



CITY OF WAUWATOSA  
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**COMMITTEE ON COMMUNITY DEVELOPMENT**

Tuesday, February 27, 2007 – 8:25 p.m.

PRESENT: Alds. Birschel, Didier, Herzog, Krill, Meaux, Minear, Treis -7

EXCUSED: Ald. Donegan

ALSO Ms. Welch, Community Development Director

PRESENT: Mr. Kappel, Public Works Director

Ald. Treis in the Chair

**Conditional Use Application, 11931 W. Blue Mound Road.** An application was submitted by Raoul Ehr for a Conditional Use in the AA Business District for a martial arts/tae kwondo studio. Ms. Welch advised that a photo studio was previous located on this site; there will be no change in parking requirements for the martial arts/tae kwondo studio. John Devlin, 1945 N. 119th Street, the tenant, was present in favor of the request. The Plan Commission recommended approval 6-0.

It was moved by Ald. Krill, seconded by Ald. Birschel to recommend approval of the application to Council. -6

(Ald. Herzog present 8:28 p.m.) -7

**Conditional Use Application, 10633 W. North Avenue.** An application was submitted by Dinesh Sanghavi for a Conditional Use in the AA Business District for an addition to an existing grocery store. Ms. Welch stated that the applicant wishes to create additional storage in the mezzanine and also wishes to enclose a small entry way. The applicant is working with the Fire Protection Bureau as directed. The Plan Commission recommended approval 6-0.

Ordered held for two weeks as applicant was not present.  
The applicant shall be requested to appear at the next meeting.

**Conditional Use Application, 2186 N. 74th Street; Conditional Use Application, 9993 W. North Avenue ; Conditional Use Application, 11118 W. Wisconsin Avenue.** Three applications were submitted by AT&T and Brian Mirsberger/Joanna Terry, Serafino Square, Inc., and Evangelical Lutheran Church of the Divine Savior, respectively, for Conditional Uses to install pad-mounted fiber conversion cabinets. Ms. Welch indicated that in each instance, consideration is given to the impact of these installations on the property owners. In all locations, adequate screening of the cabinets is necessary. She noted that the equipment housed in the cabinets is cooled by a fan, so there is some noise associated with these operations; it is at a relatively low level, however. The city has been working to have these units placed on private property, rather than within the city right-of-way. The Plan Commission recommended approval 5-1.

In response to a query about the negative Plan Commission vote, Ms. Welch stated that some safety concerns had been raised at that meeting. Apparently a similar unit had exploded in Texas. The issue has been discussed with the city's electrical inspector. The cabinet has a double-wall construction and staff is satisfied that there is a reasonable amount of protection for the public.

Steve Ritt, Michael, Best & Friedrich, 100 E. Wisconsin Avenue, and Keefe Olig, 1122 Moore Avenue, West Bend were present in support of the applications.

It was moved by Ald. Krill, seconded by Ald. Meaux to recommend the three foregoing applications to Council for approval. -7

**Conditional Use Application, 10000 W. North Avenue.** An application was submitted by AT&T and Mark Ralfs for a Conditional Use in the BB Two-Family Residence District to install a pad-mounted fiber conversion cabinet.

Steve Ritt, Michael, Best & Friedrich, 100 E. Wisconsin Avenue, and Keefe Olig, 1122 Moore Avenue, West Bend were present in support of the applications.

Ald. Birschel advised that Mr. Ralfs would like to revisit the issue of screening as well as the proposed location.

Mr. Olig stated that this unit was originally proposed to be placed within city right-of-way. They, together with city engineering technician Paul Fassbender, met with Mr. Ralfs to discuss a location on the Ralfs property. It was their understanding that the location was acceptable to Mr. Ralfs; however they will revisit the issue with him. Mr. Olig added that evergreen plantings will be used to screen the units.

It was moved by Ald. Birschel, seconded by Ald. Herzog to hold the matter for two weeks so AT&T representatives can contact the property owner. -7

**Street Festival Permit Application for Tosafest.** An application was submitted by Peter Russo, President, Wauwatosa Village Task Force, for a Street Festival Permit for Tosafest on September 7th and 8th, 2007. The permit will cover the Wauwatosa Village areas on Harwood Avenue from the Fountain area, west to the Harmonee Bridge, and from W. State Street north to Harmonee Avenue. Festival hours are from 2 p.m. – 11:30 p.m. on September 7th, and from 11 a.m. – 11:30 p.m. on September 8th. Cleanup will occur from 7 a.m. – noon on September 9th. Music will stop by 11 p.m. on Friday and Saturday nights.

It was moved by Ald. Birschel, seconded by Ald. Krill to recommend approval of the street festival permit to Council. -7

**Preliminary Plan Approval and Change of Zoning, 2717, 2747 and 2767 N. Mayfair Road.** An application was submitted by Ned Brickman, Midland 3521 LLC, for Preliminary Plan approval and change of zoning from AA Commercial District to Business Planned Development for a retail development. The Plan Commission recommended approval 7-0.

Ms. Welch noted that a Business Planned Development provides the highest level of control over a development. Any outstanding conditions that will need to be met should be identified at this point so they can be addressed satisfactorily prior to Final Plan approval. Staff recommends that the following conditions be met prior to Final Plan approval: Final traffic plan, final sewer and storm water plans for the site, Design Review Board approval, Fire Department approval, and developer's agreement.

Atty. John Finerty, Friebert, Finerty & St. John, SC, 330 E. Kilbourn Avenue, was present on behalf of the applicant. Last week, the Wisconsin Department of Transportation issued a permit letter. City Engineer Wehrley has also requested a memo of understanding with the developer and this is in process. The draft developer's agreement has a plan of operation which includes a list of permitted and prohibited uses for this site. No uses will be allowed that are inconsistent with Mayfair Mall or nearby residential uses. Even if current zoning law would permit a certain use, it could not proceed if prohibited by the developer's agreement. Mr. Finerty praised city staff for their level of cooperation during the development process.

Atty. Brian Randall, Friebert, Finerty & St. John, SC, 330 E. Kilbourn Avenue, noted that the developer's agreement now includes some revised information from that presented at the February 20th public hearing before the Common Council. As Mr. Randall spoke, project architect Ursula Twombly presented conceptual drawings of the entire project. There is a 54-inch storm sewer running through the property which serves a property to the west. Consequently, this factor was taken into account relative to building placement.

Building A, with a two-story façade, will now contain 17,150 square feet and a drive-through facility on the southwest corner of the building. A patio may also be added to this building. Hours of operation for businesses will be subject to the conventional Conditional Use process.

Building B, at the southwest corner of the property, will be a two-story building in form and function with 12,020 square feet; it may also feature a patio. Heinemann's Restaurant may relocate to this building.

Building C, at the southeast corner, will be one and one-half stories and will house a Chipotle Restaurant with a patio. It will have 8,475 square feet. There will be a considerable landscape buffer on the property along Mayfair Road. Many of the 200 parking stalls will be shielded from view by buildings; parking is at a 4.4 stalls/1,000 square feet ratio to assure patrons are adequately served.

Russell Drover, 7530 W. State Street, inquired about the differences between AA Commercial District zoning and Business Planned Development (BPD) District zoning. Ms. Welch explained that BPD zoning allows the Common Council greater control in dictating setbacks, use of materials, traffic flow, use of innovative storm water plans, and allowable uses, for example. It also allows the development of multiple buildings on the site and encourages higher quality development. In AA Commercial District zoning, only one two-story building would have been permitted. The building would still meet required setbacks, but would likely have been just a generic office building.

Ald. Herzog observed that this proposal presents many potential benefits to the city. Three curb cuts on Mayfair Road will be eliminated. This site is currently under-utilized and will be improved without requests for TIF funding. The 'strip-mall' mentality is being avoided with this development as it effectively masks multiple uses.

Ald. Krill added that this investment sends a strong message that despite some concerns about incidents recently at Mayfair Mall, this is a very desirable area for quality development.

It was moved by Ald. Herzog, seconded by Ald. Krill to recommend approval of the preliminary plan and change of zoning contingent upon the following:  
Approval of final traffic plan, final sewer and storm water plans being reviewed by the city engineer, final report by the appropriate Design Review Board, final approval by the Fire Department, and finalization of the developer's agreement. -7

RECESS 9:05 p.m. – 9:10 p.m.

**Preliminary Plan Approval and Change of Zoning, 11221 and 11333 W. Burleigh Street.** An application was submitted by Michael Krill for Preliminary Plan approval and change of zoning from AA Light Manufacturing to Business Planned Development for a medical office building, parking structure, retail space, luxury hotel, and 118 residential units. The Plan Commission recommended approval 7-0.

Ms. Welch stated that this proposal will re-develop two vacant car dealer sites comprised of approximately 5.7 acres. When completed, it is estimated the project's value will be nearly \$130 million dollars. While this development proposes high-density uses, it represents what Burleigh Street can become in the future. The Business Planned Development zoning allows the city considerable control over the project. A traffic study has been requested of the developer before final approval is granted. Additionally, a traffic plan must be submitted, as well as final sewer and storm water plans, the final Design Review Board and Fire Department reports, and a developer's agreement. A separate process will address an anticipated request for TIF financing.

Michael Krill and John Klement, 10060 W. Loomis Road, Franklin, were present on behalf of Icon Development Corporation, as were Mark Zimmerman and Dave Drews of Zimmerman Architectural Studio, 7707 Harwood Avenue.

Mr. Krill stated that Icon Development Corporation has been involved in many projects in recent years, though this is the first venture into Wauwatosa. Time was taken to familiarize themselves with the Burleigh Triangle vision and they feel their project is a perfect complement to that vision. A multi-use approach was taken in developing this project; it contains five components: A medical office building, a condominium building with approximately 118 (all corner) units, an approximate 240-room hotel, a 1000-vehicle parking structure, and retail uses. TIF financing will be sought for the parking structure

Mr. Drews stated that the property extends on the south side of Burleigh Street between N. 112th and N. 114th Streets. The hotel (tenant as yet undetermined) will be located on the northwest part of the parcel, the condominium building on the northeast. Because of the typically opposing busy times for the medical office and the hotel, both facilities will be able to make use of the parking structure. The parking structure will have a building façade. A series of green spaces is planned for throughout the property. A garden court is associated with the condominium tower, as is a green roof garden area. The Burleigh frontage is more urban and pedestrian-friendly with a sidewalk zone, street trees and some plantings. There will be a plaza/central court. Approximately 20 stores will be featured as part of the condominium tower. The parking structure will also house a fitness center on the ground floor, so all 'edges' to the public plaza will be occupied.

In addressing traffic circulation, Mr. Drews explained that daily users will use N. 112th and N. 114th Streets; condominium residents will use N. 112th Street. Hotel visitors will initially access via an entrance on Burleigh Street.

Ald. Didier expressed great enthusiasm for the project, but opined that the condo tower seems disproportionately high compared to the other buildings. Mr. Drews acknowledged that it may appear especially tall since it is a slender building, and may be somewhat taller than that envisioned for Burleigh Triangle buildings. Ms. Welch added that a helpful comparison might be the Mayfair Tower office buildings; they are 12 stories in height, compared to the 20 stories proposed at this location. Mr. Drews speculated that the nearby municipal water town might be comparable to a 15-story residential building, for purposes of comparison.

Mr. Klement stated that Mr. Wehrley is aware that a full traffic study is underway. N. 112th and N. 114th Streets should align well with any development on the north side of Burleigh Street. It is not anticipated that N. 113th Street will become a fully controlled intersection.

Russell Drover, 7530 W. State Street, observed that there seem to be a lot of buildings on the site given its size.

Ald. Krill stated he would abstain from voting because Michael Krill is his brother. Ald. Herzog stated he would likewise abstain from voting because a family member has been involved in the land transactions relative to this project.

It was moved by Ald. Meaux, seconded by Ald. Birschel to recommend approval of the preliminary plan and change of zoning contingent upon the following:  
Approval of final traffic plan, final sewer and storm water plans being reviewed by the city engineer, final reports by the appropriate Design Review Board and by the Fire Department, and finalization of the developer's agreement. 5-0-2 (Krill, Herzog)

**Development of Hart Park.** Mr. Kappel previously provided a priority list to committee members to assist them in determining what development will occur at Hart Park and in what sequence. Cost estimates have also been provided for the improvements themselves (not for the 'platform' costs, i.e, infrastructure costs). The overall project has been divided into three sections to aid in the prioritization and are identified as #1, Recreation Area (N. 72nd – N. 70th Street), #2 Performance Area (N. 70th – N. 68th Street), and #3 Passive Area (N. 68th – N. 63rd Street).

The Board of Parks and Forestry Commissioners and the ad hoc planning group feel that Area #2 should be fully completed first, followed by Area #1 and then by Area #3. There is great interest in private-funding the development of Area #2; beginning with this area would give impetus to fund-raising efforts.

Bill Bode, 18900 W. Blue Mound Road, Brookfield, was present on behalf of the Wauwatosa Rotary Club. The Club has already raised a significant amount of money and has additional pledges for the construction of the Rotary Amphitheater planned for Area #2. He urged that development of this section of the Park begin first.

Richard Bachman, a member of the Board of Parks and Forestry Commissioners, concurred that development of Area #2 is critical. If at all possible, the Board would like to see the development of Areas #1 and #2 simultaneously.

Ron Grimm, 2429 N. 82nd Street, present on behalf of Tosa Skateboarders United, reiterated their interest in constructing a skateboard park. A survey has been sent to public school students from fourth grade on in an effort to gauge their interest in a park. The results will be shared with the Committee. A skateboard park will be a venue where city youths can safely congregate.

Mr. Kappel pointed out that to properly develop Area #2, N. 70th Street must be straightened and squared off so as to create space for the proper placement of parking and play areas. This work is included in platform costs (costs involving infrastructure, plantings, etc.). Some TIF money may be available for this activity.

It was moved by Ald. Herzog, seconded by Ald. Krill that development occur in the following sequence:  
Area #2, Area #1, Area #3 as recommended. If financial resources permit, Areas #2 and #1 can be developed simultaneously. -7

Discussion turned to staff's recommendation to use artificial turf on the football field within the stadium. Currently, scheduling of the field does not meet demand as staff is attempting to preserve the playing surface by limiting usage. The football field is in great demand because of its central location. Other playing fields within the park would be surfaced with natural turf. Mr. Kappel pointed out that this decision is independent of the sequenced development of the park. Park and Forestry Supt. Walbrant added that a football team practices on a softball field; that field shows signs of wear after just one season. Artificial turf would save wear on the softball field. He noted that the present football field has a clay base; it is recommended that it be replaced with a sand base and irrigation system. The useful life for artificial turf is about ten years. Mr. Kappel added that the coach for Wauwatosa East High School's football team has made the request for artificial turf.

Tom Ertl, a member of the Board of Parks and Forestry Commissioners, explained that there are different types of artificial turf, with bases designed for different climates. Artificial surface fields typically are able to drain large amounts of water – a consideration, since much of Hart Park is in the floodplain. If a field with artificial turf can be scheduled for use more often because of the durable surface, the payback period should be shorter. Fewer person-hours are needed for maintenance, thereby lowering maintenance costs. It is already pre-stripped. Mr. Walbrant stated that annual maintenance costs for natural turf are about \$30,000 higher than for artificial turf.

Mr. Kappel cautioned that the use of artificial turf must still be discussed with the Milwaukee Metropolitan Sewerage District. A significant flood, for example, would likely cause the release of the sub-surface pellets placed under the artificial turf. It is not known whether MMSD would find this an acceptable situation. If the Committee favors the use of artificial turf, however, staff will explore this further with MMSD.

Staff was also encouraged to solicit feedback about artificial turf from potential users, and to ascertain whether the incidence of injuries was higher or lower with artificial surfaces. Mr. Ertl suggested that many manufacturers can provide injury data if requested.

Mr. Kappel indicated that a report concerning artificial turf would be compiled covering topics such as MMSD's position, injury incidence, maintenance, potential for increased field use, etc.

Mr. Kappel stated that the skateboard park supporters were somewhat taken aback at preliminary costs estimates of over \$1 million dollars for a skateboard park. They are willing to work with staff in an effort

to bring the cost down while still constructing a serviceable facility. Ald. Didier stated that phone calls from constituents run 3 to 1 in favor of a park.

Brian Randall, 2602 N. 88th Street, stated that the skateboard supporters are something of an offshoot of the Youth Commission. The Commission identified this interest among the city's youth and the supporters are carrying on this mission. Youth recreation is changing, and organized activities have changed from 10-15 years ago. Skateboarding is a very contemporary activity and perhaps can replace in part the loss of the basketball courts at Hart Park.

Discussion turned to the issue of privately funded facilities being placed on city-owned land. Mr. Kappel noted that agreements can be structured so that the owning rights to a facility would be donated back to the city. Maintenance would be assumed by the Parks Department staff. In the case of the band shell, discussions are underway with Tosa Tonight, who has indicated some interest in assuming the responsibility of booking performances. Some thought is also being given to the creation of an endowment fund designated for future maintenance costs.

In addressing questions concerning liability, Mr. Kappel stated that at a recent conference it was stated that as long as the city does not staff a privately funded facility (i.e., skateboard park), isn't charging an entrance fee, and is posting appropriate warning signs, recreational immunity is extended to the city. So a skateboarder, for instance, is using the facility at his/her own risk. Mr. Kappel added that the police department is supportive of the city's youth having another gathering place of their own. He also noted that the city has never said it would provide no financial support for a skateboard park. It is unrealistic to believe that skateboard park supporters can raise the entire amount needed on their own.

It was moved by Ald. Herzog, seconded by Ald. Krill to find that the skateboard park would be an asset to the city and to move forward with its creation. -7

It was moved by Ald. Herzog, seconded by Ald. Krill to take the priority lists submitted for each area, review them, and if amenity changes are desired, to make recommendations for those changes; if no changes are suggested, to recommend adoption as proposed. -7

It was moved by Ald. Krill, seconded by Ald. Birschel to adjourn. -7

The meeting adjourned at 10:30 p.m.

Carla A. Ledesma, City Clerk

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