

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)GK CU-3-06 New Berlin Bowling Center – 16000 W. Cleveland Ave. – Bowling Lanes, Sports Bar, Banquet Hall.

**NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY
MINUTES
September 7, 2006**

The public hearing relative to the request by Dan Eckerman, for New Berlin Bowling Center for a conditional use for a recreation center at 16000 W. Cleveland Avenue was called to order by Mayor Chiovero at 7:30 A.M.

In attendance were Mayor Chiovero, Alderman Ken Harenda, Donald Vaclav, John Fillar, and Doug Barnes. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Tony Kim, Associate Planner; and Mark Blum, City Attorney. Alderman Thomas Augustine and Jeff Seidl were excused.

Ms. Jones read the public hearing notice and stated there was proof of publication.

Mr. Kessler gave a brief presentation describing the request and showed maps indicating the location.

Mayor Chiovero asked three times if there were any comments or questions for the purpose of clarification, seeing none.

Mayor Chiovero asked three times if there was anyone wishing to speak in favor, seeing none.

Mayor Chiovero asked three times if there was anyone wishing to speak in opposition, seeing none.

Mayor Chiovero asked for comments or questions from the Committee Members.

Alderman Harenda – The hours of operation for the volley ball court in the last approval was 10:30 P.M. Is that what is requested this time?

Mr. Kessler – Yes.

Alderman Harenda – How is the fee in lieu of the fifteen trees determined?

Mr. Kessler – That is determined by the applicant when they do their bidding out for their landscaping. It is not something that we calculate for the applicant.

Alderman Harenda – Where does that money go?

Mr. Kessler – When we set up the administrative permit and developer deposit process, there is a special tree donation fee and there is a special account that Finance has that these monies go into. Whether it is our department or Park and Rec Dept., we use these monies to do tree planting elsewhere in the City.

Alderman Harenda – The business is four operations within one. If they change the operation of any of those, do they have to come in for approval?

Mr. Kessler – Yes.

Mr. Fillar – Which fifteen trees are eliminated? Are some of the trees shown on the drawing gone or is there a shortage in the formula?

Mr. Kessler – The formula you have, as was approved in the SPO District, cannot be met. The fifteen trees are no where on site and no where where they would be taken out. They just simply can't find a place for them. There is three trees that will be removed where the building addition will be located. Our code does require that when trees are removed, there is a substantial replacement schedule they need to follow.

Mr. Fillar – This map shows quite a few trees and shrubbery. Is this what they are going to stick with?

Mr. Kessler – Yes. There is a high level of existing vegetation as well, but the key thing here is that they are vegetating the parking lot as well. There isn't anything there now.

Mr. Fillar – The application for City Limits has been withdrawn, even though we approved it. Does that mean since they have withdrawn the application, that our approval is also withdrawn? Could they go back to that if they wanted? Are we creating a possibility of having approved different things and having them pick and choose?

Mr. Kessler – No, as a result of the amended application and the revised plan of operation, that application no longer exists.

Mr. Fillar – What is the recommendation from the Architectural Review Committee?

Mr. Barnes – The architecture meets the requirements of the redevelopment plan. The Architectural Review Committee suggested moving some lights and clarified that the signage is not part of this approval. The signage needs a whole separate review.

Mr. Fillar – Is it assumed if we approve this project, we are also approving the recommendations from the Architectural Review Committee as they apply to this application?

Mr. Barnes – Yes.

Alderman Harenda – Is the applicant aware that we are not approving the signage at this time?

Mr. Kessler – Yes, Mr. Eckerman is here.

Mayor Chiovatero – Since it was a bowling alley and it is going back to another bowling alley, does it need to come before us?

Mr. Kessler – Yes, this is essentially the same use that existed previously, but there is a provision in our code that says if it has been a vacant use for more than one year, the application process must be repeated.

Mayor Chiovatero – I wanted to make sure everyone knew why we were doing this.

Mayor Chiovatero asked for further questions or comments, seeing none.

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

PUBLIC HEARING

7:31 A.M. (3)AB CU-4-06 Speedway Sales – 16600 W. Cleveland Ave. – Outdoor Power Equipment and Motor Sports Sale and Service, Retail, Wholesale and Distribution, Showroom, Offices, Warehouse, and Repair Shop.

**NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY
MINUTES
September 7, 2006**

The public hearing relative to the request by Rizwan Ahmad, for Speedway Sales for a conditional use for sales and service of outdoor power equipment and motor sports, retail, wholesale, and distribution, showroom, offices, warehouse, and repair shop at 16600 W. Cleveland Avenue was called to order by Mayor Chiovero at 7:45 A.M.

In attendance were Mayor Chiovero, Alderman Ken Harenda, Donald Vaclav, John Fillar, and Doug Barnes. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Tony Kim, Associate Planner; and Mark Blum, City Attorney. Alderman Thomas Augustine and Jeff Seidl were excused.

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 Chiovero asked three times if there were any comments or questions for the purpose of clarification, seeing none.

Mayor Chiovero asked three times if there was anyone wishing to speak in favor, seeing none.

Mayor Chiovero asked three times if there was anyone wishing to speak in opposition, seeing none.

Mayor Chiovero asked for comments or questions from the Committee Members.

Alderman Harenda – I noticed in the revised executive summary report, the sprinkling was dropped.

Ms. Bennett – Mr. Schulz from the Fire Dept. verified that they do not have to have a sprinkling system.

Alderman Harenda – Regarding the operation, I have a question for the applicant about the outside storage. Are you a retailer for Polaris, for example, or are you basically looking at an assortment of models and used vehicles vs. new ones?

Rizwan Ahmad, applicant – We are primarily a used motor sports dealer primarily for service. The outside display will be in the paved area in front of the building and be used for parking a mower or snow blower, motorcycle, etc.

Alderman Harenda – Are those displays going to be brought in every evening?

Mr. Ahmad – Yes, those displays are only for normal business hours.

Mayor Chiovero – For clarification, part of the reason he is here is that he currently has a business and having mostly outdoor equipment such as lawnmowers and industrial equipment, has brought a couple of those out for display. He has removed them at the end of each day. He does not want to leave them outside during the night. Our code does not allow equipment to be out there, so he was asked to get approval for it.

Mr. Fillar – Why would the holiday hours start at 7:00 A.M.?

Mr. Ahmad – During the holiday season is typically our snow season. In the early morning snow storm situation where snow blowers are breaking down, the 7:00 A.M. starting time allows people to drop their snow blowers off before they go to work. The snow season coincides with the holiday season.

Mr. Fillar – I share the same concerns that Alderman Harenda has about outdoor displays. In view of the fact that this is going to be on Cleveland Avenue in a high traffic area, if that is not done right, that could be a problem. I would be reluctant to approve the outdoor display. Perhaps we could approve it on a trial basis by letting them do this for a few months and review it later. We could make our approval conditional upon how tastefully it's done.

Mayor Chiovatero – I personally say they have been doing it currently, and I have never seen anything wrong with it. They set it up in a nice pattern. I do understand your concern. You don't want it to turn into a rummage sale. As far as the motorcycle and snowmobile sales, he explained to me when I was there, are mostly used sales. He is not a dealer for any particular brand.

Mr. Barnes – Going back to the hours of operation. We need to clarify "holiday hours". If it is written down and approved as holiday hours and they are open at 7:00 A.M. and it is not a holiday, someone is going to say that is not what was actually approved. Whether we put seasonal or winter, we need to give them the flexibility to be open if it snows at a time other than a holiday, so it reflects on what the actual intent is.

Mayor Chiovatero – This question is for the applicant. Are you talking about being open at 7:00 A.M. only during snow storms, or would there be another time of the year when you would be open early?

Mr. Ahmad – Sometimes in the spring, we start servicing early. I think seasonal hours may be a better term for it rather than holiday hours.

Mayor Chiovatero – Would it be better to say seasonal or define it by specific dates? Would November 1 – May 1 cover it?

Mr. Ahmad – June 1 would cover it.

Mayor Chiovatero – November 1 – June 1. In the spring you need it for the same thing because people's lawnmowers break down and they want to drop them off before work. You also have some professional companies that you work for that start early.

Mr. Ahmad – Yes.

Mr. Barnes – It is in the Industrial Park on Cleveland Avenue. We are telling him he can open for more than half the year at 7:00 A.M. and then in the summer he needs to open at 9:00 A.M. If we are saying it is OK from November to June, why don't we just say 7:00 A.M. all year? It doesn't make sense to say he has to open at 9:00 A.M. in the summer.

Mayor Chiovatero – I agree with those comments. It is in the industrial park. There are a lot of companies that open earlier than 7:00 A.M. in there.

Mr. Vaclav – I was going to comment the same way. Being where he is, he is actually filling a void. Since Home & Garden moved out, we really don't have a place to go to have things serviced. He won't be bothering any residential homes. I don't have any problem with the small display. It is limited to 500 sq. ft. I suggest having the display as a daylight display, eliminating too early in the morning or too late in the evening.

Mr. Fillar – Doug, are you implying that he should be allowed to open at 7:00 A.M. anytime he wants?

Mr. Barnes – Yes, being in the Industrial Park, 7:00 A.M. is not a bad time to start.

Mayor Chiovatero – I would like to ask the applicant if he has a problem with modifying his application

to year round opening at 7:00 A.M?

Mr. Ahmad – That would work fine.

City Attorney Blum – We would note that the application has been modified based on the verbal representation of the applicant.

Mayor Chiovatero – Does the applicant have an issue with outdoor display being during daylight hours?

Mr. Ahmad – No.

Mayor Chiovatero – We will make that part of the condition also.

Mr. Fillar – I would like to make this approval for outdoor display contingent to our reviewing it again in six months. I would put that in as an amendment.

Mayor Chiovatero – City Attorney, there does need to be a trigger to say why we need to review it, or do we just put in on the agenda in six months from now?

City Attorney Blum - I think what you are doing is indicating that you are going to have a limited duration permit, rather than this being a definite use approval. It will be limited to the length of time you decide and be reviewed for purposes of an extension at that time. You would need to say that the approval would conditionally expire at that time and be considered for review at the expiration of that period.

Alderman Harenda – The entire operation or just the outdoor display?

Mayor Chiovatero – Just the outdoor display would need to be considered for review.

Mr. Fillar – I am really concerned about how this might turn out because of it's location on Cleveland Avenue. I am concerned about it being tastefully done. I would like to give them the benefit of the doubt and let them try it.

Mayor Chiovatero – So, we will say conditionally approved upon a six month review or if there is any significant complaints or issues brought before us before then.

Mr. Fillar – I amend the motion to reflect review of the situation of the outdoor display in six months, and that it be subject to approval then.

Alderman Harenda – Second the amendment.

Mayor Chiovatero - Upon voting, motion is approved unanimously. This is a public hearing. This will apply to the item where it is on the agenda.

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

Mayor Chiovatero closed the public hearing at 8:03 A.M.

**NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY
MINUTES
September 7, 2006**

The Community Development Authority meeting was called to order by Mayor Chiovero at 8:03 A.M.

In attendance were Mayor Chiovero, Alderman Ken Harenda, Donald Vaclav, John Fillar, and Doug Barnes. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; and Mark Blum, City Attorney. Alderman Thomas Augustine and Jeff Seidl were excused.

Motion by Alderman Harenda to approve the CDA minutes of July 6, 2006. Seconded by Mr. Fillar. Motion carried unanimously.

COMMUNITY DEVELOPMENT AUTHORITY SECRETARY'S REPORT

Mr. Kessler reported that we are continuing to move forward with Mill Valley Redevelopment Plan. Joe Eberle is not here today. There is no new report. We are meeting with the consultant team today. We hope to have a report at the October meeting, and we hope to be setting up our next public neighborhood meeting sometime in October.

Mr. Kessler reported that we received the community development block set aside grant for studying the implementation of the industrial park plan. We will probably be bringing forward an RFP for your review and approval in October for the selection of a consultant to study the financial component.

CONTINUED BUSINESS

1. Mill Valley Redevelopment Update – Joe Eberle (PG-926)

No update.

NEW BUSINESS

2. (3)GK CU-3-06 New Berlin Bowling Center – 16000 W. Cleveland Ave. – Bowling Lanes, Sports Bar, Banquet Hall.

Motion by Mr. Barnes to approve the Conditional Use Approval for the "New Berlin Bowling Center" (formerly "Kuglitsch's Entertainment Center"), small building addition and outdoor pavilion located at 16000 W. Cleveland Avenue, subject to the application, plans on file, and the following conditions:

- 1) Hours of Operation:
 - a. See the attached Plan of Operation for detailed narrative, but hours of operation are as follows:

New Berlin Bowl:	8:00 a.m. to 2:00 a.m. Sunday – Thursday 8:00 a.m. to 2:30 a.m. Friday - Saturday
New Berlin Ale House:	11:00 a.m. to 2:00 a.m. Sunday – Thursday 11:00 a.m. to 2:30 a.m. Friday - Saturday
New Berlin Banquet Center:	8:00 a.m. to 2:00 a.m. Sunday – Thursday 11:00 a.m. to 2:30 a.m. Friday - Saturday
Volleyball:	6:30 p.m. to 10:30 p.m. Sunday – Saturday

Deliveries to the site will be during normal 9 to 5 business hours.

- 2) Applicant shall not be issued a Conditional Use Permit until all site plans been reviewed and approved by DCD and that staff has verified that all architectural & site development standards comply with the adopted New Berlin Industrial Park Redevelopment Plan and New Berlin Municipal Code, as appropriate and where applicable.
- 3) Applicant shall contact the City of New Berlin Clerk's Office to obtain alcohol, entertainment, amusement and vendor permits prior to occupancy.
- 4) Applicant shall apply for and receive a loudspeaker permit from the City of New Berlin Police Department, as required for outdoor events.
- 5) Applicant shall apply for and receive individual Sign Permits for all existing, new and / or event signage and banners prior to installation or modification, even if signage is temporary.
- 6) All existing and new roof-top equipment, dumpsters and all pad mounted equipment shall be screened from view from the centerline of any public right-of-way as identified in the New Berlin Industrial Park Redevelopment Plan.
- 7) To the maximum extent practicable the applicant / property owner shall dedicate a 30 foot easement to the City of New Berlin for access to Deer Creek for storm water conveyance maintenance through the entire parcel. This easement may need to be reduced to approximately 10 feet along the eastern portion of the site due to the parking lot location.
- 8) Any alterations and / or new occupancies shall require review by the City of New Berlin and appropriate permitting.
- 9) Traffic Improvements – Per the submitted Traffic Impact Statement, the applicant shall establish a pavement marked by-pass lane from 50 (fifty) feet in advance of the east driveway to the west driveway. In addition, a 150 foot taper entering the by-pass lane and a 100 foot taper exiting will be required. Per Waukesha County, an excel / decel lane will be required on the shoulder of the westbound lane. A permit will be required through Waukesha County for any work within the ROW of Cleveland Avenue.
- 10) Applicant shall apply for and obtain appropriate building, plumbing and electrical permits prior to any building modifications.
- 11) Applicant shall submit a landscaping plan that complies with the requirements of the New Berlin Industrial Park Special Plan Overlay Ordinance and Plan and shall be approved by Staff. The proposed site plan shows that three (3) existing trees will be removed for the building addition. The applicant shall either replace those trees on site per the replacement schedule identified under Section 275-54 or provide a monetary donation to the City for the value of the replacements trees.
- 12) The applicant identifies that they are not entirely meeting the parking lot landscaping requirements as identified in the New Berlin Industrial Park Redevelopment Plan. They will be fifteen (15) trees short of meeting the requirement. In lieu of planting these trees, the applicant shall provide a monetary donation to the City for the value of these 15 trees not planted for future tree planting elsewhere in the city.
- 13) Fenced in storage area in the southeast corner of the site shall be removed and restored per direction of DCD staff.
- 14) Parking lot shall be sealed and striped prior to occupancy.
- 15) The City of New Berlin reserves the right to review any potential complaints and take appropriate action as necessary.
- 16) Building plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code. (Comm. 61.31 Plans).
- 17) Building plans shall be approved by the State of Wisconsin Dept. of Commerce Safety and Buildings Division and the Wisconsin Enrolled Commercial Building Code. (Comm. 61.70 Certified municipalities and counties.).
- 18) Per the New Berlin Fire Department, the applicant shall fully sprinkler the building, monitor fire flow, install alarm system, install yard hydrants, maintain fire extinguishers in the building and install Knox (Key) Box.
- 19) Temporary wiring for displays or lighting circuits shall require electrical permit and inspection from the Department of Community Development as required by code. Electrical work to be performed by a licensed electrician.

- 20) Per previous Conditional Use approval for Kuglitsch's, any outdoor concession stands and volleyball leagues / hours of operation shall not extend past 10:00 p.m. without review and approval by the City of New Berlin. Note, applicant has requested a 10:30 p.m. closing time for these activities. Unless modified, this CU permit approval would grant a 10:30 p.m. closing time.
- 21) Given the number of existing and proposed parking spaces, the minimum of number of "Handicapped Spaces" required will be fourteen (14). There appear to be eight spaces (8) allowed for at this time. "2002 Wisconsin Enrolled Commercial Building Code, Comm. 62.1105(1)(b) – 62.1107(4)(a)." The parking lots will be treated as two (2) separate / independent lots approximately one-hundred and eighty three (183) spaces in the "West" lot requiring six (6) Handicap spaces and three-hundred and seventeen spaces (317) spaces for the "East" lot requiring eight (8) Handicap spaces. Please show the corrections on the site plan. Each lot currently shows an allotment of four (4) Handicap spaces.
- 22) The addition shall match the existing ground elevation at the "North end" of the building. "No" additional fill will be brought onto the site for purposes of filling, grading or landscaping.
- 23) A survey of the area to be constructed in, displaying USGS datum / elevations shall be provided with elevations at the three (3) outside corners of the addition as well as along the base of the existing building adjacent to the addition. Several shots will be required in the parking lot adjacent to the addition and side walks. Show the elevations of the proposed sidewalk. If the applicant would consider a small grading plan showing both the existing one-foot (1.0') contours and proposed one-foot (1.0') contours / elevations with spot elevations for both existing and proposed grades would be helpful.
- 24) Applicant shall adhere to all Stormwater management requirements as identified by DCD.

Seconded by Mr. Vaclav. Motion carried unanimously.

3. (3)AB CU-4-06 Speedway Sales – 16600 W. Cleveland Ave. – Outdoor Power Equipment and Motor Sports Sale and Service, Retail, Wholesale and Distribution, Showroom, Offices, Warehouse, and Repair Shop.

Motion by Mr. Fillar to amend the motion to permit the open outdoor display during daylight hours for six months after which time it will come back to CDA for review.

Seconded by Alderman Harenda. Motion carried unanimously.

Motion by Mr. Vaclav to approve the request by Speedway Sales and Service for a Conditional Use Approval for sales and service of outdoor power equipment and motor sports, retail, wholesale, and distribution, showroom, offices, warehouse, and repair shop at 16600 W. Cleveland Avenue subject to the application, plans on file and the following conditions:

- 1) Plan of Operation
 - a) Hours of operation shall be M-F, 7am to 7pm, daily. Saturday 7am to 3pm.
 - b) Employee and customer parking shall be contained on site.
 - c) Outdoor displays permitted for this business per Section 275-41C(9) of the Zoning Code as designated on the submitted site plan, outside of the City right-of-way and limited to 500 sq. ft. of hard surface area, shall be allowed during business hours only.
 - d) No Outside storage is permitted for this business per Section 275-41C(10) of the Zoning Code.
 - e) Dumpsters shall be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
 - f) The Conditional Use Permit shall run with the management of this business as identified on the application. If there is a change in ownership or management of the business, a new Conditional Use Permit shall be applied for and obtained.
- 2) Site Plan

- a) The pavement along the North side of the building shall be replaced due to the deterioration of the existing pavement.
 - b) Existing landscaping shall be evaluated and pruned where necessary. New plantings may be required to improve overall landscape. A revised landscape plan shall be submitted and approved prior to issuance of the Zoning Permit.
- 3) Fire -
- a) Fire extinguishers are required.
 - b) Building shall meet all applicable building and fire codes.

Seconded by Mr. Fillar. Motion carried unanimously.

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

Motion by Alderman Harenda to accept the Pinewood Creek Certificate of Compliance dated July 31, 2006. Seconded by Mr. Fillar. Motion carried unanimously.

ADJOURNMENT

Motion by Mr. Barnes to adjourn the CDA meeting at 8:11 A.M. Seconded by Mr. Vaclav. Motion carried unanimously.