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**COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, December 13, 2005**

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

EXCUSED: Ald. Sullivan

ALSO

PRESENT: N. Welch, Community Dev. Dir.

Ald. Kopischke as Chair called the meeting to order at 8:03 p.m.

Conditional Use for Restaurant at 6618 W. North Avenue

Held from the previous meeting was a request by Yan Qiong Huang, Shang Jun Huang, and James Rogge for a Conditional Use in the Trade District at 6618 W. North Avenue for a Chinese restaurant. The Plan Commission unanimously recommended approval. Ms. Welch said that there will be seating for about 20, but the restaurant will primarily serve take-out and delivery customers. Proposed hours of operation are 11 a.m. to 9 p.m. weekdays and 11 a.m. to 10 p.m. on weekends.

Tony Lee, 1315 Woodbury Commons, Unit C, Waukesha, was present representing the applicants. He said that the restaurant will serve northern cuisine and will offer some unique dishes that most local restaurants do not serve. The initial delivery area would be within 2 ½ miles, but they may expand that area later.

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

Land Combination – 2212 Menomonee River Parkway

The committee reviewed a request by Frank and Susan Kay for a Land Combination in the AA Single Family Residence District at 2212 Menomonee River Parkway. The Plan Commission unanimously recommended approval. Mr. Kay was present.

Ms. Welch reported that the applicants would like to combine two parcels in order to construct an addition to the house on one of the lots. The parcels were outlined on an aerial view that was displayed. Board of Zoning Appeals approval of a setback variance will be required due to a one-foot difference from the minimum required setback at one point.

Moved by Ald. Krol, seconded by Ald. Krill to recommend to Council approval of the land combination. Ayes: 7

Conditional Use for Liquor Store at 3122 N. Mayfair Road

The committee reviewed a request by Hristo Hristev and Leonard Schaefer for a Conditional Use in the AA Business District at 3122 N. Mayfair Road to operate a liquor store. The Plan Commission recommended approval by a vote of 5-1. Hristo Hristev, 1101 N. Cedarburg Road, Mequon, was present.

Ms. Welch said that the location is just north of the gas station at the northeast corner of N. Mayfair Road and W. Burleigh Street. The retail space was most recently occupied by a dollar store. Parking requirements are the same and have been met.

Ald. Krill reported that the Legislation, Licensing & Communications Committee tonight recommended approval of a liquor license for this store. He noted that Ald. Maher submitted some comments in opposition that seem to relate to parking and concerns the neighbors might have. He further noted that no neighbors were present tonight or at the Plan Commission meeting and there does not seem to be a parking problem at this location.

Moved by Ald. Krill, seconded by Ald. Treis to recommend to Council approval of the Conditional Use –

Ald. Treis said that he was contacted by the owner of the adjacent gas station, who was concerned that the liquor store might sell products in competition with him. At the Plan Commission meeting, the applicant reported that he spoke with the gas station owner about his proposed operation and he no longer has any objection. Ald. Treis speculated that Ald. Maher's comments may have stemmed from an earlier conversation with the gas station owner as well. He noted that the proposed site is part of a strip of stores facing Mayfair Road that has a parking lot along the north edge and more parking to the rear. Parking is definitely not a problem since there are more spaces than needed.

Ald. Subotich indicated that he supports the motion, commenting that no one has appeared in opposition and parking is not an issue.

The Chair reported that his was the dissenting vote at the Plan Commission meeting. He said he is not steadfastly opposed but would be more comfortable if there were some indication that the residential neighbors do not oppose the liquor store. In response to questions from the Chair, Mr. Hristo confirmed that he would sell alcohol and tobacco products but indicated that he would not sell adult magazines.

Ms. Welch pointed out that at least 12 nearby residents were informed of the application and the Plan Commission meeting date.

Vote on the motion, Ayes: 6: Noes: 1 (Kopischke)

Conditional Use for Massage Therapy at 6428 W. North Avenue

The committee reviewed a request by Melanie L. Landgraf and James McNichol, C-4 Investments, for a Conditional Use in the Trade District at 6428 W. North Avenue to operate a yoga studio also offering massage therapy. The Plan Commission unanimously recommended approval. Ms. Landgraf was present.

Ms. Welch reported that the massage therapy space is approximately 700 square feet. Under the new Trade District zoning in this area, this business meets parking requirements. Hours of operation recommended by the Plan Commission are 7 a.m. to 9 p.m., although a class schedule has not been set as yet. The applicant anticipates having 1-4 classes with 10-15 students and 1-4 massage sessions each day.

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

Conditional Use for Dining Space at 817 N. Mayfair Road

The committee reviewed a request by Brandon V. Bergman and Russ Preston for a Conditional Use in the AA Business District at 817 N. Mayfair Road to add dining space at the existing Honey Baked Ham store. The Plan Commission unanimously recommended approval.

Ms. Welch reported that the applicants wish to add seating for up to 20 persons in connection with a new soups and sandwiches menu. The operation would still meet parking requirements. In response to a later question, she said that the planned restaurant at the north end of this strip center was included in parking calculations even though it is not yet in operation.

Russ Preston, 5875 Rock Croft Boulevard, Clarkston, Michigan, said the store has been at this location since November 1987. The company is in the process of similarly converting a number of their retail operations in other parts of the country. They would remove the tables during holiday seasons when demand for their retail products is high.

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

Conditional Use for Restaurant at 3140 N. 124th Street

The committee reviewed a request by Joe Denis and Peter Barrette for a Conditional Use in the AA Business District in the Burleigh Square development at 3140 N. 124th Street for a restaurant. In addition to a 24-hour dine-in restaurant, the proposed Steak and Shake would have a drive-thru and outdoor seating. The Plan Commission unanimously recommended approval.

Ms. Welch reported that the Burleigh Square development includes a Lowe's store facing Burleigh Street and three out lots along 124th Street. This proposal is for the middle lot north of a proposed Walgreens store. Ms. Welch distributed copies of a revised site plan that was submitted to address some concerns with the original plan. Staff has preliminarily reviewed it and believes it will work out with some tweaking. Fire department review is still needed, and the plan will be reviewed by the Design Review Board this week. They previously made a number of suggestions including turning the building 90 degrees, which was also the City Engineer's recommendation in terms of improving traffic flow.

Joe Denis, 202 Astoria Court, Barrington, Illinois, said he is the franchisee for the Milwaukee market. He described the operation as a family-oriented dine-in restaurant with full table service and freshly prepared food. They do not serve alcohol.

Steve Jeske, Haag Miller, Inc., 101 E. Grand Avenue, Port Washington, displayed elevation renderings based on input from the city, the developer, and the corporate entity. Some adjustments to the site plan will be brought to the Design Review Board meeting this Thursday. He said that the proposed exterior treatment is very upscale and very unusual for the company. The latest plan meets the requests of the Design Review Board, but the applicants will ask for some additional adjustments to provide parking closer to the main entry.

Ald. Krol endorsed Steak and Shake but expressed concern about 24-hour operation.. The Chair and Ms. Welch noted that the Walgreens store was originally proposed as a 24-hour operation but was approved for 7 a.m. to 10 p.m. Approved hours for the Lowe's store are 6 a.m. to 10 p.m. Ald. Becker said he would like to hear feedback from neighbors to the south about hours of operation.

Ald. Birschel asked about pedestrians crossing the drive-thru lane. Mr. Denis said that they will present an alternative to the Design Review Board that they hope will alleviate that, although at a certain point in the parking lot pedestrians would still have to cross the drive-thru lane. He noted that wait times in the drive-thru lane are generally 4-4-1/2 minutes, so cars are not moving through as quickly as at a typical drive thru. Mr. Jeske reported cars might move through a McDonald's drive-thru at the rate of 30 seconds per car during lunch hour. He said that McDonald's usually has parking on all sides of their buildings, so customers constantly cross traffic lanes. The applicants plan to move handicapped parking to the front of the building so that those patrons will not cross the drive-thru lane.

Ald. Herzog was present at this time and said that he is concerned about 24-hour operation. He asked if there are any Steak and Shake facilities that are not open 24 hours. Mr. Denis said there are three in the Chicago area out of about 45. He explained that they want to offer their family diner type of atmosphere to third-shift workers and said there are also some operational benefits to being open 24 hours. He felt that customers should really dictate whether that is good or not. Ald. Herzog said that Walgreens was denied a 24-hour operation for the same objections that would be raised here. He said that he would not mind *extended* hours.

Ald. Treis said that residents south of Burleigh Street opposed the 24-hour Walgreens operation because there is a 24-hour Walgreens nearby at Mayfair and North. He noted that ingress and egress to the restaurant will be from 124th Street, and Walgreens will be to its south. Briggs & Stratton is a 24-hour operation itself. Across Burleigh there is a sandwich shop, an office building, and some apartments. This is an industrial area. Across 124th Street there is a bank and other commercial buildings. Nothing immediately to the east is residential. He questioned how far this committee is going to restrict a business and how far they have to be removed from residents. He spoke of future development of this immediate area and the remaining area to the east almost all the way to Mayfair Road. He related a conversation with a woman who was very enthusiastic about Steak and Shake coming to the area and said he believes this is a quality restaurant.

Ald. Krill favored allowing 24-hour operation, commenting that there doesn't seem to be a similar operation anywhere near that is open around the clock. There is no alcohol involved and they are shielded from the neighborhood. He would be willing to listen to residents of the area but feels that this is a good use and is different from Walgreens.

Ms. Welch reported that she received one call from a resident with a question. She noted that notification requirements for this proposal were the same as for Walgreens. Notices covered properties facing Burleigh Street but did not necessary include residents down the block. Ald. Krill concluded that neighbors were properly noticed and noted that the alderman of the district was also aware of the proposal.

Moved by Ald. Treis, seconded by Ald. Krill to recommend to Council approval of the Conditional Use as requested contingent upon staff approval of a new site plan that is consistent with recommendations of the Design Review Board and further contingent upon final approval of site plans for the entire Burleigh Square development --

Ald. Subotich expressed support, commenting on the benefit of 24-hour availability to nearby third-shift employees. Ald. Becker said he would prefer that they do without a drive-thru speaker, which has worked out well at other locations. He indicated that he would await word from Ald. Herzog about any feedback from residents. Ald. Birschel reported he has not received any calls on this proposal from residents in his district, which begins a block south between 121st and 124th Streets. At the time of the Walgreens proposal, a resident had alerted other neighbors.

Ald. Treis reiterated his concern about how far removed residences must be before speakers and 24-hour operation are not an issue. When the proposed building is reoriented, it is likely the drive-thru window will be even farther away and more screened.

The Chair agreed that a drive-thru speaker is not likely to be a problem given the distances involved. In the case of Walgreens, neighbors were concerned that people exiting onto Burleigh would cut through their neighborhood. That would not seem to be a problem here since ingress and egress to the restaurant will be from 124th Street. He would be interested in any comments that the area alderpersons might elicit.

The Chair suggested holding this until January, given that there may be changes resulting from this week's Design Review Board meeting. It would also provide time for any contact with residents. Mr. Denis indicated that a slight delay would not be a problem since they will not take possession of the parcel until February at the earliest. Ms. Welch advised that this likely would be the only agenda item if scheduled for the January 3rd meeting preceding the regular Council meeting.

Moved by Ald. Becker, seconded by Ald. Birschel to hold this matter until the meeting of January 3, 2006. Ayes: 7

The meeting adjourned at 8:57 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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