

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

NEW BERLIN PLAN COMMISSION

FEBRUARY 2, 2009

MINUTES

PRIVILEGE OF THE FLOOR

The Plan Commission meeting was called to order by Mayor Chiovatero at 6:01 P.M.

In attendance were Mayor Chiovatero, Mr. Sisson, Mr. Christel, Alderman Ament, Mr. Felda, and Ms. Groeschel. Also present were Jessica Titel, Associate Planner; Amy Bennett, Associate Planner; Nicole Hewitt, Storm Water Engineer; and Mark Blum, City Attorney. Ms. Broge arrived at 6:04 P.M.

Motion by Alderman Ament to approve the Plan Commission Minutes from January 5, 2009. Seconded by Mr. Sisson. Motion carried unanimously.

PLAN COMMISSION SECRETARY'S REPORT - None

NEW BUSINESS

1. ()GK PG-741(6) Zoning Ordinance Revisions – Maximum Height for Hotels and Motels. (Public Hearing 9/15/08, 1/5/09)

Motion by Alderman Ament to recommend to Common Council adoption of an ordinance that approves the revisions to Section 275-34 (D) (3) (hotel height) of the City's Zoning Code as proposed by the Common Council based on their second referral to the Plan Commission in the Common Council minutes from November 18, 2008. Council Amendments are made in red below.

Summary of Findings and suggested Common Council amendments based on the November 18, 2008 meeting:

- 1) The code section currently states: "Hotels and motels may exceed the maximum height requirement of five floors (55 feet) with each underground parking floor provided. A credit of one hotel floor may be granted, with a maximum of a two-floor credit, for each level of underground parking or for the dedication of permanent open space adjacent to surface parking or the hotel structure in the amount of two times the square footage of the floor added".

- 2) The City Attorney's suggested modification, as amended by the Common Council on November 18, 2008, reads: "Hotels and motels may exceed the maximum height requirement of ~~five floors 55 feet~~ if the eligibility for a height credit are satisfied as set forth herein. A credit of one hotel floor may be granted for each level of underground parking and / or for the dedication of permanent open space in an amount of not less than two times the square footage of the floor space added. In no event shall a credit be granted in excess of two floors ~~and not to exceed 22 feet~~. Lands which are designated as environmental corridors, isolated natural resource areas or conservancy land shall not be eligible for purposes of calculating the credits set forth herein".
- 3) The current code could be interpreted to read that for each underground floor of underground parking, an applicant could receive a two-floor above ground credit for each of those below grade levels seemingly reaching to a more generous / unlimited credit above and beyond two floors.

Seconded by Mr. Christel. Motion passes with Mayor Chiovero, Mr. Christel, Alderman Ament, Mr. Sisson, Mr. Felda, Ms. Groeschel voting Yes, and Ms. Broge voting No.

2. (4)JT U-28-06 Living Word Church – 21400 W. National Ave. – Re-approval of New Church.

Motion by Ms. Broge to re-approve the original Use, Site & Architectural Approval for construction of Living Word Church located at 21400 W. National Avenue subject to the application, plans on file, and satisfaction of the original conditions of approval:

- 1) Planning
 - a) Applicant shall submit a tree inventory that meets the requirements of Section 275-56.
 - b) City of New Berlin plantings specs, as identified in 275-56, shall be followed and identified on plan.
 - c) Bonds required per 275-56.
 - d) See Storm water comments for other BMP's as incorporated and landscaped.
 - e) See attached Plan of Operation.
 - f) Architecture Review required prior to the issuance of the Zoning Permit.
- 2) Utility
 - a) The property, which is located outside of the current MMSD Sewer Service District but within the Ultimate MMSD Sewer Service Area, shall require private on-site waste treatments sites (POWTS) that shall meet Waukesha County requirements. When sanitary sewer becomes available, the owner is required to hook into it within 1 year.
 - b) It appears, based on the correspondence accompanying the application that they have the necessary information for the private water supply well for the Church that will meet the requirements of the Wisconsin Department of Natural Resources.
- 3) General Engineering
 - a) Existing topo has been corrected near Southeast lot corner. However, applicant shall have the landscape architect revise the landscape plan, which still shows the incorrect existing contours.
 - b) Applicant shall work with Staff to verify whether the most Easterly future drive lines up with the house on the North side of National Ave. and should be moved another 20' East so headlights don't shine through house windows. It does not appear that the driveway location was changed. Applicant may need to go back to County to get this change approved.

- c) Applicant shall revise grading plan to more clearly demonstrate that the proposed swale East of daycare play area will drain to proposed detention pond, not to East lot line. It appears a berm may be needed. The existing tree line is not to be disturbed. It may be necessary to move swale further West and to put some slope in the day care play area.
 - d) The area around the church and parking lots will be filled 8'. The building plans still show only a 4' deep footing under the church, but the footings shall be lowered unless the fill is being engineered compacted. First floor of church may remain as high as 990 as long as fill is available on site. Applicant shall revise plans to reflect these changes.
 - e) Applicant shall revise grading the plan. It is difficult to see the existing spot grades and existing contours in the low, natural area downstream from the detention pond outlet. Clearly show the existing flow line elevation of the County culverts. Submit evidence of the agreement with the County to discharge to the low area. Applicant shall indicate if the applicant's engineer searched for any buried pipes or drains from the 2 low trapped areas.
 - f) A plat of survey will be required with the building permit application, stamped by registered land surveyor, showing ties to building and existing elevations at the building corners.
- 4) Storm Water
- a) The Storm Water Management Plan is not approved as a part of the PC approval. The Developer shall work with Staff to add bio-retention swales and filter strips. No construction shall start until NB Staff, MMSD, Dept of Commerce, and the County issues the appropriate approvals.
- 5) Traffic Engineering
- a) A letter from Waukesha County approving the plan of proposed improvements within the County ROW shall be on file with the City of New Berlin prior to any building permits being issued by the City.
 - b) Deceleration lane with 100-feet of storage is required at the church driveway.
 - c) Lighting plan does not follow city standards. See Zoning Code Section 275-60 I. The development light levels can be higher than the requirements for average foot-candles, but must be equal to or lower than the average-to-minimum and maximum-to-minimum ratios in the zoning code. Areas of concern are where the driveway intersects National Ave (stop calculations at the ROW line), the area by the future sanctuary, and by the covered entry canopies. The last three areas are included in the calculation points for lighting levels, but are labeled as "green space" on other plan sheets, but are they actually concrete walkways? (ie sidewalks can count towards open space requirements, but still need to meet the proper lighting level).
 - d) Are pedestrian walkways to be provided between the church & the parking lot? (See previous comment.)
- 6) Building Inspection
- a) Building plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code.
 - b) Building plans shall be approved by the State of Wisconsin Dept. of Commerce Safety and Buildings Division per Wisconsin Enrolled Commercial Building Code.
 - c) Apply and obtain appropriate building, plumbing and electrical permits.
 - d) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any building permit.

- e) Sanitary permit shall be obtained from the Waukesha County Department of Environmental Services prior to building permit application. Holding tank agreement will need to be obtained if on-site sewerage disposal is not allowed by County. This will depend on soil conditions and the size of the facility.
- 7) Fire
- a) Fully sprinkle
 - b) Monitor fire flow.
 - c) Install Knox box (key box).
 - d) Install fire alarm per IBC.
 - e) Protect fire pump and water holding tanks per Wisconsin Enrolled Building Code.

Seconded by Mr. Christel. Motion carried unanimously.

3. ()JT PG-741(7) Zoning Ordinance Revision – Brew Pubs.

Motion by Alderman Ament to forward a request to the Common Council to set a Public Hearing date for the March 2, 2009 Plan Commission Meeting regarding the adoption of the amendments to Table 275-34-1 (Commercial Districts), Table 275-35-1 (Office and Industrial Districts), 275-70 (Definitions), and Section 275-41C (12)(c) (Use Specific Regulations) of the City's Zoning Code to accommodate a new use for a "brewpub" into the Zoning Code. The following amendments are proposed:

- 1) The Zoning Code sections above do not currently address "brewpubs" per the definitions outlined within the Wisconsin State Statutes Chapter 125.
 - a) Staff suggests adding "brewpubs" as a Conditional Use to Table 275-34-1 (in the B-1, B-2, B-3 and B-5 Zoning Districts) and Table 275-35-1 (in the O-1, O-2, M-1, and M-2 Zoning Districts).
 - b) Staff suggests adding the following language to a new Zoning Code Section 275-41C(12)(c) Brewpubs:
 - i) Brewpubs in the City shall follow the definition set within Section 275-70.
 - ii) Brewpubs shall be required to meet all applicable local Codes and licensing requirements, State Statutes - Chapter 125, and Federal laws and licensing governing this type of use.
 - iii) Applicant shall apply for and receive all appropriate liquor licenses' to operate this type of business.
 - iv) A brewpub (restaurant) in the City may only brew beers as part of their business for consumption on the premises. No wholesaling of the beer.
 - v) Applicant shall adhere to the performance requirements outlined in Section 275-60.
- 2) Staff would suggest adding the following definitions to Section 275-70 Zoning Code to assist in the regulation, review and monitoring of these types of activities.
 - a) Brewer – Any person who manufactures fermented malt beverages for sale or transportation, except that "brewer" does not include a permittee under S. 125.295.
 - b) Brewpub – The manufacture of fermented malt beverages on the brewpub premises, that would include a restaurant and or bar and if the entire manufacturing process occurs on the premises and does not exceed more than 10,000 barrels of fermented malt beverages which are manufactured in a calendar year by the permittee's brewpub group. (WI. State Statutes Section 125.295(1)(a))

Seconded by Mr. Sisson. Motion carried unanimously.

4. ()GK PG-516 –Comprehensive Plan Update

No Discussion.

5. ()GK/NJ PG-741(8) 2009 Zoning Code Revisions – Requested Action Statement.

Motion by Mr. Christel to approve the Requested Action Statement to the Plan Commission dated January 20, 2009 regarding the preparation of Zoning Code (Chapter 275) and Development Code (Chapter 235) update process as well as approval of the request to use the Code Sub-Committee of the Plan Commission to assist with this work.

Seconded by Mr. Felda. Motion carried unanimously.

Motion by Mr. Sisson to adjourn the Plan Commission Meeting at 6:35 P.M. Seconded by Ms. Groeschel. Motion carried unanimously.