



CITY OF WAUWATOSA

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COMMUNITY DEVELOPMENT COMMITTEE MEETING Tuesday, October 14, 2008

PRESENT: Alds. Birschel, Hanson, Herzog, McBride, Meaux, Nikcevich, Stepaniak, -7

EXCUSED: Ald. Treis

ALSO N. Welch, Community Dev. Dir.; W. Kappel, Dir. of Public Works;
PRESENT: A. Kesner, City Atty.; J. Archambo, City Admin.

Ald. Herzog as Chair called the meeting to order at 8:00 p.m. -7

Proposed Rezoning – 2283 Ludington Avenue

Ms. Welch reported that the property at 2283 Ludington Avenue was constructed as a single-family residence and has been used as such for many decades. When the AA Business District zoning line was drawn some years ago, however, it crossed to the south of this property, making it a non-conforming use. The property owners would now like to change the zoning to AA Single Family Residence District to reflect its intended use.

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

Wauwatosa Comprehensive Plan

Ms. Welch reported that the City has undergone a series of public meetings over the past year to create a new comprehensive plan to guide future land use decisions. The draft plan was presented to the Common Council on October 7 and reviewed by the Plan Commission on October 13. The next step in the approval process is setting a public hearing date so that the public can provide comment prior to final recommendations and adoption.

Moved by Ald. Birschel, seconded by Ald. McBride to recommend to Council setting a public hearing date of December 2, 2008. Ayes: 7

Developer's Agreement for Large Retail Establishment at 1701/1801 N. Mayfair Road

Ms. Welch pointed out key issues addressed in a proposed developer's agreement between the City of Wauwatosa and West Development Partners LLC for a large retail establishment at 1701/1801 N. Mayfair Road: 1) The agreement requires at least a 40% decrease in stormwater runoff during a 100-year storm event; the developer anticipates reducing runoff by about 47%. 2) The conditions imposed by the Wisconsin Department of Transportation (DOT) relating to traffic will be mandatory. 3) A parking lot plan must be approved by the Board of Public Works. The plan reviewed by staff meets landscaped area requirements but would reduce the number of parking spaces by 18. 4) The project must meet the eligibility requirements for LEED certification at a level of "silver" or higher. 5) The developer has

agreed to contribute \$15,000 to the construction of a gate to guard the Walnut Road railroad crossing, as required by the Director of Public Works.

Brent West, West Development Partners LLC, 1836 N. 49th Street, Milwaukee, reported that a new parking lot plan has been developed that he believes meets requirements without losing 18 parking spaces. It would still require staff review and approval of the Board of Public Works.

Ald. Meaux recalled that there was an intent to prohibit any drive-thru operations on the site. Mr. Kesner indicated that he would include an attachment listing stores that would not be acceptable in the retail spaces, similar to the list used for the One Mayfair Place development at Mayfair Road and Center Street.

(Ald. Meaux excused. -6)

Asked about the \$15,000 estimate for the Walnut Road gate, Ms. Welch said that is the assumed cost. There was no estimate for connection to an electrical source at the public works yard, which would be very costly with the need to go under the railroad tracks; but the developer has offered to do an electrical connection at his building. Mr. West said that he does not yet have the public works design requirements, but it would be an electrified gate that could open with a pass card.

Ald. Stepaniak recalled that the committee's previous thought was that if a gate was needed to prevent traffic from going across the railroad tracks and through the city yard, it would be a developer cost. If there is any possibility of some public cost, he would have a problem with the agreement. Mr. Kesner explained that the developer was unwilling to use language stating specifically that they would pay the entire cost, but there was no intention to use city funds. Mr. West added that his intent was not to pass the cost on, but more information is needed at this point from the Public Works Director, who stated in their meeting that a gate may or may not be needed depending on how traffic flows. The \$15,000 amount should cover a standard electrified gate with a pass card.

Referring to DOT requirements, Ald. Stepaniak asked what occurs if DOT estimates prove to be wrong and some re-engineering is needed. Ms. Welch explained that the DOT can require developers to contribute to the cost of infrastructure improvements that they determine are needed based on a traffic impact analysis. In a couple of years, it may not be possible to identify a particular development as the cause of a problem and hold them responsible. Mr. Kesner added that in the case of the most recent improvements made in the area of Mayfair Mall at Mayfair Road and North Avenue, there was a negotiated process through which most of the cost was funded by the property owner or the state with a small amount paid by the city for improvements we needed. He said that traffic engineers try to envision needs so that it would be 10 years or more before any more changes based on traffic would be made. There has never been reason to doubt the traffic impact analysis and include anything more in a developer's agreement.

Ald. Stepaniak next asked about big-box ordinance provisions for contribution to a fund providing resources should be building be left vacant. Ms. Welch said that the required payment, which is retained in the land conservation fund, is a pro-rated amount based on square footage and anticipated demolition costs. The payment is assessed in connection with the building permit fee.

Regarding parking lot approval, Ms. Welch clarified that staff reviewed the parking lot plan that was submitted and determined a way to meet landscaping requirements, although it resulted in the loss of 18 spaces. If the developer comes up with a revised site plan with the required landscaping without reducing the amount of parking, it would require further staff review and the approval of the Board of Public Works.

Moved by Ald. Hanson, seconded by Ald. Birschel to recommend to Council approval of the developer's agreement –

With consent of the second, the mover accepted an amendment by Ald. McBride to require the developer to contribute the full cost of the Walnut Road gate including electricity –

Vote on the motion as amended, Ayes: 5; Noes: 1 (Nikcevich)

(The committee recessed at 8:35 p.m. and reconvened at 8:40 p.m. Ald. Meaux present. -7)

Private Property Sanitary Sewer Infiltration and Inflow Control Ordinance

Mr. Wehrley reported that the city is required to comply with Milwaukee Metropolitan Sewerage District (MMSD) peak wet weather flow performance standards that limit the amount of infiltration and inflow (I & I) entering the sanitary sewer system. To comply with a Department of Justice (DOJ) settlement, the city is in the process of inspecting its 4,100-plus public sanitary manholes on a five-year cycle and correcting deficiencies found. The city also investigates leakage into its mainline sanitary sewer system. MMSD estimates that during peak flows the city has excess flow of about 3,000 gallons per minute. That compares to a daily flow rate of about 4.2 million gallons. It is up to the city to determine how we will cut out that leakage to comply with standards. We are in the last two years of the manhole inspection/correction program.

There are approximately 1,300 privately owned sanitary manholes in Wauwatosa, primarily on commercial and industrial properties. Problems with covers or grates could be a major source of excessive flows and are generally some of the most cost effective repairs that could be made. Staff is proposing inspecting those manholes and requiring owners to correct those types of deficiencies. After getting that in place, we could proceed with more aggressive private property infiltration and inflow investigations. Private interceptor sanitary sewers running across private property could be leaking profusely, but we have no ordinance requiring them to be tightened up. Pursuing that would help bring the private sector up to the same level as the public sector. Mr. Wehrley proposed coming back to the committee with more details on how staff would carry out this program.

Mr. Wehrley indicated that the preference would be for the private property owner to handle the inspection and repair process. Staff has determined that they would not be able to adequately manage a program requiring 1,300 additional manhole inspections and associated coordination and follow-up. The National Association of Sewer Service Companies (NASSCO) is a national accrediting organization that certifies manhole inspectors who could be hired by private entities. Their reports would be reviewed by city staff without any direct city fee. Similar to the city's ordinance on private wells, there would be language regarding failure to comply that would allow the city to cause the work to be done and billed to the property.

Ald. Stepaniak commented that if a draft ordinance returns to committee for consideration, the owners of the 1,300 private manholes would then have an opportunity to offer their views. So that we don't exacerbate the problem, he felt that we should also include as part of our standard approval process some provisions for any additional private sewers that might be constructed for new developments.

Moved by Ald. Stepaniak, seconded by Ald. McBride to authorize staff to return with a draft ordinance to address Phase I, privately owned sanitary manhole inspections, and Phase II, Private Sewer Investigations, and also dealing with future development guidelines –

The Chair asked if Phase II would impact a typical homeowner. Mr. Wehrley said that there are other ordinances that exclude owner-occupied one and two-family dwellings, but it would be up to the committee to determine how to craft it.

With consent of the second, Ald. Stepaniak amended the ordinance to authorize staff to return with a draft ordinance to address Phase I first with the intention of coming back at an appropriate time with staff's views on approaching Phase II –

Ald. Nickceovich asked about spot inspections of the 1,300 private manholes to ensure compliance. Mr. Wehrley said that he would like to have that component since some leaks are very weather dependent. He would especially want to do spot checks in areas where we have basement backups and crews find excessive flow in the sewer.

Asked about the ultimate bigger picture if the proposed measures do not resolve the problem, Mr. Wehrley said that the city is still actively working to reduce clear water with the goal of meeting the MMSD and DOJ requirements. That may include looking at sanitary sewer lines, relays, sump pump inspections, and illegal connections.

Vote on the motion, Ayes: 7

The meeting adjourned at 8:35 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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