

PUBLIC HEARING

6:00 P.M. (4)NJ PG-946 Sewer Service Area Amendments (MMSD) – BuySeasons North – 16385 W. Small Rd. (Tabled 8/30/10)

**NEW BERLIN PLAN COMMISSION
NOVEMBER 10, 2010
MINUTES**

The public hearing relative to the request by Willow Tree Development, on behalf of BuySeasons in requesting MMSD to adjust the Current Sewer Service line (boundary) to include the parcel for the BuySeasons property located at 16385 W. Small Road was called to order by Mayor Chiovero at 6:05 P.M. This hearing is being held for the purpose of receiving public comment on, and reaction to, a proposed amendment to the sanitary sewer service area for the New Berlin area.

In attendance were Mayor Chiovero, Mr. Christel, Alderman Ament, Ms. Groeschel, Ms. Broge, and Mr. Felda. Also present were Greg Kessler, Director of Community Development; Jessica Titel, Associate Planner; and Mark Blum, City Attorney.

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

Mr. Kessler and William Stauber, SEWRPC gave a brief presentation describing the request and indicated the location.

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

Joe Russ, 16800 W. Shadow Drive – With the issues that MMSD has had over the last couple years with overflow, it seems like they are already beyond their capacity. Adding more will just increase that. With this expansion, how much additional flow will be added to the system?

Mr. Kessler – I cannot speak on behalf of MMSD, but in going through the 2020 Facilities Amendment process with MMSD a few years back, I have no reason to believe that they don't have sufficient capacity in their system. This request has been reviewed by our own Utility Committee for conveyance issues, and they recommended approval to the Common Council of it as well.

Mr. Stauber – As I understand it there is capacity for this site provided for in the MMSD 2020 Facilities Plan which includes estimated future flows from sub areas including this site. It is our understanding that those plan allocations can accommodate this incremental flow.

Mr. Russ – Originally this area was zoned Residential back when the 2020 Plan was developed . I am not sure how that would change between the Residential zoning vs. the Commercial zoning now.

Mr. Kessler – The Council adopted Comprehensive Plan calls for this parcel to become Business Park. It was zoned Residential, but it was rezoned by the Common Council to M-1 Industrial. That was consistent with the adopted Comprehensive Plan.

Mr. Russ – My point is that is was Residential when the 2020 Sewer Plan was originally planned.

Mr. Kessler –In that sewer shed there is still enough aggregate or in totality enough capacity to handle any subtle changes like this. This is only a minor seven acre parcel.

Mr. Russ – Thank you.

Richard Engelhardt, 16430 W. Small Road – Would the retaining wall come all the way up to the street or would it be done like the industrial areas to the east?

Mr. Kessler – Are you questioning if there will there be a retaining wall at the north end of the development?

Mr. Engelhardt – Correct, next to Small Road.

Mr. Kessler – The last set of plans showed there would still be a retaining wall at the north end.

Mr. Engelhardt – Wouldn't it blend in better to make it gradual and grassed over?

Mr. Kessler – That is the way that their engineer and site planners submitted it, and we found it acceptable and that is the way it was approved.

Mr. Engelhardt – They said they were going to put trees there. Are the trees going to be on the City property or are they going to be further in on the BuySeasons property?

Mr. Kessler – I reviewed the landscaping plan. They will be putting the landscaping in the Public Right-of-Way. Has the Developer met with you?

Mr. Engelhardt – Yes, he did. He wasn't sure how they were going to put the trees there. If they are put on the City property and the street is widened in eight years or so, then we are back to no trees at all if they have to cut them all down.

Mr. Kessler – I would be happy to keep a dialog with you, as I am sure Michael DeMichele, the applicant would also as we have in the past when BuySeasons moved some trees to better screen the view for you.

Mr. Engelhardt – Mr. Mel Corley told me that they are going to put more trees there so we don't see the dock door from the front door of our house. So far, there aren't any more trees there. When cars come around from the east parking lot, there is an incline and the cars face to the northwest. Since the leaves are off of our front trees, the whole house is lit up as the cars come out of that east parking lot.

Mr. Kessler – It sounds like we need to make sure that we strategically plant some evergreens to help you with that issue.

Mr. Engelhardt – I would appreciate that. Thank you.

Mr. Kessler – You are welcome.

Mary Hiebl, 20160 W. National Avenue – I don't remember the name of the gentleman from MMSD, but I thought he said that adjustments to the sewer service area are instigated by the City. Can they also be instigated by the landowner?

Mr. Stauber – The Regional Commission for which I work, does not typically instigate or initiate sewer service amendments. Requests to amend come to us through the City and can be on behalf of landowners. It often starts with a landowner approaching the City, and eventually a request coming from the City to us.

Ms. Hiebl – Was this instigated by the landowner?

Mr. Kessler – Yes. The way the process works in the City of New Berlin is that a request can be initiated by the landowner. In this case, it is a joint applicant with the landowner and developer. They came to the City and made the request for the boundary amendment. We then as a staff send it to Common Council who in turn sends it on to the Utility Committee and Plan Commission for their review and recommendation. Both of those recommendations arrive back at the Council, and then the Council directs us what to do with that request. In this case, the Council approved us moving forward with this boundary amendment. I contacted SEWRPC to start the process, and now we are holding this Public Hearing on the request.

Ms. Hiebl – Did BuySeasons already own this land or was there a land sale in this process?

Mr. Kessler – I have no information on that. My guess would be they had a property sale or option to purchase because they already have the approval to do the expansion. The Land Division, Rezoning, and Conditional Use have been approved.

Ms. Hiebl – What is the requested capacity for this expansion for the sewer service?

Mr. Kessler – Are you asking what the flow amounts are?

Ms. Hiebl – Yes.

Mr. Kessler – I don't have that information immediately available to me.

Mr. Stauber – That is something we could get an estimate of and include it in the final report.

Ms. Hiebl – I would appreciate that. What is the existing capacity?

Mr. Kessler – Unfortunately, I don't have my Board of Public Works or Utility information here tonight, but I can tell you that this has been reviewed by the Utility Committee. They are the Board and Commission charged with cost recovery and conveyance issues related to their system. It was determined that was not a capacity issue. As Mr. Stauber eluded to earlier, we know that there is capacity built into the MMSD system based upon the numerical numbers they put in the Plan.

Ms. Hiebl – I understand that. I am just curious how much flow there is for that entire business.

Mr. Kessler – We can work with Mr. Stauber to have that included in the final copy of the Plan.

Ms. Hiebl – I appreciate that. With this expansion, what are the implications for future expansion of sewer within this area?

Mr. Kessler – This amendment just deals with this particular property. If someone else in the immediate area wants to do an amendment, first they would need to make sure they are in the ultimate area and then they would need to request it. This amendment is solely for this expansion for this particular piece of property.

Ms. Hiebl – I understand that. I was just wondering what the implications were, with this being expanded, for requests in the future.

Mr. Kessler – There is no impact on adjacent properties.

Ms. Hiebl – Thank you.

Mayor Chiovero asked three times for further comments or questions for 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 if there was anyone wishing to speak in opposition of this application?

Joe Russ, 16800 W. Shadow Drive – When BuySeasons went through the initial process of building here, this was supposed to be a buffer area. I know the Common Council and Plan Commission have changed it since, but it was originally told to the neighboring

residents that this was supposed to be a buffer. They planted trees, but to me it will take twenty years for them to have any affect. My fear is that this is going to happen again. Mr. Kessler made the comment that we have to plant more trees. I don't think it is "we", I think it is the Developer who has to plant more trees. I think the trees should be planted on the Developer's land, not in the Right-Of-Way. If Small Road ever gets widened, those trees will come down. A perfect example of that is at Calhoun Road just north of I-43 where those beautiful pines were taken down in front of the Boyd property which were there for at least 100 years. They weren't in the Right-Of-Way when they were planted. We need a buffer between us and BuySeasons. I am very disappointed. We have asked some simple questions tonight about flow. What is going to be coming out of that area? This is the Public Hearing and we don't have those numbers. I don't think those numbers are out of the realm of what we can ask for at a Public Hearing. Those numbers should be available. What is the point of having a Public Hearing if you are not going to have the information for us? Since we don't know what the increased flow will be, I am against it. I am also against it because of traffic. I am also against it because this is not what was sold to residents originally. Thank you.

Mary Hiebl, 20160 W. National Avenue – I am disappointed that I don't have the answers on the requested capacity for this. My second concern is that the current issues of the neighbors be addressed and satisfied and hopefully there will not be more issues that they will have to deal with. Perhaps those can be written in as a conditional use.

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

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

Mayor Chiovero closed the Public Hearing at 6:25 P.M.

PUBLIC HEARING

6:01 P.M. (4)JT RZ-10-09 J & K Enterprises – Approx. 17385 W. Beres Rd.(File Address) and 17400 W. Small Rd. – Rezone from R-1/R-2, A-2, and C-2 to R-1/R-2, A-2, and C-2 to Field Delineate the Wetlands.

**NEW BERLIN PLAN COMMISSION
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The public hearing relative to the request by Hans D. Hallanger, P.E. (Jahnke & Jankke Associates, Inc.) to rezone the property located at approx. 17385 W. Beres Road and approx. 17400 W. Small Road from R-1/R-2, A-2, and C-2 to R-1/R-2, A-2, and C-2 to Field Delineate the Wetlands was called to order by Mayor Chiovatero at 6:25 P.M.

In attendance were Mayor Chiovatero, Mr. Christel, Alderman Ament, Ms. Groeschel, Ms. Broge, and Mr. Felda. Also present were Greg Kessler, Director of Community Development; Jessica Titel, Associate Planner; and Mark Blum, City Attorney.

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

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

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

Joe Russ, 16800 W. Shadow Drive – How many acres of additional wetlands are there with this?

Ms. Titel – I don't have that number. We just get the maps and the legal descriptions for the updated boundary. We don't calculate total number that has changed. Taking a look at the zoning comparison map, you can see the small changes that have occurred.

Mr. Russ – With that said, if another Wildwood was proposed, would this reduce the number of potential lots in the area?

Ms. Titel – We would have to get those numbers at the time of the development, if someone came in with something. Right now they are proposing the land divisions. The subdivision would need to be designed around any wetlands with appropriate setbacks and protection measures, just like any subdivision in the City.

Mr. Russ – Thank you.

Shane Myers, 5935 S. Calhoun Road – How would the access be to the lots?

Ms. Titel – (Ms. Titel showed maps and explained the proposed accesses and the size and location of proposed lots).

Tom Shallow, 6125 S. – Is that a five acre parcel on the other side of Beres Road?

Ms. Titel – That is approximately ten acres.

Mr. Shallow – Does it have to be five acre parcels to divide?

Ms. Titel – Today they need to be ten acres because the property is Zoned A-2 and R-1/R-2. A-2 requires a ten acre minimum, so these lots need to be a minimum size of ten acres. In the future, they could rezone to R-1/R-2.

Mr. Shallow – Was the helicopter south of Lot #1? What is in that little finger area? (Mr. Shallow referred to the map).

Ms. Titel – There is a single-family home there.

Mr. Shallow – Is there 60 ft. of frontage on the south? Do you know how wide that is? If they get rezoned, can they go to five acre parcels?

Ms. Titel – Correct, that would be a separate application in the future. I don't have a dimension, but I believe it is 60 ft. wide.

Mayor Chiovero asked three times for further comments or questions for 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 questions or comments from the Plan Commissioners.

Alderman Ament – As part of the land division, is there any type of dedication for an additional Right-Of-Way or is it already wide enough for any on-road facilities as mentioned in the Staff Report under Bike & Pedestrian Facilities.

Ms. Titel – They are dedicating Right-Of-Way in order to match the planned Right-Of-Way for the roads, but those facilities don't require any additional Right-Of-Way. They would be within whatever the City currently has with the road. They do not have to dedicate any additional land for those.

Mayor Chiovero asked for any further questions or comments from the Plan

Commissioners, seeing none.

Mayor Chiovatero closed the Public Hearing at 6:35 P.M.

PUBLIC HEARING

6:02 P.M. (7)JT RZ-10-10 Insane Choppers – 18580 W. National Ave. – Rezone from R-1/R-2 and B-2 to B-2.

**NEW BERLIN PLAN COMMISSION
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The public hearing relative to the request by Reid Murphy, c/o Insane Choppers to rezone the property located at approximately 18580 W. National Avenue from R-1/R-2 and B-2 to B-2 was called to order by Mayor Chiovaturo at 6:35 P.M.

In attendance were Mayor Chiovaturo, Mr. Christel, Alderman Ament, Ms. Groeschel, Ms. Broge, and Mr. Felda. Also present were Greg Kessler, Director of Community Development; Jessica Titel, Associate Planner; and Mark Blum, City Attorney.

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

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

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

Mary Hiebl, 20160 W. National Avenue – What is the acreage of the new parcel to be rezoned?

Ms. Titel – I don't have the acreage of that. It is about one half acre. The whole lot, once they are combined, will be 1.04 acres.

Ms. Hiebl – Will there be any additional access to National Avenue or will it remain the same?

Ms. Titel – Everything will remain the same. They have an access around the building where they access their existing service garage, so they will just continue it on to access the accessory building. There will be no additional access on National Avenue.

Ms. Hiebl – What is the property to the north and west zoned as on the Future Land Use Map?

Ms. Titel – Country Residential.

Ms. Hiebl – I was concerned because I don't know how compatible that will be.

Ms. Titel – The building is proposed to be used for storage. There won't be any service or retail operations. Any activity that will occur in the building they are proposing should be very minimal.

Ms. Hiebl – Thank you.

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

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

Leon Rode, 15430 W. Mark Drive- I knew it when the previous owner had it, and the it is a lot cleaner and a lot neater now. I've been in his shop a few times and he does need the extra room. It is a very small shop. Every time I have been there it has been neat, no garbage, no nothing there has been no problem with anything with the place. I am totally for it.

Mayor Chiovero asked if there was anyone else 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 if there were any comments or questions from the Plan Commissioners?

Alderman Ament – In the past there was a storm water issue on the back area right about where the current lot line is. I believe it was a culvert issue. I assume that these issues have all been resolved?

Ms. Titel – Yes, there was. Our Department has addressed that issue. The drainage issue has been resolved. They will not be impacting the easement with any of the construction.

Alderman Ament – My recollection is that we spend a considerable amount of time on this and the adjoining property when we went through the Comprehensive Plan.

Ms. Titel – Yes, it was discussed. We specifically talked about this area and updated the Future Land Use to show Rural Commercial to reflect some of the property line changes that have changed over the years.

Alderman Ament – Thank you.

Mayor Chiovero asked if there were any further comments or questions from the Plan Commissioners, seeing none.

Mayor Chiovatero closed the public hearing at 6:45 P.M.

**NEW BERLIN PLAN COMMISSION
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PRIVILEGE OF THE FLOOR

The Plan Commission Meeting was called to order by Mayor Chiovaturo at 6:53 P.M.

In attendance were Mayor Chiovaturo, Mr. Christel, Alderman Ament, Ms. Groeschel, Ms. Broge, and Mr. Felda. Also present were Greg Kessler, Director of Community Development; Jessica Titel, Associate Planner; and Mark Blum, City Attorney.

Motion by Alderman Ament to approve the Plan Commission minutes of October 4, 2010. Seconded by Ms. Broge. Motion passes with Mr. Felda voting present.

PLAN COMMISSION SECRETARY'S REPORT - None

CONTINUED BUSINESS

1. (4)NJ PG-946 Sewer Service Area Amendments (MMSD) – BuySeasons North – 16385 W. Small Rd.

Motion by Ms. Broge to recommend to the Common Council adoption of a resolution that approves the amendment of the City's MMSD Sewer Service Area Boundary to include the BuySeasons North expansion property located at 16385 W. Small Road (Tax Key: 1285-993-001).

Seconded by Mr. Christel. Motion carried unanimously.

2. (3)NJ PG-976(a) – Urban Service Boundary Amendments – BuySeasons North – 16385 W. Small Rd.

Motion by Mr. Christel to recommend to the Common Council the approval of a Resolution amending the City's New Berlin Urban Service Area Boundary to include the BuySeasons North expansion property located at 16385 W. Small Road and direct the City Attorney to draft said Resolution.

Seconded by Mr. Felda. Motion carried unanimously.

3. (4)JT LD-10-09 J & K Enterprises South – 17400 W. Small Rd. – Two-Lot Land Division – Se ¼ Sec. 33. (Tabled 10/4/10)

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

Motion by Mr. Christel to recommend to Common Council approval of a Two-Lot Certified Survey Map for the property located at 17400 W. Small Road (Tax Key: 1284-992) subject to the application, plans on file and the following conditions:

- 1) Applicant shall correct all drafting errors identified by Staff prior to signing of the final CSM.
- 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) Applicant and/or new property owners shall apply and obtain appropriate building, plumbing and electrical permits prior to any construction on any parcel.
- 4) Applicant shall coordinate with Waukesha County and WDNR for septic and well permits.
- 5) The front setback shall be measured from the point at which the lot widens out on the east side of the parcel. Applicant shall place the setback on the face of the CSM.
- 6) Ultimate ROW for Small Road is 100-feet (50-feet on each side of the centerline). The developer shall dedicate the northerly 50-feet along Small Road to the City of New Berlin for public right-of-way purposes.

Seconded by Mr. Felda. Motion carried unanimously.

4. (4)JT LD-10-10 J & K Enterprises North – 17385 Beres Rd. – Three-Lot Land Division – Ne ¼ Sec. 33. (Tabled 10/4/10)

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

Motion by Mr. Felda to recommend to Common Council approval of a Three-Lot Certified Survey Map for the property located at approximately 17385 W. Beres Road (Tax Keys: 1281-995 & 1281-996003) subject to the application, plans on file and the following conditions:

- 1) Applicant shall correct all drafting errors identified by Staff prior to signing of the final CSM.
- 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) Applicant and/or new property owners shall apply and obtain appropriate building, plumbing and electrical permits prior to any construction on any parcel.
- 4) Applicant shall coordinate with Waukesha County and WDNR for septic and well permits.
- 5) Ultimate ROW for Calhoun Road is 100 feet (50-feet on each side of the centerline). The applicant shall dedicate the westerly 50 feet along Calhoun Road to the City of New Berlin for public right of way purposes.

- 6) The Ultimate ROW for Beres Road is 66-feet. Applicant shall dedicate the southern 33-feet along Beres Road to the City of New Berlin for public road purpose.

Seconded by Ms. Groeschel. Motion carried unanimously.

5. (3)JT RZ-10-02 Dean Magner – 19470 W. Lincoln Ave. – Rezone from M-1, C-1, and C-2 to M-1, C-1, and C-2 to Field Delineate the Wetlands and remove a portion of the C-1.(Public Hearing 7/12/1, Tabled 8/2/10)

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

Motion by Mr. Christel to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 19470 W. Lincoln Avenue from M-1, C-1 & C-2 to M-1, C-1 & C-2 to field delineate the wetlands and remove a portion of the C-1 Zoning District.

Seconded by Mr. Felda. Motion carried unanimously.

6. (5)JT UA-10-19 Elizabeth Residence – 4461 S. Sunny Slope Road. – Revised site plan to add an equipment shelter.

Motion by Ms. Broge to approve the request for an equipment shelter located at 4461 S. Sunny Slope Road subject to the application, plans on file and the original conditions of approval from 7/12/10.

Seconded by Alderman Ament. Motion carried unanimously.

NEW BUSINESS

7. (4)JT RZ-10-09 J & K Enterprises – Approx. 17385 W. Beres Rd.(File Address) and 17400 W. Small Rd. – Rezone from R-1/R-2, A-2, and C-2 to R-1/R-2, A-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 properties located at approximately 17385 W. Beres Road (Tax Keys: 1281-995 & 1281-996003) & approximately 17400 W. Small Road (Tax Key: 1284-992) from R-1/R-2, A-2 and C-2 to R-1/R-2, A-2 and C-2 to field delineate the wetlands.

Seconded by Mr. Felda. Motion carried unanimously.

8. (5)AB LD-10-13 James Christensen – 13120 W. Coldspring Rd. – Two-Lot Land Division – Se ¼ Sec. 24.

Motion by Ms. Groeschel to recommend to Common Council approval of a Two-Lot Certified Survey Map located at 13120 W. Cold Spring Road subject to the application, plans on file and the following conditions:

- 1) Payment of \$1937.60 for Lot #1 in Public Site & Open Space fees is required before the City shall sign the CSM.
- 2) The existing detached garage within the proposed Lot #1 shall be removed within one year of the date the City signs the CSM.
- 3) Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing.
- 4) 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.

Seconded by Mr. Christel. Motion carried unanimously.

9. (5)NJ R-10-99 Honey Lane PUD – 14101 W. Howard Ave. – Extension of Ordinance #2166 Honeyager Planned Unit Development.

Motion by Mr. Christel to recommend to Common Council approval of the request for a two-year extension for the “Honeyager” Planned Unit Development (Ordinance #2166), subject to the original conditions.

Seconded by Ms. Groeschel. Motion carried unanimously.

10. (7)JT RZ-10-10 Insane Choppers – 18580 W. National Ave. – Rezone from R-1/R-2 to B-2.

Motion Alderman Ament by to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 18580 W. National Avenue from R-1/R-2 and B-2 to B-2.

Seconded by Mr. Christel. Motion carried unanimously.

11. (7)JT LD-10-14 Insane Choppers – 18580 W. National Ave. – One-Lot Land Division – Nw ¼ Sec. 28.

Motion by Alderman Ament to recommend to Common Council approval of a One-Lot Certified Survey Map located at 18580 W. National Avenue 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.

Seconded by Ms. Broge. Motion carried unanimously.

12. (7)JT UA-10-48 Insane Choppers – 18580 W. National Ave. – Accessory Building.

Motion by Alderman Ament to recommend Use, Site & Architectural approval, along with Waiver Requests #1 and #2, for the construction of an accessory building located at 18580 W. National Avenue subject to the application, plans on file and the following conditions:

WAIVER REQUEST #1: Applicant has requested a lighting waiver from Section 275-60.I of the Zoning Code. The applicant is proposing reduced lighting levels to minimize the impacts on surrounding properties.

WAIVER REQUEST #2: Applicant is requesting a waiver from Section 275-57A(7)(2) of the Zoning Code which requires a 12-foot drive aisle for access to the accessory building. The current driveway is directly adjacent to the existing building and property line and is also currently being used to access the service garage.

- 1) Planning:
 - a) The rezoning (File #: RZ-10-10) and Certified Survey Map (File #: LD-10-14) shall be approved prior to action on the proposed accessory building.
 - b) Applicant shall adhere to the submitted plan of operation:
 - i. Hours of Operation: 10:30 AM to 6:00 PM, Monday through Friday and 10:00 AM to 3:00 PM Saturday, closed Sunday.
 - ii. Applicant is proposing to construct a 3,960 square foot (99' x 40') accessory building to be used for storage only.
 - c) Per Section 275-57A(7)(c)[2] of the Zoning Code, the existing gravel area shall be paved with an asphalt or concrete surface no later than June 15, 2011. Failure to comply with this condition may lead to legal action by the City Attorney.
 - d) In order to more clearly designate the entrance to this business, the applicant shall place an "Enter" sign east of the existing monument sign. Directional sign location shall be approved by DCD Staff.
 - e) Building shall only be used to store items associated with the existing business. No rental of storage space permitted.
 - f) Applicant shall adhere to the previously approved area designated for outdoor displays (see File #: U-43-07).
 - g) All construction traffic shall remain on the applicant's property unless an agreement with an adjacent property owner is filed with DCD.
 - h) Applicant shall clearly mark the drive aisle boundaries per the submitted survey and correct any existing markings, if necessary.
- 2) Engineering/Stormwater:
 - a) Applicant shall provide exterior lighting for this accessory building and the associated paved areas. Applicant shall submit a lighting plan that shows light pole/building lighting layout.

- b) Downspouts should be directed towards open landscaped areas to allow for infiltration and dispersal of water.
 - c) Gravel surface approximately 3500 sq. ft., proposed building 3960 sq. ft. Any future expansions of impervious surface will require stormwater management.
 - d) The proposed building elevation of 915.25' (USGS Datum) minimum to 915.75' maximum is approved.
 - e) All silt fencing shall remain a minimum of 5.0' off property lines. The silt fencing shall be kept out of the 30.0' wide Public Drainage Easement. Please revise plans accordingly.
 - f) There shall be no grading, filling or landscaping within the boundary of the 30.0' wide Public Drainage Easement.
 - g) No filling, grading and/or landscaping within five feet (5.0') of any property line.
 - h) Drainage from this property shall not adversely affect any adjoining/neighborhood lots.
- 3) Inspection:
- a) Complete building plans shall be signed and stamped by a licensed architect or professional engineer per the Wisconsin Enrolled Commercial Building Code (Comm.61.31). Building plans to include footing, foundation and wall detail.
 - b) The State of Wisconsin Commerce review can be done locally as per (Comm.61.60).
 - c) Apply and obtain appropriate building, electric permits from the City of New Berlin Building Inspection Division.
 - d) The building shall be fully accessible from the parking lot to the interior elements (Comm. 63.1101 and ICC/ANSI A117.1).
 - e) Waukesha County Environmental Health Preliminary Site Evaluation approval is required prior to issuance of building permits.
 - f) Building to be used for storage only, no repair work to take place without prior approval from the City of New Berlin Building Inspection Division. If repair work is to occur within the accessory building, additional code requirements would need to be met.
- 4) Fire:
- a) Storage in building shall be organized in rack or row storage with no storage in trusses. Building to be used for storage purposes only.
 - b) Storage of vehicles with gasoline or power supplies connected shall be prohibited.
 - c) Paved access to building required for fire fighting apparatus.
 - d) Fire extinguishers and exit lighting will be required.

Seconded by Ms. Broge. Motion carried unanimously.

COMMUNICATIONS

13. Communication To: Plan Commission
Communication From: Jessica Titel, Associate Planner and Amy Bennett,
Associate Planner.
RE: Parade of Homes 2010 (PG-818)

A short presentation was given by Jessica Titel regarding the trends reflected by the homes in the parade.

14. Communication To: Plan Commission
Communication From: Nikki Jones, Planning Services Manager
RE: 2011 Meeting Dates (PG-790)

Cut-off day for the January 4, 2011 Plan Commission meeting is November 24, 2010. After that deadline date, it will be determined if any alterations will be made to the 2011 Meeting Date Schedule.

ADJOURN

Motion by Mr. Christel to adjourn the Plan Commission meeting at 7:45 P.M. Seconded by Ms. Broge. Motion carried unanimously.