

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

PUBLIC HEARING

7:30 A.M. New Berlin Industrial Park Redevelopment Plan, Special Plan Overlay (PG-951)

NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY

MINUTES

September 1, 2005

The public hearing relative to the request by The City of New Berlin for a rezoning from M-1/M-2/O-1/O-2/B-2/C-1/C-2 to M-1/M-2/O-1/O-2/B-2/C-1/C-2/SPO (Special Plan Overlay) for the New Berlin Industrial Park intention to implement the policies and provisions set forth in the New Berlin Industrial Park Redevelopment Plan in its entirety was called to order by Mayor Chiovaturo at 7:30 A.M.

In attendance was Mayor Chiovaturo, Alderman Ken Harenda, Doug Barnes, Donald Vaclav, John Fillar, Jeffrey Seidl. Also present was Director of Community Development Greg Kessler, Planning Services Manager Nikki Jones, Storm Water Division Engineer Eric Nitschke, Transportation Engineer Ron Schildt. Alderman Thomas Augustine arrived at 7:37 A.M.

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

Mr. Barnes gave a brief overview and outlined the goals of the New Berlin Industrial Park Redevelopment Plan.

Mr. Kessler defined Special Plan Overlay (SPO) as per Sec. 27.39(b)(2) of the Zoning Code.

Mayor Chiovaturo asked if there were any comments or questions for the purpose of clarification?

Bill Luterbach, 2880 S. 171st Street – There is no intent to have any fees, taxes, etc. placed on the individual property owners with this Special Plan Overlay, is that correct?

Mr. Kessler – That is correct.

Mrs. Kirchmeier, 3120 S. Calhoun - Why have you had me on a roller coaster up and down for years? I have been industrial, now I have been told I'm residential. Years ago, the Assessor told me if she were me, she wouldn't repair or remodel anything, so I thought she knew what she was talking about. Now, it is back to residential again. I get letters saying the road is going to be widened. Why didn't I get a notice that someone was interested in the buffer zone? I didn't think New Berlin would ever let anyone build in a buffer zone. All of a sudden the concrete blocks were there along with the semis.

Dave Broadfoot, 18495-A Stonehedge, Brookfield – I have about 30 years experience in industrial development. One thing that has always bothered me, is the fact that you folks insist on putting loading docks in the side or back of the building. In the old days, you could put them in the front. I will point out that 90% or more of the houses in all the communities, their garage doors are in the front of the house where it is more convenient. What happens in the industrial park, is that we have industrial roads that service those buildings. 99% of the service that goes into the buildings are semis. That is the lifeblood of these buildings. Therefore, if you insist on putting the loading docks in the side or rear, it takes up two to three, sometimes four times the amount of land. It also increases the non-permeable area, the asphalt which cannot be used for anything but trucks. Storm water runoff is then a problem. If you would go back to allowing the loading docks to be properly located in front of the building, it would eliminate a lot of those problems. I realize that you have issues with the street conjection, etc. The streets inside the industrial parks would allow trucks to do this.

Mr. Barnes – In the Plan on page 44, based on the logistics of the site, CDA may grant a waiver to loading docks. We do know that there are many properties in the industrial park, based on the size of the

lots, that an addition can occur, but if an addition does occur, a waiver would be needed for truck docks. Based on individual sites, a waiver can be granted by CDA.

Mike Chmurski, 16900-10-20 Cleveland and Liberty Lane – I represent various interests of property owners in the park. I agree with Mr. Broadfoot about the docks facing the street. I know from your standpoint, you indicated if nothing else works that it would be appropriate to allow the docks to face the street. I would take the position, why shouldn't it work if the property owner wants it? Where I live in my house, the garage faces the street. A lot of homes have garages that face the street. This is an industrial area. Why, from your standpoint, it is preferable that the loading dock door doesn't face the street, boggles my mind.

I don't know if anyone has commented about some of the figures within the handout that we downloaded. I would like to call everyone's attention to pages 41 and 42. It seems to me that the calculations that are used there are not correct. It seems to me that the benefit to the school district and to the City of New Berlin exceeds ten million dollars per year. If the school system is saving over nine million dollars a year by not having a thousand students calculated at the rate of one student per .97 acre, there are no students that are generated as a result of the industrial park, so the school district is saving over nine million dollars plus picking up an additional three hundred thousand dollars as a result of the real estate assessment. The real savings figure is in excess of ten million dollars. That relates only to the real estate. What the City failed to mention is that commercial, industrial property owners, and businesses pay personal property tax. I don't know if it was an over site. I don't know if anyone here knows what the assessment is on personal property tax in the industrial park, but I am sure that in itself, it generates several million dollars a year that also would not be generated if residential was there. As individuals, we don't pay personal property tax, businesses do.

My final comments have to do with clarification. The handout talks about the new design standards that have to be satisfied for the park. Among those things, they talk about if there is an addition, the addition has to satisfy the new design standards. If that addition is visible from the street, the entire portion of the building that is visible from the street has to satisfy the new design standards. I can understand that. I don't necessarily agree with all of it, because this is an industrial park, not a residential neighborhood. This is a place of business with industry and warehouses. I think we are getting a little carried away. At any rate, I do understand that this is what the City desires with respect to new buildings and additions. My question relates to lighting and landscaping requirements. Is that intended to apply across the board to all existing facilities, that you want trees planted of a certain diameter and height along all the properties?

Mr. Barnes – The landscape and lighting requirements take place if there is expansion of the building or parking lot. If you have an existing property and you are moving along just as you are now, those requirements would not need to be implemented.

Mr. Chmurski – I think that ought to be clarified within the ordinance if it is adopted. Finally, I would like to say that as a country not only with the devastation in the gulf that we are being scourged with, but we have been scourged in the last four or five years economically by foreign interests. We have to learn to be more competitive and one the ways to be more competitive is to have a product that costs less. One of the ways to have products that costs less is to reduce overhead of business. I am not suggesting in any manor that we create slums or blights in our industrial parks, but on the other hand, these requirements that are being put forth here add considerably to the cost of doing business. I disagree from the standpoint that maybe because they do this in Brookfield or some other area, that this is necessarily the correct direction. With respect to the infrastructure in the park, yes, maybe some things should be done. The businesses should not be burdened with those costs. The whole idea has to be re-addressed. I don't think this is the time or place to be adding these addition costs and burdens to businesses.

Ms. Jones – We have listened to your concerns and many of the issues are already addressed in the Zoning Code. Some of what this plan is hitting on are ways to work with the people in the park concerning such things as landscaping and teaming up with storm water utility to provide possible credits for you. As you are putting in landscaping, we understand industrial parks are different from business parks and commercial areas. Some of the requirements in this plan are better for the people in the industrial park than what the Zoning Code would require. The same thing would apply with a building addition.

Mr. Chmurski – I am informed by property owners in Brookfield on Capitol Drive and Springdale Road that the requirements set for that park are so extraordinary that they can't economically develop their sites because the costs, in accordance with requirements, is not economically feasible. I think that we should all be aware that there is no reason why you cannot build an economical building that is a functional building. They are industrial buildings and people go to work there. This is not like driving through a residential neighborhood. I think we need to keep focused on that idea. Not pointing a finger at New Berlin, but so many municipalities in southeastern Wisconsin feel they are in competition with neighboring cities. From the business side of things, you want something nice but we need to keep control of the situation.

Steve Podjaski, 2222 S. Calhoun Road –Are bio-retention ditches mandated by the State for control of rainwater run-off ? What is the legal requirement in the City of New Berlin?

Mr. Nitschke – The bio-retention swales have multiple functions. The City's NR216 discharge permit requires that by 2008 we meet 20% total suspended solids removal for the entire City, and by 2013 that we meet 40% total suspended solids removal. Currently, in the industrial park the percent removal rate with the ditches as they stand right now is at 17%. With complete build out with the remaining parcels that have not been developed being required to fall under our new storm water requirements of 80% total suspended solids removal, the total suspended solids removal in the industrial park would come to 25%. That leaves us 15% short for just the industrial parks for our discharge permit. The industrial parks have a higher pollutant load than a residential area would, so it ends up tipping the scale further than it typically would. The industrial park, right now, is delivering about 489,000 lbs. of sediment to Deer Creek on an annual basis.

As far as water quality goes, the industrial park right now does not meet our permit requirements for 2008 and 2013. If the roadways are expanded in the industrial park to a true roadway width, then we also fall under MMSD Chapter 13 requirements which is for quantity control and it is much more expensive to store water under ground or buy land for detention ponds. Bio-retention swales have a dual purpose. They are for quantity control and quality control.

Mr. Padjaski – Are there any company's signed on to the WE Energies 2010 program?

Mr. Barnes – Not at this point.

Mr. Padjaski – A 50 page document is too much. I also don't think we need a four page brochure to promote the park. With the price of fuel, the railroad activity will increase. Cost for moving goods per ton is more cost effective via rail than it is truck. You are going to have more businesses stock piling raw materials. I know companies that can't even get a rail car right now. Things are changing in the economy. Is there going to be another plan coming that is going to be revised?

Mr. Barnes – We are going to listen to the public hearing today, take all of your comments into account, and make modifications to the plan. The revised plan will be presented to the CDA.

Mr. Padjaski – The other option I mentioned in my letter was to scrap the plan, repave the roads, take care of the ditches, satisfy the storm water requirements and save a ton of money. I am with you as far as doing something with the park, but the vehicle to get there doesn't have to be 50 pages or this elaborate with all the landscaping.

Mr. Barnes – If you have an addition it needs to integrate with the existing building, the existing building does not have to be changed. A concern was expressed about Brookfield's requirements on landscaping. I can guarantee you that the requirements in our plan are no where near as strong as what Brookfield has. We have heard your concerns at prior sessions and the landscaping requirements we are calling for are less than what is in the zoning code or building code right now in the City of New Berlin, so we have already lessened some of the requirements.

Lee Fichau, 2780 S. 166th Street – I do approve of trying to do something with the appearance of our industrial park and working with all of us to do so. As long as it is done economically and wisely, I believe you are going in the right direction.

Will there be bio-retention swales on such roads as 166th Street with 60' R-O-W's? Will there be room for them and how will they effect landscaping?

Mr. Nitschke – The Industrial Park Water Quality Plan that was put together by a consultant lists the bio-retention swales only on Ryerson Road, Rogers Drive, Lincoln Avenue and Glendale Drive. Along the streets with narrower R-O-W's, we would maintain the standard ditches.

Mr. Fichau – So, I would have the exact same looking frontage as what I have now, but wider because the road would have to be widened?

Mr. Barnes – Right now there is an existing 60' R-O-W already there. The R-O-W is not going to expand. The pavement is going to get wider, but where the swales are will not change.

Mr. Fichau – Are they going to re-engineer the plan because if the road gets wider and higher, the ditch will be deeper.

Mr. Nitschke – For the streets like 166th Street, they will be engineered at that time and if there isn't enough room, they may look potentially at storm sewer. If it remains ditch, it probably would be re-engineered. Bio-retention swales can be oversized, for example, along Lincoln Avenue to accommodate for additional run-off on a side street. It is a regional plan so you would do it with the idea that regionally you would be taking care of quantity and quality control while having different situations on each street. In the plan that our consultant put together for us, there were some areas where loading docks right in the R-O-W where it is very difficult to expand out to the maximum 80' R-O-W limit for the bio-retention swales. Those are areas where the swales would not be put in so that the business can still function as they have.

Mr. Fickau –Then I can assume that based on this information, the city is planning to work one on one with each property owner with regard to the landscaping requirements because of the lack of frontage to be landscaped?

Mr. Nitschke – When we do roadway and storm water projects, we hold public informational meetings and send out notices to all the residents impacted by whatever work we are doing in that area. We do work on a one-on-one basis with the individuals to the maximum extent practical.

Mr. Fickau – The landscaping requirements at that point are just recommendations and guidelines to try to achieve, but not necessarily what may end up if there is not enough room to work with.

Mr. Barnes – Right, and one of the things I want to stress is that this is infrastructure improvements such as roads and storm sewers that will go ten or fifteen years, but individual businesses, hopefully, will expand before then. So, through the review process, the City and the staff and the CDA will work one-on-one with each of the individual businesses and landowners to see if the landscaping makes sense. We are not going to have you plant landscaping that we know in five or six years is going to be torn up because the street is going to be redone.

Mr. Fickau – Is there an official time line?

Mr. Barnes – It will depend on what is happening in the City and the CIP budget. There are 10,15, and 20 year plan scenarios in the Plan. The City is taking an overall look at all the projects in the foreseeable future and trying to create an overall master plan budget guideline. That is not done yet, so I cannot tell you exactly that 166th Street is going to be done in nine years.

Mr. Fichau – Do you know how long it will take to produce that guideline?

Mr. Kessler – Our Department does a five year capitol plan. At least five years out, you will get some idea that we are starting to think about 166th Street because it will show up on our budget document.

Mr. Fichau – So, I won't see anything about a time line for at least another five years, and then from that point it could be another ten years out from that?

Mr. Kessler – It varies. It might show up four years out. I know Mr. Nitschke had something to be

considered.

Mr. Nitschke – We have a passer rating system for the roads. Depending on where 166th lies in that passer rating would directly influence when the roadway is either repaved or reconstructed. For the specifics, I would suggest you speak individually with Ron Schildt, our Roadway Engineer, to discuss where you lie in the passer rating system.

Mr. Fichau – The reason I ask is that in trying to decide whether to go forward with the property we own is greatly effected by what the City does. It can effect the marketability of a piece of property. It is great that there is not going to be a cost to the individual property owner, but when they are trying to figure out how long it will be before the industrial park reaches their goal, what the tie up time is for streets being torn up to re-do swales, roads, and infrastructure, it has a great impact on what the value of the property is and when a person should consider hanging onto or disposing of the property. It is holding, at least myself, in limbo land until we can come up with some numbers as to when and what is going to happen. Whether it is going to happen in twenty years or tomorrow is going to effect what I can do as well as people wanting to move into the industrial park.

Mr. Kessler – I would suggest that you talk to our Engineer, Ron Schildt to help you with a time frame.

Jim O'Rourke, 2300 S. Calhoun Road – It is my understanding that maybe 30% of the properties, at most, have the room to expand, is that correct?

Mr. Barnes - It was 30% when we were using the 1980 setback requirements. That number has increased, however, there is still not more than 50% of the properties that could expand based on ratios of pavement to building.

Mr. O'Rourke – You would agree that probably the most attractive properties are those that can expand?

Mr. Barnes – Yes.

Mr. O'Rourke – How does having to abide to the overlay rules, which are essentially additional rules in terms of costs of the additions, attractive to businesses?

Mr. Barnes – Updating the infrastructure, etc will be a benefit to moving into this park. Having an existing building that needs an addition, means they don't have to build an entire building and the addition will need to meet the standards, but we are not asking the existing building to be completely renovated. Recognize the fact that we are trying to attract companies, but there are some standards we would like to maintain that are in the present code.

Mr. O'Rourke – Anything you add to the cost of moving in will deter people. These are economic conditions that will go into industrial parks in America for the coming decades.

Mr. Nitschke – There is a potential proposal that bio-retention swales will need an additional 6' for R-O-W in some areas, and we are looking at coordinating with the businesses to allow bio-retention swales to be used as green space benefit to the business owner, thus increasing the developability of individual properties.

Mr. Barnes – Right now, the existing Zoning Code requires a maximum of 70% lot coverage. 31% of the properties exceed that. This Plan is allowing an extra 5%, so instead of having a 70% lot coverage, it is allowing 75% lot coverage. So, now instead of having 31%, we have 21% of the properties exceeding the maximum lot coverage. We are allowing you to have more lot coverage for building, parking, servicing, etc. Because of that, we are allowing more properties to expand.

Mr. O'Rourke – I appreciate some of those efforts. I agree with you that if the roads are broken, they need to be repaired. I think this industrial park looks very good, and I don't want to over compensate. This is not about turning it into a business park.

Fred Sues, 2345 S. 170th Street - I was denied a plan to increase the size of my building and the result is that I will be losing a tenant, therefore, I will have to decide what I will do with that building. If a new

tenant moves in with this overlay plan, does that mean the building has to be brought into conformance?

Mr. Barnes – No, it would require a simple Reoccupancy Permit.

Mr. Kessler – Reoccupancy Permits can be issued in one day through our administrative permit process.

Mr. Seuss - Does the same thing hold true if I were to sell the building?

Mr. Barnes – The Building Inspector will check that the building meets State Building Codes.

Mr. Kessler – We would work with the buyer on resolving outstanding building permits. We are not going to hold up your tenant from occupying the building.

Mr. Seuss – It seems that widening the roads will create a problem with storm water. Will it really be worth the benefit of wider roads? I suggest that you take a close look at it.

Mr. Nitschke –In the Storm Water Management Plan, the four major roads through the industrial park were analyzed for bio-retention swales and the other roads were not in trying to be economical. We are looking at moving the major roads, which would include Lincoln Avenue, Ryerson Road, Rogers Drive, and Glendale Drive, out to the industrial standard. Beyond that, we would be looking at repaving, not a full reconstruction of 166th and those types of roads.

Bill Luterbach, 2880 S. 171st Street - The City has come a long, long way in meeting the Industrial Park's needs. I have heard a general theme that is good, that being individual property owner needs and flexibility where needed. This park is already developed. We don't want to be as referred to earlier, as Brookfield, Pewaukee, etc. Those are all new parks. We have a beautiful new park in Westridge, if you want the campus atmosphere. I heard loud and clear here, that we are a manufacturing park. Pennies make a difference. I think in this document, the "where needed" is important because every property is different. It sounds like you are looking at things that only need to be done to clean up. There are some businesses that look terrible, there are some that look great. Some can't afford to do things because of the business they are in. I think that is the theme I have heard. Most people don't realize, just with sewer capacity, I don't know that anyone can expand in this park even if they wanted to. Some help or trade-offs that can be identified by ownership should be looked at. Flexibility to help the businesses stay here is needed. It is six times harder to bring in a new business, than to retain them.

Dave DeBuhr, 2735 S. Calhoun Road – Retail people depend on the park for our business. As I talk to business people outside of New Berlin, they are interested in coming into New Berlin but their interest is waned by all the restrictions. I look for incentives for people to come into the park. I am encouraged this morning by some of the things I have heard.

Ron Huegerich, 2700 S 160th Street- I am hearing comments about reasonableness and like it.

Mrs. Kirschmeyer, 3120 S. Calhoun – I had mentioned I was residential, but that is because I forgot to say I also thought I was industrial. I thought if I sold the property, it could be residential and industrial combined.

Ms. Jones – Mrs. Kirschmeyer's property is zoned residential, so the SPO will not effect her property until such time as someone wants to include it into the industrial park. The future land use plan allows for industrial zoning. It could be sold as a residential property, or if someone wanted to rezone it to industrial, they can do it.

Mrs. Kirschmeyer – Why can't it be combined?

Ms. Jones – It could be. Someone would need to purchase your property who is interested in rezoning it.

Mrs. Kirschmeyer – They would like to live in the house and fix it up, and have their business.

Ms. Jones – They would need to work with staff and file the proper applications.

Ken Matheson, New Berlin Industrial Assoc. – Mr. Matheson read a letter from Jim Wurster, President of Super Products located on the corner of Cleveland and Calhoun.

Ken Matheson – I would like to see more Alderman involved. Every time someone applies for an expansion of their building, they should be given the name of their Alderman who represents that district. That business would then have a neutral party in an official capacity that they could go to with their problems. I think this would help eliminate some of the negative attitudes within the industrial park when confronted with the requirements.

Mr. Kessler – Every letter that we send out when an application is submitted is always copied to the Alderman of the district. The applicant can look at that letter and see the Alderman's name at the bottom. If they need contact information, they can call our office or look at the City's Website.

Mike Chmurski, 16900-10-20 Cleveland and Liberty Lane – The new Reoccupancy procedure is a big improvement. It is something that needed to be fixed. The new procedure is very beneficial and will help fill up this park quicker.

I have further comments on the docks and overhead doors facing the street. I understand the 75% impervious ratio is the maximum. The city wants to generate more tax revenue out of the park too, therefore, by increasing the amount of buildings capable of expansion, it would increase the tax base of the park and might be worth taking a look at. If the requirement demanding overhead doors and loading docks face the side or rear of the building was relaxed, and the docks were permitted to be in the front of the building, it would eliminate the necessity of all the additional drive space, and you may find that many of these building you thought were not expandable, might be expandable. I don't know if aesthetics trumps the other issues, but I don't think it should. I think it might be worthwhile to redo the calculations. Without all the pavement required for drive space, storm water issues would be improved and the building may be able to expand. It might be very beneficial to everyone. The docks may offend some people, but not me. My garage in my house faces the street. It works out well.

Mr. Kessler – The administrative permit process has also streamlined the use approval process. A building expansion request of up to 15,000 sq. ft. can be staff approved within five to fifteen days.

Pat Ray, 16800 W. Glendale – Read a letter from Robert Held, Vice President Wisconsin Engraving Company, 2435 S. 170th Street.

Mr. Matheson – What happens now?

Mr. Kessler – The staff will take the comments from today at this hearing and those in writing and make amendments to the Plan. The amended Plan will be available on the Internet, at the library, clerks office, etc. The amended Plan will be discussed at the October 6th CDA Meeting. If the CDA wishes to accept the plan, they can adopt it or ask for additional amendments. If the CDA approves the plan on October 6, it would be forwarded to Common Council, the soonest on October 25. The Common Council can choose to adopt it, send it back, or table it for feedback.

Mayor Chiovaturo asked three times if there was anyone else with comments or questions for the purpose of clarification, seeing none.

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

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

Mayor Chiovaturo asked for comments from the CDA.

Alderman Harenda – Will we get a summary of all of this at the next meeting?

Mr. Kessler – Yes.

Mayor Chiovaturo asked for further comments from the CDA.

Mayor Chiovatero encouraged everyone's comments from anyone not here at the meeting, seeing no further comments, closed the public hearing at 9:05 A.M.

NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY

MINUTES

September 1, 2005

The Community Development Authority meeting was called to order by Mayor Chiovatero at 9:05 A.M.

In attendance was Mayor Chiovatero, Alderman Thomas Augustine, Doug Barnes, Donald Vaclav, John Fillar, Jeffrey Seidl, Alderman Ken Harenda. Also present was Director of Community Development Greg Kessler, Planning Services Manager Nikki Jones, Storm Water Division Engineer Eric Nitschke, Transportation Engineer Ron Schildt.

Motion by Mr. Vaclav to approve the CDA minutes of August 4, 2005. Seconded by Mr. Fillar. Motion carried unanimously.

Community Development Authority Secretary's Report. - none

OLD BUSINESS

4. Mill Valley Redevelopment RFP Discussion (PG-926)

Item remains on table. A draft copy of the RFP was distributed at the meeting.

NEW BUSINESS

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

Motion by Alderman Harenda to accept the Pinewood Creek Certificate of Compliance for July 31, 2005. Seconded by Alderman Augustine. Motion carried unanimously.

6. Apple Glen Certificate of Compliance (PG-631-5)

Motion by Mr. Barnes to accept the Apple Glen Certificate of Compliance for July 28, 2005. Seconded by Alderman Harenda. Motion carried unanimously.

7. Apple Glen – Refunding Bond Transaction

William Reilly from Reilly-Joseph Co. and Mike Regenfuss from Foley & Lardner explained the refinancing process of the bonds that were initially issued in 1992 by the New Berlin Housing Authority.

Motion by Mr. Barnes to approve the adoption of a resolution for the Apple Glen refunding bond transaction. Seconded by Alderman Harenda. Motion carried unanimously.

8. Adjournment.

Motion by Alderman Augustine to adjourn the CDA meeting at 9:15 A. M. Seconded by Mr. Seidl. Motion carried unanimously.