

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-16-06 Observatory Heights Phase II – South Parcel– 17405-17685 W. Observatory Rd. – Rezone from R-1/R-2, C-1 to R-1/R-2, C-1, C-2 - Wetland Delineation and to remove some of the C-1.

NEW BERLIN PLAN COMMISSION

JANUARY 8, 2007

MINUTES

The public hearing relative to the request by Mark Augustine with Yaggy Colby for a rezoning at 17045-17685 W. Observatory Road from R-1/R-2, C-1 to R-1/R-2, C-1, C-2 – Wetland Delineation and to remove some of the C-1 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, 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; 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.

Vern Bentley, 3450 S. Johnson Road – How many acres is this?

Ms. Bennett – The larger piece is 9.9 acres, and the smaller piece is 3.3 acres.

Mr. Bentley – Isn't this one that was here a while back at a public hearing where they wanted to put ten homes on the ten acres?

Ms. Bennett – There was a conceptual plan here on September 11, 2006 for a subdivision on the 9.9 acre piece.

Mr. Bentley – At that time, I mentioned the same thing I am going to mention now. I have the Cari Adam Subdivision across the street from me and Rustic Ridge went in next to it because Cari Adam Subdivision could not be extended. That is what will happen to this one when they talk about not extending the subdivision on Horizon Drive. Rustic Ridge is 38 homes on 185 acres, which follows the 5 acre density. We have Settlers Ridge on Wehr Road with 15 homes on 75 acres, which is a 5 acre density. They wanted 18. We have Poplar Creek Subdivision with a 5 acre density South of Cleveland and West of Calhoun Road. We also have Wildwood Subdivision which is South of Beres Road and West of Calhoun Road. They all had to follow the 5 acre density. The only reason I am bringing this up is that on the night of that meeting after the residents were through speaking and the Commissioners were speaking, Commissioner Gihring made the statement to everyone including the Developer that if the density would be lowered to either 4 or 5 homes in the 9.9 acres it may be considered. That would still not follow the 5 acre density. I just wanted to bring that up now, just in case the Developer comes in and thinks maybe the Commissioners would allow more homes in that area. With the delineation, will they get more than two homes in the 9.9 acres?

Ms. Bennett – We don't have an application for a land division at this time.

Mr. Bentley – Even when you figure it out all together?

Ms. Bennett – The lot, as it currently stands, does not have 10 acres.

Anne Dubats, 3900 S. Calhoun Road – I think it is necessary to know the full plans for the land before you can change the zoning on it. We have had many problems in New Berlin through the years with things going through with people being guaranteed, and then the City's hands are bound because it has been guaranteed that they can go in and develop. The City can be sued otherwise. Personally, I have a big problem because the parcel above from me was zoned as a business and floods my land regularly.

This is a big wildlife corridor for those of us who live along there. Putting houses there will not stop it. I don't know if you have watched the news about the coyote problem in Brookfield. This big corridor is where they actually move. That is something that needs to be taken into consideration because you will have problems with the creek being the natural place where the animals go.

I agree it is not fair to make some people have the 5 acre density and not others. For those of us that live here, there are water issues. I know since they put in Ronald Reagan School and the condos on the corner of Observatory Road, it has switched the underground water terrifically. I know Mr. and Mrs. Kiefer who live directly across from that plot, suddenly after 46 years their basement started to flood after they put in Ronald Reagan School. You forget we all have wells. We can't get into the Lake Michigan system. Keeping the water intact and keeping things nice for those of us who already have homes there is important. To go ahead and say OK to a proposal we don't even

know what will be is not very judicious.

Donald Murphy, 17725 W. Observatory Road – Can you explain what R-1 and R-2 and C-1 and delineating wetlands means?

Ms. Bennett – R-1/R-2 is a single-family residential district with a 5-acre density.

Mr. Murphy – What is the difference between R-1 and R-2?

Ms. Bennett – It is all one district. That is the way it is labeled.

Mr. Murphy – Five-acre density means 5 acre minimum lot size?

Ms. Bennett – Correct, and they are not proposing to change that on this lot.

Mr. Murphy – What does C-1 mean?

Ms. Bennett – C-1 is Upland Conservancy District.

Mr. Murphy – A-1 is Agriculture?

Ms. Bennett – Correct.

Mr. Murphy – Thank you.

Mayor Chiovatero – To help explain what they are asking for is the zoning was done by aerial photos for a lot of the districts. When the property owner requests to do something with his land, we require them to do a field delineation to actually determine where the areas are, which the developer has done. Right now, in order to make those legal, he needs to go through this process. That is what he is doing.

Bob Pelczar, 17231 W. Treetop Lane – I am wondering why we only have a 100-year floodplain. 100 years is not adequate, it should be 1,000. The world is going to warm. I wonder why it is only 100-year for the conservation area, why doesn't it go to 500 or 1,000? We are going to have a 500-year flood in a short time. Is that City policy?

Mayor Chiovatero – It might have something to do with not having records that far back.

Mr. Pelczar – Oh no, there's records. For instance, a 12" rainstorm would be a 1,000 yr. flood.

Ms. Jones – In that area of the City, that is what is being shown on our base maps. If you look at the location map, it is currently showing you that the 100-year floodplain is currently there. As far as the 500 yr. floodplain, we would have to check with our Storm Water Engineer to see if that is available. Typically, what is on our base maps for the City is what we show at every meeting.

John Bollman, 17200 W. Horizon Drive – I thought that I heard the developer wants to put in ten homes in the 9.9 acres, and wanted to put a street from Observatory Road up to Horizon Drive. Is that correct or incorrect?

Mayor Chiovero – He came to us with a conceptual plan for that. The Plan Commission told him that would not fly. Right now, we have no application for anything. This is just a field delineation. That is what the applicant is asking at this time.

Vern Bentley, 3450 S. Johnson Road – Will the flow of this water be going North? Will it effect the homes that are in the floodplain in Observatory Subdivision?

Ms. Bennett – By the parcels to the South, are you referring to the land division North of Observatory, or just for these two parcels?

Mr. Bentley – The whole property. With the water going through that, does it go across Observatory Road going North? Does that effect the floodplain for the John or Jills Subdivision on Observatory Road?

Ms. Bennett – If they do come forward with a land division in the future, any development could not impact downstream homes. Grading plans would need to be submitted. A plan may have to be done similar to the one that was done to the North of Observatory with Best Management Practices to ensure that any new homes would not impact downstream.

Mr. Bentley – Not necessarily new homes.

Ms. Bennett – We are not changing the floodplain. They did a wetland delineation and are asking to reduce the amount of C-1 area based on soil tests that they submitted and the wetland delineation based on the field delineation by their consultant.

Mr. Bentley – I understand that, but the residents from Observatory Subdivision have been coming here for the last two years, in fact, the Council just changed that Ordinance within the last year, because all these people in Observatory want to get out of floodplain. They are stuck in floodplain and have to pay flood insurance. They have been trying to tell the City for the last two years that there is not a problem with flooding in the area, yet now we are delineating it. It will be interesting to see what happens in the future because of this.

Mayor Chiovero – Just to let you understand, there is not one rock or one leaf being touched on this property. This is just a delineation based on what is actually out there vs. what was a guess at one time.

Mr. Bentley – I understand that, but this is what the people in Observatory Subdivision have been asking the City to do for the last two years.

Mayor Chiovero – There is a long history with that, and we have done a lot in the last few years to help those individuals out of the floodplain where we could.

Mr. Bentley – OK, very good. Thank you.

Ms. Jones – I think we are mixing two items up. They are looking at the C-1 tonight. They are not looking at floodplain. They are not moving the floodplain, they are not doing anything with the floodplain. In fact, the C-1 will still cover the areas where the floodplain is on both of the properties on the North and the South. That is a separate issue. You are correct, the City did adopt the DNR's Model Ordinance, and if anyone were to build a single family home on either of those two lots, we would look at those issues today and they could not negatively effect the floodplain in that area.

Mr. Bentley – Thank you.

JoAnne Kiefer, 4051 S. Elm Drive – I have lived across the street for 46 years. We had surveyors surveying our property and I can't find out why. We have red flags. Somebody tell me why, do they want to widen the road or what?

Mayor Chiovero – We don't know either.

Ms. Bennett – Show me where you are on the map.

Ms. Kiefer – I live on the corner of Elm Drive and Observatory Road. I happen to come home when the surveyors were there, and asked them. They only said they had orders and didn't know why.

Ms. Bennett – Mark Augustine from Yaggy Colby would like to address your question.

Mr. Augustine – One of the issues needed for this project is to delineate the property as well as the topography on the site. To do that, we have to find existing monumentation in the area so we can fit all the property legal descriptions together to get everything to fit where it belongs in that area. So, our survey crew did the survey off the county monuments and brought them into existing monumentation to property along the right-of-way to the road so we could fit those in and make any adjustments as required for distances on legal descriptions vs. what is actually out in the field to determine where the boundary is located on the site. From there, we could locate where the wetland delineation flags were placed by the environmental scientists, and also do the topo shots on elevations to verify where the floodplain location is based on FEMA maps. Typically if our crew is looking for monuments within the right-of-way they try not to go on adjacent properties. Normally, if they were to go on your site, they would go to the house and knock on the door. If that did not happen, you and I need to talk afterwards, and I would need to find out which crew was out at that site.

Mayor Chiovero asked three times if anyone else had a question or comment for 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 if there was anyone wishing to speak in opposition of this

application?

Joe Russ, 16800 W. Shadow Drive – I have to concur with the previous speaker about why this rezoning is being done if there are no real plans for it, and we don't know what their intentions are. There is a wide gap between two houses and ten houses. I am opposed to this because I would like to see more about what they plan to do with the land.

Donald Murphy, 17725 W. Observatory Road – I want to reiterate what the last speaker said. I am also opposed because we don't know what their intentions are.

Anne Dubats, 3900 S. Calhoun – My concerns are about taking more land out of conservancy when it is a corridor. The corridors are necessary if we are going to be city living with a touch of country. I'd like more studies done besides just surveying. More impact studies are needed because all that land is on a hill. I live at the bottom of the hill, and personally have had problems, so all these people in the subdivision below would be calling Cathy Schwalbach.

Ms. Bennett – I would like to clarify a few things. Looking at the location map on the screen, you will see the floodplain area. Taking a look at the before and after proposal, the floodplain area is still going to be within the C-1 Conservancy area, and there is also going to be C-2 area added. This property did not have a C-2 Shoreland/Wetland Conservancy District, but if this rezoning is approved, it will. There is also environmental corridor on the property which is not changing. These two properties are both lots of records. If they were to come forward with building permits to build two homes, we would still require that they come forward with a rezoning to do a wetland delineation on the property. Whether or not they apply for a land division to divide this further in the future, or they just came in with a building permit to put one house here, we would still require the delineation to be done. I wanted to clarify what they are actually doing here.

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

Mayor Chiovero asked for comments or questions from the Commissioners.

Alderman Ament – I think Amy has done a good job of explaining that this property is already zoned R-1/R-2, and both of these lots are buildable right now for one home. Can you explain why the 3.3 acre lot is buildable even though it is not 5 acres.

Ms. Bennett – It is an existing lot of record, which means it was created years ago prior to the 5 acre density requirement. Because it is an existing lot of record, they would need to meet the current setbacks and the requirements of the R-1/R-2 District, but they could apply for a building permit.

Alderman Ament – The 9.9 acre property, at this point, cannot be subdivided because it does not have ten or more acres, correct?

Ms. Bennett – Correct.

Alderman Ament – So they would have to acquire additional land if they wanted to subdivide in the future. So, right now the way it stands, two homes could go on the combined parcels.

Ms. Bennett – That is correct, provided they met all the other requirements of building a home in the R-1/R-2 District.

Alderman Ament – I looked in the Code and I see we have provisions for delineating C-1 that are very similar to C-2. Both of these are required by our Code and that is why they are doing this now. We are requiring them to do this before they come in with additional applications.

Ms. Bennett – I am unfamiliar with the C-1, but delineating a wetland is specifically in our Code. I will look up that section.

Alderman Ament – I am looking at Section 275.22(b)(2). (b)(3) is the C-2, (b)(2) is C-1 and they have the same wording requiring them to be field delineated by a Wisconsin Registered Land Surveyor.

Ms. Bennett – That is correct, if they decide to make a change or propose a change to that district.

Alderman Ament – That is why they are doing that now. They would be required to do that even if they came in to put homes there.

Ms. Bennett – Correct, we would require them to do that because there is a 30' setback from a wetland boundary, and there is floodplain out there.

Alderman Ament – Once this field delineation is done, we know where those lines are, and we know where the setbacks can be so that we can make sure they will meet the codes if they do come in with a building permit.

Ms. Bennett – Correct.

Alderman Ament – I know if it is a conservation subdivision application, we require the C-1 to have a conservation easement. Is that something that should be done on this, rather than just C-1? Should we be looking at making this C-1 now that is delineated, a conservation easement, or is C-1 still the route to go seeing that it is not a subdivision?

Attorney Blum – We have done that with larger tracts of land when there has been a development application. Right now, we're delineating these wetlands, so I don't think we have a development application that is currently pending. I think the time to recognize that easement would be at the time of application.

Alderman Ament – That could be at the time they pull permits for whatever they are going to do.

Attorney Blum – That is certainly possible. They could do the easement now, but we have not made that request of them.

Alderman Ament – Would the bike and pedestrian facility be within the C-1 and C-2 area?

Ms. Bennett – Yes, that is part of the Alternative Transportation Plan. It would be South of the wetland area.

Alderman Ament – Normally, that requires a 25' easement. In this case, you would be requiring a 50' easement. Can you explain why that is?

Ms. Bennett – Yes, the comments from our Transportation Engineer read that, “a 50' easement was required for the Ronald Reagan property because if the wetland boundary changes sometime in the future, there is enough area for that trail in the future.” To be consistent with what we asked for on the Ronald Reagan property, we would ask for 50' on this property as well.

Alderman Ament – I understand the concern of the residents in the Observatory Subdivision as far as the surface water and the floodplain, but in this particular application in the documents from Yaggy Colby Associates it specifically talks about the groundwater being at approximately 5', and when you talk about digging a basement you are obviously going more than 5'. There is concern for the person building their. Do we require them to do any filling or is it basically their problem?

Ms. Bennett – At the time of building permit, the Engineering staff would take a look at that to see what would be required for their grading plan.

Alderman Ament – Talking about surface water for floodplain is one thing, but when you get this close to the floodplains and wetlands, and you put those foundations in the ground water, it has an effect on the floodplain. I think that is what the neighbors are concerned about, and that is why they are asking these questions about how it will effect them down the road, especially this particular parcel when the building pad is so close to the floodplain. We are going to have to watch that real close when we get to that point.

Mr. Sisson – Who did the site visit?

Ms. Bennett – I did.

Mr. Sisson – In you statement, you say upon visiting the site and reviewing the SEWRPC composite maps, it is our determination that this area does not have significant value as a C-1 District. How do you measure significant value?

Ms. Bennett – Based on what the SEWRPC composite maps show and seeing that the property has been farmed. That is a key indicator. A C-1 District typically has lots of trees, and in this case, these are farm fields.

Mr. Sisson – OK.

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

Mayor Chiovatero called the Public Hearing closed at 6:40 P.M.

6:01 P.M. (7)AB R-17-06 Observatory Heights Phase II – North Parcel – 3910, 3930, and 4040 Woelfel Rd. – Rezone from R-1/ R-2, C-1 to R-1/R-2, C-1 to remove some of the C-1.

NEW BERLIN PLAN COMMISSION

JANUARY 8, 2007

MINUTES

The public hearing relative to the request by Mark Augustine with Yaggy Colby for a rezoning at 3910, 3930, and 4040 Woelfel Road from R-1/R-2, C-1 to R-1/R-2, C-1 to remove some of the C-1 was called to order by Mayor Chiovaturo at 6:40 P.M.

In attendance were Mayor Chiovaturo, 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; Mark Blum, City Attorney.

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

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

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

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

Joe Russ, 16800 W. Shadow Drive – I am curious about the procedure as to why this will be acted upon tonight. Isn't there usually a lay-over between public hearing and action taken?

Ms. Bennett – The applicant has requested action this evening. They have submitted a letter to the Plan Commission, therefore, it is up to the Plan Commission to decide if they want to take action on this item this evening or wait until next month.

Mr. Russ – OK, thank you.

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

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

Jeff Maas, Security Real Estate – I am part owner of the property. We come tonight to submit for zoning changes based on having an accepted offer on the Southern portion on the three acre lot. When our buyer came to us to find out what he could do and what he could build on the three acre lot, we found out with a C-1 running right through the lot, it was bound by what he could build and how much he could build. We were basing our information off of information from the Planning Department saying that we could disturb more area in a C-1. We were not even going to do all the C-1 zoning changes because we thought they were fair in light of the City telling us we could disturb up to one acre of the C-1 District, which we found out we can't do. So, we are taking the steps to repeal the C-1 back to the floodplain. I am in favor of doing that because it will allow us to use best management practices which will help water flow toward Poplar Creek. It will also allow prospective buyers to build in a bigger area where they would like, rather than being pinned down to just one area. I would ask for your support tonight.

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

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

Vern Bentley, 3450 S. Johnson Road – I wasn't going to say a word about this one until I heard the gentlemen before me mention it will increase the flow of water to Poplar Creek. Right now there are two homes that sit North of Greenfield Avenue and West of Barker Road that had water almost up to the back door of their homes back in 1998 and 1999. The Mayor and some of the Alderman probably already know that these homes could possibly have to be bought up by the City if Poplar Creek gets much more water in it. So, I don't know if this is a good thing or not unless you can slow that water down before it get's up to those two homes where these people are going to be forced out. For that reason I am against it. Thank you.

Karen Woefel Cooper, 3893 S. Woefel Road – I am opposed to anything that changes the floodplain. As someone who farms the property just kitty corner West of there, I know how heavy those soils are. I can't believe the water is going to run right, plus Poplar Creek is full of tree roots, etc. and the water doesn't flow thru that creek very well anyway. To me, it is not common sense.

Mayor Chiovero – To clarify, this is not to change floodplain, it is to change the area zoned C-1 to a field delineation at this time.

Joe Russ, 16800 W. Shadow Drive – When I see how they are changing the C-1, it may not be changing the floodplain, but what you are changing for the conservancy will effect the floodplain. Right now the developer said the buyer can't build a house where he wants to. Well, that is like buyer beware, too bad, too sad. There are other issues at stake here and one of them is floodplain and flooding which will effect other people, the farmers and some of the neighbors. They have been here longer, and to me, their concerns should come first. In that regard, I am against this. Thank you.

Ms. Bennett – I would like to add that you can disturb in the C-1 area. If the C-1 areas was to remain as it currently is, you can disturb certain square footage per lot in that area, so it is possible that a home could be built within that C-1 area if it isn't removed.

Mayor Chiovero – But, this is being removed because it is field delineated, right?

Ms. Bennett – They have submitted soil testing. Part of the argument is that it has been farmed.

Bob Pelzar, 17231 W. Treetop Lane – Toyota, as a company has a 200 year plan. They are very successful. The City should at least do the same. 200 years is not a long time. The things you are deciding now are going to effect people for a long time. You shouldn't build houses on there without doing something to the creek. The creek was put in with a backhoe when the subdivision that I live in and a lot of these other subdivisions were developed just to make money, and the houses were built where they shouldn't have been built. They wouldn't be allowed to be built now, but they are there, and they have to live there. They don't want to be swamped. That creek empties a very large area. Probably about 15% of New Berlin drains down that creek at Observatory Road. You have to figure for, not a 100 yr. floodplain, but a 1000 yr. floodplain. You are making a decision that is going to hurt people in time. You can't keep going with these cheap, easy ways that don't work.

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

Mayor Chiovero asked for comments or questions from the Commissioners?

Alderman Ament – This is a question for the City Attorney. Regarding our Code, Section 275.22(H) concerning re-submittal. The C-1 was rezoned on this parcel in June of last year. Under this section of the code, it says in the event that the owner or subsequent owner of the property desires to repetition the Council to rezone all or part of the land involved in a previous petition, a twelve-month period must elapse from the time of the final decision of one petition to the filing of the subsequent petition unless Common Council has denied the petition without prejudice. How does that apply to this rezoning?

Attorney Blum – Staff, do you have the date the application was made a year ago?

Ms. Bennett – June 13, 2006. It was to remove the C-1 area in the Northwest corner.

Attorney Blum – Was it a different area of the property involved in respect to that adjustment?

Ms. Bennett – Correct. And, it was one property at the time, now it has been divided so we are actually looking at three separate properties.

Attorney Blum – To answer your question Alderman, I think the reason that section is included in the Code, is to prevent a situation where you have an applicant that requests a rezoning and has that application denied, and then continuously brings that same application back hoping for a change of mind of the members of the Plan Commission and Common Council. When they are talking about filing a subsequent petition and make reference to the fact that it was denied with prejudice, they would not have that opportunity. In this case, it is dealing with a different portion of the property. Even though it is a C-1 rezoning, it deals with a different area, so I wouldn't consider that part of the same petition. My interpretation is that this could go forward in regards to that code section as it deals with this application.

Alderman Ament – Maybe it is unclear to me, because it does say the owner or subsequent owner of the property. It is still the same property and the same owner that is applying for this, and it does say unless it was denied without prejudice, which it was not, it was approved. So your determination is that this is ok and we can go ahead with this?

Attorney Blum – That is correct. What I am referring to is the land involved in a previous petition was a different section of C-1 than that portion that is an issue here.

Alderman Ament – Section 275.22(F)(2) states in acting on a rezoning petition, the Common Council shall consider the stated purpose of the proposed zoning district and shall approve the petition only if it finds that, 275.30(G) the proposed rezoning as a minimum action necessary to accomplish the intent of the petition and administrative modification variance or conditional use permit could not be used to achieve the same result. On the staff report on Page 5 (g) it repeats what I just said and then it says no, the parcels could still be developed with single family homes with driveways thru the C-1. I think that is the old wording because the C-1 where the driveways would to go thru is already gone. I am trying to bind this all together. It says we should only approve the rezoning if there is no other way to achieve what they are requesting.

Attorney Blum – From a legal standpoint, the comment I would make is that to some extent what we are dealing with here whenever we talk about a wetland delineation or even an C-1 delineation change, it is not as if we were dealing with whether this is appropriate for a residence district or commercial district, its more a matter of the science of how you define a C-1 or C-2 District. To that extent, it lends itself to an objective evaluation that may be performed by an Engineer, a Biologist, or whomever may be qualified to provide that determination. The criteria as you described it certainly exists in the Code, and as staff has indicated, there are ways that this can be dealt with, but because of the nature of what we are talking about here, it is something that is more objective in nature, not as subjective as what the appropriate uses for a particular district are which is the primary reason that the language you are quoting is included in the Code.

Alderman Ament – Thank you.

Ms. Broge – If this delineation was not made, did you say they could build in the current C-1 District?

Ms. Bennett – Correct.

Ms. Broge – Could you explain that?

Ms. Bennett – If there is C-1 on a property under our Code (Sec 275.37(D)(3)(c)(3) for lots 5 acres or greater with approved private systems, no more than 25,000 sq. ft. of canopy cover can be removed from a 5 acre parcel within the C-1 District and I believe they would need a Conditional Use Permit as well. In this case, there are no trees to cut down, but they could disturb up to that amount of area in that district.

Ms. Broge – So, actually what is being requested is to the benefit of the C-1 District. Without the rezoning they could destroy 25,000 sq. ft.

Ms. Bennett – Correct.

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

Mayor Chiovaturo closed the public hearing at 7:02 P.M.

6:02 P.M. (6)TK R-18-06 Thomas Hammersley – 3461 S. Long Acre Drive. –
Rezone from R-5/C-2 to R-5/C-2 Wetland Delineation.

NEW BERLIN PLAN COMMISSION

JANUARY 8, 2007

MINUTES

The public hearing relative to the request by Thomas Hammersley for a rezoning at 3461 S. Long Acre Drive from R-5/C-2 to R-5/C-2 Wetland Delineation was called to order by Mayor Chiovaturo at 7:02 P.M.

In attendance were Mayor Chiovaturo, 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; 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.

Bonnie Rakowski, 3438 S. Sunny Slope Road – What is the rezoning going to do to the creek area? Is he being allowed to change tree areas?

Mr. Kim – The rezoning would add this portion of C-2 (referred to map) to the property. As was stated earlier, this application is only to change the boundaries, it is not for any kind of development. It will not do anything to the creek. At some point in the future, if he decides to come in and develop the property, there would be measures put in place to protect the creek and setbacks put in place to protect the wetlands.

David Bonin, 13830 Greenhaven Court – Mr. Hammersley and I have talked about the project. I don't have any objections, but I am concerned that the trees are preserved on Mr. Hammersley's property which serves as a divider to my property immediately to the East. When would be the best time to bring this topic up?

Mr. Kim – Mr. Hammersley has a land division on the agenda later tonight. The wetland

area and the creek runs along the North. As part of our Code, a 50' setback is required from the creek. A 30' setback is required for wetlands.

Mr. Bonin – I understand that. My concern is about the trees.

Mr. Kim - That would include not being able to cut down any trees unless they are dead or dying trees in the wetlands. The city would be asked to verify this.

Mr. Bonin – I will wait for agenda item #7.

City Attorney Blum – There won't be an opportunity to speak then unless the Commission allows for comment. The public hearing is the only opportunity you will have to speak on this. Privilege of the Floor is another opportunity to speak on anything on the agenda and would be the appropriate time for you to bring this up.

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

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

David Bonin, 13830 Greenhaven Court – I have no objections as an abutting land owner.

Mayor Chiovero asked three times if anyone else wished 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.

Mr. Sisson – Each page of the endangered species list included in our packet is marked confidential. What does that mean?

Ms. Jones – Sometimes the DNR asks that we keep some of this information confidential so that the species are not killed. They are careful, for instance, in letting us know exact sites of the Butler's Garter Snake.

Alderman Ament – I was out there the other day looking at this property and I ran into Mr. Hammersley. One of the things I noticed was that there were no rezoning signs posted.

Mr. Kim – Our normal procedure is to request Streets Dept. to put out signs at least two to three weeks prior to them being on the agenda for Plan Commission. A request was made for this sign and they have been good about doing this, so I can only hope that someone moved it, stole it, or knocked it over.

Mayor Chiovatero – There has never been a sign there.

Ms. Jones – We will be more careful in the future to double check.

Alderman Ament – I don't think we are getting a clear picture on the staff reports on the previous action. When I was talking to Mr. Hammersley he mentioned that around the year 2000 the City requested that he purchase part of the land to the East of him which includes unplatted lands and part of the subdivision to the East and North. Is there any reason why he had to purchase that?

Mr. Hammersley – What happened in this particular case is that as we went through this development, it looked like we were going to have a double cul-de-sac and it required that I have enough land to the East in order to effectively put two houses on the cul-de-sac. I had the United Financial Group agree to give me the property to the East of the cow path. I own the property to the West of the cow path. The cow path was really an unplatted parcel of land. It is not a part of the parcel that runs all the way to National Avenue. The United Financial Group and Park Central assumed ownership of it with their CSM and I assumed I could do the same thing. It was their impression that that was the case, but then when I went to the City and said that I owned the parcels on both sides, it is unplatted, and I should be able to make it part of the parcel. They said that it would need to be acquired. Nobody knew who owned it. We came to find out that it was part of the original parcel to the East that wasn't properly drawn up in the property description. It was still owned by five New Berlin residents, three of which are deceased. It was quite an ordeal to go through a title search, and then to approach these people who decided that I could acquire this property that lay between what I owned on the East and West, but had to accept the property all the way to the North as part of it. The legal fees, surveying costs, and title search fees to accomplish this ended up to be quite a bit of money and it wasn't required of Park Central, so my question to Mr. Ament at that point in time was why me and not them? That has been the process all along.

Alderman Ament – That helps explain that strip. Is the section that is East of this cow path part of this subdivision or part of the other subdivision?

Mr. Kim – It is part of Mr. Hammersley's property.

Alderman Ament – I know it is part of his property and he owns it, but is it part of the same subdivision that is on the West side of the cow path or is it part of the other subdivision?

Mr. Hammersley – I have a plat map of what is East of the cow path, if that is of any use.

Alderman Ament – I will let staff look at that. If this is part of a different subdivision, can it be included in this without replatting it?

Ms. Jones – It appears on this version of the plat that it is out lot #2 of that subdivision, however, I thought that parcel had been transferred to that owner prior to this final. I will have to do more research on that.

Alderman Ament – I would hope to avoid a situation that I have seen in the past that could involve including someone else's property a part of another subdivision without going through the proper process. I am assuming that Parcel #3 is part of the subdivision where Long Acre Drive is. I am assuming that the cow path is the end of the subdivision.

Mr. Kim – No, it extends into this portion a little to the East (referred to map).

Alderman Ament – Is Parcel #3 in that subdivision with Lots 1, 2, 3, 4 ?

Mr. Kim – I can check into that.

Alderman Ament – I went out there and was looking at the cul-de-sac situation and the first thing that came to mind is that it was obvious that the way it was built was intended to go through to the other subdivision. The other subdivision is now developed and has a cul-de-sac, so it is not going to go through to there. The City's right-of-way ends at the property line, and I don't know how that would be resolved. I also could not find in the information from the County if part of the cul-de-sac bulb that goes across Lots 1, 2,3 is a temporary easement cul-de-sac or a permanent cul-de-sac. If it is a temporary easement, how is that being addressed? I want to make sure it is recorded properly on the deeds and CSM.

Mr. Jones – This was discussed with Ron Schildt during the project, and I believe the cul-de-sac was constructed as it was at that day and time. Ron can explain further.

Mr. Schildt – We have a full right-of-way except for the small corner where it makes the 90 degree turn. The bulb part of the existing cul-de-sac is the full 120' across with pavement 75-80 ft. which is our typical paved surface area for the bulb. It is not temporary, it is permanent.

Alderman Ament – How would we address this area where the road going up to the property line looks temporary?

Mr. Schildt – We are going to have him remove a portion of that so that we only have the circular bulb in place. It should define that it is a driveway.

Alderman Ament – If it becomes a shared access, I would assume that somewhere along the line, we would want to abandon the piece where the right-of-way is now, correct?

Mr. Schildt, No, actually we want to keep that because there are utilities there. There is a fire hydrant that is just to the East. We would keep that area as a right-of-way.

Alderman Ament – Where this road would have gone into this property and up to that cow path, it shows a 60' drainage easement on the wetland area rezoning CSM, but on the County's maps it also shows it as a future road. Do we have a road reservation there?

Mr. Schildt – If it is a road reservation, it is nothing more than reserved and not actually right-of-way. With the CSM combining these, we will be taking a 30' utility easement in that area, removing the reservation because the road is not going to be going through.

Alderman Ament – How is the drainage ditch on that side of the easement or reservation going to be handled once drives are put in?

Mr. Kim – It will be diverted and buried in the center of the easement and drain out into the wetland. They had proposed an exposed drainage system, but staff recommended it be enclosed.

Alderman Ament – I am still concerned about the Eastern part not being part of that platted subdivision, and assuming Parcel #3 is the end of the subdivision.

Mayor Chiovaturo – The subdivision does not extend that far. The subdivision is to the South of those parcels. Those are all separate CSMs. These homes are not part of Green Ridge Subdivision.

Alderman Ament – Which homes are you referring to?

Mayor Chiovaturo – Lots 1,2,3,and 4.

Attorney Blum – There are references on each lot to a CSM that was recorded to create them, so Lot 1,3,4 are all part of CSM 3668 and Lot 1,2,3 in the upper left are a separate CSM.

Alderman Ament – Where it says Lot 3, which would be directly North if you were on Long Acre Drive and kept going, the lot to the East or right of it on the map says Parcel 3.

Attorney Blum – That is right. You see it is a separate CSM. It says 3668 on the map in your packet.

Alderman Ament – So it is not part of that subdivision to the West.

Attorney Blum – Apparently it was done by a CSM rather than as a platted subdivision. That is why those references are on the survey.

Alderman Ament – Is the area to the East of that on the other side of the cow path part of that other subdivision?

Attorney Blum – That refers to Park Central. I am assuming that is separate. There is no reference to a CSM there.

Alderman Ament – Could we be getting into a problem if we approve something where we have part of a subdivision and part of it not?

Attorney Blum – First of all, we're dealing with the wetland delineation right now. For the sake of discussion, I am not sure why that would be an issue given the way these are configured.

Alderman Ament – Should I bring that up when we discuss the land division?

Attorney Blum – That would be more appropriate.

Alderman Ament – Should we be concerned about the report on endangered species?

Mr. Kim – The DNR's letter mentions that it is a navigable waterway, but there is no mention of any endangered species. These habitats are consistent with some of the species mentioned in the report.

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

Mayor Chiovatero closed the public hearing at 8:02 P.M.

NEW BERLIN PLAN COMMISSION

JANUARY 8, 2007

MINUTES

***AMENDED**

PRIVILEGE OF THE FLOOR

The Plan Commission Meeting was called to order by Mayor Chiovero at 8:02 P.M.

In attendance were Mayor Chiovero, 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; Mark Blum, City Attorney.

Motion by Alderman Ament to approve the Plan Commission minutes of December 4, 2006. Seconded by Mr. Sisson. 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)

Item remains tabled.

2. (2)TK U-21-04 National Regency New Berlin Expansion III – Modification –
13750 W. National Ave. – Senior Building – Modification to Original
Plans. (Tabled 11/6/06, 12/4/06)

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

Motion by Mr. Sisson to approve the request for use, site and architectural approval for an additional 47 independent and supportive care residences to be added to the National Regency campus located at 13750 W. National Avenue, along with the parking waiver request subject to the application, plans on file, and the following conditions:

WAIVER REQUEST: Some interior parking stalls are shown on plans as 18' x 9' or even as low as 17'x9'. Applicant shall request a waiver from Plan Commission that allows for the approval of parking stalls fall below the City's Parking Development Standards.

- 1) Plan of Operation
 - a) The additional 47 units is broken down into 12 – 1 bedroom units and 35 – 2 bedroom units.
 - b) Applicant will be providing 66 new surface parking spaces, along with 62 underground parking spaces.
- 2) Engineering
 - a) Interior parking stalls are shown as 18' x 9'. Some have obstructions, foundation bump-outs, doors, columns, etc. which limit their size. Applicant shall request a waiver from Plan Commission that allows for the approval of parking stalls that fall below the City's Parking Development Standards.
 - b) Please see to it that a consistent slope is incorporated in the vicinity of the patio and ramp to the prep kitchen. The ramp appears steep (about 13.5% for the 25' closest to the building). The cross-slopes between the ramp and the East access drive are steep as well. Extend the guard rail and retaining wall at the patio to include that part of the ramp that is higher than 861.0' (about another 25').
 - c) It appears that there is a window well that is located between the service ramp and the building. Please submit a plan or a detail that shows this area more clearly, along with proposed elevations at the top of the well.
 - d) Staff is looking for some exposure along the East side of the building. 861.5' would be acceptable. Two balconies rather than patios would be needed there. When future addition IV is built, along the East side, the City will again require 861.5' for the first 50' of the addition closest to addition III, and 860.0' max from 60' to 80' North of addition III.
 - e) Applicant shall submit a lighting plan for all on-site parking, circulation and pedestrian areas. Plan shall follow City standards (Zoning Code Section 275-60 I). Plan shall show light pole layout with illumination levels and chart with photometric summary information. The submitted lighting plan still does not meet the Zoning Code requirements.
 - f) Original plans had shown the two storm inlets along the interior road on the plans being on opposite sides of the road (one being on either side). The latest plans show those two storm inlets on the same side of the road. Please see to it that there is one storm inlet on both sides of the road as approved on earlier plans.
 - g) Please see to it that the area designated for Addition 4 is graded according to the overall approved grading plan for the property.
 - h) Applicant shall abide by all conditions of the Developer's Agreement.

- i) A plat of survey stakeout for the addition, stamped by an RLS, is required to be submitted with the building permit application.
 - j) Prior to issuance of the building permit, an erosion control permit is required and silt fence shall be in place.
 - k) Applicant shall address all utility concerns identified in a separate letter.
- 3) General
- a) This approval and application is only for the approval of Building Addition 3. All future additions shall require separate applications and Plan Commission approval.
 - b) Buildings must meet all applicable building and fire codes. The building shall be fully sprinkled. Only one fire department connection (FDC) will be approved.
 - c) During construction there will be no parking in Fire Lanes.
 - d) Per NFPA 1 29-2.3.1 a water supply for fire protection either temporary or permanent shall be made available as soon as combustible materials arrive on site.
 - e) Per NFPA 1 29-2.3.2 where underground water mains and hydrants are to be provided, they shall be installed, completed, and in service prior to construction work.
 - f) Fire lane along one side of the building is required. Applicant has added one fire lane on the east side of the building addition.
 - g) Intelligent alarm system required.
 - h) Knox Box required.
 - i) Yard Hydrant required.
 - j) Building plans shall be stamped by a registered architect or engineer.
 - k) Building plans shall be approved by the Wisconsin Dept. of Commerce. (Comm. 61.70 Certified municipalities and counties. (5)(c)3.
 - l) Apply and obtain appropriate building, plumbing and electrical permits.
 - m) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.

Seconded by Mr. Felda. Motion carried unanimously.

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

Item remains tabled

4. * (4)GK LD-15-06 Willow Tree Center – 16060 W. Rausch Ct. – Ne ¼ Sec. 34 – Four-Lot Land Division. (Tabled 12/4/06)

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

Motion by Mr. Felda to recommend to Common Council approval of the four (4) lot Certified Survey Map for the property located at 16060 W. Rausch Court, subject to the application, plans on file and the following conditions:

- 1) Applicant shall correct all drafting errors identified by Staff prior to signing the final CSM.
 - a) Applicant shall correctly label the dedicated 50-foot ROW on Small Road.
 - b) CSM scale to be properly adjusted to be accurate.
 - c) Applicant shall correctly show and identify recorded document number with Waukesha County identifying the 40-foot wide access easement from Moorland Road guaranteeing future access to Lot 3 through Lot 2 and 4.
 - d) Applicant shall correct legal description for Wetland Area #3.
- 2) 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) Any future development shall be required to field delineate all wetlands and work with the City to rezone those areas at that time.
- 4) An access permit / review letter from Waukesha County approving the access from Moorland Road shall be on file with the City of New Berlin prior to any building permits being issued by the City.
- 5) The City's Alternative Transportation Plan indicates the planning for a trail on the south end of parcels 3 & 4. A 25-foot easement shall be shown on the CSM and a trail built to City standards shall be required as part of the Land Division application, and shall be built in conjunction with the development of Lot 2 as part of the use, site & architecture approval/application.
- 6) Ultimate ROW for Small Road is 100-feet (50-feet on each side of the centerline). Existing ROW is 66-feet. The developer shall dedicate the northerly 17-feet along Small Road to the City of New Berlin for public right of way purposes prior to the City signing the CSM.
- 7) A 40-foot wide access easement agreement shall be recorded and identified on the CSM providing access to Lot 3.
- 8) A 40-foot wide access easement agreement shall be recorded and identified on the CSM providing access to Lot 2 through Lot 1 with access onto Small Road along the eastern border of Lot 1.
- 9) A landscaping / buffer plan shall be provided at time of use, site and architectural approval for Lot 1 for the access drive. The applicant shall be required to provide a buffer with landscaping on Lot 1 to alleviate nuisance issues related to the access point.
- 10) Applicant shall address all engineering & planning concerns outlined in a letter dated November 22, 2006.

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

5. (2)AB U-8-06 Sunny Slope Retail – 3333 S. Sunny Slope Road – New Retail Building (Tabled 4/3/06, 10/2/06, 11/6/06)

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

Motion by Mr. Felda to approve the Use, Site and Architecture for the construction of a Phase 1, 10,960 square foot multi-tenant retail and professional office building located at 3333 South Sunny Slope Road, subject to the application, plans on file and the following conditions:

- 1) Site Plan:
 - a) Approval of the landscaping plan and payment of all sureties are required prior to issuance of Zoning Permits. Landscaping plan must 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. Landscaping Plan to be approved and signed by the Department of Community Development prior to installation of any materials.
- 2) Storm Water:
 - a) Applicant shall address all storm water concerns addressed in letter dated January 3, 2007 prior to issuance of the Zoning Permit.
- 3) Engineering:
 - a) A CSM (Certified Survey Map), quit claim deed or other means of dedication shall be submitted to the City of New Berlin showing the ultimate right-of-way (ROW) dedicated to the City along Sunny Slope Road and the combination of the single-family lots for this project to update the City of New Berlin records prior to any building permits being issued.
 - b) Applicant shall address all engineering construction concerns outlined in letter dated January 3, 2007.
- 4) Transportation:
 - a) Pavement markings for one-way operation in south portion of lot need to be at the entrance and exit ends of the drive aisle (near the signs).
 - b) Temporary turn around area on the west end is not large enough to function properly. Applicant shall move this to a location further west where a full sized turn around area can be provided, or end the Phase I lot just west of the dumpster location. The entire lot can be constructed up to the west property line, but barricaded off until Phase II is completed.

- c) Driveway grades on the access point to Sunny Slope Road appears to be okay within the ROW; however, once onto the property, the excessive grade shall be corrected while maintaining proper lot drainage requirements.
 - d) The northeast corner of the lot curb line shall be lowered to provide better cross- slope drainage from the building side to the east side curb in this area, and to provide a better transition to the eventual drive aisle connection to the parcel to the north. A 3% cross-slope would be ideal for the entire parking lot in front of the building from west to east. In addition, the storm sewer and inlet in the northeast portion could possibly be removed, and use the curb line to convey the storm water to the inlet near the 4th parking stall north of the driveway. Dual inlets shall be required.
- 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 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) Developer shall obtain permits and inspections for sewer and water disconnects prior to the issuance of required wrecking permits for residential structures.
 - f) Building shall have a separate dedicated meter room for water service.
 - g) Plans submitted for building use approval shall show location of any exterior HVAC equipment.
- 6) Applicant shall address all Fire and Utility Department conditions outlined in January 3, 2007 letter.

Seconded by Mr. Sisson. Motion carried unanimously.

NEW BUSINESS

6. (4)GK R-14-06 Willow Tree Center – 16060 W. Rausch Ct. – Rezone from A-2,A-1, C-1, C-2 to R-1/R-2,M-1,C-1,C-2. (Public Hearing 12/4/06)

Motion by Mr. Gihring to recommend to Common Council adoption of an ordinance that approves the rezoning of the lands known as approximately 16060 W. Rausch Court (Taxkeys: 1288998 and 1285993) from A-1, A-2, C-1 and C-2 to R-1/R-2, M-1, C-1 and C-2 (delineate wetlands).

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

7. (6)TK R-18-06 Thomas Hammersley – 3461 S. Long Acre Drive. – Rezone from R-5/C-2 to R-5/C-2 Wetland Delineation.

Motion by Alderman Ament to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 3461 South Long Acre Drive from R-5/C-2 to R-5/C-2 to field delineate the wetlands.

Seconded by Mr. Gihring. Motion carried unanimously.

8. (2)AB R-15-06 Sunny Slope Retail – 14151 W. National Ave. – Rezone from Rm-1 to B-2. (Public Hearing 12/4/06)

Motion by Ms. Broge to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at approximately 14151 W. National Avenue from Rm-1, Multi-Family Residential District to B-2, General Retail Sales and Service District.

Seconded by Ms. Sisson. Motion carried unanimously.

9. (7)AB R-16-06 Observatory Heights Phase II – South Parcel– 17405-17685 W. Observatory Rd. – Rezone from R-1/R-2, C-1 to R-1/R-2, C-1, C-2 - Wetland Delineation and to remove some of the C-1.

Motion by Mr. Sisson to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 17405-17685 W. Observatory Road from R-1/R-2, C-1 to R-1/R-2, C-1, C-2 to remove some of the C-1 Zoning District and field delineate the wetlands.

Seconded by Mr. Felda. Motion carried unanimously.

10. (7)AB R-17-06 Observatory Heights Phase II – North Parcel – 3910, 3930, and 40400 Woelfel Rd. – Rezone from R-1/ R-2, C-1 to R-1/R-2, C-1 to remove some of the C-1.

Motion by Mr. Felda to recommend to Common Council adoption of an ordinance that rezones the properties located at 3910, 3930, and 4040 Woelfel Road from R-1/R-2 & C-1 to R-1/R-2 & C-1 to remove and field delineate the C-1 Zoning District.

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

Motion by Mr. Sisson to adjourn the Plan Commission Meeting at 8:56 P.M.
Seconded by Alderman Ament. Motion carried unanimously.