



CITY OF WAUWATOSA
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
Fax: (414) 479-8989

COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, October 10, 2006

PRESENT: Alds. Birschel, Didier, Donegan, Herzog, Krill, Meaux, Treis -7

EXCUSED: Ald. Sullivan

ALSO N. Welch, Community Development Dir.; Chief D. Redman, Deputy Chief W. Rice, Fire Dept.;
PRESENT: A. Kesner, Interim City Admin./City Attorney;

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

Conditional Use at 2515 Wauwatosa Avenue

The Committee reviewed a request by Pete Samens, Wunderlich, Pearson and Tetzlaff, and David Welleritter, Mi-Tech Services, Inc., for a Conditional Use in the AA Business District at 2515 Wauwatosa Avenue for a pad-mounted telephone fiber conversion cabinet. The Plan Commission unanimously recommended approval. Ms. Welch reported that there is an existing cabinet on this site. The installation is at the far rear corner of the site and will be properly screened. The applicant is aware that the City Attorney has recommended some specific resolution language due to legal issues associated with this type of use.

David Welleritter, Mi-Tech Services, 2140 Rogers Drive, New Berlin, said that this installation will upgrade and enhance such things as DSL service and bring more competition to the marketplace. Asked about SBC installations of underground vaults, Mr. Welleritter said that technology has changed so that they can handle the same capacity in the cabinets that was handled by the huge vaults. This also combines the cross boxes that were located adjacent to the vaults. This installation will serve about 400-500 customers.

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

Conditional Use at 2500 N. Mayfair Road

The committee reviewed a request by Theresa Belsan, Deloitte Tax, LLP, for a Conditional Use in the AA Business District at 2500 N. Mayfair Road for a Hollywood Video kiosk selling previously viewed DVDs and videos. The Plan Commission unanimously recommended approval. Ms. Welch reported that Hollywood Video plans to sell their own used DVDs and videos from a kiosk at Mayfair Mall. They do not intend to accept used merchandise from customers. David Hudy of Hollywood Video, 1528 S. 108th Street, was present and described the mall location.

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

Conditional Use at 7606 W. State Street

Ms. Welch reported that a request by Joseph Bartolotta for a Conditional Use in the Village Trade District at 7606 W. State Street for expanded outdoor seating was held by the Plan Commission.

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

Conditional Use at 3015 N. 114th Street

The committee reviewed a request by James T. Barry, Jr., representative for WBP LLC, and Kimberly Young for a Conditional Use in the AA Light Manufacturing District at 3015 N. 114th Street for an outpatient therapy clinic. Ms. Welch reported that the clinic is a Conditional Use in this zoning district. There are other office uses in this building, which is suitable for this type of use. The site meets all building code requirements.

The Chair noted discussion at the Plan Commission meeting indicating that Ms. Young has been working out of this building for about eight months. Ms. Welch reported that the office opened in January, and the city has an application for an occupancy permit dated in March. When informed of the need to obtain a Conditional Use, Ms. Young applied and the matter was placed on the July Plan Commission agenda. She did not attend that meeting and again did not appear in August. After being informed that the occupancy permit would be revoked if she did not appear at the September meeting, a representative attended that meeting but the Plan Commission determined that the applicant should appear in person. Ms. Young appeared at last night's Plan Commission meeting, at which time the Plan Commission recommended approval by a 5-2 vote.

Ms. Young responded that she didn't understand how a Conditional Use permit worked. The business was originally located in a building on the new Best Buy site on Mayfair Road. She followed the same procedure she had used for the former location and thought she had taken care of things.

Ald. Birschel reported on the Plan Commission's discussion and reiterated their statements that the applicant should not have ignored letters requesting her to appear. Ald. Herzog commented on the need to move on and vote on the application's merits. He asked about parking, and Ms. Welch reported that staff determined that there is sufficient parking to cover all the uses.

Moved by Ald. Herzog, seconded by Ald. Donegan to recommend to Council approval of the Conditional Use –

Ald. Krill also commented on the importance of responding to the letters sent by the city, noting that staff is extremely responsive to phone calls and would have answered any questions that arose. He said that he will vote in favor with the understanding that Ms. Young will see that the committee is here to encourage businesses.

Vote on the motion, Ayes: 6, Present: 1 (Meaux)

Fire Department Facility Study – Discussion of Potential Sites

The Chair read a letter from Ald. Meaux requesting a comparative cost analysis of potential land acquisition at the nine sites identified on the site selection scoring matrix distributed at the previous meeting. In addition, Ald. Meaux requested consideration of an additional site at the southeast corner of Wauwatosa and North Avenues.

Chief Redman distributed a site analysis matrix map (prepared prior to the addition of the tenth site requested by Ald. Meaux) and an analysis of each of the ten sites including property values and estimated acquisition costs.

Chief Redman then elaborated on his rationale for his own scoring matrix numbers, noting that each person's scores are intended to be subjective and reflective of their individual views. He does not believe that simply selecting the highest number or the two or three highest should alone be the criteria for final site selection but believes that the scores provide guidance to look toward specific sites. Very low scores in particular areas could be negative for selection of a particular site. He scored the 68th and Milwaukee site, for example, low for site acquisition due to costs and the need for acquisition of a viable business that would have some significant economic development impact. That site is also very far east in what is considered a viable response area.

Chief Redman said that he gave the current site a good score for location since it is near the center of the response area. It has one of the highest scores for ingress and egress because it has very good traffic control and traffic lanes, both big factors. It is the only site that he scored "0" for the impact of continued operations during construction, which is a huge negative operational aspect and would probably add \$500,000 to \$750,000 to total costs. Staff has looked at economic development impact and the goal of having no negative economic impact on the Village area. Using the current site would require taking a currently operating business and not replacing it with any new commercial development. Moving to a different site would make the current site available for potential enhancement of the total makeup of commercial activities in the Village.

Chief Redman commented that the Mower/Harwood site is one of the larger sites and allows for good configuration, good vehicle access, and is very close to the center of the response area. It was given a very low score on site acquisition factors and did not score well on economic development factors since it would mean the loss of at least two operating businesses. Chief Redman advised consideration of properties that don't have any grossly low numbers in important areas and consideration of some of the properties with scores in the upper half.

The Blanchard parking lot site ended up with the highest score on the Chief's matrix. Staff looked at this property earlier in the process and identified factors that, at the time, were thought to make it undesirable as a viable site. They have reconsidered their concerns about it being at the bottom of a hill since being advised by the master mechanic that moving vehicles uphill would not be a problem. Many yards of fill would be required there, but making it into a usable, flat property is not an impossible task.

Asked about site #10, the southwest corner of Wauwatosa and North Avenues, Chief Redman said it is a very large site that would have a net acquisition cost over \$2 million, which adds considerably to total costs. It is at the very fringe of what would be considered a good location. Using that property would require taking a viable, operating commercial entity that is not immediately in the Village area.

Asked about his low score on economic development factors for the city-owned Blanchard parking lot, Chief Redman said it is based on the impact of removing parking spaces without an answer on how to replace them. Making the current site into a parking lot is not an answer, he believes, because it does not fit the layout of the Village and where employees and customers probably need to park. He is aware of a concept, however, that potentially could address that part of the issue. In response to a further question, he indicated that he has had no contact with the Village Business Improvement District (BID) about the question of parking other than being told by a BID representative tonight that there would be a need to identify suitable parking.

Ald. Krill commented that the Blanchard parking lot seems to be an excellent solution in many ways but there would need to be extensive work with the BID on the question of parking. Chief Redman agreed that any person or group that may be impacted should have an opportunity to comment before coming to a decision. Although it has been frustrating to some, that is why he has resisted jumping to a final solution before considering all properties. Ald. Krill next asked about a negative factor for site acquisition at the Blanchard parking lot on the Chief's matrix. Chief

Redman explained that vacant land at the current fire station was valued at \$313,000—that is using assessed values and applying that to .72 acres. The city would not have to pay for the Blanchard parking lot land, so there would be a net gain overall.

Asked about the desirability of the current fire station site for development, Ms. Welch said that she has had unsolicited phone calls so is aware of definite interest. She noted that the Blanchard lot is separate from the heart of the Village and is not used as much as it could be. The current fire station site is more in the heart of the business area. Ald. Krill asked if there could be a way to accommodate parking needs that would be acceptable to the BID and the city. Ms. Welch said that the unique change of grade at the Blanchard lot offers the opportunity for entrances off of Blanchard, Wauwatosa Avenue, and Harwood Avenue for any building on that site and leads to the possibility of added parking. It is definitely worth looking at.

Ald. Krill asked Chief Redman about his views on the Blanchard site aside from the BID perspective. The Chief indicated that he would be comfortable with it if the identified operational needs are addressed and he has some assurance of feasibility. The site is .87 acres, which is slightly larger than the current site, but it has more depth and is a little squarer. Vacating a portion of Blanchard Street might be necessary to accommodate the front apron.

Ald. Didier said that she would like to see the Blanchard parking lot site taken seriously regardless of any unknown aspects since it sounds like a viable option without having to acquire other land. Perhaps, during construction, some parking could be shifted to the current station's lot.

Moved by Ald. Didier, seconded by Ald. Krill to request that Zimmerman
Design look at the feasibility of the Blanchard parking lot site –

Ald. Donegan reported that he is aware of significant professional architectural work done on this site with the Zimmerman standards in hand that has addressed parking as well. He would like to invite that architect to present his plan before hiring another firm to do the same thing. The architectural firm is very respected and familiar with the Village. Ald. Didier indicated that she would not favor a motion of that nature if the idea to be presented incorporates anything but an analysis on land owned by the city. We should look at that versus relying on something that may be unknown or require acquiring other property. Ald. Donegan said it is very possible that we would get a separate discussion of just the land that the city owns. It does address parking, which it seems more expeditious to address alongside the station. If the architect's presentation doesn't answer our questions, then we can hire elsewhere.

Ald. Meaux expressed support for the motion. If it proceeds, he would like to have some discussion about some of the other sites—either rule them out or add a few to the Zimmerman request for comparison purposes.

In order to look at the Blanchard site, Ald. Didier stated, we would probably need input from both the architect and Zimmerman Design. Having already made a finding that the Zimmerman study will be the blueprint for the station, she would like to know if they feel comfortable that this would be an appropriate site. She would also like to hear from the other architect and the BID in terms of parking. Out of 10 sites, only two would not require taking land from private property owners, and there would probably be some difficulties with the gully soccer field site.

Ald. Krill acknowledged the public's frustration with the process but said it is necessary to go through it slowly, deliberately, and publicly. He spoke of wanting to avoid taking private property if at all possible. The Chief is comfortable with the Blanchard parking lot site, but he would want to hear from the BID and from both architects. In a project costing possibly \$11 million and standing for 75 years, we should not be cutting corners in getting needed

information. We may not ultimately be satisfied with the Blanchard site, but it jumps out as one to look at very carefully. He advocated analysis by staff in conjunction with the BID on the parking issue.

Ald. Meaux asked about including the Blanchard triangle site in the study, which is also in the BID. It is located behind the economic enterprises along State Street, which is the type of location seen more and more in newer development where land exposed to high traffic is preserved for economic development. Ald. Donegan said he would not want to include the Blanchard triangle because he doesn't feel parking will be an issue. The parking lot south of the railroad tracks is not always filled, Cody and Company is not always filled, and the fire station parking lot potentially could be used or the site redeveloped with added parking. The Blanchard parking lot should be given highest priority because it is a property that does not require residential or commercial acquisitions.

Ald. Birschel said he would like to have Zimmerman look at the gully soccer field site also. At 2.1 acres, he believes everything would work perfectly there. Although the Chief doesn't like the grade differential, it seems that fill could be brought in. There are perhaps two or three other sites that he feels could be considered.

Ald. Herzog advised starting with some kind of pecking order or favorites. He agreed that the subjective numbers for the gully site look attractive, but he feels at this point that the Chief's arguments control. We should eliminate some sites and perhaps start with gathering more information on the Blanchard lot site, which seems to be the committee's favorite right now. We should also take a look at the other architectural plan.

Sally Springer, 7435 Harwood Avenue and owner of other Harwood Avenue properties, said her statistician feels the evaluation analysis is not weighted properly and is very biased to make the Mower site look favorable. She also disputes the property values listed in the analysis. The committee should look at cost and how many residents and employees will be displaced as well as loss of revenue to the Village. She agreed that parking is not an issue with the Blanchard lot—no one parks there during the day. She suggested having operations at the current site and something else at the Blanchard lot since they are near each other. She has three properties with 13 employees and pays more than \$40,000 in property taxes. She would leave Wauwatosa if displaced, and the analysis will be challenged in court because it was not done properly.

Linda Craite of Cody & Company, 1457 Underwood Avenue, asked if the Village BID has been involved in discussions. She agreed that parking would not be a problem if the Blanchard lot is used, noting that many churches in the area have accommodated extra parking when needed.

Chris Leffler, 644 Honey Creek Parkway, a member of the Village BID board, said the board has not been addressed. Although he is not speaking for the board, he feels that parking continues to be more and more of a problem. One element that may be missing is potential tax revenue from locations that could be developed. The Blanchard lot could be create tax dollars as a residential site, for example, much like Lefeber Square, which created more parking and tax revenue.

Brian Preiss, Executive Director of the Village BID, 1414 Underwood Avenue, said he has been contacted by a few BID members and also spoke to a few aldermen, but there has never been a formal presentation to the BID. They would not want to see commercial or residential property in the BID removed or have businesses move out. He has observed that the Blanchard lot is not full very often and assumes that some who park there are area employees. The parking lot south of the tracks is rarely used except at night. The BID has been trying to do a parking study and develop the Village as a destination where people do not have to park right in front of a particular business. The Blanchard lot does not seem to be at a major hub for traffic and seems to be a good site for the station. Doing something with the current station site that coordinates with commercial development might be another way to look at it. Mr. Preiss noted that he is not speaking on behalf of the BID board.

The Chair said that all of the data in the study has been gone over for the past three months or more. Notices about meetings have been available to the entire city, but no one has gone to every doorstep and asked people to come. The committee is gathering the facts at this point and needs to make sure they have looked at everything.

Jim Heaviland, 11419 W. Wisconsin Avenue, a BID board member, asked about the size that is needed. Chief Redman said that there wasn't a specific definition on the amount of land. Three sites were identified in the study. The architect said that the current site would not have enough space and had operational problems without adding two adjacent properties to bring it to 1.03. The Mower site at 1.38 acres is one of the larger sites; less than an acre would create a challenge. Some considerations are depth of the lot and not only total size but also layout.

Rich Conley, 18650 Corporate Drive, Brookfield, felt it would be in the city's best interest to have the architect mentioned by Ald. Donegan make a presentation. That would answer a lot of the questions related to parking.

Terry Wolfe, 7839 W. North Avenue, said he is a member of the Police and Fire Commission and has been involved in the community for 30 years. He feels that there will be negatives no matter what site is chosen and is concerned with the lack of progress. A site decision should have been made weeks ago. When that is decided, you can build what will fit on that land. He compared this process to the deliberations the Police and Fire Commission undertakes when considering termination of an employee, noting that the need to determine expeditiously what is best for the department and the city.

Chief Redman raised ethical concerns about asking a third party to use the intellectual property of another who has developed significant work. He would personally first want to hear from those with the original ideas, i.e., Zimmerman Design. Ald. Didier clarified her intent that Zimmerman Design should do a study and analyze the site as it exists today before the other idea is presented.

Ald. Krill said he supports the motion and thinks the committee is moving as fast as it can. At this point there is a lot of interest in the Blanchard parking lot site, not only among the committee but from the Chief, the BID, and other people in the community.

Vote on the motion, Ayes: 4; Noes: 3 (Donegan, Herzog, Treis)

Moved by Ald. Krill to request that Community Development staff present an analysis, in conjunction with the Village Business Improvement District, as to the feasibility and desirability of the Blanchard parking lot site, in particular the impact on Village parking and overall impact on the Village BID --

Ald. Meaux seconded the motion contingent upon adding an amendment seeking input on all five sites within the Village BID –
Ald. Krill declined to accept the amendment.

The motion was seconded by Ald. Didier.
Vote on the motion, Ayes: 6; Noes: 1 (Meaux)

Moved by Ald. Meaux, seconded by Ald. Donegan to include other properties within the Village BID in the analysis to be provided by Community Development staff in conjunction with the BID –

Ald. Meaux accepted an amendment by Ald. Birschel to include the gully soccer field site –

Ald. Meaux indicated that he would not expect much input on that site.

Vote on the motion, Ayes: 5; Noes: 2 (Krill, Didier)

Moved by Ald. Donegan, seconded by Ald. Krill to invite the architect who has completed work on the Blanchard parking lot site to present his design for the committee's consideration –

Ald. Didier said her concern is with being backed into a corner because one developer has presented something that we will be asked to vote on without knowing the feasibility of any other. She felt that the architect should make his presentation after the Zimmerman presentation.

With consent of the mover and second, Ald. Didier amended the motion to add that any presentation by Zimmerman Design should be made prior to any other designers' ideas being presented –

Ald. Herzog said that the fair way would be to have all presentations made at one meeting. Who goes first wouldn't matter as long as both were here presenting their plans.

Ald. Didier withdrew the amendment.

The mover and seconded accepted an amendment by Ald. Herzog that the presentations by the architect and by Zimmerman Design should be made at the same meeting --

Vote on the motion as amended, Ayes: 6; Noes: 1 (Birschel)

(The committee recessed at 9:45 p.m. and reconvened at 9:57 p.m.)

Moved by Ald. Donegan, seconded by Ald. Didier to remove the Mower and Harwood Avenue site from consideration –

Ald. Herzog said he has not heard enough about the other sites and will not support the motion. The Mower site is not his favorite and he wouldn't look forward to acquiring property, but he would rather do a 10-1 ranking on all. If we start eliminating sites, we may get to a situation where there aren't any more sites to look at and a site has to be brought back for reconsideration.

Asked for his thoughts on removing the Mower site, Chief Redman said he agrees with Ald. Herzog's comments in general. He doesn't think it is prudent to remove a site unless it found that a particular site could not work.

Ald. Krill said that he is not in any way inclined to choose the Mower site, but on the other hand we have taken steps tonight that may lead us to a decision relatively quickly. Before doing anything, we should take a careful look at the Blanchard parking lot site.

Vote on the motion, Ayes: 2; Noes: 5 (Birschel, Donegan, Herzog,

Meaux, Treis) Motion fails.

Development Proposal by Cobalt Partners for City Yard Site South of Walnut Road

The committee was provided with draft copies of a 60-day Memorandum of Understanding (MOU) with Cobalt Partners, as discussed at the previous meeting. Following the 60-day period, Mr. Kesner reported, Cobalt Partners is essentially requesting a nine-month option to proceed toward a purchase and sale agreement. During that time, the city could not move forward with negotiations with other potential purchasers.

Asked by Ald. Donegan to clarify the city's options during the first 60-day period, Mr. Kesner said that it calls for negotiation in good faith to reach a purchase and sale agreement that would give Cobalt 270 days to complete the sale. The agreement would include a number of very significant and specific contingencies. Once we begin and after the purchase and sale agreement has been entered into, there would be limitations on what the city could do concerning the land.

Asked about the city's ability to option out during the 60-day period, Mr. Kesner said that the MOU obligates the city to negotiate in good faith toward the next step of allowing them to go forward. The committee or the Council could give directions during that process, but any decisions would have to have some good-faith basis. If entering into the MOU, you would have to be comfortable that this would be your first choice of all the proposals. In addition, you would be putting the other developers on hold for a least nine or maybe 11 months. Cobalt not only would have nine months to conclude it, but if after that time they haven't met all the contingencies, they would still have a three-year period with right of first refusal.

The Chair reviewed the history of other proposals for residential developments on this property that were made about two or more years ago. The proposals were narrowed down but held when a group that intended to raise funds for a baseball field at that site came forward. That group ultimately went elsewhere. When the original developers were asked if they wished to return, they were told that the city would now be making a decision. Ald. Treis felt that it is only fair for the committee to come to a consensus on one developer and compare that with whatever else is presented by Cobalt Partners.

Ald. Krill asked about moving forward during the 60-day period while also whittling down the residential development proposals to one at the next meeting. Mr. Kesner said that the committee is not obligated to pass on the MOU tonight. Changes can be suggested or the committee can give him specific direction on how to proceed. The question of how far to go before committing to one proposal is a policy decision for the committee to make.

Jim Heffernan of Cobalt Partners, was asked about time constraints. He said that their proposal is complicated and involves a lot of interdependent parties for whom he cannot speak. There are two totally different points of view on development of the site. Comparing Cobalt's proposal to residential is an apples-to-oranges situation, but he understands the city's need to do what is needed in reaching their decision.

Ald. Herzog questioned the three-year term of right of first refusal. That may be a factor when trying to get the best price for land, he said, but the city is not in it for price alone but is also charged with use of the land. Perhaps there should be discussion of buying chunks of an option period to show that they are serious. He felt that the next step should be getting down to one residential development proposal along with the Cobalt proposal, perhaps giving Cobalt right of first refusal during the 270-day period if the city enters into negotiations on a residential proposal during that time. Some time could be built in so that they wouldn't have to make a choice in the first three months. It would essentially be a "bump clause," an option to allow the city to go with a residential proposal but give first preference to Cobalt.

In response to a question, Mr. Kesner confirmed that the right of first refusal is intended to apply only to Cobalt Partners and this use.

Moved by Ald. Krill, seconded by Ald. Herzog to request minutes of the previous presentations by the three residential developers and to vote at the next meeting on one of those as the residential option for this property –

Ald. Donegan spoke of the need for public discussion and felt that a commitment to doing a good job might require more than one meeting. Ald. Krill responded that he would include public discussion but is not insisting on a vote that night.

Ald. Meaux expressed concern about narrowing options and not being able to remove the three-year period. Are we bound by that if all of a sudden things don't come forward? Mr. Kesner said that there are two parts right now, the first being what to do with the three residential proposals. After deciding on how to proceed with that, it would be appropriate to go into closed session for more detail on moving forward with the Cobalt MOU. He said that the committee's choice of one residential proposal at the next meeting could be more in the spirit of a finding. If some consensus is reached on a favorite, there is nothing that would be binding.

Ald. Birschel concurred with concerns about the length of the right of first refusal period. Although he agrees with choosing one of the three residential proposals, he reported that feedback in his district favors light industrial use.

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

Moved by Ald. Donegan, seconded by Ald. Krill to convene into closed session per Wis. Stat. 19.85 (1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, with the option of reconvening in open session. Ayes:

The committee convened into closed session at 10:34 p.m.

The meeting adjourned at 11:22 p.m.

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Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin