



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
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COMMUNITY DEVELOPMENT COMMITTEE MEETING
Special Meeting - Tuesday, August 2, 2005
Committee Room #2

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

EXCUSED: Ald. Krill

ALSO PRESENT: Alds. Bruderle-Baran, Maher, Purins, Stepaniak; A. Kesner, City Attorney,
W. Kappel, Dir. of Public Works; W. Wehrley, City Eng.; N. Welch, Comm.
Dev. Director

Ald. Kopischke as Chair called the meeting to order at 6:30 p.m.

Proposed conditional use at 6230 W. North Avenue for a coffee shop and restaurant

Ms. Welch said this item was held from the last meeting because of concerns raised for the safety of tenants and conditions of the building. The electrical inspector visited the building three weeks ago, and both the building and electrical inspectors visited the building again and found no pressing life safety issues and no code violations. Some things were found that needed to be updated. The electrical inspector noted that the building was constructed in 1925 and is not designed for the electrical demands of room air conditioners, dvd players, etc. The food prep/storage area in the basement is not feasible currently and updates need to be made before an occupancy permit is issued. The building owner indicated willingness to put in updates. Regarding tenant security, the building inspector reported there is no code that requires separation.

The applicant, William Konstan, 2332 N. 57th Street, said he did not want to compromise the tenant's personal security by providing restaurant access to the bathroom. The new layout has a wall between the locked entryway and tenant access. Because the cost to get the basement food prep area up to standards is prohibitive, it is eliminated from his plan for now. He reiterated his commitment to fulfilling all city, state, and federal code requirements. He felt his business will be an asset to the neighborhood. He surveyed his neighbors for their opinion and submitted a petition with 16 neighbor signatures supporting the restaurant.

James Tiutczenko, 6222 W. North Avenue, said he was initially in favor of the project, but has since changed his mind. He is concerned with the hours of operation and that it will be a full service restaurant with brunch on Sundays. He also expressed concern with lack of parking available, the need for additional dumpsters and grease removal.

Jason Malmberg, 6226A W. North Avenue, submitted a petition with 14 signatures of residents opposed to the project. He said it was difficult to focus on particular problems because the plans are completely vague. He submitted photographs of concerns with the building.

Mark Lebinski, 6302 W. North Avenue, expressed concern with the proposed hours of operation. The chair clarified that the Plan Commission urges applicants to specify the broadest range needed for hours of operation so they will not have to reappear before the Commission at a later date.

Larry Goatcher, 6226 W. North Ave., expressed concern about parking and hours of operation.

Chris Hill, building manager at 6230 W. North Avenue, read a letter from the property owner that supported Mr. Konstan's proposal and indicated his willingness to make updates to the building.

Mr. Konstan, responding to parking concerns, said he did an extensive parking study and counted available spaces within one block of the address at different days and times. Of the 55 available parking spaces on North Avenue, 62nd and 63rd Streets, the worst situation showed there were still 38 available parking spaces.

Ms. Welch said when looking at parking requirements for a business, the Common Council may consider other factors such as shared parking and on-street parking. The North Avenue Trade District ordinance offers other solutions because of lack of parking on North Avenue. Ald. Sullivan pointed out that although parking is a problem on North Avenue, this is an indication of economic health of the businesses on the street.

Moved by Ald. Sullivan, seconded by Ald. Treis to recommend
approval of the conditional use -7

Proposed land division at the northeast corner of N. 124th and W. Burleigh Streets

Proposed cross access, easements, drainage and storm water elements, and parking setbacks for the Burleigh Square project at N. 124th and W. Burleigh Streets

Proposed conditional use N. 124th and W. Burleigh Streets for a large retail site over 50,000 sq. ft.

Ms. Welch said that at the last meeting concern was expressed by neighbors over a 24-hour Walgreens. In addition, details of a new storm water plan was to be submitted by Continental no later than 9 a.m. on August 1st. Representatives of Continental did meet with staff on Monday and proposed a new storm water plan limiting the backflow to 11.06 cfs. Water would be conducted from the Continental property to storm water ponds on the Briggs & Stratton site.

Mr. Kesner said this is an attempt to bring the 100 year storm outflow down to levels that Milwaukee Metropolitan Sewerage District (MMSD) requires for new developments. Continental has indicated how difficult it would be to bring storm water outflows down on the site, but worked with Briggs and their engineers to come up with a plan to accomplish an equitable reduction from a 100 year storm. This plan has the net equivalent of reducing on site outflow to the MMSD's Chapter 13 level. Mr. Wehrley said while the proposal deals with the problem of overflow, there was no time to do any details or engineering analysis. The plan calls for lowering the water height and modifying the outlet structure.

Atty. Deborah Tomczak of Reinhart, Boerner Van Deuren, complimented staff for their work on this project. She said Continental has been able to achieve very high standards of storm water management in conjunction with Briggs & Stratton. She pointed out that a letter was submitted with a reduction of hours of operation of the Walgreens from 24 hours to 7 a.m. to 10 p.m. However, they are requesting the Loewe's be open from 6 a.m. to 10 p.m.

Ald. Maher said he supported the plan. He thanked Continental, Briggs & Stratton, and city staff, particularly Mr. Wehrley for their efforts.

Moved by Ald. Treis, seconded by Ald. Krol to recommend approval of the land division, conditional use, and cross access, easements, drainage and storm water elements, and parking setbacks; including Loewe's hours of operation being 6 a.m. to 10 p.m. --

Committee members indicated they were pleased with the new storm water abatement measures. Responding to a question about what changed with the plan since July 28th, Mr. Kappel said the new plan will retain more total storm water during high water events.

Ald. Sullivan asked if the agreement with Briggs & Stratton for the storm water would be part of the developer's agreement. Mr. Kesner said the developer's agreement does reference the storm water management plan, and the easement will be recorded with the Register of Deeds.

Ald. Kopischke said the net effect is the same as if the Briggs & Stratton storm water outflow remained the same and the Continental met MMSD's Chapter 13 regulations.

Vote on the motion was Ayes: 7

The meeting adjourned at 7:12 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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