



CITY OF WAUWATOSA

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COMMUNITY DEVELOPMENT COMMITTEE MEETING Tuesday, July 29, 2008

PRESENT: Aids. Birschel, Hanson, Herzog, McBride, Meaux, Nikceovich, Stepaniak -7

EXCUSED: Ald. Treis

ALSO N. Welch, Community Dev. Dir.; A. Kesner, City Atty.; J. Archambo, City Admin.;
PRESENT: Mayor Didier

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

Conditional Use –2751 N. Mayfair Road

The committee reviewed a request by Keene Addington for a Conditional Use in the Business Planned Development District at One Mayfair Place, 2751 N. Mayfair Road, for a Flat Top Grill restaurant. Ms. Welch reported that the proposed restaurant of approximately 3,100 square feet is at the northern end of building "A". The Plan Commission unanimously recommended approval with hours of operation from 8 a.m. to midnight daily. Ms. Welch confirmed that a restaurant was among the contemplated uses when this Planned Development was approved, but the developer was advised to balance restaurants with other uses to minimize any issues with the amount of parking.

Ron Pertl, Vice President and CFO of Flattop Grill, 726 W. Lake Street, Oak Park, IL was present representing the applicant. He reported that this will be the company's 14th restaurant and its second in Wisconsin. The restaurant is basically buffet style with a create-your-own stir fry concept.

Moved by Ald. Nikceovich, seconded by Ald. Birschel to recommend to Council approval of the Conditional Use contingent upon hours of operation from 8 a.m. to midnight daily and upon obtaining the necessary licenses and permits. Ayes: 7

Conditional Use – 2500 N. Mayfair Road

The committee reviewed a request by Mazin Hamdan for a Conditional Use in the AA Business District at 2500 N. Mayfair Road for a hot dog kiosk in Mayfair Mall. Ms. Welch reported that the Plan Commission unanimously recommended approval with hours of operation consistent with the mall's hours. She has been in contact with Mayfair to confirm that the kiosk's location will not be problematic.

Moved by Ald. Stepaniak, seconded by Mr. McBride to recommend to Council approval of the Conditional Use continue upon hours of operation being mall hours and upon obtaining the necessary licenses and permits. Ayes: 7

Mr. Hamdan was not immediately present but arrived later and was informed of the recommendation.

Conditional Use – 11001 W. Meinecke Avenue

The committee reviewed a request by Ed Polito, agent for AT & T Wisconsin, for a Conditional Use in the DD Eight Family Residence District at 11001 W. Meinecke Avenue for a fiber conversion cabinet. Mr. Polito was present. Ms. Welch reported that the cabinet would be at the rear lot line and not visible from public right-of-way. The Plan Commission unanimously recommended approval, and staff also recommends approval with the usual contingencies.

Moved by Ald. Hanson, seconded by Ald. Nikcevich to recommend to Council approval of the Conditional Use contingent upon providing appropriate screening, obtaining any necessary licenses and permits, and changing the labels on the cabinet from orange to a less obtrusive white. Ayes: 7

Conditional Use – 10331 Watertown Plank Road

The committee reviewed a request by Milwaukee County for a Conditional Use in the Medical Center and Institutions District at 10331 Watertown Plank Road for a communications equipment monopole. The water tower located on the county grounds near the Milwaukee County Research Park will be painted in August, which necessitates removing the communications equipment mounted on the tower, including emergency management equipment. Rather than temporarily relocating the equipment, the County plans to construct a monopole on which it would be permanently mounted. The Plan Commission was assured that the move would not adversely affect emergency communications for Milwaukee County or the City and unanimously recommended approval.

David Gulowski, Project Manager, Milwaukee County, 2711 W. Wells Street, Milwaukee, displayed a site drawing and reported that the monopole will be 15 feet higher than the tallest antenna now on the water tower. Motorola engineers have confirmed that coverage will be identical. Asked about other entities that might use the pole, he said it is not clear at the moment if T-Mobile will relocate to the monopole or elsewhere.

Moved by Ald. McBride, seconded by Ald. Stepaniak to recommend to Council approval of the Conditional Use contingent upon obtaining the necessary licenses and permits –

Ald. Meaux stated that Milwaukee County Children's Court Center is under the jurisdiction of the division he administers, but he has confirmed with the City Attorney that there is neither conflict nor reason to abstain.

Vote on the motion, Ayes: 7

Historic Designation of 7105 Grand Parkway

Ms. Welch reported on the recommendation of the Historic Preservation Commission for local historic designation of the home at 7105 Grand Parkway, an Ernest Flagg stone masonry house. The property owners fully support the designation. The committee received further background information on the architectural style and craftsmanship in their informational packet.

Ald. Birschel commented that this is a beautiful, well-cared-for property that already is on the National Register of Historic Places. Noting that he serves on the Historic Preservation Commission, Ald. McBride echoed previous comments regarding the home's quality and said he has absolutely no reservations about the merits of historic designation.

Moved by Ald. Birschel, seconded by Ald. McBride to recommend to Council the historic designation of the home at 7105 Grand Parkway. Ayes: 7

Conditional Use – 1701-1801 N. Mayfair Road

The committee reviewed a request by West Development Partners LLC for a Conditional Use at 1701-1801 N. Mayfair Road for a large retail establishment. The Plan Commission unanimously recommended approval. Ms. Welch noted that this project requires three separate approvals because of its different elements. This committee has reviewed and recommended approval of a land combination, and a public hearing date of August 5 has been set for the rezoning element. A Conditional Use request has three steps—a Plan Commission hearing, review and recommendation by this committee, and approval by the Common Council—and would typically go from this committee to the next Common Council meeting. This Conditional Use is being delayed somewhat, however, pending rezoning so that all elements would ultimately reach the Common Council on September 2 at the earliest.

In response to questions from the Chair, Ms. Welch confirmed that had this project been under 50,000 square feet and a permitted use under the zoning code, the use itself would not require a hearing or Council approval. A land combination by itself typically would have gone from the Plan Commission to this committee on the following night and then to the Common Council the following week. Rather than being on a “fast track,” this particular approval process was somewhat slowed down due to the rezoning process. The public had an opportunity to be heard at the Plan Commission hearing and at the previous Community Development Committee meeting as well as tonight, and there are further public comment opportunities coming up at the rezoning hearing on August 5th and at the committee meeting on September 2nd. Ms. Welch noted that the primary focus of comments at the August 5th hearing should be the rezoning element. She cautioned that rezoning is a critical issue and a rezoning decision should not be based on a particular project since zoning stays with the land into the future.

Ms. Welch reported that this Conditional Use request is for a 60,000 square foot grocery store, specifically now identified as a Pick ‘N Save, and retail space with hours of operation from 6 a.m. to midnight. Its size falls under the “big box” ordinance, which allows for flexibility to set certain criteria and gives the Council the ability to decide which items to pursue on individual sites and projects. Typically, the Council’s primary concerns have been traffic, storm water, and aesthetics. Ms. Welch distributed a big-box checklist with check-offs for items that have been complied with, blank items that have not been addressed, and a few with “not applicable” notations. The developer is awaiting final word from the Wisconsin DOT (Department of Transportation) on a traffic impact study, and they are still working on a storm water plan. A primary staff concern is assuring that traffic exiting the site onto Walnut Road does not turn right toward the railroad crossing and city yard.

Brett West, 1836 N. 49th Street, Milwaukee, displayed site drawings and aerial views. He said they have been trying to meet the guidelines while balancing what the tenant needs for long-term success. The big-box ordinance allows the Plan Commission to approve a building of less than two-stories, which they did. They have broken up the massing, utilized a lot of glass, will have significant landscaping, and will meet other guidelines as well. The property now is only 2% non-pervious, which they will raise to 12%, not including an area of pervious asphalt.

Max Dickman, Manager of Real Estate Development for Roundy’s, Inc., 875 E. Wisconsin Avenue, Milwaukee, said that questions have arisen about the project’s configuration, which he explained is tied to the size of the site and need to include additional retail. The biggest problem associated with the various options considered and rejected was the need to keep trucks away from customers and parking stalls. He summarized some of the difficulties with other configurations. For example, putting trucks behind the building and pushing the building forward makes it impossible to have outlots and a reasonable parking field. Under the proposed plan, they will have dedicated truck access to the loading dock with minimal conflict. Configuration of the store itself is something of a science, and the box of 200 ft. by 300 ft. cannot be stretched or shrunk in another direction.

Mr. West noted that the lease term is 20 years with five-year options thereafter. This is a Wisconsin-based tenant that cares about the community and will be around for a long time. They believe there is market demand at this location. Mr. Dickman added that Roundy’s does not have a store in the high density Mayfair and North Avenue corridor. They have done detailed studies of market penetration and impact to neighboring stores. Among other things, there is a high daytime population nearby at the technology park that can be served with offerings not

currently available in this area. That traffic is already there going to and from work. The 6 a.m. to midnight hours of operation were chosen as the outside limit at this time, but that could be decreased if the Council deems necessary. On the other hand, this could eventually be a 24-hour regional store.

Mr. Dickman explained that Roundy's operates 153 stores in over 100 municipalities that each has different delivery restrictions. Most deliveries will be early morning, especially Roundy's trucks and the bread and dairy vendors. Garbage is a fairly simple pickup of a trash compactor and is under their control as well. They can make requests regarding other deliveries but don't have absolute control over those vendors.

Shaina Mogensen, 1108 N. 70th Street, Wauwatosa, a Graef, Anholt, Schloemer traffic consultant, reported that DOT has reviewed their traffic impact study and concurs with their findings. The DOT response letter is expected within the next week or so. Improvements include a southbound right turn to Walnut Road and a northbound Mayfair Road left turn lane allowing for more storage and better operation. If the current Mayfair Road median opening is closed in the future, it is felt that the Walnut Road traffic signal will be able to handle all site traffic.

Mr. West said that among the many tenants and uses considered were a hotel, office building, medical office, and different types of retail. The hotel ultimately was not interested due to the cost of the land, the adjacent city yard, and insufficient market demand. The office market is experiencing many vacancies, and many larger medical groups are buying small groups and adding them to their larger developments that are underway. One group did not like a second floor that would oversee the railroad tracks and the city facility. Environmental research indicated that cleanup is needed, which they are doing internally without requesting any City assistance.

Richard Bachman, 2229 N. 115th Street, commented on the high traffic levels on Mayfair Road and North Avenue as well, and expressed concern about adding to the severe backups. He also was concerned about drivers possibly trying to use Walnut Road to the west, which is now restricted to City vehicles, and said that sometime in the future that road will have to go through. He also mentioned concerns about backups of post office patrons onto the frontage road that exits to Walnut Road. He advised taking a hard look at the overall traffic patterns.

The Chair noted that copies of e-mails that have been sent to the City Clerk's office have been added to this file. A list provided to the committee indicated that six e-mails were in favor of the development and three opposed it or favored further consideration. Several committee members reported receiving multiple phone calls and e-mails with about a 50-50 balance of support and opposition. Mayor Didier later advised that any e-mails received by individual alderpersons commenting on committee issues should be forwarded for inclusion in the file.

Ms. Mogensen said that the traffic impact study recommends retiming the traffic signal at Walnut Road, which is under the State's jurisdiction. Walnut Road is not given a lot of "green" time so traffic does back up sometimes onto the Mayfair frontage road. The green time would be adjusted for the added traffic, and she would also recommend "Do Not Block Intersection" signage to assure that vehicles could access the frontage road.

Ald. Nikcevich asked about completion of a community impact statement and as well as recommendations in the City's Comprehensive Plan now being drafted. Ms. Welch said that the intent of the community impact statement was to address concerns about the effect of national retailers on local business areas like the Village and North Avenue. It was not deemed necessary to require the developer to go to that additional expense here.

Mr. West and Mr. Dickman responded to questions and comments from Ald. Nikcevich regarding the volume of post office truck traffic and the truck entrance and exit off of Mayfair Road. She felt that it is important to understand the traffic ramifications and indicated that she would like to review the traffic impact study and the response from the State. Ms. Mogensen provided a copy of the study for review during the meeting and reiterated that DOT concurs with their findings and has only to issue a formal response stating that the identified improvements are required. Access on Highway 100/Mayfair Road would be the only additional issue they might address in their letter, and the developer is evaluating that question as well. The City Engineer has been involved all the way through this process.

Ald. Nikceovich asked about other sites the developer may have been considered such as the Burleigh Triangle and whether the City was approached by others. Mr. Dickman said they may at some time consider a site within the Burleigh Triangle, where he noted Roundy's formerly owned a site, but it is much closer to their store at 124th and Capitol in Brookfield. There are very few sites with this kind of density and no other store within a two-mile radius. Ms. Welch said that staff was contacted by various developers over the past year, but this is the only one who came with an actual proposal and an offer to purchase lined up. The property's high value affects potential uses, and it isn't really a very large site in development terms. Most others wanted to do single-store retail or wanted subsidies to do structured parking.

Ald. Meaux favored moving forward with the overall project. He mentioned pending Zoo Interchange plans and said that this area's traffic issues will have to be dealt with at a much larger level over the next 10-15 years. Traffic concerns could otherwise stymie a lot of other development opportunities. He asked about the level of control over outlying buildings in terms of aesthetics and types of uses.

Ms. Welch said that the proposed AA Business zoning is congruent with existing zoning along Mayfair Road and the proposed future land use map of the Comprehensive Plan. The big box ordinance allows the Council to enter into a developer's agreement that applies to the entire site, and that agreement or the recommendations to Council could address any concerns about the uses. High volume restaurants, for example, would not be desirable. As with other strip centers, a balance of uses could be required. The use but not the specific users can be regulated.

Mr. West reported that they have agreed with Pick 'N Save on some restrictions on users of the other buildings. As a single-phase development, the Design Review Board will review the entire project next week. A tenant would need approvals on signage, hours of operation, and other issues related to use. He would be willing to work within a developer's agreement. They have talked with a sandwich shop, a take-and-go pizza business, cellular stores, and "fast-and-fresh" restaurants, which he characterized as casual dining with minimal seating.

Ms. Welch reported that the site is currently valued at about \$5 million. Mr. West estimated that it is about a \$14 million development that is being put in place, which will be a significant change in tax increment without any economic development assistance. The goal is to open in October 2009. Mr. Dickman anticipated an employment level of at least 120-150 full-time equivalent positions.

Ald. Hanson said that a lot of the concerns here, such as traffic, will not be addressed overnight. He indicated that he will support the project.

Ald. McBride agreed with concerns about traffic volume and spoke of the long-term importance of this decision. He noted that this is the city's most prominent road with some of the hottest real estate in southeastern Wisconsin. He mentioned concerns about impact on the post office site and Mayfair Road traffic volume. He favored slowing the process down and creating a master plan that takes everything into consideration before deciding that this is the best use for this land.

Ald. Stepaniak noted that some potential out-lot uses might have the same customer peaks and valleys as Pick 'N Save, and he expressed overall concerns about increased traffic volume. Mr. West said that those types of fast food restaurants have been eliminated. Under a developer's agreement, he would be willing to discuss elimination of a drive-through. Ms. Mogensen said that the traffic study looked at the highest peak for supermarket and retail operations, and they found they could maintain and improve existing traffic conditions. General retail and a coffee shop with high peak generation in the morning were considered as part of that analysis. It also takes into consideration any future development to the south. They would be comfortable with approval contingent upon DOT acceptance of the traffic study. Ms. Mogensen commented that DOT would not approve the study if it showed any unacceptable operations.

(The committee recessed at 9:40 p.m. and reconvened at 9:48 p.m.)

In reviewing for compliance with big box requirements, Ms. Welch said that she focused heavily on issues highlighted in previous reviews. Aesthetic issues including colors, roof lines, etc., appear to meet requirements but would be under the purview of the Design Review Board. More pertinent to this committee would be the number of stories, landscaping, storm water, and pedestrian connections. Items deemed not applicable are some that are specific to more residential areas. The primary staff concern has been preventing access to the south on Walnut Road, and there is a question of perhaps working with the developer on ways to finance an automated gate at the railroad tracks.

Ald. Stepaniak had further questions and concerns about dealing with pedestrians within the parking fields. Referring to drawings, Mr. West explained the requirement for a six-foot-wide sidewalk accessing all buildings. There is no requirement for a sidewalk within the parking fields. Final renderings will show planter boxes along the buildings in addition to other plantings and landscaping and a flagpole in front. Ms. Welch explained that the difference in pedestrian walkways between this site and Burleigh Square relates to the size and context of the site and the give-and-take nature of the big box ordinance.

Rain garden information has been submitted to the City Engineer for review. Dan Knapp, 2614 Lefebvre Avenue, a Graef, Anholt, Schloemer consultant, explained that there is a 7-8 ft. grade drop to the east that, with bio-islands, will help meet some of the storm water quality requirements. The 114 parking stalls in pervious asphalt will also assist. Ms. Welch said that the storm water plans appear to meet requirements, but final engineering calculations have not yet been submitted and reviewed.

Ms. Welch was asked about Comprehensive Plan criteria and the draft of the future land use map. She explained that fairly consistent zoning is recommended along Mayfair Road, which is essentially planned commercial in nature. The zoning proposed for this project is very much in line with that vision. There has been discussion of a master plan for Mayfair Road, which would include discussion of what would support more intense uses.

Mayor Didier spoke in support of the proposal. She is aware of the other scenarios the developer reviewed and believes this to be the best one. She believes that its viability and uniqueness can outweigh some disadvantages. She noted that there isn't a business that would not bring traffic. Pick 'N Save will control truck delivery times so that trucks are not backing in and out during the rush hour. The developer has done a traffic impact study and answered other issues and conflicts; they are not asking for economic support; they have a secure, Wisconsin-based tenant that will secure the site for 25 years; and the big box ordinance will protect the City if they should go away. Mayor Didier concluded that this would be an asset and said the other elements on Mayfair Road can be solidified as we go forward.

Ald. Birschel commented about the lack of action in the Burleigh Triangle area and said that he does not want to see vacant, blighted land here. He suggested that this could be held to next week if necessary. The Chair felt, however, that amount of time would not help change anyone's mind.

Moved by Ald. Birschel, seconded by Ald. Hanson to recommend to
Council approval of the Conditional Use –

Ald. McBride commented that he has given this a great deal of thought and suggested that it should be understood that there are different approaches to an end result. He spoke of his experience and background in real estate law, urban planning, and commercial developments and cited a situation in Milwaukee some time ago where patience brought the right kind of development. He asked how much impact this committee can have and the nature of the negotiation process.

Ms. Welch indicated that this committee can have a significant impact on the developer's agreement since the City has a fair amount of control over the site. She would, however, need to have a better idea of what the committee is proposing. Staff can get back to the committee if provided with a list of what the members want to explore. There is more than a month before the final vote on all the elements.

Ald. McBride mentioned the lack of pedestrian friendly access, the need to talk more about what to do with Walnut Road, and a prohibition on drive-throughs on outlying buildings. He added that the building's windows do not seem to be consistent with the big box ordinance, and they don't yet have a storm water management plan. He also mentioned having time to absorb the traffic study and felt that a lot of work still needs to be done.

Ms. Nikceovich said that dealing with the cost of a Walnut Road bridge might be a consideration. She felt there are other options or alternatives and better uses for this property. She remained troubled by the traffic issues.

Ald. Stepaniak commented that legitimate questions have been raised and indicated he would prefer to hold this matter until September so that everyone has a chance to read the information and get incomplete information on the record and reviewed. He asked if the motion for approval has any conditions, and Mr. Kesner explained that the motion is generally assumed to be approval of the staff recommendation, which does have certain conditions. Ald. Birschel confirmed that was his intent but expressed willingness to hold this until September.

Ald. Birschel withdrew the motion.

Moved by Ald. Hanson, seconded by Ald. Herzog to recommend to Council approval of the Conditional Use. Upon roll call vote, Ayes: 4; Noes: 3 (McBride, Nikceovich, Stepaniak)

Review of Rain Garden System at Burleigh Square

Ms. Welch reported that Ald. Maher requested review of the Burleigh Square rain garden system. She pointed out a "Site Drainage Summary" statement from Continental Properties, and she distributed recent photos that give some idea of the progress made on the site. The developer was unfamiliar with rain garden installation, but there has been a noticeable improvement since having an expert on staff beginning last fall. T

The City's engineer responsible for rain garden efforts has been consulted and has pointed out the different ways of establishing a rain garden. After a slow start, the plants here are working to break up the soil to do a more natural remediation that will eventually result in a health rain garden. Given current progress, it will probably take about a year for it to be fully established. Although there are methods that would have produced a more desirable result in a shorter period of time, it might take a year or more to get the same result if they were required to start over. Staff, therefore, recommends continuing on the present course. Ms. Welch noted that here has been discussion on whether some of the trees are an appropriate choice. The Health Department is working with the developer on standing water issues that could possibly become mosquito hatching areas.

(Ald. Birschel excused. -6)

Eric Toll, Continental Properties, 2605 Fox Hill Drive, Waukesha, said that Continental takes education about rain gardens very seriously. Because the concept is so unique and people are not used to seeing this kind of system in a parking lot, it will take education and constant maintenance to get an established plant community on this site. He would be willing to have another on-site meeting at the committee's convenience.

Moved by Ald. Hanson, seconded by Ald. McBride to review the site in one year to determine if the progress that has been seen continues. Ayes: 6

The meeting adjourned at 10:42 p.m.

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Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin