

**PUBLIC HEARINGS**

6:00 P.M. (7)JT R-6-08 City of New Berlin Fire Department – 5120 S. Racine Ave.  
– Rezone from R-1/R-2 to I-1.

**NEW BERLIN PLAN COMMISSION**

**JUNE 2, 2008**

**MINUTES**

The public hearing relative to the request by City of New Berlin Fire Department for a rezoning at 5120 S. Racine Avenue from R-1/R-2 to I-1 was called to order by Mayor Chiovatero at 6:01 P.M.

In attendance were Mayor Chiovatero, Mr. Sisson, Mr. Gihring, Alderman Ament, Mr. Felda, Ms. Broge, and Ms. Groeschel. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; Nicole Hewitt, Storm Water Engineer; and Mark Blum, City Attorney.

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.

Ms. Jones read the public hearing notice and stated there was proof of publication.

Ms. Titel gave a brief presentation describing the request and showed maps indicating the location.

Mayor Chiovatero asked for comments for the purpose of clarification.

Scott Peil, 5090 S. Racine Avenue – I own the property north of the proposal. This is the first chance I have had to see the sketches of the proposed buildings. What does the Fire Department intend to do to the east? Is the five acre lot needed for future expansion?

Ms. Titel – At this time there are plans only for the fire station on this site. The reason it is five acres is when the parcel was originally divided, it was zoned R-1/R-2, and our Zoning Code requires a minimum of five acres in order to create that parcel. The septic system is to the east.

Mr. Peil – Is this going to be staffed 24-7? Is this volunteer?

Ms. Titel – Chief Schultz can help me answer that. I believe that it is paid on call.

Asst. Chief Fred Schultz, NB Fire Dept. – The Department right now is going through a transition from a volunteer fire department to a paid on call. We are now adding the full time phase to that. We will have a core of full time people and they may be assigned to each of the five stations we have and supplemental people will be put on as paid on call at those stations. This is an evolving type situation and it will not happen tomorrow, but there will be people assigned there and if they want to sleep there overnight, they can do that. When we get to the point where we will be staffing that with full time and part time people, there will be up to four people sleeping there.

Mr. Peil – Is the fire house on the hill on National Avenue the one that is being closed?

Ms. Titel – Yes, that is correct.

Mr. Peil – Is there any information regarding the number of calls that that fire house gets?

Ms. Titel – There is a summary table in my staff report. From January 1, 2006 thru December 31,

2007 there was an average of 5.2 responses per week between the ambulances and the fire trucks. I would be happy to provide you with this table.

Mr. Peil – The ambulances that come by my property are about two per week right now. That is pretty much on par with what you are saying. I don't have a problem with the fire house being there. I understand it was proposed residential. The fire house is probably going to be a better neighbor than if there was a subdivision there. The only concern I would have is if there are going to be any training facilities?

Asst. Chief Shultz – No.

Mayor Chiovero asked for further questions or comments for clarification?

Asst. Chief Schultz – The gentlemen that just spoke mentioned that there were at least two ambulance calls a day that go past his house. Racine Avenue is an arterial. It is used by both Muskego and Tess Corners Fire Departments. Racine Avenue is a main arterial for transport to Waukesha Memorial Hospital for Wind Lake, Tichigan, or any village or city that is south of New Berlin. All of those ambulances that you see aren't necessarily coming from New Berlin.

Mayor Chiovero asked three times for further comments or questions for clarification, seeing none.

Mayor Chiovero asked if there was anyone wishing to speak in favor of this application?

Asst. Chief Fred Schultz – 2990 S. Country Lane - This is a privilege for me tonight to be before this Commission. This is one thing I have not done in my 35 years with the Fire Department. This is a first for me and I am excited. I have had the opportunity to be here since we were a volunteer department to when we became a municipal department in 2001. The current station #3 was purchased in the 1960's. The previous use was a car dealership and a repair garage. The building is significantly old and in need of repair. As the Fire Department evolves and starts looking at pieces of equipment that can be multi functional for us, the size of the building that we need to look at, both the height of the doors and the depth of the bays, the current station will not meet those needs. As we make this transition to a full time paid per call stand-by station, sleeping quarters, kitchen facilities, work out rooms, and things that we need like that are not available at Station #3. Because of the slope on the property in the rear and the other things that are going on there, to expand at that location is not wise. I would like to speak in the favor of the rezoning proposed for this property.

Donna Goodrich, 3783 Shady Lane – I am just here to say we need a new fire department in the western part of New Berlin, so I am in favor of it wherever you want to put it. It is just so important because we people who live in that end of town do not get the proper coverage. The call time to us is ridiculous. I am all for this, and I hope it moves forward quickly.

Mayor Chiovero asked three times if there was anyone else wishing to speak in favor of this application, seeing none.

Mayor Chiovero asked three times if there was anyone wishing to speak in opposition of this application, seeing none.

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

Mayor Chiovero closed the public hearing at 6:15 P.M.

6:01 P.M. (1)AB R-7-08 ProHealth Care Ambulatory Care Center – 1700 S. Moorland Rd. – Rezone from I-1 to I-1 and C-2 to field delineate the wetlands.

### **NEW BERLIN PLAN COMMISSION**

**JUNE 2, 2008**

#### **MINUTES**

The public hearing relative to the request by Keith Redding c/o TOLD Development Co. for a rezoning at 1700 S. Moorland Road from I-1 to I-1 and C-2 to field delineate the wetlands was called to order by Mayor Chiovatero at 6:15 P.M.

In attendance were Mayor Chiovatero, Mr. Sisson, Mr. Gihring, Alderman Ament, Mr. Felda, Ms. Broge, and Ms. Groeschel. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; Nicole Hewitt, Storm Water Engineer; and Mark Blum, City Attorney.

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.

Ms. Jones read the public hearing notice and stated there was proof of publication.

Ms. Bennett gave a brief presentation describing the request and showed maps indicating the location.

Mayor Chiovatero asked for comments for the purpose of clarification, seeing none.

Mayor Chiovatero asked three times if there was anyone wishing to speak in favor of this application, seeing none.

Mayor Chiovatero asked three times if there was anyone wishing to speak in opposition of this application, seeing none.

Mayor Chiovatero asked for comments or questions from the Plan Commissioners?

Alderman Ament – I used to think that the wetland delineations that were done by Field Biologists were pretty routine, but again staff and SEWRPC had to go out to re-delineate because they missed four sections of the wetland. I am assuming since staff and SEWRPC were involved, it is accurate this time. I am becoming concerned. I used to figure they knew what they were doing, but I am concerned that this is becoming a problem. I have no objection to this rezoning.

Mayor Chiovatero asked for further comments or questions from the Plan Commissioners, seeing none.

Mayor Chiovatero closed the public hearing at 6:20 P.M.

6:02 P.M. (3)NJ R-8-08 John & Cheryl Globig – 2240 Foxglove Ct. – Rezone from R-4 and C-2 to R-4 and C-2 to Field Delineate the Wetlands.

## **NEW BERLIN PLAN COMMISSION**

**JUNE 2, 2008**

### **MINUTES**

The public hearing relative to the request by John & Cheryl Globig for a rezoning at 2240 Foxglove Ct. from R-4 and C-2 to R-4 and C-2 to field delineate the wetlands was called to order by Mayor Chiovaturo at 6:20 P.M.

In attendance were Mayor Chiovaturo, Mr. Sisson, Mr. Gihring, Alderman Ament, Mr. Felda, Ms. Broge, and Ms. Groeschel. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; Nicole Hewitt, Storm Water Engineer; and Mark Blum, City Attorney.

Mayor Chiovaturo 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.

Ms. Jones read the public hearing notice and stated there was proof of publication.

Ms. Jones gave a brief presentation describing the request and showed maps indicating the location.

Mayor Chiovaturo asked three times for comments for the purpose of clarification, seeing none.

Mayor Chiovaturo asked if there was anyone wishing to speak in favor of this application?

Cheryl Globig, 2240 Foxglove Ct. – I am the homeowner and I want to clarify what Nikki said. We are not looking to go over that line. Up to the conservancy line is sodded grass, and we are looking to be able to put a pool in that sodded grass area. Because we are not allowed to go within 10' of the wetland boundary, we are asking for it to be rezoned so that we can use the grass space and be able to go up to, but not over that line.

Mayor Chiovaturo asked three times if anyone else wished to speak in favor of this application, seeing none.

Mayor Chiovaturo asked three times if anyone wished to speak in opposition of this application, seeing none.

Mayor Chiovaturo asked for comments or questions from the Plan Commissioners, seeing none.

Mayor Chiovaturo closed the public hearing at 6:26 P.M.

**NEW BERLIN PLAN COMMISSION**

**JUNE 2, 2008**

**MINUTES**

**PRIVILEGE OF THE FLOOR**

The Plan Commission meeting was called to order by Mayor Chiovero at 6:26 P.M.

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Gihring, Alderman Ament, Mr. Felda, Ms. Broge, and Ms. Groeschel. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; Nicole Hewitt, Storm Water Engineer; and Mark Blum, City Attorney.

Motion by Ms. Broge to approve the Plan Commission minutes from May 5, 2008. Seconded by Alderman Ament. Motion carried unanimously.

**PLAN COMMISSION SECRETARY'S REPORT - NONE**

**CONTINUED BUSINESS**

1. (7)AB LD-1-08 TRD – Observatory Road – 17445 W. Observatory Rd. – Nw ¼ Sec. 22 – Two-Lot Land Division. (Tabled 3/3/08)  
  
Item remains tabled per applicant's request.
2. (5)NJ R-18-07 Kasco PUD South Phase – Preserve at Deer Creek PUD Ord. #2094 – 14300 W. Howard Ave. – Rezone the Property at 14300 W. Howard Ave. and Areas 4, 5, and 6 of Ordinance #2094 – The Preserve at Deer Creek Planned Unit Development Overlay District from R-4.5, Rd-1/PUD, P-1/PUD, C-1/PUD, and C-2/PUD to R-4.5, Rd-1/PUD, C-1/PUD, and C-2/PUD and to Field Delineate the Wetlands. Mr. Kasian and Mr. Honeyager have filed a petition to rezone and realign the boundaries of their respective PUD Ordinances for the properties located at approximately 14300 W. Howard Avenue and formerly identified as 3949 S. Sunny Slope Road (more specifically now known as Tax Keys: 1241-999-016 and 1241-999-017). Areas 4, 5, and 6 of Ordinance Number 2094 (The Preserve at Deer Creek Planned Unit Development Overlay District) is proposed to be rezoned from R-4.5, Rd-1/PUD, P-1/PUD, C-1/PUD and C-2/PUD to R-4.5, Rd-1/PUD, P-1/PUD, C-1/PUD, and C-2/PUD and to field delineate the Wetlands. Ordinance Number 2166 (The Honeyager Planned Unit Development Overlay District) is proposed to be rezoned from Rd-1/PUD and C-2/PUD to Rd-1/PUD and C-2/PUD authorizing a 15' adjustment that modifies the boundary of each PUD. (Public Hearing 4/7/08, Tabled 5/5/08)  
  
Item remains tabled per applicant's request.
3. (5)NJ LD-9-07 Fritz/Kasian – 14300 W. Howard Ave. – Se ¼ Sec. 14 – Two-Lot Land Division. (Tabled 2/4/08)  
  
Item remains tabled per applicant's request.
4. (4)GK&NJ R-3-08 Andrew Sciano – Moorland/Beloit Road Commercial Development – 4901 S. Moorland Rd. – Rezone from M-1, B-4, FWO Floodway Overlay to B-2, C-2, FWO Overlay. (Public Hearing 5/5/08)

Motion by Mr. Sisson to recommend to Common Council adoption of an ordinance that approves the rezoning from B-4 and M-1 to B-2, C-2 and FWO to field delineate the wetland and remove the B-4 zoning district for the property located at 4901 S. Moorland Road.

Seconded by Alderman Ament. Motion carried unanimously.

5. (4)GK&NJ LD-2-08 Andrew Sciano – Moorland/Beloit Road Commercial Development – 4901 S. Moorland Rd. - Two-Lot Land Division – Ne ¼ Sec. 27. (Tabled 5/5/08)

Motion by Alderman Ament to remove this item from the table. Seconded by Mr. Sisson. Motion carried unanimously.

Motion by Alderman Ament to recommend to the Common Council approval of the two-lot certified survey for the property located at 4901 S. Moorland Road subject to the application plans on file and the following conditions:

- 1) General:
  - a) Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing.
  - b) A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 2) All easements shall be shown on the face of the CSM.
- 3) Applicant shall be required to rezone the field-delineated wetlands on Lot #2.
- 4) Applicant shall be required to rezone the floodplain to coordinate with any modifications that occur with the creek.
- 5) Engineering
  - a) Applicant shall establish an access easement for ingress/egress purposes for the private access drive to serve both Lot #1 and Lot #2. Any future condominium declarations shall address maintenance of this easement area. Further road details will be required during the Use, Site and Architecture portion of this project.
  - b) A letter from Waukesha County approving the plan of proposed improvements within the County ROW and the exact location of the access point along Beloit Road shall be on file with the City of New Berlin prior to any building permits being issued by the City.
  - c) TIA submitted is marked as draft. Supply a final version (original).

Seconded by Ms. Broge. Motion carried unanimously.

## **NEW BUSINESS**

6. (1)AB R-7-08 ProHealth Care Ambulatory Care Center – 1700 S. Moorland Rd. – Rezone from I-1 to I-1 and C-2 to field delineate the wetlands .

Motion by Mr. Sisson to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 1700 S. Moorland Road from I-1 to I-1 and C-2 to field delineate the wetlands.

Seconded by Ms. Broge. Motion carried unanimously.

7. (3)NJ R-8-08 John & Cheryl Globig – 2240 Foxglove Ct. – Rezone from R-4 and C-2 to R-4 and C-2 to Field Delineate the Wetlands.

Motion by Mr. Sisson to recommend to Common Council adoption of an ordinance that approves the rezoning of the Globig Property located at 2240 Foxglove Court from R-4 and C-2 to R-4 and C-2 to field delineate the wetlands on the site.

Seconded by Alderman Ament. Motion carried unanimously.

8. (2)JT LD-6-08 Sunny Slope Retail – 3305-3333 S. Sunny Slope Rd. – One-Lot Land Division – Nw ¼ Sec. 13.

Motion by Mr. Gihring to recommend to the Common Council approval of the one-lot Certified Survey Map for the property located at 3305 S. Sunny Slope Road subject to the application, plans on file and the following conditions:

- 1) Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing.
  - a) The Plan Commission Secretary listed on Sheet #3 of the CSM shall be changed from Nikki Jones to Gregory Kessler.
- 2) A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 3) All easements shall be shown on the face of the CSM, including the easements required in the conditions of approval for File #U-96-07 (Sunny Slope Retail).

Seconded by Mr. Sisson. Motion carried unanimously.

9. (4)GK PG-946 Sewer Service Area Amendments – Willow Tree, Buy Seasons, 5915 S. Moorland Road and Towne Realty, 16415 Beloit Road.

Motion by Mr. Felda to recommend that the Common Council direct the Department of Community Development, City Attorney and Mayor to initiate the sewer service boundary amendment process for the properties located at 5915 S. Moorland Road (Tax Keys: 1285-993-002 & 1288-998-001) and 16415 W. Beloit Road (Tax Key: 1258-981) and to set a public hearing on August 11, 2008 before the Plan Commission.

Seconded by Ms. Groeschel. Motion carried unanimously.

10. (5)NJ U-25-08 City Center Bldg. A – 15205-15233 W. National Avenue – Reapprove new retail building.

Motion by Ms. Broge to re-approve the request for Use, Site & Architectural Approval for construction of City Center Building “A”, a multi-tenant retail building, subject to the application, plans on file, final Architectural Review Committee approval, and satisfaction of the original following conditions of approval:

- 1) Plan of Operation
  - a) Prior to occupancy of building “A”, all site improvements in this phase, including all parking, curb and gutter, landscaping, colored concrete areas and storm sewer shall be completed. This includes any refinements to the entire parking lot.
  - b) This application is only for the “shell” of building “A”. No tenant floor plans or plan of operations have been identified within this application.
  - c) Each tenant shall be required to obtain a re-occupancy permit prior to building permits being issued. All future tenants will have to provide a Plan of Operation that shall state the number of employees in the largest shift as required by §275-24C(2)(d). Future tenants shall be reviewed on a case-by-case basis for parking and may be denied for lack of parking. Applicant shall submit the parking analysis and it shall be reviewed by the Transportation Engineer prior to the issuance of the Zoning Permit.

- d) The City of New Berlin installed stamped concrete in the terrace area along Library Lane in front of this property. The applicant shall be responsible for repairing and replacement resulting from damage to the stamped concrete or curb and gutter areas during construction.
  - e) The applicant has indicated some slight modifications to the stamped concrete areas. All future crosswalks and paved plaza areas shall incorporate approved decorative paving colors and materials and shall match existing paving treatments. The applicant shall install concrete treatments and planters in areas identified on the plans prior to the issuance of the occupancy permit.
  - f) Applicant shall coordinate with City Staff on the design of a City Center entryway monument sign and install it in the median along Michelle Witmer Memorial Drive.
  - g) Applicant shall coordinate with City Staff to design a City Center entryway monument sign and install them at the entry points to the parking lot. Applicant shall update plan sheet AO.2 and the gateway elevation.
  - h) Applicant shall enhance the landscape plan and provide colored renderings in the areas where the gas meters will be located.
- 2) Architectural Plans
- a) Prior to the City signing the Zoning Permit, the applicant shall obtain final approval by the Architectural Review Committee. The Committee discussed several items that shall be addressed on the plans. Applicant may need to attend an additional Architectural Review Committee (ARC) meeting prior to the Plan Commission meeting and respond to any comments made during the meeting. Revised plans shall be submitted and reviewed by the ARC prior to the issuance of the Zoning Permit.
  - b) Prior to issuance of the Zoning Permit, approval of the exterior architecture and materials for construction by the Architectural Review Committee.
    - i. Applicant shall explore some options with City Staff to “dress up” the dumpster enclosure side that faces the plaza between buildings “A” and “B”. Some options include adding art work/bulletin boards to the north elevation or a trellis over the top prior to the issuance of the Zoning Permit.
    - ii. Applicant shall explore flaring at the edges at the top of Towers as shown in the original submittal for this project.
    - iii. Applicant shall submit a side elevation that shows the parapet walls and the side of the arched areas.
    - iv. Applicant shall provide any additional building material samples that might be used on this building.
    - v. Applicant shall install additional ground trees and plantings in front of the building and along pedestrian areas to define the edge of the parking areas and enhance the overall pedestrian appeal of the site.
    - vi. Applicant shall add a direct and useable pedestrian connection (stairway) from the second floor (National Avenue) tenant space to the paved plaza areas to the east of the building.
    - vii. Applicant shall explore adding a trellis to the west wall elevation. Additional windows have been added since the first plan set; however the trellis would soften this wall.
    - viii. Applicant shall verify the awning height and indicate that they provide some shelter to pedestrians.
  - c) Applicant shall submit line of sight drawings from National Avenue in order to be able to determine if the roof top units can be seen. It appears that a parapet wall may be necessary to allow for screening. Indicate what types of materials could be used for the parapet wall.

- d) The building front elevations (along National Avenue and the parking area) windows shall not be blocked or opaque, and shall allow pedestrians to see into the store or display windows as recommended by the City Center Development Plan. Street level retail buildings are to have a minimum of 60% glazing facing the street, or its pedestrian walkway or plaza. If any future tenants require glass to be glazed, the re-occupancy application shall address this issue on the building elevations and shall indicate the percent of glass to be blocked. Floor plans shall also indicate what type of activity is occurring in the building to warrant the glazing.
- 3) Site Plan.
- a) The building owner/developer shall purchase and install benches along the sidepaths along National Avenue and Michelle Witmer Memorial Drive at locations approved by DCD staff as required by the City Center Development Plan. Applicant shall identify locations on the site plan. Applicant shall also purchase and install outside tables for any new restaurant users in this building in the plaza areas. Applicant shall follow specs outlined in the City Center Design Guidelines.
  - b) Coordinated bike stands, trash receptacles, architecturally integrated newspaper racks, planters, site furnishings such as tables and chairs shall be provided by the developer in front of the building and in the plaza areas to provide places where people can sit and relax. Applicant shall identify amenity locations on the site plan. Site furniture choices shall be coordinated with the overall streetscaping guidelines.
  - c) Applicant shall provide all digital information to the City to aid in an overall 3-D rendered site model and site elevations.
- 4) Landscaping
- a) Applicant, based on the final architecture for Building "A", shall work with Staff to add additional plantings around the base of the building along National Avenue if necessary where brick (retaining walls) is currently exposed. Planters may be used around the window areas.
- 5) Engineering.
- a) Applicant shall address all engineering concerns outlined in a letter dated May 2, 2007.
- 6) Utility
- a) Multi-tenant buildings require that a Water Meter Room be provided at the Building Water Service piping entrance. This room shall not be combined with any other utilities such as electrical, which can lead to space concerns. The Meter Room:
    - i. Shall be large enough to accommodate work on the meters;
    - ii. Shall not be obstructed with water softeners, vacuum cleaners, garbage cans, cleaning-janitorial supply storage or work area, etc;
    - iii. Shall have adequate heating, lighting and floor drain;
    - iv. Shall have outside direct access or access via public hallway; and
    - v. Shall be locked with an access key provided to Water Utility Division. Consult directly with the Water Utility at (262) 786-7211 for other requirements.
  - b) Any building that will accommodate a food service or food preparation tenant requires an Outside Grease Trap Tank and an MMSD Sampling Manhole designed and installed to the City Developer's Handbook Requirements.

- c) Pay Water Impact Fees and pay Sanitary Sewer Impact Fees based upon equivalent domestic water meter size required for each building for domestic service, including lawn sprinkling meter capacity (if and when installed), in accordance with City Code in effect at time of Permit Application(s).
  - d) Applicant shall coordinate with the Utility Department on the following items:
    - i. The sewer lateral (6" x 11.8' deep) indicated may have been abandoned when the existing home was removed. Applicant shall field verify.
    - ii. City sewer maps show 2 sanitary sewer manholes (O7Q143008 and O7Q143007) between the proposed building and National Avenue. The plans show there is one sanitary manhole and one water manhole. Applicant shall field verify.
- 7) General
- a) All signage will be under a separate sign application.
  - b) Building plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code. (Comm 61.31 Plans)
  - c) Building plans shall be approved by the State of Wisconsin Dept. of Commerce Safety and Buildings Division per Wisconsin Enrolled Commercial Building Code. (Comm 61.70 Certified municipalities and counties.)
  - d) Apply and obtain appropriate building, plumbing and electrical permits.
  - e) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any building permits.
  - f) Care will need to be exercised with regard to the sight lines for any equipment or backside of parapet walls at roof of one story section of building. May be visible to traffic on National Avenue.
  - g) Applicant shall submit a construction phasing plan that addresses restrictions on construction parking, traffic and material staging so that any or all do not interfere with existing structures and tenant businesses prior to the issuance of the Zoning Permit.
  - h) Building shell and common areas shall obtain final inspections prior to any tenant spaces receiving certificates of occupancy.
  - i) Buildings must meet all applicable building and fire codes.
    - i. Buildings to be fully sprinkled.
    - ii. FDC to be changed to 5" storz.
    - iii. Fire hydrants are required within 150' of hydrant connection.
    - iv. Fire alarm required.
  - j) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code. No outside storage shall be permitted on the lot.
  - k) Fully sprinkled building. Sprinkler system to be monitored. Fire Department sprinkler connection shall be near an accessible location approved by the Fire Department.
  - l) Knox box required.
- 8) Developer may want to consider the addition of small food vending carts in the plaza areas or along the street edge to help add some economic and social viability to the spaces.

Background:

- Applicants Plan Commission approval expired and the applicant would like to have their project re-approved. They still interested in pursuing this project.
- See applicants memo to the Plan Commission attached.

Seconded by Mr. Sisson. Motion carried with Mayor Chiovatero, Mr. Gihring, Mr. Sisson, Mr. Felda, Ms. Broge, Ms. Groeschel voting Yes, and Alderman Ament voting No.

11. (5)AB U-28-08 Stephanie Barwick – 3949 S. Sunny Slope Road – Replacement of legal-non-conforming porch.

Motion by Mr. Sisson to approval of the request for a Use Approval to replace a legal non-conforming covered porch on a single-family home on the property located at 3949 S. Sunny Slope Road subject to the application, plans on file and the following:

- 1) General:
  - a) Porch shall not encroach any further than the existing covered porch in the front setback to Sunny Slope Road.
  - b) Applicant shall match existing grade without fill.
  - c) Apply and obtain appropriate building, plumbing and electrical permits.

Seconded by Ms. Broge. Motion carried unanimously.

### **COMMUNICATIONS**

12. Communication To: Plan Commission  
Communication From: Nikki Jones, Planning Services Manager  
RE: Planning Commissioners Journal, Spring 2008

Plan Commissioners acknowledged receipt of this communication.

13. Communication To: Plan Commission  
Communication From: Nikki Jones, Planning Services Manager  
RE: Letter from Dennis Kasian dated May 6, 2008 regarding the Spruce Road lift station.  
(LD-9-07)

Plan Commissioners acknowledged receipt of this communication.

Motion by Mr. Sisson to adjourn the Plan Commission Meeting at 7:16 P.M. Seconded by Ms. Groeschel. Motion carried unanimously.