

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

PUBLIC HEARING

6:00 P.M. (3)AB R-12-06 Sandel Wetland Rezoning – 18790 W. Cleveland Ave. –  
Rezoned From R-1/R-2/C-2 to R-1/R-2/C-2 Wetland Delineation.

**Rescheduled For November 6, 2006**

**NEW BERLIN PLAN COMMISSION**

**October 2, 2006**

**MINUTES**

Privilege of the Floor

The Plan Commission Meeting was called to order by Mayor Chiovatero at 6:12 P.M.

In attendance were Mayor Chiovatero, Mr. Sisson, Mr. Barnes, Mr. Felda, Ms. Broge, Mr. Gihring, and Alderman Ament. Also present were Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Tony Kim, Associate Planner; Eric Nitschke, Storm Water Engineer; Mark Blum, City Attorney.

Motion by Mr. Sisson to approve the Plan Commission minutes of September 11, 2006.  
Seconded by Ms. Broge. Motion carried with Alderman Ament voting present.

Plan Commission Secretary's Report - none

**REFERRAL FROM COMMON COUNCIL**

1. (7)AB R-2-06 Tiziani Golf Car Corp. – 4485 S. Racine Ave. – Rezoned from Q-1/PUD to Q-1/ PUD to amend the Legal Description and Uses Contained in Ordinance No. 1046. (Public Hearing 5/1/06, Tabled 7/10/06, 8/14/06)

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

Motion by Alderman Ament to recommend to Common Council adoption of an ordinance that amends the previously approved Q-1/PUD Ordinance No. 1046 to more accurately reflect the legal description of the property and to include, in addition to the golf cart sales and service, the following additional permitted uses consistent with the intent of the rural West side, the GDMP, and the Master Plan for Lot 1 only within the Q-1/PUD located at 4485 S. Racine Avenue:

1. Farm Equipment Sales and Service.
2. Greenhouses.
3. Veterinary Clinics
4. Passive Park & Recreational Facilities
5. Recreational Trails
6. Raising of Crops
7. Keeping and Raising of Animals.

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

## CONTINUED BUSINESS

2. (4)AK SG-44-04 Motion Health & Fitness – 14999 W. Beloit Rd. – Wall Sign. (Tabled 9/13/04)

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

Motion by Mr. Felda to conclude that this business has multiple street frontages per Section 275-611(2)(a) and recommend approval of a third sign for Motion Health and Fitness subject to the application, plans on file, and the following conditions outlined below:

- 1) Applicant shall be required to submit revised plans that identify the location of the sign, the dimensions of the sign and the sign superimposed onto the building elevation prior to installation of signage.
- 2) Applicant and/or property owner will be required to sign off on a Uniform/Coordinated Sign Standard for the Motion property prior to installation of any signage.

Seconded by Mr. Sisson. Motion carried unanimously.

## NEW BUSINESS

3. (3)AB R-12-06 Sandel Wetland Rezoning – 18790 W. Cleveland Ave. – Rezone From R-1/R-2/C-2 to R-1/R-2/C-2 Wetland Delineation.

No Action.

4. (7)NJ LD-11-06 TRD Real Estate – Temp. 17900 Observatory – Ne ¼ Sec. 21 – Three-Lot Land Division.

Motion by Mr. Sisson to recommend to Common Council approval of a three (3) lot Certified Survey Map for the property located at 17900 W. Observatory Road subject to the application, plans on file and following conditions:

- 1) Applicant shall correct all drafting errors identified by Staff prior to signing of the final CSM.
- 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) The note on the CSM regarding the razing of the existing outbuildings is incorrect in that the owners have applied to the Board of Appeals to allow the building closest to Woelfel Road to remain.
- 4) The principal structure on parcel 5 shall be constructed within one year of the signing of the CSM by the City or the accessory buildings shall be razed within that same one year time period. Plan Commission may grant an extension to this requirement upon request from applicant / owner.
- 5) Applicant and/or new property owners shall apply and obtain appropriate building, plumbing and electrical permits prior to any construction on any parcel.
- 6) There shall be no encroachment of any structure(s), placement of fill or any type of construction in the delineated floodplain and C-1 district located on these parcels without prior review by the City of New Berlin and adherence to all applicable regulations. No more than 20,000 square feet of land may be disturbed within the C-1 district per lot. The 20,000 square feet is to include, driveways, walkways, all structures and septic system.

- 7) Per New Berlin Ordinance 2193, Section 5.1.a-c, the amount of storm water runoff shall be reduced from the 100-year post development condition to the 10-year pre-development condition. This requirement may be met through a variety of storm water Best Management Practices (BMP's).
- 8) A management plan and maintenance agreement shall be required for any proposed BMP's.
- 9) If more than 1 acre of land is disturbed on any individual lot and more than 10% of the impervious area is considered connected, a DNR NR-216 (Notice of Intent NOI) permit shall be required.
- 10) Since there will be no public utilities applicant will need to coordinate with Waukesha County and DNR for septic and well permits.
- 11) If placed within the FEMA mapped floodplain, all on-site sewage disposal systems shall be floodproofed, pursuant to s. 7.5 of the City's Floodplain Ordinance to the flood protection elevation and shall meet the provisions of all local & county ordinances and ch. COMM 83, Wis. Adm. Code.
- 12) If placed within the FEMA mapped floodplain, all wells shall be floodproofed, pursuant to s. 7.5, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code and meet county ordinances.
- 13) Applicant shall show the 100 year floodplain on the CSM and provide cross-sections and elevations of the 100 year floodplain on the Plat of Surveys at time of building permit application submission.
- 14) All lot pipes for this CSM shall be installed before plat is recorded.
- 15) A 40' wide drainage easement along the South 40' of lot 4 shall be required. The existing 30' drainage easement located on the North lot line of what will be lot 4 can be eliminated. The surveyor shall add a note to the CSM to vacate this easement.
- 16) The existing 40' public "public access easement" shall be revised to serve as a "pubic drainage and access easement" to account for the additional drainage for this lot.
- 17) The new addresses will be as follows:
  - a. Lot 4: 4000 S. Woelfel Road;
  - b. Lot 5 is temporarily 4040 S. Woelfel Road, but it is a corner lot and if the house and driveway face Observatory Road the address will change; and
  - c. Lot 6: 17710 W. Observatory Road.

Seconded by Mr. Felda. Motion carried unanimously.

5. (6)AB LD-10-06 Park Central – Multi-Family – 13800 W. Park Central Blvd. – Nw ¼ Sec. 13 – Two-Lot Land Division.

Motion by Mr. Barnes to recommend to Common Council approval of the Certified Survey Map for the property located at 13800 Park Central Boulevard subject to the application, plans on file and following conditions:

- 1) Applicant shall correct any drafting errors identified by Staff prior to signing of final CSM.
- 2) All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.

Seconded by Mr. Sisson. Motion carried unanimously.

6. (3)AB U-62-06 Ron & Sherry Reuteler, 1440 S. 170<sup>th</sup> Street – Kitchen Remodel.

Motion by Mr. Barnes to approve the request for Use Approval to allow Ron & Sherry Reuteler to construct an addition to an existing non-conforming single-family home located at 1440 S. 170<sup>th</sup> Street, based on the following reasons outlined below, and the plans and application on file:

Findings:

- 1) Per Zoning Code Chapter 275-49 "Additions and enlargements to non-conforming structures with a conforming use are permitted and shall conform to the established building setback lines along streets and the yard, height, parking, loading and access provisions of this chapter. The Plan Commission may, upon the presentation of evidence showing practical difficulty, permit modification to the yard..... provided that the encroachment upon such requirements is no greater than the existing legal encroachment"
- 2) Existing home is a legal non-conforming structure due to setback of approximately 25-feet from front lot line (170<sup>th</sup> Street) to fascia (any relatively broad, flat, horizontal surface, as the outer edge of a cornice). R-5 zoning requires a 40-foot front setback.
- 3) The Zoning Code definition of front yard setback is "The horizontal distance between the base setback line (lot line) and the nearest roofed or enclosed portion of a building or any projection thereof, excluding uncovered steps and stoops, gutters and awnings."
- 4) The home addition overhang is at the same legal non-conforming setback from the front lot line or base setback line as the current overhang. (The applicant is not encroaching into the front yard setback any more than their existing one story home does. The addition will match and blend in with the existing home).
- 5) Apply and obtain appropriate building, plumbing and electrical permits following the issuance of a Zoning Permit and prior to starting construction.

Engineering Department Conditions:

- 6) Drainage from this lot shall not adversely effect, impact any adjoining- neighboring lots.
- 7) If there are additional drain tile to be added for the proposed additions to the existing structure, the drain tile shall connect to the existing system and/or if a sump crock is added it shall drain out the front foundation wall of the house as per the code.

Seconded by Ms. Broge. Motion carried unanimously.

7. ( )AK PG-741(5) - Zoning Ordinances Changes – Section 275-41C(10), 275-42 F, 275-42 E(1) – Temporary Outdoor Storage Units. (Public Hearing 9/11/06)

Motion by Alderman Ament to recommend to Common Council adoption of an ordinance that approves the updates to the current sections of the New Berlin Zoning Ordinance related to outdoor storage; to include language and restrictions related to Temporary Outdoor Storage Units.

Seconded by Mr. Sisson. Motion carried unanimously.

8. ( ) GK PG-293 Alternative Transportation
- Requested Action Statement from Alderman Ken Harenda regarding Suspending Alternative Transportation Facilities Project – Kelly Lake Trail Phase I.
  - Review of Alternative Transportation Plan and Implementation of Priorities.

Motion by Mr. Gihring to deny the request by the Common Council to refer a request to the Alternative Transportation Subcommittee (subcommittee) that they conduct a full assessment of the current implementation status of the Alternative Transportation Plan ("Plan"). This shall include a comprehensive review of all proposed connections, alternatives to those connections, cost-benefit analyses, resident surveys, a review of advantages & disadvantages of each connection, a revised ranking of connection implementation and maintenance policies. The results of this review shall be due back to the Plan Commission no later than December 31, 2006. Denial based on the following:

- 1) The Alternative Transportation Committee recommends that a complete update of the bicycle and pedestrian facility plan should only be done in parallel with related components of the Master Plan; (i.e.) Park & Open Space Plan, Transportation Plan. The updated plan should include an expanded maintenance section. Citizen input and surveys should be required for plan updates.
- 2) The Alternative Transportation Committee recommends that alternative routes, cost benefit analysis, and detailed maintenance cost analysis and policy are part of the engineering design for each trail segment and should not be included as a part of the Master Plan.
- 3) The Alternative Transportation Committee recommends not to suspend all bike and pedestrian planning, design, and development until the 2010 Master Plan is complete. Each proposed project should be approved on it's own merit.

Seconded by Mr. Felda.

City Attorney Blum said this is a directive by Common Council. It is not up to Plan Commission to reject it. These are valid points that Common Council should possibly be aware of, and a report should be prepared identifying the issues and requesting some clarification based on your comments. Your motion would be that the Commission accept the Alternative Transportation Committee Report and forward that on to Council in response to the motion that the Council made to direct this to you.

Mr. Gihring said the Alternative Transportation Committee has offered to convene another meeting to review and update the implementation plan including priorities and estimated costs. The Committee could also review the sidewalk, sidepath, and recreational trail maintenance policy.

Alderman Ament said another Alternative Transportation Committee meeting should be held before we pass this on to Council.

Mayor Chiovatero said another Alternative Transportation Committee meeting is planned to be held. It is planned to try to coincide with Alderman Harenda's schedule so he can express his concerns.

Motion and second to deny is withdrawn.

Motion by Mr. Gihring to table the request by the Common Council to refer a request to the Alternative Transportation Subcommittee (subcommittee) that they conduct a full assessment of the current implementation status of the Alternative Transportation Plan ("Plan"). This shall include a comprehensive review of all proposed connections, alternatives to those connections, cost-benefit analyses, resident surveys, a review of advantages & disadvantages of each connection, a revised ranking of connection implementation and maintenance policies. The results of this review shall be due back to the Plan Commission no later than December 31, 2006.

This item is tabled until further meetings and discussions take place.

Seconded by Mr. Sisson. Motion carried unanimously.

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

Motion by Mr. Barnes to table the request to rezone the property located at 13050 West Cleveland Avenue from I-1, Institutional District to Rm-1/ PUD and C-2/ PUD based on the letter from the applicant.

Seconded by Alderman Ament. Motion carried unanimously.

10. (3)GK/AB CU-2-03 Certified Products – 19000 W. Lincoln Ave. – Plan of Operation and Reclamation Plan for Giepel property. (Public Hearing 3/3/03, 5/5/03, Tabled 6/2/03)

Motion by Mr. Barnes to table the request for a nonmetallic mining reclamation permit for the property located at 19000 W. Lincoln Avenue based on the letter from the applicant.

Seconded by Alderman Ament. Motion carried unanimously.

11. (5)NJ LD-1-06 Diamond Estates – 13251 W. Coldspring Road – 3-lot land division. (Tabled 4/3/06)

Motion by Mr. Barnes to table the 3-lot Certified Survey Map for the property located at 13251 W. Cold Spring Road based on the letter from the applicant.

Seconded by Alderman Ament. Motion carried unanimously.

12. (2)AB U-8-06 Sunny Slope Retail – 3333 S. Sunny Slope Road – New Retail Building (Tabled 4/3/06)

Motion by Mr. Barnes to table the new retail building located at 3333 S. Sunny Slope Road until the November 6, 2006 Plan Commission per the applicants request.

Seconded by Alderman Ament. Motion carried unanimously.

13. (1)AB U-85-98 D.C. Investments – 13050 W. Cleveland Ave. – Senior Housing Development (No action 12/7/98, 11/8/99, 7/9/01, Tabled 2/4/02, 9/9/02)

Motion by Mr. Barnes to table the use approval to construct a senior housing development located at 13050 W. Cleveland Avenue per the applicants request.

Seconded by Alderman Ament. Motion carried unanimously.

14. (7)NJ U-71-05 Crestview Commercial Building – 16850 W. Observatory Rd. – Commercial Building. (Tabled 9/12/05)

Motion by Mr. Barnes to table the commercial building located at 16850 W. Observatory Road until the November 6, 2006 Plan Commission meeting per the applicants request.

Seconded by Alderman Ament. Motion carried unanimously.

15. ( )GK/RS PG-957 Street Lighting Policy

Motion by Mr. Barnes to deny the Street Lighting Policy based on financial budgetary reasons.

Seconded by Mr. Sisson. Motion carried unanimously.

Motion by Alderman Ament to adjourn the Plan Commission Meeting at 7:35 P.M.  
Seconded by Mr. Sisson. Motion carried unanimously.