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COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, September 25, 2007

PRESENT: Aids. Birschel, Didier, Donegan, Herzog, Krill, Meaux, Minear, Treis -8

ALSO N. Welch, Community Dev. Dir.; A. Kesner, City Atty.;
PRESENT J. Archambo, City Admin.; Ald. Grimm

Ald. Treis as Chair called the meeting to order at 8 p.m. -5

Conditional Use – 7127 Maple Terrace

Ms. Welch outlined a request by Barbara Behlke for a Conditional Use for a bed and breakfast establishment in the AA Single Family Residence District at 7127 Maple Terrace. Ms. Behlke plans a small operation with two bedrooms available to guests. The Plan Commission had some concern about guest parking spaces, their 5-1 vote for approval being contingent upon providing on-site parking rather than using public right-of-way. Also, only a small sign on the house would be allowed.

Barbara Behlke, 7127 Maple Terrace, said the home has some historical value having been designed by architect Russell Barr Williamson, chief apprentice of Frank Lloyd Wright. There is only one other bed and breakfast facility in Wauwatosa, only two in Milwaukee, and none in West Allis or Elm Grove, so there is somewhat of a shortage in the marketplace. This will be a very low impact business that should not affect neighbors.

Terry Bridgman, 7041 Maple Terrace, said he believes the proposed bed and breakfast is not appropriate in an area of single family homes. A church on the corner already creates enough congestion. Pat Russell, 7105 Maple Terrace, also spoke in opposition, questioning parking arrangements and citing problems with traffic from the church. She asked if there are requirements on the number of bathrooms or handicapped accessibility. Ald. Grimm noted that the neighbors were quite united against this at the Plan Commission meeting.

Ms. Welch said there would be one available parking space if the owner parks her own car in the garage. Ms. Behlke has indicated that she intends to rent out both bedrooms to a single family so that only one parking space would be needed. A bed and breakfast is considered to be a very small operation, and the amenities provided are basically what would be provided for overnight guests in a home. There is no requirement for larger bathrooms or other things sometimes added to increase marketability.

Ald. Donegan said this is a beautiful home with a very unique driveway, and he can relate to the concerns of neighbors about parking. Ms. Behlke responded that in most cases she hopes there would be only one additional car. She was uncertain how a third car would play out but felt it could possibly be parked on the slope within the drive, which she has done many times. Most neighbors have two or three cars themselves, she noted, but she has only one so it would be just like any other single family unit from the standpoint of vehicles parked on the drive, or like having a guest in the house.

Ald. Meaux asked about possible future adjustments to add parking. Ms. Welch explained that driveway alterations would have to meet engineering requirements that would be no different than for any other resident

making such changes. Mr. Kesner added that parking on a single family lot is normally not regulated, but approval here could be conditioned on no expansion of parking without further approval.

Ald. Birschel noted comments by Ms. Welch at the Plan Commission meeting that requirements for fire exits would be addressed through the occupancy permit. Ms. Welch reported that she found that, due to the size of the operation, there are actually no additional requirements.

Ald. Meaux reported that he has not received any complaints about the only other bed and breakfast operation in Wauwatosa, which is located in his district. Ms. Welch also indicated that she is not aware of any problems.

Moved by Ald. Meaux, seconded by Ald. Krill to recommend approval of the conditional Use with the conditions recommended by the Plan Commission with the addition that the applicant may not expand parking capacity on the property without coming back for review as an addition to the Conditional Use –

Ald. Herzog noted that guests could park on the street during the day; police would only be concerned about on-street parking between 2 and 6 a.m. He asked if other residents might not be better off if this home expanded its parking. Ald. Meaux indicated that his concern about parking expansion stems from a situation in his district where an apartment building abutting residences expanded parking into green space and changed the appearance of the block considerably.

Ald. Didier agreed with residents' statements about congestion in connection with the neighborhood church and said she would not favor expansion of the driveway. She saw a car parked sideways in this driveway today and did not like how it looked. She said that she is not opposed to a bed and breakfast, per se, but feels that this is not capable of accommodating what is being requested.

Ald. Herzog commented that the fact that both district alderpersons are opposed tips the scales for him between the rights of the property owner versus the rights of the neighborhood to a quiet environment. We do not allow this use without approval showing that it won't have an impact on the neighborhood.

Roll call vote on the motion: Ayes: 2; Noes: 6 (Donegan, Didier, Herzog, Minear, Birschel, Treis)

Conditional Use – 7203 W. North Avenue

The committee reviewed a request by Theofilos Tselentis and Thomas and Shirley Barrie for a Conditional Use for a restaurant in the Trade District at 7203 W. North Avenue, the site of a former dry cleaning establishment. The Plan Commission unanimously recommended approval with hours of operation of 10 a.m. to 9 p.m. daily.

Mr. Tselentis, 3227 N. 96th Street, Milwaukee, responding to questions from Ald. Donegan about his experience, citing work in West Bend and, most recently, as a food manager. He also runs the fish fry at the Greek church. He plans to offer mostly take-out service and possibly delivery. The restaurant could accommodate about 18-24 people. He may eventually offer beer and wine. His menu will include lunch items and some main courses that change every day. He would like to open by the beginning of next year.

Mr. Barrie, owner of the building, said that all of the parking lot's spaces would be available to the restaurant except during three months of the year when the other tenant, a tax business, is open.

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

Ald. Herzog pointed out that Trade District zoning here allows hours of operation from 6 a.m. to 11 p.m. Unless approved now for that maximum range, further approval would be needed to later extend hours of operation. Mr. Tselentis indicated that he requested more limited hours since he intends to be present at all times, but upon further discussion decided that approval for the broadest range would be advantageous.

With consent of the second, Ald. Donegan amended the motion to include hours of operation from 6 a.m. to 11 p.m.
Vote on the motion as amended, Ayes: 8

Conditional Use – 7226 W. North Avenue

The committee reviewed a request by Mark Allison and Laerte Peter Venturi for a Conditional Use for a fitness center in the Trade District at 7226 W. North Avenue. The Plan Commission unanimously recommended approval. Ms. Welch reported that the original application was to operate a Snap Fitness center on a 24-hour basis, but the Plan Commission recommended limiting operation to the Trade District hours of 6 a.m. to 11 p.m. Although police had some concerns about security and loitering, Capt. Sutter has talked with the applicant since that time and is much more comfortable with the operation. There is no history of problems at other sites the applicant operates with similar staffing to that proposed here.

Mark Allison, 2955 Urbandale Lane, Plymouth, Minnesota, said that most Snap Fitness centers are 24-hour operations. He is willing to forego that but would address the needs of people who want to work out before work or after caring for children at night, which would be 5 a.m. to midnight. They typically staff for 35-40 hours per week and could increase that if the need arises, but continuous staffing does not work out economically. The site would be monitored whenever it is open, and Mr. Allison was confident they could handle any security issues.

Ald. Herzog reported that a client has an establishment that leases to Snap Fitness, and they have been a good tenant. He sees this as a good fit for the area.

Moved by Ald. Herzog, seconded by Ald. Meaux to recommend to Council approval of the Conditional Use with hours of operation of 5 a.m. to midnight without staffing present at all times and contingent upon obtaining any necessary licenses and permits –

In answer to further questions, Mr. Allison said that there about 500 Snap Fitness centers across the country. It is very unusual to have more than 10 people at a facility at one time since they don't have large classes, a pool, or locker rooms that draw more people and keep them there for periods longer than their norm of an hour or so. He owned two other Snap Fitness facilities, one in Hartland and one in Burlington, for four to six months. Steve Mehnert., W288 N3129 Woodline Court, a partner in the business, said that they do not allow music other than with headphones. Ms. Welch noted that attendance is also limited by the amount of workout equipment.

Ald. Didier asked about handling of medical emergencies when no staff is present. Mr. Allison explained that there are panic buttons in the building and they also have necklaces that can be worn to alert security people who would call for the appropriate assistance.

Laerte Peter Venturi, 2350 Lefebvre Avenue, the building owner, said that there are usually eight to ten on-street parking spaces available on that side of the building during the day. He had no concerns about hours extending to midnight, noting that there are often still people on the street at that time. Susan Venturi, 2350 Lefebvre Avenue, added that there is a permanent bike rack there as well, and it is one block from the city parking lot.

Ms. Welch explained that latitude in normal Trade District business hours is allowed through stipulating specific hours as a Conditional Use when a business is seen as being low impact compared to others that might want to expand beyond the normal hours.

With consent of the second, Ald. Herzog added to the motion that the hours of operation are recommended based on this being a low impact indoor operation that will not serve many people at one time and the 5 a.m. start time is good for people working first shift to work out –

Discussion ensued regarding overnight parking prohibitions in force through 6 a.m. Ms. Venturi commented that the impact on businesses that open early should be looked at. Mr. Kesner explained that this restriction provides a period of time when the streets are empty citywide and crews can accomplish such things as snow plowing. Approval of the Conditional Use as recommended would allow the business to be open at 5 a.m. but does not necessarily tell patrons to park on the street. Early parking could possibly be allowed in the city lot down the street, but that does not need to be addressed as part of this approval. The 6 a.m. restriction, in fact, may not be enforced there.

Vote on the motion, Ayes: 8

Conditional Use – 11401 Watertown Plank Road

Conditional Use – 2600 Normandy Lane

Two Conditional Use requests by Edward Polito, agent for AT & T, and AT & T Wisconsin, for pad mounted fiber conversion cabinets were reviewed: 1) in the AA Business District at 11401 Watertown Plank Road; and 2) in the AAA Single Family Residence District at 2600 Normandy Lane, requested with Billy and Catherine Leonard. The Plan Commission recommended approval of each by a 5-1 vote with the usual conditions including appropriate landscaping and screening. Mr. Polito provided photos and site plans and confirmed that he is working with planning staff on appropriate screening.

Moved by Ald. Krill, seconded by Ald. Herzog to recommend to Council approval of the Conditional Uses with the conditions recommended by the Plan Commission. Ayes: 8

Conditional Use – 510 N. Mayfair Road

From the hold file, the committee returned to the request by Richard Lepping for a Conditional Use in the AA Business District at 510 N. Mayfair Road for a restaurant with outdoor seating and a drive-through. When last discussed in June, the committee forwarded to Council a recommendation for denial, which the Common Council then re-referred to committee. Ms. Welch noted a timeline of meetings on this request going back to October 2002. A revised site plan has now been submitted that removes parking from alongside residential properties that abut the rear of the site, placing it instead along the southern portion. The key issue is that this changes the location of the retaining wall and the distance of residential properties from cars in the parking lot.

Richard Lepping, 1634 Sherman Avenue, Madison; architect Jim Gersich, 313 W. Beltline Highway, Madison; and Jim Sulock, 2945 Crosswind Trail, Jackson, a Taco Bell manager, were present. Mr. Lepping outlined meetings and other actions over the past four years. Emphasizing contacts with neighborhood residents, he said that in some six-month periods, he attended one neighborhood meeting per month. The proposal originally came forward as a plan from the same developer that redeveloped the Giuseppi's parcel to the south. There was some "baggage" associated with that plan due to perceptions about the appearance and maintenance of the wall they erected there and a lack of communication with the neighborhood. That plan for the Taco Bell site included an additional retail building and a large retaining wall almost the entire length of the property, at some places as high as 8-9 feet or even 12 feet with a fence on top. A subsequent plan with a different developer relocated the restaurant from the existing location, placed parking behind the building, and included a boulder retaining system up to about 5-6 feet in height. This committee rejected that plan in June. They then they went back to the

drawing board, the neighbors, and several alderpersons to address the three sticking points—parking, the wall, and placement of the dumpster enclosure.

Referring to site plans, Mr. Lepping described the current plan that places parking essentially where the current building now exists with the restaurant to the north and a fence down the entire back property line. They would shorten the boulder retaining system to no more than 3 feet to be built on the line of the current wooden fence. The northeast corner would be essentially untouched. The height of the split rail fence delineating the property line will be up to the neighbors. If it is necessary to move any shrubs to erect the fence, he will do so at his expense. An existing sandbox would have to be moved. A concrete block dumpster with a steel fence will be located closer to Mayfair Road and away from the east lot line. The east side of the building would be a solid tan color. Signage would be on the south and west sides. Mr. Lepping pointed out elevation and grading in relation to abutting residences, noting that about four properties will see about 9 feet of the building. He also displayed the new landscaping plan with shrubbery along the neighbors' side and along Mayfair Road.

Mr. Lepping said that they have worked with the neighbors and have made compromise after compromise to the point that the proposed physical layout is the very best they can do. He is proposing hours of operation extending to midnight and to 1 a.m. from Memorial Day through Labor Day. They some tables for outdoor seating that he would like to retain.

Richard Reinders, 567 N. 107th Street, said he is one of 3-4 residents still in the neighborhood since the beginning of this process and agrees on almost every point. It seems that most neighbors no longer find the wall to be an issue since it went down to 3 feet and wouldn't even be on the property line. He listed his remaining concerns: 1) With outdoor seating available during the one or two hours that the inside is closed but the drive-thru still operates, there is no access to a bathroom and there is nothing to control noise. The outside seating area should be enclosed and accessible only from inside. 2) The plan does not show a pole sign of any kind, and it is assumed the city would not allow such a sign. 3) Information about the city noise ordinance should be posted in the parking lot. 4) The two property owners with a clear view of the site without any screening vegetation may prefer landscape screening rather than a fence. 5) Although the proposed 1 a.m. closing is a compromise from the current 3 a.m. time, there is still concern about the noise potential, especially if the drive-thru is open longer than the inside. Ideally, the drive-thru hours would be consistent with the 11 p.m. closing time elsewhere in the city. Alternatively, a temporary Conditional Use would allow for revisiting hours of operation after a trial period.

Mr. Lepping indicated that he doesn't see a problem with outdoor seating but would give it up if necessary. He said that he expects to use the existing pole sign with some change in signage, which is allowable by code. There will be signs in the parking lot, as at other restaurants. With the new hours on which there was early consensus, Mr. Lepping said that he is essentially giving back about 12% of his business. Now being open only to midnight, he and Mr. Sulock concluded that they would not close the restaurant before the drive-thru. Mr. Sulock noted, however, that there is often more noise when patrons leave their cars as opposed to driving through.

Ald. Krill noted that Mr. Lepping has been diligent about making changes and there has been significant progress. It is especially significant that the wall issue has been resolved.

Moved by Ald. Krill, seconded by Ald. Birschel to recommend approval of the Conditional Use contingent upon no outdoor seating and hours of operation until 1 a.m. Memorial Day through Labor Day and until 12 midnight the balance of the year with the drive-thru open the same hours as the interior restaurant –

The Chair suggested allowing outside dining until 8 or 9 p.m., but Mr. Lepping said that would be difficult to control. Mr. Reinders clarified that he was not opposed to outdoor dining if the inside and drive-thru hours are the same, but he felt it should be enclosed.

With consent of the second, Ald. Krill removed the requirement for no outdoor seating --

Ald. Meaux observed that, as a Conditional Use, provisions can be revisited as needed. Ald. Herzog felt that separate outdoor dining hours could be enforced by employees, as is done at an establishment in his district.

The mover and second accepted a friendly amendment by Ald. Meaux to amend hours of operation to allow the interior dining portion to close at 10 p.m. with the drive-thru closing at 1 p.m. during summer hours and at 12 midnight during the remainder of the year --

Noting that the applicant has made significant compromises, Ald. Birschel expressed reservations about tinkering too much with hours of operation.

Vote on the motion as amended, Ayes: 8

(The committee recessed at 9:42 p.m. and reconvened at 9:50 p.m.)

Proposed Reduction in Common Council Size

Mr. Archambo referred to his memo of September 21, 2007, relating to correspondence from Ald. Herzog and a follow-up letter from Victoria Ostry, 1409 N. 64th Street, requesting consideration of a reduction in the size of the Common Council. Ald. Herzog suggested decreasing from 16 to 10 members starting in 2010 with one alderperson in each of 10 districts. The eight aldermanic positions up for election in 2008 would be for four-year terms to facilitate realignment of district boundaries all at one time. Thereafter, all would again be four-year terms. As a starting point for discussion, Mr. Archambo noted information from a number of area cities comparing population, number of wards/districts, number of alderpersons, population per ward/district, and residents per alderperson.

Procedurally, any change would require passage of a charter ordinance amendment by a two-thirds Council vote. Mr. Kesner noted that charter ordinances are not effective until 60 days after publication. During that 60-day period, citizens could petition for a referendum on the question. A charter ordinance approved on November 20, 2007, would be effective January 28, 2008.

Ald. Herzog noted that Wauwatosa is land-locked and has lost population consistently in every census and in yearly estimates between official census years amounting to 200-500 people per year. At some point, he believes we have to look at whether we are over-representing the population and consider economies of scale. Many residents ask why there are two representatives per aldermanic district, although many contact both when they have an issue. If the two district alderpersons cancel out each other's vote, the citizen doesn't have any representation. Alderpersons are not paid that significantly that a decrease in numbers would really have much effect on the budget in any given year, but over time it is something that should be considered.

With 10 alderpersons, Ald. Herzog said that he would suggest having five on each of the two major committees with a requirement of three for a quorum. By increasing the number of districts and making each district smaller, alderpersons would be able to get to know residents much better. Terms should probably still be staggered so that all are not up for election in the same year. Thus, those elected in the next cycle would serve two-year terms, the city would be redistricted, and then another two-year cycle would be needed for half of the districts in order to get onto a staggered cycle.

Ald. Herzog said that the proposed reduction would substantially reduce the hours of committee time, clerk time and the amount of paperwork and notices needed. As shown on the chart, Wauwatosa is second (in Milwaukee County) to West Allis in the number of alderpersons, but their 10 serve a greater population. If reducing to 10

alderpersons and 10 districts, however, Wauwatosa would be comparable to West Allis in terms of residents per alderperson.

Terry Wolfe, 7839 W. North Avenue, said he has been attending city meetings for 30 years and believes that a reduction would not benefit the citizens of Wauwatosa. If the Council decides to proceed in that direction, however, he suggested instead keeping one alderperson for each of the eight existing districts and electing four at-large alderpersons for a total of 12. The at-large alderpersons would each represent two districts; i.e., one for Districts 1 and 2, one for Districts 3 and 4, etc.

Ald. Grimm said this has been brought up and soundly defeated many times. There have been 16 alderpersons for as long as he can remember. It is working fine and citizens have been served well. If a change were made, what would the salary be, considering the greater workload? The Council would lose valuable discussion on many issues and would not get as much input. Also, a two-year term would cause people not to run for office.

Chris Slinker, 1936 N. 84th Street, said he is very much in favor of a reduction and suggested that the question should be put to referendum. If redistricting proceeds, efforts should be made to not have seated alderpersons running against each other.

Vickie Ostry, 1409 N. 64th Street, said she likes this idea and hopes it continues with more discussion and feedback to determine if it would work. She believes that two representatives per district is too many and does not like having to contact both every time there is an issue. It would be nice to have it streamlined.

Referring to the table of residents per alderperson showing that each Wauwatosa alderperson represents 2,882.5 residents, Ald. Herzog said that, in effect, he represents twice that amount since he represents the entire district, not just half of it. With 10 smaller districts, each alderperson would represent less people and, therefore, have less work, so salaries would not necessarily need to be increased. That could be discussed at a later date. With less people per district, hopefully more people would run for office.

Ald. Krill said this would be a major change in the way the city governs, and he advocated spending a least six months before taking action. He also felt that a public hearing would be needed and that the change shouldn't be made without a referendum. He felt that some of the points are appropriate, although he felt that salary is not an issue. He said that with 16 we have the advantage of that collective wisdom and different views. That number is not unwieldy. Residents should not have to contact both of their alderpersons, although most people seeing having two as a benefit.

Ald. Birschel said this issue was brought up by Alderwoman Peterson in 1992 and again in 1997 by Alderman Spalatin. In 1992 he participated in an ad hoc committee to study the issue. He charted about 25 cities throughout the state, which he updated last year. The City of Green Bay had 23 alderpersons then but has 17 now. Waukesha County has reduced the number of supervisors but, as do most counties, they have a full-time staff that handles their phone calls. Some communities in Wisconsin elect their representatives at large and some do it by district. In 1992 when Wauwatosa had an annual budget of \$33 million, reducing from 16 to 8 alderpersons was estimated to save each taxpayer \$1. Ald. Birschel was somewhat interested in the idea of 8 districts with several at-large positions but felt that some time is needed for further study, perhaps even with a citizen ad hoc group.

Ald. Didier noted that the Council has made million-dollar decisions without taking six months. She supported the idea of a referendum but pointed out that the public needs to be educated on what alderpersons do and who their representatives are. She felt it would be worthwhile to distribute the updated table.

Ald. Herzog mentioned savings in paper, business cards, letterhead, plaques, and the ability to accommodate more of the public in the Council chambers. Cameraman, recording clerk, and some other staff time could be saved with fewer committee members speaking at committee meetings.

Ald. Donegan said he is more impressed with the argument that the Council would do its job better than by any financial benefits, although he would be interested in further information from the City Clerk's office on any potential savings there. Also, would committees function better, faster, and be as thorough if they were smaller? Would the meetings be shorter with fewer members?

Asked about redrawing district lines, Ald. Herzog said that lines are redrawn every 10 years in connection with the census. He served on the 2000 committee. Lines have to not only line up with census blocks but districts also have to be close to equal in population, and efforts are also made to comply with county and state legislative districts. The result comes to the Common Council for review.

Ald. Donegan said that he and Ald. Becker have worked out a system to spread the work in their district fairly evenly. Ald. Birschel noted that upon the death of one alderperson, as occurred a few years ago, a district has only one representative. With one per district, there would be none until a replacement is chosen.

Ald. Meaux agreed that fiscal impact would be minimal. The Council's charge is to make decisions on behalf of residents. He would be interested in documentation that the decision making process would be improved with a smaller Council. Efficiency is one thing but quality is something else. There have been many meetings that have run quite long without any citizens sitting through them, but there is a lot of value in those meetings. Ald. Meaux supported the idea of an advisory referendum.

Discussion turned to timing and process for a public hearing or referendum. Ald. Herzog advocated inviting the public to speak at a hearing on the proposal. The Council would not need to vote on it until further down the road to make it effective for the 2010 election. Mr. Kesner said that this subject would not have a specific requirement in terms of publication or hearing.

Moved by Ald. Herzog, seconded by Ald. Krill to recommend to Council setting the date of October 16, 2007, for inviting the public to speak on the issue of Council size and request that the City Clerk's publish a notice to that effect –

Ald. Donegan noted that there is a Committee of the Whole item on tax-exempt properties that night that will likely draw members of the public, but those citizens may not be representative of the city's population.

Vote on the motion, Ayes: 7; Noes: 1 (Treis)

The meeting adjourned at 10:36 p.m.

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Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin