



CITY OF WAUWATOSA

7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
Fax: (414) 479-8989
<http://www.wauwatosa.net>

COMMUNITY DEVELOPMENT COMMITTEE MEETING Tuesday, February 23, 2010

PRESENT: Aids. Birschel, Hanson, McBride, Meaux (8:06 p.m.), Nikceovich, Stepaniak - 6

EXCUSED: Aids. Dennik, Herzog

ALSO N. Welch, Community Dev. Dir.; A. Kesner, City Atty.; D. Wheaton, Chief Bldg. Official;
PRESENT: Mayor Didier; J. Archambo, City Admin.; A. Brown, Admin. Intern

Ald. Hanson as Chair called the meeting to order at 8:00 p.m. - 5

Street Festival Permit – Sts. Constantine & Helen Grecian Festival

The committee reviewed a request by Gus Haramis and Peter Pagonis of Sts. Constantine & Helen Greek Orthodox Church, 2160 Wauwatosa Avenue, for a street festival permit for Grecian Festival 2010 on the church grounds June 11-13, 2010. The applicants agreed to comply with the established conditions of the permit relating to hours of operation, security, refuse, and similar issues. In addition to concerns included in the file such as parking and dumpster usage, Ms. Welch, Community Development Director, mentioned the need to keep large signs out of the right-of-way and to avoid moving lights on signage.

Peter Pagonis, 2340 Kevenauer Drive, Brookfield, festival co-chair, said that the festival will be the same as in past years. There will be a disc jockey but no live bands. The dumpster will be on the side with a beverage truck next to it. They have already consulted with city staff on signage regulations.

Ald. Nikceovich felt that his has been a wonderful event despite some complaints each year. She recommended working together and being aware of the neighborhood. As an alderperson of the district, she reported that she has not received any input in response to this agenda item.

Moved by Ald. Nikceovich, seconded by Ald. Stepaniak to recommend
to Council approval of the street festival permit. Ayes: 5

Proposed Building Code Revisions – Board of Building and Fire Code Appeals

Mr. Wheaton, Chief Building Official, reported that proposed revisions to Sections 15.02 and 15.06 of Title 15 of the Code, Buildings and Construction, would clarify the rules, duties, and purpose of the appellate board. and would better conform to nationally recommended standards for building and safety departments.

(Ald. Meaux present. -6)

Mr. Wheaton said that one of the more substantive revisions is changing the name of the appellate board from Board of Examiners and Appeals to Board of Building and Fire Code Appeals and codifying the board's procedural guidelines. Other revisions are more minor and for clarification purposes. Mr. Kesner indicated that he will reformat the draft ordinance into a more formal version for review at the next meeting.

Moved by Ald. Stepaniak, seconded by Ald. Birschel to recommend to Council introduction of the proposed ordinance. Ayes: 6

Ordinance - Solid Waste and Recycling Revisions

The committee reviewed a proposed ordinance amending portions of Chapters 8.24 and 8.25 of the Code to restrict commercial users from utilizing residential waste disposal facilities and to comply with new Wisconsin laws regarding electronics recycling. Mr. Kappel, Director of Public Works, reported that no changes have been made to the proposed ordinance since discussion at the previous meeting.

Moved by Ald. McBride, seconded by Ald. Nikceovich to recommend to Council adoption of the ordinance. Ayes: 6

Butterfly Habitat Restoration Plan

The committee reviewed a memo from Mayor Didier and a proposed resolution endorsing a butterfly habitat restoration plan in conjunction with the UW-M Innovation Park proposal recently submitted to the city. The committee received copies of the December 2009 "Habitat Restoration Plan for the Milwaukee County Grounds Northeast Quadrant."

Mayor Didier explained the process for review of the UW-M proposal, how it relates to the butterfly habitat area, and why this issue is on tonight's agenda. She noted that UW-M's overall proposal and application for zoning approvals will be heard by the Plan Commission at 7 p.m. on March 8. In an effort to devote some discussion time to just the butterfly issue, she decided last week to place it on tonight's agenda. Having taken part in discussions involving representatives of Friends of the Monarch Trail, the Milwaukee Public Museum, UW-M, and Milwaukee County, she felt it was important for the Council to start to understand where we are at and the significance of the area and habitat. She continues to believe this is a unique habitat and vital for the monarchs, and she believes UW-M and the county concur in that understanding.

Mayor Didier outlined some of the opportunities for community involvement in the process leading up to a final vote by the Common Council on the UW-M items. Prior to the March 8 Plan Commission meeting, there will be an informational presentation to the Common Council Committee of the Whole at 6:30 p.m. March 2. Although there will be no discussion at that presentation, there will be opportunities for informal discussion and viewing of storyboards beginning at 5:30 p.m. Milwaukee County is also planning multiple open houses to discuss not only the butterfly area but also the entire scope of the proposal and how it all fits together. Jim Keagan, Chief of Planning for the Milwaukee County Parks Department, confirmed that an open house will be held on March 23 and also two weeks thereafter. Further information may be found on their website, countyparks.com.

Ms. Welch, Community Development Director, explained that the city just recently received applications for a master plan and rezoning, including a Milwaukee County proposal to rezone a section as a conservancy district. The applications are just beginning to go through the approval process. The first official city meeting is the Plan Commission meeting on March 8. It will then come to this committee on March 9 for the sole purpose of recommending setting a public hearing date and to the Common Council on March 16 to actually set the date, which would likely be April 20 at 7:30 p.m. After the Council hearing, it will come back to this committee on April 27 and, at the earliest, the committee's recommendation would go to the Common Council for a vote on May 4. The butterfly habitat will be part of the overall public discussion throughout the process. Ms. Welch emphasized that this is standard procedure and nothing is being rushed through the process. There will be plenty of time for public discussion.

Kevin Hailey, Milwaukee County Parks landscape architect, said he worked with a team of 6-10 experts that over a period of time created the December 2009 Habitat Restoration Landscape Plan adopted by the county, which he

briefly summarized. As plans move forward, more than 50 acres would become a public park, the boundaries of which would be defined over the next several months. The two very significant, key areas are the oak woodlot northwest of the Eschweiler buildings and the area east of the Eschweilers with a very unique sycamore tree and surrounding vegetation. They placed a 120-foot buffer around and connecting those areas, but there is also concern about impacts from surrounding areas. Although the plan is not detailed, it speaks to the relationships between the parcels and how they should be developed and maintained.

The following attendees turned in registration/comment forms and/or spoke(*):

*Barb Agnew, 2276 N. 63 rd St.	Henry Lex, 4800 S. 94 th St., Greenfield
Janine Arseneau, 3251 N. 96 th St., Milw.	*Chris McLaughlin, 12040 W. Potter Rd.
Ruth V. Baer, 8226 W. Lisbon Ave., Milw.	Mary Mindham, 16043 W. Riviera Dr., New Berlin
Bruce Block, UW-M Real Estate Foundation	
Isabella Boudnik (no address given)	Pam Mylotta, 11929 W. Potter Rd.
*Dianne Dagelen, 8444 Hill St.	*Cheryl Nenn, 2400 S. 58 th St., Milw.
Eddee Daniel, 2013 Ludington Ave.	Amy Peterson, 1141 N. 43 rd St., Milw.
*Lane Hall, 6437 Upper Pkwy. N.	Mary Rehwaldt, 1955 S. 83 rd St., West Allis
Joan Janus, 1624 N. 60 th St.	*Mary Restle, 3837 N. 84 th St., Milw.
*Christine Kabara, 1676 N. Van Buren St., Milw.	Robert Sosnay, 7020 Grand Pkwy.
*John Kastl, 2112 Crestview Ct.	LuAnne Washburn, 719 N. 119 th St.
Judith Kesser, 7953 Chapel Hill Ct.	Erika Voss, 2200 N. 64 th St.
*Chris Leventhal, 9651 W. Beloit Rd., Milw.	Doreen Zeller, 8025 Jackson Park Blvd.

Written and oral comments included the following:

- Support preservation of butterfly habitat; important for migratory process
- Public hearing needed; postpone decision until there is further discussion and public input
- Plan should be accessible for citizen review and comment prior to vote
- Concerns about development encroaching upon, harming, or jeopardizing the butterfly habitat
- Endorsing plan should not preclude additional habitat protection on the county grounds
- Opposed to any development of the county grounds
- Comply with Milwaukee County Grounds Master Plan as approved in 2004
- Not in favor of UW-M plan; other places they can build; buildings not as important as environmental niches
- Wonderful opportunity to preserve and enhance habitat, particularly for young people and future generations
- Monarchs need a resting and nourishing place; they may not accept the nearby buildings, and it may interfere with the migration.
- Butterflies are an international phenomena and development of the county grounds is a sacrilege
- Benefits should be looked at in terms of global ecological balance, parallel to saving the rainforest and necessary for the monarch survival
- How much teeth does the proposed resolution have—the resolution to protect the Eschweiler buildings has been ineffective
- Opportunities are being missed because the public hearing format doesn't provide for discussion and answers—no chance to problem solve together

Lane Hall, a UW-M professor, reported that there is controversy within UW-M ranks about the need to move or stay on the current campus. The regents have not supported the economic plan of the chancellor. What is the contingency plan if the UW-M plan is not fully developed?

Cheryl Nenn, 2400 N. 58th Street, Milwaukee, representing Milwaukee Riverkeepers, said the County Grounds Master Plan, which addressed the habitat that remained after construction of the detention basins,

recommended 65 acres for development. UW-M is purchasing 90 acres from the county. The plan approved by the Wauwatosa Common Council in 2004 endorsed developing 65 acres and protecting the rest, but some of that is now under the development footprint. Why is the master plan not being followed?

Ald. Birschel read the last two paragraphs of the proposed resolution supporting the butterfly habitat plan. Mayor Didier clarified that the intent was not for an up or down vote but to begin the discussion. She recommended holding the item to allow some of the other processes to start.

Barb Agnew, 2276 N. 63rd Street, president of Friends of the Monarch Trail, expressed hope for continued improvements to the plan as it relates to development. There are discrepancies between the adopted Kubala Washatko county grounds development master plan and the habitat restoration plan that need to be resolved as proof that such documents hold meaning in the future. Ms. Agnew asked that no action be taken tonight.

Moved by Ald. Meaux, seconded by Ald. McBride to hold this item –

Ald. Nikcevich said that she is listening to concerns here but also to economic development and historic preservation people and hopes the process leads to finding a middle ground. She questioned how the county resolution compares to the city's and how the pieces and sequence fit together. She also was concerned with assuring that all the current parties come together at some point. In the normal process, would the monarch trail group, UW-M and the county be at the table at the same time?

City Attorney Kesner reported that the County Board approved a development and purchase and sale agreement with the UW-M Foundation. In that process, groups worked on modifying the previous development plan to add a habitat preservation plan, completed in December 2009. The County Board then adopted a resolution to amend the agreements to incorporate the concepts in that plan as well as change other details not related to the habitat plan. Last week the city was presented plans proposing a development on the land. The overall development plan including the habitat preservation plan and zoning approvals will proceed through the regular zoning process as described. Tonight's agenda item was an effort to address the butterfly issue in advance to get a feel as to its place in the overall plan.

Ms. Welch responded that typically in the zoning process, the committee would receive staff reports and requested information. Staff would likely hear from Friends of the Monarchs and Milwaukee River Keepers and representatives would be at the meetings. She noted other issues that need to be addressed as well including sewers and water, storm water control, roads, and sustainability issues. There will probably be a series of discussions and meetings to discuss issues and funnel everything into a package that makes sense.

Mr. Kesner explained that Wisconsin Open Meetings Law requirements tend to make discussion seem somewhat one-sided. We have to be careful even in the information gathering process. Staff cannot sit down with four or five alderpersons and others involved to talk about what is going on except through a properly announced and agendaized meeting. If alderpersons individually talk to someone but aren't coordinating or comparing notes, that is not a violation.

Ald. Birschel noted that a 1952 aerial photo of the area shows an orphanage, two parks buildings, a school, two cottages, a swimming pool, and other Eschweiler buildings. Ald. Nikcevich concluded that butterflies apparently existed there when the area was more fully developed.

Ald. McBride spoke of the need for elected officials and staff to try to bring all the pieces together to make it all work and also find a way to keep the community functioning in all aspects. We need to promote the economic future and preserve parkland, and we can do all of that. The butterfly plan can be tweaked. Right now the city cannot do anything about the Eschweiler buildings since they are owned by the county, but UW-

M can act to preserve the buildings when they own them. Ald. McBride advocated joint efforts and supported holding the proposed resolution for further discussion.

Ald. Stepaniak supported the motion to hold so that the plan can be considered in a fuller context. The only way for proper consideration is to look at all elements—historic preservation, development plan, parking, traffic, drainage, conservancy, etc. He was also concerned with not having adequate time to review materials just presented tonight as well as other relevant information. Nothing definitive has been presented on how this plan differs from the Kubala Washatko master plan that the city adopted following several years of discussion and public hearings. It was a compromise plan that dealt with many aspects the city needs to consider regarding development of that parcel. Ald. Stepaniak felt that the habitat issue should be addressed cooperatively and separately and said that we need to look at all the issues in an integrated way and have the information on the table for all. He would like to see all the maps that have been referenced, and he advocated making the information available on the city website and at the library.

Vote on the motion, Ayes: 6

(The meeting recessed at 9:40 p.m. and reconvened at 9:50 p.m.)

Stone Pointe Residential Development – 1215 N. 62nd Street

The committee heard an informational presentation regarding a proposed amendment to the approved Business Planned Development for the Stone Pointe residential development at 1215 N. 62nd Street. Participating in the presentation were: Attorney Brian Randall, Friebert, Finerty & St. John, 330 E. Kilbourn Avenue, Milwaukee representing Lears & Company, Inc.; Attorney Todd Farris, also of Friebert, Finerty & St. John; developer Tom Monico, Thomas & Thomas Associates, Glenview, IL; and Jeff Bogart, Epstein Uhen Architects.

Displaying site and elevation plans, Mr. Randall explained that the proposed amendment would change the residential use of one building from condominiums to senior apartments and make some design modifications. The building will have the same number of units, the same palette of façade materials, and will be complementary to the condos. Demolition, soil testing, and some environmental remediation remains to be done on the site, which will be 65% green space, a significant increase from 18% under Western Metals. Development currently is paused due to changes in the condo market. In 2009, the developer identified a need for senior housing, which could be financed and built in the near future. Under the amendment, the west building would be H rather than L-shaped and would have 82 units with 82 underground parking stalls and 41 surface spaces. With 142 condos still proposed for the two other buildings, the 224 total remains the same. A market study filed with the Community Development Director verifies strong demand for this type of housing and also that the project would be highly feasible in terms of long-term financial performance. It is a quality project that will add to the tax base and help to retire TIF District #3 sooner, Mr. Randall said.

The three-story senior housing building on about 3-1/3 acres would be constructed in Phase 1 of the overall project. Main access would be along 62nd Street with emergency access on the west side. There would be pedestrian access to the retail area to the west. Of the 82 units, 34 would be one bedroom/one bath units and 48 two bedrooms/two baths. The developer will participate in the U.S. Department of Housing and Urban Development Section 42 Tax Credit Program through the Wisconsin Housing and Economic Development Authority (WHEDA). Through the program 90% of the units will be rented at near-market rates to residents with incomes at or below 60% of the county's adjusted median income level for seniors. Although the program identifies seniors as being 55 or older, they believe the target residents will be at least 65. Residents who qualify would pay \$650-\$780 for a one-bedroom unit and \$780-\$925 for two-bedrooms. Rent includes parking, utilities except for electric, appliances, window treatments, and common area aspects. A property management firm will offer ala carte services such a laundry, housekeeping, and medicine dispensing as needed. This will not be a medical or assisted living facility. Nothing in the proposed amendment would

change previously conditions relating to preservation and protection of Schoonmacher Reef to the north of the site. Phase 1 landscaping will be done upon completion of the building, and the areas to east will be seeded.

Acknowledging neighbors' concerns about traffic, Mr. Randall said that redevelopment in this area will affect State Street more than the neighborhoods to the north and east. A 2005 traffic study for this project identified modest traffic impacts. A subsequent 2009 study for the Enclave development factored in Stone Pointe and also found no adverse impact. The senior housing proposal would actually reduce daily and peak-hour trips. It does not change any traffic circulation patterns. The "pork chop" that would direct traffic to the south at 62nd Street remains.

Mr. Bogart stated that the proposed senior housing component is consistent and complementary to the project, especially in terms of quality and the palette of materials. He described a soft palette using limestone and fiber cement board siding and said that the scale breaks down into very residential scale components. Mr. Randall noted that photos of an Illinois development were submitted to illustrate quality, not necessarily design.

Gary Kandziora, 6124 W. Martin Drive, felt that the projected rents do not compare to those at the Reserve to the east. He also wondered about soil remediation yet to be done and said he does not understand this type of development next to the noise and air pollution of a foundry.

Spencer Hoyt, 1298 N. 63rd Street, speaking as a landlord for property to the north, said that most calls for one-bedroom units in the projected price range involve rent assistance, which he believes is not optimum use for this space. He would like to see more connectivity with the Village as it moves east into this area. He questioned funding sources and whether this is an investment of convenience or investment in the community. He also questioned the need for senior housing in this area given buildings fairly nearby in West Allis that are effectively federally funded and have many vacancies. The 2005 traffic study analyzed only 62nd Street traffic, but the impact on 68th and State should be considered. The amount of surface parking does not seem efficient for the number of units. Mr. Hoyt felt that mixed use business/residential would be a better use here.

Chris McLaughlin, 12040 W. Potter Road, spoke of her experience with a Milwaukee aging consortium and said that senior housing is special and unique. People moving into such housing will be much closer to 80, per available statistics. The same market conditions affecting condos also leave seniors unable to sell their homes. Arriving at age 80, they start to decline and need coordinated services, which have been found by one developer she cited to work better through arrangements with service providers. Seniors need more than just a property manager. Ms. McLaughlin questioned whether the units conform to universal design standards and asked for information on the developer's exit strategy.

Jane Wagner, 1342 Martha Washington Drive, said that the amendment feels like a desperate attempt to get something built, and she encouraged close examination. She said that a traffic signal will definitely be needed at 62nd and State.

Ald. McBride felt there are serious questions to be answered. Is there a market need for senior apartments? Why wasn't that proposed in 2006? He believes more condos are needed for seniors who want to stay here as homeowners. How will this affect the future of what will become the eastern part of the Village? Will Learsi propose senior housing rather than condos in the other buildings? When do we reach a saturation point on senior housing? There is a lot near this project and in Wauwatosa in general. How does a new development partnership affect the project? Is this truly the same palette of materials promised in 2006? The city approved certain standards in 2006, and they should remain the same. Will there be architectural renderings and plans before the March 9 meeting? How is it that the Enclave can get financing for luxury apartments? Is this meeting a market need or trying to resurrect the development?

Mr. Randall noted that the Enclave developers have asked for TIF money. The senior market is one that the developers have identified as realistic and possible and a great complement overall. They focused on condos

because of their experience, but they are not appropriate right now because of the market fallout. Whether the market for senior apartments was there in 2006 is irrelevant; there is a need now. The Plan Commission requested the market study, which identified that need.

Asked about the impact of having senior apartments next to condos, Mr. Bogart said that it was assumed in 2006 that residents would be older persons or empty nesters. The markets aren't all that different. All units are fully ADA compliant, and there is an elevator and underground heated parking. A diverse community with seniors next to young people makes perfect sense, he felt. On the question of quality sufficient to merit transformation to condos, Mr. Bogart said that with elevator buildings and underground parking, condos make sense as an exit strategy.

Ms. Welch responded to further questions. She said that parking ratio was not revisited since the 2006 approved plans met parking requirements and no change was proposed. She confirmed that the materials are the same but the building's appearance is slightly different. She will check with the City Assessor on potential assessed value, clarify architectural details, and verify that the 2006 plans are in line with updated information.

Ald. McBride next questioned the project's impact on the TIF district. He asked Ms. Welch to work with the Finance Director to determine if we will meet TIF deadlines if all the buildings become senior housing.

On the question of possible conversion of the other two condo buildings, Mr. Randall said that the development agreement is for 224 condo units, which they would like to amend by 82 units. Hypothetical future changes would require Common Council approval of an amendment to the contract and amended plan. Noting that review of the current request for an amendment has been underway for some time, Mr. Randall said that the market study took substantial time and the developers took a hard look at this before rushing back. It is not a proposal that was taken lightly but something they are committed to and propose as a complementary aspect. They intend to build condos in the future, as the contract says.

Ald. Nikcevich noted that the original plans called for grass on what has been a dirt field for a long time. Whatever happens, seeding needs to get done and be properly maintained. She listed her questions: What is the timeline? Is this real? Is it contingent on WHEDA funding? What is plan B? She noted that a Senior Commission survey found that housing is the second most important issue for seniors after transportation. Wauwatosa has a high level of seniors, and we have to clarify that senior housing with reduced rates is not low income housing. Ald. Nikcevich indicated that she would consider senior apartments if their appearance is good, they serve a purpose, and they maintain the quality that we want.

Upon a question of tax status, Atty. Farris indicated that this is a for-profit project and would be taxable. Mr. Kesner explained that there have been discussions about taxation of non-profit entities that provide market-rate housing, but at this point those developments remain off our tax rolls.

Ald. McBride clarified that he is not necessarily opposed to the project or senior housing but needs more answers in order to vote for it. He anticipated that the Community Development Director would provide more information for the March 9 meeting.

The meeting adjourned at 11:10 p.m.

es

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin