



CITY OF WAUWATOSA

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COMMUNITY DEVELOPMENT COMMITTEE MEETING Tuesday, January 27, 2009

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

ALSO A. Kesner, City Atty.; N. Welch, Community Dev. Dir.; D. Wheaton, Chief Bldg. Official;
PRESENT: Chief B. Weber, Police Dept.; Chief D. Redman, Fire Dept.; K. Rusch, Admin. Intern;
J. Archambo, City Admin.; Mayor Didier

Ald. Herzog as Chair called the meeting to order at 8:28 p.m.

Medical Center and Institutions District Signage

Mr. Wheaton, Chief Building Official, reported that the Milwaukee Regional Medical Center (MRMC) has requested modifications to the existing sign ordinance to meet their needs for larger signs and better wayfinding. Staff met with MRMC representatives and has submitted recommended changes to the ordinance, which has not been updated since 1994.

William Hatcher, Executive Director, Milwaukee Regional Medical Center, described how MRMC has evolved over the past 15 years and how the physical campus has consolidated in the center part of the site in a very dense manner. A consultant has defined wayfinding as the ability of visitors arriving for the first time, some in stressful or emergency situations, to know where they are, where they are going, follow the best route to get there, recognize when they are there, and find their way back. The request for modifications is a result of a review of building signs, site signs, message schedules on existing signage, entrance architecture, landscaping and its maintenance, and address-related problems as well as visitor maps, websites, and instructions to clients. In consultation with Mr. Wheaton, they arrived at a proposal to allow signage of 400 square feet for buildings 75 feet in height or less and signage of 900 square feet or less for buildings more than 75 feet in height, which are primarily in the center part of the site.

City Attorney Kesner reported that he lives nearby and wanted to make sure, from a personal standpoint, that signs would not loom over residential neighborhoods. There is a provision that no sign shall be permitted if any residential zoned property is located within 400 feet in the direction that the sign faces.

Mr. Wheaton clarified that stand-alone parking structures are considered separately as would separate buildings joined by a skywalk. The methodology to determine front footage and allowable square footage dates back to the early 1980s and is used for all buildings citywide. He acknowledged that there have been occasional efforts to maximize signage through the design of a building, which is why there is a cap of 400 square feet in business districts. Here it will be capped at 900 square feet. To put that in perspective, each letter on the City's Burleigh water tank is 10 feet tall or a little over 1,000 square feet of signage. The Feerick tank sign is about 960 square feet overall. The 75-foot-height delineation between low-rise and high-rise buildings is from the Wisconsin commercial building code. The methodology is sound and has worked well, Mr. Wheaton stated.

Moved by Ald. Hanson, seconded by Ald. Stepaniak to recommend

to Council introduction of the proposed ordinance. Ayes: 7

Expiration of Building Permit – 7415 Watson Avenue

Mr. Wheaton, Chief Building Official, reported that a permit was issued in January 2007 for a remodeling and alteration project at 7415 Watson Avenue. Per standard procedures, one renewal of that permit was granted, but the permit has now expired. City Code requires reporting to the Common Council when any building or structure has not been completed within the specified time limits. After a two-year period, properties become a blight and a blighting influence on adjoining properties. Mr. Wheaton recommended property maintenance action inasmuch as the exterior violates the property maintenance code.

Jeffrey Strothenke, 2245 N. 65th Street, the owner of the subject property, explained that his wife was born and raised in this house, which they acquired from her parents a number of years ago and had been renting out before deciding to rehab it. It was built in 1912, and he has been trying to restore it to that look with modern materials. He has been working on it himself with some help from his brothers in order to save money, but it has taken longer because of that. Work came to a halt at the beginning of 2008, and neighbors were apparently encouraged by a local alderperson to submit a petition about the situation. In March, a medical condition restricted him to light duty for 4 ½ months. He needs more time to bring the house into compliance.

Chief Weber reported that Mr. Strothenke has been very active in the Block Watch program, including National Night Out, and has been very supportive of the department. He is recovering from a serious health issue. If he shows good faith, Chief Weber encouraged the City to work with him.

Ald. Nikceovich said Mr. Strothenke is a neighbor who is very active in the neighborhood association and takes pride in his home on 65th Street. She asked how long it would take to complete at least the exterior work. She noted that in other situations with blighted properties there has been strong neglect with owners trying to circumvent the system. Is there a secondary recommendation here to extend the permit for six months?

Mr. Strothenke indicated that he plans to continue as soon as weather allows him to work safely. He expects to have the exterior wrapped up within a few months and hopes to live in the house by the end of the year.

Mr. Wheaton said that he does not have a secondary recommendation. If the Council chooses to grant an extension, it should be conditioned upon obtaining another building permit, which he cannot issue at this point without a Council directive. There is no time limit on completion of interior work, although an occupancy permit would not be granted without that completion.

Ald. McBride commented on the long family history here and asked if Mr. Strothenke would be able to bring the garage and exterior into compliance within the year. Mr. Strothenke answered affirmatively.

Moved by Ald. McBride, seconded by Ald. Nikceovich to recommend to Council issuance of a new building permit to expire on November 1, 2009 for completion of the garage and house exterior–

Ald. Birschel commented on other situations in which similar deadlines were met and said he believes Mr. Strothenke can get it done. The Chair supported additional time but noted that a November 1 deadline would mean that neighbors would live through a third summer with piles of dirt and construction debris. He felt that exterior work should be completed before summer; the garage is secondary.

Roll call vote on the motion, Ayes: 6; Noes: 1 (Herzog)

Disposition of Underwood Avenue Properties in Anticipation of Fire Station #1 Construction

In anticipation of the new fire station construction on Underwood Avenue, City Attorney Kesner reported, the City needs to remove four houses north of the current station. The City budgeted for demolition and site preparation and tied the timeframe to a late-April groundbreaking. Deconstruction of the homes and clearing of the site was to be included in the bids for construction of the station. Tonight Mark Rider would like to present an alternative proposal to move one or two houses off the site to another location in the city. He has determined that he would need permission to proceed now without going through a bidding process. Extensive demolition and site preparation are needed no matter what, but it is difficult to determine what savings there might be in connection with Mr. Rider's proposal.

Mark Rider, 2566 N. 65th Street, proceeded with a PowerPoint presentation of his proposal, supplementing previously submitted information. He outlined the benefits of moving two homes to a site at 2220 Wauwatosa Avenue where he would slide an existing Victorian home on the site over and convert one of the moved structures, a 1923 bungalow duplex, to a two-unit condo. Mr. Rider said that, despite an opinion expressed by the city forester, he believes that the move would have minimum impact on City trees. Ten trees on the new site itself would have to be removed. The movers would armor plate the house with plywood and cut out the street side of major limbs that are in the way. Wires are also manageable. He described the professional moving process and said the houses would be motion for just one hour. Streets to be used are at least 35 feet wide while the widest house width is 32 feet at the gutters. Steel plates would protect sidewalks. Foundation elevations, relative positioning, and the proposed distances between structures were pointed out. The condo would have a garage underneath with a Y-shaped driveway. A garage would also be under the existing Victorian house and a new deck added. The proposal conforms to all lot size requirements. Mr. Rider submitted 17 petitions supporting his proposal. An additional petition and e-mail in support were submitted to the City Clerk's office. All were added to the file.

Nasser Mortazavi, 2220 Wauwatosa Avenue, the owner of the existing home on the proposed site, said he has lived in the 1880 house for 13 years. Since the condition of the basement has been a detriment in his efforts to sell the house, he believes a new basement will be beneficial. Mr. Mortazavi later added that he has learned that some years ago there was mention of tearing his home down and building an eight-unit apartment building, but neighbors reportedly rose up against the proposal. He believes that Mr. Rider's plan is very practical, especially for his Victorian home.

Mr. Rider noted other homes that have been removed or relocated, citing the successful move of the historic Luther Clapp home that was relocated from north of East High School to Watertown Plank Road. He displayed photos of other homes in the area and charts of home spacings on Wauwatosa Avenue, architectural styles, and single lot square footages. He also had a list of 16 cost considerations, including land acquisition, moving, tree fees, water/gas/electrical, development fees, and excavation.

Mr. Rider acknowledged that the timeline would be aggressive. He would need a decision on whether two-family zoning would be extended. Also, a lot of engineering work is needed for design review and building permits. He said that he is asking the City to give him the homes at no charge in return for saving on demolition costs. The professional home movers are ready to go, Mr. Rider said, but he was uncertain about specific bonding at this time. The first home can be moved before mid-March. The City would need to demolish the other homes and all foundations. He also requests that two-family zoning be extended across Wauwatosa and Garfield Avenues to the new lots. He would want the City to continue to heat the home at 1531 Underwood Avenue up to the move and would be willing to pay that cost. He proposes moving only the duplex at 1613-1615 Underwood Avenue before the April 1 fire station construction start. Ms. Welch pointed out that the City does not yet own the home at 1613-1615 Underwood Avenue.

Chief Redman said that from an emergency response perspective, a house moving operation would not be any more disruptive than events like Tosafest that shut down streets. Regarding timing, he said that bid documents must be turned over by February 25, so a firm definition of required work is needed before that time. Assuming that no scheduling targets are missed, the construction contractor could have access April 8 to start demolition and site preparation. Mr. Kesner added that the bid documents could not allow for a move-or-demolish option due to time limitations following bidding. If Mr. Rider were to proceed, he would need it awarded without bids so that it can be done before the construction timeline begins.

Terry Estness, 2408 N. 67th Street, spoke of her experiences with house moves as former mayor as well as an MMSD commissioner. She mentioned challenges involving utilities, trees, roadways, and traffic concerns that thwarted one proposed move and complicated others. Here, it would be done in the middle of winter with an extremely tight period and other ancillary concerns. While this is a very creative proposal and an interesting use of resources, she advised careful consideration inasmuch, in her experience, it has never been an easy task.

Mark Stockbauer, 2624 N. 72nd Street, said he believes that Mr. Rider has answers and that this can be done successfully. He acknowledged that there are technical details and a short time frame but emphasized the opportunity to recycle and preserve history. Mark Harris, 18741 Silver Spring Drive, Menomonee Falls, owner of Harris Restoration, Inc., 2709 N. 122nd Street, described his involvement in some house moves said he believes Mr. Rider has covered everything imaginable. He feels it can be done with proper planning and cooperation of all the parties.

Mr. Rider reported that he had earlier considered a site at 67th and Powell where he would have been dealing with a 6% grade. Wauwatosa Avenue is nothing compared to that, he said. The movers have said they would not proceed if there is snow on the scheduled day.

Asked about the timeline for subdivision of the Wauwatosa Avenue property, Ms. Welch said it is a six-week process beginning with a Plan Commission hearing. Rezoning of the parcel would be more time-consuming three-month process. Right now the entire block is zoned single family. This would introduce two-family zoning to the east side of Wauwatosa Avenue.

Ald. Birschel referenced some aerial photos and noted that there were nine opt-out clauses in Mr. Rider's information, indicating that anything that could go wrong would abruptly end the project.

Ald. McBride noted his long history with the Historical Society and interest in preservation but said that he will oppose this proposal. He believes it is out of place with the character of Wauwatosa Avenue. He cited the removal of a nearby home for M & I, construction of the Greek church, and relocation of the Clapp home, and said he feels that moving a two-family home with a large concrete apron to this historical street and district would destroy the fabric of the street. He reported that the board of the Wauwatosa Historical Society did not elect to support this project. He acknowledged Mr. Rider's time and efforts but said this is not the right place and time.

Ald. Stepaniak requested staff recommendations. Noting her inclination toward preservation, Ms. Welch commented that if the homes are historical at all, it is by virtue of having been there for a long time. They are not identified in the historical reconnaissance survey and could be termed vernacular homes—nice, basic homes of their era with no significant ornamental details like crown molding or stained or leaded glass. Mr. Rider's perception that they are very well maintained may be due to property maintenance orders on one of them a few years ago that required the owner to do repairs. The cost of saving two homes is subdividing the Wauwatosa Avenue parcel, erecting large retaining walls with tuck-under garages, and loss of trees along Wauwatosa Avenue. Ms. Welch explained that removing major branches means losing a great deal of foliage and the shape of the tree on the street side. The city forester feels it would be better to remove and replace

those trees. When weighing the pros and cons, Ms. Welch said, she is not convinced it is worth the cost to the neighborhood and the effect on the street.

Mr. Kesner said that the City's protection is in a bond in a significant amount that would provide the ability to quickly take care of any problem that might occur. He pointed out the rezoning approval is not a certainty given that a charter ordinance requires a three-fourths Council vote for any change from single to multi-family.

Regarding a question of contact with the neighborhood, Mr. Kesner said that there is a notification requirement as part of the moving permit process. Ms. Welch added that neighbors would also be notified of any rezoning application. She outlined the rezoning process prescribed by state statute. If moving forward prior to rezoning, the worst-case scenario is that single-family use would have to be maintained. Ms. Welch noted that the City owns three of the four Underwood Avenue homes but is still in negotiations on the duplex.

Mr. Rider said that an alternative to address Ald. McBride's concerns would be a side drive with a garage behind the house and to not seek two-family zoning for either of the two properties fronting Wauwatosa Avenue. He commented that that does make the financial picture less desirable.

Ald. Meaux liked the concept overall but saw a problem with the huge concrete apron on Wauwatosa Avenue, which would have a very significant impact on residents of his district across the street. Mr. Rider mentioned that he would use Turfstone, a permeable pavement that creates a more grassy appearance.

The Chair listed three possible options—approve, deny, or take no action now at all. Mr. Rider indicated that he would like an opportunity for reconsideration at the next meeting.

Moved by Ald. Birschel, seconded by Ald. Hansen to recommend denial of the proposal for relocating Underwood Avenue houses to Wauwatosa Avenue –

Moved by Ald. Stepaniak, seconded by Ald. Meaux to hold this matter to the next meeting. Ayes: 5; Noes: 2 (Birschel, Herzog) (Motion to hold takes precedence.)

(The meeting recessed at 10:17 and reconvened at 10:25 p.m.)

Proposed Ordinance to Prohibit Mandating Employee Benefits for Private Businesses

City Attorney Kesner reported that in November, City of Milwaukee voters passed a direct legislation mandate on paid sick leave for private businesses. In response, a number of communities have moved to pass ordinances that would prohibit that type of direct legislation. A proposed ordinance drafted at the request of Mayor Didier and Council president Krol is modeled on a City of West Allis ordinance. It would make a direct legislation petition inappropriate on the topic of mandating benefits by private employers.

Mayor Didier spoke of the need to enact this type of legislation, particularly as we focus on economic development.

John Balzer, 7808 Geralayne Circle, president of the Wauwatosa Economic Development Corporation (WEDC), reported that the WEDC board passed a formal motion encouraging the Common Council to adopt a resolution similar to those adopted in West Allis, South Milwaukee, and other local municipalities. He applauded the City for moving in that direction. Theresa Estness, 2408 N. 67th Street, WEDC Interim Director, concurred with Mr. Balzer's statements.

Lisa Bauer, 9216 Ridge Boulevard, WEDC board member a business owner with 100 employees, said that it is important to send the message that direct legislation, especially on employer mandates, is not appropriate. It will hurt Milwaukee businesses, she felt, and will be a detriment to future development. Considering our own economic development scenario, we need to send a strong statement that it will not happen here.

Moved by Ald. Birschel, seconded by Ald. Hansen to recommend to Council introduction of the proposed ordinance –

Ald. McBride said that if such a measure is prudent, it is prudent statewide rather than creating islands. He commented that it would be ill advised to put ourselves in Milwaukee's position. Ald. Stepaniak said he had asked that this item be put on the WEDC agenda and found there was overwhelming support for a prohibition. He believes it is not appropriate for a city to mandate conditions relating to employees of private businesses.

Vote on the motion, Ayes: 7

The meeting adjourned at 10:32 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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