



CITY OF WAUWATOSA

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COMMUNITY DEVELOPMENT COMMITTEE MEETING Tuesday, March 9, 2010

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

EXCUSED: Ald. Stepaniak

ALSO N. Welch, Community Dev. Dir.; A. Kesner, City Atty.; Chief B. Weber, Police Dept.;
PRESENT: J. Archambo, City Admin.;

Ald. Herzog as Chair called the meeting to order at 8:20 p.m.

Proposed Rezoning – Northeast Corner of Hwy. 45 and Watertown Plank Road

The committee reviewed a request by Curtis Stang, UW-M Innovation Park, LLC, and Craig Dillman, Milwaukee County, for a change of zoning from Medical Center and Institutions District and Research Park Planned Development District to Business Planned Development at the northeast corner of Hwy. 45 and Watertown Plank Road. The only action required at this point is to formally set the public hearing date of April 20, 2010.

Moved by Ald. Birschel, seconded by Ald. Dennik to recommend
to Council setting a public hearing date of April 20, 2010. Ayes: 7

Proposed Rezoning – Northeast Quadrant of the Milwaukee County Grounds

The committee reviewed a request by James Keegen, Milwaukee County Parks Department, for a change of zoning from Medical Center and Institutions District to Conservancy District on the northeast quadrant of the Milwaukee County grounds. The only action required at this point is to formally set the public hearing date of April 20, 2010.

Moved by Ald. Dennik, seconded by Ald. Birschel to recommend
to Council setting a public hearing date of April 20, 2010. Ayes: 7

Conditional Use – Hoyt Park Pool, Bathhouse, Concessions at Approximately 1800 Swan Boulevard

The committee reviewed a request by Geoff Hurtado, Irgens Development, and Denise Lindberg, Friends of Hoyt Park and Pool, Inc., for a Conditional Use in the Parks and Open Space District at approximately 1800 Swan Boulevard to operate a pool, bathhouse, and concessions. The Plan Commission unanimously recommended approval.

Using an on-screen display, Denise Lindberg, President/Executive Director of Friends of Hoyt Park and Pool, Inc., (FOHPP) outlined the history of the proposal beginning with a citywide strategic planning process set in

place by Mayor Walsh and the Common Council in the 1990s. The existing pool closed in 2003, and two county supervisors brought the issue to the Wauwatosa Neighborhood Advisory Council in 2005. During a two-year period thereafter, Ms. Lindberg brought the issue to the Wauwatosa School Board and to the Common Council Committee of the Whole. The community grass roots group was granted formal status as a non-profit organization in July 2006. FOHPP has an independent board of directors that will control what the pool looks like and how it will operate. Ms. Lindberg serves as the volunteer executive director and will ultimately hand that responsibility over to a paid director.

As of March 1, FOHPP has a 55-year lease for operational control of the pool site and bathhouse pavilion. The facility will be financially self-sustaining. They have secured \$7.7 million in funding for pool design, construction, and renovation of the bathhouse. The county capital budget will fund park and parking lot improvements and landscaping. FHOPP is seeking an additional \$500,000 for amenities such as a water slide, diving boards, and starting blocks. They received a grant for a sand play area. An addition at the north side of the bathhouse will add seating for about 60 people inside as well as outdoor seating for year-round food service. The grand atrium will serve as a community gathering space. Ms. Lindberg spoke of the benefits of the new-style pool as a community recreation, health and wellness facility, and gathering space. It will have a 1,100-person capacity with lap lanes and a diving well. The target opening day is Memorial Day 2011.

Ms. Lindberg noted that Mr. Hurtado of Irgens Development, a representative of Milwaukee County, and other members of the project team were present. A total of 41 attendees indicated that they were present in support of the proposed Conditional Use. A packet of over 150 supportive e-mails was submitted to each committee member and made a part of the record.

Heidi Engbring, 2026 Menomonee River Parkway, recalled past neighborhood problems associated with the pool and asked about plans to address those issues. She suggested increased police presence and a bus stop closer to the entrance to reduce travel through the neighborhood. Ald. Dennik recommending contacting the county supervisor, who can request a bus stop change through the Transit System.

Mike Hogan, 6904 Maple Terrace, thanked FOHPP for their work and mentioned the need for support in an ongoing way to help this project stay off the tax rolls. Joe Schmitz, 8910 Jackson Park Boulevard, felt that property values will increase and Wauwatosa will be appreciated more. There is much intangible value as well as no cost to taxpayers. Mike Doyle, 2518 N. 81st Street, was very much in favor of anything that promotes health and recreation for youth in the community.

The Chair thanked Ms. Lindberg and the FOHPP board and members for their work over the past few years.

Ald. McBride indicated that he will vote "present" on this request since he is a member of the FOHPP board. He said that the community owes a debt of gratitude to Ms. Lindberg for her efforts.

Moved by Ald. Dennik, seconded by Ald. Meaux to recommend to
Council approval of the Conditional Use --

Ald. Meaux said that he has heard concerns about this and other issues in his district where a lot is underway right now including the new fire station, Hart Park, Village activity, and the pool revitalization.

Ms. Welch confirmed that traffic, parking, and security issues were raised at the Plan Commission meeting. There are over 200 parking spaces, which meets zoning requirements and should be sufficient. based on comparison with similar pools. Some additional traffic signage or restrictions to ensure safe ingress and egress might be needed, particularly to reduce rush-hour conflicts. Measures such as adjusting times of classes, clearing bushes to increase visibility, or limiting left turns at certain times have been discussed.

Ald. Herzog said that it is not clear if the reported traffic counts took into consideration any buildup on the county grounds. Swan Boulevard traffic has changed since the pool closed in 2003, so a traffic impact analysis might be appropriate. Ms. Welch agreed that an analysis that updates and includes county grounds UW-M figures is needed. She would like to make sure that we get additional information about UW-M and the Hwy. 45 intersection, but would not want to obligate FOHPP to address things they do not entirely control. Ald. Dennik referenced traffic impact analyses by the Wisconsin Department of Transportation in connection with Zoo Interchange improvements.

The mover and second accepted a friendly amendment by the Chair to condition approval upon FOHPP working with engineering and public works staff on potential traffic impacts. Ayes: 6; Present 1 (McBride)

Amendment to Business Planned Development – Stone Pointe, 1215 N. 62nd Street

The committee reviewed a request by David Israel for an amendment to the Business Planned Development for the Stone Pointe residential development at 1215 N. 62nd Street to construct a portion as senior rental housing units.

Ms. Welch responded to questions raised by the committee during an informational presentation on this proposal at the previous meeting. She said that the count of 517 parking spaces in the original proposal includes structure and surface parking, a ratio of about 2.3 spaces per unit throughout the complex. Taking into consideration that this is a tax credit project and the difficulty of providing an assessment on a building not yet under construction, the assessor has estimated an initial value of \$4.5 to \$5 million. Once income is generated, he is required to reassess using the income approach.

Atty. Brian Randall of Friebert, Finerty & St. John, 330 E. Kilbourn Avenue, Milwaukee, was present representing the developer, Lears and Company, together with Atty. Todd Farris, also of Friebert, Finerty & St. John, and Chris Gallagher of Epstein Uhen Architects. Mr. Randall summarized information in his letter of March 5, 2010 to Ms. Welch, which provided additional information and responded to issues raised at the previous meeting.

Mr. Randall's comments:

- Parking ratios: The 517 total reported by Ms. Welch reflects the 2006 condominium proposal. The amendment has 455 total spaces for the entire development or 2.03 per unit overall and 1.29 per bedroom. This ratio is manageable inasmuch as experience indicates that seniors do not have as many cars.
- Future need and exit strategy: There is still a plan to plat this as a condo development, but the developer will retain ownership and rent as senior housing. This is a narrow adjustment from the original market.
- TIF District, taxable status: The client is a for-profit entity. The assessor's estimate of \$4.5 to \$5 million is more than the \$1.9 million now assessed for an empty lot. Over the course of the full project, the aggregate site value will be comparable to the original TIF calculations. Having developed the northeast corner of 68th and State—Sentry, Applebee's, Walgreens, other retail—this developer has already added to the tax base and TIF value.
- Site plan, use of space, connectivity and linkages: Over 51% of the site is green space. Linkages continue with pedestrian connections to retail to the west and walkways throughout the site.
- Schoonmacker Reef: No changes are proposed. Discussions continue on how to best manage the conservation easement.
- Conditions of approval: Mr. Randall distribution a list of suggested conditions that would allow for thorough review by city staff and the Design Review Board.
- Interiors: Building and unit floor plans provided show that amenities, fixtures, and layouts are comparable to condo plans.

- Traffic/traffic studies: With seniors making fewer trips and traveling at non-peak hours, impacts will be reduced. The “pork chop” will prevent left turns into the Martin Drive/62nd Street neighborhood.
- Traffic signals: Studies show that warrants are not met for signals on State Street at 62nd, although the Common Council might be able to otherwise justify them.
- Rental rates: Affordable senior housing is a different market than the Enclave and Reserve housing for young professionals. This is not subsidized, Section 8, or voucher-based housing, and the rents and income levels are not insignificant (\$650 and \$780 for one bedroom with maximum income of \$25,000-\$30,000; \$780 and \$925 for two bedrooms with maximum income of \$28,500 to \$34,000).
- Site maintenance: Finish landscaping will be done on the west end upon construction of the first phase and the remainder of the parcel seeded over to make a presentable site.
- Development agreement: The approved agreement could be amended to reflect senior housing and any other conditions that are appropriate, keeping in place the existing agreement.

Mr. Randall mentioned the market study filed with the city documenting the need for senior housing. While not pursued in the first iteration, the reality is that condos will not sell in this market but there is a market for senior rental housing.

The Chair announced that, in addition to those wishing to speak, three attendees registered in opposition to the proposal: Kevin and Caroline Jankowski, 1310 N. 63rd Court, and Mark Tizzard, 1276 N. 63rd Street.

Spencer Hoyt, 1298 N. 63rd Street, felt that the impact on his neighborhood is potentially significant. Data on the need for senior housing quoted in a recent community newspaper article is from 2000. What does that mean today? This proposal seems to be a matter of convenience—a last minute effort to get something built through a WHEDA tax subsidy with an upcoming expiration date. The exit strategy into condos is unrealistic, and does not take into account the long-term development plan for the State Street corridor. Mr. Hoyt disagreed that Mr. Israel is responsible for development at 68th and State, stating that the Metcalf family’s investment in Sentry turned it around from Mr. Israel’s previous tenant, Rainbow Foods. Subsequent development was a result of the Metcalf investment.

Mr. Hoyt was concerned that the apartments would not draw from Wauwatosa and said a facility providing direct medical assistance becomes an assisted living facility. He believes there have been significant declines in property values in northwest side areas with CBRFs (community based residential facilities), and this is not much different, he felt. If approved, this is under the influence and oversight of WHED and we lose control. Gary Kandziora, 6124 W. Martin Drive, questioned whether this housing would or should be built if the adjacent foundry operation continues. He also asked about soil remediation and what they will do with the contaminated soil from the Walgreens construction. Will it be spread out over the east end, covered, and seeded? There are specific procedures in city codes that have not been followed.

Ryan Schultz of HSI Properties, Waukesha, developer of the Enclave apartments, said that his partnership plans on a \$23 million investment and has a unique interest in the surrounding community. He does not oppose senior house or income restricted housing for this site but wonders how this parcel fits into overall State Street redevelopment efforts. Also, how will this use or effective value of this project change the overall TIF and payment for improvements? He speculated that the Enclave will be built and generating taxes more rapidly than this project due to the current market, but what does that mean in dollars and tax abatement?

Mr. Schultz said that materials seem to be consistent with previous plans, and he was confident that it will be consistent with his project. He suggested paying keen attention to detail in terms of the quality needed here. As was the case with his project, there is always an opportunity to improve the plans over time. He asked if the road system has changed and if the connector road is part of the first phase. What is the status of soil remediation? What will happen if senior housing does not stabilize and the demand isn’t there? Can it be amended as rental that would be competition with his project at an effectively lower rent? Does approval open the door to other types of senior housing adaptation such as assisted living facilities?

Responding to the overall comments, Mr. Randall said that the market survey is not 10 years old but is documented research of area housing facilities dated August 2009. It will give the city a head start on the question of whether there is room for more growth. Data shows a 96% occupancy rate at Hart Park Square. By and large, these facilities are at 90% occupancy, but the market for the Stone Pointe building is not people who need continuing care. Assistance with laundry or medication management does not normally fall into an assisted living classification.

Mr. Randall explained that the developer refined the proposal after receiving comments on the original plan from the Plan Commission. They have done their due diligence and are requesting Council action in light of an approaching WHEDA deadline. While it is not their intent to convert the senior apartments to condos, building to that quality is in the city's interest and provides that opportunity. It is a possibility after WHEDA ends or if it doesn't work out. Any changes would have to come through again as an amended plan.

The State Street corridor plan is 10-12 years old, Mr. Randall said, and a new Comprehensive Plan is now in place. This type of facility helps create a typical city neighborhood with a mix of young professionals, condo owners, and elderly housing. Rents are near market for this housing type. Regarding pollution, Mr. Randall noted that development is occurring and there are residents in this area. They trust that the city, the health department, and the DNR will hold the commercial entity to a high standard and believe they can have a very nice project in the shadows of the foundry. The applicant has done \$600,000 of demolition and site work including some environmental cleanup with at least \$300,000 to go.

Mr. Randall said that it is difficult to identify future value and impact on the TIF. There is a lot that this developer has added to the TIF in this overall area. It will cost \$16 million to build this structure, and there will be a revenue stream thereafter. After the condo buildings are added, it will be closer the \$60 million originally referenced.

Chris Gallagher of Epstein Uhen Architects, 333 E. Chicago Avenue, Milwaukee, addressed site planning. The main road leading from 62nd Street will be built and part of the drive adjacent to the building to allow for fire department access. Roads associated with future development won't be built now. The condo buildings remain as approved in the original developer agreement. Mr. Gallagher said he does not believe this opens the door to assisted living for this site. Any such proposal would have to be reviewed on a separate basis. This is income based, near-market, affordable senior housing.

(The committee recessed at 10:10 p.m. and reconvened at 10:20 p.m.)

In response to a question from the Chair, Ms. Welch said she does not believe approving one senior housing development opens the door to more. We already do have other senior housing and other apartments. The Senior Commission has always indicated that there is a need for more. The question is the appropriate level for the needs of the community. The basis for studies tends to be the 10-year census, so the 2010 census should provide a new, accurate count that can help determine appropriate levels. Ms. Welch noted that our population has changed since 1970 but the percentage of seniors has remained at roughly 20%.

The Comprehensive Plan doesn't really address senior residential, Ms. Welch said, but it sees this corridor as transitioning from light manufacturing to residential.

Ald. Birschel stated that he would not support this request since he has stated from the beginning that he is not happy with it having just one ingress/egress point.

Ald. Nikcevich reported that the Health Department is in the process of updating a study done by the Senior Commission 10 years ago. They believe that the senior population has grown and that Wauwatosa has a higher percentage of seniors staying in the community. The Senior Commission has identified an overall need

for affordable senior housing, not just in Wauwatosa. Ald. Nikceвич indicated that she generally likes the plan but is concerned about site remediation and is disappointed with their follow-through on grass.

Ald. Meaux asked how this amendment changes TIF projections. Ms. Welch said that the \$4.5 million estimated assessment is less than had been anticipated, but she has not yet received the comptroller's estimate on how that impacts the total TIF. There is a lot of increment coming from other projects ranging from the Enclave site to completed projects such as the Reserve, and we have been very conservative with this TIF.

Ald. McBride noted that the question of best use is something we as a city have not answered ourselves. This is a new neighborhood with a changing character; the master plan for the area needs to be updated. We need a new zoning plan to tell people what we will allow. If this is not approved, what will we have there? We have a foundry that may remain and an empty, partially remediated lot that could turn into an addition for the foundry or something else undesirable. Ald. McBride said he shares concerns about the lack of an additional ingress/egress point.

Ald. Herzog said that he recognizes the need for senior housing in Wauwatosa. He was not in favor of Hart Park Square and is still not convinced it was the best use but understands it is doing fairly well. The market for condos has deteriorated to the point that, without action, land will sit vacant without any improvements or additions to its value and without finalized remediation. He voted for condos in the past because he felt there was a need, although one-third now would still be owner-occupied housing. He said he would like to move forward and see something built but has concerns about saturation and other homeowners and landlords in the area. He mentioned changes in the current market and acknowledged that this seems to be a good quality building. He said he would not be in favor of any future amendments to the building.

Ald. McBride asked how often WHEDA accepts applications and when the next opportunity would arise. Mr. Gallagher said that March 26 is the only submittal date this year. In 2010, 2009, and 2008, Wisconsin was one of 10 disaster relief states and got three times more credits than in the past. There probably will be less in 2011.

Mr. Randall confirmed seeding and landscaping timelines. Because of construction traffic and its location on the west end, it doesn't make sense to do finish landscaping until it is completed, which should take about a year. After landscaping, trees, and amenities are installed there, the rest of the site would be seeded, possibly with prairie grass to minimize cutting. Appropriate construction techniques will be used to minimize impacts on the neighborhood. It is to the developer's benefit to have an attractive site, he commented.

Ald. Meaux noted that the remainder of the land could sit vacant for quite awhile. Because of the Enclave and other development along the corridor, he felt that everything possible should be done to make this site as aesthetically pleasing as possible. Is there anything that gives us more power as to the quality of seeding or landscaping? Ms. Welch responded that the Common Council could spell out an interim landscaping plan in the amended development agreement.

Ald. Herzog asked if the parking ratio would be sufficient should those apartments convert back to condos. He noted that with fewer parking spaces there is more green space and less asphalt. Ms. Welch said that they are proposing a lower ratio because of the senior units, but we might want to consider additional spaces if going to full condo, which would also help with marketability.

Ald. Dennik said that Wauwatosa has been taking the lead in trying to get development going and could also lead in trying to kick-start the construction industry. Stating that he is not totally enamored with this project, he nevertheless urged proceeding in the interest of the tax base and putting people to work.

Moved by Ald. Dennik, seconded by Ald. Meaux to recommend to Council approval of the requested amendment to the Business Planned Development

contingent upon: 1) plans showing adequate sewer capacity, environmental remediation, and storm water management subject to approval by the city engineer; 2) parking lot and traffic circulation plans showing adequate access for adjacent businesses subject to approval by the city engineer; 3) plans for water supply to site subject to approval by the city water superintendent; 4) building plans designating design and materials recommended the city Design Review Board; 5) emergency vehicle access plan subject to approval by the city police and fire departments; 6) granting of a conservation easement to preserve and protect the portion of the Schoonmacher Reef owned by the developer or any portion acquired in the future; granting an access easement for the public to view, according to city specifications, the portion of the Schoonmacher Reef owned by the developer or any portion acquired in the future; 7) amended developer's agreement approved by the Common Council; and 8) an appropriate interim landscaping plan subject to approval by city staff –

Roll call vote, Ayes: 6; Noes: 1 (Birschel)

Preliminary Planned Development – 6745 W. Wells Street

Following the 10:20 break and with the committee's consensus, the Chair ordered the matter of the Preliminary Planned Development at 6745 W. Wells Street for an 8-unit townhouse condominium development held to the next meeting, at 8 p.m. on March 30, 2010. The applicant and residents who were present were thanked for their patience and urged to complete comment forms that would be made a part of the file for the next meeting.

Proposed Ordinance – Board of Building and Fire Code Appeals

The committee reviewed a proposed ordinance to create Sections 15.02.180 and 15.02.190 and to repeal and recreate Chapter 15.06 of the Code to change the name of the Board of Examiners and Appeals to the Board of Building and Fire Code Appeals and to amend the powers and duties of that board. City Attorney Kesner indicated that some changes were made since review of the initial draft at the previous meeting and a few more are needed including replacing the word "variance" with a term more appropriate for this board's actions.

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

The meeting adjourned at 11:03 p.m.

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Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin