



CITY OF WAUWATOSA

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

COMMUNITY DEVELOPMENT COMMITTEE MEETING Tuesday, April 8, 2008

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

EXCUSED: Alds. Minear, Treis

ALSO A. Kesner, City Atty.; N. Welch, Community Dev. Dir. D. Wheaton, Chief Bldg. Official;
PRESENT: J. Archambo, City Admin.

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

Ordinance - Revisions to Title 15, Buildings and Construction

The committee reviewed a proposed ordinance amending Title 15 of the Code, Buildings and Construction, to conform with state and national codes. The ordinance was discussed in detail at the previous meeting; Mr. Wheaton was present to provide any additional information.

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

Proposed Beekeeping Ordinance

Mr. Kesner reported that representatives of the UW Extension Urban Apiculture Institute have been considering a demonstration beekeeping project at the new county gardens site off Underwood Creek Parkway just west of Camp Will-O-Way. They discovered, however, that it is illegal to keep or harbor bees in the city. He has researched the matter with them and found a number of places where urban beekeeping is encouraged and promoted with ordinance provisions that address protection and safety issues about keeping honeybees in residential areas. He has drafted an ordinance that would allow beekeeping for educational and research purposes in areas with Conservancy District zoning, which is essentially only a portion of the county grounds. If the ordinance is adopted, subsequent Conditional Use approval would be needed for this specific project. Discussion tonight serves to inform the public of the proposal. The public would be able to comment during further discussion at the next committee meeting on April 29, at which time final ordinance language would be reviewed. Information about the proposal and April 29 meeting will be prominently posted on the city website.

Harris Byers, 1430 N. 64th Street, representing the UW Extension Urban Apiculture Institute distributed copies of three flyers: a UW Extension Master Beekeeper Program flyer; information prepared for this proposal and its potential benefits to the city as well as a map showing estimated foraging distances from the hives; and a "Dear Neighbor" reprint from a professional journal written from the perspective of beekeeping in neighborhoods. Mr. Byers said that beekeeping is an aspect of ecology and nature that is sometimes taken for granted. Bee pollination services would help the prairie restoration project in the area of the MMSD detention basins and would also help county garden vegetable production. In prairie restoration, insect pollination is sometimes overlooked but is necessary. Since a lot of native pollinators have been eliminated, providing honeybees in the vicinity will help establish native plants.

Asked about the number of bees anticipated and potential interaction with nearby golfers, Mr. Byers explained that large commercial operations can keep hundreds of hives per acre, but that is not the intention here. For the purpose of training students and keeping a safe educational environment, they probably wouldn't have more

than 10 at any one time. Population per hive follows a bell-shaped curve, with perhaps 10,000 at first, growing to 50,000-60,000 over summer, and then dropping towards fall. He acknowledged that allergies are a concern for some people but noted that the golf course has few of the pollen or nectar sources that bees would be seeking. They sting only as a defensive measure, usually when initiated accidentally by humans. The program would teach about various species and what separates honeybees from wasps. The big advantage to the county grounds site is that it is a large area planted in native species that offers constant blooming and foraging.

In response to a question of removing or eradicating the hives should there be problems, Mr. Kesner indicated that those concerns could be addressed in the Conditional Use process. Mr. Byers said that hives could be physically removed and relocated, which is very commonplace, or could be terminated very quickly and humanely if necessary. In answer to a further question about honeybees being attracted to someone's home, Mr. Byers said that in managed situations there are warnings if the bees are tending toward swarming and ways to suppress or eliminate that tendency. A managed colony won't swarm unless something like colony collapse occurs. Bees are social insects with multiple generations within the same hive, which is one of the reasons they don't leave. Swarming prevention would be stressed as part of good beekeeping.

Ald. Krill suggested that there might be interest in the "Wauwatosa honey" produced by these bees and suggested developing that aspect as the project moves forward. Mr. Byer said that the Institute received a funding grant toward the initial investment. Honey, wax, and candle sales will perpetuate it for future years. There is a huge potential for community outreach through honey extraction events, much like maple syrup boils. Formal presentations of some type are also envisioned with a goal of reaching the whole committee.

Mr. Kesner reported that the proposed ordinance contains provisions for two layers of signage, one type giving notice about 200 feet from the hives and another layer at about 50 feet. Being about 500-600 feet from the closest residential neighborhood on Fisher Parkway, he noted that that type of signage is not necessarily required. Model ordinances designed for backyard or rooftop beekeeping in dense urban areas require tall vegetative barriers. When the bees rise to get over such a barrier, they remain at that height to fly out to their destination. This ordinance will require barriers of at least six feet. Model ordinances do not allow hives within 25 feet of structures and also address density of colonies. On one-quarter acre or less, they specify no more than two hives and up to eight colonies on an acre. Regardless of size, any location that is more than 200 feet from residential properties has no limit on the number of colonies based on research that indicates there is very little danger if the bees are able to find the plant life they need closer to their hives. The proposed ordinance raises that to 500 feet from residential properties. Property owners within 200 feet are notified of any Conditional Use application.

Moved by Ald. Donegan, seconded by Ald. Krill to recommend to Council introduction of the proposed ordinance. Ayes: 6

Memorandum of Understanding – Mayfair Mall Parking Lot

Ms. Welch reported on a proposed Memorandum of Understanding with Mayfair Property Inc., regarding a master parking plan for Mayfair Mall. She noted that staff has worked with Mayfair representatives over the years to determine the appropriate amount of parking and how to manage parking during construction of new stores. The zoning ordinance contains specific parking ratios for various uses, but application of those ratios becomes difficult with constant changes in tenants. Although hesitant at first when approached with the idea of officially reducing the required amount of parking, Ms. Welch said she has found that recent traffic improvements such as the dedicated right-turn lane on Mayfair Road and reconfigurations within the mall have helped reduce traffic backups and ramp closures during the holiday season. When looking at the site's layout and placement of businesses, it is evident that there are empty spaces on most days but they tend to be along the far eastern and northern parts of the property. The majority of drivers want to park within a few hundred feet of their favorite restaurant or entrance along the west side of the mall. If adding spaces, it would likely occur along the perimeter where spaces are already under-utilized. Ms. Welch concluded that that the problem seems to be

not so much the quantity of parking spaces but rather their location and perhaps management, such as encouraging employees to park in some of the less desirable areas or locating valet parking there.

Ms. Welch commented on the difference between parking needs for stand-alone stores on individual sites as opposed to malls with a large number of stores. She reviewed parking recommendations for regional malls and the number of spaces local malls now provide. Mayfair will not only provide a higher number of spaces but also a higher ratio per square foot at 4.5 per 1,000 square feet. That is the ratio recommended by the Urban Retail Institute and others that have studied parking, and it seems appropriate for a regional mall of this size.

Attys. John Finnerty and Brian Randall of Friebert, Finnerty & St. John, 330 E. Kilbourn Avenue, Milwaukee, and Steve Smith of Mayfair Mall were present. Mr. Finnerty said that the Memorandum of Understanding assures the city that, if there is new development, the mall will always have adequate parking. It also offers a degree of comfort to tenants. Mr. Randall added that it specifies that a commensurate number of spaces will have to be added in some fashion if there is new square footage. The ratio will always be preserved. It also establishes a floor to assure that there will be no reduction if square footage decreases. There are now 6,937 parking spaces, which they firmly believe provides ample parking.

Moved by Ald. Krill, seconded by Ald. Birschel to recommend to Council execution of the proposed Memorandum of Understanding. Ayes: 6

Lease Agreement with Historical Society for Little Red Store

Mr. Kesner reported on the background of the proposed lease agreement with the Wauwatosa Historical Society for the Little Red Store. Several years ago, the city sought bids for reconstruction of the building but ultimately rejected them because they were much higher than the amount of CDBG money available. In the meantime, the city looked at ways to find an entity willing to join in reconstructing the property. The Wauwatosa Historical Society came forward and raised \$125,000 toward the project. With \$150,000 in CDBG funding set aside and a new low bid of approximately \$238,000, the Historical Society will have extra funds for interior modifications needed to get the building up and running.

As drafted, the lease agreement requires payments of \$1 per year for 10 years. Mr. Kesner said that since terms of the lease have come about just lately, the draft contains the primary structure but not all the finalized details. There will be slight changes in dealing with property insurance and subrogation, and maintenance cost and responsibilities connected with renting out the property will also be defined. The general concept is similar to a landlord-tenant relationship in that the city will be responsible for the structural concepts of maintaining the building and the Historical Society will be responsible for ongoing wear and tear and day-to-day maintenance and upkeep. The approval of the Community Development Director will be required for any sublease of more than 24 hours.

Mr. Kesner explained that the city would like to complete the project this year. Award of the contract is being held pending this agreement. The Historical Society has reviewed some of the terms and would be able to return a final version prior to next week's Council meeting. Ald. Herzog advocated requiring that subleases of a certain term come to this committee for approval. He objected to seeing a draft but not the final version. Ald. Krill suggested holding the matter until the next meeting.

Ms. Welch encouraged the committee to identify key issues now so that a determination can be made on what revisions are needed before it goes to Council. She wants to be able to award the bid while it still holds rather than bidding it out a third time, which runs the risk of contractors not believing the city is serious about doing the project. The community has been asking for this to be done for years now. Ald. Herzog commented that contractors are hurting for business and bids could go down even more. Mr. Kesner requested guidance from the committee and said that one more committee cycle would not damage the current bids.

Moved by Ald. Krill, seconded by Ald. Birschel to hold this matter to the next meeting --

Ald. Meaux requested a clearer definition of “premises” and asked about the ability of the tenant to derive profit from subleasing that would help support the facility rather than be put to other uses. Mr. Kesner said that a complete description will be included. “Premises” includes only the building and the area behind the curb. Use of the parking lot would require Board of Public Works approval. There is no specific provision that any funds derived from subleasing be limited to this facility only. Under the lease’s terms, they could use it for other parts of their non-profit organization.

Ald. Donegan asked about the city’s responsibilities for maintenance, his concern being that it could be expensive to maintain such an old building. Ms. Welch explained that the project will make the building a safe and habitable structure by, for example, replacing the missing back and installing a new roof, connecting to plumbing, providing a new furnace and other infrastructure, and in general making it structurally sound. The Historical Society will do anything beyond that. Mr. Kesner added that part of the ongoing discussion is exactly where the line is drawn between structural and major and minor components. That will be readdressed and redefined more strictly in the final version. The city will have ultimate replacement responsibility for major fixtures, but the Historical Society will have ongoing maintenance responsibility, again much like in landlord-tenant situations. The building will undergo quite a major overhaul; it will be in newer and in very good condition when completed and the work will carry warranties.

Staff answered further questions from committee members. The building was taken out of flood zoning when the parking lot was regraded. The parking lot itself floods, but the structure is on a slightly higher area that does not. To meet ADA requirements, the building was designed with a secondary ramped entrance off the parking lot. Bathrooms will be accessible from the rear, and handicapped parking spaces will be near that entrance. The site is zoned Village Trade District in conformance with the surrounding area. An advantage of restoring the building is that it starts to bring life to that parking area and helps businesses connect from one side of the railroad tracks and river to the other. Specific uses might be seasonal bike and skate leasing or something like ice cream sales.

Ald. Herzog stated that the committee should have some sort of oversight on uses intended to be longer than one year. Mr. Kesner said he would probably include oversight on anything that is renewed automatically or uses over 50% of the square footage. The Community Development Director would approve uses from 48 hours up to one year.

Vote on the motion, Ayes: 6

The meeting adjourned at 9:08 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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