



CITY OF WAUWATOSA
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COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, January 3, 2006

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

ALSO PRESENT: N. Welch, Community Dev. Dir.; Ald. Maher, 8th Dist.

Ald. Kopischke as Chair called the meeting to order at 7:00 p.m.

Conditional Use for Restaurant at 3140 N. 124th Street

Held from the previous meeting was 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 24-hour Steak and Shake restaurant with a drive-thru and outdoor seating. Ms. Welch noted that staff and the Design Review Board had some concerns about siting of the building. A new site plan has now been submitted and was approved by the Design Review Board. The City Engineer is comfortable with it provided that slight modifications can be made to meet storm water and sanitary sewer requirements. The city has not yet received a site plan for the entire Burleigh Square site, which is needed to confirm that elevations and drainage here tie into the overall plan.

Joe Denis, 202 Astoria Court, Barrington, Illinois, said he is happy with the new site plan and the input from the Design Review Board. He felt that the 24-hour operation would be good for the community, especially considering the third-shift operation at Briggs & Stratton, which is adjacent to this site. In connection with the drive-thru, they plan to use the latest technology for noise abatement and short-term acoustical sound.

Steve Jeske, Haag Miller, Inc., 101 E. Grand Avenue, Port Washington, pointed out that this site is 12 feet below the southwest corner of the overall Burleigh Square site and includes a 12-foot retaining wall that will retain most of the sound and bounce it back toward Lowe's and Briggs & Stratton. Light pollution and noise pollution after normal hours will all be held within the site.

Mike and Charity Pook, 3026 N. 121st Street, and Christie Toye, 3025 N. 122nd Street, expressed opposition to 24-hour operation, noting that this is a quiet area at night with the nearest 24-hour operation the Pick 'N Save near 124th Street and Capitol Drive. Mr. Pook suggested that the restaurant stay open as late as midnight and reopen at 6 a.m. Ms. Pook commented on concerns with teenagers staying out past curfew. Ms. Toye said she is not opposed to the retail center or the drive thru but would like to see some cooperation with the neighborhood.

Ald. Maher was present at this time and reiterated the need to address drainage and related matters. He said that concerns here are the same as those raised when 24-hour operation of the adjacent Walgreens was denied. This should be denied for the sake of consistency and respect for the neighbors who are opposed to it. He discounted the effect of being buffered by Walgreens and the fact that ingress and egress would be from 124th Street, both mentioned by the Chair. He indicated that he has not received any specific complaints from residents about 24-hour operation but noted that it has not been very highly publicized and they have received little information.

Ald. Krill commented that Walgreens' hours were restricted because of other 24-hour pharmacies nearby. Here it appears there are no nearby 24-hour restaurants, although there are probably third-shift employees who would

patronize one. He was uncertain if a precedent was set with Walgreens. In response, Ald. Maher questioned if there is really a demand for a 24-hour restaurant here. The fact that there are few in the city is a counter-argument, he said. He noted that employment at Briggs has decreased, which may also decrease demand.

Ald. Krill asked if it would be necessary for the drive-thru to be open continuously. Mr. Denis indicated that he would have to give that option some thought. He said that there are 425 restaurants throughout the country, and most communities want the third-shift opportunity. It is a benefit from an operations standpoint because of efficiencies with staff duties relating to cleanliness and preparation.

Upon questioning by Ald. Subotich, Ms. Welch confirmed that notices were sent to the same property owners as in the Walgreens proposal. Capt. Reit of the Police Department confirmed that Denny's and George Webb's, both on North Avenue, are 24-hour operations and have few unusual problems.

Ald. Krol commented on the proposal and suggested hours of 6 a.m. to midnight as an alternative with review after a period of time to see how it melds into the neighborhood.

Moved by Ald. Krol, seconded by Ald. Sullivan to recommend approval of the Conditional Use with hours of 6 a.m. to midnight and review of potential 24-hour operation after six months of operation –

Ald. Sullivan said that part of the reason for denying 24-hour operation at Walgreens was the desire to get away from a 24-hour culture in the city and not have big business corridors with 24-hour restaurants. He expressed some concern with the site being outside of sight lines and said that a 24-hour restaurant would have a more adverse effect than Walgreens, which he also opposed. Aids. Becker and Birschel supported the motion.

Ald. Krill requested comments from Ald. Treis, who noted that concerns at the last meeting were about noise from the ordering system for the drive-thru and not about the 24-hour operation. He commented on the quality of the restaurant, indicating that he didn't think it would be a "hang-out." He indicated that he would like more time to review the proposal, get more opinions, and find out more about Steak and Shake.

Moved by Ald. Krill, seconded by Ald. Sullivan to hold this matter until the next meeting, January 10, 2006 –

Asked about the impact of a delay, Mr. Denis said he has a January 27 deadline to waive contingencies on this land. Steak and Shake corporate approval may hinge on the 24-hour and drive-thru elements. He intends to build Steak and Shake restaurants throughout the Milwaukee area and looked for two years for the first site because he wanted it to be a "grand slam home run." Corporate wants the first restaurant in this market area to be the brand set. He will discuss with them the possibility of moving ahead without 24-hour operation or without a drive-thru. He said that there are a few units elsewhere that are not 24-hour. Discussion ensued on the merits of proceeding with approving the Conditional Use with revised hours and the possibility of reconsideration if that is not acceptable to corporate Steak and Shake. Mr. Denis indicated that he would rather wait than have limited hours approved now.

Vote on the motion, Ayes: 8

The meeting adjourned at 7:39 p.m.

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Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin