

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

**NEW BERLIN PLAN COMMISSION
SEPTEMBER 29, 2009
MINUTES**

PRIVILEGE OF THE FLOOR

The Plan Commission Meeting was called to order by Mayor Chiovero at 6:45 P.M.

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Christel, Alderman Ament, 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; and Mark Blum, City Attorney. Ms. Broge was excused.

PLAN COMMISSION SECRETARY'S REPORT – The public hearing for the Comprehensive Plan will be held October 7, 2009 at 6:00 P.M. in the Common Council Chambers. The draft Plan is available on the project webpage www.newberlinplan.com Any comments should be directed to Greg Kessler, Director of Community Development.

OLD BUSINESS

1. ()GK PG-516(c) Smart Growth – Comprehensive Plan

Mr. Kessler gave a short presentation about tonight's meeting. The reason for the meeting is to address all comments received to date and to follow the approved Public Participation Plan.

Fiscal Impact Fee Analysis Presentation

Plan Commissioners were supplied with a Comprehensive Plan Update Fiscal Impact Narrative & Analysis and Spreadsheet. The Narrative will be placed in the Comprehensive Plan. The analysis was done by taking the projected land uses and finding out what the impact would be to the City. The internal working group included Greg Kessler, Director of Community Development; Bob Dude, Steering Committee Member; J. P. Walker, City Engineer; Paul Kohler, Assessor; and Ralph Chipman, Accounting Manager. A complete explanation to the fiscal impact spreadsheet was provided by Mr. Kessler and Mr. Dude.

Future Land Use Designation Change Requests

1. Marohl (16555 W. Small Rd), Radish (16505 W. Small Rd.) & Sciano (16515 W. Small Rd.) – residents request to change the Future Land Use from Country Residential to Business Park Industrial (Presented at the 8-31-09 PC Meeting)

STAFF RECOMMENDATION – Recommend approval of the requests to change the Future Land Use designation to Business Park/Industrial.

The New Berlin Urban Service Area Boundary would need to be amended to reflect these additional parcels.

No Plan Commission Action Taken.

Alderman Ament asked what the plan for the parcels to the west is and if the property owners and the Alderman in this Comprehensive Plan area were notified of this proposed change. Ms. Titel stated that the Alderman is aware of these requests. Mr. Kessler indicated updates will be presented again at the Public Hearing, and it will be made a matter of record.

2. 16390, 16380, 16370 & 16210 W. Small Road & 5570 S. Calhoun – Staff recommendation to change the Future Land use from Country Residential to Residential Estate to match the Future Land Use designation that the Steering Committee approved for McClain property

STAFF RECOMMENDATION – Recommend changing the Future Land Use designation to Residential Estate.

No Plan Commission Action Taken.

Alderman Ament asked that the Alderman and property owners in this Comprehensive Plan area be notified of this proposed change. Ms. Titel stated that the Alderman is aware of these requests. Mr. Kessler said updates will be presented again at the Public Hearing, and it will be made a matter of record. Mr. Kessler said that the Steering Committee had directed him to contact Mr. McClain and Mr. Boyd to see if there was any interest on their part to become part of the business park and there was no interest.

3. Brian Teclaw, Lawnsdale Road – Tax Key No. 1235-992-003 – resident request to change the Future Land Use for the R-3 portion of this property from Country Residential to Rural Commercial.

STAFF RECOMMENDATION – Recommend denial of the request to change the Future Land Use designation to Rural Commercial. While the City hopes to encourage various types of agricultural uses, such as the one identified in this letter, each use needs to be reviewed on a case by case basis and within the contract of the surrounding area.

No Plan Commission Action Taken.

By approving this Future Land Use Map request, this parcel would contain multiple Future Land Use Categories (Country Residential and Rural Commercial). A rezone request would be necessary in order to operate any Rural Commercial business. If the property is rezoned to a commercial category, any use identified in that use table could be an allowed use. The Plan Commission and Common Council are not able to condition a rezoning to a particular use. (Ex. The City cannot require that the property be used as a country market during the rezoning process.)

Ms. Titel said at the Neighborhood “B” Meeting for this area, people were opposed to commercial development for the corner of Lawnsdale Road and National Avenue. Mr. Kessler said although the proposed usage meets the spirit and intent on the west side of the City, more information will be obtained from Mr. Teclaw about the proposed “Country Market”. Mr. Kessler indicated staff is working on code amendments to allow these types of agri-businesses. Alderman Ament suggested code amendments for R-1/R-2 designation could possibly allow the uses Mr. Teclaw referred to in his letter as principal, accessory or Conditional Uses and added into that District.

Mr. Teclaw said his proposal would be used in conjunction with his proposed donation of land for an agricultural cooperative. The Comprehensive Plan talks about encouraging farming techniques and on-site sales, therefore he felt a “Country Market” would be appropriate. Mr. Teclaw explained different scenarios that could take place with the neighboring properties. He spoke of integrating an on-road trail head along with a coordinating facility. He felt his proposed uses were more in line with Rural Commercial activities. Mr. Teclaw referred to the comments in the Master Plan that favored that corridor for small scale retail uses. A meeting is scheduled with Mr. Teclaw and staff to discuss his land use request.

4. Chapter 10: Land Use Plan – Please see the edits highlighted in yellow in the enclosed Chapter 10. Changes were made to the text to make the categories consistent with the 2020 Future Land Use Map.

Ms. Titel explained the edits include:

- Updating Headings.
- Added text for – C-3 Permanent Open Space/Conservation Zoning.
- Added text for Environmental Corridors.
- Added text for The City’s Map of Potential Conservation Areas.

Alderman Ament did not favor any language changes from the C-1 text in the current code. No implication should be given that it is an overlay. Mr. Kessler said the heading for C-1 should read “Upland Resource Conservancy Zoning”. Mr. Kessler also indicated that staff is not presenting these as overlays, they will

remain individual zoning districts as they are today.

Alderman Ament suggested:

- The headings should be “Districts”, not “Zonings”, because we should never imply that they are not districts.
- Paragraph 275-37.B(3)(b) – Applicability. This paragraph in the Zoning Code should be added to C-1.
- Add the last sentence at the end of the first paragraph in the C-2 Wetland section from the Zoning Code. (275-37.B(4)(a))

STAFF RECOMMENDATION – Recommend the text changes highlighted in yellow in Chapter 10: Land Use Plan.

No Plan Commission Action Taken.

5. Proposed Urban Service Area Boundary

Mr. Kessler presented a map showing the Proposed Urban Service Area Boundary. He indicated that the direction he received in February 2009 from the Common Council when the Urban Service line was approved was to work with the Steering Committee on the 2020 Future Land Use Map and come back with a revised line based upon those Future Land Uses.

Alderman Ament stated that he understood that any extensions outside of the New Berlin Urban Service Area which are served by MMSD would be presented individually. They would be individual applications. The intent was for us to be able to check with the Utility for each one. Alderman Ament said he is opposed to automatically changing the line.

Mr. Kessler said the suggestions for moving the Urban Service Line is based upon future growth projections and the 2020 Future Land Use map. The changes will still be reviewed individually on a case by case basis when they go through the MMSD Current Sewer Service Area Amendment.

STAFF RECOMMENDATION – Recommend approval of the “Proposed Urban Service Area Boundary” as presented in your packet.

No Plan Commission Action Taken.

6. Section 35 – Density Discussion

We need to have the Plan Commission re-confirm the Steering Sub Committee’s action to modify the density requirement in Section 35 from one unit per two acres with 65% open space (as identified in the GDMP) to one unit per four acres with 40% open space as outlined on the following pages in Chapter 17 – Neighbored: G 17:6, 17:8, 17:20, and 17:21 as new Zoning Code language would need to be written and in place at the time of the adoption of the update. This

discussion will also help staff with any Density Bonus language that might need to be written.

No Plan Commission Action Taken.

7. Chapter 12: Neighborhood B: West Lincoln Avenue & Western Area:

The C-1 Overlay that is referenced below was part of the City-wide rezoning and any development along Lincoln Avenue would be required to complete the necessary delineation work to determine if any uplands or wetlands are located on the property.

Under Development Policies for West Lincoln Avenue staff suggests modifying Policy #3 as follows:

3. ~~The C-1 Overlay (Ordinance No. 1001) should not be removed until the following conditions are met along Lincoln Avenue: the road and street bed are improved to allow for increased traffic capacity and improved safety including lane width and shoulder enhancements and site distance improvements.~~ Development along Lincoln Avenue shall not occur until the following conditions are met: any proposed development shall dedicate the proper road right of way; shall adhere to the Rural Design Cross sections identified in the Developer's Handbook for any necessary roadway improvements and shall provide field delineations when required to do so by Code.

In addition, stormwater drainage and floodplain issues are to be accommodated; a reclamation plan needs to be on file by an Engineer certifying the bearing capacity; utilities are available (adequate plan for sewer and water); and groundwater, floodwater, and stormwater have been adequately accommodated...

Create a new policy #5 under this section to state the following:

5. Any future development requiring coordinated access in this area may require the applicants to submit a surety instrument to the City to cover future public improvements and cost contributions.

STAFF RECOMMENDATION – Recommend approval of the text change on Page 12:6 under West Lincoln Avenue Development Policies.

No Plan Commission Action Taken.

8. Chapter 14: Neighborhood D: Urban Neighborhood North:

Modify Development Policy #3 on page 14:6 as follows:

Maintain public infrastructure in the neighborhood, including streets and sewer

services, to maintain property values.

STAFF RECOMMENDATION – Recommend approval of the text change on Page 14:6 under Development Policies.

No Plan Commission Action Taken.

9. Review, discuss and take possible action on any comments from the Open House held September 9th and 10th, 2009.

Plan Commissioners have been provided with all of the public comment forms from the Open Houses. These will become part of the public record at the Public Hearing also. Plan Commissioners will be provided with copies of all the public comments received since the process began.

10. Discussion of any other text amendments in the Plan.

Navigable Waterways with 75' buffer. - Map

Year 2009 PASER Condition Rating – Map

Bicycle and Pedestrian Facility Plan - Map

Alderman Ament noted that the Alternative Transportation map showed the eastern part of Coffee Road as a proposed on-road bike lane. The western half of Coffee Road from Calhoun Road to Racine Avenue is showing a possible future connection and should be reflected on the map as “on-road facility” per Board of Public Works action.. Calhoun Road from Greenfield Avenue to Cleveland Avenue should be reflected on the map as “on-road facility” per Board of Public Works action.

STAFF RECOMMENDATION – Place maps in the Comprehensive Plan.

No Plan Commission Action Taken.

Mayor Chiovatero encouraged any Aldermen, Plan Commissioner, or anyone else who has any concerns over items that would create a subtenant change to the Plan, to bring them forward as soon as possible. Mr. Kessler reminded everyone that there will be an opportunity at the Public Hearing scheduled for October 7, 2009 for anyone to speak. He is also open to meet with any individuals who have concerns. City Attorney Blum said as the legislation exists right now there are no extensions to the end of the year deadline for completion of this Plan. It is critical that we get a Plan in place by the deadline.

ADJOURN

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 8:37 P.M.

Seconded by Mr. Christel. Motion carried unanimously.