



CITY OF WAUWATOSA

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COMMUNITY DEVELOPMENT COMMITTEE MEETING Tuesday, May 25, 2004

PRESENT: Alds. Becker, Kopischke, Krol, Subotich, Sullivan, Treis -6

EXCUSED: Alds. Ecks, Heins

ALSO

PRESENT: N. Welch, Community Dev. Dir.

Ald. Kopischke as Chair called the meeting to order at 8:02 p.m.

Historic Designation of the Rev. Luther Clapp Residence, 12323 Watertown Plank Road

Ms. Welch reviewed a recommendation by the Historic Preservation Commission for historic designation of the Rev. Luther Clapp residence, 12323 Watertown Plank Road. A booklet prepared when the home was still at its original location on Wauwatosa Avenue described the historic significance of the house. At that former site it was designated a Wauwatosa landmark, but that designation was not carried over when the historic preservation ordinance was later created. The owners are now requesting designation as a local historic structure under the current ordinance. The Historic Preservation Commission unanimously recommended historic designation.

Bill Kiekhofer, 12323 Watertown Plank Road, said that because of their love of the home and their efforts in moving and restoring it, it is very important to him and his wife that the house remains as an historic landmark. Although they plan to sell the home, they want to be sure that it retains its historic status. Sharon Kiekhofer explained that their original interest in purchasing the home was a result of articles in local newspapers, including one by historian H. Russell Zimmerman. She noted the Clapp family's significance in Wauwatosa's history. Rev. Clapp was an important founding father who was a traveling minister in Wisconsin and started the First Congregational Church here. One of his daughters was the first missionary to China.

Moved by Ald. Treis, seconded by Ald. Subotich to recommend to Council
historic designation of the Rev. Luther Clapp residence –

Ald. Krol thanked Mr. and Mrs. Kiekhofer for their concern about preserving the home as a historic structure. As the former liaison to the Historic Preservation Commission, he recalled that body's recognition that the home is a significant piece of Wauwatosa history. The Chair also expressed appreciation for their efforts.

Vote on the motion, Ayes: 6

Street Festival Permit – Hot Times/Cool Village Art Fair

Carl Templer, Director of the Village Business Improvement District (BID) outlined his request for a Street Festival permit for the annual Hot Times/Cool Village art fair on August 14 and 15, 2004 from 8 a.m. to 8 p.m. Participants would use the walking bridge, the fountain area outside of Drew's, Harwood Avenue from Drew's to State Street, and some private property in the Village.

Moved by Ald. Krol, seconded by Ald. Sullivan to recommend to Council approval of the requested Street Festival permit. Ayes: 5

Right-of-Way Vacation – 4504 N. 109th Street

The committee reviewed a request by Glen and Valerie Palkowski for right-of-way vacation in the AAA Single Family Residence District at approximately 4504 N. 109th Street. The Plan Commission recommended approval 6-0. Ms. Welch reported that the right-of-way in question was platted a long time ago to provide a pedestrian connection between 108th and 109th Streets in a block that is unusually long. Residents, however, do not use it as a pedestrian right-of-way and there is no intention to install it as such. One of the four neighbors abutting the area is interested in vacating it and taking on a portion as part of his property. Staff is in the process of contacting the other three abutting property owners. One owner is agreeable to the vacation and intends to sell her portion to the Palkowskis. Another has indicated a preference not to vacate, primarily because he maintains it now and is concerned that his property taxes would increase with the addition of this area. The fourth owner has not yet stated a preference. The city assessor indicates that adding approximately 1,100 square feet to each property would probably increase taxes by \$100-\$120 at the current tax rate.

Moved by Ald. Treis, seconded by Ald. Becker to recommend that Council set a public hearing date on the proposed right-of-way vacation. Ayes: 5; Noes: 1 (Sullivan)

Conditional Use – 11430 W. Blue Mound Road

The committee reviewed a request by Joel Property Management, LLC and Phoebe Haase for a Conditional Use in the AA Business District at 11430 W. Blue Mound Road for a massage therapy establishment. The Plan Commission recommended approval by a 6-0 vote. Ms. Welch reported that the applicants operate an existing electrolysis business and wish to add massage therapy as an additional service to their clients. There is no change in parking requirements since this does not involve any expansion of existing space.

Phoebe Haase, 11430 W. Blue Mound Road, said the two massage therapists who will provide services currently operate in other offices in Wauwatosa. Katherine Story-Thrasher, 2257 N. Summit Avenue, Milwaukee, said she and the other therapist are both licensed through the city. Mary Emmons, 3213 N. 84th Street, Milwaukee, indicated that she has worked in Wauwatosa for 10 years and said she looks forward to this new location.

Moved by Ald. Treis, seconded by Ald. Krol to recommend to Council approval of the Conditional Use. Ayes: 6

Conditional Use – 1901 N. Mayfair Road

The committee reviewed a request by John Sponcia and Ryan Tate for a Conditional Use in the AA Business District at 1901 N. Mayfair Road for a rental vehicle establishment. The Plan Commission recommended approval 5-0. Ms. Welch reported that the applicants intend to operate a car rental business at Best Ford to

serve Best Ford customers. Parking requirements are met since they are not expanding the footprint of the existing business.

Darrell Hill, 2264 S. 7th Street, Milwaukee, assistant manager of the rental car establishment that is expanding to Best Ford, indicated that services would be available to Best Ford customers and the general public. They will have about 10 vehicles available.

Ald. Becker questioned whether there is sufficient customer parking available. Based on his own experience with trying to drop someone off, he felt that there is too much concentration of business within the area.

Ms. Welch reiterated that the rental business does not trigger any additional parking requirements, but she indicated that follow-up may be required on whether parking set aside for customers and visitors is instead being used to display vehicles.

Ald. Treis reported on an agreement reached some time ago with car dealers on Mayfair Road and North Avenue that requires them to unload transports from their lots rather than the street. Hall Chevrolet on North Avenue was given some leeway on the requirement due to their lot configuration, and there have probably been some occasional violations of the agreement on Mayfair Road. He questioned the city's right to say what they can do on their lot regarding customer parking. He suggested that the Community Development Director send a letter reminding dealers that it is assumed that the agreement will be maintained and that parking will be available to patrons.

Moved by Ald. Sullivan, seconded by Ald. Krol to recommend to Council approval of the Conditional Use contingent upon reconfirming the agreement not to unload vehicles on Mayfair Road –

Ald. Krol said that if a business makes it difficult for customers to find parking, it will impact their business but that is their own decision. Ald. Sullivan clarified that he does not want to leave a safety issue like unloading trucks on Mayfair Road to the discretion of the business.

Asked about the city's parking requirement, Ms. Welch said that it is based on square footage but gets a little hazy with dealerships due to the cars that are displayed on their lots. If we believe customers do not have safe places to park, we can check out the spaces being used and ask them to designate customer parking. Handicapped parking requirements depend on the total number of parking stalls, and those spaces can also be checked for accessibility.

With consent of Aids. Sullivan and Krol, Ald. Becker amended the motion by making approval also contingent upon a report from staff on parking arrangements there to determine they are providing sufficient spaces for customers. Vote on the motion as amended, Ayes: 6

Proposed Ordinance – Physical Fitness and Health Studios as Conditional Use in AA Commercial Districts

The committee reviewed the proposed ordinance amending Chapter 24.24 by adding physical fitness and health studios as a Conditional Use in the AA Commercial District. Ms. Welch reported that physical fitness and health studios are currently allowed as Conditional Uses in AA Business Districts. This ordinance would expand that use to AA Commercial Districts but is not for a specific use at a specific location. Commercial zoning normally

includes primarily office and professional-type uses, and business zoning covers predominantly retail uses. Sections of Mayfair Road and Burleigh Street are in AA Commercial zoning.

Denise Hetrick, 11004 224th Street E., Graham, Washington, indicated that she represents a company that is opening a health club in Greenfield on Saturday and would like to expand into Wauwatosa.

Moved by Ald. Sullivan, seconded by Ald. Krol to recommend to Council adoption of the ordinance. Ayes: 6

Conditional Use – 2885 N. Mayfair Road

The committee reviewed a request by John Levendusky, Coin Appliances, Inc., for a Conditional Use in the AA Commercial District at 2885 N. Mayfair Road to operate a fitness center. The Plan Commission recommended approval by a vote of 5-0. Ms. Welch reported that the building was formerly an office products store. Approval would be contingent upon passage of the foregoing zoning code amendment.

Moved by Ald. Krol, seconded by Ald. Sullivan to recommend to Council approval of the Conditional Use. Ayes: 6

Proposed Ordinance – Accredited Technical, Trade, or Career Colleges as Conditional Use

The committee reviewed a proposed ordinance amending Chapter 24.34 by adding accredited technical, trade, or career colleges as a Conditional Use in the AA Light Manufacturing District. Ms. Welch reported that this zoning code change would simply allow consideration of accredited technical, trade, or career colleges in AA Light Manufacturing zoning districts. As a Conditional Use, the Common Council would review individual applications and locations for suitability.

Sheila Nolan, 11121 W. Potter Road, was concerned that a broad ruling to allow this use might not be appropriate for given areas, especially due to traffic concerns in residential areas. Gillian Mitchell, 11027 W. Potter Road, concurred with that concern.

Ken Petershack, Wangard Properties, 20800 Swenson Drive, Waukesha, said that as a commercial real estate broker he is very supportive of this change. Although not appropriate for every location, he felt it makes sense in terms of the highest and best use for specific vacant industrial space.

Moved by Ald. Treis, seconded by Ald. Sullivan to recommend to Council adoption of the ordinance –

In response to questions from Ald. Krol, Ms. Welch stated that technical, trade, or career colleges are now permitted in AA Business and possibly AA Commercial districts. AA Light Manufacturing districts are scattered but are primarily along portions of Burleigh Street, 124th Street, Capitol Drive, and State Street. As a Conditional Use, this committee would have the opportunity to review a specific location for any extenuating circumstances that may or may not make it appropriate prior to final action by the Common Council. Rejecting a Conditional Use application requires a finding that states why the use is not suitable, which could include issues such as traffic, lighting, hours of operation, detrimental effect on surrounding properties, landscaping concerns, etc.

Vote on the motion, Ayes: 6

Conditional Use – 10950 W. Potter Road

The committee reviewed a request by Cynthia Linnan, J. Pat Linnan, and Kenneth Petershack for a Conditional Use in the AA Light Manufacturing District at 10950 W. Potter Road for an accredited technical, trade, or career college. The Plan Commission recommended approval 6-0. Ms. Welch reported that this proposal is for the former Empire Level building. The school would like to occupy approximately one-third of the building. They would need to provide additional parking spaces to meet zoning requirements. The owner understands that allowing what might be considered a more intense use would limit future uses for the remainder of the building to something less intensive such as manufacturing.

Ms. Welch reported that the police department placed their speed trailer on Potter Road and provided a report that shows a fairly typical pattern. Numbers peaked between 8 and 9 a.m. and between 3 and 4 p.m. when drivers may be dropping off or picking up children at the elementary school on Potter Road. There is another peak at noontime, which might be attributed to the Promenade shopping center at Mayfair and Potter Roads. The count of 3,300 cars per day does not approach the design capacity of Potter Road, which is 13,000 cars per day. Regarding speeds, 63% were at 25 mph or less, 90% were in the range of 25-30 mph or less, and 98% of the cars were at less than 35 mph.

In response to concerns about the intersection of Mayfair and Potter Roads, Ms. Welch reported that a 2001 study listing 26 intersections with the highest accident rates does not include that intersection. The lowest one on the list had an accident rate of 1 per 11,579,000 vehicles.

Pat Linnan, Underwood Joint Venture, 36078 N. Beach Road, Oconomowoc, said Empire Level was a tenant for 23 years. The final stage of consolidating their operation in Mukwonago occurred in March. The general curriculum of the proposed school is very much in keeping with a higher use for this building and with much of the activity across Mayfair Road at the Milwaukee County Research Park.

Timothy Messick, 21675 Long View Drive, Waukesha, speaking on behalf of the ownership group, said they plan to provide additional parking suitable to the new use and square footage. A portion is on land previously approved for parking as part of the building construction in the early 1980s. They will also add some handicapped parking along the building. Moving parking closer to the building entrance will provide for better access. Regarding parking requirements for the ultimate use in the remaining 66,000 square feet of the building, he said that an additional area to the west was also designated for parking under the original 1980 submittal. A new entrance at the southeast corner of the building will be more visible from the parking lot and provide a safer atmosphere for students. There will be a trash enclosure on the site to ensure that trash doesn't get thrown about the site and to adjoining sites.

Peter Pabone, 1626 N. Prospect Avenue, representing Bryant and Stratton College, Milwaukee, said some of the programs to be offered at this site are nursing, which will probably have both day and evening course work, and bachelors in business administration, which is designed as an evening program for working adults. They will offer medical assisting programs as well. There aren't any 8 a.m. classes, and only about 50 students are normally scheduled for 8:15 a.m. Evening classes begin at 6 or 6:30 p.m. There aren't any classes scheduled around the 3:15 peak traffic time on Potter Road. Classes normally run from about 9 a.m. to 1 p.m. and from 6 to 9 or 9:30 p.m.

Sheila Nolan, 11121 W. Potter Road, said that the speed monitor was only out for about a week. At peak times when children are present, the maximum speed should be 20 mph. As a residential area with an elementary

school nearby, the fact that children are coming and going non-stop should be a major consideration. Under industrial use, they were not allowed to use Potter Road as a through street, which the school will do, and that dramatically changes the environment.

Gillian Mitchell, 11027 W. Potter Road, agreed with the prior statements and also cited the train tracks crossing Potter Road as an additional concern along with the question of students' departure times at night and the possibility of rowdy noises.

Ald. Sullivan questioned various aspects of the parking plan. Mr. Linnan described how handicapped drivers will no longer get out of their cars and use the main driving aisle to get to the entry. The former use had about 150 parking spaces. The proposed school will add 65 spaces, plus another 20 along the building. There are provisions to add 56 additional spaces for future tenants in the remainder of the building. There will be additional landscaping throughout the property, and the wooded area to the east would be maintained.

Greg Bremer, 541 Bayberry Lane, Slinger, who is the business office director for Bryant & Stratton, estimated that the school would have between 400 and 450 students, with about 225 during the day and 225 at night. Approximately 30-40% may take the bus. Also, most students usually attend only three days or less. At the peak time between 9 a.m. and 1 p.m., he estimated that 50-75 cars would be going in and out. There will never be a concentration of 200 cars at one time because of how classes are spaced. Most students who attend at night are working adults who might come one or two nights.

Mr. Messick said that Empire Level had about 300 full time or full-time equivalent employees around the clock at their peak level, with about 90% on 1st or 2nd shift. Their employees did not use public transportation at the level of 30-40% anticipated by the school. They also had probably about 20 daily visitors, sales people, or service people plus inbound and outbound tractor trailer traffic on Potter Road.

The Chair reported that Ald. Ecks, who could not be present tonight, wants to be on record in opposition and reports that he will vote against this proposal at Council. Ald. Heins, who represents this district, was also unable to be present but lends her full support to this item.

In response to questions about staff parking, Mr. Bremer estimated there would be about 20 employees working from 8 a.m. to 5 p.m. as well as some working the evening shift from 3 to 9 p.m. Some instructors come in for just one class.

Ald. Becker asked whether the city could limit the size of the school or the student body. Citing the past situation with Wisconsin Lutheran College, he favored setting a limit now so that the school would have to come back to the city with any expansion plans. Ms. Welch said that the committee could look at the number of classrooms and square footage. Any increase in square footage triggers additional parking spaces, requiring an amendment to the Conditional Use. Ms. Welch said that the city should be clear about expectations so that the college has a chance to state a reasonable and viable number and what the limitation would be. City Attorney Kesner that a limitation could be placed on the number of students and faculty on site at any one time based on the needs of the surrounding property.

Ald. Krol commented that a future tenant in the remaining two-thirds of the building could create a demand for parking. The school is probably a good use for the property, he felt, but it could grow beyond the ability to handle traffic along Potter Road. He said that the major GE facility that will be going in east of Mayfair Road should be considered in terms of traffic as well.

Ms. Welch said that future use would have to be something allowed in AA Light Manufacturing zoning, which wouldn't include retail or many commercial uses. Any proposal involving a Conditional Use would come to this committee; if it is a permitted use, it would be reviewed by staff.

Ald. Sullivan requested an architectural drawing of the facility. A representative of Welman Architects said that they are still in the process of detailing that plan. He displayed drawings showing a new entrance on the southeast corner with a glass storefront and indicated that some kind of wayfinding detail would denote it as the entrance.

Ald. Sullivan commented on the difficulty balancing the needs of the community and the concerns of the neighbors. He said he would like a chance to get out and see the site and to view more details on what the facility would look like. He was concerned about adding more impervious surfaces without doing something in terms of detention or landscaping. He indicated that he would likely support the proposal in the future and would be hesitant to vote against it because the city needs to have active businesses in empty manufacturing buildings. He was also concerned about two-thirds of the building being unused.

Moved by Ald. Sullivan, seconded by Ald. Becker to hold this matter until the next meeting –

Ald. Becker agreed, stating that he would also like to hear the comments of the two committee members who are absent tonight. He would like to know what would happen if more parking is needed and also would like to address the question of limiting the school's size in some way. The Chair added that the other alderman in this district, who might also have some comments, was unable to be present tonight.

Mark Gleischman of Bryant & Stratton, 310 W. Wisconsin Avenue, Milwaukee, and Mr. Linnan answered questions posed by Ald. Treis. They said that Bryant and Stratton would have a maximum of 30 to 40 instructors in total and about 20 faculty and other staff at this site. The school would have about 400 students overall—200 daytime and 200 at night—and would have about 100 in the building at any given time. There are 150 existing parking spaces, and 85 would be added to meet the zoning requirement of approximately 227 spaces, which is based on square footage. There are no current plans for a detention pond on the site. Potter Road is the only point of access to this site. Demographics indicate that students would be coming from the east and south, i.e., Wauwatosa and West Allis. About 80% of the students are non-traditional, meaning they have been out of high school for several years, and their average age is 26-27. Enrollment at their current facility is about 570 students with 150-175 in the facility at any one time. About 65-70% of those students use mass transit due to the school's downtown Milwaukee location.

Ms. Welch said that parking lot drainage is typically addressed by engineering staff as part of the building permit process rather than the zoning process. It was completed to all requirements when originally approved, but it is possible that some additional on-site detention may be needed if the parking area is expanded.

Asked whether a delay would present any hardship, Mr. Gleischman indicated that any delay is a significant hardship and puts this transaction at risk in terms of being able to build the space to meet a September deadline.

There was discussion of the merits of proceeding with a recommendation that could be further discussed at the Council level and held over at that point, if necessary. Aids. Becker and Sullivan spoke again in favor of holding the matter in committee.

Vote on the motion, Ayes: 5; Present: 1 (Treis)

The meeting adjourned at 9:40 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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