.53 acres 18395 W. National Ave (Tax Key #: 1262.963)

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

CURRENT LAND USE: Commercial/Residential

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

Lot 1 40,007 square feet

Lot 2 88,384 square feet

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

Lot 1 R-3 (Suburban Single-Family Residential District)

Lot 2 B-5 (Rural Commercial District)

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

Lot 1 Residential

Lot 2 Commercial

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North: Zoning: B-2, R-3

Land Use: Residential

South: Zoning: R-3

Land Use: Residential

East: Zoning: R-1/R-2, R-3

Land Use: Residential

West: Zoning: B-2

Land Use: Commercial

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes

Chapter 19: Neighborhood I: National Avenue West:

Vision:

- The National Avenue West area, like the Western Area neighborhood (Neighborhood B), should be a regional model of rural development. Any development should occur gradually as a mix of lower density single-family development, farms, large areas of preserved open spaces, rural trails and facilities and small-scale neighborhood oriented retail.
- National Avenue is a scenic rural corridor, with rural-oriented commercial uses located at specific nodes. These nodes include Prospect Hill, and the intersection of Beloit Road and National Avenue.

Development Policies:

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

Land Use:

- Future Land Use Map: Rural Commercial and Suburban Residential

ZONING CODE (Chapter 275): Yes, this request meets the requirements of §275-33B(3) and §275-34B(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: No

Site Plan Required: Yes, see attached CSM.

Architectural Review Required: No

PROPOSED ARCHITECTURE: N/A

UNIQUE SITE CHARACTERISTICS:

Environmental Corridor: Yes, Isolated Natural Resource Area.
Wetland On Property: No
Conservancy Districts (C-1, C-2): No
NRCS Map Classification: Not Inventoried
Floodplain: No
Topography / Geologic: Site slopes to the north towards National Avenue.

BIKE & PEDESTRIAN FACILITIES PLAN: No improvements identified.

PARK & OPEN SPACE PLAN: No improvements identified.

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): N/A
Wildlife Habitat Protection: N/A
Wildlife Management Plan: N/A

ENVIRONMENTAL IMPACT: No impact.

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

SANITARY SEWER PROVISION:

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

WATER USAGE CALC.: No increase.

TRAFFIC IMPACT: No increase.

SCHOOL DISTRICT IMPACT: N/A

Notice Sent to Affected School District(s): No

PREVIOUS ACTION (18335 W. NATIONAL AVENUE):

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

PREVIOUS ACTION (18395 W. NATIONAL AVENUE):

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

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

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

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

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

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

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

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

Yes, the proposed rezoning is compliant.

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

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

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

Yes, the proposed rezoning is compliant.

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

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

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

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

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

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

3. The existing principal use for Lot 1 (see file #: LD-2300782) is Commercial, with residential quarters allowed as an accessory use, per §275-42G(1)(a). The building is currently unoccupied.
 - a. The property owner of Lot 1 intends to sell the property as a single-family home.
 - b. This property has been zoned B-2 dating back to the 1963 City Zoning Map and going forward to today. A business has been in operation at this location since 1964. Any future businesses located on Lot 1 must comply with §275-42G(4): Home Occupations.
 - c. At such time as future applications are submitted, the applicant is advised that §275-33E(1)(d) requires the construction of a garage.
4. The existing principal use for Lot 2 (see file #: LD-2300782) is Commercial, with residential quarters allowed as an accessory use, per §275-42G(1)(a). The building is currently being used as a business with residential quarters.
 - a. Lot 2 will continue as a commercial use, with residential quarters allowed as an accessory use.
 - b. Outdoor storage is allowed as an accessory use in the B-5 Zoning District.
 - c. An average landscape bufferyard of 15' is required when a Commercial Use is adjacent to a Single-Family Residential Use, per §275-56F.
5. This rezoning request was further discussed with staff and the applicant and it was determined that B-5 (Rural Commercial District) was a more suitable zoning district that better aligned with the Comprehensive Plan than B-2 (General Retail Sales and Service District) in the Rural Commercial portion of the City. There was a Public Hearing date set for July 10, 2023, which did not occur to allow for an amendment to the rezoning application.

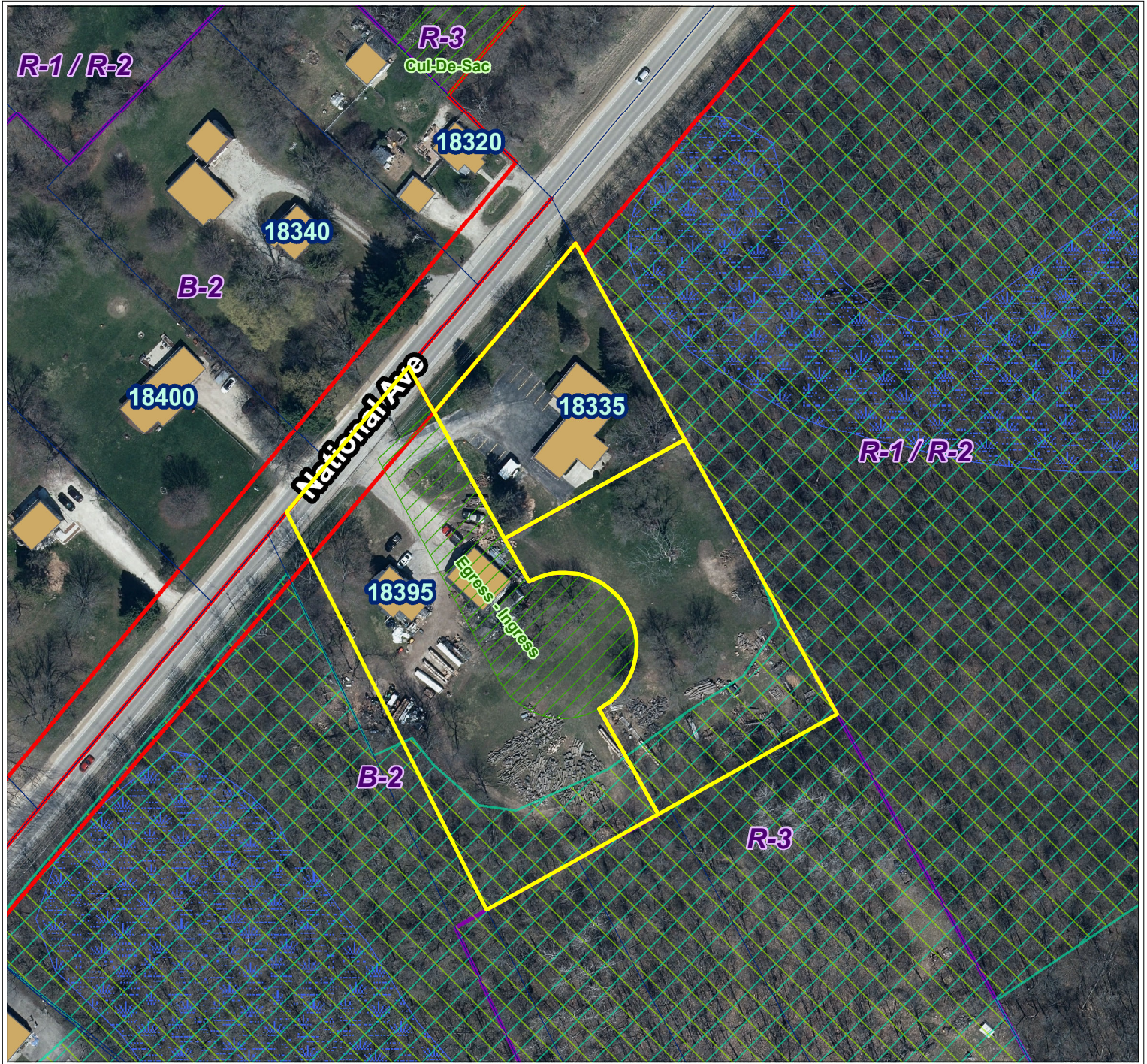
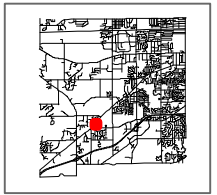
D.R.C. RECOMMENDATION:

Recommend to Common Council adoption of Ordinance # 2677 that approves the rezoning of the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) from B-2 and R-3 to B-5 and R-3. **See Executive Summary.**

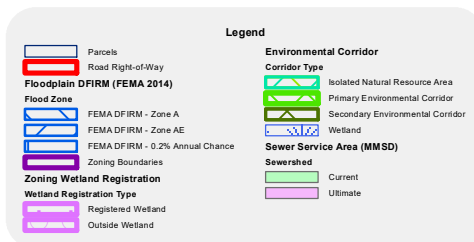
ATTACHMENTS:

Location Map
Zoning Comparison Map
CSM
Ordinance # 2677

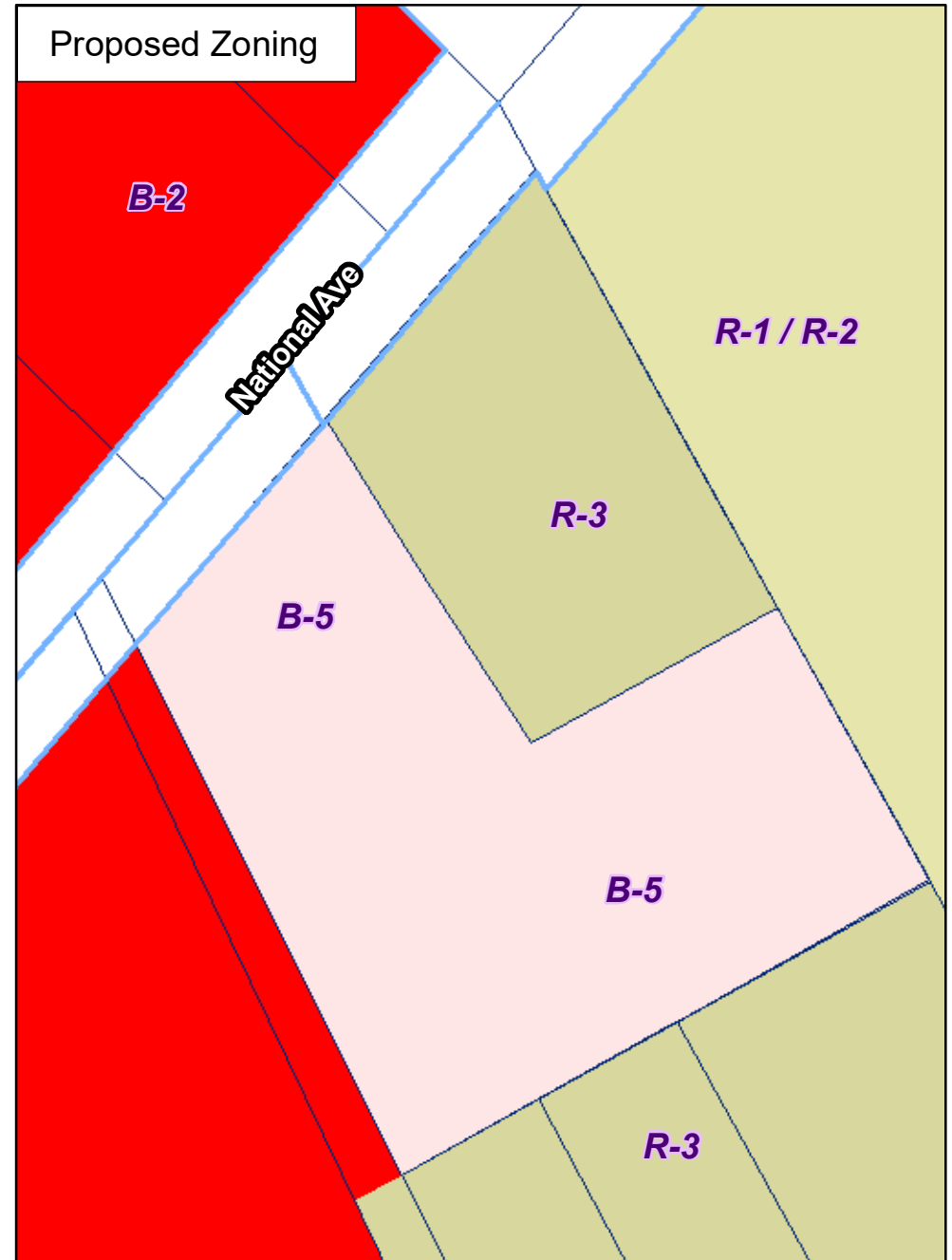
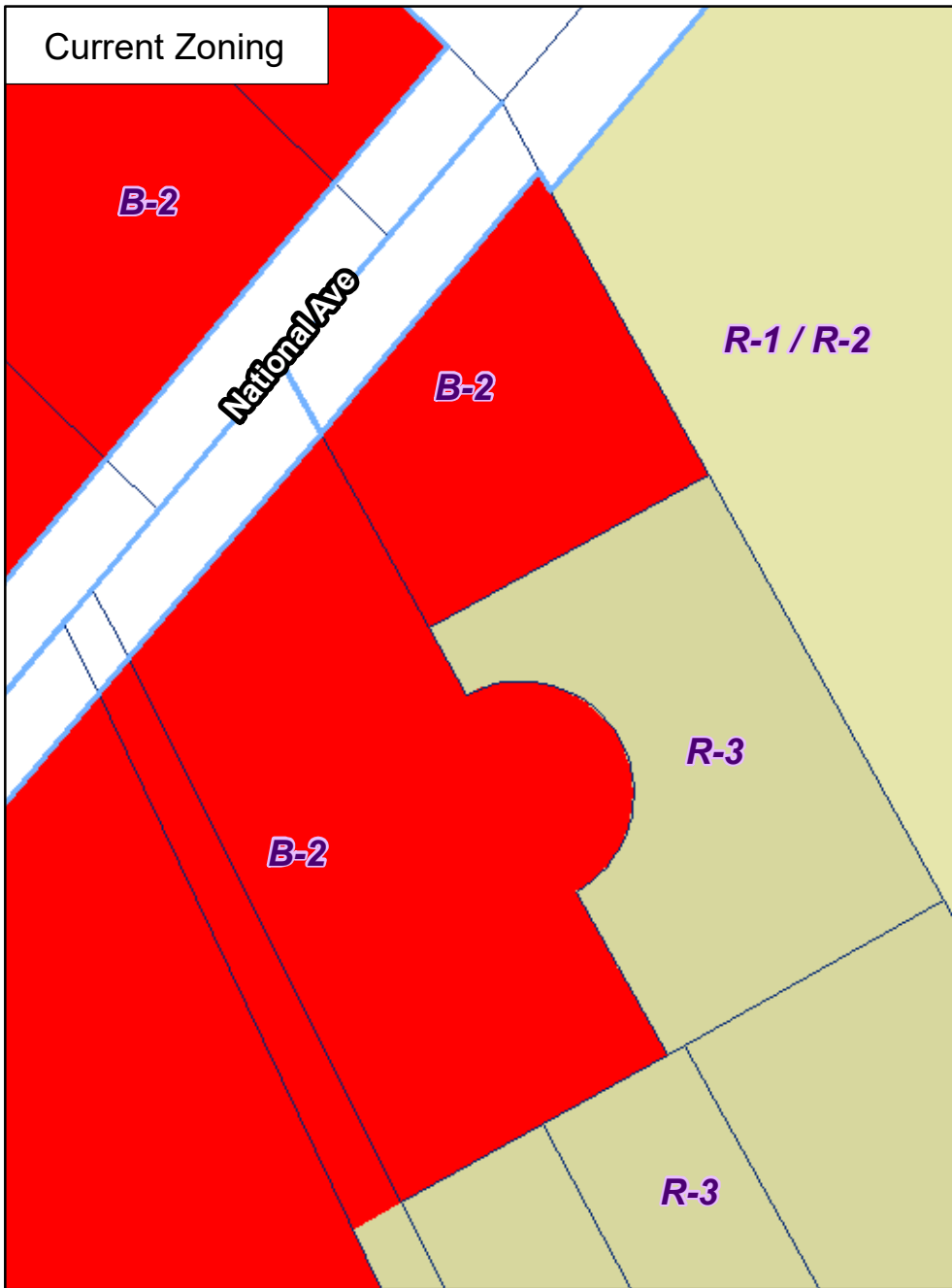
CP-2300780, RZ-2300781 & LD-2300782
Reno Potter
18335 W. National Ave, Tax Key #: 1262.962 &
18395 W. National Ave



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



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CERTIFIED SURVEY MAP NO. _____

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

Prepared for:

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

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

Prepared by:

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

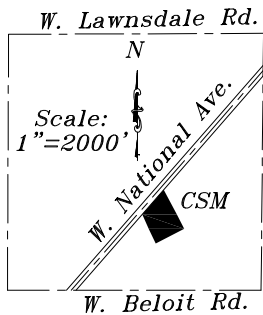
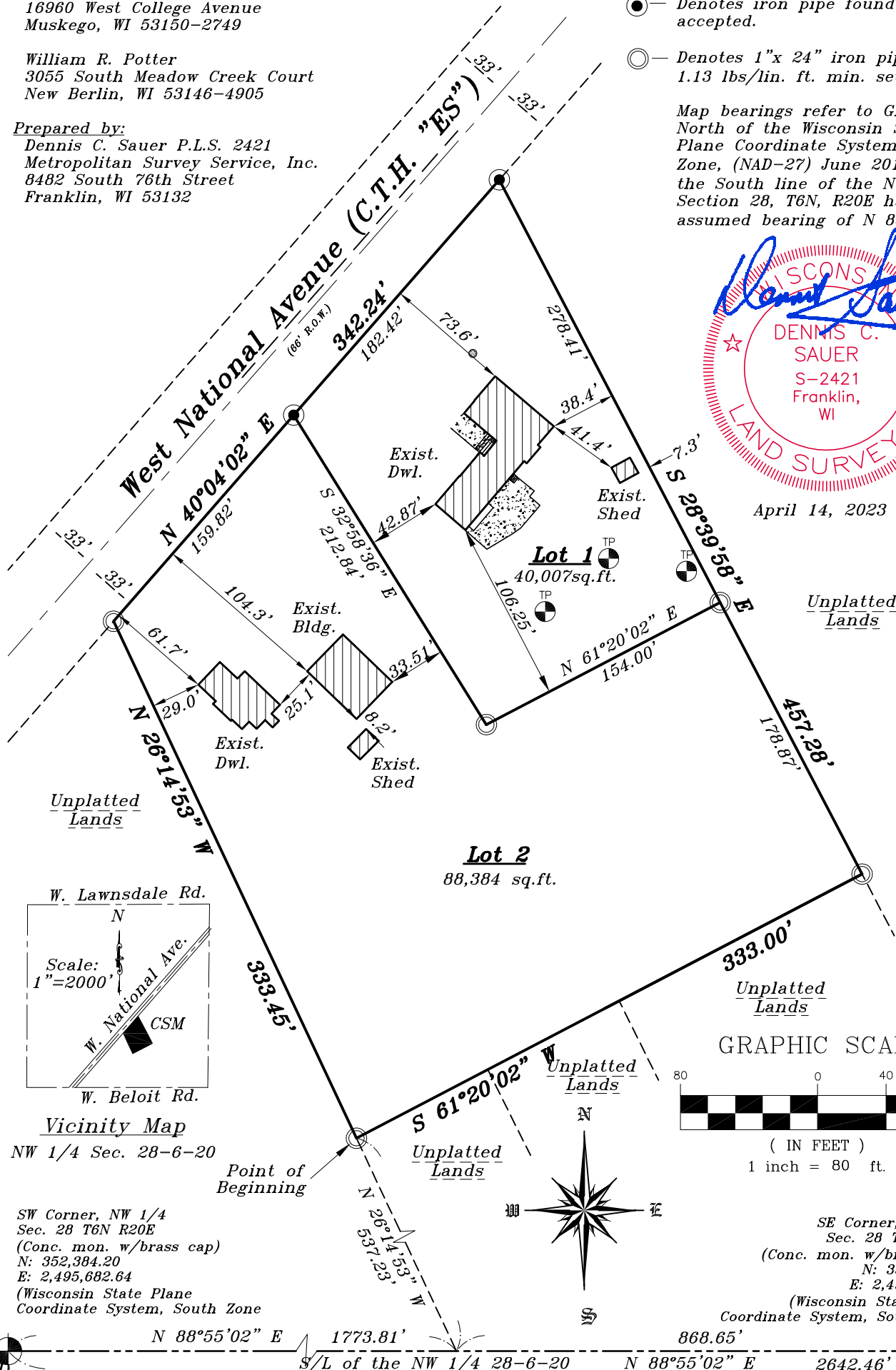
NOTES:

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

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



April 14, 2023

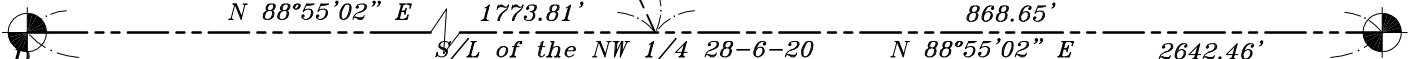
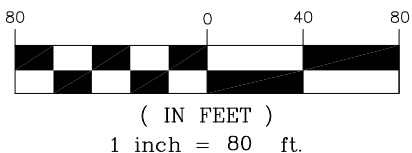


Vicinity Map

NW 1/4 Sec. 28-6-20

SW Corner, NW 1/4
Sec. 28 T6N R20E
(Conc. mon. w/brass cap)
N: 352,384.20
E: 2,495,682.64
(Wisconsin State Plane
Coordinate System, South Zone)

SE Corner, NW 1/4
Sec. 28 T6N R20E
(Conc. mon. w/brass cap)
N: 352,434.15
E: 2,498,324.42
(Wisconsin State Plane
Coordinate System, South Zone)



M\CSM's\NewBerlin\114217

Sheet 1 of 5

CERTIFIED SURVEY MAP NO. _____

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

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

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

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

Commencing at the Southwest corner of said Northwest 1/4;
thence N 88°55'02" E along the South line of said Northwest 1/4, 1773.81 feet; thence N 26°14'53" W, 537.23 feet to the point of beginning of the lands to be described; thence continuing N 26°14'53" W, 333.45 feet to a point on the Southeasterly right-of-way line of West National Avenue (C.T.H. "ES"); thence N 40°04'02" E along said right-of-way line, 342.24 feet; thence S 28°39'58" E, 457.28 feet; thence S 61°20'02" W, 333.00 feet to the point of beginning.

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

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

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

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

April 14, 2023
Date



Dennis C. Sauer
Professional Land Surveyor S-2421



CERTIFIED SURVEY MAP NO. _____

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

OWNER'S CERTIFICATE

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

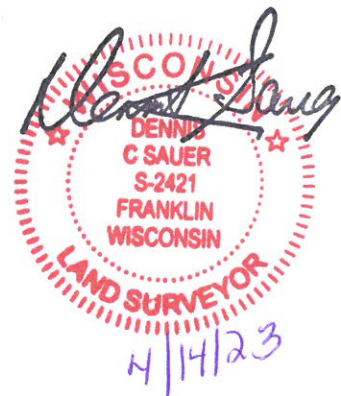
IN WITNESS WHEREOF, the said Lynn L. Reno, has caused these presents to be signed at _____, Wisconsin, this _____ day of _____, 20____.

Lynn L. Reno, Owner

STATE OF WISCONSIN)
_____COUNTY) SS

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

Notary Public-State of Wisconsin
My Commission Expires: _____



CERTIFIED SURVEY MAP NO. _____

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

OWNER'S CERTIFICATE

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

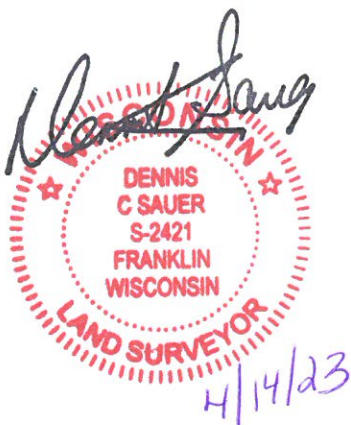
IN WITNESS WHEREOF, the said William R. Potter has caused these presents
to be signed at _____, Wisconsin, this _____ day of
_____, 20____.

William R. Potter, Owner

STATE OF WISCONSIN)
_____ COUNTY) SS

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

Notary Public-State of Wisconsin
My Commission Expires: _____



CERTIFIED SURVEY MAP NO. _____

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

PLAN COMMISSION APPROVAL

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

David Ament, Chairman
City of New Berlin

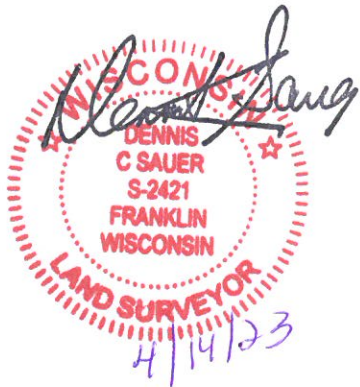
Nikki Jones, Secretary
City of New Berlin

COMMON COUNCIL APPROVAL

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

David Ament, Mayor
City of New Berlin

Rubina R. Medina, City Clerk
City of New Berlin



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

ORDINANCE NO. 2677

Ordinance to rezone from B-2 (General Retail Sales and Service District) & R-3 (Suburban Single-Family Residential District) to B-5 (Rural Commercial District) & R-3 (Suburban Single-Family Residential District)

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

SECTION I

The City of New Berlin, having received a petition from Jim Duerrwaechter to rezone the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) from B-2 and R-3 to B-5 and R-3:

LEGAL DESCRIPTIONS:**18335 W. National Ave (Tax Key #: 1262.961)**

PT NW.25 SEC 28 T6N R20E COM ON E & W.25 LI 467.37 FT W OF CTR OF SEC, TH N 27 DGR 35' W 982.14 FT/BGN, TH N 27 DGR 35' W 197.67 FT, TH S 41 DGR 9' W 182.42 FT, TH S 27 DGR 35' E 131.5 FT, TH N 62 DGR 25' E 170 FT/BGN EX NWLY 40 FT/ROAD R1122 I210 #2667437 5/14/01 #2971103 4/1/03 (#3213789 8/1/04 CORRECTION DEED)

Tax Key #: 1262.962 (located behind 18335 W. National Avenue)

PT NW.25 SEC 28 T6N R20E COM ON E & W.25 LI 467.37 FT W OF CTR OF SEC, TH N 27 DGR 35' W 722.56 FT/BGN, TH N 27 DGR 37' W 259.58 FT, TH S 62 DGR 25' W 170 FT, TH S 27 DGR 35' E 40 FT ALG CURVE..TH N 62 DGR 25' E 170 FT/BGN & R/W VOL 887/84 R524 I26 DOC #4386555 03/11/2019

18395 W. National Ave (Tax Key #: 1262.963)

PT NW.25 SEC 28 T6N R20E COM 467.37 FT W & N 27 DGR 35' W 722.56 FT OF SE COR, TH S 62 DGR 25' W 333 FT, TH NW 369.13 FT, TH N 41 DGR 9' E 340.96 FT TH S 27 DGR 35' E 492.68 FT TO BGN EX VOL 799/311, 887/84 DOC #4386554 03/11/2019

LANDS TO BE REZONED FROM R-3 TO B-5:

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

Commencing at the Southwest corner of said Northwest 1/4; thence N 88°55'02" E along the South line of said Northwest 1/4, 1773.81 feet; thence N 26°14'53" W, 537.23 feet; thence N 61°20'02" E, 163.00 feet to the point of beginning of the lands to be described; thence N 28°39'58" W, 99.58 feet; thence northeasterly along the arc of a curve to the left an arc distance of 113.89 feet; whose radius is 60.00 feet; whose chord bears N 06°57'15" E, 97.55 feet; thence N 61°20'02" E, 113.19 feet; thence S 28°39'58" E, 178.88 feet; thence S 61°20'02" W, 170.00 feet to the point of beginning

Containing 26,444 square feet (0.61 acres).

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

Commencing at the Southwest corner of said Northwest 1/4; thence N 88°55'02" E along the South line of said Northwest 1/4, 1773.81 feet; thence N 26°14'53" W, 537.23 feet; thence N 61°20'02" E, 333.00 feet; thence N 28°39'58" W, 259.58 feet; thence S 61°20'02" W, 160.08 feet to the point of beginning of the lands

to be described; thence S 32°58'36" E, 41.55 feet; thence southwesterly along the arc of a curve to the right an arc distance of 13.14 feet; whose radius is 60.00 feet; whose chord bears S 67°36'37" W, 13.12 feet; thence N 28°39'58" W, 40.00 feet; thence N 61°20'02" E, 9.92 feet to the point of beginning. Containing 463 square feet (0.01 acres).

LANDS TO BE REZONED FROM B-2 TO R-3:

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

Commencing at the Southwest corner of said Northwest 1/4; thence N 88°55'02" E along the South line of said Northwest 1/4, 1773.81 feet; thence N 26°14'53" W, 537.23 feet; thence N 61°20'02" E, 333.00 feet; thence N 28°39'58" W, 259.58 feet to the point of beginning of the lands to be described; thence S 61°20'02" W, 160.08 feet; thence N 32°58'36" W, 131.91 feet to a point on the Southeasterly right-of-way line of West National Avenue (C.T.H. "ES"); thence N 40°04'02" E, along said right-of-way line, 182.42 feet; thence S 28°39'58" E, 197.70 feet to the point of beginning. Containing 27,333 square feet (0.63 acres).

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

Commencing at the Southwest corner of said Northwest 1/4; thence N 88°55'02" E along the South line of said Northwest 1/4, 1773.81 feet; thence N 26°14'53" W, 537.23 feet; thence N 61°20'02" E, 333.00 feet; thence N 28°39'58" W, 178.88 feet; thence S 61°20'02" W, 113.19 feet to the point of beginning of the lands to be described; thence continuing S 61°20'02" W, 40.81 feet; thence N 32°58'36" W, 39.38 feet; thence southeasterly along the arc of a curve to the right an arc distance of 61.46 feet; whose radius is 60.00 feet; whose chord bears S 76°46'11" E, 58.81 feet to the point of beginning. Containing 1,107 square feet (0.03 acres).

SECTION II

The matter came before the City Plan Commission which held a public hearing on the proposed rezoning on September 25, 2023 and recommended approval of said rezoning on September 25, 2023 subject to the application, plans on file, and an ordinance approved by the City Attorney, and the matter having been considered and the rezoning approved on September 26, 2023 by the Common Council.

SECTION III

The Common Council of the City of New Berlin does hereby approve the rezoning of the lands in the above-described property from B-2 and R-3 to B-5 and R-3 subject to the application and plans on file.

The Mayor and City Clerk are authorized to execute this Ordinance No. 2677 on behalf of the City of New Berlin.

SECTION IV

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.

SECTION V

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

SECTION VI

This ordinance shall take effect upon passage and publication of a summary notice as required by law, 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.

PASSED AND ADOPTED by the Common Council this 26th day of September 2023.

APPROVED:

David A. Ament, Mayor

Countersigned:

Rubina Medina, City Clerk

STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT / PROJECT:	Jim Duerrwaechter / Future Land Use Map Amendments
LOCATION:	18335 W. National Ave (Tax Key #: 1262.961) Tax Key #: 1262.962 (located behind 18335 W. National Avenue) 18395 W. National Ave (Tax Key #: 1262.963)
CURRENT FUTURE LAND USE:	Rural Commercial and Suburban Residential
PROPOSED FUTURE LAND USE:	Rural Commercial and Suburban Residential
CURRENT ZONING:	B-2 (General Retail Sales and Service District) & R-3 (Suburban Single-Family Residential District)
REQUEST:	Plan Commission hold a public hearing and amend the 2030 Comprehensive Plan (Chapter 10: Land Use and Chapter 19: Neighborhood "I": National Avenue West) for the following properties: ➤ 18335 W. National Ave (Tax Key #: 1262.961) from Rural Commercial to Rural Commercial and Suburban Residential ➤ Tax Key #: 1262.962 (located behind 18335 W. National Avenue) from Suburban Residential to Rural Commercial and Suburban Residential ➤ 18395 W. National Ave (Tax Key #: 1262.963) from Rural Commercial to Rural Commercial and Suburban Residential
D.R.C. RECOMMENDATION:	Recommend to Plan Commission adoption of Resolution # 23-13 that approves the amendments to the 2030 Comprehensive Plan for the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) from Rural Commercial and Suburban Residential to Rural Commercial and Suburban Residential 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-2300781) and 2-Lot CSM (see file #: LD-2300782). Action for these applications is anticipated for the September 25, 2023 Plan Commission meeting.
 - a. This request is consistent with the proposed rezoning of the property to B-5 (Rural Commercial District) and R-3 (Suburban Single-Family Residential District).
2. The existing principal use for Lot 1 (see file #: LD-2300782) is Commercial, with residential quarters allowed as an accessory use, per §275-42G(1)(a). The building is currently unoccupied.

- a. The property owner of Lot 1 intends to sell the property as a single-family home.
 - b. This property has been zoned B-2 dating back to the 1963 City Zoning Map and going forward to today. A business has been in operation at this location since 1964. Any future businesses located on Lot 1 must comply with §275-42G(4): Home Occupations.
 - c. At such time as future applications are submitted, the applicant is advised that §275-33E(1)(d) requires the construction of a garage.
3. The existing principal use for Lot 2 (see file #: LD-2300782) is Commercial, with residential quarters allowed as an accessory use, per §275-42G(1)(a). The building is currently being used as a business with residential quarters.
 - a. Lot 2 will continue as a commercial use, with residential quarters allowed as an accessory use.
 - b. Outdoor storage is allowed as an accessory use in the B-5 Zoning District.
 - c. An average landscape bufferyard of 15' is required when a Commercial Use is adjacent to a Single-Family Residential Use, per §275-56F.
4. This rezoning request was further discussed with staff and the applicant and it was determined that B-5 (Rural Commercial District) was a more suitable zoning district that better aligned with the Comprehensive Plan than B-2 (General Retail Sales and Service District) in the Rural Commercial portion of the City. There was a Public Hearing date set for July 10, 2023, which did not occur to allow for an amendment to the rezoning application.

Rationale:

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes

1. **Chapter 19: Neighborhood I: National Avenue West:** Yes, this submittal meets the intent of this Chapter.

Planning Context / Vision / Development Policies:

Vision:

- The National Avenue West area, like the Western Area neighborhood (Neighborhood B), should be a regional model of rural development. Any development should occur gradually as a mix of lower density single-family development, farms, large areas of preserved open spaces, rural trails and facilities and small-scale neighborhood oriented retail.
- National Avenue is a scenic rural corridor, with rural-oriented commercial uses located at specific nodes. These nodes include Prospect Hill, and the intersection of Beloit Road and National Avenue.

Development Policies:

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

Land Use:

- Future Land Use Map: Rural Commercial and Suburban Residential

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

Future Land Use Category: Rural Commercial

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

Future Land Use Category: Suburban Residential

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

3. **Chapter 22: Implementation:** Yes, this submittal meets the intent of this Chapter.

Amending the Plan

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

Plan Element Consistency

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

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.

RURAL COMMERCIAL DESIGN GUIDE:

Buildings

- Building designs shall utilize materials that reflect a rural character. Cedar or clapboard siding, stone and brickwork, or other comparable materials that achieve the same quality in appearance are acceptable. Aluminum and vinyl siding shall be prohibited. New buildings shall correspond in height, width, proportion, relationship to street, roof forms, composition, rhythm, proportion of openings, materials and color to the other buildings in the district.
- Four sided architecture that utilizes similar building materials and design for all sides of a proposed structure is required.

Roofs

- Mansards, pents (lean-to), gambrels or other roof shapes not characteristic of the architectural area shall not be allowed. Rolled roofing, tar and gravel and other similar roofing materials are prohibited except that such materials may be used on flat or slightly sloped roofs which are not visible from the ground.

Colors

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

Parking areas

- To the maximum extent practicable, parking Areas shall be located to the side or behind buildings. The perimeter of the parking lot shall provide for a lawn area in which trees and shrubs will be planted so as to allow ample snow storage capacity yet avoid damage to plantings from same.

Landscaping

- Existing tree lines should be preserved. If removal of existing tree lines is required due to its undesirable nature, new planting that results in no less of a screening effect shall be required when adjacent to residential uses.

Signage

- Signage shall be designed in unity with the building design through the use of the same or similar materials and colors. Ground, monument signs, or wall mounted signs made of wood, hanging from a wooden or wrought iron mount are acceptable. Signs that suit the architectural features of the building are acceptable. Neon tubed exterior accent light, external neon tubed signs and internally illuminated signs are not permitted.

Lighting

- Lighting shall be down cast, zero degree tilt, cutoff fixtures not exceeding 25 feet in height (including the light pole base and/or pedestal). Lighting shall be positioned so as not to cause glare on adjacent properties and streets. At a minimum, site lighting marking the entrance to businesses shall match or complement that which may be chosen by the City as standard decorative street lighting. Site lighting shall meet the requirements of § 275-601 in its entirety.

Cross Access

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

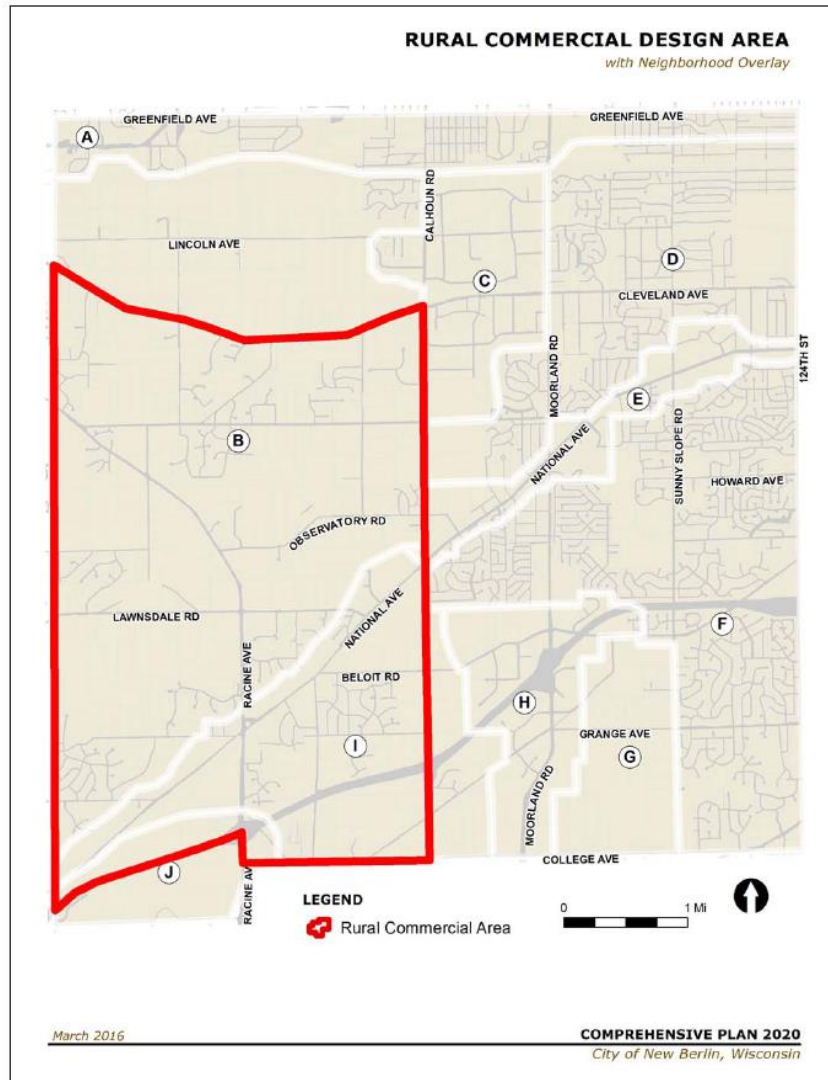


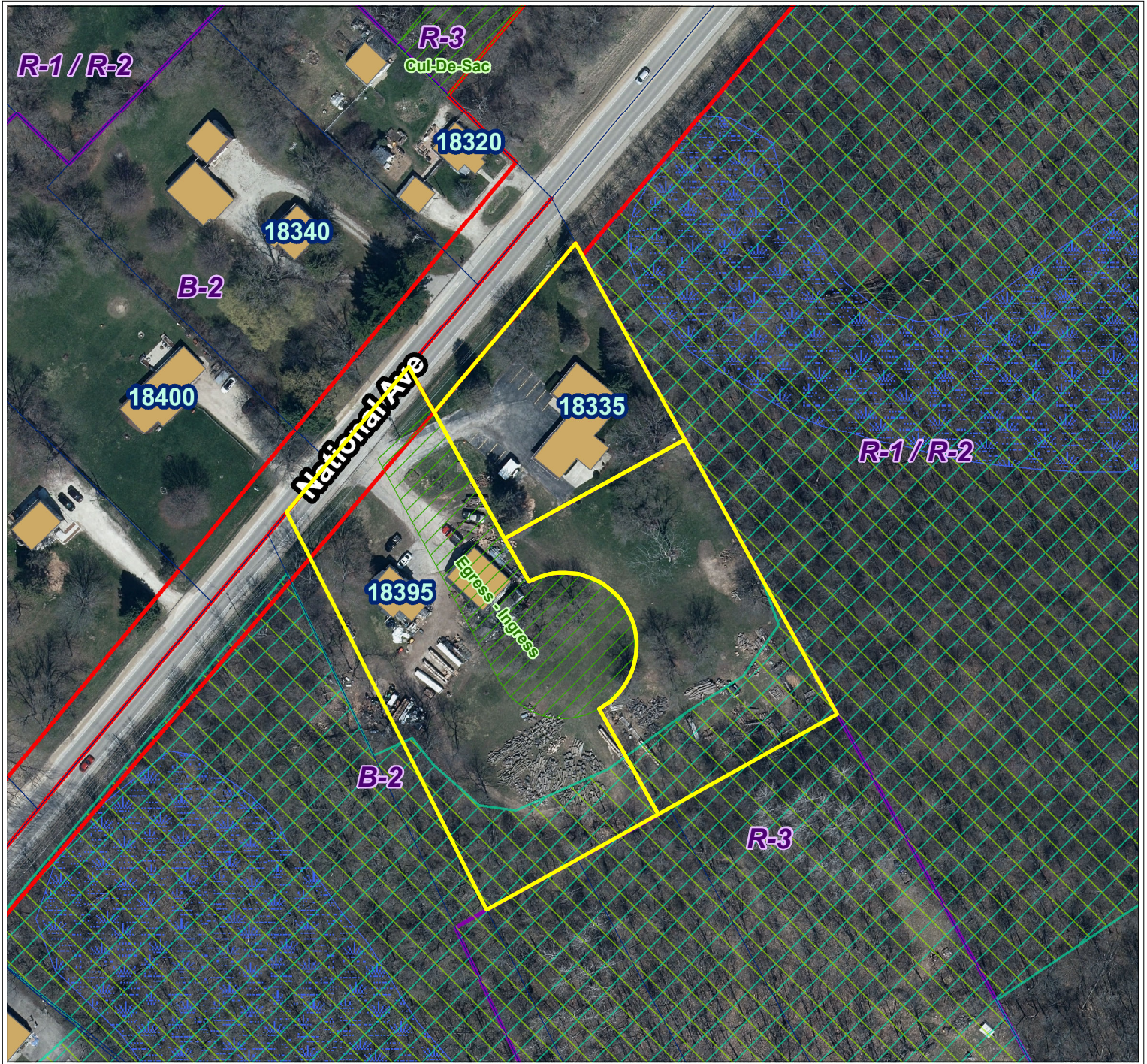
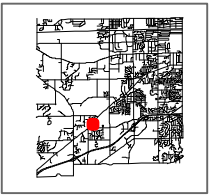
Figure 12-12-1. Rural Commercial Design Area

D.R.C. RECOMMENDATION:

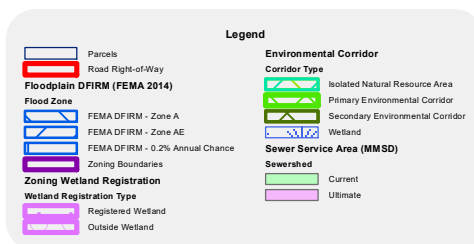
Recommend to Plan Commission adoption of Resolution # 23-13 that approves the amendments to the 2030 Comprehensive Plan for the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) from Rural Commercial and Suburban Residential to Rural Commercial and Suburban Residential and forward to the Common Council for their review and approval by Ordinance. **See Executive Summary.**

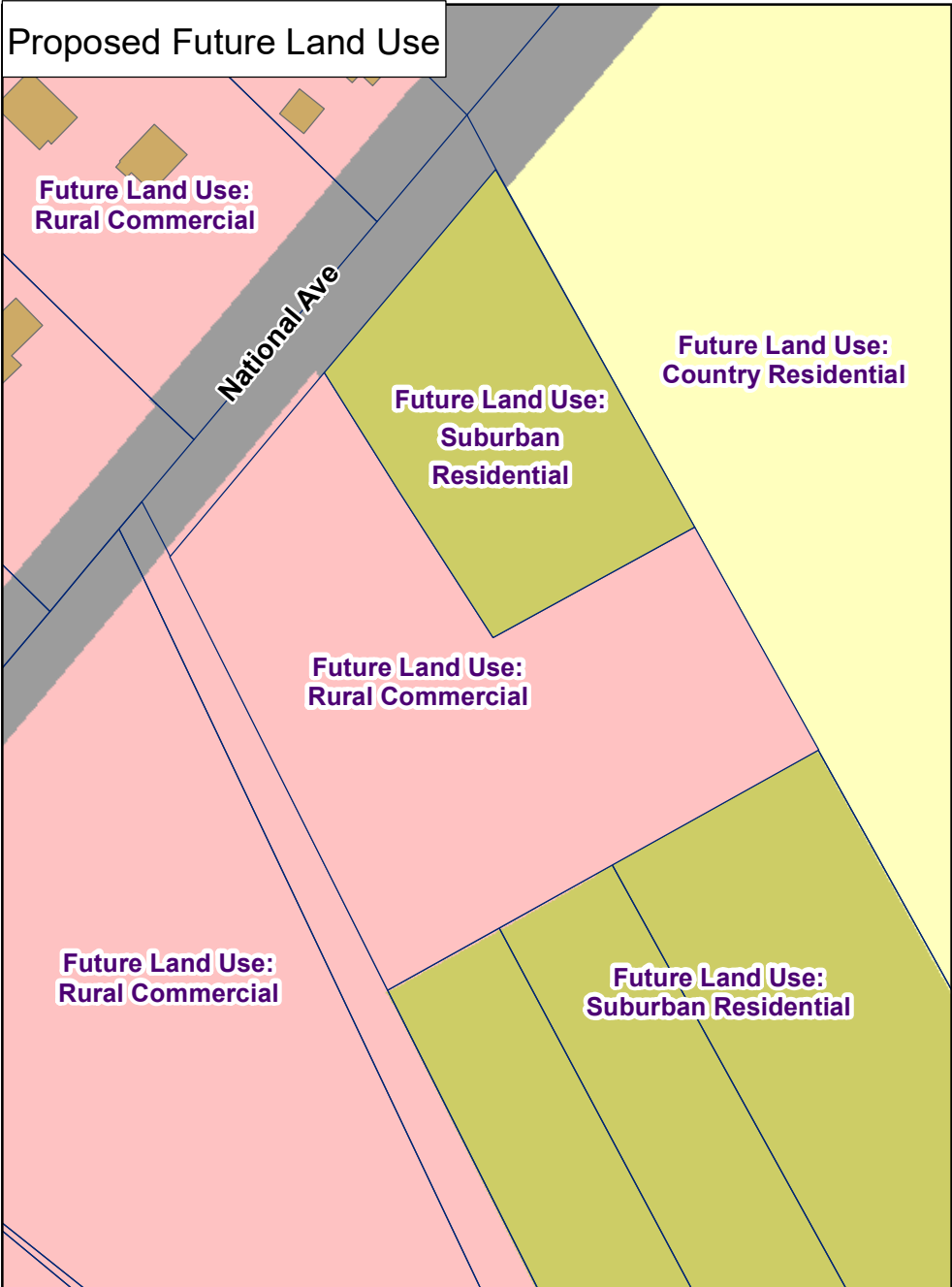
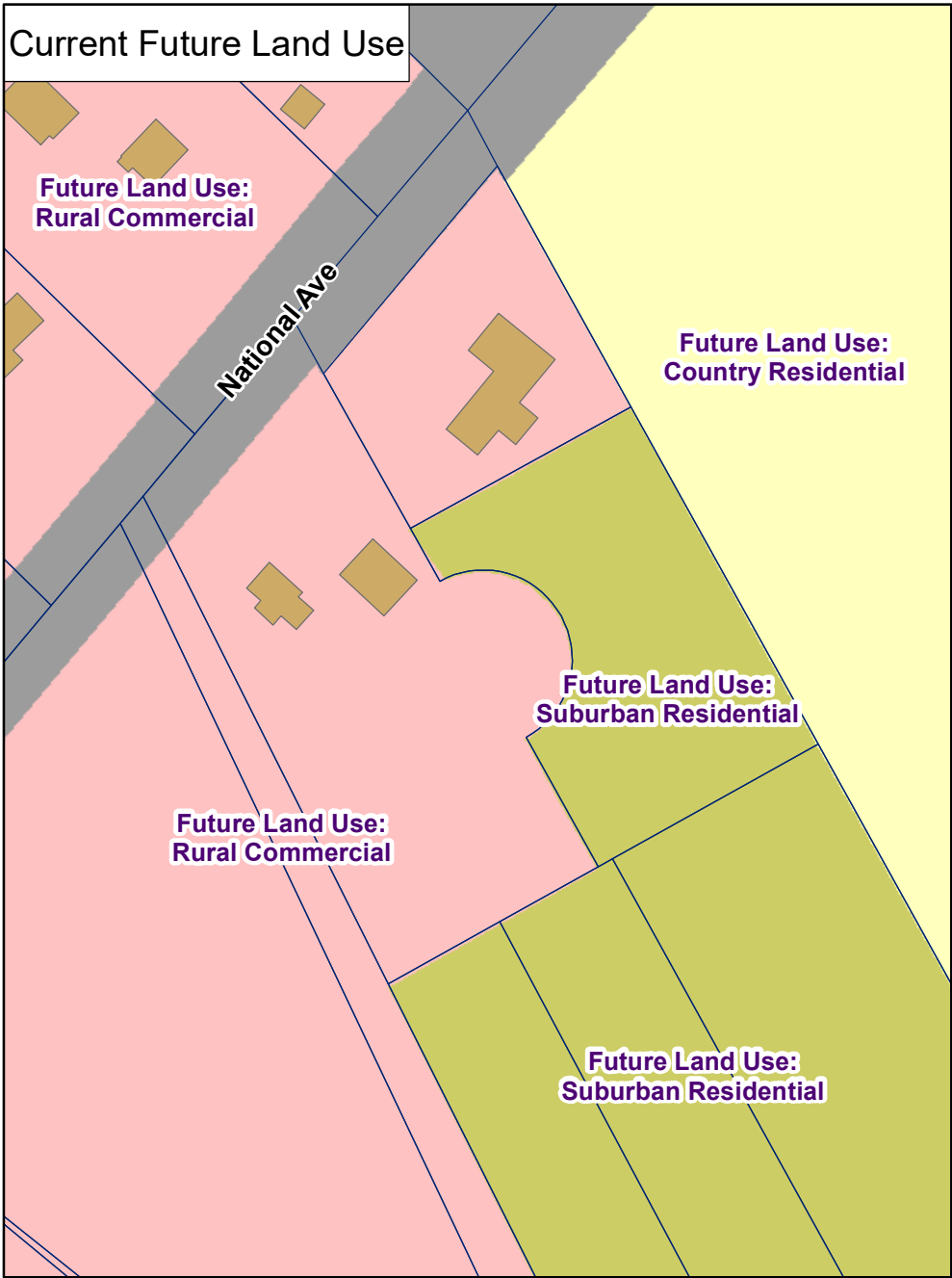
Attachments:

Location Map
 Future Land Use Comparison Map
 Zoning Comparison Map
 CSM
 Draft Resolution # 23-13
 Draft Chapter 10 - Land Use Plan - Minor edits as part of the 2030 Update
 Draft Chapter 19 - Neighborhood I: National Avenue West - Minor edits as part of the 2030 Update



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



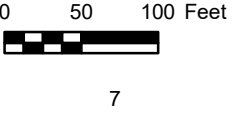


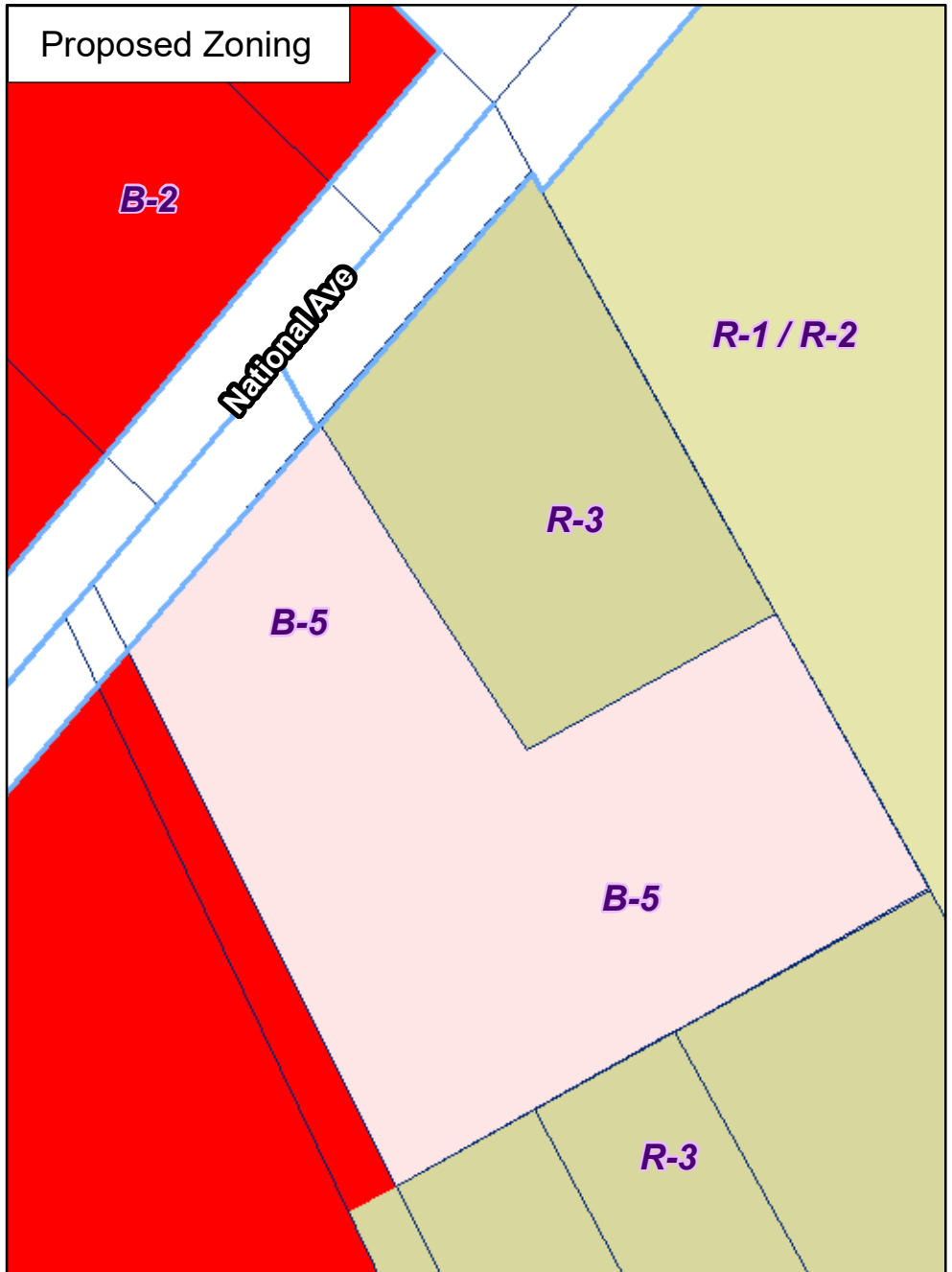
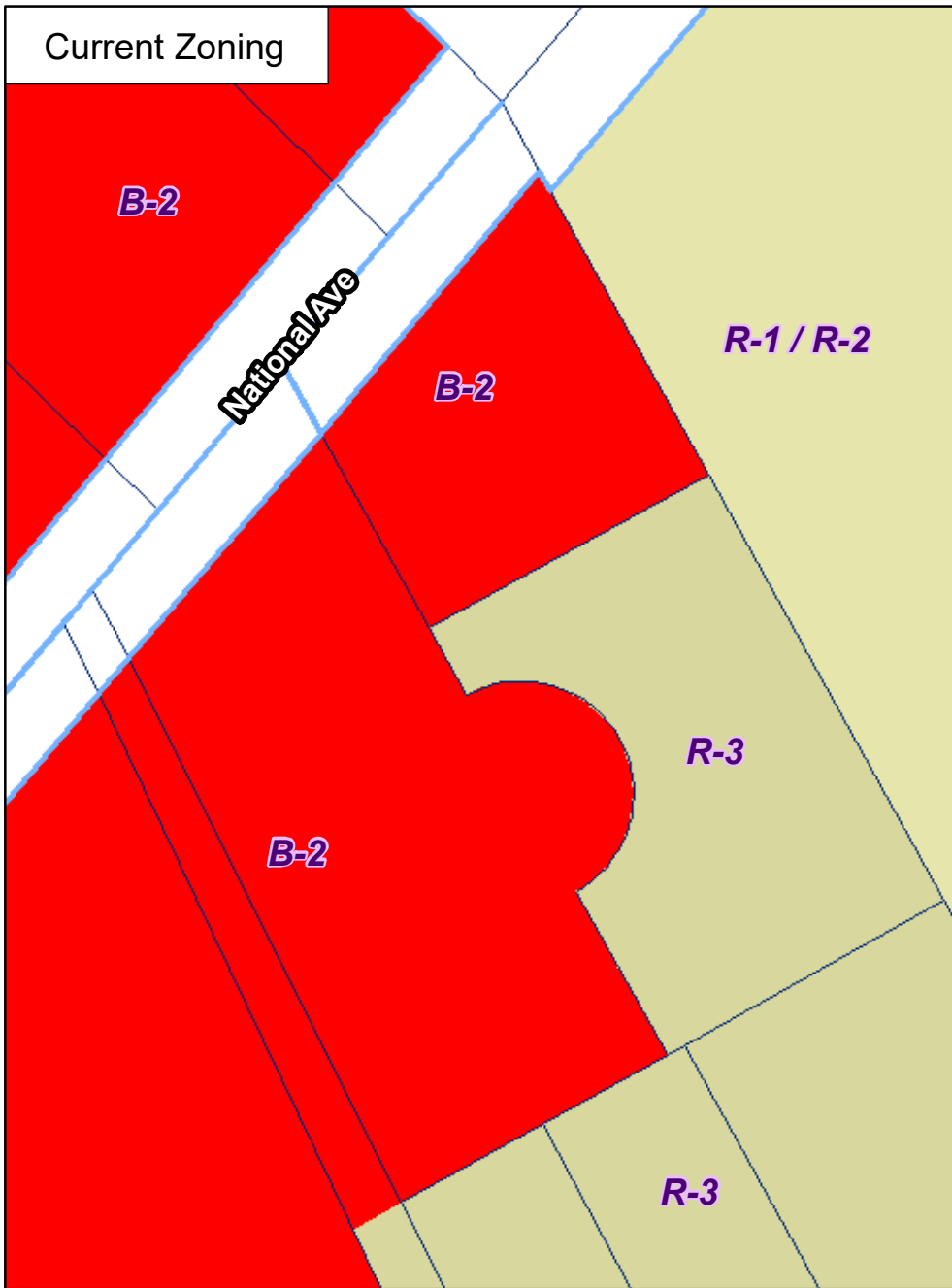
City of New Berlin
 Department of Community Development
 3805 S Casper Dr.
 New Berlin WI 53151
 (262) 797-2445
www.newberlin.org

CP-2300780
Reno Potter
Taxkey # 1262962

Legend

- Parcels
- Road Right-of-Way





CERTIFIED SURVEY MAP NO. _____

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

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

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

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

NOTES:

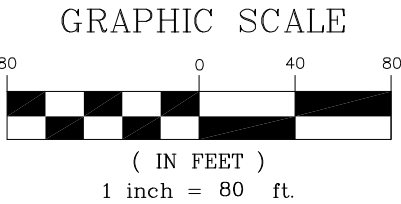
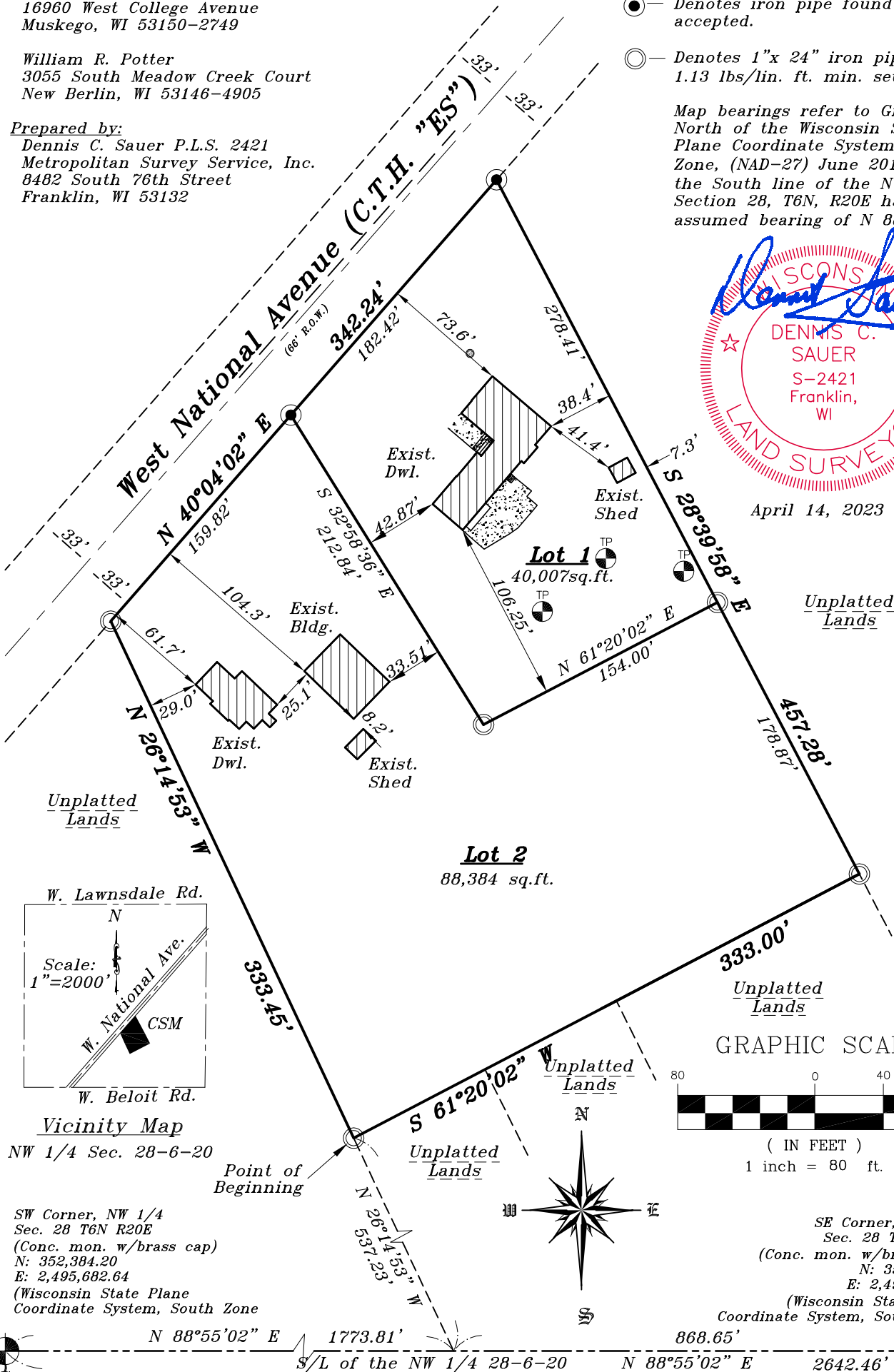
●— Denotes iron pipe found and accepted.

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

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

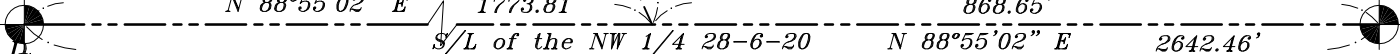


April 14, 2023



SW Corner, NW 1/4
Sec. 28 T6N R20E
(Conc. mon. w/brass cap)
N: 352,384.20
E: 2,495,682.64
(Wisconsin State Plane
Coordinate System, South Zone)

SE Corner, NW 1/4
Sec. 28 T6N R20E
(Conc. mon. w/brass cap)
N: 352,434.15
E: 2,498,324.42
(Wisconsin State Plane
Coordinate System, South Zone)



M\CSM's\NewBerlin\114217

Sheet 1 of 5

CERTIFIED SURVEY MAP NO. _____

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

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

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

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

Commencing at the Southwest corner of said Northwest 1/4;
thence N 88°55'02" E along the South line of said Northwest 1/4, 1773.81 feet; thence N 26°14'53" W, 537.23 feet to the point of beginning of the lands to be described; thence continuing N 26°14'53" W, 333.45 feet to a point on the Southeasterly right-of-way line of West National Avenue (C.T.H. "ES"); thence N 40°04'02" E along said right-of-way line, 342.24 feet; thence S 28°39'58" E, 457.28 feet; thence S 61°20'02" W, 333.00 feet to the point of beginning.

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

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

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

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

April 14, 2023
Date



Dennis C. Sauer
Professional Land Surveyor S-2421



CERTIFIED SURVEY MAP NO. _____

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

OWNER'S CERTIFICATE

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

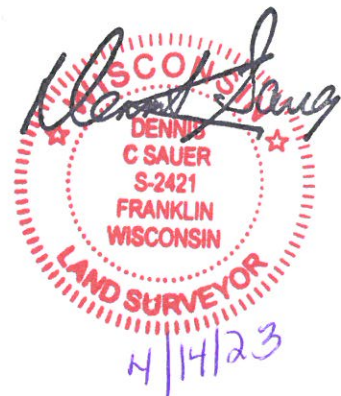
IN WITNESS WHEREOF, the said Lynn L. Reno, has caused these presents to be signed at _____, Wisconsin, this _____ day of _____, 20____.

Lynn L. Reno, Owner

STATE OF WISCONSIN)
_____COUNTY) SS

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

Notary Public-State of Wisconsin
My Commission Expires: _____



CERTIFIED SURVEY MAP NO. _____

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

OWNER'S CERTIFICATE

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

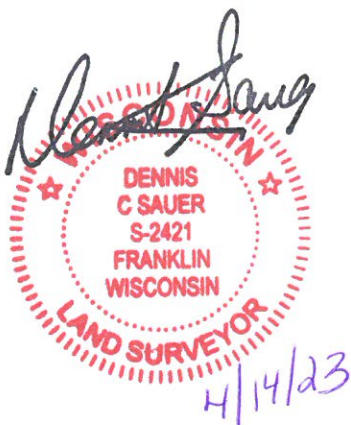
IN WITNESS WHEREOF, the said William R. Potter has caused these presents
to be signed at _____, Wisconsin, this _____ day of
_____, 20____.

William R. Potter, Owner

STATE OF WISCONSIN)
_____) COUNTY) SS

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

Notary Public-State of Wisconsin
My Commission Expires: _____



CERTIFIED SURVEY MAP NO. _____

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

PLAN COMMISSION APPROVAL

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

David Ament, Chairman
City of New Berlin

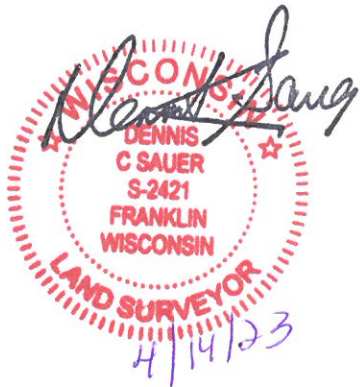
Nikki Jones, Secretary
City of New Berlin

COMMON COUNCIL APPROVAL

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

David Ament, Mayor
City of New Berlin

Rubina R. Medina, City Clerk
City of New Berlin



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

RESOLUTION NUMBER # 23-13**A Resolution adopting the amendments to the City's 2030 Comprehensive Plan Chapter 10: Land Use and Chapter 19: "Neighborhood I" National Avenue West**

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

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

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

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

WHEREAS, the City of New Berlin prepared the "City of New Berlin 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 Jim Duerrwaechter, have prepared amendments to the Future Land Use Map within the City's adopted 2030 Comprehensive Plan Chapter 10: Land Use and Chapter 19: "Neighborhood I" National Avenue West 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 Jim Duerrwaechter are for the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) to amend the Future Land Use from Rural Commercial and Suburban Residential to Rural Commercial and Suburban Residential. 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 19: "Neighborhood I" National Avenue West. A copy 2030 Comprehensive Plan Chapters 10 & 19 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 19: "Neighborhood I" National Avenue West, on September 25, 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 September 25, 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 # 23-13 recommended approval of this comprehensive plan amendment on September 25, 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 19: "Neighborhood I" National Avenue West, 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. 2676, which will constitute its adoption of the Comprehensive Plan amendments.

Passed and adopted by the Plan Commission on this 25th day of September, 2023.

APPROVED:

David A. Ament, Mayor

Certified/Countersigned:

Nikki Jones
Plan Commission Secretary

CHAPTER 10: LAND USE PLAN

Revisions approved by Council on ~~8/2/2011 via Ordinance #2457, on 1/10/2012 via Ordinance #2480, on 3/13/2012 via Ordinance #2484, on 5/14/2013 via Ordinance #2504, on 8/27/2013 via Ordinance #2510, on 5/12/2015 via Ordinance #2543, on 7/28/2015 via Ordinance #2545, on 10/13/2015 via Ordinance #2553, on 6/14/2016 via Ordinance #2568, on 7/26/16 via Ordinance #2569, on 2/9/21 via Ordinance # 2646~~ 9/26/2023 via Ordinance #2676.



LAND USE PLANNING IN RELATION TO STATE STATUTES

Section 62.23 of the Wisconsin Statutes grants cities and villages the authority to prepare and adopt local master plans or plan elements. In 1999, the Wisconsin Legislature enacted legislation that greatly expanded the significance of comprehensive plans within the State. The law, referred to as Wisconsin's "Smart Growth" law, provides a new framework for the development, adoption, and implementation of comprehensive plans by various units of government. The law, set forth in Section 66.1001 of the Wisconsin Statutes, requires that the administration of zoning, subdivision, and official mapping ordinances be consistent with a community's adopted comprehensive plan beginning on January 1, 2010.

In Waukesha County, 27 of the 37 cities, villages, and towns opted to participate in the Waukesha County Comprehensive Plan process. The process was led by County staff with assistance from the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and Waukesha County UW-Extension staff. The City of New Berlin selected to establish its own, more tailored Comprehensive Plan in lieu of participating through the County.

Several of the nine comprehensive planning elements required by Section 66.1001 of the Statutes must be updated or addressed to bring existing land use or master plans into compliance with the requirements of the comprehensive planning legislation. This chapter

provides the full Land Use Element for the City of New Berlin. Additional information regarding existing and future land uses can be found in each individual neighborhood chapter.

EXISTING LAND USES

Reviewing past and existing land use trends can aid in planning for the types of uses that are in demand. [Figure 10.1 illustrates the land use trends for the City of New Berlin from 1990 to 2020.](#) The existing land use map shown in Figure 10.2 is based on City assessment data from 2020 using Market Drive software produced by Assessment Technologies LLC. The map illustrates a high amount of single-family residential land with supporting industrial/manufacturing and commercial uses. Other land uses include agricultural, exempt, forest lands, multi-family residential, recreation, and undeveloped. Wetlands and woodlands are also identified.

[Figure 10.1 illustrates the land use trends for the City of New Berlin from 1990 to 2020.](#)

	1990			1995			2000			2020		
	Acres	% Dev.	% Total	Acres	% Dev.	% Total	Acres	% Dev.	% Total	Acres	% Dev.	% Total
Residential (1)(4)	6,227	62.0%	26.4%	6,563	59.9%	27.8%	6,782	58.3%	28.7%	13,574	69.1%	59.8%
Commercial (1)(4)	364	3.6%	1.5%	397	3.6%	1.7%	466	4.0%	2.0%	2,652	13.5%	11.7%
Industrial/Manufacturing (1)(4)	586	5.8%	2.5%	614	5.6%	2.6%	763	6.6%	3.2%	655	3.3%	2.9%
Transp./Common/Utilities (1)	2,061	20.5%	8.7%	2,549	23.3%	10.8%	2,681	23.0%	11.4%			0.0%
Government/Institutional/Exempt (1)(4)	422	4.2%	1.8%	434	4.0%	1.8%	473	4.1%	2.0%	1,139	5.8%	5.0%
Recreational (1)(2)(4)	384	3.8%	1.6%	406	3.7%	1.7%	470	4.0%	2.0%	1,633	8.3%	7.2%
Urban Subtotal(4)	10,044	100.0%	42.6%	10,963	100%	46.5%	11,635	100.0%	49.3%	19,653	100.0%	86.6%
Agricultural (4)	6,817	50.3%	28.9%	6,277	49.7%	26.6%	5,124	42.8%	21.7%	1,804	59.2%	7.9%
Natural Resources Areas	3,734	27.6%	15.8%	3,508	27.8%	14.9%	3,567	29.8%	15.1%			
Wetlands	2,323	17.1%	9.8%	2,269	18.0%	9.6%	2,301	19.2%	9.8%			
Woodlands/Forests(4)	1,283	9.5%	5.4%	1,130	8.9%	4.8%	1,154	9.6%	4.9%	224	7.4%	1.0%
Surface Water	128	0.9%	0.5%	109	0.9%	0.5%	112	0.9%	0.5%			
Other (4)	2,997	22.1%	12.7%	2,845	22.5%	12.1%	3,268	27.3%	13.9%			
Undeveloped Land(4)										1,018	33.4%	4.5%
Nonurban Subtotal(4)	13,548	100%	57.4%	12,630	100.0%	53.5%	11,959	100.0%	50.7%	3,046	100.0%	13.4%
Total	23,592		100.0%	23,593		100.0%	23,594			22,699		100.0%

SEWRPC & City of New Berlin Assessment Data -Market Drive software produced by Assessment Technologies LLC

1- Includes off-street parking areas.

2- Includes intensively used area of public and non-public recreation sites.

3- Includes extractive, landfills and unused land.

4- For the 2020 values, the City Assessor is using new software that does not calculate the information in the same way. The calculations are a bit different. The categories were matched as closely as possible.

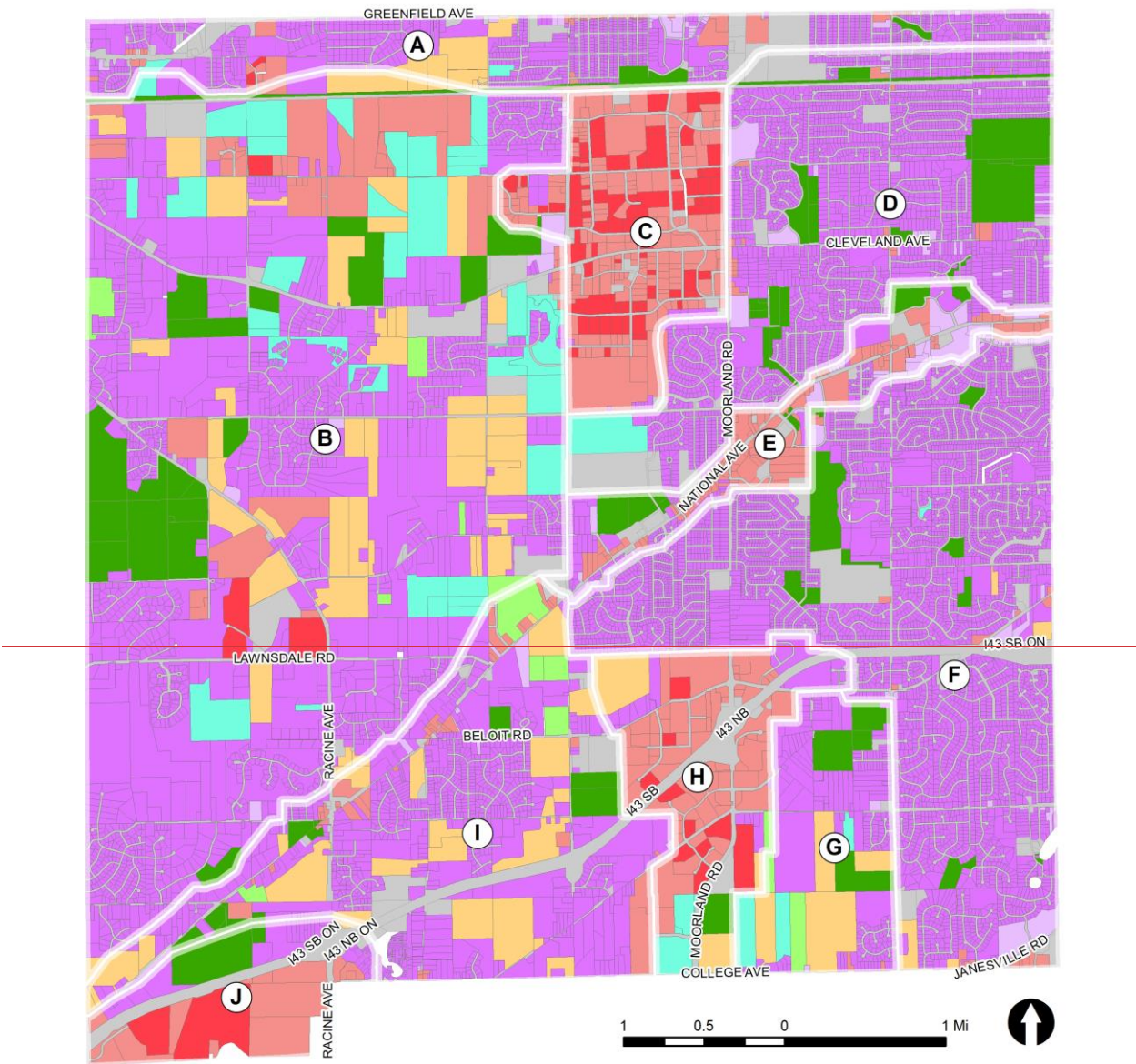
The predominate property type is used in this table. Wetlands, woodlands/forests and surface water were not calculated separately. We also did not differentiate between urban and non-urban for 2020.

[Figure 10.1. City of New Berlin Land Use Trends](#)
[Source: SEWRPC & City of New Berlin Assessment Data](#)

In 2020, the primary urban use within New Berlin consisted of residential land at approximately 13,574 acres, or 59.8% of the total area of New Berlin. This was an increase of 6,792 acres from 2000.

EXISTING LAND USE

with Neighborhood Overlay



EXISTING LAND USE

- | | | |
|--------------|--------------------------|---------------------------|
| Agricultural | Forest Land | Recreation |
| Commercial | Manufacturing | Single Family Residential |
| Exempt | Multi Family Residential | Undeveloped |

January 2021

COMPREHENSIVE PLAN 2030
City of New Berlin, Wisconsin

Figure 10.2. Existing Land Use Map of the City of New Berlin.

UPDATE

Even though the amount of agricultural land in the City has been decreasing over time, agricultural land still plays a significant role in New Berlin. Most new subdivisions built since 2015 have been conservation style subdivisions with an overall density of one home per 5 acres, in addition to density along with between 50 to 75 percent open space. The City has continued to monitor the subdivision ordinances every few years to ensure that we are continuing to preserve open spaces, wetlands and woodlands.

~~Other significant trends noted in the table have been the growth in commercial and industrial/manufacturing land use. It should be noted, that this growth was planned for and on track with the various development policies within each Neighborhood. This would include some growth in South Moorland Road Corridor, City Center and Moorland Road and Beloit Road.~~

Based upon survey work conducted by the Department of Community Development in 2008, this decrease can be attributed to market forces that have resulted in less overall income being derived from farming, multiple property ownerships creating smaller, less contiguous farmland acreages, and a general lack of interest in farming. Surveying large property owners whose current existing land use is agriculture, in 1999, 95% and in 2007, 91% of those surveyed identified that farming was not their main occupation. The Department mailed out 123 surveys representing 155 tracts of agricultural or undeveloped lands of 15 acres in size or larger. There was a 44% response rate to the 2008 survey. See Appendix F for both the survey results and the summary power point presentation that was presented at the Farmland & Open Space Landowners Focus Group meeting on July 9, 2008.

In order to continue forth with farmland preservation efforts, the Department of Community Development must continually look for economically viable ways of purchasing agriculture conservation easements through grant funding. Additionally, the Department should utilize its conservation subdivision regulations to plan for and permit farming as open space use. Planning for farms in conservation subdivisions could take place through the platting process by designing lot layouts, access, and other elements to accommodate farming as an open space use. The Department is also encouraged to continue promoting other agricultural preservation mechanisms to property owners such as easement dedications and / or purchase of development rights (PDR).

Other significant trends noted in the table have been the growth in commercial and industrial/manufacturing land use. This growth was planned for and is on track with the various development policies within each Neighborhood. This would include some growth in South Moorland Road Corridor, City Center and Moorland Road and Beloit Road.

LAND USE POLICIES

Several key policies were developed during the 2001 Growth and Development Master Plan (GDMP) process in order to guide the demographic and economic forces shaping the

community. These policies have been carried forward and will continue to help guide the City's land use planning efforts.

Although the Land Use Plan is ultimately organized around creating distinct neighborhoods and business centers, the following policies shall apply city-wide:

Policy 1: Managed Growth

Ensure that growth in New Berlin is affirmatively and responsibly managed based on available public services and suitability of the land for development.

Policy 2: Urban Boundaries

Maintain cohesive urban boundaries conducive to service delivery that support implementation of the adopted future land use plan.

Policy 3: Compatible Land Uses

Promote an orderly and compatible pattern of land uses avoiding "hodge-podge" development patterns. Provide appropriate transitions and buffers when differing uses are adjacent to one another.

Policy 4: Infrastructure

Utilize the provision of infrastructure in supporting and influencing growth in areas most suitable to accommodate growth.

Policy 5: Neighborhood Preservation

Preserve existing neighborhoods and encourage compatible infill development. (Infill development generally refers to either construction on vacant parcels in existing developed areas, or replacement of obsolete or dilapidated structures with new buildings.)

Policy 6: Rural Character

Preserve the existing character of the remaining rural areas in New Berlin.

Policy 7: Urban and Rural Distinction

Preserve and reinforce the distinction between urban and rural areas in New Berlin.

Policy 8: Open Space

Preserve open space throughout the city through both public and private development. Focus preservation efforts in environmentally sensitive areas, areas with recreational and trail opportunities, areas serving as buffers between different land uses, and neighborhood open space. Work to remove regulatory barriers that will reinforce that farming and/or large-scale gardening can remain a viable land use while respecting and preserving private property rights.

Policy 9: Development Quality

Require new development to meet sound planning and engineering standards with regard to sustainable architecture, site planning, and stormwater management.

These principles create an overall policy framework for the city.

LAND USE PLAN

The City of New Berlin Land Use Plan is intended to provide a guide for development, redevelopment, and preservation over the next ten (10) years and will need to be re-evaluated during 2021 and again near the year 2030. The Land Use Plan is based on standards that reflect the desires of community residents, committee members, elected officials and proven principles in community development, environmental preservation, and residential development. As part of the Land Use Plan, several factors have been explored related to the growth of the built environment:

- **Social factors** include those which give or maintain character (i.e. gathering areas, civic identity, and the “city living with a touch of country” feeling).
- **Economic factors** include the creation of jobs, balance of municipal expenses and revenue, and land value influenced by natural amenities and water quality.
- **Physical factors** include the character of the land (i.e. how it appears, areas that are preserved, what types of development are allowed, and where development is located).

The Land Use Plan cannot be successfully implemented by looking only at the physical attributes of growth. Diverse and healthy communities grow in all three areas, and a balance should be achieved to provide a quality environment for residents and business owners.

This Land Use Plan provides flexible recommendations and categories to provide long-range guidance to decision-makers. It recognizes that the City Zoning Map exists as a mechanism for property-specific recommendations. The purpose of the Land Use Plan is to serve as a link between the Land Use Policies and the development regulations. The City should explore implementing a form-based code versus continuing the use the traditional zoning ordinance (Euclidean Zoning) in order to implement infill and/or redevelopment opportunities.

When considering the proposed land uses for any particular parcel of property, the Land Use Policies must be considered in addition to the requirements of the entire Comprehensive Plan. The Land Use Plan Map, shown in Figure 10.3, identifies the future land use districts within the City of New Berlin.

Figure 10.3. Future Land Use Map for the City of New Berlin.
UPDATE

Section 34 – 35 – South Moorland Road Corridor

Section 35 is an area that is envisioned to be a mix of business park industrial, office, retail, residential, and passive and active park uses. In order to implement the conceptual neighborhood plan, the City has created three new zoning districts specifically for this geographic area. They include a new R-6 (Section 35 Low-Density Single-Family Residential), M-3 (Section 34 & 35 Business Park Development District) and P-2 (Section 35 Park Complex District) as further described below. The map below (Figure 10.54) identifies the Future Land Use and Zoning Code Section 275-13.1(H)(4), Figure I-1, identifies the designated zoning districts. All projects that require rezoning within this respective area shall be rezoned in accordance with Zoning Code Figure I-1 and future Plan Commission and Common Council actions.

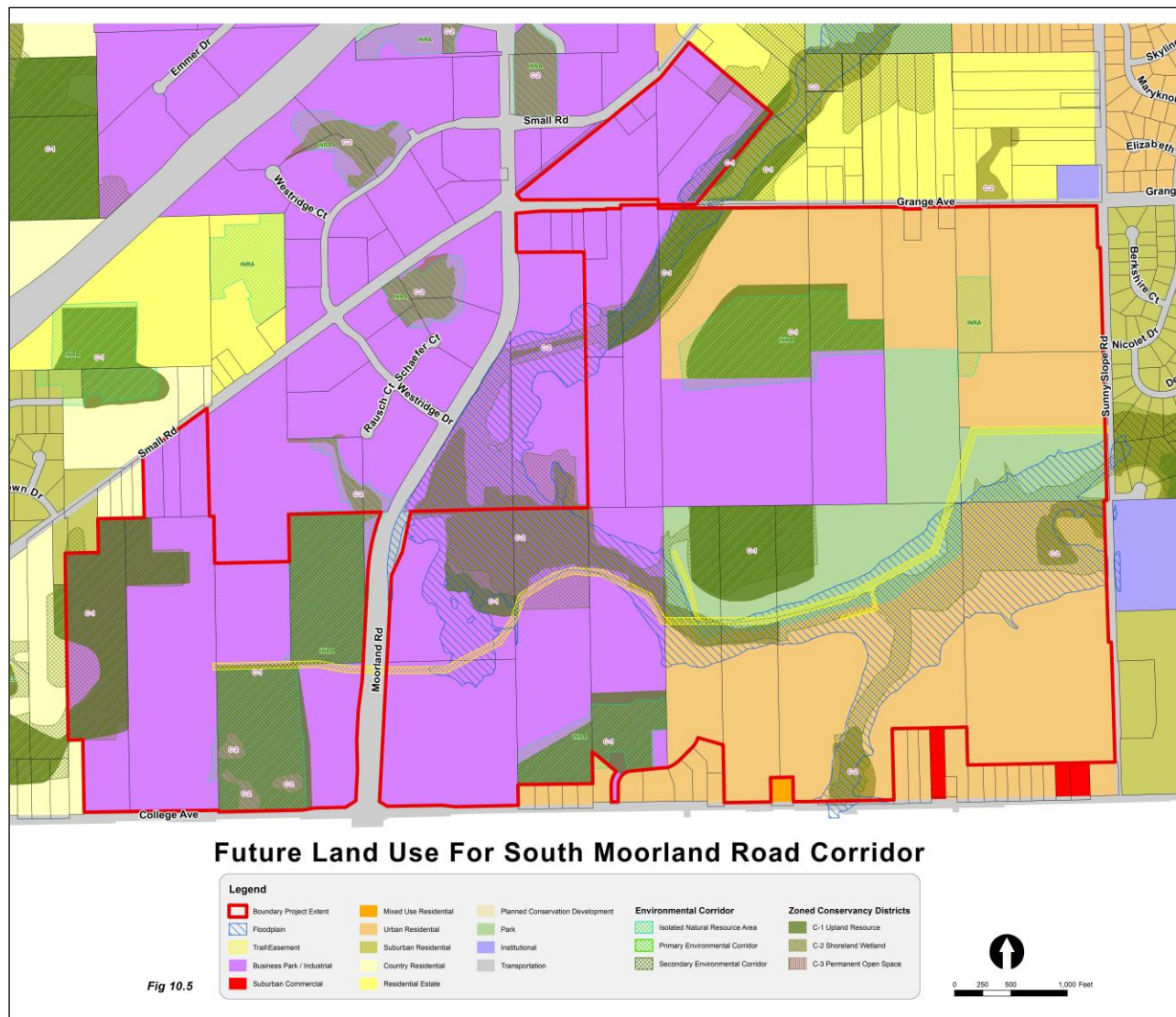


Figure 10.54 Future Land Use Map for South Moorland Road Corridor.

Northwest 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 10.5-1). 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 added within Chapter 11 – Neighborhood A (Greenfield Avenue Corridor) to guide any future development requests.



Urban Residential

The Urban Residential designation reflects the modern form of the residential subdivision with lots ranging in size from one to four dwelling units per acre, depending on underlying zoning and surrounding development patterns. While these communities may include various sizes and price ranges of homes, the primary land use is single-family detached homes. Attached single-family housing may be considered as a transitional use between lower density residential uses and non-residential development and highway corridors.

The corresponding zoning districts are:

- R-4 (Low-Density Single-Family Residential) which has a not-to-exceed density of 2.2 dwelling units per net residential acre for new large lot subdivisions to be served by public sanitary sewer and water facilities~~;~~
- R-4.5 (Medium-Density Single-Family Residential) which has a not-to-exceed density of 2.9 dwelling units per net residential acre, served by public sanitary sewer and water facilities~~;~~ ~~and~~
- R-5 (Medium-Density Single-Family Residential) which has a not-to-exceed density of 4.3 dwelling units per net residential acre, served by public sanitary sewer and water facilities. It should be noted that the City's current zoning ordinance states that "no unplatted lands" should be placed into the R-5 District.
- R-6 (Section 35 Low-Density Single-Family Residential) is unique to the South Moorland Road Corridor Area, a specific geographic area in the City (see §275-13.1H(4) Figure I-1 of the Zoning Code). ~~Unique to the South Moorland Road Corridor Area, a specific~~

~~geographic area (see Figure 10.5 of this document and Figure I-1 of the Zoning Code), the City plans to establish a new Zoning District, the R-6 (Section 35 Low-Density Single-Family Residential).~~ The R-6 Low-Density Single-Family Residential District is intended to provide for single-family residential development within Sections 34 and 35 with a minimum lot sizes similar to those in the above zoning districts and served by public sanitary sewer and water facilities. 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. Per Zoning Code Section §275-13.1(H)(4), "All projects that require rezoning within this respective area shall be rezoned in accordance with Zoning Code Figure I-1 and future Plan Commission and Common Council actions."

- ~~• Per Zoning Code Section 275-13.1(H)(4), "Along the South Moorland Road Corridor / Sections 34 and 35 area, transitional provisions will apply as noted in the map (Zoning Code Figure I-1). As properties within this area are developed, they shall be rezoned per that map."~~

Urban Residential districts include neighborhood parks and green spaces that provide amenities to local residents and are encouraged to provide links with the City's existing parks and recreation. Developers should incorporate the protection of environmentally sensitive areas, including the floodplain, into the development to create unique neighborhoods while protecting the natural environment. The number of cul-de-sacs should be minimized, emphasizing loop street layouts or multiple connections through and between subdivisions.

The Urban Residential areas also offer a continuing opportunity for more affordable housing to serve workers in the City's growing business parks. For example, housing on ¼ acre lots can help to retain and increase the diversity of the City's housing stock to allow for more personal housing options. The Community Development Authority (CDA) (formerly the New Berlin Housing Authority) is using tax credits and rent assistance to ensure a continued supply of affordable senior housing and apartments.

The City has worked closely over the past few years with Bank Five Nine to create a home loan grant program for first time home buyers. The program is funded by the Housing Trust Fund, which was created via Ordinance #: 2491, an ordinance to create a Housing Trust Fund for the City of New Berlin. The Common Council approved the transfer of Seventy Five Thousand Dollars (\$75,000.00) into the Fund. The City is able to provide qualified applicants with a \$2,500 grant to first time home buyers to pay for down payment and closing costs associated with buying their own home. The bank may match that request up to \$2,500 and will assist the City in reviewing the requests. The City has created a home loan grant application which is located on the City's website.

Certain institutional uses that can be compatible with residential uses, such as schools and neighborhood scale churches may be appropriate after careful site plan review.

Suburban Residential

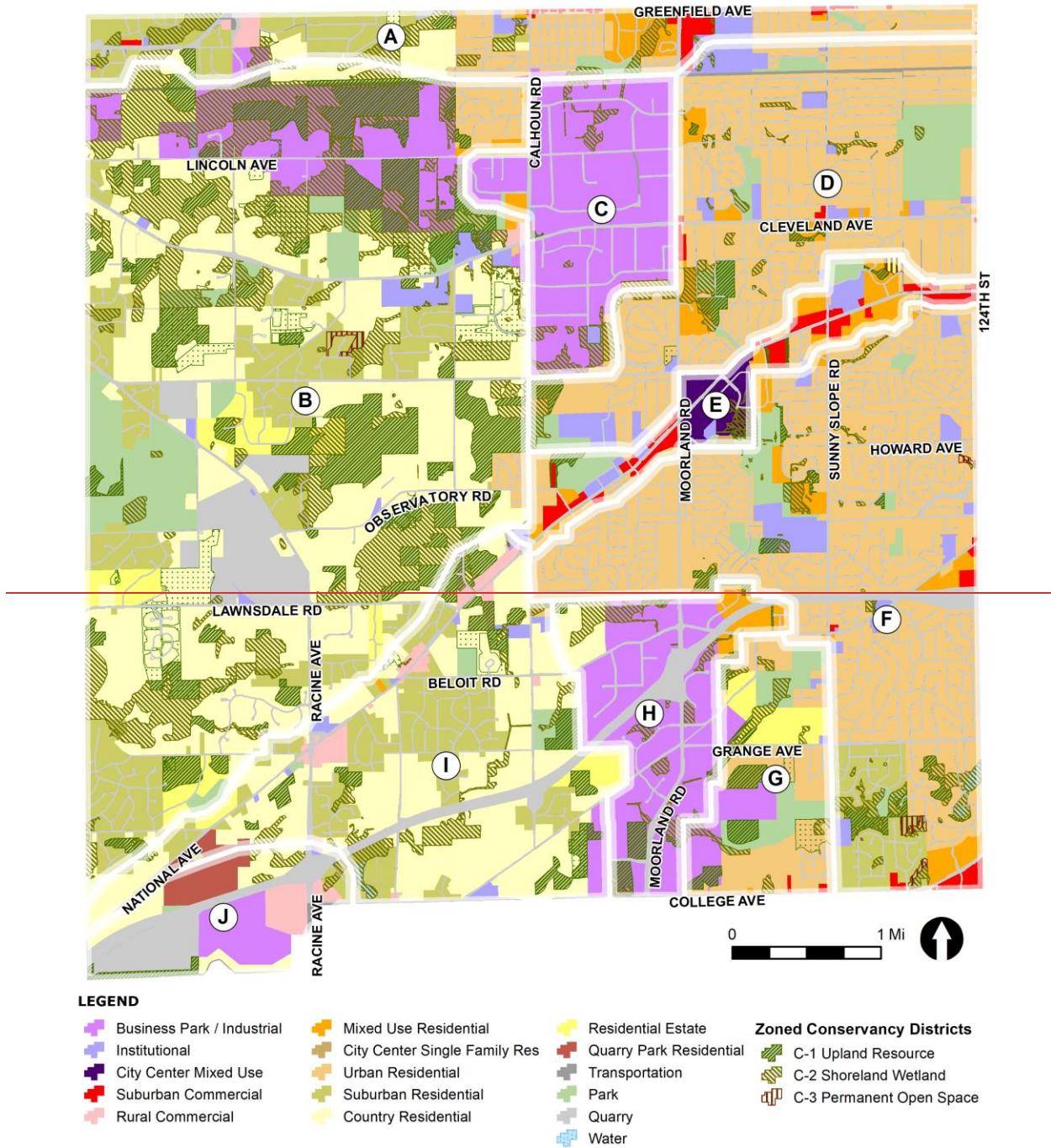
The Suburban Residential designation reflects the rural setting of the existing residential areas on the western half of the City. Lots in this category are generally located in existing subdivisions that have already been developed at higher densities than the surrounding Country Residential area. The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

The corresponding zoning district is:

- R-3 (Suburban Single- Family Residential) which has a not-to-exceed density of 2.0 dwelling units per net residential acre. This District is intended to be used for residentially platted lots already existing at this density range. As stated previously, Suburban Residential lots are served by private on-site sewerage disposal systems and private wells.

FUTURE LAND USE PLAN

with Zoned Conservancy and Neighborhood Overlay



March 2021

COMPREHENSIVE PLAN 2030

City of New Berlin, Wisconsin

Figure 10.3. Future Land Use Map for the City of New Berlin.

UPDATE AND RELOCATE

Residential Estate

Residential Estate is similar to the Country Residential category except for that it has a gross density not-to-exceed one dwelling unit per two acres. While agricultural uses are encouraged

to remain as long as the owners wish to operate farms, this designation provides an opportunity for the City to allow this area to develop, but maintain a sense of rural character. Before this land use category is implemented in this area, provisions for public sewer and water facilities must be made.

The preservation of the character of these areas should be accomplished through the use of clustering homes to help preserve the visual character but also to preserve larger open space areas for use as active or passive recreation or agriculture. Establishing open space areas which include streams, wetlands, woodlands, floodplains should be given high priority along with establishing greater setbacks from these resources.

The corresponding zoning district is:

- R-2E (Conservation Estate Single- Family Residential) which has a not-to-exceed density of 1.0 dwelling units per two acres. Homes within this District are intended to be served by public sanitary sewer and water facilities. Density bonuses are allowed pursuant to the City's zoning code.

Country Residential

Country Residential encompasses most of the area in the western portion of the City. These areas include various sizes and price ranges of homes with the primary land use being single-family detached homes. The average density of this area is envisioned to be a gross density of one dwelling unit per five acres.

Lot clustering that maintains an overall low density, while preserving substantial open space is encouraged in these areas. Country Residential Communities will be planned to include parks and green space or preserve agricultural land. This will provide amenities to local residents and work toward providing a link with the City's existing parks and recreation system. Developers should incorporate the protection of environmentally sensitive areas, including the floodplain, into the development to create unique neighborhoods while protecting the natural environment.

The corresponding zoning district is:

- R-1/R-2 (Rural Conservation Single-Family Residential) which has a not-to-exceed gross density of 1.0 dwelling unit five acres. Country Residential lots are served by private on-site sewerage disposal systems and private wells. Density bonuses are allowed pursuant to the City's Zoning Code.

There are also a large number of farm operations that exist in this area and the protection and preservation of these uses is integral to this land use. Some on-site sales of products are appropriate including small farm markets, landscape materials, and locally grown food. Artisan farming, flea markets, hobby farming and other activities that promote the continuation of

farming should be encouraged and regulatory barriers prohibiting these activities should be removed. In order to prevent excessive nuisances from occurring as a result from any of these associated farming related commercial activities, they should be regulated in their size, intensity and traffic impacts to prevent the proliferation of Rural Commercial Services in areas not designated as commercial.

Quarry Park Residential

~~Quarry Park Residential encompasses the following addresses and tax key #'s: 20685-20695 W. National Avenue (Tax Key #'s: 1276-999-001, 1276-999-002, 1276-993, & 1279-991). Primary land use being single-family detached homes in a conservation subdivision style setting. The development will consist of no more than 27 conservation subdivision style single-family residential lots on approximately 117 acres. The average density of this area is envisioned to be a gross density of one dwelling unit per approximately 4 acres. Quarry Park Residential encompasses the properties within Quarry Park Subdivision, which is an 18-lot single-family residential conservation subdivision. The density is one dwelling unit per 6.6 acres.~~

~~Lot clustering that maintains an overall low density, while preserving substantial open space is required in this area. Quarry Park Residential will be planned to include green spaces, nature trails, and a dock to service the pond, along with a variety of amenities for the residents. Developer shall incorporate the protection of environmentally sensitive areas, trees stands, and steep slope areas into the development to create a unique neighborhood while protecting the natural environment.~~

~~The lots in the Quarry Park Residential area will be served by a shared private waste treatment system and individual wells. A development agreement shall be required along with appropriate financial sureties, to be evaluated by the City, no more than annually and no less than every 5 years, for adequacy, to ensure for the proper maintenance and permitting of the onsite waste treatment facility in perpetuity.~~

The corresponding zoning district is:

- R-7 (Quarry Park Low-Density Single-Family Residential District) which is intended to provide for no more than 27 single-family residential lots which shall collectively be considered a residential community governed through a homeowners association and which is served by a community wide on-site sewage disposal system and private wells to be maintained solely by the homeowners association and/or the homeowners in the subdivision. A developer agreement shall be in place.

Mixed Use Residential

The Mixed Use Residential designation applies to several areas where more intense business uses meet single-family residential uses. The purpose of Mixed Use Residential is to provide a district for land uses and development that combine characteristics from other districts. There are several land uses that can occur in mixed use areas, including low-density multi-family, senior housing,

duplexes, condominiums, or institutional uses. Development approval for these uses requires a review to determine compatibility with surrounding land uses, particularly the residential neighborhoods.

The corresponding residential zoning districts are:

- ~~The~~ Rd-1 (Two-Family Residential District) is intended to provide for two-family residential development, at densities not to exceed 4.8 dwelling units per net residential acre, served by public sanitary sewer and water facilities.
- ~~The~~ Rm-1 (Multiple-Family Residential District) is intended to provide for multiple-family residential development served by municipal sewer and water facilities at densities not to exceed those established within the Zoning Code. New lands to be placed in the Rm-1 District by rezoning petition shall be located not closer than 120 feet to an existing single-family residential subdivision. 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 publicly dedicated streets and private streets.
- ~~The~~ I-1 (Institutional District) is intended to provide areas for public or private institutions or organizations housing social, educational, religious, or governmental activities.
- Zoning Code Section 275-41B(1) provides for elderly housing and assisted-living facilities. The density of an elderly housing development shall not exceed the densities established within the Zoning Code.
- A PUD could be considered when a mix of multi-family and retail/office uses are being proposed in order to accommodate creative site design. PUD's are not to be used for solely single-family residential.

Business Parks / Industrial

Business Parks / Industrial encompass a mixture of office, industrial, retail, commercial and service uses in a development with substantial landscaping and open space to create an attractive image. New industrial and office growth is encouraged to occur in these large developments so traffic impacts on surrounding uses can be minimized & managed and infrastructure can be provided.

The Business Parks / Industrial land use is placed in areas where there will be a minimal impact on residential uses and the natural environment. In addition, Business Parks parcels are generally located near major transportation corridors that can accommodate the truck and automobile traffic generated by such developments.

The corresponding zoning districts are:

- O-1 (Office and Business Service District) is intended to provide for individual or attractive groupings of office and financial service uses in aesthetically pleasing structures on lots with ample open space.

- O-2 (Business Park Development District) is intended to provide for the development of an attractive grouping of buildings limited to light industrial uses, offices, corporate headquarters, and support facilities in a parklike setting. The district is further intended to promote the provision of ample off-street parking and loading areas, open space, and landscape planting screens or buffer yards in areas adjacent to residential areas.
- O-3 (Transitional Office District) is intended to provide for low-intensity uses that serve as a transitional use between residential uses and districts and higher-intensity uses, including office, commercial and industrial uses. The district is also intended to accommodate areas where many residential homes are being converted to nonresidential uses such as business, medical, and professional offices. The O-3 District provides regulations that limit parking in side and rear yards, landscaping, architectural preservation of the existing residential character, and small-scale structures that blend in with the surrounding community while providing necessary services to the citizens of New Berlin.
- M-1 (Light Manufacturing District) is intended to provide for a range of light manufacturing and industrial uses. The M-1 Light Manufacturing District is also intended to provide for manufacturing and industrial development of a more-restrictive nature. The district is further intended to be used where the relative proximity to other uses requires more-restrictive regulation.
- M-2 (General Industrial District) is intended to provide for manufacturing and industrial development of a less-restrictive nature than in the M-1 Light Manufacturing District in areas where the relationship to surrounding land use would create fewer problems of compatibility. This district is further intended to allow, where properly screened, outside storage of vehicles, equipment, machinery, and inventory.
- M-3 (Section 34-35 Business Park Development District) is unique to the South Moorland Road Corridor Area, a specific geographic area in the City (see §275-13.1H(4) Figure I-1 of the Zoning Code). Unique to the South Moorland Road Corridor Area, the City plans to establish a new Zoning District, the M-3 Section 34-35 Business Park Development District.
The M-3 Section 34-35 Business Park Development District is intended for light manufacturing, office, retail and business uses. The M-3 Section 34-35 Business Park Development District is also intended to provide a broader mix of allowable uses including retail establishments within Sections 34 and 35 of the City to support both the business and residential development. The District is further intended to promote open space, intense vertical landscape, planting screens, buffer yards and preservation of existing environmental features (trees, wetlands, floodplain, rock outcroppings, steep slopes and viewsheds). Per Zoning Code Section §275-13.1(H)(4), "All projects that require rezoning within this respective area shall be rezoned in accordance with Zoning Code Figure I-1 and future Plan Commission and Common Council actions."

~~Per Zoning Code Section 275-13.1 (H) (4), "Along the South Moorland Road Corridor / Sections 34 and 35 area, transitional provisions will apply as noted in the map (Zoning Code Figure I-1). As properties within this area are developed, they shall be rezoned per that map."~~

City Center – Mixed Use



The City Center designation recognizes the substantial planning and investment being made in the commercial core at National Avenue, immediately east of Moorland Road. While the City Center is a part of the suburban business center corridor, the unique qualities desired by the City for this area merit special attention. The pedestrian orientation, distinctive streetscape, and the mixture of uses create the potential for this to become a unique area of the city. There are several land uses that can occur within the mixed use areas, including single-family residential, duplex residential, condominiums, townhomes, apartments, office, commercial, and institutional. Development approval for all of these uses requires a review to determine compatibility with surrounding land uses, particularly the adjacent residential neighborhoods.

Refer to the City Center PUD Ordinance #2526 and associated zoning map for a list of appropriate uses for this area.

City Center – Single-Family

The City-Center – Single-Family designation reflects the modern form of the residential subdivision with lots ranging in size from one to four dwelling units per acre, depending on underlying zoning and surrounding development patterns. While these communities may include various sizes and price ranges of homes, the primary land use is single-family detached homes. Attached single-family housing may be considered as a transitional use between lower density residential uses and non-residential development and highway corridors.

The corresponding zoning district is:

- R-4.5 (Medium-Density Single-Family Residential) which has a not-to-exceed density of 2.9 dwelling units per net residential acre, served by public sanitary sewer and water facilities.

Suburban Commercial

Suburban Commercial areas include the commercial areas of New Berlin primarily along National Avenue east of Calhoun Road. While these areas focus on retail sales and personal services, some office space and low-density multi-family housing is intermixed only when commercial development is incorporated on the first floor and residential is planned above. 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. The geographic boundaries of Suburban Commercial areas should be controlled to limit expansion of commercial development and the increasing number of vacant buildings, and at the same time provide flexibility to accommodate changes in the market.

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.

Unique to the intersection located at the southeast corner of Moorland Road and Greenfield Avenue, the City has established parameters for planning of this area in order to ensure that it develops uniformly. Chapter 11: Neighborhood A - Greenfield Avenue lays out specific policies to help ensure the cohesive development. This area is intended for retail and commercial uses located on the corner then transitioning to the south to allow for commercial retail and/or office on the first floor with residential integrated above. The far southern end of the parcel could be developed as low-density multi-family residential as defined above in this section.

The corresponding zoning districts are:

- B-1 (Shopping Center District) is intended to provide for neighborhood and community shopping centers with groupings of retail and customer service establishments to serve both the citizens of New Berlin, the surrounding region, and businesses. Hotels and regional uses are also appropriate in this district when planned appropriately in relation to traffic and landscaping. This district is intended to accommodate the requirement of on-site parking and loading facilities; landscape planting screens in areas adjacent to nonbusiness development or other incompatible uses; and a partially pedestrian-oriented shopping environment. Uses in this district are intended to be compatible with the character of the adjacent residential areas served.
- B-2 (General Retail Sales and Service District) is intended to accommodate a broad range of retail sales and service uses. The district is also intended to provide for the orderly and attractive development and grouping in appropriate and convenient locations for small-lot business activities of a general nature. The district is further intended to promote the provision of ample off-street parking and loading areas; landscape planting screens in areas adjacent to nonbusiness development or other incompatible uses; and development in character with the adjacent land uses.

Rural Commercial

Rural Commercial areas should maintain the “rural theme” in designing retail-oriented developments that include farm implement sales, produce markets, feed and seed stores, etc. to help support the agricultural environment but, may also include small-scale office-oriented uses. In addition, convenience retail uses may be appropriate in these areas to serve the day-to-day needs of residents, thus minimizing the necessity of driving for convenience goods.

Rural Commercial should be located primarily along National Avenue west of Calhoun Road. These uses should be located in enclosed structures. Where outdoor storage and sales are necessary, they should be located in the side or rear yards. Landscaping and screening should be used to minimize the transition from agricultural and rural residential uses to these commercial developments. Lighting should be carefully evaluated. Rural commercial architectural design standards should be adhered to. The Rural Commercial Design Guide shall be used to aid development. As properties apply for rezoning requests in these areas, the B-3 and B-5 Districts shall be considered to be more suitable than the B-2 District.

The corresponding zoning districts are:

- B-2 (General Retail Sales and Service) which is intended to accommodate a broad range of retail sales and service uses and provide for orderly and attractive development and grouping in appropriate and convenient locations for small lot business activities of a general nature. The minimum lot size for this district is 40,000 square feet.
- B-3 (General Bulk Sales) which is intended to accommodate the needs of the agricultural community for the western portion of the community without detracting from the character of the area. This district allows for outdoor storage, outdoor sales and automotive sales, service and repair. The minimum lot size for this district is 3 acres.
- B-5 (Rural Commercial District) which is intended to accommodate the needs of the agricultural community with a range of retail sales and service uses. The uses of these areas are intended to provide convenience for farms and the growing residential uses in the western area. The minimum lot size for this district is 40,000 square feet.

Institutional

Institutional uses encompass the main City Government facilities around City Hall, as well as schools, churches, and other nonprofits. Regarding church uses, these institutions have been classified into two types: Neighborhood Scale and Community Scale. Neighborhood scale churches are defined as a place of gathering for religious observance, ministry, and fellowship & related social events and may include classrooms for periodic religious instruction, kitchen, meeting area principally for members and administrative offices. These facilities are identified as those with a total building footprint of less than 14,999 square feet. Community scale churches are defined as a place of gathering for religious observance, ministry, and fellowship & related social events and may include classrooms for periodic religious instruction, and administrative offices. These facilities are identified as those with a total building footprint greater than 15,000 square feet or which have accessory uses, which include, but are not limited to uses such as banquet facilities, day school, day care facilities, retail stores, restaurant, workout centers / club, gymnasium, health care facilities, assisted living facilities, library, and café.

Parks

The City wishes to acquire and maintain parks and open space that are consistent with the adopted park and open space plans to encourage private preservation of open space and environmental areas, and to encourage the use of creative development alternatives (i.e. Conservation subdivisions to create neighborhood open space). ~~The short term actions are listed in Chapter 9: Community Facilities.~~

The corresponding zoning districts are:

- P-1 (Park and Recreation District) is intended to provide areas where open space and outdoor recreational needs of the citizens can be met without the undue disturbance of

natural resources and adjacent uses. When applied to privately owned recreational lands, this district is intended to avoid the conversion of such lands to other urban uses without adequate public review and approval. The district should be used for areas designated as parks in the adopted New Berlin Comprehensive Plan.

- P-2 (Section 35 Park Complex District) is unique to the South Moorland Road Corridor Area, a specific geographic area in the City (see §275-13.1H(4) Figure I-1 of the Zoning Code). Unique to the South Moorland Road Corridor Area, the City plans to establish a new Zoning District, the P-2 Section 35 Park Complex District. The P-2 Section 35 Park Complex District is intended to provide an area for a regional amenity that would provide tournament, practice and game space for baseball, softball and/or soccer. The District will also incorporate neighborhood park elements for neighboring residents. The complex will provide a buffer between the residential and business park land uses and may be expanded to create additional meaningful passive recreational opportunities and utilize the City's utility easement / public trail to create more of a linear parkway. Uses may include, but are not limited to, passive recreational trails, fishing ponds, winter sports activities, snowshoeing, cross country skiing, sledding, nature trails, bird watching and interpretive exercise trails. Per Zoning Code Section §275-13.1 (H) (4), "All projects that require rezoning within this respective area shall be rezoned in accordance with Zoning Code Figure I-1 and future Plan Commission and Common Council actions."

Per Zoning Code Section 275-13.1 (H) (4), "Along the South Moorland Road Corridor / Sections 34 and 35 area, transitional provisions will apply as noted in the map (Zoning Code Figure I-1). As properties within this area are developed, they shall be rezoned per that map."

In addition, the City's Park and Open Space Plan identifies a need for a City wide Youth Sports Complex. Specifically the Plan states, "at present, the City of New Berlin lacks a youth sports complex which typically incorporates outdoor athletic fields. A sports complex has the potential to enhance quality of life and community image, and promote the City's role as a regional center for sports tourism and recreation. Sports complexes are commonly funded through public-private partnerships." The Plan further states the development of new parks should, "include action plan related to acquisition and development of community youth sports complex. i.e. Pursue the planning, acquisition, and development of a community park with athletic fields to meet the needs of the youth sports organizations."

Where appropriate the facility will provide for active sports complexes to accommodate a mixture of athletic uses. Some active uses might include soccer, baseball/softball fields, basketball, playground and picnic area with shelter. Winter sports options should also be explored such as sledding, ice skating, cross country skiing, and snowshoeing along the City's trail easement. Some passive uses might include trails for hiking and walking and fishing.

The Park Plan states that in Section 35, "efforts to preserve, protect, and promote passive use (trails) of the C-1 and C-2 Conservancy areas is desired, as well as a pathway system to provide

the neighborhood and community with safe access to school, park and residential development, and enjoyment of the natural environment."

In addition, the City's Park and Open Space Plan identifies the need to acquire additional Community Parkland to account for the City's land area and population growth. Such Community Parkland shall incorporate an active park complex to address the City's need for additional ball fields and courts, as outlined in the Park and Open Space Plan, as well as passive park uses year-round. Linear parkways, which preserve open space, and provide connectivity within this area should be developed. The linear parkways could be integrated with the floodplain and creek areas.

Quarry

Quarries involve the mining and processing of minerals. They typically include both underground and surface mining activities. While they are typically located in rural areas, they can also create substantial land use impacts. A few of these quarry properties are actively being mined for non-metallic mineral resources (i.e. sand & gravel). As such, they are required to have a City approved Reclamation Plan pursuant to NR 135 and the City's zoning ordinance. The Reclamation Plan is required to identify post-mining land uses in addition to the "means & methods" for reclaiming the site. During the planning horizon for this Plan, it is anticipated that two of these quarries will transition and be reclaimed into their approved post-mining land uses. Specifically, the New Valley Sand & Gravel Quarry (identified in Neighborhood "J" has been identified as a future business park and the Kohler Pit has the following approved post-mining land uses – rural commercial, agriculture and aquaculture (both in recreational & commercial formats). Kohler Ridge Subdivision was approved by the Common Council in, 2016. The subdivision encompasses a portion of the former Kohler Sand & Gravel Mine and resulted in the complete restoration of approximately 65 acres of formerly mined land.

Conservancy Areas

C-1 Upland Resource Conservancy Zoning

The purpose of this district is to prevent the destruction of valuable natural and man-made resources and, in particular, woodlands, wetlands, wildlife habitat areas, perennial and intermittent streams, major lakes, floodlands and shorelands, significant water recharge and discharge areas, prairies, recreational and scenic areas, natural scientific areas, areas with poor soils or high groundwater, and areas of steep slopes, including primary environmental corridor, secondary environmental corridor and isolated natural resource areas. It should be noted that the City has established a new policy that states no "new" lands should be placed into this category and rather the use of "conservation easements" shall become the norm for preserving and protecting these natural resource assets.

C-2 Shoreland-Wetland Conservancy Zoning

The purpose of this district is to preserve, protect, and enhance the ponds, streams, and wetland areas of the City. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and

surface; prevent flood damage; control stormwater runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreation resources of the City.

C-3 Permanent Open Space/Conservation Zoning

The Permanent Open Space/Conservation Lands District is intended to serve as a preservation district to maintain lands that have been permanently designated as open space or conservation lands. This District serves as a more definitive designation of open space and conservation lands as an alternative to deed restrictions and easements. This District should be utilized for developments where potential development densities have been transferred to another area of the property or to another site within New Berlin; developments that will have open space permanently preserved; and other similar conservation and preservation practices that will contribute to the unique character of New Berlin.

Environmental Corridors

Environmental Corridors are shown on the City's Map of Potential Conservation Lands. The City clearly recognizes the importance of these natural resource assets and will continue to use "conservation easements" for their protection. The City will also continue to follow SEWRPC guidelines for preserving, protecting and managing development within these corridor areas. See Appendix J for SEWRPC's publication entitled "Environmental Corridors – Lifelines of the Natural Resource Base". The City will continue to use SEWRPC's Environmental Corridor Maps as a resource as amended.

Map of Potential Conservation Areas

The Map of Potential Conservation Lands for the City of New Berlin consists of wetlands; woodlands; Butler's Garter Snake habitat; Water; Slope; environmental corridors; and scenic vistas. This map should be used as a resource in addition to, but not limited to, other maps such as the future land use, zoning and FEMA FIRM maps for all land use decisions. These environmental features should be incorporated into all development proposals, as applicable.

LAND USE PLANNING IN WAUKESHA COUNTY

Under Wisconsin State Statutes, counties are required to incorporate into the county development plan all master plans that have been duly adopted by incorporated cities and villages under the State of Wisconsin City Planning Enabling Act. However, the Statutes do not provide direction as to resolving conflicts between county adopted land use objectives and local master plans. To address this issue, the Waukesha County Comprehensive Plan Advisory Committee determined specific approaches to be implemented during the County Plan process. The following County approaches are those which apply directly to New Berlin's Comprehensive Plan:

- All duly adopted local land use plans, whether prepared by incorporated cities and villages or by towns, would be reviewed for consistency with the County development objectives and standards approved by the Advisory Committee, as presented in Chapter 2 of this Plan. All inconsistencies would be identified and described.
- Municipalities will prepare preliminary land use plans in a manner consistent with the Advisory Committee approved development objectives and standards. Following review of local land use plans, inconsistencies with the development objectives were identified for the municipalities and adjustments were requested.
- The compiled preliminary County land use plan would be provided to all cities, villages, and towns in the County for review and comment.

Resulting from these approaches is the County land use element provided in the Waukesha County Comprehensive Plan. Due to the fact that the County is required to incorporate local master plans into its overall plan, New Berlin residents and property owners should first look to its own Comprehensive Plan for guiding objectives and policies. The Waukesha County Plan shall serve as a seamless overview of planning efforts county-wide.

LAND USE PLANNING IN THE REGION

The regional land use plan sets forth the fundamental concepts that are recommended to guide the development of the seven-county southeastern Wisconsin region. The most recent version of the plan, entitled "SEWRPC Planning Report No. 55: A Regional Land Use Plan and Transportation Plan for Southeastern Wisconsin: 2050, was adopted by SEWRPC in July 2016. This plan is intended to guide land use development and redevelopment through the year 2050.

Vision 2050 replaces the Vision 2035 plans. 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.

CHAPTER 19:

NEIGHBORHOOD I

NATIONAL AVENUE WEST

Revisions approved by Council on ~~7/26/2016 via Ordinance # 2569.~~ ~~Revisions approved by Council on 11/15/2016 via Ordinance #2579.~~ 9/26/2023 via Ordinance # 2676.

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

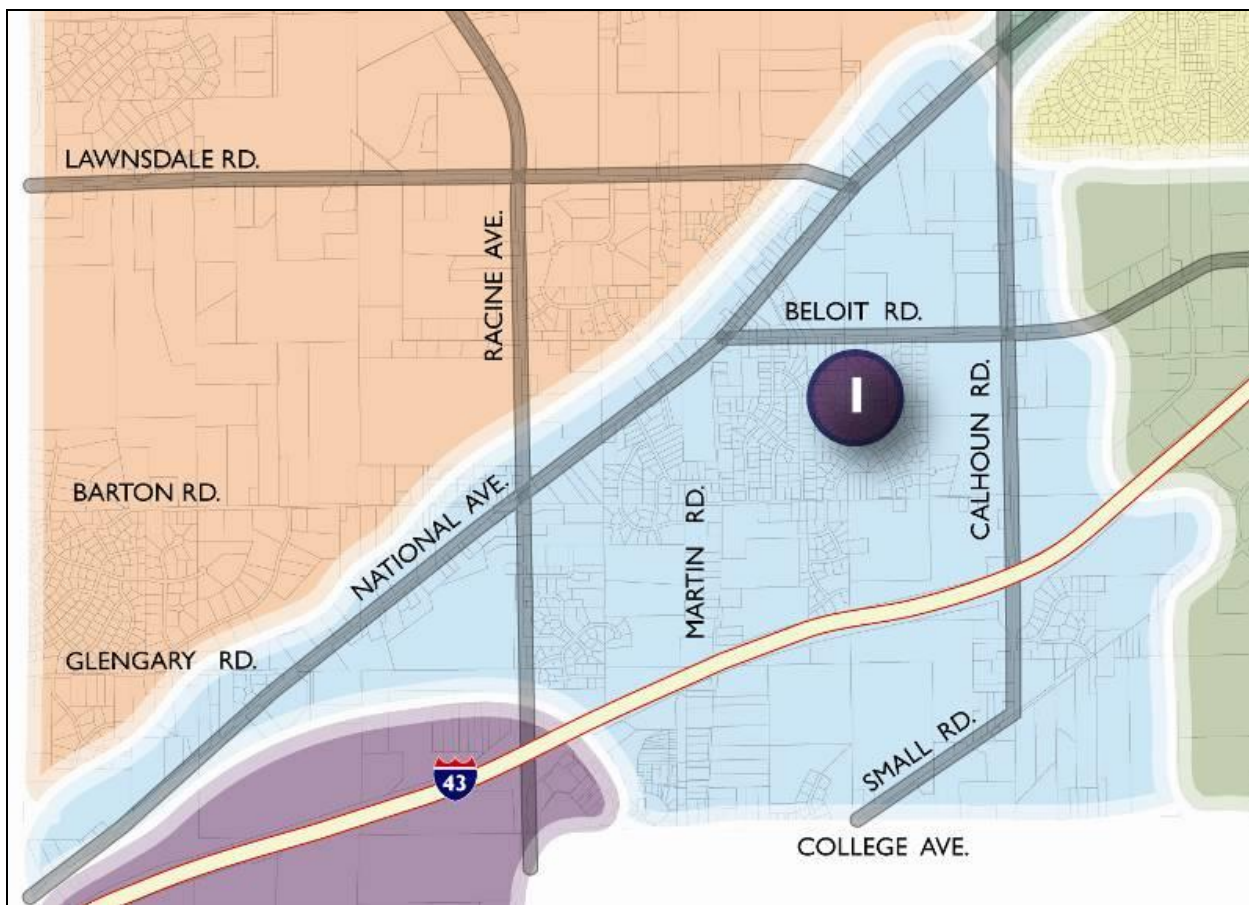


Figure 19.1. Neighborhood I Context Map.

The area primarily includes agricultural land, undeveloped land, and residential subdivisions. The neighborhood is not served by sanitary sewer with the exception of the Linnie Lac area, which receives this service through an intermunicipal agreement with Muskego. Aside from Linnie Lac, only a small portion of the neighborhood is anticipated to be served by sanitary sewer through

the New Berlin Urban Service Area Boundary. Current zoning regulations permit a maximum of one dwelling unit per five acres. The occasional large lot subdivision is served by private on-site wastewater treatment systems (POWTS). There are many environmentally sensitive areas distributed throughout the neighborhood. The area is valuable to both the City and the region as an aquifer recharge area.

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

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



Figure 19.2. National Avenue Corridor.

PUBLIC INPUT

Initial Neighborhood Meeting

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

New Berlin Comprehensive Plan Update

DESIGN PREFERENCE SURVEY BACKGROUND INFORMATION - Neighborhood I (42)

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

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

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

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

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

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

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

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

Neighborhood Review Meeting

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

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

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

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

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

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

2020 Update – Ethic Indoor Sports Facility

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

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

Residents in Neighborhood I were invited to a neighborhood meeting on February 4, 2020 to discuss a potential redevelopment on the for Prospect Hills School site. Attendees were able to review concept plans for an indoor sports facility. A public hearing was held on June 1, 2020 to rezone the property from I-1 to I-1 PUD. The Plan Commission recommend approval on July 21, 2020 for the Ethic Indoor Sports Facility PUD and Ordinance # 2633 was approved by the Common Council on August 6, 2020.

Additional parking for this facility was proposed in 2022 for the adjacent parcel. A joint public hearing was held on June 6, 2022 to rezone the property from R-1/R-2 to I-1 PUD and to amend the Future Land Use Map from Single Family Residential to Institutional. The Plan Commission recommend approval on June 6, 2022 for an amendment to the Ethic Indoor Sports Facility PUD and Ordinance # 2661 was approved by the Common Council on June 14, 2022.

2023 Update – Reno / Potter

A joint public hearing was held on September 25, 2023 to rezone the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) from B-2 and R-3 to B-5 and R-3 and to amend the Future Land Use Map from Rural Commercial and Suburban Residential to Rural Commercial and Suburban Residential. The Plan Commission recommend approval for both requests on September 25, 2023. Ordinance # 2677 (Rezoning) and Ordinance # 2676 (Comprehensive Plan Amendment) was approved by the Common Council on September 26, 2023.

VISION

West Side Open Space

The National Avenue West area, like the Western Area neighborhood (Neighborhood B), should be a regional model of rural development. Any development should occur gradually as a mix of lower density single-family development, farms, large areas of preserved open spaces, rural trails and facilities, and small-scale neighborhood oriented retail. Development in this area will incorporate environmental protection as a basic value, including its importance as an aquifer recharge area.

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

National Avenue Corridor West

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

DEVELOPMENT POLICIES

West Side Open Space

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

6. The parcels near the border of Neighborhood H and Neighborhood I, along Small Road and College Avenue, that have a Future Land Use designation of Business Park/Industrial are anticipated to be incorporated into the Westridge/Moorland East Business Park at the time of their development.

National Avenue Corridor West

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

AGRICULTURAL AND CULTURAL RESOURCES

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

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

- A. E. Gilbert Cream City Brick Mansion, c. 1897
- Cheney-Faulkner-Cooper House, c. 1840s
- Collection of Arrowheads found by Lee Faulkner
- Creamery (now Mustang Shelley's), c. 1890
- Cupola Tower, c. 1920
- Dr. John Livingston Ingersoll House, c. 1858
- Elger's Store (now Chappel Sports), c. 1900
- Former Site of the Round Barn, c. 1898
- Freewill Baptist Church, c. 1859 (also on the National Register of Historic Places)
- Hales Mill Pond (Linnie Lac), c. 1836. First dam and first sawmill in Waukesha County
- Julius Heil House, c. 1880
- Linnie Lac Dam and Lake Site, c. 1836

- Native American Artifacts found on former Mayor Earl Rathke's farm (near Linnie Lac Lake)
- New Berlin Centre Cemetery, c. 1841
- Peck's Dance Hall and Saloon, c. 1871
- Theodora Winton Youman's Birthplace (house moved to the Historic Park in 2001)
- Weston Antique Orchards, c. 1860 (also on the National Register of Historic Places)
- New Berlin Center Cemetery – designated November 21, 2013
- Foster/Giesfeldt Home – designated December 18, 2014

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

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

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

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

Survey Results: Open Space

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



Figure 19.4. Highest-Rated Image for Open Space.



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



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

NATURAL RESOURCES

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

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

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



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

Recommendations

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

1. Vegetated swales are effective in filtering pollutants and reducing stormwater runoff velocity, in direct contrast to piped storm sewer conveyances. They can be implemented in rear yard swales, parks and common areas to treat and transfer surface runoff to stormwater management systems. They also reduce maintenance costs for these common areas. Vegetated swales can be flatter than typical turf grass swales to increase residence time and to promote infiltration and evapotranspiration. This increases the spacing of catch basins or can eliminate the need for piped storm sewer conveyance in new construction.
2. Bio-filter infiltration basins can be provided as an alternative to detention basins in the central and western portion of the neighborhood to promote infiltration and groundwater recharge.
3. This number is reserved for recessed parking and cul-de-sac islands, which are not recommended for specific locations in the neighborhood. Should property owners in the neighborhood propose to install recessed parking lot and cul-de-sac islands, the appropriateness of such basins should be determined based on property characteristics.
4. Stream banks along Calhoun Creek should be inspected for areas that need to be stabilized to prevent further soil erosion. In conjunction with the above-mentioned BMPs, stream bank stabilization will improve aquatic wildlife, improve groundwater quality, and reduce flooding.
5. To reduce the velocity and quantity of stormwater runoff from individual lots, rain gardens can be implemented. This will be feasible since Country Residential lots will tend to be larger in size. Rain gardens are localized infiltration basins that provide a means for stormwater runoff to cool, infiltrate and recharge the groundwater.
6. Throughout the parks and the undeveloped areas planned for Country Residential, there are opportunities to implement prairie to serve as a filter of surface water runoff as well as reduce maintenance in common areas. There may also be the opportunities to provide infiltration basins to encourage groundwater recharge, particularly in areas with pervious soils.

EXISTING TRANSPORTATION SYSTEM

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

Roadway Network

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

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

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

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

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

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

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

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

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

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

Bicycle & Pedestrian Facilities

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

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

Public Transit

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

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

FUTURE TRANSPORTATION SYSTEM

Survey Results: Road Design

Figures 19.108 through 19.1210 illustrate the three highest-rated images for road design in Neighborhood I. Desired characteristics included landscaped roads, on-road bike paths, and rural road sections with no curb.



Figure 19.108. Highest-Rated Image for Road Design.



Figure 19.112. Second Highest-Rated Image for Road Design.



Figure 19.1210. Third Highest-Rated Image for Road Design.

Roadway Network

In Neighborhood I, the SEWRPC Year ~~2035~~2050 Recommended Regional Transportation System Plan identifies additional capacity needed on IH-43. The plan recommends widening IH-43 to a six-lane facility, within the existing right-of-way, from the Hale Interchange to Racine Avenue (County Hwy Y).

~~SEWRPC staff is currently preparing a major review and update of the regional land use and transportation plans for Southeastern Wisconsin. This effort, called VISION 2050, is expected to be completed in 2016. Vision 2050 will replace the current year 2035 plans, extending the design~~

~~year of the plans to 2050~~. It should be noted that the SEWRPC plans are advisory only. Refer to the SEWRPC VISION 2050 plan for the most updated information related to their regional planning efforts and recommendations. [The report is available on the SEWRPC website www.sewrpc.org](http://www.sewrpc.org).

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

Bicycle & Pedestrian Facilities

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

Proposed On-Road Facilities:

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

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

Public Transit

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

ECONOMIC DEVELOPMENT

Economic development policies for the National Avenue West neighborhood are largely guided by the 2002 Economic Development and Revitalization Plan. Based on recommendations in the Plan, proposed economic development activities focus primarily on residential development

with limited commercial development that has an agrarian or natural emphasis. Cultural resources should be promoted as potential revenue for the neighborhood and for the City.

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

Brownfields

Two brownfields are located in Neighborhood I, both of which are labeled as an unknown petroleum risk (Figure 19.1311).

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

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

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

- 18970 W. National Avenue; ERP
- 18500 W. National Avenue; LUST

The acronym “LUST” signifies the existence of a Leaking Underground Storage Tank. The acronym “ERP” signifies an Environmental Repair Program effort. The DNR classifies ERP sites as sites other than LUST sites that have contaminated soil and/or groundwater. Examples include industrial spills or dumping needing long term investigation, buried containers of hazardous substances, and closed landfills

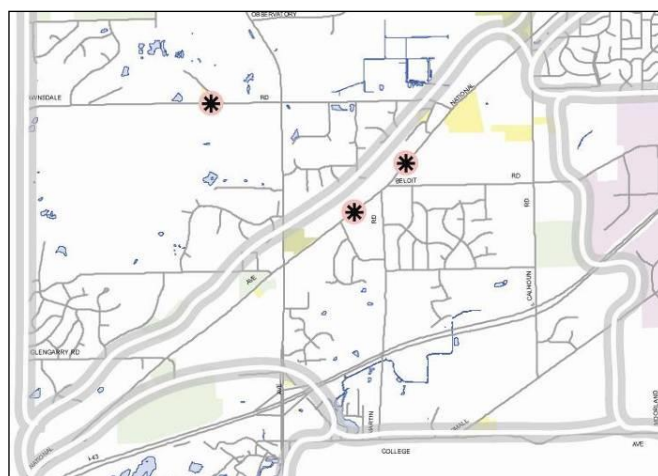


Figure 19.1311. Neighborhood I Brownfields Map.
Source: WI DNR Bureau for Remediation and Redevelopment

that have caused contamination. ERP sites include petroleum contamination from above-ground (not underground) storage tanks.

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

Rural Commercial Design Guide

The Rural Commercial Design Guide ("Guide"), adopted by the City in 2001, serves as a design tool for economic development in Neighborhood I. The Guide provides design standards for areas west of Calhoun Road from the southern border of the City (Interstate 43 / College Avenue) to Cleveland Avenue on the north (in Neighborhood B). The area is further defined and a map of the area is provided in Chapter 12 (Neighborhood B). The intent of the Design Guide is to retain and encourage small business and office developments, provide safe and convenient pedestrian access, and ensure quality visual appearances.

The design standards affecting recommendations for economic development in Neighborhood I include provisions for cross access between neighboring parcels where feasible, and the requirement that new buildings correspond proportionally and stylistically to existing buildings in rural commercial areas. More details on the design standards and recommendations are provided in Chapter 12 (Neighborhood B).

Recommendations

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

- **National Avenue from Lawnsdale Road to Calhoun Road and National Avenue at Intersection with Beloit and Martin Road**

For the first two areas, the City should encourage rural commercial development such as nurseries, antique stores, and small grocery and convenience stores.

- **Intersection of National Avenue with Racine Avenue**

The intersection of National Avenue with Racine Avenue should foster small-scale rural oriented cottage shops, cafes, and antique stores that respect and reinforce the historic and rural character of nearby Prospect Hill.

- **Intersection of Racine Avenue and College Avenue**

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

HOUSING

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

LAND USE

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

Recommendations

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

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

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

STAFF REPORT EXECUTIVE SUMMARY

APPLICANT/PROJECT:	Jim Duerrwaechter / Rezoning
LOCATION:	18335 W. National Ave (Tax Key #: 1262.961) Tax Key #: 1262.962 (located behind 18335 W. National Avenue) 18395 W. National Ave (Tax Key #: 1262.963)
REQUEST:	Request to rezone the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) from B-2 and R-3 to B-5 and R-3.
D.R.C. RECOMMENDATION:	Recommend to Common Council adoption of Ordinance # 2677 that approves the rezoning of the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) from B-2 and R-3 to B-5 and R-3.

DETAILS IN ATTACHED STAFF REPORT:

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

Meetings of September 25, 2023

Jim Duerrwaechter / Rezoning

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

DATE STAFF REPORT PREPARED: May 12, 2023

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

REQUEST / DESCRIPTION OF PROJECT: Rezone the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) from B-2 and R-3 to B-5 and R-3.

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

DATE OF COMPLETENESS DETERMINATION: 4/25/23

PRE-APPLICATION CONFERENCE HELD: Yes

Date(s) of Meeting(s): 4/6/23, as well as various counter visits and phone calls

Site Visit(s): 5/12/23

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

SIZE OF DEVELOPMENT / PARCEL(S):

0.60 acres 18335 W. National Ave (Tax Key #: 1262.961)

0.89 acres Tax Key #: 1262.962

1.53 acres 18395 W. National Ave (Tax Key #: 1262.963)

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

CURRENT LAND USE: Commercial/Residential

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

Lot 1 40,007 square feet

Lot 2 88,384 square feet

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

Lot 1 R-3 (Suburban Single-Family Residential District)

Lot 2 B-5 (Rural Commercial District)

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

Lot 1 Residential

Lot 2 Commercial

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North: Zoning: B-2, R-3

Land Use: Residential

South: Zoning: R-3

Land Use: Residential

East: Zoning: R-1/R-2, R-3

Land Use: Residential

West: Zoning: B-2

Land Use: Commercial

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes

Chapter 19: Neighborhood I: National Avenue West:

Vision:

- The National Avenue West area, like the Western Area neighborhood (Neighborhood B), should be a regional model of rural development. Any development should occur gradually as a mix of lower density single-family development, farms, large areas of preserved open spaces, rural trails and facilities and small-scale neighborhood oriented retail.
- National Avenue is a scenic rural corridor, with rural-oriented commercial uses located at specific nodes. These nodes include Prospect Hill, and the intersection of Beloit Road and National Avenue.

Development Policies:

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

Land Use:

- Future Land Use Map: Rural Commercial and Suburban Residential

ZONING CODE (Chapter 275): Yes, this request meets the requirements of §275-33B(3) and §275-34B(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: No

Site Plan Required: Yes, see attached CSM.

Architectural Review Required: No

PROPOSED ARCHITECTURE: N/A

UNIQUE SITE CHARACTERISTICS:

Environmental Corridor: Yes, Isolated Natural Resource Area.
Wetland On Property: No
Conservancy Districts (C-1, C-2): No
NRCS Map Classification: Not Inventoried
Floodplain: No
Topography / Geologic: Site slopes to the north towards National Avenue.

BIKE & PEDESTRIAN FACILITIES PLAN: No improvements identified.

PARK & OPEN SPACE PLAN: No improvements identified.

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): N/A
Wildlife Habitat Protection: N/A
Wildlife Management Plan: N/A

ENVIRONMENTAL IMPACT: No impact.

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

SANITARY SEWER PROVISION:

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

WATER USAGE CALC.: No increase.

TRAFFIC IMPACT: No increase.

SCHOOL DISTRICT IMPACT: N/A

Notice Sent to Affected School District(s): No

PREVIOUS ACTION (18335 W. NATIONAL AVENUE):

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

PREVIOUS ACTION (18395 W. NATIONAL AVENUE):

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

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

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

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

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

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

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

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

Yes, the proposed rezoning is compliant.

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

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

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

Yes, the proposed rezoning is compliant.

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

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

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

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

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

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

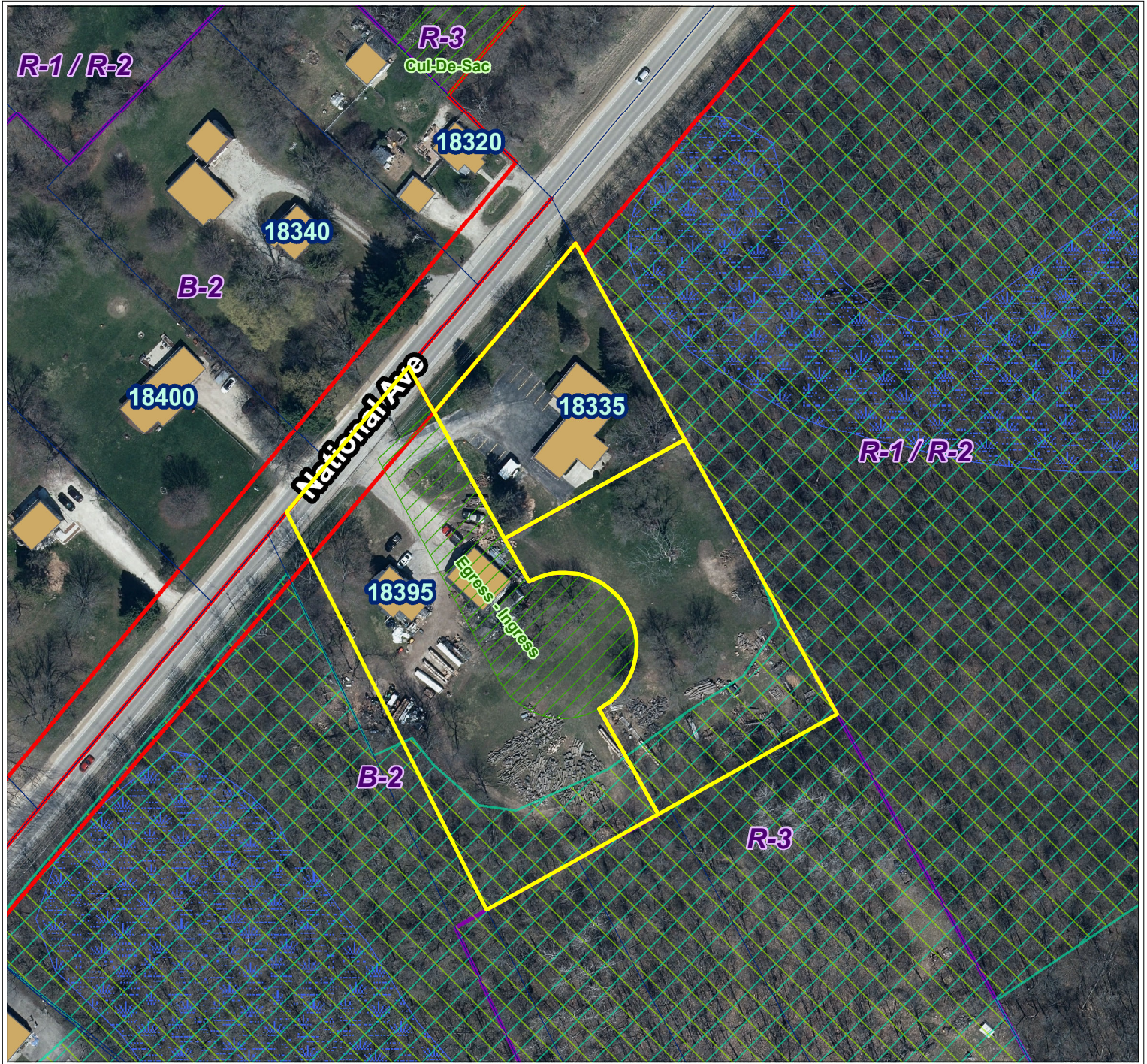
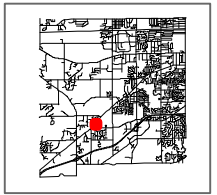
3. The existing principal use for Lot 1 (see file #: LD-2300782) is Commercial, with residential quarters allowed as an accessory use, per §275-42G(1)(a). The building is currently unoccupied.
 - a. The property owner of Lot 1 intends to sell the property as a single-family home.
 - b. This property has been zoned B-2 dating back to the 1963 City Zoning Map and going forward to today. A business has been in operation at this location since 1964. Any future businesses located on Lot 1 must comply with §275-42G(4): Home Occupations.
 - c. At such time as future applications are submitted, the applicant is advised that §275-33E(1)(d) requires the construction of a garage.
4. The existing principal use for Lot 2 (see file #: LD-2300782) is Commercial, with residential quarters allowed as an accessory use, per §275-42G(1)(a). The building is currently being used as a business with residential quarters.
 - a. Lot 2 will continue as a commercial use, with residential quarters allowed as an accessory use.
 - b. Outdoor storage is allowed as an accessory use in the B-5 Zoning District.
 - c. An average landscape bufferyard of 15' is required when a Commercial Use is adjacent to a Single-Family Residential Use, per §275-56F.
5. This rezoning request was further discussed with staff and the applicant and it was determined that B-5 (Rural Commercial District) was a more suitable zoning district that better aligned with the Comprehensive Plan than B-2 (General Retail Sales and Service District) in the Rural Commercial portion of the City. There was a Public Hearing date set for July 10, 2023, which did not occur to allow for an amendment to the rezoning application.

D.R.C. RECOMMENDATION:

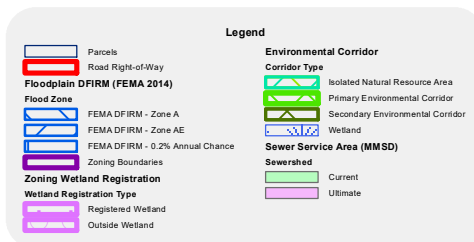
Recommend to Common Council adoption of Ordinance # 2677 that approves the rezoning of the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) from B-2 and R-3 to B-5 and R-3. **See Executive Summary.**

ATTACHMENTS:

Location Map
Zoning Comparison Map
CSM
Ordinance # 2677



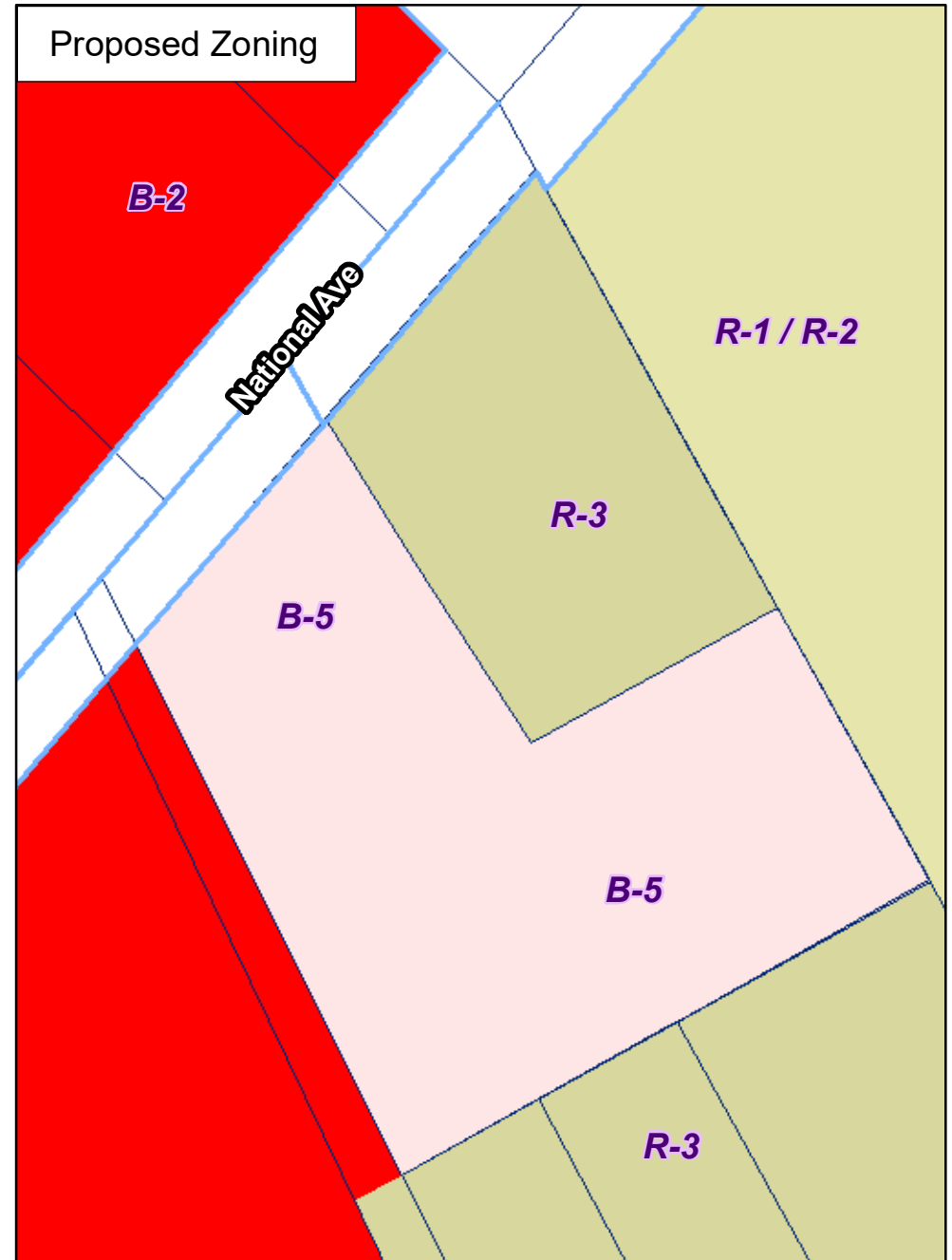
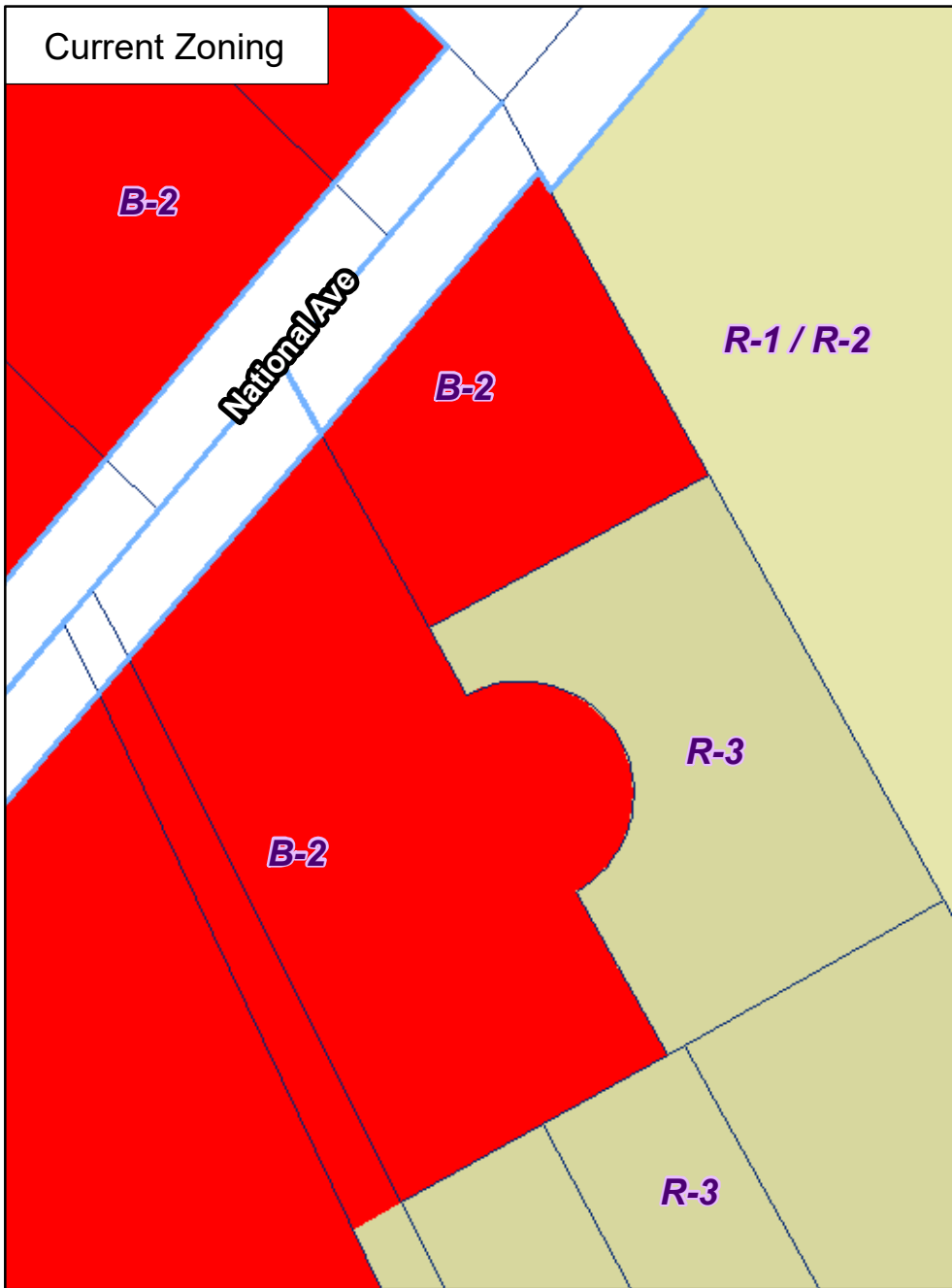
City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
(262) 797-2445
www.newberlin.org



0 45 90 Feet



The information and depictions herein have been produced using data available through photogrammetric 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.



CERTIFIED SURVEY MAP NO. _____

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

Prepared for:

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

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

Prepared by:

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

NOTES:

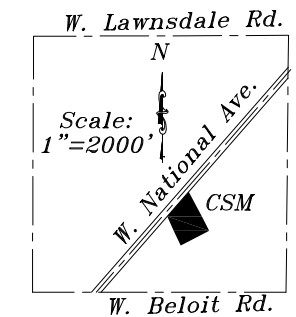
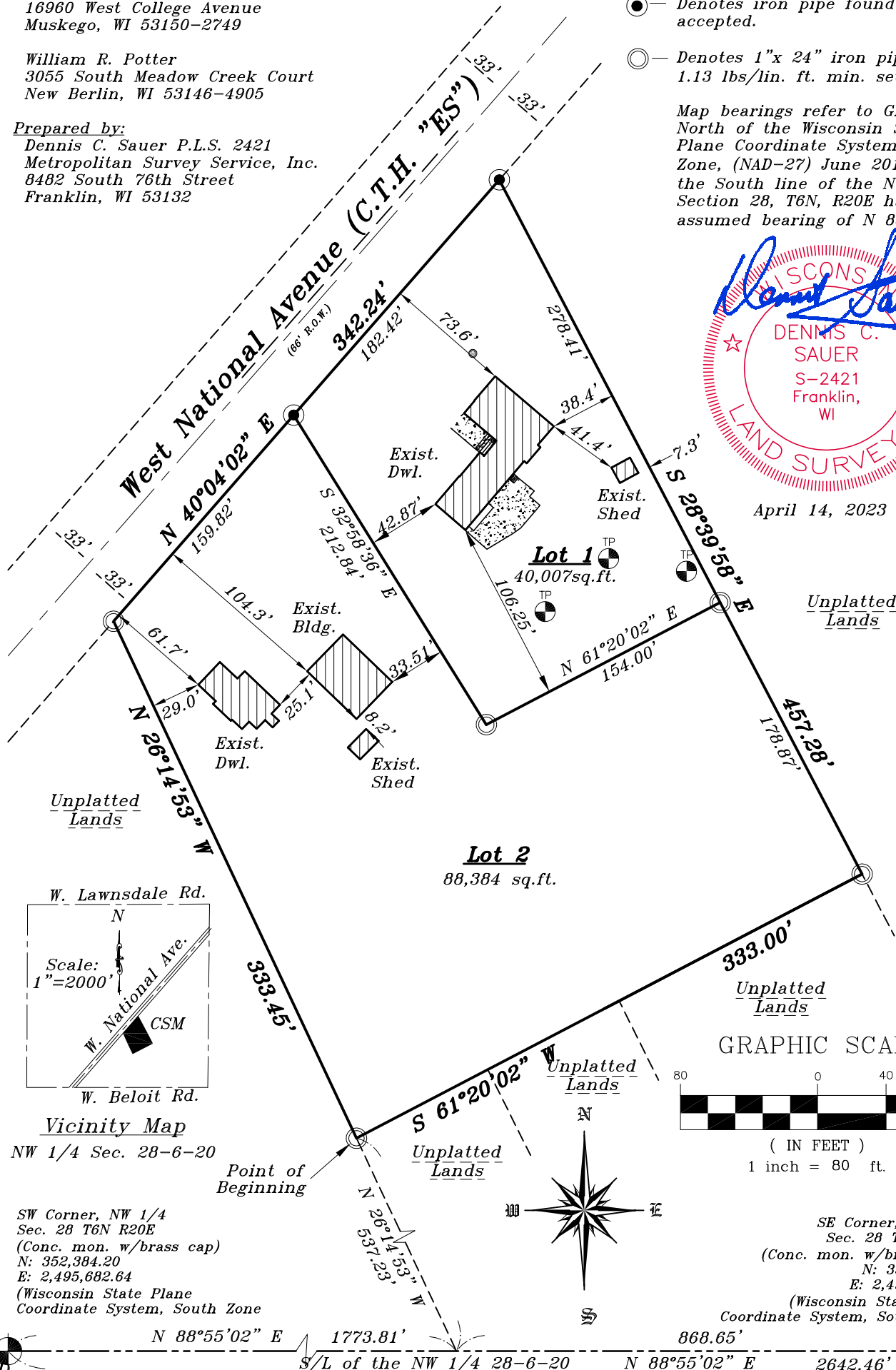
●— Denotes iron pipe found and accepted.

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

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



April 14, 2023

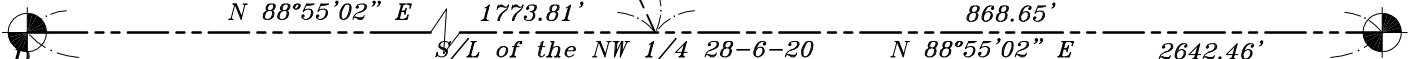


Vicinity Map

NW 1/4 Sec. 28-6-20

SW Corner, NW 1/4
Sec. 28 T6N R20E
(Conc. mon. w/brass cap)
N: 352,384.20
E: 2,495,682.64
(Wisconsin State Plane
Coordinate System, South Zone)

SE Corner, NW 1/4
Sec. 28 T6N R20E
(Conc. mon. w/brass cap)
N: 352,434.15
E: 2,498,324.42
(Wisconsin State Plane
Coordinate System, South Zone)



M\CSM's\NewBerlin\114217

Sheet 1 of 5

CERTIFIED SURVEY MAP NO. _____

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

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

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

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

Commencing at the Southwest corner of said Northwest 1/4;
thence N 88°55'02" E along the South line of said Northwest 1/4, 1773.81 feet; thence N 26°14'53" W, 537.23 feet to the point of beginning of the lands to be described; thence continuing N 26°14'53" W, 333.45 feet to a point on the Southeasterly right-of-way line of West National Avenue (C.T.H. "ES"); thence N 40°04'02" E along said right-of-way line, 342.24 feet; thence S 28°39'58" E, 457.28 feet; thence S 61°20'02" W, 333.00 feet to the point of beginning.

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

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

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

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

April 14, 2023
Date



Dennis C. Sauer
Professional Land Surveyor S-2421



CERTIFIED SURVEY MAP NO. _____

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

OWNER'S CERTIFICATE

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

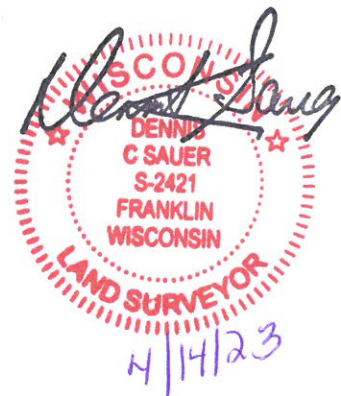
IN WITNESS WHEREOF, the said Lynn L. Reno, has caused these presents to be signed at _____, Wisconsin, this _____ day of _____, 20____.

Lynn L. Reno, Owner

STATE OF WISCONSIN)
_____) COUNTY) SS

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

Notary Public-State of Wisconsin
My Commission Expires: _____



CERTIFIED SURVEY MAP NO. _____

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

OWNER'S CERTIFICATE

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

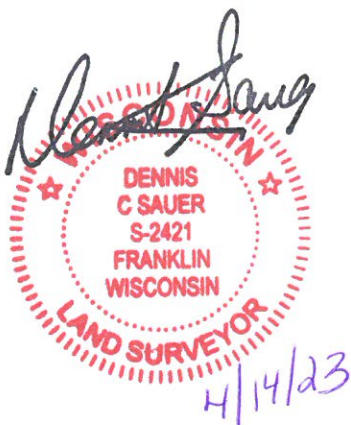
IN WITNESS WHEREOF, the said William R. Potter has caused these presents
to be signed at _____, Wisconsin, this _____ day of
_____, 20____.

William R. Potter, Owner

STATE OF WISCONSIN)
_____ COUNTY) SS

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

Notary Public-State of Wisconsin
My Commission Expires: _____



CERTIFIED SURVEY MAP NO. _____

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

PLAN COMMISSION APPROVAL

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

David Ament, Chairman
City of New Berlin

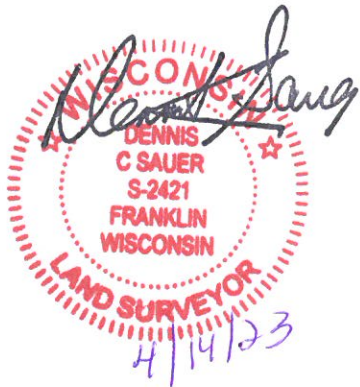
Nikki Jones, Secretary
City of New Berlin

COMMON COUNCIL APPROVAL

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

David Ament, Mayor
City of New Berlin

Rubina R. Medina, City Clerk
City of New Berlin



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

ORDINANCE NO. 2677

Ordinance to rezone from B-2 (General Retail Sales and Service District) & R-3 (Suburban Single-Family Residential District) to B-5 (Rural Commercial District) & R-3 (Suburban Single-Family Residential District)

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

SECTION I

The City of New Berlin, having received a petition from Jim Duerrwaechter to rezone the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963) from B-2 and R-3 to B-5 and R-3:

LEGAL DESCRIPTIONS:**18335 W. National Ave (Tax Key #: 1262.961)**

PT NW.25 SEC 28 T6N R20E COM ON E & W.25 LI 467.37 FT W OF CTR OF SEC, TH N 27 DGR 35' W 982.14 FT/BGN, TH N 27 DGR 35' W 197.67 FT, TH S 41 DGR 9' W 182.42 FT, TH S 27 DGR 35' E 131.5 FT, TH N 62 DGR 25' E 170 FT/BGN EX NWLY 40 FT/ROAD R1122 I210 #2667437 5/14/01 #2971103 4/1/03 (#3213789 8/1/04 CORRECTION DEED)

Tax Key #: 1262.962 (located behind 18335 W. National Avenue)

PT NW.25 SEC 28 T6N R20E COM ON E & W.25 LI 467.37 FT W OF CTR OF SEC, TH N 27 DGR 35' W 722.56 FT/BGN, TH N 27 DGR 37' W 259.58 FT, TH S 62 DGR 25' W 170 FT, TH S 27 DGR 35' E 40 FT ALG CURVE.. TH N 62 DGR 25' E 170 FT/BGN & R/W VOL 887/84 R524 I26 DOC #4386555 03/11/2019

18395 W. National Ave (Tax Key #: 1262.963)

PT NW.25 SEC 28 T6N R20E COM 467.37 FT W & N 27 DGR 35' W 722.56 FT OF SE COR, TH S 62 DGR 25' W 333 FT, TH NW 369.13 FT, TH N 41 DGR 9' E 340.96 FT TH S 27 DGR 35' E 492.68 FT TO BGN EX VOL 799/311, 887/84 DOC #4386554 03/11/2019

LANDS TO BE REZONED FROM R-3 TO B-5:

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

Commencing at the Southwest corner of said Northwest 1/4; thence N 88°55'02" E along the South line of said Northwest 1/4, 1773.81 feet; thence N 26°14'53" W, 537.23 feet; thence N 61°20'02" E, 163.00 feet to the point of beginning of the lands to be described; thence N 28°39'58" W, 99.58 feet; thence northeasterly along the arc of a curve to the left an arc distance of 113.89 feet; whose radius is 60.00 feet; whose chord bears N 06°57'15" E, 97.55 feet; thence N 61°20'02" E, 113.19 feet; thence S 28°39'58" E, 178.88 feet; thence S 61°20'02" W, 170.00 feet to the point of beginning

Containing 26,444 square feet (0.61 acres).

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

Commencing at the Southwest corner of said Northwest 1/4; thence N 88°55'02" E along the South line of said Northwest 1/4, 1773.81 feet; thence N 26°14'53" W, 537.23 feet; thence N 61°20'02" E, 333.00 feet; thence N 28°39'58" W, 259.58 feet; thence S 61°20'02" W, 160.08 feet to the point of beginning of the lands

to be described; thence S 32°58'36" E, 41.55 feet; thence southwesterly along the arc of a curve to the right an arc distance of 13.14 feet; whose radius is 60.00 feet; whose chord bears S 67°36'37" W, 13.12 feet; thence N 28°39'58" W, 40.00 feet; thence N 61°20'02" E, 9.92 feet to the point of beginning. Containing 463 square feet (0.01 acres).

LANDS TO BE REZONED FROM B-2 TO R-3:

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

Commencing at the Southwest corner of said Northwest 1/4; thence N 88°55'02" E along the South line of said Northwest 1/4, 1773.81 feet; thence N 26°14'53" W, 537.23 feet; thence N 61°20'02" E, 333.00 feet; thence N 28°39'58" W, 259.58 feet to the point of beginning of the lands to be described; thence S 61°20'02" W, 160.08 feet; thence N 32°58'36" W, 131.91 feet to a point on the Southeasterly right-of-way line of West National Avenue (C.T.H. "ES"); thence N 40°04'02" E, along said right-of-way line, 182.42 feet; thence S 28°39'58" E, 197.70 feet to the point of beginning. Containing 27,333 square feet (0.63 acres).

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

Commencing at the Southwest corner of said Northwest 1/4; thence N 88°55'02" E along the South line of said Northwest 1/4, 1773.81 feet; thence N 26°14'53" W, 537.23 feet; thence N 61°20'02" E, 333.00 feet; thence N 28°39'58" W, 178.88 feet; thence S 61°20'02" W, 113.19 feet to the point of beginning of the lands to be described; thence continuing S 61°20'02" W, 40.81 feet; thence N 32°58'36" W, 39.38 feet; thence southeasterly along the arc of a curve to the right an arc distance of 61.46 feet; whose radius is 60.00 feet; whose chord bears S 76°46'11" E, 58.81 feet to the point of beginning. Containing 1,107 square feet (0.03 acres).

SECTION II

The matter came before the City Plan Commission which held a public hearing on the proposed rezoning on September 25, 2023 and recommended approval of said rezoning on September 25, 2023 subject to the application, plans on file, and an ordinance approved by the City Attorney, and the matter having been considered and the rezoning approved on September 26, 2023 by the Common Council.

SECTION III

The Common Council of the City of New Berlin does hereby approve the rezoning of the lands in the above-described property from B-2 and R-3 to B-5 and R-3 subject to the application and plans on file.

The Mayor and City Clerk are authorized to execute this Ordinance No. 2677 on behalf of the City of New Berlin.

SECTION IV

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.

SECTION V

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

SECTION VI

This ordinance shall take effect upon passage and publication of a summary notice as required by law, 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.

PASSED AND ADOPTED by the Common Council this 26th day of September 2023.

APPROVED:

David A. Ament, Mayor

Countersigned:

Rubina Medina, City Clerk

STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT/PROJECT:	Jim Duerrwaechter / 2-Lot Certified Survey Map		
LOCATION:	18335 W. National Ave (Tax Key #: 1262.961) Tax Key #: 1262.962 (located behind 18335 W. National Avenue) 18395 W. National Ave (Tax Key #: 1262.963)		
REQUEST:	Approval of a 2-Lot Certified Survey Map		
REVIEW SCHEDULE:	CSM Received:	4/20/2023	
	Completeness Determination:	4/25/2023	
	90-day time limit expires:	7/19/2023	
	Final Common Council Action:	8/29/2023	
	60-day extension expires:	9/17/2023	
	60-day extension expires:	11/16/2023	
D.R.C. RECOMMENDATION:	Recommend to Common Council approval of a 2-Lot Certified Survey Map for the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963), 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-2300780) and Rezoning (see file #: RZ-2300781) is required prior to action on the Certified Survey Map. 6. Applicant shall dedicate the appropriate right-of-way to the City of New Berlin.		

DETAILS IN ATTACHED STAFF REPORT:

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

Meeting of September 25, 2023

Jim Duerrwaechter / 2-Lot Certified Survey Map
18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W.
National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963)

DATE STAFF REPORT PREPARED: June 20, 2023

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

REQUEST / DESCRIPTION OF PROJECT: Approval of a 2-Lot Certified Survey Map for the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963).

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

DATE OF COMPLETENESS DETERMINATION: 4/25/23

PRE-APPLICATION CONFERENCE HELD: Yes

Date(s) of Meeting(s): 4/6/23, as well as various counter visits and phone calls

Site Visit(s): 5/12/23

CONCEPTUAL PLAN: Yes

SIZE OF DEVELOPMENT / PARCEL(S):

0.60 acres 18335 W. National Ave (Tax Key #: 1262.961)

0.89 acres Tax Key #: 1262.962

1.53 acres 18395 W. National Ave (Tax Key #: 1262.963)

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

CURRENT LAND USE: Commercial/Residential

PROPOSED LOT SIZES:

Lot 1 40,007 square feet

Lot 2 88,384 square feet

PROPOSED ZONING: Applicant has filed an application for a Rezoning (see file # RZ-2300781).

Lot 1 R-3 (Suburban Single-Family Residential District)

Lot 2 B-5 (Rural Commercial District)

PROPOSED LAND USE: Applicant has filed an application for a Rezoning (see file # RZ-2300781).

Lot 1 Residential

Lot 2 Commercial

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North: Zoning: B-2, R-3

Land Use: Residential

South: Zoning: R-3

Land Use: Residential

East: Zoning: R-1/R-2, R-3

Land Use: Residential

West: Zoning: B-2

Land Use: Commercial

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes

Chapter 19: Neighborhood I: National Avenue West:

Vision:

- The National Avenue West area, like the Western Area neighborhood (Neighborhood B), should be a regional model of rural development. Any development should occur gradually as a mix of lower density single-family development, farms, large areas of preserved open spaces, rural trails and facilities and small-scale neighborhood oriented retail.
- National Avenue is a scenic rural corridor, with rural-oriented commercial uses located at specific nodes. These nodes include Prospect Hill, and the intersection of Beloit Road and National Avenue.

Development Policies:

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

Land Use:

- Future Land Use Map: Rural Commercial and Suburban Residential

ZONING CODE (Chapter 275): Yes, this request meets the requirements of §275-33B(3) and §275-34B(4) of the Zoning Code.

DEVELOPMENT CODE (CHAPTER 235): N/A

REZONING REQUIRED: See file # RZ-2300781.

CONDITIONAL USE REQUIRED: No

PUBLIC HEARING REQUIRED: A Joint Public Hearing is scheduled for September 25, 2023 for the Comprehensive Plan Amendment (see file #: CP-2300780) and Rezoning (see file #: RZ-2300781).

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: No
Conservancy Districts (C-1, C-2): No
NRCS Map Classification: Not Inventoried
Floodplain: No
Topography / Geologic: Site slopes to the north towards National Avenue.

BIKE & PEDESTRIAN FACILITIES PLAN: No improvements identified.

PARK & OPEN SPACE PLAN: No improvements identified.

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): N/A
Wildlife Habitat Protection: N/A
Wildlife Management Plan: N/A

ENVIRONMENTAL IMPACT: No impact.

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

SANITARY SEWER PROVISION:

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

WATER USAGE CALC.: No increase.

TRAFFIC IMPACT: No increase.

SCHOOL DISTRICT IMPACT: N/A

Notice Sent to Affected School District(s): No

PREVIOUS ACTION (18335 W. NATIONAL AVENUE):

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

PREVIOUS ACTION (18395 W. NATIONAL AVENUE):

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

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

1. The applicant has simultaneously applied for a Comprehensive Plan Amendment (see file #: CP-2300780) and Rezoning (see file #: RZ-2300781). Action for these applications is anticipated for the September 25, 2023 Plan Commission meeting.
2. The existing principal use for Lot 1 is Commercial, with residential quarters allowed as an accessory use, per §275-42G(1)(a). The building is currently unoccupied.
 - a. The property owner of Lot 1 intends to sell the property as a single-family home.
 - b. This property has been zoned B-2 dating back to the 1963 City Zoning Map and going forward to today. A business has been in operation at this location since 1964. Any future businesses located on Lot 1 must comply with §275-42G(4): Home Occupations.
 - c. At such time as future applications are submitted, the applicant is advised that §275-33E(1)(d) requires the construction of a garage.
3. The existing principal use for Lot 2 is Commercial, with residential quarters allowed as an accessory use, per §275-42G(1)(a). The building is currently being used as a business with residential quarters.
 - a. Lot 2 will continue as a commercial use, with residential quarters allowed as an accessory use.
 - b. Outdoor storage is allowed as an accessory use in the B-5 Zoning District.
 - c. An average landscape bufferyard of 15' is required when a Commercial Use is adjacent to a Single-Family Residential Use, per §275-56F.
4. Per §275-33D, the minimum lot area is 20,000 square feet and the minimum lot width is 110' in the R-3 District. Proposed Lot 1 meets the minimum lot dimensions.
5. Per §275-34D, the minimum lot area is 40,000 square feet and the minimum lot width is 200' in the B-5 District. Proposed Lot 2 meets the minimum lot area and is not making the lot width any more non-conforming.

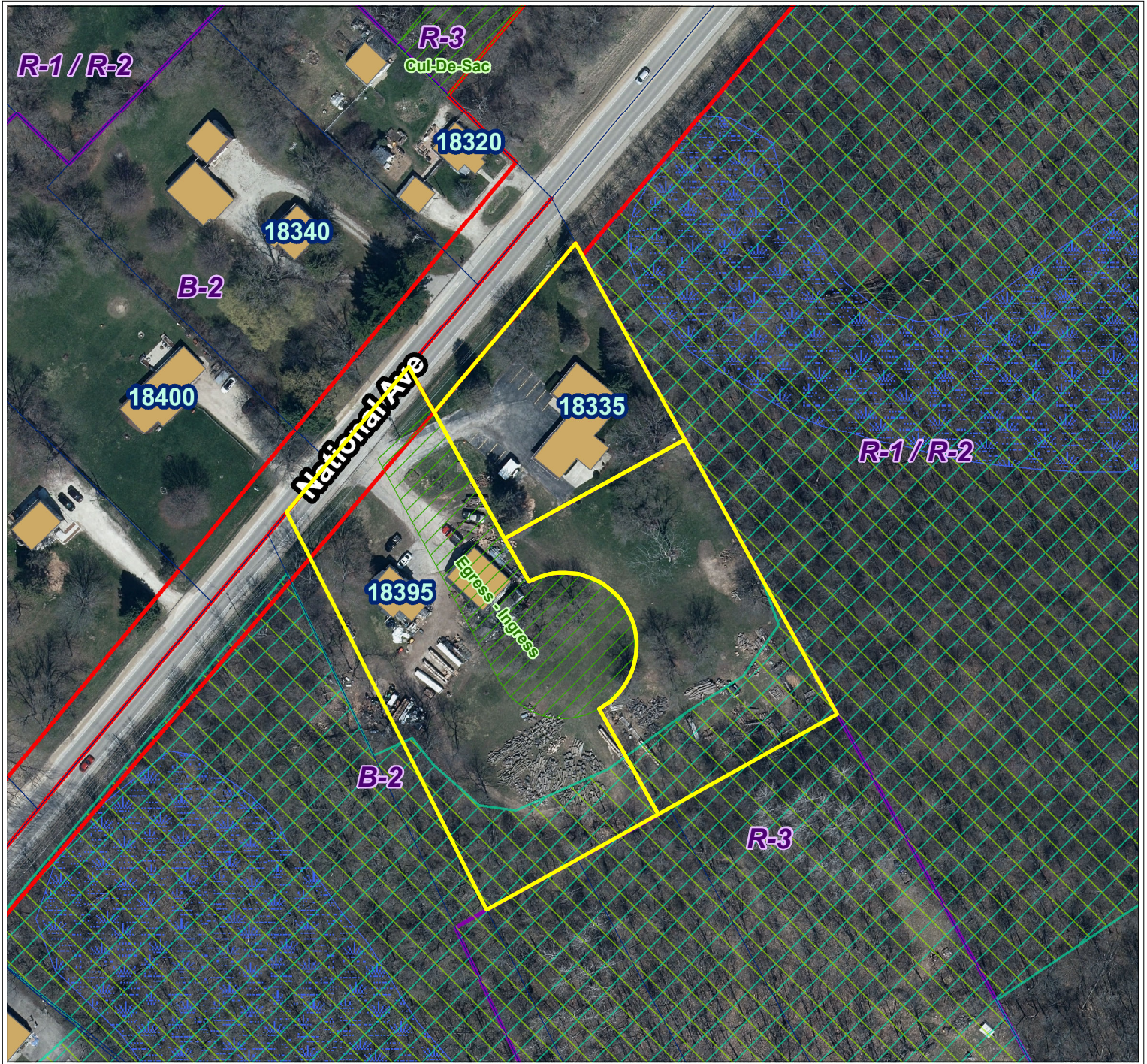
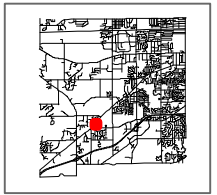
D.R.C. RECOMMENDATION:

Recommend to Common Council approval of a 2-Lot Certified Survey Map for the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963), subject to the application, plans on file and the following conditions:
See Executive Summary.

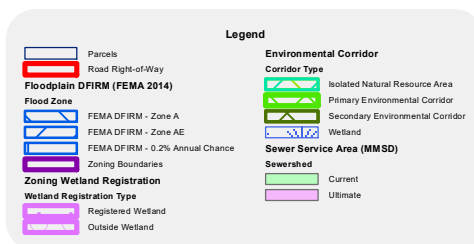
ATTACHMENTS:

Location Map
CSM

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



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



The information and depictions herein have been produced using data available through photogrammetric 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.

CERTIFIED SURVEY MAP NO. _____

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

Prepared for:

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

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

Prepared by:

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

NOTES:

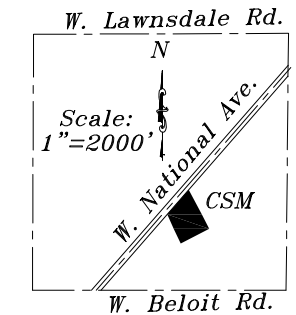
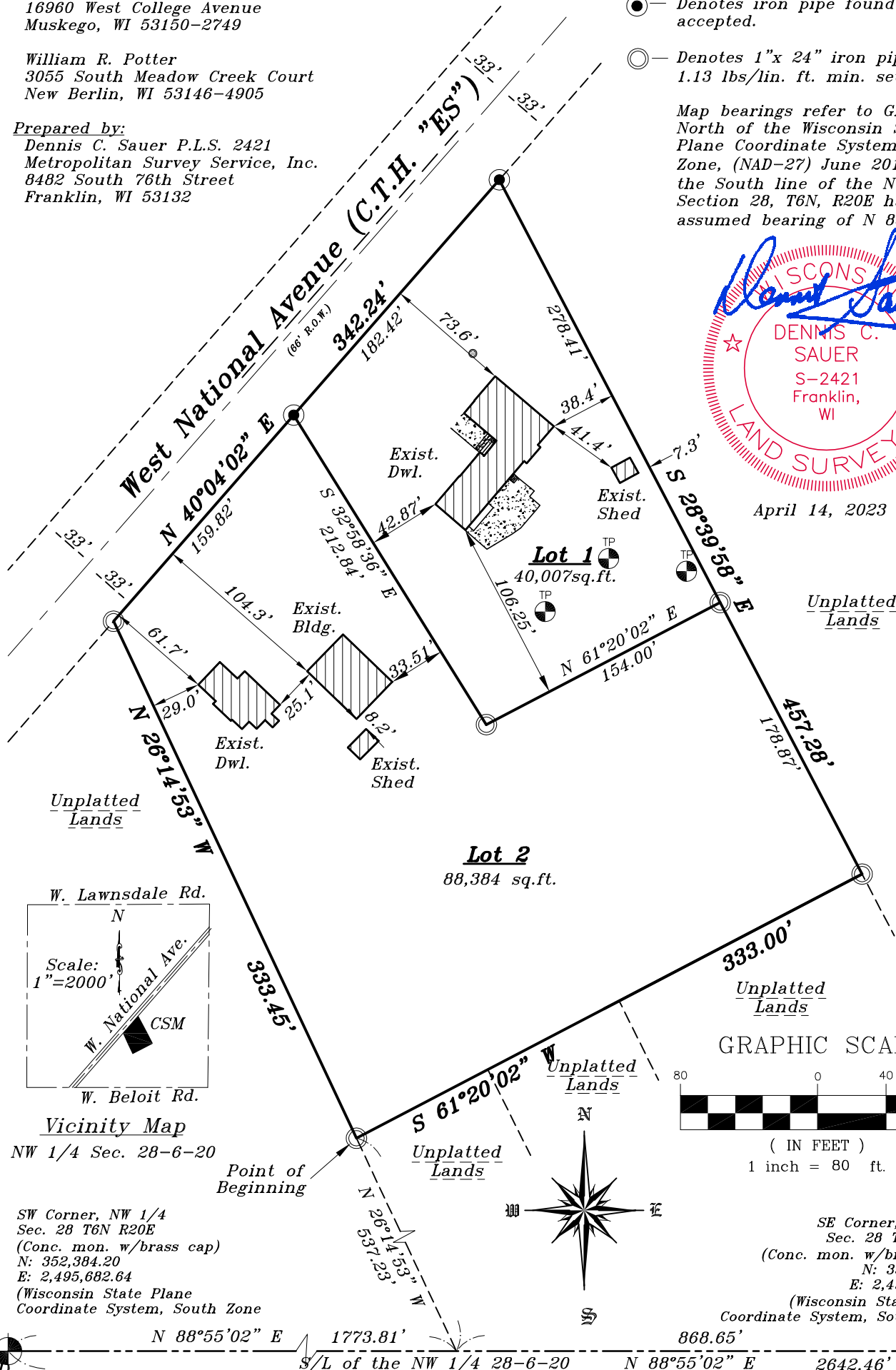
●— Denotes iron pipe found and accepted.

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

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



April 14, 2023

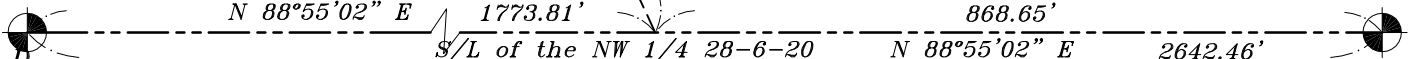


Vicinity Map

NW 1/4 Sec. 28-6-20

SW Corner, NW 1/4
Sec. 28 T6N R20E
(Conc. mon. w/brass cap)
N: 352,384.20
E: 2,495,682.64
(Wisconsin State Plane
Coordinate System, South Zone)

SE Corner, NW 1/4
Sec. 28 T6N R20E
(Conc. mon. w/brass cap)
N: 352,434.15
E: 2,498,324.42
(Wisconsin State Plane
Coordinate System, South Zone)



M\CSM's\NewBerlin\114217

Sheet 1 of 5

CERTIFIED SURVEY MAP NO. _____

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

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

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

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

Commencing at the Southwest corner of said Northwest 1/4;
thence N 88°55'02" E along the South line of said Northwest 1/4, 1773.81 feet; thence N 26°14'53" W, 537.23 feet to the point of beginning of the lands to be described; thence continuing N 26°14'53" W, 333.45 feet to a point on the Southeasterly right-of-way line of West National Avenue (C.T.H. "ES"); thence N 40°04'02" E along said right-of-way line, 342.24 feet; thence S 28°39'58" E, 457.28 feet; thence S 61°20'02" W, 333.00 feet to the point of beginning.

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

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

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

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

April 14, 2023
Date



Dennis C. Sauer
Professional Land Surveyor S-2421



CERTIFIED SURVEY MAP NO. _____

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

OWNER'S CERTIFICATE

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

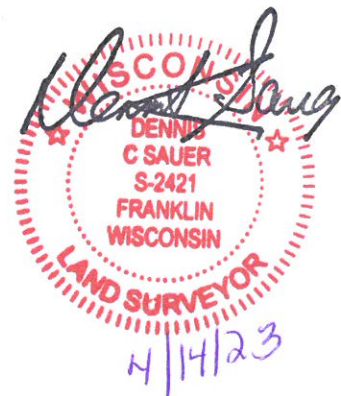
IN WITNESS WHEREOF, the said Lynn L. Reno, has caused these presents to be signed at _____, Wisconsin, this _____ day of _____, 20____.

Lynn L. Reno, Owner

STATE OF WISCONSIN)
_____COUNTY) SS

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

Notary Public-State of Wisconsin
My Commission Expires: _____



CERTIFIED SURVEY MAP NO. _____

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

OWNER'S CERTIFICATE

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

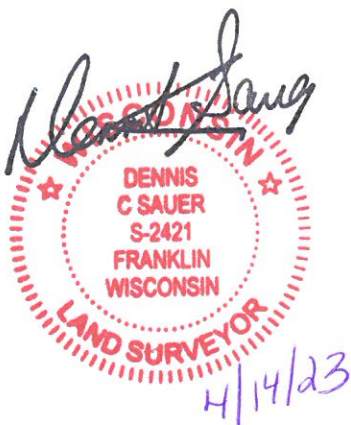
IN WITNESS WHEREOF, the said William R. Potter has caused these presents
to be signed at _____, Wisconsin, this _____ day of
_____, 20____.

William R. Potter, Owner

STATE OF WISCONSIN)
_____ COUNTY) SS

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

Notary Public-State of Wisconsin
My Commission Expires: _____



CERTIFIED SURVEY MAP NO. _____

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

PLAN COMMISSION APPROVAL

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

David Ament, Chairman
City of New Berlin

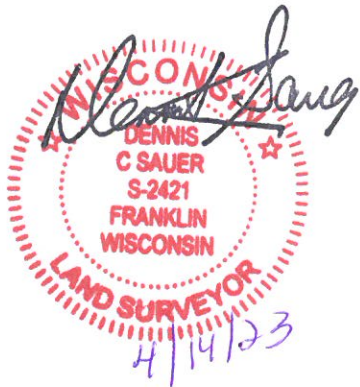
Nikki Jones, Secretary
City of New Berlin

COMMON COUNCIL APPROVAL

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

David Ament, Mayor
City of New Berlin

Rubina R. Medina, City Clerk
City of New Berlin



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