

Minutes

PUBLIC HEARING-7:00 P.M.

(2) R-10-00 Moorland Road PUD - 2840-2900 S. Moorland Rd. - Rezoning for a Residentially Scaled Mixed Use - Office/Senior Care Center/Single-Family Residential Development. (Tabled 11/6/00)

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

AUGUST 20, 2001

The public hearing relative to the request by Hlavinka, Radmer, Petrauski, Olson for a PUD rezoning for a residentially scaled mixed use office/senior assisted care center/single family residential development at 2840-2900 S. Moorland Road was called to order by Mayor Wysocki at 7:07 P.M.

In attendance were Mayor Wysocki, Mr. Graber, Mr. Teclaw, Mr. Barnes, Alderman Ament, Mr. Felda, Mr. Gihring. Also in attendance were Greg Kessler, Director of Community Development, Mark Lake, Director of Planning, Nikki Jones, Associate Planner, Olofu Agbaji, Associate Planner, David Haines, Associate Planner, Paul Reilly, City Attorney.

Mr. Lake 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 showing maps indicating the location.

Mayor Wysocki asked for questions for clarification.

Mitchell Smith - 2801 S. Acredale Road - I have a question about the PUD District to include all setbacks for the existing Applewood property. We don't know what those are or how that would effect what we are talking about. Mr. Lake said that the O-3 District says that conditions have to be larger than the existing setbacks of the property. Right now the property is zoned R-5 and so it would have to be at or greater than the existing district. The plan is for this development to have at least 75' of setback from the rear lot line and that would entail a 50' buffer plus 25' landscape buffer.

Mitchell Smith - Another question is the height. It shows 35'. That seems awfully high. Again, sometime the existing homes will be gone and we will be looking at what is left. Can it be lower than 35'? Mr. Lake said the 35' height was taken from the R-5 zoning district and all the buildings in that area, regardless if they are single family or not, have 35' maximum building height. So this district specifically in the Code says that you would have a restriction of greater than or match the existing district to its neighbor that is being used as a buffer. Right now the R-5 district has a maximum height of 35'. Plan Commission and the neighbors have said that this development should have no more than a two story building. Mr. Lake showed pictures of two story buildings.

Mitchell Smith - One other question is about the property on Acredale Road being rezoned to R-4.5. Mr. Lake said the reason for R-4.5 is that our code currently says that you cannot locate new lots within the R-5 district, you have to create them in the R-4.5 district. The plan shows it would be residential with the same dimensions as the existing lots along Acredale.

Bill Koenig - 2821 S. Acredale Road - Referring to one of the pictures of buildings presented by Mr. Lake, Mr. Koenig said they were three story buildings. They have two windows from the front but if you look at the side, you can see the three stories. If they are 35', I would prefer not to have that in my back yard. If we could get in the PUD that the height would conform to what Mr. Olson has, that would be perfect. I believe Mr. Olson has about 25' and I would be happy with that. Even if it was 28'.

Bill Luterbach - 2880 S. 171 Street - We are the owners of the properties on Moorland Road on the West side of the street. Is there going to be brick required on the building? Mr. Lake said yes, residentially scaled office buildings should generally be half brick, half natural siding.

Mayor Wysocki asked three more times if there were any more questions for purpose of clarification, seeing none.

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

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

Wally Van Duser - 15501 W. Cleveland Avenue - I have lived here 24 years and have had the gas station as a neighbor and Wendys across the street. I think this development is good for the whole district and would work out fine. The buildings look good and will fit in well. I think the 35' height should be allowed. It would be a good tax base. My property is not part of this rezoning, although my lot does abut to the South.

Terry Reeves - 2810 S. Moorland Road - I am in favor of the rezoning proposed by the neighbors of the South. I think what they have done so far has turned out very well. I don't think the 35' height will be a problem as long as there is a proper buffer and it is done tastefully.

Ron Hlavinka - 2879 S. Acredale - I, along with my family, own the property known as the Mushroom Farm. I want to get something clear with the neighbors that we are working with the City of New Berlin and we have agreed that there will be two lots on Acredale that will be residential. Those lots will be very nice. They have 105' of frontage and 300' in depth. The City of New Berlin asked that we keep with the flow of the neighborhood and we agreed on that. The City of New Berlin has a good handle on what is going to be put in there. I am happy with the way things are outlined for that area.

Everett Patterson - 2762 S. Moorland Road - I have been in the City of New Berlin for 52 years. I've seen a lot of progress in those 52 years; farmland turned into Industrial Parks. Cattle used to be driven right down Moorland Road to the pasture. That's all changed along with a lot of other things in New Berlin. We have certainly moved forward. I can't see any reason why there would be a problem with this proposal.

Lois Wiitala - 2786 S. Moorland Road - I think the proposal would very pleasing to the area. I think with 35', you can have a two story and you can have all your pipes in that other part so it is not visible to anyone. I think it could be worked out with the buffer and with the air conditioners, gutters, etc. on the inside so it is not an eyesore.

Bill Koenig - 2821 S. Acredale Road - I am in favor of this. The one thing you have to stop to look at is that everyone who just spoke in favor of this stands to profit from this. When they sell these off and they move, we're still here. We live here, we pay our taxes here. We don't know where these other people go once they leave here. We are the ones who will be looking at what's built here. I think what Attorney Olson built there is great. I wouldn't mind seeing that all the way up the street. That would be wonderful. I just don't want to come home from work in the afternoon, sit out in the back yard and have a beer, and have people in offices watching me. What are we going to use for buffers, 50' trees? I don't have any trees along the back of my lot line right now and I like that because I can watch the sunset and I can see storms roll in. Now everything is going to be blocked by a 35' office building. That is what we are trying to protect. We will still be living there when everything is said and done. We will be the residents of Acredale

Road. There will not be any residents on Moorland Road. When Applewood went in, that was suppose to be a buffer between the apartments and the residents. That was OK. Now all of a sudden we are going to jump another 10' and we lost all the buffers. Everything that was told to us in the past has gone out the window. I have an attached garage that is 19'4" high. I look at that imagining 35' and can sense how high it would be. We are trying to avoid looking at a building that high. We would like to have it conform to the Olson building.

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

Mayor Wysocki asked Plan Commissioners for questions.

Alderman Ament - I keep hearing about this Attorney Olson. Can we find out what the height of his building is vs. this 35' one? Mr. Lake said the Olson building is 18'. Alderman Ament asked what the estimated water use would be for this. Mr. Lake said that could be looked into before action on September 10.

Mr. Barnes - Mark, could you go into other photo of Attorney Olsons. The entry door shown is 7' tall. That can help you out with the scale of height.

Alderman Ament - It's those other ones that look like three stories that didn't look like 35'. That looks awful.

Mr. Barnes - In a typical residential style building you are looking at somewhere between 10' and 11' floor to floor so at the end of the second floor you're looking at about 22' in height and then by the time you add the pitched roof on, that is when you're getting to the 30-35' range.

Mr. Teclaw - Mark, do you have the information at this point on what's being proposed for the height on the buildings?

Mr. Lake - This is more of a city initiated rezoning. This all started basically with Applewood. In order to get an ultimate rezoning of this whole area, the Plan Commission had public meetings for properties to the North and South to combine them all together. A couple things have changed. Initially there was no

O-3 Districts. They were going to rezone to O-1 with PUD conditions. Now the O-3 district was created which basically says in order to protect homes from more intense uses, people like Allen Olson would be allowed to build residentially scaled office building into this transitional area. This includes a two story building with a residential roof.

Mr. Felda - We were talking about heights and antennas at the last meeting. Go back to the three story building picture. What would be the height if you dropped a string line down. Mr. Barnes said I am looking at where the cars are parked and where the door line and the top of the windows match up. I am looking at about 10' floor to floor. Now the second floor eve line drops right at the window head height which is at about 17-18' from the ground floor. I would say that is about 35-40'.

Mr. Teclaw - What is the height of Applewood? Why were the residents happy with Applewood and Allen Olson's building, but are upset about this proposal?

Mr. Lake - Applewood is a very short building with a very minimal flat roof.

Mr. Teclaw asked if that was a factor in approving Applewood or the Olson building? Mr. Lake said the height was not an issue for either.

Mr. Barnes - We had a lot of discussion with Applewood I in as far as approving that development or not. The height of the building never really got into play as much as the use, the proper buffer, and what it would do to the residents in back on Acredale. The height never was an issue.

Mayor Wysocki - I do live in the neighborhood very close to this. I do believe that when the whole process began with regards to the change of the residential zoning along Moorland Road primarily from the Deer Creek to the areas we are talking about now, even before Applewood, there was and is residential homes. With the introduction of Applewood through the institutional zoning, much discussion centered on the idea that whatever facility would go in there, it would look residential. Perhaps specific heights were not talked about, however we did view that what eventually is built there is very much residential in scale. I would be looking much closer at the height issue because I do believe that as we move forward with this PUD rezoning, in terms of a residentially scaled mixed-use office, I would look to that scale to be something that we see already in terms of the trend there.

Mayor Wysocki asked for any further questions from Plan Commissioners, seeing none.

Mayor Wysocki called the public hearing closed at 7:34 P.M.

PUBLIC HEARING-7:01 P.M.

(4) R-3-01 Hales Corners Lutheran Church – Senior Residence – 12455 W. Janesville Rd. – Senior Residence for Non-Assisted Care.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

AUGUST 20, 2001

The public hearing relative to the request by Hales Corners Lutheran Church for a rezoning from B-2 General Services and Business District to I-1 Institutional District for siting of a senior residence at 2840-2900 S. Moorland Road was called to order by Mayor Wysocki at 7:35 P.M.

In attendance were Mayor Wysocki, Mr. Graber, Mr. Teclaw, Mr. Barnes, Alderman Ament, Mr. Felda, Mr. Gihring. Also in attendance were Greg Kessler, Director of Community Development, Mark Lake, Director of Planning, Nikki Jones, Associate Planner, Olofu Agbaji, Associate Planner, David Haines, Associate Planner, Paul Reilly, City Attorney.

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. Kessler introduced the request and showed maps indicating the location.

Ron Spear, Business Manager for Hales Corners Lutheran Church and Tom Campbell, Chairman of the Action Team Committee, and Paster Mike Earnst gave a brief presentation describing the request.

Mayor Wysocki asked for questions for clarification.

John Fillar - 15905 W. Armour Avenue - If this rezoning takes place, will this become tax exempt? City Attorney Reilly said they would need to ask for exemption and would be reviewed by State Law.

Paul Scheuble - Alderman 4th District - How much revenue would be created from a project such as this for our people? Was there a traffic study done?

How much water would be used by this project?

Mayor Wysocki asked for clarification of revenue, meaning property tax income? At this point, we don't know that. Mr. Kessler said at this point no traffic studies have been done. Mayor Wysocki said also at this time we don't know what the waterusage will be.

Vernon Bentley - 3450 S. Johnson Road - Is this going to be senior residences?

City Attorney Reilly said this is a request for a rezone from commercial to institutional, we are not talking about what the actual project would be. This public hearing is on "do you want to rezone this property from B-2 Zoning to I-1 Zoning and all that goes along with it". Mr. Bentley - That doesn't answer my question, does that mean that once it changed, you can have senior housing. City Attorney Reilly explained that they would need to go through the approval process for that. At this time, upon recommendation from Plan Commission, the Council needs to determine a decision on the change in zoning, not make a decision on elderly housing.

Alderman Scheuble - Isn't there suppose to be a reason for the rezoning such as the potential use attached to the application for rezoning? Doesn't the purpose for rezoning need to be shown on the application?

Mayor Wysocki said what we are deciding here is whether we are going to take a rezoning action. The principles under institutional use are labeled in our code and do not include this type of housing.

Ron Lawler - S69 W13830 Tess Corners Drive - Vice President of Hales Corners Lutheran Church- What are the criteria for institutional zoning? When is it normally approved to do this? How is that done?

Mr. Kessler said elderly housing is considered a conditional use within a RM-1 District. I-1 principal uses are identified to be nursing homes, CBRFs, and assisted care facilities.

Ron Lawler - I heard the City Attorney say that the discussion is to whether to rezone to I-1 which is independent of the use, and now I am hearing that it is dependent upon the use.

Mayor Wysocki - What was given to you are the kinds of uses allowed in Institutional. Greg, could you please explain what is allowed in Institutional Zoning and if this is not the appropriate use, why not.

Mr. Kessler - The way that the application has been presented is as a senior residence. Senior residences within the city of New Berlin is allowed in RM-1 District. Within the I-1 District elderly types of housing consistent with nursing homes, CBRF's and assisted living facilities. The City Attorney is very correct, we are acting upon a rezoning from B-2 to I-1 and open up not just those uses under I-1 but a whole list of others that belong in that district. That is where the question is.

Ron Lawler - Do we have to specify the use to give it an I-1 designation.

Mr. Kessler - Plan Commission wants some idea of what the potential use of the site would be. The City can initiate a rezoning to follow the City Land Use Plan.

City Attorney Reilly - When the applicant comes in, they are asked what their proposed use is. They don't have to go through with the use on the application if they don't want to. Any of the uses allowed under that zoning would be a considered use so you have to look at it not only from the applicants perspective but from the City's perspective, what are all the uses that could be allowed if it is rezoned.

Shari Bosmans - 14200 W. Howard Avenue - Can we go back to the permitted uses. There was a rezoning on Beloit Road which involved I-1. Is it possible for the Plan Commission to not turn down a rezoning application but rather grant the request conditioned upon the approval of the requested use. If the approval is not received then there would be no rezoning.

City Attorney Reilly - There is one case where the Court allowed that but it was highly debated. I do not recall anything here in New Berlin. This type of conditional approval may have occurred within a PUD.

Shari Bosmans - If this project were presented as a PUD, would the Plan Commission view it more favorably.

Mayor Wysocki - Again, it is the applicants request we are dealing with here, I don't know if a PUD was investigated.

on Spears - On the application that was submitted, in addition to the senior independent living function, we also say that the church will have meeting space for congregational activities. This is on the application. We know it borderlines but because of our make up and nature, this will be a dual purpose facility to a certain extent. I want to clarify that.

Mayor Wysocki - So you are indicating that your request for Institutional zoning is based on that additional element.

Carl Evan - 13885 W. Coldspring Road - I have owned, occupied and paid taxes on my residence for 45 years. In fact, New Berlin was not a City when I bought that property and I cast my vote to help it become a City. I have three children who all attended and graduated from New Berlin schools. My older daughter attended Elmwood School when it was only the two barracks in the back. We had no school busses. I was up to the individual family to provide transportation to and from school. At the same time it became necessary for me to find a church which provided religious and moral education for my family. Therefore, approximately 45 years ago my family became members of the Hales Corners Lutheran Church. I am giving you this little background so that you can realize that a lot of thought went into the decision when it came to locate for the long term. For many years the City had school districts. It took a lot of work and effort for the district to erect a new school as we did at Elmwood. Extra curricular activities, such as Boy Scouts, Girl Scouts, Baseball, etc and well as fund raisers were all handled by individual persons and private citizens. Many of these persons are now your senior citizens whose names are not on any plaques hanging in this City Hall, but never the less, they were the pioneers that helped make this community what it is today. Things were not easy, we had our share of good and bad politicians, good and bad businessmen, good and bad citizens. But we worked together and endured because we wanted to make New Berlin our permanent home. Over the years the City has grown and prospered. We have a nice library and going to have a better one. We have numerous grocery stores, department stores, and other businesses we use on a daily basis. I have had the same barber for 35 years. This all makes living much easier and convenient for us, as seniors. Now we have the opportunity to move into a senior citizen complex which will allow us to remain in the same community with our friends, shop at businesses where we know each other, and attend the same religious facility that we have attended for many years. After reading and hearing some of the comments, I am getting the feeling that maybe senior citizens are not necessarily wanted or at least not encouraged. We will not be a burden on the City, no welfare programs are involved, no children to overburden any of the schools, no gangs or loud parties requiring police patrol, no drugs (only RX), instead I would like to think that the City would welcome a project of this type with open arms. One of the largest Lutheran congregations in the United States with 5-6,000 members is saying that New Berlin is the type of City that they want to be associated with now and in the future.

Senior citizens are an important influence in any well run community. I hope that you keep us, those who helped start this City, in mind when you decide on the zoning of this property for Hales Corners Lutheran Church.

Timothy Radelet - 36 Fuller Court, Madison - I am an Attorney from Foley & Lardner asked by Hales Corners Lutheran Church to help with this issue. I have to say the process of the zoning application has proceeded without my input, but most recently in the last week I did talk to the church about this and I did look at the application and I want to clarify that the application is for residential as well as underground parking, fellowship hall, library, craft rooms and exercise areas just to name a few. It talks about the desire to integrate the various proposed multi uses of this property with the school next door and the church across the street. The request is for the appropriate zoning in the City of New Berlin. What the church is seeking, is rezoning for religious uses and other appropriate uses for I1 classification. What we have wanted to make clear tonight is that we are not looking for multi-family housing, we are looking for a zoning that will accommodate religious activities. Religious activities that the church is seeking to offer at this site include housing as one of several activities. Things like chapels, fellowship halls, libraries may or may not be allowed in an RM-1 district.

Paul Lincoln Scheuble - 4th District Alderman - The applicant has expressed the intent not only for religious services but to interface with the school next door which seems to require some variations in setbacks if there is going to be an integration of activities. Therefore, I think a PUD might be called for such as in the City Center. This would allow for the described interactions.

Shari Bosmans - 14200 W. Howard - What if the applicant were to change the request from Institutional to PUD, and come forward with a tax exempt request?

City Attorney Reilly - There is no relationship between a PUD and being tax exempt.

Mayor Wysocki - So the answer would be that it could happen.

Mayor Wysocki asked three times for any further questions for purpose of clarification, seeing none.

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

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

Vernon Bentley - 3450 S. Johnson Road - I am in favor.

Trent Kohl - 6065 S. Penbrook Court - I am here to support rezoning to allow for the special use of senior housing. As a citizen of New Berlin, I understand the need for taxation to support the community that we live in, however I also recognize the community has needs that can be supported better outside government controls. This organization can provide the services that are needed. These services include scouting, mens and womens organizations, senior care, schools, worship services, and other charitable activities. Faith organizations should continue to receive favorable tax status in order to allow the organization to serve the community directly and to the fullest extent possible. I urge the New Berlin Plan Commission to support rezoning to allow our community to grow in a manner that will strengthen our City through diversity and direct community involvement of the citizens.

Endorsements of the project were received by Wisconsin Corporate Credit Union, Hales Corners Primary School of Education and, Robert Stack & Assoc.

Mark Mader - 12700 Scarborough Drive - I know it is a challenging endeavor to facilitate a community. A lot of changes occurred in New Berlin since I moved here 12 years ago. Some of the change was planned, some of the change may not have been foreseeable at the time I moved here. Many of your

plans have changed since then. Tonight we need your help understanding why this change is greatly needed. We started here in an apartment, later we bought our first home here. Like many of our residents of New Berlin, I know I would like to be a life long member of this community that I have grown to care so much about. The proposed senior residency center makes that possible and it does so through a very cost effective, smart growth approach. The residents will be located near the church that they attend functions at on almost a daily basis, thereby eliminating many of the traffic concerns. In addition, these residents will not represent a burden on our schools or the funding for them. The residents will positively effect State and Federal funding formulas that will help result in funding for New Berlin. At the same time, they will continue to use the stores, doctors, service firms and restaurants that they are familiar with contributing to further economic prosperity to New Berlin. These members, many of them current constituents of New Berlin, will continue to be outstanding community members. They and the church make good neighbors. In closing, I respectfully request that you help us as well as New Berlin, a community that so many people care about.

Carl Evan - I am definitely in favor.

Ethel Garrett - 14720 W. Fenway Drive - I would like to encourage the Plan Commission to focus on the greater need of the community, that of a religion based senior citizen facility keeping in line with the faith based initiative which President Busch is proposing at this time. This is a very documented need at this time in our location.

Ron Lawler - S69 W13830 Tess Corners Drive, Muskego - I am a board member at Hales Corners Lutheran Church and Vice President of the congregation. Hales Corners Lutheran Church currently has 6300 members. I can tell you factually that it is the largest Lutheran Church in America, if anything the largest Lutheran Church in the world. If you talk about large churches with over 2000 members, we are definitely the fastest growing church in America, maybe there is one church in Texas that wants to argue that fact. My recollection is that there are about 1000 of us that reside in New Berlin. When you look at growth in Hales Corners Lutheran Church there are two facts that you can come back to very quickly. Any way that look at it, our church is growing 15-20% a year, 200% since 1980 and is growing at the very time that other churches in the area are not growing at all. We are very successful at attracting new members and retaining our membership and we believe that one of the key aspects of our success has been that we have made a commitment that we have been able to sustain to our congregation to have what we call a cradle to grave ministry. We minister to babies, children, young adults, adults, and then seniors. That balanced ministry is the key to our success. The key to this is space. Every square foot that this congregation has is used every day. Every facility is a multiple use facility. I am in favor of this multi use plan.

Jim Guenther - 21545 Edinborough Drive - I have been a New Berlin resident for 25 years and have been with the congregation for 20 years. I am on the Board of Directors. I am here to tell you that there is something going on at Hales Corners Lutheran Church. I have seen the hand of the Lord in the way it is growing. I am speaking in favor of this zoning change and I hope you will give this due consideration.

Ken Heise - 12630 W. Barbary Court - The minimal commercial footage for that property just doesn't speak well for the present use. We owe it to our neighbors, the residents of Muskego and Hales Corners, to put something on that property that will speak of good will to them. The back end of a commercial building does not speak well to the people that have their back yards facing that property. The property has been an unused property, vacant land, and a bit of an eyesore. I think what we will be proposing would be of value to that area. The first thing I saw when I came in this evening is the sign behind you "In God We Trust". In a day and a age where I see communities in our area taking God out of their community, I ask that you please listen to God now.

Greg Katorski - 14245 W. Fieldpoint Drive - My family moved here in 1995 from Kentucky. My wife and I were both raised in this metropolitan area so coming back here was not unfamiliar to us. We had a choice of communities, and decided that we would like to be somewhere in the vicinity of Hales Corners Lutheran Church because we were planning on joining that church when we moved back. One of the

reasons we moved to New Berlin was because New Berlin bussed to Martin Luther High School where our daughter was to attend. It seems to me that New Berlin said they were favorable to religious institutions because they provided bussing service that I am not aware of any other community in this area providing, so consider that in your decision.

Debbie Schultz - 14255 W. North Oak Blvd. - I would like to speak in favor of this proposal and ask you to strongly consider our community here in New Berlin has grown commercially a great deal. If you can sit back and take an opportunity to do something positive, bring religion into it and make a difference in the community instead of being totally taken in by commercialism, you would do better for our community as a whole.

Tony Cizel - 14601 W. Woodland Drive - I have been in New Berlin for about 10 years. Hales Corners Lutheran Church has helped me grow as an individual and I like New Berlin because whenever I had problems within my home, there was always somebody there to help me. Now New Berlin is coming to us and asking what rezoning they can have. I'm proud to belong to Hales Corners Church and a citizen of New Berlin. I am confident that you gentlemen will find a way to make this whole thing come together.

Lynne Dahlvik - 14980 W. Beloit Road - I hear everyone saying how long they lived in New Berlin. Well, I was born here so it's been a long time. I will also say I was baptized, confirmed, and married at Hales Corners Lutheran Church and I am still a member there. I am in favor of rezoning for a senior apartment and community service complex. I feel the senior housing and multi use facility would be a good fit for this area. If it has always been a practice of the City of New Berlin to require development which blends with or allows smooth transition into the existing neighborhood areas. To the West of this proposal is a day care center, to the East, North and South are primarily residential areas. In fact, to the North just across Janesville Road are multiple family apartments, therefore, this proposed apartment and multiple use complex fits perfectly into this area and is what has always been the practice in New Berlin for development. The present business, commercial zoning does not fit in. There are a great number of business or commercial developments which could not conducive to the surrounding areas but you would have to approve them because they would be under commercial zoning. If you look at the area, I think you would have to agree that a McDonalds, Taco Bell, or a Burger King and many other commercial scenarios just would not fit into this area. Also, commercial zoning does not require a great deal of open space. A senior and multi use complex is a good fit into this surrounding area plus the proposal allows for a lot of open space. This proposed development would offer many assets to the surrounding community from a faith based activity gathering place for all community seniors, not just the apartment residents and to a place where children from the primary center next door could interact with the elderly. I think we all know how the elderly react to children and how important that could be. These types of functions and activities are essential to a successful community. A McDonalds type development is not. I, therefore ask you to recommend approval for the rezoning of this property.

Marilyn Everson - 14145 W. North Oak Blvd. - I am also a member of Hales Corners Lutheran Church and am fully for this proposal to change this zoning. We have to realize that we all will get old. We don't have the facilities here in New Berlin to meet this requirement. I agree with the proposal to rezone this property.

Mark Poular - 14854 W. Arrowhead Lane - I have lived in New Berlin for 15 years. It is a nice place to live. One of the things I felt last year was that New Berlin was loosing its focus on the community and the people that live there. I felt it was time for a change and I wanted to see that take place. I think that is one the things that makes New Berlin a great place to live is the family element. As Mr. Evan said we need to take care of our mature, elderly adults in the City. As the baby boomers get older, it's only going to get worse. I see something like what Hales Corners Lutheran is doing right now and these are the type of neighbors you want in the community so I am in favor.

Gerry Garrett - 14720 W. Fenway Drive - I am quite impressed with you gentlemen tonight. I feel totally sincere that you are sincere. I think that you can and will find a way to make this work.

Peg Schacht - 13655 W. Marquette Drive - I am the Fine Arts Director at Hales Corners Lutheran Church. To cast a little bit different prospective on this, I am very excited about the possibility of being able to have the youth of our congregation be able to interact with the senior citizens that would be in this development. I also would like to bring my own Mother to live there. I am very much in favor of this proposal.

Carl Eisman - 5315 S. Balboa Drive - I have faith as I think a lot of people in this room do, but I would like to take the religious aspect out of this for a bit. As you all well know, government officials of any city of any community only exist to serve their citizens. That is what you guys are all about. You are here to serve the citizens. The question becomes what is the best way to serve the citizens of New Berlin? Would a facility to serve the senior citizens here be better than a small commercial business that might put in a few tax dollars. How do you weight something like that. If you take a look at this proposal, what's the best way for our city, to help our people in the long run? I really believe that a senior facility would do more for all of our citizens than a small business. I speak in favor of rezoning this property so that this can really happen.

Jeff Lunow - 5254 S. Andrae Drive - I see an overwhelming turnout of people in support of this rezoning. I agree it is a good use of the property so for the record I ask that you vote in favor of this proposal.

Bill Altmann - 16850 W. Salentine - To reiterate what the last two speakers said, when I look at the quality of life being presented to us, I think this proposal with taking into consideration the cradle to grave ministry that we are talking about, I would ask that you favorably consider this proposal.

Keith Johnson - 5222 S. Menard Drive - I am on the staff of Hales Corners Lutheran for 21 years. I came to minister to young people and I am getting closer to the time period when I would benefit from ministering another age group. Even considering to what a priceless treasure it would be to utilize the residents of the proposed use of the property. I would support what is outlined for the reconsideration of the decision of this zoning.

Peg Schacht - 13655 W. Marquette - I just wanted to say, as a member of Hales Corners Lutheran Church, I am excited about a church that draws thousands of people and touches the lives of so many. As a resident of New Berlin, how proud I would be to have any kind of association with a place like that.

Sherri Bozmann - 14200 W. Howard Avenue - Personally speaking, I would say I in favor of this project.

Randall Rose - 5080 S Nicolet Drive - I am not a member of Hales Corners Lutheran Church but my wife has been a member for at least 13 or 14 years. Every Sunday she would say why don't you join me so about a year and a half ago I did and I'm still not a member of the Hales Corners Lutheran Church but I do go to Bible Study regularly. When I first heard this proposal, my wife was excited. Unfortunately many of our parents have already passed away or are in institutions, not in facilities like these where our children really don't have a chance to associate with anyone from that generation, not to hear the stories or hugs. The more I thought about it, she is right. This is a good project in New Berlin. This is something that can help not only the older members but also their children. I agree with this proposal.

Susan Braatz - 4136 S. Regal Manor Court - I am in favor of this proposal.

Don Ruediger - 16980 W. Beloit Road - I have lived in New Berlin for 47 years. I have been a member of Hales Corners Lutheran Church for 46 years. I am in the elderly stage right now and I lead the group of elderly people in our church of about 60 people who meet about once a month. Many of them are in their 70's and 80's and are looking for a place to move into. Rather than leave the City of New Berlin, here is an opportunity for you fellows to make this project a success so I am in favor of it.

Paul Lincoln Scheuble - 4th District Alderman - I would like to speak, not as an Alderman, but as a person representing the Church. I think it is very important for the elderly to have a place in the community in a state of grace. I promote this project.

Mayor Wysocki asked three more times for anyone wishing to speak in favor of the request, seeing none.

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

Alderman Ament - I have a concern that this site is within one half mile of the city's test well. It seems to be very close to the recharge area. I am looking at the size of the building and the parking lot wondering if it will affect it. I would like to get some estimations on water usage.

Mr. Teclaw - Sounds like a great fit for the piece of land. I ask Planning to address any adverse impacts for infrastructure or engineering obstacles.

Mr. Gihring - What would be the best description for the type of housing this would be?

The concept for the use of this property will be independent living. There might be some assisted per say when it comes to nursing situations or transfer areas. We are not gearing this property up for assisted care.

Mayor Wysocki - What exists East of the proposed request?

Mr. Kessler - That is a single family residence in the City of Hales Corners. They have been notified of this rezoning request.

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

Mayor Wysocki called the public hearing closed at 8:59 P.M.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

AUGUST 20, 2001

MINUTES

1. The Plan Commission Meeting of August 20, 2001 was called to order by Mayor Wysocki at 9:07 P.M.
2. In attendance were Mayor Wysocki, Mr. Graber, Mr. Teclaw, Mr. Barnes, Alderman Ament, Mr. Felda, Mr. Gihring. Also in attendance were Greg Kessler, Director of Community Development, Mark Lake, Director of Planning, Nikki Jones, Associate Planner, Olofu Agbaji, Associate Planner, David Haines, Associate Planner, Paul Reilly, City Attorney.
3. Motion by Alderman Ament to approve the Plan Commission Minutes of August 6, 2001. Seconded by Mr. Barnes. Motion carried unanimously.
4. Plan Commission Secretary's Report - none

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

To be discussed August 24, 2001, 1:30 P.M.

CONTINUED ITEMS

6. (4) LD-4-01 Jacob & Ellen Neder – Se ¼ Sec. 29 – 5439 S. Egofske – One-

Lot Final Land Division..

Motion by Mr. Barnes to recommend approval to Council of the request by Jacob & Ellen Neder for a one-lot final land division located at SE 1/4 Sec. 29, 5439 S. Egofske Road subject to:

1) Public Site and Trail Fees of \$2,137.60 required prior to the City of New Berlin signing the Final CSM.

2) Owner and Surveyor required to sign prior to the City signing the Final CSM.

Seconded by Mr. Graber. Motion carried unanimously.

7. (4) U-37-01 Sprint PCS - 15450 Rock Ridge Rd. - Attach Wireless Telecommunications Antennas at the Stem of Water Tank.(Tabled 7/9/01)

Motion to remove this item from the table by Mr. Graber. Seconded by Mr. Barnes. Motion carried unanimously.

Motion by Alderman Ament to approve the request by Sprint PCS to attach wireless telecommunications antennas at the stem of the water tank at the 90' level located at 15450 Rock Ridge Road subject to:

1) Per recommendation of the Architectural Review Committee, the building exterior shall match the existing Voice Stream Wireless structure and the pump house in color and texture. Applicant shall be required to submit material samples prior to issuance of Building Permit. Antenna array shall be constructed to minimize the tank/array separation distance as well as be painted to match the concrete portion of the tank. No external cabling allowed.

2) Submittal of a revised landscaping plan that meets the requirements of section 17.08 (5) and enhances the screening of the property is required prior to issuance of a Building Permit. Landscape Plan with plan key and plant specifications to be reviewed and approved by the Planning Department prior to issuance of Building Permit. Site grading plans required.

3) All structural Plans to be stamped by a Wisconsin architect and/or engineer.

4) Revised lease to be reviewed and approved By the Department of Community Development, City Attorney, and Common Council prior to issuance of Building Permit.

Seconded by Mr. Gihring. Motion carried unanimously.

8. (4) LD-5-01 John Casucci, agent for Richard & Judith Mercier – 16060 W. Beloit Rd. – Ne ¼ Sec. 27 – One-Lot Final Land Division.

Motion by Mr. Graber to recommend approval to Council of the request by John Casucci, agent for Richard & Judith Mercier for a one-lot final land division located at 16060 W. Beloit Road, NE 1/4 SEC. 27 subject to:

1) Access permits required from the Waukesha County Department of Public Works for connection to Beloit Road.

2) Ownership of Outlots #1 and #2 shall be identified (name and address) and placed on face of CSM.

3) All owners to sign prior to City signing Final CSM.

4) Payment of \$2703.86 in Public Site, Open Space and Trail Fees required prior to the City signing the final CSM.

5) Conditions for Development of Outlot 1:

a) Field Delineation, surveying, and verification of all Wetlands, Primary and Secondary Environmental Corridors.

b) The northern tributary of Calhoun Creek (outfall from Regal West Subdivision and drainageway from Moorland Road) will require a review by the Wisconsin DNR and/or Army Corps of Engineers (ACOE) for its potential to be a navigable waterway.

c) Shoreland Zoning line shall be identified. The Flood Insurance Study for Calhoun Creek, November 6, 1996 shows that Outlot 1 is significantly encumbered by the 100-year recurring flood interval.

d) Detailed access road/infrastructure/stormwater/grading plans for any extension of Sovereign Drive to be approved by all regulating authorities.

e) Sewer and water plans for any extension of Sovereign Drive to be approved by all regulating authorities.

f) Any future development or land division would require review and approval by Plan Commission and Common Council.

6) Drainage easement on Western side of Parcel 1 from Beloit Road to Calhoun Creek shall be required and placed on the face of the CSM.

Seconded by Mr. Gihring. Motion carried with Mr. Barnes abstaining.

9. (1) U-109-00 Milwaukee SMSA Limited Partnership (Ameritech) - 1711 S. Sunnyslope - Installation of a Telecommunication's Array on an Existing Tower and Construction of an 11.5' x 20' Equipment Structure. (Tabled 2/5/01, 5/7/01)

9. (1) U-109-00 Milwaukee SMSA Limited Partnership (Ameritech) - 1711 S. Sunnyslope - Installation of a Telecommunication's Array on an Existing Tower and Construction of an 11.5' x 20' Equipment Structure. (Tabled 2/5/01, 5/7/01)

Motion by Mr. Graber to remove this item from the table. Seconded by Mr. Teclaw. Motion carried unanimously.

Motion by Mr. Barnes to approve the request by Milwaukee SMSA Limited Partnership (Ameritech) for installation of a telecommunications array on an existing tower and construction of an 11.5' x 20' equipment structure located at 1711 S. Sunnyslope Road subject to:

- 1) Site grading and drainage plan must be approved by the Department of Community Development (Engineering) prior to issuance of Building Permit.
- 2) Tower fence shall not have barbed wire.
- 3) Submittal of a detailed (revised) landscaping plan for this site that meets the requirement of §17.08 (5) of the Zoning Ordinance. Plans must include plant species, keys, botanical nomenclature and d.b.h sizes. Landscaping plan must be approved by the Department of Community Development (Planning) prior to installation. Landscaping to be completed within 30 days of the erection and operation of the antenna array.
- 4) Per recommendation of the Architectural Review Committee, the building exterior shall match or enhance the existing Fire Station in color and texture. Applicant shall be required to submit revised architectural plans for review and approval and include material samples prior to issuance of Building Permit. Antenna array shall be painted to match existing facilities. No external cabling or fencing allowed.
- 5) All structural Plans to be stamped by a Wisconsin architect and/or engineer.
- 6) Lease to be reviewed and approved by the Department of Community Development, City Attorney, and Common Council prior to issuance of Building Permit.

Seconded by Mr. Graber. Motion carried unanimously.

COMMUNICATIONS

10. Communication To: Plan Commission

Communication From: Bob Sigrist, Director of Buildings, Inspections & Zonings

Re: Accessory Building Location Referral - 12800 W. Cleveland Avenue

Consensus of Plan Commission to place this item on the September 10, 2001 agenda for action.

11. Communication To: Plan Commission

Communication From: Nikki Jones, Associate Planner

Re: Draft Economic Development Plan Distributed – Consultant Presentation at the September 10, 2001 Meeting

Plan Commissioners were asked to bring comments and questions to the September 10, 2001 meeting.

12. Communication To: Plan Commission

Communication From: Nikki Jones, Associate Planner

Re: Grubb & Ellis / Boerke Company Mid-Year Market Review

Plan Commission acknowledges receipt of communication.

13. Communication To: Plan Commission

Communication From: Nikki Jones, Associate Planner

Re: "News Briefs - Wisconsin Town Seeks Conservation", Zoning News, July 2001.

Plan Commission acknowledges receipt of communication.

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