

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

NEW BERLIN PLAN COMMISSION

FEBRUARY 5, 2007

MINUTES

PRIVILEGE OF THE FLOOR

The Plan Commission Meeting was called to order by Mayor Chiovatero at 6:27 P.M.

In attendance were Mayor Chiovatero, Mr. Sisson, Mr. Gihring, Mr. Felda, Alderman Ament, 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; JP Walker, City Engineer; Ed Dobernig, Fire Chief; Joe Rieder, Police Chief; Mark Blum, City Attorney.

Motion by Mr. Sisson to approve the Plan Commission Minutes of January 8, 2007. Seconded by Mr. Felda. Motion carried unanimously.

PLAN COMMISSION SECRETARY'S REPORT - none

CONTINUED BUSINESS

1. (7)NJ S-169-04 Poplar Creek – 3095 & 3111 S. Calhoun Rd. – Final Plat. (Tabled 11/6/06, 1/8/07)

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

Motion by Alderman Ament to recommend to Common Council adoption of a resolution approving the Poplar Creek Subdivision Final Plat for the property located at 3095 and 3111 S. Calhoun Road subject to the application, plans on file and the following conditions:

- 1) Applicant shall address any remaining issues with Waukesha County Department of Parks and Land Use.
- 2) Applicant shall address any remaining issues with the Wisconsin Department of Administration.
- 3) Applicant shall provide a letter outlining when the outstanding grading and culvert work shall be completed in the spring. This letter shall state the date at which the work will be completed, approximate cost to complete the work and that the existing Letter Of Credit on file with the City shall ensure that this work is completed this spring. A letter with this information shall be submitted for the City Engineer to review.
- 4) Prior to the City signing the final plat the applicant shall record the Conservation Easement, Grant of Private System Easements, Storm Water Maintenance Plan, Declaration of Restrictions and Easement document for Lot #21 and add document numbers to the face of the final plat.
- 5) Applicant shall address any additional items that may be completed after final plat approval, but before the City signs the final plat.
 - a) The centerline of ROW distances, bearings, and curve information shall be shown on the final plat. This comment has been required in the past.

Seconded by Mr. Gihring. Motion carried unanimously.

2. (6)TK LD-14-06 Thomas Hammersley – 3461 S. Long Acre Dr. – SW ¼ Sec. 13 – Three-Lot Land Division. (Tabled 12/4/06, 1/8/07)

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

Motion by Mr. Sisson to recommend to Common Council approval of the 3-lot Certified Survey Map along with the waiver request for the property located at 3461 South Long Acre Drive subject to the application, plans on file and following conditions:

Waiver Request: Section 275-33.D.(9)(a) of the New Berlin Zoning Ordinance states that “all impervious surfaces shall be setback a minimum of 30 feet. However, where at least one of the following conditions is met, the minimum setback is 10 feet.” Please see number 2 under “Findings” of this staff report for a more detailed explanation of the 10 feet versus the 30 feet wetland setback.

- 1) General:
 - a) Applicant shall correct all drafting errors identified by Staff prior to signing the final CSM.
 - b) A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 2) The CSM shall include the setback lines (building envelopes) for Lots #2 and #3 prior to staff signing the final CSM.
- 3) The applicant shall be required to include the Wetland and Floodplain Preservation Restrictions that are outlined on Park Central's Final Plat on the Final CSM. Please see the “Findings” section of this staff report for a list of those restrictions.
- 4) Any home built on Lot 2 shall be required to adhere to the 50' setback for the ordinary high water mark along the north property line. Any future development shall also be required to adhere to the 10' wetland setback along the east end of the property as outlined in the Wetland and Floodplain Preservation Restrictions that apply to Outlot #2.
- 5) Applicant shall submit a master grading plan along with a developer's grading plan that shall indicate what the homeowner will be grading on the lot and what the developer will be grading on the lot prior to the City signing the final CSM. The City will also require the developer to grade the proposed swale along the West line of Lot #3.
- 6) All easements shall be shown on the face of the CSM.
- 7) Applicant shall submit a storm sewer plan along with details as part of the final construction plans.
- 8) If engineering staff determines during the construction review that Long Acre Drive should drain to the North, then the applicant shall be required to dedicate a 30' easement along the northwest property line between Lots #1 and #2 and abandon the existing easement along the south lot line of between Lots #2 and #3.
- 9) If engineering staff determines during the construction review that Long Acre Drive should drain to the East to the wetlands, then the applicant shall be required to extend the 30' drainage easement along the eastern property line of Lot #2 so that the pipe reaches the wetland area.
- 10) Applicant shall be required to submit a Developers Agreement prior to signing of the final CSM.
- 11) Lots #2 and #3 shall share a common access point. Two separate driveways or entrances shall not be allowed off the cul-de-sac.

- 12) The applicant and their engineer shall continue to work with staff to ensure that requested items are included on the final construction plans.

Motion amended to waive restrictions on creating a "flag lot".

Seconded by Mr. Felda. Motion carried unanimously.

NEW BUSINESS

3. ()TK PG-227 Extraterritorial Plat – Ridge View Estates of Vernon, Town of Vernon.

Motion by Mr. Gihring to recommend to Common Council no objection to the Ridgeview Estates Extraterritorial Plat for the Town of Vernon with the following comment:

- 1) The lots in this subdivision are proposed to be a minimum of 1 acre each. However, the City of New Berlin requires a minimum of 5-acre lots in areas not serviced by sewer or 5-acre density in conservation subdivisions.

Seconded by Alderman Ament. Motion carried unanimously.

4. (7)NJ U-70-06 Crossroads Community Church – 4315 S. Moorland Rd. – Church.

Motion by Alderman Ament to approve the request for Use, Site and Architecture along with the waiver request to construct a church on the property located at 4315 S. Moorland Road subject to the application, plans on file and the following conditions:

Waivers Request:

Applicant requests a waiver to deviate from the City's tree replacement requirements under Table 275-54-1 and shall either replace the additional 30 trees or in lieu of tree replacement shall submit a tree donation to the City for trees that cannot be planted on site. See condition number 1(c) below. Applicant will be providing updated supporting documentation for this waiver.

- 1) Planning
- a) See attached Plan of Operation submitted by the applicant.
 - b) 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.
 - c) The applicant identifies that they are not entirely meeting the replacement schedule for this project. The proposed site plan shows that 30 existing trees will be removed for the building, storm water pond, parking lot and driveway off of Heatherly. The applicant is proposing to replace 71 trees; however the applicant shall either replace the additional 30 trees on site per the replacement schedule identified under Section 275-54 or in lieu of planting these 30 trees the applicant shall provide a monetary donation to the City for the value of the replacement trees in the amount of \$6000.00.
 - d) City of New Berlin plantings specs, as identified in Section 275-56, shall be followed and identified on plan.
 - e) Show limits of disturbance on plans per Zoning Code Section 275-24A.
 - f) Architecture Review required prior to the issuance of the Zoning Permit.
 - g) Applicant shall apply for and receive individual Sign Permits for any signage prior to installation or modification, even if signage is temporary.

- h) Applicant shall remove the stone wall located along Heatherly Drive as it is located within the vision triangle of Moorland Road and Heatherly Drive. It is also located within the right-of-way of Heatherly Drive.
 - i) Per Section 275-56G application shall locate all mechanical equipment and dumpster enclosure on revised plans and indicate how it will be screened.
- 2) Utility
- a) Connection of a sanitary lateral to the sewer main will require a permit from Waukesha County. Similarly, if a water connection is made within the Moorland Road right-of-way, a permit will be required from the County. If the water connection will be made in Heatherly Drive, then a permit will be required from the City of New Berlin.
 - b) Our Design Standards require a sanitary lateral to be installed at ¼" per foot. The City Engineer has the authority to approve lateral installation at 1/8" per foot in special circumstances. The proposed basement floor elevation appears to be 896.1. Installing the sanitary lateral at 1/8" per foot brings it into the Church at Elevation 893.4. It appears that gravity service can be provided without ejector pumps.
 - c) Paragraph 6 of the Resolution No. 05-36 which authorizes the levying of special assessments for the installation of utilities in Moorland Road requires that at the time of connection to the water main, the Church shall be responsible for the 3-year deferred assessed charges for the property as recorded in the assessment roll. The Church will have the option to pay the \$7,493.56 assessment in full or make 10 annual installments with the interest rate of 5.0% per annum.
 - d) Paragraph 7 of Resolution No. 05-36 states that the 5-year deferment shall occur without interest until such time that the property owner receives a final site plan approval or preliminary plat approval or a final CSM approval dividing the property. The Church will have the option to pay the \$28,623.50 Assessment in full or make 10 annual installment payments with an interest rate of 5.0% per annum.
 - e) Construction plans shall show how the water comes in from Heatherly Drive. Developer's Handbook states that laterals can not be installed into manholes unless in a cul-de-sac.
 - f) The lateral proposed may be extremely flat, this may create a problem during routine cleaning and maintenance. Discuss with Utility on how to improve this situation.
- 3) Storm Water
- a) Applicant shall address all storm water concerns addressed in a letter dated January 26, 2007 prior to the issuance of the Zoning Permit.
 - b) The easement area downstream (across Heatherly Drive) must be improved to minimize this impact to this area. At a minimum, an underground drain shall be installed through this easement area. The installation shall be done by the City of New Berlin Streets Department and reimbursed by the church to the Streets Department. A Letter of Credit shall be submitted to the City prior to the issuance of the Zoning Permit for the amount of this work.
 - c) Applicant shall submit a separate plan sheet with erosion control sequencing shown on the site with the revised plan set. There are no clear step-by-step directions for implementation of erosion control practices. Please see Staff to discuss construction sequencing details, and improvements to erosion control BMP's including Staff's recommendation for the usage of a settling basin.
 - d) Bioretention swales shall be implemented on site per approved standards.

- e) Avoid tree or bush planting over or near storm water practices. There shall be no trees planted over the 10-inch PVC pond discharge line immediately to the West of the driveway on Heatherly Drive.
 - f) Your plans indicate that one sump pump will be pumping the yard drain for the retaining wall area, foundation drains, and drainage from the roof that drops straight down around the entire perimeter of the building. The sump pump shall be required to have a 48-hour backup power supply in case of a power outage.
- 4) Traffic Engineering
- a) A letter from Waukesha County approving the relocated access on Moorland Road shall be on file with the City of New Berlin prior to any building permits being issued by the City.
 - b) Lighting plan shall show illumination levels and chart with photometric summary information (average fc, avg/min, max/min). See Zoning Code §275-60 I.
 - c) Applicant shall extend the pedestrian walkways adjacent to parking in the area near the last parking stalls unless there is a reason for not doing so related to storm water.
- 5) General Engineering
- a) Applicant shall address all engineering concerns addressed in letter dated January 26, 2007 prior to the issuance of the Zoning Permit.
 - b) If possible the applicant shall revise plans to indicate a tiered wall so each wall is less than 4' high. If not the guard rail should remain in place.
 - c) Signify on grading and site plans those areas with standard curb and gutter and those areas with reject curb and gutter.
- 6) Building Inspection
- a) Building plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code. (Comm 61.31 Plans)
 - b) Building plans shall be approved by the State of Wisconsin 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) Stake out survey with setbacks from lot lines shall be submitted with building permit application.
 - f) Submitted plans show that existing homestead and accessory buildings are to remain. These buildings to be used as a parsonage and/or living quarters which is allowed under the Zoning Code. If they are to be used by church groups for meetings etc., they will have to be renovated to meet the commercial building code per Section 275-26B(5). The home and barn are legal non-conforming with regards to setbacks. Limited funds can be spent on any upgrades unless the buildings are brought into compliance.
 - g) Applicant shall separate the water and electrical rooms. The City of New Berlin Utility Department requires that water meter room be designated for that purpose only. See sheet A2.0.
- 7) 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 passes with Mayor Chiovero, Mr. Gihring, Alderman Ament, Mr. Sisson, Mr. Felda voting Yes and Ms. Broge voting No.

5. ()NJ PG-830 (13) City Center Design Guidelines

Motion by Alderman Ament to table the City Center Design Guidelines to allow additional review time. Seconded by Mr. Sisson. Motion carried unanimously.

6. (1)GK U-82-06 Deer Creek Inn & Conference Center – 1401 S. Moorland Rd. – Hotel & Conference Center.

Motion by Mr. Sisson to approve the request for Use, Site and Architecture to construct a hotel, indoor water park, conference center and mixed-use retail facility (as identified within Plan of Operation) on the property located at 1401 South Moorland Road, subject to the application, plans on file and the following conditions:

- 1) Planning
 - a) See attached Plan of Operation submitted by the applicant.
 - b) Applicant shall adhere to criteria outlined in PUD Ordinance #: 2128.
 - c) All landscaping and LOD areas shall be installed & adhered to as identified under Section 275-54 of the City's Zoning Ordinance. Payment of all landscape installation and maintenance 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 City's Zoning Ordinance. 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) City of New Berlin plantings specs, as identified in 275-56, shall be followed and identified on plan.
 - e) Applicant shall apply for and receive individual Sign Permits for any signage prior to installation or modification, even if signage is temporary. Applicant shall be required to place a monument sign not only identifying the facility but also the City of New Berlin as well.
 - f) All aboveground utilities, both on-site and off-site, shall be buried.
 - g) All streetscapes shall conform to the City Center roadside edge plans, where appropriate. Plans to include but is not limited to the following: sidewalks, sidewalk lighting, and landscaping.
 - h) Applicant has requested permission to grade within the 30-foot wetland setback. Plan Commission may grant this waiver but no encroachment into the wetland and / or floodplain shall be allowed at any time without prior approval by all regulating authorities (see waiver above).
 - i) Applicant shall provide detail as to how sequencing of construction shall occur and where all materials excavated will be brought / how utilized and where any water infiltrating site will be pumped.
 - j) Each tenant will require a separate use approval from the Plan Commission. Use will be based, in part, on available parking as each tenant applies for occupancy. (Plan Commission may wish to allow these to be granted administratively).

- k) Applicant shall continue to work with DCD staff on refining the architectural details of this facility. PDI shall continue to oversee the architectural elements of this project, in conjunction with staff, throughout construction.
 - l) Applicant shall vary brick style, texture and/or color along retaining wall on south side of facility screening the loading area and refuse disposal area. In addition, significant landscaping (providing year round screening) shall be placed along this border to screen the adjacent property.
 - m) Applicant shall verify all building separations to adjacent buildings.
 - n) Applicant shall submit an application to DCD to have the field delineated wetlands approved.
- 2) Utility
- a) Applicant shall provide detailed construction drawings for the proposed water and sanitary sewer utilities along with materials.
 - b) Applicant shall submit water usage and waste generation calculations.
 - c) Sanitary sewer, storm sewer, and water plans to be approved by all regulating authorities.
- 3) Storm Water
- a) When the Applicant submitted his request for a PUD on this site staff noted that given storm water issues in this area of the City and the scope of the anticipated development that his project might be benefited by regional storm water projects being undertaken by the City . A discussion took place with the developer during which he offered to contribute up to one million (\$1,000,000.00) dollars toward the construction of said facility with the expectation that said facility would ameliorate storm water mitigation needs which otherwise would be attendant to his project. Since that time the City has built SP-2 for the purpose of mitigating storm water issues in the Gatewood and Buena Park subdivision areas. Staff's analysis is that those improvements will not materially diminish the storm water mitigation needs on this site and therefore it is expected that this applicant will be responsible for managing all of his storm water issues on site. The storm water management plan that has been presented does meet that objective. Nevertheless the City wishes to make clear that to the extent the Applicant concludes now or in the future that his development is being adversely impacted by regional storm water issues, that the Applicant is responsible for its own mitigation of those issues up to the amount of the original donation.

- Therefore, the following is required of the Deer Creek Conference Center, in consideration of the City of New Berlin waiving the \$1,000,000 contribution towards regional stormwater detention and flood abatement in the Deer Creek watershed. The current owner and all subsequent owners their agents, tenants and assigns shall not demand of the City financial aid or any other form of assistance for flood abatement programs that may be required to protect said property in the future. The owners of the Deer Creek Conference Center shall be solely responsible to fund any potential flood mitigation projects that become necessary to protect the facility and the property on which the facility lays up to the amount of the original proposed donation, i.e. one million (\$1,000,000.00) dollars. Applicant shall provide the City with a written recordable acknowledgment of this understanding. The parties further acknowledge that any regional storm water issues will be reviewed by the City in the future on their merits and the fact that the Applicant has spent up to one million (\$1,000,000.00) dollars on mitigation will not necessarily result in any obligation of the City to make additional regional storm water improvements which might be beneficial to the Applicant.
- b) All stormwater best management practices shall be maintained according to the approved maintenance agreement. Any deviation from the maintenance plan may lead to corrective action and/or enforcement as defined in Municipal Code Chapter 226.
 - c) Full detail of rooftop rain garden is required and shall be satisfactory to staff.
 - d) The cistern sizing shall be included in the Stormwater Management Plan (SWMP). The cistern shall be sized to store a 100-year storm without discharge. Also, the driveway from Greenfield Avenue may not be tied into the Cistern. This will keep salt out of the cistern and protect the rooftop rain gardens.
 - e) Cistern discharge and rooftop rain garden discharge shall be directed to the wetland to maintain hydrology. The City will look for this discharge to be exempted from MMSD Chapter 13 requirements. If MMSD does not allow the exemption, the volumetric approach to the analysis should be sufficient to meet Chapter 13 requirements.
 - f) The building shall be a minimum two (2) feet above the existing FEMA floodplain elevation. All vents, garage entrances, and other access points to the garage or first floor shall be two (2) feet above the existing FEMA floodplain elevation or 1 foot above the crown of the road at the Deer Creek (whichever elevation is higher). If the building structure is at or below the floodplain elevation, it shall be waterproofed. Design calculations shall also be provided verifying the structural strength of the structure during a 100-year flood event.
 - g) The SWMP Maintenance Agreement shall include the commitment of the owner to finance any future projects required to correct or mitigate the site issues of floodplain, stormwater management, maintenance of the rooftop gardens, etc.
 - h) Support columns in the wetlands shall have all appropriate approvals, where applicable.
 - i) A detailed construction site and erosion control plan shall be required.
- 4) Traffic Engineering
- a) A letter from Waukesha County approving the plan of proposed improvements within the County ROW shall be on file with the City of New Berlin prior to any permits being issued by the City.

- b) Decorative pedestrian lighting is required along the entire frontage of Moorland Road and Greenfield Avenue. They shall consist of Lumec Domus series luminaires on 15 foot poles at 80-foot spacing. An approved equal / substitute fixture may be used upon approval of the Department of Community Development.
 - c) The City's Alternative Transportation Plan indicates the planning for a trail in the NW area of the parcel. A 50-foot easement east of the existing drainage easement shall be provided to the city for future trail purposes.
 - d) Access permits shall be required for access on to Moorland Road and Greenfield from Waukesha County and the state DOT respectively.
- 5) General Engineering
- a) Sloping in the right-of-ways from either Moorland Road or Greenfield Avenue shall not exceed (4:1, 25%) in the terrace areas.
 - b) The applicant shall work with staff to lower the building as much as possible.
 - c) The entire site shall be ADA compliant, ICC/ANSI A117.1-1998.
 - d) The masonry retaining walls on site shall be lowered due to both the building and site being lowered +/- (1.6') as well as the proposed incorporated railing system using the wall is to be lowered to elevations "No" more than twelve inches (12") to eighteen inches (18") above the grade/ground elevation on the high side of the wall. A railing system other than the retaining wall shall be proposed.
 - e) Any and all retaining walls shall remain a minimum of five feet (5.0') from any right-of-way or property lines.
 - f) Please show on each ramp / all ramps on site above and below ground the percent grade / change in gradient.
 - g) Where necessary/appropriate add this note to each project plan sheet as follows: "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."
 - h) The applicant shall prepare formal written permanent easement documents (to include water main), including graphic and written legal description attachments for each and record it at the Waukesha County Register of Deeds after review / approval by the City of New Berlin for each Water-Sanitary-Storm-Drainage easements shown on an updated Certified Survey Map. A current completed, signed and recorded CSM (Certified Survey Map) representing a consolidation of lots as required and approved as part of the PUD for the site shall also be submitted.
 - i) There shall be "No" slopes on site that will exceed (4:1, 25%) anywhere on the site. Please review the site grading plan and correct any deficiencies as necessary. Example: the slopes by the outside loading docks and dumpster areas exceed (4:1).
 - j) Show the ramping from Greenfield Avenue for the first floor access on the "North" elevational view of the building.
 - k) Please show dimension lines from the foundation walls of the building to adjacent property lines, right-of-way lines and wetland designations.
 - l) The "Northerly" most support for the tube sections of the water park appear to be placed in a discharge and riprap location for a sump discharge. Please move the location of the support or move the discharge location/rip-rap to avoid the support.

- m) Please provide elevation views along both Greenfield Avenue and Moorland Road at grade, sidewalk/street level showing the retaining walls and railings along the building face.
 - n) Please show all floodplain and wetland information on the grading and site plans.
 - o) Please show spot elevations of the existing grades at one hundred (100') intervals along both the back of curbing for Moorland Road and Greenfield Avenue as well as the medians in both Moorland Road and Greenfield Avenue.
 - p) Please show the Wetlands elevations along the delineated Wetland boundary next to the "West" elevation of the Hotel.
- 6) Building Inspection
- a) Building plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code. (Comm 61.31 Plans)
 - b) Building plans shall be approved by the State of Wisconsin 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) Utility connections, to existing homes to be razed, shall be properly abandoned prior to the issuance of wrecking permits.
- 7) Fire (Requirements)
- a) Applicant shall meet the requirements as outlined by the City's Fire Department in a DCD letter dated 01/25/07.

Motion Seconded by Mr. Felda.

Robert Williams, the Engineer for the project, gave a presentation describing the project. Mr. Kessler said that the Use, Site, and Architecture is consistent with the conditions of the PUD Ordinance that has been approved. Alderman Ament read several newspaper articles from the year 2000 giving opinions of the then elected officials. Alderman Ament had concerns with the height of the building as well as with groundwater, and stormwater issues.

David Cornale, Giles Engineering addressed the geotechnical issues on the site. He explained that so far twelve test borings from 20 -100 ft. have been performed at the site, six monitoring wells have been installed to get ideas of the sub surface, soil conditions and the groundwater conditions. Giles Engineering has not completed their studies, but the preliminary report is encouraging.

John Janson, Ruckert & Mielke also addressed the geotechnical issues. Using the Giles Engineering report, Ruckert & Mielke did a groundwater model to find out what influence it would have on the aquifer around the development. Based on rough data, there would not be huge draw downs within a quarter mile. Groundwater levels will rebalance themselves upon completion of the de-watering activities. Further testing would be required to make a more accurate prediction.

Mr. Nitschke, Storm Water Engineer spoke of stormwater issues going on in the year 2000. The stormwater facility that this project was paying into to address their floodplain, water quality issues, and discharge requirements is no longer viable and that is where the money was to go toward. They are addressing their own storm water runoff internally. Now, staff feels the money is being used for the site as originally intended with a stipulation that this facility cannot come to the City for flood control assistance. The money was not meant to be used for problems in other areas of the city.

Mr. Felda questioned the height. Mr. Kessler read about the building height in the PUD. Mr. Williams explained the floors where extended heights were needed. City Attorney Blum further defined the height provisions.

Ms. Broge questioned noise issues coming from the pumps, etc. from the water park. Mr. Kessler said the nearest resident on the West side of Deer Creek is over 450 ft. away. There is a large tree line about 30' off the back of the homes on that side of the creek. There is another tree line on the Eastern side of the creek which will remain undisturbed. Mr. Williams showed photos of the trees in discussion. In addition, all equipment is located inside the building, surrounded with heavy concrete walls, therefore, there should be no sound.

Ms. Broge asked about the projected traffic analysis. Mr. Schildt, Transportation Engineer said new traffic volumes have been applied to the original TIA numbers. With the intersection improvements shown, conditions should not be worse than now.

Mr. Sisson said this location is one of several gateways into our Community. At the Architectural Review Sub-Committee level, we asked that the tube be camouflaged or muted to the best extent, which they agreed to do. The Committee also felt that this design that was selected is both bold and very attractive. The scope of its functional capabilities is exceptionally striking. It's impressive, and it's a boost for our Community. Very few projects will be as challenging as this one will be, however, should this development not be approved here and the developer decides to relocate it 300 yards to the Northeast corner of this intersection, it will be in Brookfield. All of the challenges, and all of the issues that we have heard this evening will still be there with one significant exception, New Berlin will not receive any of the estimated revenue of taxes.

Question called by Mr. Sisson. Seconded by Mr. Felda.
Mayor Chiovaturo, Mr. Gihring, Mr. Sisson, Mr. Felda, Ms. Broge voted Yes, Alderman Ament voted No.

Upon voting, motion passes with Mayor Chiovaturo, Mr. Gihring, Mr. Sisson, Mr. Felda, Ms. Broge voting Yes, and Alderman Ament voting No.

Motion by Mr. Felda to approve the following waiver requested by the applicant.

Waivers Request:

Applicant requests a waiver to deviate from the City's requirement under Section 275-36D(3)(b) and 275-55-1, S.07(d)e that requires no grading within 30' of the wetland areas unless approved by the Plan Commission. The applicant needs to grade within 30' of the wetlands. The proposal is to grade up to the wetlands as shown on the plans. The project requires structural supports be placed within this wetland setback area to support water slide tubes. The plans will be expanded to include additional erosion control measures in these areas to ensure the wetlands are protected. The plans show orange construction and silt / erosion control fencing adjacent to the wetlands for their protection. All areas within the wetland setback shall be re-established with "Shoreland Seed Mix" / "Prairie Nursery Moist Meadow Seed Mix".

Seconded by Mr. Gihring. Motion carried unanimously.

Motion by Ms. Broge to accept staff to do administrative reviews for each tenant that applies for occupancy and grant use approval based upon available parking.

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

ADJOURN

Motion by Mr. Sisson to adjourn the Plan Commission Meeting at 9:30 P.M. Seconded by Ms. Broge. Motion carried unanimously.