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**COMMUNITY DEVELOPMENT COMMITTEE MEETING**  
**Tuesday, July 26, 2005**

PRESENT: Alds. Becker, Birschel, Kopischke, Krill, Krol, Subotich, Treis -7

EXCUSED: Ald. Sullivan

ALSO N. Welch, Community Dev. Dir.; A. Kesner, City Atty.; W. Kappel, Dir. of Public Works;  
PRESENT: W. Wehrley, City Engineer; Alds. Jenkins, Maher, Purins

Ald. Kopischke as Chair called the meeting to order at 8:08 p.m.

**Conditional Use – 6230 W. North Avenue**

The committee reviewed a request by William Konstan for a Conditional Use in the North Avenue Trade District at 6230 W. North Avenue for a coffee shop and restaurant. The Plan Commission unanimously recommended approval. Ms. Welch reported that the proposed neighborhood coffee shop and small café would have some outdoor seating that will require Board of Public Works approval since it would encroach into public right-of-way. There is sufficient parking to meet the requirements of the new Trade District zoning. Hours of operation recommended by the Plan Commission are 6:30 a.m. to 11 p.m. daily.

William Konstan, 2332 N. 57th Street, Milwaukee, said that the 11 p.m. closing time would definitely not be his regular hours but would accommodate special events or private functions that might go past 9 or 10 p.m. He reported that he has surveyed area parking on 33 occasions on different days and at different times. Of the 55 parking spaces that he counted on North Avenue and nearby side streets, he found 38 spaces available at the very least and 51 spaces at the most. He, therefore, believes there would be no problems with parking.

Jason Malmberg, 6228 W. North Avenue, read a statement from the residential and commercial tenants of this building opposing the proposed use. He raised concerns about security in connection with customer use of a restroom in the rear hallway/stairwell. This would allow unrestricted access to the residential and private storage areas as well as commercial offices. The residential doors in the rear stairwell are not as secure as an outside entrance door would be, and the plywood doors to the private storage areas are secured only by latches and padlocks. Also, there are concerns about existing electrical issues in the building. Tenants experience daily loss of power due to the strain on the building's electrical system, and areas of the building that would be used for food storage are cross-wired with the residential tenant's meter. Mr. Malmberg also cited concerns about hours of operation, noting that many of the neighborhood's businesses close at an early hour. He mentioned mold issues in the basement as well as other parts of the building and was concerned about storage of food there. He said that additional strains on parking as well as trash and noise would have a disparate impact on the occupants with little benefit to the community.

Jeff Minor, 6228 W. North Avenue, said the electrical problems are the biggest issue here. Tenants lose service on a regular basis.

Ms. Welch said that the electrical and safety issues would be assessed by a building inspector and would need to be addressed before issuing an occupancy permit. The health department would determine if food preparation areas meet requirements. A more secure door to the residential area may be required.

Chris Sell, building manager for 6226 W. North Avenue, said the owner is willing to do what is needed to upgrade the building. He will work to bring everything up to code in order to establish this business.

Moved by Ald. Birschel, seconded by Ald. Subotich to hold this matter until September 6 or 13 to allow for health and building inspections as well as time for the applicant to address the issues raised –

Ald. Krol questioned to hold the item since an occupancy permit would not be granted if the business does not meet codes. This committee should rule on whether the business is appropriate for this site. Ms. Welch said that this committee may consider issues that impact surrounding businesses and neighbors. A Conditional Use is typically granted with language making it subject to obtaining all required licenses and permits. The Chair noted that the specific concerns raised tonight could be cited as part of the contingencies when granting the use.

Ald. Treis was concerned about electrical problems and felt that an inspection should occur as quickly as possible. He would like to have a copy of the statement from the building's tenants and would like some time to review it. He suggested scheduling a special meeting prior to next week's Council meeting.

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

Moved by Ald. Treis, seconded by Ald. Becker to direct building inspection staff to immediately look into the electrical situation at this site. Ayes: 7

Moved by Ald. Treis, seconded by Ald. Birschel to direct staff to provide a copy of the tenants' letter to all committee members and to hold this matter to a special meeting scheduled prior to the next Common Council meeting at which the Community Development Director can provide information from the various inspectors –

Ald. Krol reiterated that, even though important, issues such as adequate electrical service are not relevant to the agenda item. The Chair agreed that it is the committee's responsibility to look at the appropriateness of the use. Staff can address electrical, security, and other issues. He will support the motion, however, in deference to Ald. Treis's concerns.

Vote on the motion, Ayes: 7

The Chair informed the applicant that any response he wishes to present prior to the next meeting should be turned in at the City Clerk's office by 11 a.m. on Friday.

### **Conditional Use – 6700 W. State Street**

Displaying an aerial map, Ms. Welch reported on a request by Eric Neumann, MSI General Corp., and David Israel for a Conditional Use in the AA Business District at 6700 W. State Street for a restaurant and additional retail space. The Plan Commission unanimously recommended approval. The applicants would like to construct

an Applebee's restaurant and some additional retail space at the site of the existing Sentry store at 6700 W. State Street. The approximately 7,000 sq. ft. Applebee's would be west of Sentry, and another 7,000 sq. ft. of retail space would be to the east. Parking here is tight but does meet zoning requirements if the loading and storage areas are subtracted. Staff recommends discontinuing the seasonal sale of flowers from a separate portion of the parking lot once the expanded space is in use. The Plan Commission concurred with that recommendation. A new parking lot plan and revised storm water information will be required.

Eric Neumann, MSI General Corporation, P.O. Box 7, Oconomowoc, displayed a rendering of the site. He said he has met with staff and is working through the request for various storm water management techniques. They will show a possible seasonal sales area with the revised parking lot layout, which may then have to be addressed separately elsewhere. This development is part of a master plan that includes and is coordinated with other development to the east.

Ms. Welch said she is unable to comment on the plan to include seasonal outdoor sales since staff hasn't yet seen a revised site plan. David Israel, 540 Lake Cook Road, Deerfield, IL, indicated that Sentry may come back on that issue later.

Moved by Ald. Treis, seconded by Ald. Krol to recommend approval of the Conditional Use contingent upon: 1) hours of operation from 11 a.m. to midnight daily; 2) seasonal outdoor sales by Sentry would be discontinued; 3) submission of a parking lot plan and storm water plan; and 4) obtaining the necessary licenses and permits. Ayes: 7

### **Rezoning – Portion of 1215 N. 62nd Street**

The committee reviewed a proposed ordinance rezoning a portion of 1215 N. 62nd Street from AA Light Manufacturing District to AA Business District. A Common Council hearing was held July 19; the Plan Commission unanimously recommended approval.

Displaying an aerial map, Ms. Welch outlined the area under consideration, which is a portion of the Western Metals site at 1215 N. 62nd Street. The applicant has created a new parcel on a portion of that site and needs to rezone it to AA Business.

Brian Cummings, Redmond Development, W28 N745 Westmound Dr., Waukesha, explained plans to begin construction of a Walgreens on this site shortly after approval of this rezoning and subsequent closing on purchase of the property. He displayed a rendering of the proposed Walgreens, which would replace the existing Walgreens adjacent to the Pick 'n Save store at 70th Street.

Moved by Ald. Krol, seconded by Ald. Becker to recommend adoption of the ordinance –

In response to a question, Mr. Cummings said that the Walgreens is not planned as a 24-hour operation since they do not typically have 24-hour stores within a five-mile radius of each other. Ms. Welch explained that the Walgreens is a Permitted Use. Although zoning doesn't address 24-hour operations, it has not been the practice to approve those hours when adjacent to a residential area.

Vote on the motion, Ayes: 7

### **Alley Vacation – South of W. Meinecke Avenue between N. 64th and N. 65th Streets**

The committee reviewed the proposed vacation of unimproved alley right-of-way south of W. Meinecke Avenue between N. 64th and N. 65th Streets. A Common Council hearing was held July 19; the Plan Commission unanimously recommended approval.

Ms. Welch reported that the intent is to give the property to surrounding property owners, who were notified of the request for vacation initiated by John Rose, 2366 N. 65th Street. No one has objected to the proposed vacation. Depending on the size of each parcel, this is expected to increase each property's value by \$5,500 to \$6,300. There are some agreements in place regarding the vacated areas.

Moved by Ald. Birschel, seconded by Ald. Krill to recommend to Council approval of the vacation of the unimproved alley right-of-way. Ayes: 7

### **Conditional Use – 1220 Dewey Avenue**

Ms. Welch outlined a request by Russ Legg, Aurora Health Care, for a Conditional Use in the AA Institutions District at 1220 Dewey Avenue to construct an addition to the Kradwell School. The Plan Commission unanimously recommended approval. The school currently serves about 55 students, largely of high school age, and would like to expand to include elementary students, serving a total of approximately 75 students in morning and afternoon sessions. The addition would include classrooms and a library.

To serve both this addition and the proposed conversion of a residence to office use, Ms. Welch reported that approximately 17 additional parking spaces are needed—10.5 for this use and 6.4 for the office use to be discussed next. In addition, this residential area has been impacted by employee parking. Ms. Welch recommended some additional spaces to help relieve that situation if it can be done without removing a lot of trees or green space.

Bob Vajgrt, 333 E. Chicago Street, Milwaukee, said that the school currently is relatively small. They need to gain three classroom spaces in total and will also be addressing ADA issues. He has been in contact with city staff regarding parking and will need to clarify the number of spaces. Some type of paving project is being considered, but it has not yet been defined.

Mark Bialzik, 8132 Milwaukee Avenue, who is the principal of Kradwell School, said they are expanding to meet the needs of grades K-12. The elementary program would be separate from the secondary program. Three added staff members would need parking spaces. This proposal would consolidate space and create a main entrance.

Linda Blust, 1504 Upper Parkway South, said that only through the flexibility offered by Kradwell School was her daughter able to graduate and also obtain in a full college scholarship. She encouraged the committee to think positively and creatively about the parking issues and look to the needs of students like her daughter.

Ald. Krol indicated that he toured the site and found it to be a good environment for the special educational needs served there. Ald. Becker concurred, having also toured the school.

Moved by Ald. Krol, seconded by Ald. Becker to recommend approval of the Conditional Use contingent upon submission of parking lot and sanitary sewer plans. Ayes: 7

### **Conditional Use – 1236 Dewey Avenue**

The committee reviewed a request by Peter Carlson, Aurora Psychiatric Hospital, for a Conditional Use in the AA Institutions District at 1236 Dewey Avenue to convert a residence to office uses. The Plan Commission unanimously recommended approval.

Ms. Welch said that the overall campus here is somewhat over-parked, which is impacting the neighborhood. An additional 6.4 parking spaces are needed to serve this use, but she requested additional consideration of that parking impact on the neighborhood during the day. In addition, a sanitary sewer plan is needed for this complex since engineering staff does not have the necessary information to assess capacity here.

Larry Linus, 2355 E. Bennett Avenue, Milwaukee, said this office space would house employees already working on the campus. They would not add to the parking problem.

Moved by Ald. Krol, seconded by Ald. Treis to recommend approval of the Conditional Use contingent upon submission of sanitary sewer and parking lot plans including some consideration of relieving neighborhood parking as determined by planning staff. Ayes: 7

(The committee recessed at 9:02 p.m. and reconvened at 9:10 p.m.)

### **Conditional Use – 8701 Watertown Plank Road**

The committee reviewed a request by T. Michael Bolger, Medical College of Wisconsin, for a Conditional Use in the Medical Center and Institutions District at 8701 Watertown Plank Road to construct a parking structure and surface parking lot. The Plan Commission unanimously recommended approval.

Ms. Welch reported that the Medical College of Wisconsin (MCW) would like to construct a 1,000 car parking garage and a 200 car surface lot. She displayed an aerial photo of the area, referring to the previously approved vacation of a portion of Gridley Avenue and pointing out the open space that is available.

Kathryn Kuhn, Medical College of Wisconsin, 8701 Watertown Plank Road, introduced a PowerPoint presentation that provided additional information on the requested use. She reported that there are currently about 900 surface parking spaces on this property. MCW's parking capacity prior to construction of a new research facility was 1,740 stalls. The proposed new parking capacity of 2,262 stalls includes 358 additional stalls required for the research facility and 164 spaces to cover the current shortage of spaces and future growth. MCW intends to maximize their land use without expanding east into the residential neighborhood. There will be a buffer zone between the campus and the neighborhood. Having reviewed various site considerations, the proposed site presents the shortest side of the parking structure to the neighborhood. They had planned for a 100 ft. setback rather than the 25 feet required by code. As a result of questions raised by Ald. Kopischke at the Plan Commission meeting, they have now determined that a total of 121 feet of buffer can be provided by making some internal changes. The building is "neighborhood friendly" in that it does not require noisy mechanical equipment, has limited hours of primary use, has no delivery trucks or loading docks, and is half as tall as a typical research or education building on the campus. Ms. Kuhn detailed community involvement efforts that included a seven-month meeting process giving neighbors direct input on the height and design of the structure and the landscape plan. She listed considerations for setting the height of the building and described the shadow study depicting the effect of

the building at various times. Neighbors' input on landscape design included the use of berms to create a park-like setting, a mixture of tree and plant varieties, and incorporation of existing trees where possible.

Mark Bultman of Hammel, Green and Abrahamson, 135 W. Wells Street, Milwaukee, responded to the question of using porous materials that was raised at the Plan Commission meeting. He said that there are certain obstacles to using that material here. They feel that the storm water plan that is in place for the overall campus is a more appropriate solution in this particular case. Kurt Spiering, also of Hammel, Green & Abrahamson, Inc., said that pervious surfaces are an interesting solution, but it would be wise to conform to the overall plan. Ms. Kuhn added that the landscape plan will be working in accordance with the overall storm water plan.

The Chair read written comments in opposition to the location of the parking structure submitted tonight by Tony Minotte, 1127 Elm Lawn, and Pete Gaveras, 1244 N. 86th Street. Both felt the structure should be placed elsewhere. Mr. Gaveras read a further statement. He questioned the need for 1,060 parking spaces and said that the neighborhood is concerned about any location within 200 feet of Watertown Plank Road along 87th Street. Some are in favor of a site to the south, which affects the least number of homes and would not exit to Watertown Plank Road. He noted that residents had no input on the height of the building or the location. Also, there has been some talk about a long range plan for a second structure, which should be kept in mind. Mr. Gaveras acknowledged that MCW has to grow but felt a better overall solution should be sought to make the structure less obtrusive to the neighborhood. He also had concerns about water runoff issues. He summarized the concerns expressed by Plan Commission members and said they should have required better answers to neighbors' questions as well as their own. He said that the foremost consideration of city officials should be preserving the integrity of the neighborhood and quality of life.

Nancy Hall, 1123 Glenview Avenue, representing the Glenview Heights Neighborhood Association, submitted comments suggesting that the structure should be located a total of 150 feet from the property line. Also, construction traffic should be routed away from the neighborhood, construction should take place only during hours permitted by city ordinance, and there should be no construction parking on neighborhood streets.

Sandra Klug, 8302 Gridley Avenue, noted that plans show that the 50-foot berm would have 100 pine trees and some deciduous trees and shrubs, but only two of the pine trees are located on the residential side of the sidewalk. In the winter residents would have nothing but bare branches adjacent to their properties.

Betsy Flood, 8332 Gridley Avenue, said the key is changing the location, which was never on the table at the meetings with neighbors. She was also concerned about the impact of traffic on the neighborhood, particularly the right-turn-only onto Watertown Plank Road and the effect of possible closing of Honey Creek Parkway during the Hart Park construction project. She said that building for anticipated growth is not a friendly situation. There are a number of alternative locations that should be explored including the Milwaukee County Research Park or at least a site closer to MCW buildings. She commented on an attitude of distrust prompted by MCW implications about alternatives should this parking structure proposal fail.

Katherine Pizzi, 8360 Gridley Avenue, made a PowerPoint presentation on behalf of the Neighbors of MCW Taskforce. She noted that the neighborhoods that border MCW will pay \$1,000,000 in property taxes in the next five years. The priorities of the neighborhood are property values and placement of the structure. She cited a history of neglected maintenance and out-of-control construction hours, expressing skepticism about future maintenance or full implementation of the landscape plan. She also said there have been misleading statements and misinformation in documents presented by MCW. To avoid past mistakes, she cited the need for thorough plans for water management and lighting and a detailed traffic analysis and the use of an escrow account to

ensure that work is done. She was concerned about possible blasting and potential damage to property. Hours of construction should be limited and construction inspected daily to ensure cleanup.

(Ald. Subotich excused. -6)

David Perhach, 11637 W. Clarke Street, a member of the Plan Commission for the past two months, spoke of the economic value of this campus to this community. He noted that he had expressed some significant concerns about dialog with residents and was assured that it will continue. He regards MCW as a good piece of the fabric of this community, believes they have done the best they can, and can be trusted as good, respectable citizens.

Ald. Jenkins spoke of the various issues to be considered but said it comes down to the fact that he would not personally want this size building next to his property. He, therefore, will not support this at Council.

Staff and MCW representatives were asked to respond to issues raised by residents.

Ms. Welch said escrows are routinely required for projects like this. The city also enforces cleanup of debris on the roadway and controls construction traffic; storm water issues are also addressed. There will be an approved site plan on file with the building department.

Mr. Spiering said that it is not anticipated that any blasting would be required for the type of footings to be used. He said that most of the issues raised are covered by the thoroughness of the city's process. Regarding the planned number of spaces, he said that they are not building for a future building boom. They would meet current needs with a very thin margin for error. Ms. Kuhn distributed a lot-by-lot summary of parking spaces prior to and following start of construction of the new research facility.

Ms. Kuhn said that prior to bringing in the neighborhood, they basically negotiated against themselves by moving the structure farther back from the east lot line. Regarding a site to the south, she said there that the volume of cars in that area from Froedtert is tremendous, and it would be difficult to fit the short side adjacent to east at that site. Also, cars would probably have to exit to the north with a service road along the border. They have looked at the structure as an expensive investment that will dictate future development. Using the proposed site ensures that there will never be a tall building back there. If moved to the south, they could not step the structure—it would be very flat and long. There are not many houses there, but those on Gridley would directly view the structure whereas there are no front yards on Elm Lawn that look directly onto the proposed site. In the proposed location, the access road will be to the west; there will be no access from the east. Ms. Kuhn clarified that they believe that moving the structure to the west and then adding buildings north and east of it would not be positively received by residents but was not meant as a threat.

Ms. Kuhn said that the Plan Commission requested an ongoing neighborhood committee as a condition of their approval. Small group meetings to discuss landscaping will include mainly residents along Elm Lawn and some others as well. Some have wanted pine trees along the path but others would feel more comfortable with deciduous trees that are not as dense. Ms. Kuhn indicated that the long grass that Ms. Pizzi mentioned when discussing maintenance issues was due to some miscommunication with their landscape people. The ongoing neighborhood committee will address those kinds of problems.

Ald. Krill said that he and Ald. Jenkins have worked a lot of hours on this issue. He commended the residents' efforts in organizing and getting their views known, which should be seen as part of the democratic process. At the same time, the efforts of the Medical College have been very worthwhile; they have been receptive and open. He agrees with Ald. Jenkins and will not support this use as proposed. Having polled some of the residents at the

Plan Commission meeting, he believes that moving the building back another 50 feet could eliminate almost all opposition in the neighborhood. He consulted with Ald. Birschel, who worked out a plan moving the building back 48 feet and presented it to MCW last Saturday.

Ald. Birschel mentioned his familiarity with the area and with another structure on the county grounds as a former construction inspector for the county. He did a detailed drawing and found that it could be moved 48 feet west without compromising the design at all. He proposed a rain garden on the east side that would also serve for snow storage and a wall of tall growing arbor vitae trees and a large spruce to hide most of the 57 feet of the building. He felt this plan would provide the neighborhood with a little more buffer while MCW would still get the building they want.

Ald. Krol spoke of the economic benefits of MCW, the fact that about 500 Wauwatosa residents are employed there, and the efforts they have made to include neighborhood residents in their development. He questioned whether the structure would be in exactly the right place if moved another 48 feet to the west. He said he does not view this as as big an encroachment as others approved over past years and believes the college will act as a good neighbor to the adjoining residential area.

Moved by Ald. Krol, seconded by Ald. Treis to recommend approval of the Conditional Use as presented tonight with 121.5 feet of east setback and with conditions as set by the Plan Commission; i.e. 1) obtaining the necessary licenses and permits; 2) providing landscaping and maintaining the current zoning boundary; 3) construction only during hours permitted by the city; 4) no construction traffic in the neighborhood adjacent to the structure; 5) semi-pervious materials on the surface parking lot; 6) finalizing plans for the cul-de-sac; and 7) creation of a neighborhood committee to meet throughout the year --

At the request of Ald. Treis and using MCW's model of the site, Ald. Birschel demonstrated how he believes the proposed additional 48 feet of setback could be accomplished without compromising the design of the structure and the entrance and exits. He explained that it incorporates air wells that would allow air to circulate around and through the building without mechanicals.

Ms. Kuhn said that they did seriously consider the option presented by Aids. Krill and Birschel. It would add some cost, but the concern was fundamentally about maximizing the development portion of the site. They consider the west edge equally important for preservation of land mass. Setting back the site an additional 20% means that 20% of the remainder of the site will be filled more quickly in terms of land development. MCW has made a commitment that the eastern boundary would not be broached, and with that commitment they must maximize this land. The alternative offered puts it in the middle of a developable piece of land, which drastically limits future options.

Ald. Treis asked about the location of other buildings in the future and questioned why something else wouldn't be developed now. Ms. Kuhn said that MCW is building a very large research building now and is preserving land to the south for another research building. Parking is needed for the building now under construction. The second building is not needed now but may be added in the next 10 years. The 164 excess parking spaces in this proposal are not a lot for future development. Asked about surface parking across Watertown Plank Road, she said that they have nothing other than a surface parking agreement with the county for that lot but will work in the future to change that. She explained the planned interconnection of buildings and utilization of resources. She said that the neighbors will have a very nicely landscaped area that will continue to grow. The structure will not be as visible as

we might think. She indicated that MCW will work with the city on traffic issues including concerns about the eastbound right-turn-only provision.

The Chair commended the efforts of the Medical College and the residents. He said that the Medical College has accommodated a lot here, and the proposed 121.5 setback is significant considering the 25 ft. requirement. He agreed with the need to look at the long term plan so that they are not forced to put a more imposing building next to the neighborhood. There are a lot of enhancements with the buffer zone and landscaping, and the design is superior to the typical parking structure. He reported that he has found through the City Engineer that there is a coordinated plan for this entire area through which storm water can be effectively managed. He recommended, therefore, removing from the motion the requirement for semi-pervious surfaces.

With consent of the second, Ald. Treis amended the motion by removing requirement 5, semi-pervious materials on the surface parking lot --

Roll call vote on the motion, Ayes: 4; Noes: 2 (Birschel, Krill)

(The meeting recessed at 11:12 p.m. and reconvened at 11:20 p.m..)

**Conditional Use – Northeast Corner of N. 124th and W. Burleigh Streets**

**Land Division – Northeast Corner of N. 124th and W. Burleigh Streets**

**Cross Access, Easements – Northeast Corner of N. 124th and W. Burleigh Streets**

The Common Council referred back to committee a request by Michael J. Fox, Continental Properties, for a Conditional Use at the northeast corner of N. 124th and W. Burleigh Streets for a large retail site with over 50,000 square feet of development. At the previous meeting, this committee recommended approval of the Conditional Use contingent upon any further required permitting or approvals including final approval from the City Engineer regarding any site provisions on storm water, sanitary sewers, and water main easements, and completion of a developer's agreement outlining all stipulations, conditions and details. The question of 24-hour operation of the proposed Walgreens store was raised.

Also referred back was a request by Jason Williams, Continental 164 Fund, LLC, for a Land Division by Certified Survey Map in the AA Business District at the northeast corner of N. 124th and W. Burleigh Streets. This committee had recommended approval contingent upon further review and approval of easement language by staff. In conjunction with the other two matters, the Common Council also referred to committee a resolution that had been forwarded by the Board of Public Works approving cross access, easements, drainage and storm water elements, and parking setbacks for the Burleigh Square project at N. 124th and W. Burleigh Streets.

Atty. Deborah Tomczyk of Reinhart, Boerner, Van Deuren, 1000 N. Water Street, said that this site presented many challenges in terms of demolition, environmental contamination, makeup of soils, and difficult grades. Rezoning has been approved, and meetings with the Design Review Board resulted in an innovative design for the site. The Plan Commission recommended in favor of the Conditional Use. As the first project under the new "big box" ordinance, the applicants are aware that this will be looked at critically, but Ms. Tomczyk stated that they believe the ordinance is working and has resulted in a better development. She cited improvements such as environmental remediation, landscaping, pedestrian access, a community contribution, and storm water

management upgrades. Referring to concerns about a 24-hour Walgreens, she reported that Walgreens has agreed to operate from 6 a.m. to midnight.

Ms. Tomczyk said that, at this point, the project meets or exceeds all applicable ordinances on storm water. They have reduced the quantity generated for all two-year to ten-year events. City staff would like to see greater improvement for 100-year events, but there is a reduction there also. From a quality standpoint, it is over and above what is seen on most developments. They have been able to integrate pervious pavement in the Walgreens area, as suggested. Regarding the use of different plant species, Ms. Tomczyk reported that 26 species of plants will be used in the rain gardens. She noted that they are facing challenges from a timing standpoint, especially concerning leasing.

Mike Toye, 3025 N. 122nd Street, said his primary concern at this site is the Walgreens. He questioned why the store is needed at all since there are three within a four-square-mile area including a 24-hour store at Mayfair and North. The existing stores are totally adequate to serve the needs of the community. There are no retail stores open past 10 p.m. in this immediate area. Mr. Toy was concerned about light and noise pollution, noting that this could exacerbate existing problems with noise at some of the nearby apartment complexes. He pointed out that the Walgreens at Mayfair and Capitol is also adjacent to residential and is open from 7 a.m. to 10 p.m. at most.

Mike Pook, 3026 N. 121st Street, was concerned about increased traffic and asked if the Walgreens store could be moved farther north, away from the residential area. He also questioned the need for the store, listing seven other pharmacy or retail/pharmacy operations within a two-mile radius. He questioned how much business after 10 p.m. would be pharmacy-related and also asked how many gas stations/convenience stores are open after 10. He was also concerned about the landscape plan, parking, and traffic flow, especially additional neighborhood traffic, the safety of the detention ponds, increased lighting, crime, pollution, and noise. He asked what this project will do to be a good neighbor.

Christie Toye, 3025 N. 122nd Street, was interested in establishing continued community contact such as discussed in the previous item regarding the Medical College. She was concerned about the Walgreens store and supported moving it from the corner. She said that Briggs & Stratton was a good neighbor with hours of traffic that were very predictable.

Ald. Maher, representing the 8th District, said he still had some unmet concerns when these matters came to Council for approval. He didn't like setting a precedent of approving the Conditional Use before the developer's agreement was in place. Although additional species have now been included in the rain gardens, there are still some concerns about engineering of those areas. Also, the Walgreens operation needs to be fully addressed. He cited storm water management as the most frustrating issue, noting that right now the plans meet minimum city requirements and little has been done regarding on-site management over the past three weeks. Because of that lack of progress on storm water management and the possibility of doing a lot more on this site, he would not vote in favor of this plan.

The Chair and Ms. Welch clarified that it is consideration of the overall site plan that allows this committee to look at the Walgreens operation; otherwise, it is a Permitted Use in this zoning district.

Steve Wagner, Vice President of Leasing for Continental Properties, W134 N8675 Executive Parkway, Menomonee Falls, said that at this point only Lowe's and Walgreens have been identified as tenants. Others will be brought forward as they make the commitment necessary to meet both the city's and Continental's standards. He noted that drugstores are generally located on corners—that is the nature of the business and the basis on which they participate in developments. He was uncertain whether they would agree to any further reduction in

hours of operation but was willing to discuss it with them. He said that a neighborhood meeting in May was well attended, and they are always open to talking with neighbors. They will always try to address concerns as quickly as possible.

Michael Fox, Development Director for Continental Properties, said that there will be decorative fencing around the detention ponds. That corner of the parking lot has been brought down substantially, lessening the depth of the basins.

Mr. Wehrley said he is very pleased with the variety of species to be planted in the two rain gardens. Placing that same number and variety in the 45 parking islands identified as bio-swales would improve the aesthetics of those interior islands. Ms. Tomczyk indicated that could be accomplished. Mr. Wehrley noted that the city would like to use this site to demonstrate strong storm water management practices.

Mr. Wehrley said he believes this committee and the Common Council challenged the developer to go above and beyond the norm in storm water management. This development should be commended in terms of innovation and the variety of techniques employed, all of which are effective storm water management tools that address minor rain events effectively. There is about a 44% reduction on water leaving the site in a two-year rain event. As rainfall increases and approaches a 100-year event, however, the site is within 3% of the former Briggs & Stratton runoff. That is where the differentiation begins between going above and beyond and meeting the standard. Water quality and diversity have been addressed effectively, but they have only met the minimum standard of not increasing the water leaving the site.

Mr. Wehrley spoke of the \$21 million MMSD flood control projects that will address flooding that occurred in Wauwatosa and elsewhere because of poor flood water management decisions made in the past. He noted that when a Village of Elm Grove flood water plan was presented to this committee several years ago, it was turned down because it would match rather than reduce the 100-year flows into Wauwatosa. The assumption has been that this developer would also be required to reduce the 100-year flows leaving this site. As it stands, those 100-year flows are virtually the same as presented on July 5.

Mr. Wehrley distributed a table illustrating peak flows, impervious area, and flow per impervious acre for the existing Briggs site, the proposed development, and what would be required under MMSD Chapter 13 rules, which apply to any site in the 28 MMSD member communities that adds one-half acre or more of impervious area. Because the site was previously paved, the project does reduce impervious area. The actual runoff per acre of impervious area is actually going up, however. Mr. Wehrley clarified that this site is not required to meet the Chapter 13 rules.

Ald. Krol reviewed some of the considerations discussed at this site. He noted that some additional tenants may be Permitted Uses that are not reviewed by this committee. The Walgreens hours could still be discussed prior to the Council vote. Even though only minimum storm water requirements were met in some areas, different strategies that were used are good examples of controlling runoff.

Moved by Ald. Krol, seconded by Ald. Becker to recommend approval of the Conditional Use with the hours of operation for the Walgreens store set at 7 a.m. to 10 p.m. –

Ald. Becker asked Mr. Wehrley what he would like to see done in terms of storm water management. Mr. Wehrley responded that he would like to see a reduction in the 100-year flow rate. Requiring compliance with MMSD Chapter 13 rules would involve the greatest cost but would provide the greatest benefit to the city.

Moved by Ald. Becker, seconded by Ald. Kopischke to amend the motion by adding a requirement to meet MMSD Chapter 13 standards –

The Chair stated that this is a much better development because of the big box ordinance, but there are concessions being made to the ordinance for which the city should get some value. One big concession by the city was the siting, which was a central component of the big box ordinance. Some significant storm water management would be a significant trade-off for the big sea of parking that is being allowed at the front of the store. Although the Chapter 13 standards apply if impervious surface is increased by one-half acre, which is not the case here, some communities use this standard in seeking measures that go above and beyond. Ald. Kopischke challenged the developer to meet those standards. If it is found they can't meet them but can come close, the City Engineer can be consulted to see if best efforts have been made and we have good value here.

Ald. Birschel supported the amendment but questioned how "coming close" could be measured. The Chair reiterated that the committee would rely on the expertise of the City Engineer.

Ald. Krol said he can't support the amendment because it would lead to more on-site detention basins. He was uncertain if this area of the city had the excessive amounts of flooding that occurred in areas near Menomonee and Honey Creek Parkways. He felt that the Chapter 13 standards would add considerable cost to the development for basins that may only be used in the rarest of situations.

Ald. Treis explained the layout of storm sewers in the Briggs & Stratton area where water runs to the east end of their property and then runs into a very sizable sewer that comes out behind the K-Mart site. That has caused flooding across the K-Mart lot, in turn flooding Mayfair Road and areas to the east. He said that other sewers dump into the Kohl's property, and efforts are needed to solve some of those problems. There is some confusion about the accuracy of figures relating to a south sewer that runs east and west, a north sewer also running east and west, and their flows and hookups. It should be determined if there is any way that retention can be built in to slow down the flow coming out of Briggs & Stratton and this project.

Mr. Wagner referred to information they would like to share with the committee regarding dramatic and drastic ramifications to trying to comply with the Chapter 13 requirement. Recognizing the concerns expressed here, he suggested tabling this for tonight so that they can come back to discuss those ramifications and any modifications they are able to make in the meantime. They would show how large the detention ponds would have to be and share any other ideas to improve the current situation that are cost effective.

Jim Jenk of Arnold and O'Sheridan, 4125 N. 124th Street, Brookfield, spoke of the need for more education on some of these issues and said they can provide a lot of information. He stated that the MMSD requirements would be very difficult to meet.

The Chair said that he would also be very interested in alternative ideas for significant improvement. Discussions with the City Engineer might be productive.

Moved by Ald. Krol, seconded by Ald. Birschel to hold this matter for further discussion at a special committee meeting to be held starting at 6:30 p.m. on August 2nd, just prior to the Council meeting, so that the applicant can come back with a report on storm water management, having provided enough information to the City Engineer by 9 a.m. on Monday, August 1, so that he can comment on the report, and with the understanding

that there is some expectation of improvement in storm water management.  
Ayes: 5; Present: 1 (Krill)

The meeting adjourned at 12:40 a.m.

Carla A. Ledesma, City Clerk  
Wauwatosa, Wisconsin

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