

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

**PUBLIC HEARINGS**

6:00 P.M. (7)AB R-1-07 Pewaukee City Land Company – 15620 W. Beloit Rd. – Rezone from B-4,R-4,O-2,C-1 to O-2,C-1,C-2.

**NEW BERLIN PLAN COMMISSION**

**March 5, 2007**

**MINUTES**

The public hearing relative to the request by David Miller c/o Irgens Development Partners for a rezoning at 15620 W. Beloit Road from B-4, R-4,O-2,C-1 to O-2,C-1,C-2 was called to order by Mayor Chiovero at 6:04 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; Eric Nitschke, Storm Water Engineer; 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?

Ron DeBlaey, 16085 W. Armour Avenue – Would you go back to the actual layout of the proposed building? Thank you.

Joe Russ, 16800 W. Shadow Drive – Are there going to be both entrances and exits onto Beloit Road and Moorland Road, or is it just going to be traffic coming off of Moorland Road and going out on Beloit Road?

Ms. Bennett – There is an entrance on Moorland Road and on Beloit Road.

Mr. Russ – They will be for both inbound and outbound traffic from that development?

Ms. Bennett – There is a median break. I think it is right out and right in only. I will double check that.

Mr. Russ – Do you know what the traffic increase will be in the area?

Ms. Bennett – I have posted the traffic impact analysis on our Web page, but I will read the summary to you.

Mr. Russ – What goes through that intersection now and how much will this add to it?

Ms. Bennett – Onsite development, Phase I is expected to generate 150 new trips during a typical week day morning peak hour (120 entering, 30 exiting), 225 new trips during a typical week day evening peak hour (60 entering, 165 exiting). On a typical weekday, 24 hour period Phase 1 of the onsite development is expected to generate approximately 2,170 new trips (1,085 entering, 1,085 exiting). Upon full built Phase 1 plus Phase 2 on site development is expected to generate 335 new trips during a typical week day morning peak hour (265 entering, 70 exiting), and 500 new trips during a typical week day evening peak hour (135 entering, 365 exiting). On a typical week day 24 hour period the fully built on site development is expected to generate approximately 4,880 new trips (2,440 entering, 2,440 exiting).

Mr. Russ – Thank you.

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

Mayor Chiovero asked if anyone wished to speak in favor of the application?

John Fillar, 15905 W. Armour Avenue – I have lived in this area since 1981. I and my fellow residents were invited to a presentation by the developer in which they laid forth every detail of this and it is actually an improvement over what it was before. Some of the C-1 has been upgraded to C-2. This is a wildlife area that will enhance the value and appearance from the subdivision I am in, which is Regal Manor West. I think that maintaining that conservancy will also help the development itself because there will be a very attractive looking area to the North of it. I cannot think of even one reason why I would object to this and I support this rezoning.

Paul Riedl, 15955 W. Armour Avenue – I am in favor of the rezoning since the rezoning is required to get the development to move forward. There are really three criteria that I look at for the area; 1) will it fit into the area, 2) is it good for the City of New Berlin, 3) will it mesh in with the conservancy area. I have come to the conclusion on all three that it will be a good fit for the area. It will be putting traffic in at a time during the day when other traffic is gone, and it will also be a good fit for New Berlin for tax purposes. The road infrastructure should be adequate for it. The conservancy area will become a buffer and become part of the green land and help protect that and keep it the way it should be. I am in favor of this rezoning.

Kevin Cox, 15875 W. Armour Avenue – I am also in favor of the rezoning.

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

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

Ron DeBlauy, 16085 W. Armour Avenue – I am opposed to this because I think any development that brings in building with parking spaces is going to cause pollution, a light problem, and a noise problem. I am a little unclear as to what the benefit for me as a resident of this area would be. I am strongly opposed to this rezoning.

Joe Russ, 16800 W. Shadow Drive – When this is complete, it is going to be putting nearly 5,000 more cars a day through that intersection. Right now, with the traffic count going up the way it is, that is pretty close to grid lock around rush hour. It was not that well designed to begin with. So with that in mind, I am opposed to this because I don't think it will help the traffic situation down the road.

Ms. Bennett – If I can address that. I would like to read the last statement in the conclusion of the analysis. There are some improvements noted in the traffic analysis for this development. It says, "Except where noted above, all movements at the study area intersections are expected to

operate safely and efficiently with the full build out of Pewaukee City Land Company on site development and the identified retail off site development with recommended improvements”.

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

Mayor Chiovero asked for comments or questions from the Commissioners?

Alderman Ament – Will the City be looking for a conservation easement?

Ms. Bennett – That is something I mentioned today to the applicant. That could be something to consider at the time of the Use Approval.

Ms. Broge – As I was reading through this report, the traffic increase caught my eye. Anyone who has been in that area, either during the morning rush hour or the afternoon rush hour knows it is heavily congested. What are the assurances that these improvements to Moorland Road and Beloit Road will be done in such a fashion to support the increase in traffic?

Mayor Chiovero – The State has identified that area as a congested area due to the on and off ramps for I-43. In 2008 they will be doing some major interchange modifications going to roundabouts and modified on and off ramps. The constructions will start this year. This has been an area of concern to the State for a long time. There is some concern that the County has brought up that after the State has taken care of the interchange, that possibly Beloit Road and Moorland Road will have concerns. Roundabouts don't work if there is traffic backed up into them. The County is aware of this and will be looking into it.

Ms. Broge – If there is further development in that area, it exasperates the problems if those modifications don't get taken care of.

Ms. Jones – This area along with the area on the South side of Beloit Road were all looked at when they did the Target development. A TIA was done at that time. The counts, and the numbers they looked at then fit nicely in with the numbers they are showing here. I know Ron had talked to Amy and I about that, and what they looked at for development here is fitting in with what they expected for traffic counts. On page 6 of the TIA it talks about recommendations. These are the recommendations that the City staff would work with the County on to make sure that they make these modifications so that the intersection remains at the level of service that it currently is, or perhaps gets better with some of the recommendations that they have here. There was thought to be an office development on this corner and some future commercial on the South side of this intersection, and that was accounted for when they did the Target project. Each time somebody comes in for one of these projects, we ask them to update that study and what you are seeing in your packet are those recommendations now as to what they need to do to keep that a safe intersection that keeps people moving through it.

Mayor Chiovero – In other words, this project fits what was planned back when the whole intersection was thought about for development.

Ms. Jones – Correct, it shows an office type development and with the amount of acreage that is here, and the amount of parking, and green space that they have allocated, it fits in with what we have been looking for.

Ms. Broge – To address the gentleman on Armour Avenue. Since that is a conservancy area, then I am assuming that Scott Drive cannot be extended South?

Ms. Bennett – That is not part of the plan with this application. There is wetland there and it would involve some DNR permits to do something like that. That is not part of the plan with this

application. Could it ever be extended? I wouldn't know how to answer that with the C-1 and C-2 areas.

Mayor Chiovaturo – You might say it would be highly unlikely.

Ms. Bennett – Yes.

Mr. Sisson – Sovereign Drive is a stub now, but it stubs up to a R-4 zoning district which means it potentially could be extended. Then with Scott Drive, the way you can make sure that stub is not extended is make it into a cul-de-sac, however you will be dealing with conservancy zoning issues with the wetland.

Ms. Groeschel – I go along with Marta's comment about the TIA. Has discussion already been in play with the County about the developer paying for the permits?

Ms. Bennett – The developer would cover the costs of those improvements to Moorland Road or Beloit Road. I have double checked so just to note, the entrance on Moorland Road is right in and right out only.

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

Mayor Chiovaturo closed the public hearing at 6:30 P.M.

6:01 P.M. (4)NJ CU-1-07 Willow Tree Center – 5915 S. Moorland Road – Warehousing & Distribution.

**NEW BERLIN PLAN COMMISSION**

**March 5, 2007**

**MINUTES**

The Public hearing relative to the request by Michael DeMichele for a conditional use for Willow Tree Center located at 5915 S. Moorland Road was called to order by Mayor Chiovaturo at 6:59 P.M.

In attendance were Mayor Chiovaturo, 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; Eric Nitschke, Storm Water Engineer; Mark Blum, City Attorney.

Mayor Chiovaturo explained the procedure for a public hearing saying that he would ask for questions for clarification and then ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

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

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

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

John O'Hara, 16930 W. Small Road - Will this development help to spur sewer and water going in further West on Small Road?

Mayor Chiovaturo – Not at this time.

Ms. Jones – This project will be on holding tanks until such time sewer is available. They are working with Waukesha County.

Mr. O'Hara – Is the business to the East of this on sewer and water?

Mayor Chiovaturo – Yes, they are.

Mr. O'Hara – So this is right next to it and it will not be on sewer and water?

Mayor Chiovaturo – Correct, it is not in the district for sewer. Utilities will be allowed access through the easement off the Court.

Mr. O'Hara – By utilities, do you mean gas and electricity?

Mr. Kessler – The two properties we are discussing located on Rausch Ct. currently have sanitary sewer and water. This particular property does not have sanitary sewer availability because it is not within the MMSD sewer service area yet. The boundary of the MMSD serviceable area follows through here (Mr. Kessler indicated line on map). In order to bring this property into the district and be serviceable, we would have to go through the petition process with MMSD,

SEWRPC, and DNR to bring it into the district. The applicant has chosen not to go through that process at this time and will be going with a holding tank which should be permissible through Waukesha County.

Joe Russ, 16800 W. Shadow Drive – How does the size of this building compare to the other buildings in that part of the industrial park? What is the square footage of the other buildings that are in there?

Ms. Jones – I can't tell you off the top of my head what the square footage of the other buildings are, but I can tell you that this is one of the largest buildings in our industrial parks. The only closer building would most likely be the three Westridge East Buildings combined.

Mr. Russ – Is there a map that shows how much of the C-1 and C-2 will be used for the proposed road?

Ms. Jones – This is the Conditional Use application, and I apologize that our zoning maps are only up to date through the end of last year, but this is the proposed zoning map. You can see the C-2 pocket/wetland pocket. The area that they will be filling is here. (Ms. Jones showed location on map). They have worked through the DNR and have received permits for those fills. They are maintaining approximately 42% green space and meeting all the setback and buffer requirements above and beyond, in most cases.

Mr. Russ – When this first came up, the address was at the end of Rausch Ct., and I understand why that was changed to Moorland Road. However, I don't think it did a service to the citizens by changing the address on streets and having the initial address being one that they didn't have an easement through anyway. I felt that was a shortcoming by the City.

Mr. Kessler – When Westridge East was originally approved, it was two buildings for a total square footage of approximately 350,000 sq. ft. This is one building of approximately the same size under one roof. Westridge East came back and decided, because of market conditions, to break it into three buildings, but for the same square footage.

Mayor Chiovatero – What was the reason for the address change?

Ms. Jones – When the applicant initially came in, we thought they would have a Rausch Ct. address based on the location. They were going to try to work with these two property owners, the Deluka Brothers and New Berlin Plastics, to achieve an access easement through this area. That did not work out. There were also some wetlands in this area that they decided not to cross. In doing so, staff worked with them to change it to a Moorland Road address. All of our files are being updated to give them the Moorland Road address because that is where their access point will be.

Mr. Kessler – Changing an address is not that unusual. We sometimes get one or two requests a month to change addresses. The noticing for the public hearings are done the same way, regardless of the address.

Mr. O'Hara - I can just visualize all these big trucks. Will there be access from Small Road?

Ms. Jones – There will be two access points. Looking at the drawing, this access will go out to Small Road. (Ms. Jones referred to drawing.) There will be a sign posted, "no truck traffic to the left". All trucks will pursue to the right.

Mr. O'Hara – Small Road is narrow.

Ms. Jones – They will be improving Small Road, just as we talked about with the

recommendations from the first project this evening. There is a list of recommendations that the applicant has to do for the City on Small Road, and for the County on Moorland Road to improve those intersections.

Mr. O'Hara – I remember Small Road from the mid '50's. It hasn't gotten any wider. I am concerned about big trucks. Are there any plans to widen Small Road?

Mr. Kessler – Westridge Drive isn't too much further to the East of this particular access point. The access point onto Small Road is identified to come out right here (Mr. Kessler showed location on aerial map). This business already has an access onto Small Road and Westridge Drive comes into Small Road. Truck traffic would be limited to going Eastbound on Small Road. It will not be allowed to go Westbound. According to the TIA, there was only three semi trucks identified during peak hours. Due to the nature of the proposed occupant, essentially they do not have a lot of truck traffic.

Mr. O'Hara – Will it be illegal for trucks coming out of there to turn left?

Mr. Kessler – It will be signed.

Ms. Jones – There are currently signs on Small Road further Southwest that are for "no truck traffic".

Mayor Chiovatero – The company that wants to use this site is currently in New Berlin already. They want to stay in New Berlin. They are very excited and will be making an announcement.

Mayor Chiovatero asked three times if there were any further comments or questions for 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?

Joe Russ, 16800 W. Shadow Drive – I am opposed to it for a number of reasons. First, I don't believe the largest industrial building in New Berlin belongs here. Secondly, I don't like the access out onto Small Road. I don't care if it's three trucks a day or one truck a week. I helped to fight to get the "no trucks" going West of Calhoun. I have still come across a few that get lost and this would add to it. I don't believe Small Road needs any more traffic and new streets on it. Yes, there is the business right across the street from it and to see a car or truck pull in or out of there is a rarity, but that is not a major 300,000 sq. ft. warehouse, this is. I also don't feel that they should have to take up any conservancy land to get a drive to their business. They can surely find a way around it. They have the money to do it. That is the key thing that this boils down to. I am opposed to this project.

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

Mayor Chiovatero asked for comments or questions from the Commissioners?

Alderman Ament - Nikki, you had mentioned LEEDS. Could you explain what that is?

Ms. Jones – There is a green building council that has established certain standards that businesses can practice in order to achieve different standards of green LEEDS building. Perhaps Ms. Groeschel can share her experience with this.

Ms. Groeschel – LEEDS stands for Leadership, Energy, Environmental Design Standards. It is a series of principles for such things as water use, energy efficiency, land occupation, alternative transportation, best practices in building principles. LEED uses a point system that can lead to a LEED Certification. This project may not be going after a LEED Certification, but they are using a lot of those best practice, environmental principles.

Alderman Ament – Will the Moorland Road entrance be a right in, right out only or will they allow full access because that will make a big difference how much traffic is on Small Road?

Ms. Jones – Small Road will be a full access, but the Moorland Road will be a right in, right out only. The applicant is still working with the County to see if they will allow a left in similar to the West High School intersection with that new design that would keep traffic heading North on Moorland moving and veer to the right. That would be the standard practice. It is a new design that the County is working on.

Alderman Ament – Given MMSD decisions, I don't know what will all happen in the future to move up the four lanes on Moorland. Has the County indicated if, once that becomes four lanes, if they would then allow full access?

Ms. Jones – They did not indicate that in their report, but they said at some future point, I think it was 2018, they would definitely be looking at four lanes at that point to match up with what was going on in Muskego. That was part of the amended TIA we received.

Alderman Ament – Which direction will the loading docks face?

Ms. Jones – The loading docks will face the West. The applicant may be taking out one or two of the loading docks in their revised submittal.

Alderman Ament – Are you comfortable with what they are proposing for screening?

Mr. Kessler – At the time of the land division process, the applicant was required to provide a 40' buffer along the property line (Mr. Kessler showed location on map). I have reviewed the landscaping plan and think it is quite good. They have a lot of nice species of trees. The landscaping not only is going to be horizontal on the ground but there will be a vertical buffer as well. In addition, there will be geogrid block looking like grass.

Alderman Ament – So we are pretty comfortable as far as screening for the nearby residents?

Mr. Kessler – Yes, right now we are into the 100's for trees being planted.

Alderman Ament – Will we be looking at a conservation easement? I would like to see us, with these types of things, getting away from the zoning districts and into conservation easements so they will be permanent wherever we intend them to be.

Mr. Kessler – In relation to the access point, when I did the rezoning and the land division presentation I talked about the future lands that could be developed in the area and tried to coordinate an access. At some level, I agree with Alderman Ament that the C-1 land, for all intensive purposes, is not developable. It is entirely C-1, it is a wet woodland. I personally met with the County when we were talking about the access drive issues and the County had no problem and the TIA supports these access points, there is sufficient capacity on Small Road. Moorland Road could not support the capacity. In 2018 when this site reaches full build out, Moorland Road, using an 8% annual adjustment increase in traffic, will need to go to four lanes. The County indicated that they know that. One point I brought up with them is to put another access point here to reach these lands, this land back here which is light industrial, and also to serve this property. This is where they thought a signal could go sometime down the road. (Mr.

Kessler showed these areas on map). So, for you to understand, you need to know that there are other issues outside of this property that we are working on as well.

Ms. Broge – We don't want to put the cart before the horse and have all the development happen and then traffic becomes a worse issue. I heard the Mayor mention that this corporate citizen has been in New Berlin for four years. Is this a business expansion or relocation?

Mr. Kessler – It is a little bit of both. It is actually a very nice success story. It is an international business and this is an expansion. It owns one property in the park and is already leasing spaces in the park, so this is an expansion and a relocation and they wanted to stay in New Berlin.

Ms. Broge – The approval of this project obviously is a key initiative for them to continue to have their business in the City of New Berlin.

Mr. Kessler – Absolutely.

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

Mayor Chiovero closed the public hearing at 7:08 P.M.

6:02 P.M. (3)NJ R-4-07 Milham Property – 20900 W. Cleveland Ave. – Rezone from R-1/R-2, A-2 & C-2 to R-1/R-2, A-2 & C-2. Wetland delineation.

**NEW BERLIN PLAN COMMISSION**

**March 5, 2007**

**MINUTES**

The public hearing relative to the request by Mark Schroeder, City of New Berlin Parks & Recreation Department and Mary Ella Milham for a rezoning at 20900 W. Cleveland Avenue from R-1/R-2, A-2 & C-2 to R-1/R-2, A-2 & C-2 wetland delineation was called to order by Mayor Chiovaturo at 6:59 P.M.

In attendance were Mayor Chiovaturo, 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; Eric Nitschke, Storm Water Engineer; 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.

Mr. Kim 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?

Tom Schmitt, 21405 W. Cleveland Avenue – What does a wetland designation exactly do? Would it put restrictions on the development of the properties to the East?

Mayor Chiovaturo – A wetland delineation is an actual marking of where the wetlands start and end out in the field. A lot of the maps we have are assumptions based on aerial photos. With a wetland delineation, a Biologist goes out and marks the ground where the wetlands are. It has nothing to do with surrounding property.

Mr. Schmitt – What is the future use of the property?

Mr. Kim – The future use for Lot #1 is for a single family home. They have gotten tests from Waukesha County and the property did perc. They would be able to put an on-site system along with approval from Waukesha County to put an access in. Lot #2 is currently zoned A-2 and C-2. If, at a future time, the Parks & Rec. Dept. decides they want to do something with this land, they will be required to come in for a rezoning to P-1/C-2. They would need to have plans reviewed and approved at that time.

Mr. Schmitt – Has it been donated to the City?

Mayor Chiovaturo – Yes. Part of the donation agreement is that they would be able to obtain one five-acre lot that would be buildable. The wetlands needed to be delineated to assure that there would be room to build a house and have a septic system on it.

Mayor Chiovero asked three times for any further questions for the purpose of clarification, seeing none.

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

Monika Streckel, 20900 W. Cleveland Avenue – I am in favor of this because I will probably be the person owning Lot #1.

Tom Schmitt, 21405 W. Cleveland Avenue – I am in favor of this as it has been presented.

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

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

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

Mayor Chiovero closed the public hearing at 7:08 P.M.

**NEW BERLIN PLAN COMMISSION**

**March 5, 2007**

**MINUTES**

**PRIVILEGE OF THE FLOOR**

The Plan Commission Meeting was called to order by Mayor Chiovero at 7:00 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; Eric Nitschke, Storm Water Engineer; Mark Blum, City Attorney.

Motion by Alderman Ament to approve the Plan Commission minutes of February 5, 2007. Seconded by Mr. Sisson. Motion carried unanimously.

**PLAN COMMISSION SECRETARY'S REPORT – none**

**CONTINUED BUSINESS**

1. (1)AB R-1-04 Carleton Point Condominiums – 13050 W. Cleveland Ave. Rezone from I-1 to Rm-1/PUD and C-2/PUD for a 48 Unit Condominium Complex with a Planned Unit Development Overlay and Wetland Delineation with a Planned Unit Development Overlay. (Public Hearing 1/9/06, Tabled 2/6/06, 10/2/06)

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

Motion by Ms. Broge to table this item, extending the expiration date to September 5, 2007 per the request of the applicant. Seconded by Ms. Groeschel. Motion carried unanimously

2. ( )NJ PG-830 (13) City Center Design Guidelines(Tabled 2/5/07) – Presentation by Mark Smith from Planning and Design Institute & possible action.

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

Mark Smith, PDI gave an overall presentation on the City Center Design Guidelines.

Aldermen Ament felt that what we have now, which may be a pre-judgment because it is not completed, doesn't seem to be very pedestrian friendly. Even now with the buildings where they are, people have to drive around and park in different areas within a particular parking lot. It seems like too much co-mingling of parking, pedestrians, and bikes. The areas of smaller shops should be more pedestrian friendly with benches, garden areas, etc. The bicycle lane on Michele Wittmer Drive is odd. Coming in and crossing at the intersection at National Avenue to get in the middle seems strange. More common areas are needed with grounds maintenance such as trash pick-up, sweeping parking lots, etc. Mr. Kessler said that the Common Council approved a Declaration to approve the establishment of a Business Association for this purpose. Each property owner gets assessed a set fee for all of those maintenance activities.

Mr. Sisson felt the Design Guidelines that have been established drive towards balance and flexibility. This will be a very useful tool as we move forward.

Mr. Gihring agreed with Mr. Sisson that the Design Guidelines will be a very useful document. Mr. Gihring brought up page 19 which talks about joint parking usage, especially mixed use residential. He did not like the idea of reserving any parking for any body at any time even if it is for the residential areas. He is not in favor of encouraging mixed use residential with the commercial buildings. Mr. Kessler said that shared parking should be continually discussed.

Ms. Broge envisioned the City Center to look different with a different concept, more like a wonderful shopping and dining area. She hopes that we are still working toward that. Ms. Broge doesn't feel the City Center is very customer friendly. It is not a bike friendly. She will not allow her children to ride any where around by it. National Avenue and Moorland Road are just too busy for a bike to get into the City Center safely. It's nice to talk about green space, but people want parking.

Mr. Kessler said that the developer is working to incorporate more restaurant space into the City Center area.

Motion by Mr. Gihring to adopt a resolution that approves the revised Design Guidelines for the City Center development.

Seconded by Mr. Sisson. Motion carried unanimously.

#### **NEW BUSINESS**

3. (3)TK R-4-07 Milham Property – 20900 W. Cleveland Ave. – Rezone from R-1/R-2, A-2 & C-2 to R-1/R-2, A-2 & C-2 wetland delineation.

Motion by Alderman Ament to recommend to Common Council adoption of an ordinance that approves the rezoning of the property on the South side of Cleveland Avenue located at 20900 West Cleveland Avenue from R-1/R-2, A-2 & C-2 to R-1/R-2, A-2 & C-2 and to field delineate the wetlands.

Seconded by Mr. Sisson. Motion carried unanimously.

4. (4)NJ CU-1-07 Willow Tree Center – 5915 S. Moorland Road – Warehousing & Distribution Center.

Motion by Mr. Sisson to table the request for conditional use permit and waiver for the construction of a warehouse, distribution and office building located at 5915 S. Moorland Road (formerly known as 16060 W. Rausch Court) subject to the application, plans on file and the following reasons for tabling:

#### **Waiver Request:**

Applicant requests a waiver to deviate from the City's Zoning Code section 275-35 D(6)(b) to allow grading within the 30' wetland setback. Applicant shall identify on revised plans the specific areas of disturbance and why it is necessary as discussed.

1. Planning
  - a) See attached Plan of Operation submitted by the applicant.

- b) Any approvals for this project are only for this building. Any future buildings or building additions/expansions will be reviewed separately from this application since detailed plans were not provide with this submittal.
- c) Approval of the landscaping plan and payment of all sureties are required prior to issuance of Zoning Permit. Landscape plans shall meet all the requirements of Article VIII Section 275-53 through 275-56 of the Municipal Ordinance in its entirety. A registered landscape architect shall stamp plans. Landscape plan shall be approved and signed by the Department of Community Development prior to installation of any materials.
- d) The applicant's plans identify that they are not entirely meeting the replacement schedule for this project. The applicant shall identify how many trees are being removed that are greater than 4" in DBH per Section 275-54B(3)(b)[2]. There are several plant species the applicant is not planning to replace. Please explain. The applicant shall propose how the trees will be replaced on the site by using the replacement schedule identified under Section 275-54B(6) or provide a monetary donation to the City for the value of the replacement trees.
  - i) The applicant has not requested any waivers from these sections of the Zoning Code.
- e) City of New Berlin plantings specs, as identified in Section 275-56, shall be followed and identified on plan. Trees shall be measured in DBH or the CAL shall be upsized to account for the difference.
- f) Show limits of disturbance on plans per Zoning Code Section 275-24A.
- g) Applicant shall apply for and receive individual Sign Permits for any signage prior to installation or modification, even if signage is temporary. The monument sign located on this plan set will most likely not be approved by Waukesha County as it is located within their right-of-way and potentially within a wetland area.
- h) Per Section 275-56G, application shall locate all mechanical equipment and dumpster enclosures on revised plans and indicate how they will be screened.
- i) As part of the planning process for the facility, green and sustainable concepts will be included from the United States Green Building Council (USGBC) in their LEED program V2.2 for New Buildings. Applicant shall submit a letter to staff prior to the issuance of the Zoning Permit identifying the possible LEED's criteria they will be able to follow. In a meeting with the applicant they identified 26 initial criteria they might be able to meet.
- j) Applicant shall update their records to change the address from 16060 W. Rausch Court to 5915 S. Moorland Road since the main access point will be off of Moorland Road.
- k) Architecture Review required prior to the issuance of the Zoning Permit. Architectural plans shall be revised based on the minutes from the February 21, 2007. Architecture Review Committee minutes included the following modifications:
  - i) The revised plans shall include the elimination of the aluminum panel wall, the additional material changes along the east elevation, and submittal of a line of site drawing from Small Road to view the loading docks from adjacent single family parcels.
  - ii) Applicant shall also address roof top unit screening.
  - iii) Applicant shall explore additional articulation along the East elevation. This could be done by adding additional pillars.

- l) Applicant will need to request a waiver to deviate from the City's Parking Code Section 275-57. Applicant is required to provide 435 spaces based on the office and warehouse use and is proposing to reduce it to 408 spaces. This should be more than adequate to serve this building, various uses and current employee counts. Staff would support the waiver of 27 parking spaces.
  - m) Per Section 275-57A, applicant shall provide ADA parking spaces. Please show all handicap parking for the site. Depending on how the total number of parking spaces are added together there will be a minimum of nine (9) handicap spaces required. As per Comm. 62.1105(1)(b)-Comm. 62.1107(4)(a).
  - n) The parking stalls are to be of a minimum nine by nineteen (9.0'x19.0') as per the Zoning Code Section 275-57 and the Developer's Handbook Section 3 not 9' x 18' as shown on the east side of the property.
- 2) Transportation
- a) A letter from Waukesha County approving the plan of proposed improvements within the County ROW shall be on file with the City of New Berlin prior to City approval.
  - b) Lighting plan does not follow City standards. Lighting is required for all on-site parking, circulation and pedestrian areas (including driveways). 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. What areas define Calc Zone #3, #5 & #15?
  - c) Applicant shall address internal building lighting and ensure the City that the light from inside the building does not negatively impact neighbors to the west.
  - d) Bypass lane per Waukesha County standards is required on Moorland Road.
  - e) Cross-sections and plan & profile sheets are required for all roadway improvement areas.
  - f) Signing & marking plan is required.
  - g) Concrete curb & gutter section for use in County ROW and City ROW needs to have a detail drawing inserted.
  - h) Geotextile fabric is required under base course per city standards for roadway improvements on Small Road.
  - i) 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).
  - j) Pedestrian walkways adjacent to parking shall be a minimum of 8-feet wide to account for vehicle overhang from parking stalls.
  - k) Ultimate ROW dedication on Small Road was required as part of the rezoning / land division. This shall be shown on the construction plan set in addition to the recorded CSM.
- 3) Storm Water
- a) Due to the soil conditions and underdrains, the pervious paver parking area on the west side of the site is not adequate for reducing the volume of runoff from the site. A more natural surface shall be utilized as discussed at previous meetings.
  - b) The pond does not show that it will be used to irrigate the landscaping onsite. If this is still the intention, the safety shelf shall be modified to maintain the proper depths and widths during drawdown. Also, the safety shelf shall be planted with root-stock plantings to eliminate bank erosion in the pond and safety shelf. This shall be shown on the revised landscape plan.

- c) It does not appear that any of the bio-retention swales, discussed at previous meetings, are included in any of the plans. Bio-retention shall be included as a storm water management component to control the volume of storm water runoff.
  - d) The swale on the west side of the entrance drive off of Small road shall be removed. Runoff from the berm shall discharge over back the back of curb. The storm sewer and inlets shall be sized to address the additional flow.
  - e) Please show 100-year overland flow routes on the plans. It appears that there are no overland flow routes from the west dock area. If no flow route exists, provide the appropriate documentation to verify flood protection.
  - f) The landscape plan shall cover all plantings required for the bio-swale, filter strip, etc.
  - g) No bio-retention is shown onsite. Please provide plans detailing the bio-retention swales discussed in the 2-15-07 staff meeting. The swales shall be located on the west side of the property, as well as between the pond and main parking area.
  - h) A detailed erosion control plan shall be required. Please refer to NB Ordinance 2268, Section 9.
  - i) Provide written approval from DNR regarding the wetland fill/crossing.
  - j) A soil report was provided at 2-15-07 meeting and is under review.
  - k) A detailed maintenance plan shall be submitted. Please see Staff for the approved maintenance agreement. A signed copy is required prior to issuance of the Zoning Permit.
  - l) Provide the rainfall intensities for sizing the storm sewers.
  - m) Please provide inlet sizing calculations for the inlets on the west side of the building.
  - n) Please show 10 and 25 year pond elevations along with the 2 and 100 year.
  - o) Show the pond's 2 and 100 year drawdown times?
  - p) Offsite flow will be concentrated in the western ditch. This will impact the amount of concentrated flow that discharges to the woodlands on the southeast portion of the site. Check dams and planting mixes shall be required to mitigate the concentration of flow. See notes from 2-15-07 meeting.
- 4) DNR Comments
- a) Submittal of all DNR permits prior to the issuance of the Zoning Permit.
  - b) Applicant has been requested by the DNR to alter their development and construction plans and move the proposed building approximately 40' south, and to move the proposed bio-swale from the southern portion of the property to the area west of the retention pond.
  - c) Applicant shall be required to bore the utilities at the north end of the project from Rausch Ct.
  - d) Applicant shall reduce the drive aisle/access road off of Moorland to limit the disturbance to the wetlands. Applicant shall work with the City on this issue.
- 5) General Engineering
- a) Applicant shall address all engineering concerns addressed in letter dated February 23, 2007 prior to the issuance of the Zoning Permit.

- b) Note to be added to all sheets for the public infrastructure on site: "All site improvements and construction shown on these plans shall conform to City of New Berlin Developer Handbook, Infrastructure Design Standards and Infrastructure Specifications, and where the plans do not comply, it shall be the sole responsibility and cost of the Developer to make revisions to plans and/or constructed infrastructure to comply at the Developer's sole expense." Section 2:(1) General, A.
  - c) The Developer shall prepare formal written easement documents, including graphic and written legal description attachments for the access easements to Moorland Road and Small Road and any utility easements to Rausch Ct. Documents shall be recorded with the Waukesha County Registry of Deeds after review/approval by the City of New Berlin.
  - d) The applicant is proposing to use retaining walls and the City will look at terracing walls over five to eight feet in height with a minimum four-foot (4.0') separation between walls and plantings at the base of the wall and each terrace.
  - e) Please show the locations of the septic system, holding tanks and/or sanitary sewer connections on both the site and grading plans. A dry sanitary system shall be shown/developed at this point in time with requirements to connect in the future to the sanitary sewer system depending on availability.
  - f) Plan and profile sheets for all infrastructures, City of New Berlin utilities shall be requested.
  - g) The entire site shall be ADA compliant.
  - h) For the Metering Room criterion, please review the Developer's Handbook Section 3, II Water service laterals: Item (7) Water Metering Requirements, (Refer to Municipal Code Chapter 267-13 for general requirements) and (C) Multi-Tenant Commercial and Industrial buildings.
  - i) Please provide plumbing plans in all plan sets. As part of the plumbing plans roof top drainage shall be shown.
  - j) All of Sections 2 & 3 of the Developer's Handbook shall be reviewed and followed for the criterion concerning the "Public Infrastructure" including Storm Sewer on the site.
- 6) Utility
- a) The proposed configuration of your water main and sanitary sewer, is proposed to cross the sanitary sewer twice with the water main. MMSD & the City require 10 foot separation of the two utilities. The applicant shall keep the water main 10 feet to the right of the sanitary sewer without crossing of the two utilities by letting the proposed southerly leg of the water main be the route of the sanitary sewer and vice versa.
  - b) Correct the misspelled stub on Stub #6 to the building.
- 7) Building Inspection
- a) Building plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code. (Comm 61.31 Plans)
  - b) Building plans shall be approved by the State of Wisconsin Dept. of Commerce Safety and Buildings Division per Wisconsin Enrolled Commercial Building Code. (Comm 61.70 Certified municipalities and counties.)
  - c) Apply and obtain appropriate building, plumbing and electrical permits.
  - d) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any building permits.

- e) The drive out to Moorland and its grading need to meet the 30' setback from the delineated wetlands unless otherwise specified in the DNR permits.
  - f) Sewer and water are coming off Rausch Court. Neighboring property owners shall grant an easement for grading and construction purposes. However, only water is being applied for at this time.
  - g) The correct address for this property shall be 5915 S. Moorland Road since access will not be off of Rausch Court as originally planned.
  - h) A holding tank agreement with the City and approved by the County shall be required. All permits from Waukesha County for the holding tank shall be on file prior to the issuance of the Zoning Permit.
- 8) Fire
- a) Fully sprinkle
  - b) Install Knox box (key box).
  - c) Monitor fire flow.
  - d) If FDC – Fire Department Connection for sprinkler system is more than 150' from street hydrant a yard hydrant will be required.
  - e) Fire alarm system required (Pull stations, sounds and strobes).
  - f) Elevator of adequate size to accommodate Fire Department equipment.
  - g) Maintain fire flow per Comm 62.0904(2)6.

Seconded by Mr. Felda. Motion carried unanimously.

5. (3)TK U-3-07 Mike Dillett – 2530 S. Johnson Rd. – Build a New Single-Family Home while Living in the Existing Home.

Motion by Alderman Ament to approve the request to reside in the existing single-family home while the new home is being built along with the three waivers subject to the plans on file, application and the following conditions:

Waiver #1: Mr. Dillett requests that the Plan Commission waive the requirement to conduct the wetland field delineation for his property at this time per Section 275-37.B.(4)(b). Mr. Dillett shall have the wetlands field delineated and surveyed as soon as the weather permits.

Waiver #2: Mr. Dillett requests that he be able to apply for a building permit for the new home prior to execution of a wetland delineation. The applicant understands that any work done prior to the wetland field delineation will be at his own risk.

Waiver #3: As a result of the new house being built behind the old one, an existing tool shed that was once located behind the house will now be located in the front yard of the new house. Section 275-42 .F.(2)(b)[1] of the New Berlin Zoning Code states that accessory buildings with a maximum area of 120 square feet may be allowed in the rear yard only or within the side yard setback for the principal use”.

- 1) Applicant shall submit a hold harmless agreement prior to issuance of a building permit that acknowledges that if he is allowed to start building before a wetland delineation is completed, that the applicant will be responsible for any costs involved in having to tear down or move any part of the new home if it is in fact located within the wetlands or the wetland setback.
- 2) Applicant shall have a wetland delineation prepared per Section 275-37.B.(4)(b) and an application for rezoning filed prior to issuance of an Occupancy Permit.
- 3) The existing home shall be razed no later than 60 days after issuance of the Occupancy Permit.

- 4) The dirt piles and the dirt track on the property may need to be removed or eliminated if they are found to be in the wetlands or wetland setback.
- 5) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work and excavation.
- 6) Existing septic systems shall be abandoned and inspected prior to the issuance of a wrecking permit for the existing residence.
- 7) If a new well is to be drilled, the existing well will need to be abandoned and an abandonment report shall be filed with the Wisconsin DNR and the City of New Berlin.
- 8) New residence shall conform to the Wisconsin Uniform Dwelling Code.
- 9) Apply and obtain appropriate building, plumbing and electrical permits.

Seconded by Mr. Felda. Motion carried unanimously.

6. (3)TK U-84-06 Waukesha County Learning Academy – 21415 W. Greenfield Ave. – Licensed Day Care Center.

Motion by Alderman Ament to table the request for use, site and architectural approval to occupy space within an existing multi-tenant building located at 21415 W. Greenfield Avenue to be used as a daycare facility.

Seconded by Ms. Groeschel. Motion carried unanimously.

7. ( )GK PG-516(a) Smart Growth – Comprehensive Plan

Motion by Mr. Sisson to direct staff to clarify the Proposal Format and Submittal Section in the Request for Proposals to be inclusive of sub consultants names and mailing addresses by stating that the cover page should include the following information for all consultants and subconsultants, and to include consultant and sub consultants under Experience, Reference, and Insurance Sections, and to approve the 2020 Comprehensive Plan Request for Proposals and direct DCD Staff to solicit proposals for updating the City's Comprehensive Plan to comply with the State's Smart Growth Law by 2010.

Seconded by Ms. Groeschel. Motion carried unanimously.

## COMMUNICATIONS

8. Communication To: Plan Commission  
Communication From: Nikki Jones, Planning Services Manager  
RE: Planning Commissioners Journal, Winter 2007

Plan Commissioners acknowledged receipt of this communication.

9. Communication To: Plan Commission  
Communication From: Nikki Jones, Planning Services Manager  
RE: Memo from Mayor Chiovatero dated February 8, 2007 regarding appointment of Vice Chairman of the Plan Commission.

Mr. Paul Gihring will serve as Vice Chairman of the Plan Commission.

10. Communication To: Plan Commission  
Communication From: Greg Kessler, Director of Community Development  
RE: Flood Risk Information Open House

New Floodplain Maps have been received from FEMA. (Displayed on back walls of Council Chambers) FEMA and DNR are in their public comment period, tomorrow (March 6, 2007) their first open house between 3:00-4:30 P.M. at the Waukesha County Expo Center. Government officials are invited, so Plan Commissioners are welcome. At 6:00 P.M. the public portion of the open house begins.

Motion by Mr. Sisson to adjourn the Plan Commission Meeting at 9:00 P.M. Seconded by Ms. Groeschel. Motion carried unanimously.