

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

PUBLIC HEARING

6:00 P.M. (5)AB RZ-10-01 Maureen Radtke – 4506 S. Moorland Rd. – Rezone from R-3 and R-4.5 to R-3, R-4.5, and C-2 to Field Delineate the Wetlands.

**NEW BERLIN PLAN COMMISSION
MARCH 29, 2010
MINUTES**

The public hearing relative to the request by Maureen Radtke to rezone the property located at 4506 S. Moorland Road from R-3 and R-4.5 to R-3, R-4.5, and C-2 to Field Delineate the Wetlands was called to order by Mr. Christel at 6:03 P.M.

In attendance were Mr. Christel, Alderman Ament, Mr. Felda, Mr. Sisson, Ms. Broge, and Ms. Groeschel. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Jessica Titel, Associate Planner; Amy Bennett, Associate Planner; Corliss Tischer, Code Compliance Specialist; Nicole Hewitt, Storm Water Engineer; Mark Schroeder, Director Parks, Recreation & Forestry; and Mark Blum, City Attorney. Mayor Chiovaturo was excused.

Mr. Christel 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.

Mr. Christel asked three times for questions or comments for the purpose of clarification, seeing none.

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

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

Mr. Christel asked for comments or questions from the Plan Commissioners, seeing none.

Mr. Christel closed the public hearing at 6:06 P.M.

PUBLIC HEARING

6:01 P.M. ()CT PG-280 Sign Ordinance Revision – Sign Code Amendment
Regarding Residential Signs. (Deferred 1/4/10, Presentation at PC
3/1/10))

**NEW BERLIN PLAN COMMISSION
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The public hearing relative to receiving comments from all interested persons with respect to revisions to Section 275-42 G (3) (c) (Fence Maintenance), 275-61 G (Signs permitted in all zoning districts without a permit) of the City’s Zoning Code to regulate “signs” and “displays” on primary or accessory residential structures and 275-70 Definitions, for clarification was called to order by Mr. Christel at 6:06 P.M.

In attendance were Mr. Christel, Alderman Ament, Mr. Felda, Mr. Sisson, Ms. Broge, and Ms. Groeschel. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Jessica Titel, Associate Planner; Amy Bennett, Associate Planner; Corliss Tischer, Code Compliance Specialist; Nicole Hewitt, Storm Water Engineer; Mark Schroeder, Director Parks, Recreation & Forestry; and Mark Blum, City Attorney. Mayor Chiovero was excused.

Mr. Christel 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. Tischer gave a brief presentation and stated that a complete copy of the proposed amendments are on file and open for public inspection during normal business hours in the office of the City Clerk and the Department of Community Development for the City of New Berlin, whose offices are located at 3805 South Casper Drive, New Berlin, Wisconsin. The amendment is also available on the City’s web page www.newberlin.org.

Mr. Christel asked for questions or comments for the purpose of clarification.

Jack Chidester, 13905 W. Prospect Place – I have been a long time neighbor of Joel. He is a nice guy. We are mainly here to preserve the character of our neighborhood and maintain our property value. I believe that what has taken place here illustrates lack of respect on Joel’s part for the property values in our neighborhood. I agree with adding amendments to the law pertaining to signage and lawn ornaments. Many neighbors on numerous occasions have spoken to Joel to no avail. He has ignored our requests to take down his signs and get rid of his old rusty gas pumps and vintage refrigerator chests, which I might add we believe are very dangerous to small children in the area which seem to be increasing in population lately. We have exhausted our attempts to deal with

the problem on a neighborhood level. In spite of the fact that we have spoken to Joel, the issue at hand has only escalated with additional signs and gas pumps on display. We foresee our property values depreciating in the future because of this. We did not buy our homes in a residential area in New Berlin to be living across from what we view as a prehistoric gas station. Businesses in our area are restricted on the height and size of signage because it is a potential eye sore. As you can see from the photos, which I would be glad to display, it is an extreme case of personal paraphernalia. We all have hobbies and jobs, but we do not display them on our front lawn. My wife, for instance, owns a business in the hair industry and she would not consider displaying Paul Mitchell and Matrix signs on our lawn. In addition, New Berlin according to a 2009 census is ranked the 34th best city in the country to live. For this reason we have chosen to live respectfully and maintain our properties in New Berlin. We hope the City can support the neighborhood in keeping these standards. We need the City's assistance in resolving this matter to keep our property investments stable in our neighborhood, as well as our community. Thank you.

Mr. Chirstel – I would mention that the Ordinance we are looking at this evening is citywide. It is not for an individual property although your comments are well noted. Thank you.

Patricia Schittone, 1614 S. Berlin Avenue – My husband and I have lived in our home for 45 years. We have maintained our property, in fact we have updated many things on it, and we take pride in living in New Berlin. We raised our children here. Our daughter and son-in-law bought a home in New Berlin. We have never had such a problem in our neighborhood as we have now. It is very sad to see that a couple people that have hobbies of fixing cars and all this signage which is an eye sore, is destroying our neighborhood. People come to visit us and they want to know what is going on, it looks like an alley. It is embarrassing for me to have my friends come over and pass by that house, or go the other way off of Sunny Slope Road and see the other house that is so run down and neglected, and the City doesn't do anything about it. We have had drainage problems which we have dealt with ourselves. We have spent a lot of money just trying to get a ditch cleaned out. It has been four years that I requested they come and dig out a ditch next to us so the water can flow. We have put up with a lot of things, and we have been nice to people. We have always gotten along in our neighborhood. We have long time friends. I have been there 45 years. Some of my neighbors have been there 40 years, and we all get along. We do things for each other. If someone needs help, we try to help each other. To have this is really sad. Our property value is going to go down. If our taxes went way down to like \$500.00/year, I would say we could put up with it, but I don't think it is fair to all the rest of the neighbors when a couple want to have their way. We have gone up to Joel to speak very nicely last spring and expressed our concern, and he agreed he would do something about it. Right after we left someone else came to see him that also had a problem. He has gotten very indignant and is not willing to work with the neighbors. We would just like him to clean up the yard and get rid of the signs. I don't think it is fair to the rest of us. My taxes are going up, not down, and I don't think anyone of you would like to live across the street from what they have to look at. It is right at the end of our block. We redid our house, we put on new siding, we have done a lot in our yard, we have spent \$20,000.00 because of water problems. I would just like to

express how I feel. Many of our neighbors feel the same way. We don't deserve this. We have lived peacefully in that neighborhood for all these years, and now to have a couple people come in and upset everything, it is not fair to the rest of us. Thank you.

Mr. Christel – I again would make the comment that this Ordinance for the Code change would be citywide. For clarification, it is not for one individual property.

James Clapsaddle, 1629 S. Berlin Avenue – It is about, not just this particular residence, but general ones. If you look at some of those photographs, you can see that there are some very upscale homes in the neighborhood. They are all within walking distance. One of the houses on Sunny Slope Road has been in disrepair for five or six years. I don't think anything has been done. I have made requests to the alderman some time ago. There is a home directly across the street which photographs will show, I understand there are some financial problems, a Tyvek garage that has been like that for two years. I think you can tell just by looking at that signage, that you wouldn't be happy with that. I understand it is an American heritage city. I would like to see something done about it, not just an individual property, but some of the things in the general neighborhood. Some of those beautiful homes happen to be right across the street. Everyone on the particular block that Mrs. Schittone talked about have put in lawns, resided their homes, etc. and everyone is making an effort to be good neighbors. Thank you.

Michael Weiner, 13835 W. Prospect Place – When I bought my house about nine years ago, one of the things that drew me to the neighborhood was that menagerie of signs. I found that display of Americana endearing. I don't believe in any way that it detracts from the value of my home. If I did, I would ask the man to take them down because I am selling my home right now. I haven't. I don't believe it makes a difference. I personally think it looks good. That is not the issue. I don't believe he has detracted from the value from the neighborhood. That is all I would like to say. Thank you.

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

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

Mr. Christel asked if there was anyone wishing to speak in opposition of this application.

Mike Schober appearing for Joel Kassabian – This issue, as you start to recognize, is just more than with Mr. Kassabian. I think the specific situation that brings us here is one situation in a small area. The City is being asked to enact an Ordinance that would have citywide application. My experience is that when you try to do that, you run into problems that you don't foresee at the time that you consider the Ordinance and try to correct the situation in a particular neighborhood. My understanding of this Ordinance comes from the Staff Report. From what I read, informational and decorative signs are being affected. It seems to be a broad coverage because the word "display" is defined to include any show, exhibit, or sign, so it is informational signs and displays and decorative

signs and displays which seems to essentially include everything that one could erect. It is a very broad definition. I know there has been an effort to try to resolve this, and I think that both sides are fairly well entrenched. Some feel that it is a negative in their area, and others feel that the "old car" memorabilia is attractive. What you are really being asked here is to legislate aesthetics, and that is a very difficult task. I want to say I appreciate Alderman Hopkin's efforts to try to resolve this, but I think the people are pretty well entrenched and it is difficult, but I still think the resolution belongs in that neighborhood rather than in a citywide Ordinance.

The pictures that are being circulated show you some of the range of decorative items that people have. It obviously depends upon what your tastes are. You will see that some things might be objectionable to some and would be considered art to others. There are wagon wheels, an old car, the tiki god over on Cleveland Avenue, there is a giraffe, old tools and equipment, pink and other colored flamingos, a tractor, flags (including American), deer statues, a washing machine, a Harley Davidson sign, an old bicycle which are all examples of what you see that people think are attractive and some would think are unattractive. As you look at this Ordinance, I don't pretend that I foresee all of the impacts of this type of Ordinance, but it looks like to me that a seasonal decoration, whether it be Halloween, Fourth of July, St. Patrick's Day, Valentine's Day, or Easter based on the definitions I see, Santa and his reindeer cannot be more than 24 square feet, and one single decoration cannot be more than 6 square feet. For Sale and For Rent signs would be subject to these limitations. Although I think the Ordinance attacks things that are attached to signs or fences or accessory buildings, it is how things are classified. What is the difference if something is attached to the building or it is not attached to the building, at least to the objectors who complain on the basis of aesthetics? It is the same. I think there are a lot of political signs out there that are greater than 6 square feet. A rummage sign or a welcome back sign for someone coming back from service or even American flags seem to be covered by the definition. My American flag exceeds the single limit of 6 square feet. I couldn't have it, at least not on my house.

I think there are some issues you have to sort out. I don't envy you except to say that this shouldn't even be before you. It should be resolved on a neighborhood level vs. a citywide Ordinance. I think there is free speech implications in some of these things. Also, these decorations have colors. One of the things you have seen in the photograph of Mr. Kassabian's home is the old Mobil sign with the red horse. What is the real difference if you take those red, white, and blue colors and put them in a flag or to put them in a Mobil Oil decoration that has a white background with a red horse. There is also the question if this Ordinance is to be enacted, which I don't think would be wise under these circumstances, does this really affect someone like Mr. Kassabian who already has these uses and already has these items on his building. I think there is an argument that can be made that these are legal nonconforming. If the Ordinance is passed, they stay anyway. The point is that those photographs show the decorations that we like are as varied as we are as individuals. It is not the subject matter that the City should be involved in legislating aesthetics. Thank you.

Mr. Christel asked three times if there was anyone else wishing to speak in opposition of this application, seeing none.

Mr. Christel asked for comments or questions from the Plan Commissioners.

Alderman Ament – If I am not mistaken Staff, City Attorney, Christmas displays, political signs, rummage signs are already exempt in our Code?

Ms. Jones – That is correct. They would be covered by 275.61 (G) in which (1) – (9) cover flag poles, real estate signs, rummage signs, memorial signs, holiday decorations, official signs, campaign signs which follow the State Statutes. We discussed this last month.

Alderman Ament – There is no attempt to try to change those because that is a separate section?

Ms. Jones – That is correct.

Alderman Ament – It does specifically say, and correct me if I am wrong, informational or decorative signs or displays on the wall of a primary or secondary residential structure, referring to these that are attached to the walls or to a fence?

Ms. Jones – That is correct. That was the intent of this language.

Alderman Ament – Thank you.

Mr. Christel asked for further comments from the Plan Commissioners, seeing none.

Mr. Christel adjourned the public hearing at 6:29 P.M.

PUBLIC HEARING

6:02 P.M. (4)AB RZ-09-08 Philip G. Conrardy – 19550 W. College Ave. – Rezone
From B-2 and C-2 to B-2 and C-2 to Field Delineate the Wetlands.

**NEW BERLIN PLAN COMMISSION
MARCH 29, 2010
MINUTES**

The public hearing relative to the request by Philip G. Conrardy to rezone the property located at 19550 W. College Avenue from B-2 and C-2 to B-2 and C-2 to Field Delineate the Wetlands was called to order by Mr. Christel at 6:29 P.M.

In attendance were Mr. Christel, Alderman Ament, Mr. Felda, Mr. Sisson, Ms. Broge, and Ms. Groeschel. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Jessica Titel, Associate Planner; Amy Bennett, Associate Planner; Nicole Hewitt, Storm Water Engineer; Mark Schroeder, Director Parks, Recreation & Forestry; and Mark Blum, City Attorney. Mayor Chiovatero was excused.

Mr. Christel 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.

Mr. Christel asked for questions or comments for the purpose of clarification.

David Conrardy, W186 S7861 Crabapple Ct., Muskego – I have a question about the front, where they consider the frontage towards the driveway wetlands. If you drive down there, there is a little creek with little bushes, but you see that all along Racine Avenue. I don't know if those properties along Racine Avenue are also considered wetlands. What distinguishes the wetlands here? Everywhere you look down Racine Avenue you see the same vegetation. Are those properties considered wetlands as well?

Ms. Bennett – That is possible. You would need to give us a specific address, and we could look it up to see if there was a wetland delineation done. Typically a wetland delineation would be required if there was some activity on site. Your wetland delineation was a direct result of a violation. If there isn't any activity or development planned on those other properties, they may or may not have been delineated.

Mr. Conrardy – I know, like the movie theater or the bar which was a recent development within the last couple of years, have that type of vegetation. Even the car lot going down the street has it. Even if you go further where the residential part is, they have that

abutted right up to the house almost. I just wanted a clarification what distinguished that from the wetlands they are considering here.

Mr. Jones – Those properties you are mentioning are in the City of Muskego. Ms. Bennett pointed out that you did some filling on the property before receiving permits from the City and the DNR.

Mr. Conrardy – I am not questioning our property, I am just trying to find out the distinction between those other properties.

Ms. Bennett – That may be a good question for your consultant who did your wetland delineation to discuss with him further. You had Wetland and Waterway Consulting.

Mr. Conrardy – I believe before the delineation report, the front of the property was zoned B-2. Is that correct? I don't think there was a wetland until they actually did the delineation.

Ms. Bennett – That is correct.

Mr. Conrardy –I went through the Board of Appeals for real estate tax appeal and they had mentioned that the value of the property should be going down just because the market has gone down in 2009 and 2010, and now that we have more wetlands on the property I would assume this would add further to the devaluation of the property.

Ms. Bennett – That would be a question for the City Assessor.

Mr. Conrardy – Thank you.

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

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

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

Mr. Christel asked for comments or questions from the Plan Commissioners, seeing none.

Mr. Christel closed the public hearing at 6:36 P.M.

**NEW BERLIN PLAN COMMISSION
MARCH 29, 2010
MINUTES**

PRIVILEGE OF THE FLOOR

The Plan Commission Meeting was called to order by Mr. Christel at 6:50 P.M.

In attendance were Mr. Christel, Alderman Ament, Mr. Felda, Mr. Sisson, Ms. Broge, and Ms. Groeschel. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Jessica Titel, Associate Planner; Amy Bennett, Associate Planner; Nicole Hewitt, Storm Water Engineer; Mark Schroeder, Director Parks, Recreation & Forestry; and Mark Blum, City Attorney. Mayor Chiovatero was excused.

Motion by Mr. Sisson to approve the Plan Commission minutes of March 1, 2010. Seconded by Alderman Ament. Motion passes with Ms. Broge voting present.

PLAN COMMISSION SECRETARY'S REPORT – Mr. Kessler confirmed that all Plan Commissioners have received a copy of the Comprehensive Plan on CD. Three hard copies are available.

NEW BUSINESS

1. ()GK PG-516(f) Comprehensive Plan – Amendments (Public Hearing 3/1/10)
Park Plan – Mark Schroeder
Storm Water Plan – Nicole Hewitt & Greg Kessler

Motion by Alderman Ament to defer the amendments to the City's Comprehensive Plan.

Motion fails for lack of second.

Motion by Ms. Groeschel to recommend approval of a resolution approving the proposed amendments to the City's Comprehensive Plan incorporating Addendum #1 to the City's Storm Water Management Master Plan and a new Park and Open Space Plan and forward to the Common Council for their review and approval by Ordinance.

Seconded by Mr. Felda. Motion carried unanimously.

2. ()JT PG-384 Domestic Livestock – Section 275-41(A)(2) Zoning Code Change – Keeping and Raising of Animals. (Public Hearing 3/1/10)

Motion by Alderman Ament to recommend to Common Council the adoption of an ordinance that approves the amendments to Section 275-41.A(2) (Keeping and Raising of Animals) and 275-70 (Definitions) of the City's Zoning Code.

Seconded by Mr. Sisson.

Motion withdrawn by Alderman Ament.

Motion by Alderman Ament to recommend to Common Council the adoption of an ordinance that approves the amendments to Section 275-41.A(2) (Keeping and Raising of Animals) and 275-70 (Definitions) of the City's Zoning Code as written including the removal of the last sentence within the definition of the livestock, small.

Seconded by Mr. Felda. Motion carried unanimously.

3. (5)AB RZ-10-01 Maureen Radtke – 4506 S. Moorland Rd. – Rezone from R-3 and R-4.5 to R-3, R-4.5, and C-2 to Field Delineate the Wetlands.

Motion by Mr. Sisson to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at approximately 4506 S. Moorland Road from R-3, R-4.5 to R-3, R-4.5 and C-2 to field delineate the wetlands.

Seconded by Mr. Felda. Motion carried unanimously.

4. (7)AB UA-10-04 K D Enterprises – 17950 W. National Ave. – Rummage Sales.

Motion by Alderman Ament to approve the location at approximately 17950 W. National Avenue for rummage sales subject to the application, plans on file and the following conditions:

- 1) Plan of Operation:
 - a) See site plan and plan of operation.
 - i. The event will occur on the following dates: June 5, July 10, August 7 and September 4 from 8am to 4pm.
 - b) Applicant shall contact and coordinate with the City of New Berlin Police Department, the Clerk's Office, the New Berlin Fire Department and the Streets Department in writing a minimum of three weeks before the scheduled event. This shall trigger any necessary permits or license required for any scheduled event.
 - i. If liquor or soda is to be sold on site, applicant shall contact the City of New Berlin Clerk's Office to obtain a liquor and soda permit.

- ii. If any sales or solicitation of business will occur with vendors on site, a Direct Sellers Permit will be required from the Clerk's office.
 - iii. All barricades shall be properly permitted by the City of New Berlin Streets Department and the New Berlin Police Department, if applicable. Contact Streets Department to discuss all applicable barricade and signage requirements three weeks prior to event.
- 2) If after one year, there are no complaints or violations regarding this use, a zoning permit may not be necessary for future events if applicant submits a letter to Department of Community Development with rummage sale dates and plan of operation thirty (30) days prior to any events in any given calendar year.
- 3 Applicant shall not locate any tables, tents or parked vehicles within the 40' drainage easement at any time during the events.
- 4) Applicant shall contact Waukesha County Department of Environmental Health for any necessary permits pertaining to any food supplied via a licensed vendor.
- 5) Sanitation and fresh water facilities shall be adequate for the actual number of people using the site as required by Waukesha County Health Department.
- 6) Apply and obtain appropriate building, plumbing and electrical permits when required to do so by code.
- 7) Temporary wiring for displays or lighting circuits shall require an electrical permit and inspection from Building Inspections. Electrical work shall be performed by a licensed electrician.
- 8) Temporary structures that cover an area in excess of 120 square feet shall not be erected, operated or maintained for any purpose without obtaining a permit from the local building official per Wisconsin Enrolled Commercial Building Code. (Section 3103.1.1)
- 9) If a tent Building Permit is required, the fee is \$150.00. Application shall include a copy of the site plan showing location of tent, interior layout of tent, location of fire extinguishers and a copy of flame retardant certificate.
- 10) Information delineating the means of egress and the occupant load shall be provided at time of building permit application. Temporary structures shall have permanent fire rating labels attached for inspectors review.
- 11) Tent Building Permit and inspection by the City of New Berlin Fire Department are required for events requiring tent set up. One or more fire extinguishers required in all temporary structures.
- 12) Applicant shall apply for and receive individual Sign Permits for all event signage and banners prior to installation.
- 13) The City of New Berlin reserves the right to review any potential complaints and take appropriate action, if necessary.
- 14) Site Plan:

- a) Approval of the overall traffic flow and site plan by the Transportation Engineer shall be required prior to Zoning Permit being issued.
 - b) Site plan showing access for ambulance, if necessary, shall be submitted to the Fire Department for review and approval prior to issuance of the Zoning Permit.
 - c) Coordinate all traffic flow with Waukesha County Department of Transportation. Contact Waukesha County DOT to inform them of the event. An Access Permit may be required from Waukesha County and shall be on file prior to issuance of the Zoning Permit.
 - d) There shall be no parking on County Highways (National Avenue) or City roads. All event parking shall be contained on site. If parking is to be on adjoining properties, letters from those property owners shall be on file with the City allowing any off-site parking.
 - e) Parking and all activities shall meet all setback requirements.
 - f) All signs shall be installed outside the ultimate right-of-way.
- 15) All activities, displays, merchandise and parking shall be located outside the Ultimate Right-of-Way of National Avenue.
- 16) Transportation:
- a) Drive aisle to parking area shall be separated from the event area in some way. Barricades, cones, tubes, barrels or paint shall be used to clearly delineate the aisle.
 - b) Additional workers may be needed during peak times to assist with vehicles parking and attempting to get traffic to and from National Avenue.
 - c) Proper drive aisle space shall be provided between rows of parked cars (18-20'). A maximum of two rows of parking can be used before providing a drive aisle.
- 17) Inspection:
- a) In the event of rain the applicants are responsible for cleaning up any tracking of dirt onto public roads and the restoration of the disturbed areas.

Seconded by Mr. Sisson. Motion carried unanimously.

5. (4)AB RZ-09-08 Philip G. Conrardy – 19550 W. College Ave. – Rezone from B-2 and C-2 to B-2 and C-2 to Field Delineate the Wetlands.

Motion by Mr. Sisson to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 19550 W. College Avenue from B-2 and C-2 to B-2 and C-2 to field delineate the wetlands.

Seconded by Ms. Broge. Motion carried unanimously.

6. (3)NJ UA-10-10 Jeremy Schwiner – 2460 S. Johnson Rd. – Out Building.

Motion by Alderman Ament to approve the construction of an accessory building prior to the construction of the principle structure on the property located at 2460 S. Johnson Road subject to the application, plans on file and the following conditions:

- 1) Section 275-42A(6) of the Zoning Code states that, “accessory uses are allowed only after the principal structure is present or under construction. The use and/or location requirements stipulated elsewhere in this chapter may be modified where specified in this section, subject to Plan Commission approval.”
- 2) Accessory building shall be constructed as depicted in the submitted plans, however, it must meet the setbacks for the R-1/R-2 district including a front and rear yard setback of 50’ and a side setback of 25’. Applicant shall revise plans accordingly.
- 3) Section 275-42.A(2) of the Zoning code states accessory buildings shall be used for personal use by the applicant and shall not be used for home occupations, commercial storage or business operations, except for the storage of equipment for farming.
- 4) Applicant shall meet the size requirements of Section 275-42.
- 5) Section 275-42.F(2)(a)[5] of the Zoning Code states that garages located within the front yard require Plan Commission approval. If the principal structure will not be located in front of the accessory building, the applicant shall apply for Plan Commission approval.
- 6) Any necessary filling, cutting, and grading shall meet the requirements of section 275-55 of the Zoning Code.
- 7) Only one (1) access per lot/parcel is allowed in the City of New Berlin.
- 8) Applicant shall apply for an erosion control permit and install erosion control measures.
- 9) Apply and obtain appropriate building and electric permits.
- 10) Waukesha County PSE approval required prior to the issuance of a building permit.
- 11) Plans shall be approved by the City of New Berlin Department of Community Development Inspection Division and include a floor plan indicating area usage. Apply for a building permit for the structure.
- 12) Building to be used for agricultural purposes only.

Seconded by Mr. Sisson. Motion carried unanimously.

COMMUNICATIONS

7. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: “Children’s Hospital of Wisconsin Clinics – New Berlin”, The Business Journal, March 5, 2010.

Plan Commissioners acknowledged receipt of this communication.

8. Communication To: Plan Commission

Communication From: Nikki Jones, Planning Services Manager
RE: National Avenue Corridor Regulating Plan Open House

Plan Commissioners acknowledged receipt of this communication.

ADJOURN

Motion by Alderman Ament to adjourn the Plan Commission Meeting at 7:20 P.M. Seconded by Mr. Sisson. Motion carried unanimously.