



**CITY OF WAWATOSA**  
**COMMUNITY DEVELOPMENT COMMITTEE**  
**MINUTES • DECEMBER 9, 2014**

---

**Regular Meeting**
**Committee Room #1**
**7:00 PM**

7725 West North Avenue, Wauwatosa, WI 53213

---

**COMMUNITY DEVELOPMENT COMMITTEE ITEMS**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Kathleen Causier	Aldерwoman	Present	
Craig Wilson	Alderman	Present	
Tim Hanson	Alderman	Present	
Bobby Pantuso	Alderman	Present	
Cheryl Berdan	Aldерwoman	Present	
Matthew Stippich	Alderman	Present	
Michael Walsh	Alderman	Excused	
Allison Byrne	Aldерwoman	Present	
James Archambo	City Administrator	Present	
Alan Kesner	City Attorney	Present	
William Porter	Public Works Director	Present	
William Wehrley	City Engineer	Present	
Paulette Enders	Development Director	Present	

1. Request by Edward Walsh, Alpine Realty Capital, and David Gilbert, UWM Real Estate Foundation, for a Planned Development Amendment at 1300 Discovery Parkway for a hotel

The committee reviewed a memo from the City Planner regarding a request by Edward Walsh, Alpine Realty Capital, and David Gilbert, UWM Real Estate Foundation, for a an amendment to the Planned Development for a hotel at 1300 Discovery Parkway.

Ms. Enders advised that in March, the Common Council approved a Planned Unit Development Amendment for construction of a hotel on UWM Innovation Campus. Since that time, unsuitable soils were discovered on the site causing a site redesign, which is what is before the Committee tonight. Previously, the hotel was oriented to the north of the site. The current design flips the building to the south of the site with parking located behind the building.

Staff recommends approval contingent upon:

- Plans showing adequate sewer capacity and storm water management subject to approval by the City Engineer
- Plans for water supply to site and hydrant placement subject to approval by the City Water Superintendent
- Plans for fire protection subject to approval by Fire Prevention staff
- Incorporation of a pedestrian connection from the main building entrance to the public sidewalk
- Approval by the Design Review Board
- Obtaining any additional licenses and permits

Nancy Welch, 8213 Rockway Place, said that this is another deviation from the master plan that was approved by Council. She said that part of the problem with this project is that they have gone ahead, ignoring the master plan, and filled in the ravine. Now there are problems and it doesn't work very well to put a hotel there. She further explained that when this project was approved, the hotel was allowed only because it was used as potential way to save the historic Eschweiler Buildings. The developer is receiving uses that were never part of

the development, they are not creating the innovative park that was originally proposed.

Ald. Wilson said this amendment is important due to the soil issues, and has little to do with the Eischweiler buildings.

Moved by Ald. Wilson, seconded by Ald. Byrne to recommend approval of the Planned Development Amendment contingent upon: plans showing adequate sewer capacity and storm water management subject to approval by the City Engineer, plans for water supply to site and hydrant placement subject to approval by the City Water Superintendent, plans for fire protection subject to approval by Fire Prevention staff, incorporation of a pedestrian connection from the main building entrance to the public sidewalk, approval by the Design Review Board, and obtaining any additional licenses and permits.

Ald. Byrne asked Ms. Enders to speak to the unsuitable soil issues.

Ms. Enders explained that in order to completely develop the area and maximize the footprint, the area was filled; not just the southern section, but the section the hotel would be setting on in the future. She said that there is roughly 40 feet of fill with compaction. She said it was discovered there was groundwater below the site, making that area difficult to compact, making it unbuildable, which is why the developer has shifted the building slightly. She said that different construction methods are being used, which will reduce the cost. Ms. Enders noted that this is actually the suggested location, as it was closer to the roadway, with better street appeal and that staff likes this change.

Ald. Hanson asked who decided to put the fill in the low land space. Ms. Enders replied that it was part of the original design. She explained that when the campus was designed and laid out, there was a master plan for the site. That area was slated for development and had to be filled. The Department of Transportation, as part of the zoo interchange project, shifted the on-ramp at Hwy. 45, which then shifted the development, changing the roadway and creating the need for the retaining wall, and the filling in behind the wall to create a developable site. This moved the roadway into an area that was topographically challenged. Ms. Enders explained that the site boundaries have only shifted slightly for the hotel.

Ald. Causier asked if we are confident in the stability of the northeast corner. What happens if it is not stable? Ms. Enders said they rely on their geotechnical experts who said that the soils that are present will support the parking field. The building will be built on geopiers that will support the building. Ms. Enders said that the city had this analyzed as well that confirmed the concerns of the developer and talked about options available. The City again suggested moving the building, and by building on geopiers they are confident it will support the development.

Vote on the motion - Ayes: 6 Noes: (1) Hanson

<b>RESULT:</b>	<b>RECOMMENDED FOR APPROVAL [6 TO 1]</b>
<b>MOVER:</b>	Craig Wilson, Alderman
<b>SECONDER:</b>	Allison Byrne, Alderwoman
<b>AYES:</b>	Causier, Wilson, Pantuso, Berdan, Stippich, Byrne
<b>NAYS:</b>	Hanson
<b>EXCUSED:</b>	Walsh

## 2. Presentation of the 69th Street Center conceptual design

This item was held.

## 3. Wisconsin Department of Transportation presentation regarding landscape design for the Locust Street Parking Lot and Drop-off Center

The committee reviewed a memo from the Director of Public Works regarding landscaping and other site amenities planned for the Locust Street Parking Lot and Drop-Off Center.

Mr. Porter said the City is in the final stages of acquiring the Locust Street property that is to be converted into a parking lot and drop-off center.

Mr. Porter said that as part of a joint effort between the City, School District, and WisDOT, this property will be converted to the drop-off location and parking area that will, in the short run in 2016, facilitate students getting to and from school when the Center Street Bridge is being replaced. The site also has long term benefits as it will better enable bike and pedestrian access to and from the three schools on Center Street and the north side of Wauwatosa. The site will be connected to a pathway and a new pedestrian bridge over US 45 which will be built in 2015.

On October 30, 2014, WisDOT held a neighborhood open house to discuss the Locust Street project. One of the remaining questions was how the lot was to be landscaped, and what type of site amenities would be provided.

Concepts have been discussed with the School District such that they would ultimately own and maintain the property.

Chris Zacharias, Wisconsin Department of Transportation, explained that with the reconstruction of the freeway system, one of the first projects to be built is the pedestrian bridge in 2015.

The City approached the DOT and asked if they were to purchase this lot, would the DOT work with them on a cost share joint effort ahead of taking the bridge out. Mr. Zacharias said they agreed to that and reviewed the proposed layout of the parking lot/drop-off location.

Carolyn Steussy, Wisconsin Department of Transportation, reviewed the green space requirements in the plan, noting that they are providing additional green space along the walk and providing opportunities for benches. Mr. Zacharias noted that it is being worked out with the school district as to who will be maintaining this. Mr. Zacharias said that the school district has asked for landscaping that doesn't require a lot of maintenance with perennials and ornamental grasses. The estimated cost of \$270,000 included the porous pavement and the landscaping.

Mr. Zacharias noted that the City is still working on the purchase of the land. He said that they need to move this project along, as plans have to be sent out to the utilities for their planning of their utility removal.

A representative from the school district expressed concern about who would be maintaining the parking lot. Their resources are limited as well and the details need to be worked out regarding snowplowing, mowing, tree maintenance, and repair of the lighting. She said all in all the school district is very supportive of the lot.

Ald. Wilke appreciated all the work done by the City and DOT. He asked that the DOT look at putting a sidewalk on both sides and to look at fencing. Mr. Zacharias said they are still working through the fence details.

Ald. Berdan encouraged additional sidewalks if possible to keep the kids out of the parking area. She felt that this is an incredibly creative solution to an initiative. She liked the design and reiterated that the turning radius be designed for larger vehicles. If the turn is too tight, it will cause safety issues.

Ald. Wilson agreed that there should be less parking lot and better flow for pedestrians. He said he would hate to have this be unsafe because the parking lot is not construed properly. He felt there might be a better way to separate the cars from the walkway and encouraged them to look at this. He appreciated the efforts and felt it looks nice.

4. Request by the Director of Public Works for a 90-day trial of parking restrictions on the east side of the 2300 block of 85th Street

The committee reviewed a memo from the Director of Public Works on whether to enact parking restrictions on the east side of the 2300 block of 85<sup>th</sup> Street.

At the request of the local alderperson, staff has reviewed the matter of parking restrictions on this block of 85<sup>th</sup> Street.

The concern expressed by area residents is that parking on the east side of 85<sup>th</sup> Street will be taken up with guests visiting the tenants of the new Pasadena Apartments building. Since there are no parking restrictions on the east side of 85<sup>th</sup> Street, conceivably visitors could park there all day without having to move their vehicles.

Mr. Porter presented some background information of the adjacent streets to the west, 86<sup>th</sup> Street, Pasadena Avenue and 88<sup>th</sup> Street. They all have parking restrictions on both sides of the street. Primarily this is a 2 hour restriction from 9:00 a.m. - 10:00 p.m. except on Sundays or holidays.

The exception is 88<sup>th</sup> Street where the restriction is for 2 hour parking 9:00 a.m. - 6:00 p.m. except on Sundays or holidays.

These three streets all have active commercial businesses on the north side of North Avenue along their frontage. To the east on 84<sup>th</sup> Street, there are no restrictions but the North Avenue frontage is low density residential.

The parking on the west side of 85<sup>th</sup> Street is prohibited with the exception of the area just north of North Avenue with commercial frontage.

Mr. Porter said the three hour request is in deference to guests of the apartment dwellers and area residents in case their visitors are present for longer periods.

Mr. Porter said in anticipation of the apartments coming online they are requesting 3 hour parking restrictions from 9:00 a.m. - 10:00 p.m. for a 90-day trial. He said notices were passed out to neighbors on both sides of 85<sup>th</sup> Street from North Avenue to Meinecke Street.

Moved by Ald. Wilson, seconded by Ald. Stippich to approve of a 90-day trial of 3 hour parking restrictions from 9:00 a.m. - 10:00 p.m. on the east side of the 2300 block of 85<sup>th</sup> Street - Ayes: 7

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Craig Wilson, Alderman
<b>SECONDER:</b>	Matthew Stippich, Alderman
<b>AYES:</b>	Causier, Wilson, Hanson, Pantuso, Berdan, Stippich, Byrne
<b>EXCUSED:</b>	Walsh

- An ordinance creating Section 8.13 of the City of Wauwatosa Municipal Code to ban smoking of electronic devices in certain places and restrict access of electronic cigarettes to minors (for adoption)

This item is brought back from the previous meeting for adoption.

Lori Nielsen, Public Health Nurse Supervisor, reminded the committee that as part of the strategic plan for the City, the second initiative is that we are a community of choice. She explained that the City is not looking at personally banning this, just not using this in public where it is already regulated for cigarettes.

Those present in favor of the ordinance included:

Curt Dew, 625 N. 64<sup>th</sup> Street, said that that voters had voted to prohibit smoking within bars and restaurants with an assumption that this was smoking of any type of device, and e-cigarettes is another avenue of the same function. He felt that we are we circumventing the vote that was cast banning the use of cigarettes.

Mr. Dew said it is not good for people, but good for the tobacco leagues. He felt that this just aids the revenue stream for the tobacco leagues and would like to see this prohibited.

Meg Miller, 2466 N. 72<sup>nd</sup> Street, wants to support the ordinance. She said it makes sense and is in line with what there is already in place.

Emily White, American Cancer Society, Madison, spoke in support for clean indoor spaces and felt the e-cigarettes should be banned in all restaurants and bars to protect against second hand smoke. She explained that the health effects are currently under study, but public health shouldn't be gambled with it in the meantime. She said that a survey taken, showed 61% of those polled in support prohibiting the use of e-cigarettes indoors. Three out of four Wisconsin residents are in favor of clean indoor air.

Sue Martin, 2433 Duck Court, Cedarburg; in support of clean indoor air. This device is not a water vapor, there are chemicals in the product. This is about clean indoor air, not personal use in your home, car or park.

Those present opposed to the ordinance included:

Jason Schuette, W349 S10295 Highview Road, Eagle, WI  
Mike Morgan, 12147 Meadow Court, Wauwatosa  
John Piraino, 302 N 71<sup>st</sup> St., Milwaukee  
Don Mielbauer 10437 W. Innovation Drive  
Todd Smith, 4766 N 118<sup>th</sup> Street  
John Levine, 3301 S. 57<sup>th</sup> Street, Milwaukee  
Russ Drover, 7530 W. State Street  
Maureen Lesky, 2546 N. 70<sup>th</sup> Street

Comments made by those opposed included:

- E-cigarettes are being equated to regular cigarettes and they are not
- Second hand vapor is not smoke and no toxins exist
- No science to support it is harmful
- It is a harm reduction product
- Is this a science-based decision or a morality-based decision
- Doctors suggest to patients the use of the e-cigarettes over regular cigarettes
- Should be kept out of the hands of minors
- Many people have quit smoking by use of e-cigarettes
- Groups of people aren't opposed to e-cigarettes like they are regular cigarettes
- Should be a personal choice
- Smoked for 45 years and quit via use of e-cigarettes
- Leave it to the businesses to decide if they want to allow it or not
- The ordinance would be 100% unenforceable
- Retailer encouraged committee members to see what a vape shop is
- Children under 18 cannot enter a vape shop without a parent
- There is a lot of misinformation out there regarding e-cigarettes
- Advocacy group for e-cigarettes has helped hundreds of people quit smoking
- It is a water vapor for the most part, not a second hand vapor
- Should not be banned universally if no known testimony has been presented
- Businesses will be hurt
- Government shouldn't tell someone whether they can smoke or not

A lengthy discussion was had by the committee members. Their comments included:

- The ordinance revolves around indoor use; while there is potential harm, there has not been a push to restrict in public places
- Protection in place already protecting minors from purchasing this type of product
- E-cigarettes are certainly healthier than tobacco cigarette smoking
- Questioned the risks of second hand vaping, are there any
- Just because vapor is better doesn't make it good
- Respectful of the health department and the background information behind the statute
- Not enough information to restrict in public spaces
- Supportive of preventing the sale to minors
- Not enough research to show if the e-cigarettes are a significant health concern
- Thanked the audience for all of the good information presented
- Cannot save people from themselves
- Not comfortable telling people what to do without scientific evidence
- Children are curious and the e-cigarette could be a fascination to them
- Difficult to enforce due to different ingredients in different e-cigarettes

Moved by Ald. Stippich, seconded by Ald. Wilson  
to place this on file.

Ald. Stippich encouraged the Health Department to do much research and bring this back for more discussion with something more appropriate.

Vote on the motion - Ayes: 7

The text of the original proposed ordinance that was placed on file is as follows:

**AN ORDINANCE CREATING SECTION 8.13 OF THE CITY OF WAUWATOSA  
MUNICIPAL CODE TO BAN SMOKING OF ELECTRONIC DEVICES IN CERTAIN  
PLACES AND RESTRICT ACCESS OF ELECTRONIC CIGARETTES TO MINORS**

The Common Council of the City of Wauwatosa do ordain as follows:

PART I. Subsection 8.13 of the Wauwatosa Municipal Code is hereby created to read in its entirety as follows.

8.13.10. Findings. The Common Council of the City of Wauwatosa finds that:

- A. It is recognized and supported by medical findings that smoking of cigarettes and tobacco products is hazardous to an individual's health and affects the health of nonsmokers when in the presence of smoking.
- B. Breathing side-stream or secondhand smoke is a significant health hazard to nonsmokers, particularly to children, the elderly, individuals with cardiovascular disease and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease, according to reliable scientific studies which include studies conducted the Surgeon General of the United States. Health hazards induced by breathing side-stream or secondhand smoke include lung cancer,

respiratory infection, decreased respiratory function, decreased exercise tolerance, broncho-constriction and broncho-spasm.

- C. Electronic nicotine delivery systems (ENDS) provide an alternative smoking experience to tobacco cigarettes. Electronic smoking devices which contain nicotine can create or sustain a nicotine addiction. Nicotine is addictive and harmful.

Electronic smoking devices are widely available but currently are not subject to regulation by the Federal Food and Drug Administration (FDA) and are not recognized by the FDA as approved smoking cessation devices. While they are perceived by the public as cigarette smoking cessation measures for existing adult cigarette smokers, purported health benefits from electronic smoking devices have not been scientifically proven and use of these devices have not been proven safe for either users or bystanders. The contents of cartridges vary widely and may contain nicotine, traces of nicotine, carcinogens, antifreeze and other toxic substances which may pose health risks for users and bystanders. Packaging does not consistently include health warnings as required for conventional cigarettes and does not provide notice of harmful effects, nicotine concentration levels, or existence or content levels of toxic substances. The concentration and dosage of nicotine is not consistently included on manufacturing labels as is required for conventional cigarettes and FDA approved smoking cessation products.

- D. Youth in particular may be more vulnerable to the marketing and appeal of electronic smoking devices because electronic smoking devices are widely available, flavors include a variety of candy, cocktail and fruit tastes which are intended to appeal to youth, and use may encourage youth to migrate from these devices to conventional cigarettes and tobacco products. Electronic smoking devices are considered a gateway to addiction by creating users. Electronic smoking devices introduce nicotine to youth which is addictive and harmful. Access to these devices by youth should be restricted.
- E. Indoor aerosol and vapor generated from electronic smoking devices that contain nicotine and toxins are distressing and harmful to people who have asthma, impaired respiratory function and other medical conditions.

#### 8.13.020. Purpose and Authority.

The ordinance is adapted for the purpose of protecting the public health, safety, comfort and general welfare of the people of the City of Wauwatosa. This ordinance is adapted under the authority of Wis. Stat. sec. 101.123(4m).

#### 8.13.030. Definitions.

Except as set forth below, the definitions of Wis. Stat., sec. 101.123(1) are hereby adopted. In this subsection:

“City buildings”, “City premises” and “City property” mean all City owned or operated buildings and those portions of buildings leased or operated by the City, and municipal

property such as motor vehicles.

“Electronic smoking device” means any product containing or delivering nicotine or any other similar substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product.

“Electronic smoking device” includes any component part of such product whether or not sold separately. The term shall include such devices whether they are manufactured as electronic cigarettes, electronic cigars, electronic pipes or any other product name.

“Electronic smoking device” is not included in any product that has been approved by the United States Food and Drug Administration (FDA) for sale as a tobacco cessation product or is being marketed and sold solely for approved purposes.

“Enclosed indoor area” means all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50% of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door or other physical barrier, whether temporary or permanent.

“Smoking” or “Smoke” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. Smoking also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking as outlined in this Code.

#### 8.13.040. Prohibition against Smoking.

No person may smoke in any of the following locations:

1. (a) Any place prohibited by Wis. Stat. sec. 101.123(2), which is expressly adopted and incorporated herein.
  - (b) Any enclosed indoor area prohibited by Wis. Stat. sec. 101.123(2).
  - (c) All city buildings, premises and property.
2. Exceptions. The prohibition against smoking shall not apply to those places or areas set forth in Wis. Stat. sec. 101.123(3).
3. Outside areas. Any person in charge of a restaurant, tavern, private club, or retail establishment that is subject to this section may designate an outside area that is a reasonable distance from the entrance to said establishment where customers, employees, or persons associated with the establishment may smoke electronic smoking devices. The designated smoking area shall contain receptacles for cigarette butts, electronic smoking cartridges and waste and shall be kept in a neat and orderly

manner and all cigarette butts, smoking cartridges and waste shall be placed in a proper receptacles.

8.13.050. Sale of electronic smoking devices to persons under the age of 18.

No person shall sell or offer for sale for nominal or no consideration any electronic smoking device or nicotine product to any person under 18 years of age.

8.13.060. Possession of electronic smoking device by persons under the age of 18.

No person under 18 years of age shall possess any electronic smoking device or nicotine product.

8.13.070. Use of electronic smoking devices on school grounds.

No person shall use an electronic smoking device in educational facilities, school buildings, or on their grounds.

8.13.080. Severability. Interpretation.

Each section, paragraph, sentence, clause, word, and provision of this ordinance is severable, and if any such section or provision shall be held unconstitutional or invalid for any reason, such decision(s) shall not affect the remainder of the chapter nor any part thereof other than that affected by such decision.

Interpretation. Whenever the provisions of the Wisconsin Statutes and this chapter conflict, the provisions of this chapter shall apply.

8.13.090. Penalty.

A. Any person who violates provisions of this section shall forfeit not less than \$100 or more than \$250 for each violation.

B. Any person in charge who violates Wis. Stat. sec. 101.123(2m) shall forfeit \$100 for each violation.

C. In addition to the forfeiture, any person who violates the provisions of this section shall pay the costs of prosecution except for the crime laboratories and drug enforcement surcharge under Wis. Stat. sec. 165.755(1)(a).

PART II. This ordinance shall be effective on and after its date of publication.

<b>RESULT:</b>	<b>PLACED ON FILE [UNANIMOUS]</b>
<b>TO:</b>	Community Development Committee
<b>MOVER:</b>	Matthew Stippich, Alderman
<b>SECONDER:</b>	Craig Wilson, Alderman
<b>AYES:</b>	Causier, Wilson, Hanson, Pantuso, Berdan, Stippich, Byrne
<b>EXCUSED:</b>	Walsh

6. Request by Ryan Schultz, HSI Properties, LLC., and 7400-30 W. State LLC, for a Change of Zoning from C1 District to C1 District/Planned Unit Development Overlay at 7400 West State Street

The committee recessed at 9:10 p.m. and reconvened at 9:21 p.m.

Ms. Enders said that the developer has an update on the progress that has been made for the project proposed for 7400 West State Street. She noted that this is a preliminary plan and contingencies to this plan can be spelled out. The Design Review Board will have to approve of the building design and the final approval would come back to Community Development.

Ms. Enders said that Mr. DeRosa, HSI Properties, has answers to the numerous questions asked of him at the last meeting. One of the questions she answered.

How can the planners recommend this project when it is not consistent with the Village Plan? What is the difference between the Village Plan and the Comprehensive Plan?

Ms. Enders answered this in that both the Village Plan and the Comprehensive Plan were reviewed and staff believe this proposal is consistent with both plans. The Comprehensive Plan's Future Land Use, which indicates "Downtown" for this site, guides the change of zoning component of this request. More specifically, the "Downtown" future land use is intended for "a mix of retail, commercial service, office, institutional, and residential (mainly upper story units) uses arranged in a pedestrian-oriented environment with on-street parking; minimal building setbacks; and building designs, materials, placement, and scale that are compatible with the character of existing development".

The Village Plan provides a redevelopment concept for the City's Blanchard Street parking lot that relocates Blanchard Street to the east and incorporates only the Chase Bank site, not the entire 74<sup>th</sup> Street block. The State Street Station development complies with the Plan's redevelopment concept that illustrates a mid-rise building at the corner of Wauwatosa and State Streets (Chase Bank site) that is "capable of including offices, a boutique hotel, or housing."

Ms. Enders noted that the City Engineer is here tonight to answer any traffic related questions.

Mr. DeRosa explained that he met with Bill Wehrley, City Engineer; Maggie Anderson, Senior Civil Engineer, and Paulette Enders, Development Director on December 1, 2014. At this meeting they discussed traffic improvements and with preliminary engineering related matters.

Mr. Wehrley had previously reviewed the traffic analysis study completed by Traffic Analysis & Design, Inc. and concluded that the recommendations in the report did not provide the best solution to adequately address the existing traffic problem or the impact the proposed development may have on the neighborhood.

Mr. Wehrley recommended the following changes be made:

- 74<sup>th</sup> Street should remain a two-way street as it is today
- Minimize on street parking on 74<sup>th</sup> Street to reduce congestion and to provide better access for emergency vehicles on 74<sup>th</sup> Street

- Blanchard Street should be widened by increasing the right of way along the south side of the street that abuts the State Street Station property. This would allow for Blanchard Street to be a two-way street from Wauwatosa Avenue extending to the northern most entrance of the public parking area of the project on Blanchard Street

Mr. DeRosa explained that to accommodate increased right of way along the south side of Blanchard Street, the developer has reduced the depth of the building along Blanchard Street to account for the increased right of way requirements.

He noted that Mr. Wehrley's recommendations are based on the premise of providing people with multiple options as it relates to entering and exiting the property, thereby reducing the direct traffic impact on the neighborhood.

Mr. DeRosa said the new plans reflect the recommendations by the City Engineering department.

The committee recessed at 9:10 p.m. and reconvened at 9:21 p.m.

Mr. DeRosa also addressed the request to have further dialog with the neighborhood regarding the project. On December 3, 2014, HSI conducted a neighborhood meeting from 5:00 - 7:00 at HSI's Enclave Apartments. This meeting was attended by approximately 15 residents. Mr. DeRosa said they also met individually with a resident that lives in the area that was not able to attend the December 3<sup>rd</sup> meeting.

Mr. DeRosa felt that the meetings were constructive and provided an opportunity to answer more detailed questions that were asked.

Mr. DeRosa explained the change made to the building on the 74<sup>th</sup> Street side based on neighborhood feedback:

- The building height along 74<sup>th</sup> Street was reduced from 5 stories to 4 stories (a reduction of 13' or 21%) The 5<sup>th</sup> floor has been shifted to the corner of Wauwatosa Avenue and Blanchard Street to be more consistent with the Village Strategic Development Plan that shows mid-rise (4 - 11 stories) along the Blanchard Street/Wauwatosa Avenue frontages

Additional changes include:

- Additional landscaping areas have been added along 74<sup>th</sup> Street to further improve aesthetics along the street
- Openings (other than the parking entrance itself) along the northernmost public parking area on 74<sup>th</sup> Street have been filled in with brick to improve the visual impact for neighbors across the street
- The design of the Chase Bank drive-thru lanes have been made more non-descript by eliminating the Chase blue color from this area
- All three sides of the building have been modified to include elements that pull back a portion of each elevation.

Mr. DeRosa responded to the questions that were asked of him at the November 25, 2014 meeting.

Q1: What would be the lowest amount of units the developer can construct and still have a viable project?

Response: As mentioned at the November 25, 2014 meeting, parking drives development. One of our goals from the onset of this project was to have the right balance between resident parking to the total number of units. The amount of parking that can be accommodated on a site directly relates to the number of units that can be built on it. By providing ample resident as well as public parking, we will keep more cars from parking on the side streets of the surrounding neighborhood. The project plan has been designed with the appropriate amount of units that creates a viable project.

Q2: Did the traffic study look at train impacts?

Response: It is not typical for a traffic study to take into account train traffic, but rather this is addressed by correctly programming the timing of the surrounding traffic signals to accommodate adequate traffic flow.

Q3. How will the developer stop residents from parking in the spaces dedicated for public parking?

Response: Resident parking will be monitored by vehicle registration of all residents with appropriate stickers on vehicles along with the strict enforcement of requiring all residents to park in the two levels of underground parking.

Q4. Why was the Martha Washington neighborhood mentioned when the project is not in that neighborhood?

Response: The Martha Washington neighborhood was mentioned in the context of when HSI developed the Enclave Apartments and how that neighborhood, that was at one time apprehensive about the proposed development, has come to be big supporters of the project and even utilizes the common area amenities of the project for their neighborhood events.

Q5. How does this project relate to the Village Plan?

Response: The existing zoning for the subject property allow for mixed-use on the subject property and The Village of Wauwatosa Strategic Development Plan contemplates a mid-rise building at the corner of State Street and Wauwatosa Avenue. By definition, mid-rise is generally described as containing between 4 to 11 stories.

Q6. Will the developer pursue boutique shops?

Response: While we have not started the marketing process for the retail component of the projects, we have received interest from local retailers expressing their desire in locating their businesses in the Village.

Q7. Will there be stacking in the bank drive-thru that will impact the sidewalk and the roadway?

Response: The bank drive-thru has been designed to allow for a total of 8 vehicles to be parked within the two drive-thru lanes at any given time, thereby minimizing impacts to the sidewalk and roadway. The sizing of the drive-thru lanes is deemed adequate by the traffic engineer based on expected trip generations unique to the bank and the fact that not all bank customers will use the drive-thru, but rather some will park and conduct their business within the bank branch itself.

Q8. Will the balconies be over the sidewalk and if so, how will the developer stop ashes and plant water from dripping onto the sidewalk?

Response: The vast majority of the balconies will not extend over the sidewalk. Balconies have been designed to include solid decking as part of the framing, rather than an open wood deck, to minimize debris from falling onto the sidewalk. In addition to the above, it is HSI's policy to not allow smoking on the property including balconies.

Q9. How is the developer handling the trash?

Response: There will be two separate trash rooms - one for the commercial spaces and a private one for residents with a trash chute on each floor. All trash areas will be fully screened from public view.

Q10. Did the traffic study take into consideration North Avenue to 84<sup>th</sup> Street?

Response: At the request of the Plan Commission, the traffic impact analysis was to look at traffic from Wauwatosa Avenue to 72<sup>nd</sup> Street along State Street.

Q11. Is there a full scale model available?

Response: There is not a full scale model available, but the developer will present an updated 3-D digital model at the meeting showing multiple perspectives from various sides of the site through the use of a fly through.

Q12. How is the developer handling storm water, etc.?

Response: It is anticipated that the Total Suspended Solids (TSS) removal requirements (City of Wauwatosa and WDNR) will be achieved by biofiltration basins located within greenspace areas adjacent to any exposed drives. It is anticipated that the required 10% decrease (MMSD) in peak flow can be achieved by a combination of green space areas and rooftop detention. In addition, the use of above ground storm water cisterns for collection of rooftop runoff will be explored. The cisterns could be located in "dead" spaces of the public parking lot, and storm water collected in the cisterns could either be slowly drained to the storm sewer system or could be beneficially reused for purposes such as irrigation.

Q 13. Who would foot the bill for the handling of water?

Response: The cost of providing water service to the project is part of HSI's overall construction budget. There is public water main in all of the adjacent streets surrounding the development. City engineering staff has indicated that the existing public water main system has adequate capacity to service the development. It should also be noted that city engineering staff has indicated that new public water main may be installed in 74<sup>th</sup> Street in the summer of 2015.

Q14. What is the height of buildings at other locations?

Response:

- House on Blanchard Street adjacent to Blanchard Street public parking lot - 43'2"
- WaterStone Bank building - 42'10"
- Overlook Apartments - 49'8"
- Stateview residential building adjacent to Leff's Lucky Town - 47'10"
- Le Feber Point - 48'2"
- Village View residential building on State Street (between 72<sup>nd</sup> Street and 74<sup>th</sup> Street) - 40'4"
- 

Q15. Can you pull the 5<sup>th</sup> floor back?

Response: All three sides of the building have now been modified to include elements that pull back a portion of each elevation.

Q16. Can the developer provide a "full-blown" elevation for State Street?

Response: An updated 3-D digital model will be presented at the meeting showing multiple perspectives from all sides of the site through the use of a fly through. A "full blown" elevation will be developed as the project moves into the construction document phase. All architectural aspects of this project will be reviewed in complete detail by the Design Review Board.

Q17. There is not brick on the building.

Response: The street facing elevations (excluding windows) of the building have been designed with an approximately 75% brick exterior.

Q18. Is the building in a floodplain?

Response: The site is situated 6' above the existing flood plain.

Q19. Will the construction of the project cause structural damage to nearby homes?

Response: Our geotechnical report indicates that the two levels of underground parking will not encounter any bedrock thereby mitigating this concern.

Mr. DeRosa added that there the approval process will take many months and noted that they are taxpayers in the City and pay over \$500,000 in taxes annually. He asked for approval of their project.

Ald. Pantuso opened up the discussion to the audience. Those present with comments included:

Randy Cure, 7019 Milwaukee Ave.  
Anna Jarecki, 7017 Milwaukee Ave.  
Rich Protasiewicz, 7309 Blanchard St.  
Sam Benedict, 831 N. 66<sup>th</sup> St.  
Cheryl Beaudoin, 1522 St. Charles St.  
Barb Schoenherr, 1324 N. 74<sup>th</sup> St.  
Maureen Lesky, 2546 N. 70<sup>th</sup> St.  
Wes Albinger 1432 St. Charles St.  
Tom Gill 1391 N. 72<sup>nd</sup> St.  
Tom Persin 2000 Forest St.  
Bernie Grimm, 7325 Blanchard St.  
Jim Plaisted, BID Director, 7436 Kenwood Ave.  
Russ Drover, 7530 W. State St.  
Jill Morin, 2005 Underwood Ave.  
Larry Kopperud, 8129 Woodland Ave.

Comments included:

- Was never made aware of the proposed project
- Questioned area of residents invited to attend the developer's community outreach meeting, too many people were missed, it was not enough
- Traffic problems
- Concerns for pedestrian/students crossing intersections during rush hours
- Building too large, will change the face of the Village forever
- Concern that renters won't take pride of ownership
- No concerns of the quality of the building
- Lovely building but it will dwarf the historic buildings in the area
- Appreciative of the scale back, however it is not enough
- Concerns of the traffic impact on St. Charles Street where there are many young children
- Change is inevitable but this is too big
- Concern that this is a done deal due to lobbying on the part of the BID
- Storm water concerns
- Loss of tax revenue while buildings are being constructed
- Increased traffic will drive property values down
- Is the developer asking for funding assistance from the City
- Could this be a referendum issue leaving it up to the voters to decide
- The current area is very blighted, something needs to be changed but maybe on a smaller scale
- The Farmer's Market and Café Bavaria have brought in additional traffic and they haven't been asked to leave, the additional traffic is tolerated
- At least three notifications were received about this potential project
- Encouraged stop light at 72<sup>nd</sup> and State Streets for safety purposes
- Magnificent project in a restricted area
- Hart Park is right across the street, the development doesn't need the green space
- Ald. Causier was thanked for being a spokesperson on this project
- Aldermen are to vote with their constituents, not support a developer
- If the issue is adding to the City tax base, and the City is that strapped, they'd better let the public

know that

- There is no one in support of this massive project
- This does not fit in the City master plan
- Design is too modern not fitting in with the Village
- Project will increase the residential population for long term viability of the Village
- Would like to see people walking and biking throughout the Village
- Not enough retail spaces available for boutiques in the Village area
- Project will divide the neighborhood
- No pride in ownership
- Impact on the sanitary sewer system has not been addressed satisfactorily
- The modification to the roof line appears to make the building look larger and the change in the windows needs to be softened up to their surroundings
- Liked the design of the first project presentation, but on a smaller scale
- This monstrosity of a building in the quaint village area may make them sell their house
- Won't be able to turn left safely onto State Street from 74<sup>th</sup> Street
- Has the school district been made aware of this and do they have concerns regarding pedestrian safety
- Who will maintain the proposed pocket park
- This is one of the hottest parcels to be developed in SE Wisconsin and the City should look at other options

The overall height of the floors was provided as asked for:

- The WaterStone bank building is 42'10"
- 4 story elements of the project will be 49'
- 5 story elements of the project will be 60'

Ald. Causier addressed a comment made and explained that there was an initial meeting held for this project in August which was posted. She further explained that properties within 1000 feet of a project are notified. Ald. Causier also circulated information through the list of names that she had emails for. In March, Ald. Causier said she walked through and neighborhood knocking on doors while campaigning and advised residents that this project was being discussed. This information is also posted on the Village website. Ald. Causier said they did the best they could with the short notice they had, but felt it was better than not having a meeting at all before tonight's meeting.

Jim Plaisted, Village BID Director and Wauwatosa resident, 7436 Kenwood Ave., explained that the Business Improvement District runs along State Street from Walgreen's to Harmonie Avenue. He said that the BID was created in 1994 to help promote and manage the district.

Mr. Plaisted said that this project was presented at the BID meeting in October and the board voted unanimously in approval. He made clarification to a comment made that the BID has never said the membership supports the project unanimously. The reason the board supports this is that the project support the Village Plan goals. It increased the residential population for the long term viability and explained that they would like to see people walking and biking through the Village. He further explained that the project improves access to public parking. The project creates an attractive streetscape while providing some much needed retail space. He said there are not enough retail spaces available to meet the demand. He opined that a comment made that Village businesses are saying this project is a done deal is purely innuendo.

The committee recessed at 11:25 p.m. and reconvened at 11:30 p.m.

In response to a question asked, Ald. Pantuso asked Mr. DeRosa to explain why condos aren't an option for this site at this time. Mr. DeRosa explained that the developer builds to demand, which at this time is apartments. He further explained that the building is being set up so they could be converted into condos in the future. Mr. DeRosa also said currently in this market, financing is not available for condo projects.

Ms. Enders replied to a question regarding who will be responsible for maintenance of the green space. She said

that it could be listed as a condition and suggested that the City would own the green space but the developer would maintain.

Ald. Hanson didn't feel that the project was reduced enough to fit on the space. He didn't feel enough questions were answered. The neighborhood needs this development to be smaller and he will represent the people and will not support this.

Ald. Berdan felt the contrast to the surrounding area was a positive thing. She likes the development and the changes that were made. She thought it would be a nice addition to the neighborhood and very attractive to people coming into the village.

Ald. Byrne said that her traffic fears with the development have been eliminated with the concessions made. She agreed that the original design nuances were lost with this revision, noting that this is a private development, it is not a city owned parcel. She noted that if public parking is to be associated with this parcel, in order to make it economically feasible the height of the building has to go up.

Ald. Wilson talked about the original traffic pattern moving traffic to the east and that concerned him. He appreciated the suggestion from Mr. Wehrley that moving traffic around the horn would make things worse and came up with an alternate plan. He said that this is an example of the hundreds of decisions to be made and sorted out before moving forward. Ald. Wilson noted that there are plans to rework most if not all, of the intersections in the Village area. Notably the intersection at State Street and Wauwatosa Avenue was sent to Common Council recently for approval and held until the development is resolved. This way the development and intersection changes could be done in concert.

Ald. Wilson said that the Village is a unique place with quaint attractive businesses. At the same time he noted that there are four or five locations within the Village that are eyesores. Two of these locations are on this corner which is an extension of the Village. He said the development should be appealing, attractive and easy to live with. He said that the developer is asking us for permission to build something on that site. The committee doesn't look at it as what we would most like to see there, but would make sense there. He felt that this type of development is consistent with the master plan and the village plan.

Ald. Wilson opined that the overhang on the 5<sup>th</sup> floor look abrupt due to the setback. Through the refinement process this plan will be reviewed by the Design Review Board; they are the experts and much better than us to make these decisions. Their guidance has helped make Wauwatosa the charming place it is today.

Ald. Wilson reiterated that the idea there is additional parking in this location is extraordinary. There will be additional spots for parking options. He noted that walkability isn't just about walking from your house to the Village, but being able to park and not driving from one corner to the next. Ald. Wilson said he would expect the city to participate in the cost of the additional public parking and there are a number of ways to do this. This is not different from the assistance provided for the fire station parcel. When the City invests in public infrastructure, it is done in such a way that our bases are covered.

Moved by Ald. Wilson, seconded by Ald. Berdan to recommend approval of both items, the Change of Zoning from C1 District to C1 District/Planned Unit Development Overlay and preliminary plan approval for a mixed use development at 7400-30 W. State LLC contingent upon: plans showing adequate sewer capacity, storm water management, and traffic/access improvements subject to approval by the City Engineer; plans for water supply to site subject to approval by the Water Superintendent; Design Review Board approval; relocation of the City storm sewer subject to approval by the City Engineer; development of a Traffic Impact Analysis, expanded to include the streets down to 72<sup>nd</sup> Street, and implementation of recommendations subject to approval by the City Engineer; discussion with City staff regarding pocket park ownership and approvals; separate approval and permitting of a bike share station; combining parcels prior to obtaining building

permits; coordinate building construction with the City's reconstruction of State Street and Wauwatosa Avenue; attempt to receive Leed-1 Certification; attempt to address height issues on 74th Street side; provide more detail for landscaping on all public spaces and streetscape areas; and obtaining additional licenses and permits. Also included in the motion are staff concerns and issues including relocation of an existing City storm sewer that crosses the site; development of a traffic impact analysis as the building's vehicular access is via 74<sup>th</sup> Street including a succession of driveways, which could warrant additional traffic improvements or site access redesign; additional approvals separate from zoning for the proposed bike share location. If a public bike share system is created in the City and ultimately includes a station at this location the developer will permit the installation of said public bike share station that is consistent with the capacity and other characteristics recommended or anticipated in the overall system design; and proposed City ownership of the pocket park. The eventual development should also incorporate the 19 issues that were discussed by Mr. DeRosa at the start of the meeting.

Ald. Stippich wants to see a development at this site and although he had questions about the scale, he trusts that the Design Review Board will work out the details.

Ald. Causier liked the idea of the development incorporating some retail space. The Village is getting restaurant heavy. However she struggled with reconciling the massing and the anticipated number of people on a two-acre site. She felt that the traffic management is an improvement, but would not be able to support the project in its current size.

Ald. Pantuso noted that the developer has done a lot in two weeks scaling down the building. He said he sat and looked at the site and determined that he could visualize that building on the parcel. He noted that if approved this is only the first step of the process. The developer has a great track record in the City of Wauwatosa and will do a great job, although there is still a lot of work to be done.

Vote on the motion: Ayes: 5 Noes: 2 (Causier, Hanson)

<b>RESULT:</b>	<b>RECOMMENDED FOR APPROVAL [5 TO 2]</b>
<b>TO:</b>	Community Development Committee
<b>MOVER:</b>	Craig Wilson, Alderman
<b>SECONDER:</b>	Cheryl Berdan, Alderwoman
<b>AYES:</b>	Wilson, Pantuso, Berdan, Stippich, Byrne
<b>NAYS:</b>	Causier, Hanson
<b>EXCUSED:</b>	Walsh

7. Request by Ryan Schultz, HSI Properties, LLC., and 7400-30 W. State LLC, for a preliminary plan approval for a Planned Unit Development at 7400 West State Street for a mixed use development

Moved by Ald. Wilson, seconded by Ald. Berdan to recommend approval of both items, the Change of Zoning from C1 District to C1 District/Planned Unit Development Overlay and preliminary plan approval for a mixed use development at 7400-30 W. State LLC contingent upon: plans showing adequate sewer capacity, storm water management, and traffic/access improvements subject to approval by the City Engineer; plans for water supply to site subject to approval by the Water Superintendent; Design Review Board approval; relocation of the City storm sewer subject to approval by the City Engineer; development of a Traffic Impact Analysis, expanded to include the streets

down to 72<sup>nd</sup> Street, and implementation of recommendations subject to approval by the City Engineer; discussion with City staff regarding pocket park ownership and approvals; separate approval and permitting of a bike share station; combining parcels prior to obtaining building permits; coordinate building construction with the City's reconstruction of State Street and Wauwatosa Avenue; attempt to receive Leed-1 Certification; attempt to address height issues on 74<sup>th</sup> Street side; provide more detail for landscaping on all public spaces and streetscape areas; and obtaining additional licenses and permits. Also included in the motion are staff concerns and issues including relocation of an existing City storm sewer that crosses the site; development of a traffic impact analysis as the building's vehicular access is via 74<sup>th</sup> Street including a succession of driveways, which could warrant additional traffic improvements or site access redesign; additional approvals separate from zoning for the proposed bike share location. If a public bike share system is created in the City and ultimately includes a station at this location the developer will permit the installation of said public bike share station that is consistent with the capacity and other characteristics recommended or anticipated in the overall system design; and proposed City ownership of the pocket park. The eventual development should also incorporate the 19 issues that were discussed by Mr. DeRosa at the start of the meeting.

Vote on the motion Ayes: 5 Noes: 2 (Causier, Hanson)

#### 8. Memo from the Senior Management Analyst regarding the 2014 Winter Newsletter

The committee reviewed the 2014 Winter Newsletter.

Mr. Archambo noted that the Drop-Off Center will have new hours and fee structure in 2015.

Ald. Berdan noted that the holiday recycling and refuse pick-up for Tuesday, December 30 was not listed and ask that it be corrected.

The meeting adjourned at 12:10 a.m.

#### Future Community Development Committee items

- Mayfair Corridor Planning Study
- Policy concerning issuance of remaining "Class B" Reserve liquor licenses
- Ordinance amendment concerning aldermanic representation on the CDA & Plan Commission
- Aldermanic selection process when vacancy occurs
- Policy for parking permits in neighborhoods
- Bee-keeping (2-15)
- Citizen notification process discussion
- Village intersection improvements (T & S)

---

Carla A. Ledesma, CMC, City Clerk