

PUBLIC HEARING

6:00 P.M. (7) OA R-1-02 Southwest Metal Finishing – City of New Berlin Department of Community Development – 16775 W. Dakota St. – Rezone from M-1/C-2 to M-1/C-2 – Survey Delineation of C-2 Conservancy Boundary. (Tabled 2/4/02) (six month letter)

**NEW BERLIN PLAN COMMISSION
NEW BERLIN CITY HALL COUNCIL CHAMBERS
November 4, 2002**

Minutes

The public hearing relative to the request by City of New Berlin Department of Community Development (Southwest Metal Finishing) to rezone the delineated and surveyed C-2 Wetland District Boundary at 16775 W. Dakota Street was called to order at 6:10 P.M.

Mr. Haines 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.

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

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

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

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

Mr. Teclaw - What is the boundary changing to? Or is that the first time the boundary is being established as a zoning district? Mr. Agbaji explained that this boundary is being established.

Mr. Haines said the C-2 boundaries are wetland districts. Several years ago the DNR drew wetland boundaries based on aerial photos. Because it was only based on photos, they are not very precise. They give us an idea where wetlands most likely are. If there is an action on a property, we need to know in much more detail where the wetland is. A survey delineation is what we are asking for.

Mr. Teclaw - I think what is important for the public hearing is that if someone is familiar with a certain property they can visualize what was and what is being proposed. So my question is what was the boundary and is there now a new boundary? Is the picture you showed before the survey and we are changing the boundaries. Mr. Agbaji said no, the biologist field delineated the wetlands so now we have a firm wetland boundary.

Mayor Wysocki - Is the legal description the same as what we see here? As I understand it, subject to this public hearing, this is what it looked like but now with the delineation that is what is really is. Mr. Haines said correct.

Mr. Teclaw said the graphics should have the changes superimposed. Something should show if it was made larger or smaller.

Mayor Wysocki - This is a major industrial park that has existed for probably 30 years. Are we going to have these little isolated wetlands? Is it really appropriate to have a wetland. Are we doing anything where we aren't creating a situation sometime hence where there will be a request to remove the C-2 zoning.

Dave Luterbach - James Luterbach Construction, 2880 S. 171st Street - On behalf of the Southwest Metal Finishing, I could assure that it would be their desire to delete the C-2 zoning or change it from C-2 to M-1 if it were possible. I believe what happened is when the DNR did their aerial survey, they saw an area of trapped water and they called that a wetland. As a result, we went through the process of confirming that it was wetland and then actually ordering the information to delineate and state with a legal description that that is what is there. All along it would have been our desire, if possible, to have simply eliminated this and petitioned to rezone to M-1. I am sure that is what Southwest Metal Finishing would like to do in the future. I believe we were instructed that the first step for this to happen is that something officially had to be delineated to say this is what exists so that we could change it.

Mayor Wysocki - The purpose of the hearing to achieving what it was intended to and that is delineated what we would be talking about if there is a future potential relative to rezoning.

Mr. Teclaw - There are a lot of pockets of C-2 throughout the City and they do store water and sediment and are serving a function of a wetland. We have the stormwater ordinance that is trying to improve water storage and runoff, etc. That is the function that these small wetland areas perform. It is important that they be identified and protected for what their function is.

Mayor Wysocki - Do we know if this wetland is a recharge or discharge wetland? Mr. Agbaji said this is a manmade wetland.

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

Mayor Wysocki closed the public hearing at 6:23 P.M.