



CITY OF WAUWATOSA
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COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, January 13, 2004

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

ALSO

PRESENT: N. Welch, Community Dev. Dir.; W. Kappel, Dir. of Public Works; A. Kesner, City Atty.

Ald. Heins in the Chair called the meeting to order at 8:00 p.m.

Rezoning of 10747 W. York Place

The committee reviewed a request by Harold Nelson for a change of zoning at 10747 W. York Place from AA Single Family Residence District to AA Business District. Ms. Welch pointed out the site on an aerial photo and detailed existing zoning in the area. The Chair noted that the Common Council heard comments on this request at last week's public hearing and asked those present to limit their comments to new information.

Earl Stone, 6400 W. Howard Avenue, Milwaukee, who wishes to purchase the property for his insurance business now located directly to the north, spoke in favor of rezoning. He said that it could be done in a tasteful manner to fit into the community without harming neighborhood property values.

The following residents spoke in opposition to rezoning: Heidi Vulgaris, 10721 W. York Place; Carolyn Harris, 10732 W. York Place; Delores Gluth, 10720 W. York Place; Anastasia Boutris, 10733 W. York Place; and Helen Ohm, 10705 W. York Place. They expressed concerns that, once zoned for commercial use, the building could be torn down and another type of commercial use put in place. Questions were raised about using garage spaces to meet parking requirements and also about the number of people to be employed at the site. Residents requested consideration of the overall effect on the residential neighborhood, which was described as a safe area of well-maintained homes, some with second and third generation residents. It was noted that the property faces York Place, which is strictly residential, and not Mayfair Road. Ms. Harris referred to her January 7, 2004, letter objecting to the rezoning due to concerns about property values and marketability, future use, and congestion.

Ald. Kopischke commented on the adjacent residential zoning and the future potential, if rezoned, of combining the lot with adjacent property to create a parking lot or larger commercial building.

Moved by Ald. Kopischke, seconded by Ald. Treis to recommend to Council denial of the requested rezoning –

Ald. Treis expressed confusion about remarks regarding property values made by a realtor speaking in support of rezoning at last week's public hearing. Referring to existing zoning in the area, he objected to claims that this would be spot zoning. He also noted that Mr. Stone's existing business space to the north would be reoccupied if he relocates, thereby adding to existing conditions.

In response to questions from Ald. Herzog, Ms. Welch said that Professional Office zoning might be preferable to AA Business, but the lot is too small for that designation. Our ordinance does not specify a lot size for Business Planned Development, which is typically used for developments of greater magnitude or density, and she recommended against considering that designation any time there is an odd parcel. She said that AA Business

includes anything from insurance agencies to retail stores; Mayfair Mall is in that category. She noted that the proposed use requires four parking spaces, which the site barely accommodates. Thirteen spaces would be required for a more intense use, which wouldn't be possible due to the lot size and setback requirements. Asked about the possibility of changing ingress or egress to Mayfair Road, Ms. Welch said that would require consent of the property owner to the south, plus it is extremely unlikely that the state would allow any additional driveway cuts to Mayfair Road. She agreed that this would not be considered spot zoning.

Ald. Ecks felt that a home with children may not be the best possible use here given that traffic volumes on Mayfair Road average 58,800 vehicles per day. He questioned whether this site is a key element of a residential area or an outlot in a changing situation along Mayfair Road. He said that the site's land value of \$33,000 is the lowest on Mayfair Road because residential is not its best use.

Ald. Becker noted that there are other homes on Mayfair Road between Burleigh Street and Capitol Drive. He concurred with denying the rezoning request.

Ald. Sullivan told Mr. Stone that he hopes he is able to keep his business in Wauwatosa. He said that this is a difficult decision with valid points on both sides, but one of the strongest controls we have is in retaining this as residential. By chipping away, we would lose the residential character of the city and the neighborhood, he felt.

The Chair said that she has visited the area and found the site to be a very essential part of the residential neighborhood. She objected to using the garage parking to meet requirements. She also commented that it is not the city's responsibility or right to ban families from living on busy highways.

Ald. Ecks indicated that he would vote to deny but pointed out that rezoning would increase the land's value of by 50% and would probably have a ripple effect in the neighborhood, which is something to consider in the long run.

Ald. Krol supported denial. He commented that this is one last bastions of residential property to protect that neighborhood.

Ald. Treis indicated Ald. Matthews, who also represents this district, is not in favor of rezoning. Responding to earlier comments by Ald. Ecks, he said that some people may look forward to buying or renting homes on busy streets. He also said that there are, in fact, properties on Mayfair Road that have a lesser land value than this site.

Vote on the motion, Ayes: 8

Zoning Code Amendment – Additions and Alterations to Existing Nonconforming Residential Buildings

The committee reviewed a proposed ordinance amending Chapter 24.50.030 of the Code by including a provision to allow additions and alterations to existing nonconforming residential buildings. The ordinance was introduced to Council with some revisions following committee discussion on December 9, 2003. A public hearing is scheduled for January 20, 2004.

Ald. Krol said that the proposed ordinance will help maintain overall property values in Wauwatosa. It will assist owners of nonconforming properties who would like to add onto homes that they have outgrown.

Moved by Ald. Krol to recommend to Council adoption of the proposed ordinance –

Discussion ensued regarding the public hearing scheduled for January 20 and subsequent Council vote scheduled for February 2. It was determined that the schedule would accommodate further discussion at the next meeting of this committee without delaying final action.

Ald. Krol withdrew the motion.

Ald. Herzog questioned use of the word "cannot" in item #3 under Section 24.50.070, Existing nonconforming lots. ("Where a nonconforming residential lot *cannot* be consolidated, one single family dwelling may be built on that lot provided that required setbacks for the structure are met.") He felt that the intent of "cannot" should be clarified and indicated that he would try to come up with a suggestion prior to final action. Ald. Kopischke said that it may be difficult to define the intent without becoming somewhat arbitrary in terms of a time frame and the efforts required prior to determining that a lot cannot be consolidated. He suggested placing responsibility for that judgment with the City Planner, Board of Zoning Appeals, or some other body.

Ald. Kopischke raised a concern about weakening the city's ability to discourage some undesirable nonconforming situations from continuing. Ms. Welch responded that a nonconforming use is treated differently than the nonconforming lots addressed in this ordinance. We have nonconforming uses that cannot be expanded or extended beyond the existing use, putting into play a way that the use would end.

The Chair indicated that this matter will be discussed again at the next meeting (January 27, 2004).

Scheduling and Notification of Holiday Refuse Collection

Mr. Kappel indicated that his memo of January 8, 2004 on holiday garbage collection was in response to a request by a member of this committee. In the memo he indicated that some residents fail to understand that the city collects refuse only once during the two-week Christmas-New Year's holiday period. They then take their carts to the curb on incorrect days and leave them there until they are emptied, presenting an aesthetic problem. He enumerated seven sources of holiday collection information available to residents each year: 1) Wauwatosa School District calendar; 2) Wauwatosa quarterly newsletter distributed to all residents; 3) City website at www.wauwatosa.net; 4) Public Works hotline at 414-471-TIPS (8477); 5) News articles in the Wauwatosa News Times CNI newspaper; 6) Local cable channel 25; and 7) an enclosure with each property tax bill.

Mr. Kappel outlined additional alternatives: 1) Review the schedule with the Neighborhood Association Council, request inclusion in neighborhood newsletters, ask them to help notify neighbors of the correct schedule; 2) Use the police automated dialer system to notify each resident of the collection schedule, which would cost approximately \$1,350; 3) Attach tags to each cart advising residents of the upcoming schedule, which would cost approximately \$1,700-\$2,000. Mr. Kappel recommended looking at non-cost solutions at this time, considering that the city will again be facing budget cuts at the end of the year. He proposed attempting to publish the schedule in additional places or pursuing any other no-cost solutions that may be offered.

The Chair endorsed a no-cost approach. She posts the holiday schedule from the city's winter newsletter on her bulletin board but found that reference to "catch up collection" on certain days was being misinterpreted by some as applying to catch-up of *all* collections that normally would be made. She suggested printing a newsletter insert on smaller paper that could be easily separated for posting. She also noted that the holiday schedule doesn't really stand out well in the yearly "Curbside Recycling, Yard Waste, & Garbage Guide."

Ald. Becker felt that current methods are very working well and that compliance was 50% better this year. In the 1st District, he had only one question from a person who had read the schedule but had misinterpreted it. Because of the way the holidays fell, Mr. Kappel said, there was a larger problem in the 6th, 7th, and 8th Districts where regular collections are on Mondays and Tuesdays.

In response to questions by Ald. Sullivan, Mr. Kappel explained that with only six working days out of the normal 10 in the two holiday weeks, it would cost about \$25,000 in overtime to maintain the weekly collection schedule. For one-day holidays at other times of the year, he uses twice the normal number of trucks to catch up on the missed collections, but he cannot commit that level of manpower and equipment in the winter because of the

possibility of snow. No vacations are allowed during the holidays. Employees are allowed to use accumulated OTO (overtime hours) but commit to coming in at night if needed. Mr. Kappel noted that most overflow seen during this time is inert material that, along with the cold temperatures, does not pose a health problem.

Ald. Kopischke suggested doing pickups on the days of Christmas Eve and New Years Eve, thereby providing eight pickup days, or placing a collection schedule sticker on each cart in September. Mr. Kappel responded that work on those holidays would be at double-time rates. He was not in favor of incurring the expense of stickers and also questioned how long they would remain in place and how replacement would work out.

Ald. Treis reported distributing 500 letters to district residents who left garbage at the curb during the holidays. Many took the garbage back in, but some complained about his efforts. With about 1,000 new residents each year, there are many people who don't know the rules, he noted. He referred to the sample tags (included with Mr. Kappel's memo) that could be put on carts at the start of the holiday period to inform residents of their next collection day. The cards would also advise residents that carts may only be at the curb after 2:30 p.m. the day before the scheduled collection. He said that we should find a reasonable way to notify people who need help.

Ald. Ecks questioned the price tag of \$25,000 to end the confusion. Why not use seasonal help such as those hired in the summer who would not be working at double time? Mr. Kappel said there would still be significant cost and it would require a Memo of Understanding (MOU) with the union since the contract requires offering overtime work to the regular force prior to any season help. He agreed that it would be timely to negotiate that issue this year but felt it would not be a reachable target. Seasonal help was used years ago, but we are no longer in that mode of operation due to cutbacks over the last 12-15 years. He added that it is not just a question of cost but also of morale and what can reasonably be expected during that time if we try to cut back on the workforce's own family time. They always respond whenever they are called upon to deal with snow during the holidays.

Ald. Kopischke observed that residents who disregard the schedule are people who are busy with a lot of responsibilities at a time of the year when their lives are most disrupted. They just put their garbage out until someone comes to get it and are not being stupid or willfully negligent. He encouraged finding a way to make this holiday schedule easier for them without putting pressure on the public works budget. Ald. Herzog commented that out east everyone takes their garbage to the dump themselves, but here we complain if it's not picked up one week. He reminded everyone that the city yard is open during the holidays for disposal of garbage. He would not favor adding to taxes by paying double time for work during the holidays. He suggested maintaining the status quo while trying to find more creative ways to alert people of the schedule.

Adding that some residents put their carts out early because they are going away, Mr. Kappel commented that, no matter what, there will continue to be extra garbage carts at the curb during the holidays because of the disruption in the regular schedule. He indicated that he would be willing to undertake wiring tags onto the handles of carts in order to get information to residents just before the holidays, which might cost about \$2,000

Ald. Sullivan commented that the tags strike him as a problem since their message still is that there is no pickup for two weeks.

The Chair ended discussion. She echoed a comment by Ald. Krol that residents may have some ideas or suggestions.

The meeting adjourned at 9:30 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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