

PUBLIC HEARING

7:30 A.M. (3)AB CU-9-08 Gray & Associates, Inc. – 16345 W. Glendale Drive – Law Firm.

**NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY
MINUTES
FEBRUARY 5, 2009**

The public hearing relative to the request by Michael Brown c/o MSI General Corp. for a Conditional Use for a law firm located at 16345 W. Glendale Drive was called to order by Mayor Chiovaturo at 7:37 A.M.

In attendance were Mayor Chiovaturo, Alderman Ken Harenda, Donald Vaclav, John Fillar, and Alderman Poshepny. Also present were Greg Kessler, Director of Community Development; Amy Bennett, Associate Planner; and City Attorney Mark Blum. Marta Broge arrived at 7:42 A.M. Ted Anderson was excused.

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 Chiovaturo asked for 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, seeing none.

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

Mayor Chiovaturo asked for questions from the Committee.

Alderman Harenda – I understand that there is adequate parking based on the storage areas. I understand the request regarding the monument sign, but does this create other issues with other current buildings within the Industrial Park if we grant this?

Ms. Bennett – There have been waivers granted for monument signs in the past at the Plan Commission.

Alderman Harenda – I don't fully understand the waiver for the landscaping requirement. Can you explain what we are requiring them to do?

Ms. Bennett - A tree every 30' along the side property lines.

Alderman Harenda – Is the reason for the waiver because of what abuts them?

Ms. Bennett – It is an existing site. There are already trees along the east property line from the neighboring property. There is a drainage ditch along the west property line. They are adding some landscaping to the site.

Alderman Harenda – There is a letter dated January 26, 2009 from the applicant requesting a waiver for no curbing. What are they referring to?

Ms. Bennett – This is an existing parking lot without curbing. It is in the Developers Handbook that they are required to curb, but they are not adding any parking at this time, so the CDA does not have to grant a waiver.

Mayor Chiovaturo – I have a question about the parking. They are removing some asphalt right now. Isn't that a parking area that they are removing?

Ms. Bennett – They are removing asphalt both to the east and the west. (Ms. Bennett referred to the map on the overhead screen).

Michael Brown – I am the applicant from MSI General. Those areas, in respect to the existing use, are used for truck traffic. We do not require the extra bump. We have found a more effective way to lay out parking vs. what they have currently. We wanted to use that area for storm water quality, so we removed asphalt and created a green space ratio of about 38% hard surface to 62% green space. It was part of our storm water strategy.

Mayor Chiovatere – I have been on this site. It has not been the most attractive site in the Industrial Park. Canteen has had it for several years and has done nothing to it besides use the facility. In this case, there would be a monument sign on both Cleveland Avenue and Glendale Drive. Gray and Associates are asking for a waiver for both. I am not against that, but I want to make sure that we do not create an unwanted situation down the road for ourselves.

Mr. Fillar – According to the applicant's letter, they are requesting a waiver for the monument sign because they prefer that the profile of the company be discreet. Could somebody from the company explain that? Are you referring to a monument sign on Cleveland Avenue or Glendale Drive?

Ms. Bennett – Glendale Drive. The applicant has also asked for a change of address. They would like a Glendale Drive address.

Mr. Brown – It would be for a monument sign on Glendale Drive, which is where the curb cuts exist. We have requested, at a staff level, a change of address. The type of business that they are touches some of the more emotional purse strings of their clients. They sometimes work in the foreclosure area and instead of drawing attention to people who may be in the park and feeling very bad about their own personal situation because of the interaction with that particular firm, they would prefer to put their address on the building so people know how to find the business, but would prefer not to do the monument sign. It is not an issue of cost or a monetary issue, it is just an issue of keeping a lower profile.

Mr. Vaclav – My only concern was, without a monument sign there will be no additional sign on the building then? The building will just have the address sign on it?

Mr. Brown – Yes.

Alderman Harenda – How many Conditional Uses have we granted in the Industrial Park under M-1 Zoning? Is this a Conditional Use?

Ms. Bennett - This is a Conditional Use because this will be an office use only. Office Uses are Conditional Uses under this district. I cannot think of an example for a Conditional Use for office space. Typically, the businesses coming in have warehouse space or a manufacturing component.

Mr. Fillar – I think there should be a sign there. I hate to set a precedent for a reason like this. A nice sign there could still be discreet. Otherwise, I like the development. I think this is a great improvement over what is there now. I think something like this is taking the Park in the right direction.

Mayor Chiovatere – If we require a monument sign, can it just be a monument sign with the address on it or does it have to have the name of the company on it?

City Attorney Blum – No.

Mayor Chiovatere asked for further questions or comments from the Committee, seeing none.

Mayor Chiovatere closed the public hearing at 7:54 A.M.

**NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY
MINUTES
FEBRUARY 5, 2009**

The Community Development Authority Meeting was called to order by Mayor Chiovatero at 7:54 A.M.

In attendance were Mayor Chiovatero, Alderman Ken Harenda, Donald Vaclav, John Fillar, Alderman Poshepny, and Marta Broge. Also present were Greg Kessler, Director of Community Development; Amy Bennett, Associate Planner; and City Attorney Mark Blum. Ted Anderson was excused.

Motion by Mr. Vaclav to approve the CDA minutes of January 22, 2009. Seconded by Alderman Poshepny. Motion carried unanimously.

COMMUNITY DEVELOPMENT AUTHORITY EXECUTIVE DIRECTOR'S REPORT

The Mill Valley Redevelopment Plan was presented to the Community at the Open House held on January 28, 2009. We have no new information to present, therefore, there are two meetings that were scheduled as part of our Comprehensive Plan Update for Neighborhood "J" which are cancelled. The cancelled meetings were scheduled for March 11, 2009 and April 15, 2009. If there is any new activity regarding the site, the meetings will be resumed.

CONTINUED BUSINESS

1. (3)AB U-70-08 Pegasus Auto Racing Supplies, Inc. – 2475 S. 179th St. – Lighting.

Motion by Alderman Harenda to approve an Amendment to the Use, Site and Architectural approval from January 22, 2009 to include a Waiver for Reduced Lighting, located at 2475 S. 179th Street.

Lighting Waiver: Applicant is requesting a waiver for Lighting requirements under Section 275-60I which requires all designated areas on approved site plans for vehicular parking, loading or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas. See applicant's letter dated 12/4/08.

Seconded by Ms. Broge. Motion carried unanimously.

NEW BUSINESS

2. (3)AB CU-9-08 Gray & Associates, Inc. – 16345 W. Glendale Drive – Law Firm.

Motion by Mr. Vaclav to approve the request for a conditional use permit to operate a Law Firm in the M-1 Zoning District, including Waiver #1, #2 & #3, located at 16345 W. Glendale Drive subject to the application, plans on file and the following conditions:

Waiver #1: Applicant is requesting a waiver from the City's Sign Code Section 275-61I(1)(c)[1] that requires a monument sign "shall be placed along arterials or major thoroughfares including Cleveland Avenue." Monument signs are also required within the New Berlin Industrial Park. Please see applicant's letter attached.

Waiver #2: Applicant is requesting a waiver from the City's Parking requirements Section 275-57A(3) that requires 1 space per 200 square feet of office space. Please see applicant's letter attached.

Waiver #3: Applicant is requesting a waiver from the New Berlin Industrial Park Redevelopment Plan, Design Guidelines Section III 3C. Parking Lot Requirements, which requires "perimeter parking along the side lot line shall include one shade tree or evergreen tree per 30 linear feet." Please see applicant's letter attached.

- 1) General
 - a) Plan of Operation shall be consistent with submitted plans on file.
 - i) Hours of operation: Monday – Friday, 7am to 6pm with occasional after-hour and weekend use.
 - ii) Approximately 148 full-time employees.
 - b) Gas easement runs through property. Any work within that easement shall require permission from the gas company. A copy of such approval shall be submitted prior to issuance of the Zoning Permit.
 - c) Employee and customer parking shall be contained on site.
 - d) Dumpsters shall be properly screened from the street and public view in accordance with Section 275-56 of the New Berlin Zoning Ordinance.
 - e) All signage, whether temporary or permanent, shall require that a sign permit application be applied for and approved by the Department of Community Development prior to installation.
 - f) No outside storage shall be allowed.
 - g) All landscaping shall be installed & adhered to as identified under Section 275-54 of the City's Zoning Code. Payment of all landscape installation and maintenance sureties 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 City's Zoning Code and the NBIP SPO Ordinance. 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.
 - h) Any future parking shall require review and approval by the Department of Community of Development.
- 2) Engineering:
 - a) The proposed grading plan shall be revised to show drainage system obtaining at least 1% flows, if possible.
 - b) The grading plan shall be revised to show the existing ditch along the West side all the way to Cleveland Avenue and tying in with the existing cross-culvert.
 - c) Proposed ditch backslopes shall not exceed 4:1. Revised plan shall be submitted.
 - d) The grading plan shows proposed roof drain connection at Southwest corner of building to grass swale along South perimeter. This connection may needlessly make swales too deep and flat along South perimeter. Applicant shall determine whether alternate connection may work better.
- 3) Storm Water:
 - a) Applicant shall submit a storm water maintenance agreement for the vegetated swales with "no mow" vegetation and shall record the document with Waukesha County prior to issuance of the Zoning Permit. A certified copy of the recorded document shall be submitted to DCD.
- 4) Transportation:
 - a) Applicant shall revise lighting plan to show 0.4 foot-candle levels as the typical minimum prior to issuance of the Zoning Permit.
- 5) Building Inspections:
 - a) Building plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Commercial Building Code. (Comm 61.31 Plans)
 - b) Building plans shall be approved by the State of Wisconsin Dept. of Commerce Safety and Buildings Division per Wisconsin Commercial Building Code. (Comm 61.60 Certified municipalities and counties.)
 - c) Apply and obtain appropriate building, plumbing and electrical 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) Water meter access per New Berlin Municipal Code section 267-10 shall be required.
- 6) Fire Department:
- a) Fire alarm system shall be required.
 - b) Sprinkler system alterations shall require plan review.
 - c) Monitoring of sprinkler and fire alarm systems.
 - d) Fire extinguishers shall be placed per NFPA 10.
 - e) Updated keys for existing Knox Box.

Seconded by Alderman Poshepny.

Friendly Amendment by Alderman Harenda to Waiver #1 to have a monument sign with address only. Friendly Amendment accepted by Mr. Vaclav and Alderman Poshepny.

Motion as amended carried unanimously.

COMMUNICATION

3. Communication To: CDA Members
Communication From: Greg Kessler, Director of Community Development
RE: Mill Valley Comprehensive Redevelopment Plan Public Comment Forms (PG-926 (b))

Copies of the Public Input Forms regarding the Mill Valley Redevelopment Plan that were returned were distributed to the Committee members. There were 830 mailed out and 5 were returned.

ADJOURNMENT

Motion by Alderman Poshepny to adjourn the CDA Meeting at 8:15 A.M. Seconded by Mr. Fillar. Motion carried unanimously.