

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

PUBLIC HEARING

6:00 P.M. (7)OA R-11-04 Midwest Service Equipment – 17800 W. National Ave. - Rezone from B-3/C-1 to B-3/C-2.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

JANUARY 10, 2005

MINUTES

The public hearing relative to the request by Troy Hanevold and City of New Berlin for Midwest Service Equipment for a rezoning at 17800 W. National Avenue was called to order by Mayor Wysocki at 6:03 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Gihring, Mr. Felda, Mr. Sisson, Mr. Barnes. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Olofu Agbaji, Associate Planner, Amy Bennett, Associate Planner, Eric Nitschke, Storm Water Engineer, Matt Schreiber, Planning Tech. Mr. Teclaw was 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 Wysocki asked three times if there were any questions for purposes of clarification, seeing none.

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

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

Mayor Wysocki asked for questions from the Commissioners.

Mayor Wysocki – I am not clear on the layout. There is a black line immediately to the East of this parcel that shows in the survey document, what is that? There are road reservations, Parcel A & B, what are those? Those are part of this property, correct?

Mr. Agbaji – Not in its entirety. We have been going back and forth with this for an extended period of time. It is an attempt to give the land back and remove the reservation.

Mayor Wysocki - That has to be cleared up. The staff report indicates a parcel size of 5.8 acres. Does that include the black line as opposed to the yellow line which appears to be the zoning request area.

Mr. Agbaji – It doesn't include the road reservation. It would only include the stub streets.

Mayor Wysocki – It is unclear. On the layout, it says Parcel B. Then it has a Parcel 1(A) showing 10.186 acres. I am getting confused. The request is for rezoning from B-3 to C-2. The original C-1, if I look at this correctly, was a piece of land that is part of that area and

then to the north to the green area.

Mr. Agbaji – (Indicated on map) If you look at the C-1 here, it comes from here, comes down here, and then goes up to here and back here. C-2 is further by the road and here is a pocket of C-2. This is R-1 and this is R-2. This is C-1 land.

Mayor Wysocki – Just so I am clear on this again. The whole area north of the green line, is that proposed for C-2?

Mr. Agbaji – This is going to C-2.(indicated on map)

Mayor Wysocki – But that is 10.18 acres. It appears to me, based on this survey map, this parcel is all within the gold area. The petition refers to 5.8 acres.

Mr. Agbaji – The B-3 is 5.8 acres. The entire property is ten acres.

Mayor Wysocki – It doesn't read that way. It reads the current zoning for the 5.8 acres is B-3/C-1. The request is to change the C-1 to C-2 within the 5.8 acres. That is how I read it. When I review this document, I believe that what is happening is we maintain the same parcel size as shown with the purple line for the B-3 and what is being changed to C-2 was the land north of the purple line. I think if you do that, the total is 5.8 acres.

Mr. Agbaji – That is correct, but we have to put what is left into B-3.

Mayor Wysocki – Why do we have to do that?

Mr. Agbaji – Because of the delineation.

Mayor Wysocki – Just so I am clear. There is a delineation from the C-2 from the C-1 because the C-1 extends through a portion of this property too.

Mr. Agbaji – There is no more C-1.

Mayor Wysocki – That is what you are trying to remove. Removing the smaller piece from C-1 to C-2.

Mr. Agbaji - The C-2 line moves so the remainder of the line goes down to B-2.

Mayor Wysocki – I have a problem with that. This is a public hearing but when this comes up for discussion, I will alert staff as to what my concerns are.

Alderman Ament – What you were talking about is also why I was confused about this. When we were setting the public hearing, I thought we would get maps that were more clear to indicate exactly what we are trying to do here. I am also curious when you get to the most northern part of that which is above that blue line that goes through the center. That is an aerial photo, I understand, but that is no longer C-1, as well?

Mr. Agbaji – It is all C-2 now.

Alderman Ament – This goes back to some of the questions I had before. Where did the C-1 go? How did they determine that the C-1 is gone. I thought they only delineated C-2.

Mr. Agbaji- They did a delineation and it was verified by DNR.

Alderman Ament – If that C-1 is gone, then any of that wooded area back there could be potentially gone.

Mr. Agbaji – It is gone from C-1 and C-2. It is wetland now.

Mayor Wysocki – The point is, we are talking about 5.8 acres, total parcel is 10 acres plus. We've changed some zoning to now include C-2 which has been C-1. You are talking about a little piece of land north of the B-3 which I thought was also delineated now as a C-2. If not, it may be something else but it doesn't increase the B-3. I need to ask staff to be prepared at the next meeting to clarify these kinds of issues so we are clear on this.

Mr. Gihring – The wetland delineation that is shown on this survey map is only looking at the southern boundary of that wetland area. That wetland line moved north from where it was before so what we are saying is everything that is north of that delineation line is still wetland?

Mr. Agbaji – What was C-1 is now C-2.

Mr. Gihring – Are you saying that the part south of that line is now C-2 but the part that is north of that is still C-1? If that is a wetland boundary, whatever is north of that delineation line would be wetland.

Mr. Agbaji – That is correct.

Mr. Gihring – If you look on the zoning map, everything that is to the east and west of that property in that area where the roadway reservation runs east and west, on both sides of that it's zoned C-1 so that whole area around there is zoned C-1.

Mr. Agbaji – On the east side is C-2 and on the west side is C-1.

Mr. Gihring – If that is a wetland boundary then why would you rezone it to C-2. It would still be wetland to the north of the wetland boundary.

Mr. Agbaji – It is currently shown as C-1 on our maps.

Mr. Gihring – We need to know where the boundary of the rezoning is. How far north does it go?

Mayor Wysocki – My concern is that the acreage is 10.186 acres. If you are changing some of the C-1 to C-2, to what extent? We need to resolve this regarding the roadway reservations. I suggest we need a second public hearing to get this all squared away. When all the appropriate information is available, we can have a public hearing.

Alderman Ament - The DNR is the agency that approves the C-2 but isn't it SEWRPC that determines if there is C-1 or not?

Mr. Agbaji – A delineation can be done by any biologist.

Alderman Ament – We need to get the intent of this rezoning. We need to know what they are looking to do.

Mayor Wysocki – Are they intending to extend the B-3 zoning north of the purple line to abut up against the proposed C-2 rezoning.

Mr. Agbaji – Their intention was just to put in a pole building next to this line and we did not know where the line is. We asked them to get a survey so that is on the map so the setback could be measured. The biologist that did the delineation came up with C-2 so the intent was never to delineate the C-2. The intent was to locate where this line really was. Once it is determined C-2, we have to rezone it.

Mayor Wysocki – There is confusion as to the C-1, C-2, the entire property itself, how much is going to B-3, if there is a readjustment of the B-3 boundaries that has to be identified, etc. I think staff needs to review this again and get an accurate description of the parcel and go back in the records and find out about the roadway reservation.

Mayor Wysocki closed the public hearing at 6:24 P.M.

NEW BERLIN PLAN COMMISSION
NEW BERLIN CITY HALL COUNCIL CHAMBERS

JANUARY 10, 2005

MINUTES

The Plan Commission Meeting was called to order by Mayor Wysocki at 6:36 P.M.

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

Motion by Alderman Ament to approve the Plan Commission Minutes of December 6, 2004. Seconded by Mr. Sisson. Motion carried unanimously.

Motion by Mr. Sisson to approve the Plan Commission Minutes of December 8, 2004. Seconded by Mr. Barnes. Motion carried unanimously.

Plan Commission Secretary's Report - None

SPECIAL PRESENTATION

6. Map of Conservation Lands by Matt Schreiber, Planning Dept.

Mr. Schreiber described the special features shown on the potential conservation map and explained that the map will eventually be adopted as part of the Master Plan.

Mayor Wysocki questioned why the key on the map was the same for the two types of wetlands. Mr. Schreiber said the difference between the two types of wetlands is very small. Mayor Wysocki said since this is a draft, for future purposes they should be combined as one on the key.

Mr. Schreiber explained that the floodplain on the map is broken down into Flood Fringe and Floodway. Mayor Wysocki agreed that it is good to break it down that way because it is distinguish that way in our codes.

Mr. Schreiber pointed out the areas on the map with moderate and steep slopes and described how the slopes are calculated.

Mayor Wysocki asked what resource materials were the sources for determining the slopes? Mr. Schreiber said he used a previous file from David Haines. Mayor Wysocki asked for research as to what the data base would be so the time frame can be identified.

Mr. Schreiber defined the Woodland areas on the map as being trees. Agricultural is the A-1 and A-2 zoned areas. Conservancy is C-1 and C-2 zoned areas. Mayor Wysocki asked if the C-1 and C-2 include the moderate slopes? Mr. Schreiber said no, moderate slopes will need to be changed to a different data format.

Mr. Schreiber described the Isolated Natural Resource Areas, Primary Environmental Corridor and Secondary Environmental Corridor areas on the map. The source for this data is from 2000 SEWRPC data. Mayor Wysocki asked for the particular study reference, date and to review that again with the updated 2002 information.

Mr. Schreiber showed the Butler Garter Snakes Tier 3 Sites. Mayor Wysocki said that is not a city code or ordinance, it deals with DNR and we have to be very careful because the sites that are identified are potential and would require an onsite survey by the DNR. Some people are concerned about having Butler Garter Snakes sites that have not yet been identified for sure designated on our map. Mr. Schreiber said the map shows what areas need to have DNR involvement. Mayor Wysocki said this would be in our subdivision code, not in our zoning code.

Mayor Wysocki said this is a great beginning to estimate what is available as potential conservation lands within our city viewing what we are trying to do with our subdivision code relative to Randall Arendt's ideas. Mayor Wysocki suggested this map be placed on the Web site. Mr. Gihring said to be useful, there should be some way to zoom in and see exactly where the boundaries are. Alderman Ament said a CD or file having the categories collectively but also individually would be good. Mayor Wysocki explained that we need to recognize that these are general boundaries, individual parcels have not been delineated but this is our first effort to bring together a compilation of all the information available.

Mayor Wysocki again emphasized the importance of using the most current SEWRPC designation relative to the environmental corridors as well as the resource areas. He expressed concern about the Butler Garter Snake sites being analyzed at this point but realized that the developers need to be alerted that the area needs to go through a DNR process. He suggested further discussion on this at a later date as to whether this should be included on this map.

Mayor Wysocki asked that the map be displayed on a board in our center area for public display.

CONTINUED ITEMS

7. PG-936 Conservation Forum – Subdivision and Zoning Code Amendments.

Chapter 275

Amendment #12

Motion by Mr. Sisson to remove this item from the table. Seconded by Mr. Felda. Motion passes unanimously.

- Page 18, Line 1 – Add “as”.
- Page 17, Line 30 – Change “non-conductive” to “not conducive”.
- Page 17, Line 27 – Strike “no”
- Page 17, Line 28 – Strike “shall”, replace with “should not”.
- Page 17, Line 18 – After steep slopes add “,including primary environmental corridors, secondary environmental corridors, and isolated natural areas.”

Motion by Alderman Ament to adopt the above amendments to Amendment #12. Seconded by Mr. Sisson. Motion carried unanimously.

Motion by Alderman Ament to adopt Amendment #12 as amended. Seconded by Mr. Gihring. Motion carried unanimously.

Amendment #13

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

Motion by Mayor Wysocki to drop Amendment #13. Seconded by Alderman

Ament. Motion carried unanimously.

Amendment #14

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

- Leave Table 275-37-1 as it currently exists in the present code.
- Page 20, Line 15 – Add “uses within the C-2 District”.
- Page 20, Line 15 – Strike first “are”.
- Page 20, Line 8 and 11 – Change “an” to “a City approved”.
- Page 20, Line 15 – Add “subject to other applicable ordinances”.
- Page 20, Line 23 – Add “subject to a City approved Forest Management Plan”.

Motion by Mr. Barnes to adopt the above listed amendments to Amendment #14. Seconded by Mr. Gihring. Motion carried unanimously.

Motion by Mr. Barnes to adopt Amendment #14 as amended. Seconded by Mr. Sisson. Motion carried unanimously.

Motion by Mr. Sisson to forward to Common Council to set a public hearing on February 15, 2005 for consideration of the Subdivision and Zoning Code amendments.

Seconded by Mr. Barnes. Motion carried unanimously.

NEW BUSINESS

8. (4)GK/AB R-2-04 Wildwood Preserve – 5611 S. Calhoun Rd. – Rezone from A-2,C-2,R-1/R-2 to A-2, C-2,R-3, R-1/R-2. (Public Hearing 12/6/04)

Motion by Mr. Sisson to recommend to Common Council adoption of an ordinance that approves the rezoning of properties known as Wildwood Preserve located at approximately 5611 S. Calhoun Road from A-2, R-1/R-2 and C-2 to A-2, R-1/R-2, R-3 and C-2.

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

9. (5)OA U-71-04 Office Max – 15480 W. Beloit Rd. – Office Supply Store.

Motion by Alderman Ament to approve the request for Use, Site & Architectural Approval to construct a 20,000 square foot Office Max within Moorland Commons development located at 15480 West Beloit Road, subject to the application, plans on file the following conditions:

- 1) Plan of Operation
 - a) Hours of Operation: Monday – Friday - 8:00 AM – 9:00 PM
Saturday - 9:00 AM – 8:00 PM
Sunday - 10:00 AM – 6:00 PM
 - b) Office Max anticipates employing a total of 20 employees.
 - c) Outdoor storage of materials is not permitted. Cart coral and storage is not permitted outside. All carts must be stored within the store. Remove all semi-trailers from behind Target and Michael's by January 15th, 2005.
 - d) Outdoor display and sales not permitted without proper approval.
 - e) Signage requires a separate application and Plan Commission approval.

- 2) Architectural Plans
 - a) Prior to issuance of the Zoning Permit, approval of the exterior architecture and materials for construction by the Architectural Review Committee is required. Submittal of revised architectural plans, rendering or digital representation of how the proposed building elevation and materials will blend with the existing Michael's and Sportsman's Warehouse.
 - b) Submittal and approval of a detailed site lighting plan with poles, heads and fixtures matching those used on the Target Building is required. Lighting Plan to be reviewed, approved and signed by the Department of Community development prior to installation of any fixtures.
 - c) Exterior lights on the building must match Target's.
 - d) Dumpster enclosure including trash compactor must be screened from public view. All recyclable cardboard must be stored within the dumpster enclosure and out of public view.
- 3) Site Plan:
 - a) Show Limits of Disturbance (LOD) on revised plans. Incorporate with erosion control plans.
 - b) A Plat of Survey will be required with three (3), ties to the building footing, foundation. A 200' radius can be used to establish permanent ties to the building foundation. Please show the ties on the Plat of Survey with any and all easements. Please use USGS datum elevations when presenting the plans for review.
 - c) Match the first floor elevations of both Sportsman's Warehouse and Michaels Retail Store. Please reflect the First Floor elevations on both grading and site plans for the project. The elevation will be 883.0 USGS datum.
 - d) The new concrete sidewalks across the front of the store shall match the existing concrete walks and shall remain open for pedestrian traffic and safety. Show this on revised plans.
 - e) All construction traffic shall enter from the rear via the service drive. No construction traffic will be allowed from the front the parking area or the front of the store.
 - f) Clearly show the roof drains and how they are connected to the storm sewer throughout the entire site on the revised utility plan.
 - g) Please show all underground utility connections for Sanitary Sewer, Water and Storm Sewer.
- 4) Landscaping Plan
 - a) Submittal of the landscaping plan and payment of all sureties are required prior to issuance of Zoning Permits. Landscaping plan 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. Landscaping Plan to be approved and signed by the Department of Community Development prior to installation of any material.
- 5) Building Inspections and Fire
 - a) Building must meet all applicable building and fire codes. Building must be fully sprinklered.
 - b) Alarm system required. Knox box required.
 - c) Fire hydrant required within 150' of Fire Department connection.
 - d) Apply and obtain appropriate building, plumbing and electrical permits from the Building Inspection and Zoning Department prior to commencement of any construction at this site.
 - e) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - f) Building plans shall be approved by the Wisconsin Department of Commerce (Comm 61.70 Certified municipalities and counties) (5) (c) 3.

- g) Erosion control to be approved, permitted, installed and inspected prior to issuance of Building Permit. This shall include catch basin silt protection. Must observe construction best management practice.
- h) Applicant must remove mud, dirt and stone from all paved areas daily. Entire site must be kept free and clear of all trash and construction debris daily.

Seconded by Mr. Barnes. Motion carried unanimously.

10. (3)OA U-74-04 World Harvest Church – 1500 S. West Ln. – Church.

Motion by Mr. Barnes to approve the request to reoccupy the vacant Calhoun Road Elementary School, subject to the application, plans on file and the following:

- 1) Plan of Operation
 - a) See attached Plan of Operation.
 - b) Per Section 275-53B(1)(11) All existing nonconformities and outstanding code violations shall be identified, resolved, and remedied.
- 2) Engineering
 - a) Two-way traffic requires 24' drive lanes both in the parking areas as well as the ingress and egress points to the site.
 - b) Any future plans must be in proper engineers scale, one inch, (1") = 50', 40', 30', ECT.
 - c) Any proposed grade changes shall be in USGS datum and show One (1) foot, interval, contour lines for both existing and proposed gradient changes throughout the site and grading plan.
 - d) A new Plat of Survey will be required for any future build out. Three ties to the new foundation or foundations shall be required. A 200' radius or greater may be used to establish the ties to the building foundations.
- 3) Fire Department
 - a) Future development and changes of uses related to church operations will require sprinkling of the building and upgrade of fire alarm system. Any changes to existing building will initiate changes to sprinkling requirements.
 - b) Building must meet all applicable fire codes. Fire Extinguishers are required.
- 4) Building Inspections
 - a) Apply and obtain appropriate building, plumbing and electrical permits when required to do so by code.
 - b) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site.
 - c) Any future building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - d) Any future building plans shall be approved by the Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties. (5)(c) 3.
 - e) Building must be maintained per Chapter 201 of the City of New Berlin Municipal Code.

Seconded by Alderman Ament. Motion carried unanimously.

11. (7)OA R-14-04 Oak Pointe – 4435 S. Calhoun Rd. – Rezone from R-4 to Rm-1.

Motion by Alderman Ament to forward to Common Council to request a Public Hearing be set for February 7th, 2005 to rezone the property known as Oak Pointe located at 4435 South Calhoun Road from R-4 to Rm-1.

Seconded by Mr. Sisson. Motion carried unanimously.

12. ()OA PG-830 City Center Signage Plan.

Plan Commissioners to review sign standards presented in the Plan and present comments to staff at a later meeting.

13. GK/NJ PG-936 Improvement and Maintenance Agreement.

Motion by Mr. Barnes to approve the Improvement and Maintenance Agreement template prepared by the City Attorney.

Seconded by Mr. Gihring. Motion carried unanimously.

14. GK/NJ PG-936 Conservation Easement Document.

Motion by Mr. Gihring to approve the Conservation Easement Document template prepared by the City Attorney.

Seconded by Alderman Ament. Motion carried unanimously.

COMMUNICATIONS

15. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: "Change Comes to the Planning Commission", Planning December 2004.

Mr. Kessler said this communication can give us a chance to see what other Plan Commissioners around the country are doing, saying, and thinking.

16. Communication To: Plan Commission
Communication From: Michael Roman
RE: Letter dated December 12, 2004

Mr. Roman addressed the Plan Commission asking for consideration of his request documented in his letter. Ms. Jones said this will be discussed by staff and if appropriate, it will be placed on the next Plan Commission agenda. A letter from Alderman Gallagher is also on file regarding this issue.

17. Communication To: Plan Commission
Communication From: Mark Schroeder, Director, Park & Recreation and Forestry Dept.
RE: Carleton Pointe Development Project, letter dated December 21, 2004

This communication references Plan Commission Projects R-1-04 and U-85-98 The Park & Rec & Forestry Commission has reviewed the storm water proposals and essentially has given approval with the direction of Engineering staff.

ADDENDUM ITEM

18. ()GK PG-830 City Center – City Center Relocation Order.

Motion by Mr. Barnes to recommend to Common Council adoption of the resolution that approves the City Center Relocation Order prepared by the City Attorney for the Howard Avenue extension in the City Center project located at the intersection of Coffee Street and National Avenue.

Seconded by Mr. Felda. Motion carried unanimously

Motion by Mr. Sisson to adjourn the Plan Commission Meeting at 10:12 P.M.
Seconded by Mr. Barnes. Motion carried unanimously.