

Please note: Minutes are unofficial until approved by the Community Development Authority at the next regularly scheduled meeting.

PUBLIC HEARINGS

NEW BERLIN PLAN COMMISSION

JULY 10, 2006

MINUTES

6:00 P.M. (3)AB R-5-06 Richard & Constance Krahn – Approx. 18900 W. Lincoln Ave. – Rezone from M-2/C-1, and C-2 to M-2,C-1 and C-2 – Wetland Delineation.

The public hearing relative to the request by Richard & Constance Krahn for a rezoning at 18900 W. Lincoln Avenue from M-2/C-1, and C-2 to M-2,C-1 and C-2 – Wetland Delineation was called to order by Mayor Chiovaturo at 6:00 P.M.

In attendance were Mayor Chiovaturo, Mr. Sisson, 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, Code Enforcement; Mark Blum, City Attorney. Mr. Barnes, Mr. Felda, and Mr. Gihring were excused.

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

Patrick Laughrin, 13865 W. Stratford Drive – Could you explain what a field delineation is all about?

Ms. Bennett- Our maps are based on aerial photography. We have on this property that is highlighted in yellow, some areas that have C-2, wetland. The applicant, as part of the process when they came in for Use Approval, had a biologist come out and field delineate those wetlands. This application is to update our maps accordingly, based on what is out in the field.

Mayor Chiovaturo – This identifies the wetlands on the property.

Ms. Bennett – If you look at the field delineation on the map, there are two small pockets of wetland as compared to what our maps show.

Mayor Chiovaturo asked three times for further questions for purposes of clarification, seeing none.

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

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

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

Mayor Chiovatero closed the public hearing at 6:10 P.M.

NEW BERLIN PLAN COMMISSION

JULY 10, 2006

MINUTES

6:01 P.M. (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.

The public hearing relative to the request by Tracy & Patty Johnson for a rezoning at 18665 W. Coffee Road from A-2/C-1/C-2 to R-1/R-2, C-1/C-2 and a Wetland Delineation was called to order by Mayor Chiovaturo at 6:10 P.M.

In attendance were Mayor Chiovaturo, Mr. Sisson, 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, Code Enforcement; Mark Blum, City Attorney. Mr. Gihring arrived at 6:15 P.M. Mr. Barnes and Mr. Felda were 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?

Laura Kawala, 14360 W. Wilbur – How many homes are they putting in that area off of Coffee Road?

Mayor Chiovaturo – Potentially, two more besides the one that is currently there.

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

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

Mayor Chiovaturo asked three times for anyone wishing to speak in opposition, seeing none.

Mayor Chiovaturo asked for comments or questions from the Commissioners.

Alderman Ament – On Page 9 of the staff report, on the right side of the page in the lower section, it notes existing C-1, proposed R-1/R-2 & C-1.

Ms. Jones – The drawing that we have on the screen describes the zoning a little better. We have taken the legal description that they have given us, and this area delineates the C-1 (referred to map). There is the small pocket of C-2 and the rest of this goes to R-1/R-2, Single-family residential. That is a little difficult to read, so that is why we prepared the bottom map.

Alderman Ament – So, we are not rezoning any C-1 to R-1/R-2?

Ms. Jones – If you look at the map, this is the current C-1. It is basically staying in tact. There is a small sliver that will be going to R-1/R-2.

Alderman Ament – On Page 12 of the staff report, it says Town of Waukesha, is that a misprint?

Ms. Jones – I think that refers to the surveyors, but I can look into that for the next Plan

Commission meeting

Alderman Ament – On Page 13 of the staff report, under “Results”, there is a reference to the shallow depression, noting it was a shallow water marsh and wet meadow. Does that mean it still is?

Ms. Jones – It was located in a corn field and perhaps was an area that has shrunk over time.

Alderman Ament – Can you look into that? Then on Page 14 of the staff report, the last two sentences in the last paragraph indicate that concurrence with this wetland line by the Army Corp. of Eng. and the DNR shall be obtained. Do you know if that was ever done?

Ms. Jones - Yes, on Page 11 of your packet there is a letter dated October 30, 2003 indicating they concurred with the work that was done.

Alderman Ament – If they decide to build homes in there and stay out of those areas, they don't need to notify the Army Corp. of Eng. or the DNR?

Ms. Jones – Correct. The building permits would be reviewed, and they would need to stay 30' away from those wetlands.

Mr. Sisson – When looking at that same letter, they reference that property by describing it in the City of New Berlin.

Ms. Jones – I bet the DNR caught that error when they responded.

Ms. Broge – Is this rezoning consistent with the overall plan?

Ms. Jones – Yes, it is. The Future Land Use Map says Country Residential, one home per five acres, as well as preserving any wetlands.

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

Mayor Chiovaterro closed the public hearing at 6:22 P.M.

NEW BERLIN PLAN COMMISSION

JULY 10, 2006

MINUTES

6:02 P.M. (5)AB R-7-06 Michael Hollman – 4245 S. Sunny Slope Rd. – Rezone from R-4.5/C-2 to R-4.5/C-2 Wetland Delineation.

The public hearing relative to the request by Michael Hollman for a rezoning at 4245 S. Sunny Slope Road from R-4.5/C-2 to R-4.5/C-2 Wetland Delineation was called to order by Mayor Chiovatero at 6:22 P.M.

In attendance were Mayor Chiovatero, Mr. Sisson, Mr. Gihring, 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, Code Enforcement; Mark Blum, City Attorney. Mr. Felda arrived at 6:29 P.M. Mr. Barnes was excused.

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

Marie Schupp, 13975 W. Coldspring Road – Until this publication, my husband and I and some of our neighbors were not aware that we were living in wetlands. When purchasing property in a designated wetland, is it the seller's obligation to let it be know that the property lies within a wetland? Must this be disclosed? If your property is in a wetland, do you get a tax break?

Ms. Bennett – First, I would like to clarify that this petition is just for the property outlined on the screen. I have had some calls from residents within the 600' of which we are required to notify. This rezoning only applies to the property located at 4245 S. Sunny Slope Road.

Attorney Blum – In answer to your question regarding your property tax assessment, it would be responsive to your individual transaction. It would have to do with the terms of your offer and the terms of zoning classification. Without looking at the individual papers, it is difficult to answer that question across the board. It would be taken into account by the Assessor, but it would depend upon the extent of the wetlands on the property in deciding if it has any impact on the value. Again, it depends on the individual circumstances.

Angela Murray, 4350 Sunny Slope – I am the last house included in the darkened area for wetlands on the map that was sent with the notification. Why are none of my neighbors to the South included on this map?

Ms. Bennett - You are within 600' of the petitioned property, therefore we are required to notify you. Your property is not being affected by this petition.

Ms. Murray – Are we included in the wetlands?

Ms. Bennett – That darkened area on the map shows the 600' buffer that is required to be notified of the public hearing.

Ms. Murray – We have had drainage problems since construction on Sunny Slope Road, so I didn't know if this affected the wetlands.

Mayor Chiovero – If you are having drainage problems, I suggest you contact our Storm Water Engineer.

Ms. Bennett – We can check our zoning map to see if you have any wetlands on your property according to our map.

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 was anyone wishing to speak in favor, seeing none.

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

Mayor Chiovero asked for comments or questions from the Commissioners.

Alderman Ament - Could you show us where the existing and delineated wetland boundaries are?

Ms. Bennett – (Indicated wetland boundaries on map.)

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

Mayor Chiovero closed the public hearing at 6:31 P.M.

NEW BERLIN PLAN COMMISSION

JULY 10, 2006

MINUTES

6:03 P.M. (4)AB R-8-06 Wildwood Preserve – 5611 S. Calhoun – Rezone from A-2 to R-1/R-2.

The public hearing relative to the request by Mark Wimmer for Wildwood Preserve for a rezoning at 5611 S. Calhoun Road from A-2 to R-1/R-2 was called to order by Mayor Chiovarero at 6:31 P.M.

In attendance were Mayor Chiovarero, Mr. Sisson, Mr. Gihring, 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, Code Enforcement; Mark Blum, City Attorney. Mr. Barnes was excused.

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

Kathy Kryszak, 17340 W. Small Road – What is happening to the conservatory amounts that are needed for the property? Is this the part he is selling back to Trees On The Move? Is this being taken away from what was already decided to be public green space?

Ms. Bennett – This is a separate application. The five acre parcel will not be part of that subdivision

Ms. Kryszak – That was initially counted into the green space, was it not?

Ms. Bennett – It is no longer a part of the preliminary plat of the subdivision.

Ms. Krszak – Has anything been clarified about the off site mound systems?

Ms. Bennett – That will be on the Plan Commission agenda on August 14, 2006. This is just for the rezoning of the proposed five-acre lot tonight.

Joe Russ, 16800 W. Shadow Drive – Why were there no signs along this property for rezoning?

Ms. Jones – I apologize, there are no signs out there yet. There will be no action on this tonight.

Mr. Russ – That would have been helpful to notify people who would have wanted to attend the public hearing. As the previous person mentioned, when the preliminary plat was done, this was part of the initial Wildwood Subdivision. Now, they are taking five acres and doing it piece meal. They are chopping it up and rezoning the pieces again. I don't think that's right. It's not what we approved the first time for a conservation subdivision. If this is not going to be part of Wildwood, it changes the whole equation.

Mr. Wimmer - For the past 2 ½ years we have been working on this project, and the only formal action that has occurred as of today is a rezoning of certain areas. We are currently in the process of the preliminary plat of the entire subdivision. There have been some changes since

the rezoning. We have gone from 183 to 190 acres, we have gone from 40 lots to 36 parcels. What that does is allow for separate certified survey maps to enable the sale to Trees On The Move, so they can continue to do business. We will be talking in August about our preliminary plat, but with our application, I can assure you that the amount of lots have been reduced by the number of acres that have been put in conservancy and open space and the percentage has gone up. This is solely to create this separate parcel for transferring to Trees On the Move. The size is consistent with your master plan.

Mr. Russ – If it is going to remain as part of the operation of Trees On The Move, why not leave it agricultural, instead of going residential? There is a farm across the street, and next door is an excavator company ran out of a home. Here you have a tree business that has expanded into snow plowing, lawn service, and landscaping. It is almost more commercial than residential. Is this being done so somewhere down the road, Trees On the Move can decide to go residential instead of keeping it a tree farm?

Ms. Bennett - A-2 zoning requires ten acres and the applicant has chosen the R/1-R/2, and that business can exist there and meet the future land use map.

Mr. Russ – Will this new application fall under the conservation subdivision code?

Ms. Bennett – It is a separate application for a one-lot land division.

Mr. Russ – So that is how they got around it. In the staff report, there is no change in water usage. Right now, Trees On the Move is building another sprinkler system to be located north of their big storage shed. They installed another one last year. They have been using more and more water to irrigate. Are they using water from the creek or the well?

Ms. Bennett – I am not aware of any of those details. They are not a part of this application.

Ms. Krszak - You mentioned you have 190 acres, does that include the amount that Trees On the Move has set aside for their business.

Mr. Wimmer – 190 acres is the total acreage that is under the control of Wildwood Preserve. Trees On The Move will have outright ownership of the five acres created with this CSM, and the acreage North of Bares Road. So, Trees On the Move has title to approximately 38 acres in addition to leasing a portion of open space as part of this subdivision that is West of this five acre parcel equaling approximately 11 acres.

Mr Russ - If they need 10 acres to be Agricultural and they are going to be leasing that land to the West, why don't they just buy that part?

Mayor Chiovarero asked three times if there was anyone else with comments or questions for clarification, seeing none.

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

Gary McHugh - 1204 Kavanaugh Place, Wauwatosa – Owner of Trees On The Move - I would like to reiterate my commitment to New Berlin and Trees On The Move. I want you to know we will stay active with the things we do with the Park Dept, the local schools, Earth Day, Christmas Parade, etc. I live at the property seven days a week and I want everybody to know we want to be good citizens.

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

Mayor Chiovarero asked if there was anyone wishing to speak in opposition?

Joe Russ, 16800 W. Shadow Drive – I have been opposed to Wildwood from the beginning. I think it is in the wrong spot. I think this is a sneaky, back handed way to chop a couple acres out of it. When Trees On The Move moved it, they were just trees and they were real good neighbors. Now I am concerned about water usage. He has sold out to the developer. They fought last fall to get it rezoned, now they are coming back and doing this. It just doesn't seem right.

Ralph Heun, 17765 W. Saturn Drive – Our concern is water. What will 40 more homes do to our water? What is the responsibility of the developer for our well? We are not asking for sewer and water, that is why we are West of Calhoun, but at the same time we don't want it forced on us by allowing a developer to use all the water. That is what you should be talking about.

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

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

Alderman Ament – Does this require Wildwood to come in under the new code?

Ms. Bennett A – The preliminary plat or this rezoning?

Alderman Ament – Either, or. Will the Wildwood Preserve plan be changed to the point where that will have to come in under the new code?

Ms. Jones – I would need to consult the City Attorney. .

City Attorney Blum - The application as presented stands on its own whether it meets the terms of the code or not. Determination was made as to the code that applies. Removing this section of land does not change the applicable code.

Ms. Broge – What is the yellow highlighted area on the map?

Ms. Bennett – It shows the proposed five-acre lot.

Ms. Broge – What is the total open space when all is said and done?

Mr. Wimmer – The total is 69%,

Ms. Bennet – When the packet is prepared for the Plan Commissioners when the preliminary plat is discussed, it will include a chart on the density and the breakdown on the acreage.

Mayor Chiovarero asked for any further questions from the Commissioners, seeing none.

Mayor Chiovarero closed the public hearing at 7:01 P.M.

NEW BERLIN PLAN COMMISSION

JULY 10, 2006

MINUTES

Privilege of the Floor

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

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Gihring, 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, Code Enforcement; Mark Blum, City Attorney. Mr. Barnes was excused.

Motion by Alderman Ament to approve the Plan Commission minutes of June 5, 2006.
Seconded by Ms. Broge. Motion carried unanimously.

Plan Commission Secretary's Report - none

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)

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

CONTINUED BUSINESS

2. (3)GK PG-946 Sewer Service Area Amendments – Robert Dugan – 1505 Johnson Road – Request to obtain sanitary sewer capacity from the City of Brookfield. (Tabled 6/5/06)

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

Motion by Alderman Ament to recommend to Common Council that the City of New Berlin should not direct the Mayor, Staff and the City Attorney to move forward with the request by Mr. Robert Dugan to acquire sanitary sewer and water service for his property located at 1505 S. Johnson Road and begin negotiations with the Town & City of Brookfield and Mr. Dugan.

Seconded by Mr. Sisson. Motion fails for tie vote with Alderman Ament, Mr. Sisson and Ms. Broge voting Yes, and Mayor Chiovero, Mr. Gihring, and Mr. Felda voting No.

Motion by Mr. Felda to recommend to Common Council that the City of New Berlin direct the Mayor, Staff and the City Attorney to move forward with the request by Mr. Robert Dugan to acquire sanitary sewer and water service for his property located at 1505 S. Johnson Road and begin negotiations with the Town & City of Brookfield and Mr. Dugan.

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

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

Motion by Mr. Felda and Seconded by Mr. Gihring to recommend to Common Council that the City of New Berlin direct the Mayor, Staff and the City Attorney to move forward with the request by Mr. Robert Dugan to acquire sanitary sewer and water service for his property located at 1505 S. Johnson Road and begin negotiations with the Town & City of Brookfield and Mr. Dugan passes with Alderman Ament and Mr. Sisson voting No, and Mayor Chiovatero, Mr. Gihring, Mr. Felda, and Ms. Broge voting Yes.

NEW BUSINESS

3. (5)NJ LD-10-05 Hickory Hills Condos – 14602,14800 and 14980 W. Beloit Rd. – SW ¼ Sec. 26, One-lot Land Division – Reaffirm approval.

Motion by Mr. Sisson to recommend that Common Council re-affirm the approval of the one-lot Certified Survey Map for the properties located at 14602, 14800 and 14980 West Beloit Road subject to the plans on file and following original conditions:

- 1) Correct all drafting errors and ambiguities as identified by staff prior to signing of CSM.
- 2) All owners must sign prior to City signing the CSM.

Staff Comment:

All dates to be updated on the face of the CSM. CSM shall be recorded with Waukesha County Register of Deeds office within 6 months of the final approval.

Background Information

10/03/2005: Plan Commission approved the CSM.

10/11/2005: Common Council approved the CSM.

06/19/2006: Applicant requested the City re-affirm this CSM because the Register of Deeds office requires reaffirmation action by Plan Commission and Common Council if the CSM was approved more than 6 months ago.

Seconded by Alderman Ament. Motion carried unanimously.

4. (3)AB R-5-06 Richard & Constance Krahn – 18970 W. Lincoln Ave. –Rezone from M-2/C-1, and C-2 to M-2,C-1 and 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 18970 W. Lincoln Avenue from M-2/C-1and C-2 to M-2/C-1 and C-2 to field delineate the wetlands.

Seconded by Mr. Sisson. Motion carried unanimously.

5. (5)AB R-7-06 Michael Hollman – 4245 S. Sunny Slope Rd. – Rezone from R-4.5/C-2 to R-4.5/C-2 Wetland Delineation.

Motion by Mr. Felda to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 4245 S. Sunny Slope Road from R-4.5 and C-2 to R-4.5 and C-2.

Seconded by Mr. Gihring. Motion carried unanimously.

6. (7)AB CU-2-06 Wayne and Diane Lindner – 19075 W. Cleveland Ave. – Temporary Haunted Tent and Corn Maze. (Public Hearing 6/5/06)

Motion by Mr. Sisson to approve the Conditional Use for the temporary operation of a haunted tent and corn maze located at 19075 W. Cleveland Avenue subject to the application, plans on file and the following conditions:

- 1) Hours of operation to begin October 6, 2006 Friday, Saturday and Sunday 5:30pm to 11pm through Halloween.
- 2) Haunted tent (Clearspan) to be 66' wide and 115' long (rented from Karl's Rental).
- 3) Portable restrooms and wash stations will be available to visitors. Based on 300 people visiting the site, as stated in the submitted Plan of Operation, two (2) portable toilets shall be provided.
- 4) A licensed electrician shall apply for and obtain appropriate electrical permits.
- 5) The Fire Department has requested that the applicant develop a site safety plan. All employees shall be instructed in the plan. Fire Extinguishers and "no smoking" signs shall be required. An electrical inspection prior to occupancy shall be completed. The fire department will be present for the application of the flame seal material. Other requirements may be necessary prior to occupancy of the site and opening to the public.
- 6) Tent to include a maze made up of modular walls, also fire retardant. Emergency exits located throughout tent. Chapter 27 of the Wisconsin Enrolled Commercial Building Code states that "Emergency power shall be provided for exit signs in temporary tents and membrane structures in accordance with the International Fire Code."
- 7) Existing gravel parking lot on east side of property. Parking lot attendants and security personnel shall be on site during evening events.

Seconded by Alderman Ament. Motion carried unanimously.

7. (5)AB LD-8-06 Michael Hollman – 4245 S. Sunny Slope Rd. – Two-Lot Land Division.

Motion by Mr. Sisson to recommend to Common Council approval of the 2-lot Certified Survey Map for the property located at 4245 S. Sunny Slope Rd. subject to the application, plans on file and following conditions:

- 1) The address for Lot 2 shall be 4255 S. Sunny Slope Rd.
- 2) A building permit for the principal building shall be applied for within one (1) year of recording the CSM. (See findings.)
- 3) DNR approval (Chapter 30) required at such time that the access/driveway is installed within the 20' access easement to the current land-locked parcel to the west.
- 4) Only one (1) access to Sunny Slope Road shall be allowed for Lot 2 and shall be determined at the time of a building permit being issued. One (1) of the two (2) existing access points on Lot 1 shall be eliminated.
- 5) Applicant shall correct all drafting errors identified by Staff prior to signing the final CSM.
- 6) 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.

- 7) Payment of \$2,137.60 in Public Site, Open Space & Trail fees required before the City shall sign the CSM.
- 8) Applicant shall provide a perpetual easement providing access to the adjacent land-locked parcel which can only be removed with City approval.

Seconded by Mr. Felda. Motion carried unanimously.

8. (4)NJ U-28-06 Living Word Church – 21400 W. National Ave. – New Church.

Motion by Alderman Ament to table this item per the applicants request. Seconded by Ms. Broge. Motion carried unanimously.

9. (4)AB U-29-06 Joy Rogala – 18180 W. Plateau Ln. – Waiver Request.

Motion by Mr. Sisson to approve the request to deviate from Section 275-53B(4) which states that no zoning permit or building permit shall be issued for a lot that does not abut a fully dedicated and improved public street.

Seconded by Alderman Ament.

Motion by Mr. Sisson for a friendly amendment to grant the waiver based on the condition that the existing Easement Document #3358429 be amended to add additional language in Paragraph #5 to the effect that the City and two property owners would have to approve any modifications to the terms of the easement agreement.

Friendly amendment accepted by Alderman Ament.

Upon voiting the original motion as amended passes with Mayor Chiovatero, Alderman Ament, Mr. Sisson, Mrs. Felda, Ms. and Ms. Broge voting Yes, and Mr. Gihring voting No.

10. (4)AK SG-27-06 Legacy Imaging LLC - 12960 W. Grange Ave. – Waiver Request to place a sign on a mail box for a home occupation.

Motion by Mr. Gihring to deny the request to place a 10" x 22" sign advertising the home occupation on the mailbox post adjacent to the roadway because of the reasons outlined below:

- 1) Section 275-61 H. of the New Berlin Zoning Ordinance states that:
 - (1) Home Occupation and professional home office signs. One sign or nameplate to identify the approved business conducted on the property. Said sign shall not exceed six square feet in area and shall be mounted flush against the dwelling. The sign shall not be illuminated. No signs shall be permitted for home occupations within the Rd-1 and Rm-1 Districts.
- 2) Section 275-61 E(4) "Location" of the New Berlin Zoning Ordinance states that:
 - (a) All signs shall be constructed/erected on the business property.

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

COMMUNICATIONS

12. Communication To: Plan Commission
Communication From: Gregory Kessler, Director of Community Development
RE: "A Snake in the Wetlands", The Milwaukee Journal Sentinel, June 3, 2006.

Plan Commissioners acknowledged receipt of this communication.

13. Communication To: Plan Commission
Communication From: Gregory Kessler, Director of Community Development
RE: WAPA LEGAL UPDATE, by Benjamin C. Grawe, DeWitt Ross & Stevens S.C., June 16, 2006.

Plan Commissioners acknowledged receipt of this communication.

ADDENDUM ITEMS

14. (5)NJ PG-830 #12 – Gate at Cottonwood Drive and Wilbur Drive - Review, discuss and possible action on recommended traffic calming alternatives by the Board of Public Works.

Motion by Mr. Felda to recommend to Common Council to add the one-way on Wilbur Drive between Cottonwood and 147th Street going West to the list of options that could be used to ease the existing situation on Wilbur Drive.

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

15. Communication To: Plan Commission
Communication From: Nikki Jones, Planning Services Manager
Re: The Business Journal, "Hotel Boom Causes Jitters", June 26, 2006.

Plan Commissioners acknowledged receipt of this communication.

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 10:03 P.M. Seconded by Ms. Broge. Motion carried unanimously.