

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

PUBLIC HEARING

6:00 P. M. (3)NJ R-5-04 Francisco & Alcira Munoz – 1580 S. Springdale – Rezone from R-1/R-2 to R-3.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

MAY 3, 2004

MINUTES

The public hearing relative to the request by Steven Munoz c/o Francisco & Alcira Munoz to rezone the property known as 1580 S. Springdale Road from R-1/R-2 to R-3 was called to order by Mayor Wysocki at 6:06 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Gihring, Mr. Teclaw, Mr. Sisson, Mr. Felda, Mr. Barnes. Also present were David Haines, Planning Services Manager; Olofu Agbaji, Associate Planner, Nikki Jones, Associate Planner; Anthony Kim, Code Enforcement/Violations.

Mr. Haines read the public hearing notice and stated there was proof of publication.

Mayor Wysocki explained the procedure for a public hearing saying that he would ask for questions of clarification and then ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

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

Mayor Wysocki asked if there were any questions for purpose of clarification?

Russ Brook, W225 S4435 Guthrie Road – I am not familiar with the different zoning configurations, what is the new zoning that is being requested?

Ms. Jones – Generally the R-1/R-2 is a one home per five acre density, whereas the R-3 which he is planning to rezone to is one home per every 20,000 sq. ft.

Richard Rates – I live across the street from this property. One of the things I am concerned about is if this goes to R-3 is that my understanding with R-3 zoning you have to have sewer. Where is the sewer utility coming from?

Ms. Jones – R-3 would be septic and wells on these sites.

Richard Rates – The piece of property that is going to be leftover alongside reconstructed Greendale Avenue, between Springdale frontage road and Greenfield, what is the zoning on that going to be?

Ms. Jones – Most likely the State will be taking that as part of this reconstruction and it will be a grassy area in the State right-of-way.

Richard Rates – It won't be suburban overlay or anything like that?

Ms. Jones – Right now they are rezoning the whole piece that is theirs. The legal description is for the whole entire piece so when the State comes through and buys it, it will still be R-3 but it will be right-of-way.

Mary Hieble, 20160 W. National Avenue – What is the current zoning?

Ms. Jones – R-1/R-2.

Mary Hieble – Is that the zoning that is on the Master Plan?

Ms. Jones – No, suburban residential is in the Master Plan.

Mary Hieble – What does suburban residential allow for?

Ms. Jones – R-3 District which is one home per 20,000 sq. ft.

Mayor Wysocki asked three times for further questions for purpose of clarification, seeing none.

Mayor Wysocki asked for anyone wishing to speak in favor.

Steve Munoz , 1520 Springdale Road – I am the representative of the family that owns the property. If there is any concern about protecting corridors, there has been a tree inventory. My parents live in that house on the northwest corner. We would be putting some language in there to protect all the trees that you see labeled.

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

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

Mayor Wysocki asked Plan Commissioners for further questions.

Mr. Teclaw – With that suburban residential designation, doesn't the Master Plan refer to that as more of an infill situation? Could you read that text?

Mr. Haines – The suburban residential designation reflects the rural setting of the existing residential areas on the western half of the city. Lots in this category are generally located in existing subdivisions that have already been developed at higher densities than the surrounding country residential area. The suburban residential areas are not served by sanitary sewer and water, they are served by private on site sewage disposal systems and private wells. This area has smaller lots that average at 35,000 sq. ft. New development may occur as infill development but not an expansion to the existing subdivision. Infill development is development of vacant lots within existing subdivisions.

Mr. Teclaw – Does this meet that definition? I always thought we were using this zoning as an infill in an already high density situation.

Mr. Haines – Yes, the Master Plan does have this as suburban residential so my understanding from that is when the Plan Commission approved the GDMP Plan, that they determined that this area is suitable for infill development.

Mr. Teclaw – I am trying to visualize this as infill.

Mr. Haines – (referred to drawings and maps)

Mayor Wysocki – What is the subdivision that shows to the east?

Mr. Haines – West Brook

Mayor Wysocki – Is that an R-3 zoning? Is see it is marked R-4. Since it is already established as an R-4, it is a smaller .

Alderman Ament – Is that green area on the map that just touches on the northeast corner an environmental corridor?

Ms. Jones – Correct, that is a primary environmental corridor.

Alderman Ament – If we rezone this to R-3 and the applicant decides to base his land division on 20,000 sq. foot lots, how many lots can he get out of there?

Ms. Jones – If he came in for a land division, he would have to provide that each of these sites could have septic and well on them. This site is very steep. That would be a limiting factor. Your staff report shows four lots right there now that are close to an acre. I suppose he could make them smaller, but the linear footage has to remain along Springdale.

Alderman Ament – I was also looking at the letter from the Davey Tree and Lawn Care. It starts by saying the south lot area is planned for a natural area that contains a solid grouping of trees considered low value. It goes on describing why they consider those low value but then it says for this reason we do not associate any value with this area except for development or wildlife refuge. How much of an emphasis is that wildlife refuge because they don't explain what they mean by that. Are there five rabbits on there or is it pretty heavily wooded?

Steve Pfohl, Davey Tree & Lawn Care – The lower version of the property that Mr. Munoz had me take a look at contains trees that are basically considered a low grade forest. We have plants in there that are of no landscape value so specifically he wanted me to go in and locate and tag the larger plants for conservation. I don't know as far as if there is any other environmental impact or statutes for wildlife management in that area. Otherwise, it has no significant value historically or as far as mature tree preservation.

Mr. Teclaw – It seems like this is another property that has a lot of features of a conservancy area. If something like this were to advance, at what point would we be looking at designating some of that area into a more appropriate category as far as an updated environmental corridor or an update of the conservancy areas on the property.

Mr. Haines – If he chooses to come with a land division that is one of the things we would be looking for.

Mr. Teclaw – How would you approach that?

Mr. Haines – We would be looking at the criteria that is in the Master Plan in the subdivision code.

Mr. Gihring – Was the tree inventory done only on the northern edge of the property because the trees are only marked on the northern end but in the report it says there are larger trees on the rest of the property.

Steve Pfohl – We are considering the northern area having a 100' buffer zone from the northeast to preserve those plants. There are some larger plants down inside, mostly elms which are diseased so preservation for that area is really not an object.

Mr. Gihring – So the tree inventory was really only done at the northern edge.

Steve Pfohl – No, we did walk through this area to get a sampling of the plants. We could mark every tree in there within 4” but it would be pointless as far as preservation goes.

Mayor Wysocki asked for any further comments, seeing none.

Mayor Wysocki closed this public hearing at 6:23 P.M.

#### PUBLIC HEARING

6:01 P.M. (3)OA CU-3-04 Susan Kannegiesser – 1428 S. River Rd. – 8’ x 12’ Shed located in Floodplain .

### NEW BERLIN PLAN COMMISSION

### NEW BERLIN CITY HALL COUNCIL CHAMBERS

MAY 3, 2004

### MINUTES

The public hearing relative to the request by Susan Kannegiesser for a Conditional Use to place an 8’ x 12’ shed in the floodway on the property known as 1428 River Road was called to order by Mayor Wysocki at 6:23 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Gihring, Mr. Teclaw, Mr. Sisson, Mr. Felda, Mr. Barnes. Also present were David Haines, Planning Services Manager; Olofu Agbaji, Associate Planner, Nikki Jones, Associate Planner; Anthony Kim, Code Enforcement/Violations.

Mr. Haines read the public hearing notice and stated there was proof of publication.

Mayor Wysocki explained the procedure for a public hearing saying that he would ask for questions of clarification and then ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

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 purpose of clarification, seeing none.

Mayor Wysocki asked if there was anyone wishing to speak in favor.

Susan Kannegiesser, 1428 S. River Road – I just want to make to very clear that it is an existing 12’ x 8’ shed that I wish to move out of the floodway and move it no closer than 10’ to my home.

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

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

Mayor Wysocki asked for further comments from Commissioners.

Alderman Ament – Just a question on the staff report, it says that the request is to construct a shed within the floodway. Ms. Kannegiesser said she is intending to move it out of there.

Mr. Agbaji – Floodway and flood fringe and position of shed were shown on map.

Seeing no further comments from Comissioners, Mayor Wsocki closed the public hearing at 6:26 P.M.

PUBLIC HEARING  
6:03 P.M. ( )DH PG-516-4 Transportation Master Plan

NEW BERLIN PLAN COMMISSION  
NEW BERLIN CITY HALL COUNCIL CHAMBERS

MAY 3, 2004

MINUTES

The public hearing in respect to the Transportation Plan as part of the Master Plan was called to order by Mayor Wysocki at 7:30 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Gihring, Mr. Teclaw, Mr. Sisson, Mr. Felda, Mr. Barnes. Also present were David Haines, Planning Services Manager; Olofu Agbaji, Associate Planner, Nikki Jones, Associate Planner; Anthony Kim, Code Enforcement/Violations.

Mr. Haines read the public hearing notice and stated there was proof of publication.

Mayor Wysocki brought attention to a letter received today from Mr. Ralph Heum indicating his opposition.

Mayor Wysocki explained the procedure for a public hearing saying that he would ask for questions of clarification and then ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

Mr. Haines gave a brief presentation describing the request. Ron Schildt Transportation Division Engineer provided additional information.

Mayor Wysocki asked if there were any comments on the Transportation Plan?

Jim Everett, 16701 W. Small Road – We are getting back to Small Road again. Westridge gives truck traffic all day long because of the fact that Small Road is resurfaced and redone. They raised the road a foot, I now sit down below the road level. Payne & Dolan seems to have a way of getting all these contracts and if you get the right crew, you get a good job but if you don't you get what you have on Small Road.

Mark Ricke, 3870 S. Spruce Road- I am reacting to the comment that was in the Journal article about connecting subdivisions. Has Planning taken into consideration the will of people that live in the subdivisions? Are they really interested with being connected with other subdivisions. We did a straw pole on our Spruce Road which we are assuming is being planned to be connected to Howard and out of about two dozen homes that we asked what was their opinion on being connected to Howard Avenue, no one was interested. They are afraid of the traffic and changing the neighborhood that we presently live in. I would think that if you are planning to connect subdivisions, as the Journal article said, that it would be wise to ask the people that live there. There is a reason that they bought the home that they live in. When you start changing the traffic flow and making connections, it kind of upsets the neighborhood that they purchased. My encouragement would be to poll those neighbors and see what they think of it, and as far as Spruce Road goes, our neighborhood would not like to see a connection made.

Mayor Wysocki – There was a much broader discussion and that portion of the discussion dealt

more with the bicycle and pedestrian linkages between subdivisions. There seemed to be quite a number of people in favor of connecting subdivisions not by roads, but by bicycle pathways or walkways.

Fred Hahn, 3820 S. Spruce Road – Same comment as Mr. Ricke. What you have just brought up is encouraging in our situation where the lot separating Spruce Road from Howard and a large future subdivision in the next five years would be. I know several places in the city there are cul de sacs that abut each other with just a path going through provided for pedestrians. From what we understand, the city did take that lot that separates Spruce and Howard to put a sewer line through there. It kind of fits with the idea of connecting the subdivisions and part of the plan states that by connecting the subdivisions you would keep traffic off Sunny Slope and since I believe Wilbur is going to be connected to the City Center eventually, that would put us parallel to Sunny Slope giving us a lot of traffic. It's nice to keep traffic off of Sunny Slope but not at Small Road's expense.

Diane Jones, 3725 S. Spruce Road - Since we are commenting about our subdivision area, one of the nice things is to see people walking their dogs and being out with their children because we do not have sidewalks in that subdivision. The majority of us like the quietness of the area and in that respect would not like to see Howard and Spruce connected.

Lisa Ricke, 3870 S. Spruce Road – Is there a component in this Transportation Plan to connect with a road, Spruce Road south to Howard Avenue?

Mr. Haines – This plan does not talk about those types of connections in detail. As far as the specific connections, there are no plans right now to connect Spruce Road to Howard for vehicle traffic. There will be a pedestrian connection but the road will not be extended.

Lisa Ricke – I understand. I have been hearing that answer for the last five years, ever since we bought our lot and built our house. We never feel like we really know. I hope you understand. We would like some closure put on this. The word stub road came up later. In my layman's knowledge does that mean a road that just doesn't have a finished cul-de-sac?

Mr. Haines – For the most part there are currently subdivisions within the city where the subdivision was designed to provide access to the undeveloped property next door. That is what we consider a stub road. That road and the existing subdivision was planned to be extended to property next door. What the plan is saying is when the property is developed, it should connect instead of just having it be a permanent dead end without being put into a cul-de-sac or connected in some other way. When one subdivision is planned to go through and a subdivision next door is proposed, the road really should to through.

Lisa Ricke – I assume that is why Spruce Road on the South end has one of these stub ends.

Mayor Wysocki – When the subdivision you are in was built in the 60's there was an original proposal that for future development south that road would continue through so the dilemma we face at this point, is that it was always intended to go through. We now made a commitment that the road connection would not go through, however we did for a good reason, need for the infrastructure facilities, sewer and water to go through that property. Hopefully you will recall the issues about that, there was a question about the easement and leaving a substandard lot and then the homeowner said take the whole thing and eventually the city purchased the entire lot. In this whole process that we talked about, we said that Spruce would not be extended.

The Transportation Plan as Mr. Haines has said is a very general overview of the city transportation network. Although it does not go into detail on every street in the city as to what it would look like or where it would go, it gives you more of a policy statement with regards to all of our roads starting with the State facilities. In our future developments, we talked a lot that we need to make it clear to people whether or not roads are going to go through on subdivisions that

are being built where potential development will further happen later on so that it is clearly identified. From the analysis we made when we went through this whole issue of trying to determine whether the whole parcel or the easement portion of it, a determination was made that that street did not have to go through because all of the development that is going to occur in that corridor will have its own transportation pattern to it.

Lisa Ricke – May I interject here that wouldn't it then be appropriate for your Plan Commission within the power vested in you, to recommend then that since it is not planned to go through that you would finish that off, making that determination once and for all that it will be a foot and bicycle modality but not a thru street.

Mayor Wysocki – We just recently took ownership of the parcel, we now have to make sure that the development relative to the infrastructure is going to go through which is right now part of the developers agreement. Once we get all those issues resolved, I think your suggestion is a good one.

Lisa Ricke – We are talking about the lot owned by the late Dick and Betty Tesch, is that correct? Mayor Wysocki responded yes. Ms. Ricke asked did the city purchase a portion of that or the entire lot. Mayor Wysocki said the entire lot. Ms. Ricke asked what will happen to the remainder to the west of that lot? Mayor Wysocki said that is part of the discussion involving Park & Recreation. There could be some thought process about a mini park. I'm not making any commitments but now you bring into play another part of planning that we have done with regards to neighborhood parks. I don't believe we have a minimum size. We do if it is a neighborhood park so we need to look at that possibility. That would happen when this commission determines that the road will not be extended through there. Then we have a discussion with the utility committee which has part ownership because of easement and the park & rec commission would be looking at it as a possibility because it would have to be maintained.

Vince Marrari, 3825 S. Spruce - My wife and I just bought property on Spruce. We had been looking for a long time for a house that was either on or near a cul-de-sac and finally found it. I highly oppose this. We are looking at children in the future and a safe place for them to ride bikes, etc. If you connect this, there will be trouble with short cuts and people speeding through.

Mayor Wysocki – Just so it is clear, this Transportation Plan does not mandate that any roads go through.

Mayor Wysocki asked three times for any further comments on the Transportation Plan, seeing none.

Mr. Haiens – The final draft of this plan will be presented based on public input. Written comments are welcome.

Mayor Wysocki – We would like to have the final draft presented on July 12, 2004 and have the Plan Commission continue to look at it on August 2, 2004 with action in regards to adoption of the Transportation Plan, another component of our overall Master Plan.

Mayor Wysocki asked for comments from the commissioners.

Mr. Teclaw – It is noted that there were minor text changes for better wording. Is there any way we can be made aware of what these text changes are? I too am concerned about what might seem to be minor insignificant verbage, than as things move forward, you grab pieces of it and say we are just being consistent with the Transportation Plan. I agree that we need safer streets, but I am hoping we are not putting a recipe in this plan or a framework for urbanization in areas of the city that in our GDMP for example, is valuing the touch of country, rural area of our city. It is indicating that within it that interconnect activity is discouraged and we have taken out verbage in our codes that would promote it. I think we should be able to handle connections and things like

that on a case by case basis. I think that what people are saying is that they would like to have some direct input and I think that is appropriate.

The other thing in here is relating to right-of-ways and potential future road widenings. There is reference in there about Coffee Road going to four lanes between Moorland and National as a portion of the City Center plan. There is reference to extending Johnson Road. Are all these things determined and put in here so that those things occur. The language makes it sound like these things are going to occur. Are the people that are effected by some of these things aware of it or are we assuming that they are catching this in a public hearing notice or have they been given additional type of notice on things that might effect their properties.

Mr. Haines – The types of textbook changes I am speaking about are things such as grammar, etc. I can give you a copy. As far as the concept of connecting subdivisions, when existing subdivisions are planned to be extended, they should be extended. If the area just doesn't match then they shouldn't be. As far as the land use, this Transportation Plan is not looking to circumvent the GDMP. The GDMP Plan does touch on some of the transportation issues that are addressed in here. I really don't think this plan is talking about urbanizing the rural area. I think it is talking about how transportation can support land use and make sure that we don't go to far one way or the other, like you said. Then as far as some of the recommendations as you mentioned Coffee Road, yes these ideas are in the plan because we want them to happen or be proposed and adopted by Plan Commission. Plan Commission will decide if they want these things to happen. If they don't want them to happen, they should not be in the plan. That is what we will judge all future development by, this plan. As far as giving notice to people that are effected, that is an interesting topic and a very important topic. What it talks about, as far as most of these major improvements like the road widenings, etc. so I would like to think that whatever public input that was incorporated into developing those other plans would be incorporated into this plan. As far as sending a notice to everybody that is effected by this plan, this plan effects the entire city and we did our best to have it known about. When it comes to when something is going to happen, we do to the best of our ability give people notice. For example, the two public workshops for the design of Coldspring Road where public input was sought and gathered. Just saying something is in the plan does not mean it is done. There is still a lot of work that needs to be done.

Mayor Wysocki – This is also one of the components for the requirements for Smart Growth. A comment on the widening, most of it is county. The county should be encouraged to look at better intersection control, multiple lanes there, with a combination of light systems and not immediately go to the widening process.

Ron Schildt – The report does go into areas that do need to have improvements at the intersections. It also looks at whole quarter areas. This brings together a number of studies and plans. Things brought up about Johnson Road area was in the plan, in fact a couple of plans showing the extension coming through all the way down to South Coffee and Racine Avenue and there is still the linkage up to Greenfield. They are in a report from something that was looked at before. The major focus that the city wants to see is what will happen.

Mayor Wysocki – As you all know, this is a major impact on our capital budget process. Many of us recognize that before you continue development, you need to have infrastructure in place that takes care of the development that has already occurred. In bringing this together, in one document now we have something that we can intelligently discuss and make some recommendations because it is now in one document rather than previous actions, previous plans, previous resolutions, etc.

Alderman Ament – It was mentioned that there were a lot of people talking about connecting subdivisions with paths. I can tell you that I have not had one person contact me about that, in fact they don't want to connect at all. David had mentioned that we need to look at this with a minimal adverse effect on other neighboring communities. At the same time I am referring to

plans for the entire region, smart growth, and as you go down it talks about different roads, and one of them is 159. When we talk about smart growth and neighborhood communities, the state had mandated smart growth and we took the appropriate actions and costs to try to comply with our master plan and yet the state has come back and decided a major highway should go right through an area that we determined was going to stay rural. So much for smart growth and so much for our neighbors. Somebody should mention Brookfield since that is why this is all happening because they are not being very considerate on our part. Also on that page however, if there are things in here we don't like or think should be taken out because it will become basically part of our master plan. This is a very well put together, informational booklet, but there are some things in here that continue to trouble me.

I am trying to decide how to get things out that I feel shouldn't be in there. If I send you an e-mail saying Johnson Road shouldn't be extended, are we going to discuss it? Mayor Wysocki said we will have The Transportation Plan on the agenda for every meeting for discussion up until July. Maybe a separate meeting like we did with the codes. I think that is a better idea. Plan Commissioners agreed.

Mayor Wysocki closed the public hearing at 8:15 P.M.

PUBLIC HEARING

6:04 P.M. (4)OA R-11-03 Moorland Road Golf Center – 5900 S. Moorland Rd. – Rezone from A-1 to P-1/PUD. (Public Hearing 2/2/04, Tabled 3/1/04)

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

MAY 3, 2004

MINUTES

The public hearing relative to the request by Thomas Major c/o Moorland Road Golf Center to rezone the property known as 5900 Moorland Road from A-1 Agricultural Zoning District to P-1/PUD Park and Recreation Planned Unit Development was called to order by Mayor Wysocki at 8:15 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Gihring, Mr. Teclaw, Mr. Sisson, Mr. Felda, Mr. Barnes. Also present were David Haines, Planning Services Manager; Olofu Agbaji, Associate Planner, Nikki Jones, Associate Planner; Anthony Kim, Code Enforcement/Violations.

Mr. Haines read the public hearing notice and stated there was proof of publication.

Mayor Wysocki explained the procedure for a public hearing saying that he would ask for questions of clarification and then ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

Mr. Agbaji gave a brief presentation describing the request and showed maps indicating the location.

Mayor Wysocki - Is this the area that is below grade?

Mr. Agbaji - Yes, it is 11 or more feet below Moorland Road.

Mayor Wysocki – The biggest reason for the PUD is the height.

Mayor Wysocki asked three times if there were any questions for 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 Plan Commissioners for further questions.

Mr. Teclaw – We have talked about the appropriateness of this zoning category. My concern is that the Master Plan calls for business park and industrial and rezoning to park would not be consistent to that. I am struggling with the idea that this is park land and there is two unique qualities to this. First, it is going to be privately owned, so it is really not going to fall into any category of accessible park land for the city or expand the city's park base. Second, this is going to be operated as a business, a private enterprise for a profit. To me it doesn't seem the most appropriate choice of zoning category.

Mayor Wysocki – We have P-1 districts that can be privately owned, not just publicly owned.

Mr. Agbaji – We have a P-1 district that is adjoined to this property that is privately owned. Portions of the industrial park also.

Mr. Teclaw – So the remainder of the A-1 is slated for business and industrial also?

Mr. Agbaji – That is correct. Technically, it would be within the industrial park.

Mr. Haines – Basically, it is an outdoor recreational facility. The park district does not have to be just publicly owned land. Just like an institutionally zoned property does not have to be public land. There can be both public and privately uses. The P-1 is a park AND recreational use.

Alderman Ament – One of the things I have to get over is the fact that we have decided to look into the New Valley based on the fact we apparently don't feel like we have enough business and commercial job opportunities. We are looking at other areas to expand our industrial and commercial areas to create jobs. I am concerned that we might be considering taking a piece of that and turning it into park.

Mr. Teclaw – In the staff report it talks about traffic impact study being required for a rezoning. Is there going to be anything done with that?

Mr. Agbaji – We will be getting a traffic study from him.

Mr. Teclaw – One of the reasons this might not be well attended by the public is the notification distance. Have any of the residences along College Avenue had any contact or input? I have not gotten any feed back from residences around the area. I know there are plenty of golfers who would appreciate something like this.

Mr. Agbaji – Notices have also gone to Muskego and it is on our web page. I have driven by to make sure the sign is up.

Mr. Teclaw – Height wise, what kind of variance are they asking for in this PUD?

Mr. Agbaji – M-1 District allows 45 feet. They are in a hole about 11-15 feet.

Mr. Teclaw – So what is the ultimate height of this?

Mr. Agbaji – Between 70' and 75'

Mayor Wysocki asked for further questions from Commissioners, seeing none.

Mayor Wysocki closed the public hearing at 8:27 P.M.

PUBLIC HEARING  
6:09 P.M. ( )DH PG-938 CSM Process Amendment

NEW BERLIN PLAN COMMISSION  
NEW BERLIN CITY HALL COUNCIL CHAMBERS

MAY 3, 2004

MINUTES

The public hearing in respect to revisions to the subdivision of land ordinance of the City of New Berlin (Chapter 235 of the City of New Berlin Municipal Code) was called to order by Mayor Wysocki at 8:27 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Gihring, Mr. Teclaw, Mr. Sisson, Mr. Felda, Mr. Barnes. Also present were David Haines, Planning Services Manager; Olofu Agbaji, Associate Planner, Nikki Jones, Associate Planner; Anthony Kim, Code Enforcement/Violations.

Mr. Haines read the public hearing notice and stated there was proof of publication.

Mayor Wysocki explained the procedure for a public hearing saying that he would ask for questions of clarification and then ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

Mr. Haines gave a short review of the proposed amendments

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

Mayor Wysocki asked if there were any comments or questions from Commissioners, seeing none.

Mayor Wysocki called the public hearing closed at 8:30 P.M.

PUBLIC HEARING

6:10 P.M. (4)DH 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

MAY 3, 2004

MINUTES

The public hearing relative to the request by Paul Milewski c/o Wimmer Brothers to rezone the property known as 5611 S. Calhoun Road from A-2 Agricultural and Rural Holding, C-2 Shoreland Wetland, and R-1/R-2 Rural Estate Single-Family Residential District to A-2 Agricultural and Rural Holding, C-2 Shoreland Wetland, R-3 Suburban Single-Family Residential and R-1/R-2 Rural Estate Single Family Residential District was called to order by Mayor Wysocki at 6:27 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Gihring, Mr. Teclaw, Mr. Sisson, Mr. Felda, Mr. Barnes. Also present were David Haines, Planning Services Manager; Olofu Agbaji, Associate Planner, Nikki Jones, Associate Planner; Anthony Kim, Code Enforcement/Violations.

Mr. Haines read the public hearing notice and stated there was proof of publication. Mr. Haines stated there was a public hearing on this last month but due to an error one of the properties to be rezoned was missed when the mailing labels were generated for the notice. Therefore about 47 property owners were not notified. The notice of that public hearing was published in the newspaper and the property has been posted for rezoning. This public hearing is for those 47 properties that did not receive a notice in the mail so they may have a chance to speak before Plan Commission. These property owners were mailed a copy of the notice of this public hearing and the minutes of last months public hearing. Anyone is welcome to address the Plan Commission, this is not just for those 47 property owners.

Mayor Wysocki explained the procedure for a public hearing saying that he would ask for questions of clarification and then ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

Mr. Haines gave a brief presentation describing the request and showed maps indicating the location.

Mark Wimmer , the applicant came forward with additional information explaining the request.

Mayor Wysocki asked if there were any questions for purpose of clarification?

Jack Liberto, 17275 W. Small Road - If I understand things correctly, R-1/R-2 down on the south end is for five acre parcels? Mr. Haines said that is correct, R-1/R-2 has a lot size of five acres. Mr. Liberto asked if the picture could be brought up showing the proposed lots for rezoning and asked if all of them were five acres. Mr. Haines said No, they are proposing to develop this property as a conservation subdivision. You would have five acre density except the lots are smaller but then there are the outlying areas or common open space which cannot be developed which allows for the site to be developed at the five acre density.

Mr. Liberto – Isn't that contradictive?

Mr. Haines - Generally you have the same number of houses. The idea of conservation

subdivisions is to preserve open space rather than the entire site developed and only have smaller portions of the site developed while preserving the rest of the site.

Mr. Liberto – Where is the entrance off of Small Road? Mr. Haines said there is a house (showed location on map) where the driveway is now. Mr. Liberto said the present driveway goes straight back. Mr. Haines said yes, that is the entrance for the road off of Small. Mr. Liberto said it doesn't show using the same one on that other plan. That one shows a sharp turn and goes to the west, so how much to the west will that road go? Mr. Haines said roughly about 50' off the property line.

Mayor Wysocki – A lot of these details will be worked out as we go through the actual layout.

Mr. Wimmer, applicant – The street entry intersects with Small at approximately the same location as the driveway, however in order to put the pine grove into the common area which would be the preservation district, as soon as you would enter the property it would take a westerly turn along the westerly property line. Mr. Liberto asked if that is the pine grove that is there now? Mr. Wimmer said that is correct. Mr. Liberto asked about new grassy areas. Mr. Wimmer said all of the green on this conceptual plan illustrates the common area that would be prohibited from any development and would be put into a preservation in terms of allowing it to be the woodlands that stand there.

Mr. Liberto – If I am correct the present driveway goes back here (map). Mr. Wimmer said you are correct. Again, because of it being a conservation subdivision, the concept is to cluster development on small areas to impact the site west and those areas outside of private ownership is owned by a homeowners association that is comprised of all the owners of the subdivision. Therefore, a conservation subdivision looks at where there are wood lots and where there are significant environmental features and basically takes them off the table for private ownership and improvement and puts them into a preservation easement.

Joe Russ, 16800 W. Shadow Drive – With this green space conservancy, who will be paying taxes on that? Mayor Wysocki said the people who own those lots. It is part of their subdivision so they actually have ownership which adds to the value of the lots so they are the ones who are paying for it through the value of the lots.

Mr. Wimmer – It is a similar concept to a condominium. An individual receives a deed to their respective living space, in this case, the lot owner receives a deed for their lot. They also receive a 1/42 share of ownership of all of the green space that becomes known as a separate taxable parcel. The green space gets assessed by the Assessor and is then put onto their 1/42 share, is then attached to their value for their home so they will be paying for the value of the particular lot they have title to, the home value, and then their pro rated share for all of the open space which gives added value to their lot.

Mr. Russ- Has there been an environmental impact study done on this area since it does include some wetland? Has there been any kind of study about the snakes I have heard about?

Mr. Wimmer – Yes, there has been a wetland mapping that has occurred for this rezoning in terms of identifying specifically the wetland areas, the floodplain areas and banks of the stream. In the process of that it was also inspected for snakes habitat. The areas of development are not impacted by snake habitat. There may be snake habitat within the preservation areas.

Mr. Russ – I noticed on the plan that a lot of the streets between Small and Calhoun Road seem to border on what is now farm fields. My understanding about a conservation subdivision is that you will end up with ten houses per street? If that is the case, what would prevent, when the other land becomes available, any other developer coming in and putting more houses on that street plus increasing the density of that area. Right now you are bordering up against open farmland with nothing across the street or down the road. That could change, this could become

a lot bigger subdivision.

Mr. Haines – As far as the ten goes, the code says that the lots should be in clusters of ten, it doesn't limit it per say ten houses per street. It says it should be clustered in ten. What you see here in terms of strict reading, is a cluster here and another there. As far as whether or not when this property is developed if they connect the street, there is a 50' buffer between that street and this property. Basically they would not be able to because that would be part of the common open space.

Mr. Russ - I have a complaint about the notification of this whole development. At the last meeting I mentioned the signage on Calhoun Road kept falling down. After that meeting I noticed that finally they put a piece of wire to hold the sign up. Another sign went up on Small Road. From what I understand from neighbors, that sign was down more than up. I have sent the Mayor and Alderman pictures. We spend the money to make a sign and put it out there, why we can't use a nut and bolt to hold the sign on the stand. I think it's a sad indication about the way the Planning Department is going about doing this.

Mayor Wysocki – I will accept responsibility for this. It is not the Planning Department. If your criticism of that which is probably justified, it is a criticism of me. What my response is, is to have a different kind of sign mechanism put together so we don't have this kind of trouble. We were trying to save some money using street barricades and attaching the signs to them. We are not going to do that now. We are going to have a different sign system specifically set up and posted on these properties so that should eliminate these issues.

Mr. Russ – It seems like the current system could work. I have seen it used in Greendale and Hales Corners and those communities seem to get it to work. The barricades seem sturdy enough, it is just a matter of attaching the sign.

Mayor Wysocki – We are going to do a different system that will ensure we don't have these types of problems.

Howard Fisher , 5335 S. Brennan Drive – How will be this area be serviced for water. Mayor Wysocki said this area would have individual wells.

Sandy Laurich, 5435 S. Brennan Drive - This is in response to Mr. Fisher. You say wells, what is that going to do to 40 year old wells that we are using that are working fine. Is that going to have any effect on them? I don't want it to.

Mayor Wysocki - According to our water studies, it should not. This is the first time that I know of any community doing three dimensional planning. The Planners, with the help of consultants and GDMP Group, recognized that there are certain things happening that we can no longer continue to do that we have done in the traditional way of development. The three dimensions are in areas like this you have to look below ground because that is the water supply needed to serve this area, you have to look at the ground itself for the environmental features that we want to have with regards to the touch of country but frankly have in many cases, real value with regards to potential to regenerate the shallow aquifer so we allow for natural features that allow for a recharge of the aquifer with regards to the whole cycle of our water with wells. As we move forward with our storm water management plan there will be opportunities and needs where we put in storm water facilities especially those that are detention ponds and putting those in the appropriate area can even add more to the recharge possibility. The third dimension is air and air quality. That is what we looked at for the remainder build out of our city, not just on the west side, but on the east side to.

Ms. Laurich – By rezoning this area aren't we going away from our plan? They are going to keep moving out farther and farther and keep on rezoning and they are going to keep building subdivisions and it doesn't help with our taxes.

Mayor Wysocki – There is planning for the remainder of development. The plan is unique not only because of the three dimensions that I explained to you but also with regards to the fact that we are trying to sustain a balance between private property rights and environmental features and the financial aspect of providing city services out into a rural area. Balancing those three things and sustaining each one of them is what your Master Plan does. I'd like you to look at it.

Donald Springer, 5410 Oakridge Drive – I was wondering about the square footage of the homes being built there.

Mr. Wimmer – The deed restrictions are proposed for one story home, 24 –2500 sq. ft. and for a two story 3500 sq. ft. with a minimum two car garage, maximum three car garage, natural materials, steeply pitched roofs, and a limitation of location of improvements beyond the primary building envelope.

Joe Russ- I want to clarify, I have heard 42 lots, but yet on the map I see dashed lines which represent more lots, maybe not in this phase but what about the next phase? I want to clarify how many extra lots are there going to be?

Mr. Wimmer – As we indicated last time, when we initially made a submittal to the city, the city staff had asked us to take a look at how adjoining properties that were not part of the Trees On The Move site could be accessed and developed in the event that they would go forward. That is what this plan represents. Basically, what it shows ( indicated on map) is everything east of this line, this is one parcel, this is a second parcel, this is a third and fourth parcel and so it looked at how the owners of those properties could ultimately develop their properties and still tie into a road system that would be appropriately designed. We needed to provide that access. That is what we did with this layout. Since that time we have acquired three of the four properties so the intent would be that we do not intend to rezone those properties, we intend to develop those properties under their current zoning, the timing of which we are not 100% sure.

Howard Fisher – You had said that the people may not have problems with their wells. It would be my opinion that there should be some kind of fund that is set up both by the developer and the seller that in case those peoples wells that are adjacent to this area go dry that there is some compensation and support in drilling new wells. I believe some of those close properties have shallower wells so has there been any consideration for these wells at all.

Mr. Wimmer – We have engaged a soils engineer who has done some borings for this subdivision. The information that has been provided to me is that the aquifer under this portion of the site is well charged primarily because of the fact that that is the low spot, it is the major drainage way for the entire area as evidenced by Calhoun Creek. Because of that the reservoir size that is available to the lots closer to the center of the drainage way is extremely significant. The further you move away from that, the size is unknown, but it is greater at the bottom of the ravine, than it is outside the sides. The overall size of the aquifer we have not been able to determine. We have not gone to the extent of taking a look at the existing flow rates and pumping rates and depths of the surrounding wells. I think part of the problem obviously becomes is that we have no knowledge as to what depth or age, or installation procedure of these wells are on adjoining lands as you move west. I think that poses a real wild card in any guarantees.

Mayor Wysocki – But just for the record, so we are clear on it, the City has done a major study of the water resources available to the area we know is not going to be served by any kind of water utility and that study indicates that with the way we have now designed our future development and the surrounding areas in terms of their plans for development, there is adequate water resources available for the existing and the planned development.

Howard Fisher – What about the plan of insuring if there were problems with people's wells in that

area, that there is some way of compensating those people for the situation they have been placed in by a fund to pay for the redrilling of these wells seeing that the developer and the seller, I believe have some responsibility for the adjoining properties.

Mayor Wysocki – We will take your comment into consideration.

Jim Everett, 16701 W. Small Rd. - I built here in 1957. My well is 165 feet deep. It is in a vane that New Berlin tapped into. You have have dried up wells on Small Road. Our water table has dropped 15 feet. We now need iron filters, water softeners. Somehow this water is being tapped. My other concern is the traffic. Living on Small Road we are blessed with Westridge, the trucking company, and the east /west entrance exit but they found out Small Road is smoother. With the trucks going west and the traffic from the subdivision going east, Small Road is small. Something is going to happen. Anybody who lives on Small Road is not going to help their children.

Peter DeAngelo, 5925 S. Calhoun Road – These triangular lots on the cul de sac, is there going to be, in the future when they are developed, a buffer zone where they are abutting up against adjacent existing lots?

Mayor Wysocki – Technically, that is not part of what this development proposal is.

Mr. Wimmer – We have not gotten into laying any of that out. Once we do, because it is not a conservation zoning, we had not intended that there was a commonly owned preservation area through there. Those lots are designed so they are very deep and may end up doing some type of berm. There is the rear setback. But we really have not gotten into that plan as yet.

Peter DeAngelo – How far down the road will this be planned for?

Mr. Wimmer – It could be as much or as short as one or two months. The issue is that knowing now that this is a concern, we can incorporate that into our plans.

Peter DeAntelo – I noticed that somebody was doing digging out there, were those perc tests?

Mr. Wimmer – That is correct.

Peter DeAntelo- Is there any time that a request could be made.

Mayor Wysocki – Again, this is the rezoning. When the developer actually goes into the process of laying out the plan, I believe he intends to have a meeting with people in the area with the Alderman. I think that would be the time to make your requests. I also want to make it clear that this is not a public hearing on those lots.

Alfred Pezzi, 5550 S. Hi-Knoll Road – This area (indicating on map) is on the bottom of a hill. Is it the city's intention to cut that hill down or leave it as it is?

Mayor Wysocki – When the traffic impact analysis is complete, there will be features along that road that will have to be taken into account such as acceleration and deceleration lanes.

Alfred Pezzi – Do they plan on widening the road?

Mayor Wysocki – That facet of the study still has to be done.

Alfred Pezzi – What about the storm water drainage on the northwest side?

Mayor Wysocki – All the storm water that is generated by this development has to be contained within the development in the sense that it cannot cause any additional issues of storm water

problems for surrounding subdivisions or people.

Alfred Pezzi – Where are they going to drain the water, over the hill or into the wetland area?

Mayor Wysocki – That will have to meet our storm water standards so with regards to the planning for the storm water facilities, they are going to have to show how this will be engineered.

Alfred Pezzi – I am still worried about my well too. Since I have been reassured, can I put my claim into the city when it is done.

Mayor Wysocki – We have spend a considerable amount of time, effort, and funds. It is a regional issue and have good assurances and scientific data that we are fortunate in the City of New Berlin that we have this large water resource in the shallow aquifer.

Alfred Pezzi – Have they taken a sample testing to find out where the water is on say, ten or fifteen wells in that area?

Mayor Wysocki – I don't know if it was exactly is this area, but the entire west side was studied. I think the test wells were put in further to the west. I don't have the study in front of me, but it is in there.

Ron Boesel, 18130 W. Beres Road – Is the Fire and Police Department capable of handling that many more phones or do we have to put on more fire and police?

Mayor Wysocki – We do not anticipate that it would require more. That is already a service area in regards to the emergency services. Here is that third component of sustaining the balances between private rights, environments and the financial aspects of these kinds of development.

Ron Boesel – No doubt all those homes have a child or two, they all get into soccer games or whatever. Right now there is not enough room in Calhoun Road Park or on the road to park. Are they going to have an extra parking lot for these children from these homes?

Mayor Wysocki – Our Park & Recreation Master Plan does talk about all of our parks and some needed future improvements to them, not the least of which would be parking facilities. I think if you look at the Master Plan, it is the anticipation and the desire that many of these people could walk to Calhoun Park. As we move forward with all these developments, there are a number of features such as a trail system that do take in that component of need.

Ron Boesel – Would you have to hire another man to snow plow?

Mayor Wysocki – We are looking at all the impacts that take place.

Mr. Haines – I just wanted to add as far as impact for fire and police and various other city services, there are impact fees that the developer is charged when land is platted and houses are constructed.

Alfred Pezzi, 5550 S. Hi-Knoll Road – I have been here for twelve years. That is a very beautiful area in the back. Are we going to have trails in through there or is it just going to be for the residents?

Mayor Wysocki – A plan for the trails will be discussed and presented when the platting is approved. It would be for the general public.

Mary Hiebl, 20160 W. National Avenue – When was this water study done?

Mayor Wysocki – It was completed in the year 2000.

Mary Hieble – Was it done in that area or just in some general western area?

Mayor Wysocki – I don't believe there was anything specific to this exact site. The issue was to try to determine what the characteristics of the kind of aquifer that we have in regards to New Berlin. A definition of a shallow aquifer was developed. As a result of that kind of study, projections were made.

Mary Hiebl – So if one were to go to the library to read this study, this area really wouldn't be in that study anyhow.

Mayor Wysocki – The area that was studied was the entire west side of New Berlin, actually that study represents the entire city because we were looking for an alternative, if we couldn't get the Milwaukee or Oak Creek water, where we would continue to get water that we need relying on ground water.

Mary Hiebl – So when one would look at this at the library, one could look at this area and see what the water was like.

Mayor Wysocki – Yes.

Mary Hiebl – Who did this study?

Mayor Wysocki – Reukert/Mielke

Mary Hiebl – Is that an independent agency?

Mayor Wysocki – Yes.

Mary Hieble – Were they hired by the City?

Mayor Wysocki – They were hired on this project by the City.

Mary Hieble – How does the code read for a conservation subdivision. Is there some confusion on how land is set aside before the density is determined. Should land be set aside and then density. Does anyone here have exactly how the code reads for conservation subdivision.

Mr. Haines – To clarify, the question that you are asking is where the 50% comes from.

Mary Hieble – I wanted to know exactly what the code read for determining the density within a conservation subdivision.

Mr. Haines – Density for a conservation subdivision reads, the maximum number of lots in a rural conservation subdivision is determined by dividing the total gross overall acres within common ownership by five.

Mayor Wysocki – Does that meet that requirement?

Mr. Haines - The concept they have come with does meet that requirement.

Mary Hiebl – At what point are lands set aside. Is this whole parcel being rezoned? Should lands be set aside before the rezoning. Lands that are sensitive and undevelopable to begin with set aside and then determine the density?

Mr. Haines – No, the way it reads is the entire site is looked at and divide it by five. That is how you determine how many lots are allowed. As far as what lands should be set aside, the code does refer to items that should be set aside when designing the subdivision such as the floodplain. As far as the areas being rezoned, portions are rezoned R-1/R-2, portions are rezoned A-2. There is some switching around of those properties. I don't want to speak for the developer, but the reason they are going to A-2 right now is they plan on continuing the nursery operation until it is phased out at a later time which meets the A-2 definition. That is allowed for common open space. At a later time from what I understand from the developer, those A-2 areas will be rezoned.

Mary Hiebl – I am concerned about the C-2 areas which are not developable to begin with but those are considered part of the gross area that density is determined from. C-2 is not developable to begin with but yet that is considered part of the equation.

Mr. Haines – Correct. That is the way the code reads.

Mary Hiebl – Is there some disagreement right now on the interpretation of that?

Mr. Haines – I don't know of any for a conservation subdivision.

Mayor Wysocki asked three times if there were any more 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 if there was anyone wishing to speak in opposition?

Joe Russ, 16800 W. Shadow Drive – There are many reasons to reject rezoning for this development. First of all there is water. After Westridge, wells went dry right after engineers said it wasn't going to happen. On November 23 of last year there was a series of articles, one entitled water pressures divide a great lake state. I'm not even worrying about the quality of the water, I'm worrying about where it is going to come from. It will come to the point that all we are sucking up is sand. If you don't have water, you don't have a city. I would expect that from someone who is not environmentally concerned but not our Mayor. I wonder if even our city leader is fearful of our wells going dry, whether it be municipal or residential. Why is the city still allowing development like this until we have a secure solution to this problem. The Wildwood area is west of the subcontinental divide, I know this because my front yard flows to Lake Michigan and my backyard goes the other way. How will we be able to get water from Lake Michigan in future years. This development will not only be 50 homes for now, but it will put pressure on farmland in Calhoun area. West of Calhoun is supposed to be the side of New Berlin kept rural. Eventually with a couple hundred homes there all using water, what will the City do for us when our wells start going dry.

There are the storm water retention ponds which will collect herbicides, fertilizers, and pesticides which will soak down into the water table. The run off and silt from this development will get into Calhoun Creek and run into Linnie Lac which just underwent major dredging.

There is traffic. I understand the traffic study is not done yet but it amazes me how you can rezone this stuff before you know what roads need to be built down the way. I figure at least two cars per household in this development which will add about 100 cars per day to our local streets. The access to Calhoun Road across from Shadow Drive is at a bad location for visibility coming southbound from under I-43. Right now it is not bad, going in and coming out of Shadow Drive, it's not a four way intersection. Access to Small Road is also bad due to the hill and the line of trees where they propose to have the entrance to the new subdivision. I don't think those trees should be taken down just for an entrance to a subdivision. An entrance on Beres Road would be near a hill, bad visibility. These site lines are as bad if not worse than that on Beloit Road from Calhoun Creek to Calhoun Road which Waukesha County says have to be improved in the

building of Beloit and Calhoun Road intersection.

Last I want to say conservancy zoning was tested when woodland along I-43 behind my house as cut while conflicts within sections of the zoning code were being solved. Dozens of trees over 100 years old were destroyed, so much for being tree city USA. Finally I heard rumblings that the City is nuts. They don't want to say no to developers because they might be sued. The City's leadership should be defending residents and the water supply and not bowing to developers. Being sued by a few developers would be nothing compared to those by residents when their wells start going dry. When that happens, I will be one of the first in line to file a suite against both the City and the developer. Please reject this development.

Fay Amerson, representing Little Muskego Lake Protection and Rehabilitation District - Little Muskego Lake is just down stream from this development. We are not speaking against this development but we have some major concerns regarding this development. First of all, the state has issued a new model conservation design subdivision standards and I would hope that the city would take a look at that as a means to amend your code for conservation design subdivision because this development does not meet those standards. The main concern in that is the definition of net buildable area which a previous speaker asked some excellent questions about how to determine buildable area on a conservation design subdivision. In the state mode, in order to determine what your density is on a parcel of land that has environmental features is that you take out all of the floodplains, and the steep slopes, and the wetlands, and then you work from there to determine your net buildable area on the conservation subdivision. I'm trying to do the math there and I don't think this quite meets the State standards. I think the State looks at somewhere between 60%-80% open space on a conservation design subdivision. I know Randall Arndt, the father of conservation design subdivisions, looks at rural development as an 80% open space for the conservation area. When I look at this also, what is the open space that you are giving to the community on this conservation design subdivision. It is the floodplains, the wetlands which we shouldn't be using and I know the park & open space plan shows a trail through here and hopefully there will be some land remaining open space that is upland that can be dedicated to that trail so its not built in wetlands, floodplains or near Calhoun Creek.

So the concept of conservation design subdivision and it's application here kind of leaves us a little puzzled. The other thing is the storm water detention basins or ponds depicted as being used in this subdivision. I know this creek very well. I worked with the DNR when we were writing up priority watershed plans for Little Muskego Lake and Wind Lake and the creek was filled with a diversity of fish, fish that require maintenance of water in this stream, and not for it to dry out so that the pools are replenished and there are runs and ripples. Hopefully, this design will use best management practices that don't dry out the stream which these ponds will do and that still runoff is able to get to these streams without being stored and without being heated. We're very concerned on how we progress on developing the storm water management plan so we are replenishing ground water and making sure that the Calhoun Creek still has base flow in it. I'm sure that will come further in the planning of this but hopefully some infiltration to treat storm water will be used on this site as well as these ponds that I see on this drawing.

Again, we are not here to speak for or against it but we are here to hope that the open space that is dedicated in the subdivision is of high quality that is useable to the neighborhood and to the community and that the storm water management plan acknowledges and considers the diverse stream system and the downstream lakes that are the receiving waters of this subdivision.

Sandy Laurich, 5435 S. Brennan Drive - I know you gentlemen are listening to us, but I don't know if it matters what we are saying because it seems like it is already a done deal.

Vern Bentley, 3450 S. Johnson Road – I do have some concerns. I do watch the Planning Department when they do their codes and one of them that they have now passed is putting conservancy to the five acre lots. The example they used was an eight acre parcel where five acres was conservancy and three acres was buildable. That has not been passed on regular five

acres lots. Then when you go into these conservation subdivisions, it seems like they put the houses on all the buildable land and they leave all the unbuildable land which couldn't be built on anyway so you're giving the developer the benefit of the doubt all the way down the line. You do not have this in your five acre lot code. On storm water management, this place here is the greatest recharge area there ever was, the way it sits today. With impervious surface, with the roads, rooftops, you are taking that away, so when you get around to your storm water plan, it will be interesting to find out where this water will go. As for traffic, I want to clarify what Joe said awhile ago. You probably don't have a traffic study done, I've been here long enough to know that amount of homes, they will come up with around 6.7 trips per day per vehicle and all the homes will have two vehicles so you are talking roughly 550-560 trips a day so that is what will be put out on the roads out there. Those are numbers, clarify them if you want.

Sandy Halstead, 5150 S. Mars Drive - I have several concerns, a lot of which have been mentioned. The traffic is number one. We take walks along the road, which will be over when this comes in. The light I am also concerned about. Ever since that Towne Realty Corp Park came in on Moorland and Beloit, we can see the light from our back yard, it is just all lit up. It used to be dark and we could see the stars. So that is going to be over. I am not convinced about the water. The other big concern I have is when you move in a subdivision of homes, you have to consider the school tax. All these families will have children who go to school and we are barely covering the school tax now.

Mary Hieble, 20160 W. National Avenue – What I have to say perhaps should have been a question but now has become a comment. As we were going through this entire subdivision, we were looking at it in isolation. I would like to hear during this discussion how many developments and how many houses are currently in the planning staff department and somebody's desk and what will be the total number of homes being proposed on the West side, this included plus all the others.

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

Mayor Wysocki closed the public hearing at 7:30 P.M.

NEW BERLIN PLAN COMMISSION  
NEW BERLIN CITY HALL COUNCIL CHAMBERS

MAY 3, 2004

MINUTES

The Plan Commission Meeting was called to order by Mayor Wysocki at 8:43 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Gihring, Mr. Teclaw, Mr. Sisson, Mr. Felda, Mr. Barnes. Also present were Greg Kessler, Director of Community Development, David Haines, Planning Services Manager; Olofu Agbaji, Associate Planner, Nikki Jones; Associate Planner, Anthony Kim, Code Enforcement/Violations.

Motion by Mr. Sisson to approve the Plan Commission Minutes of April 5, 2004. Seconded by Alderman Ament. Motion carried unanimously.

Plan Commission Secretary's Report - Randall Arndt is tentatively scheduled for a presentation to the Plan Commission on June 23 or 24. Plan Commissioners were asked to advise Jay of their availability for either day.

CONTINUED ITEMS

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

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

Motion by Mr. Sisson to recommend to Council approval of the request for a one year extension of PUD #2211 Farrell Meadows Planned Unit Development District subject to the following 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.
- 6) The extension is granted based on the reasons given in the applicant's letter dated March 24, 2004.

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

6. (7)NJ U-10-04 Crestview Duplexes – 16860 W. Observatory – Use, site, and

architectural approval for 10 duplex condominium buildings. (Tabled 4/5/04)

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

Motion by Mr. Barnes to table the request for Use, Site & Architectural approval for construction of Crestview Duplexes, a condominium development with (10) – 2 unit buildings for a total of 20 units located at 16860 W. Observatory Road subject to the satisfaction of the following concerns identified by staff:

- 1) This project is not ready for a Chapter 13 submittal yet. The applicant has some items to clear up before Staff can approve sending it on to MMSD.
- 2) The applicant shall clearly identify the downstream system that they are draining to. Right now the applicant figures that they can tie into an existing storm sewer system in Malone Park.
- 3) Applicant has submitted site plans drawn and colored suited for public presentation.
- 4) Applicant has not submitted building elevations or renderings of the duplexes drawn and colored suitable for public presentation in either format 24" x 36" or 11" x 17". This includes all sides of the buildings, not just the portion facing the street.
- 5) Applicant has not submitted building materials or color samples as is required by the PUD for staff and the Architecture Review Committee to review.
- 6) Cross sections and RTU location are not identified on the plans.
- 7) The Landscaping Plan does not indicate the location and size of all significant trees, does not identify significant trees to be removed, and does not discuss replacement trees per Section 275-54 of the Zoning Code. The Inventory only generalizes trees on the property.

Seconded by Mr. Gihring. Motion carried unanimously.

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

Item remains on Table.

8. (7)DH S-166-04 Biltmore Estates – 19205 W. Lawnsdale – 13-Lot Preliminary Plat Subdivision. (Tabled 3/1/04, 4/5/04)

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

Motion by Mr. Felda to recommend to Council approval of the 13-lot preliminary plat for the Biltmore Estates Subdivision, subject to the plans on file and the following conditions:

- 1) Site Layout
  - a) The metes and bounds description for the wetlands shall be submitted prior Developer's Agreement.
  - b) All wetlands shall be shown on the final plat with distances and bearings tied down.
  - c) The final plat shall show label the road as "S. Providence Drive."
  - d) The final plat shall show a 30-foot wetland setback.
  - e) A note on the face of the final plat shall say, "Each individual lot owners shall have an undividable fractional ownership in Outlot 1 & 2. Waukesha County shall not be liable for any fees or special assessments in the event they become the owners of any lot or outlot in the subdivision by reason of tax delinquency."

- f) The Gasline easement shall be shown as 100' wide on the final plat.
- g) Documentation from Waukesha County permitting access to Lot 13 from Lawnsdale Dr is required prior to Developer's Agreement.
- 2) Utilities and Infrastructure
  - a) A storm water management plan meeting the requirements of the City's Stormwater Ordinance will need to be submitted prior to Developer's Agreement.
  - b) The Developer's Agreement shall include provisions for deceleration, acceleration & by-pass lanes along Lawnsdale Road per Waukesha County standards. Deceleration lane shall have at least 100-feet of storage.
  - c) The Developer's Agreement shall include provisions for one streetlight at the access point on Lawnsdale Road.
  - d) The Developer's Agreement shall include provisions for a stop sign on Providence Dr at its intersection with Lawnsdale Rd.
  - e) The roadway width shall be 24-feet for curb & gutter section or 28-feet for ditch section. The intersection corner radii at Lawnsdale Road shall be 50-feet to edge of pavement.
  - f) Waukesha County permits are required for access to Lawnsdale Road (CTH I) and all work within the County's right-of-way
  - g) Any necessary pedestrian/horse crossing warning markings for Racine and Lawnsdale Rds shall be at the responsibility of the developer.
- 3) Environmental Corridor. The Final Plat shall restrict building envelopes to be outside the Secondary Environmental Corridor.
- 4) The City shall initiate a rezoning of the C-2 zoning district boundaries to match the delineated wetland boundaries prior to approval of the Final Plat.
- 5) Payment of Public Site, Open Space and Trail fees are required prior to City signing Final Plat. (Fee will be based on rates in affect at the time of Final Plat approval, current rate would be \$2137.60 per buildable lot, \$27,788.80 total)
- 6) Receipt of letter from SEWRPC approving the environmental corridor delineation.

Seconded by Mr. Barnes.

Motion by Alderman Ament to create a cul de sac Providence Dr. north of Hillcrest Dr. thereby amending the plat.

Seconded by Mr. Teclaw.

Upon voting, the original motion for approval passes with Mr. Barnes, Mr. Teclaw, Mr. Felda, Mr. Sisson, Mr. Gihring, Mayor Wysocki voting Yes and Alderman Ament voting No.

Motion to create a cul de sac is removed by Alderman Ament. Seconded by Mr. Teclaw.

- 9. (5)OA U-42-02 Hickory Hills – 14602 W. Beloit Rd. – Use, Site, and Architectural Approval for 26 Four-Unit Condominium Complex. (Tabled 1/5/04)

Item remains on Table.

- 10. (5)OA S-164-03 Jahnke & Jahnke Subdivision – 4320 S. Moorland Rd. – Preliminary Seven-Lot Subdivision. (Tabled 10/6/03, 11/3/03, 1/5/04, 2/2/04, 3/1/04)

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

Motion by Mr. Gihring to recommend to Council denial of the 7-lot Preliminary Plat subdivision given that the preliminary plat fails to meet the preliminary plat approval criteria set forth in section 235-15D(2) of the City of New Berlin Municipal Ordinance for the following reasons:

- 1) There is no public water service to this location at this time. Section 235-26C and 275-58B(1) requires that adequate public facilities be available and used. Therefore the preliminary plat does not meet the requirements of 235-15D(2)(b).
- 2) The applicant has not submitted revised utility, sanitary sewer, water main, storm sewer and erosion control plans as requested by staff in order to adequately review the preliminary plat. Therefore the preliminary plat does not meet the requirements of 235-15D(2)(b).
- 3) Applicant has failed to pay the \$450.00 additional application fees for the increase in the number of lots on or before January 26, 2004 as required by staff.
- 4) Applicant has failed to acquire legal interest in the form of a binding contract or letter for the right and ability to extend Adell Avenue through the Bitz parcel.
- 5) Letter of No Objection by Waukesha County Park and Land Use Department has not been submitted.
- 6) State of Wisconsin Department of Administration Letter of No Objection has not been submitted.

Seconded by Mr. Sisson. Motion carried unanimously.

11. (3)DH LD-6-03 New Berlin City Center – 15155 W. National Avenue – SW ¼ Sec 14. Four lot land division. – Affidavit of Correction.

Motion by Mr. Sisson to recommend approval to Council to approve the Affidavit of Correction for CSM #9653.

Seconded by Alderman Ament. Motion carried unanimously.

#### NEW BUSINESS

12. (3)OA CU-3-04 Susan Kannegiesser – 1428 S. River Rd. – 8' x 12' Shed located in Floodplain .

Motion by Alderman Ament to approve the request for a Conditional Use Approval to relocate a shed within the floodplain at 1428 South River Road subject to the application, plans on file and the following:

- 1) A letter of approval or “no-objection” with specific conditions from the DNR is required prior to issuance of Conditional Use Permit. Must meet all FEMA & DNR criteria for approval when building within the flood fringe areas.
- 2) Apply and obtain appropriate Building Permit.
- 3) Shed shall be placed on a concrete slab, asphalt, patio block or treated lumber framed floor.
- 4) Rear of shed shall be no more than 50 feet from rear of house.
- 5) Shed shall be no closer to side lot line than 5 feet.
- 6) Shed shall be no closer to the principle building than 10 feet.
- 7) Shed shall not exceed 15 in height.

Seconded by Mr. Sisson. Motion carried unanimously.

13. (1)NJ LD-5-04 Felix T. Smith – 12600 W. Prospect Dr. – Ne ¼ Sec. 1 – Two-Lot Land Division.

Motion by Mr. Teclaw to recommend to Council approval of the request by Felix T. Smith for a two lot land division located at 12600 W. Prospect Drive subject to the application, the plans on file, and the following:

- 1) Applicant shall show the location of the existing well on the CSM to ensure it is not located on the new lot.
- 2) Approval of this land division is contingent upon MMSD Sewer Service Allocation approval. Applicant shall work with the utility engineer who will send a letter to MMSD for approval to hook up to the existing sewer lateral.
- 3) Applicant shall show the location of the existing power pole on the CSM.
- 4) A culvert will be necessary for any new driveway.
- 5) A 40' tree preservation easement at back lot line to minimize drainage effects to downstream neighbors shall be shown on the face of the CSM.
- 6) At the time of building permit the applicant shall build the house as close to the front setback as possible in order to get gravity flow to the sanitary sewer. The basement shall not be deeper than 8' poured or 11 courses block unless basement is planned to stick out of the ground and first floor is raised, as is the style of the neighboring older houses. The rear of house shall to be exposed 4' to 5'.
- 7) The address for the new parcel shall be 12524 W. Prospect Dr.
- 8) All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 9) Payment of \$2,137.60 for new lot in Public Site, Open Space and Trail fee shall be paid before the City shall sign the CSM.

Seconded by Mr. Barnes. Motion carried unanimously.

14. (4)DH 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.

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

15. (2)OA U-27-04 Flowers a la Carte – 14170 W. National Ave. – Façade Changes.

Motion by Alderman Ament to approve the request for use, site and architectural approval for exterior architectural alteration to Flowers a la Carte located at 14170 W. National Avenue subject to the application, plans on file and the following:

- 1) Plan of Operation
  - a) Letter on file.
  - b) Per Section 275-53B(1)(11) All existing nonconformities and outstanding code violations shall be identified, resolved, and remedied. Applicant shall be required to meet all the conditions of Sign Permit # SG-86-03.
- 2) Architectural Plans
  - a) Architectural Review Committee requires that the building be revised to provide a higher percentage of brick on the structure. Submittal of a revised architectural rendering that shows more brick on the exterior of the building is required. The elevation shall call out all the material for construction. This shall be approved prior to issuance of Building Permit.

- b) Prior to issuance of the Zoning Permit, approval of the revised exterior architecture and materials for construction by the Architectural Review Committee is required. Applicant shall submit material samples for review and archiving.
  - c) Architectural Review Committee DID NOT approve of the installation of the proposed fence in the front yard. Revised plans shall reflect the elimination of the fence.
- 3) Site Plan /Transportation – see attached plan.
- a) Lighting plan with fixtures and photometric required for all parking, circulation and pedestrian areas. Minimum of 0.4 fc and maximum of 0.5 fc at the property line. 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.
  - b) Developer is required to follow National Avenue Lighting Plan. Two (2) City Standard pedestrian poles and luminaires will be required at 80-foot spacing.
  - c) Developer is required to follow National Avenue Landscaping Plan. Check with in Parks, Recreation and Forestry Department for specifics.
  - d) Remove parking within the public right-of-way. All paved areas must meet the 10' minimum front yard requirement.
  - e) 13 parking stall are required for this development, only 10 are proposed and 1 is in the public right-of-way. Additional parking should be added in the rear of building. Unless Plan Commission grants a waiver, additional parking shall be reflected on revised plans.
  - f) Parking stalls shall be 19-feet in length and 9 feet in width.
  - g) Distance between garage and main building does not meet minimum aisle width requirement.
- 4) Fire Department
- a) Building must meet all applicable fire codes. Fire Extinguishers are required.
- 5) Landscaping Plan
- a) Discuss revised landscaping plan with staff. Approval of the landscaping plan and payment of all sureties are required prior to issuance of Zoning Permits. Landscaping plan must 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.
  - b) No private landscaping within the public right-of-way. This shall be reflected on revised plan.
- 6) Building Inspections
- a) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site.
  - b) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
  - c) Building plans shall be approved by the Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties. (5)(c) 3.
  - d) Restroom accessibility must meet Wisconsin Enrolled Commercial Building Code Chapter 11 requirements. The new entrance must be ADA compliant.
  - e) Building must be maintained per Chapter 201 of the City of New Berlin Municipal Code.

Seconded by Mr. Barnes. Motion carried unanimously.

16. (2)NJ U-21-04 National Regency – 13750 W. National Ave. – Expansion.

Motion by Mr. Teclaw to approve the request for use, site and architecture for a two phased (1A and 1B) construction plan for a 69-unit addition (7 Assisted Living and 62 Independent/Supportive Care), parking lot, and some interior changes to the existing National Regency building located at 13750 W. National Avenue subject to the application, plans on file, and the following conditions:

- 1) Plan of Operation for Phasing
  - a) Applicant shall provide a letter explaining how “temporary” the north end architecture will be in place (i.e. identify when Phase II is anticipated to being and commence).
  - b) Applicant shall construct, as part of Phase 1A, all site improvements as previously submitted as (U-42-04) and as identified in the Developer’s Agreement except the following:
    - i) Fieldpointe Drive access, parking lot, and northerly private drive to the underground parking ramp.
    - ii) Lighting associated with the Phase 1B pavement areas.
    - ii) Retaining wall along the storm water detention basin adjacent to the Phase 1B northerly private drive to the underground parking ramp.
    - iii) Landscaping adjacent to the phase 1B retaining wall along the storm water detention basin and monument sign.
    - iv) Roof conductor storm seer associated with the north Phase 1B building.
    - v) Foundation Landscaping associated with the north Phase 1B building.
    - vii) Monument sign at Fieldpointe Drive.
  - c) Construction of the building as previously submitted and approved to a point just north of the underground parking entry per the existing elevations with the addition of a hip roof, stone water table, brick, windows, and stucco on the phase 1A northerly elevation. Phase 1A shall include the 7 Assisted Living Residential Units, 45 Independent Living Residential Units and associated underground parking.
  - d) Applicant shall construct, as part of Phase 1B, construction of the remaining site and building improvements as previously submitted and approved not installed in Phase 1A. Phase 1B shall include the remaining 17 Independent Living Residential Units and associated underground parking and surface parking lot.
- 2) Site and Architecture Plan
  - a) Interior parking stalls are shown as 18’ x 9’. Applicant shall revise prior to Building Permit to show parking stalls 19’ x 9’.
  - b) Brick and EFIS area on elevation number 3 has a designation of EIFS (6) on the material key. Applicant shall revise plans prior to issuance of Building Permit to indicate Brick (5) where brick is shown and EFIS (6) where EIFS is used.
  - c) Windows at first floor connection show a material key (10) of fascia and soffit. Applicant shall revise plans to indicate if these are windows (19) or Patio Doors (17).
- 3) Engineering
  - a) No parking lot alteration shall be allowed to the area along National Avenue as part of this review.
  - b) As specified in the developer’s Agreement for this project, sidewalk is required along the east side of Sunny Slope Road from where it currently ends south of the clinic driveway north to Fieldpointe Drive. This shall be installed in conjunction with the first phase of the addition.

- c) Ultimate ROW along Sunny Slope Road is 50-feet on each side of the centerline. Parcel 1202992 (3130 S. Sunny Slope Road) that was recently added to the PUD, will require a dedication of an additional 17-feet from the developer to the City for ROW purposes.
  - d) Applicant shall submit a lighting plan for all on-site parking, circulation and pedestrian areas. Plan shall follow City standards (Zoning Code Section 275-60 I). Plan shall show light pole layout with illumination levels and chart with photometric summary information.
  - e) Applicant shall abide by all conditions of the Developer's Agreement.
  - f) A plat of survey stakeout for the addition, stamped by an RLS, is required to be submitted with the building permit application.
  - g) Prior to issuance of the building permit, an erosion control permit is required and silt fence shall be in place.
  - h) Applicant shall address all utility concerns identified in a separate letter.
- 4) General
- a) Buildings must meet all applicable building and fire codes. The building shall be fully sprinkled. Only one fire department connection (FDC) will be approved.
  - b) During construction there will be no parking in Fire Lanes.
  - c) Per NFPA 1 29-2.3.1 a water supply for fire protection either temporary or permanent shall be made available as soon as combustible materials arrive on site.
  - d) Per NFPA 1 29-2.3.2 where underground water mains and hydrants are to be provided, they shall be installed, completed, and in service prior to construction work.
  - e) Fire lane along one side of the building is required. Applicant has added one fire lane on the east side of the building addition.
  - f) Intelligent alarm system required.
  - g) Knox Box required.
  - h) Yard Hydrant required.
  - i) Building plans shall be stamped by a registered architect or engineer.
  - j) Building plans shall be approved by the Wisconsin Dept. of Commerce. (Comm. 61.70 Certified municipalities and counties. (5)(c)3.
  - k) Apply and obtain appropriate building, plumbing and electrical permits.
  - l) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
  - m) Per Section 275-53B(1)(11) All existing nonconformities and outstanding code violations shall be identified, resolved, and remedied.

Seconded by Mr. Sisson. Motion carried unanimously.

17. (5)OA U-25-04 Independence Place – 14775 W. National Ave. - Multi Tenant Professional Office Building.

Motion by Alderman Ament to table the request for use, site and architectural approval for the construction of Independence Place, a new multi-tenant office building to house Hintzke & Associates for the following reasons:

- 1) Plan of Operation
  - a) This approval is for Hintzke & Associates only. All future tenants shall be required to apply for and obtain a Reoccupancy Permit prior to occupying the building. See attached letter for Plans of Operation.
- 2) Architectural Plans
  - a) Architectural Review Committee requires that the building be revised to provide brick on the rear of the structure. Submittal of a revised architectural rendering that shows how the rear of the building will be treated is required. The elevation shall call out all the material for construction.

- b) Prior to issuance of the Zoning Permit, approval of the revised exterior architecture and materials for construction by the Architectural Review Committee is required.
  - c) All air-conditioning units and roof top units must be properly labeled and aesthetically incorporated into the building elevation. Ground units must be appropriately screened with landscaping from public view.
  - d) Per Section 275-61(i)(1)c All new signs and or replacement of existing signs located along arterials or major thoroughfares shall be placed on a monument base constructed of the same material and color or shall enhance the exterior architecture of the principal building. A monument sign will be required for this business. A separate application will be necessary.
- 3) Site Plan
- a) Submittal of a revised site plan that address all the Engineering concerns outlined in the staff correspondence is required prior to issuance of Zoning Permit.
  - b) Applicant shall be required to submit a revised site plan that shows the limits of disturbance prior to issuance of Building Permit.
  - c) Overland drainage flows must be a minimum of 1.5%. Please review the site. There are area's that are less than the minimum requirement.
  - d) Show off site topographic information and building locations adjacent to the site. Also show existing driveways and or street locations.
  - e) Building entrances must be ADA compliant.
  - f) Slopes shall not exceed 4:1, 25%, anywhere on the site. Review the areas between the edge of the access drive to the site, back of curb and the west lot line.
  - g) Show the dashed outline of the razed structure on both the grading and site plan.
  - h) Plat of Survey is Required. Show the Ultimate Right-of-way on the Plat of Survey.
- 4) Storm Water
- a) Must meet the requirement of MMSD Chapter 13 and the City of New Berlin Storm Water Utility as it relates to water quality. The site is under the 1/2 acre of impervious and 1 total acre of disturbance. Therefore, no Chapter 13 is required and NR 151 does not apply.
  - b) Stormwater plan shall be approved by Storm Water Engineer prior to the issuance of a Zoning Permit.
- 5) Transportation
- a) Driveway access is too close to existing driveway on the adjacent parcel. Driveway spacing for a 35 mph speed should be 155-feet. Driveway shall be moved to east side of parcel, 5-feet from the property line.
  - b) Driveway shall be constructed similar to Figure 13 in the Developer Handbook. Side path and apron sections will need to be constructed with 7" of concrete. Side path and terrace dimensions shall match existing conditions.
  - c) No lighting plan submitted. Lighting of all parking, circulation and pedestrian areas need to follow City standards (Zoning Code Section 275-60 I). Plan shall show light pole layout with illumination levels and chart with photometric summary information.
  - d) Developer is required to follow National Avenue Lighting Plan. Two (2) City Standard pedestrian poles and luminaires will be required at 80-foot spacing.
  - e) Developer is required to follow National Avenue Landscaping Plan. Check with Parks, Recreation and Forestry Department for specifics.
  - f) Pedestrian walkways adjacent to parking shall be a minimum of 8-feet wide to account for vehicle overhang from parking stalls.

- g) Traffic Impact Statement is required. The statement shall include a description of the proposed development, proposed site layout, and the number of trips generated during the average day and AM & PM peak hours. Trips shall be based on ITE's Trip Generation Manual.
- 6) Utilities
- a) Upgrade existing 1" water lateral to a minimum of 2" as required by City of New Berlin Developer's Handbook. Existing service lateral must be properly abandoned.
- b) Water Utility requires separate meter room. See requirements on attached sheet.
- c) All new sanitary laterals and water services shall conform to City Standards. Abandon all water services at the main per City Standards if they (it) will not be reused for the proposed new building.
- d) Razing permits shall be obtained prior to the demolition of two existing homes. Utility disconnects shall be made and inspected prior to the issuance of razing permits.
- e) Abandon all sanitary laterals at the main per City Standards if they (it) will not be reused for the proposed new building. If a sanitary lateral is proposed for re-use, then it shall be CCTV inspected to City Standards and pressure tested for leakage (ie. Infiltration entry potential) and repaired or replaced as deemed appropriate by Plumbing Inspector.
- f) Sewer and water capping permits shall be obtained and inspected prior to the issuance of a wrecking permit.
- g) Pay all Sanitary and Water Impact Fees associated with the meter size required for the new building as determined by the Plumbing Inspector.
- 7) Fire Department
- a) Building must meet all applicable fire codes. Building must be fully sprinklered. Sprinkler system must be monitored.
- b) Fire Department requires 5" Storz connection.
- c) Knox box required.
- 8) Landscaping Plan
- a) Revised landscaping plan that reflects the new site layout is required. Approval of the landscaping plan and payment of all sureties are required prior to issuance of Zoning Permits. Landscaping plan must 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.
- 9) Building Inspections
- a) Razing permits shall be obtained prior to the demolition of two existing homes.
- b) Electrical Permit for disconnecting service to existing home and inspection required prior to issuance of wrecking permit.
- c) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site.
- d) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
- e) Building plans shall be approved by the Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties. (5)(c) 3.
- f) Erosion Control Permit required prior to Building Permit. Erosion control measures shall be in place prior to issuance of Building Permits.
- g) Apply and obtain appropriate building, plumbing and electrical permits.

Seconded by Mr. Barnes. Motion carried unanimously.

18. (2)NJ U-24-04 Verizon Wireless – 2600 Sunny Slope Road – Erect a 100’ flagpole tower and an 11’6” x 26’0” equipment shelter.

Motion by Mr. Teclaw to table the request for use, site and architectural approval for Verizon Wireless to construct a new 102’ flagpole tower with 3 antennas contained within the pole and equipment shelter for the following reasons:

- 1) Per Section 275-41C(16)(f) Application information, the applicant did not provide the following information as required:
  - a) The site plan shall indicate the property boundaries, limits of disturbance boundary, and neighboring owners, setbacks, and parking.
  - b) The architectural plan shall indicate each elevation showing all facades including material and color samples, equipment, and fencing. The plans submitted show a “west” elevation, however, this appears to be the “east” elevation.
  - c) Applicant did not identify how equipment building expansions for co-location can be achieved as required by Section 275-41C(16)(j)(3)(a) of the Zoning Code.
  - d) Applicant did not show the location of the Wisconsin Gas Easement on plans and provide documentation that the building and future expansions could be placed adjacent to the easement.
  - e) Applicant did not submit a complete Structural Report as is required per Section 275-41C(16)(f)(7) of the Zoning Code.
- 2) Per Section 275-41C(16)(j)(1)(b) of the Zoning Code towers 100’ to 150’ in height shall accommodate at least 2 additional users. The applicant has only identified room for 1 user, Verizon Wireless. It is unclear whether the tower can be constructed to accommodate two additional users.
- 3) The applicant did not submit a landscape plan to upgrade the existing landscaping to screen and buffer the base of the tower and equipment shelter from the right-of-way of Sunny Slope Road and the neighbor to the North.
- 4) A waiver under Section 275-41C(16)(d) of the Zoning Code to increase the maximum height of a stealth tower to 102 feet is necessary. The applicant has not shown that the criteria for the waiver under Section 275-41C(16)(d) have been met.
- 5) The Hickory Grove building is within this fall zone of this tower.

Seconded by Alderman Ament. Motion carried unanimously.

19. (4)OA S-168-04 Victoria Estates – 5150 S. Sunny Slope Rd. – 10-Lot Preliminary Subdivision.

Motion by Mr. Barnes to table the request for Victorian Estates 10-lot subdivision located at 5150 S. Sunny Slope Road subject to satisfaction of the following list of issues identified by staff as a result of the preliminary plat review process:

- 1) If applicant is unable to satisfactorily resolve the issues identified by staff prior to the June 7, 2004 Plan Commission meeting, a letter of extension will be required or action will be taken at that meeting and Common Council on June 8, 2004.
- 2) Satisfaction of all the conditions outlined in the Letter of No Objection by Waukesha County Park and Land Use Department is required.
- 3) State of Wisconsin Department of Administration Letter of No Objection is required.
- 4) Storm Water
  - a) Storm water plans must meet the requirements of MMSD Chapter 13 and the City of New Berlin Storm Water Utility Ordinance in its entirety. Please contact the Storm water Engineer for details of submittal requirements.

- 5) Site Plan: Submittal of a revised site plan that addresses the following will be required. Please reference the City of New Berlin Developers Handbook on the City's web site when addressing the following Engineering comments:
- a) The Developer is being requested to propose creative alternatives to generate a continuation of the 20' Pedestrian Easement that must continue through the development from the east to the west. The present location +/- 58' North from the Southeast corner of the Platted Subdivision.
  - b) There is currently an existing 33' Reserved area all along the North line of the subdivision. Please show this reserved area on the Subdivision Plat and that the reserved area will no longer exist with the creation of the Plat map.
  - c) A down stream drainage study is being requested by the Engineering Dept. for all release points from the Subdivision to off site drainage area's for the run-off. Example would be at the Northeast corner of the project and again at the outfall for the storm sewer between lots #2 and #3.
  - d) Andrea Court cannot be used as a street name since there already exists Andrae Drive in the City of New Berlin and would cause confusion for the emergency units responding to a call.
  - e) 60'x 60' Vision triangles need to be represented on the Subdivision Plat, the grading plans, the site plans and the utility plans for lots #1 and #10 from Andrea Court to Sunny Slope Road.
  - f) Lot #1 and lot # 10 will require a 25' Radius be applied to the joining of the Right-of-Way and lot lines at the intersection of Andrea Court and Sunny Slope Road. This Radius will allow for future and current work to be done in the City of New Berlin right-of-way.
  - g) Language to be added to the "Notes:" on the grading and site plans are that the developer is responsible for grading the house pads to an approximate grade of 1.75' below the final, finish, yard grade of each lot.
  - h) Vertical curb sections are to be detailed for the subdivision not "V" bottom, mountalbe, as shown on the details now.
  - i) Follow the developer's handbook for finish grades for all side lot lines and swales.
  - j) When grading swales a minimum of 1.5% change in grade is required. Please review the grading plan and make the necessary changes to meet these criteria. When grading an overland flow area, sheet flow over a grass area 2% is the required change in grade.
  - k) Any and all storm sewer easements must be a minimum of 30.0' wide not 10.0' wide. Please make the changes to the grading plan, the site plans and utility plans.
  - l) Please label the grading plan, site plan and notation in the Developer's Agreement that there is to be no side entry garages for lots #1,2,3,8,9,and10. These restrictions are due to lot width, setbacks and location of the driveways and garages.
  - m) For lots #1 and #10 the garage locations will need to be relocated, flipped, to the East side of the structures to meet the Engineering's requirement of staying at least 100' from an intersection or as far as possible.
  - n) The existing chain link fence is now the responsibility of the developer and then each subsequent landowner there after.
  - o) Utility Plans are incomplete. Please display laterals with the lengths, distances, from the main line to the right-of-way lines, lot lines, only. Do not extend the laterals beyond the right-of-way line.
  - p) The Plan views will show the distances along the various main lines to each lateral location.
  - q) On the sanitary sewer Plan view all three utilities will be shown with the water and storm sewer utilities ghosted in. This is to insure that all three utilities are in the same trench.

- r) On the paving and storm sewer plan and profile views please show the 4" Drain tile under the curb sections. The drain tile is to extend for a minimum of 50.0' in both directions, toward the top of grade, from the dead low spots in the road and curb sections.
  - s) The dead low spot in the road where the storm sewer inlets are located, in the curb sections. The City of New Berlin will require two catch basins, side by side, on both sides of the roadway in the curb sections for the storm sewer.
  - t) The 6" sump lines that appear to be used for the lots at the end of the cul-de-sac are required to be shown on the storm sewer plans. If no sump lines are proposed then show the storm sewer extended to service those lots.
  - u) The reinforced concrete pipe, class III for the storm sewer, needs to have a minimum of 3.0' of cover over the top of pipe. Please review the plan and profile views. At this time they do not display the correct cover.
  - v) If there is only a 2%, or less, algebraic difference in the road elevations a 100' vertical curve length would be allowed. Other wise a 200' minimum vertical curve length is required. Please correct the plan and profile views to reflect these requirements.
  - w) In reviewing the road detail the required Geotextile fabric is not displayed under the stone between the sub-grade and the 8" of stone base. Please review the Developer's Handbook and correct.
  - x) Show how water Quality issues will be addressed either with catch basin units or other methods.
  - y) Show the exposed foundations with a 4.0' exp. And labeled as a lookout on both the site and grading plans. If an exposure is proposed at more than 4.0' with an 8.0' foundation wall frost protection could require an extra deep footing causing the homeowner more expense.
- 6) Transportation
- a) Sidewalk in typical Road Cross-section is incorrect. Shall be 5-inches thick and have a 2% cross-slope. Terrace area is at 4% cross-slope.
  - b) Geotextile fabric is required under base course per city standards.
  - c) 200-foot vertical curves are required at all grade changes. 100-feet is acceptable for sags where the grade break is less than 1%.
  - d) Improvements required along Sunny Slope should follow Figure 4 in the Developer Handbook. No storage lane required.
  - e) Stop sign is needed on Andrea Court at Sunny Slope Road.
- 7) Street & Utility – Please Contact Larry Wilms to discuss these comments.
- a) No re-use of existing hydrants.
  - b) Detailed descriptions of manholes and how they will connect to existing sewer main is required.
  - c) These comments apply to Sheets 2 – 5 and are based on review of Sheets 2 – 5 of 5 plan sheets for this proposed subdivision.
    - i) The Plans do NOT show any existing development information along the opposite side of the street. Existing utilities along Sunny Slope Road are inadequately presented. This information must be added in order to fully assess the suitability of entrance drive placement, connection to existing utilities, abandonment of existing utility extensions onto site, etc. (This affects issues below).
    - ii) All Utility Easements for Water, Storm Drainage and Sanitary Sewers shall be a minimum of 30-feet wide; and if along property lines, it is preferred that the easement be centered on the common property line if internal to the development.
    - iii) Note that the Curb Face shall be marked (Stamped) for actual and accurate location of the individual lot Water, Sanitary and Storm laterals for each lot.

- d) Sheet 3 of 5; Plans do not present Profile View for storm sewer south of north curb line of Proposed Andrea Court. Also, there are no behind the curb collector lines shown for sump pump connections.
  - e) Sheet 4 of 5; ADD appropriate NOTES to the Precast Manhole Detail to reflect City Standards for Sanitary Manhole Construction.
    - i) Watermain design and Plan does NOT conform with Infrastructure Design Standards and Specifications requirements.
    - ii) Sanitary sewer design and Plan does NOT conform with Infrastructure Design Standards and Specifications requirements.
    - iii) Call sanitary lateral stationing on Profile View. This will aid the proper placement of Water and Storm Laterals for each lot.
  - f) Sheet 5 of 5; ADD clear instructions to the contractor that abandonment of existing watermain onto site shall require removal of Gate Valve, etc, at the branch Tee and installation of a plug or blind flange, as applicable. Contractor shall salvage valve and hydrant to Water Utility and coordinate all Work of disconnection-abandonment with Water Utility.
    - i) Investigate in field, survey and show on plans the connection piping sizes and materials for existing watermain and sanitary to sewer on site and connection of sanitary to main in Sunny Slope Road.
    - ii) Based on the findings of the sanitary sewer connection will dictate the abandonment procedures to be defined and Added to plans for contractor.
  - g) Easements should be clearly shown on the Site Plan and for Utility drawings.
  - h) Calculate the Minimum water service size to be provided to ensure adequate water volumes and pressures will be delivered to each building. Minimum size shall be either 1.25 or 1.5" diameter. Plan shall show water services, sanitary laterals and sump pump laterals terminating at the right-of-way limits.
  - i) Pay Water Impact Fees and Pay Sanitary Sewer Impact Fees for each buildable lot created based upon Chapter 267 requirements.
  - j) Water system and Sanitary System shall be designed, constructed, completed, tested and operational with easement documents executed prior to Issuance of any Building Permit.
- 8) Building Inspection
- a) Obtain plumbing permits and inspections for the capping of sewer and water laterals prior to the application for a wrecking permit for the existing structure.
  - b) Razing permits shall be obtained prior to the demolition of the existing school structure.
  - c) Electrical Permit for disconnecting service to existing structure and inspection required prior to issuance of wrecking permit.
  - d) Apply for and obtain a wrecking permit for the existing structure.
  - e) Erosion Control Permit required prior to Building Permit. Erosion control measures shall be in place and installation properly inspected prior to commencement of any earthwork at this site or issuance of Building Permits.
- 9) General Comments
- a) A tree survey/ inventory required for all trees on site.
  - b) Developer's Agreement for all public improvements required. Separate application required. Agreement to be approved by the Board of Public Works and Common Council. Approval of all surety instruments required prior to the City signing the final Plat.
  - c) An executed Developer's Agreement is required prior to clearing, grubbing, grading and/or utility/infrastructure work commencing.
  - d) Satisfaction of the Conditional Letter of No Objection by Waukesha County Park and Land Use Department required.

- e) State of Wisconsin Department of Administration Letter of No Objection required.
- f) Length bearing and tie to all easements (public and private) required.
- g) All non-city owned utilities, to include but not limited to; cable, telecommunication, electric, gas, etc., required to be provided underground.
- h) Payment of \$2,137.60/lot in Public Site, Open Space and Trail Fees required prior to the City of New Berlin signing the Final Plat.

Seconded by Mr. Gihring. Motion carried unanimously.

20. (7)NJ U-23-04 Mike Hegan's Field of Dreams – 16701 W. Cleveland Ave. – Awning, Paint Building Exterior, Construct Pillars, Emergency Door Installed, and Trailers, Car Dolly, and Straight Truck to be Stored and Used.

Motion by Mr. Gihring to approval of the request for Use, Site and Architectural Approval for Mike Hegan's Field of Dreams located at 16701 W. Cleveland Avenue to paint the building exterior, install an awning without lettering, install after the fact a glass fire emergency door, and storage of only (1) 6' x 12' black covered trailer and (1) 6' x 10' trailer subject to the application, plans on file, and the following conditions:

- 1) Site Plan
  - a) Per Section 275-56G of the Zoning Code, dumpsters shall be properly screened from the street and public view. Dumpsters shall be kept within the designated enclosure at all times. Applicant shall submit a plan for a dumpster enclosure by June 1, 2004.
- 2) Architecture
  - a) Applicant shall prepare a plan that address each of the following comments from the Architectural Review Committee:
    - i) Install Baseball pillars to be constructed of brick base. Pylons should have the same base material as the monument sign.
    - ii) Applicant shall paint the entire building with the light brown color (Country Club) that was submitted.
    - iii) A color rendering or photo-generated graphic shall be required.
    - iv) Applicant shall apply for a separate sign permit for signage lettering on the awning.
- 3) General
  - a) Building plans for door installation and detail shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
  - b) Building plans shall be approved by the New Berlin Department of Community Development Inspection Division per Wisconsin Department of Commerce (Comm 61.70 Certified municipalities and counties. (5)(c)3.
  - c) Apply and obtain appropriate building permit for door installation. Double fees will be charged for work without a permit per building code.
  - d) Administratively close out or have inspections scheduled for open permits by June 1, 1004.

Seconded by Mr. Barnes. Motion carried unanimously

Motion by Mr. Barnes to table the request by Mike Hegan's Field of Dreams located at 16701 W. Cleveland Avenue for outside storage of (1) car dolly and (1) 35' to 45' straight truck / white semi and to construct baseball pillars subject to the application, plans on file, and the following conditions number 4-5.

- 1) Applicant shall apply for an overall coordinated sign package if the applicant wishes to have the pillars as part of their signage for this development.

- a) The two brick pylons with 5-foot baseball replicas architectural enhancements appear to be in the ultimate-right-of-way. Applicant shall provide updated plans to show pylons are located outside of the ultimate right-of-way. Applicant shall also provide a hold harmless agreement to the City because these are located over a utility easement.
- 2) Applicant has not submitted any information to demonstrate how the outside storage of (1) car dolly and (1) 35' to 45' straight truck / white semi is an accessory use to his current business.

Seconded by Alderman Ament. Motion carried unanimously.

21. (4)OA U-22-04 Steeple View, Inc. – 12455 W. Janesville Rd. – Parking Lot.

Motion by Alderman Ament to approve the request for Use Approval for overall parking lot alteration within HCLC Campus located at 12455 W. Janesville Road subject to the application, plans on file and the following:

- 1) Plan of Operation
  - a) Per Section 275-53B(1)(11) All existing nonconformities and outstanding code violations shall be identified, resolved, and remedied. Applicant shall be required to meet all the conditions of Zoning Permit # U-18-02 in its entirety.
  - b) Applicant is required to meet all the issues outlined in the letter of April 13, 2004 from the Department of Community Development prior to occupancy.
  - c) Payment of \$200.00 additional application fees is required on or before May 7, 2004 or prior to issuance of Zoning Permit. No site work can commence without the payment of the outstanding application fee and the issuance of a Zoning Permit.
- 2) Site Plan – Applicant is required to submit a revised site plan that addresses the following concerns:
  - a) This plan has eliminated the initial dumpster enclosure. Please show the new location of dumpster enclosure. Dumpster must be properly screened from the street and public view in accordance with New Berlin Municipal Code Chapter 275-56 enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.
  - b) The new Westerly parking lot was proposed once before, when the school addition was being proposed. We worked with the developer's engineer to make sure this lot all drained to the detention pond #2 through a series of catch basins and slotted drains so it did not drain out to the road or roadside ditch and bypass the pond. No proposed storm sewer is shown here.
  - c) Parking lot layout plan also shows proposed contours. When we have curb and gutter available, drainage should not be along the centerline of the drive and parking lot. Please rework the drainage.
  - d) The other parking lot (South of school) has been raised about 6' from the previous approved plan of 5/03. A second driveway access to this parking lot has been added. This is located where previously the dumpster was going to be located. It appears there is no longer a need to have the large proposed triangle of pavement South of this parking lot. Add green space here if dumpster is no longer in area.
  - e) Revised grading plan is required for the new areas as well as revised storm sewer plans. There are low spots that don't show proposed catch basins, and it appears some old proposed contours that no longer apply.
  - f) Also revise the profile on the other construction plans (sewer and water) where the surface elevation has changed significantly (the water main through the raised parking lot, for example).
- 3) Landscaping Plan

a) Discuss revised landscaping plan with staff. Approval of the landscaping plan and payment of all sureties are required prior to issuance of Zoning Permits. Landscaping plan must meet all the requirements of Article VIII Section 275-53 through 275-56 of the Municipal Ordinance in its entirety.

Seconded by Mr. Sisson. Motion carried unanimously.

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

Motion by Alderman Ament to table the request for Use, Site & Architectural Approval for construction of Retail II, Building “D”, a multi-tenant retail building located at 15180 W. Library Lane, subject to the application, plans on file, and for the following reasons:

- 1) Plan of Operation
  - a) Prior to occupancy, all site improvements in this phase, including all parking, curb and gutter, landscaping, and storm sewer shall be completed.
  - b) This application is only for the “shell” of building “D”. No tenant floor plans or plan of operations have been identified within this application.
  - c) Each tenant will be required to obtain a re-occupancy permit prior to building permits being issued. All future tenants will have to provide a Plan of Operation that shall state the number of employees in the largest shift as required by §275-24C(2)(d). Future tenants will be reviewed on a case-by-case basis for of parking and may be denied for lack of parking.
- 2) Architectural Plans
  - a) Applicant shall submit line of sight drawing from National Avenue for roof top units.
  - b) Prior to issuance of the Zoning Permit, approval of the exterior architecture and materials for construction by the Architectural Review Committee is required.
    - i) Window pattern and brick accents on lower area do not match. Applicant shall use more brick or additional landscaping on this corner.
    - ii) Its difficult to tell from plans what type of brick is used in this corner as well (white and red).
  - c) The front (along Library Lane and the parking area) windows shall not be blocked or opaque, and shall allow pedestrians to see into the store or display windows as recommended by the City Center Development Plan. Street level retail buildings are to have a minimum of 60% glazing facing the street, or its pedestrian walkway or plaza.
  - d) A final lighting plan will be required prior to the issuance of the Building Permit. Appropriate City Center banners are required on City Center lighting.
- 3) Site Plan.
  - a) The building owner/developer shall purchase and install benches along the sidepaths along National Avenue and Coffee Street at locations approved by DCD staff as required by the City Center Development Plan. Applicant shall identify locations on the site plan.
  - b) Coordinated bike stands, trash receptacles and architecturally integrated newspaper racks shall be purchased and installed by the building owner/developer and shown on the site plan as required by the City Center Development Plan. Applicant shall identify locations on the site plan.
- 4) Landscaping
  - a) Applicant, based on the final architecture for Building D, shall work with Staff to add additional plantings around the base of the building along Library Lane where brick is currently exposed. Planter may be used around the window areas.

- b) The final landscaping plan shall be submitted to DCD prior to the issuance of the Zoning Permit for final review and comment on Building B.
  - c) Applicant, per Section 275-56(C)(2) shall submit an Installation Bond and Maintenance Bond prior to issuance of the Zoning Permit for Building B.
- 5) Engineering.
- a) Architecture plans show westerly entrance on Library Lane has one more step than easterly entrance at Library Lane. However, since there is 1-1/2 floor grade it seems there should be two or three extra steps at westerly entrance.
  - b) Applicant shall identify if there is room in the vestibule for extra steps. Verify if there will be a difference in elevation between door #1 and stairs and #2 and stairs.
  - c) Applicant shall revise the contours. It appears from they are drawn incorrectly along the east side patio area.
  - d) Applicant shall connect to storm sewer along Library Lane show how downspouts will connect to storm sewer.
  - e) Elevation view looks to be showing the wrong amount of exposure per review of grading plan and rendering.
  - f) Applicant shall get utilities (water and sewer) approved and installed prior to the issuance of the Building Permit. Coffee Street and Main Street shall be completed and proper / appropriate utilities installed.
- 6) Storm water Utility
- a) Applicant shall indicate on plan sheet C-3 how building "D" is going to be serviced with water. It shows 6" line, but how is it connected to the main.
  - b) Applicant shall indicate on plan sheet C-3 the time line for construction of potential future building E. If this building will not be built within the next year, the applicant shall abandon the service at the main.
  - c) Applicant shall update plan sheet C-4 to read "Water Service Specs per City of New Berlin".
  - d) Applicant shall realize if any of the tenant spaces are to be used for any type of food service grease traps and related devices will be required at the time of re-occupancy.
  - e) Applicant shall refer to the Developer's Handbook for Sanitary Sewer and Water System construction specs and standards.
  - f) Applicant shall also refer to the conditions of approval outlined in a letter for City Center Retail B.
  - g) Multi-tenant buildings require that a Water Meter Room be provided at the Building Water Service piping entrance. The Meter Room:
    - i) Shall be large enough to accommodate work on the meters;
    - ii) Shall not be obstructed with water softeners, vacuum cleaners, garbage cans, cleaning-janitorial supply storage or work area, etc;
    - iii) Shall have adequate heating and lighting and floor drain;
    - iv) Shall have outside direct access or access via public hallway;and shall be locked with an access key provided to Water Utility Division. Counsel directly with the Water Utility at (262) 786-7211 for other requirements.
  - h) Any building that will accommodate a food service or food preparation tenant requires an Outside Grease Trap Tank and an MMSD Sampling Manhole designed and installed to the Developer's Handbook Requirements.
  - i) Applicant shall pay Water and Sewer Impact Fees based upon equivalent domestic water meter size required for each building for domestic service, including lawn sprinkling meter capacity (if and when installed), in accordance with City Code in effect at time of Permit applications.
- 7) General
- a) Per Section 275-61(l)(3) the applicant is required to work with DCD Staff and the Architecture Review Committee to develop an Overall Coordinated Sign Plan prior to any Sign Permits being issued.

- b) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
- c) Erosion control shall be permitted, installed and inspected prior to issuance of building permits.
- d) Apply and obtain appropriate building, plumbing and electrical permits.
- e) Buildings must meet all applicable building and fire codes.
  - i) Buildings to be fully sprinklered.
  - ii) FDC to be changed to 5" storz.
  - iii) Fire hydrants are required within 150' of sprinkler connection.
  - iv) Fire alarm required.
- f) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code. No outside storage shall be permitted on the lot.
- g) Fully sprinkle building. Sprinkler system to be monitored. Fire Department sprinkler connection be near an accessible location approved by the Fire Department.
- h) Konx box required.

Seconded by Mr. Sisson. Motion carried unanimously.

23. ( )DH PG-937 – Resolution vacating and discontinuing a portion of the service drive on the south side of Cleveland Avenue from 167th Street to 245 feet west of 167th in the City of New Berlin.

Motion by Mr. Sisson to recommend to Council approval of the resolution vacating and discontinuing a portion of the service drive on the south side of Cleveland Avenue from 167<sup>th</sup> Street to 245 feet west of 167<sup>th</sup> Street.

Seconded by Alderman Ament. Motion carried unanimously.

24. ( )DH PG-939 – Resolution vacating and discontinuing a portion of 166<sup>th</sup> Street in the City of New Berlin.

Motion by Alderman Ament to recommend to Council approval of the resolution vacating and discontinuing a portion of 166<sup>th</sup> Street.

Seconded by Mr. Sisson. Motion carried unanimously.

25. ( )DH PG-940 – Resolution vacating and discontinuing a portion of 168<sup>th</sup> Street in the City of New Berlin.

Motion by Alderman Ament to recommend to Council approval of the resolution vacating and discontinuing a portion of 168<sup>th</sup> Street.

Seconded by Mr. Sisson. Motion carried unanimously.

26. ( )DH PG-941 – Resolution vacating and discontinuing a portion of 170<sup>th</sup> Street in the City of New Berlin.

Motion by Alderman Ament to recommend to Council approval of the resolution vacating and discontinuing a portion of 170<sup>th</sup> Street.

Seconded by Mr. Sisson. Motion carried unanimously.

CONSENT AGENDA (One motion and second will approve all of the following items listed. Any item may be pulled from the list and handled

separately.)

Motion by Alderman Ament to approve Consent Agenda Items 27-28. Seconded by Mr. Sisson. Motion carried unanimously.

#### ZONING PERMITS

27. (7)NJ RO-10-04 Beckman Insurance Agency – 2878 S. 171 St. – Office.

The request by Beckman Insurance Agency for an office located at 2878 S. 171 Street has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) No outside storage shall be permitted. Various pieces of existing equipment on site shall be stored within the building.
- 2) Building plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per Wisconsin Dept. of Commerce (Comm. 61.70 Certified municipalities and counties. (5)(C)3.
- 3) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
- 4) Employee and customer parking must be contained on site.
- 5) Application states that there will be no construction alterations.
- 6) Apply for and obtain appropriate building, plumbing, and electrical permits when required to do so by code.
- 7) Permits are required from the Building, Inspection, and Zoning Departments for any interior and exterior alterations or modifications. Apply for and obtain appropriate building, plumbing, and electrical permits.
- 8) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
- 9) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

28. (7)NJ RO-11-04 Raven Golf – 2865 S. Moorland Rd. – Office and Warehouse of Wholesale Custom Golf Clubs and Components.

The request by Raven Golf for an office and warehouse of wholesale custom golf clubs and components has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) No outside storage shall be permitted. The Raven Golf 12' trailer shall be stored within the building as outdoor storage is prohibited in the O-2 District.
- 2) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
- 3) Employee and customer parking must be contained on site.
- 4) Application states there will be no construction alterations to this space.
- 5) Apply for and obtain appropriate building, plumbing, and electrical permits when required to do so by code.
- 6) Permits are required from the Building, Inspection, and Zoning Departments for any interior and exterior alterations or modifications. Apply for and obtain appropriate building, plumbing, and electrical permits.
- 7) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
- 8) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

CONSENT AGENDA (One motion and second will approve all of the following items

Listed. Any item may be pulled from the list and handled separately.)

Motion by Alderman Ament to approve Consent Agenda Items #29-31. Seconded by Mr. Sisson. Motion carried unanimously.

STAFF APPROVED

29. (3)NJ SG-16-04 Lincoln Service Center – 16255-16351 Lincoln Avenue – New single sided monument sign.

The request by Lincoln Service Center for a new single sided monument sign located at 16255-16351 Lincoln Avenue has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) Submittal of two sets of revised sign plans that have the exact measurement of the height of the sign. Currently the sign is ~9' tall. Applicant shall remove the white brick return so that the sign is at or below the 8' maximum height requirement. Applicant shall indicate where the monument sign address will be located.
- 2) Submittal of two sets of revised sign plans with the exact color and material is required prior to issuance of Sign Permit.
- 3) The monument sign shall be located outside of the ultimate right-of-way of Lincoln Avenue.
- 4) Monument base shall be constructed of the same material as the principle building.
- 5) The monument sign faces shall read, "LINCOLN SERVICE CENTER – 16255-16351 West Lincoln Avenue" in blue with blue trim on a white background. Sign shall be fabricated aluminum style cabinet.
- 6) The monument sign face shall not exceed 55" in width x 77" in height for a total of 29.4 square feet.
- 7) The overall height of the sign shall not exceed 8'.
- 8) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275-61 New Berlin Municipal Code.
- 9) A payment of \$13.22 is due per the following calculations:  
Sign Face: 77" x 55" = 29.4 square feet  
29.4 square feet x \$3.00/ sq. ft. = \$88.22  
Less application fee: (\$75): \$13.22

30. (7)NJ SG-17-04 United Roofers Waterproofers and Allied Workers – 16601 W. Dakota St. – Monument Sign.

The request by United Roofers Waterproofers and Allied Workers for a monument sign located at 16601 W. Dakota Street has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) The internally illuminated monument sign shall be located outside of the ultimate right-of-way of Dakota Street and 166<sup>th</sup> Street.
- 2) The address shall be moved to the base of the sign.
- 3) Monument base shall be constructed of the Limestone Block Ashler Patter base as identified on plans.

- 4) The monument sign faces shall read "United Union of Roofers, Waterproofers and Allied Workers Local 65" in burgundy on a cream background. United Union of Roofers, Waterproofers, and Allied Workers Local 65 logo to the left of the sign will also be the same color. Sign shall be fabricated aluminum. Cedar posts painted brown to match the trim of the building will frame the sign face.
  - 5) The monument sign face shall not exceed 8' in width x 2.5' in height for a total of 20 square feet.
  - 6) The overall height of the sign shall not exceed 4'.
  - 7) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275-61 New Berlin Municipal Code.
  - 8) No payment is due per the following calculations:  
Sign Face: 8' x 2.5' = 20 square feet  
20 square feet x \$3.00/ sq. ft. = \$60.00  
Less application fee: (\$75): \$00.00
31. (2)OA SG-18-04 Flowers a la Carte – 14170 W. National Ave. – Monument Sign.

The request by Flowers a la Carte for a monument sign located at 14170 W. National Avenue has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) Applicant is required to submit a site plan or plat of survey that ensures that the proposed signage is outside the existing right-of-way and the ultimate right-of-way of National Avenue prior to issuance of Sign Permit.
- 2) Submittals of detailed description of material of construction of the sign face and monument base are required prior to issuance of Sign Permit. The Architectural Review Committee must approve the material for construction for the monument base in conjunction with the exterior architectural alteration.
- 3) The internally illuminated changeable reader board shall not exceed 1'6" in height, and 6' in width. The changeable reader board shall have three lines of text.
- 4) The internally illuminated monument sign face shall not exceed 2'6" in height, and 6' in width.
- 5) The internally illuminated monument sign face shall read "Flowers a'la Carte" brown shadowed letters on a white background.
- 6) The overall internally illuminated monument sign face shall not exceed 4' in height, and 6' in width for a total of 24 square feet in area.
- 7) The monument base shall not exceed 21" in height, shall not exceed 6' in width, and shall be constructed of masonry or materials to be approved by the Architectural Review Committee. Per Article VIII Chapter 275-61(I)(c)[5] of the Municipal Code, address numerals shall be included on both sides of the monument sign base.
- 8) The monument sign shall be internally illuminated and shall be turned off outside normal business hours.
- 9) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Code.
- 10) A payment of \$69.00 is required per calculations below:  
Monument Sign Face: (6' x 4') = 24 sq.ft. x 2 sides = 48 sq.ft. x \$3.00/sq.ft. = \$144.00  
Less Application Fee (\$75.00) = \$69.00

ADDENDUM ITEM

32. (7) R-9-02 Crestview Place – 16850 and 16860 W. Observatory - Extension of PUD by 18 Months.

Motion by Mr. Barnes to recommend to Council approval of the request for a 18 month extension of PUD #2210 Crestview Place Planned Unit Development Overlay District, subject to the following original conditions:

- 1) Plan of Operation
  - a) This development shall have a maximum of 20 units (10 two- unit buildings).
- 2) Environmental Study - City will require documentation that there are no environmental concerns raised for this property prior to issuance of any Use Approvals.
- 3) Architectural Plans
  - a) Architectural Review Committee must approve exterior architecture and finalize the general architectural guidelines within the PUD document prior to final approval.
- 4) Site Plan - The following issues shall be resolved prior to Use Approval:
  - a) Submittal of a tree survey with the road and building layout that reflects the approved density and shows that setbacks are to building overhangs and not foundations is required during the Use, Site and Architectural approval process.
  - b) The Limits of Disturbance (LOD) boundary shall be shown on all revised site/ grading plans as required by §275-54A.
  - c) Erosion control plan needs to include silt fence along Observatory Road and National Avenue. A stoned staging area, an area for job shacks, construction parking shall be designated at the time of Use, Site and Architectural approval process.
- 5) Storm Water Utility
  - a) Developer will be required to meet the requirements of the City of New Berlin Storm Water Management Ordinance and MMSD Chapter 13 in its entirety at the time of Use Approval. Prior to issuance of Zoning Permit, the Storm Water Division Engineer must approve the overall storm water plan and detention pond.
  - b) Storm sewer laterals are required for duplexes to connect sump pumps.
  - c) Public drainage easement will be required to drain Observatory Road culverts and ditches.
6. Traffic
  - a) All traffic enhancements required by the Waukesha County DOT or the City of New Berlin at the time of the Use Approval shall be the responsibility of the developer.
  - b) Staff will review the commercial building for a Use Approval and each tenant in the multi-tenant building will need a separate re-occupancy permit for the Department of Community Development.
  - c) Due to proposed site layout there should be no parking on street to allow for fire vehicle movement.
- 7) Landscaping Plan - The following issues shall be resolved prior to Use Approval:
  - a) A landscaping plan prepared according to Section 275-54, 275-55, and 275-56. This will include a tree survey of existing trees on the property and a replacement plan.
  - b) The Limits of Disturbance (LOD) boundary shall be shown on the landscaping plan as required by §275-54A.
- 8) General
  - a) Preliminary building plans and all associated building materials shall be included at the time of Use, Site and Architectural approval process.
  - b) Building plans shall meet the Wisconsin Uniform Dwelling Code for 1 and 2 family residences at the time of Use, Site and Architectural approval process.
  - c) Apply and obtain appropriate building, plumbing and electrical permits at the time of Use, Site and Architectural approval process.

d) Site plan shows access to dumpster and parking for National Avenue commercial buildings across Trade Twins property. An access agreement will be necessary between the two property owners at the time of Use, Site and Architectural approval process.

e) Site entry garages on Buildings 2 and 6 may be difficult to maneuver. At the time of Use, Site and Architectural approval process the applicant will have to work through this on the site plan.

f) Buildings are close in some spots (25 to 20 feet), which should be enough for fire access, but the landscape plan shows trees impeding access through those already narrow areas.

Seconded by Mr. Sisson.

Friendly amendment to by Alderman Ament to change to a 12 month extension rather than 18 months.

Friendly amendment accepted by Mr. Barnes and Mr. Sisson.

Upon voting motion as amended carried unanimously.

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 12:22 A.M. Seconded by Alderman Ament. Motion carried unanimously.