

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

PUBLIC HEARINGS

6:00 P.M. (3)JT R-2-08 Jeanne Welsch – 21040 W. Lincoln Ave. – Rezone
from B-2 and C-2 to B-2 and C-2 Wetland Delineation.

NEW BERLIN PLAN COMMISSION

APRIL 7, 2008

MINUTES

The public hearing relative to the request by Jeanne Welsch for a rezoning at 21040 W. Lincoln Avenue from B-2 and C-2 to B-2 and C-2 to field delineate the wetlands was called to order by Mayor Chiovero at 6:00 P.M.

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Gihring, Alderman Ament, Mr. Felda, Ms. Broge, and Ms. Groeschel. Also present were Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; and Mark Blum, City Attorney.

Mayor Chiovero 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 Chiovero asked three times for comments or questions for the purpose of clarification, seeing none.

Mayor Chiovero asked three times if there was anyone 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 questions or comments from the Plan Commissioners?

Alderman Ament – Does the little dark green line indicate the environmental corridor line on the map showing the proposed zoning?

Ms. Titel – Yes, that is the primary environmental corridor.

Mr. Gihring – I have a question about the proposed use of the land. It was B-2 and it says the current land use is agricultural and single family residential and then it says that no change is proposed.

Ms. Titel – We don't have any applications on file for the Use Approval. The wetland delineation and the primary environmental corridor delineation would be the first steps to any development in the future. The property owner and the applicant are just looking to take care of that at this time.

Mr. Gihring – I didn't see how agriculture would fit into a B-2 District.

Ms. Titel – That is just the existing use of the property.

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

Mayor Chiovatero closed the public hearing at 6:09 P.M.

6:02 P.M. (7)AB R-1-08 Holly Wieneke – 18200 W. Lynette Ln. – Rezone from R-1/R-2,C-1&C-2 to R-1/R-2,C-1&C-2 to Field Delineate the Wetlands.

NEW BERLIN PLAN COMMISSION

APRIL 7, 2008

MINUTES

The public hearing relative to the request by Holly Wieneke for a rezoning at 18200 W. Lynette Lane from R-1/R-2,C-1&C-2 to R-1/R-2,C-1&C-2 to field delineate the wetlands was called to order by Mayor Chiovaturo at 6:09 P.M.

In attendance were Mayor Chiovaturo, Mr. Sisson, Mr. Gihring, Alderman Ament, Mr. Felda, Ms. Broge, and Ms. Groeschel. Also present were Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; 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. Bennett gave a brief presentation describing the request and showed maps indicating the location.

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

Mayor Chiovaturo asked three times for anyone wishing to speak in favor of this application, seeing none.

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

Mayor Chiovaturo asked for comments or questions from the Commissioners?

Alderman Ament – The Alternative Transportation Plan calls for that easement to be along the southern edge of the gas pipeline, and we are showing it just along the eastern border only.

Ms. Bennett – The easement was part of the land division that was approved early last year. The 30' easement is for continuation of Stigler Road and for that trail that was proposed on this property within the gas easement. The maps are not exact, but indicate the general area. The property owner, through discussions, agreed to have the 30' along the east side of the property.

Alderman Ament – We are looking for 50' easement on the one on Observatory Road. Why do we want 30' here? Is that for the road or for the trail?

Ms. Bennett – That was for the trail. The 50' easement which was given by the school district for the trail to the south was because it was along wetland. It was a recommendation of a Transportation Engineer at the time to ask for 50' because the exact location of the trail was unknown at the time because of the wetland area.

Alderman Ament – But, this is also along a wetland. I am looking for a different distinction between the two.

Ms. Bennett – The wetland along the east property was part of the 2006 application. The only

wetland we are looking at this evening are these two pockets along the western portion of the property.

Alderman Ament – It shows additional wetland that is behind the home on Parcel 1. There is a structure shown as a gazebo with a wooden deck. What happens with that in the future now that there is a wetland there? I realize that when they put that in, there wasn't a wetland identified there.

Ms. Bennett – That is correct, and there was a permit issued by Building Inspection back in 2004 for the gazebo which was prior to the wetland being identified. I have contacted the DNR to ask about the gazebo as to what their response would be to having a gazebo in the wetland area. I do not have an answer yet for you this evening.

Alderman Ament – I am also wondering about what future owners can do with the gazebo when ten years from now it is in need of repair. Did Alice Thompson from Thompson Assoc. do the wetland delineation in June 2006 and then redo it in June of 2007?

Ms. Bennett – Correct.

Alderman Ament – Did they offer any reason why they missed these?

Ms. Bennett – Not that I am aware of.

Alderman Ament – It makes me wonder why we can't do anything about incorrect delineations. This is the second time I have seen that come through. In the last paragraph of the DNR's amended wetland delineation review it talks about the Butler's gartersnake requiring the Endangered Resources Program to provide a review response letter identifying any endangered and threatened species and any conditions that must be followed to address potential incidental take.

Ms. Bennett – The Wieneke's did apply for an endangered resources review. It was one of the conditions of the land division last year.

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

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

6:03 P.M. (2)AB CU-4-08 T-Mobile – 14750 W. Cleveland Ave. – 80' Wireless Telecommunications Facility and Related Equipment.

NEW BERLIN PLAN COMMISSION

APRIL 7, 2008

MINUTES

The public hearing relative to the request by Lisa Bera c/o T-Mobile for a Conditional Use for a new 80' Wireless Telecommunications Facility and Related Ground Equipment located at 14750 W. Cleveland Avenue was called to order by Mayor Chiovero at 6:20 P.M.

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Gihring, Alderman Ament, Mr. Felda, Ms. Broge, and Ms. Groeschel. Also present were Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; and Mark Blum, City Attorney.

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

Pat Moran, 2550 S. Brookland Road - How much radiation will this tower radiate?

Ms. Bennett – That answer has not been provided to us, but the applicant is here and may be able to answer that question.

Jeff Fowle, representing T-Mobile – In response to your question about radiation, I assume you mean in terms of our antenna output or power output. These are extremely low powered transmit receivers. I know we have discussed this in the past with the Plan Commission. We are at about 100 watt with power. The downside with having low power is we need so many sites. We currently have six antenna sites in the City of New Berlin. This is on a demand basis, and we are responding to the number of calls being made in this part of the City of New Berlin. We bring 200 amps of power, we are sending out between 100 and 200 watts at 80 ft. in the air, and it is no worse than anything else that is at that low power.

Mayor Chiovero – Is there anything else that would have the same amount of power that you could compare it to to help people understand how much 100 watts of power is?

Mr. Fowle - In terms of a broadcast facility, the most comparable and one that was discussed in the past is the WVCYradio tower at 126th & National Avenue which broadcasts at about 10,000 watts. The same with the WTMJ tower. We are 1/10,000 of the power of what that facility has.

Mr. Moran - Is that constant or is there some peak power outage that you may see periodically from time to time?

Mr. Fowle – We don't have a peaking demand. A lot of people confuse this with stray voltage issues or power issues. These are radio waves. They are the radio waves that your baby monitor or your wireless phone has that you use in your house. Some people get confused in terms of voltage and what you call radiation. We don't have a peaking demand, it is a constant output. As more callers come on, it actually shrinks our cellular network. We have a little bit of

radio spectrum for the Federal and City government and County dispatch. We are not increasing or decreasing the power that we are sending our signals out at, rather it is a static signal.

Mayor Chiovaturo – Would this interfere with any radio or television in the area?

Mr. Fowle – No. When the federal government allocates a piece of the radio spectrum, it is something that all the companies take very seriously. We really do pay a lot of attention not to cause any interference because our license is at stake. T-Mobile has never had an issue of documented interference within the five county region. That is not to say that there are absolutely no exceptions to the rule. If there was a report of interference in New Berlin or any other part of the region, we would find the problem and fix it immediately. If it was a situation that could not be fixed, we would shut our site down until it was fixed.

Bob Wene, 2601 S. Brookland Road – If there are two towers really close together, wouldn't that increase the radiation? Why don't they put one in the industrial park?

Mr. Fowle – There is an additive effect as you add more antenna facilities, but it is of such a nature where it is inconsequential at that height. The effect is around the antenna within a few feet. In answer to why can't this be in an industrial park, as Commissioners know, when we started this fifteen years ago that is where we put the antenna sites. I have been doing this for nine years. I started this in 1998. Some of the first sites we worked on were the fire station at Cleveland Avenue and Calhoun Road. We did the site here at City Hall. We are on the sites of most of the water towers in the City. As a wireless explosion happened, the coverage was not as good in the more residential parts of the City. Responding to the demand for the service is when we started penetrating into the more residential parts of the City. People just don't use their phones only in the industrial parks or in the primary transportation corridor of the city. When they get home and they are sitting on their couch, they are also using their wireless phone. This is not unique to New Berlin. This is happening everywhere. We are trying to improve coverage in the more residential parts of the communities.

Mayor Chiovaturo – Is that your tower on Sunny Slope Road and Cleveland Avenue by Hickory Grove?

Mr. Fowle – That site was initially built to accommodate two providers. We did the engineering to see if we could get an additional set of antennas in there, and we found that it is not designed to take more than two sets of antennas. That is what is in there now. The reason why US Cellular and Verizon are in this part of the City is the same reason why T-Mobile is attempting to provide better coverage in this part of the City. We are just responding to customer needs.

Mayor Chiovaturo – I will inform the public that when a cellular tower applicant comes in, we highly encourage them to look for an existing site before they come in with applications such as this.

Dennis Kasian, 20203 W. Lawnsdale Road – I am assuming that the City rents the land for the cell towers. What kind of income does that generate for the City? If this gets approved, is there any deed restriction or protection for the public that they can't beef these towers up two or three or ten years from now?

Ms. Bennett – T-Mobile does lease. There is a 20' x 30' lease area shown on the site plan as the enclosure around the tower and equipment. There is a lease agreement with the City that was discussed with Park & Rec. I will try to find a figure for you.

Mr. Fowle – Any agreement would have to be approved by the Common Council. We were throwing out the site as Hickory Grove as a model because it is recent. I can throw a number out, but it is subject to negotiation. The range between \$25,000 - \$30,000 a year is what is customarily paid. The other document that is very important to the Common Council and to the neighbors is the Conditional Use Permit. That lays out what we can and cannot do there. Any

deviation from what is shown here would need to come back to the Plan Commission for their approval. Granting approval to T-Mobile does not give them permission to come onto the property and do anything they want. What we get approved, is what we build.

Ms. Bennett – The lease agreement has not yet been negotiated with the Common Council. This is their first step for their Conditional Use. Also, this proposed tower can accommodate an additional user. It is set up for two users. That is a requirement in our Zoning Code. We require towers to allow for co-location with other carriers. There is room within the lease area for additional equipment for another carrier and on the tower.

Robert Buraczewski, 14520 W. Cleveland Avenue - I am confused as to how many towers there are in the City. Two were mentioned, and then it sounded like there were three or four. I understand the one at Hickory Grove is for a competing company. It sounds like there is a proposal for another tower at the library, then another one near Cleveland Avenue at the fire station. What is the distance of coverage on these towers? It doesn't seem clear to me that this particular neighborhood would be so much more bothered than the corridor going down Moorland Road down to I-43. I only heard of one at Eisenhower right now. Are there any in the southern part of the City? What is the range of this one? Is it taking care of a part of Brookfield?

Mr. Fowle – I can furnish a visual aid to the staff, but I will try to walk you through this now. T-Mobile currently has about six sites in the City of New Berlin right now, and they are geographically situated around this site. We have existing sites at Racine Avenue and National Avenue, at I-43 and Moorland Road, at Cleveland Avenue and Calhoun Road, at 126th and Beloit Road which are the WVCY towers. We have a flag pole site which is similar to what we are proposing here that is owned by T-Mobile at 126th and National Avenue. We have a WE Energies line on Lincoln Avenue. I think that covers all of them.

The second question about if this site will be serving more of Brookfield, the answer is No. To give you a sense of this, we only get coverage off the site at Cleveland Avenue and Calhoun Road to probably about Moorland Road. The reason for that is the low power and the number of users. When the personal communications phase of wireless was born in about 1996, we could get by with fewer sites because there were fewer users. Now there literally has been a wireless explosion with everyone using text messages and photos, etc. That is affecting the amount of band width on those systems. This site is meant to cover Moorland Road going east and then from about the county line going west and then to try to pick up a little bit of National Avenue to the south, and then it starts to drop off as we hit Lincoln Avenue to the north. It is coming down, in essence, to looking at neighborhood sites. We just cannot provide the coverage in this part of the City any more from Cleveland Avenue and Calhoun Road or Lincoln Avenue. No wireless company can.

Back to the number of antenna sites in the City, the staff can probably answer that better by checking their records, but I know there is a lot of them. The City is 36 square miles. That is similar to any other community, so in that way you are not any more unique than anywhere else. The City is going to continue to grow. We are prepared to work with the neighbors, the Plan Commission, and the Council to find the best places to locate these facilities. In terms of alternatives, the site at Hickory Grove is at capacity, so we are trying to look for the next best suitable site in the community that would provide minimal aesthetic impact. We think this is a good site. It is on a large enough parcel where we believe we can blend it in and is buffered by vegetation on the property, and most importantly to us is that we meet the criteria of the ordinance which are the City's rules and regulations as to where we can put these in the community.

Mayor Chiovatero - Will this site mostly benefit New Berlin residents?

Mr. Fowle – This is in the heart of the City.

Mayor Chiovatero - Is there a void in this area that needs to be filled?

Mr. Fowl – Correct. If we have not officially submitted coverage maps, we will. That is our engineering justification as to why we are doing this.

Bob Wene, 2601 S. Brookland Road – Why didn't we get a letter when they built the tower at Hickory Grove? We got letter sent the first time that was marked in gray, but then two weeks later it came with an expanded gray area. Why did they just choose us?

Ms. Bennet – For Conditional Use public hearings, we are required to notify within 600 feet of the property of the application which is outlined in the yellow of the map you see. To answer your question about Hickory Grove, you may not have been within 200 feet from that parcel. We can look in the file at a later time. That is our process for notification. We did two mailings for this application. The colored areas on the map that you received shows the properties that were notified.

Jenny Moran, 2550 S. Brookland Road- I talked to Amy on April 1, 2008 and suggested that other people should be notified. The people across from the yellow line on Cleveland Avenue were not notified. I was very happy when I talked to Amy because at least 20 or 30 more people were notified after that. I appreciate that those people were notified. The neighbors did go around the neighborhood because of lack of notification. It is confusing because you did say within 600 feet of the parcel, but according to the map not even everyone within 600 feet of the parcel were notified. That was a question that our whole neighborhood had. We can't go into that now, but I think in the future it would be very important that everyone involved be notified of the hearing.

Rose Weidberger 2515 S. Brookland Road – With so many people being against cell phone towers, tonight I come here and I find out that we will probably not only have one, but we will have two. I am worried about the resale value of my house.

Mayor Chiovatero – For clarification, there will only be one tower. In this one tower, there may be two carriers.

Ms. Weidberger – I am within that 600 feet, so that is my back yard. We moved out here to be out in the country. My suggestion would be to put the towers in the cemetery.

Mayor Chiovatero – I can't answer for the applicant, but I know they try to put these towers in the locations where they are needed. I don't know if the cemetery is a place where they are trying to cover the customers. The Assessor would need to answer the question about the resale of your home. I am unaware of any value being decreased due to a cell tower at this time.

Ms. Jones – SEWRPC did a recent study and next month when action might be taken, we will put some information in the report about the number of towers within the City.

Mayor Chiovatero – That will help.

Martin Petroviak , 2695 Brookland Road – I have a map of cell towers. The one that you are proposing is just a stones throw away from the one west of Moorland Road. It looks to me like a good distribution would be to put this in the middle of the New Berlin Golf Course or in Greenfield Park. That way there would be a huge buffer of green space from residential neighborhoods instead of this extremely narrow space which provides no buffer to the east. Have you looked at that as a potential location?

Mr. Fowle – Yes, there is a site in between there, just north on Lincoln Avenue. We are already on the site that you mentioned just west at Cleveland Avenue. The site to the north east, we already have sites in those locations. Even if we put a site in that area, we would still have a problem in this location. I also forgot about the seventh site at City Hall. We already have seven sites covering the City. We are starting to get into a very small geographical location as to where we can put the site. If we move it too far in any one direction, we would be building a site for no

reason at all because we still have a hole in the area. Our biggest area of concern is immediately around the site going south towards National Avenue. The neighborhood to the south is where we have no coverage at all. We don't want to have that happen, mainly because of 911. That is the biggest concern.

Mayor Chiovero – When the staff gets a map we will put it on the website.

Mr. Petroviak – If I wanted to build an auxiliary building on my lot the height restriction would be 15 feet. If I owned the property and it was a commercial lot and I wanted to put a flag pole or spot lights, I would probably be restricted to 30 feet. Why are cell phone towers so out of proportion with the rest of your guidelines? How many cell towers do you have right now that are located this close to a residential district?

Mayor Chiovero – I know we have several in residential districts, like the one we talked about at the old Jumbo Sports is right in the middle of a residential area. Several are in residential areas, they are all over. As far as the height, that is an engineering issue with the cell tower. I'm sure that there is certain coverage for certain heights.

Mr. Petroviak - It seems you have some good requirements about heights for telephone and flag poles, but it seems there is a huge exception when it comes to the aesthetics of cell phone towers. It seems like it is inconsistent.

Mayor Chiovero – As far as aesthetics of cell phone towers, for a long time the cell companies were having trouble getting coverage and they were able to go to the utility companies and build a whole line of towers inside the tower there. Now they are trying to get the coverage tighter and smaller. The tower at 126th and National Avenue was the first stealth tower which looks like a flag pole. To respond to your concern of all the ugly arrays all over the place, they are trying to disguise them. I know T-Mobile has used water towers, current antennas, and radio station antennas. I can't answer about the height, those are engineering designs as to how high they have to be to get the signal out. It is getting more and more common to see them disguised as just a pole or something as small as they can get without aesthetically taking away from the area. I have seen some look like a tree. I don't know how an 80 foot tree would work there.

Ms. Bennett – I know that in this application, 80 feet was chosen because our code does require that they accommodate another user on the tower. That height allows them to add another carrier to the tower in the future. Back in 1996 there was a tower communication act where guidelines were passed. After that went into effect, we worked out our code.

City Attorney Blum – The jurisdiction that we have in this area is limited to the Telecommunications Act of 1996. Our regulations have to be consistent with the requirements that were established there. We did revisions in our code in 2002. The requirements, as far as what we're able to limit and things that we can look at in terms of towers was restricted as a result of that Act and subsequent court cases. The federal government decided that having the ability to site these towers by municipalities throughout the country is a matter of national concern. We have then established the rules to allow for that to take place and to put restrictions on the local government's limitation of those. We don't have the right to say, no we're not going to have any cell towers in the City of New Berlin. The problem is that we are not just regulating this in the context of the federal requirement in that regard.

Mr. Petroviak – I know, but a lot of cities have been looking at the federal government requirements and have been putting towers in well buffered areas from residential areas so that they can be located in areas that won't be objectionable to residences. That certainly is in your right to do that.

City Attorney Blum – I didn't say it wasn't. But in terms of your question about if the height of towers dictated by the Federal Telecommunications Act, as is the issue of the density of those towers, if they provide the map that the applicant is referring to and it indicates that there are

holes in their coverage network, that gives them the ability to come and ask for a tower where those zones are. Just realize the City does not have a veto authority to say no cell towers in the City.

Ms. Bennett – In this application, this tower does meet the setbacks that are required in our code.

Mr. Petroviak – What is the setback required for a residential boundary?

Ms. Bennett – For a monopole tower that is less than 180 feet, the tower shall be located no closer to the lot line than 25% of the tower height or the yard setback requirement of the zoning district, whichever is greater. The setback is 50 feet in that zoning district. The tower is 80 feet.

Mr. Petroviak – This is really a very short wave type radiation, ten million times smaller than the radio towers. I am sure everyone has health concerns. I spent a half hour getting health issues off of the internet. I would be happy to read them to you.

Ms. Weidberger – All those reasons is why it is going to lower the resale value with all the people knowing all that and having that information.

Denise Platzer, 15150 W. Lynwood Ct. - We live by the tennis courts and have the most beautiful view of the park. It is a bummer that now we will have a big pole to look at. Who gets the \$20,000 or \$30,000? The City or Park & Rec?

City Attorney Blum – Park & Rec is part of the City. It is an agency of the City government, directed by the Common Council. How the funds are allocated is an issue that will be dealt with at budget time.

Mayor Chiovatero – We have some funds that come right to a general fund of the City, and I think Park and Rec does get the funds from that one tower at this time.

Ms. Platzer - Does this cause taxes to go down in any way? Will any of the Park & Rec Department program fees go down?

Mayor Chiovatero – I will guarantee right now that when this subject came up, there is some concerns of the Facility Manager that any funds from this tower, if it is built, go to help maintain the Community Center. That is the request. It is up to the Common Council to direct it that way.

Ms. Platzer – Why does it need to go in the park? It's this beautiful park, and now you're going to have this tower that people are going to see from far away. There aren't a lot of parks. This is my park. It is a beautiful park and I just hate to see a big tower in it. By Wendy's there is a filling station where in the back it could be hidden which wouldn't be that far away.

Mayor Chiovatero – I'm not sure how the real estate people handle cell towers. They do approach many property owners to see if they can use some property. Right now, some municipalities are getting cell towers on their properties for revenue. I know we have a few on our properties. I would think that if you are going to look at a cell tower, you probably want to know that the money from the cell tower is going toward your use instead of in the gas station's pocket. Like Mr. Fowle was saying before, that is the site that fits the needs and fills the hole. I don't know if they approached anyone at that gas station or not. I don't even think it would fit on there due to the setbacks. I am sure that if this site doesn't go through, they will continue to look for a site until they can find one that can fill the void.

Ms. Platzer – I understand the need, because I have a cell phone, but I don't think that is the best place to put it.

Mayor Chiovatero – The cell companies have to provide service for the 911 emergencies. If you look at your cell phone bill, you will see a charge on there for them to provide 911 service. Now

your phones have a GPS built in so if you do make that call, they know exactly where you are at. That is what they are required to do. This is going to help them fill the void that they are trying to get, let alone allow the people in that area to be able to call 911 on their cell phones if they are a T-Mobile customer.

Karen Hart, 2613 S. Brookland Road - Regarding the question on value, it may or may not have an affect on value, but we used to have a library in our backyard, now we don't. That affects the value of our property. Some people think the food pantry is negative. I personally am glad the Community Center is there, but not everybody is. Now you want to put a cell tower in. When the cell tower goes up, in spite of our concerns and objections, what will the revenue be used for? Property tax relief or something tangible for our neighborhood? Perhaps a safe, ice free, poison ivy free, walkway between Brookland Road and the Community Center. It is ridiculous the amount of puddling, ice, and poison ivy on that walkway. There are so many people that use that walkway. Maybe another way to use the revenue is to plant some trees along the roadway because out in the middle there are no good existing trees. Perhaps we could have better drainage around the Community Center property to reduce the mosquito populations or have an effort to rid the area of some of the invasive plants. Personally, I object to the cell tower as do many of the neighbors. I know there is a petition that at some point will be presented.

Al Buerose, 2402 S. Brookland Road – I am against this tower. I don't think it is the best use for a park. When my kids fly kites, they fly them in the park. What if that tower falls? I know, you are going to say it is very safe. How about when kids try to climb over the fence? 100 watts you say is not much power. 100 watts is a lot of power. As a radio amateur as well as an engineer, I have a ham set I can get on 20 watts. A few years ago New York City had very bad TV interference, which turned out to be caused by a taxi cab radios from Australia. When you ride along I-94 and look to the north, you find lots of towers. Everyone of those towers has got several antennas on it. Is there a reason we can't double the tower at Hickory Grove?

Mayor Chiovarero – The tower at Hickory Grove is doubled already. He would love to go on the one at Hickory Grove.

Mr. Berose – Is it limited to two?

Mayor Chiovarero – We are limited to the structure that exists on it.

Robert Buraczewski, 14520 W. Cleveland Avenue – Hickory Grove has nothing to do with T-Mobile right now, right? So where is the closest tower that we have right now that involves T-Mobile?

Mr. Fowle – The closest site to that is on 126th & National Avenue.

Mr. Buraczewski – That is quite far away. Could we get some sort of map or indication of what areas are covered for T-Mobile?

Mr. Fowle – Yes.

Mr. Buraczewski – My main concern is that it is close to our property. In the park there are basketball courts by the food pantry and kids use the area. It seems like it's the easiest place rather than the right place. I don't have those maps to know where else it could go. I would feel a whole lot better if it was clear that it was really necessary there. A park doesn't seem like the appropriate place to put it.

Mayor Chiovarero – As soon as the maps are provided, we will put them on the webpage. If you want a personal copy, you may come in.

George Dobron, 25075 Brookland Road – How much noise will be radiated from the generating station powering the antenna?

Mayor Chiovero – Are you talking about the support building for the tower?

Mr. Fowle – The current plan is that when the Food Pantry constructs their building, we would have a screen wall around our equipment cabinets. Our cabinets have an internal fan. It is quieter than a residential air conditioner. The only noise that comes from the unit is when the fan is running. There is no humming, there is no beeping.

Mr. Dobron – We are all aware of the media talking about the generation of radiation. Supposedly, it is put up at that height for a safety factor. Does wind play a role in affecting that?

Mr. Fowle – No. Vegetation will tend to absorb a signal. We are trying to stay above the treetops.

Mr. Dobron – A microwave oven will affect a pacemaker. Will this?

Mr. Fowle – I am not qualified to speak on the medical affects. I am not a doctor. What I can tell you is in past instances when this question was asked, we asked people to go to reputable internet sites like the FCC or other governmental sites for your information. We have sites at Waukesha Memorial Hospital, St. Joseph Hospital, St. Lukes Hospital, and West Allis Memorial Hospital. It is not my job to say it is safe or not safe, but we are putting antenna sites on top of medical facilities. They have experts that look at this.

Mr. Dobron – The reason I brought up the ill health affects is because I do have a boy with compromised immune systems, Cystic Fibrosis. I am not sure about any other neighbors in the neighborhood that may have compromised health issues. I know there have been studies on it funded by the cell companies themselves. There have been European studies which actually contradict what the big money organizations here in this country are up to. Not that what I say is going to matter in the least, but I say it for peace of mind. I went to a website about why European schools are removing the cell towers and I find it interesting that cell towers are being put on schools here. Are they seeing something we are not seeing? Are they being told something we are not being told? I have several pages here. We bought our house knowing that it was going to be a safe area, and we enjoyed the scenery. There has also been studies on real estate. A lot of it is on the perceived problem with radiation, whether you are being told it is safe or it's not safe. There hasn't been enough studies in the long run to justifiably make that a concrete argument, but look at what's been done in Europe. They are tearing down towers within seven mile radius's because of the increased brain tumors, sleeplessness, mood disorders, etc. I thought it was important enough to be addressed.

Mayor Chiovero – Thank you for your comments, and don't think they are not being heard.

Randy Cooper, 3895 S. Woelfel Road – As I look at the aerial photo, I can see three ponds just on this small photo. I am wondering if affects on wildlife are taken into account when approving or evaluating whether a site is suitable for a cell phone or other towers. I think I heard someone say it was a free standing tower as opposed to all the guy wires. There is a lot of studies done on migrating song birds and waterfowl running into these towers at night or when it is foggy.

Ms. Bennett – The applicant has not submitted information on wildlife.

Mr. Cooper – Have they been asked to submit any information?

Ms. Bennett – Not on wildlife. We can ask Mr. Fowle if he has any information on it.

Mr. Fowle – All the studies that I have reviewed on migratory birds had to do with the guy lines and if the tower is lit. Foggy nights with a strobe light flashing is what leads to birds getting confused in the air. Without a light or guy lines, I think the risk to any bird specie is minimal. Above and beyond what we do with any permitting issue with the City, we are required to do a

host of State and Federal approvals. Whenever we build a tower, we cannot go into any wetland areas, delineated or not. We have a lot of archeological surveys that we have to do. We have to go to the State Historic Preservation Office to get approvals to make sure we are not impacting any historical properties in the area. We are sensitive to any endangered or threatened resources just like any developer is. All those things are done as part of this project. There are things that the staff or the Commissioners may not see, but we can submit to you, if requested.

Mr. Cooper – Will there be lighting on the tower?

Mr. Fowle – There will be no lighting of this facility of any kind.

Mr. Cooper – Not even the red lights that are always on?

Mr. Fowle – No, there will be no lights.

Rose Weidberger, 2515 S. Brookland Road - Today my neighbor and I noticed some construction trucks, so we went over by the old library and we noticed that all the grass was dug up. Is that a start?

Mayor Chiovatero – I got a phone call about that today. It is not a start of anything that they are doing. They have no approval. What you may have seen is the start of the building that the food pantry is going to build which is a small garage next to their facility.

Mayor Chiovatero asked three times if there was anyone else with questions or 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 if there was anyone wishing to speak in opposition of this application?

Pat Moran, 2550 S. Brookland Road - We have a number of issues with the proposal to put a cell phone tower in Lions Park. You have heard a few of them already. My neighborhood feels strongly about these issues and so we have gone from house to house and we have a petition with 182 people and 19 children asking for the dismissal of the Conditional Use application for the tower. The first issue that we have is with the radio frequency radiation. I know there are conflicting studies about this. There are some studies that do find some harmful affect. One of them is neural behavioral effects surrounding mobile phone and base stations that was presented at the 9th International Symposium of Neural Behavioral Methods and Affects on Occupational Environmental Health. These have not, from what I have been able to tell, been able to conclude one way or the other. More studies are needed. One of these would be the mobile phones, mobile phone base station and cancer review which is found in the International Journal of Radiation Biology. All of these studies are on adults, not children. Children could be more susceptible to the radiation. I think there is a lot less known about the lower levels of radiation, especially over a long period of time. The radiation from this tower will be produced 24 hours a day. Children living within this range will be susceptible while they are sleeping, eating, playing for probably at least 12 hours a day. Unlike a cell phone there will be no way for us to turn it off. There currently is a long range study taking place in Europe looking at the health affects of cell phones and towers. The results of this large study are due out in the next few years. Hopefully, this will shed some light on the dangers of the cell towers near homes. Until this is determined, we feel it is unwise to place a cell tower to close to long term residencies. We also don't want to place a tower in the New Berlin Park. Lions Park is a beautiful natural setting for a park. It includes walking and biking paths, playgrounds, soccer fields, baseballs fields surrounded by a woods and a natural ponds. Currently there is only one other park that we know of in the Milwaukee area that has a cell tower. We would like to let our parks be parks and find other places for the cell towers.

Mayor Chiovero – Mr. Moran, can you give the petition to Amy. Amy will make sure it is registered with the City Clerk tomorrow.

Kathy Wene, 2601 S. Brookfield Road – I would like to reinforce what Pat said. We really don't want anything like this in a residential area. I look at the park and I see soccer fields, basketball, tennis, I see kids everywhere. It just doesn't seem fair to the kids. We live directly in back of the cell phone tower about 25 yards away. From our property line to the cell tower is our backyard. For us it is going to be a health hazard, an eye sore, and just an all around disillusion with New Berlin in general. As someone else said they took away our library. I know they had to move it for a reason, but now this. It seems like a double wammy for us. When we sit outside in the backyard, that is what we are going to see. Legally, I was wondering how much notice the public has to have because 2/3 of the people were given less than a week. I don't know if that is really fair. There would be others here tonight if they could be if they would have been notified earlier. My husband and I spent three hours on Saturday walking around the neighborhood. We did not find a single person who was in favor of this. They were all against it. They all signed.

Mayor Chiovero – Ms. Jones read the legal notice and notification earlier tonight and we have met all the requirements.

Mayor Chiovero asked for anyone else wishing to speak in opposition?

Bob Wene, 2601 S. Brookland Road – I coach soccer and there are thousands of kids that go there for the basketball courts, the baseball diamonds, soccer fields, and to roller skate. If I was the committee and there was just the slightest chance that somebody could die, maybe ten or fifteen years from now or maybe not, I could not vote for it. Maybe you can, but you are going to have to live with it. Think about that. You want to be re-elected someday too, think about that.

Denise Dobron, 2507 S. Brookland Road – My father and mother lived there since the '50's, and I have been there 36 years now living on the property which is right behind the tower. It is sad to say they worked so hard trying to make it nice and beautiful. That is why they moved out here. They had the park and the library and wanted to be out in the country. We tried so hard to keep our son healthy with his terminal illness and make sure that he will live a pretty good long life. To put something up like this in our back yard is going to force us to move because we will do anything we can to make sure he lives as long as he can. Doing something like this is going to deteriorate his life, let alone others. We have eight children. We got rid of our microwave. We travel all the way to Minnesota to make sure he gets the best care that he can. To do this is devastating. My father is very heart broken about this. My mother was with the VFW and has done a lot in this community, and now to see something they love be destroyed is sad.

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

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

Alderman Ament – On page 3 of the staff report under findings, number 8, in the middle of the paragraph it says concrete, asphalt compound shall not drain toward the proposed food pantry building. Are these being proposed to be on separate slabs? Separate locations? I thought this was going to be attached?

Ms. Bennett – My understanding is that it will be attached. This comment came from Doug in Engineering and our understanding is that they will be constructed together, but I think he was looking at both options.

Alderman Ament – I have less problem with the appearance of the pole than I do with the ground base facility. If we had another facility on there, would there be an additional facility?

Ms. Bennett – No, it would be within the existing enclosure.

Alderman Ament – How big is this enclosure?

Ms. Bennett – 20' x 30'. If you look on Page 7 of the staff report, it shows the structure for the food pantry and the 20' x 30' lease area. You can see the future carrier lease area is 10' x 12', so any additional equipment would be within this enclosure.

Alderman Ament – Looking at the minutes of Park & Rec. from November 12, 2007, the motion is by Commission Chuck Bedwell and seconded by Commissioner Vern Radtke to recommend to the Plan Commission to approve placement of a T-Mobile cell tower on the east side of the Community Center, with the condition that T-Mobile construct a storage building for the food pantry as part of the complex. That is not part of what we will be doing, I assume? We are not going to be requiring T-Mobile or anybody else to build somebody else's facility.

Ms. Bennett – That is correct. Apparently the food pantry has a donor for the structure.

Alderman Ament – We heard concerns about health issues, and we also are aware that some of the areas of this are out of our control from a legal FCC standpoint. Does any of that relate to any of these health issues? In other words, who do they address these types of concerns to? I don't know that we here are qualified for that? Do they address the federal government or FCC?

City Attorney Blum – Let me answer that in a couple ways. If you look at the code in 275.41(c)16, it talks about the approval criteria and deals with location, aesthetic issues, whether it is necessary to fill a documented area, a gap in coverage, height, appropriate landscape. Those are all the things that are identified in the approval criteria. There is nothing in the approval criteria in our ordinance that deals with issues of health concerns. I don't think, as we sit here today, that we can answer that question. It may turn out in 30 years from now it will be a foregone conclusion that cell towers should have never been built, or it may be that they will find that after extended periods of time it has no effect whatsoever. Obviously, there are studies out there one way or another. We can't prove a negative as to whether it's going to cause a problem or not. Obviously, time will only tell that. All I can say is that from the City's perspective, we do not have the resources, or the staff expertise to analyze those kind of questions. That is why the Federal Telecommunications Act was created, to analyze that and so to the extent there is concerns with respect to that, those are best posed to the federal government that is doing the analysis on that level. Part of the reason that they created the Act is so that cell tower sites can get sites in local areas and that there are some restrictions in local governments as to what can be looked at and what can't so that you don't have piecemeal regulations on these things around the United States because when placed on a federal level, it has been determined that these are something appropriate to be constructed whether you are satisfied with the level of analysis or lack thereof that has been done at that level, that is up for debate. All I can tell you is that on our local level, the health issue is not something within our jurisdiction. It is not something to be considered under the terms of the ordinance that we have to analyze these kind of application.

Alderman Ament – For example how much radiation may or may not be coming off of it is not one of the criteria we can use for approval or denial?

City Attorney Blum – There are twelve issues for approval that are to be looked at. Just briefly; Is the location of the facility compatible with the master plan. Is the location of the facility compatible with the zoning ordinance. Does it comply with setback issues and that type of thing, proposed site represents two or less severe impacts on the community than any feasible alternative site. There is the issue about whether, in fact if you put it a block down the way or whether it could be constructed in some other area where it is not going to have as much of an impact on the community and how you define that which is usually on an aesthetic basis, whether there are reasonable efforts to locate it on an existing tower. In other words, is there an existing tower it could be co-located on without having to build a new tower. That is what the Mayor was referring to earlier. There are no other existing facilities that can reasonably serve the needs of the owner of the proposed new facility. Owner of the wireless communication facility agree to

permit other persons to attach to their antenna. There again, that is the co-location requirement that would require if you build one, you have to be able to put at least one other carrier on that same site. The tower will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district. That is one of the things that has been raised tonight. One of the things that you need to decide is if it is reasonable or unreasonable. The proposed tower is not constructed in such a manner as to result in needless height. The applicant described that it is 80' to get over the tree line. Whether the facility is appropriately landscaped, that is #10. Color of the facility will be light colors so it blends in as best as possible. The facility tower is in compliance with state and federal regulations. As the applicant indicated, they have to application to FCC when they site one of these things, and so we know that they got the approvals that they are required to obtain, but we don't sit and guess if that was appropriate to be issued. Those are the things under your ordinance, you can take into affect. This criteria list that is appropriate for us to review was created based on our review of the Act at that time.

Alderman Ament – Is it similar in respects to say, wetland delineation or any other regulation from the state or federal government that has certain parts that we have no control over. Those rules are in place that certain parts of the decision are out of our authority.

City Attorney Blum – That is why the Federal Telecommunications Act was created because if you went across the nation you would have local governments each coming up with their own things that they think should be looked at. Some people would say that they don't put any credence in the studies that were analyzed on a health basis, others would say that they were. That is why, for purposes of uniformity, they created these Acts on the federal level so that it preempts local government and the things that they can look at and not look at.

Ms. Broge – I think you mentioned while you were speaking that your cell phone reception was being diminished as you moved south toward National Avenue, is that correct. Can you show us what other sites T-Mobile looked at for this particular cell phone tower?

Mr. Fowle – We are very limited. We obviously looked at the Hickory Grove site. We made every attempt to co-locate as required by the ordinance. When we met with Mark from Parks, there was an initial question because of the way the park was acquired way back when with federal dollars being used there was some question whether we could go here. At that time, we looked at suitable other possible alternatives. I think it is either Blessed Savior or Beautiful Savior Lutheran Church but the church was not real interested in it. I spent five years as a Waukesha alderman, and I have been doing this for nine years so I understand the neighbors concerns. All I can tell you is that we will stay here until we hopefully get questions answered. In terms of emotional issues, I don't know if I can ever provide the information it takes to get past the emotional response. I will give you my word that I will attempt to answer anything. We are interested in doing things right. We are hamstrung by what is out there and where our coverage need is. There is no suitable parcel going north between National Avenue and Cleveland Avenue. It is all residential zoning. We are very limited under your code. We obviously can't put a facility in somebody's back yard. That is the limitation we are up against. This is my job and I apologize if I am upsetting people. We first try to look at your code and work with staff. That is our due diligence process. People may not like where we are at now, but we have been working here for over a year. We spent a lot of time with Parks Dept. We spent a lot of time with the Commission. This is not just something we thought of a month ago. This is going on a year of work, and we would not be here if we did not think this was the most suitable site.

Ms. Groeschel – Can you respond more to the Hickory Grove site. I understand the tower that is there is for two antennas. What is prohibiting creating another tower right next to it?

Mr. Fowle – There is nothing prohibiting a second tower there.

Ms. Groeschel – Aesthetically, we have already increased that burden to that community right there. Adding one more tower right next to it really doesn't increase the burden to them.

Mr. Fowle – That is up to you. I am not here to say whether a second tower there is appropriate or not. It is up to you as a Commission.

Ms. Groeschel – You said that is what you would prefer, if there was an opening there?

Mr. Fowle – To co-locate within the existing structure.

Ms. Groeschel – If you were to have another tower at that location at that location, that would also satisfy you needs for coverage?

Mr. Fowle – Yes, we can still accomplish our engineering goal with having a site at that location.

Ms. Groeschel – Was there citywise a reason that we could not consider that location?

Ms. Jones – Just remembering reviewing that application, there is a 50' wide easement that runs through there for underground wires. I know there are some larger trees. In placing the tower last time, they had to be careful about where they placed it so it got good coverage so that the large trees located on that site didn't block their way. They would have to do some due diligence and maybe that is something the Commission would like them to do before we come back.

Ms. Groeschel – My main concern is, this is T-Mobile, but what would stop another competitor coming in and saying they want another tower ten blocks away. We need to look at the grid responsibly if we have to have these towers. I would appreciate that research if you could.

Mr. Fowle – There is some site limitation at Hickory Grove given the topography and the Hickory's. There is not a lot of open space and the current structure there now is probably within the most ideal spot. I don't know where the second best location would be on that site. That is really up to the staff.

Ms. Groeschel – I am sure all of the people by the Hickory Grove site have the same concerns. Since we unfortunately have that burden there, lets concentrate it so we are not spreading it out over the entire neighborhood.

Mr. Sisson - When we put the tower at Hickory Grove, the plans called for that to have a flag. The residents were not in favor of that, and the flag idea was dropped. Is that correct?

Ms. Bennett – That is correct.

Mr. Sisson – When we had the Architectural Review Committee Meeting for this site, there was a question about the flag and I don't believe you had an answer at that time. Has it been decided that there will not be a flag on this pole?

Ms. Bennett – The applicant has not proposed a flag for this site.

Mr. Felda – After hearing everyone, it appears that an alternate site is probably going to be the best choice. I'm not sure how the other Commissioners feel. I don't know your coverage, because we didn't see your cone shaped circles as far as how much each site would allow you to cover. You need to go west or east further from the library site to get your coverage. You have the site over off of Calhoun Road near Cleveland Avenue from what you are saying. You also have a site off of 126th & National Avenue. I'm sure now that you have seen where this may be going, you're going to have to see the possibility of an alternative site. Which way would you have to go? East or west to get that coverage if you can't co-locate on the Hickory Grove site? I'm looking in the Industrial Park right on Moorland Road and maybe the possibility of going higher.

Mr. Fowle – We will run our analysis and submit maps to the staff showing a potential site on that location by the bowling alley just as a shot in the dark. My guess is that we would be too close to

the existing site. We ideally would like to be east of Moorland Road and west of Sunny Slope Road and south of Cleveland Avenue. Obviously, we can submit possible locations, the problem is when the rubber hits the road I have to find a lease. By you telling me to just go somewhere else, doesn't really help me. I've done that already. That is part of my job and it's been done. We are willing to provide you the data and hopefully build consensus in some fashion.

Alderman Ament – I would like to just follow up on what Commissioner Broge and Felda have mentioned and that is that I would like see if the applicant can show us the maps of, not just where they are located now, but the areas, circles, or cone areas showing what coverage you need to have and where there is potential for facilities and which ones you have already explored.

Ms. Groeschel – Also, something else that was mentioned is looking at higher towers in more commercial sites if that enlarges your circle. That's not possible?

Mr. Fowle – Ten years ago that was an issue, it's not anymore.

Ms. Groeschel – In your research, when you look at sites, was it only looking at New Berlin sites?

Mr. Fowle – The ordinance requires us to look at City facilities. I am speaking from a company perspective, but we would probably prefer to be on private property. Our rents are cheaper. That is the financial reality of the business. If we are on private property, our rents are cheaper. On public property, our rents tend to be more expensive. That is largely because they are public records and everybody knows what everybody is getting, so generally the community that is getting the highest amount is known. If a city does their research, they will know what the City of Brookfield, or the City of Waukesha, etc. is getting. There is nothing that prohibits us from going on private property. As the Mayor eluded to, we have had a very successful partnership working with the City; the Water Utility, Park & Rec., etc. Of our seven sites, we have four or five on City owned property. That would probably be the same if I was standing here representing Verizon, Sprint, or US Cellular.

Ms. Broge - I have one site that came to mind. You were saying west of Sunny Slope Road, east of Moorland Road. Did you look at the site down by the water tower off of the I-43 ramp?

Mr. Fowle – That is very close to our site on 126th & Beloit Road. We can graphically see what the coverage would be as Alderman Ament suggested. I can pinpoint some of these locations surrounding this gap and you can visually see how it is going to affect our coverage and if it will solve our problem. That will give you a good look at what we are up against.

Mayor Chiovatero closed the public hearing at 8:04 P.M.

6:04 P.M. (7)JT R-4-08 TRD – Woelfel Rd. #2 Project – 3915 S. Woelfel Rd. – Rezone From R-1/R-2,C-1&C-2 to R-1/R-2,C-1&C-2 to Field Delineate the Wetlands and remove a portion of the C-1 District.

NEW BERLIN PLAN COMMISSION

APRIL 7, 2008

MINUTES

The public hearing relative to the request by Chris Konkel c/o Edgewood Engineering for a rezoning at 3915 S. Woelfel Road from R-1/R-2,C-1&C-2 to R-1/R-2,C-1&C-2 to Field Delineate the Wetlands and remove a portion of the C-1 District was called to order by Mayor Chiovaturo at 8:05 P.M.

In attendance were Mayor Chiovaturo, Mr. Sisson, Mr. Gihring, Alderman Ament, Mr. Felde, Ms. Broge, and Ms. Groeschel. Also present were Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; 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. Titel 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, seeing none.

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

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

Randy Cooper, 3895 S. Woelfel Road – We live immediately north of the presently zoned conservancy which will be no longer be zoned conservancy. It may not be classified as wetland, but in the spring there is a lot of standing water there. There are existing drain tiles for the crop land, and I would guess if those are not maintained, the land would revert to wetland. It is my understanding that drain tiles can be maintained as long as land is actively being farmed, but if the plan is for that to become residential, then how do the people that own that five acre lot deal with the water that they inherited as a result of those drain tiles tending to fail over time and revert to less drainage of the land? That is my concern. It may not be the most suitable land for development. I am talking primarily about the land that borders to the north of the woods. There definitely are areas that tend to be wet in the spring and fall. Eliminating conservancy zoning from that area just because somebody wants to develop that property and get a different array of lots that they would otherwise not have. Another concern I have is the twenty acre parcel that includes the woods. The flyer states for the twenty acre dividable lot, it says it will divide into four 5-acre parcels. I don't know if that has been proposed yet, but based on the history of this developer, I suspect that will be coming one month from when this four lot division gets approved. I am concerned that approving another division of lots is just a way of getting around this being a subdivision. We spoke with Alderman Ament the other night, and he said twelve months from one lot division to the application for a second one. One month is not twelve months. I would like to see you follow the zoning rules on that and not allow a second division one month later, two months later, or three months later if that is the ultimate intent to develop that property into eight parcels.

Ms. Titel – There are State Statutes that regulate the division of land. I am not an expert on the Statutes with the time limit, but I believe that applies to smaller lot sizes.

Jeff Mass, TRD Real Estate – You are talking about a land division, but this is a rezoning.

Mr. Cooper – That is the next step though.

Mr. Mass – I just want you to understand that those are two separate issues. Actually physically dividing the parcels is different from the rezoning.

Mr. Cooper – This is the next step to applying for another split.

Mr. Mass – When was the last split request?

Ms. Titel – There have been no land divisions on this particular parcel.

Mr. Cooper - Immediately across the road to the east.

City Attorney Blum – The platting restrictions apply to just that one parcel, not a neighbors parcel.

Mr. Cooper – I am talking about this parcel. If the plan is eight lots here, the State Statute for subdivisions has five or more, so that in effect is circumventing State Statute regarding subdivisions.

City Attorney Blum – You are saying that if he applies and creates four lots and then comes in and creates more after that?

Mr. Cooper – Or a person who buys the 20 acres and then decides to split that piece further.

City Attorney Blum – As Jessica has indicated, there is a time limit with respect to further divisions to basically prevent what you are talking about. The new application would have to deal with the same lot size requirements, and we would have to look at storm water issues that would come into play with respect to the land division. All those kind of things would have to be examined at that point, so it is difficult as we sit here now to anticipate what all the issues would be, but there are limits on further divisions.

Mr. Cooper – This may be premature for the four-lot land division that I believe is going to be at the next Plan Commission meeting. Will the existing drain tiles be dealt with in some manner in the discussion of whether that five-acre lot north of the woods is a buildable lot if the drain tiles were not there?

Ms. Titel – We will ask the applicant for some additional information on those drain tiles.

Mr. Cooper – Thank you.

Ms. Titel – I also wanted to make another comment. Our Zoning Ordinance does allow single-family residential homes in the C-1 District as a Conditional Use. A single-family home would still be permitted in that area as it is zoned C-1.

Mayor Chiovatero – This is not like the City allowing to take something out of C-1 so we make it more valuable.

Ms. Titel – Correct, the applicant completed soil testing on the site and outside the natural resource area that they are proposing to rezone to R-1/R-2. The soil borings have indicated that the soils meet the requirements of the Uniform Dwelling Code for residential homes. Traditionally, in the past C-1 zoning may have been inquired because of the potential of poor soils

on the site for supporting structures.

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

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

Alderman Ament – This weekend I was out there walking that area seeing as it's been a couple times now where we have had some problems with the field delineations having to be redone because the experts have missed something. Generally, toward the center of that area that is marked C-1, there is a ponding area quite a bit larger than the one where it shows C-2 up in front. It was hard to even hear with all the frogs making noise. I am concerned that maybe they missed something. If that is going to be protected by a conservation easement, it probably really doesn't matter, but again, I'm becoming a little bit more concerned about these kinds of things. In the area primarily to the north where the C-1 presently is and they want it removed, there is a number of white flags that go along that section from the very southeast corner and then half moons down around to the northwest corner and comes across to the west. What are those white flags for? There was one that said, locate request City of New Berlin.

Ms. Titel – The property owner is here and perhaps can answer that.

Mr. Mass – I believe they are drain tile flags that the previous owner put in to mark the area where drain tiles may be.

Alderman Ament – You did not place those white flags, so we don't know for sure?

Mr. Mass – I did not. We asked the previous owner if there was anything out there that we should be concerned about, and he thought there were drain tiles in those areas.

Alderman Ament – It must have been someone professional because those flags are printed flags.

Mr. Mass – He works for the City of New Berlin.

Ms. Jones – I know Doug Davis, one of our engineers was out there looking at some of the drain patterns and culverts, is that what you are talking about?

Mr. Mass – No, someone just used those flags to mark where drain tiles may be on the property.

Ms. Jones – Maybe somebody from the Utility Department?

Mr. Mass – No.

Ms. Jones – We will have to look into it as part of the land division.

Alderman Ament – If those are where some of the drain tiles are, they seem to be in a half moon shape from one end of that part of the parcel going down to the backside. They are lined up in pretty good rows, so it makes sense that they would be drain tile flags.

Ms. Titel – We will ask for some additional information from the applicant. Page 44 of the staff report includes a map from the biologist who did the wetland delineation indicating the test areas that he reviewed. The wet area you were referring to is maybe around area 4 or any of those areas.

Alderman Ament – Yes, a little to the left or west of where it says area 4. That's in general, I didn't pace it out or anything, but it was pretty much to the center or left of 4.

Ms. Titel – We take a concurrence from the DNR and the ACOE, and we also protect this area with the conservation easement.

Alderman Ament – I am comfortable with the conservation easement. I am not comfortable with DNR and ACOE because they also sent letters of concurrence on the other ones that we have seen that haven't worked out so well. In fact, we were looking at one tonight. I am concerned about the C-1 area being removed and the implication that is just because there are no trees there. What are the requirements for those tiles when we get to the building point of this? If those tiles are removed or crushed, is it possible that it would resort back to a wetland area?

Ms. Jones – The applicant has submitted their application for a four-lot land division. As part of that, we do look deeper at some of the storm water issues, and we had a meeting last week to go over some ideas about how to move drainage along better in that area. Our Storm Water Engineer is here tonight, but we have not fully reviewed that application since it came in. After this meeting we start digging into the next set of reviews, but I can tell you that our storm water ordinance doesn't allow us to negatively impact that property or adjacent properties, so we will continue to work with this applicant to make sure that doesn't happen. To replace the drain tiles may mean more ditch work in that area to help keep the water moving. Those are things we started talking about.

Alderman Ament – I understand that and realize that it would fall more under the land division part of the application, but I am specifically talking about the zoning. We are looking to remove the C-1 and the C-2 has already been delineated. There is a parcel on the north side of Calhoun Road which I think it is part of the Hart Farm. If Woelfel Road went through to Stigler, it's just to the north and east. If you go down there, you will see that there is a partial fence built and it is starting to fall apart. The reason for that is that property was sold to a gentleman, and he started putting up a fence because he was going to have it rezoned to residential but couldn't because of the drain tiles. Do they fall under the same category? My concern is that we would rezone this and end up with the same situation that they have over there where we are destroying a potential natural resource. That area has been farmed for a good reason, and that is because it hasn't been good for much of anything else. It is not even good for farming unless it is drained. I would like someone to look into this aspect of a home not being able to be built there like the parcel to the north.

Ms. Titel – Are you talking about the area right here? (Ms. Titel referred to the map)

Alderman Ament – That is where I saw most of the flooding. If that whole area is tiled to drain that away, there must be a reason for it, and that is to get rid of the water. I am not talking about just storm water, I am talking about rezoning this and losing that natural resource area. I also wonder why on the north side of Coffee Road is a similar situation, and they were not allowed to build there. I don't know if the City said they couldn't build or if it was the DNR because of the drain tiles.

Ms. Titel – We will do more research on that.

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

Mayor Chiovatero closed the public hearing at 8:30 P.M.

6:05 P.M. (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, P-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 District.

NEW BERLIN PLAN COMMISSION

APRIL 7, 2008

MINUTES

The public hearing relative to the request by Mr. Kasian and Mr. Honeyager for a rezoning at 14300 W. Howard Avenue 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, P-1/PUD, C-1/PUD, and C-2/PUD and to Field Delineate the Wetlands and Ord. #2166 The Honeyager PUD 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 was called to order by Mayor Chiovero at 8:30 P.M.

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Gihring, Alderman Ament, Mr. Felda, Ms. Broge, and Ms. Groeschel. Also present were Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; and Mark Blum, City Attorney.

Mayor Chiovero 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 Chiovero asked for comments or questions for the purpose of clarification, seeing none.

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

Dennis Kasian, 20203 W. Lawnsdale Road – I still see four faces on the board that were present when we originally started this back in 2000. In 2000 was when the PUD was actually accepted and it was in late 2005 when we finished the very last phase. One of the issues that came from the time we started the PUD to when we actually did the construction in 2005 in that area, is that there was a sewer lift station on Spruce Road and our original plan had called for the sewer to come more or less directly south right along my sisters lot where we were going to position a two family building. In the interim before we did the construction in 2005, it was decided that it was in everybody's best interest to run the sewer up Spruce Road. When we did our CSM for the south phase, we did include the duplex lot next to my sister's house, however it was never included in

the PUD back in 2000. That was one of the changes. As Ms. Jones eluded, the other changes were minor. When we dug the detention pond part of it faces the golf course, we wanted to keep that area as ownership of the golf course so that when we have to dredge it out or maintain it, we have to disturb the course and deal with it. We didn't want it on the Canterbury property. One other one you left off is when a person issued the first change in the PUD was when the City actually purchased some of the golf course when they did the SP2 ponds. It was an accumulation of things changing over the five years. As Ms. Jones said, we did not increase any density in our PUD with 72 units and have 62 since we did the CSM. We are not asking for any more. If you have any questions, I would be happy to answer them.

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

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

Mayor Chiovero asked for comments or questions from the Commissioners?

Alderman Ament – Going back to the multi colored map, there is an additional area on the northwest corner, correct?

Ms. Jones – OK

Alderman Ament – The other one that I think you missed is the one on the bottom. Is that additional wetlands to this too?

Ms. Jones – No, those are in this pocket, which on the map is this strip right here. (Ms. Jones referred to the map) Those areas for better alignment are going back to the golf course. Those are going back to P-1/ PUD. The pocket of wetland is very small and doesn't show up very well, but basically follows the end of Howard Avenue. If you drive out there, you can see it.

Alderman Ament – These is not necessarily wetland like the one in the center for instance, it is just transferring that little piece of the parcel back over to the golf course side.

Ms. Jones – Correct. That will go from the pink color over here (Ms. Jones referred to the map), which is the RD-1 PUD which would be part of Canterbury Homes project, but is now part of the golf course.

Alderman Ament – Is that what is happening down on the lower section too?

Ms. Jones – (Ms. Jones referred to the map) Right, the emerald green color areas were pink. This one, this one, and this strip were pink and go to green if you can see on the left. The green color is P-1 PUD. There is a little strip which shows up better on the map in your packet. That pocket will go to C-2.

Alderman Ament – On Page 12 of the staff report there is a land survey.

Ms. Jones – Mr. Kasian provided us with this exhibit, and Mr. Honeyager asked him to provide an exhibit like the one you see on Page 12. I don't have it as a power point slide tonight, but this shows the zoomed in area of that land transfer between the Honeyager PUD and the Preserve at Deer Creek PUD.

Alderman Ament – Is Building "J" already built?

Ms. Jones –It is this area right here.(Ms. Jones referred to drawing) I am using older drawings tonight for this purpose, but I thought it might be helpful. It is Building "J" on Mr. Honeyagers's side, and Building "3" on Mr. Kasian's side.

Alderman Ament – Is that building already there?

Ms. Jones – No. The buildings that are there right now, if you drive down Howard Avenue, will be the Canterbury Homes. Mr. Kasian sold this part of the project to Canterbury Homes to build this development. This development on this side of the street has a Use and Site approval from the Plan Commission, but once Mr. Kasian would either decide to develop it himself or sell it to another developer, that person would have to come back to the Plan Commission for the Architecture part of the approval, just like we did with the duplex.

Alderman Ament – What is the section right where your arrow was? (Mr. Ament referred to the screen).

Ms. Jones – That is Building #28 as part of Canterbury Homes. Again, it is part of the Use and Site approval that was granted to Mr. Kasian for the four-families, the two- family, an additional two-family, and then this part of the development on this side of the street. (Ms. Jones referred to map) Those building footprints are there. That area was cleared and grubbed as part of this project.

Alderman Ament – I assume he owns that section?

Ms. Jones – (referred to map) Mr. Kasian's sister lives here, and she and her husband have a land division application on file that gets to this issue at our Plan Commission next meeting. Right now they are taking care of getting the zoning in the appropriate location. Why it is not exactly the way it should be, I don't know. The City Attorney and I have done a great deal of research on this area, and this was the best way that I could think about helping us clean up some of these little areas where transfers of land have occurred. I read through the original PUD's for this project and it does fit in with the original ideas.

Alderman Ament –He is apparently purchasing a piece of that area that we were just talking about to make this work, is that correct?

Ms. Jones – He and his sister own that area. This is what our zoning map looks like right now on the left, and on the right is what it will look like if this is to be approved.

Mr. Kasian – The area that is getting rezoned, part of it we still own and part of it my sister owns. It all goes back to when the sewer was maybe going to go through there. We didn't know if the house would be all on her lot, or if we could move it over a little bit more toward the golf course. Actually, the area up in that corner that we are asking to rezone is owned by both of us.

Alderman Ament – Will the land division be part of this? Will it be simultaneous?

Ms. Jones – It will all come together next month.

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

Mayor Chiovatero closed the public hearing at 8:50 P.M.

NEW BERLIN PLAN COMMISSION

APRIL 7, 2008

MINUTES

PRIVILEGE OF THE FLOOR

The Plan Commission Meeting was called to order by Mayor Chiovero at 8:58 P.M.

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Gihring, Alderman Ament, Mr. Felda, Ms. Broge, and Ms. Groeschel. Also present were Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; and Mark Blum, City Attorney.

Motion by Alderman Ament to approve the Plan Commission minutes from March 3, 2008. Seconded by Mr. Felda. Motion passes with Ms. Groeschel voting present.

PLAN COMMISSION SECRETARY'S REPORT

The next two Comprehensive Plan Neighborhood Meetings are scheduled for April 16, 2008 to be held at the Community Center at 6:00 P.M. and on April 23, 2008 to be held at the City Hall at 6:00 P.M.

NEW BUSINESS

1. (5)NJ U-86-07 New Berlin City Center Phase III – 15055 W. National Avenue – General Development Plan.

Motion by Mr. Sisson to table the request for use, site and architecture approval for a general development plan for 11 multi-tenant commercial buildings, associated parking lot, and streetscape features for the property located at 15055 W. National Avenue subject to the application, plans on file and the following reason for tabling:

- 1) Staff is continuing to work with the applicant on building and parking lot layout, landscape treatments, and a variety of other issues.

Seconded by Ms. Broge. Motion carried unanimously.

2. (3)JT R-2-08 Jeanne Welsch – 21040 W. Lincoln Ave. – Rezone from B-2 and C-2 to B-2 and C-2 Wetland Delineation.

Motion by Alderman Ament to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 21040 W. Lincoln Avenue from B-2 and C-2 to B-2 and C-2 to field delineate the wetlands.

Seconded by Mr. Sisson. Motion carried unanimously.

3. (7)AB R-1-08 Holly Wieneke – 18200 W. Lynette Ln. – Rezone from R-1/R-2, C-1&C-2 to R-1/R-2, C-1&C-2 to Field Delineate the Wetlands.

Motion by Mr. Felda to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at approximately 18200 W. Lynette Lane from R-1/R-2, C-1 and C-2 to R-1/R-2, C-1 and C-2 to field delineate the wetlands.

Seconded by Ms. Groeschel. Motion carried unanimously.

4. (7)JT R-4-08 TRD – Woelfel Rd. #2 Project – 3915 S. Woelfel Rd. – Rezone From R-1/R-2,C-1&C-2 to R-1/R-2,C-1&C-2 to Field Delineate the Wetlands and remove a portion of the C-1 Zoning District.

Motion by Alderman Ament to table the request for the rezoning of the property located at 3915 S. Woelfel Road from R-1/R-2, C-1 & C-2 to R-1/R-2, C-1 & C-2 to field delineate the wetlands and remove a portion of the C-1 Zoning District.

Motion dies for lack of second.

Motion by Mr. Sisson to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 3915 S. Woelfel Road from R-1/R-2, C-1 & C-2 to R-1/R-2, C-1 & C-2 to field delineate the wetlands and remove a portion of the C-1 Zoning District.

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

5. (2)JT U-10-08 Free Methodist Church – 2975 S. Sunny Slope Rd. – Three-Cross Sculpture.

Motion by Mr. Sisson to approve the request for Use, Site and Architectural approval for the addition of a three-cross structure on the property located at 2975 S. Sunny Slope Road subject to the application, plans on file, and the following conditions:

- 1) The structure shall be constructed as described in the submitted plans.
- 2) Lighting for the three-crosses structure shall meet Section 275-60.1 of the Zoning Code.
- 3) The proposed structure shall meet Section 275-42, Accessory Uses and Structures, of the Zoning Code.
- 4) Building plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code. (Comm 61.31 Plans)
- 5) Building plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per State of Wisconsin Dept. of Commerce Safety and Buildings Division and the Wisconsin Enrolled Commercial Building Code. (Comm 61.70 Certified municipalities and counties.)
- 6) Apply and obtain appropriate building and electrical permits.
- 7) Lighting fixtures shall be mounted on a permanent unmovable base.

Seconded by Mr. Felda. Motion carried unanimously.

6. (4)NJ U-13-08 Westridge Development East – Westridge Building “A” – 5800 S. Moorland Rd. – Modify Original Plan.

Motion by Mr. Sisson to approve the Modification to the Use, Site, and Architectural Approval for Zoning Permit #U-25-05 to increase the size of a multi-tenant office and industrial warehouse Building “A” from 81,538 square feet to 106,102 square feet on the south side of the creek located at approximately 5800 South Moorland Road subject to the application plans on file, satisfaction of all engineering concerns and the following conditions:

- 1) Plan of Operation

- a) Per Article VIII, §275-24 All future tenants shall be required to apply for and receive a Zoning Permit from the Department of Community Development prior to leasing or occupying space within this development. All future tenants will be reviewed on a case-by-case basis for adequacy of parking and may be denied for lack of parking.
 - b) Signage for this development will require a separate application, review and Permit from the Department of Community Development (Planning) prior to installation. An Overall Coordinated Sign Standard shall be established and approved by the City of New Berlin as outlined in Article VIII Section 275-61.
 - c) Exterior architecture must be approved by the Architectural Review Committee prior to issuance of Zoning Permit.
 - d) All mechanicals including air-conditioning units and other rooftop mechanical units must be properly labeled and screened from public view.
 - e) All parking and circulation shall meet the criteria outlined in Section 275-57.
 - f) Building shall meet all requirements for the M-1 Zoning District under Section 275-35B(4) and associated tables.
 - g) See applicant Plan of Operation letter.
- 2) Site Plan/ Engineering
- a) See letter dated March 26, 2008 for additional technical engineering items.
 - b) First Floor elevation of (853.0) shall remain the same.
 - c) The limits of Disturbance (L.O.D.) for construction shall not change from the 2006 proposal to the South.
 - d) The forty foot (40.0') distance between both buildings "A" and "B" shall be approved by the Fire Department. Fire Department shall verify if proposed planting of trees in this terrace area between the buildings meets their requirements.
 - e) The future parking shown on the plan sheets shall be approved separately under a separate application at the time of construction.
- 3) Stormwater
- a) Applicant is required to meet all storm water requirements as previously approved.
 - b) Applicant shall verify the outlet elevation for the 18-inch discharge to the existing regional detention pond. It appears to be high.
 - c) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any Building Permits.
 - d) Applicant shall show a tracking pad and inlet protection on revised plans.
- 4) Transportation
- a) Lighting plan does not follow city standards. See Zoning Code §275-60 I. The development light levels can be higher than the requirements for average footcandles, but must be equal to or lower than the average-to-minimum and maximum-to-minimum ratios in the zoning code. However the average foot-candle level of >4.1 is 2x the requirement of the Zoning Code light level.
 - b) 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).
 - c) Curb and gutter shall be used for all parking areas. Some plan sheets show curb & gutter while others (or certain areas) seem to show only a bulkhead curb with no gutter pan. Correct these sheets, and show on all plans.
 - d) Parking stall width shall not use gutter pan in width dimension around landscaped islands, bump-outs, etc.
- 5) Landscaping Plan

- a) Any revisions to the overall landscaping plan must be approved by the Department of Community Development (Planning) prior to installation. All landscaping sureties shall be provided prior to issuance of Building Permit. Landscaping sureties shall be coordinated with staff during overall approval and tied to each individual Building Permit.
- 6) Building Inspection/ Fire:
 - a) Building must meet all applicable building and fire codes. Building must be fully sprinklered. Monitor fire flow.
 - b) Knox box required.
 - c) Install fire hydrants along east side of building.
 - d) Apply and obtain appropriate building, plumbing and electrical permits.
 - e) Building plans shall be stamped and signed by a licensed architect or engineer per Wisconsin Enrolled Commercial Building Code.
 - f) Building plans shall be approved by the Wisconsin Department of Commerce Safety and Buildings Division.
 - g) Applicant must remove mud, dirt and stone from all paved areas daily. Entire site must be kept free and clear of all trash and construction debris daily.
 - h) More detail is required for the dedicated meter room for water utility. Direct access from outside is required.
 - i) Tenant spaces will not receive certificates of occupancy until building shell receives passing final inspections.

Seconded by Ms. Broge. Motion carried unanimously.

COMMUNICATIONS

- 7. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: Waukesha County Court Decision & Order affirming the actions of the Plan Commission and the Board of Zoning Appeals regarding the Deer Creek Inn & Conference Center.

Plan Commissioners acknowledged receipt of this communication.

Motion by Mr. Sisson to adjourn the Plan Commission Meeting at 9:39 P.M. Seconded by Mr. Gihring. Motion carried unanimously.