

Common Council MEETING AGENDA



January 9, 2024 - 6:05 PM
(Following the 6pm Committee of the Whole Meeting)
City Hall
Council Chambers

Published: 1/5/2024

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. December 12, 2023 Common Council Meeting Minutes
5. **REPORTS**
 - A. City Clerk
 - B. Council President
 - C. Mayor
6. **COMMUNICATIONS**
7. **PLAN COMMISSION**
 - A. Discussion and possible action to recommend to Common Council approval of (4) KH SP-2302092 Ryan's Buying LLC - 5751 S. Sunny Slope Road - Adoption of a resolution approving the Theofila Estates Preliminary Plat.
 - B. Discussion and possible action to recommend to Common Council approval of (1) GK/NJ RZ-2300810 Dan Romnek on behalf of Mandel Group - 1750 S. Moorland Road (includes Tax Keys #'s: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) - Adoption of Planned Unit Development Ordinance # 2688 to amend Ordinance # 2679 that approves the rezoning from B-1/PUD, Rm-1/PUD, I-1 PUD & C-2 to B-1/PUD, Rm-1/PUD, I-1 PUD & C-2 to amend Planned Unit Development Overlay Ordinance #2679, Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery PUD.
8. **MAYORAL APPOINTMENTS**
 - A. Discussion and Possible Action to approve the Mayoral Appointments per the list as presented
9. **DEFERRED, REFERRED & TABLED ITEMS**
10. **ITEMS REMOVED FROM CONSENT AGENDA, if any**
11. **CONSENT AGENDA-----**
 - A. *Items under the Consent Agenda have passed unanimously by the Committee of the Whole. Items not passed by a unanimous vote will be removed from consent agenda and will be considered separately.*
12. **MINUTES**
 - A. December 12, 2023 Committee of the Whole Meeting Minutes
13. **UTILITY & FINANCE**
 - A. Discussion and recommendation to Common Council approval of the January 10, 2024 Water Utility claims in the amount of \$19,190.55 for 2023 Invoices and \$1,730. for 2024 Invoices. Sewer Utility claims in the

amount of \$4,029.14 for 2023 Invoices and General City Claims in the amount of \$445,187.16 for 2023 Invoices and \$17,739.36 for 2024 Invoices.

14. MISCELLANEOUS

- A. Golf Course Commission Update
- B. Discussion and recommendation to Common Council the approval of the Director of Finance to sign the Declaration of Official Intent for the 2024 Debt Issue in an amount not to exceed the approved 2024 Capital Improvement Budget amounts plus projected issuance costs
- C. Discussion and recommendation to Common Council approval of a public hearing to be set for February 5, 2024 at 6:00 p.m. to be held before the Plan Commission on the suggested amendments to the Zoning Code (Chapter 275).
- D. Discussion and recommendation to Common Council approval of a 5-year contract between City of New Berlin and Flock Group, Inc. to purchase and subscribe to 10 Automatic License Plate Recognition (ALPR) cameras as outlined in the RAS
- E. Discussion and recommendation to Common Council approval of Resolution 24-3, a Resolution to amend the 2022 CIP budget by transferring CIP funds from 2015 in the amount of \$186,983 to complete required infrastructure and building code requirements in order to gain occupancy of the New Berlin Activity and Recreation Center prior to its opening
- F. Discussion and recommendation to Common Council approval of the 2024 Salary Table effective 01/19/2024
- G. Discussion and recommendation to Common Council approval of the addition of a 1.0 FTE custodial position for the 2024 budget year
- H. Discussion and recommendation to the Common Council to authorize the change from an HR Assistant to an HR Coordinator position within the Human Resource Department as outlined in the RAS
- I. Discussion and recommendation to Common Council approval of holding the March 26th, 2024 & October 22nd, 2024 COW/CC meeting dates via Zoom due to In-person Absentee Voting being held in Council Chambers

15. END CONSENT AGENDA-----

16. CLOSED SESSION

- A. The basis for the items to be discussed in closed session are as enumerated in Section 19.85(1)(e) of the Wisconsin State Statutes, (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business, whenever competitive or bargaining reasons require a closed session, more specifically:
- B. Offers to Purchase from Bill and Alison Spindler - 15321 West National Avenue, Approximately 12,000 square feet

17. RECONVENE TO OPEN SESSION

- A. Discussion and possible action re: Offers to Purchase from Bill and Alison Spindler - 15321 West National Avenue, Approximately 12,000 square feet

18. 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.



Common Council MEETING MINUTES

December 12, 2023 - 6:05 PM
City Hall
Council Chambers

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

MINUTES

1. PRIVILEGE OF THE FLOOR

None.

2. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Mayor Ament called the meeting to order at 6:41 PM and led the Pledge of Allegiance.

3. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

City Clerk Rubina Medina took the roll call as follows:

Present: Alderperson Hopkins, Alderperson Maxey, Alderperson Harenda, Alderperson Stribl, Alderperson Horbinski, Alderperson Kroupa, Alderperson La Fever

Staff Present: DCD Director Greg Kessler, City Attorney Mark Blum, City Clerk Rubina Medina

Rubina stated a quorum was established, and the meeting was properly noticed.

4. APPROVAL OF MINUTES

A. November 14, 2023 Common Council Meeting Minutes

MOTION: Motion to approve

VOTE: Motion by: Hopkins
Second by: Kroupa
Motion Passed 7-0

5. REPORTS

A. City Clerk

No Report

B. Council President

- Grand Opening for ARC - February 24th
- January 6, 2024 is WinterFest with a fireworks display

C. Mayor

- Congratulations to **Budget Boutique** for being named our **December Business of the Month**. They are a Target/Amazon surplus resale shop and boutique. 90% of their store consists of brand new Target or Amazon products but at reduced prices. The other 10% of the store is boutique home good items or items created by other small businesses. We are very happy to have Budget Boutique as a part of our community and encourage everyone to stop by their shop.
- **The 2024 Winter/Spring Recreation Guide is now available online.** For more information please visit the city's homepage. Registration for residents and non-residents is now available.

- Please mark your calendars and join us for the **City's 5th Annual Winterfest on Saturday January 6th**. Activities are available at Malone Park and the City Center Plaza. Join us for a Beer Garden, food trucks, live music, kickball, snowman contests, bonfires, winterfest bingo, sledding, a candlelight hike, open skating and more. You can stop by the Recreation Department for a Winterfest mug. Visit the City's website or the Winter/Spring Rec Guide for more information. All are encouraged to join in the fun.
- The **December 26th COW/CC meeting** is cancelled. The next regularly scheduled meeting will be held January 9th.
- **City Hall will be closed Friday December 22nd and Monday December 25th for Christmas.** City Hall will also be closed on **Friday December 29th and Monday January 1st for New Years.**
- Lastly, I'd like to wish everyone a very Merry Christmas and a Happy, Healthy and Safe New Year.

6. COMMUNICATIONS

7. BOARD OF PUBLIC WORKS

- A. ITEM 11-23 Review, Discussion, and Possible Recommendation to the Common Council on the 2024 CIP Budget Requests.

MOTION: Motion to accept the report as presented by the Board of Public Works and place it on file

VOTE: Motion by: Horbinski
Second by: Kroupa
Motion Passed 7-0

8. RECREATION COMMISSION

- A. Discussion and possible action to Common Council approval of the RAS for the 2024 Facility Rental Fee Waiver Policy

MOTION: Motion to approve

VOTE: Motion by: Harenda
Second by: Maxey
Motion Passed 7-0

- B. Discussion and possible action to Common Council approval of the RAS for the 2024 Community Center Rental Packet

MOTION: Motion to approve

VOTE: Motion by: Harenda
Second by: Hopkins
Motion Passed 7-0

- C. Discussion and possible action to Common Council approval of the RAS for the 2024 Picnic Shelter Rental Packet

MOTION: Motion to approve

VOTE: Motion by: Harenda
Second by: Stribl
Motion Passed 7-0

- D. Discussion and recommendation to the Common Council approval of a contract with Chrome Fireworks in the amount of \$6,500 for Winterfest Fireworks and the approval of the fireworks permit as approved by the City Attorney

MOTION: Motion to approve

VOTE: Motion by: Harenda
Second by: Horbinski
Motion Passed 7-0

9. GOLF COURSE COMMISSION

- A.** Discussion and recommendation to Common Council approval of the 2024 Golf Course rates

MOTION: Motion to approve

VOTE: Motion by: Hopkins
Second by: Kroupa
Motion passed 7-0

- B.** Discussion and recommendation to Common Council approval of the renewal contract for Troon Golf

MOTION: Motion to approve renewal of contract for five years

VOTE: Motion by: Hopkins
Second by: Harenda
Motion passed 7-0

10. MAYORAL APPOINTMENTS

- A.** Discussion and Possible Action to approve the Mayoral Appointments per the list as presented

MOTION: Motion to approve

VOTE: Motion by: Kroupa
Second by: Horbinski
Motion passed 7-0

11. DEFERRED, REFERRED & TABLED ITEMS

12. ITEMS REMOVED FROM CONSENT AGENDA, if any

13. CONSENT AGENDA-----

MOTION: Motion to approve the consent agenda except for item 17E.

VOTE: Motion by: Stribl
Second by: Maxey
Motion Passed 7-0

- A.** *Items under the Consent Agenda have passed unanimously by the Committee of the Whole. Items not passed by a unanimous vote will be removed from consent agenda and will be considered separately.*

14. MINUTES

- A.** November 14, 2023 Committee of the Whole Meeting Minutes

15. UTILITY & FINANCE

- A.** Discussion and recommendation to Common Council approval of the November 29th, 2023 Water Utility claims in the amount of \$21,063.25, Sewer Utility claims in the amount of \$55,633.44 and General City claims in the amount of \$1,489,337.56. WE Energies EFT of \$61,844.11

- B.** Discussion and recommendation to Common Council approval of the December 13th, 2023 Water Utility claims in the amount of \$126,760.55, Sewer Utility claims in the amount of \$571,822.82 and General City claims in the amount of \$454,558.22. US BANK VISA EFT of \$52,522.48

16. LICENSES & PERMITS

- A. Discussion and recommendation to Common Council approval of the 2024 Garbage Hauler license for Johns Disposal Service Inc.
- B. Discussion and recommendation to Common Council approval of the 2024 Garbage Hauler license for Waste Management - Hartland Hauling
- C. Discussion and recommendation to Common Council approval of the 2024 Garbage Hauler license for Waste Management - Franklin Hauling

17. MISCELLANEOUS

- A. Department of Public Works update
- B. Discussion and recommendation to Common Council approval of the 2024 Capital Projects Budget
- C. Discussion and recommendation to Common Council approval of Resolution 23-26, a Resolution amending the 2023 Capital Projects Budget for the purchase of a robotic floor scrubber
- D. Discussion and recommendation to Common Council approval of Resolution 23-31, a Resolution nominating the list of Election Inspectors for the City of New Berlin Aldermanic Districts 1 through 7 for a 2-year term beginning January 1, 2024, and ending December 31, 2025
- E. Discussion and recommendation to Common Council approval of Resolution 23-37, a Resolution amending the 2023 Capital Projects Budget to begin design work on renovating the New Berlin DPW Garage Phase 1 and Hickory Grove Center
- F. Discussion and recommendation to Common Council that a public hearing be set for January 8, 2024, at 6:00 p.m. to be held before the Plan Commission to rezone from B-1/PUD, Rm-1/PUD, I-1 PUD & C-2 to B-1/PUD, Rm-1/PUD, I-1 PUD & C-2 to amend Planned Unit Development Overlay Ordinance #2679, Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery PUD, for approximately 34.5 acres for the parcels located at 1750 S. Moorland Road (includes Tax Keys #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992)

18. END CONSENT AGENDA-----

19. CLOSED SESSION

The City Clerk read the basis for the items to be discussed in closed session.

MOTION: Motion to enter closed session at 7:01 PM

VOTE: Motion by: Harenda
Second by: Maxey
Motion Passed by Roll Call Vote 7-0

- A. The basis for the items to be discussed in closed session are as enumerated in Section 19.85(1)(e) of the Wisconsin State Statutes, (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business, whenever competitive or bargaining reasons require a closed session, more specifically:
- B. Discussion regarding negotiation strategy for the contract with Prospective Design for the Hickory Grove Center

20. RECONVENE TO OPEN SESSION

MOTION: Motion to return to open session at 7:53 PM.

VOTE: Motion by: Stribl
Second by: Kroupa
Motion passed 7-0

A. Prospective Design Contract for Hickory Grove Center - Discussion and possible action

MOTION: Motion to approve Item 17E from the Consent Agenda

VOTE: Motion by: Stribl
Second by: Harenda
Motion 7-0

MOTION: Motion to remove the CIP for Hickory Grove from the table

VOTE: Motion by: Stribl
Second by: Kroupa
Motion passed 7-0

MOTION: Motion to approve the Hickory Grove amount as presented with the understanding that this is solely for the design phase only.

VOTE: Motion by: Stribl
Second by: Kroupa
Motion Passed 7-0

21. ADJOURN

MOTION: Motion to adjourn at 7:57 PM

VOTE: Motion by: Kroupa
Second by: LaFever
Motion passed 7-0



Motion Sheet

Date: 1/9/24

To: Common Council, Mayor Ament & Ald. Stribl

From: Megan Godshall, Deputy City Clerk

Re: Item(s) requiring Council action from the Plan Commission held on 1/8/24

MEETING ITEM	Discussion and possible action to recommend to Common Council approval of (4) KH SP-2302092 Ryan's Buying LLC - 5751 S. Sunny Slope Road - Adoption of a resolution approving the Theofila Estates Preliminary Plat.
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COUNCIL MOTION	This item was approved by the Plan Commission I hereby make a motion to approve this item as presented.
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MEETING ITEM	Discussion and possible action to recommend to Common Council approval of (1) GK/NJ RZ-2300810 Dan Romnek on behalf of Mandel Group - 1750 S. Moorland Road (includes Tax Keys #'s: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) - Adoption of Planned Unit Development Ordinance # 2688 to amend Ordinance # 2679 that approves the rezoning from B-1/PUD,
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COUNCIL MOTION	This item was approved by the Plan Commission I hereby make a motion to approve this item as presented.
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MEETING ITEM	
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COUNCIL MOTION	
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MEETING ITEM	
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COUNCIL MOTION	
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MEETING ITEM	
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COUNCIL MOTION	
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STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT/PROJECT:	Ryan Janssen, Ryan's Buying LLC / Theofila Estates Subdivision Preliminary Plat		
LOCATION:	5751 S. Sunny Slope Road (Tax Key #: 1289.994.002)		
REQUEST:	Approval of the Theofila Estates Subdivision Preliminary Plat for the property located at 5751 S. Sunny Slope Road (Tax Key #: 1289.994.002).		
REVIEW SCHEDULE:	Preliminary Plat Received:	10/20/2023	
	Completeness Determination:	10/23/2023	
	90-day time limit expires:	1/18/2024	
	15-day extension:	2/2/2024	
	Final Common Council Action (expected):	1/23/2024	
D.R.C. RECOMMENDATION:	Recommend to Common Council adoption of a resolution approving the Theofila Estates Subdivision Preliminary Plat for the property located at 5751 S. Sunny Slope Road (Tax Key #: 1289.994.002), subject to the application, plans on file and the following conditions:		

1. Planning:

a. Plat:

- i. Satisfaction of all the conditions outlined in the Letter of No Objection by Waukesha County Park and Land Use Department is required.
- ii. Satisfaction of all the conditions outlined in the Letter of No Objection by the Department of Administration is required.
- iii. A Development Agreement shall be approved by the Board of Public Works and Common Council prior to the start of construction.
- iv. Applicant shall correct all drafting errors and requested changes identified by Staff on the Final Plat prior to the City signing.
- v. A final copy of the Final Plat shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the Final Plat. Surveyor Stamp is required.
- vi. Applicant shall submit a Mylar of the recorded plat to the City of New Berlin. Please make sure to have your surveyor coordinate with the State/County on this if necessary. This document is kept on file with the City.
- vii. Applicant shall provide the CAD file containing all the line work to include all parcels, easement lines, etc. The file needs to be in the NAD 83 (2011) State Plane Wisconsin South Projection.
- viii. A copy of the subdivision covenants shall be submitted prior to the City signing the Final Plat. This document shall address the maintenance of the open space and outlot.

1. Define maintenance of the paved paths by the HOA.
 - ix. Payment of \$25,188.80 (\$1,937.60/lot x 13 lots = \$25,188.80) in Public Site and Open Space Fees required prior to the City of New Berlin signing the Final Plat.
 - x. Right-of-way widths shall be a minimum of 60 feet for public streets. Per §275-33D(18): "In the R-6 District, the Plan Commission and Common Council may approve sixty-foot right-of-way widths where determined acceptable by DCD." A resolution is required.
 - xi. Per CSM 12457, Outlot status on this parcel may be removed after Red Fox Rd is extended and City sewer and water is provided to these proposed parcels.
 - xii. A note shall be placed on the Final Plat stating "A park complex with lighting, ball fields, and a variety of other activities is planned to be located adjacent to the subdivision".
 - xiii. Within Red Fox Crossing Subdivision, "Fox Trail Court" shall be named "Red Fox Road".
 - xiv. "Red Fox Road" shall be named "Theofila Court".
 - xv. Natural Gas Pipeline shall be shown on the plat. Pipeline found on lot 12 is not shown on the plans.
- b. Civil Plans:
- i. Applicant shall provide perimeter screening along Sunny Slope Road in accordance with §275-41B(6).
 1. Approval of the Landscaping Plan (for the berms along Sunny Slope Road) and payment of all installation and maintenance sureties is required prior to the City signing the Development Agreement. Landscape plans shall meet the requirements of §275-53 through §275-56.

2. Engineering:

a. Plat

- i. North of the subdivision, Red Fox Rd is labeled as Fox Trail Ct. This shall be changed to Red Fox Rd.
- ii. Show the vision corner easements at the intersection of Norbert Court and Red Fox Road.
- iii. Label the easement between lots 3 and 4 as 20 ft Wide Private Storm and Drainage Easement.
- iv. Extend a 30 ft Public Sanitary Sewer Easement along the proposed sanitary sewer along the south side of Lot 5.
- v. Rename the 40 ft Wide Utility Easement between lots 5 and 6 to 40 ft Wide Public Utility and Pedestrian Easement.
- vi. Remove utility linework from the plat.
- vii. At the connection to the existing right-of-way, the width of the proposed right-of-way is shown as 33 ft each side of centerline. This shall be revised to 30 ft each side of centerline.
- viii. A note shall be added stating: "There shall be no direct vehicular ingress or egress between Sunny Slope Road and Outlot 1 in this subdivision. It is being expressly

intended that this restriction shall constitute a restriction for the benefit of the public according to Section 236.293 of the Wisconsin Statutes and shall be enforced by the City of New Berlin.”

- ix. A note shall be added stating: “Private Drainage Easements are established to provide for the unobstructed flow of stormwater runoff from adjacent and upstream properties. Owners of lots on which these private drainage easements exist shall be responsible for keeping these areas free from any obstructions that may restrict flow.”
- x. A note shall be added stating: “Tree Preservation Easement Restrictions Lots 1, 12, & 13:
 - 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 permeant 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 replanting 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 stump size, regardless of the species or quality of the original tree.”

b. Civil Plans:

- i. On page 1, the north south roadway is labeled as Theofila Court, whereas the plan names this roadway as Red Fox Road.
- ii. Show the vision corner easements on the plan set.
- iii. The radius of the neck of the cul-de-sac shall be 40’ as measured to the flange of the curb and gutter.
- iv. The 40’ Utility Easement shall be labeled as 40’ Public Utility and Pedestrian Easement.
- v. § 275-57F requires driveways on local streets to be located a minimum of 100’ from the intersecting right-of-way on the two streets. The driveways on lots 1, 2, 8, and 14 are shown too close to the intersection.
- vi. On lot 1, a significant amount of runoff drains from the north. To better define a swale behind the house the northwest corner of the building may not allow for an exposure, and the southwest corner may only allow for a partial exposure. This flow shall be more channelized toward the west drainage swale.
- vii. Provide proposed culvert sizes for the temporary culverts associated with the temporary access to Sunny Slope Rd.

- viii. Add a note to the Erosion Control Plan stating; "Temporary access shall be completely removed following roadway base course placement and prior to the issuing of the Final Plat."
- ix. Show storm sewer main crossings on sanitary and water main plan and profile sheets.
- x. An outside drop connection is required at the sanitary sewer connection to existing MH 101.
- xi. Provide details for hydrant assemblies, storm manholes, sanitary manholes, behind the curb storm water collector mains and manholes.
- xii. Provide plan and profile for the path along Sunny Slope Rd.
- xiii. The rate of vertical curvature shall be based on a design speed of 30 mph. The rate of vertical curvature (K) at the connection the existing Red Fox Road is less than 37.

3. Stormwater:

- a. Plat:
 - i. Change bearing on South Line to read S--W instead of N—E.
 - ii. Plat line work meets closure criteria.
- b. WDNR NOI is required.
- c. MMSD Chapter 13 approval is required.
- d. SWMP Maintenance Agreement is required; Submit signed SWMA for City routing and we will notify you when completed so that you can record at the County. The City will swap out the certification page with the correct City Clerk.
- e. AsBuilt plans of the Stormwater Management facilities are required per DH Section VI.D.7. If the stormwater management facilities are used for erosion control during construction, an AsBuilt is required after construction of the facilities, and a recertification/AsBuilt is required prior to Occupancy.
- f. Along the north side of lot 1, recommend a berm along the border with Red Fox. If not there should be a swale to effectively divert any overflow from their inlet.
- g. Concerned with the overflow spillway directed to the south rather than the Sunny Slope Road swale.
- h. Provide storm sewer drainage areas and sizing calculations.

4. Utilities:

- a. Sewer:
 - i. A sewer plug must be installed at connection to existing manhole and can only be removed after final punch list approval per NB Spec: 3.1.3.1.5.
 - ii. Some type of driveway must be provided to MH #1 and MH #2 to have access to maintain.
- b. Water:
 - i. Ensure water and sewer laterals are in grass areas of properties. Should not be in or near driveways.

DETAILS IN ATTACHED STAFF REPORT:

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

Meeting of January 8, 2024

Ryan Janssen, Ryan's Buying LLC / Theofila Estates Subdivision Preliminary Plat
5751 S. Sunny Slope Road (Tax Key #: 1289.994.002)

DATE STAFF REPORT PREPARED: November 3, 2023

APPLICANT / OWNER(S): Ryan Janssen, Ryan's Buying LLC / Theofila C Krokowski Living Trust

REQUEST / DESCRIPTION OF PROJECT: The applicant is requesting approval of the Theofila Estates Subdivision Preliminary Plat for the property located at 5751 S. Sunny Slope Road (Tax Key #: 1289.994.002).

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 10/20/23

DATE OF COMPLETENESS DETERMINATION: 10/23/23

PRE-APPLICATION CONFERENCE HELD: Yes

Date(s) of Meeting(s): 6/16/23, 9/20/23, 11/29/23 and several phone calls and emails exchanged.
Plan Commission Site Visit(s): 8/1/23

CONCEPTUAL PLAN: Yes, a preliminary plat is attached.

SIZE OF DEVELOPMENT / PARCEL(S): 17.39 acres

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

CURRENT LAND USE: Farmland

PROPOSED ZONING: N/A

PROPOSED LAND USE: Single-family residential subdivision

PROPOSED LOT SIZES: 14 lots averaging 28,090 SF in lot area. Minimum lot area is 25,000 SF.

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

South: Zoning: P-2

East: Zoning: R-3, C-2

West: Zoning: P-2

Land Use: Single Family Residential

Land Use: City Park

Land Use: Single Family Residential

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 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): Yes, the lots meet the requirements in §275-33B(7).

DEVELOPMENT CODE (CHAPTER 235): Yes, in compliance with §235-15.

REZONING REQUIRED: No

CONDITIONAL USE REQUIRED: No

PUBLIC HEARING REQUIRED: No

USE / SITE / ARCHITECTURAL REVIEW:

Use Approval Required: No

Site Plan Required: Yes, see attached preliminary plat.

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, see file # WD-2301607. 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
 - Sunny Slope Road is identified as having on road and off road pedestrian trail facilities.
- The Comprehensive Plan, Chapter 6, Section "Needs Assessment for Bicycle and Pedestrian Routes"
 - *"Better bicycle and pedestrian trail linkages between residential subdivisions and other subdivisions, parks, schools, libraries and commercial nodes."*
- The Comprehensive Plan, Chapter 6, Section "Policies for multi-modal transportation"
 - *"Construct bicycle and pedestrian facilities as recommended by the Comprehensive Plan."*

PARK & OPEN SPACE PLAN: No improvements.

NATURAL RESOURCES PROTECTION:

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

Wildlife Habitat Protection: N/A

Wildlife Management Plan: An Endangered Resources review will be completed on the property prior to the City signing the Development Agreement.

ENVIRONMENTAL IMPACT: Wetlands have been registered on the City's Zoning Map, see file # WD-2301607. Wetlands were field delineated by Heartland Ecological Services on May 11, 2023. Existing trees along the west property line will be preserved within the outlot as noted in the conditions.

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 has been submitted.

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 is not required since it doesn't meet the threshold. Per §275-58C(2)(a), a TIA is required for any subdivision or multifamily residential development with 40 or more dwelling units. The subdivision plat includes 14 lots.

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): Yes, preliminary plat emailed to the school district. No comments have been received.

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.

- **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 (See File #: RZ-2001475)
- **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)

- **11/6/2023** Plan Commission recommend to Common Council adoption of an Ordinance to approve the rezoning.
- **11/14/2023** Common Council adoption of Ordinance 2686 to approve the rezoning.

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

1. The applicant is proposing a 14-lot subdivision on 17.39 acres.
2. Waukesha County has reviewed and provided comments on the preliminary plat.
3. The State has reviewed and provided comments on the preliminary plat.
4. The site visit was held with the Plan Commission and general public on August 1, 2023. §235-15 of the City of New Berlin Subdivision Code allows the owner to voluntarily invite the Plan Commission, Department of Community Development staff, members of the Common Council and abutting neighbors to visit the site prior to the filing of a preliminary plat. This allows attendees the opportunity to see the area of the proposed subdivision in person, ask any questions they may have and visualize the proposal first hand.
5. 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.
6. A meeting with the Red Fox HOA was held on November 29, 2023. Neighbors were able to ask the applicant questions about the project.
7. Wetlands have been registered on the City's Zoning Map, see file # WD-2301607. Wetlands were field delineated by Heartland Ecological Services on May 11, 2023.
8. A park complex with lighting, ball fields, and a variety of other activities is planned to be located adjacent to the subdivision.

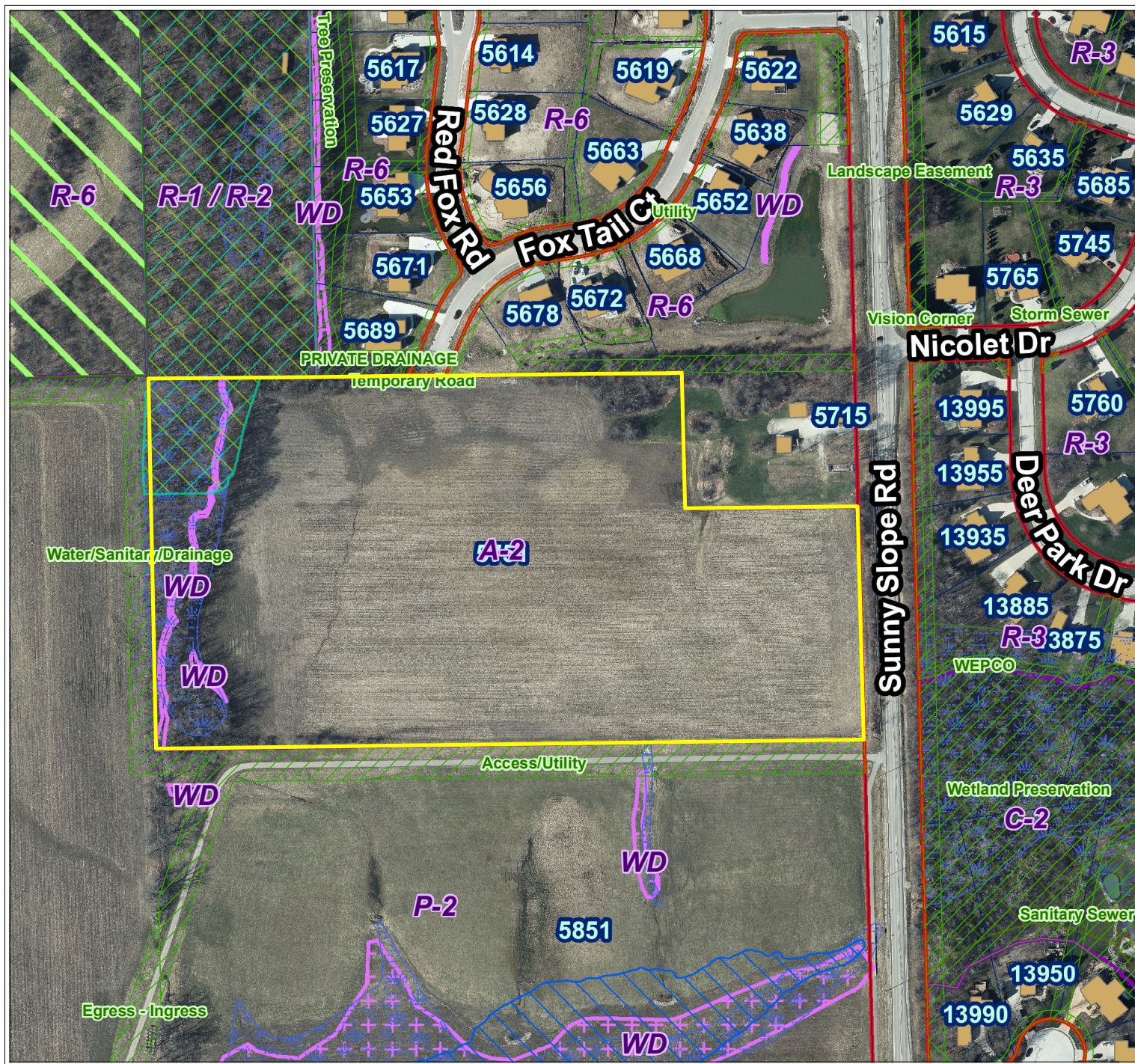
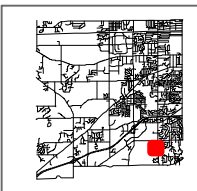
STAFF RECOMMENDATION:

Recommend to Common Council adoption of a resolution approving the Theofila Estates Subdivision Preliminary Plat for the property located at 5751 S. Sunny Slope Road (Tax Key #: 1289.994.002), subject to the application, plans on file and the following conditions: **See Executive Summary.**

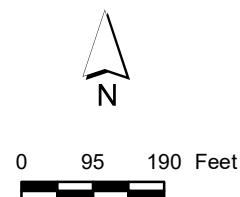
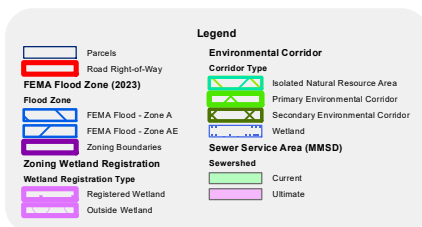
ATTACHMENTS:

Location Map
Preliminary Plat
Construction Plans

SP-2302092
Theofila Estates Preliminary Plat
5751 S. Sunny Slope Road



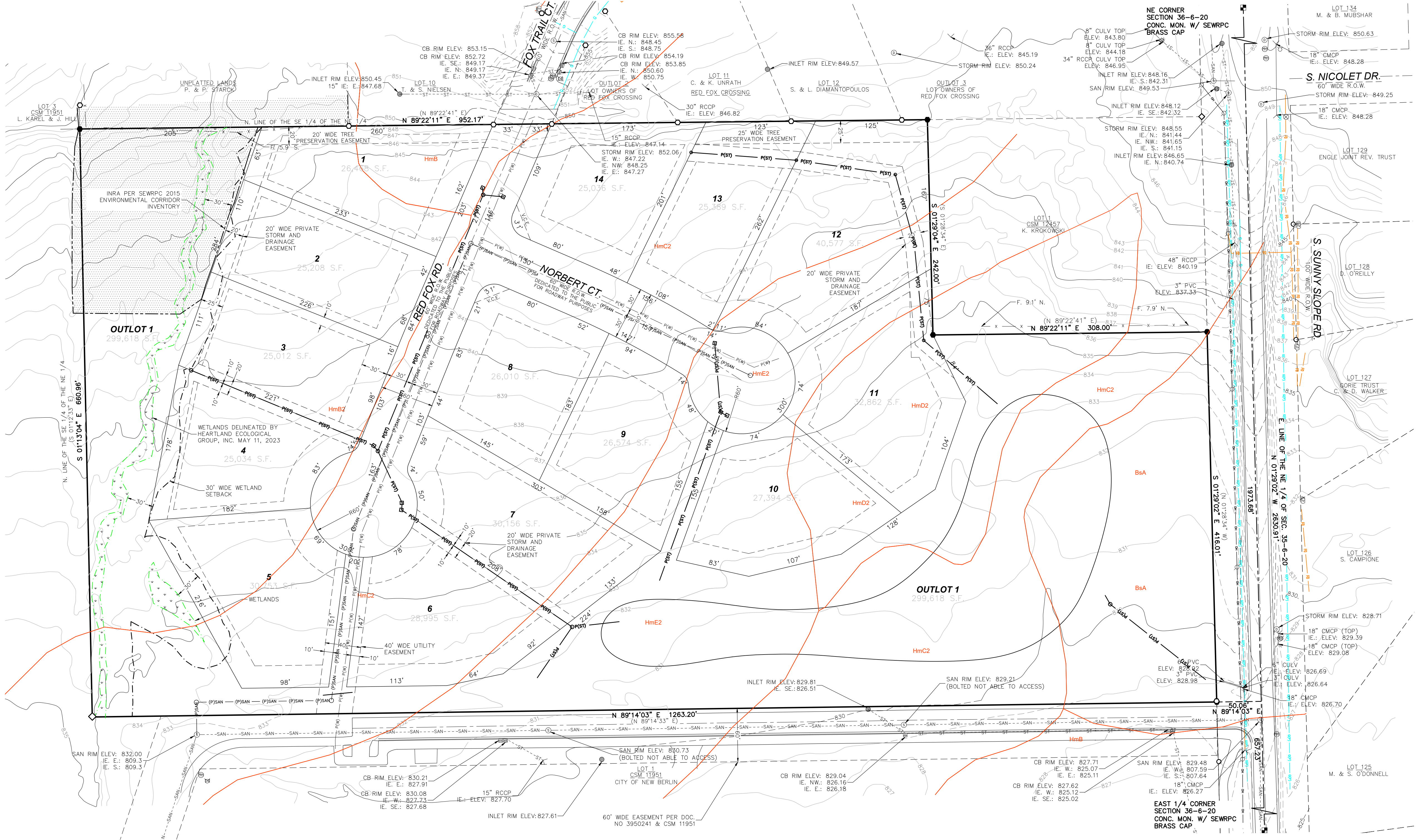
City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
(262) 797-2445
www.newberlin.org



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THEOFILA ESTATES

LOT 2 OF CSM 12457 RECORDED IN THE WAUKESHA COUNTY REGISTER OF DEEDS IN BOOK 129 PAGE 105-109 IN DOCUMENT NO 4724853, BEING PART OF THE SOUTHEAST 1/4 OF THE NE 1/4 OF SECTION 35, TOWNSHIP 6 NORTH, RANGE 20 EAST, CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.



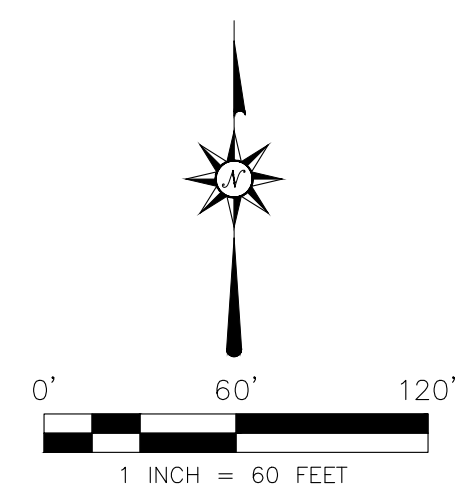
LAND SURVEYING • LAND PLANNING
111 W. SECOND STREET
OCCONOMOWOC, WI 53066
WWW.LANDTECHWI.COM
(262) 367-7599

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION OF ALL EXISTING LAND DIVISIONS AND FEATURES, AND COMPLY WITH THE PROVISIONS OF CHAPTER 18.400 CITY OF NEW BERLIN AND OF CHAPTER 236 OF THE WISCONSIN STATUTES.

SIGNED: JOHN D. DOWNING, PROFESSIONAL LAND SURVEYOR S-2939

THIS INSTRUMENT WAS DRAFTED BY JOHN D. DOWNING, S-2939



PROJ. NO: 23152
SHEET 2 OF 2

GENERAL NOTES

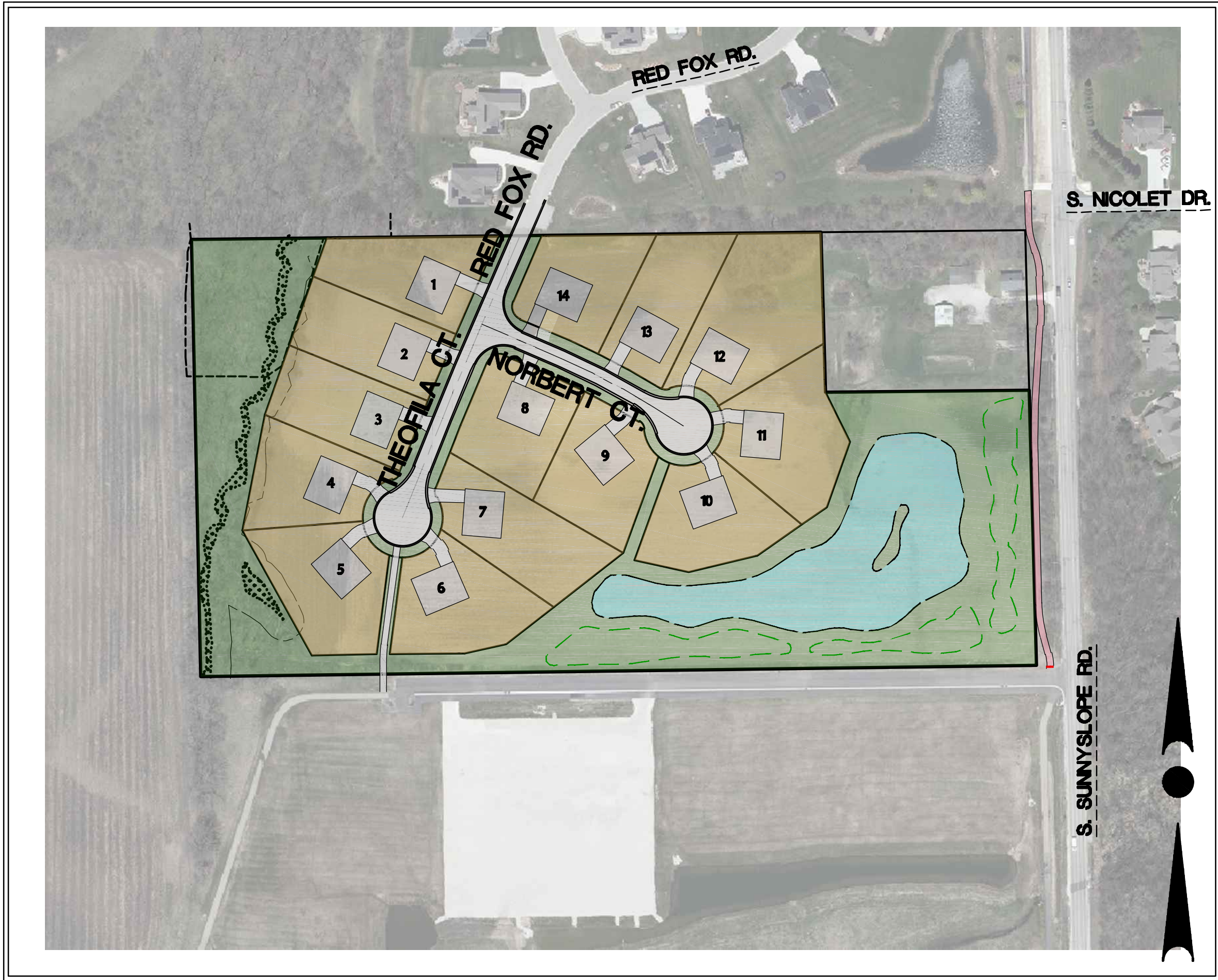
1. THE LATEST EDITIONS OF THE FOLLOWING DOCUMENTS AND ANY SUPPLEMENTS THERETO, SHALL GOVERN ALL CONSTRUCTION ITEMS ON THIS PLAN UNLESS OTHERWISE NOTED.
-STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, 6TH EDITION (SSSWCW)
-THE WISCONSIN D.O.T. STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, LATEST EDITION
-WDNR STORMWATER RUNOFF TECHNICAL STANDARDS.
-WISDOT PAL APPROVED EROSION CONTROL MEASURES LIST, LATEST EDITION.
-CITY OF NEW BERLIN TECHNICAL STANDARDS.
2. THE CONTRACTOR SHALL TAKE ALL MEASURES NECESSARY TO MINIMIZE EROSION, WATER POLLUTION AND SILTATION CAUSED BY CONSTRUCTION OF THIS PROJECT. EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH WISCONSIN DEPARTMENT OF NATURAL RESOURCES TECHNICAL STANDARDS.
3. EROSION CONTROL PLAN: PRIOR TO BEGINNING WORK, AN APPROVED EROSION CONTROL PLAN WILL BE PROVIDED BY THE ENGINEER. THE CONTRACTOR IS RESPONSIBLE FOR PROPERLY IMPLEMENTING THE APPROVED PLAN.
4. THE CONTRACTOR SHALL FIELD VERIFY THE ELEVATIONS OF THE BENCHMARKS PRIOR TO COMMENCING WORK. THE CONTRACTOR SHALL ALSO FIELD VERIFY LOCATION, ELEVATION AND SIZE OF EXISTING UTILITIES, AND VERIFY FLOOR, CURB OR PAVEMENT ELEVATIONS WHERE MATCHING INTO EXISTING WORK. THE CONTRACTOR SHALL FIELD VERIFY HORIZONTAL CONTROL BY REFERENCING SHOWN COORDINATES TO KNOWN PROPERTY LINES. NOTIFY ENGINEER OF DISCREPANCIES IN EITHER VERTICAL OR HORIZONTAL CONTROL PRIOR TO PROCEEDING WITH WORK.
5. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO BEGINNING CONSTRUCTION (CALL DIGGERS HOTLINE AT 800-242-8511). COST OF REPLACEMENT OR REPAIR OF EXISTING UTILITIES DAMAGED AS A RESULT OF THE CONTRACTOR'S OPERATION SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
6. EXISTING UTILITY INFORMATION IS SHOWN FROM SURVEY WORK, FIELD OBSERVATIONS, AVAILABLE PUBLIC RECORDS, AND AS-BUILT DRAWINGS. EXACT LOCATIONS AND ELEVATIONS OF UTILITIES SHALL BE DETERMINED PRIOR TO INSTALLING NEW WORK. EXCAVATE TEST PITS AS REQUIRED.
7. PROPERTY CORNERS SHALL BE CAREFULLY PROTECTED UNTIL THEY HAVE BEEN REFERENCED BY A PROFESSIONAL LAND SURVEYOR. PROPERTY MONUMENTS DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
8. ENGINEER SHALL BE NOTIFIED 48 HOURS IN ADVANCE OF PERFORMING ANY CONSTRUCTION.
9. ALL TRENCHING SHALL BE PERFORMED ACCORDING TO OSHA STANDARDS.
10. ALL ITEMS SHALL INCLUDE ALL THE NECESSARY MATERIALS AND LABOR TO COMPLETE THE ITEM IN PLACE.
11. THE CONTRACTOR SHALL CLEAN ALL ADJACENT STREETS OF ANY SEDIMENT OR DEBRIS BY SWEEPING BEFORE THE END OF THE WORKING DAY OR AS REQUIRED BY THE CITY OF NEW BERLIN.
12. THE CONTRACTOR MUST AND IS REQUIRED TO NOTIFY THE CITY OF NEW BERLIN SEWER AND WATER UTILITY A MINIMUM OF 48 HOURS IN ADVANCE OF WATER MAIN FILLING, WATER MAIN FLUSHING, WATER MAIN TESTING AND WATER MAIN CONNECTIONS. NO CONNECTION SHALL BE MADE TO THE EXISTING WATER SYSTEM UNTIL SAFE SAMPLES FROM THE NEW MAIN HAVE BEEN OBTAINED.

THEOFILA

SINGLE FAMILY RESIDENTIAL SUBDIVISION

SITE DEVELOPMENT PLANS

CITY OF NEW BERLIN, WISCONSIN



OWNER:
JANSSEN - BRUCKNER
PO BOX 277
EAGLE, WI 53119
CONTACT: RYAN JANSSEN

ENGINEER:
TRIO ENGINEERING, LLC
4100 N CALHOUN ROAD, SUITE 300
BROOKFIELD, WI 53005
CONTACT: MR. JOSHUA PUDELKO, P.E., M.S.
PHONE: 262-790-1480
FAX: 262-790-1481
EMAIL: jpudelko@trioeng.com

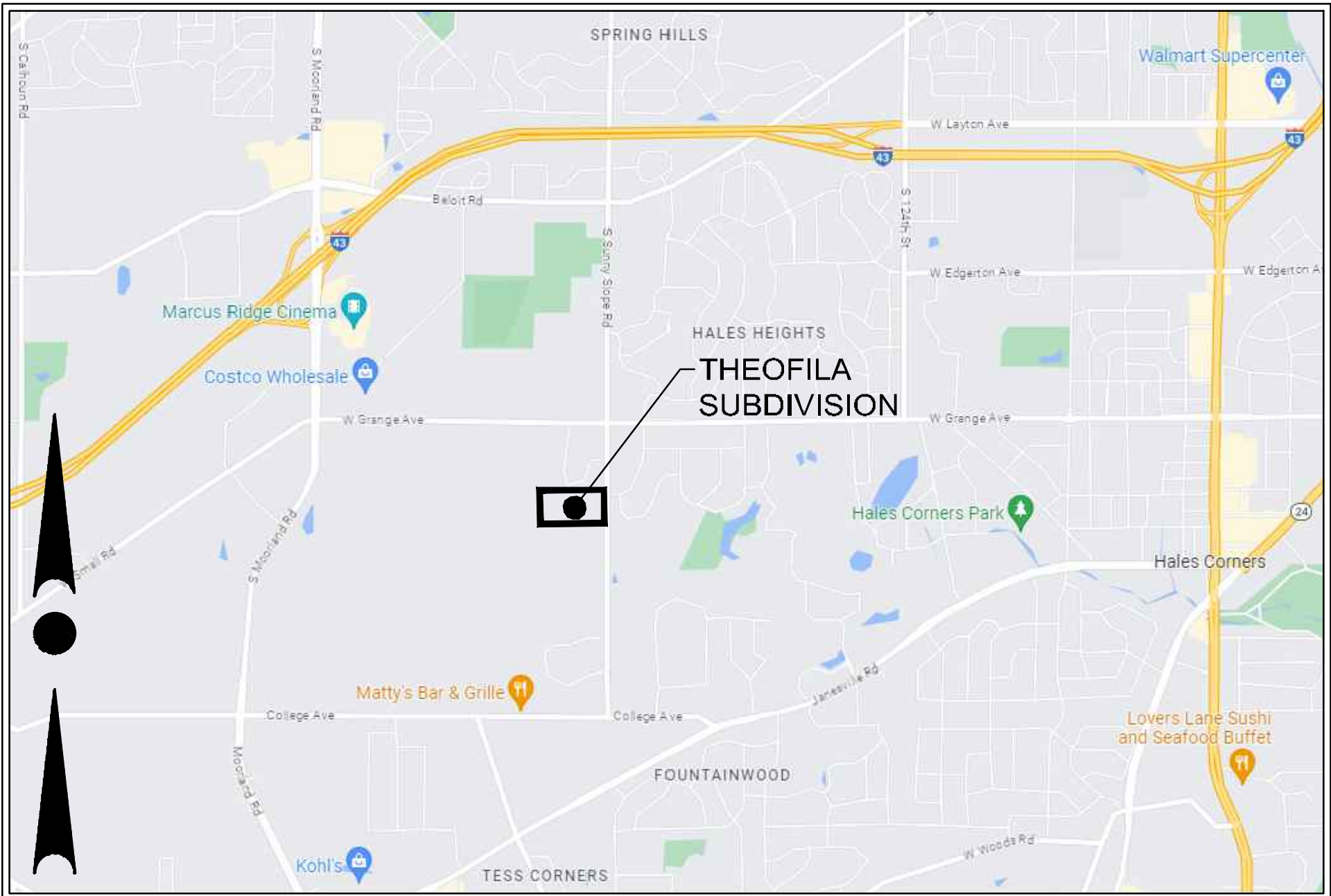
SURVEYOR:
LANDTECH SURVEYING
111 W. 2ND ST.
OCONOMOWOC, WI 53066
PHONE: (262) 367-7599

SITE PLAN

SCALE: 1" = 150'

SHEET INDEX

CIVIL	
T1	- COVER SHEET
C1.0	- PROPOSED SITE PLAN
C2.0	- MASTER GRADING PLAN
C3.0	- EROSION CONTROL PLANS
C4.0	- SANITARY AND WATER SYSTEM PLAN
C4.1-4.3	- SANITARY AND WATER PLANS
C5.0	- OVERALL STORM SEWER PLAN
C5.1-5.2	- ROADWAY PLAN & PROFILE
EX1	- VICINITY MAP
EX2	- NATURAL RESOURCE AND PRESERVATION MAP
EX3	- TRANSPORTATION PLAN



LOCATION MAP

NOT TO SCALE



4100 N. CALHOUN RD., SUITE 300
BROOKFIELD, WI 53005
PHONE: (262) 790-1480
FAX: (262) 790-1481
EMAIL: jpudelko@trioeng.com

PROJECT:
THEOFILA ESTATES
SINGLE FAMILY RESIDENTIAL SUBDIVISION
CITY OF NEW BERLIN, WISCONSIN
BY: JANSSEN BRUCKNER
PO BOX 277
EAGLE, WI 53119

REVISION HISTORY

DATE	DESCRIPTION
10/20/23	INITIAL SUBMITTAL
12/08/23	QTY COMMENTS

DATE:

DECEMBER 06, 2023

JOB NUMBER:

23-041-1124

DESCRIPTION:

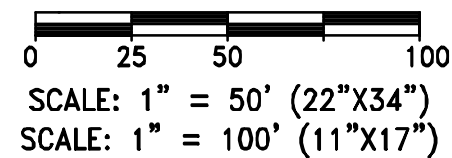
COVER SHEET

SHEET

T1

X:\2023\23-041-1124 THEOFILA - NEW BERLIN\DRAWINGS\CONSTRUCTION PLANS\THEOFILA_COVER AND DETAILS_22X34.DWG

- <u>Total Gross Area:</u>	17.39 ac
- <u>Developable Area:</u>	17.24 ac (excluding wetlands)
- <u>Proposed Zoning:</u>	R-6
- <u>Proposed Development:</u>	14 lots
- <u>Density:</u>	14 lots/17.24 ac = 0.81 lots/ac
- <u>Road Length:</u>	790' (56.42'/lot)
- <u>Design Criteria</u>	
Lot Area:	25,000 S.F. (Min.)
Lot Width:	110' (TYP.)
	130' (Corner)
Setbacks:	30' Street
	10' Side
	25' Rear



**BY: JANSSEN BRUCKNER
PO BOX 277
EAGLE, WI 53119**

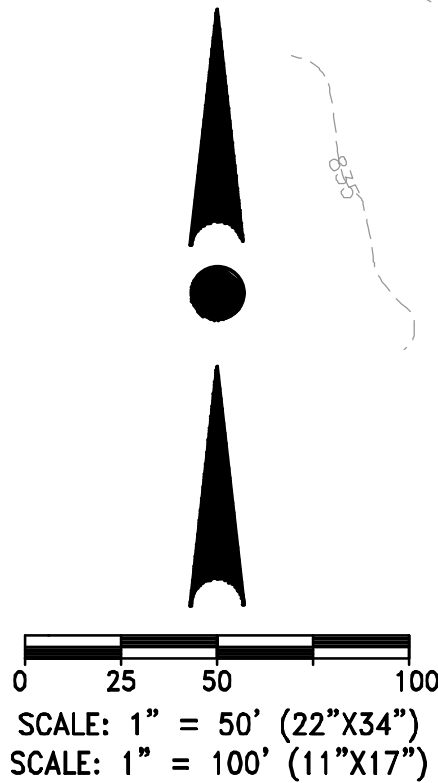
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12/06/23	QTY COMMENTS

JOB NUMBER:
23-041-1124

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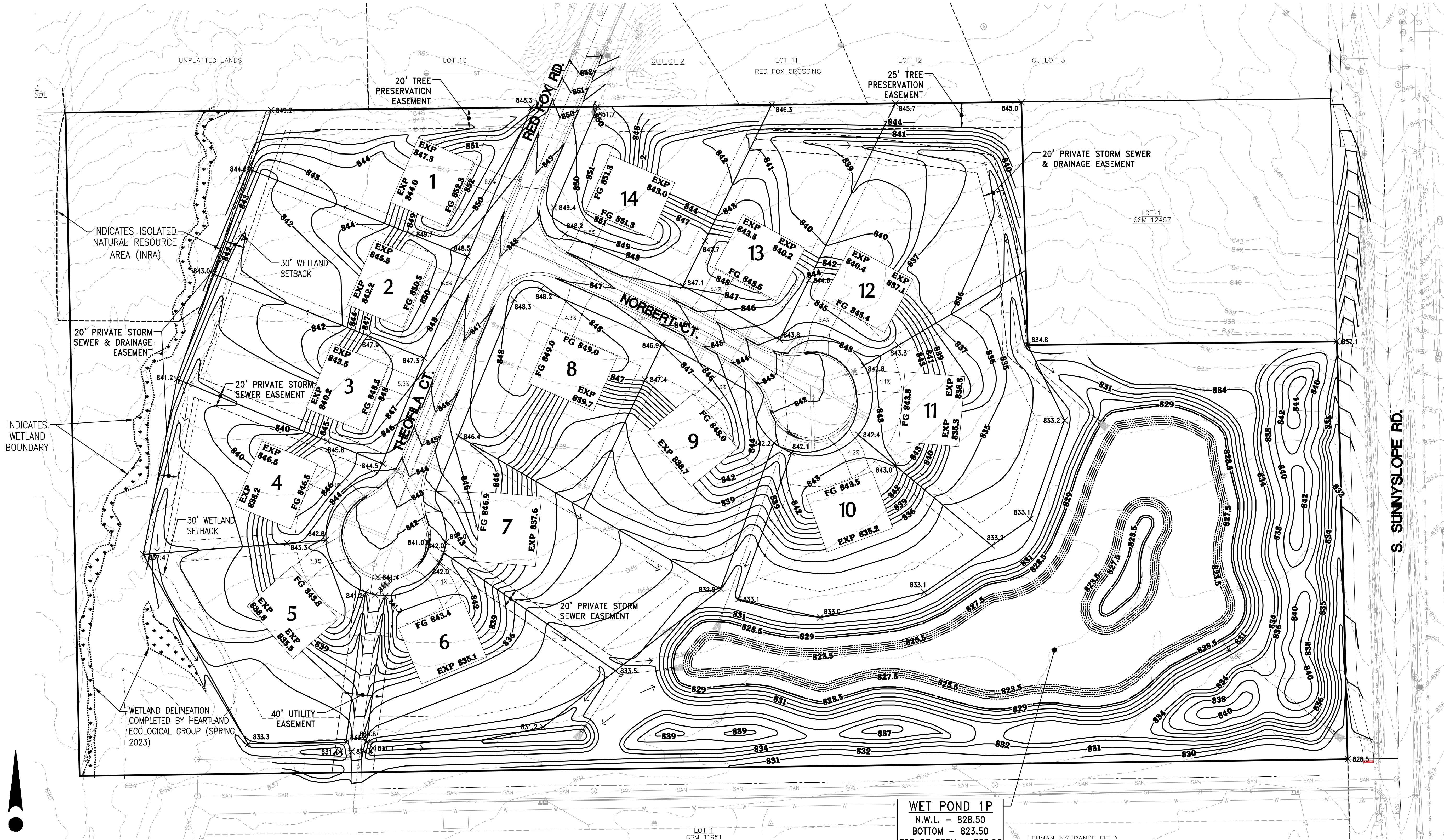
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CONTRACTOR IS REQUIRED TO CONTACT DIGGERS HOTLINE TOLL FREE TO OBTAIN LOCATION OF UNDERGROUND UTILITIES PRIOR TO COMMENCING THE WORK. WISCONSIN STATUTE 182.0715 REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE.
CALL DIGGERS HOTLINE 1-800-242-8511

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



WET POND 1P
N.W.L. - 828.50
BOTTOM - 823.50
TOP OF BERM - 833.00
SPILLWAY - 832.00
100-YR - 831.04
10-YR - 829.71
2-YR - 829.17
1-YR - 829.04

LEGEND:	
995	EXISTING CONTOUR
995	PROPOSED CONTOUR
x 995.0	PROPOSED SPOT ELEVATION
←	PROPOSED FLOW ARROW
FG 995.0	PROPOSED YARD GRADE
EXP 986.0	PROPOSED EXPOSURE GRADE
⊙	SOIL BORING LOCATION



PROJECT:
THEOFILA ESTATES
SINGLE FAMILY RESIDENTIAL SUBDIVISION
CITY OF NEW BERLIN, WISCONSIN
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REVISION HISTORY	
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DATE:
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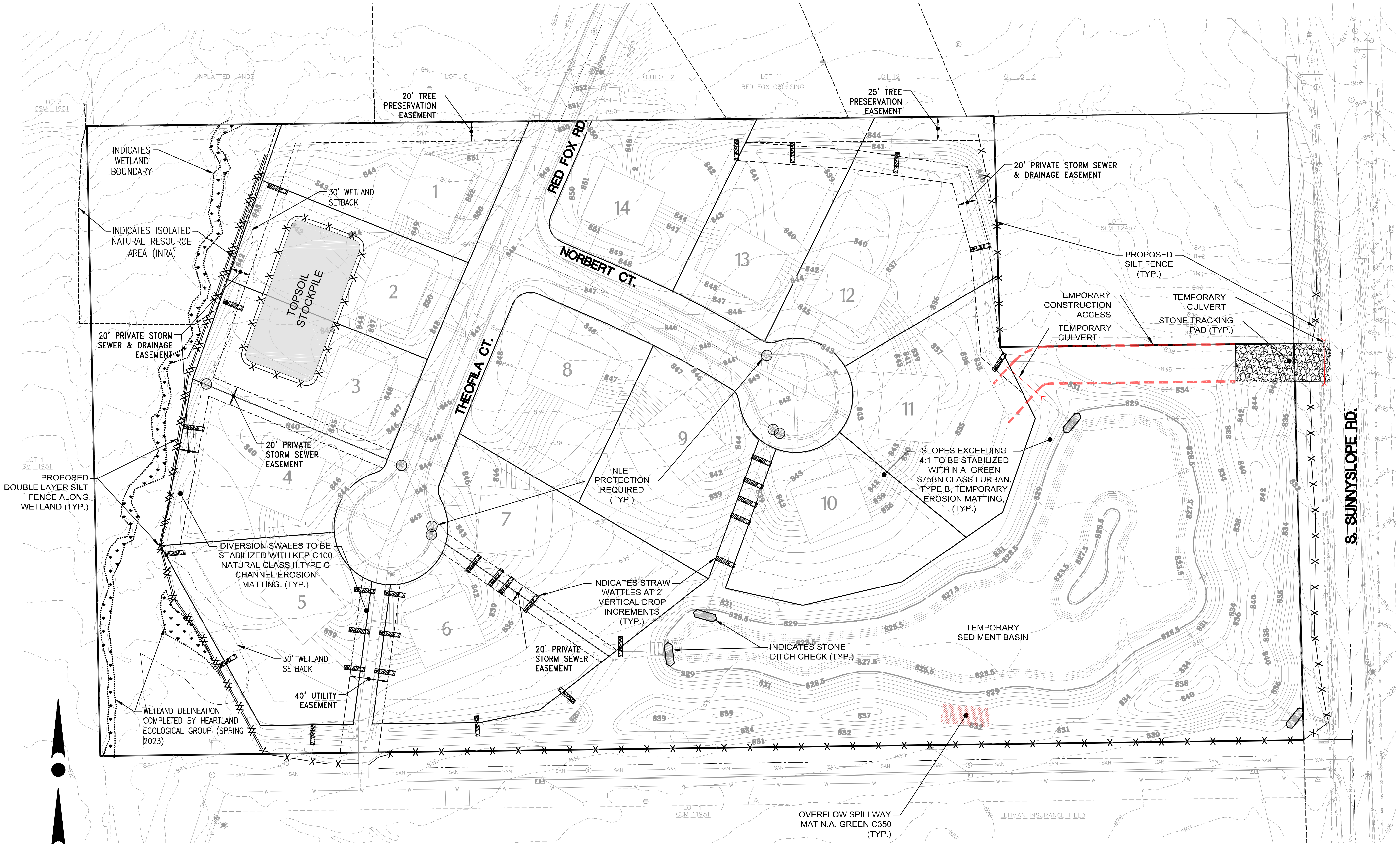
JOB NUMBER:
23-041-1124

DESCRIPTION:
MASTER GRADING PLAN

SHEET

C2.0

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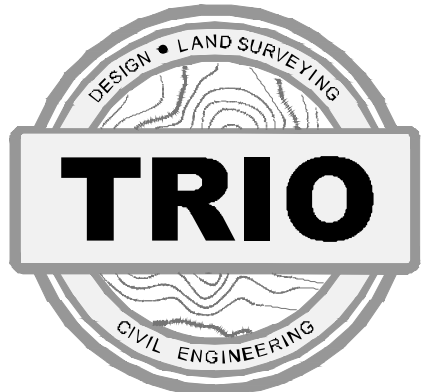


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SCALE: 1" = 50' (22"x34")
SCALE: 1" = 100' (11"x17")



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PHONE: (262) 790-1480
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PROJECT:
THEOFILA ESTATES
SINGLE FAMILY RESIDENTIAL SUBDIVISION
CITY OF NEW BERLIN, WISCONSIN
BY: JANSSEN BRUCKNER
PO BOX 277
EAGLE, WI 53119

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DATE	DESCRIPTION
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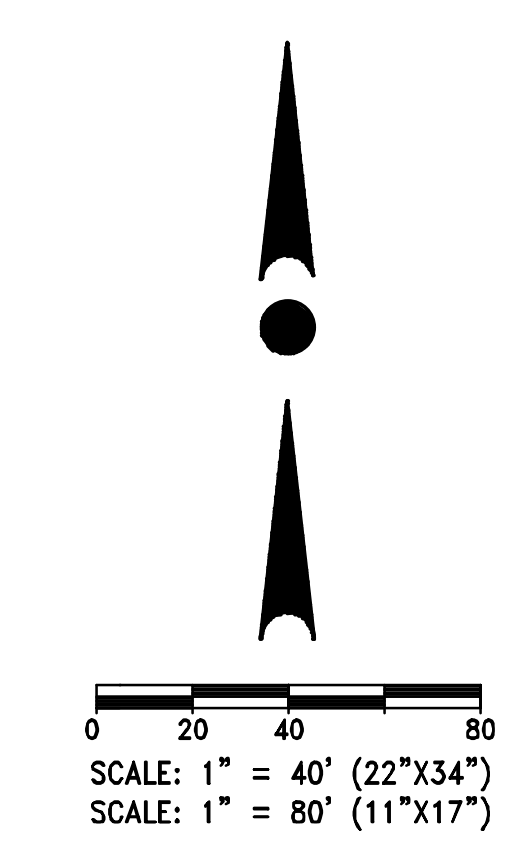
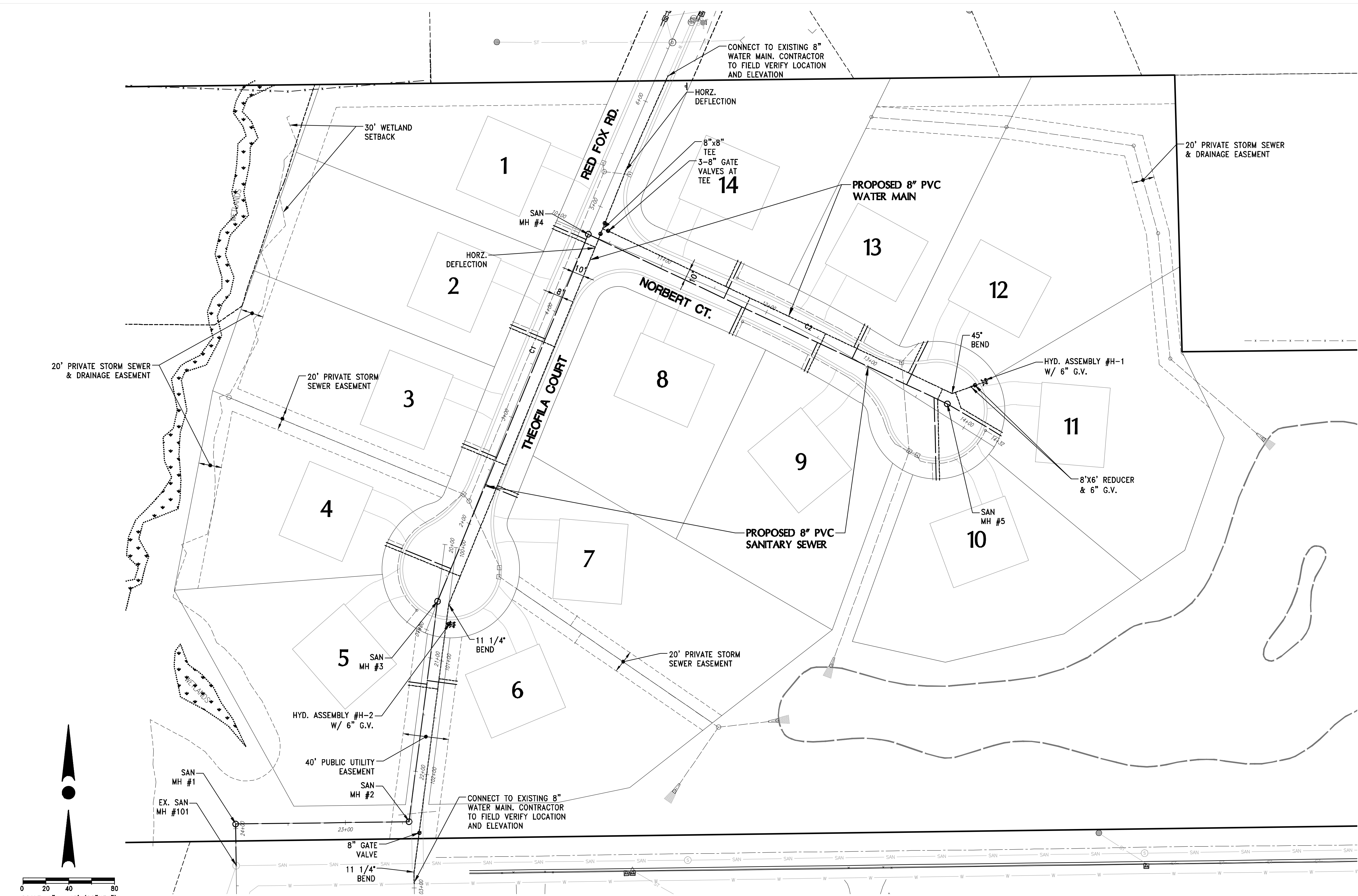
JOB NUMBER:
23-041-1124

DESCRIPTION:
EROSION CONTROL PLAN

SHEET

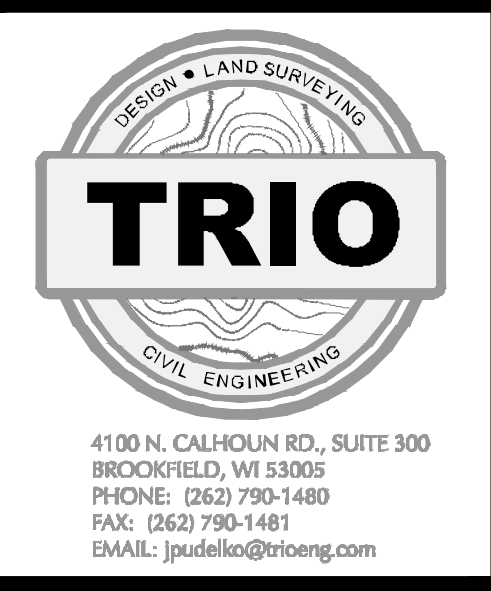
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SINGLE FAMILY RESIDENTIAL SUBDIVISION
CITY OF NEW BERLIN, WISCONSIN
BY: JANSSEN BRUCKNER
PO BOX 277
EAGLE, WI 53119

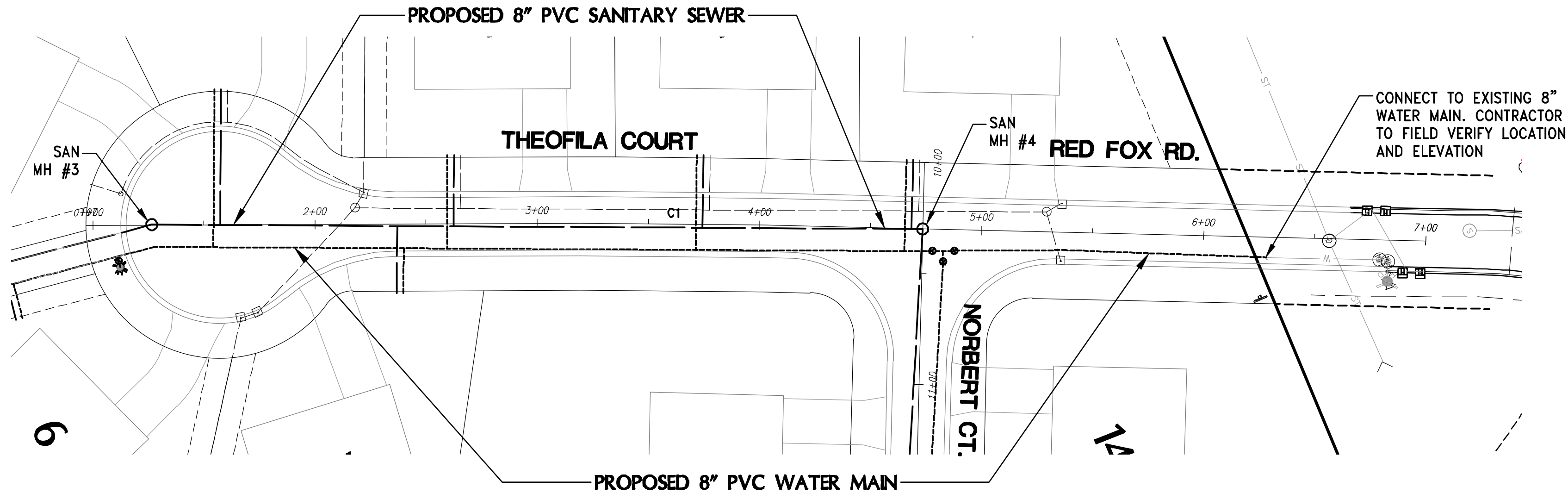
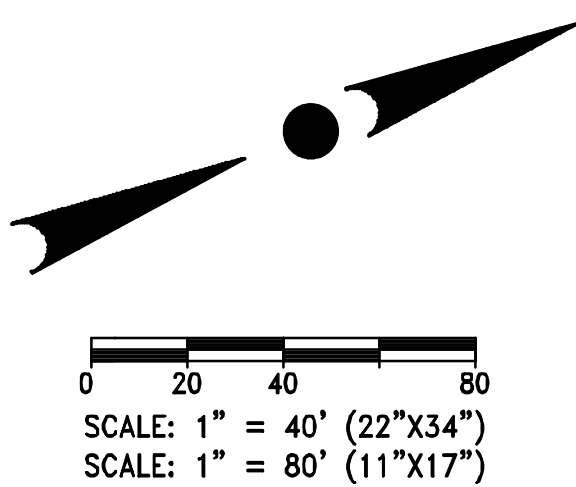
REVISION HISTORY	
DATE	DESCRIPTION
10/20/23	INITIAL SUBMITTAL
12/08/23	QTY COMMENTS

DATE:
DECEMBER 06, 2023

JOB NUMBER:
23-041-1124

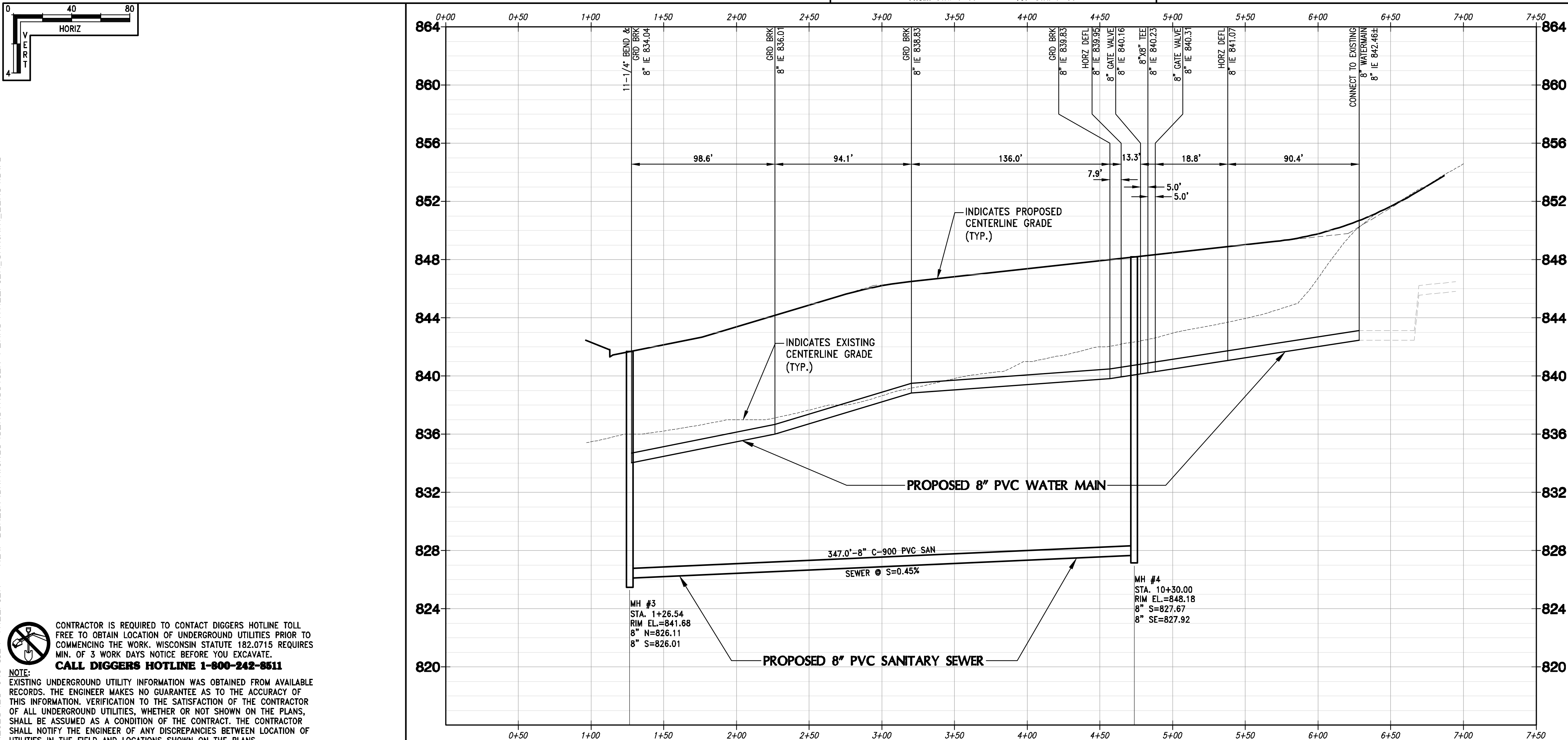
DESCRIPTION:
SANITARY AND WATER MAIN SYSTEM PLAN

SHEET
C4.0



SANITARY SEWER AND WATER MAIN

FROM: STA: 1+00 TO: STA: 7+00



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FAX: (262) 790-1481
EMAIL: jpudefko@trioeng.com

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DECEMBER 06, 2023

JOB NUMBER:

23-041-1124

DESCRIPTION:

**SANITARY SEWER
AND WATER MAIN
PLAN**

SHEET

C4.1

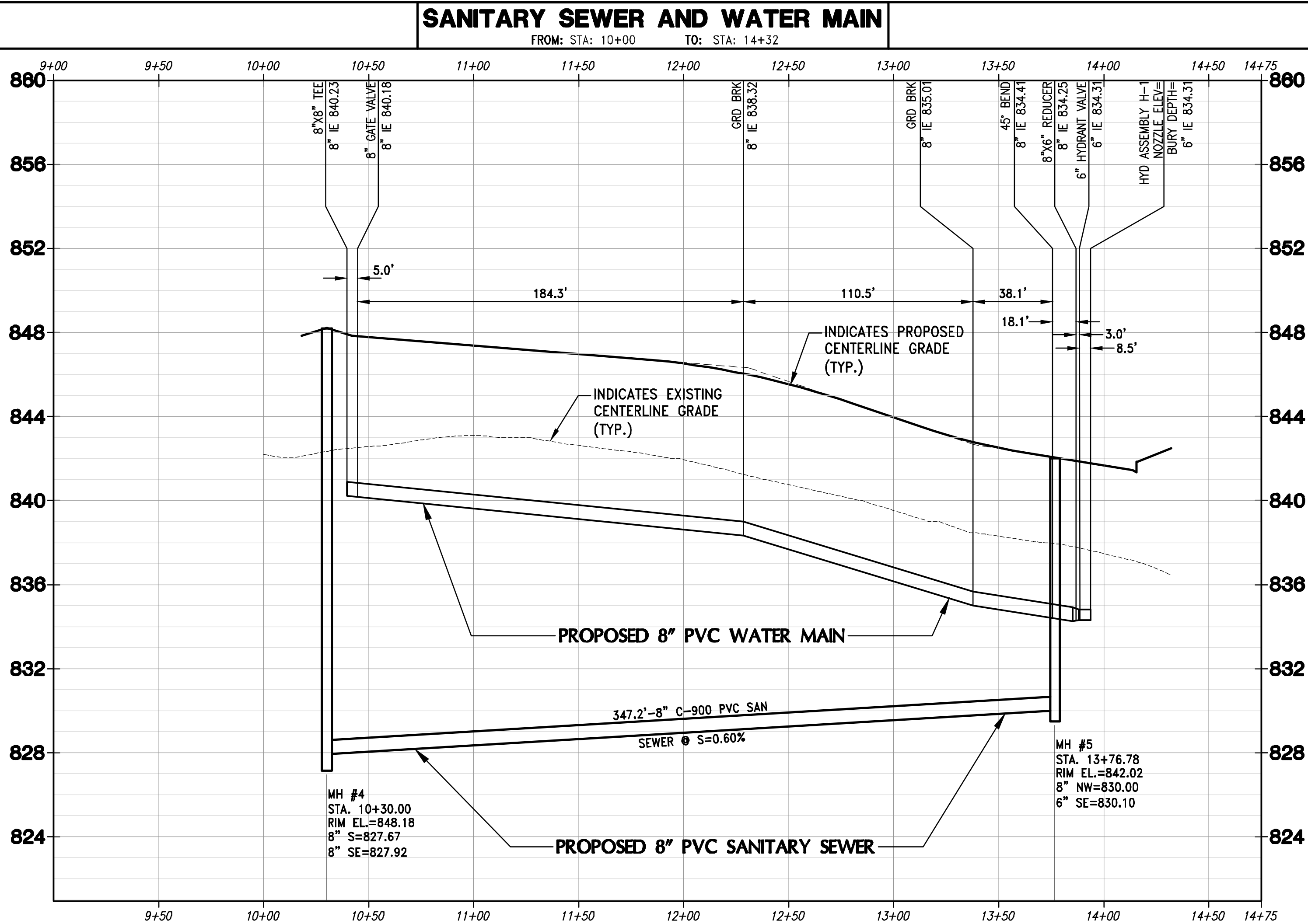
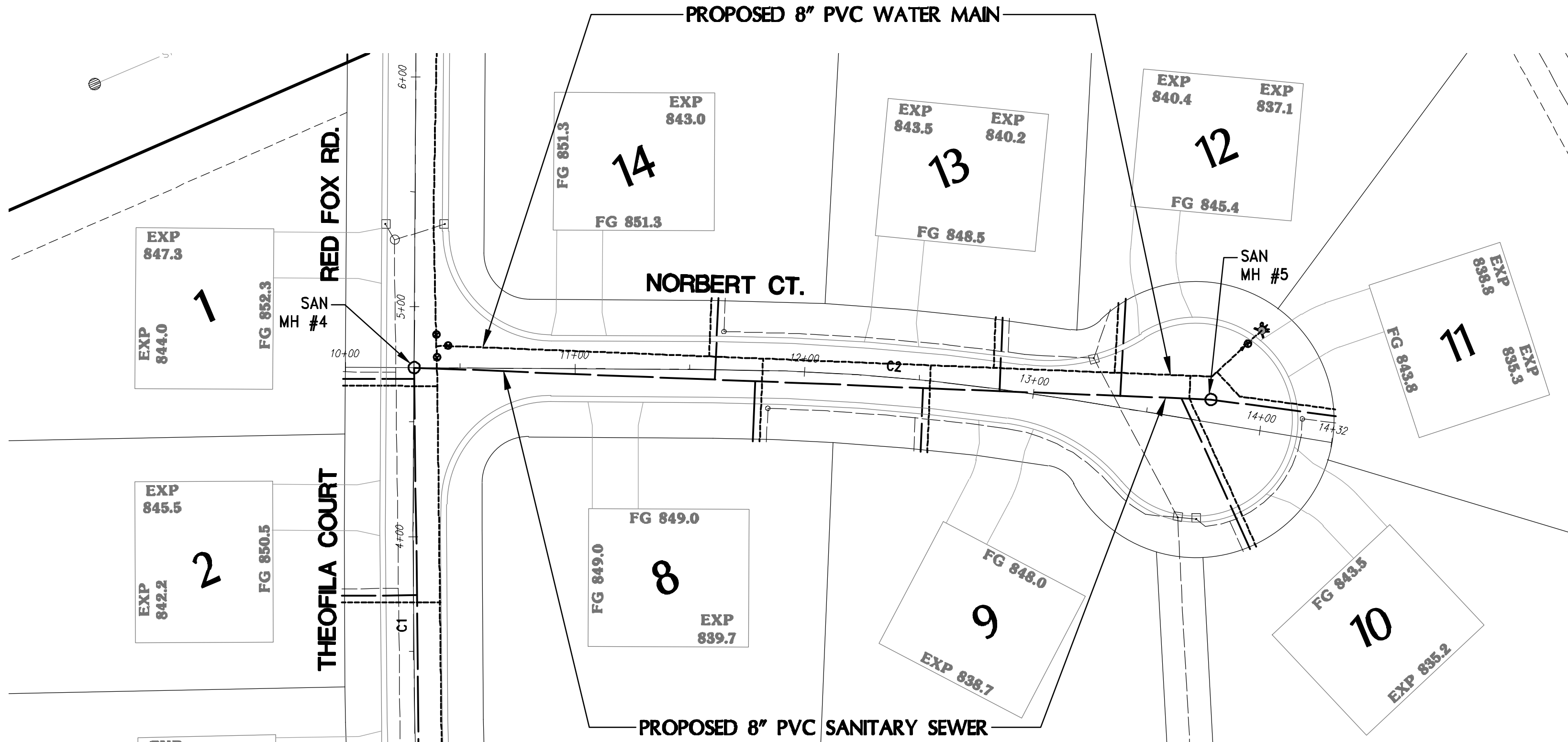
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0 20 40 80
SCALE: 1" = 40' (22"x34")
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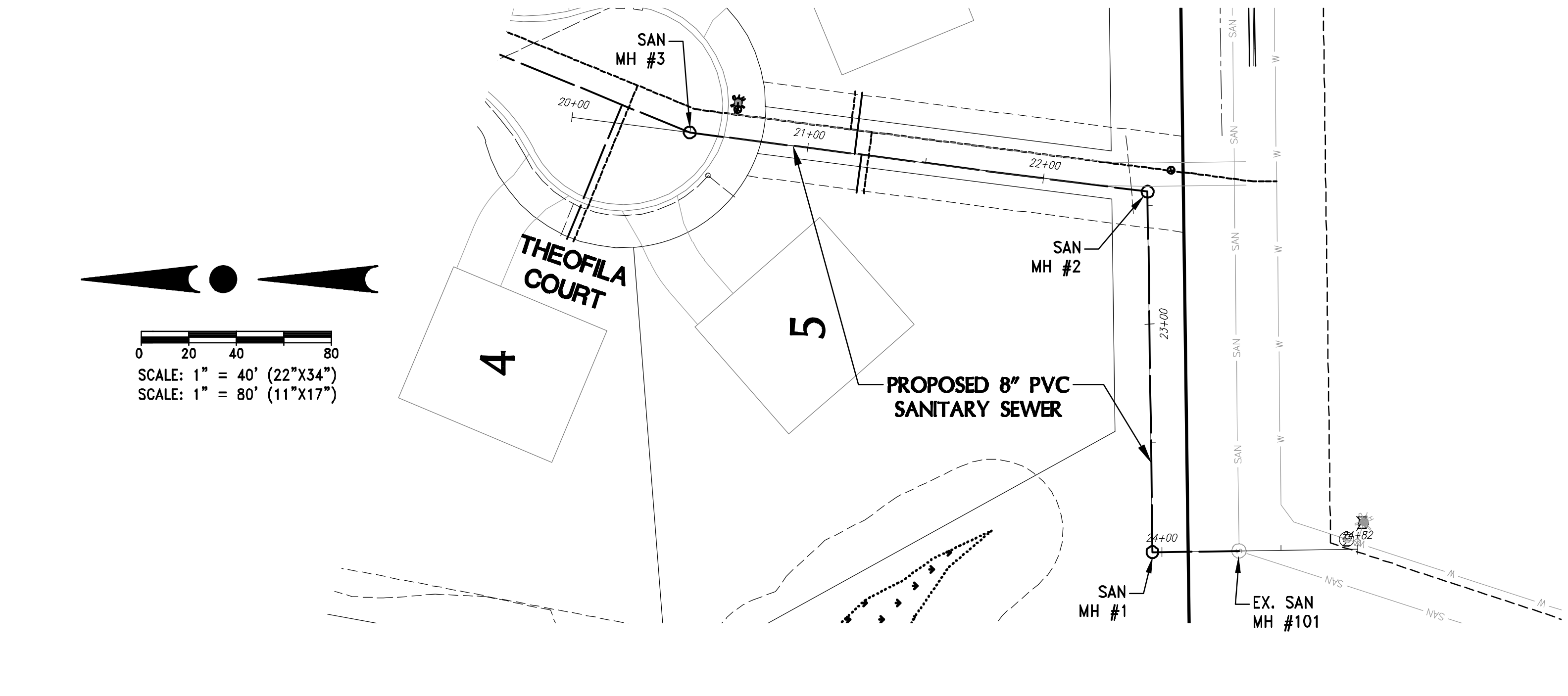
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**SANITARY SEWER
AND WATER MAIN
PLAN**

SHEET

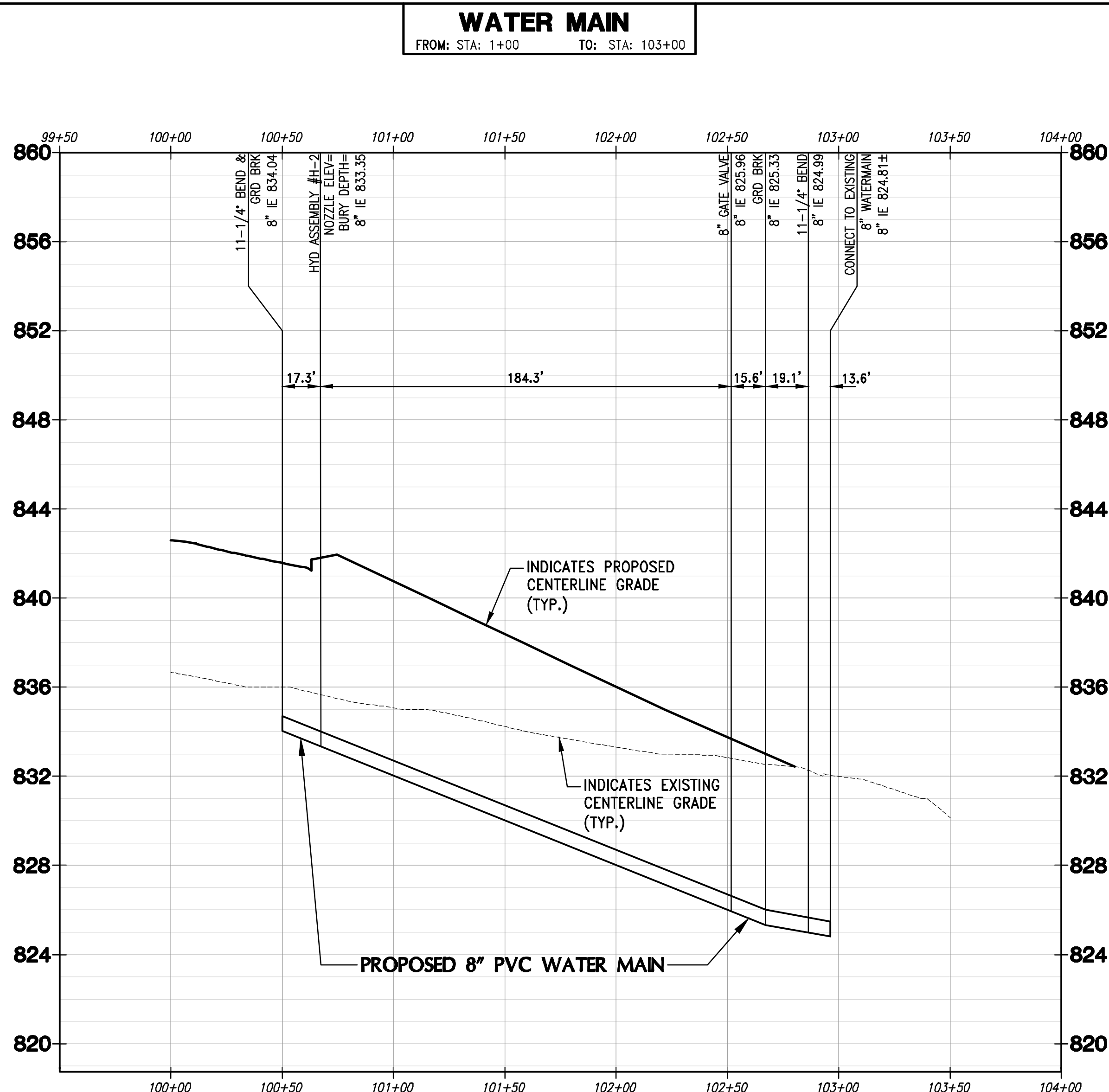
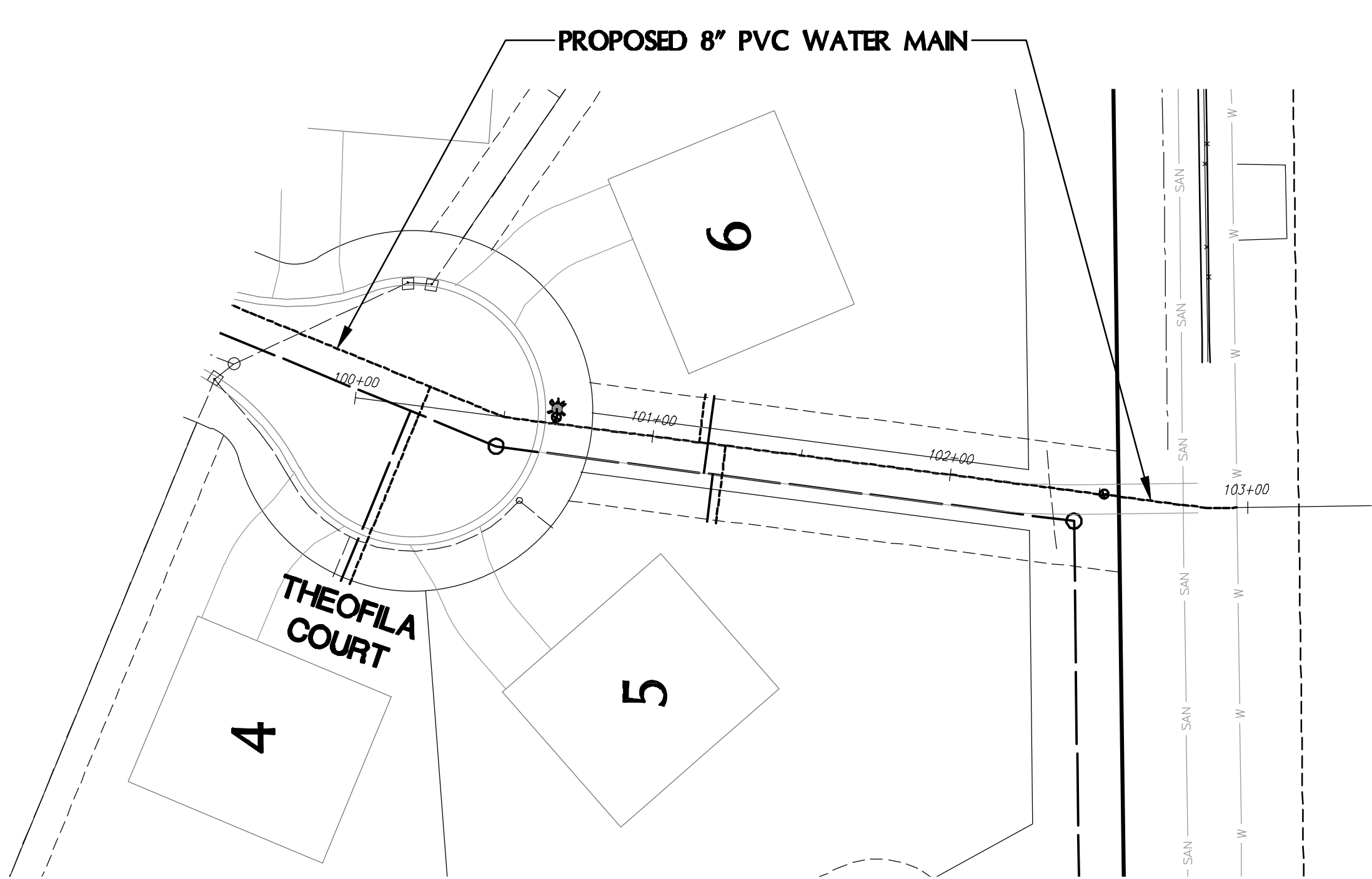
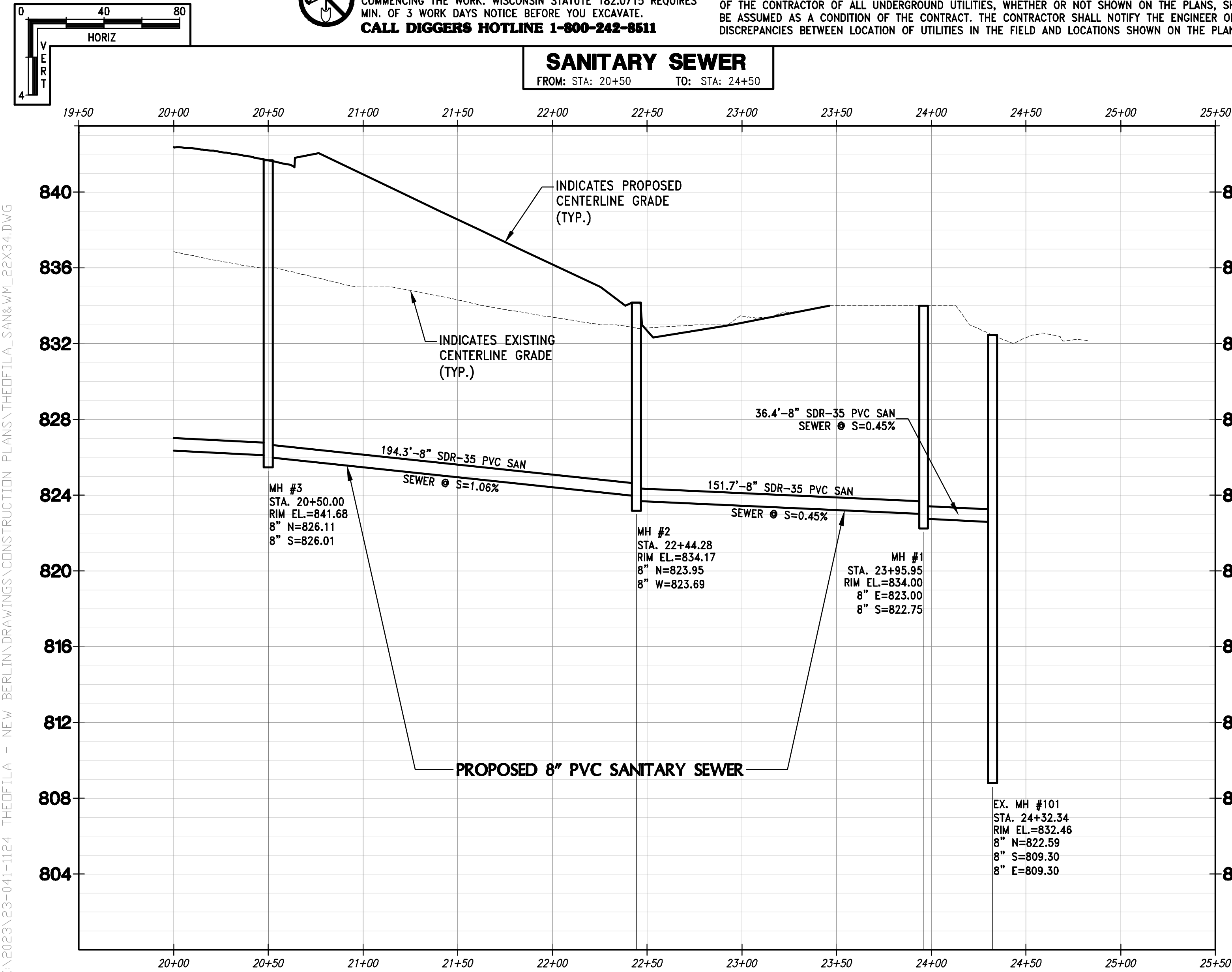
C4.2

X:\2023\23-041-1124 THEOFILA - NEW BERLIN\DRAWINGS\CONSTRUCTION PLANS\THEOFILA_SAN&WM_22X34.DWG



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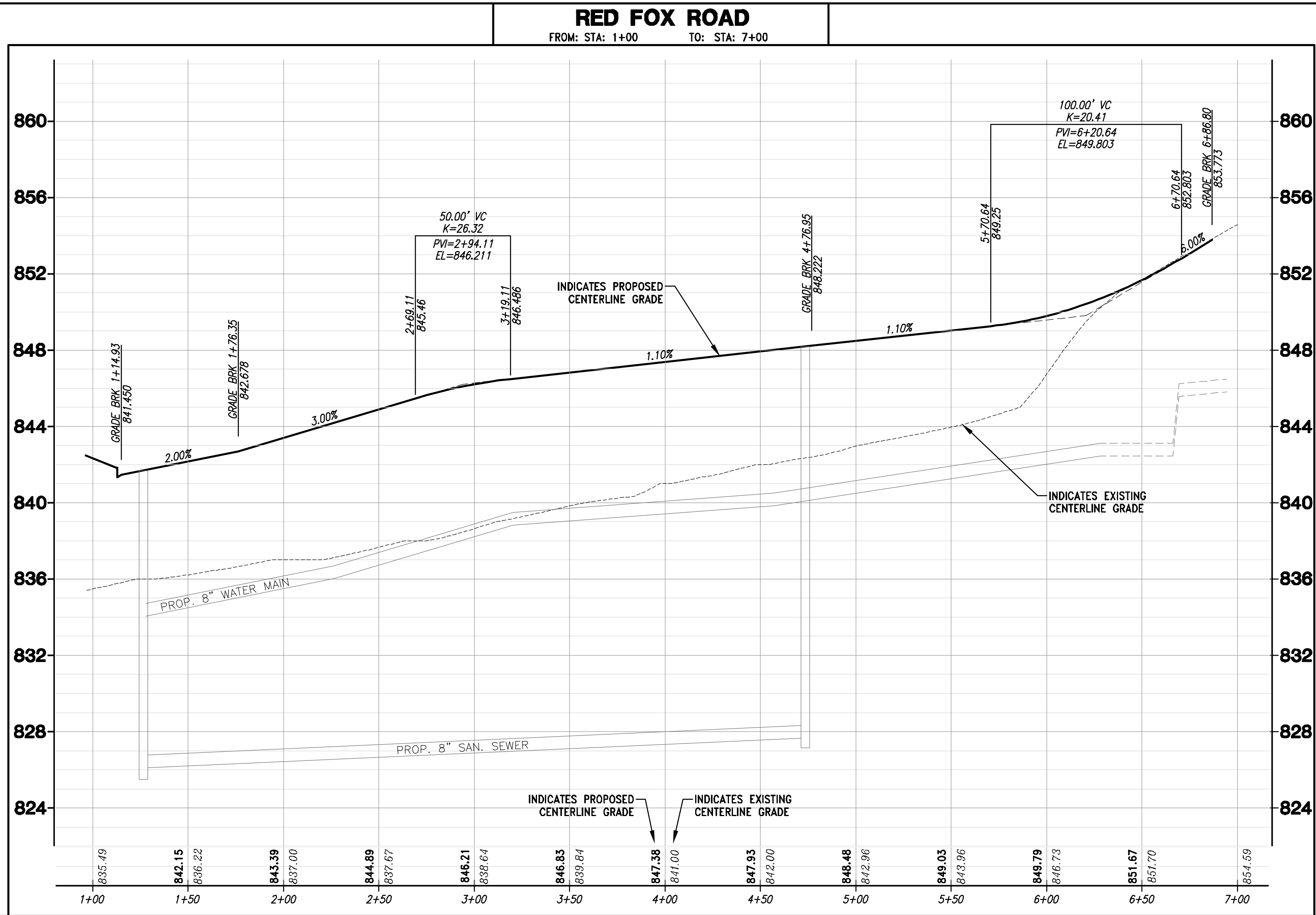
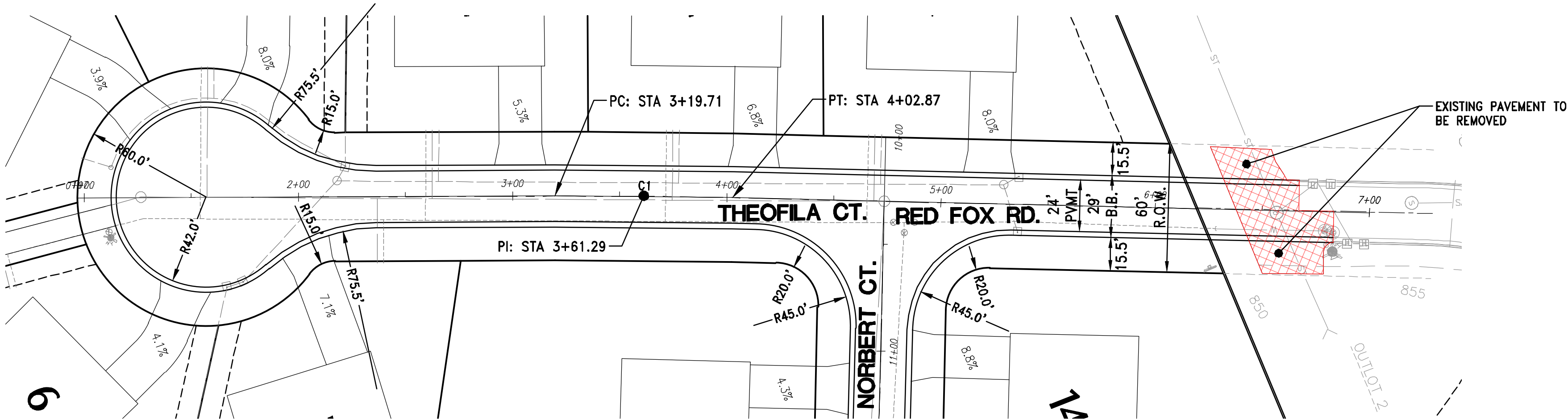
JOB NUMBER:
23-041-1124

DESCRIPTION:
**SANITARY SEWER
AND WATER MAIN
PLAN**

SHEET

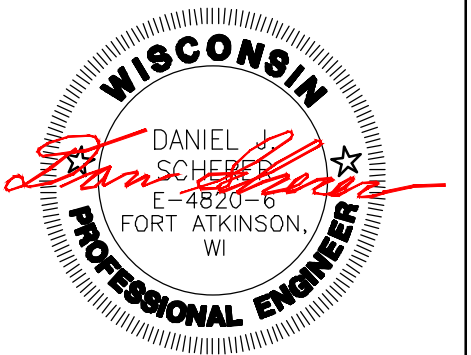
C4.3

Curve Table							
Curve #	Radius	Length	Chord Direction	PI Station	Delta	Tangent Length	BK
C1	3000.000	83.158	N22° 33' 15.04"E	3+61.29	1.5882	41.58'	N21° 45' 36.27"E
C2	1000.000	156.857	S62° 09' 29.16"E	12+38.80	8.9872	78.59'	S56° 39' 06.20"E



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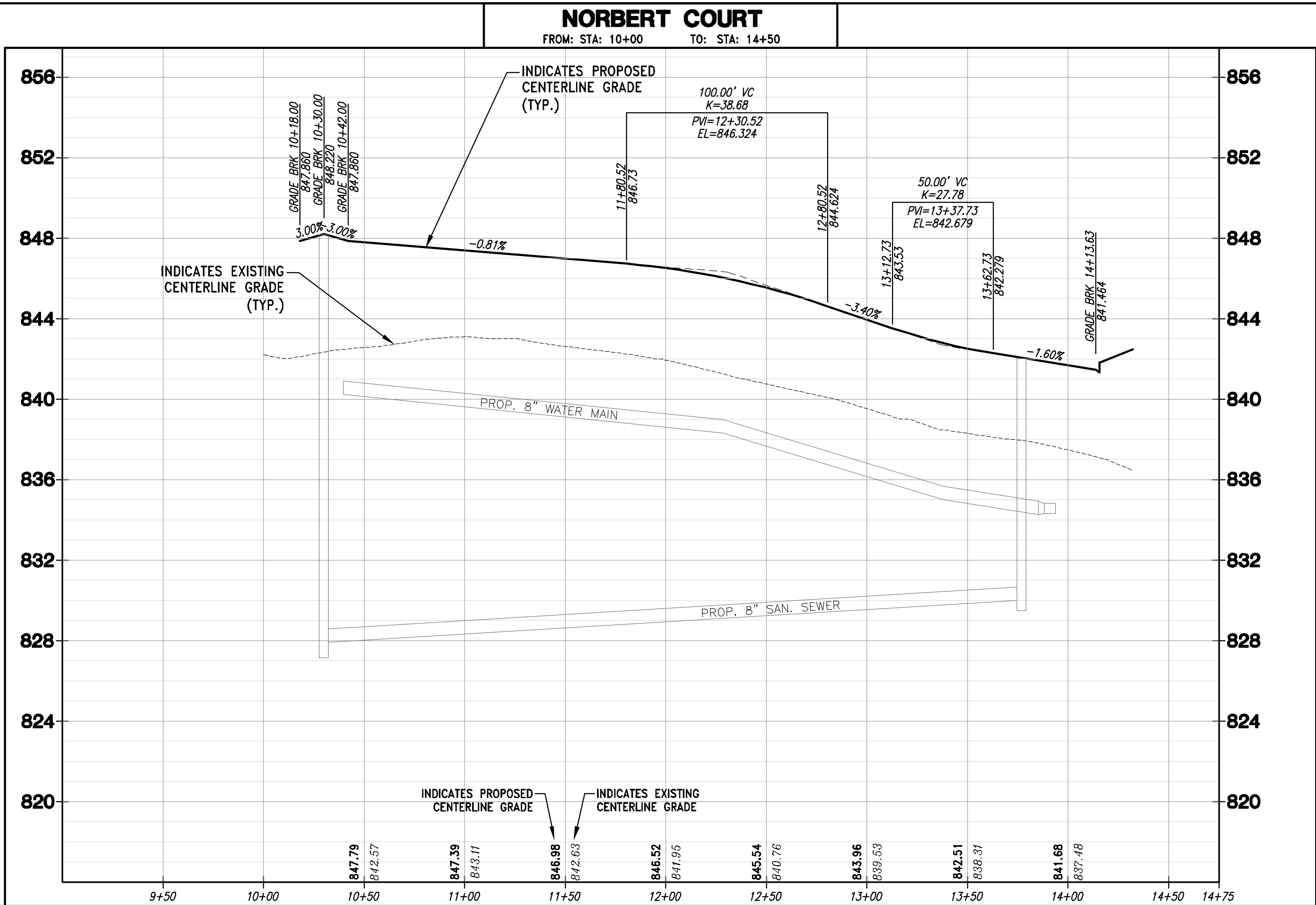
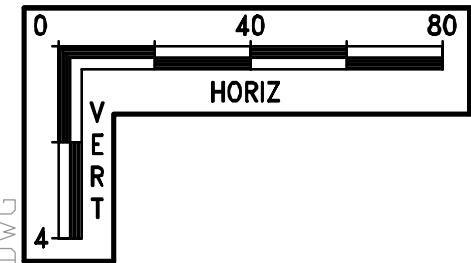
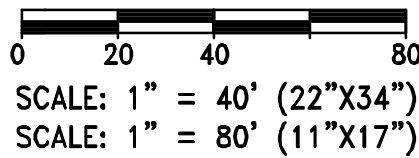
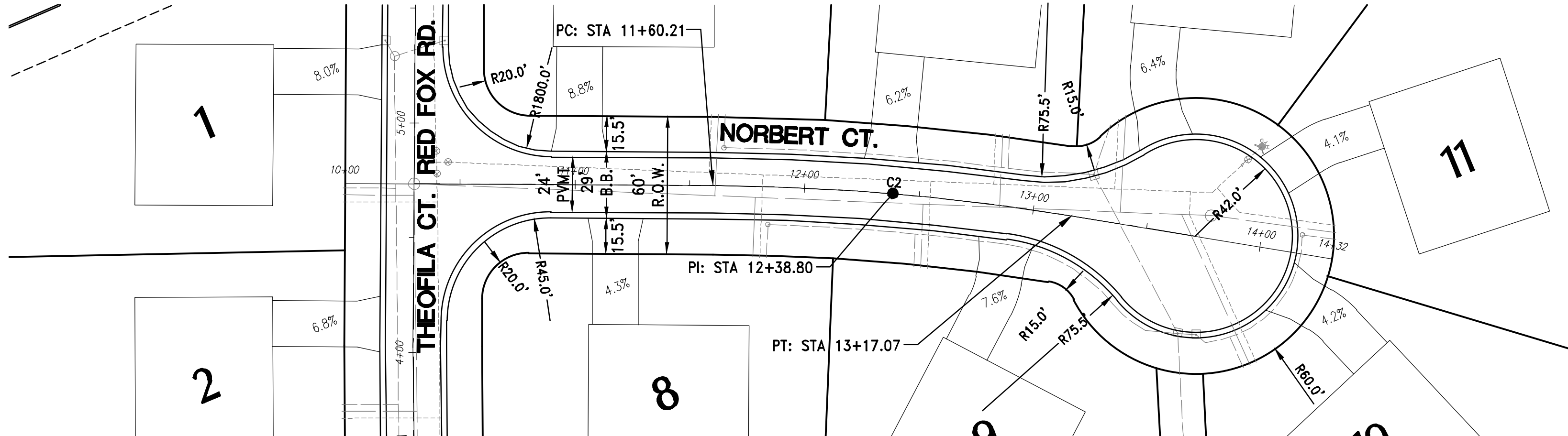
JOB NUMBER:
23-041-1124

DESCRIPTION:
ROADWAY PLAN & PROFILE

SHEET

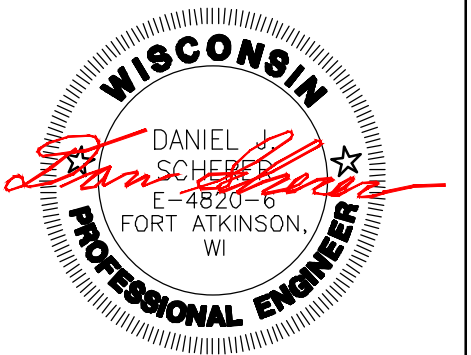
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C2	1000.000	156.857	S62° 09' 29.16"E	12+38.80	8.9872	78.59'	S57° 39' 52.12"E



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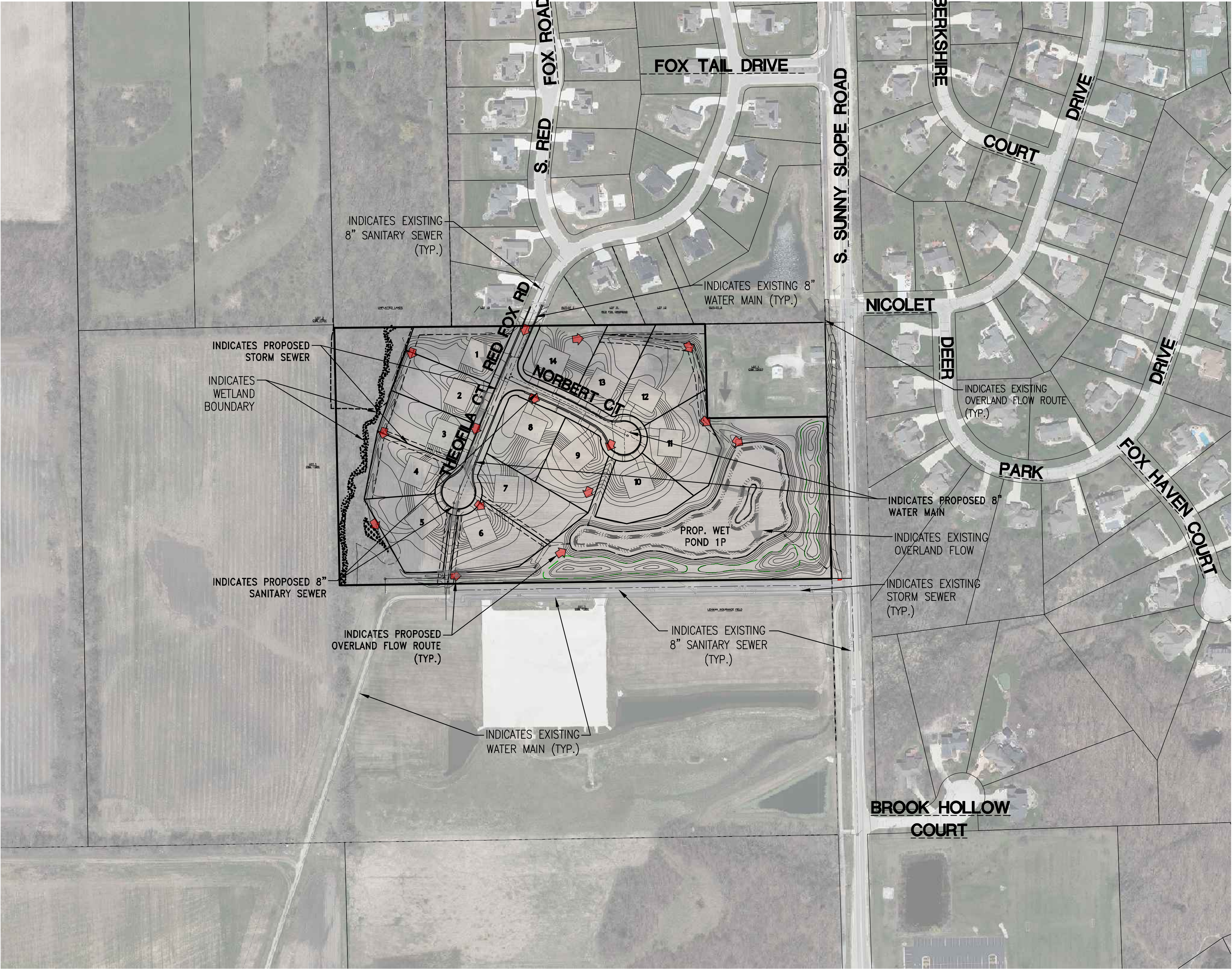
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DATE:
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JOB NUMBER:
23-041-1124

DESCRIPTION:
ROADWAY &
STORM SEWER
PLAN

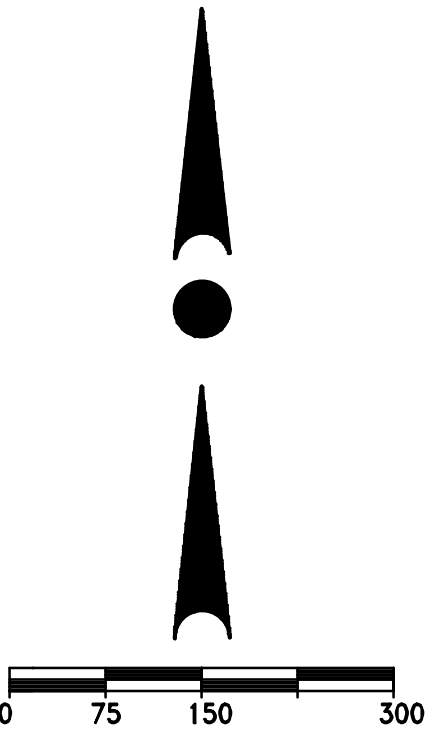
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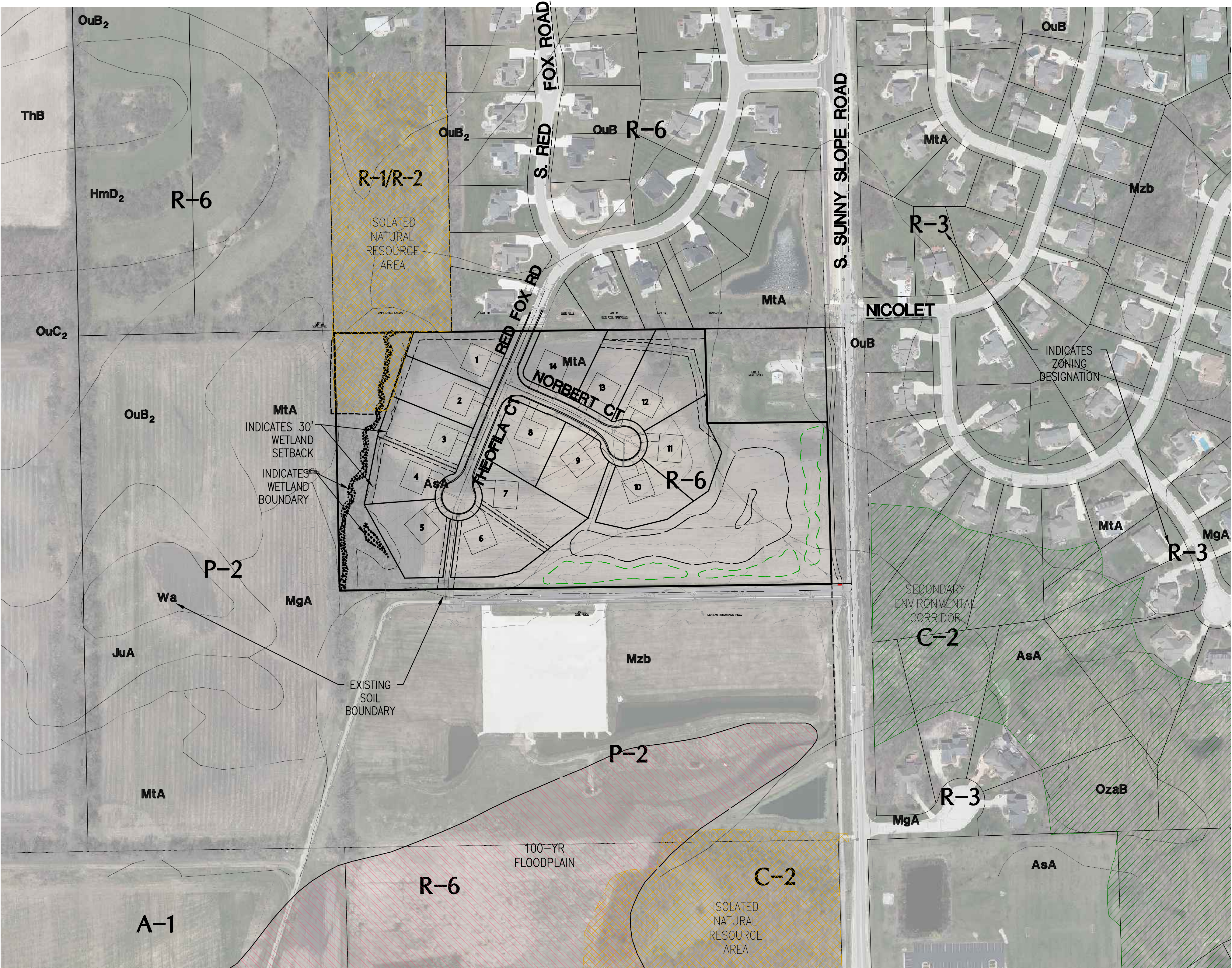
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THEOFILA SINGLE-FAMILY SUBDIVISION
EX1 - VICINITY MAP

City of New Berlin, WI



Scale: 1" = 150' (22"x34")
Scale: 1" = 300' (11"x17")
DATE: 12/6/2023



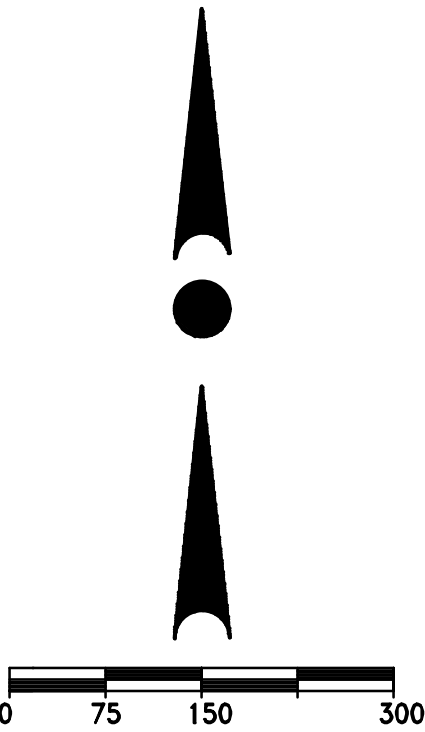
NOTE: NO SOILS RATED "PRIME OF STATEWIDE IMPORTANCE" WITHIN PROJECT LIMITS

THEOFILA SINGLE-FAMILY SUBDIVISION
EX2 - NATURAL RESOURCE AND PRESERVATION MAP

City of New Berlin, WI



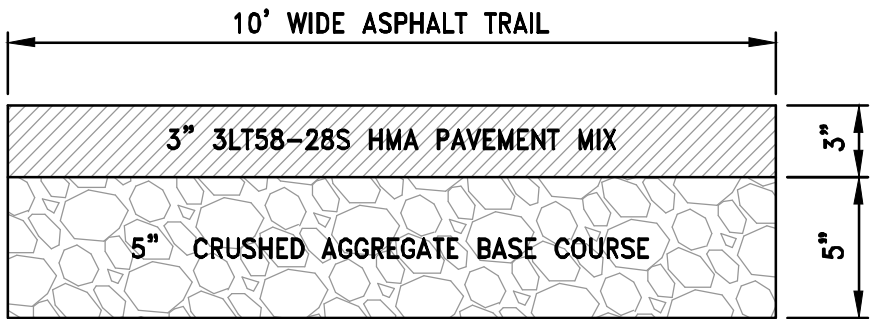
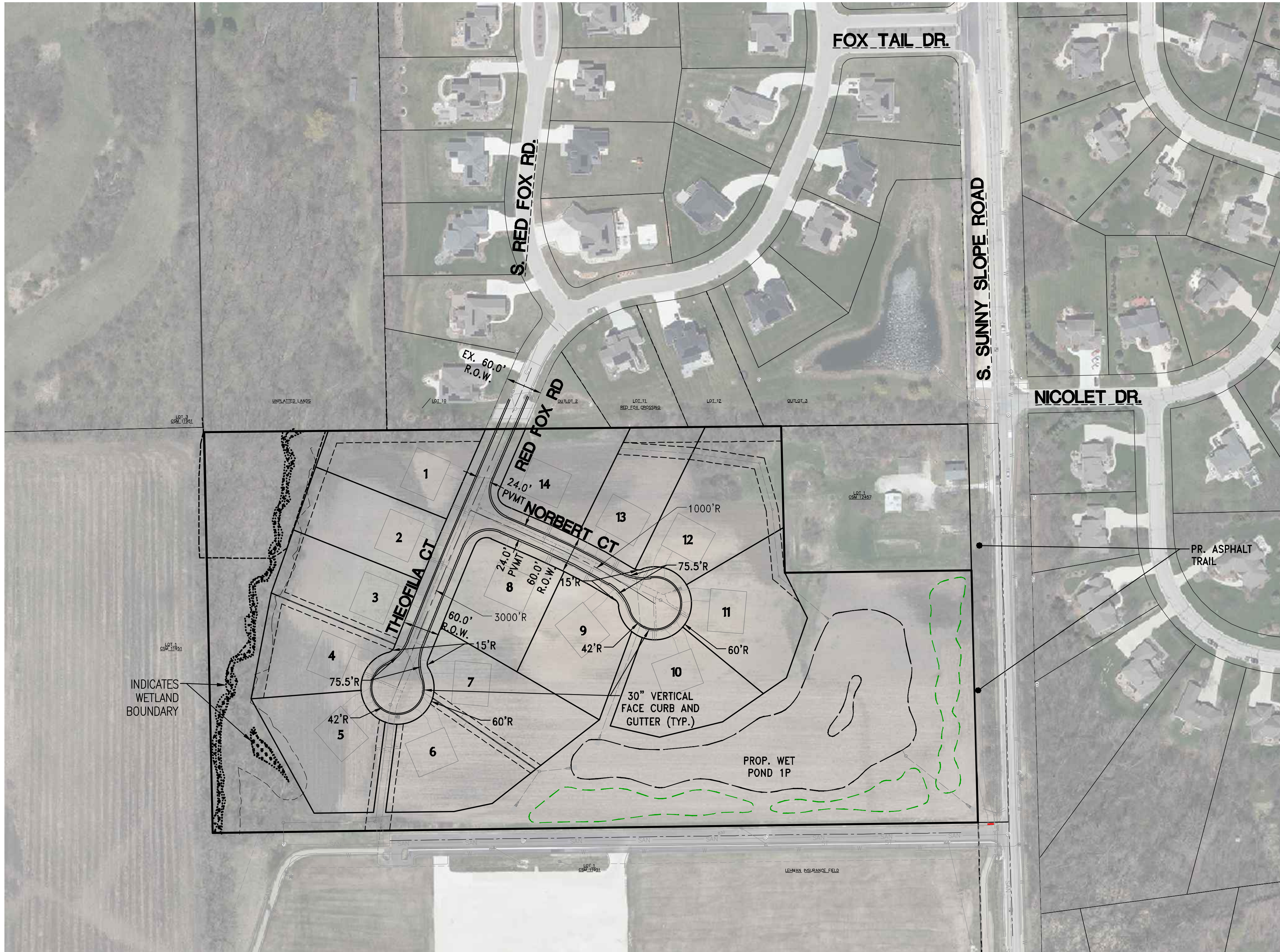
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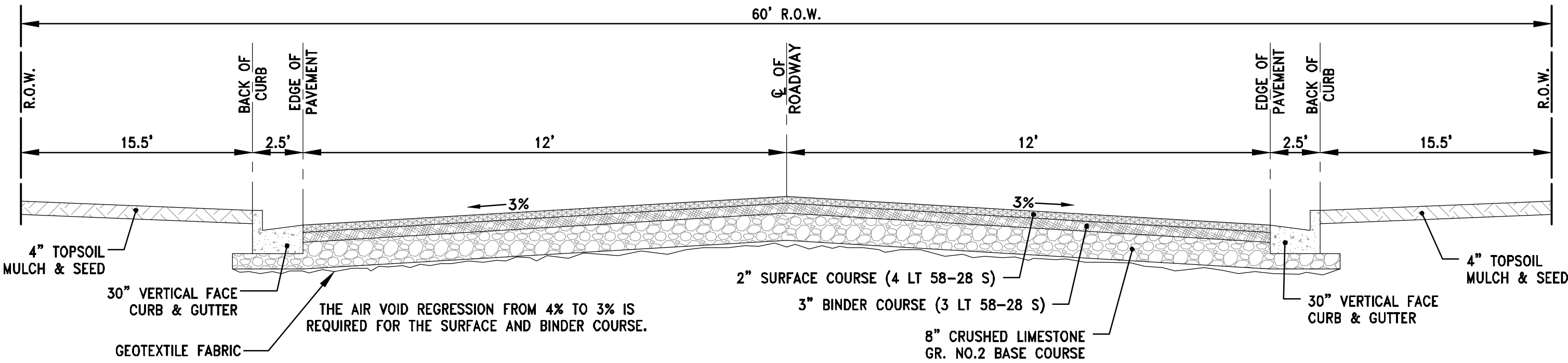
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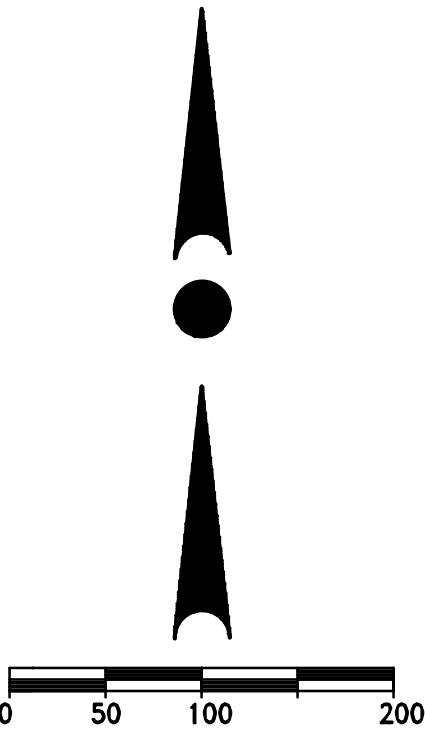
MULTI-USE TRAIL CROSS SECTION
NO SCALE

THEOFILA SINGLE-FAMILY SUBDIVISION
EX3 - TRANSPORTATION PLAN

City of New Berlin, WI



ROAD CROSS SECTION
NO SCALE



Scale: 1" = 100' (22"x34")
Scale: 1" = 200' (11"x17")
DATE: 12/6/2023

STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT/PROJECT:	Dan Romnek on behalf of Mandel Group & City of New Berlin / Rezoning
LOCATION:	1750 S. Moorland Road (includes Tax Key #'s: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992)
REQUEST:	Public Hearing to request to rezone the properties located at 1750 S. Moorland Road (includes Tax Key #'s: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) from B-1/PUD, Rm-1/PUD, I-1 PUD & C-2 to B-1/PUD, Rm-1/PUD, I-1 PUD & C-2 to amend Planned Unit Development Overlay Ordinance #2679, Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery PUD
D.R.C. RECOMMENDATION:	Public Hearing and Plan Commission recommend to Common Council adoption of Planned Unit Development Ordinance #2688 that approves the rezoning of the properties located at 1750 S. Moorland Road (Tax Key #'s: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) from B-1/PUD, Rm-1/PUD, I-1 PUD & C-2 to B-1/PUD, Rm-1/PUD, I-1 PUD & C-2 to amend Planned Unit Development Overlay Ordinance #2679, Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery PUD.

DETAILS IN ATTACHED STAFF REPORT:

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

Meetings of January 8, 2024

Dan Romnek on behalf of Mandel Group & City of New Berlin / Rezoning
1750 S. Moorland Road (includes Tax Key #'s: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989,
1158-991 & a portion of 1158-992)

DATE STAFF REPORT PREPARED: December 12, 2023

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

REQUEST / DESCRIPTION OF PROJECT: Public Hearing to request to rezone the properties located at 1750 S. Moorland Road (includes Tax Key #'s: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) from B-1/PUD, Rm-1/PUD, I-1 PUD & C-2 to B-1/PUD, Rm-1/PUD, I-1 PUD & C-2 to amend Planned Unit Development Overlay Ordinance #2679, Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery PUD

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 5/12/23; Amendment Request 12/7/23

DATE OF COMPLETENESS DETERMINATION: 5/12/23; 12/7/23

PRE-APPLICATION CONFERENCE HELD: Yes

Date(s) of Meeting(s): Numerous meetings

Site Visit(s): 6/22/2023

CONCEPTUAL PLAN: Yes

SIZE OF DEVELOPMENT / PARCEL(S): 44.5814 Acres

CURRENT ZONING: *(Pending the recording of the final CSM)*

Lot 1: B-1/PUD (Shopping Center District)

Lot 2: Rm-1/PUD& C-2 (Multi-Family Residential District)

Lot 3: I-1/PUD & C-2 (Institutional District)

Outlot 1: I-1/PUD & C-2 (Institutional District)

CURRENT LAND USE: Vacant

PROPOSED LOT SIZES: Applicant filed a separate application for a 4-Lot CSM (See File # LD-2300812). It has been approved by the City and is waiting to be recorded.

Lot 1: 6.5281 Acres

Lot 2: 21.1075 Acres

Lot 3: 6.1258 Acres

Outlot 1: 10.8200 Acres

PROPOSED ZONING: Applicant filed a separate application for a 4-Lot CSM (See File # LD-2300812). It has been approved by the City and is waiting to be recorded.

Lot 1: B-1/PUD (Shopping Center District)

Lot 2: Rm-1/PUD& C-2 (Multi-Family Residential District)

Lot 3: I-1/PUD & C-2 (Institutional District)

Outlot 1: I-1/PUD & C-2 (Institutional District)

PROPOSED LAND USE: Applicant filed a separate application for a 4-Lot CSM (See File # LD-2300812). It has been approved by the City and is waiting to be recorded.

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

PROPOSED DENSITY:

Proposed Rm-1/PUD District:

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

Actual density proposed in Application File #: UA-2301691 (is less dense than the maximum allowed density in the PUD ordinance.):

Net density 12.8 units / acre (191 units / 14.9 developable acres) OR gross density 8.90 units / acre (191 units / 21.4 acres).

Proposed I-1/PUD District:

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

ADJACENT ZONING AND LAND USE:

North: Zoning: Commercial

Land Use: City of Brookfield (Bank & Commercial)

South: Zoning: I-1 & R-4

Land Use: Rail Road Easement and New Berlin Bike Trail
Residential

East: Zoning: B-1/I-1

Land Use: Walmart & Highland Memorial Park Cemetery

West: Zoning: B-1/PUD/Rm-1/R-4

Land Use: Vacant Commercial/Deer Creek
Apartments/Brookridge Condominiums &
Moorland Highlands Subdivision

Conformance with Comprehensive Plan and Municipal Code: Yes

Chapter 11: Neighborhood A: Greenfield Avenue:

Planning Context / Vision / Development Policies:

Vision:

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

Development Policies:

- *Create development standards for site layout, building character, and landscaping that are suitable for new development along the corridor.*
- *Tighten non-conforming lot, structure, and use standards, and require compliance with landscaping regulations. Phase out non-conforming commercial uses over time.*
- *Recognize the Greenfield Avenue and Moorland Road primary intersection as a major gateway into the city from the north. Encourage signature well-designed buildings that are compatible with surrounding areas including recent development across the street in the City of Brookfield.*
- *Site development should include prominent signage, increased landscaping, sustainable*

strategies for stormwater management, and methods to minimize the parking field, such as structured parking.

- *Address flooding and localized drainage issues along the eastern portion of the neighborhood.*
- *Encourage land combinations that accommodate future development options.*

Land Use:

- *Future Land Use Map:* Suburban Commercial, Mixed Residential and Institutional (Approval with File #: CP-2300808)

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

DEVELOPMENT CODE (CHAPTER 235): N/A

REZONING REQUIRED: Yes, amendment to the PUD ordinance requires a new public hearing.

CONDITIONAL USE REQUIRED: No

PUBLIC HEARING REQUIRED: Yes

USE / SITE / ARCHITECTURAL REVIEW:

Use Approval Required: A conceptual Use Approval Application File #: UA-2300419 was reviewed at the April 13, 2023 Plan Commission meeting. Separate Use, Site and Architecture applications will be required for each use and proposed development. Application File #UA-2301691 contains the specific architecture for the multi-family project and is planned to be reviewed at the January 8, 2024 ARC meeting.

Site Plan Required: Yes, will be reviewed with Application File # UA-2301691.

Architectural Review Required: Yes, architecture will be reviewed with Application File # UA-2301691.

PROPOSED ARCHITECTURE: Yes, will be reviewed with Application File # UA-2301691.

UNIQUE SITE CHARACTERISTICS:

Environmental Corridor: Yes, Isolated Natural Resource Area located along easter property line.

Wetland On Property: Yes, Wetlands shall be registered on the City's Zoning Map.

Conservancy Districts (C-1, C-2): Yes, C-2

NRCS Map Classification: Not Inventoried

Floodplain: No

Topography / Geologic: Site is overall fairly flat however the current owner has filled and added berms over the years. This is why the contours appear to look like berms on the topography map.

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

PARK & OPEN SPACE PLAN: No improvements identified.

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): Shown on the conceptual plans and will be required to be shown on the future Use, Site and Architectural application submittals. Will be reviewed with Application File # UA-2301691.

Wildlife Habitat Protection: Yes

Wildlife Management Plan: Yes

ENVIRONMENTAL IMPACT: Yes, a tree inventory has been submitted and staff will continue to work with the applicant on any replacements at the time of Use, Site and Architecture applications.

STORMWATER MANAGEMENT / DRAINAGE PLAN: Applicant is required to adhere to all City of New Berlin Codes, Ordinances and Plans regarding storm water conveyance and maintenance as identified by the Department of Community Development. A full report will be reviewed at the future Use, Site and Architectural application submittals.

SANITARY SEWER PROVISION:

Within Current Sewer Service Area: Yes

Basin Capacity Available: Yes

Adequate Linkage: Yes

Onsite System Required: No

WATER USAGE CALC.: Will be reviewed at the time of building permit application submittals. The Utility Department has reviewed the project conceptually and there is adequate supply for this project.

TRAFFIC IMPACT: A Traffic Impact Study dated June 15, 2023 has been submitted to the City of New Berlin and Waukesha County. Refer to application File # UA-2301691 for additional comments.

SCHOOL DISTRICT IMPACT: Yes

Notice Sent to Affected School District(s): Yes, an email was sent to the school district on 11/14/2023 notifying them of the project.

PREVIOUS ACTION:

Past Action on projects that did not move forward:

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

Recent Action:

4/10/2023 Neighborhood Meeting regarding concept plan (File UA-2300419).
4/13/2023 Plan Commission review of concept plan.
4/25/2023 Common Council reviewed an RAS for the potential sale of City property located at 1640 S. Moorland Road / Tax Key # 1158-989 (along Moorland Road across from Robin Trial).
7/10/2023 Plan Commission held a public hearing (File CP-2300808 & RZ-2300810).
8/14/2023 Plan Commission approved File RZ-2300810 for PUD Ordinance #: 2679 & File CP-2300808 for Ordinance 2678 adoption of Resolution 23-14).
8/29/2023 Common Council approved File RZ-2300810 for PUD Ordinance #: 2679 & File CP-2300808 for Ordinance 2678 adoption of Resolution 23-14).

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

1. The rezoning must meet the following criteria outlined in New Berlin Municipal Code Chapter 275-22(F):
 - a. The proposed rezoning is consistent with the Comprehensive Plan and the stated purposes of Chapter 275;
The Future Land Use map identifies this area as Suburban Commercial, Mixed Use Residential& Institutional. The applicant filed a separate application for a Comprehensive Plan Amendment (See File #: CP-2300808) to amend the Future Land Use Map within the City's

Comprehensive Plan (Chapter 10 – Land Use and Chapter 11 – “Neighborhood A”) from Suburban Commercial to Suburban Commercial, Mixed Residential and Institutional which was approved by Resolution 23-14 and ordinance # 2678..

- b. Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;
Yes, the proposed rezoning is compliant. This property will be served by public sanitary sewer and water facilities.
 - c. Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of the City to provide them;
Yes, the proposed rezoning is compliant.
 - d. The proposed development has taken into account impacts on surrounding properties or the natural environment, including air, water, noise, storm water management, soils, wildlife, and vegetation;
Yes, the proposed rezoning is compliant. Any future developments shall be required to submit a separate application with the Department of Community Development. A full storm water report along with utility plans and civil engineering plans is under review
 - 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 amended with application # CP-2300808.
 - g. The proposed rezoning is the minimum action necessary to accomplish the intent of the petition, and an administrative modification, variance, or conditional use permit could not be used to achieve the same result.
Yes, the proposed rezoning is the minimum action necessary to accomplish the intent of the petition.
2. The applicant received approval for a Comprehensive Plan Amendment (see file #: CP-2300808) and 4-Lot CSM (see file #: LD-2300812) earlier this year.
3. There is a parcel of land located at 1640 S. Moorland Road / Tax Key # 1158-989 (along Moorland Road across from Robin Trial) that the City would like to coordinate with the Developer as part of the PUD to sell the land to the developer and have the developer create City of New Berlin gateway signage. The applicant shall complete the sale of land with the City of New Berlin that was approved by the Common Council on August 29, 2023. The offer to purchase was approved by the Common Council in exchange for a Welcome to the City of New Berlin monument sign to be designed and constructed by Mandel. The plans shall be finalized by the developer and a sign permit issued.
4. The applicant is requesting to amend the PUD for a parking amendment. Below is the new language that is being proposed:
- a. *1.6 spaces per dwelling. A minimum of 1 space per dwelling until shall be covered parking. A minimum of 0.4 space per dwelling unit shall be provided in attached garages. The balance of covered parking to achieve 1 stall per unit shall be provided in detached garages. One space per 10 units for guest parking. Through the leasing process, Mandel agrees to maintain 19 stalls for guest parking,*

limiting/eliminating their ability to lease those spaces to residents.

D.R.C. RECOMMENDATION:

Public Hearing and Plan Commission recommend to Common Council adoption of Planned Unit Development Ordinance #2688 that approves the rezoning of the properties located at 1750 S. Moorland Road (Tax Key #'s: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) from B-1/PUD, Rm-1/PUD, I-1 PUD & C-2 to B-1/PUD, Rm-1/PUD, I-1 PUD & C-2 to amend Planned Unit Development Overlay Ordinance #2679, Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery PUD. **See Executive Summary.**

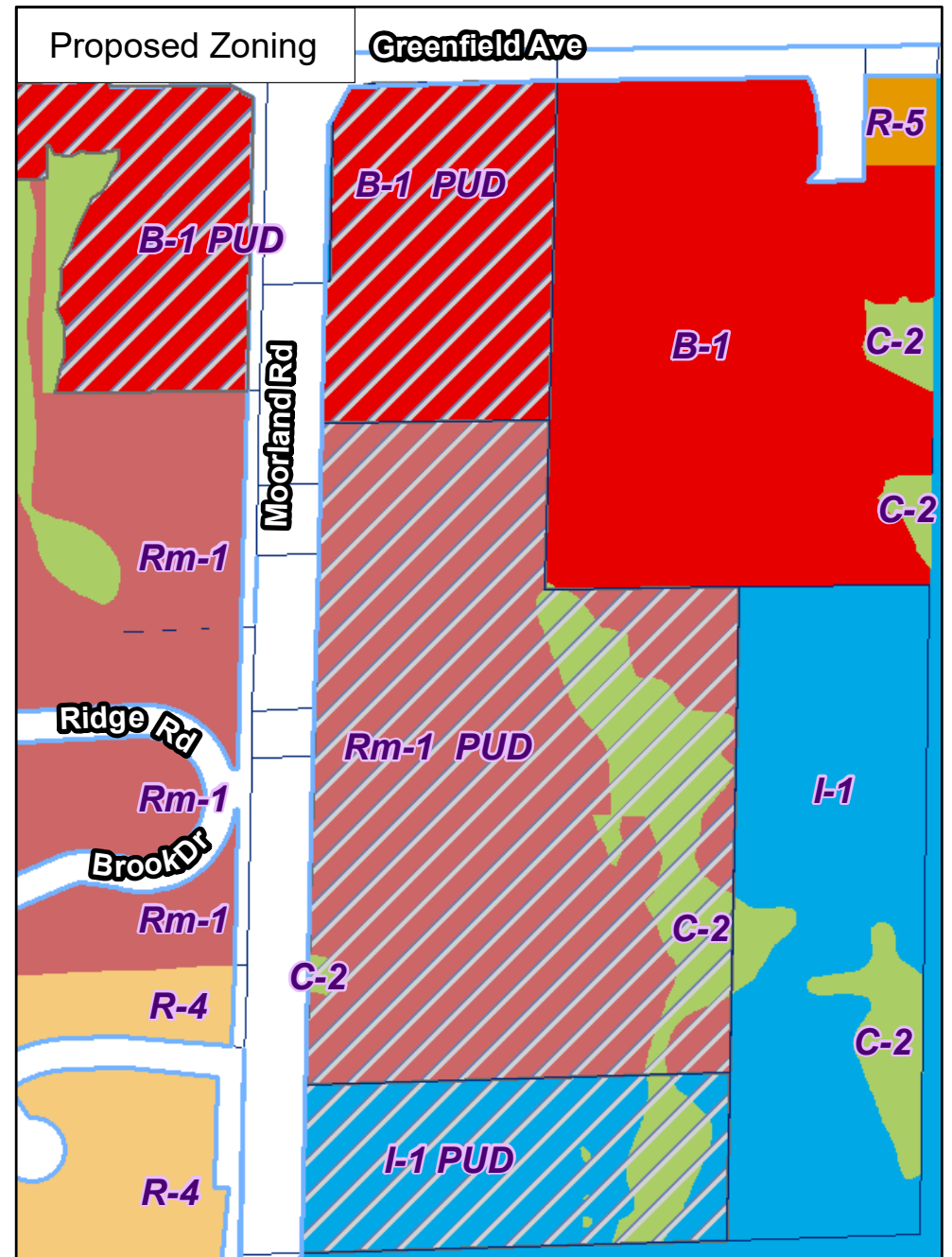
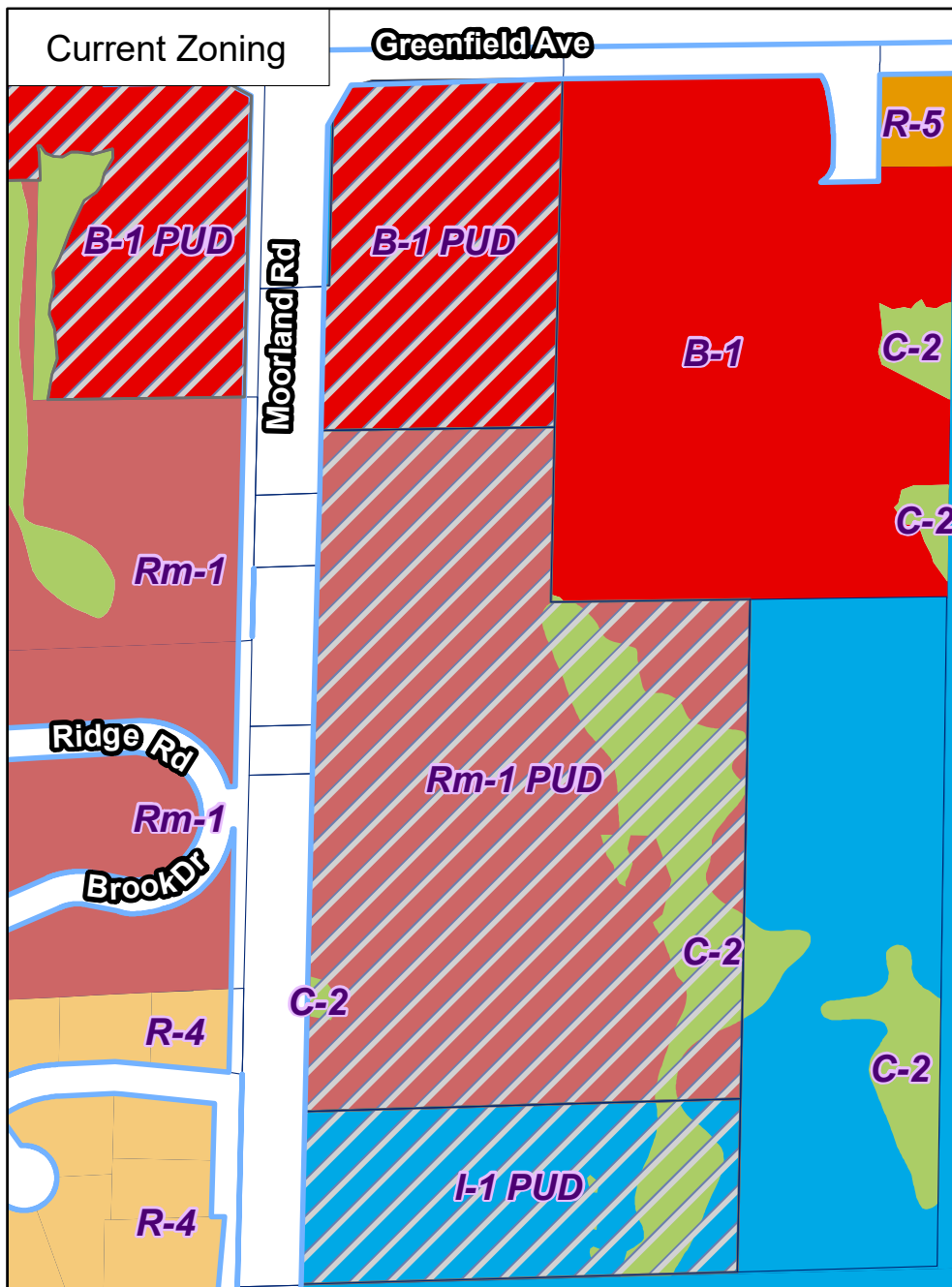
ATTACHMENTS:

Location Map

Zoning Comparison Map

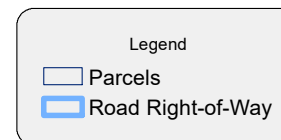
Applicant Letter/Amendment Request

Draft PUD Ordinance #2679 - Amendment



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

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



0 160 320 Feet



December 13, 2023

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

RE: Mandel Group, Inc.
New Berlin Multifamily - PUD #2679

Mandel Group, Inc. (“**Mandel**”) is requesting that the Plan Commission consider an amendment to PUD #2679, which was approved in August of 2023 for the land at the southeast corner of Moorland Road and Greenfield Avenue. Specifically, Mandel is requesting a change to Section IV.9.b. as detailed below:

PUD #2679 – Current Language

Section IV.

9. Parking & Circulation

a. Parking lots may be located at the property line as long as circulation, vision triangles, and/or drainage are taken into consideration.

b. 1.7 spaces per dwelling. A minimum of 0.7 space per dwelling unit shall be provided in attached garage. A minimum of 0.3 space per dwelling unit shall be provided in detached garage. One space per 10 units for guest parking. Currently the code reads “*2 spaces per dwelling unit plus 1/10 of a space per dwelling unit shall be provided for guest parking a minimum of 1 space per dwelling unit shall be provided in at attached or underground parking garage.*”

PUD #2679 – Proposed Amendment

Section IV.

9. Parking & Circulation

a. Parking lots may be located at the property line as long as circulation, vision triangles, and/or drainage are taken into consideration.

b. 1.6 spaces per dwelling. **A minimum of 1 space per dwelling unit shall be covered parking. A minimum of 0.4 space per dwelling unit shall be provided in attached garages. The balance of covered parking to achieve 1 stall per unit shall be provided in detached garages.** One space per 10 units for guest parking. Currently the code reads “*2 spaces per dwelling unit plus 1/10 of a space per dwelling unit shall be provided for guest parking a minimum of 1 space per dwelling unit shall be provided in at attached or underground parking garage.*”

Rationale

The initial request was made with an 18-unit building with 14 attached stalls planned. This approach results in garage doors along the entire first floor of the buildings. After the PUD request was submitted, we improved the aesthetics of the buildings by removing six of the attached stalls and replacing them with apartment entries, creating a pedestrian-friendly appearance and better interior layouts. The attached stalls were replaced with detached garage stalls, maintaining a 1:1 ratio of *covered* parking to apartment units.

Mandel looks forward to working with the City on approval of this Project and welcomes the chance to answer any questions. Thank you for considering this request.

Sincerely,
MANDEL GROUP, INC.

Dan Romnek

Dan Romnek
Senior Development Associate
dromnek@mandelgroup.com

December 21, 2023

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

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

Mandel Group, Inc. (“**Mandel**”) is requesting that the Plan Commission consider the Multi-family Development Use Application for the land at the southeast corner of Moorland Road and Greenfield Avenue, more particularly described in the attached site plan.

Development Summary – Proposed Use

Mandel is proposing a multi-family project on the southeast corner of Moorland Road and Greenfield Avenue (the “Project”). This Project consists of 191 units in eleven (11) 2-story residential buildings, one clubhouse, and ten (10) garage buildings. This Project responds to desired uses by the City, residents, and interested developers.

The Project will be managed by Mandel Property Services, Inc. (“**MPSI**”), an affiliate of Mandel Group. Staff will include a full-time property manager, assistant property manager, leasing staff of 1-2 individuals, and maintenance staff of 2-3 individuals. Each property that MPSI manages varies in terms of residents/unit based on several factors. We anticipate between 1.5 - 2.0 residents per unit, yielding and estimated 287 – 362 residents. The site plan includes 191 covered parking spaces and 134 surface parking spaces for a total of 325 parking spaces. The Traffic Impact Analysis report is attached for reference.

Construction of the multi-family project is tentatively scheduled for the 2nd quarter of 2024 with an overall duration of 24 months. Construction will occur in one phase with 1 residential building delivery per month starting in month 13 through month 24.

The Plan Commission recommended to the Common Council approval of Mandel’s application for a Certified Survey Map (CSM), Comprehensive Future Land Use Plan amendment, and Rezoning on 08/14/2023. These items are scheduled to be reviewed and acted upon by the Common Council on 08/29/2023. The Development Use application is consistent with these applications.

Mandel looks forward to working with the City on approval of this Project and welcomes the chance to answer any questions. Thank you for considering this project.

Sincerely,
MANDEL GROUP, INC.

Dan Romnek

Dan Romnek
Senior Development Associate
dromnek@mandelgroup.com

Development Summary – Plan of Operations

1. Proposed Use

- a. Mandel is proposing a multi-family project on the southeast corner of Moorland Road and Greenfield Avenue (the “Project”). This Project consists of 191 units in eleven (11) 2-story residential buildings, one clubhouse, and ten (10) garage buildings. This Project responds to desired uses by the city, residents, and interested developers.

2. Activities of the Proposed Use

- a. The residential buildings will consist of apartment units that each have their own unique entry from the exterior and integral garage stalls for a portion of the units. There are no interior common areas or hallways in the apartment buildings.
- b. The clubhouse will contain on-site staff offices, lobby, pet wash, mail and package room, fitness center, and clubroom. There is an adjacent exterior common area that includes grilling stations, fire pit, and pool.
- c. The stand-alone garages are positioned around the site to provide interior parking in close proximity to each unit that does not have access to an integrated garage stall.

3. Frequency and Duration of Activities

- a. There will be on-site staff during business hours (8am – 5pm) during the week. Maintenance staff are on-call 24 hours per day in case of emergency.

4. Staffing

- a. Staffing will consist of a property manager, 2 leasing professionals, a maintenance manager, and a maintenance technician, for a total of 5 employees during business hours. The maintenance staff will be on call 24 hours per day in case of emergency.

5. Occupants

- a. Mandel anticipates between 1.5 and 2.0 residents per unit at this project for a total number of residents between 287 and 362. This range is determined using Mandel Group’s portfolio of existing suburban developments.

6. Vehicular Traffic

- a. The site plan includes 191 covered parking stalls and 134 surface parking stalls for a total of 325 stalls. These will all be residential vehicles.
- b. Service vehicles will be limited to landscaping/snow removal and maintenance or repair work.
- c. Package delivery vehicles (UPS, Amazon, etc.) will have a central location on-site where packages and mail are delivered.

7. Traffic Impact Analysis

- a. The Traffic Impact Analysis completed by Traffic Analysis and Design, Inc. (TADi) is attached for reference.

8. Construction Timeline

- a. Mandel anticipates construction to begin in summer of 2024 and will last 18-20 months. Mandel anticipates phased occupancy by building, with the first building being delivered for occupancy in month 12.

9. Project Phasing

- a. A project phasing exhibit is attached.

10. Resolution or Mitigation of Hazards or Adverse Impacts

- a. The majority of the wetlands and wooded areas will be preserved, with additional stormwater ponds and retention areas planned to control stormwater.
- b. The buffer between this site and residential to the south will be maintained and supplemented with additional landscaping.

ORDINANCE NO. ~~2688~~ 2679**Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery PUD / Planned Unit Development** ~~Amended PUD Ordinance to Amend Ordinance 2679~~

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

SECTION I

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

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

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

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

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

WHEREAS, based upon the recommendation from the Plan Commission at a meeting held on August 14, 2023 to approve the Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery / Planned Unit Development ~~via Ordinance #2679~~, and;

WHEREAS, a public hearing was held on January 8, 2024 before the Plan Commission, and;

WHEREAS, the Plan Commission approved textual changes to the Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery Planned Unit Development Ordinance #2679 on January 8, 2024; and

WHEREAS, the applicable entities have submitted a City of New Berlin Use Approval Application File # UA-2301691 which requires a PUD modification to the Section IV (9) Multi-family Parking of Ordinance #2679.

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

SECTION IIPlanned Unit Development Summary

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

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

The parcels of land that are the subject of this ordinance are located at approximately 1750 S. Moorland Road (includes Tax Keys #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) in the City of New Berlin, which are legally described below. The property is approximately 44.58 acres in size.

EXISTING LEGAL DESCRIPTIONS:

Tax Key #: 1158-990

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

Tax Key #: 1158-991-001

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

Tax Key #: 1158-993

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

Tax Key #: 1158-994

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

Tax Key #: 1158-989

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

Tax Key #: 1158-991

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

Tax Key #: 1158-992

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

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

SECTION III

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

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

Part of the Northwest 1/4 of the Northwest 1/4 of Section 2, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows; commencing at the Southwest corner of said Northwest 1/4 of Section; thence North 01°19'12" East, 100.14 feet along the west line of said Northwest 1/4 Section; thence North 88°20'12" East, 120.16 feet to a point on the East line of South Moorland Road; thence North 01°19'12" East along said East line 1608.47 feet to the Point of Beginning of the lands described herein: continue thence North 01°19'12" East along said East line 272.92 feet to a point; thence North 88°04'12" East along said East line 10.02 feet to a point; thence North 01°19'12" East along said East line 321.44 feet to a point; thence North 31°03'54" East along said East line 60.47 feet to a point on the South line of West Greenfield Avenue; thence North 74°37'20" East along said South line 44.24 feet to a point; thence North 89°15'13" East along said South line 358.44 feet to a point on the East line of Lot 1, Certified Survey Map No. 11117; thence South 01°19'04" West along said East line 657.18 feet to a point; thence South 89°15'13" West 440.88 feet to the point of beginning. Said lands described containing 284,363 square feet or 6.5281 acres.

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

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

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

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

1. Principal Uses (See also Chapters 275-34C, 275-41C and Table 275-34-1)
 - a. Carwash – This land use is considered a principal use within the basic underlying zoning district but pursuant to this PUD and the applicant's letter dated April 21, 2023 this land use will be considered prohibited on the hard corner of Moorland Road and Greenfield Avenue or as a building pad directly along Moorland Road.
 - The following Zoning Code Section shall not apply to this request – 275-41 C(20)(c) "A property containing a car wash establishment shall not be located closer than 100' from the border of lands designated as residential in the City's Comprehensive Plan."
 - 275-41C(2)(c), "A property containing a car wash establishment shall not be located closer than 100 feet from the border of a residentially zoned or residentially used property due to the intensity of the use of such facilities and the impact which they are likely to have with regard to noise, light pollution and traffic in surrounding neighborhoods and streets. The distance shall be calculated as the shortest measurable distance between the property lines of the property in which the car wash facility is desired to the edge of the residential zoning district, in a straight line without regard to intervening structures. Right-of-way is not included and shall be subtracted from this measurement. A GIS map will be created by the City for any such requests."
2. Accessory Uses (See also Chapters 275-34C, 275-42, and Table 275-34-1)
3. Conditional Uses (See also Chapters 275-34C, 275-27 and Table 275-34-1)
4. Prohibited Uses (See also Chapters 275-34C and Table 275-34-1)

- a. Fast food restaurants.
 - i. Focus at this property shall be on restaurants new to New Berlin and/or the region. Fast food restaurants shall be prohibited. Fast casual restaurants are suitable and would be allowable. By definition, pursuant to the American Planning Association's "*A Glossary of Zoning, Development and Planning Terms*," a fast food restaurant is considered to be "restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed."
 - ii. Not included as being prohibited would be a fast casual type restaurant. By definition, a fast casual restaurant, found primarily in the United States and Canada, does not offer full table service, but advertises higher quality food than fast food restaurants, with fewer frozen or processed ingredients. It is an intermediate concept between fast food and casual dining.
5. Lot Area and Width (See also Chapters 275-44, 275-45, and 275-46)
- a. Parcels of land subject to this PUD Ordinance may be configured in any manner by Subdivision, CSM or meets and bounds transfer subject to City review and approval under WI Statutes CH. 236 and New Berlin Municipal Code Chapter 275 and 235. (See, Appendix A, Conceptual Master Plan).
 - b. In order to maintain maximum flexibility with the Conceptual Master plan, there shall be a zero lot line setback from property lines if developed as part of a unified project. To the maximum extent practicable the developers shall endeavor to push the buildings as close to Moorland Road to establish a well-defined street edge. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction. These setbacks assume adequate vision triangles, parking and circulation. The Plan Commission shall have the authority to require larger setbacks on a case-by-case basis in order to accommodate for safety and/or to further the redevelopment vision for this area.
6. Setback and yards (See also Chapter 275-34D and Table 275-34-2)
- a. Table 275-34-2 shall apply unless modified below.
 - i. All buildings along major arterials (Moorland Road and Greenfield Avenue), shall have, where practicable, a zero lot line setback from the roadway's ultimate right-of-way. The Plan Commission may approve a greater setback due to site constraints and/or any other site development related circumstances.
 - ii. No building shall be closer than 25' to another building except as provided for below.
 - iii. In all cases building locations and setbacks must provide adequate spacing so land, buildings, and structures are readily accessible to emergency vehicles and the handicapped. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction.
 - iv. Respecting the creative design process, the Plan Commission reserves the right to require greater setbacks owing to health, safety and welfare concerns to ensure, the proposed onsite buildings, structures, and entry ways are situated and designed to minimized adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.
 - v. Wetland Setback. All impervious surfaces shall be setback a minimum of zero (0) feet.
7. Lot Coverage (See also Chapter 275-34D and Table 275-34-3)

- a. Table 275-34-3 shall not apply, however, through redevelopment efforts, the City and this applicant would not be able to achieve this amount of open space on the newly created parcels, given the urban setting and the existing cross access easements for shared parking and utilities. The applicant and the City will work together to achieve additional green space around the building / future building(s) with planters and other urban design measures, and adding additional plantings. Future development shall coordinate with the City on any storm water management requirements.
8. Time Limits (See also Chapter 275-23(F))
 - a. If the development has not commenced, as evidenced by the securing of the initial Zoning Permits for Mandel Neighborhood Development and Highland Memorial Park Cemetery PUD and building permits for construction of any project defined in this PUD, and construction has not started within one calendar year from the approval of this ordinance, the Mandel Neighborhood Development and Highland Memorial Park Cemetery Planned Unit Development Overlay District ordinance shall expire and become null and void. The underlying basic use district shall remain in force.
 - b. If the developer requires an extension of the time limits, any extension shall be requested by the developer in writing explaining the hardship and sent via Certified Mail to the Department of Community Development not less than 60 days prior to the expiration of this PUD. The Common Council may allow multiple extensions in the sole exercise of its discretion.
9. Use and Site Plan Review (See also Chapters 275-24 and 275-53)
 - a. No principal or accessory use, development or structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied, no site or premise shall be altered, used, changed, modified, occupied, or building permit approved until after the owner has applied for and received approval of the application for the zoning permit/use approval. An approved PUD Ordinance shall not be construed as a Zoning Permit or any other approval until the Plan Commission has granted an approval and staff has determined that all conditions of that approval have been satisfied.
10. Parking & Circulation (See also Chapter 275-57)
 - a. Parking lots may be located at the property line as long as circulation, vision triangles, and/or drainage are taken into consideration.
 - b. There is shared parking amongst the parcels within the B-1/PUD.
 - c. Any additional buildings and/or loss of parking for greenspace(s) will require thorough review by DCD to determine whether or not the loss of parking will have a detrimental impact on the uses on site.
 - d. Bicycle parking. All parking lot areas containing 50 spaces or more shall provide bicycle parking facilities (bike racks) that accommodate a minimum of 10 bikes.
11. Architecture (See also Chapter 275-59)
 - a. No principal or accessory use, development, structure or sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied and no site or premise shall be altered, used, changed, modified, building permit approved, or occupied until after the owner has applied for and the Architectural Review Committee of the Plan Commission has reviewed and approved the architecture for the zoning permit/use approval.
 - b. Architecture shall be 5-sided and each building shall have a distinct architectural feature. All rooftop mechanicals shall be screened from all public right-of-ways and shall be subject to

architecture review. Applicant shall review images in Appendix B. Several key development policies are laid out in Appendix B including the following that apply to this intersection:

- *Create development standards for site layout, building character, and landscaping that are suitable for new development along the corridor.*
- *Recognize the Greenfield Avenue and Moorland Road primary intersection as a major gateway into the city from the north. Encourage signature well-designed buildings that are compatible with surrounding areas including recent development across the street in the City of Brookfield.*
- *Site development should include prominent signage, increased landscaping, sustainable strategies for stormwater management, and methods to minimize the parking field, such as structured parking.*
- *Encourage land combinations that accommodate future development options.*
- *Recognize the Greenfield Avenue/Moorland Road intersection as a major gateway into the city from the north. Encourage signature, well designed buildings that are compatible with surrounding areas including recent development across the street in the City of Brookfield. Buildings should incorporate architecture features such as towers, unique features, clocks, and elevated architectural details.*
- *Unique to the intersection located at the southeast corner of Moorland Road and Greenfield Avenue, the City has established parameters for the planning of this area in order to ensure that it develops uniformly. This section lays out specific policies to help ensure the cohesive development. This area is intended for retail, commercial and office uses located on the corner (tax key #: 1158-990) then transitioning to the south to allow for some additional commercial or retail (tax key #: 1158-991-001 & 1158-993). The far southern parcel (tax key #: 1158-991) could be developed as low-density multi-family residential as defined above in this section or senior living. Parcel lines are not intended to be rigid; however, the City intends to establish the transition of uses to better describe the intended use of this land*

Sample images of desired development –





Figure 11.17. Second Highest-Rated Image for Commercial



Figure 11.20. Second Highest-Rated Image for Parking.



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

Fig. 11.9 Sample development pictures.



12. Signage (See also Chapter 275-61J(3))

- a. Per Zoning Code Section 275-61J(3) Special Commercial Areas – Moorland Road Business Corridor. This area is identified within the Moorland Road Business Corridor North See also figure VIII-11.
 - i. Off premise signage along Moorland Road may be permitted under this PUD to provide additional signage for a cohesive development. This statement modifies Zoning Code Section 275-61J(3)(c)[3].
 - ii. Zoning Code Section 275-61J(3)(c)[5] is modified to allow for an overall sign height of 15 ft. due to the site constraints along Moorland Road, which include, a deep parcels with buildings located behind other buildings, retaining walls/fences, heavy landscaping, sidepaths, and large county right-of-way.

- iii. Additional City wayfinding signage is allowed.
- iv. See the appendix section of a sample monument sign.
- v. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.
 - 1. This retail corner development shall incorporate "Welcome to the City of New Berlin" signage as part of a separate agreement with the City to sell a parcel of land at Tax Key #: 1158-989 in exchange for the applicant to design, building, coordinate and pay for installation of a City sign. Mandel shall coordinate with the City of New Berlin on the exact size and location for this particular sign. Square feet and overall height are flexible for this sign design and will be determined by the City at the time of design process. Said agreement shall be approved by the City prior to the approval of this Ordinance.

13. Landscaping (See also Chapter 275-54 and Chapter 275-56).

- a. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.
 - i. Each development application within this area will be required to provide an enhanced landscaping plan. Refer to images in Chapter 11.
- b. Financial security (See also Chapter 275-56C(2))
 - i. At the time of final execution of a certified survey map, subdivision plat or landscape plan with the city, the owner is required to make a fiscal arrangement, either by escrowed funds, certificate of deposit or letter of credit, with the City to ensure that the owner is in full compliance with the landscape installation and maintenance requirements.
 - ii. A maintenance portion of the surety is required to ensure that the landscape installation is maintained during its critical establishment (five-year) period following installation. The amount of the maintenance portion of the surety shall be 20% of the original surety. Currently the code calls for, "three-year for maintenance."

14. Site Amenities

- a. Each development shall incorporate public outdoor amenity space(s) and amenities, including but not limited to gathering / seating spaces, benches, picnic tables, bike racks, garbage cans, etc. Public art should also be considered.

15. Integration

The City of New Berlin is an applicant to this PUD as a current owner of a portion of the lands within this PUD. Mandel has agreed to extend an Offer to Purchase to the City to obtain the city-owned land. In return Mandel will cause to agree, via a separate agreement between the City and Mandel, to design and construct a City entryway sign at the corner of Moorland Road and Greenfield Avenue. Nothing within this ordinance shall be deemed to alter the agreements between Mandel and the City in this regard.

SECTION IV

Legal Description of parcels to be rezoned to Rm-1/PUD:

LANDS TO BE REZONED FROM ~~I-1RM-1/PUD~~ TO Rm-1/PUD (LOT 2 ON PROPOSED CSM Appendix G) & LANDS TO BE AMENDED TO FUTURE LAND USE OF MIXED USE RESIDENTIAL:

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows; Commencing at the Southwest corner of the Northwest 1/4 of Section; thence North 01°19'12" East, 100.14 feet along the West line of said Northwest 1/4 Section; thence North 88°20'12" East, 120.16 feet to a point on the East line of South Moorland Road; thence North 01°19'12" East along said East line 325.44 feet to the Point of Beginning of the lands described

herein: continue thence North 01°19'12" East along said East line 1283.03 feet to a point; thence North 89°15'13" East 440.88 feet to a point along the West line of lot 1, Certified Survey Map No. 11117; thence South 01°19'04" West along said West line 328.56 feet to a point along the South line of Lot 1, Certified Survey Map No. 11117; thence North 89°16'15" East along aforesaid South line 374.93 feet to a point; thence South 01°04'42" West, 941.08 feet to a point; thence South 88°20'12" West 820.37 feet to the Point of Beginning. Said lands described containing 91,944 square feet or 21.1075 acres.

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

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

The Rm-1/PUD: Mandel Neighborhood Development / Planned Unit Development District is intended to provide for additional density than what is allowed in the Rm-1 Multiple-Family Residential District. The District will allow up to 212 units (9.9 units per acre).

Unless specified otherwise by this section, all new development shall be in accordance with the Rm-1 Zoning District, per Section 275-33B(10) Multiple-Family District.

1. Principal Uses (See also Chapters 275-33B(10), 275-41B and Table 275-33-1)
2. Accessory Uses (See also Chapters 275-33C, 275-42, and Table 275-33-1)
 - a. Club house, pools, dog walking area and other typical uses that will serve the residents of the development.
3. Conditional Uses (See also Chapters 275-33C, 275-27 and Table 275-33-1)
4. Lot Area and Width (See also Chapters 275-44, 275-45, and 275-46)
 - a. Parcels of land subject to this PUD Ordinance may be configured in any manner by Subdivision, CSM or meets and bounds transfer subject to City review and approval under WI Statutes CH. 236 and New Berlin Municipal Code Chapter 275 and 235. (See Appendix A, Conceptual Master Plan).
 - b. In order to maintain maximum flexibility with the redevelopment plans, there shall be a zero lot line setback from property lines if developed as part of a unified project. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction. These setbacks assume adequate vision triangles, parking and circulation. The Plan Commission shall have the authority to require larger setbacks on a case-by-case basis in order to accommodate for safety and/or to further the redevelopment vision for this area.
5. Setback and yards (See also Chapter 275-33D and Table 275-33-2)
 - a. Table 275-33-2 shall apply unless modified below.
 - i. All buildings along major arterials (Moorland Road and Greenfield Avenue), shall have, where practicable, a zero lot line setback from the roadway's ultimate right-of-way. The Plan Commission may approve a greater setback due to site constraints and/or any other site development related circumstances.

- ii. Section 275-44E(1) and (2) shall not apply for purposes of building separation. Respecting the creative design process regarding building separation, the Plan Commission reserves the right to require greater setbacks owing to health, safety and welfare concerns to ensure, the proposed onsite buildings, structures, and entry ways are situated and designed to minimized adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.
 - iii. In all cases building locations and setbacks must provide adequate spacing so land, buildings, and structures are readily accessible to emergency vehicles and the handicapped. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction.
 - iv. Respecting the creative design process, the Plan Commission reserves the right to require greater setbacks owing to health, safety and welfare concerns to ensure, the proposed onsite buildings, structures, and entry ways are situated and designed to minimized adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.
 - v. Wetland Setback. All impervious surfaces shall be setback a minimum of 15 feet to sidewalks and 30 feet to buildings. Current code reads, "All impervious surfaces shall be setback a minimum of 30 feet." Applicant shall be required to meet all DNR runoff regulations and treat runoff before it enters the wetlands.
- 6. Coverage (See also Chapter 275-33D and Table 275-33-6)
 - a. Table 275-33-6 shall not apply, however, through redevelopment efforts, the City and this applicant would not be able to achieve this amount of open space on the newly created parcels, given the urban setting and the existing cross access easements for shared parking and utilities. The applicant and the City will work together to achieve additional green space around the building / future building(s) with planters and other urban design measures, and adding additional plantings. Future development shall coordinate with the City on any storm water management requirements.
- 7. Time Limits (See also Chapter 275-23(F))
 - a. If the development has not commenced, as evidenced by the securing of the initial Zoning Permits for Mandel Neighborhood Development and Highland Memorial Park Cemetery PUD and building permits for construction of any project defined in this PUD, and construction has not started within one calendar year from the approval of this ordinance, the Mandel Neighborhood Development and Highland Memorial Park Cemetery Planned Unit Development Overlay District ordinance shall expire and become null and void. The underlying basic use district shall remain in force.
 - b. If the developer requires an extension of the time limits, any extension shall be requested by the developer in writing explaining the hardship and sent via Certified Mail to the Department of Community Development not less than 60 days prior to the expiration of this PUD. The Common Council may allow multiple extensions in the sole exercise of its discretion.
- 8. Use and Site Plan Review (See also Chapters 275-24 and 275-53)
 - a. No principal or accessory use, development or structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied, no site or premise shall be altered, used, changed, modified, occupied, or building permit approved until after the owner has applied for and received approval of the application for the zoning permit/use approval. An approved PUD Ordinance shall not be construed as a Zoning

Permit or any other approval until the Plan Commission has granted an approval and staff has determined that all conditions of that approval have been satisfied.

9. Parking & Circulation (See also Chapter 275-57)

- a. Parking lots may be located at the property line as long as circulation, vision triangles, and/or drainage are taken into consideration.
- b. ~~1.67 spaces per dwelling. A minimum of 1 space per dwelling unit shall be covered parking. A minimum of 0.47 space per dwelling unit shall be provided in attached garages. The balance of covered parking to achieve 1 stall per unit shall be provided in detached garages. A minimum of 0.3 space per dwelling unit shall be provided in detached garage.~~ One space per 10 units for guest parking. ~~Through the leasing process, Mandel agrees to maintain 19 stalls for guest parking, limiting / eliminating their ability to lease those spaces to residents. Currently the code reads, "2 spaces p dwelling unit plus 1/10 of a space per dwelling unit shall be provided for guest parking a minimum of 1 space per dwelling unit shall be provided in an attached or underground garage."~~

10. Architecture (See also Chapter 275-59)

- a. No principal or accessory use, development, structure or sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied and no site or premise shall be altered, used, changed, modified, building permit approved, or occupied until after the owner has applied for and the Architectural Review Committee of the Plan Commission has reviewed and approved the architecture for the zoning permit/use approval.
- b. Additional requirements for this zoning district listed in Chapter 275-59D(3)(d).
- c. Specific designs will be based on conceptual images shared during the Conceptual Development Review Phase (See Application File #: UA-2300419 as presented at the April 13, 2023 Plan Commission meeting) and concepts included in this PUD. See Appendix D, Multiple-Family Residential Concepts.

11. Signage (See also Chapter 275-61J(3))

- a. Per Zoning Code Section 275-61J(3) Special Commercial Areas –Moorland Road Business Corridor. This area is identified within the Moorland Road Business Corridor North See also figure VIII-11.
 - i. Off premise signage along Moorland Road may be permitted under this PUD to provide additional signage for a cohesive development. This statement modifies Zoning Code Section 275-61J(3)(c)[3].
 - ii. Zoning Code Section 275-61J(3)(c)[5] is modified to allow for an overall sign height of 15 ft. due to the site constraints along Moorland Road, which include, a deep parcels with buildings located behind other buildings, retaining walls/fences, heavy landscaping, sidepaths, and large county right-of-way. Additional City wayfinding signage is allowed.
 - iii. See the appendix section of a sample monument sign.
 - iv. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.
 - 1. This retail corner development shall incorporate "Welcome to City of New Berlin" signage as part of a separate agreement with the City to sell a parcel of land at Tax Key #: in exchange for the applicant to design, building, coordinate and pay for installation of a City sign. Mandel shall coordinate with the City of

New Berlin on the exact size and location for this particular sign.

12. Landscaping (See also Chapter 275-54 and Chapter 275-56).

- a. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.
 - i. Each development application within this area will be required to provide an enhanced landscaping plan. Refer to images in Chapter 11.
- b. Financial security (See also Chapter 275-56C(2))
 - i. At the time of final execution of a certified survey map, subdivision plat or landscape plan with the city, the owner is required to make a fiscal arrangement, either by escrowed funds, certificate of deposit or letter of credit, with the City to ensure that the owner is in full compliance with the landscape installation and maintenance requirements.
 - ii. A maintenance portion of the surety is required to ensure that the landscape installation is maintained during its critical establishment (five-year) period following installation. The amount of the maintenance portion of the surety shall be 20% of the original surety. Currently the code calls for, "three-year for maintenance."

Section V

Legal Description of parcels to be rezoned to I-1/PUD:

LANDS TO BE REZONED FROM I-1/PUD TO I-1/PUD (LOT 3 ON PROPOSED CSM Appendix G) & LANDS TO BE AMENDED TO FUTURE LAND USE OF INSTITUTIONAL:

Part of the Southwest 1/4 of the Northwest 1/4 of Section 2, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows; Commencing at the Southwest corner of the Northwest 1/4 Section; thence North 01°19'12" East, 100.14 feet along the West line of said Northwest 1/4 Section; thence North 88°20'12" East, 120.16 feet to the Point of Beginning of the lands described herein: thence North 01°19'12" East along the East line of South Moorland Road, 325.44 feet to a point; thence North 88°20'12" East, 820.37 feet to a point; thence South 01°04'42" West, 325.37 feet to a point 100.00 feet North of the South line of said 1/4 Section; thence South 88°20'12" West parallel with said South line 821.74 feet to the Point of Beginning. Said lands described containing 266,842 square feet or 6.1258 acres.

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

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

The I-1/PUD: Mandel Neighborhood Development / Planned Unit Development District is intended to provide for additional density than what is allowed in the I-1 Institutional District. The District will allowed up to 150 units.

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

1. Principal Uses (See also Chapters 275-36B(1), 275-41B and Table 275-36-1)

2. Accessory Uses (See also Chapters 275-36B, 275-42, and Table 275-36-1)
3. Conditional Uses (See also Chapters 275-34C, 275-27 and Table 275-36-1)
4. Lot Area and Width (See also Chapters 275-44, 275-45, and 275-46)
 - a. Parcels of land subject to this PUD Ordinance may be configured in any manner by Subdivision, CSM or meets and bounds transfer subject to City review and approval under WI Statutes CH. 236 and New Berlin Municipal Code Chapter 275 and 235. (See Appendix A, Conceptual Master Plan).
 - b. In order to maintain maximum flexibility with the redevelopment plans, there shall be a zero lot line setback from property lines if developed as part of a unified project. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction. These setbacks assume adequate vision triangles, parking and circulation. The Plan Commission shall have the authority to require larger setbacks on a case-by-case basis in order to accommodate for safety and/or to further the redevelopment vision for this area.
5. Setback and yards (See also Chapter 275-36D and Table 275-36-2)
 - a. Table 275-36-2 shall not apply.
 - i. All buildings along major arterials (Moorland Road and Greenfield Avenue), shall have, where practicable, a zero lot line setback from the roadway's ultimate right-of-way. The Plan Commission may approve a greater setback due to site constraints and/or any other site development related circumstances.
 - ii. The setback from the south property line (rear) shall not be closer than 12', the setback from the east property line (side) shall be 50' and the setback from the north property line (front) shall be 25'.
 - iii. In all cases building locations and setbacks must provide adequate spacing so land, buildings, and structures are readily accessible to emergency vehicles and the handicapped. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction.
 - iv. Respecting the creative design process, the Plan Commission reserves the right to require greater setbacks owing to health, safety and welfare concerns to ensure, the proposed onsite buildings, structures, and entry ways are situated and designed to minimized adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.
 - v. Wetland Setback. All impervious surfaces shall be setback a minim of 15 feet to sidewalks and 30 feet to buildings.
6. Lot Coverage (See also Chapter 275-36D and Table 275-36-3)
 - a. Table 275-36-3 shall not apply, however, through redevelopment efforts, the City and this applicant would not be able to achieve this amount of open space on the newly created parcels, given the urban setting and the existing cross access easements for shared parking and utilities. The applicant and the City will work together to achieve additional green space around the building / future building(s) with planters and other urban design measures, and adding additional plantings. Future development shall coordinate with the City on any storm water management requirements.
7. Time Limits (See also Chapter 275-23(F))

- a. If the development has not commenced, as evidenced by the securing of the initial Zoning Permits for Mandel Neighborhood Development and Highland Memorial Park Cemetery PUD and building permits for construction of any project defined in this PUD, and construction has not started within one calendar year from the approval of this ordinance, the Mandel Neighborhood Development and Highland Memorial Park Cemetery Planned Unit Development Overlay District ordinance shall expire and become null and void. The underlying basic use district shall remain in force.
 - b. If the developer requires an extension of the time limits, any extension shall be requested by the developer in writing explaining the hardship and sent via Certified Mail to the Department of Community Development not less than 60 days prior to the expiration of this PUD. The Common Council may allow multiple extensions in the sole exercise of its discretion.
8. Use and Site Plan Review (See also Chapters 275-24 and 275-53)
 - a. No principal or accessory use, development or structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied, no site or premise shall be altered, used, changed, modified, occupied, or building permit approved until after the owner has applied for and received approval of the application for the zoning permit/use approval. An approved PUD Ordinance shall not be construed as a Zoning Permit or any other approval until the Plan Commission has granted an approval and staff has determined that all conditions of that approval have been satisfied.
9. Parking & Circulation (See also Chapter 275-57)
 - a. Parking lots may be located at the property line as long as circulation, vision triangles, and/or drainage are taken into consideration.
 - b. Community and Senior Living, 0.75 spaces per dwelling unit. One space per maximum employee count. Currently the code reads, *"One spaces per dwelling unit plus. The Plan Commission may reduce the parking requirement when assisted care is provided. The Plan Commission may require an additional 10% of the parking requirement for guest parking."*
10. Architecture (See also Chapter 275-59)
 - a. No principal or accessory use, development, structure or sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied and no site or premise shall be altered, used, changed, modified, building permit approved, or occupied until after the owner has applied for and the Architectural Review Committee of the Plan Commission has reviewed and approved the architecture for the zoning permit/use approval.
 - b. Additional requirements for this zoning district listed in Chapter 275-59D(3)(d).
 - c. Specific designs will be based on conceptual images shared during the Conceptual Development Review Phase (See Application File #: UA-2300419 as presented at the April 13, 2023 Plan Commission meeting) and concepts included in this PUD. See Appendix E , Senior Living Residential Concepts
11. Signage (See also Chapter 275-61J(3))
 - a. Per Zoning Code Section 275-61J(3) Special Commercial Areas – Moorland Road Business Corridor. This area is identified within the Moorland Road Business Corridor North See also figure VIII-11.
 - i. Off premise signage along Moorland Road may be permitted under this PUD to provide additional signage for a cohesive development. This statement modifies Zoning Code Section 275-61J(3)(c)[3].

- ii. Zoning Code Section 275-61J(3)(c)[5] is modified to allow for an overall sign height of 15 ft. due to the site constraints along Moorland Road, which include, a deep parcels with buildings located behind other buildings, retaining walls/fences, heavy landscaping, sidepaths, and large county right-of-way.
 - iii. Additional City wayfinding signage is allowed.
 - iv. See the appendix section of a sample monument sign.
 - v. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.
 - 1. This retail corner development shall incorporate "Welcome to City of New Berlin" signage as part of a separate agreement with the City to sell a parcel of land at Tax Key #: in exchange for the applicant to design, building, coordinate and pay for installation of a City sign. Mandel shall coordinate with the City of New Berlin on the exact size and location for this particular sign.
- 12. Landscaping (See also Chapter 275-54 and Chapter 275-56).
 - a. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.
 - i. Each development application within this area will be required to provide an enhanced landscaping plan. Refer to images in Chapter 11.
 - b. Financial security (See also Chapter 275-56C(2))
 - i. At the time of final execution of a certified survey map, subdivision plat or landscape plan with the city, the owner is required to make a fiscal arrangement, either by escrowed funds, certificate of deposit or letter of credit, with the City to ensure that the owner is in full compliance with the landscape installation and maintenance requirements.
 - ii. A maintenance portion of the surety is required to ensure that the landscape installation is maintained during its critical establishment (five-year) period following installation. The amount of the maintenance portion of the surety shall be 20% of the original surety. Currently the code calls for, "three-year for maintenance."

Section VI

LANDS TO BE REMAINED ZONED I-1 (OUTLOT 1 ON PROPOSED CSM Appendix G) LANDS TO REMAIN FUTURE LAND USE OF INSTITUTIONAL:

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows; Commencing at the Southwest corner of the Northwest 1/4 of Section 2; thence North 01°19'12" East, 100.14 feet along the West line of said Northwest 1/4; thence North 88°20'12" East, 941.90 feet to the Point of Beginning of the lands described herein: thence North 01°04'42" East, 1266.45 feet to a point on the South line of Lot 1, Certified Survey Map No. 11117; thence North 89°16'07" East along said South line of Lot 1 aforesaid 370.57 feet to a point; thence South 00°50'07" West, 1260.16 feet to a point 100 feet North of the South line of said 1/4 Section; thence South 88°20'12" West parallel to said South line 376.16 feet to the Point of Beginning. Said lands described containing 471,320 square feet or 10.82 acres.

Section VII

AREAS ZONED C-2, SHORELAND WETLAND HOLDING DISTRICT ON THE CITY'S ZONING MAP WILL REMAIN UNCHANGED. NEW WETLANDS WILL BE REGISTERED ON THE CITY'S ZONING MAP.

Section VIII

WHEREFORE, The: Mandel Neighborhood Development Plan and Highland Memorial Park Cemetery Planned Unit Development Overlay District Ordinance having been approved as a Planned Unit Development on ~~August 29, 2023~~ January 23, 2024, pursuant to Chapter 275-23 of the New Berlin Zoning Code, the Common Council hereby adopts this Ordinance and approves the rezoning of land described in Section III to B-1/PUD, Section IV to Rm-1/PUD, Section V to I-1/PUD & to be named the Mandel Neighborhood Development Plan and Highland Memorial Park Cemetery Planned Unit Development Overlay District and Section VI to I-1/PUD (Highland Memorial Park Cemetery PUD), pursuant to the conditions set forth herein.

The Mayor and City Clerk are authorized to execute this Ordinance No. ~~26882679~~ on behalf of the City of New Berlin.

This ordinance shall take effect upon the passage and publication as required by law, and upon the final approval of the Development Plans as recommended by the Plan Commission, and the City Clerk shall so amend the Code of Ordinances and zoning map of the City of New Berlin, and shall indicate the date and number of this amending ordinance therein.

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

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

PASSED AND ADOPTED by the Common Council this ~~August 29, 2023~~ 23rd day of January 2024.

APPROVED:

David A. Ament, Mayor

Countersigned:

Rubina Medina, City Clerk

APPENDIX A
Conceptual Master Plan
“CONCEPTUAL ONLY”



MOORLAND & GREENFIELD MIXED-USE DEVELOPMENT CONCEPTUAL MASTERPLAN

MARCH 10, 2023
1"=160' @ 11x17



APPENDIX B

The City's Comprehensive Plan Chapter 11 Neighborhood "A" Greenfield Avenue.

Visit the City's website at www.newberlin.org for the most up to date plan.

APPENDIX C

Multiple-Family Concepts

“CONCEPTUAL ONLY”

INSERT CONCEPTS HERE

APPENDIX E

Senior Living Concepts

"CONCEPTUAL ONLY"

INSERT CONCEPTS HERE

APPENDIX F

Welcome to New Berlin Concepts

“CONCEPTUAL ONLY”

INSERT CONCEPTS HERE

APPENDIX G

DRAFT CSM

INSERT RECORDED CSM HERE



DATE: January 3, 2024

TO: Rubina Medina
City Clerk

FR: Mayor Dave Ament

RE: Mayoral Appointments for the January 9, 2024 Common Council Mtg

Safety Saturday Committee

John Roots
2761 S 149th Street
New Berlin, WI 53151
414-807-4321
jroots1@gmail.com
(New Appointment)
(Replace Mitchell Lataille)

Expiration Date

10/1/2024

For Office Purposes Only						
T T	Em l	We b	Provo x	Lt r	Ethc s	H B



Committee of the Whole MEETING MINUTES

December 12, 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. CALL MEETING TO ORDER

Mayor Ament called the meeting to order at 6:00PM.

2. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

City Clerk Rubina R. Medina took the roll call as follows:

Present: Alderperson Hopkins, Alderperson Maxey, Alderperson Horbinski, Alderperson Kroupa, Alderperson La Fever

Excused: Alderperson Harenda (later arrived at 6:28pm)

Staff Present: Finance Director Ralph Chipman, Public Works Director, Josh Radomski, DCD Director Greg Kessler, City Attorney Mark Blum, City Clerk Rubina R. Medina

City Clerk stated that the meeting was properly noticed.

3. APPROVAL OF MINUTES

A. November 14, 2023 Committee of the Whole Meeting Minutes

MOTION: Motion to Approve

VOTE: Motion by: Alderperson LaFever
Second by: Alderperson Kroupa
Motion Passed 6-0

4. UTILITY & FINANCE

A. Discussion and recommendation to Common Council approval of the November 29th, 2023 Water Utility claims in the amount of \$21,063.25, Sewer Utility claims in the amount of \$55,633.44 and General City claims in the amount of \$1,489,337.56. WE Energies EFT of \$61,844.11

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Stribl
Second by: Alderperson Kroupa
Motion Passed 6-0

B. Discussion and recommendation to Common Council approval of the December 13th, 2023 Water Utility claims in the amount of \$126,760.55, Sewer Utility claims in the amount of \$571,822.82 and General City claims in the amount of \$454,558.22. US BANK VISA EFT of \$52,522.48

MOTION: Motion to approve

VOTE: Motion by: Alderperson Maxey
Second by: Alderperson Kroupa
Motion Passed 6-0

5. LICENSES & PERMITS

- A. Discussion and recommendation to Common Council approval of the 2024 Garbage Hauler license for Johns Disposal Service Inc.
MOTION: Motion to approve

VOTE: Motion by: Alderperson Maxey
Second by: Alderperson Stribl
Motion Passed 6-0
- B. Discussion and recommendation to Common Council approval of the 2024 Garbage Hauler license for Waste Management - Hartland Hauling
MOTION: Motion to approve

VOTE: Motion by: Alderperson Stribl
Second by: Alderperson Kroupa
Motion Passed 6-0
- C. Discussion and recommendation to Common Council approval of the 2024 Garbage Hauler license for Waste Management - Franklin Hauling
MOTION: Motion to approve

VOTE: Motion by: Alderperson Hopkins
Second by: Alderperson Maxey
Motion Passed 6-0

6. MISCELLANEOUS

- A. Department of Public Works update
Josh Radomski, Public Works Director, provided an update to the Council. Mayor Ament and Council thanked him and the staff. The City Clerk extended her thanks to Josh and his staff for all the hard work that goes into helping with elections.
- B. Discussion and recommendation to Common Council approval of the 2024 Capital Projects Budget
Finance Director Ralph Chipman provided an update on the CIP Budget.

MOTION: Motion to approve the CIP budget as presented with the exception of Hickory Grove

VOTE: Motion by: Alderperson Horbinski
Second by: Alderperson Stribl
Motion Passed 4-3 with Alderson Hopkins, Stribl & Horbinski voting nay

MOTION: Motion to table Hickory Grove CIP item

VOTE: Motion by: Stribl
Second by: LaFever
Motion Passed 6-0
- C. Discussion and recommendation to Common Council approval of Resolution 23-26, a Resolution amending the 2023 Capital Projects Budget for the purchase of a robotic floor scrubber
MOTION: Motion to approve

VOTE: Motion by: Stribl
Second by: Hopkins
Motion Passed 6-0
- D. Discussion and recommendation to Common Council approval of Resolution 23-31, a Resolution nominating the list of Election Inspectors for the City of New Berlin Aldermanic Districts 1 through 7 for a 2-year term beginning January 1, 2024, and ending December 31, 2025
MOTION: Motion to approve

VOTE: Motion by: Horbinski

Second by: Kroupa
Motion passed 6-0

Ald. Harenda arrived at 6:28 PM.

MOTION: Motion to remove Hickory Grove (CIP) item from the table

VOTE: Motion by: Alderperson LaFever
Second by: Alderperson Kroupa

Motion Passed 7-0

MOTION: Motion to approve Hickory Grove

VOTE: Motion by: Alderperson Kroupa
Second by: Alderperson Stribl
Motion Passed 6-1 with Alderperson LaFever voting nay

- E. Discussion and recommendation to Common Council approval of Resolution 23-37, a Resolution amending the 2023 Capital Projects Budget to begin design work on renovating the New Berlin DPW Garage Phase 1 and Hickory Grove Center

MOTION: Motion to approve

VOTE: Motion by: Hopkins
Second by: Stribl
Motion Passed 7-0

- F. Discussion and recommendation to Common Council that a public hearing be set for January 8, 2024, at 6:00 p.m. to be held before the Plan Commission to rezone from B-1/PUD, Rm-1/PUD, I-1 PUD & C-2 to B-1/PUD, Rm-1/PUD, I-1 PUD & C-2 to amend Planned Unit Development Overlay Ordinance #2679, Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery PUD, for approximately 34.5 acres for the parcels located at 1750 S. Moorland Road (includes Tax Keys #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992)

MOTION: Motion to approve

VOTE: Motion by: Horbinski
Second by: Hopkins
Motion Passed 7-0

7. ADJOURN

MOTION: Motion to adjourn at 6:37pm

VOTE: Motion by: Maxey
Second by: Harenda
Motion 5-0

New Berlin Hills GC Review



January 9, 2024

TROON®

Tuesday, January 9, 2024



1. Management Team
2. Financial Performance & Rates
3. Facility Projects & Capital Improvement
4. Goals for 2024

NBH Management Team



- Wendy Hafemann – Head Chef & Kitchen Manager
- Hanna Radewahn – Director of Events & Front of House Manager
- Chad Kirchen – Golf Course Superintendent
- TBD – Head Golf Professional
- Matt Tausig – General Manager

Financial Performance & Rates



- Total revenue of \$2.26 million (9.4% increase over 2022).
- Food & Beverage continues to grow and play a large role in revenue, exceeding \$800,000 in annual F&B revenue, for the first time.
- Golf revenue increased from \$27.75 to \$31.87 per round.
- Decrease of 1,157 rounds of golf, with 1,004 of that attributed to a decrease in complimentary rounds, resulting in paid rounds holding steady compared to the prior year.

Financial Performance & Rates



- Expenses continue to rise, with course maintenance, insurance, and food & beverage costs seeing the largest increases. Items such as food costs, seed, and fertilizer, have seen increases of 20 – 30% from many vendors, and several with larger increases. We will continue to work with Troon's preferred vendors to ensure the best product for the best price.
- Golf rates were approved for 2024, and we will maintain our standard 18-hole public rates to remain competitive with other facilities. There will be small increases in several player types, ranging from \$1 - \$3 per round. This will help offset the continued increase in expenses, while maintaining attractive rates for our guests.

Facility Projects & Capital



- 2023 In-House Projects
 - Installed new computers and networking equipment.
 - Continued bunker repair and renovation.
 - Continued irrigation repairs.

Facility Projects & Capital



- 2023 Capital Projects:
 - Security Camera System (completed)
 - Clubhouse Carpet Replacement (completed)
 - Wedding Chair Replacement (completed)
 - Storm Shelter Repair/Replacement (pending)
 - Tree Work (pending)
- 2024 Capital Projects are being finalized.

Goals for 2024



- Maintain a quality, affordable, golf course for the residents of New Berlin, and surrounding communities.
- Manage league and outing usage to provide more tee times for the public.
- Hire a head professional to help grow the game with lessons, clinics, and junior programs.

DECLARATION OF OFFICIAL INTENT

This is a Declaration of Official Intent of the City of New Berlin, Wisconsin (the “Issuer”) to reimburse expenditure with proceeds of a borrowing or borrowings authorized by the Issuer. This Declaration is made under and pursuant to Treas. Reg Section 1.150-2. The undersigned has been designated as an official or employee authorized by the Issuer to make this Declaration of Official Intent pursuant to a Resolution adopted on January 27, 1998. This Declaration of Official Intent is a public record maintained in the files of the Issuer and is available for public inspection pursuant to Subchapter II of Chapter 19 of the Wisconsin Statutes.

The undersigned hereby declares that it is the reasonable expectation of the Issuer to use proceeds of a borrowing or borrowings to be incurred by the Issuer to reimburse expenditures fund(s)/account(s) described below:

1. Project description 2024 Capital Improvement Program

The maximum principal amount of the borrowing or borrowings to be incurred to reimburse expenditures for the above-described purposes is reasonably expected, on the date hereof, to be \$ 13,400,000.00.

The Issuer intends to reimburse itself from borrowed funds within eighteen (18) months, 3 years if the Issuer is a “small issuer” after the later of (a) the date the expenditure is paid or (b) the date the facility is placed in service, but in no event more than 3 years after the expenditure is paid.

No money from sources other than the anticipated borrowing or borrowings is, or is reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Issuer with respect to the expenditure, pursuant to the budgetary and financial circumstances of the Issuer as of the date of this Declaration.

Dated this 9th day of January 2024

By: _____

City Finance Director

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: January 9, 2024

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

REQUESTED: Discussion and possible action to recommend to Common Council approval of a public hearing to be set for February 5, 2024 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 February 5, 2024 Plan Commission meeting and possible action at the February 5, 2024 Plan Commission meeting.



REQUESTED ACTION STATEMENT

DATE: January 2, 2024
TO: Mayor Ament
Common Council
FROM: Jeff Hingiss - Chief of Police

ISSUE: Recommend to Council – Approval of 5-year contract between City of New Berlin and Flock Group, Inc.

REQUESTED: Recommend to Council – Approval of 5-year contract between City of New Berlin and Flock Group, Inc. (Flock) to purchase and subscribe to 10 Automatic License Plate Recognition (ALPR) cameras.

FISCAL IMPACT:

The New Berlin Police Department (NBPD) requested a quote for a five-year contract with Flock. Due to a current Flock promotion, a five-year contract would lock in the current price of \$2,500 per camera per year through 2028. If the NBPD were to sign a contract for a shorter amount of time, the price would immediately increase to \$3,000 per camera per year. This request is for ten (10) cameras at various locations throughout the City. The quote includes an “Advanced Search” option, which costs an additional \$2,500 (annually). All included, the request is for \$27,500 per year.

The current police department accounts for six (6) cameras plus the annual “Advanced Search” option. Should the council approve four (4) additional cameras under this contract, the service would have a cost of \$27,500 (annually) for a total of \$137,500 over the next five years. The department will make the required adjustments to cover the costs (approximately \$9,000) for four additional cameras in 2024, but would have to budget for the full amount in 2025 through 2028.

RATIONALE:

Flock provides motion-detection cameras which capture vehicles as they pass and automatically read their license plates. The NBPD was able to enroll in a pilot program with Flock from March 2023-December 2023. During this time, the NBPD tested cameras in 15 locations throughout the City. Members of the NBPD found the cameras to be an extremely valuable tool for both solving crimes in progress and investigating crimes after they had occurred. Additionally, most other Metro Milwaukee law enforcement agencies also subscribe to Flock. The NBPD is able to connect with all other Flock subscribers to establish an area-wide crime-fighting network. The NBPD would like to continue this effort with a permanent subscription to Flock. System administrators have identified the 10 most productive cameras from the original fifteen (15) locations and are requesting to keep those ten (10) cameras on a permanent basis. The NBPD believes that this resource is necessary for its officers and detectives to perform their jobs to the highest expectations of New Berlin residents.

Attorney Blum reviewed the original test pilot contract. The current requested contract language mirrors the pilot program, but the term of service would be the only change if approved.

Flock Safety + WI - New Berlin PD

Flock Group Inc.
1170 Howell Mill Rd, Suite 210
Atlanta, GA 30318

MAIN CONTACT:
Alex Graber
alex.graber@flocksafety.com
414-881-9494

Created Date: 11/09/2023
Expiration Date: 12/09/2023
Quote Number: Q-52394
PO Number:



Budgetary Quote

This document is for informational purposes only. Pricing is subject to change.

Bill To: 16300 W National Ave New Berlin, Wisconsin 53151

Ship To: 16300 W National Ave New Berlin, Wisconsin 53151

Billing Company Name: WI - New Berlin PD
Billing Contact Name: Brad Polczynski
Billing Email Address: polczynski@nbpolice.org
Billing Phone: (262) 780-8115

Subscription Term: 60 Months
Payment Terms: Net 30
Retention Period: 30 Days
Billing Frequency: Annual Plan - First Year Invoiced at Signing.

Hardware and Software Products

Annual recurring amounts over subscription term

Item	Cost	Quantity	Total
Flock Safety Platform			\$27,500.00
Flock Safety Flock OS			
FlockOS ™	Included	1	Included
Flock Safety LPR Products			
Flock Safety Falcon ®	Included	10	Included
Flock Safety FlockOS Add Ons			
Flock Safety Advanced Search	\$2,500.00	1	\$2,500.00

Professional Services and One Time Purchases

Item	Cost	Quantity	Total
One Time Fees			

Subtotal Year 1:	\$27,500.00
Annual Recurring Subtotal:	\$27,500.00
Discounts:	\$30,000.00
Estimated Tax:	\$0.00
Contract Total:	\$137,500.00

Taxes shown above are provided as an estimate. Actual taxes are the responsibility of the Customer. This is not an invoice – this document is a non-binding proposal for informational purposes only. Pricing is subject to change.

Billing Schedule	Amount (USD)
Year 1	
At Contract Signing	\$27,500.00
Annual Recurring after Year 1	\$27,500.00
Contract Total	\$137,500.00

*Tax not included

Discounts Applied	Amount (USD)
Flock Safety Platform	\$25,000.00
Flock Safety Add-ons	\$5,000.00
Flock Safety Professional Services	\$0.00

Product and Services Description

Flock Safety Platform Items	Product Description
Flock Safety Falcon ®	An infrastructure-free license plate reader camera that utilizes Vehicle Fingerprint® technology to capture vehicular attributes.

One-Time Fees	Service Description
Installation on existing infrastructure	One-time Professional Services engagement. Includes site & safety assessment, camera setup & testing, and shipping & handling in accordance with the Flock Safety Advanced Implementation Service Brief.
Professional Services - Standard Implementation Fee	One-time Professional Services engagement. Includes site and safety assessment, camera setup and testing, and shipping and handling in accordance with the Flock Safety Standard Implementation Service Brief.
Professional Services - Advanced Implementation Fee	One-time Professional Services engagement. Includes site & safety assessment, camera setup & testing, and shipping & handling in accordance with the Flock Safety Advanced Implementation Service Brief.

FlockOS Features & Description

Package: Essentials

FlockOS Features	Description
Community Cameras (Full Access)	Access to all privately owned Flock devices within your jurisdiction that have been shared with you.
Unlimited Users	Unlimited users for FlockOS
State Network (LP Lookup Only)	Allows agencies to look up license plates on all cameras opted in to the statewide Flock network.
Nationwide Network (LP Lookup Only)	Allows agencies to look up license plates on all cameras opted in to the nationwide Flock network.
Direct Share - Surrounding Jurisdiction (Full Access)	Access to all Flock devices owned by law enforcement that have been directly shared with you. Have ability to search by vehicle fingerprint, receive hot list alerts, and view devices on the map.
Time & Location Based Search	Search full, partial, and temporary plates by time at particular device locations
License Plate Lookup	Look up specific license plate location history captured on Flock devices
Vehicle Fingerprint Search	Search footage using Vehicle Fingerprint™ technology. Access vehicle type, make, color, license plate state, missing / covered plates, and other unique features like bumper stickers, decals, and roof racks.
Flock Insights/Analytics page	Reporting tool to help administrators manage their LPR program with device performance data, user and network audits, plate read reports, hot list alert reports, event logs, and outcome reports.
ESRI Based Map Interface	Flock Safety's maps are powered by ESRI, which offers the ability for 3D visualization, viewing of floor plans, and layering of external GIS data, such as City infrastructure (i.e., public facilities, transit systems, utilities), Boundary mapping (i.e., precincts, county lines, beat maps), and Interior floor plans (i.e., hospitals, corporate campuses, universities)
Real-Time NCIC Alerts on Flock ALPR Cameras	Alert sent when a vehicle entered into the NCIC crime database passes by a Flock camera
Unlimited Custom Hot Lists	Ability to add a suspect's license plate to a custom list and get alerted when it passes by a Flock camera

REQUESTED ACTION STATEMENT

TO: Common Council
Mayor Dave Ament

FROM: Gregory Kessler, AICP – Director of Community Development

RE: Requested Action Statement to amend the 2022 CIP budget by \$186,983 for the New Berlin Activity and Recreation Center Phase 2.

DATE: January 9th, 2024

REQUESTED ACTION: Approval of Resolution 24-3 to amend the 2022 CIP budget by transferring CIP funds from 2015 in the amount of \$186,983 to complete required infrastructure and building code requirements in order to gain occupancy of the New Berlin Activity and Recreation Center prior to its opening.

FISCAL IMPACT: No new borrowing to accommodate this request. Our department is transferring funds from the 2015 CIP Parking Lot Project.

SOURCE OF FUNDS: Transfer from: Parking Lots 04251100-61112-C2015

Transfer to: New Berlin Activity and Recreation 04252900-61130- C2022

RATIONALE/BACKGROUND: The original budget scope for this project included a number of “owner” purchased items that were to be spec’d and purchased by the City as completion of the construction neared and occupancy of the building was closer. Such items were not budgeted in the original budget for this project. Since construction began there have been various necessary construction tasks that were/are required to be completed to satisfy building codes and the City’s Zoning Ordinance. These include items and tasks such as parking lot patching; hydrant & bollard protection placement due to the utility installation to the outlot; track leveling & window gap fill; roof top mechanical screening components; and fitness equipment, racking & other essential equipment to enhance the user experience.

RESOLUTION 24-3
A RESOLUTION AMENDING THE 2022 CAPITAL PROJECTS BUDGET

WHEREAS, The Department of Community Development requires a transfer of funds to complete required infrastructure and building code requirements in order to gain occupancy at the New Berlin Activity and Recreation Center.

WHEREAS, DCD staff requests that \$186,983 be transferred from the 2015 Parking Lot reconstruction Account to the 2022 New Berlin Activity and Recreation Center Account.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of New Berlin that the Capital Projects Fund Budget be amended as follows:

TRANSFER FROM

Parking Lot- City Hall	04251100 61112 C2015	\$186,983
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TRANSFER TO

New Berlin Activity and Recreation	04252900-61130-C2022	\$186,983
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BE IT FURTHER RESOLVED that the City Clerk is hereby directed to publish this resolution in the Waukesha Freeman within 10 days of adoption by the Common Council.

RESOLUTION ADOPTED by the New Berlin Common Council this 9th day of January 2024.

David Ament, Mayor

Countersigned:

Rubina R. Medina, City Clerk

DATE: January 9, 2024

TO: Mayor Ament
Common Council

FROM: Mayor Ament
Melissa Beck, Human Resource Director
Ralph Chipman, Director of Finance

REQUESTED ACTION:

Recommendation to Council to approve the attached 2024 Salary Table effective 01/19/2024.

FISCAL IMPACT:

The related salary range adjustments are accounted for in the 2024 approved operating budget.

RATIONALE:

The attached 2024 Salary Grade Table reflects an increase to 2024 salary ranges for all non-represented staff:

- Salary Range 1 through 16 = 2% increase

Adjustments to the salary ranges allows the City to attract and retain a talented workforce.

ATTACHMENTS:

2024 Non-represented Employee Salary Ranges 1 through 16

Range	Min	Q1	Midpoint	Q3	Maximum
1	16.03	17.44	18.84	20.25	21.65
2	20.17	21.93	23.70	25.46	27.22
3	21.58	23.47	25.35	27.24	29.13
4	23.10	25.12	27.14	29.16	31.18
5	24.72	26.88	29.04	31.20	33.36
5	51,394.30	55,891.17	60,388.04	64,884.91	69,381.78
6	26.44	28.75	31.07	33.38	35.70
6	54,991.80	59,803.05	64,614.30	69,425.55	74,236.81
7	28.81	31.33	33.85	36.37	38.89
7	59,932.78	65,176.74	70,420.70	75,664.66	80,908.62
8	30.83	33.53	36.23	38.93	41.63
8	64,127.74	69,738.61	75,349.48	80,960.35	86,571.23
9	68,615.59	74,619.64	80,623.69	86,627.74	92,631.79
10	73,419.68	79,843.70	86,267.72	92,691.74	99,115.77
11	78,558.04	85,432.02	92,305.99	99,179.97	106,053.94
12	82,706.31	89,942.95	97,179.59	104,416.23	111,652.88
13	87,668.52	95,339.46	103,010.40	110,681.34	118,352.28
14	92,927.86	101,059.37	109,190.87	117,322.38	125,453.89
15	98,504.51	107,123.64	115,742.77	124,361.90	132,981.04
16	104,414.38	113,550.85	122,687.32	131,823.79	140,960.26



Mayor David A. Ament

3805 South Casper Drive • New Berlin, Wisconsin 53151-0921 • (262) 786-8610 • Fax (262) 786-6121 • www.newberlin.org

REQUESTED ACTION STATEMENT

DATE: January 9, 2024

TO: Common Council

FROM: Mayor Ament
Melissa Beck, Human Resource Director
Josh Radomski, DPW Director

REQUESTED ACTION:

Recommendation to Council to authorize the addition of a 1.0 FTE custodial position for the 2024 Budget year.

FISCAL IMPACT:

This additional 1.0 FTE would be in addition to the existing .5 FTE custodial position in the 2024 budget. The fiscal impact would be approximately \$57,057 - \$71,287 dependent on benefits enrollment for the 2024 budget year. Funding is anticipated to come from savings in other areas of the operating budget and/or increased Recreation revenues.

RATIONALE:

As we progress with the planning of the opening of the new Activity and Recreation Center (ARC), it has become evident there needs to be additional dedicated custodial staffing assigned to the ARC. Initially the ARC was to be staffed with 1.5 FTE's of custodial support, however after further review it was determined the ARC would need to staff 2.5 FTE's to have the appropriate custodial support due to increased programming and hours of operation of the ARC. Currently the 5.0 full-time custodial staff services the Safety Building, City Hall, Community Center, Activity and Recreation Center and the Library. The addition of this 1.0 FTE position would allow the ARC to have 2.5 FTE's custodial to support the increased programming and hours at the ARC without disrupting the needs of the other City buildings.

ATTACHMENTS:

None

REQUESTED ACTION STATEMENT

DATE: January 9, 2024

TO: Common Council

FROM: Mayor Ament
Melissa Beck, Human Resource Director

REQUESTED ACTION:

Recommendation to Council to authorize the change from an HR Assistant to an HR Coordinator position within the Human Resource Department. This position will not add additional staffing.

FISCAL IMPACT:

The change to the position will change the compensation range from a Range 3 to a Range 4. In doing so, it may have an impact on the budget of approximately \$5,000 - \$7,000, however, the impact is able to be absorbed within the 2024 HR budget.

RATIONALE:

The Human Resource Department consists of three staff. Each position within the Department plays a vital role in supporting the operations of all City Departments. The current role of HR Assistant does not represent the magnitude of the role, nor the level of experience and expertise needed to be successful in fulfilling the responsibilities of the position. A change in this position title and range will help the HR Department perform at a higher level in all areas. This will create efficiencies, support, and communication with all City Departments we serve.

ATTACHMENTS:

Human Resources 2024 Organization Chart

HR Coordinator Job Description



POSITION: HR COORDINATOR

SUPERVISOR: HR DIRECTOR

SALARY RANGE: \$22.64 - \$30.57

FLSA: Non-Exempt

LOCATION/DEPARTMENT: HUMAN
RESOURCES

CALENDAR: Year-Round

DAYS/HOURS: FT / M-F 40 Scheduled Hours

DIRECT REPORTS: 0

POSITION SUMMARY

The Human Resource Coordinator provides professional and high-level support to the Human Resource Department by performing a variety of complex human resource tasks. Provides excellent customer service to City staff and the community.

ESSENTIAL DUTIES

- Provides support to the HR department by answering and directing department phone calls, distributing interoffice mail, and processing of purchase orders.
- Prepares and maintains accurate and up-to-date human resource files, records, and documentation. Ensures the department meets the documentation requirements for all applicable State and Federal laws, including retention.
- Ensures compliance with USCIS Form I-9 Employment Eligibility Verification. Annually audits Forms I-9.
- Conducts and/or assists with the employment cycle to include recruitment, hiring, onboarding and offboarding.
- Responsible for the recruitment/selection process for city positions by utilization of the City's Neogov software. This includes developing, posting/advertising, screening applications and coordinating the interview process.
- Responsible for maintenance of Human Resource website, as well as the employee intranet.
- Chairs the Wellness Committee and provides benefit wellness information to employees.
- Updates, monitors, and maintains eligible salary adjustments/increases for staff.
- Assists with planning and execution of special events such as benefits enrollment, organization-wide meetings, and employee recognition celebrations.
- Assists in providing guidance to employees on personnel policies/procedures and

employee handbook and assists with employee relations.

- Responds to employee salary verifications and compensation/fringe benefit surveys.
- Completes the annual EEO Reporting as required by law.
- Recommends new approaches and procedures to continually improve efficiency of the department and services performed.
- Performs other duties as assigned.

KNOWLEDGE, SKILLS AND ABILITIES

- Excellent verbal and written communication skills.
- Excellent interpersonal and customer service skills.
- Excellent organizational skills and attention to detail.
- Working understanding of human resource principles, practices and procedures.
- Excellent time management skills with a proven ability to meet deadlines.
- Ability to function well in a high-paced and at times stressful environment.
- Proficient with Microsoft Office Suite or related software.

MINIMUM QUALIFICATIONS

- Bachelor's degree in human resources or business-related field
- Minimum two (2) years' experience in the Human Resource field

PREFERRED QUALIFICATIONS

- 2-3 years' experience in a municipal Human Resource Department
- SHRM and/or SPHR Certification

PHYSICAL REQUIREMENTS

- Tasks involve extended period of sedentary work.
- Times where exerting up to 50 pounds of force occasionally and/or negligible amount of force frequently or constantly to lift, carry, push, pull or otherwise move objects.
- Task involves extended period of time at a keyboard.

ENVIRONMENTAL REQUIREMENTS

- None. This position is not substantially exposed to adverse environmental conditions.

SENSORY REQUIREMENTS

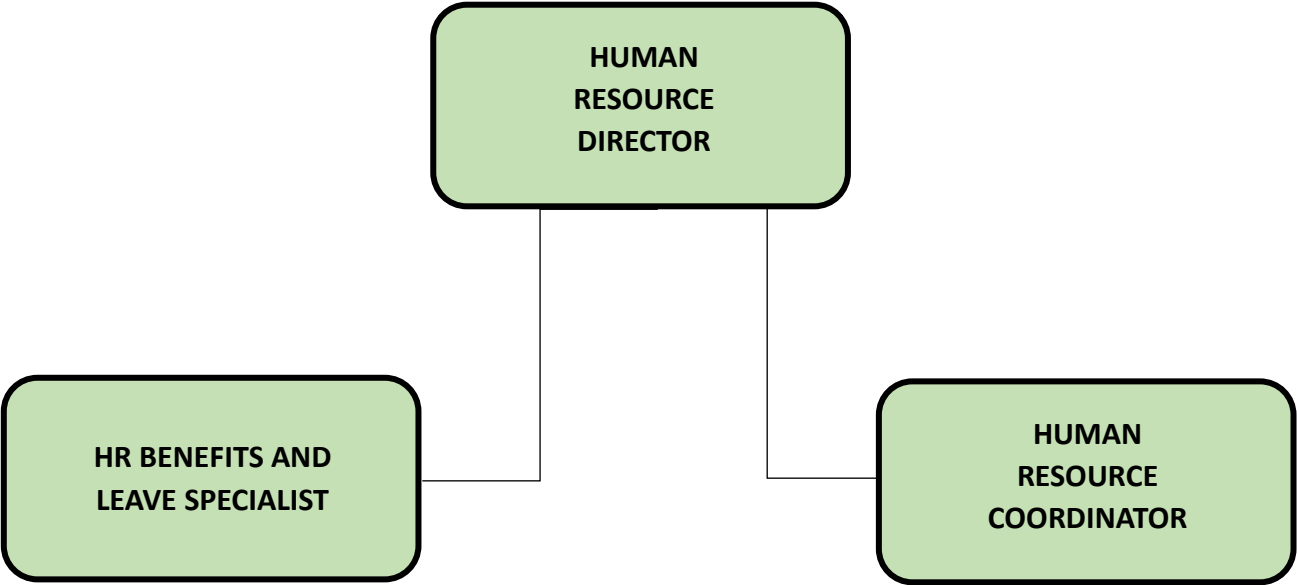
- The task requires close visual acuity to perform various activities.
- The task requires oral communications ability.
- The task requires sound perception.

This description has been prepared to assist in evaluating various classes of responsibilities, skills, and working conditions. It indicates the kinds of tasks and levels of work difficulty required of positions given this classification. It is not intended as a complete list of specific duties and responsibilities. Nor is it intended to limit or modify the right of any supervisor to assign, direct, and control the work of employees under supervision. Nothing contained herein is intended or shall be construed to create or constitute a contract of employment between any employee and group of employees and the City. The City retains and reserves any and all rights to change, modify, amend, add to or delete from any section of this document as it deems, in its judgement, to be proper.

NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The City of New Berlin does not discriminate on the basis of the protected classes of age, race, color, creed, religion, disability, handicap, marital or parental status, sex, sexual orientation, gender identity national original, ancestry, citizenship, political affiliation, arrest or conviction record not substantially related to a person's job, pregnancy, membership in the military, or use or nonuse of lawful products off City property during non-work hours or any other reason prohibited by state or federal laws.

Human Resource Department Organizational Chart





2024 COW/CC MEETINGS

 ELECTION DAY

 COW/CC MTGS @ CITY HALL

 COW/CC MTGS VIA ZOOM

JANUARY						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

MARCH						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

APRIL						
S	M	T	W	T	F	S
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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

MAY						
S	M	T	W	T	F	S
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

JUNE						
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23	24	25	26	27	28	29
30						

JULY						
S	M	T	W	T	F	S
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

AUGUST						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SEPTEMBER						
S	M	T	W	T	F	S
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

OCTOBER						
S	M	T	W	T	F	S
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

NOVEMBER						
S	M	T	W	T	F	S
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

DECEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				