

## NEW BERLIN PARKS, RECREATION & FORESTRY COMMISSION MEETING

Monday, February 16, 2004

**Please note: Minutes are unofficial until approved by the Parks, Recreation and Forestry Commission at their next regularly scheduled meeting.**

The regular meeting of the Parks, Recreation and Forestry Commission was called to order by Chairman Bill Christel at 7:03 p.m. in the Common Council Chambers at New Berlin City Hall.

Present: Commissioners; Chuck Bedwell, Nancy Duff, Paul Gihring, James Gradel, Rick Kocchi, Michael McAdams, Vern Radtke and Council Representative Paul Gallagher.

Also Present: Srinath Sadam, Badar Syed, City Attorney Mark Blum, Planning Services Manager David Haines, City Engineer J.P. Walker, Storm Water Division Engineer Eric Nitschke, Mike Bieniek and Bryan Lazuka from Site Acquisition Consultants, Director of Parks, Recreation and Forestry Mark Schroeder and Administrative Coordinator Cheryl Bowers.

### MINUTES:

Motion by Commissioner Kocchi to approve the minutes of the regular Parks, Recreation and Forestry Commission Meeting of January 19, 2004. Seconded by Commissioner Gihring and carried unanimously.

Consensus of the Commission to proceed to the review and discussion on plans for the Proposed Subdivision North of the ProHealth Care Park, Conservation Subdivisions, and Verizon Wireless Proposal at Hickory Grove Center, under the Director's Report to accommodate the visitors present.

### DIRECTOR'S REPORT:

**ProHealth Care Park – Review and Discussion on plans for proposed Subdivision North of Park** - The developers are interested in knowing if the commission is interested in selling a portion of the park to allow for the extension of Dakota Street to the east to serve the property. Consensus of the Commission for Srinath Sadam and Badar Syed to speak before the Commission.

Motion by Commissioner Gradel to recommend to the Planning Department, the Parks, Recreation and Forestry Commission's concerns regarding the proposed residential development adjacent to and north of ProHealth Care Park;

1. Numerous safety concerns with roadway north of park including; speed of traffic close to playing fields, soccer players chasing balls into road, and parking and safety concerns for spectators.
2. Concerns with poor aesthetics if cyclone fence were to be installed for safety reasons.
3. Planned Unit Development (PUD) restricts construction of roadways only to accommodate park use (according to City Attorney).
4. The approved park design (Phase I construction in progress) does not provide for the recommended buffer distance between the soccer field and a potential future roadway. The park design does not allow for the soccer fields to be moved to accommodate the additional buffer without affecting future plans for the restroom shelter building and playground equipment.
5. The sale or exchange of parkland for roadway purposes would have negative impact on park design.
6. The Parks, Recreation and Forestry Commission has invested dollars both in park design and construction per the approved Park Master Plan.

Seconded by Commissioner Gallagher and approved unanimously.

**Storm water Project Update (Malone Park, Gatewood Park, Buena Park & Tess Corners Creek Project) - Presentation by City Engineering Staff** - City Engineer J.P. Walker and Storm Water Division Engineer Eric Nitschke presented an update on storm water projects planned for Malone, Gatewood, and Buena Parks.

The underground storm water retention system is now being constructed at Malone Park. This system will hold up to one acre of water that is one foot deep with the water discharging into the woods west of the gazebo parking lot. The contractor, Mainland Sewer expects a completion date of March 31<sup>st</sup> so the park can be restored and looking its best by the 4<sup>th</sup> of July.

A swale is being created in Gatewood Park to replace the eroding Kostner Lane pipe that is creating flooding downstream.

Storm sewers will be installed in the Buena subdivision, which will preserve Buena Park. A swale will be created in Buena Park which will run north and south to the creek and be located just west of the ball diamond.

The Tess Corners Creek Pond Project is a large 50 plus acre regional storm water pond planned for Section 35 in the southeastern portion of the City. The shallow pond, not deeper than six feet, will be located just north of College Avenue and west of Sunny Slope Road. The Commission was presented with a project location map and design plans for the pond project. Municipal water and sewer potentially may be available as soon as 2007 for development of a new subdivision in the area. There will be a buffer of 50 – 100 wide around the facility. A paved walking and bike path is being planned to go around the pond and intersect with the paved path on Moorland Road. Motion by Commissioner Gihring for the Plan Committee to meet and recommend to the Parks, Recreation and Forestry Commission, the location of the area proposed parks and the buffer area around the retention pond.

**Conservation Subdivisions** – Presentation by Dave Haines, Planning Services Manager – Dave Haines presented an overview of the conservation subdivisions, an update on the status of the three proposed developments, and question/ answer period on each project and use of the land dedication ordinance to preserve environmental corridor/open space lands.

Conservation subdivisions are clustered compact lots with common open space. The purpose is to protect natural resources while allowing for the maximum number of residence under current zoning and subdivision associations. The minimum lot area is 20 acres, which requires 50% common open space. Common open space can consist of; an environmental corridor, wet lands, woodlands, flood plain, historic structure, and buildable land. Permitted uses for the open space may be; natural area, pastureland, agricultural land, passive recreation uses, golf courses, utilities or storm water, and silviculture (tree farmer). The four conservation subdivisions under review by the Plan Commission are:

- Roger's Glen with a preliminary plat approval consisting of 151 acres, 60 lots and 91 acres of open space.
- Poplar Creek with approved zoning consisting of 109 acres, 21 lots, and 54 acres of open space.
- Wildwood Preserve has a public hearing planned for April with a concept of 173 acres, 43 lots and 109 acres of open space.
- Coffee Road (unnamed development) with a concept plan of 20 acres, 4 lots, with 10 acres of open space.

Attorney Mark Blum was present to answer questions relating to previous Commission discussions and motions made at the December 2003 meeting.

**Do trails count as lands for purposes of calculating public site fees?** New Berlin Municipal Code Section 235-34(b) provides that "whenever a roadway, pedestrian trail or other public way has been designated by the City, the County or the State, that such trail or public way is required to be reserved by the applicant on the subdivision plat without cost to the City." Subsection (c) of that ordinance goes on to state that "in the design of the subdivision, consideration shall be given for appropriate and adequate public sites and open space where such lands are reflected on a plan at the City, County or State level. Such lands are required to be designated on the plat." In those circumstances where a determination is made that the subdivision does not encompass a proposed public site or open space area or that such land is not needed in the particular subdivision or if the land is less than on the dedication schedule, then a public site and open space fee can be charged. "Whenever a proposed subdivision encompasses all of any part of a plan or needed park...open space or any other public site and has been designated so on an adopted City of New Berlin, Waukesha County Regional or State Plan, said public site or open space shall be made part of the plat." It would be difficult to argue that trail lands dedicated for such purpose should not be applied in calculating the total required open space and more importantly, the issued of whether an open space fee should be paid.

**Can the City require the developer to construct the trail and dedicate land to the City? Does the trail have to be shown on the City or park master plan?** In the event that the lands are not dedicated for public site and open space purposes on any existing map, there still is a requirement that the developer provide one acre for each 25 proposed dwelling units or one acre per each 50 acres of developable land. Section 235-34(C)(3) provides that if the proposed subdivision does not include an adequate amount of public site and open space that in lieu of, that a fee be charged against the developer so that other parkland can be developed in the future. If there is nothing on any governmental plan, then a requirement can still exist that lands be dedicated consistent with the requirements for open space under the ordinance.

**Who has final jurisdiction or authority on accepting land in lieu of fees?** The City needs to make a determination based upon the requirements in the ordinance and the needs of a particular site whether a trail or other public site and open space land is necessary.

**What is the process of conservation easements as opposed to the acquisition of lands for that purpose? What are the relative benefits?** An easement allows for the ownership to be retained by another party with the City receiving a portion of those rights and responsibilities. While a permanent easement can be obtained with rights of access, maintenance, construction, etc, however, it does not meet all of the requirements of fee based ownership. For purposes of a public trail, a permanent easement might be appropriate.

**Wildwood Preserve, Poplar Creek, and Rogers Glen Subdivisions – Review and Recommendation on Land Dedication and Ownership of Environmental Corridor/Open Space Lands:**

**Wildwood Preserve Subdivision – Review and recommendation on Land Dedication.** On December 8<sup>th</sup>, the developer appeared before the Plan Commission for general review and concept approval of this 46-lot conservation subdivision layout. This is the 1<sup>st</sup> step in the development process. The next step is rezoning which is a recommendation from the Plan Commission with final approval by Council. A public hearing is required. This conservation development site consists of multiple parcels in Sections 28 and 33 totaling 173.69 acres consisting of the current Trees on the Move parcel west of Calhoun Park. Consensus of the Commission to support the motion from the December 15, 2003 meeting.

**Poplar Creek Subdivision – Review and recommendation on Land Dedication -** On December 9<sup>th</sup>, the Common Council approved the Plan Commission recommendation to rezone the property to allow for conservation subdivision development. The next step is for the developer is to prepare the preliminary subdivision plat, which is the formal process of laying out the lots, and completing the preliminary engineering design for City approval. The development site consists of 109.5 acres in Sections 9 and 16 west of Calhoun Road and south of Cleveland Avenue. Both primary and secondary environmental corridor is located within the development parcel. Consensus of the Commission to support the motion from the December 15, 2003 meeting.

**Rogers Glen Subdivision – Review and recommendation on Land Dedication -** The preliminary plat for this subdivision was approved by a Waukesha County Court decision. The developer is currently creating construction plans for the roads and storm water facilities. Following City review and approval of construction plans and Developer's Agreement, construction of site improvements can begin. Following Final Plat Approval, lots can begin to be sold which is anticipated to start in 2004. This 60-lot conservation subdivision is located west of Racine Avenue in Sections 29 and 30, and includes a small area in the northwest corner of the development located within the Mill Creek Primary Environmental corridor. In checking with SEWRPC, the Waukesha County Park and Open Space Plan calls for the county to acquire the primary environmental corridor along Mill Creek and develop a trail within the corridor. In this case, staff would recommend supporting the county in acquiring these lands as they become available, and accepting the park fees as provided for in the city land dedication ordinance. Motion by Commissioner Kocchi to rescind the December 15, 2003 motion that stated "Motion by Commissioner Kocchi to recommend to the Planning Department that the City support Waukesha County in acquiring the Mill Creek Primary Corridor, as the land becomes available. The Commission also recommends accepting the park fees as provided for in the City land dedication ordinance. Seconded by Commissioner Bedwell and carried unanimously." The new motion should read; Motion by Commissioner Gihring to recommend to the Planning Department that the City support Waukesha County in acquiring the Mill Creek Primary Corridor, as the land becomes available. The Commission also recommends accepting the park fees to which the City may be entitled pursuant to the terms of this ordinance. Seconded by Commissioner Kocchi and carried unanimously.

**Verizon Wireless Proposal at Hickory Grove Center – Presentation by Mike Bieniek and Bryan Lazuka, Site Acquisition Consultants –** Mike Bieniek and Bryan Lazuka stated that Verizon Wireless Personal Communications, LP is exploring the possibility of leasing from the City of New Berlin Parks, Recreation and Forestry Department some ground space in a mutually acceptable location for placement of a stealth flagpole and equipment shelter at Hickory Grove Center. The placement of a 100 ' stealth flagpole would be located near the northwest corner of the property facing Sunny Slope and is out of the way of vehicular and foot traffic. The equipment building would be located at the north side of the building. Verizon would be willing to build or donate funds for a park shelter, that is not attached to the equipment building, for liability and insurance reasons. Consensus of the Commission for Verizon Wireless to verify the height required for the stealth flagpole for the proper frequency, the variance and set back required by the City, whether the stealth flag pole can be placed behind and to the east of Hickory Grove, and what type of shelter would be donated.

**CORRESPONDENCE:**

The DNR has received and approved the 2003 Park and Open Space Plan for the City of New Berlin as prepared by SEWRPC. The City is now eligible to apply for DNR grants through 2007.

**BILLS AND FINANCIAL REPORTS:**

The Commission reviewed the December 2003 Expenditure Detail in the amount of \$40,446.45. They also reviewed the copies of the December Revenues and Expenditures. The Commission reviewed the January 2004 Expenditure Detail in the amount of \$2,417.84. They also reviewed the copies of the January 2004 Revenues and Expenditures. After a brief discussion, motion by Commissioner Kocchi to approve these financial documents. Seconded by Commissioner Radtke and carried unanimously.

**COMMITTEE REPORTS:**

Council Representative – No Report

Recreation Program Committee – No Report

Parks and Facilities Committee – No Report

Planning Committee – No Report

Golf Course Committee – No Report

**CHAIRMAN'S REPORT:** No Report

**PLAN COMMISSION MEMBER REPORT:** No Report

**UPDATES AND CONCERNS:**

Update on ProHealth Care Park – No update.

Update on Weston's Antique Apple Orchard – Work in progress.

Update on New Berlin Hills Streambank Stabilization Project – Work has been completed on Phase I, with the contractor currently working on Phase II where the stream crosses the 9<sup>th</sup> fairway. City staff will be meeting with the contractor at the site next week.

Update on Gypsy Moth Aerial Suppression Program – Mark Schroeder informed the Commission of the Gypsy Moth Aerial Suppression Program for 2004. Unlike the 400 acres sprayed in 2003, there will be 1,350 acres sprayed in 2004. An Informational Meeting was held in Brookfield on February 10 with 75 participants. Residents in the spray zone need to contact the Municipal Suppression Coordinator, Dave Jeske, the Parks and Forestry Supervisor, by February 21 if they have any objections to spraying their property. New Berlin will receive a 50% reimbursement grant through the DNR.

**NEW BUSINESS:** None

**NEXT MEETING:** March 15, 2004.

**ADJOURNMENT:**

Motion by Commissioner Duff to adjourn at 10:50 PM. Seconded by Commissioner Kocchi and carried unanimously.

Respectfully submitted by Cheryl Bowers for  
Nancy Duff, Secretary  
Parks, Recreation and Forestry Commission

ND/cb