



CITY OF WAUWATOSA

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COMMUNITY DEVELOPMENT COMMITTEE MEETING Tuesday, December 14, 2004

PRESENT: Alds. Becker, Birschel, Kopischke, Krill, Krol, Subotich, Sullivan, Treis -8

ALSO N. Welch, Community Dev. Dir.; A. Kesner, City Atty.; Ald. Grimm, Dist. 4;
PRESENT: Chief D. Redman, Fire Dept.

Ald. Kopischke as Chair called the meeting to order at 8:04 p.m.

Request to Allow Tattooing/Body Piercing as a Conditional Use in the AA Business District

The committee reviewed a proposed ordinance amending Section 24.23.015 of the Code by adding tattooing/body piercing as a Conditional Use in the AA Business District. The Plan Commission recommended denial of the change by a 5-0 vote, and there were no comments at the public hearing that was held at the last Council meeting. Ms. Welch reported that, contrary to some earlier concerns, lack of a tattooing/body piercing ordinance would not prevent the health department from attaining level 3 status. She indicated that there has been no further contact with the applicant since the Plan Commission action.

Moved by Ald. Sullivan, seconded by Ald. Treis to recommend to Council denial of this amendment. Ayes: 7

Conditional Use – 9501 Watertown Plank Road

Ms. Welch outlined a request by Willie B. Davis, CEO Leadership Academy, for a Conditional Use in the Medical Center and Institutions District at 9501 Watertown Plank Road to allow six basketball games to be played in a gym in building "C" of the county's mental health facility. Due to some concerns about traffic and parking, the Plan Commission's recommendation for approval was contingent upon some restrictions on start times of five proposed Friday night games, a Saturday, January 15, game being scheduled between 8 and 10 a.m., and provisions for adequate security.

Willie Davis, 2433 W. Roosevelt Drive, Milwaukee, said that CEO Leadership Academy is a private, Christian facility that would use this site for six home basketball games.

Ald. Sullivan noted the loss of basketball hoops at Hart Park this summer and said that he is glad to be able to find a way to allow these games. He endorsed the limitations recommended by the Plan Commission.

Moved by Ald. Sullivan, seconded by Ald. Krill to recommend to Council approval of the Conditional Use contingent upon: 1) games being played from 6:30 p.m. to 8:30 p.m. on January 7, 21, 28 and February 4 and 18, 2005, and one game from 8 a.m. to 10 a.m. on Saturday, January 15, 2005; and 2) provision of adequate security during the games. Ayes: 7

Conditional Use – 7601 Harwood Avenue

Ms. Welch outlined a request by Kathleen Mistele, Luna Day Spa, LLC, and Mark Camp, Wauwatosa Redevelopment Corporation, for a Conditional Use in the Village Trade District at 7601 Harwood Avenue to offer massage therapy. Ms. Mistele was present. The Plan Commission recommended approval by a 7-0 vote. Ms. Welch explained that the Wauwatosa Redevelopment Corporation is a private corporation that has no connection with the city.

Alds. Sullivan and Krill spoke of their familiarity with Mr. Camp's projects and indicated that his involvement speaks well for the business.

Matt Mikolajewski, Economic Development Coordinator for the Wauwatosa Economic Development Corporation (WEDC), said that WEDC has been able to offer a grant to complete some of the tenant build-out at this site, which has been vacant for several years, and the Revolving Loan Fund has approved a loan. He felt that this use would complement other uses in the Village.

Moved by Ald. Sullivan, seconded by Ald. Birschel to recommend to Council approval of the Conditional Use. Ayes: 7

Conditional Use – 11050 W. Blue Mound Road

A request by Ronald and Joan Kuhs for a Conditional Use in the AA Business District at 11050 W. Blue Mound Road for a tanning salon was held by the Plan Commission. It will appear on this committee's agenda following Plan Commission action.

Newspaper Vending in Business Improvement Districts

City Attorney Kesner reported that he redrafted the proposed "newspaper hotel" ordinance following discussion of suggested changes at the previous committee meeting and also as a result of discussions with Ald. Grimm. Specifically, Mr. Kesner clarified that the owners and operators of all news boxes would be subject to the littering provisions of the code that apply to any news boxes in the right-of-way. Also, it is clearly stated that no boxes shall be placed in a location where they interfere with pedestrians or with ingress or egress to vehicles parked legally on the street. Most of the suggested changes involve additions to the general news box ordinance in Section 12.04.065 of the code, although there are some changes to the proposed new section that would apply to news boxes in business improvement districts.

Ald. Grimm said that he would still like to meet with Mr. Kesner to get other questions resolved but should have a chance to do that before the ordinance comes back for the committee's final recommendation.

Carl Templer, Manager of the Village Business Improvement District, indicated that he is comfortable with the ordinance in its present form.

Moved by Ald. Sullivan, seconded by Ald. Treis to recommend to Council introduction of the proposed ordinance –

In answer to a question from Ald. Grimm, Mr. Kesner said that he provided copies of the ordinance, as redrafted, to all alderpersons whose districts abut the Village. He will meet with Ald. Grimm, review other suggested changes, and will again provide a memo to all before the next committee meeting.

Vote on the motion, Ayes: 7

Basic Life Support Agreement with Milwaukee County

Chief Redman reported that staff has been working for over a year on the issue of a Basic Life Support (BLS) agreement with Milwaukee County. The county's initial proposal over a year ago included a fee or alternate costs for providing medical direction, which the county provided without fees for the past 30 years. Earlier versions included as much as \$20,000 in fees or other unacceptable provisions. The currently proposed agreement does not include any fees for medical direction and is mutually beneficial to the city and county. The city would agree to provide paper copies of BLS incident reports, and the county would provide medical direction and administrative support. If the county seeks electronic submission of BLS data in the future, the city could opt to terminate the agreement or could implement the necessary procedures.

Mr. Kesner said that he has reviewed the proposed agreement and finds it acceptable. Some of the legal terms that were of concern in the previous contract have been eliminated.

Moved by Ald. Treis, seconded by Ald. Birschel to recommend to Council approval of the proposed agreement –

In response to questions, Chief Redman said that identical agreements are being offered to each Milwaukee county community. Some communities, however, don't operate paramedic service and will continue their relationship with their own medical director.

The Chair mentioned some possible language changes, and he questioned whether the indemnification provisions preclude county liability and if the non-discrimination language is sufficient. Mr. Kesner said that the indemnification provisions relate solely to the city employees and their actions and don't require the city to indemnify the county for their medical direction or take on their liability in any way. He will look into the non-discrimination language.

There was discussion about delaying approval pending final editing. Chief Redman explained that the county would like to have the agreement in place by the first of the year. Mr. Kesner indicated that he would be able to provide a memo prior to the next Council meeting that would address any changes still to be made. The Council would then have the option of acting on the proposed agreement or holding it for action on January 4th.

Vote on the motion, Ayes: 7

Proposed Building Code Updates

Ms. Welch reported on proposed revisions and updates to the city building code to reflect changes in state and federal laws. The city building code is generally revised on a three-year cycle that coincides with changes at the state and national level. Committee members had copies of the proposed ordinance showing existing, new, and deleted text along with an analysis of the proposed changes.

Mr. Kesner said that the State Administrative Code, Commercial, Chapter 20, makes changes effective January 1, 2005, and essentially requires cities to enforce those changes as of January 1 whether they are in our ordinances or not.

Moved by Ald. Treis, seconded by Ald. Krill to recommend to Council introduction of a proposed ordinance. Ayes: 7

Update on Status of Milwaukee County Grounds Economic Development Zone

Ms. Welch reviewed the process leading up to the creation of the Milwaukee County Grounds Economic Development Zone and adoption by the City of Wauwatosa of a Master Plan and Design Guidelines for the 65-acre zone bordered by Watertown Plank Road on the south, Hwy. 45 on the west, and Swan Boulevard on the north. The area includes the Eschweiler and county parks buildings. In developing the master plan and guidelines, the consultants worked closely with city and county staff and also met with representatives of the Wisconsin Department of Natural Resources, the Wisconsin Department of Transportation, the Milwaukee County Regional Medical Complex, the Milwaukee County Research Park, the Milwaukee Metropolitan Sewerage District, University of Wisconsin-Extension, Friends of Milwaukee Rivers, and local developers. This diverse group supported the plan as an acceptable compromise that allowed for development on the site while still placing limitations and addressing specific concerns.

The master plan was approved by the Wauwatosa Common Council on April 6, 2004, and referred to Milwaukee County with the expectation that they would approve the plan and use it as part of an RFP to be sent out to developers. On December 6, 2004, however, the county's Committee on Economic and Community Development voted against adopting the plan, referring the report to staff and directing that they prepare an RFP for development of the site and a surrounding fill site without including the master plan. County staff reportedly said that the master plan contains "valuable background information relating to designs but does not contain an acceptable master plan or outline of county's approval process." Some concerns expressed by county staff and supervisors were that the plan included too many limitations placed on potential proposals by developers that could reduce the potential value of the property.

Ms. Welch indicated that the recent action by the county is of major concern and could have significant impact on the future of the county grounds and the surrounding area. She commented that a temptation to lean toward higher-end development with greater monetary return could seriously threaten other potential uses and the public enjoyment of the site. The controls that the master plan would put in place would help control this process, but there apparently is not a clear understanding of the master plan process or of some of the land use and zoning control that the city holds.

In response to questions, Ms. Welch said that the Eschweiler buildings are part of the Research Park Planned Development zoning. The remainder of the economic development zone is in Medical Center and Institutions zoning. The intent was to rezone to Business Plan Development, which would allow for development in accordance with the master plan. Typically, the city requires that rezoning be requested by the property owner. Ms. Welch commented that the city does have somewhat more control here by virtue of having adopted a master plan for the area that clearly states the city's intention and provides the ability to state whether certain developments are in accordance with that master plan. Ms. Welch said that county staff last called the city in August for some input and information, but the city was unaware of their recommendation until receiving a staff version of their report on December 6, the day of the Economic and Community Development Committee's meeting.

Concerns were expressed and possible courses of action were discussed by the committee. There was concurrence on the need to strongly reiterate the city's support of the master plan and seek continuing discussion with the county.

Moved by Ald. Krill, seconded by Ald. Birschel to recommend that the Council reiterate support for the Master Plan and Design Guidelines for the Milwaukee County Grounds Economic Development Zone and urge continuing discussions with Milwaukee County to adopt the Master Plan; and further directing that city boards and commissions and city staff follow the Master Plan in considering any development in this zone –

Asked about the status of state plans to reconfigure roadways in this area, Ms. Welch said that the consultants involved in the master plan met with city, county, and state DOT representatives to discuss land in the development zone that might be needed for future freeway improvements. A buffer zone was identified that is considerably wider than is typically necessary.

Vote on the motion, Ayes: 7

The meeting adjourned at 8:50 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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