



CITY OF WAUWATOSA

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COMMUNITY DEVELOPMENT COMMITTEE MEETING Tuesday, December 8, 2009

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

EXCUSED: Ald. Dennik

ALSO A. Kesner, City Atty.; J. Wojcehowicz, Water Supt.; T. Szudy, Planner;
PRESENT: J. Archambo, City Admin.

Ald. Herzog as Chair called the meeting to order at 8:06 p.m.

Proposed Cross Control Connection Ordinance

Mr. Wojcehowicz, Water Superintendent, reported that the City Attorney has drafted a comprehensive cross-connection control program ordinance to comply with requirements of the Wisconsin Administrative Code, Department of Natural Resource, wherein the supplier of water for every municipal water system is required to implement a comprehensive cross-control program for the elimination of all existing cross-connections and prevention of all future cross-connections.

Last month the Common Council approved execution of an agreement with Aqua Backflow of Elgin, IL, to establish a comprehensive cross-connection control program. The initial program will focus on industrial, commercial, and public authority customers with private water systems. Asked about outreach to inform those entities of the ordinance, Mr. Wojcehowicz indicated that efforts will be made to educate the public prior to the inspection process.

Moved by Ald. McBride, seconded by Ald. Hanson to recommend to
Council introduction of the proposed ordinance. Ayes: 7

Conditional Use – Taqueria at 10849 W. Blue Mound Road

The committee reviewed a request by George Duarte for a Conditional Use in the AA Business District at 10849 W. Blue Mound Road for a taqueria. Ms. Szudy reported that the proposed business would operate in space previously used as expanded seating for Suburpia. Proposed hours of operation are 10:30 a.m. to midnight Monday through Thursday and 10:30 a.m. to 2:30 a.m. Friday through Sunday. The Plan Commission unanimously recommended approval. The applicant was present.

Ald. Hanson commented that the proposed hours of operation would not be a big factor since the location is not near residences.

Moved by Ald. Hanson, seconded by Ald. Birschel to recommend to
Council approval of the Conditional Use. Ayes: 7

Final Planned Development – The Enclave, 1234 N. 62nd Street

The committee reviewed a request by HSI Residential I, LLC for final planned development approval at 1234 N. 62nd Street for The Enclave apartment complex consisting of two four-story, 76-unit buildings. Ms. Szudy reported that the preliminary plans were approved earlier this year. The Plan Commission unanimously recommended approval.

Ryan Schultz of HSI Development Partners, 20975 Swenson Drive, Waukesha, reported that major plan improvements were made over the past six months in a collaborative process with the development team, the architect, and city staff. Comments and recommendations were also sought from district alderpersons and the neighborhood association, which endorsed the project in an email from the association president. HSI is committed to keeping the neighborhood association involved and aware of any changes to the plan.

Gene Guskowski, AG Architects, 1035 Laurel Court, listed the four factors that drove the preliminary plan: 1) the direction from this committee about two years ago toward a more urban type of development; 2) the need to build the units over an enclosed garage structure due to the water table; 3) traffic concerns that lead to focusing surface parking and access to enclosed parking on the south side of the site with a more formal entry on the north side at the end of Martha Washington Drive; and 4) an effort to be good neighbors to the adjacent single-family neighborhood through use of setbacks and dedicating a piece of adjacent land to the community.

Mr. Guskowski said that the final plan continues to have an urban feel but the development was split into two buildings. Further investigation of subsoil conditions has enabled them to sink the building into the ground a little more, creating north facades of about 3 ½ stories and keeping the first residential units above ground level. Through negotiations with an adjacent landowner, they acquired an additional 60 feet on the south to create a continuous drive and distribute parking in both directions with a curve to calm traffic, orienting the energy of the building to the southern portion and eliminating the front door on Martin Drive. With a requirement for at least 265 parking spaces, the two 76-unit buildings will each have 100 enclosed spaces and there will be 100 spaces of surface parking. The plaza between the two buildings will serve as a public space and extension of the surrounding neighborhood. Neighbors will be encouraged to walk through that area.

Mr. Guskowski displayed a number of drawings as well as various perspective renderings. He pointed out amenities in the entry area such as a pool and community rooms. There will be about 26 units on the first floor of the U-shaped buildings with a mixture of plans for one, two, and three-bedroom layouts. The second floor is similar. Corners drop down on the third floor to reduce the visual impact of the buildings. The Design Review Board reviewed the plans and had some suggestions but was very positive about the project. The exterior will be 45% masonry using a combination of materials.

Brett Haney, HSI Development Partners, 20975 Swenson Drive, Waukesha, said that they envision starting demolition in early to mid-spring with construction beginning in May. He noted that this property has been in his family for over 25 years through a partnership whose members came here over two years ago for input on potential development. They have followed that direction closely as they worked with various groups that had concerns and input.

Gary Kandziora, 6124 Martin Drive, said he believes that the building will actually be four stories high, not 3-1/2 stories as has been stated, based on the berm covering the first floor. It will block the sun from reaching his front room and driveway. Although some sunlight calculations were presented at the Plan Commission meeting, no one said how many days each year his property would be shaded. The building is now closer to the street, and everyone on Martin Drive will be impacted. Mr. Kandziora noted that the neighborhood group's officers are unelected volunteers and he felt that he and others on Martin Drive were not represented at neighborhood meetings.

Mr. Schultz reported on efforts to address concerns about shadows on Martin Drive homes through a simulation based on latitude and longitude of the buildings, their height, and specific dates and times. Modeling December 21, the shortest day of the year when only 50% of the day has sunlight, they found that shade would appear in Mr. Kandziora's front yard between 9 and 10:15 a.m. As each hour progresses, it moves across Martin Drive to the point that there is no shade on any front yards. A second simulation of June 21, the summer solstice, shows that there is no shade impact on Martin Drive at all. Ald. Birschel noted that the Plan Commission was satisfied with that report and voted in favor of the project. He indicated that he also did some sunlight calculations.

Ald. Nikcevich said that her district abuts this area and she understands concerns but believes this development is sensitive to a lot of the issues. One issue requiring follow through, she felt, is traffic flow out to State Street, which potentially could require a traffic signal on 62nd Street. This development and another adjacent to it will add a substantial number of vehicles to the area.

Ald. McBride commented that there was a positive evolution as meetings with neighbors and city officials progressed and improvements were made. He complimented the developers, noting that they listened to the neighborhood and have been sensitive to their needs. The developments coming up in this area point the way to an exciting progression in extending the Village area eastward. He noted that the land the developers have offered to deed to the city is part of the Schoonmacker Reef. It will create a walkable area and make an important historical site available for closer study.

Moved by Ald. McBride, seconded by Ald. Nikcevich to recommend to Council approval of the final plan contingent upon execution of a developer's agreement. Ayes: 7

Preliminary Planned Development – 6745 W. Wells Street

The request by William Ibach for preliminary planned development approval at 6745 W. Wells Street for an eight-unit condominium development was held by the Plan Commission at their meeting last night inasmuch as the applicant was not present.

Moved by Ald. Birschel, seconded by Ald. McBride to hold this matter for one month. Ayes: 7

Development Agreement – Residential Development at N. 113th Street and Walnut Road

Referring to his December 4, 2009, memo to the committee, City Attorney Kesner said that in August 2007, the city and Toldt Development entered into a purchase and sale agreement for the 18-acre portion of the public works yard at the corner of 113th Street and Walnut Road. There were a number of contingencies relating to site conditions, price determination, and various engineering and planning approvals, most of which have now been addressed to the point that a development agreement can proceed.

One of the biggest issues overall has been negotiation of the purchase price. In the original purchase and sale agreement, it was to be based on appraisal, which yielded two widely varying numbers—"as is" and taking into account the cost of recovering from uncertain soil conditions. The middle ground that has been negotiated anticipates a purchase price of \$1,058,635 with a credit to the purchaser of \$431,365 due to the excessive costs that may be necessary to address subsoil stabilization requirements on the site. To provide an incentive to pursue savings by limiting subsoil stabilization where it is not necessary, the city would split any savings in those costs with the developer on a 50/50 basis.

The development would start this spring and continue over a five-year period to conclude developing all phases of the project. Over 400 housing units are included, some elderly units but most market-rate housing of very high quality, either condominiums or apartments. Mr. Kesner noted that Toldt Development has a record of high quality developments including Underwood Station on 115th Street south of Watertown Plank Road as well as developments in other communities. The project will ultimately result in an estimated \$50 million of taxable value.

Some final approvals are needed prior to closing such as utility and storm water plans and some language edits, Mr. Kesner said. There are additional engineering details that were not included in the final approved plan. Zoning is in place, but a certified survey map will require final approval.

Richard Bachman, 2229 N. 115th Street, said he has no objection to the project but is concerned about impact on traffic issues on his street, which is heavily used as a shortcut around the traffic signal at 116th Street and North Avenue. He asked the developer and the city to work on providing relief to 115th Street residents.

Atty. Brian Randall, 2602 N. 88th Street, of Friebert, Finerty & St. John, 330 E. Kilbourn Avenue, Milwaukee, spoke on behalf of Helmut Toldt of Toldt Development, who was also present. Mr. Randall commented on the amount of work that has taken place since final plans were presented a year ago. He believes it has resulted in a workable plan with an incentive for cost savings for both parties. Every effort will be made to save on soil stabilization costs, and any cost overrun will be Toldt's responsibility. Mr. Randall noted that the project includes a minimum of 40 condominium homes. The standard to which Mr. Toldt builds would allow for an increase in that ratio should the market shift.

Mr. Wojcehowicz, Water Superintendent, commented on the limited growth in this community and the potential for an increase in water utility services.

In response to questions from Ald. Stepaniak, Mr. Kesner explained that the market price without any negative conditions would be about \$1.4 million; however, approximately \$1 million of subsoil stabilization work is needed. Through discussions with Mr. Toldt, the cost of remediation was reduced to \$800,000 with \$431,365 provided to the purchaser as a credit. Any savings in the subsoil stabilization costs will be paid back to the city from the developer's credit at the time of the target date for completion of the project, July 1, 2016.

Mr. Kesner confirmed that it was originally anticipated that \$1.2 million would be available from this sale to offset costs of the Hart Park project. Mr. Archambo then explained handling of the shortfall through an "intent to reimburse" out of the upcoming 2010 capital projects bond issue. Any deficiency depends on the overall cost of 2010 capital projects. Final costs below the budgeted amounts could cover the difference, or the scope of some projects might be reduced.

Ald. Stepaniak commented on the good faith efforts of the developer and the city to identify difficulties and contingencies but was concerned about the need to borrow for money already spent on the Hart Park project. Ald. Nikcevich concurred but felt the developer should not be held responsible for the Council's actions.

Moved by Ald. Nikcevich, seconded by Ald. Hanson to recommend to Council approval of a development agreement with Toldt Development.

Ayes: 7

The meeting adjourned at 9:15 p.m.

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Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin