

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

NEW BERLIN PLAN COMMISSION
NEW BERLIN CITY HALL COUNCIL CHAMBERS
NOVEMBER 19, 2003
MINUTES

The Plan Commission meeting of November 19, 2003 was called to order by Mayor Wysocki at 6:01 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Barnes, Mr. Sisson, Mr. Gihring, Mr. Teclaw. Mr. Felda was excused.

Plan Commission Secretary's Report – Mr. Haines clarified that the next Plan Commission is December 8, 2003. Packets for that meeting will be sent out a week from today.

Motion by Mr. Sisson to approve the minutes of September 10, 2003 Plan Commission.
Seconded by Mr. Gihring. Motion carried unanimously.

Motion by Mr. Sisson to approve the minutes of September 24, 2003 Plan Commission .
Seconded by Mr. Teclaw. Motion carried unanimously.

NEW BUSINESS

5. DH PG-921 Amendments to the Zoning Ordinance, Subdivision Ordinance, and By-Laws. Updates to Chapter 275(Zoning), and Chapter 235 (Subdivision of Land), and By-Laws.

**CHAPTER 275
Amendment 36C**

Withdrawn – This has been incorporated into Amendment 81.

Amendment 42

Withdrawn – This has been incorporated into Amendment 82-87.

Amendment 81, 82, 83, 84, 85, 86, 87, 88, 89, 67, 49, 50, 75

Discussion regarding wetland and conservancy lands eligible for meeting area requirements. Mr. Teclaw felt that the section of the code dealing with platting needed to be consistent with this.

Mark Blum, City Attorney said the initial conflict arose between reviewing Section 275.44 and 275.37. When we go on with this process you are also talking about amendments to that. There is clearly an inconsistency between the two. We have dickered with developments that crystalized this issue pointing out it was difficult to interpret both sections. The one thing I would clarify is the the language in 275.37 which talks about discouraging these developments, it does not say shall not, it just says discourages. Part of the problem is trying to resolve that verbage. It left it up to the discretion of the Plan Commission but by doing so it could be resolved with inconsistent results. The thing that you need to decide is the relationship between the value of lots and determination of lot sizes when dealing with a lot containing C-1 and C-2 areas. You need to decide overall what that relationship needs to be and then we can work to get the language in place that accomplishes what your intention is. I would also suggest that because these sections interrelate, it might be helpful to have staff summarize the changes they are talking about so you can see if you delete a particular section, what the implication will be as a whole by looking at the changes to the other code sections.

Mr. Haines directed attention to Amendment 85, Amendment 86, and Amendment 87 saying the staff's preference is Option A and followed with an explanation.

Alderman Ament recommended looking at the whole picture and what we are trying to accomplish rather than tackling each little section and each little paragraph item by item and then trying to figure out how it relates to all the other parts. Alderman Ament said we should be more flexible with the lot area requirements and measurements and work more on the use and development standards and how conservation is actually going to work.

Further discussion followed concerning percentage to be used in calculating a lot area, density requirement, conservation subdivisions, C-1 and C-2 areas.

Mr. Teclaw urged the Plan Commissioners to decide what we will replace it with before making a decision on eliminating what we have, giving the example of Amendment 81 dealing with platting conservancy areas within the lot. Mr. Teclaw shared some thoughts from the Master Plan.

Mayor Wysocki said Amendments 82 – 87 were an attempt to try to resolve the inconsistencies we've seen in the issues dealing with the whole idea of C-1 and C-2 and lot areas and buildable areas, etc. This is a package of amendments that we need to be assured we are staying within the direction and the guidelines presented to us in the GDMP and appropriately recognizing the third issue of developing open space, rural preservation, and environmental preservation principles. Options on how to achieve this were discussed.

City Attorney said one size fits all does not always work and apply to each particular set of facts, but in terms of enforcement, what is established will be the best situation for the city to make sure that the intention is realized.

Mayor Wysocki again described what we are striving for is a string or consistent series of standards through the codes that allow for a better opportunity to follow through with the Growth Development Management Plan and its basic guidelines in regards to developing open space, rural and environmental preservation principles.

Mayor Wysocki asked Mr. Haines to explain Amendments 81, 82, 83, 84, 85, 86, 87, 88, 89, 67, 49, 50, 75 and what they are meant to achieve. These amendments tie together in the conservation package with one change relating to another change.

Options for assistance involving outside resources were mentioned.

Motion by Mr. Sisson to table Amendment 81, 82, 83, 84, 85, 86, 87, 88, 89, 67, 49, 50, 75. Seconded by Mr. Teclaw. Motion carried unanimously.

Amendment 68

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

Discussion on creating a new Rm-2 District. Staff should work to create a new multi-family district that incorporates more residentially scaled buildings. This should be addressed after these code changes are complete.

Motion by Alderman Ament to drop Amendment 68. Seconded by Mr. Teclaw. Motion carried unanimously.

Amendment 69

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

Mr. Haines said the suggestion to have different park districts that would be designated as active, passive, or permanent open space was looked at by the Park & Rec Commission and they recommended that it be left as is with one park district.

Motion by Alderman Ament to adopt Amendment 69. Seconded by Mr. Teclaw. Motion out of order.

Upon removing item from table, original motion by Mr. Gihring and seconded by Mr. Barnes to drop Amendment 69 from the agenda is active. Upon voting motion passes with Alderman Wysocki, Mr. Gihring, Mr. Teclaw, Mr. Barnes, Mr. Sisson voting Yes and Alderman Ament voting No.

Amendment 58

Motion by Mr. Sisson to adopt Amendment 58. Seconded by Mr. Barnes. Motion carried unanimously.

Amendment 90

Motion by Mr. Sisson to drop Amendment 90. Seconded by Mr. Gihring. Motion carried unanimously.

Amendment 91

Motion by Mr. Sisson to adopt Amendment 91. Seconded by Alderman Ament. Motion carried unanimously.

Amendment 92

Motion by Alderman Ament to adopt Amendment 92. Seconded by Mr. Barnes. Motion carried unanimously.

Amendment 93

Motion by Alderman Ament to table Amendment 93. Seconded by Mr. Teclaw. Motion carried unanimously.

Amendment 94

Motion by Alderman Ament to adopt Amendment 94. Seconded by Mr. Teclaw. Motion carried unanimously.

Amendment 95

Motion by Mr. Sisson to adopt Amendment 95. Seconded by Mr. Barnes. Motion carried unanimously.

Amendment 96

Motion by Mr. Teclaw to adopt Amendment 96. Seconded by Mr. Sisson. Motion carried unanimously.

Amendment 97

Motion by Alderman Ament to adopt Amendment 97. Seconded by Mr. Sisson. Motion carried unanimously.

Amendment 98

Motion by Mr. Sisson to adopt Amendment 98. Seconded by Alderman Ament. Motion carried unanimously.

Amendment 99

Motion by Alderman Ament to adopt Amendment 99. Seconded by Mr. Sisson. Motion carried unanimously.

Amendment 100

Motion by Mr. Teclaw to adopt Amendment 100. Seconded by Alderman Ament. Motion carried unanimously.

Amendment 80

City Attorney suggested being consistent with language for accessory family dwelling unit in this Amendment.

Motion by Alderman Ament to table Amendment 80. Seconded by Mr. Teclaw. Motion carried unanimously.

CHAPTER 235

Amendment 4

Motion by Alderman Ament to adopt Amendment 4. Seconded by Mr. Sisson. Motion defeated with Mayor Wysocki, Mr. Gihring, Alderman Ament, Mr. Teclaw, Mr. Barnes, Mr. Sisson voting No.

Amendment 5

Motion by Mr. Gihring to adopt Amendment 5. Seconded by Mayor Wysocki.

Discussion on requiring sidepaths or making them an option and the use of the money for them.

Vern Bentley-3450 S. Johnson Road and Mr. Gihring related ideas from the Alternative Transportation Sub-Committee.

Mr. Gihring withdrew motion and Mayor Wysocki withdrew second to adopt Amendment 5.

Motion by Alderman Ament to drop Amendment 5. Seconded by Mr. Teclaw. Motion carried unanimously.

Amendment 6

Motion by Mr. Barnes to adopt Amendment 6. Seconded by Mr. Sisson. Motion passes with Mayor Wysocki, Mr. Gihring, Mr. Teclaw, Mr. Barnes, Mr. Sisson voting Yes and Alderman Ament voting No.

Amendment 7

Motion by Mr. Barnes to adopt Amendment 7. Seconded by Mr. Gihring.

Motion by Mayor Wysocki to amend Amendment 7 by eliminating the first two lines in paragraph (3). Seconded by Mr. Sisson. Motion passes unanimously.

Motion by Mr. Sisson to adopt Amendment 7 as amended. Seconded by Mr. Gihring. Motion carried unanimously.

Amendment 8

Motion to adopt Amendment 8. Seconded by Mr. Barnes. Motion carried unanimously.

Friendly amendment by Mr. Gihring to define Department by adding of Community Development. Seconded by Mr. Barnes. Motion with friendly amendment carried unanimously.

Amendment 9

Motion by Alderman Ament to adopt Amendment 9. Seconded by Mr. Sisson. Motion passes unanimously.

COMMUNICATIONS

6. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: Letter from Michael & Marsha Roman dated September 29, 2003.

Mr. Haines explained that the owners of an approximately 13 acre parcel on Greenfield Avenue are requesting to subdivide. Mr. Haines went over details of the request and asked the Plan Commissioners to keep this type of request in the back of their minds as they are looking at the codes and some of the effects they may have.

7. Adjourn.

Motion by Mr. Teclaw to adjourn the Plan Commission meeting at 9:45 P.M. Seconded by Mr. Sisson. Motion carried unanimously.