

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

PUBLIC HEARINGS

6:00 P.M. (4)JT CU-09-02 Spa Paw & Tail – 5055 S. Emmer Dr. – Full Service Pet Center.

NEW BERLIN PLAN COMMISSION

JUNE 1, 2009

MINUTES

The Public Hearing relative to the request by Nina Race c/o Spa Paw & Tail for a Conditional Use for a full service pet center located at 5055 S. Emmer Drive was called to order by Mayor Chiovatero at 6:05 P.M.

In attendance were Mayor Chiovatero, Mr. Sisson, Mr. Christel, Mr. Felda, Alderman Ament, Ms. Broge, and Ms. Groeschel. Also present were Nikki Jones, Planning Services Manager; Jessica Titel, Associate Planner; Amy Bennett, Associate Planner; Corliss Tischer, Code Compliance Specialist; and Mark Blum, City Attorney.

Mayor Chiovatero explained the procedure for a public hearing saying that he would ask for questions for 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 read the public hearing notice and stated there was proof of publication.

Ms. Titel gave a brief presentation describing the request and indicated the location.

Mayor Chiovatero asked three times for questions or comments for the purpose of clarification, seeing none.

Mayor Chiovatero asked if there was anyone who wished to speak in favor of the application.

Nina Race, N9184 Tamarack Road, Whitewater WI – I am the owner of Spa, Paw & Tail and I am in favor.

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

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

Mayor Chiovatero asked for comments or questions from the Plan Commissioners, seeing

none.

Mayor Chiovatero closed the public hearing at 6:12 P.M.

6:01 P.M. (2)AB RZ-09-02 Pro Health Care National Regency – 13700-13900 W. National Ave. and 13755 W. Fieldpointe Dr. – Rezone from I-1 I-1/PUD to I-1/PUD.
and

NEW BERLIN PLAN COMMISSION

JUNE 1, 2009

MINUTES

The Public Hearing relative to the request by Matthew T. Wade c/o Pro Health Care to rezone the property located at 13700-13900 W. National Avenue and 13755 W. Fieldpointe Drive from I-1 and I-1/PUD to I-1/PUD was called to order by Mayor Chiovaturo at 6:12 P.M.

In attendance were Mayor Chiovaturo, Mr. Sisson, Mr. Christel, Mr. Felda, Alderman Ament, Ms. Broge, and Ms. Groeschel. Also present were Nikki Jones, Planning Services Manager; Jessica Titel, Associate Planner; Amy Bennett, Associate Planner; Corliss Tischer, Code Compliance Specialist; and Mark Blum, City Attorney.

Mayor Chiovaturo explained the procedure for a public hearing saying that he would ask for questions for 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 read the public hearing notice and stated there was proof of publication.

Ms. Bennett gave a brief presentation describing the request and indicated the location.

Mayor Chiovaturo asked for questions or comments for the purpose of clarification.

Frank Rinaldi, 14080 Waters Edge Trail, New Berlin – What is the advantage or disadvantage? What will take place on this piece of property that couldn't take place without the rezoning?

Ms. Bennett – Currently the property is zoned I-1 Institutional. They are looking to incorporate it into their overall Planned Unit Development document. That Planned Unit Development document includes setbacks and requirements for that development on site, so if they are going to use that property, they want to follow the same rules and guidelines that the rest of the property has. This is actually a housekeeping issue for them to incorporate that property into the PUD document. They did not have ownership of this property when the PUD documents was originally created.

Mr. Rinaldi – Will that change any of the restrictions as far as the green area?

Ms. Bennett – No.

Mr. Rinaldi – It's not a case of needing that area to add a building?

Ms. Bennett – We do not have an application from them for any additional buildings or expansions at this time. This is just to incorporate this piece of property into the PUD zoning.

Mr. Rinaldi – Thank you.

Mayor Chiovero asked if there was anyone else with questions for clarification?

Matt Wade, 725 American Avenue, Waukesha – I work for ProHealth Care. I am the gentleman who made the application. I wanted to make the point that the property that we are talking about wasn't part of the original acquisition of the old New Berlin Hospital property. After the PUD was put in place, we acquired the property from the owner at that time. We are trying to come back and do some housekeeping with the PUD overlay and have the zoning be the same throughout the campus by incorporating that small acre and a half which was the white farm house years ago.

Mayor Chiovero asked three times if there was anyone else who had questions for clarification, seeing none.

Mayor Chiovero asked three times if there was anyone who wished to speak in favor of the application, seeing none.

Mayor Chiovero asked three times if there was anyone who wished to speak in opposition of the application, seeing none.

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

Alderman Ament – On the second page of the staff report, the size of development parcels indicates 31.15 acres. Does that include this parcel or is that the original PUD? What is the size of this parcel?

Ms. Bennett - It does include it. The size is .686 acres.

Alderman Ament – Would questions about No. 3 on page 5 of the staff report under Findings where it talks about the parking area come more at the next stage of this application?

City Attorney Blum – If they come back with an application for development, this issue would be addressed as part of that. All this does is make it part of the PUD. In terms of further development on the site, that would have to come back.

Alderman Ament – OK, I will save my comments and questions until then.

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

Mayor Chiovatero closed the public hearing at 6:20 P.M.

NEW BERLIN PLAN COMMISSION

JUNE 1, 2009

MINUTES

The Plan Commission Meeting was called to order by Mayor Chiovatero at 6:24 P.M.

In attendance were Mayor Chiovatero, Mr. Sisson, Mr. Christel, Mr. Felda, Alderman Ament, Ms. Broge, and Ms. Groeschel. Also present were Nikki Jones, Planning Services Manager; Jessica Titel, Associate Planner; Amy Bennett, Associate Planner; Corliss Tischer, Code Compliance Specialist; and Mark Blum, City Attorney.

Motion by Mr. Christel to approve the Plan Commission minutes from May 4, 2009. Seconded by Mr. Felda. Motion carried unanimously.

PLAN COMMISSION SECRETARY'S REPORT - Ms. Jones gave a summary of the Comprehensive Planning Sub-Committee meetings that took place since the last Plan Commission meeting in May.

There was a Sub-Committee meeting on May 13, 2009. At that meeting the Committee looked at some policy changes. The major change that occurred was in Neighborhood "G" where the City was looking at a 1:2 acre density. One of the suggested changes was to look at a 1:4 acre density with an expanded business park area. That is still under consideration. They also discussed Neighborhood "J" which is the Mill Valley area. A presentation was given and the entire report is on the www.newberlinplan.com website. The land use chapter was reviewed and approved that night as well.

There was a Sub-committee meeting on May 27, 2009. At the meeting the Committee discussed and approved Chapters 1 and 2. The Cultural and Historic Resources Plan was reviewed. We finished up looking at the future land use recommendations. Those were changes that property owners had requested.

The next Steering Sub-Committee meeting is June 24, 2009 in the Council Chambers from 4:00 – 8:00 P.M.

There is an Alternative Transportation Sub-Committee Meeting scheduled for June 3, 2009 at 1:00 P.M. in the Badger Conference Room here at City Hall. That meeting will be to discuss the recommendations and alternatives for the Alternative Transportation Plan.

All code updates should be forwarded to Ms. Jones by June 19, 2009. The Code Sub-Committee meetings are set up for July 16, 2009 and July 30, 2009 to start going through those changes. Ms. Jones anticipates having drafts for the Committee to review shortly before those meetings.

NEW BUSINESS

1. (6)JT UA-09-19 Resurrection Lutheran Church – 12400 W. Coldspring Rd. – Garage used for Storage of Materials.

Motion by Alderman Ament to approve the Use, Site & Architectural for the construction of an accessory building located at 12400 W. Cold Spring Road subject to the application, plans on file and the following conditions:

- 1) The accessory building shall be used and constructed as described in the submitted plan of operation.
- 2) Applicant has indicated that no trees will be removed with the construction of the accessory building. If any trees are removed, the applicant shall adhere to the tree replacement schedule in Table 275-54-1 of the Zoning Code.
- 3) Downspouts shall be directed to the south toward the ditch along Cold Spring Road.
- 4) Building plans shall be signed and stamped by a licensed architect or professional engineer per the Wisconsin Enrolled Commercial Building Code (Comm.61.31).
- 5) Apply and obtain appropriate building and electric permits.
- 6) The building shall be fully accessible per (Comm. 63.1101 and ICC/ANSI A117.1).
- 7) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any building permits.

Seconded by Mr. Sisson. Motion carried unanimously.

2. (7)CT UA-09-23 Al Hartlaub – 16100 W. Top O Hill Dr. – House Addition.

Motion by Alderman Ament to approve the Use, Site, and Architecture for the construction of a building addition onto a legal non-conforming single-family home located at 16100 W. Top-O-Hill Drive subject to the application, plans on file and the following conditions:

- 1) Architecture of proposed addition shall match the architecture of the existing structure and shall be reviewed by Inspection Services Division at the time of building permit.
- 2) The addition shall be constructed in the location depicted on the plans on file.
- 3) Match the existing yard grade, elevation, around the base of the addition +/- 6" (+/-819.0), and match first floor elevation with the existing building.
- 4) Maintain all existing grading & drainage patterns throughout both the rear yard & side yard areas.
- 5) Apply and obtain appropriate building, plumbing and electrical permits.

- 6) The addition shall meet all requirements of the 2009 State of Wisconsin Uniform Dwelling Code Comm. 21 through 23. This will be reviewed at time of building permit.
- 7) Applicant shall apply for an erosion control permit and install erosion control measures if deemed necessary by Inspection Services.

Seconded by Mr. Sisson. Motion carried unanimously.

COMMUNICATION

3. Communication To: Plan Commission
Communication From: Amy Bennett, Associate Planner and Jessica Titel, Associate Planner.
RE: National APA Conference, Minneapolis, MN

Ms. Bennett and Ms. Titel attended the National APA Conference in Minneapolis April, 2009. They presented an outline and summarized the activities, sessions, workshops, and exhibits that they attended at the conference.

ADJOURN

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 6:39 P.M. Seconded by Alderman Ament. Motion carried unanimously.