

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

PUBLIC HEARING

6:00 P.M. (7)NJ R-6-05 Jacob Ruby – 2955 S. Country Ln. – Rezone from R-1/R-2/C-2 to R-1/R-2/C-2.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

JULY 11, 2005

MINUTES

The public hearing relative to the request by John P. Casucci of National Survey & Engineering for Ruby, Inc. for a rezoning at 2955 S. Country Lane from R-1/R-2/C-2 to R-1/R-2/C-2 was called to order by Mayor Chiovero at 6:05 P.M.

In attendance were Mayor Chiovero, Alderman Ament, Mr. Sisson, Mr. Barnes, Mr. Felda. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Olofu Agbaji, Associate Planner; Amy Bennett, Associate Planner; Ron Schildt, Transportation Division Engineer. Mr. Teclaw was excused. Mr. Gihring is attending another meeting and is due to arrive later.

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

Ann Heinrich, 3030 S. Country Lane – We are concerned because the homes in the area are between 2,000 – 2,400 sq. ft. We would like the homes being built on the new lots to be the same size as our homes. We don't want mansions across the street making our taxes go up. We would like this to be taken into consideration.

Mayor Chiovero – That is controlled by the subdivision covenants which doesn't apply in this case. We would have no control of the size of the homes built.

Ms. Jones – As long as the setbacks are met and they conform to the lots, they can construct a home.

Ms. Heinrich – When we purchased our home, there were already rules and regulations in our subdivision that we had to abide by. If those homes are being built in our subdivision, why wouldn't those rules apply.

City Attorney Blum – That is a private issue between your subdivision association and the individual property owners. As far as the City is concerned, what staff is indicating to you is that we have requirements for the lot size and setback requirements, but over and above that, our ordinance does not regulate the square foot size of the residence. That is not something that the City would have direct control over.

Ms. Heinrich – Who does then?

City Attorney Blum – You indicated that you have a subdivision and that the subdivision has a series of recorded restrictions. I don't know if those restrictions have any reference to the issue of size or not, frequently they do. That would be a private matter between the association and the property owners involved.

Ms. Heinrich – So you are saying, they can build any size home they want across the street.

City Attorney Blum – That is not what I am saying. What I am saying to you is that the issue is between the subdivision association and the individual property owners. If they wanted to pursue that matter between them, they could do that, but the City does not enforce subdivision restrictions, only our City ordinances. Our City ordinances do not deal with the issue that you are raising.

Ms. Hienrich – I understand that. If we don't find out what our subdivision association restrictions are and it never comes into play, they can build any size home across the street.

City Attorney Blum – It is possible, but as Nikki indicated, there are setback requirements that the City has. A very large home may encroach upon those setback restrictions, and if that were to be the case, the City ordinances may come into play. Assuming that those maximums were not infringed upon, then they could build whatever they wanted to in terms of size.

Dennis Wallace, 3000 S. Country Lane - The two lots have been empty for years. Eventually all of the other houses in the neighborhood got built. In reflection to that, at the time we built our house, we tried to put a shed up. We were told we had to apply to each individual in the subdivision to sign paperwork to be able to set up a shed in that neighborhood. Each and everyone in the subdivision had the ability to give permission. The neighbors had to agree. Don't we have a law or do we get to vote for these building permits, just like I had to when I wanted to set up my shed?

City Attorney Blum – I am assuming that what you meant is that there was a violation of a subdivision restriction that the last lady was asking about that prevented the shed from being constructed, not a City ordinance, but rather a subdivision restriction. If in fact the subdivision property owners consent to a deviation from the subdivision restrictions, it is possible that the structure could be allowed. I am speculating. As far as the City is concerned, all we are concerned about is our ordinances. When we view an accessory building like a shed, we look at if the setbacks are appropriate, if it meets building codes, etc. but, the subdivisions again, are a private matter between the residents of the subdivision and the City does not get involved in the enforcement of those.

Just so everyone understands the process here tonight, this is the rezoning. We are talking about the types of uses that may be made on this land, in general. Nikki described the fact that ultimately the intention of the property owner is to divide the land, and that will be a separate process over and above the rezoning which is what we are here to talk about tonight. This is the first step in a series of steps that will be necessary for this applicant to get what is being proposed.

Mayor Chiovetero asked three times if there was anyone else with comments or questions for the purpose of clarification, seeing none.

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

John Casucci, National Survey & Engineering – I have made this submittal on behalf of Mr. And Mrs. Ruby. This first step in the land division, as Nikki pointed out, is to find the C-2 line in conformance with the zoning code land division ordinance of the City of New Berlin. Hearing the concerns that were brought forth, this land is not part of the subdivision and is not subject to those restrictions. That being said, on behalf of Jacob Ruby, we request that this rezoning be

approved.

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

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

Mayor Chiovettero asked for comments from the Commissioners.

Alderman Ament – On the staff report on page 4 under previous action it says n/a.

Ms. Jones – It means the application was made for the land division and that is when we started doing the delineation. This goes back to the part of the zoning code that was changed as part of the code updates. We changed the language in the code that says if they have five acres, it doesn't matter if it is C-2 or R-1/R-2 as long as they have an area that is buildable and meets the setbacks, delineated, and the land percs, they can move forward.

Alderman Ament – I know they came forward with a request about four years ago.

Ms. Jones – At that point they did not meet that requirement.

Alderman Ament – So the only thing left assuming everything is approved tonight, is for them to meet setbacks.

Ms. Jones – That is correct. The land division would go forward and they would then come in for a building permit. At that point, it would be reviewed to make sure it meets the setbacks.

Alderman Ament – As I was reading through this, I saw that the delineation was done on September 2, 2002.

Ms. Jones – I believe delineations are good for five years.

Alderman Ament – I am just not understanding what Section 275.37 of the code is trying to tell us. It says, "A property owner agent shall contact his/her Wisconsin Registered Land Surveyor to prepare a plat survey of the wetland. The survey shall be done within five days of the date of the biologist field statement. The owner/agent shall submit four Wisconsin Registered Land Survey signed and certified copies of the plat to the Dept. of Community Development within 30 days of the date of the biologist statement." Has that all been done?

Ms. Jones – They would have originally submitted it back then.

Alderman Ament – I think the other questions will mostly come up during the land division discussion. There are some other issues with Cleveland Avenue and setback issues related to wetland which could further restrict the size of the home.

Mr. Casucci – The original delineation was submitted to the City back in 2002. I can supply you with a copy of it. When the survey was resubmitted a couple months ago, I brought forward some additional restrictions that are dated 2005.

Alderman Ament – Looking at the map that you have on the screen, the green area with the purple line is the new wetland boundary?

Ms. Jones – No, these are the existing property lines. We don't change anything until the rezoning actually goes forward. It would follow the survey.

Alderman Ament – What is that green line on the map?

Ms. Jones – That is environmental corridor.

Alderman Ament - They are going to have issues there as well.

Ms. Jones – SEWRPC says that you can divide land as long as you have five acres and can still plat a house there. The areas that perc are up in this area (pointed to map).

Alderman Ament – We need to make the districts match up with the delineations. We can discuss that with the land division.

Mayor Chiovatero – Do you have your first question satisfied?

Alderman Ament – I think so, as long as they are comfortable that everything was done according to code. When I was reading it though, it seemed like everything said that things had to be done in 30 days and then I am reading that it was done in 2002. I just want to make sure that mechanically we are not doing something wrong.

Ms. Jones – If I could quickly address that. What that is for is so that if the wetland biologist goes out there, it is to assure that the surveyor actually goes back out there and catches those flags. I know you are aware of some situations where that hasn't happened. They did do this. They did all of the work and at the very end, someone realized there was that 25% rule and that is when they realized that they couldn't do the land division with that rule still in our zoning code. When I go back in the file, I will find out if they did that in an orderly fashion at that time, and now he did make some of the revisions that we had talked about back then, updating the survey. I can double check it for you.

Alderman Ament – If you would, assure me of that.

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

Mayor Chiovatero closed the public hearing at 6:27 P.M.

PUBLIC HEARING

6:01 P.M. (6)AB R-7-05 Dr. Torres Medical Office Building – 12555 W. National Avenue –
Rezone from B-2 to B-1.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

JULY 11, 2005

MINUTES

The public hearing relative to the request by Eric Neumann of MSI General Corp. for Dr. Torres Office Building for a rezoning at 12555 W. National Avenue from B-2 to B-1 was called to order by Mayor Chiovero at 6:27 P.M.

In attendance were Mayor Chiovero, Alderman Ament, Mr. Sisson, Mr. Barnes, Mr. Felda. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Olofu Agbaji, Associate Planner; Amy Bennett, Associate Planner; Ron Schildt, Transportation Division Engineer. Mr. Teclaw was excused. Mr. Gihring is attending another meeting and is due to arrive later.

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 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?

David Donoian, 5307 N. Bay Ridge, Whitefish Bay – I represent the property owner and I would like to say the rezoning of this property is consistent with New Berlin's Master Plan and an excellent use of this property.

Eric Neuman, MSI General – I would like to echo David's comments regarding the Master Plan in New Berlin and also mention that we are in the process of working with staff to address any concerns and technical issues.

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 from the Commissioners.

Alderman Ament – On the letter from the applicant, it says the parking stalls on the preliminary plan of between 90-100 will satisfy the doctors staff parking requirements and fall within the parameters they have been given. Does the parking meet our code?

Ms. Bennett – The site plan will most likely be revised for the use approval when they come back after the rezoning. They have submitted well over what our requirement would be in our code.

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

Mayor Chiovatero closed the public hearing at 6:34 P.M.

NEW BERLIN PLAN COMMISSION
NEW BERLIN CITY HALL COUNCIL CHAMBERS

JULY 11, 2005

MINUTES

Privilege of the Floor

The Plan Commission meeting was called to order by Mayor Chiovero at 7:29 P.M.

In attendance were Mayor Chiovero, Alderman Ament, Mr. Sisson, Mr. Barnes, Mr. Felda, Mr. Gihring. 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; Ron Schildt, Transportation Division Engineer. Mr. Teclaw was excused.

Motion by Alderman Ament to approve the Plan Commission Minutes of June 6, 2005.
Seconded by Mr. Barnes. Motion carried unanimously.

Plan Commission Secretary's Report – There will be no Common Council Meeting on July 12, 2005. Plan Commissioners are requested to review New Berlin Industrial Park Redevelopment Plan and provide comments prior to the public hearing on September 1, 2005 at 7:30 A.M.

CONTINUED ITEMS

5. (7)NJ S-169-04 Poplar Creek – 3095 S. Calhoun – Preliminary Plat for 22 lot Conservation Subdivision (Tabled 9/13/04, 10/4/04, 6/6/05)

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

Motion by Mr. Sisson to recommend to Common Council adoption of a resolution approving the Poplar Creek Subdivision Preliminary Plat for the property located at 3095 and 3111 S. Calhoun Road subject to the plans on file and the following conditions:

- 1) Storm Water Concerns – Applicant shall address all concerns outlined below prior to the submittal of constructions plans and the Developer's Agreement.
 - a) The HEC-RAS model will be reviewed by Crispell-Snyder. Comments will arrive prior to Plan Commission meeting.
 - b) Plans shall include a full detail of the outlet structures (a cross section of the structure was provided but not a detail).
 - c) All lots shall be delineated in the pre-and-post developed drainage areas, not just the building pads. Also, all roadway grading shall be included in the DAB's.
 - d) Verify cuts and fill in the floodplain. The site shall balance.
 - e) A soil boring report shall be provided. The report shall include the groundwater elevations at the pond locations.
 - f) A maintenance plan shall be included in the Storm water Management Plan.
 - g) Please address NR-151 requirements in the SWMP.
 - h) A DNR N.O.I. shall be submitted to WisDNR 10 days prior to starting construction.
 - i) Water quality shall be provided for the stretch of Meadow Creek

Court that does not drain to a detention pond. See DNR Tech Std 1054 as an example BMP.

- j) The 24-hour, 2-year storm event was listed as 2.3 inches in some sections of the calculations. It should be 2.7 inches.
 - k) Off-site flow shall be included in the pond and conveyance system sizing calculations as well as the overall site discharge requirements.
 - l) For water quality purposes, slow down the 2-year discharge rates especially from Pond 1.
 - m) Area 1's Tc and drainage area in Appendix C does not match Area 1's Tc and drainage area in Appendix A. Please correct.
 - n) The cross culvert at STA 23+50 is not properly sized (inlet control is governing factor). (Per Culvert Master Design Check)
 - o) The calculations show the culvert at STA 58+50 as a 42", but the plans call for a 36". Please make the correction. Also, show D.A.B. to the culvert and size the culvert for a 100 year storm event due to location in the floodplain.
 - p) The roadside ditch sections should be sized for a 25-year storm as discussed. They currently are sized for a 10-year storm.
 - q) Provide a detail for the outlet-spreading device.
- 2) General Plat Concerns
- a) The City of New Berlin Fire Department has stated in their comments dated April 29, 2005 that they will not support this subdivision with long cul-de-sacs and the lack of hydrants. Streets should hook-up and line-up.
 - b) Prior to Final Plat, address the concerns of a letter dated June 1, 2005 from the City of New Berlin to Even Nickodem.
 - c) Prior to Final Plat, address the concerns of a letter dated May 21, 2005 from the Waukesha County Department of Parks and Land Use from the Planning & Zoning Manager.
 - d) Prior to Final Plat, address the concerns of a letter dated May 17, 2005 from the Waukesha County Department of Parks and Land Use from the Environmental Health Supervisor.
 - e) Prior to Final Plat, address the concerns of a letter dated May 25, 2005 from the Wisconsin Department of Administration Plat Reviewer.
 - f) At the time of final plat, applicant shall submit a conservation easement document.
- 3) Engineering Concerns
- a) Article 2.6 of the deed covenants call for a 40' side setback and 100' rear setback on the lots. I assume this is in error since the preliminary plat shows a 25' side setback and rear 50' setback. 2.6(f) should add all driveways shall stay at least 5' from side lot lines. 2.6(k) should add that coach lights shall be kept out of ROW. 2.6(l) should add owner or Association are responsible for any necessary repair or replacement within ROW as well as outlot 2 due to septic systems for lots 11-14. Deed covenants should acknowledge the existence of a master grading plan and the homeowners being required to follow such plan and acknowledge the City of New Berlin's right to set proposed grades for all structures at building permit time. The deed covenants should also explain the location of and restrictions in wetlands and secondary environmental areas.
 - b) Applicant shall work with City Staff to achieve typical orderly location and elevation of houses due to an existing 10'-20' grade change between houses on 1 side of the street to the other side of the street and due to the presence of a very high water table and due to the necessity of front yard mound systems on lots 15-19. The City's standard is a house about 3' above the road.

- c) At the time of construction plans, the preliminary grading plan should indicate whether the developer plans on doing any lot grading. The City of New Berlin will require extensive lot grading by the developer to take excessive dirt from the high side of the street and move it to low side of the street. The developer has already submitted a full set of construction plans. However, he will need to submit 2 different grading plans, one being what the developer is grading and the other being the homeowners' final grade.
 - d) Applicant shall keep the high ground water in this area in mind. Further discussion regarding pushing the houses back further on the lot will take place at the time of the construction plans.
 - e) Driveway culvert sizing calculations are needed. Applicant shall respond at the time of construction plans.
 - f) The City of New Berlin may want to change some of the proposed road grades. Where the existing gas main crosses Meadow Creek Court, the Gas company will not allow the grade to be lowered.
 - g) The proposed street names are not approved at this time. The names may need to be shortened. 3 different street names may not be acceptable.
 - h) Applicant shall continue discussing the septic locations for lots 10-14 as the construction plans progress.
 - i) Applicant shall utilize monuments on Outlot #2 to indicate the location of the septic system piping located between lots number 6 and 7. Applicant may wish to consider a split rail fence along the side lot lines of lots number 6 and 7 in order to identify and protect this area.
- 4) Transportation Concerns
- a) Tapers for bypass lane on Calhoun Road are to be 150' for 40 mph speed.
 - b) Due to steep grade and being adjacent to the creek, guardrails with ET 2000 Plus impact attenuators are required along the length of the bypass lane.
 - c) Cross-sections and plan & profile sheets are required for all roadways.
 - d) A WE-Energies streetlight is required at access points along Calhoun Road in the SW corner near where the stop sign will be. Luminaire wattage shall be 100 watts.
 - e) Signing & marking plan is required for intersection of Calhoun Road and Meadow Creek Lane.
 - f) Cul-de-sac paved bulb should be 42' radius.
 - g) Geotextile fabric is required under base course per city standards.
 - h) Vertical curves require K-values of 37 or higher for sag curves, and 19 or higher for crest curves.
 - i) Ultimate ROW for Calhoun Road is 130-feet (65-feet on each side of the centerline). Existing ROW is 100-feet. The developer shall dedicate the eastern 15-feet along Calhoun Road to the City of New Berlin for public right of way purposes prior to any building permits being issued by the City.
 - j) The home located on Lot #21 will be located within the Ultimate Right-of-way of Calhoun Road. In order for the house to remain, the applicant shall submit a Revocable Occupancy Permit and or a Hold Harmless Agreement for the home to protect the City's interest in the future if the road would be widened at a future point in time.

Seconded by Alderman Ament. Motion carried unanimously.

6. (4)NJ U-33-04 The Conservancy Subdivision – 13150 W. Janesville Road - 8' fence. (Tabled 7/12/04)

Item remains Tabled.

7. (5)NJ U-26-04 New Berlin City Center Retail II, 15180 W. Library Lane – Bldg D. – Retail Stores (Tabled 5/3/04)

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

Motion by Mr. Sisson to approve the request for Use, Site & Architectural Approval for construction of Retail II, Building “D”, a multi-tenant retail building, subject to the application, plans on file, final Architecture Review Committee review, and satisfaction of the following conditions:

- 1) Plan of Operation
 - a) Prior to occupancy, all site improvements in this phase, including all parking, curb and gutter, landscaping, and storm sewer shall be completed.
 - b) This application is only for the “shell” of building “D”. No tenant floor plans or plan of operations have been identified within this application.
 - c) Each tenant will be required to obtain a re-occupancy permit prior to building permits being issued. All future tenants will have to provide a Plan of Operation that shall state the number of employees in the largest shift as required by §275-24C(2)(d). Future tenants will be reviewed on a case-by-case basis for of parking and may be denied for lack of parking.
 - d) The City of New Berlin recently installed stamped concrete in the terrace area along Library Lane in front of this property. The applicant will be responsible for repairing and replacement to any damage to the stamped concrete during construction.
 - e) No additional waivers have been requested in writing for this project. The site plan will remain as approved for Building “B”. The applicant has indicated they do not wish to do the stamped concrete. This will be required.
- 2) Architectural Plans –
 - a) Prior to the City signing the Zoning Permit, the applicant shall obtain final approval by the Architecture Review Committee. The Committee discussed several items that need to be tweaked on the plans. Applicant shall review the minutes from the Architecture Review Committee (ARC) meeting from 6/29/2005 and respond to the comments. Revised plans shall be submitted and reviewed by the ARC.
 - b) Applicant shall utilize the rendering technique that was used for Building “B” as well as the original submittals for this building (Building D). It is difficult to tell material colors, bump out areas, and the patio is not shown on the new drawings. This is a design component for City Center.
 - c) Applicant shall submit line of sight drawing from National Avenue for roof top units. It appears that a 4-½ foot parapet wall may be enough if units are tucked up to the north wall.
 - d) Prior to issuance of the Zoning Permit, approval of the exterior architecture and materials for construction by the Architectural Review Committee is required.
 - i) Window pattern and brick accents on lower area do not match. Applicant shall use more brick or possibly a different color brick or additional landscaping on this corner.
 - ii) Its difficult to tell from plans what type of brick is used in this corner as well (white, tan or and red). Applicant shall verify if the color pallet is the same as Building B.

- e) The front (along Library Lane and the parking area) windows shall not be blocked or opaque, and shall allow pedestrians to see into the store or display windows as recommended by the City Center Development Plan. Street level retail buildings are to have a minimum of 60% glazing facing the street, or its pedestrian walkway or plaza.
- 3) Site Plan.
- a) The building owner/developer shall purchase and install benches along the sidepaths along National Avenue and Coffee Street at locations approved by DCD staff as required by the City Center Development Plan. Applicant shall identify locations on the site plan.
 - b) Coordinated bike stands, trash receptacles and architecturally integrated newspaper racks shall be purchased and installed by the building owner/developer and shown on the site plan as required by the City Center Development Plan. Applicant shall identify locations on the site plan.
- 4) Landscaping
- a) Applicant, based on the final architecture for Building D, shall work with Staff to add additional plantings around the base of the building along Library Lane where brick is currently exposed. Planter may be used around the window areas.
- 5) Engineering.
- a) Applicant shall identify if there is room in the vestibule for extra steps. Verify if there will be a difference in elevation between door #1 and stairs and #2 and stairs.
 - b) Applicant shall indicate the east side patio area on the revised drawings.
 - c) Applicant shall connect to storm sewer along Library Lane show how downspouts will connect to storm sewer.
 - d) Elevation view looks to be showing the wrong amount of exposure per review of grading plan and rendering.
 - e) Applicant shall get utilities (water and sewer) approved and installed prior to the issuance of the Building Permit. Coffee Street and Main Street shall be completed and proper / appropriate utilities installed.
- 6) Storm water Utility
- a) Applicant shall indicate on plan sheet C-3 how building "D" is going to be serviced with water.
 - b) Applicant shall refer to the Developer's Handbook for Sanitary Sewer and Water System construction specs and standards.
 - c) Multi-tenant buildings require that a Water Meter Room be provided at the Building Water Service piping entrance. The Meter Room:
 - i) Shall be large enough to accommodate work on the meters;
 - ii) Shall not be obstructed with water softeners, vacuum cleaners, garbage cans, cleaning-janitorial supply storage or work area, etc;
 - iii) Shall have adequate heating and lighting and floor drain;
 - iv) Shall have outside direct access or access via public hallway; and shall be locked with an access key provided to Water Utility Division. Counsel directly with the Water Utility at (262) 786-7211 for other requirements.
 - d) Any building that will accommodate a food service or food preparation tenant requires an Outside Grease Trap Tank and an MMSD Sampling Manhole designed and installed to the Developer's Handbook Requirements.

- e) Applicant shall pay Water and Sewer Impact Fees based upon equivalent domestic water meter size required for each building for domestic service, including lawn sprinkling meter capacity (if and when installed), in accordance with City Code in effect at time of Permit applications.
- 7) General
- a) All signage will be under a separate sign application.
 - b) Building plans shall be stamped and signed by a registered architect or engineer.
 - c) Building plans shall be approved by the Wisconsin Department of Commerce.
 - d) Erosion control shall be permitted, installed and inspected prior to issuance of building permits.
 - e) Apply and obtain appropriate building, plumbing and electrical permits.
 - f) Buildings must meet all applicable building and fire codes.
 - i) Buildings to be fully sprinklered.
 - ii) FDC to be changed to 5" storz.
 - iii) Fire hydrants are required within 150' of sprinkler connection.
 - iv) Fire alarm required.
 - g) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code. No outside storage shall be permitted on the lot.
 - h) Fully sprinkle building. Sprinkler system to be monitored. Fire Department sprinkler connection be near an accessible location approved by the Fire Department.
 - i) Knox box required.

Seconded by Mr. Barnes. Motion carried unanimously

8. (4)AK U-29-04 William Luterbach – 5400 Westridge Dr. – Dock Doors.

Motion by Mr. Barnes to the table the request for an appeal to Condition #3 of Zoning Permit #U-29-04 for the property located at 5400 Westridge Drive and refer to staff to return to Plan Commission with a workable plan.

Discussion on supplementing the existing plans with additional landscape screening with an option of cedar fencing on two sides.

Seconded by Mr. Felda. Motion carried unanimously.

NEW BUSINESS

9. (7)NJ LD-4-05 Ruby, Inc. – 2955 S. Country Ln. – Sw ¼ Sec. 8 – Two-Lot Land Division.

Motion by Mr. Felda to recommend to Common Council approval of the Certified Survey Map for the property located at 2955 S. Country Lane subject to the plans on file and following conditions:

- 1) Wetland preservation restrictions are to be shown on the face of the CSM. Silt fence required along wetland boundary prior to any construction.
- 2) As part of normal building permit, applicant shall be required to demonstrate proof of perk, identify location of perk, and the City must receive sanitary approvals from Waukesha County prior to any building permits being issued. On-site disposal systems percs sites shall be fenced during any on-site construction activities until system is built.
- 3) Individual private water supply required for each parcel.

- 4) A final copy of the CSM shall be submitted to and received and reviewed prior to signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 5) Payment of \$4,275.20 in Public Site, Open Space & Trail fees required before the City will sign the CSM.
- 6) The City shall initiate a rezoning of the lands shown as wetlands on the CSM.
- 7) Applicant shall include the existing 20' drainage easement along the west portion of this property to extend 600'.

Seconded by Mr. Gihring. Motion carried unanimously.

10. (7)AB U-35-05 Ronald Reagan Elementary School – 4225 S. Calhoun Rd. – Elementary School

1. *Waiver Request* - All Planning, Engineering and Building Inspection permit and application fees to be waived.

Motion by Alderman Ament to forward to Common Council for review of Waiver Request #1 for the Ronald Reagan Elementary School located at 4225 S. Calhoun Road.

Seconded by Mr. Sisson. Motion carried unanimously.

2. *Waiver Request* – Applicant requests a waiver to deviate from the City landscaping requirements per Section 275-53C(1) because of installation and maintenance bonds and cost for the school district.

Motion by Mr. Barnes to waive landscaping installation and maintenance bonds for the Ronald Reagan Elementary School located at 4225 S. Calhoun Road.

Seconded by Mr. Sisson. Motion carried unanimously.

3. *Waiver Request* – Applicant requests a waiver from the City's requirement to install side paths and a portion of the Woodview Trail with this project, but will dedicate an easement to the City for future construction.

Motion by Alderman Ament to waive side paths and a portion of the Woodview Trail for the Ronald Reagan Elementary School located at 4225 S. Calhoun Road.

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

Motion by Mr. Sisson to approve the request for the Use, Site and Architecture Approval to allow construction of an elementary school located at 4225 S. Calhoun Road subject to the application, plans on file and the following conditions:

- 1) Plan of Operation
 - a) 135,000 square foot elementary school.
 - b) The new facility will combine the existing Prospect Hill and New Berlin Center elementary schools.
 - c) Building capacity to be 750 students and staff size of approximately 100.
 - d) A full-size gym of 12,000 square feet, along with area on site for a high school-sized soccer field, a youth soccer field and two little league baseball fields.
 - e) Demolition of the existing New Berlin Center school will occur as soon as students are moved into the new school.
- 2) Site Plan
 - a) Approval of the exterior architecture and materials for construction required by the Architectural Review Committee.

- b) Applicant shall be required to show a fence, meeting the Zoning Code standards, or landscape berm along Calhoun Road near ball fields to provide safety to students.
 - c) Applicant shall obtain all required regulatory permits prior to issuance of the Zoning Permit by the Department of Community Development.
 - d) Applicant shall dedicate a trail easement for the proposed Woodsvie Trail located within the northwest corner of the property.
- 3) Development Engineer -
- a) Construction plans for the road improvements to Calhoun Road (bypass lane, acceleration and deceleration lanes) are required. The School District shall be responsible for the cost and construction.
 - b) All residential and farm buildings are to be removed and utilities properly abandoned before occupancy of the school. Razing permits are required. The New Berlin Center School shall be demolished after the school has moved into the new facility.
 - c) Use approval of the school is conditioned upon approval of the sewer service amendment and SEWRPC approval. It appears no gravity flow to the sanitary sewer will be available for the lower floor of the proposed school. Show the lower floor elevation on the grading plan.
 - d) Construction plans shall be revised to more clearly show that all impervious areas from site drain to the pre-treatment and detention ponds.
 - e) More proposed catch basins in parking lot areas are needed to prevent draining across drive areas.
 - f) A stakeout survey / plat of survey shall be required at time of building permit, stamped by RLS and showing dimensions of proposed building and a sufficient number of ties from lot lines to building.
 - g) The proposed pond elevations listed in the Storm Water Management Plan do not appear to match the contours shown on the grading plan. Show the normal water, 25 year and 100 year pond elevations on the grading plan. Verify that proposed storm sewer exiting at the pre-treatment pond does not surcharge during a 25-year storm.
 - h) Provide storm sewer, catch basin and culvert sizing calculations and drainage area contribution map for each. Show storm connection from school to storm sewer if there is one. Applicant shall verify if the school will have any downspouts.
 - i) The proposed tree replacement along the North lot line is inadequate. Either stay at least 20' from North lot line with any grading and tree disturbance with use of about a 4' high retaining wall. Or, replace disturbed areas with appropriate number of trees according to the Zoning Code to provide better noise and vision buffer for residents.
 - j) Due to the sharp drop from North lot line to the school, the proposed shallow, flat storm sewer on the West side of the building and the gravity flow of the sanitary sewer is a problem. The applicant's engineer shall consider raising the elevation of the proposed school. There is no evidence on the plans that a cut/fill balance calculation has been done.
 - k) Benchmark elevations shall be required on plans.
 - l) Easements shall be required for public water main around building. The dedication of additional ROW along Calhoun Road and the delineation of the wetlands have apparently already been taken care of through Council approval of a CSM.
 - m) Respond to detailed list of City of New Berlin Engineering concerns. Revise construction plans as directed.
- 4) Storm Water Engineer -
- a) The Storm Water Management Plan (SWMP) must have a signed and dated P.E. Stamp (MMSD Required).

- b) A more detailed maintenance plan must be included (MMSD Required). Please see attached for maintenance agreement approved by the City of New Berlin. Maintenance plan and responsible party required for MMSD Chapter 13 submittal.
 - c) Please provide outlet structure details (MMSD Required).
 - d) Provide a detail for the emergency spillway on the wet retention basin (MMSD Required).
 - e) In the SWMP introduction, show pre-development 2, 10, 25, 100 year pre and post development discharges (MMSD Required).
 - f) Double inlets are required at low points. See Storm Water Division Engineer if there is a question.
 - g) Saving trees at the north lot line is essential. Please design accordingly.
 - h) There is a dead low spot in the south curb line by STO MH #7. Please see plan sheet 11.
 - i) There is a dead low spot in the north curb line between CB 8b and CB 9b. Please see plan sheet 11.
 - j) At STO MH #5 there is no back pitch of flow to the inlets. Any bypass of the inlets (CB 5a and CB 5b) will bypass the water quality pond. Please address bypass flow.
 - k) There is a dead low spot in the south curb line +/- 120 feet east of STO MH #18.
 - l) On plan sheet 21 please label CB 19b Also, design CB 19b so there is no bypass to the south ditch.
 - m) Is the east ditch on the south driveway entrance sized to handle a 25-year storm event? Please verify with ditch calcs.
 - n) There is a dead low spot in the south parking lot's entrance island on the west side. Please address.
 - o) The City Engineer may waive the cover requirements for storm sewer. Currently the eastern wetland cross culvert has less than 2' of cover. Please see JP Walker.
 - p) To maintain hydration in the wetland channel, it may be beneficial to discharge the schools sump pump directly to the channel. Please see the Storm water Division Engineer to discuss.
 - q) Verify that all required permits from A.C.O.E. and D.N.R. been received.
 - r) Additional water quality information is required as referenced in the SWMP. New Berlin Staff will need this information prior to building permit approval.
 - s) Please provide ditch sizing calculations for the wet detention pond's emergency spillway discharge.
 - t) Provide storm sewer sizing calculations and inlet capacity calculations. Follow the City's Developer Handbook Requirements.
 - u) Sizing calculations for the wetland crossing culverts must be provided. Please assume full build out in proposed basin L for the calculations.
 - v) Please eliminate filling in the flood plain. See the Storm water Division Engineer to discuss the ball diamond outfall configuration.
 - w) Provide a detail on the wet retention basin's emergency spillway.
 - x) The emergency spillways must have a minimum 1.5 feet of freeboard from the top of berm to the top of rip-rap.
 - y) Please provide pond drain down times for the 2 and 100 year storm events.
 - z) What are the School District's plans for maintaining the dry detention basin? Please discuss with the Storm water Division Engineer.
- 5) Transportation Engineer -
- a) Applicant shall address all concerns outlined in a letter dated July 6, 2005.
- 6) Utility Engineer

- a) Execute Developers Agreement for construction of public based infrastructure on-site and off-site as deemed necessary by City Engineer.
 - b) Prepare necessary Easements and Documents for all public infrastructures, including written legal descriptions and plan graphic of easement area, for recording at the County Registry in accordance with Development Handbook Requirements prior to Issuance of any Building Occupancy Permit.
 - c) Prepare P, S & E Documents for public infrastructure as directed by the City Engineer and prepare As-Built Drawings of completed infrastructure in accordance with Development Handbook Requirements, as amended.
 - d) Any building or building tenant that proposes a kitchen for food preparation on-site, independent from any individual living unit or apartment, shall require and show on plans an exterior in-ground type grease trap tank and an MMSD type sampling manhole consistent with City Standards. Both shall be furnished and installed in accordance with City Standards and Requirements. An interior style grease trap will not be allowed in these situations.
 - e) Based on the nature of this building, a suitable area for installing a Domestic Meter (and possibly a Sprinkler Meter) shall be provided at the Building Water Service piping entrance location. A Water 'riser diagram' shall be furnished prior to issuance of a Building Permit for the fire and domestic water service within the building. The Meter Room shall: be large enough to accommodate the orderly installation of and subsequent work on the meters and appurtenant piping; not be obstructed with water softeners, vacuum cleaners, garbage cans, cleaning-janitorial supply storage or other work area, etc; have adequate heating and lighting and a floor drain; have outside direct access or access via public hallway; and be appropriately secured from public access. Counsel directly with the Water Utility at (262) 786-7211 for other specific requirements, clarifications or questions.
 - f) Pay Water Impact Fees and Pay Sanitary Sewer Impact Fees based upon equivalent domestic water meter size required for Building for domestic service, including lawn sprinkling meter capacity (if and when installed), in accordance with City Code in effect at time of Plumbing Permit Issuance.
 - g) Applicant shall address all Utility technical concerns identified in a letter dated July 6, 2005.
- 7) Landscape Plan
- a) Approval of the landscaping plan prior to issuance of Zoning permit. Landscape plans shall meet all the requirements of Article VIII Section 275-53 through 275-56 of the Municipal Ordinance in its entirety unless waiver #2 is granted. A registered landscape architect shall stamp plans. Landscape plan shall be approved and signed by the Department of Community Development prior to installation of any materials.
- 8) Building Inspections
- a) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - b) Building plans shall be approved by the Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties. (5)(c)3.
 - c) Apply and obtain appropriate building, plumbing and electrical permits. Fees shall be waived.
 - d) Erosion control shall be approved, permitted, installed and inspected prior to the start of site grading or issuance of any building permits. Contractor only responsible for bond portion of permit fee.

- e) There is a 7-foot change in elevation from east to west on the proposed soccer field to be behind the school. Baseball field now has a 3-foot elevation change.
 - f) A wetland crossing permit from the DNR will be required for the driveways proposed to cross the wetland.
 - g) Wrecking permits shall be required for demolition of existing school, residence and farm structures. Fees shall be waived.
- 9) Fire
- a) Building shall be fully sprinklered.
 - b) Fire alarm system shall be installed.
 - c) Fire alarm system shall be monitored.
 - d) Knox box shall be required.
 - e) Standpipes in staircases shall be installed.
 - f) Fire hydrants to be spaced no more than 300' around perimeter of property.
 - g) Designated fire lanes shall be required on site

Seconded by Alderman Ament. Motion carried unanimously.

11. (7)OA U-45-05 Lawrence Liebe – 3440 S. Monterey Drive – Concept Plan for future PUD

Conceptual plan review discussion by Plan Commission about the request by Lawrence Liebe for a future PUD located at 3440 S. Monterey Drive included the following staff concerns:

- 1) Architectural Plan:
The Architecture Review Committee (ARC) shall review the proposed architecture and materials of the buildings. Detailed architectural rendering and material samples shall be submitted with the formal PUD application.
- 2) Utilities:
The critical element for the project proceeding is lack of Sanitary Sewer Service Capacity for this Basin, until adoption of the implementation plan for the pending MMSD Year 2020 Master Facilities Plan in mid-2007 or determination of capacity that can be allocated to this potential project. Additional utility issues:
 - 1) This Sanitary Sewer Basin has NO Available capacity for one additional single family dwelling unit development at this time. It has been past practice to give a 12 month priority to projects that submit complete project development plans along with the appropriate requests for Re-Zoning or Use Approval, etc., as a "place-holder" to Sanitary Sewer Use Allocation if and when such would become available. Because this request is only for a Concept Review, the priority for Sanitary Sewer Use Allocation will expire 180 days following notification of availability of capacity by the city to applicant after such review by PC, and may only be extended thereafter via submittal of complete project development plans and applicable applications/fees for processing by City.
 - 2) Submit Complete Development Plans and necessary Planning-Zoning Applications and fees to secure permanent "place holder" for Sanitary Sewer Use Allocation upon availability from MMSD.
 - 3) Execute Developers Agreement for construction of public based infrastructure on and off-site as deemed necessary by City Engineer.
 - 4) Prepare necessary Easements and Documents for all public infrastructures, including written legal descriptions and plan graphic of easement area, for recording at the County Registry in accordance with Development Handbook Requirements (as amended) AFTER installation and prior to Issuance of any Building Permit for PUD.

- 5) Prepare P, S & E Documents for public infrastructure as directed by the City Engineer and prepare As-Built Drawings of completed infrastructure in accordance with Development Handbook Requirements, as amended.
 - 6) Pay Water Impact Fees and Pay Sanitary Sewer Impact Fees based upon equivalent domestic water meter size required for Building for domestic service, including lawn sprinkling meter capacity (if installed), in accordance with City Code in effect at time.
 - 7) Due to the location of an existing sanitary sewer manhole along Moorland Road and the proposed location of the entrance to the development, a suggestion would be to move the entrance to the "North" and center the existing sanitary sewer manhole down the centerline of the access to the development from Moorland Road. If it is determined that the access can not be moved then one possibility may be to remove the existing manhole from its current location and build a new manhole at the proposed access to Moorland Road.
- 3) Transportation:
- 1) Waukesha County Department of Transportation will have to approve any new access to Moorland Road.
 - 2) The Transportation Engineer shall approve the proposed landscape island in the center of the cul-de-sac. The developer's agreement shall designate the "Home Owners Association" responsible for the maintenance and upkeep of the proposed landscape island.
 - 3) A private road is being proposed the City of New Berlin Engineering Department will require that the road and infrastructure, public utilities; sanitary sewer, water and storm sewer, will be built to City standards as described in the developers handbook.
 - 4) Vertical face curbing to be used, as outlined in the developer's handbook.
 - 5) Developer's agreement shall address the use of a shared driveway for one of the houses.
 - 6) There is no island break in the median on Moorland Road at the location of the proposed access for the development. This would affect the accessibility to the development if a median break is not approved by the County. The residences living in the development would be regulated to a right in and right out only.
 - 7) Provide adequate off-street parking for guests.
- 4) Buildings shall be setback a minimum of twenty-five feet (25') from the back-of-curb.
 - 5) City of New Berlin Fire Department will determine fire service requirements for the development.
 - 6) A detailed grading, drainage, landscaping, storm water, roadway, utilities sets of plans will be required for the formal PUD application.

The Plan Commissioners felt this is a good use for the property and the planning was well done.

12. (5)AK U-44-05 Steve Morici – 4840 S. Hawthorne Drive – Concrete Business

Motion by Mr. Gihring to approve the request for an after the fact home occupation office for a concrete business and approval to park a truck at the property located at 4840 S. Hawthorne Drive, subject to the plans on file and the following conditions listed below:

- 1) Home occupation shall meet all requirements set forth in Section 275-42 "Home Occupations" of the City of New Berlin Zoning Ordinance.
- 2) Signage will not be allowed for the home occupation.

- 3) The only vehicle related to the home occupation and approved to be stored on the property is the black truck (Ford F-350 Super Cab Tipper). The trailer and bobcat are to be stored and parked in the garage after home occupation hours.
- 4) The home occupation shall be approved for a temporary 6-month period. The permit will be revoked and considered expired if the conditions of approval are not adhered to. At the end of the 6-month period, the request will come back to Plan Commission for review again.
- 5) No outside storage of materials related to the home occupation will be allowed other than the black pickup truck.
- 6) The back-up alarm on the black truck shall be disconnected immediately, when the truck is on the Country Estates property. It may be reconnected on jobsites if necessary.
- 7) There shall be no outside storage of materials related to the home occupation left on the property.

Motion to approve dies for lack of second.

Motion by Alderman Ament to deny the request for an after the fact home occupation office for a concrete business and to park a truck at the property located at 4840 S. Hawthorne Drive based on code violations for storage of vehicles and equipment.

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

13. (7)NJ R-4-05 Crossroads Community Church – 4315 S. Moorland Rd. –
Rezone from R-3 to I-1.(Public Hearing 6/6/05)

Motion by Alderman Ament to table the request by Crossroads Community Church to rezone the property located at 4315 S. Moorland Road from R-3 to I-1 based on traffic concerns and proposed actions on medians along Moorland Road and modifications to TIA.

Seconded by Mr. Felda. Motion passes with Mr. Felda, Alderman Ament, Mayor Chiovaturo voting Yes, Mr. Gihring and Mr. Sisson voting No. Mr. Barnes abstained from voting.

14. (1)NJ LD-6-05 Clarence & Thelma Reimer – 13203 W. Honey Ln. –
Sw ¼ Sec. 1 – Two-Lot Land Division.

Motion by Mr. Gihring to recommend to Common Council approval of the Certified Survey Map for the property located at 13203 West Honey Lane subject to the plans on file and following conditions:

- 1) Final approval of this CSM will be conditioned upon a determination by MMSD that there is sewer capacity to serve a new home. As part of a normal building permit, applicant shall be required to extend Sanitary Sewer to this parcel and shall be required to drill a well.
- 2) A 30' "public drainage easement" will be required along the southern and western property lines and shall be shown on the face of the CSM.

- 3) There is a shallow sanitary sewer main that exists in Honey Lane. City calculates 4.5' of fill is necessary at the front of the house to get gravity flow into the sewer. Seller shall disclose to prospective buyers of the lot, that the City will have restrictions as to how the house is designed and establish house grade. Owner will probably be required to expose 4' along the back and sides of the house to minimize filling. Basement shall not be deeper than 8' in order to obtain gravity flow to sewer. Front corners of house will probably need to be exposed 2' (plus or minus). Because of grade drop from house to drainage easement or West lot line and new lot line on East side, side entry garage may not be allowed.
- 4) The installation of sanitary sewer later by owner will require street cutting permit and fees by City.
- 5) A final copy of the CSM shall be submitted to and received and reviewed prior to signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 6) Payment of \$2,137.60 in Public Site, Open Space & Trail fees required before the City will sign the CSM.

Seconded by Mr. Felda. Motion carried unanimously.

15. ()AB PG-227 (file 2 of 2) Extraterritorial Plat – Rolling Oaks – Town of Waukesha.

Motion by Mr. Barnes to forward to Common Council no objection to the Rolling Oaks 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.

16. (4)AB PG-950 Small Road – Cul-de-sac.

Ms. Bennet introduced the discussion for a cul-de-sac option on W. Small Road east of W. Moorland Road and south of W. Beloit Road. The proposal with the alternatives that were discussed at previous neighborhood meetings was presented.

Mr. Schildt - Alderman Harenda and I met with the developer of Pizza Buffet for which this originally was an issue and then spiraled into some issues that the residents of Small Road have been having for a number of years as traffic has increased in the area. There has been police enforcement, we have done traffic counts, we have done radar collection in the area and have looked really hard into the situation. It has come down to the fact that there is, what they feel, is an excessive amount of vehicles there normally and with the traffic that will probably be generated by the Hickory Hills development, future expansion in the Westridge area, the Pizza Buffet, and the expansion of Section 35 as residential in the future, that the traffic counts will get worse and worse. Right now they have had police out there, especially on the nights when disk golf is going on at the park. The police have issued a number of citations for speeding, intoxication, etc.

We tried looking at what is really the problem. It is the amount of traffic? We don't have a lot of historical counts going back too far. We did do a count for the Safety Commission back in 2004 when we originally lowered the speed limit. When you compare that to the traffic volume we have right now, between 700-1,200 vehicles a day on the road, which is typical for a collector street. That traffic volume, without knowing what the background was five, ten, fifteen years ago, is reasonable for a street considered a connector between two arterials. That means, that though there are residential homes that are along there, there is some undeveloped land that could potentially at some future point be developed. It came down to the residents saying they wanted to have a physical closure to the road to limit the amount of traffic. The two choices were either

put the two cul-de-sacs at the southern end and basically limit the commercial traffic to the western section of the cul-de-sac. The residential portion would be the eastern section that would go all the way up to Beloit Road. One problem with that is right now we currently have half the amount of traffic coming in from the Moorland Road side and the other half from the Beloit side. Now they are all forced to come in off of Beloit Road. Those people that live North of Valley View Park are going to have twice the amount of traffic but people who live on the Southern section will have less. So depending on where you live on Small Road now, some are getting the good part and some are getting the bad part.

The second option is having the cul-de-sacs right at the park and building another entrance to the Southern side. If emergency vehicles need to get through, they can cut through the parking lot, unfortunately this allows everyone else to get through there also. Whether that would continue to be considered a short-cut is questionable. This option works well because it has two lengths of cul-de-sac, one coming from Beloit Road and the one coming from Moorland Road, whereas the first choice is a very short cul-de-sac. One option that we did not know at the time, is that the old Small Road used to come straight down and we thought we still owned this right-of-way, but it was vacated at one point, so the \$89,000 which was our original estimate when we had our first two meetings with the surrounding citizens is probably a little low because of the right-of-way cost. We estimate now about \$103,000 which brings it pretty close to what the cost of the cul-de-sacs up by the park would be.

The third option we looked at was something to control the speed of the vehicles. We looked at a series of speed tables similar to what we are doing on Coldspring Road where they are spaced close to every 500 feet. This will not do anything to the amount of traffic, but will reduce the speed. That was the lowest costing alternative.

The residents picked the option of having the cul-de-sac down by the Pizza Buffet site.

Alderman Ament – Could you explain what you mean by speed tables?

Mr. Schildt - They are speed bumps, similar to those you see in parking lots. The length of them dictates the speed. The longer the speed table is, the faster you can go over them. We have guidelines from the DOT. They are only three inches high with a flat part in the middle and a ramp going down. The shorter ramp has a 6' section that comes up and a short flat section and another 6' section that comes down for a total length of about 14'. Those are made to work for about 25 mph. The ones we are using on Coldspring Road keep the speeds between 25-30 mph.

Alderman Ament – I know Alderman Harenda had several meetings with the residents. Were all three of these options explained to them? One of the things that you pointed out about the cul-de-sac going in by Pizza Buffet is that some people are going to benefit and some people are going to be worse off if traffic is their issue.

Mr. Schildt – Yes, we had two different meetings with the residents. When we first showed them the different options, they liked the option of putting the cul-de-sacs by the park, but by the next meeting they decided that putting the cul-de-sacs by the Pizza Buffet was a better idea. The residents had quite a bit of time to think about this. Some of the things that were not brought up when we talked is the possibility of other people in that area that own larger tracts of land wanting to subdivide in the future. They may be shooting themselves in the foot right now. The conservation part of our code says that only 25 houses are allowed on a dead end, and 15 houses on each individual cul-de-sac within that. If you do the cul-de-sacs on the Pizza Buffet end, I think there is 29 houses on here right now, so you have more than what you are allowed already which makes all the rest of the land around it undevelopable if they want to do a conservation type subdivision. I am not sure if they are aware of all the consequences of what might happen by creating a cul-de-sac there.

Alderman Ament – I don't have a problem with any of the options, but I would like to know how

the people that live there feel.

Mr. Schildt – They look to create a solution to what they see as a problem and their solution is to isolate themselves. I am not here to judge if that is the correct solution. The heart of the problem is that people are using it as a cut-through because it is the shortest route when traffic is backed up on Moorland and Beloit. There are plans by the State to improve I-43 and Moorland Interchange to put in roundabouts, which they say is going to alleviate congestion. The County is also looking at Beloit and Moorland for improvements. Along with the rehab of Moorland Road itself ahead of this Moorland Interchange Program, we are looking at a lot of improvements in this area from the traffic standpoint. These projects that the State and County are doing may hopefully make it less appealing to try to find a different route.

Alderman Ament – My concern would be that we would jump into something, spend thousands of dollars and when we are all done, having just as many people calling to say it didn't work, now what can you do?

Ms. Bennett – In the staff report you will see that Alderman Harenda submitted a Requested Action Statement along with resident's signatures that specifically says, "We, the residents on Small Road east of Moorland Road, are requesting that a cul-de-sac be put on the west end of Small Road between the proposed New Berlin Pizza Buffet & Entertainment Center and the residence addressed 15230 W. Small Road".

Alderman Ament – So that is the preferred route decided on between the Alderman and the residents?

Ms. Bennett – That is my interpretation of the June 8, 2005 Statement.

Mayor Chiovatero – I know two people who live on this road and I do understand their issue. If I had to pick between the two options of back to back cul-de-sacs, obviously Option 2 is the one I would pick because I think there is way too much traffic on the North end of Beloit Road. When you start closing it off, those people will have double the traffic. I don't think they realize that. Splitting it at the park gives access off of Moorland Road to go to the park and access off of Beloit Road to go to the park. Speed is an issue and may be corrected by speed tables, and it may make it more of a nuisance using the road if people are slowed down. If you look at the pros and cons, there are two pros to putting the cul-de-sac and there five or six cons. I am worried about the Fire and Police Department access. I am concerned about future development issues there also. I wish we could come up with a different solution other than cul-de-sacs. If the cul-de-sacs are down by the park, there will be an enforcement issue because people will go through the parking lot. I am also worried about paying for the sewers at \$107,000 as CIP. I want to help those people, I just wish we could find a different way of doing this.

Mr. Gihring – I understand what it is like for the people who live there. They do have a serious problem. On the other hand, it is a little hard for me to be real sympathetic with somebody that owns property on an arterial and has been an arterial for a long, long time. For example, take Moorland Road when we moved out here it was only a two lane road and didn't even go very far South, but you could tell that it was going to be a major arterial even though you couldn't anticipate exactly what it looks like today. The thing is, everybody would like their own street to be a private street. They don't want anybody else to drive on their street and that is true for any street, no matter where it is, but you do have to allow for traffic flow and you do have to have arterials. I don't like the idea of cul-de-sacing just any street because people don't like the amount of traffic on it. At that rate, half the streets in the City could be cul-de-saced. I don't think it is good traffic management.

I have a question about the speed tables. If you are driving at the speed limit, it is not too obnoxious? In other words, you don't have to slow down to 2 mph to get over these things.

Mr. Schildt –There are two different designs, one made for 20-25 mph and one for 25-30 mph. They are either 14' or 22' long.

Mr. Gihring – My opinion is not to do a cul-de-sac. It is not good for traffic planning.

Mayor Chiovatero – In my view, the cul-de-sac is poor planning resulting in poor traffic flow. I like the speed tables. I was for the ones on Coldspring, unfortunately they are not installed yet.

Mr. Ghiring – What do these speed tables do to snow plows?

Mr. Schildt – They are plowable. They are only 3' high and 6' long.

Mayor Chiovatero – What about the right-of-ways on Small Road. Do we have room for side paths.

Mr. Schildt – There is room for a side path, but it would require taking down the trees in the right of way. Most of the streets on the eastern side of the city has curb and gutter.

Mr. Barnes – I don't think the cul-de-sacs are a good idea in that area.

Mayor Chiovatero - At this time, we will forward these comments to the Board of Public Works.

COMMUNICATIONS

17. Communication To: Plan Commission
Communication From: Nikki Jones, Planning Services Manager
RE: Memo from Jennifer Bailey dated April 5, 2005 regarding Small Road

Plan Commissioners acknowledged receipt of this communication.

18. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: "Property Seizures Must be in Public's Good, Court Warns", USA Today, June 24, 2005.

Plan Commissioners acknowledged receipt of this communication.

19. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: Kelo v. City of New London

Plan Commissioners acknowledged receipt of this communication.

20. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: Guide to Eminent Domain and Kelo v. City of New London
Plan Commissioners acknowledged receipt of this communication.

21. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: Kelo Supreme Court Decision Emphasized the Importance of Planning

Plan Commissioners acknowledged receipt of this communication.

22. Communication To: Plan Commission

Communication From: Greg Kessler, Director of Community Development
RE: Top 10 Small Businesses, "Flying High, Emteq expands in a shrinking industry"

Plan Commissioners acknowledged receipt of this communication.

23. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: Letter to Mayor Chiovatero dated June 23, 2005 regarding Adoption of Compliant Floodplain Zoning Ordinance, Wisconsin Department of Natural Resources Model Floodplain Ordinance, Procedures for adopting and amending floodplain, shoreland, and shoreland-wetland zoning ordinances.

Plan Commissioners should begin reviewing these documents. This will be discussed further at the 8/8/05 Plan Commission meeting.

ADDENDUM ITEMS

1. (4)OA LD-3-02 MIE - New Berlin – 15525 W. Grange Avenue, NW ¼ SEC. 35 – Two Lot Land Division Reaffirmation.

Motion by Mr. Sisson to recommend that Common Council reaffirm the approval of the two-lot final Certified Survey Map for the property located at 15525 West Grange Avenue subject to the plans on file and following ORIGINAL CONDITIONS:

- 1) 3 platted on CSM is an existing lot already of record with different owner (Nellie Rausch trust) than rest of CSM (Joseph and Carolyn Rausch). No place for Nellie Rausch signature on CSM form.
- 2) nge Avenue ultimate ROW is 100' wide not 40' as shown on CSM. Applicant shall be required to dedicate the 50'.
- 3) Out lot 1 should be allowed no access. Within 200' of top of hill, it will likely be a blind spot even when road is cut down. Show access restrictions on CSM.
- 4) CSM shall include road reservation or ingress/egress language for MIE's main road through site and loop out to Grange or second emergency access for the proposed 7 building sites.
- 5) Show 60' x 60' vision triangle at the intersection of Moorland Road and Grange Avenue shall be shown on CSM.
- 6) On sheet 4 of 6 of CSM shows wetland and 100 year flood plain as the same line. Pre-development 100 year flood ele" unusual wording. Seems to indicate flood plain is being increased by development. Please Clarify.
- 7) Developer Agreement will be needed for lot 1.
- 8) An approved Erosion Control Plan and deposit is required prior to clearing, grubbing or grading.
- 9) Access permits required from the Waukesha County Department of Transportation for the on Moorland Road.
- 10) Payment of \$ 5,278.14 in Public Sites, Open Space and Trail fee is required prior to signing of final CSM.

Seconded by Mr. Barnes. Motion carried unanimously.

2. (5)OA LD-7-05 Deer Creek Homes – 14905 W. Library Ln. – Sw ¼ Sec. 14 – Two Lot Land Division.

Motion by Mr. Barnes to recommend approval to Common Council for approval of a land division, subject to the application, plans on file, and the following conditions:

- 1) Correct all drafting errors and ambiguities as identified by staff prior to signing of CSM.
- 2) Move legal description page from front page to within CSM document.

- 3) Clearly state on face of CSM that Deer Creek Parkway and Library Lane are being dedicated to the City of New Berlin for public road purpose.
- 4) Ownership of out-lot 1 shall be resolve and properly described on the face of the CSM. In past, City of New Berlin and County desired to avoid out-lots whenever possible. Applicant shall designate this area as a drainage way or ROW instead and dedicated to the City of New Berlin since it is entirely in floodplain and the greater part within an existing drainage easement. If the developer's agreement does not address maintenance of this area, then a condition of approval of this CSM is that the developer is responsible for all maintenance within the out-lots.
- 5) There is insufficient right-of-way (ROW) proposed at the Western connection to existing Library Lane. The previous CSM # 9653 has an unexplainable 8' jog in the North ROW line of Library Lane and a curve where there should be no curve. The bearing for the proposed ROW line differs by several minutes from the bearing for the existing ROW line of Library Lane to the West.
- 6) The CSM should explain road name was formerly Main Street on previous CSM. Condition of approval for the CSM shall be that the City of New Berlin receives the correct ROW from lot 1 of CSM #9653.
- 7) All owners must sign prior to City signing the CSM.

Seconded by Alderman Ament. Motion carried unanimously.

3. (6)OA CU-2-04 Woodridge Community Development Church – 13800 W. Howard Avenue. Request by Woodridge Community Church for Plan Commission to make determinations relative to the following:
 1. Satisfaction of Condition #6(b) of the Conditional Use Permit granted on October 4, 2004.
 2. How Condition #6(b) affects the date of issuance and expiration of the Conditional Use Permit.

Motion by Alderman Ament that the Plan Commission has reviewed the permit, the correspondence, the deed, the transfer tax return prepared by Woodridge Community Church and accepts Condition 6B as being satisfied provided that Woodridge Community Church follows through with a submission of a deed once the proper personal representative of special administrator is appointed by the court on behalf of the estate.

Seconded by Mr. Barnes. Motion carried unanimously.

Motion by Alderman Ament to approve the extension of the Conditional Use Permit for 12 months until October 5, 2006.

Seconded by Mr. Felda. Motion carried unanimously.

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 10:58 P.M.
Seconded by Mr. Barnes. Motion carried unanimously.