



CITY OF WAUWATOSA
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COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, May 29, 2007

PRESENT: Alds. Birschel, Didier, Donegan, Herzog, Meaux -5

EXCUSED: Alds. Krill, Minear, Treis

ALSO

PRESENT A. Kesner, City Atty.; N. Welch, Community Dev. Dir.; Asst. Chief J. Hevey, Fire Dept.

Ald. Herzog as Chair called the meeting to order at 8:11 p.m.

Conditional Use at 12324 W. North Avenue

The Chair announced that Ald. Treis, the regular Chair of this committee, has requested that the application for a Conditional Use for a speaker board/intercom ordering system at the McDonald's at 12324 W. North Avenue be held until the next meeting.

Moved by Ald. Didier, seconded by Ald. Birschel to hold this matter until the meeting of June 12, 2007. Ayes: 5

Proposed Ordinance – Public Safety Radio Communications

The committee reviewed a proposed ordinance creating Section 15.29 of the Code regarding public safety radio communications in public and private buildings. Mr. Kesner reported that, as redrafted since the previous meeting, the ordinance includes a separate section establishing a three-year effective date for application to existing buildings. A hardship exemption process was also added that includes submittal of financial data, which would be held in confidence. Exemptions would be granted at the discretion of the Common Council based on information from the property owner as well as input from city staff. Enforcement provisions allow for forfeitures under general penalty provisions of the Code, which allows fines up to \$2,000. The City Attorney is authorized to seek injunctive relief as appropriate to bring buildings into compliance.

Assist. Chief Hevey reported that he sent 15-18 letters to owners of buildings that might be affected by this ordinance to inform them of the ordinance and this meeting date. Those buildings include the office towers at Mayfair, much of the Froedtert, Children's Hospital, and Medical College complex, and several Wauwatosa public schools. He subsequently spoke with Bruce Johnson of the Wauwatosa School District but heard from no one else. Mr. Kesner reported that he received an inquiry from Froedtert Hospital prior to their receipt of the letter and personally notified them of this meeting date. The Chair reported that he sent e-mails to private schools in his district advising them to contact Asst. Chief Hevey with any questions.

Bruce Johnson, 2339 N. 70th Street, Facilities Manager of the Wauwatosa School District, said that the district's superintendent and business director are very supportive of this measure. Although they don't yet know the extent or economics of what would be needed at the three identified schools, he felt that the three-year effective date would allow for a workable timeline.

Asst. Chief Hevey was asked by Ald. Didier to comment on the phase of construction at which it would be known that the system is needed. With new construction, he explained, it would be mentioned along with other systems in the initial letter for the building permit application. In some buildings, it is possible that the need won't show up until the later stages of completion. Problems occur mostly in basements or sub-basements and become more apparent as more of a building is enclosed. There are more problems with large masonry buildings than those built of steel. Most contractors would have a fairly good idea of the building's status up front. Asked about annual testing, Assistant Chief Hevey said that every building is inspected at least once each year. This would be just one of the items surveyed at that time.

Feeling that most people would err on the side of safety, Ald. Didier asked about the necessity for an ordinance. Asst. Chief Hevey said that builders are very cost conscious. This is one item that may be removed in the "value engineering" process, as it was in the early stages of the Medical College's biomedical research building, only to be added back at greater cost when problems were identified.

Moved by Ald. Donegan, seconded by Ald. Meaux to recommend to Council adoption of the ordinance as presented by staff. Ayes: 5

Conditional Use at 7603 W. State Street

Ms. Welch outlined a request by Krista Allenstein for a Conditional Use for children's birthday parties in the Village Trade District at 7603 W. State Street. The space is below the Little Read Book and has a separate entrance. Most parties would occur on weekends with a maximum of 20 children. Food service would be limited to cake. There was some concern about egress from the space, which the building inspector will address. The Plan Commission unanimously recommended approval.

Krista Allenstein, 1510 Blue Ridge Boulevard, Elm Grove, said this should be a good match for Wauwatosa in that parents who drop off their children would then have two hours to spend in the area.

Moved by Ald. Birschel, seconded by Ald. Didier to recommend to Council approval of the Conditional Use –

Ms. Welch noted that there were also some concerns about the adjacent parking lot, which is owned by the Chancery. The applicant was asked to include on all party invitations directions to the nearby municipal lot so parents would use appropriate parking locations.

With consent of the second, a provision for informing parents of appropriate parking locations was accepted as a friendly amendment.
Vote on the motion as amended, Ayes: 5

Conditional Use at 2306 N. 66th Street

The committee reviewed a request by Rebekah Blaskowski and Edward and Melissa Kwaterski, Rimfire Properties, LLC, for a Conditional Use for a child care center in the Trade District at 2306 N. 66th Street. Ms. Welch reported that Ms. Blaskowski currently operates a day care business out of her nearby home and has found that families she serves are growing and a larger place is needed. This is a good location for a day care business since there are adequate parking spaces, there is a location at the rear for drop-off and pick-up, and there is adjacent green space for a play area. There were no negative comments from neighbors who received notification of the Plan Commission meeting. The Plan Commission unanimously recommended approval.

Moved by Ald. Donegan, seconded by Ald. Birschel to recommend to Council approval of the Conditional Use. Ayes: 5

Conditional Use – 6913 W. North Avenue

The committee reviewed a request by Michael Feker for a Conditional Use for outdoor dining in the Trade District at 6913 W. North Avenue. Ms. Welch reported that Mr. Feker originally submitted a plan showing 9 tables, each seating four people, with hours of operation of 5 p.m. to 10:30 p.m. daily. In response to a staff request for details showing how the tables would fit, Mr. Feker has now submitted a plan with 7 tables. A primary concern is that tables and chairs do not encroach into public right-of-way but remain on private property. The Plan Commission unanimously recommended approval.

Michael Feker, 6913 W. North Avenue, said that the tables will be in a raised setback area and will not encroach onto the sidewalk. He was opposed to limiting the number of tables, noting that it might be necessary to rearrange or push together tables to serve various groups of diners.

Ald. Donegan supported the request and commended Mr. Feker for his great attention to the neighborhood and district. He noted that walking traffic is not significant during the dinner hour. If there were a problem, he is confident there would be 100% cooperation.

Moved by Ald. Donegan, seconded by Ald. Meaux to recommend to Council approval of the Conditional Use as requested –

Ms. Welch said that the Fire Marshal has pointed out that any additional tables need to be included in the occupancy, which could trigger some additional code requirements.

Ald. Didier questioned the closing time for outside dining, noting that other businesses have been denied outside hours past 9 p.m. Given the efforts toward consistency on North Avenue, she would prefer an end time of 9 p.m. Mr. Feker indicated that would be very difficult. Ald. Donegan observed that all locations are not the same and we are mostly concerned about closing times because of affected residents. Residents here were opposed to outdoor dining at the rear of the building but have not been heard from on the current proposal. Even Cranky Al's to the east has expressed support. Absent any complaint from neighbors, we should let them operate as requested. Ms. Welch clarified that allowable hours of operation in this zoning district extend to 11 p.m. with the exception of taverns and the Rosebud Theater.

With consent of the second, Ald. Donegan accepted an amendment to add a six-month review.

Vote on the motion as amended, Ayes: 5

Conditional Use at 11320 W. Blue Mound Road

Ms. Welch reported on a request by Boro Buzdum for a Conditional Use for outdoor dining in the AA Business District at 11320 W. Blue Mound Road. When Mr. Buzdum recently received Conditional Use approval for the Guadalupe Mexican restaurant, he indicated that he intended to provide an outdoor dining area but had not yet finalized plans for it at that time. He is now proposing a small patio area in front of the building that would provide space for about 14 tables. Ms. Welch circulated a sketch of the proposed area. The Plan Commission unanimously recommended approval contingent upon installation of paving and fencing with hours of operation from 8 a.m. to 9 p.m. daily and up to 14 tables.

Boro Buzdum, N80 W23160 Plainview Road, Sussex, said he would like to do what others in this corridor are offering and also believes the patio area would help with visibility of the restaurant. The location at the front of the building would not affect neighbors, and it would not be a hindrance to anyone in the area.

Ald. Birschel said he sees no problem with the request since there seems to be plenty of room but believes that the fence at the rear of the property should be replaced. Ms. Welch indicated that the property maintenance inspector is handling that issue through normal channels.

Ald. Didier said she would like to see a more realistic layout done by a professional architect. Ald. Meaux recalled that the earlier concern had been with lack of scale and asked about the plan's significance as part of the permanent file. Also, the plan doesn't show any shrubbery or lighting. Ms. Welch said that there is no standard requirement on the type of drawing. The file should correctly show what the applicant intends to do, either through a drawing or a description.

Mr. Buzdum explained that he plans to simply replace the two 15 ft. by 21 ft. grassy areas with concrete or patio blocks and install wrought iron fencing along the sidewalk. He offered to have something with more detail drawn up for the next meeting. He does not plan to install any lighting, and there is existing shrubbery on the east and west sides. He would like to begin construction as soon as this is approved.

Moved by Ald. Donegan, seconded by Ald. Birschel to recommend to Council approval of the Conditional Use subject to staff approval of the patio design.
Ayes: 5

Conditional Use at 1717 N. 73rd Street

The committee reviewed a request by Mitchell Braverman, agent for AT & T, for a Conditional Use for a pad mounted fiber conversion cabinet in the BB Two-Family Residence District at 1717 N. 73rd Street, United Church. The location is at the northwest corner of the building. AT & T has an easement from the property owner and will screen the cabinet with arbor vitae. The Plan Commission unanimously recommended approval.

Mr. Kesner reported that the resolution approving this installation would include the typical legal language used for similar cabinets. A bill now before the state legislature would provide a new regulation scheme, allowing AT & T to provide video service under certain circumstances and making Council action a moot point.

Mr. Kesner mentioned that AT & T has been asked to replace the bright orange stickers in place on cabinets installed thus far with white stickers with black lettering, but there hasn't been substantial compliance. He suggested that a non-orange sticker be made a condition of approval. Mitchell Braverman, 9782 N. Arrow Wood Road, Mequon, indicated that there should be no problem complying with that request.

Asked how many cabinets are expected in total, Mr. Kesner said that there will likely be at least 40-50 and perhaps up to 80 citywide. Those on private easements require Conditional Use approval; those in public right-of-way are approved by engineering staff. About one-third of the 22-25 cabinets in place citywide as of a few weeks ago are on private property, mostly commercial or church sites. All locations for full build-out have not yet been determined, although AT & T has confidentially provided specific locations for the next year or two. The Director of Public Works or the City Engineer can be contacted for the most accurate list of locations in the next phase. Current technology requires one cabinet per 200-400 homes. The pending legislative bill would reduce some of the city's control over work in our right-of-way, particularly in terms of fees to offset staff time. Mr. Kesner indicated he has discussed that issue several times with State Sen. Sullivan, who has been working on that matter.

Ms. Welch addressed a question about complaints from adjacent residents, indicating that the sound is reportedly not over 50 decibels, which is similar to a conversational level or a lawn mower at some distance. This is probably less than existing noise levels in neighborhoods adjacent to city streets. Mr. Braverman said

that the units' fans are very quiet, similar to an idling car. They run whenever it is too warm inside the boxes. They are designed to continually keep air flowing so that customers continue to receive service.

Moved by Ald. Birschel, seconded by Ald. Donegan to recommend to Council approval of the Conditional Use. Ayes: 5

Street Festival Permit

The committee reviewed a request by Alex Marlis, Sts. Constantine and Helen Greek Orthodox Church, 2160 Wauwatosa Avenue, for a Street Festival permit for the church's annual Greek Festival, June 8-10, 2007.

Alex Marlis, N81 W32011 Shenandoah Court, Hartland, vice president of the parish council and organizer of the festival, was present. He indicated that everything will be the same as last year. He provided a cell phone number for contact during and after the event, and he agreed to ensure that none of the no parking signs are removed during the festival, which was a problem last year.

Moved by Ald. Donegan, seconded by Ald. Birschel to recommend to Council approval of the Street Festival permit. Ayes: 5

The meeting adjourned at 9:06 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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