



**CITY OF WAUWATOSA**  
7725 WEST NORTH AVENUE  
WAUWATOSA, WISCONSIN 53213  
Telephone: (414) 479-8917  
Fax: (414) 479-8989  
Web Site: www.wauwatosa.net

## **COMMUNITY DEVELOPMENT COMMITTEE MEETING**

Tuesday, April 8, 2014

Committee Room #1

**PRESENT:** Aids. Roznowski, Pantuso, Moldenhauer, Walz-Chojnacki, McBride, Berdan, Wilke, Causier - 8

**ALSO PRESENT:** P. Enders, Development Director; J. Archambo, City Admin.; A. Kesner, City Attorney

Ald. Roznowski as Chair called the meeting to order at 8:02 p.m.

### **Conditional Use request by Robert Bokowski, WE Energies, at 9250 Watertown Plank Road for an electrical substation**

The committee reviewed a memo from the City Planner regarding a request by Robert Bokowski, WE Energies, for a Conditional Use in the Special Purpose – Medical Center District at 9250 Watertown Plank Road for an electrical substation.

The applicant wants to expand the WE Energies electrical substation to accommodate future growth at the Milwaukee Regional Medical Complex. The expanded area will be located directly north of the existing substation, as indicated on the map and plans included in the packet. The lighting within the expanded area is proposed to be similar to the existing lighting (photo attached). The existing substation is enclosed by a seven foot high fence with barbed wire at the top and WE Energies would like to install similar fencing around the expanded area for security reasons. City code limits fencing to a maximum height of six feet and barbed wire is normally prohibited in Wauwatosa. However, both the height and material can be approved as part of the Conditional Use request.

The applicant consulted with a UWM representative regarding the landscaping and WE Energies will install planters on the UWM parcel in addition to those proposed on their property. Staff consulted with the Police Chief and he has no objections to the proposed landscaping.

The Plan Commission reviewed this item on April 7<sup>th</sup> and recommended approval 6-1 with the following recommendations:

- Landscape plan - \$28,000 funding allowance to be provided in the form of a bond account to be used by UWM Real Estate for landscaping purposes to screen the area around the substation but on their own property
- LED lighting fixtures be explored for installation rather than the current suggested lighting as an alternative to what they had proposed
- The lighting is to be installed at 30 feet above grade

A group of representatives from WE Energies, 231 W. Michigan St., Milwaukee, including Robert Bokowski, Susan Crane, Larry Stephens, Chris Valiant, and Steve Samore were in attendance to review plans for the substation and answer any questions the committee has.

Robert Bokowski provided a quick summary of what is being proposed. The new substation location was shown along with the existing substation. The plans show the control building and a location for a future control building. Mr. Bokowski said that this future control building was discussed at the Plan Commission meeting on March 10<sup>th</sup>, as part of the conditional use request. This was included in the plan so they don't have to come back for approval in a couple of years.

Ms. Enders said she did not have that information available. Aids. Causier and Wilke, who sit on the Plan Commission, concurred that this was discussed and was understood to be part of the plan. Ms. Enders noted that usually on a conditional use permit, work would have to be done in one year so you would have to come back if it were to be longer than that. Ms. Enders clarified that the work would have to be started within one year.

Mr. Bokowski explained that there will be four lighting masts in the substation, one of which will have antennas. There will be two light fixtures on each mast. The barbed wire fencing with gates was reviewed.

Susan Crane, WE Energies, discussed the lighting analysis plan. Ms. Crane told the committee that at the Plan Commission meeting it was decided that WE Energies would provide \$28,000 for landscaping expenses to UWM Real Estate Foundation. The Foundation will use the funds to provide screening or a buffer around the substation. She reviewed the location of the substation along the lot line in comparison to the hotel location.

Ms. Crane reviewed the plan drawing noting the significant grade difference between the substation and the hotel. The hotel looks to be about 170 feet above the lot line and the substation is about 10 feet above the lot line. There is a total of about 180 feet total which is important when discussing lighting.

Ms. Enders responded to a question that staff will work with UWM to insure that the landscaping is actually installed. The approval of the landscaping has been done through each building design approval, but could be done through the Design Review Board.

Ms. Crane talked about the lighting related to the 35-foot grade difference reviewing how the lighting would transition into moonlight. She showed a photo of what the substation would look like at night and how the glow quickly drops off into moonlight.

Pictures were shown of what the lighting will look like. It is a dark sky fixture that is enclosed on the top and all four sides so that the light only drops down. They feel they have dropped the lighting from 35 feet to 30 feet which is the most they could do without impacting the lighting necessary and without hindering work in emergency situations. No additional fixtures are necessary when lowering the height.

Ms. Crane said that WE Energies was asked to supply the committee with information for LED lighting fixtures rather than the High Pressure Sodium.

Chris Valiant, WE Energies, a lighting manager, discussed the difference between LED and High Pressure Sodium (HPS) lighting. The committee received a handout explaining the WE Energies design which specified HPS lighting with LED fixture options.

High Pressure Sodium (HPS) fixtures:

- Have a proven track record of reliability and performance at all wattages, which is critical to security and appearance
- 400 watt HPS fixtures continue to provide an excellent value for our customers
- HPS is currently used in 99.5% of applications on our own outdoor lighting systems

- HPS fixtures, components and bulbs are standard stock items at Company locations for quick repair or replacement

LED fixtures option:

- As a result of the unique requirements of LED fixture design, an LED version of the ‘shoebox’ style fixture shown to the City of Wauwatosa may not be available
- An LED fixture may be larger than the 400 watt HPS fixture
- The white light and multiple point sources of an LED fixture may result in some people perceiving greater glare from an LED fixture compared to an equivalent HPS fixture
- 400 watt LED fixtures may not be available for rapid replacement and repair

Summary:

- There are several LED fixtures that are now available to replace 400 watt HPS
- WE Energies has limited proven suppliers
- To our knowledge, large LED lighting has limited field testing data
- LED fixtures have become more common in outdoor lighting applications, but they are typically considered for replacing 50-200 watt HPS fixtures

Mr. Valiant emphasized that the reason that HPS was chosen for the design is based on its proven track record. It has good performance at all wattages and the 400 watt continues to provide an excellent value to its customers. He also noted that there is a good inventory throughout the system so parts are readily available.

Mr. Valiant noted that the design of the LED fixtures are different than HPS fixture, they are a different profile and size. The fixture gets bigger the higher the wattage. There is a perception that LED lights have more glare. He felt that the larger fixtures do not have a track record acceptable to use at this time.

Mayor Ehley thanked WE Energies for the quick turn-around in providing the additional information requested and for being so cooperative.

A representative from WE Energies said that they found that the best value for this design is the HPS. With this application there will be fewer light masts necessary. He agreed that there is not a long established track record with the LED for this application and felt the pay back could be ten years or more. If the City tells them to use LED lighting, they will, but their recommendation is to use the HPS.

Ald. Wilke expressed displeasure that Focus on Energy for years has been pushing LED lighting and WE Energies is not leading by example. He also felt there could have been more information provided to help the committee make a better determination on how to proceed.

Ald. Pantuso hoped going forward that the LED design will be implemented but understood that the technology is not there yet.

Ald. Berdan said she was a little frustrated with the conversation because the HPS design meets the city’s guidelines and appreciated the explanation why they are not using the LED. She said that if a business comes to the city with a plan that meets our criteria we should not impose our views on them.

Moved by Ald. Berdan, seconded by Ald. Moldenhauer to recommend approval of the Conditional Use contingent upon: a landscape plan providing \$28,000 to UWM Real Estate for them to use for screening around the substation which should be set up in the form of a bond account, high pressure sodium lighting to be

installed 30-foot above grade, barbed wire fencing, and upon obtaining any additional licenses or permits.

WE Energies also mentioned with LED lighting they would have to install more light masts and the number of poles could be problematic in an emergency situation when they have to get large vehicles in that space in a relatively short period of time. Concern was also expressed that the lighting wouldn't be adequate to perform necessary emergency work.

Mr. Valiant noted that the market is changing and felt in a couple of years, technology would be better for LED fixtures.

The committee continued their discussion and realized there were aesthetic concerns related to additional masts if LED were used. They felt there would be a substantial savings with LED. As consumers it was hoped that something more innovative will be available down the road.

Ald. Roznowski thanked WE Energies for their partnership in the past few months. He noted that there really are two issues being discussed. One is the landscaping which is not WE Energies' business and wisely handed it over to UWM Real Estate to oversee. The other issue is lighting which is their business and they designed what they feel is the best product for this project.

Vote on the motion - Ayes: 8

**Land Combination request by Martin Beaudoin, CMR Holdings, LLC., at 6707 and 6715 W. North Avenue**

The committee reviewed a memo from the City Planner regarding a request by Martin Beaudoin, CMR Holdings, LLC, for a land combination at 6707 and 6715 W. North Avenue.

The applicant owns two adjacent properties, the Red Dot parcel and the laundromat to the east, and would like to combine the two parcels. The request meets applicable zoning regulations.

The Plan Commission reviewed this item on April 7<sup>th</sup> and recommended approval unanimously.

Martin Beaudoin, 3278 N. Knoll Terrace, said since both parcels are adjacent he felt it made more sense to put the patio in the front of the laundromat and parking in the back.

Moved by Ald. Moldenhauer, seconded by Ald. Pantuso  
to recommend approval of the Land Combination request  
at 6706 and 6715 W. North Avenue – Ayes: 8

**Conditional Use request by Martin Beaudoin, Red Dot, at 6707 and 6715 W. North Avenue for outdoor seating**

The committee reviewed a memo from the City Planner regarding a request by Martin Beaudoin, Tosa Foods, LLC, for a Conditional Use in the C1 District at 6707 and 6715 W. North Avenue for outdoor seating for the Red Dot.

The applicant proposes to add outdoor seating for Red Dot where there is currently parking in front of the adjacent laundromat. The enclosed patio, with proposed operating hours of 10:00 a.m. – 11:00 p.m. daily, will seat approximately 50 persons and be accessed via a new door on the east side of the restaurant. To

accommodate the patio, the entire parking area at the front of the laundromat will be abandoned, including removal of the North Avenue drive approach. However, there is sufficient parking for the uses per code in the rear of the building. A new parking lot plan will need to be submitted for the combined site and the applicant should discuss applicable requirements with the Engineering Division. Additional improvements to the property include signage and landscaping at the corner of 67th Street, installation of bike racks, a trash area behind the restaurant, and a fence on the west property line.

Ms. Enders said the Plan Commission reviewed this item on April 7<sup>th</sup> and recommended approval unanimously with the following conditions: hours of operation from 10:00 a.m. – 11:00 p.m. daily, submit a revised parking lot plan to Engineering and obtaining any additional permits and licenses.

Ms. Enders noted that city staff would like to add the following to the contingency: the building signage is a separate approval and will be dealt with separately, and that the site plan should also be reviewed by the Building and Fire Departments.

Moved by Ald. Moldenhauer, seconded by Ald. Pantuso to recommend approval of the Conditional Use contingent upon: proposed operating hours of 10:00 a.m. to 11:00 p.m. daily, submit a revised parking plan to Engineering, signage will be a separate approval, site plan review by the Building and Fire departments, and obtaining any additional licenses or permits – Ayes: 8

The committee commented on how nice the plans are and that the patio area is like a mini pocket park. It will be very welcoming and helps to create an impression that Wauwatosa is a walkable city.

**Conditional Use request in the C1 District by Lisa Allen, Arte, and Daniel Holter, AlbinEber Investments to expand Arte, 1442 Underwood Avenue**

The committee reviewed a memo from the City Planner regarding a request by Lisa Allen, Arte, and Daniel Holter, AlbinEber Investments, for a Conditional Use in the C1 District at 1442 Underwood Avenue to expand Arte.

The applicant wants to expand her business, Arte, into the adjacent tenant space where Filament was located. The expansion will provide space for approximately 40 additional patrons. Arte's hours of operation are Tuesday- Thursday 5:00 p.m. to 10:00 p.m., Friday 5:00 p.m. to 11:00 p.m., Saturday 10:00 a.m. to 11:00 p.m., Sunday 12:00 p.m. to 6:00 p.m. with private parties and specialty classes between the hours of 9:00 a.m. to 10:00 p.m. daily.

The Plan Commission reviewed this item on April 7<sup>th</sup> and recommended approval.

Lisa Allen, 1442 Underwood Avenue, explained that the operation will be the same just in a bigger space.

Moved by Ald. McBride, seconded by Ald. Pantuso to recommend approval of the Conditional Use contingent upon: the operating hours Tuesday-Thursday 5:00 p.m. – 10:00 p.m., Friday 5:00 p.m. – 11:00 p.m., Saturday 10:00 a.m. – 11:00 p.m., Sunday 12:00 p.m. – 6:00 p.m. with private parties and specialty classes between the hours of 9:00 a.m. – 10:00 p.m. daily; and obtaining any additional licenses or permits – Ayes: 8

**Conditional Use request in the C1 District by Paul Hackbarth, Camp Bar, Inc., at 6600 W. North Avenue for a drinking establishment**

The committee reviewed a memo from the City Planner regarding a request by Paul Hackbarth, Camp Bar, Inc. for a Conditional Use in the C1 District at 6600 W. North Avenue for a drinking establishment.

The applicants want to open a bar with outdoor seating in the old Speedway Sales and Service building. Camp Bar, which will be similar to the existing Shorewood location, will be located on the first floor while the residential units above will be retained. The existing detached garage at the rear will be demolished, making way for a building addition containing restrooms and rooftop seating. The proposed capacity is approximately 112 persons inside and approximately 60 persons outside at the patio at the rear of the building that will be screened from neighboring properties by a new eight foot high wood fence. Bike parking is proposed on the east side of the building. No food preparation will take place in the establishment as they partner with a local restaurant to provide food for patrons. The proposed hours of operation are Monday through Thursday 10:00 a.m. to 2:00 a.m., Friday 1:00 p.m. to 2:30 a.m., and Saturday and Sunday 10:00 a.m. to 2:30 a.m. with patio hours of 1:00 p.m. to 11:00 p.m. Monday through Saturday and 12:00 p.m. to 10:00 p.m. on Sunday.

No additional parking is required based on the change of use as the minimum parking ratio is the same for drinking establishments and the previous commercial use. However, the current parking of five spaces should be retained and one space should be added for the addition, for a requirement of six spaces. The proposed plan provides four parking spaces off the alley and in addition, the applicant indicated he has an agreement with the liquor store across North Avenue to use their parking lot after hours. The Plan Commission and Common Council can waive parking requirements through the Conditional Use approval.

If approved, a shared parking agreement as well as a revised parking lot plan will need to be submitted to applicable staff.

The Plan Commission reviewed this item on April 7<sup>th</sup> and recommended approval with the following conditions: installing a taller fence for the upper patio and lower level not to exceed eight feet, the operating hours of Monday through Thursday 10:00 a.m. to 2:00 a.m., Friday 1:00 p.m. to 2:30 a.m., Saturday and Sunday, 10:00 a.m. to 2:30 a.m. with patio hours of 1:00 p.m. to 11:00 p.m. Monday through Saturday and 12:00 p.m. to 10:00 p.m. Sunday; and the reduction of the required two off-street parking spaces if the applicant is able to secure a shared parking agreement within the parameters outlined in the zoning code.

Paul Hackbarth, 3453 N. Hackett Ave., Milwaukee, said he opened up the initial Camp Bar in Shorewood about a year-and-a-half ago with tremendous success. He felt that this corner parcel was a great location and would help to bring some life in the area, complimenting the neighboring restaurants and businesses. He explained that this will be an upscale northwoods type neighborhood bar which will include an outdoor fireplace.

Moved by Ald. Pantuso, seconded by Ald. Berdan to recommend approval of the Conditional Use contingent upon: installing a taller fence for the upper patio and lower level not to exceed eight feet, the operating hours Monday – Thursday from 1:00 P.M. – 2:00 A.M., Friday 1:00 p.m. – 2:30 a.m., and Saturday and Sunday 12:00 p.m. – 2:30 a.m. with patio hours of 1:00 p.m. – 11:00 p.m. Monday through Saturday and 12:00 p.m. – 10:00 p.m. on Sunday; the reduction of two required off-street parking spaces with execution of a shared parking agreement with the liquor store across

North Avenue, submitting a revised parking lot plan to Engineering, and obtaining any additional permits and licenses.

Ald. Berdan felt that the building would be perfect for a bar. She noted that the applicant has been sensitive to the neighbors and has met with them to discuss the plans. Ald. Berdan expressed concern that the patio in the back of the building is so close to the neighbors.

Mr. Hackbarth said after hearing concerns at the Plan Commission meeting they met with their architect this morning, and have changed the patio design so that they will be able to enclose the entire patio space at 11:00 p.m. It is an upgrade that should make the neighbors happy. This will be a permanent structure instead of an open air structure. Ald. Berdan felt that this kind of responsiveness is huge especially in an area where the homes are so close together.

Ms. Enders asked that staff be allowed to work with the applicant on their revised patio plan.

The committee expressed appreciation for the development of the site and expressed gratitude to the aldermen in the surrounding districts that helped make this possible.

Vote on the motion – Ayes: 8

The meeting adjourned at 9:48 p.m.

Carla A. Ledesma, City Clerk  
City of Wauwatosa

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