

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

PUBLIC HEARINGS

6:01 P.M. (3)AB R-14-08 Poplar Creek Church – 17770 W. Cleveland Ave. – Rezone
From I-1, C-1, and C-2 to I-1, C-1, and C-2 to Delineate the Wetlands.

NEW BERLIN PLAN COMMISSION

DECEMBER 1, 2008

MINUTES

The public hearing relative to the request by Pastor Dave Gall c/o Poplar Creek Church for a rezoning at 17770 W. Cleveland Avenue from I-1, C-1, and C-2 to I-1, C-1, and C-2 to Delineate the Wetlands was called to order by Mayor Chiovero at 6:07 P.M.

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Christel, Alderman Ament, Mr. Felda, Ms. Broge, and Ms. Groeschel. Also present were Greg Kessler, Director of Community Development; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; and Mark Blum, City Attorney.

Mayor Chiovero 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. Bennett read the public hearing notice and stated there was proof of publication.

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

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

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

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

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

Alderman Ament – Will the storm water be addressed, especially with the additional parking?

Ms. Bennett – Yes, that will be talked about with the Use, Site, and Architecture later on the agenda. They have submitted a plan and it has been reviewed.

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

Mayor Chiovero closed the public hearing at 6:10 P.M.

6:02 P.M. (3)AB R-15-08 Jerry Geipel – 19000 W. Lincoln Ave. – Rezone from C-1 and C-2 to C-1 and C-2 to Field Delineate the Wetlands.

NEW BERLIN PLAN COMMISSION

DECEMBER 1, 2008

MINUTES

The public hearing relative to the request by Michael Losik c/o Losik Engineering Design Group for a rezoning at 19000 W. Lincoln Avenue from C-1 and C-2 to C-1 and C-2 to Field Delineate the Wetlands was called to order by Mayor Chiovatero at 6:11 P.M.

In attendance were Mayor Chiovatero, Mr. Sisson, Mr. Christel, Alderman Ament, Mr. Felda, Ms. Broge, and Ms. Groeschel. Also present were Greg Kessler, Director of Community Development; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; 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. Bennett read the public hearing notice and stated there was proof of publication.

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

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

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

Mayor Chiovatero asked three times if there was anyone 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.

Alderman Ament – On Page 5 of the Staff Report, #4 under Previous Action it says the Geipel site is not rezoned and remains zoned as M-1 & M-2 with a C-1 overlay, yet under Findings it says it is currently zoned as C-1. Should I understand that it is M-1 & M-2 with a C-1 overlay?

Ms. Bennett – All of the parcels are C-1 with some C-2. I will have to do some checking on the M-1 & M-2, but our current zoning maps do not show any M-1 & M-2 on the property.

Alderman Ament – It does show it on the Future Land Use Map.

Ms. Bennett – Correct, it shows Business Park Industrial. The Reclamation Plan is from five years ago, so some of this information carried over. I will double check this, but the current zoning is C-1 and C-2.

Alderman Ament – Looking at the colored map on Page 8 and the Map from Losik Engineering on Page 16 of the Staff Report Packet, it shows four small wetland spots in the center on the top on Page 16 which are not shown on the map on Page.

Ms. Bennett – Correct, and they are not included in the legal descriptions for this wetland delineation. The concurrence letter from the DNR has an explanation as to why that is the case. On Page 18 of the Staff Report in the second paragraph this is explained.

Alderman Ament – They won't be included as wetlands, but they will still be in the C-1?

Ms. Bennett – Correct.

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

Mayor Chiovatero closed the public hearing at 6:17 P.M.

6:03 P.M. (4)JT R-13-08 Small Road Office Building – 15200 and 15230 W. Small Rd. –
Rezone from R-4 to O-2.

NEW BERLIN PLAN COMMISSION

DECEMBER 1, 2008

MINUTES

The public hearing relative to the request by Dave Merrick c/o Irgens Development Partnership LLC for a rezoning at 15200 and 15230 W. Small Road from R-4 to O-2 was called to order by Mayor Chiovaturo at 6:17 P.M.

In attendance were Mayor Chiovaturo, Mr. Sisson, Mr. Christel, Alderman Ament, Mr. Felda, Ms. Broge, and Ms. Groeschel. Also present were Greg Kessler, Director of Community Development; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; 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. Titel read the public hearing notice and stated there was proof of publication.

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

Dave Merrick from Irgens Development Partnership, Brett West from Kahler Slater, and Chris Raykowski from Sigma Group, the representatives for the project further explained the proposed project.

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

Joe Russ, 16800 W. Shadow Drive – Will the cul-de-sac be moved further up Small Road?

Ms. Titel – This is a temporary cul-de-sac. (Ms. Titel indicated the cul-de-sac on the map shown on the overhead screen) The cul-de-sac that they will be building will be permanent. It will be asphalt and wide enough for busses and fire trucks to turn around in. The permanent cul-de-sac will be located further to the northeast.

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

Mayor Chiovaturo asked if there was anyone wishing to speak in favor of this application?

Craig Miller, 15230 W. Small Road – I am one of the current owners. I am in favor of this. I was directed unofficially to take this route several years ago when I came and asked questions about subdividing my property. I was told I would have a better chance of trying to sell the property commercially.

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

Mayor Chiovaturo asked if there was anyone wishing to speak in opposition of this application?

Joe Russ, 16800 W. Shadow Drive – I am opposed to this because I don't like the permanent closure of Small Road. To me, that should be open. At one time it was County Highway HI.

Ever since Westridge was developed, those of us who live in the area have had to take other routes. If we want to get to Beloit Road, we have to use the dangerous roundabouts instead of taking Small Road all the way down. I sympathize with the people on Small Road, but if they wanted to live on a dead end street, they should have moved to one. I am also opposed to this because I think we are trying to stretch out the industrial area a bit too far. At what point do we stop creeping? This is more creep. It is a shame that the gentlemen before was unofficially advised to sell commercial. It could have been residential. How many empty office or industrial buildings do we need? With the economy the way it is, we'll probably be seeing a lot more. I just heard Tumbleweeds closed. I think we need to look at how much we can sustain in that area. I am against this rezoning for both the permanent closing of Small Road and too many office buildings.

Mayor Chiovero asked three times for further comments in opposition, seeing none.

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

Alderman Ament – The map in the Staff Report shows an odd shaped section in the middle of what I would call the wooded area or behind to the north of the proposed building. What exactly is that?

Ms. Titel – That will be one of their detention ponds.

Alderman Ament – When I look at this parcel on the Future Land Use Map it calls for Business Park, is that correct?

Ms. Titel- Yes, these two parcels are on that map as Business Park Industrial.

Alderman Ament – Thank You.

Ms. Broge - Who proposed the cul-de-sac?

Ms. Titel – It is an on-going issue. In working with the Developer, we felt this would be a good time to get Small Road closed more permanently for the residents. We are working with the Alderman of the district and the residents along Small Road and they seem to be interested in keeping that road closed.

Mr. Kessler – Alderman Harenda, the Alderman of the district has been facilitating a series of meetings with staff and the residents in the area to talk about the land use recommendations in this area as well as the permanent closure of the cul-de-sac. I can assure the Plan Commission that the cul-de-sac option design went through many hours of discussion, design, and redesign, and we came up with what we feel is the best option for the City at this point in time.

Ms. Broge – Is the long term direction for Small Road to keep it closed even without this proposal?

Mr. Kessler – I don't know what the Council would do absent this proposal, but I can tell you that with this proposal coming in and the discussions with the residents and with the Alderman of the district, it would be my position that Small Road would be permanently closed as a result of this moving forward.

Ms. Broge – Even without this?

Mr. Kessler – That I don't know. It was a little over a year ago the Council approved a request by Alderman Harenda to close Small Road for a one year period, at least while the I-43 and Moorland Road interchange reconstruction was taking place. At this point, I don't know if they would re-open it.

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

Mayor Chiovatero closed the public hearing at 6:30 P.M.

NEW BERLIN PLAN COMMISSION

DECEMBER 1, 2008

MINUTES

PRIVILEGE OF THE FLOOR

The Plan Commission Meeting was called to order by Mayor Chiovero at 6:32 P.M.

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Christel, Alderman Ament, Mr. Felda, Ms. Broge, and Ms. Groeschel. Also present were Greg Kessler, Director of Community Development; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; and Mark Blum, City Attorney.

Motion by Mr. Sisson to approve the Plan Commission minutes from November 10, 2008. Seconded by Ms. Broge. Motion carried unanimously.

PLAN COMMISSION SECRETARY'S REPORT - Mr. Kessler informed the Plan Commissioners of the upcoming Neighborhood C Meeting at the New Berlin Public Library at 6:00 P.M.

CONTINUED BUSINESS

1. (3)JT LD-9-08 Johnson Road Land Division (Jeff Mass/Scott Funk) – 2400 S. Johnson Rd. – Nw ¼ Sec. 8 – Three-Lot Land Division. (Tabled 11/10/08)

Motion by Mr. Sisson to remove this item from the Table. Seconded by Mr. Felda. Motion carried unanimously.

Motion by Mr. Sisson to recommend to Common Council approval of the 3-lot Certified Survey Map (CSM) for the property located at 2400 S. Johnson Road subject to the application, plans on file and the following conditions:

- 1) Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing.
- 2) A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 3) Common Council approval of the rezoning request (File #R-12-08) is required prior to the City signing the CSM.
- 4) The structure on Lot #2 shall be removed within one year of the City signing the CSM.
- 5) Applicant and/or new property owners shall apply for and obtain appropriate building, plumbing and electrical permits prior to any construction on any parcel.
- 6) Applicant shall coordinate with Waukesha County and WDNR for septic and well permits.
- 7) Applicant shall dedicate 50-feet to the east of the center line along Johnson Road for public road and drainage purposes.
- 8) Applicant shall coordinate with City Staff to execute a Conservation Easement that will encompass the Primary Environmental Corridor (PEC) and the wetland area within the PEC. The Conservation Easement shall also encompass the 75-foot Butler's Gartersnake buffer area adjacent to the wetland. This will further strengthen the development requirement guidelines outlined in Section 275-37.B(3). No buildings will be allowed in the conservation easement area.
 - a) The applicant shall provide Staff with the legal description of the Conservation Easement area for review.

- b) The applicant shall be responsible for recording the Conservation Easement document and adding the Conservation Easement document number from Waukesha County as a note on the face of the CSM. The surveyor will need to add this note to the CSM and leave a blank for the applicant to fill in the document number.
 - c) Staff has requested that SEWRPC conduct a field verification to determine if an area of trees on the property qualifies as an Isolated Natural Resource Area (INRA). The applicant shall be required to survey the area flagged by SEWRPC and provide a calculation of the area within the flags. If SEWRPC identifies an INRA on this property, the conservation easement shall also include that area. The conservation easement shall allow a maximum disturbance of 25,000 square feet within the easement area.
- 9) All easements shall be shown on the face of the CSM.
 - 10) Applicant shall add the following note to the face of the CSM: "Prior to issuance of a driveway or culvert permit, property owner shall provide a ditch survey of the contours and elevations along the existing ditch line and work with City Staff to determine the driveway location."

Seconded by Mr. Felda. Motion carried unanimously.

NEW BUSINESS

- 2. ()GK PG-976 Proposed Creation of a New Berlin Urban Service Boundary. (Citywide) (Public Hearing 11/10/08)
 - 1) Amendment # 1: Motion by Mr. Sisson to recommend to the Common Council the extension of the NBUSAB boundary to include the Ultimate Planning Area for the property located at approximately 19000 W. Lincoln Avenue (Geipel Sod Farm / Tax Key: 1167-997, 1167-993, 1167-992, and 1167-990);

Seconded by Mr. Christel. Motion carried unanimously.
 - 2) Amendment # 2: Motion by Mr. Sisson to recommend to the Common Council the inclusion of the property located at 18695 W. Cleveland Avenue into the NBUSAB (New Berlin West High & Middle School / Tax Key: 1187-988) – Note: See File #: PG-946, this property is currently going through a Current Sewer Service boundary amendment. Plan Commission and Common Council action pending.

Seconded by Ms. Groeschel. Motion passes with Mayor Chiovatero, Mr. Christel, Mr. Sisson, Mr. Felda, Ms. Broge, Ms. Groeschel voting Yes, and Alderman Ament voting No.
 - 3) Amendment # 3: Motion by Mr. Christel to recommend to the Common Council the inclusion of the property located at the Southeast corner of Calhoun and Coffee Road into the NBUSAB ("Posner Property" / Tax Key: 1211-999-001);

Seconded by Ms. Broge. Motion passes with Mayor Chiovatero, Mr. Christel, Mr. Sisson, Mr. Felda, Ms. Broge, Ms. Groeschel voting Yes, and Alderman Ament voting No.
 - 4) Amendment # 4: Motion by Mr. Christel to recommend to the Common Council the inclusion of the property located at 5570 S. Calhoun Road into the NBUSAB (George N. Boyd Revocable Trust / Tax Key: 1286-999);

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

- 5) Amendment #5: Motion by Mr. Sisson to recommend to the Common Council the addition of the two properties located at 16370 and 16380 W. Small Road into the NBUSAB (Paula Johnson Tax Key: 1285-994002 and 1285-994003);

Seconded by Mr. Christel. Motion carried unanimously.

- 6) Amendment # 6: Motion by Mr. Sisson to recommend to the Common Council the denial of the request received via a letter dated November 11, 2008 from Mr. Tony Antonopoulos representing the Sts. Constantine & Helen Greek Orthodox Church to be included within the NBUSAB for the following reasons: 1) their property located at 17955 W. Cleveland Avenue is located outside of the adopted 2020 MMSD Ultimate Planning Area; 2) this request was not presented by staff as part of the public hearing, and 3) this would be considered an "un-planned" sanitary sewer expansion (see attached letter);

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

- 7) Amendment # 7: Motion by Mr. Sisson to recommend to the Common Council the denial of the verbal request received during the Plan Commission public hearing held on November 10, 2008 from Attorney John Schober representing the Polmax, LLC property (approximate area along National Avenue west of Calhoun Road) having a Tax Key: 1236-998-003 to be included within the NBUSAB for the reasons outlined in the letter from Gregory Kessler dated November 30, 2004 (see attached letter). To date this property owner has not provided any studies to substantiate the issues outlined within that letter.

Seconded by Alderman Ament. Motion carried unanimously.

- 8) Amendment #8: Motion by Mr. Sisson to recommend to the Common Council adoption of a resolution that approves the amendment of the NBUSAB boundary line as presented tonight with the properties identified in amendments one through five only outlined above.

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

3. (3)JT R-12-08 Johnson Road Rezoning – Jeff Mass – 2400 S. Johnson Rd. –Rezone from A-2 and C-2 to R-1/R-2 and C-2. (Public Hearing 11/10/08)

Motion by Mr. Christel to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 2400 S. Johnson Road from A-2 and C-2 to R-1/R-2 and C-2 to field delineate the wetlands.

Seconded by Mr. Felda. Motion carried unanimously.

4. (7)AB U-60-08 MediaFLO Co-Location – 4150 Swartz Rd. – Tower Co-Location.

Motion by Alderman Ament to approve the request to Co-Locate at 368' on an Existing 480' wireless telecommunication facility with related ground equipment, within the R-1/R-2 Zoning District, including the Waiver Request, located at 4150 S. Swartz Road subject to the application, plans on file and the following conditions:

Waiver Request: Applicant has requested a waiver from Section 27 5-41C(16)(j)[4] that requires that parking areas, buildings and equipment shall be landscaped in accordance with Section 275-56. See attached applicant letter.

- 1) Construction plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Commercial Building Code. (Comm. 61.31 Plans)
- 2) Apply and obtain appropriate building, plumbing and electrical permits.
- 3) Design shall comply with Comm. Section 62.3108 Radio and Television Towers, of the Wisconsin Commercial Building Code.
- 4) Building plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per the State of Wisconsin Dept. of Commerce Safety and Buildings Division and the Wisconsin Commercial Building Code. (Comm. 61.70 Certified municipalities and counties.)

Seconded by Mr. Christel. Motion carried unanimously.

5. (3)AB R-14-08 Poplar Creek Church – 17770 W. Cleveland Ave. – Rezone From I-1, C-1, and C-2 to I-1, C-1, and C-2 to Delineate the Wetlands.

Motion by Mr. Christel to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 17770 W. Cleveland Avenue from I-1, C-1 and C-2 to I-1, C-1 and C-2 to field delineate the wetlands.

Seconded by Mr. Sisson. Motion carried unanimously.

6. (3)AB U-65-08 Poplar Creek Church – 17770 W. Cleveland Ave. – Church and Parking Lot Addition.

Motion by Mr. Felda to approve the request for Use, Site & Architecture for a building addition and parking lot expansion, including grading up to 10' from the wetland boundary, at 17770 West Cleveland Avenue subject to the application, plans on file and the following conditions:

- 1) General:
 - a) Approval of the landscaping plan and payment of all sureties and any tree replacement fees are required prior to issuance of Zoning Permit. Landscape plans shall 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. Landscape plan shall be approved and signed by the Department of Community Development prior to installation of any materials.
 - b) Applicant shall submit approval letter from Waukesha County regarding the on-site holding tank and well prior to issuance of the Zoning Permit.
- 2) Engineering:
 - a) See technical Engineering comments in letter dated 11/20/08.
- 3) Storm Water:
 - a) See technical Engineering comments in letter dated 11/20/08.
 - b) SWMP Maintenance Agreement is required; the City of New Berlin boilerplate agreement shall be used.
 - c) Applicant shall provide detail of the proposed bridge.
 - d) Applicant shall provide calculations for the bridge to show that the flow will not be obstructed.

- e) Applicant shall provide minimum 10' safety shelf, per developer's handbook.
- 4) Transportation:
 - a) A letter from the gas pipeline (WeEnergies) approving plans of proposed improvements within the gas easement shall be on file with the City prior to issuance of the Zoning Permit.
 - b) Site Lighting
 - 1. The proposed lights are mounted on 23-ft poles. Overall height of the pole and base shall not exceed 25-ft. Therefore the base can not be more than 2-feet above grade. Applicant shall provide lighting cross section in revised plan.
 - 2. Walk way and bridge lighting incomplete. "All areas designated on approved site plans for vehicular parking, loading or circulation, and used for such purpose after sunset, shall provide artificial illumination in such area." (Zoning Code §275-60 I).
 - c) Site and Parking
 - 1. Reference ADA Accessibility Guidelines for proper installation of detectable warning fields. Curb ramp detail on page C1.1 is incorrect. See www.access-board.gov for more information.
 - 2. Curb and gutter shall be used for all parking areas except for area sheet flowing to swale. Applicant shall show on revised plans. Drive aisle width is calculated from edge of pavement (not face of curb). Parking stall depth can include curb pan dimension.
- 5) Building Inspection:
 - a) Building plans shall be signed and stamped by a licensed architect or professional engineer per the Wisconsin Enrolled Commercial Building Code (Comm.61.31).
 - b) Building plans shall be approved by the State of Wisconsin Dept. of Commerce Safety and Buildings Division (Comm. 61.70).
 - c) Apply and obtain appropriate building, electric and plumbing permits.
 - d) The building shall be fully accessible from the parking lot to the interior elements (Comm. 63.1101 and ICC/ANSI A117.1)
 - e) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of any site work or issuance of building permits.
 - f) The second floor multi-purpose room occupant load shall be identified for egress purposes.
- 6) Fire Department:
 - a) Fully sprinkle.
 - b) Applicant shall add standpipes in stairwells.
 - c) Applicant shall evaluate current sprinkler system water reserve to provide adequate sprinkler coverage.

Seconded by Mr. Christel. Motion carried unanimously.

- 7. (6)NJ U-63-08 The Preserve at Deer Creek – 14310 W. Howard Ave. – Two-Family Condo.

Motion by Mr. Sisson to approve the request for Architectural approval to construct a duplex unit on pad #16 or #17 within The Preserve at Deer Creek condominium development located at (Duplex-Building #16) 3988, 3992 Fohr Drive or (Duplex – Building #17) 14460, 14430 Nine Iron Ct. subject to the application, plans on file and the following:

- 1) Planning

- a) There shall be no deviation from the grading plans approved by Plan Commission on November 9, 2004 for Kasco South Phase PUD U-4-04. Any deviation will require an amendment of the condition of approval by the Plan Commission. This approval is granted under the condition that the applicant shall meet all the requirements of Zoning Permit # U-4-04 granted by Plan Commission on November 9, 2004 in its entirety.
 - b) Applicant shall also meet all the requirements outlined in the Developer's Agreement entered into with the City of New Berlin as it relates to acceptance of public infrastructure prior to issuance of Building Permit.
 - c) Approval of the landscaping plan and payment of all sureties is required prior to issuance of Zoning Permits. 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.
 - d) Buildings shall conform to the requirements set forth in the PUD Ordinance #2094.
 - e) Applicant shall coordinate with the DNR to update the wetland delineation and/or submit an updated DNR letter of concurrence prior to the expiration date of October 20, 2009.
- 2) Engineering
- a) Only building sixteen (#16) should have multiple steps for both units in the garage area. Buildings seventeen through twenty have the industry standard/normal one step (1) from the garage floor/slab up to the first floor elevation for each unit.
 - b) All three utilities; sanitary sewer, water and storm sewer are available and shall have all three laterals connected for each building.
 - c) Applicant shall not change the driveway locations when applying for each building permit.
 - d) Address all engineering comments in a letter dated November 25, 2008 prior to issuance of Zoning Permit.
- 3) Inspection Division
- a) Building shall meet all requirements of the State of Wisconsin Uniform Dwelling Code Comm. 21 thru 23.
 - b) Apply and obtain appropriate building, plumbing and electrical permits.
 - c) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any building permits.
- 4) Architecture Review Committee shall be allowed to approve architecture of all future duplex units for this project without having to come back before the Plan Commission for review since all other aspects of this project have been addressed.

Seconded by Ms. Broge. Motion carried unanimously.

8. (4)JT LD-10-08 Small Road – Irgens Development – 15200 – 15230 W. Small Rd. – Se ¼ Sec. 27 – One-Lot Land Division.

Motion by Mr. Sisson to table the request for a one-lot certified survey map (CSM) for the properties located at 15200-15230 W. Small Road per the applicants request.

Seconded by Mr. Felda. Motion carried unanimously.

9. (3)AB R-15-08 Jerry Geipel – 19000 W. Lincoln Ave. – Rezone from C-1 and C-2 to C-1 and C-2 to Field Delineate the Wetlands.

Motion by Alderman Ament to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 19000 W. Lincoln Avenue from C-1 and C-2 to C-1 and C-2 to field delineate the wetlands.

Seconded by Mr. Sisson. Motion carried unanimously.

10. (3)AB 20300 W. Cleveland Avenue (Approx.) – Discussion on the future use of this property.

NO ACTION – DISCUSSION ONLY

The discussion centered on rezoning this property from I-1 to R-1/R-2. Mayor Chiovatero explained that the sale of this property would be used to offset Fire Department expenses. Since there are a lot of restrictions on this property such as floodplain and a creek, Institutional Zoning would not be favored.

Alderman Ament questioned how fire protection to that portion of the City would be supplied if that parcel is sold. Alderman Ament said he would not be in favor of rezoning this property for that reason.

Mr. Felda said according to what the realtor told Mayor Chiovatero, he doubted if a fire station could be built on this property. Mr. Christel asked if anyone looked back at the records to see if there was any stipulation on the donation in 1974, and if the property owner to the east has been approached. Mr. Christel suggested considering Agricultural Zoning.

City Attorney Blum advised that the Plan Commission's discussion should remain site specific tonight, not the debate about fire coverage or the appropriateness of selling the property. The only thing the Plan Commission should be dealing with is the appropriate land use of the site.

Mayor Chiovatero said the request was made by Council asking us to recommend the appropriate zoning for this parcel. That is what is before the Plan Commission now.

Mr. Kessler said it seems we are boxed into a corner as to what the ultimate land use of this site should be and absent of wanting to have R-1/R-2, we need to see if the Fire Dept. wants to negotiate with the adjacent property owners.

REFERRAL FROM COMMON COUNCIL

11. ()GK PG-741 Zoning Ordinance Revisions – Maximum Height for Hotels and Motels. (Public Hearing 9/15/08)

Motion by Alderman Ament to recommend to Common Council to set a public hearing for January 5, 2009 for the present amended language to the New Berlin Municipal Code Chapter 275-34 (D)(3) related to Hotel Height. (See attached memo dated November 20, 2008.)

Seconded by Mr. Christel. Motion carried unanimously.

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

12. (4)NJ U-78-07 Rinderle Tire – 13300 W. College Rd. – Tire Sales, Custom Wheels, Auto Repair, and Road Side Services. (Tabled 12/3/07)

Motion by Alderman Ament to deny without prejudice the request to occupy space within an existing building to be used as a tire, custom wheel, auto repair, and roadside services shop located at 13300 W. College Avenue based on the following reasons:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.
- 2) Staff has sent a 30-day notice and the applicant did not respond.

Seconded by Mr. Sisson. Motion carried unanimously.

13. (2)AB CU-4-08 T-Mobile – 14750 W. Cleveland Ave. – 80' Wireless Telecommunications Facility and Related Equipment. (Public Hearing 4/7/08, Tabled 5/5/08)

Motion by Alderman Ament to deny without prejudice an 80-foot wireless telecommunication facility and related ground equipment at Lion's Park located at 14750 W. Cleveland Avenue based on the following reasons:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.
- 2) Staff has sent a 30-day notice and the applicant did not respond.

Seconded by Mr. Sisson. Motion carried unanimously.

COMMUNICATIONS

14. Communication To: Plan Commission
Communication From: Nikki Jones, Planning Services Manager
RE: Planning Commissioners Journal – Fall 2008

Plan Commissioners acknowledged receipt of this communication.

15. Communication To: Planning Commission
Communication From: Gregory Kessler, Director of Community Development
RE: 2009 Plan Commission Meeting Dates (PG-790)

Plan Commissioners acknowledged receipt of this communication.

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 8:15 P.M. Seconded by Ms. Broge. Motion carried unanimously.