

Minutes

NEW BERLIN PLAN COMMISSION JOINT MEETING WITH GDMP COMMITTEE

NEW BERLIN CITY HALL COUNCIL CHAMBERS JUNE 26, 2001

The Plan Commission Meeting of June 26, 2001 was called to order by Mayor Wysocki at 5:30 P.M.

In attendance were Mayor Wysocki, Mr. Gihring, Mr. Graber, Mr. Ament, and Mr. Teclaw. Also in attendance were Greg Kessler, Director of Community Development, Mark Lake, Director of Planning, David Haines, Associate Planner/Mapping Coordinator, Nikki Jones, Associate Planner, and four representatives from the GDMP Committee.

CONTINUED BUSINESS

5. GDMP Plan, Chapter 17, Chapter 18, and Related Map Revisions (Review and Discussion) (PG 741 & 833)

Page 23 - 17.02(4)(A)(10)(i) - Change City's "comprehensive plan" to "Master Plan, Development Ordinance, and Zoning Ordinances".

Mr. Kessler suggested when we do a definition of what our Master Plan is, that in the definition section we would include Master Plan and related documents such as the GDMP Plan which is a Land Use Amendment.

Page 23 - 17.02(4)(A)(10)(n) - Change "City Engineer" to "Department of Building Inspection and Zoning".

Page 23 - 17.02(5)(B)(2) - Change "Zoning Administrator" to "Director of Department of Building Inspection and Zoning".

Page 25 - 17.02(5)(B)(4)(i) - Change "the Department of Community Development, Fire Inspector, City Police Department, and City Attorney as deemed necessary" to "all appropriate agencies".

Page 25 - 17.02(6)(B) -

Mayor Wysocki stated he would like to come back to this area if there is a discussion on Section 17.09 if there would be a change.

Page 26 - 17.03(1)(C)(1) - Add "reoccupancy and rezoning permits" after "occupancy permit" and before "sign permit".

Page 26 - 17.03(1)(B) - Change "submitted in completeness" to "submitted complete".

Page 27 - 17.03(1)(D)(2) - Change "300" to "600".

Page 27 - 17.03(1)(D)(4) - Change "businesses" to "business".

Page 27 - 17.03(1)(C)(3) - Change "Fees Nonrefundable" to "Non-refundable Fees".

Page 28 - 17.03(2)(A)(5) - Change "at least 14 days prior to the hearing or action for changes or amendments to the Ordinance, rezonings, or appeals to the Board of Appeals in accordance with Class II notice requirements. For all other actions requiring notice, notice shall be mailed or published at least 7 days prior to the hearing or action in accordance with Class I notice requirements" to "pursuant to State law".

Page 28 - 17.03(1)(G) - Change "Land Use and Urban Design" to "Master".

Page 29 - 17.03 (1)(I) - Add "Department of Community Development" after "the" and before "be".

Page 29 - 17.03(2) - Change "five" to "seven".

Page 29 - 17.03(1)(I) - Add "shall" after "Development" and before "sets". Change "sets" to "set".

Page 29 - 17.03(1)(J) - Add "Except as specifically outlined in State Law," before "processing".

Page 29 - 17.03(1)(J) - Change "from time to time:" to "as deemed necessary and may include:"

Page 30 - 17.03(2)(B)(1) - Change "35" to "30".

Page 30 - 17.03(2)(A)(4) - Add "or" after "and" and before "any".

Page 30 - 17.03(2)(B)(2) - Delete "The Permit Application Center shall make a determination of application completeness within one business day of application filing."

Page 31 - 17.03(2)(D) - Add "Subject to previously published Plan Commission schedules" before "within".

Page 31 - 17.03(2)(D) - Change "Hearing" to "Meeting".

Page 31 - 17.03(2)(G)(1) - Add an "s" after "meeting" and then add "or hearings if applicable."

Page 31 - 17.03(2)(E)(4) - Add "4. Where applicable, the Plan Commission may recommend to Common Council approval, approval with conditions, or deny with reason."

Page 31 - 17.03(2)(E)(3) - Delete "and subject to appeal".

Page 32 - 17.03(2)(G)(2) - Add "following" after "days". Delete "prior to the date scheduled for the".

Page 32 - 17.03(2)(G)(2) - Delete "and subject to appeal".

Mayor Wysocki stated Staff should review and revise Summary Table on Page 33 or omit it from the document.

The following discussion took place regarding the Summary Table on Page 33:

Mr. Luterbach stated Under Step 2, "within 1 business day of filing" should be deleted. Mr. Kessler referred to Step 4 under Plan Commission, Board of Public Works should be added. The City Attorney asked what about Committee appearances; should there be other committees listed, which would be an extra step within this process. The City Attorney stated Step 4 should be left as "Plan Commission" and remove "Public Hearing". Mr. Kessler referred to the Development Agreements section under Step 4 and stated he did not feel there were any hearings by the Board of Public Works for Development Agreements

and that the word "hearing" should be deleted. "Recommendation" should be added and "Hearing" should be deleted under Step 4 - Development Agreements. Mr. Lake felt under Step 4 and Step 5, instead of saying "Plan Commission" and "Plan Commission Action", it could say "Board/Commission" and "Board/Commission Action"; this would then take up Board of Public Works or Plan Commission.

Mr. Gihring stated that the 7-step process should be looked at Step 4 again should be looked at if you would change the table. He stated Step 4 should be expanded to include that for different types of approvals there is a different process.

The City Attorney suggested eliminating the table.

Mr. Kessler felt the text of the document stated what the time frames are and agreed with the City Attorney. He also suggested staff could represent this table and give it to the City Attorney for review and approval, and at the July 9, 2001 Plan Commission, the Commission could then approve of it or amend it.

Mr. Luterbach felt a checklist or a chart would be important especially for the people that don't go through the review process very often. He felt this table should either be amended or there could be a checklist. Mr. Luterbach stated the "completeness determination" should be looked at under Steps 2, 3, 4, and 5 if this table is going to be modified.

Mr. Teclaw felt at the top there could be listed (General Guidelines) so that a developer would provide most of the information needed to know.

Mr. Kessler stated the Planning Dept. and the Permit Center has application handouts outlining what is needed to be submitted along with the application for the various types of requests.

Mr. Graber stated part of the problem is when in Step 4 it was changed from "Public Hearing" to "Public Meeting". Step 4 is required, but only in certain processes. If there isn't something requiring a public hearing, you would go from Step 3 to Step 5.

Mayor Wysocki suggested the Staff could represent this table or present the checklist.

It is the consensus of the Plan Commission, Page 33 will be represented or recreated.

Page 31 - 17.03(2)(F) - Delete "Within 30 days from the date that". Add "After" after "that" and before "the".

Page 34 - 17.03(3)(D) - Delete the "t" in between "improvement" and "review".

Page 34 - 17.03(3)(E) - Delete "300" and add "600".

Page 35 - 17.03(3)(F)(2)(a) - Delete "New Berlin Land Use and Urban Design Plan". Add "Master Plan".

Motion by Mr. Teclaw to delete item "e" on Page 35 under "Amendments to the Zoning Ordinance". Seconded by Mr. Ament. Motion carried unanimously.

Motion by Mr. Gihring to delete "shall" and add "should" on Page 35 under "Amendments to the Zoning Ordinance". Seconded by Mr. Graber. Motion passes with Mr. Graber, Mayor Wysocki, and Mr. Gihring voting "yes" and Mr. Teclaw and Mr. Ament voting "no".

Page 35 - 17.03(3)(F)(1)(b) - Delete "Land Use and Urban Design Plan" and add "Master Plan".

Mayor Wysocki stated the wording throughout the Zoning Code referring to the "Land Use and Urban Design Plan" would be consistently changed to "Master Plan". There would be more discussion regarding this in the "Definitions" section.

Page 35 - 17.03(3)(G) - Delete "of 20 percent or more either of the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths of the Common Council membership present and voting on the proposed change" after "owners". Add "pursuant to 62.33(7) of the Wisconsin State Statutes".

Page 36 - 17.03(3)(H) - Add "unless Common Council has denied the petition "without prejudice." after "petition".

Page 36 - 17.03(3)(I) - Add "or appropriate regulatory agencies" after "(DNR)".

Page 36 - 17.03(3)(H) - Delete "attempt to".

Page 37 - 17.03(3)(I)(5) - Add "or appropriate regulatory agencies" after "FEMA".

It is the consensus of the Plan Commission to use the term "flood hazard overlay district" instead of the "flood land district" throughout the Zoning Code.

Page 37 - 17.03(3)(J)(1) - Delete "17.11". Add "17.011".

Page 39 - 17.03(4)(A)(6) - Delete "City Clerk". Add "Department of Community Development".

Page 40 - 17.03(4)(E)(6) - Delete item "6". Add under 17.03(4)(D) to read "If a part of the combined application has a statutory time limit for action, the act of filing for a PUD waives any statutory time limits." Change item "7" to "6" and item "8" to "7" under 17.03(4)(E).

Page 40 - 17.03(4)(E)(8) - Add "ordinance" after "District" in the second line and "District" after the last word of the paragraph.

Page 41 - 17.03(4)(G)(1) - Delete "the" after "with" and before "use". Add "all". Delete "Section 17.03(9) of this". Add "City". Change "Ordinance" after "this" and before "and" to "Ordinances".

Page 41 - 17.03(4)(G)(2) - Delete entire section.

Page 42 - 17.03(5)(A) - Delete "or" after "staff" and before "the". Add "and/or".

Page 42 - 17.03(4)(H) - Add "set" after "requirements" and before "forth".

Page 43 - 17.03(5)(C)(2)(g) - Add "general" after "the" and before "development".

Page 44 - 17.03(5)(C)(3) - Delete "17.03(9)(A)". Add "18.03(2)(g)".

Page 44 - 17.03(5)(C)(4) - Delete "17.03(9)(A)". Add "18.03(2)(g)".

Page 45 - 17.03(6)(B) - Delete "ILHR". Add "COMM".

The consensus of the Plan Commission was to do a "search" and change all of the places where it states "ILHR" and change to "COMM" in the document.

Page 47 - 17.03(8)(B)(2) - Delete "Step 3". Add "Step 2".

Page 48 - 17.03(8)(B)(3) - Delete "Steps 4 and 5". Add "Steps 3 and 4".

Mr. Gihring stated these numbers correspond to the table on Page 33.

Page 48 - 17.03(8)(B)(3)(a) - Delete "300". Add "600".

Page 49 - 17.03(8)(E) - Add "A conditional use permit shall also expire if the applicant ceases operation of the use for a period of 12 consecutive months". before "No extension shall be made....". Add "consecutive" after "12" and before "months".

Motion by Mayor Wysocki to change 17.03(8)(C) to state "The Common Council of the City of New Berlin will grant approval of conditional use permits only if it finds that the proposed use complies with the master plan and with all relevant use-specific regulations set forth in Section 17.05(2)." Seconded by Mr. Ament. Motion passes, with Mr. Graber voting "no".

Mayor Wysocki stated Staff attach the Public Hearing Minutes from Plan Commission to the recommendation that is going to Council so Council can get the discussion that took place. Public Hearings should take place at Plan Commission.

The City Attorney stated on Page 48 under item 4, that Step 6 is not applicable, but Step 7 is not. This refers back to the table on Page 33.

Page 48 – 17.03(8)(B)(3)(a) – Delete this section.

Replace with the following: "Notice of the Public Hearing regarding the Conditional Use shall be posted pursuant to 17.03(1)(D)(4) and notice of such hearing shall be mailed to all owners of land within 600 feet of Conditional Use Application."

Page 49 – 17.03(8)(H) – Delete the two references to "Plan Commission". Replace with "Common Council". Add after "revoked" "by the Common Council upon notice and a hearing".

Page 49 – 17.03(9) – Delete "if". Add "of".

Page 50 – 17.03(10)(B)(2) – Delete "Hearing". Add "Meeting".

Page 50 – 17.03(11)(A)(1)(a) – Delete "Land Use and Urban Design". Add "Master".

Motion by Mr. Ament to delete "17.03(11)(A) Administrative Modifications", with Section (11) to be titled "Modifications", and then the Section will start with "Variances". Seconded by Mr. Teclaw. Motion carried unanimously.

Motion by Mr. Ament to delete "Section 17.09 Beneficial Use Determination" . Seconded by Mr. Graber. Friendly Amendment by Mr. Graber that all the other sections be deleted that refer to Section 17.09. Motion and amendment carried unanimously.

Page 53 – 17.03(11)(B)(4)(a) – Delete "have the effect of permitting, extending, or increasing a use in any district that is not a stated principal use, accessory use, or conditional use in that particular district."
Replace with "No use variances shall be allowed."

Page 56 – 17.03(12)(C) – Add "in writing" after "appellants" and before "and". Add "and shall, in case of denial, state its reasons in writing for denial." at the end of the sentence.

Page 57 – 17.04(1)(A) – Add ";" after "workers".

Page 57 – 17.04(1)(A)(1) – Delete "Land Use and Urban Design". Add "Master".

Page 57 – 17.04(1)(B)(1) – Delete "land use". Add "master".

Page 57 – 17.04(1)(B)(2) – Delete "land use". Add "master".

Page 60 – 17.04(1)(D) – Delete "Tale". Add "Table".

Staff to further research the site development standards relative to the wetland setbacks for all districts.

Staff was asked to prepare a listing of grammatical changes for a consent vote at the July 9, 2001 Plan Commission Meeting. In doing this, the Plan Commission will have a better opportunity to discuss more substantive issues.

The next scheduled Joint GDMP/Plan Commission Meeting will be at 5:30 P.M. with discussion before the regular Plan Commission Meeting on July 9, 2001.

Motion by Mr. Gihring to adopt the consent items that were discussed up to this point. Seconded by Mr. Teclaw. Motion carried unanimously.

Motion by Mr. Ament to adjourn the meeting at 10:00 P.M. Seconded by Mr. Graber. Motion carried unanimously.