



CITY OF WAUWATOSA

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COMMUNITY DEVELOPMENT COMMITTEE MEETING

Tuesday, July 27, 2004

PRESENT: Alds. Becker, Heins, Kopischke, Krol, Subotich, Sullivan, Treis -7

ALSO N. Welch, Community Dev. Dir.; T. Wontorek, City Admin.; J. Cameron, Asst. to City
PRESENT: Admin.; M. Mulroy, Library Dir.

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

Vacation of Pedestrian Right-of-Way – 4500 Block of N. 109th Street

The committee reviewed a request by Glen and Valerie Palkowski, 4504 N. 109th Street, for vacation of the pedestrian right-of-way in the 4500 block of N. 109th Street. Ms. Welch said that the city has no plans to place a pedestrian walkway in this block, and residents have decided over time that it is not needed. Vacating the right-of-way would give ownership to the four abutting property owners. The neighbors to the north are in favor provided that the Palkowskis purchase their portion. Two neighbors to the east have no objection but would prefer not owning and paying taxes on the land.

Moved by Ald. Treis, seconded by Ald. Sullivan to place the matter
in file –

Ald. Treis felt that it is necessary for the neighbors abutting the walkway to be on common ground about the decision. The matter could be brought back when a consensus has been reached.

Vote on the motion, Ayes: 7

Change of Zoning – 12132 W. Capitol Drive

The committee reviewed a request by Robert LaCourciere for a change of zoning at 12132 W. Capitol Drive from AA Light Manufacturing District to AA Business District. The Plan Commission recommended approval 7-0. Ms. Welch reported that the request makes sense inasmuch as the property across Capitol Drive to the south is zoned AA Business, Brookfield has retail uses on the southwest corner of 124th and Capitol, and future development of retail uses on the northwest corner has been proposed. Referring to a map of the site, she indicated that it might be appropriate to include the Home Depot parcel in this rezoning and would be within this committee's purview to do so. She noted that Home Depot has evolved into the type of retail use that would be more appropriately zoned AA Business. She has been unable to contact Home Depot officials but hopes they would agree with that determination. She indicated that the inclusion of the Home Depot site would not limit or delay the process for the applicant. If Home Depot objects to rezoning, the requested rezoning of this adjacent parcel would still proceed.

Ald. Treis pointed out that the subject site was configured to surround Home Depot in order to provide this site with ingress and egress from 124th Street.

Mr. LaCourciere said that the existing 52,000 sq. ft. industrial building will be demolished and a small shopping center of about 26,000 sq. ft. erected. It would have 135 parking stalls, which is in excess of the 118 required spaces. Mr. LaCourciere displayed a rendering of the proposed stone and masonry building that would incorporate architecture seen in other Wauwatosa areas such as North Avenue and the Village. He has no information as yet on potential tenants.

Moved by Ald. Treis, seconded by Ald. Krol to recommend introduction of an ordinance to rezone parcels at 12132 W. Capitol Drive and 4100 N. 124th Street from AA Light Manufacturing to AA Business District and adoption of a resolution setting a public hearing date –

In response to questions regarding potential rezoning of the Home Depot parcel, Ms. Welch said that zoning changes are typically requested by the owner, but the Common Council can rezone as they see fit. If a protest is entered, the rezoning would require a ¾ majority vote. She would like to work cooperatively with Home Depot. When they first opened, the operation was more of a lumber store, but their other retail lines have expanded to the point that it would probably not be appropriate to place them in Light Manufacturing zoning today. They would have more flexibility and the property would probably be worth more to them in AA Business zoning.

Ald. Sullivan noted the city's moratorium on big-box construction of 35,000 sq. ft. or more and cautioned the applicant that plans should not exceed the proposed level of square footage.

Vote on the motion: Ayes: 7

Review and Approval Process for Special Use Permits

The committee again reviewed the matter of the review and approval process for Special Use permits (for adoption). At the last meeting on this subject there was interest in considering changes to what is considered a Special Use and a Conditional Use in the various zoning districts.

Mr. Wontorek reported that he and Ms. Welch have provided a table listing existing Special Uses in each zoning district, identifying those that could be changed to Conditional Uses. A second table lists current Conditional Uses and identifies those that could be changed to Special Uses. Under the current proposal, Special Uses would be approved by the Plan Commission. In most cases, those uses that might require closer scrutiny were moved into the Conditional Use category. Conditional Uses would be reviewed by the Plan Commission and Community Development Committee and approved by the Common Council.

Ald. Treis indicated that he still favors an earlier recommendation whereby Special Uses would be reviewed by the Plan Commission and then go directly to the Common Council for final approval. He felt that this would not necessarily lengthen Council meetings since most matters would be routine and would require little, if any, discussion. When discussion is desired, however, it would give elected officials the opportunity to speak on the issue. Currently, many alderpersons are not able to attend Plan Commission and Board of Zoning Appeals meetings and, being part-timers, things can slip through without the opportunity to address particular issues. The Board of Zoning appeals should function as just that—an appeals board.

Ald. Becker said that this committee should not be bypassed since it provides the opportunity for the applicant and others to state their case, but he questioned whether this committee would really want to get into Special Use issues such as fences and garage heights.

Ald. Krol supported Common Council approval of Special Uses but pointed out that a change in Council procedures would be required to allow items to move directly from the Plan Commission to the Common Council. He felt the suggested change would be a positive one and would not take a lot of the Council's time or hold up the process.

Mr. Wontorek said that a change in Council rules would make the process similar to that for Board of Public Work items that go directly to Council. Under current rules, the applicant could not speak on the issue at the Council meeting, so alderpersons would need to review and take actions based on the record for each item.

Ms. Welch estimated that there may be 4-5 Special Use items on the Plan Commission agenda each month, perhaps 60 per year. If items went from the Plan Commission to the next meeting of the Common Council a week later [the third Tuesday of the month], it would probably shorten the process by 1-2 weeks. Under current procedures, a Special Use application received by the third week of the month would be scheduled for the next month's Plan Commission meeting [the Monday after the first Tuesday] and would proceed to the Board of Zoning Appeals at their meeting on the fourth Thursday of the month.

Ald. Kopischke concluded that the process would be shortened by 8-9 days if items move from the Plan Commission to the Council for final approval and would be shortened by about 17 days if the Plan Commission had final approval authority. He favored more streamlining, noting that alderpersons have the opportunity to look at all agendas and speak with staff if they are not able to attend meetings themselves.

Moved by Ald. Kopischke, seconded by Ald. Sullivan to recommend approval of the proposal for final action on Special Uses to be made by the Plan Commission –

Ald. Krol opposed the motion. He said that some Special Uses are significant in their potential effect on a neighborhood and should be decided by representatives who are elected. There is also a possibility with future Councils that a mayor could get something through with review only by the Plan Commission, whose members are appointed by the mayor.

Ald. Kopischke advocated changing any Special Uses that should receive greater scrutiny to Conditional Uses.

The Chair said she reviewed the tables showing changes within the Special Use and Conditional Use categories and has concerns about some of them. Referring also to a concern with the need for the Common Council to micro-manage any more than it has, she noted that no one has seemed uncomfortable with the Special Uses that don't come before the Council now. She would like to see those issues moved through the system as rapidly as possible. She suggested further scrutinizing the lists and then establishing the Special Uses in particular districts that would be entrusted to final decision making by the Plan Commission and which should be changed to Conditional Uses for review by this committee and final decision by the Common Council.

Ald. Treis reiterated his opposition to any final decisions being made by the Plan Commission. He said that, although the Plan Commission does a good job, it is wrong that the Common Council doesn't vote on Special Uses now. This is the opportunity to make the Common Council responsible for each and every item regardless of whether it is a Special or Conditional Use.

The Chair pointed out that "professional schools" are in the Special Use category in the AA Business District, which would mean that issues such the recent one involving Bryant & Stratton would bypass this committee.

She was also concerned about nursery schools and day care centers being Special Uses. Ald. Becker recalled a controversial McDonald's issue that was before the Plan Commission a few years ago that he felt should have come to this committee. Ms. Welch noted that the Bryant & Stratton site was zoned Light Manufacturing and the use was added to that zoning district as a Conditional Use. She supported moving "professional schools" to the Conditional Use category in all districts. She also recommended changing "eating and drinking places" to Conditional Uses.

Ald. Kopischke observed that the Common Council delegates much to staff and other bodies right now, and he felt that final approval of some Special Uses could be delegated to the Plan Commission or other bodies. There is a need to streamline the process so that property owners are not unnecessarily burdened. He suggested spending more time reviewing the Special and Conditional Use categories.

With consent of the second, Ald. Kopischke withdrew the motion.

Moved by Ald. Kopischke, seconded by Ald. Sullivan to place the matter in file until the next regular meeting with the understanding that anyone with concerns about the classification of particular uses may contact Ms. Welch in the meantime –

Upon further discussion, Ald. Kopischke clarified that it is his intent to allow time to refine the list with input from any committee members who have specific concerns.

Mr. Wontorek encouraged committee members to review the tables showing suggested changes and said that staff will take another look at specific concerns. He suggested reviewing the uses district-by-district beginning in September.

Vote on the motion, Ayes: 7

440th Airlift Wing and 128th Air Refueling Wing

Matthew Mikolajewski, Coordinator of the Wauwatosa Economic Development Commission (WEDC) reported on a letter from the WEDC president requesting a resolution of support for retaining the 440th Airlift Wing and 128th Air Refueling Wing at Mitchell Field. He said that U.S. Senator Kohl has requested statements of support from Milwaukee area communities in connection with an upcoming Department of Defense review of air bases, which is done every five years.

Ald. Sullivan supported the request but noted that the area has considerable military presence beyond those two groups that should also be included. Mr. Mikolajewski responded that the current study focuses just on the Air Force.

Moved by Ald. Sullivan, seconded by Ald. Treis to recommend adoption of a resolution of support for the 440th Airlift Wing and 128th Air Refueling Wing as well as the Naval Reserve Center, the Army Engineering Battalion, and the Coast Guard –

Mr. Wontorek explained that the request was directed to this committee since it seemed to deal more with community involvement and other aspects of community life than with legislation. He said that the Department

of Defense apparently develops a master list on which Congress ultimately takes action. Ald. Becker commented that further background information beyond the WEDC letter would be desirable in the future.

Vote on the motion, Ayes: 7

Update on Conditional Use for Locker's Florist, 9125 W. North Avenue

Ms. Welch reported that at the previous meeting on this subject in December 2003, a neighbor submitted photos of what he perceived to be violations of the Conditional Use. Since that time, planning staff as well as the property maintenance inspector have checked the area at various times but have not observed any blatant violations. The neighbor has complained of a beverage truck on Jackson Park Boulevard, and there was a truck parked in back at one point. There have been no reports of refrigerated trucks running overnight or big semis on Jackson Park or Swan Boulevard. Truck traffic seems to be down to a few small delivery trucks.

Ms. Welch said that someone is reportedly in the process of purchasing this business and is also attempting to purchase a property in West Allis where the manufacturing and commercial shipping component would be relocated. This site would then return to use as a small neighborhood florist. We will know in a few months if the sale proceeds.

Ald. Krol reported that, as a representative of this area, he has not received any complaints on this property since the last review.

Moved by Ald. Krol, seconded by Ald. Becker to place this matter on file. Ayes: 7

Status of the MCFLS Library Network

Using a PowerPoint format, Mr. Cameron reported on the current and future status of the MCFLS (Milwaukee County Federated Library System) library network, a 15-member umbrella organization with a goal of making all Milwaukee County libraries easier for residents to use through resource sharing. MCFLS's seven member board of trustees is chosen by the county executive and currently has three Milwaukee representatives and one each from West Allis, Glendale, Greenfield, and Cudahy. 2003 MCFLS funding was \$2.5 million from the state and \$66,654 from Milwaukee County. In 2003 \$1.3 million was paid to the resource library (Milwaukee), and \$750,000 was paid in 2004. The 2004 MCFLS contract specifies a payment of \$1.50 for each borrowed item, \$1 of which is paid by the municipality and \$0.50 by MCFLS. Of concern is the fact that the proposed 2005 MCFLS three-year contract contains no mention of the \$0.50 MCFLS payment, stating only that each municipality is to negotiate fees with other municipalities.

Wauwatosa is one of 12 "net lending" libraries; i.e., it lends more items to non-residents than its own residents borrow from others. Milwaukee, Oak Creek, and Whitefish Bay are "net borrowers." Net borrowing payments have declined more quickly than payments to net lenders, shifting more of the responsibility to MCFLS, which didn't have the financial resources to fund that on an ongoing basis. Wauwatosa loaned 307,118 items in 2003 and received \$322,385 in payments in 2004 for the 2002-2003 year, which represents 18% of the library budget.

Options available to Wauwatosa are to: 1) negotiate agreements with the 14 other municipalities; 2) not renew the agreement with MCFLS; or 3) work with the Intergovernmental Cooperation Council (ICC) to coordinate

action among member communities and help resolve the issues. Not renewing the MCFLS contract would mean that non-residents could not borrow from us unless they purchased a \$40 per year non-resident card. Wauwatosa would face staffing reductions and would have to purchase an automation system at a cost of about \$50,000. Mr. Cameron said that the 2006 budget could bring an 18% reduction in the library's operating budget, an increase in taxes, and reduction in services.

Ms. Mulroy added that the proposal from MCFLS not only eliminates the \$0.50 payment they contribute now but for the first time it says nothing about payments of any kind from anyone. In answer to questions, she said that Wauwatosa lends more items than any other library in Milwaukee County. We are the second highest net-lending library, behind West Allis, and actually loan more to non-residents but our residents borrow from other communities more than West Allis residents. Reasons Milwaukee residents prefer suburban libraries reportedly relate to matters such as parking, perceived safety, and customer relations issues. There is no distinction in compensation for items that have to be transported to another library as opposed to a patron checking out the item on-site even though this has significantly impacted workload over the past several years. If Wauwatosa withdrew from MCFLS, we would not get any of the money that the state provides to MCFLS.

Asked about ICC recommendations, Ms. Mulroy reported that two years ago they recommended changing the authority for appointments to the MCFLS board from the county executive to the communities themselves. The county executive is not opposed to that change, but MCFLS is not in favor. The ICC study committee also recommended that MCFLS pursue a less than ½% countywide ad valorem tax, but MCFLS members have been sensitive to the issue of taxation and this proposal has not proceeded.

Ald. Kopischke favored continued work with the ICC to create something that is more responsive to the needs of the libraries. Ald. Krol mentioned pursuing funding through a state library trust fund.

Mr. Wontorek said that in the next several months the city will have to make some decisions. If we sever ties to MCFLS, we would have to get a system up and running. Short term, he recommended working with the ICC. Mayor Estness is on a committee that will meet in August on this issue. He explained that the ICC members are primarily the chief elected officials in Milwaukee County; city managers or city administrators sometimes sit in also. The ICC doesn't have any legislative authority but has been instrumental in setting up the MADACC (Milwaukee Area Domestic Animal Control) program and have also weighed in on paramedic services.

Asked about MCFLS software and records, Mr. Wontorek said that the question of ownership of our circulation records and members has been decided by the courts in our favor. There are software programs compatible with what MCFLS operates. Ms. Mulroy noted that it would take several months to get something running.

Ald. Sullivan said there is a tendency to concentrate on our core service in light of losing the \$0.50 payment from MCFLS, but he would not support leaving MCFLS. He spoke of the benefits of regional cooperation and said that anything that restricts reciprocal borrowing is the wrong way to go.

The Chair expressed thanks for the presentation and said she is privileged to serve as the current Council liaison to the Library Board. Mary Newton, Library Board president also was present.

The meeting adjourned at 9:52 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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