

CITY OF WAUWATOSA
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COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, April 30, 2002

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

ALSO

PRESENT: N. Welch, Community Development Dir.; A. Kesner, City Atty.; T. Wontorek, City Admin.

Ald. Heins in the Chair called the meeting to order at 8:36 a.m.

Conditional Use – 9400 W. Congress Street

Ms. Welch, Community Development Director, outlined a request by Annunciation Greek Orthodox Church for a Conditional Use at 9400 W. Congress Street to construct a cultural center consisting of a single-story, 32,000 square foot building located on the northwest portion of their site. The building would house administrative offices, a kitchen, library, hall/gymnasium, and lecture halls. Parking requirements would be met. The Conditional Use was approved by the Plan Commission and Council in late 2000 but those approvals expired when the church did not proceed within one year.

Jim Mahos, 3334 N. 98th Street, Milwaukee, a member of the church's building committee and a structural and consulting engineer, was present. He indicated that no exterior changes have been made since the 2000 approvals; some interior walls may have been modified.

Dorothy Christiansen, 3256 N. 105th Street, said she is a member of the church and a devotee of Frank Lloyd Wright. She was concerned that the proposed building would dominate the view and actually hide the church from view from the north and west. She said the church is on the state and national historical registers but she has been unable to get any information on architectural impact studies that may have been done. She also voiced concerns about adequate parking for large events, potential impact from runoff, and stress on infrastructure. She cited a Supreme Court ruling that the interest of the community exceeds the interest of the individual landowner. The project can be postponed until the needs of the community are addressed, she said. She felt the building does not meet the architectural standards of a Frank Lloyd Wright building. It is also extremely shaky financially, she said, and there is not great support within the church community. She questioned whether it is a viable project and said it should be looked into further and not approved until funding is in place.

The Chair said it does not seem that this committee should become involved in internal disagreements within the church. Mr. Kesner said the committee can place reasonable conditions when granting a Conditional Use, but many of the concerns are actually design issues, which are under the jurisdiction of the Design Review Board.

Ms. Welch said that no conflict or problems were found when the project was reviewed and approved in 2000. She observed that there are often difficulties with changes to a unique building that people want to preserve. Asked by Ms. Christiansen about impact studies, she said that they are not a requirement for a private project that has no federal funding.

Ald. Treis said the building has been under discussion for 20-30 years. The site was precisely chosen to accommodate the building and the needs of the church and its programs. The City has looked at all the needs

such as sewer connections, drainage, and parking lots, and the Design Review Board has approved the plan. Rev. Keller of neighboring Luther Manor has expressed approval. He conceded that the view of the church might be partially obstructed from the northwest corner but said it is visible from the north, east, and south. He felt the building would be an asset to the community and the neighborhood.

Moved by Ald. Treis, seconded by Ald. Becker to recommend approval of the requested Conditional Use –

Ald. Ecks asked whether the question of economic sufficiency is within the committee's purview on a project like this. He noted that it became an issue in New Berlin recently in connection with Sts. Constantine and Helen's rezoning request there. He also expressed some concern about hours of operation, particularly in connection with a wedding reception that might expand to outside areas of the building.

Mr. Kesner said that the committee has some broad powers to take that into consideration but does not have any specific power to require a financial accounting. The only effect of lack of sufficient funding in this case would be that the building would not be constructed. If plans are changed, they wouldn't fit the current permit.

Ms. Welch said that if there is a concern or reason to believe something will adversely impact the neighbors, it is within the committee's ability to place restrictions on activities.

Asked about the process thus far, Ms. Welch said the project is essentially going through the same process with the Plan Commission, this committee, and the Common Council as in 2000. It has not gone to Design Review Board again since that approval doesn't expire. If there would be any design changes, they would have to amend the Conditional Use and get further Design Review approval. Mr. Kesner added that if it wasn't built according to the plans or not finished, the City would have enforcement powers through the building code.

Ald. Becker supported the project and felt that finances should not be a consideration of this committee. Ald. Krol noted that the church board has approved the project and they have raised some money. The project would be monitored by the building inspection department.

The Chair reported that the prior approval was subject to review one year after completion regarding screening or landscaping.

With consent of the second, Ald. Treis amended the motion by adding that approval would be subject to review one year after completion to determine if any additional screening or landscaping would be needed along the project's borders –

Ald. Ecks asked about controls on how late an event could run or whether participants could go outside. Mr. Kesner said there are some regulations regarding conduct and the time at which amplified music can be played. Any noise could be handled under our current ordinances.

Ald. Treis said that Luther Manor is probably closest facility to the grounds, and he felt they would not question any activities that take place.

Ald. Treis called the question, Ayes: 8

Vote on the motion as amended, Ayes: 8

Business Planned Development – 1060 N. 115th Street

Ms. Welch outlined a request by Toldt Development, Inc., for preliminary plan approval of a Business Planned Development to construct a 60 unit apartment building. on a 1.7 acre site at 1060 N. 115th Street. The site, currently Circle Electric, is bounded by railroad tracks and Underwood Creek to the south, 115th Street to the west, and is just south of commercial sites on Watertown Plank Road and a wetland area. The developer has met with neighboring residents, addressing their concerns about traffic by directing as much traffic as possible to the north.

Helmut Toldt of Toldt Development, Inc., 4040 N. Calhoun Road, Brookfield, said that there was very little opposition to the development at the neighborhood meetings. This might be due to redeveloping a manufacturing site that has not been well maintained over the past 20 years into a high quality residential facility, he felt. Also, the site has some natural boundaries from the single-family homes to the south and land to the north, east, and west is substantially conservancy or parkland. Mr. Toldt displayed a site plan, pointing out parking areas and explaining features of the individual units. He indicated that the plans are preliminary at this point; the project will be subject to further review when final plans are complete.

The Chair reported that she attended all the neighborhood meetings and did not see the opposition that had been evident in connection with proposals by Vision Development for the area south of this site. At the Plan Commission meeting, one resident spoke on behalf of other neighbors in support of the project.

Moved by Ald. Becker, seconded by Ald. Krol to recommend approval of the preliminary plans –

Ald. Ecks asked if any sound measurements have been done along the railroad tracks. He said that there seems to be an acceleration process going on with the trains at that point. Mr. Toldt indicated that he is hopeful that sound can be adequately addressed. He and the architect have had numerous discussions about sound issues, he said, and now need to bring in some experts.

Ald. Krol spoke in favor of the project, commenting on the developer's history and the fact that neighbors do not oppose the plans. Ald. Kopischke, who indicated that he grew up in this area and is very familiar with the site, also supported the project.

Ald. Herzog said that the developer is providing amenities people are looking for today, such as patios, porches, and balconies. He noted that the Terrace of Elm Grove, along the railroad tracks on Watertown Plank Road, did a lot of soundproofing, and it is the vibration of the trains that seems to bother residents there the most.

Vote on the motion, Ayes: 8

Parade and Street Festival Policy

Mr. Wontorek, City Administrator, reported that when the Budget and Finance Committee was asked to waive the permit fee for the Historical Society's Blarney Run/Walk event that was traditionally tied in with the St. Patricks Day parade, they directed him to review the policy relating to parades and make recommendations on what that policy should be in the future.

City ordinance requires a permit for the St. Patrick's Day parade but exempts the event from paying any permit fee. The city-sponsored 4th of July parade is exempt from all permit requirements. Otherwise, organizers of events covered by the parade ordinance (including bicycle or foot races or walks) must submit an application to the police department and must pay a permit fee that includes reimbursement for the cost of city services that are provided for the event. Applications for street festival permits, on the other hand, require Common Council approval. The Council has the authority to place conditions on a street festival permit including reimbursement of city costs.

Mr. Wontorek said that the question is whether the policy should be similar for both parades and street festivals. He said he is comfortable with having the ability to choose not to require reimbursement for some of the community events, but he recommended modifying the parade ordinance so that the St. Patrick's Day parade would be treated the same as any other parade.

Ald. Treis said that Annunciation Greek Orthodox Church picks up the entire city cost for Greekfest and also reimburses Milwaukee. We should talk about those who do not reimburse costs, he said.

Moved by Ald. Becker, seconded by Ald. Treis to recommend introduction of an ordinance to remove the fee exemption for the St. Patricks Day parade. Ayes: 8

Mr. Wontorek said that both Greek churches reimburse the city for costs in connection with their annual festivals. The two festivals that have not been required to reimburse costs are Tosafest and Hartfest, which are sponsored by community groups and have been strongly supported by the city. The current ordinance language could be retained so that the Council would still determine which ones must reimburse costs or it could be changed to require reimbursement by all.

Alds. Becker and Krol both spoke in favor of retaining the Council's ability to choose which events to support. Mr. Kesner indicated that no formal action would then be needed now.

Ald. Kopischke noted that the parade ordinance does not address the practice of reserving space along the 4th of July parade route and asked how that might be handled. Mr. Kesner said that when someone leaves private property in the right-of-way it becomes an enforcement issue. The city does not specifically condone it, but it is a matter or how the city chooses to enforce or use its resources.

The meeting adjourned at 9:34 p.m.

Carla A. Ledesma, City Clerk
Wauwatosha, Wisconsin

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