

Please note: Minutes are unofficial until approved by the Plan Commission at the next regularly scheduled meeting

PUBLIC HEARING

6:00 P.M. ()GK PG-516(c) Smart Growth – Comprehensive Plan.

**NEW BERLIN PLAN COMMISSION
OCTOBER 7, 2009
MINUTES**

The public hearing relative to receiving comments from all interested persons with respect to the City of New Berlin's 2020 Comprehensive Plan was called to order by Mayor Chiovatero at 6:06 P.M.

In attendance were Mayor Chiovatero, Mr. Christel, Alderman Ament, Ms. Broge, Mr. Felda, and Ms. Groeschel. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Jessica Titel, Associate Planner; Amy Bennett, Associate Planner; JP Walker, City Engineer; Tammy Simonson, Project Engineer; Ron Schildt, Transportation Engineer; Nicole Hewitt, Storm Water Engineer; and Mark Blum, City Attorney. Mr. Sisson was excused.

Mayor Chiovatero explained the procedure for a public hearing saying that he would ask for questions for 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 read the public hearing notice and stated there was proof of publication.

Mr. Kessler and Carolyn Esswein, PDI gave a brief presentation describing the Comprehensive Plan. Ms. Titel gave an outline and summary of the previous discussions that were held relative to the Comprehensive Plan in accordance with the Public Participation Plan.

Mayor Chiovatero asked for comments or questions for the purpose of clarification.

Gary Boehm, 19120 W. Observatory Road – To support the economic situation we have now and what we face tomorrow, today the price of development has gone up, knowing the price of lots are high and now have gone down for 2008 and 2009. This still leaves higher costs to develop. Construction manufacturing retail and government are reporting the largest job losses for September 2009. This I got from a statement I was reading about the unemployment that we currently have, probably because of the recession beginning December 2007. The unemployment rate continued to decline in September with an unemployment rate of 9.8%. U.S. Bureau of Labor Statistics reported today the largest job losses were in construction, manufacturing, retail, and government. Household survey data since the start of the recession in December 2007 shows the number of unemployed has increased by 7.6 million to 15.1 million. Having read this, the future leaves me optimistic about developing. The land we own is 5 acre zoning. I

asked the City of New Berlin to consider reducing 5 acre lots to under 3 if possible. I do know that 3 acres lots is what you might consider, but you are not giving me any reasons why you want to keep them at these unreasonable sizes. I am sure there are some answers to adjust some of the concerns that the economy is having right now. We need ideas for employment situations, making work for those who have been affected by the start of the recession and will continue for an uncertain time. This undeveloped land is near the shopping areas. It is land that can be used for bringing money to the businesses. People want their homes a good distance from industrial areas where they work. Areas close to the inner city should have reasonable lot sizes. These are ideas that I would like to see happen, not wasteful land, hard to sell lots, and family burdens. The City of New Berlin should help in areas that have good contributing qualities.

Shirley Shim, 19300 W. Observatory Road – I have been living at this address from 1993 until now. For 17 to 18 years I have been living there. This is my first experience for exposure to the administration of a CD policy, and I have a limited understanding of the context of the language that you are using at this meeting. This is my second language. My education was in my native language. After I immigrated here, I started a new education. It was tough to learn English, so I want for you to understand my pronunciation. I should be very clear with you about the reason I am here at the public hearing. I want you to listen and accept my appearance up here. I am appealing for what follows. I have more than 38 acres including my house, which was on 3 acres zoning. I want to have the 3 acre zoning back as it was in 1993. I do not know when or why my 3 acre zoning was changed to 5 acres. How many people here have your house on 5 acres? How many people have enough money to buy 5 acres to build your own house? Some may wish to have 5 acres, some may have the money, but generally most people will choose half or three-quarter acres or one acre, and maybe less than that to build a single house. I understand not many people have their house on 5 acres. This is reality. The City cannot demand what is not affordable. This is my theory. I found that the ones who want their house on 5 acres have houses on smaller lots, but still they are asking for 5 acre zoning. I do not understand that. 5 acre lots are not affordable to most people. I am certainly saying they should not intend to get benefits of using others land and expenses, ordering 5 acres zoning. I wish the City would not have high standards that are unaffordable. 5 acre zoning is not more than a pretty picture to most people. It sounds pretty, but we cannot get it.

I should explain my situation that I am facing now. I stopped the subdivision plan after I spent so much money because to have 7 lots of 5 acre conservation, it requires more than \$450,000 investment. Everybody asks for less than 5 acres. They want a smaller lot at a cheaper price. It is a red signal for me not to proceed. I may have a bankruptcy in my old age after I make a 5 acre subdivision. Put your self in these shoes, most people want affordable prices with affordable land which are half or three-quarter acre, or one acre or less which is more than enough space for one house site to enjoy, maintain, and have comfortable privacy.

I intended to divide my land. Out of more than 38 acres, 20 acres are wetland. I have more than 18 acres of good buildable land. I planned to put 12 lots with 3 acres each for a single-family conservation subdivision. We may only use 9 – 12 acres out of 18 acres

for house lots. This will give more open space in addition to the 20 acres of wetland. This will provide plenty of open natural space to this subdivision. I saw my neighbor divide their land into 5 acre lots and they are not selling. For more than two years, whenever I see their For Sale sign for treeless, weedy, endless open spaces, it builds up my anxiety and stress because I am in the same boat. I certainly would not want to build my single house on such weedy wide open space with no privacy. To make a single house beautiful, many trees, flowers and a garden is needed. In general, one acre is good enough. It takes plenty of money, time, labor, and materials to maintain a beautiful house. The home should be an enjoyable place, not a large open space without privacy. My dreams are a beautifully landscaped house, friendly sharing neighbors instead of living isolated and aloof and far away from each other. Our neighbors should be available for emergencies and be helpful to each other. Children socialize and play together with neighbors. If we have 5 acre lots, they are strangers.

Please help me get the 3 acres zoning back to my property. It could help stimulate the economy by supplying jobs. Everyone is aware of the economical recession going on now, and we should stimulate our economy by giving jobs, and give the City support to promote our school education and advance the learning facilities and systems, and to make our City beautiful and to be proud of. When I visited another country, I found they are working hard to help each other, and their education system is wonderfully advanced, more than ours. America is behind now. We should see beyond where we are now. I have found that America is regressing. Everyone can be a stimulator for a friend, neighbor, community, county, state, and to the whole country. We cannot separate each other. We are social animals. We have to live together by communicating. We have to set the environment for this. I am aware that many friends around me have lost their jobs, and want to clean my house, mow my lawn, repair my lawn mower. They want to do a lot of things. I became sympathetic to them and gave jobs to them for the work I always did myself. America is heavily loaded with debt. To overcome this economical crisis, the President borrowed a billion dollars for the recovery of this recession. Let us participate to pick the economy up. The recession seems to be complicated with associated reasons such as the demand of a too high idealistic standard with which the business man cannot run his business. The choice is going out of business and moving to another country which has a lower standard. Many production plants moved to other countries, so a lot of my friends lost their jobs.

Residents of New Berlin are looking for good administration of constructive, practical, beneficial policies in reality, not the high standards like in the luxury picture. We need affordability which general, average people can have. This high standard leads to economic recession. All of this depends on the work of the Common Council and various committees. Please accept my appeal to recover the zoning of the old, existing 3 acre zoning from the increased current 5 acres. A 3 acre conservation subdivision will make plenty of natural space on my land. There is no reason why I have to go through this 5 acre zoning which may cause bankruptcy for me. I have gone too far to stop, but I have stopped because of too much expense. No one wants to buy 5 acre lots. They want to buy smaller lots at a cheaper price. Please hear my appeal. Thank you.

Vern Bentley, 3450 S. Johnson Road – I heard the previous two speakers at the last Comprehensive Plan Meeting last week. Where these people's questions ever answered? Do they know that they are going to have to put in storm water retention ponds when they develop their property?

Mayor Chiovatero – Those that have contacted Staff are aware of the regulations and obligations they have.

Mr. Bentley – The first speaker tonight really didn't speak about the good of the City. He gave information about Developer's costs and profits. My question is, are we developing for the benefit of the city, or are we developing for the profit of the Developer who will probably move on and be gone leaving us with the problems? Last week, the first gentleman mentioned that he has 110 acres and has no flooding problems. If he has 110 acres, either that water is staying on top of his property or it is draining off onto his neighbor's property. The reason I bring that up is that impervious surfaces are supposed to be rooftops, driveways, streets, and I'd like to add groomed lawns. I have a neighbor across the street in Rustic Ridge. Rustic Ridge is 35 homes and 185 acres. The City had been working on storm water problems over there for three years to get water that is pooled in her lawn which was a farm field. This is costing the tax payers money. I don't know if these two people that are developing realize that this is what is going to happen when they develop. The Shim property is 38 acres and as she mentioned, wetlands. If you put roofs, driveways, streets, and groomed lawns there, I hope she knows that she will have to put retention ponds in there. Something needs to maintain the water on the property. Five acre zoning was voted in 5-10 years ago for that property out there because the people on the west side want 5 acres. Do they know if they put in a conservation subdivision, they can build on an acre or acre and a half lots and have open space that maintains the water? It saves money all the way down the line. How many lots are left in Settler's Ridge Subdivision to be sold?

Mr. Kessler – I don't specifically know.

Mr. Bentley – I have heard that the majority of them are sold. I have heard that Poplar Creek Subdivision was just about sold out. Those are both 5 acres. The Biltmore Subdivision is 5 acres and that is sold out. How many lots have sold in Rogers Glen Subdivision?

Mr. Kessler – They have open lots, but that is a 3 acre density subdivision.

Mr. Bentley – That is the point I'm trying to make. The 3 acre density is a choice for some one to buy something less than 5 acres and those lots are not selling. People want the 5 acre density.

In Section 35, I realize that the density was one home per two acres. If I remember right, that was based on the fact that they were going to get sewer and water in there. Has anybody ever looked at storm water? I don't know if Water Resources has gone in there to do anything. When they get in there, how many retention ponds are going to be required? Is that water going to be maintained in that area? I sent a letter to Greg last

week because he said he didn't want any surprises tonight. I hope that you got it.

Mr. Kessler – Yes, I received it and we are working on responding.

Mr. Bentley – The reason I dropped the letter off was because I wanted to know how much money has been spent on storm water from 1998 – 2008. That would be for Buena Park, Gatewood, Arcadian, and NP1 Pond. I didn't even put in the storage area under Eisenhower and all the rest of them. How much will it cost to clear up the priority list that probably won't be finished for years? The reason I did that is I know it has to run into multi millions of dollars. Last week Bob Dude said unless we raise the density to get more tax money, our property taxes could increase 7% annually. Then he asked Greg if in the ten years, if this would happen, what would be the value of the City? I believe Greg said \$30 million dollars. My point is, if we have all this development with the higher densities, we end up with more storm water problems and road problems and everything else that comes with it. In the next ten years, if everything is not built right, you just spend \$30 million dollars on storm water alone just trying to solve problems. We have to try to do something before we go into more debt.

Joe Russ, 16800 W. Shadow Drive – A number of months ago I brought up an idea about putting a bike path along the I-43 corridor. I didn't notice any mention of that in this Plan. Is that something that is still being considered?

Mr. Kessler – I had mentioned that to you at the Open House that I thought that was a good idea. I have mentioned it to our Transportation Engineer. I know it didn't make it into the Plan, but maybe that is something the Alternative Transportation Committee can look at. I just don't know if the DOT would allow anything in their 233 ft. Right-Of-Way. I think it could be investigated further.

Mr. Russ – We have an Alternative Transportation Plan where a lot of bike paths are mentioned, widening of roads, even rail lines are mentioned. There is one thing missing. With all this growth of the industrial parks, I don't see any truck route recommendations anywhere in this Plan. We keep wanting to expand every industrial park we have and where are these trucks supposed to go? A good example is Calhoun road. I spend over a year trying to get semi trucks off of Calhoun Road between Small Road and Beloit Road, the part of the road they are now rebuilding because it was beat so badly. We have Moorland Road that is concrete and made for trucks and connects to 43 and 94. Can we put something in the Plan concerning truck route recommendations?

Ms. Esswein – Just after Page 621 notes truck routes and restricted truck routes. They are identified on the map.

Mr. Russ – I noticed they want to keep nibbling away at residential and keep adding industrial or business park areas. At one time New Berlin had the biggest industrial park in the state. We added Westridge and Town and now there is talk of Mill Valley. How much industrial or business park do we really need in this City? How much can we sustain, especially when you consider we have it, Franklin has it, Muskego has it, and it is spreading all over? There is only so much you can do. I keep seeing parcels added to

Westridge along Small Road. Is there a limit? Do we want to just keep going unabated? It's nice for the taxes, but if people live around it, it gets ugly after awhile. Are there any restrictions? Is there any idea of when we are going to limit the amount of industrial and business park growth?

Mr. Kessler – The recommendation in this current Comprehensive Plan update basically come from two reasons. The GDMP recommended the Mill Valley Development. That was already decided by the GDMP Committee and was projected as a future land use ten years ago. You could make a very strong argument that the location of that quarry is ideally suited to become successful based upon it's proximity to the highway and the interchange. The other requests around Westridge and the Moorland Road area were direct results of property owner requests. We evaluated those, modeled the traffic, and recommended approval of those to the Steering Committee. It is nothing extensive. Those recommendations make sense based upon topography and how they interconnect with adjacent parcels that are already part of Westridge. We are not anticipating any new additional business park development other than what you see on the map. I will add to that, the Reclamation Plan for the Johnson Valley Sand & Gravel quarry site, which is just to the west of the Mill Valley site, was approved to be Business Park as well. Those are the only targeted areas within the City for expansion.

Paul Wild, 19000 W. Observatory Road – I have a 22 acre mini farm that is immediately to the east of the Baymond/Shim properties. Dave Ament is our Alderman and he knows my thoughts on the subject. I would like to speak for myself and on behalf of several of my neighbors who could not be here tonight. We moved there in 1996 and have had a 31 year residence in New Berlin. At the time we moved, there was a 5 acre minimum zoning, and we expected that it would be maintained by the City. I want to commend the City for maintaining that 5 acre zoning in their Comprehensive Plan, and I would hope that they would stick to their Plan and not be buffaloes by people that want to sell out, leave the City, and leave us holding the bag with storm water problems as that gentleman just talked about.

Debra Boehm, 19120 W. Observatory Road – If we plan to develop our land some day, we would not be moving out. We will still live there. It is not true, that we would develop something and leave. That is our place, we plan to stay and live there. I'm going on to make my statement. Knowing that there is a complex set of problems that the City is facing, mainly seeing that the City has to be able to supply a sufficient source of water. I'm still left wondering if the 5 acre lot size or even 3 acre lot size is a good idea. I know personally if it were set for 2 acres and cluster lots were used, the actual lots could be kept close to a size to one-half acres for septic mound systems, and the total open land area would be close to 1 ½ acres per lot, which would be more than enough for land conservation. In addition to open land area in conservation should contain rain gardens and holding ponds where it would benefit helping to filter the water to the shallow and deep aquifers. This at least would be more help to the land owner who might want to develop their land some day by letting him/her get a fair share of lots to develop. The land owner is already concerned enough if he is going to be able to make a profit developing his property on a 3 or 5 acre land conservation requirement with the current economy, with the following home and land values and the overall costs of land

development continuing to rise. If a water source is the main concern, then the lots should be kept as small as possible to help conserve water where people will not have to water large land areas, to save energy costs incurred in property maintenance, to save people's time with busy schedules, to help land development costs down, and to help keep the lot prices down to where the current property market prices dictate. As an additional note, it was mentioned to me that Jefferson County was actually our water recharge area and not neighborhood B. Our current Governor is looking to do something about resetting the borders for using the Lake Michigan water source. That is a future outlook that would provide us with more water than we would need. That is another resource the City could pursue.

Katie O'Brien, 17200 W. Jills Drive – I want to point out something in the Draft dated August 2009 of the 2020 Plan. In Chapter 5, Page 36 it says under Trail Systems and again under Recreation Opportunities, trails are our pathways to explore and reconnect with the natural world. I can tell you from first hand experience that riding your bicycle on the shoulder of Calhoun Road does neither. You can't explore anything or reconnect with the natural world. The paragraph goes on to list the benefits and talks more about well designed trail systems. Then it says, environmental corridors present opportunities for trail systems for biking and hiking, etc. How, why, and who wiped all those environmental corridor easement and proposed trail sites off the map? I would like to know who has such influence in the City? The Alternative Transportation Committee is still active, but we were neither informed, nor consulted before those segments were removed. My request is like the other evening, I would like the map restored to it's original condition. Thank you.

Bill Moore, 4260 S. Victoria Circle – I would like to add to my comments of the 29th by saying that District 6 Representative to the Comprehensive Plan Committee was unable to continue, so I volunteered to fill that position. Unfortunately, all but one of the succeeding meetings was held when I was already scheduled to be out of town. During that time significant changes were made to the Plan that we would have opposed. I am concerned that a minority of the community opposed to side paths and trails were able to over turn the wishes of the people.

Seventy-four percent of the respondents of the Park & Open Space Survey favored completion of the Alternative Transportation Plan, otherwise known as the Bicycle and Pedestrian Plan. My request is that the original wording in the Comprehensive Plan be returned to the final edition by the Plan Commission. Examples of the changes needed to be returned to the original language are: under the Existing Transportation System, Bicycle and Pedestrian Facilities and also under Future Transportation System, Bicycle and Pedestrian Facilities for each of these neighborhood sections A, B, C, D, E, F, neighborhood trails with new development in section G and I. An example is that Policy No. 6 for Neighborhood D asks for side paths and trails, but they were removed by the Plan Committee. Also, in Area F the original Kelly Lakes Trail should be returned to the Plan. In addition, language in the Transportation Chapter 6 under Bicycle and Pedestrian Facilities was watered down or changed to eliminate side paths or use a less stringent word, especially on Page 6:19. On Page 6:37 language should be included to state: Require both on- and off-road bicycle and pedestrian facilities be constructed when any

aerterial or collector street is reconstructed or rehabilitated. That statement should also be included on Page 6:41. Those plans have always been the intention of the Alternative Transportation Committee and were the intention of the Plan Commission and City Council when the Plan was originally adopted and amended shortly thereafter.

An additional statement should be included to state: Safe crossings of arterials and collector streets must be created and maintained for bicycles and pedestrians where appropriate for their safety.

One of the concerns voiced in meetings of the Park Planning Committee of the Parks, Recreation, and Forestry Commission has been as plans were discussed to create athletic facilities and community parks is whether safe routes to the parks for our children were available or planned. Too often the answer has been, "no". This needs to change. Thank you.

Michelle Pace, 4756 S. Fairview Drive – I am also here to speak about bike paths. I believe The City of New Berlin should have more bike paths. I moved to New Berlin about four years ago. Prior to that, I lived in Milwaukee County. I used to ride my bike about six days a week, ten miles a day. I reason I was able to do that is because of the parkway system that they have throughout Milwaukee County and the speed limits on the roads are about 25 m.p.h. vs. 40-50 m.p.h. here in New Berlin. When I first moved out here, I did some research as to what would be a good path for me to ride, and I found to get to the New Berlin trail it was along Calhoun Road which 1) is not in very good shape right now, 2) a lot of our roadways have gravel side areas with ditches, so it is not very safe, 3) with cars driving at 40 -50 m.p.h. they don't anticipate bikes on the roadways. I also did some research and cited from the Dept. of Transportation for the State of Wisconsin that over the course of six years there has been an average of 11 bicycles deaths on roadways. One of the things I would like to suggest is more off-roadway paths. Also, there has been an average of 1,130 bicycle crashes over that six year period from 2003 – 2008, and 1,089 bicyclist have been injured in that same time frame.

I did some research on some of the information on Waukesha County. Waukesha County has 26 miles of recreational paths vs. 100 miles of recreational paths in Milwaukee County. If you listen to the description by one of the websites called, Midwest Roads, here is how it describes the New Berlin Trail that we have. It says, "The trail is along a power line that is next to a railway right-of-way, relatively flat, not very scenic". By contrast, if you were to visit the Milwaukee County website and hear about how their bike paths are, they talk about escaping to the Oak Leaf Trail, that you will be drawn to the pastoral beauty of remote trail segments leaving the bustle of every day life. The trail, as I mentioned, features over 100 miles and loops through major parkways and park systems. Also, I would like to point out that in August 2009, Money Magazine ranked our City as 34th Best City to Live In of the top 100 small towns. One of the reasons that our City was selected was due to quality of life. I believe that by adding more bike trails connecting our parks that we will increase the quality of life for the residents in New Berlin and also contribute to better health.

In conclusion, I would like to see more bike trails. I believe off-road bike trails are a

better alternative. Throughout the evening tonight most of the talk was about on-road bike trails. I don't think that is safe. Thank you for your consideration.

I also have an article that was in Saturday's Milwaukee Journal Sentinel which talks about a long awaited bike bridge opening that spans over I-43. I will distribute this.

Ted Wysocki, 2850 S. Acredale Road – I want to point out a substantive error in the Transportation Plan documentation. Included in that information is a resolution for local endorsement of the year 2035 Regional Transportation System Plan for Southeastern Wisconsin identified as Resolution 07-29. That was never adopted by the Common Council. In fact, that Resolution was amended and later adopted by the Council. I request the appropriate Resolution be incorporated for informational purposes in the documentation for the Transportation Plan.

Laura Karel, 14405 W. Grange Avenue - The term "Smart Growth" strikes one as an oxymoron in the year 2009. There are now 6.8 billion people on the planet as stated in National Geographic State of the Earth 2010 Almanac. We consume 1.4 earths worth of resources per year. If everyone consumed like Americans, we would need 5.4 earths to sustain us. The earth is undergoing the sixth mass extinction, the cause is human activity. If current trends continue, biologists project that one-half of the world's species may disappear this century. NASA Climatologists, James Hansen has concluded that atmospheric carbon dioxide levels must be reduced to more than 350 parts per million to avert climate disaster. Currently, CO2 levels are at 387 and rising at a rate of 2 parts per million per year. To achieve this reduction, World Watch Institute and Earth Policy Institute founder, Lester Brown states that CO2 emissions must be decreased 80% by 2020. This could be accomplished by a global mobilization to harness wind and solar energy. As a life long resident and farm land owner in Section 35, I urge that land currently zoned Agricultural and Conservancy retain these designations on the 2020 Future Land Use Map. These land uses will become more valuable as we confront a warming planet, resource depletion, and species extinction. Thank you.

Dean Frederick, 12760 W. North Avenue, Brookfield – I represent New Berlin Heights Development, LLC. for Thompson Corporation which owns 90 acres of land on the west side of Sunny Slope Road, opposite of Elmwood School. I have submitted written comments which I am sure are in your packets. I am not here tonight to repeat what is in there, but to reiterate some of the highlights. In those comments there are about eight questions relating to utilities, extension of utilities to Neighborhood G, and how those utilities can be funded in the future, and how residential density can be affected in supporting extensions of those utilities or in development in general.

Neighborhood G is unique from our point of view in that it has a significant amount of natural resources, which we are in favor of preserving, but it also has the facilities available of sanitary sewer and Lake Michigan water facilities which are adequately sized for development far and above one lot per four acre density which is being proposed for Neighborhood G. We are in opposition of that density, feeling that it should be something far less than that. Again, the commodity of sewer and water merits a discussion and review of that density to something that is more practical. Given the

natural resources that are there, the site is certainly viable for an urban cluster type of development and certainly would support that type of development there going forward. We think though that the density somewhere in the range of one lot per one acre can be achieved there and point to the studies that Carolyn produced at PDI for the Steering Sub-Committee in which they did a few lay-outs where open space ranged from 40-50%, lot densities of one lot per 1.4 acres while still preserving a vast amount of open space. That can be achieved even at the lower density of one lot per one acre. 50% open space can be considered somewhat high for an urban cluster type of development, but certainly we would defer it to the Plan Commission for a decision on how to best go forward with that.

One of the things that we looked at as a tool in evaluating Neighborhood G is doing an economic analysis of the area. Last week Bob Dude presented a fiscal impact analysis that I thought was rather enlightening. It was a dynamic type of statement that can be used in the future, and I certainly hope that the City does do that. We looked at it from a little different standpoint, as Alderman Ament pointed out to Mr. Dude that there are quite a few assumptions in that fiscal impact statement, and we agree. For the most part, I think Mr. Dude's statement was conservative except for the relationship of residential density vs. growth. Given the residential density of one lot per four acres, I don't think you will see the growth at the pace of which Mr. Dude was projecting. In our fundamental basis of that, we look at where the market of single-family lots have been in the last couple of years using lots on sewer and water that range from 20,000 sq. ft. size up to 1 ½ acres. We were seeing that those lot sales are somewhere in the \$90,000 - \$125,000 range. At those types of densities that are being proposed, you cannot achieve that low of lot sale price for various mitigating reasons.

We have provided a group of development scenarios that were based on actual development costs of a real cluster development done in the City of New Berlin in the past few years. This development does not have sewer and water so it was easy to interpret the actual cost of that development. It is also very straight forward to add sewer and water main service to it. Those are costs that the Engineering Department deals with routinely and as a development group we deal with them also. I have added those costs into the development picture. I have added land costs. We have made various assumptions on land costs. The biggest area of assumption on my analysis is the going rate for land. We recently had an appraisal done on a piece of land that we own here in New Berlin and found that our assumptions are pretty good. When you look at the whole package together and summarize it, the actual development itself on a four acre lot density gets you in a lot pricing range of somewhere around \$210,000 for an average size lot which is far more than what the market is bearing right now. As we look at the analysis, we step that down for a 2 ½ acre size lot density and a one acre lot size density. A one acre size lot is about \$116,000. What makes neighborhood G unique is because there are commodities available of sewer and water, however there is also the Tess Corners Creek Pond issue of how to build that infrastructure and how to distribute the cost of that. That is a fairly significant project. We have looked at the cost of where the City had budgeted and bid that in the past and inflated it somewhat since the time of bidding and you are looking at a project that is somewhere around \$4.8 million dollars that needs to be absorbed somehow into this Section and a good portion of it by the residential development of it. That is where the densities become important. How do you

distribute that \$4.8 million dollars? How do you distribute interceptor sewer costs that are approaching \$1 million dollars? When you start adding those numbers into the normal development scenario that I just gave you of that range between \$210,000 and \$116,000, on the upper end, you have to add over \$50,000 a lot to cover just those off-site improvements. Where that is really going, is it is making development at that density not feasible from a business standpoint. Land Developers look at things the same way as any commercial or retail or industrial business looks at things. What does it take to produce the product and make a profit on it. I know it has been said many times that development groups are just here to make a quick buck, get in and get out. They are just looking to make the normal profit that everyone else is. This developer has been in the City of New Berlin since 1968. I know Alderman Ament at the last meeting mentioned that he has been here since 1954, so he has a few years on us in that regard.

In summary, I am trying to point out that the people that are getting hurt most will be the land owners in the long run because the only way that you can reduce the costs to make the lots marketable in this market and probably markets down the line now, is to figure out how you are going to distribute the cost. The biggest impact is on the land owners who haven't decided what they want to do with their land in the future. The larger density you go, the less any business can offer to purchase their properties. That is a big impact from the time of which these families have been here for years and years. I am not here representing any of them, but hopefully you can look at the analysis I put together and how we come to a price of what a lot actually costs to help guide your decision of where density should be. The one other thing that you could consider in here, it has been put out on the floor before with the Steering Sub-Committee is Multi-Family. Multi-family can also help you in that same sense that City services aren't taxed from the standpoint of being utilized to the same extent that sometimes residential lots are. They give you a median between Single-Family Residential or Condominiums and Industrial. You can develop higher value properties and maybe increase you residential density and tax base a little bit.

This has been a long process and I think the Steering Committee has done a great job. To the Plan Commission and Council going forward, you have some big things ahead of you. The only thing we are opposing is the density of one lot per four acres, and we would like you to consider something in the one lot per one acre range in Neighborhood G. Thank you.

Donna Goodrich, 3783 Shady Lane – I have one comment after Mr. Fredericks. As a Committee Member, I have attended every Neighborhood Committee and every meeting of the Commission. We have asked Mr. Fredericks for a report, some kind of help in making this decision of four acres. We got nothing, but an insulting little piece of paper that told us nothing and was an insult to my intelligence because it wasn't honest on how many lots per acre. I had to sit home with my calculator and figure it out myself. This is ridiculous. Now all of a sudden he has all this to offer. I talked to Greg Kessler several times about getting information and feedback. We got nothing. Are you telling me Mr. Frederick, that our Committee wasn't worth a report and now you have all this to tell us tonight? I am not impressed on how you treated the Committee. I know Mr. Kessler asked you for it and you did nothing?

City Attorney Blum – Ms. Goodrich, I understand that you feel passionately about this issue, but the public hearing is not for the purpose of arguing with a person.

Ms. Goodrich – I am not arguing with him. I am stating my opinion.

City Attorney Blum – You can certainly make your point without criticizing him.

Ms. Goodrich – I am saying to you that I think it was totally unfair to the Commission to have a report brought here tonight and not brought to us as a Committee. I cannot regard it as valid when that kind of maneuvering is going on.

Ray Salzman, 15920 W. College Avenue – I would like to start with Mr. Bentley's comment. Storm water has already been considered for Section 35. That is the whole purpose of the design and plans of the Tess Corners Creek Pond. That is to take in all the water flux coming through Section 36 and 35. That has already been planned. It not only mitigates the flow, but also does filtration. Storm water is not really an issue. Under current plans, I will reiterate what Mr. Fredericks was saying, and what Mr. Bentley was saying, who's benefit is it, is it the developers benefit or the benefit of the City? Under this current density, it is obviously a benefit to the City because it is no benefit to the individual land owner. His comment about Mr. Dude, is a little different. What Mr. Dude was trying to say is the infrastructure that gets built in that area, the roads, the ditching, any of the sewer lines that go in there, are fixed costs. At four acres, it costs them X amount of dollars, at two acres, it is the same number of fixed cost except you are giving up certain amount of income for those residents. It has nothing to do with making more money on that, that infrastructure to build that is what it costs and that is what Mr. Dude was trying to emphasize to you people. The City is giving up potential income as far as taxes and evaluation for not any extra benefit to the developer or anybody else. Those are fixed costs.

As long as we are discussing density, I will bring out my notes. I would like to see an R-3 Zoning. Based on information I received, the half acre lots don't yield half acre lots. It usually turns out to be two residences for every three acres. It is a density less than a half acre lot. The rest is occupied by roads and ditches and everything else.

The surrounding area all around Section 35, at least Section 36 is already sewer and water, which is what the intention of Section 35 was always going to be, is designed at R-3 density. That area would carry over and be almost an ideal match over there. I realize they are pushing the conservation concept for Section 35, but I don't see it working. I think it was designed for not being serviced by sewer and water. With the amount of special environmental features in Section 35, you are already getting, from maps based on PDI, up to close to 50% open space. Even with an R-3 zoning, you were still at 48% open space over there. The only example I had about conservation subdivisions, I gave to Greg. It was called Prairie Crossing which is down in Grays Lake, Illinois which had almost 60% open space density which was served by sewer and water. To achieve that they did a cluster development, but those homes were put on 5,000 – 6,000 sq. ft. lots. In other words, seven houses per acre. That preserved the open space, but in order to make it feasible, you would have to go to that high of a density in the area that is actually done.

The problem with that is it doesn't match the character of the rest of the City of New Berlin, not even close. I can't see how you can make that into a conservation subdivision in that area. Greg is right about the infrastructure. I gave him some estimates on that. The cost on the usable acres, if you take out the environmental characteristics on that, just estimating with Moorland Road, which they want extended, and also taking in Section G for the open space you have left, that is close to \$25,000 dollars an acre in costs that get translated over everybody's land regardless of any future roads or anything else. That is a fixed cost for the infrastructure. That is a significant thing to look at.

They have an area they want to reserve for an active park over there. I can understand the concept. The owner is also sitting here tonight. He doesn't appreciate the designation of the open space for the park. There are a couple reasons for that. Valley View Park lies less than a half mile to the north of that. In addition to that, Tess Corners Creek Pond is laid out in a design as a passive park when it comes into affect. In addition to that, the open water ditch that extends through Section 35 almost all the way to Moorland Road is also slated for a future park. Part of the bike trail will go through that area. That also again would be passive. The only problem I had with that whole thing is when they did the 2020 Plan, they looked at the overall areas in the City of New Berlin serviced by parks. The overall area that was stated in the Report showed that New Berlin has more than adequate park space already existing. But, the thing that was brought out that was most startling was when they broke it down between passive and active, New Berlin was very heavy on the passive and not enough active. To preserve the costs that they were looking at in that area, they were looking at taking out some of those passive areas within existing parks and converting them to active so they don't have to look for additional land acquisitions. In order to do that, you need to go into the C-1 area. That is the only passive open space that is left. There are two parcels that I own in the western portion that are identified as C-1 areas. In order to help spread the cost there, I would like to see you people consider putting that into an office designation using the same idea as Bishops Woods. As a gateway into New Berlin, it would elevate the image of New Berlin as people enter the City.

The yield map that was developed by PDI for the Comprehensive Plan shows how many structures can be built in the amount of open space in Section 35. The example they gave for two acres was approximately 200 new homes. If you actually look at the maps, that is a flawed yield because they extended into areas that are now designated as being part of the Business Park. In reality, that is probably in the neighborhood of 180 residences including the existing ones. The R-3 scenario they had has been a trade-off and some of it showed higher densities. If you reserved the part of Norbert's land as Park, that greatly changes those densities also. What I can figure out from looking on there is using the maximum R-3, you would be looking at a build out in the neighborhood of 260 homes. That would be my best estimate. You should put that under consideration also.

We have talked about what Mr. Fredericks said numerous times. Mr. Louis and his family, which I don't see here tonight, own property along with the Bausch's all along Grange Avenue on the south side. That is unique because it is bordered by an extensive C-1 area. Some of that is not just woods, it has to do with the side slopes. We felt, along with him, that those areas would be a good fit for Multi-Family. There are a couple

reasons for that. The maximum depth is in the neighborhood of 500 ft. from the road. At that point you are hitting the C-1. The only problem with that is about 250 ft. in you have the ANR gas pipeline, which limits your ability to do anything there. Multi-Family there would be a good fit because you can utilize the area with set backs on both sides of the gas pipeline with a common open space. The other thing is that it is almost isolated from any Residential in the area. I know Multi-Family has been a touchy subject, but I think this should be brought under consideration.

I sat in on the Steering Committee Meeting when the four acre density was brought up. The majority of the input as to how they arrived at that was the worry of how many new students would be brought into the school system. It was a vote based on a notion rather than fact. After the facts were brought in, based on the population and the number of students that would actually be enrolling in the system, they had second thoughts with that recommendation. It has no where near the affect that Mr. Kreutzer presented that night. I don't think you should stick with a four acre density because the facts don't follow through with what it was based on. The school issue is obviously a big concern because it is an ongoing expense, but it is probably in the neighborhood of 25%-30% of what he was estimating that night. I don't think you should make judgments based on emotion. It should be based on facts. Thank you for your time tonight.

Mary Hiebl, 20160 W. National Avenue – I have some questions on language and inconsistencies. In the document I have seen a number of references to C-1 as an overlay. Is C-1 going to be an overlay or a Zoning District in the final document?

Mr. Kessler – It will be a Zoning District, it is not changing.

Ms. Hiebl – In reference to Chapter 12, Page 5. In the first paragraph of the Vision it states that any development shall occur as a mix of conservation development, farms, large areas of preserved open space, etc. Then, in Chapter 12, Page 6, No. 2 under West Side Open Space, it says while agricultural uses are encouraged to remain, it is recognized that the area may develop for Residential Conservation Subdivisions. The staff and consultants who presented this might really understand what is said in those two inconsistent paragraphs, but the ordinary citizen and someone who is looking to develop and perhaps a law suit, I think that language needs to be shaped up so that it is not inconsistent.

Mr. Kessler – We will take a look at that.

Ms. Hiebl –Page 12:6, No. 6 under West Side Open Space, the document says you should implement amenities consistent with a rural theme and lists things such as equestrian facilities, trails, bed and breakfasts, nature preserves and parks. I would like to look at that again to include more amenities that deal with success and trends, such as agri-business, CSA's, community gardens, locally grown foods, and organic gardens.

Page 12:6, No. 3 the text reads, where development may occur encourage rural open space subdivisions. Can you come with language that is stronger than that? How are you going to encourage rural open space subdivisions? You need a word there that is

stronger. In the current Zoning Code, Chapter 275, it says that a Conservation Subdivision is a Principle Use and a Conventional Subdivision is a Conditional Use. I think you need stronger language. I don't think the word encourage takes a long walk.

Page 12:7 West Side Open Space comments about the allowable base density before incentives or bonuses is one dwelling per five acres. What are you using as an incentive for bonuses? Have you updated those? Are you just saying that if a Developer doesn't build in a wetland, he gets an extra house or an extra lot, or are you using some updated incentives?

Mr. Kessler – There have been no updates to the density bonus section of our Zoning Ordinance that adheres to the Conservation Subdivision section. As we talked today, there could be some consideration given to that.

Ms. Hiebl – I would reference the article that Jessica gave to the Plan Commission on September 29, 2009 about subdivisions in Vermont with organic gardens, etc. and how it was a huge reason for people to purchase the lots, but also a huge business incentive with a lot of revenue generated. If things like that could be put in as bonus incentives, that would be really smart.

Chapter 12:8, Agricultural and Cultural Resources states that agricultural lands are encouraged to continue as a permitted use. How is the City going to encourage agricultural land as a continued use, when they have removed the language in that area? The removed language is, “and areas zoned A-1 have been designated specifically as agriculture”. That language is removed. How are you going to encourage to continue, when that language is removed? If you check that, it would be sweet.

Chapter 12:8, Recommendations – There is a statement there that A-1 soils should be identified as transitional. Is that right?

Ms. Esswein – It should be A-1 Zoning. That has been corrected but not printed out.

Ms. Hiebl – I read and I don't have the documentation for this, but it states in the document, “all existing agricultural lands are considered transitional”. In this context, what does transitional mean?

Mr. Kessler – I don't recall the Comprehensive Plan section, but that means that the Future Land Use designation would allow the lands to transition from Agriculture to, in this case on the west side, Country Residential with 5-acre density development.

Ms. Hiebl – Is A-1 Zoning also a transitional?

Mr. Kessler – It always has been. Even though it may not have expressly said that in any Code or Master Plan, the fact remains that as long as the Future Land Use Map had a Country Residential designation, those lands could have been petitioned to be rezoned.

Mr. Hiebl. In Chapter 275 of the Zoning Code, Page 47 under Agricultural District, the

language is strong for the A-1 District. It is disappointing that in the Smart Growth Plan now all lands including the A-1 lands would be transitional. Here is what is great about the way it is stated in Chapter 275; it says, “The A-1 Agricultural District is intended to maintain, enhance, and preserve agricultural lands utilized for crop production and the raising of livestock. The District is further intent upon preventing the conversion of agricultural land to urban uses prior to their planned conversion as envisioned in the adopted City of New Berlin Master Plan”. That language is stronger. I think you have really watered down that strength in the new Smart Growth Plan. That doesn’t seem real smart. If one could look at that and get some strength, teeth, and muscle in that, that would be good. In Chapter 275, the A-2 Agricultural is the holding zone. Now you have put A-1 as transitional also, and I think that is a dilution.

In this document, wherever farm or farming or farmland is used, perhaps we need to come up with a more inclusive word. Most of the landowners within the City are crop grower’s, soy or corn, and I think just one dairy farm in the City of New Berlin. “Farm” might be too narrow of a term there. Can you and staff come up with a term that is more inclusive to reflect what is going on in the City?

Chapter 12:9, states that the survey results for the highest images for open space in both Neighborhoods “B” and “I” were agriculture, natural open spaces, and views, yet this Plan disregards these survey results by eliminating the very zones which allow for agriculture and natural open space and views. Can something be done about that?

Mr. Kessler – I need some clarification as to what you mean. What are we eliminating?

Ms. Hiebl – The highest images from the surveys were that people wanted to see open space in Neighborhoods “B” and “I”. The first picture was an open field and a barn. The next one was an active playground. The third picture was a path next to an open meadow. Those were the three highest survey results for both Neighborhood “B” and “I” and yet, we have eliminated the agriculture zones which allow for those highest requested images for both Neighborhoods “B” and “I”.

Mr. Kessler – I want to make it clear that we are not eliminating either Agricultural Zoning District that we have in the City. A-1 and A-2 have existed before this Plan started and will exist after this Plan is adopted. We are not recommending changing anything in terms of the Country Residential designations on those farmland areas. We are not taking away anything that wasn’t there already.

Ms. Hiebl – Right, but I think it is misleading because when one looks at the Future Land Use Map in this Plan, one will not see an A-1 or an A-2 Zoning as one does now on the existing Land Use Map. We have had discussions on that, and perhaps other people have noticed that and wonder also about not seeing those two Zoning Districts any more.

Mr. Kessler – We will have a discussion with the Plan Commission on that.

Ms. Hiebl – Chapter 19:9, there is mention of a Storm Water Treatment Train. I don’t understand that term. What is that?

Mr. Kessler – That is a series of storm water management techniques. It could include multiple ways of treating storm water. Examples would be a rain garden with a bio-retention swale with a storm water detention pond. It is a series of those types of facilities that treat and handle storm water.

Ms. Hiebl – Chapter 19:6 The National Avenue Corridor West, No. 3. The text speaks of the area west of Calhoun Road as a gateway into rural western New Berlin. Here is what the text says, “Explore the extension of sanitary sewer service as permitted by the New Berlin Urban Sewer Service Area Boundary to serve the area for development”. Does that mean what I think it means? Is that statement moving the existing established line? Are we extending the Urban Sewer Service line west so that the gateway to the rural area can be served by sewer and water.

Mr. Kessler - The statement in and of itself doesn't move any lines at all. That would need to be dealt with through Plan Commission and/or Common Council.

Ms. Hiebl – What I am questioning is when it says, “exploring the extension of sanitary sewer service”. The line doesn't go past Calhoun Road now, does it?

Mr. Kessler – No.

Ms. Hiebl – So, what does it mean to explore the extension. I would say that needs to be looked at.

Ms. Esswein – I am looking at the original GDMP and trying to compare. Initially when we gave the Steering Committee all our changes from the original GDMP, they were tracked changes so some of these are no longer the tracked changes. I am looking at the original GDMP under the section for National Avenue Corridor West Development Policy No. 3, the last sentence says, “Explore the extension of sewers to serve this property to make development feasible, but permit sewers to go no further to the west”. There might have been some inclusion of what was in your existing GDMP and the Steering Committee gave us direction on how to reword it.

Mr. Kessler – The Urban Service Line doesn't go further west of Calhoun Road.

Ms. Hiebl – Doesn't this statement imply that it would go west?

Mr. Kessler – You bring up a good point. We can take a look at that.

Ms. Hiebl – Chapter 17:7, No. 4 – There is really good language there. If we must submit to agricultural lands being developed, No. 4 says, “As agricultural lands transition to residential development, the subdivision design should incorporate farming and agricultural uses as viable open space options. During development it is critical to incorporate the preservation of high quality soils in this neighborhood”. That statement is included only for Section “G”. My recommendation is that statement be more inclusive in both Sections “B” and “I”.

Mr. Kessler – Sure. I know that it is in the Agricultural Chapter too.

Ms. Hiebl – Chapter 10:4 – What provisions currently exist in Conservation Subdivision regulations to plan for and permit farming as open space use?

Mr. Kessler – It is in the Zoning Code. It is already allowed. When we updated our Conservation Subdivision Code back in 2005, we listed that farming and agricultural type uses could be the open space uses within a Conservation Subdivision.

Mr. Hiebl – Chapter 10:5 Policy 6 under Land Use, states “Rural Character – Preserve the existing character of the remaining rural areas in New Berlin”. How will this be accomplished? Is it stated somewhere in the document how this is going to be accomplished?

Mr. Kessler – It is throughout the document based upon the individual neighborhood. We are talking about using Conservation Subdivisions regulations, encouraging the continuation of farming, rural commercial design guidelines, there are a series of tools that we have available to us.

What is permitted in the Conservation areas is referenced in Section 275-41(B)(3) as Conservation Area Use and Design Standards and specifically says agricultural and horticultural uses including raising of crops and livestock, associated buildings, excluding residences, that are specifically needed to support an active viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.

Ms. Hiebl – The current code has a Conservation Subdivision Design. Why is not the current Conservation Subdivision Design applicable to Section 35 instead of having to create a Planned Conservation Design?

Mr. Kessler – The Conservation Subdivision Code applies no matter what in Section 35. That is in our Ordinance, and that applies. The use of the Plan Conservation District was simply to create more unique rules and regulations. We have a blank canvas here, and if this area should ever transition, we would like some unique rules and regulations specifically for Section 35. I think everyone would agree that there are some important natural resource assets in that area and we need to go above and beyond to try to preserve and protect. I think that is what you were getting at earlier in terms of your suggestion about density bonuses for agricultural easements.

Ms. Hiebl – Is it so that in the Plan Conservation Design, the open space is 40% as opposed to 65%?

Mr. Kessler – That is what we proposed to the Steering Committee and that is where it currently sits right now.

Ms. Hiebl – So, the open space would be 40% as opposed to 65%?

Mr. Kessler – Correct.

Ms. Hiebl – In Chapter 19;12 it speaks of primary arterials in Section “I”. They mention National Avenue as two lanes and four lanes. Is National Avenue four lanes in Section “I”?

Mr. Kessler – That must be a typo. I am not aware of that segment of National Avenue being four lanes.

Ms. Hiebl – Will the public be allowed to have input once the Common Council goes through this?

Mr. Kessler – You will have Privilege of the Floor. There has been a considerable amount of public input, time, and effort spent in public input throughout this process. There are no other planned opportunities other than Privilege of the Floor.

Ms. Hiebl – I understand that the Plan Commission has been given a number of comments. How and when will those be available to the public?

Mr. Kessler – We have a bound copy upstairs and a copy of that can be available to anyone who asks.

Ms. Hiebl – My closing comments. I too have attended all but two meetings since January 2008 when the Smart Growth Plan began, and I would concur with Laura Karel, a previous speaker, that we must question the smartness of this Plan. This is not to discredit the volunteer time, and the energy, and the resources that have been put into this Plan. I thank all of those who have participated and volunteered their time, however, from January 2008 to the present I did not hear discussions of stewardship, preservation, global warming, public transportation, other than more impervious surface, commitment to open space, natural resources in western New Berlin. These items are needed in a ten year plan and hopefully will come in future discussions with the Plan Commissioners and the Common Council.

I have one more comment, and that has to do with water. Under Natural Resources, Chapter 5:7 language was taken out. “Water shortages may occur in areas of concentrated development and intensive water demand, especially in the sandstone aquifer, and in selected areas served by the shallow aquifers as further discussed in this section”. That is an important piece of factual information which I would like to see put back into the document.

Ms. Esswein – The reason that was removed is that there was confusion that we were talking specifically about New Berlin, and that is taken from the Waukesha County Plan. The Steering Committee felt the wording made it confusing.

Ms. Hiebl – Perhaps some wordsmithing can be done there. That actual statement is

extremely important if we are looking to a future plan, and to stewardship and conservation. With water from Lake Michigan, conservation is a huge component of that. It is extremely important that it be put back into this document. Thank you.

Rhoda Flagg, 3180 S. Thornapple – Compliments to the whole planning process and the countless hours that staff, the Committee Members, and everyone has put in to do this. Let's just hope that what we finally end up with is the very document that we are hoping for. I would like to compliment Mary on her line by line work that she did to point out the things that really are important. We really do need to keep the agricultural aspect of New Berlin in mind. Thank you to everybody.

Mr. Saltzmann – You had the set back for the stream banks as a 75 ft. buffer. Is that 75 ft. the total diameter width or is it 150' for a total?

Mr. Kessler – 75' on each side, so 150' ft. total.

Paul Lincoln Scheuble, 19890 W. Julius Heil Drive – We have had a lot of great input from a lot of people that have done a very articulate job at expressing their prospective on these complex issues. Once this Plan is adopted by the Common Council, what will it take to do revisions and make it a living document? What is the criteria for amending this Plan?

Mr. Kessler – The way I understand the Statute is the very same protocol that we used to adopt the Comprehensive Plan would have to be used to amend the Comprehensive Plan, so that would include a public hearing such as this and going through Plan Commission and Common Council.

City Attorney Blum – That is correct.

Mr. Scheuble – I have heard it expressed by Phil Evenson that the difference between Smart Growth Comprehensive Plan Statute impact on local communities with the Future Land Use Plan is that before it used to be a guideline and he referred to it as a blueprint, and if our land use decisions are not made in accordance with the Future Land Use Map, that we would be subject to litigation. Could you clarify that?

Mr. Kessler – In the Planning profession and from the various training seminars and training sessions that I attend, I don't believe anybody, whether they are an Attorney, a Legal Scholar, or a professional Planner really will understand to the fullest extent of what exactly the consistency requirement that you are referencing means. The Comprehensive Plan and Master Plan are interchangeable words, and I think it will continue to be used as a guide for future development, growth, and preservation in the City. In terms of the consistency requirement, we don't know what that means, but we do know that our zoning and land use decisions should be consistent with our comprehensive planning process, otherwise why go through the process?

City Attorney Blum – I would say that they must be consistent. That is why the Statute is written. The question is, what does consistency mean? That, as Mr. Kessler said, is yet

to be determined. I suspect there will be a few law suits that will be filed and decided before we really know for sure. The advice that I would give to the Plan Commission and Council as we move forward, is that when you receive a development application and are looking at the various elements of that application, you will need to then turn to the elements that are set forth in this Plan to determine if, in fact, the elements seem to track with what you have decided here in this Plan. If they are not, then you are asking for litigation.

Mr. Scheuble – Along those lines, the final say of litigation has to do with the actual Code. Would the specific applications of any particular policy be defined by the Code as far as the Court would be concerned? Whether the proposal complied with the requirements for development in the Community, that the actual specific statements in the Code would carry the greatest weight, or to what degree would the balance of the Future Land Use Plan interface the appropriateness of the Code, what the Code allows, and what the Plan would envision happening. How does the shift in what the legal system would consider the controlling factor, still the Code, or is there a greater equal weight to the Future Land Use Map now?

City Attorney Blum – I would term the Code as being the implementation, the tool box, if you will, to implement the Plan. The Plan will give you guidance as to the transportation, utilities, land use, and as you are assessing a particular development application, you will then be looking to see if it applies to the application that is being submitted. The actual tools to implement that then are the actual aspects of Zoning Code dealing with a variety of issues from there. The concept is that these work together in a systematic fashion to implement the Plan. I wouldn't view it as trying to determine whether one trumps the other, so to speak. They are to be coordinated as a unit to implement the zoning plan as being created here.

Mr. Scheuble – Currently, we have been operating with a 2010 Urban Design & Land Use Master Plan. That Plan had objectives, principles, and standards. About ten years ago we came up with a Growth and Development Management Plan which had policies. I understood when you have a policy, to understand the appropriate application of that policy, you have to consider where you have to go, what your objectives are, what the principles by which you are determining how that policy should be applied, and also the standards, limits, or parameters that are put on the policy. The goals, objectives, principles, policies in accordance with the standards, and the strategies all work together. Why are the objectives, principles, and standards of our 2010 Master Land Use Plan left out of this document? It seems we have now muddied the waters as far as being able to substantiate for any sort of litigation as to why we have made the decisions we have. I would suggest you put the objectives, principles, and the standards back in so we know what the appropriate application of policy would be. It is a very important point if we had to defend ourselves in court. It might sway any type of litigation if we could establish all the rational why Plan Commission and Common Council made a decision. If we apply all those factors of good planning, that will be to our benefit to avoid litigation. It is in the Economic Plan, but it is not in the GDMP. It got changed out because there were some policies and projected application of those policies that violated standards that had been established. That was part of the political maneuvering between

the Master Plan and the GDMP. I think we should go back to the good objectives, principles, and standards that we had in our Master Plan. That was very important. I believe it is critical if we want to come up with the goals we are looking for. Regarding the clarification on that issue, what was your strategy for including strategies for standards in the creation of this Comprehensive Plan? Did you take the Master Plan, Land Use Plan, and those objectives, policies, and principles, and standards into consideration?

Ms. Esswein – The base for what we started with was the 2001 GDMP and did tracked changed for every single change and every addition. That was the starting base. In there you have your vision and your development policies. Most of those have been retained. If they were changed, the Steering Committee reviewed every word change.

Mr. Scheuble – To me, that created a lot of conflict. We had an existing Master Plan in place, making it problematic in the process. Another problematic issue as far as the process was the strategic planning process that many community members participated in the process where we had a chance to brainstorm issues facing the community and actually focus on a number of them. It was a yellow document on goals and strategies for accomplishing good planning in the community. Did you use this as one of the documents?

Ms. Esswein – We have about forty documents that we referenced from any past study. I don't have a list in front of me. The base document that we started from was the GDMP, but we referred to many other documents in terms of what was done in the past, what was moved forward from those documents, what was not moved forward and why. I will try to find the page. It is an entire appendix item of all the past studies we looked at.

Mr. Scheuble – I was hoping you would have checked. I asked you this before. It was a yellow document. It had some great insights as to what the desire was of a large cross section of New Berlin, and how they could be utilized and implemented with strategies. I am hoping we have even better strategies.

Ms. Esswein – My understanding that those goals were used to develop your 2001 GDMP, so they did move forward.

Mr. Scheuble – That is the problem. One of the big goals as far as balanced land use and a wide variety of economic opportunities for agricultural business was taken out of the 2001 Plan. It was removed off the Future Land Use Map. That was a basic change that violated standards of the Master Plan. When we started to use the 2001 GDMP there was a major departure from what a good segment of this community thought was a good vision for a balanced community.

Ms. Esswein – I have the list if you want me to read it.

Mr. Scheuble – 1997 FOCUS New Berlin Strategic Plan.

Ms. Esswein – We looked at the City Center Development Plan form 1999 and the Land

Use and Urban Design Plan for the City of New Berlin 1987.

Mr. Scheuble – FOCUS New Berlin Strategic Plan.

Mr. Kessler – I don't think we even have a copy of that.

Mr. Scheuble – That explains why I didn't see a lot of what was in it. It was sponsored by Economic Development, Chamber of Commerce, City of New Berlin, many citizens participated and it was a very good process.

Mr. Kessler – Could it be called something else?

Mr. Scheuble – No, it's a yellow document. It's FOCUS New Berlin Strategic Plan.

Ms. Esswein – What is listed in Chapter 2, Page 2:1 are the documents that we wrote reviews on. There are other documents we referred to, but didn't write a full review on the entire document.

Mr. Schueble – If it didn't ring any bells, my guess is you didn't have it. That is very unfortunate. They were very excellent strategies and visions that could have been folded into this and made it a better Plan. As far as future development and this Comprehensive Plan, I think we definitely need to look at our strategic plan, objectives, principles, and standards of our Master Plan. To start with the GDMP, and do a Comprehensive Plan and say that it is comprehensible, what participation has been already brought to the table by citizens of this community from a historical prospective has already fallen short of comprehensive. I have an emotional thing about this because I thought those two documents, although we did not spend anywhere near enough money, the participation through the media awareness and actual brainstorming development of ideas really came from the people. In this process, we have had an opportunity at many meetings to speak our mind, but when it came down to actually having what our thoughts were being pulled into the Plan, the summary of public participation fell way short of a lot of the issues that were raised, not invited, but raised by people, were not reflected. To me it was a formatted way of presenting the issue that carried forth an urbanizing agenda, an incremental expansion, a domino effect, saying here's the next urbanizing step for New Berlin in the next ten years.

We have to look at some of the impacts of this incremental movement forward. Some of the great things that you did do was to provide a map that shows the aquifer recharge areas and the soils that are suitable for replenishing the shallow aquifer. I became aware, today from Greg, that we have no water problem in New Berlin. Greg, you told me that our water gets recharged out in Jefferson County. That is true, for the sandstone aquifer, the deep aquifer that dips underneath in the shale. Back in the glacial days, we had about seven lakes around New Berlin. They were connected by sand and gravel aquifers. There was a lot of capacity in our shallow aquifer. That gets recharged locally. It was all explained about ten years ago when I was sitting where Jack is sitting now and all of you were the top water experts, hydrogeologists, DNR, River Climatologists, the top water people in the community talking about the impacts of urban development on water

supply. Our quality and quantity of water that is available for private wells is impacted by local development. Being site specific, there are a lot of little aquifers that are connected, some are isolated. We need in this plan to identify, not only soil characteristics, but the impact of sustainability on existing development. Future development can not all of a sudden create a problem for existing development. We have achieved some of our goals and objectives. We have about 51% urban and suburban development. The other half is more rural. This balance has been accomplished. If we would redevelop our current exiting zoning and implement a lot of these good ideas like bio-swales, and other factors that have been identified here, we could come up with an excellent sustainable community in the long run. If we keep on promoting further urban expansion, mainly Lincoln Avenue Industrial, Mill Valley Industrial, the expansion of manufacturing and commercially related development both Mill Valley and Westridge, we have gone into some of our very valuable resources that we were protect. In your presentation there was to be no development on the east side of Moorland Road, allowing one side to be open preventing the claustrophobic experience coming into the gateway of our community. Right now, we have been putting more and more development into Westridge. Even the attractiveness of Westridge Business Park is becoming constricted. With the expansion to the east, we violate the principle of providing a corridor of cement and asphalt. Right now we have this beautiful open view, and have violated the principle by this Plan which created a corridor of manufacturing. That is not a smart idea for the image of our community. That is a wrong idea. The right idea is the conservation type of preservation of Class 1 and 2 soils in Section 35. Point of clarification, with the density incentives, Greg, isn't it true that we basically come to an allowable density of about 1 to 4 in the rural conservation subdivisions?

Mr. Kessler – Our density bonuses that we have, at least for the Rural Conservation Subdivisions side are fairly strict and they are not easily achieved. One of the bonuses relates to for every 50 acres of a block of contiguous land that you bring forward in a subdivision proposal, you get one additional lot. With the open space percentage at 75%, someone would need quite a sizable parcel to achieve 75% and have 50 acres leftover to achieve another lot. To specifically answer your question, I don't know the answer to that. I would probably have to sit and look at every R-1/R-2 property in the City and do an exhausting GIS calculation.

Mr. Scheuble – I have done that in the past and came up with one to four with a density bonus. My point being, if we have a one to four density that has been called for in Section 35, rather than create a new district, we could achieve the one to four density by adding more density incentives for housing. If you maintained the agricultural soils, Class 1 and 2 in Section 35, and maintained the standards of our Master Plan, outside of the Urban Service Boundary you could have a Rural Conservation Subdivision. You are not going to need sewer. That is not a viable option because sewer would go right through the Class 1 and 2 soils and a lot of the places where you should be building the houses would be over on the southern exposure on the northern slope. That is where the housing could go in Section 35.

I was inspired by Mr. Dude. He did his fiscal impact analysis of how this Plan could

affect the economics of the City. For the last twelve years I have been involved in this process of strategic planning. I have invested about one fourth of my life, and I am trying to make this sustainable. I am very deeply engaged in this and I do have a vision that is good for the community that is consistent with our Master Plan and alternatives for Section 35 that would be consistent with the densities of one to four, and I am volunteering to work with Greg and Will Allen from Growing Power, who is waiting to hear from me, Jim S. from Family Farm, the network for family produced distribution of farm goods, Steven Perry Smith, an Architect for the largest distribution center, gold LEED certified, landscape architects, and Christopher Mann, originator of Michael Fields Farms.

To do an evaluation, what really could be a sustainable yield to Section 35? What is the value of that land as far as producing produce that could be distributed to our schools and the local community, harvesting of fruit trees, etc.

Mayor Chiovatero – Mr. Scheuble, can you please leave your comments to the item on for discussion.

Mr. Scheuble – This is actually a vision of what could be in Section 35. I am offering my services along with all these people that are experts in this area as far as what would be the value of that land so we could figure out whether it is feasible just to keep it as the standards of our Master Plan suggested it should be, and what preserving it could yield for the land owners, and I would be happy to work with them too. That is an offer I am making to invest a lot more time and come up with a very good evaluation of that land from an agricultural perspective.

The aquifer recharge areas in the proposed development of manufacturing zoning, the bio-swales and storm water and recharge type of facilities, I appreciate and are a good idea. However, when you pave over areas that are your best aquifer recharge, you basically threaten your sustainability for your supply of water in your shallow aquifers. That is one conflict that we have. One map says these are our best recharge areas and you look at the places where they are proposing industrial development and see a lot of similarities. There is also a lot of run-off from those parking lots that also can compromise the quality. We protect our well heads for urban municipal wells. We need to protect our recharge areas for our private wells.

It says in the Plan that A-1 lands are designated on Future Land Use Map on what I was given to read in the Planning Dept. within the last couple of days. It is obviously not. That is a transitional area. I think the concept of transition is that transitions are like buffers. They separated high density urban manufacturing from residential. Right now it seems to have transitioned into a transition and residential is moving closer to incompatible types of developments. That is a violation. I think we should identify these agricultural lands, C-1, Class 1 and 2 soils and put a priority on them. That priority would help drive the Conservation Subdivision policies that you would build around them to provide economic opportunities for future generations. This is all based on a 25 year vision statement that over 300 kids made contributions to. I asked them for Earth Arbor Day celebration last spring to express in words or pictures their appreciation for

goodness and beauty in New Berlin. I had over 300 children responding to what they loved about New Berlin. I truly hope that the recommendations that come from many members here and what I have suggested can help preserve the goodness and beauty of New Berlin for future generations of children. The way it is currently proposed, I believe it is threatened. Please consider changing some of the expansions of manufacturing areas. The impacts on roads cannot be overestimated on Lincoln Avenue. The impact on Calhoun Road, Moorland Road, and Sunny Slope Road based on the expansion of Westridge also. These are already problems and we can't make them worse. People don't want to have more widened roads and public transportation.

The heart of the issue is safety concerns of travelers in New Berlin. This development that is being proposed is serving as a commuter magnet. 97% of the people who work in this community, don't live here. To invite more to create more safety problems is not a wise idea.

I apologize for my long windedness. I appreciate your attention. Thank you.

Mayor Chiovero asked three times if there was anyone else with comments or questions for the purpose of clarification, seeing none.

Mayor Chiovero asked three times if there was anyone who wished to speak in favor of the Comprehensive 2020 Plan, seeing none.

Mayor Chiovero asked if there was anyone who wished to speak in opposition of the Comprehensive 2020 Plan.

Debra Boehm, 19120 W. Observatory Road – I want to state that I oppose the Plan where it limits one lot per four or five acres. It is an unreasonable request, and it should be reduced to something more reasonable.

Joe Russ, 16800 W. Shadow Drive – I think everyone has expressed why they don't like this Plan. My objection to it is it seems that the Plan is now starting to get some little adjustments put into it to expand industrial areas, such as Westridge, especially up and down the Small Road corridor. I think it is big enough. If you go past Buy Seasons, it is not pretty in any sense of the imagination when you go down Small Road. I think that is one example of something poorly done in the City. It may be close to a LEED building, but it's not much to look at from Small Road.

The Council drew a line in the sand a few months ago for the Urban Service Area and that line needs to stay there.

Finally, I am against some of the rezoning in sections along Small Road and also the Boyd property south of I-43.

Shirley Shim, 19300 W. Observatory Road – As I presented before, I strongly oppose having four or five acres for one house because it is not affordable. It is not practical in our area. Also, in my case because of wetland, I am giving up 80% of my land. With the

3-acre Conservation Subdivision I am giving up that much for open space. I am strongly opposed to 5-acre zoning. I want my 3-acre zoning back the way it was. I don't know the reason it changed. We still have plenty of open space and plenty of water.

Gary Boehm, 19120 W. Observatory Road – I oppose the one lot for four or five acres. That is too much land waste, too much development costs, and too much burden for the public.

Mary Hiebl, 20160 W. National Avenue – I have concerns about inconsistencies which I detected and some concerns about the language that needs to be strengthened. In looking and doing research I noticed that Chapter 17 is the largest chapter in this document and it is an extensive development policy. I question whether we are really in line with the State Statute from 1999. The intent behind that Statute was to curb urban sprawl. I don't know if we have achieved that. I have reservations.

Paul Scheuble, 19890 W. Julius Heil Drive – This is a great Plan in many respects, but I oppose the expansion of the Urban Service Boundary. I think that should be left up to the Common Council on a case by case basis to see what proposals actually conform to our goals and objectives of the Plan. The other thing that I object to is the lack of strategies for cooperative type of economic development, strategies for urban agricultural business opportunities, and business strategies for junior achievement programs. These are ideas that I was hoping would be incorporated into the Plan. Also, remove the regulatory controls on neighborhood compatible home and community businesses. I think rather than have more industrial parks, we have to open opportunities for people to survive with minimum overhead in these economic conditions. If they can get a business started without affecting their neighbors, then possibly move into a larger site in our old Industrial Park, not using our best farm soils for more problematic causing urban development. Thank you.

Mayor Chiovero asked three times if there was anyone else who wished to speak in opposition of the Comprehensive 2020 Plan, seeing none.

Mayor Chiovero asked for comments or questions from the Plan Commissioners.

Alderman Ament – My initial question is to the City Attorney. Almost everything I wanted to ask questions about are things we discussed at the Comprehensive Plan level. Do they need to be brought up here again because this is a public hearing, or can I deal with these questions, some of them are technical more than general policy questions, at the Plan Commission meeting in November rather than addressing them here?

City Attorney Blum – As a member of the Commission, you certainly have the right to raise the questions whenever you would like to do so. I don't see why it has to be done in the context of this public hearing. The purpose of the public hearing is to gather information and clarify the issues from the standpoint of the public, and then there will be a debate among the members of the Commission and certainly at that time, further questions can be asked of Staff and the Consultant if you feel that is appropriate.

Alderman Ament – I will ask a few questions, primarily to Greg Kessler. These are questions I have been asked so I feel it is appropriate to ask them at the public hearing. The density in Section 35 has been as long and I can remember and currently is one home for two acres, correct?

Mr. Kessler – Correct.

Alderman Ament – The land owner developer requested this density be changed, but unfortunately for them the change did not go the way they wanted. With the one to four, part of the request is that it be reduced back down based on they can't make a buck with one to four acres. My question then is, at the one to four acres, right now the density is being proposed at 40%, correct?

Mr. Kessler – That is correct.

Alderman Ament – Does our current Conservation Subdivision Code require 75%?

Mr. Kessler – Not in this area. The Code requires 65% in what would be called a Residential R2E District.

Alderman Ament – I would imagine if there would be some change going away from the one to four toward the one to two, I would assume we will also adjust the open space factor because part of the accommodation for the one to four acres was to change the open space from 65% to 40%. There more to it than simply changing the density factor.

I am looking at the Potential Redevelopment Site Map. Starting at National Avenue and Racine Avenue, the way it is configured there is no specific parcels identified at this point.

Mr. Kessler – No, the northwest corner at that intersection is primarily the only commercial corner.

Alderman Ament – This is primarily to identify what should happen there should that start to develop. How it will play out will depend on what is actually proposed and what parcels it is proposed on, correct?

Mr. Kessler – Correct.

Alderman Ament – On that same map, the red area on Moorland Road and Beloit Road where Target is shown as Commercial or Mixed Use. It is hard to tell by this map because it is general, but can you identify where the area is showing the western half going north?

Mr. Kessler – I don't have the ability here, but we will have to blow the map up later.

Ms. Esswein – These were general ideas when we started the discussion on economic development. Some of these areas don't actually appear on the Future Land Use Map. If

it is red on here, it doesn't necessarily mean it is Commercial on the Future Land Use Map.

Mr. Kessler – I can tell you that that's not Commercial on the Future Land Use Map.

Alderman Ament – Ok, then do we need to adjust something on this map, or is that not necessary. There are some people concerned that it is plotted out like that.

Mr. Kessler – It may be a good idea to make an adjustment at the November meeting. If it is not reflected on the Future Land Use Map, it should not be on a potential site for redevelopment.

Alderman Ament – You can see other areas, like National Ave. and Racine Ave., where it is a little more general. Here, I think it is more specific. The concern is from these people and from my standpoint, is that we are scaring them.

Mr. Kessler – I would like consistency between these various maps as well.

Ms. Esswein – We can change the maps and the text. The text on 3:9 says that they represent opportunities for a variety of commercial uses. That was part of our discussion at the Steering Committee level that these are the opportunities, now let's take each area and move forward with the discussion. Some of them remained as opportunities and some of them were removed and no longer were opportunities. We could do a variety of things. We could change the map, we could change the text, or we could leave as is and say it was just discussed as an opportunity.

Alderman Ament – I was just hoping that it would be more clear and consistent so that when these folks look at it, they aren't calling to find out why they are all of a sudden in a Commercial area. On Page 6:13 at the bottom it says it is recommended to widen Cleveland Avenue to four travel lanes through the City. Is that based on SEWRPC 2035 Plan? I don't remember it being from 124th Street all the way across. I see it here, but I don't recall it. I know there were questions about that from Alderman Wysocki.

Mr. Kessler – The SEWRPC Map has Cleveland Avenue with four lanes for the entire length. (Mr. Kessler verified this with Ron Schildt).

Alderman Ament - On Page 6:14 down the list, it starts out with Ultimate Right-Of-Way Widths and then it identifies Streets and then it goes down to Calhoun Road, Beloit Road to North City Boundary. Then it says 110 ft. I thought the map showed it as 100 ft. Can Ron Schildt check that? I am not so much questioning that it should be 100 ft. or 110 ft., I just want to make sure that the map and the text are consistent.

Mr. Kessler – It has been some time since we approved that map so we will take a look.

Alderman Ament – Right below that it also says, Beloit Road to the southern City border says 100 ft, but according to the map I believe it should be from National Avenue to the southern City border - 100 ft. Again, I am not saying which one is right or wrong, just

check it for consistency. The map right behind that is showing it as 100 ft.

On another map, unfortunately they aren't numbered, but it is another road map. Again, it shows that section. One of the maps shows it as 100 ft. and the next map shows it at 110 ft. and the text says 110 ft. The original plan that we had showed it as 100 ft. Again, maybe we can clean that up.

Mr. Kessler – Are you referring to the map just after Page 6:14?

Alderman Ament – I just printed them out, and I have no idea because I didn't print them out in sequence.

Ms. Esswein – What does it say after Figure X? What is the title of that map? Does it say Ultimate Right-Of-Way Widths? Just hold up the map.

Alderman Ament – You can take a look at all three maps. Two of them show it as 110 ft, one shows it as 100 ft. Just get those consistent, so we don't have any issues.

On Page 6:17 I want to note that when we get this to the Plan Commission level, we may want to look under Bicycle and Pedestrian Facilities to have some reference to the Policy because there is some reference in here to other similar things. Maybe we can revert the ice and snow removal policy.

To address Mr. Russ, on Page 6:21 is where it references the truck routes. Once the hub-bub of this whole operation is over, we can sit down and work on that, maybe either through Board of Public Works or Plan Commission.

On Page 6:40 regarding I-43. This is something I had a problem with at the Comprehensive Plan level because it says, "support widening I-43 from four lanes to six lanes from Racine Avenue" and then the description is basically through the City. Again it says "support the I-94 interchange at Calhoun Road". We can discuss this next week, but when we get to the I-43 part, the problem that I had is that there was no real discussion on that. I would hope we would have some discussion because I didn't vote against it because I am necessary against additional lanes. I wanted to hear more from Phil as to exactly what they were talking about. Are they talking about adding a lane in the center? Are they talking about widening a road where it would impact residents and things in that area?

Mayor Chiovatero – I think they answered that. I think they said in the center.

Alderman Ament – On Page 7:6, 7:7 and maybe some additional pages it looks like the text was taken out of the GDMP as far as the projected populations. I think we handled that at the last meeting.

Ms. Esswein – We agreed we were going to change that to the more current projections which were lower than the old projections.

Alderman Ament – The chart shows 2005 way ahead of where we are right now. The Sewer Service Map, which someone mentioned, I don't recall who, will have to deal with that. I don't know where you are with the conservation we had, but there are some changes that I can't be comfortable with. Also, I want you to look into why on the map that I had you print, Small Road properties that are by I-43 on the north side are shown as Suburban Residential. I know that is what is recommended and I don't know if that is why this shows, but it is not identifying it as a change like the other ones are. We need to bring this to attention, especially to the Alderman of that district.

Mr. Kessler – Are you referencing the Boyd property? Or McLain property, to the right?

Alderman Ament – Both

Mr. Kessler – I will check that.

Alderman Ament – Any other areas on National Avenue and Lawnsdale Road where it is showing a significant section going north from that intersection as Rural Commercial. I went back and looked at all of our other maps and all of the other maps that I have including the one that is in the computer file, do not show that being changed to Rural Commercial.

Mr. Kessler – You are correct. That is a mapping error. That was pointed out at the Open House and it will be corrected.

Alderman Ament – On Page 9:5, it shows our Fire and Rescue facilities. Under Fire Station #3, it just shows Racine Avenue, but the other ones have their street address. The picture is obviously of the old fire station.

There are still areas that refer to C-1 and C-2 as an overlay. I saw it on Lincoln Avenue and a couple other places. Anything that refers to C-1 and C-2 as an overlay should be taken out, and they should be identified as Districts.

One of the other issues that I heard about a lot tonight and it concerns me enough to bring it up now instead of the next meeting where it may slow up our process to get this done by the end of the year, is that I am going to be looking for some stronger language on Agricultural Zoning. Right now our Zoning District for A-1 and A-2 allows for transitional. I don't like that. The biggest issue I have with it is that it just says "transitional". I think we need to, through our conservation easements, protect those lands similar to how we do C-1 land. I am primarily talking about the prime agricultural soils groups. We need to look at this really close and make sure that we can incorporate those. You were mentioning before that agricultural is part of an open space use. I'm going to be looking to see some kind of protection for those soils as described on this map as we go parcel by parcel. You mentioned to me that we don't need to do anything as far as the Comprehensive Plan. I want to make sure that it is something we can deal with through the Code as we add it into part of the requirements as we consider what can be preserved in open space. Is that correct?

Mr. Kessler – That is correct. The Code already talks about Class 1 and Class 2 soils and talks about the preservation of those. We can put that layer on the map of potential conservation lands. We clearly recognize that it is an important resource that we have to protect. I look at it as a Code Amendment, not a Comprehensive Plan Amendment.

Alderman Ament – I would like to see us have any additions, subtractions, changes in the Master Plan, the GDMP, our Codes, our Maps specifically and clearly identified. I would like to be able to track the changes at least by the time it gets to Council. There are a couple other communities that do that with their Comprehensive Plan.

Ms. Esswein – We would have to talk with staff on how to show that. When the Steering Committee approved it at the Steering Committee level, we accepted those changes and moved forward. In order to show every single change in tracked changes, we would have to go back to every chapter and essentially recreate it to show what was in and out. Maybe we could highlight paragraphs or are you asking for every word?

Alderman Ament – I don't want to create a lot of work, but I want to find a way to easily identify where the changes are. I am not talking about changing a few letters, I'm talking about significant changes. I need some kind of breakdown especially at the Council level so they can see where they are. We are more familiar with it.

Mr. Kessler – Maybe I have been a little bit too redundant at the last two Plan Commission meetings where we have talked about the Comprehensive Plan, but have repeated some of these recommended changes because I didn't want to recreate a new document every time we had some minor changes because we would be on our fourth or fifth version of this document and we would all be lost. I would not print out a new document until after the Plan Commission is done in November. When you are done and we have all of the accepted modifications and edits, then we create a new document that you and the Common Council would get a copy of, but there would also be an executive summary at that point that would accompany that document. I think it would be a tremendous amount of work to go back and recreate these tracked changes because once they are accepted, they are done.

Alderman Ament – We need something once it gets to the Council level because they are fairly removed from this.

Ms. Esswein – We have an executive summary prepared and provided to the staff, and they are reviewing it.

Alderman Ament – I will bring back the historic district areas and the architectural issues in November. I want to look at some way of protecting the historic areas that are identified on the historic areas map so that anything new that comes in can blend in. We don't want to have a sky scraper next to an 1890 church. We need to identify the standards that need to be met. Most of those areas are pretty well developed all around, but there are some sections, specifically along Observatory Road, Woelfel Road, Coffee Road, and even Lincoln Avenue in some areas where we can try to preserve or at least identify historic areas.

Mr. Christel – We had 17 people speak tonight. Approximately 1/3 of the 17 talked about the Bike & Pedestrian Alternative Transportation Committee recommendations. I am wondering if that Sub-Committee could meet, review what they have submitted vs. what is actually in there, and give us another report on what they want prior to November 2?

Mr. Kessler – They are your Sub-Committee. If you want to refer this public comment that you have received back to your Sub-Committee for review and a follow-up recommendation, you have the ability to do that.

Ms. Esswein – For the record, they did meet and did see all the proposed changes. There isn't something that came after that meeting.

Mr. Christel – Perhaps they need to revisit what they approved last time with all the new comments.

Mayor Chiovero – I think we need to do that so they are aware of what the comments were.

Mr. Kessler – There was a request from Patricia, the chair person. She wanted to have a meeting at the end of October. That was not acceptable because of the public hearing. We couldn't bypass this opportunity to state opposition, have a meeting and then come back. The way we are doing it is fine and I will work with her to set something up as soon as possible before your next meeting.

Alderman Ament – I don't know how much value that will have because some of the changes are not really changes. They were computer glitches.

Ms. Esswein – That was just on a couple of the items. The majority of these comments were about wanting more off-road trails and paths and those were removed from the original Plan. Not just corrections, I am hearing a tone of wanting more paths back on that map.

Mr. Christel – The tone I am hearing is that we had more in the old Plan than we have in this Plan. I am also hearing a lot of public sentiment around the right thing to do. We are going backwards if we don't accommodate pedestrian and bike walkways.

Ms. Esswein – The challenge is that even if they are on the map as they were in the past, they come through different Commissions, and they don't get approved.

Mr. Christel – That is absolutely correct, and I understand the financials as well as anyone else in the room but it doesn't mean it shouldn't be in a future planning document.

Mr. Kessler – I will contact Patricia first thing in the morning to arrange a meeting very soon.

Mr. Christel – The second comment I have for the record, is it was stated earlier at the podium that the Park, Recreation, & Forestry Commission or Department wasn't sure of the terminology and was somehow reclassifying passive space to active space. That is not true. I will say that for the record. It is not going on and has not gone on. I want that corrected for the record.

My third comment is regarding Neighborhood "G". There is continued discussion around the density. There is continued discussion around how we are going to get this thing to meet the percentages. I don't know how my neighbors are feeling about this, but there is, at best, confusion. My question is, will there be a staff recommendation, which I truly respect because you are professionals in this field, I'm not. Will there be a staff recommendation specifically regarding area "G" when this plan comes forward?

Mr. Kessler – If you are looking for a recommendation, we are willing to provide one. We were not anticipating one, but we can provide one if the Commission is looking for some direction.

Mr. Christel – I will speak for myself. I would respect that effort and would welcome the read of that document. I would appreciate a professional recommendation.

Mr. Kessler - Does the balance of the Commission feel the same way?

Mayor Chiovero – I think it would be a good idea. You can sort it out all out and clear up some of the confusion.

Mr. Christel – I'm not even saying we would adopt it, I'm just suggesting that you are going to bring more information.

Mr. Kessler – We will provide a staff report on the subject.

Mr. Christel - Thank you.

Mayor Chiovero asked for further comments from the Plan Commissioners, seeing none.

Mayor Chiovero closed the Public Hearing at 10:08 P.M.

**NEW BERLIN PLAN COMMISSION
OCTOBER 7, 2009
MINUTES**

PRIVILEGE OF THE FLOOR

The Plan Commission Meeting was called to order by Mayor Chiovaturo at 10:08 P.M.

In attendance were Mayor Chiovaturo, Mr. Christel, Alderman Ament, Ms. Broge, Ms. Groeschel, and Mr. Felda. Also present were Greg Kessler, Director of Community Development; Jessica Titel, Associate Planner; Amy Bennett, Associate Planner; and Mark Blum, City Attorney. Mr. Sisson was excused.

PLAN COMMISSION SECRETARY'S REPORT - No Report

Motion by Mr. Christel to extend the Plan Commission 30 minutes past 10:00 P.M.
Seconded by Mr. Felda. Motion passes unanimously.

OLD BUSINESS

1. ()GK PG-516(c) Smart Growth – Comprehensive Plan - Discussion and possible action.

Motion by Mr. Christel to refer the Comprehensive Plan back to Alternative Transportation Sub-Committee with public comments for further review, and report back as soon as possible.

Seconded by Ms. Groeschel. Motion carried unanimously.

ADJOURN

Motion by Mr. Christel to adjourn the Plan Commission Meeting at 10:19 P.M.
Seconded by Mr. Felda. Motion carried unanimously.