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**COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, March 13, 2007**

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

EXCUSED: Ald. Donegan

ALSO J. Archambo, City Admin.; N. Welch, Community Development Dir.; A. Kesner, City Atty.;
PRESENT Chief D. Redman, Deputy Chief W. Rice, Deputy Chief P. Nook, Fire Dept.

Ald. Treis as Chair called the meeting to order at 8:05 p.m. -6

Conditional Use – 10633 W. North Avenue

Held from the previous meeting was a request by Dinesh Sanghavi for a Conditional Use in the AA Business District at 10633 W. North Avenue for an addition to an existing grocery store. The Plan Commission unanimously recommended approval. A representative of Mr. Sanghavi was present.

Ms. Welch reported that the applicant is planning to add a mezzanine for storage and enclose a small entryway. There is no requirement for additional parking.

Moved by Ald. Krill, seconded by Ald. Didier to recommend to Council approval of the Conditional Use. Ayes: 7

Conditional Use – 10000 W. North Avenue

The committee reviewed a request 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. The Plan Commission recommended approval by a 5-1 vote. This matter was held at the previous meeting due to reported concerns of Mr. Ralfs about the location of the cabinet on his property. Ms. Welch noted that approval of a Conditional Use does not commit the property owner to proceeding. Mr. Ralfs, in fact, would still have to approve an easement with AT & T for this to move forward.

Keefe Olig, 1122 Moore Avenue, West Bend, said that Mr. Ralfs is uncertain about where to locate the cabinet since future use of this vacant land has not yet been determined. AT & T will protect or landscape the area of the cabinet but has agreed to await a final decision on location by Mr. Ralfs. Ald. Birschel said he has confirmed that Mr. Ralfs is comfortable with that arrangement.

Moved by Ald. Birschel, seconded by Ald. Krill to recommend to Council approval of the Conditional Use. Ayes: 7

Land Combination – 2401-2433 N. Mayfair Road

Ms. Welch reported that a request by Patrick Matre, Best Buy Stores, LP, for a Land Combination in the AA Commercial District at 2401, 2421, and 2433 N. Mayfair Road was held by the Plan Commission since the applicant did not appear at their meeting.

Moved by Ald. Krill, seconded by Ald. Birschel to hold this matter pending action by the Plan Commission. Ayes: 7

Historic Preservation Commission Membership

The Community Development Director explained that the Historic Preservation ordinance requires an 11-member Historic Preservation Commission made up of one alderperson and 10 citizen members. Since several Commission members have recently moved out of Wauwatosa or declined reappointment, there are now four vacancies that are difficult to fill with qualified and interested persons. It has also been difficult to field a quorum at many meetings. The Commission would, therefore, like to reduce its membership to nine consisting of one alderperson and eight citizens.

The Plan Commission has unanimously recommended approval of this change. Ald. Meaux reported that Ald. Krol, who is the Council liaison to the Historic Preservation Commission, supports it as well. As part of the zoning code, a public hearing is required prior to further review by this committee and final Council action.

Moved by Ald. Meaux, seconded by Ald. Krol to recommend to Council introduction of an ordinance and adoption of a resolution setting a public hearing date. Ayes: 7

Development of Hart Park

The committee reviewed a March 7, 2007, memo from the Director of Public Works and priority rankings for the three areas of Hart Park and their proposed amenities, as follows:

AREA II Completion of Park Development 70th to 68th Street			
Priority	Element		
1	II-A	Shelter/Restroom Structure	\$ 414,630
2	II-B	Seat Wall	\$ 22,800
3	II-C	Pedestrian Lights	\$ 35,000
4	II-D	Roadway Lights	\$ 30,000
5	II-E	North Entry	\$ 55,833
6	II-F	South Entry	\$ 53,083
16	II-G	Central Bioswale	\$ 32,786
7	II-H	Secondary Portal	\$ 16,833
17	II-I	Stormwater Features	\$ 66,000
8	II-J	Swing Back Benches	\$ 14,000
9	II-K	Benches	\$ 13,500
10	II-L	Picnic Tables	\$ 27,000
11	II-M	Drinking Fountain/Hose Bib	\$ 5,000
12	II-N	Bike Racks	\$ 5,600
18	II-O	North Entry Mill Stone Sculpture	\$ 10,000
14	II-P	Amphitheater Seat Wall Boulders	\$ 3,450
13	II-Q	Interpretive Signage	\$ 22,000
15	II-R	Landscape Boulders	\$ 15,300
		Total	\$ 842,815

Area I Completion of Park Development 72nd to 70th Street

Priority	Element		
1	I-A	Ball Field/playfield	\$ 90,790
2	I-B	Teen play	\$ 117,940
4	I-C	Pedestrian Lights along Bike Path	\$ 30,000
3	I-D	Open Shelter Building	\$ 124,100
5	I-E	Sport Field Lighting	\$ 271,060
6	I-F	Bleachers & Shade Structure	\$ 119,000
10	I-G	Overlook Structure	\$ 66,000
7	I-H	Decorative Roadway Lighting	\$ 125,000
8	I-I	Score Board	\$ 8,000
9	I-J	Soccer Goals	\$ 1,000
11	I-K	Park Entrance Structures & portals	\$ 51,367
12	I-L	Drinking Fountain/Hose Bib	\$ 10,000
13	I-M	Benches	\$ 22,500
14	I-N	Picnic Tables	\$ 18,000
15	I-O	Bike Racks	\$ 15,000
16	I-P	Trash Receptacles	\$ 7,200
17	I-Q	Interpretive Signs	\$ 16,200
18	I-R	Color Concrete Water Channel	\$ 42,966
19	I-S	Landscape Boulders	\$ 24,300
		Total*	\$ 1,160,423

Area III Completion of Park Development 68th to 63rd Street

Priority	Element		
1	III-A	River Parkway Roadway / Pedestrian Lights	\$ 84,000
3	III-B	Plaza Overlook	\$ 16,942
4	III-C	Benches	\$ 7,000
8	III-D	Trash Receptacles	\$ 3,600
9	III-E	Bike Racks	\$ 7,000
5	III-F	Flood Marker	\$ 16,000
6	III-G	Portals	\$ 24,700
7	III-H	Interpretive Signs	\$ 16,500
10	III-I	Council Ring	\$ 6,000
2	III-J	Pedestrian/Bike Bridge	\$ 140,000
		Total	\$ 321,742

Ms. Welch reported that making Area II between 70th and 68th Streets the first priority would allow the Rotary Club to proceed with the performance stage and would provide amenities to complement that project. Stormwater features would be educational but not necessarily a high priority. The Director of Public Works feels that the bridge in Area III providing a bike and pedestrian connection to Jacobus Park would be part of the overall park scheme for the city. Ms. Welch said that the committee's preferences on funding priorities would be forwarded to the Budget and Finance Committee for discussion of funding sources and identification of a final funding package.

Artificial turf is an issue requiring further consideration; it is not now included on the list. The school district would prefer it if funding is available, and the Parks & Forestry Superintendent believes the higher initial expense would be paid back over time because of the turf's longer life. It has been documented that modern versions of artificial turf reduce the overall injuries seen with past versions.

Richard Bachman, 2239 N. 115th Street, a member of the Parks and Forestry Board, favored completing everything west of 68th Street first, although he felt the skateboard park could be passed over for now if it can't be funded at this time. Artificial turf would be beneficial to the teams that use the stadium and to the city in terms of maintenance. East of 68th Street, his priorities would be the walkways and the bridge connection to Jacobus Park.

Further discussion of the question of artificial turf ensued. Mr. Bachman said that the Chair of the Parks & Forestry Commission has researched it and is in favor of using it. The Chair noted that, if proceeding with artificial turf, it would be necessary to get it done as soon as possible for the upcoming season.

Ald. Herzog spoke in support of the priority list as it now stands with the exception of the pedestrian/bike bridge in Area III, which he felt should be a lower priority. Although it would be a nice amenity, the estimated cost represents one-third of the cost for that area and could be used for many other things. Hart Park should be developed first and the tie-in to Jacobus added later if funds allow. Ald. Krill recommended that artificial turf be ranked priority #1 in Area I along with the ballfield/playfield as 1A.

Moved by Ald. Herzog, seconded by Ald. Krill, to adopt the priority list as presented with the following exceptions: 1) move the pedestrian/bike bridge to priority #10 in Area III; and 2) add artificial turf as priority #1 in Area I ahead of ballfield/playfield as #1A –

Ald. Meaux asked about potential funding by MMSD and the reasoning behind the proposed stormwater educational feature. Ms. Welch explained that inclusion of this feature was based on the fact that it is the flood protection element that makes Hart Park unique. A variety of funding sources will be investigated for this and other park elements. Ald. Meaux said he would like more information on that element as the process moves along as well as hearing more about artificial turf's effectiveness in an area where water may collect at times.

Vote on the motion, Ayes: 7

Purchase and Sale Agreement with Cobalt Partners – Public Works Site South of Walnut Road

Following previous discussion on this topic, Mr. Kesner reported that he had some discussions with Cobalt Partners and some changes were made to the proposed agreement. The Council previously agreed to an MOU (memorandum of understanding) requiring the city to negotiate in good faith to enter into a purchase and sale agreement that anticipates using the public works site for county facilities moved from Watertown Plank Road, thereby providing taxable development on the Watertown Plank Road site.

Among the changes, the Joint Contingencies section requires that, prior to closing on the sale, the city and the developer must approve a development agreement with a number of requirements including a potential payment in lieu of taxes; a requirement that the use of the site on Watertown Plank Road complies with the appropriate zoning ordinance; and giving the Common Council absolute discretion on development approval or disapproval. There is also a requirement for a letter of interest and approval by the county and any other entities now leasing space from the county. If the Common Council decides to move forward, this agreement provides a framework that protects the interests of the city.

Richard Bachman, 2229 N. 115th Street, reported speaking to a representative of Milwaukee County's economic development office who indicated that all county operations on Watertown Plank Road would move. He presumes that would include the repossessed cars lot, the park-and-ride lot, an 18-wheeler inspection area, potential salt towers, and gas storage and questions how it would all fit on the public works site. He was also very concerned

about employee and truck traffic, particularly during 24-hour operations. He reported that he was contacted by a representative of Cobalt Partners but declined to meet with them. Also, Cobalt apparently told County Supervisor DeBruin that they met with residents west of the site and found them 100% in agreement, but there is no record of any such meeting. Mr. Bachman was concerned about past closed session discussions by this committee and emphasized that area residents should be kept informed.

Chris McLaughlin, 12040 W. Potter Road, agreed with Mr. Bachman's comments and said that the secrecy associated with this matter has been troubling.

Attorney Brian Randall, 2602 N. 88th Street, echoed concerns about closed sessions but stated that they were not done illegally. He then identified some issues and questions about the proposed agreement that he believes should be resolved before going forward. Among the items he pointed out were: the earnest money amount and the fact that it is not an option payment and does not compensate the city for tying up the land; obtaining copies of any reports generated by inspections made on Cobalt's behalf; how potential TIF commitments would be paid out and affect taxable value; and clarification or better definition in other specific sections including those relating to what would happen after the 270-day period if an extension is requested, if the proposal does not meet expectations, if the development on county land is not approved, if the city terminates the agreement because contingencies are not met. Mr. Randall said that city should protect itself and make sure there is an opportunity and reasonable amount of time to show that Cobalt can perform, but giving them a "foot in the door" beyond that is the biggest concern for taxpayers and anyone else who may be interested.

Asked by Ald. Krill if he is coming forward as a citizen or is representing someone, Mr. Randall indicated he is acting in both capacities but cannot disclose right now whom he represents. He agreed to talk with the city attorney in more detail about his concerns, which City Attorney Kesner indicated he would evaluate on behalf of the city and present to the developer.

Ald. Krill said he remains concerned about the secrecy surrounding this matter, although he does not think the committee has violated the law. Keeping people in the dark, he said, creates questions and ultimately could doom this project. When it finally goes through, there could be such a bad taste that it may be to the developer's detriment. Ald. Krill said he is unwilling to approve the agreement until there is a public discussion revealing the intended end user.

Ms. Welch was asked by Ald. Krill for comments on any discussions with the developer concerning the feasibility of their proposal. She said that part of the discussion has been whether or not they are able to come up with an end user that generates the promised value. As a result, there have been discussions of alternate uses for the site. She noted that it is possible to discuss publicly types of uses that might be appropriate without betraying a particular end user or potential contractual negotiations, which was the original reason for closed sessions. It is legitimate to consider the impact of different types of uses along with potential economic impact. In response to a further question, Ms. Welch said that the fact that Cobalt is investigating other uses indicates that they do not have a lock on the user they originally discussed. It also raises questions about the promised increment.

Ald. Krill asked Cobalt Partners representatives Scott Yauch and Jim Heffernan if they would agree to full disclosure and public discussion of the proposed use as a condition of approving the agreement. Mr. Yauch indicated that they would take it under consideration.

Moved by Ald. Krill, seconded by Ald. Birschel to hold for two weeks to give the developers time to decide on full public discussion of the proposed user and all future intended users and to allow for further discussion with the City Attorney to identify some of the issues Mr. Randall raised –

Mr. Bachman expressed concern about potential use of TIF funding for infrastructure at no cost to the county and also felt that the shortage of sewer credits in this area should be considered.

Mr. Yauch said they need to understand the terms under which they would be providing disclosure. He suggested that execution of the agreement be conditioned on disclosure; i.e., it would be approved but not executed until such time as it is disclosed. Ald. Krill explained, however, that the purpose of the motion is to have a mechanism for public disclosure before the city is committed to the agreement.

Ald. Herzog commented on the need to work within the MOU approved by the Common Council. This is not an agreement to build anything any time soon but is a purchase and sale agreement with a lot of contingencies. We have been assured that we have the right, when an end user is determined, to say yes or no on compatibility with the surrounding area, and we can't get to that point until other steps are in place. Ald. Herzog noted that the vast majority of the committee's meetings on this matter have been in open session. One closed session was about the potential end user and the second was about moving county facilities to the city's site, which was disclosed after the MOU was executed. At this point, all we would be losing would be 270 days. At some point, we will know what they want to develop, there will be public hearings and other meetings with the public, and the Common Council will have ultimate approval.

Ald. Meaux said he agrees in concept with the purchase and sale agreement but feels that perceptions of secrecy are somewhat overblown. Any secrecy was at Cobalt's request and may be doing a disservice by being unproductive to both parties. The process is becoming overly complicated because of unknowns. The committee needs to figure out its comfort level in terms of sharing what it knows and then move forward from there.

Ald. Birschel commented that negotiations and strategies regarding the proposed end user warrant closed sessions as trade secrets that might injure that end user if disclosed. He has informed Supervisor DeBruin that the county's economic development director was present during the closed session regarding the county property and the county board chairman is aware of this project.

Vote on the motion, Ayes: 7

(The meeting recessed at 9:40 p.m. and reconvened at 9:49 p.m.)

Fire Department Facility Study

Mr. Archambo reviewed his March 8, 2007, memo to the committee in which he addressed specific questions about station #2 raised at the last meeting as well as the overall process and progress made to date, as follows:

1. Need: Station #2 does not have to be reconstructed due to structural needs or a substantial deficiency.
2. Service: Assuming there is redevelopment in the Mayfair/Burleigh area, moving station #2 to that area would bring a marginal improvement in service to a large portion of its service area but a slight decrease in service to approximately 25%. This is not compelling to the point of moving the station at this time.
3. Additional bay: Constructing an additional bay at station #2 may be avoidable. It may be possible to retrofit one of the existing bays and meet mid-term needs by providing the needed door height and other modifications at a substantially lower cost than estimated in the facility study.
4. Construction cost is likely to be essentially the same regardless of location. It is very likely total costs will be higher if functions are split into separate locations. For example, moving parts of the current station #1 functions to an existing site or new location would result in a net loss of economies of scale in elements such as HVAC system and external walls by creating two systems rather than one larger and more efficient system.
5. Development opportunity costs: There is not a higher likely value in putting a property into the market for development in the Village area than there would be in or around the Mayfair and Burleigh area. The numbers are relatively close when comparing four fairly recent projects in both locations.

6. Land acquisition: This is somewhat a secondary question to the extent that whatever is left over would be developed at a substantially higher value. For example, purchasing a one-acre property for \$1.5 million but turning one-half acre back to the market could yield a higher value than for the initial one acre purchased.
7. Eminent domain: This relatively broad term does not preclude purchase of property with a relatively amiable relationship with the seller. It is a very formal process that affords the seller a great deal of due process toward arriving at a satisfactory price for both parties. The committee should not be entirely opposed to that as a process toward constructing this facility.
8. Options/Recommendations: As a separate and later question, the committee should consider creating a means to obtain a piece of property for future relocation of station #2 so that a future Common Council would have an available site when needed. The substantial development that is likely to occur in the Burleigh/Mayfair area makes this an opportune time to do that.

As much as we should be concerned about needing to replace station #2 in the next couple of decades, we should be equally concerned about replacing it too soon. The building's oldest portion is about 50 years old but most is only about 30 years old. With good maintenance and a number of improvements, it should last another 25 years or more. The cost of constructing and bonding now for two fire stations would be substantial.

There is no need to hire an additional consultant to develop additional cost estimates for replacing station #1. We are not likely to have any better information on costs until going through the design and bidding stages.

The committee should ask the Budget and Finance Committee to prepare and enact a funding strategy for a new fire station. We have a reasonably accurate cost estimate that is sufficient to begin discussions on funding and property acquisition.

The committee should proceed along one of two tracks:

- Decide on a location on or adjacent to which a fire station would be built and ask Budget and Finance to begin the process of acquiring the necessary property. At the point a decision is made on what property is to be purchased, the process of eminent domain takes effect and specific legal steps are necessary. Going ahead with a very straightforward approval provides the opportunity for whatever property remains at the end of the project to be put to the market through RFPs, direct sale, or some other process for redevelopment.
- Proceed with an RFP for the Underwood and Blanchard sites, which may result in an end development value that is substantially more than if we simply purchase a property and move forward. An RFP is usually constructed relatively loosely, but as such may limit developer interest. There is also concern that the properties are potentially tied together. The committee should recognize the RFP as part of a process that may not lead directly to a conclusion on an end project but is more or less a step toward a conclusion.

Ald. Didier thanked Mr. Archambo for the information and supported the idea of looking at the Burleigh/Mayfair area for potential station #2 property in the future.

Ald. Krill suggested now focusing on the type of RFP needed for the Blanchard and Underwood sites. Although builders may combine their development ideas with a fire station, he emphasized that the committee should focus first on finding a fire station site. He would not give preference to those trying to do commercial development.

Ald. Treis reported that he asked John Sabinash, the Zimmerman consultant who prepared the facility study, to offer his thoughts on the Blanchard and Underwood sites. He noted that Mr. Sabinash is one of five architects who have been mentioned by staff and the Mayor as being very experienced in developing fire stations.

John Sabinash, representing Zimmerman Architectural Studios, said that five sites were considered in the preliminary report with the Mower Court site having the highest ranking. Subsequently, after review of additional

sites, those now viewed most favorably are the existing Underwood property in some shape or form and the Blanchard Street parking lot site. From his perspective, Blanchard is the more favorable because it stacks well and achieves the desired organizational flow. Due to its topography, public parking can be retained on the site and segregated from staff parking in a way that allows the building to function as a gateway at the eastern end. If viewing the two sites as independent elements, the depth of the Blanchard site is an important aspect. One of the restricting elements on the Underwood site is that it is not very deep. From a developer's perspective, it is a prime location for a mixed used development that has parking and other uses attached. At the Blanchard site, which is not very large, acquisition of adjacent properties would enlarge the opportunity for other uses.

Melanie Duke, 7460 Blanchard Street, asked for more information on the site comparison. Mr. Sabinash responded that the Blanchard site yields more design opportunities that could result in savings relative to efficiencies. A building on the Blanchard site wouldn't necessarily be more effective, but there would be more restrictive influences at the Underwood site that could make it more costly. One of the problems with the Underwood site is orientation of bays relative to street frontage. Solutions would require additional property. There are more unknowns and design issues to overcome as well. Since the building is driven 50% by apparatus function and support functions directly related to apparatus, that is an important consideration.

Returning to the RFP question, Ms. Welch referred to the previously submitted drafts in which she attempted to address the issues and questions generated by the committee. She suggested reviewing it for any modifications or giving her some direction since the committee has not yet offered input on it. Ald. Krill asked if it will encourage response from the best in the fire station business. Ms. Welch responded that its key weakness is that it is wide open, giving greater latitude for responses but making developers more cautious because it isn't clear what the committee is willing to accept on the site. A balance is needed between being wide open but giving some assurance that the Common Council does intend to proceed with selecting a developer.

Ald. Krill suggested stating clearly that we are looking for someone to build a fire station; the focus is not necessarily on broad economic development. Ms. Welch said that question should be discussed by the committee. At the time the draft was developed, the committee's question was which site would generate greater economic development. The RFP, therefore, is written to solicit responses to determine not only which development but which site would generate the best development for the Village area, the idea being that the lesser site would be the fire station site. Ms. Welch noted that the city wants to retain control over the design of the fire station. Staff is very concerned that the station be one that truly serves the department's needs and is functionally efficient. Once the better site for development is identified, we could actually do a bid for the fire station, leaving that in the hands of the city rather than a developer. There is a need here to clarify exactly what is being sought.

Ald. Meaux noted that there were two RFP drafts, one for development and one for the fire station, and asked if the two could be combined. Also, he would like to include language about proposals being in keeping with the historic character of the neighborhood.

Moved by Ald. Krill to hold for two weeks and ask the Community Development Director to combine the two RFPs into one that clarifies we want a good fire station but also want some economic development –

Ald. Herzog noted that staff was directed to come up with an RFP that says that a fire station is to be built on one of the sites and the other developed. He pointed out that when the city issued an RFP for light industrial proposals for the Walnut Road site, we received only one reply; but there were eight or nine responses when the RFP was made more general. He advised against moving to the next step until we know more about what is out there.

Ms. Welch said that the development RFP was drafted to see what development could go on the site, which was what it seemed the committee wanted to get a handle on. It does not preclude a development that includes a fire station. To be sure to get what the department wants, she suggested stating that a fire station component would require working with a city-hired architect.

Following further discussion, Mr. Archambo suggested amending the RFP related to development so that it specifically states the intention to select one of the sites inclusive of a fire station with the developer providing an architectural firm solely subject to acceptance by the city or selected by the city for that portion set aside for the fire station. That would reconcile some of the issues but predisposes the committee to agree to the fire station being part of a mixed use development on one or the other of the sites. If there is an acceptable proposal for the other site, that would be a secondary issue.

Ald. Didier recalled that the intention of the committee when seeking an RFP was that a fire station would be first with economic development being secondary. If someone wanted to build just a fire station, they could do that. She suggested revisiting the RFP at the next meeting with the idea that it would be for a fire station on either the Blanchard or Underwood site, but if so inclined, the developer could propose a development on the opposite parcel. She would like to make sure that the RFP is written so that a developer who only does fire stations can submit the best proposal for a fire station.

Ald. Krill withdrew his motion.

Moved by Ald. Didier, seconded by Ald. Krill to hold for two weeks with the intention at the next meeting of being ready to give the Community Development Director all the tweaks and adjustments necessary on the RFP, keeping in mind the original motion, which was that a fire station needs to be built on either the Blanchard or Underwood site, using city-owned property only unless a developer has some other options, and that the proposal could be for a fire station on one property or the other but the developer could also give a conceptual idea of what could be built on the opposite property but cannot submit just a development proposal Ayes: 7

The meeting adjourned at 10:46 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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