

Minutes

NEW BERLIN PLAN COMMISSION

JANUARY 22, 2001

The Plan Commission meeting of January 22, 2001 was called to order by Mayor Gatzke at 7:02 P.M.

In attendance were Mayor Gatzke, Mr. Chase, Mr. O'Neil, Mr. Barnes, Mr. Christel, Mr. Felda, Alderman Kaminski. Also present were Mark C. Lake, Director of Planning, Greg Kessler, Director of Community Development, Olofu Agbaji, Associate Planner, Nikki Jones, Associate Planner.

3. Plan Commission Secretary's Report - none

NEW BUSINESS

4. (4) CU-13-00 Midwest Power Plant - 6600 S. Crowbar Road - Gas Turbine Peaking Facility, a utility. (Deferred 1/8/01)

Planning staff gave a brief presentation giving an overview summary of the issue. The City Engineer gave a short presentation on the water issue.

No public comment was considered at this time.

Motion by Mr. Chase to recommend to Council approval of the request by Midwest Power Plan for a gas turbine peaking facility located at 6600 S. Crowbar Road subject to:

1) Certificate of Public Convenience & Necessity required prior to building permits being issued. CPC&N Permit to Include an Environmental Impact Statement (EIS) which addresses the following:

a) Per §17.0705, Water Utility Consultant has identified this area as a potential municipal well field. What would the impacts of the proposed 350gpm shallow well have on the potential wellfield?

b) Siting of facility will not prohibit the future orderly development of the reclaimed S&J Development Property?

c) Per §17.0706 & §17.0709, Will sounds or vibrations during the operation of the facility have an adverse impact on the neighboring property owners or region?

d) Per §17.0702 & §17.0704, Will air emissions from the operation of the facility have an adverse impact on the neighboring property owners or region?

f) Per §17.0703 & §17.0707, Will chemicals or materials used during the operation of the facility have an adverse impact on the neighboring property owners or the region?

g) Per §17.0705, Will water used (whether treated or untreated) during the operation of the facility have an adverse impact on the neighboring property owners or the region?

2) Per §17.0708, Will electrical disturbances during the operation of the facility have an adverse impact on the neighboring property owners or the region?

3) Licensing by all regulating authorities required. A New Source Pollution Control Construction Permit under NR406 as well as a Construction Site Erosion Control Permit under NR216.46 required to be on file in the City of New Berlin Department of Community Development prior to building permits being issued.

4) All plans for use of M-2 lands, as a utility, shall provide a 200' buffer (C-1 area) to the neighbors along Tans Road and Crowbar Road.

5) Per the supporting information (and subject to State of Wisconsin Licensing) facility shall be limited to less than 250 tons of NOx per year.

6) Submittal of a detailed landscaping plan prepared by a professional landscape architect required. Plans shall include; a buffer along Tans Road, a buffer along Crowbar Road, a buffer along Interstate 43, and street trees along both sides of new access road. In order to meet the conditions of §17.0503 plans shall include plant keys, species, botanical nomenclature, number and sizes of all existing and proposed plantings. Detailed cross-sections of all berms to be included with submission are also required. Plans to be reviewed and approved by the City of New Berlin Department of Community Development prior to building permits being issued.

7) Open C-1 area to be filled in with trees and other vegetation that will provide a four-season sight and sound buffer. Existing tree stands to be field surveyed (visual) to determine extent of buffer, and holes shall be filled with comparable trees, both deciduous and coniferous. Any residual open space should be considered for public recreation.

8) City of New Berlin, Town of Vernon, and City of Muskego to be copied on correspondences to and from all regulating/reviewing authorities.

9) All construction traffic for the facility shall be restricted from using Tans Drive.

10) A City of New Berlin Erosion Control Plan/permit required prior to building permits being issued.

11) A detailed Storm Water Management Plan along with a detailed site grading and drainage plan that shows proposed and finished grades of the entire site is required to be reviewed and approved by the City Engineer prior to building permits being issued.

12) Construction of a frontage road (former quarry access road) to City of New Berlin specifications for an industrial grade road required. Detailed road plans to be reviewed and approved by the City Engineer prior to signing final CSM and building permits being issued.

13) Access permits the City of New Berlin Engineering Department for the relocation of the access road required.

14) Undeveloped property, including all outlots of the CSM, shall be properly graded, cleaned up, restored and replanted or seeded within 30 days of obtaining an occupancy permit. Any residual open space should be considered for public recreation.

15) A Developer's/Improvement Agreement for all improvements required. Agreement to be approved by the City of New Berlin Common Council prior to signing of final CSM and issuance of Zoning Permit. Agreement shall include but is not limited to, a detailed Plan of Operation being placed on file, and also include all performance standards of §17.07 as well as a bond/guarantee for all affected wells.

16) Source of water used in the operation of the facility to be determined by the City of New Berlin. Due to the limited water usage required the plant shall be designed as a zero-discharge facility.

17) Facility, its buildings, and all equipment must meet all applicable building and fire codes. State of Wisconsin and local Fire Protection Bureau plan approval required. All necessary permits must be obtained from the Building Inspection and Zoning Department prior to any construction of the peaking facility.

18) Buildings must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.

Seconded by Mr. Christel. Modification to motion by Mr. Christel to add to Condition #15 that approval be given by all regulating authorities. Modification by Mayor Gatzke to have Condition #14 to reflect the additional concerns regarding the appropriate bond of guaranty. Modifications accepted by Mr. Chase.

Motion fails with Mr. Chase, Mr. Christel and Mayor Gatzke voting Yes and Alderman Kaminski, Mr. Felda, Mr. O'Neil, Mr. Barnes voting No.

Motion by Mr. Felda to recommend to Council denial of the request by Midwest Power Plan for a gas turbine peaking facility located at 6600 S. Crowbar Road based on the following:

- 1) Certificate of Public Convenience & Necessity has not been issued.
- 2) All environmental issues have not been addressed.
- 3) Adequate water supply issues have not been addressed.
- 4) Plan presented was not aesthetically pleasing.

Seconded by Mr. Barnes. Motion carries with Alderman Kaminski, Mr. Felda, Mr. O'Neil, Mr. Barnes, voting Yes and Mr. Chase, Mr. Christel and Mayor Gatzke voting No.

5. Chapter 17 & 18 - Discussion

Nikki Jones, Associate Planner explained that the final drafts of Chapter 17 and 18 have been received. A power point presentation showed the memo from the consultants. Discussion opened for questions and comments. Written comments are to be submitted by January 26, 2001.

6. Plan Commission By-Law Modification (PG-10)

Mr. Lake, Director of Planning presented revised By-Laws indicating several changes felt to be needed. Included in these was the procedure to set public hearings, recognize the Development Review Committee, Plan Commission meeting time, changes in order of business, changes in labeling of staff positions. Mr. Lake asked for any comments or changes desired by the Plan Commissioners. A motion on modification of the By-Laws will be taken at the February 5, 2001 Plan Commission meeting.

7. Petition to Discontinue 168th St. (Greenfield Ave. to Right-of-Way of New 168 St. Cul-du-sac). (PG-587)

Motion by Mr. Felda to have the Department of Community Development prepare a staff report to present the vacation of the 168th Street cul-du-sac as part of the Greenfield Avenue Plan.

Seconded by Alderman Kaminski. Motion carried unanimously.

COMMUNICATIONS

8. Communication To: Plan Commission

Communication From: Greg Kessler, Director of Community Development

RE: Letter dated January 4, 2001 from Gregory Dale of McBride Dale Clarion regarding textual change.

Motion by Mr. Barnes to have the Planning Staff and McBride Dale Clarion correct the error to the concept area map and text referred to in this memo and referenced by Alderman Wysocki and return to Plan Commission for approval.

Seconded by Alderman Kaminski. Motion carried unanimously.

9. Communication To: Plan Commission

Communication From: Mark C. Lake, Director of Planning

RE: Resolution - Proposed Power Plant Midwest Power LLC - Town of Waukesha

Plan Commission acknowledged communication and is on file.

10. Communication To: Plan Commission

Communication From: Mark C. Lake, Director of Planning

RE: Resolution - Midwest Power - Town of Vernon

Plan Commission acknowledged communication and is on file.

11. Communication To: Plan Commission

Communication From: Mark C. Lake, Director of Planning

RE: City Liability of Well Construction, Memo dated 5/21/96 from City Attorney John F. Fuchs. (CU-13-00)

Mayor Gatzke stated that any communications submitted anonymously will not be accepted.

12. Communication To: Plan Commission

Communication From: Mark C. Lake, Director of Planning

RE: Letter dated January 15, 2001 from Gary Suhm re: Midwest Power LLC (CU-13-00)

Plan Commission acknowledged communication and is on file.

Plan Communication

13. Communication To: Plan Commission

Communication From: Mark C. Lake, Director of Planning

RE: Stand-In-Line - December 15, 2000, Business Journal

Plan Commission acknowledged communication and is on file.

Motion by Mr. Felda to adjourn the Plan Commission meeting at 8:30 P.M. Seconded by Mr. Christel.
Motion carried unanimously.