

PUBLIC HEARINGS

6:01 P.M. (7)JT R-5-08 Settler's Ridge – 3275 Wehr Rd. – Rezone from R-1/R-2 and C-1 to R-1/R-2, C-1 and C-2 to Field Delineate the Wetlands.

NEW BERLIN PLAN COMMISSION

MAY 5, 2008

MINUTES

The public hearing relative to the request by Rob Bultman c/o CRB Holdings for a rezoning at 3275 Wehr Road from R-1/R-2 and C-1 to R-1/R-2, C-1 and C-2 to Field Delineate the Wetlands was called to order by Mayor Chiovarero at 6:01 P.M.

In attendance were Mayor Chiovarero, 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; Ron Schildt, Transportation Engineer; and Mark Blum, City Attorney.

Mayor Chiovarero 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 Chiovarero asked for comments or questions for the purpose of clarification?

Joan Fischer, 3335 S. Wehr Road – My property touches this subdivision that is going in. Will it be just the purple spots on the map that will be rezoned?

Ms. Titel – Yes, if you look up at this map, right now this property is zoned R-1/R-2 on the north side. Just these two pockets will be rezoned. (Ms. Titel referred to the map displayed on the screen)

Ms. Fischer – Why?

Ms. Titel – The Wisconsin DNR requires that we field delineate wetlands. These wetlands have been field delineated by a biologist. C-2 is a separate zoning classification on our zoning map.

Ms. Fischer – How is this going to change whatever they are planning to do with the subdivision behind my property?

Ms. Titel – It does not change anything. They have already accounted for these wetlands.

Ms. Fischer – Are they allowed to take tons of trees all the way around the perimeter of the woods? Are they also allowed to take out all the trees along my property lot line? Are they allowed to take the trees out along Wehr Road? I thought they were not allowed to touch tree lines.

Ms. Titel – This is just for the rezoning.

Ms. Fischer – I know, but these are questions that I have been trying to get a hold of you for a long time to ask you, and you haven't returned my phone calls except when you know I'm at

work.

Ms. Titel – I returned your phone call twice and left two messages on your voice mail.

Ms. Fischer – You didn't clarify anything. What about all the land back there that is loaded with wild garlic mustard. Now that you have cleared out some of the trees, it is even more rampant than before. Are they not responsible for clearing that up? How does that affect the wetlands? How does that affect this property?

Ms. Titel – The wetlands are protected under a conservation easement on this subdivision.

Ms. Fischer – You are trying to eliminate that, correct?

Ms. Titel – No, this is a rezoning to place the wetlands on our map. They are not being eliminated.

Ms. Fischer – Where are you moving them to?

Ms. Titel – They are not being moved, they have been here the whole time.

Ms. Fischer – I don't understand that, why are you even having this meeting?

Ms. Titel – We have to add the wetlands to our zoning map.

Ms. Fischer – So you are adding wetlands?

Ms. Titel – We are not physically adding wetlands. We are adding the zoning layer to our map, so that these pockets show up as C-2 on our zoning map. That is all this is doing. The wetlands have been there, they have been field delineated, they are not changing.

Ms. Fischer – You're not changing anything?

Ms. Titel – Nothing is changing physically out in the field.

Ms. Fischer – What is proposed for where the lots are going will not change?

Ms. Titel – The subdivision has already been approved and recorded. The lots in the subdivision are not changing as a result of this rezoning.

Ms. Fischer – Are they permitted to take out more trees?

Ms. Titel – There are conservation easements on the lots and there are provisions for what can and cannot happen on those lots. I don't have that document in front of me, but I would be happy to provide it to you.

Ms. Fischer – Yes, I would like that. I can see clear through now, and I didn't use to be able to. They have totally chipped everything out of there.

Ms. Titel – I would be happy to provide those documents.

Ms. Fischer – Thank you, but I thought you were taking a big chunk out of the middle.

Ms. Titel – Everything that you see there will remain.

Ms. Fischer – Are you wrecking any of the wetlands?

Ms. Titel – No, we are protecting the wetlands by doing this.

Ms. Fischer – This was not clear at all on your paperwork.

Mayor Chiovero – This is to preserve the wetlands on the property through rezoning. If there is any confusion on this, please contact staff and we can work with you to help you understand that.

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?

Rob Bultman, 12227 W. North Avenue, Wauwatosa – I am the person that made the petition for this rezoning. This is just one of the final steps that was required as part of the Common Council approval for this subdivision. If there are any questions, I would be happy to answer them.

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

Mayor Chiovero asked three times if there was anyone wishing to speak in opposition, 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.

6:03 P.M. (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, and
FWO Overlay.

NEW BERLIN PLAN COMMISSION

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The public hearing relative to the request by Timothy C. Lynch c/o RSV Engineering, Inc. for a rezoning at 4901 S. Moorland Road from M-1, B-4, FWO Floodway Overlay to B-2, C-2, and FWO Overlay was called to order by Mayor Chiovaturo at 6:15 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; Ron Schildt, Transportation 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 for comments or questions for the purpose of clarification?

Bill Luterbach, 2880 S. 171st Street – The question I have is not only with the rezoning, but in addition to the future parcel. Everyone else in this area has had to do traffic impact studies. If you could go back to where it shows parking, I am questioning if you will have a back up to Moorland Road if there is no access allowed on Moorland Road. We have not seen this particular issue, but we have looked at the site before and think a right in, right out only might be a better traffic pattern, but I am not sure if there has been a traffic impact study done. Before this gets too far, I am hoping you are looking at all the participants and companies in Town Corporate Park and Westridge Park as respect to how much building, how much parking, and that future lot.

Ms. Jones - The applicant has submitted a TIA.

Mr. Luterbach – We have a TIA?

Ms. Jones – Yes.

Joe Russ, 16800 W. Shadow Drive – To follow up on Mr. Luterbach's comments, what is the current traffic count at Moorland Road and Beloit Road? Sometime last year there was another public hearing for the parcel on the north side of Beloit Road. When we came to how the traffic impact was broken down, it came out to be 5,000 more cars a day at that intersection projected when fully built out. Right now, when I travel through New Berlin, I avoid Moorland Road because of the roundabout and the traffic at Beloit Road and Moorland Road. It is bad and 5,000 more cars a day isn't going to make it any better. When I find out how many more cars this is going to supposedly add to it, it's going to make it even worse. Plus, when you throw in the wonderful roundabouts we have that area, I can see nobody wanting to come to this side of town. I would

like to know what the car count will be for that intersection?

Ms. Jones – This group has been coordinating with Waukesha County along with the group on the North. I know they have had some team meetings with both groups at the County talking together about some of these very issues. I know originally this whole area was looked at when the Target development went in because they knew there would be some development on the north and the south side of this corner as part of that study that was done at that time. They are trying to work on the best situation or the best design for that intersection to keep people moving

Mr. Russ - Keeping it off of Moorland Road and moving it to Beloit Road is just going to move the problem to a different area, because then people will be going west on Beloit Road and have to do a left turn to get into this development. I would like to know what the current count is for the intersection because I think it is safe to assume that 90% of the cars leaving here are going to be going onto Moorland Road or crossing Moorland Road.

Ron Schildt, City of New Berlin Transportation Engineer - The existing traffic counts on Beloit Road right now are approximately 4,000 vehicles a day west of Moorland Road, and about 8,600 vehicles east of Moorland Road. Moorland Road is approximately 29,400 vehicles in the area around Beloit Road. This development has been taken into account also, with the access proposed on the north side of the road. Total new trips to this development is roughly 2,110 on an average day, 165 in the a.m. peak and 255 in the p.m. peak. They are looking at signaling the access point on Beloit Road along with the appropriate by-pass lanes and other intersection improvements at Beloit Road and Moorland Road.

Mr. Russ – Will it be a controlled intersection?

Mr. Schildt – That is what they are proposing at this point.

Mr. Russ – Then there will be another controlled intersection just a few hundred feet away at Beloit Road and Moorland Road?

Mr. Schildt – That location was specified by both the TIA and Waukesha County as to what the distance needs to be so that they can perform coordination between the two.

Mr. Russ – Right now it is bad getting through there as it is. I can see it getting worse.

Mr. Schildt – That is why in the TIA they actually looked at what the background conditions are currently, what they will be in the future, and what improvements need to be made to that intersection even without this development going in. That is one of the recommendations to help Waukesha County understand exactly what improvements need to be made regardless of whether this development goes in.

Mr. Russ – Given the numbers you gave me, that would bring it up to over 40,000 cars a day going through Beloit Road and Moorland Road intersection. Add in the 5,000 from the north side of the intersection, plus 2,100, that is pushing 47,000. Does the 2,100 account for just what is on this drawing and Lot 2?

Mr. Schildt – The number I gave you before is for a full build out of both lots. Actually, the full build out is 3,300. The first phase is 2,100.

Mr. Russ – Between the north and south side, we will be adding almost 8,000 more cars a day at that intersection.

Mr. Schildt – You would be double counting them then because it will depend on which way they turn once they go through to Moorland Road.

Mr. Russ – When they come out of there, they will still be going to Moorland Road. If they want to

get on the freeway or National Avenue, they are going to have to go that way. If you take 5,000 from the north side, and we already have 5,400 from the south side.

Mayor Chiovero asked for further comments or questions?

Bill Luterbach, 2880 S. 171st Street – Would this then give access to all the lots to a public right-of-way that it might allow us to vacate the right-of-way coming off of Town Drive? Can that be addressed? I'm not sure if there is still a land locked parcel in that.

I am not opposed to a development here, just want to make sure we are looking at the traffic and we are not going to have a back up or if there is enough right-of-way for an extra turning lane.

Ms. Jones – On this corner is the GMR Marketing building and then there is one parcel that is right here, and another one below here. (Ms. Jones referred to the map)

Mr. Luterbach – Those two have access to the road. It is the next parcel to the east. That is the one. If that is off, then we should not have a public access issue.

Ms. Jones – Some floodplain will remain in this area.

Mr. Luterbach – As a point of clarification, that is not developable?

Ms. Jones – I don't know that tonight.

Mr. Luterbach – I am not asking you to know that tonight, but through the process I'm asking if that can be clarified. Thank you.

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?

Tim Lynch, RSV Engineering – I am the Engineer representing Mr. Sciano. I am here in support of the project. Thank you.

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

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

Joe Russ, 16800 W. Shadow Drive – I am in opposition mainly because of the traffic counts. You will be tossing 8,000 more cars a day in the Beloit Road/Moorland Road intersection, and it can barely handle what there is now at times. Putting more stop lights in will just slow things down. It could discourage people from going to this area which could be a detriment to the developers. This is the second time in a row I have been to a public hearing on this intersection, and I have had to keep asking until I finally get the full build out numbers. Perhaps I am asking my question wrong, but I get the feeling when someone asks what the traffic count is going to be, they are not looking for a number, and then another number. I was just given 2,100 as a first count, and 3,300 as a second. That is a 50% increase. I would appreciate better count numbers when those questions are asked. Right now, for what you are going to be adding, I am against this.

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

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

Alderman Ament – Actually, both the gentlemen that came up were on the same line of questioning that I was going to get into. The answers didn't help me with some of them. One, is

about the parcel not identified in yellow farthest to the west on the map. That is owned by someone else. Is that somehow going to end up getting land locked or is there going to be an access? Looking at the proposed sight plan, right where the drive is going out to Beloit Road and it comes down, is that going to allow access to those other parcels?

Ms. Jones – It will provide access to Lot 2. Going to the other map, it is the yellow area. Where the drive is coming in is approximately where my arrow is. Then it drops down and curves over. These are those other pieces that you are seeing. (Ms. Jones referred to the map)

Alderman Ament – Does that little area provide access for those two?

Ms. Jones – Correct.

Alderman Ament – Are they going to be required to allow access for that other one to the west because later on the agenda we also have Item #10 that addresses the road that originally was to give access to that other parcel.

Ms. Jones – Correct, there is another item on the agenda that talks about the road reservation. There is not a road there now. There is a drive aisle for the parking lots, but there is a road reservation. The intent was for that to serve this parcel and this parcel. I believe this parcel would have to work with Waukesha County to either obtain access on Beloit Road and/or at some future point work with this group to do something here. (Ms. Jones referred to the map in her discussion)

Alderman Ament – I will go back to that when we get to #10. I just want to make that point so when we get to #10, you will know what I am referring to. Is that access the County's decision, not ours? Have they ruled out a right in, right out on Moorland Road?

Mr. Schildt – Those access rights were purchased by the DOT because of the interchange.

Alderman Ament – They have no choice but to come out on Beloit Road?

Mr. Schildt – Yes.

Alderman Ament – Will the access coming out on Beloit Road be signalized?

Mr. Schildt – That is what the proposal for the TIA shows. The proposed geometrics for both that intersection and the intersection of Beloit Road and Moorland Road show that improvements are needed there also.

Alderman Ament – Are they comfortable with how close that is to Moorland Road/Beloit Road intersection?

Mr. Schildt – They have not yet given permission for that to happen, but they have the TIA and we have discussed it with them. I am sure the applicants have talked with them. I am not sure if the applicants have anything new that they know for sure, but it will be based on what the County is going to make them do to make it work. The County is not going to put an access in if it doesn't work properly.

Alderman Ament – Nikki, when you were talking about the creek, will we get into that later when we get to the other parcels?

Ms. Jones – It does not affect anything we are doing here tonight at this point. I just mentioned it because I know it is on the horizon, and I wanted to provide that information. It will be coming up in the future.

Alderman Ament – I will save my comments on that for later.

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

Mayor Chiovatero closed the public hearing at 6:38 P.M.

NEW BERLIN PLAN COMMISSION

MAY 5, 2008

MINUTES

PRIVILEGE OF THE FLOOR

The Plan Commission meeting was called to order by Mayor Chiovero at 6:38 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; Ron Schildt, Transportation Engineer; and Mark Blum, City Attorney.

Motion by Mr. Sisson to approve the Plan Commission minutes from April 7, 2008. Seconded by Alderman Ament. Motion carried unanimously.

PLAN COMMISSION SECRETARY'S REPORT

Ms. Jones announced that several items are being tabled on tonight's agenda and asked the Plan Commissioners to hang onto the paperwork and insert it into next month packets and additional information will be supplemented.

The recent neighborhood meetings that were held for the Comprehensive Plan were well attended. The website will be kept up to date.

There is a seminar coming up "Reclaiming the Strip". Randall Arendt is once again going to be visiting the City of New Berlin. Wisconsin American Planning Association (WAPA) is helping to put on that conference on May 15, 2008 from 9:00 a.m. – 4:00 p.m. There is still time for Plan Commissioners to sign up if they are interested. Contact Greg Kessler or Nikki Jones.

CONTINUED BUSINESS

1. (5)NJ & GK U-86-07 New Berlin City Center Phase III – 15055 W. National Avenue – General Development Plan. (Tabled 4/7/08)

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

Motion by Mr. Sisson to approve the Use and Site approval for a general development plan for 10 multi-tenant commercial buildings, associated parking lot, and streetscape features along with the waivers for the property located at 15055 W. National Avenue subject to the application, plans on file and the following conditions:

Waiver Requests:

- Based on the site plan submitted, applicant will need to submit a letter requesting a waiver from Section 275-57A(6) that requires the minimum length of a parking stall to be 19'. Parking stalls are 18'.
- Based on the site plan submitted, applicant will need to submit a letter requesting a waiver from the Section of the PUD that requires a maximum setback of 15'. Due to the location of the bioretention swale, the application will need a greater setback.

- 1) General

- a) See applicants Plan of Operation.
- b) All signage both temporary and permanent shall require a sign application, to be filed and approved by DCD prior to installation. Applicant shall request any modifications to the City Center Sign Guidelines and submit those in writing before any sign applications are taken in for this area.
- c) There shall be no outdoor storage of equipment or materials related to the businesses.
- d) Dumpsters shall be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Zoning Ordinance. Applicant shall propose how these areas will be enhanced and screened.
- e) Under 275-56G, "all new roof-top equipment requiring a zoning permit shall be screened from view if the equipment can be seen from the centerline of the public right-of-way in the front of the property, or placed in an area of the building as not to be seen. Rooftop screening shall be compatible and complementary to the building's architecture." Staff shall review proposed screening measures prior to occupancy of individual tenants. Applicant shall submit line-of-sight drawings from adjacent to public right-of-ways 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. Care will need to be exercised with regard to the sight lines for any equipment or backside of parapet walls on the roof of the building.
- f) Approval of the landscaping plan and payment of all sureties is required prior to issuance of Zoning Permit. Landscape plans shall meet all the requirements of Article VIII Section 275-53 through 275-56 of the Municipal Ordinance in its entirety. A registered landscape architect shall stamp plans. Landscape plan shall be approved and signed by the Department of Community Development prior to installation of any materials.
- g) 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.
- h) Any building that will accommodate a food service or food preparation tenant will require an Outside Grease Trap Tank and an MMSD Sampling Manhole designed and installed to the City Developer's Handbook Requirements.
- i) A small pocket of wetland has been field delineated along the extension of Library Lane right-of-way and the applicant is coordinating with the DNR to mitigate. Applicant shall receive all applicable regulatory permits including a Chapter 30 Permit through the DNR.
- j) Applicant shall identify all phasing. This includes identifying building construction, public infrastructure, associated parking, and streetscape / landscaping.
- k) Applicant shall submit a copy of the Phase II Environmental Analysis.
- l) Applicant shall refine the plans to make sure the architecture plan correctly reflects the changes to the grading plans, including the following:
 - i. Plaza on the corner of Michelle Witmer Drive and National Ave.;
 - ii. Building Size;
 - iii. Parking counts; and
 - iv. Layout including sidewalks, green space areas, etc.

- m) Applicant shall add a design feature / element along Michelle Witmer Drive to activate and define the street edge.
 - n) Applicant shall show offsite improvements for Library Lane including any modifications to the Deer Creek Parkway pond, retaining wall, and the medical office building ingress/egress. All improvements shall be approved by DCD Staff.
 - o) Applicant shall submit an application for a CSM to combine all properties and dedicate any right-of-way.
 - p) Applicant shall incorporate decorative stamped concrete treatment (to be approved by the City) into the final parking lot layout and road layout to coordinate with City plans for the final lift of Library Lane and Michelle Witmer Drive. This shall be included in the Developer's Agreement. Decorative stamped concrete shall coordinate with the new decorative treatments within the right-of-way of the medians along Michelle Witmer Drive.
 - q) Applicant shall provide cross sectional details of all terrace areas adjacent to parking lot areas and public right-of-ways.
 - r) Applicant shall show ADA parking spaces and routes.
 - s) For construction plan submittal, applicant shall submit the entire drainage, sanitary, roadway, water system plans and a full landscape plan. The landscape plan shall follow the National Avenue Street Tree Planting Plan and the City Center Planting Plan. Applicant shall install all plantings adjacent to the development and along all public right-of-ways in accordance with the aforementioned planting plans.
 - t) Applicant shall coordinate hydrant depth with the City of New Berlin Utility Department.
- 2) Applicant shall address all preliminary comments identified in PDI's peer review comments dated April 28, 2008 to the satisfaction of DCD Staff.
- 3) Engineering
- a) Applicant shall design sidepath and terrace area to meet City and County standards as approved by the DCD Staff.
 - b) Applicant shall submit a detailed cut and fill balance calculation and verify there is enough dirt on site to justify grades.
 - c) Show existing & proposed utility easements on your plans.
- 4) Storm Water
- a) 100-yr overflow spillways and overland flow routes shall be shown on plans.
 - b) Erosion Control Plan is required.
 - c) SWMP Maintenance Agreement is required; City of New Berlin boilerplate agreement is available online.
 - d) Bioretention cross-sections and planting details are required.
 - e) Bioretention outlet details are required.
 - f) Bioretention outfall protection is required.
 - g) Overflow spillway location and detail is required.
 - h) Provide area calculations for applicability of MMSD Chapter 13.
 - i) Provide SLAMM analysis, both input and output.
- 5) Transportation
- a) A letter from Waukesha County approving the plan of proposed improvements within the County ROW shall be on file with the City of New Berlin prior to any permits being issued by the City. This includes the street access permit for Deer Creek Parkway.
 - b) The Central drive access onto National Avenue shall be a right-in / right out (with left-in allowed). Show a directional island to force a right turn onto National Avenue. 60-foot vision triangles are required on Deer Creek Parkway at National Avenue.
 - c) Developer is required to follow National Avenue / City Center Lighting Plan.

- d) Drive aisle widths are to be 24-feet wide from edge of pavement to edge of pavement (i.e. do not include curb & gutter in required width).
 - e) All roadways shall have a minimum horizontal alignment radius of 350-feet.
 - f) Permit required at time of permanent driveway construction.
 - g) Pedestrian walkways adjacent to parking shall be a minimum of 8-feet wide to account for vehicle overhang from parking stalls as specified in the NBDH Section 3 IV X 5.
 - h) Curb ramps shall use an ADAAG recommended tactile surface (truncated domes).
 - i) Geometrics on Library Lane and Deer Creek Parkway (ie Roads) shall be revised to meet City standards, City Center Design Guidelines, and to the satisfaction of DCD Staff.
- 6) Building Inspection
- a) Building plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code. (Comm 61.31 Plans)
 - b) Building plans shall be approved by the State of Wisconsin Department of Commerce Safety and Buildings Division per Wisconsin Enrolled Commercial Building Code. (Comm 61.70 Certified municipalities and counties.)
 - c) Apply and obtain appropriate building, plumbing and electrical permits.
 - d) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any building permits.
 - e) Buildings shall have designated water meter rooms.
 - f) Stake out survey with setbacks from lot lines shall be submitted with building permit application.
- 7) Fire Department:
- a) Fully sprinkle.
 - b) Monitor fire flow.
 - c) Install fire hydrants that are accessible within 50' of sprinkler connections.
 - d) Install Knox Box (key box for tenant spaces).

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

2. (2)AB CU-4-08 T-Mobile – 14750 W. Cleveland Ave. – 80' Wireless Telecommunications Facility and Related Equipment. (Public Hearing 4/7/08)

Motion by Ms. Broge to table the request for a Conditional Use Permit for an 80-foot wireless telecommunication facility and related ground equipment at Lion's Park located at 14750 W. Cleveland Avenue based on the following reasons for tabling:

- 1) Applicant shall submit a Location Report under Section 275-41C(16)(f)[6] that includes the following:
 - a) All structures, as defined by §275-70, within one mile of the proposed location, including areas outside the City limits, that are at least 75% of the height of the proposed structure or 55 feet, whichever is greater. Height is to be measured from the ground elevation to the top of the tower, excluding any antennas.

- b) The highest elevation of all structures within one mile of the proposed location, including areas outside the City limits, that exceed the elevation of the proposed structure at 75% of the height of the proposed structure. Elevation shall be measured according to the National Geodetic Vertical Datum.
 - c) All towers within one mile of the proposed location, including outside the City limits.
 - d) A detailed alternative analysis of why existing wireless communications towers cannot be used in accordance with §275-41C(16)(g)[1]. The analysis shall identify all reasonable, technically feasible, alternative locations and/or facilities which would provide the proposed wireless communications facility. The intention of the alternatives analysis is to present different strategies which minimize the number, size and adverse impact of facilities which are necessary to provide the service to the City. The analysis shall address the potential for collocation and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives.
- 2) Applicant shall submit a Structure Report prepared by a qualified and licensed professional engineer under Section 275-41C(16)(f)[7] that includes the following missing information:
- a) Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 - b) Includes an engineer's stamp and registration number;
 - c) Includes safety considerations; and
 - d) Includes other information necessary to evaluate the request.
- 3) Applicant shall provide other information requested at the 4/7/08 public hearing at the Plan Commission including:
- a) A map of all TMobile locations within the City.
 - b) Alternative location information including:
 - 1) National Avenue Corridor
 - 2) Water tower at I-43 and Moorland.
 - 3) Hickory Grove
 - 4) New Berlin Industrial Park
 - 5) Blessed Savior Church on Cleveland Avenue.
 - 6) Gas station at Cleveland and Moorland.
- 4) Applicant shall provide large-size (11" x 17") coverage maps. Reduced size is difficult to read. Additional labels shall be added to identify existing tower locations.
- 5) Applicant shall revise landscape plan to meet minimum code standards under Section 275-56(c)(7) for size of plant material.

Seconded by Mr. Sisson. Motion carried unanimously.

3. (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.

NEW BUSINESS

4. (7)JT R-5-08 Settler's Ridge – 3275 Wehr Rd. – Rezone from R-1/R-2 and C-1 to R-1/R-2, C-1 and C-2 to Field Delineate the Wetlands.

Motion by Alderman Ament to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at approximately 3275 S.

Wehr Road (known as Settler's Ridge Subdivision) from R-1/R-2 and C-1 to R-1/R-2, C-1 and C-2 to Field Delineate the Wetlands.

Seconded by Mr. Felda. Motion carried unanimously.

5. (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)

Motion by Mr. Felda to table the rezoning request by Mr. Kasian and Mr. Honeyager for an amendment 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) are 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 a wetland pocket. 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 District per the applicants request.

Seconded by Ms. Broge. Motion carried unanimously.

6. (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 on Table.

7. (2)JT U-11-08 Lee's Cleveland Pub & Grill – 14000 W. Cleveland Ave. – Sports Bar.

Motion by Mr. Sisson to recommend Use, Site and Architectural approval for site modifications, façade changes and to occupy space within an existing building to be used as a sports bar/pub & grill located at 14000 W. Cleveland Avenue subject to the application, plans on file and the following conditions:

- 1) General:
 - a) Plan of operation shall be consistent with submitted plans on file.
Hours of operation: 11:00 AM to 2:00 AM Sunday – Thursday,
11:00 AM to 2:30 AM Friday and Saturday. Food will be served daily from 11:00 AM to 12:00 AM. Maximum hours to be consistent with City Codes.

- b) Employee and customer parking shall be contained on site.
 - c) Dumpsters shall be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
 - d) Signage shall require a separate application and issuance of a Sign Permit prior to fabrication and installation.
 - e) Monument sign shall remain outside of the vision triangle at the corner of Sunny Slope Road and Cleveland Avenue.
 - f) No direct public access to the patio area. Access for guests to the patio shall be strictly through the restaurant.
 - g) Applicant shall receive the appropriate liquor license to serve alcohol outdoors.
 - h) Approval of the Landscaping Plan and payment of all sureties are required prior to issuance of the Zoning Permit. Landscaping plan must meet all the requirements of Article VIII Section 275-53 through 275-56 of the Zoning Code in its entirety. A registered Landscape Architect shall stamp plans. Landscaping Plan to be approved and signed by the Department of Community Development prior to installation of any materials.
 - i) Per Section 275-56.F(3), submitted landscape plan does not meet the bufferyard planting requirements along the north property line. Applicant shall revise plans accordingly.
 - j) Any outdoor seating shall adhere to Table 275-57-1 of the Zoning Code.
- 2) Engineering:
- a) Lighting plan does not follow city standards. Applicant shall submit a lighting plan that meets the requirements in Section 275-60.I prior to issuance of the zoning permit. This will be required to be completed for all on-site parking, circulation and pedestrian areas (Zoning Code §275-60 I). Plan shall show light pole layout and illumination levels on plan sheets. A chart with photometric summary information shall also be provided.
 - b) A letter from Waukesha County approving the proposed improvements within the County ROW shall be on file with the City of New Berlin prior to issuance of the Zoning Permit.
 - c) Permit required at time of permanent driveway construction.
 - d) Submitted plans do not meet the parking lot setback requirements along Cleveland Avenue (CTH D). Ultimate ROW for CTH D is 130-feet (65-feet on each side of the centerline). Existing ROW is 50-feet. Drive aisles and parking areas shall be set back 10-feet from the Ultimate ROW along Cleveland Avenue and Sunny Slope Road. See Zoning Code §275-57 A(7)(f)[3].
 - e) The Ultimate ROW shall be used to determine all setbacks and location of parking areas and signage along National Avenue.
 - f) The applicant shall work with City Staff to identify new paved areas that may require the installation of curb and gutter.
 - g) The parking lot is to meet ADA requirements as per American National Standard, ICC/ANSI A117.1-1998. The number, placement and stall dimensions shall be per the above document. Twenty-four foot (24.0') drive aisles mandatory for two-way traffic through a parking lot. Twelve-foot (12.0') aisles can be used for one-way traffic with clearly marked pavement and/or signage.
 - h) There is an existing service door on the rear elevation of the building that is below existing grades/pavement. Applicant shall provide plans to remedy the situation.
 - i) Applicant shall provide a revised grading and drainage plan. The plan shall include 1-foot contours for existing and proposed elevations, spot elevations and drainage patterns based on the proposed contours.

- j) The existing open ditch system for drainage around the site shall be maintained per Waukesha Co. D.O.T. and the City of New Berlin.
 - k) Applicant shall revise the plans to show the locations of the sanitary and water laterals.
- 3) Stormwater
- a) Applicant shall be sure all site drainage complies with City of New Berlin codes.
 - b) Applicant shall adhere to all City of New Berlin codes, ordinances and plans regarding storm water conveyance and maintenance and/or as identified by the Department of Community Development.
 - c) Applicant shall provide an erosion control plan that meets the requirements of Chapter 110 of the City's Municipal Code.
 - d) Applicant shall maintain the swale along the west property line.
- 4) Inspection:
- a) Building plans shall be signed and stamped by a licensed architect or professional engineer. Building plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Commercial Building Code/ IBC. (Comm 61.31 Plans)
 - b) Building plans shall be approved by the State of Wisconsin Dept. of Commerce Safety and Buildings Division per Wisconsin Commercial Building Code/IBC. (Comm 61.60 Certified municipalities and counties.)
 - c) Apply and obtain appropriate building, plumbing and electrical permits.
 - d) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any building permits.
- 5) Fire:
- a) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
 - b) Fully sprinkler building.
 - c) Monitor fire flow.
 - d) Install Knox box (key box for all tenants).
 - e) Suppression systems for new hoods are required.
 - f) Applicant shall work with the Fire Department to confirm the number of exiting inches at the secondary exit.

Seconded by Ms. Groeschel. Motion carried unanimously.

8. (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.

Motion by Alderman Ament to table the request for a 2-lot Certified Survey Map for the property located at 4901 S. Moorland Road subject to the application, plans on file and the following reasons for tabling:

- 1) Plan Commission will need to act on the rezoning (under a separate application request File #: R-3-08) prior to any action on this CSM request. The applicant is required to have the updated zoning in place first.

Seconded by Ms. Groeschel. Motion carried unanimously.

9. (3)AB LD-3-08 New Berlin Storage Condominium – 20050 W. Lincoln Ave. - One-Lot Land Division – Sw ¼ Sec. 5.

Motion by Alderman Ament to recommend to the Common Council approval of the one-lot certified survey for the property located at 20050 W. Lincoln Avenue 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.

Seconded by Mr. Sisson. Motion carried unanimously.

10. (4)AB U-16-08 G. S. Hydraulic Sales Facility Expansion – 5050 S. Towne Dr. – Expansion.

Motion by Ms. Groeschel to approve the request for Use, Site and Architecture to construct Option A, 20,229 sq. ft. and Option B, 22,220 sq. ft. building addition located at 5050 S. Town Drive subject to the application, plans on file and the following conditions and the outcome of the BOA Decision and/or ROW Vacation:

- 1) General:
 - a) Option A addition shall require approval from the Board of Appeals for a 10' variance or vacation of the northern right-of-way prior to issuance of the Zoning Permit.
 - b) Architecture Review Committee shall review and approve addition prior to issuance of the Zoning Permit.
 - c) Approval of the landscaping plan and payment of all sureties are required prior to issuance of Zoning Permit. Landscape plan shall meet all the requirements of Article VIII Section 275-53 through 275-56 of the Municipal Ordinance in its entirety. A registered landscape architect shall stamp plans. Landscape plan shall be approved and signed by the Department of Community Development prior to installation of any materials.
 - d) No outside storage shall be allowed on site.
 - e) Dumpsters shall be properly screened from the street and public view in accordance with Section 275-56 of the Zoning Code.
 - f) New parking stalls shall be located 5' from east property line.
- 2) Engineering:
 - a) Applicant shall submit a revised plan that shows the following:
 - 1) The new pavement on the East side of the building and the proposed grades;
 - 2) Identify if there are any storm connections from the addition or trench drain at the new loading docks;
 - 3) Using 1' proposed contours show how grading will work between 881' grade at Northeast corner of building and 873' at road; and
 - 4) Show elevation of existing floor and whether this is the benchmark.
 - 5) Applicant shall add swale along south side of north driveway.
- 3) Storm Water:
 - a) Applicant shall verify existing pond construction grades including outfall pipes, and overflow spillway to show current capacity of existing detention pond. Dredging may be required.
 - b) Applicant shall verify existing drainage system (including swales) is functioning properly.
 - c) Applicant shall provide maintenance records for the pond and drainage system.
 - d) If no maintenance agreement exists, applicant shall request that one is provided and registered.
 - e) Applicant shall provide site areas with surfaces (broken down to reflect drainage) to allow for verification of capacity of existing drainage system and detention pond. For example:

- 1) To pond:
 - i. 2 acres=paved & roof
 - ii. 1 acre=grass & landscape
 - 2) To West (storm system in Towne Dr):
 - i. 1 acre=paved
 - ii. 0.5 acre=grass & landscape
 - f) Applicant shall provide erosion control plan. Provide existing and proposed grading plan including contours, to verify drainage patterns.
- 4) Building Inspection:
- a) Building plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code. (Comm 61.31 Plans)
 - b) Building plans shall be approved by the State of Wisconsin Dept. of Commerce Safety and Buildings Division per the Wisconsin Enrolled Commercial Building Code. (Comm 61.70 Certified municipalities and counties.)
 - c) Apply and obtain appropriate building, plumbing and electrical permits.
 - d) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any building permits.
- 5) Fire Department:
- a) Fully Sprinkle
 - b) Install Knox Box.
 - c) Plan showing location of fire hydrants shall be submitted. Additional fire hydrants shall be required at rear of the building.

Seconded by Mr. Felda.

Motion Ms. Groeschel to amend the motion to use Section 275-46(c) to allow 40' setback upon applicant showing the front setback dimensions meet the Code. Seconded by Ms. Broge. Upon voting the motion to amend passes with Mayor Chiovatero, Mr. Gihring, Mr. Sisson, Mr. Felda, Ms. Broge, Ms. Groeschel voting Yes and Alderman Ament voting No.

City Attorney Blum stated Option A becomes what is approved assuming they can show it is an average 40' setback. If it is not, they go back to the Board of Appeals or Option B. There are four alternatives. The alternatives are 1) that the applicant provides the evidence of the average setback or, 2) the applicant would have to go to the Board of Appeals and then if neither one of those works, 3) right-of-way vacation and 4) Option B.

Motion as amended passes with Mayor Chiovatero, Mr. Gihring, Mr. Sisson, Mr. Felda, Ms. Broge, Ms. Groeschel voting Yes and Alderman Ament voting No.

11. (7)JT LD-4-08 TRD Woelfel Road #2 – 3915 S. Woelfel Rd. – Nw ¼ Sec. 21 – Four-Lot Land Division.

Motion by Mr. Sisson to table the request for a four-lot certified survey map (CSM) for the property located at 3915 S. Woelfel Road per the applicants request.

Seconded by Ms. Groeschel. Motion carried unanimously.

12. (1)AB LD-5-08 ProHealth Care Ambulatory Care Center – 1700 S. Moorland Rd. – NW ¼ Sec. 1 - One-Lot Land Division.

Motion by Mr. Sisson to recommend to the Common Council approval of the one-lot certified survey for the property located at 1700 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 prior to the issuance of the zoning permit.

Seconded by Mr. Gihring. Motion carried unanimously.

13. (3)AB U-8-07 New Berlin Storage – 20050 W. Lincoln Avenue – Modification to previous Plan Commission approval on February 4, 2008.

Motion by Ms. Groeschel to approve the Removal of Plan Commission Condition 1)F from 2/4/08 that states, "Applicant shall submit a conservation easement document to be recorded to protect the Butler's garter snake habitat on the property prior to issuance of the Zoning Permit," based on a letter from the DNR withdrawing the requirement to conserve the Butler's garter snake on the property.

Seconded by Ms. Broge. Motion carried unanimously.

COMMUNICATIONS

14. Communication To: Plan Commission
Communication From: Gregory Kessler, Director of Community Development
RE: Recommended Year 2035 Regional Transportation Plan for the City of New Berlin, April 22, 2008. Year 2035 Regional Land Use and Transportation System Plans for Southeastern Wisconsin. (These materials were presented to the Common Council on April 22, 2008 by Ken Yunker, SEWRPC) (PG-968)

Plan Commissioners acknowledged receipt of this communication.

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 9:03 P.M. Seconded by Ms. Groeschel. Motion carried unanimously.