



CITY OF WAUWATOSA  
7725 WEST NORTH AVENUE  
WAUWATOSA, WI 53213  
Telephone: (414) 479-8917  
Fax: (414) 479-8989  
<http://www.wauwatosa.net>

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

PRESENT: Alds. Birschel, Didier, Donegan, Herzog, Meaux, Treis -6

EXCUSED: Alds. Krill, Minear

ALSO

PRESENT: N. Welch, Community Dev. Dir.; A. Kesner, City Atty.

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

**Conditional Use – 11104 W. Blue Mound Road**

The committee reviewed a request by Edward Polito, agent for AT & T, and Leesis Properties, LLC for a Conditional Use in the AA Business District at 11104 W. Blue Mound Road for a fiber conversion cabinet. The Plan Commission unanimously recommended approval with the standard contingencies including landscaping.

Moved by Ald. Donegan, seconded by Ald. Birschel to recommend to Council approval of the Conditional Use with the standard contingencies for uses of this type. Ayes: 6

**Conditional Use – 6950 W. State Street**

The committee reviewed a request by Edward Polito, agent for AT & T, and State Street LTD Partners for a Conditional Use in the AA Business District at 6950 W. State Street for a fiber conversion cabinet. The Plan commission recommended approval with the standard contingencies including full landscaping to screen the cabinet from public view.

Ald. Didier suggested finding a better location so that the installation is not right on the corner of the Pick 'N Save property where a new sign was recently placed. Mr. Polito of MI-Tech Services, 16510 W. Rogers Drive, New Berlin, explained that AT & T uses existing easements whenever possible. They have had an easement at this location since 1987. An existing box as well as the new box would be screened. A representative of the property owner was at the Plan Commission meeting in support of the request.

Alds. Meaux felt that AT & T should be asked to find a way to locate the boxes farther north on the Pick 'N Save site, which could require obtaining a new easement from the property owner. He noted that the city has been quite gracious about AT & T's requests, and they should, in turn, be willing to recognize and accommodate the efforts being made to improve this area.

Ald. Herzog raised the question of sight distances for drivers, especially with the proposed landscaping. Ms. Welch reported that engineering staff does check on sight lines since so many of these cabinets are located near intersections. In this case, the Pick 'N Save representative indicated that the box was moved so that it would not obstruct their sign. The city would review the location of the landscaping and would

not allow it to obstruct the vision triangle. Mr. Polito confirmed that every landscaping plan as well as anything else that AT & T does is reviewed by the planning department.

Moved by Ald. Didier, seconded by Ald. Meaux to hold this matter for four weeks with a request that AT & T come up with another placement. Ayes: 6

### **Conditional Use – 2500 N. Mayfair Road**

The committee reviewed a request by Mark Boodgaard, Beeler Construction, for a Conditional Use in the AA Business District at 2500 N. Mayfair Road to construct a Starbucks within Macy's department store at Mayfair. Ms. Welch reported that the Plan Commission unanimously recommended approval. The site would occupy approximately 970 square feet of existing Macy's space and would have entrances from both the store and the mall.

Moved by Ald. Herzog, seconded by Ald. Meaux to recommend to Council approval of the Conditional Use. Ayes: 6

### **Conditional Use – 3180 N. 124th Street**

The committee reviewed a request by Emilou Barnes, Continental Development, for a Conditional Use for a bank with a drive-through in the AA Business District at 3180 N. 124th Street. Ms. Welch reported that at their May meeting the Plan Commission recommended approval by a 5-1-1 vote. They had no objection to this proposal but had concerns about remaining issues on this site dating to the original occupancy, i.e., the Lowe's store. Those issues relate to landscaping, stormwater, and rain garden requirements and some traffic-related concerns. Since the Plan Commission meeting, enough progress has been made to allow staff to recommend moving forward with this tenant, perhaps reviewing the level of completeness before occupancy is approved.

Emilou Barnes of Continental Properties Company, Inc., W134 N8675 Executive Parkway, Menomonee Falls, was present as well as several other company representatives and consultants. She displayed drawings of the proposed Wauwatosa Credit Union facility and reported that OfficeMax has signed a lease for adjacent space. She then reviewed information provided in booklet form that describes development of the Burleigh Square site, present conditions on the site, and projections for the future. She mentioned innovative stormwater management techniques including rain gardens, bioswales, and pervious pavement that exceed MMSD standards. She said that they are taking a proactive approach to site maintenance and have someone visit the site at least once each week. They have had many meetings with naturalists to address the rain gardens, which are coming along as expected at this point in their maturity. Inside Lowe's they have posted a large reproduction of the "What's Happening in our Parking Lot" page describing the rain gardens and overall stormwater management system. They will also post the information at OfficeMax when it opens. Individual signs are posted throughout the site to educate the public about this type of landscaping. Ms. Barnes noted that photographs in the "Where we're going..." section of the booklet have been "Photoshop" edited to show what the rain gardens will look like as they mature.

Dean Wilson, 2550 Swan Boulevard, president of Wauwatosa Credit Union, said that the credit union serves not only municipal workers but has grown to encompass clients in a four-county area. About five years ago they merged with the Harley Davidson credit union and inherited an office in Butler. They were very excited when this site became available and believe it will provide a lot of benefits and services to the immediate community.

Asked for further clarification of concerns, Ms. Welch said that there have been difficulties particularly with the rain gardens. Last spring, water was pooling in sections, and some of the inlets that should have allowed water to get to the gardens were not functioning properly or were at the wrong location. Photos taken this summer show a lack of vegetation and cracked soils in some of the gardens. Some had weeds growing rather than specific plantings. There were also issues with traffic signals and some of the easements that needed to be dedicated for traffic improvements. The rain gardens do need time, but staff has tried to make sure that Continental understands expectations that they will look the way that has been represented. Instead of islands of packed clay or overgrown weeds, next summer we should have something that more approximates the edited photos Continental has provided.

Ms. Welch reported that she met last week with Continental and their rain garden expert, who explained some of his goals and approaches to the plantings. Some of the gardens will change their vegetation over time because right now they are setting plants to break up the soils and help absorb more water in the future. Ms. Welch said that she has requested a more specific plan that lists the species in the islands so that staff can verify that they are part of the plan. The City Engineer feels that substantial progress has been made with some of the details related to traffic easements and is comfortable with moving forward.

Jennifer Becker, Westfield, Wisconsin, a Continental consultant, reported that she looked at the bioswales and rain gardens and found that most are coming along typically for their first year. They are at an “ugly ducking” stage for native seeding, and it is hard to tell if any progress is being made. She explained that bare soil is no indicator of a failed planting since the plants will first invest in a root system and then typically put on some top growth in the second and third years.

Ms. Barnes stated her belief that Continental has fulfilled all requirements. Ms. Welch, however, did not agree, noting that people driving by will not see the beautiful landscape islands being envisioned. Given the statements that the plantings need more time to mature, she acknowledged the need to give them the benefit of the doubt but said she also wants to make sure they understand that we do expect it to come to fruition and to look as promised. She noted that this type of landscaping was promoted for this location as a pilot program because, as a landlocked community, we have significant stormwater issues. The city has also installed rain gardens at Hart Park to introduce innovative techniques into previously hard-surfaced areas as a means of providing storage without relying on a stormwater system or flow into rivers.

Ald. Herzog commended Continental for going along with this innovative approach that was experimental on the city’s part. They have been very responsive, he felt, on the vast majority of issues and he has not heard any reason to deny the subject proposal on its own merits. If all else fails, we can still follow up through our property maintenance inspector.

Moved by Ald. Herzog, seconded by Ald. Meaux to recommend to  
Council approval of the Conditional Use. Ayes: 6

### **Proposed Ordinance – Single Stream Recycling**

The committee reviewed a proposed ordinance amending portions of Chapter 8.25 of the Code to provide for elimination of blue bag recycling and creation of the single stream recycling program, as discussed at the previous meeting. Fees are in the city’s separate fee schedule, which is updated and approved annually as part of the budget.

Moved by Ald. Herzog, seconded by Ald. Donegan to recommend to  
Council adoption of the ordinance. Ayes: 6

**Proposed Zoning Code Amendment**

The Plan Commission forwarded a request by Rev. Jason Butler for a zoning code amendment to allow churches and other religious assemblies as permitted uses in the Trade and AA Business Districts. At this point, it necessary to schedule a public hearing, after which the matter will return to this committee.

Moved by Ald. Donegan, seconded by Ald. Didier to recommend to Council introduction of an ordinance amending the zoning code and adoption of a resolution setting a public hearing date. Ayes: 6

The meeting adjourned at 8:42 p.m.

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Carla A. Ledesma, City Clerk  
Wauwatosa, Wisconsin