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COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, March 28, 2006

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

ALSO N. Welch, Community Dev. Dir.; A. Kesner, City Atty.;
PRESENT: L. Nielsen, Public Health Nurse Supv.; Ald. Grimm, 4th Dist.

Ald. Kopischke as Chair called the meeting to order at 8:03 p.m.

Conditional Use at 2604-46 Swan Boulevard

The committee reviewed a request by Geri Johnson, Christ King Congregation, for a Conditional Use in the AA Single Family Residence District at 2604-46 Swan Boulevard for an elevator addition and interior remodeling. The Plan Comm. unanimously recommended approval.

Ms. Welch reported that Christ King Congregation is planning to add an entry vestibule and elevator tower at the school entrance off of 91st Street, and another elevator and stair tower for the parish hall entrance off of Swan Boulevard. The proposed interior remodeling of approximately 19,400 sq. ft. will concentrate on converting former convent space to administrative and meeting space. The applicants should contact the water superintendent to address his concerns about the water supply before proceeding.

Jim Sutton of Groth Design Group, N58 W6181 Columbia Road, Cedarburg, said he spoke with the water superintendent by phone, and a flow test was done on the water system today for the demand that will be placed on it. The engineers believe that there will be adequate flow, but their findings have not yet been reviewed with the water superintendent.

Moved by Ald. Subotich, seconded by Ald. Krill to recommend approval of the Conditional Use. Ayes: 8

Conditional Use at 7474 Harwood Avenue

The committee reviewed a request by Dean Weyer and Joseph Fuchs for a Conditional Use in the Village Trade District at 7474 Harwood Avenue to expand an existing child care program. The Plan Commission unanimously recommended approval.

Ms. Welch reported that an increase in St. Bernard's child care program from 25 to about 53 children is planned. There will be no expansion of the building itself. There are some concerns about adequate parking, but the amount provided should be fine unless there is a significant increase in the number of teaching stations. City code specifies a ratio of .75 spaces per teaching station.

Joe Fuchs, 12720 W. Lisbon Road, Brookfield, said that drop-off and pick-up times are staggered from about 6:30 to 8:30 a.m. and 3 p.m. to 6 p.m. He felt that the increase would have very little impact on the area around the school. There could be an increase of two teaching stations, depending on the ages of children served.

Ald. Becker said that he belongs to this parish and has spoken with representatives there. The child care program run by the church has been losing money, but it is anticipated that would change under the program to be run by Mr. Fuchs. He noted that additional parking is available on the grounds to the west, if needed.

Moved by Ald. Becker, seconded by Ald. Krill to recommend approval of the Conditional Use. Ayes: 8

Conditional Use at 6950 W. State Street

The committee reviewed a request by State Street Limited Partnership for a Conditional Use in the AA Business District at 6950 W. State Street for a grocery store expansion. The Plan Commission unanimously recommended approval.

Ms. Welch reported that Pick 'N Save plans to expand into existing space vacated by Walgreens and do some interior and exterior remodeling. The overall square footage of retail on the site will not be increased, so parking requirements are not affected.

Mark Schneider, 3885 N. Brookfield Road, Brookfield, said that Pick 'N Save will be coming forward with a change in the parking lot layout and exterior façade. They will be remodeling the store itself also.

Gayle Casey, 6866 St. James Street, said her home has overlooked this parking lot for 20 years. As outlined in a letter to the Plan Commission, she is concerned about the fence on the north side of the lot. It is often broken, partly due to kids climbing over it, and the street side is used for storage of empty racks and cardboard items. A higher fence that is not climbable and is screened with some type of plantings should be considered. There has also been a lack of concern about carts in the street and picking up litter that gets through the fence. Also, there has been a problem with unsightly and smelly dumpsters. Ms. Casey requested that any dumpsters used during remodeling be placed on the southeast end of the lot. Pick 'N Save should be a good neighbor during remodeling and into the future.

Spencer Hoyt, 1298 N. 63rd Street, commented on the need to consider sidewalks and pedestrian access in the redevelopment process.

Mr. Schneider said that all the items in Ms. Casey's March 13 letter will be addressed. Now that Pick 'N Save has taken over the store from a different operator, they hope to be a better neighbor.

Ald. Birschel asked about follow-up on particular issues discussed at the Plan Commission meeting such as screening the fence and reconfiguring the parking lot for better access. The Chair explained that the parking lot will more appropriately be addressed when the new parking lot plan is submitted. Ms. Welch suggested that addressing the concerns of the neighbors be stated as a condition of approval, which helps staff with enforcement.

Ald. Becker felt that walkability should be listed, and problems with trucks that are left running for long periods should be addressed. Ms. Welch recommended requiring that trucks be parked on the south side of the building away from residences when possible.

Moved by Ald. Birschel, seconded by Ald. Krill to recommend approval of the Conditional Use contingent upon addressing concerns regarding

fencing and management of the parking lot, including litter, dumpsters, parking of trucks, particularly those left running, and walkability. Ayes: 8

Ordinance – State Agent Status for Inspection of Food Establishments

The committee reviewed a proposed ordinance creating Section 8.02.005 and amending Section 8.02.010 of the Code regarding regulation of food and beverage handling. Ms. Nielsen reiterated information provided at the previous meeting regarding the need for a code amendment to address the Health Department's new state agent status for 53 retail food establishments in Wauwatosa.

Moved by Ald. Sullivan, seconded by Ald. Krill to recommend to Council adoption of the ordinance. Ayes: 8

Change of Zoning, Preliminary Plan Approval – Business Planned Development at 1215 N. 62nd Street

From the hold file were requests by David Israel for a Change of Zoning at 1215 N. 62nd Street from AA Light Manufacturing District to Business Planned Development and for Preliminary Plan Approval of a Business Planned Development at 1215 N. 62nd Street for a multi-family residential development. The Plan Commission unanimously recommended approval.

Ms. Welch reported that the applicant has come in with a new plan that reduces the number of condominium units by about 10%. They have requested access to State Street via a commercial parking lot, but staff is concerned that providing such access for residential traffic would also allow commercial traffic to drive through the development and potentially increase the amount of traffic on 62nd Street and Martha Washington Drive. Police reports initially prepared at the direction of the Traffic & Safety Committee regarding enforcement actions in this area indicate no substantial problem with speed. The proposed plan protects Schoonmacher Reef, providing restricted access for which the committee can dictate oversight in the final plan. Ms. Welch said that the current zoning here allows any light manufacturing as a permitted use. She cautioned that all issues of concern need to be raised during the preliminary plan process, although details do not have to be worked out at this point. In the final plan approval process, it is determined if those identified concerns have been met.

Displaying drawings, Jeff Bogart of Eppstein Uhen Architects, 333 E. Chicago Avenue, Milwaukee, described differences in the plan as now proposed. The original design of 256 units was reduced to 224. Previous two and four-story buildings have been reconfigured into three-story structures over structured parking. Buildings were reoriented on the site to break down their scale and mass and pull them farther away from the bluff. The entry drive was reoriented to mid-block toward the southernmost end of the site with a right-turn only. Emergency vehicle access is shown along the spine with controlled access via the Sentry lot. At the terminus of Martin Drive and the end of 62nd Street there is a very secondary guest parking and drop-off area that is not a through street and does not provide access to the parking structure. The buildings will be set farther back from the bluff than the existing Western Metals building. Some public outdoor space has been created that allows the most significant part of the bluff to be viewed, but it is controlled on each end with the proposed buildings.

Noting concerns about building height and proximity to houses atop the bluff, Mr. Bogart said that the site plan has been expanded a bit farther beyond the site to show more properties on the bluff, and section profiles were prepared to show the relationship of the proposed buildings to the bluff. In a view showing the relationship of the west building proposed as Phase 1 to the apartment buildings on the west end of the bluff, the building is perceived

from the bluff as below eye level and below the horizon. A second view showed the center U-shaped building, which is set back from the bluff at a point where it begins to flatten out. The third profile demonstrated that the easternmost building is below direct eye level from the bluff. Mr. Bogart said that they feel they have kept the project a respective distance from the bluff, and they have lowered the buildings by one full floor. Per this committee's request, a series of photos were taken along the top ridge of the bluff looking out toward the project. A cherry-picker was positioned at various points to gauge the height of the proposed buildings relative to the grade. In the first illustration, the building height resides below the tree line and visually in the foreground of the site. From the next vantage point, which represents the closest portion of the buildings to these homes, some indications of buildings will be seen through the trees, but the height never exceeds the horizon line. From the last vantage point where the bluff begins to drop off, the view is still primarily in the foreground.

Mr. Bogart reiterated that the buildings will have the appearance of three stories with a pitched roof. Access to parking will be at exposed grade level. The character of the buildings was maintained, but they were reconfigured to address concerns about height, density, and the impact on traffic in the neighborhood. Total parking count is now at 476, which is a ratio of 2.1 per unit or 1.3 per bedroom. The overall density is now 22 units per acre but originally was closer to 25. Overall open space is relatively unchanged at 54-55%. The current building occupies all but 17% of the site.

The following residents registered in opposition to the proposals and submitted written and/or oral comments:

Sally Champine, 1354 Martha Washington Dr.
Bob Eckert, 6510 W. State St.
Mary Ann Grages, 1307 Martha Washington Dr.
John Huwiler, 1279 Martha Washington Dr.
Spencer Hoyt, 1298 N. 63rd St.
Gary Kandziora, 6124 W. Martin Dr.

Patrick Maglio, 1321 N. 60th St.
Linda McCabe, 1320 Martha Washington Dr.
Susan Peterson, 1272 N. 63rd Ct.
Patty Vaughn, 1287 Martha Washington Dr.
Jerry Wirtz, 6010 W. Martin Dr.
Michael Zeimet, Jr., Eckert Door, 6510 W. State St.

Mr. Maglio would like to see less density and was concerned about potential traffic and the safety of residents and children at a nearby daycare facility. Ms. Champine likewise objected to the project's size and cited traffic and safety as ongoing issues. If the condos do not sell, she felt that a drop in price could result in a lower-end "housing project."

Mr. Zeimet wrote that this is the wrong part of Wauwatosa for this project. He objected to adding more traffic to a street that cannot be widened or improved sufficiently to adequately handle traffic from the condos and other existing and proposed developments. Also concerned about traffic and accidents, Ms. Vaughn asked why Walgreens was approved without considering potential traffic generated by additional buildings to the east. She felt that Martha Washington Drive will receive the brunt of traffic to and from the project.

Mr. Huwiler commented on the need for access directly from State Street, not 62nd Street. Mr. Israel sold that access to Walgreens, apparently thinking it would not be a problem. The new proposal is a start in the right direction but is far from scaled back. He was concerned about traffic on Martha Washington. He later suggested that committee members meet with neighbors and walk the area before voting on this.

Ms. Peterson felt this does not meet the East State Street Land Use Development Plan, which calls for ranches or stacked ranch-type condos. She disagreed that her view will be improved by the project. She commented on traffic issues, anticipating increased danger and congestion, and was concerned about people coming up the bluff

and into yards there. She said that the project is still too high and is more of a big box that doesn't fit with the village persona.

Ms. McCabe was concerned about traffic and the overall size of the project. She would like a guarantee that the units are owner occupied and feels they are better suited to some other location.

Mr. Eckert said that it doesn't make sense to put projects back into areas where homes and businesses were removed because of flooding. It also doesn't belong behind the foundry, which is sure to generate complaints. He questioned the proposed grade of the project, commenting that the Walgreens building was raised 9 feet from the intended grade.

Ms. Grages felt that condos along with existing and proposed buildings will be in a very condensed area without breathing or traffic space. Guest parking spilling onto nearby streets, overall traffic conditions, and trespassing in yards at the top of the bluff are also concerns.

Mr. Kandziora concurred with security concerns. The new proposal is an improvement, but he would not want a visitor parking lot next to his house. Because Western Metals had to use State Street to go from the east to the west end of their property, he never experienced much traffic from that site; but traffic from this project will come through his neighborhood. There could also be a problem with positioning the main entrance across from the Derse site where tractor trailers are backing up to the loading dock all day long. Mr. Kandziora then commented on potential redevelopment along State Street and the possibility of a secondary road going through south of the condos and back to State Street. Traffic on State Street from this development and potential new retail will be overwhelming. He asked where construction would be routed and speculated that 62nd Street will be destroyed by trucks hauling out contaminated soil. He estimated costs of \$750,000 to dispose of soil and \$2 million or more to clean up the property. He cited comments made by the mayor at the previous meeting about retail taking the place of the condo project, which he considered to be a threat of more traffic. He believes that retail is already planned for State Street and that some businesses have already been sold. He also thinks there is an agreement that the foundry will close, since it would be foolish for anyone to otherwise build a condo project next to a foundry. He said that the developer should use the proceeds from the sale of Walgreens to get access to State Street. He was also concerned about the length of construction, what the rest of the property will look like for the next four years, and what would happen if the property remains vacant.

Mr. Wertz said that the 62nd Street exit should be right-turn only, which Mr. Bogart said is planned. He approved of the scaled-down proposal and said the project is a lot better than a retail space. To restrict traffic to the north, he suggested creating a dead-end on Martin Drive. He was concerned about the lack of a sidewalk on 60th Street, where one was supposed to be built when the Reserve project went in.

Mr. Hoyt asked if the traffic analysis included forecasted impact of Applebees and other stores adjacent to Sentry. He was concerned about access from this project to Applebees and Sentry and pedestrian access along the west side of 60th Street. He endorsed the redesign effort as being more in scale and scope with the State Street plan. He asked about planned pedestrian access on the north side—what is it connecting and where is the outlet? He suggested providing pedestrian access to the bluff via a stairway at 64th Street, either as part of this development or by revisiting it at a later time. Also, 30 spaces of guest parking does not seem sufficient and clarification of the construction period is needed. The proposed project is a vast improvement over what is there, but he questioned the potential success given the location adjacent to the foundry and the bluff.

(The meeting recessed at 9:13 p.m. and reconvened at 9:22 p.m.)

The Chair requested clarification on some of the issues raised thus far tonight.

- Duration of construction: David Israel, 540 Lake Cook Road, Deerfield, IL, anticipated completion probably in the 3 ½ to 4-year range. Hopefully, it would be continuous and quick. He would do pre-sale requirements, start the first phase, and then go into the second phase and keep going. He plans to build with pre-sales in hand.
- Vacant portion of the property if it doesn't sell: Mr. Israel said he plans to sell condos to end users and will do just that if he gets the required approvals. It may not be the ultimate site in Wauwatosa, but it is a very good site and Wauwatosa is condo-starved. This is the best use of the site that is there today. In response to a question of building 60 units and then not proceeding with any more, Ms. Welch indicated a plan amendment would be needed for any changes that don't conform to the approved plan.
- Possible dead-end street, Martin Drive cul-de-sac: Ms. Welch said that any dead-end or cul-de-sac forces additional traffic onto other streets. Part of the reason for concentrations of traffic in this area is that there are not a lot of through streets as found in other parts of the city. The last thing we would want to do is concentrate traffic on fewer streets.
- Sidewalks on the west side of 60th Street along the Reserve complex: Ms. Welch said she cannot comment on requirements placed when the Reserve was approved since she wasn't here at that time. She is aware of a question of jurisdiction that would involve negotiations with the City of Milwaukee. She will look into the questions raised.
- Traffic study: Karen Giese, National Survey Engineering, said she didn't do a full-scale study. She looked at the impact of this development on the 62nd Street intersection with State Street—current counts and traffic to be generated. Asked about determining the need for traffic signals at 62nd Street, she said that major and minor street traffic doesn't come anywhere close to meeting the warrants for traffic signals.
- Security concerns regarding the bluff: Mr. Israel said he doesn't have a plan to address concerns about people going up the bluff and into the residential area there and doesn't believe there will be a security issue. They will be open to addressing that, perhaps with lighting or any other ideas that make sense, if needed. The Chair suggested that could be made a condition of preliminary plan approval.
- Walgreens approval process: Ms. Welch said that Walgreens is a permitted use that did not require Plan Commission or Council approval. Likewise, additional retail space to be added, unless it includes a restaurant, is also a permitted use. Parking and traffic conditions were reviewed at the time Applebees was approved by the Plan Commission and Council. Mr. Israel added that that the additional space adjacent to Sentry will be occupied by a UPS store, a drop-off dry cleaner, a hair salon, and possibly a coffee shop, the latter requiring the approvals mentioned by Ms. Welch. A nail salon may occupy one additional space.
- Suggestion of stairway to 64th Street: Ms. Welch indicated that maintaining a stairway down a 60-ft. bluff would not be a good idea because of maintenance and liability concerns, especially in the winter.
- Payment for cleanup of Western Metals site: Mr. Israel said he has had some conversations with the city about TIF funds for cleanup, demolition, and infrastructure and will be coming back with final numbers for consideration. Ms. Welch reported that the Joint Review Board had a preliminary meeting to discuss the concept, but more details on final plans would be needed. TIF funding would not be committed unless there is confidence that there would be adequate return to make it financially viable. A request for TIF funding would go to the Joint Review Board and then to the Common Council. Approval of rezoning and a preliminary plan does not commit the city to TIF funds.
- Noise and lighting issues: Mr. Israel said that lighting will follow state codes. With a 60 ft. bluff and a large distance between the buildings and houses, he does not feel it would be much of an issue. Noise, likewise,

should not be a problem considering that the target market is empty nesters and younger professionals and units are not a size that would attract large families.

- Grade: Mr. Israel said that they are planning to use the existing Western Metals building's floor as the base grade, which is approximately 6-8 feet below grade. The parking structure will basically be at that grade.
- Foundry: Ms. Israel indicated that he believes the units will sell despite the adjacent foundry. He has never talked to foundry representatives. He did make an offer to purchase but was basically told that he doesn't have enough money to do that. They said their business is good and they do not plan on moving.
- Sale of Walgreens site/State Street access: Mr. Israel said that the only place he potentially could have had access there was in an area they never felt would provide great access. He spent over \$1 million to purchase the entire property, which does not include infrastructure. They now plan to move the main 62nd Street exit farther south, and it will be right-turn only. Derse would have a separate entrance. He noted that even with State Street access, residents still could go out to State, turn on 62nd, and proceed to Martin Drive or Martha Washington. The right-turn only at the 62nd Street exit will solve a lot of those issues.
- Owner-occupied: Mr. Israel said the intent is to sell the units as condos to end users. That person has every right, however, to rent the unit, which they cannot prevent
- Traffic generated by Western Metals: Ms. Welch said it is difficult to comment on traffic loads when the facility was fully in operation. At a high point there were 200 employees, but that number declined and was much lower in recent memory. The site has been vacant for several years.
- Secondary road: Ms. Welch said that there will be a need to look at access through this area if it fully redevelops. It is difficult to comment, however, without knowing the form that may take. Retail development along State Street would require a different type of circulation than condos or office-type uses.
- Construction traffic: Ms. Welch confirmed that construction routes could be specified as a part of preliminary plan approval.
- Perceived threat of retail: The Chair recalled that the mayor asked what residents want there if they don't want retail. The comment that was made was rhetorical, not as a threat.
- Question of an agreement to close the foundry: Mr. Israel said that he knows of no such agreement.
- Park vs. development: Ms. Welch indicated that there is more than adequate parkland in this area with Hawthorne Glen just adjacent and the increased Hart Park site.
- Guest parking: Mr. Israel noted that there are now 32 fewer units overall and 35 more spaces overall. The count for on-site parking went from 33 to 41, but there is more parking within the structures. They may be able to designate certain areas of structured parking for guests if they are not sold along with the units.
- Scaling down: Mr. Israel said they have scaled down to what they can live with economically. They lost some economy by going from four to three stories. Losing a story raises the cost of each unit.

Ald. Grimm favored a further reduction in density and more green space. He also questioned whether cleanup would be TIF funded or at Mr. Israel's expense. The Chair explained that the issue of TIF funding would be discussed separately at a later point. Ald. Grimm felt, however, that they should come in when a plan after cleanup is settled.

Ald. Grimm questioned whether the 62nd Street exit will be curbed. Mr. Bogart responded that the condition of the turn has changed somewhat with the move to the south where the division of land almost acts as a boulevard. They have to maintain access to Derse's yard so they cannot interrupt the zone with any obstruction or curbing. They will use signage and hope that the new location will reduce the temptation to try to head north.

Ald. Becker said he has promised the neighbors that it would be curbed, and it should be a condition of approval. Also, the City Assessor told him that the developers should sign a "declaration of condo." Ms. Welch said that

type of paperwork needs to be filed with the state. It addresses the percentage of individual ownership, overall maintenance, and legal issues. The Council can make condominiums a condition of approval.

In response to further questions from Ald. Becker, Ms. Welch reiterated that the current approvals would not commit the city to any TIF funding. She explained the process of petitioning for a "super-majority" vote, which would require an affirmative vote by three-fourths of the Council's membership to approve rezoning.

Ald. Birschel reported that he determined that there is enough room to make a drive to State Street from the Walgreens area, but Mr. Israel said that Walgreens would not go along with it. He discounted concerns about people going up the bluff.

Moved by Ald. Krill, seconded by Ald. Sullivan to recommend approval of the rezoning and preliminary plan conditioned upon consideration of the following in the final plan: 1) security issues on the bluff; 2) noise and lighting issues; 3) condo declaration; 4) focus on additional guest parking; and 5) controlled access to protect the Schoonmacher Reef –

Ald. Krol requested an additional condition to require a means of preventing left turns at 62nd Street. Ms. Welch indicated that engineering staff could determine whether that is feasible as part of the final plan.

With consent of the mover and second, an additional condition was added:
6) some means of preventing left turns from being made at the 62nd Street exit --

Ald. Krill acknowledged neighbors' concerns but explained the need to look at this from the perspective of the city as a whole. With population losses to the west, proactive condo development in West Allis, and decreasing students in city schools, this city is very much in need of condos. He noted the significant compromises made by the developer; scaling down by 10% is significant. The interests of those in the immediate area have to be balanced against and cannot dictate the interests of the entire city.

The Chair commented on the need to proceed carefully in approving preliminary plans, since only those issues identified now can be questioned in the final plan. He would like to evaluate the project further to be sure of those conditions. He noted that he was not notified when the photos were taken, as requested, and would have liked to see how that was done to get a better idea of the scale relative to buildings on the bluff. He would like to know the percentage of visibility of the buildings relative to the height of the bluff for each of the three photo spots.

Moved by Ald. Becker, seconded by Ald. Birschel, to hold this matter to a future meeting.
Roll call vote, Ayes: 5; Noes: 3 (Krill, Sullivan, Treis)

The Chair suggested that issues to be considered in approving the preliminary plan should be brought to Ms. Welch's attention for further exploration. She indicated that she will summarize those concerns in her next report to the committee.

(The meeting recessed at 10:16 p.m. and reconvened at 10:22 p.m.)

Land Division, Change of Zoning, Conditional Use – 9125 W. North Avenue

The committee reviewed requests by Ed Boesen for a Land Division in the AA Single Family Residence District and Business Planned Development District at 9125 W. North Avenue to create three parcels; a Change of Zoning from Business Planned Development District and AA Single Family Residence District to AA Business District at 9125 W. North Avenue, and a Conditional Use in the AA Business District at 9125 W. North Avenue to construct a multi-use building with 7 residential units and commercial space. The Plan Commission unanimously recommended approval.

Ms. Welch reported that the parcel of land that extends from North Avenue to Jackson Park Boulevard, for some reason over the years, was zoned Planned Development in its north portion and AA Single Family to the south. She displayed a summary of the overall current zoning along North Avenue, which is largely AA Business and DD Residential. The Council is being asked here to create three separate parcels that conform with zoning requirements, to rezone the parcels, and to approve a Conditional Use to allow for residential units above retail in the proposed mixed used building.

Atty. Allan Silverstein, 8835 Jackson Park Boulevard (home) and 2281 Swan Boulevard (office), noted that this site has been in existence as a commercial property since 1912, before Jackson Park Boulevard existed and before zoning in this area. An argument has been made about a zoning line within the property, but that was made somewhat arbitrarily in 1971 or 1972. Prior to that there was no zoning line. There have also been statements about a 20-foot alley zoned AA or DD, but there was never any zoning for an alley through this property because there never was an alley there. The property is four feet higher than the alley to the east.

Mr. Silverstein noted that many issues have been raised during three public meetings, two meetings at his office, two public meetings at Lockers, and another meeting at city hall. Efforts have been made to try to develop the property in a way that cooperates with the community. Referring to information provided by a resident titled "Investment Properties of Edward Boesen," Mr. Silverstein noted that some of the cited properties are owned by Mr. Boesen or the Boesen family. There is one that he is negotiating to buy, but there are a number that he does not own. Mr. Boesen is also in the process of developing a building near his home that is not dissimilar to this project. It is a 240,000 sq. ft. multi-use building with three levels. He owns properties totaling in excess of \$25 million in value and is in the process of acquiring an additional \$6.5-7.5 million property. His main business is flowers, but he has been successful as a developer. He is committed to this project and to this community. Overall, this is economic development that adds two residential lots with an estimated value of \$300,000 to \$400,000 each after building and 5,600 sq. ft. of commercial space. He previously offered an alternative, which was a smaller building in the front and a new or remodeled greenhouse in the back that would be within existing zoning.

Gene Guskowski, AG Architecture, 1035 Laurel Court (home), 1414 Underwood Avenue (business), said the site was first used as a commercial property almost 100 years ago. In the past 60 years, the area around it has grown into one of the premiere residential neighborhoods of the metropolitan area. The area has everything that new urbanists try to create today in new communities. It was evident that whatever was done should enhance that area. They proposed residential use along Jackson Park Boulevard and mixed use to the north, which is appropriate given surrounding uses. There is consensus among the neighbors, the planning team, and city staff that these are the right kind of uses,. The discussion is about how to appropriately subdivide the property.

Mr. Guskowski said that the decision to use 120 ft. lots relates to another historical reference, a similar facility on 83rd Street between North Avenue and Jackson Park Boulevard that existed for some time and was subdivided 15 years ago. A four-plex was placed on the corner, and the balance of the lot was divided into three lots, each 120 feet deep by 60 feet wide. Another historical reference is the actual lots along Jackson Park, which in general are

140 feet deep, some deeper, some narrower. As the parkway swings to the west, there are lots as small as 5,218 sq. ft. with dimensions of 80 feet, 110 feet, 115 feet that do not seem to have decreased the value of Jackson Park Boulevard or the homes around them. Mr. Guskowski said that they believe they have a reasonable historical reference for using 120 ft. lots. At 6,200 and 7,200 sq. ft., they exceed the minimum size. Mr. Drover's lot next door is 6,200 sq. ft.

Displaying three proposed floor plans, Mr. Guskowski explained that they struck a balance between getting in and out, providing a reasonable amount of parking, and providing other uses on the site. There is a basement level for 13 cars, 5,400 sq. ft. on the first floor, and 7 condos of 1,450 sq. ft. each. One of the needs for condos is underground parking, and that challenge was met through a ramp within the building. In answer to the question of taking 20 feet out of the building, Mr. Guskowski demonstrated that underground spaces would have to be reduced to about 8, which starts to make the whole economic model collapse. Other changes compromise retail space. Removing 20 feet of residential space begins to take out one unit and a piece of another—in effect, two units—and the economic model collapses.

Addressing the assertion that there is a consistent line along North Avenue that separates commercial from residential, Mr. Guskowski displayed a drawing showing the series of business nodes along the street with zoning that includes AA Business and Planned Development. There is some multi-family use in between. The alley is typically associated with the adjacent zoning. The alleys do not run continuously; some stop in midblock or terminate. There are different depths for the DD zoning. The point is that there is not a continuous line and there is a variety of zoning.

Mr. Guskowski said that Jackson Park Boulevard is unique due to its length, the diversity and charm of its homes, and the consistency of the front setback. Its status is not due to the depth of its backyards. The proposed development is a very effective response to the setback and lines up visually with the garages to the rear of the backyards. Mr. Guskowski said that they believe this is the best development that can be proposed. It is sensitive to the neighborhood and adds a tremendous economic development component. More single family homes creates more turnover in housing stock, which is good for schools and economic development.

Ed Boesen, 3409 Beaver Avenue, Des Moines, Iowa, said that this property is valuable because of the people surrounding it. He confirmed that he does own some of the properties included in the "Investment Properties" submittal, is negotiating on some, and has nothing to do with others. He urged the committee to take that information with a grain of salt. He assured them that he does what he says he will do and has the wherewithal to do this project.

The Chair read an e-mail received today from Geri Seidenstricker, 2405 Pasadena Boulevard, supporting the proposed rezoning for residential homes along Jackson Park Boulevard. She apologized for earlier misconceptions on the rezoning issue. [Note: Additional e-mails were received the next day from Rebecca and Haitham Salawdeh, 8700 Jackson Park Boulevard, and Steve Raasch, 6830 W. Wells Street, objecting to rezoning.]

Russ Drover, 9116 Jackson Park, submitted comments supporting in principle the three facets of the proposal subject to previously stated reservation. He then stated that the overall context of the development should be considered. The property is used entirely for commercial now, but the rezoning will provide uniformity on Jackson Park Boulevard and on North Avenue. There will be a continuous series of homes on Jackson Park rather than commercial use. Being immediately adjacent, Mr. Drover noted, he is more affected than anyone else. The design of the commercial building should be compatible with the neighborhood and not introduce an entirely different concept. He cited the First Congregational Church and the surrounding homes as a positive example.

With the right design, the building's scale will be diminished. He felt that it would be a good idea to have a "declaration of condo," as discussed in the previous agenda item. He would like to see the residential development proceed as soon as possible and felt both portions of construction should be treated fairly equally with a demolition permit taking care of everything at the same time. He would also like to see a written statement that the alley will not be used for hauling rubbish or construction material. He reiterated that residents should remember that they are giving up commercial use for a good segment of residential property. The entire community will benefit by a change to residential on Jackson Park as soon as possible, and the development will be a good one all in all.

Tim Casey, 8102 Jackson Park Boulevard, an alderman of this district until just recently, said that even though commercial use preceded residential, it is an anomaly on Jackson Park Boulevard now. The best answer is to end up with two single family lots. Mr. Casey said he agrees with the statement on the petition that was circulated ("...we support development of one or two single family houses on that property."). He asked if anyone really wants to see the greenhouse rehabbed and said this proposal is the best, in his opinion, for the community and the neighborhood. The proposed 120 ft. deep residential lots represent 85.71% of 140 ft. deep lots, he noted.

The following residents registered in opposition to the proposals, and most submitted written and/or oral comments:

Ilija Potkonjak, 8905 Jackson Park Blvd.
Betty O'Sullivan, 9204 Jackson Park Blvd.
Kurt Spiering, 9117 Jackson Park Blvd.
Vicki Spiering, 9117 Jackson Park Blvd.

Matt Wey, 9212 Jackson Park Blvd.
Julia Quast, 9123 Jackson Park Blvd.
Nancy Quast, 9123 Jackson Park Blvd.
Beth Young Eagle, 9233 Jackson Park Blvd.

Mr. Wey questioned a statement by Ms. Welch at last week's public hearing about the difference between AA Business and Planned Development zoning, asking why Planned Development zoning would be a bad thing if it gives the city more control. He said his hunch about the current zoning is that the Common Council, in the 70s or 80s, made it consistent with the neighborhood. It was zoned residential for a reason because they intended to maintain the integrity of the neighborhood should redevelopment be proposed. Now, they are told that the street is special but 120 ft. lots without alley access are okay. Is this the only development that can be put on that corner? Is this a precedent setting move? The City Attorney said it isn't from a legal standpoint but is from a policy standpoint.

Ms. Spiering reported on contacts with neighborhood property owners as she sought signatures on a "super majority" petition for the rezoning vote. She has fielded many phone calls and has more than enough signatures to require an affirmative vote by three-fourths of the Council. She has met with Ald. Meaux, the newly appointed alderman for this district, but expressed disappointment that Ald. Krol has not met with residents.

(Ald. Subotich excused. -7)

Mr. Spiering made a Power Point presentation, copies of which had previously been provided to Council members. Various views of the subject property and the neighborhood were shown along with representations of business and residential use in other areas along North Avenue. He said that a line was set up when zoning was put in place that extends all the way from 60th Street with some variations. Property line definition is very distinct from an urban planning point of view. He referred to policy decisions and zoning precedents and noted that 180 feet of residential depth from Jackson Park Boulevard resulted when the former floral/greenhouse operation at 83rd Street ended. There is more than one good idea for this site. If told to make the lots conform to the adjacent lots, they will create a very nice development. This is a rezoning issue; we don't know what is going to be built there.

If there is a lapse in time and the property changes in use after the land split and rezoning, you will have approved one thing and gotten another.

Ms. O'Sullivan said her property is 140 feet and they owned half of the alley but sold it to the city. She believes that those who zoned this property residential had every intention of there being an alley there. The lots should be consistent and Mr. Boesen should build to fit the front end.

Mr. Potkonjak, who created the "Investment Properties of Edward Boesen" folder, explained why photos and information about particular properties were included in that folder. In one case, no permits had been pulled on the property in the 14 months since it was purchased and it reportedly had been vacant for two years. In another, some work may have been done but no permits were pulled in 8-9 months. The concern, he said, is that Mr. Boesen is saying he will do the work and it hasn't been done. Other properties were shown to demonstrate his "track record," and some not owned by Mr. Boesen were included as examples of properties in the area. Mr. Potkonjak asked if there was ever any communication to say that the earlier plan would be totally rejected by the city, as Ms. Welch as indicated sometimes happens in preliminary discussions. He suggested that remarks about economics were contradictory, noting a comment about greater economy of scale with larger construction and a later statement that no cost estimates have been made. He also questioned the projected 1% increase in traffic and asked if there has been a traffic analysis of how people will get in and out under the proposed use. Owner occupancy was also questioned as well as current maintenance issues. They have been told that the condos will be rented if they cannot be sold and that people may want to look at them as investments. Mr. Potkonjak felt that a building schedule of 12-14 months is scary given the track record here.

Ald. Sullivan asked Julia and Nancy Quast, who live across the street from the greenhouse, why they oppose having a residential property across the street. They indicated that they are definitely pro-residential but would like it to be consistent with the rest of the neighborhood. Asked if they are not concerned that they will be looking at this for a long time, they said that they believe Mr. Boesen is smarter than that.

Ms. Spiering reported that city staff has been good about addressing complaints she has made about greenhouse maintenance issues since last year.

The Chair asked for response on questions that have been raised.

- Possibility of rental units: Mr. Silverstein said that they are committed to condos, and that will be part of the Conditional Use. Regarding demolition, they plan at this point to knock down the front part and operate from the back while construction takes place in front. An alternative is to knock down half, put a trailer on half, and then knock down the other half and move the trailer to accommodate construction so that the flower shop can continue. Ald. Becker commented that everything should be demolished at one time.
- Business Planned Development vs. AA Business zoning: The reason greater control is given the Council in Business Planned Development zoning is that the developer is requesting greater flexibility in density and setbacks. The developer, in that case, is seeking approval of a project that does not fit existing zoning criteria. In the previous agenda item, for example, higher density is sought. In AA Business zoning, there is a list of uses and setbacks. Residential units above first-floor commercial in this case requires approval of a Conditional Use and is limited to no more than twice the first-floor floor space.
- Precedents: Mr. Kesner explained that, when looking at policy precedents, the intent of the body making the policy is looked at. If it is clearly stated that there are unique circumstances, then the policy precedent applies only to those unique circumstances. This body could limit the effect of precedent very narrowly. Ms. Welch said she would encourage the Council to set this as a unique precedent.

- Zoning of alley extension into property: Ms. Welch said that the current zoning line was set by a statement that it extended a particular number of feet from the centerline of North Avenue, which ends up being at the north line of what is the alley on other properties. The alley was never platted across the site; it is a reference line. To say that the alley is on the site is irrelevant.
- Previous plan (Regarding a question/statement that the previous plan showing a parking lot along Jackson Park should have been rejected at staff level): Ms. Welch said that she can guide developers and give them an idea of whether something will be accepted or rejected, but she cannot turn away an application if they want to submit it. She is required to allow them due process.
- Traffic analysis: Ms. Welch said that there is a contention that there is going to be a tremendous amount of traffic generated by the retail business, which she has discussed with engineering staff. There is retail business on the south corner, North Avenue is a major arterial, and there is commercial traffic exiting onto North Avenue and Swan. The proposed project is not going to generate enough traffic to be a significant percentage of the traffic already on Swan Boulevard or North Avenue.
- Jackson Park Blvd., no left turn, effect of development on shortcut: Ms. Welch said that at the entrance on North Avenue, drivers will only be able to turn right during busy times. Drivers who want to head west would have to exit to the north on Swan and then turn left at the North Avenue signal.
- Upkeep of the property: Mr. Silverstein said that the owner's position is that at least the front half of the property will be torn down eventually. The back half can be used for a greenhouse but would have to be remodeled and reconditioned inside. It could clearly use a coat of paint to make it look better, and that would be recommended if that is what the neighbors want.

Referring to right-of-way plats, Ald. Birschel said that the Lockers property is still a meets and bounds description as opposed to a subdivision description. There never was an alley there. He commented that there has been some deception in some of the Power Point presentation in that it shows an alley. He referred to a specific Power Point sheet on which he found the scale to be deceptive. Regarding previously submitted petitions, he questioned the inclusion of signatures from nursing home residents. He said there are three options here: leave it as is; don't rezone and the owner can rebuild the greenhouse on the corner of Jackson Park; or allow two homes of equal value and architectural integrity as surrounding homes.

Moved by Ald. Birschel, seconded by Ald. Krill to recommend approval of the requested land division –

Discussion of a covenant limiting the parcels to single family homes was discussed. Ms. Welch said that the land division concerns meet the requirements for conforming lots. A statement like that could possibly be made a part of the rezoning. The City Attorney will be consulted on that question.

With consent of the mover, Ald. Krill added a recommendation to include a statement about unique circumstances and the intent that this is not to be seen as any type of precedent –

Ald. Krill spoke of trying to come to a decision on this and commented that you can't always get what you want but you might just get what you need. There have been a lot of compromises here, and he believes the neighborhood will get what it needs. If not granted, he believes the neighborhood faces a very serious probability of no residential homes on Jackson Park, which would be extremely bad for the community and the city.

Ald. Krol read some questions forwarded by Ald. Meaux, many of which had now been answered, and listed 5-6 opponents of the project who had called Ald. Meaux. In answer to a question about the land division and alley line,

Ms. Welch responded that the line for the land division would line up with the North Avenue side of the alley. She cannot answer whether this keeps true to the original intent of developing the neighborhood as residential. If the intent was to have single family residential, then it would be true. A further question mentioned concerns that, with more effort or creativity, the owner could work with 140 ft. residential lots.

Mr. Guskowski said that one thing that is key in how the plan evolved is a 15-ft. easement along the eastern property line for a storm sewer that runs in the alley, which creates a further limitation. He felt that putting a portion of the building to the east would not be as attractive and would limit the solution set significantly.

Ald. Krol indicated that he will support the motion. He explained reasons for not attending neighborhood meetings, noting travel and family medical issues and stating that he does try to get information and to return phone calls and e-mails. There is a benefit to having two aldermen, he noted. His support for this development is based on: 1) Residential lots will be compatible with the neighborhood and meet minimum lot size; buyers will be fully aware of what they are getting into as far as development. 2) There never was nor will there ever be an alley on this site. It is a unique site and the alley is a dead end and has a different elevation. 3) The zoning will not be precedent setting because the Lockers property is unique and preceded any zoning. 4) Our codes require Council approval for an business in this development that is a Conditional Use. 5) Even though the developer is from out of town, there will be 9 parcels that will be in private ownership by local people.

Ald. Treis spoke of the history of this area in terms of past rezoning requests that have been granted. He reiterated that Lockers never had an alley running through their property, and he cited the former flower/greenhouse operation at 83rd Street that was divided into four residential parcels. He recommended starting to pull together to talk about the gains that can be made from this project.

The Chair indicated that he will also support this project, noting the unique situation and the opportunity to create two conforming, single-family parcels. A lot of valid points have been raised, but he is won over by the counterweight of getting those single-family homes.

Ald. Sullivan said he has talked to people on both sides and has reached a different conclusion. We have to balance development and neighborhoods; but in this case, he is not getting past the idea of moving the line. He is wary of the "careful what you wish for" aspect, but neighbors here feel they can have something more. He also felt that the statement that there is probably more than one good idea is accurate. The unique aspect of the property means, for him, that there are a lot of things that could happen here that could be good. There is a need to be particularly careful in such a premiere location as this.

In further summarizing comments, it was noted that Mr. Drover, who is the resident most affected by the rezoning and generally has not been in support of any proposals, is supporting this project.

Vote on the motion, Ayes: 6; Noes: 1 (Sullivan)

Moved by Ald. Krill, seconded by Ald. Treis to recommend approval of the change in zoning as requested. Ayes: 6; Noes: 1 (Sullivan)

Moved by Ald. Krol, seconded by Ald. Treis to recommend approval of the Conditional Use to construct a multi-use building with 7 residential units above commercial space, incorporating the recommendations of the Plan Commission relating lighting and safety and contingent upon a condo

declaration statement and Design Review Board approval and a demolition plan and permit. Ayes: 7

The meeting adjourned at 12:44 a.m.

es

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin