

# Minutes

## Common Council

February 14, 2000

Minutes of a Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, February 14, 2000, at the New Berlin City Hall at 7:00 P.M.

Present were Mayor Gatzke, Aldermen Bullermann, Wysocki, Patzer, Scheuble (arrived at 7:03 p.m.), Wilkens, Chiovatero and Kaminski. Also present were City Attorney Paul Reilly, City Clerk Judy Weter, and Asst. Director of Planning Mark Lake.

### **Communication from City Attorney Reilly regarding Issue of Public Notice - Jacob's Ridge/Schedule Public Hearing**

A Public Hearing was scheduled for March 14, 2000 at 7:00 p.m.

### **PLAN COMMISSION**

#### **Deer Creek Inn & Conference Center - 1401 S. Moorland Road - Rezone from RM-1 to B-1/PUD**

Motion by Alderman Patzer to recommend to Council approval of the request by TDI Associates/Deer Creek Inn & Conf. Center to rezone the property located at 1401 S. Moorland Road from RM-1 to B-1/PUD subject to:

1. Draft PUD Ordinance to be reviewed and approved by the City Attorney.
2. For future use, site and architectural approval the following must be addressed:
  1. Site and Architecture to be thoroughly reviewed during the use, site and architectural review process.
  2. County Access Permit required for access to Moorland Rd.
  3. State Access Permit required for access to Greenfield Av.
  4. Adherence to 17.1308 (10) Woodland Preservation restrictions required.
  5. A coordinated rehabilitation plan for the enhancement of this reach of the Deer Creek required. Any floodplain, wetland, and/or Deer Creek work requires City, DNR and/or Corps of Engineers permits/approvals.
  6. View-shed analysis required for use approval.
  7. Each tenant will require a separate use approval from the Plan Commission. Use will be based, in part, on available parking as each tenant applies for occupation.
  8. Building must meet all applicable State and local building and fire codes.
  9. A minimum of 25% open space required within development.
  10. Building to be setback from adjacent structures a minimum of one foot for each foot of height.
  11. Coordinated traffic study of the potential impact to Moorland Rd. and Greenfield Av. post reconstruction required.
  12. All aboveground utilities, both on-site and off-site, to be buried.
  13. Conformance to the Commercial Center roadside edge plan required. Plan includes but is not limited to the following: sidewalks, sidewalk lighting, and street trees.
  14. Sanitary sewer, storm sewer, and water plans to be approved by all regulating authorities.

Seconded by Alderman Wysocki.

A Public Hearing was scheduled for March 14, 2000 at 7:10 p.m.

**Phillip Janoska - Grange/Nicolet/Edgewood - Nw ¼ Sec. 36 – Final Land Division**

Motion by Alderman Kaminski to recommend to Council approval of the request by Phillip Janoska for a final three lot land division located at Grange/Nicolet/Edgewood subject to:

1. All access to lot 1 will be from Nicolet Drive (outside of the 60' vision corner easement) or Edgewood Avenue, no access to Grange Avenue from lot 1 will be granted. Access restriction to be placed on the face of the CSM.
2. Only 23.03 feet (not 30.00 feet) along Edgewood Avenue required to be dedicated to the City for Public road purposes.
3. A 60' x 60' Vision Corner Easement to be labeled on the corner of Nicolet Drive and W. Grange Av.
4. Change Clerk's name to Judy A. Weter, City Clerk.
5. Verify Monuments in Sec. 36-6-20, Northing and Easting used doesn't allow for a proper registration of the CSM.
6. 15' Drainage easement required along eastern lotline of lot 3. Easement to be labeled on the face of the CSM.
7. Lots fronting Edgewood Ave and Nicolet Drive required to adhere to Deed Restrictions of High Grove Subdivision Addition #1.
8. Per Developer's Agreement for Highgrove Addition #1, all connection charges for Edgewood Avenue and Nicolet Drive lots to be collected by the City of New Berlin and turned over to the Developer prior to the City signing the final CSM.
9. Payment of \$3000.00 in Public Site, Open Space and Trail fees required before the City will sign the Final CSM.

Seconded by Alderman Wilkens and carried with Alderman Scheuble voting "no".

**Michael Sajdak - 14489 W. Beloit Rd. - Ne ¼ Sec. 26 - Two-Lot Final Land Division**

Motion by Alderman Kaminski to recommend approval to Council of the request by Michael Sajdak for a two lot final land division located at 14489 W. Beloit Road subject to:

1. Waukesha County Department of Transportation Access Permit required for the shared driveway between the two new lots.
2. \$2000.00 in Public Site, Open Space and Trail Fees required before City will sign the final CSM.
3. Owner and surveyor to sign before city will sign final CSM.
4. Fix drafting errors/changes, dates to reflect 2000 approvals, City Clerk Judy A. Weter, prior to city signing the final CSM.
5. Shed on common lotline between lots 1 and 2 to be removed or moved so that it meets the minimum 5' setback requirement for accessory buildings.
6. All assessments for the utilities along Beloit Road to be paid in full prior to the City signing the final CSM. Recording of this Final CSM would cancel any deferred assessments.

Seconded by Alderman Bullermann and carried with Alderman Scheuble voting "no".

**Dennis Kasian - KASCO Partners - NE ¼ SEC. 14 - Approx. 3501 S. 147th St. - Final 3-Lot Land Division**

Motion by Alderman Kaminski to recommend to Council approval of the request by Dennis Kasian-KASCO Partners for a final 3-lot land division located at 2501 S. 147<sup>th</sup> Street subject to:

1. All existing buildings to be razed. Razing permit required.
2. 1" iron pipes along Deer Creek at the end of Wilbur Drive extended to be offset to a meander point.
3. All easements requested/granted to the City are to be at no cost to the City, including Deer Creek sanitary sewer interceptor easements.
4. Payment of \$1000.00/new lot (\$3,000) in Public Site, Open Space and Trail fees required before the City will sign the Final CSM.
5. All owners as of the date of signing, to sign prior to City signing the final CSM.
6. Surveyor's signature and seal, required on all pages of the CSM.
7. Execute Developers Agreement prior to City signing final CSM.
8. DNR Permits for wetland crossing for Wilbur Drive required prior to City signing final CSM.
9. Approval of all surety instruments prior to signing the final CSM.

Seconded by Alderman Bullermann and carried with Alderman Scheuble voting "no".

#### **Star Line Trucking Corp. - 18480 W. Lincoln Ave. - Rezone from C-1 to B-3**

Motion by Alderman Kaminski to recommend to Council denial of the request by Star Line Trucking Corp. to rezone the property at 18480 W. Lincoln Avenue from C-1 to B-3 based on the following reasons:

1. Expansion of the current use of the property for storage, staging and parking of semi trucks and trailers is prohibited in a B-3 district. Regarding the non-conforming status, Section 17.0601 (1) of the Zoning Ordinance states that, "only that portion of land or water in actual use may be so continued and the use may not be extended, enlarged, substituted or moved; and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this ordinance."
2. All applications for the expansion of use must include a plan for the rehabilitation or upgrade of Lincoln Avenue.
3. The geotechnical subsurface exploration and site feasibility evaluation prepared by Midwest Engineering Services, Inc. in their recommendation identified that "the existing fill are variable in strength and composition, and are not recommended for the support of continuous wall and conventional spread footings".
4. J. & A. Pohl Concrete Contractors will be required to vacate the northerly portion of the property as a result of this denial.

Seconded by Alderman Wilkens.

A Public Hearing was scheduled for March 14, 2000 at 7:05 p.m.

#### **Stormy Acres - 20900 W. Glengarry - Final Land Division - Lots 11 & 12**

Motion by Alderman Kaminski to recommend to Council approval of the Stormy Acres final land division Lot 11 & 12 located at 20900 W. Glengarry subject to:

1. Public Site and Trail Fees have been waived due to the 21.35-acre park dedication.
2. Owners and Surveyor required to sign the Final CSM before the City will sign the Final CSM.
3. Property address and preliminary plat lot number to be labeled on each parcel.
4. Re-certification of roadway, ditches, and monumentation required.

5. Clean up drafting errors; part of curve-table missing (curve 9-10) ; scale and north arrow missing tie; owner's name and address missing; label CSM # for park parcel; bearing missing from common lot-line.
6. Lot designated as 21155 Windsor Dr. (remnant Lot 10 of the Stormy Acres Preliminary Plat) requires a CSM prior to building permits being issued.
7. Change signature page, Judy A. Weter - City Clerk, Steven K. Hoese, Secretary

Seconded by Alderman Patzer and carried with Alderman Scheuble voting "no".

### **Moorland Commons - 4770 S. Moorland Rd. - Two-Lot Preliminary and Final Land Division**

Motion by Alderman Kaminski to recommend to Council approval of a preliminary two lot land division for Moorland Commons located at 4770 Moorland Road subject to:

1. Common lot line to be adjusted to reflect the revised parking lot configuration.
2. All easements requested/granted to the City are to be at no cost to the City.
3. All easements to reflect the after condition not just the existing condition.
4. Final access points are to be worked out with all jurisdictions prior to final CSM being signed.
5. Developer's agreement for the construction of all public improvements and utilities required to be approved by the Board of Public Works and Common Council.
6. Moorland Road ultimate right-of-way to be dedicated, an additional 10' is required in some areas.
7. All owners as of the date of signing, to sign prior to City signing the final CSM.
8. Surveyor's signature and seal required on all pages of the Final CSM.
9. Change Clerk's Name to Judy A. Weter.

Seconded by Alderman Patzer and carried with Alderman Scheuble voting "no".

### **Ordinance No. 2100 "Ordinance to Rezone the Property at 17770 W. Cleveland Avenue from A-2 to I-1 Institutional"**

City Clerk Weter gave the only necessary reading of Ordinance No. 2100.

Motion by Alderman Patzer to recommend to Council approval and adoption of Ordinance No. 2100.  
Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Bullermann to adjourn the meeting at 7:39 p.m. Seconded by Alderman Patzer and carried unanimously.

**Judy Weter**

**City Clerk**