

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

PUBLIC HEARINGS

6:00 P.M. (4)OA R-11-05 Robert T. Fittshur – City of New Berlin – 21845 W. Lochleven Ln. – Rezone from R-1/R-2 & C-2 to R-1/R-2 & C-2 – Delineate Wetlands.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

October 3, 2005

MINUTES

The public hearing relative to the request by Robert T. Fittshur for a rezoning at approximately 21845 W. Lochleven from R-1/R-2 & C-2 to R-1/R-2 & C-2 – Delineate Wetlands was called to order by Mayor Chiovero at 6:01 P.M.

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

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

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

Robert Fittshur, petitioner – I had SEWRPC delineate the wetlands and I also had the land perc tested and it passed for a mound system. When they dug the holes, we didn't run into any water, so I am confident that the wetland is delineated correctly now, and I would like to build a house there.

Howard Beckner – I own the next three lots. I would like to have mine delineated too, so I am in favor of it.

Mayor Chiovero – If you contact the Planning Department, they can inform you of how to go about doing that.

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

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

Don Gopichanaz, 21840 w. Lochleven Lane – I live right across the street from this lot and it is totally a wet lot. They didn't get any water with his soil test because this was a drought year.

Generally, it is like a bog. I think it should remain a wetland. It has been unbuildable for years. Years ago someone tried to put a basement in on one of those lots and it filled up with water. This was probably 30 or more years ago. I think it definitely should remain a wetland.

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

Mayor Chiovatero asked for questions from the Commissioners.

Alderman Ament – Are these two separate lots?

Mr. Agbaji – Yes, that is correct. They are two separate lots.

Alderman Ament – Are these lots already platted, so he doesn't have to try to meet the five acres?

Mr. Agbaji – Yes, they are existing lots of records.

Alderman Ament – In looking at the map with the blue shading showing the wetlands on page 9 of the staff report, there is a hatched area in the middle where there are no longer wetlands but it says, filled wetlands.

Mr. Agbaji – That is SEWRPC's map. It is identified as fill being brought in but probably it was the basement being filled back. SEWPRC identified it on Page 8.

Alderman Ament – It seems like a coincidence that where it was filled, is where the wetland is now gone.

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

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

NEW BERLIN PLAN COMMISSION  
NEW BERLIN CITY HALL COUNCIL CHAMBERS

October 3, 2005

MINUTES

Privilege of the Floor

The Plan Commission Meeting was called to order by Mayor Chiovero at 5:37 P.M.

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Barnes, Mr. Gihring, Alderman Ament. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Olofu Agbaji, Associate Planner; Amy Bennett, Associate Planner; Anthony Kim, Code Enforcement; Eric Nitschke, Storm Water Engineer. Mr. Teclaw, Mr. Felda were excused.

Motion by Mr. Sisson to approve the Plan Commission Minutes of September 12, 2005. Seconded by Mr. Gihring. Motion passes with Alderman Ament voting present.

Plan Commission Secretary's Report - A copy of the Floodplain Zoning Ordinance was handed out at the meeting and will be available on the city's website, DCD office and Clerk's Office for the November 7, 2005 public hearing. A special Plan Commission meeting will be set up in November after the public hearing to discuss the Floodplain Zoning Ordinance as well as discussion on the Master Plan.

CONTINUED ITEMS

5. ( )NJ PG-951 New Berlin Industrial Park Redevelopment Plan – Forwarded to Plan Commission by Community Development Authority (CDA).

No Action – Discussion only.

Mr. Gihring – I approve of the plan to widen the Deer Creek Waterway so it can hold more water and flow slowly. My concern is the amount of open space requirements being reduced from 30% to 25%. Open space makes the industrial park attractive and I am in favor of keeping the present 30% requirement.

Alderman Ament - I agree with Mr. Gihring concerning the open space requirement. I would like to have clarified how much open space there is in the entire industrial park. Ms. Jones explained that Zimmerman Design did a parcel by parcel GIS exercise, looking at each parcel. When this map is printed out, it will show pervious area, current building envelope area, and how much green space there is for each parcel. If all the green space areas were added together, it would give us a total for the whole park.

Alderman Ament – As in the City Center, an individual site may have no where near the open space required, but compensation is made by having a lot of the open space in another area, similar to cluster subdivisions.

Mr. Gihring – The problem with that is the open space is not common open space, whereas in the City Center there is preserved common open space. In the industrial park, the open space would not be preserved when properties get divided or businesses add additions, so that is not a good comparison.

6. (7)OA U-65-05 Beloit Road Facility – 16100 W. Beloit Rd. – 160,000 Sq. Ft.

Multi-Tenant Building. (Tabled 9/12/05)

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

Motion by Mr. Sisson to approve the request for use, site, and architectural approval to construct a 160,000 square feet multi-tenant spec building at 16100 West Beloit Road, subject to the application, plans on file and the following conditions:

- 1) Plan of Operation
  - a) Applicant will be required to submit a letter to the city to be forwarded to MMSD on his behalf to determine the availability of Sanitary Sewer Capacity for this site. MMSD response will determine if site is developed with municipal sewer or holding tank.
  - b) All future tenants will be reviewed on a case-by-case basis for adequacy of parking and may be denied for lack of parking.
- 2) Architectural Plan
  - a) Approval by Architectural Review Committee is required prior to issuance of Zoning Permit.
- 3) Site Plan - The following issues shall be resolved prior to issuance of the Zoning Permit; unless stated otherwise below.
  - a) Please follow the Developer's Handbook for all construction standards when presenting the proposals for development of the site.
  - b) Please locate all Floodplain, Flood fringe, Wetlands, Navigable Water Ways, Conservancy areas and any Environmental Corridors on site.
  - c) The current Floodplain elevation on this site appears to be approximately +/- (853.0). The proposed detention basin appears to be in the Floodplain and/or Flood fringe, which is not allowed by DNR.
  - d) Provide a grading plan of the proposed detention basin, detention basin analysis, and down stream analysis for the drainage release from the detention basin.
  - e) Please confirm whether or not this site is identified as a DNR snake habitat site. The City of New Berlin may require a Butler Garter snake habitat study to be done.
  - f) Applicant shall provide Curb and Gutter for the entire parking lot.
  - g) Storm sewer will be required to adequately drain the parking lot areas. Please provide a Storm sewer system plan for the site. Size the Storm sewer and inlets appropriately with the minimum of three feet (3.0') of cover over the Storm sewer RCP, Reinforced Concrete Pipe.
  - h) Contact Waukesha County Department of Transportation, to determine what type of consideration and criteria the eighteen inch (18") cross culvert under Beloit Road shall be given at the Southwest corner of the site. County approval of all work within the County right-of-way is required. All county approvals shall be on file prior to issuance of Building Permit.
  - i) Provide information on both the site and grading plan as to how the drainage from Beloit Road Right-of-Way will be directed into the swale along the West lot line of the site.
  - j) Expose the buried storm sewer inlet in the "Northerly" ditch line along Beloit Road, located near the Southwest corner of the site. As of this date 8/16/05 the inlet has been found and exposed by the developers representative. Please contact Waukesha Co. D.O.T. for what they would like to see to continue positive drainage through the ditch line of Beloit Road. Please show on both the site and grading plans the County's requirements for the Right-of-Way drainage.
  - k) Do not block any drainage along or through the Beloit Road open ditch.

- l) Waukesha County D.O.T. to determine whether to maintain an open ditch line along Beloit Road or request a curb and gutter section to be put in place.
  - m) Please keep the drainage swale along the West property line ten feet (10.0') from the property line thereby splitting the difference from the property line to the edge of the proposed parking areas along the West side of the building.
  - n) Both the existing ten foot, +/- (10.0') by eighteen foot, +/- (18.0') stone approach with a fifteen-inch (15") cmp pipe located under the drive approach at the Southwest corner of the site shall be removed.
  - o) A Plat of Survey will be required with the application for a building permit. The Plat of Survey will show the dedication of the Ultimate Right-of-Way to the County and all current information concerning the aforementioned Flood plain, Flood fringe, Wetlands and Environmental Corridors.
  - p) The Plat of Survey shall also include three ties (3) from the delineated lot lines to the building foundation.
  - q) Show the water meter room or area as required per the City of New Berlin Utility Department.
  - r) Maintain as much of the tree line as possible all along the Easterly Property line.
  - s) Show the thirty percent (30 %) green space required for all Commercial/Industrial sites.
  - t) When grading, filling or landscaping the slopes anywhere on the site shall not exceed 4:1, 25%.
  - u) The proposed "retaining wall" located on the West side of the building should be terraced with a minimum of a four foot (4.0') separation between the terraced walls.
  - v) The proposed "Retaining walls" located on the East side of the building should be reconsidered and possibly removed. The grading transition can take place with a 3:1 slope along the East wall of the building and blend into the existing elevations along the tree line at a 4:1 slope away from the building creating a more natural appearance to the building working with the existing landscaping and not forcing the grading. The reason for the abrupt grading transition along this area of the building is not readily apparent from the building elevation views as shown on the plans. A well area next to the East side of the building would not be desirable for evacuating drainage away from the building. The opportunity for an attractive landscaping solution on the East side of the building should be explored while maintaining positive drainage by means of a swale, outside of the tree line, between the East property line and the building to the detention basin along the rear lot line.
  - w) Storm sewer other than roof drainage shall not be placed under the floor system for the building.
  - x) The approach, access, from Beloit Road, shall not exceed seven percent, (7.0%) change in grade to the parking lot. The parking lot shall not exceed five percent (5.0%) change in grade anywhere through the paved surface areas.
  - y) The building and the site must meet all ADA standards and requirements-criteria, ICC/ANSI A117.1-1998.
- 4) Streets & Utilities

- a) Waukesha County Health Department will size the necessary temporary "Holding Tank". The Utilities Engineer and the Plumbing Inspector will need to confirm the location and use of a temporary holding tank on site. Depending on the elevation of the "Future" Sanitary Sewer main to be installed along Beloit Road, there is the possibility that a grinder pump may be necessary when sanitary sewer becomes available to the site from the East. City water is available to the site.
  - b) Holding Tank shall be located on the Plat of Survey and all Site and Grading Plans with ties to property lines.
- 5) Stormwater
- a) Applicant shall comply with the City of New Berlin Storm Water Management Ordinance in its entirety. Approval of stormwater management plan is required prior to issuance of Zoning Permit.
  - b) The City of New Berlin Storm Water and Drainage Engineer shall determine all the on site and off site drainage systems. All other government agencies concerning on and off site drainage and storage areas to be involved as necessary.
- 6) Transportation:
- a) The City of New Berlin Transportation Engineer and Waukesha County D.O.T. shall determine and approve the appropriate access location for the building site along Beloit Road. (Also Waukesha Co. D.O.T. and/ or The City of New Berlin Transportation has required a TIA, (Traffic Impact Analysis) be performed for this proposal.)
  - b) A letter from Waukesha County approving the plan of proposed improvements within the County ROW shall be on file with the City of New Berlin prior to any permits being issued by the City.
  - c) Driveway access may be too close to Towne Drive to satisfy Waukesha County standards. Driveway may either need to be moved further west or aligned with Towne Drive.
  - d) Deceleration lanes with 100-feet of storage, acceleration lanes, and bypass lanes are required at driveways. These shall be installed per Waukesha County standards.
  - e) Signing & marking plan is required.
  - f) Light trespass over the west property line exceeds 0.5 footcandles.
  - g) Show luminaire location and height information on plans and provide cut sheets for fixtures with plan set.
  - h) Applicant shall provide curb and gutter shall be used for all parking areas. Show on plans. Drive aisle width is calculated from edge of pavement (not face of curb). Parking stall depth can include curb pan dimension.
  - i) Pedestrian walkways adjacent to parking shall be a minimum of 8-feet wide to account for vehicle overhang from parking stalls.
  - j) Proper driveway sight distance needs to be provided at driveway locations. For passenger cars looking to the east, proper sight distance is provided. However for semi's looking to the east, approximately 615-feet of sight distance is provided, but 620-feet is the minimum, with more than that being. Moving the driveway further west will help improve the safety (assumes driveway separation from intersection is approved by Waukesha County).
- 7) Landscaping Plan
- a) Approval of the landscaping plan and payment of all sureties are required prior to issuance of Zoning Permits. Landscaping plan must meet all the requirements of Article VIII Section 275-53 through 275-56 of the Municipal Ordinance in its entirety. A registered Landscape Architect shall stamp plans.

- b) Maintain as much of the tree line all along the north property line as possible.
- 8) General Development
  - a) Per the City of New Berlin Fire Department the building is required to be fully sprinklered. Knox box required. Applicant is required to submit State of Wisconsin and Local Fire Prevention Bureau Plan Approvals.
  - b) Hydrant plan layout required.
  - c) Yard hydrants required within 150' of the Fire Department connection. Buildings must meet all applicable building and fire codes.
  - d) All necessary permits must be obtained from the Inspection Division prior to commencement of any construction at this site.
  - e) Building plans shall be approved by the Wisconsin Dept. of Commerce.

Seconded by Barnes. Motion carried unanimously.

Motion by Alderman Ament to temporarily adjourn the Plan Commission meeting at 6:00 P.M. to proceed with the scheduled Public Hearing. Seconded by Mr. Barnes. Motion carried unanimously.

Motion by Alderman Ament to go back into session at 6:10 P.M. Seconded by Mr. Sisson. Motion carried unanimously.

- 7. (4)AK U-79-05 Michael Wilson – 14800 Grange Avenue – After-the-fact Overall Grading Plan. (Tabled 9/12/05)

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

Motion by Mr. Gihring to approve the after-the-fact request to bring fill into the backyard of the applicants property located at 14800 W. Grange Avenue subject to the submitted plans and the satisfaction of the conditions outlined below:

- 1) Applicant shall continue to maintain erosion control measures until the exposed dirt has been restored.
- 2) Applicant shall cease all further operations including any further grading of the property and no more fill shall be brought onto the property until the City Engineer has given his final approval.
- 3) Applicant shall continue to work with the City Engineer to submit plans that meet the requirements set forth in Section 275-55 "Grading and Drainage" of the New Berlin Zoning Ordinance.
- 4) Any future changes to the site shall first be brought to the attention of staff in order to determine whether an application needs to be submitted, and/or the approval of staff or the Plan Commission will be needed.

Seconded by Mr. Barnes. Motion carried unanimously.

- 8. ( )GK PG-741 Zoning Ordinance Revision – Floodplain Zoning Ordinance. (Discussion Tabled 9/12/05)

Item Remains Tabled

#### NEW BUSINESS

- 9. (4)OA R-11-05 Robert T. Fittshur – City of New Berlin – 21845 W. Lochleven Ln. – Rezone from R-1/R-2 & C-2 to R-1/R-2 & C-2 – Delineate Wetlands.

Motion by Mr. Sisson to recommend to Common Council adoption of an ordinance that approves the rezoning of the re-delineated wetland on the property located at 21845 W. Lochleven Lane from R-1/ R-2/ and C-2 to R-1/ R-2/ and C-2 districts.

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

10. (4)AB R-8-05 Wildwood Preserve – Approx. 5611 S. Calhoun Rd. – Rezone from A-2, C-2, R-3, R-1/R-2 to A-2, C-2, R-1/R-2.(Public Hearing 9/12/05)

Alderman Ament commented that as the project proceeds, he would request that item 8a listed under Findings on the Staff Report be eliminated. He also indicated that he would be watching the septic issue very closely.

Motion by Mr. Sisson to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 5611 S. Calhoun Rd. from A-2, R-1/R-2, R-3 and C-2 to A-2, R-1/R-2 and C-2.

Seconded by Mr. Gihring. Motion carried unanimously.

11. (6)OA S-152-98 Park Central – 3360 S. Sunny Slope Rd. – Final Plat Addition #1.

Motion by Mr. Barnes to recommend to Common Council adoption of a resolution approving the Park Central Addition #1 Final Plat for a 23 lot (1 out-lot) Subdivision located at 3360 S. Sunny Slope Road, subject to the application, plans on file, and the following:

- 1) Plan Commission shall consider granting a 10' waiver. Foxwood Drive has a 190' centerline radius. 200' is the minimum allowed radius, and a tangent is normally required between curves. Granted, the curve is close to 200', and the reverse curve is a large radius, almost straight. Staff is ok with this waiver.
- 2) The North line of the subdivision, which is also the North ROW line of Park Central Boulevard and Foxwood Dr., is not the same line that was defined in CSM 9523 as the common lot line between multi-family parcel 2 and the single family parcel 3 of the CSM. The multi-family parcel should be part of this plat or have a new CSM prepared for the parcel or an affidavit of correction. In that way, we can get the vision triangle on the North side of the intersection of Sunny Slope and Park Central Blvd at the same time.
- 3) The above parcel of land shall be properly rezoned to reflect the appropriate zoning. Applicant shall be required to apply for all necessary rezonings, including wetlands prior to filling of final plat.
- 4) The final plat shows a 50'x 50' vision triangle at Sunny Slope Road and Park Central Blvd. This should be a 60' x 60' triangle according to New Berlin's platting. The final plat also shows a 50' x 50' vision triangle at Foxwood and Park Central Blvd. This should only be a 30' x 30'.
- 5) The temporary hammerhead easements at the West end of Foxwood should be changed from 8'x45' to 10' x 45'.
- 6) The pedestrian trail between Foxwood and Highpointe Drives shall be properly graded, seeded and maintained. The work must be approved prior to signing of final plat.
- 7) Wisconsin Department of Administration Letter of no Objection shall be on file prior to signing of final plat.

- 8) The developer shall make the lot buyers aware that side entry garages and deep houses will not fit on many of these lots. The City of New Berlin shall require the developer to clearly mark the wetlands and rear setback line along the creek with orange construction fence. The fences shall be in place until the building receives occupancy. The City of New Berlin will require the wetlands and rear setback line to be shown on the individual plats of surveys that are submitted along with the building permit application.
- 9) Lot 32, owned by the Domkuskis, was not pre-graded as were the other lots. The existing grade is too high and not appropriate compared with Park Central Boulevard and neighbor to East grades. The City of New Berlin will not deviate from the established house and lot grades to accommodate any higher proposed grades. There is a note on the final plat that says: "A dwelling being built on lot 32 must conform to the Architectural Control Board Standards." Change the language to add: "...conform to the Master Grading Plan and to the Architectural Control Board Standards."

Seconded by Mr. Sisson. Motion carried unanimously.

12. (5)OA LD-10-05 Hickory Hills Condos – 14602-15050 W. Beloit Rd. – Sw ¼ Sec. 26 - One-Lot Land Division.

Motion by Mr. Gihring to recommend to Common Council approval of the Certified Survey Map for the properties located at 14602, 14800 and 14980 West Beloit Road subject to the plans on file and following conditions:

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

Seconded by Mr. Barnes. Motion carried unanimously.

13. (7)OA S-170-05 Settler's Ridge – 3275 Wehr Rd. – Conceptual 15-Lot Sketch Plan - Conservation Subdivision.

Rob Bultman, the developer of the project spoke about the project and showed the planned lot lay-out.

Mr. Gihring commented on the storm water plans on the North and South ends of the subdivision. Mr. Bultman said the proposed pond will address a lot of the off-site water issues.

Mr. Gihring said that the Alternative Transportation Plan is very strongly in favor of trying to connect disconnected streets and subdivisions with a trail system that can be used for pedestrians as well as bicycles.

Alderman Ament felt the water pond would add nothing to the aesthetics of the valley. Mr. Bultman said it could easily be taken out of the plan.

Mayor Chiovaturo said even after all the rain we have had, it was dry to walk in the field on our site visit, indicating the land drains well. While walking the site, some of the comments from the neighbors concerned the clustering, but the developer was able to explain to them the thought process of the design.

Alderman Ament was concerned about the pond discussed earlier. He wondered if the pond remained in the plan, would it slow down or retain the water and what effect it would have on the rest of the wetland downstream. He felt this would need to be investigated by the Storm Water Engineer.

Mr. Gihring liked the idea of the pond. He felt it looked nice, but if it doesn't work out with engineering, then it doesn't have to be there.

Motion by Mr. Sisson to conditionally endorse the sketch plan for Settler's Ridge located at 3275 Wehr Road.

Seconded by Mr. Gihring. Motion carried unanimously.

14. (4)AB LD-9-05 Norman O'Hara – 16930 W. Small Rd. – Nw ¼ Sec. 34 – Two-Lot Land Division.

Motion by Alderman Ament to recommend to Common Council approval of the Certified Survey Map for the property located at 16930 W. Small Road subject to the plans on file and following conditions:

- \*1) Applicant shall apply for a building permit for a primary structure within one (1) year of signing the CSM. If a building permit is not pulled, the accessory structure shall be removed or relocated.
- 2) Driveway turnaround shall be shown on CSM on proposed Parcel 1.
- 3) Driveway access shall be restricted to 115' (+/- 15') from west property line of proposed Parcel 1 for acceptable driveway sight distance.
- 4) Applicant shall dedicate 50' to the City for right-of-way purposes.
- 5) Applicant shall correct all drafting errors identified by Staff prior to signing of the final CSM.
- 6) Applicant shall meet all Waukesha County private well and all on-site disposal system requirements.
- 7) A final copy of the CSM shall be submitted to and received and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 8) The new address shall be 16970 W. Small Road.
- 9) A culvert permit from the City shall be required for Parcel 1.
- 10) Payment of \$2,137.60 in Public Site, Open Space & Trail fees required before the City shall sign the CSM.

Seconded by Mr. Barnes. Motion carried unanimously.

15. (7)NJ S-166-04 Biltmore Estates – 19205 W. Lawnsdale – Final Plat.

Motion by Alderman Ament to recommend Common Council adoption of a resolution approving the 13-lot (2 outlots) final plat for the Biltmore Estates Subdivision located at 19205 W. Lawnsdale, subject to the application, plans on file and the following conditions:

- 1) Applicant shall meet all conditions from Waukesha County in a letter dated September 9, 2005.
- 2) A 35' drainage easement shall be shown on the final plat adjacent to the ROW as shown on approved construction plans.
- 3) The City of New Berlin shall initiate with the applicant a rezoning for all wetland areas (C-2) that were field delineated in conformance with 275-37B(4)(b)[12].
- 4) The Final Plat shall restrict the building envelopes on Lots 2, 4 and 12 to be outside the Secondary Environmental Corridor or Isolated Natural Resource Area.
- 5) The Final Plat shall restrict the building envelopes on Lots 5, 7, 8, 9, 10, 11 and 13 so that no more than 20,000 sq. ft. of tree canopy cover within within the Secondary Environmental Corridor or Isolated Natural Resource Area is removed for locating the house, septic/mound system, rear yard and outbuildings.

- 6) Specific front setbacks shall be shown on plat for Lots 1, 8 and 9.
- 7) The boundaries of the isolated natural areas shall be more clearly defined by shading or other appropriate labels.
- 8) The boundaries of the secondary environmental corridor shall be more clearly defined to determine whether or not Lot 13 is included.
- 9) The 20' drainage easement and the 30' drainage easement overlap. Existing 20' easement shall be clearly labeled and identified with the document number.
- 10) Vision triangle to be 60' x 60' from property line to property line at Lawnsdale Road.
- 11) Driveway access on Racine Avenue for Lot 13 shall be limited to the west 80' of the designated area.
- 12) Radius incorrect in the curve table (curve 3 SW).
- 13) Payment of Public Site, Open Space and Trail fees are required prior to City signing Final Plat. (Fee will be based on rates in affect at the time of Final Plat approval, current rate would be \$2,137.60 per buildable lot, \$27,788.80 total).
- 14) All approved mound sites shall be shown on the final plat.

Seconded by Mr. Sisson. Motion carried unanimously.

Motion by Mr. Sisson to recind motion to approve. Motion dies for lack of second.

16. (1)NJ PG-96 Blom St. Vacation – Road Vacation.

Motion by Alderman Ament to recommend to the Common Council adoption of a resolution which approves vacating and discontinuing Blom Street, which includes three segments.

Seconded by Mr. Barnes. Motion carried unanimously.

17. (4)AK U-85-05 Debra Lohke – 17040 Shadow St. – After-the-Fact Retaining Wall and Detached Garage.

Motion by Mr. Sisson to approve the after the fact construction of a nine feet retaining wall constructed of treated timbers for the property located at 17040 W. Shadow Drive subject to the plans on file, and the satisfaction of the conditions listed below:

- 1) Per §275-68. Remedies and enforcement powers states that:
  - (3) Double fee. A double fee shall be charged if work is started before a permit is applied for or issued. The double fee shall be paid prior to issuance of the Zoning Permit.
- 2) The applicant shall be required to sign and submit a hold harmless agreement prior to issuance of the Zoning Permit. The conditions and stipulations of the hold harmless agreement shall be laid out by the City Attorney.
- 3) Prior to issuance of the building permit for the detached garage, the applicant shall submit drawings that illustrate:
  - a) the height of the wall; (dimensions)
  - b) the length of the wall; (dimensions)
  - c) the location of the wall in relation to the house and the detached garage; (distances and dimensions)
  - d) detailed drawings illustrating the retaining wall support structure; (drawn to a measurable scale)
  - e) a detailed description of the materials used to backfill the retaining wall.

Seconded by Mr. Barnes. Motion carried unanimously.

CONSENT AGENDA ( One motion and second will deny all of the following items listed. Any item may be pulled from the list and handled separately)

18. (7)AK U-2-05 Kat's Café – 19680 W. National Ave. – Installation/Replacement of an Existing Canopy/Awning, Approval for Replacement of Two Openings with Windows, Paint the Exterior of the East Wall, and Request the Expansion of Parking on the Site. (Tabled 3/7/05)

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

Motion by Alderman Ament to deny without prejudice the above inactive item based on the following:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.
- 2) Staff has sent a 30 day notice and the applicant did not respond.

Seconded by Mr. Sisson. Motion carried unanimously.

19. (7)AK R-2-05 Kat's Café – 19680 W. National Ave. – Rezone from R-1/R-2 to B-2. – Set Public Hearing. (Tabled 3/7/05)

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

Motion by Alderman Ament to deny without prejudice the above inactive item based on the following:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.
- 2) Staff has sent a 30 day notice and the applicant did not respond.

Seconded by Mr. Sisson. Motion carried unanimously.

20. (7)AK SG-2-05 Kat's Café – 19680 W. National Ave. – Canopy Signs. (Tabled 3/7/05)

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

Motion by Alderman Ament to deny without prejudice the above inactive item based on the following:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.
- 2) Staff has sent a 30 day notice and the applicant did not respond.

Seconded by Mr. Sisson. Motion carried unanimously.

#### COMMUNICATIONS:

21. Communication To: Plan Commission  
Communication From: Amy Bennett, Associate Planner  
RE: Extraterritorial Preliminary Plat Revision – Rolling Oaks, Town of Waukesha (PG-227)

Plan Commission acknowledged receipt of this communication. Revisions will be shown on final plat.

#### PENDING

- 22 (2)NJ U-3-04 National Regency – 13750 W. National Ave. – Exterior Canopy and Parking Lot Modifications. (Tabled 3/1/04, n/a 12/6/04)

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

Motion by Mr. Sisson to drop this item from the agenda. Seconded by Mr. Barnes. Motion carried unanimously.

Motion by Mr. Sisson to adjourn the Plan Commission Meeting at 7:50 P.M. Seconded by Alderman Ament. Motion carried unanimously