



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, September 9, 2008

PRESENT: Aids. Birschel, Herzog, McBride, Meaux (8:25 p.m.), Nikceвич, Stepaniak, Treis -7

EXCUSED: Ald. Hanson

ALSO

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

Ald. Herzog as Chair called the meeting to order at 8:10 p.m. -6

Conditional Use – 1851 N. 60th Street

The committee reviewed a request by Ed Polito, agent for AT & T Wisconsin, and Catholic Social Services Foundation for a Conditional Use in the AA Institutions District for a fiber conversion cabinet and cross box at 1851 N. 60th Street. Ms. Welch reported that the installation would be approximately 30 feet south of the property line. The Plan Commission requested some additional landscaping and unanimously recommended approval. Mr. Polito clarified that this does not involve replacement of an existing box. The installation questioned by a resident at the Plan Commission meeting is a small cabinet on private property on the north side of Lloyd Street.

Moved by Ald. Nikceвич, seconded by Ald. McBride to recommend to Council approval of the Conditional Use with standard contingencies. Ayes: 6

Conditional Use – 1927 Wauwatosa Avenue

The committee reviewed a request by Ed Polito, agent for AT & T Wisconsin, and Kenneth and Ann Kerrie Griffith for a Conditional Use in the AA Single Family Residence District for a fiber conversion cabinet at 1927 Wauwatosa Avenue. Ms. Welch reported that the location is screened by a garage. The Plan Commission recommended unanimously recommended approval contingent upon some additional landscaping.

Moved by Ald. McBride, seconded by Ald. Nikceвич to recommend to Council approval of the Conditional Use with standard contingencies. Ayes: 6

Conditional Use – 11216 W. Blue Mound Road

The committee reviewed a request by Ed Polito, agent for AT & T Wisconsin, and E & K Land LLC for a Conditional Use in the AA Business District for a fiber conversion cabinet and cross box at 11216 W. Blue Mound Road. An existing pole-mounted cross box will be removed after installation of this equipment. The Plan Commission unanimously recommended approval contingent upon some additional landscaping.

Moved by Ald. Birschel, seconded by Ald. McBride to recommend to Council approval of the Conditional Use with standard contingencies. Ayes: 6

Conditional Use – 6717 W. Center Street

The committee reviewed a request by Ed Polito, agent for AT & T Wisconsin, and Pilgrim Evangelical Lutheran Church Foundation for a Conditional Use in the AA Business District for a fiber conversion cabinet and cross box at 6717 W. Center Street. Ms. Welch reported that the proposed location is somewhat concealed between buildings, but some additional landscaping was recommended. Ald. Stepaniak concluded that children would be adequately distant and screened from the site should the school here reopen. The Plan Commission unanimously recommended approval.

Moved by Ald. Stepaniak, seconded by Ald. McBride to recommend to Council approval of the Conditional Use with t standard contingencies. Ayes: 6

Conditional Use – 8700 Watertown Plank Road

The committee reviewed a request by Keith Nygren and Chez Misko, Wisconsin Athletic Club, for a Conditional Use in the Medical Center and Institutions District to extend the hours of operation at 8700 Watertown Plank Road. Ms. Welch reported that the Wisconsin Athletic Club's current hours of operation are Monday to Thursday 5 a.m. to 10 p.m., Friday 5 a.m. to 9 p.m., and Saturday and Sunday 6:30 a.m. to 7 p.m. Due to high demand, , they would like to remain open 24 hours a day seven days a week. Staff would be on site at all times, and the site is not immediately adjacent to residential use. The Plan Commission unanimously recommended approval.

Chez Misko, Wisconsin Athletic Club, 8700 Watertown Plank Road, confirmed that the facility would be completely staffed at all hours. He noted that there has been high demand from Milwaukee Regional Medical Complex personnel for increased hours. The Wisconsin Athletic Club facility in West Allis has been open 24 hours for the past 2 ½ years, which has worked out well.

Ald. McBride commented that this would recognize the 24-hour nature of the medical district and also provide more eyes on the street and feet on the sidewalk.

Moved by Ald. McBride, seconded by Ald. Nikcevich to recommend to Council approval of the Conditional Use as requested –

Asked about parking lot capacity and lighting, Mr. Misko said that one of the busiest times is at 5 a.m. opening time when more parking is available in the upper lot. That area, which is the closest to the door and the best lit, should also suffice late at night. There have been no complaints about lighting of the lot as a whole.

Vote on the motion, Ayes: 6

Conditional Use – 2500 N. Mayfair Road

The committee reviewed a request by Frederick Rubner and William Schwartz IV for a Conditional Use in the AA Business District to operate a Ben & Jerry's kiosk at Mayfair Mall, 2500 N. Mayfair Road. Ms. Welch reported that the kiosk would be in the first floor corridor outside Gloria Jean's. The Plan Commission unanimously recommended approval.

Moved by Ald. Stepaniak, seconded by Ald. McBride to recommend to Council approval of the Conditional Use. Ayes: 6

Conditional Use – 9250 Watertown Plank Road

The committee reviewed a request by Terrence Olson, Jr., WE Energies, for a Conditional Use in the Medical Center and Institutions District to construct and operate a natural gas fired boiler at 9250 Watertown Plank Road.

Ms. Welch reported that the facility to expand to meet the needs of the medical complex. This installation would be west of the building, which is slightly outside the existing footprint but within the property. The Plan Commission unanimously recommended approval.

Terrence Olson, Jr., WE Energies, 9250 Watertown Plank Road, explained that the equipment would be between three existing pieces of pollution control equipment. Since it will pretty much use up available space, WE Energies is looking at the entire plant to determine how to meet future demands.

(Ald. Meaux present. -7)

Mr. Olson reported that the proposal has been reviewed by representatives of the Milwaukee Regional Medical Center and Milwaukee County, and it has been approved by the Wisconsin Department of Natural Resources and the Public Service Commission.

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

The Chair indicated that he would vote "present" inasmuch as his employer has some dealings with WE Energies. Having not heard the entire discussion, Ald. Meaux also indicated he would vote "present."

Vote on the motion, Ayes: 5; Present: 2 (Meaux, Herzog)

Preliminary Planned Development – City-Owned Site at 113th Street and Walnut Road

Ms. Welch outlined a request by Helmut Toldt, Toldt Development, Inc., for Preliminary Planned Development approval for residential development of the 18-acre City-owned site at N. 113th Street and Walnut Road. Since a June 2007 decision by the Common Council authorizing Toldt Development to develop a proposal for residential housing, staff and the developer have worked through several issues including delineation of wetlands and some environmental concerns to arrive at the conceptual plan. The committee should now identify any concerns or issues with moving forward with this project.

Attorney Brian Randall of Friebert, Finerty & St. John, 330 E. Kilbourn Avenue, Milwaukee, spoke on behalf of Helmut Toldt, Toldt Development, Inc., 4040 N. Calhoun Road, Brookfield, who also was present. Mr. Randall summarized the history of development efforts at this site and noted the existing purchase agreement under which Toldt Development is proceeding. In the past year, Mr. Toldt has met repeatedly with City staff, paid a total of \$20,000 in earnest money, conducted numerous tests and reviewed past remediation on the site in due diligence efforts, completed a traffic study, and completed preliminary site design and planning. This property will become taxable the moment development is underway, and the tax basis will increase thereafter. At this preliminary stage, conditions need to be identified that will have to be satisfied for final plan approval. A developer's agreement will be executed, and the DNR will review the site plan relative to berm issues. The final plan will address issues such as staging and how the development will unfold. A traffic study completed last October and presented for review identified that the 113th and Watertown Plank Road intersection operates at a failing level of service and recommends a number of improvements to alleviate that.

Mr. Randall distributed a list of conditions that he noted are generally considered appropriate in developments of this type: 1) plans showing adequate sewer capacity, environmental remediation, and storm water management subject to approval by the City Engineer; 2) parking lot and traffic circulations plans showing adequate access for adjacent businesses subject to approval by the City Engineer; 3) plans for water supply to the site subject to approval by the City Water Superintendent; 4) building plans designating design and materials recommended by the City Design Review Board; 5) emergency vehicle access plan subject to approval by City police and fire departments; 6) legal division of the parcel; and 7) final developer's agreement approved by the Common Council. Staff typically creates a list of more specific conditions based on the committee's discussion and what is appropriate for the specific site.

Mr. Toldt reported that his proposal is essentially the same development he proposed in response to an RFP six years ago and is just as viable now because it addresses exactly the same market demand that has not been filled. The draft report of the Comprehensive Plan also recommends housing of this type. Wauwatosa's population has declined by about 12% in the last generation while the number of jobs created during that period has increased. The city has one of the highest quality commercial development bases in the metropolitan area, but housing over the last 12-15 years has not kept up with the amount created in other communities with similarly high quality commercial bases. Mr. Toldt said that he is proposing a \$55 million housing development that will be equal to or better than all the existing multi-family developments in the city on land that has never generated any tax revenue. Upon completion, an additional 427 households will generate nearly \$1.5 million in additional taxes annually.

Mr. Toldt acknowledged the question of why someone would want to live in an area like this by pointing out that there already is housing adjacent to the recycling center, police station, firing range, and warehouse/office park. There is multi-family housing on 116th Street to the west and single family homes west of the police station and also north of the public works facility and police firing range. There are condominiums at the northeast edge of the public works site. Elsewhere, there is multi-family housing along the freeway in Bayside and Delafield and next to a recycling center in Elm Grove and Brookfield. His 55-unit project on 115th Street south of Watertown Plank Road has a south building wall 20 feet from railroad right-of-way, but the entire site filled in about 3 ½ months. There is a well-educated, well-paid population that would choose to live in a location like this that is a 15-minute walk to the Research Park, medical center, and Mayfair, and is also close to the expressway.

Mr. Toldt displayed a conceptual site plan, pointing out proposed elderly housing to the north and conventional apartments/condos elsewhere. The masonry buildings will have a mix of one and two-bedroom and two bedroom/den units with rents from \$900 to \$1,350 and condo prices from mid-\$200,000 to mid-\$300,000. Final drawings showing architectural styles have not yet been developed, but the intent is to have multiple styles in an urban-type street scene with parking beneath or behind buildings and interesting, panoramic-type views from all units. The development will have the character of historic Wauwatosa. The storm water basin along the east side screens residents from 113th Street traffic and provides an interesting view to the east. Infrastructure and four buildings would be developed as part of the initial phase, and some landscaping will be done initially to make the entire site more attractive as it develops over a period of years.

Mr. Randall noted that a small bridge shown on the site rendering has been removed due to concerns with its ability to support emergency equipment. Also, they are awaiting word from the DNR regarding the ash berm along the eastern edge of the site, which is the result of past remediation that also created "Mt. Tosa." There are no toxic chemicals there, although a small amount of methane gas is expelled from Mt. Tosa through pipes. Some adjustments to foundations may be needed due to the fill materials. It is anticipated that the DNR will approve this type of development and will allow the berm's surface to be landscaped. Mr. Randall later mentioned the possibility of an agreement or easement for use and maintenance of the berm's surface to whatever depth the DNR would allow with the City retaining ownership of the berm itself. If necessary based on DNR or City input, the development could be shifted more to the east on the site.

Referring to the TIA (traffic impact analysis), which has been forwarded to all committee members, Mr. Randall noted the likelihood of some residents biking to work and not adding to the count. There has been a strong demand for bike racks at Toldt's Underwood Station development on 115th Street. Parking was computed at 1 ½ cars per unit for one-bedroom units and 2 per unit for two-bedrooms. 113th Street extending from Watertown Plank Road north to the city yard would be completely redone at Toldt's expense as a standard 30-foot city street leading to a roundabout at Walnut Road. The public works yard gate would be relocated. Walnut Road would also be improved as needed to the north access point of the crescent road of the development. The TIA recommends a traffic signal at N. 113th Street and Watertown Plank Road as well as a variety of signage. The TIA showed almost the same amount of traffic on 116th Street with and without Walnut Road access. Giving residents two options provides fairly even traffic distribution, and the TIA points out that 116th Street is built to handle at least 20,000-23,000 cars per day and now handles about 2,300. The development would bring the count up to about 3,900, still below capacity. The DPW Director has indicated that about 75% of public works vehicles

exit to the east over the private Walnut Road railroad crossing. Only 25% exit via 113th Street or west on Walnut Road. With a gate at the access point, would most likely go to the controlled intersection.

(The meeting recessed at 9:20 p.m. and reconvened at 9:27 p.m.)

Asked by the Chair to describe the process, Ms. Welch said it is very similar to other planned developments the city has done with the exception that appropriate zoning in this case is already in place. The city code requires that conditions laid out as part of preliminary plan approval must be met by the developer in the final plan. Thus, it is very important to identify the conditions now.

Ald. Stepaniak asked about the purchase price of the site. Ms. Welch said that the purchase agreement and purchase price still need to be finalized. Mr. Randall added that the purchase price is to be derived by an appraisal. The initial version given to the City was at \$1.4 million, but there was a provision for updating the price as of January 1, 2008. The ash berm may negatively affect the value. The City has the right to have the assessor review the appraisal and have its own appraisal, and then those values would be combined and a price determined. Mr. Kesner confirmed a potential three-step process wherein the developer provides an appraisal, the assessor reviews it, and then the City can get its own appraisal and work from there. The final sale, which will require Common Council approval, would occur closer to the final stage, possibly with closing in 150 days. We won't have a final price approved until the final stage. Project revenues from the sale are included in the 2009 capital budget and proposed for use on Hart Park amenities.

Ald. Stepaniak felt that pedestrian and bike friendly features should be an expressed condition, especially with the proximity to the bike trail. Increasing pedestrian and bike friendly aspects of the city has been an issue in Comprehensive Plan deliberations, he noted.

Ald. Stepaniak asked for further comment from the developer on viability of housing on this site given that another developer of a site adjacent to the city yard was not successful in securing a residential use. Mr. Toldt explained that his firm has focused on niche developments—sites with many challenges and an existing demographic suitable for the type of housing he builds. He has found that there is a market for an appropriately designed residential development in every place he has ever gone, but he realizes that his success in the past doesn't ensure future success. There are some characteristics, however, that make a development suitable for success. It doesn't matter if a development is next to a busy street, a recycling area, or expressway since people don't choose where to live based on just one item. They may want access to shopping, the expressway, a particular kind of housing, social amenities, and may want to be in a particular community. If a development doesn't have any adverse uses adjacent to it, the land price will be higher and the rents or sale price will be higher. He has been able to build with the types of amenities that people are willing to pay for in a particular location. The Reserve apartments and the elderly housing on State Street are two excellent examples of locations that were not considered prime. Also, Serafino Square was not seen as a premium site due to the railroad tracks at its rear. Mr. Randall noted that most of the public works functions are at the northeast corner of the City site with the western portion more of a landscaping/staging area, so it is not adjacent to the intense use that some envision.

Ald. McBride commented that this proposal is building a neighborhood, not just a tract development. He expressed support for the suggested conditions and the project as a whole. He requested that the developer's agreement address the question of ownership and maintenance of the berm. Ald. Nikcevich also supported the project as the right place at the right time.

Ald. Birschel noted that concerns about traffic have been stated over and over in the past by area residents and former alderpersons. If preliminary plans are approved, he will schedule a neighborhood meeting at the police station to inform residents of the plans and hear their comments.

Ald. Stepaniak noted that businesses in this area have some strong ideas about needs at the 113th and Watertown Plank Road intersection, and there should be language to assure that they are involved in the process.

The Chair determined that there was general consensus to defer to staff follow-up on suggested conditions of approval. The Chair reiterated specifically that Walnut Road will be an access point if the preliminary plan is approved.

Moved by Ald. McBride, seconded by Ald. Meaux to recommend to Council approval of the Preliminary Plan with the following conditions for final plan approval: 1) plans showing adequate sewer capacity, environmental remediation, and storm water management subject to approval by the City Engineer; 2) parking lot and traffic circulations plans showing adequate access for adjacent businesses subject to approval by the City Engineer; 3) plans for water supply to the site subject to approval by the City Water Superintendent; 4) building plans designating design and materials recommended by the City Design Review Board; 5) emergency vehicle access plan subject to approval by City police and fire departments; 6) legal division of the parcel; 7) final developer's agreement, including maintenance of the berm, approved by the Common Council; 8) provision of pedestrian and bike friendly features; 9) inclusion of adjacent businesses in discussions regarding improvements of the 113th and Watertown Plank intersection

Future Uses for Derse Property at 1234 N. 62nd Street

Ms. Welch reported that William Haney, Derse CEO, requested discussion of possible future uses of the Derse property at 1234 N. 62nd Street, which will be available for redevelopment with Derse's move to a larger site outside of Wauwatosa later this year. The existing buildings have met the company's needs but may not represent the best use of the site. Multi-family housing would be a continuation of the Reserve apartment complex at the south end of the same block and would provide a residential buffer to the neighborhood to the north. Ms. Welch referred to her memo of September 3, 2008, and encouraged the committee to discuss the issues involved so that Derse can proceed with their comments in mind. She noted that the draft Comprehensive Plan identifies this area's use as high density residential of 20-35 units per acre.

Bill McNamara of Derse said that the company realizes that some development proposals have been problematic for this committee and wanted input and feedback so they can go down the right path and not waste a lot of time. Their main parcel is about 4 acres, and an adjacent piece across the street, which includes the Schoonmacher Reef, is about 2.3 acres. At this point, they have an open mind on developing it themselves or selling to others.

Ald. McBride said that an important aspect in terms of impact on surrounding properties is design considerations such as massing, materials, site design, and landscaping. With State Street becoming an important residential corridor that will still retain other uses, there is an opportunity for a whole new neighborhood. He noted that a portion of the parcel is in the 1st District along with the 4th District.

Ald. Nikcevich noted that there is a remarkable deficit in the housing base in Wauwatosa but asked how to know when the saturation point is reached. Ms. Welch said that there are relatively few locations with options for housing—here and probably a couple more as the State Street corridor redevelops, and perhaps in the Burleigh Triangle or along Burleigh, although the latter is likely to be much more urban in character. It is matter of looking at each location and taking advantage of the opportunities as they arise.

Mr. McNamara confirmed that Derse is sympathetic to preserving Schoonmacher Reef as a designated national landmark. He said that the reef has only recently been a problem when snow, rain, and pounding from Western Metals demolition operations created some sliding and neighbors asked them to do some staking, which he refused to do. That land has been useful for parking, but they never otherwise expanded into it. Mr. Israel, who is developing the Western Metals parcel, has considered acquiring it as a green zone.

Ald. Stepaniak observed that residential use and the potential density discussed by staff is quite responsive to the market in many respects. The Reserve and Hart Park Square were perception-changing projects, and the Western Metals property fits into that pattern. The draft Comprehensive Plan anticipates increasing residential in this area, which he termed gritty and eclectic. He favors high quality residential with transitional design. He would not like to see very high density next to existing very low density. He felt the reef should be addressed through some sort of conservancy zoning or agreement with the property owner/developer so that there is assurance of preservation and potential public access.

Ms. Welch explained that density is the number of units on the site, but massing would address how features on the northern end taper down and provide a better transition to the existing neighborhood. That might translate into town homes, courtyard/garden-style apartments, and more of a broken-up façade. Knowing what the committee would like to see will help Derse market the site with greater confidence and come up with a plan that satisfies that criteria. A developer would be able to come in with more highly developed designs.

Ald. Nikceovich concurred with maximum density of 25-30 per acre.

Ald. McBride commented that this is an industrial area where people have bought homes with that in mind--there is a market for homes in a grittier, more urban area. He would be receptive to the Chicago style courtyard/garden architecture mentioned and would envision this as a neighborhood of varying densities and varying setbacks with a feel sympathetic to existing residential and to State Street.

Ald. Stepaniak noted that, as in past discussions, there might be questions about traffic and how it accesses State Street and Milwaukee Avenue. Also, the developer should be aware of possible constraints in terms of sewer and water availability. He felt that staff would be able to guide what makes sense in terms of the kind of development and particularly how it would interact with State Street.

Ordinance – Floodplain District Official Maps and Revisions

The committee reviewed a proposed ordinance amending Chapter 24.47.050 Floodplain District Official Maps and Revisions. The Plan Commission unanimously recommended approval, and a public hearing was held. Ms. Welch noted that this action is required in order to continue in the FEMA flood insurance program. The maps will need to be amended, perhaps around 2010-11, once the Hart Park project and county grounds detention basins are operational and their impact has been modeled and calculated.

Moved by Ald. Birschel, seconded by Ald. Stepaniak to recommend to Council adoption of the ordinance. Ayes: 7

The meeting adjourned at 10:42 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

es