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COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, April 10, 2007

PRESENT: Alds. Birschel, Didier, Donegan, Herzog, Krill (8:10 p.m.), Meaux (8:10 p.m.), Minear, Treis -5

EXCUSED: Alds. Didier, Meaux, Treis

ALSO J. Archambo, City Admin.; N. Welch, Community Development Dir.; A. Kesner, City Atty.;
PRESENT Chief D. Redman, Fire Dept.; Ald. Grimm

Ald. Herzog as Chair called the meeting to order at 8:00 p.m.

Land Combination at 2401-21-33 N. Mayfair Road

The committee reviewed a request by Patrick Matre, Best Buy Stores, L.P., for a Land Combination in the AA Commercial District at 2401, 2421, and 2433 N. Mayfair Road. The Plan Commission unanimously recommended adoption. Matt Welke, 137 Chaffee Road, Oconomowoc, was present representing the applicant.

Ms. Welch reported that Best Buy purchased three parcels of land on which buildings were demolished and a new store erected. They would like to combine the three parcels along with former railroad right-of-way to the rear. The proposed land combination meets all applicable zoning requirements. The applicant is aware that staff would like to review the right-of-way easements prior to recording a certified survey map.

Moved by Ald. Krill, seconded by Ald. Donegan to recommend to Council approval of the Land Combination. Ayes: 5

Certified Survey Maps to Configure Milwaukee County Research Park Parcels

The committee reviewed a request by William Drew, Milwaukee County Research Park, for a Certified Survey Map in the Research Park Planned Development District to reconfigure Lots 12 and 13 and create Lot 22 at Research Park Drive and Innovation Drive. The Plan Commission unanimously recommended approval. Guy Mascari, Research Park Director of Development, was present representing the applicant and explained that there has been some interest in smaller lots.

Ms. Welch reported that although the proposal did not originally meet lot width requirements, a new CSM has been provided that satisfies that criteria. She noted that a preliminary Wisconsin Department of Transportation study indicates that the city may need to acquire right-of-way near Watertown Plank and Mayfair Roads in the future, so staff would like the opportunity to discuss future right-of-way dedication with Research Park representatives before the affected parcel is sold.

The committee reviewed a second request for a Certified Survey Map in the Research Park Planned Development District to create Lots 1, 10, and 21 at Innovation Drive and Watertown Plank Road. The Plan Commission also unanimously recommended approval of this proposal.

Moved by Ald. Krill, seconded by Ald. Donegan to recommend to Council approval of the Certified Survey Maps as proposed. Ayes: 5

Certified Survey Map – 2717 N. Mayfair Road

The committee reviewed a request by Ned Brickman, Midland 352 LLC, for a Certified Survey Map in the Business Planned Development District at 2717 N. Mayfair Road. The Plan Commission unanimously recommended approval. Ms. Welch reported that the combined parcels would meet all applicable zoning requirements. She noted that staff is working with the applicant to assure that the CSM includes right-of-way dedication for a right turn lane along Mayfair Road.

Atty. Brian Randall, Friebert, Finnerty, and St. John, 330 E. Kilbourn Avenue, Milwaukee reported that the Wisconsin Department of Transportation has issued a permit for construction of a dedicated right turn lane for southbound traffic into the project. He has been working to assure that the length of the turn lane and easement area is properly configured and expects to present the finalized form of the document to the city very soon.

Moved by Ald. Krill, seconded by Ald. Birschel to recommend approval of the Certified Survey Map as proposed. Ayes: 5

Conditional Use at 6901 W. North Avenue

The committee reviewed a request by Susan F. Brkich, Cranky Al's, LLC, 6901 W. North Avenue, for a Conditional Use in the North Avenue Trade District for outdoor dining from 7 a.m. to 9 p.m. The Plan Commission unanimously recommended approval.

Ms. Welch reported that this business has already been approved for outdoor dining in the evening. A day care operation in the building required keeping the rear portion clear for drop-offs and pick-ups. Since the day care business has left, Cranky Al's would now like to expand their outdoor dining hours. At the Plan Commission meeting, the neighbor immediately adjacent to the south expressed his full support for this proposal. He feels that a brick garage along the south portion of the property provides an adequate buffer for his property. The Fire Department advises checking with the fire marshal regarding any additional requirements that may be triggered by additional capacity or if any future plans involve expansion into the former day care space.

Susan Brkich, 2408 N. 70th Street, reported that they are currently adding to their existing sprinkler alarm system and will contact the Fire Department once the installation has been completed.

Moved by Ald. Birschel, seconded by Ald. Minear to recommend to Council approval of the Conditional Use as proposed. Ayes: 5

Village BID Plans for Reconstruction of Root Commons Area

The committee reviewed a memo from the Director of Public Works regarding a proposed design developed by the Village BID (Business Improvement District) for the Root Commons area in the Village immediately to the west of Wauwatosa and Harwood Avenues.

Following submittal of a previous plan that generated some controversy, Ms. Welch reported, the BID held a series of public meetings that led to a revised plan, copies of which have been provided to the committee. Demolition of the existing fountain area is now underway. A remaining issue is an 1897 water main beneath the area. It may be possible to abandon the main if favorable bids are received on Wauwatosa Avenue utility work later this year. If not, there may be a slight deviation from the submitted design so as not to disturb the main. Beyond that, there will be very little fiscal impact to the city.

Pamela Anderson, 1430 Underwood Avenue, a member of the BID board; Brian Preiss, 1414 Underwood Avenue, BID Director; and the project's chief designer were present. Mr. Preiss commented that the BID has been trying to get this project started for quite a long time and believes that it will be a benefit to the entire area.

Asked about surface materials, Mr. Preiss said that stone pavers and flagstone would be used. Ald. Birschel commented that he likes the idea of cleaning up this area but does not favor the use of pavers.

Moved by Ald. Krill, seconded by Ald. Donegan to recommend to Council approval of the plan as submitted –

Mr. Kesner clarified that the city owns the parcel and would not assume any additional liability under this proposal. A detailed agreement will be executed.

Vote on the motion, Ayes: 5

Fire Department Facility Study: Discussion of Process and Revisions to RFP

Referred back to committee by the Common Council was a proposed resolution approving issuance of a Request for Proposals (RFP) for the purpose of “construction of a fire station and economic development on one of two sites and architectural and engineering services.”

Ald. Krill commented on the process thus far, concluding that the committee has effectively said that the fire station will go on one of two sites, which he referred to as “greater Underwood” and “greater Blanchard.” He felt that efforts to create a process that would include economic development considerations has proved confusing to the Council and would be confusing to developers, to the committee in terms of looking at proposals, and to the public. He encouraged the committee to go back to its original charge of determining a fire station site without regard for economic development consequences. He advised asking staff to prepare a document that will solicit advice to evaluate the two sites purely in terms of determining the best possible place for a fire station.

Mr. Archambo said that the Council essentially rejected the RFP that tried to address both the question of fire station location and economic development impact, which suggests the need to separate those questions. In order to move ahead with fire station site selection and at least have a side view toward economic development, he suggested drafting a fairly typical RFP for professional services for design that would lead toward construction documents but also would have the broadness to consider which of the sites is most appropriate for the station.

Ald. Herzog indicated that his Council motion to refer back to committee was to address the changes to the RFP made by the City Administrator following this committee’s last meeting. Some were confused about the changes, he said, but disagreed that the Council rejected the RFP. He wanted to discuss some of the terminology and clarify some of the changes that, he felt, take away from the committee’s original motion requesting an RFP for a fire station to be built on one or the other of the sites with potential of economic development on the other site. Although developers have expressed interest in developing one or both of the sites, the committee has been unable to look at their plans.

In further discussion of the intent of the RFP, Mr. Archambo said that among the realm of possible responses would be economic development on either of the two sites with the other left available for the fire station, or potentially development on both sites with some third location as a station site, or a fire station integrated with some type of economic development. Ald. Herzog felt that is outside the boundaries of what the committee originally proposed. He suggested that the third paragraph should begin: “The respondent may propose economic development on one or the other of the sites in addition to construction of a fire station.” He said that the RFP should indicate that we are looking at construction of a fire station on one of the sites; the developer may propose economic development if he chooses. He is trying to get everything out on the table; perhaps a developer can build us a fire station in conjunction with economic development. He is trying to think outside the box, act more like a business, and get the outside world to be our consultants.

Mr. Archambo said that it would be more direct for the city to simply hire an architecture and engineering firm to design a fire station for the site not being developed. It would not be typical and may actually not be legal (which the City Attorney confirmed) to go through a developer for a design-build station.

Ald. Herzog suggested that an RFP could solicit proposals for ideas on a particular site with engineers and architects to design the station on that site. Mr. Archambo explained that the problem is with having a developer doing the designing and ultimately building the station. Ald. Herzog cited the RFP for the city public works land south of Walnut Road, but Mr. Archambo said that there the city's interest is ultimately non-ownership in nature. In this case, our lasting commitment involves ownership of the site and the fire station. There would have to be a point at which the city would take control and go through the required public bidding process for something that would be city-owned. It gets confusing when there is the meshing of economic development with a fire station. A cleaner approach would be one or the other—find out which site is most appropriate for economic development and leave the other site for the station. More traditionally, an architecture/engineering firm would help determine which site is most appropriate for a fire station and then go through the design and ultimate construction process. A second RFP would seek input from developers on the second site.

Mr. Kesner said that the city cannot have a developer build a fire station on a design-build principal per public construction laws. Ald. Herzog asked why an RFP couldn't elicit a design that is separately bid out for a fire station. Chief Redman responded that the normal process would be to send out an RFP for architectural and engineering services and select the best firm to do the work. You would not be selecting a design but rather a design firm. Following that phase, a contractor would be sought to construct according to the design. A sum of several thousand dollars has been designated in the Capital Improvements schedule for the design phase.

Terry Wolfe, 7839 W. North Avenue, said he has attended all the meetings and believes the committee has lost sight of the charge of building a fire station on a specific location. He has not heard anyone ask the fire department which site is best for them and best for the city.

Brian Randall, 2602 N. 88th Street, said that, whatever the purpose of referring this back to committee, from a taxpayer perspective, it gives the committee the chance to do it right. He saw four options: 1) an RFP for economic development on one or both sides that includes a fire station component and includes the option for mixed use to allow creative responses, knowing that the committee still has control when reviewing; 2) an RFP that doesn't mention a fire station but asks for economic development on one or both sites; 3) a traditional RFP for design and architecture services and then a second RFP if the Council chooses to economically develop the second site, although this has the disadvantage of having to select a site without knowing its economic potential. Another option here is have a consultant determine which site is best for the station and then do the economic development RFP on the other; and 4) Decide on a site and move forward per the committee's original charge. Mr. Randall felt that there is merit to consider economic development of the sites but also cited the need to remain focused on choosing the right fire station site. He advised keeping the RFP process as flexible and open as possible in order to tap the creativity of developers,. Citing the need to maintain the city's image in the development community, he cautioned against putting out an RFP to which it is impossible to respond.

Ald. Herzog commented that getting too many outside-the-box responses could be difficult. Omitting the "both" option in the third paragraph enables the committee to focus down. If there is a clear plan for some sort of mixed use, there is nothing that would prevent such a proposal. Ald. Birschel concurred with keeping it simple.

Asked to clarify the staff's position, Ms. Welch said she wants to ensure that we have a station that meets the needs of the department, not one that is someone's concept of what a station should be. In addition, why use tax dollars to pay a developer's overhead to design a station when the city can design and build it? Regarding the desire to act more like a business and operate like the private sector, she said that a general RFP works well when building something without a specific user, but the private sector doesn't do an open RFP process when there is a specific end user. When Froedtert builds an oncology center, for example, they are very careful and specific. They investigate the use, hire an architect who specializes, and involve staff members to achieve a building that will work. This saves money and guarantees that the end result is what they need. In this case, we have all of those

concerns plus public bidding requirements. Ms. Welch noted that this is a first step in a process; it still needs to go forward to Budget and Finance for funding. It is very important to consider how to build the station with minimal overhead so that costs are reduced and then how to come up with other development that will help relieve the burden on taxpayers and help pay for the project.

Ms. Welch clarified that the Zimmerman study is not a fire station design but a concept—a facility study that identifies needs. Although a developer could make inquiries to ensure that his concept and proposal would be found acceptable as to fire department needs, the developers she has spoken to feel they will spend a lot of time and effort on a response that doesn't meet the city's needs for the fire station and that all proposals likely will just be tossed aside. If the desire is to see what development is possible, Ms. Welch recommended sending out a simple, straightforward RFP for development of the sites or decide on a station site and RFP the other site.

Ald. Donegan said he opposes the RFP as now written. He advocated first selecting the better development site and then focusing on a fire station in the way staff is recommending. His objection is not that the city would lose control or that it would cost more but that it would cost developers more and not enough of them would respond because it is too confusing and expensive. There might be objection from the rest of the Common Council as well, a lot of whom seemed to support staff's approach. Despite the comment to the contrary, Ald. Donegan said that the committee has listened to the fire department. He also commented that the committee has to choose a site in a way that imposes the least burden on taxpayers. The cost of lost opportunity for development is the same kind of cost as bricks and mortar.

Chief Redman was asked for his preference between “greater Underwood” and “greater Blanchard” and his feelings about making a site determination now. If there is willingness or a way to acquire sufficient additional property to allow continuity of operation during construction, he said that he would prefer the Underwood site. Blanchard is the only viable option if that is not possible. He indicated that he would defer to the committee's desire to investigate development opportunities before deciding on a site

(The committee recessed at 9:15 p.m. and reconvened at 9:23 p.m.)

In response to further questions, Chief Redman indicated that he is comfortable with the RFP as submitted to the Common Council last week. He was not comfortable with the original RFP that included proposals on the design of a fire station because he was not confident about the amount of input the department would have. He could support an open process that would include the conceptual layout for a fire station but leaves out the design details, which are not needed at this stage.

Mr. Archambo confirmed that the proposed RFP attempts to set aside a space onto which a fire station would be designed and built. The distinction is that if the committee does not want to consider inclusion of a fire station with economic development on the same site, it is the wrong RFP. Other staff members were asked for input on allowing a mixed use proposal. Mr. Archambo said that would not trouble him, but Chief Redman said no. Ms. Welch felt that it raises more issues that would need to be worked out because you would end up with the city owning part of the building and the developer owning part; i.e., both tax exempt and non-tax exempt.

Staff was then asked for response on concerns about receiving enough proposals from qualified developers. Mr. Archambo said he is intrigued from the standpoint of getting a host of different opportunities, but we could get nothing. Mr. Kesner said that this is one option that can work fine for the committee's purposes. He would have suggested a separate fire station RFP, however, and would not have suggested considering economic development first as part of the method for determining a fire station site.

Moved by Ald. Krill to recommend approval of the RFP with the changes
made by the City Administrator –

Ald. Krill said that this does not say that the focus is on economic development but is probably the best and quickest way forward. The question is whether this process will allow the committee to ultimately focus on the

best site for a fire station. Chief Redman felt that it will. Ms. Welch felt that it will provide economic development perspective but will not provide more in-depth analysis about the best location for a fire station. Mr. Archambo said it creates the possibility of getting the best of both worlds but also the possibility of little or no response or unsatisfactory responses. Mr. Kesner concurred that bringing forth information on economic development potential, which committee members have all agreed is important, should help them make the location decision.

Motion dies for lack of a second.

Moved by Ald. Birschel to recommend approval of an RFP for the best location for a fire station –

Ald. Birschel clarified that the intent is to consult with the chief on his needs and the best location of the two, either Underwood or Blanchard. Ald. Donegan pointed out that Chief Redman has said very clearly that both sites would work and agrees with choosing the one with less development potential.

Ald. Birschel withdrew the motion.

Moved by Ald. Donegan, seconded by Ald. Minear to recommend approval of an RFP for economic development on both sites, exclusive of a fire station –

Ald. Donegan said the intent is to determine the economic development potential of both sites so that we can decide where to put a fire station. After that, we can go back to the development question. This isn't the last part of the process, just the next step. The priority is not simply to find a location and build a high quality station but to control costs and put it in the right location. We can focus on the final steps when we have the answer to which site has the lesser amount of lost economic development opportunity. The RFP should be very straightforward in establishing that we are not going to develop both sites but are trying to eliminate one so that we can build a fire station.

Questions were raised on the LED certification level to be specified. Ms. Welch said that the city wanted to push for a higher standard in public buildings. In this RFP for private construction, she recommended changing "gold" level to "silver" or specifying "meets minimum LED certification."

Ald. Herzog advocated moving this back to Council next week. The vast majority of language is standard and probably wouldn't need to be changed, other than probably the second and third paragraphs. It eliminates the requirement for the fire station but establishes that as the goal.

Vote on the motion, Ayes: 4; Noes: 1 (Krill)

The meeting adjourned at 9:50 p.m..

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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