



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, March 30, 2010

PRESENT: Alds. Birschel, Dennik, Herzog, McBride, Nikceovich, Stepaniak - 6

EXCUSED: Alds. Hansen, Meaux

ALSO N. Welch, Community Dev. Dir.; B. Aldana, Asst. City Atty./HR Dir.;;
PRESENT: J. Archambo, City Admin.;

Ald. Herzog as Chair called the meeting to order at 8:17 p.m.

Conditional Use – Wireless Antennas at 1400 N. 113th Street

The committee reviewed a request by Robert Hill, agent for Clearwire, for a Conditional Use in the AA Light Manufacturing District at 1400 N. 113th Street to install wireless antennas and associated equipment at an existing cellular tower site. The Plan Commission unanimously recommended approval. Ms. Welch reported that this installation is near the Miller Brands property. New ground equipment would be placed within the existing equipment area.

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

Conditional Use – Wireless Antennas at 9050 Watertown Plank Road

The committee reviewed a request by Rosemarie Barrett, agent for Clearwire, for a Conditional Use in the AA Light Manufacturing District at 9050 Watertown Plank Road to install wireless antennas and associated equipment at a water tower site. The Plan Commission unanimously recommended approval. Ms. Welch reported that the location is just west of the Ronald McDonald house on the Milwaukee County grounds. New ground equipment will be placed within the existing fenced area.

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

Preliminary Planned Development – 6745 W. Wells Street

Ms. Welch, Community Development Director, reviewed the status of a request by William Ibach for approval of a Preliminary Business Planned Development at 6745 W. Wells Street for an eight-unit townhouse condominium development. At their January meeting, the Plan Commission unanimously recommended denial. Concerns included the location of garbage carts, the zero-lot line setback on the north, landscaping in city right-of-way, and a feeling that the design disregards the public realm on Wells Street and is not in

character with the pedestrian nature of the neighborhood. The Design Review Board has not approved the design as it now stands.

Architect Jack Shepard, 600 N. 108th Place, distributed plans dated February 22, 2010, on which he said a number of changes were made in the past few weeks. Since they are scheduled to go back before the Design Review Board this week, he asked that any decision be delayed until then.

Mr. Shepard reported that they have shortened the building by five feet on the south end by eliminating an underground car wash. A cistern is designed to handle a 100-year flood event, including runoff from nearby properties. Parking and garbage storage will be inside at the parking level. The building's height is the same or lower than all adjacent buildings. Landscaping has been adjusted. The first floor of living space could be used as professional office space, and the lower floor is a conventional basement. At the terrace level, there is an outside deck. There is a provision for a private elevator for every unit. The building is sprinklered and meets all building code requirements, and the quality is exceptional. At the request of the Design Review Board, the number of exterior materials was reduced. The garage entrance is on Wells Street. They have widened the sidewalk at the bus stop.

Bill Ibach, 2347 N. 100th Street, the project developer, reported that lot coverage will leave 25% as open area, an increase from the 22% previously proposed for the 12-condo units ranging from 1,200 to 2,600 square feet and some commercial space, for which bank financing is not now available. Taking the marketable aspects of that proposal, they now plan for eight units at 2,500 square feet each with street level covered parking and basements. Mr. Ibach submitted two letters of support.

Referring to drawings dated February 4, 2010, Ms. Welch said that landscaping concerns involve the amount of on-site landscaping and the impact of pushing the sidewalk all the way to the curb. This is often not a comfortable situation for pedestrians and also presents snow storage problems. Car doors would open right across the public sidewalk. Ms. Welch pointed out that by moving the sidewalk the developer is taking over the maintenance of landscaping on city right-of-way in that area. It is not that we don't have situations like this in the city, but the question is whether we should endorse it in a new project. Also, this is residential rather than commercial.

The following attendees commented on the proposal: Mike Newman, 6630 W. Wisconsin Avenue; Jerry Styberg, 6804 W. Wisconsin Avenue; Louis Corrao, 6742 W. Wisconsin Avenue; Chris Schmidt, 6730 W. Wisconsin Avenue; Paul Vandeveld, 7017 Cedar Street; Elizabeth Merry, 6730 W. Wisconsin Avenue; and Mike Danisewicz, 6414 W. Wells Street. Concerns centered on aesthetics, particularly the north façade and considerations that this is a unique neighborhood; the large footprint; the sidewalk issue; the character of the neighborhood; and landscaping. Mr. Corrao felt that the building would still be too close to his property.

Ald. Birschel reported that he walked this neighborhood when the first plans came forward about five years ago. He believes that the building doesn't conform to the character of the neighborhood, but he feels that nothing will please the neighbors. He would like this matter to be held to allow the district alderpersons to meet and look at designs.

Ald. McBride said that he has met with the developer and architect and expressed concerns, as did staff. They have handled two or three of the concerns mentioned in the last meeting in December. He noted that this is probably the fourth plan to be submitted, with changes always coming at the 11th hour. Residents do want a building here and think condos are a good idea, but they want a building that matches the neighborhood and respects the size of the lot. He cannot support the current plan and doesn't hear any support from the neighborhood.

Moved by Ald. McBride to deny the request for Preliminary Business
Planned Development approval –

Motion fails for lack of a second.

At the request of Ald. Stepaniak, Ald. Birschel summarized Plan Commission discussions leading to the vote for denial. Ald. Stepaniak noted the strong residential input here and the fact that the Plan Commission and Design Review Boards represent another form of citizen input that is consistent with neighborhood feedback. He believes the building is too large for the site and that the design character is more comparable to Mequon or Brookfield than Wauwatosa.

Ald. McBride said that he has suggested two bedroom rather than three-bedroom units. He would like to see some real movement from the developer and architect. He suggested holding this for an amount of time that would allow the neighbors to have input. He still sees too many different kinds of materials and would like something that looks more urban. The sidewalk could be moved closed to the building, he felt, to accommodate a grass buffer at the street. He cited the Lyon and Ogden rowhouses in Milwaukee as an example of good urban design that would work here.

Moved by Ald. Birschel, seconded by Ald. Dennik to hold this matter to the fourth Tuesday in May (May 25). Ayes: 6

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

Re-referred by the Common Council, the committee again reviewed a request by David Israel, Learsi & Company, Inc., 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. The Chair noted that the committee received copies of email comments that have been made part of the record.

Atty. Brian Randall of Friebert, Finerty & St. John, 330 E. Kilbourn Avenue, Milwaukee, was present representing the developer, Learsi and Company, together with Atty. Todd Farris, also of Friebert, Finerty & St. John, and Chris Gallagher of Epstein Uhen Architects.

Mr. Randall distributed copies of a two page summary of the senior housing proposal including an aerial overview of the site and an elevation drawing; a Business Journal article headlined “Redevelopment in works for Southridge,” relating to a proposal that includes 92 senior housing units; “Now at sixty what I see . . . A Report on the Lives of Milwaukee County’s Older Adults—How They Live In and Give To Our Community” prepared by E jj Olson & Associates, August 2003; and “The Face of Aging in Milwaukee County (2nd Edition)” prepared by the Milwaukee County Department on Aging and E jj Olson & Associates, July 24.

Mr. Randall summarized his March 26, 2010 letter providing supplemental information relating to statements at the March 16, 2010 Common Council meeting:

- How many Wauwatosa residents will qualify for affordable housing with WHEDA program income limitations: 2000 census data shows median income of \$63,417 for Wauwatosa seniors 55-64; \$40,259 for 65-74, and \$26,250 for 75+. The target market will be those older than 65 where data shows incomes are dropping. Various categories are used in ranking senior income; 3 or every 10 households here can qualify as low income. In a 2008 Senior Center survey, 455% of the respondents earned less than \$37,900, which was classified as low income in 2008. The 2009 survey is ongoing.
- Rent ranges: Mr. Randall provided the following revised unit, rent, and income schedule, noting that the city’s survey shows that over half of our seniors qualify for these types of rents.

# of Units	# of Bedrooms	Maximum Income – 1 Occupant	Maximum Income – 2 Occupants	Maximum Income – 3 Occupants	Rent
------------	---------------	-----------------------------	------------------------------	------------------------------	------

17	1	\$24,750	\$28,300	–	\$650
17	1	\$29,700	\$33,960	–	\$780
24	2	\$24,750	\$28,300	\$31,800	\$780
24	2	\$29,700	\$33,960	\$38,160	\$920

- Construction standards: Because the WHEDA selection process is selective, the developer will exceed their standards wherever possible. The facility would be inspected annual by WHEDA.
- Section 8 vouchers: The rents and target income represent a non-Section 8 demographic, but someone with a Section 8 voucher could not be turned away.
- Grede expansion into this site: The developer is committed to the site; this is not an issue.
- Term of WHEDA program: Although the Assessor referred to a 30-year program, the developer’s commitment will be for 15 years, which can be extended. The units could be sold to residents as part of the program or go on the open market.
- Impact on TIF: An apartment building will not be assessed as highly as condos, but there are no condos to assess right now. The Assessor indicated a possible assessment of \$5 million on top of the current \$1.9 million but conceded that the value is more than tax dollars. This developer has contributed more to the TIF that he has pulled out. Staff has not indicated that the TIF would be in trouble; the \$5 million would be an asset to the TIF. The city’s take on that \$5 million would be \$105,000, Mr. Randall calculated.
- Schoonmacher Reef: Construction will not affect the reef. There will be a conservation easement and whatever else the city requires in terms of security, lighting, etc.

Two residents spoke in favor of the proposal: Carol Anderson, 2346 N. 73rd Street, and Jean Davidson, 1957 River Park Court. Ms. Anderson emphasized the need for moderate-priced, senior friendly apartments at rents within 35% of total income. Ms. Davidson said that Wauwatosa seniors do not want to move out of the city. With 12,000 seniors, some with very low incomes, there is a real need for housing in this price range.

Tim Newholm, 1304 Martha Washington Drive, said his concern is whether there is sufficient give-back to the community. The increased traffic flow is supposed to be channeled southward, but it will be easy to turn around and head north through the neighborhood. If the project brings in 1/7 or 1/8 of the tax revenue originally projected but will put just as much strain on infrastructure and services, will it be a financial strain on the rest of the community? Will it help attract other people to help stimulate the local economy? There is no data that this will benefit the community in a tangible, economic sense.

Brian Faltinson, 2209 N. 62nd Street, commented that the cnon-taxable outy grounds projects will bring thousands of jobs and hundreds of serious graduate students, many of whom will look to migrate to Wauwatosa. He sees the State Street corridor fitting into that county grounds development, but a broader question should be how development in the State Street corridor could enhance the county grounds projects. We have to get maximum use from our taxable land.

Brad Haney of HSI Development Partners, developer of the adjacent Enclave project, said that it would be an injustice to the neighborhood for this property to sit fallow. The chief concern for his development group, which is making a significant investment in this neighborhood, is the quality of building materials and the overall project. He asked that the Design Review Board andthis committee look at the level of finishes, amount of masonry, how traffic will flow, and what will happen to the vacant building pads.

John Huwiler, 1279 Martha Washington Drive, recalled that it was understood when this project first passed that there would be absolutely no rental units. As it stands, this project will not add to the area, he felt.

Mary Ann Grages, 1307 Martha Washington Drive, was concerned about property values and questioned the location adjacent to manufacturing/foundry/ commercial.

Spencer Hoyt, 1298 N. 63rd Street, questioned why a study by an appraiser that meets the criteria set forth by WHEDA should be driving what is happening in Wauwatosa. Referring to demographics and assumptions, he felt that it is not reasonable to expect that Wauwatosa residents will move to a facility overlooking a foundry. A planner would take into account reasonable comparisons within the community, but the study often referred to uses samples from outside the community, to the point that 40% of the senior rental units are in West Allis and only one is in Wauwatosa. Hart Park Square has stated that 35-40% of their units open up every year, which doesn't demonstrate a massive need here. Mr. Hoyt questioned the use of tax dollars from the TIF and suggested that the developer doesn't have the resources to complete this. He calculated annual revenue of just \$300,000. He noted that the Council recently approved a Village corridor study and suggested waiting to see if the study demonstrates that seniors in this income bracket will move to this development. The other study meets macro considerations of Southeast Wisconsin, not Wauwatosa.

Linda McCabe, 1320 Martha Washington Drive, said there is a lack of overall planning for this neighborhood. There is a lot going on at one time, and they are looking at construction for years. She was concerned about the foundry situation and felt that the plan doesn't offer the types of amenities that seniors seek. She asked why there is no private investment.

Rob Beane, 1344 N. 63rd Street, was concerned about traffic at 68th and State and the uncertainties in the ongoing process.

Further discussion and comments ensued regarding the need for senior housing for those with limited income and whether there are alternatives available. Mr. Randall then responded to some of the prior comments. He clarified that the condo prices in 2006 were anticipated to be \$225,000 to \$250,000 with \$16 million of assessed value, while the assessor estimated a \$5 million assessment for the proposed rental units. City services and schools would be only modestly impacted since snowplowing, garbage, and other services would be private. Traffic impact would be less, and the "pork chop" would divert traffic toward State Street.

Mr. Randall further stated that the developer is committed to building 142 condo units in the future and would have to go through a process like this if any changes were proposed. The Design Review Board will review materials, which Ms. Welch has confirmed are the same as those approved for the condo buildings. Interim landscaping plans include seeding over the rest of the site with some type of vegetation. Soil remediation for the two condo buildings would not proceed at this time. The developer believes condos are appropriate and would sell at this location, but the market has changed since 2006. The rental building would still be platted as condos. The market study focused on non-Wauwatosa properties because of the lack of local facilities to factor in. Regarding the question of whether WHEDA requires a 15 year or 30 year commitment, Mr. Randall said that their position, if 30 years, is that this is a great development for such a commitment and would be a worthy addition to the area. Regarding financial questions, Mr. Randall referred to the developer's 11 properties in Wisconsin and the properties at 68th and State that have benefitted the TIF district.

Mr. Randall next addressed comments about the orientation of the H-shaped building and the lack of a plan for the neighborhood. Units on the east side will not see much of the foundry, and only 18 units will have a direct view. Others face the common areas. This is a plan for this area, he said. An area-wide plan is a good idea but should not stop this project.

(The committee recessed at 10:34 p.m. and reconvened at 10:40 p.m.)

Ald. Birschel displayed a promotional brochure for 22 senior residences in the metropolitan area and said that he does not see the need for senior housing here.

Asked by Ald. McBride about limits on the number of taxpayer subsidized units, Ms. Welch said that there are many different HUD programs with many different income limits and percentages. HUD has moved to a voucher system, which helps avoid over-concentration in any one structure. She explained that WHEDA acts as an instrument of HUD and is obligated to report back that all HUD requirements are met.

Ald. McBride turned to the question of how much the developer will himself invest in the project. With an estimated construction cost of \$14 million, tax credits of \$10 million, and loan proceeds, there is a \$902,000 shortfall, which seems to represent the developer's investment. Ms. Welch responded that it is always desirable to have a developer who has some "skin in the game" and would be more interested in maintaining the development. The quality of materials is also a factor in long-term maintenance.

Ald. McBride noted that the city assessor estimated a benefit of \$20,000 to \$30,000 per year in tax revenue, much less than the amount cited by Mr. Randall. Ms. Welch explained that the assessor was estimating the city's portion of property taxes rather than the overall amount for all taxing entities. City Administrator Archambo clarified that during the life of the TIF, the entire tax value goes to the TIF district. After the TIF ends, the city gets a little less than one-third. The TIF runs through 2023.

Ald. McBride then commented on the use of code words regarding the types of residents the development might attract, which he indicated would not positively sway his vote. This has been very difficult to sort out, he said, and his vote may change between tonight and the Council meeting next week.

Ald. Nikcevich mentioned some of the positives and negatives she has listed, including senior housing vs. condos, the increasing number of Wauwatosa seniors, the value of having grass and an attractive building, and the value of having mixed ages and incomes. Regarding the 15 vs. 30 year question, she said that her understanding is that the developer would have an option of converting to condos at the 15-year point.

Ald. Stepaniak noted that the real estate market changed and the 2006 proposal doesn't fit 2010. The property is contaminated and a visual disaster. We can either modify our approach or wait until things change. If we have an opportunity to provide options to residents who want to leave their homes but stay in Wauwatosa, it seems that we should do that. It seems that this could be a viable project using quality materials. It will be platted as condos so has to be built to that level. The city has control on any changes to the second and third buildings. The contingencies identified by the developer would be part of the development agreement.

Ald. Dennik said that if not for WHEDA, a lot of the economy would not be moving. If the Council approves the project and the developer applies for tax credits, they still have huge hurdles before being approved. The number of applications coming in to WHEDA will be the largest ever.. If they are successful, they then have to sell the tax credits. Banks typically bought them in the past but are not now buying credits. We should consider that this would be federal dollars coming back into our community. There won't be a lot of development occurring here because of the banking system.

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 by 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;
- 8) an appropriate interim landscaping plan subject to approval by city staff; and
- 9) obtaining all necessary licenses and permits --

Ald. Herzog noted that this developer has invested a lot of money and improved the 68th and State Street area. He had a vision and bought this site knowing it was a brownfield site. He acceded to some of the city's demands, and we approved the original plans. Ald. Herzog felt that this building will be a catalyst and will jump start the development; otherwise it will be vacant for a long time and will lower adjacent property values. If opposed to senior housing here, then where should it be? This is an ideal location with a lot of other amenities nearby. A property owner has brought forth a reasonable request that is not only within our parameters but may also receive federal and state support. He is in the best position to know what will work and he has the most to lose. Given what is there now, this would not negatively impact neighbors.

Ald. McBride felt that this matter should go back to Council for discussion, prior to which there will still be time to hear from constituents. He reiterated that his vote could change between now and the Council meeting. The idea that we may not get anything built there moves him to vote for approval tonight. If we do this right, we will see mixed use on State Street and more residential back toward the reef.

Roll call vote on the motion, Ayes: 5; Noes: 1 (Birschel)

Ordinance – Fence Setbacks

Ms. Aldana, Assistant City Attorney, reviewed a draft ordinance that addresses concerns that our current code allows fences to be built at the lot line, which prevents any practical means of access for maintenance or repair of the sides of buildings on adjacent parcels. The ordinance change would require that such fences cannot be built within 18 inches of a permanent structure on an adjacent parcel. Alternatively, property owners may obtain a permit to built a fence less than 18 inches from the adjacent structure if they provide a permanent easement that would allow the neighbor to access their land in order to maintain that side of the structure.

Ald. Stepaniak said that this matter has come up a number of times but has never been directly addressed. It is more of a problem in parts of the city where garages were built on the lot line before there was a setback requirement. It is not a problem if the neighbors have good relationships. A constituent has a neighbor who wants to build a fence within three inches of his garage. Although the city requires him to maintain the garage, he will be unable to do so. After discussing the situation with the City Attorney, he came up with this proposal, which seems like a reasonable resolution to the problem, although there will still be unusual circumstances that arise.

Ald. Birschel felt that 18 inches is not nearly enough and suggested specifying 30 inches for adequate clearance.

Ald. McBride said that the definition of a fence also needs to be refined, which the City Attorney is working on. Perhaps that could be done at the same time.

Brian Randall, 2602 N. 88th Street, a member of the Board of Zoning Appeals, said that Board often gets involved in mediating fence disputes, and this ordinance change could help avoid placing the Board in that role. There are legitimate concerns, and sometimes government has to set the rules.

Ald. Nikceovich said that she sees issues in her neighborhood and would support extending the distance beyond 18 inches, which seems rather small.

Ald. Stepaniak referred to a detailed letter from Ed Sternberg, 2527 Lefeber Avenue, who brought this matter to his attention. Mr. Sternberg was unable to be present, but his letter will be made part of the record. In regard to changing the distance from 18 inches to 30 inches, Ald. Stepaniak noted that some backyards are quite small. This issue can be discussed further when the ordinance is referred back to this committee.

Moved by Ald. Stepaniak, seconded by Ald. Birschel to recommend introduction of the ordinance with all references to 18 inches changed to 30 inches –

Ald. McBride requested further input from Mr. Randall and other Board of Zoning Appeals members. Ald. Herzog said that he is not in favor of the 30-inch requirement due to the size of some lots..

Vote on the motion, Ayes: 4; Noes: 2 (Herzog, McBride)

The meeting adjourned at 11:44 p.m.

es

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin