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**COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, November 25, 2003**

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

ALSO

PRESENT: N. Welch, Community Dev. Dir.; A. Kesner, City Atty.; B. Weber, Police Chief

Ald. Heins in the Chair called the meeting to order at 8:00 p.m.

Transitional Agreement on Policing of Milwaukee Regional Medical Center

(Ald. Sullivan excused. -7)

Reviewing past discussions, Mr. Kesner indicated that over the past few years the county has been interested in reducing services they provide on the county grounds and, as a part of that, has asked the city to absorb some of the policing duty there. The city has not reached any agreement on taking over policing of county facilities but has been in discussion with entities of the Milwaukee Regional Medical Center (MRMC). An interim agreement has been drafted whereby those entities would reimburse the city for some of the costs associated with providing police services to them. The cost factor has been left open based on determination of actual total costs.

In response to questions, Mr. Kesner said that the proposed agreement would run to the end of 2004 and is transitional because of the bigger issue of the county's request that the city take over all municipal services on the county grounds, which is still pending. The transitional agreement would cover one of the more pressing needs while the bigger picture is still under discussion.

Ald. Krol indicated that more specific questions regarding the contract would best be discussed in closed session.

Moved by Ald. Krol, seconded by Ald. Becker to convene into closed session per Wis. Stat. 19.85(1)(e): Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, with the option of reconvening into open session. Ayes: 7

(The meeting convened into closed session at 8:05 p.m. and reconvened in open session at 8:35 p.m.)

Moved by Ald. Kopischke, seconded by Ald. Treis to recommend to Council approval of the proposed transitional agreement –

Ald. Krol indicated that he would like to see another patrol officer added to the agreement and would, therefore, not support the motion but may support the total package when it comes to Council vote. Mr. Kesner noted that the transitional agreement doesn't address specific staffing.

Vote on the motion, Ayes: 5; Noes: 2 (Ecks, Krol)

(Ald. Krol excused; Ald. Sullivan present. -7)

Conditional Use – 11712 W. North Avenue

The committee reviewed a request by Stuart Hoffman for a Conditional Use in the AA Business District at 11712 W. North Avenue to operate a massage therapy business. The Plan Commission recommended approval by a vote of 5-0 and 1 abstention. Ms. Welch reported that massage therapy services would be added to the nail salon now in business at the site. There is no increase in square footage, so no additional parking is required.

Dawn Brown, 1744 N. 56th Street, Milwaukee, who was present representing the applicant, said she is a certified massage therapist in the state of Wisconsin. Tom McGillis, 1529 N. 117th Street, said he knows the area and doesn't see a problem with the request.

Moved by Ald. Becker, seconded by Ald. Krol to recommend to Council approval of the Conditional Use under the same conditions placed by the Plan Commission relating to hours of operation and necessary licenses, permits, and certification. Ayes: 7

Rezoning Request – 10747 W. York Place

The committee reviewed a request by Harold Nelson for a change of zoning at 10747 W. York Place from AAA Single Family Residence District to AA Business District. The Plan Commission recommended denial by a vote of 2-3 and 1 abstention.

The Chair said that the committee has the option tonight of having the matter come back for discussion after the Common Council's next meeting when it sets a public hearing date or after the actual public hearing is held. The recommended hearing date is January 6, 2004.

Moved by Ald. Sullivan, seconded by Ald. Ecks to discuss this matter in committee after the public hearing before the Common Council has been held. Ayes: 7

Moved by Ald. Kopischke, seconded by Ald. Ecks to set a public hearing date of January 6, 2004. Ayes: 7

Harold Nelson, 10747 W. York Place, said that he brought a person tonight who was interested in buying the property as well as a professional real estate person to discuss the issue. The Chair said that both individuals would be welcome to speak at the public hearing. Mr. Nelson complained that he just found out about this meeting today and has never gotten a response to calls he placed to Ald. Treis. An unidentified member of the audience responded that this meeting date was announced at the Plan Commission meeting on this item. The Chair noted that meeting information is also available on the city's web site and in the newspaper.

Proposed Rezoning – 1601 N. 113th Street

The committee reviewed a proposed ordinance amending the zoning code by rezoning property at approximately 1601 N. 113th Street (public works site) from AA Light Manufacturing District to Business Planned

Development. The Plan Commission recommended approval by a 4-2 vote. A public hearing before the Common Council was held on November 18, 2003.

Ms. Welch reviewed the rezoning process and current status of the proposal. She emphasized that this is different from other rezoning because the city owns this property and has a great deal of control. Referring to the current Light Manufacturing zoning, she noted the general loss of value on manufacturing properties that the city has just experienced, while residential value is increasing. She also noted the quality of life issues associated with retaining green space. Additionally, Ms. Welch reported that there are many facts we know today that we didn't know a year ago. Wisconsin Lutheran College will be building a fully developed stadium area with baseball fields on their county grounds site. Also, plans are being developed for baseball fields, soccer fields, and an archery range on the county grounds. The school district is reportedly considering whether to sell the Fisher site, which includes Breitlow field. If they choose residential development for that site, there would be a conflict because of the limited number of sewer credits in the basin that includes both the Fisher property and the public works site. There are sufficient credits for development to occur at either site but not at both until the city is able to amend the facilities plan in the future.

Ms. Welch emphasized that only the rezoning of the property is under consideration. There is not a particular development in hand or proposed that would be approved as a result of approving this rezoning. The committee has the option to hold this until it feels there is sufficient information on which to make a clear determination on the type of use best served here, or the committee could proceed with a recommendation to approve or deny the rezoning. If rezoning is denied, the city would be subject to the same rule that applies in all cases of denial; i.e., a new rezoning application could not be considered for one year [later corrected to six months].

The Chair addressed the question of neighborhood meetings having been omitted from the process thus far, for which she took responsibility. There has never been any suggestion from city staff to avoid doing that, she said. She made the decision to not schedule any meetings for several reasons; in part because of her absence from the city during the time much of this occurred and also due to finding there would be multiple opportunities for public input at Plan Commission meetings, the public hearing last week, tonight's meeting, and no doubt additional future opportunities. She commented that perhaps the delays were fortuitous since we have information available tonight that we didn't have a year ago or even six months ago, and it all needs to be taken into consideration regarding potential use of this site.

Richard Bachman, 2229 N. 115th Street, commented on the lack of notification of area residents regarding meetings and hearings and noted that the Wauwatosa News Times has continued to mention two redevelopment proposals for this site. Due to potential conflict on sewer credits, he suggested placing this on file tonight and looking into uses other than full development. He spoke of the possibility of losing the Fisher site, including Breitlow field, should the school district decide to sell the land. They have talked of condominiums there but would have to come to the city for rezoning. If the Fisher site is sold, that west side area would have no facilities for recreation. Mr. Bachman noted that planning has never proceeded for the area north of the police station that was approved by the Comprehensive Plan Committee for a small neighborhood park and residential development. He felt that the city should look at the proposal made last week by the Tosa Baseball League to see if there is some way to accomplish it through either rental, sale, or lease, with the league managing the proposed facility.

Ald. McCarthy felt that recreational use should be included as part of the overall concept. He said that what may or may not happen with Breitlow field shouldn't determine what the committee does here. That field has been pretty much designated for use by high school baseball teams, and he has been told they expect more use there. Additionally, he felt that more than just baseball should be considered for the public works property. He commented on the value of neighborhood meetings, suggesting they be considered in the future, and urged the committee to not place the rezoning issue on file

Don Soderberg, 2880 N. 117th Street, said there is a terrible shortage of green space for youth. He emphasized the value of green space in forming a sense of community and keeping property values high. Developments

might bring money to Wauwatosa but property values would go down and they would strain the school system, he said.

The Chair clarified that there is no specific proposal for any housing on the table. Although the committee has looked at some proposals, it was simply as an exploration of what might be possible.

Ellen Pomeroy, 2616 Normandy Court, said the loss of Breitlow field would be devastating to the Tosa Baseball League. She detailed the tournament and league play that the league schedules there and urged the committee to hold the matter of rezoning to see what develops.

Tom McGillis, 1529 N. 117th Street, favored use of the space for a youth sports complex or as green space. Citing the history of Central Park in New York, he said there is an opportunity here and it is necessary to do the right thing for the community.

In response to questions by Dave Dvorak, 805 N. 113th Street, Ms. Welch said that another rezoning could not be proposed until a year after being denied [later corrected to six months]. She said that the description of Business Planned Development zoning is a little vague but it allows things like fitness and health studios or a baseball complex. She would have to consult further about whether it would allow just a park. Parks are allowed in Park and Open Space and Municipal and Public Works districts.

The Chair noted that committee members have received e-mail copies of the Tosa Baseball League proposal. League representatives indicated that they would like to have some time to develop their proposal.

John Kissinger, 1829 N. 68th Street, a Tosa Baseball League board member, said the league realizes that organizations like theirs may have to get into the business of providing facilities, and this is the only space that the city controls that would be appropriate for that use. The league would like more time to develop a plan and get financing. The league is serious about this, he said, and it would be a great gift to the community as well as something the league needs for its survival.

Ald. Subotich said he has coached with Tosa Baseball League and finds it to be a well-run organization. He said that the complex they propose would be a fine thing for the city and for that area.

Dan Hayes, 8230 Jackson Park Boulevard, Tosa Baseball League president, said there are too many balls in the air right now with respect to what is happening on this side of town. He noted that the league is proposing a multi-use facility, and is talking to youth organizers in soccer and softball to make sure it can be done as a collaborative effort.

Ald. Sullivan said the committee put out an RFP for this site and reviewed eight different plans with various ideas and densities. He expressed regret that the Tosa Baseball League wasn't aware of the RFP, noting that the committee clearly was interested in looking at recreational uses for the site. The one recreational proposal that was submitted was ultimately withdrawn. He said that even if we knew today that Breitlow field will be preserved, he would still see a need for recreational space in the city. The value to the city is not just in dollar amounts to be taxed but also in maintaining some recreational uses. He noted that there is often talk of wanting to see more public-private partnerships and said that the best thing would be to give the league a year to further their plans.

Moved by Ald. Sullivan, seconded by Ald. Kopischke to recommend denial of the proposed rezoning to Business Planned Development, knowing the Council could proceed with another rezoning proposal in a year if it so chooses –

Ald. Sullivan said that there needs to be serious consideration of recreational uses and greater communication with people in the area.

Ms. Welch corrected previous information on re-application for a zoning change after denial: a new application can be made in six months. rather than having to wait a year, as previously stated.

With consent of the second, Ald. Sullivan amended the motion by changing "a year" to "six months" –

Ald. Kopischke suggested that Tosa Baseball League representatives contact Chris Leffler of Spectrum Development regarding a feasibility study he did in connection with his recreational use proposal that was submitted earlier this year but later withdrawn.

Ald. Herzog observed that the city is not really losing green space. Hart Park will be doubling in size, and part of the plan there is to not only redo baseball fields but add more. Wisconsin Lutheran College has indicated they will build one baseball and one softball diamond on their site that they will rent to local groups. In addition, the county may also put other fields elsewhere when they do the detention ponds. He urged the committee to move this issue forward, having already heard that one of the allowable uses under the proposed zoning would be baseball facilities. We can't look at anything until the zoning changes, he said. He noted that the city followed the appropriate process in seeking RFPs,. It is not the city's job to say who should bid but rather up to those who may be interested in the land to see the public notice. Ald. Herzog noted that under Planned Development zoning, there are additional steps in the process when a development plan is actually put forth. He cited the Reserve apartment development as an example of the tight control the city has in that process. We could still move toward recreational use if some of the land were sold and developed under Light Manufacturing zoning, he said, but he felt that Planned Development zoning would be best.

Ald. Ecks recalled that the former Community Development Director always emphasized the desirability of Planned Development zoning because it gives the Council the tightest control. It also offers the public multiple opportunities for input at both the preliminary and final plan stages. He felt that the existing Light Manufacturing zoning should not stand because it increases vulnerability to the state in terms of continued devaluation of manufacturing property.

Mr. Bachman reported that a SEWRPC (Southeastern Wisconsin Regional Planning Commission) study of recreational sites in Wauwatosa several years ago cited the Fisher and Menomonee River Parkway areas as lacking neighborhood recreational facilities. The Chair noted that the SEWRPC report is available at city hall.

Ald. Sullivan agreed that this is an area lacking in recreational facilities, and said we could still use facilities in this area even with Breitlow field and the Hart Park expansion. He commented that when the committee sought RFPs they could not knock on every door. What the committee ended up looking at was more residential, but there was support for the Spectrum recreational use proposal. There is not a demand for this site to be sold in the next six months, he noted. The city would control any sale and have the ability to say no. He was concerned that changing the zoning now sends the train further along when the baseball league is already behind the curve. He said that we would prefer to deny rezoning now and move forward with a full range of options in six months.

The Chair indicated that it is her understanding that Breitlow field would not disappear but would be relocated as a usable field somewhere else. She said that now, with the information that Planned Development could include something like the baseball proposal, it seems that either holding the matter or proceeding with rezoning are fairly equal due to the steps involved either way. She indicated she would oppose the motion to deny.

Ald. Ecks pointed out that the Breitlow field site is zoned AAA Residential, and there would be many "kicks at the cat" involved in rezoning that area. .

Ald. Becker recalled that soccer fields were once proposed for the subject site but were ruled out by the DNR. He said that he would like to see the baseball league move forward with their proposal, but he pointed out that anything decided here tonight could still take two years. There will be opportunities to come back to us, he said.

Ms. Welch responded to comments by Ald. Becker about the site still needing fill. She said that when the RFP was sent out it was felt that, given the rate of fill, the site would be at the level previously determined to be needed within a year or so. Depending on the type of development, some excavation could even be needed in certain areas, so it seemed appropriate to decide what will go there before bringing in more fill.

The Chair commented that the fact that the baseball league is looking at its own financing as a private entity with perhaps some public support gives this a whole other perspective.

Ald. Ecks asked if the county has ruled out other recreational facilities in the county grounds basins. Ms. Welch said they will not be wet all the time but may not be suitable for that use. Ald. Ecks indicated he would vote against the motion since the zoning change would enable recreational uses to proceed.

Vote on the motion, Ayes: 1 (Sullivan); Noes: 6

Moved by Ald. Sullivan, seconded by Ald. Kopischke to hold this matter for six months –

Ald. Sullivan said that this motion would allow the baseball league time to get their plan together. Ald. Kopischke pointed out that the matter could be brought back sooner if new information arises. He said that he would like to find out more about options and also about what the school district may do and how that may affect what is done here.

Referring to the neighborhood park that had been proposed for the northerly public works site, Ald. Herzog said that the city wouldn't have funds to develop that due to funds needed for Hart Park expansion. The city had been looking to developers of the subject parcel to contribute toward that neighborhood park. He was uncertain if the baseball league would be able to propose something like that. He felt the baseball league would not need six months and said that rezoning would still be necessary if they come back with a plan since a baseball diamond would not be allowed under Light Manufacturing. He advocated rezoning to Planned Development, which the Chair pointed out could include residential use, offices, and recreational space.

Ald. Ecks called the question. There was no objection.

Roll call vote on the motion to hold: Ayes: 3; Noes: 4 (Ecks, Herzog, Treis, Heins) Motions fails.

Moved by Ald. Herzog, seconded by Ald. Treis to recommend approval of the proposed rezoning to Business Planned Development –

Roll call vote on the motion, Ayes: 4; Noes: 3 (Becker, Kopischke, Sullivan)
Motion passes.

The meeting adjourned at 9:50 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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