

Please note: Minutes are unofficial until approved by the Plan Commission at the next regularly scheduled meeting

PUBLIC HEARING

6:00 P.M. (3) NJ RZ-10-12 Joyce Keene – 1710 S. Craftsman Drive – Rezone from R-4 and C-2 to R-4 and C-2 to field delineate the wetlands.

**NEW BERLIN PLAN COMMISSION
JANUARY 4, 2011
MINUTES**

The public hearing relative to the request by Joyce Keene to rezone the property located at 1710 S. Craftsman Drive from R-4 and C-2 to R-4 and C-2 to field delineate the wetlands was called to order by Mayor Chiovero at 6:07 P.M.

In attendance were Mayor Chiovero, Alderman Ament, Ms. Groeschel, Mr. Wick, Mr. Christel and Mr. Felda. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Tamara Simonson, Transportation Engineer; Nicole Hewitt, Storm Water Engineer; and Tom Schmitzer, City Attorney's Office. Ms. Broge was excused.

Mayor Chiovero explained the procedure for a public hearing saying that he would ask for questions for clarification and then ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

Ms. Jones read the public hearing notice and stated there was proof of publication.

Ms. Jones gave a brief presentation describing the request and indicated the location.

Mayor Chiovero asked for questions or comments for the purpose of clarification, seeing none.

Mayor Chiovero asked three times if there was anyone wishing to speak in favor of this application, seeing none.

Mayor Chiovero asked three times if there was anyone wishing to speak in opposition of this application, seeing none.

Mayor Chiovero asked for comments or questions from the Commissioners.

Alderman Ament – Will they be required to have a conservation easement?

Ms. Jones – The applicant is required to have a 10' setback from the wetlands and with the grading as it is, I doubt if they would be able to put anything in that area, so having a conservation easement for that little strip of land doesn't seem to be protecting the resource in that area.

Alderman Ament – Does the Environmental Corridor also cover the wetland?

Ms. Jones – Yes, it goes all the way up to this line. (Ms. Jones referred to the map). There is a huge area of unplatted land to the east that is entirely corridor and wetlands. I did not see any special circumstances there. None of the other lots in that subdivision would have easements. Typically, we use those when we feel that the individual building the home would be encroaching on that area. In this circumstance, it seems like a lot of additional work for not a lot of area that we are going to preserve.

Mayor Chiovatero asked for further comments or questions from the Commissioners, seeing none.

Mayor Chiovatero closed the public hearing at 6:12 P.M.

PUBLIC HEARING

6:01 P.M. (4) NJ RZ-10-15 Michael DeMichele – 5915 S. Moorland Road – Rezone from M-1 and C-2 to M-1 and C-2 to remove a portion of the wetlands.

NEW BERLIN PLAN COMMISSION

JANUARY 4, 2011

MINUTES

The public hearing relative to the request by Michael DeMichele c/o Willowtree Development to rezone the property located at 5915 S. Moorland Road from M-1 and C-2 to M-1 and C-2 to remove a portion of the wetlands was called to order by Mayor Chiovaturo at 6:12 P.M.

In attendance were Mayor Chiovaturo, Alderman Ament, Ms. Groeschel, Mr. Wick, Mr. Christel and Mr. Felda. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Tamara Simonson, Transportation Engineer; Nicole Hewitt, Storm Water Engineer; and Tom Schmitzer, City Attorney's office. Ms. Broge was excused.

Mayor Chiovaturo explained the procedure for a public hearing saying that he would ask for questions for clarification and then ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

Ms. Jones read the public hearing notice and stated there was proof of publication.

Ms. Jones gave a brief presentation describing the request and indicated the location.

Mayor Chiovaturo asked for questions or comments for the purpose of clarification.

Joe Russ, 16800 W. Shadow Drive – How many acres of wetlands are going to be lost?

Ms. Jones – The project would impact .044 acres of non-jurisdictional isolated wetland.

Mr. Russ – This is changing the current wetlands to account for what is lost.

Ms. Jones – They are working with the DNR to create more habitats. The applicant is here tonight to supply more details.

Mr. DeMichele, Willowtree Development – The area of total wetland that we are filling in for this addition is 0.33 acres. The area located below the building on the map was approved with the original building. The area where the road encroaches was also approved with the existing building. There is a farmer's ditch that carries the water that is coming from the west through to the ditch that extends down into the wetland underneath Moorland Road. It is a tributary to the Root River. The 0.33 that we are filling now is being mitigated with Army Corp. We have mitigated a large area of wetland up in northern Wisconsin where they wanted it to be mitigated. It is called

Legacy Bogs. We paid for mitigation in enhancement of a wetland there. In addition, the Wisconsin DNR requires a water quality certification as part of its approval of any wetland impact. The water quality certification efforts that we have done as part of this project was the amount of ditch we are impacting. It is about 700 lineal feet. That is 700 feet of open ditch where water is being conveyed, and there is some level of water quality enhancement by conveying water through an open ditch. The way we are conveying that water in the future is going to be underneath a parking lot in a big 4 ft. pipe after the building is built. In order to make up for that water quality component, on the eastern end of the property at the end of Rausch Ct. we have created what we affectionately call a lazy river. We will be building a meandering ditch there, picking up where the existing ditch currently turns and heads southeasterly and adding the amount of open ditch that we are enclosing back to that conveyance. The water is not going to be losing any open ditch water quality components.

Ken Albrecht, 17300 W. Horizon Drive – If I understand correctly, you will be allowing water to run through this property? (Mr. Albrecht referred to the map) Is it just a drainage ditch, not a creek or anything?

Mr. DeMechele – It is just a drainage ditch.

Mr. Albrecht – OK.

Mayor Chiovaturo asked three times for further comments or questions for clarification, seeing none.

Mayor Chiovaturo asked if there was anyone wishing to speak in favor of this application?

Mr. Albrecht – I am in favor.

Mayor Chiovaturo asked three times if there was anyone else wishing to speak in favor of this application, seeing none.

Mayor Chiovaturo asked if there was anyone wishing to speak in opposition of this application.

Joe Russ, 16800 W. Shadow Drive – Since the expansion of BuySeasons this has been a bait and switch type deal. The portion along Small Road was supposed to be a buffer for the residents in the area. That has changed and now it is going to be a parking lot and part of their building. Now they are taking some of the wetland that was there and moving it. Wetlands are put in an area for a reason. Farmers have a real good reason. Looking at this change, if any of you have ever driven Small Road after a heavy rain and have seen the water that comes off of the neighboring woods and farm field on the north side of Small Road and flows through this area, you would be a little bit concerned about where this water is going when it gets down there. For years it has gone into that field and disbursed that way. Now this will change. I am worried what is going to happen upstream. If water is up to the road on Small Road after heavy rains and they are going

to be trying to run it through a four foot pipe under a parking lot, what is going to happen? I think BuySeasons has put enough money into this that they can put a bit more in for a bigger pipe. I would also like to see some guarantee that they are not going to encroach to the east into the area that is wetland now. Frankly, I don't trust them after they said there would be a buffer along Small Road and now all of a sudden that is gone. BuySeasons has no creditability because of their past actions. I am against this plan. I think we need to keep these wetlands in that area both for water quality for those with wells and for overall storm water control.

Mayor Chiovero asked three times for further comments in opposition of this application, seeing none.

Mayor Chiovero asked for comments or questions from the Commissioners, seeing none.

Mayor Chiovero closed the public hearing at 6:25 P.M.

PUBLIC HEARING

6:02 P.M. (4) GK RZ-10-14 Timothy Lynch – 15755 W. Beloit Road – Rezone from M-1, B-2, FWO and C-2 to M-1, C-2, B-2 and FWO.

NEW BERLIN PLAN COMMISSION

JANUARY 4, 2011

MINUTES

The public hearing relative to the request by Timothy Lynch (Vanhenkelum, Lynch & Associates, LLC) to rezone the property located at 15755 W. Beloit Road and 4901 S. Moorland Road from M-1, B-2, FWO and C-2 to M-1, C-2, B-2 and FWO was called to order by Mayor Chiovaturo at 6:25 P.M.

In attendance were Mayor Chiovaturo, Alderman Ament, Ms. Groeschel, Mr. Wick, Mr. Christel and Mr. Felda. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Tamara Simonson, Transportation Engineer; Nicole Hewitt, Storm Water Engineer; and Tom Schmitzer, City Attorney's office. Ms. Broge was excused.

Mayor Chiovaturo explained the procedure for a public hearing saying that he would ask for questions for clarification and then ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

Ms. Jones read the public hearing notice and stated there was proof of publication.

Ms. Kessler gave a brief presentation describing the request and indicated the location.

Mayor Chiovaturo asked three times for questions or comments for the purpose of clarification, seeing none.

Mayor Chiovaturo asked three times for anyone wishing to speak in favor of this application, seeing none.

Mayor Chiovaturo asked three times for anyone wishing to speak in opposition of this application, seeing none.

Mayor Chiovaturo asked for comments or questions from the Commissioners.

Alderman Ament – In 2008 when we first started discussing this, besides being helpful for the development, if I recall correctly part of the reasoning from the DNR standpoint is that this would improve the stream and the stream bank area. Those improvements are part of this so it is actually not just for the potential development, but it will improve the stream.

Mr. Kessler – It is for stream bank stabilization improvement and habitat improvement as well. It is not just for developmental purposes.

Mayor Chiovero asked for further comments or questions from the Commissioners, seeing none.

Mayor Chiovero closed the public hearing at 6:31 P.M.

PUBLIC HEARING

6:03 P.M. (7) AB RZ-10-13 Laura Fuchs – 2955 S. Johnson Rd. – Rezone from R-1/R-2 and C-2 to R-1/R-2 and C-2 to field delineate the wetlands.

**NEW BERLIN PLAN COMMISSION
JANUARY 4, 2011
MINUTES**

The public hearing relative to the request by Laura Fuchs to rezone the property located at 2955 S. Johnson Road from R-1/R-2 and C-2 to R-1/R-2 and C-2 to field delineate the wetlands was called to order by Mayor Chiovero at 6:34 P.M.

In attendance were Mayor Chiovero, Alderman Ament, Ms. Groeschel, Mr. Wick, Mr. Christel and Mr. Felda. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Tamara Simonson, Transportation Engineer; Nicole Hewitt, Storm Water Engineer; and Tom Schmitzer, City Attorney's office. Ms. Broge was excused.

Mayor Chiovero explained the procedure for a public hearing saying that he would ask for questions for clarification and then ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

Ms. Jones read the public hearing notice and stated there was proof of publication.

Ms. Bennett gave a brief presentation describing the request and indicated the location.

Mayor Chiovero asked three times for questions or comments for the purpose of clarification, seeing none.

Mayor Chiovero asked three times if there was anyone wishing to speak in favor of this application, seeing none.

Mayor Chiovero asked three times if there was anyone wishing to speak in opposition of this application, seeing none.

Mayor Chiovero asked for comments or questions from the Commissioners.

Alderman Ament – The wetlands that were originally along Johnson Road which would have required a wetland crossing for the road is no longer there which was in 1998 when there was preliminary approval of the land division. That is no longer there so that is not going to be an issue as they move on with this.

Ms. Bennett – Correct.

Alderman Ament – Ok, thank you.

Mayor Chiovatero asked for further comments or questions from the Commissioners, seeing none.

Mayor Chiovatero closed the public hearing at 6:34 P.M.

PUBLIC HEARING

6:04 P.M. (4) AB RZ-10-16 John & Angie Gillmore - 6055 S. Martin Road -
Rezone from R-3 and C-2 to R-3.

NEW BERLIN PLAN COMMISSION

JANUARY 4, 2011

MINUTES

The public hearing relative to the request by John and Angie Gillmore to rezone the property located at 6055 S. Martin Road from R-3 and C-2 to R-3 was called to order by Mayor Chiovatero at 6:34 P.M.

In attendance were Mayor Chiovatero, Alderman Ament, Ms. Groeschel, Mr. Wick, Mr. Christel and Mr. Felda. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Tamara Simonson, Transportation Engineer; Nicole Hewitt, Storm Water Engineer; and Tom Schmitzer, City Attorney's office. Ms. Broge was excused.

Mayor Chiovatero explained the procedure for a public hearing saying that he would ask for questions for clarification and then ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

Ms. Jones read the public hearing notice and stated there was proof of publication.

Ms. Bennett gave a brief presentation describing the request and indicated the location.

Mayor Chiovatero asked for questions or comments for the purpose of clarification.

Tom Shallow, 6125 S. Martin Road – If they get rid of the C-2, can they fill in everything? How much fill can they bring in?

Ms. Bennett – They will submit an application for their Building Permit and at that time the grading plan will be reviewed.

Mr. Shallow – Is there floodplain on the property?

Ms. Bennett – The blue area on the map indicates floodplain. They would not be able to build in that area.

Mr. Shallow – Thank you.

Mayor Chiovatero asked three times for further questions or comments for the purpose of clarification, seeing none.

Mayor Chiovatero asked if there was anyone wishing to speak in favor of this application?

Tom Shallow, 6125 S. Martin Road – I am favor of it.

Mayor Chiovatero asked three times if there was anyone else wishing to speak in favor of this application, seeing none.

Mayor Chiovatero asked three times if there was anyone wishing to speak in opposition of this application, seeing none.

Mayor Chiovatero asked for questions or comments from the Commissioners.

Alderman Ament – Is the applicant required to delineate this land?

Ms. Bennett – Yes, because there is C-2 on the property, we would require the delineation.

Alderman Ament – The delineation shows that there is none, so we are removing it from the map?

Ms. Bennett – That is correct.

Alderman Ament – Looking at not just that lot, but the area south and west of it looks like a lot of wooded area. Is any of that in an Environmental Corridor?

Ms. Bennett –According to SEWRPC maps the Environmental Corridor would be to the northwest. (Ms. Bennett pointed out the green hatched area on the map). If there was some of that hatching on this property, we would have required a delineation of the environmental corridor as well. Since it doesn't show up on our current maps, we did not require that information.

Alderman Ament – Is there sufficient Right-of-Way for this road?

Ms. Bennett – This is not a Land Division so we are not looking at that.

Alderman Ament – OK, thank you.

Mayor Chiovatero asked for further comments or questions from the Commissioners, seeing none.

Mayor Chiovatero closed the public hearing at 6:40 P.M.

**NEW BERLIN PLAN COMMISSION
JANUARY 4, 2011
MINUTES**

PRIVILEGE OF THE FLOOR

The Plan Commission Meeting was called to order by Mayor Chiovaturo at 6:54 P.M.

In attendance were Mayor Chiovaturo, Alderman Ament, Ms. Groeschel, Mr. Wick, Mr. Christel and Mr. Felda. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Tamara Simonson, Transportation Engineer; Nicole Hewitt, Storm Water Engineer; and Tom Schmitzer, City Attorney's office. Ms. Broge was excused.

Motion by Alderman Ament to approve the Plan Commission minutes of December 6, 2010. Seconded by Mr. Wick. Motion passes unanimously.

PLAN COMMISSION SECRETARY'S REPORT

- All items referred to Council from this meeting will appear on the January 25, 2011 Common Council Meeting agenda.
- City Center information will be included in Plan Commissioners packets for the Plan Commission meeting on February 7, 2010.

CONTINUED BUSINESS

1. (7)AB LD-10-15 Derek Boyce - 16445 W. Observatory - Two-Lot Land Division – Ne ¼ Sec. 21. (tabled 12/6/10)

Motion by Alderman Ament to remove this item from the table. Seconded by Mr. Christel. Motion carried unanimously.

Motion by Mr. Christel to recommend to Common Council approval of the 2-lot Certified Survey Map for the property located at approximately 16445 W. Observatory Road subject to the application, plans on file and the following conditions:

- 1) General:
 - a) Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing.
 - b) 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.
- 2) Payment of \$1937.60 for Lot #2 in Public Site & Open Space fees is required before the City shall sign the CSM.

- 3) Development Code Chapter 235-23.K states, "Permanent dead-end streets shall be prohibited." As is the case with the current Horizon Drive. Therefore, either a cul-du-sac would need to be constructed on proposed Lot #2 or at the existing termini of Horizon Dr. Both options would require a dedication of ROW. To dedicate land from proposed Lot #2 would drop the lot acreage below the required 5.0 Acres. To build the cul-du-sac at the existing termini would require land be purchased from the residents located at 17330 and 17331 Horizon Dr. Staff recommends a shared driveway on Observatory to access Lot #1 & Lot #2 to eliminate the need to access Horizon Drive, unless Board of Appeals action grants driveway access to Horizon.
- 4) Permanent shared driveway location for Lot #1 & #2, shall fall either within the ROW extension of Elm Drive or Johns Drive, or be located roughly at the halfway point of the two public road intersections. Show access restrictions and shared driveway easement on the CSM. Applicant shall receive a driveway permit from Engineering Services Division at the time of permanent driveway construction.
- 5) A 30' drainage easement shall be required along the new East/West property line from the terminus of Horizon Drive to the creek. Applicant shall show the location on the CSM.
- 6) At the time of building permit, a drainage swale shall be constructed by the property owner, within the 30' drainage easement, to provide drainage from the terminus of Horizon Drive to the creek.
- 7) Applicant shall coordinate with City staff to execute and record a conservation easement over the entire C-1 area to encompass the Secondary Environmental Corridor and the wetland area. This will further strengthen the development requirement guidelines outlined in Section 275-37.B(3). No buildings are allowed in the conservation easement area.
- 8) All easements shall be shown on the face of the CSM.
- 9) A plan to provide storm water conveyance from Lot #2 to Observatory Road shall be submitted and approved by City Staff prior to issuance of the building permit.

Seconded by Mr. Felda. Motion passes with Mayor Chiovatero, Mr. Christel, Alderman Ament, Mr. Felda, Ms. Groeschel voting Yes, and Mr. Wick voting No.

2. (4)JT CU-10-08 Countryside Stable - 17455 W. Small Rd – Amendment to the Approval for an Riding Stable/Increase Number of Horses.

Motion by Mr. Christel to approve the amendment to the Conditional Use Permit approval granted on 12/6/10 for an indoor riding arena and 15 additional horses located at 17455 W. Small Road subject to the application, plans on file, informational letters submitted by the applicant and the following conditions:

- 1) Planning:
 - a) Plan of Operation:
 - i. Applicant shall adhere to the submitted plan of operation.

- ii. Applicant is proposing to construct a new 10,080 sq. ft. indoor riding arena at Countryside Stables. **The applicant is also approved to add 15 additional horses to the maximum capacity allowed for this site. Total number of large animals (horses) shall not exceed 37.**
 - b) Applicant shall apply for and receive appropriate permits if additional parking area is added in the future.
 - c) If the property to the east (Tax Key: 1284-987001) that is owned by the applicant is ever sold or reduced in size, the maximum number of animals allowed shall be adjusted accordingly. Section 275-41A(2)(f)[1] of the Zoning code allows acreage on adjacent land, under the same ownership, to be used to calculate the maximum number of animals allowed.
- 2) Stormwater/Engineering:
- a) Applicant shall identify if there are downspouts on the roof. If there are downspouts, Applicant shall keep all discharge locations a minimum of 10 feet from the property line and dispersed. Applicant shall provide planting/bioretention area to allow roof runoff to be infiltrated.
 - b) Applicant shall provide a shallow swale to convey runoff around the new building so as to not block drainage.
 - c) Grading along property lines shall be a minimum of 5' from the property line. Per Developer Handbook Section 3.VIII.B.2: A "no-touch zone" shall be created with final grades established within 5 feet of side and rear lot lines. The "no-touch zone" shall be adhered to throughout the building construction and landscaping process.
 - d) Applicant shall provide a more complete and detailed grading plan for the lot. Drainage plan shall include one-foot contours and spot grades. The grading plan is needed to show how drainage is affected.
- 3) Inspection:
- a) Building plans shall be signed and stamped by a licensed architect or professional engineer per the Wisconsin Enrolled Commercial Building Code (Comm.61.31).
 - b) Apply and obtain appropriate building, plumbing and electric permits from the City of New Berlin Inspection Division.
 - c) The building shall be fully accessible per (Comm. 63.1101 and ICC/ANSI A117.1).
 - d) Building plans shall be approved by the State of Wisconsin Dept. of Commerce Safety and Buildings Division.
 - e) Waukesha County Environmental Health approval required prior to permit issuance.
- 4) Fire:
- a) Building shall be sprinklered if heated. Applicant has submitted a letter to the Fire Department stating this acknowledgement.
 - b) Only basic electrical (lighting and power) allowed.

Seconded by Alderman Ament. Motion carried unanimously.

NEW BUSINESS

3. (2)NJ CU-10-09 Applewood II - 2860 S. Moorland Rd - Senior Housing. (Public Hearing 12/6/10)

Motion by Mr. Felda to table the Conditional Use request for Applewood II Senior Housing located at 2860 S. Moorland Road per the applicants request.

Seconded by Alderman Ament. Motion carried unanimously.

4. (7) AB RZ-10-13 Laura Fuchs – 2955 S. Johnson Rd. – Rezone from R-1/R-2 and C-2 to R-1/R-2 and C-2 to field delineate the wetlands.

Motion by Mr. Christel to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 2955 S. Johnson Road from R-1/R-2 & C-2 to R-1/R-2 & C-2 to field delineate the wetlands.

Seconded by Mr. Felda. Motion carried unanimously.

5. (7) AB LD-10-17 Laura Fuchs – 2955 S. Johnson Rd. – Four - Lot Land Division -SE 1/4 Sec. 7.

Motion by Mr. Felda to recommend to Common Council approval of the Four-lot Certified Survey Map for the property located at 2955 S. Johnson Road subject to the application, plans of file and the following conditions:

- 1) General:
 - a) Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing.
 - b) 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.
- 2) Payment of \$5812.80 for Public Site & Open Space fees is required before the City shall sign the CSM.
- 3) Applicant shall delineate the Primary Environmental Corridor prior to the City signing the CSM.
- 4) Applicant shall coordinate with City staff to execute and record a Conservation Easement over the entire Primary Environmental Corridor and wetland areas. This will further strengthen the development requirement guidelines outlined in Section 275-37.B(3). No buildings are allowed in the Conservation Easement area.
 - a) The applicant shall provide Staff with the legal description of the Conservation Easement area for review.

- b) The applicant shall be responsible for recording the Conservation Easement document and adding the Conservation Easement document number from Waukesha County as a note on the face of the CSM. The surveyor shall add this note to the CSM and leave a blank for the Applicant to fill in the document number.
- 5) Up to 25,000 square feet shall be allowed to be disturbed in the areas identified as Primary Environmental Corridor except those areas of Primary Environmental Corridor within the C-2 zoning areas. A note shall be added to the CSM.
- 6) All easements shall be shown on the face of the CSM.
- 7) All pavement widths for a standard residential cul-de-sac shall have a minimum bulb 40-ft radius for an urban cross-section (42-feet for rural cross section) measured from the center of the cul-de-sac to the edge of pavement. The minimum bulb radius for the Right-of-way shall be 60-feet for an urban cross-section (66-feet for rural cross-section).
- This plan shows a rural cross-section with urban cross-section dimensions.
 - Also correct the dimensions on the CSM.
- 8) The plan shall show existing tree lines and any obstructions (fences, structures, power poles, etc.) within the project limits.
- 9) At front setback line show a typical 66' x 54' house shell on each lot and the proposed yard grade to the nearest tenth of a foot (assumed to be 0.7' below the top of block) for each building. Show proposed finished elevations to the nearest tenth of a foot at all lot corners and along side lot lines adjacent to the front and back corners of the typical house. Show proposed finished elevations to the nearest tenth of a foot at high and low points along any side and back lot lines, and at high and low points if roads to demonstrate proposed drainage.
- 10) Roadway plans shall include:
- Roadway cross-sections at 50-foot intervals
 - Radii of all intersections and curves
 - Show proposed road name. Identify if this will be a public or private road.
 - Invert profile for 200' downstream for any existing ditches receiving flow from a proposed road.
- 11) 60-foot vision triangles are required on both corners where the new road meets Johnson Rd.
- 12) The property, which is located outside of the current MMSD Sewer Service District will require private on-site waste treatments sites (POWTS) for each lot that is created that will meet Waukesha County requirements.
- 13) Private water supply wells meeting the requirements of the Wisconsin Department of Natural Resources will also be required.
- 14) Applicant shall submit application for a Developer's Agreement and requisite surety instrument for cul-de-sac construction.

Seconded by Mr. Wick. Motion carried unanimously.

6. (4) GK RZ-10-14 Timothy Lynch – 15755 W. Beloit Road – Rezone from M-1, B-2, FWO and C-2 to M-1, C-2, B-2 and FWO.

Motion by Alderman Ament to recommend to Common Council adoption of an ordinance that approves the rezoning from M-1, C-2, B-2 and FWO to M-1, C-2, B-2 and FWO to accurately reflect the revised floodplain boundary for the properties located at 15755 W. Beloit Road and 4901 S. Moorland Road.

Seconded by Mr. Christel. Motion carried unanimously.

7. (4) GK LD-10-18 Timothy Lynch – 15755 W. Beloit Road – Two-Lot Land Division – NE ¼ Sec. 27.

Motion by Alderman Ament to recommend to the Common Council approval of the two-lot certified survey for the property located at 4901 S. Moorland Road subject to the application plans on file and the following conditions:

- 1) General:
 - a) Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing.
 - b) 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.
- 2) All easements shall be shown on the face of the CSM, if applicable.
- 3) Engineering
 - a) Applicant shall establish access to Lot #1 and Lot #2 via the adjacent property to the west (from Lot #2 / CSM #: 10641) to service new development. This private access drive may be temporary as so not to preclude any future coordinated development planning for these properties collectively. Ultimately, access to all three parcels should be lined up with the Children's Hospital office complex entrance on the north side of Beloit Road. Any future condominium declarations shall address maintenance of this easement areas. Further road and private drive design details will be required during the Use, Site and Architecture portion of this project. The owner will record a document acknowledging that as part of the approval of the owner's land division of the lots to the east that the City will require that access be provided through the adjacent lot to the west and that this will be a condition of the land division and the development of this site as a whole.
 - b) A letter from Waukesha County approving the plan of proposed improvements within the County ROW and the exact location of the access point along Beloit Road shall be on file with the City of New Berlin prior to any building permits being issued by the City.

Seconded by Ms. Groeschel. Motion carried unanimously.

8. (4) NJ RZ-10-15 Michael DeMichele – 5915 S. Moorland Road – Rezone from M-1 and C-2 to M-1 and C-2 to remove a portion of the wetlands.

Motion by Alderman Ament to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at approximately 5915 S. Moorland Road (16385 W. Small Road) from M-1 and C-2 to M-1 and C-2 to remove a portion of the wetlands.

Seconded by Ms. Groeschel. Motion carried unanimously.

9. (3) NJ RZ-10-12 Joyce Keene – 1710 S. Craftsman Drive – Rezone from R-4 and C-2 to R-4 and C-2 to field delineate the wetlands.

Motion by Mr. Christel to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at approximately 1710 S. Craftsman Drive from R-4 and C-2 to R-4 and C-2 to field delineate the wetlands.

Seconded by Mr. Felda. Motion carried unanimously.

10. (3) NJ LD-10-19 Dean Magner -19470 W. Lincoln Ave - Two-Lot Land Division - SE 1/4 Sec. 5.

Motion by Alderman Ament to recommend to Common Council approval of the Two-lot Certified Survey Map for the property located at 19470 W. Lincoln Avenue subject to the application, plans on file and the following conditions:

- 1) General:
 - a) Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing.
 - b) A final copy of the CSM shall be submitted and reviewed prior to the City signing. All owners and surveyor must sign prior to the City signing the CSM. Surveyor Stamp is required.
- 2) Applicant shall coordinate with City staff to execute and record a Conservation Easement over the entire Primary Environmental Corridor and wetland areas. This will further strengthen the development requirement guidelines outlined in Section 275-37.B(3). No buildings are allowed in the Conservation Easement area.
 - a) The applicant shall provide Staff with the legal description of the Conservation Easement area for review.
 - b) The applicant shall be responsible for recording the Conservation Easement document and adding the Conservation Easement document number from Waukesha County as a note on the face of the CSM. The surveyor shall add this note to the CSM and leave a blank for the applicant to fill in the document number.
- 3) All easements shall be shown on the face of the CSM, if applicable.
- 4) Utility

- a) The property, which is located outside of the current MMSD Sewer Service District will require Private On-Site Waste Treatments Sites (POWTS) for each lot that is created that will meet Waukesha County requirements. Perc areas shall be shown on the face of the CSM.
 - b) Private water supply wells meeting the requirements of the Wisconsin Department of Natural Resources will also be required.
- 5) Stormwater and Transportation Engineering:
- a) It appears as though access can not come through Lot #1 and #2 through the existing access point due to wetland setback requirements.
 - i. Applicants shall maintain shared access and shall add this as a note on the CSM. Applicant shall adjust the access the point to be within Lot #1 (along the 140' of frontage along Lincoln Ave.) as a shared access easement to both properties. Applicant shall maintain a 30' setback to wetlands. The easement shall be recorded with Waukesha County Register of Deeds.
 - ii. Ultimate Right-of-Way for Lincoln Ave. is 80-feet (40-feet each side of the section/center line). Existing ROW is 33-feet. The developer shall dedicate the 7-feet along Lincoln Ave. to the City of New Berlin for public right-of-way purposes prior to the City signing CSM.
 - b) Applicant shall submit a larger view of page one of the CSM so staff can verify offsets of existing buildings to proposed lot lines. Applicant shall add setback ties from buildings to side lot lines. If buildings do not meet setbacks for the M-1 Zoning District, applicant shall remove said buildings within one year of the City signing the CSM.

Seconded by Mr. Christel. Motion carried unanimously.

11. (4) AB RZ-10-16 John & Angie Gillmore - 6055 S. Martin Road - Rezone from R-3 and C-2 to R-3.

Motion by Mr. Wick to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 6055 S. Martin Road from R-3 & C-2 to R-3 to remove wetlands based on the field delineation.

Seconded by Mr. Felda. Motion carried unanimously.

12. (3) NJ UA-10-63 Jacquelyn Hackett – 1530 S. West Lane – Install a 7' tall fence.

Motion by Mr. Christel to approve the request for an after-the-fact 7' fence within the Front Yard for the property located at 1530 S. West Lane subject to the application, plans on file and the following conditions:

- 1) Fence shall be constructed on this lot and not within any right-of-way areas. Fence has recently been moved to meet this condition.
- 2) Apply and obtain appropriate building permits through the City of New Berlin Community Development Department - Inspection Division.

Mr. Christel was in support of the 7' fence if it were located in the backyard only.

Seconded by Mr. Wick. Motion passes with Mayor Chiovero, Alderman Ament, Mr. Wick, Ms. Groeschel voting Yes, and Mr. Christel, Mr. Felda voting No.

13. (3) AB UA-10-51 Flanders Maintenance, LLC – 2150 Danny Road – Lighting Waiver Request.

Motion by Alderman Ament to approve the lighting waiver request for the property located at 2150 Danny Road subject to the application, plans on file and the following conditions:

Waiver: Applicant is requesting a waiver from the City's lighting requirements. Section 275-60I of the Zoning Code requires that all areas designated on approved site plans for vehicular parking, loading or circulation and used for any such purpose after sunset shall provide artificial illumination.

- 1) Applicant has applied for an administrative Use Approval permit for a parking lot expansion and has submitted a lighting plan that shows wall pack lights on the building and no additional light poles in the parking lot.
- 2) Applicant is proposing to use most of the parking lot for outdoor storage of equipment and can accommodate employee parking near the building that is well lit.
- 3) Plan of Operation
 - a) Applicant shall adhere to the submitted Plan of Operation and any changes to the business and/or employee count may require additional parking lot lighting in the future.

Seconded by Mr. Felda. Motion carried unanimously.

ADJOURN

Motion by Mr. Felda to adjourn the Plan Commission Meeting at 8:26 P.M.
Seconded by Mr. Christel. Motion carried unanimously.