

NEW BERLIN PLAN COMMISSION

April 24, 2000

Minutes

The Plan Commission Meeting of April 24, 2000, was called to order by Mayor Gatzke at 7:00 P.M.

In attendance were Mayor Gatzke, Alderman Kaminski, Mr. O'Neil, and Mr. Barnes. Also present was Mr. Hoese, Director of Community Development and Greg Kessler, Associate Planner. Mr. Christel, Mr. Felda, and Mr. Chase were excused.

3. Secretary's Report

Mr. Hoese stated there was no report.

NEW BUSINESS

4. National Avenue Update

Mr. Kessler stated there were two updates which include the Sidepaths project and the West National Avenue Redevelopment Plan, and passed around a copy of the outline of the final Redevelopment Plan submitted by the consultants.

Mr. Kessler stated the Sidepaths project would include installing sidewalks from 124th St. west to Calhoun Rd. Design work was being done along the corridor; a Design Report would be completed within the next two to three weeks. Another grant was pursued that the Wisconsin Department of Transportation has made available, and we should know whether the grant monies would be available in late August or early September. The money would help to further enhance the corridor with additional amenities.

Mr. Kessler showed a video that dealt with some conflicts with the corridor in trying to lay down the path. The conflicts are as follows:

1. Parking lot encroachments into the right-of-way.
2. Light poles, sign poles.
3. Signs.
4. Grading work needs to be done along the corridor.
5. Landscaping and trees that have fallen in the way of the path.

Mr. Kessler stated construction should begin this year and the sidepath would be done from Calhoun Rd. to Moorland Rd. as part of Phase 1. Moorland Rd. east to 124th St. will be done next year in Phase 2. Mr. Hoese stated the path would be 6' wide. In some areas near the Commercial Center, the path would be wider. The other place that was identified as a part of the bike trail or recreation trail is from Acredale to Coffee Rd., where there would be a crossing at the lighted intersection. From the stretch from Acredale to that would be a 10' wide path. If the State allows us the additional funding, this would be used to extend the paths up Moorland Rd. around the Commercial Center into some areas up Sunnyslope and some neighborhoods..

Mr. Hoese referred to the western portion of the sidepaths from the video and stated there was an assumption that the County paid to have the power poles moved out when the road was widened, that is generally true, however, the crossing poles along the National Ave. stretch going to the west are still there. Mr. Hoese referred to utility poles that are existing off the trail with guy wires that comes back into

the area of the trail without removing the poles. Along with the burial of the utilities, there are the above-ground green boxes of which there was a recent case where one was put in the middle of the trail. Utility is looking at the cost to move that box.

Mr. O'Neil asked about the moving of the fire hydrants. Mr. Hoese responded the fire hydrants will be between the road and the path on the green space 6' from the road. Mr. Hoese referred the Commissioners to some of the paths that were already installed and the location of the fire hydrants in the green space between. This area would be the location where street signs would be also. Mr. Hoese stated there are some areas where the path is close to a creek or sloping edges that are going to have to be dealt with.

Mr. Hoese stated they would like to add street trees and foliage in the strip along the entire National Avenue Corridor with lighting only in the commercial areas, not to line the entire street with lights. Other amenities would be expanded areas in certain pocket areas along some of the intersections or where the old post office was in the entrance to Kohl's Plaza shopping center and also on the K-Mart side as well. Mr. Hoese stated there could be benches or a place for people to gather; this all depends upon cost.

Mr. Kessler stated JJR will be at the May 1, 2000 Plan Commission Meeting to report on the redevelopment strategies and concept alternatives for the West National Avenue Corridor.

5. Zoning Code Review

Mayor Gatzke questioned if there is a sentence missing because of complaints of the Alderman? Mr. Kessler stated the sentence that was removed did not have any relationship to this document. Mr. Hoese did not feel it was appropriate to delete the comment, and will address the issue with the Common Council. Mayor Gatzke stated he would support everything the Staff would do, and they should not feel bullied.

Discussion of the draft document is as follows:

There is a concern that the Zoning Code application process needs to address impacts on the Community as well as the school district.

The recommendation would be to look at not just the application process, meaning do you have the right number of plans or copies, but there should be a stronger relation to impacts. Mr. Hoese stated there is an impact on schools referred to in the subdivision ordinance; i.e., predicting the number of school-age children as a part of the development, what district it would be in, and whether or not there is capacity in the schools, etc. This is done for all subdivisions, but it should be done for all developments including new industrial buildings, etc.

Can we zone the Federal agencies?

Mr. Hoese stated, the answer is "no". We do not have that power. The Post Office is not required to abide by any of the State or local ordinances. The State agencies are also exempt from certain aspects of local ordinances as well.

There is a request to add the word "air" after all structures, lands and waters.

To add except drainage of conservation corridors and wetlands which shall be otherwise protected.

Mr. Hoese stated there would not be any objection to this.

Land Use policies adopted for the greater good of the community.

Mr. Hoese stated he was not sure what the intention of this was. All of this is subject to the Master Plan requirements, which are listed as well.

Further the maintenance of safe and healthful water and groundwater.

The distinction should be made that groundwater should be made for healthful consumption.

Except where the City officials etc., knew or should have known of such effects.

Mr. Hoese stated the City Attorney would address this issue in the final draft.

"Good Cause" must be defined.

Mr. Hoese stated this has to do with the Zoning and Planning Administrator. The phrase for "good cause" means if action is taken toward the project. If construction has not commenced, but the permit is being worked on, or if the other agencies are involved, or there are problems with the weather, we would issue the permits.

Mayor Gatzke stated this document, in order for it to be fluid and effective, has to have some discretion built in.

The Plan Commission shall consist of 7 members.

Mr. Hoese stated when all the members were included, the number was then 8. The draft will include the Mayor as a member as the presiding officer, the Mayor will appoint as a member one City Staff. As of this time, that member is the City Engineer, or in the future it could be someone else. There are four citizen members appointed. The Mayor would select a member from the community that would have some professional knowledge such as an engineer or an architect or tradesman, construction professional, or real estate person that understands the terms, or would look at the Park & Rec. Commission as a member. There would also be a member that would be elected by a 2/3 vote of the Common Council as a representative from the Common Council.

Meetings.

Mr. Hoese stated, in the past, the Plan Commission has met monthly; they have met four times a month in the past for various different reasons. As of now, generally speaking, Plan Commission meets twice monthly. The first meeting of the month would have to do with projects for architectural, use, and site review. The second meeting of the month is for Comprehensive Planning. The Commission would like to set the schedule and the number of meetings. The current Commission holds the meetings in the evening. In the past, meetings have been held during the day. It would depend on the makeup of the Commission and who our customers are and how they would respond to that. This section would reflect that the Commission would meet on a monthly basis at the call of the Mayor, and the quorum would be four members.

Matters referred by the Plan Commission.

Mr. Hoese stated this would be set by State Statute, so there would be no change

Interpretations of Zoning Ordinance Provisions.

Mr. Hoese stated the duty of the Plan Commission is to interpret the Zoning Code and the boundaries of the Zoning Districts. Mr. Hoese referred to published maps and an ordinance. Almost at every meeting there is an interpretation question that comes before the Plan Commission. The Ordinance is very clear

that the responsibility of the Plan Commission is to interpret the Code and to interpret the Zoning Map. If there were a dispute about where a boundary was intended to be or what an ordinance was intended to mean, the Plan Commission would make those determinations. Wetland disputes and floodplain disputes go along with this also. As an example, Mr. Hoese explained, with floodplain, the actual elevation line as surveyed in the field as the actual line versus the map line, which is an assumption.

Experience flood maps or any other evidence available to the Board of Appeals.

Mr. Hoese stated, as far as he knew, we had never taken floodplain boundary profiles to the Board of Appeals. These have always been taken to the Plan Commission with the same rules as zone boundaries. What you can take to the Board of Appeals, however, is an appeal on the decision for standards, i.e., if you are required to fill, move, or be so many feet away, a variance would be needed showing a hardship or an alternative based upon the zoning.

Master Plan.

Mr. Hoese stated there is new State language in Smart Growth that requires that Master Plans be referred to the Common Council. That change should be made. Up until now, it was not a requirement to have the Common Council adopt the Master Plan.

Timing of Reports.

Mr. Hoese stated the draft document says 30 days, and our current requirement is 60 days. This Plan Commission has certain duties and the Common Council may refer issues to the Plan Commission; the Plan Commission has a minimum of 60 days to make the report. The Common Council can give them longer, but if the Common Council would send a rezoning issue or a Master Plan issue to Plan Commission, you would have 60 days to send that back to Plan Commission. After the 60-day period the Common Council can act without a recommendation; before then, they were mandated to have a recommendation by the Plan Commission, and not obligated to wait forever. The comment was made, if there are only monthly meetings, the 30-day requirement cannot be made. Mr. Hoese stated he would recommend staying with 60 days, which is the current requirement.

Floodplain.

Mr. Hoese wanted to make sure to include the DNR in this section. There are State Statute requirements that the DNR has to be notified. This should be added.

Does the Board of Appeals Report to the Mayor or the Common Council?

Mr. Hoese stated they do not. The Board has independent authority. The members are appointed by the Mayor and have to be confirmed by the Common Council, but once they are on the Board, they have certain powers given to them by State Statutes.

At least one member shall be an attorney at law.

Mr. Hoese stated one of the people on this committee should be someone who would understand issues, people, and the law. Mayor Gatzke stated this is another situation where he felt the document should not be so particularized and that it would create a lot more problems than it would resolve by being so specific, i.e., one of the members on the Board of Appeals must be an attorney at law. This is equivalent to suggesting that a member of the Plan Commission must be an architect. Mayor Gatzke suggested that if the document makes a suggestion as to the kind of individual that should be considered, that is one thing, but he felt that it does not do any good to have a "must".

Department of Planning and Community Development; Zoning/Planning Administrator

Mr. Hoese stated the Common Council and the Mayor restructured some of this. This needs to be reworded to reflect that. One of the issues has to do with serving as the Secretary of the Plan Commission. As of now, Steve Hoese is the Secretary. This could be a choice, or Mark Lake could be the Secretary, or have the Department of Community Development name that secretary so there is an official person instead of the word "secretary". If the Mayor would appoint a Planner to the Plan Commission because of a unique experience or because of talents, would you want that same person to be the secretary and also be a member of the Plan Commission, you can do both. This is not a conflict, but a thought.

Mr. Hoese further stated, the Zoning Administrator used to be with the Department of Community Development and now is with the Department of Building Inspection and Zoning. The enforcement function is now in a different department; this distinction should be made. In Section 4 and 5, the duties are the same, but how they are listed needs to be worked out.

Hearing Officer.

The consultants recommended a Hearing Officer to be appointed by the Plan Commission that would review individual Beneficial Use Determination applications. Mr. Hoese suggested the City itself have a Hearing Officer. This position could be held by the City Clerk, or a separate position or person could be declared a Hearing Officer.

Mayor Gatzke suggested there is the Special Assessment Review Committee that could take the role and questioned if it would be appropriate for a Committee to do so. Mr. Hoese stated, it could, and further stated, one of the roles would be to gather evidence. As an example, the public hearings would go before the Hearing Officer who would set up the notices, hold the hearing, gather evidence, and present to the Commission, finding of Beneficial Use Determinations under an ordinance, or finding a list of findings from the result of the hearing. This could be held on a separate night with a schedule listing the hearings. The Hearing Officer would conduct the hearing in an impartial way, would have no comment one way or the other. The applicant would have to have their findings, the same way the Board of Appeals holds a hearing in an impartial way. The result would be presented to the Plan Commission. Mr. Hoese stated the Hearing Officer would not be just for the Plan Commission.

Common Review and Approval Procedures – Fees.

Mr. Hoese stated the fees are not part of the ordinance because the ordinance requires hearings to change. Every year when the fees are modified to keep up with cost or are changing application processes, these are changed administratively and not legislatively. There is a movement started, as a part of the One-Stop Permit Shop, which Mayor Gatzke is furthering; part of this would be the physical location change, the next part would be consolidation of some of the application forms, and then to automate the process. BIZ and DCD Departments are working on this project at the request of the Mayor and Common Council.

There was a suggestion that retaining walls and grading should be included. Mayor Gatzke stated one of the things he would like the Plan Commission do is deny an application "with" or "without prejudice". If a permit is denied "with prejudice", it can offer some circumstances where if you cannot come in for a year, fees would have to be paid again. On the other hand, if a permit is denied and a determination is made by the Plan Commission that the denial is "without prejudice", it gives the capacity to modify based on whatever recommendations are available, the plans submitted within a one-year period of time without fees.

Plan Commission Action or Recommendation.

Mr. Hoese stated if the Plan Commission were to "approve" or "approve with modifications" or "deny with reasons" and then add to "approve", "approve with modifications", or "deny with reasons"; and add "approve", "deny with prejudice", or "without prejudice", or "table" or "defer", then there would have to be a definition as to what that means to the Commission by Code and state that. Mayor Gatzke stated if we go with this, he would like to see much less tabling of items. If there is a reason to table an item because we are to expect more information within 30 days that is one thing, but just to table items causes more confusion than it needs to. Mr. Hoese stated with this, the Commission can be clearer in denying a project as opposed to what we have now; we have some difficult sites because of the very restrictive nature of the Development Codes now, the only sites we make available for development are the ones that have problems, the last sites in the City. The Drawing Review Committee has expressed frustration because an approval could be granted with conditions that are intended to remediate those issues; an applicant takes the approval as meaning "my plans are approved", and these are the same people who come back for the permit and no changes have been made. This has always been a constant struggle as to how to make clear what the Plan Commission's wishes really are.

Summary Table – Standard Development Review Process by Application Type

Mr. Hoese stated there would be tables in the Code to make it clearer. Mr. Hoese referred to the table and explained what it means. Mr. Hoese further stated that something that was Staff Approved handled at Staff level, that if the Staff was uncomfortable or it was an interpretive question, that either the applicant had the right to appeal to the Plan Commission or the Staff could send it to the Plan Commission, such an unusual permit. As an example, the Commission could get a request for an unusual home on an unusual lot. This only happens about once a year. The Code should give the opportunity to deal with the unusual cases.

Requiring a Public Hearing.

Mr. Hoese stated there should be a step added, i.e., Conditional Use Permits may require a public hearing; if it would be required before Plan Commission it could be between step 2 and 3, and if a hearing was required before Common Council, it would be step 4 or 5, so it is made known that there is a hearing required mandatory for this type of application. Plan Commission or Common Council can require a public hearing, but certain ones are mandated that you cannot skip the process. The Public Hearing process should be added to the chart. The requirements in E should be added to the chart. Mr. Hoese indicated dates could be added to the chart as well as far as how long a certain process would take.

Conditions of Approval – the terms "roughly proportional".

Mr. Hoese referred to a case where this came into play. There was a requirement that the Plan Commission put on a permit. The landowner took issue with that and ended up in Supreme Court. What it was was that the conditions for approval have to be roughly proportional to the impact. As an example, if someone were to build a tall structure that would have an impact, the requirement should be there should be a greater setback. If there would be a project with a lot of traffic coming to the site, one of the conditions could be to mitigate this impact with a traffic signal. There should be a connection with the condition put on and the impact of the problem. The case that had to do with that the Supreme Court found there was not a rough proportionality between a condition that was placed on and what the structure was. The structure did not change anything related to, for example, the passage of people on a beach.

Attendance

Mr. Hoese stated there is a Development Review Team that meets to review applications. A suggestion was that during a pre-application conference, there should be a mixture of the staff from this team in attendance

Authority to Hold Application for Later Plan Commission Review

Mr. Hoese defined what this section meant. If there were to be an extraordinary amount of applications such that the Staff is unable to complete the reviews, the item could be bumped to the next meeting. Once the application is placed on the official agenda for a public meeting or hearing, all other time requirements should apply. Mr. Hoese stated this was the practice a number of years ago. Since that, the SOAR has been developed. There is a concern, however, that if there is a lot of work to be done besides the review of Plan Commission applications, some staff would be pulled off of projects to do Development Review and vice versa. If during the winter when construction is down, the same people that would be working on projects other than review of Plan Commission applications. Mr. Hoese further talked about then you would have competing deadlines, with the Common Council wanting to have projects completed and having to review Plan Commission applications within 30-days at the same time. What should be done about these things that get backed up? The number of projects would not be necessarily the issue.

The Plan Commission has had a concern with denials or tablings on a Staff level. It could be any one of the Staff that would decide this item should be bumped because of time constraint, etc. This would constitute a Staff tabling; but the Plan Commission did not call for this. The Commission has stayed for as long as a meeting would take; but on the Staff side, there are only so many hours between meetings and this is hard to control. Mr. Hoese stated consultants have been used in the past, and there are all kinds of issues with that. It was talked about in the Drawing Review Committee to rate certain projects as to the amount of time it would take to review it. Once your time to review a project is full, then the item would be held over.

Mr. Hoese stated all items come here first and then go to another committee. It is guaranteed all applicants are guaranteed an appearance before the Commission within 30 days. The idea now would be the Plan Commission would determine whether or not the Staff would need more time to review the item, meet with a neighborhood group, etc.

Adverse Impacts.

Mr. Hoese stated the consultants have added the word "significant", which is found in several places in this draft. The question is what is "significant"? Mr. Hoese felt that this would be up to the Plan Commission to determine that. There should be some guidelines the Commission should follow, that is why there are some words such as "significant" in the Code.

PUD

Mr. Hoese stated the PUD is listed as a separate district in the current Zoning Ordinance. PUD's were used for mixed-use projects to allow creativity in the process. There was a concern from Staff about rezoning to PUD over general rezoning criteria. The suggestion in the draft is to use it as an overlay district. If you would use a PUD as an overlay district, it would take an underlying zoning of residential, commercial, industrial, etc., and apply special conditions to that and a PUD would then be an overlay.

Mr. Hoese stated there is a sentence in the current Code that he would like to have added that talks about mutual benefits. If a PUD only benefits the applicant and developer, what is the purpose? If the benefit is only for the benefit of the neighbors at the detriment of the owner, that should not be allowed. There should be a mutual benefit to both the landowner and the City. Finding that mutual benefit is something the Plan Commission should seek in each one of the PUD reviews.

Following the pre-petition conference, the owner or the owner's agent may file a petition with the City Clerk and Shall be filed with the Planning Department

Mr. Hoese stated this procedure needs to be clarified. At one point in time, all intakes were filed through the Clerk's Office; anything that went to the Common Council had to be filed with the City Clerk. This

application then was placed on an agenda. By Code, the Common Council was mandated to refer these items to the Plan Commission. What was done was if they have to be referred to the Plan Commission, why would an application go to the Common Council who would only refer these items to the Plan Commission? This process was then eliminated. In that process, we now go past the City Clerk, and go to the Permit Application Center. For purposes of Subdivisions, they are required by State Statute to be processed by the Clerk. If everything goes to the Application Center, but Statutes require the City Clerk to do the hearing notices and to do the subdivision platting review, how does it all work? Mr. Hoese indicated that the Permit Application Center is an intake area where an application is then sent to the appropriate bodies. There are some items such as Developer's Agreements and plan review for sewer, water, and roads, which are now coming through the Engineering counter. If an application came in, they would come into the same location and get a routing number assigned to it. This could be done the same way the Plan Commission items are done.

Single-Family Dwellings Exempt – A zoning permit shall not be required for the construction of any new, single-family dwelling constructed outside of a subdivision.

Mr. Hoese stated he did not know why "outside of a subdivision" was included, because all single-family dwellings require a zoning permit unless there is some unusual construction and then it gets referred to the Plan Commission. Other than an unusual house, these would be handled internally.

Mayor Gatzke asked what 404 meant? Mr. Haines responded, it would be Army Corps. Mr. Hoese stated there are a lot of permits, such as County permits, for on-sight septic systems; permit for a well, wetland crossings, that would have to deal with outside agencies. Mr. Hoese did not know if they would cross-reference all the agencies because they change and some might be missed.

Building Permits – All public improvements be installed and accepted by the City prior to issuing a Building Permit.

Mr. Hoese stated, at this time, this is all handled by Developer's Agreements, which would state there would have to be a road, access, and sewer and water before the Permit is issued. The consultants that this be a provision of the Zoning Code.

Issuance of the Zoning Permit or Use Approval – Remove Planning Department from authority to approve.

Mr. Hoese stated the difficulty with this would be if there would be applications that do not come to the Plan Commission. For example, all single-family homes, sheds, swimming pools, etc., if the Planning staff are the only people who reviewed this, they would be the only people who could sign off on it. This is done under the authority of the Plan Commission. If you would remove the Planning Department from the authority to approve Zoning Permits, everything would then have to go before the Plan Commission.

Planning Staff may grant approval.

Mr. Hoese explained Planning Staff might grant approval for agricultural and single-family with conditions, or refer these to the Plan Commission. This has been a long-standing practice with the City and seems to have been working. If there were an unusual house or barn, these would get referred to the Plan Commission. Staff does most of the permits issued by the City under the auspices of this Code. Most communities operate this way. This City requires scrutiny under a lot more requirements than most cities. Mr. Hoese explained how several other cities did this. Rezoning would be the trigger mechanism to get the project approved. Once you would get the zoning, you would then have rights to that. Mr. Hoese stated the City's Zoning Code has principal uses; we do not have permitted uses; this word is used intentionally. We have principal uses, conditional uses, and accessory uses. There are no permitted uses in the City's Code; nothing is permitted by rite. The City has always held open the authority to review architecture, use, and site plans for everything for all land uses.

Expiration – What constitutes commencement?

Mr. Hoese stated the City Attorney has ruled in the past as to what constitutes commencement, which would be land activities, i.e., digging in the ground, staking, etc. In a case of interpretation, it would go before the Plan Commission. There are court cases that would help guide the City in this area as well.

Other Permits – This includes, but is not limited to, a water use permit pursuant to Chapters 30 or 31, Wis. Stats., or a wetland fill permit pursuant to Section 404.

Mr. Hoese stated this is a catch-all section to cover these types of permits.

Conditional Uses – DNR referrals – No development at all should be allowed in a floodplain. Prohibiting building in floodplain will remove all of the exceptions and complex requirements stated in this ordinance.

Mr. Hoese stated the floodplain ordinances come from Federal Statutes. The State agency in Wisconsin is the Department of Natural Resources, which has administrative orders. The City is obligated to follow these by law. These rules would apply nationwide, such as New Orleans, as well as some coastal cities. There is this notion that there would be no development in floodplain areas is an impossibility.

No development at all should be allowed in a floodplain. Prohibiting building in floodplain will remove all of the exceptions and complex requirements stated in this ordinance.

Mr. Hoese stated that parks could be under water with no impact. You would allow some reasonable use of the land under a rare case of once in 100 years or once every 70 years there might be some inundation there. You would want to make sure that if there is storage, it would not flood somebody else out, or if it were a moving portion of the water, it would not damage property or people. Complex requirements of the ordinance would be defined as protection of property and people and also protecting property rites. Mr. Hoese stated he wished the wetland regulations were administered as well as the floodplain regulations are. There is a Federal insurance requirement that tries to protect people.

Recording agreements.

Mr. Hoese stated, as an example, if there would be a Use Approval for a property when there are conditions, these agreements should be recorded. The Zoning Permit should be a document on the deed. When someone would buy the property, these owners would then know, for example, that a fence would be required, the walk would be required, brick would have to be maintained, or you could not paint it over, etc.

Mayor Gatzke questioned if the City Clerk should do the recording or the landowner, providing proof that it has been recorded, and have a note "failure within a date, the City would record"? Mr. Hoese responded he would like to go with the City Clerk to do the recording because they are supposed to manage all City records. This idea should be pursued and defined. Mr. Hoese gave, as an example, with regard to the Waukesha Hospital Systems sign permit, would that be recorded with the property, or would the idea for a bigger project be recorded with the property, i.e., Jewel Osco, Target? This idea needs to be defined. Would this be at the expense of the applicant?

Agreement of forms.

Mr. Hoese stated the City Attorney for contractual obligations does this, and the Mayor and the Clerk have to include their signatures.

How can a developer's agreement supercede ordinances, rules, or regulations – there is a question if this is legal.

Mr. Hoese stated if there is a developer's agreement that is enforced, it would supercede ordinances. Would we be obligated to honor the contracts, as long as the developer meets their obligations of financial assurances and timelines?

Subject to public referendum.

Mr. Hoese stated eastern states have town meetings; all the items would come to a town meeting. We have representation government here, and so do most of the other states.

Periodic review – All development agreements may be reviewed by the Plan Commission every two years.

Mr. Hoese stated the Plan Commission does not do development agreements, the Board of Public Works does them. The Common Council and citizens approve the Zoning Code and a map that shows where development is allowed and what kind is allowed. The Plan Commission and Staff carry this out by reviewing the plans, making sure they meet the requirements of the Code, and adding reasonable conditions that have a connection to the project. The Staff would carry this out through on-site inspections, permits, etc. The Board of Public Works, in the cases of development where there would be an agreement required (a major development where there would be public infrastructure), would take over. When the Plan Commission approves a development, the Board of Public Works would review the technical plans to support the number of lots that were approved. An inspection will be done as development goes on. Mr. Hoese explained how this was done using the old Zoning Code and the current Code. Mr. Hoese stated if the Drawing Review Committee would have a question with the current step where when the Plan Commission approves with changes, there is no process for this part of the implementation step.

Sign Standards.

Mr. Hoese stated our current standards are much stricter than what the consultants are proposing. We should use the ones we have now.

Mr. Hoese indicated the sign ordinance came from a group of business people and a women's club from New Berlin in its early days. These groups got together a long time ago to develop this. There is reasonable exposure for businesses to have signs, but not to the standpoint of billboards. We do not allow off-premise signs, and there is a limit on the number and size and location of signs.

Alderman Kaminski questioned that some of the changes do not strengthen our Zoning Code at this time and would some areas be left as is? Mr. Hoese stated that is correct.

Alderman Kaminski questioned the area on PUD. Will that remain with the five-acre minimums? Mr. Hoese responded that his thought would be that it would not remain. This is considered a zoning district currently, stating there should be a five-acre district, but individual parcels can be less than five acres. There is a suggestion that it be an overlay district, in which case it can be applied wherever it would make sense.

Alderman Kaminski referred to the DNR section: "Omit these words, no action until DNR has made its recommendation".

Why would the Plan Commission want to take action on something if we would not have any recommendation from the DNR? Mr. Hoese responded he believes the project would be deemed approved if the DNR has not acted on it in a certain amount of time, but will check further on this.

6. Communications

No action.

Mr. Hoese explained what the further discussions would include in reviewing the Zoning Code. There will be discussions on rural issues and the transitional commercial, such as residentially scaled buildings in a commercial district. Mr. Hoese discussed what the issues were regarding this district.

Motion by Mr. O'Neil to adjourn the April 24, 2000, Plan Commission Meeting at 9:15 P.M. Motion seconded by Alderman Kaminski and carried unanimously.