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COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, April 11, 2006

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

ALSO PRESENT: N. Welch, Community Dev. Dir.; A. Kesner, City Atty.; Ald. Grimm, 4th Dist.

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

Change of Zoning at 3040 N. 117th Street

The committee reviewed a request by Brett West for a Change of Zoning from AA Light Manufacturing District to AA Business District at 3040 N. 117th Street. Ms. Welch reported that this parcel is the site of a parking lot used by a car dealership located to the east on W. Burleigh Street. The requested rezoning is consistent with other rezoning decisions made along Burleigh Street recently, in particular rezoning of land at 124th Street to AA Business and rezoning of the Burleigh Triangle to Business Planned Development. The Plan Commission unanimously recommended approval.

Brett West, 1836 N. 49th Street, Milwaukee, said that a medical office building for pediatrics and ob-gyn practices will be constructed at the north end of this parcel with parking to the south. Currently, the entire site is covered with asphalt.

Moved by Ald. Krol, seconded by Ald. Subotich to recommend to Council adoption of a rezoning ordinance. Ayes: 8

Land Division – 829 N. 63rd Street

The committee reviewed a request by Peter Murphy and John Dean for a Land Division in the AA Single Family Residence District at 829 N. 63rd Street. With one dissenting vote, the Plan Commission recommended approval.

Ms. Welch reported that Mr. Murphy wishes to add an attached garage to the north side of his house. Because the proposed structure would not meet the required 3-ft. setback, Mr. Murphy wishes to acquire a small portion of the adjacent property (18 inches by 22 feet) that would create a notch to provide the required clearance. He does not wish to extend the line all the way to the rear because that would interfere with the neighbor's garage. Likewise, extending the line to the front would put a portion of the neighbor's driveway on his property. Staff has concerns about creating this type of notched land division, which is awkward and could create concerns or confusion for future owners.

Peter Murphy, 829 N. 63rd Street, said he has worked out an agreement with his neighbor to purchase a portion of property to allow for construction of the proposed structure. The negotiations and agreement did not carry beyond this section of land. Mr. Murphy clarified that the attached two-car garage with storage at the back would replace a detached one-car garage at the back of the lot. It would be about 4 ½ ft. from the neighbor's garage.

Moved by Ald. Subotich, seconded by Ald. Krill to recommend to Council approval of the Land Division –

Ald. Treis said that the Plan Commission discussed the possibility of straightening the property line, but the other property owner does not want to do that. He recommended approving the request.

Ald. Birschel asked about placing an easement or approving a variance. Ms. Welch explained that it is not legally possible to place an easement on a neighbor's property. The Board of Zoning Appeals turned down a request for a variance.

Noting that this is in his district, the Chair reported that the Board of Zoning Appeals offered a lot of positive comments about the project, which is a "green" building with storm water management elements. It was a split decision, but they didn't feel the necessary standards were met. He believes that this solution is a creative one for the situation and merits support.

Vote on the motion, Ayes: 8

Amendment to Business Planned Development at 10900 W. Blue Mound Road

The committee reviewed a request by Richard P. Conley, Metropolitan Development, for an Amendment to a Business Planned Development at 10900 W. Blue Mound Road to convert an existing apartment building to condominiums. Ms. Welch reported that staff's only concern is revision of the development agreement to assure that the city's guaranteed payments for the TIF assistance granted here are not affected.

Moved by Ald. Krill, seconded by Ald. Treis to recommend to Council
Approval of the requested Amendment to the Business Planned
Development --

Ald. Becker discussed the need for a "condominium declaration," i.e., certification that the units will all be condos rather than apartment rentals. Ms. Welch explained that a "condominium declaration" is part of necessary filings with the state, which also deal with maintenance and bylaws. When converting the units to condominium ownership, there is nothing under the law to prevent a condo owner from leasing his unit to someone, such as the Medical College buying units and leasing them to students. The city has no requirement for a "condo declaration," but the amendment to the plan will state that the units are condominiums.

Richard Conley of Metropolitan Development, 18650 W. Corporate Drive, Brookfield, clarified that all units will be in separate, individual ownership. Ultimately, all 47 units will be sold and he will not own any of them. Those who acquire a unit do have authority to rent that unit to someone else. Further comments by Alds. Sullivan and Treis supported that concept.

Ald. Krol said he would assume that, under individual ownership, the property should be assessed for more than it is now assessed as an apartment facility, which should be beneficial to retiring the TIF within the projected time period. Mr. Kesner said that is the City Comptroller's conclusion. Right now it is on schedule to retire easily within the projected schedule. With an increased value overall, it is likely to be retired significantly earlier.

The motion was amended to add a requirement for filing of proper documentation ensuring that minimum payments continue under the new ownership structure. Vote on the motion as amended, Ayes: 8

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

The committee again reviewed the 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.

At the last meeting, the committee requested a list of conditions that should be placed on approval. Ms. Welch listed those conditions as follows: 1) work with the City Engineer to resolve any issues related to sewer credits, environmental clean-up, and a stormwater plan; 2) obtain confirmation from the Water Superintendent that there is adequate water supply; 3) work with the City Engineer to obtain an approved parking lot and traffic access plan; 4) secure Design Review Board approval of the design plan and recommended materials; 5) obtain approval of the Community Development Director of a plan for preservation of the Schoonmacher Reef; 6) direct any lighting on the site downward and not up and out toward residences to avoid negative impact on neighbors; 7) direct ventilation equipment away from the residential area at the top of the bluff; 8) address concerns raised about security issues and a fence along the bluff in a final site plan that shows those security items; and 9) clearly stipulate that all units will be condominiums.

Considering extensive past presentations and discussions, the Chair stated that presentations and comments from the public should be limited to new information and reactions to that information.

Jeff Bogart of Eppstein Uhen Architects, 333 E. Chicago Avenue, Milwaukee, displayed drawings and stated that a primary change is the configuration of the easternmost building, which is on 62nd Street. It has been reconfigured to a U-shape and shifted to the south. This preserves the Derse service yard as it exists, eliminates the need to accommodate their turning radius, and allows for more guest parking. The new count for guest parking is now 109 surface spaces in addition to spaces in structured parking below each building. The current number of units is 224, all three-story buildings. Total parking of 521 spaces is a ratio of 2.33 per unit or 1.45 per bedroom. Green space remains at about 55% open area as opposed to the existing 18%. The site profile through the bluff has been adjusted to reflect an increased distance of 219 feet from the property line at the top of the bluff to the edge of the building at the point closest to the bluff. All of the topmost ridges remain below the top of the bluff below eye level when viewed from the bluff. Mr. Bogart invited those present to examine the to-scale drawings which reflect existing topography and exact dimensions and distances.

Michael Zeimet, Jr., representing Eckert Door company, Inc., 6510 W. State Street, commented that the underground parking spaces will not help visitors. How many visitor spaces are available? Mr. Zeimet submitted a letter with further questions/concerns he believes have not been answered satisfactorily, including traffic volumes, demolition process, impact on the tax base if not completely built, and incentives given or promised to Mr. Israel.

Gary Kandziora, 6124 W. Martin Drive, questioned lighting on the northeast corner of the site adjacent to his property. He also asked if there will be any traffic on the north side of the building and raised concerns about Derse's trucks blocking 62nd Street and causing traffic to head north through the neighborhood. He said that there are big tractor-trailer rigs and other large delivery trucks at the Derse site all the time.

Ald. Grimm said that the 10% reduction in the number of units is very little. He asked if emergency vehicles would be coming through the Sentry lot to get to this complex. Also, what exactly does a three-story building on

structured parking mean? He felt that prohibiting left turns on 62nd Street will not solve the problem, citing lack of enforcement of continued violations of the right-turn prohibition at the nearby Pick 'N Save site. He was also concerned about the possibility of an application for TIF funding for demolition and infrastructure. He called attention to a letter that he said Spencer Hoyt has sent to committee members, and he took exception to not being invited to a meeting at 7 p.m. tonight. The Chair later explained that he requested a meeting with the developer to address some questions of his own and some of his neighbors. He apologized for not inviting Ald. Grimm.

Mary Toole, 6331 W. McKinley Avenue, said she still believes the project is too dense for the location. She also is concerned about who will be responsible for site management, and she asked if the project would still proceed if they don't get TIF funding. She submitted written comments for the record.

John Huwiler, 1279 Martha Washington Drive, said he has been told that there are some plans that show Martin Drive continuing through this complex to Sentry. Is that proposed on any kind of plan for future development?

Ms. Welch said that the whole issue of access to State Street was something this committee requested as a way to direct traffic away from 62nd Street. Because this property does not front on State Street, the only way to provide that is via either the Sentry or Walgreens lots. If opened up so that residents can pass through the commercial area, you are also opening it so that commercial traffic can pass through the residential area, which is a greater threat. The plan limits access strictly to residential traffic, the majority of which will choose to exit to State Street.

The Chair requested responses to questions raised tonight.

Parking Spaces: Mr. Bogart said there will be 109 spaces on site with street level access off the roadway system and not part of the parking directly under residential.

Lighting on the northeast corner: Mr. Bogart said that whatever Derse has in that area would be unchanged. A series of decorative-type fixtures is proposed on the internal street system. City standards would apply on 62nd Street. Lighting would be specified as cutoff fixtures so light does not diffuse upwards.

Traffic on north side of building: Mr. Bogart said they have eliminated any drive or access on the north side of the property. The only primary access is mid-block off of 62nd Street. The main traffic structure is a loop that continues back out. There is no roadway system continuing to Martin Drive.

Concerns about Derse trucks: Mr. Bogart said that the Derse traffic and service area will remain exactly as it exists today. The project's entry at mid-block will not change that situation whatsoever. They plan to landscape a dense evergreen hedge, cutting themselves off from that parcel entirely. Mr. Bogart was uncertain about how Derse will handle their loading dock traffic. Mr. Israel said if a truck accessing the loading dock is blocking the street, other drivers would just have to wait—it doesn't seem they would be able to go anywhere. Mr. Bogart said they have directed their right-turn-only as far over as they can and they have the "pork chop" there.

Reduction in number of units: Mr. Bogart confirmed that a reduction of 32 units is a 1/8 or 12 1/2% reduction.;

Access through Sentry for emergency vehicles only: Mr. Bogart confirmed that limitation on access.

Structured parking: Mr. Bogart explained that the floor elevation of Western Metals is basically the floor elevation of their parking levels—about a half level below grade. At the perimeter, a masonry veneer facing will be visible. It is exposed at the south end of the site where all the entrance drives to parking are located under residential structures. Structured parking is underneath the entire footprint of the buildings as well as the courtyard areas in the middle. Ms. Welch Later added that a quick calculation on parking indicates that they need to provide 404 spaces. They are providing 521, or 117 excess spaces.

Inability to prevent/enforce right turn prohibition at Pick 'N Save: Ms. Welch noted that there is no "pork chop" there. Residents who live up the hill to the north or others who are going farther simply choose to take that route.

TIF funding: The Chair said that is a separate issue that may or many not come before this body in the future. There have been indications that it will be considered, but those issues should be reviewed on their own merits at that time. Ms. Welch said that the city has heard they may wish to apply, but approval of this project in no way commits the city to approval of that funding.

Responsibility for on-site management: Mr. Israel said that they will manage the property until it is turned over to the condo association, which is normally when 50% of the units have been sold. A condo board will choose their own management team, presumably from somewhere in the Milwaukee area. He answered affirmatively when asked if his management will include on-site personnel.

Would project proceed without TIF funding: Mr. Israel said that he has talked with the city and anticipates getting TIF funding, although he is aware that they have to go through the processes. He explained why TIF funding should be a win-win situation for the city and the developer. With a certain level of TIF money, for example, the units could be priced \$10,000 cheaper. If built out, this project would probably take in over \$1 million in real estate taxes. As it stands today, Western Metals is contributing about \$55,000 in taxes. The payback is substantial and is how it becomes a win-win for the developer, condo owners, and the city. Would they need TIF dollars?—he feels they would. This already is a TIF District, he pointed out, and it makes the project more saleable and marketable to the ultimate homeowner down the road.

Asked to comment on Mr. Israel's estimates of possible tax revenue, Ms. Welch said they are reasonably accurate. It is not possible to know fully until there is more information of the type that would be provided for consideration by the Joint Review Board should TIF funding be sought. Further asked about a statement that the value of the property on the tax rolls would be increased by at least \$50 million, Ms. Welch said there will be a substantial increase in value over the property there right now, which is in the \$2-3 million range. The TIF District was formed to encourage development that will help pick up improvements along State Street. When the construction project there is over and we repave State Street and install street lights and sidewalks, they will be funded through the TIF District and not assessed against individual property owners.

Ald. Krill indicated that he remains in favor of this project. This is not unlike the process on the Lockers property, he said, where there was a lot of compromise by the developer and the Council was ultimately able to approve something that is not only very good for the neighborhood but also good for the city. The prospect of increasing the tax roll by \$50 million and increasing taxes by \$1 million per year benefits every citizen, which is extremely important given constraints on raising taxes. We don't have many opportunities for new development. It does not seem that congestion will be outside of the norms and standards. This will provide living space for another 400 residents, almost 1% of the population. With a declining population, that is important, especially considering concerns about closing schools. Wauwatosa is starved for condo development, and we need to develop the city in some creative ways in order not to continue to lose population. We have always been seen as competing with Elm Grove and Brookfield, but West Allis is being extremely creative in redevelopment and we will start to lose some residents in that direction also unless we, too, have creative development. Ald. Krill commented on issues regarding access to State Street, noting that staff believes that any kind of exit through the commercial area would not be a good solution. There is no question this will change the neighborhood, but the city cannot stand still.

Moved by Ald. Krill, seconded by Ald. Sullivan to recommend to Council
adoption of the rezoning ordinance –

Ald. Becker said he has asked people his age or older about this project and found negative reactions to living next to a foundry. He is not against condo projects and thinks others will be coming up, but he believes Wauwatosa is still a community of individual houses. We need to take a close look at the TIF issue when it comes up. Do we want TIF funds used for cleanup? At the Quadgraphics site in West Allis, the city picked up from \$2-10 million in

cleanup costs. It not only created tax revenue but it had economic benefits, as is the case with the GE project in the Research Park. Condos add taxes but do not generate economic benefit.

The Chair said this is his district and his neighborhood. He has heard a lot from nearby residents and constituents elsewhere in the area. A lot of people are very nervous and have legitimate fears and objections. There are also some who are very much in support but don't come to the meetings. Ald. Kopischke noted that a lot of his concerns have been addressed fairly well. The developers were told to make it difficult to turn left, and he believes they have done that. The height of the buildings has been reduced, and the easternmost building was pushed back. They have increased visitor parking at street level to over 100 spaces, or about one for every two units. He believes this is a nice looking project that will be an asset to the community, the district, and the neighborhood. In a separate comment, he requested the addition of an emergency vehicle access plan as a condition of approval.

Ald. Birschel said he is still concerned about TIF funding and traffic patterns. He believes the project is outstanding but would prefer to see the whole area redeveloped at one time with the foundry gone and Eckert Door redeveloped. Although reluctant to vote against it, his fears are for the neighbors on Martha Washington.

Ald. Krol comments on efforts of the architects and developer to lessen the impact from what was seen previously. He would like to see the size of the "pork chop" increased and plans to do some more investigation on that before the next meeting. Regarding comments about proximity to a foundry, he felt that the project may have an impact on improving the area. It is an attractive, will not be low-cost, and will be done very tastefully.

Commenting on concerns about undue impact on neighbors, Ald. Sullivan observed that we have laws written specifically to support people in that position. What other city would look at something like this and think it is a bad thing, he asked, citing the opportunity of exchanging a vacant, dilapidated industrial site for a new, fully developed condo site and trading \$55,000 in property taxes for something that will be cleaned up and generate \$1 million in tax revenue. They have addressed concerns about height, density, the reef, exiting to the north, have moved farther back, and have provided more guest parking. We have a master plan for new retail and residential development around Hart Park to make this a desirable area. This is an unparalleled net gain to this community, and it seems we are trying to find problem after problem despite the adjustments made to make the plan work. We have seen significant efforts to improve the impact on the neighborhood and community.

Vote on the motion, Ayes: 7; Noes: 1 (Becker)

Moved by Ald. Krill, seconded by Ald. Sullivan to recommend approval of the Preliminary Plan with the following conditions: 1) work with the City Engineer to resolve any issues related to sewer credits, environmental clean-up, and a stormwater plan; 2) obtain confirmation from the Water Superintendent that there is adequate water supply; 3) work with the City Engineer to obtain an approved parking lot and traffic access plan; 4) secure Design Review Board approval of the design plan and recommended materials; 5) obtain approval of the Community Development Director of a plan for preservation of the Schoonmacher Reef; 6) direct any lighting on the site downward and not up and out toward residences to avoid negative impact on neighbors; 7) direct ventilation equipment away from the residential area at the top of the bluff; 8) address concerns raised about security issues and a fence along the bluff in a final site plan that shows those security items; 9) clearly stipulate that all units will be condominiums; and 10) provide an emergency vehicle

access plan approved by the police and fire departments.

Vote on the motion, Ayes: 5; Noes: 3 (Becker, Subotich, Birschel)

The meeting adjourned at 9:22 a.m.

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Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin