CITY OF WAUWATOSA
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
Fax: (414) 479-8989

COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, May 27, 2003

PRESENT: Alds. Becker, Ecks, Heins, Herzog, Krol, Treis -6

EXCUSED: Alds. Kopischke, Sullivan

ALSO
PRESENT: N. Welch, Community Dev. Dir.; A. Kesner, City Attorney

Ald. Heins in the Chair called the meeting to order at 8 p.m.

Conditional Use – 8700 Watertown Plank Road

Ms. Welch outlined a request by William Heinlein and Keith Nygren for a Conditional Use in the Medical Center and Institutions District at 8700 Watertown Plank Road for a 36,000 square foot expansion to the Wisconsin Athletic Club building. The Plan Commission recommended approval by a 6-0 vote. The 16,000 square foot addition to the athletic club includes a 6,000 square foot, four lane lap pool. In addition, there will be a 10,000 square foot expansion of the rehabilitation clinic and an additional 10,000 square feet with no currently identified use. Referring to an aerial view, Ms. Welch said that the parking lots to the west of the building get quite crowded while the lower parking lot to the north is seldom full. The new addition will have an entrance off the north parking lot, which should alleviate some of the congestion problems in the west lots.

Bill Heinlein, 10909 W. Blue Mound Road, said that when the former county maintenance facilities building was redeveloped in 1999, they really didn't know if they could fill the space with fitness or medical-related tenants, but now everyone needs more space. Over 50% of the buildings' users come from Wauwatosa, and many are elderly. Referring to renderings of the addition, Mr. Heinlein said that construction materials will be basically the same as the existing building, including concrete block, brick, glass, and a metal roof, all with the same color scheme. The building will include some additional community rooms, which have been used by many different organizations within Froedtert and the Medical College. The lap pool will not generate a lot of traffic, with perhaps 12 people using that 6,000 square feet. Additional parking is being provided to meet city code requirements. Barriers now in place in the Medical College parking area will be moved 10-12 feet. The parking area that is being added will have no barrier and will be used by both this building and the Medical College.

Ald. Krol reported that he has not had any calls opposing this project, which is in his district. Even though there is substantial usage, it is spread out during the day to minimize congestion. With the additional parking spaces, he felt that this will be a very good development for the area and for the city.

> Moved by Ald. Krol, seconded by Ald. Becker to recommend to Council approval of the Conditional Use with the contingencies cited by the Plan Commission; i.e., 1) obtaining the proper city licensing and permits; 2) engineering approval storm water/water quality issues; and 3) parking lot plan approval –

The Chair recalled concerns that arose when parking on the west side of the building was expanded. With 10,000 square feet being added to the rehabilitation clinic, she asked if there would be any parking closer to the building for rehab clients. She said that she would be very concerned about taking down more trees to provide more parking to the west. Ms. Welch said that rehab clinic users will no longer have to complete for parking with those using the athletic club. Also, employees could use rear parking spaces and patient parking spaces could be designated. Mr. Heinlein said that some special parking will be designated in the north lot similar to the 14 spaces now marked for sports medicine in the west lot.

Ald. Ecks said he is concerned that adding more parking spaces at the rear puts those coming to this building in competition with students coming to classes and parents coming to day care, each of which have very different traffic patterns. There are large groups of pedestrians as well as people dashing in and out of the building, he said. He asked about configuring the access road so that traffic movements are not in conflict with each other.

Mr. Heinlein said he has been in touch with Bill Hatcher of Milwaukee County regarding improvements to the parking lot access road, and he was told that the county would address roadway repaving and widening once they complete some other nearby work. Keith Nygren, 1939 S. 108th Street, West Allis, added that Medical College traffic usually arrives before 8 a.m. and stays all day. Although there is morning traffic connected with the rest of the building, the conference room and rehab areas aren't open and morning traffic is generally not a problem. Mr. Nygren said that he has been talking with Froedtert about reutilizing spaces assigned to Froedtert and the Medical College. Also, there is quite a bit of additional space in the corner of the north lot that normally doesn't get used. Mr. Heinlein added that a non-scientific traffic study revealed that the majority of cars enter from Watertown Plank Road and go down into the lower lot. There is not a lot of fitness center traffic off of 87th Street.

Moved by Ald. Ecks, seconded by Ald. Herzog to hold this matter due to the absence of Ald. Sullivan, who wished to be heard, and also Ald. Kopischke –

Asked about their construction timeline, Mr. Heinlein said that they would like to have the new area available in the fall. They had hoped to begin construction by about the second week of July. Ms. Welch noted that a city building permit can't be issued until the Common Council approves the Conditional Use. They also need to submit some plans to the state for their review, which Mr. Heinlein indicated could take a month or more. Some storm water retention issues also need to be worked out with the city's engineers.

There was further discussion on the motion to hold. It was noted that the matter can be discussed at Council and referred back to this committee if the Council so desires.

Vote on the motion to hold, Ayes: 1 (Ecks); Noes: 5
Motion fails.

Ald. Krol commented that the parking that has been added was done with care and concern for the existing area. He noted that there is a traffic light at 87th Street that helps control traffic flow from the north lot. Ald. Ecks was concerned that a storm water plan is not yet in place. He indicated that he would vote "no" with the hope that an update could be provided by next week's Council meeting.

Vote on the original motion, Ayes: 5; Noes: 1 (Ecks)

<u>Conditional Use – 2366 N. 80th Street</u>

Ms. Welch reviewed a request by Kent Westmaas, Wauwatosa Presbyterian Church, for a Conditional Use in the AA Single Family Residence District at 2366 N. 80th Street to construct a pedestrian canopy. She displayed an aerial view and renderings of the proposal. The canopy would be on the north side of the building, providing a covered,

handicapped accessible entrance to the church. There is no increase in worship area. The Plan Commission recommended approval by a 6-0 vote.

Karen Lindholm-Rynkiewicz, 335 N. 69th Street, said the church is renovating the sanctuary and working on the entrances and canopy to provide parishioners with a protected entryway. An elevator that provides access to the basement level is just inside the canopy area. There will be no vehicular traffic under the canopy.

> Moved by Ald. Herzog, seconded by Ald. Krol to recommend to Council approval of the Conditional Use subject to Design Review Board approval.
> Ayes: 6

Conditional Use – 3000 N. 114th Street

Ms. Welch outlined a request by Brian McQuestion for a Conditional Use in the AA Light Manufacturing District at 3000 N. 114th Street for outdoor storage of concrete castings. The Plan Commission recommended approval by a 6-0 vote. Ms. Welch pointed out the area on an aerial view and displayed photos showing examples of the concrete castings, the majority of which are used for enclosed septic systems or as underground equipment vaults. The storage area is at the rear of the building, covering approximately 20,000 square feet. The fire department would like the castings to be stored far enough away from the building to allow for a 20-foot fire lane for access. Also, with West Nile virus being an issue, there is significant concern that rainwater could collect and provide mosquito harborage. Because the applicant felt that it would be impractical to cover the castings, he was asked to work with the health department to find some other means to avoid mosquito harborage. Ms. Welch was uncertain if that had been accomplished. The applicant was not present.

> Moved by Ald. Treis, seconded by Ald. Becker to hold this matter for two weeks or until such time as the applicant is ready to move forward.
> Ayes: 6

Conditional Use – 1155 N. 73rd Street

The committee reviewed a request by Mark Russert, agent for Voicestream, for a Conditional Use in the Park and Open Space District at 1155 N. 73rd Street for a wireless communications facility. The Plan Commission recommended approval by a 6-0 vote. Referring to an aerial view of the Hart Park area, Ms. Welch reported that the Voicestream would like to erect a 20-foot communications tower that would also serve as a flag pole or possibly as a foul pole depending on the precise location, although that is less likely. Voicestream would rebuild an existing storage building to include space for their equipment. It would be built at least two feet above ground level to avoid possible flooding.

Mark Russert, 600 W. Virginia Street, Milwaukee, said that the storage building will be constructed of Lannon stone to match other buildings in the park. Asked about maintaining the flag, he said that issue is part of the lease negotiations. Voicestream would want park personnel to take care of the flag and would prefer to provide funds to purchase a flag rather than provide it themselves. It can be lit at night, he said.

Ald. Becker raised various questions about lease negotiations. Mr. Russert said that they had proposed a payment of $15,000 per year. Ms. Welch noted that rates have been compared with other communities in the past to develop a lease arrangement that is comparable to what other communities charge. Although Mr. Russert stated that the lease itself would be approved by the Common Council separately and is not a part of the Conditional Use, Ald. Becker felt that it would be harder to negotiate once the use has been approved.

> Moved by Ald. Becker to hold this matter for two weeks to allow time for lease negotiations –

Ms. Welch stated that the Plan Commission's recommendation was contingent upon a successfully executed lease, and the Common Council could grant approval with a similar contingency. She noted that members of the Parks Board are aware of this request have given verbal approval, but it has not been formally approved by the Board.

> Ald. Becker amended the motion, with a second by Ald. Krol, to recommend to Council approval of the Conditional Use contingent upon successful lease negotiations and approval of the Board of Parks and Forestry –

Ald. Treis advocated holding this matter so that the lease could be negotiated and reviewed prior to approval of the Conditional Use.

> Moved by Ald. Treis, seconded by Ald. Ecks to hold this matter until the lease has been negotiated –

Ald. Ecks expressed support for lighting the flag pole since this is a large expanse of public property and it would have no adverse affect on residences. He felt, however, that taxpayers should not be burdened with the expense of lighting.

Mr. Russert clarified that Voicestream would tear down the existing storage building and erect a new one, which the Chair felt should be clarified in the lease agreement.

> Vote on the motion to hold, Ayes: 6

Conditional Use – 2290 N. Mayfair Road

Ms. Welch outlined a request by Robert Peregrine, Jr. and Denise Kalina of Equitable Bank for a Conditional Use in the AA Commercial District at 2290 N. Mayfair Road to install an automated teller machine (ATM). The Plan Commission recommended approval, with some contingencies, by a 6-0 vote. Ms. Welch reported that several potential ATM locations were proposed by the applicants. Their preferred location was on the west side of their parking lot, where staff was concerned about queuing along Mayfair Road. Staff recommended locating the ATM on the south side of the building, which would allow cars to queue within the parking lot.

> Moved by Ald. Ecks, seconded by Ald. Treis to hold this matter until the next meeting due to the absence of the applicants. Ayes: 6

The Chair indicated that she would be very concerned that headlights of cars egressing onto 107th Street would shine directly into two houses during all hours of the night, since this is proposed as a 24-hour operation.

Review of Conditional Use – Locker's Florist, 9125 W. North Avenue

Ms. Welch reported that there has been a floral business at the Locker's site on North Avenue since approximately 1911, although many changes have occurred since then. As it stands today, the parcel has split zoning with the portion abutting North Avenue zoned Business Planned Development and the portion abutting Jackson Park Boulevard zoned AA Single Family Residence District. The latter zoning allows the operation of a florist and greenhouses as a Conditional Use. The Locker family received the Conditional Use permits with significant restrictions due to concerns of the neighbors. Stipulations placed in 1996 state that no semi-trailer trucks in excess of 9,000 pounds shall make deliveries on Jackson Park Boulevard and no deliveries of perishable items shall be made on Jackson Park Boulevard when the outside temperature is greater than 40° F. One of the stipulations in connection with 2001 approval of a delivery door off the parking lot was a requirement to discontinue semi-trailer deliveries from the Jackson Park Boulevard driveway as of November 30, 2002, and to install signage to alert truck drivers of

the proper delivery point. In the past year, Ms. Welch reported, there have been numerous complaints about semi-trailer trucks parking on Jackson Park Boulevard and delivery trucks using the rear door on Jackson Park Boulevard. There were also reports of noise from a refrigerated truck parked in the lot that operated continuously and was used for storage. It has since been removed, but there continue to be numerous delivery vehicles parked in specifically prohibited locations.

Ed Boesen, 3422 Beaver Avenue, Des Moines, Iowa, said he and his family purchased Locker's and other businesses here about a year and a half ago and have about an equal amount of time left on their lease of the Locker's premises. They made some significant changes and consolidated a lot of work into the Locker's location to the extent of doing production for five shops at that site. The consolidation was as of March 1 and added perhaps an extra 20-25 people to the building. He acknowledged that they had a semi-trailer truck parked in the parking lot with another truck next to it and had employees parking up and down the street. Mr. Boesen said that Locker's wants to be a good neighbor and doesn't want this to continue. Before the next big business cycle, which would be at Christmas, he plans to purchase a warehouse building that will allow them to do business more efficiently. The Locker's building did not serve efficiently as a production facility, he indicated. On a given day, they might do 200-300 deliveries from that building, but they did 3,000 per day for Mother's Day, which was a bad situation for all concerned. He would like to talk to the Locker family, who owns the property, and do some modifications to the building to make it more of a flower shop and less of a production facility. He will work with the neighbors until that plan is worked out. He noted that there has been some discussion about whether the neighbors do or do not want signs in the back saying "no semis, no deliveries." New drivers tend to logically pull around to the back of the building, but they will do their best to curtail that, he said. Out of respect to the Locker family, he wants to be a better steward than in the past, Mr. Boesen stated.

Russ Drover, 9116 Jackson Park Boulevard, said his objection, along with 14 others, is use of the premises to operate separate trade names, which is not in the best interest of the Conditional Use zoning. Even now after Mother's Day, there is more traffic than ever before. Backups in the driveway on Jackson Park are significant, and it is detrimental to the neighborhood to have so many vehicles parked and unloading there. Mr. Drover spoke of threats to public safety and hazards to pedestrians with trucks parked in the driveway and over the sidewalk. The number of vehicles coming and going presents a hazard, he said. He also felt that residential property rights are adversely affected by the multiple businesses filling orders out of that location. He asked how someone can run multiple businesses in a residential district, while he, as a single family property owner, cannot expand his property to a two or three family residence. Mr. Drover said that Locker's had no access to Jackson Park Boulevard years ago before Swan Boulevard was extended, but now the heaviest use is on Jackson Park Boulevard in a residential area. Any response must be looked at with caution, he commented, and proper zoning must be in place to protect residential properties.

David Quast, 9123 Jackson Park Boulevard, said that at previous meetings, the Locker's manager indicated that about 50 employees were working there at the height of Mother's Day business. He requested that the current tenant or any future tenant of Locker's show sensitivity to the parking situation on Jackson Park Boulevard. In those times when restrictions are not in effect, parking does create difficulty for residents. He reported that a Locker's employee responded positively when asked if she could move her car yesterday, and he asked for some initiative on the part of all the employees to avoid parking in front of residences.

Mr. Boesen responded that he would absolutely try to comply with Mr. Quast's request. Since the Plan Commission meeting, the manager has tried to make employees aware of the situation and the fact that they are in a neighborhood, and they will make sure to communicate that every day. A lot of those who parked there around Mother's Day were not regular employees, he said. Until he changes the operation, he suggested that residents call the manager about any problems. When the move is completed, there will be only two or three employees for retail and the greenhouse, which is probably less than were there during Locker's historic days as a flower shop.

Matt Wey, 9212 Jackson Park Boulevard, said the issue each time has been the Conditional Use as a greenhouse, but it hasn't actually been a greenhouse for years. Years ago, we were helping out a local florist by permitting him to keep the greenhouse in a residential area, he commented. He questioned whether a license is needed to operate this business and said that some conditions should be imposed.

The Chair suggested that Locker's delivery instructions should be printed out and put on the visors of all delivery trucks as a reminder that deliveries must be made at the front. The notice would then stay with each van rather than with the drivers. Ms. Welch clarified that the earlier Conditional Use prohibited only semi trailer deliveries. Later, all deliveries were to be directed to the new delivery door accessible from Swan Boulevard.

Asked about ownership, Mr. Boesen explained that Locker's still owns the property. The business was sold to a company called Gerald Stevens from whom he purchased it when they went bankrupt. Mr. Obenberger, who represented Locker's before this committee in the past, was a Boesen employee but is no longer employed there.

Ald. Krol said that this commercial business is not complementary to the residential neighborhood, which bears the brunt of the problems in the busy seasons. The production aspect should be done elsewhere, he felt.

Discussion of delivery points ensued. Mr. Boesen indicated that he was not aware of some of the restrictions. Ms. Welch clarified that there is no specific statement in any resolution about van deliveries. Mr. Boesen said that he runs 300-400 deliveries off that driveway each day, about 20-30 per truck. He doesn't use the door off Swan Boulevard because it goes into the converted greenhouse where it can be 125° in the summer. The garage off of Jackson Park is not really ideal either, he said, since it is not air conditioned. In the future when staff is reduced to just two or three people, deliveries will be routed through the front, and he will probably lock up the south half of the building, which will then be obsolete for his operations.

Ald. Krol indicated that he would like to see if there are any improvements to the neighborhood situation by virtue of the changes in operation that Mr. Boesen described

> Moved by Ald. Krol, seconded by Ald. Becker to place this matter in file with further review of the Conditional Use following the Christmas season season at the first meeting in January to see if improvements have taken place –

Ald. Becker favored earlier review. Mr. Boesen said he couldn't commit to completing the real estate transaction and making the changes within 90 days. He could do it by November 1, since he would have to have the system working for the Christmas holidays by then.

> With consent of the second, Ald. Krol amended the motion to place the matter in file until November 1 –

Mr. Boesen responded to statements and questions from Ald. Treis regarding his business operation. He explained that he bought 10 businesses but subsequently got rid of two of them. He didn't move anything into Locker's except for the computer system, which allows them to handle overflow calls and fill orders from the other shops. Some vans have been traded back and forth between Locker's and Baumgartner Krueger since about 1998-99, he said. Locker's has more or less become the distribution center for other florists. There is more traffic as they are *facilitating* eight businesses, but they are not running eight out of one. Mr. Boesen described Locker's as a funnel for the individual retailers, and said he has moved a lot of the designers into Locker's. He reiterated that there will be an improvement in traffic in the future with only three people in the building.

Ald. Treis noted that continuity was lost when the person who had been managing Locker's was discharged. He spoke of working with Mr. Boesen on a new floor map for the facility. We are looking for something that the neighborhood will accommodate in terms of parking and vehicles coming and going on various holidays, he said, asking Mr. Boesen what can be done now. Mr. Boesen responded that he would ask to continue to operate as he does today until he can move the major part of the operation into a different building. If today's operation is unacceptable, he said, he would have to figure out another way to do it. There would not be a lot of difference in the level of traffic between now and November, he indicated, and he could control what happens there.

The Chair asked for neighborhood response on tolerating the current operation until November 1. Mr. Drover cited overuse of the driveway and vans parked on the street all day. Residential quality is compromised when this is allowed to go on, he said. Mr. Quast had no objection but mentioned the need for sensitivity to parking in front of residences. He was also concerned about the recurring nature of this situation and the possibility of going through it all again with a new tenant. Mr. Wey also accepted the November 1 deadline, noting that there will not be a parking problem thereafter if there are just three employees. Michael Retzer, 9220 Jackson Park Boulevard, said he would feel remorse if the whole operation moved out but is concerned about recent activity from a safety standpoint. He expressed confidence that the deadline would be workable.

The Chair clarified that the motion on the floor would permit Mr. Boesen to continue the business as it now operates until November 1, in the meantime making every effort to negotiate a deal to move the distribution center out of the Locker's site at which point it would become a local flower shop. Continued cooperation is expected regarding parking on Jackson Park Boulevard and there would be no semi-trailers allowed on Jackson Park Boulevard and no refrigeration units running on the site.

Ald. Herzog stated that Mr. Boesen has admitted that he violated the Conditional Use by operating as a distribution center. He asked if the driveway on Jackson Park could be removed. Mr. Boesen said it could not, in the short term; in the long term, it would fall to the Locker family. He added that he would not need to use it once he moved out most of the employees. If used after that, it would only be by mistake.

Referring to the Conditional Use, Ald. Herzog said he believes the building is no longer used as a greenhouse. He asked if they could still operate as a florist if the greenhouse Conditional Use was taken away and the greenhouse portion essentially shut down. Mr. Kesner said that a Conditional Use expires one year after it stops being used. Since there are two separate zonings, the two areas of the parcel could be treated separately, he felt. Mr. Boesen said that it is still being used as a greenhouse; it is still a greenhouse structure and plants are held there. They are "finishing houses," he said. Further discussion followed questions by Ald. Herzog about procedures to terminate the Conditional Use. Mr. Kesner said that some type of notice would be necessary before immediately terminating the use. There would have to be a hearing if it was proven that there was a violation. Ald. Herzog felt that notice of violation should be undertaken now then, rather than waiting until November 1.

Ald. Krol said that his motion was for further review after November 1, at which time the committee would determine if enough improvement had taken place. Residents have indicated that they feel November 1 is reasonable. Ald. Krol noted that the Conditional Use was not granted to Mr. Boesen himself but to the owner of the property; Mr. Boesen is acting as an agent for Mr. Locker by virtue of his lease.

Upon further comments by Ald. Herzog on the need to send out an official notice of violation now, Mr. Kesner suggested directing the City Clerk to send the results of this meeting to Mr. Boesen and Mr. Locker, indicating that after November 1 the committee will review the current status and determine where to go from there.

> With consent of the second, Ald. Krol amended the motion to include a directive to send a notice to Mr. Boesen and Mr. Locker as suggested by Mr. Kesner. Vote on the motion as amended, Ayes: 6

The meeting adjourned at 9:42 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

es