

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

## **PUBLIC HEARINGS**

6:00 P.M. (7)NJ R-9-06 Lawrence & Claire Liebe – 3440 S Monterey Dr. – Rezone from R-4 to R-4/PUD.

## **NEW BERLIN PLAN COMMISSION**

**August 14, 2006**

### **MINUTES**

The public hearing relative to the request by Lawrence and Claire Liebe for a rezoning at 3440 S. Monterey Drive from R-4 to R-4/PUD was called to order by Mayor Chiovaturo at 6:03 P.M.

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

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

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

Mayor Chiovaturo asked if there were any comments or questions for the purpose of clarification?

Bernie Green, 4151 S. Sunny Slope Road – I am a member of Christ Victor Lutheran Church. There is no concern as far as the building goes, but the land along Moorland Road near the South end of their property always has standing water. We would be concerned if they raised the level to where it would flood our property. We have trouble with the water there now. We would have to make sure that their level would be equal to what it is.

Ms. Jones – The applicant has provided a full storm water management report. It is being reviewed as part of the Use Approval for this project. One of our components of the Storm Water Plan is that you can't negatively effect offsite drainage. If you have drainage on your property, you can't make it worse in the future. You have to contain it on your site.

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

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

Lawrence Liebe, 3440 S. Monterey Drive – I am the owner, along with my wife Claire, of the property in discussion. To clarify the type of buildings, these are all single family, one to one and a half story. They are not large structures that will reach into the air. The largest one we picked out is a story and a half. They are all single family homes. Each owner of the house will have a limited common area around their house. It will not be a highly populated area, we are talking about six houses in addition to the farmhouse. The farmhouse was built in 1868. We are attempting to maintain the quality of the property. We have appreciated it for the eighteen years that we have lived there. We have lived in the neighborhood since 1973.

We are familiar with the neighbors, and we believe we understand what they would consider acceptable. These homes will be very sophisticated and very fitting for the residential area that they are in. The idea is that it would be for age 54+, and priced between approximately \$280,000 - \$350,000.

The idea is to maintain as many of the trees as we can to make the environment friendly for the owners and the neighbors. We are going to maintain the three quarter acre pond on the property. We are going to put in a fountain. The maintenance of the pond and all the land will be by the Association. The amount of impervious area that will be covered will be less than a half acre of the 5.04 acres that will be built on. Trees and existing vegetation have been taken into consideration. As you see, there are a lot of trees on the property. We have inventoried all the trees and positioned the houses with the least impact on the trees. The layout of the houses shields them from Moorland Road and are placed in a horseshoe effect around the pond. The pond will be in view of all the houses with the exception of one that will be set further into the woods. The property will be professionally landscaped and screened from Moorland Road.

As mentioned earlier, we are still working on the stone that will be used. We are trying to make it similar to the farmhouse. Lighting of the street will be provided. We picked out good quality lights that will be placed at the end of each driveway. The beauty of the land through development will be enhanced by well placed plants, if needed. This will be a positive for the City of New Berlin.

John Stigler, Civil Engineer, Jahnke & Jahnke – I would like to touch on the drainage issue that was brought up by the neighbor. Basically, all the access is coming off of Moorland Road. (Referred to map) We are positioned in the area that the gentlemen referred to near the common line. This pond is on the Church's property and this pond is on the Liebe property. This will be our additional new storm water basin. This will have an outlet going north and then going back east to Moorland Road right-of-way. The storm sewer structures that they have there that will be the main discharge. Presently there is an easement through the Monterey Subdivision and there is a pipe that drains and controls the pond elevation. That will all remain in place. So, the water that the gentlemen was referring to in that natural low area will be pulled to the overall watershed

to the north of it. That is the pattern that will be maintained. We have sent reports to Mr. Nitschke.

Mayor Chiovatero – That will all be reviewed by our Engineering staff to make sure it complies with all our ordinances. I am confident that we can maintain the storm water so they don't get more water.

Delores Slane, 15835 W. El Dorado – I have been a resident of Monterey Subdivision for nearly 50 years. I have been friends of the Liebes since the '70's. I saw how much they improved that farm when they moved on that property. They have always been very good neighbors and very good citizens. I back their project and have a deep faith that they will continue that way.

Mike Maganance – I have been in the New Berlin area since the '50's. I grew up in the house that the Liebes are in right now and on the property that they are proposing to develop. I lived there and enjoyed it. It was a fun place to be. For a while Moorland didn't even go all the way to Cleveland Avenue, it was just corn fields. Everything has been developing. Now there is a Burger King and a Taco Bell right across the street almost. I have seen the Liebes take that property and fix it up nice. I have always wondered what was going to happen to that property as I grew up on it. I think this is one of the neatest ideas that I have seen, as far a development goes. It is going to keep a lot of the character that is still there, making it a benefit for the subdivision and for the City of New Berlin. I am in favor of this.

Mayor Chiovatero asked three times for anyone else wishing to speak in favor, seeing none.

Mayor Chiovateo asked three times if there was anyone wishing to speak in opposition, seeing none.

Mayor Chiovatero asked if there were any comments or questions from the Commissioners?

Alderman Ament – On the map on Page 12, I see a total of six homes including the existing home, but under water usage and several other spots, I read six additional units.

Ms. Jones – There is one existing home and there are six new homes. We look at the existing house as already utilizing water when calculating those.

Alderman Ament – I am only seeing five additional homes.

Mayor Chiovatero – Look in the upper left hand corner, there is a house that won't be fronting the pond.

Alderman Ament – On Page 4 of the staff report, #9 is one of the places it said 6 additional houses. I just didn't see it on that map. I will have to look a little closer. It

says two story condominiums, but judging by the renderings, they are not totally two full stories.

Ms. Jones – They will be one or one and one-half stories. It was difficult to see from the renderings they submitted, however, at the architectural review meeting I asked the applicant and some of them will have a second level.

Alderman Ament – On that same line, it says private street. Does that mean maintenance also?

Ms. Jones – Correct. It is a private street, but it will be built to City standards.

Alderman Ament - On Page 7, Advantages & Purposes, in the second paragraph it talks about the existing homestead being built in 1868, etc. Does this require anything from the Historical Society or Landmarks?

Ms. Jones – I will verify that.

Alderman Ament – On the same page on the fifth paragraph, the last part of the last sentence, it says, “The established plan will consist of necessary, regular and periodic maintenance for all common and limited common lands.” What are limited common lands?

Ms. Jones – We would need to ask the applicant to describe that since it was their term. Typically, anytime we have a condominium association, they are responsible for any of the land that is there to be handled through a maintenance agreement.

Mr. Liebe – In the associations that we have been involved in in the past, the land in general is held in common. That is all the land. Normally, the land around the house, designated by a certain footage for each house, is property that the owner of the house has exclusive use to. For example, Joe can’t go to Mary’s house and put his grill on her limited common land. It is a terminology meaning land set aside exclusively for the use of the owner as opposed to land that somebody else could walk on.

Alderman Ament – In the second to last paragraph it says, lighting of the street will provide safety for the residents. Is that the lighting you were talking about?

Mr. Liebe – Yes, at the end of each driveway there is a rather large light that is placed there. It is a covered light so it doesn’t glare. We sent in a picture of it.

Alderman Ament – On Page 11, the second line says Home Occupations. Just because it is in there doesn’t mean it would happen, but they would have to get a permit for that?

Ms. Jones – That is correct. Anyone who has a home occupation needs a zoning permit.  
Mr. Liebe – I don’t understand the question.

Ms. Jones – If someone living in your condominiums wants to have a home occupation, just like anywhere else in the City, they would need to apply here for a home occupation.

Alderman Ament - On Page 12 of the staff report, number 11 (e). I don't understand what this means.

Ms. Jones – That is some standard language, similar to what JP does when he brings things to the Board, at that point they get models if that is what they request. Typically, at Plan Commission, especially now when we are just deciding the framework, that the roads and all the infrastructure should be in before we are allowed to issue any building permits.

Mr. Felda – Is there any other connection point going to Monterey Subdivision?

Ms. Jones – Currently, right now this is where the access point is. When they came to Plan Commission for their concept plan, I believe at the very beginning we had talked about two options, one coming in off of Monterey and one coming in off of Moorland. At that point it was decided that Moorland, as long as the County was agreeable, would probably be the better place, rather than running a public road or private road built to City standards behind those existing homes. That is an existing driveway for that property.

Mr. Felda – That is not going through?

Ms. Jones – No, everybody will come off of Selah Ct., which is coming off of Moorland Road.

Mr. Liebe – That area will be closed off for a walking path to come off of Monterey, which will go around the pond as far as it can.

Mayor Chiovatero asked if there were any further comments or questions from the Commissioners, seeing none.

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

6:01 P.M. (5)NJ R-13-05 S & B Retail Investments LLC – 14901-14955 W.  
National Ave. – Rezone from B-2 to B-2/PUD.

## **NEW BERLIN PLAN COMMISSION**

**August 14, 2006**

### **MINUTES**

The public hearing relative to the request by Steve Stewart and Scott Burns for S & B Retail Investments for a rezoning at approximately 14901-14955 W. National Avenue from B-2 to B-2/PUD was called to order by Mayor Chiovaturo at 6:30 P.M.

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

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

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

Mark Smith, PDI, representing the ongoing themes of the City Center said they would be adding to the PUD and that it would be a great addition to the City Center. The addition will help smooth out the City Center concept and complete the street frontage. It would also add more residential, office, and retail opportunities to this area. There will also be more parking. We are trying to take the road connection from Acredale down to Main St. to make it more of a public street, and that it should maintain the character of a public way. This is a reasonable compromise given some of the complaints about the direct connection to the condos to the south

We have also tried to create some meaningful public areas because we are trying to stress the importance of outdoor spaces and the connections between buildings and public ways. There are several areas that we have created on a conceptual basis. As the final plans come in, they then can be manipulated and each building can be placed in an appropriate position. There is one drive-thru which is on the corner of the Acredale connection, which is shown as a bank concept, but the idea with that is it should be shielded from public view.

Mr. Smith presented the conceptual landscape plan, trying to highlight the public aspect of the road with street trees, a terrace, sidewalks on the side, and public greens. The same landscaping would be created in the parking lots like the rest of the City Center with some pedestrian connections through the edge of the buildings. There would be a buffer between the carwash to soften the view.

Mayor Chiovero asked if there were any comments or questions for the purpose of clarification?

Joe Russ – 16800 W. Shadow Dr. – Coming out of Culvers can be a dangerous situation. Would there be any plans for traffic lights at the intersection?

Mr. Smith - There is a plan for a traffic signal at that intersection. The developer would be paying for part or all of that. It would help traffic flow for Culvers and the neighbors to the north.

Richard Hawthorne – 15075 W. San Mateo Ct. – I had questions regarding the carwash and you are talking about putting a buffer in for the City Center? I happen to live across the street on San Mateo Dr. Your concern about the City Center, you have never been concerned about me as a resident in that subdivision with the carwash. They operate 24 hours. Are we looking at restricting their hours also to accommodate the City Center residents?

Ms. Jones – To date we have not been approached with that issue, and the car wash is not part of the City Center. They have not wanted to participate. The developer is here tonight, and I believe he has approached both the carwash and the former Simplicity dealership. Both of those gentlemen have not wanted to participate at this point. You could file a complaint if there are ongoing issues there, and we would be happy to follow up with them, but it is not part of this issue tonite.

Mayor Chiovero asked three times if there were any further comments or questions for the purpose of clarification, seeing none.

Mayor Chiovero asked three times if there were any comments in favor of this project, seeing none.

Mayor Chiovero asked if there were any comments in opposition to this project?

Mr. Hawthorne – My concern is the traffic issue. Living in the Regal Manor North Subdivision right now, I have to contend with the traffic coming out of Culvers. You are now talking about putting a drive-thru bank in here, which is going to increase the traffic flow. Right now, to the Regal Manor North Subdivision, there is one ingress and egress to Acredale. If you are serious in looking at this, the traffic light has to become part of this. I can sit there right now trying to go eastbound on National Ave. at 5:00 at night and wait 5-7 minutes trying to go east. Contending with traffic coming out of Culvers using the left turn lane as an acceleration lane, I have turned into my own subdivision on

the left lane, there are people cutting me off pulling out of Culvers' entrance. Now you are talking about traffic off of Deer Creek Parkway into that same traffic flow. I'm sorry, I can't agree to that.

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

Mary Recktenwalt – 14987 W. Vera Cruz Ct. – I would like to reiterate the concerns for traffic. That is a dangerous intersection coming out of Acredale. A lot of thought has to be put into traffic issues, and I would be opposed to a drive-in there. Right now, just with Culvers and the property empty, it is very dangerous making a left turn, very dangerous crossing the street. I think that is a serious issue that you need to look into.

Mr. Russ – Regarding the City Center, you are adding more to an area which I think you have made unattractive. I walk around it and I feel like I'm in downtown Milwaukee because everything around me is taller than me; it is two or three stories tall, taller than the Library. You can't even see the Library from National Ave. I see a lot more parking spaces instead of green space, which would be more inviting. I believe the original idea of having a City Center was to model after Greendale, and you have gone way far off of that. As far as building another building with a drive-thru, you have already got one building down the way that is empty which was the former bank and former Boston Market. How much more are we duplicating the buildings we already have and having them empty. All I see here is more parking lot and nothing that is definitely begging for people to walk around.

Vern Bentley – 3450 S. Johnson Rd. – I agree with the same thing. I attended all those meetings back in the late 1990's about City Center, and what we had back then, with the Planning was zoned as you go. Because zone as you go, which is a situation you have here because you are not taking care of the present problems that you have, you end up with more problems, and you haven't taken care of the Wilbur Dr. problem. It is getting so bad out there that the infrastructure should be taken care of before you go ahead with any more plans of approving of any this kind of stuff. I'm against this also.

Ms. Jones – This will provide one of the planned ingress/egresses. When we were working with the Deer Creek Parkway Condos, there was a road that was anticipated to go straight across with some of the issues we have with the creek and also to plan more accurately, they are looking at a public road through this area; so there will be another ingress/egress out and into the City Center.

Mary Hiebl – 20160 W. National Ave. – I concur with some of the questions or comments that have come up. I don't live anywhere near here, but I drive here, and I dread it. At what point is a traffic impact study done, and at what point does the City do something to reduce what is an overcrowded Moorland and National already?

Ms. Jones – A full traffic impact study was done on July 17, 2006, and this was included in the Plan Commissioner's packet. The study does go through all kinds of different

movements and anticipated different users within this new area, and it does highlight a light at that intersection. This also needs to be reviewed by Waukesha County; they are the ones that ultimately will decide if a light is allowed there with the traffic movements already on National Ave.

Ms. Hiebl – A light might not be the solution. What is the existing volume, and what impact will this addition have?

Ms. Jones – This is a fairly lengthy report, and I would be happy to put it on our web site if you would like to look at the actual movements and impacts.

Ms. Hiebl – Yes, as long as one can see what the existing volume is and what impact it has.

Ms. Jones – We have existing traffic counts I can also place on the web site.

Mayor Chiovero asked if anyone else in attendance would like to make a comment in opposition to this project?

Donna Goodrich – 3783 Shady Ln. – I think you are scaring people away from there because of the traffic. I avoid that corner. I will go into Waukesha and do my shopping because that is such a hassle, and now you want to put more there, plus there are people close there. I don't understand this. You wanted all this green space and this park and all of these nice places to walk. There is nothing in the existing part of it. Now you are going to start it? You should have started it around the Library. You should have started it and continued it. It is just a shame what that whole project is looking like.

Mayor Chiovero asked if anyone else in attendance would like to make a comment in opposition to this project?

Mr. Hawthorne – This I pulled off as part of the general development and Master Plan from October 2004. You stated based upon the last traffic study that was done, we have seen a 17% increase of traffic at Moorland and National Ave. At Sunny Slope and National, we have seen a 34% increase of traffic, and that is over three years ago, and so I'm just wondering what those percentages will be now?

Ms. Jones – I will put the information on the web site tomorrow.

Mayor Chiovero asked if anyone else in attendance would like to make a comment in opposition to this project?

Sandy Halstead – 5150 S. Mars Dr. – I don't live in this area either, but I drive past there quite a bit. Other than the Library, there is nothing that exciting in the City Center. I think maybe they should see if whatever is there right now is going to be successful before they keep adding to it. There was a time Greendale Village almost died. We don't know whether businesses will be successful, and then we will be left with a big

mess over there.

Ms. Recktenwalt – What are the considerations for Deer Creek? Is this going to be changing or altering the drainage? That creek has been altered significantly over the past 10 years. It used to be a free-flowing creek with big fish and blue heron. It had beaver and turtles. It is pretty much green muck now. Has a plan been done for the drainage for that creek?

Ms. Jones – When the applicant would come forward for individual developments, they would have to provide us with a Storm Water Management Report at that time. The DNR is closely monitoring the Deer Creek right now because we have projects going on along that creek, so they have been out there with our Storm Water Engineer, Mr. Nitschke, and as long as they are keeping the erosion control fences up and following their DNR Permits, the DNR is monitoring it. They will need to do reports and they will need to get DNR Permits if they need a crossing near National.

Mayor Chiovero asked three times if there was anyone in attendance that would like to make a comment in opposition to this project, seeing none.

Mayor Chiovero asked if there were any comments or questions from the Plan Commissioners?

Alderman Ament – Right where the car wash is, there was some talk about the traffic there, and I do know that can be a problem as far as safety getting in and out. I think that once there are lights on both sides, the problem is going to be worse, especially getting out.

On the Staff Report on Page 5, Item #16, it says, “If a second access point is allowed on National Ave., property queuing distance will be required. The one-way drive aisle depicted in the proposed concept plan would come out too close to National Ave., and a connection to the car wash would be moved further south away from National Ave.” Does that mean that the access point for the car wash either in or out or both would not be right directly on National Ave. and would come out on some other drive or street?

Ms. Jones – There is a variety of concepts the developer has been working at. As individual users come in, they will have to approach the County. Being a coordinated development, that should be easier. Depending on what users come in, it will depend on how we work with the County to determine where the access points go.

I would assume, both for the sake of the people there, the County would prefer we limit the amount of access points and funnel that traffic to signalized intersections.

Ms. Jones – That has been one of their consistent comments as far back as we have been working on the project. I think that was why they had some desire in seeing the Simplicity dealer and car wash work together, because you could have internal connections to a light or more controlled access area.

Alderman Ament - Deer Creek, where it makes the bend, I know that the developer will want to be working with Ron on that as well. He was concerned about the dog leg.

Ms. Jones – Yes, that is one of Ron’s concerns that he has had. Making that 90 degree turn would be encouraging a stub street atmosphere. He doesn’t care for that type of turning movement. One of his recommendations was that it would take a softer curve and met some of our curve requirements. We don’t have a drawing of that. When we have a specific development come in, we will be dealing with that.

Alderman Ament – What will this idea of some condos perhaps do to the overall PUD, since it is being added as far as the density? Would it be proportionate, would it be lower, and how would this affect the southern part of this development? They are already complaining that they can’t develop with the road in because there’s not enough density left for them. We are going to be adding more density on the northern end. Will this create even more of a problem for them?

Ms. Jones – The City has always maintained a first-in, first-out policy. This developer has had his application in for quite a while and has come up with this as his design and decided to use the City Center PUD as the base. I believe it would be proportionate. Mr. Kessler and I have talked about this. It would go into the overall numbers. The other issue would be capacity. Until next June, certain basins in the City are at capacity for sewer until that new MMSD plan comes out which is anticipated at the end of June. We are not approving any of the changes to the concept plan tonight, only the rezoning to the PUD. Currently it is zoned Commercial, and right now an applicant could pursue asking the City to put a restaurant there or something that is consistent with the B-2 District. Hopefully this will add to pedestrian-friendly sidewalks, landscaping that is consistent throughout the whole development. Once it starts maturing, you will be able to see some of the feel that some of the people say they don’t feel yet. If we had just one user build a building, you would not see some of the pocket green spaces.

Mayor Chiovatero – This question is regarding the number of residential units. Would this add a number to the PUD? For some clarification for Alderman Ament, there currently are enough units based on the plan that was originally done. The developer of the south property has continually asked for a higher density, but has never come forward to officially ask for it. I think he can put the road in with the number of units he is allowed. I think he is trying to cry like he doesn’t have enough units to do it. We have discussed that several times, and he agrees and then he changes the story. 60 units would definitely impact what could be done on the south half of the City Center.

Ms. Jones – That is correct. It would take away from what they would be pursuing. We have always handled these on a case-by-case basis. If we were to have a concept plan on file from the developer to the south, they would be the first in. If they would try to pursue a development in that area, they would apply accordingly, and they would be ahead of someone who is just here tonight.

Mayor Chiovaturo – I continually hear from that other landowner, that he is not a developer, and that is why we don't have a concept from him. Yet, he asks questions that are developer questions. It sends me the wrong message as to what he is planning to do with that property. This would not add any units to the PUD? What about retail? As long as he matched the architecture? Are there certain square footages?

Ms. Jones – We don't have specific square footages. They are showing some sample square footage type buildings. They tend to balance out. Another item that drives that is parking. As you know in the past, we have been watching parking very carefully and working with developers on the shared parking concept that has been there since day #1 when the City Center Plan and the Ordinance were in place. The commercial uses would have less trouble with the capacity issue. That would be something that could apply for sooner. Basin #7 is getting close to capacity based on some of the larger projects the City has approved in the past couple of months in that same basin.

Mr. Barnes – I just want to clarify the three buildings that we are talking about as far as condominiums? Those are true mixed use buildings, and the first floor is going to be retail, right?

Mr. Smith – My understanding in the proposal that they currently have, would be, yes, there would be office or retail on the first floor and the upper floor will be residential units.

Mr. Barnes – The only hope I have as we move along with this is that we start to take a look at the grades. One of the problems that I see is when you walk along Library Ln. between the Library and where the new buildings are, the first floor is almost 10' off the sidewalk. I hope we could do something in the future in that we terrace the parking lots rather than use the buildings as retaining walls. We have these large pedestrian unfriendly walkways because we have 6-8' of masonry before you even see a window. Let's use the parking lots to try to accomplish some of these grades.

Mayor Chiovaturo asked if there were any other comments or questions from the Commissioners, seeing none.

Mayor Chiovaturo called the public hearing closed at 7:05 P.M.

6:02 P.M. (2)AK R-10-06 Blessed Savior Lutheran Church – 15250 W.  
Cleveland Ave. – Rezone from I-1 to I-1 and C-2.

## **NEW BERLIN PLAN COMMISSION**

**August 14, 2006**

### **MINUTES**

The public hearing relative to the request by T. Michael Schober for Blessed Savior Lutheran Church for a rezoning at 15250 W. Cleveland Avenue from I-1 to I-1 and C-2 was called to order by Mayor Chiovatero at 7:05 P.M.

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

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 Chiovatero asked three times if there were any comments or questions for the purpose of clarification, seeing none.

Mayor Chiovatero asked three times if there was anyone wishing to speak in favor, seeing none.

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

Mayor Chiovatero asked if there were any comments or questions from the Commissioners, seeing none.

Mayor Chiovatero closed the public hearing at 7:20 P.M.

## **NEW BERLIN PLAN COMMISSION**

**August 14, 2006**

### **MINUTES**

Privilege of the Floor

The Plan Commission Meeting was called to order by Mayor Chiovatero at 7:40 P.M.

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

Motion by Mr. Sisson to approve the Plan Commission minutes of July 10, 2006. Seconded by Alderman Ament. Motion passes with Mr. Barnes abstaining.

Plan Commission Secretary's Report – Ms. Jones announced that Tony Kim has been promoted to Associate Planner. Tony has an undergraduate degree in architecture from UWM as well as a Masters Degree in Urban Planning.

### **REFERRAL FROM COMMON COUNCIL**

1. (7)AB R-2-06 Tiziani Golf Car Corp. – 4485 S. Racine Ave. – Rezone 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)

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

Motion by Mr. Sisson to recommend to Common Council denial of the request to adopt 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 the following additional permitted uses for Lot 1 only within the Q-1/PUD located at 4485 S. Racine Avenue:

1. Personal services;
2. Service commercial uses;
3. Business offices; and
4. Retail commercial uses

Seconded by Alderman Ament. Motion fails to pass for tie vote with Alderman Ament, Mr. Sisson, Mr. Barnes voting Yes and Mayor Chiovatero, Mr. Felda, Ms. Broge voting No.

Motion by Mr. Felda to recommend to Common Council approval of the request to adopt 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 the following additional permitted uses for Lot 1 only within the Q-1/PUD located at 4485 S. Racine Avenue:

1. Personal services;
2. Service commercial uses;
3. Business offices; and
4. Retail commercial uses

Seconded by Ms. Broge. Motion fails to pass for tie vote with Ms. Broge, Mayor Chiovatero, Mr. Felda voting Yes, and Alderman Ament, Mr. Barnes, Mr. Sisson voting No.

Motion by Mr. Felda to table request to adopt 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 the following additional permitted uses for Lot 1 only within the Q-1/PUD located at 4485 S. Racine Avenue:

1. Personal services;
2. Service commercial uses;
3. Business offices; and
4. Retail commercial uses

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

## **CONTINUED BUSINESS**

2. ( )AK PG-741(5) - Zoning Ordinances Changes – Section 275-41C(10), 275-42 F, 275-42 E(1) – Temporary Outdoor Storage Units.

Motion by Alderman Ament to forward to Common Council a request to set a public hearing date for September 11, 2006 to discuss additions and changes to the Zoning Ordinance related to Temporary Outdoor Storage Units.

Seconded by Mr. Felda. Motion carried unanimously.

3. (4)NJ U-28-06 Living Word Church – 21400 W. National Ave. – New Church.  
(Tabled 7/10/06)

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

Motion by Mr. Sisson to approve the request for Use, Site and Architecture to construct a church on the property located at 21400 W. National Avenue subject to the application, plans on file and the following conditions:

- 1) Planning
  - a) Applicant shall submit a tree inventory that meets the requirements of Section 275-56.
  - b) City of New Berlin plantings specs, as identified in 275-56, shall be followed and identified on plan.
  - c) Bonds required per 275-56.
  - d) See Storm water comments for other BMP's as incorporated and landscaped.
  - e) See attached Plan of Operation.
  - f) Architecture Review required prior to the issuance of the Zoning Permit.
- 2) Utility
  - a) The property, which is located outside of the current MMSD Sewer Service District but within the Ultimate MMSD Sewer Service Area, shall require private on-site waste treatments sites (POWTS) that shall meet Waukesha County requirements. When sanitary sewer becomes available, the owner is required to hook into it within 1 year.
  - b) It appears, based on the correspondence accompanying the application that they have the necessary information for the private water supply well for the Church that will meet the requirements of the Wisconsin Department of Natural Resources.
- 3) General Engineering
  - a) Existing topo has been corrected near Southeast lot corner. However, applicant shall have the landscape architect revise the landscape plan, which still shows the incorrect existing contours.
  - b) Applicant shall work with Staff to verify whether the most Easterly future drive lines up with the house on the North side of National Ave. and should be moved another 20' East so headlights don't shine through house windows. It does not appear that the driveway location was changed. Applicant may need to go back to County to get this change approved.
  - c) Applicant shall revise grading plan to more clearly demonstrate that the proposed swale East of daycare play area will drain to proposed detention pond, not to East lot line. It appears a berm may be needed. The existing tree line is not to be disturbed. It may be necessary to move swale further West and to put some slope in the day care play area.

- d) The area around the church and parking lots will be filled 8'. The building plans still show only a 4' deep footing under the church, but the footings shall be lowered unless the fill is being engineered compacted. First floor of church may remain as high as 990 as long as fill is available on site. Applicant shall revise plans to reflect these changes.
  - e) Applicant shall revise grading the plan. It is difficult to see the existing spot grades and existing contours in the low, natural area downstream from the detention pond outlet. Clearly show the existing flow line elevation of the County culverts. Submit evidence of the agreement with the County to discharge to the low area. Applicant shall indicate if the applicant's engineer searched for any buried pipes or drains from the 2 low trapped areas.
  - f) A plat of survey will be required with the building permit application, stamped by registered land surveyor, showing ties to building and existing elevations at the building corners.
- 4) Storm Water
- a) The Storm Water Management Plan is not approved as a part of the PC approval. The Developer shall work with Staff to add bio-retention swales and filter strips. No construction shall start until NB Staff, MMSD, Dept of Commerce, and the County issues the appropriate approvals.
- 5) 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 building permits being issued by the City.
  - b) Deceleration lane with 100-feet of storage is required at the church driveway.
  - c) Lighting plan does not follow city standards. See Zoning Code Section 275-60 I. The development light levels can be higher than the requirements for average foot-candles, but must be equal to or lower than the average-to-minimum and maximum-to-minimum ratios in the zoning code. Areas of concern are where the driveway intersects National Ave (stop calculations at the ROW line), the area by the future sanctuary, and by the covered entry canopies. The last three areas are included in the calculation points for lighting levels, but are labeled as "green space" on other plan sheets, but are they actually concrete walkways? (ie sidewalks can count towards open space requirements, but still need to meet the proper lighting level).
  - d) Are pedestrian walkways to be provided between the church & the parking lot? (See previous comment.)
6. Building Inspection

- a) Building plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code.
  - b) Building plans shall be approved by the State of Wisconsin Dept. of Commerce Safety and Buildings Division per Wisconsin Enrolled Commercial Building Code.
  - 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 permit.
  - e) Sanitary permit shall be obtained from the Waukesha County Department of Environmental Services prior to building permit application. Holding tank agreement will need to be obtained if on-site sewerage disposal is not allowed by County. This will depend on soil conditions and the size of the facility.
- 7) Fire
- a) Fully sprinkle
  - b) Monitor fire flow.
  - c) Install Knox box (key box).
  - d) Install fire alarm per IBC.
  - e) Protect fire pump and water holding tanks per Wisconsin Enrolled Building Code.

Seconded by Mr. Barnes. Motion carried unanimously.

4. (4)AB LD-6-06 Wildwood Preserve – Ne ¼ Sec. 33 - 5611 S. Calhoun Rd. – One-Lot Land Division. (Tabled 6/5/06)

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

Motion by Mr. Sisson to recommend to Common Council approval of the 1-lot Certified Survey Map for the property located at 5611 S. Calhoun Road subject to the application, plans on file and following conditions:

- 1) Applicant shall correct all drafting errors identified by Staff prior to signing 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.

Seconded by Alderman Ament. Motion carried unanimously.

5. (4)AB S-165-03 Wildwood Preserve – 5611 S. Calhoun Rd. – 35-Lot Preliminary Plat. (Tabled 6/5/06)

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

Motion by Mr. Barnes to recommend to Common Council adoption of a resolution approving the Wildwood Preserve Preliminary Plat located at approximately 5611 S. Calhoun Road subject to the application, plans on file and the following thirteen (13) conditions inclusive of the sixteen (16) notes listed on the face of the Preliminary Plat:

- 1) Satisfaction of all conditions outlined in the "Letter of No Objection" by Waukesha County Park and Land Use Department shall be required prior to the Final Plat being submitted.
- 2) Satisfaction of all the conditions outlined in the letter dated 5/24/06 by the Department of Administration shall be required prior to the Final Plat being submitted.
- 3) Storm Water –
  - a) MMSD Chapter 13 submittal shall be required. The Chapter 13 checklist was provided by the Developer's engineer, but not all items checked were completed. Hydrographs and outlet structure details are required, as is a signed maintenance plan and funding source (not checked but still required) shall be submitted with construction plan sets.
  - b) The Developer shall be required to follow WisDNR Standards outlined in NR-151 regarding groundwater recharge.
  - c) The Storm Water Management Plan shall not adversely impact offsite areas. An analysis of downstream impacts to the Saltzman property and to the ditches along Beres road shall be submitted with construction plan sets.
  - d) Adequate access for sanitary and storm pipes shall be required.
  - e) The outlet structures for the ponds are to follow Developer's Handbook Standard, and shall have a submerged outlet as part of the overall structure.
  - f) Depth of ponds shall be a minimum of 5 feet as noted in DNR Technical Standard 1001.
  - g) Ponds shall be lined if the soils in the area are not suitable clay soils. The liner shall be 2 feet of clay.
  - h) An erosion control plan shall be required and submitted with construction plan set per NB Ordinance 2268.
  - i) An analysis on the amount of disturbance along Calhoun Creek shall be required. The developer shall determine whether the Development meets the DNR Chapter 30 permit threshold.
- 4) Transportation –
  - a) Hilltop Drive was planned to be extended from the Hi-Knoll subdivision once this parcel was developed. See attached letter from applicant. If request is not granted by the Plan Commission, applicant shall revise plan to show Hilltop Drive extended along existing road reservation to Sunrise Ridge Drive.

- b) Deceleration lanes with 100-feet of storage, acceleration lanes, bypass lanes, and turn bays are required at driveways. These shall be installed per City of New Berlin Standards and include an extra 5-foot paved shoulder area to serve the on-road trail identified in the City's Alternative Transportation Plan.
  - c) One street light will be required at each access point on Calhoun Road, Small Road, and Beres Road.
  - d) A 60-foot by 60-foot vision triangle is required at intersections on Calhoun Road and Small Road. A 30-foot by 30-foot vision triangle is required at the intersection on Beres Road. No vegetation or other sight obstructions between the heights of 3-feet and 10 feet per Section 275-56(15)(a).
  - e) Roadways width shall follow City of New Berlin Standards. (28-foot wide)
  - f) Grading Plan shows 10-foot wide trail, but preliminary plat only shows a 10-foot wide easement. City standards are a 10-foot wide trail in a 25-foot easement. Trail shall be constructed of 3-inches of E-0.3 asphalt over 5-inches of crushed aggregate base course with a 1-foot gravel shoulder on each side. See 1999 AASHTO manual "*Guide for the Development of Bicycle Facilities.*" Detail shall be shown in construction plans.
- 5) Erosion Control Permit required prior to Building Permit. Erosion control measures shall be in place and installation properly inspected prior to commencement of any earthwork at this site or issuance of Building Permits. During construction, the developer shall clearly mark the wetlands and conservation areas with orange construction fence.
  - 6) Detailed road/infrastructure/storm water/grading plans to be reviewed and approved by the Engineering Division prior to writing of the Developer's Agreement.
  - 7) Developer's Agreement for all public improvements required. Separate application required. Developer's Agreement to be approved by the Board of Public Works and Common Council. Developer's Agreement shall be executed prior to clearing, grubbing, grading and/or utility/infrastructure work commencing.
  - 8) Approval of all surety instruments required prior to commencement of construction.
  - 9) Length bearing and tie to all easements (public and private) required.
  - 10) Landscape buffer south of I-43 shall be required to provide screening for homes along Shadowood Ct.
  - 11) All non-city owned utilities, to include but not limited to; cable, telecommunication, electric, gas, etc., required to be provided underground.
  - 12) Payment of \$2,137.60/lot (31 lots = \$66,265.60) in Public Site, Open Space and Trail Fees required at the time of building permit.

- 13) Per Section 275-33-1 (Table), "Raising of crops/retail sales of locally grown crops is allowed in the R-1/R-2 areas." Trees on the Move is limited to sales of currently approved plan of operation, which identifies tree sales for trees grown within their tree nurseries.

Seconded by Mr. Sisson.

Friendly amendment by Mr. Barnes to grant the applicant's request to approve the preliminary plat as submitted without the extension of Hilltop Drive from the existing Hi Knoll Subdivision.

Seconded by Mr. Sisson.

Upon voting, the original motion along with the friendly amendment passes with Mayor Chiovero, Alderman Ament, Mr. Sisson, Mr. Felda, Mr. Barnes voting Yes, and Ms. Broge voting No.

## **NEW BUSINESS**

6. (4)AB R-8-06 Wildwood Preserve – 5611 S. Calhoun – Rezone from A-2 and R-1/R-2 to R-1/R-2. (Public Hearing 7/10/06)

Motion by Mr. Barnes to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 5611 S. Calhoun Road from A-2 and R-1/R-2 to R-1/R-2.

Seconded by Mr. Felda. Motion carried unanimously.

7. (7)NJ R-6-06 Tracy & Patty Johnson – 18665 W. Coffee Rd. – Rezone from A-2/C-1/C-2 to R-1/R-2,C-1/C-2 and a Wetland Delineation. (Public Hearing 7/10/06)

Motion by Mr. Sisson to table this item per the applicants request. Seconded by Mr. Barnes. Motion carried unanimously.

8. (4)NJ U-25-05 Briohn Design Group/Westridge East – 5600-5700 S. Moorland Road – Revised plans for Southern half.

Motion by Mr. Barnes to approve the Modification to the Use, Site, and Architectural Approval for Zoning Permit #U-25-05 for the construction of two multi-tenant office buildings on the south side of the creek (Building A 81,538 sq. ft. & Building B 105,820 sq. ft.) instead of one building and no changes to the third building on the north side of the creek (Building C) located at approximately 5600 South Moorland Road subject to the application plans on file, satisfaction of all engineering concerns and the following waiver and seven conditions:

Waiver – Applicant requests a waiver to deviate from the City’s tree replacement requirements under Table 275-54-1 to allow trees to be planted off-site at a City designated location. Payment in lieu of replacement trees shall be approved by the Director of Community Development and the funds remitted prior to issuance of Building Permit. (This was granted.)

- 1) Applicant shall adhere to Article VIII, §275-54 Natural Resource Protection in its entirety. Tree inventory of existing trees greater than 4” (wooded area around south building) is required prior to issuance of Zoning Permit. The Director of Community Development shall approve the payment in lieu of replacement trees and the funds shall be remitted prior to issuance of Building Permit.
- 2) Plan of Operation
  - a) Per Article VIII, §275-24 All future tenants shall be required to apply for and receive a Zoning Permit from the Department of Community Development prior to leasing or occupying space within this development. All future tenants will be reviewed on a case-by-case basis for adequacy of parking and may be denied for lack of parking.
  - b) Signage for this development will require a separate application, review and Permit from the Department of Community Development (Planning) prior to installation. An Overall Coordinated Sign Standard shall be established and approved by the City of New Berlin as outlined in Article VIII Section 275-61.
- 3) Architectural Plan
  - a) Exterior architecture must be approved by the Architectural Review Committee prior to issuance of Zoning Permit.
  - b) All mechanicals including air-conditioning units and other rooftop mechanical units must be properly labeled and screened from public view.
  - c) All parking and circulation shall meet the criteria outlined in Section 275-57.
  - d) Building shall meet all requirements for the M-1 Zoning District under Section 275-35B(4) and associated tables.
  - e) See applicant Plan of Operation letter.
- 4) Site Plan/ Engineering
  - a) The proposal showing two (2) buildings for the “South” site and not one (1), shall maintain the placement of the building locations to begin at the “Northern” area of site up against the curbing for the “North” access along the creek and floodplain.
  - b) Page 20-C-5 “Site Work Civil Partial Grading Plan”, incorrectly shows the “North” side of the buildings for the “South” site beginning +/- ninety feet (90.0’) off of the back-of-curb along the “North” access around the site. The buildings for the “South” site shall begin up against the curbing along the “Northern” access around the site. Building “B” shall be placed up against the curbing to the “North” to start the placement of buildings on the “South” building site.

- c) The same building elevation of (853.0) for the single building proposal shall carry through to the twin-building proposal as is currently shown on the plan sets.
  - d) The twin building proposal does move the “Southern” most building, building “A” +/- fifteen feet (15.0’) further “South” than the single building proposal with it’s addition included. This may or may not effect the landscape plan, the tree removal and replacement policy.
  - e) U-25-05 Westridge East, 5600-5700 S. Moorland Road. M.S. 7/13/06. Planning date June 30, 2006.
- 5) Required to meet all storm water requirements as previously approved.
- 6) Transportation
- a) A letter from Waukesha County approving the plan of proposed improvements within the County ROW shall be on file with the City of New Berlin prior to any permits being issued by the City.
  - b) A \$75,000 surety instrument in the form of a Letter of Credit has been required of the developer by Waukesha County, such that if a problem does become apparent, measures can be taken to install traffic signals if warranted (one of the warrants is safety history). A copy of this Letter of Credit shall be on file with the City of New Berlin.
  - c) Per §275-60 I (4) (a), (b) & (c) the average illumination, average to minimum illumination ratio, and maximum to minimum illumination ration shall be 2.0 fc, 5:1 and 20:1 respectively. These values need to be maintained for all parking, loading and circulation areas.
  - d) Lighting plan has note that luminaire mounting height is limited to 25-feet, but provide plan detail and cut-sheets for poles to be used.
  - e) Provide slopes (ie 4:1 or greater) text on cross-section pages.
  - f) Proper vision sight distance needs to be provided at drive access point to Moorland Road. Revise landscaping plan as needed such that no plantings higher than 3-feet are within 30 feet of the ROW.
  - g) Drive aisle widths are to be 24-feet wide from edge of pavement to edge of pavement (i.e. do not include curb & gutter in required width).
- 7) Landscaping Plan
- a) Any revisions to the overall landscaping plan must be approved by the Department of Community Development (Planning) prior to installation. All landscaping sureties shall be provided prior to issuance of Building Permit. Landscaping sureties shall be coordinated with staff during overall approval and tied to each individual Building Permit.
- 8) Building Inspection/ Fire:
- a) Building must meet all applicable building and fire codes. Building must be fully sprinklered. Monitor fire flow.
  - b) Knox box required.

- c) Apply and obtain appropriate building, plumbing and electrical permits from the Building Inspection and Zoning Department prior to commencement of any construction at this site.
- d) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
- e) Building plans shall be approved by the Wisconsin Department of Commerce (Comm 61.70 Certified municipalities and counties) (5)(c) 3.
- f) Erosion control to be approved, permitted, installed and inspected prior to issuance of Building Permit. This shall include catch basin silt protection. Applicant must observe construction best management practice.
- g) Applicant must remove mud, dirt and stone from all paved areas daily. Entire site must be kept free and clear of all trash and construction debris daily.
- h) Buildings will require meter rooms for water utility, with direct access from outside. Applicant has added the meter rooms.

Seconded by Mr. Sisson. Motion carried unanimously.

9. (4)AB LD-9-06 Wyndridge – 12800 W. Janesville Rd. – Se ¼ Sec. 36 – Two-Lot Land Division.

Motion by Mr. Felda to recommend to Common Council approval of the 2-lot Certified Survey Map for the property located at 12800 W. Janesville Rd. subject to the application, plans on file and following conditions:

- 1) Applicant shall correct all drafting errors identified by Staff prior to signing 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.

Seconded by Ms. Broge. Motion carried unanimously.

10. (4)AB U-101-05 Wyndridge – 12800 W. Janesville Rd. – Condos.

Motion by Mr. Sisson to approve the use, site, and architecture to construct 52 duplex condominium units (26 buildings) subject to the application, plans on file and the following conditions:

- 1) Architectural Plan:
  - a) Approval by Architectural Review Committee is required prior to issuance of Zoning Permit.
- 2) Site Plan:
  - a) There shall be 52 owner-occupied duplex condominium units (26 buildings).

- b) A Developer's Agreement that governs all public infrastructure, roads, utilities, maintenance of medians, easements, etc; shall be approved prior to construction of public infrastructure. The City shall require a surety instrument from the developer of the project to ensure completion of the public infrastructure work. The amount of the surety shall be predicated on the costs for construction and shall be made part of the Developer's Agreement.
  - c) The Developer's Agreement shall outline the phasing of the project, and shall specify a termination date for the completion of all public improvements.
  - d) No Building Permits shall be issued for this development until all the public improvements are constructed, inspected and accepted by the City Engineer. The Developer's Agreement shall stipulate the number of model units to be allowed during construction for each development.
- 3) Streets & Utilities:
- a) Hydrant paint shall be red, not yellow.
  - b) Any re-used parts shall meet current specs.
  - c) Space between frame and adjusting rings shall be Penn-Grout mortar, not a butyl rubber gasket.
  - d) All sanitary sewer pipes and structures shall conform to New Berlin Developer's Handbook. All tests (including Vac., low pressure and mandrall).
  - e) Sanitary manhole #1 shall meet current City standards and be re-tested.
  - f) Sheet 5 of 17:  
Sanitary Sewer Notes:
    - 1) "All sanitary sewers shall be video recorded and submitted in DVD format in accordance with City specifications prior to acceptance."  
The City's revised Developers Handbook was adopted on February 13, 2006 requiring the following:  
"Color videotape recordings of the data shall be made by the Contractor. Copies of each videotape, in Pipetech 5.0.2 or WynCan v7 format only, shall be provided to the Utility and Streets Department. The tab to prevent accidental erasure shall be removed from the cassette before submittal. The recordings shall be made in the "E.P. Mode" (260 minutes/tape) and the recorded data shall be transferred to DVD or CD-ROM format and copy sets shall be provided directly to the Utility and Streets Department. A set of system map Plan Sheets shall be included with all CCTV report books." Applicant shall revise Note 5 accordingly.
    - 2) Sheet 5 of 17: Typical Precast Manhole Detail

Applicant shall revise the note in the Adjusting Ring Joint Detail that refers to sealing the Space between the frame and top ring to the following excerpt from the revised Developer's Handbook: "All chimney joints, including the frame-chimney joint, and all barrel & cone section lifting holes shall be sealed with a cementitious grout with a struck joint. Grout shall be premixed, non-metallic, high-strength, non-shrink, Pennegrout® by IPA Systems, or approved equal, which meets requirements of ASTM C-1-91 and C-827 as well as CRD C-588 and C-621".

3) Sheet 6 of 17:

a) Applicant shall clarify the note pertaining to salvaging manhole frames. This shall not include salvaging internal seals. Please add to the note to avoid confusion in the future.

b) The applicant is proposing to abandon a portion of the sanitary sewer north of Wyndridge Drive. Abandonment has to include the portion under Wyndridge Drive because of the potential for I/I to enter the portion of sewer that would still be connected to the active sewer. To avoid having to cut open Wyndridge Drive, I would suggest abandoning the sewer at the manhole in Wyndridge Drive by plugging the pipe entry into the manhole by acceptable means.

4) Sheet 8 of 17:

a) The City's Design Standards in the Developer's Handbook requires the invert of a sanitary sewer to be at least 11.0 ft below the centerline of the street. However, the City Engineer has the authority to allow less depth under exceptional circumstances. The City Engineer believes such a case exists for MH#14 at Sta. 10+95.

MH

- 2 You propose a 0.10 ft rise across the manhole. Acceptable.
- 15 You propose a 0.15 ft rise across the manhole. Acceptable.
- 13 Good.
- 14 The dead end sewer requires a minimum slope of 0.006, so the W invert calculates to be 807.31.

That results in a depth of 9.46 feet to the invert at MH #14. That is acceptable.

b) Applicant shall consider why a depth to invert of 12.38 feet at MH #12 is being proposed when 11.0 ft is acceptable? Raising the W invert to 810.90 would allow for the E invert to be 810.80, thus changing the slope to MH #13 to 1.19%. The revised slope between MHs 12 & 12 would then be 1.59%.

c) Changes in the pipe slope would then cause changes in the proposed sanitary lateral information.

4) Storm water:

- a) Based on the latest information submitted, the proposed condo development is increasing impervious area over and above the approved storm water management plan (SWMP) that was approved in July of 1995. Any significant changes, including but not limited to any additional increase in impervious area, shall require a revised SWMP to be submitted. A revised SWMP shall fall under the existing NB Codes and Ordinances, as well as MMSD Chapter 13, DNR NR-216, DNR NR-151.
  - b) The Developer shall verify the amount of proposed impervious area vs. the amount of approved impervious area from 1995.
  - c) The SWMP submitted in 1995 shall be re-submitted by the Developer with comments describing efforts to meet the intent of the plan in the current proposal.
  - d) Proposed basement/garage elevations from the 1995 plan shall be followed in the current plan. Lowering basement/garage elevations in the ponds proximity shall not be allowed without a revised SWMP (see note #1).
  - e) The current layout of the site has changed significantly over and above the 1995 approved plan. Therefore, the NB Developer Handbook shall be followed for all grading, storm water management, storm sewers, etc.
  - f) If the site does not have an NOI, NR-151 requirements shall be followed.
  - g) Double inlets shall be required at low points.
  - h) 100-year flow paths shall be accounted for. The 100-year flow paths shall drain to the existing pond.
  - i) During construction, the existing pond shall be drained, dredged, and returned to the designed condition. Survey re-certification shall be required to verify appropriate grades and elevations in the ponds.
  - j) The erosion control plan shall follow NB Ordinance 2268. Please see Section 9 for assistance in completing the erosion control plan. The timeline for draining the existing pond and restoring the disturbed pond area shall be included in erosion control plan.
  - k) Silt fence within the pond (proposed at the 10-year storm event level) shall not be allowed. All grading within the pond shall be completed in a timely manner, and disturbance to the side slopes shall be stabilized immediately following work on the pond. Silt fence is to be set a minimum of 1 foot above the 100-year pond elevation. The reason for this requirement is that the apartments to the south currently use the pond as a water quality and quantity best management practice. The pond shall remain functional at all times except during the proposed routine maintenance of re-establishing grades within the pond.
  - l) A signed maintenance agreement shall be required.
- 5) Transportation:

- a) 30-foot vision triangles are required at entrances onto Lowell Place.
  - b) Vertical face curb & gutter section will be required.
  - c) Proposed driveways shall be 100-feet west from the ROW line of Lowell Place.
- 6) Engineering:
- a) The location and elevation of buildings 13-15 shall be examined. Building 13 is only 10' from the pond's edge during a 100 year storm. Buildings 14 and 15 are only 20' away. The basement elevation for buildings 14 and 15 is only inches above the normal pond elevation and 4.5' below the 100 year pond elevation. This assumes basements will be no deeper than 8' deep. Furthermore, the only back yard space these duplexes enjoy is a 4:1 continuation of the backslope of the pond right up to the back door. With the previous approved plan, the basement elevation of the nearest apartment to the pond was 812.5, 1.5' higher than the duplexes. Also, the closest apartment to the pond was primarily 40' away. The applicant shall find a shallower shell and/or eliminate the basements altogether and/or raise the elevations of the buildings.
  - b) The front setback is 25' and is measured from the back of curb to the overhang or closest projection from the buildings. The setback scales less than that on the grading plan and other construction plans. There is very little leeway for moving the buildings. Many are already at the minimum rear setback or very close to other buildings or the pond. Has surveyor taken overhangs into account? Likewise, all buildings, including overhangs, must stay outside of utility easement areas.
  - c) It appears the short North- South street between buildings 17 and 18 can be eliminated without any problems, thereby reducing the cost to developer and the amount of impervious area.
  - d) Show the 25 year pond elevation. If it is higher than 812.95, the proposed storm sewer would surcharge during a 25-year storm. This is not allowed per the NB Developer Handbook.
  - e) Storm sewer should not run along curb line.
  - f) Show proposed vertical face curb on detail, not V-bottom.
  - g) Eliminate the reference to the base setback line being 5' behind curb on the road cross-section detail.
  - h) Because of the very short proposed driveways (25'), driveway slopes are either many times excessive or else the building is not high enough above the curb to get good drainage around the house. For this reason, 1extra step between the first floor of the duplex and the garage slab will be required for one or both of the garages for buildings 5, 11, 13, etc.

- i) The road elevation at station 10 +15 on street A may need to be raised about 0.8'. Building 1 may need to have the 2 garages together, and the grade raised to eliminate the proposed culvert under the driveway, and extra steps installed in the garage.
- 7) Landscaping Plan:
  - a) Approval of landscape plan and payment of all sureties shall be required prior to issuance of the Zoning permit. Landscape plan 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. Landscaping plan to be approved and signed by the Department of Community Development prior to installation of any material.
  - b) Landscape buffer along north property lines shall be enhanced with additional plantings to screen residential neighborhood to the north.
- 8) Building Inspections:
  - a) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any building permits.

Seconded by Mr. Felda. Motion carried unanimously.

11. (6)AK U-40-06 Hitchcock Building Services – 13630 Crawford Dr. – Retaining Wall.

Motion by Mr. Barnes to approve the request for Use Approval to allow Hitchcock Building Services to build a 24" retaining wall on the lot line for the home located at 13630 W. Crawford Drive.

Seconded by Mr. Sission. Motion carried unanimously.

12. (7)NJ U-41-06 Lawrence & Claire Liebe – 3440 S. Monterey Dr. – Condos.

Motion by Alderman Ament to table the request for Use, Site and Architecture to construct a single-family condominium Planned Unit Development for six (6) additional single-family condominium residences on the property located at 3440 S. Monterey Drive subject to the application, plans on file and the following reason for tabling:

- 1) Plan Commission will need to act on the rezoning prior to any action on this Use Approval. The applicant is required to have the zoning in place first.

Seconded by Mr. Sisson. Motion carried unanimously.

13. ( ) AK PG-227 Extraterritorial Plat – Preliminary Plat for Dry Creek Subdivision, Town of Waukesha

Motion by Ms. Broge to forward to Common Council No Objection to the Dry Creek Extraterritorial Plat in the Town of Waukesha with the following comments:

- 1) The lots in this subdivision are proposed to be a minimum of 30,000 square feet each. However, the City of New Berlin requires a minimum of 5-acre lots in the un-sewered areas.
- 2) Plan indicates the wetlands were surveyed on July 8, 2004.

Seconded by Mr. Felda. Motion carried unanimously.

14. (2)AK R-10-06 Blessed Savior Lutheran Church – 15250 W. Cleveland Ave. –  
Rezone from I-1 to I-1 and C-2.

Motion by Alderman Ament to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 15250 W. Cleveland Avenue from I-1 to I-1/C-2 to field delineate the wetlands.

Seconded by Mr. Felda. Motion carried unanimously.

## COMMUNICATIONS

15. Communication To: Plan Commission  
Communication From: Nikki Jones, Planning Services Manager  
RE: WAPA News, Spring 2006

Plan Commissioners acknowledged receipt of this communication.

16. Communication To: Plan Commission  
Communication From: Nikki Jones, Planning Services Manager  
RE: Letter dated July 14, 2006 from T. Michael Schober, regarding Robert Dugan, 1505 Johnson Road.

Plan Commissioners acknowledged receipt of this communication.

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 9:40 P.M.  
Seconded by Ms. Broge. Motion carried unanimously.