

## **CITY OF WAUWATOSA**

MEMORIAL CIVIC CENTER  
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### **COMMUNITY DEVELOPMENT COMMITTEE MEETING**

**Tuesday, May 13, 2003**

**Committee Room #1**

PRESENT: Alds. Becker, Ecks, Heins, Herzog, Kopischke, Krol, Sullivan, Treis -8

ALSO PRESENT: N. Welch, Comm. Dev. Dir.; A. Kesner, City Attorney; W. Wehrley, City Eng.

Ald. Heins as Chair called the meeting to order at 8:07 p.m.

#### **Street Festival Permit for Village Art Fair**

The committee reviewed a request by Carl Templer, Village Business Improvement District, for a street festival permit for an art fair on August 16, 2003, from 8 a.m. to 8 p.m. Mr. Templer reported that the Hot Times/Cool Village event would essentially be the same as last year's, utilizing Harwood Avenue between Wauwatosa Avenue and State Street and other village areas for artists' displays.

Moved by Ald. Krol, seconded by Ald. Ecks to recommend to Council approval of the requested street festival permit. Ayes: 8

#### **Business Planned Development - 6600 River Parkway**

Referring to renderings, site plan, and an aerial view, Ms. Welch reviewed the steps leading to the Laureate Group's request for rezoning and final plan approval of a Business Planned Development at 6600 River Parkway to construct Phase I of a senior housing complex. When the Laureate Group approached staff with their proposal in February 2002, the project was discussed and some issues were identified. The preliminary plan was presented to the Plan Commission in May 2002, proceeded to this committee, and was approved by the Common Council on June 4, 2002, subject to five conditions. Those conditions relate to emergency vehicle access, DNR approval, construction above the 100 year flood level, Design Review Board approval, and approval of the necessary sewer credits or an acceptable alternative. After working on those issues, plans were resubmitted for final approval. The Plan Commission subsequently reviewed the final plan for the Business Planned Development and recommended denial by a 6-1 vote.

City Attorney Kesner noted that there are two questions outstanding - the rezoning request and the request for approval of the final development plan - for which there are two separate legal standards. He reported that immediately following the last meeting, the Laureate Group informed the City that they will seek to recover their costs if the project is not approved. With that in mind, he felt it would be appropriate to offer any legal opinions in closed session.

Moved by Ald. Kopischke, seconded by Ald. Ecks to convene into closed session per Wis. Stat. 19.85(1)(g): Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved; with the option of reconvening in open session. Ayes: 7, Noes: 1 (Sullivan)

The committee convened into closed session at 8:15 p.m.

The committee reconvened in open session at 9:07 p.m.

Moved by Ald. Kopischke, seconded by Ald Krol to recommend to Council that a public hearing on the rezoning issue be held on June 17, 2003 --

Mr. Kesner explained that approval of setting a public hearing date and thereby introducing the rezoning ordinance is not a decision on the merits of the ordinance. It is being introduced because there was a petition for rezoning.

Vote on the motion, Ayes: 6, Noes: 2 (Herzog, Sullivan)

Moved by Ald. Kopischke, seconded by Ald. Ecks to hold the item on the final plan until the committee meeting immediately following the public hearing [June 24, 2003]. Ayes: 8

The meeting adjourned at 9:11 p.m.

Carla A. Ledesma, City Clerk  
Wauwatosa, Wisconsin

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