

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

PUBLIC HEARINGS

6:00 P.M. (4)GK 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.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

DECEMBER 6, 2004

MINUTES

The public hearing relative to the request by Paul Milewski c/o Wimmer Brothers for a rezoning at 5611 S. Calhoun Road from A-2,C-2,R-1/R-2 to A-2, C-2,R-3, R-1/R-2 was called to order by Mayor Wysocki at 6:04 P.M.

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

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.

Mark Wimmer, representative for the project presented additional information explaining the request.

Mayor Wysocki asked if there were any comments or questions for the purpose of clarification.

Mike York, 17670 W. Jacqueline Drive – We have been to all the public meetings on this subdivision and we are in favor of it but this new change seems to be a flaw. We live up in this area ( indicated on map ). This is uphill. This whole subdivision drains down this way and it is not taken into account. That whole subdivision coming down Jacqueline Drive drains into those three lots so unless you're planning to reroute the drainage this is not going to fly. Those houses are going to be awfully wet. The people at the bottom of the street already have their sump pumps running every time it rains. It's just not very good planning.

Mr. Wimmer – That drive right now terminates in a dead end street, it is not a temporary cul-de-sac. It is our intent that the roadside swales would continue through and then water would be collected into a drainage pond that would be just in that little green corner. That will provide an easier route for it to get down to the creek which is at the east end.

Mr. Nitschke –In the cities review, we do require easements to pick up that water if it doesn't make it to the ditches and redirect it to the areas that it needs to go. That is something that we look at as it goes through the internal Engineering review. We require changes according to our Developer's Handbook and according to our storm water ordinance to make sure that properties will not be adversely affected.

Joe Russ – 16800 W. Shadow Drive – When there was an error on this mapping of the wetland, who's error was it?

Mr. Wimmer – The original mapping that the City typically does, is done off of photographic aerials and it is an approximation of the area. Once a property is going into development, there is a requirement that the developer actually retains a biologist that goes out and maps the actual boundaries of the wetland and the surveyor indicates them on the legal description. That then gets brought here for the rezoning process and also goes out to the DNR and the DNR has a confirmation process in which they ultimately go out and look at what our expert has brought in and they either confirm or modify. In this case, when they went and looked at it, they found approximately 0.2 of an acre located right up in this area (indicated on map). That is the correction that we are coming back here tonight to add that 0.2 acre.

Vern Bentley, 3450 S. Johnson Road - Why do you want to rezone to R-3?

Mr. Wimmer – Most of the properties along Calhoun are smaller parcels zoned R-3 so our intent is that the current single family house that is being used as Trees On The Move office will be renovated with the attachment of a garage and then resold as a single family home so to be consistent with the zoning that is immediately to its South and to its North. That is why we believe R-3 is appropriate because of its consistency with the area.

Mr. Bentley – Is this part of the subdivision or is this a separate unit?

Mr. Wimmer – It is part of the Wildwood Preserve Subdivision.

Ms. Bennett – It is not included in the density calculation.

Mr. Bentley – The nine lots which are proposed on the other map but not on the one tonight are R-3's. Why are they R-3's?

Ms. Jones – Like we discussed at the neighborhood meeting, it was for planning in the future. It is not included in the density for this subdivision.

Mr. Bentley – We are getting back to the answer I got before. Alderman Harrenda said the same thing, that they are R-3 to protect the homeowners in case of loss of their homes in fire or tornado so that they could be rebuilt. I think that is a very good idea but on the other hand, being R-3, a developer could come in here and take advantage of a R-3 zoning that was set up for protection for the homeowner and not to use the same undersized lots that are squashed because they are not five acres. I think the developer is taking advantage of rezoning. When I see #18 going in here as the same thing as an R-3, I can see it being subdivided at a later date because they have the R-3 zoning.

Mayor Wysocki – Can that one acre parcel with the home be further subdivided?

Mr. Jones – The Trees On The Move office that they are planning to rezone to R-3, I believe they are planning to leave it just the way it is.

Mr. Bentley – The six R-3 lots that are existing were also planned to be R-3 to protect the homeowners and yet now there is a possibility of them being subdivided by a developer. I think that is taking advantage of the rezoning. As long as you are redoing your codes and ordinances right now, this is something that you could look into because you have the Munoz property and a lot of the other ones now that are under five acres and we are told do not have to be protected by the R-3. The other thing brought up at the informational meeting was the fact that some of these properties are already being bought up. Mr. Wimmer says he has no knowledge of anything happening there which is probably quite true, but if they are buying and these people are selling, nine times out of ten, it is to subdivide. I don't think that's right. One other thing I want to

mention, Alderman Harrenda said the other day that the plan is set up to figure out what the density is. The thing is though that when we have a public hearing, the residents are informed but when it comes to the plat, nobody is told. One of the questions that comes up at every meeting I've been to is about Lots 4 and 5. Whether those are going to be driveways or a road.

Mr. Wimmer – (Pointed out Lots 4 and 5) Our current lay-out proposals shows attached public roads. We understand there has been some questions and I suspect further discussion with the preliminary subdivision plat.

Bill Schmeling, 17005 W. Shadow Drive – Where will the retention ponds be placed?

Mr. Nitschke – There are tentative detention and retention ponds located on the plat but that really waits until the preliminary plat to actually locate them and determine how they will get storm water run off to them. The zoning phase does not detail this.

Mr. Schmeling - Once we approve it, they have a right to place them pending some type of discussion meeting our requirements?

Mr. Nitschke – Correct.

Mayor Wysocki asked if there were any further comments or questions for purpose of clarification, seeing none.

Mayor Wysocki asked three times if there is anyone wishing to speak in favor?

Ron Ford, W18431 Topaz Drive, Muskego – I am land manager of the Muskego Lakes Conservancy. We have been acquiring land and conservation easements along this stream and other tributaries on the Muskego Lakes. One of our properties borders this parcel right here (referred to map). This is the first notice of the public hearing we received on this, perhaps we should have received some sooner. I have read all the minutes and I don't want to go over things that have already been discussed but we do have a few concerns. We are not up here to speak in opposition to this. One of the first things we want to point out is lots 4 and 5 on the North side of Beres Road. It was just a couple of years ago that the area where those two lots are was completely under water after 2 ½ " of rain. I have photographs of that. In fact, Calhoun Park parking area was also under water. I think every additional commercial and light industrial development that takes place along Beloit Road will lead to more and more of that. That wasn't the heaviest rain we have ever received here. If I were the developer or prospective buyer I would certainly be concerned with that particular area.

Another concern we have is what the gentlemen prior to me mentioned and that is about the holding pond areas. We are hoping that the existing spring ponds are not used as a place to divert run off from the development. This tributary to Muskego Lakes probably has the worst water quality of all of them and we don't want to see any possible effects that would contribute any more to that than we already have. I would also like to mention that we are eligible for a whole array of grants that are available from the DNR and the homeowners association is not. When we manage our properties we try to take a very aggressive approach with dealing with invasive plants and trying to deal with stream bank erosion, providing habitat for fish and wildlife. At some point, we would like to get involved with the developer and find a way that we could work with the homeowners association, perhaps being part of the deed restrictions in some manner. Our experience with dealing with homeowners associations in Muskego in similar types of areas is that for the most part, they don't take much interest in the property as to what happens to it over time and so as long as it's green, they don't care. That green could be from invasive plants and wildlife could be eliminated. We are hoping we can work with the developer on this.

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

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

Vern Bentley, 3450 S. Johnson Road - I believe Mr. Wimmer worked hard on this and I especially like the 50 ft. buffers. The only thing I am objecting to is that Lot #18 being zoned R-3. The rest of the lots are R-1 and R-2 and are basically the same size. Down below I-43 where this road extends and there is a possibility of dividing up those other three lots which are R-3 now and making them smaller, I'm opposed to that too. Although it is not part of this plan, it has been mentioned at every informational meeting.

Mark Martikonis, 18280 W. Beloit Road – I have lived in New Berlin for over 30 years and I would like to see this land in its natural setting for it holds many species of wildlife that are supported by the streams and wetlands areas. I have seen coyotes, foxes, deer and numerous other species that need a place to live. I have talked to employees of Trees On the Move and they have personally seen Indian artifacts in this area. It would be a shame to destroy this. A good look should be given and consider the implications of the pollution runoff into the stream and Muskego Lake. Consider also the consequences of groundwater depletion. I ask you to keep the zoning of this land as it remains right now.

Bill Schmeling, 17005 W. Shadow Drive – I am in opposition to this rezoning on several principles. One in particular is that I cannot actually delineate where the water is going to be confined and how it is going to be contained so it becomes very difficult to support a rezoning concept. This has a double impact on me, one is because I reside in this community but I also own rights on Little Muskego Lake. As a consequence the water quality that affects this rezoning are of great importance to me and I find particularly troubling, without delineating how hydrology is going to be altered, how in fact the water flow is going to occur is a direct fear. I find it almost unbelievable that we can rezone without that data.

The second aspect of this that I find troubling is that in many conservancy subdivisions that are developing those issues have already been addressed because a conservancy by its nature tends to maintain the quality of the land. That is the idea behind the site methods, partitioning, and the development of green space areas within. None of these seem to be well defined in this concept. Those are my predominant issues with this rezoning and as a consequence I dramatically oppose the rezoning.

Joe Russ, 16800 W. Shadow Drive – My first problem with this was the way the public was notified. One sign on Small Road went down underneath the pine trees around July 1<sup>st</sup> and was there up until a few weeks ago. I find that unexcuseable. Who's responsibility is that, yours? staffs? or whos?

Mayor Wysocki – I will take the responsibility.

Mr. Russ – The sign on Trees On The Move property on Calhoun Road is down again today. It has been down so long there is dead grass there. These are your responsibilities, Wow! I wish I could do a job and be so irresponsible and still get away with it. Zoning. I am seeing on this plot plan that a lot of it is A-2. I have seen first hand, agricultural zoning turn into a conservancy area. Over a year ago I had an area behind my property which was zoned for conservancy and there was logging on it. I notified you of it and someone came out to look at it. When push came to shove, I was told by you, the City Attorney, and our Alderman that there was a 50/50 chance of us loosing if we went to court for this. We have to back down.

Mayor Wysocki – That is inaccurate.

Mr. Russ - Calhoun Road, Shadow Drive, and Small Road accesses are still in bad spots. Visibility is not good. I was here on Thursday. The developer said that the road was going to go through. I live at the other end of Shadow Drive where it is supposedly called a temporary cul-

de-sac. Somebody built a big house there. Things change, that road can be moved.

Then we have the water issue. I know there has been a new study that says we have more than enough water on the West side. If we develop it, we will be actually adding water. If that is the case, we should have our wells overflowing. My well has been dropping and other people who spoke at other public hearings said their wells are dropping as well. It's kind of a hard sell to buy. It seems convenient that when people want water, you are able to go in the newspaper and say, I quote from the Nov. Journal article, "I'm not worried about the quality of the water, I'm worried about where the water is going to come from". You spend over a hundred thousand dollars to protect water supplies from terrorists but you won't stand up to developers to keep the water level at what we've got on this side of the city. All of a sudden, you want to develop it. Five years ago we had symposiums here saying we were running out of water, now all of a sudden we have plenty of it. It doesn't mesh.

Then there was what we call the "phantom lots". They were the ten lots along Calhoun Road that were on the previous maps with dashed lines. At the very first public hearing when I asked about that, I was told those were phase II. At the meeting on Thursday I was told that was my phrase, not theirs. Without Wildwood, those lots would not be developed. They will be landlocked. While it is nice to say this development is only going to be 42 lots, it is actually going to be closer to 52. Without Wildwood, those lots would not happen. It's a real sneaky way to get more intense development in a conservation area than what is actually proposed. I take offense to that. If you want to make a conservation subdivision, fine, but follow the rules. He is finding a way to circumvent the rules. In that regards, I believe this rezoning should be shot down.

Fay Amerson, representing the Little Muskego Lake Protection and Rehabilitation District. President of the Board of Directors, Susan Link is here also. We have appeared at public hearings two times on this matter. Again, I want to say we are not here to speak for or against, but there are some issues that have been brought up at previous public hearings that I would like to restate. I know you are limited by your ordinance defining conservation subdivision and I know you are all becoming students of Randall Arendt, embarking on improving the conservation subdivision ordinance to be more meaningful. I encourage you to do that and we stand ready to help you in support of the ordinance changes. But truly, the density in this doesn't even meet the State recommendations nor Randall Arendt's. The wetlands, the floodplain and the steep slopes should be excluded and what remains is taken as density and then divide. That may end up being 42 lots if you could reduce the lot size as you have today, but all the wetlands and floodplains should be excluded. Then we end up with 60% which your ordinance and the State says but it is also meaningful open space that is connected and can be used and accessed, not wetlands. I know that there is in one of your generations of your Park & Recreation Plan a trail proposed on this subdivision. I hope it is acknowledged in the platting, but I am not quite sure at what point in time it gets picked up.

Mayor Wysocki – That is in the preliminary Plat.

Ms. Amerson – I agree with the previous comment that we really should know a little bit about how the storm water is going to be shed from this subdivision. Maybe it can't be accommodated with this current configuration of lots. Maybe the storm water basins need to be outside of an area. There might be a sacrificial lot to accomplish this in addition to providing for the new non-agricultural performance standards for infiltration. I know your ordinance has some of that, but not all of that in there. This subdivision will be required to meet those statewide standards. I hope that this exercise on this subdivision has at least put on the yellow light that maybe a conservation subdivision isn't just about the zoning or the rezoning. The whole package should come in together. How the open space will be configured, how much open space, how it will be managed, who will manage it, and storm water management. A true conservation subdivision is when all the pieces are brought together, not at a preliminary plat or plat six months down the line. You need the whole package at one time and you won't have to hold these exhausting public hearings where the same questions are being asked over and over again.

Mayor Wysocki – I would ask you to look at our R-1/R-2 zone in our Zoning Code. It says exactly what you said.

Ms. Amerson – Thank you.

Sandy Halstead, 5150 S. Mars Drive – I would like to thank Alderman Harenda for setting up the listening sessions that we have had so that we could have a better understanding of what is going on and you could understand how the residents in the area feel. I would also like to thank the other aldermen who voted to table Wildwood so we could have more time to discuss this. I am passionately against this because this area is special and unique and extra consideration should be taken in any development in this area. I don't think a true conservancy subdivision is really fully understood by everybody. With all due respect to the developer, I think he has good intentions, we still have no guarantee what is going to happen in this area. We have an obligation to protect the natural beauty of this area. The water issue is extremely confusing to a resident. On one hand we don't have enough and on the other we have plenty. Other considerations are the additional traffic, light pollution, and higher taxes. I think we should learn a lesson from Milwaukee. I moved to New Berlin to get away from the lights and traffic and taxes. We are depending on our representatives to listen to our concerns. I am not opposed to development but it has to be done the right way.

Mary Hiebl, 20160 W. National Avenue – I do not live near this but I live on the West side so this area is my consideration as well as the concern of those who have spoken about it. I am in opposition to this for many of the reasons that have already been stressed and I particularly echo Fay Amerson who spoke about doing a conservation subdivision right. I am fully aware that it comes in under the codes before we have done any Randall Arendt visions but I would appeal to Mr. Wimmer to perhaps, go back again to try to come up with something that is in compliance with the items that Fay Amerson referenced to.

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

Mayor Wysocki asked for questions from the Commissioners.

Alderman Ament – On page 6 of the staff report under 8d, what does that say?

Ms. Bennett - This was added to this staff report to explain that this is a proposed conservation subdivision, and not a conventional subdivision. The proposed rezoning in this case closely matches the proposed lots in the conservation subdivision but in the future if the developer decides not to continue along the process of the preliminary plat, it's noted that a conventional subdivision minimum would not necessarily fit in R-1/R-2 area, but would work for another developer for a conservation subdivision.

Alderman Ament – I have some issues with the R-3 zoning and A-2 zoning. In as much as I think we should be looking at that as being C-3, the argument is going to be that they still want to continue to farm, although farming is a use in a C-3. I think that would give us the added level of protection along with an easement. At this point our code does not require an easement. Also that area that was mentioned earlier where there is approximately six lots coming out on Calhoun Road, south of I-43. In looking at our future land use map and our current zoning, that is supposed to be R-1/R-2 and is R-3 right now. I think it will be a hard sell in the future to keep that as R-3 and also the request noted on the changes map as 18. I can't see how we could justify rezoning a section of R-1/R-2 or A-2 into an R-3 district on the west side which goes against decisions we have made in the past. I would oppose this. I would also like to have the developers consider smaller lots to preserve more open space if it is possible. I would also like to thank the developer who has been very patient while we are going through our transition of trying to incorporate some of the things that are not currently in the code but hope to have in the code in the future. He has worked very well with everybody here. The staff has worked with him and in a

lot of cases that is because the developer has been open to suggestions. I know he has been very helpful to me.

Mayor Wysocki – I think it is important for those of you who are here to have a clear understanding of the R-1/R-2 zoning. (Mayor Wysocki read Sec. 275-33 R-1/R-2 from Zoning Code)

Mayor Wysocki closed the public hearing at 7:07 P.M.

PUBLIC HEARING

6:01 P.M. (3)OA CU-8-04 Deer Haven Mini Golf and Indoor Range – 19300 W. Cleveland  
Mini Golf, Arcade, and Driving Range.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

DECEMBER 6, 2004

MINUTES

**APPLICATION WITHDRAWN – REQUEST TO REMOVE FROM AGENDA PER APPLICANT.**

PUBLIC HEARING  
6:02 P.M. (4)AB CU-9-04 Well #8 – 5155 S. Sunny Slope Rd. – Building Addition.

NEW BERLIN PLAN COMMISSION  
NEW BERLIN CITY HALL COUNCIL CHAMBERS  
DECEMBER 6, 2004

MINUTES

The public hearing relative to the request by Brandon A. Foss of Crispell-Snyder, Inc for Well #8 for a conditional use for construction of a building addition to the existing Valley View pump house and metering station located at 5155 S. Sunny Slope Road was called to order by Mayor Wysocki at 7:09 P.M.

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

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.

Ray Grzys, Director of Streets and Utility, representative for the project presented additional information explaining the request.

Mayor Wysocki asked three times if there were any comments or questions for the purpose 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, seeing none.

Mayor Wysocki closed the public hearing at 7:15 P.M.

NEW BERLIN PLAN COMMISSION  
NEW BERLIN CITY HALL COUNCIL CHAMBERS  
DECEMBER 6, 2004

MINUTES

The Plan Commission meeting was called to order by Mayor Wysocki at 7:27 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Felda, Mr. Barnes, Mr. Sisson, Mr. Gihring. Also present were Greg Kesler, Director of Community Development; Nikki Jones,

Planning Services Manager; Olofu Agbaji, Associate Planner; Amy Bennett, Associate Planner; Eric Nitschke, Storm Water Division Engineer. Mr. Teclaw was excused.

Motion by Alderman Ament to approve the Plan Commission Minutes of November 1, 2004. Seconded by Mr. Sisson. Motion carried unanimously.

Plan Commission Secretary's Report - none

#### CONTINUED ITEMS

5. (3)OA R-3-04 Gerald Timmers – 19925 W. Pinecrest Ln. – Rezone from R-1/R-2 & C-2 to R-3 & C-2 (Tabled 3/1/04, 4/5/04, 9/13/04)

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

Motion by Mr. Felda to recommend to Common Council adoption of an ordinance that approves the rezoning of the property known as Gerald Timmers located at 19925 W. Pinecrest Lane from R-1/R-2 & C-2 to R-3 & C-2.

The majority of Plan commissioners were in support of the rezoning because they felt it is consistent with the character of the surrounding area and several neighbors submitted a petition showing their support.

Alderman Ament expressed concern about actions done in the past and how they will be handled in the future and felt we need to adhere to the Zoning Code.

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

#### NEW BUSINESS

6. (4)AB CU-9-04 Well #8 – 5155 S. Sunny Slope Rd. – Building Addition.

Motion by Mr. Barnes to approve the request for Conditional Use Approval for construction of a building addition to the existing Valley View Pump House and Metering Station located at 5155 S. Sunny Slope Road subject to addressing the following issues:

- 1) Site and Architectural Plans
  - a) The entire building shall be constructed of the same finished materials as required by the Architecture Review Committee.
- 2) Applicant shall combine the land-locked Pump Station #8 parcel with Fire Station #4 parcel.
- 3) Applicant shall submit a revised site plan and building elevations that address all the Engineering and Utility concerns outlined in the staff letter dated November 23, 2004 prior to the issuance of the Zoning Permit.
- 4) General
  - 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 Department of Commerce (Comm 61.70 Certified municipalities and counties) (5)(c) 3.
  - c) Apply and obtain appropriate building, plumbing and electrical permits.
  - d) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code. No outside storage shall be permitted on the lot.
  - e) Erosion control shall be approved, permitted, installed and inspected prior to the issuance of a building permit or commencing of site preparation.

Seconded by Mr. Gihring. Motion carried unanimously.

7. (7)OA R-10-04 Rogers Glen – 5165 S. Racine Ave. – Rezone from R-1/R-2, C-1, and C-2 to R-1/R-2, C-1, and C-2. (Public Hearing 11/1/04)

Motion by Alderman Ament to recommend to Common Council adoption of an ordinance that denies without prejudice the rezoning of the property known as the Roger's Glen located at 5165 South Racine Avenue from R-1/ R-2, C-1 and C-2 to R-1/ R-2, C-1 and C-2 (to reflect the delineated environmental corridor & isolated natural resource area and the delineated wetland).

Motion dies for lack of second.

Alderman Ament had concerns about the plans design regarding the delineations. City Attorney Blum detailed the process and explained that at this point in time we are providing for the rezoning structure for these lands, not the conservation easement structure.

Motion by Mr. Sisson to recommend to Common Council adoption of an ordinance that approves the rezoning of the property known as the Roger's Glen located at 5165 South Racine Avenue from R-1/ R-2, C-1 and C-2 to R-1/ R-2, C-1 and C-2 (to reflect the delineated environmental corridor & isolated natural resource area and the delineated wetland).

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

8. (3)NJ CU-7-04 Wisconsin Electric Power Co. – 16700 W. Rogers – Moorland Substation Expansion. (Public Hearing 11/1/04)

Motion by Alderman Ament to approve the request for conditional use, site and architectural approval for the improvements and expansion for the Moorland Road Substation located at 16700 W. Rogers Drive subject to the application, plans on file, and the following conditions:

- 1) Site Plan
  - a) Applicant shall repair potholes and re-seal driveway and parking area.
  - b) Applicant shall maintain the 30' setback to the wetland (C-2 area). No grading within this area.
- 2) Engineering
  - a) Applicant shall work with the City Storm Water Division Engineer to pay a fee in lieu of water quality measures.
  - b) Applicant shall follow all appropriate flood-proofing measures.
- 3) General
  - a) City shall initiate a rezoning of the C-2 areas located on the property per section 275-37B(4)(B)(b)(12). Applicant shall submit both letters from the DNR and Army Corps of Engineers to the City for the rezoning.
  - b) Apply and obtain appropriate building, plumbing and electrical permits where required by code.
  - c) Apply and obtain erosion control permit and have erosion control measures inspected prior to any grading or excavation.

Seconded by Mr. Felda. Motion carried unanimously.

9. (7)OA R-11-04 Midwest Service Equipment – 17800 W. National Ave. - Rezone from B-3/C-1 to B-3/C-2. Set Public Hearing for Jan. 10, 2005.

Motion by Alderman Ament to forward to Common Council to request a Public Hearing be set for January 10<sup>th</sup>, 2005 to rezone the property known as Midwest Services Equipment located at 17800 W. National Avenue from B-3/ C-1 to B-3 and C-2 districts.

Seconded by Mr. Barnes. Motion carried unanimously.

10. (7)GK PG-946 Sewer Service Area Amendments 2020 Plan Amendments -MMSD Boundaries

Motion by Alderman Ament to drop this item from the agenda at the request of the applicant. Seconded by Mr. Barnes. Motion carried unanimously.  
CONSENT AGENDA (One motion and second will deny all of the following items listed. Any item may be pulled from the list and handled separately.)

11. (7)OA U-72-03 Calvary Reformed Church – 4895 S. Calhoun Rd. – Church Addition. (Tabled 1/5/04)

Motion by Alderman Ament to deny without prejudice the request for a church addition by Calvary Reformed Church located at 4895 S. Calhoun Road.

Seconded by Mr. Barnes. Motion carried unanimously.

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

No Action.

#### COMMUNICATIONS

13. Communication To: Plan Commission  
Communication From: Nikki Jones, Planning Services Manager  
RE: Planning Commissioners Journal, Fall 2004

Plan Commissioners acknowledged receipt of this communication.

14. Communication To: Plan Commission  
Communication From: Olofu Agbaji, Associate Planner  
RE: 2004 EWUG Conference

Mr. Agbaji reported on information he obtained from attending this conference.

15. Communication To: Plan Commission  
Communication From: Olofu Agbaji, Associate Planner  
RE: Low Impact Development Conference

Mr. Agbaji reported on information he obtained from attending this conference.

16. Communication To: Plan Commission  
Communication From: Greg Kessler, Director of Community Development  
RE: Amended By-Laws (PG-942 & PG-10)

Copies of the amended By-Laws were distributed to Plan Commissioners.

17. Communication To: Plan Commission  
Communication From: Nikki Jones, Planning Services Manager

RE: Letter dated October 29, 2004 from LaVerne Gebhard regarding U-1-04 T-Mobile, 3805 S. Casper Drive; U-7-04 T-Mobile, 12660 W. Beloit Road.

Ms. Jones indicated that her letter of response would be forthcoming.

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 8:45 P.M.  
Seconded by Mr. Gihring. Motion carried unanimously.