

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

PUBLIC HEARINGS

6:00 P.M. (4)AB R-16-05 Richard D. Gazdecki – 5790 S. Vista Dr. – Rezone from R-3 & C-2 to R-3 & C-2 - Wetland Delineation.

NEW BERLIN PLAN COMMISSION

January 9, 2006

MINUTES

The public hearing relative to the request by Richard Gazdecki for a rezoning at 5790 S. Vista Drive from R-3 & C-2 to R-3 & C-2 - Wetland Delineation was called to order by Mayor Chiovaturo at 6:04 P.M.

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

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?

Wayne Boulton, 5750 S. Vista Drive – This wetland butts up to the outer edge of my property. How far is the wetland area going to get moved down? How do you designate where that line should fall? All of that is wetland.

Ms. Bennett – The applicant has had a biologist go out and field delineate the wetlands. Only the wetlands on his property have been delineated. That biologist that went out there for this property did not go beyond the property lines. If the property owner to the east wants that land delineated, a biologist would have to go out and do a study on that property as well.

Mr. Boulton – Was that delineation done this summer?

Ms. Bennett – The delineation was done on January 4, 2005 by Don Reed of SEWRPC.

Mr. Boulton – That was in the winter when everything was frozen.

Mayor Chiovero – Wetlands are not necessarily delineated by water. There are certain plant life, soils, and living organisms that are looked at before they plot those lines. I can assure you that the person who did it is the expert in his field. Mr. Reed does many wetland delineations in the area, and is very highly qualified to delineate wetlands.

Mr. Boulton – How much is it going to get moved?

Mr. Bennett – (Referred to map) The map you see on the screen shows what our zoning map has for the wetland area. This is the proposed area, so you can see the line has dropped to the south a bit to correctly reflect what is out in the field.

Mr. Boulton – The sole purpose of moving a wetland is to be able to build a house, correct?

Mayor Chiovero – On high grounds?

Mr. Boulton – Yes.

Mayor Chiovero – Yes. The rest of the property is still considered wetlands. All tonight's action is doing is moving the line based on the actual area of wetland.

Mr. Boulton – Will that piece of property fall into all of the restrictions that the rest of the subdivision is in?

Mayor Chiovero – Yes, they have to follow all the same rules.

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 questions or comments from the Commissioners, seeing none.

Mayor Chiovero closed the public hearing at 6:12 P.M.

6:01 P.M. (7)NJ R-17-05 Biltmore Estates – 19205 W. Lawnsdale – Rezone from R1/R2,C2 to R1/R2,C2 - Wetland Delineation.

NEW BERLIN PLAN COMMISSION

January 9, 2006

MINUTES

The public hearing relative to the request by Kevin Zokan for Biltmore Estates for a rezoning at 19205 W. Lawnsdale from R1/R2,C2 to R1/R2,C2 - Wetland Delineation was called to order by Mayor Chiovaturo at 6:12 P.M.

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

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?

Paul Stieff, 19985 W. National Avenue – Essentially that whole thumb shaped part down at the bottom is field delineated away?

Ms. Jones – As part of the delineation, that area was no longer determined to have wetland characteristics as described in the report. That area is still part of the isolated corridor in the area, so there are some preservation restrictions on some of the lots in this subdivision in order to preserve some of those areas, but there are no wetlands in that area. The wetlands all border Lawnsdale Road.

Mr. Stieff – Does the report address why it was previously delineated as wetlands and now isn't? Is it being drained off by the subdivision down below?

Ms. Jones – The way the field delineations used to be done a long time ago, probably when this was done, was by an employee sitting at a desk looking at an aerial photo. Now we require, when anybody comes for action on their property, that they have a field biologist go out to the site and take tests of soils and water, look for different species, plants and animal. The report does not describe why it went away, but there may have been a heavy tree area at the time the delineation was done, and the assumption was made that it was a wetland at that time. These are correctly identified at this time.

Mr. Stieff – OK. Is it typical that they get smaller, rather than bigger?

Ms. Jones – It depends on lots of factors, like the things I mentioned before.

Mr. Stieff – Thank you.

Mayor Chiovero asked 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?

Kevin Zokan, 13555 W. Edgewood Avenue – I am the owner of the property. My delineation was done June 9, 2003. It was submitted to the City. I have a letter from David Haines dated April 23, 2004 stating that this would all be taken care of on the final plat, so when this came up I was surprised that this wasn't taken care of. This is just paperwork now, from what I see.

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

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

Mayor Chiovero asked for questions or comments from the Commissioners?

Alderman Ament – On the letter from Alice Thompson it talks about notification of the Army Corp. Has this been taken care of?

Ms. Jones – Yes. They were copied on the wetland report. The only time they would have had to notify them again is if they wanted to do any work within those wetland areas. This applicant has chosen to develop around those areas.

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

Mayor Chiovero closed the public hearing at 6:23 P.M.

6:02 P.M. (3)AB CU-9-05 Deer Haven Golf Course – 19300 W. Cleveland Ave. – Club House and Banquet Facilities.

NEW BERLIN PLAN COMMISSION

January 9, 2006

MINUTES

The public hearing relative to the request by Jeff Kernen for Deer Haven Golf Course for a conditional use for a club house and banquet facilities at 19300 W. Cleveland Avenue was called to order by Mayor Chiovero at 6:23 P.M.

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

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

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

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

Vernon Bentley, 3450 S. Johnson Road – This is considered one big parcel, right?

Ms. Bennett – Correct.

Mr. Bentley – According to my information, with the addition of the second nine holes, the reason for the new club house banquet hall is a facility that can offer a place for people to sit inside and have an awards banquet after their game. My question is, does this rule out weddings, anniversaries, birthdays, class reunions, retirement parties, social gatherings, elections parties and fund raisers, etc?

Mayor Chiovero - No

Mr. Bentley – That is not the information supplied. It says it would be used for after golf outings.

Mayor Chiovero – Unless I am wrong, I understand that if someone wanted to use it for another purpose, they could.

Ms. Bennett – That is our understanding as well. The banquet facility they are proposing could be used by whoever leases the space. The club house portion would be for golfers.

Mr. Bentley – This is the same plan he had a year ago, but in the new documentation it only mentions that the hall would be used for banquets after golf. I just wanted that clarified. The land was rezoned from A-2 to Park for Tee-It-Up, Raven, and Deer Haven. The conditional use was daylight hours only. The question is, if you change that now, aren't you changing the condition the City told the residents would exist if it were rezoned to Park? This was always supposed to stay daylight hours only.

Ms. Jones – Could you repeat your question about the hours?

Mr. Bentley – I know Tee-It-Up came in a few years ago wanting to get a lighting plan, and they were turned down immediately by the same issue that we have here, that these three in this area have a conditional use requirement for daylight hours only. This is what the residents would like to have stay, 6:00 a.m. to dusk.

Ms. Bennett – The applicant is proposing their own hours, but it is up to the Plan Commission to approve or disapprove portions of his application. If hours are an issue to the Plan Commission, it would be under their discretion.

Mayor Chiovatero – I think lighting was one of the concerns with the neighbors in the area. The applicant is not proposing any lighting changes.

Ms. Bennett – The applicant has requested a waiver for lighting. He has submitted the same lighting plan he submitted last year. It does include some additional lighting. He is willing to have them turned off after events or at midnight. The Plan Commission can certainly adjust that condition if they felt it necessary, but he has proposed that he would have them set to turn off at midnight. The lighting plan that was submitted in the last application last year did not meet our City standards. The lighting was actually too low for our standards. The applicant is asking for a waiver from those standards to keep the lighting low and keep the existing lighting on the buildings.

Mr. Agbaji – Just to clarify, the condition that was imposed on Raven was for their Use Approval for their operation of the driving range, not their Rezoning.

Mr. Bentley – I agree with you on that. When a project comes in for a rezoning, you can only talk about the rezoning. But, when it came in for the conditional use, the residents were also here. Under the conditional use for all three of these, the agreement was that it would be daylight hours only. It was a separate issue. I agree with you.

I attended the Architectural Review Committee meeting where the only discussion they had was about the height of the canopy, but it was mentioned that this is the same plan submitted a year ago and has no changes. Last year a petition with 34 signatures was submitted to the Plan Commission for concerns about Deer Haven's bright lights, heavy traffic, disturbing noise, and for operational hours after dusk. Is this petition still valid

for the neighbors concerns?

We just talked about the lighting plan that doesn't follow the City standards. I read the report from December 23, 2005, and there is a request for a waiver for the amount of lighting required. Is this waiver being considered?

Mayor Chiovaturo – Yes, it is part of the application and will be considered when it comes before the Plan Commission.

Mr. Bentley – I know you will be considering it, but we would hope as neighbors that you would consider leaving it from 6:00 a.m. to dusk. The plan calls for both Raven and Deer Haven parking lots to be used for the 162 parking spaces. Is the parking lot lighting safe enough, especially in the Deer Haven lot, that everyone will be using as a thoroughfare to the driveway exiting onto Cleveland Avenue? There is not much lighting there now. Are you going to waive it, or are you going to come with a lighting plan?

Mayor Chiovaturo – Yes, I think the Plan Commission will consider that.

Mr. Bentley – Since they are combined, what is the water usage for Raven and Deer Haven?

Mayor Chiovaturo – The applicant anticipates no change in water usage.

Mr. Bentley – When this came out originally, what was the water usage for Raven and Deer Haven?

Ms. Bennett – The only water usage would be for a sink in the kitchen. This is not going to be a full kitchen because the food will be brought on-site by the caterers. There will be restrooms and a sink to wash hands for the caterers or rinse dishes. There would be a sink in the bar area. I have talked to the DNR. There is an existing 305 ft. deep well for irrigation for Deer Haven Golf Course. The Raven building has another well that was put in in 2001 that is 305 ft. deep as well. Ms. Paine from the DNR indicated that the DNR would have to review this well based on the new proposal for the Raven building. She said now that the sites have been combined, they would look at the entire site. A condition for approval from the Plan Commission would be DNR approval.

Mr. Bentley – Is the well going to be tested?

Ms. Bennett – The DNR regulates wells. I don't know what she will require. She indicated she wants to do a site visit, but testing was not mentioned. That may be subject to Waukesha County review.

Mr. Bentley – Does anyone drink the water from the well? Will the well water be served in the banquet hall to the patrons?

Ms. Bennett – That would be under County review.

Mr. Bentley – Will you have reports on that before you make a decision on the Conditional Use?

Ms. Bennett – If the Plan Commission is looking for that information.

Mr. Bentley – Does Deer Haven have a sprinkler system for the golf course?

Ms. Bennett – Yes, since 1995.

Mr. Bentley – One of the concerns some of the neighbors have is during the dry season last year, while Deer Haven was watering their golf course, some of the neighbors lost pressure from their wells. I thought the watering was supposed to be done from the ponds, rather than from the well?

Ms. Bennett – I can't answer that for certain. I can only give you the information that was given from the DNR. They do have an approved well in their files for irrigation.

Mr. Bentley – During the rezoning to Park for the Raven property, a six acre parcel to the west of the driving range was taken out of the plan because the DNR wanted it inspected for possible contamination. Will this site be inspected? I know it is not part of this plan.

Ms. Bennett – Not to my knowledge.

Mr. Bentley – I want to make it a point known, that it is there. It is a possible contaminated area, not only the six acres, but many other acres around it that may also be contaminated. When the City put in Wells #9 & #10, it affected the surrounding neighbors. Well pumps had to be lowered and some wells dug deeper at City expense. When Midwest Power demonstrated the water they could be drawing, it could have affected wells a half mile to a mile away. If Deer Haven has a large draw of water from the possible contaminated surrounding areas, could it affect the wells of the surrounding neighbors? That has been a concern for years.

Ms. Bennett - I explained that to Ms. Paine at the DNR and expressed your concern. She has the information and indicated that she wants to come out and take a look at the site. I can give you her information and contact number if you want to talk with her yourself.

Mr. Bentley – Very good. I appreciate that. On the January 14, 2005 staff report under findings, it states that Deer Haven banquet facility will occupy the vacant former Raven golf building. The golf range facility was a structure remaining almost unchanged. Last year at the same time in a New Berlin Citizen interview, Mr. Kernen estimated already spending \$130,000 on the building since buying it last year. The staff report conflicts with the newspaper article. If he did spend \$130,000 in remodeling, was the City aware of it and did he apply for permits? Is he using the same building, or did he do \$130,000 worth of repairs?

Mayor Chiovero – I don't know if he meant that he spent \$130,000 on mortgage payments already, or what. I don't know.

Mr. Bentley – It says he has already spent \$130,000 on the building since buying it last year.

Ms. Bennett – That could mean the purchase, taxes, etc.

Mr. Bentley – At the last public hearing, an attorney speaking for Deer Haven said the building was built to be a banquet hall. At the time the residents questioned the oversized building, we were told it was what Tony Miller wanted. It was oversized for a driving range compared to Tee-It-Up. The attorney also told us the building was used for manufacturing. The residents were told many times there would be no manufacturing on park land. It was questioned because Tony Miller was manufacturing in Muskego and leaving that facility. I have the tape of the public hearing of which I just reviewed. Where does the attorney get his information? That information is not what we were told as residents.

Bill Gostopolos, Representing Jeff Kernen & Deer Haven Golf Course - Some comments were made about the golf course. The golf course has had 13 holes, only five holes have been added this summer. There has not been nine holes added, only five. As far as the water goes, the wells have been efficient enough as far as the DNR is concerned. The water is being drunk now. People are drinking the water and have been for ten years. Unfortunately, Jeff Kernen is out of the country right now, but I can address any questions anybody might have here tonight.

The banquet facility is basically a club house. Since we went to 18 holes, there have been some calls about outings. People like to play 18 holes, and with 18 holes they want to have outings. The existing club house is not sufficient enough now to serve more than 75 people. That is why we are moving the club house to the Raven building. Our outings are basically on weekends. I am assuming business as usual during the weekdays.

Mayor Chiovero - The last speaker said that it was the exact same plan as presented a year ago. It really is not. The club house is being moved to another building. It is similar in operation, but it has some changes to it. Is that correct?

Mr. Gostopolos – That is correct. It is a different building, and it will need some modifications.

Mayor Chiovero – You say people are currently drinking the water. Do you know if the water has been tested?

Mr. Gostopolos – I do not have any information on the water being tested. I am sure it can be done if it is needed.

Mayor Chiorvatero – Do you know if there are any plans to change the lighting down by the driveway where traffic will be coming in and out?

Mr. Gostopolos – If the lighting is required, we can definitely do that.

Mayor Chiovatero – Currently, you would rather not do it?

Mr. Gostopolos – That is correct.

Mayor Chiovatero – What about the comment about there being \$130,000 spent on the building? Are you aware of that?

Mr. Gostopolos – I am not aware of that. I am assuming it was for mortgage and taxes. There was a minor tear down in the building, but nothing major, like walls or anything.

Mayor Chiovatero asked for any further comments or questions?

Paul Stieff, 19985 W. National – (Referring to map) In the delineated area in yellow, is that going to be additional golf course holes? What is plan for the rest of this in back?

Mayor Chiovatero – That is just the property line that the building sits on.

Mr. Stieff – So there is no plan to do additional irrigation back in that area?

Mayor Chiovatero – It is not anticipated in the plan or application.

Ms. Bennett – Nothing new is going to be constructed as far as the golf course. This application is for the banquet facility and the club house.

Mr. Stieff – I assume they use fertilizer on this. Who oversees the use of fertilizer? Are those creeks on the map, and do I see a drainage ditch? It sounds like the City may originally have had a plan for them to use water from a pond rather than the well. My concern is, they could have a higher water usage and need to put in an additional well. You have a high nitrogen fertilizer application right next to what might be a wetland up above and drainage ditches below. It looks like we may be giving these wetland areas a big nitrogen load, and maybe that is why our wetlands stop being wetlands and start being something else. I know you don't have the answer, but I'd like you to think about it.

Ms. Bennett - I can tell you as part of this application, they are not proposing additional wells or any additional irrigation. That well was approved in 1995.

Mr. Stieff – Was it approved under the City's Conditional Use?

Ms. Bennett – Specifically, the banquet hall requires a Conditional Use.

Mr. Stieff – What kind of use is required for the golf course?

Ms. Bennett – The golf course is not part of this application. It is an existing golf course. As their representative mentioned, they were repairing five of the holes, and are now back up to 18 holes for use.

Mr. Stieff – From what Vern said, it sounded like maybe the DNR had approved the additional watering, and it sounded like the City may not have been aware that it was happening.

Ms. Bennett – The City does not regulate wells, it is under the County and DNR.

Mr. Stieff – You don't have any over site on the fertilizer use? Is that DNR?

Ms. Bennett – Yes, or Waukesha County, perhaps.

Joe Russ, 16800 W. Shadow Drive – Does this go along with the Master Plan? I understand a golf course can be zoned Park, but what about a banquet facility? Wouldn't that go against the Master Plan for the area?

Ms. Bennett – A banquet facility is listed as a conditional use in the P-1 District.

Mayor Chiovero asked three times for 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 if there was anyone wishing to speak in opposition?

Vern Bentley, 3450 S. Johnson Road – I would ask that the 34 signatures of the neighbors be valid with their concerns of bright lights, heavy traffic, disturbing noise, and operation from dawn to dusk. I can make copies of that petition if yours is not available. Tee-It-Up, Raven, and Deer Haven were all approved for no lighting. That was the understanding between the Plan Commissioners and the resident neighbors at the time. With the water usage and well next to a possibly contaminated landfill, safety concerns should be taken so not to cause illness to the patrons or surrounding neighbors. At this time I am not in favor of it, but I would like to see the answers from the DNR and Waukesha County.

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

Mayor Chiovero asked for questions or comments from the Plan Commissioners.

Alderman Ament – Why hasn't the applicant submitted a TIA as requested by the Traffic

Engineer in the staff report.

Ms. Bennett - The applicant is working on it and understands that staff will not make a recommendation until we have that information.

Alderman Ament – Requested a copy of the original Conditional Use for the Raven building and the driving range. Also, requested an updated map showing the parcels combined. Can anyone identify where the landfill once was located?

Ms. Bennett – We will check on these things for you.

Mr. Felda – I know there is going to be an issue with the lighting plan. Not so much that the lighting plan does not follow the City standards, but it goes in disfavor of what the neighbors want as far as lighting after dark. The applicant should be aware of that and perhaps recommend up to dusk.

Mr. Gihring – I want to be sure that the questions that were brought up to us tonight are answered when this comes back to us. We will need a more complete staff report especially on those things that relate directly to the plan of operation.

Ms. Bennet – What are your specific questions about the plan of operation?

Mr. Gihring – The plan of operation we have in the report tonight does not look complete.

Ms. Bennett – That is what the applicant provided. If you have something specific, I can ask for more information.

Mr. Gihring – It does not explain things.

Ms. Bennett – A better description for the use of the buildings is needed.

Mayor Chiovatero – He needs to clarify his plan of operation better.

Mr. Gihring – The use of the kitchen, for example, is very sparse. They ask that the lighting plan be amended to below what the City desires. This amended plan needs further explanation.

Ms. Bennett – I did include a lighting plan in your packet, although it is printed very small. The light fixtures are shown as small black dots. I can try to make it more clear for the next meeting.

Mr. Gihring – We need to compare that with what is required by the Code.

Ms. Bennett – The issue is the illumination. The lights are not bright enough to meet our Code. The applicant requested a waiver because he doesn't want to have more

illumination added to the plan. We require 2 ft. candles for all on-sight parking, circulation, and pedestrian areas.

Mr. Gihring – We need a lighting plan where we can actually read the numbers to tell us how much below 2' candles they are.

Mayor Chiovero – I know the applicant is trying to use the lighting that exists.

Mr. Gihring – What is shown here is only the lighting that goes straight down onto the parking lot. The problem is the light that is spreading outside of the area.

Mayor Chiovero – The lighting that leaves the property is a concern. The applicant has been out of the country for over a month. There has been some communication with him, but it is taking awhile for him to understand he needs to explain how the banquet hall will change the site and why we are requiring such information as a traffic study, etc. He does understand this now.

Alderman Ament – It seems like we are ahead of ourselves with this public hearing. We have a lot of people asking a lot of questions with no answers. It defeats the purpose of a public hearing. It seems to me that once we have this information, we should then have the public hearing. There is a lot of information that isn't here. It is going to be tough for us to make a decision without the surrounding residents getting answers to their questions. I am hoping we can look at this again and give the public another chance to talk about it.

Mr. Sisson – When the lighting issue was discussed, I heard Mr. Kern's representative say that the lighting will be taken care of and it won't be a problem in the final analysis. We need to clarify that. We also need to know the hours of operation. If in fact, this is going to be a golf course with related banquet activities, they probably are not going to be going to midnight. I don't know if we can get the owner to declare that the banquet service will be limited to golf activities. My experience has been that a public course does not have outings on weekends, they are usually during the week. We need to have Mr. Kern declare the application of the banquet hall and answer some of the questions asked tonight by the residents before we meet again on this.

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

Mayor Chiovero closed the public hearing at 7:07 P.M.

6:03 P.M. (3)OA CU-10-05 Hal's Harley-Davidson – 1925 S. Moorland Rd. – 2006 Calendar Year of Events.

NEW BERLIN PLAN COMMISSION

January 9, 2006

MINUTES

The public hearing relative to the request by Kirk Topel for Hal's Harley-Davidson for a conditional use for their 2006 calendar year of events at 1925 S. Moorland Road was called to order by Mayor Chiovaturo at 7:07 P.M.

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

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

Mr. Agbaji 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?

Tom Eide, 2020 S. Sunset Court- Will everything be on their property?

Mr. Agbaji - Most of the events will be on their property. When they have overflow, they have coordination with the adjoining properties.

Mr. Eide – We should have a list of which event on which day would use which property ahead of time before we can understand what their plans would be. That would tell what they are really planning to do.

Mr. Topel – Of the nine events proposed, three are indoors. Of the six remaining, three would potentially extend beyond our property and use the Rundle Spence property.

Mr. Eide – Would that be listed on the permit?

Mayor Chiovaturo – Yes.

Mr. Eide – I know for the 100th Anniversary they posted different roads for no left turn, no right turn, etc. Is that going to be part of this permit?

Mayor Chiovaturo – When there is an event that requires traffic control, Hal's has always

come and talked with our Police Dept. and our Streets Dept. in coordinating that. They also reimburse us for any additional expense we may incur because of his events.

Mr. Eide – Originally, the first year they were here, people would park across the street, East of Moorland, and walk through our subdivision, over our lawns, etc. I understand some of the disbursing of beverages is not actually Hal's. Is that allowed on private property for him to have a non-profit entity disbursing liquor?

Mayor Chiovero – A liquor license is issued by the Clerk's Office.

Mr. Eide – Who would apply for the license?

City Attorney Blum – The license would be in the name of the party that is responsible for the beverage serving. If the private entity is the one dispensing the beverage and the one being responsible, they would be the one who would apply.

Mr. Eide – When someone takes out a license for dispensing liquor, do we require them to have insurance?

City Attorney Blum – There is not an insurance requirement as part of beverage licensing activity. Under our ordinance, when we issue a liquor license, it is pursuant to the requirements that are set forth in the statute and there is no specific insurance requirement that we are required to hold a particular applicant to.

Mayor Chiovero – I do want to comment that Hal's is very conscience of the neighbors. The Harley 100 opened up a lot of eyes. There was traffic control during the last event they had in 2005, and there are personnel that make sure people park in the correct area. They try hard, and I have to give them a lot of credit.

Mayor Chiovero 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?

Kirk Topel, 1927 Moorland Road and Co-Owner of Hal's Harley - We have had the good fortune of being a business in New Berlin for 28 years. Our success, in part, we feel has been our ability to interact with our customers and the products we represent. Sometimes that has extended beyond our four walls in the form of events that we have had on the property. In clarification, I would like to make comment to those residents that are here tonight and the Commission. Like many businesses, our business continues to evolve and change. It has changed a great deal since the 100th Anniversary. Although the anniversary seemed like yesterday, it has been three years now. The events that we have proposed for approval tonight represent nine events throughout the year. They are not an increase of activity at the dealership and, in fact, as our business has changed, what we have seen is more specialized activity to smaller groups. I did mention earlier that of the nine events, three are indoors. Of the remaining six, there are two events that would attract more people than we would get in a normal flow of traffic of customers on a given day that we would be open. We have heard comments since the 100th

Anniversary. We have tried to address those. I feel we are responsible to the community, and certainly welcome comments. If we are falling short, we will take action to address that. There was a concern about insurance. There is not an activity that is held, regardless of whether beer is involved or not, that is not insured. That insurance extends to our neighbors that have given us the use their property for parking. I would welcome an opportunity to address any comments or concerns and would hope for a continued use approval from the Commission. Thank you.

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

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

6:04 P.M. (4)OA R-18-05 Briohn Bldg. Corp – Westridge Dev. East, 5600-5700 S. Moorland Road. – Rezone from M-1, C-2, and FFO to M-1, C-2, and FFO – Wetland & Floodplain Delineation.

NEW BERLIN PLAN COMMISSION

January 9, 2006

MINUTES

The public hearing relative to the request by Briohn Building Corporation in cooperation with the City of New Berlin for a rezoning at 5600-5700 S. Moorland Road from M-1, C-2 to M-1, C-2, and FFO – Wetland & Floodplain Delineation was called to order by Mayor Chiovaturo at 7:20 P.M.

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

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

Mr. Agbaji 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?

Joe Russ, 16800 W. Shadow Drive – For the wetland area, with the maps you have here there is not a good overlay to tell what was there and what wasn't. It seems to me there is a whole lot more wetland there then what I am seeing on the map. Has the area with the delineation been increased or decreased?

Mayor Chiovaturo – The delineation has been verified which has decreased what was previously noted as wetlands. As Nikki explained before, a lot of the wetland delineations used to be done through aerial photos, and whatever delineation that needs to be done now has to be field verified, so that is where this comes from.

Mr. Russ – (Referring to map) Is this the area of change?

Mr. Agbaji – (Referring to maps) There are two pockets of wetland. This map does not show any wetland here.(pointed to map) This wetland exists based on the field delineation. (pointed to map) I cannot tell you if it has increased or not because this existing one in not a mapped wetland so there is no legal boundary for a line.

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

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

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

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

Mayor Chiovero closed the public hearing at 7:27 P.M.

6:05 P.M. (4)NJ R-15-05 Living Word Church – Approx. 21400 W. National Ave. –
Rezone from Q-1,R-1/R-2 to I-1.

NEW BERLIN PLAN COMMISSION

January 9, 2006

MINUTES

The public hearing relative to the request by David Meyer for a rezoning at approx. 21400 W. National Avenue from Q-1,R-1/R-2 to I-1 was called to order by Mayor Chiovarero at 7:27 P.M.

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

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

Paul Stieff, 19985 W. National Avenue – Does City law allow a non-landowner or the City to petition for a rezoning?

City Attorney Blum – The City to petition for rezoning is permitted under the Code. Typically, the landowner or the City is the entity that would petition for the rezoning but there is nothing that would prevent a request for a rezoning coming from another source.

Mr. Stieff – So someone else could ask for a rezoning on say, for example, my property?

City Attorney Blum – It is conceptually possible.

Ms. Jones – We require at the time of application, that they have a letter from the applicant and the property owner knows that this is going on. We have that on file.

Mr. Stieff – How does this coincide with the Master Plan for the City?

Ms. Jones – The future land use map for this property designates the area in yellow as Country Residential, which is one lot per five acres for property on the West side. I did a cursory review of our Master Plan as well as the land use update that was done back in

2001 because I thought this question may come up tonight. Not a lot of direction was given in that plan as far a future institutional zoned properties. Churches are allowed as a conditional use in the residential areas. As a future use there, it could be appropriate under a conditional use if they chose to rezone to residential. When you look in the Master Plan for some guidance on how to rezone land for future churches, it is challenging because there is not a lot of information in there. It does a good job of explaining what currently is zoned institutional on the maps, but it does not act as a guide for us to develop sites for new churches. I don't know if this answers your question, but it is zoned Country Residential on the future land use map.

Mr. Stieff – So, Institutional would be a major change from the way it is currently zoned as Quarry, and it's a lesser change if it were zoned, say, Residential to change it to Institutional. You can put a church in a Residential area without it having an Institutional designation, am I correct?

Ms. Jones – It would require a Conditional Use Permit in the Residential district.

Mr. Stieff – But it does not require an Institutional zoning?

Ms. Jones – That is the applicant's choice.

Mr. Stieff – Living on National Avenue, I have people almost weekly pass me on the unpaved shoulder between a guardrail and my car. I was wondering if there were any plans to provide turn lanes on National Avenue, and if so, who would be responsible for them? I mention this because I would think a church would have a high peak number of people wanting to make left hand turns, since I would think most people would be coming from the east since that is the closest intersection to National Avenue and the Interstate, in what is currently a 45 mph zone. I was wondering if there were any plans for dealing with what could be high speed traffic with a big spike in use.

Ms. Jones – There is a TIA (Traffic Impact Analysis) that looks at what it is like currently, and it goes all the way out to their total build out, which is Phase III. As of right now, they are not predicting any changes, and that the regular geometrics that are there would be fine to handle the current levels of service as well as the phases I identified earlier. They would need by-pass lanes for the church. Again, those would be reviewed after the zoning is decided. When they come in for a use application, Waukesha County would get involved.

Mr. Stieff – What is a by-pass lane?

Ms. Jones – It is where cars can slow down and make their left or right turn, whichever they need.

Mr. Stieff – Would there be one on each side of National Avenue or just on the side of the church?

Ms. Jones – I would have to clarify that.

Mr. Stieff – Someone is going to lose some front yard there, if it is across from a residential area.

Ms. Jones – The developer is always responsible for any improvements like that to the road. I would need to review my notes, but I would guess that those by-pass lanes would be on their side of the road. If they needed to purchase additional right-of-way from a neighbor across the street, the applicant would need to do that as part of their project.

Mr. Stieff – I don't think there is a big need going East into the property, but I think there is a big need for a by-pass lane going West into the property. That is where they would be buying someone's front yard. I wonder what those people across the street might think about such a thing.

Joe Russ, 16800 W. Shadow Drive - When Nikki was giving her report, she mentioned it would be on well and septic system, but cut short on the part about the hook up to the City of Waukesha. Is there a plan for Waukesha to put water out in this part of the area?

Ms. Jones – Not that I am aware of. They would be on their own septic and well. This is part of the ultimate sewer district, so at some point in the future if they were to have to connect, similar to other projects that we have looked at in the city, that would be at that time. Right now they would be on septic and well.

Paul Stieff, 19985 W. National – There were some allegations of some toxic waste dumping that I don't think ever got completely investigated. I think the City decided that there was insufficient evidence to address that, but I wanted to make sure everyone was aware of that. Would this be a shallow aquifer well?

Ms. Jones – I am not aware at this time what type of well they would qualify for. We would be looking at that at the time of their use, site, and architecture application.

Ms. Stieff – Did they give any indication of their water usage they anticipated at maximum build-out?

Ms. Jones – They did not. We use a rough calculation for commercial type uses. We look at approximately 800 gallons per day. It depends on what type of activities they end up having at this facility. The wells would have to support any type of activity prior to any approvals of the project.

Ed Neckar, 21000 W. National Avenue – Was there an actual vehicle count done on National Avenue as part of the traffic study?

Ms. Jones – Yes, there was. The City has also been keeping their own counts there due to some of the quarry activities in the area.

Mr. Neckar – Do you know what time of day and what season those counts were done?

Ms. Jones – I know ours have been done throughout the year. I don't have those numbers quickly available to me, but I could post them on our website if you are looking for that.

Mr. Neckar – That would be helpful. Living on National Avenue, that is a big concern. There is a lot of traffic out there, and regardless of the quarry operation, there is a lot of truck traffic along National Avenue. I would like to see what those numbers were.

Ms. Jones – I will talk to our Transportation Engineer and post it on our website.

Mr. Neckar – Thank you.

Mr. Stieff – What percentage of this is going to be parking lot and how do they plan on dealing with the run-off?

Bill Mathews, Anderson-Ashton – Developer, Builder, and Designer for the Church – As far as the turn lanes, egress and ingress lanes are going to be installed plus a by-pass lane. I have met with the County more than once, and they have told us there is room and we do not need to take anybody's property. There is enough right-of-way space to do everything that is required to get people in and out of the property safely. The parking lot will hold 100 cars, which will easily suffice what we need at this time. As far as the run-off, preliminary discussions with storm water management, would be in an area probably to the West. We have 30 acres of property. As you can see on the drawing, the church, school and parking lot on 30 acres does not take up very much space. We would probably end up with our mound system, which I have already spoken with the County regarding the sewer situation, towards I-43 with drainage to the West or Crowbar Road. This is just preliminary at this time and will be pursued further as we go along.

Ms. Jones – Do you have any of those traffic count numbers?

Mr. Mathews – I have the traffic report here. I read it but do not have the exact numbers on hand. It was done in June over a period of three weeks at different times of the day on different days of the week.

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

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

David Meyer, 15400 W. Mayflower Drive – I am the Pastor the Living Word Church, thus, I am in favor. I have lived in the community since 1980. For 15 years I traveled from New Berlin into Greenfield to a church and assisted at that church leading various groups in the community to help with the elderly, distribution of food, etc. For two years I went out to Hartford doing the same thing. In 1996 we started the church and thought it would be a very good thing to have a church of our denomination in the New Berlin area to do the things I did in other communities. We found a lot of people who are of the

same like mind. We even have some of our congregants moving from various areas into the New Berlin area. I guess because we don't have a church of our denomination in the area, it was a good thing. I felt the Lord was leading and guiding me into this area. I am very much in favor.

Joan Doberstein, 20988 W. Barton Road – I am also very much in favor of this project. I have been a New Berlin resident for 20 years and a member of this church for the last five. I am extremely happy with the church. We have been meeting at Prospect Hill School for the last five years that I have been going. Now they are closing Prospect Hill School so it is a little scary, since soon we will be homeless. I am very excited about the possibility of building our own building. Also, we have had a little trouble over the years being inside of a school where we really don't have the control that we want. I am excited about having our own space.

Sue Kelly, 4290 S. Adell Avenue – I am one of the congregational members who moved into New Berlin as a result of Living Word Church. One thing that really makes me very excited about this project is I am charged with music ministry and development and currently hold music practice in my home. It would be nice to have a location to practice. Over the past year we have been going out to the nursing homes in the area to visit and conduct music. It is a great opportunity to have a place where we can continue to develop this and move into other areas of the community. I am very much in favor of this.

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

Mayor Chiovero asked if there was anyone wishing to speak in opposition.

Paul Stieff, 19985 W. National Avenue – I am not truly opposed to this at this time with this amount of information. I would like to remind the board that this is a great deal of institutional property for something that is relatively smaller than what they are asking to rezone. When someone asks for an area quiet a bit larger than what they're proposing, I always wonder what their long term plans are. Obviously institutional property is a lot more valuable than quarry property or residential property, so I would like the members of the board to give a long thought to 30 acres of institutional property that was on the Master Plan as quarry property. I think the other things we need to think about have already been addressed such as the traffic patterns, etc. I am not violently opposed, by any means, but it is concerning to see such a huge change for 30 acres. I was asked by some of my neighbors to point out that they would have liked to have been here, but circumstances have not allowed them to come.

Joe Russ, 16800 W. Shadow Drive – Looking at this map the way it is reminds me of Rawson in Franklin just east of 76th Street. There was a church in the Franklin Industrial Park, and a couple years ago they were on a similar stretch road with a similar speed limit. There have been a couple bad accidents from people making turns into the church. There was even a fatality. It was not a good area for it. We have a public hearing, but yet we don't have the traffic count numbers available. How can we agree with this

without having all the numbers. As the previous speaker said, 30 acres seems a lot for an institution. My concern is what they want to grow into. It is a lot of land off the tax roll. I think we have more than enough institutional land in New Berlin.

Ed Neckar, 21000 W. National – I am not opposed to the church itself. I am not opposed to churches in residential areas. I am opposed to any kind of day care, any kind of additional traffic in that area, and I hope we study that very carefully. The thought of any kind of day care out on National Avenue disturbs me greatly and I would be opposed to that.

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

Mayor Chiovaturo asked for questions and comments from the Commissioners.

Alderman Ament – The water usage according to the staff report is 800 gallons per day. Is that correct?

Ms. Jones – Yes , that is correct. That is a general number we use for commercial type uses. It is not specific for this development.

Alderman Ament – The applicant said they tested for septic and Waukesha is good to go with that for all three phases?

Mr. Mathews - Yes, the tests were done. There were numerous tests done on the I-1 area we are talking about and the perc test and the septic system did perc and a mound system was recommended. There was also, per requirement, a test done on which would be the R-1/R-2 area. We were only required to do one in that area and that did perc also.

Alderman Ament – Would you check to see if that covers all future phases?

Mr. Mathews – I will let you or staff know.

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

Mayor Chiovaturo closed the public hearing at 8:03 P.M.

6:06 P.M. (4)NJ R-12-05 Living Word Church – Approx. 21400 W. National Ave. –
Rezone from Q-1,R-1/R-2 to R-1/R-2.

NEW BERLIN PLAN COMMISSION

January 9, 2006

MINUTES

The public hearing relative to the request by David Meyer for Living Word Church for a rezoning at approx. 21400 W. National Avenue from Q-1,R-1/R-2 to R-1/R-2 was called to order by Mayor Chiovaturo at 8:03 P.M.

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

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

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

Joan Doberstein, 20988 W. Barton Road – I was the one who was first in touch with Jack Madderom about purchasing this property. When we first started talking to him, we only wanted ten acres, so we were not looking to buy this 50 acre parcel. Unfortunately, that is the way he wanted to sell it. He didn't want to parcel it off. He wanted to sell us the whole thing or nothing. We do have an accepted offer on the whole parcel. We obviously don't need 50 acres. If we try to let go of any more acreage, we would have to be a developer. We would have to turn it into a subdivision and other things that would cause us trouble. After we met with the City, this is the way we have agreed would work for everybody involved, so that is how we ended up with a 30 acre parcel even though we don't need that much room. That is all we could do and we are working with what we have. Jack has been very accommodating and is very excited to see the possibility of the church on his property. The other thing I wanted to mention is right now this whole 50 acres is zoned Quarry and the City's property tax bill is about \$200/yr. The person who made the comment about having 30 acres without having any revenue for the City, if we are able to do what we want to do and sell off some five acre parcels, we would have a lot of revenue for the City vs. what we have now.

Mayor Chiovaturo asked three times for anyone else wishing to speak in favor, seeing

none.

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

Mayor Chiovatero asked for questions or comments from the Commissioners.

Alderman Ament – There was some mention of contaminated soil. If I am not mistaken, this particular parcel never was mined. I assume it was always agricultural or farm, as far as I know. I don't know that there would be any issues with contaminated soil.

Ms. Jones – Not that we are aware of. I went back to the early 1960's. We went back to look at Waukesha County's aerial maps and it looks like it was farmed. We didn't see any quarry activity. The Assessor's office had no records to indicate quarry activity. I am not aware of any contamination. I will contact the DNR and find out if there is any information I am missing.

Mr. Gihring – Have they considered rezoning this to something other than Residential. The reason I ask that is because when you look at the property and the area and the way the whole thing is situated, I am wondering if that is really the best use for that area. I know that when an applicant comes into the Planning Department, they generally try to guide people in the direction of whatever the Master Plan says, which would be Residential in this case. If this came as something else, Commercial for example, I would not be opposed to rezone it that way either.

Mayor Chiovatero – This was the applicant's choice. They were not steered in any direction by anyone else.

Ms. Jones – When we have pre-application meetings, we go over all the maps starting with the current zoning, look at the future land use, listen to their ideas, and this is what they have chosen to make their application for. They never mentioned anything about commercial during the meetings.

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

Mayor Chiovatero closed the public hearing at 8:10 P.M.

6:07 P.M. (1)OA R-1-04 Carleton Point Condominiums – 13050 W. Cleveland Ave. Rezone from I-1 to Rm-1/PUD and C-2/PUD for a 48 Unit Condominium Complex with a Planned Unit Development Overlay and Wetland Delineation with a Planned Unit Development Overlay.

NEW BERLIN PLAN COMMISSION

January 9, 2006

MINUTES

The public hearing relative to the request by Gene Eggert for Carlton Pointe Condominiums for a rezoning at 13050 W. Cleveland Avenue from I-1 to Rm-1/PUD and C-2/PUD for a 48 Unit Condominium Complex with a Planned Unit Development Overlay and Wetland Delineation with a Planned Unit Development Overlay was called to order by Mayor Chiovero at 8:10 P.M.

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

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

Mr. Agbaji gave a brief presentation describing the request and showed maps indicating the location.

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

Nancy Birk, 13000 W. Cleveland Avenue – My property is to the East of this proposed site. We have, over the past five years, come to a number of these meetings for this proposed property to be rezoned for something. The last time they wanted it to be a senior housing complex, now they want it to be condominiums. I have great concern because of the compound flooding that it would cause to our property. We have a lot of water flowage that comes off of their property, in addition to the golf course property, in addition to the county road. The water flows down through our culvert and into our driveway. There is a drainage ditch that runs along the side of their property, but we have to maintain it by cleaning it out, because that drainage flows along our property and underneath our driveway. When we have had flooding, our driveway has flooded and eroded our driveway. We have many concerns about flooding, from the North to the South and back and forth, with the majority of the problem coming from the property to the West of us. They have never once come to take care of their property in the past five years, so what's to say they will take care of the property going forward. They need to prove that they will maintain their property. My other concern is traffic. If they are

going to build anywhere from 40 units on up, you would double that in traffic in addition to visitors, service vehicles, etc. There is a huge amount of traffic on that road in addition to that. You have between Cleveland to National, 130th and 132nd Street which are used as thoroughfares. There is wetland included in that property. Are you including wetlands to determine how much they can build?

Mayor Chiovero – You are asking if the wetlands are considered in the calculation?

Ms. Birk – Yes, that is my question.

Mr. Agbaji – Yes, they are considered in the calculation.

Ms. Birk – I don't think they should be because they are not buildable. Am I right? You can't build on them, so why would they be used in the calculation?

Mr. Agbaji – They will not build on them, but they can be used toward the calculation.

Ms. Birk – I don't think that is correct. That is my opinion. Also, last time there was a certain height the building could only be. Is that the same? Now they are proposing they go from 120' from my property line down to 65'. I don't think that is correct. I think it should be 120' or better. My house is very close to the property line, so I don't feel they should reduce that to accommodate what they need to develop on. This is a rural area. These are single family homes in this area. I believe this is how it should stay. If you want condominiums, and you want apartment complexes, this is not the area. This is our neighborhood with single family homes and should be kept that way.

Harold Nelson, 2855 S. 132nd Street –What type of buffers are you going to give these people on the East and on the West. Is the driveway part of the 60'? Where is the buffer going to be?

Mr. Agbaji – (Used the maps to explain the location of buffer area)

Mr. Nelson – I worked with the Thomson Corp. when they did Fountain Square. They are more liberal than what you are. You are going onto people's property. You are using a person's driveway for run-off. How many outside parking spaces will there be? You have to figure in people coming to visit. If it is a complex for 40 people, you have to figure 80 spaces just for those living there. What do you have other than that?

Gene Egger, applicant – There are 96 parking spaces required for this project, all underground. There are 48 units. A while ago it was over 60, but that has been reduced to 48. If you do the calculations, there are only five calculations required outside. We are proposing to have 18 surface parking stalls.

Mr. Nelson – So in other words, 18 people can visit? Have you considered holidays, Christmas, New Years, etc.?

This project is getting too big for this land. You have wetlands. You will be putting asphalt there, which makes wetlands go faster. A neighbor is going to be flooded out

every time it rains. With the parking area like that, I don't think they are considering neighbors at all. In my opinion, three stories should not be in this area. It is too high. Tell me where you see something three stories high? You are going to tower over this lady next door. It may be your property, but the thing is you still have to go through this. Let's talk about traffic. On April 10-17, 2005 for 128th, 130th, and 132nd the New Berlin Police Department facts are total cars Northbound in that week was 1,587. Out of that number, 1,281 were going over the speed limit. We have kids around this area. Now, going Southbound, same street, total number of cars in this week, 1,551, with 1,138 over the speed limit. 79 mph and over was recorded at 1:00p.m., 5:00p.m., and 11:00 a.m., Now you are talking possibly 100 more cars coming from that complex. They put the street coming out on 132nd for the Thomson property because of fire. We okayed that because they gave us ten acres which went to the city for the people. I heard that you had an argument with one of the neighbors at the last meeting when you left. You said you'd make a church. The neighbor said at least we'd only have traffic on Sunday.

Bob Gasser - I am with the engineering firm that is doing the design for this project. We have spend much time and effort, with the cooperation of the City Parks & Recreation Dept. and the City Planning Staff. We have been informed of the various concerns of the adjoining neighbors. One of the main concerns, as this last gentleman pointed out, is the drainage situation. There are approximately 30 acres to the north and west of this project that are draining through our site and through the golf course onto the property immediately to the east of the proposed rezoning property. We have done intense studies as to what the effects of placing detention facilities, both on our site and in cooperation with the Parks & Recreation Dept., an on-site detention basin just south of the 16th fairway, which would be on the northeast corner of our property, a point at which most of the water from the north and west discharges into the property just to the east of us. We have prepared plans and calculations, which have been under the review of the City Engineering staff. We will be detaining water for the 100 yr. storm event and discharging at a rate equal to the pre-developed conditions of a 10 yr. storm event. All the storm drainage facilities on the site are designed for a 10 yr. storm event which is going to require the construction of the detention facilities, in addition to that, all the water that is coming from the site will be intercepted prior to it's leaving the site and discharged into another detention facility located in the Southeast corner. This will practically, if not completely eliminate all the drainage problems that our next door neighbors have experienced in the past. We have been made aware of this and have worked very diligently with the City staff to try to address these concerns and I think we have very adequately done so.

Mr. Eggert – The retention area on the golf course is part of our PUD that is being proposed. That retention area would be constructed immediately prior to any other work being done on the site. There would be some work on the site required to be done to accommodate that drainage on the golf course, but I wanted to reiterate that the retention area would be done before any other work is done on the actual building or parking or driveway areas. The 65' buffer that is being proposed for the east property line does have the driveway running through it. The driveway is not figured in the drainage design. The actual drainage coming from the north and northeast of this property is being handled either through piping or surface drainage in order to reduce the flow before it gets to the

pond down in the southeast corner. In that 65' wide buffer, currently, almost the entire east property line of this property has what you could call, a wooded barrier through it. What that wooded barrier is today is probably 30-45' trees that are 5-10 years from expiring. What we are proposing is to save the vast majority of pine trees through that buffer area, and clear the rest, which is basically brush, undesirable and dead foliage, and replace it with a solid buffer immediately upon the finish of grading, so that we would maintain a privacy buffer between this new project and the existing residential next to it.

We have talked about whether to go on the site and try to do some clean-up, but given the complexity of this project and the amount of drainage issues that exists, and the buffer between the neighbors, we want to know exactly what we can and can't do to the property. As far as debris, we have no problem talking to the owner and seeing what we can do about getting that cleaned up, but as far as taking down trees, we don't want to do anything like that until we know exactly what can and can't be taken out. There is a traffic impact study that has been completed. It is in the staff's office. As Olofu said, our engineering and architectural process is basically on hold right now. It won't go any further until we have an understanding of whether the PUD exists. The traffic study is done and in their hands and will be one of the first things reviewed once the project moves forward. The wetland calculation does figure in with a very minimal amount of wetland on this property. If it was taken out, I don't think it would make an impact on size of the building. We did change the architecture of the building from the last public hearing. It was designed to be narrower and smaller with less units and far more architecturally enhanced. All this is being done to try to satisfy some of the concerns that the public and the City of New Berlin had. We have been working with staff to resolve the issues.

Craig Seefeld, 3004 S. 132nd Street – I think it will be a three story eyesore. I like taking walks with my kids, ages 14, 10, & 3. I have enough concerns about traffic coming off of National Avenue, racing to Cleveland and vice versa. With this building going in, I'm not going to want my kids on the street at all. They might have done a traffic study, but that is coming off Cleveland Avenue. That is not counting people coming through off of National Avenue. My neighbor over there said he had the Police Dept. traffic studies. That was day time hours, prime time hours that kids are out on the street, especially during summer vacation. I don't want to get a phone call from the Police Dept. saying come home from work, your kid is dead. You guys better do a pretty extensive traffic study coming off of National Avenue, through our subdivisions to this piece of property because I won't put up with it.

MaryAnn Miller, S 130th Street – I would like to say since the development of High Pointe, it's almost impossible to go across the street to get my mail. I cannot even walk my dog down my street without cars almost hitting us any time of day. When I didn't quickly get out of the way enough for one car shooting down our street, a man put down his window, shook his fist said, get off the road. It would be impossible to live as we ever lived. When I grew up 130th Street was a nice residential street, and to be next to this eyesore, a three story building does not fit in Homestead Acres, which is what our street and residential area was called. It is one of the oldest properties in New Berlin. That is not what my parents bought into in 1950. I intend to stay on my property until I

die. But, I should have the right to walk across my street, to walk down my street, and all the other people that bought on this street lately with young children, should have the right to enjoy life. They are paying taxes, and they are voters. They are going to remember who pushed this thing through, if it goes through. You have a lot of angry people in here tonight, and there is one person that would profit from it and that is the developer. You would have all these voters and taxpayers that would be at a great loss, and they won't forget who allowed that to go through, if it does go through.

Darren Spangrude, - I am a little overwhelmed right now. I am building a new home on 130th Street. I grew up on 130th Street. I did not realize the size of this project. This is ridiculous. This is like putting a whale in Greenfield Park lagoon. As Mary Ann said, we walk our dogs up and down this street. The traffic off of High Pointe is bad enough already. We can live with that, but not to double it by putting this big monster of a building with close to 100 vehicles. If this goes through, I am almost regretting coming back to my childhood property, where I grew up, and putting up a home. I moved out of the City of Milwaukee to be in New Berlin where I grew up. I can't believe this is happening. It's awful. I won't even want to go down the street. I would have moved out further west.

Yuan Cobra, 2975 S. 130th St. – I have lived here since 1962 in the same building. I know what is going on. There has been a lot of changes in the neighborhood, but this is so dramatic, it will change the whole neighborhood. Before, when single family homes were built, they were spread out with lots of trees. Now, somebody builds a building housing 80 people, and if they have children, we could have 100 more. Right now we have idiots that drive 70 mph in a 25 mph zone. It is hard to get out to National Avenue, especially if it is quitting time at the factories because traffic is so heavy. During the day time, it is hard to get out to National Avenue, because some people are going into the subdivision on the south side are on the left and right side. How many times did the City replace the guardrails? They have replaced them a couple times because our street is a little narrow. People like to drive through our street because it is more on the country side compared to other roads. When you have so many more people on the road close to 130th Street, you don't know what kind of people they will be. It will be terrible if they put this big unit in, how much more people, how much more traffic will there be? I am against a traffic light on 130th Street.

In 1843 somebody bought 80 acres, the old man died in 1890, and then the land was divided between his kids. One of those kids is me. I like it here very much. The traffic did increase, but it is still homey out there now.

Corry Eifert, 2745 S 132 Street – Everyone here tonight seems to be expressing their concerns all in very unique ways and we all appreciate that, but more importantly, the underlying factor of everybody's concern is the density, or the amount of impact this is going to have on this area. I would like the Common Council to remember or to think about from 116th Street in West Allis all the way out to Sunny Slope, that section of Cleveland is very residential compared to anywhere else on that street. We are hoping we can maintain that. It is unfortunate that 132nd, 130th, and 128th happen to be the cut through there, and we think by adding another building and more structure and more

traffic that it will just increase that as well. Regarding the traffic impact study, we are wondering if they are taking into account just the residential structures that are on there and how they would affect the traffic, or are they really considering the fact that those streets are cut-throughs? It is a lot different than any other subdivision you see in New Berlin where it is strictly straight across, so please consider that and how that section of Cleveland Avenue is different from the rest of it.

Jim Bratkowski, 12901 W. Cleveland – Traffic is a big issue. I have lived in the neighborhood most of my life. The section around 130th & Cleveland has a high accident rate the way it is without traffic coming out from the other side of the street. I am wondering how it will affect the sewer system? How big are those retaining ponds? If there is overflow, the water will come across into my creek. My creek has flooded and come close to my house many times.

Linda Prechtel, 2976 S. 130th Street – Three stories is way too big. I have noticed the traffic has gotten worse, and worse, and worse on Cleveland going East and West. Trying to get out from 130th either way lately has been ridiculous. I have seen a lot of traffic going through my street as a cut over. With this project, we would have a lot more traffic. I don't need it. Also, what about the water usage?

Vic Share, 2516 134th Street – I have a question about the retaining pond. I have seen a similar situation in Waukesha. Five or ten years when the architects and developers have gone on to bigger and better things, that pond is going to fill with silt, and then who is going to maintain it? Is the City going to clean out the retaining pond? Are you going to throw your hands up and get the DNR in there? Will the developers come back and fix it? I guarantee that having it located on the golf course, you are going to have a problem. I have seen it happen. It is a disaster.

Joe Russ, 16800 W. Shadow Drive – I am more concerned about the precedent this might set. He should be forced to stick with 120' buffers. That is what they are there for, to protect the neighbors. If he can't get enough condos in there to make it profitable, too bad. There was a proposal for condos or apartments on Calhoun Road and National Avenue about a year ago. They found out the buffer wasn't 120' and it was shot down. This project should comply to the rules also. Would the maintenance of the retention pond be paid for by storm water maintenance?

Mr. Agbaji – They will be required to have a management plan that will be entered into with our Storm Water Engineer and there will be a maintenance agreement that will go with that. If we need to do the maintenance, it will be out of their pocket.

Will Littlefield, 13005 W. Cleveland Avenue – I want to go on record as being opposed to this entire development for all the same reasons that everyone has already mentioned. One point I would like to add, is that statistics show that higher population density comes with higher crime rates, and it is almost a guarantee that it negatively impacts a neighborhood. As far as the comment about somebody building a church there, go ahead, I am all for it.

Denise Brauer, 2755 S. 128th Street – I want to go on record of being opposed. We already have a water problem. We have the creek that runs through our yard and have trouble with water not being able to get out of our area quick enough. I know, you say you have these retention ponds, but I am not seeing anything in the City of New Berlin that is really helping my yard at all for retention ponds. It floods worse and worse every year with every bit of development that goes on.

There is the traffic that is always increasing. There are many young children that are on that street, getting on and off the bus. I have called the City of New Berlin numerous times to try to control the traffic in the area for the amount of speeding. I have invited them into my driveway to catch people speeding.

My main concern is the water. This is my first bulletin that I received from the City about this development or I would have been here long before opposing this. I don't understand how you are going to retain the amount of water that goes through. The City has done nothing even to correct the problem that already exists, yet we continue to develop all around it. I have lived in this particular house for 27 years and there has been nothing but continued development and continued empty promises to contain this water.

Jerry Schenker, 13300 W. Glendale Drive – I have lived here for 20 years. I am on 134th and Glendale Drive, a dead end road. Everybody says that road isn't going to go through. We have one person with land in between that would sell at the drop of a dime. I am afraid that road is going to go through. We don't want it. The traffic on Cleveland Avenue is terrible, and nothing is being done now, yet they say they are going to run traffic studies. What do you run traffic studies on when the road isn't big enough for the traffic it's got now? When I come out on 134th Street, the longest I have sat to get onto Cleveland Avenue was eight minutes. You have peak times in the morning and at night. All you have to do is sit at Cleveland Avenue and Sunny Slope Road and watch people try to beat the lights. 124th Street is a little more controlled. There is not enough road there to do any traffic studies. There is just too much traffic.

Lynn Share, 2516 S. 134th Street – We have lived here since 1975. As the gentleman just mentioned, the traffic on 134th Street and Cleveland can be terrible, morning and night. Say you have 96 people living in this new structure. Are they going to work in the industrial park? That will mean traffic going both directions morning and night. The traffic right now is bad, as everyone has suggested. I think this new project is way out of line, size wise, for the local area it's in. The traffic will increase tremendously, and I don't think this particular area can handle it.

Chuck Dillow, 2727 S. 132nd Street – My wife and I just moved into the neighborhood in 2003. This is all new to me. I hoped something would happen with this proposed land, but looking at these plans, I believe it is too big for our neighborhood. Like everyone said, single-family homes would be best. The traffic situation is bad, but it is not something that cannot be managed, but adding possibly 80-100 cars is going to make the situation that much worse. I am right on Cleveland Avenue and 132nd Street, so I will have it on two side of my house. I am not sure you have the situation with the run-off under control either. The size of the complex will make it look like a monstrosity

sticking out like a sore thumb in our neighborhood.

Mayor Chiovero asked three times if there was any further comments or questions for clarification, seeing none.

Mayor Chiovero asked if there was anyone wishing to speak in favor, seeing none.

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

Harold Nelson, 2855 S. 132nd Street – First of all, I think the traffic is going to be astronomical. I don't think the Police Department wants to hear us calling them every ten minutes. I think the three stories should be cut. We have a problem with run-off of water. Let's not hurt other neighbors that have been here long enough and are established enough to say to you people on this board, think before you vote.

Nancy Birk, 13000 W. Cleveland Avenue - I would like to say that I am opposed to it. All your studies and impacts do not take my property and the other single family homes in the area into consideration. In years past, whenever I would call the engineers to tell them about all the flooding going on, they would say, I'll wait and come out on a sunny day. I would say to them, you need to come out when it's raining. I will say that Eric Nitschke is a wonderful young man and has come out and seen my property when it has flooded. I don't see why the developers are not proposing anything for run-off along the whole driveway. Where is the water going to go? It is going to come onto my property. The majority of the water comes in the middle section, onto my property in addition to the ditch along the side. They are proposing ponds way in the back by the golf course. The golf course may benefit from this, but who will maintain it for years to come. When you say that it is wooded. That is the countryside, and that is where I like living. For them to come to clear whatever they can, should not be. It is too big of a unit. They need to look at developing single-family homes on that property.

Ron Kemnitz, 3033 S. 130th Street – A lot of people have been talking about the flooding. I am a retired fire fighter from New Berlin, and if you all remember back to 1997 when we had all the big rains in June, I saw this first hand, walking knee deep in peoples basements shutting off utilities. We don't need any more flooding.

Being on the South side of 130th near National Avenue, we have gotten the influx of the traffic from High Pointe. The speeds have increased. We don't need more traffic coming from the North. Our kids cannot walk or ride their bikes, and people cannot walk their dogs on the streets. I am surprised no one has gotten killed walking on our streets.

I have not heard it mentioned, but what about the disturbance of the wildlife. We have a lot of deer and other wildlife in our area. Building a monstrosity is going to take away a lot of that.

Will Littlefield, 13005 W. Cleveland – I am opposed and want to ask please, do not let this happen.

MaryAnn Miller, 2922 S. 130th Street – Many people from our street could not come

tonight because of a funeral of a neighbor. I would like to submit a letter from a neighbor across the street who was not able to be here tonight.

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

Mayor Chiovatero asked for questions or comments from the Commissioners.

Mr. Gihring – The Park & Recreation Commission did recommend building a retention pond in the golf course, but not so that this development could take place. They made that decision because they felt it was important for the City to be a good neighbor and control the storm water run-off from the City property onto the neighbors property, just like anyone else should. That would have been done in any case, regardless of what kind of development took place here. It really has no bearing on what is happening with this development.

On page 6 of the staff report under consistency with previous action, it says this proposal is different from the initial submittal and the applicant has attempted to address many of the issues identified by staff, the Plan Commission, and the neighbors at the public hearing. I realize by looking through the PUD in detail, a lot of those questions asked were answered in the PUD, but not necessarily the answers we were looking for. At least, it is a lot clearer and a lot more detailed and will give us something to look at. Also, under Findings, it says the proposed rezoning is consistent with the Master Plan. When this comes back to us for approval, that is one point I want to go over in detail how this is consistent with the Master Plan. The way I look at it, it just does not fit in this area.

Mr. Agbaji – I would like to clarify that the pond on the City site is to detain the water coming off the golf course. It helps the developer address the off-site drainage issue. They will detain their own drainage on their own site.

Mr. Nitschke – We have been working with the developer about the storm water requirements for the site. To clarify what the pond on the golf course was meant to be, Mr. Gihring hit it right on the head. The Park and Rec. Commission voted and approved the pond on the site to be a good neighbor, not to assist the developer in any way. The developer has certain criteria and requirements for their storm water plan that require them to handle water passing through the site, so they in turn also need some sort of facility to control and collect the water and move it through their site without adversely impacting the residents or their own storm water management facility. It is a complex system that is required per our own storm water ordinance and per MMSD Chapter 13 requirements. At the rezoning stage, we don't get into it in great detail. You will see in your packet under Findings that the applicant has submitted a preliminary storm water management plan and there will be further review under the use, site, and architectural approval, if the rezoning is approved. That would be the appropriate time to get into the nuts and bolts of, not only the density, but the storm water management on site.

Mr. Agbaji – The other question was about the future land use of the Master Plan. I

referenced the future land use plan that has this as being mixed use residential transitional. Rather than just the Master Plan, the emphasis was more on the future land use plan. The future land use map identifies this property as going to a mixed use residential, which would have been consistent with the property to the West.

Mr. Gihring – What are the properties to the West zoned?

Mr. Agbaji – Rm-1. The property further to the West is zoned Rd-1.

Mr. Gihring – The building on the properties to the West is not a multi-family, is it?

Mr. Agbaji – No, it is not but the zoning is there.

Mr. Gihring – But, it is a single family?

Mr. Agbaji – Yes.

Alderman Ament –They are proposing a PUD because given all the waivers for height, density, setbacks, and buffers, they would not come any where close to meeting our codes. They talked about a privacy buffer, but with the size and height of this building, I'd like to know how this buffer would work. By the next meeting, I would like to see something that gives better direction on the PUD. We are going to need to know what is involved here before we make a decision. I would like to have a complete list of exactly what waivers they are looking for. I want to know what are the codes and what are the waivers. As far as I see right now, this is not even close to being acceptable.

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

Mayor Chiovaturo closed the public hearing at 9:45 P.M.

NEW BERLIN PLAN COMMISSION

January 9, 2006

MINUTES

Privilege of the Floor

The Plan Commission Meeting was called to order by Mayor Chiovero at 9:45 P.M.

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

Mr. Teclaw has submitted his resignation to the Plan Commission.

Motion by Alderman Ament to approve the Plan Commission Minutes of November 30, 2005. Seconded by Mr. Gihring. Motion carried unanimously.

Motion by Alderman Ament to approve the Plan Commission Minutes of December 5, 2005. Seconded by Mr. Barnes. Motion carried unanimously.

Plan Commission Secretary's Report – no report.

NEW BUSINESS

1. (4)AB R-16-05 Richard D. Gazdecki – 5790 S. Vista Dr. – Rezone from R-3 & C-2 to R-3 & C-2 - Wetland Delineation.

Motion by Mr. Barnes to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 5790 S. Vista Drive from R-3 and C-2 to R-3 and C-2 to field delineate the wetlands.

Seconded by Mr. Gihring. Motion carried unanimously.

2. (7)NJ R-17-05 Biltmore Estates – 19205 W. Lawnsdale – Rezone from R1/R2, C2 to R1/R2, C2 - Wetland Delineation.

Motion by Mr. Sisson to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 19205 W. Lawnsdale Road from R-1/R-2 and C-2 to R-1/R-2 and C-2 to establish the field delineated wetlands.

Seconded by Alderman Ament. Motion carried unanimously.

3. (4)OA R-18-05 Briohn Bldg. Corp – Westridge Dev. East, 5600-5700 S. Moorland Road. – Rezone from M-1, C-2, and FFO to M-1, C-2, and FFO – Wetland & Floodplain Delineation.

Motion by Mr. Barnes to recommend to Common Council adoption of an ordinance that approves the rezoning of the field delineated wetland and floodplain on the property located at 5600-5700 South Moorland Road from M-1 & C-2 to M-1, C-2 and FFO, (Floodplain Fringe Overlay District).

Seconded by Mr. Felda. Motion carried unanimously.

4. (6)OA R-14-05 Park Central – 13700 Park Central Blvd. – Rezone from Rm-1,R-4.5,C-2 to Rm-1,R-4.5,C-2 to Reflect the Northern Boundary of Park Central Blvd. (Public Hearing 12/5/05)

Motion by Mr. Gihring to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 13700 South Park Central Boulevard from Rm-1, R-4.5 and C-2 to Rm-1, R-4.5 and C-2.

Seconded by Mr. Sisson. Motion carried unanimously.

5. (4)NJ LD-14-05 Living Word Church – Approx. 21400 W. National Ave. – Sw ¼ Sec. 6 - Two-Lot Land Division.

Motion by Mr. Barnes to recommend to Common Council approval of the 2-lot Certified Survey Map for the property located at 21400 W. National Avenue subject to the application, plans on file and the following conditions:

- 1) Applicant shall correct all drafting errors identified by Staff prior to signing of the final CSM.
- 2) A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 3) Applicant shall dedicate the additional 17' as indicated by Waukesha County DOT as indicated on the CSM. Prior to City signing CSM, applicant shall add comments provided by Waukesha County to the CSM. This would include the location of potential access points for each lot. Applicant will require an access easement/permit from Waukesha County for each parcel.
- 4) Any future land divisions for Parcel 2 will be reviewed under the R-1/R-2 Zoning District, which requires minimum 5 acres parcels.
- 5) A note shall be placed on the face of the CSM prior to the City signing the CSM stating, "The use of the holding tank is temporary until sewer capacity is made available from the Milwaukee Metropolitan Sewerage District" and the applicant shall agree to enter into a hold harmless agreement with the City of New Berlin in respect to the holding tank, if applicable.

- 6) Per Waukesha County Department of Parks and Land Use a temporary holding tank agreement, between the property owner and the local municipality is required to be recorded on the property deed, if applicable.
- 7) Since there will be no public utilities applicant will need to coordinate with Waukesha County and DNR for septic and well permits.
- 8) A bypass lane would be required at the time of Use, Site and Architecture approval for Parcel 1.
- 9) An approximately 30' wide public drainage easement is required at the time of Use, Site and Architecture application for Parcel 1 or a Building Permit application for Parcel 2. Applicant shall work with the City and County at that time.
- 10) All out buildings, silos, etc. shall be shown on the CSM. Applicant shall apply for a building permit for a primary structure on Parcel 2 within one (1) year of signing the CSM. If a building permit is not applied for, the accessory structure shall be removed or relocated.
- 11) Payment of \$4,875.20 (\$2,137.60 * 2 Lots) in Public Site, Open Space & Trail fees required before the City shall sign the CSM.

Seconded by Mr. Felda. Motion carried unanimously.

6. (7)AB LD-16-05 Jeff & Ann Stuckert – 18675 W. Hillcrest Dr. – Ne ¼ Sec. 29 – Two-Lot Land Division.

Motion by Mr. Felda to recommend to Common Council approval of the Certified Survey Map for the property located at 18675 W. Hillcrest Drive subject to the application, plans on file and following conditions:

- 1) A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 2) The new address for Lot 2 shall be 5085 S. Rolling Meadow Drive.
- 3) Payment of \$2137.60 for lot #2 in Public Site, Open Space & Trail fees required before the City shall sign the CSM.
- 4) Neither Hillcrest Drive located to the west of the proposed land division nor Rolling Meadows located to the west of the proposed land division has the proper ROW in place for the temporary cul-de-sacs to remain in place. The developer will either need to extend these cul-de-sacs onto the lands to be divided, and provide the necessary ROW or work out something with the adjacent land owners (i.e., a deed) to provide the City fee simple rights to the existing lands the current temporary cul-de-sac is on.
- 5) Power pole along west property line of Lot 2, near S. Rolling Meadow Drive shall be relocated, if necessary, to allow for driveway.
- 6) Driveway shall have a minimum 20' culvert with a 5' setback on each side. 30' minimum overall width required.
- 7) Ultimate ROW for CTH ES is 100-feet (50-feet on each side of the centerline). Existing ROW is 33-feet. The developer shall dedicate the southeastern 17-feet along CTH ES to Waukesha County for public right of way purposes prior to any building permits being issued by the City.

- 8) The City's Alternative Transportation Plan indicates the planning for a trail crossing the parcel. A 25-foot easement connecting Hillcrest drive on the east to Hillcrest Drive on the west is planned, and thus required to be dedicated to the city for trail purposes along the frontage that this parcel has.
- 9) The City of New Berlin shall require a 30' wide public drainage easement along the South line of lot 1 and lot 2. At the West line of lot 2, widen the easement to 40' wide, tapering down to 30' width in about 40' length, to match the existing drainage swale from the discharge of the detention pond in the Rolling Meadows Subdivision.
- 10) The legal description of the parcel being developed has errors. Instead of "Commencing at the North Corner of said Northwest ¼," it should read "Beginning at the Southwest Corner of said Northwest ¼;". Also, the parcel should be about 14.6 Acres, not "5,397,481 square feet or 123.9091 acres, more or less."

Seconded by Alderman Ament. Motion carried unanimously.

7. (7)OA S-170-05 Settler's Ridge – 3275 Wehr Rd. – 15-Lot Preliminary Plat.

Motion by Mr. Barnes to recommend to Common Council adoption of a resolution approving Settler's Ridge Preliminary Plat for the property located at 3275 South Wehr Road subject to the plans on file and the following conditions:

- 1) Satisfaction of all the conditions outlined in the Letter of No Objection by Waukesha County Park and Land Use Department is required.
- 2) Satisfaction of all the conditions outlined in the Letter of No Objection by the Department of Administration is required.
- 3) Storm Water - Storm water plans must meet the requirements of MMSD Chapter 13 and the City of New Berlin Storm Water Utility Ordinance in its entirety. Address all stormwater and drainage requirements outlined by the Stormwater Division Engineer during the construction review process. Construction plans shall include the following:
 - a) Proposed grading plan for ponds, roads, building pads, lots, ditches, etc.
 - b) Pond outlet structure details.
 - c) Sizing calculations for storm sewer, ditches, and 100-year overland conveyance.
 - d) A complete water quality plan for the site.
 - e) Compliance with NR-151 and Developer's Handbook groundwater recharge guidelines.
 - f) Downstream conveyance capacity calculations.
 - g) Pond sizing calculations.
 - h) Soil borings at pond locations.
 - i) Construction phasing plan.
 - j) Maintenance plan and agreement.

- 4) Site Plan: Address all site grading and drainage requirements outlined during the construction review process. The Developer's Handbook should be used for any utility placement, road slopes, right-of-way widths, lot grading, filling and landscaping, curb and gutter criteria, under drains for the curb placements, drainage of roadways and lot drainage. Also use the details in the Developer's Handbook for all infrastructure.
 - a) The proposed septic areas shall be located and shown on the Preliminary Plat. The drawing for each lot shall consist of the actual size of the mound system, accurate location of on or off lot systems with the side lot lines extended as required per the Zoning Code.
 - b) The proposed storm sewer should be located in the roadway ten feet (10.0') South or West of the Centerline of each road.
 - c) The criteria that shall be used for determining the building pad elevations will consist of the proposed pads being place at a maximum of plus or minus two to three feet +/- (2.0'-3.0') above any road surface. The amount of fill proposed at the front foundation wall of each building pad shall not exceed four feet (4.0') as a maximum amount of fill.
 - d) Ten-foot (10') basement foundation walls are above the normal eight to nine foot (8.0'-9.0') basement foundation walls.
 - e) Many of the building sites along Gordon Lane and Country Lane would appear to be more conducive to Look-out foundations with a four to five (4.0'-5.0') exposures.
 - f) Settler's Ridge Court shall meet Wehr Road at a 90 deg. Angle and allow for only a (5.0%) road gradient from the Stop Bar back for a distance equivalent to at least two cars (2) being stacked (+/- 45').
- 5) Transportation
 - a) Applicant is required to grant access off Gordon Lane to the three existing landlocked parcel West of this development. Access shall be designed with the Transportation Engineer to minimize removal of existing vegetation.
- 6) Utility
 - a) The property is located outside of the MMSD Sewer Service Area, but is located within the area of the City that contributes to the wastewater treatment plant in Brookfield. Consequently, private on-site waste treatments systems (POWTS) will be required to meet Waukesha County requirements.
 - b) Private water supply wells meeting the requirements of the Wisconsin Department of Natural Resources will be required.
- 7) 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, conservation areas with orange construction fence.

- 8) Detailed road/infrastructure/storm water/grading plans to be reviewed and approved by the Engineering Division prior to writing of the Developer's Agreement.
- 9) 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.
- 10) Approval of all surety instruments required prior to commencement of construction.
- 11) Length bearing and tie to all easements (public and private) required.
- 12) All non-city owned utilities, to include but not limited to; cable, telecommunication, electric, gas, etc., required to be provided underground.
- 13) Payment of \$2,137.60/lot (* 15 lots = \$32,064.00) in Public Site, Open Space and Trail Fees required prior to the City of New Berlin signing the Final Plat.

Seconded by Mr. Felda.

Motion by Alderman Ament to remove Condition #5. Note: We acknowledge that the lots adjacent to this development, Parcel 3 and 4 of CSM DOC #695587, were created based on an access way on an adjacent piece of property (currently known as Settler's Ridge Subdivision) over which they had no control and that we recognize it is impossible to satisfy that original condition of that CSM and we believe the best way of providing access to those parcels is via the 30' wide spur which projects north off of Gordon Lane and abuts the aforementioned lot 4, should access be desired to said lots 3 and 4 in the future.

Seconded by Mr. Sisson. Motion carried unanimously.

Upon voting, motion as amended carried unanimously.

8. (4)NJ/AB U-101-05 Wyndridge – 12800 W. Janesville Rd. – Belinski Duplex Condos – Conceptual Plan.

Motion by Mr. Gihring to table the request for a conceptual review of use, site and architectural approval to construct 52 duplex condominium units located at 12800 W. Janesville Road.

Seconded by Mr. Sisson. Motion carried unanimously.

9. (5)NJ R-8-03 Elmwood School Parcel – 5150 S. Sunny Slope Road – Resolution to update Future Land Use Map.

Motion by Mr. Barnes to approve the resolution to amend the Future Land Use Plan and Map to correctly reflect the rezoning action taken in Ordinance #2222 to rezone the property located at 5150 S. Sunny Slope Road from I-1 to R-4.

Seconded by Mr. Gihring. Motion carried unanimously.

10. ()AB PG-227 Extraterritorial Jurisdiction – S47 W22893 Lawnsdale Rd. – Town of Waukesha – 4-lot Certified Survey Map.

Motion by Mr. Felda to forward to Common Council No Objection to the S47 W22893 Lawnsdale Road Extraterritorial Certified Survey Map in the Town of Waukesha with the following comments:

- 1) The 4 proposed lots in this land division range from 1.47 to 12.98 acres. However, the City of New Berlin requires a minimum of 5-acre lots in the un-sewered areas.
- 2) Plans indicate the wetlands were surveyed in November, 2004.

Seconded by Mr. Gihring. Motion carried unanimously.

11. ()AB PG-227 Extraterritorial Plat – Final Plat for Rolling Oaks – Town of Waukesha – 47-Lots (Phase I).

Motion by Mr. Gihring to forward to Common Council No Objection to the Rolling Oaks Final Extraterritorial Plat in the Town of Waukesha with the following comments:

- 1) The lots in this subdivision are proposed to be ~ 1 acre each. However, the City of New Berlin requires a minimum of 5-acre lots in the un-sewered areas.

Seconded by Mr. Sisson. Motion carried unanimously.

COMMUNICATIONS

12. COMMUNICATION TO: Plan Commission
COMMUNICATION FROM: Greg Kessler, Director of Community Development
RE: “Cabela’s Corridor” by Pete Millard, The Business Journal, December 9, 2005

Plan Commissioners acknowledged receipt of this communication.

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 11:00 P.M.
Seconded by Mr. Felda. Motion carried unanimously.