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COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, June 10, 2003

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

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

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

Land Division – 2303, 2323, 2352, 2365 N. Mayfair Road

The Chair announced that the applicant has requested that this matter be held. Ms. Welch said that the hold has been requested in order to do some additional research on ownership of one of the parcels.

The Chair ordered the matter held until the next meeting or such time as the applicant is ready to proceed.

Amendment to Land Division – 6830 St. James Street

Ms. Welch explained that a land division at 6830 St. James Street that was approved in 1999 contained an erroneous legal description of the land. An amended resolution with the correct legal description is needed to allow the applicant to properly record the land division with the County Register of Deeds.

Moved by Ald. Treis, seconded by Ald. Ecks to recommend to Council adoption of the proposed resolution amending the legal description. Ayes: 8

Conditional Use – 3000 N. 114th Street

Held from the previous meeting due to the absence of the applicant was 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. Neither the applicant nor a representative of the applicant was present at this time. Ms. Welch reported that staff left a message with Mr. McQuestion's receptionist about the need to attend this meeting. He was informed of the previous meeting at the time he appeared before the Plan Commission.

Moved by Ald. Sullivan, seconded by Ald. Treis to recommend to Council denial of the Conditional Use. Ayes: 8

Conditional Use – 1155 N. 73rd Street

The Chair announced that the agent for Voicestream has requested that this matter be held pending execution of a lease agreement for the proposed wireless communications facility, as requested by this committee.

Moved by Ald. Treis, seconded by Ald. Becker to hold the matter until the lease agreement has been drafted. Ayes: 8

Conditional Use – 2290 N. Mayfair Road

Held from the previous meeting was 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). Referring to an aerial view, Ms. Welch pointed out the proposed ATM location on the south side of the building. This is an alternative location that was worked out with the applicants, who would have preferred a site on the west side of their parking lot adjacent to Mayfair Road.

Terry Williamson, N48 W27590 Cherry Lane Court, Pewaukee, representing Equitable Bank, said that the west location was the first choice from a marketing standpoint. The location now being proposed is adjacent to their drive-up facility. To accommodate this additional lane, they have changed to angle parking, which does not present a problem. The ATM will be fully maintained and open around the clock seven days a week. In response to questions from Ald. Sullivan, Mr. Williamson indicated the exact location on a site drawing, indicating that vehicles will be able to exit to either N. 107th Street or W. North Avenue.

Moved by Ald. Herzog, seconded by Ald. Kopischke to recommend to Council approval of the requested Conditional Use –

The Chair reiterated concerns expressed at the previous meeting about headlights from any late-night/early-morning traffic shining into the house directly across from the 107th Street driveway, although she noted that the occupants may be unaffected if there are no bedrooms at the front of the house. Ms. Welch indicated that adjoining property owners were notified of the application. As a representative of this area, Ald. Krol reported that he has not received calls about this proposal. He said that he does share the concern about headlights and suggested reviewing the use on an annual basis. The Chair said she would be especially concerned about reviewing the exit markings.

With consent of the second, Ald. Herzog amended the motion by adding a requirement for annual review --

Ald. Sullivan agreed with the expressed concerns and inquired if this installation is part of the bank's revenue stream. Mr. William said that a fee would be charged to non-bank customers. He added that they do not want to impact any neighbors adversely but see this as a benefit for everyone in the community, and it will probably be used by people in the area. He pointed out that the exit from their parking area onto N. 107th Street is a quite steep hill and headlights aim toward the ground until they get to the bottom of the hill. That parking area is primarily used by employees, he said, and most customers do not even know of that exit and are more likely to exit onto North Avenue.

Ald. Treis agreed with the comments but advised that the time to take action would be when there is some indication that people are bothered by the headlights rather than requiring an annual review. He asked that the motion be restricted to a one-year review.

With consent of the second, Ald. Herzog restated the motion to require a review after one year rather than an annual review.
Vote on the motion as amended, Ayes: 8

Review of Development Proposals for Public Works Site

Ms. Welch reviewed the status of development proposals for the public works site south of Walnut Road and west of N. 113th Street. At the February 27, 2003 meeting, the committee chose three developers and directed staff to work with them on developing more detailed plans for further consideration. After extensive discussions, the sports complex developer withdrew his proposal, believing that the current economic climate would not provide sufficient support for such a facility. Of the two that remain, the Toldt Development, Inc. has proposed 430 residential units and Thomson Corporation proposed 238 units. The developers were told that they could make modifications and present them at this point. Mr. Toldt of Toldt Development, Inc. was the only developer present.

Helmut Toldt, 4040 N. Calhoun Road, Brookfield, said that he has made no changes from the original submission—the number of units, types of units, retail space, and live/work components remain unchanged from the original. When Horizon Development decided not to continue, they inquired about interest in a joint venture on the elderly housing component, but he saw no reason to pursue it since his company has developed elderly housing themselves.

Richard Bachman, 2229 N. 115th Street, questioned exactly what is before the committee, where the issue will be discussed next, and when public input would be invited. The Chair responded that tonight's purpose is to determine just that. She said the committee should determine if there are any additional questions or recommendations to the developers and then decide on the next step. She supported the need for public discussion. Mr. Bachman said residents in the area from North Avenue to Watertown Plank Road and from 116th Street to the east should be involved, since that is where traffic will be of concern. He said he hopes that traffic from this area can be controlled from exiting to 116th Street to access the expressway. Ms. Welch responded that that is one of the many things that would be in the developer's final proposal. Mr. Bachman indicated that he favors the Toldt proposal but is unsure what other residents would want. He pointed out that, as originally set up by the former Director of Community Development, Walnut Road would not be available to vehicles from this development. He was also concerned about preventing access to Mayfair Road over the railroad tracks bordering the city yard. If vehicles gain access, the railroad may close off that area of the track, he said. The only way it could be used would be with an underpass, which the city has had no interest in and which was estimated some years ago to cost $3 million.

Stating that it's time to bring the residents in on this, Ald. Kopischke agreed with the boundaries mentioned by Mr. Bachman but suggested also inviting people west of 116th Street. He asked about typical notification requirements. Ms. Welch said that there isn't a requirement here, but normal notification to those within 200 feet would not be sufficient. Ald. Kopischke suggested that the 7th District alderpersons hold a meeting. The Chair agreed and said that residents on 115th Street south of Watertown Plank Road should be invited since traffic would also impact them. Mr. Bachman felt it unnecessary to go west of 116th Street since those streets wouldn't be used as main roads.

Ald. Herzog asked if the next step might be starting the process of rezoning to planned development. Ms. Welch noted that Business Planned Development zoning would be appropriate since it allows for residential use and gives greater latitude to the Council in setting standards. Ald. Krol concurred that rezoning would be the next step. He noted that there would be opportunities for public comment in that rather lengthy process and it might also give the developers an opportunity to fine tune their plans since they would most likely speak in favor of rezoning.

Ms. Welch said that she could initiate the rezoning process but would not advise going too far without having a plan in mind. Rezoning to Business Planned Development begins with preliminary plan approval, she explained, which means there should be a plan to be reviewed. The Council can place any conditions before the final process is begun.

Mr. Kesner said that the zoning could technically be changed without a planned development plan in process or in place. The problem with doing that in a normal situation is that planned development zoning permits many uses that may not be wanted on a particular parcel. In this case, the city owns the site, so that type of limitation doesn't apply. He noted that Wisconsin law allows rezoning to be made contingent upon some activity occurring by date certain, which cannot be too distant. This rezoning could be made contingent upon successful final plan approval by a certain date; and if that doesn't occur, the rezoning is not actually approved. Mr. Kesner confirmed that the same

procedure would be followed that is used in any rezoning, i.e., a public hearing would be required. The Plan Commission would first address the rezoning request and hold a separate public hearing

Mr. Bachman said that if a rezoning request goes to the Plan Commission without a proposed plan, the neighbors would probably ask why it should be approved. He felt that the rezoning should not be heard by the Plan Commission without also having a proposed plan.

The Chair stated that the responsibility of this committee tonight is to give some direction to the developers—what are we comfortable with or not comfortable with. If we say nothing, ask them to come in with complete plans, and then say it is too dense, that isn't fair, she said. She added that density is one of her concerns.

Ald. Sullivan commented that developers bear a certain amount of risk in creating new neighborhoods out of whole cloth. They cannot expect acceptance of their first submission. Referring to previous planned developments and what he sees as a problem with our ordinance, he said that he does not feel that he owes the developer something in terms of what will be set up. We need to provide some guidance, take a leadership role, and get it together so the neighborhood can weigh in, he said. He added that he likes the Toldt proposal but thinks the developer bears a certain amount of risk if he presents something that is twice as dense as the other proposal. We need to reserve a certain amount of authority to make these decisions, he said. If it goes forward and we have problems, we have to be fully within our rights to go back. The rezoning should proceed and we should get public input, he concluded.

Ald. Ecks reviewed the course that rezoning takes through the Plan Commission, this committee, and the Common Council, providing at least four opportunities for public input. When the preliminary plan moves forward and then the final plan, there are many additional opportunities. That doesn't preclude neighborhood meetings for additional information, he indicated. We can address the zoning issue now with the understanding that the public will have a dozen "kicks of the cat." In fact, we are adding public input if the zoning is done separately.

In further discussion, Mr. Bachman objected that the process is being drawn out too much by separating the rezoning and the development plans. He feared residents would get sick of coming to hearings. Ald. Kopischke reiterated his concern with getting the neighborhood involved now because their input is important to guide the next steps. He also favored proceeding with rezoning. Ald. Krol favored making rezoning contingent upon final plan approval by the end of 2003. He concurred with previous comments regarding public input and density considerations.

> Moved by Ald. Krol to direct staff to move forward with the process for rezoning of this parcel, making it contingent upon successful final plan approval by the end of 2003 –

Ms. Welch noted that the typical time frame for approval of a planned development is six to nine months. She was concerned that the year-end deadline would not allow time to get through the process and the project would then die.

> Ald. Krol amended the motion to make rezoning contingent upon successful final plan approval no later than 9 months from July 1, 2003, and the motion was seconded by Ald. Kopischke as amended –

Mr. Kesner clarified that the matter of rezoning would first be heard by the Plan Commission in July before coming to this committee. It probably would not be voted on by the Common Council until September.

> Vote on the motion, Ayes: 8

Ald. Ecks said that one of the selling points in favor of the development in the village is a sophisticated system for holding waste so that it doesn't impact peak flow in the waste stream. Doing something like that for this project's potential 238-430 units is beneficial in terms of piling up or not using sewer credits, he said, indicating that he would like to see that done as well as for all large-scale projects where the Council has some control. Ms. Welch said that is

certainly advisable, although there is no way to create *new* sewer credits. She reported that she discussed the advisability of including such a requirement with the city engineer and will discuss it also with the developers.

Asked by Mr. Bachman if any plans would be shown during the course of rezoning, Ms. Welch said that some of the drawings would be available for an informational meeting even though there would be no specific proposal.

Mr. Kesner commented that the appropriate zoning category for a particular location is what is being considered when rezoning is requested. Normally, rezoning is requested in response to a specific project, but the question of rezoning is bigger than a specific proposal.

Ald. Ecks observed that the April 1 deadline contingency means that the matter will be handled by the Common Council as it exists now prior to next April's elections.

The Chair requested comments on any other concerns or issues that should be brought to the attention of Ms. Welch or the developers. She referred again to traffic concerns, which are very closely tied to density, and said that at some point we need to deal with this issue. Residents have concerns with traffic on 116th Street and on 115th south of Watertown Plank, and there is a need to be sensitive to that. Especially high density will produce a lot of additional traffic in that area. Ald. Kopischke said he is also concerned with density and traffic and is looking for solutions from the developers on those issues. Ald. Becker agreed, stating that we do not want the burden to be on the neighborhood.

Consideration of Changes in the Number of Alderpersons per District

The committee reviewed an April 28, 2003, communication from Ald. Sullivan requesting consideration of changes in the number of alderpersons per district. In his letter, Ald. Sullivan cited recent proposed changes to the structure of government at other levels and the need to explore opportunities to increase representative accountability and reduce the cost of local governance. He felt this to be an opportune time to gather information related to the possibility of changing the structure of city government from a two-alderperson-per-district system to a one-alderperson-per-district system. A memo from the City Attorney outlined the statutory requirements for such a change and included a 1972 letter from former City Attorney Gehrke providing similar information.

Ald. Becker stated that he believes this matter should be forwarded to the full Council rather than initiating discussion at the committee level so that all Council members would have an opportunity for input.

> Moved by Ald. Becker, seconded by Ald. Krol to forward the matter to the Common Council without recommendation for discussion purposes –

Ald. Sullivan said his intent in drafting the letter was to follow the normal process of sending it to this committee; it is a subject most properly dealt with here on an initial basis, although it clearly does need input from the entire Council. This is a good level at which to gather staff reports, he said. He would like to see in-depth reports of what is done in other communities and what the pros and cons might be—information the committee does not yet have to make the proper decision. The issues should be discussed here and at Council level and there should be public input.

Ald. Kopischke agreed that it is this committee's responsibility to flesh out some of the considerations before sending the item to Council. He noted that meeting minutes would be available to Council members not on this committee so that they could also be well informed.

Terry Wolfe, 7839 W. North Avenue, asked when the public would be allowed to speak if this is immediately passed on to Council. It was noted that any proposed changes to the ordinance would provide opportunities for public input.

(The meeting recessed at 9:10 p.m. and reconvened at 9:18 p.m.)

Mr. Kesner explained that the motion to forward without recommendation could be handled by drafting a charter ordinance for introduction without recommendation. However, there normally is no discussion when an ordinance is on the agenda for introduction. The committee could also simply forward it as an agenda item for discussion by the full Council. Asked about public input, he pointed out that there is no public input at Council meetings under the rules. Public input is intended to occur at the committee level.

Ald. Becker said his intent was to allow the entire Council discuss it and then refer it back to committee. The Chair suggested that discussion at a Committee of the Whole meeting might be more appropriate, also with subsequent referral back to this committee where public input could be offered. Ald. Bruderle-Baran, Council president, was present at this time and indicated that it could be scheduled before a planned Committee of the Whole presentation starting at 7:15 p.m. on June 17. Ald. Becker agreed, suggesting a 45-minute session beginning at 6:30 p.m. He reiterated his intent to bring the matter back to committee.

With consent of the second, Ald. Becker withdrew the motion.

Ald. Kopischke stated that he would now like to hear from those members of the public who are present tonight.

Upon questions by Ald. Krol regarding public input, Mr. Kesner clarified that a charter ordinance goes through the regular ordinance procedure, but a two-thirds vote of the entire Council membership is required. It doesn't become effective until 60 days after passage and publication. Charter ordinances are also subject to a referendum if, during those 60 days, 7% of the voters in the last gubernatorial election petition for same. Ald. Krol noted that the process allows for committee and council action as well as public input at the committee level. Ald. Sullivan commented that a public hearing could be scheduled despite the fact that it is not required, or even a referendum could be planned.

Ald. Grimm was present at this time and objected to taking something off the agenda when members of the public who wish to speak are present. Mr. Kesner said that public comment is at the discretion of the Chair; there is no specific requirement for it. He explained that the committee would not be taking the item off the agenda if they took the action of forwarding it to the Committee of the Whole or the Common Council.

Ald. Kopischke again asked to hear from the public.

Richard Bachman, 2229 N. 115th Street, said that similar requests for changes to council membership during his tenure as an alderman were handled by referral to the Committee of the Whole for a public hearing. Residents were notified through the newspaper for two or three weeks. He recalled that the Committee of the Whole made its recommendation directly to the Common Council without going through a standing committee. He estimated that there were three or four hearings on this subject over the years.

Mr. Wolfe expressed appreciation for bringing the subject to this committee, since he feels it is should be looked at. He felt that a reduction from 16 to 8 alderpersons would be too drastic. He suggested consideration of a reduction to 12, with one from each district and four at-large members representing combined districts (1 and 2, 3 and 4, etc.).

Don Birschel, 1225 N. 122nd Street, said that he was a member of Wauwatosa Tomorrow, a citizen committee that looked into it this same question in 1992. He investigated how aldermanic districts were handled by various Wisconsin cities and found no rhyme or reason other than people long ago perhaps setting things up based on how it was done in their homeland. He recalled that Green Bay had 25 aldermen at that time; West Allis had two per district with concurrent terms. It was found that the ratio of alderpersons to residents throughout the state was very close no matter how their councils were set up. It was also determined that reducing our Common Council by half at that time would have saved each taxpayer approximately $1 in property taxes. Over eight weeks of meetings, the citizen committee did not really come to a consensus, Mr. Birschel said. He noted that Ald. Stepaniak was also a citizen member of the committee.

Asked about process, Mr. Kesner said the ordinance would set up a transition plan, so it is something that should be included in any discussions of a change. He reported that Ald. Sullivan has suggested that the next aldermanic election could be for two-year terms. Then all terms would expire two years thereafter and all 16 alderpersons would run for one position per district, assuming each would seek re-election.

Ald. Kopischke indicated that his concerns are the cost of changing all this compared to any savings achieved through reduced numbers. He agreed that reducing to eight might be too drastic in terms of representing citizens and handling the committee structure, and he was interested in the idea of an at-large alderperson spanning two districts.

Moved by Ald. Ecks, seconded by Ald. Krol to refer this matter to the Committee of the Whole. Vote on the motion, Ayes: 6; Noes: 2 (Kopischke, Sullivan)

Milwaukee County Memo Regarding Site of Wisconsin Lutheran College Athletic Fields

Ms. Welch reported that Ald. Treis has submitted a copy of a memorandum to County Supervisor Quindel regarding a possible new site for the Wisconsin Lutheran College athletic fields. It was submitted to the Common Council as a communication and referred to the Community Development Director. She recommended that it be placed in the existing file as an information item since we have no request or submission on this from either the college or the county.

Moved by Ald. Krol, seconded by Ald. Becker to place the communication in file as part of the existing file –

Ald. Sullivan indicated that he would like to hear from Glenn Bultman, Milwaukee County Legislative Research Analyst and author of the memo to Supervisor Quindel.

Mr. Bultman said that he has been assigned as staff to the county grounds economic development committee for some time. He said that Supv. Quindel had some concerns about the athletic fields proposal, and the intent of the memo was to give him the history of events up to this point, which Mr. Bultman then summarized. On a 6-1 vote, the economic development committee recommended approval of the sale of the site adjacent to the county greenhouse but not including the greenhouse acres, which is up for consideration by the county board at their June 18 meeting. The board could approve it then even though the park committee met today to discuss a potential new site along Underwood Parkway. They laid the matter over, but the committee chair is considering a special meeting before June 18, which could result in two separate recommendations to the county board. The county board could lay the matter over with a one-third vote, and a simple majority would be required for approval. Mr. Bultman said that the college still proposes to buy the 30 acres of land adjacent to the greenhouse, and staff and the economic development committee are still recommending approval.

Vote on the motion, Ayes: 8

The meeting adjourned at 9:47 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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