

# Minutes

## NEW BERLIN PLAN COMMISSION

### NEW BERLIN CITY HALL COUNCIL CHAMBERS

September 9, 2002

#### PUBLIC HEARING

6:00 P.M. (5)OA R-8-02 Hickory Hills – 14602 W. Beloit Rd. – Rezone from I-1 to Rm-1.

#### MINUTES

The public hearing relative to the request by Robert Williams c/o Hickory Hills to rezone the property known as 14602 W. Beloit Road from I-1 Institutional District to Rm-1 Multi-Family Residential was called to order by Mayor Wysocki at 6:02 P.M.

In attendance were Mayor Wysocki, Mr. Barnes, Mr. Gihring, Mr. Graber, Mr. Teclaw, Alderman Ament, Mr. Felda. Also present were Greg Kessler, Director of Community Development, Mark C. Lake, David Haines, Olofu Agbaji, and Nikki Jones.

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

Mayor Wysocki explained the procedure for a public hearing saying that he would ask for questions of 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.

Mr. Agbaji gave a brief presentation describing the request and showed maps indicating the location. He also gave a brief history of the parcel.

Mayor Wysocki asked for any questions for clarification.

Lynne Dahlvik, 14980 W. Beloit Road - I assume you all received a copy of my e-mail informing all of you that Mr. Lake totally misinterpreted my comment regarding Beloit Road corridor at a previous meeting. You mentioned it was rezoned in 1997 or 98 to Institutional use for the purpose of developing a low intensity rehabilitation facility. Prior to the rezoning to Institutional the property was R-4 which is described in the Code as low density and all of the other properties that were in that Beloit Road corridor at that time, the vast majority of them were and still are zoned R-4. Under present zoning codes the maximum density allowed under Rm-1 is 7 units per acre with a max of 9. The GDMP description of mixed use residential transitional area calls for low density multi family condos, etc.

Linda Borowski, 4805 S. Forest Avenue - You referred to the rezoning of the land as having currently an I-1 status and referenced the C-1 designation. Is that C-1 designation currently reside with that property? That was not done at the same time the rezoning took place to I-1. Has there ever been any provision in the rezoning to I-1 after a duration of time or would it have been prudent for the rezoning to take place and then after a period of time that the I-1 would have evaporated and it would return to the R-4. Is that typical and customary? Mr. Agbaji answered No. So it did not revert back to R-4 when the I-1 was not legalized? Mr. Agbaji said that the ordinance that created I-1, the provision said if the development does not occur, it reverts back to the existing zoning. There was no public hearing or action occurring to allow this. So is this something we could take action on in the future? Mr. Agbaji said Yes.

James Feryan, 14800 W. Beloit Road - I own the property West of this proposal. The first I heard about this was in the last few weeks in regard to the proposed driveway and if I sold my property, there would be a boulevard. My concern is since the address is 146--, the driveway for this project is on my lot line. My concern is what is going to take place on a later date in conjunction with my property. I only got a little flyer saying about the town hall meeting so I don't have much information. There is quite a bit more traffic on Beloit Road since I purchased it two years ago and with the health club coming across the street. This project sounds well and good, but what about the four unit properties that are extended to the west. Where are these people coming in with all the noise and what have you on this? Are they getting cramped out of this project or what's going on? If I hadn't read my mail that day, I probably would not be here to look into this. My concern is the driveway next to my property, and if in the future my property would be looked at with them having to have that street extending into my property that I wouldn't want it condemned in order for them to take my property. Where am I going with my property at a later date for resale or what have you. I don't have any problem with progress in life here but I would like to know what's going on. Mr. Agbaji explained that we are only discussing the land use today and road alignment will come when the use, site and architecture is discussed later. Mayor Wysocki clarified that the road access will be sufficient distance according to code.

Mary Fennig, 5090 S. Small Road - Is there a 5 ft. setback from the driveway to private property? Mr. Agbaji said Yes. This is not a driveway, this is a public road, that's what we were told by the developer. Is the setback the same for a public road? Mr. Agbaji said there is no setback for a public road. So it can come right up to the property line? Mr. Agbaji said no, there will be the ultimate right of way. The developer would not have known that the future plan is to curve through the tree line and make this boulevard. The road is coming half way up Small Road and half way down his driveway, then curving through the tree line. We are told the tree line has to stay. We were told that both Lyndenwood and Hickory Hills are going to widen Beloit Road to a four lane road just in front of their project. We are concerned with traffic coming out of this property as well as the fitness center from which we have not yet felt the impact of. Can the road be moved into the middle of the subdivision? Mr. Haines said it would be up to the developer if he wanted to move the road into the middle of the development and would be taken up during the use approval discussion. I believe traffic engineers prefer streets to align. As far as Beloit Road being widened, I have looked at SEWRPC 2020 Plan and alternately they have plans for it to be four lanes but it is not before 2020. Turn lanes may be required by the County. Mayor Wysocki added that it could be taken to the Safety Commission if that is the issue.

Shari Bosmans, 14200 W. Howard Avenue - Could you go back to that map. Yes, that one. Three or four years ago that property was in a very similar situation. What I am seeing here is a subdivision exit onto a County road with an adjacent driveway. I seem to recall that the County came back and if the property owner was to remain in his home, he would have had to reroute his driveway. We have a very valid concern here. The question should be asked the County and should be answered before this project comes forth. The next question I have, I believe this is the parcel that has some soil contamination on it. Mr. Haines said the environmental report would reflect that. Mr. Williams, TDI Associates said there has been three phases done on this property. The latest soil tests that were done in the past 60 days indicate that the site is clean at this time and we are at the DNR to put a closure on it. Mayor Wysocki asked for a copy of the report.

Randy, 14602 - Go back to the map, I am right in here. My concern is, since we are talking about where streets are going to go. We have the property to the East, Lyndenwood, where is that going to come out on Beloit? In the morning or in the evenings right now when everybody is driving their kids to school, those cars are lined up from Sunny Slope sometimes up to the new subdivision. Sometimes it takes me five or ten minutes to get out of my driveway in the morning. That would be a big reason to move the entrance to the middle of the property. You indicated Beloit Road probably would not be widened until 2020. It looks like a big traffic concern all the way through. I have five kids that come in and out all the time. I have had officers clock cars at 50-60 mph., then add the busses stopping and there are tires squealing.

James Feryan, 14800 W. Beloit Road - I was told a holding pond was going to be roughly over here on the west end of the property which is right next to my property. Also any overflow I was told at that other meeting, would come down along my lot line over here under the freeway to what ever holding pond. I don't have any cattails on my property. I mow right down to the freeway fence. I have all grass. I maintain my yard. In the spring when the rains come when that holding pond right on my lot line just like the driveway is right on my lot

line, the water goes along between my property fence and the freeway, so I'll have 20 feet of water in my back yard down there at a later date because of some engineering question. It seems we are discussing this change of zoning before we are looking at other things here. I am looking at those other questions, that will come at a later date when this is stuffed down my throat. I have a driveway proposed next to my property and a fountain that is going to have a light in it. What is that going to do to my property. Mr. Kessler explained when we get to the site, use and architectural review, we will get a full storm water management plan and our engineering staff will review in detail to make sure we don't have those types of problems.

Shari Bosmans, 14200 W. Howard Avenue - We are here for a rezoning request. We are not here for a project approval. We are here simply for a rezoning. My question is why are people trying to review the plan. Mr. Kessler said we have to have some type of conceptual idea of what the applicant wants to do to know if it is consistent with the future land use plan for the City.

Mary Fennig, 5090 S. Small Road - According to the New Berlin Code, new lands to be placed in mixed residential districts by rezoning petition shall be located not closer than 120 feet from an existing single family residential subdivision. Does the 120' not count because we are not a subdivision by name? Mr. Kessler said any combination of buffer can make up the open space of 120'. I interpret the code to mean platted subdivisions, but the City Attorney can confirm that. Just because it is consistent with the Master Plan doesn't mean the Plan Commission and Council have to approve it. There are about 8 or 9 bullet points in the Code that need to be met in order for the Plan Commission and Council to consider it.

Vern Bentley, 3450 S. Johnson Rd. - I am interested in this because my Mothers house is across the street. What is the buffer between this development and Krahn Development? Mr. Agbaji said the Krahn development is a PUD so it has a 50 ft. buffer. I would also like further explanation about widening the road to four lanes. Mr. Williams said that we were told by the County and by Planning Staff that we have to conform to the same thing that Krahn. Krahn has to widen Beloit to four lanes on his side of the street as we have to do the same thing. From what our surveyors tell us, it will only be about 100' between the Western border of our property and the widening that the Motion Fitness has done so might as well have it widened all the way so there won't be that 100' gap. Mr. Kessler said those are just going to be by-pass turn lanes needing to be confirmed by our City Engineer. Mayor Wysocki said this public hearing is on a rezoning, we don't know exactly what this project will end up looking like because we still have to go through use, site, and architectural reviews. What is at question here, is the rezoning. Mr. Bentley said once we do this rezoning, its kind of a dead deal. Mr. Graber said I can't tell you the exact width of the road but it is not turning into a four lane road. It's going to be a two lane road with two paved shoulders just as it exists on the South side. You will have one lane of traffic in each direction and a paved distress lane also functioning as an acceleration or deceleration lane incorporated into the entrances into the developments.

Lynne Dahlvik, 14980 W. Beloit Road - Is that road going to be curved? Mr. Graber said again, that will come with use, site, and architecture with this particular project but I believe with Jim Krahn's project there is some curving. Where does the water go then? There would be some detention facility put in there to slow down the release rate of the water. Assuming it will be done the same as the parcel to the East, there will be a storm sewer system installed. There will be storm water impact statements and traffic statements required. How will the storm water impact statement impact me 600' down the road? Until I see that impact statement I do not know.

Mayor Wysocki asked for further questions for clarification, seeing none.

Mayor Wysocki asked if there was anyone wishing to speak in favor?

Bob Williams, TDI Assoc. - We did have an informational meeting the other night with about 30 or 40 of the local neighbors so I will be very brief tonight. We have 12.75 acres for this development and we are proposing 76 units of higher end condominium selling from \$180,000 to \$200,000 a piece. They are all two bedroom units and we anticipate very few children. We have done all the engineering for storm water detention plan to meet city ordinances. We will be taking the water off of Beloit into that storm water pond before it is released at

MMSD standards which is more stringent than city standards. We are proposing that our driveway that starts here off Lyndenwood would be a public road with a 60' right-of-way with 24' wide boulevard. Talking with Waukesha County, they want the driveway lined up with Small Road. There will be copper roofs on the bays, cedar shakes, lannon stone, all stucco to achieve an upscale Colorado kind of look.

Mayor Wysocki asked three times if anyone else wishing to speak in favor, seeing none.

Mayor Wysocki asked if there was anyone wishing to speak in opposition.

Linda Borowski, 4805 S. Forest Avenue - I am the president of the homeowners association at North Oaks Estates. Just to refresh your mind, the North Oaks neighborhood is comprised of 42 homes on half acre lots and we are one-quarter to one-half mile from this site. At this time I believe it is fair to point out that from the moment families purchased lots and built homes in North Oak Estates, they had certain expectations based on the then City of New Berlin Master Plan and the Heritage development proposal that the city had approved. I have a set of documents you can refer to. The first document I am presenting is development literature from the Heritage developer from North Oak Estates. It reads, exclusive life style for those seeking a special relationship with nature, also a product of the developers desire to preserve not only the sense of wilderness but also the character of the rural countryside. Utmost care has been taken to preserve the natural beauty of this site. Your dream home will be nestled in a wooded setting along quiet, tree lined streets creating a sense of privacy for you and your family. Above all, North Oak Estates has the ultimate location right in the center of New Berlin's most elegant residences and a few steps from schools, shops, and a wide variety of services.

Why do I present this material? Well, North Oak Estates is an architecturally controlled community on half acre lots, single family home sites. North Oak Estates was built in New Berlin at this site with certain quality of life expectations as you can see in the developers product literature which was approved by the City of New Berlin. We now have a quiet community with tree lined streets that create a sense of privacy. We have preserved the wooded setting that creates a sense of wilderness and a character of country style living. A RM-1, seven units per acre condominium development does not enhance these aims, rather it will drastically diminish the quality of life in the area, it will create miles of paved streets, rooftops, and buildings. It will ruin our flora and fauna in the area. This development as proposed is contrary to the initial intent of the established homes in the area. North Oak Estates is representative of executive style home sites, and we pay executive style taxes. Those homes may be the biggest investment in our investment portfolios and knowing the stock market today, that is a very true statement. We are here defending our investment security, the high density Hickory Hills condominium development will not preserve our property values or our quality of life.

Secondly, I am presenting a couple of documents that were part of the rezoning plan for the I-1 status that we currently have. These documents were provided to me from Bobby Schultz, who was our alderman at the time. So, you are probably familiar with us, because we have been here before you many times. We have been the watch dog for our area. In 1996 we started with our involvement with this property, to be rezoned to I-1. What it ended up being is spot zoning. As I mentioned earlier in the questions, I am very surprised that this I-1 designation did not revert back to the R-4 status that it should have been when there was inactivity on this property for six years. We have been involved in the development of this vacant land to the West in cooperation with the single families in the area. We all have the same goal. These are single family residential homes with families that would like to preserve our quality of life.

I am also giving you the Master Plan that Bobby Schultz gave me. This is something that I looked at before I purchased my lot and built my home in 1994 and if you will look at the overlay of that property, it will show that there is R-4 zoning all around this property and in fact, this property was originally R-4. So why do I present this material? North Oak Estates has been constantly expressing their objection to rezoning in this area and we really have always preferred reverting back to the R-4 designation. We have always precluded every discussion regarding rezoning in our area with that thought process. We have also, however, been open minded and reasonable and we have been wanting to accept low density solutions for the land to the west. The end result of this type of negotiation has been the development of the PUD at the Krahn site and the I-1

designation with the C-1 conservancy further to the West.

Going on, I have another document for you to look at. That refers to the I-1 zoning. It has always been our effort to make every attempt to reduce the density of the proposed developments to the West of our subdivision. In 1996 a promise was made to our association that if we agreed to let an I-1 zoning take place that a C-1 conservancy was going to be established and I heard the word from our Alderman and Alderman Kiefer that that was going to be rock solid. Not today, rock solid does not mean rock solid. The thing that concerns me the greatest is that there is no continuity in our city government because I can't go back to Bobby Schultz or Kiefer and say, what happened? But I do have to go back to you because you are still my city leaders. I am asking you, what happened? That 100' conservancy that was promised was in an effort to reduce buildable land to again achieve our goal to have a preservation of wildlife and quality of life in our area.

Lastly, I have petitions for you. These petitions have been signed by the association members in North Oak Estates. I also has been signed by the neighbors along Beloit Road and on Small Road who have concerns about their quality of life. There are 56 persons that have signed the petition. We all stand in opposition to the R-1 high density condominium development which places North Oak Estates and the surrounding area in an undesirable and risky position. We believe that a more modest development would be more appropriate for that site. In fact, I heard some people suggest that if the PUD that Krahn developed with 3.8 units per acre is acceptable for our area, why not treat as a book, open that page, flip it over and build a mirror image of it. That would be the type of population density that we would like to see go in there and as always I want to repeat we stand united saying we would like to have that land go back to R-4 zoning.

Marty Manley, 4720 S. Forest Avenue - I am a member of the North Oak Estates homeowners association and I want to thank you for your patience tonight. I want to also thank you for the opportunity to speak this evening. I had an opportunity to review the current economic development revitalization plan and would like to bring your attention to several issues regarding traffic flow in the surrounding areas. Page 4 of the economic development plan states, as commercial development and employment growth will likely occur along these established corridors such as National Avenue and Moorland Road the continued growth in traffic may require better vehicular access management, improved intersection signal timing and improved pedestrian access. Although Moorland and National are referenced, Beloit Road could be considered a future major corridor based on the new hotel, the Target development, the strip malls in front of Target, Motion Fitness development and the condominiums to the West of I-43. This does not include any development for West of Beloit and Moorland intersection. We have had the opportunity to meet with the architect for the development for the land in question and our Alderman, Ken Harenda, last week. The information provided by Bob Williams here tonight and in using industry traffic standard calculations, we found that North Oak Estates creates approximately 380 trips onto Beloit Road each day. The Krahn development will increase that by approximately 380 trips per day. The new development that we are speaking of tonight will increase Beloit Road traffic by approximate 500 trips a day. Motion Fitness will increase it by approximate 800 trips per day. The new developments will increase usage on Beloit Road by 680 trips per day or approximately 542% increase. This is not even taking into consideration any additional trips down Small Road or into our subdivision which would make a major impact on our current problems. We in North Oaks Estates already have a major traffic problem in that many people cut through our subdivision when the stop sign intersection of Beloit and Sunny Slope becomes congested. This happens mainly in the morning when classes begin at Eisenhower and in the afternoon when classes end. Increased traffic could even worsen it. Even more so when Lyndenwood Drive is connected from the new condo subdivision into our subdivision. One way to arrest this would be to close Lyndenwood by cul-de sac on both our side and the new condo development side. We also urge you to consider the huge traffic flow as you review not only this, but future zoning recommendations.

Policy No. 8 on Page 21 of the economic development plan calls for the City to incorporate the preservation of open spaces, environmental corridors, and isolated natural features. This policy will not only assist in organizing traffic flow, but also help regulate the density of the future developments. Traffic volumes are also seen as a weakness in economic development in the City New Berlin. Page 28 of the economic development plan states, traffic volumes are quite high in New Berlin major corridors and large traffic volumes lengthen travel time, create negative visual images, and contribute in an overall decrease in quality of life. It further states that generally roads are in need of improvement. What this rezoning would do, is substantially increase

the traffic along Beloit Road and we haven't even had the chance to incorporate the Lyndenwood and Motion Fitness developments. Before approving the rezoning, I would like to suggest that a traffic study or plan be completed or at least reviewed as to a future plan as to how to handle these increases. My fear is that without the view, we are opening ourselves up to problems that have already been recognized in the economic development plan. In closing, thank you again for giving me the opportunity to speak here tonight. We all choose to live in New Berlin and we all have our reasons for this choice. We must all also recognize that development is in the best interest of the city and all the citizens. This rezoning has the possibility of substantially increasing traffic flow beyond current capabilities, lessening the quality of life for all surrounding neighborhoods, creating infrastructure situations not yet planned for. Before rezoning, we urge you to consider these issues not only for the surrounding neighbors but also as it pertains to economic development in the revitalization plan.

James Feryan , 14800 W. Beloit Road - My only opposition is, if it was a lower, I know we are here to change the zoning, but I think there is quite a bit to look into. If the units were down to 40 and the prices were jacked up, not just up scale apartment buildings, no disrespect to the developer, you can't sell that property, and I'd like to be know as living in New Berlin with a quality of life, less people, and you get the same tax base out of it . What you are proposing here is an upscale apartment building project stuffed into an area where there are high scale homes. If there were 4 unit for that, which would cut the traffic in half and everything else, the condos would be able to sell without a problem. If you look around Milwaukee county, these are basically low end condos. They are more than what on this Forest Point is but you could sell these units for \$225,000 to \$250,000 very easily. People want quality of life and lower density. The way your jamming this in here, its going to look like the City of Chicago skyline off of 43 since you have those hotels and everything else. This is my main concern about this zoning change.

I guess the zoning change is contingent on the purchase of the property. I am not trying to throw a wheel chop in progress but if this were more upscale, the city would benefit from the tax base. I think you are selling yourself short. The lots east of Sunny Slope Road go for \$87,000 to \$92,000 for less than a quarter acre. Most of the lower end ones were sold already. I think this project is kind of a lower scale. I see no problem with this here if it were an upper scale thing. The reason it is Institution zoned is because they never changed it from when it was changed before when somebody had a dream of developing it into an elderly what have you. If this is changed today, I think you will end up having problems later on. I have no problem with this if it were cut in half and the quality of life and the area around was kept more country, People would come here to pay that money. People will pay for lower end buildings anywhere. I'm just one person and I don't know how other people view this but I think this being sold short and I think for the city it's going to look like Why I Went to New Berlin, Isn't that Condo Heaven Over There by Moorland Road and Hwy 43. You can't even count them, there are so many. If you're looking for a tax base, I don't want to hold up progress in life, but I think you're selling yourself short in this project. What was described as field stone is now lannon stone. It isn't cedar shake, but a look alike asphalt shingle. The higher quality buildings go to higher income people. I think you are selling yourself short.

Vernon Bently, 3450 S. Johnson Road- At the informational meeting last week, there were water concerns, traffic concerns, and quality of life concerns. I vote against this because of the high density of development. Lowering the density is my concern.

Lynne Dahlvik, 14980 W. Beloit Road - The residents of the Beloit Road corridor, Small Road, and the North Oak Subdivision believe the city should adhere to the zoning code and GDMP very recently designed and approved. The GDMP shows the Beloit Road corridor as mixed use residential. The GDMP states there are several specific land uses that can occur in mixed use areas. These include low density/impact small type family, condo and institutional uses. Small Road, North Oaks and a large majority of the Beloit Road corridor is zoned R-4 low density single family. Lyndenwood Development with 52 units and 13.8 acres is also low density. Hickory Hills proposal of 76 units on 12.7 acres is close to the maximum density allowed on Rm-1 zoning, not low density. All definitions, whether zoning or GDMP pertaining to this area contain the verbage low density. It would certainly appear that low density should be required. The conclusion being that the property should remain RM-4 for low impact as originally planned or the property could become R-1 providing it falls within the GDMP mixed use definition and be approved for low density resulting in maybe 50 or so units.

To do otherwise would be in direct contradiction to the development previously set forth in good faith to all citizens of New Berlin and especially the homeowners close by on Beloit Road. The proposal is not consistent with the future land use plan of the City based on density and impact. Also the GDMP further states development approval for these uses would come only after a review process to determine compatibility with surrounding land uses particularly the residential neighborhoods. Between the acreage of North Oaks and Lyndenwood I believe you are looking at around 90 units on about 43 acres. To put 72 units on 12 acres is certainly high density.

Shari Bosman - 14200 W. Howard Avenue - We have some problems here. I won't go into density, everyone else has covered that. The major problem we have is the adjacent property owners driveway. I have not heard of any conversations the developer has had with this gentlemen about his driveway. I have not heard of any reimbursement to this adjacent property owner. The developer here tonight did also mention that the County says One Access to a County Road every 700 feet. That doesn't mean that you can have an access to this development and a driveway right next door to it. Let's face it, the man is going to loose his driveway. I believe you should turn down this proposal with a recommendation that the developer open a conversation with the adjacent property owner and being made aware that there has been some agreement between them.

Bill Roach, 4865 S. Forest Avenue - I live in the North Oaks Estates Subdivision, as well and wish to make a few comments tonight. If I wasn't here tonight, you can be guaranteed that I would be walking through my subdivision tonight with my young son William . Undoubtedly walking through our subdivision, I would encounter numerous other parents, bikers, runners, countless other people from our subdivision. It's a very friendly subdivision. I fear that by rezoning here tonight it would dramatically impact our lifestyle in North Oaks Subdivision. Here is why, primarily a traffic issue . I live two houses in off of Beloit Road. It's where North Oaks Boulevard heads east. I encounter numerous individuals coming through our subdivision at two quick a pace trying to avoid the traffic on Sunny Slope and Beloit. For some reason our subdivision is a nice little way to avoid that intersection. One of the beauties of our subdivision is that it is not a level subdivision, there are rolling hills and this corner from Forest Avenue onto North Oak Boulevard heading east has a slight hill to it. Those that come by my home and go up the hill, I personally contest that if you are the young lad on a bike you don't want to be at the top of that hill when someone exceeding the speed limit is coming up not knowing who is on the top of that hill. It has happened to me and others in our neighborhood countless times. It a conversation that occurs on a regular basis. The opposite is worse when individuals are coming from Sunny Slope and connecting with Beloit Road. I have had my lawn ripped up on a number of occasions when those coming down, confronted with a 90 degree turn, going too fast to make the turn, end up on my lawn. I don't mind reseeding and getting my grass nice again but it's a problem. It's not people from our subdivision, but individuals coming through that don't have families in here. This is a problem now in our subdivision and will be an even greater problem in the future when I hear about the large numbers that will be generated by Motion Fitness, and Lyndenwood project.

Perhaps, even more close to home are some of my concerns referencing Lyndenwood Street itself. The Lyndenwood development is right here at the northern portion of our subdivision and it's a dead end street right now. We like it that way. The concern is if Lyndenwood would go through into the Lyndenwood Subdivision and hook up with this new development, I cringe at the thought of that many cars coming through our subdivision to avoid the Beloit/Sunny Slope intersection to try to make a quick egress onto Sunny Slope Road. To say that it would dramatically change and impact our subdivision is an understatement. We enjoy being out in our subdivision, we have a friendly neighborhood, trust me it would substantially change should that go through. We will do everything in our subdivision to try to help those concerns. Speed bumps may be one method. The ideal solution is to keep Lyndenwood down the street. We in North Oak Estates intend to be very vocal about those two substantial life altering scenerios for our subdivision. Please understand with nearly 50 children and young adults in our subdivision that are frequently outside playing, running, biking, again I shudder what a possible tragic circumstance would be with that much traffic. I echo the concerns of Ms. Borowski who spoke earlier. I , as well purchased land seven years ago and obviously when I purchased my home, I knew Beloit Road was going to be developed and I knew that there was going to be more traffic on Beloit Road. I knew that there was going to be additional business development and residential development to the west. I never in a million years contemplated that it would all be coming through our subdivision. I don't think anyone in our subdivision thought this. Even if a percentage of some of the traffic numbers are accurate

here tonight, we will have a problem. I appreciate your attention tonight.

Mayor Wysocki asked three times if anyone else wished to speak in opposition, seeing none.

Mayor Wysocki asked Plan Commissioners for questions for the purpose of clarification.

Mr. Ament - What we heard from the neighborhood meeting and what we are hearing here is making me confused. If this is rezoned, some kind of condos will end up here. Has anybody looked into exactly what will happen to Small Road as far as what the County is going to require. I think I did hear the other night that the County will eventually require stop lights at the Small Road/Beloit intersection. Mr. Williams, TDI Assoc. said our discussions with the County indicate that if the traffic on Small Road and Beloit increase over time than traffic lights will be required. What the county puts into the agreement we made for access, is that if traffic increases in five years to a point that lights are needed, the development is required to pay for them. If it happens after five years, then it is the city's or county's responsibility. The County told me that their long range plan is to make Beloit four lanes. Mr. Ament said my concern is that it seems when we do this type of rezoning with this type of developments with the high densities in one area and they are all around this entire area, is that we end up with the situation we have on Sunny Slope and Beloit. That is also going to have to be addressed by the County if we are going to be throwing all this extra traffic in that whole area. They don't even want to put battery operated red lights on top of the stop signs.

Another question I have regards the unique site characteristics listed on the staff report. What does the CS Map Classification: Not inventoried mean? Mr. Agbaji said it means there is no information from Natural Resource Conservation Service.

Also on the third page under Natural Resource Protection under limits of disturbance:N/A. Is that because there are no trees on that land? Mr. Agbaji said this is just the rezoning and we are not at that point.

One of the problems we seem to have here projecting to people that this is just a rezoning yet we need this information to determine whether we want to rezone it or not. The developer could have a whole other set of plans sitting in the back seat of his car and when he gets the rezoning, he could come and say now this is what I want to do. So some how when we look at the traffic and water impact and all these other things, we are really not sure what the end impact is. If the developer comes forth with the maximum, we have little choice but to give it to him as long as he is within the code. I am also not sure about this empty nest issue where there are not many children for our school district impact in the development.

We are not voting on this tonight but maybe some of these things can be addressed before we do look at this. Like the county road issue, the stoplight should be addressed to have the developer pay for it now. I also have serious concerns about water issues.

Mr. Teclaw - I appreciate all the input from the neighbors. I, as a Commissioner, would rather have a question over answered rather than under answered and I would rather have all the details before I make an important decision. The first question I have for staff is, what happened to Grand Care. If I were in the audience and had been part of the idea it was going to be rezoned Institutional and there was going to be an assisted care facility on this property. What happened to it? Mr. Agbaji said it was not developed. Mr. Teclaw said this is a very good example of how careful we need to be when we are doing rezonings. You can rezone for a project that people expect to occur and end up with a situation where the property is sold and this is the furthest thing that they thought was going to occur at the time the rezoning to I-1 occurred. I think you also go into our code a little further and there are actually seven criteria used in our code in deciding that a rezoning should occur. One of them is whether or not it is consistent with the Master Plan. Others of them take into consideration whether roads and transportation will be available to service the property. I think this is a huge concern and I believe there should be an extremely detailed traffic analysis and I cannot fathom what it would be like at Beloit and Sunny Slope after all these developments occur. I absolutely cannot imagine that. I am familiar with how people use subdivisions as cut throughs also and I cannot imagine that. I think all these things need to be further considered. When I look at the site plan of this development I have questions about the amount of open

space. Is that detention pond shown as the size that would be necessary for the run off of those units. Has it actually been calculated and is it shown as the appropriate size. Mr. Williams said they actually performed the calculations and the pond that we need is somewhat smaller than that but MMSD requirements has a minimum water surface area of 10,000 sq. ft. This pond is just over 10,000 sq. ft. The pond is larger than it needs be according to calculations.

Another concern I have is the school district impact. We had talked about sending notices to schools under certain circumstances that would be appropriate. Now we are going to have two large developments and others that are probably occurring on Sunny Slope Road. I guess it would be interesting to hear from the local schools to find out if they feel they would be capable of absorbing the number of students projected.

The staff report talks about the 120' zoning district buffer from the single family residential district and there seems to be a little confusion with single family subdivisions which need to be cleared up. There is a huge difference between a by-pass lane and becoming a four lane road. For it to become a four lane road in front of these developments and then to narrow back to a two lane road, I think poses a large safety hazard. We need to get answers as to exactly what is planned. I am also aware of the situation of Forest Pointe where a small service road went in and a legal dispute occurred. We need to avoid a situation such as that. These are all things that need to be considered.

I think when we have this much concern, we need all the answers to make a decision.

Mr. Gihring - Would it be possible to get a copy of the development plans for the Lyndenwood Development and a copy of the PUD's that go along with it before this item comes up on our next agenda. Mr. Kessler said it would be in the next packet.

Mr. Wysocki said I commend the citizens who made references to other plans the city has done. It is nice to know our citizens refer to things such as our Economic Development Redevelopment Plan. I think that is important. I, however, want to make clear that inactivity of a rezoning use does not revert back to previous zoning. Once a zoning is made it would take a process like this one to change it. I also want to make it clear that no matter how this turns out some of the dilemma that we face in the process is exactly brought up through observations and some of the questions and concerns of the people that spoke. We are being faced by a decision whether to rezone from an institutional zoning that is currently on the property to an RM-1 multiple zoning district intending to provide for multiple family residential development at a density not to exceed seven dwelling units per acre with environmental enhancements not to exceed nine dwelling units per acre per the net RM-1 zoned acre served by municipal sewer and water facilities. New lands to be placed in the Rm-1 district by rezoning petition shall be located not closer than 120 ft. to an existing single family residential subdivision. I think there is another portion in here that does refer to a residential development. So we have these issues to look at. I suggest that we approach this as a rezoning under those conditions not what we see put in front of us.

Mayor Wysocki asked Plan Commissioners for further questions for the purpose of clarification, seeing none.

Mayor Wysocki closed the public hearing at 7:50 P.M.

#### **6:01 P.M. ML PG-723 Tower Moratorium**

#### **MINUTES**

The public hearing relative to the request by The Department of Community Development for a Tower Siting Moratorium within the corporate limits of the City of New Berlin to be in effect for up to (6) six months from the effective date of the Moratorium Ordinance was called to order by Mayor Wysocki at 7:51 P.M.

In attendance were Mayor Wysocki, Mr. Barnes, Mr. Gihring, Mr. Graber, Mr. Teclaw, Alderman Ament, Mr.

Felda. Also present were Greg Kessler, Director of Community Development, Mark C. Lake, David Haines, Olofu Agbaji, and Nikki Jones.

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

Mayor Wysocki explained the procedure for a public hearing saying that he would ask for questions of 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.

Mr. Lake gave a brief presentation describing the request and showed maps indicating the location.

Mayor Wysocki asked three times for questions for clarification, seeing none.

Mayor Wysocki asked three times if there was anyone wishing to speak in favor, seeing none.

Mayor Wysocki asked if there was anyone wishing to speak in opposition.

Dennis Harnesta, Wireless Facilities Inc., 207 E. Buffalo Street, Milwaukee - I am not speaking necessarily against the moratorium. As consultants for the wireless industry, we like to come into a community and look for co-location opportunities because it is less expensive for the carriers. Secondly, if there is no co-location opportunity we will look for municipal property. That is the best because the revenue that is generated shared among the entire community. While there may be a need for a moratorium, six months might be long. In Dane County they recently had a four month moratorium. They put together a committee and results occurred quickly. The City of Mequon was able to develop an ordinance within 60 days. Once an ordinance is in place, it is easier for us and saves us time. While I am not speaking against the ordinance, I would like to say as a representative of the industry to limit the amount of time from the six months to 90 days.

Mayor Wysocki asked three times if there was anyone else wishing to speak in opposition, seeing none.

Mayor Wysocki asked Plan Commissioners for questions for the purpose of clarification.

Mr. Gihring - What is the process from here. Does come before the Plan Commission or go straight to Council.

Mr. Kessler - I would suggest you take a look at this ordinance and get your comments to Plan Commission by the next meeting on October 7, 2002.

Mr. Felda - I think it is excellent to compare with other cities around the midwest. I don't know if it will take 3 months or 6 months.

Mr. Ament - I want to point out that the ordinance doesn't say it has to be six months, just the maximum of six months or when the City has adopted a telecommunication ordinance. It is just giving that much time if it is needed. I don't think it should be sold short.

Mr. Kessler - I like the six month idea because we don't know how long revisions will take. We may have an ordinance in a month or two, but then there is the 30 day notice period and the public hearing after that. I think 90 days is real aggressive.

Mr. Teclaw - How many towers do we have in the City with just a single array. Mr. Lake said at least half have space for at least another carrier or more. There are seven or ten national carriers. Most towers have a maximum of four of the carriers. We need to make a requirement that they go through the steps and show us all the different sites that were looked at and what the impact of the tower will be. Mr. Lake discussed further

items that the ordinance should contain and referred to the draft.

Mayor Wysocki - When we talk about issues, the issues that are going to be addressed are the issue of location standards, compatible uses, maximum height and minimum setback. Those are the major issues that will be addressed by the sub-committee. The other thing I would like to comment on is a concern I have when we push too much into our park system to absorb these kinds of issues. I don't think it is fair to the Park and Rec Commission. Certainly we want to look at the availability for income generated in a non-tax environment to our city. The parks have a variety of activities and have a schedule of things to do which do not include cell towers.

Mayor Wysocki asked the Plan Commissioners for further questions for the purpose of clarification, seeing none.

Mayor Wysocki closed the public hearing at 8:17 P.M.