

VILLAGE OF RIVER HILLS BOARD OF TRUSTEES MEETING

UNIVERSITY SCHOOL OF MILWAUKEE

VIRGINIA HENES YOUNG THEATRE

2100 W. FAIRY CHASM ROAD

(ADJACENT TO UPPER SCHOOL PARKING LOT – EAST SIDE OF USM)

WEDNESDAY, JULY 18, 2018

7:00 PM

AGENDA

1. ROLL CALL: was answered at 7:00 p.m. by President Stephen Anderson, Trustees Bill Walker, Peter Kingwill, Peggy Russo, David Fritz, Kurt Glaisner, and Chris Noyes.

Also present was Village Attorney Bill Dineen, Village Manager Tammy LaBorde, and Police Chief Mrozek.

President Anderson thanked the University School of Milwaukee for all of their assistance with setting up for the meeting and letting us use this theatre. He introduced the Trustees.

Trustee Chris Noyes read a statement explaining that he would be recusing himself from the Board deliberations related to the presentation and discussion regarding the Mandel Group proposal in that the firm he is a partner at, Godfrey & Kahn, represents the Eder's in past actions and that he will be sitting in the audience.

President Anderson stated that the first presentation this evening will be from the Mandel Group and then Sam Hall will be speaking on behalf of the Save River Hills Group. The Board will then hear public comments which will be limited to three minutes. He anticipates that there will be one of three actions this evening – table the discussion, refer the matter to the Plan Commission for review and study, or reject the application. Attorney Dineen stated that the option to table should be to refer for further discussion at a future Board meeting – President Anderson corrected his statement. Attorney Dineen also stated that only one person can speak at a time.

2. PRESENTATION BY MANDEL GROUP RELATED TO: 1) REQUEST TO AMEND COMPREHENSIVE PLAN; 2) PETITION TO REZONE THE PROPERTY LOCATED AT 1600 – 1980 WEST BROWN DEER ROAD (the EDER PROPERTY) TO PERMIT MULTI-FAMILY RESIDENTIAL HOUSING; AND 3) APPLICATION FOR A SPECIAL USE PERMIT TO AUTHORIZE A 154 UNIT HOUSING DEVELOPMENT IF REZONING IS APPROVED

At 7:10 p.m., Mr. Barry Mandel began his presentation to the Board. The Mandel Group is known for presenting developments that are recognized locally, nationally and globally. He believes that they are proposing something that is special and will benefit River Hills. They are targeting Baby Boomers with this development. They currently have developments in Shorewood, Downtown Milwaukee and Whitefish Bay. Three years ago they placed the Eder property under contract. They are proposing two and three bedroom units. Mr. Ian Martin from the Mandel Group spoke next. He stated that they are proposing a 154 unit conservation development. There will be more two and three bedroom units and parking will be underground while visitors will park in the interior circle. They are also proposing a clubhouse to be built. The Mandel Group received complaints that the original proposal was too dense, too many people, had senior living, access onto Green Brook Road and that the development would have a negative impact on the water wells. The second plan that was created and distributed received the following complaints – still too many people, still need to remove senior living, concerns related to commercial activity, the Spruce Road intersection is too dangerous, and they need to mitigate visibility to the development from the surrounding homes.

Mr. Martin stated that they brought in Ken Voight to do a traffic study. They feel that there is enough data to secure a signal from the Department of Transportation for the Brown Deer and Spruce Road intersection. The Mandel Group has a way to pay for the traffic signal. In the next proposal, they eliminated senior living and the organic farm elements. They created 90% of green space and would never develop the rest of the property. They reduced the number of units to 154 and decreased the total projected population. They created long setbacks from buildings to adjacent properties which is an aesthetic improvement. They then hired Jim Shields to design the development. They have white-clad siding, gabled rooflines and dormers. They hired Steven Apfelbaum of Applied Ecological Services Inc. to maximize the habitat through ecological forestation. The development would convert farm land to native lands; ensure an open space design; preserve the history of the rural farm using ecological systems; use prairies, wetlands, and savannahs to control water running off the land; natural resource precedents; and part of the landscape strategies would attract monarch butterflies.

Mr. Martin stated that he would address questions that had been raised to date –

- Home Value would not be affected as these were well designed apartments.
- Condos – this is not the same as renting an apartment because it's up to the owner as to how much they will spend to maintain the unit while with apartments when people move out the owner must fix the unit before the next renter moves in. Condos are also managed by a Homeowners Association while with apartments there is imbedded management from a single source. Management must keep a reserve for these repairs.

- Burden on Public Service – all the roads are private, the trash collection will be private, water and sewer will be private and there will not be a need for any additional police or fire staffing. A single-family subdivision would place a bigger burden on public services.

Mr. Martin stated that without moving forward with the development, you never know who will come next – Walmart, Culvers, who knows. He believes that it is highly unlikely that a court would order the Village to approve a commercial development like Culvers or Walmart; however, there are other uses including subsidized housing and religious institutions that may receive different treatment under the law. He stated that there could be a time when a Court determines what will go on the property.

Mr. Martin stated that they anticipate the taxable value of the property to be approximately \$25 million which would result in approximately \$625,000 annually for property taxes. If the Village were to look at a single-family home development, they could only put a maximum of fourteen single-family homes valued from \$750,000, resulting in a total of \$10.5 million in property value and approximately \$260,000 in taxes.

Mr. Martin stated that they believe it would take three years to complete the development. By contrast, it could take fourteen (14) years to fully develop fourteen (14) new homes based on the comprehensive plan's estimate that there is only demand for one newly built home per year.

Mr. Martin estimates that there are \$4.15 million in improvements to deliver public water to the site and install the traffic signal that could be covered by a TIF district. They would propose a developer financed TIF to eliminate financial risk to the Village. Mandel is projecting that the taxable value of the project and the tax increment could support up to \$8 million of public improvements. The Range Line Bridge is estimated at a cost of \$2 million to \$4 million – TIF funds could potentially be utilized which eliminates the burden on residents.

Mr. Mandel stated that he had requested that this meeting would be for informational purposes only; however, that was rejected by President Anderson. Mr. Mandel had wanted a question & answer period, not a vote on the development. He has been unable for various reasons to get all of the written confirmation from the Police Dept., Fire Dept., MMSD and TIF projections from a consultant to support the development. This is the first public meeting, there are too many issues outstanding and too much emotion in order to vote. He stated that time is needed in order to reflect and fully vet the proposal as they want the dialogue to continue forward. For those aforementioned reasons, Mr. Mandel stated that the Mandel Group was withdrawing all of the foregoing applications

tonight. He stated that he was hopeful that they would continue to have discussion with the parties in order to develop the property.

President Anderson noted that the Board intends to continue with the meeting.

3. PRESENTATION BY SAMUEL HALL REPRESENTING THE GROUP
“SAVERIVERHILLS.COM” AND OTHER RESIDENTS

Attorney Samuel Hall representing the Save River Hills Group presented information related to committing to single family homes. Mr. Hall noted that the Group would like the Board to reaffirm the zoning as outlined in the comprehensive plan. He stated that the best defense against the low-income housing scare that was presented is to reject this proposal thereby there is no discrimination. The community has been built on single-family residential units. The first comprehensive plan was completed in 1957 and was revised in 2009. The revised plan surveyed the community where 84% of the Village wanted Single-Family zoning only. Mr. Hall reviewed tax incremental financing and stated that the amount that was proposed by Mandel would not be enough to fund what was needed as well as the schools and other taxing districts would need to approve the TIF district. Mr. Hall requested that the Village Board adopt a Resolution to continue single-family homes throughout the Village and re-affirm the comprehensive plan.

Mr. Hall asked how many residents were against the project and nearly the whole room stood. Trustee Walker requested that those individuals who were in favor of the project stand which amounted to approximately 20. Mr. Hall completed his presentation at 8:30 p.m.

In light of the Mandel Group’s withdrawal of their proposal, Attorney Dineen asked if Trustee Chris Noyes if he wished to rejoin the Board and advised that he could do so. He did so at 8:35 p.m.

4. PUBLIC COMMENTS CONCERNING THE MANDEL GROUP REQUEST (*Please limit your comments to three (3) minutes*)

- Chris Meisel, 8253 N. River Road – Mr. Meisel requested that the Board follow what the residents wanted.
- Jason Green, 1150 West River Court – Mr. Green wanted to know if Mandel was using subsidized housing funds for the development. He also wanted to know more about the setbacks. Once they built the apartments they could do whatever they wanted with the rest of the property. He stated that the development should reimburse the Village for 911 calls.

- Daniel Dennehy, 8955 N. Spruce Road – Mr. Dennehy met with Ian about his questions and there are still too many unknowns. The Village has tried with the DOT to get signals, state said no. He also stated that when school is in session, people block his driveway and it is difficult to get out. He also noted that TIF is a very complex issue and the Village should hire the necessary attorneys to assist the Board.
- Christopher Soyke, 9250 N. Spruce Road – He is representing the Mapledale/Indian Hill School District. Working through their strategic plan, the assumption is that the value of their property is effectively zero due to the zoning code. They are trying to evaluate what to do as their Board is looking to levy the same amount for the next ten years as they have for the last ten years. He is asking the Board to help guide the school district by either reaffirming the comprehensive plan from 2009 or initiating a long-term strategic plan that would evaluate the properties along major highways.
- Lee Marnett, 7405 N. Skyline Lane – he doesn't want the Board to change anything he enjoys this place. He asked the Board to never change the zoning and that they need more homes.
- Chris Hawley, 2745 W. Dean Road – She shares the same sentiment. She values the individual attention, safety, slow speed limits, and the police force. She moved back to start her family and there are always new people moving in which makes River Hills unique.
- Christopher Marowski, 7335 N. River Road – He stated that there are important details missing. Rezoning opens a lot of unintended consequences. The Village is desperate for tax revenue – this is a Trojan horse being brought into the Village.
- Derek Nazareth, 2245 W. Fairy Chasm Road – Mr. Nazareth quoted two articles that were from the newspaper. One was related to the Mandel Group who stated that they were lowering rent costs while the other was related to police calls in the apartment market.
- Lillian Williamson, 880 W. Dean Road – She loves her home and appreciates the services. She has worked with developing communities in the past. There are good points here – fear mongering; there is an impact on homes already and not sure that this is the only fact affecting that; she has an open mind and considers different options – the Board should consider this.

- Fred Shafrin, 1630 W. Green Brook Road – He lives across from the proposed development and this has cause enormous stress. He urges that the Trustees take action.
- Michael White, 1150 W. Bradley Road – He asked that they maintain the zoning. If possible for the Board to reaffirm the zoning.
- Dick Glaisner, 2135 W. Dean Road – He spoke to Ralph Eder about buying the parcel. Barry Mandel is a friend and does good work. The Village should consider buying this property and develop it. Look at the Nike transaction.
- Joyce Michelstetter, 1500 W. Green Brook Road – She has lived here based on the promise of current zoning. She wasn't permitted to put up garage sale signs along Brown Deer Road because it would change the character of the Village – so would this.

Public comment ended at 9:05 p.m.

5. VILLAGE BOARD DISCUSSION AND POSSIBLE ACTION REGARDING THE MANDEL GROUP REQUEST TO AMEND COMPRHENSIVE PLAN, APPLICATION FOR REZONING AND SPECIAL USE PERMIT

President Anderson asked if any of the Board members had comments.

Trustee Walker stated that he appreciates the comments that were made tonight. He sees a different takes on everyone that affects all. He knows Barry and the work that he does, and it is great work. He commended Barry on his presentation and knew that he was facing a heavy task. The burden was on the Mandel Group to demonstrate why we should move away from the established situation and break precedent. We are trying to do what is in the best interest of the Village. The Board needs something compelling to move forward. He agrees that this has cast a shadow over the Village. He believes that this is an opportunity for the Board to state what their position is.

Trustee Fritz stated that it was hard not to say anything for the past few years until the Board received a formal proposal to discuss. He took phone calls and emails, there were excellent points made and realizes that we need to promote the Village more so that people will move in and stay. He was extremely impressed with the way the Mandel Group took the feedback and scaled the development down and created the ecological space. We need to move forward as a Village and determine what to do now and in the future to make River Hills more attractive.

Motion by President Anderson to adopt a Resolution that reaffirms both single-family homes and no commercial development in the Village.

Prior to a second to the motion, Attorney Dineen stated that the Board can discuss and determine what to take up at a next meeting but the Board cannot adopt a Resolution that does not appear on the agenda. The Board can take this up at a future meeting. He is just reminding the Board that there is nothing on tonight's agenda regarding adopting such a Resolution.

Mr. Mandel stated that it was difficult to withdraw but he wanted to hear the public's comments and that he would not go ahead and move forward with another proposal on the property unless the Board requests so. If the Board contacts Mr. Mandel in the future to resubmit, otherwise they will no longer move forward with the proposed development. He wanted to thank everyone for their time and patience.

President Anderson withdrew his motion. President Anderson thanked Mr. Mandel for a very professional presentation and Sam Hall for the work he did on his presentation. Trustee Walker asked that the residents take down the "Save River Hills" signs.

6. ADJOURNMENT Motion by Anderson/Fritz to adjourn. Motion carried unanimously. The meeting adjourned at 9:20 p.m.

Respectfully submitted,
Tammy LaBorde, Village Manager/Clerk/Treasurer