



CITY OF WAUWATOSA

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COMMUNITY DEVELOPMENT COMMITTEE MEETING Tuesday, June 8, 2004

PRESENT: Alds. Becker, Ecks, Kopischke, Krol, Subotich, Sullivan, Treis -7

EXCUSED: Ald. Ecks

ALSO N. Welch, Community Dev. Dir.; A. Kesner, City Attorney;
PRESENT: T. Wontorek, City Admin., J. Cameron, Asst. to City Admin.

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

Land Division – 9900 Innovation Drive

The committee reviewed a request by John Casucci, National Survey and Engineering, for a land division by certified survey map in the Research Park Planned Development District at 9900 Innovation Drive. Ms. Welch reported that the applicant wishes to combine two previously platted lots for the GE Healthcare facility. The Plan Commission unanimously recommended approval, and staff concurs, subject to updating certain easements on the site. They plan to return at a later point with a request to add two additional acres at the northeast portion. A final certified survey map will then cover the entire parcel. Keith Redding, Irgens Development Partners, 10201 Innovation Drive, was present.

Moved by Ald. Krol, seconded by Ald. Kopischke to recommend approval
of the land division. Ayes: 7

Conditional Use – 10950 W. Potter Road

Held from the previous meeting was the request for a Conditional Use in the AA Light Manufacturing District at 10950 W. Potter Road for an accredited technical, trade, or career college. Ms. Welch noted that a report in the committee packets details some of the traffic counts and accident information cited at the previous meeting. Referring to an article in today's Milwaukee Journal Sentinel that implied that Bryant & Stratton College is moving its entire operation to Wauwatosa, she clarified that the proposed site would be in addition to their existing campus in downtown Milwaukee.

Pat Linnan, 36078 N. Beach Road, Oconomowoc, representing ownership of the property under Underwood Joint Venture, said committee members were sent packets about the site, the college, and its student body as well as summaries of anticipated short and long-term requirements. Displaying renderings and site plans, he said the 100,000 sq. ft. building was constructed in 1980 and currently has 12,000 sq. ft. of office space, 80,000 sq. ft. of warehousing/manufacturing space, and about 6,000 sq. ft. of garage space. Due to its location in the metropolitan area and proximity to the Research Park, it has always been the owners' intention to eventually convert it to a higher and better use. Approximately three months ago, Bryant & Stratton expressed a strong interest in the property, and action was undertaken to begin the changes that would be needed.

Bryant & Stratton has been in business since 1848, and this would be its 15th campus, most others being in the eastern half of the U.S. The 33,000 sq. ft. area they plan to use would meet their maximum requirements. Their offerings will include bachelor and associate degrees in cooperation with Froedtert Hospital and the Medical College of Wisconsin. An initial enrollment of 250 students is anticipated with a faculty of about 30 spread over day and evening hours. Approximately 100 students would use parking at any one time. The downtown campus has mass transit utilization of approximately 40%, and usage here is conservatively estimated to be closer to 20%. The anticipated traffic load would be outside of typical rush hours, predominantly from 8:30 to 9 a.m., from 1 to 1:30 p.m., and from 5 to 5:30 p.m. until 10 p.m. Mr. Linnan indicated that the applicants are ready, willing, and able to meet the parking requirement, which is in excess of 220 spaces, but they believe the 150 existing parking spaces would be sufficient in the short term and, therefore, request a waiver of the requirement for more spaces.

Mr. Linnan said the anticipated average age of students at this campus as 26 with a significant number attending part time while employed. The principal focus at night will be the professional skills center offering continuing education and training seminars. At its height, Empire Level had 300 full time and full-time-equivalent employees, 90-95% on first and second shifts. With inbound and outbound semi-trailer traffic and perhaps 20 vendors and service people visiting each day, there was always sufficient parking. He felt that the college's mass transit utilization and carpooling experience will be much higher than Empire Level's whose employees probably were better able to finance personal vehicles.

Peter Pavone, 1626 N. Prospect Avenue, Milwaukee, representing Bryant & Stratton College, has been with the college for 15 years in upstate New York and Milwaukee. The school has always been an integral part of the community, offering in New York a free summertime kiddie college and currently offering high school students here up to two free college courses. Students abide by professional behaviors and are serious about their education and pursuing a career. The bachelor program is primarily designed for working adults.

Ken Petershock, Wangard Properties, 20800 Swenson Drive, Waukesha, said that Wangard will be marketing the remaining 60,000 square feet for low-density use such as light manufacturing or distribution that would work well with the college and have a lesser parking ratio. He distributed a proposed plan showing how the space might be divided for two tenants.

Matt Mikolajewski, Economic Development Coordinator for the Wauwatosa Economic Development Corporation (WEDC), 1430 Underwood Avenue, endorsed the proposal on behalf of the WEDC board. He said that it would be an excellent addition to the community and provide additional opportunities for post-secondary education for residents. The programs will serve existing Wauwatosa businesses, particularly some of the major entities such as Froedtert Hospital and the Medical College.

Mark Gleischman, 310 W. Wisconsin Avenue, president of Gleischman Sumner Company, managing agent for the Reuss building which houses the downtown campus, replied to a resident's concerns that the school would move the downtown campus to Wauwatosa in the future. He reported that the school has a non-cancelable lease with about 9 years remaining that is personally guaranteed by Bryant & Stratton's president. He later explained that his company does both real estate development and tenant representation. Ms. Welch added that the Journal Sentinel reporter who called her for today's article never asked if the school was leaving downtown but apparently made that assumption based on statements relating to a "move" to Wauwatosa.

The following residents expressed concerns and asked questions about the proposal: Bill Recktenwald, 11218 W. Wisconsin Avenue; Dominique Schlederer, 600 N. 121st Street; Jennifer Biefeld, 721 N. 109th Street, Pam

Mylotta, 11929 W. Potter Road, Carla Fangmann, 11105 W. Potter Road; Jody Rudesill, 11118 W. Park Hill Avenue, Sheila Nolan, 11121 W. Potter Road; Gillian Mitchell, 11027 W. Potter Road, Liz Steybe, 633 N. 121st Street; Elizabeth Stuberger, 523 N. 113th Street.

Residents' comments reflected strong concerns about traffic and safety, particularly for children traveling by foot, school bus, or car to Underwood Elementary School just west of the site and also in connection with use of the playground, and baseball and soccer fields. They observed that there would be more constant traffic movement rather than the former situation when employees arrived and left at set times. The nearby railroad, strip mall, and surgical center were also mentioned as factors in their concern. The anticipated level of mass transit usage by students was questioned, and it was noted that the area has no bus service to West Allis, a demographic area the school intends to serve. There were several reports of frequent stop sign and speed limit violations on Potter Road, which residents felt was never intended to be a thoroughfare or have levels of traffic anywhere near its reported design capacity. On-street parking should be eliminated or restricted to just a half-hour in this area, a resident suggested.

Concerns were also expressed about possible noise, and the average anticipated student age of 26 was questioned. A resident who is connected with a parking garage that serves students at the downtown campus listed complaints other businesses have made about those students including issues of garbage, noise, cars that are in disrepair, speeding, and extremely loud and offensive music. She said that there seems to be very little carpooling among downtown campus students. There were also questions and concerns about operation during the summer, where overflow parking would go, what security will be in place, and whether future expansion would be restricted. There is a need for a more stringent buffer between the site and the adjacent school grounds, possibly a fence, a resident said. There were also comments and concerns about use of green space and encroachment of businesses into residential areas.

In response to residents' complaints of just now becoming aware of this proposal, the Chair assured them that no shortcuts were taken in the process and cautioned against implying that there was any intent to rush something through. The information appeared on all the appropriate agendas, which are posted on bulletin boards at city hall and the library, and all agendas and minutes appear on the city's web site. Residents are welcome to submit communications to the City Clerk's office. Ms. Welch confirmed notification requirements relating to property owners within a particular distance. It would be cost prohibitive to send notices to an entire neighborhood or entire portions of the city, she said. Due to deadlines and timing factors, the city's quarterly newsletter would not be appropriate for this type of notice. Wauwatosa News Times reporter Janice Kayser noted that the June 3rd issue of the News Times contained information on this proposal.

Mr. Petershock responded to a question about failure to disclose the name of this college earlier in the process. He said that they first had to request a change to the zoning ordinance to allow colleges in this zoning district. At that time, they did not have an executed lease with the college but were in negotiations and could not name the potential tenant for confidentiality reasons. At that time, the college was also looking at other locations.

Mr. Pavone said that summer school classes run from May 1st to the first or second week in August. He indicated that security is provided in their current building and they would be willing to hire a security person here as well.

Responding to a resident's statement about the recent addition of "all way" signs under stop signs in this area, the Chair explained that this is being done throughout the city to comply with federal regulations and has no connection with this proposal. Several aldermen later verified recent installations in their areas as well.

Ald. Subotich said he shares residents' concerns about speeds and asked if there is any other way than the speed monitoring trailer to check on speeds. Although reports said that speeds did not exceed the posted limit on a percentile basis, he noted residents' observations at the previous meeting that the speed limit is 20 mph when children are present.

Ald. Kopischke reminded everyone that just three months ago there was an active manufacturing business here. This is not a new building on green space nor is this a residential use being changed to business use. This land was already zoned manufacturing, and the proposed use will be a lighter and higher use than much of what is permitted by code without anything but staff review. There will likely be a comparable, if not less, traffic load that will be spread out more throughout the day and evening. He felt that a waiver on the increased parking would be appropriate and could be done with a periodic review and a requirement for approval of any request more parking. This would be similar to the waiver given to the Wisconsin Athletic Club on Watertown Plank Road. In this way, green space would not be used for parking that doesn't seem to be needed. He saw a limitation on total enrollment or total number of students at a given time as another option. He acknowledged concern for safety of children but felt that the proposed use is a good one for this location and will be a complimentary use for the neighborhood.

Moved by Ald. Kopischke, seconded by Ald. Sullivan to recommend approval of the requested Conditional Use with a waiver of the parking requirement subject to six-month and one-year reviews contingent on the college returning to this committee if they find they need more parking; and to limit students present at any one time to 125, with the option to return with a request for more based on circumstances that may arise in the future; and to require that no classes start prior to 8:30 a.m. or between 2 and 3:30 p.m.; and also require a no right turn sign at the driveway exit to Potter Road –

(The meeting recessed at 9:27 p.m. and reconvened at 9:40 p.m.)

Mr. Gleischman said that the school would agree to the no right turn restriction and any other traffic measures such as speed limits or parking restrictions that the city feels are necessary. In lieu of limitations on the total number in class at certain times, they would accept a limitation on the total enrollment here, which would answer concerns about parking and expansion. A limit of 450 students was suggested. Parking and green space issues could be addressed by approving parking up to the zoning requirement but waiving the requirement to build it now. In that way, the approval would be in place should the spaces be needed in the future.

Mr. Linnan said eliminating the 2 to 3:30 p.m. period from the schedule would place a burden regarding classes the college may offer in the future. Mr. Pavone indicated that class lengths vary from 50 to 150 minutes; evening classes may run one day a week from 6 p.m. to 9 or 9:30 p.m. A day student might attend from 8 or 8:30 a.m. to about 1:30 p.m., depending on the number of courses. Residents reported that Underwood Elementary School starts at 8:15 a.m. and ends at 3:10. Ald. Sullivan clarified that classes could meet during that time period but shouldn't start or let out during that time, which Mr. Gleischman indicated was agreeable.

With the consent of Ald. Sullivan, Ald. Kopischke amended the motion to set a total enrollment of 450 students in place of 125 at any one time –

Discussion of parking requirements and the possibility of a waiver continued. Mr. Gleischman said the school would agree not to build the total approved spaces now but would report back to this committee when they are needed. Ald. Kopischke favored withholding approval of the total number and require reevaluation when more

spaces are requested in the future. Ald. Sullivan said his intention is to waive the requirement for additional parking now. Mr. Kesner pointed out that the engineering department and Board of Public Works would normally review plans for parking lot expansions when there are no other zoning approvals attached. The lot could be approved for 250 spaces but expansion to that level would still be contingent upon review by engineering staff and the Board of Public works.

Ald. Treis said that the entire Common Council and the employees of the city work for the residents of Wauwatosa. With many schools located on main streets, we are concerned for the safety of students and others in our neighborhoods. He opposed setting a limit on the number of students present at any one time and favored amending parking requirements to preserve green space. He said that the Committee on Traffic and Safety can deal with any traffic management problems that arise. We have ordinances to protect the city and don't need to micromanage this, he stated.

Ald. Becker spoke in favor of capping enrollment at 400 and installing all the required parking spaces. He said that the school has not made any concessions and 400 students would be more than fair.

Ald. Krol concurred with setting a maximum of 400 students, which he noted was stated as a maximum at the Plan Commission meeting on May 10. He felt that the need for security should be emphasized. He supported the prescribed number of spaces because of potential uses in the rest of the building. He said that the Wisconsin Athletic Club situation is different in that there is a huge existing parking lot adjacent to the site. Ald. Kopischke was opposed to unnecessary impervious surfaces and the loss of existing green space, preferring to wait with additional parking until it is necessary. Any other use proposed for the rest of this building would require a parking plan and would have a far lower parking ratio that may not require any additional spaces. Ald. Sullivan said that Traffic and Safety could deal with any on-street parking issues, but this committee should retain control over the parking lot. The community is concerned about future expansion, and parking is a means of control.

(Ald. Subotich excused. -6)

Mr. Linnan reviewed existing and proposed parking on the site as discussion of parking spaces continued.

The Chair said that this site is in her district and she is extremely concerned about safety but feels there will not be a lot of additional traffic in residential areas, especially with a no right turn restriction. Speeding is something we are all guilty of and can be controlled through signage ticketing, she said. Noting that there are other less desirable uses that are permitted under this zoning, she spoke of the benefits of a professional college that prepares students for careers for which there is a great need. This is a good fit for this community, she said She noted that the Wauwatosa School District's curriculum director has pointed out the value of this school and reported that the district already has some arrangement for college credits. She emphasized that we can educate young people and keep young children safe by working together.

With consent of the second, Ald. Kopischke amended the motion to state an enrollment cap of 400 students and allow the school to return with a request for an additional amount in the future –

Ald. Kopischke clarified that the motion on parking requirements would leave it to engineering staff to approve the overall parking plan as they see fit. We would waive the requirement for adding spaces but allow for some expansion right now based on the engineering department's determination of current needs.

Vote on the motion, Ayes: 6

Proposed Ordinances – Board of Appeals, Special Uses

Mr. Wontorek reviewed the two ordinances on which public hearings were held last week. The ordinances amend Section 24.52 of the Code pertaining to the Board of Appeals and Section 24.48 pertaining to Special Uses. They are the result of the Council's directive to streamline the process for various applications to the city. Currently, applications for Special Uses go to the Plan Commission for review and recommendation and to the Board of Zoning Appeals for final approval. They are then also reviewed by the Design Review Board if exterior changes are involved. These ordinances remove the Board of Zoning Appeals from the Special Use process. Applications would first go to the Design Review Board, if necessary, and then to the Plan Commission for final approval. The Board of Zoning Appeals would still play a role in any appeals of Plan Commission decisions.

Ald. Treis opposed the changes. He said that the Plan Commission is an advisory board, and he believes that elected officials should have the ultimate responsibility for these items. The only elected officials on the Plan Commission are the mayor and one aldermanic representative. Ald. Sullivan suggested replacing the Board of Zoning Appeals with this committee, and then final approval would be through the Common Council.

Ms. Welch said that one option would be to handle Special Uses in the same way as Conditional Uses; i.e., they would go to the Plan Commission, this committee, and then the Common Council. That, however, would not streamline but would lengthen the approval process. Last year approximately 150 Special Use requests were processed, but changes in how non-conforming properties are now handled would eliminate a great number. The committee would mainly be looking at things like exceptions to garage height requirements and applications for restaurants, gas stations, and other businesses designated as Special Uses.

The Chair expressed concerns about micro-managing, stating that we need to trust those hired by the city to do their job and be careful of how much needs to be approved by elected officials. Perhaps this committee or the Common Council should be involved in the appeal process, she suggested.

Ald. Kopischke supported the recommended changes and commended the expertise of the city's planning staff and the Plan Commission. They are extremely committed to the welfare of this city, are very knowledgeable, and do a good job in evaluating applications, he said. He noted that alderpersons receive Plan Commission and Board of Zoning Appeals agendas, and those bodies have been very sensitive to the comments of the public and the alderpersons when they appear at meetings.

Ald. Grimm agreed that alderpersons have opportunities to be heard at commission meetings. The Chair said that the public is not asking the Council to be involved in this and doing so would not streamline the system as the Council has requested. Ald. Krol felt that giving the Common Council a role would not delay or encumber the process.

City Attorney Kesner said that moving applications from the Plan Commission directly to the Common Council without first going to a Council committee would not comply with the Common Council's rules.

There was further discussion on the merits of proceeding tonight and possibly revising the ordinances later or seeking further information at this point.

Moved by Ald. Kopischke, seconded by Ald. Becker to hold both ordinances pending a report on the issue of the Common Council's potential role in the Special Use process. Ayes: 7

Discussion of Lawn Maintenance Portion of Property Maintenance Code

Ald. Krol explained that he requested discussion of the code's lawn maintenance requirements because of an issue in the 2nd District involving a non-resident property owner with a long-vacant property. Although the owner has done quite a bit of work there lately, the lawn was not mowed and became quite long. The owner was given a lot of slack because of rain, but a citation was issued when the grass reached 10 inches in height. The city's contractor finally mowed the lawn on June 3rd, and the cost will be billed to the owner. Ald. Krol explained that the city's requirement for correction within seven business days actually allowed 14 days for compliance in this particular case once weekends and holidays were considered. He advocated shortening that period of time.

Moved by Ald. Krol, seconded by Ald. Becker to recommend introduction of an ordinance specifying that the city may order conditions corrected within four working days –

Mr. Kesner said that this is primarily an aesthetic rather than life safety issue, so a shorter period such as 48 hours would not be appropriate. The current ordinance states that conditions must be corrected within seven days *or other time limit set forth by the safety and building division*. Staff is aware of this option and planned to start using a five-day deadline.

Ms. Welch expressed some concern about increasing the number of situations where city staff or the city's designee enters private property and takes action. We have to be very careful that the property owner is adequately informed and has a reasonable amount of time to respond, she noted. The city's goal is compliance. Although we do get complaints, there are few situations where citations are issued or conditions continue long enough to create a significant problem.

Ald. Krol said that the change to four days will protect against someone who is really neglectful. Staff can still be flexible in individual situations such as those involving an elderly or hospitalized person, for example.

Vote on the motion, Ayes: 5

The meeting adjourned at 11:30 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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