

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

**PUBLIC HEARING**

7:30 A.M. (3)AB CU-5-06 Pump Station No. 3 Filter Building Addition – 16100 Rogers Dr.  
– Building Addition

**NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY  
MINUTES  
November 9, 2006**

The public hearing relative to the request by Daniel R. Butler of Ruekert-Mielke for a conditional use for a building addition to Pump Station No. 3 located at 16100 W. Rogers Drive was called to order by Mayor Chiovaturo at 7:30 A.M.

In attendance were Mayor Chiovaturo, Alderman Ken Harenda, Alderman Thomas Augustine, 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. Jeff Seidl was 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 Chiovaturo asked three times if there were any 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 or questions from the Committee Members.

Alderman Harenda – Condition No. 4 (i & k) listed in the staff report regarding a drainage pipe. Is this a culvert pipe that is going in there? How much drainage will there be in the ditch? Are we still in a holding pattern on this project?

Rick Johnson – The water will be going into the sanitary sewer.

Mayor Chiovaturo – We are following procedures. We expect to receive approvals from DNR and we want to have everything in line. There is an 80% chance that the project will not be built.

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

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

**PUBLIC HEARING**

7:31 A.M (3)AK/NJ CU-7-06 Central Bark Doggy Day Care, 2105 S. 170<sup>th</sup> Street - Dog day care, boarding services, grooming, specialty boutique for dogs, and training.

**NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY  
MINUTES  
November 9, 2006**

The public hearing relative to the request by Katie Raschka for a conditional use for a doggy day care located at 2105 S. 170<sup>th</sup> Street was called to order by Mayor Chiovero at 7:40 A.M.

In attendance were Mayor Chiovero, Alderman Ken Harena, Alderman Thomas Augustine, 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. Jeff Seidl was excused.

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

Mr. Kim 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 Harena – I have received calls from within my district regarding barking dogs before, therefore I have a question about the noise. The Plan of Operation states that excessive barking is discouraged and indoor quiet time is enforced. I would like some clarification on this.

Mr. Kim – We went out to the location in Wauwatosa specifically to check on the noise. The noise was minimal. The majority of the dogs were calm and relatively quiet, however, I don't know if that is a normal and every day occurrence.

Jackie Jordon, owner of franchise. – I have been in business for ten years with my Central Bark Doggie Day Care. I have three separate locations throughout the Metro Milwaukee area. All of my centers are in light industrial areas, very similar to this facility. In the ten years that I have been in business, when we first opened one of the facilities in South Milwaukee, which was right across the street from residential property, we had one noise complaint. It was rectified very easily and quickly, and we never had another complaint. Representative Mark Honodel from the South Milwaukee area from whom we leased our building, lived with his family on the property within 100 feet from our facility. He is willing to comment if there are any questions.

It is easy to think that there would be barking. The concept is that the dogs are playing with each other and getting exercise. They are getting an outlet for their extra energy vs. a kennel where dogs are confined and are bored, separated, and in a place they don't know, in which case the only way they can get rid of their extra energy is to bark. A kennel is very, very different from what we do. We have an interactive play group where the dogs play with other dogs, they play with our staff, they may be inside or outside depending on the temperature, but they have an outlet for their energy. I am not going to say they never bark, but when they do it is minimal because it is more in play vs. a bored bark, bark, bark.

Mayor Chiovero – Just to let the Committee know, dogs get interviewed when going to dog day cares. I have two dogs. One of my dogs made it through the interview, the other one didn't. The reason was that he did not get along well with others. During the entire time we were there, I only

heard one dog yip a little.

Alderman Harenda – The Plan of Operation indicates a maximum of 75 dogs. Is that something we would hold them to? What if they wanted more?

Mr. Kim – If they wanted to expand, they would be required to come back and submit an application for a change in use. They would be held to 75 dogs.

Mr. Fillar – Is there a possibility that 75 dogs could be staying overnight?

Ms. Jordon – There is that possibility, but it has never happened in ten years. We only accept dogs for overnight services that are part of our day care program. It is not like a boarding kennel. The maximum that we have ever had overnight in any one facility is 25.

Mr. Fillar – Is there someone there overnight, particularly if you have a lot of dogs, in case there is an emergency.

Ms. Jordon – We do not have 24-hour supervision in any of the facilities in the Metro Milwaukee area. We accept dogs that are typically young and healthy. The biggest thing we are concerned with is a medical condition called bloat, which happens because a dog eats or drinks too much and then runs around and their stomach twists. We are pro-active about this, feeding the dogs early that are staying overnight so that we can watch them for a few hours after their meal, and then they are quiet for the night. Pets that are ill at a veterinary clinic do not have 24-hour supervision. If they need 24-hour supervision, they need to go to an emergency center where they are staffed. We have security systems; smoke, heat, fire, carbon monoxide place.

Mr. Fillar – If this is going to turn into an overnight stay for a substantial number of dogs, you may want to consider someone being there to monitor the condition of the dogs overnight.

Ms. Jordon – Is this a requirement here for veterinary clinics?

Mr. Fillar – I don't know, but I don't think they keep that many dogs. I am concerned about the 75 limit. Perhaps we should have a condition placed on this business to limit the number of dogs that can stay overnight without some attention or someone checking on them.

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

Mayor Chiovatero closed the public hearing at 7:50 A. M.

**NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY  
MINUTES  
November 9, 2006**

The Community Development Authority meeting was called to order by Mayor Chiovero at 7:50 A.M.

In attendance were Mayor Chiovero, Alderman Ken Harenda, Alderman Thomas Augustine, 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. Jeff Seidl was excused.

Motion by Mr. Barnes to approve the CDA minutes of September 7, 2006. Seconded by Alderman Harenda. Motion carried unanimously.

**COMMUNITY DEVELOPMENT AUTHORITY SECRETARY'S REPORT - none**

**CONTINUED BUSINESS**

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

Committee Members received the printed Power Point from the workshop held on October 11, 2006, as well as a summary from Joe Eberle. Mr. Eberle will be in attendance at our next meeting for a full update. Another workshop is tentatively planned for January 2007.

**NEW BUSINESS**

2. (3)AB CU-5-06 Pump Station No. 3 Filter Building Addition – 16100 Rogers Dr. – Building Addition.

Motion by Alderman Harenda to approve the request for Conditional Use Permit for construction of a Filter Building Addition and Underground Backwash Tank located at 16100 W. Rogers Avenue subject to the application, plans on file and the following conditions:

- 1) Site and Architectural Plans -
  - a) The entire building shall be constructed of the same finished materials as required by the Architecture Review Committee.
- 2) Applicant shall follow the City of New Berlin Storm Water Management Plan.
- 3) Applicant shall follow all Fire Department Conditions.
- 4) Engineering –
  - a) All erosion control measures as per State of Wisconsin "Technical Standards" shall be in place prior to site disruption and maintained throughout the construction period up to and including site restoration.
  - b) All applicable ADA standards and requirements shall be implemented for the site.
  - c) There shall be stoned pads provided on site for all contractor and delivery vehicles as well as job trailers or visitor parking. Existing paved areas on site can be accessed to meet some of these criterions.
  - d) The proposed stoned access from Reservoir Lane should be lengthened to achieve as close to one hundred feet (100.0') of a cleansing stoned area as possible. Regenerate/Replace the stoned accesses as needed throughout the construction period of the project.
  - e) Both Rogers Drive and Reservoir Lane shall remain open and unimpeded throughout the construction phase of the project.
  - f) There shall be "No" parking of contractor, delivery and construction equipment or vehicles of any type parked on either roadway.

- g) Match the "First Floor" elevation of the existing structure with the First Floor elevation of the proposed addition. Please show the actual First Floor elevation of the existing structure in USGS datum as well as the First Floor elevation of the proposed structure on the plan sets, grading plan sheet.
  - h) Please show the elevations of the existing and proposed parking areas.
  - i) As long as the proposed Corrugated Metal Pipe (CMP) remains less than forty feet (40.0') in length under the entrance from Reservoir Lane to the site it will be approved. However, the ends of the culvert will require concrete end walls as per the City of New Berlin standards. Please show the proposed elevations of both ends of the culvert on the grading plan sheet.
  - j) Please clarify the size and materials of the overflow or backwash pipe from the addition to the open ditch along Rogers Drive. It appears to be a twelve-inch (12") pipe at this time. Please also show the elevation of the outfall on a site grading plan sheet.
  - k) Please state the frequency and the amounts of drainage to be released into the ditches.
  - l) All other engineering concerns outlined in letter dated October 30, 2006.
- 5) Transportation –
- a) Per NBDH Section 3 A (IV)(W)(2), only one driveway / culvert crossing is allowed per parcel without additional PC / CDA approval. Currently four (4) driveways exist, with a fifth being proposed. Recommendation is for a maximum of two driveways based on measured frontage and all remaining driveways shall be removed, along with accompanying culvert pipe, and ditch restored.
  - b) Ultimate Right-of-Way is 80 feet for all streets in the industrial park Reservoir Lane is currently only 60 feet wide. An additional 10 feet of ultimate ROW will be needed on this side of the centerline, thus all setbacks are measured from this line. (corresponds to the 10 foot utility easement on the roadway (not shown on plans).
  - c) No lighting plan submitted. Lighting is required for all on-site parking, circulation and pedestrian areas (Zoning Code §275-60 I). Plan shall show light pole layout with illumination levels and chart with photometric summary information.
  - d) Signing & marking plan is required. Applicant is seeking a waiver from the CDA.
  - e) Curb and gutter shall be used for all parking areas. Show on plans. Drive aisle width is calculated from edge of pavement (not face of curb). Parking stall depth can include curb pan dimension.
  - f) Drive aisle widths are to be 24-feet wide from edge of pavement to edge of pavement (i.e. do not include curb & gutter in required width).
- 6) General -
- a) Building plans shall be stamped and signed by a Building plans shall be stamped and signed by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code. (Comm 61.31 Plans)
  - b) Building plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per State of Wisconsin Department of Commerce Safety and Buildings Division and the Wisconsin Enrolled Commercial Building Code.(Comm 61.70 Certified municipalities and counties).
  - c) Apply and obtain appropriate building, plumbing and electrical permits.
  - d) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any building permits.

Seconded by Mr. Vaclav. Motion carried unanimously.

Motion by Alderman Harenda to approve the following waiver request:

Waiver Request: Applicant is requesting a waiver from the New Berlin Industrial Park Redevelopment Plan & Special Plan Overlay Ordinance No. 2294, Section III 2D, that requires that any façade facing the public right-of-way shall include windows as a design element, for security purposes. See letter from applicant.

Seconded by Mr. Vaclav. Motion carried unanimously.

Motion by Alderman Harenda to approve the following waiver request with the condition that requirements are followed from the Industrial Park Redevelopment Plan for landscaping frontage and side yards along streets:

Waiver Request: Applicant is requesting a waiver from Sec. 275-56, Landscaping and Buffering, of the Zoning Code that requires that all non-residential development shall be landscaped in accordance with this section and shall submit a landscaping plan as part of the required site plan. See letter from applicant.

Seconded by Mr. Fillar. Motion carried unanimously.

Motion by Mr. Vaclav to approve the following waiver request:

Waiver Request: Applicant is requesting a waiver from Sec. 275-60I that requires lighting for all on-site parking, circulation and pedestrian areas. Applicant will be providing updated supporting documentation for this waiver.

Seconded by Mr. Barnes. Motion carried unanimously.

3. (7)AB LD-12-06 U. S. Cellular Switch Expansion – SW ¼ Sec. 10, 2885 S. 166<sup>th</sup> Street – Two-Lot land division.

Motion by Mr. Barnes to recommend to Common Council approval of the 2-lot Certified Survey Map for the property located at 2885 S. 166<sup>th</sup> Street subject to the application, plans on file and following conditions:

- 1) Applicant shall demonstrate that both Lot 1 & 2 have 25% open space per Ordinance #2294 New Berlin SPO, Table 275-35-3 prior to City signing the final CSM.
- 2) Applicant shall complete a Wetland Field Delineation per Section 275-37B(4)(b) and submit any revisions to the CSM to the City for review and approval prior to the City signing the CSM. If wetlands are found applicant shall work with the City to rezone those areas.
- 3) Applicant shall correct all drafting errors identified by Staff prior to signing the final CSM.
- 4) 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.

Seconded by Mr. Fillar. Motion carried unanimously.

4. Update on the New Berlin Section 8 Voucher Program – David Cappon (PG-631)

No action.

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

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

## COMMUNICATIONS

6. Communication To: CDA  
Communication From: Greg Kessler, Director of Community Development

RE: "Mill Valley Business Center Passes Environmental Test", Waukesha Freeman,  
October 17, 2006. (PG-926)

Committee members acknowledged receipt of this communication.

7. Communication To: CDA  
Communication From: Greg Kessler, Director of Community Development  
RE: Letter from Joseph Eberle, Ruekert & Mielke dated October 18, 2006 regarding Mill Valley Redevelopment Plan Status.

Committee members acknowledged receipt of this communication.

8. Communication To: CDA  
Communication From: Nikki Jones, Planning Services Manager  
RE: Mill Valley Power Point Presentation from Work Shop on October 11, 2006.

Committee members acknowledged receipt of this communication.

#### **ADDENDUM**

9. Communication To: Community Development Authority  
Communication From: Greg Kessler, Director of Community Development  
RE: PG-952 New Berlin Industrial Park Monument Signage –  
Modification to Original Sign Location.

Committee members received this communication as an update on the status of monument signs along Moorland Road for the New Berlin Industrial Park.

#### **ADJOURNMENT**

Motion by Alderman Augustine to adjourn the Community Development Meeting at 8:16 A.M. seconded by Alderman Harenda. Motion carried unanimously.

