

**NEW BERLIN PLAN COMMISSION
FEBRUARY 7, 2011
MINUTES**

PUBLIC HEARING

(4) AB CU-10-10 – New Berlin Firestone – 4901 S. Moorland Road – Auto Care Center.

The public hearing relative to the request by Tim Lynch for a Conditional Use for a new Firestone Complete Auto Care located at 4901 S. Moorland Road was called to order by Mayor Chiovatero at 6:05 P.M.

In attendance were Mayor Chiovatero, Alderman Ament, Mr. Wick, Mr. Christel, Ms. Broge and Mr. Felda. Also present were Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; and Mark Blum, City Attorney. Ms. Groeschel was excused.

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

Mayor Chiovatero asked three times if there was anyone 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 comments or questions from the Plan Commissioners.

Alderman Ament – Can we add their proposal into the waiver?

Ms. Bennett – Yes, we can do that.

Alderman Ament – What is TSS referred to on Page 2, Condition #14 of the Staff Report?

Tim Lynch, applicant – TSS stands for Total Suspended Solids. It is their removal rate for the water quality for the storm water running off the site. To our infill development, the rate as required by the DNR as well as New Berlin, would be 40% given that the DNR did not think that this met the infill requirements. The State requirement is 80% removal. We are meeting 76% which we feel is the maximum practical rate for removal. The application is at the DNR right now for review. We don't think it will be a problem, but the DNR will make the determination.

Alderman Ament – I would assume that the determination would have to be made before they get a permit.

Ms. Bennett – Yes, they need to give us something from the DNR saying that 76% is acceptable.

Alderman Ament – On Page 5 of the Staff Report, it indicates that no improvements identified for this parcel under Bike & Pedestrian Facilities Plan. I thought there was going to be?

Ms. Bennett – There will be along Beloit Road. This parcel just has access on Moorland Road and it is not required.

Alderman Ament – There will be no sidewalks on the west side of Moorland Road in that area?

Ms. Bennett – Correct.

Alderman Ament – Will the top drawing of the building be facing east? (Alderman Ament referred to the drawing on display.)

Ms. Bennett – That will be facing north.

Alderman Ament – Does the side that will be facing the freeway look good enough?

Ms. Bennett – There is quite a bit of existing landscaping, and they are proposing a lot of landscaping along the south property line as well. (Ms. Bennett displayed the landscaping plan.)

Alderman Ament – OK, the picture only showed the building itself. I am fine with that.

Ms. Broge – Looking at the site map, it looks like Beloit Road is the only access in and out of the site. Is there an issue with traffic when turning left onto Beloit Road?

Ms. Bennett – The shared access has been planned for the overall development of the site. We don't anticipate a traffic problem.

Mr. Wick – I believe on the south side of Beloit Road there is a pedestrian path planned. Are they doing any of the improvements along this section? Obviously, it would go nowhere right now, but when is that going to be done?

Ms. Bennett – Not at this time. Not until an application would come forward for a development in that area.

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

Mayor Chiovatero closed the public hearing at 6:15 P.M.

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PRIVILEGE OF THE FLOOR

The Plan Commission Meeting was called to order by Mayor Chiovero at 6:17 P.M.

In attendance were Mayor Chiovero, Alderman Ament, Mr. Wick, Mr. Christel, Ms. Broge and Mr. Felda. Also present were Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; and Mark Blum, City Attorney. Ms. Groeschel was excused.

Motion by Alderman Ament to approve the Plan Commission Minutes from January 4, 2011. Seconded by Mr. Felda. Motion carried with Ms. Broge voting present.

PLAN COMMISSION SECRETARY'S REPORT - no report.

SPECIAL PRESENTATION

2. Nick Roethel, Director of Information Technology – Legislation Management System and Paper Reduction Initiatives Discussion.

Nick Roethel, Director of Information Technology addressed the Plan Commission on the changes and modifications resulting from the Legislative Management Systems Implementation.

CONTINUED BUSINESS

3. (2)NJ CU-10-09 Applewood II - 2860 S Moorland Rd - Senior Housing. (Public Hearing 12/6/10, Tabled 1/4/11)

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

Motion by Alderman Ament to withdraw Applewood II from the agenda per the applicants request. Seconded by Ms. Broge. Motion carried unanimously.

4. ()NJ PG-830(15) CITY CENTER Referral from the Common Council directing the Plan Commission and staff to provide an update on the current status of the Overall City Center PUD and its relationship to the original PUD approved by Council as noted in the Common Council minutes from May 25, 2010. (PG-830(15)) (Moratorium extended by CC on 12/14/2010)

Plan Commission review, discuss, and forward a request to the Common Council to set a Public Hearing date for the March 7, 2011 Plan Commission meeting; and

Plan Commission set a Citywide Open House for Thursday, February 24, 2011 regarding the adoption of amendments the City Center PUD and amendments to City's 2020 Comprehensive Plan Chapters 10 and 15.

Staff would also like the Plan Commission to consider holding two special Plan Commission meetings (1) Thursday, February 17, 2011 & and (1) Monday, March 21, 2011.

Carolyn Esswein, GRAEF and Nikki Jones, Planning Services Manager showed slides as an overview and summarized the previous discussions held on the proposed amendments.

- Height Requirements adjusted.
- Capped density at 372 Units.
- Updated Use tables.
- Parking and circulation.
- RM-1/O-1 PUD – added district.
- City Center Design Guidelines and City Center Sign Guidelines incorporated into PUD.
- Chapter 10 – Land Use chapter streamlined to reference City Center. Three districts now describe land uses within the area; City Center - Mixed Use Commercial, City Center - Mixed Use Residential, City Center - Single-Family Residential.
- Chapter 15 – Neighborhood E – Public participation activities added. Focus Group meetings summaries.
- Future Transportation – Options and cost estimates.
- Trail Connections.

Mayor Chiovatero opened the meeting up for questions or comments from the Plan Commissioners.

Alderman Ament – City Center is not a big enough parcel for all the housing along with a retail area. City Center will not really be a commercial area because there is too much housing. The way it was originally envisioned there won't be enough room for the walking areas and enough businesses to make it function.

My inclination is to eliminate any additional housing other than the Single-Family area and convert the rest into smaller scale retail. Two or three story retail buildings with offices above.

Ms. Esswein explained that a mixed use walkable community was the goal which requires a certain density of population and traffic count. The market has not supported that as much as people were hoping. Housing would aid getting customers into City Center.

Alderman Ament – We don't have a big enough parcel to make New Berlin a destination to compete with Brookfield, Waukesha, West Allis and other communities. We have to be unique and I don't see that with what we have. I know we want to but it is not set up right. We need an identity.

Ms. Esswein said that is not excluded. The rules, land uses, and the zoning would permit this. The only viable option according to market research is Residential on the southern parcels. The door has not been closed for allowing Commercial on the southern pieces, but we have not looked at permitting only Retail.

Alderman Ament – Signage should draw people to the City Center, not to individual shops. People should be drawn to a destination that has an identity. Signs that identify individual businesses should be internal in City Center.

Ms. Esswein gave examples of the things that people supported such as landmarks whether it was architectural features, public art, public space, farmer's market, as types of an identity.

Alderman Ament – We need a bigger area for things such as an auto show, and other outdoor shows or activities that draw people to the area. (Alderman Ament referenced the mustard colored section on the map for this and advised eliminating any future housing that is not already there or part of an existing plan.)

Reference was made to several pictures Alderman Ament had brought to the meeting with discussion following.

Mayor Chiovatero spoke about being told that the traffic count is not large enough to support businesses on National Avenue. Since there is a challenge drawing businesses to National Avenue and Michelle Witmer, it would be even harder at Michelle Witmer and Wilbur Drive, therefore the thought that residential would be best for the southern portion. Mayor Chiovatero also spoke about larger traffic counts being essential to bring people to City Center and the potential problems this could cause for neighborhoods in the area and closing Wilbur Drive may be considered.

Ms. Esswein commented that when Wilbur Drive was discussed at the Neighborhood Focus Meetings, it was said that the issues have been dealt with and it will remain open. Ms. Esswein had not gotten the feeling that they wanted it closed, and said they actually want a connection to City Center.

Ms. Jones said a lot of people want major retail in City Center. Density can be a good thing to help get some of those businesses that people want to see in this area.

Ms. Esswein said we need to balance the overall character with the actual uses and make sure they both work.

Future Dates:

- Notes from this meeting will be forwarded to the Common Council with a request to set a public hearing date for the March 7, 2011 Plan Commission Meeting.

- February 17, 2011, 4:00-8:00 P.M. Special Plan Commission Meeting.
- February 24, 2011 Citywide Open House.
- March 21, 2011 Special Plan Commission Meeting.

NEW BUSINESS

5. (4) AB CU-10-10 – New Berlin Firestone – 4901 S. Moorland Road – Auto Care Center.

Motion by Alderman Ament to approve the Conditional Use Permit, along with Waiver #1, for a Firestone Complete Care Auto Care Center located at 4901 S. Moorland Road subject to the application, plans on file and the following conditions:

Waiver Request: Applicant is requesting a waiver from parking requirements for under Zoning Code Section 275-57A(6) that the minimum area for each parking space, excluding the area need to maneuver, shall be nine (9) feet wide and nineteen (19) feet long, except for designated handicapped parking. Applicant is requestiong 10' x 18' parking

- 1) Planning:
 - a) Plan of Operation:
 - i. Applicant shall adhere to the submitted plan of operation.
 - ii. Hours of Operation: Mon – Sat. 7am – 8pm and Sun 8am - 5pm.
 - iii. Number of employees: 10-13 depending on time of day.
 - iv. No outdoor storage is proposed.
 - v. Applicant is proposing a complete auto care center that offers a range of maintenance and repair services that include working on brakes, heating/cooling systems and steering and suspension.
 - b) Approval of the Landscaping Plan and payment of all installation and maintenance sureties are required prior to issuance of the Zoning Permit. Landscape plans shall meet all the requirements of Article VIII Section 275-53 through 275-56 of the City's Zoning Code. A Registered Landscape Architect shall stamp plans. Landscape plan shall be approved and signed by the Department of Community Development prior to installation of any materials.
 - c) Architecture Review Committee (ARC) shall review and approve proposed building.
- 2) A letter from Waukesha County approving the plan of proposed improvements within the County ROW shall be on file with the City of New Berlin prior to any permits being issued by the City.
- 3) County permit to excavate and/or fill within the Moorland Road ROW shall be required to connect to sanitary and water utilities.
- 4) Signing shall be required. Stop signs are not needed internal to the development. Only required at exit to Beloit Rd.

- 5) Lighting plan does not follow City standards. See Zoning Code §275-60 I. The development light levels can be higher than the requirements for average footcandles, but must be equal to or lower than the average-to-minimum and maximum-to-minimum ratios in the Zoning Code.
 - The average-to-minimum and maximum-to-minimum ratios are not shown on the lighting plan.
 - Light pole B-3 is shown in the middle of a parking stall rather than in the island area.
 - Show specifications and height detail for light poles.
- 6) The minimum area for each parking space, excluding the area needed to maneuver, shall be 9' wide and 19' long, except for designated handicapped parking. 32 parking spaces have 18' long parking. A waiver has been requested.
- 7) Topsoil is proposed to be stockpiled off-site. Applicant shall submit copy of written permission/agreement from adjacent property owner prior to issuance of the Zoning Permit.
- 8) Water meter room shall have a dedicated room with external access.
- 9) Building plans shall be signed and stamped by a licensed architect or professional engineer per the Wisconsin Enrolled Commercial Building Code (Comm.61.31).
- 10) Apply and obtain appropriate building, plumbing and electric permits from the City of New Berlin Inspection Division.
- 11) The building shall be fully accessible per (Comm. 63.1101 and ICC/ANSI A117.1).
- 12) Building plans shall be approved by the State of Wisconsin Dept. of Commerce Safety and Buildings Division.
- 13) A secondary means of egress may be required at electrical equipment / utility platform depending upon switch gear voltage / ampacity.
- 14) Site is not achieving 80% TSS removal (76%). Provide letter from WDNR of acceptance of the 76% TSS removal.
- 15) Storm water Maintenance Agreement shall be signed and recorded prior to the issuance of the Zoning Permit.
- 16) Applicant shall update Traffic Impact Study completed in 2007 to include this development proposal prior to issuance of the Zoning Permit.
- 17) Certified Survey Map for two-lot land division shall be recorded prior to issuance of the Zoning Permit.
- 18) Fire hydrant(s) shall be required per local code.
- 19) Building shall be fully sprinklered.
- 20) Fire lane access to building shall be maintained.
- 21) Applicant shall adhere to any special measures within the Wellhead Protection Overlay District.

Seconded by Mr. Felda. Motion carried unanimously.

ADJOURN

Motion by Mr. Wick to adjourn the Plan Commission meeting at 7:45 P.M.
Seconded by Mr. Felda. Motion carried unanimously.