



CITY OF WAUWATOSA
COMMUNITY DEVELOPMENT COMMITTEE
MINUTES • APRIL 30, 2013

Regular Meeting**Committee Room #1****8:00 PM**

7725 West North Avenue, Wauwatosa, WI 53213

COMMUNITY DEVELOPMENT COMMITTEE ITEMS

Attendee Name	Title	Status	Arrived
James Moldenhauer	Alderman	Present	
Kathleen Causier	Alderdwoman	Present	
Jeffrey Roznowski	Alderman	Present	
Gregory Walz-Chojnacki	Alderman	Present	
Dennis McBride	Alderman	Present	
Bobby Pantuso	Alderman	Present	
Cheryl Berdan	Alderdwoman	Present	
Jason Wilke	Alderman	Present	
Paulette Enders	Development Director	Present	
Alan Kesner	City Attorney	Present	
James Archambo	City Administrator	Present	

2. 1383 : 1800 Swan Blvd - CUP (Plan Commission recommended approval 5-1)

Conditional Use at 1800 Swan Boulevard to Extend the Operating Hours of the Tosa Pool at Hoyt Park

Ms. Enders outlined a request by Kathleen Slawski and Heidi Janzen, Friends of Hoyt Park & Pool, for a Conditional Use in the Special Purpose District - Parks and Open Space, to extend the operating hours of the Tosa Pool and bathhouse to 5:30 a.m. to 11 p.m. The existing Conditional Use permit allows hours of 6 a.m. to 10 p.m. daily. An earlier opening time would help alleviate congestion during lap swimming as well as allow more swimmers to use the pool. A later closing time will accommodate additional rentals of the hall/bathhouse. In a 5-1 vote, the Plan Commission recommended approval with slightly broader hours than those requested:

- Grand hall/bathhouse: Sunday through Thursday 5 a.m. to 11 p.m.; Friday and Saturday 5 a.m. to 12 a.m.
- Pool: Sunday through Saturday 5 a.m. to 10 p.m.

Kit Slawski, 2651 N. 88th Street, Executive Director, Friends of Hoyt Park & Pool, explained that the Plan Commission expanded the hours to eliminate the need to come back for additional review for a slight change in the future. Evening rentals are popular on Fridays and Saturdays.

Moved by Ald. Pantuso, seconded by Ald. Walz-Chojnacki to recommend approval of the Conditional Use -

Ald. McBride reported that he and Ald. Roznowski, as members of the pool board, will not vote on this request.

Ms. Enders indicated that a pending request for a beer garden is a separate issue that will be considered by the Plan Commission in May.

Vote on the motion, Ayes: 6; Present: 2 (McBride, Roznowski)

RESULT:	RECOMMENDED FOR ADOPTION [6 TO 0]
TO:	Common Council
MOVER:	Bobby Pantuso, Alderman
SECONDER:	Gregory Walz-Chojnacki, Alderman
AYES:	Moldenhauer, Causier, Walz-Chojnacki, Pantuso, Berdan, Wilke
ABSTAIN:	Roznowski, McBride

3. Application by Lisa Allen, Village of Wauwatosa BID Events Committee, for a Street Festival Permit for the VillageGreen Street Fair on June 1, 2013

Street Festival Permit for Use of the Village Area for VillageGreen Street Fair on Saturday, June 1

Kathleen Pulz, 1460 Church Street, Co-Chair of the Wauwatosa BID Events Committee, reported that this year's street fair will utilize Harwood Avenue rather than Underwood Avenue. The blanket permit would cover an area bordered by the 7400 block of Harwood Avenue, the Menomonee River, the 1500 block of Underwood Avenue, and the 7500 block of State Street. Additionally, the Pocket Park would be used for activities. The fair's hours are 9 a.m. to 4 p.m. with setup beginning at 5 a.m. and take-down extending to 7 p.m.

Jim Plaisted, Executive of the Village Business Improvement District (BID), noted that the fair occurs on the same day that the farmer's market opens.

Moved by Ald. Causier, seconded by Ald. Berdan, to recommend approval. - 8

RESULT:	RECOMMENDED FOR APPROVAL [UNANIMOUS]
MOVER:	Kathleen Causier, Alderwoman
SECONDER:	Cheryl Berdan, Alderwoman
AYES:	Moldenhauer, Causier, Roznowski, Walz-Chojnacki, McBride, Pantuso, Berdan, Wilke

4. 1382 : 10950 W. Potter Rd - CUP (Plan Commission recommended approval 6-0)

Conditional Use to Operate a Children's College with Outdoor Play Area at Bryant & Stratton College, 10950 W. Potter Road

Ms. Enders outlined a request by Greg Brandner, Bryant & Stratton College, and Pat Linnan, Underwood Joint Venture LLP, to operate an approximately 2,000 sq. ft. children's college within Bryant & Stratton College as an amenity for their students with children. Located on the west side of the building, the children's college would not expand the building's footprint or be open to the public. Minor exterior alterations include the addition of emergency exits, landscaping, and 6 ft. fencing around the outdoor play area. Staff understands that a state daycare license is not required as students/parents will be on site. Staff responded to an objection letter from a railroad representative but did not receive any additional comments. The Plan Commission unanimously recommended approval contingent upon obtaining any appropriate permits and licenses.

Representing Bryant & Stratton, Lois Trongard, N50 W27749 Courtland Circle, Pewaukee, Business Director, and Tom Flaten, W224 N7740 Woodhill Drive, Sussex, Facilities Manager, were present.

Moved by Ald. McBride, seconded by Ald. Moldenhauer to recommend approval -

Ms. Trongard described the curriculum to be offered to children ages 3-12, ranging from computers to theater, wellness, art, and science. An evening program will be open to older children who will be offered tutoring and help with homework. Since this will not be a child care center, it cannot be opened to associates/employees of the school, and parents must be on the grounds. The intent is to provide a service to students and break even on cost. Some grants will be available; for some students the service could be free. Staff ratio will follow that of a daycare center, perhaps varying from 6:1 to 8:1.

Committee members commented on how well the plan seems to meet the needs of the students, 70% of whom are women with an average age of 26-40.

Ald. Walz-Chojnacki noted that neighbors are concerned about speeds coming out of the school grounds. Although there is a speed bump, drivers tend to circumvent it. Ms. Trongard said that traffic is not expected to increase since children will arrive with their student-parents. The school has always tried to address neighbors' concerns, which is what lead to the speed bumps.

Asked about programs at other colleges, Ms. Trongard said that this proposal is very unique in that competitors might have daycare but not the educational component.

Vote on the motion, Ayes: 8

RESULT:	RECOMMENDED FOR ADOPTION [UNANIMOUS]
TO:	Common Council
MOVER:	Dennis McBride, Alderman
SECONDER:	James Moldenhauer, Alderman
AYES:	Moldenhauer, Causier, Roznowski, Walz-Chojnacki, McBride, Pantuso, Berdan, Wilke

5. 1381 : 7700 Portland Ave - PUD amendment (Plan Commission recommended approval 6-0)

Amendment to Planned United Development at Harwood Terrace, 7700 Portland Avenue, to Remove Senior Housing Requirement

Ms. Enders outlined a request by William Reilly, Reilly-Joseph Co., to remove the senior housing requirement at Hawthorne Terrace apartments, a former Wauwatosa middle school converted to 100 senior apartment units in 1986. The action is requested in order to rent to tenants of any age. Increased vacancies have been attributed to changing needs and preferences of seniors, who now seek housing with a continuum of care component not provided at Hawthorne Terrace. The City's former Housing Authority provided financing for the project through mortgage revenue bonds. The Plan Commission unanimously recommended approval contingent upon any necessary modification of bond conditions.

Bill Reilly, 117 N. Jefferson Street, Milwaukee, reported that from 1986 through 2005-06, the property operated very nicely, even having waiting lists at times. Since then, the ability to keep a satisfactory occupancy level has changed, with a vacancy rate now approaching 25%. The average age of residents is 87. One factor is a change in the single housing market, the primary source of replacement tenancy. With seniors staying in their homes longer, a shift in market demand favors integrated or assisting living and nursing homes. The units here cannot be refit for assisted living. Mr. Reilly said that they would like to retain their basic population but round it out to non-generational occupancy.

Mary Ann Guenther, 7525 Portland Avenue, whose mother is a resident of the building, expressed some concerns about a stipulation in the 1986 bonds that means that 20% of the units have to be rented to those with annual incomes lower than \$45,000. Although that can easily be met by the elderly, she was uneasy about opening the building to others and feared the transition might be difficult. She asked if that provision could be removed.

Mr. Reilly explained that a provision in pre-1986 tax law for this type of bond financing required that 20% of the units had to be rented to those with a certain annual income level, which effectively is approximately \$45,000 today. The current rental structure begins at \$840 for a studio or \$1,100 for a one-bedroom unit, which is affordable on that type of income. Sixty to 70% of the occupants qualify. As long as they have an elderly base, the building will always exceed the requirement. When the bonds are paid off after their rollover date in a little more than 10 years, that requirement will cease.

City Attorney Kesner confirmed the requirement under the Housing Authority bonding structure, which essentially was pass-through bonding. He noted that the owners probably won't need to do any further income qualifications.

Debra Kowalski, 16050 Tomahawk Trail, Brookfield, Hawthorne Terrace Administrator, said that they still plan to market to seniors (55 and older) but don't want to close the door to younger people. They do background and criminal checks on all apartment applicants and have daytime administrative staff as well as two full-time staff members who live there and provide security.

Gene Guskowski, 1035 Laurel Court, the architect for the 1986 conversion, had some concerns as a neighbor. As existing elderly residents move or pass on, will seniors be attracted to a building with mixed generations? Is there a "Plan B" in terms of seeking other tenants such as medical students? Is there adequate parking?

Mr. Reilly said that the use meets all zoning requirements. Medical students and similar persons would comprise a complementary group. Although he sees an evolution in occupancy over the next 10-15 years, the market will dictate exactly what it will be. Ms. Kowalski added that they have a plan to market to the medical student population at Froedtert and West Allis Memorial, having found that medical students like the quiet atmosphere. WiFi is available on the first floor, and they plan to update the existing library.

Regarding a question of amenities, Mr. Reilly said that they will expand existing workout facilities and will otherwise adapt and update in a way sensitive to current occupants.

Moved by Ald. Pantuso, seconded by Ald. Causier to recommend approval -

Ald. Walz-Chojnacki was skeptical about neighbors' acceptance of the change. He felt that modification of perhaps 25% of the bathrooms to assisted living standards might be possible, although Mr. Reilly responded that it still would be unlikely to answer the vacancy problem.

Ald. McBride recalled the circumstances of the Hawthorne Middle School closing in the early 1980s and the strong desire to reuse the building rather than tear it down. He would like to see the building to continue to thrive and be preserved by a company that has proven it can maintain such an important structure.

Committee members commented on the market situation, inability to modify the building, the status of the bonds, and the desire to maintain the building. Ald. Wilke found that an intergenerational business model is defined as being socially responsible. Without a change, Ald. Roznowski feared eventually ending up with another vacant historic building. Ald. Berdan noted that noise, damage, and other concerns are irrespective to age.

Ald. Causier reported that neighborhood concerns at the Plan Commission meeting centered largely on traffic, which likely would change with younger tenants. Mr. Reilly noted that no expansion of the parking lot was planned nor will it be incurred. Underground parking is also available. All parking exits onto Portland, in concession to the neighborhood. Entry is just beyond the corner of 77th and Portland.

Vote on the motion, Ayes: 7; Present: 1 (Walz-Chojnacki)

RESULT:	RECOMMENDED FOR ADOPTION [7 TO 0]
TO:	Common Council
MOVER:	Bobby Pantuso, Alderman
SECONDER:	Kathleen Causier, Alderwoman
AYES:	Moldenhauer, Causier, Roznowski, McBride, Pantuso, Berdan, Wilke
ABSTAIN:	Walz-Chojnacki

6. Held from May 29, 2012, request by Karen Salituro, Arte LLC., for a Conditional Use the C1 District at 7511 Harwood Avenue for outdoor seating at Arte

Conditional Use at Arte, 7511 Harwood Avenue, for Outdoor Seating

Ms. Enders reviewed a request by Karen Salituro, Arte LLC, for a Conditional Use in the C1 District at 7511 Harwood Avenue for outdoor seating for 29 persons on the sidewalk in front of the building and across the sidewalk in Root Commons. Encroachment and/or lease approval through the Board of Public Works is required for use of City right-of-way. The applicant will also need to comply with applicable building and fire codes. Modification of existing licensing requires issuance of a new liquor license.

The Plan Commission reviewed this item in May 2012, recommending approval with some contingencies. Later that month, this committee held the item for further clarification. The applicant then requested an indefinite hold to work through the various issues. Following a recent meeting with the applicant, staff now recommends approval with the following contingencies:

1. Outdoor hours of operation, per Plan Commission recommendation, of Monday through Friday 4 p.m. to midnight, Saturday 11 a.m. to midnight, and Sunday 11 a.m. to 6 p.m.
2. Conditional Use approval can be revoked with a 60-day notice when the Village plan is implemented
3. Compliance with building and fire code regulations
4. Modification of the existing beer license and obtaining the appropriate liquor license
5. Six month staff review
6. Approval of an encroachment/lease by the Board of Public Works
7. Obtaining the necessary licenses and permits

Karen Solituro, 2646 N. 72nd Street, noted her background in architecture and her role in operating another business in the Village and in helping redevelop the Drews building. Arte opened in December 2011 and now has seven part-time employees. Over 8,000 people have come through the facility. Painting represents about 75% of sales, with the remainder either food or beverages, which is about 17%.

Ms. Solituro explained that in December 2012 they added a “paint bar,” which is what they hope to move outside. She displayed the small canvases that would be used as well as a drawing of their floor plan, including the outdoor area on the sidewalk and existing pavers. She also distributed copies of their menu of painting options and beverage choices. They have done private parties as team-building exercises for clients such as GE Medical, the Medical College, and Harley-Davidson. They also do children’s classes and Boy Scout and Girl Scout events. Fundraisers for Root Common have occurred quarterly. This could be the concept that anchors the park, Ms. Solituro felt.

Asked about food service, Ms. Solituro they have a city food license and sell only packaged goods. They offer delivery of Pizzeria Piccola products and maintain connections with other local businesses.

Jim Plaisted, Executive Director of the Village Business Improvement District (BID), reiterated the unanimous support of the BID board of directors, as stated in their letter of April 30, 2013.

Ald. Pantuso commented that the proposal was hard to visualize last year, but there now is a very thorough plan that fits in well with the Village area. He noted, however, that this area will have to evolve as Root Common evolves long-term.

Moved by Ald. Pantuso, seconded by Ald. Moldenhauer to recommend approval subject to the seven contingencies listed by staff -

City Attorney Kesner clarified the status of beer/liquor licensing and outdoor seating. They currently have a Class B Beer and Class C Wine license, the latter being intended for a restaurant that serves wine. They more appropriately should be licensed as Class B Liquor, similar to Vino 100 and Ruby Tap, which would allow them to serve wine. Use of public right-of-way is generally done through an encroachment agreement, but a lease procedure has been implemented for exclusive use such as Café Hollander’s use of the bridge. The lease fee is pro-rated based on square footage.

Ald. McBride wanted to be sure that approval of this use doesn’t preclude changes made in this area in the future. He noted, in particular, his feeling that Harwood Avenue should be reopened. Mr. Kesner indicated that the encroachment agreement would contain standard language covering future changes in land use.

Responding to questions, Ms. Salitaro said that tables would be locked up at night and the area kept clear and free of any debris. They use acrylic paint that is easily cleaned up. There is some lighting on their awning, although they anticipate ending outdoor painting at dusk, at which time they would close down the outdoor area. They typically close around 10 p.m.

Vote on the motion, Ayes: 8

RESULT:	RECOMMENDED FOR ADOPTION [UNANIMOUS]
TO:	Common Council
MOVER:	Bobby Pantuso, Alderman
SECONDER:	James Moldenhauer, Alderman
AYES:	Moldenhauer, Causier, Roznowski, Walz-Chojnacki, McBride, Pantuso, Berdan, Wilke

Carla A. Ledesma, CMC, City Clerk