

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

PUBLIC HEARINGS

6:00 P.M (7)OA CU-4-05 CRC Concrete Raising Corp. – 2855 S. 166th Street - Portable Cement Silo.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

JUNE 6, 2005

MINUTES

The public hearing relative to the request by Robert Zider of CRC for a conditional use for a cement silo located at 2855 S. 166th Street was called to order by Mayor Chiovarero at 6:07 P.M.

In attendance were Mayor Chiovarero, Alderman Ament, Mr. Sisson, Mr. Barnes, Mr. Felda. Also present were Nikki Jones, Planning Services Manager; Olofu Agbaji, Associate Planner; Amy Bennett, Associate Planner; Anthony Kim, Code Enforcement; Larry Wilms, City Engineer; Eric Nitschke, Storm Water Division Engineer; Ron Schildt, Transportation Division Engineer. Mr. Gihring and Mr. Teclaw 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 Chiovarero asked if there were any comments or questions for the purpose of clarification.

Bill Luterbach, 2880 S. 171st Street – What is the height of the silo? Where will it be located on the property?

Mr. Agbaji – The height will be 31'. Mr. Agbaji indicated the location of the proposed silo on the map.

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

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

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

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

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

6:01 P.M. (5)AB CU-5-05 Beloit Auto Plaza – 12401 W. Beloit Rd. – Car Wash.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

JUNE 6, 2005

MINUTES

The public hearing relative to the request by Steve Nikolas of Zabest Commercial Group for Beloit Auto Plaza located at 12401 W. Beloit Road for a conditional use for a 3,000 sq. ft. mini mart gas station/car wash and a 8,830 sq. ft. office/retail building was called to order by Mayor Chiovarero at 6:12 P.M.

In attendance were Mayor Chiovarero, Alderman Ament, Mr. Sisson, Mr. Barnes, Mr. Felda. Also present were Nikki Jones, Planning Services Manager; Olofu Agbaji, Associate Planner; Amy Bennett, Associate Planner; Anthony Kim, Code Enforcement; Larry Wilms, City Engineer; Eric Nitschke, Storm Water Division Engineer; Ron Schildt, Transportation Division Engineer. Mr. Gihring and Mr. Teclaw were excused.

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

Motion by Alderman Ament to table the public hearing upon the applicant's request. Seconded by Mr. Sisson. Motion carried unanimously.

Mayor Chiovarero closed the public hearing at 6:14 P.M.

6:02 P.M. (7)NJ PG-946 Sewer Service Area Amendments 2020 Plan Amendments (MMSD Boundaries) – Ronald Regan Elementary School.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

JUNE 6, 2005

MINUTES

The public hearing relative to the request by Tony Goedheer of New Berlin School District to request MMSD to adjust the Current Sewer Service line (boundary) to include all parcels for the Ronald Reagan Elementary School (existing New Berlin Center) property located at 4225 and 4385 S. Calhoun Road was called to order by Mayor Chiovero at 6:14 P.M

In attendance were Mayor Chiovero, Alderman Ament, Mr. Sisson, Mr. Barnes, Mr. Felda. Also present were Nikki Jones, Planning Services Manager; Olofu Agbaji, Associate Planner; Amy Bennett, Associate Planner; Anthony Kim, Code Enforcement; Larry Wilms, City Engineer; Eric Nitschke, Storm Water Division Engineer; Ron Schildt, Transportation Division Engineer; Timothy McCauley, Southeastern Wisconsin Regional Planning Commission (SEWRPC). Mr. Gihring and Mr. Teclaw were excused.

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

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

Tim McCauley, SEWRPC addressed the relative sewer service issues.

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

Bill Luterbach, 2880 S. 171st Street – With all the good development, most of it is residential, just to finish off the corner in this area (pointed to the map) seems like you're drawing zig-zags on the map. You have the farm on the South, why not finish a couple of those areas and open that up for development. Consider taking it a little further to put a necktie around the school with some of the other developments that have happened to the East on both sides of the street. Not just to leave it as a potential in a twenty year period, but maybe include a little larger area if that is the time frame. That area you have just doesn't look at the big picture of things.

Cindy Kostuch, 18755 W. Observatory – Are you talking about doing sewers strictly for the school area or are you talking about all the surrounding areas?

Ms. Jones – Just the school area. We extended it to serve the parcel that is high-lighted.(referred to map)

Ms. Kostuch – For how long? How long are we talking about before we start looking at the other subdivisions and the rural areas that are within that section? Is there any protected time?

Mr. Larry Wilms, Utilities Division Engineer – There are certain areas such as Observatory Heights Subdivision which is North of Coffee Road and West of Calhoun Road, which are currently in our year 2010 service area. The reality is that we are unable to get there with sewers until development occurs from 166th Street and Victor Road which is where the service will come from to service this area.

Ms. Kostuch – You aren't looking any further down from that subdivision? I know the parcel on the corner of Woelfel Road and Observatory Road is under consideration for development as well and that is in a five acre parcel section.

Mr. Wilms – That would be septic and well, not on municipal utilities. The boundary line runs vertically North along the West side of Observatory Heights. That is in the current sewer service area meaning that if sewer was there and those people decided to have sewer, it could be provided to them. Being in the sewer service area doesn't mean you get sewer, it only means if there is a need or a desire to construct sewers there, it gives permission to do so because it is in compliance with a regional plan.

Ms. Kostuch – So you are saying that by desire it would be the homeowners decision to choose to have sewers.

Mr. Wilms, Yes, failing septic systems and other things would contribute to that as well.

Vernon Bentley, 3450 S. Johnson Road – I was wondering when that was put into the sewer service area? In 1998 when we had the big discussion about the sewer service, the area between Cleveland Avenue and National Avenue along Calhoun Road was taken out of the sewer service area.

Mr. Wilms – Additions to the current area were proposed and they were not accepted by the Council at that time. As an example, from Ryerson North on the West side of Calhoun, those buildings are in the sewer service area but the land South of Ryerson on the West is a proposed addition to the current area. It is in the ultimate service area but it is not in the current service area. The distinction being, if it is in the current service area we can extend sewer service through the regional plan, but if it is outside of the current service area, but within the ultimate service area as we are discussing for the school site, we would need to amend or adjust that boundary line.

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

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

Vernon Bentley, 3450 S. Johnson Road – Yes, I am in favor of this especially if the sewer service goes strictly to the school. I would not be happy if it were extended further than that.

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

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

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

Mayor Chiovaturo closed the public hearing at 6:37 P.M.

6:03 P.M. (7)NJ R-4-05 Crossroads Community Church – 4315 S. Moorland Rd. –
Rezone from R-3 to I-1.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

JUNE 6, 2005

MINUTES

The public hearing relative to the request by Pastor David York for Crossroads Community Church for a rezoning at 4315 S. Moorland Road from R-3 Single-Family Residential to I-1 Institutional was called to order by Mayor Chiovero at 6:37 P.M.

In attendance were Mayor Chiovero, Alderman Ament, Mr. Sisson, Mr. Barnes, Mr. Felda. Also present were Nikki Jones, Planning Services Manager; Olofu Agbaji, Associate Planner; Amy Bennett, Associate Planner; Anthony Kim, Code Enforcement; Larry Wilms, City Engineer; Eric Nitschke, Storm Water Division Engineer; Ron Schildt, Transportation Division Engineer. Mr. Gihring and Mr. Teclaw were excused.

Mr. Barnes abstained from all discussion and voting on this project because Crossroads Community Church is a client of Zimmerman Design.

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.

David York, Pastor of Crossroads Community Church and representative of the project presented additional information explaining the request.

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

Paul Bogusz, 15870 W. Cynthia Drive - Why would you purchase the property knowing it was R-3 and knowing all along you were going to make it Institutional, therefore, coming into the neighborhood under false pretenses?

Scott Haag, 4630 S. Scot Drive – The Pastor mentioned that he conducted a research plan on the traffic but cannot share it at this time. We live in that subdivision and we do not have a traffic light there now and it is next to impossible to get out of that subdivision especially from 3:00 P.M. to 6:00 P.M. on any day and now we would have a church with 55 families and I'm sure he has a plan for growth. What is that going to do to the quality of our life in our subdivision?

Henry Reynolds, 4440 S. Sovereign Dr. – What are the tax implications from this going from residential to institutional?

City Attorney Blum – The church would most likely make an application for exemption for the real estate property tax demonstrating to the City Assessor that it was appropriate in terms of the statutes. This is an issue of rezoning, not the use of a church, therefore, that is a question for down the road.

Mr. Reynolds – How tall is the proposed church building going to be?

Ms. Jones - The conceptual plans indicate the church being approximately 44 ft. high. With the

steeple, it would be 80 ft. total.

Mr. Reynolds – Are there plans available?

Ms. Jones – Yes, the plans you see here tonight are on our Website. These are conceptual plans.

Carol Ann Banker, 4610 S. Scot Drive – Is the church planning outside functions with loud bands and that sort of thing?

Mayor Chiovatero explained that would not be a question regarding the rezoning, which is what is being discussed tonight.

Scot Haag, 4630 S. Scot Drive – Is the church planning a school in their long range plans? That would mean more lights and more traffic impacting our subdivision.

Tim Murphy, 4530 S. Delphine Drive – You bought all these acres assuming this rezoning is going to go through. You made a very strong case. What are you going to do to protect the houses along Delphine Drive from the area you have purchased? We would like to keep the trees that are there as a boundary. We respect the fact that this is what you intend to do, but we would like a barrier of privacy. What guarantees can you give us that you will put that in the plans.

Audrey Wickert, 4620 S. Scot Drive – I would like to address members of the building committee from the church to ask them if they sincerely wanted to build a church, why would they consider land that wasn't already properly zoned? I would also like to ask the Council, what is the point of the city having spent a great deal of money for a Master Plan when time and time again we deviate from the Master Plan and allow proposals like this to be put forth. There is land that is available in New Berlin for these people to buy without any rezoning and I sincerely wish they would do that. We have lived in this subdivision for 25 years and we appreciate the quiet. There are traffic problems on Moorland Road right now and this proposal would only add to it.

Helen Karas, 4480 Delphine Drive – I would like the trees to remain behind my lot. A few years back I was involved in trying to get a rezoning for a Greek Orthodox Church and we were turned down and I was very upset with the neighbors. Now I am very upset with you. We already have enough problems getting in and out of our subdivision and now you want to build a church. We were there before you. When we bought our lot and decided to build a house, we looked at the zoning in the area and were happy with it. We do not want to give that up. Moorland Road is already so busy. There is a Target, Moorland Plaza, etc. and that is great for bringing money into the City, but the church does not bring money into the City or make our life easier. We are the taxpayers, not the church. So what is the City doing for us, the taxpayers? You just raise our taxes. That is all you do. You don't care about us.

Robin Betts, 7829 W. Norwich Avenue, Milwaukee – If the church doesn't end up building there and houses were built there, how many houses would fit on this land? How many more people would be there all the time as opposed to a church meeting on Sunday for a few of hours and maybe Wednesday Bible Study for a couple hours.

Ms. Jones – I will work on calculating the number of residences for you.

Ron Scott, 4670 S. Scot Drive – I note that the main parking lot with the main entrance and exit goes out on Heatherly Drive. It looks like there is a secondary parking lot with an entrance and exit on Moorland Road. Most of the cars coming in and out of the church will be using Heatherly Drive. I would like to know if there has been a traffic study done on the traffic flow on Heatherly Drive. Every time I use it there seems to be one or two cars coming or going, and that is our main exit out of the subdivision to get on Moorland. As it has been pointed out before, sometimes it is

very difficult to get out , particularly if you want to go North on Moorland. Sometimes you need to wait until someone triggers the light on Mayflower to be able to get out. If this is a problem now, what will happen when most of the traffic from the church is going out onto Heatherly rather than onto Moorland. I think the parking lot design should be reformed.

Audrey Wickert, 4620 S. Scot Drive – The last gentlemen just brought up a very important point and that is the situation regarding Heatherly Drive. Right now we contend with another problem on Heatherly Drive and that is Regal Manor West Subdivision. Many people who live in Regal South, when they are coming either East or North on Moorland, use Heatherly as a short cut into their subdivision. Sometimes there are four or five cars standing in line. We notice that especially when children are coming from the school. They totally ignore the stop sign and shoot right straight through. They are not residents of our subdivision. This church would only compound this problem. I would also like to remind Alderman Ament and our Mayor Chiovaturo that my husband and I vote at every election.

Tim Murphy, 4530 S. Delphine Drive - How many members of the congregation are from Regal Manors? (Raise of hands)

Steven Diesso, 4340 S. Delphine Drive – My property is going to be right where the retention pond is. I have an issue with the lighting from the parking lot. This is a residential neighborhood with subdued lights. I hate using them at all. Are those lights going to be on all night for security? Are those lights going to be shining across the back end of that field? Will I have to contend with that in the winter when those trees drop their leaves and all the light will be shining into my house? Traffic is another concern I have. There are two roads in and out of that subdivision. Someone has to get in off of Heatherly or in through Church and down through Heatherly that way. That stop sign is a problem right now, people blow right through. The police caught 20 people going through the stop sign within two hours. Another concern I have is future developments. We have heard from the Greek Orthodox Church. Are we going to be having law suit problems later? This is right in the middle of a residential neighborhood. There are residential neighborhoods all around there. Why would we change that?

Joan Krause, 4550 S. Raven Lane – I have lived in Regal Manor West since it started. I have been there almost 28 years. A thing that bothers me is the traffic down Heatherly. When traffic comes down Moorland Road from the South are they going to make a U-turn to come back into the church driveway? If they come in through Heatherly, we will never get out of there. We have a hard time now. Cars sit there for a long time before they can cross. There is no stoplight. I don't think the Plan Commission sits down and really thinks of the people that are there. There is enough industrial land that could be used and you don't have to rezone from residential to industrial. I think that should be looked at. Before anybody allows this rezoning to go through, they better take a good look because taxes are getting higher. We are getting to a point we can't even afford to live in New Berlin any more. Now we are going to have a tax exempt church there that doesn't have to support anything. We are going to be picking up their tab for the sewer, water, etc. I don't think that is right.

Mike Birkley, W156 S7814 Ladwig Drive, Muskego – I wonder if you came up with the figure of how many houses would fit on that parcel?

Ms. Jones – Approximately 18, but that does not include subtracting for roads. Minimum lot size in that district is 20,000 sq. ft. Including all the land you see there and subtracting out the right-of-way for Moorland Road and Heatherly Drive, there is about 8.71 acres. That would come 18 potential lots but again, that does not take any roads into consideration.

Mr. Birkley – Using 18 houses as a ballpark figure, with the husband and wife each having a car, that would come to 36 cars. If it's a family with two children, when they are old enough to drive, you would have another 36 cars equaling 72 cars in and out every day. The car problem is not an issue. If there are people running the stop sign, I don't think it has anything to do with the

zoning change. If people are worried about their privacy, they will have headlights coming in their back yard and trees will be removed even if it is subdivided.

John Casper, 4455 S. Delphine Drive – I have to reiterate what everyone else has said about the traffic. It is heavy. Heatherly does carry traffic to Regal Manor West and South. I am also concerned about changing this land to Institutional. There is a property along Moorland Road that is highly desirable. There a lot of older homes and properties that are South of that. I am sure the intention of the church would be to grow. I have concerns about that property which would be rezoned as well.

Vern Bentley , 3450 S. Johnson Road – I would like to go a little bit further on an earlier speaker's question. How many of the parishioners live in New Berlin? (Raise of hands) Now they know how the rest of the people in New Berlin feel about this situation. I read an article in the newspaper about the Crossroads Community Church saying they were very concerned about the conditional use in a residential area. How much clout does a conditional use have, both for the church and the surrounding neighbors?.

City Attorney Blum – I cannot give legal advice as to the extent of the conditional use issue as opposed to the rezoning issue. I can say that one of the criteria that the Plan Commission and Council needs to review to decide on a rezoning is what is the least restrictive means to accomplish the goal of the development. A conditional use permit would be considered less restrictive than the rezoning that is proposed.

Mr. Bentley – The reason I say this, is because we have a church over on Sunny Slope and Howard. It is under construction right now under residential zoning. It seems to be going up without any problems. A lot of people may be for or against the church, but I think the biggest problem we have hear is the idea of the rezoning. Back in the late 1990's, we as residents of this community spent thousands of dollars making a plan for the city. Part of this plan for the city in this particular area was R-3. There was a development proposed for Calhoun and National which was R-3 that wanted to go to apartments. There was supposed to be 120' buffer to residential. Is there any buffer area like that from this church to the surrounding residents or to the residents across the street? There is also the situation of the height of the church put into a residential area.

Ms. Jones – There is a 10' landscape buffer.

Mr. Bentley – Even condo developments such as Forest Point have a 50 ft. buffer. If they would decide to build under the residential zoning with a conditional use, would they have a 12 month restriction for building their building or would that be extended which you offered in other cases?

Ms. Jones – Conditional Use permits are good for one year. There is a possibility of a one year extension granted by the Plan Commission.

Mr. Bentley – In regard to taxes, is there any difference if it is zoned Institutional or Residential? What about the tax exempt status?

City Attorney Blum – There is a big difference between the two. It is situation specific and I won't comment on what types of institutional uses may be exempt because that is evaluated when the application comes in. In general, there are institutional uses that are taxable and others that are not depending on the user and type of use.

Mr. Bentley – Is this what it is going to be or will it be a PUD or something they can extend later on?

City Attorney Blum – This is a rezoning application strictly dealing with the use of the land and types of uses permitted on this particular parcel. We are not talking about approving or giving

specific consideration to a particular use or structure. That would be an issue that would occur down the way should the church decide to move forward with the actual construction process. What we are talking about tonight is a rezoning which simply lists the possible uses that can be made on this parcel.

Mr. Bentley – There have been developments that have been approved in the past under a conditional use. Later on, the developer comes back and wants to change something. To change it, the conditional use had to be changed and sometimes that is up for debate. I would like to know how much clout a conditional use has both for the developer and the surrounding neighbors when they make the decision to rezone.

City Attorney Blum – There are a lot of variables in that equation so I am not comfortable in giving you a specific answer. The conditional use is not what is being applied for here. This is a rezoning.

Mr. Bentley – In the case of a church, when it comes in under residential, wouldn't there be a conditional use connected to it?

City Attorney Blum – That would be up to the applicant how he wanted to proceed. One option would be a conditional use permit in the R-3 District. That is not the option they have chosen. They have chosen to submit a rezoning application. That is what we are considering here tonight.

Tim Murphy, 4530 S. Delphine Drive - What is the process from here? You are listening to our comments now, then what is the next step? Is there another meeting where residents can voice their opinion?

City Attorney Blum - The rezoning process starts with an application being made by the property owner which has taken place in this situation. That is followed by a public hearing being scheduled which is what we are doing here tonight. This is the one opportunity made available to the members of the public and other persons interested in this development to have their comments heard by the decision making bodies, namely Plan Commission and Common Council. Following the comments made tonight, there will be no action taken this evening. The next time this would be considered would be at the next Plan Commission meeting and at that point in time, the staff would make an updated report with respect to the issues that have been presented and the Plan Commission would have the opportunity to have their questions answered and to make a determination on the issue. That determination would be in the form of a recommendation as to whether this particular application for rezoning should be approved or not. That action on the Plan Commission's part may occur as early as next month or maybe later depending on issues that might be presented that would require the submission of additional information. Updates to the traffic study was mentioned as one issue. Once any additional information is in order, the recommendation is formulated and submitted to the Common Council. The Common Council, based upon that recommendation and comments made here this evening and any other information that may be submitted, would vote one way or the other with respect to the petition and we would move on from there. Again, to make it clear, this is not a vote on this proposed use, rather a vote on whether this parcel is an appropriate parcel for institutional zoning in the City of New Berlin based upon the Master Plan and other terms of the code.

Mr. Murphy – Is this the only open forum that the residents would be able to speak at?

City Attorney Blum – Not entirely. At every Plan Commission meeting that the City has, there is a provision that refers to Privilege of the Floor. That is an opportunity for members of the public to make comments on issues that are on the agenda for that evening. This is the one opportunity to speak at a formal public hearing. You would have the opportunity to make comments at Privilege of the Floor both at Plan Commission and Common Council level.

Mr. Murphy – The church has brought a lot of its congregation here tonight so I wanted to make sure the representation was true of the residents of New Berlin that are going to be affected.

Susan Thompson, 12750 W. National Avenue – I have been a resident of New Berlin for the last three years. I have driven a 40' school bus through this subdivision and several other subdivisions in New Berlin for three years. I have had no more difficulty getting out of either one of those exits of that subdivision as I have in any other subdivision. If I can get a 40' bus in and out of there without a problem and get the kids home in time without parents calling, there shouldn't be a problem with a church being there.

Chris Schampers, 4405 S. Moorland Road – I am the owner of property to the South, probably the single, largest landholder that will be impacted by this. I don't feel that 55 or even 100 cars would make any impact what so ever. I know a business owner on National that was told that traffic on Moorland Road is approximately 42,000 cars per day going one way or the other. I have noticed a marked increase since I have lived at this address for fifteen years. I believe it would be negligible as far as any additional traffic. When I looked at my original deed, years ago the plan was, by the developer of Regal Manors West, to have a reservation for a road on the western boundary of the property. So, the original intent was to develop all that land between Regal Manors and Moorland Road if the homeowners so chose. Because I knew there were no plans for a road on the western boundary of my property, I was given a quit claim deed for this reservation upon request. As far as seeing vehicles or a building during the winter, one thing I think could be done is to plant a row of arborvitae to permanently block any view of the building and church property.

Scot Haag, 4630 S. Scot Drive – Being a resident here for thirteen years, my question is based on the Master Plan that we have in place. Why did we even have to have this meeting today because the Master Plan says this is residential? Why did this church buy this property knowing they weren't going to build homes, and they were obviously going to build a church? Why were they given permission to buy this property? It is supposed to be residential now and for the foreseeable future until the Master Plan is changed.

City Attorney Blum – Any person has the right to purchase any piece of property they want to, meeting the buyers terms. Procedurally, whenever the City receives a rezoning application, regardless of what it is, it has an obligation to follow the ordinances of the City and have that application receive proper consideration. One of those steps is this public hearing. The City does not make any pre-judgements with respect to any application. We take the application as it is submitted and it works its way through the process as this one is.

Scot Haag, 4630 S. Scot Drive – This particular issue is in direct conflict with the Master Plan so it should not even be in a position to be discussed. It is in conflict with the original plan, but you are saying it has to have due course. It is against the Plan so it never even should have been considered. If I wanted to build homes on industrial zoned property, you are saying I would have that same due process that you would consider my application for? Is that what you are saying?

City Attorney Blum – Yes, it is.

Linda Francaviglia, 15950 W. Marietta Drive- What is the R-4, R-4.5 and R-5 mean?

Ms Jones – They are different zoning districts allowing different densities with different lot sizes. R-5 is the smallest lot in the City. R-1/R-2 is the largest lot. The R means residential.

Vern Bentley , 3450 S. Johnson Road – The church has a right to build in a residential area with a residential zoning. I would like to ask the Pastor why they are asking for rezoning?

Mayor Chiovatero asked if there were any further questions for the purpose of clarification, seeing none.

Mayor Chiovero asked if the church could address the questions?

Ed Plageman, 219 Blaine Avenue, Racine – I am a member of Crossroads Community Church. Let me address the question about the trees first. I can assure you, we love trees. You like the trees because you don't want to look out your back yard at Moorland Road. You would rather see that row of trees. When we look at this piece of property, we can think of nothing better than that row of trees to make this land beautiful and help protect our interest. I can assure you, we have no plans to remove those trees, and it is very likely that we will be planting more trees around for landscaping.

There have been some questions about traffic connected with growth. There were some concerns that Crossroads Community Church has plans to grow. We have no plans for growth. We pray that God will bring families to our church who we can minister to. That is our plan. It would be nice to have more families to minister to, but at this point, there is no big plan for growth, although everyone knows new families would be nice. The traffic in our parking lot has not changed in the past 13 years. This is the type of church we are. I want to answer concerns about planning outside functions with loud bands. I can emphatically say no. Let me tell you about the outside functions that we have. For thirteen years we have met at New Berlin Center Elementary School. We have four picnics during the summer. We have one at one of our Elders homes. We have several at Wirth Park on North Avenue. For the last couple of years, we have had a corn roast South of the City Hall in Malone Park. We are planning one again in August. We have never had a band and we will not have a band with loud music or any other music at any of our picnics. Our picnics involve cooking, fellowshiping and when there is a ball field, our kids go out and play ball. We do not have any plans for bands at our outside activities or inside our church. We are also definitely not planning a school. That is not in our plans at all.

Someone was concerned that we came under false pretenses knowing the property was residential when purchasing this land and asked why didn't we buy institutionally zoned property. I personally was not involved in the search for the land but our Pastor was looking for about a ten acre piece of land. I honestly don't think there were any parcels zoned institutional fitting the description we needed. As our Pastor indicated, we felt this was because of the Lord that we would have this property. We have been in New Berlin for thirteen years and all we would like to do is have a church here.

The reason for asking for rezoning to institutional is because churches along with schools are a primary and principle use in an institutional district. We believe we belong in the institutional category where the zoning ordinance says it is a principle use. One of the concerns we have about a conditional use in a residential area is there is a one year time limit within where the church would have to begin construction. This could effect our fund raising. We just don't know if we will be able to begin construction within one year. Granted, the ordinance provides that it could be extended, but there is no guarantee. Another drawback we see with a conditional use is the ordinances provide that it can be revoked in the future. If that is revoked, we have a piece of property we cannot use. In summary, we believe the best zoning district for this property is institutional where the ordinances say the church is a principle use.

John Klett, Zimmerman Design –The cost of the project based on the submittal by Beyer Construction is \$2.5 million of building and site improvements. The traffic study will be addressed and the conclusion implementation of the recommended improvements is expected to result in a safe and efficient traffic operation.

There is no left hand turn from northbound traffic on Moorland Road, so the safest intersection is Heatherly Drive. One heading South on Moorland Road will be able to turn into the development off of Moorland Road using the southbound turning lanes. There is an indication, from the traffic study, that this southbound lane would be stricken for a turn lane and some modification to Heatherly Drive at the intersection would be done to allow for the increased traffic.

We abide by all the requirements of the municipality in regard to light pollution. There will be some glow to the property but it is a cut off fixture that disburse the light safely to the edge of the property or those spaces being utilized.

Ms. Jones – The zoning code has a 10' buffer for landscaping and there are requirements that go along with that.

Vern Bentley , 3450 S. Johnson Road – According to our Master Plan, this church can be built in the residential zoning. That would be consistent with the Master Plan. This goes back to the question of why they are asking for institutional zoning.

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

Concerned Citizen, 133rd Street – Referring to Article 275-13.1 Zoning Districts – There are clear cut definitions for the classifications of R-3 and I-1. R-3 is intended to provide for single family residential development. I-1 is defined as institutional district intended to provide areas for public or private institutional posing educational, religious, or governmental activities. Churches have a principle definition in I-1 zoning in this document. It is clear to have a church at the above location, the I-1 zoning must be established. I would like to see the rezoning progress. Considering the location of the property in question, and having seen the proposed building plans, I feel the inclusion of this church would be a positive for the City of New Berlin. The doctrine of this church and the activities provided there would be a benefit to the community as a whole. Crossroads Church fosters and motivates individuals to establish a moral and ethical lifestyle while providing a support network for those with lifes needs.

Howard Parks, 2217 S. 80th Street, West Allis – I live in West Allis, work in Oak Creek, shop everywhere, and worship in New Berlin. I am a grateful recipient of the benefits provided by the tax dollars by the residents of those areas. I would like to see this rezoning move forward and am aware that this church will affect some traffic and some taxes. I would like to assure those that are interested in this that there is a strong commitment on the part of the families that make up Crossroads Community Church. We are people that enjoy a simple lifestyle and wish to enjoy the benefits that come from meeting in a church building.

Chris Schampers, 4405 S. Moorland Road – I am not a member of this church and I have no fears of them building a church next to me. I think they are going to be a valuable asset to New Berlin. I think they will be good neighbors. I would recommend that you gentlemen consider giving them the institutional classification.

Kevin Harry, 3790 S. Cari Adam Drive – I am also in favor of changing the zoning. I think the church aesthetically is consistent with the slogan that New Berlin is a city with a touch of country. I understand the traffic in that area well because prior to moving to our new home last year, we lived in Regal Manor East which is just across the street from there. When Moorland Road opened up to Janesville Road becoming accessible to Muskego, the traffic exploded. At the times we left and came home from church on Sunday seemed the least busy. It was always very easy to access Moorland Road when leaving the subdivision and coming home from church. The times that Crossroads Church would be operating would be the times that Moorland Road would be the least busy. I think the church would bring less traffic at busy times compared to new residential. You never know what kind of neighbor you are going to get when someone decides to move into the area, whether they are building a home or a church, but I can assure you that the young people in our church are remarkable. They participate in New Berlin community service even though many are not citizens in New Berlin. I support the change in zoning. I think we will be good neighbors.

John Deratropolous, 1830 Trudy Court, Waukesha – We know that churches bring value to the church members and we also know that churches are a fabric of the community. We applaud

your efforts and we hope the Plan Commission can give swift approval for institutional zoning.

Cameron Lammar, 17200 W. Observatory Road – I support this rezoning. I am a resident of New Berlin also and I can understand the concerns of the people that were brought forth, however, I would like to point out that this church is helping to enrich the community. Crossroads Community Church has run programs to help people that are not able to help themselves doing such things as cutting lawn, etc. With this zoning and this building, we will be much more able to assist the people in New Berlin with such things as this.

David Radloff, 11229 W. Church Street, Franklin – I am speaking in favor of the proposal, the change from R-3 to I-1. I feel that it would be a great benefit for the City. I understand the concerns of the residents that live around there. One of the things that the church property would offer would be an ideal buffer zone between the existing residents and the commercial which is just down the street. In addition to that, a church setting creates a condition of passiveness and gives a serene setting. The building alone, looking at it's architecture, would create that.

Robin Betts, 7829 W. Norwich Avenue, Milwaukee – I am not a resident of New Berlin. I am now renting a townhouse but plan to buy a house in the future. I would like to buy a house near my church. Right now I do most of my shopping on the East side of Hwy. 100. Building this church would draw more families into New Berlin, bringing more money to the community. If I were a resident now facing having a church in my neighborhood vs. homes, I myself would much rather look at a church than 100 more houses.

Scott Lammar, 17200 W. Observatory Road – I am in favor of this rezoning. This church would be an asset to the community. That is the main reason that I am in favor of this. We would have a place where we can worship without always having to bring in someone to work at the school. This would be an ideal buffer zone between the residents that are there and Moorland Road because something is going to go up there eventually, whether it be a church where you have almost a park like setting, or more houses. I feel this would be an asset to the people that are already there.

Mark Stubenrauch, 4010 S. Clover Drive- I think this church would be an asset. I have been to this church. The impression people get of a church is like the Catholic church on National Avenue, where they have festivals and bands, etc. This is not like that at all. You have to look at the bottom line. Something is going to go there in time. Would you rather have a church with 50 - 60 cars or a PDQ gas station? It is a prime location and something is going to go there. I would take a church.

Vernon Schmitz, 14935 Fenway Drive – I have been a New Berlin resident for 30 years. I would recommend the zoning change from R-3 to I-1 for the following reasons: We have been attending this church for almost two years. Aesthetically, I think it would do wonders for Moorland Road and for the area. It would follow the country reputation. More houses would not add anything. In general, I think any community should welcome churches especially a church of this sort, which will not be loud and noisy. It will be filled with people trying to keep the quiet and beauty of the area. I would highly recommend this proposal.

Susan Thompson, 12750 W. National Avenue – I have attended Crossroads since 1997. I am a single Mom and I am raising my 13 year old daughter and my 5 year old niece. The men and fathers at Crossroads have only reached out to me and my daughter and my niece. They have showed, mainly my daughter, what a Godly man and father is supposed to be like since we do not have one in our home. They have been good examples and helped us and I can see them helping the community if this rezoning goes through.

Char Jasinski, 1435 S. Parkview Avenue - I have been a resident of New Berlin for 20 years. I am not a member of this church. I belong to a church in Greenfield. As many people have said, aesthetically this church would be an asset to the area.

Cora Lammar, 17200 W. Observatory Road – My husband and I are taxpayers in New Berlin. You asked what will the church give if they are not paying taxes? I will tell you what the church will give. Our church gives a remarkable group of young people with a vision to serve the community. You may hear us singing hymns, but that it about as loud as we get, no bands.

Mark Bettcher, 4251 S. Church Drive – I have known Pastor York for about 15 years and he is a very honorable man. I think his word is his bond. Also, every Sunday my family and I go to the sister church in Greenfield. Because we are on Church Drive, we go right down Heatherly and there is no traffic jam. During the week, yes there is. People tend to forget the traffic going down Heatherly will turn South on Moorland Road. All in all, I have no problem with the church being built there.

Susan Van Erden, W309 S6245 Road X, Mukwonago – I am speaking on behalf of myself and my husband who cannot be here tonight. We have been attending Crossroads Church since 1992. We came to the church with four children and then had four more children so we are raising eight children and Crossroads has been a wonderful place to raise a family in. I think I am speaking for all of the other families at our church. We are in favor of rezoning and having a church in this community.

Lee Krompotich, 2505 Almesbury Avenue, Brookfield – Everyone I have talked to said they love the architectural design of the church and they think Moorland Road is a great location for the church. Crossroads Community Church has been a good neighbor in New Berlin. People have spoken about some of the thing they have done. Some of the service projects that a lot of the young people in our church have been involved are providing music for the nursing home residents over 50 times, and providing handmade lap quilts, providing mowing, raking, trimming, and general spring cleaning for widows. We believe God has asked us to take care of those that can't take care of themselves. All existing up and running churches and schools are zoned institutional in New Berlin. We would like to have the church treated the same as all the existing and operating schools and churches are treated. Crossroads is a quiet, peaceful, family friendly church with a mix if parishioners who are a few days old to 90 years old. We would like to have any of the neighbors to come to our church. We do not serve alcohol.

Joe Schmoeckel, 3718 S. 93rd Street, Milwaukee – I am a member of Crossroads Community Church as well as a Deacon. We have been meeting in a school for 13 years. We would like to get out of the school and get into our own building so we can expand our services into the community. As well as what was mentioned previously, we are part of the Character First Program for the summer recreational program. I am in favor of the institutional zoning so that this church has the opportunity to better serve the community.

Tim Roets, 8925 W. Whitaker Avenue, Greenfield – I am a member of Crossroads Community Church as well as a Deacon. I believe the church has been an encouragement and an asset to the community over the last 13 years and will continue to be so if you decide to allow us to build this church. As already mentioned before, we have tried to come up with a design that would be aesthetically pleasing and we believe it would be an asset to the community.

Bill Wolf, 3625 Fiebrauz Drive, Brookfield – I look around this room and I see a lot of silver haired, older people. I wonder how many of you have kids or grandkids that you are concerned about that are drifting away from the values that you hold. I can tell you that in Pastor David York, you will find a man with a shepherd's heart, and if your kids came to this church, he would invest his time in their lives and do everything possible to help them to regain themselves. I am in favor of the institutional zoning because the church would be free to do what God is calling it to do.

Harvey Neu, N100 W126850 Revere Lane, Germantown – I am a member at Crossroads Community Church. We have explored all of the properties zoned institutional and none were available. We looked at our requirements and when we found this property, we knew it had to be

it. At this time we are going for institutional zoning because we can find no property elsewhere.

George Johnson, 15240 Linfield Lane - I have been living at this address for 30 years. For 15 years I was an Alderman and Utility Commissioner and on many other committees and commissions. I am in favor of having this land rezoned to I-1. I am sure the people in this area will admire this church for many years.

Sarah Aliva, 7898 W Puetz Road, Franklin – I would like to see this church go through because we need a facility with room to marry our children. Another reason is if someone in our congregation would die, we would be able to do a memorial service. I would love to have a church to marry our children in. It would be nice to have a spot to have a mother/daughter banquet or a father/son banquet.

Curt Saylow, 5604 Beaver Court, Greendale – I would like to comment on the traffic and zoning issues. I have lived in Houston, Texas which is the zoning nightmare capitol. I am in sympathy with the residents and their concerns about the traffic and the use of the property. I can assure you that we have the highest concern for the aesthetics of the area. I would like to thank the hoards of New Berlin residents who come to Greendale seven days a week to shop at Southridge and downtown Greendale. Unfortunately, I only make it to New Berlin one morning a week. Normally, it is at 9:30 in the morning and I'm gone by 1:00 p.m. unless the Pastor gets long winded. Before I leave New Berlin, I normally stop to shop or eat in a restaurant and support the tax paying businesses in the City of New Berlin. I would like to continue to have you visit Greendale and I would like to continue to visit New Berlin.

Mary Zacher, 213 Wilson Avenue, Waukesha – My Dad, Joe Zacher bought this land in 1946 and I grew up on it. I went to Holy Apostles Grade School and New Berlin High School West. My Dad lived in the City and his family was on welfare and he worked real hard, like these residents, to buy these ten acres in 1946. There were all farmers around him and as legal owners had to sell their land in time and it became subdivisions. He also felt that is was an intrusion at the time with cars squealing out at all hours of the night and kids trespassing, but at the time, these families needed to grow and they needed new homes too. Eight years ago my Dad had a stroke and he ended up in Linden Grove here in New Berlin. After nine months, he realized he wasn't going to be able to come home again. He loved his home and his ten acres because he worked hard for them. When he realized he wasn't coming home, he got real worried about this property and that is why he wanted to sell it. A church is not the worst thing that can happen.

Kelly Wilks, 9821 29th Avenue, Pleasant Prairie - We are about 50 minutes to church. It took us a long time to find a church, probably about two years. We looked very hard to find the values in a church that we were looking for. This is a well supported church with great morals. Every weekend we service the community by going out to lunch and visiting shopping areas. We are in favor of this church because we know the outcome of the children that go out into the world from here will be such an asset.

Norman Eddy, 5699 Oriole Court, Greendale - It took me two years to find this church and I've been going here ever since. I would like you to consider changing it to institutional zoning .

Tim Schmitz, 14935 Fenway Drive – I am not a member of Crossroads Church, but I have family members who are. I think the design for the church is absolutely beautiful. It definitely will add a peaceful element to the City of New Berlin. Pastor David was absolutely right when he said that they have to move to institutional zoning because they don't know if they can break ground within the year. They have been renting for 13 years and it is time they have their own building.

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

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

Tim Murphy, 4530 S. Delphine – What kind of control does the City have over the looks of the church, the property lay-out, landscaping and do the residents have any say on it?

Ms Jones – If it successfully goes through the rezoning process and if they come back for use approval within that district, at that point in time they would not only appear before the Plan Commission again, but also before the Architectural Review Committee which looks at design criteria, building materials, etc. You can express your concerns at any Plan Commission meeting through Privilege of the Floor.

Mr. Murphy – I am opposed to it because once you open it up to non-residential, other types of these things will go through and our back door will be open to industrial.

Jason Bretzmann, 15870 S. Heatherly – I am opposed to this because like the Pastor, I spent a lot of time with my wife patrolling neighborhoods, looking for the “for sale” signs several years ago. We found this place and bought into the idea that this was our neighborhood and our subdivision. I wish these people who spoke in favor were our neighbors. I am not opposed to this because of the church, I am opposed to this because of the rezoning to institutional. We want residential zoning in our neighborhood.

Ron Scott, 4670 S. Scot Drive – I too bought into this neighborhood because it was a residential neighborhood. Believe me, it is not easy to find a house on the street that has your name on it. I am not really opposed to having a church built on this parcel. I am opposed to having the traffic coming in and out on Heatherly Drive and I see no reason why, and I understand the problem of people wanting to go North on Moorland Road, but it doesn't seem to me that there should be any problem making a cut through on Moorland Road. There is one at the crest of the hill and another one down below that, there could be another one going opposite the entrance and exit to the church parking lot, which I believe should be on Moorland Road so it doesn't cause problems getting onto and off of Moorland from Heatherly. There are a lot of us in Regal Manors West and South who do go to church on Sunday morning and we go in and out at that time. The problem is not bad now, but if we have church traffic coming in and out of a parking lot on Heatherly Drive, it will become so.

Vernon Bentley, 3450 S. Johnson Road – You just mentioned that all schools and churches are zoned institutional in New Berlin. The church on National and Crowbar is residentially zoned. The church on Sunny Slope and Howard is residentially zoned. There may be more. I attended meetings regularly for over eight years at which many Mayors, Alderman, and staff planned the City for everyone at a cost of time and money. This may be the reason. I am not opposed to the church. With all due respect, I'm sure they will be good neighbors. Because of the rezoning, there are too many unanswered questions about the church. If they want to be consistent with the Master Plan, they will build with residential zoning. This was included in the Master Plan in the late 1990's to welcome churches into residential areas of the City. At this time, I am not in favor with the restricted information I have because it is not consistent with the Master Plan. If you come back with a residentially zoning plan, I am with you 100%.

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

Mayor Chiovatero asked for comments from the Commissioners.

Alderman Ament – I want to make it clear that the decision that is made has no reflection on the Pastor of the church or the church itself, but is strictly regarding the zoning decision. If the property is zoned institutional, will the proposed height meet the requirements?

Ms. Jones – The height in the institutional district is 45' maximum. The steeple is not included.

Alderman Ament – Have we gotten verification from Waukesha County if they will allow access onto Moorland Road?

Ms. Jones – Waukesha County has not replied regarding this project. They did to another development that is across the way and they were not going to allow a cut for that development.

Alderman Ament – Is the right turning lane acceptable for now?

Ms. Jones – Correct.

Alderman Ament – Is there a possibility Waukesha County will say no?

Mr. Schildt, Transportation Division Engineer – If there is a parcel that is fronted on two roads, one being a County road and one being a local street, they do require that the driveway access for that parcel to come out on a local road. That is in their County ordinance. It may be dependant upon if there is already a driveway there. I believe there is a driveway that goes into the field so I believe they may allow it to stay as a right in, right out only. Until they give us our comments back, we will not know for sure.

Alderman Ament – Do you know if we will get those comments before it comes for our decision?

Ms. Jones – We would not take action on this application if we didn't have it.

Alderman Ament – We are assuming that most of the traffic is going to come off of Moorland Road, but I see there will be requirements turning out East bound on Heatherly Drive.

Ms. Jones – Those comments and recommendations came from the traffic impact Analysis.

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

Mayor Chiovatero closed the public hearing at 8:40 P.M.

6:04 P.M. (3)OA CU-6-05 Waukesha Gate Station – 18005 W. Greenfield Ave. – Gate Station.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

JUNE 6, 2005

MINUTES

The public hearing relative to the request by Julie Olszewski for WE Energies for a conditional use for a WE Energies gas gate station located at 18005 W. Greenfield Avenue was called to order by Mayor Chiovarero at 8:46 P.M.

In attendance were Mayor Chiovarero, Alderman Ament, Mr. Sisson, Mr. Barnes, Mr. Felda. Also present were Nikki Jones, Planning Services Manager; Olofu Agbaji, Associate Planner; Amy Bennett, Associate Planner; Anthony Kim, Code Enforcement; Larry Wilms, City Engineer; Eric Nitschke, Storm Water Division Engineer; Ron Schildt, Transportation Division Engineer. Mr. Gihring and Mr. Teclaw 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 Chiovarero asked three times if there were any comments or questions for the purpose of clarification, seeing none.

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

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

Mayor Chiovarero asked for comments from the Commissioners.

Mr. Felda – Is the building moved far enough back from Greenfield Avenue that in case there would be any more development, they wouldn't have to do it again? Is the building material the same as what exists?

Ken Moutvic, WE Energies – The original structure was built in 1958 and we have taken that into consideration with our proposed building. We are using architectural 8" block fired with whatever color you want. This block contains any noise coming from inside. We are consolidating three buildings into one. We have set the building far enough back and all our gas pipes will be in conjunction with the roadway reconstruction for the four lane plan so we won't have to do it again. It is centered on the property so as to not violate any of the setbacks.

Mayor Chiovarero asked if there were any further comments from the Commissioners, seeing none.

Mayor Chiovarero closed the public hearing at 8:57 P.M.

NEW BERLIN PLAN COMMISSION
NEW BERLIN CITY HALL COUNCIL CHAMBERS

JUNE 6, 2005

MINUTES

The Plan Commission meeting was called to order by Mayor Chiovaterio at 9:06 P.M.

In attendance were Mayor Chiovatero, Alderman Ament, Mr. Sisson, Mr. Barnes, Mr. Felda. Also present were Nikki Jones, Planning Services Manager; Olofu Agbaji, Associate Planner; Amy Bennett, Associate Planner; Anthony Kim, Code Enforcement; Eric Nitschke, Storm Water Division Engineer; Ron Schildt, Transportation Division Engineer; Larry Wilms, City Engineer. Mr. Gihring and Mr. Teclaw were excused.

Motion by Alderman Ament to approve the Plan Commission Minutes of May 2, 2005. Seconded by Mr. Barnes. Motion carried unanimously.

Plan Commission Secretary's Report - none

CONTINUED ITEMS

5. (4)AB CU-2-05 New Berlin Pizza Buffet & Family Entertainment Center – 5320 S. Moorland Rd. – Restaurant and Entertainment Center. – (Plan Commission conceptual discussion 3/7/05, Public Hearing 4/4/05, Tabled 5/2/05)

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

Motion by Mr. Sisson to approve the request for a restaurant and family entertainment center to be located at 5320 S. Moorland Road subject to the application, plans on file and the following conditions:

1. Waiver – Applicant requests a waiver to deviate from the City's 30' wetland setback for all impervious surface per Section 275-35(6)(b)&(c) for grading and landscaping. Staff recommends maintaining a 5' setback from the wetlands to ensure the wetlands are not disturbed.
2. Waiver: Applicant requests a waiver to deviate from the City's standard parking requirements that are required per Table 275-57-1 of the Zoning code and have 335 parking spaces. Staff recommends 327 spaces to allow for improved configuration of the retaining walls along the east property line and additional landscaping to screen the retaining walls.
3. Waiver – Applicant requests a waiver to deviate from the City's lighting standards required under 275-60I(5) to exceed the 0.5 foot candle maximum at the north property line since the Marcus site to the north property line is developed and has site lighting.
4. Waiver – Applicant requests a waiver to deviate from the City's tree replacement requirements under Table 275-54-1 to allow trees to be planted on the neighboring property to the east. A letter from the property owner is on file.

- 1) Plan of Operation

- a) Proposed 35,000 square foot building for an upscale one price, all-you-can-eat, pizza-pastas, salads, and dessert bar with four themed dining areas and entertainment options.
 - b) The total number of employees will vary based on mix of hourly and full-time employees. The estimated total is sixty (60) employees.
 - c) Building capacity is estimated at 849, with 464 proposed seats.
 - d) The targeted market is family oriented with children ages 2-12.
 - e) Entertainment options will include coin-operated games, mini-bowling lanes, rock climbing and a three-story foam factory play area.
 - f) Admission to the facility will require purchase of the buffet.
 - g) Facility marketed as a major destination for children's birthday parties, school fundraising events and business meetings.
 - h) Children under 18 must be accompanied by an adult to gain entry to the facility.
 - i) Garbage collection shall take place no earlier than 8am daily.
 - j) All deliveries shall take place on north side of the building.
 - k) Hours of operation shall be Sunday through Thursday 10am to 10pm, Friday and Saturday 10am to 11pm. "Lock-ins" to occur on occasional Fridays and Saturdays only.
 - l) All lights other than necessary security lights shall be turned off outside of normal business hours.
- 2) Site Plan/Architecture
- a) A secondary access point to the entire Marcus/Rock Ridge area shall be required when Lot 1 is developed on the Marcus property. This will require improvements by Marcus, or current property owner at that time, to connect to the parcel to the south. At that time, the access drive shall be extended to Small Road as indicated by the "future road" note on submitted plans for this development.
 - b) Approval of the exterior architecture and materials for construction by the Architectural Review Committee.
- 3) Transportation
- a) The lighting levels exceed the 0.5 footcandle maximum at the north property line. Staff is not concerned about this since the Marcus site to the north is developed and has site lighting as well. The Plan Commission will need to grant a waiver.
 - b) The sidepath on Moorland shall be 6' wide (arterial street).
 - c) Wetland delineation shall be shown along the Moorland Road side to determine appropriate location of proposed sidewalk.
 - d) Cross-section shall be submitted for Moorland Road sidewalk.
 - e) Pedestrian ramps and curb cuts shall be required at the intersection of Small Road and Moorland Road. Truncated domes shall be used on ped ramps per Access Board recommendations.
 - f) There is a jog in the ROW on the adjacent property to the east, so the ROW is 20' narrower. Thus, the sidewalk at the east property line shall line up with this point and shall be 21' off the ROW line and then transition back to the 1' off the ROW approximately station 7+30.
 - g) All sidewalks shall pitch towards the center of the ROW.
 - h) The sidewalks shall have 5" thick concrete on 2" base course. 7" thickness shall be required if over driveway. Revise plans to reflect correct thickness.
- 4) Engineering
- a) Utility Engineer –
 - 1. Sheet 3 & 5 of 10;
 - a. Revise Water Use and Wastewater Flow calculations to reflect hours of operation for peak rates. As presented, only total daily values are reflected.

2. Prepare Final PS & E documents prior to issuance of the building permit.
 3. Enter into a Developer's Agreement to incorporate construction of public water main across site.
 4. Complete construction plans, detailing the engineered retaining walls, including material and color choices, shall be submitted and approved by staff prior to issuance of the zoning permit.
 5. Prepare As-Built Drawings of completed infrastructure in accordance with Developer's Handbook.
 6. Prepare Final Easement Documents for all public infrastructure (i.e., sanitary, water and storm mains and storm drainage ways), including written legal descriptions and plan graphic of easement area for recording at the County Register of Deeds in accordance with Developer's Handbook requirements, shall be submitted prior to issuance of building permit.
 7. Pay Water Impact Fees and Sanitary Sewer Impact Fees based upon Chapter 267 requirements. Pay Water and Sanitary Sewer Impact Fees based upon equivalent domestic water meter size required for the building, including lawn sprinkling meter capacity (if and when installed), in accordance with City Code in effect at the time of Plumbing Permit issuance.
 8. A meter room shall be required per Streets/Utility Department.
- b) Storm water Engineer –
1. The Maintenance Plan submitted shall be sufficient for MMSD Chapter 13. However, number 6 shall state that the wet pond shall have sediment removed once the pool depth reaches 3 feet. The Developer shall sign the provided Maintenance Agreement.
 2. Wet detention pond shall have a submerged outlet structure for smaller storm events, as detailed in the Developer's Handbook. Additional detail on the wet detention basin's outlet structure shall be submitted.
 3. The submitted Maintenance Plan shall be followed regarding the proposed retaining wall next to the wet pond. Any failure to the wall must be addressed immediately by the developer.
 4. A combination of bollards and a decorative fence (or similar methods) shall be required along the west retaining wall to prevent vehicles and persons from easily accessing the detention pond. Maintenance access to the pond shall be from the south side of the pond. Details of chosen safety feature shall be submitted for review and approval prior to issuance of the Zoning Permit.
 5. Inlets shall be R-3228-BD as indicated in the Developer's Handbook.
- c) Development Engineer –
1. Grading or cutting onsite shall not occur until the grading plan has been approved by the Engineering Department and the Zoning Permit has been issued.
 2. No grading shall occur closer than 5' from the wetland boundary.
 3. No construction traffic shall occur on Small Road east of the proposed driveway.
 4. Specifications and materials shall be submitted for

5. proposed retaining walls prior to issuance of the Zoning Permit. The developer shall allow a driveway connection from the Marcus site to the north and shall allow workmen from the City or Marcus to work onsite, if necessary, to complete the access/connection. A cross-access easement for ingress and egress may be necessary at the time of connection.
 6. Retaining walls along east property line, south of the building, shall be a minimum of 10' from property line and re-configured to a three-tiered system with maximum 7' walls. The proposed junction of walls near the south end of the building shall be eliminated. Relocation of transformer may be necessary. The top of wall shall be at a uniform elevation.
 7. Fence shall be installed on top of retaining wall along Small Road. Details of chosen safety feature shall be submitted for review and approval prior to issuance of the Zoning permit.
 8. Row of parking (16 spaces) along the east property line shall be moved approximately 9' west to allow additional green space to plant additional trees to screen retaining walls.
 9. Evidence shall be provided to the City that the applicant is the sole owner of the entire property, such as title insurance, to clear up a potential discrepancy of the 8' – 9' overlap noted on the submitted survey prior to issuance of the Zoning Permit.
 10. Temporarily stored materials, such as topsoil, dirt, stone, wood and equipment shall remain at least 30' from all wetlands and lot lines. Dust control may be necessary to keep west winds from blowing onto neighboring properties. Small Road shall not be used as a staging area.
 11. The applicant shall re-connect drain tiles, if found, to the storm sewer system.
- 5) Building Inspections
- a) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities) No building plans submitted.
 - 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.
 - d) Erosion control shall be approved, permitted, installed and inspected prior to any site work and/or issuance of a building permit.
- 6) Fire
- a) Building shall be fully sprinkled.
 - b) Monitor fire flow.
 - c) Fire alarm system per IBC.
 - d) Location of fire department connection shall be shown for sprinkler system.
 - e) Fire hydrants shall be within 50' of fire department connection and main entrance.
- 7) Landscaping
- a) Approval of the landscaping plan and payment of all sureties are required 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. 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.

- b) Trees shall be planted along east property line on adjacent property to fulfill tree replacement requirements. Details of plan shall be approved prior to issuance of the Zoning Permit. The Plan Commission will need to grant a waiver for this.

Motion dies for lack of second.

Motion by Alderman Ament to deny the request for a restaurant and family entertainment center to be located at 5320 S. Moorland Road for the following reasons:

1. Waiver – Applicant requests a waiver to deviate from the City's 30' wetland setback for all impervious surface per Section 275-35(6)(b)&(c) for grading and landscaping. Staff recommends maintaining a 5' setback from the wetlands to ensure the wetlands are not disturbed.
2. Waiver: Applicant requests a waiver to deviate from the City's standard parking requirements that are required per Table 275-57-1 of the Zoning code and have 335 parking spaces. Staff recommends 327 spaces to allow for improved configuration of the retaining walls along the east property line and additional landscaping to screen the retaining walls.
3. Waiver – Applicant requests a waiver to deviate from the City's tree replacement requirements under Table 275-54-1 to allow trees to be planted on the neighboring property to the east. A letter from the property owner is on file.

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

Motion by Mr. Sisson to approve the request for a restaurant and family entertainment center to be located at 5320 S. Moorland Road subject to the application, plans on file and the following conditions:

1. Waiver – Applicant requests a waiver to deviate from the City's 30' wetland setback for all impervious surface per Section 275-35(6)(b)&(c) for grading and landscaping. Staff recommends maintaining a 5' setback from the wetlands to ensure the wetlands are not disturbed.
2. Waiver: Applicant requests a waiver to deviate from the City's standard parking requirements that are required per Table 275-57-1 of the Zoning code and have 335 parking spaces. Staff recommends 327 spaces to allow for improved configuration of the retaining walls along the east property line and additional landscaping to screen the retaining walls.
3. Waiver – Applicant requests a waiver to deviate from the City's lighting standards required under 275-60I(5) to exceed the 0.5 foot candle maximum at the north property line since the Marcus site to the north property line is developed and has site lighting.
4. Waiver – Applicant requests a waiver to deviate from the City's tree replacement requirements under Table 275-54-1 to allow trees to be planted on the neighboring property to the east. A letter from the property owner is on file.

1) Plan of Operation

- a) Proposed 35,000 square foot building for an upscale one price, all-you-can-eat, pizza-pastas, salads, and dessert bar with four themed dining areas and entertainment options.
- b) The total number of employees will vary based on mix of hourly and full-time employees. The estimated total is sixty (60) employees.
- c) Building capacity is estimated at 849, with 464 proposed seats.
- d) The targeted market is family oriented with children ages 2-12.
- e) Entertainment options will include coin-operated games, mini-bowling lanes, rock climbing and a three-story foam factory play area.
- f) Admission to the facility will require purchase of the buffet.

- g) Facility marketed as a major destination for children's birthday parties, school fundraising events and business meetings.
 - h) Children under 18 must be accompanied by an adult to gain entry to the facility.
 - i) Garbage collection shall take place no earlier than 8am daily.
 - j) All deliveries shall take place on north side of the building.
 - k) Hours of operation shall be Sunday through Thursday 10am to 10pm, Friday and Saturday 10am to 11pm. "Lock-ins" to occur on occasional Fridays and Saturdays only.
 - l) All lights other than necessary security lights shall be turned off outside of normal business hours.
- 2) Site Plan/Architecture
- a) A secondary access point to the entire Marcus/Rock Ridge area shall be required when Lot 1 is developed on the Marcus property. This will require improvements by Marcus, or current property owner at that time, to connect to the parcel to the south. At that time, the access drive shall be extended to Small Road as indicated by the "future road" note on submitted plans for this development.
 - b) Approval of the exterior architecture and materials for construction by the Architectural Review Committee.
- 3) Transportation
- a) The lighting levels exceed the 0.5 footcandle maximum at the north property line. Staff is not concerned about this since the Marcus site to the north is developed and has site lighting as well. The Plan Commission will need to grant a waiver.
 - b) The sidepath on Moorland shall be 6' wide (arterial street).
 - c) Wetland delineation shall be shown along the Moorland Road side to determine appropriate location of proposed sidewalk.
 - d) Cross-section shall be submitted for Moorland Road sidewalk.
 - e) Pedestrian ramps and curb cuts shall be required at the intersection of Small Road and Moorland Road. Truncated domes shall be used on ped ramps per Access Board recommendations.
 - f) There is a jog in the ROW on the adjacent property to the east, so the ROW is 20' narrower. Thus, the sidewalk at the east property line shall line up with this point and shall be 21' off the ROW line and then transition back to the 1' off the ROW approximately station 7+30.
 - g) All sidewalks shall pitch towards the center of the ROW.
 - h) The sidewalks shall have 5" thick concrete on 2" base course. 7" thickness shall be required if over driveway. Revise plans to reflect correct thickness.
- 4) Engineering
- a) Utility Engineer –
 1. Sheet 3 & 5 of 10;
 - a. Revise Water Use and Wastewater Flow calculations to reflect hours of operation for peak rates. As presented, only total daily values are reflected.
 2. Prepare Final PS & E documents prior to issuance of the b building permit.
 3. Enter into a Developer's Agreement to incorporate c construction of public water main across site.
 4. Complete construction plans, detailing the engineered r retaining walls, including material and color choices, shall be submitted and approved by staff prior to issuance of the zoning permit.
 5. Prepare As-Built Drawings of completed infrastructure in accordance with Developer's Handbook.

6. Prepare Final Easement Documents for all public infrastructure (i.e., sanitary, water and storm mains and storm drainage ways), including written legal descriptions and plan graphic of easement area for recording at the County Register of Deeds in accordance with Developer's Handbook requirements, shall be submitted prior to issuance of building permit.
 7. Pay Water Impact Fees and Sanitary Sewer Impact Fees based upon Chapter 267 requirements. Pay Water and Sanitary Sewer Impact Fees based upon equivalent domestic water meter size required for the building, including lawn sprinkling meter capacity (if and when installed), in accordance with City Code in effect at the time of Plumbing Permit issuance.
 8. A meter room shall be required per Streets/Utility Department.
- b) Storm water Engineer –
1. The Maintenance Plan submitted shall be sufficient for MMSD Chapter 13. However, number 6 shall state that the wet pond shall have sediment removed once the pool depth reaches 3 feet. The Developer shall sign the provided Maintenance Agreement.
 2. Wet detention pond shall have a submerged outlet structure for smaller storm events, as detailed in the Developer's Handbook. Additional detail on the wet detention basin's outlet structure shall be submitted.
 3. The submitted Maintenance Plan shall be followed regarding the proposed retaining wall next to the wet pond. Any failure to the wall must be addressed immediately by the developer.
 4. A combination of bollards and a decorative fence (or similar methods) shall be required along the west retaining wall to prevent vehicles and persons from easily accessing the detention pond. Maintenance access to the pond shall be from the south side of the pond. Details of chosen safety feature shall be submitted for review and approval prior to issuance of the Zoning Permit.
 5. Inlets shall be R-3228-BD as indicated in the Developer's Handbook.
- c) Development Engineer –
1. Grading or cutting onsite shall not occur until the grading plan has been approved by the Engineering Department and the Zoning Permit has been issued.
 2. No grading shall occur closer than 5' from the wetland boundary.
 3. No construction traffic shall occur on Small Road east of the proposed driveway.
 5. Specifications and materials shall be submitted for proposed retaining walls prior to issuance of the Zoning Permit.
 5. The developer shall allow a driveway connection from the Marcus site to the north and shall allow workmen from the City or Marcus to work onsite, if necessary, to complete the access/connection. A cross-access easement for ingress and egress may be necessary at the time of connection.

6. Retaining walls along east property line, south of the building, shall be a minimum of 10' from property line and re-configured to a three-tiered system with maximum 7' walls. The proposed junction of walls near the south end of the building shall be eliminated. Relocation of transformer may be necessary. The top of wall shall be at a uniform elevation.
 7. Fence shall be installed on top of retaining wall along Small Road. Details of chosen safety feature shall be submitted for review and approval prior to issuance of the Zoning permit.
 8. Row of parking (16 spaces) along the east property line shall be moved approximately 9' west to allow additional green space to plant additional trees to screen retaining walls.
 9. Evidence shall be provided to the City that the applicant is the sole owner of the entire property, such as title insurance, to clear up a potential discrepancy of the 8' – 9' overlap noted on the submitted survey prior to issuance of the Zoning Permit.
 10. Temporarily stored materials, such as topsoil, dirt, stone, wood and equipment shall remain at least 30' from all wetlands and lot lines. Dust control may be necessary to keep west winds from blowing onto neighboring properties. Small Road shall not be used as a staging area.
 11. The applicant shall re-connect drain tiles, if found, to the storm sewer system.
- 5) Building Inspections
- a) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities) No building plans submitted.
 - 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.
 - d) Erosion control shall be approved, permitted, installed and inspected prior to any site work and/or issuance of a building permit.
- 6) Fire
- a) Building shall be fully sprinkled.
 - b) Monitor fire flow.
 - c) Fire alarm system per IBC.
 - d) Location of fire department connection shall be shown for sprinkler system.
 - e) Fire hydrants shall be within 50' of fire department connection and main entrance.
- 7). Landscaping
- a) Approval of the landscaping plan and payment of all sureties are required 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. 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.
 - b) Trees shall be planted along east property line on adjacent property to fulfill tree replacement requirements. Details of plan shall be approved prior to issuance of the Zoning Permit. The Plan Commission will need to grant a waiver for this.

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

6. (4)OA R-11-03 Moorland Road Golf Center – 5900 S. Moorland Rd. – One year extension of time limit for PUD.

Motion by Mr. Barnes to recommend to Common Council approval of the request for a one-year extension for “Moorland Road Golf Center” Planned Unit Development Ordinance #2239.

Seconded by Mr. Felda. Motion carried unanimously.

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

Item remains Tabled due to letter of extension.

NEW BUSINESS

8. (7)AB R-3-05 Ronald Reagan Elementary School – 4225 and 4385 S. Calhoun Rd. – Rezone from R-1/R-2, R-3, I-1 and C-1 to I-1, C-1 and C-2. (Public Hearing 5/2/05)

Motion by Mr. Sisson to recommend to Common Council adoption of an ordinance that approves the rezoning of the properties located at 4225 and 4385 S. Calhoun Road from R-1/R-2, R-3, I-1 and C-1 to I-1, C-1 and C-2.

Seconded by Alderman Ament. Motion carried unanimously.

9. (7)NJ LD-5-05 Ronald Reagan Elementary School – 4225 S. Calhoun Rd. – One-Lot Land Division.

Motion by Mr. Sisson to recommend to Common Council approval of the Certified Survey Map for the property located at 4225 S. Calhoun Road subject to the plans on file and following conditions:

- 1) Applicant shall finalize the quit claim description and exhibit for the Calhoun Road Ultimate Right-of-Way prior to City signing the CSM.
- 2) Applicant shall correct all drafting errors identified by Staff prior to signing of final CSM.
- 3) 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.
- 4) The school address will be 4225 S. Calhoun Road.
- 5) Payment of \$2,137.60 for the new lot in Public Site, Open Space and Trail fee shall be paid before the City shall sign the CSM.

Seconded by Mr. Barnes. Motion carried unanimously.

10. (7)NJ PG-946 Sewer Service Area Amendments 2020 Plan Amendments (MMSD Boundaries) – Ronald Regan Elementary School.

Motion by Mr. Barnes to recommend to Common Council adoption of a resolution approving the amendment to the New Berlin Current Sewer Service area to include the Ronald Reagan Elementary School (New Berlin Center School) for the properties located at 4225 and 4385 S. Calhoun Road.

Seconded by Alderman Ament. Motion carried unanimously.

11. (3)OA U-32-05 Hal's Harley Davidson – 1925 S. Moorland Rd. - Festival

Motion by Mr. Sisson to approve the request for Temporary Use Approval for a 1-Day "Cycle Safe" Event on Saturday, June 11th 2005 located at 1925 S. Moorland Road per the plans on file and the following conditions:

- 1) Hours of the "Cycle Safe Event" to be from 10:00 a.m. to 3:00 p.m. on Saturday, June 11th, 2005.
- 2) No alcohol shall be served.
- 3) Food will be supplied via a licensed vendor. Applicant shall contact Waukesha County Department of Health for any necessary permits pertaining to food.
- 4) If soda is to be sold on site, applicant shall contact the City of New Berlin Clerk's Office to obtain a \$5.00 Soda Permit.
- 5) If any sales or solicitation of business will occur with vendors a Direct Sellers Permit will be required from the Clerk's office.
- 6) All barricades must be properly permitted by the New Berlin Police Department if applicable.
- 7) Applicant has applied for and received a loudspeaker permit from the New Berlin Police Department.
- 8) There will be demonstration by state and county safety riders on site.
- 9) There shall be no parking on Moorland Road.
- 10) Letters from adjoining property owners shall be on file with the City for any off site parking.
- 11) Temporary wiring for displays or lighting circuits will need an electrical permit and inspection.
- 12) Apply and obtain appropriate building, plumbing and electrical permits when required to do so by code.
- 13) Tent Permit and inspection by the City of New Berlin Fire Department prior to event day.
- 14) Contact street Department to discuss all applicable barricade and signage requirements for this event.
- 15) If there are any complaints from citizens requiring police presence, this will represent violation of the terms and police would have the authorization to shut the event down.

Seconded by Mr. Barnes. Motion carried unanimously.

12. (3)OA CU-6-05 Waukesha Gate Station – 18005 W. Greenfield Ave. – Gate Station.

Motion by Alderman Ament to approve the use, site and architecture for the improvements to the Waukesha Gate station located at 18005 West Greenfield Avenue, subject to the application, plans on file, and the following conditions:

- 1) Applicant shall submit a letter of approval from ANR pipeline prior to issuance of the Conditional Use Permit.
- 2) Architectural Review Committee requires that the building be constructed of brick materials. Submittal of a revised building elevation with accurate colors and material samples are required prior to issuance of Conditional Use Permit.
- 3) Engineering
 - a. The proposed elevation for the floor grade is set appropriately, +/- 6", 841.75. Any change in the current site grading and landscaping shall be site specific. If any significant changes in grading or landscaping occur on the site, it will require City of New Berlin approval.

- b. Applicant shall reuse the existing access as proposed. If a change or improvement of the access to Greenfield Avenue is to occur, the State of Wisconsin Department of Transportation is the governing authority and would need to be notified of any changes.
- 4) Building Inspections and Zoning
- a. Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities) Plans are stamped and signed by Ryan Rudie.
 - b. Building plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties. (5)(c) 3.
 - c. Apply and obtain appropriate building, plumbing and electrical permits.
 - d. Apply and obtain erosion control permit and have erosion control measures inspected and approved prior to any grading or excavation.
 - e. Applicant shall administratively close out all open and outstanding permits on this property.

Seconded by Mr. Barnes. Motion carried unanimously.

13. (7)OA CU-4-05 CRC Concrete Raising Corp. – 2855 S. 166th Street - Portable Cement Silo.

Motion by Alderman Ament to approve the use, site and architecture for the construction of a silo/above ground storage tank located at 2855 South 166th Street subject to the application, plans on file, and the following conditions:

- 1) Applicant shall be required to administratively close out all outstanding permits for this property.
- 2) The silo will be installed on a concrete pad. Dimension and thickness of concrete pad to be determined at time of Building Permit application.
- 3) Frequency of deliveries to the silo must be submitted to staff.
- 4) Applicant must contain all run-offs from the process on site. If the process produces significant amounts of dust, a dust abatement program or a form of dust control will be required.
- 5) Match the existing grade, elevation on site for the concrete pad, +/- 6", 888.0
- 6) Plans shall be stamped and signed by a registered architect or engineer.
- 7) Plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per Wisconsin Department of Commerce.
- 8) Apply and obtain appropriate building, plumbing and electrical permits.

Seconded by Mr. Felda. Motion carried unanimously.

14. (3)NJ LD-2-05 Michael and Marsha Roman – 18715 W. Greenfield Ave. – Nw ¼ Sec. 4 – Two-Lot Land Division.

Motion by Mr. Sisson to recommend to Common Council approval of the Certified Survey Map for the property located at 18715 W. Greenfield Avenue subject to the plans on file and following conditions:

- 1) Applicant shall have the wetlands on the parcel field-staked by a field biologist to delineate, then surveyed prior to the City signing the CSM. Applicant shall verify the secondary environmental corridor boundary.
- 2) The City of New Berlin will initiate an application to rezone the C-2, Shoreland Wetland area on this property. No building permits will be issued until the rezoning is completed and a conservation easement for the areas that are zoned C-2 is in place.

- 3) If the applicant wishes to start construction on the home prior to the completion of Greenfield Avenue reconstruction, the applicant shall share the driveway with the current home. Applicant shall submit a shared access driveway easement agreement for the new parcel to be used until the reconstruction is completed.
- 4) Upon completion of the Greenfield Avenue construction project, the applicant shall obtain a state access permit for his new access point. At a minimum, the driveway could be as far east as possible (5 feet off the property line) and provide 375' of the 430' of intersection sight distance required.
- 5) Applicant shall dedicate 32 feet to the City of New Berlin for public Right-of-Way purposes.
- 6) Applicant will be required to construct a T-turnaround for the new driveway.
- 7) Applicant shall correct all drafting errors identified by Staff prior to signing of final CSM.
- 8) Applicant shall meet all Waukesha County private well and all on-site disposal system requirements.
- 9) All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 10) The new address shall be 18635 W. Greenfield.
- 11) Payment of \$2,137.60 for the new lot in Public Site, Open Space and Trail fee shall be paid before the City shall sign the CSM.

Seconded by Mr. Barnes. Motion carried unanimously.

15. (2)AB CU-11-04 Open Pantry – 15551 W. Cleveland Ave. – Convenience Store and Gas Station. (Public Hearing 5/2/05)

Motion by Mr. Sisson to approve the request for a conditional use permit for an Open Pantry convenience store and gas station located at 15551 W. Cleveland Avenue based on the following engineering requirements:

Waiver – Applicant requests a waiver to deviate from the City's tree replacement requirements under Table 275-54-1 to allow trees to be planted off-site at a City designated location. A letter from the property owner is on file.

- 1) Site Plan –
 - a) Applicant shall meet all setbacks of the B-2 zoning district.
 - b) Approval of the exterior architecture and materials for construction by the Architectural Review Committee.
 - c) Under Section 275-56F(3)(b), a 15' buffer required adjacent to residential property.
 - d) Under Section 275-41C(2)(b), the outermost edge of the protective canopy shall not be closer than 25 feet to the base setback line. All fuel pumps shall comply with the yard requirements of the zoning district, which is 40' from the base setback line.
 - e) Applicant shall receive Waukesha County approval for Moorland Road access.
- 2) Engineering - Storm Water –
 - a) Storm water drainage and quality issues shall be addressed prior to issuance of the Zoning Permit in accordance with City Ordinance 2193 and approved by the Storm Water Division Engineer.
 - b) Landscape plan shall be adjusted match grading plan on the east side of the site.
 - c) Curb in proposed driveway entrances shall be shown on the grading plan.
 - d) Storm sewer shall not be allowed to be located 2.5' horizontally away from the sanitary line.
 - e) Storm sewer sizing calculations shall be submitted.

- f) Inlet and storm sewer shall be sized for a 25-year event.
 - g) Down stream analysis of Moorland Road storm sewer capacity shall be provided. Developer shall contact Waukesha County to ensure proper sizing. Calculations and written approval from Waukesha County shall be submitted to the City.
 - h) Water quality shall be provided on the site. A stormceptor alone shall not provide adequate pollutant removal rates for the type of use proposed on the site. A treatment train shall be utilized to remove TSS, heavy metals and hydrocarbons. Sheet flow offsite at the West access point shall be examined to ensure it is being treated.
 - i) A detailed storm sewer plan shall be submitted and approved by the Storm Water Division Engineer.
- 3) Engineering –Development -
- a) The revised grading plan, dated 5/09/05 and received by Planning on 5/13/05, prepared by Singh and Associates, is in many ways a step backward from the preliminary grading plan received on 4/18/05 prepared by Timothy Seidel. The revised grading plan shows no existing contour elevations. The grading plan shall show existing 1' contours on site and at least 75' beyond the site. The proposed spot grades are too small on plan and cannot be read. Elevation benchmarks shall be shown on construction plans. Easement areas, abandoned sewer lines, etc. shall be clearly identified.
 - b) Proposed parking lot grades and slopes are not satisfactory. The elevation at the Southwest corner of the paved drive/parking lot shall be no higher than about 875.0 as shown on the preliminary grading plan, not 877.5. This will make any possible road connection to the South easier. The entire rear parking lot should be lowered as shown in preliminary grading plan. This will also eliminate the objectionable 3:1 proposed slope between the parking lot and the South lot line.
 - c) The 7.7% proposed drive and parking lot slopes along the west side of the building are not satisfactory. The drive slope shall not exceed 7%. Parking lot slopes shall not exceed 5%. Staff recommended in previous reviews that more of the West side of the building be exposed, and that the West door be eliminated or lowered as necessary 1.5'-3' with steps outside or inside the building.
 - d) On the East side of the building, the preliminary grading plan had shown gentle proposed slopes and a proposed swale about 5' from East lot line to catch drainage and take it around the South side of the building. The most recent grading plan shows a proposed sidewalk on the East side of the building and a proposed 2:1 slope toward the neighbor with no proposed swale. 4:1 is the maximum allowed slope. A swale is required.
 - e) From City of New Berlin topographic maps, it appears there are 8 acres from the East that drain through an existing swale located about 10' North of the South lot line. This grading plan ignores this drainage and proposes to fill the area in and slope down at a 3:1 slope to the lot line, pushing the problem to the neighbor to the South. Developer shall verify existing elevations of the swale, and provide an adequate swale on site with maximum 4:1 slopes.
 - f) There are discrepancies between the elevation views of the building and the grading plan as to the proposed exposures along the sides of the buildings. At the Southwest corner of the proposed building, the West elevation view shows about a 4' exposure. The South elevation view shows a 10' exposure. There are apparently some planters here, and some steps. The grading plan doesn't help understand what is going on here. This needs to be more clearly identified on the plans.

- g) On the East side of the building, the grading plan indicates that there is no exposure taking place for the front 25', and then drops quickly at a 2:1 slope, the elevation view shows the exposure starts at 12' from the front corner and gradually slopes down to basement level. The grading plan shows a normal door swinging out at main entrance. The plans show a sliding door. Discrepancies shall be resolved.
- 4) Engineering - Transportation –
- a) Ultimate Right-of-Way (ROW) for Cleveland Avenue (CTH D) is 130-feet (65-feet on each side of the centerline). Existing ROW is 100-feet. The developer shall dedicate the northerly 15-feet along Cleveland Avenue to the City of New Berlin for public right-of-way purposes prior to any building permit being issued by the City.
 - b) A “Right Turn Only” (R3-5) sign and appropriate pavement marking shall be placed at the exit onto Cleveland Avenue and the exit onto Moorland Road.
 - c) This parcel shall connect to the parcel to the south. A future 24-foot access/drive aisle to the south property line shall be identified on the plans and built in conjunction with this project.
 - d) Level of Service (LOS) for the driveways on Moorland and Cleveland shall be provided.
 - e) Verification of applicant's responsibility for Waukesha County's median closure requirement on Cleveland Avenue shall be submitted to the City.
 - f) Lighting plan does not follow city standards. See Zoning Code Section 275.60.1. The numeric summary should only include the paved parking, circulation, and pedestrian areas. Right now they're using the entire site lighting levels, which is causing values in the numeric summary to be zero. The paved areas light levels can be higher than the requirements for average footcandles, but must be equal to or lower than the average-to-minimum and maximum-to minimum ratios in the zoning code.
- 5) Engineering – Utility –
- a) A clean out is required every 100' on the sanitary lateral.
 - b) Applicant shall add to each project plan sheet the following, “All Site improvements and construction shown on these plans shall conform to City of New Berlin Infrastructure Design Standards and Infrastructure Specifications, and where the plans do not comply, it shall be the sole responsibility and cost of the Developer to make necessary revisions to the plans and/or to construct infrastructure to fully comply with the Developer's Handbook.
 - c) Applicant shall obtain necessary easements and prepare final easement documents including legal descriptions, and plan graphic of easement area, for recording at the County Register of Deeds in accordance with the Developers' Handbook prior to issuance of the building permit.
 - d) Prepare As-built drawings of completed infrastructure in accordance with Developer's Handbook requirements.
 - e) A exterior in-ground type grease trap and a MMSD-type sampling manhole shall be installed in accordance with City Standards and Requirements if a kitchen for food preparation is proposed.
 - f) If applicable in the future, all multi-tenant buildings require a water meter room to be provided at the building water service piping entrance.
 - g) Applicant shall pay water and sanitary sewer impact fees based upon equivalent domestic service, including lawn sprinkling meter capacity (if and when installed), in accordance with City Code in effect at time of Plumbing Permit issuance.
- 6) 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.
 - d) Erosion control shall be approved, permitted, installed and inspected prior to any site grading, excavation or issuance of permits.
 - e) Demolition of existing structure shall require a wrecking permit as well as a plumbing permit to disconnect sewer and water service.
 - f) Down lights under canopy shall be recessed or have horizontal cutoffs so there is no side lighting to affect neighbors to the east.
 - g) Water utility will require a designated meter room with outside access.
- 7) Fire -
- a) Building shall be fully sprinklered.
 - b) Knox box shall be submitted.
 - c) Monitor fire flow.

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

16. (4)OA U-25-05 Michael Byrne/Westridge Dev. East – 5600-5900 Moorland Rd. – Westridge Development East.

Motion by Mr. Sisson to table the request for use, site, and architectural approval for the construction of two multi-tenant office buildings at approximately 5600 South Moorland Road based on engineering concerns.

Seconded by Alderman Ament. Motion carried unanimously.

17. (7)AK RO-18-04 Spectrum Resources, Inc. – 2800 S. 160th Street – Dumpster Enclosure

Applicant is appealing the decision made by the Architectural Review Committee relating to the material for a dumpster enclosure.

Motion by Alderman Ament to approve the request for the dumpster enclosure to be constructed of a material that matches or enhances the masonry material on the exterior of the building located at 2800 S. 166th Street subject to the plans on file and the following conditions:

- 1) Property owner shall meet the requirements of § 275-56.G. Screening of mechanical equipment and dumpsters.
Screening of dumpsters:
 - (a) Applicability. All dumpsters shall be screened from view from any public right-of-way according to the following provisions.
 - (b) Required screening.
 - [1] Access to dumpster. One side of the dumpster shall remain accessible for refuse removal and shall be screened by a solid gate with a minimum height of five feet. The gate shall be maintained in good working order and shall remain closed except when refuse pickups occur.
 - [2] Additional screening. Any side of a dumpster that is not used for access and is visible from a public right-of-way shall be screened from view by a solid wall with a minimum height of six feet. The wall shall be architecturally compatible with other buildings and structures on the site. [Amended 6-19-2001 by Ord. No. 2142]
 - [3] Alternative screening. Alternative screening methods may be permitted with the approval of Plan Commission.

- 2) Prior to installation of the dumpster enclosure, the property owner shall submit a site plan with the permanent location of the dumpster(s) and submit specifications of the cedar fence along with elevations.
- 3) Applicant was required to remove the old signage by July 1, 2004. Please see to it that a change of face for the monument sign is applied for by Friday July 10, 2005.

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

- 18. OA PG-830 – City Center Signage Plan (Public Hearing 5/2/05)

Motion by Mr. Barnes to approve the adoption by Plan Commission of a resolution that approves the Overall Coordinated Sign Design Guidelines for New Berlin City Center Development.

Seconded by Mr. Sisson. Motion carried unanimously.

- 19. AK PG-280 – Sign Code Changes (Sec. 275.61) (Public Hearing 5/2/05)

Motion by Mr. Barnes to recommend to Common Council adoption of an ordinance approving the changes made to Section 275-61 (Sign Code) of the City of New Berlin Zoning Ordinance.

Seconded by Mr. Sisson. Motion carried unanimously.

- 20. ()NJ PG-741 Zoning Ordinance Revision – Erosion Control & Storm Water Ordinances.

Motion by Mr. Sisson to recommend approval to Common Council for adoption of an ordinance approving the changes to Section 275-55.1, 275-55.2, and 275-55.3 (Grading and Drainage) of the City of New Berlin Zoning Ordinance.

Seconded by Mr. Felda. 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.)

- 21. (7)AB U-7-05 General Finishes – 17100 W. Victor Rd. – Building Addition to Warehouse Raw Material and Product.(Tabled 4/4/05)

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

- 1) Motion by Mr. Barnes to deny the above inactive item based on the following: Applicant has requested to be dropped from the agenda.

Seconded by Mr. Felda. Motion carried unanimously.

- 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)

Item remains Tabled.

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

Item remains Tabled.

24. (5)NJ U-26-04 New Berlin City Center Retail II – 15180 W. Library Ln. – Retail Stores. (Tabled 5/3/04)

Item remains Tabled.

25. (7)NJ U-11-04 Crestview Commercial – 16850 W. Observatory – Commercial, Multi-Tenant Building. (Tabled 4/5/04, 5/3/04)

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

Motion by Mr. Felda 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 Alderman Ament. Motion carried unanimously.

26. (3)OA CU-4-03 PDQ Food Stores Inc. – 2075 S. Moorland Road - Convenience store, petroleum sales and automatic car wash.(public hearing pending)

Motion by Alderman Ament to deny the above inactive item unless the requested information is received from the applicant within 30 days.

Seconded by Mr. Barnes. Motion carried unanimously.

COMMUNICATIONS

27. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: WAPA Legislative Update by Jordan K. Lamb, dated April 18, 2005.

Plan Commission acknowledged receipt of this communication.

28. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: WAPA Legislative Update by Jordan K. Lamb, dated May 16, 2005.

Plan Commission acknowledged receipt of this communication.

29. Communication To: Plan Commission
Communication From: Nikki Jones, Planning Services Manager
RE: Plan Commissioners Journal, Spring 2005.

Plan Commission acknowledged receipt of this communication.

30. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: "Complete the Streets!", Planning, May 2005.

Plan Commission acknowledged receipt of this communication.

31. Communication To: Plan Commission
Communication From: Nikki Jones, Planning Services Manager
RE: "Budget panel votes to kill "Smart Growth", Milwaukee Journal Sentinel, May 12, 2005.

Plan Commission acknowledged receipt of this communication.

32. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: Letter of Appreciation dated May 12, 2005 from Greg Kessler

Great Job Nikki!

33. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: WAPA 2005 Planning Conference Current Legal Issues, by Michael R. Christopher, DeWitt, Ross & Stevens S.C., May 18, 2005

Plan Commission acknowledged receipt of this communication.

34. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: Memo from Greg Kessler regarding AICP Certification.

Congratulations to Amy!

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 11:15 P.M.
Seconded by Alderman Ament. Motion carried unanimously.