

Please note: Minutes are unofficial until approved by the Community Development Authority at the next regularly scheduled meeting.

PUBLIC HEARING

7:30 A.M. (3)AB CU-09-04 Chr. Hansen – 16300 W. Lincoln Ave. – Above-Ground Storage Tank.

**NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY
MINUTES
SEPTEMBER 3, 2009**

The public hearing relative to the request by Shawn Jelinek c/o Chr. Hansen, Inc. for a Conditional Use for an above ground storage tank located at 16300 W. Lincoln Avenue was called to order by Mayor Chiovarero at 7:32 A.M.

In attendance were Mayor Chiovarero, Donald Vaclav, John Fillar, Marta Broge, Ken Harenda, Ted Anderson. Also present were Greg Kessler, Director of Community Development; Amy Bennett, Associate Planner; and City Attorney Mark Blum. Joe Poshepny 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 Chiovarero asked for questions or comments for the purpose of clarification, seeing none.

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

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

Mayor Chiovarero asked for questions from the Committee.

Mayor Chiovarero – I understand this storage tank is already installed. Why is it coming to us now?

Ms. Bennett – At the time of installation, they did not realize a Conditional Use Permit was required.

Mayor Chiovarero asked for further questions from the Committee, seeing none.

Mayor Chiovarero closed the public hearing at 7:40 A.M.

**NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY
MINUTES
SEPTEMBER 3, 2009**

The Community Development Authority Meeting was called to order by Mayor Chiovatero at 7:40 A.M.

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

Motion by Ms. Broge to approve the June 4, 2009 Community Development Authority Minutes. Seconded by Mr. Vaclav. Motion passes with Mr. Fillar voting present.

COMMUNITY DEVELOPMENT AUTHORITY EXECUTIVE DIRECTOR'S REPORT

Mr. Kessler informed the Committee of the two open houses that are scheduled for the Comprehensive Plan Update on September 9 and 10, 2009 from 5:00 – 8:00 P.M. There will not be a formal presentation. Staff and the Consulting Team will be available to answer questions, and there will be a series of boards around the room. The Public Hearing will be scheduled on October 7, 2009 before the Plan Commission. The draft chapters of the Comprehensive Plan Update are on the project website at www.newberlinplan.com.

NEW BUSINESS

1. (3)AB CU-09-04 Chr. Hansen – 16300 W. Lincoln Ave. – Above-Ground Storage Tank.

Motion by Alderman Harenda to approve the request for a Conditional Use Permit for the installation of a carbon dioxide above-ground tank located at 16300 W. Lincoln Avenue subject to the application, plans on file and the following conditions:

- 1) Site Plan:
 - a) The equipment consists of a carbon dioxide above-ground storage tank with all the mechanicals for the tank within an attached enclosure.
 - b) Above-ground fuel tanks shall be reviewed and approved under separate permit though the City of New Berlin Fire Department.
- 2) Building Inspections:
 - a) If the tanks and heat exchangers are required to have concrete foundations, the installation of those foundations shall require a building permit.
 - b) Foundation plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code. (Comm 61.31 Plans)
 - c) Foundation plans shall be approved by the New Berlin Department of Community Development Inspection Division per State of Wisconsin Dept. of Commerce Safety and Buildings Division and the Wisconsin Enrolled Commercial Building Code. (Comm 61.70 Certified municipalities and counties.)
 - d) Apply and obtain appropriate building, plumbing and electrical permits.

Seconded by Ms. Broge. Motion carried unanimously.

2. (7)AB SG-09-35 Gamay – 2770 S. 171 St. – Update Old Signage.

Motion by Mr. Anderson to approve the request along with Waiver Request #1 & #2 for a new wall sign only located at 2770 S. 171st Street subject to the application, plans on file and the following reasons:

WAIVER REQUEST #1: Applicant is requesting a waiver from Section 275-61.I(1)(a) and Section 275-61I(1)(c)[1] which states that “individual channel lettering is required on brick buildings.”

WAIVER REQUEST #2: Applicant is requesting a waiver from Section 275-61I(1)(c)[1] which states that monument signs are also “required in the New Berlin industrial parks.”

- 1) Section 275-61.I(1)(a) of the Zoning Code states: “individual channel lettering is required on brick buildings.”
- 2) Section 275-61.I(1)(c)[2] of the Zoning Code states: “monument signs are also required within the New Berlin industrial parks.”
- 3) The applicant is proposing to replace the existing sign with a new wall sign. Section 275-61.B(1) states: “No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered, nor shall the face of a sign or color be changed without a sign permit and conforming with the provisions of this chapter.”
- 4) Since the proposed sign does not meet the code, Staff cannot administratively grant approval of the new sign. Section 275-61.D(5) allows the applicant to appeal the decision made by Staff to the Plan Commission for determination.
- 5) The Plan Commission has the authority to grant this waiver pursuant to Section 275-52(C), which states: “The Plan Commission may waive or modify any or all of the other requirements of this article if it determines that:
 - a) The site or activity in question will have no appreciable off-site impact;
 - b) Compliance with the requirement(s) is impractical or impossible due to site conditions or other circumstances beyond the control of the applicant;
 - or
 - c) The specific requirement is not necessary for a particular site to ensure compliance with the requirement of this chapter.”

Seconded by Mr. Vaclav. Motion carried unanimously.

3. (3)AB U-43-08 American Bolt Corp. – 16555 W. Glendale Drive – Revised Landscape Plan.

Motion by Mr. Fillar to approve the revised landscape plan for the property located at 16555 W. Glendale Drive, subject to the application and plans on file.

Seconded by Alderman Harenda. Motion carried unanimously.

4. Pinewood Creek Project – Compliance Certificate (PG-631-5)

Motion by Alderman Harenda to accept the Pinewood Creek Compliance Certificate. Seconded by Mr. Anderson. Motion carried unanimously.

ADJOURN

Motion by Mr. Anderson to adjourn the Community Development Authority meeting at 7:55 A.M. Seconded by Ms. Broge. Motion carried unanimously.