

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

PUBLIC HEARING

6:00 P.M. (7)NJ R-3-05 Ronald Reagan Elementary School – 4225 and 4385 S. Calhoun Rd. – Rezone from R-1/R-2, R-3, C-1 and I-1 to I-1 and C-1/C-2.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

MAY 2, 2005

MINUTES

The public hearing relative to the request by Tony Goedheer of New Berlin School District for a rezoning at 4225 and 4385 S. Calhoun Road from R-1/R-2 Rural Estate Single Family Residential, R-3 Suburban Single Family Residential, I-1 Institutional and C-1 Upland Resource Conservancy to I-1 Institutional, C-1 Upland Resource Conservancy and C-2 Shoreland Wetland was called to order by Mayor Chiovaturo at 6:02 P.M.

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

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

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

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

Ralph Heon, 17765 W. Saturn Drive – How long is it going to take to build this school? Have they given you any time projection?

Ms. Bennett – It is scheduled to be ready for September of 2006.

Mr. Hoen – But how long will it actually take to build it?

Ms. Bennett – 12 months.

William Labinski, 4021 S. Elm Drive – What will happen to the floodplain? Where is all the water going to go? One house to my North got notification, none of the rest of my neighbors were notified of any of this. I went around to talk to them and they didn't know anything about a school going up. They are in a so-called, floodplain. These people are fighting to get out of this floodplain but yet you want to build a school. Where is all the water going to run off to? In our backyards?

Ms. Jones – The applicant has done a lot of research on the floodplain and wetlands. To answer your question about the noticing, the city is required to notice within 600 ft. of the property boundaries. We had a request by an Alderman to extend this notification to 1,000 ft.

Mr. Labinski – I know one neighbor tried to build a garage and you wouldn't let him because he was in a floodplain. Now you want to build this. All the water will be running down into the floodplain.

Mr. Nitschke – One of the things the school's engineers will be required to do is insure that they are not affecting the floodplain. There are quite a few storm water requirements that they will have to follow. A detention pond or ponds will be required at the very least. They also have to follow DNR permitting as well. Floodplain issues down stream is something that we will be addressing. This is part of our review process when a project comes forward with full construction plans. We are aware of the floodplain questions that the residents have.

Mayor Chiovero asked three times for further questions for clarification, seeing none.

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

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

Charlotte Price, 17725 W. Observatory Road – (Indicated location of her house on map) I think I am well within 20 ft. of this and the creek comes right here (pointed to map). I am concerned where the flood level is going to go because when the snow melts, it goes over my driveway just from the farmer's field. I am for a new school, but if it is going to take out my driveway, I'm not so sure. Are those detention ponds a safe idea near an elementary school? How much fencing is going to go around these ponds so you don't have kids climbing over and drowning?

Geoffrey Bray, Architect for project – If you look at the map, you can see the location of the building and the main entrance, the parking lot, and the playground. There are two locations being considered at this time for the ponds (indicated both areas on map). The design is still being developed. We are considering leaving the hill in the back and leveling out in the middle of the property so the houses will be higher than the building. It is a one story elementary school with a lower area or ground floor. It is like a walk out basement, which in this case, will be classrooms.

Andy Peterson, Ruckert/Mielke – I am one of the engineers that will be working on the project. As Mr. Nitschke and Mr. Bray pointed out, there are a couple areas we are going to consider for storm water detention and retention. The sizes of those facilities have not been determined yet. The feasibility of those particular locations have not been completely studied yet, but these appear to be the most likely places that we can put these types of facilities because they are the areas that are lower than the school will be so the storm water run-off can be collected as it comes off the building and parking lot.

As Mr. Nitschke pointed out, these particular facilities will have to meet the criteria that the City has set up and it will also have to meet the DNR regulations. Those regulations require that we infiltrate some of the run-off, if we can, so that it will reduce further the amount of water that will be discharged from those facilities into Poplar Creek. We are anticipating that if we can get these things sized the way we need to, there should be no additional peak flow rates and no more discharge from these ponds than there would be under existing conditions. We will have to meet these requirements as part of the design process.

As far as safety goes which was brought up concerning fences, I worked in a school in Pewaukee where we had to put up a chain link fence around the storm water facilities. If that is something that we need to do, we can certainly work it in.

Ms. Price – They say one fence doesn't do it. You should have two. This would slow the kid down, at least.

Mr. Peterson – Another thing I have noticed when you put fences and restrictions around unsafe

items, it makes it an attraction that allows the kids to want to be there because they know they shouldn't be there. I believe the permanent pool which is the water that will be standing in the pond, is probably 5 ft. deep. During rainfall, the level will come up. There is a side slope into the pond itself and just a foot below the water surface level is where the water needs to be at all times. There is a 10' wide safety shelf that has very little slope so that if a person were to trip or stumble into that particular area, the water would only be twelve inches deep.

Mr. Nitschke – That is the City standard. It is one of the safety features that is required in all detention ponds.

Ms. Price – You said that the impact along the Creek will be determined as it develops. The manner in which that was phrased led me to believe you would wait to see how it runs off as it goes along.

Mr. Peterson – We have to study the site in detail. When we get to that point, we will report to the City Engineer all the different characteristics of that storm water-run off as it leaves the site. We will have to meet the City's requirements which will limit the amount of run-off rate from the site.

Ms. Price – How do you do that?

Mr. Peterson – We create space where water is running off and restrict the outlet of that space so that only so much can leave that space at a given time so it slows it down to what it would have been if the building was not there.

Ms. Bennett – This is the rezone process. The applicant is petitioning to change the zoning on the property. They will have to come back if the zoning is approved for the use approval and that will include the site plan, the architecture, storm water and everything involved on that site.

Ms. Price – Can I put in a request to be notified on that?

Ms. Bennett – What is your address for clarification?

Ms. Price – 17725 W. Observatory.

Ms. Bennett – We do have you on our list. It was sent to Thomas Murphy.

Ms. Price – That explains it.

Ms. Bennett – Previous owner?

Ms. Price – No, my husband. I apologize. I will have to go home and ask him.

Erwin Glander, 17321 W. Horizon Drive- Is there going to be a roadway through there?
(indicated location on map)

Mr. Peterson – (Indicated on map) Behind the school building will be an access drive for fire protection, deliveries, etc. Immediately behind that, between that access road and your back lot line will be a graded hill slope with grass growing.

Mr. Glander – Is that building approximately 100' from lot line?

Mr. Peterson – At least 100' or more.

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

Mayor Chiviotero asked if there were any questions from the Commissioners?

Alderman Ament – The staff reports talks about a letter from the DNR about the Butler Garter Snake and the Blandig's Turtle. It mentions that can be protected by not disturbing the area. I assume that is the area to the West and not the one where the parking lot is going to be?

Ms. Jones – The letter was focused on the C-2 area.

Alderman Ament – Is that the deed restricted area for non-habitable buildings?

Ms. Jones – Correct.

Alderman Ament – The other two things I will be looking at is the buffer and the lighting issues. I assume there will be a lighting plan when this comes to us?

Ms. Jones – Correct.

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

Mayor Chiovatero closed the public hearing at 6:26 P.M.

PUBLIC HEARING

6:01 P.M. (2)AB CU-11-04 Open Pantry – 15551 W. Cleveland Ave. – Convenience Store and Gas Station.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

MAY 2, 2005

MINUTES

The public hearing relative to the request by Steve Nikolas of Zabest Commercial Group c/o Open Pantry for a conditional use for a gas station and convenience store located at 15551 W. Cleveland Avenue was called to order by Mayor Chiovero at 6:26 P.M.

In attendance were Mayor Chiovero, Alderman Ament, Mr. Sisson, Mr. Barnes, Mr. Gihring, Mr. Felda. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Olofu Agbaji, Associate Planner; Amy Bennett, Associate Planner; Anthony Kim, Code Enforcement; Eric Nitschke, Storm Water Division Engineer; Ron Schildt, Transportation Division Engineer. Mr. Teclaw arrived at 6:33 P.M.

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

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

Steve Nikolas, representative for the project presented additional information explaining the request.

Mayor Chiovero asked three times if there were any comments or questions for the purpose of clarification, seeing none?

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

Ken Price, 2761 S. Acredale Road – Myself and other neighbors on Acredale Road went over the project with Bob from Open Pantry and Zabest Commercial Group. I am happy to report that they have been real good in working with us. Originally, they were looking at putting a gas station, Open Pantry, offices and a fast food restaurant. He told us that they are scaled back now to only the gas station and Open Pantry. I'm hoping that is firm and not snuck in later on. He assured us that the run-off on the surrounding properties will be addressed. We were told it would be drained on the South side. Hopefully, that will be addressed if it is a problem later on. I still have not seen the height of the building but he assured us that the height would not exceed the property to the South of him.

Mr. Nikolas, Zabest Commercial Group, Inc. – Let me clarify that. The height restriction is 35'. We reduced the project down to 28' depending where you measure. Looking from the West elevation, the tower on the West will be the highest element of the project. Looking at the building from the South, the elevation will be less. There is a two story garage there right now which I believe is 23' high, so we will be just a tad taller than that existing garage.

Mr. Price – I was assured that it would tie in with rest of the zoning on that block, which is residentially zoned office buildings. I'm wondering if the lighting on the South end of the building can be limited to certain hours or shut down altogether on that side since that is the entrance to the basement which will only be used for storage? That would help buffer the lighting in our backyards.

Mr. Nikolas – We will need to have proper lighting back there but I will assure you that the fixtures that we do have will not trespass past the property line.

Mr. Price – I would like the Plan Commission to work on the pass-through on Cleveland Avenue. The County wants to block off that pass-through for the exit from this property onto Cleveland Avenue. I know this is not your jurisdiction, but if that pass-through is blocked off, we are going to have traffic coming down Acredale Road and turning around to get back going West on Cleveland. I think it is detrimental to the residents around the area that it be kept open, otherwise, we are going to have a problem. I want to know what can be done to assure us that this is going to be addressed to the County and it's going to be left open.

Mitchell Smith, 2801 S. Acredale – I think this a tremendous improvement over what's there now. What is the status of these two properties? (Indicated properties to the East and South on map)

Ms. Bennett – There are no plans submitted for the parcel to the East. It is zoned residential. The parcel to the South is zoned O-3/PUD.

Ms. Smith – How long does that last?

Ms. Bennett – The ordinance was approved in 2001 for two years and was extended in 2003. According to the records, it expired in December of 2004.

Mr. Smith – Is that renewed automatically?

Ms. Bennett – No, it is not automatically renewed, the applicant needs to apply.

Robert Buhler, Open Pantry - I would like to thank the neighborhood for responding to our great interest in trying to develop this property and their great interest in having it done properly. It was very enjoyable working with a group of people who want the right thing done. It is also enjoyable to know that they will be our neighbors, so we want to make sure the process is properly done. When we start out, we usually come right out of the gate with the best looking building, not an inexpensive one but all four sides are very appropriately done with high quality material with a high quality look. We scaled back on the height as the Planning staff advised us to. It has been an enjoyable experience working with you.

Ken Price, 2761 S. Acredale Road – My question regarding the County was not answered.

Ms. Jones – There was a traffic impact study prepared for this project. We can petition in a letter form to ask for reconsideration from the County.

Mr. Buhler – The County has had their initial review of this project. We can bring it back to them to ask them to reconsider, but they did say that is what they planned to have done as part of the Cleveland Avenue reconstruction. We can ask them to keep it open until the reconstruction takes place but again, it is their jurisdiction. From that standpoint, we need to look at what other remediation methods we can do to make sure that people aren't turning around in your neighborhood.

Mayor Chiovero – Are there any restrictions that would correct this?

Mr. Buhler – The only thing we have is a sign that says "Turn Right Only" so everybody knows that the median break is closed now. People will probably try to go to the East to make a U-turn. They do that now and will probably continue to do it.

Mayor Chiovero – Is that median break after the driveway for Wendy's?

Mr. Buhler – (Showed medians breaks on map)

Mr. Price - I have traffic impacts and accident accounts for that area by Wendy's. That intersection has a major accident weekly. This project is not going to impact the traffic because it is not going to bring any new traffic. There will be traffic that is normally passing by anyway. However, if the traffic goes up to where Wendy's is, there will be a lot of rear ends there when people turn left into Wendy's. It goes from two lanes into one which leads to cars being rear ended. If people are going to start doing U-turns there, accidents will be a big problem. This has to be looked into seriously.

Tom Augustine, 13520 W. Fountain Dr., Alderman District #2 – I have found that the developers are really reaching out to the residents, especially those on Acredale. Acredale residents appreciate all the efforts that have been made. The closing of the median is the biggest concern because people will possibly be making U-turns on Acredale as Mr. Price indicates. I know we have a letter from Waukesha County that says they want that portion of the median closed but we need to make an effort to keep it open or find some other solutions that may work to remedy this traffic problem.

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

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

Mayor Chiovero asked if there were any questions from the Commissioners?

Mr. Sisson – I am glad to see that the office is no longer in the plan. It is my understanding from the architectural review that the tower is decorative, not functional. Is that correct?

Mr. Buhler – Yes, that is correct.

Mr. Sisson – So, if we run into a problem with the height, adjustments could be made. As far as the traffic problem, I have talked to people who have said cars going West on Cleveland are turning around in driveways before they even get to Acredale Rd. I don't know what we can do about it since it is under County jurisdiction. My opinion is that this project is a very distinct improvement over what is there now.

Mr. Nikolas – What we would hope to have happen, although we have no control over it, is that we do not own this parcel (indicated on map). If that side is ever developed it, we could route our traffic South.

Mr. Gihring – Is there any stricter requirements on storm water run-off since this is a gas station?

Mr. Nitschke – Storm water quality requirements for this project are more stringent because this is a gas station. They will be required to have a multiple stage water treatment system on site.

Mr. Teclaw – I think we should make an effort to get back in touch with the County regarding the traffic issue. I would also be interested in the lighting plan which is always pertinent when commercial developments are adjoining residential areas.

Ms. Bennett – They have submitted the fixture choice for the canopies of the gas station, which is usually our biggest concern.

Mr. Schildt - The lighting plan has been submitted but did not include the calculated values and

now it is in a chart next to it.

Mayor Chiovero asked for further comments from Plan Commissioners, seeing none.

Ms. Bennett – There is also a letter in support of the project from Anchor Bank located at 15600 W. Cleveland Avenue.

Ms. Jones – There was one neighbor in this area who was sent a notice but the people moved to Florida and it went to the forwarding address.

Mayor Chiovero called the public hearing closed at 6:54 P.M.

PUBLIC HEARING
6:02 P.M. OA PG-830 – City Center Signage Plan

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

MAY 2, 2005

MINUTES

The public hearing relative to the revisions to the Overall Coordinated Sign Design Guidelines for New Berlin City Center Development was called to order by Mayor Chiovero at 6:55 P.M.

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

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.

Mr. Teclaw, Chairman of the Sign Sub-Committee presented additional information about the City Center Sign Guidelines.

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

Al Schowalter, 19020 W. Cleveland – I'm very proud of New Berlin right now on their control of signs. I see the signs on Bluemound Road in Brookfield which is a disaster and we don't want anything like that.

Are these signs going to be bigger than we have now? Are they going to be refined? Are we going to keep our present New Berlin atmosphere on signs?

Mr. Agbaji – The only sign that will be allowed to be bigger will be the entry sign. All others will be limited to 32 sq. ft. which is still in keeping with the sign standards.

Mr. Schowalter – So there will not be any big change?

Mr. Agbaji – We would allow more flexibility in sign design to give a downtown kind of feel such as these shown in the handout.

Charlotte Price, 17725 W. Observatory Road – How do you apply this flexibility you talked about?

Mr. Agbaji – The flexibility we talk about will be based on the guidelines. The main flexibility will be to allow for the properties to have exposure on National Avenue. Awning signs, projection signs, and signs creating a theme would be allowed. We are not flexing anything in terms of size.

Ms. Price – We have asked for signage for New Berlin's Farmer's Market, either permanent or through the season. A lot of the municipalities around us have a sign that talks about their farmers market. Would a sign like that be included in this?

Mr. Kim – That would be considered temporary signage, which would be allowed for a period of

up to 30 days.

Attorney Blum – The signage for the Farmer’s Market is not on our agenda tonight. If there is to be discussion, it needs to be put on a future agenda. We cannot talk about it if we have not noticed it.

Ms. Price – So I need to ask to have it put on the agenda?

Attorney Blum – You can contact the staff directly to get your question answered and if you feel it needs further discussion at Plan Commission, you can make that request.

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

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

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

Mayor Chiovatero asked for comments or questions from Plan Commissioners.

Mr. Sisson – I think a fine job has been done here. Where there is a request for some flexibility, where will the policing be done? Will that be looked at by the Sign Committee or will the request have to come to the Plan Commission?

Mr. Agbaji - The Architectural Control Committee. The Sign Committee and Plan Commission can look at it also.

Mr. Sisson – I think it should be the under jurisdiction of the Sign Committee.

Ms. Jones – The Plan Commission is always the appeal process. If it were recommended for denial based on fitting not into the design criteria, it could come to the next regularly scheduled Plan Commission meeting and request a waiver. The Sign Sub-Committee is more for looking at the codes, updating the sections, discussing future changes as noted in the by-laws.

Mr. Sisson – A second comment was pointed out to me. If you look at the first page, it’s actually Page 3. New Berlin is spelled wrong.

Mr. Barnes – I have one concern. Along National Avenue we have the possibility to have six monument signs in less than a quarter mile. The comment was made before that we don’t want it to look like Bluemound Rd. I know the height and size of the signs aren’t allowed to have that happen but we still could have six monument signs within a quarter mile. We need to be careful about that as we go forward.

Mr. Gihring – It is a good idea to have some kind of control over the signs so they all fit together. There are already several monument signs along National Avenue between Moorland and Coffee Street, but these are standard monument signs and each one is just the name of one company. The signs that are identified on drawing No. 3 showing Major Cluster Monument signs say they can be 10’ high. These are not standard monument signs. If we have three of those in addition to the ones we have there now, we are really getting too much like Hwy 100 in West Allis. I don’t know why we need those on National Avenue. Why can’t they be along the streets within the City Center? Does this also apply to the other major arterials? Would it apply to the North side of National Avenue? Do those buildings get to put monument signs like this on National Avenue also? Does this also work on Moorland Road? Are these the only ones that would be allowed?

Mr. Agbaji – Just this area. To answer your first question, although the sign will be 10’ high, it is

small in architectural features. It will only have names of the interior of the site.

Mr. Gihring – I would like to see some architectural views of this when it comes back to Plan Commission. I am seeing way too many signs.

Mayor Chiovero – I feel that if they don't have an address that is on National Avenue, I don't think they need a sign on National Avenue. Are the Steve Stewart buildings all National Avenue addresses?

Ms. Jones – It is a combination. I know the building on the corner has a National Avenue address. The second building is on Library Lane.

Mayor Chiovero – I still don't feel there should be signs on National Avenue if the business is not located there.

Ms. Jones – We will bring some examples to the next Plan Commission meeting.
Mayor Chiovero asked for further questions from the Plan Commissioners, seeing none.

Mayor Chiovero closed the public hearing at 7:17 P.M.

PUBLIC HEARING
6:03 P.M. AK PG-280 – Sign Code Changes (Sec. 275.61)

NEW BERLIN PLAN COMMISSION
NEW BERLIN CITY HALL COUNCIL CHAMBERS

MAY 2, 2005

MINUTES

The public hearing relative to the revisions to the Section 275-61 “Signs” of the Zoning Ordinance (Chapter 275-61 of the City of New Berlin Municipal Code) was called to order by Mayor Chiovero at 7:17 P.M.

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

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

Mr. Kim gave a brief presentation describing the main revisions being made.

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

Dan Eckerman, Motion Fitness, 14999 Beloit Road – How does this effect businesses wanting to add another sign?

Mr. Kim – Our code now allows for two signs. The stipulation added into the code is that we would allow for businesses abutting on two streets and having a building which is 15,000 sq. ft or more to come in and apply for a third sign.

Mr. Eckerman – What about a building like ours with in excess of 15,000 sq. ft.?

Mr. Kim – You would have to define if it abuts two streets. That would be an issue for the Plan Commission.

Mayor Chiovero asked three times if there were further questions for clarification, seeing none.

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

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

Mr. Eckerman - What do you consider I-94 frontage? I started this whole thing by trying to get another sign for Motion Fitness. From what I hear, this is not going to get done what we want to get done.

Mr. Kim – This issue was brought up at the Sign Sub-Committee and it was the consensus that allowing you a third sign would allow business that are only 1,000 or 2,000 sq. ft. to fill out an application for a third sign.

City Attorney Blum – This particular application that you are speaking of is not on the agenda.

We are discussing the Code tonight. You may explain the terms of the ordinance that might apply to the situation, but no discussion to take place applying it to Mr. Eckerman's situation.

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

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

Mr. Sisson – One time last year, we had a citizen up here before us who had done an audit on Westridge and the Industrial Park. I direct your attention to Page 9, line 17 and 18. It says the sign shall be removed once all lots are sold or all the leasable space has been filled. I was told what was happening was that the owner of the building didn't have any space available here but had space available elsewhere, therefore they put that for lease sign out there so when somebody called inquiring, they would refer them over to the other address. Tony, are you going to be able to enforce this? To put a stop to that kind of thing going on.

Mr. Kim – Right now we don't know how many tenants are in a building. Some may have four or five tenants, but there is no signage on the exterior of the building. If there is no application on file, we don't know when they move in and when they move out. We do send a letter to property management requesting them to remove their signs when necessary.

Mr. Gihring – If an organization has perhaps four events in a year and they want to put up a temporary sign just for a period of time, is what is described on Page 15, (J) (1) only for one 30 day period?

Mr. Kim – One 30 day period. The permit would be restricted to no more than one sign is a 30 day period.

Mr. Gihring – Would it be a \$75.00 permit each time they did it?

Mr. Kim – Yes, but the fee is \$125.00, which includes the filing fee of \$50.00.

Mr. Gihring – The paragraph below that where it says (a) Temporary event signage.... Let's say I have an event on July 1st. It says to apply for the permit one month prior to the date of the event. So on June 1st I would apply for the permit.

Mr. Kim – Yes, or prior to that.

Mr. Sisson – So it should say "no less than one month prior to..."

Mr. Kim – Sign Permits are administratively approved so they are reviewed in a five day period.

Mr. Teclaw – In reviewing the sign code, there are reoccurring situations in which there were problems preventing the code from ending up with a third sign as a special needs situation. Perhaps there is some consolidation of signs that can help the aesthetics.

There is only one question I have relating to what I have seen before us tonight. On Page 17 under "Penalty". I don't see that in the prior draft. It would seem appropriate to me that we would allow a correction period vs. not allowing a correction period.

Mr. Kim – We have found in the past a business will put up a temporary sign and by the time we get the letter out, the sign is left up ten days and taken down. This can happen over and over again. This allows us to penalize them for repeat offenses.

Mr. Teclaw – So the code will read that there is a grace period for the first offense.

Mr. Kim – Yes, and in the future any sign put up without a sign permit would be subject to the City Attorney.

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

Mayor Chiovatero closed the public hearing at 7:55 P.M.

NEW BERLIN PLAN COMMISSION
NEW BERLIN CITY HALL COUNCIL CHAMBERS

MAY 2, 2005

MINUTES

The Plan Commission meeting was called to order by Mayor Chiovero at 7:55 P.M.

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

Motion by Alderman Ament to approve the Plan Commission Minutes of April 4, 2005. Seconded by Mr. Barnes. Motion carried unanimously.

Plan Commission Secretary's Report - The Plan Commissioners and City Attorney were in agreement on streamlining the public hearing process by eliminating the step requiring the rezoning to first be at Plan Commission before being referred to the Common Council to set the public hearing date. A Requested Action Statement will now be sent by the Director of Community Development to the Committee of the Whole meeting requesting that a Public Hearing be set for the next Plan Commission meeting.

CONTINUED ITEMS

5. (5)OA R-9-99 Farrell Meadows PUD, 14201 W. Farrell – One Year Extension of time limit for PUD.

Motion by Mr. Sisson to recommend to Common Council approval of the request for a One-year extension for "Farrell Meadows" Planned Unit Development Ordinance #2211 subject to the following original conditions:

- 1) The Honeyager Use Approval (File #U-93-01) is amended to include development of the Farrell property. The Farrell and Honeyager properties are to be developed simultaneously.
- 2) A traffic impact analysis that includes the Farrell, Honeyager, and Kasian properties is to be submitted prior to Farrell, Honeyager, and Kasian Use Approvals.
- 3) A Developer's Agreement is required for all public improvements. The Developer's Agreement shall be approved before any construction can take place.
- 4) The City must accept all improvements in the Developer's Agreement before Building Permits for the condominium units will be issued.
- 5) One condominium plat for the entire development shall be recorded before individual Building Permits will be issued.

Seconded by Mr. Teclaw. Motion carried unanimously.

6. (7)NJ R-11-04 Midwest Service Equipment, 17800 W. National Ave. – Rezone from B-3/C-1 to B-3/C-2. (Tabled 1/10/05)

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

Motion by Mr. Sisson to drop the request to rezone the property known as Midwest Service Equipment, Inc. located at 17800 W. National Avenue from B-3/C-1 to B-3/C-2 per the applicants request.

Seconded by Alderman Ament. Motion carried unanimously.

NEW BUSINESS

7. (4)NJ/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)

Motion by Alderman Ament to table the request for a conditional use permit for a restaurant and family entertainment center to be located at 5320 S. Moorland Road based on the following engineering requirements:

- 1) Engineering
 - a) Storm water Engineer –
 - 1) A storm water maintenance agreement and responsible party for agreement has not been submitted, which is required for the MMSD submittal.
 - 2) Drainage area boundary for NW portion of the site must be re-delineated. There is currently more water proposed to drain offsite without detention than calculated.
 - 3) The underground detention facility must have more access points for maintenance, as well as another header on the north end of the system.
 - 4) Manufacturer and construction plans for underground facility must be submitted.
 - 5) Developer shall use SEWRPC rainfall depths to meet MMSD Chapter 13 stormwater mangagement requirements.
 - 6) Review inlet capacities. 6-inch head for 25-year storm event may not be acceptable.
 - 7) Use 25-year storm event for analyzing storm sewer inlet and culvert capacities.
 - 8) For the emergency spillway, 1.5 feet of free-board is required above top of rip-rap.
 - 9) Verify pond/pipe draindown times for 10, 25, and 100-year storm events.
 - 10) Developer shall obtain Department of Commerce and DNR approval in addition to the City of New Berlin approval for underground storm water storage.
 - 11) Verify pond retaining wall materials and construction.
 - 12) Catch basin #7 shall be relocated and concern for Catch Basin #9 becoming clogged with debris from offsite. (Please discuss with storm water engineer.)
 - 13) Plan Commission approval for grading and landscaping within 30' wetland setback area is required according to Sec. 275-35(6)(b) & (c).

Seconded by Mr. Sisson. Motion carried unanimously.

8. (4)NJ CU-3-05 Johnson Sand & Gravel - 6600 Crowbar Rd. – Portable Concrete Batch Plant.

Ron Schildt, Transportation Division Engineer gave further information on traffic counts. He indicated that weight limits cannot be posted on National Avenue because it is not our jurisdiction, however a weight restriction could be placed on Crowbar Road.

Ms. Jones confirmed that there have been no complaints on the North or the South side of this quarry.

Eric Nitschke, Storm Water Division Engineer reported on the information obtained from the DNR who oversees the discharge permit for the quarry. The DNR indicated that the quarry is in compliance.

Motion by Mr. Sisson to approve the temporary conditional use approval for one concrete batch plant operation to be located at 6600 Crowbar Road subject to the application, plans on file and the following conditions:

- 1) Plan of Operation
 - a) This application is for a temporary permit to conduct one concrete batch plant operation to supply ready mix concrete for one local Wisconsin Department of Transportation project.
 - b) The STH 164 project spanning STH 59 (Arcadian Avenue to Main Street in Waukesha is scheduled to be ready for concrete in June and August.
 - c) No other local projects shall be supplied by this batch plant. Upon project completion all portable batch plant equipment will be removed from the site.
 - d) This is a two-stage project. Each stage will last 3-4 weeks. The first stage is scheduled for June and the second is scheduled for August. The schedule may change by one or two weeks due to any number of factors including but not limited to adverse weather conditions, job site problems and contractor schedule changes. All concrete productions and delivery will be completed by the end of 2005.
 - e) Hours of operation of equipment and machinery on the site to be from 6:30 AM to 6:30 PM, Monday through Friday. Batch plant operations will not be conducted on Saturday unless absolutely necessary to complete this project before the end of the construction season or before termination of this Conditional Use Permit. Saturday hours will be 6:30 AM to 2:00 PM if necessary. The premises shall be closed on Sunday and Holidays.
 - f) Applicant shall sign the agreement for "Plan of Operation". The agreement shall be effective with the granting of a conditional use permit and shall continue to be in effect until December 31, 2005.
- 2) Engineering
 - a) All roads shall be watered daily or more often to reduce dust in the area.
- 3) General Building Inspection
 - a) Temporary concrete facilities will not require building permits.
 - b) Apply and obtain appropriate electrical permits for any electrical work to be done in conjunction with this batch plant operation.
 - c) Removal of all temporary batch plant production facilities once operations cease for the road project or by 12/31/2005.

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

9. (4)AK U-11-05 Ace Hardware – 12805 W. Janesville Rd. – Replace 7 Plate Glass Windows on the North Elevation.

Motion by Alderman Ament to deny without prejudice based on the Architectural Review Committee's recommendation, the request to replace seven (7) plate glass windows on the north elevation with T-111 plywood that would match the existing exterior material and color for Elliot's Ace Hardware located at 12805 W Janesville Road subject to the plans on file and the following conditions listed below:

- 1) Applicant shall meet with staff and the Architectural Review Committee to discuss possible alternatives to replacing the 7 plate glass windows.
- 2) Applicant shall be required to address Section 275-59.C.(1)(a)[1] which states that...
 - (1) Infill development.
 - (a) Architectural character.

[1] All new development or redevelopment shall be compatible with the established architectural character of the surrounding area utilizing a building design and style that is complementary to the surrounding uses and structures. Compatibility may be achieved through the repetition of similar rooflines, similar proportions in relation to height, size, scale and mass, similar door and window patterns, building materials and color, and building orientation. See Figures VIII-8 and VIII-9

Seconded by Mr. Teclaw. Motion carried unanimously.

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

Motion by Alderman Ament to forward to Common Council the request by the New Berlin School District for a Public Hearing to be set for the June 6, 2005 Plan Commission meeting to adjust the MMSD Current Sewer Service line (boundary) through the Ronald Reagan Elementary School (New Berlin Center) property located at 4225 and 4385 S. Calhoun Road.

Seconded by Mr. Gihring. Motion carried unanimously.

COMMUNICATIONS

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

Plan Commissioners acknowledged receipt of this communication.

12. Communication To: Plan Commission
Communication From: Nikki Jones, Planning Services Manager
RE: "New Berlin Green Space Plan Bears Watching", Waukesha Freeman, March 22, 2005.

Plan Commissioners acknowledged receipt of this communication.

13. Communication To: Plan Commission
Communication From: Amy Bennett, Associate Planner
RE: APA 2005 National Planning Conference

Plan Commissioners acknowledged receipt of this communication.

14. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: "Getting Housing Built in the NIMBY Age", Land Development, Winter 2005.

Plan Commissioners acknowledged receipt of this communication.

ADDENDUM ITEMS

15. (5)OA LD-16-01 Honeyager/Farrell CSM – 3949 S. Sunny Slope Rd. – Re-Affirmation of Three-Lot CSM Approval.

Motion by Mr. Sisson to recommend to Common Council to reaffirm the approval of the three lot final Certified Survey Map for the property located at 3949 S. Sunny Slope Road subject to the plans on file and the following original conditions:

- 1) Clean Up any drafting errors identified by staff.
- 2) Honeyager Lane and Ferrell Drive (extended) shall be “Dedicated to the City of New Berlin for public road purposes.”
- 3) Length bearing and tie to all wetlands and easements (public and private) required.
- 4) All owners as of the date of signing, to sign prior to City signing the final CSM. Parcel 1 requires transfer of land from KASCO. Copy of transfer, Deed or the Additional of KASCO signatures required prior to City signing the final CSM.
- 5) Surveyor’s signature and seal required on all pages of the Final CSM.
- 6) Payment of \$2,137.6 in Public Site, Open Space and Trail Fees required prior to signing the Final CSM.

Seconded by Alderman Ament. Motion carried unanimously.

16. (5)NJ U-59-04 The Residences of City Center – 15295 Library Ln. – Lofts and Townhouses.

Motion by Mr. Sisson to approve Request Number 1 for the below mentioned modification to the use, site and architectural approval for the construction of The Residences of City Center, including The Townhomes of City Center a condominium development with (3) – 4 unit building and an apartment development Library Lofts at City Center with (1) – 16 unit building and (1) – 56 unit building for a total of 84 units located at 15211-15295 W. Library Lane.

Request Number 1: Applicant requests to amend condition # 10 (a) of the Zoning Permit U-59-04, “Applicant shall revise the lighting plan to follow City standards prior to the issuance of the Zoning Permit. No lighting plan calculations were submitted. Lighting is required for all on-site parking, circulation and pedestrian areas (Zoning Code Section 275-60 I). Plan shall show light pole layout with illumination levels and chart with photometric summary information.” Section 275-60 I (4)(a) requires the average illumination shall be 2.0 foot-candles. The applicant proposes an average illumination to be 1.0 foot-candle. This is based on the recommendation of the Lumec manufacture based on the use of this facility for condos and apartments as opposed to the remainder of City Center, which is commercial. Staff concurs that an average of 2.0 foot-candles for a residential area is too high.

Seconded by Mr. Barnes. Motion carried unanimously.

Motion by Mr. Felda to approve Request Number 2 for the below mentioned modification to the use, site and architectural approval for the construction of The Residences of City Center, including The Townhomes of City Center a condominium development with (3) – 4 unit building and an apartment development Library Lofts at City Center with (1) – 16 unit building and (1) – 56 unit building for a total of 84 units located at 15211-15295 W. Library Lane.

Request Number 2: Applicant requests to amend condition #10 (d) of the Zoning Permit U-59-04, "Revise plans to show drive aisle widths 24-feet wide from edge of pavement to edge of pavement (i.e. do not include curb & gutter in required width). This requirement is not in our Zoning Code at this time, however Staff is working on adding this as a requirement to the Developer's Handbook in the future. Until the standards are formally added to either the Developer's Handbook or the Zoning Code this should not be required, only encouraged.

Seconded by Mr. Teclaw. Motion carried unanimously.

Motion by Mr. Sisson to approve Request Number 3 for the below mentioned modification to the use, site and architectural approval for the construction of The Residences of City Center, including The Townhomes of City Center a condominium development with (3) – 4 unit building and an apartment development Library Lofts at City Center with (1) – 16 unit building and (1) – 56 unit building for a total of 84 units located at 15211-15295 W. Library Lane.

Request Number 3: Applicant requests to amend condition #10 (e) of the Zoning Permit U-59-04, "Pedestrian walkways adjacent to perpendicular parking shall be a minimum of 8-feet wide to account for vehicle overhang from parking stalls." This requirement is not in our Zoning Code at this time, however Staff is working on adding this as a requirement to the Developer's Handbook in the future. Until the standards are formally added to either the Developer's Handbook or the Zoning Code this should not be required, only encouraged. Currently the standard is 5', however, in several areas the applicant is utilizing 6' where there is more traffic.

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

Motion by Mr. Sisson to approve Request Number 4 for the below mentioned modification to the use, site and architectural approval for the construction of The Residences of City Center, including The Townhomes of City Center a condominium development with (3) – 4 unit building and an apartment development Library Lofts at City Center with (1) – 16 unit building and (1) – 56 unit building for a total of 84 units located at 15211-15295 W. Library Lane.

Request Number 4: Applicant requests to amend the Zoning Permit U-59-04, from 55-unit apartment building to 56-unit apartment building. The applicant was able to utilize space in the building to create (2) 1-bedroom apartments instead of (1) 2-bedroom apartment. Parking was verified and found to be adequate.

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

17. (7)NJ R-9-02 Crestview PUD – 16860 W. Observatory – Duplexes.

Motion by Alderman Ament to recommend to Common Council to approve the request for a 6-month extension of PUD #2210 "Crestview Place Planned Unit Development Overlay District".

Seconded by Mr. Sisson. Motion carried unanimously.

Motion by Mr. Felda to adjourn the meeting at 9:42 P.M. Seconded by Mr. Sisson.
Motion carried unanimously.