

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

PUBLIC HEARING

6:00 P.M. (4)AB R-11-07 Robert T. Fittshur – 21965 Lochleven Ln. – Rezone from R-1/R-2 and C-2 to R-1/R-2 and C-2.

NEW BERLIN PLAN COMMISSION

SEPTEMBER 10, 2007

MINUTES

The public hearing relative to the request by Robert T. Fittshur for a rezoning at 21965 Lochleven Lane from R-1/R-2 and C-2 to R-1/R-2 and C-2 was called to order by Mayor Chiovero at 6:00 P.M.

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Gihring, Mr. Felda, Alderman Ament, Ms. Groeschel, and Ms. Broge. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Tony Kim, Associate Planner; Ron Schildt, Transportation Engineer; Eric Nitschke, Storm Water Engineer; 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 comments or questions for the purpose of clarification.

Jeff Bliesner, S59 W22033 Glengarry Road – I live adjacent to the property and my concern is that there is a culvert joining these wetlands on my property which is wetland. If future development occurs on this property, where would the water go? When it rains heavy in the spring, there is a lot of water on that land out there.

Ms. Bennett – I have had similar questions from a lot of your neighbors about drainage from these particular lots if new homes were to be built. At the time building permit application, Engineering will review a grading plan for these new homes to ensure they will not have a negative impact on surrounding properties related to drainage. At this time it is just a wetland delineation. They had a biologist go out and determine where the wetland boundaries are on the properties. That is what we are looking at with this application. If homes were to come in for building permit, we would review it at that time.

Mayor Chiovero asked for further 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 comments or questions from the Commission.

Mr. Felda – Is there any future development planned for the road that is a cul-de-sac now? Would it go into Waukesha County and what is to the west of there?

Ms. Bennett – That is the Town of Waukesha. I am not aware of any plans within the Town of Waukesha. Ron, do you have any information on this?

Mr. Schildt – There is some vacant land just to the west of here. When we looked on the aerial maps, there was a larger parcel that looks to be used for farming or keeping horses. There could be a possibility that it would be extended, but at this point there is nothing coming forward on the records.

Alderman Ament – When was this subdivision platted?

Ms. Bennett – I will check the file for that information. (The subdivision was platted in 1960.)

Alderman Ament – Is this all one parcel?

Ms. Bennett – There are three separate parcels.

Alderman Ament – Part of my concern is with the cul-de-sac and drainage on that property. If you look at the aerial map, it looks like the drainage also includes part of Lot 11 which is the center lot. Will there be issues with that? Is there something that needs to be noted on that one.

Ms. Bennett – I am not clear about exactly what you are looking at. The area surrounding the cul-de-sac?

Alderman Ament - I am looking at Lot 11 on the map on the top left hand corner, inside the lot line by the yellow line. Is that an issue for Lot 11?

Mr. Kessler – If I follow your question, Alderman Ament, is your concern the public drainage going through a private lot?

Alderman Ament – Right.

Mr. Kessler – We have dealt with that issue in the past, and I certainly believe at the time of the building permit we may want to address that issue through the City Attorney's office. That is a situation that has existed for many years. I know the concerns that we have had in the past with that issue, so we may want to do something in relationship at the time of building permit, an acknowledgment or hold harmless or what the City Attorney advises.

Atty. Blum – I have not had a chance to review the specific facts and circumstances, however my understanding is that the roadway is of relatively long standing in that location as would be the drainage swales around it. Even though there has not been a dedication of the corner of drainage way you just mentioned, I think it would be the City's position that has been detained by the City and therefore there would be prescriptive easement rights for the City. Greg's point being that in the event that we do have a situation where there is a building permit sought for the site with a grading plan submitted as part of that, we would ask for that dedication to be made at that time so that it would clear up any possible issues. I believe that would be the preferred way to deal with it, as a public easement for the use of that right-of-way and also the drainage way.

Alderman Ament – Is it something we need to address right now?

Atty. Blum – I don't think that we can since this is a rezoning for purposes of the wetlands. The

issue with an agreement such as we discussed is whether there is consideration flowing back to the property owner which would take it out of the realm of being considered a “takings of property”. The question would be, what is it that the property owner is receiving in exchange for the grant to the City? In the absence of the City purchasing those rights, I believe that making it part of the permit that would be issued at that time would be the consideration we would be looking for and that is not present in the current application.

Alderman Ament – So it does not apply to the lot to the left at this point either?

Atty. Blum – No. The point is that this is solely for the wetland delineation so I don’t think that granting that wetland delineation acknowledging the presence of the wetlands would be sufficient consideration to require a dedication at this time.

Alderman Ament – If the prescriptive easement rights are not part of this, where do they come into play?

Atty. Blum – My position would be, regardless of whether any development application happens, I would assert that the City has prescriptive easement rights for the pavement as well as the drainage area to the extent that if the property owner or subsequent owner would try to assert any rights contrary to that, I would take the position that the roadway has to remain where it is as does the drainage way. The whole point that Greg was raising is that if someone comes in with a development application in the future, rather than having to have an argument as to those prescriptive easement rights, let’s just get an easement of record and take care of it so we don’t have to have that issue arise down the way.

Alderman Ament – I am confused why the staff report reads as it does if we don’t need to address it now.

Atty. Blum – I cannot speak for staff as to why they drafted the report the way they did, but I think they anticipated the question that would be raised as a result of the way that the lots were platted and the way the roadway is present. For informational purposes, staff wanted to be proactive in addressing what they expected to be an issue that might arise from questions by the Commission. I am not trying to speak for them, but I am assuming that was their intent.

Ms. Bennett – That is exactly right.

Atty. Blum – I did have a conversation internally with Amy about the subject and I did not feel that we could make a demand on the property owner based on this application to require that dedication, which is also why she references the fact that there would have to be a subsequent application that would result in that request being made.

Alderman Ament – Are these lots already lots of record?

Ms. Bennett – Yes. They are existing lots of record.

Alderman Ament – So it could not come up during a land division?

Ms. Bennett – No.

Alderman Ament – According to the staff report this is R-1/R-2 and C-2. I am confused why it is R-1/R-2 but yet they are not 5 acre lots. Is that because it is an existing subdivision?

Ms. Bennett – This is an existing subdivision.

Alderman Ament – That is part of the existing subdivision?

Ms. Bennett – Correct. Glengarry Highlands.

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

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

NEW BERLIN PLAN COMMISSION

SEPTEMBER 10, 2007

MINUTES

PRIVILEGE OF THE FLOOR

The Plan Commission was called to order by Mayor Chiovero at 6:21P.M.

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Gihring, Mr. Felda, Alderman Ament, Ms. Groeschel, and Ms. Broge. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Tony Kim, Associate Planner; Ron Schildt, Transportation Engineer; Eric Nitschke, Storm Water Engineer; and Mark Blum, City Attorney.

Motion by Mr.Felda to approve the Plan Commission minutes of August 13, 2007. Seconded by Alderman Ament. Motion carried unanimously.

PLAN COMMISSION SECRETARY'S REPORT - Ms. Jones reported that October is Community Planning Month. Last year a tour was conducted at City Center where visits were made to condominium buildings, commercial buildings and the library. One of this year's ideas is to have follow-up at City Center to commemorate the month of October as a Planning month. The library could be the meeting spot, developers would be invited to talk about some of the successes and lessons learned, and look at the market factors that are effecting development today. This would take place during the month of October if possible, or early November. If the Commission is interested in doing this, we can arrange a date.

CONTINUED BUSINESS

1. (7)NJ LD-5-07 Tracy and Patricia Johnson – 18665 W. Coffee Rd. – Sw ¼ Sec. 16 – Three-Lot Land Division. (Tabled 8/13/07)

Motion by Mr. Sisson to recommend to Common Council approval of the 3-lot Certified Survey Map for the property located at 18665 W. Coffee Road subject to the application, plans on file and following conditions:

- 1) Plan Commission will need to act on the rezoning prior to any action on this CSM. The applicant is required to have the zoning in place first.
- 2) General:
 - a) Applicant shall correct all drafting errors identified by Staff prior to signing the final CSM.
 - i. Eliminate all reference of Coffee Rd. as C.T.F. "FF";
 - ii. The legal description of the CSM should have an exclusion for a dedicated 50' ROW of Coffee Rd.;
 - iii. The setbacks shown for lot # 2 shall be a front setback of 50', not 40' for R-1/R-2;
 - iv. The side setbacks are 25', not 15' for lot 2.
 - b) A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.

- 3) Applicant will be required to coordinate with City staff to execute a Conservation Easement over the area that is shown as C-1, Upland Resource Conservancy District. This area is part of an Isolated Natural Resource Area (INRA). The remainder of the INRA is either protected by C-2 Zoning, Shoreland Wetland Conservancy and associated 30' setbacks. This will further strengthen the development requirement guidelines outlined in Section 275-37 B (3) and protect the tree canopy. No building permits will be issued until a conservation easement for the area that is zoned C-1 is in place. The applicant shall be responsible for recording the conservation easement document first then shall add that conservation easement document # from Waukesha County to the face of the CSM as a note. The surveyor will need to add this note to the CSM and leave a blank for the applicant to fill the document number.
- 4) The property, which is located outside of the MMSD Sewer Service District, will require private on-site waste treatments sites (POWTS) for each lot that is created that will meet Waukesha County requirements.
- 5) An additional private water supply well meeting the requirements of the Wisconsin Department of Natural Resources is required. Please show on the final CSM where the wells and septic areas will be located for both lots.
- 6) Per Section 275-33 D (9) (a) and (b) & 275-32 D (4) (a) and (b) All impervious surfaces and grading shall be set back a minimum of 30' from wetlands.
- 7) Applicant shall add a note to the face of the CSM to restrict any access to Coffee Road from the West 100' of the lot. At 100', the drive would line up with the drive on the North side of Coffee Road.
- 8) Applicant shall add a note to the face of the CSM that a T- turnaround is required on both new lots# 1 and # 3 because of limited site distances.
- 9) Existing lot # 2 will continue to have an address of 18665 W. Coffee Rd. Lot # 3 shall have an address of 18555 W. Coffee Rd., and lot # 1 shall be 18725 W. Coffee Rd.

Seconded by Mr. Felda. Motion carried unanimously.

2. ()GK PG-516(a) 2020 Comprehensive Plan Consultant (No Action 8/13/07) Public Participation Plan, Consultant Scope of Services and Steering Sub-Committee.

Mr. Kessler identified the documents that were distributed to the Commissioners, the first being his memo dated August 28, 2007. This memo addresses the creation of a Public Participation Plan which is required under State Statute 66.1001. Mr. Kessler suggested the membership and the creation of a Steering Sub-Committee to help manage the process for the Plan Commission. The Scope of Services as prepared by Carolyn Esswein from the PDI (Planning & Design Institute) Consultant Team was provided to the Plan Commissioners. Resolutions accompanied both documents.

Mr. Kessler informed the Plan Commission of the one significant change in the Scope of Services that was submitted. Section 35 Neighborhood Plan beginning after page 21 in the proposal can be removed and all references in the accompanying Resolutions can be removed.

Carolyn Esswein, PDI explained the team members: PDI as lead consultant; GAS (Graff, Anhalt, Schloemer & Associates, Inc.), an Engineering firm that will look at transportation as well as utilities; AES (Applied Ecological Services and Environmental Specialists Group) that is being used to look at wetlands and best management practices across the City; Ehlers, financial component; HNTB will update the storm water management component. Ms. Esswein gave a brief report on the content of the Scope of Services.

Alderman Ament discussed the financial budget aspect and grant money involved. He confirmed that no further money other than what is proposed would be requested from the budget.

Mr. Gihring asked about public hearings being held at intervals, rather than just one at the end before the Plan Commission. Mr. Kessler said that prior to the public hearing there would be 23 neighborhood meetings, and two city-wide open houses. The public hearing would be televised.

Motion by Mr. Felda to recommend to Common Council adoption of a resolution approving this Requested Action Statement and to direct the Mayor, City Attorney and staff to prepare a contract with the Planning and Design Institute, Inc. (PDI) for the preparation of a Smart Growth compliant Comprehensive Plan update in the amount not to exceed \$480,000. In addition, recommend to the Common Council the amendment of the Planning Services Division operational budget as identified in the RAS via the following transfer:

<u>Increase Grant Revenue:</u>	
01010100-41020	\$65,687
<u>Increase Grant Expense:</u>	
15300029-52050	\$65,687

Seconded by Ms. Broge. Motion carried unanimously.

Motion by Mr. Sisson to recommend to Common Council adoption of a resolution approving the creation of the Public Participation Plan and creation of the Steering Subcommittee of the Plan Commission and its membership structure including the following to be added under the 4th Whereas statement:

A. Aldermanic and Mayoral Appointments

- One citizen representative from each of the seven (7) aldermanic districts appointed by the Alderman of each respective aldermanic district
- One mayoral appointment – citizen at large

B. Mayoral Appointments (Common Council approval required)

- One representative of the Metropolitan Builder's Association and/or development/building community
- One representative from a small- to mid-size business
- A large employer representative
- One representative from an environmental interest
- One representative from a cultural / historical interest

C. Plan Commission Appointments

- Two Plan Commission representatives, one of whom must represent the Parks & Recreation Commission. The other representative will be selected by nominations being brought forward by the PC with final action for the selection of both representatives being taken by the PC.

D. Other Agency Appointments

- ❑ One representative from the Southeastern Wisconsin Regional Planning Commission (Chosen by SEWRPC)
- ❑ One School District representative (chosen by the school district)

Seconded by Ms. Groeschel. Motion carried unanimously.

NEW BUSINESS

3. (7)NJ R-6-06 (File #2) Tracy and Patricia Johnson – 18665 W. Coffee Rd. – Rezone from A-2/C-1 and C-2 to A-2/C-1/C-2 and R-1/R-2 and a wetland delineation. (Public Hearing 8/13/07)

Motion by Alderman Ament to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 18665 W. Coffee Road from A-2, C-1 and C-2 to A-2, R-1/R-2, C-1 and C-2 and to field delineate the wetland.

Seconded by Ms. Groeschel. Motion carried unanimously.

4. (5)NJ R-13-07 New Berlin City Center – 14967 and 15055 W. National Ave. – Rezone from B-2 to B-2 PUD. (Public Hearing 8/13/07)

Motion by Mr. Sisson to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 14967-15055 W. National Avenue from B-2 to B-2/PUD in order to bring the development under the City Center Planned Unit Development Ordinance.

Seconded by Ms. Groeschel. Motion carried unanimously.

5. (4)AB R-11-07 Robert T. Fittshur – 21965 Lochleven Ln. – Rezone from R-1/R-2/C-2 to R-1/R-2/C-2.

Motion by Mr. Felda to recommend to Common Council adoption of an ordinance that approves the rezoning of the re-delineated wetland on the property located at approximately 21965 W. Lochleven Lane from R-1/ R-2 and C-2 to R-1/ R-2 and C-2 districts.

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

6. (4)AB U-49-07 Beechwood Distributors – 5350 S. Emmer Dr. – Building Addition.

Motion by Ms. Broge to approve the request for Use, Site and Architecture, along with the lighting waiver, to construct a 59,410 sq. ft. building addition and parking lot expansion at 5350 S. Emmer Drive subject to the application, plans on file and the following conditions:

Waiver Request: Applicant is requesting a lighting waiver from Section 275-60I that requires that 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. (See attached applicant letter.)

- 1) Architecture Review Committee shall review and approve addition.
- 2) Engineering:

- a) The existing grades shown for the hill west of the proposed parking lot are different from the contours shown on City topographic maps. The existing grade may be as much as 5' higher than what is shown on grading plan. Applicant shall take accurate topo survey elevations in area to resolve discrepancy. Applicant shall show benchmark elevation on grading plan.
 - b) Applicant shall verify downstream ditch is adequate to handle 100 year flows from sites.
 - 3) Storm Water:
 - a) Applicant shall verify additional offsite areas draining to the swale to determine whether the existing swale has adequate capacity to handle the additional runoff created from the proposed addition and existing runoff. Swale geometry shall also be included in the model prior to issuance of the Zoning Permit.
 - 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. The chart with photometric summary information shall also only show those points within the on-site parking, circulation and pedestrian areas. Applicant has requested a waiver.
 - b) Wheel stops shall be required for the parking stalls along the west side of the proposed building per Zoning Code §275-57 A(7)(d).
 - 5) Building Inspections:
 - a) Building plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code. (Comm 61.31 Plans)
 - b) Building plans shall be approved by the State of Wisconsin Dept. of Commerce Safety and Buildings Division and the Wisconsin Enrolled Commercial Building Code. (Comm 61.70 Certified municipalities and counties.)
 - c) Apply and obtain appropriate building, plumbing and electrical permits.
 - d) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any building permits.

Seconded by Alderman Ament. Motion carried unanimously.

- 7. (3)AB U-52-07 4 Seasons Exteriors – 19331 W. Greenfield Ave. – Use of Trucks for Window and Siding Business.

Motion by Alderman Ament to approve the request for a home occupation for a roofing business and approval to park two (2) unmarked trucks and one (1) unmarked trailer at the property located at 19331 W. Greenfield Avenue, subject to the plans on file and the following conditions listed below:

- 1) Home occupation shall meet all requirements set forth in Section 275-42(4) "Home Occupations" of the City of New Berlin Zoning Ordinance.

- 2) The home occupation shall be approved for a temporary 1 year period. The permit will be revoked and considered expired if the conditions of approval are not adhered to. If at the end of the 12-month period there are no violations or complaints related to the home occupation and its operations, then a permanent Zoning Permit will be granted.
- 3) Signage shall not exceed six (6) square feet in area and shall be mounted flush against the dwelling. The sign shall not be illuminated.
- 4) No outside storage of materials related to the home occupation shall be allowed other than the two (2) unmarked trucks and one unmarked (1) trailer.
- 5) Materials used in or produced by a home occupation shall not be stored within any accessory buildings on the property.
- 6) No employees or customers shall visit the home. Employees shall not drop their vehicles off and use the home as a meeting point.

Seconded by Mr. Felda. Motion carried unanimously.

8. (4)TK U-48-07 Kat's Café – 19680 W. National Ave. – Change in Use, Paint Awning.

Motion by Alderman Ament to approve the request for the after the fact Use, Site and Architecture to modify the architecture of the building located at 19680 W. National Avenue by installation/replacement of an existing canopy/awning, replacement of two openings with windows, and painting the exterior of the east wall white to match the east wall of the residential unit and to modify the use of the building located at 19680 W. National Avenue from a carryout deli to a sit down restaurant/cafe for a capacity of 22 people as well as interior modifications to the building along with the waiver requests for parking subject to the application, plans on file and the following conditions:

Waiver Request #1- Applicant requests a waiver to deviate from the City's parking requirement under Section 275-57-1 for reduction in required parking stalls. Applicant proposes a total stall count of 12. The minimum code requirement is ~15 spaces based on the # of seats or one space for every 50 square feet whichever is greater.

Current Situation		Parking Spaces Required Per the Code	
# of allowable seats per Waukesha County based on their current septic system	2 2	# of spaces needed per seats (1 space for every 2 seats)	11
Square footage of interior dining area	7 9 0	# of spaces required per square the square footage (~790 sq ft of dining area / 50 sq ft)	15
# of Employees	4	# of spaces needed for employees (1 space per employee)	4
Current # of Parking Spaces	1 2	Required Spaces per Code	15

Waiver Request #2- § 275-57.A.(7)(f)[3] Minimum design standards of the Zoning Code states that parking areas, including aisles, in other districts shall be setback a minimum of 10 feet from the base setback line and a minimum of five feet from other lot lines. It has been this way for some time based on aerial photos.

- 1) The applicant shall clarify in writing whether the new windows that were installed in the east elevation replaced existing openings or are new openings. If the openings are new or larger than the existing openings, it may have required a larger or new header in the wall. If this is the case, then a plan and building permit are required.
- 2) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities)
- 3) Building plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties. (5)(c) 3.)
- 4) Apply and obtain appropriate building, plumbing and electrical permits.
- 5) Any in place work that has been done without proper permitting will be assessed a double fee for after the fact building permit issuance.
- 6) Separate restroom facilities shall be provided for each sex. Toilet rooms shall be designated by legible signs. (Comm62.2902.2) Separate employee restroom facilities shall not be required in occupancies in which 15 or fewer people are employed.

Seconded by Mr. Felda. Motion carried unanimously.

9. (1)GK U-82-06 Deer Creek Inn & Conference Center – 1401 S. Moorland Rd. – Toll the current PUD deadlines.

Motion by Mr. Sisson to recommend to the Common Council approval of the request to temporarily suspend the time remaining to complete the condition necessary to continue the existence of the PUD Ordinance #: 2128 for the Deer Creek Inn & Conference Center until the final judgment has been issued by the court and the time period for appeal of that decision has passed, subject to the application, plans on file and the following conditions:

Summary:

- 1) The affect of this request would be to suspend the current timelines surrounding the expiration of PUD Ordinance #: 2128 for the Deer Creek Inn & Conference Center. The recommendation for the approval of the request is based on the fact that this situation arises from circumstances beyond their (the applicant's) ability to control. The following example will further describe the impact of this request.

Example Scenario (For Illustrative Purposes Only – Pending Formal Actions):	
•	Date of Council Approval of “freezing” PUD timeline - Sept. 25, 2007
•	Date of Actual PUD Ordinance #: 2128 expiration - Jan. 9, 2008
•	# of Days Where Timeline is Frozen -106 Days (Time between Sept. 25, '07 to Jan. 9, '08)
•	Date where time to appeal court decision has passed - June 1, 2008
•	Date where PUD Ordinance #: 2128 timeline would be reactivated - June 2, 2008
•	New expiration date of PUD Ordinance #: 2128-Sept. 15, 2008 (106 days later)

- 2) PUD Ordinance #: 2128 will expire on January 9, 2008 if a building permit hasn't been obtained and construction commenced.
- 3) Previous Actions related to the PUD Ordinance are as follows:

11/28/00	Common Council approved the request to rezone the property from RM-1 to B-1/PUD. Draft PUD Ordinance to be reviewed and approved by the City Attorney (Approved).
01/09/01	Common Council approved Ordinance #: 2128.

- 07/08/02 Letter submitted to Plan Commission by Don Kitten requesting a two-year extension for the Deer Creek Inn & Conference Center Planned Unit Development Overlay District Ordinance #: 2128 (Approved).
- 07/23/02 Common Council approved two-year extension of PUD Ordinance #: 2128.
- 08/02/04 Applicant requested to Plan Commission a three-year extension for the Deer Creek Inn & Conference Center Planned Unit Development Overlay District Ordinance #: 2128 (Approved).
- 08/10/04 Common Council approved three-year extension of the PUD from the date of the expiration of the first extension.
- 08/24/04 Reconsideration by the Common Council to approve three-year extension of the PUD (Approved). Common Council tabled extension request.
- 09/07/04 Common Council approved that this extension request remains on the table.
- 10/12/04 Common Council approved the three-year extension of the PUD.

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

10. ()GK PG-10 Plan Commission By-Laws

Motion by Mr. Gihring to add the following red underlined text to the current Plan Commission By-Laws:

ARTICLE V. MEETINGS

Section 1. Meetings shall begin at 6:00 P.M. and have an end time of 10:00 P.M. and shall be held on the 1st Monday of each month or at the call of the Chairman or at the call of the majority of the full Commission, and shall be held in the City Hall, New Berlin, Wisconsin. Subject to proper meeting notification, Committees of the Plan Commission shall meet at such times as agreed upon by a majority of the members of the standing committee.

A. Agenda Time Limits. Agenda time limits may be set by the Director of Community Development along with permission from the Plan Commission Chair. An item begun prior to 10:00 PM will be concluded. No additional items will be considered unless granted by the Plan Commission. By a majority vote, the Plan Commission may extend the meeting in 30 minutes intervals.

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

11. ()RS PG-968 SEWRPC Transportation System Plan for Southeastern Wisconsin 2035 – Approve Plan and Resolution. (No Action 8/13/07)

Motion by Alderman Ament to table discussion on the SEWRPC Transportation System Plan for Southeastern Wisconsin 2045.

Seconded by Ms. Borge. Motion carried unanimously.

12. (2)AB U-57-07 Learning Care – 14240 W. National Ave. – Educational Center.

Motion by Ms. Groeschel to approve the request to operate a learning center as defined in the Plan of Operation within the B-1, Shopping Center District, at 14240 W. National Avenue as permitted in Table 275-34-1 of the Zoning Code under the Informational Instructional Services provision under Personal Services.

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

COMMUNICATIONS

13. Communication To: Plan Commission
Communication From: Nikki Jones, Planning Services Manager
RE: CJ & Associates, Inc. Top Ranked Small Business. The Business Journal; August 10, 2007 Section 2.

Plan Commissioners acknowledged receipt of this communication.

14. Communication To: Plan Commission
Communication From: Nikki Jones, Planning Services Manager
RE: Industrial Electric Wire & Cable Top Milwaukee Area Workplaces -1st Place for Medium businesses (100-1,000 employees). The Business Journal; August 10, 2007 Section 2.

Plan Commissioners acknowledged receipt of this communication.

15. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: Memo from Gregory W. Kessler, AICP dated August 28, 2007 regarding Water Conservation/Preservation.

Plan Commissioners acknowledged receipt of this communication.

ADJOURN

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 8:55 P.M. Seconded by Alderman Ament. Motion carried unanimously.