



CITY OF WAUWATOSA
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
Fax: (414) 479-8989

**COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, November 29, 2005**

PRESENT: Alds. Becker, Birschel, Kopischke, Krill, Krol, Subotich, Sullivan, Treis -8

ALSO N. Welch, Community Dev. Dir.; A. Kesner, City Atty.;
PRESENT: W. Kappel, Dir. of Public Works; Ald. Grimm, 4th Dist.

Ald. Kopischke as Chair called the meeting to order at 8:09 p.m.

Conditional Use for Restaurant at 6618 W. North Avenue

Ms. Welch reviewed a request by Yan Qiong Huang, Shang Jun Huang, and James Rogge for a Conditional Use in the Trade District at 6618 W. North Avenue for a Chinese restaurant. The Plan Commission unanimously recommended approval. Ms. Welch said that the restaurant will have seating for about 20 and will primarily serve take-out and delivery customers. Proposed hours of operation are 11 a.m. to 9 p.m. weekdays and 11 a.m. to 10 p.m. on weekends.

The applicants were not present. Ms. Welch explained that there had been some confusion at the Plan Commission meeting about the meeting date. Although she called to clarify the date, they may not have fully understood her message due to some language communication issues. She noted that there is no requirement for the applicants to be present. She was uncertain about any time constraints but noted that restaurants s like to be open for the holiday season.

Moved by Ald. Treis, seconded by Ald. Krill to recommend approval of
the Conditional Use --

Ald. Sullivan said he has not received any comments from neighbors, but he was uncertain if they are aware of the proposal. He said he would like to have the applicant present and provide an opportunity for neighborhood input.

Moved by Ald. Sullivan, seconded by Ald. Krill to hold this matter until
the next meeting. Ayes: 8

Rezoning and Preliminary Plan for Business Planned Development at 1215 N. 62nd Street

The committee reviewed a request by David Israel for Preliminary Plan approval and Change of Zoning from AA Light Manufacturing to Business Planned Development at 1215 N. 62nd Street for a multi-family residential development. The Plan Commission unanimously recommended approval.

Ms. Welch noted that the only action required at this time is a recommendation to set a public hearing date. She reported that a meeting with a geologist has clarified some of the issues about the Schoonmacher Reef that were raised at the Plan Commission meeting. No insurmountable obstacles were found; in fact, the project may provide an opportunity to provide better access and control.

Moved by Ald. Birschel, seconded by Ald. Krill to recommend to Council introduction of a rezoning ordinance and adoption of a resolution setting a public hearing date. Ayes: 8

Change of Zoning in the Hart Park Area

The committee reviewed a request by the City of Wauwatosa for a Change of Zoning in the Hart Park area (generally bounded by 72nd Street, the east city limits, the railroad tracks and River Parkway, and the Menomonee River) from AA Single Family, BB Two Family, DD Eight Family, AA Business, and AA Light Manufacturing District to Park and Open Space District. The Plan Commission unanimously recommended approval.

Moved by Ald. Treis, seconded by Ald. Birschel to recommend to Council introduction of a rezoning ordinance and adoption of a resolution setting a public hearing date. Ayes: 8

Preliminary Plan Approval – 6745 W. Wells Street

From the hold file was the request by William Ibach for Preliminary Plan Approval of a Business Planned Development for a mixed use development at 6745 W. Wells Street. This committee had returned this matter to the Design Review Board (DRB) for additional comments. Ms. Welch reported that, despite instructions from this committee to not allow public comment, the DRB chair did invite comments from the public. The official notes of that meeting include the names of those who commented but not their specific statements, which related to issues such as mass and ventilation. The DRB ultimately took a third vote on this project, voting it down 5-2.

William Ibach, 2347 N. 100th Street, said that there has been some "tweaking" of the architectural elements since the last Design Review Board meeting to address some of the issues raised there.

Jack Shepherd, The Shepherd Partnership, 600 N. 108th Place, addressed comments made at the DRB meeting. He noted that there has been much traffic on 68th Street for years, although city and state counts show a greater volume on Blue Mound Road. The 3,000 square feet of proposed commercial space, which is about 1 ½ times the size of the Council chamber, may have a single use or several uses but will not include a food operation of any type. The original proposal for 5,400 square feet of commercial space was reduced to 3,000 and the living units reduced from 14 to 12. There is a six foot change of grade from Wells Street to the residential property immediately south. Mr. Shepherd presented illustrations comparing the proposed building with others in the area to address the issues raised regarding mass. He spoke of concerns about land use, commenting that concern for high quality use is universal. He said that he can understand the concerns but expressed a belief that this project has been held to a different standard.

To illustrate differences in mass, Mr. Shepherd presented enlarged photos of the new multi-unit building on Blue Mound Road at 109th Street, which is adjacent to a single family residential area. He said that economically, that building had to be a certain size to be feasible. Business decisions are made along with aesthetic decisions. Mr. Shepherd noted that one of the Design Review Board members who previously voted twice in favor and commented on the building's quality in terms of materials and design voted against it at the last meeting.

Mr. Shepherd next addressed concerns about the air conditioning units and a statement that the dormers were a device for a third floor. He presented an illustration of a redesign without the dormers, indicating that they are open to eliminating them entirely. They have also eliminated a window for the stairway on the east elevation in

response to concerns about light from that area at night. Mr. Shepherd pointed out that 24% of the site is landscaped whereas other commercial properties in the area have little or no landscaping. Including proposed landscaping between the curb and sidewalk brings the total landscaped area to 34%. He commented on the additional property taxes the property would generate and the benefit of additional housing. He reiterated that the proposed building would not tower over other buildings. It would be the same height as the home to the south where the grade is six feet higher than along Wells Street, and the home to the east also has two stories.

Mr. Shepherd spoke of designing Normandy Village early in his career, which was gigantic in comparison to this and also encountered opposition. The leader of the opposition group along with others in that group later became residents of the development. It was also a change of use adjacent to a residential area. New residences were built to the north of the development and property values in that neighborhood have risen considerably.

Noting that he has found a lot of support for this project, Mr. Ibach referred committee members to the e-mails and letters that are on file. He mentioned that one Design Review Board member who had previously voted in favor of the project was not present for the latest vote. He commended Mr. Shepherd's efforts to address their comments but commented that he is not particularly in favor of eliminating the dormers.

Fred Haase, 6614 W. Wisconsin Avenue, said his main concern is the size of the structure and how it appears to come right up to the sidewalk on the west and north. Most of the area residents feel a 6-8 unit building set back a little from the street would be more appropriate.

Russ Drover, 9116 Jackson Park Boulevard, spoke of concerns about Business Planned Development zoning, noting that established zoning such as AA Business does allow for flexibility and that Conditional Uses under that zoning have greater scrutiny. This project should be denied for not conforming to the rest of the neighborhood, he felt.

Gary Gerhardt, 8035 W. Wisconsin Avenue, a real estate broker, said he strongly supports the project. He reported that he and his wife attempted to find a condominium in Wauwatosa but recently purchased a multi-family property. He said that there are many like him who would like to stay in the community. Their single-family homes would be freed for families, bringing back population and adding to the tax base. A development like this also provides an alternative to young professionals attracted to downtown Milwaukee.

Mike Neuman, 6630 W. Wisconsin Avenue, echoed concerns about the size of the project and conformity with the neighborhood. He said he is disappointed that the developers haven't reduced the number of units.

Ken Loeffel, 6128 W. Wells Street, said that the developer has been sensitive to the comments of the Design Review Board and has reduced the size from the original proposal. The architect has made a good case that this building is not higher than surrounding buildings and that there is more landscaping than otherwise in the area.

Louis Corrao, 6742 W. Wisconsin Avenue, said that the notes from the latest Design Review Board meeting show comments throughout on the size of the building. Neighborhood residents do not want it as presented. They, as well as the developer, have an investment in the neighborhood and are trying to protect their homes and preserve the character of the neighborhood.

Kathy Barry, 608N. 62nd Street, said she is not in favor of the project as it stands right now. It is not in keeping with the residential character of the neighborhood. She said she is not opposed to condominiums and feels that mixed use is a wonderful idea, but the project is just too massive.

Robert Schultz, 628 N. 63rd Street, said he is strongly in favor of a development of this kind but is not in favor of this design for many of the reasons already cited. Although there was an initial reduction in commercial and residential space, the proposal has been frozen at 12 units for about a year now. If it had been further reduced in size, he felt that the developers could be breaking ground by now.

Tom De Luca, 9339 W. Blue Mound Road spoke in favor of the project. He stated that the building now on the site is an eyesore and a greater detriment to property values. He believes the proposed building blends well with the neighborhood, is not out of line in size, and would be a positive move for the neighborhood.

Ald. Grimm, 4th District, said that few of those who have written and e-mailed about the project live immediately nearby. He noted that the Design Review Board's latest vote was 5-2 in opposition, some members having changed their prior votes. One member said it does not blend with the sense of the neighborhood, and another said it is too massive. Ald. Grimm noted that the total taxes paid by neighbors over the years is quite high, and he urged committee members to consider their views.

Steve Raasch, 6830 W. Wells Street, said he favors mixed use development at this site but is not in favor of this project because of its mass, density, and aesthetic design. The drawing presented as a study of mass is actually a study of the building's elevation—it is two-dimensional while mass is three-dimensional. A model might better serve to prove mass, he suggested. Also, the building on Blue Mound Road is not a good comparable. Since there is no guidance in the ordinance on number of units, height, or green space for this customized zoning district, Mr. Raasch suggested looking at similar residential and commercial zoning, comparing buildings in the rest of the neighborhood regarding size and density, looking at parking, listening to the neighbors, and soliciting input from the review board. He said that there will be no shortage of condominiums considering the existing units overlooking Jacobus Park and 250 units proposed just off of State Street. He felt that they have gone to extreme measures to provide parking; all of which is structural, below grade, and actually extends beyond the building's street level footprint. The building does not step down but is 2 ½ stories for its entire length, and there are no other buildings this massive in the area. Under Residential Planned Development lot area requirements for medium density, Mr. Raasch said, .33-.34 acres would be needed to support just the residential portion of this building. High density would require .23 acres, not including the commercial portion. About .59 acres of land would be required for just the residential portion under multi-family zoning for up to 8 units.

Mr. Shepherd said that planned development is a tool used for a unique property. Density changes as any community grows. Serafino Square is 10 acres with 312 units or 31.2 per acre. Is that high density? Acknowledging that the building on the north side of Wells Street steps down to one story, Mr. Shepherd pointed out that its neighbors have paving on the balance of the property right to the fence line as opposed to the landscaping and open space proposed here. He spoke of changes that occur as neighborhoods mature and said the community has an opportunity and responsibility to deal with those changes in a creative manner.

Ms. Welch explained that one reason for using Business Planned Development zoning is that it provides more control for the Common Council, enabling them to make changes where needed and determine if a use is appropriate.

Ald. Birschel commented on changes that were made but pointed out that the exhaust from the enclosed stairwell wasn't addressed as well as issues such as water, sewer, grade, parking, and lighting mentioned in Ms. Welch's memo of September 10, 2005, as yet to be finalized. Ms. Welch responded that some final calculations cannot be made until the Common Council determines whether the project is going forward, there is a site plan, and the number of units has been determined. Engineering staff believes all the issues can be addressed, but the details are yet to be determined.

In response to a comment by Ald. Birschel that he would still like to see the Design Review Board approve the design, Ald. Sullivan said their input is tertiary to the actual merits of the project and it would border on irresponsibility to kick it back to them again. Because this is a Business Planned Development, this committee can make some adjustments. We know that the mixed use has been viewed positively and is better than the currently vacant eyesore. We know that there is a need for this kind of housing. He pointed out that other developments have come forward that have been viewed positively in concept but have some problems that need to be worked out. Typically, neighborhood residents have the most concerns. The Common Council makes their decision, however, based upon the overall needs of the community. He added that he sees it as a positive that the developers have gone to great lengths to incorporate mixed use without unduly impacting on-street parking. He emphasized that the Design Review Board's input is aesthetic and is something about which people can differ.

Moved by Ald. Sullivan, seconded by Ald. Krill to approve the Preliminary Plan for a mixed use development at 6745 W. Wells Street –

Ald. Becker commented on the Design Review Board's strong rejection. He felt this matter should go back to them to achieve some kind of agreement. Ald. Subotich agreed, stating that the Design Review Board might change its mind considering the design change just made or a possible scaled-down project.

Mr. Ibach said that the project was completely redesigned 15 months ago as a result of public comment. Residential units were reduced from 14 to 12 and commercial space reduced to 3,000 square feet, which proved beneficial from a design standpoint. He commented that they can only go so far.

Ald. Treis said that he has heard statements that the project is too big and too dense, and he questioned exactly what that means—too many apartments, too many people? What does "right up to the sidewalk" mean? Where is the lot line? He commented on the perception of the building and the proposed landscaping. He favors a design that takes into consideration the needs of the community and the neighborhood. There is a need for this type of housing and a need to maintain the city's population level. Since the plan seen tonight isn't what the Plan Commission or the Design Review Board saw, he felt it should be sent back for their approval or disapproval.

Moved by Ald. Treis, seconded by Ald. Subotich to refer this matter back to the Plan Commission – *[motion to refer takes precedence]*

The Chair stated that the Plan Commission and Design Review Board are advisory to this body, which makes a recommendation to the full Council. Design elements are within this committee's responsibilities. He said that the design presented tonight is substantially what went before the Plan Commission and the Design Review Board. Removing the dormers and some lighting adjustments are really the only changes. Much time and hard work have been expended and residents have commented multiple times. The overwhelming sentiment seems to be that this is a good idea, but there are some concerns. He suggested telling the developer what we want rather than waiting for him to come to us with changes.

Ald. Becker called the question. There were no objections.

Roll call vote on the motion to refer back to the Plan Commission,
Ayes: 4 (Becker, Birschel, Subotich, Treis); Noes: 4 (Krill, Krol,
Sullivan, Kopischke) Motion fails.

(The committee recessed at 9:53 p.m. and reconvened at 10:00 p.m.)

The Chair indicated that the original motion to approve the preliminary plan would now be on the floor. He suggested looking at the concerns raised, evaluating whether they are legitimate, and giving some direction. Only those conditions placed now can be considered when the plan returns for final approval. The big issue for the Design Review Board and for most of the residents is mass. As noted by Mr. Raasch, the representation provided by Mr. Shepherd is two-dimensional. It would be very interesting to see side views. There were also comments about the way the building meets the ground or steps back further up. Perhaps there could be some visual relief to help diminish the feeling of mass. Ald. Kopischke said he feels the lack of articulation in the roof plane with the removal of the dormers is less attractive. Also, questions about venting and potential noise from the parking area have not been addressed. He noted that using the 24-units-per-acre density criteria often considered the breaking point for much larger developments would translate to eight units on this one-third acre site, but he acknowledged that it may not be appropriate to look at this smaller site in that way.

Ald. Sullivan agreed that some conditions should be attached to any recommendation for approval. He cited concerns about building right up to the sidewalk; breaking that up perhaps should be a condition as well as breaking up the roof line. Ald. Becker suggested conditioning approval upon not more than eight units.

Ald. Krol said that the Design Review Board's role was to make a recommendation, not to approve or deny. In considering Business Planned Developments, this committee is the design review board. If the former clinic on the site were suddenly re-established and they designed a building just like this one, it wouldn't even come before this committee. With Business Planned Developments, the Council needs to be more accountable and make sure it is in the city's best interest. Ald. Krol said he sees the issue here as one of mass rather than density since you could have the same mass with less units. Specifying the number of units isn't an effective way to achieve less mass.

Ald. Krill supported holding the matter with some direction to the developer. He asked if it would be possible for the architect to prepare a model, which was very helpful when considering the recent Medical College parking structure issue. He suggested asking the developer to scale back the number of units or explain why that cannot be done.

Mr. Kesner suggested that it might be effective to direct staff to fashion detailed suggested conditions to bring before the committee.

Moved by Ald. Sullivan, seconded by Ald. Krill, to hold this matter until January 10, 2006, requesting the applicant and his architect to work with planning staff on possible conditions for the committee's consideration, those considerations at a minimum addressing the question of mass, landscape, and the roof line; also requesting the developer to make any possible changes in the spirit of compromise –
[motion to hold takes precedence]

Upon further discussion, Ald. Krill said it would be helpful if staff came back with a recommendation based upon comments from the committee and staff's own insights. Ald. Sullivan requested a memo of options reflecting the committee's input. Ald. Becker suggested participation by a neighborhood representative, but the Chair indicated that would probably be impractical in terms of scheduling as well as having one person reflect all views. He noted that residents' comments have been heard, and they are welcome to contact the planning office.

Vote on the motion: Ayes: 8

Draft Proposal on Size and Number of Yard Ornaments

Referring to her memo of November 22, 2005, Ms. Welch said she developed some options regarding restrictions on lawn ornaments in response to previous committee discussion. Subject to some discussion and refinement, she is seeking direction on the following options:

1. Restricting the total number of decorative elements to a specific number rather than specifying a particular height. Note: It is recommended that a better definition of decorative element be provided.
2. Limiting the height of all objects within specific vision triangles such as street intersections or driveway entrances so that drivers can see pedestrians and pedestrians have a better view of cars.
3. Providing better definitions of all items that would be included so that staff can provide clear answers to questions such as when a trellis becomes a fence and when a lawn ornament becomes objectionable.
4. Specifying the acceptable locations for objects so that some items are identified as suitable for the backyard but not the front yard or permitted within the side yard with certain restrictions. It may also be advisable to include some language reminding homeowners that there are additional restrictions related to use of city right-of-way.

Ms. Welch stated that the options listed aren't intended to resolve all pertinent issues but to provide a way to come to terms with the issues. She noted that the city's zoning ordinance, written in 1972, is outdated and many of the things being struggled with weren't even conceived of then such as decorative grasses, planting mounds, raised planters, plantings in the right-of-way, sculptures, and arches. She said that we need to think in terms of what is appropriate and how to regulate it as well as what is going to protect the aesthetics and quality of neighborhoods. She noted the difficulty of enforcing the current ordinance, which permits arches only in rear yards and interior side yards and does not permit laundry drying equipment. It allows lawn ornaments only up to 4 ½ feet but does not limit the number. There is also a basic matter of public safety in cases where plantings creep so close to the sidewalk or driveways that they start to create a hazard.

Ald. Grimm referred to the sculptures in his district that he has complained of previously and said they are making a mockery of the ordinance. This is uncalled for in a residential area, he stated. He was also concerned about safety in connection with the 55 gallon drums displayed on this particular property.

Ald. Krol was concerned about potential liability if the city doesn't take action on a complaint about a lawn ornament and it later topples over and injures someone. He supported enforcement of the current ordinance while waiting for a revised ordinance to be drafted, which he felt could take some time. In the meantime, staff should work on the language and return it to this committee for a final recommendation.

Moved by Ald. Subotich, seconded by Ald. Krill to hold this matter to the next meeting –

Ald. Sullivan said he would rather direct staff to come up with specific suggestions so that discussion could continue when the matter comes back to committee. Ald. Birschel said he would like the opportunity to comment on language requiring lawn ornaments to be adequately anchored and on the number of items allowed on a property. The Chair indicated he wanted to comment on safety issues regarding the vision triangle and also on the need for better definitions.

Vote on the motion, Ayes: 7; Noes: 1 (Birschel)

Proposal for Revegetation of the Hart Park Stream Bank

Mr. Kappel said that, on behalf of the Board of Parks and Forestry, he is seeking Common Council support of a grass roots effort to revegetate the Menomonee River stream bank in the Hart Park Flood Plain Lowering Project area. The Hart Park Plan presented by the Milwaukee Metropolitan Sewerage District (MMSD) did not include revegetation along the north stream bank but instead called for placement of a combination of quarry stone and rip rap. Jim Price of the Friends of the Menomonee River, the Jacobus Park Neighborhood Association, and the Neighborhood Association Council have formulated a plan to voluntarily revegetate that area of the stream bank at no cost to the city. The County will provide space in their greenhouse for the plant materials.

Jim Price, 861 N. 60th Street, said this plan was proposed to MMSD upon finding out, very late in the game, that this 3/8 mile length of riverbank would be treated in bare stone rip rap—basically big chunks of stark white rock. Members of the neighborhood association felt that would be highly unaesthetic compared to the previously naturally vegetated stream bank. In some places the rip rap would be 17 feet high and, in one place, extend 50 feet back from the stream bank. MMSD was told that if they would engineer this in the cheapest way, probably by adding soil with the stone, volunteers would do the rest. MMSD seems willing to do that if they see enough community backing.

Mr. Kappel said that MMSD has gone to the DNR to amend the required permit. The city will be responsible for maintenance once the project is completed. The City Forester believes it will be much easier to maintain materials that are planned and planted than it would be to maintain plantings that would just spring up.

Kathy Barry, 608 N. 62nd Street, said this proposal was very favorably received by the Jacobus Park Neighborhood Association board as a wonderful grass roots effort. They plan to discuss donating funds to the effort. Fred Haase, 6614 W. Wisconsin Avenue, commented on his willingness to support funding the work, which he believes is a great idea.

The Chair as well as Aids. Birschel and Kroll commented favorably on the proposal and commended the efforts of the individuals involved.

Moved by Ald. Birschel, seconded by Ald. Krill to recommend to Council adoption of a resolution supporting the effort to revegetate the stream bank along portions of the Menomonee River in the Hart Park Flood Plain Lowering Project. Ayes: 8

The meeting adjourned at 10:54 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

es