



CITY OF WAUWATOSA

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COMMUNITY DEVELOPMENT COMMITTEE MEETING Tuesday, December 9, 2008

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

EXCUSED: Ald. Treis

ALSO M. Welch, Community Dev. Dir.; A. Kesner, City Atty.; N. Kreuser, Health Officer;
PRESENT: J. Archambo, City Admin.; K. Rusch, Admin. Intern

Ald. Herzog as Chair called the meeting to order at 8:03 p.m.

Ordinance - Property Maintenance Reinspection Fee

The committee reviewed a proposed ordinance creating Section 15.32.070 B.2 of the Code to provide for a reinspection fee upon failure to comply with property maintenance orders. Ms. Welch reported that this will more clearly define the ability to impose a fee when additional inspections are needed to gain compliance with property maintenance orders.

Ald. Birschel noted that there have been several lengthy instances of non-compliance in his district, one of which took three years to resolve.

Ald. Stepaniak supported a tiered fee that would increase as violations continue and further inspections are needed. Ms. Welch explained the intent to first see if enforcement of this fee generates compliance. In the context of hundreds of property maintenance complaints each year, there are very few properties that require reinspection. Also, the new public nuisance ordinance offers additional steps in difficult cases.

Moved by Ald. Birschel, seconded by Ald. Hanson to recommend adoption. Ayes: 7

Land Combination – 2544 Pasadena Boulevard

The committee reviewed a request by James and Mary Sharon DeGuzman for a Land Combination in the AA Single Family Residence District at 2544 Pasadena Boulevard. Ms. Welch reported that the applicants own two platted parcels that they wish to combine into one. The Plan Commission unanimously recommended approval. Joe Pickart, 2518 N. 91st Street, counsel for the applicants, explained that they are the parents of five and at some point would like to enlarge their home.

Moved by Ald. Nikceвич, seconded by Ald. Stepaniak to recommend approval of the land combination. Ayes: 7

Conditional Use – Massage Therapy Establishment at 611 N. Mayfair Road

The committee reviewed a request by Peter Skanavis, G11 Group LLC, for a Conditional Use in the AA Business District at 611 N. Mayfair Road for a massage therapy establishment in an existing business building. Ms. Welch reported that the Plan Commission unanimously recommended approval.

Peter Skanavis, 6100 W. State Street, said that hours of operation will be 8 a.m. to 9 p.m. seven days per week.

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

Land Division – Planned Development at S.W. Corner of N. 113th Street and Walnut Road

The committee reviewed a request by the City of Wauwatosa and Toldt Development for a Land Division for a planned development at the southwest corner of N. 113th Street and Walnut Road. Ms. Welch explained that a proposal to create seven parcels has been revised to avoid creating some non-buildable outlots. Division into parcels #1 and #2 is now proposed, as shown on a drawing distributed to the committee. Parcel #1 containing the ash berm along the west side of the site would remain under City ownership, but the developer would landscape and maintain the area. Parcel #2 consisting of approximately 17 acres would be purchased by the developer, who would later create seven separate parcels as shown on a second drawing. The drawings also delineate 3.5 acres of right-of-way to complete 113th Street, extend a portion of Walnut Road, and construct a roundabout.

Atty. Brian Randall, 2602 N. 88th Street, of Friebert, Finerty, & St. John, 330 E. Kilbourn Avenue, Milwaukee, said that parcel #1 is about 85 feet wide and about 2-1/3 acres in size overall, and parcel #2 is just over 17 acres. The 3.5 acres to be dedicated as public right-of-way will remain City property. Roads within the development will be constructed and maintained by the developer but will be open to the public. The areas where parking spaces overlap into parcel #1 will likely be addressed in an easement agreement that will allow Toldt to landscape and use that area. Testing of the berm, which will be required by the DNR, may lead to adjustment of the parcel #1 boundary line to eliminate the need for an easement.

Ald. McBride raised the issue of an adverse possession claim in terms of public use of the private roads. Mr. Randall said that a developer's agreement will address that question to ensure that they will remain private roads.

Mr. Randall reported on a neighborhood meeting held on November 17th at the police station at which the project was presented. Questions generally involved traffic issues, sewer and stormwater concerns, and how proceeds from sale of the land should be used. He noted that final engineering will be reviewed by City engineering staff as well as MMSD, and the utility plan will be reworked as needed. Use of the proceeds is essentially a City issue.

Ald. Stepaniak asked about use of the roundabout by commercial vehicles. Ms. Welch said that the layout was designed with input from engineering and fire department staff and will be carefully reviewed again.

Moved by Ald. Hanson, seconded by Ald. McBride to recommend to Council approval of the Land Division. Ayes: 7

Final Approval of Planned Development at S.W. Corner of N. 113th Street and Walnut Road

Ms. Welch outlined the request by Toldt Development for final planned development approval for 427 residential units at the southwest corner of N. 113th Street and Walnut Road. The project would include apartment, townhouse, and condominium units. The committee received a portion of the detailed information on the project that was submitted by the developer; the complete information is available from staff. The project is to be constructed in phases over a number of years.

Atty. Brian Randall, 2602 N. 88th Street, of Friebert, Finerty, & St. John, 330 E. Kilbourn Avenue, Milwaukee, reported that this project has been unchanged in its core concept since first proposed in response to a 2002 RFP, and the final concept has changed very little since preliminary plan approval in September. Due diligence efforts have included site investigations and soil borings; and utility plans as well as excavation and grading plans have been developed. Mr. Randall displayed an aerial view and a site layout drawing. Sixty percent of the green space will be preserved with 20-22 housing units per acre as opposed to 35 units per acre foreseen for this type of area in the Wauwatosa Comprehensive Plan now under consideration. There will be apartments—including elderly units—and condominiums, with market conditions driving the mix. The 112 one-bedroom and 365 two-bedroom

units will be of high quality, making them well positioned for apartment-to-condo conversions in the future. At this point, 40 condominium units are envisioned.

The main crescent road within the project will look like a city street but will be built and maintained by the developer. It will be open to public use. The Walnut Road and 113th Street improvements will become public right-of-way built to City specifications. Ample parking will be provided as well as civic space with usable green areas, and there will be a variety of pedestrian pathways including paved 5-ft. wide sidewalks. A path will straddle the property line along the berm where existing vegetation and trees will remain intact. A community room will be available to residents.

The traffic impact study has been updated to account for new developments approved in the past year. A new traffic signal at 113th Street and Watertown Plank Road will be timed with the existing signal at 115th Street. There will be a left-turn arrow for eastbound-to-northbound traffic, and some striping will create a left turn lane for westbound Watertown Plank Road traffic. With the exception of City trucks and delivery vehicles, no trucking will be allowed on 113th Street, and no residential traffic will be allowed to use the private railroad crossing. The public works gate will be relocated to the east side of the roundabout. Even though there is a fair amount of trucking to the south, it is not expected to conflict with expected residential peaks in early morning and early evening.

Phased-in buildout will occur over a five-year period. Phase 1 will include all road construction, utility installation, stormwater detention pond, and 197 apartment units in buildings A, B, C, and D to help create a sense of community prior to construction of the elderly housing unit E in Phase 2, final apartment buildings G and H in Phase 3, and the 40-unit condominium building in Phase 4. Buildings F, G, and H could all become condo buildings and be built at the same time. This will be further delineated in the development agreement, which will require Council approval before the property is sold and development proceeds, potentially in early 2009.

Ms. Welch said that there has been some design review but final Design Review Board approval as well as engineering approval will be needed. She encouraged identification of issues for inclusion in the development agreement. Unless otherwise specified, she noted, it would spell out the distribution of housing types and Council action would be required for any amendments.

Ald. Birschel reported that since residents in this area have experienced sewer backups, one of the greatest concerns at the community meeting was how much more the sewer system can handle. Ms. Welch said that a new sanitary sewer connection requires MMSD approval. During development of the new MMSD facilities plan, these units were taken into consideration and there should be sufficient capacity.

Further discussion ensued regarding the number of condominium units, the planned construction phases, and possible future apartment-to-condo conversions. Ald. Birschel expressed a strong desire for more owner-occupied parcels. Mr. Randall suggested establishing a baseline of 40 condo units with the understanding that further units could be built as condominiums or converted later without an amendment or further action other than an appropriate review process. Helmut Toldt, Toldt Development, said that he also would prefer more condos but the uncertainty of the marketplace means that financing for condos will not be available unless a significant number of units are presold. There are practical problems in terms of loan-to-value ratios that cannot be overcome. Ms. Welch confirmed that lenders have been requiring 70-80% presold before financing. Mr. Randall explained the desire to provide some flexibility in the development agreement so that construction proposed in phase four could come before that proposed in phase three, for example. The agreement could require a baseline of 40 condos at phase four or sooner.

On the issue of mandating owner occupancy of condo units, Mr. Toldt said that the condo declaration could not contain such a requirement and City Attorney Kesner agreed that the City could not include a specific prohibition. A condo association could consider that, however.

Moved by Ald. McBride, seconded by Ald. Meaux to recommend approval of the final plan with a requirement for a floor of 40

condominium units and flexibility for the developer to increase that number as he sees fit and the market dictates; such approval subject to approval by appropriate City staff related to engineering, traffic, fire and building codes, and environmental remediation, approval by the Design Review Board, and obtaining any other licenses and permits.

Ayes: 7

(The meeting recessed at 9:10 p.m. and reconvened at 9:22 p.m.)

Report on Wauwatosa Senior Commission Senior Transportation Assessment

Dr. Doris Schoneman, University of Wisconsin-Milwaukee College of Nursing, Institute for Urban Health Partnership, reported on the Senior Transportation Assessment, which was recently completed under the direction of the Wauwatosa Senior Commission and the Health Department using Community Development Block Grant funding. The purpose of the study was to determine seniors' transportation needs, problems, preferences, and options. Wauwatosa has a higher percentage of residents over the age of 55 than other comparable Milwaukee County suburbs and the state overall.

Dr. Schoneman summarized issues and concerns and the methodology used in the surveys. Of the 377 respondents, 257 expressed some concern with driving and 47.1% of them indicated a willingness to use alternative transportation for a wide variety of activities. Three focus groups of 10-15 people each also contributed to the findings as well as 10 individuals who work with senior citizens. Transportation barriers listed included distance to bus stops, weather, cost, and inconvenience.

The study's recommendations were to:

- 1) Increase access: Increase senior citizens' knowledge of available services; encourage enhanced volunteer or business partnerships to provide transportation; increase ease and comfort level in taking transportation; explore feasibility of establishing a senior transportation system; strengthen existing services that work.
- 2) Maximize safe driving, ease transition to not driving: Involve broad coalition; have key health promotion messages for older driver fitness; encourage use of screening tools and assessment of driving fitness.
- 3) Establish broad-based senior transportation coalition: Review findings; develop plan.

Judy Parmeter, Senior Commission Chair, reported on a three-day Southeastern Wisconsin Regional Planning Commission (SEWRPC) seminar she recently attended regarding transportation issues for senior, disabled, and low income residents of Milwaukee and Waukesha Counties. In addition to valuable information gained there, she has also polled area communities on their transportation programs and has started putting together an ad hoc committee to look into various options for programs. She commented that seniors in Wauwatosa want to stay in their homes and need transportation options once they can no longer drive. Diane Euting of Interfaith, will co-chair the ad hoc group with Sue Braden, who has done a lot of research into non-profit programs for seniors. The Commission also intends to assemble a transportation tool booklet with information about TransitPlus, cab companies, and services provided by hospitals, churches, and funeral homes.

Ald. McBride commented on the need for action and encouraged seniors to step forward and make this a real action item. Partnerships with other communities would help stretch resources; also, churches may be under-utilized. In terms of how much seniors are willing to pay for transportation, he questioned whether, as a group, they are financially under-resourced to cover those types of costs.

Diane Euting, 2404 N. 66th Street, Director of Greater Wauwatosa Interfaith, said she has found the majority of seniors are in the low to moderate income category. Although they sometimes are not familiar with how much things really cost, paying \$7 for transportation each time could be a problem for someone at that income level.

Ald. Birschel asked if some kind of subscription plan with a fixed fee would be acceptable. Ms. Parmeter indicated that they have done some investigation and have some ideas along those lines.

Moved by Ald. McBride, seconded by Ald. Birschel to recommend that this matter be placed on file. Ayes: 7

Wauwatosa Comprehensive Plan

Ms. Welch reported that the newly drafted Wauwatosa Comprehensive Plan will be used to guide the Common Council and Plan Commission in making all zoning and land use decisions. It is legally binding from the standpoint that an amendment process would be needed to change an intended use. This document should be the first thing consulted when making zoning or land use decisions.

Ald. Nikcevich asked who is responsible for checking the process and if we will be following it and working toward those goals. Does it help in our vision? Ms. Welch said that it is something the Common Council uses and directs staff to implement. Realistically, it will come down to staff moving forward on implementation. As was the case with our previous Comprehensive Plan and others such as the Strategic Plan, it does get implemented bit by bit. Thirty years later, some of the things envisioned in our previous plan are no longer practical, but many action items were carried forward.

Mr. Archambo said that the plan is more practically usable when dealing with the Future Land Use map. When a request comes to the Plan Commission for modification of zoning, one of the first issues would be whether it fits the Future Land Use map. Longer term, staff will need to keep in mind things like elements of the transportation plan as transit issues arise, for example.

Ald. Nikcevich next inquired about responsibility for updates. Ms. Welch said that the State anticipates updates every ten years, but from a practical standpoint she was uncertain about going through the full process again in ten years. She suggested that the plan could be reviewed at committee level to consider any major changes or updates that might be needed. Any recommended changes would need to go through the Plan Commission and Common Council.

Citing the Institutional designation of the school district's Fisher site on the Future Land Use map, the Chair asked if this would make it more difficult for a developer to propose something outside of the designated land use. Ms. Welch said that it would not necessarily become more difficult, but a developer would still have to apply for a zoning change. In the case of the Fisher site, the land use designation conforms to the current use of the property and does not anticipate any immediate change based on discussions with the committee and the school district.

Moved by Ald. Hanson, seconded by Ald. McBride to recommend adoption of the Comprehensive Plan –

Ald. Nikcevich considered but withdrew a motion to require review in 5, 10, and 15 years or at least at the 10-year point. Ms. Welch indicated that the plan could be brought forward at any time for updating.

Vote on the motion, Ayes: 7

The meeting adjourned at 10:10 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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