

PUBLIC HEARING

7:30 A.M. (7)AB CU-5-08 The Big Backyard – 2855 S. 160th St. – Indoor Playground for Young Children.

**NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY
MINUTES
AUGUST 7, 2008**

The public hearing relative to the request by Cindy Lofy and Christine Jahn for a Conditional Use for an indoor playground for young children located at 2855 S. 160th Street was called to order by Mayor Chiovaturo at 7:30 A.M.

In attendance were Mayor Chiovaturo, Alderman Ken Harenda, Donald Vaclav, John Fillar, Ted Anderson, and Marta Broge. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager, Amy Bennett, Associate Planner; and City Attorney Mark Blum. Alderman Joe Poshepny arrived at 7:40 A.M.

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. Jones 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 comments or questions for the purpose of clarification, seeing none.

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

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

Mayor Chiovaturo asked for comments or questions from the Committee members.

Mr. Fillar – The information on the application indicates that this is not a child care facility, and an adult care giver is required to stay with each child and is responsible for the general supervision and safety. Later on in the proposal it mentions special events where parents can drop their children off and leave them. Those statements seem to be contradictory. Can the owners explain the situation please?

Ms. Christine Jahn – W141 N5429 Van Buren Drive, Menomonee Falls – We will, on rare occasion, have a special parent's night out where we would absolutely provide child care, baby sitters, people from the community who would be there to supervise the children. That would be a special event that we probably won't do very often, but we wanted to put it in the application to let you know that if we did decide to have a parent's night out, we would provide the supervision for the children. It would be something that they would sign up for ahead of time. We would know who they were, and we would know how many, so we could staff appropriately.

Mr. Fillar – This would be an in advance notice arrangement?

Ms. Jahn – Absolutely.

Alderman Poshepny – Do you have a background in this?

Ms. Jahn – I don't know that there is a specific background needed. We have a good pairing of experience that is relevant. I am currently in the business world and have an understanding of running a small business. My business partner has a masters degree in speech therapy, and has worked in the school system for many, many years, and has worked in day cares before that. We are hoping to combine her experience with children, as well as both of us being parents of small children, and my business experience to make this work.

Alderman Poshepny – Do you have a nurse on duty or a person with emergency background?

Ms. Jahn – Both Cindy and I will be CPR certified. We won't have a nurse on duty, but we will have first aid equipment. We will have taken a playground safety course and CPR training.

Alderman Poshepny – Do you get Certification for that?

Ms. Jahn – The National Program for Playground Safety has a course that you can take.

Alderman Poshepny – You know how kids can get into things.

Ms. Jahn – Yes, they can.

Alderman Poshepny – I just wondered whether you are prepared for that?

Ms. Jahn – We will find out, but we will do everything in advance to help be prepared.

Alderman Poshepny – We hate to find out after the fact.

Ms. Jahn – I don't know if it is plausible to have a nurse on staff at all times. We plan to have very clear safety rules which we will go through with parents. We do know accidents happen on playgrounds, and we need to be prepared for that.

Alderman Poshepny – You have a very well thought-out presentation.

Ms. Jahn – Thank You. We are very excited about it.

Mr. Fillar – What will be the upper age limit for children that can get involved in this?

Ms. Jahn – We are not going to tell a parent that they can't bring a child at a certain age. We will communicate that 0-8 is our target range, however, some of the special activities such as the middle school night where some of the young children play equipment will be cleared out, and we will allow middle school age children to be there. We will communicate what we prefer vs. setting a limit. We don't want to put ourselves in a position where a family has three children and they don't fit into our age range and can't come.

Mr. Fillar – How about a situation where older children, high school children drive themselves over to use your facility? I am talking about 16, 17 year olds. Will you accept children that old?

Ms. Jahn - They have to have a parent with them. I am not expecting a 16 year old would come to play on the playground equipment.

Mr. Fillar – The limit would be lower teens?

Ms. Jahn – Yes.

Mr. Anderson – I think this looks good in terms of internal safety, but what safe guards are there for situations such as kidnapping?

Ms. Jahn – We are doing two things to address that. One is video surveillance. We will have cameras pointing to the play area itself so that we can capture anything that is going on and be monitoring it, not only with the person in the playground, but also the person at the front desk, as well as monitoring the doors and parking lot. The second thing is signing in and out. We want to know who is in our facility at all times, when they got there and when they left. All parents will need to sign in when they get there and sign out when they leave.

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

Mayor Chiovatero closed the public hearing at 7:45 A.M.

**NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY
MINUTES
AUGUST 7, 2008**

The Community Development Authority Meeting was called to order by Mayor Chiovatero at 7:45 A.M.

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

Motion by Mr. Fillar to approve the CDA minutes of July 10, 2008. Seconded by Mr. Anderson. Motion passes with Alderman Poshepny voting present.

COMMUNITY DEVELOPMENT AUTHORITY SECRETARY'S REPORT

Greg Kessler will be arranging a meeting for the CDA members to tour New Valley Sand & Gravel. Date and time will be forthcoming.

CONTINUED BUSINESS

1. New Berlin Community Development Authority Financial Statements –September 30, 2007 - Virchow Krause & Company , (PG-963) (deferred 7/10/08)
(CDA MEMBERS – Please refer to reports distributed from the July CDA Meeting)

Mr. Dave Cappon representing the Housing Authority read a letter from John Knippel from Virchow Krause & Company explaining the questioned deficiency which was indicated is common with entities this size since there is no CPA on the Housing Authority staff. Mr. Fillar requested a copy of this letter.

Motion by Mr. Vaclav to accept the financial statements as presented. Seconded by Mr. Anderson. Motion carried unanimously.

NEW BUSINESS

2. (7)AB CU-5-08 The Big Backyard – 2855 S. 160th St. – Indoor Playground for Young Children.

Motion by Alderman Harenda to approve the request for a conditional use permit to operate an indoor playground in the M-1 Zoning District located at 2855 S. 160th Street subject to the application, plans on file and the following conditions:

- 1) Plan of Operation:
 - a) Hours of operation: Monday – Saturday, 9am to 10pm. Sunday, 12pm to 9pm.
 - b) Employee and customer parking shall be contained on site.
 - c) Dumpsters shall be properly screened from the street and public view in accordance with Section 275-56 of the New Berlin Zoning Ordinance.
 - d) 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.
 - e) No outside storage shall be allowed.
- 2) Building Inspections:
 - a) Application and plans do not indicate any tenant build out or interior alterations. If changes are to occur, the following conditions will apply. 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.
- 3) Fire
 - a) Fully sprinkle area.
 - b) Install Fire Alarm system.

Seconded by Ms. Broge. Motion carried unanimously.

- 3. (3)AB U-43-08 American Bolt Co. – 16555 W. Glendale Dr. – Warehouse Addition.

Motion by Ms. Broge to approve the requested Use, Site and Architecture including the lighting waiver to construct a 14,400 sq. ft. building addition located at 16555 W. Glendale Drive, subject to the application, plans on file and the following conditions:

Waiver Request: Applicant is requesting a waiver to deviate from the City's Lighting requirements under Section 275-601 of the Zoning Code. See applicant's letter attached for the rationale for this request.

- 1) General:
 - a) Plan of operation shall be consistent with submitted plans on file.
 - i) Hours of operation: 7:00 AM to 5:00 PM Monday through Friday.
 - ii) Total number of employees: 43
 - b) Architecture Review Committee approved the building addition architecture on July 30, 2008.
 - c) Applicant shall protect existing trees as required in Section 275-54.B(5).
 - d) No outside displays or storage shall be allowed on site.
 - e) Dumpsters shall be properly screened from the street and public view in accordance with Section 275-56 of the Zoning Code.
 - f) Employee and customer parking shall be contained on site.
 - g) Any signage shall require a separate application and issuance of a Sign Permit prior to fabrication and installation.
 - h) 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.
 - i) All landscaping and LOD areas 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. 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.
 - j) The lighting plan does not follow City standards. All parking, circulation and pedestrian areas are required to be lit. The minimum (0.0) and uniformity ratios (avg/min & max/min) specified in the Zoning §275-60 I shall be met. A revised plan shall be submitted prior to issuance of the Zoning Permit.
- 2) 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) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any building permits.
- 3) Fire Department:
 - a) Fully Sprinkle.
 - b) Monitor Fire Flow.
 - c) Install Knox Box, if not current.

Seconded by Alderman Harenda. Motion carried unanimously.

4. New Berlin Housing Authority Update – David Cappon

Mr. David Cappon commended the City of New Berlin for having the foresight to provide the Section 8 Voucher System. Mr. Cappon gave the statistics of the voucher program and explained how it involves developers, lenders, and citizens in the City of New Berlin.

COMMUNICATIONS

5. Communication To: Community Development Authority Members
Communication From: Nikki Jones, Planning Services Manager
RE: 2008 Upper Midwest Planning Conference – Planning for Sustainability

CDA Members acknowledge receipt of this communication.

ADJOURNMENT

Motion by Alderman Poshepny to adjourn the CDA meeting at 8:25 A.M. Seconded by Mr. Fillar. Motion carried unanimously.