



CITY OF WAUWATOSA

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COMMITTEE ON COMMUNITY DEVELOPMENT MEETING Tuesday, March 30, 2004

PRESENT: Alds. Becker, Heins Herzog, Kopischke, Krol, Sullivan, Treis -7

EXCUSED: Ald. Ecks

ALSO PRESENT: N. Welch, Dir. of Community Dev.; W. Kappel, Dir. of Public Works; W. Wehrley, City Eng.; J. Wojcehowicz, Water Supt.; J. Hevey, Asst. Chief, Fire; T. Wontorek, City Admin.

Ald. Heins in the Chair called the meeting to order at 8:05 p.m.

Conditional Use – 7332 W. State Street

Ms. Welch outlined a request by Robert Fox for a Conditional Use in the AA Business District at 7332 W. State Street for a massage therapy establishment. The operation would be within an existing oriental medicine/acupuncture establishment, and sufficient parking is available to accommodate those uses. The applicant was not present.

Moved by Ald. Kopischke, seconded by Ald. Treis to hold this matter without prejudice until the next meeting. Ayes: 7

Conditional Use – 6030 W. North Avenue

The committee reviewed a request by Mehran Edalatpour for a Conditional Use in the AA Business District at 6030 W. North Avenue for outdoor dining and a second-floor residential unit. Ms. Welch reported that the applicant owns and operates Shiraz, the new restaurant at the former Jake's site. Mr. Edalatpour would like to offer outdoor dining at the rear of the building, using four parking spaces. He would also like to convert the upstairs office area to residential use. Sufficient parking is available on the site. The Plan Commission unanimously recommended approval subject to specific conditions. Major concerns with outdoor dining involved lighting, noise, and adequate landscape screening to avoid problems for adjacent properties. Mr. Edalatpour, 6030 W. North Avenue, brother of the applicant, was present.

Ald. Sullivan said he is very pleased that this restaurant is in the neighborhood. He is not aware of any complaints since it has opened.

Moved by Ald. Sullivan, seconded by Ald. Kopischke to recommend approval subject to: hours of operation from 11 a.m. to 9 p.m. Monday through Saturday, closed on Sunday; no outdoor music; submission of a revised parking lot plan that includes the dumpster location; review of lighting plans for cut-off light fixtures; provision for screening along the alley; review of outdoor seating in 9 months; and resolution of potential building code requirements for the second floor residential unit. Ayes: 7

Street Festival Permit – 2160 Wauwatosa Avenue

The committee reviewed a request by Sts. Constantine & Helen Greek Orthodox Church, 2160 Wauwatosa Avenue, for a street festival permit for Grecian Festival 2004 on the church grounds on June 11-13, 2004. Constantine George, 1313 S. 72nd Street, West Allis, was present representing the church. He indicated that the festival would follow the same format, rules, and regulations as last year's festival.

Ald. Becker noted that there have been some parking problems in connection with the festival in the past, and he requested two telephone numbers for contact during the festival. Mr. George said that he will provide the police and fire departments with to-scale drawings for emergency response purposes and will also provide the requested phone numbers, his being the primary contact.

The Chair recalled that prompt garbage pickup was also a past concern, and she reminded Mr. George that music is limited to 3:30 to 9:30 p.m. Mr. George said that garbage collection was red-flagged in festival notes and has improved in recent years. He will assume responsibility for the music.

Moved by Ald. Becker, seconded by Ald. Krol to recommend approval of a street festival permit subject to the same conditions in effect for the 2003 festival. Ayes: 7

Master Plan and Design Guidelines for a Portion of the Northeast Quadrant of the County Grounds

The draft of the Master Plan and Design Guidelines for the Northeast Quadrant, Economic Development Zone Area A, Milwaukee County Grounds, prepared by The Kubala Washatko Architects, Inc., Conservation Design Forum, and Earth Tech was held from the February 24th meeting in order to invite all concerned parties to appear. A presentation was made to the Common Council as a Committee of the Whole by The Kubala Washatko Architects, Inc. on March 2nd.

Ms. Welch, Director of Community Development, emphasized that the guidelines show ways that a certain amount of development can be accommodated, but they are not a precise plan. Although they place some restrictions, it is important to allow the market to dictate the uses that might be economically viable. The site will be treated sensitively and with concern for existing buildings and appropriate scale. Once an RFP is issued and a developer chosen, implementation of a particular development plan would require rezoning to Business Planned Development, which requires review of development plans by the Council on several occasions as the process proceeds. At that point, development specifics and concerns would be addressed.

William Hatcher, Director of Economic Development, Milwaukee County, reviewed the history of developing a plan for this site. He noted that the county board will review the plan and guidelines in May. With the approval of both the city and county, it could then be made available to developers through an RFP sometime in June.

County Supervisor Jim "Luigi" Schmitt, 2517 N. 88th Street, also spoke of issues surrounding development of this site in the past, noting especially concerns for preservation of green space. He supported the Master Plan and Design Guidelines as well as tonight's other county grounds agenda items, which he felt are in the best interest of the great majority of people of Wauwatosa and Milwaukee County.

Donna Weiss Priebe of the Kubala Washatko Architects, Inc., indicated her availability to answer any questions that may arise.

Lynn Broaddus, 537 N. 67th Street, executive director of Friends of Milwaukee Rivers, said that her organization feels the guidelines are very much in line with their hopes and what is appropriate for this parcel. She urged reconsideration of the 850,000 square feet cap, which she noted doesn't include roads and parking. She also suggested that build-out be phased in so that the area wouldn't look unfinished if the market doesn't drive full build-out. She would like to see the "advanced" stormwater management strategy made the "basic" strategy because of its critical tie-in to the floodwater basins. Also, she felt that it isn't clear how the guidelines tie in with the Eschweiler building or the stormwater regulatory authority. Ms. Broaddus reported that Sue Black, Director of Milwaukee County Parks and Recreation, has a very active interest in what happens on the county grounds. Although the parks administration building is included in the development zone, her vision is that the area around that building should be a recreational site with the building as its entrance. Ms. Broaddus mentioned a suggestion to move soil from the floodwater basins project to the development parcel and said that potential impact on the guidelines and topography should be considered.

Janel Ruzicka, 2127 N. 74th Street, representing the Wauwatosa Historical Society, was pleased to see redevelopment and preservation of the Eschweiler buildings in the plan but noted that their inclusion on the National Register of Historic Places is not mentioned. That status is important to emphasize the buildings' significance and also because of the preservation tax credits that would be available to developers. Ms. Ruzicka commented that she personally feels that the property would be a bit overdeveloped under the proposed guidelines.

Sharon Eiff, 1417 Lombard Court, also of the Wauwatosa Historical Society, felt that the document's emphasis on the Eschweiler buildings is somewhat secondary. A road directly adjacent to the east administration building almost becomes a thoroughfare to Swan Boulevard, she noted. Since that point is probably the most pristine in terms of natural beauty, she feared detracting from what that complex might ultimately become. Those buildings should be the starting point, the main component, and the rest spun off from there. She felt the document should have more photographs of the site and the buildings, including aerial views.

Tom Chapman, Milwaukee Metropolitan Sewerage District, registered in favor of this item.

Responding to some of the questions raised by Ms. Broaddus, Ms. Welch said that development phasing could be addressed as part of the rezoning or plan review process. She explained that we may need to see exactly what the development is in order to assess stormwater management needs and how to deal with them, but it is MMSD who would have to determine what is acceptable.

Regarding the question of the parks administration building, Mr. Hatcher emphasized that this is a conceptual plan rather than a prescribed site plan. We have yet to see how the developers treat the site relative to the Eschweiler buildings or the parks administration building, but it seems to make sense to keep the open land to the east as an asset to all the occupants, he said. Discussing the stormwater basin project, he noted that roughly 2 million cubic yards or 70,000 truckloads of soil need to be removed to create the basin. Among other concerns is the matter of hauling that amount of soil off site at a time when freeway reconstruction would limit access to Menomonee valley fill sites. He spoke of topographic concerns and sensitivity to the rolling nature and vistas as well as vegetation and restoration concerns involved in decisions on accommodating fill within this area. The 50-acre parcel in the center between the development site and the basin is what makes the development, basin, and forestry sites work, he said. How to deal with it is very much in the planning stage right now, and the ongoing process will include significant input from all interested parties.

Ald. Krol outlined concerns about increasing vehicular congestion in an area where a lot of other construction will take place in the very near future. He commended the document's focus on preservation of the Eschweiler buildings and its sensitivity to sustainability, green space, and green building concepts. He noted that there will be numerous future opportunities for public comment

Ald. Sullivan said that there are preservation standards but the document doesn't link development to preservation of the Eschweiler buildings. He was also concerned about the 850,000 square foot cap and the fact that the consultants did not address parking impact, which could bring total development to 1 million square feet. That is twice the size of the new GE development and equal to four big-box Walmarts with room to spare, which he doesn't consider modest or limited development. He referred to reports of the potential for an additional 10,000 vehicles on Watertown Plank Road in 20 years, which could ultimately lead to loss of the buffer strip along Hwy. 45. He expressed discomfort with the rush to do this now, noting that the value of this undeveloped area will increase as times goes on. He said he would be satisfied if the guidelines included a link to the Eschweilers, if he could be assured that fill would not be dumped on conservation areas, and if square footage of development were limited to 200,000 to 250,000 square feet.

Ald. Herzog felt that this is not being rushed—plenty of time has been devoted to it and there has been much input. We have to rely on our consultant and not lose time to effectively make the Eschweiler buildings habitable, develop the area, and increase the tax base. Developers will not want to build infrastructure or preserve the Eschweiler buildings if they can put up only a 200,000 square foot building. Pointing out that there is information on page 15 of the document showing uses, square footage, density, etc., he noted that 850,000 square feet is somewhat of a balance between development and green space. He noted that the consultant provided an extensive list acknowledging those supporting their efforts. He also mentioned the future opportunities for input on the business planned development, and the possibility of staging the development.

Moved by Ald. Herzog, seconded by Ald. Kopischke to recommend endorsement of the Draft Master Plan and Design Guidelines for a Portion of the Northeast Quadrant of the Milwaukee County Grounds –

Ald. Kopischke said it is important to look at the document as a whole and remember that these are guidelines. They focus on the long term and on quality, ecology, sustainability, and architectural harmony with the Eschweiler buildings and with the site itself, which we support. He noted that the 850,000 square foot development cap includes existing buildings and is the sum of five different caps for five different regions. Regarding preservation of the Eschweiler buildings, he referred to the goal statement in Appendix A, "preserve the character and integrity of the existing buildings on site."

Ms. Welch clarified some of the information being discussed. She said that the 850,000 square foot development cap does not actually appear anywhere in this document but was given as a desirable economic development level. In the site concept shown as Diagram 2 on page 15, for example, allowable building gross square footage totals 771,000 square feet. The land area covered under the various development concepts comes to 42 acres, leaving approximately 28 acres devoted to open space. Regarding the citation of 10,000 additional trips per day being generated by the development, she said that the SEWRPC study identified 10,000 additional trips per day for the entire county grounds. They would look at the 850,000 square feet as anticipated development in making those projections. Referring to a 1967 aerial photo of this area of the county grounds, Ms. Welch estimated that the building footprint at that time totaled 176,800 square feet. As they were three or four-story buildings, the photo essentially shows what 530,400 square feet would look like. Ms. Welch also summarized some calculations on residential density. She said that a residential neighborhood with 60 x 120 foot lots and an average house footprint of 1,200 square feet would translate to 405,000 square feet of development distributed over 70 acres.

Ms. Welch saw no problem with reiterating the goal of preserving the Eschweiler buildings. She reported that discussions have been underway with the county regarding a joint effort on a new roof and windows for the administration building, which is another way of demonstrating the desire for preservation.

Regarding traffic concerns, Mr. Hatcher said SEWRPC projects five years ago indicated that, even with no new development, there would be significant problems if the freeway situation is not addressed. The county

has been working very hard on getting the State DOT's attention and has been assured that this is next on the agenda.

Ald. Sullivan clarified his position on reducing the scope of development and said he sees the green and eco-friendly statements as "a spoonful of sugar to make the development go down." He reiterated the need for a link to the preservation goal.

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

(The meeting recessed at 9:40 p.m. and reconvened at 9:53 p.m.)

Land Division – N.E. Quadrant of County Grounds for Proposed Floodwater Basins

Ms. Welch outlined a request by William Hatcher, Milwaukee County, for a land division by certified survey map in the northeast quadrant of the Milwaukee County Grounds to create two lots south of Underwood Creek Parkway and north and west of Swan Boulevard for proposed floodwater basins. The resulting parcels would conform with zoning code requirements. The Plan Commission unanimously recommended approval.

Giving a brief overview of this and the remaining agenda items, Mr. Hatcher reported that an integral part of the floodwater management plan for the Menomonee River is control of flow from Underwood Creek, and the county grounds basin is an absolute integral part of that total system. It would occupy approximately 100 acres on both sides of Swan Boulevard. The county is in the process of negotiating with MMSD on the necessary fee interests, permits, and temporary easements that are needed. Negotiations are proceeding on an agreement with MMSD and the DNR. The DNR will play an important role in management and oversight of the basin project over time as well as during its construction. Agreements are in place with UW-Extension for relocation of garden plots within and adjacent to the footprint of the basin project and with MMSD for certain constructions in the Hart Park area of Wauwatosa, which is also an integral part of the overall floodwater management system. Sale of land to the DNR has been approved for a parcel adjacent to and including the forest area between Underwood Creek and Swan Boulevard.

Mr. Hatcher said that the county is asking for approval of a certified survey map describing the DNR parcel and for parts of the parcel that will be conveyed by the county to MMSD. The subject area will be rezoned to Conservancy District zoning from Park and Open Space northwest of Swan Boulevard and Institutional District zoning south of Swan Boulevard. Conditional Uses are being requested for construction of the basin and for other activities currently on the site. Mr. Hatcher said that construction of the basin is on target to begin in early 2005.

Tom Chapman of the Milwaukee Metropolitan Sewerage District registered in favor of this agenda item as well as the remaining related agenda items.

Moved by Ald. Kopischke, seconded by Ald. Sullivan to recommend approval of a land division by certified survey map on the northeast quadrant of the Milwaukee County Grounds to create two lots south of Underwood Creek Parkway and North and west of Swan Boulevard for proposed floodwater basins. Ayes: 7

Land Division – N.E. Quadrant of County Grounds for Forestry Education Center

Ms. Welch outlined a request by William Hatcher, Milwaukee County, for a land division by certified survey map on the northeast quadrant of the Milwaukee County Grounds to create a parcel south of the railroad tracks

and east of Swan Boulevard for a forestry education center. The resulting parcels would conform with zoning code requirements. The County Board has approved the sale of this land to the State Department of Natural Resources, and the closing of that sale is contingent upon this land division. The Plan Commission unanimously recommended approval.

Moved by Ald. Kopischke, seconded by Ald. Becker to recommend approval of a land division by certified survey map in the northeast quadrant of the Milwaukee County Grounds to create a parcel south of the railroad tracks and east of Swan Boulevard for a forestry education center –

Ald. Sullivan indicated that he has some reservations about the DNR promoting the message of a particular industry. He would prefer to have a state forest without the forestry education center.

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

Rezoning of a Portion of the N.E. Quadrant of County Grounds from Parks & Open Space District and Medical Center & Institutions District to Conservancy District

Referring to a map of the area, Ms. Welch outlined a request by William Hatcher, Milwaukee County, for a change of zoning on a portion of the northeast quadrant of the Milwaukee County Grounds south of Underwood Creek Parkway, north and west of Swan Boulevard, and east of Hwy. 45 from Parks and Open Space District and Medical Center & Institutions District to Conservancy District.

Moved by Ald. Herzog, seconded by Ald. Treis to recommend introduction and setting a public hearing date of May 4, 2004. Ayes: 7

Rezoning of a Portion of the N.E. Quadrant of County Grounds from Parks & Open Space District to Conservancy District

Referring to a map of the area, Ms. Welch outlined a request by William Hatcher, Milwaukee County, for a change of zoning on a portion of the northeast quadrant of the Milwaukee County Grounds south of the railroad tracks and east of Swan Boulevard from Parks and Open Space District to Conservancy District.

Moved by Ald. Krol, seconded by Ald. Becker to recommend introduction and setting a public hearing date of May 4, 2004. Ayes: 7

Conditional Use – N.E. Quadrant of County Grounds for a Floodwater Basin

Ms. Welch reviewed a request by William Hatcher, Milwaukee County, for a Conditional Use in the northeast quadrant of the Milwaukee County Grounds for a floodwater basin. The Plan Commission unanimously recommended approval. Action would be contingent upon rezoning approval.

Ms. Welch reported that the current design of the floodwater basin requires a bridge on Swan Boulevard over the basin. This design change was required because the southern end of the basin needed to be raised to avoid flooding the cemetery at that end. Staff estimates that it would cost \$1.5 million to replace the bridge at some point in the future and feels that cost should not be solely borne by the City of Wauwatosa.

Mr. Hatcher objected to and requested correction of the Plan Commission's motion on this issue, which recommended approval contingent upon maintenance of the basins and bridges by Milwaukee County. He

said that the county, city, and MMSD need to work something out on this matter so that it doesn't become an issue on the rezoning. Ms. Welch explained that the Plan Commission's concern was the ability to negotiate some other form of payment, not necessarily that the county would pay. Staff would like to look at multiple options.

Ald. Kopischke commented that the basins are important to the physical and economic health of our community, the county, and the district and are a key part of the floodwater management plan. It is important to move forward, he felt. He said that the state should also be considered a responsible entity in the bridge issue since it is their requirement that the cemetery remain in place that has created the need for the bridge.

Moved by Ald. Kopischke, seconded by Ald. Treis to recommend approval of the Conditional Use contingent upon the related change of zoning and also contingent upon an agreement with the county, MMSD, and the state so that the City of Wauwatosa bears no more than 25% of the burden for maintenance of the bridge –

Ald. Treis felt that it may be necessary for the City Attorney confirm that all four entities can participate in the expense and ownership of the bridge. There is time to clarify this before the concurrent votes on this Conditional Use and the related rezoning on May 18. There was further discussion of the type of control the city would have as plans proceed.

Ald. Kopischke accepted a friendly amendment by Ald. Herzog to recommend staff review of grading or landscaping plans prior to issuance of any required permits for the project for grading or erosion control --

Ald. Krol said that jurisdictional responsibility for Swan Boulevard, over which Ms. Welch indicated there is some confusion, should be clarified in order to determine responsibility for payment.

Ms. Welch confirmed that any agreement involving multiple jurisdictions would require Council approval of a memorandum of understanding or an intergovernmental cooperation agreement.

The following individuals registered in favor of this Conditional Use for a floodwater basin: Carl Templer, Executive Director, Village of Wauwatosa Business Improvement District; Dennis Webb, Blue Lapin, 7532A W. State Street, Village Business Improvement District board member.

Vote on the motion, Ayes: 7

Conditional Use – N.E. Quadrant of County Grounds for Community Garden Plots

Ms. Welch reviewed a request by William Hatcher, Milwaukee County, for a Conditional Use in the northeast quadrant of the Milwaukee County Grounds for community garden plots. The Conditional Use would be contingent upon related rezoning. The Plan Commission unanimously recommended approval.

Mr. Hatcher said there are currently approximately 1,000 plots in the northeast quadrant within and adjacent to the basin footprint, and all 1,000 will be relocated. He anticipates that about 400 will be moved to the subject site. UW-Extension will make an effort to assign those plots to individuals who live in this area. Other plots will be relocated potentially to areas near Mitchell Field and Timmerman Field. Current plots will remain through the 2004 growing season.

Moved by Ald. Krol, seconded by Ald. Kopischke to recommend approval of the Conditional Use contingent upon related rezoning –

Mr. Hatcher reported that an agreement that has been drafted between UW-Extension and the county parks and infrastructure department places some additional responsibilities on UW-Extension to keep the garden areas neat and tidy and there will be many more restrictions in terms of end-of-season cleanup, etc. Mr. Hatcher agreed that city staff should review the agreement to be sure it meets the city's needs.

Vote on the motion, Ayes: 7

The meeting adjourned at 10:30 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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