

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

NEW BERLIN PLAN COMMISSION

MARCH 30, 2009

MINUTES

PRIVILEGE OF THE FLOOR

The Plan Commission Meeting was called to order by Mayor Chiovaturo at 6:02 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; Nicole Hewitt, Storm Water Engineer; Ron Schildt, Transportation Engineer; and Mark Blum, City Attorney.

Motion by Mr. Sisson to approve the Plan Commission minutes from March 2, 2009. Seconded by Mr. Christel. Motion carried unanimously.

PLAN COMMISSION SECRETARY'S REPORT

Mr. Kessler announced the upcoming Neighborhood "E" meeting will be held on April 8, 2009 at 6:00 P.M. at the New Berlin Public Library.

NEW BUSINESS

1. ()JT PG-741(7) Zoning Ordinance Revision – Brew Pubs. (Public Hearing 3/2/09)

Motion by Mr. Sisson to recommend to Common Council the adoption of an ordinance that approves the amendments to Table 275-34-1 (Commercial Districts), Table 275-35-1 (Office and Industrial Districts), Section 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."

Seconded by Ms. Broge. Motion carried unanimously.

- 2 (5)JT RZ-09-1 City of New Berlin (proposed Passport Brewhaus) – 4900 S. Moorland Rd. – Rezone from B-4 to B-2. (Public Hearing 3/2/09)

Motion by Mr. Christel to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 4900 S. Moorland Road from B-4 to B-2 to remove the B-4 Zoning District.

Seconded by Alderman Ament. Motion carried unanimously.

3. (7)AB SP-09-172 Shim Subdivision – 19300 W. Observatory Rd. – Conceptual 8-Lot Conservation Subdivision sketch plan.

Plan Commissioners conducted a site visit to this property on March 26, 2009. Based on discussions at the site visit, there are now three options for the layout. Michael Doble from LandCraft Professional Services, representative of the project, presented the three options being considered for this conservation subdivision.

Questions and comments from the Commissioners included whether there is ground water contamination from the landfill in that area, incorporation of the watershed near that location on the south end of the property, lights from this subdivision infringing on the rights of the nearby observatory, loss of farmland soils, and the possibility of the owner selling the property as a whole rather than developing it. In the construction of the boulevard, convenient crossovers for driveways that would not cause traffic patterns to go back into the subdivision should be considered. Mr. Doble said the second boulevard section could be eliminated and the cul-de-sac could be shifted 100-150 feet to the south to further shorten the road up if there is some flexibility with lot frontages in Option 3.

Plan Commissioners emphasized as a conservation subdivision, the concept is to eliminate as much impervious surface as possible. There was support for eliminating the connection to the east to allow for a better configuration of the lots and to alleviate some of the grading problems. If in the future, the other parcel would develop and the two associations wanted to have a natural connection, a trail could connect the two by way of an agreement between them.

Plan Commissioners asked the developer for a breakdown of the acreage that is being farmed now, compared to what will be available for farming after the development.

The direction from the Plan Commission was for preservation of as much farmland and natural aesthetics as possible and the reduction of impervious surface. The developer will return to the Plan Commission with Option 3 refined for re-review.

4. (7)JT UA-09-07 Daniel J. Richter (Archdiocese of Milwaukee) – 5270 S. Racine Ave. – Fill and Grading.

Item withdrawn per applicant's request.

5. (7)JT UA-09-08 Daniel J. Richter (Elaine Kraut Property) – 4041 Racine Ave. – Fill and Grading.

Motion by Alderman Ament to approve the request for filling and grading on the property owned by Elaine Kraut located at 4041 S. Racine Avenue subject to the application, plans on file and the following conditions:

- 1) General:

- a) Plan of Operation:
 - i. Applicant shall adhere to submitted Plan of Operation.
 - ii. Hours: 7:00 AM – 5:30 PM Monday through Saturday.
 - iii. Project Duration: Date of the issuance of Zoning Permit through April 6, 2010.
 - b) Fill material shall not contain any asphalt or concrete pieces that exceed 2-feet by 2-feet in size.
 - c) Any future buildings placed on this site shall require a soils engineering report at the time of building permit application.
 - d) Final grades shall match those on the final grading plans approved by DCD Staff.
- 2) Engineering:
- a) A letter or permit from Waukesha County approving the site, operation, signing and access locations shall be on file with the City of New Berlin prior to any permits being issued by the City.
 - b) Signage shall be placed along Racine Avenue to alert drivers to the truck traffic entering and leaving the project site.
 - c) Per Section 275-55.A(4)(a) of the Zoning Code, “In all cases, fill shall consist of clean earth containing no more than 25%, by volume, of building stone and concrete, and no more than 5%, by volume, of incidental asphalt. Fill operations which exceed these limits or operations that require more than one year for completion are considered a landfill and will be regulated as such.”
 - d) Per Section 275-55.A(4)(b) of the Zoning Code, “Fill shall consist of satisfactory soil or a mixture of satisfactory soil, stone, gravel or other acceptable materials which is of a character and quality satisfactory for the purpose intended. The material shall be free from sod, stumps, logs or other organic matter, all types of refuse including construction refuse, fragments of concrete larger than two feet in any dimension and such other material that in the judgment of the Director is unsuitable.”
 - e) The tracking pad shall be at least one hundred feet (100’) in length.
 - f) Any deficiencies in the erosion control measures or any tracking onto public roads shall be corrected and cleaned up at the time of the infraction.
 - g) The slopes for the fill site shall not exceed the maximum slope of (4:1, 25%) change in gradient up to the maximum fill height for the site.
 - h) A stoned area shall be provided for the staging of the construction equipment, job trailers, parking for the contractors/sub-contractors, inspectors and visitors to the site.
 - i) Applicant shall provide a written description to provide the details of the compaction process prior to the issuance of the Zoning Permit.
- 3) Stormwater:
- a) Applicant shall provide final grading plan.
 - b) Applicant shall provide cross-sections of the fill area.

- c) Applicant shall provide a copy of the WDNR NOI and adhere to all conditions.
- d) Applicant shall verify construction sequence is in-line with what the WDNR is requiring.
- e) Applicant shall provide soil description for fill such that the sediment trap sizing can be verified.
- f) Applicant shall provide a cover crop seeding to minimize erosion.
- g) Applicant shall adhere to max sideslope of 4:1 and minimum swale/ditch slope of 1.5% for final grading plan.

Seconded by Ms. Broge. Motion carried unanimously.

COMMUNICATIONS

6. Communication To: Plan Commission
Communication From: Jessica Titel, Associate Planner
RE: "Blue Collar, Green Collar", by Cecily Burt, Planning, February 2009

Plan Commissioners acknowledged receipt of this communication.

ADJOURN

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 6:58 P.M. Seconded by Alderman Ament. Motion carried unanimously.