

CITY OF WAUWATOSA  
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**COMMUNITY DEVELOPMENT COMMITTEE MEETING  
Tuesday, December 10, 2002**

PRESENT: Aids. Becker, Ecks, Heins, Herzog, Kopischke, Krol, Sullivan, Treis -8

ALSO

PRESENT: N. Welch, Community Dev. Dir.; A. Kesner, City Atty.

Ald. Heins in the Chair called the meeting to order at 8:10 p.m.

**Land Combination – 10428 W. Vienna Avenue**

Ms. Welch, Community Development Director, outlined a request by Joseph Cira for a Land Combination in the AAA Single Family Residence District at 10428 W. Vienna Avenue. Mr. Cira would like to combine two adjacent lots into one conforming parcel of approximately 100 feet. If approved, he would not be able to redivide the parcels in the future since the lots would not separately meet the 75-foot requirement. The Plan Commission unanimously recommended approval.

Joseph Cira, 10428 W. Vienna Avenue, said he has owned the two properties for 32 years and has always received two separate tax bills. They were “grandfathered” as non-conforming parcels. He would like to combine them for aesthetic reasons and as a matter of convenience in terms of tax assessment as one parcel.

Moved by Ald. Kopischke, seconded by Ald. Herzog to recommend approval of the land combination. Ayes: 8

**Rezoning – West Side of N. 99th Street South of W. Wisconsin Avenue**

The committee reviewed a proposed ordinance rezoning land on the west side of N. 99th Street south of W. Wisconsin Avenue from AA Single Family Residence District to AA Institutions District. The issue was discussed at this committee’s previous meeting, and the proposed ordinance will be introduced at the next Council meeting. A public hearing is scheduled for January 7, 2003, and the Council would vote on the ordinance at their January 21 meeting.

On an aerial view, Ms. Welch outlined the subject parcels and current residential and institutional zoning in the area. She pointed out the site of the former St. Joseph’s Blue Mound Hospital where the new Heart Hospital is currently under construction. The rezoning is requested for construction of a medical office building and parking ramp for the hospital.

Attorney Paul Hoffman, Michael, Best & Friedrich, 100 E. Wisconsin Avenue, representing Covenant Healthcare Systems, said the proposed rezoning is consistent with the longstanding institutional character of the area. He displayed a chart prepared in response to comments at prior meetings about loss of property tax revenue. In 2001 under prior ownership, the site generated taxes of a little over \$100,000. At that time the medical office building was taxable, the hospital was tax exempt, most of the surface parking was tax exempt,

and the eight residences owned by Lakeview plus the three acquired since then were taxable. Based on estimated values and using a 2001 mil rate, the properties would now all be taxable and would generate about \$1.4 million in annual tax revenue.

Jonathan Flight, vice president of facilities development for Covenant Healthcare, 1126 S. 70th Street, said responsible and orderly development of the site is being sought. This application seeks to replace an old medical office building fronting on Blue Mound Road with a new building behind the new Heart Hospital and a parking structure for covered parking convenience. The old office building has inefficient medical and electrical equipment and needs dramatic alterations to accommodate today's medicine. Placing it at the rear of the property will improve visibility on Blue Mound Road and 99th Street. The project will enhance this area and the city, Mr. Flight concluded.

John Wothe, 508 N. 98th Street, was concerned about overall community development and the fact that this significant development in a neighborhood heavily impacted in the past is not reflected in the city's 4-5 year old community plan. He distributed schematic maps of the neighborhood showing changes from 1958 to 2002. The area is bounded by Hwy. 45 on the east, the city of Milwaukee and the zoo on the south, San Camillo and the Heart Hospital on the west, and Wisconsin Avenue and the Research Park on the north. The neighborhood at one time had 107 homes; there are now 71 due, among other things, to the freeway, commercial development on Blue Mound Road, and acquisitions for parking usage. Mr. Wothe questioned what will happen in the future if the community development plan isn't followed. The homes that Covenant owns and will use in their walk-to-work program could easily come down. They own 50% of the remaining homes on the east side of 99th Street and could easily acquire more, demolish them, and vacate the street, all of which would then impact 98th Street residents. (Mr. Wothe noted that no one on 98th Street received official notification of the rezoning request, although it seems that those residents may be just within the required notification distance.) Is there some guarantee that it won't go beyond this, he asked. He foresaw a meeting 10 years from now about the east side of 99th Street.

Mary Sorensen, 535 N. 98th Street, said she is moving from this area but still cares about what happens here to her neighbors and new residents. There is a human side, she said; these are people's homes.

Susan Endes, 544 N. 99th Street, expressed concern about the significant impact of the proposed parking structure, which is shown to be a four-story building. There is now just surface parking behind the homes where it will be located. She felt that a structure with over 800 spaces for a hospital with only 40 beds is excessive.

Jack Shepard, 500 N. 99th Street, said he moved to the area in 1942 and has lived in his present home for 42 years. He noted impact on this area from the zoo, St. Therese parish, the expressway, hospitals and county institutions, and the Lutheran College, as well as St. Camillus and San Camillo, in which he was involved as an architect. There is always an emotional interest and attachment to one's own home, he said, but times move on, we change, and the community changes. The role of any community is not to stifle change and lock in history but to make sure that whatever happens is done well. Mr. Shepard said he believes the neighborhood will change and the change probably will be good.

Mr. Flight said that the Heart Hospital will be a two-story building and, in the current concept, the medical office building and parking structure would be three-stories. The grade falls away from the south to the north, so the third stories of the office building and parking structure are approximately the same height as the hospital when viewed from the side. Both are sized for demand related to the hospital, and the number of parking spaces must meet city requirements. Something less may be proposed, but that would require the City's approval. Those details will be worked out through the design process.

Ald. Ecks apologized for his own lack of notification to 98th Street residents. He noted that he has attended Covenant's meetings and has been supportive of the hospital. He is not at all concerned about the truthfulness of their statements but feels they have a limited view. What has created a crisis here, he said, is the acquisition

of the house at 650 N. 99th Street that they didn't need. It is a dual use acquisition in that the house will be used for their walk-to-work program but will be seen by the next generation of administrators, along with one or two more acquisitions and vacation of 99th Street, as an opportunity for a big-time hospital along Wisconsin Avenue. The down-side for 98th Street is that it would all be in their backyard, and a big building there would create devaluation. The fear of the neighbors is that in a relatively short period of time they will be dealing with hospital expansion—another large Covenant structure that will not be buffered by a street. The lesson is that streets make good neighbors, and the street should be the boundary in perpetuity. He has asked Covenant to present a boundary agreement and restrictive covenants on the homes on the east side of 99th Street to resolve the issue, but they haven't responded. Ald. Ecks said that he cannot support the requested rezoning because he knows it is a domino affecting properties to the east.

Ald. Herzog said Wauwatosa is known as a city of homes but also as the Mayo Clinic of Wisconsin with a major class A hospital, children's hospital, and trauma center. The Heart Hospital will be dedicated to saving lives, which is a noble cause, he said. Looking at the map of the area, he felt that it makes sense that the entire block under discussion should have the same zoning.

Moved by Ald. Herzog, seconded by Ald. Kopischke to recommend adoption of the rezoning ordinance –

Ald. Herzog asked about plans for the area in front of the hospital. Mr. Flight said it would include surface parking and green space. He did not have calculations for the amount of green space. In response to a further question about ownership, Mr. Hoffman said that Covenant will own the land and lease the north and south halves to different groups of investor-developers. While there is some commonality between the two groups, there is somewhat separate ownership of the Heart Hospital and the office building.

Ald. Becker said that his wife is employed as a secretary at St. Joseph's Hospital, but he has been advised by the City Attorney that there would be no conflict in voting on this issue. He supported the rezoning request.

Ald. Krol indicated that he would vote in favor at this time but will reserve his decision on the final vote based on what will happen on the east side of 99th Street. He agreed that streets make good boundaries.

Upon roll call vote, Ayes: 6; Noes: 1 (Ecks); Present: 1 (Sullivan)

### **Change of Zoning – 2281 Swan Boulevard**

The committee reviewed the proposed ordinance rezoning land at 2281 Swan Boulevard from DD Eight Family Residence District to AA Professional Office District. The ordinance will be introduced at the next Council meeting, a public hearing is scheduled for January 7, 2003, and the Council would vote on the ordinance at the January 21 meeting. Referring to an aerial view, Ms. Welch outlined the surrounding property and zoning.

Russ Drover, 9116 Jackson Park Boulevard, indicated that, as a real estate broker himself, he would like to address the positions of the applicant and potential buyer of the property on the inability to sell it as a single-family residence. He felt that the real problem translates to price, location, and condition. The home was on the market for 168 days at the original price of \$237,900 and was then dropped to \$199,900, but its current assessed value is \$192,900. A nearby property at 9516 W. North Avenue of similar age and style but smaller in size is assessed at \$173,300, was offered at \$153,800 and sold for \$154,000 in two days. Mr. Drover cited similar examples of properties on Blue Mound Road. Regarding traffic hazards, he noted that Blue Mound Road at 68th Street is a busy street but has homes occupied by families with children. There is a buyer for every property at the right price, he said. The applicant failed to sell at a price above the assessment and therefore claims the property cannot be used as a single family home. It could be sold if the price is right. Mr. Drover felt that historical designation for this property would not be valid and that proposed landscaping or fencing would

not alleviate a change to commercial use. The City should uphold the zoning laws, he said, and continue the residential zoning. He was concerned about other homes if the zoning is compromised.

Ald. Krol saw the proposal as a good development. He noted that an offer can be made at any price regardless of a property's listed price. The site was on the market for 89 days with no offers other than Mr. Silverstein's. Ald. Krol pointed out that if the bank across from this property were sold, there are a number of other uses that could go there also. Parking spaces are determined based on use, he noted. He felt that commercial use would be compatible with uses at the other three corners of the intersection. The proposed law firm usage would generate little traffic and congestion and would have little occupancy on weekends, evenings, and holidays. The architect has done other very good historic renovations in Wauwatosa. Regarding dumpsters, Ald. Krol said that he has been able to live with a well-screened dumpster adjacent to his house for the past 20 years. North Avenue is primarily commercial and multi-family, and this development will not be a detriment, he said.

Moved by Ald. Krol, seconded by Ald. Kopischke to recommend adoption of the rezoning ordinance –

Ald. Kopischke noted that the Plan Commission voted 4-3 to approve the rezoning, but all those in favor had some reservations since it opens the door down the line to other uses. The proposed law office was felt to be a good transitional use that retains the quality of the building. Ald. Kopischke expressed confidence in the applicant and the architect and although there are some risks, he will, with some reservation, support rezoning.

Noting that spot zoning has been mentioned, Ald. Becker asked if another building in the same block could be similarly rezoned if this change is approved. Ms. Welch said we would have a good case in denying rezoning of another property down the block. The real danger is the possibility of this property and the adjacent one being under the same ownership in the future and that owner wanting to demolish and erect something else. In such a case, the City would be in a difficult position to make a case against rezoning the adjacent parcel. Permitted Uses would include mortgage companies, tax offices, clinics, and travel agencies. Restaurants, beauty salons, and similar businesses would be Special Uses requiring Board of Zoning Appeals action. It is equally possible that a new owner of the adjacent property might want to convert to office use, Ms. Welch noted.

Ald. Sullivan said he had been inclined to support the rezoning since he likes the planned use, but he noted that zoning decisions should be made for the long term regardless of the individual owner or business. Mixed residential and business use is the character of that part of North Avenue, but he would be very concerned about what a change from residential to office building use means in terms of precedent.

Ald. Krol said that one barometer is what neighbors think, and they seem to overwhelmingly support this move despite the fact that residents in this area have been vociferous opponents to other issues affecting traffic such as widening the street. Referring to properties on adjacent corners, he said that what is good for one side of the street should be good for the other. He cited the business of Walsh and Keating on Wauwatosa Avenue in the Village Trade District as another fine example of a law office in a residential area. That could change in the future also, he noted. It is on footprint that is quite similar and has the same restrictions this property would have. It has co-existed very well in a residential neighborhood where parking is very tight. He noted that any further zoning changes would require Common Council approval and should be violently opposed.

Ald. Ecks said he would be willing to take a chance on Mr. Silverstein's proposed use as a law office with some guarantees. He will vote against the zoning change until there is more information about his suggestion for historic designation.

Ald. Kopischke said the alternative is to leave the property in its present use, which is viable, but he believes that the proposed law office is a better use.

The Chair said she will support rezoning since it fits in well with the uses at the other three corners of the intersection.

Upon roll call vote, Ayes: 6; Noes: 2 (Ecks, Sullivan)

(The committee recessed at 9:20 p.m. and reconvened at 9:27 p.m.)

### **RFPs for Development of City-Owned Land**

Ms. Welch reported that eight proposals were received in response to a Request for Proposals (RFP) for an 18 acre undeveloped site that is currently part of the City-owned public works site. The area is south of Walnut Road and west of N. 113th Street. Proposal cover sheets were provided in the regular committee packets, and Ms. Welch passed around the actual proposals for further brief review. She commended the developers for responding given that they weren't given all the information they would ultimately need including infrastructure requirements.

Seven of the proposals are for some form of residential development; the eighth is for a sports recreation complex. Residential densities vary from 190 units or 10-12 per acre to 450 units, which is very dense. A decision needs to be made about desirable density, and traffic impact must also be considered. With some additional information, we can come up with better estimates of infrastructure costs that will enable developers to arrive at better cost estimates.

Regarding impact on the tax base, Ms. Welch reported that the Assessor can give rough estimates based on construction value but can't give a true estimate until we have more information on type of construction and materials. Further questions are: Do we want residential units, condominium units, townhouses that might be useful to families as well as individuals, elderly housing? Impact on schools must be discussed as well as the impact on growth in the area and the city's tax base. What should we pursue in terms of going back to the developers? We know we don't have enough information to take any one of the proposals and award the City land to its developer. What do we need in order for the developers refine their proposals so that we can aware a contract sometime in the not too distant future?

Richard Bachman, 2229 N. 115th Street, said he represents the Fisher Woods Neighborhood Association, which the subject area encompasses. He noted that there is a pending proposal for the area north of the police station involving a park and 16-18 homes. As originally planned, this area to the south was not supposed to have any through traffic. Walnut Road was to be gated off at 113th Street so that vehicles could get to the city yard but no one from within the area could exit to 116th Street from Walnut Road. He reminded the committee of the ungated, unlit railroad grade crossing on Walnut Road between the city yard and the post office. The railroad does not want vehicles to cross there, but city vehicles are grandfathered. A proposal some years ago to build Walnut Road under the tracks never advanced. Mr. Bachman said that all the proposals submitted are good. He advised meeting with residents of the area and proceeding with what interests them.

Ald. Herzog asked if anyone proposed a TIF (Tax Incremental Financing) district. Ms. Welch said that no one specifically requested a TIF, but part of the reason for not having firm pricing may be that the need for such a mechanism to pay for necessary infrastructure is anticipated. A significant investment will be needed to prepare the site for development. Both sewer and water are located at the northwestern and southeastern corners, and any development would need to connect to those locations to provide service. All roads would need to be constructed, and because more than a half acre is involved, on-site detention must be provided. There is also a wetlands issue that requires final determination by the DNR. The DNR has said that it is a lesser grade wetland, and they indicated that they would give us a final decision when they see the development proposal for the site.

Ald. Herzog next asked about the need for fill, noting his suggestion that perhaps the area should not be filled but kept at a lower grade. Ms. Welch said that the City has recently been approached with another 30,000 cubic yards of fill, which would be half of what would be needed to level the site. So we are no longer dealing with the need for a tremendous amount but rather the possibility that more may or may not be needed depending on grading requirements.

Asked about possible use of "Mt. Tosa" for recreational purposes, Ms. Welch said that the area is currently capped with two feet of clay. Some care is needed with what is placed there since you can't dig below that clay cap or plant anything that would penetrate it. There is about six inches of topsoil over the clay, so it may be possible to plant some shrubs, bushes, grass, or flowers with fairly shallow roots. It is possible to have some access to the site. The vents in place there for methane gases are permanent. Ms. Welch felt that there is no possibility of leaching from the Mt. Tosa site. The materials buried there are largely excavated ash and "white goods;" we are not dealing with heavy contamination or major chemicals.

Ms. Welch responded to the question of impact on schools by reporting that she has been in contact with the school system. We don't know how many families might live there, but the school system does have vacant spaces, she said, and actively recruits students from outlying communities. It doesn't make sense to argue at this point that a development for families would negatively impact schools when the chances are that it could be absorbed into the school system.

Ald. Ecks was concerned about unusual noise in this area from operations at the city yard such as the chipper machine and the rifle range or from the railroad. Noting that those noises can be mitigated with construction techniques, he saw continued use of the range as a positive thing that could increase if terrorist threat levels rise. The need to keep it open impacts the proposed development. Perhaps the target market would better be people who are away working during the day rather than seniors who would be at home, he said. He suggested targeting as a demographic the 12,000 professionals at the Research Park and Regional Medical Complex.

Asked by Ald. Becker to clarify what she is seeking, Ms. Welch said that the first issue is whether the committee thinks it is worthwhile to pursue housing options for this site. Currently, the market is telling us that there seems to be greater return on investment there or greater potential tax base in that type of development. Would recreational use be a better option? If residential, what is a reasonable density? Maximum density will bring both maximum value and maximum impact on the neighborhood. Some discussion with the Director of Public Works regarding street capacity indicates that if we can provide access to 116th Street with a parallel street, it could sustain the volume of traffic estimated even with the greatest density without exceeding design capacity of the road. If considering 450 residential units, 113th Street alone would not be able to provide adequate access. Ms. Welch offered a final question in summary: Is our priority increasing the tax base, concerns for certain types of housing, or for recreation?

Ald. Sullivan indicated some discomfort with the higher density proposals. He said he would prefer something attracting younger families who are more actively involved in the community rather than specifically senior housing. Citing his own area where there is no transition between residential and multi-family units, he felt we should move away from that. He liked the themes that were similar to the Reserve apartment complex on State Street and would prefer a range of 176-192 units that are upscale and for people of a broad age range if going with residential. He also would like something that provides some community recreational outlet to residents there—some kind of central meeting place whether a park, pool, clubhouse, etc. He advocated a new urbanism model of narrow, tree-lined streets and smaller lot sizes rather than the type of developments in New Berlin cited as examples in some of the proposals.

Ms. Welch confirmed that a zoning change would be required for any of the current proposals. She would recommend planned development or compatible zoning for sports and recreation. Asked about a time frame, she said it seems most developers would like to see us get started in 2003. Many of the proposals would fade away if we took no action for a year, she felt.

Ald. Krol said that whatever we do, we should do it with someone who responded to the RFP, considering their effort. Some time should be set aside to hear their proposals, he felt. Each developer could be given a certain amount of time, and staff could provide information on financial and neighborhood impact and infrastructure concerns with each type of development.

Moved by Ald. Krol, seconded by Ald. Becker to direct staff to recommend a format for presentations by the developers at the January 28, 2003 meeting, of the different options, highlighting some of the similarities and differences and the neighborhood and fiscal impact –

Asked if the motion addresses her intent tonight, Ms. Welch indicated that it provides her with direction to proceed. The proposals are so varied and so completely different from those received two years ago that it is important for the committee to reassess what they would like to see. If thinking of the tax base, they range in value from \$10 million to \$35 million based solely on construction costs, which is a significant range. The committee may want to consider whether maximum tax base or minimum disturbance of the site is a priority.

Ald. Ecks said his concern is for the future social fabric of this community. We have young workers in this area who can't afford to live here. This is a very valuable potential part of our community that we should attempt to house. They are medical professionals and others working in the research park, perhaps entrepreneurs reinvesting in their own business rather than in housing. He advised targeting this young demographic with high quality, affordable housing, perhaps by making it very compact. These people are potential buyers of larger units as they grow their businesses, but we must first get them into this area. They will also help us retain our reputation as a well-educated community.

Ald. Kopischke felt the motion may be premature. The intention tonight is for the committee members to discuss their reactions to the proposals and provide some guidance to the developers, he said. The recreational facility proposal is interesting, and he would like to see more on that. If going residential, he would rather not see an isolated community as a senior development appears to be. He would like it to complement and integrate with the surrounding neighborhood. This may require a mix of different types of buildings. A younger, creative class demographic might find this location most appealing, he felt. He suggested that a format for presentations should not be set up until there is some guidance from the committee on parameters.

Citing a famous "pig farm" case, Ald. Herzog suggested an amendment to direct staff to investigate some sort of deed restriction that would prohibit future owners of this development from objecting to our operations at the public works yard. Ms. Welch said that if zoned planned development, an agreement could be included by which the City-owned land is sold with certain contingencies. We very clearly have to make known that the public works yard is there and that the developer is undertaking his project with full knowledge of that. City Attorney Kesner indicated that it may be possible to secure some permanence that would apply to a subsequent buyer. This committee or the Council will have different concerns than in a normal case involving privately owned property, he noted. The City owns this land, which provides a much broader range on what we can do.

The Chair expressed concern about traffic on 115th Street from Watertown Plank Road to Blue Mound Road. A new, already approved development on 115th Street will almost take that street to capacity traffic, she said. She noted that there is a lot of pedestrian traffic to and from Underwood Elementary School on Potter Road. She said that the impact of additional traffic on 115th Street from potential development in the subject area must be considered.

Upon further discussion, there was support for asking each of the developers present to make a brief statement about their proposal.

Dave Murphy of Bielinski Development said they proposed 176 very upscale condominiums for empty-nesters and other younger people without children. He indicated that they could change their concept if the committee likes their idea. Mr. Murphy noted that the Bielinski proposal included a price for the land, which many others did not fill in. He was concerned that that amount has now been revealed and also wondered if everyone met the deadline.

Dave Fredrick representing Thomson Corporation in cooperation with The Shepherd Partnership deferred to Jack Shepherd. Mr. Shepherd agreed that the market is the medical campus, which will only be getting larger. Some of the things that Wauwatosa can do as part of what should be a hand-in-hand procedure are to create a linear park with a jogging trail, look at some of the other property to create a micro-park serving this property and the area, and see what can be done with Mt. Tosa.

Chris Leffler representing Spectrum Development Group said he presented one proposal in association with Atlantic Realty Partners for a residential complex and a second proposal by Spectrum Development Group for a recreational complex, which is something outside the box that they wanted to think about. In that proposal, they didn't hit every point they wanted to make, he said, but would perhaps like to put a hybrid of the two together so that the sports complex could buffer the public works site from the residential units. A number of communities in the area and around the county have major sports complexes, he said. Soccer is a major sport here, but the complex could also include baseball, basketball, a senior center, child care, gen-X-type games like rollerblading and mountain climbing, as well as banquet and meeting facilities. This is a great location central to the metro area and could be a destination for the entire Midwest, he said.

Mr. Bachman suggested that residents should hear the developers' presentation first-hand. The Chair responded that it might be wise for the committee to do an open forum about this at some point.

Vote on the motion, Ayes: 8

The meeting adjourned at 10:24 p.m.

Carla A. Ledesma, City Clerk  
Wauwatosa, Wisconsin

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