

Please note: Minutes are unofficial until approved by the Plan Commission at the next regularly scheduled meeting

PUBLIC HEARING

6:00 P.M. (3)NJ RZ-09-06 Judith Berthelsen – 2250 S. Springdale Rd. – Rezone from R-1/R-2 & C-2 to R-1/R-2 & C-2 to Field Delineate the Wetlands.
PUBLIC HEARING CANCELLED

6:01 P.M. (1)JT CU-09-08 Kids in Motion – 14135 W. Greenfield Ave. – Family Entertainment Center.

**NEW BERLIN PLAN COMMISSION
JANUARY 4, 2010
MINUTES**

The public hearing relative to the request by Jason Lopez for a Conditional Use for a Family Entertainment Center located at 14135 W. Greenfield Avenue was called to order by Mayor Chiovaturo at 6:05 P.M.

In attendance were Mayor Chiovaturo, Mr. Sisson, Mr. Christel, Ms. Groeschel, and Mr. Felda. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Jessica Titel, Associate Planner; Amy Bennett, Associate Planner; Corliss Tischer, Code Compliance Specialists; Nicole Hewitt, Storm Water Engineer; and Mark Blum, City Attorney. Alderman Ament and Ms. Broge were excused.

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. Titel gave a brief presentation describing the request and indicated the location.

Mayor Chiovaturo asked three times for questions or comments for the purpose of clarification, seeing none.

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

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

Mayor Chiovaturo asked for comments or questions from the Plan Commissioners, seeing none.

Mayor Chiovaturo closed the public hearing at 6:10 P.M.

PUBLIC HEARING

6:02 P.M. (1)AB R-1-04 Carleton Point Condominiums – 13050 W. Cleveland Ave. Rezone from I-1 to Rm-1/PUD and C-2/PUD for a 40-Unit Condominium Complex with a Planned Unit Development Overlay and Wetland Delineation with a Planned Unit Development Overlay. (Public Hearing 1/9/06, Tabled 2/6/06, 10/2/06, 3/5/07, 5/4/09).

**NEW BERLIN PLAN COMMISSION
JANUARY 4, 2010
MINUTES**

The public hearing relative to the request by Timothy Timmerman, c/o Janacek Investments, Inc. to rezone the property located at 13050 W. Cleveland Avenue from I-1 to Rm-1/PUD and C-2/PUD for a 40-Unit Condominium Complex with a Planned Unit Development Overlay and Wetland Delineation with a Planned Unit Development Overlay was called to order by Mayor Chiovaturo at 6:11 P.M.

In attendance were Mayor Chiovaturo, Mr. Sisson, Mr. Christel, Ms. Groeschel, and Mr. Felda. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Jessica Titel, Associate Planner; Amy Bennett, Associate Planner; Corliss Tischer, Code Compliance Specialist; Nicole Hewitt, Storm Water Engineer; and Mark Blum, City Attorney. Alderman Ament and Ms. Broge were excused.

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

Ms. Bennett gave a brief presentation describing the request and indicated the location.

Mayor Chiovaturo asked for questions or comments for the purpose of clarification.

Will Littlefield, 13005 W. Cleveland Avenue - Are the proposed condominiums for sale or is this going to be general rentals?

Ms. Bennett – For Sale.

Karen Schlice, 130th between National Avenue and Cleveland Avenue - How many units is this?

Ms. Bennett – 40 units.

Ms. Schlice – How tall? Three stories?

Ms. Bennett – Correct.

Ms. Schlice – I think that is huge. I think that is too big and too much for that property.

Mayor Chiovaturo asked three times for further comments or questions for clarification, seeing none.

Mayor Chiovaturo asked three times 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.

Will Littlefield, 13005 W. Cleveland Avenue – I agree with Ms. Schlice. The scope of the property is way too big for a single-family neighborhood. I am not sure if the property changed hands since the zoning was changed to I-1, but I went through two zoning changes on this property, and they didn't build what they proposed either time. Now he wants to change the zoning again which will have an even greater negative impact on our neighborhood. I don't see too many of my neighbors here tonight, but I know that everyone is against this project. Even though this building is totally overpowering for a single-family neighborhood, if he would just go with his I-1 Zoning and build the senior housing that he had planned on five or eight years ago, I don't think he would have any opposition. Thank you.

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

Mayor Chiovero asked for comments or questions from the Plan Commissioners.

Ms. Groeschel - Is there a 3-D model for this?

Ms. Bennett – There is. The architect has one if you would like to see it.

Ms. Groeschel – I will look at it at the end of the meeting.

Mayor Chiovero asked for further comments or questions from the Plan Commissioners, seeing none.

Mayor Chiovero closed the public hearing at 6:20 P.M.

**NEW BERLIN PLAN COMMISSION
JANUARY 4, 2010
MINUTES**

PRIVILEGE OF THE FLOOR

The Plan Commission Meeting was called to order by Mayor Chiovero at 6:25 P.M.

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Christel, Ms. Groeschel, and Mr. Felda. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Jessica Titel, Associate Planner; Amy Bennett, Associate Planner; Corliss Tischer, Code Compliance Specialists; Nicole Hewitt, Storm Water Engineer; and Mark Blum, City Attorney. Alderman Ament and Ms. Broge were excused.

APPROVAL OF DECEMBER 7, 2009 MINUTES - Deferred

PLAN COMMISSION SECRETARY'S REPORT – Ms. Jones reported that the finalization of the Comprehensive Plan documents are in the final stages, and requested the Plan Commissioners let her know through email by Friday, January 8, 2010 if they preferred a hard copy vs. a CD version of the Plan. Ms. Groeschel requested an updated map. Mayor Chiovero said the Plan Commissioners would receive a CD unless they contact Ms. Jones for a hard copy.

CONTINUED BUSINESS

1. (3)AB LD-09-07 Buzzell – Approx. 18845 W. Norwood Dr. – Ne ¼ Sec. 5 -Three-Lot Land Division. (Tabled 12/7/09)

Item remains tabled per applicant's request.

2. (3)AB CU-2-03 Geipel's Certified Sod – 19000 W. Lincoln Avenue – Fiscal Assurance.

Motion by Mr. Christel to approve the request for a mortgage lien to satisfy the financial assurance requirements for the approved Non-metallic Reclamation Plan for the property at 19000 W. Lincoln subject to the following conditions:

- 1) Conditional Use Permit for Reclamation Plan approved September 15, 2008.
- 2) Section 275-65.2A(4) of the Zoning Code states that financial assurance

- arrangements may include, at the discretion of the City, a blend of different options for financial assurance, including a lien on the property on which the nonmetallic mining site occurs or a combination of financial assurance methods.
- 3) Under the scenario proposed by this applicant, the City would have to sue the property owner to foreclose the mortgage in order to utilize the proposed mortgage lien as financial assurance to complete the final reclamation.
 - 4) The mortgage is to be prepared in a form acceptable to the City.
 - 5) The applicant shall provide a lender's policy of title insurance at their sole expense in a form and prepared by an insurer acceptable to the City.
 - 6) The mortgage shall provide that the City may foreclose upon the mortgage if the terms of the reclamation plan and/or the City's Non-Metallic Mining Ordinance are not met following twenty days written notice of the default. The City shall be entitled to collect the costs of the foreclosure and collection of the judgment.

Seconded by Ms. Groeschel. Motion carried unanimously.

NEW BUSINESS

3. (3)AB RZ-09-05 Buzzell – Approx. 18845 W. Norwood Dr. – Rezone from R-1/R-2 and C-2 to R-3 and C-2. (Public Hearing 12/7/09)

Motion by Mr. Christel to table the request to rezone the property located at 18845 W. Norwood Drive from R-1/R-2 and C-2 to R-3 and C-2.

Seconded by Mr. Felda. Motion carried unanimously.

4. ()CT PG-280 Sign Ordinance Revision – Sign Code Amendment Regarding Residential Signs.

Motion by Mr. Christel to defer the Sign Code amendment regarding residential signs to allow for revised language to clarify the intent of the revisions. Plan Commissioners felt that limitations should pertain only to signs that are viewed from the public right-of-way. There needs to be a better definition of visual clutter. The Code should allow enforcement when there is a complaint.

Seconded by Ms. Groeschel. Motion carried unanimously.

5. (3)NJ Mr. Patrick Fitzpatrick – 3527 S. Racine Ave. – Hearing, discussion, and possible action to discontinue the Legal Non-Conforming use as a result of the failure to legally continue such use over the past twelve months.

Motion by Mr. Sisson to approve the loss of legal non-conforming status for the business building on the property located at 3527 Racine Avenue subject to the history of this property, previous applications, plans, violation letters on file and the following reasons:

- 1) This property has been considered a legal non-conforming property because it contains a single-family home and a commercial building. One year has lapsed since Tim Futh, owner of All City Contracting, vacated the legal non-conforming commercial accessory building on November 3, 2008, and no Re-occupancy Permits or DCD applications for a new business have been received by this department. Therefore, there is a loss of the accessory building's legal non-conformity status per City of New Berlin Zoning Code section 275-48 D.

- 2) In a letter addressed to the applicant dated December 29, 2008, he was advised that any future tenant(s) would need to obtain a Occupancy Permit and comply with the City of New Berlin Municipal Zoning Code section 275-26, (Occupancy Permits), Section 275-47 and Section 275-48, (Non-conforming Uses).
- 3) This is the hearing before the Planning Commission for the loss of the accessory building's legal non-conforming status. The burden of establishing that there was no discontinuance of the accessory building's legal non-conforming use shall be upon the owner of the property.
- 4) The owner has not addressed all outstanding zoning compliance issues outlined in a letter dated September 29, 2009 or the follow up letter dated November 5, 2009.

Seconded by Mr. Christel. Motion carried unanimously.

6. (3)AB U-8-07 New Berlin Condo Storage – 20050 W. Lincoln Ave. – Revised Plan of Operation.

Motion by Ms. Groeschel to approve the request to revise the plan of operation for the New Berlin Storage Condominium at 20050 W. Lincoln Avenue subject to the application, plans on file and the following conditions:

- 1) Plan of Operation:
 - a) Applicant shall meet all Waukesha County and DNR approval requirements for holding tanks and private wells.
 - b) Applicant shall apply for any required plumbing permits.
 - c) The Plan of Operation does not allow the operation of businesses out of the storage units.

Seconded by Mr. Christel. Motion carried unanimously.

7. (7)JT LD-09-08 Observatory Road West II – 18200 W. Observatory NW ¼ Sec 21 – Four-Lot Land Division.

Motion by Mr. Felda to recommend to the Common Council approval of a four-lot Certified Survey Map (CSM) for the property located at 18200 W. Observatory Road subject to the application, plans on file and the following conditions:

- 1) Applicant shall correct all drafting errors identified by Staff prior to signing of the final CSM.
- 2) A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 3) Applicant and/or new property owners shall apply and obtain appropriate building, plumbing and electrical permits prior to any construction on any parcel.
- 4) Applicant shall coordinate with Waukesha County and WDNR for septic and well permits.
- 5) Applicant shall dedicate the north 40' (feet) along Observatory Road for public road and drainage purposes.
- 6) Applicant has previously executed and recorded a conservation easement (Waukesha County Register of Deeds Document #3673459) over the entire C-1 area to encompass the Isolated Natural Resource Area (INRA) and the wetland area within the INRA. This will further strengthen the development requirement guidelines outlined in Section 275-37.B(3). No buildings are allowed in the conservation easement area.

- a) If areas outside the INRA are suitable for septic systems, they should, to the maximum extent practicable, be placed in a location that will minimize the impact to the INRA and the number of trees needing to be removed. If the septic systems are to be placed within the INRA, a tree inventory shall be prepared and either the applicant or property owner shall follow the City's tree replacement schedule and/or provide the City with a landscape fee. A note shall be placed on the CSM identifying this condition.
- 7) All easements shall be shown on the face of the CSM.
- 8) All proposed lot corners shall be piped by registered land surveyor before any lots are sold or building permits are applied for.
- 9) All culverts shall be 20' to 30' long (property owner choice) with flared end sections instead of concrete endwalls.
 - a) Lot 1 (most Westerly lot) will be 18340 W. Observatory Rd. with a driveway culvert 15" diameter CMP.
 - b) Lot 2 is 18300 W. Observatory Rd. with a 15" culvert. For drives located at the high point of the ditch, near the East lot line of lot 2, a culvert may not be needed.
 - c) Lot 3 is 18260 W. Observatory Road with an 18" diameter culvert.
 - d) Lot 4 is 18200 W. Observatory Rd. with an 18" culvert.
- 10) The applicant has provided stormwater calculations showing a reduction of flows by the installation of a restrictor on the 18-inch cross culvert that was previously installed by the applicant. The restrictor as proposed shall be installed to reduce the 100-year flows to the south. The proposed berm is not necessary and shall not be installed.
- 11) The applicant shall place the following note on the face of the CSM: "The drain tiles shall be maintained by future property owners. If the drain tiles are damaged and the area takes on wetland characteristics, the owner shall contact the City and adhere to all local, state and federal wetland protection requirements."

Seconded by Mr. Sisson. Motion carried unanimously.

8. (3)NJ UA-09-64 Judith Berthelsen – 2250 S. Springdale Road – After-the-fact Grading.

Motion by Mr. Christel to table the Use and Site approval for an After-the-Fact Site Grading and Filling Plan located at 2250 S. Springdale Road subject to the application, plans on file, and the following reasons for tabling:

- 1) The applicant continues to work with the WDNR on their after-the-fact grading/filling and erosion control measures.
- 2) Staff attended a meeting with this applicant and the DNR on December 8, 2009. As a result of this meeting, there may be additional modifications to the wetland delineation report that was submitted.
- 3) This application is the result of a violation. The WDNR and the City are coordinating efforts to bring this site into conformance.

Seconded by Mr. Sisson. Motion carried unanimously.

9. (5)NJ UA-09-63 MSP New Berlin II – 14901 W. Library Lane (temp. address) – Conceptual Plan Review for 172 Unit Apartment Complex.

This is a conceptual review of two buildings including one 80-unit 3-story workforce housing project and the other, a 92-unit, 4-story elderly housing project located at the same address, for a total of 172 units. Ms. Jones indicated the property for discussion and the surrounding roads and creek on the overhead screen.

Jacob Klein, the applicant presented the initial drawings which were also discussed at the

Architectural Review Meeting held prior to this meeting. Mr. Klein gave an overview of the construction schedule, site plans, and the history of MSP Real Estate, Inc.

Jerry Berkwin, Dimension IV talked about the elderly housing project. He showed sketches and described the floor plan and exterior design for the four story building.

Randy Bruce, Konolth & Bruce Architects talked about the workforce housing project. He showed the site plan and described the positive image created along the street, reduced parking in front of the building and the urban type of environment that is created with individual entries and front porches. Traffic calming features were added to the street. Mr. Bruce also described the floor plans.

Mayor Chiovatero said he is encouraged to see development in our City Center. He is pleased with the modifications made from the original plans. He always envisioned condos with ownership in the City Center, so had questions about the apartments. Are the living quarters of the senior apartments identical to what is currently at Deer Creek?

Mr. Klein – One and two bedroom. One bedrooms range from 665-755 square feet. Two bedrooms range from 969-1,055 square feet.

Mayor Chiovatero – They are similar to the current facility in New Berlin, right?

Mr. Klein – Right.

Mayor Chiovatero – I am impressed with those. I think they are nice, especially with the outdoor balconies. What are the sizes of the apartments? Are they similar in size?

Mr. Bruce - The apartments will be larger than that. The town homes are about 1,100 to 1,300 square feet. The one bedroom apartments will range around 700 square feet, the two bedrooms about 1,100 square feet. High quality materials will be specified for the inside and outside.

Mayor Chiovatero – Will the town houses be rentals or condos?

Mr. Bruce – They would be rentals, but they will be built so they could be converted into condominiums at a later date.

Mayor Chiovatero – I know right now the condo market is bad, and I know that developers are building more apartments right now than condos because of the economy. Again, the concern I have is I thought this was going to be an ownership type area. You use the word “work force” housing. I know that is a term that is being used now for more affordable type housing. My concern for this area would be to make sure that these apartments and the income ranges of those who can afford being in these apartments can actually contribute to the community. We are looking for high retail in the City Center, and we don’t want to disappoint those that are there or the plans of the future by not making sure the demographics fit. I like the project, but I question if it is the right location for it? Those are some of the concerns I have. You talk about the 34 apartment units having high quality amenities and architecture. The amenities you spoke of such as a business center and a fitness center. Those are amenities that professional type people would want to use. Is that who you would want to attract?

Mr. Klein – The target market are teachers, fire fighters, policemen, retail workers that are in City Center already. Right next door at Heritage at Deer Creek we have 63 out of 68 employees that work there that would qualify to live in our apartment building. You’ve got Regency just down the street. That is another large senior housing campus that I am guessing has a similar number of employees. It is a great central location. Having a vibrant work force being centrally located contributes to the goals of the City Center of walkability, public transportation, and keeping everything conveniently located for those to work and live.

Mayor Chiovero – What is a rough guess of what these apartments might need to bear in order for them to be successful?

Mr. Klein – With the elderly, rents will range for a one bedroom from \$685.00-\$795.00, and a two bedroom \$795.00-\$954.00. They will be similar for the work force housing. Our anticipated range for the three bedroom is \$919.00-\$1,113.00.

Mayor Chiovero – I would like to see you provide staff with the demographics of the type of individuals that you are looking for as far as income levels, etc. I want to make sure that this will fit into the City Center area.

Mr. Klein – What exactly are you looking for?

Mayor Chiovero – The typical demographics for this area. You talked about teachers, fire fighters, policemen, etc. With two and three bedrooms, you are talking about families. We need to think about supporting our schools. I saw in a letter that 10-12 children was your estimate?

Mr. Klein – I spoke in depth with our management company that operates about 8,000 apartment units between Wisconsin and Illinois. They told me for a project of this size, they would expect 20 kids to live there, ten of which would be school age.

Mayor Chiovero – Do you have any projects that mimic this anywhere in the area that I can go look at?

Mr. Klein – The apartment is modeled off of the same look and finish level as our elderly. Most of our stuff is in Minnesota, perhaps Randy has some here.

Mr. Bruce – I can provide staff with a list of examples in the Madison area that you would be able to take a look at and get a feel for the product.

Mayor Chiovero – That would be great.

Mr. Christel – I have watched the West Allis facility go up. Is that similar, with elderly on one end and apartments on the other?

Mr. Klein – That is a senior housing campus similar to what we have here in New Berlin at Deer Creek Village, where the fourth story is independent senior apartments, the two story is assisted living, and the single story is memory care.

Mr. Christel – There is no work force housing or apartments for rent there? It is elderly who are moving to assisted living to nursing home.

Mr. Klein – It is memory care. Technically, it is all rental.

Mr. Christel – No ownership there at all?

Mr. Klein – Correct.

Mr. Christel – For those of you who have not seen that facility, it is a very nice set of buildings. You did a nice job. The landscaping is nice too. I am not exactly sure who you are trying to attract with the town houses. You do this for a living so you have done your demographics and market studies. Being a town house setup with two or three bedrooms sounds like low-income housing. It sounds to me like it may not be the type of a family coming that is going to utilize the high end retail areas that we are trying to incorporate into the City Center. I want to go along with the Mayor and ask who you are targeting for that. When you advertise for people to live there, \$1,100.00 seems very affordable.

Mr. Klein – This will be affordable. These will be income restricted apartments. Our target market is anyone who can qualify with the income restrictions and has acceptable credit can live there. This is targeted at a couple that makes less than \$34,000.00 a year. We are talking about restaurant workers, retail workers, teachers, fire fighters, policemen, healthcare workers, etc. When you talk about the retail, I would strongly argue that someone who is in that income bracket is spending a lot higher percentage of their income at retail and what you are looking for rather than having 300 units of elderly there.

Mr. Christel – I think that is a fair answer. I have seen what is happening in our City Center to date. We have had restaurants that haven't made it because we don't have the clientele. Are the people that we would attract here able to support a middle of the road restaurant?

Mr. Klein – I would think so from the set of our unit mix. There are only eight 3-bedroom that relates to our point scoring. We need to get a minimum of points in that category as 10% of the units. We have 44 two-bedrooms and the rest are one bedroom. The concentration is on a young work force that right now is probably living in your older housing Class C apartments built in the 1970's. We are talking about building Class A property with Class C rents that will be as nice or nicer than any of your market rate apartments in town. WHEDA has some unique financing this year that allows us to put a lot of money into building a product that is going to be nice for fifteen years through the ownership period that we have it.

Mr. Christel – Is the WHEDA program for the entire development? That is for the three buildings?

Mr. Klein – That would be for both.

Mr. Christel – Is the elderly housing included in that program?

Mr. Klein – Just like our building across the creek, the independent elderly would also be part of that program.

Ms. Jones – You had said depending on equity pricing and interest rates at the time you have to submit your application you anticipate 90 – 100% of the units will be affordable. Does that mean 10% is not affordable, but market rate?

Mr. Klein – We would like to have a market rate component to it, but we are talking three months out and everyone knows what is going on in the financial industry. What is driving us is our equity pricing. Just to give you an idea of the world we are in, when we built our West Allis project, we sold our tax credits for \$.91. Right now, eighteen months from when we sold those credits, they are at \$.62. If the markets change and we are able to get good financing, we would like to go up to 10% market rate units but will be driven by feasibility.

Mayor Chiovatero – We are concerned if this is the correct location. I have spoken publicly about affordable housing in the last year and a half as we tried to get a deal with Milwaukee on our water situation. I am not against affordable housing. When I talked to WHEDA and a lot of developers, the reason we have what we have in New Berlin was not so much the construction costs, as the land values. It prohibited true and honest affordable housing in New Berlin. The concern I have about this is that within 200-300 feet to the south of this is \$250,000 - \$500,000 condos, behind the library there are town houses and condos. These are people that are property owners and current residents of the area. I don't want to come in with substandard apartments that will get them angry with us and drive down the value that those properties currently have. I want to see the quality of the buildings. I want to go see one of these buildings and see what they are like, and perhaps talk to the local area businesses to see how you fit into the area. City Center has always been looked at as a high quality retail area. That is why our library is there. It is our gem. I want to make sure it all fits in the area. Even if you told me they were \$2,000/mnth. apartments, I would still have the same concerns.

Mr. Klein – Feel free to call John Stibel in West Allis and ask him about us. I don't think he will

have anything but great things to say. Ask him what we proposed to build and what we delivered above and beyond what we said we were going to do. As well, contact Mayor Rob Kahl, City of Monona. Those were two communities we built in last year. Those were both city owned sites where it was a competitive process. It was RFP land owned by the city in both cases. Out of five developers in West Allis, they selected us. Out of four developers in Monona, they selected us. The reason why they selected us is because of what I just said, we build what we say we are going to build, we build a great product, we have great management so we don't have the problems that are running through your head right now that are related to this type of housing. All of that can be addressed with management. I invite you to feel free to ask around, see our building in West Allis, and see the example in Madison.

Mayor Chiovatero – I have seen what you have in Deer Creek. I am encouraged by that. At the same time, I don't want to see something come across the creek into the middle of our City Center that is going to be worrisome for people in the area as well as for the demographics and retail in the area. Apartment dwellers probably have more disposable income because they don't have the bills that a homeowner has, but at the same time I have seen lesser income people try to live in an area they can't live in. That concerns me. I love the design. The architecture looks better than the previous one.

Mr. Klein – It is a lot better than what we have across the street. That one has vinyl siding. What we are doing is what we would call the next generation for the elderly.

Ms. Groeschel – You are getting the WHEDA funding to do this project. What are the restrictions based on that? Do you have to hit the 90% mark for affordable income to get that funding?

Mr. Klein – It is the only way the project will underwrite. I can sit down with anyone who wants the details. I can get as involved or as little involved as you would like, but essentially based on the percentage of affordable units that you have, is what percentage of the building costs is an eligible basis. The applicable fraction is your percent and you would get that percentage of your cost in the credits. With credit pricing that low, you really need to have a high percentage to generate the equity to make the project financially feasible.

Ms. Groeschel – Is there a time restriction on how long that has to stay apartments?

Mr. Klein – You are able to opt out after 15 years if they are sold as affordable condos, otherwise there is a 30 year land use restriction put in place.

Ms. Groeschel – There are some comments I have that we did not cover at the Architecture Review Meeting. One was about the street. We do like the newer version where you kept the street going through. Even though it is a private drive, you have allowed it to be a public access as well. Someone could actually take that drive and connect back onto the street further down. I would also comment about liking the pedestrian path over the creek. I would like to see some of those paths opened up to further neighborhoods, not just to your development. I would like the path extended along the street further down or continue it out because Deer Creek is a nice amenity that we have to the City. Things we talked about at Architectural Review was holding that corner along Library Lane and utilize some of the street parking along that side, as well as removing the underground access from the main corner of the lot to try to hide it from the more public sides of the building. In general, we have talked about the bigger size of all these buildings and I am assuming that has been checked with Code as far as the amount of units that is allowable.

Ms. Jones – That is the additional information that he supplied to us to double check the unit sizes to make sure they are compatible with the PUD, which they seem to be.

Mr. Felda – The building for the elderly living seems so big. It seems like the four stories just sticks out. I am not saying it couldn't work once you see it with all the other buildings that eventually will be in there. I know the layout is not definite. Rental units are a real concern. We

had talked about how long it would take before you could sell them as private residences and it sounds like it would be pretty far down the road.

Mr. Klein – I don't think anyone has a crystal ball that can look into the market and say when the condo market will come around. Right now if you walked into a bank and asked for financing on a condo they would say, sure give me ten million and I'll lend you eight on your condos.

Mr. Sisson – Mr. Klein, you don't need a crystal ball to read how this Plan Commission feels about this project. I think generally the expression on the elderly is fine. As I told you in the Architectural Review Meeting, you need to minimize some of that surface parking. There is too much asphalt. I think the most significant thing that you ought to hear tonight is that from our past work on the Comprehensive Plan, from the research we did, we learned then and we know now that an affordable housing project in New Berlin is not a priority. It definitely, in my opinion, is not a priority for City Center. You might find some other locations in the City, but not in City Center. Having said that and recognizing that the greatest source of frustration often times is unfulfilled expectations, which is exactly what we are looking at here. Our expectations for this particular parcel is considerably different. You don't need a crystal ball to see that.

Mr. Klein – I hear what you are saying. This has been a long process. When the City Center was envisioned, the real estate markets were a lot stronger then they are today.

Mr. Sisson – We can wait. We are not desperate.

Mr. Klein – I hear what you are saying. You've got a landowner here that would like to sell a piece of land and get something built. We are talking about putting something on the tax rolls that is a high-quality building. Given the economic climate we are in today, we are making the most of the tools available to us to build the project. That is all we can do.

Mr. Sisson – The opinions of the Plan Commission was requested and I think you have it.

Mr. Christel – As you were building the one in West Allis, it seemed to make a lot of sense because it was on public transportation, it was a short walk to the next bus line. There is no public transportation serving this facility. Does that concern you when you talk about trying to attract the work force or even the elderly?

Mr. Klein – We have a bus next door for the elderly.

Mr. Christel – That is private. I am talking about public transportation. The bus doesn't stop in front of the lobby here. Do you know that?

Mr. Klein – Since there was not a road there, I knew there was no bus stop there. I guess I assumed there was a bus stop on National Avenue somewhere.

Mr. Sisson – No. Look at our Alternative Transportation Plan. That will give you an idea of what our transportation plans are for the future.

Mayor Chiovatero – One of the biggest concerns I have when I talk to our Industrial Park owners, especially in the older Industrial Park is that they need workers. The reason they can't get the workers is because of lack of public transportation. I have been working with Milwaukee and Waukesha to try to get bus lines and have been somewhat successful. There is a large company here in New Berlin working with the County in order to get a van pool system going. We have subsidized housing in New Berlin and we have no problem with it, but some of the vacancies we have because some of the people who could live in those dwellings usually don't have a vehicle and they can't get to and from their jobs.

Mr. Klein – When you are talking about subsidized housing, you are talking about Section 8 where people are paying 30% of their income. That is not the case here. This is Section 42

Affordable Housing. The requirement for people to live there is a job with three times the income. Our target is people who are age 18-25 whose income is between \$25,000 - \$35,000. It is two separate things.

Mayor Chiovatero – I am glad you are explaining that. We will do our homework on that. We are just giving some warning signs. Like I said, I am not against it, but I have some concerns. I want to make sure you don't spend a lot of money and come back with a plan and then we say no. I want you to know about our concerns. I will physically drive to Monona and see your buildings to get a feeling for what you have. I am very satisfied with what you did with Deer Creek. If you could do the same here, I think I would be comfortable. I have constituents that I have to tell that this is the right thing for New Berlin. That is why we are asking a lot of questions and creating a lot of scenarios.

Mr. Klein – I would like to take a minute and have Milo, the owner of MSP step up. The other thing that I would like to comment on briefly is that we are talking about 170 apartments at once. I would say that is probably 300 construction jobs. When there are a lot of people sitting at home out of work, we are offering to not only add a significant amount to your tax base, but create a fair number of jobs for a year construction project. That will spill into your retail and keep business going for restaurants.

Mayor Chiovatero – I am very impressed and encouraged by this project. You are right, in this economic time, anybody who would take on a project like this has got to know that they will have a high quality project.

Mr. Klein introduced Milo Pinkerton, President and owner of MSP.

Mr. Pinkerton – It is good to be back in New Berlin. It has been nine or ten years since Deer Creek. Mayor, if you like what you see there, you have to see what we built in West Allis and Monona. It is notches above. I love the City Center Development because it is to me, as an Architect, I have a Masters Degree in Architecture, the kind of housing that we should be able to build across all spectrum ranges of income. The Prairie style, the Cottage style, and the Mission style is what we have done in West Allis. I think you will see that, and we can bring that throughout the whole 172 units so that we are building town homes that look like that. The counter project to the south of us is having price points of about \$180,000 - \$250,000. I think you will look at our town homes and think they are every bit of the same price point from the brick, the stone, the Mission style, and what we can do with the staff will bring that out and make it look like it blends in seamlessly. The development to the other side was a condominium project and they went apartments. We are just telling you up front, that is what the market is. We don't see the condo market coming back for five years. Lee, I agree with you. It is your property. It is your community. You can hold out for the best possible development. I think you will be impressed with what our company can offer, and I really encourage all of you to sit down and have meetings and look at the product because I think you will be happy. The second comment I want to make deals with who is going to live there. We particularly, by our choice, made a lot of one and two bedrooms. That is because of the 18-30 year olds that are going to be in the highest spending categories. They will have more money to spend than a home owner who has to put the money back into the house for maintenance. These people will have a car, they will travel, and they will spend in restaurants and other businesses in New Berlin. They are probably already living here. By the time we finish, we hope the economy is better off. Those that are doubling up living at home can move into our one bedrooms. Those that are couples, get married and move into our two bedrooms. A lot of them are childless. That is the choice that we made. That is our target market. I think you will be pleased with that price point as well. Hopefully, you will like the product. I think once you get to understand our marketing strategy, you will realize the sense of it. Again, as the owner I put my equity on the line on every deal so I have to stand behind it. Thank you.

Mayor Chiovatero – Thank you. There is no action to be taken on this. It is a conceptual review.

ADJOURN

Motion by Mr. Sisson to adjourn the Plan Commission Meeting at 8:30 P.M. Seconded by Mr. Christel. Motion carried unanimously.