



CITY OF WAUWATOSA
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COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, March 14, 2006

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

ALSO N. Welch, Community Dev. Dir.; A. Kesner, City Atty.; N. Kreuser, Health Officer;
PRESENT: B. Jacobsen, Admin. Intern; Ald. Grimm, 4th Dist.

Ald. Kopischke as Chair called the meeting to order at 8:00 p.m.

Land Division – 2405 N. 65th Street

Ms. Welch outlined a request by Brian and Karen Olson and Jill and Paul Sanchez for a Land Division in the AA Single Family Residence District at 2405 N. 65th Street. The proposal would divide off 1,600 square feet of the Olson property at 2409 N. 65th Street and transfer it to the Sanchez property at 2405 N. 65th Street, creating two identically shaped lots meeting all ordinance requirements. Mr. Sanchez was present. The Plan Commission unanimously recommended approval.

Moved by Ald. Treis, seconded by Ald. Birschel to recommend to Council approval of the requested Conditional Use. Ayes: 8

Conditional Use – 6901-05 W. North Avenue

The committee reviewed a request by Susan Brkich for a Conditional Use in the Trade District at 6901-05 W. North Avenue to operate a bakery, coffee shop, and restaurant with an outdoor dining area. Ms. Welch reported that the applicants have been told that there does not appear to be enough space for outdoor tables along either street without obstructing public right-of-way. The Plan Commission unanimously approved the Conditional Use with hours of operation of 6 a.m. to 11 p.m. and outdoor dining at the rear of the building from 6 p.m. to 9 p.m. contingent on there being no outdoor music, live entertainment or bright lights spilling onto residential properties. Ms. Welch explained that the outdoor area must be kept clear during the day for use as a pick-up area for the adjacent Club Tosa, a child care business.

Alex Brkich, 2408 N. 70th Street, said they have been in business for about five years just up the block from this site selling coffee, bakery, pizza, and gifts. They live in the neighborhood and love the area. They now have an opportunity to not only solidify but also expand their business. They have found what they believe is a perfect location in a former auto parts store, and their architects have drawn up some very good plans. They serve a lot of walk-in customers, and their foremost priority is the neighborhood. Mr. Brkich reported that neighboring residents have told him that they do not have a problem with anything they have proposed. He spoke with the neighbors to the south who would be most directly impacted by outdoor dining, since their house is directly behind an adjacent garage. They do not have a problem with the proposal and planned to contact Ald. Becker.

Ald. Becker confirmed that the adjacent residents have told him that they don't have any problems with the proposed outdoor dining area. Referring to past talk about developing North Avenue, he said that there are some

exciting projects coming up and this is one of them. Since this is a Conditional Use, it could be reviewed after a period of time to see how it goes.

In response to questions, City Attorney Kesner clarified that the committee can discuss and vote on individual conditions of the overall Conditional Use separately. Ms. Welch explained that Board of Public Works approval would be required only for an outdoor dining area within city right-of-way.

Moved by Ald. Becker, seconded by Ald. Sullivan to recommend approval of a Conditional Use for a bakery, coffee shop, and restaurant at 6901-05 W. North Avenue with hours of operation of 6 a.m. to 11 p.m. and outdoor dining on private property at the rear of the building from 6 p.m. to 9 p.m., contingent on there being no outdoor music, live entertainment, or bright lights spilling onto residential properties –

Ald. Subotich said this is a tremendous asset to the neighborhood, the city, and North Avenue. He is very much in favor of the proposal.

Ald. Treis asked about outdoor dining hours. Mr. Brkich said that the hours of 6 to 9 p.m. were approved by the Plan Commission; that time begins after the child care operation closes for the day.

Ald. Sullivan said that he viewed this location today and believes the applicants have a great vision. He commented on the need to strike a balance when hearing of competing interests of businesses and residents. We know these operators and can trust them to do everything they can to make this mesh with the community. He urged support for outdoor seating and any future request for a liquor license. This is exactly the kind of thing we want to see going on on North Avenue—it brings life into the community.

Ald. Birschel noted that there is a municipal parking lot available across the street.

Vote on the motion, Ayes: 8

State Agent Status for Inspection of Food Establishments

In a memo dated March 6, 2006, the Health Officer reported that the Wauwatosa Health Department intends to enter into a contract with the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) to become a state agent for inspection of 53 retail food establishments in Wauwatosa. To comply with state agent requirements, the current ordinance must be amended to include the appropriate state statute and administrative rules.

Dr. Kreuser said that the proposed inspections would be in addition to some of the inspections the department does for the Department of Health and Family Services. The structure has been set up, and personnel are in place and trained. This will bring in additional city revenue. The 53 establishments currently have two licenses and two inspections—one from the Agriculture Department and one city food license. We would have local control as well as some access to the Department of Agriculture laboratory and resources.

Moved by Ald. Krill, seconded by Ald. Sullivan to recommend to Council introduction of the ordinance amendment –

Dr. Kreuser confirmed that this proposal was part of the rationale for bringing in another fulltime inspector, as discussed during the 2006 budget process. The contract would be limited to the regulation of food in Wauwatosa and would bring about \$7,500 in additional revenue for the city. In setting the inspection fees, Dr. Kreuser said, they tried to strike a balance between covering costs and what the Department of Agriculture has charged. The Department of Agriculture will do all necessary training prior to the July 1 start date, and the inspection process will use the same uniform code and be very similar to what has been done previously. The present sanitarian conducts close to 1,000 inspections per year, which is far above the 300 per year recommended by the state. Adding a second sanitarian will help with balancing the load and taking on some additional stores that the department feels should be inspected locally.

Vote on the motion, Ayes: 8

New Urbanism

Ms. Welch said that the topic of new urbanism has arisen several times over the years, most recently through a letter referred by Ald. Becker. She said that planning staff members all have strong backgrounds in planning and are well aware of current planning trends, including new urbanism. She referred to it as old urbanism revisited and said that Wauwatosa has it. Several years ago at a Congress for New Urbanism national conference in Milwaukee, Ms. Welch said, she heard some architects from Baltimore speaking with excitement about new urbanism examples they had visited that day. It turned out that they had toured Wauwatosa and were talking about the wonderful things going on here.

New urbanism is in many ways a planning movement that started as a reaction to some of the planning tenets and doctrines of the 1950s, 60s and 70s when the goal was single family homes on suburban lots. The end result was sprawl extending miles from the city center, bigger freeways, and increasing demands on infrastructure. People abandoned the inner city and left for "greener pastures," leading to some serious problems for cities. As a result, people are revisiting that concept and are thinking about recreating what we had in older neighborhoods. The new urbanism concept involves compact communities that are closer together where people walk rather than drive. Those communities have a mixture of uses within walking distance.

Ms. Welch discussed material she provided that lists the principles of new urbanism:

1. *Walkability – Pedestrian friendly street design, tree-lined streets, many narrow, many garages in the rear...*
Wauwatosa has a predominance of these characteristics with 93% of our homes built before 1980 and a very traditional type of development...
2. *Connectivity – Interconnected street grid, hierarchy of narrow streets, boulevards, alleys; high quality pedestrian network...* One of the problems in Wauwatosa is physical barriers such as the Menomonee River, Honey Creek that disrupt an overall grid pattern. Congestion is found in those places where we lack a grid system and traffic is focused on a few main streets. Proponents of new urbanism clearly oppose cul de sacs, wanting to keep the grid pattern intact and provide alternatives for drivers.
3. *Mixed Use & Diversity – Mix of shops, offices, apartments, and homes; mixed use within neighborhoods, blocks, buildings; diversity of residents' ages, income levels, cultures, races...*
Wauwatosa has a variety of neighborhoods within walking distance of a commercial area such as at 68th and Wells or the longer strip of North Avenue. People can walk to neighborhood schools and businesses for many of their needs.

4. *Mixed Housing – Range of types, sizes, and prices in closer proximity...* The city has been working on this a lot lately with many projects where we will see single family homes mixed with higher density concepts to create an active community.
5. *Quality Architecture & Urban Design – Emphasis on beauty, aesthetics, comfort, sense of place...* This is currently the responsibility of the Design Review Board. People speak of Wauwatosa's beautiful architecture and beautiful homes that have been maintained. We need to make sure that conditions in all new projects carry on that tradition.
6. *Traditional Neighborhood Structure – Discernable center and edge; public space at center; quality public realm; range of uses and densities within 10-minute walk; highest densities at town center...* Wauwaosa developed as a separate, unique city long before Milwaukee spread to our borders. Wauwatosa continues as a community with places to work, shop, and live right in the community. While we benefit from the connection to the metro area, we also provide benefits to that area and are not totally dependant on it.
7. *Increased Density – More buildings, residences, shops, and services closer together for more efficient use of services and resource and more convenient, enjoyable place to live...* New urbanism talks about increased density and the need to identify locations where that can take place. Case studies cite a range of 30-50 units per acre and advocate 15-20 units per acre as a start. That is referred to in the context of overall density for a neighborhood, which assumes some balancing out with single family units.
8. *Smart Transportation – Network of high-quality trains connecting cities, towns and neighborhoods; pedestrian friendly design encouraging greater use of bicycles, rollerblades, scooters, and walking...* We have buses, bike paths, and walking paths. We can continue to improve that walkability.
9. *Sustainability – Minimal environmental impact of development; eco-friendly technologies; respect for ecology and value of natural systems; energy efficiency...* There has been a lot of discussion about more innovative stormwater management and more responsible development.
10. *Quality of Life – Taken together, principles add up to high quality of life and create places that enrich, uplift, and inspire...* People want to enjoy the quality of life in Wauwatosa.

Ms. Welch said that some of the zoning changes made here actually try to bring in new urbanism concepts. Business Planned Development, for example, allows for higher-density projects with more innovative designs. As indicated in the material provided, one of the biggest obstacles is a restrictive zoning code. Our code needs to be updated, but we have provided vehicles to allow for new development going forward. The code formerly attempted to enforce deeper residential setbacks, but recent changes have been made to preserve existing setbacks. The code also establishes trade districts, a very definite attempt to focus on neighborhood commercial rather than the larger-type commercial seen along Mayfair Road. The big box ordinance places limitations on big box development and promotes pedestrian access, stormwater controls, rain gardens, etc.

Although the existing zoning ordinance is not perfect and needs to be updated, Ms. Welch felt that it goes a long way in trying to promote these tenets so that we don't destroy what we have. We can't change mistakes of the past overnight, but we have a strong base and will get there as long as we make strong decisions in the future.

Mike Boomsma, 6603 Romona Avenue, agreed that Wauwatosa has a lot of new urbanist principles. One concern of his family's, however, is pedestrian access around 68th and State from west of the Sentry store to the Outpost store. Walking that route with a stroller, they find that the sidewalk ends with no way to walk without stepping in a traffic lane. He talked with Blockbuster and Sentry representatives and had hoped that Sentry would take pedestrian rights into account. There are no provisions for pedestrian access to the new Applebee's on the Sentry site, which will be 20 feet from the sidewalk. Although it is too late for Sentry, Pick 'N Save's remodeling might present a good opportunity to use some leverage to give pedestrians a safe way to get to their front door.

Ms. Welch said the difficulty with existing stores such as Sentry and Pick 'N Save is that the buildings can't be pulled closer to the street. Part of the reason they are set so far back is the flood plain, which extends into those parking lots. Pedestrian access is still something that can be kept in mind with Pick 'N Save. With the Lowe's development at 124th and Burleigh, the city and this committee worked very hard to extend pedestrian access, which is part of the big box ordinance. Ms. Welch acknowledged that the situation is not perfect and said we can work to improve it, recognizing that we can't tear down existing buildings.

Mr. Boomsma said that he is simply suggesting a sidewalk with a curb so that pedestrians can get to the store. That certainly is within the budget of a developer, he felt.

Ald. Sullivan said that he will contact a friend who is involved in the planning for Pick 'N Save and make that suggestion, which seems like something they would want to hear. Any kind of raised or separated sidewalk would be good for them and the neighborhood as well. Ald. Birschel noted that there was a mention at the Plan Commission about reconfiguring parking at Pick 'N Save to make it more pedestrian friendly.

Ald. Becker said that he brought this matter forward because he thought Mr. Boomsma had a good idea. Walking gives a different perspective when looking at projects. He thanked Ms. Welch for her presentation, noting that the information is helpful and will now be available to the public when this meeting is broadcast on TV.

Proposed Changes to Regulations on Yard Ornaments and Public Art

Ms. Welch said that a few new items have come up since the matter of lawn ornaments was last discussed here, so some final direction is now sought before drafting ordinance language. Some of the questions relate to restrictions on maximum height and/or number of items allowed in a front or rear yard. For example, there could be a flat amount of 2-3 items including trellises, lawn ornaments, and fountains; or the amount of frontage could be taken into account, allowing perhaps one object per 20 feet of frontage, which would still be within 2-3 items for the majority of lots. Many communities require 10-foot vision triangles for public safety adjacent to driveways, allowing nothing over 3 ½ feet within that area.

Staff is working on defining arbors, trellises, pergolas, and other items that might be allowed or disallowed. There should also be a discussion of public art and commercial areas. The new Mo's restaurant, for example, would like to place a work of art in their parking lot. The Research Park, which has some control outside our ordinance through their design guidelines, recently approved a large globe in front of the GE building. An ongoing concern is that anything that is incorrectly installed can create a safety hazard. The ordinance would make it clear that items have to be secured and would require details on how that is accomplished. Ms. Welch cautioned that art is very subjective and it is probably best not to regulate content, but we can address aesthetics in terms of location, visibility, and safety.

Referring to lawn ornaments of concern in his district, Ald. Grimm questioned what is being called art in that case. Although he would not be allowed to let his own metal garage rust, those rusty installations remain. A residential neighborhood should have no outside storage of items for commercial sale. He has no objection to having those objects on the adjoining commercial property owned by the same person; 99% of the items could be placed in the garage there.

Ald. Birschel said that defining specific items and specifying secure footings for anything over 50 lbs. is the way to start. Once there is something concrete, the situation in Ald. Grimm's district can be addressed.

Ald. Sullivan said he would like to see language that specifies a vision triangle and a statement that any decorative element should be properly secured. He felt that decorative elements should be limited to a specific number. He agreed that anything relating to content would not be appropriate but said that there are just some things that shouldn't be seen in a front yard. He cited a municipality where cars are partially submerged in a front lawn and said it would be better to have something in place to manage that type of installation.

The Chair ascertained that there is committee consensus to move ahead with language on items 2, 3, 5, and 6 of Ms. Welch's March 9, 2006 memo, i.e., limiting the height of objects within specific vision triangles; providing better definitions; identifying guidelines for public art in non-residential areas; and language that gives the city the ability to request details of installation and to order removal of structures that are not secured or are constructed in a manner that makes them unstable or likely to create a hazard.

There was further discussion of possible restrictions on the total number of decorative elements, whether a hard total, per-frontage-foot number, or by total feet in height. There was also a question of how to define what is acceptable in front yards versus back yards. Suggestions included one element for every 20 feet or 4 ½ feet of height for every 20 feet of frontage. Ald. Grimm felt that Christmas displays should be treated differently and suggested the inclusion of language about holiday displays.

The meeting adjourned at 9:08 p.m.

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Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin