Plan Commission
MEETING AGENDA

July 15, 2024 - 6:00 PM
Council Chambers
3805 S. Casper Drive

Published 7/5/2024

AGENDA

1. **PUBLIC HEARING(S)**
2. **PRIVILEGE OF THE FLOOR**
3. **CALL TO ORDER, PLEDGE OF ALLEGIANCE**
4. **ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE**
5. **APPROVAL OF MINUTES**
   - **A.** June 3, 2024 Meeting Minutes
6. **PLAN COMMISSION SECRETARY'S REPORT**
7. **CONTINUED BUSINESS**
   - **A.** (4) KH UA-2300546 John Holborow with Rock Ridge Developers, LLC – 5276 S. Moorland Road – Use, Site and Architectural approval for Caribou Coffee - Request for site modifications, release of the Cross Access Easement, and amendment to CSM No. 12233 (Approved 5/8/2023)
8. **NEW BUSINESS**
   - **A.** (5) NJ LD-2400261 City of New Berlin - 15321 W. National Avenue (Tax Key #: 1207.965.003) - Discussion and possible action to recommend to Common Council approval of 2-Lot Certified Survey Map.
   - **B.** (5) NJ LD-2401009 Daniel Meier with Lynch & Associates on behalf of Debra Bitz - 4310 S. Moorland Road (Tax Key #: 1243.997) - Discussion and possible action to recommend to Common Council approval of 2-Lot Certified Survey Map.
   - **C.** (3) KW SG-2401328 Lemberg Electric on behalf of Veit - 18600 W. Lincoln Avenue (Tax Key #: 1167.994.001) - Request for two sign waivers for Veit.
9. **PENDING**
10. **COMMUNICATIONS**
11. **ADJOURN**

Supplemental Information:

- *The meeting agenda and agenda packet are available online at www.NewBerlinWI.gov*
- *The minutes are published online and are approved at the next regularly scheduled meeting.*
- *Action may be taken on any of the agenda items and the agenda may be discussed in any order.*
- *You may email comments to the City Clerk at CitizenComments@NewBerlinWI.gov. The comments will be forwarded to the mayor and governing body members. The emailed comments are not read during the meeting.*
- *The City of New Berlin is committed to hosting inclusive, accessible meetings. We strive to enable all individuals, regardless of their abilities, to engage and participate fully. If you have a qualifying disability under the Americans with Disabilities Act that requires the meeting to be accessible, please contact the Office of the City Clerk at (262) 786-8610 or via email at ClerksOffice@NewBerlinWI.gov at least 48 hours before the scheduled meeting time. We will make every effort to accommodate your needs through appropriate aids and/or services.*
- *It is also possible that members of and possibly a quorum of other municipal governmental bodies may attend the above-stated meeting to gather information; any governmental body will take no action at the above-stated meeting other than the governmental body specifically referred to in the above meeting notice.*

Plan Commission
MEETING MINUTES

June 3, 2024 - 6:00 PM
Council Chambers
3805 S. Casper Drive

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

MINUTES

1. PUBLIC HEARING(S)

A. (7) KW CU-2400701 Elite Exteriors - 17400 W. National Avenue (Tax Key - 1236.998.002) - Conditional Use Permit for Elite Exteriors to construct an office/service commercial building. (Public Hearing 6:00 PM)
Kelly Wall introduced the Public Hearing Item to the Plan Commission.

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

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

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

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

2. PRIVILEGE OF THE FLOOR

None

3. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Mayor Ament called the meeting to order at 6:09PM and led the Pledge of Allegiance

4. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Community Relations Specialist Joelle Erickson took the roll call as follows:
Present: Commissioner Schulpius, Commissioner Felda, Commissioner Anderson, Commissioner Rafel, Commissioner McGrath, Mayor Ament
Excused: Alderperson Joseph Stribl

Staff Present: DCD Director Greg Kessler, City Attorney Mark Blum, Deputy Director of Community Development Nikki Jones, Principal Planner Kristen Hogan, Principal Planner Kelly Wall, Community Relations Specialist Joelle Erickson

5. APPROVAL OF MINUTES

A. May 6, 2024 Meeting Minutes

MOTION: Motion to Approve Minutes

VOTE: Motion by: Commissioner Anderson
Second by: Commissioner Rafel
Motion Passes 6-0

6. PLAN COMMISSION SECRETARY'S REPORT

No Report

7. CONTINUED BUSINESS

A. (2) NJ UA-2202320 Tsunami Express Car Wash (formerly SilverStar Carwash) – 15301 W. Coffee Road – Use, Site and Architectural Approval for a car wash - Request to amend the approved architecture - only change is to modify the red architectural metal panel to a blue architectural metal panel. (Approved 4/13/23)

MOTION: Motion to Approve

VOTE: Motion by: Commissioner Anderson
Second by: Commissioner Schulpius
Motion Passes 6-0

B. (2) KH UA-2301943 McCON Building Corporation - 14855 W. National Avenue - Culver's Site Improvements

MOTION: Motion to Approve Item With Waiver

VOTE: Motion by: Mayor Ament
Second by: Commissioner Schulpius
Motion Passes 6-0

8. NEW BUSINESS

A. (7) KW CU-2400701 Elite Exteriors - 17400 W. National Avenue (Tax Key - 1236.998.002) - Conditional Use Permit for Elite Exteriors to construct an office/service commercial building. (Public Hearing 6:00 PM)

MOTION: Motion to Approve With Waiver

VOTE: Motion by: Commissioner Schulpius
Second by: Commissioner Rafel
Motion Passes 5-1

B. (4) KW SG-2400704 Bauer Sign and Lighting on behalf of Brunch Berry - 4900 S. Moorland Road (Tax Key: 1254.996.007) - Request for two sign waivers for Brunch Berry.

MOTION: Motion to Deny

VOTE: Motion by: Commissioner McGrath
Second by: Commissioner Rafel
Motion Passes 6-0

C. (3) NJ UA-2400303 – Charles Bleck with Bleck & Bleck Architects on behalf of UPI – 2180 S. Springdale Road (Tax Key #: 1175.995.001) – Use, Site and Architecture Approval to construct an 8,400 sq. ft. building.

MOTION: Motion to Approve Item

VOTE: Motion by: Commissioner Anderson
Second by: Commissioner McGrath
Motion Passes 6-0

D. Discussion and possible action to recommend to Common Council approval of (1) KH CP-2400415 Yonatan Zvi - 15201 W. Greenfield Avenue (Tax Key #: 1158.998) and adoption of Resolution 2024-10 and Ordinance 2694 to amend the Future Land Use Map within the City's Comprehensive Plan (Chapter 10). (Public Hearing 5/6/2024)

MOTION: Motion to Approve

VOTE: Motion by: Commissioner Rafel
Second by: Commissioner Schulpius
Motion Passes 6-0

E. Discussion and possible action to recommend to Common Council approval of (1) KH RZ-2400416 Yonatan Zvi - 15201 W. Greenfield Avenue (Tax Key #: 1158.998) & 15205 W. Greenfield Avenue (Tax Key #: 1158.999.001) and adoption of Ordinance 2695 that approves the rezoning. (Public Hearing 5/6/2024)

MOTION: Motion to Approve

VOTE: Motion by: Commissioner Schulpius

Second by: Commissioner Rafel
Motion Passes 6-0

F. Discussion and possible action to recommend to Common Council approval of (1) KH LD-2400417 Yonatan Zvi - 15201 W. Greenfield Avenue (Tax Key #: 1158.998) & 15205 W. Greenfield Avenue (Tax Key #: 1158.999.001) - 2-lot Certified Survey Map.

MOTION: Motion to Approve

VOTE: Motion by: Commissioner Rafel
Second by: Commissioner Anderson
Motion Passes 6-0

G. Discussion and possible action to recommend to Common Council approval of (5) NJ RZ-2202317 Austin Workman with Workman Enterprises LLC - 19000 W. Lincoln Avenue (Tax Key #'s: 1172-994, 1172-998-003, 1172-998 and 1167-996-001) and adoption of Ordinance 2692 that approves the rezoning from C-1 and C-2 to M-1. (Public Hearing 5/6/2024)

MOTION: Motion to Approve

VOTE: Motion by: Commissioner McGrath
Second by: Commissioner Schulpius
Motion Passes 6-0

H. (5) NJ UA-2400449 Austin Workman with Workman Enterprises LLC - 19000 W. Lincoln Avenue (Tax Key #'s: 1172-994, 1172-998-003, 1172-998 and 1167-996-001) - Use, Site and Architecture to construct a 2,500 sq. ft. office building and outdoor storage areas.

MOTION: Motion to Approve With Waiver Required and Removing 6A Condition

VOTE: Motion by: Commissioner Anderson
Second by: Commissioner Schulpius
Motion Passes 6-0

9. PENDING

A. (1) NJ RZ-2301727 Jordan Chapman with ALRIG USA (DBA New Berlin Retail Management II LLC - 1401 S. Moorland Road (Tax Key # 1161995-001) - Rezone from B-1/PUD & C-2 to B-2/PUD & C-2. (PUBLIC HEARING 10/2/2023)

MOTION: Motion to Withdraw Item as Requested

VOTE: Motion by: Mayor Ament
Second by: Commissioner Schulpius
Motion Passes 6-0

10. COMMUNICATIONS

None

11. ADJOURN

MOTION: Motion to Adjourn at 6:46PM

VOTE: Motion by: Commissioner Rafel
Second by: Commissioner Anderson
Motion Passes 6-0

Respectfully Submitted,
Joelle Erickson, Community Relations Specialist

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT:	**John Holborow with Rock Ridge Developers, LLC / Caribou Coffee**
LOCATION:	**5276 S. Moorland Road**
REQUEST:	**Approval of the site modifications, release of the Cross Access Easement, and amendment to CSM No. 12233 for Caribou Coffee located at 5276 S. Moorland Road.**
D.R.C. RECOMMENDATION:	**Recommend <u>denial</u> of the site modifications, release of the Cross Access Easement, and amendment to CSM No. 12233 for Caribou Coffee located at 5276 S. Moorland Road subject to the application, plans on file and the following reasons:**

1. **The developer is requesting the Plan Commission to review the revised site plan that would eliminate the proposed driveway connecting 5276 S. Moorland Road (Caribou Coffee) to 5320 S. Moorland Road (former Stonefire Pizza). Eliminating this connection would require the release of Cross Access Easement (Document # 4553655) and an amendment to CSM No. 12233 (Document # 4623815) that requires this Cross Access Easement in this location.**
2. **The developer stated that poor soil would make the construction of a driveway in this location difficult.**
    a. **Grading is being done as part of the necessary sitework for the benefit of Caribou Coffee on the west side of the site that is at a lower elevation than the proposed driveway within the cross-access easement that is on the east side of the site and would have similar soil conditions. The driveway connection area is not unique to the site.**
3. **The developer stated that a connected driveway would not have a significant impact on traffic flows and the existing intersections operate at acceptable levels.**
    a. **The purpose of the driveway connection was to provide better circulation between parcels and provide an additional option for ingress and egress out to adjacent public roadways. Secondary access is imperative here due to the roundabout.**
4. **The developer stated that the change order for a reengineered connected driveway would be costly.**
    a. **Cost is not a factor in the completion of the work in accordance with the approved plans.**
5. **The Plan Commission released the 80’ wide road reservation 10/5/2020. A smaller land area (lot area less the 80’ wide road reservation) and the location of wetlands would limit the total developable area for this site. Fire required the driveway connection.**

6. **The Plan Commission required a Cross Access Easement 10/5/2020.**
    a. **Dating back to the dedication of Rock Ridge Rd, a secondary access point shall be extended to Small Rd. An interconnected driveway would allow for better circulation amongst the parcels and would provide an additional option for ingress and egress out to adjacent public roadways.**

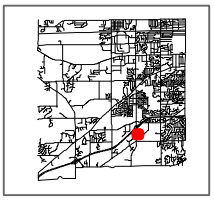
BACKGROUND:

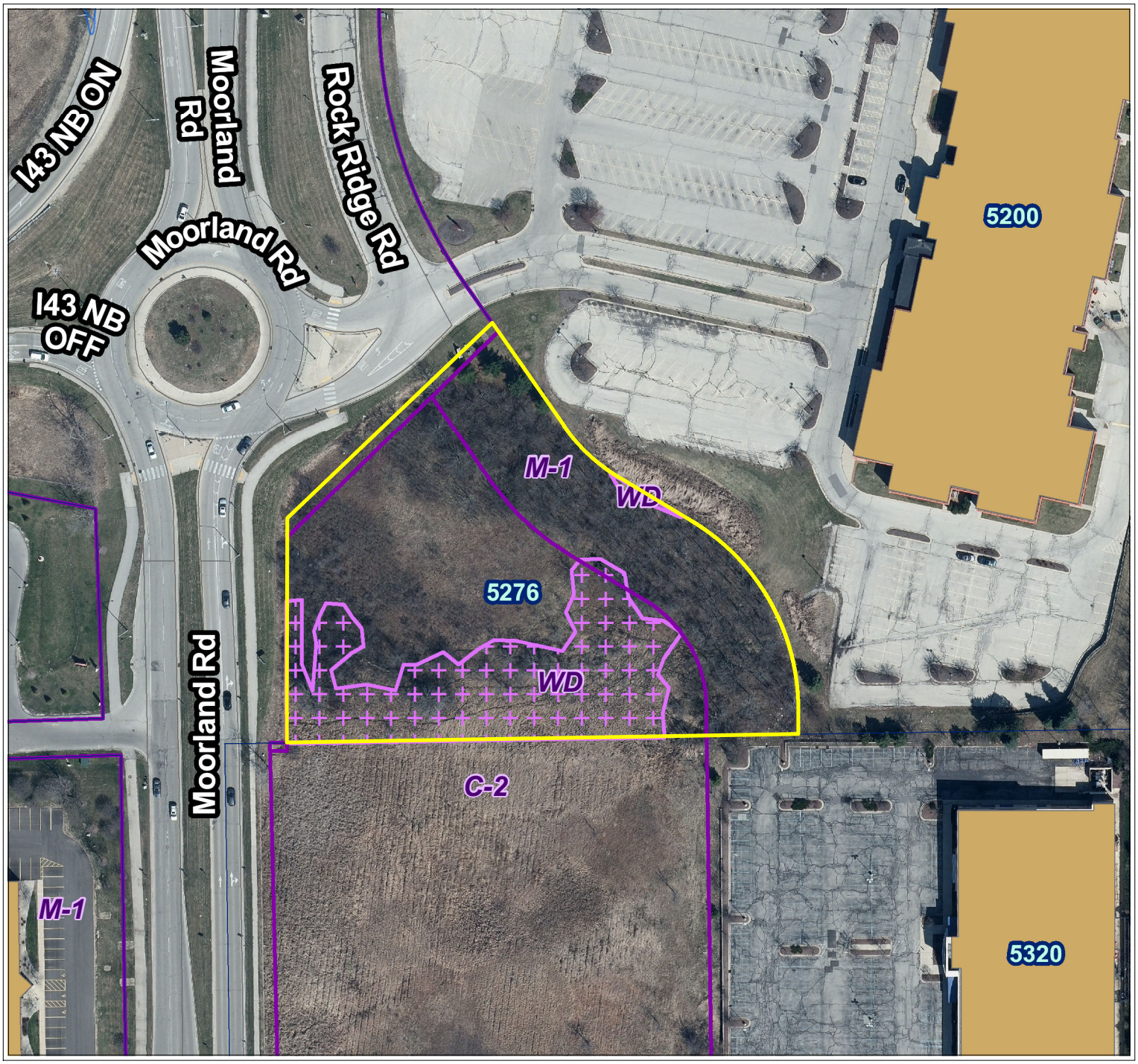
1. **The Plan Commission recommended approval of the release of the road reservation and 1-Lot CSM approval on October 5, 2020. The Common Council approved these requests on October 13, 2020.**
2. **The Plan Commission approved the Use, Site and Architecture for Caribou Coffee on May 8, 2023.**

ATTACHMENTS:
Location Map
Amendment Request
Revised Civil Plans
Resolution No. 20-32
Cross Access Easement
CSM No. 12233

City of New Berlin
Community Development

UA-2300546
Caribou Coffee
5276 S. Moorland Road





Legend

- Parcels
- Road Right-of-Way

Floodplain DFIRM (FEMA 2014)

Flood Zone

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

Zoning Wetland Registration

Wetland Registration Type

- Registered Wetland
- Outside Wetland

Environmental Corridor

Corridor Type

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

Sewer Service Area (MMSD)

Sewershed

- Current
- Ultimate

N

0 50 100 Feet

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

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3

Map Printed: 3/30/2023 3:20:56 PM

June 10, 2024

Site Plan Amendment Request
Rock Ridge Developers, LLC
Caribou Coffee: 5276 S Moorland Rd.

City of New Berlin – Community Development
c/o: Kristen Hogan – Principal Planner
3805 S Casper Dr.
New Berlin, WI 53151

RE: Request to Amend the Site Plan as approved May 8, 2023 and record a mutual easement release related to the Access Easement Agreement recorded on 2/2/2021 as Document No. 4553655.

Kristen,

On behalf of Rock Ridge Developers, LLC, I am requesting that the site plan, as approved by the City of New Berlin Plan Commission, on May 8, 2023, be amended to remove the driveway connection between Rock Ridge Rd. and the former StoneFire Pizza parking lot. In addition, at the request of the City of New Berlin Attorney, we would like to enter into a mutual release of easement related to the Access Easement Agreement recorded by the previous owner on 2/2/2021.

Rock Ridge Developers, LLC purchased the Property located at 5276 S Moorland Rd. on September 29, 2023. Plans to construct a new Caribou Coffee store were approved by the City of New Berlin Plan Commission on May 8, 2023. The Property was purchased subject to an Access Easement Agreement that was recorded on 2/2/2021 as Doc. No. 4553655. The easement was to be constructed at the time that the Property was redeveloped. The Access Easement Agreement was intended to connect Rock Ridge Rd. (in front of the Rock Ridge Cinema) to the former StoneFire Pizza parking lot to the south. The area in which the driveway connection is to be constructed does include/did include wetlands. An updated wetland delineation was completed in September 2017 and updated in August 2022 showing that enough wetland area had attenuated to redevelop the Property. Construction for a new Caribou Coffee commenced in October 2023. It was quickly noted that the sub-surface soils in the areas of the new driveway connection area were unsuitable for construction as detailed in the plans. The sub-surface soils in this area contain major amounts of organic, decomposing material and peat along with elevated levels of ground water. It was also discovered that a drain pipe was installed from the Marcus Property to the northeast onto this Property where portions of stormwater/snow melt were being collected and moved to this area. All of this contributed to the fact that the sub-surface soils are unstable and unsuitable for construction as is. After discussing preliminary options it was determined early on that a "wait and see" approach might be suitable in hopes that stripping the top layers of vegetation off this area would allow for it to dry out and stabilize more quickly. However, this has not been the case. It was later determined that a full scale engineered approach would need to be taken. On May 8, 2024 Tim

Anderson of United Engineering Consultants visited the site to review current conditions and make recommendations to stabilize the sub-surface for construction. Based on Tim's recommendations the excavator priced out time and materials to complete the driveway. This included removing 2' of soils BELOW subgrade, installing geo-grid at subgrade, raising the excavated area by an estimated 18"-2' using 3" breaker run or equivalent, followed by 6" of aggregate base on top of the breaker run. In addition, a geotextile fabric should be placed between the aggregate and the breaker run so that the fines do settle into the larger sub-base (email dated 5/9/24 attached as EXHIBT A). The excavator estimated the additional cost of construction in a range of $150,000.00 - $175,000.00 based on final time and material amounts.

In addition to the exorbitant cost overrun installation of the driveway creates for this project, Rock Ridge Developers, LLC would like to point out that the driveway connection doesn't improve traffic flows in any meaningful way. The connection was originally thought of as part of the larger Westridge development but over time the connection didn't materialize as having any significant impact on traffic flows. The roundabout connections to Moorland Rd. and the signalized intersections to the south at Small Rd. and Westridge Rd. operate at acceptable levels without any failing movements. This was discussed in a conversation with Traffic Analysis and Design (TADI - John Bieberitz – engineer) and detailed in an email to Kristen Hogan dated 12/17/2018 as part of the consideration for developing the Property (EXHIBIT B). TADI completed extensive work along Moorland Rd. as a consultant and had sufficient data to make this assumption without needing to complete a full scale TIA.

Based on the factors listed above, we do not believe removing the driveway connection and releasing the Access Easement Agreement will have any sort of negative impact on the project or traffic flows for the Property or any other surrounding properties. Rather, enforcing the driveway connection will push this project far beyond the limits of financial viability forcing Rock Ridge Developers into a decision on whether or not to continue constructing it. With this in mind, Rock Ridge Developers has submitted revised plans for consideration by Staff and Plan Commission. It is our hope and desire to have these plans approved so that we can complete construction in the very near future.

Sincerely,

John Holborow
Member
Rock Ridge Developers, LLC

EXHIBT A

From: United Engineering Tim Anderson <tauec@sbcglobal.net>
Sent: Thursday, May 9, 2024 3:31 PM
To: Scott Christianson <scottc@kvgbuilding.com>; Dennis Somers <dsomers@kvgbuilding.com>
Cc: Mike Reyer <mreyer@kvgbuilding.com>
Subject: Pavement Subgrade Evaluation - Proposed Caribou Coffee Store - 5276 S. Moorland Road New Berlin, Wisconsin 53151

Scott,

Per our meeting yesterday, we recommend the removal of approximately two (2) feet of soil below the planned subgrade elevation. Geo-grid should then be placed on the exposed subgrade and the excavation brought to grade with approximately eighteen (18) inches of three (3) inch breaker run or equivalent followed by six (6) inches of crushed aggregate base. A non-woven geotextile fabric should be placed between the breaker run and the crushed aggregate base course to provide separation and prevent intrusion of fines into the breaker run void space. As we discussed with the excavator, the breaker run should be placed without equipment or truck impact to the geo-grid and exposed subgrade.

Tim

Timothy J. Anderson, P.E.
Principal

UNITED ENGINEERING CONSULTANTS, INC
2938 S. 166th Street, New Berlin, WI 53151
Office (262)-785-1447

EXHIBIT B

Hogan, Kristen

From:	John Holborow <jholborow@evodevoinc.com>
Sent:	Monday, December 17, 2018 4:59 PM
To:	Hogan, Kristen
Cc:	Brian Riordan; Nathan Powers
Subject:	Re: Susnar/Yee Trust Property

Hi Kristen,
I just spoke to John Bieberitz (Traffic Analysis and Design). They did not complete a full detailed study on behalf of Steve Doran. However, general perceptions and assumptions based on the data they did collect were as follows:

- Based on observation, the weekday morning and evening peak volumes at the round about appear to operate at acceptable levels with no major concerns.
- With Moorland Rd. being signalized at Westridge & Small Rd (south of the round about) it is expected the signal could handle additional traffic without significant modifications (in essence, the signal works just fine and could handle additional volume without failing).

Please let me know if you have any additional questions/concerns. We will wait to hear from you.
Thank you,
John

JOHN HOLBOROW
O: (414) 393-1800
C: (708) 828-3791
jholborow@evodevoinc.com

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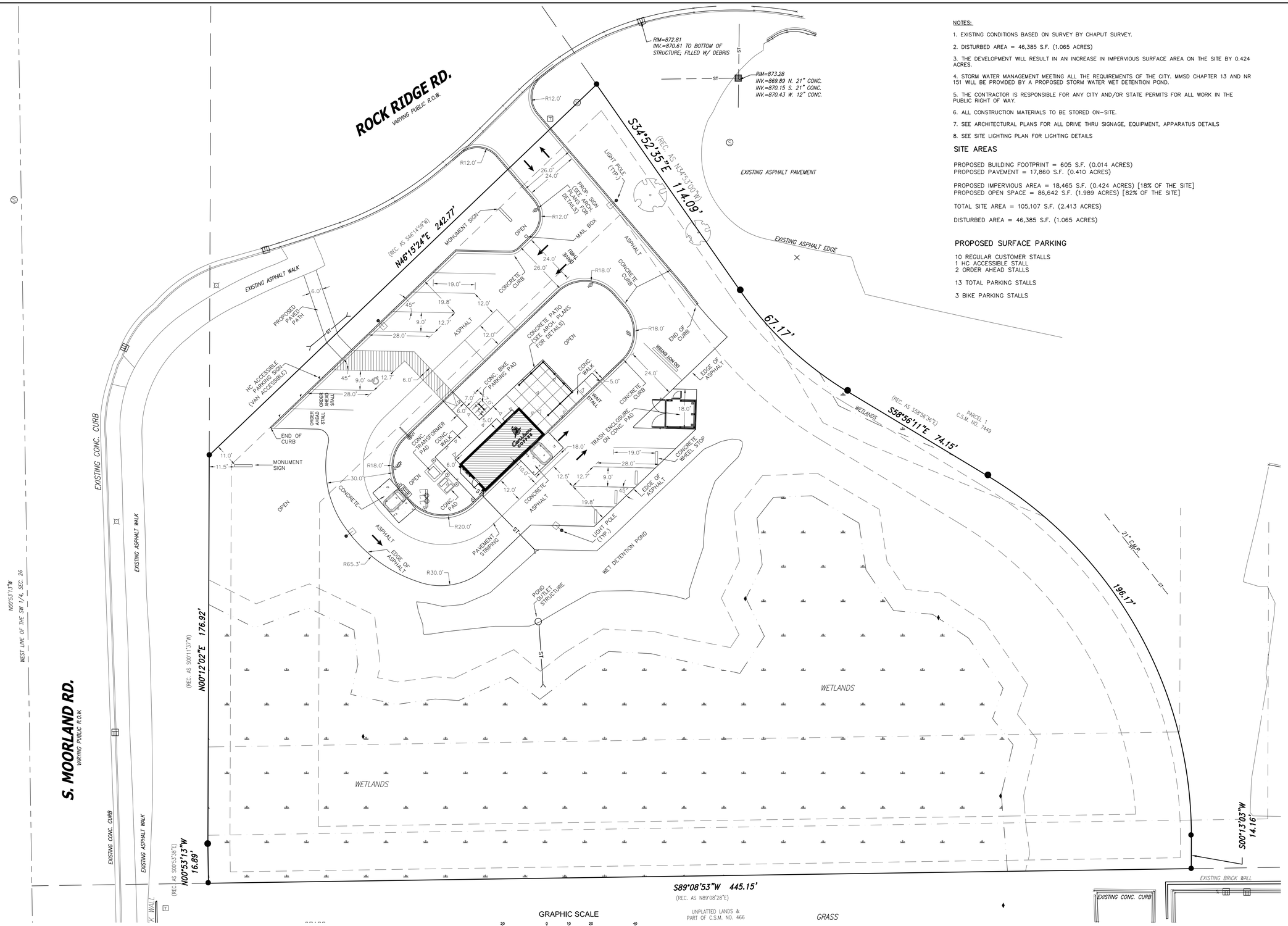


NOTES:

1. EXISTING CONDITIONS BASED ON SURVEY BY CHAPUT SURVEY.
2. DISTURBED AREA = 46,385 S.F. (1.065 ACRES)
3. THE DEVELOPMENT WILL RESULT IN AN INCREASE IN IMPERVIOUS SURFACE AREA ON THE SITE BY 0.424 ACRES.
4. STORM WATER MANAGEMENT MEETING ALL THE REQUIREMENTS OF THE CITY. MMSD CHAPTER 13 AND NR 151 WILL BE PROVIDED BY A PROPOSED STORM WATER WET DETENTION POND.
5. THE CONTRACTOR IS RESPONSIBLE FOR ANY CITY AND/OR STATE PERMITS FOR ALL WORK IN THE PUBLIC RIGHT OF WAY.
6. ALL CONSTRUCTION MATERIALS TO BE STORED ON-SITE.
7. SEE ARCHITECTURAL PLANS FOR ALL DRIVE THRU SIGNAGE, EQUIPMENT, APPARATUS DETAILS
8. SEE SITE LIGHTING PLAN FOR LIGHTING DETAILS

SITE AREAS

PROPOSED BUILDING FOOTPRINT = 605 S.F. (0.014 ACRES)
PROPOSED PAVEMENT = 17,860 S.F. (0.410 ACRES)

PROPOSED IMPERVIOUS AREA = 18,465 S.F. (0.424 ACRES) [18% OF THE SITE]
PROPOSED OPEN SPACE = 86,642 S.F. (1.989 ACRES) [82% OF THE SITE]

TOTAL SITE AREA = 105,107 S.F. (2.413 ACRES)

DISTURBED AREA = 46,385 S.F. (1.065 ACRES)

PROPOSED SURFACE PARKING

10 REGULAR CUSTOMER STALLS
1 HC ACCESSIBLE STALL
2 ORDER AHEAD STALLS

13 TOTAL PARKING STALLS

3 BIKE PARKING STALLS

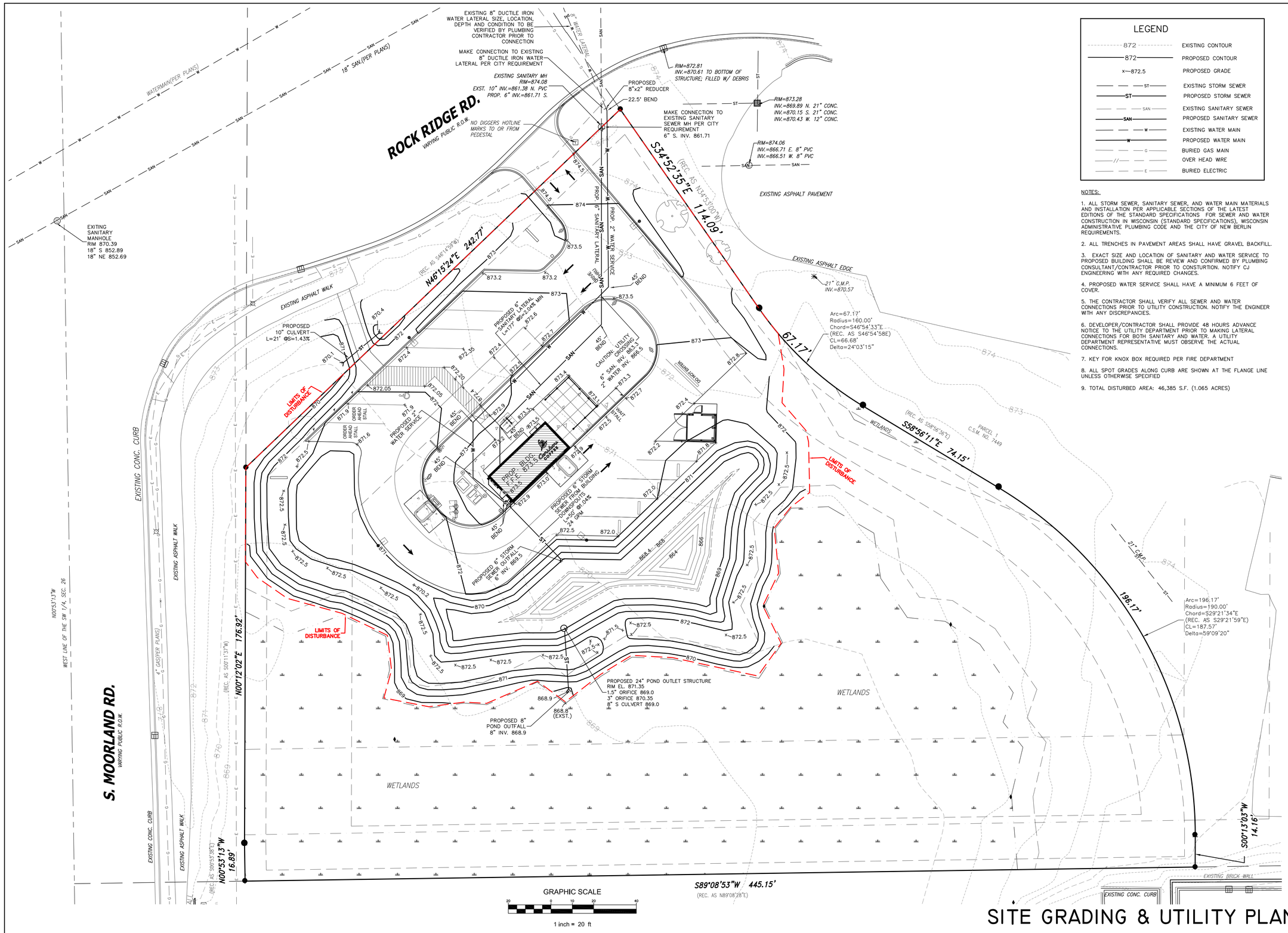
CJ engineering
civil design and consulting
9205 W. Center Street
Suite 214
Milwaukee, WI 53222
PH. (414) 443-1312
www.cj-engineering.com

CARIBOU COFFEE

5276 S MOORLAND ROAD NEW BERLIN, WI

CJE NO.: 2308R7
MARCH 23, 2023
REV.: 06/07/2023
REV.: 06/19/2023
REV.: 07/26/2023
REV.: 11/03/2023
REV.: 12/13/2023
REV.: 06/07/2024

SITE PLAN C1.0



LEGEND

872	EXISTING CONTOUR
872	PROPOSED CONTOUR
x—872.5	PROPOSED GRADE
ST	EXISTING STORM SEWER
ST	PROPOSED STORM SEWER
SAN	EXISTING SANITARY SEWER
SAN	PROPOSED SANITARY SEWER
W	EXISTING WATER MAIN
W	PROPOSED WATER MAIN
G	BURIED GAS MAIN
//	OVER HEAD WIRE
E	BURIED ELECTRIC

NOTES:

1. ALL STORM SEWER, SANITARY SEWER, AND WATER MAIN MATERIALS AND INSTALLATION PER APPLICABLE SECTIONS OF THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN (STANDARD SPECIFICATIONS), WISCONSIN ADMINISTRATIVE PLUMBING CODE AND THE CITY OF NEW BERLIN REQUIREMENTS.

2. ALL TRENCHES IN PAVEMENT AREAS SHALL HAVE GRAVEL BACKFILL.

3. EXACT SIZE AND LOCATION OF SANITARY AND WATER SERVICE TO PROPOSED BUILDING SHALL BE REVIEW AND CONFIRMED BY PLUMBING CONSULTANT/CONTRACTOR PRIOR TO CONSTURTION. NOTIFY CJ ENGINEERING WITH ANY REQUIRED CHANGES.

4. PROPOSED WATER SERVICE SHALL HAVE A MINIMUM 6 FEET OF COVER.

5. THE CONTRACTOR SHALL VERIFY ALL SEWER AND WATER CONNECTIONS PRIOR TO UTILITY CONSTRUCTION. NOTIFY THE ENGINEER WITH ANY DISCREPANCIES.

6. DEVELOPER/CONTRACTOR SHALL PROVIDE 48 HOURS ADVANCE NOTICE TO THE UTILITY DEPARTMENT PRIOR TO MAKING LATERAL CONNECTIONS FOR BOTH SANITARY AND WATER. A UTILITY DEPARTMENT REPRESENTATIVE MUST OBSERVE THE ACTUAL CONNECTIONS.

7. KEY FOR KNOX BOX REQUIRED PER FIRE DEPARTMENT

8. ALL SPOT GRADES ALONG CURB ARE SHOWN AT THE FLANGE LINE UNLESS OTHERWISE SPECIFIED

9. TOTAL DISTURBED AREA: 46,385 S.F. (1.065 ACRES)

CJ engineering
civil design and consulting
9205 W. Center Street
Suite 214
Milwaukee, WI 53222
PH. (414) 443-1312
www.cj-engineering.com

CARIBOU COFFEE

5276 S MOORLAND ROAD NEW BERLIN, WI

CJE NO.: 2308R7
MARCH 23, 2023
REV.: 06/07/2023
REV.: 06/19/2023
REV.: 07/26/2023
REV.: 11/03/2023
REV.: 12/13/2023
REV.: 06/07/2024

SITE GRADING & UTILITY PLAN C2.0

NOTES:

1. ALL EROSION CONTROL METHODS SHALL BE IN ACCORDANCE WITH THE CITY OF NEW BERLIN STANDARDS AND WDNR CPS TECHNICAL STANDARDS.

2. ALL EXPOSED SOIL AREAS NOT DISTURBED WITHIN SEVEN (7) DAYS SHALL BE IMMEDIATELY RESTORED WITH SEED AND MULCH OR POLYMER.

SEE WDNR TECHNICAL STANDARD 1059 FOR SEEDING

DURING GROWING SEASON (SOIL TEMPERATURES REMAIN CONSISTENTLY ABOVE 53°):

3. DISTURBED AREA: 46,385 S.F. (1.065 ACRES)

4. WETLAND SIGNAGE ON SILT FENCE TO BE PLACED AS BUFFER ADJACENT TO WETLAND AREAS.

5. SEE SITE DETAILS SHEET C4.0 FOR EROSION CONTROL DETAILS, ADDITIONAL NOTES AD SPECIFICATIONS.

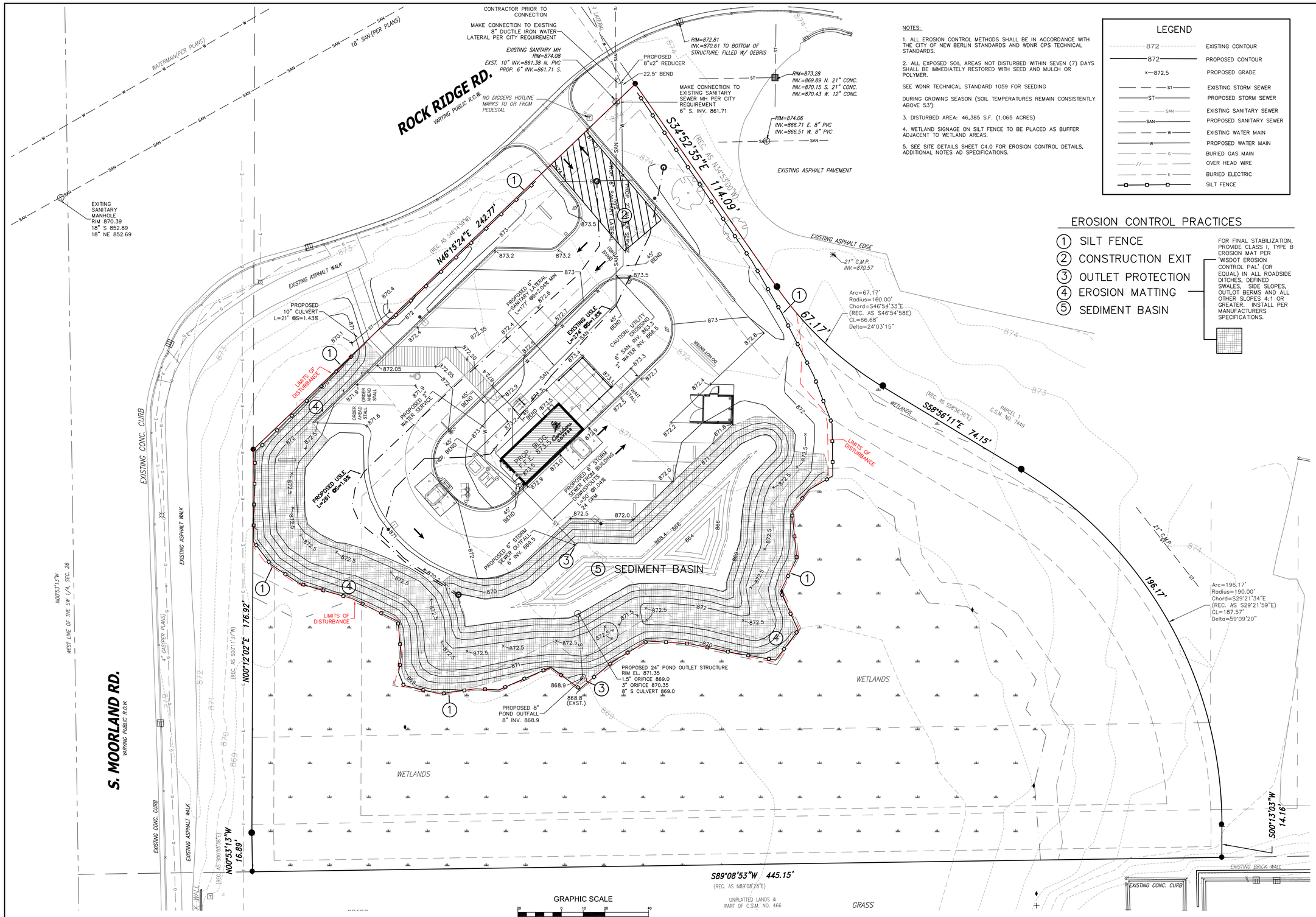
LEGEND

872	EXISTING CONTOUR
872	PROPOSED CONTOUR
x—872.5	PROPOSED GRADE
—— —— ST ——	EXISTING STORM SEWER
—ST—	PROPOSED STORM SEWER
—— —— SAN ——	EXISTING SANITARY SEWER
—SAN—	PROPOSED SANITARY SEWER
—— —— W ——	EXISTING WATER MAIN
—W—	PROPOSED WATER MAIN
—— —— G ——	BURIED GAS MAIN
—// —— ——	OVER HEAD WIRE
—— —— E ——	BURIED ELECTRIC
—▭—▭—▭—	SILT FENCE

EROSION CONTROL PRACTICES

1. SILT FENCE
2. CONSTRUCTION EXIT
3. OUTLET PROTECTION
4. EROSION MATTING — FOR FINAL STABILIZATION, PROVIDE CLASS I, TYPE B EROSION MAT PER 'WISDOT EROSION CONTROL PAL' (OR EQUAL) IN ALL ROADSIDE DITCHES, DEFINED SWALES, SIDE SLOPES, OUTLOT BERMS AND ALL OTHER SLOPES 4:1 OR GREATER. INSTALL PER MANUFACTURERS SPECIFICATIONS.
5. SEDIMENT BASIN

CJ engineering
civil design and consulting
9205 W. Center Street
Suite 214
Milwaukee, WI 53222
PH. (414) 443-1312
www.cj-engineering.com



CARIBOU COFFEE

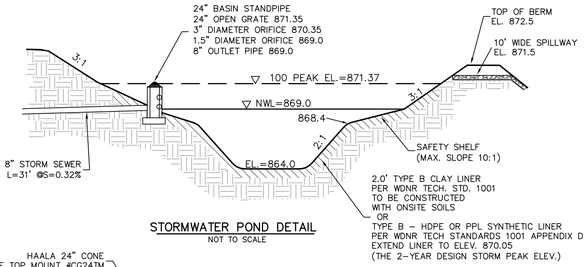
5276 S MOORLAND ROAD NEW BERLIN, WI

CJE NO.: 2308R7
MARCH 23, 2023
REV.: 06/07/2023
REV.: 06/19/2023
REV.: 07/26/2023
REV.: 11/03/2023
REV.: 12/13/2023
REV.: 06/07/2024

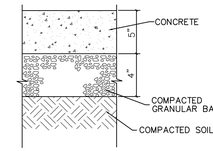
SITE EROSION CONTROL PLAN

C3.0

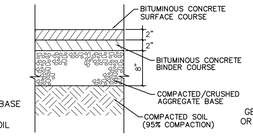
CJ engineering
civil design and consulting
9205 W. Center Street
Suite 214
Milwaukee, WI 53222
PH. (414) 443-1312
www.cj-engineering.com



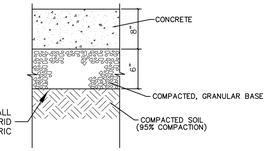
STORMWATER POND DETAIL
NOT TO SCALE



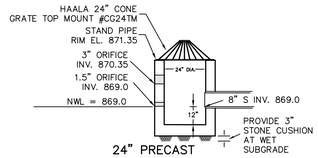
CONCRETE SIDEWALK
NOT TO SCALE



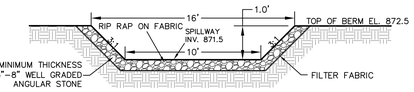
ASPHALT PAVEMENT
NOT TO SCALE



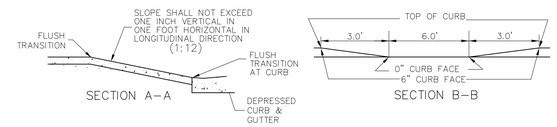
CONCRETE PAVEMENT
NOT TO SCALE

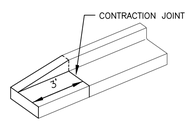


24" PRECAST CONCRETE STANDPIPE
NOT TO SCALE

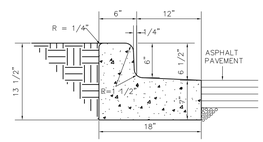


EMERGENCY SPILLWAY DETAIL
NOT TO SCALE

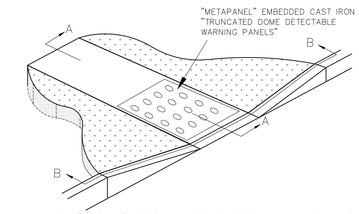




END SECTION CURB TAPER
NOT TO SCALE

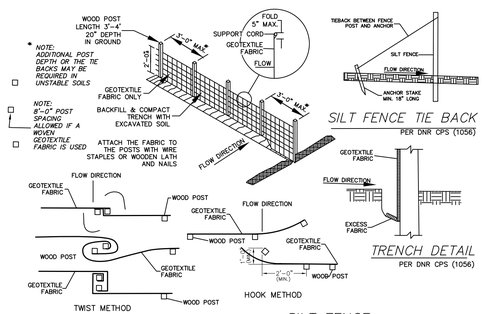


CONCRETE CURB DETAIL
NOT TO SCALE



HANDICAP CURB AND SIDEWALK RAMP
NOT TO SCALE

EROSION CONTROL DETAILS & NOTES



JOINTING TWO LENGTHS OF SILT FENCE
PER DNR CPS (1056)

SILT FENCE TIE BACK
PER DNR CPS (1056)

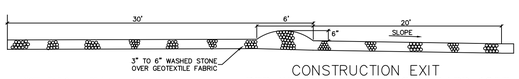
TRENCH DETAIL
PER DNR CPS (1056)

SILT FENCE
PER WDNR TECHNICAL STANDARD 1056
NOT TO SCALE
1

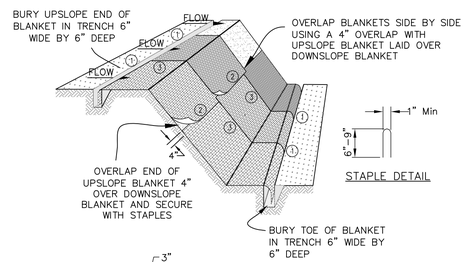
CONSTRUCTION SPECIFICATIONS

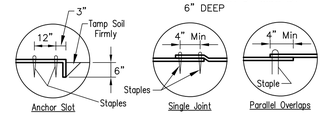
PER DNR CPS (1056)

1. CONSTRUCTION SILT FENCE AROUND THE DISTURBED AREAS AS SHOWN ON EROSION CONTROL PLAN, TO PREVENT SEDIMENT FROM BEING WASHED INTO THE DRAINAGE SYSTEM
2. LOCATE POSTS PER DNR CPS (1056)
3. WHEN JOINTS ARE NECESSARY REFER, TO DNR CPS (1056)
4. FILTER FABRIC TO BE OF NYLON, POLYESTER, PROPYLENE OR ETHYLENE YARN WITH EXTRA STRENGTH – 50 LB/LIN. IN. (MIN.) – AND WITH A FLOW RATE OF AT LEAST 0.3 GAL./SQ. FT./MIN. FABRIC SHOULD CONTAIN ULTRAVIOLET RAY INHIBITORS AND STABILIZERS.
5. THE FILTER FABRIC SHALL BE ANCHORED BY SPREADING AT LEAST 8 INCHES OF FABRIC IN A 4" X 6" TRENCH
6. THE FILTER FABRIC SHALL BE STAPLED AND/OR NAILED TO THE UPSLOPE SIDE OF THE POSTS.
7. POST TO BE 1 1/8" X 1 1/8" HICKORY OR OAK, 3 FEET LONG, SPACED A MAXIMUM OF 3 FEET APART.
8. USE WIRE REINFORCEMENT IN UNSTABLIZED MINOR SWALES, DITCHES AND DIVERSIONS.
9. USE WISDOT APPROVED SILT FENCE



CONSTRUCTION EXIT
PER WDNR TECHNICAL STANDARD 1057
NOT TO SCALE
2

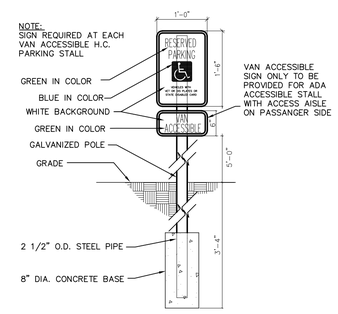




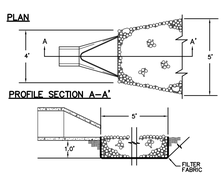
EROSION MATTING TYPICAL INSTALLATION
PER WDNR TECHNICAL STANDARD 1053
FOR CLASS 1, TYPE B EROSION MAT
INSTALL PER MANUFACTURERS SPECIFICATIONS
NOT TO SCALE
4

MAINTENANCE PLAN

1. ALL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE CHECKED FOR STABILITY AND OPERATION FOLLOWING EVERY ½" RUNOFF-PRODUCTION RAINFALL BUT IN NO CASE LESS THAN ONCE EVERY WEEK. ANY NEEDED REPAIRS WILL BE MADE IMMEDIATELY TO MAINTAIN ALL PRACTICES AS DESIGNED.
2. SEDIMENT WILL BE REMOVED FROM BEHIND THE SILT FENCE WHEN IT BECOMES ABOUT 0.5 FT. DEEP AT THE FENCE. THE SILT FENCE WILL BE REPAIRED AS NECESSARY TO MAINTAIN A BARRIER.
3. ALL SEEDED AREAS WILL BE WATERED, FERTILIZED, RESEEDED AS NECESSARY, AND MULCHED TO MAINTAIN A VIGOROUS, DENSE VEGETATIVE COVER.
4. ANY SEDIMENT REACHING A PUBLIC OR PRIVATE ROAD SHALL BE REMOVED BY STREET CLEANING BEFORE THE END OF EACH DAY.



ACCESSIBLE PARKING SIGN DETAIL
(VAN ACCESSIBLE)
NOT TO SCALE



CONSTRUCTION SPECIFICATIONS

1. EXCAVATE BELOW CHANNEL OUTLET AND WIDEN CHANNEL TO THE REQUIRED RIP RAP THICKNESS FOR EACH APRON. FOUNDATION TO BE CUT TO ZERO GRADE AND SMOOTHED.
2. PLACE FILTER CLOTH ON BOTTOM AND SIDES OF PREPARED FOUNDATION. ALL JOINTS TO OVERLAP A MINIMUM OF 1.0'.
3. EXERCISE CARE IN RIP RAP PLACEMENT TO AVOID DAMAGE TO FILTER FABRIC.
4. PLACE RIP RAP ON ZERO GRADE – TOP OF RIP RAP TO BE LEVEL WITH EXISTING OUTLET – NO OVERFALL AT ENDS.
5. RIP RAP TO BE HARD, ANGULAR, WELL GRADE STONE OF 5" TO 8" DIA.
6. IMMEDIATELY AFTER CONSTRUCTION, STABILIZE ALL DISTURBED AREAS WITH VEGETATION.

OUTLET PROTECTION FOR ENDSECTION
NOT TO SCALE
3

CONSTRUCTION SCHEDULE

1. OBTAIN PLAN APPROVAL AND OTHER APPLICABLE PERMITS.
2. INSTALL CONSTRUCTION EXIT.
3. INSTALL SILT FENCE AND CONSTRUCTION FENCE
4. STRIP AND STOCK PILE TOP SOIL. SURROUND TOP SOIL STOCK PILE WITH SILT FENCE AND TEMP. STABILIZE. LOCATION OF STOCK PILE TO BE DETERMINED BY CONTRACTOR.
5. INSTALL STORM WATER BASINS TO USE AS SEDIMENT BASINS COMPLETE WITH OUTLETS:
   A. ROUGH GRADE AND OVER EXCAVATE BOTTOM OF BASINS.
   B. INSTALL OUTLET STRUCTURE AND PIPES.
6. ROUGH GRADE SITE.
7. UTILIZE DEWATERING BAG AS NECESSARY DURING EXCAVATION FOR BUILDING CONSTRUCTION. DIRECT RUNOFF FROM BAG TO EXISTING STORM WATER FACILITIES.
8. INSTALL PROPOSED UTILITIES.
9. INSTALL OUTLET PROTECTION
10. INSTALL BASE COURSE OF PAVEMENT.
11. FINAL GRADE SLOPES AND TOPSOIL CRITICAL SLOPES; VEGETATE AND MAT ALL DISTURBED AREAS.
12. ALL EROSION CONTROL PRACTICES WILL BE INSPECTED WEEKLY AND AFTER RAINFALL, NEEDED REPAIRS WILL BE PERFORMED IMMEDIATELY.
13. AFTER SITE IS STABILIZED, REMOVE ALL TEMPORARY MEASURES AND VEGETATE THE DISTURBED AREAS.

TEMPORARY STABILIZATION METHODS

TEMPORARY SEEDING:
DURING GROWING SEASON (MAY 2 – OCTOBER 31) TEMPORARY SEEDING (COVER CROP) TO BE USED FOR TEMPORARY STABILIZATION DURING SITE CONSTRUCTION.

Species	Lbs/Acre	Percent Purity
Oats	131	98
Cereal Rye	131*	97
Winter Wheat	131*	95
Annual Ryegrass	80*	97

* Fall Seeding

LAND APPLICATION OF ADDITIVES:
DURING NONGROWING SEASON (NOVEMBER 1 – MAY 1) CONTRACTOR TO PROVIDE TYPE B SOIL STABILIZER DURING SITE CONSTRUCTION. STABILIZER TO BE POLYACRYLAMIDE (PAM) PER LATEST WDOT PAL (UPDATED 11/2/2017) – SEE WDNR TECHNICALSTANDARD 1050.

STABILIZATION SHOULD BE COMPLETED WITHIN 7 DAYS OF ESTABLISHING FINAL GRADE OR THAT WILL OTHERWISE EXIST FOR MORE THAN 14 DAYS.

WINTER CONDITIONS

DURING WINTER CONSTRUCTION (NOVEMBER 1 TO MAY 1), CONTRACTOR TO PROVIDE TYPE B SOIL STABILIZER, POLYACRYLAMIDE (PAM) PER LATEST WDOT PAL (UPDATED 11/2/2017) ON ALL DISTURBED AREAS THAT ARE NOT TO BE DISTURBED BEYOND 7 DAYS. CONTRACTOR TO INSTALL PAM PER WDNR TECHNICAL STANDARD 1050 AND THE MANUFACTURERS SPECIFICATIONS.

PRESCRIPTIVE COMPLIANCE AREAS:
PER WDNR NR151.11 WIS. ADM. CODE
MAXIMUM PERIOD OF BARE SOIL EXPOSURE FOR SLOPES EXCEEDING 20%

SLOPE AREA DRAINS TO SEDIMENT BASIN OR SEDIMENT TRAP	MAXIMUM PERIOD OF BARE SOIL EXPOSURE (CALENDER DAYS)	
	LAND DISTURBANCE BETWEEN SEPT. 16TH AND MAY 1ST	*LAND DISTURBANCE BETWEEN MAY 2ND AND SEPT. 15TH*

CARIBOU COFFEE
5276 S MOORLAND ROAD NEW BERLIN, WI

CJE NO.: 2308R7
MARCH 23, 2023
REV.: 06/07/2023
REV.: 06/19/2023
REV.: 07/26/2023
REV.: 11/03/2023
REV.: 12/13/2023
REV.: 06/07/2024

SITE DETAILS C4.0

STATE OF WISCONSIN **CITY OF NEW BERLIN** **WAUKESHA COUNTY**

RESOLUTION NO. 20-32

RESOLUTION OF THE CITY OF NEW BERLIN TO RELEASE ROAD RESERVATION

WHEREAS, the City of New Berlin is a Wisconsin municipal corporation; and

WHEREAS, the City of New Berlin has received a request from the Susnar / Yee Trust owner of the property located at 5276 S. Moorland Road and represented by Brian Riordan with the Boerke Company, Inc. for the City of New Berlin to release a 80' wide road reservation that appears on Certified Survey Map No. 7449 (a copy of which is attached hereto and marked Exhibit A) as recorded with the Waukesha County Register of Deeds Office as Document No. 1987210 on August 15, 1994; and

WHEREAS, the City of New Berlin Staff has reviewed this request and the necessity for the maintenance of such road reservation in the future; and

WHEREAS, Staff has concluded that there is no longer a need for this road reservation as the lands to the south now have direct access to Small Road but the City will require an internal private driveway connection instead to create a circulation pathway for this parcel to the property located at 5320 S. Moorland Road (Tax Key #: 1255990001 - currently Stonefire Pizza Company) and the property located at 5200 Moorland Road (Tax Key: 1255991014 – currently Marcus Ridge Theater) for any future development plans for Outlot 1 as it appears on the CSM No. 7449 (Exhibit A – current address of 5276. S. Moorland Road / Tax Key #: 1255990001); and

WHEREAS, on Monday, October 5, 2020, the Plan Commission of the City of New Berlin considered the request to release the road reservation and on October 13, 2020 recommended to the City Common Council that this be accomplished; and

WHEREAS, the road reservation was never accepted for dedication by the City of New Berlin; and

WHEREAS, the City does believe that a future interconnected driveway via parking lots would to allow for better circulation amongst the parcels and an additional option for ingress and egress out to adjacent public roadways. The City will require the owner add a note to the CSM requiring a cross access easement. The easement shall be recorded against the burdened and benefited properties.

WHEREAS, the Common Council of the City of New Berlin has carefully reviewed the request of the Susnar / Yee Trust, Staff, and the Plan Commission recommendation and has therefore determined that the proposed request to release the road reservation as found on CSM

No. 7449 as recorded with the Waukesha County Register of Deeds Office as Document No. 1987210 is in the best interest of the City and therefore, should be approved.

NOW, THEREFORE, BE IT RESOLVED that the proposed request by the Susnar / Yee Trust to release the road reservation as provided for in CSM No. 7449 (Exhibit A) is hereby approved.

BE IT FURTHER RESOLVED that City Staff is directed to take such actions as are necessary to effectuate the intention of this Resolution and to see that the Resolution is recorded with the Waukesha County Register of Deeds Office.

Dated at New Berlin, Wisconsin this 13th day of October, 2020.

APPROVED:

David Ament, Mayor

Countersigned:

Georgia Stanford, City Clerk

CERTIFICATION

I hereby certify that this is a true and correct copy of the Resolution adopted by the City of New Berlin on the 13th day of October, 2020.

Georgia Stanford, City Clerk

Electronically Recorded
4553655
WAUKESHA COUNTY, WI
REGISTER OF DEEDS
James R Behrend
Recorded On:02/02/2021 1:28:08 PM
Total Fee: $30.00 Page(s): 10
Transfer Tax: $0.00

ACCESS EASEMENT AGREEMENT

DOCUMENT NO.

The above recording informationverifies that this document has been electronically recorded and returned to the submitter.

This Access Easement Agreement ("Agreement") is made and entered into as of the 27th day of January, 2021, by and among **Westridge Development Properties, LLC, a Wisconsin limited liability company (as to an undivided 65% interest) and The King J. and Stella C. Yee Joint Revocable Trust Dated May 14, 2004 (as to an undivided 35% interest)** ("Owner") and CT Investments III, LTD. a Wisconsin Corporation ("Grantee").

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

Daniel D. Seibel
Seibel & Falkner, LLP
2060 N. Humboldt Ave., Suite 225
Milwaukee, WI 53212

Parcel Identification Number

RECITALS:

A. Owner is the fee simple owner of certain real property described on **Exhibit A** (the "Owner Property").

B. Grantee is the fee simple owner of certain real property described on **Exhibit B** attached hereto (the "Grantee Property"), and which property lies adjacent to the Owner Property.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the parties do hereby agree as follows:

1. Grant of Access Easement. Owner hereby grants, creates and establishes for the benefit of the Grantee Property a perpetual, non-exclusive easement over and across a portion of the Owner Property in a location determined by Owner, in Owner's sole discretion (the "Easement Area") for the purpose of providing pedestrian and vehicular access over and across the Owner Property to and from the Grantee Property, subject to the terms and conditions of this Agreement as provided below (the "Easement"). The Easement is appurtenant to the Grantee Property and shall run with the land. Upon development of the Owner Property, the owner of the Owner Property at the time of development of the Owner Property shall determine the exact location and size of the Easement Area and record a document establishing the Easement Area. There shall be no time frame required as to when the Owner Property is developed and the actual Easement Area is determined. If at any time the Owner receives approval from governmental authorities to not have this Easement, the Owner may terminate this Easement without receiving approval from Grantee. At the time the Owner Property gets developed, unless the Owner has received approval from governmental authorities that the Easement is not necessary, the Owner at its expense shall create and pave the Easement Area to the point south of the northerly lot line of the Grantee Property as described below. Grantee shall have no obligation for any costs associated with building the Easement Area including any future maintenance of the Easement Area. Owner is obligated, at Owner's expenses, to pave the area on the Grantee Property that is necessary for the existing asphalt on the Grantee Property to connect to the Easement Area

(approximately as shown on **Exhibit C** attached hereto). This obligation and work associated with same must be completed prior to the use on the Owner Property being open for business.

2. Use. The fee simple owner of the Grantee Property and its respective agents, contractors and invitees shall have the right to use the Easement Area, in common with others, for pedestrian and vehicular access only. Owner may relocate such Easement and Easement Area at any time, provided it continues to provide the appropriate access as reasonably determined by Owner. Owner shall pay for any and all improvements on and to the Easement Area.

3. No Dedication to Public; Reservation of Rights. This Agreement is not intended to, and shall not be construed as a gift or dedication to the public of Owner Property, the Easement Area or any part thereof.

4. Binding Effect. All terms and conditions in this Agreement, including the easements, covenants, agreements, benefits and burdens set forth in this Agreement, shall run with the land and be binding upon, inure to the benefit of, and be enforceable by the Grantee and the Owner, and their respective successors and assigns. The Easement shall be appurtenant to and shall pass with title to the Owner Property.

5. Miscellaneous. No Joint Venture. Nothing in this Agreement shall be construed to make the parties hereto partners or joint venturers, or to render any of said parties liable for the debts or obligations of any other.

(b) Headings. Paragraph and subparagraph headings herein are for convenience and reference only and in no way define or limit the scope or content of this Agreement or in any way affect its provisions.

(c) Waiver. No delay or omission by any party hereto to exercise any right or power occurring upon any non-compliance or failed performance by the other under the provisions of this Agreement shall impair any such right or power or be construed to be a waiver thereof. A waiver by any party of any of the covenants, conditions or agreements hereof to be performed by another, shall not be construed to be a waiver of any succeeding breach thereof or of any other covenant, condition or agreement contained herein.

(d) Notices. Any notice, request or demand required or permitted to be delivered to a party under this Agreement shall be in writing and shall be deemed given when personally served, one day after the same has been deposited with a nationally recognized overnight delivery service, or three (3) days after the same has been deposited with the United States Post Office, registered or certified mail, return receipt requested, postage prepaid and addressed as follows:

To Owner: Susnar/Yee Trust
Attn: Brian Riordan
P. O. Box 13125
Milwaukee, WI 53213-0125

With a copy to:	Daniel D. Seibel Seibel & Falkner, LLP 2060 N. Humboldt Blvd., Suite 225 Milwaukee, WI 53212
To Grantee:	CT Investments N 8 W 22520-L Johnson Drive Waukesha, WI 53186

(e) Governing Law and Interpretation. This Agreement shall be governed and construed in accordance with the laws of the State of Wisconsin.

(f) Amendments to be in Writing. No amendment to this Agreement shall be effective to add to, change, modify, waive or discharge this Agreement in whole or in part, unless such amendment is in writing pursuant to a recorded instrument and which is signed by (i) either the Owner or the successor owner of Owner Property, and (ii) Grantee or the successor owner of the Grantee Property. The exceptions to the above are the Owner recording a document as to the Easement Area and the termination allowed in section 1 above, which documents only have to be signed by Owner.

(g) Partial Invalidity. If any provisions, or portions thereof, of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such provision, or portion thereof, to any other persons or circumstances shall not be affected thereby and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

(h) Public Record. This Agreement shall be recorded with the Register of Deeds for Waukesha County, Wisconsin.

(i) Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original.

(j) Successors. The Agreement shall be binding on and benefit any successors to Owner and/or Grantee.

[Signatures begin on following page]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

OWNER:

WESTRIDGE DEVELOPMENT PROPERTIES, LLC,

By: _____

Name: MICHAEL J. BRABO

Its: MANAGING MEMBER

See attached California acknowledgement

STATE OF WISCONSIN)
) ss
COUNTY OF _____)

Personally came before me this ____ day of _____, 2021, the above-named _____, to me known to be the _____ of _____, and to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____
Notary Public, State of Wisconsin

My Commission Expires: _____

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

On JANUARY 25, 2021, before me, LYNDA FREIMUELLER, NOTARY PUBLIC, personally appeared MICHAEL J. BRABO, who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lynda Freimueller

LYNDA FREIMUELLER
Commission No. 2263710
NOTARY PUBLIC-CALIFORNIA
RIVERSIDE COUNTY
My Comm. Expires OCTOBER 21, 2022

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

OWNER:
The King J. and Stella C. Yee Joint Revocable Trust Dated May 14, 2004

By: Stella Yee
Name: Stella Yee
Its: Trustee

STATE OF WISCONSIN)
) ss
COUNTY OF Waukesha)

Personally came before me this 27th day of January, 2021, the above-named Stella Yee, to me known to be the Trustee of The King J and Stella C. Yee Joint Revocable Trust Dated May 14, 2004, and to me known to be the person who executed the foregoing instrument and acknowledged the same.

Sandra J Strehlow
Notary Public, State of Wisconsin

My Commission Expires: 11/6/2021

SANDRA J. STREHLOW NOTARY PUBLIC STATE OF WISCONSIN

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

GRANTEE:

By: CT INVESTMENTS III, LLC
Name: CARL P TOMICH
Its: Managing member

STATE OF WISCONSIN)
) ss
COUNTY OF Waukesha)

Personally came before me this 26th day of January, 2021, the above-named Carl P. Tomich, to me known to be the Managing Member of CT Investments III, Ltd, and to me known to be the person who executed the foregoing instrument and acknowledged the same.

Kari L. Stahl
Notary Public, State of Wisconsin

My Commission Expires: February 21, 2024

KARI L. STAHL
NOTARY
PUBLIC
STATE OF WISCONSIN

DRAFTED BY

Daniel D. Seibel
Seibel & Falkner, LLP
2060 N. Humboldt Ave., Suite 225
Milwaukee, WI 53212

EXHIBIT "A"

Legal Description

Outlot 1 of Certified Survey Map No. 7449, recorded on August 15, 1994 in Volume 63 of Certified Survey Maps, on Pages 193-199, as Document No. 1987210, as corrected by Affidavit of Correction dated September 8, 1995 and recorded on December 5, 1995 on Reel 2149, Image 170, as Document No. 2085123, being a part of the Southwest 1/4 of the Northwest 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 26, in Township 6 North, Range 20 East, in the City of New Berlin, County of Waukesha, State of Wisconsin.
EXCEPTING lands taken by the State of Wisconsin by Award of Damages recorded on January 31, 2007 as Document No. 3454475.

Tax Key No. NBC 1255.991.003

EXHIBIT "B"

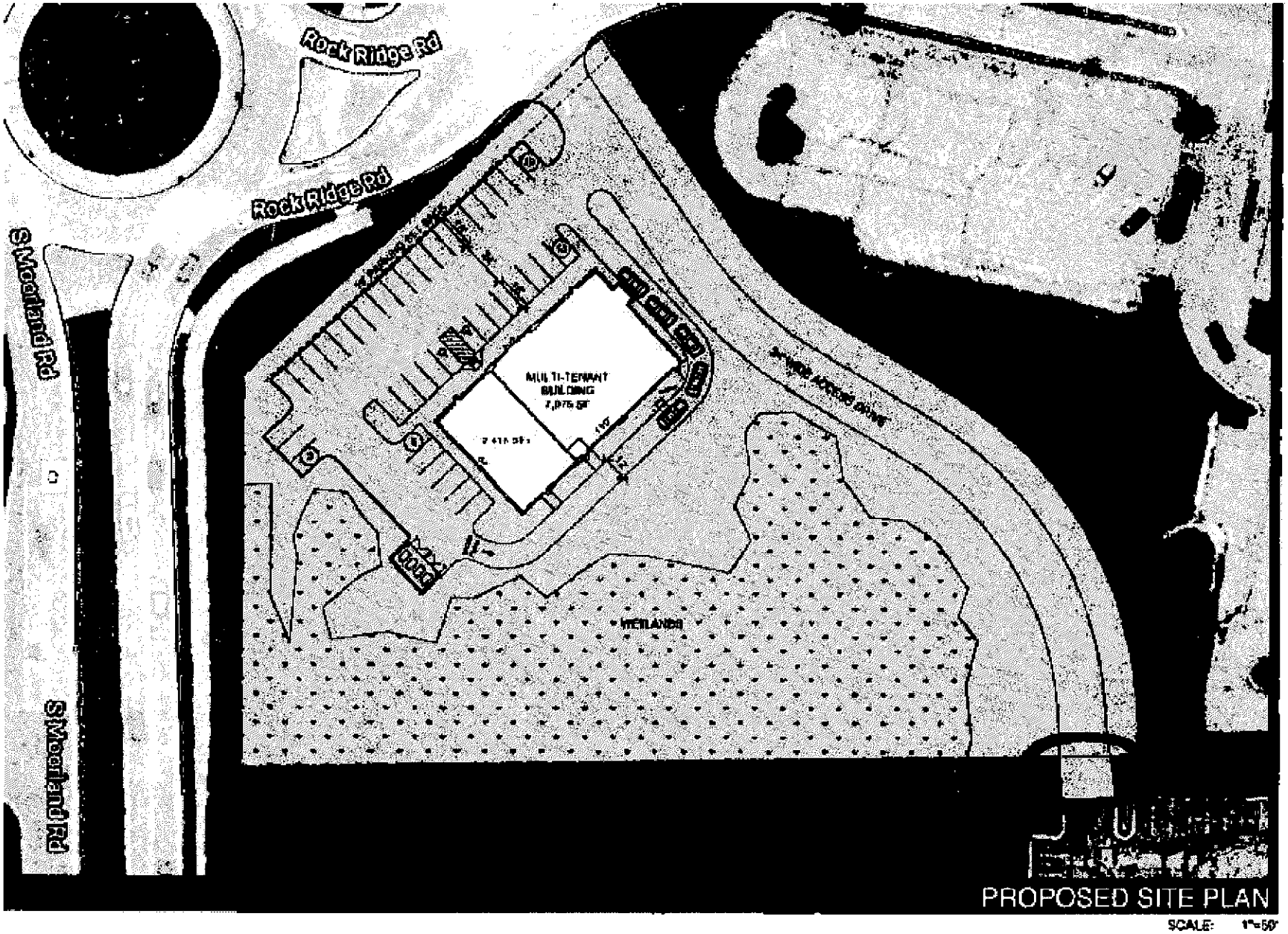
That part of the Southwest 1/4 of Section 26, Township 6 North, Range 20 East, in the City of New Berlin, County of Waukesha, State of Wisconsin, bounded and described as follows:

Commencing at a point on the West line of said 1/4 Section distant due South 1320.00 feet from the Northwest corner of said Section to the place of beginning; thence continuing due South 1235.26 feet to the center line of C.T.H. "HI", also known as Small Road; thence North 52° 05' East 549.65 feet to a point; thence due North 897.50 feet to a point; thence due West 433.62 feet to the point of beginning.

ALSO,

Certified Survey Map No. 466, recorded July 20, 1966 in Volume 3 of Certified Survey Maps, as Document No. 666698, of the West 6.9763 acres of 11.0 acre tract recorded in Volume 262 of Deeds, at Page 158, as Document No. 210592 of Waukesha County Records, a part of the Southwest 1/4 of Section 26, Township 6 North, Range 20 East, in the City of New Berlin, County of Waukesha, State of Wisconsin. Except lands lying South of the North line of property described in Document No. 2446924 and excepting lands lying West of the East line of property described in Document No. 2446922.

EXHIBIT "C"



Area to be paved by Owner
Grantee Property

4623815

REGISTER OF DEEDS
WAUKESHA COUNTY, WI
RECORDED ON

Book 125 Page 263-268

CERTIFIED SURVEY MAP NO. 12233

Part of Outlot 1 of Certified Survey Map No. 7449, as corrected by Affidavit of Correction recorded as Document No. 2085123, in the Northwest 1/4 of the Southwest 1/4 of Section 26, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

Owner : Westridge Dev-Yee Trust
1111 E Tahquitz CYN WY
#203
Palm Springs, CA 92262

BASIS OF BEARINGS

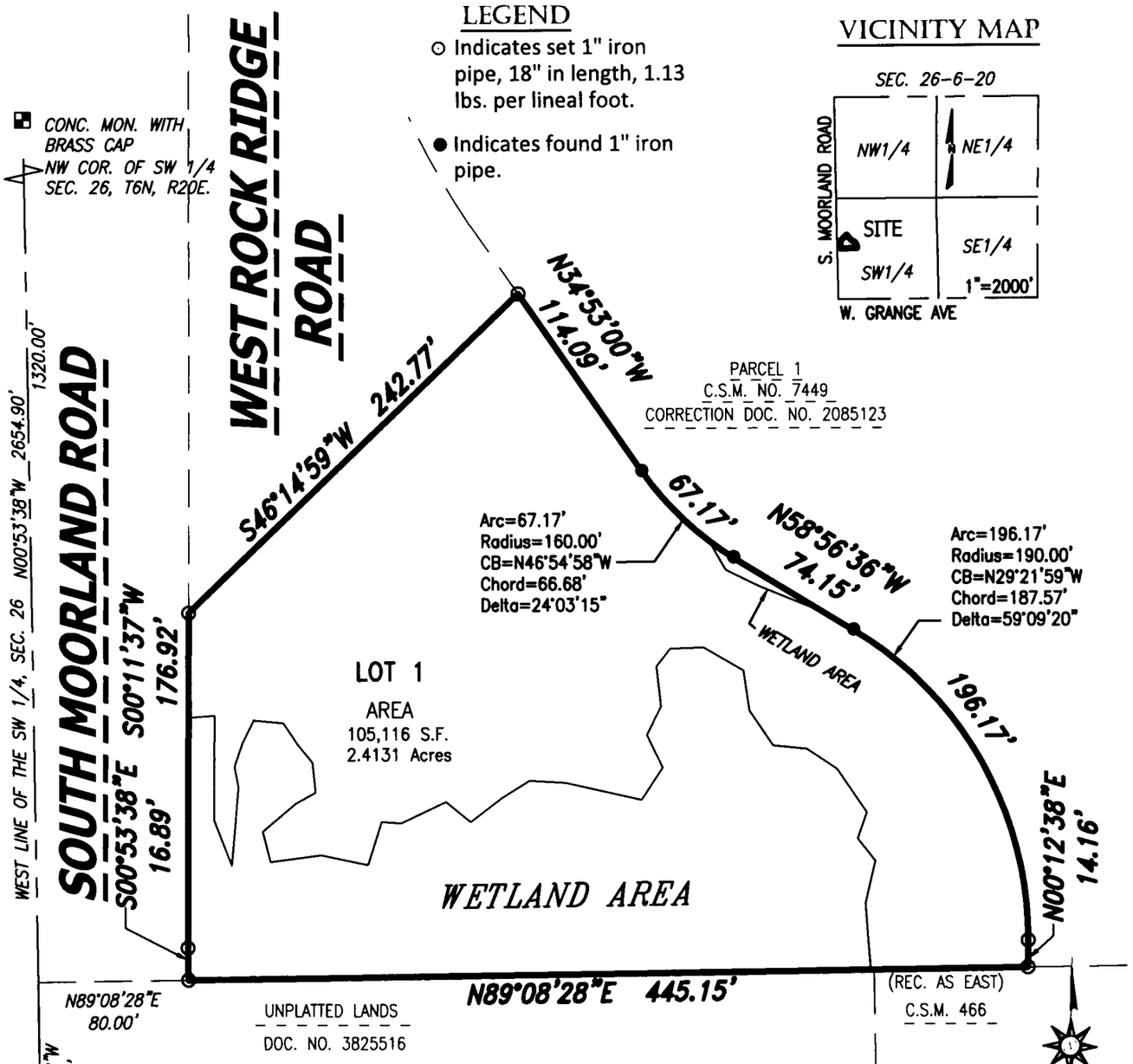
All bearings are referenced to the Wisconsin State Plane Coordinate System (South zone) dated Sep., 2017 in which the West line of the SW 1/4, Sec. 26 bears N00°53'38"W.

LEGEND

⊙ Indicates set 1" iron pipe, 18" in length, 1.13 lbs. per lineal foot.

● Indicates found 1" iron pipe.

VICINITY MAP



NOTE

For purposes of the setback and other land use provisions of this chapter, the registered wetland boundary shall apply. The C-2 boundary shall apply where there is no wetland registration showing on the property.
A cross access easement has been recorded as Document No. 4553655.
This lot shall adhere to the M-1 Zoning District, per the Special Conditions Apply overlay on the City's Zoning Map.

GRAPHIC SCALE
0 80 160
(IN FEET)
1 inch = 80 ft.

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

Date: July 09, 2020

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

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

Dwg. No. 3276.02-dzb
Sheet 1 of 6 Sheets
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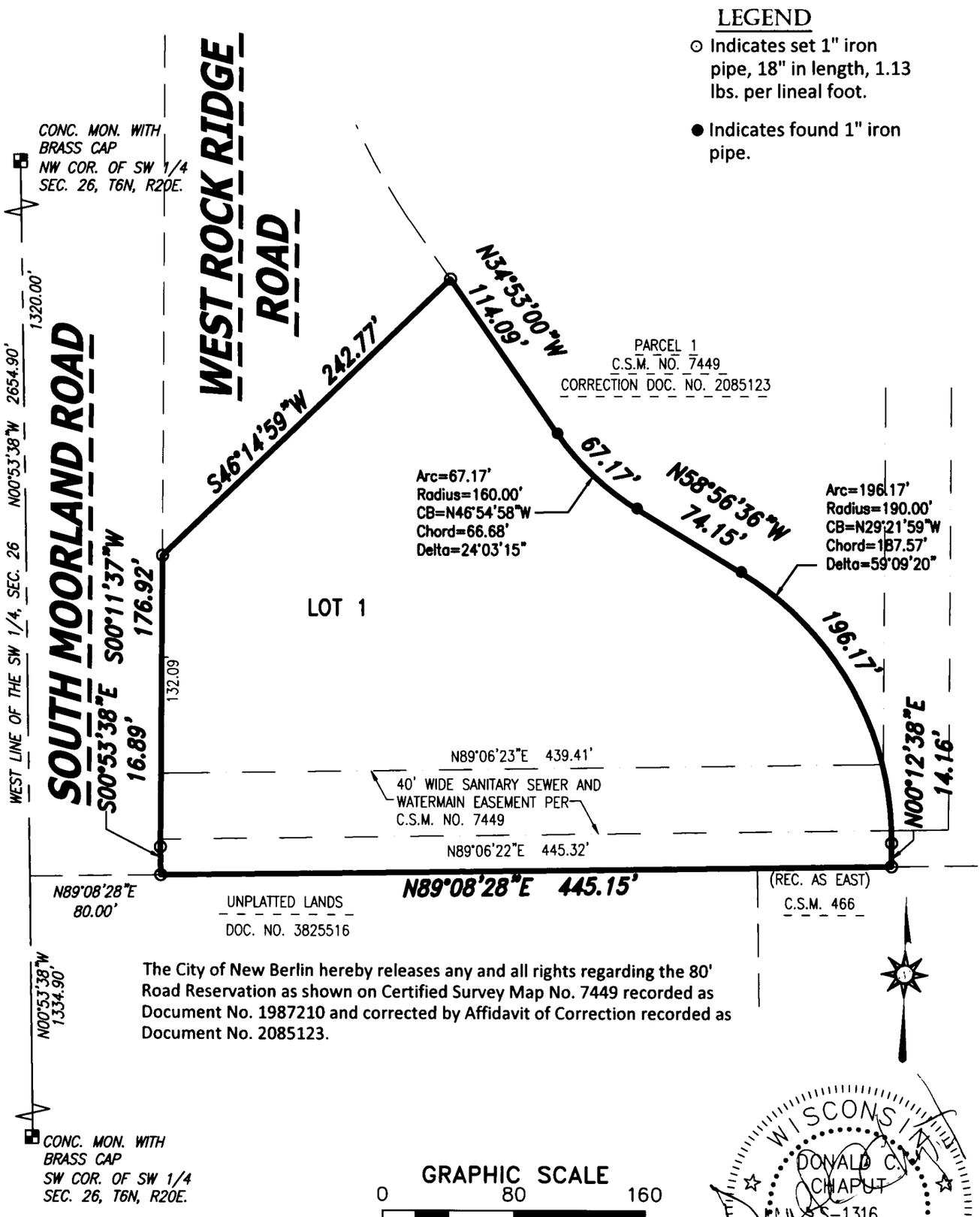
CERTIFIED SURVEY MAP NO. 12233

Part of Outlot 1 of Certified Survey Map No. 7449, as corrected by Affidavit of Correction recorded as Document No. 2085123, in the Northwest 1/4 of the Southwest 1/4 of Section 26, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

EASEMENT DETAIL



The City of New Berlin hereby releases any and all rights regarding the 80' Road Reservation as shown on Certified Survey Map No. 7449 recorded as Document No. 1987210 and corrected by Affidavit of Correction recorded as Document No. 2085123.

GRAPHIC SCALE
0 80 160
(IN FEET)
1 inch = 80 ft.

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

Date: July 09, 2020

CHAPUT LAND SURVEYS
234 W. Florida Street
Milwaukee, WI 53204
414-224-8068
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This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Dwg. No. 3276.02-dzb
Sheet 2 of 6 Sheets
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CERTIFIED SURVEY MAP NO. 12233

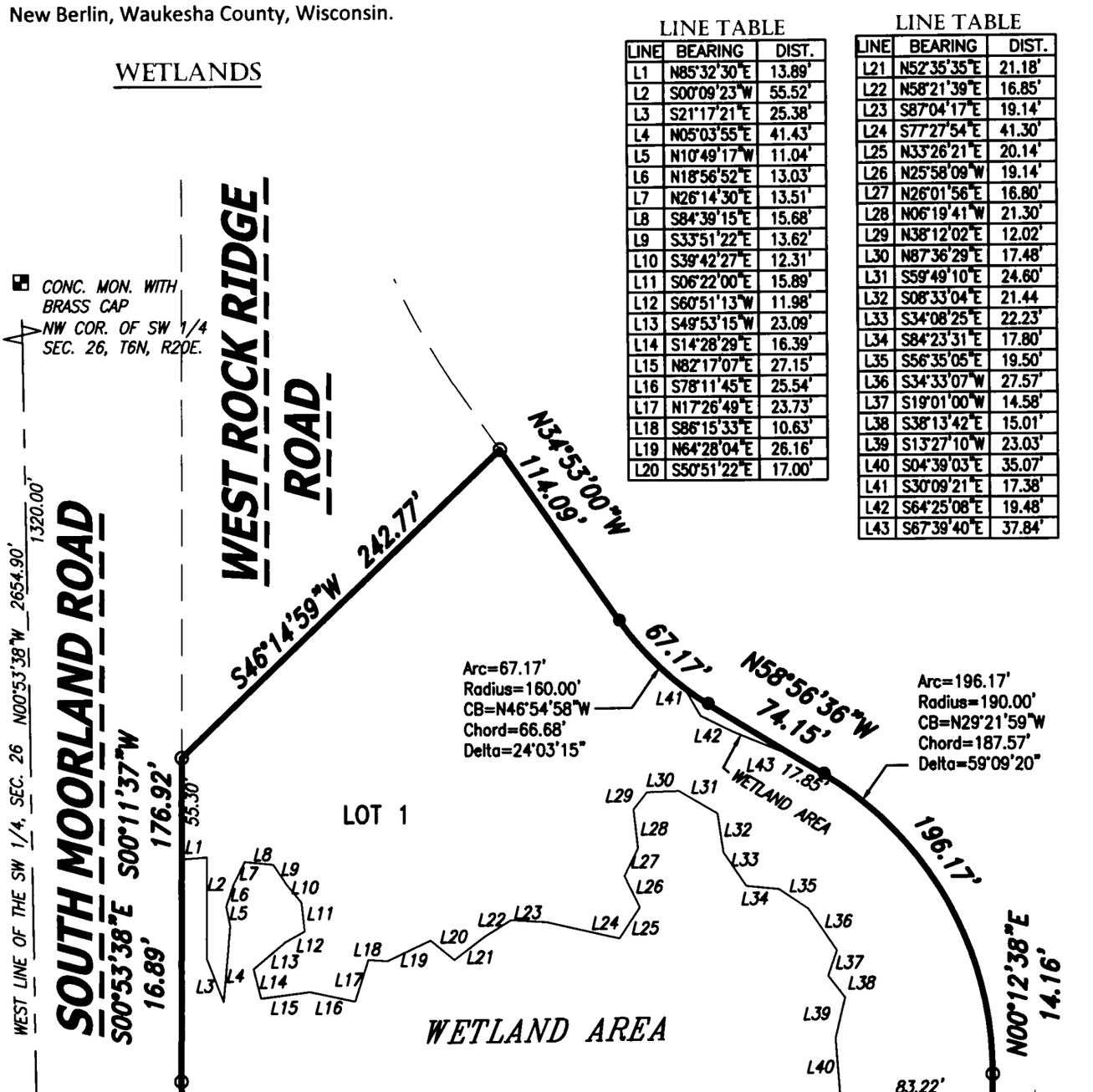
Part of Outlot 1 of Certified Survey Map No. 7449, as corrected by Affidavit of Correction recorded as Document No. 2085123, in the Northwest 1/4 of the Southwest 1/4 of Section 26, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

LINE TABLE

LINE	BEARING	DIST.
L1	N85°32'30"E	13.89'
L2	S00°09'23"W	55.52'
L3	S21°17'21"E	25.38'
L4	N05°03'55"E	41.43'
L5	N10°49'17"W	11.04'
L6	N18°56'52"E	13.03'
L7	N26°14'30"E	13.51'
L8	S84°39'15"E	15.68'
L9	S33°51'22"E	13.62'
L10	S39°42'27"E	12.31'
L11	S06°22'00"E	15.89'
L12	S60°51'13"W	11.98'
L13	S49°53'15"W	23.09'
L14	S14°28'29"E	16.39'
L15	N82°17'07"E	27.15'
L16	S78°11'45"E	25.54'
L17	N17°26'49"E	23.73'
L18	S86°15'33"E	10.63'
L19	N64°28'04"E	26.16'
L20	S50°51'22"E	17.00'

LINE TABLE

LINE	BEARING	DIST.
L21	N52°35'35"E	21.18'
L22	N58°21'39"E	16.85'
L23	S87°04'17"E	19.14'
L24	S77°27'54"E	41.30'
L25	N33°26'21"E	20.14'
L26	N25°58'09"W	19.14'
L27	N26°01'56"E	16.80'
L28	N06°19'41"W	21.30'
L29	N38°12'02"E	12.02'
L30	N87°36'29"E	17.48'
L31	S59°49'10"E	24.60'
L32	S06°33'04"E	21.44
L33	S34°08'25"E	22.23'
L34	S84°23'31"E	17.80'
L35	S56°35'05"E	19.50'
L36	S34°33'07"W	27.57'
L37	S19°01'00"W	14.58'
L38	S38°13'42"E	15.01'
L39	S13°27'10"W	23.03'
L40	S04°39'03"E	35.07'
L41	S30°09'21"E	17.38'
L42	S64°25'08"E	19.48'
L43	S67°39'40"E	37.84'



NOTE

Wetlands are delinated by Stantec Consultants in October 2017 and confirmed by Wisconsin Department of Natural Resources in December 2017 (WIC-SE-2017-68-03705).

NOTE

By letter dated February 6, 2019, The Southeastern Wisconsin Regional Planning Commission determined that the Isolated Natural Resource Area should coincide with the wetland boundary delineated by Stantec on the southern part of the parcel.

GRAPHIC SCALE

0 80 160

(IN FEET)

1 inch = 80 ft.

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

Date: July 09, 2020

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

Dwg. No. 3276.02-dzb
Sheet 3 of 6 Sheets
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CERTIFIED SURVEY MAP NO. 12233

Part of Outlot 1 of Certified Survey Map No. 7449, as corrected by Affidavit of Correction recorded as Document No. 2085123, in the Northwest 1/4 of the Southwest 1/4 of Section 26, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN}
:SS
MILWAUKEE COUNTY}

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

THAT I have surveyed and mapped part of Outlot 1 of Certified Survey Map No. 7449, as corrected by Affidavit of Correction recorded as Document No. 2085123, in the Northwest 1/4 of the Southwest 1/4 of Section 26, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, bounded and described as follows:

COMMENCING at the Southwest corner of the Southwest 1/4 of said Section 26; thence North 00°53'38"West along the West line of said 1/4 Section 1334.90 feet to the point; thence N89°08'28"E 80.00 feet to a point on the easterly line of South Moorland Road and the point of beginning of land hereinafter described; thence N89°08'28"E along the North line of lands described in Document No. 3825516 and the North line of Certified Survey Map No. 466 a distance of 445.15 feet to a point; thence N00°12'38"E 14.16 feet to a point; thence Northwesterly 196.17 feet along an arc of a curve whose center lies to the West having a Radius of 190.00 feet and a chord which bears N29°21'59"W 187.57 feet to a point; thence N58°56'36"W 74.15 feet to a point; thence Northwesterly 67.17 feet along an arc of a curve whose center lies to the East having a Radius of 160.00 feet and a chord which bears N46°54'58"W 66.68 feet to a point; thence N34°53'00"W 114.09 feet to a point on the Southerly line of West Rock Ridge Road; thence S46°14'59"W along said Southerly line 242.77 feet to a point on the Easterly line of South Moorland Road; thence S00°11'37"W along said Easterly line 176.92 feet to the point; thence S00°53'38"E continuing along said Easterly line 16.89 feet to the point of beginning.

Said lands as described contains 105,116 square feet or 2.4131 Acres.

THAT I have made the survey, land division and map by the direction of Westridge Development Properties, LLC and The King J. and Stella C. Yees Joint Revocable Trust dated May 14, 2004, owner.

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

THAT I have fully complied with Chapter 236 of the Wisconsin Statutes and the City of New Berlin Code in

July 09, 2020
DATE

DONALD C. CHAPUT
PROFESSIONAL LAND SURVEYOR S-1316

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

CERTIFIED SURVEY MAP NO. 12233

Part of Outlot 1 of Certified Survey Map No. 7449, as corrected by Affidavit of Correction recorded as Document No. 2085123, in the Northwest 1/4 of the Southwest 1/4 of Section 26, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

OWNER'S CERTIFICATE

The King J. and Stella C. Yee Joint Revocable Trust dated May 14, 2004, as owner, hereby certify that I caused the land described on this map to be surveyed and mapped as represented on this map in accordance with the requirements of the Ordinances of the City of New Berlin.

The The King J. and Stella C. Yee Joint Revocable Trust dated May 14, 2004 does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of New Berlin .

WITNESS the hand and seal of Stella C. Yee on this 14th day of September 2021.

Stella C. Yee
Stella C. Yee

STATE OF Wisconsin}
:SS
Milwaukee COUNTY}

Personally came before me this 14th day of September, 2021, the above named Stella C. Yee, to me known as Trustee of The King J. and Stella C. Yee Joint Revocable Trust dated May 14, 2004.

SANDRA J. STRECHLOW NOTARY PUBLIC STATE OF WISCONSIN

Notary Public Sandra J. Strechlow
State of Wisconsin
My commission expires. 11/6/2021

OWNER'S CERTIFICATE

Westridge Development Properties, LLC, as owner, hereby certify that I caused the land described on this map to be surveyed and mapped as represented on this map in accordance with the requirements of the Ordinances of the City of New Berlin.

Westridge Development Properties, LLC does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of New Berlin .

Michael J. Brabo, Managing Member

STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

Personally came before me this 15TH day of SEPTEMBER, 2021, the above named MICHAEL J. BRABO, to me known as Managing Member of Westridge Development Properties.

Witness the hand and seal of LYNDA FREIMUELLER, Notary Public on this 15TH day of SEPTEMBER 2021.

Signature Lynda Freimueller

State of CALIFORNIA

LYNDA FREIMUELLER
Commission No. 2263710
NOTARY PUBLIC-CALIFORNIA
RIVERSIDE COUNTY
My Comm Expires OCTOBER 21, 2022

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

Date: July 09, 2020.

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

Dwg. No. 3276.02-dzb
Sheet 5 of 6 Sheets

CERTIFIED SURVEY MAP NO. 12233

Part of Outlot 1 of Certified Survey Map No. 7449, as corrected by Affidavit of Correction recorded as Document No. 2085123, in the Northwest 1/4 of the Southwest 1/4 of Section 26, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

PLANNING COMMISION CERTIFICATE OF APPROVAL

Approved by the Plan Commision of the City of New Berlin on this 5 day of October, 2020.

9/28/21
Date

~~DAVID AMENT, CHAIRMAN~~ Ray Hansen - Council President

9/27/2021
Date

NIKKI JONES, SECRETARY

CITY OF NEW BERLIN COMMON COUNCIL APPROVAL

Approved by the Common Council of the City of New Berlin on this 13 day of October, 2020

9/28/21
Date

~~DAVID AMENT, CHAIRMAN~~ Ray Hansen - Council President

9/27/21
Date

GEORGIA STANFORD, CITY CLERK

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

4623815

REGISTER OF DEEDS
WAUKESHA COUNTY, WI
RECORDED ON

October 08, 2021 11:06 AM
James R Behrend
Register of Deeds

6 PGS
TOTAL FEE:$30.00
TRANS FEE:$0.00

Book 125 Page 263-268

Date: July 09, 2020.

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

Dwg. No. 3276.02-dzb
Sheet 6 of 6 Sheets
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STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT:	**City of New Berlin / CSM**
LOCATION:	**15321 W. National Avenue (Tax Key #: 1207.965.003)**
REQUEST:	**2-Lot Certified Survey Map**
REVIEW SCHEDULE:	**CSM Received:** **Completeness Determination:** **90-day time limit expires:** **Final Common Council Action (expected):**
D.R.C. RECOMMENDATION:	**Recommend to Common Council approval of the 2-Lot Certified Survey Map for the properties located 15321 W. National Avenue (Tax Key #: 1207.965.003) subject to the application, plans on file and the following conditions:**

1. **Applicant shall correct all drafting, technical errors and requested changes identified by Staff on the final CSM prior to the City signing.**
2. **A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.**
3. **Waukesha County approval required.**
4. **The CSM shall be recorded with Waukesha County Register of Deeds prior to the issuance of any new zoning or building permits.**
5. **Applicant and/or new property owners shall apply for and obtain appropriate building, plumbing and electrical permits prior to any construction on any parcel.**
6. **All easements that need to be added, relocated or vacated shall be reflected on the CSM where appropriate before recording.**
7. **Per PUD Ordinance # 2631, Section III, (9) (c)There is shared parking amongst the parcels owned respectively by Burghardtia LLC and the City even though each use would have dedicated parking as identified by their own lot configuration and plan of operation. Said shared parking shall be subject to a separate reciprocal easement and maintenance agreement between the parties. This agreement shall be amended to include a parking allocation for this parcel. Parking will be reviewed at the time of future Use, Site and Architecture applications on the new parcel.**
8. **Direct access to National Avenue is restricted.**

DETAILS IN ATTACHED STAFF REPORT:

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

Meeting of July 15, 2024

City of New Berlin, 2-Lot Certified Survey Map
15321 W. National Avenue (Tax Key #: 1207.965.003)

DATE STAFF REPORT PREPARED: June 7, 2024

APPLICANT / OWNER(S): City of New Berlin

REQUEST / DESCRIPTION OF PROJECT: Approval of the 2-Lot Certified Survey Map located at 15321 W. National Avenue (Tax Key #: 1207.965.003).

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: June 7, 2024

DATE OF COMPLETENESS DETERMINATION: June 26, 2024

PRE-APPLICATION CONFERENCE HELD: Yes
(Date(s) of Meeting(s): several meetings, counter visits and phone calls / Staff Site Visit: Numerous site visits.

CONCEPTUAL PLAN: CSM attached.

SIZE OF DEVELOPMENT / PARCEL(S): Current Lot: 4.005 Acres

CURRENT ZONING: B-1/PUD

CURRENT LAND USE: City of New Berlin Activity and Recreation Center

PROPOSED ZONING: N/A

PROPOSED LAND USE: Commercial Development

PROPOSED LOT SIZES: Current Lot: 4.0050 Acres
Lot #1: 3.756 Acres (City of New Berlin Activity and Recreation Center)
Lot # 2: 0.273 Acres

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North:	Zoning:	B-1/B-2	Land Use: Shopping Center (US Bank/Sendik's Shopping Center)
South:	Zoning:	B-1 &B-1/PUD	Land Use: Commercial (Burghardt Sporting Goods/ Moorland Square)
East:	Zoning:	B-2/PUD	Land Use: Commercial/Residential (Residences at City Center)
West:	Zoning:	B-1	Land Use: Commercial (Several Banks/Office Space)

CONFORMANCE WITH THE 2030 COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes

Chapter 15: Neighborhood "E": City Center Mixed Use Commercial: Yes, this request meets the intent of this Chapter. Planning Context / Vision / Development Policies:

Vision:

- *National Avenue should be an exemplary model of a suburban commercial corridor. Vehicular and pedestrian traffic should coexist in a safe and efficient manner through prominent pedestrian facilities and managed vehicular access.*
- *Public streetscape improvements should be coordinated with private landscaping and site design.*

Development Policies:

- *Emphasize building and parking orientation, with more uniform setbacks and at least some parking encouraged on the side or to the rear of buildings.*
- *Focus on completing the "retrofit" of the National Avenue/Moorland Road intersection to provide a mixed use, central point for the city. Retrofitting refers to the gradual upgrading of an area, without wholesale demolition. For example, new sidepaths, crosswalks, lighting and landscaping can be installed to enhance existing sites. Existing buildings can be renovated, and new buildings can be constructed as infill.*

Land use:

- Future Land Use Map: City Center Mixed Use Commercial

ZONING CODE (Chapter 275): Yes, this request is consistent with Sections 275-34B(1) and 275-39B(1) of the Zoning Code.

PUD Ordinance # 2631 – City of New Berlin Redevelopment Plan / Burghardtia LLC PUD): Yes

DEVELOPMENT CODE (CHAPTER 235): Yes

REZONING REQUIRED: No

CONDITIONAL USE REQUIRED: No

PUBLIC HEARING REQUIRED: No

USE / SITE / ARCHITECTURAL REVIEW:
Use Approval Required: No, the applicant is not proposing any changes at this time.
Site Plan Required: Yes, a Certified Survey Map was submitted.
Architectural Review Required: No

PROPOSED ARCHITECTURE: N/A

UNIQUE SITE CHARACTERISTICS:
Environmental Corridor: No
Wetland On Property: No
Conservancy Districts (C-1, C-2): No
NRCS Map Classification: Not inventoried.
Floodplain: No
Topography / Geologic: The overall site is flat. There is a steep grade change from National Avenue to the parking lot.

BIKE & PEDESTRIAN FACILITIES PLAN: Yes, an existing sidepath is located along National Avenue.

PARK & OPEN SPACE PLAN: None identified.

NATURAL RESOURCES PROTECTION:
Limits of Disturbance (LOD): N/A
Woodland, Tree, and Vegetation Protection: N/A
Wildlife Habitat Protection: N/A
Wildlife Management Plan: N/A
STORMWATER MANAGEMENT / DRAINAGE PLAN: Applicant is required to adhere to all City of New Berlin Codes, Ordinances and Plans regarding storm water conveyance and maintenance as identified by the Department of Community Development. No proposed changes at this time.

SANITARY SEWER PROVISION:
Within Current Sewer Service Area: Yes

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

WATER USAGE CALC.: Not applicable.

TRAFFIC IMPACT: A Traffic Impact Study was not required for this CSM.

SCHOOL DISTRICT IMPACT: N/A

PREVIOUS ACTION:

9/29/2003	Walmart re-occupied the space and added onto the building. Zoning Permit #U-45-03 was issued on this date. Prior to that Kmart occupied the building.
4/13/2020	Plan Commission held a public hearing on the PUD Rezoning (Ordinance # 2631).
5/4/2020	Plan Commission approved PUD Rezoning (Ordinance # 2631). (Application File #: RZ-2000329)
5/4/2020	Plan Commission approved the CSM between the City of New Berlin and Burghardt Sporting Goods. (Application File #: LD-2000328).
5/12/2020	Common Council approved the CSM between the City of New Berlin and Burghardt Sporting Goods. (Application File #: LD-2000328).
5/12/2020	Common Council approved PUD Rezoning (Ordinance # 2631). (Application File #: RZ-2000329)
12/14/2020	Plan Commission approved Phase I of the ARC.
2/7/2022	Plan Commission approved Phase II of the ARC.

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

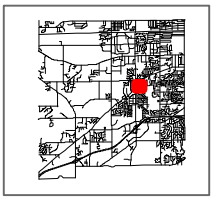
1. Per PUD Ordinance #2631, Section III (4) Parcels of land subject to this PUD Ordinance may be configured in any manner by Subdivision, CSM or meets and bounds transfer subject to city review and approval.
2. Per PUD Ordinance #2631, Section III (9)(2) Parking & Circulation:
    a. There is shared parking amongst the parcels owned respectively by Burghardtia LLC and the City even though each use would have dedicated parking as identified by their own lot configuration and plan of operation. Said shared parking shall be subject to a sperate reciprocal easement and maintenance agreement between the parties. These agreements are being updated to provide parking for this proposed new lot. Parking will be located on the City's lot (Lot 1).
3. Per the Reciprocal Easement, Party Wall and Maintenace Agreement recorded as document number 4504051 on 8/24/2020, Section 4.3:
    b. The parties acknowledge that the Parcel 1 Owner may develop or allow to be developed the area depicted on the Site Plan, Exhibit 2 as "Future Building Area" for an additional structure on Parcel 1. As set forth on the Site Plan, Exhibit 2, the footprint of such additional structure shall not exceed five thousand square feet and the height of such additional structure shall not exceed tow stories or twenty fee above the existing grade of National Avenue. The Parcel 1 Owner agrees to harmonize the size and architecture of said structure with the existing buildings on the site.
4. The City of New Berlin is proposing to sell ~11,892 square feet of land for commercial development.

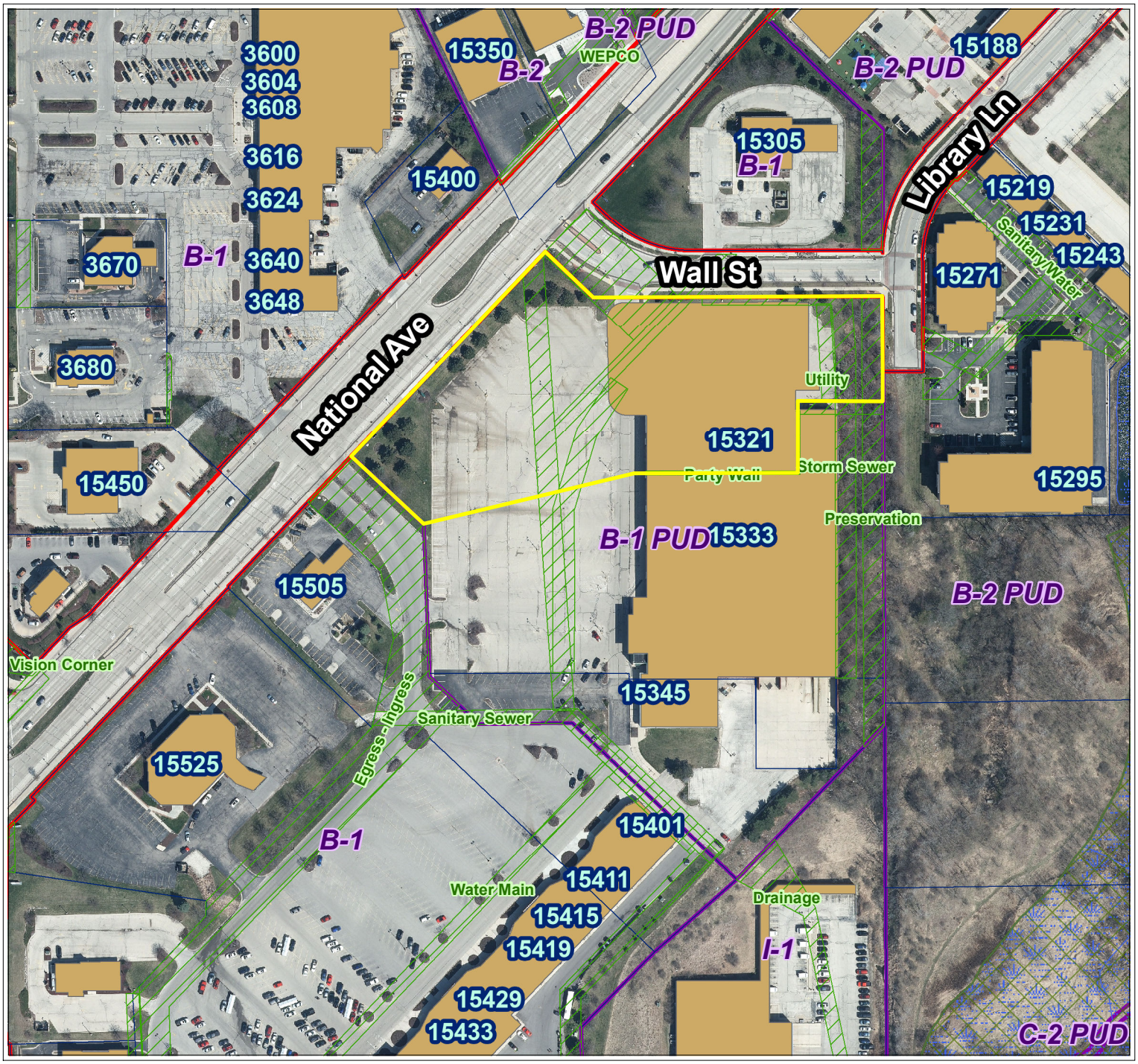
STAFF RECOMMENDATION: Recommend to Common Council approval of the 2-Lot Certified Survey Map for the property located 15321 W. National Avenue (Tax Key #: 1207.965.003), subject to the application, plans on file and the following conditions: **See Executive Summary.**

ATTACHMENTS:
Location Map
CSM

City of New Berlin
Community Development

LD-2400261
City of New Berlin 2-Lot CSM
15321 W. National Ave.





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

Legend

- Parcels
- Road Right-of-Way

FEMA Flood Zone (2023)

Flood Zone

- FEMA Flood - Zone A
- FEMA Flood - Zone AE
- Zoning Boundaries

Zoning Wetland Registration

Wetland Registration Type

- Registered Wetland
- Outside Wetland

Environmental Corridor

Corridor Type

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

Sewer Service Area (MMSD)

Sewershed

- Current
- Ultimate

N

0 75 150 Feet

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

CERTIFIED SURVEY MAP NO. _____

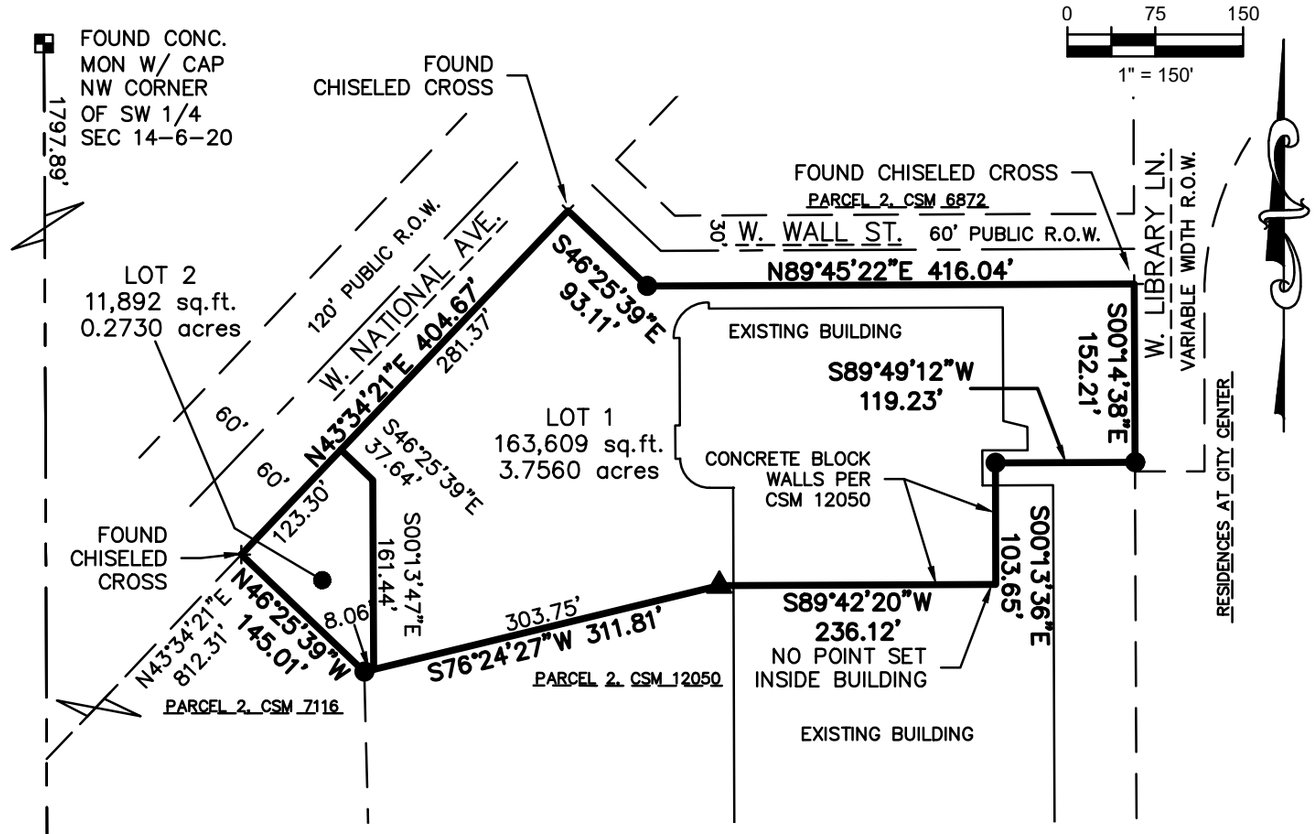
A division of Parcel 1 of Certified Survey Map No. 12050, being in the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 14, in Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

▲ INDICATES FOUND MAG NAIL

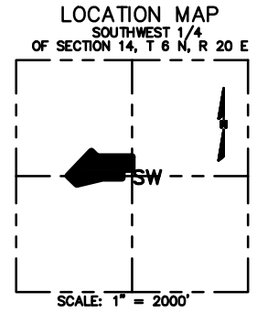
● INDICATES FOUND 1" IRON PIPE

ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.
ALL BEARINGS ARE REFERENCED TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 14, T 6 N, R 20 E, WHICH BEARS NORTH 00°12'40" WEST. WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

GRAPHIC SCALE
0 75 150
1" = 150'



LOCATION MAP
SOUTHWEST 1/4 OF SECTION 14, T 6 N, R 20 E



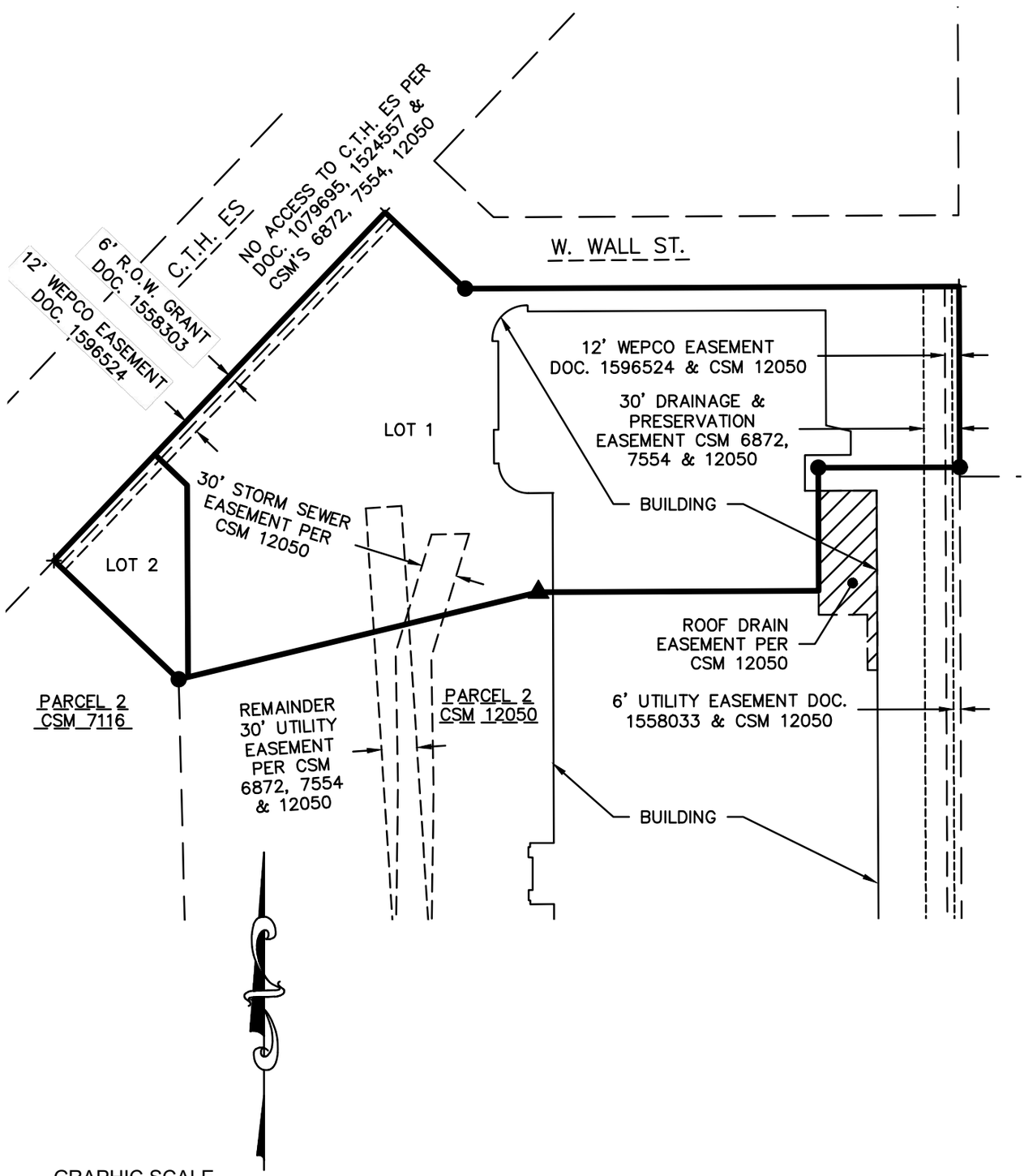
raSmith
CREATIVITY BEYOND ENGINEERING
16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
rasmith.com

S:\5162896\dwg\ 162896 CS20.dwg \ SHEET 1

CERTIFIED SURVEY MAP NO. _____

A division of Parcel 1 of Certified Survey Map No. 12050, being in the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 14, in Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

Dimensioning of existing Easements are required by Wisconsin State Statue 236.20(2)(c) per 236.34(c). Easements dimensions are approximate, and are not intended to supersede the intent, location or verbiage as stated in the original Easement creation documents.



GRAPHIC SCALE

0 60 120

1" = 120'

raSmith
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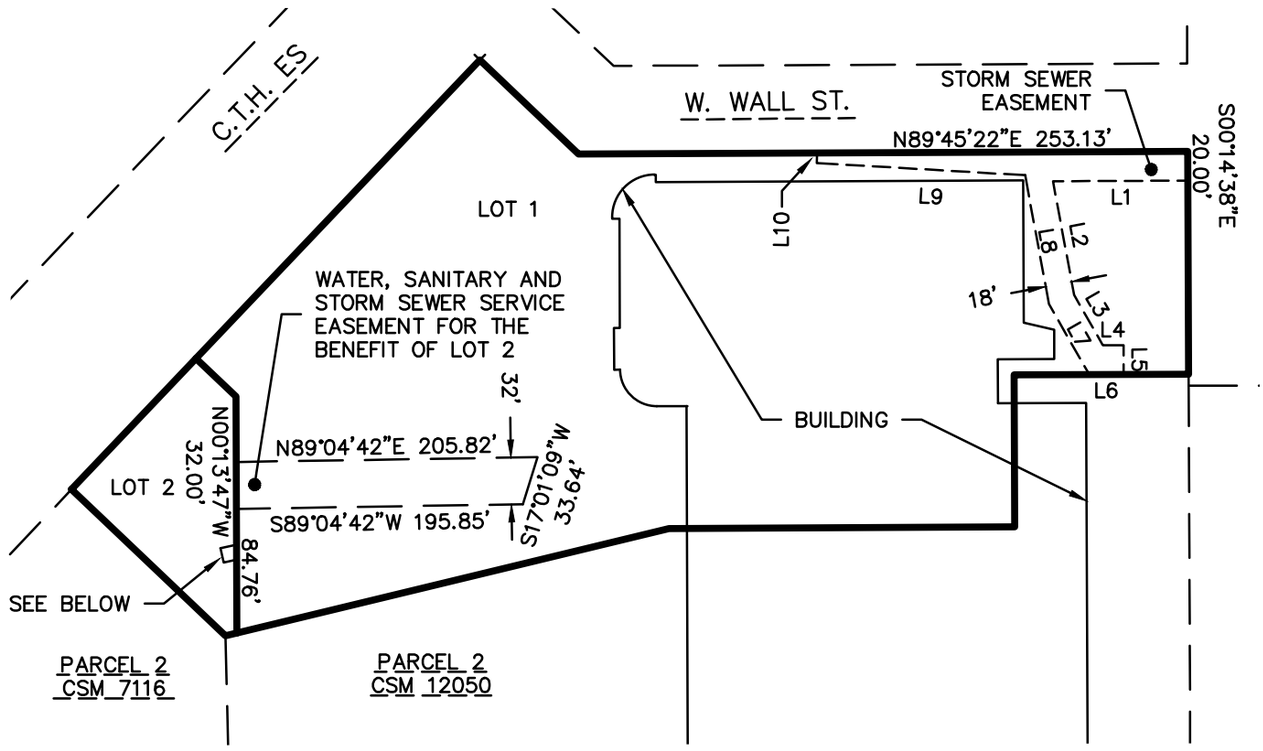
rasmith.com

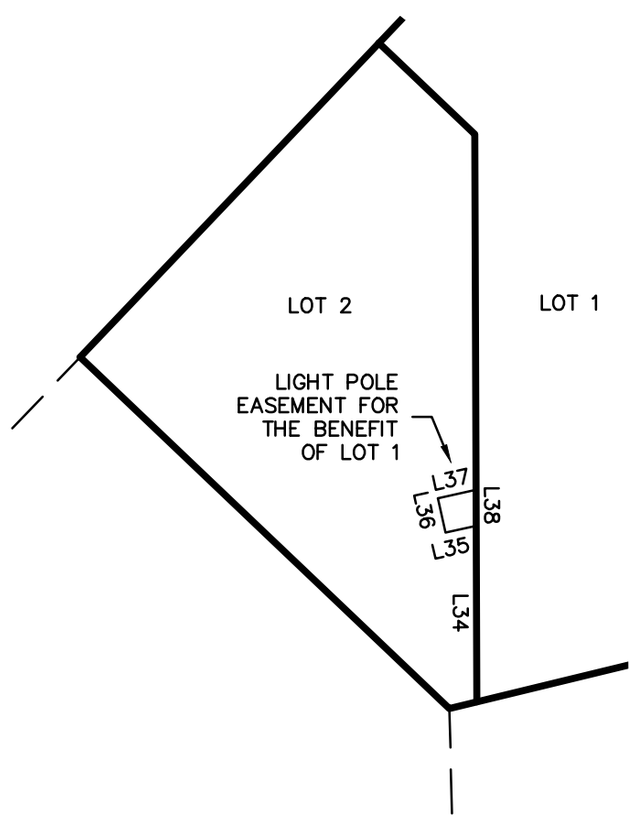
S:\5162896\dwg\ 162896 CS20.dwg \ SHEET 2

Sheet 2 of 8 Sheets

CERTIFIED SURVEY MAP NO. _____

A division of Parcel 1 of Certified Survey Map No. 12050, being in the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 14, in Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.





GRAPHIC SCALE

0 60 120

1" = 120'

raSmith
CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
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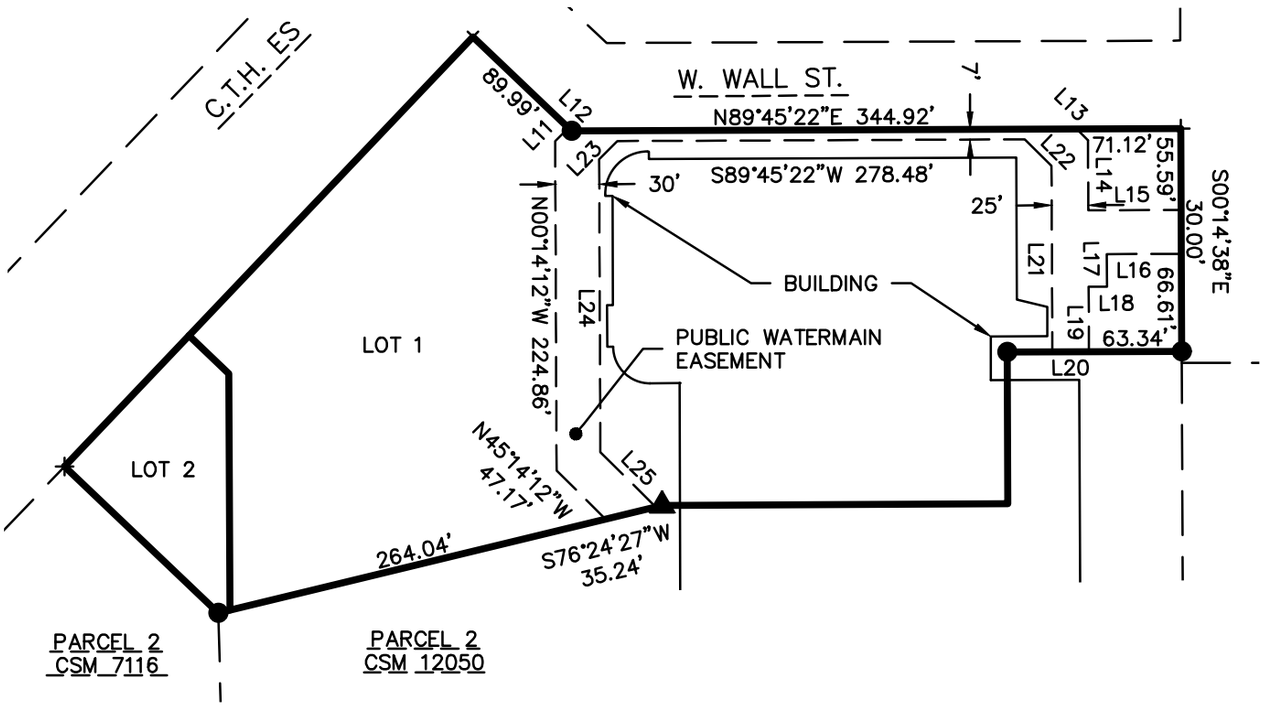
(262) 781-1000
rasmith.com

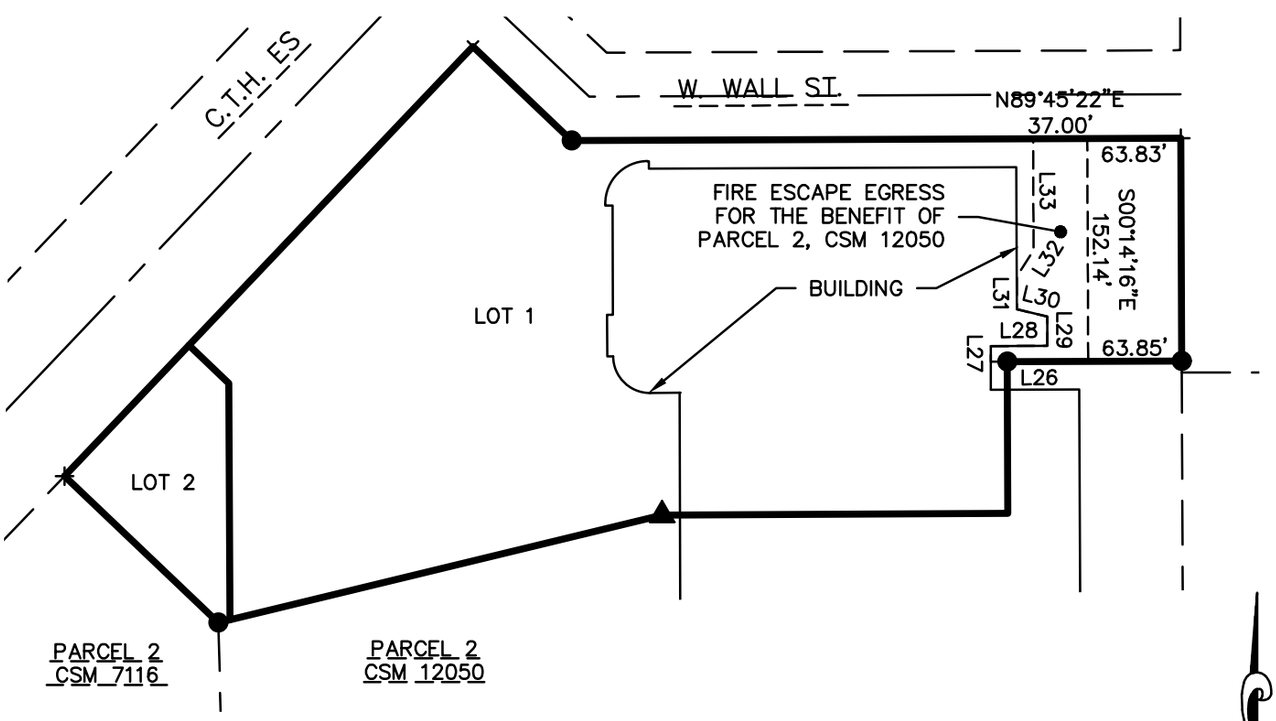
S:\5162896\dwg\ 162896 CS20.dwg \ SHEET 3

Sheet 3 of 8 Sheets

CERTIFIED SURVEY MAP NO. _____

A division of Parcel 1 of Certified Survey Map No. 12050, being in the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 14, in Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.





GRAPHIC SCALE

0 60 120

1" = 120'

S:\5162896\dwg\ 162896 CS20.dwg \ SHEET 4

CERTIFIED SURVEY MAP NO. _____

A division of Parcel 1 of Certified Survey Map No. 12050, being in the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 14, in Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

Line Table		
Line #	Direction	Length
L1	S89°45'22"W	92.05
L2	S10°29'14"E	78.90
L3	S29°44'30"E	39.63
L4	S89°57'55"E	14.21
L5	S00°05'28"E	19.96
L6	S89°49'12"W	23.52
L7	N29°44'30"W	55.48
L8	N10°29'14"W	89.42
L9	N86°38'34"W	142.50
L10	N01°13'48"E	6.90
L11	N44°45'48"E	12.79
L12	S46°25'38"E	3.12
L13	S45°14'38"E	10.97
L14	S00°15'04"E	47.90
L15	N89°42'11"E	63.35
L16	S89°42'11"W	50.86
L17	S00°17'49"E	22.16
L18	S89°44'56"W	12.51
L19	S00°15'04"E	44.34
L20	S89°49'12"W	25.00

Line Table		
Line #	Direction	Length
L21	N00°15'04"W	126.92
L22	N45°14'38"W	25.72
L23	S44°45'48"W	17.41
L24	S00°14'12"E	200.01
L25	S45°14'12"E	53.23
L26	S89°49'12"W	66.50
L27	N00°14'12"W	10.62
L28	N89°45'48"E	38.67
L29	N00°14'12"W	20.00
L30	N76°38'11"W	21.26
L31	N00°14'12"W	22.17
L32	N32°17'52"E	21.38
L33	N00°14'12"W	76.24
L34	N00°13'47"W	50.04
L35	S77°29'20"W	8.92
L36	N12°30'40"W	10.00
L37	N77°29'20"E	11.09
L38	S00°13'47"E	10.23

CERTIFIED SURVEY MAP NO. _____

A division of Parcel 1 of Certified Survey Map No. 12050, being in the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 14, in Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN }
:SS
WAUKESHA COUNTY }

I, WILLIAM J. HENRICHS, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a division of Parcel 1 of Certified Survey Map No. 12050, being in the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 14, in Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

Said land contains 175,501 square feet or 4.0290 acres.

THAT I have made the survey, land division and map by the direction of: CITY OF NEW BERLIN

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

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

_____ _____(SEAL)
Field date WILLIAM J HENDRICHS
PROFESSIONAL LAND SURVEYOR S-2419

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

CERTIFIED SURVEY MAP NO. _____

A division of Parcel 1 of Certified Survey Map No. 12050, being in the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 14, in Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

OWNER'S CERTIFICATE

CITY OF NEW BERLIN, a municipal corporation, duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certifies that said corporation has caused the land described on this map to be surveyed, divided, dedicated and mapped in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and the Land Division and Ordinances of the City of Oconomowoc.

CITY OF NEW BERLIN, does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of Oak Creek

IN Witness Whereof, CITY OF NEW BERLIN has caused these presents to

be signed by _____, its _____, this _____ day of _____, 2024.

CITY OF NEW BERLIN

_____

STATE OF _____ }
:SS
_____ COUNTY }

PERSONALLY came before me this _____ day of _____, 2024,

_____ of the above named CITY OF NEW BERLIN, to me known to be the person who

executed the foregoing instrument, and to me known to be the _____ of said municipal corporation, and acknowledged that he executed the foregoing instrument.

_____(SEAL)

Notary Public, State of _____

My Commission Expires _____

raSmith
CREATIVITY BEYOND ENGINEERING
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(262) 781-1000
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CERTIFIED SURVEY MAP NO. _____

A division of Parcel 1 of Certified Survey Map No. 12050, being in the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 14, in Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

PLAN COMMISSION APPROVAL

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

day of _____, 2024.

_____ _____
Date Nikki Jones, Secretary

_____ _____
Date David Ament, Mayor

COMMON COUNCIL APPROVAL

APPROVED by the Common Council of the City of New Berlin on this _____, day

of _____, 2024.

_____ _____
Date Rubina R. Medina, City Clerk

_____ _____
Date David Ament, Mayor

THIS INSTRUMENT WAS DRAFTED BY JOHN P. CASUCCI
PROFESSIONAL LAND SURVEYOR S-2055

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

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT:	**Daniel Meier with Lynch & Associates on behalf of Debra Bitz / 2-Lot Certified Survey Map (CSM)**	
LOCATION:	**4310 S. Moorland Road (Tax Key #: 1243.997)**	
REQUEST:	**2-Lot Certified Survey Map**	
REVIEW SCHEDULE:	**CSM Received:**	**05/29/2024**
	Completeness Determination:	**05/29/2024**
	90-day time limit expires:	**08/27/2024**
	Final Common Council Action (expected):	**07/23/2024**
D.R.C. RECOMMENDATION:	**Recommend to Common Council approval of the 2-Lot Certified Survey Map located at 4310 S. Moorland Road (Tax Key #: 1243.997) subject to the application, plans on file and the following conditions:**	

1. **Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing.**
2. **A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.**
3. **The CSM shall be recorded with Waukesha County Register of Deeds prior to the issuance of any new Zoning or Building Permits.**
4. **The following notes shall be placed on the face of the CSM:**
    a. **No access from Adell Avenue until such time that the road is extended.**
    b. **No buildings shall be constructed within the road reservation area.**
    c. **The 60' road reservation shall be extended and shown on the face of the CSM.**
5. **Applicant shall apply for and obtain appropriate building, plumbing and electrical permits prior to any construction on any parcel.**

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

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

Meeting of July 15, 2024

Daniel Meier with Lynch & Associates on behalf of Debra Bitz / 2-Lot Certified Map (CSM)
4310 S. Moorland Road (Tax Key #: 1243.997)

DATE STAFF REPORT PREPARED: May 29, 2024

APPLICANT / OWNER(S): Debra Btiz

REQUEST / DESCRIPTION OF PROJECT: Approval of the 2-Lot Certified Survey Map located at 4310 S. Moorland Road (Tax Key #: 1243.997).

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 05/29/2024

DATE OF COMPLETENESS DETERMINATION: 05/29/2024

PRE-APPLICATION CONFERENCE HELD: Yes, multiple meetings were held at the DCD front counter.
Date(s) of Meeting(s): several meetings and numerous phone calls and emails exchanged prior to submittal.
Staff Site Visit: 6/5/2024

CONCEPTUAL PLAN: Yes, CSM attached.

SIZE OF DEVELOPMENT / PARCEL(S): 1.3034 Acres

CURRENT ZONING: R-5 (Medium-Density Single-Family Residential District)

CURRENT LAND USE: Single-family home

PROPOSED ZONING: N/A

PROPOSED LAND USE: Continue use as single-family residential parcel.

PROPOSED LOT SIZES:
Lot #1: 19,258 Square Feet (0.4421 Acres)
Lot #2: 27,278 Square Feet (0.6262 Acres)

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North:	Zoning: R-5	Land Use: Single Family Residential (Regal Manors Subdivision)
South:	Zoning: R-5	Land Use: Single Family Residential
East:	Zoning: R-5	Land Use: Single Family Residential / (Regal Manors Subdivision)
West:	Zoning: I-1	Land Use: Crossroads Community Church

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes

Chapter 16: Neighborhood F: Urban Neighborhood South: The submittal meets the intent of this Chapter.

Planning Context / Vision / Development Policies*:*

- The Urban Neighborhood South shall continue to be a series of well maintained, single-family neighborhoods served by neighborhood amenities such as parks, pedestrian connections to adjacent neighborhoods and nearby shopping areas. Both the public infrastructure and the private housing stock should be maintained. New development and redevelopment should complement the residential character of the area. In compliance with the State Smart Growth Legislation, the City should also encourage infill residential development of quarter acre or larger lots to match the existing character of the neighborhood.

Land Use:

- *Future Land Use Map: Urban Residential*

ZONING CODE (Chapter 275): Yes, this request is consistent with Section 275-33B(6).

DEVELOPMENT CODE (CHAPTER 235): Yes

REZONING REQUIRED: Not applicable

CONDITIONAL USE REQUIRED: Not applicable

PUBLIC HEARING REQUIRED: Not applicable

USE / SITE / ARCHITECTURAL REVIEW:
Use Approval Required: No
Site Plan Required: Yes, see 2-Lot CSM attached.
Architectural Review Required: No

PROPOSED ARCHITECTURE: Not applicable

UNIQUE SITE CHARACTERISTICS:
Environmental Corridor: No
Wetland on Property: No
Conservancy Districts (C-1, C-2): No
NRCS Map Classification: Not Inventoried
Floodplain: No
Topography / Geologic: Site slopes generally from the west to the east.

BIKE & PEDESTRIAN FACILITIES PLAN: No improvements identified.

PARK & OPEN SPACE PLAN: No improvements identified.

NATURAL RESOURCES PROTECTION:
Limits of Disturbance (LOD): Not applicable for a CSM
Woodland, Tree & Vegetation Protection: Not applicable for a CSM
Wildlife Habitat Protection: Not applicable for a CSM.
Wildlife Management Plan: Not applicable for a CSM.

ENVIRONMENTAL IMPACT: No impact.

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

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

WATER USAGE CALC.: N/A

TRAFFIC IMPACT: A net increase of one lot will occur with the proposed land division. The ITE estimates the following for one single-family lot:
Weekday AM Peak – 0.77 trips per unit
Weekday PM Peak – 1.02 trips per unit
Weekend Peak – 0.93 trips per unit

SCHOOL DISTRICT IMPACT: 0.46 total estimated students
Elementary – 0.23 students (1 lot * 0.23 students)
Middle – 0.11 students (1 lot * 0.11 students)
High School – 0.12 students (1 lot * 0.12 students)
Notice Sent to Affected School District(s): No

PREVIOUS ACTION:
Home was built in 1960.
Land was previously part of concept developments, none of which came to fruition.

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

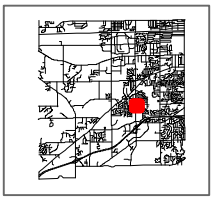
1. Applicant shall dedicate 32 feet to Waukesha County for right-of-way, as shown on the CSM.
2. The lots are zoned R-5, Medium-Density Single-Family Residential District. Under Section 275-33D(2), In the R-5 District, the minimum lot area and lot with shall mee the minimum lot area (15,000 Sq. Ft.) and width (100') requirements of the R-4.5 District when the lot is created after January 1, 2004. Lot depth shall adhere to the R-5 requirement of 110'. The proposed lot meets these requirements.
3. There is a road reservation on the lot directly to the south (4320 S. Moorland Road). The 60' road reservation shall be extended and shown on the face of the CSM.

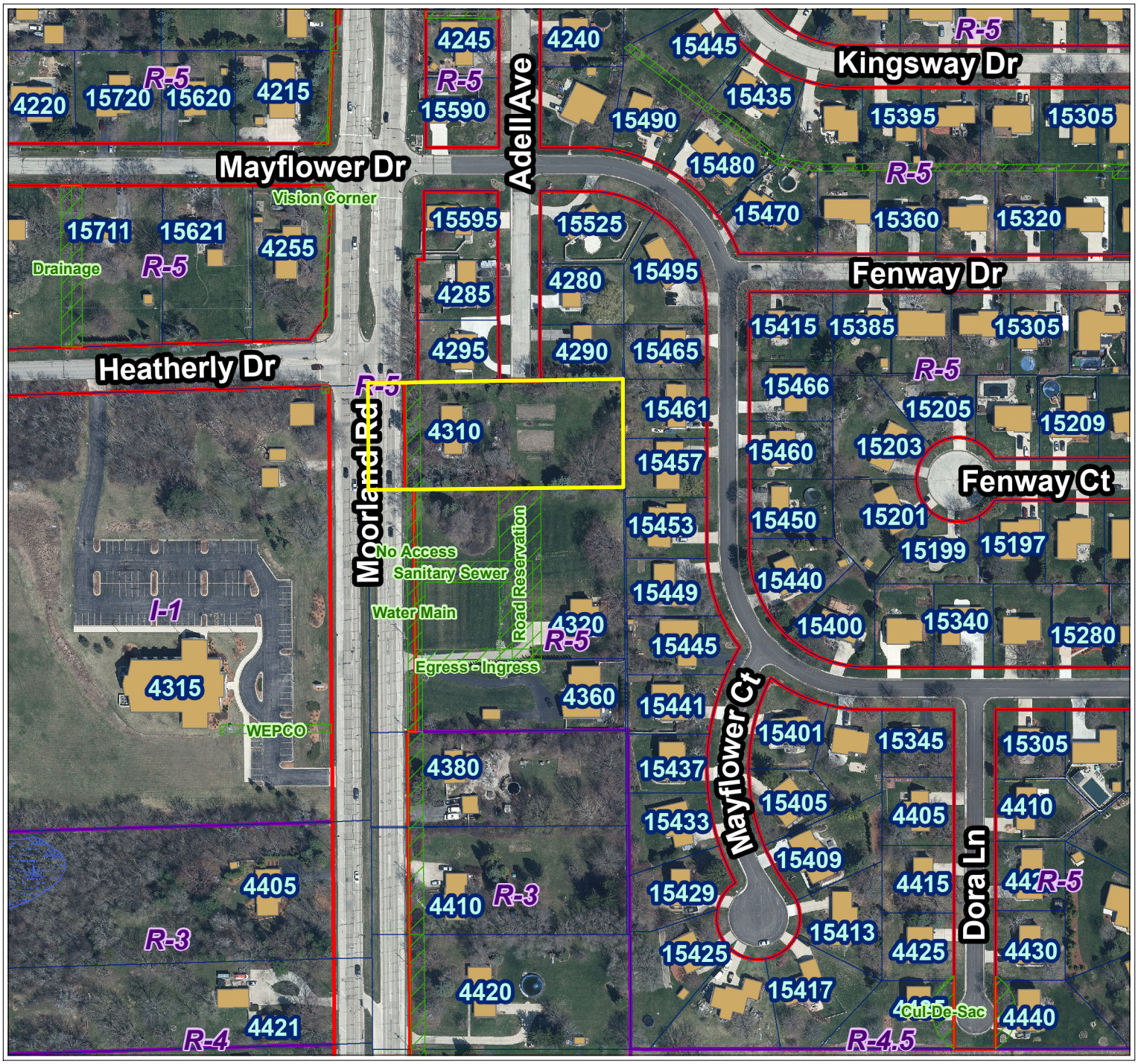
D.R.C. RECOMMENDATION: Recommend to Common Council approval of the 2-Lot Certified Survey Map located at 4310 S. Moorland Road (Tax Key #: 1243.997) subject to the application, plans on file and the following conditions: **See Executive Summary.**

ATTACHMENTS:
Location Map
Proposed CSM

City of New Berlin
Community Development

LD-2401009
Bitz CSM
4310 S. Moorland Road





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

Legend

- Parcels
- Road Right-of-Way

FEMA Flood Zone (2023)

Flood Zone

- FEMA Flood - Zone A
- FEMA Flood - Zone AE
- Zoning Boundaries

Zoning Wetland Registration

Wetland Registration Type

- Registered Wetland
- Outside Wetland

Environmental Corridor

Corridor Type

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

Sewer Service Area (MMSD)

Sewershed

- Current
- Ultimate

N

0 75 150 Feet

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Map Printed: 7/1/2024 10:27:20 AM

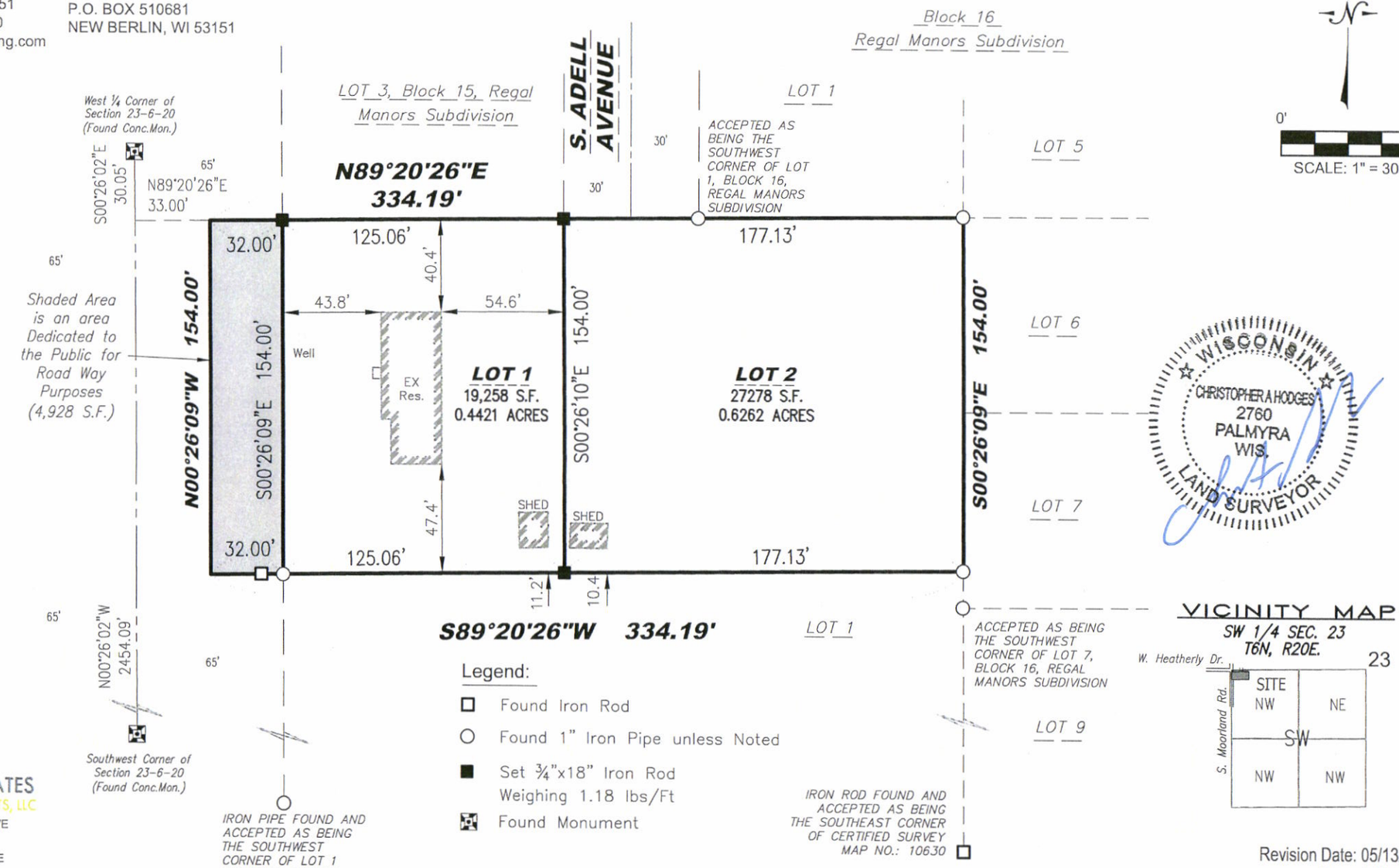
FORM ARC-101

CERTIFIED SURVEY MAP NO. _____

A Redivision of Lot 1 of Certified Survey Map No. 888 being a part of the Northwest ¼ of the Southwest ¼ of Section 23, Township 6 North, Range 20 East, located in the City of New Berlin, Waukesha County, Wisconsin.

SURVEYOR:
CHRISTOPHER A. HODGES
5482 S. WESTRIDGE DR.
NEW BERLIN, WI 53151
Phone: (262) 402-5040
info@Lynch-Engineering.com

OWNER/SUBDIVIDER:
DEBRA A BITZ
P.O. BOX 510681
NEW BERLIN, WI 53151



Legend:

- □ Found Iron Rod
- ○ Found 1" Iron Pipe unless Noted
- ■ Set ¾"x18" Iron Rod Weighing 1.18 lbs/Ft
- ⊠ Found Monument

LYNCH & ASSOCIATES
ENGINEERING CONSULTANTS, LLC
5482 S. WESTRIDGE DRIVE
NEW BERLIN, WI 53151
440 MILWAUKEE AVENUE
BURLINGTON, WI 53105
(262) 402-5040

INSTRUMENT DRAFTED BY CHRISTOPHER A. HODGES, P.L.S. S-2760

Revision Date: 05/13/2024
Date: 04/11/2024
SHEET 1 OF 4

ARC™ (262) 542-8200

ARC™

(262) 542-8200

FORM ARC-101

CERTIFIED SURVEY MAP NO. _____

A Redivision of Lot 1 of Certified Survey Map No. 888 being a part of the Northwest ¼ of the Southwest ¼ of Section 23, Township 6 North, Range 20 East, located in the City of New Berlin, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE:

I Christopher A. Hodges, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped a parcel of land being a Re-Division of Lot 1 of Certified Survey Map No.: 888, being a part of the Northwest ¼ of the Southwest ¼ of Section 23, Township 6 North, Range 20 East, located in the City of New Berlin, Waukesha County, Wisconsin bound and described as follows:

Commencing at the West ¼ Corner of said Section, thence South 00°26'02" East on and along the West line of said ¼ Section, 30.05 feet to the Northwest corner of said Certified Survey Map, thence North 89°20'26" East on and along the North line of said Certified Survey Map 33.00 feet to the Northwest Corner of said Lot 1, said point is also the Point of Beginning of this Description;

thence on and along said Lot 1 the following course;

Thence North 89°20'26" East 334.19 feet;
thence South 00°26'09" East , 154.00 feet;
thence South 89°20'26" West, 334.19 feet;
thence North 00°26'09" West, 154.00 feet to the Place of Beginning of this Description.

The gross area of said parcel contains 51,464 Square feet or 1.1815 Acres of land more or less.

That I have made such survey, land division and map by the direction of Debra A. Bitz, owner of said land. That such map is a correct representation of all exterior boundaries of land surveyed and land division made thereof. That I have fully complied with the provision of chapter 236.34 of the Wisconsin Statutes and the Platting ordinance of the City of New Berlin surveying, dividing and mapping same, .

Dated this 16 day of May, 2023.

Christopher A. Hodges PLS
Professional Land Surveyor S-2760

WISCONSIN
CHRISTOPHER A HODGES
2760
PALMYRA
WIS.
LAND SURVEYOR

LYNCH & ASSOCIATES
ENGINEERING CONSULTANTS, LLC
5482 S. WESTRIDGE DRIVE
NEW BERLIN, WI 53151
440 MILWAUKEE AVENUE
BURLINGTON, WI 53105
(262) 402-5040

INSTRUMENT DRAFTED BY CHRISTOPHER A. HODGES, P.L.S. S-2760

Revision Date: 05/13/2024
Date: 04/11/2024
SHEET 2 OF 4

ARC™

(262) 542-8200

FORM ARC-101

CERTIFIED SURVEY MAP NO. _____

A Redivision of Lot 1 of Certified Survey Map No. 888 being a part of the Northwest ¼ of the Southwest ¼ of Section 23, Township 6 North, Range 20 East, located in the City of New Berlin, Waukesha County, Wisconsin.

OWNER'S CERTIFICATE:

As owner, I hereby certify that I have caused the land described on this map to be surveyed, divided, dedicated and mapped as represented on this map in accordance with the provisions of Chapter 236.34 of the Wisconsin State Statutes and ordinances of the City of New Berlin, this 28th day of May, 2024.

Debra A. Bitz

Debra A Bitz

STATE OF WISCONSIN)
) SS
County of Milwaukee)

Personally came before me this 28th day of May, 2024, the above named Debra A. Bitz, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Kathleen S. Rivedal

Print Name Kathleen S. Rivedal

Notary Public, Milwaukee County, WI.

My Commission Expires: 06/16/2027

NOTARY PUBLIC
KATHLEEN S. RIVEDAL
STATE OF WISCONSIN

WISCONSIN
CHRISTOPHER A HODGES
2760
PALMYRA, WIS.
LAND SURVEYOR

LYNCH & ASSOCIATES
ENGINEERING CONSULTANTS, LLC
5482 S. WESTRIDGE DRIVE
NEW BERLIN, WI 53151
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INSTRUMENT DRAFTED BY CHRISTOPHER A. HODGES, P.L.S. S-2760

Revision Date: 05/13/2024
Date: 04/11/2024
SHEET 3 OF 4

CERTIFIED SURVEY MAP NO. _____

A Redivision of Lot 1 of Certified Survey Map No. 888 being a part of the Northwest ¼ of the Southwest ¼ of Section 23, Township 6 North, Range 20 East, located in the City of New Berlin, Waukesha County, Wisconsin.

COMMON COUNCIL APPROVAL:

Approved by the Common Council of the City of New Berlin on this_____ day of _____, 20_____.

_____ _____

Dave Ament, Mayor Rubina R. Medina, City Clerk

PLANNING COMMISSION APPROVAL:

Approved by the Planning Commission of the City of New Berlin on this_____ day of _____, 20_____.

_____ _____ _____

Dave Ament, Mayor Nikki Jones, Secretary

WISCONSIN
CHRISTOPHER A HODGES
2760
PALMYRA
WIS.
LAND SURVEYOR

LYNCH & ASSOCIATES
ENGINEERING CONSULTANTS, LLC
5482 S. WESTRIDGE DRIVE
NEW BERLIN, WI 53151
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(262) 402-5040

INSTRUMENT DRAFTED BY CHRISTOPHER A. HODGES, P.L.S. S-2760

Date: 05/13/2024
SHEET 4 OF 4

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT:	**Reggie Peters – Lemberg Electric on behalf of Veit / Veit Waiver Requests**
LOCATION:	**18600 W. Lincoln Avenue (Tax Key #: 1167.994.001)**
REQUEST:	**Approval of Waiver Requests #1 and #2 to allow for an additional sign and additional depth from building for Veit located at 18600 W. Lincoln Avenue.**
D.R.C RECOMMENDATION:	**Recommend <u>denial</u> of both Waiver Requests for Veit located at 18600 W. Lincoln Avenue, subject to the application, plans on file and the following reasons:**

WAIVER REQUEST #1: Applicant is requesting a waiver from Section 275-61I(2)(a) of the Zoning Code, which states that "<u>Only two signs may be permitted per business.</u> Owners may elect for them to be any combination of wall signs, ground signs, or monument signs, not exceeding a total of two, and approved by DCD staff. Numbers of permitted signs by type are listed in Table 275-61-1."

WAIVER REQUEST #2: Applicant is requesting a waiver from Section 275-61I(1)(a) of the Zoning Code, which states that "Wall signs and building signs shall be placed against the exterior walls of buildings and <u>shall not extend more than 12 inches outside of a building's wall surface;</u> shall not exceed 1.25 square foot in area for every one linear foot of building face width on which they are mounted; and shall not exceed the height or project beyond the building."

1. **The applicant (Veit) is proposing to install one additional sign beyond what is allowed by code. The proposed sign also extends off the face of the building beyond what the code allows. Applicant's letter and proposal are attached.**
    a. **Number of Signs:**
        i. **Allowed: <u>2 total signs</u> (2 monument signs approved under Permit # 2300833)**
        ii. **Proposed: 3 total signs (1 new wall sign & 2 existing monument signs)**
    b. **Dimensions (from building wall surface):**
        i. **Allowed: <u>12</u> inches (outside of the wall surface)**
        ii. **Proposed: 31" at max (from building surface)**
2. **Pursuant to 275-61D(5) of the Zoning Code: *"An applicant may appeal a decision made by staff to the Plan Commission or the Community Development Authority (where applicable) for determination. An additional review fee as determined by the Director shall be required for any sign application that is forwarded to the Plan Commission or the Community Development Authority (where applicable) for review."***
3. **Pursuant to 275-61D(6) of the Zoning Code: *"An applicant may request a waiver from the Plan Commission or Community Development Authority (where applicable) for the requirements set forth in this section."***

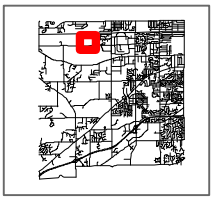
Background:

1. **Per §275-52C, Waivers/modifications:**
   - ***(1) The Plan Commission may waive or modify any or all of the other requirements of this article if it determines that:***
     - ***i. The site or activity in question will have no appreciable off-site impact;***
     - ***ii. Compliance with the requirement(s) is impractical or impossible due to site conditions or other circumstances beyond the control of the applicant; or***
     - ***iii. The specific requirement is not necessary for a particular site to ensure compliance with the requirements of this chapter.***
2. **Veit has received approval for two monument signs (See File #: SG-2300833).**

Attachments:
Location Map
Applicant Letter
Sign Package

City of New Berlin
Community Development

SG-2401328
Veit
18600 W. Lincoln Avenue



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

Legend

- Parcels
- Road Right-of-Way

FEMA Flood Zone (2023)

Flood Zone

- FEMA Flood - Zone A
- FEMA Flood - Zone AE
- Zoning Boundaries

Zoning Wetland Registration

Wetland Registration Type

- Registered Wetland
- Outside Wetland

Environmental Corridor

Corridor Type

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

Sewer Service Area (MMSD)

Sewershed

- Current
- Ultimate

N

0 170 340 Feet

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Map Printed: 7/1/2024 11:25:21 AM

LEMBERG
4085 North 128th Street, Brookfield, WI 53005
phone 262.781.1500 · fax 262.781.1540
www.LembergElectric.com

SERVICE SIGNS DATA COMM ENERGY TECH CONSTRUCTION

June 27th, 2024

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

RE: Development Review – Veit Additional Signage

To Whom It May Concern:

Lemberg Electric, on behalf of Veit, requests approval to install one wall sign on the outbuilding on the northeastern corner of the property. Ideally, the sign would be a set of channel letters mounted on an aluminum frame, mounted at a 15-degree angle to the exterior wall designed to be visible from Lincoln Ave. The frame itself would be mounted flush to the wall, but the sign would extend 2'-7" off the wall at its most angled point. The wall elevation that the proposed sign will be installed on is 60ft in length, comparatively, the proposed sign will be 60 sq.ft.

If the angled frame proves to be a sticking point, Veit is also respectfully requesting that you consider the installation of the sign without the angled frame, meaning that it would be mounted flush to the wall. We understand that the additional sign requires a variance in this instance, but we hope to give you options in your consideration and approval.

Lemberg and Veit have a working relationship and rapport. Lemberg designed, installed, and managed the lobby signage and two existing monument signs on the 57.7-acre property. On the original sign package/building layout that was presented to the city, a large vinyl splash graphic on the multi-story glass was windows was proposed, but was never installed, Veit opting to go with a more understated look on the entry way.

Rather than a large graphic, they would like to move forward with a different approach: to ensure the extra building is professionally branded with their trademark name 'Veit' that will be visible to onlookers from W Lincoln. To further explain the existing signage on the property, the first existing monument sign welcomes vehicles on the south entrance of the property from W Lincoln Ave, the second existing monument welcomes customers walking into the building that is located on the front entrance to the building, and the proposed third sign will be on their northern most warehouse building. The northern most Warehouse Building has a setback of 550 ft from W Lincoln Rd, and the proposed location of the sign will be on the southeast wall that is angled towards Lincon Ave. The proposed signage has been strategically designed for the visibility and recognition of the sign from the road.

Veit and Company is a generational company that started as a family owned organization and still is today. Veit's history and long living legacy started in 1928 that has over 95 years of experience with specialty contracting over Demolition, Foundation, Earthwork, Utility, Marine,

LEMBERG
4085 North 128th Street, Brookfield, WI 53005
phone 262.781.1500 · fax 262.781.1540
www.LembergElectric.com

Industrial Cleaning, CIPP (Cured-in-place-pipelining), and Disposal. Most notable about Veit, is their determination and hunger for improving the communities that they not only serve in but live in. Viet's mission state is as follows: "Our purpose is to never settle and dig deeper. From job sites to relationships, Veit builds with a deeper purpose to create something that betters our Veit wishes to become a recognizable name in the tight-knit New Berlin community, and hopes to achieve this by adding tasteful, high quality signage to their property.

Thank you for your consideration of the request. Please do not hesitate to contact me directly with any questions or comments. My direct line is 262-202-9145 and my email is rpeters@lembergelectric.com.

Sincerely,
Lemberg Electric Company, Inc.

Reggie Peters
Project Manager

VEIT®

Veit / Additional Signage

18600 West Lincoln Avenue - New Berlin, Wisconsin 53146

Drawing Package Title: Veit Additional Signage 1(2)

Date: 6-6-24

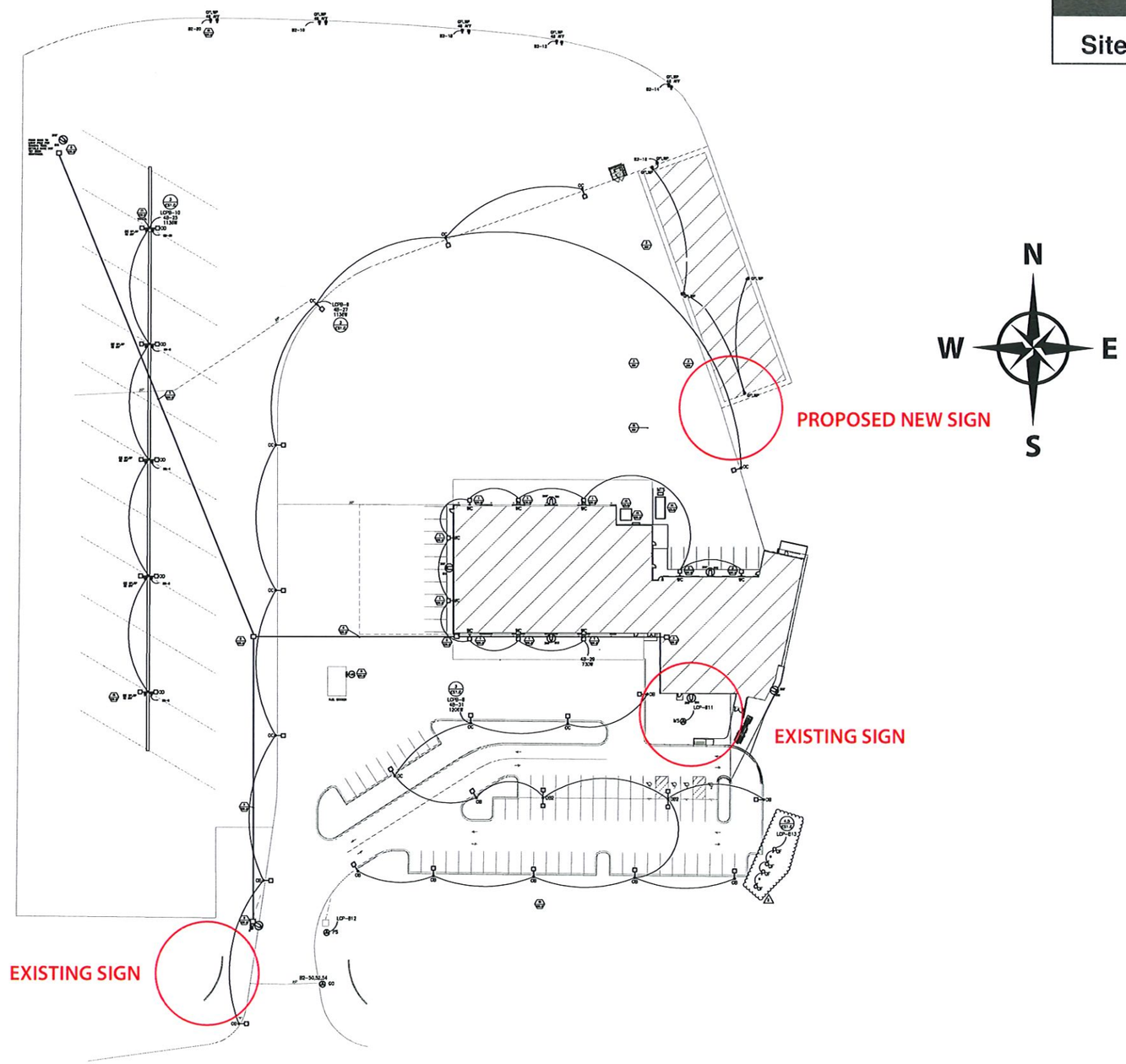
CONCEPTUAL DRAWING

LEMBERG SIGNS

4085 North 128th Street
Brookfield, WI 53005
p. 262-781-1500
www.LembergElectric.com

CONCEPTUAL DRAWING

Site Map



LEMBERG SIGNS
4085 North 128th Street
Brookfield, WI 53005
p. 262-781-1500
www.LembergElectric.com

Client: Veit
Address: 18600 West Lincoln Avenue
Location: New Berlin, Wisconsin 53146

Sales Representative: John Wachniak
Project Manager: Reggie Peters
Designer: Eric Bailey

Scale: NTS
Paper Size: 11x17
Signature / Date:

Client / Location or Project / Sign Classification / Version# or Sheet / Revision# / Drawing Status: Veit_MAP_v01_r00_D
Date: 6-4-24

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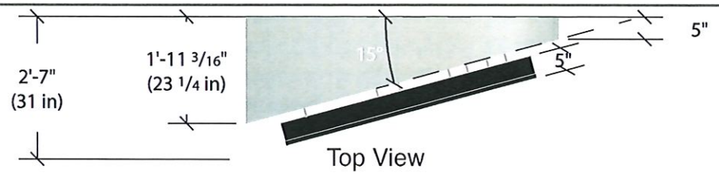
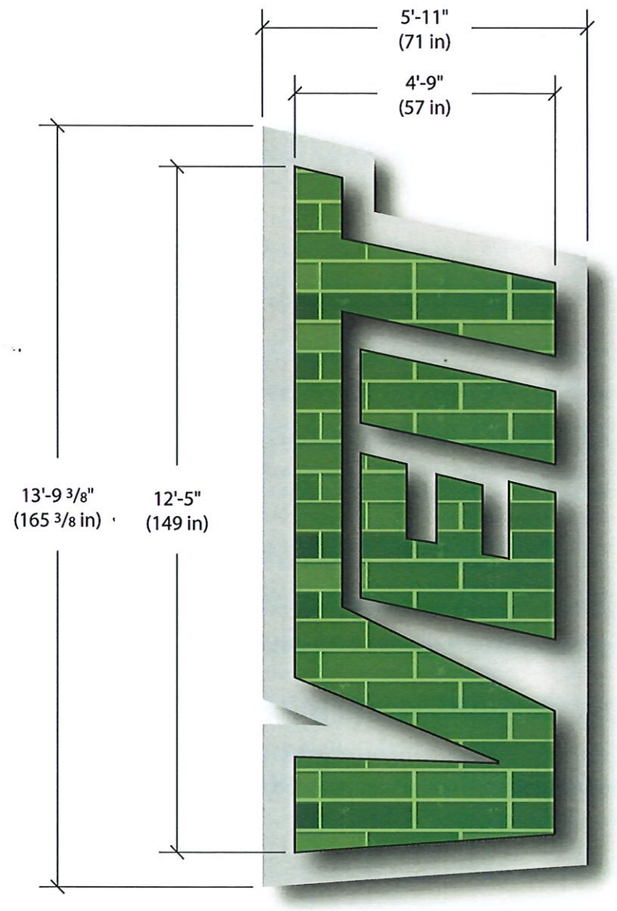
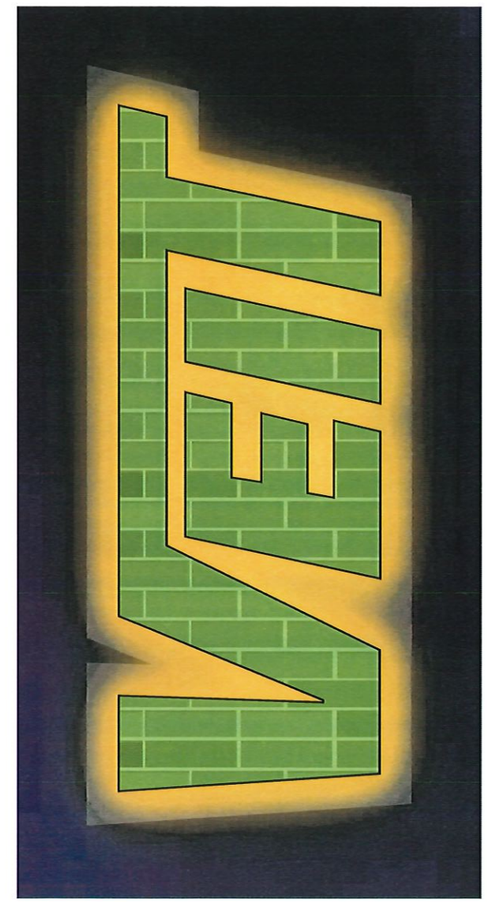


Top View



Front View
(Shown Flat for Clarity)



Illumination

Channel Letters / Cloud

One (1) Set of Face Lit / Reverse Lit Channel Letters Individually Mounted to Cabinet.

Illuminated / Single Sided / UL approved fabrication

Photocell for Automatic On & Off Lighting Control

Remote Located Power Supplies (120 / 277v Universal)

58.9 Sq'

(A) Channel Letters
5" deep aluminum returns (black) / 1" trim cap (black) / White Acrylic faces, decorated with 3M translucent vinyl graphics (MIRATEC Digital print to match 3M Green 3630-26).

Baffle letter interiors with internal white LED illumination (standard white) for face illumination / Amber or Orange Halo Illumination.

Letters are individually mounted to cabinet with 2" spacers.

(B) Cabinet
Custom fabricated aluminum cabinet / cloud to mount letters at ***15° ANGLE TO WALL***.

Exact paint color TBD.

Colors

Paint
(P-1) Paint MP Brushed Aluminum (TBD) ?

Vinyl Graphics
-

Specialized Products
(S-1) Digital Printed "Green Brick Pattern" to Match 3M Green 3630-26 with UV Overlam / MIRATEC PRINT √

(S-2) White Polycarbonate √

(S-3) Black Returns √

(S-4) 1" Black Trimcap √

LEMBERG SIGNS
4085 North 128th Street
Brookfield, WI 53005
p. 262-781-1500
www.LembergElectric.com

Client: Veit
Address: 18600 West Lincoln Avenue
Location: New Berlin, Wisconsin 53146

Sales Representative: John Wachniak
Project Manager: Reggie Peters
Designer: Eric Bailey

Scale: 3/8"=1'
Paper Size: 11x17
Signature / Date:

Client / Location or Project / Sign Classification / Version# or Sheet / Revision# / Drawing Status: Veit_CL_v02_r02_D
Date: 6-6-24

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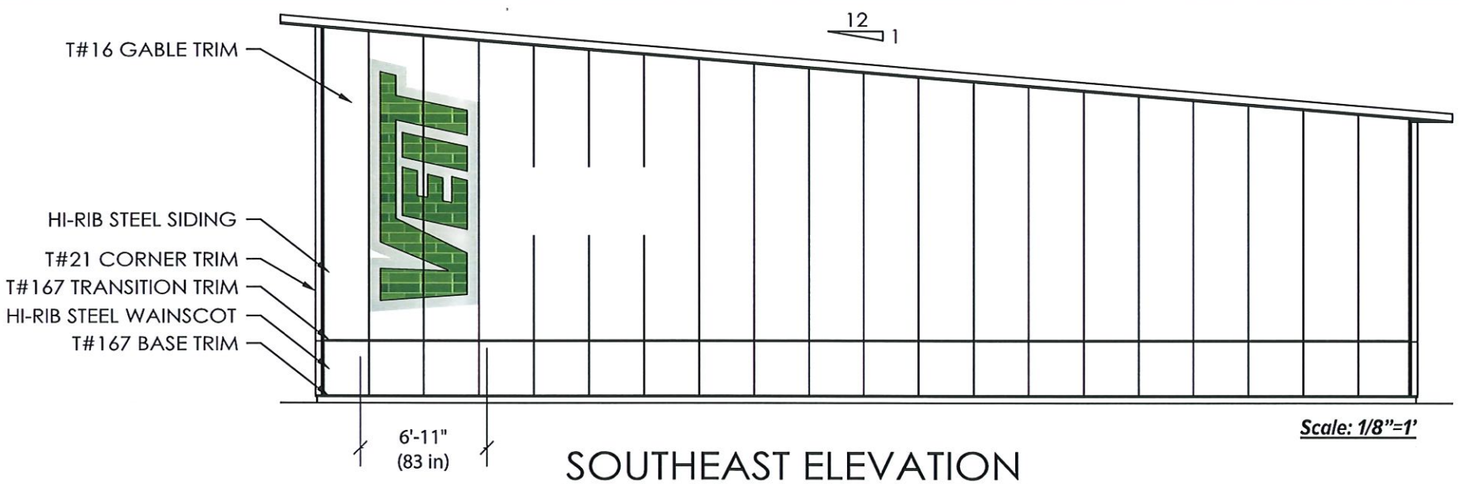
Southeast Elevation - Sign Placement



Scale: 1/8"=1'

SOUTHEAST ELEVATION

Proposed Location

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Date: 6-7-24

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CONCEPTUAL DRAWING

Notes & Revisions | Check List & Flagged Items

4-4-24 Initial drawing per John's notes. EB	-	
6-4-24 Updated to selected option / added site map, per Reggie. EB	-	-
6-7-24 Revised to max 60 sq', per Reggie. EB	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-

Job File Location Sales: Customer Folders\Veit\Veit | **Job File Location Design:** Lemberg Sign Vault (Sync)/Viet- Additional Building Sign

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