



Plan Commission MEETING AGENDA

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

Published: 10/27/2023

AGENDA

1. **PRIVILEGE OF THE FLOOR**
2. **CALL TO ORDER, PLEDGE OF ALLEGIANCE**
3. **ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE**
4. **APPROVAL OF MINUTES**
 - A. October 2, 2023
5. **PLAN COMMISSION SECRETARY'S REPORT**
6. **NEW BUSINESS**
 - A. (1) KW RO-2301910 Ronald Mellantine with Mells Enterprises LLC - 14135 W. Kostner Lane - Re-occupancy for Mells Enterprises LLC to re-occupy the space.
 - B. (7) KW CP-2301585 Terri Engsberg on behalf of Holy Apostles Congregation - 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #: 1212-991-001) - Amend the Future Land Use Map within the City's Comprehensive Plan from Suburban Commercial to Institutional and 2023 Comprehensive Plan Updates (Joint Public Hearing 10/2/2023)
 - C. (7) KW RZ-2301586 Terri Engsberg on behalf of Holy Apostles Congregation - 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #: 1212-991-001) - Rezone from B-2 to I-1. (Joint Public Hearing 10/2/2023)
 - D. (7) KW LD-2301587 Terri Engsberg on behalf of Holy Apostles Congregation - 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #: 1212-991-001) - 1 -Lot Certified Survey Map
 - E. (4) KH RZ-2301341 Ryan Janssen with Ryan's Buying LLC - 5751 S. Sunny Slope Road (Tax Key # 1289.994.002) - Rezone from A-2 to R-6. (PUBLIC HEARING 10/2/2023)
 - F. (1) NJ RZ-2301727 Jordan Chapman with ALRIG USA (DBA New Berlin Retail Management II LLC - 1401 S. Moorland Road (Tax Key # 1161995-001) - Rezone from B-1/PUD & C-2 to B-2/PUD & C-2. (PUBLIC HEARING 10/2/2023)
 - G. GK DCD1-2302102 Zoning Code Updates
7. **COMMUNICATIONS**
 - A. Memo RE: 2024 Plan Commission Meeting Dates
8. **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.*



Plan Commission MEETING MINUTES

October 2, 2023 - 6:00 PM
Council Chambers
3805 S. Casper Drive

Please note: Minutes are unofficial until approved at the next regular scheduled meeting.

MINUTES

1. PUBLIC HEARING(S)

- A.** (7) KW CP-2301585 & RZ-2301586 Terri Engsberg on behalf of Holy Apostles Congregation - 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #: 1212-991-001) - Request to amend the Future Land Use Map within the City's Comprehensive Plan from Suburban Commercial to Institutional and rezone from B-2 to I-1. (Joint Public Hearing 6:00 PM)

Kelly Wall introduced the Public Hearing item to the Plan Commissioners.

Mayor Ament asked if there were any questions for clarification. Comments were given by the following:

- Mike Schober, 2835 S. Moorland Rd.

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

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

Mayor Ament asked if there were questions and/or comments from Plan Commissioners. There were none.

- B.** (4) KH RZ-2301341 Ryan Janssen with Ryan's Buying LLC - 5751 S. Sunny Slope Road (Tax Key # 1289.994.002) - Rezone from A-2 to R-6. (PUBLIC HEARING 6:01 PM)

Kristen Hogan introduced the Public Hearing item to the Plan Commissioners.

Mayor Ament asked if there were any questions for clarification. Comments were given by the following:

- Jim Peterson, 5619 Foxtail Ct.

Mayor Ament asked if there was anyone wishing to speak in favor of the public hearing.

- Ryan Janssen, S98 W33270 Genevive Dr., Mukwonago

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

Mayor Ament asked if there were questions and/or comments from Plan Commissioners. There were none.

- C.** (1) NJ RZ-2301727 Jordan Chapman with ALRIG USA (DBA New Berlin Retail Management II LLC - 1401 S. Moorland Road (Tax Key # 1161995-001) - Rezone from B-1/PUD & C-2 to B-2/PUD & C-2. (PUBLIC HEARING 6:02 PM)

Nikki Jones introduced the Public Hearing item to the Plan Commissioners.

Mayor Ament asked if there were any questions for clarification. There were none.

Mayor Ament asked if there was anyone wishing to speak in favor of the public hearing.

- Mary Claire Lanser, 14550 W. Meadowshire Dr.

Mayor Ament asked if there was anyone wishing to speak in opposition of the public hearing.

- Conrad Holling, 15608 W. Ridge Rd.

Commissioner Anderson arrived at 6:25 PM

Mayor Ament asked if there were questions and/or comments from Plan Commissioners. There were none.

2. PRIVILEGE OF THE FLOOR

None

3. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Mayor Ament called the Plan Commission meeting to order at 06:29 PM.

Mayor Ament led the Pledge of Allegiance.

4. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Deputy Clerk Godshall took the roll call as follows:

Present: Commissioner Schulpus, Commissioner Felda, Commissioner Anderson, Commissioner Rafel, Mayor Ament

Excused: Alderman Stribl, Commissioner McGrath

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

5. APPROVAL OF MINUTES

A. September 25, 2023 Meeting Minutes

MOTION: Motion to Approve

VOTE: Motion by: Commissioner Schulpus
Second by: Commissioner Rafel
Motion Passed 5-0

6. PLAN COMMISSION SECRETARY'S REPORT

No Report

7. NEW BUSINESS

A. (6) KW SG-2301577 Richard Dahl - 13825 W. National Ave - Monument sign waiver request.

MOTION: Motion to Approve

VOTE: Motion by: Commissioner Schulpius
Second by: Commissioner Felda
Motion Passed 5-0

- B.** (7) KH SP-2301676 Ryan Janssen with Ryan's Buying LLC - 4908 S. Calhoun Road (Tax Key #: 1258.999)
- Autumn Trace Final Plat

MOTION: Motion to Approve

VOTE: Motion by: Commissioner Rafel
Second by: Commissioner Schulpius
Motion Passed 5-0

- C.** (1) GK/NJ UA-2301691 Dan Romnek with Mandel Group – 1750 S. Moorland Road– Use, Site and Architectural approval for a multi-family residential development.

MOTION: Motion to Table

VOTE: Motion by: Commissioner Anderson
Second by: Commissioner Rafel
Motion Passed 5-0

- D.** (3) & (6) KH PK-2300318 Buena Park and Maple Ridge Park - Approval of the designs for Buena Park and Maple Ridge Park

MOTION: Motion to Approve both parks

VOTE: Motion by: Commissioner Rafel
Second by: Commissioner Felda
Motion Passed 5-0

8. COMMUNICATIONS

- A.** Memo RE: 2024 Plan Commission Meeting Dates

The draft meeting dates were looked over, with the possibility they may change.

9. ADJOURN

MOTION: Motion to Adjourn at 6:45 PM

VOTE: Motion by: Commissioner Anderson
Second by: Commissioner Rafel
Motion Passed 5-0

*Respectfully Submitted,
Megan Godshall, Deputy City Clerk*

STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT/PROJECT: Ronald Mellantine with Mells Enterprises LLC / Re-Occupancy

LOCATION: 14135 W. Kostner Ln

REQUEST: Re-occupancy approval for a non-conforming use within the Rm-1 Zoning District, located at 14135 W. Kostner Ln

D.R.C. RECOMMENDATION: Approval of the Re-occupancy application for a non-conforming use within the Rm-1 Zoning District, located at 14135 W. Kostner Ln, subject to the application, plans on file and the following conditions of approval:

1. Planning:

- a. Section 275-48C(2) addresses the non-conformity of this site. This section states, *“Change to other non-conforming use. The Plan Commission may approve a change of use to a use not otherwise allowed in the underlying zoning districts if the Plan Commission finds that the new proposed use will be no more injurious than the previous use or will decrease the extent of the nonconformity. If the Plan Commission approves such a change of use, it shall be authorized to impose conditions it deems necessary to reduce or minimize any potentially adverse effect upon other property in the neighborhood, and to carry out the general purpose and intent of this chapter. Any condition imposed must relate to a situation created or aggravated by the proposed use and must be roughly proportional to its impact.”*
 - i. It appears from the information the applicant has provided that they will not be any more intense than the previous businesses that have been located within this building.
- b. Plan of operation shall be consistent with submitted plans on file.
 - i. Hours of Operation: N/A – Unit will be used to store tools and trailers.
 - ii. Number of Employees: 1
- c. Employee and customer parking shall be contained on site.
- d. No other outdoor storage of materials permitted for this business.
- e. Dumpsters shall be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
- f. Signage shall require a separate application and issuance of a Sign Permit prior to fabrication and installation.
- g. All temporary signs shall also require an application to be filed prior to installation.
- h. A site visit will be performed after issuance of the Zoning Permit. Per Section 275-53B(1)(11) All existing nonconformities and outstanding code violations shall be identified, resolved, and remedied by the deadline dates.
- i. This application does not include any interior or exterior building modifications. Separate applications and permits are required for any modifications.

- j. The building shall be fully accessible from the parking lot to the interior elements (SPS 363.1101 and ICC/ANSI A117.1).
- k. The City of New Berlin reserves the right to review any substantiated complaints and take appropriate action including revocation of zoning permit if necessary due to expansion of plan of operation, including outdoor storage of pallets or additional vehicles onsite.

2. Engineering:

- a. All truck maneuvering shall be contained on site. Maneuvering in the roadway is not allowed.
- b. No site improvements are approved as part of this permit. Any expansions to parking or maneuvering areas shall be reviewed under a separate permit application.

3. Building Inspection:

- a. A re-occupancy inspection of the facility will be required by the City of New Berlin Inspection Division and Fire Department.
- b. Please be sure to schedule your fire inspection with your occupancy inspection.
- c. Any alterations shall require that the building plans be signed and stamped by a licensed architect or professional engineer per the Wisconsin Enrolled Commercial Building Code (SPS 361.31).
- d. Apply and obtain appropriate building, electric, plumbing and fire department permits.
- e. Building shall meet all applicable building and fire codes.
- f. All exit signs and emergency lighting must be functional. New or additional exit signage & emergency lighting maybe required.

4. Fire Department:

- a. Upgrade and maintain egress/emergency lighting to LED with battery back-up throughout.
- b. Provide and maintain fire extinguishers every 75' of travel distance.
- c. Name and address plainly seen from the street.
- d. No vehicular or hazardous material storage permitted.

DETAILS IN ATTACHED STAFF REPORT

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

Meeting of November 6, 2023

**Ronald Mellantine with Mells Enterprises LLC / Re-Occupancy
14135 W. Kostner Ln**

DATE STAFF REPORT CREATED: October 2, 2023

APPLICANT / OWNER(S): Ronald Mellantine

REQUEST / DESCRIPTION OF PROJECT: Re-occupancy approval for a non-conforming use within the Rm-1 Zoning District, located at 14135 W. Kostner Ln.

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 9/19/2023

DATE OF COMPLETENESS DETERMINATION: 9/19/2023

PRE-APPLICATION CONFERENCE HELD: No

Date(s) of Meeting(s): Several meetings with the applicant at the front counter.

Site Visit(s): 10/24/2023

CONCEPTUAL PLAN: N/A

SIZE OF DEVELOPMENT / PARCEL(S): 4.8 acres

CURRENT ZONING: Rm-1, Multiple Family Residential District

CURRENT LAND USE: Multi-tenant business

PROPOSED ZONING: N/A

PROPOSED LAND USE: Business. This business replaces an existing legal non-conforming use.

PROPOSED LOT SIZE: N/A

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North: Zoning: R-5, Medium-Density Residential

Land Use: Single-Family Residential

South: Zoning: R-5, Medium-Density Residential

Land Use: Single-Family Residential

East: Zoning: R-5, Medium-Density Residential

Land Use: Single-Family Residential

West: Zoning: P-1, Park and Recreation

Land Use: Gatewood Park

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes

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

Planning Context / Vision / Development Policies:

Vision:

- *The Urban Neighborhood North shall continue to be a series of well maintained, single-family neighborhoods served by neighborhood amenities such as parks, pedestrian connections to adjacent neighborhoods and nearby shopping areas.*

Development Policies:

- *Create flexible but predictable compatibility standards for new construction and redevelopment related to site planning, building design and materials, landscaping, buffering, access, signage, and other land use impacts.*
- *Monitor housing conditions and nonconforming uses, and periodically assess the need for targeted building and Zoning Code enforcement programs.*

Land use:

- *Future Land Use Map: Park (there are no plans to acquire additional land for Gatewood Park at this time, per the City's Park and Open Space Plan)*

ZONING CODE (Chapter 275): Yes, this request is consistent with Section 275-48C(2) of the Zoning Code.

DEVELOPMENT CODE (CHAPTER 235): N/A

PUBLIC HEARING REQUIRED: No

CONDITIONAL USE REQUIRED: No

USE / SITE /ARCHITECTURAL REVIEW:

Use Approval Required: Yes

Site Plan Required: Yes

Architectural Review Required: No

PROPOSED ARCHITECTURE: N/A

UNIQUE SITE CHARACTERISTICS:

Environmental Corridor: No

Wetland On Property: Yes

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

NRCS Map Classification: Not Inventoried

Floodplain: No

Topography / Geologic: The site is relatively flat.

BIKE & PEDESTRIAN FACILITIES PLAN: No improvements identified.

PARK & OPEN SPACE PLAN: None identified.

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): N/A

Woodland, Tree, and Vegetation Protection: N/A

Wildlife Management Plan: N/A

ENVIRONMENTAL IMPACT: N/A

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

SANITARY SEWER PROVISION:

Within Current Sewer Service Area: Yes

Sewer Shed Capacity Available: Yes

Adequate Linkage: N/A
Onsite System Required: No

WATER USAGE CALC.: No increase.

TRAFFIC IMPACT: N/A

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

PREVIOUS ACTION:

1943	Building Constructed
5/1/1989	Use Approval for LCL Heating and Air Conditioning
11/6/1989	Use Approval for Oil Systems
7/6/1992	Use Approval for Amtech Tool and Die

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

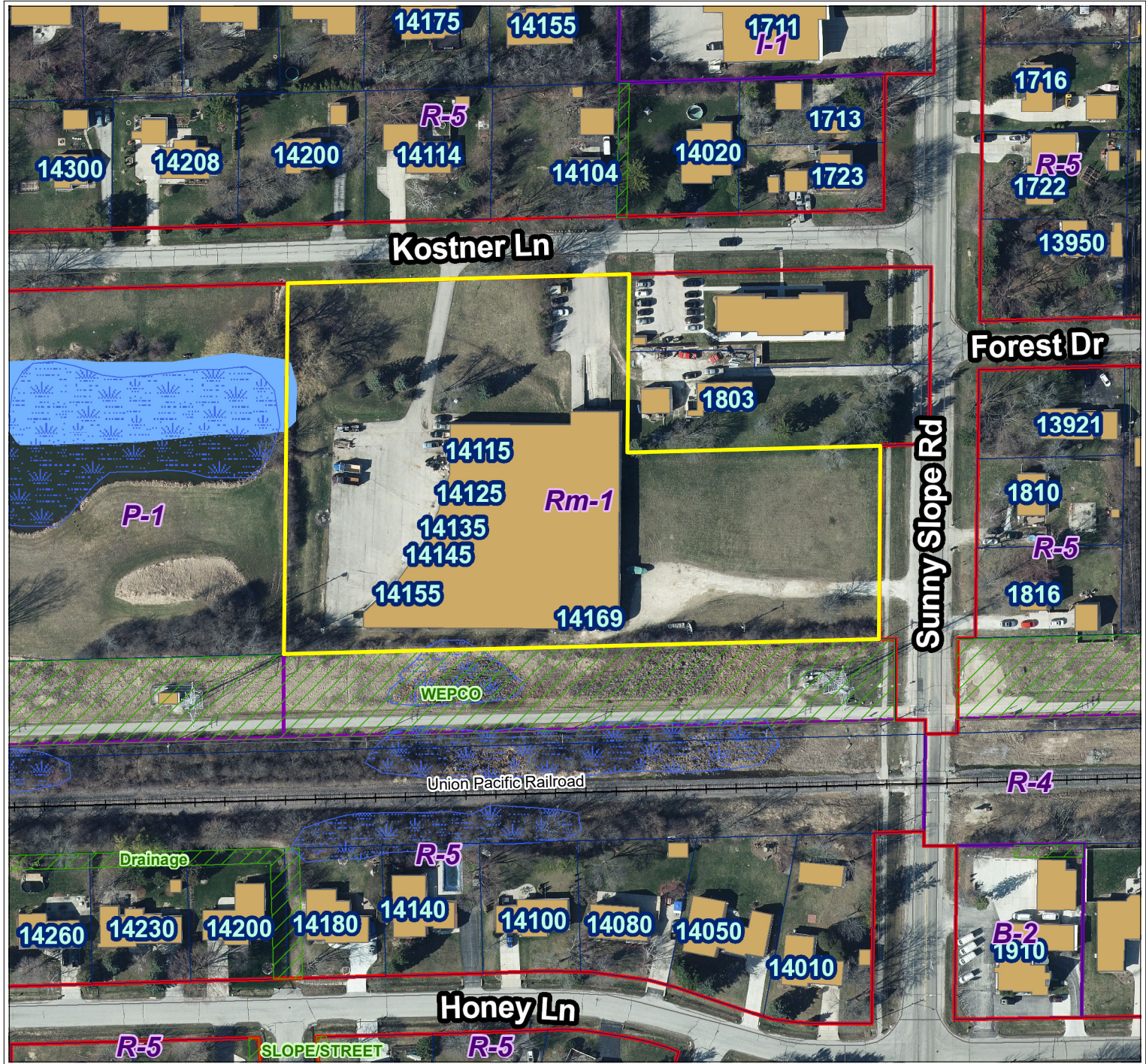
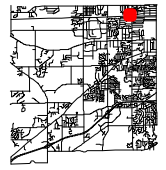
1. Section 275-48C(2) addresses the non-conformity of this site. This section states, *“Change to other non-conforming use. The Plan Commission may approve a change of use to a use not otherwise allowed in the underlying zoning districts if the Plan Commission finds that the new proposed use will be no more injurious than the previous use or will decrease the extent of the nonconformity. If the Plan Commission approves such a change of use, it shall be authorized to impose conditions it deems necessary to reduce or minimize any potentially adverse effect upon other property in the neighborhood, and to carry out the general purpose and intent of this chapter. Any condition imposed must relate to a situation created or aggravated by the proposed use and must be roughly proportional to its impact.”*
 - a. It appears from the information the applicant has provided that they will not be any more intense than the previous businesses.
2. The Zoning Ordinance would not allow this type of activity to normally exist in the Rm-1 district; however Section 275-48A, states, *“Existing non-conforming uses. The lawful non-conforming use of a structure, land, or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter. However, only the portion of the land or water in actual use may be so continued, and the structure or area within which the use is contained may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law and/or order so as to comply with the provisions of this chapter.”*
3. This business replaces an existing legal non-conforming use.
4. Section 275-48D(1) states, *“Discontinuance. If such non-conforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this chapter.”*

D.R.C. RECOMMENDATION:

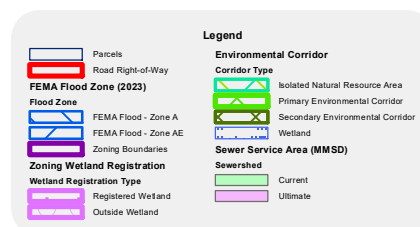
Approval of the Re-occupancy application for a non-conforming use within the Rm-1 Zoning District, located at 14135 W. Kostner Ln, subject to the application, plans on file and the following conditions of approval: **See Executive Summary.**

ATTACHMENTS:

Location Map
Plan of Operation
Plans



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



0 55 110 Feet

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Mells's Enterprises LLC

2911 S 126th Street
New Berlin, WI 53151
414-403-9008
hegans@sbcglobal.net

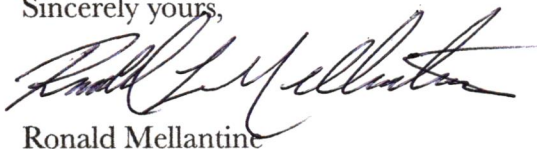
August 18, 2023

Kelly Wall
3805 S. Casper Drive
New Berlin, WI 53151

Dear Kelly (City Of New Berlin)

My name is Ronald Mellantine I live in New Berlin and have ran business's in New Berlin for years now Hegan's Fields Of Dreams on Cleveland was one of them since then I have purchased other buildings in New Berlin and I want to use this warehouse for storage and my shop tools, trailers ext. I hope New Berlin finds this as a suitable use for this space because it is very convenient for me. Thank You for your time.

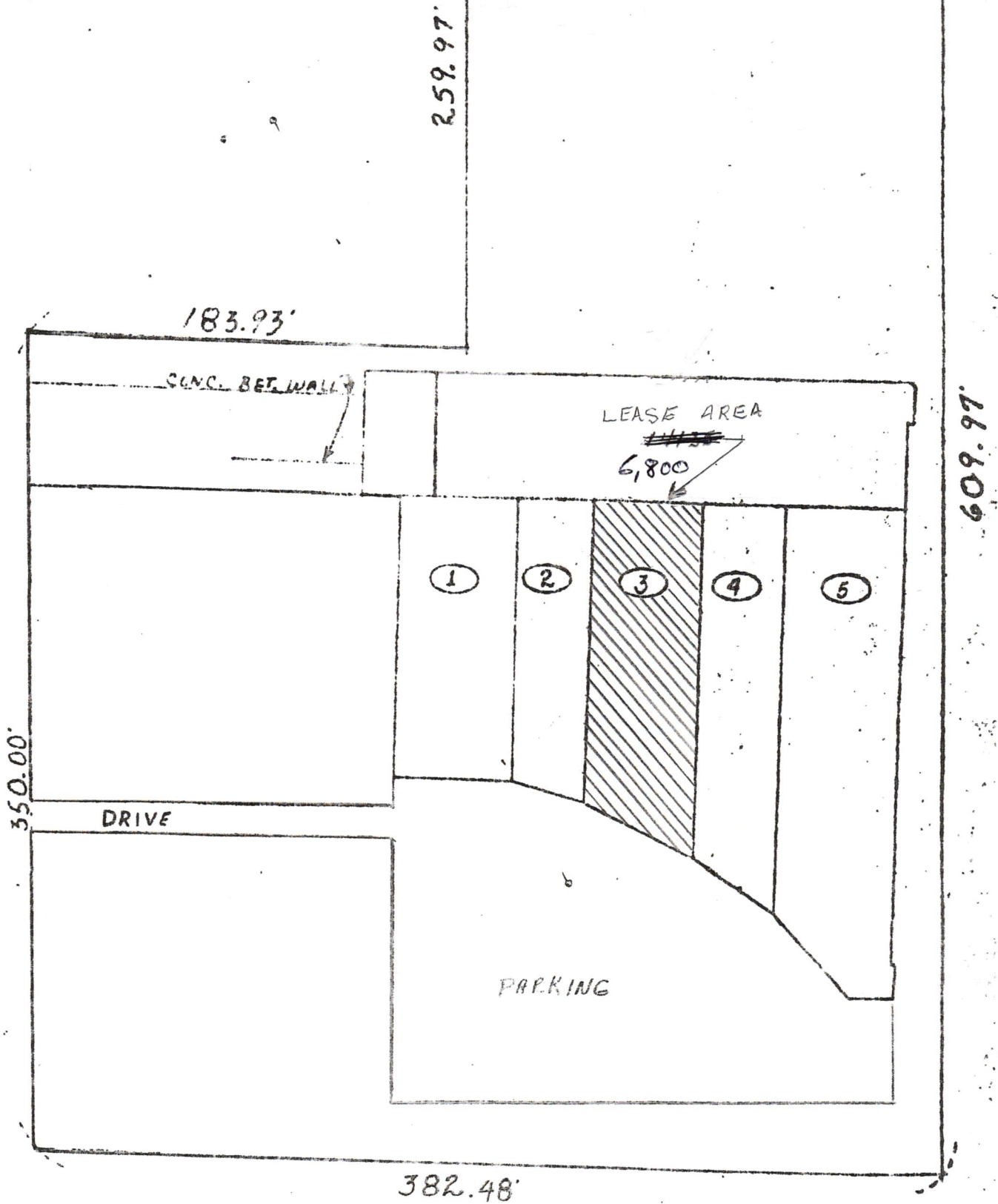
Sincerely yours,



Ronald Mellantine

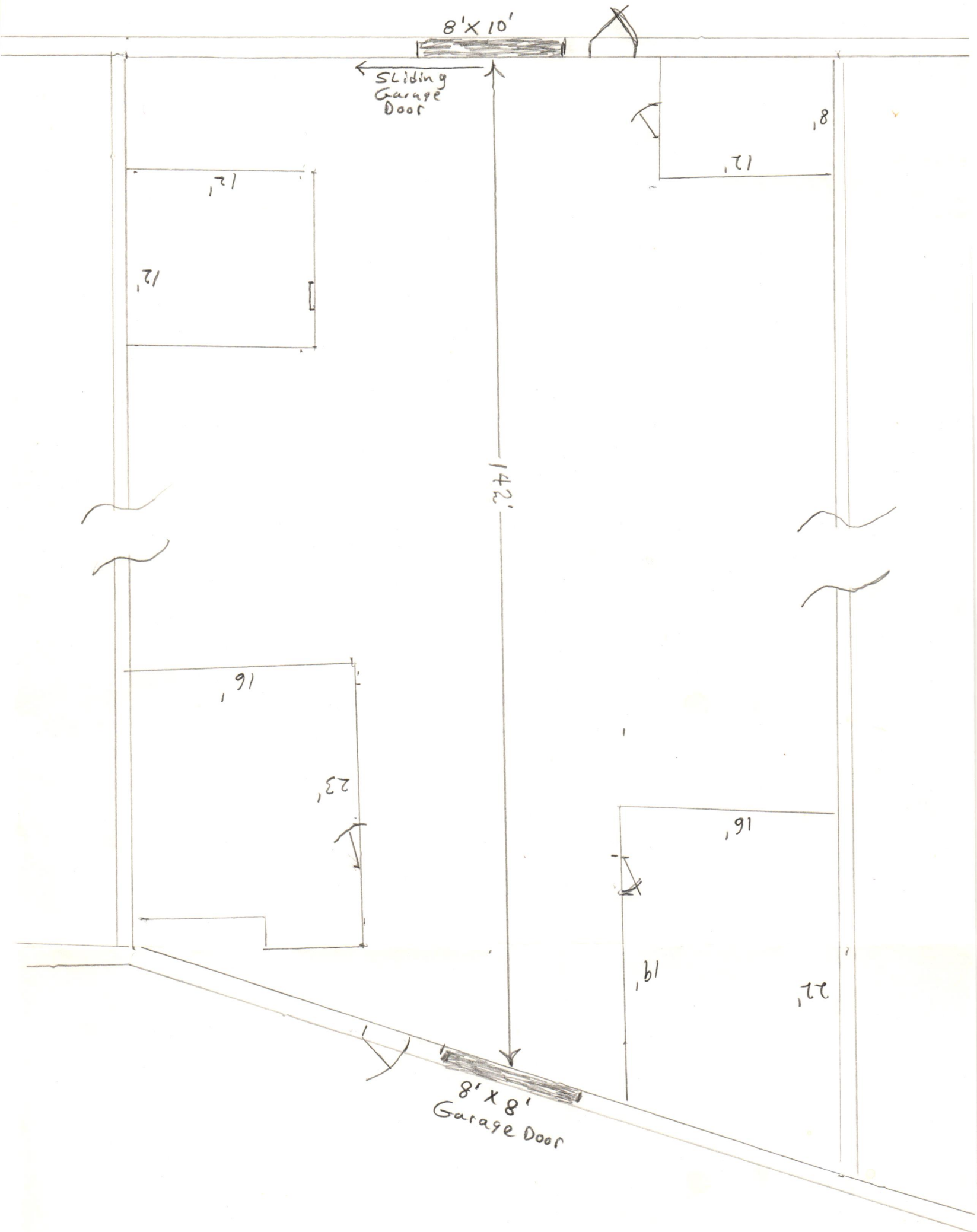
EXHIBIT A

W. KOSTNER AVE



N ← 6,800

SCALE $\frac{1}{8}'' = 1'$



STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT/PROJECT:	Terri Engsberg on behalf of Holy Apostles Congregation / 2030 Comprehensive Plan Amendments
LOCATION:	15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #: 1212-991-001)
CURRENT FUTURE LAND USE:	Suburban Commercial
PROPOSED FUTURE LAND USE:	Institutional
CURRENT ZONING:	B-2 (General Retail Sales and Service District)
REQUEST:	A request to amend the Future Land Use Map within the City's Comprehensive Plan (Chapter 15 - Neighborhood "E" and Chapter 10 - Land Use) for the property located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #: 1212-991-001) from Suburban Commercial to Institutional. In addition, Plan Commission discussion on the following 2030 Comprehensive Plan chapters as part of a general update to the plan: ▪ Chapter 10 – Land Use ▪ Chapter 15 – Neighborhood "E"
D.R.C. RECOMMENDATION:	Recommend to Plan Commission adoption of Resolution # 23-26 that approves the amendments to the 2030 Comprehensive Plan for the property located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #: 1212-991-001) from Suburban Commercial to Institutional and forward to the Common Council for their review and approval by Ordinance.

Background:

1. The applicant has simultaneously applied for Rezoning (see file #: RZ-2301586) and 1-Lot CSM (see file #: LD-2301587). Action for these applications is anticipated for the November 6, 2023 Plan Commission meeting.
 - a. This request is consistent with the proposed rezoning of the property to I-1 (Institutional District).
2. A 1-Lot CSM was approved in 2010 to combine 16000 W. National Avenue and 15850 W. National Avenue. However, the Zoning and Future Land Use were not changed at that time. Thus, this Comprehensive Plan Amendment and Rezoning application (See File #: RZ-2301586) include both the property at 15970 W. National Avenue and a portion of the property located at 16000 W. National Avenue.

Rationale:

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes

1. **Chapter 15: Neighborhood E: National Avenue East Corridor:** Yes, this submittal meets the intent of this Chapter.

Planning Context / Vision / Development Policies:

Vision:

- National Avenue should be an exemplary model of a suburban commercial corridor. Vehicular and pedestrian traffic should coexist in a safe and efficient manner through prominent pedestrian facilities and managed vehicular access. Utilities should be relocated or placed underground whenever feasible to de-emphasize their visual prominence. Public streetscape improvements should be coordinated with private landscaping and site design. Commercial development will be focused at nodes along the corridor to minimize the “strip” appearance.

Development Policies:

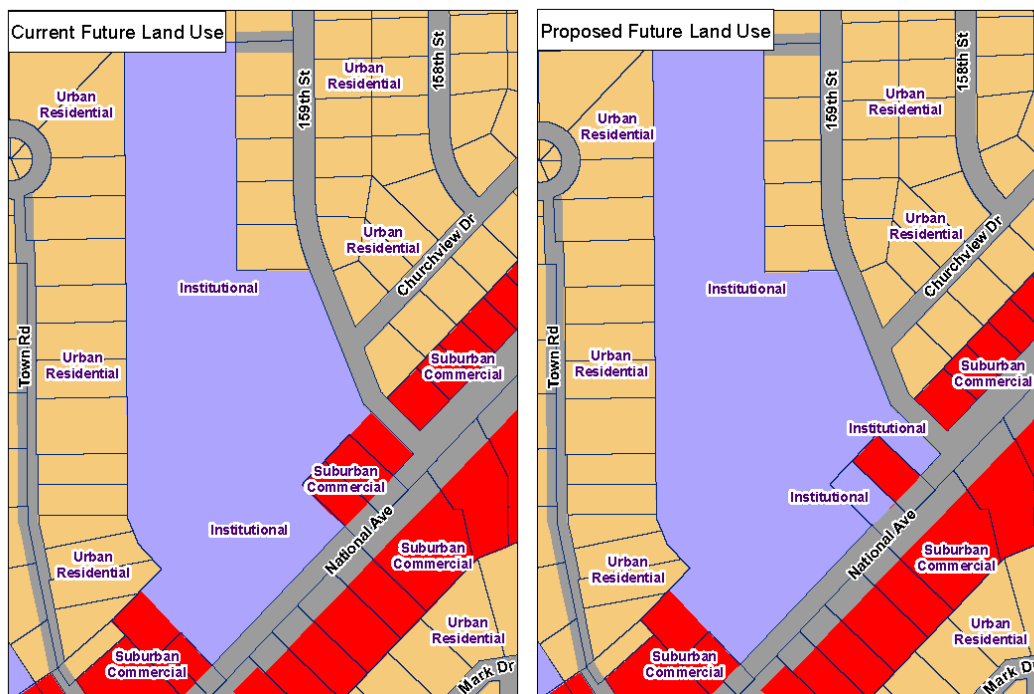
- Encourage parcel assemblages and cross-access/shared-access points to create a more cohesive development area.

Land Use:

Future Land Use Map: Suburban Commercial (Existing) / Institutional (Proposed)

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

- 2030 Future Land Use Map: Suburban Commercial
- Proposed Future Land Use Map Suggestion: Institutional



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

Amending the Plan

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

consistent with the overall vision of the Plan. Proposed amendments could originate in any of the following way:

- Amendments proposed as corrections of clerical or administrative errors, mapping errors, and updated data for text, tables, and maps. Such amendments would be drafted by City staff.
- Amendments proposed as a result of discussions between officials and citizens.
- Amendments proposed as a result of recommendations discussed during a City planning process.
- When a change is proposed, it should follow this general procedure:
 - Recommendation by the Plan Commission to conduct a review process for the proposed amendment.
 - Facilitation of public hearings as required by applicable Wisconsin State Statutes and/or ordinances.
 - Recommendation from the Plan Commission to the Common Council.
 - Consideration and decisions by the Common Council.

Plan Element Consistency

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

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

4. Plan Commission held a joint public hearing at their October 2, 2023 Plan Commission meeting for this request and the rezoning request (Application File #: RZ-2301586).

D.R.C. RECOMMENDATION:

Recommend to Plan Commission adoption of Resolution # 23-26 that approves the amendments to the 2030 Comprehensive Plan for the property located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #: 1212-991-001) from Suburban Commercial to Institutional and forward to the Common Council for their review and approval by Ordinance.

Attachments:

Location Map

Future Land Use Comparison Map

Zoning Comparison Map

CSM

Applicant Letter

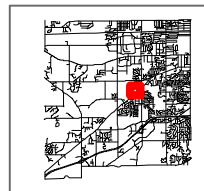
Draft Chapter 10 - Land Use Plan – Minor edits as part of the 2030 Update and to amend the FLU Map.

Draft Chapter 15 - Neighborhood E: National Avenue East Corridor- Minor edits as part of the 2030 Update

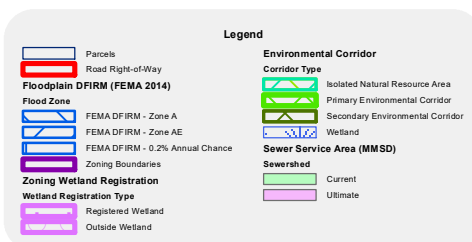
Draft Resolution # 23-26

Draft Ordinance # 2684

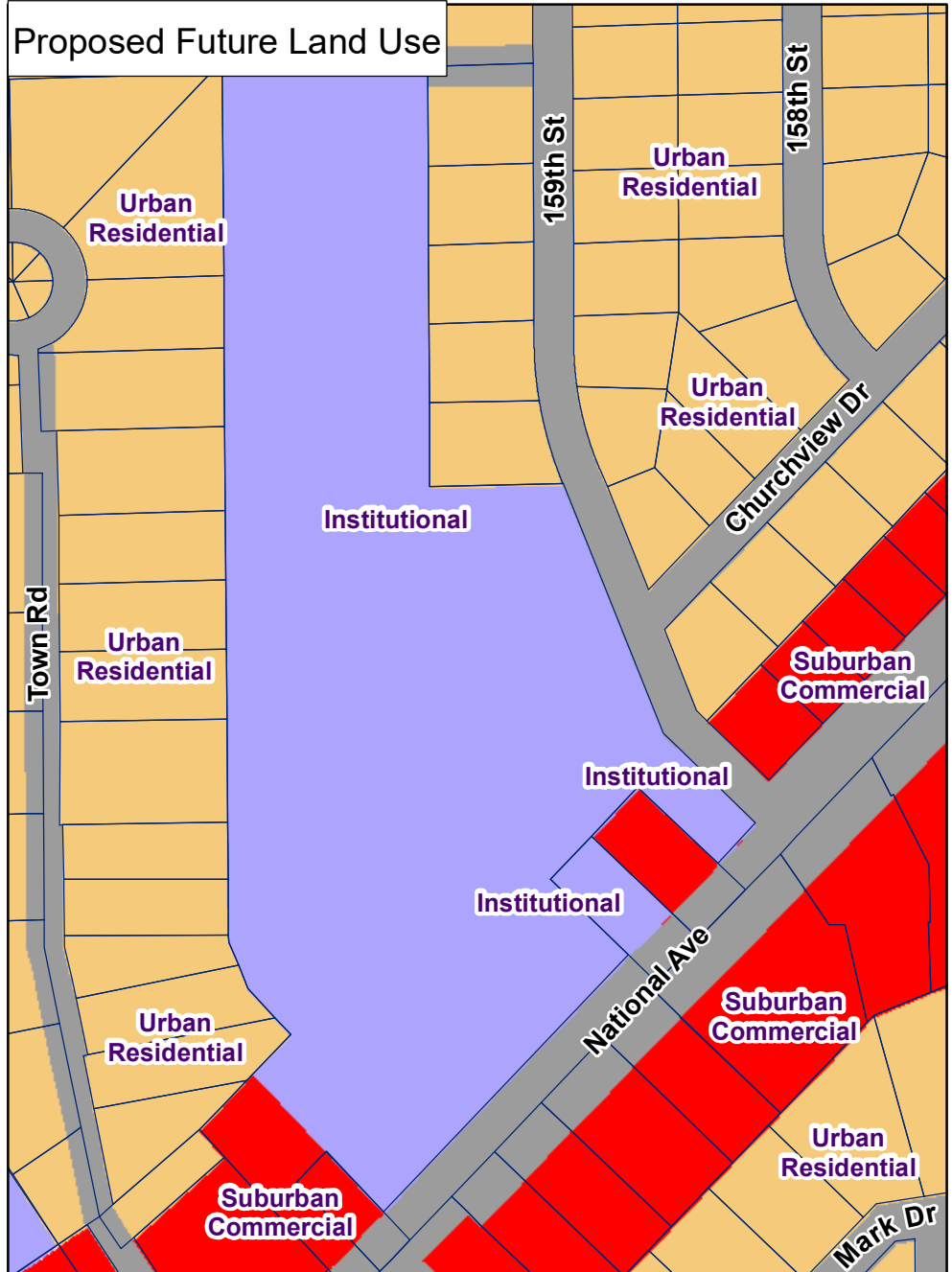
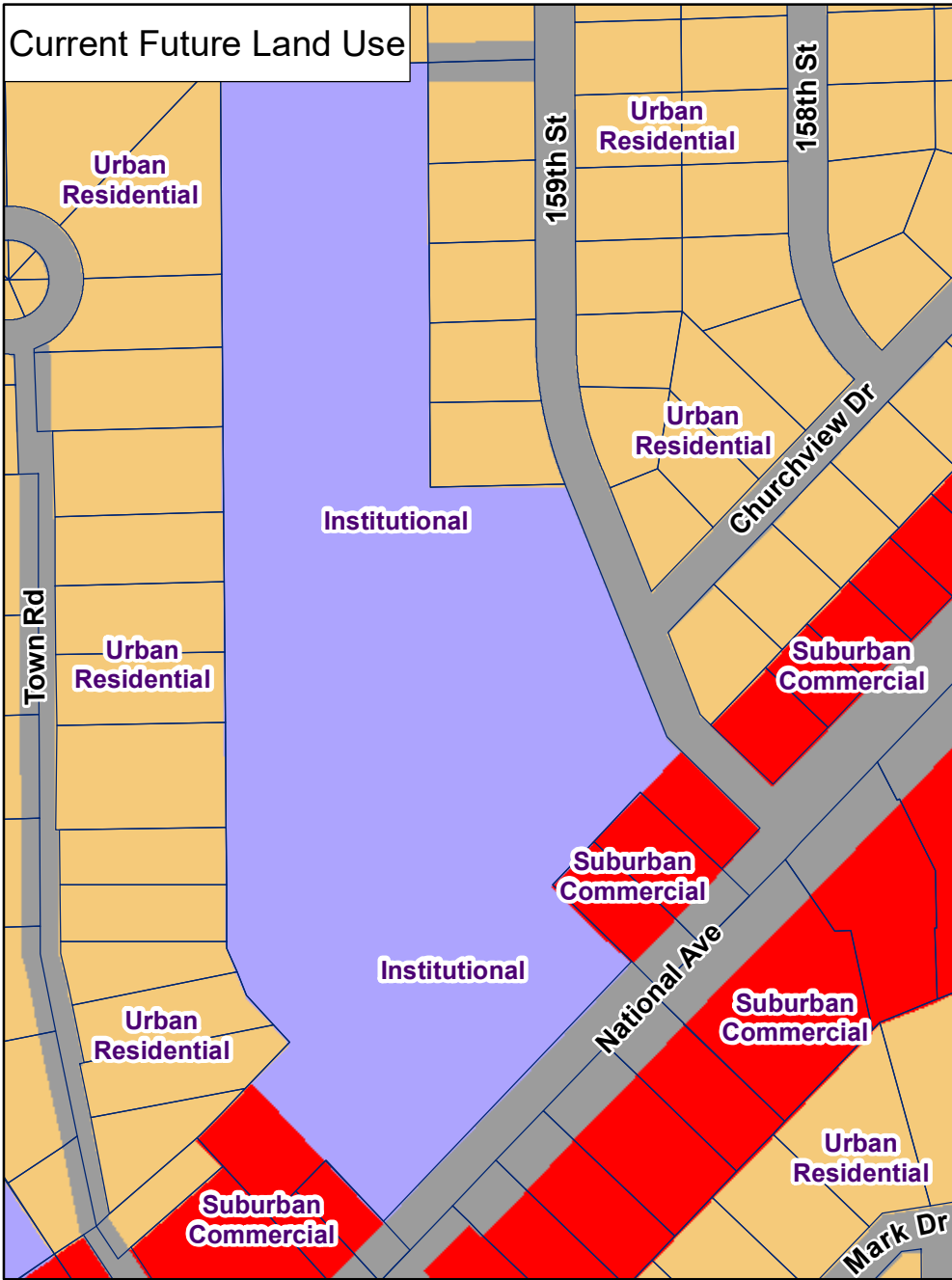
CP-2301585 / RZ-2301586 / LD-2301587
Holy Apostles Congregation
15970 W. National Ave. &
a portion of 16000 W. National Ave.



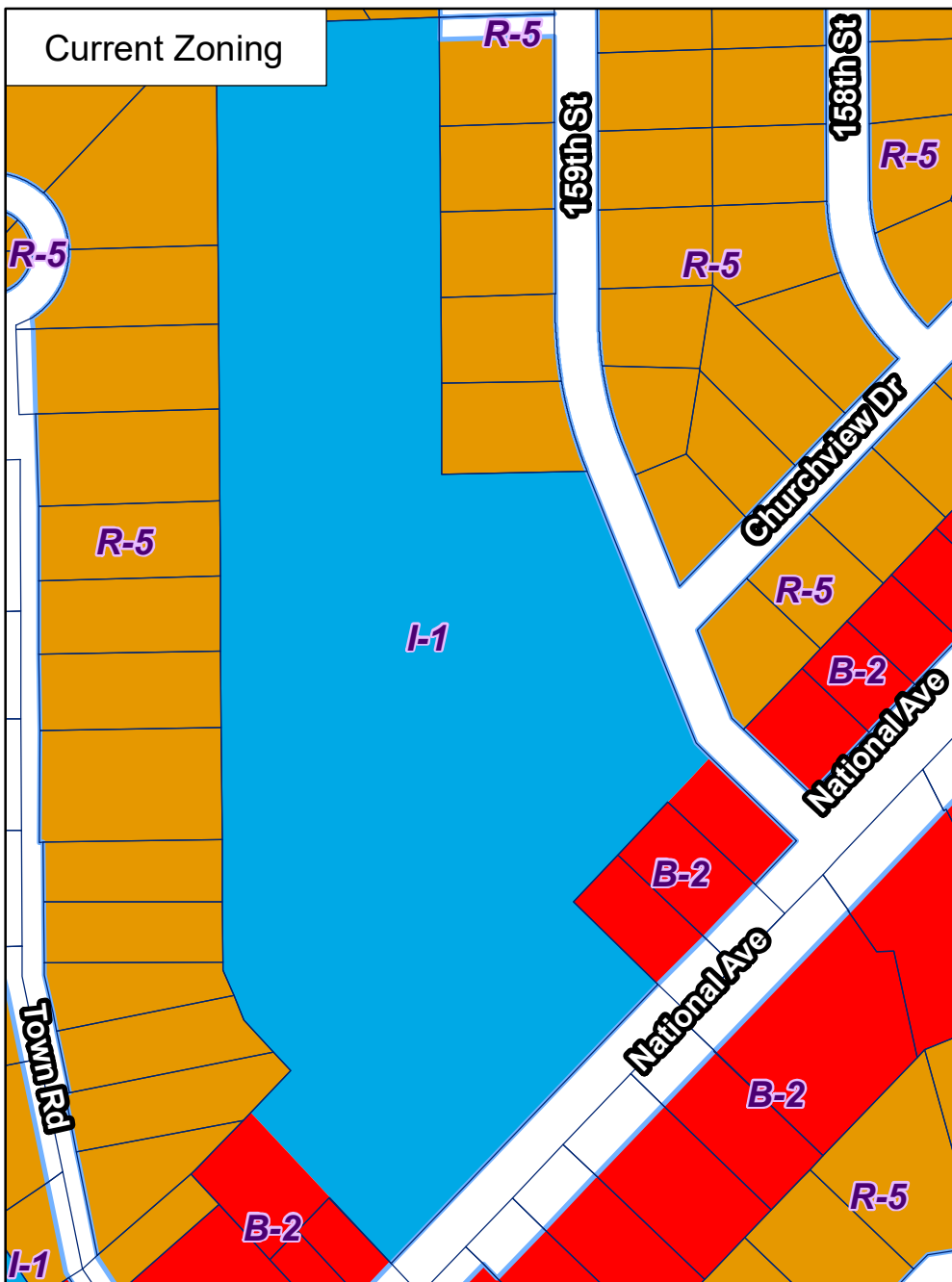
City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
(262) 797-2445
www.newberlin.org



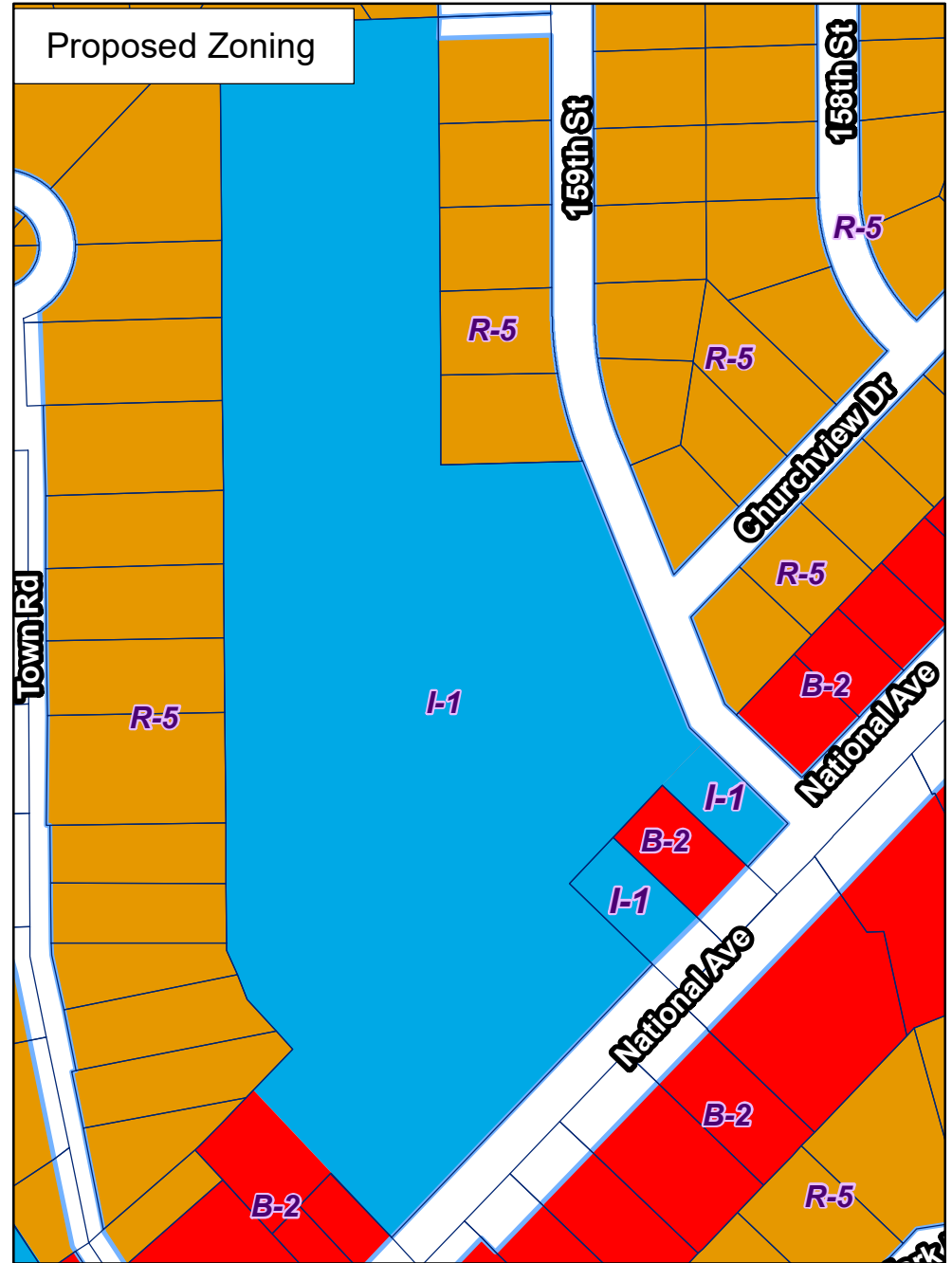
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Current Zoning



Proposed Zoning



City of New Berlin
Community Development

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

RZ-2301586
Holy Apostles
15970 W. National Ave &
a portion of 16000 W. National Ave

Legend

- Parcels
- Road Right-of-Way

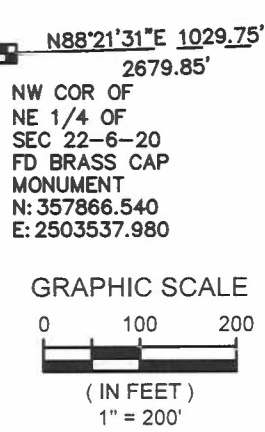
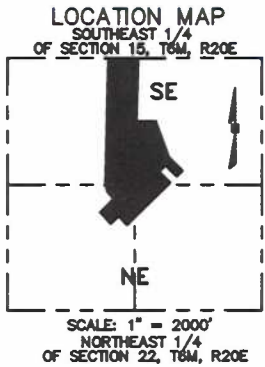
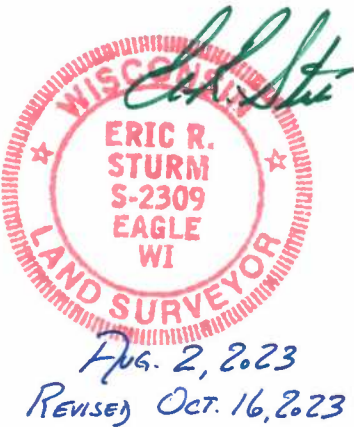


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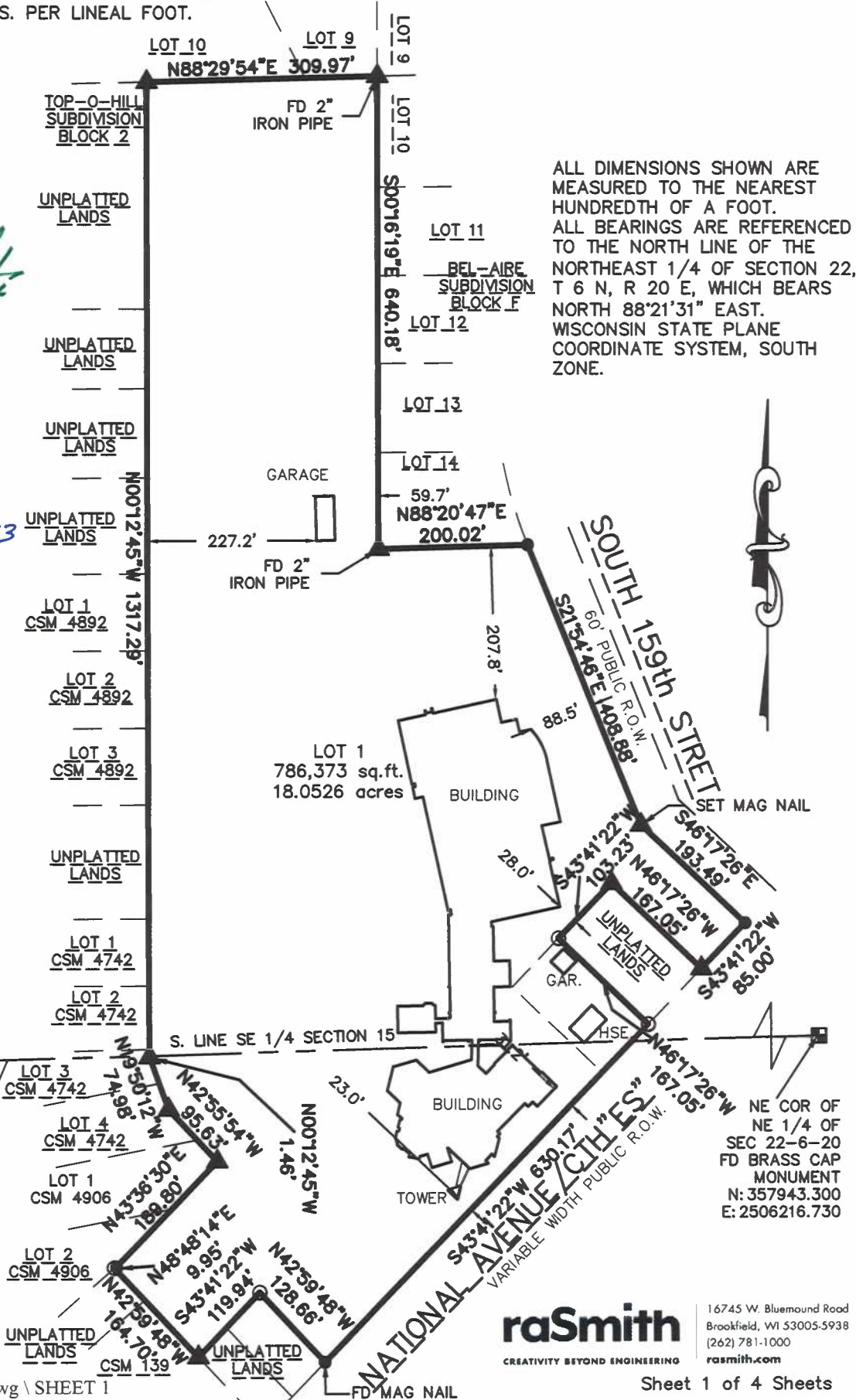
CERTIFIED SURVEY MAP NO. _____

Lot 1 of Certified Survey Map No. 10851, recorded in Waukesha County Register of Deeds in Book 105, Pages 181-184 as Document No. 3821403 and lands, being part of the Northeast 1/4 and Northwest 1/4 of the Northeast 1/4 of Section 22 and the Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 15, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin,

- ▲ INDICATES FOUND 1" IRON PIPE, UNLESS NOTED
- INDICATES FOUND 3/4" IRON ROD, UNLESS NOTED
- INDICATES SET 1.315" O.D. IRON PIPE AT LEAST 18" IN LENGTH, 1.68 LBS. PER LINEAL FOOT.



S:\5157606\dwg\ CS21L200.dwg \ SHEET 1



raSmith
CREATIVITY BEYOND ENGINEERING
16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
rasmith.com

CERTIFIED SURVEY MAP NO. _____

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SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN }
 :SS
WAUKESHA COUNTY }

I, Eric R. Sturm, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided, and mapped Lot 1 of Certified Survey Map No. 10851, recorded in Waukesha County Register of Deeds in Book 105, Pages 181-184 as Document No. 3821403 and lands, being part of the Northeast 1/4 and Northwest 1/4 of the Northeast 1/4 of Section 22 and the Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 15, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, bounded and described as follows:

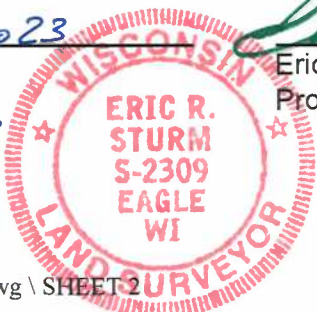
COMMENCING at the Northwest corner of the Northeast 1/4 of Section 22; thence North 88°21'31" East along the North line of said 1/4 Section 1029.75 feet to a point in the East line of Certified Survey Map No. 4742 and the point of beginning of lands to be described; thence North 00°12'45" West along said East line and its extension and the East line of Certified Survey map No. 4892 and its extension 1317.29 feet to a point in the South line of Lot 10, Block 2, in Top-O-Hill Subdivision; thence North 88°29'54" East along said South line and its extension 309.97 feet to a point in the West line of Block F in Bel-Aire Subdivision; thence South 00°16'19" East along said West line 640.18 feet to the Southwest corner of Lot 14 in said Block F; thence North 88°20'47" East along the South line of said Lot 200.02 feet to a point in the West line of South 159th /street; thence South 21°54'46" East along said West line 408.88 feet to a point; thence South 46°17'26" East along said West line 193.49 feet to a point in the Northerly line of National Avenue; thence South 43°41'22" West along said Northerly line 85.00 feet to a point; thence North 46°17'26" West 167.05 feet to a point; thence South 43°41'22" West and parallel to the Northerly line of National Avenue 103.23 feet to a point; thence South 46°17'26" East 167.05 feet to a point in the Northerly line of National Avenue; thence South 43°41'22" West along said Northerly line 630.17 feet to a point; thence North 42°59'48" West 128.66 feet to a point; thence South 43°41'22" West 119.94 feet to a point in the Easterly line of Certified Survey Map No. 139; thence North 42°59'48" West along said Easterly line and its extension 164.70 feet to a point in the Easterly line of Certified Survey Map No. 4906; thence North 48°48'14" East along said Easterly line 9.95 feet to a point; thence North 43°36'30" East along said Easterly line 189.80 feet to the most Easterly corner of Lot 1 of said Certified Survey Map; thence North 42°55'54" West along the Easterly line of said Certified Survey Map and its extension and the Easterly line of Certified Survey Map No. 4742 and its extension 95.63 feet to a point in the Easterly line of Certified Survey map No. 4742; thence North 19°50'12" West along the easterly line of Certified Survey Map No. 4742 a distance of 74.98 feet to a point; thence North 00°12'45" West along said Easterly line 1.46 feet to the point of beginning. Containing 786,373 square feet or 18.0526 acres, more or less of land.

THAT I have made this survey, land division and map by the direction of HOLY APOSTLES CONGREGATION, owners of said land.

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

THAT I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and Chapter 235 of the Municipal Code of the City of New Berlin in surveying, dividing and mapping the same.

DATE August 2, 2023 Eric R. Sturm (SEAL)
 REVISED
 OCTOBER 16, 2023 Eric R. Sturm
 Professional Land Surveyor S-2309





16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
rasmith.com

CREATIVITY BEYOND ENGINEERING

CERTIFIED SURVEY MAP NO. _____

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OWNER'S CERTIFICATE

HOLY APOSTLES CONGREGATION, as owners, certify that they caused the land described on this map to be surveyed, divided and mapped as represented on this map in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and City of New Berlin.

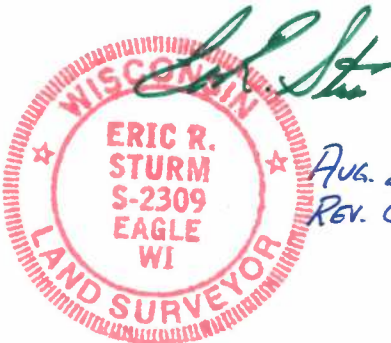
HOLY APOSTLES CONGREGATION, also certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of New Berlin

WITNESS the hand and seal of HOLY APOSTLES CONGREGATION, this _____ day of _____, 2023.

STATE OF WISCONSIN }
:SS
_____ COUNTY }

PERSONALLY came before me this _____ day of _____, 2023,
_____ and acknowledged that they executed the foregoing instrument.

_____(SEAL)
Notary Public, State of Wisconsin
My commission expires
My commission is permanent.



Aug. 2, 2023
Rev. Oct. 16, 2023
raSmith
CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
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COMMON COUNCIL APPROVAL

APPROVED by the Common Council of the City of New Berlin on this _____ day of _____, 2023. All conditions of approval have been met as of this _____ day of _____, 2023.

David Ament, Mayor

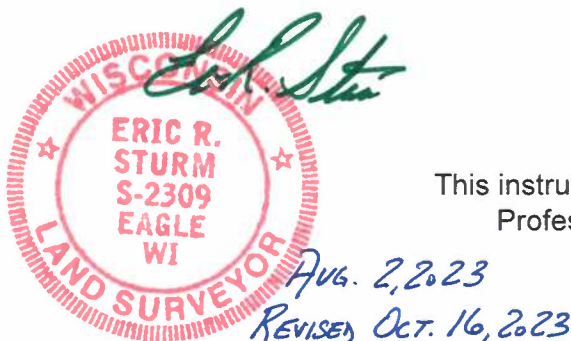
Rubina R. Medina, Clerk

PLANNING COMMISSION APPROVAL

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

David Ament, Mayor/Chairperson

Nikki Jones, Secretary



This instrument was drafted by Eric R. Sturm,
Professional Land Surveyor S-2309



Holy Apostles
CATHOLIC PARISH AND SCHOOL

July 23, 2023

Sent via email to: Kelly Wall and Kristen Hogan

Kelly Wall and Kristen Hogan
3805 South Casper Drive
New Berlin, WI 53151

Dear Ms. Wall and Ms. Hogan,

Thank you for meeting with Michael Schober, the attorney handling the property purchase and city applications for Holy Apostles Congregation Comprehensive Plan Amendment, rezoning, and land division. We truly appreciate the time and assistance from everyone at the city.

Please accept this letter to accompany the application for the Comprehensive Plan Amendment. With this application we would like to amend the city's comprehensive plan to include/connect the two parcels of land that Holy Apostles has acquired: 15850 W. National Ave. and 15970 W. National Ave., to our bigger campus, 16000 W. National Ave. The request is to change the future land use from Suburban Commercial to Institutional.

If this document doesn't meet the requirements for application, please advise so we can resubmit before the August 4th deadline.

Sincerely,

Terri Engsberg

Holy Apostles Pastoral Associate
tengsberg@hanb.org
262-786-0472

CHAPTER 10: LAND USE PLAN

Revisions approved by Council on ~~9/26/2023~~ 11/14/2023 via Ordinance #~~2676~~ 2684.



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.

	1990			1995			2000			2020		
	% Dev.	% Total		% Dev.	% Total		% Dev.	% Total		% Dev.	% Total	
	Acres	Area	Area	Acres	Area	Area	Acres	Area	Area	Acres	Area	Area
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.

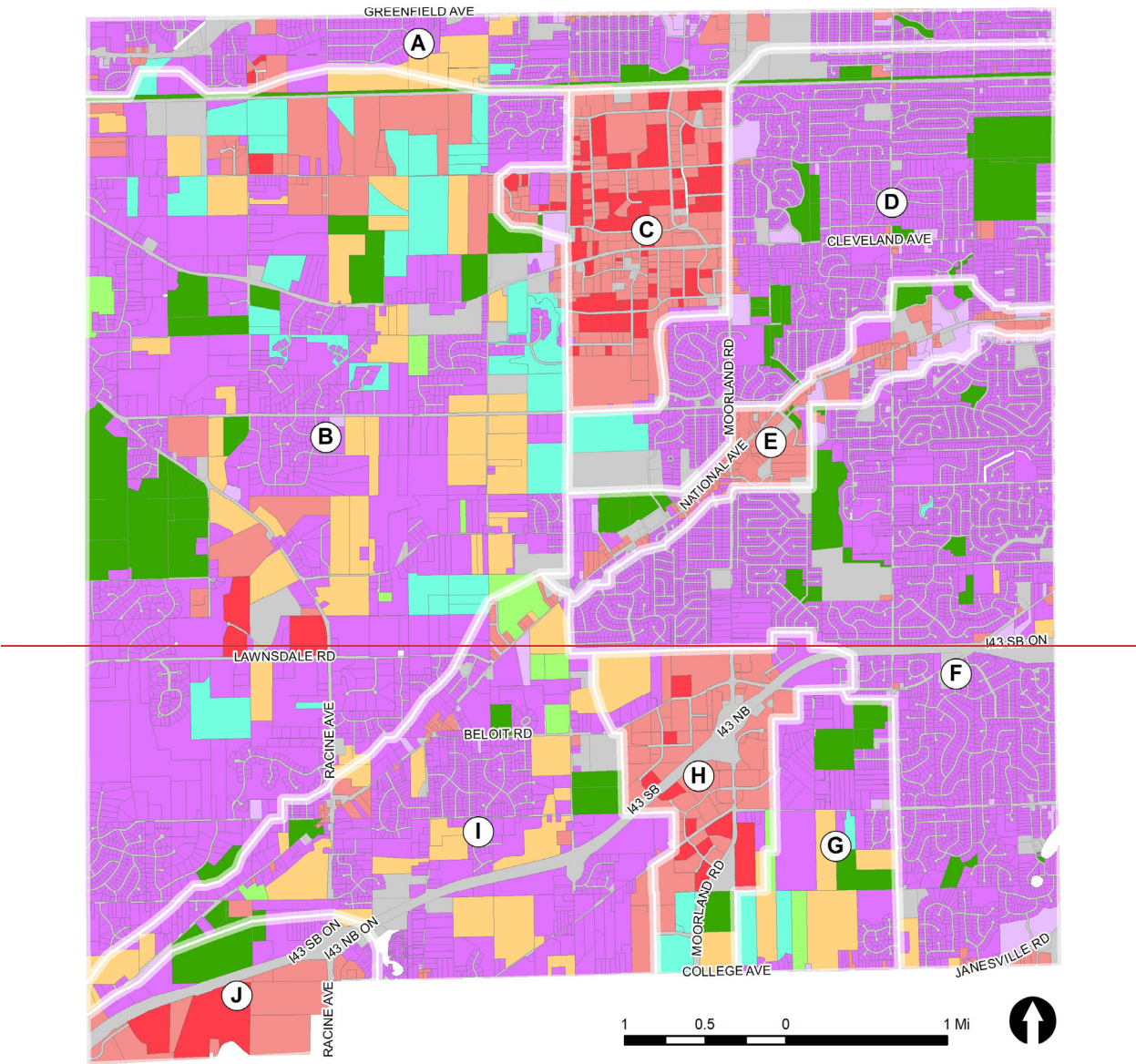
Figure 10.1. City of New Berlin Land Use Trends

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 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.

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.

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).

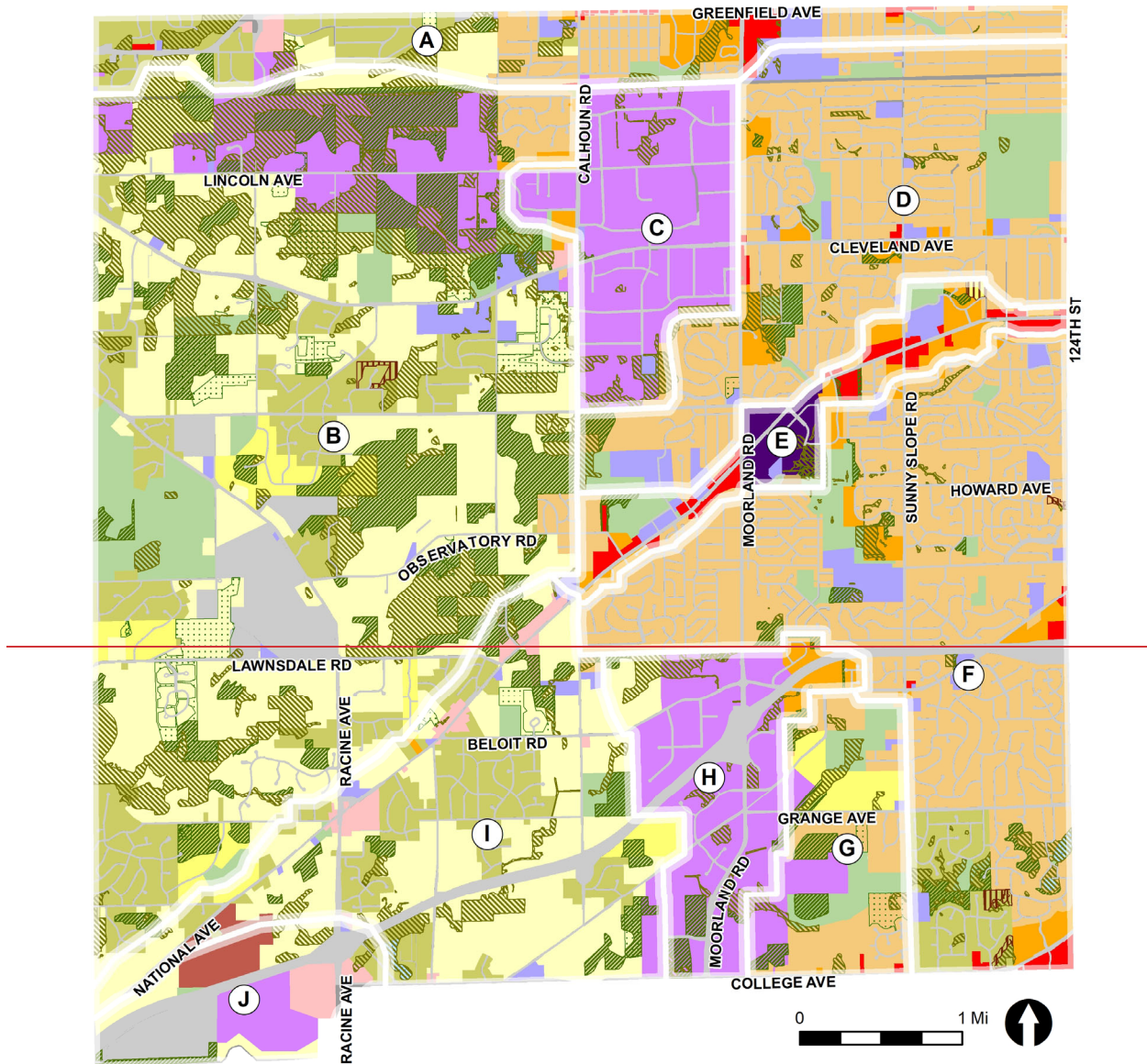
The Land Use Plan cannot be successfully implemented by looking only at the physical attributes of growth. Diverse and healthy communities grow in all three areas, and a balance should be achieved to provide a quality environment for residents and business owners.

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.

FUTURE LAND USE PLAN

with Zoned Conservancy and Neighborhood Overlay



LEGEND

Business Park / Industrial	Mixed Use Residential	Residential Estate	Zoned Conservancy Districts
Institutional	City Center Single Family Res	Quarry Park Residential	C-1 Upland Resource
City Center Mixed Use	Urban Residential	Transportation	C-2 Shoreland Wetland
Suburban Commercial	Suburban Residential	Park	C-3 Permanent Open Space
Rural Commercial	Country Residential	Quarry	
		Water	

March 2021

COMPREHENSIVE PLAN 2030

City of New Berlin, Wisconsin

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 10.4) 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.

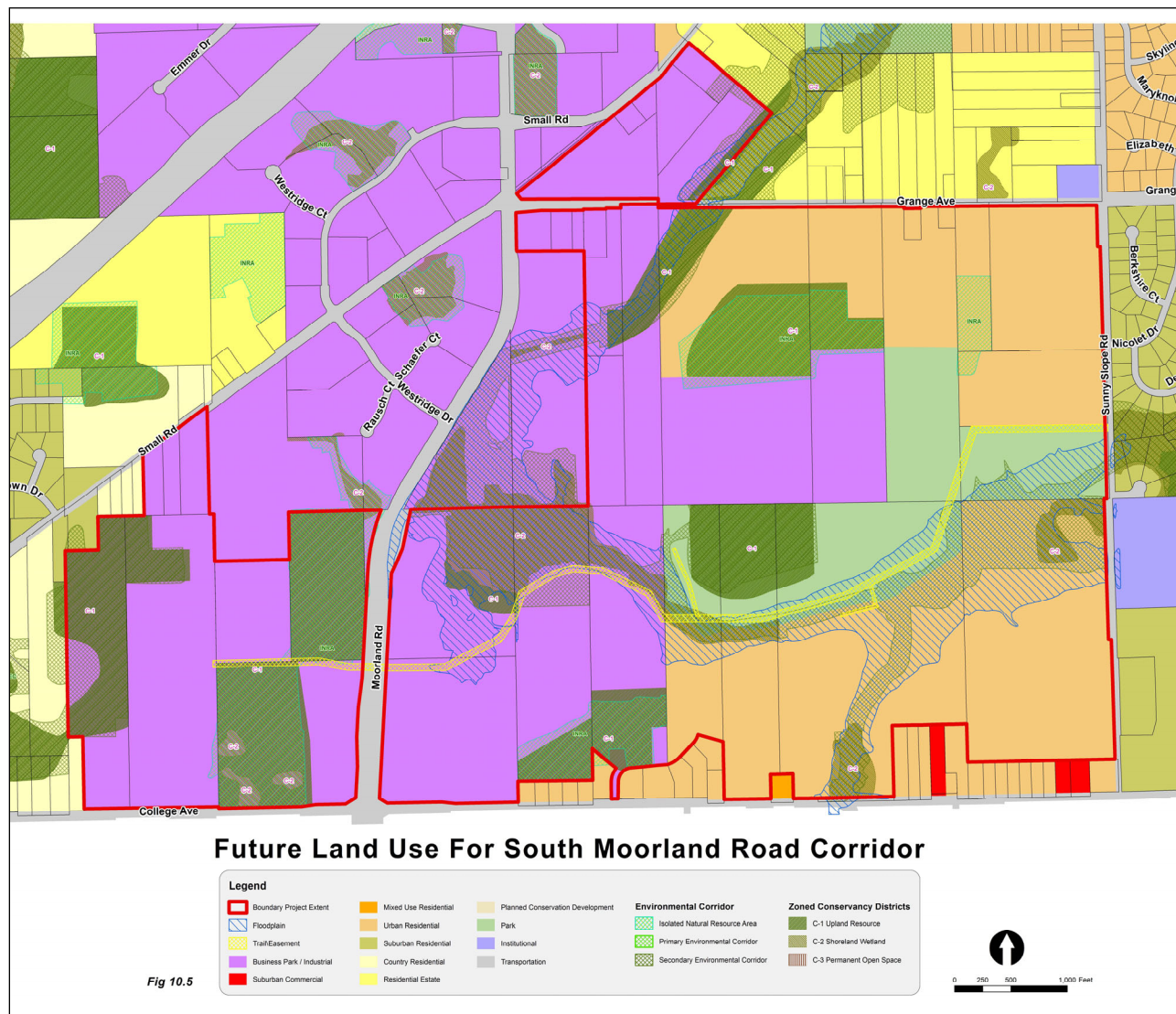


Figure 10.4 Future Land Use Map for South Moorland Road Corridor.

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.
- 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). 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."

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.

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 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.

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:

- 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.
- 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.
- 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 Park / Industrial

Business Park / 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 Park / 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). 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."

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 plan 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 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). 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."

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 15:

NEIGHBORHOOD E

NATIONAL AVENUE EAST CORRIDOR

~~Revisions approved by Council 8/2/2011 via Ordinance #2457. Revisions approved by Council 3/13/2012 via Ordinance #2484. Revisions approved by Council 9/11/2012 via Ordinance #2492. Revisions approved by Council 5/12/2015 via Ordinance #2543. Revisions approved by Council on 11/15/2016 via Ordinance #2579. Revisions approved by Council on 11/14/2023 via Ordinance #2684.~~

The National Avenue East Corridor includes parcels adjacent to the roadway between the City boundary on the east and Calhoun Road on the west (Figure 15.1). It has historically served as a primary transportation route into and through the city. The corridor is home to many of the City's retail and civic facilities, houses the majority of New Berlin's retail facilities and is home to most of the community's civic functions, including City government. Multi-family residences are prevalent throughout the corridor.



Figure 15.1. Neighborhood E Context Map with General Locations of the Civic and City Centers.

City government has recognized the importance of this corridor to the city and is investing in its future. The Civic Center, generally the area north of National Avenue near Casper Drive, has become a central area for municipal services. The New Berlin City Center, located on the north and south side of National Avenue east of Moorland Road, is a walkable mix of commercial retail, residential units, [the Activity and Recreation Center](#), and the New Berlin Library (Figure 15.2). Streetscape and infrastructure improvements along National Avenue at the Civic Center and the City Center have had a notable effect on this corridor.



Figure 15.2. The New Berlin Public Library in the City Center

Several key planning issues emerge from this area. Much of the retail in the corridor was developed years ago and is at risk of obsolescence due to changing retailing patterns related to location, size, configuration, and access. The challenge of re-energizing aging retail uses will be a long-term issue. Some of the design character in the area is disjointed and lacks focus. There is little consistency to the building pattern, with a “staggered” appearance caused by varying setbacks.

The easternmost end of the corridor is one of the “front doors” of New Berlin. Tree plantings, sidepaths, and other streetscape improvements have [continued begun](#) to enhance the curb appeal on National Avenue just west of 124th Street. As National Avenue provides a first impression of New Berlin for those traveling from West Allis [along National Avenue](#), the importance of curb appeal should continue to be recognized.

The relationship [of between](#) National Avenue to surrounding residential areas should be emphasized. Pedestrian and bicycle connections between the corridor and the neighborhoods should be improved, particularly at the City Center. The mixture of commercial and residential uses along the corridor presents an opportunity to establish walkable, connected areas not found in other areas of New Berlin. As new infill development and redevelopment occurs, the City should focus on “knitting” the development together into a cohesive design.

PUBLIC INPUT

Initial Neighborhood Meeting

On November 19, 2008, residents and property owners in Neighborhood E met to learn about the comprehensive planning process and discuss preferences in regards to various images. 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. Eight attendees completed the image preference survey. Additional information regarding these surveys is provided in Figure 15.3.

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 throughout the city. The following categories had average scores that were positive overall, indicating support for these land uses.

- Commercial Retail – Attendees preferred retail with sidepaths, sound building materials, extensive landscaping, and on-street parking.
- Multi-Family Housing – Preferred characteristics included natural open space features, front porches, accessible entries, through roads providing multiple access points, and façade detail.
- Road Design – Desired characteristics included landscaping along the street right-of-way, landscaped medians, and on-street bike lanes.
- Parking – Attendees preferred parking areas with a high degree of landscaping, and pedestrian walkways that provide direct access to building entrances.
- Open Space – Preferred open space characteristics included paved paths and water retention features.
- Commercial Signage – Attendees largely preferred wall signs with attached letters and symbols. Preferred signs used sound materials and overhead lighting when needed.

Attendees gave negative ratings for images in the following category:

- Business Office / Light Industrial

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

New Berlin Comprehensive Plan Update

DESIGN PREFERENCE SURVEY BACKGROUND INFORMATION - Neighborhood E (8)

1. **WHAT IS YOUR GENDER?**
 - ☐ FEMALE = 87.5%
 - ☐ MALE = 12.5%
2. **HOW MANY PEOPLE LIVE IN YOUR HOUSEHOLD ON A REGULAR BASIS?**
 - ☐ 1 = 25.0%
 - ☐ 2-3 = 50.0%
 - ☐ 4-5 = 25.0%
 - ☐ 6 OR MORE
3. **OF THOSE LIVING IN YOUR HOUSEHOLD, HOW MANY ARE CHILDREN (UNDER THE AGE OF 18 YEARS OLD)?**
 - ☐ 0 = 87.5%
 - ☐ 1-2 = 12.5%
 - ☐ 3-5
 - ☐ 6 OR MORE
4. **WHAT IS YOUR AGE?**
 - ☐ UNDER 18 YEARS OLD
 - ☐ 18-24 YEARS OLD = 12.5%
 - ☐ 25-34 YEARS OLD = 12.5%
 - ☐ 35-44 YEARS OLD
 - ☐ 45-54 YEARS OLD = 62.5%
 - ☐ 55-64 YEARS OLD
 - ☐ 65 YEARS OR OLDER = 12.5%
5. **HOW LONG HAVE YOU LIVED IN NEW BERLIN?**
 - ☐ LESS THAN A YEAR
 - ☐ 2-3 YEARS = 25.0%
 - ☐ 3-5 YEARS = 12.5%
 - ☐ 6-10 YEARS
 - ☐ 11-20 YEARS = 12.5%
 - ☐ MORE THAN 20 YEARS = 50.0%
 - ☐ DO NOT LIVE IN NEW BERLIN
6. **WHAT TYPE OF RESIDENTIAL BUILDING DO YOU LIVE IN?**
 - ☐ SINGLE FAMILY = 87.5%
 - ☐ DUPLEX
 - ☐ MULTI-FAMILY (MORE THAN 2 UNITS)
 - ☐ CONDOMINIUM
 - ☐ MOBILE HOME = 12.5%
 - ☐ ELDERLY HOUSING
 - ☐ OTHER (PLEASE SPECIFY)
7. **DO YOU OWN OR RENT YOUR HOME?**
 - ☐ OWN = 75.0%
 - ☐ RENT = 25.0%
 - ☐ 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 = 12.5%
 - ☐ NO = 87.5%
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	6			
Commercial				
Industrial				
Other				

Figure 15.3. Background Information Summary for Neighborhood E Listening Session Survey Respondents.

Neighborhood Review Meeting

Residents and property owners in Neighborhood E reconvened on April 1, 2009 to review future land use recommendations. Attendees expressed concern regarding the lack of adequate lighting on National Avenue. Residents felt that the sidepaths were appropriately lit, but that the roadway itself was neglected – particularly for the area between the City Center and 124th Street. Having stronger lighting was seen as a deterrent to potential accidents.

Several property owners along Coffee Road were concerned about the proposed sidepath along the south side of the corridor. Specific concerns included the setback for the sidepath, whether or not enough pedestrians would utilize the sidepath to justify the construction, and how the location of the sidepaths would affect parking area design.

Discussion ensued about whether the City should invest in stormwater management techniques that could have a short life span due to salt and snow. City staff explained how alternative stormwater techniques include salt-tolerant species that, ~~as a whole,~~ lessen the need for stormwater ponds that use unnecessary amounts of space.

Attendees wanted to see buildings along National Avenue have aesthetically pleasing façades along all sides of a building, including the rear façade. Additionally, attendees raised concern about the lack of pedestrian connectivity around the ~~Wal-Mart~~ development at the southeast corner of National Avenue and Moorland Road. The sidepath along the south side of National Avenue currently ends at Moorland Road and does not continue south along the east side of Moorland Road. Pedestrians who wish to access ~~the Fazoli's or Atlanta Bread Company~~ businesses along Moorland Road must walk on the grass or through parking lots ~~to reach the stores.~~

Update: This item was resolved as part of the 2023 Moorland Road project.

~~Additional discussion included a review of the tax levy and how it is distributed across the different neighborhoods, a proposal to increase publicity and signage for existing off road trails in New Berlin, and the opportunity for an exposition center along National Avenue near the City Center.~~ The recommendation to increase signage was also discussed in regards to subdivision and wayfinding signage to identify local amenities.

~~Attendees also explained that the fear of redevelopment along the National Avenue corridor stems largely from how the local media negatively portrays the issue.~~ Ultimately, attendees wanted to see additional green space in lieu of gravel along undeveloped portions of the National Avenue corridor, and requested that the City implement and promote façade grant programs to help local businesses.

2011 Update – City Center Development Area

The Common Council approved Resolution No. 2010-19 on June 8, 2010 suspending the receipt of development applications within the City Center area for a period of 90 days, expiring on

Monday, September 6th, so that the City could review the City Center Plan, the City Center Planned Unit Development Ordinance and future land uses with regard to their consistency with the City's recently adopted Comprehensive Plan and, to recommend changes (if applicable). The Common Council approved a 120-day extension of moratorium on September 1, 2010, expiring on January 6, 2011. The Common Council approved a 120-day extension of the moratorium on December 14, 2010, expiring May 5, 2011.

~~Significant outreach took place throughout 2010 and 2011 to gain The Department of Community Development has actively been going through the process of seeking public input and reviewing the aforementioned documents. Significant outreach has already taken place but more work was still needed per Council direction.~~ Below is a list of the public participation activities completed as of 2/7/2011:

1. 6/29/2010 – Special Plan Commission Meeting (to present historical overview of City Center)
2. 7/22/2010 – District 5 Focus Group
3. 7/26/2010 – District 2 Focus Group
4. 7/27/2010 – 9/9/2010 – 26 – staff “open-office” hour sessions (held Monday through Thursday from 9 a.m. to 10 a.m.)
5. 7/28/2010 – City Center Business Owner Focus Group
6. 7/29/2010 & 8/3/2010 – Real Estate Broker Interviews
7. 8/2/2010 – Plan Commission Update & Focus Group
8. 8/10/2010- Ald. Hopkins Interview
9. 8/10/2010 – Ald. Wysocki Interview
10. 8/10/2010 – Ald. Liska Interview
11. 8/12/2010 – Ald. Moore Interview
12. 8/23/2010 – Ald. Siedl Interview
13. 8/26/2010 – Ald. Harenda Interview
14. 9/1/2010 – Mayor Interview
15. 9/3/2010 – Ald. Ament Interview
16. 9/21/2010 – District 7 Focus Group
17. 9/22/2010 – Districts 3 & 4 Focus Groups
18. 9/23/2010 – District 1 Focus Group
19. 9/27/2010 – District 6 Focus Group
20. 10/18/2010 – Chamber of Commerce Focus Group
21. 2/7/2011; 2/17/2011; 3/7/2011; 3/21/2011, 4/4/2011 & 5/2/2011 – Plan Commission presentation of recommendations and action
22. 2/24/2011 – Citywide open house
23. 5/2/2011 – Public Hearing (yet to be scheduled)
24. 5/2/2011 – Plan Commission action / recommendations to Council
25. 8/2/2011 – Common Council action

1. Each Aldermanic District (7 Districts)
2. City Center property owners and business owners
3. Plan Commission
4. Chamber of Commerce

- **Area A – Mixed-Use Commercial District along National Avenue**
 1. Strong support for commercial retail – small to medium sized
 2. Some support for commercial office
 3. Mixed-use could be considered in the form of second floor residential

- **Area B – High-Medium Density Residential along Deer Creek and south of the library**
 1. Support for residential, varied opinions on size and type of structures including: multi-story multi-family residential, side-by-side multi-family residential, senior housing, commercial office, community theater
- **Area C – Senior Housing on the Decade property**
 1. Support for a variety of uses depending on the market: senior housing, multi-family residential, commercial office, community theater, for-profit private university
- **Area D – Medium Density Residential (single family)**
 1. Strong support for single family residential
- **General comments**
 1. Home ownership preferred over rental units
 2. Trail linkages between housing units and City Center businesses is desired

Street Connection Issues between Michelle Witmer Drive and Howard Avenue

- Strong support for a road connection to provide an alternate route into City Center, improve safety on surrounding streets, and connect the area to the post office
- Include stop signs where there might be internal conflicts
- Varied opinions on the location – proposed location through the middle of the site (2010 cost estimate is \$2.3 million) and alternate location along the west edge of the study area (cost estimate was unknown at the time of the Focus Groups, estimates appear to be less than \$2.3 million)
- Varied opinions on using City funds to develop the street connection

Activities and Uses Desired in the City Center

- Strong support for a community feeling that includes a destination use and public feature
- Include an active library square, or other public space, that will bring customers to the City Center – Farmer's Market strongly supported, along with concert in the park and other special events
- Sit-down restaurants were strongly supported, either one or a cluster of restaurants
- Specialized retail was preferred, with the understanding an anchor is needed to support smaller shops.
- Entertainment uses should be explored to bring night activity to the area.
- Include outdoor seating areas to add activity visible from National Avenue
- Include a destination use that provides a reason to go to the City Center
- City Center should be more accessible by foot or bike, add trails and linkages to surrounding neighborhoods

Building, Sign, and Site Design

- General support for two to three story buildings, height preference often depends on the location of the building, how visible it will be from Michelle Witmer Drive, and how much open space is around it
- Limited support for four or five story buildings, if located further back on the site and less visible from Michelle Witmer Drive, more support for height on the Decade property
- Natural materials preferred for all building types
- Consistency of quality and character is preferred, but not a theme where everything looks the same
- Include more vehicular access points from National Avenue into City Center to help circulation flow to local businesses
- Allow for variations in the sign design to make the sign(s) more visible and legible from National Avenue
- Design parking lots for improved circulation and flow
- Provide easy, direct access to parking and make it visible from National Avenue
- Provide more signage at Wall Street and the entrance to Wal-Mart to make people aware of the circulation flow and direct people to businesses near the library
- Indoor parking preferred for residential uses
- The area needs to feel connected to the other shopping areas
- Need general "City Center" signage that calls attention to the entire development

City Involvement

- City should continue to market the City Center and direct appropriate uses to the area
- City should create incentives to draw developers/owners to City Center, there was strong support for this idea but not agreement for how incentives should be created or funded
- City should work with building managers to keep signs current – remove names of businesses that are no longer in City Center
- ~~City should investigate current limitations due to the Butler Garter snake and how any state regulation changes impact City Center~~
- City to look into road connection option costs
- ~~City to explore if an additional curb cut from National Avenue could be included in the western commercial area~~
- ~~City should work with the Farmer's Market group to find an acceptable location within City Center~~

2016 Update – City Center Moorland Square Redevelopment Opportunities (with edits to include activity through October 2023)

In 2016, DCD initiated an effort to explore redevelopment opportunities within the ~~southwest area of the~~ City Center. With ~~the recent news of~~ Kroger Co. acquiring Roundy's, Inc. (Pick N' Save), ~~and several vacancies,~~ continued vacancy of the former Walmart building and recent closure of Fazeli's, DCD ~~the~~ City saw this as an ideal time to discuss the future plans for Moorland Square ~~shopping center at approximately 15415 W. National Avenue~~ in New Berlin's City Center.

This specific area is bounded by National Avenue to the north, Moorland Road to the west, Howard Avenue to the south and the east property lines of the ~~Walmart~~ Burghardt Sporting Goods / New Berlin Activity and Recreation Center, US Bank and USPS parcels (see Figure 3.1-1). This study area includes a total of 35.41 acres with 17.53 acres of parking or 49.5% of the total acreage. The amount of parking far exceeds what the current zoning code requires. Moorland Square is a prime example of a traditional suburban shopping center development with a large grocery store as the anchor and ample parking in front of the stores. The design inherently promoted the use of the automobile to access the center, pedestrian connections were not considered.



Figure 3.1-1. City Center Redevelopment Area. [Note, the above map updates are as follows: #3: Burghardt Sporting Goods / New Berlin Activity and Recreation Center, #4: Sola Salon Suites, and #5: Total Health]

Although the shopping center is in a central location, at the highly traveled intersection of Moorland Road and National Avenue, the strip center is set far back and the storefronts are disguised by a top-heavy building overhang and outdated façade. The raised planting beds, with overgrown landscaping further conceal the dark store windows creating the impression that spaces are empty or closed. ~~Stand-alone~~ Standalone buildings along National Avenue further block the strip center with the significant grade change. Adequate signage continues to be a struggle for many of the tenants.

Redevelopment opportunities could include ways to improve appearance, increase the value of the study area, encourage pedestrian connections to adjacent neighborhoods, realignment of internal roads, reduction of impervious surfaces, provide another connection to the City Center area to the east and help to create an overall increased sense of place. A market feasibility study is also recommended prior to preparing a redevelopment plan. The City consulted with GRAEF to prepare some concept sketches for how this area of the city could possibly be redeveloped.

Meetings

Staff meeting with Alderman of the District and the Mayor to discuss the above findings and get the discussion started. Staff ~~anticipates touring~~ toured several local city center type developments ~~in the near future~~ to better understand their successes and challenges.

2017 Update – Kwik Trip, Farmer's Market and City Center Plaza

The Plan Commission reviewed a concept plan and determined that Automotive Fuel Sales is considered a conditional use within the City Center PUD area. The Plan Commission and Architecture Review Committee later approved development plans for Kwik Trip (convenience store and fuel pumps), Farmer's Market (open air shelter) and City Center Plaza (City Park).

The area further developed when the City purchased the property at the southeast corner of Library Ln and Michelle Witmer Dr in 2019 for a second phase of City Center Plaza. This development project included a new concession and restroom building, parking lot and seasonal ice rink.

2019 Update – Burghardt Sporting Goods / New Berlin Activity and Recreation Center

Burghardt Sport Goods purchased the former Walmart in the City Center with the intent to relocate their headquarters. The space was remodeled to accommodate retail, office and production space. A grand opening was held in March of 2021.

The City entered into a purchase agreement with Burghardtia, LLC. To purchase 25,000 square feet of the vacant building located at 15333 W. National Avenue along with approximately four acres of adjacent land. The portion of the building the City purchased was remodeled as part of Phase 1 of the Activity and Recreation Center and was completed in May of 2022. Phase 2 will include an addition to the northeast side of the building and is expected to be completed in early 2024.

2019 Update – Vasa Fitness

Vasa Fitness purchased the vacant Pick N' Save building at the southeast corner of Sunny Slope Road and National Avenue in 2019 and converted it into a fitness center.

2022 Update – Sola Solon Suites

On March 7, 2022, the Architecture Review Committee approved the façade updates to convert the Dollar Store to a Sola Salon Suites. The interior was remodeled to accommodate approximately 37 private salon suites, restrooms and a break room. The exterior was completely remodeled, along with updates to the parking lot, parking lot lighting and landscaping.

VISION

National Avenue should be an exemplary model of a suburban commercial corridor. Vehicular and pedestrian traffic should coexist in a safe and efficient manner through prominent pedestrian facilities and managed vehicular access. Utilities should be relocated or placed underground whenever feasible to de-emphasize their visual prominence. Public streetscape improvements should be coordinated with private landscaping and site design. Commercial development will be focused at nodes along the corridor to minimize the “strip” appearance. The City Center will be the dominant commercial presence, with the Civic Center being a major civic space that is a source of pride to New Berlin residents. Pedestrian access between the National Avenue corridor and nearby residential areas should be increased.

DEVELOPMENT POLICIES

1. Create flexible but predictable compatibility standards for new construction and redevelopment related to site planning, building design and materials, landscaping (including maintenance provisions), access, signage, and other features creating potential land use impacts. Emphasize building and parking orientation, with more uniform setbacks and at least some parking encouraged on the side or to the rear of buildings.
2. Continue public investment in streetscape improvements, including landscaping, street lighting, sidepaths and bike trails.
3. Focus on completing the “retrofit” of the National Avenue/Moorland Road intersection to provide a mixed use, central point for the city. Retrofitting refers to the gradual upgrading of an area, without wholesale demolition. For example, new sidepaths, crosswalks, lighting and landscaping can be installed to enhance existing sites. Existing buildings can be renovated, and new buildings can be constructed as infill.
4. Remain committed to the Civic Center as the center of local government functions for the long-term future.
5. Maintain the easternmost end of the corridor as a major gateway into the city. Design and implement public improvements involving landscaping, signage, and possible sculptural elements. Create site planning standards designed to establish sound development befitting a front door into the community.
6. Prevent the development of strip commercial outside of designated commercial nodes. In those areas where small-scale strip retail has been constructed, encourage gradual conversion to designs that improve accessibility and provide place-specific amenities.

7. Allow compatible multi-family uses, including senior housing. Such residential uses should continue to break up strip commercial areas in the corridor and provide mixed use segments that allow for greater walkability.
8. Develop incentives that encourage the coordinated redevelopment of multiple parcels of property in order to discourage a piecemeal appearance.
9. Create a committee to develop a corridor plan for National Avenue that focuses on redevelopment and includes a regulating plan.
 - During the Winter/Spring of 2010 students from UWM Milwaukee's School of Architecture and Urban Planning prepared The East National Avenue Corridor Regulating Plan for the City of New Berlin.
 - The students prepared a business survey that was distributed to all businesses in the corridor.
 - A Neighborhood Open house was held at the New Berlin Public Library on April 6, 2010 to present findings and recommendations.
 - A final presentation on the Plan was presented to the Plan Commission on May 3, 2010.
 - The Final Plan will remain on file with the City. See Appendix S for a copy of the full Plan.
10. Develop storm water management guidelines to address the development and/or redevelopment of properties that are served by the Waukesha County storm sewer conveyance system. This is needed due to the fact that Waukesha County has stated that there is no capacity in the existing storm sewer conveyance for additional flows.
11. With the ~~recent~~ approval of parcel combinations and PUD for ~~the former~~ Blair's True Value, the large geographic area (approximately 25 acres in size) between Coffee Road, National Avenue and Moorland Road should be recognized as an opportunity for a larger, mixed use commercial/retail/office development. Encourage parcel assemblages and cross-access/shared-access points to create a more cohesive development area.
 - Note, in 2023 the Plan Commission approved a carwash for the property located at 15301 W. Coffee Road.

2011 Update – City Center

~~Please see the City Center PUD – Ordinance Number #2486 for a full copy of the City Center Design Guidelines (the most recent version is available on the City's website).~~ The City Center Planned Unit Development – Design Guidelines was adopted by the Common Council on August 2, 2011 via Ordinance # 2459 and is available on the City's website.

2012 Update – City Center

The City and the United States Department of Justice entered into a Consent Decree which was approved by the United States District Court for the Eastern District of Wisconsin on April, 19, 2012 which provided for changes to the New Berlin City Center Planned Unit Development Overlay Ordinance relating to multi-family housing.

~~On May 22, 2012 the City of New Berlin Common Council adopted revisions to the New Berlin City Center Planned Unit Development Overlay District via Ordinance #: 2486 (the most recent version is available on the City's website). Revisions to the City Center Planned Unit Development Overlay District were adopted by the Common Council on May 22, 2012 via Ordinance # 2486 and is available on the City's website.~~

2014 Update – City Center PUD & Sign Guidelines

In 2014, the City initiated amendments to the Sign Code (Zoning Code Chapter 275-61) to add regulations for signs located within areas identified as “Special Commercial Sign Areas.” City Center is one of the defined Special Commercial Areas. The City Center PUD ordinance contained a separate exhibit called “City Center Sign Guidelines.” Staff recommended removing that document from the PUD and incorporating the regulations within the Sign Code. The update in 2014 approved a revised City Center PUD ordinance to remove the “City Center Guidelines” from the PUD.

~~On July 22, 2014 the City of New Berlin Common Council adopted revisions to the New Berlin City Center Planned Unit Development Overlay District via Ordinance #: 2526 (the most recent version is available on the City's website). Revisions to the City Center Planned Unit Development Overlay District were adopted by the Common Council on July 22, 2014 via Ordinance # 2526 and is available on the City's website.~~

2020 Update – Burghardt Sport Goods / New Berlin Activity and Recreation Center PUD

~~The City of New Berlin Redevelopment Plan / Burghardt LLC PUD was adopted by the Common Council on May 12, 2020 via Ordinance #: 2631.~~

AGRICULTURAL AND CULTURAL RESOURCES

No existing agricultural resources have been identified in Neighborhood E. In the future, agricultural activities in the National Avenue corridor should take the form of community gardens or, where feasible, rooftop farms. These forms of agriculture are becoming more widely used in the Milwaukee metropolitan region, and follow a growing trend in urban agriculture.

The National Avenue corridor includes three designated landmarks, as identified by the New Berlin Landmarks Commission and the City:

- Jungbluth Greek Revival Farmhouse, c. 1855
- Native American Artifacts Site, found during the widening of National Avenue
- St. Valerius Church (now Holy Apostles), c.1844. Former site of city's oldest church

Neighborhood E also houses one designated historic district:

- New Berlin Center, located along National Avenue west of Moorland Road

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

Survey Results: Open Space

Figures 15.4 through 15.6 illustrate the three highest-rated images for open space in Neighborhood E. Preferred open space characteristics included paved paths and trails, water retention features, and active recreation areas.

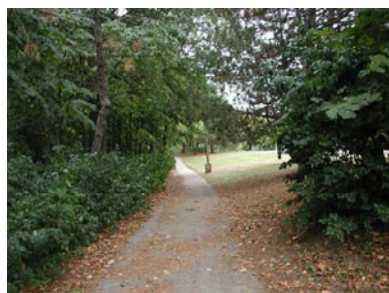


Figure 15.4. Highest-Rated Image for Open Space.



Figure 15.5. Second Highest-Rated Image for Open Space.



Figure 15.6. Third Highest-Rated Image for Open Space.

NATURAL RESOURCES

Neighborhood E is planned primarily for Suburban Commercial, Institutional, Commercial Center, and Mixed Use Residential land uses along National Avenue with Urban Residential and Park land uses nearby. Sensitive features include primary and secondary environmental corridors, streams, wetlands, flood fringe, and woodlands.

Potential soil limitations exist that should be considered when reviewing plans for redevelopment in the neighborhood. Neighborhood E has a combination of hydric soils and poorly drained soils. A small portion of land on the eastern edge of the neighborhood includes slopes greater than 12%.

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

The 23-acre ProHealth Care Park is located north of National Avenue and east of Sunny Slope Road at Fieldpointe Drive. The park includes both active and passive use facilities for all ages. A trail system and parking area provide vehicular and pedestrian access throughout the property. Natural features include prairie areas, a wetland corridor, and forest plantings. Amenities

include a restroom area, small picnic shelter, gazebo, children's play area, baseball diamond, soccer fields, basketball court, and park benches.

Most of Neighborhood E is currently developed; however, there are opportunities to implement BMPs as shown in Figure 15.9.



Figure 15.9. Neighborhood E Best Management Practices.
Source: Applied Ecological Services, Inc.

Recommendations

The recommendations listed below correspond with the numbers and symbols shown on the map in Figure 15.9:

1. Vegetated swales are effective in filtering pollutants, reducing stormwater runoff velocity, in direct contrast to piped storm sewer conveyance. They can be implemented in narrow locations typically found between commercial buildings. Commercial buildings that have already been developed can also have vegetated swales implemented by augmenting existing drainage swales with native vegetation and protecting them from mowing. 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. This number is reserved for bio-filter infiltration basins, which are not recommended for specific locations in the neighborhood. Should property owners in the neighborhood propose to install bio-filter infiltration basins, the appropriateness of such basins should be determined based on property characteristics.
3. Recessed parking islands can be implemented in Commercial areas that have not been developed such as near Observatory Road and along Coffee Road or in any areas that may be redeveloped or added on in the future.
4. Stream banks along the watercourse that traverse the neighborhood should be inspected for areas that need to be stabilized to prevent further soil erosion in the headwaters of Deer Creek and the Root River. In conjunction with the above-mentioned BMPs, stream bank stabilization will improve aquatic wildlife thereby providing opportunities for recreation. Forested areas in Malone Park and Fountain Square Natural Area should be inventoried to preserve specimen trees and encourage healthy savannahs. Woodland areas provide excellent wildlife habitat as well as picnic and recreation areas.
5. Residential and commercial parcels can be outfitted with localized BMPs such as rain barrels. Rain barrels collect downspout drainage rather than allowing it to drain across parking lots. This not only reduces runoff velocity and quantity, it reduces runoff temperature which can be significantly transferred from hot pavement. Rain collected in rain barrels can be re-used to irrigate landscaped areas.
6. There are also opportunities to incorporate green corridors along the existing waterways. As a part of the green corridors, prairies can also be implemented in existing areas located near Malone Park, Deer Creek, and ProHealth Care Park. Nature trails can be provided throughout the green corridors to allow residents to enjoy the stream, wildlife and native landscape.

~~The 23-acre ProHealth Care Park is located north of National Avenue and east of Sunny Slope Road at Fieldpointe Drive. The park includes both active and passive use facilities for all ages. A trail system and parking area provide vehicular and pedestrian access throughout the property. Natural features include prairie areas, a wetland corridor, and forest plantings. Amenities~~

~~include a restroom area, small picnic shelter, gazebo, children's play area, baseball diamond, soccer fields, basketball court, and park benches.~~

EXISTING TRANSPORTATION

Transportation links to and within Neighborhood E are key to the success of businesses along the National Avenue corridor. Access from two major interstate highways adds value and helps attract both employers and employees to the city. The existing transportation system in Neighborhood E 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 arterials, standard arterials, collectors and local streets. The roadways in Neighborhood E are comprised of primary arterials, standard arterials and local streets as listed below:

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

- Moorland Road (County Hwy O) – four travel lanes
- National Avenue (County Hwy ES) – four 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 E are summarized below.

- Calhoun Road – two travel lanes
- Sunny Slope Road – two travel lanes
- 124th Street – two travel lanes
- Coffee 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.

Construction Update – 2013/2014

Coffee Road (National Avenue to Racine Avenue): In 2013 and 2014, the City reconstructed Coffee Road from National Avenue to Racine Avenue. The project was completed in two phases. The first phase, Calhoun Road to Racine Avenue, consisted of widening the pavement to a rural cross-section with two 12-foot wide driving lanes, a 5-ft wide paved shoulder and 3-foot

wide crushed aggregate shoulder on both sides of the roadway. The second phase, Calhoun Road to National Avenue consisted of a rural cross section that transitioned into an urban cross section at St. Francis Drive. The urban cross section from St. Francis Drive to National Avenue includes curb and gutter, off-road side paths, on-road bike lanes and decorative street lighting. Storm water management improvements were also incorporated into this project.

Construction Update – 2021

Calhoun Road from National Avenue to Beloit Road was reconstructed with two 12' drive lanes, 5' paved shoulder, 3' gravel shoulder and drainage improvements, which included bioswales as BMPs.

Construction Update – 2023

Waukesha County reconstructed Moorland Road from just north of National Avenue to Beloit Road and National Avenue from the National Avenue frontage Road to Wall Street. This was a full pavement replacement project with intersection improvements, bike and parking lane designations, and capacity improvements north of National Avenue.

Bicycle & Pedestrian Facilities

As shown on Figure 6.16, in Chapter 6, the following facilities are provided in Neighborhood E.

Off-Road Facilities:

- In Neighborhood E, an off-road facility is provided along National Avenue (County Hwy ES) between Calhoun Road to 124th Street.
- A north/south trail was installed to align with Acredale Drive on National Avenue. The trail extends south from National Avenue to Deer Creek Parkway.
- A sidepath from Monterey Drive to National Avenue was installed with the Coffee Road re-construction project in ~~2013~~/2014.
- Moorland Road from Coffee Road to National Avenue has an off-road sidepath on the east side.

On-road facilities:

- South of National Avenue, a marked bike lane was added to Moorland Road in 2023.

Public Transit

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

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

FUTURE TRANSPORTATION

Survey Results: Road Design

Figures 15.10 through 15.12 illustrate the three highest-rated images for road design in Neighborhood E. Desired characteristics included landscaping along the street right-of-way, medians, and sidepaths along major corridors.



Figure 15.10. Highest-Rated Image for Road Design.



Figure 15.11. Second Highest-Rated Image for Road Design.



Figure 15.12. Third Highest-Rated Image for Road Design.

Roadway Network

Moorland Road & National Avenue Intersection: The City and County should continue to monitor the capacity at this intersection. Future redevelopments along these corridors will increase the traffic at this intersection. As part of the 2023 Moorland Road and National Avenue pavement replacement project, dual left turn lanes were added for the west bound to south bound and east bound to north bound National Avenue legs of the intersection. A six lane cross section was also added from Mark Drive to Coffee Road to increase the capacity through this corridor.

During the focus group meetings held in 2010-11, the majority of the residents and business owners that attended these meetings desired a connection be built to provide better connectivity to and from City Center and the subdivisions to the south. This was part of the original City Center Plan, however since no development has taken place on the Decade parcel, the road has not been constructed. Staff should continue to explore both options for the connection and weigh the costs and environmental impacts. In addition, WDNR permits would be required to extend a road through this area. In 2011, it was roughly estimated that the cost to construct Michelle Witmer Memorial Drive was \$2.3 million and the roughly estimated cost to construct an extension of Library Lane behind 15333 W. National Avenue the Wal-Mart Development was \$1 million. Both options include storm water pond work. It should be noted that these costs were only estimates and would need to be updated closer to the time of construction to be more accurate.

It is recommended that the City explore options to fund this section of road. During the Focus Group meetings, many residents and business owners expressed an interest in seeing this connection made sooner than at the time the Decade parcel develops. Staff and the Council should explore various funding options which might include Capital Improvement Requests for future budget cycles that might involve special assessment after the road is installed; various grant opportunities, and potentially a TIF.

~~Developer's Development~~ Agreement will be required with appropriate sureties for development within the City Center areas on the land use map that border the extension of Library Lane to the southeast and Deer Creek Parkway extended along the Creek to meet up with National Avenue.

The SEWRPC 20~~35~~⁵⁰ Recommended Regional Transportation System Plan does not identify any capacity improvements for the roadways within Neighborhood E.

~~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~~^s 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.

City Center PUD Transportation Model

(See Appendix T for a copy of the full Traffic Impact Analysis)

With new development comes an increased traffic burden on existing roadways. The amount of traffic and its impact on existing infrastructure can be forecasted by completing a Traffic Impact Analysis or TIA. This section is a brief summary of the TIA that was done for the City Center PUD area.

Roadway improvements were analyzed in 2011 using trip generation models and sequencing. The modeling showed that the current 2011 traffic counts required no roadway improvements at that time.

The modeling for the 2020 base year, without any new development within the City Center PUD, showed that the following roadway improvements would be required:

- Additional turn lanes at the National Ave. and Moorland Rd. intersection will be needed.
Note: West bound to south bound and east bound to north bound dual left turn lanes were added in 2023.
- Moorland Road volumes will be approaching the threshold for going to six-lanes.
Note: Moorland Road capacity was increased to six lanes between Mark Drive and Coffee Road in 2023.

The modeling for the 2020 base year plus full development in the City Center PUD (based on the City Center Concept Plan) showed that the following roadway improvements would be required:

- Moorland Rd. should be widened to six-lanes.
Note: Moorland Road capacity was increased to six lanes between Mark Drive and Coffee Road in 2023.
- Dual left turn lanes needed at the Moorland Rd. and National Ave. intersection.
Note: West bound to south bound and east bound to north bound dual left turn lanes were added in 2023.
- Signalize the intersection of National Ave. and Acredale Rd. when Deer Creek Parkway is extended to National Ave.

In general, the model considered 336 multi-family units, 17 single-family units, and 94,400 square feet of commercial/office space. Conversion of the multi-family acreage to commercial/office development would increase the Annual Daily Traffic (ADT) for the entire PUD by 39% (or an additional 2700 vehicle per day). The impact of this conversion is further compounded in that a significant amount of the new trips would be during the peak AM and PM hours (aka, during rush hour).

In summary, the modeling shows that roadway improvements will be necessary even if no development were to occur in the City Center PUD by 2020. The improvements recommended for the study area intersections are to improve intersection operations to acceptable levels. The implementation of the above-recommended traffic signal and geometric improvements are expected to result in safe and efficient traffic operations. Any improvements ~~was~~will require Waukesha County review and approval. With the full build-out of City Center, additional roadway improvements would be necessary. Regional traffic also plays a significant part of traffic generation in the Moorland Road and National Avenue corridors.

Bicycle & Pedestrian Facilities

As shown on Figure 6.16, Chapter 6, the following facilities are currently proposed in Neighborhood E:

Proposed Off-Road Facilities:

- A potential trail and/or boardwalk connection through the City Center conservancy area so residents from the subdivisions to the south can walk and bike to and from City Center.

Proposed On-Road Facilities:

- A north/south on-~~r~~oad facility along the extension of Michelle Witmer Memorial Drive and/or Library Lane.

Public Transit

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

ECONOMIC DEVELOPMENT

Economic development efforts along the National Avenue corridor should gain momentum over the next decade as focused improvements are implemented by both the public and private sectors. The corridor should continue to evolve as a regional arterial that balances the needs of vehicular travelers with local pedestrians and bicyclists who use the corridor's amenities. The National Avenue corridor should provide a mixed-use setting in which local and national retailers thrive amidst multi-family housing, professional offices, and open space. Encouraging sustainable development and green infrastructure should both attract retailers to the corridor and provide an aesthetically pleasing retail area which customers and nearby residents can enjoy.

~~According to 2009 estimated tax levies, the National Avenue corridor comprises 7.8% of the total tax levy for the City. Neighborhood E has an estimated assessment value of approximately \$364 million, with a tax levy of approximately \$1,922,000.~~

Survey Results: Commercial Retail

Figures 15.13 through 15.15 illustrate the three highest-rated images for commercial retail in Neighborhood E. Preferred characteristics included retail buildings with sound materials, extensive landscaping, and sidepaths.



Figure 15.13. Highest-Rated Image for Commercial Retail.



Figure 15.14. Second Highest-Rated Image for Commercial Retail.



Figure 15.15. Third Highest-Rated Image for Commercial Retail.

Survey Results: Parking

Figures 15.16 through 15.18 illustrate the three highest-rated images for parking in Neighborhood E. Preferred characteristics include landscaping within and around the parking, accessible parking with pedestrian walkways, and screening of the parking lots from nearby streets or pedestrian areas.



Figure 15.16. Highest-Rated Image for



Figure 15.17. Second Highest-Rated



Figure 15.18. Third Highest-Rated

Parking.

Image for Parking.

Image for Parking.

Survey Results: Commercial Signage

Figures 15.19 through 15.21 illustrate the three highest-rated images for commercial signage in Neighborhood E. Small-scale, well designed building signage was preferred over large-scale monument signage. Please see Zoning Code Section 275-61 for City Center Sign requirements.



Figure 15.19. Highest-Rated Image for Commercial Signage.



Figure 15.20. Second Highest-Rated Image for Commercial Signage.



Figure 15.21. Third Highest-Rated Image for Commercial Signage.

Brownfields

According to a 2008 listing by the Wisconsin Department of Natural Resources, no brownfields have been identified within Neighborhood E.

Recommendations – General

Economic development policies for the National Avenue East Corridor are largely guided by the 1994 Business Retention and Expansion Study, and the 2002 Economic Development and Revitalization Plan. The 1994 Business Retention and Expansion Study provided a number of recommendations for implementing successful business strategies throughout the city. Recommendations from the 1994 plan have been excerpted and included in Chapter 2: Issues and Opportunities.

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 Neighborhood E.

- Retail, including furniture, gardening, department stores, apparel, grocery stores, convenience stores, computers and electronic goods, sporting goods
- Finance-Insurance-Real Estate (FIRE), including law firms, real estate agencies, insurance agencies, brokers
- Professional specialties including physicians offices, medical clinics, engineering, architectural, planning and surveying firms
- Personal services are those services including dry cleaners, beauty salons, and other various personal services

- Commercial gyms, fitness centers and businesses that cater to recreational and leisure-time activities
- Eating and drinking establishments, including fine quality dining in close proximity to hotels and business parks
- Redevelopment emphasis on the southeast ~~and southwest~~ corners of National Avenue and Moorland Road

Recommendations – City Center Area Update

- Retail, including apparel, grocery stores, specialty, and general retails (see City Center PUD for permitted uses)
- Professional offices
- Institutional, including for-profit universities and community theater

HOUSING

The corridor includes a variety of multi-family developments (Figure 15.22) that provide housing diversity, affordable housing, and customers within walking distance of the commercial uses along National Avenue. The mix of uses should be maintained with additional housing opportunities considered within the City Center development. Various housing types encouraged within the City Center include: senior housing, multi-story multi-family housing, side-by-side multi-family, residential integrated into mixed-use buildings, and single family housing.

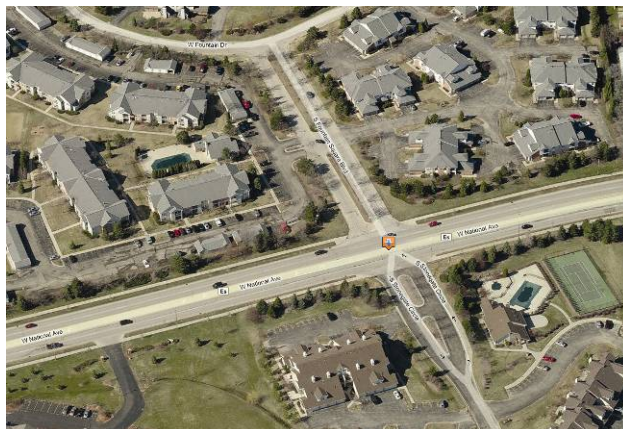


Figure 15.22. Multi-family Neighborhoods at the Intersection of National Ave with Fountain Square Blvd and Stonegate Cir.
Source: Microsoft Live Maps.

LAND USE

The National Avenue corridor houses a variety of land uses from residential to commercial; this mix should be maintained and enhanced. As such, no future land use changes are recommended for the neighborhood. Future land uses should remain as originally designated in the 2001 Growth and Development Master Plan, ~~with the exception of the Action Garden Center property being changed to Suburban Commercial. This recommendation was incorporated into the initial Future Land Use Map adopted in 2009.~~

City Center

A specific Land Use Plan for City Center was included in the original City Center Plan and Planned Unit Development Ordinance #2122 (PUD) and was approved by the Common Council on September 26, 2000.

A more detailed map has been prepared to indicate the various zoning districts and land use opportunities in this area. Please refer to the City Center PUD document, as amended by Ordinance, for specific uses outlined within this area of the City. The most recent Ordinance is available on the City's website.

Along with any road extension and/or development proposals in the B-2/O-1/PUD, R-4.5/PUD, and C-1/C-2 PUD areas shown on the City Center Zoning Map (lands in the southern half identified by the following tax keys: 1207-976; 1207-976-001; 1207-976-002; 1207-996-003, and 1207976-004) shall be field verified for wetland and upland boundaries per Section 275-37B in addition to correctly verifying and surveying the zoning boundaries.

RESOLUTION NUMBER # 23-26**A Resolution adopting the amendments to the City's 2030 Comprehensive Plan Chapter 10: Land Use and Chapter 15: "Neighborhood E" National Avenue East Corridor**

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 Terri Engsberg on behalf of Holy Apostles Congregation, have prepared amendments to the Future Land Use Map within the City's adopted 2030 Comprehensive Plan Chapter 10: Land Use and Chapter 15: "Neighborhood E" National Avenue East Corridor 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 Terri Engsberg on behalf of Holy Apostles Congregation are for the property located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #:1212-991-001) to amend the Future Land Use from Suburban Commercial to Institutional. 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 15: "Neighborhood E" National Avenue East Corridor. A copy 2030 Comprehensive Plan Chapters 10 & 15 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 15: "Neighborhood E" National Avenue East Corridor, on November 6, 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 October 2, 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 # 23-26 recommended approval of this comprehensive plan amendment on November 6, 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 15: "Neighborhood E" National Avenue East Corridor, 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. 2684, which will constitute its adoption of the Comprehensive Plan amendments.

Passed and adopted by the Plan Commission on this 14th day of November, 2023.

APPROVED:

David A. Ament, Mayor

Certified/Countersigned:

Nikki Jones
Plan Commission Secretary

ORDINANCE NO. 2684

An ordinance to adopt the amendments to the City's Comprehensive Plan to incorporate the necessary General Amendments and Future Land Use Map Amendments into the City's adopted 2030 Comprehensive Plan, Chapter 10: Land Use and Chapter 15: "Neighborhood E" National Avenue East Corridor.

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

SECTION I

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

SECTION II

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

SECTION III

The Plan Commission of the City of New Berlin by a majority vote of the Commission members present and voting as recorded in its official minutes and adopted Resolution # 23-26 on November 6, 2023 recommending to the Common Council the adoption of the ordinance that approves the general amendments and Future Land Use amendments to the City's adopted 2030 Comprehensive Plan Chapter 10: Land Use and Chapter 15: "Neighborhood E" National Avenue East Corridor, a copy of both chapters are attached as Exhibit A, containing amendments to the elements specified in section 66.1001(2) of the Wisconsin Statutes.

More specifically, the Future Land Use Map amendments requested by Terri Engsberg on behalf of Holy Apostles Congregation, to amend the Future Land Use for the property located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #:1212-991-001) from Suburban Commercial to Institutional.

SECTION IV

The City held public hearings on October 2, 2023 on these Comprehensive Plan amendments, in compliance with the requirements of Section 66.1001(4)(d) of the Wisconsin Statutes.

SECTION V

The Common Council of the City of New Berlin, Wisconsin, does, by enactment of this ordinance, formally adopt the documents entitled, "**General Amendments and Future Land Use Map Amendments into the City's adopted 2030 Comprehensive Plan Chapter 10: Land Use and Chapter 15: "Neighborhood E" National Avenue East Corridor,**" which are attached hereto as Exhibit A pursuant to section 66.1001(4)(c) of the Wisconsin Statutes.

SECTION VI

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

SECTION VII

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

SECTION VIII

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

PASSED AND ADOPTED by the Common Council this 14th day of November, 2023.

APPROVED:

David A. Ament, Mayor

Countersigned:

Rubina Medina, City Clerk

STAFF REPORT EXECUTIVE SUMMARY

APPLICANT/PROJECT: Terri Engsberg on behalf of Holy Apostles Congregation / Rezoning

LOCATION: 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #: 1212-991-001)

REQUEST: Request to rezone the property located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #: 1212-991-001) from B-2 to I-1.

D.R.C. RECOMMENDATION: Recommend to Common Council adoption of Ordinance # 2685 that approves the rezoning of the property located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #: 1212-991-001) from B-2 to I-1.

DETAILS IN ATTACHED STAFF REPORT:

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

Meeting of November 6, 2023

Terri Engsborg on behalf of Holy Apostles Congregation / Rezoning
15970 W. National Avenue (Tax Key #: 1212-992) and
a portion of the property located at 16000 W. National Avenue (Tax Key #: 1212-991-001)

DATE STAFF REPORT PREPARED: August 28, 2023

APPLICANT / OWNER(S): Terri Engsborg on behalf of Holy Apostles Congregation / Holy Apostles Congregation

REQUEST / DESCRIPTION OF PROJECT: The applicant is requesting to rezone the property located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #: 1212-991-001) from B-2 to I-1.

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 8/4/2023

DATE OF COMPLETENESS DETERMINATION: 8/7/2023

PRE-APPLICATION CONFERENCE HELD: Yes

Date(s) of Meeting(s): 5/3/2023, 6/15/2023, and 6/28/2023

Site Visit(s): 9/8/2023

CONCEPTUAL PLAN: A 1-Lot CSM has been submitted. (See File # LD-2301587)

SIZE OF DEVELOPMENT / PARCEL(S):

Parcel 1 (15970 W. National Avenue / Tax Key #: 1212-992): 0.4683 acres (0.3451 acres excl. ROW)

Parcel 2 (16000 W. National Avenue / Tax Key #: 1212-991-001): 17.7075 acres

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

CURRENT LAND USE: Commercial / Vacant

PROPOSED ZONING: I-1 (Institutional)

PROPOSED LAND USE: Institutional

PROPOSED LOT SIZE(S): 18.0526 acres (See File # LD-2301587)

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

<i>North:</i>	Zoning: R-5 (Medium-Density Single-Family Residential District)	Land Use: Single-Family Residential
<i>South:</i>	Zoning: B-2 (General Retail Sales and Service District)	Land Use: Commercial
<i>East:</i>	Zoning: B-2 (General Retail Sales and Service District)	Land Use: Commercial

West: Zoning: B-2 (General Retail Sales and Service District) Land Use: Commercial

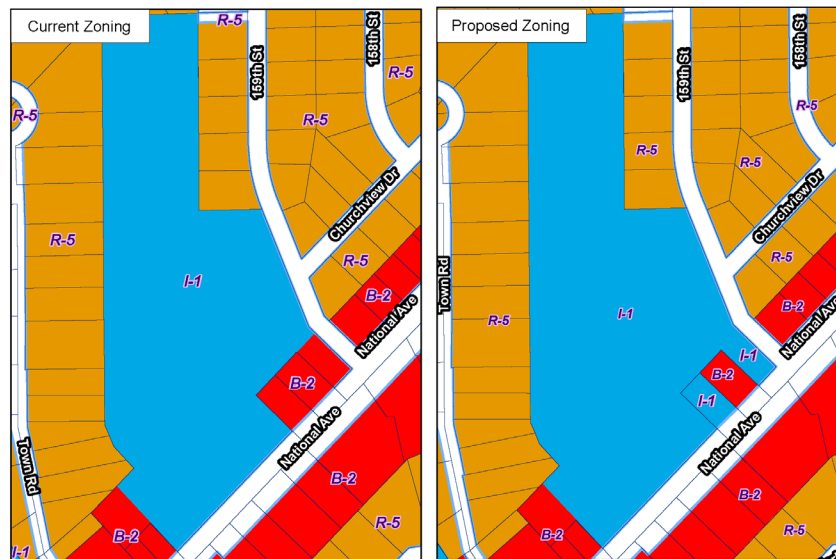
CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes, the request meets the intent of this Chapter, if the Comprehensive Plan Amendment is approved (See File #: CP-2301585).

Chapter 15: Neighborhood “E”: National Avenue East Corridor: Yes, this submittal meets the intent of this Chapter.

Planning Context / Vision / Development Policies:

Vision:

- *National Avenue should be an exemplary model of a suburban commercial corridor. Vehicular and pedestrian traffic should coexist in a safe and efficient manner through prominent pedestrian facilities and managed vehicular access. Utilities should be relocated or placed underground whenever feasible to de-emphasize their visual prominence. Public streetscape improvements should be coordinated with private landscaping and site design. Commercial development will be focused at nodes along the corridor to minimize the “strip” appearance.*
- **Land Use:**
 - *Future Land Use Map: Suburban Commercial*
 - *2030 Future Land Use Map Suggestion: Institutional (See File #: CP-2301585)*



ZONING CODE (Chapter 275): Yes, this request meets the requirements of Section 275-36B(1) 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: No
Wetland On Property: No
Conservancy Districts (C-1, C-2): No
NRCS Map Classification: Not Inventoried
Floodplain: No
Topography / Geologic: The site is relatively flat.

BIKE & PEDESTRIAN FACILITIES PLAN: No improvements identified.

PARK & OPEN SPACE PLAN: No improvements identified.

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): N/A
Woodland, Tree, and Vegetation Protection: N/A
Wildlife Management Plan: N/A

ENVIRONMENTAL IMPACT: No impact. No changes proposed at this time.

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: Yes
Basin Capacity Available: Yes
Adequate Linkage: Yes
Onsite System Required: No

WATER USAGE CALC.: No increase.

TRAFFIC IMPACT: No increase.

SCHOOL DISTRICT IMPACT: N/A

Notice Sent to Affected School District(s): No

PREVIOUS ACTION:

12/7/1964	Plan Commission approval of church.
3/31/1997	Plan Commission approval of an addition and renovation of existing areas.
7/7/1997	Plan Commission approval of a garage building for maintenance equipment.
10/12/2010	Common Council approval of a 1-Lot CSM to combine the properties at 16000 W. National Avenue and the former 15850 W. National Avenue.
6/6/2011	Plan Commission approval for a waiver for a 15' buffer adjacent to a commercial use and additional parking via agreement with adjacent property.
2/15/2017	Architectural Review Committee approved a 400 square foot chapel addition.
12/4/2017	Plan Commission approval of a cemetery expansion.

3/20/2018 Architectural Review Committee approved a 9,466 square foot addition.
10/2/2023 Joint Public Hearing held for Rezoning and Comprehensive Plan Amendment applications
(see file #s: CP-2301585 & RZ -2301586)

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

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

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

The Future Land Use map identifies the area as Suburban Commercial. The applicant has filed a separate application for a Comprehensive Plan Amendment (See File #: CP-2301585) to amend the Future Land Use Map within the City's Comprehensive Plan (Chapter 10 – Land Use and Chapter 15 – “Neighborhood E”) from Suburban Commercial to Institutional.

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

Yes, the proposed rezoning is compliant. This property is currently served by public sanitary sewer and water facilities.

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

Yes, the proposed rezoning is compliant.

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

Yes, the proposed rezoning is compliant. Any future 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-2301585.

- 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-2301585) and 1-Lot CSM (See File #: CP-2301587). Action for these applications is anticipated for the November 6, 2023 Plan Commission meeting.

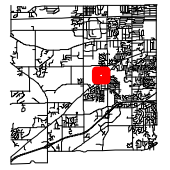
D.R.C. RECOMMENDATION:

Recommend to Common Council adoption of Ordinance # 2685 that approves the rezoning of the property located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #: 1212-991-001) from B-2 to I-1. **See Executive Summary.**

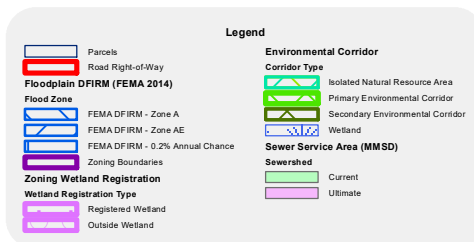
ATTACHMENTS:

Location Map
Zoning Comparison Map
CSM
Applicant Letter
Draft Ordinance # 2685

CP-2301585 / RZ-2301586 / LD-2301587
Holy Apostles Congregation
15970 W. National Ave. &
a portion of 16000 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

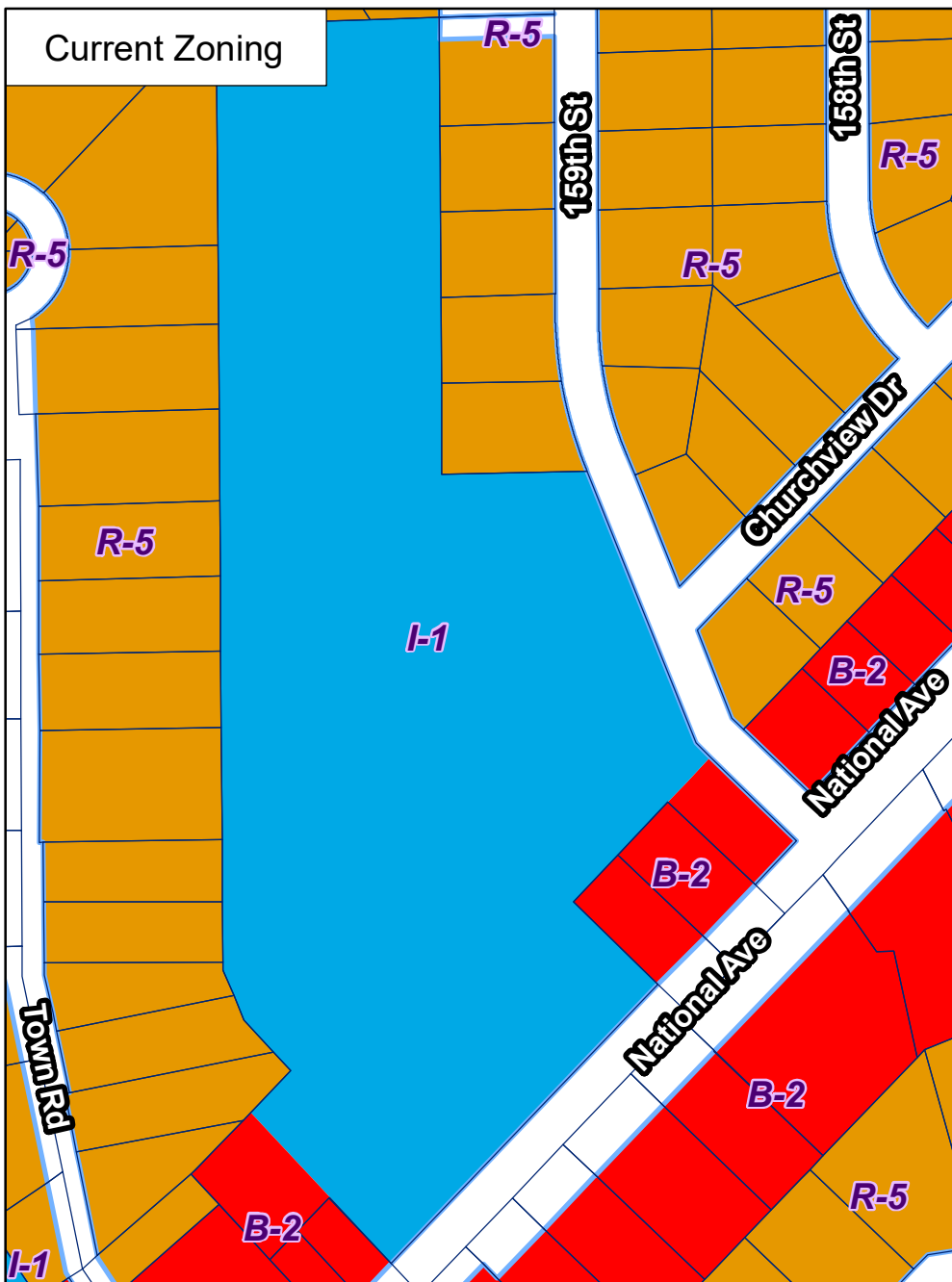


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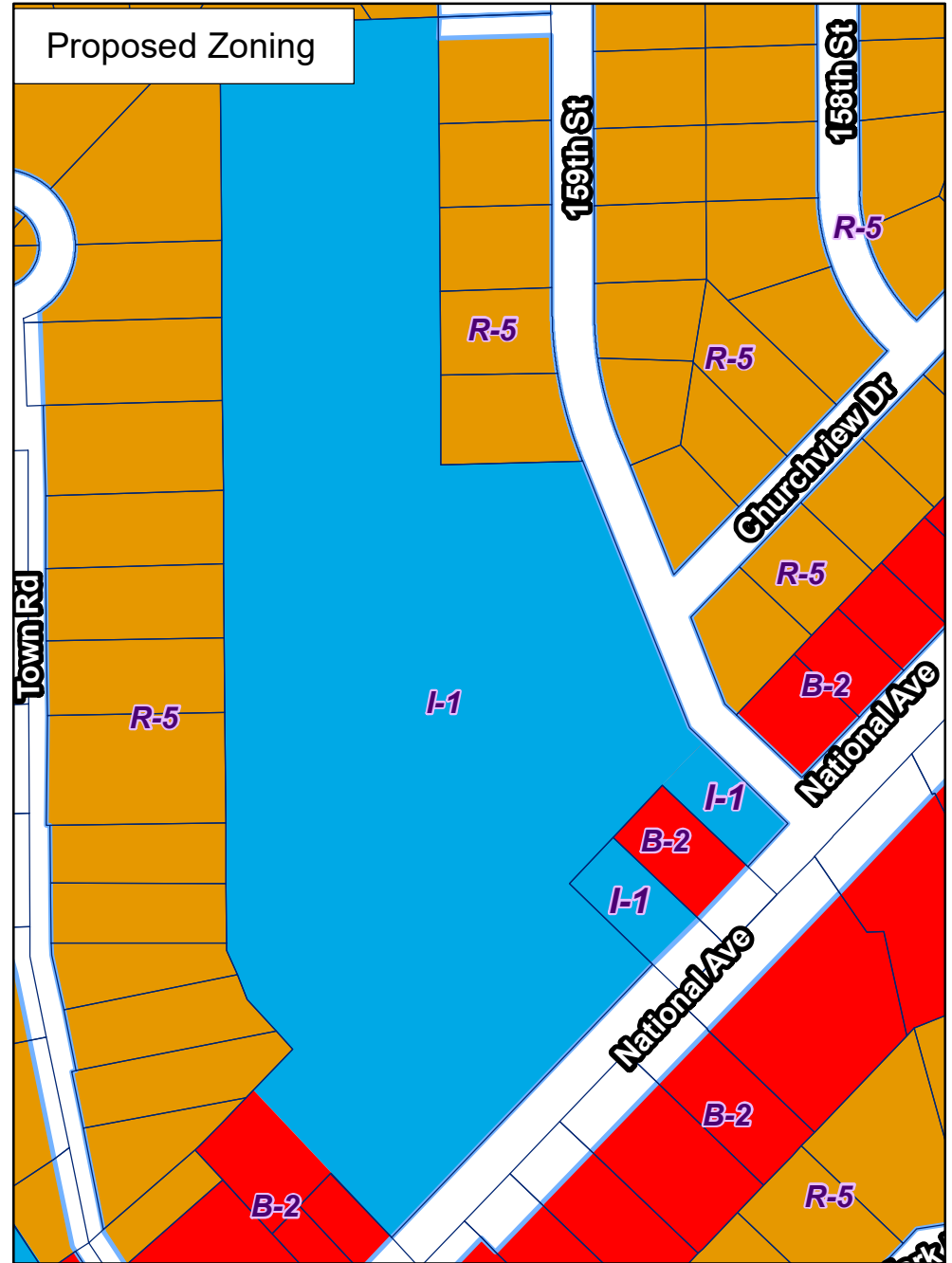


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Current Zoning



Proposed Zoning



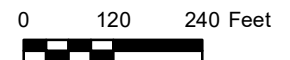
City of New Berlin
Community Development

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RZ-2301586
Holy Apostles
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Legend

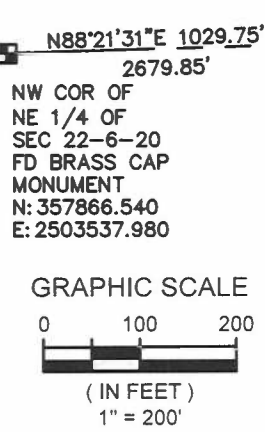
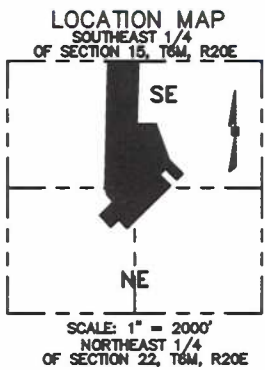
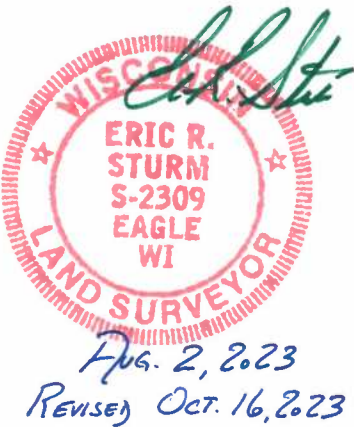
-  Parcels
-  Road Right-of-Way



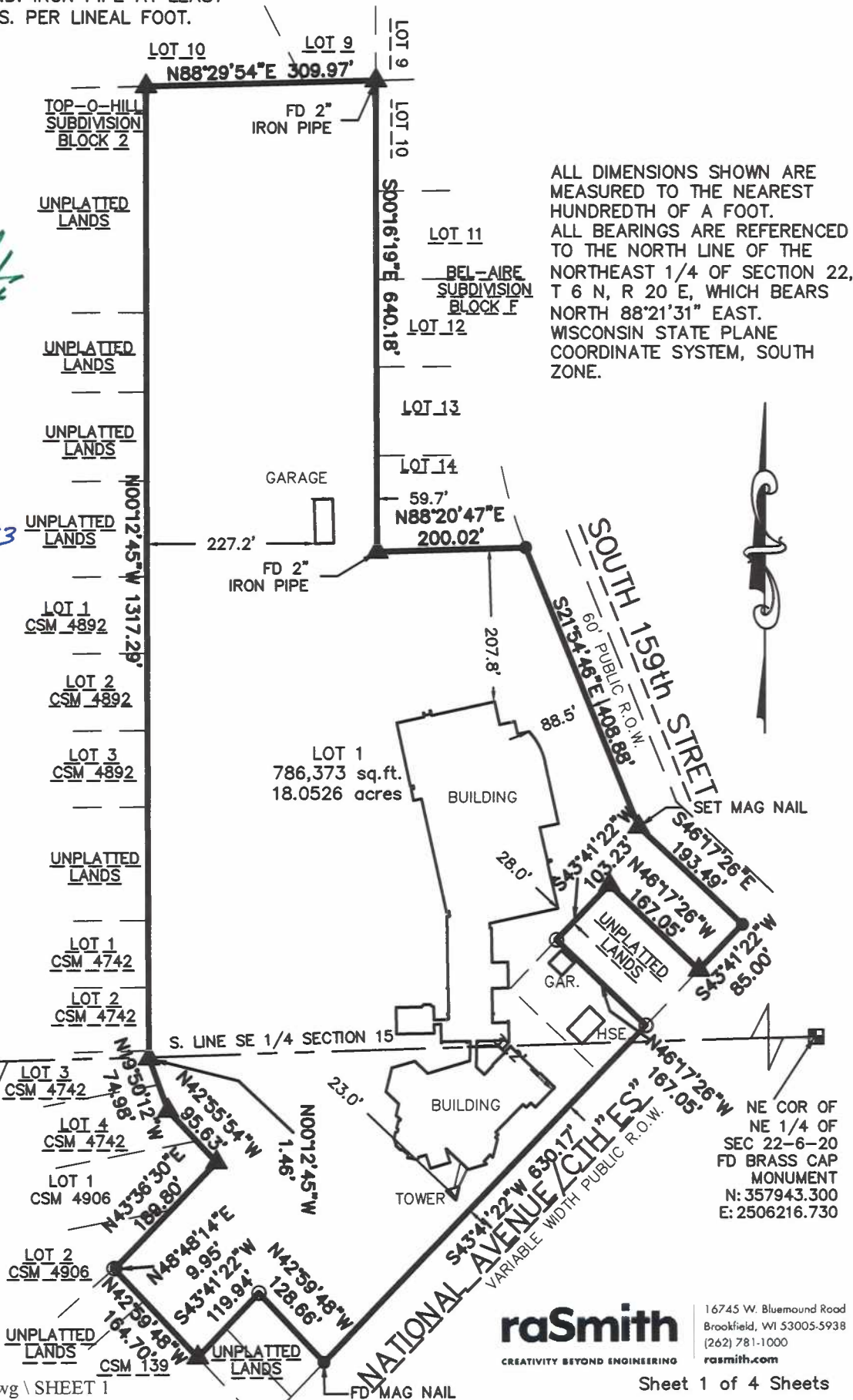
CERTIFIED SURVEY MAP NO. _____

Lot 1 of Certified Survey Map No. 10851, recorded in Waukesha County Register of Deeds in Book 105, Pages 181-184 as Document No. 3821403 and lands, being part of the Northeast 1/4 and Northwest 1/4 of the Northeast 1/4 of Section 22 and the Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 15, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin,

- ▲ INDICATES FOUND 1" IRON PIPE, UNLESS NOTED
- INDICATES FOUND 3/4" IRON ROD, UNLESS NOTED
- INDICATES SET 1.315" O.D. IRON PIPE AT LEAST 18" IN LENGTH, 1.68 LBS. PER LINEAL FOOT.



S:\5157606\dwg\ CS21L200.dwg \ SHEET 1



ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT. ALL BEARINGS ARE REFERENCED TO THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 22, T 6 N, R 20 E, WHICH BEARS NORTH 88°21'31" EAST. WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

raSmith
CREATIVITY BEYOND ENGINEERING
16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
rasmith.com

Sheet 1 of 4 Sheets

CERTIFIED SURVEY MAP NO. _____

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SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN }
 :SS
WAUKESHA COUNTY }

I, Eric R. Sturm, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided, and mapped Lot 1 of Certified Survey Map No. 10851, recorded in Waukesha County Register of Deeds in Book 105, Pages 181-184 as Document No. 3821403 and lands, being part of the Northeast 1/4 and Northwest 1/4 of the Northeast 1/4 of Section 22 and the Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 15, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, bounded and described as follows:

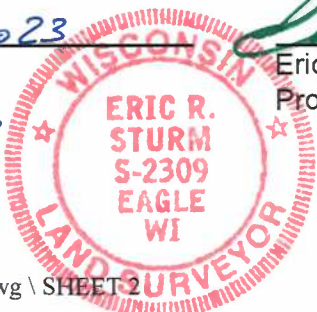
COMMENCING at the Northwest corner of the Northeast 1/4 of Section 22; thence North 88°21'31" East along the North line of said 1/4 Section 1029.75 feet to a point in the East line of Certified Survey Map No. 4742 and the point of beginning of lands to be described; thence North 00°12'45" West along said East line and its extension and the East line of Certified Survey map No. 4892 and its extension 1317.29 feet to a point in the South line of Lot 10, Block 2, in Top-O-Hill Subdivision; thence North 88°29'54" East along said South line and its extension 309.97 feet to a point in the West line of Block F in Bel-Aire Subdivision; thence South 00°16'19" East along said West line 640.18 feet to the Southwest corner of Lot 14 in said Block F; thence North 88°20'47" East along the South line of said Lot 200.02 feet to a point in the West line of South 159th /street; thence South 21°54'46" East along said West line 408.88 feet to a point; thence South 46°17'26" East along said West line 193.49 feet to a point in the Northerly line of National Avenue; thence South 43°41'22" West along said Northerly line 85.00 feet to a point; thence North 46°17'26" West 167.05 feet to a point; thence South 43°41'22" West and parallel to the Northerly line of National Avenue 103.23 feet to a point; thence South 46°17'26" East 167.05 feet to a point in the Northerly line of National Avenue; thence South 43°41'22" West along said Northerly line 630.17 feet to a point; thence North 42°59'48" West 128.66 feet to a point; thence South 43°41'22" West 119.94 feet to a point in the Easterly line of Certified Survey Map No. 139; thence North 42°59'48" West along said Easterly line and its extension 164.70 feet to a point in the Easterly line of Certified Survey Map No. 4906; thence North 48°48'14" East along said Easterly line 9.95 feet to a point; thence North 43°36'30" East along said Easterly line 189.80 feet to the most Easterly corner of Lot 1 of said Certified Survey Map; thence North 42°55'54" West along the Easterly line of said Certified Survey Map and its extension and the Easterly line of Certified Survey Map No. 4742 and its extension 95.63 feet to a point in the Easterly line of Certified Survey map No. 4742; thence North 19°50'12" West along the easterly line of Certified Survey Map No. 4742 a distance of 74.98 feet to a point; thence North 00°12'45" West along said Easterly line 1.46 feet to the point of beginning. Containing 786,373 square feet or 18.0526 acres, more or less of land.

THAT I have made this survey, land division and map by the direction of HOLY APOSTLES CONGREGATION, owners of said land.

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

THAT I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and Chapter 235 of the Municipal Code of the City of New Berlin in surveying, dividing and mapping the same.

DATE August 2, 2023 Eric R. Sturm (SEAL)
REVISÉ
OCTOBER 16, 2023 Eric R. Sturm
Professional Land Surveyor S-2309



raSmith
CREATIVITY BEYOND ENGINEERING
16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
rasmith.com

CERTIFIED SURVEY MAP NO. _____

Lot 1 of Certified Survey Map No. 10851, recorded in Waukesha County Register of Deeds in Book 105, Pages 181-184 as Document No. 3821403 and lands, being part of the Northeast 1/4 and Northwest 1/4 of the Northeast 1/4 of Section 22 and the Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 15, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

OWNER'S CERTIFICATE

HOLY APOSTLES CONGREGATION, as owners, certify that they caused the land described on this map to be surveyed, divided and mapped as represented on this map in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and City of New Berlin.

HOLY APOSTLES CONGREGATION, also certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of New Berlin

WITNESS the hand and seal of HOLY APOSTLES CONGREGATION, this _____ day of

_____, 2023.

STATE OF WISCONSIN }
 } ss
 } COUNTY }

PERSONALLY came before me this _____ day of _____, 2023,

_____ and acknowledged that they executed the foregoing instrument.

(SEAL)

Notary Public, State of Wisconsin

My commission expires

My commission is permanent.



16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
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COMMON COUNCIL APPROVAL

APPROVED by the Common Council of the City of New Berlin on this _____ day of _____, 2023. All conditions of approval have been met as of this _____ day of _____, 2023.

David Ament, Mayor

Rubina R. Medina, Clerk

PLANNING COMMISSION APPROVAL

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

David Ament, Mayor/Chairperson

Nikki Jones, Secretary


This instrument was drafted by Eric R. Sturm,
Professional Land Surveyor S-2309
Aug. 2, 2023
REVISED Oct. 16, 2023



July 23, 2023

Sent via email to: Kelly Wall and Kristen Hogan

Kelly Wall and Kristen Hogan
3805 South Casper Drive
New Berlin, WI 53151

Dear Ms. Wall and Ms. Hogan,

Thank you for meeting with Michael Schober, the attorney handling the property purchase and city applications for Holy Apostles Congregation Comprehensive Plan Amendment, rezoning, and land division. We truly appreciate the time and assistance from everyone at the city.

Please accept this letter to accompany the application for the rezoning. With this application we would like to rezone the two properties, 15850 W. National Ave. and 15970 W. National Ave. from business, B-2 to institutional, I-1 to be consistent with the church's current zoning.

If this document doesn't meet the requirements for application, please advise so we can resubmit before the August 4th deadline.

Sincerely,

Terri Engsberg
Holy Apostles Pastoral Associate
tengsberg@hanb.org
262-786-0472

ORDINANCE NO. 2685

Ordinance to rezone from B-2 (General Retail Sales and Service District) to I-1 (Institutional 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 Terri Engsberg on behalf of Holy Apostles Congregation to rezone the property located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #:1212-991-001) from B-2 to I-1:

EXISTING LEGAL DESCRIPTIONS:**15970 W. National Avenue (Tax Key #: 1212-992)**

PT SE.25 SEC 15 & NE.25 SEC 22 T6N R20E COM AT NE COR,TH W 922 FT,TH S 44 DGR 37' W 22 FT THE BGN,TH N 45 DGR 23' W 227 FT,TH S 44 DGR 37' W 90FT,TH S 45 DGR 23' E 227 FT,TH N 44 DGR 37' E 90 FT/BGN R583/177 EXC HWY R1318 I1021, I1023

16000 W. National Avenue (Tax Key #: 1212-991-001)

LOT 1 CSM 10851 A PT OF THE NE.25 & THE NW.25 OF THE NE.25 OF SEC 22 & THE SW.25 & SE.25 OF THE SE.25 OF SEC 15 T6N R20E REC 03/04/2011 DOC#3821403 17.7075 ACRES AFF DOC #4075057 REC 04/21/2014

LANDS TO BE REZONED FROM B-2 to I-1:**15970 W. National Avenue (Tax Key #: 1212-992)**

Lands being part of the Northeast 1/4 of the Northeast 1/4 of Section 22, and the Southeast 1/4 of the Southeast 1/4 of Section 15, all in Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows:

Commencing at the Southeast corner of the Southeast 1/4 of said Section 15; thence South 88°21'31" West along the South line of said Southeast 1/4 Section, 1001.68 feet to the point of beginning; thence South 43°41'22" West along the North line of West National Avenue 57.81 feet to a point on the East line of Certified Survey Map Number 10851; thence North 46°17'26" West along said East line 167.05 feet to a point; thence North 43°41'22" East along the Southeastern line of said Certified Survey Map 90.00 feet to a point; thence South 46°17'26" East 167.05 feet to a point on the North line of West National Avenue; thence South 43°41'22" West along said North line 32.19 feet to the point of beginning.

Said lands containing 15,035 square feet or 0.3451 acres.

A Portion of 16000 W. National Avenue (Tax Key #: 1212-991-001)

Part of Lot 1 of Certified Survey Map No. 10851, recorded in Waukesha County Register of Deeds in Book 105, Pages 181-184 as Document No. 3821403, being part of the Southeast 1/4 of the Southeast 1/4 of Section 15, all in Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows: Commencing at the Southeast corner of the Southeast 1/4 of said Section 15; thence South 88°21'31" West along the South line of said Southeast 1/4 Section, 1001.68 feet to a point on the North line of West National Avenue; thence South 43°41'22" West along the North line of West National Avenue 57.81 feet to a point on the Southeastern line of Certified Survey Map Number 10851; thence North 46°17'26" West along said Southeastern line 167.05 feet to a point; thence North 43°41'22" East along said Southeastern line 103.23 feet to the point of beginning; thence North 43°41'22" East 85.00 feet to a point on the East line of Lot 1 of Certified Survey Map No. 10851; thence South 46°17'26" East along said East line 167.05 feet to

a point on the North line of West National Avenue; thence South 43°41'22" West along said North line 85.00 feet to a point; thence North 46°17'26" West 167.05 feet to the point of beginning.

Said lands containing 14,199 square feet or 0.3260 acres.

SECTION II

The matter came before the City Plan Commission which held a public hearing on the proposed rezoning on October 2, 2023 and recommended approval of said rezoning on November 6, 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 November 14, 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 to I-1 subject to the application and plans on file.

The Mayor and City Clerk are authorized to execute this Ordinance No. 2685 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 14th day of November 2023.

APPROVED:

David A. Ament, Mayor

Countersigned:

Rubina Medina, City Clerk

STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT/PROJECT:	Terri Engsberg on behalf of Holy Apostles Congregation / 1-Lot Certified Survey Map		
LOCATION:	15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #: 1212-991-001)		
REQUEST:	Approval of a 1-Lot Certified Survey Map		
REVIEW SCHEDULE:	CSM Received:	8/2/2023	
	Completeness Determination:	8/2/2023	
	90-day time limit expires:	11/2/2023	
	Final Common Council Action:	11/14/2023	
	60-day extension expires:	1/2/2024	
D.R.C. RECOMMENDATION:	Recommend to Common Council approval of a 1-Lot Certified Survey Map for the properties located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #: 1212-991-001), subject to the application, plans on file and the following conditions:		
	1. Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing. 2. A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required. 3. The CSM shall be recorded with Waukesha County Register of Deeds prior to the issuance of any new zoning or building permits. 4. Applicant 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-2301585) and Rezoning (see file #: RZ-2301586) is required prior to action on the Certified Survey Map. 6. Applicant shall dedicate the appropriate right-of-way to Waukesha County.		

DETAILS IN ATTACHED STAFF REPORT:

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

Meeting of November 6, 2023

Terri Engsberg on behalf of Holy Apostles Congregation / 1-Lot Certified Survey Map
15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000
W. National Avenue (Tax Key #: 1212-991-001)

DATE STAFF REPORT PREPARED: August 28, 2023

APPLICANT / OWNER(S): Terri Engsberg on behalf of Holy Apostles Congregation / Holy Apostles Congregation

REQUEST / DESCRIPTION OF PROJECT: Approval of the 1-Lot Certified Survey Map for the property located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #: 1212-991-001).

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 8/4/2023

DATE OF COMPLETENESS DETERMINATION: 8/7/2023

PRE-APPLICATION CONFERENCE HELD: Yes

Date(s) of Meeting(s): 5/3/2023, 6/15/2023, and 6/28/2023

Site Visit(s): 9/8/2023

CONCEPTUAL PLAN: Yes

SIZE OF DEVELOPMENT / PARCEL(S):

Parcel 1 (15970 W. National Avenue / Tax Key #: 1212-992): 0.4683 acres (0.3451 acres excl. ROW)

Parcel 2 (16000 W. National Avenue / Tax Key #: 1212-991-001): 17.7075 acres

CURRENT ZONING: B-2 (General Retail Sales and Service District) & I-1 (Institutional)

CURRENT LAND USE: Institutional / Vacant / Commercial

PROPOSED ZONING: I-1 (Institutional)

PROPOSED LAND USE: Church/Institutional

PROPOSED LOT SIZE(S): 18.0526 acres

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

<i>North:</i>	Zoning: R-5 (Medium-Density Single-Family Residential District)	Land Use: Single-Family Residential
<i>South:</i>	Zoning: B-2 (General Retail Sales and Service District)	Land Use: Commercial
<i>East:</i>	Zoning: B-2 (General Retail Sales and Service District)	Land Use: Commercial

West: Zoning: B-2 (General Retail Sales and Service District)

Land Use: Commercial

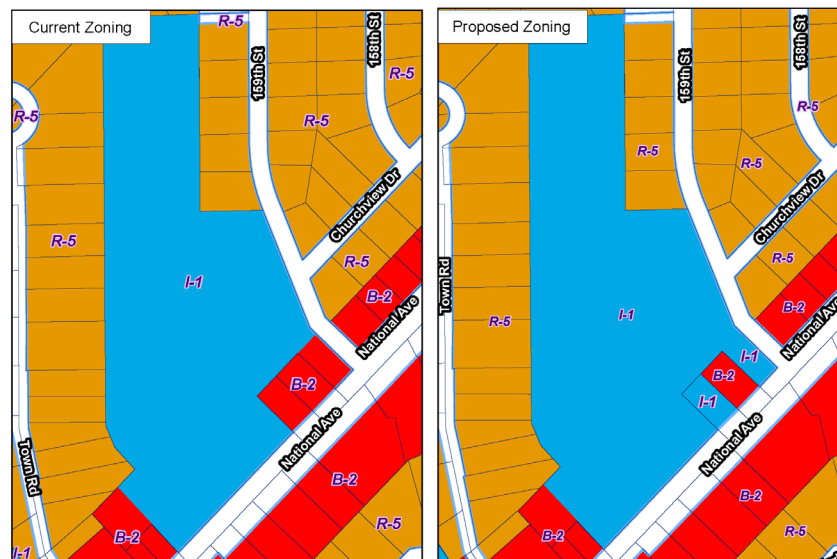
CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes, the request meets the intent of this Chapter.

Chapter 15: Neighborhood “E”: National Avenue East Corridor: Yes, this submittal meets the intent of this Chapter.

Planning Context / Vision / Development Policies:

Vision:

- *National Avenue should be an exemplary model of a suburban commercial corridor. Vehicular and pedestrian traffic should coexist in a safe and efficient manner through prominent pedestrian facilities and managed vehicular access. Utilities should be relocated or placed underground whenever feasible to de-emphasize their visual prominence. Public streetscape improvements should be coordinated with private landscaping and site design. Commercial development will be focused at nodes along the corridor to minimize the “strip” appearance.*
- **Land Use:**
 - *Future Land Use Map: Suburban Commercial*
 - *2030 Future Land Use Map Suggestion: Institutional (See File #: CP-2301585)*



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

DEVELOPMENT CODE (CHAPTER 235): N/A

REZONING REQUIRED: See file # RZ-2301586.

CONDITIONAL USE REQUIRED: No

PUBLIC HEARING REQUIRED: A joint public hearing was held on October 2, 2023 for the Comprehensive Plan Amendment (see file #: CP-2301585) and Rezoning (File # RZ-2301586).

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: No

Wetland On Property: No

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

NRCS Map Classification: Not Inventoried

Floodplain: No

Topography / Geologic: The site is relatively flat.

BIKE & PEDESTRIAN FACILITIES PLAN: No improvements identified.

PARK & OPEN SPACE PLAN: No improvements identified.

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): N/A

Woodland, Tree, and Vegetation Protection: N/A

Wildlife Management Plan: N/A

ENVIRONMENTAL IMPACT: No impact. No changes proposed at this time.

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: Yes

Basin Capacity Available: Yes

Adequate Linkage: Yes

Onsite System Required: No

WATER USAGE CALC.: No increase.

TRAFFIC IMPACT: No increase.

SCHOOL DISTRICT IMPACT: N/A

Notice Sent to Affected School District(s): No

PREVIOUS ACTION:

12/7/1964 Plan Commission approval of church.

3/31/1997 Plan Commission approval of an addition and renovation of existing areas.

7/7/1997 Plan Commission approval of a garage building for maintenance equipment.

10/12/2010 Common Council approval of a 1-Lot CSM to combine the properties at 16000 W. National Avenue and the former 15850 W. National Avenue.

6/6/2011 Plan Commission approval for a waiver for a 15' buffer adjacent to a commercial use and additional parking via agreement with adjacent property.

2/15/2017 Architectural Review Committee approved a 400 square foot chapel addition.

12/4/2017 Plan Commission approval of a cemetery expansion.
3/20/2018 Architectural Review Committee approved a 9,466 square foot addition.
10/2/2023 Joint Public Hearing held for Rezoning and Comprehensive Plan Amendment applications (see file #: CP-2301585 & RZ-2301586). These applications are associated with this CSM.

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

1. The applicant has simultaneously applied for a Comprehensive Plan Amendment (see file #: CP-2301585) and Rezoning (see file #: RZ-2301586). Action for these applications is anticipated for the November 6, 2023 Plan Commission meeting.
2. Per §275-36D, the minimum lot area is 40,000 square feet and the minimum lot width is 200' in the I-1 District.

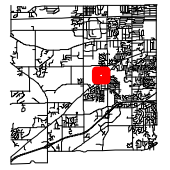
D.R.C. RECOMMENDATION:

Recommend to Common Council approval of a 1-Lot Certified Survey Map for the properties located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #: 1212-991-001), subject to the application, plans on file and the following conditions: **See Executive Summary.**

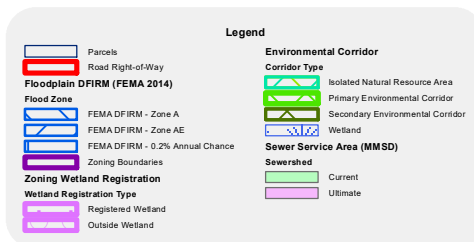
ATTACHMENTS:

Location Map
Applicant Letter
CSM

CP-2301585 / RZ-2301586 / LD-2301587
Holy Apostles Congregation
15970 W. National Ave. &
a portion of 16000 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



0 105 210 Feet



The information and depictions herein have been produced using data available through photogrammetric means by the City of New Berlin. The information 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.



Holy Apostles

CATHOLIC PARISH AND SCHOOL

July 23, 2023

Sent via email to: Kelly Wall and Kristen Hogan

Kelly Wall and Kristen Hogan
3805 South Casper Drive
New Berlin, WI 53151

Dear Ms. Wall and Ms. Hogan,

Thank you for meeting with Michael Schober, the attorney handling the property purchase and city applications for Holy Apostles Congregation Comprehensive Plan Amendment, rezoning, and land division. We truly appreciate the time and assistance from everyone at the city.

Please accept this letter to accompany the application for the land division. With this application we would like to combine the two parcels of land that Holy Apostles has acquired: 15850 W. National Ave. and 15970 W. National Ave. to our bigger campus, 16000 W. National Ave., creating 1 lot.

If this document doesn't meet the requirements for application, please advise so we can resubmit before the August 4th deadline.

Sincerely,

Terri Engsberg

Holy Apostles Pastoral Associate
tengsberg@hanb.org
262-786-0472

Page 98 of 121

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SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN }
 :SS
WAUKESHA COUNTY }

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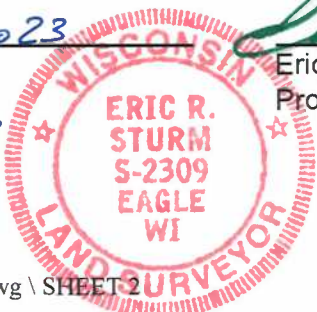
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THAT I have made this survey, land division and map by the direction of HOLY APOSTLES CONGREGATION, owners of said land.

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

THAT I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and Chapter 235 of the Municipal Code of the City of New Berlin in surveying, dividing and mapping the same.

DATE August 2, 2023 Eric R. Sturm (SEAL)
REVISÉ
OCTOBER 16, 2023 Eric R. Sturm
Professional Land Surveyor S-2309





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CREATIVITY BEYOND ENGINEERING

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OWNER'S CERTIFICATE

HOLY APOSTLES CONGREGATION, as owners, certify that they caused the land described on this map to be surveyed, divided and mapped as represented on this map in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and City of New Berlin.

HOLY APOSTLES CONGREGATION, also certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of New Berlin

WITNESS the hand and seal of HOLY APOSTLES CONGREGATION, this _____ day of _____, 2023.

STATE OF WISCONSIN }
:SS
_____ COUNTY }

PERSONALLY came before me this _____ day of _____, 2023,
_____ and acknowledged that they executed the foregoing instrument.

_____(SEAL)
Notary Public, State of Wisconsin
My commission expires
My commission is permanent.



CERTIFIED SURVEY MAP NO. _____

Lot 1 of Certified Survey Map No. 10851, recorded in Waukesha County Register of Deeds in Book 105, Pages 181-184 as Document No. 3821403 and lands, being part of the Northeast 1/4 and Northwest 1/4 of the Northeast 1/4 of Section 22 and the Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 15, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

COMMON COUNCIL APPROVAL

APPROVED by the Common Council of the City of New Berlin on this _____ day of _____, 2023. All conditions of approval have been met as of this _____ day of _____, 2023.

David Ament, Mayor

Rubina R. Medina, Clerk

PLANNING COMMISSION APPROVAL

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

David Ament, Mayor/Chairperson

Nikki Jones, Secretary


This instrument was drafted by Eric R. Sturm,
Professional Land Surveyor S-2309
Aug. 2, 2023
REVISED Oct. 16, 2023

STAFF REPORT EXECUTIVE SUMMARY

APPLICANT/PROJECT: Ryan Janssen, Ryan's Buying LLC / Rezoning

LOCATION: 5751 S. Sunny Slope Road (Tax Key #: 1289.994.002)

REQUEST: Request to rezone the property located at 5751 S. Sunny Slope Road (Tax Key #: 1289.994.002) from A-2 to R-6.

D.R.C. RECOMMENDATION: Recommend to Common Council adoption of Ordinance # 2686 that approves the rezoning of the property located at 5751 S. Sunny Slope Road (Tax Key #: 1289.994.002) from A-2 to R-6.

DETAILS IN ATTACHED STAFF REPORT:

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

Meeting of November 6, 2023

Ryan Janssen, Ryan's Buying LLC / Rezoning
5751 S. Sunny Slope Road (Tax Key #: 1289.994.002)

DATE STAFF REPORT PREPARED: October 13, 2023

APPLICANT / OWNER(S): Theofila C Krokowski Living Trust

REQUEST / DESCRIPTION OF PROJECT: The applicant is requesting to rezone the property located at 5751 S. Sunny Slope Road (Tax Key #: 1289.994.002) from A-2 to R-6.

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 6/30/2023

DATE OF COMPLETENESS DETERMINATION: 6/30/2023

PRE-APPLICATION CONFERENCE HELD: Yes

Date(s) of Meeting(s): 6/16/2023

Staff Site Visit: 8/1/2023

CONCEPTUAL PLAN: Yes. Plan Commission reviewed at the 8/1/2023 Site Walk and at the 8/14/2023 Plan Commission meeting (see File #: SP-2301340).

SIZE OF DEVELOPMENT / PARCEL(S): 17.39 acres

CURRENT ZONING: A-2 (Agricultural and Rural Holding District)

CURRENT LAND USE: Agricultural

PROPOSED ZONING: R-6 (Section 35 Low-Density Single-Family Residential District)

PROPOSED LAND USE: Single-family residential

PROPOSED LOT SIZES: 25,000 SF minimum lot area

PROPOSED DENSITY: 17.39 total acres / 14 lots = 1 lot per 1.2 acres.

ADJACENT ZONING AND LAND USE:

North: Zoning: R-1/R-2 & R-6

Land Use: Single Family Residential

South: Zoning: P-2

Land Use: City Park

East: Zoning: R-3 & C-2

Land Use: Single Family Residential

West: Zoning: P-2

Land Use: City Park

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes

Chapter 17: Neighborhood G: Sections 26 & 35 South Moorland Road Corridor: Yes, the concepts meet the intent of this Chapter.

Vision:

- *Even though neighborhood G is unique, it cannot be independently planned separately from neighborhood H. The two neighborhoods are integrated and will share land uses, new roadway and trail connections and should be considered as one cohesive area. In determining an appropriate lot size for this Section, the team needed to better understand approximately how many units could fit into the residential portion identified on the Future Land Use Map based on various lot size combinations. Historically, this area called for a maximum gross density of 1 dwelling unit per 2 acres south of Grange Avenue. After careful review and looking at a variety of development concept scenarios, for what the land could hold in this area, rather than focusing on a density for this area, it was determined that lot size and various environmental constraints will be the focus. The lot sizes in this area under the R-6, Section 35 Low-Density Single-Family District, will have a minimum lot size similar to that of the adjacent subdivisions east of Sunny Slope Road. The Plan Commission and Common Council may approve smaller lot sizes pursuant to the City's zoning and subdivision codes and the vision for Neighborhood "G", in order to protect environmental features such as woodlands and tree lines, provide for additional tree protection and/or avoid steep topography. All lots shall adhere to the City's adopted zoning and subdivision codes. The future land use map for Urban Residential in Section 35 identifies approximately 199 net acres of land to be developed under the newly created R-6 Zoning District. The vision for Section 35 includes the following elements that have been incorporated into the development of the plan:*
 - *A system of meaningful pedestrian connections to create a walkable and connected community.*
A paved trail shall be required to connect these lots to the park to the south. An off road sidepath shall be constructed along Sunny Slope Road to connect to the existing off road sidepath to the north and south of this property.
 - *Focus on sound planning and architecture practices.*
Per §275-59C(1)(d)[6][g] R-6, Section 35 Low-Density Single-Family Residential District states, "Home construction in the R-6 District shall utilize architectural materials similar in quality to subdivisions east of Sunny Slope Road. An approval from an architectural review board of the homeowner's association may be required prior to issuance of the building permits from the City."
 - *Provide a regional park complex.*
Applicant understands the park complex is located west and south of this parcel and will note this on the future plat so that future land owners are aware.
- *The recommended development for Neighborhood G balances new residential areas with new business park land uses as well as an approximately 96 plus acre park complex that would contain a mixture of active and passive park uses. Housing areas in Neighborhood G should reflect the character and quality of adjacent subdivisions classified as Suburban and Urban Residential on the future land use map. The southern portion of Neighborhood G, consisting mostly of Section 35 which is roughly the area of Grange Avenue to the North, College Avenue to the South, Moorland Road to the West and Sunny Slope Road to the East, shall be reserved for low-density single-family subdivision development that balances development with existing sensitive environmental features including wetlands, woodlands, existing tree rows, floodplain and environmental corridors.*

Development Policies:

- *Encourage the continuation of agricultural uses as long as the property owners so desire. As agricultural lands transition to residential developments, the subdivision design could incorporate farming and agriculture uses as viable open space options.*
Adjacent parcels will continue to be farmed.
- *As development occurs, require off-road paths and trail connections, where appropriate to connect to the City's Utility easement / public trail and on-road bike paths for both residential and non-residential development to create an interconnected trail system for much of the Section 34/35 area. All path and trail connections shall be constructed at the time of development and public trail easements shall be provided to the City.*
A paved trail shall be required to connect these lots to the park to the south. An off road sidepath shall be constructed along Sunny Slope Road to connect to the existing off road sidepath to the north and south of this property.
- *Include on-road bike paths for new streets and on existing streets where possible for non-residential development and major thoroughfares, and again, in order to create an interconnected trail system for much of the Section 34/35 area. Work to create linkages to the off-road paths and trail system through private development and/or public projects. All path and trail connections shall be constructed at the time of development and public trail easements shall be provided to the City.*
A paved trail shall be required to connect these lots to the park to the south. An off road sidepath shall be constructed along Sunny Slope Road to connect to the existing off road sidepath to the north and south of this property.
- *Require coordinated, pre-planned concepts/development proposals to ensure a cohesive and coordinated development pattern. Developments must take into consideration how adjacent parcels would be developed.*
The development plan is consistent with the Future Land Use Map. This development shall connect to City Sewer and Water (currently there is no service provided to this parcel).

Land Use

- *Future Land Use Map: Urban Residential*

ZONING CODE (Chapter 275): The lots will need to meet the requirements in §275-33B(7). Since this is a conceptual plan, a detailed review of all the lot standards has not been completed. This is done at the time of preliminary plat when more detailed plans are required.

DEVELOPMENT CODE (CHAPTER 235): Yes, in compliance with §235-15, which recommends submittal of an application for a Voluntary Sketch Plan.

REZONING REQUIRED: Yes

CONDITIONAL USE REQUIRED: No

PUBLIC HEARING REQUIRED: Yes, held on October 2, 2023.

USE / SITE / ARCHITECTURAL REVIEW:

Use Approval Required: No

Site Plan Required: Yes, see concept subdivision plan (see File #: SP-2301340).

Architectural Review Required: No

PROPOSED ARCHITECTURE: N/A

UNIQUE SITE CHARACTERISTICS:

Environmental Corridor: Yes, a small portion of Secondary Environmental Corridor is located in the northwest corner of the parcel within the outlot.

Wetland On Property: Wetlands have been registered on the City's Zoning Map. Wetlands were field delineated by Heartland Ecological Services on May 11, 2023.

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

NRCS Map Classification: Not Inventoried

Floodplain: No

Topography / Geologic: Site slopes from the northwest to the southeast.

BIKE & PEDESTRIAN FACILITIES PLAN: A paved trail shall be required to connect these lots to the park to the south. An off road sidepath shall be constructed along Sunny Slope Road to connect to the existing off road sidepath to the north and south of this property.

- The Comprehensive Plan, Chapter 6, Figure 6.16
 1. Sunny Slope Road is identified as having on road and off road pedestrian trail facilities.
- The Comprehensive Plan, Chapter 6, Section "Needs Assessment for Bicycle and Pedestrian Routes"
 1. *"Better bicycle and pedestrian trail linkages between residential subdivisions and other subdivisions, parks, schools, libraries and commercial nodes."*
- The Comprehensive Plan, Chapter 6, Section "Policies for multi-modal transportation"
 1. *"Construct bicycle and pedestrian facilities as recommended by the Comprehensive Plan."*

PARK & OPEN SPACE PLAN: No improvements.

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): Subdivision boundary is shown on the concept plan.

Wildlife Habitat Protection: N/A

Wildlife Management Plan: An Endangered Resources review will be completed on the property prior to the preliminary plat being submitted.

ENVIRONMENTAL IMPACT: Wetlands have been registered on the City's Zoning Map. Wetlands were field delineated by Heartland Ecological Services on May 11, 2023.

STORMWATER MANAGEMENT / DRAINAGE PLAN: Applicant is required to adhere to all City of New Berlin Codes, Ordinances and Plans regarding storm water conveyance and maintenance as identified by the Department of Community Development. A stormwater management plan will be required at the time of submittal for the preliminary plat.

SANITARY SEWER PROVISION:

Within Current Sewer Service Area: Yes

Basin Capacity Available: Yes

Adequate Linkage: This development shall connect to City Sewer and Water (currently there is no service provided to this parcel).

Onsite System Required: No

WATER USAGE CALC.: Estimated 250 GPD per new single-family lot.

TRAFFIC IMPACT: TIA will not be required at the time of preliminary plat since the project doesn't meet the threshold.

SCHOOL DISTRICT IMPACT: 8.26 total estimated students

Elementary – 4.34 students (14 lots * 0.31 students)

Middle – 1.96 students (14 lots * 0.14 students)

High School – 1.96 students (14 lots * 0.14 students)

Notice Sent to Affected School District(s): Will be sent upon submittal of application for preliminary plat.

PREVIOUS ACTION: SOUTH MOORLAND ROAD (SECTION 35) COMPREHENSIVE PLAN AMENDMENTS:

Approximately two years of public comment and 29 meetings held with those interested in the Comprehensive Plan Amendments for Chapters 10, 17, and 18 to plan Section 35, South Moorland Road Corridor area.

- **12/1/2014** Staff presented a memo to the Plan Commission dated November 10, 2014 summarizing the Section 35 Master Planning Update.
- **3/28/2015** Staff began holding the South Moorland Road Corridor – Neighborhood Plan – “Staff Open Office Hours”. Office hours continued through June. Upwards of 12,000 postcards were sent to residents in the City of New Berlin notifying them of the office hours in June.
- **4/8/2015** Staff notified the Plan Commission of the South Moorland Road Corridor – Neighborhood Plan – “Staff Open Office Hours”.
- **5/4/2015** Plan Commission requested the Common Council set a Public Hearing date for June 29, 2015 (Note: item tabled at the May 12, 2015 Common Council meeting in order to provide more time for discussions with the property owners).
- **7/28/2015** Common Council set a date for a Public Hearing on 9/9/15 for the amendments.
- **8/24/2015** Special Plan Commission Meeting - Commission presentation & discussion on recommendations and action.
- **9/9/2015** Public Hearing.
- **10/5/2015** Plan Commission adoption of Resolution #: 15-03 & recommendation to Council.
- **10/13/2015** Common Council adoption of Ordinance 2553 to approve the amendments to the Comprehensive Plan.

PREVIOUS ACTION: SOUTH MOORLAND ROAD CORRIDOR (SECTION 35) ZONING CODE AMENDMENTS:

The Plan Commission adopted amendments to the Zoning Code reflecting the Comprehensive Plan amendments above, which established new Zoning Districts for this area of the City, which included the R-6, Section 35 Low-Density Single-Family Residential District and P-2, Section 35 Park Complex District.

- **12/7/2015** Plan Commission held a public hearing.
- **1/6/2016** Plan Commission recommend to Common Council adoption of an Ordinance to approve the amendments.
- **1/12/2016** Common Council adoption of Ordinance 2558 to approve the amendments to the Zoning Code.

PREVIOUS ACTION:

- **8/31/2020** Plan Commission held a public hearing on the rezoning.
- **10/5/2020** Plan Commission accepted a request from the applicant to withdraw their requests for a similar rezoning and land division.
- **3/6/2023** Plan Commission held a public hearing on the rezoning (See File #: RZ-2300230)
- **4/13/2023** Plan Commission recommend to Common Council adoption of an Ordinance to approve the rezoning and approval of a 2-Lot CSM.
- **4/25/2023** Common Council adoption of Ordinance 2669 to approve the rezoning and approval of a 2-Lot CSM.
- **8/1/2023** Plan Commission site walk for Theofila Estates Concept Subdivision.
- **8/14/2023** Plan Commission review concept plan for 14-lot subdivision.
- **10/2/2023** Plan Commission held a public hearing on the rezoning (See File #: RZ-2301341)

CONSISTENCY WITH PREVIOUS ACTION: Yes

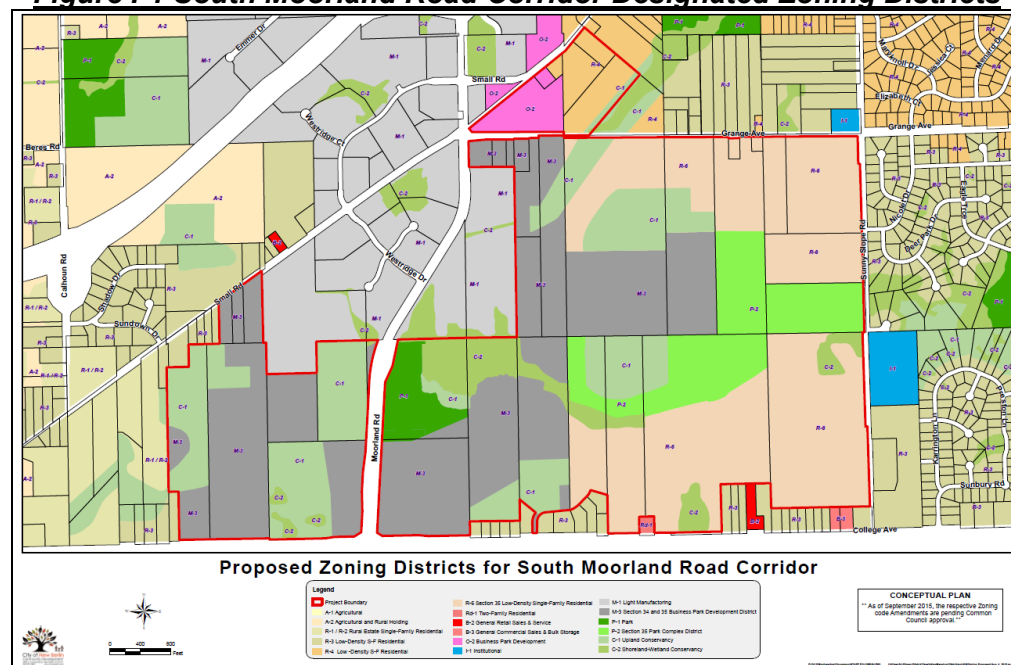
FINDINGS:

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 Urban Residential. The rezoning request is consistent with the Comprehensive Plan and Zoning Code §275-13.1H(4) Section 34-35 Transitional Provisions: South Moorland Road Corridor, which states, “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). The City’s comprehensive plan, Chapter 10, Land Use, Figure 10.5 identifies the Future Land Uses for this area. Below, Figure I-1 identifies the pending 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. See map below.”

Please see also detailed information in “Conformance with Comprehensive Plan” section above.

Figure I-1 South Moorland Road Corridor Designated Zoning Districts



- 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 development shall connect to City Sewer and Water (currently there is no service provided to this parcel).

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

Yes, the proposed development is compliant. Development of this area has been anticipated and accommodated for.

- 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, it is compliant. Wetlands have been registered on the City's Zoning Map. Wetlands were field delineated by Heartland Ecological Services on May 11, 2023. Secondary Environmental Corridor shall not be located on platted lots.

- 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, it 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 Comprehensive Plan and the considerable planning efforts for the South Moorland Road Corridor.

- 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 site visit was held with the Plan Commission and general public on August 1, 2023.
- 3. A neighborhood informational meeting was held on September 20, 2023. Neighbors were able to ask the applicant questions about the project. A summary is attached to the staff report.
- 4. Wetlands have been registered on the City's Zoning Map. Wetlands were field delineated by Heartland Ecological Services on May 11, 2023.
- 5. Fire hydrants shall be spaced per City Ordinance.
- 6. Consider adding a pedestrian trail with a paved access to the Section 35 park between lots 9 and 10. This would have a dual purpose of providing a paved access over the water or sewer mains.
- 7. There will be a future paved trail along Sunny Slope Road.
- 8. No lots are allowed to have water or sanitary lateral connections to the interceptor to the south. New water and sewer mains shall be connected to the interceptor and laterals connected to the new mains.

D.R.C. RECOMMENDATION:

Recommend to Common Council adoption of Ordinance # 2686 that approves the rezoning of the property located at 5751 S. Sunny Slope Road (Tax Key #: 1289.994.002) from A-2 to R-6. **See Executive Summary.**

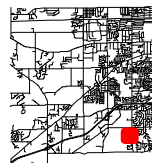
ATTACHMENTS:

Location Map
Zoning Comparison Map
Concept Subdivision Plan
9/20/2023 Neighborhood Meeting Summary
Draft Ordinance # 2686

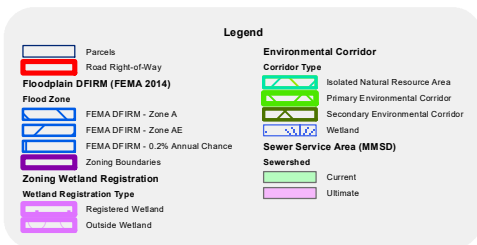
RZ-2301341

Theofila Estates Rezoning

5751 S. Sunny Slope Road

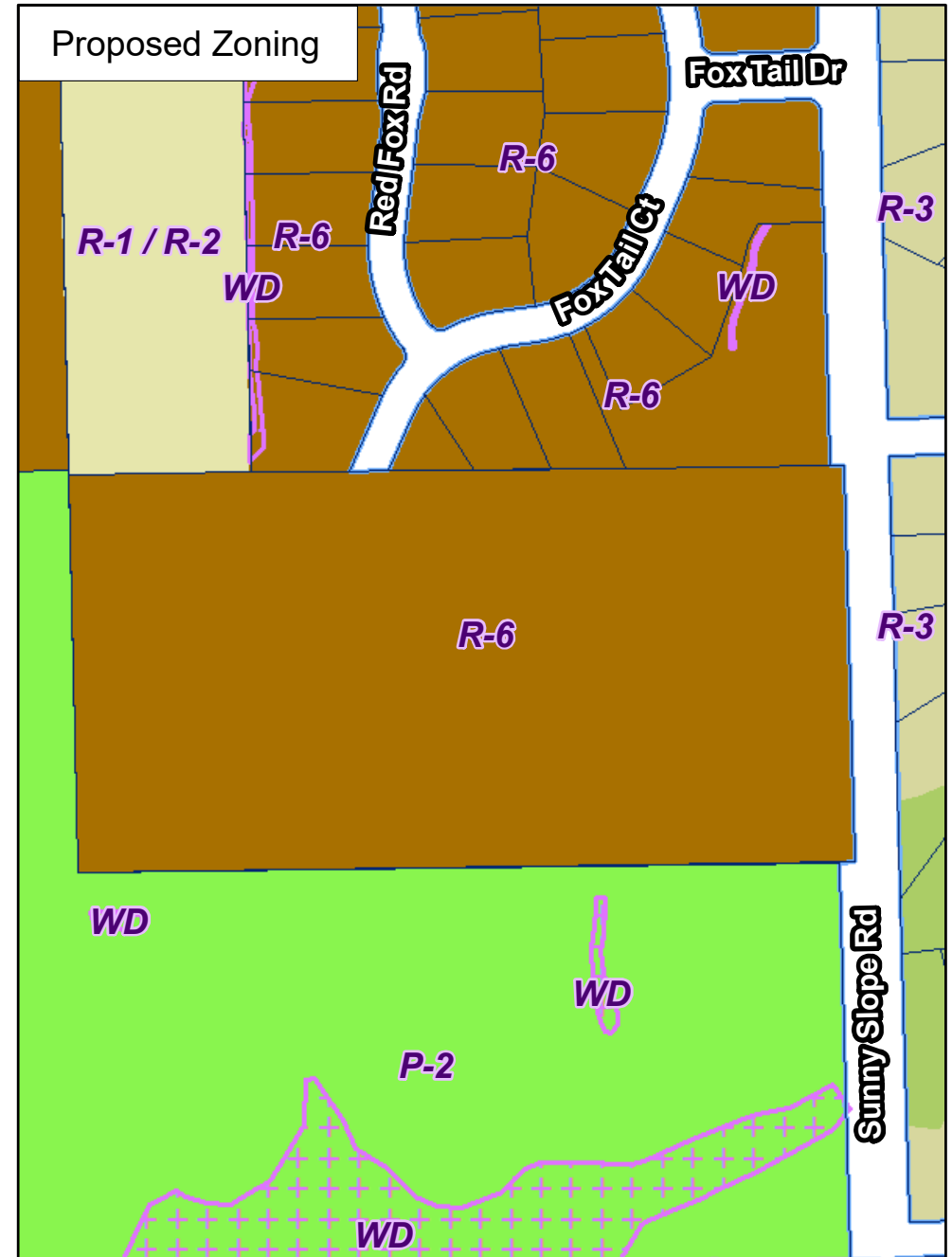
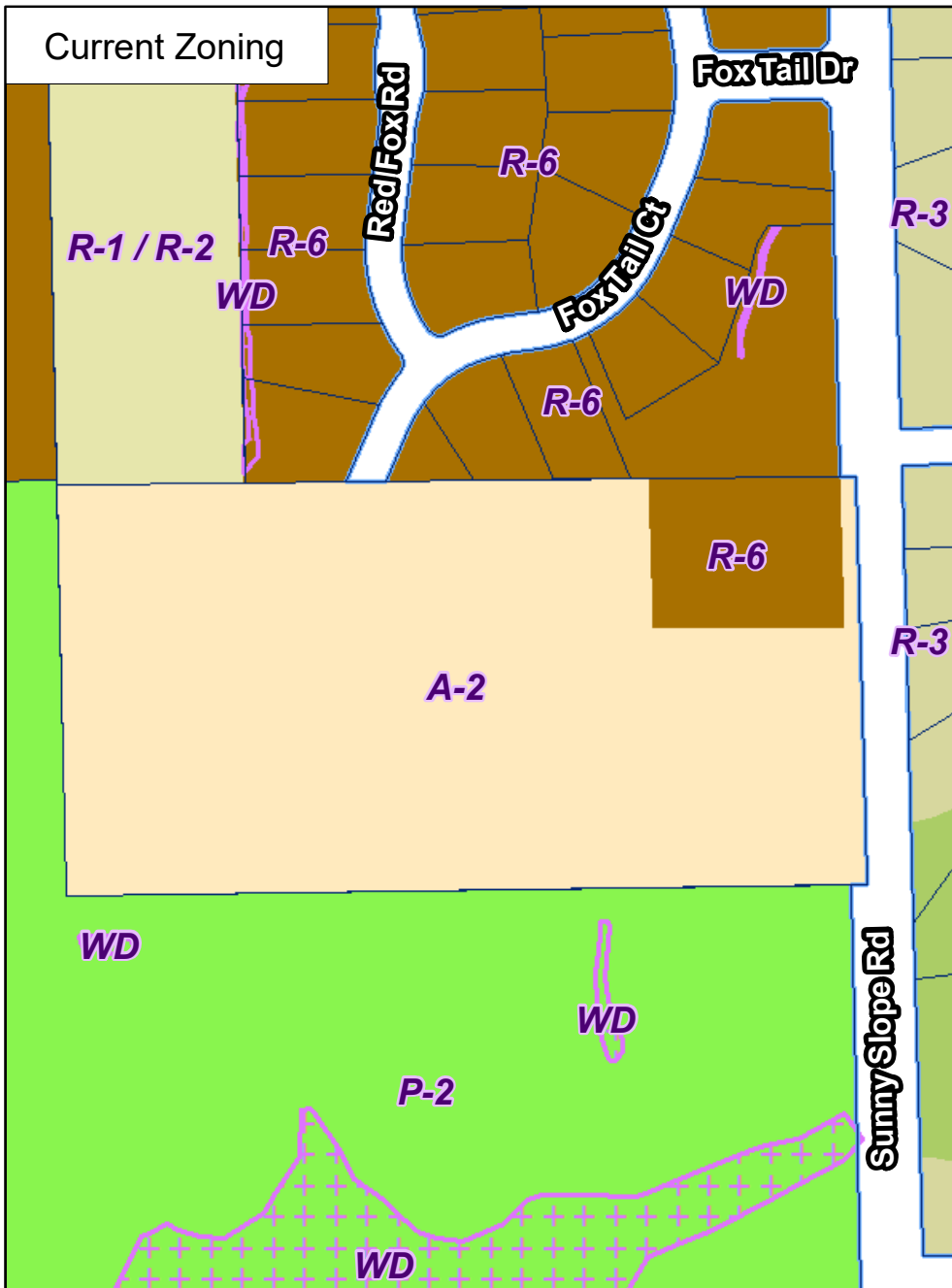


City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
(262) 797-2445
www.newberlin.org



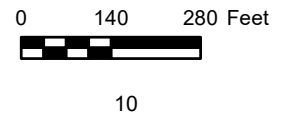
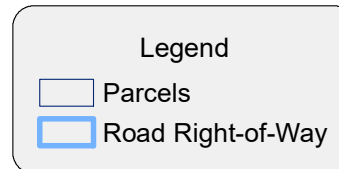
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City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
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RZ-2301341 **Theofila Estates** **5715 S. Sunny Slope Rd**





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

*Optional Lot Size Reduction to 20,000 sq
ft for R-6 per 275.33D(17).
Plan Commission and Common Council may approve smaller
lot sizes, including reduced lot width and depth, where
appropriate, in order to protect environmental features such as
waterways, woodlands and tree lines, provide for additional
tree protection and/or avoid steep topography, any allowed lots
smaller than 25,000 square feet shall adhere to the City's
adopted zoning and subdivision codes. Additional
landscaping/screening requirements may apply.

EXHIBIT A

TREE PRESERVATION EASEMENT RESTRICTIONS:

Those areas identified as TREE
PRESERVATION EASEMENT in this Subdivision
shall be subject to the following
restrictions:

1. The grading, filling and/or removal of
topsoil is prohibited.
2. The removal or destruction of vegetative
cover, i.e. trees, shrubs, grasses, etc. is
prohibited with the exception that dead,
dying or diseased vegetation may be
removed at the discretion of the land
owner under the recommendation of a
forester or naturalist with approval from
the City of New Berlin Department of
Community Development. Invasive plant
species, as identified by the Wisconsin
Department of Natural Resources, may
also be removed with approval from the
City of New Berlin Department of
Community Development.
3. The construction of any permanent or
temporary structures, fencing, pools,
decks, play equipment or the like is
prohibited.
4. The introduction of any plant material
not indigenous to the existing
environment is prohibited.
5. Unauthorized removal of trees within the
Tree Preservation Easement shall require
re-planting in accordance with the
City's Tree Replacement Policy noted in
Zoning Code Section 275-54B(6).
Because the species and/or quality of
the tree that has been removed is not
able to be determined after-the-fact,
the required number of replacement
trees will be based on the stump size,
regardless of the species or quality of
the original tree.

EXISTING WETLAND
(HEARTLAND
ECOLOGICAL 2023)

WETLAND DELINEATION:

Wetland boundaries shown herein
were delineated and provided by
Heartland Ecological Services, dated
5/18/2023

FUTURE ADJACENT PARKLAND:

Krokowski Property is located
adjacent to a future active park
complex. This future park area
will include ball fields, possibly
with lighting, as well as a variety
of other activities to be
determined as park planning is
finalized.

SITE PLAN

A

KROKOWSKI PROPERTY

CITY OF NEW BERLIN, WI

SIDE ENTRY GARAGE SETBACKS:

When a garage is proposed with an entry facing
an interior lot line, the garage shall be set
back a minimum of 30 feet from the lot line
opposite the garage door. The setback shall be
measured perpendicular from the edge closest
to the street of each garage door opening.
There shall be a twenty-four-foot access radius
in and out of the garage door. The side-entry
driveway shall be located not less than five feet
from the side lot line.

BASEMENT RESTRICTION FOR GROUNDWATER NOTE:

Although all Lots in the Subdivision have been reviewed and approved for
development with single-family residential use in accordance with Section
236 Wisconsin Statutes, some Lots contain soil conditions that, due to the
possible presence of groundwater near the surface, may require additional
soil engineering and foundation design with regard to basement construction.
It is recommended that a licensed professional engineer design a basement
and foundation that will be suitable to withstand the various problems
associated with saturated soil conditions on basement walls or floors or that
other special measures be taken. Soil conditions should be subject to each
owner's special investigation prior to construction and no specific
representation is made herein.

DEVELOPMENT SUMMARY

Total Lots - 14 lots

Total Area - 17.39 acres
[Lot 2 of CSM]

Developable Area - 17.24 acres
[Excludes 0.15 ac of Wetland]

Density - 0.81 un/ac net

Street Length - 790 lf
(56.42 lf/lot)

Zoning: R-6

Design Criteria:

Lot Area = 25,000 s.f. (Min.)*

Lot Width = 110' (Typical)

130' (Corner Lot)

Setbacks:

Front = 30 Ft.

Side = 10 Ft.

Rear = 25 Ft.



Scale: 1" = 50' (22"x34")

Scale: 1" = 100' (11"x17")

DATE: 05-24-2023

9/20/2023 INFORMATIONAL MEETING SUMMARY **(THEOFILA ESTATES SUBDIVISION / REZONING)**

Connection from Theofila Estates to the north (Red Fox Rd)

- The threshold for number of lots allowed on a cul-de-sac is 15 lots. With the one existing lot on the stub street and the 14 proposed lots, the maximum number of lots would be met. This is referenced in the Development Handbook (DH 5.1.4.2).
- An extension of Red Fox Rd was always planned for, hence why the developers of Red Fox Crossing Subdivision were not required to construct a cul-de-sac when the subdivision was developed and instead granted the City a temporary public road easement (DH 5.1.4.1).
- Stop signs are not warranted at T-intersections (Red Fox Rd and Fox Tail Ct intersection) unless there is documented crash history and the traffic volume warrants it. A stop sign would not be required with this development (MUTCD Section 2B.06).

Connection from Theofila Estates to the south (City Park)

- A paved utility easement (over the new sewer and water services) will be required to connect Theofila Estates to the park to the south in the form of a 10' wide pedestrian path.

Connection from Theofila Estates to the east (Sunny Slope Rd)

- Less access points on Sunny Slope Rd reduces the number of conflict points on arterials.
- The proposed plan considers the grade and site features (stormwater pond). The low ground elevations on the back of the Krokowski farmstead (lot 1 of the CSM) will make any potential development near Sunny Slope Rd more difficult. The proposed roads within Theofila Estates are expected to be 6' + higher than Sunny Slope Rd to meet all the City requirements for development.
- Based on the basic principles of access management, the location of driveways and major entrances shall minimize interference with traffic operations. Driveways and entrances shall be located away from other intersections to minimize crashes, to reduce traffic interference and to provide adequate storage lanes for vehicles turning into entrances (AASHTO-Geometric Design of Highways and Streets).
- The developer's alternative concept, which includes permanent access onto Sunny Slope Rd, is available for viewing at City Hall.

Red Fox HOA

- Red Fox Crossing HOA to share Covenants and Restrictions with the developer to coordinate like services.
- Red Fox Crossing HOA shall be made aware of the water issues and that the inlet is not operating correctly in the rear of 5689 Red Fox Rd.

Environmental protection (wetlands, SEC)

- Wetlands will be registered on the City's Zoning Map. Wetlands were field delineated by Heartland Ecological Services on May 11, 2023. 30' wetland setbacks shall apply.
- All secondary environmental corridor areas shall be placed within an outlot and protected by a conservation easement. Environmental corridors are delineated by SEWRPC.
- An inventory of the existing vegetation will be conducted to determine if Tree Preservation Easements are required on individual lots. The intent is to preserve high quality vegetation.
- 100-year post-development runoff will be less than the 10-year pre-development runoff.

Subdivision Construction

- Construction sequencing was discussed. The developer is responsible for construction of public infrastructure and master grading. Civil/construction plans will be reviewed at the time of preliminary plat submittal and approved as part of a development agreement.
- The City will review a temporary construction access to Sunny Slope Rd if requested by the developer. This would include the public infrastructure (utility installation) and master grading. Final paving and concrete work for the public road extension would come from Red Fox Rd, which is also a public road.
- Developer to consider incorporating a swale on proposed lot 1 to capture water runoff from Red Fox Crossing.
- Safety concerns were discussed as it relates to subdivision construction traffic driving through Red Fox Subdivision.

Home Construction

- Access for home construction shall come from the approved access road that is dedicated as part of this subdivision (extension of Red Fox Rd).
- All new homes in this subdivision shall meet the R-6 Zoning District requirements, which includes architectural requirements and building size.
- Safety concerns were discussed as it relates to home construction traffic driving through Red Fox Subdivision.

Section 35 Park Construction

- The Section 35 Park access drive was designed with 5" of asphalt over an 8" base course. This would be how a typical local road would be designed but, in this case, geotextile fabric was not used between the base course and subgrade. In addition, there is no true ditch or curb and gutter along the north side of the park driveway. The intent of paving the driveway before full park build out was to provide a low maintenance access to the soccer fields, parking lot and stormwater pond in the interim, knowing that the remaining park would not likely be developed for quite some time. Due to the nature of how this park driveway is constructed it cannot be utilized for construction traffic. Excessive, heavy traffic will significantly and much more quickly degrade the park driveway since it lacks the geotextile fabric reinforcement. In comparison, Sunny Slope Rd is classified as a standard arterial with a typical section of 6" asphalt over 14.5" base course (DH Figure No. 2).
- While we do have a plan for the park and the construction is listed in our 5-year CIP plan it is likely that the park build out itself will be pushed out further due to other capital priorities in the City. Many variables exist in terms of how and/or where our construction traffic may enter the park for its build out. The park's permanent access will be out to Sunny Slope Rd. Options that we can consider when the time comes would be to find a temporary access elsewhere to the park, construct a temporary access parallel to the existing driveway, or construction traffic could access over the existing paved driveway, which would be the least desirable option.
- Project plans for Section 35 Park are available for viewing at City Hall.

On road trail

- There will be a future paved trail along Sunny Slope Rd connecting the existing on road trail to the north and south.

ORDINANCE NO. 2686

Ordinance to rezone from A-2 (Agricultural and Rural Holding District) to R-6 (Section 35 Low-Density 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 Ryan Janssen to rezone the property located at 5751 S. Sunny Slope Road (Tax Key #: 1289.994.002) from A-2 to R-6:

LEGAL DESCRIPTION:

LOT 2 OF CERTIFIED SURVEY MAP NO. 12457, RECORDED AS DOCUMENT NO. 4724853 IN THE WAUKESHA COUNTY REGISTER OF DEEDS ON JUNE 21, 2023, BEING PART OF THE NORTH 20 ACRES OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 6 NORTH, RANGE 20 EAST, IN THE CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.

LANDS AS DESCRIBED CONTAINING 757,483 SQUARE FEET OR 17.39 ACRES.

SECTION II

The matter came before the City Plan Commission which held a public hearing on the proposed rezoning on October 2, 2023 and recommended approval of said rezoning on November 6, 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 November 14, 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 A-2 to R-6 subject to the application and plans on file.

The Mayor and City Clerk are authorized to execute this Ordinance No. 2686 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 14th day of November 2023.

APPROVED:

David A. Ament, Mayor

Countersigned:

Rubina Medina, City Clerk

STAFF REPORT EXECUTIVE SUMMARY

APPLICANT/PROJECT: Jordan Chapman with ALRIG USA (DBA New Berlin Retail Management II LLC) / Rezoning

LOCATION: 1401 S. Moorland Road (Tax Key #: 1161-995-001)

REQUEST: Request to rezone the property located at 1401 S. Moorland Road (Tax Key #: 1161-995-001) from B-1/PUD & C-2 to B-2/PUD & C-2.

D.R.C. RECOMMENDATION: Recommend Plan Commission table the Planned Unit Development Ordinance #2683 for rezoning the property located at 1401 S. Moorland Road (Tax Key #: 1161-995-001) from B-1/PUD & C-2 to B-2/PUD & C-2 subject to the application, plans on file and the following reason:

The applicant has requested that the project be tabled.

DETAILS IN ATTACHED STAFF REPORT:

From: [Jordan Chapman](#)
To: [Jones, Nikki](#)
Subject: RE: Plan Commission Meeting - November 6th
Date: Wednesday, October 25, 2023 3:49:30 PM

Hi Nikki,

I am needing to formally request that we table or continue our item on the 11/6 agenda.
I am currently working through some items with ownership and hope to have a better update soon.
Happy to jump on a call to further discuss if you would like.

Thank you,
Jordan

From: Jones, Nikki <njones@newberlin.org>
Sent: Monday, October 23, 2023 11:46 AM
To: Jordan Chapman <jordan@alrigusa.com>; Lanser, Mary Claire <mc@lanserpublicaffairs.com>
Cc: Hopkins, John W. <jhopkins@newberlin.org>; Kessler, Greg <gkessler@newberlin.org>
Subject: Plan Commission Meeting - November 6th

Good morning:
Please find your Plan Commission letter attached.

Please advise if you would like to have the ARC review the architecture conceptually at the 11/6 ARC meeting. If so, please let me know by this Friday, so that we can add it to the ARC agenda.
It would be a concept review only, and provide direction for when you submit for Use, Site and Architectural permit.

Thank you,
Nikki

Nikki L. Jones
Deputy Director
Department of Community Development
3805 S. Casper Drive
New Berlin, WI 53151

Phone: 262-797-2445 Ext. 2503
Email: njones@newberlin.org
Web: www.newberlin.org/dcd



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STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT/PROJECT:	Referral from the Common Council - Chapter 275, Zoning Code Updates
LOCATION:	Citywide
REQUEST:	Recommend to Common Council that a public hearing be set for December 4, 2023 at 6:00 p.m. to be held before the Plan Commission on the suggested amendments to the Zoning Code (Chapter 275).
D.R.C. RECOMMENDATION:	Recommend to Common Council that a public hearing be set for December 4, 2023 at 6:00 p.m. to be held before the Plan Commission on the suggested amendments to the Zoning Code (Chapter 275).

Background

On September 28, 2023, staff received a memo from City Attorney Mark Blum, along with a draft Food Truck Ordinance that he had prepared.

Next Steps:

1. Plan Commission request the Common Council set a Public Hearing date.
2. Plan Commission Code Subcommittee meet to discuss proposed changes.
3. Common Council set the Public Hearing date.
4. Public hearing to be held before Plan Commission.
5. Plan Commission recommendation forwarded to the Common Council for final action.
6. Common Council review for final action.

Attachments:

RAS to be placed on the 11/14/2023 Common Council meeting.

REQUESTED ACTION STATEMENT

MEMO TO: Mayor David Ament
Common Council

CC: Plan Commission (via email)

MEMO FROM: Gregory Kessler, AICP – Director of Community Development

DATE: November 14, 2023

ISSUE: Common Council to set the public hearing date for updates to Zoning Code Section 275-43 regarding the regulation of food trucks.

REQUESTED: Recommend to Common Council that a public hearing be set for December 4, 2023 at 6:00 p.m. to be held before the Plan Commission on the suggested amendments to the Zoning Code (Chapter 275).

RATIONALE: Per Chapter 275-15D(1) of the City's Zoning Code, the Department of Community Development is recommending an update to the Zoning Code.

The Common Council sets the date for the public hearing that will take place before the Plan Commission. The Plan Commission will then take action to approve the proposed amendments and will forward their recommendation to the Common Council for final action via ordinance.

The draft changes will be available for review on the City's website and the amendments will be presented/introduced at the December 4, 2023 Plan Commission meeting and possible action at the December 4, 2023 Plan Commission meeting.



Department of Community Development

Planning Department
City of New Berlin
3805 S. Casper Drive
New Berlin, WI. 53151-3097
Phone: (262) 797-2445
Fax: (262) 780-4612

MEMO TO: David Ament, Mayor
Plan Commissioners

MEMO FROM: Greg Kessler, Director of Community Development

MEMO RE: 2024 Plan Commission Meeting Schedule

January 8

February 5

March 4

April 8 – *There is an election on Tuesday, April 2nd.*

May 6

June 3

July 15 – *City Hall will be closed July 4th in observance of Independence Day.*

August 19 – *There is an election on Tuesday, August 13th. Note - there is no meeting in September.*

October 7

November 7 – *There is an election on Tuesday, November 5th.*

December 2

January 8, 2025 – *Please note that this is a Wednesday.*