



CITY OF WAUWATOSA
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COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, April 25, 2006

PRESENT: Alds. Birschel, Didier, Donegan, Herzog, Meaux, Sullivan, Treis -7

EXCUSED: Ald. Krill

ALSO PRESENT: T. Szudy, Planner; A. Kesner, City Atty.; B. Jacobsen, Admin. Intern

Ald. Treis as Chair called the meeting to order at 8:20 p.m.

Conditional Use at 6230 W. North Avenue

The committee reviewed a request by Cennita Jordon for a Conditional Use in the Trade District at 6230 W. North Avenue to operate a spa and tanning salon. The Plan Commission unanimously recommended approval. Ms. Szudy reported that hours of operation recommended by the Plan Commission are Monday through Friday 7 a.m. to 8 p.m., Saturday 8 a.m. to 2 p.m., and closed on Sunday.

Ms. Jordon indicated that the business will provide tanning, massage, and nail services in a 1,200 sq. ft. area with four or five tanning stations and two massage rooms.

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

In response to questions from Ald. Donegan, Ms. Jordon said this is a new business and she does not operate at another location. She will work with a tanning consultant who owns facilities in Wisconsin. She and her husband currently own a real estate company in Milwaukee, and she manages two North Shore Bank offices. She will operate this business part-time initially and eventually full-time. There will be two reception employees, two nail technicians, and two full-time masseuses. She leases the building with an option to purchase.

Vote on the motion, Ayes: 7

Conditional Use at 6913 W. North Avenue

The committee reviewed a request by Michael Feker for a Conditional Use in the Trade District at 6913 W. North Avenue to operate a culinary school, demonstration kitchen, and restaurant including outdoor dining. Ms. Szudy reported that the Plan Commission unanimously recommended approval of the Conditional Use without outdoor dining and with hours of operation of 11 a.m. to 11 p.m. Tuesday through Saturday, 11 a.m. to 2 p.m. on Sunday, and closed on Mondays.

Mr. Feker, 6913 W. North Avenue, said that hours of operation on Sunday should be 11 a.m. to 9 p.m. He presented a plan for the outdoor area that was prepared by a landscape architect, pointing out a 6-8 ft. setback with an evergreen buffer to address any noise, which he felt would be minimal. They will serve beer and wine only; they have not applied for a liquor license. With the evergreens, flowers, and plants in the outdoor seating

area, they will try to create a Mediterranean or French-garden type of dining experience. [The plan was viewed by the committee but was not submitted for the record].

Jay Hollis, a partner in this business and owner of the Rosebud Theater, 6823 W. North Avenue, said he believes this will be a benefit to North Avenue and to Wauwatosa and sees nothing that would detract from that.

Terry Sommers, 2264 N. 70th Street, said her property directly abuts the area behind Bartz and this site. She read from an American Heritage article by a former Wauwatosa resident speaking of the appeal of the metro area that remains true to its roots, blending the old and new. She conceded that this area could use new and exciting restaurants, but said a total lack of communication on the part of the owners raises concerns. She would like information on the size of the outdoor area, how many people would use it, how sounds would be blocked, and how crowd noises would be kept down in the early evening when children are trying to sleep. Setting up a question and answer session and idea exchange with neighbors could help turn a stressful situation into a positive one of communication and compromise. The parking situation should be clearly addressed, and the new business should play by the same rules that neighbors have been observing. Ms. Sommers said they were aware of commercial uses when purchasing their property and considered nearby businesses part of the charm of living here. It is up to the city to ensure that neighborhood residents and businesses are equally protected. She recited the city's mission statement and said it should be honored and embraced by the city.

Bob Milan, 2263 N. 69th Street, said he is a backyard neighbor and erected the fence bordering the property. He believes the restaurant is a good idea but he doesn't see the need to have 30-40 people outside until 11 p.m. There would be a greater potential for things to happen in his backyard, he felt. He noted that some aldermen have viewed the area and he believes they wouldn't want this in their backyard either. It feels like residents are doing all the compromising. They can't fight the parking issues but will fight the outdoor seating. The businesses before had totally different hours, and he is unaware of any other restaurants with outdoor seating right against homes. Mr. Milan said that he sent a memo to many of the aldermen regarding the need to reach out to the neighborhood. Although this plan affects his life, he has never seen it. He does have a garage that will buffer the outdoor dining area planned by Cranky Al's, and that owner has said he will work with him. That business will not use their outdoor area until 6 p.m. and they say they would never use it after 8 p.m.

Paul Sommers, 2264 N. 70th Street, presented photos showing the alleyway and proposed outdoor dining area behind the business; a home where Mrs. Kissler, the former owner of this property, lived; a retaining wall, and telephone lines above the proposed dining area [the photos were viewed by the committee but were not submitted for the record]. He said that they use their yard a lot in the summer and the outdoor area would be very intrusive. He is not opposed to the restaurant itself. Ms. Sommers noted that the debris pictured on the retaining wall is on their property and was placed there without their permission.

Mark Carter, 2262 N. 69th Street, said he lives directly behind the Rosebud Theater, which has been a good neighbor. Children in this area play together and are in and out of area backyards. His concern is being guaranteed that the business can coexist with kids in the backyard, who may kick balls over the fence and thereby initiate some kind of police issue.

Ald. Birschel asked if the former Kissler home is occupied, and Mr. Feker said it is not. Ald. Birschel reported that he has walked through this property and is inclined to approve it without outdoor dining. He noted that the hours for Cranky Al's outdoor dining are based upon the adjacent day care's hours, and there is a garage separating that outdoor area from the adjacent neighbor. The subject site is a very small area, and he understands the neighbors' fears.

Moved by Ald. Birschel to recommend to Council approval of the Conditional Use without outdoor dining –

Ald. Didier asked about any complaints in connection with outdoor dining at Shiraz, 6030 W. North Avenue. Ald. Sullivan, who represents that district, said he has had no complaints.

Mr. Feker commented that he came to North Avenue with the intention of putting in a neighborhood restaurant. He acknowledged the parking situation in the area and said he wants to create something that is distinct and unique for Wauwatosa. He noted that he lives in Wauwatosa and considers himself a neighbor as well. He offered assurances that police would not be called if a ball came over the fence. The restaurant will be family-oriented with child-friendly menu items. He attributed the lack of communication to negativity and a lack of welcome they perceived toward them as potential business owners. He noted that 37% of the approximate 45 x 50 ft. backyard is being used as a buffer. The money that are putting into landscaping is not just for their customers but also to do something for the neighbors. Their return on this is only for three months of the year. Mr. Feker said he has been in business for five years and has received good reviews. He hopes that others will see his passion for food and for the business and that those people will come in.

Ald. Meaux asked about plans to retain the unoccupied house. Mr. Feker said that they could fence it and do a buffer around it. Its only use would be either for storage or as an office for the business, perhaps for a part-time bookkeeper.

Ald. Donegan said he represents this district, lives in the immediate area, and is very familiar with this site. He has taken a keen interest in North Avenue and formerly was on the Wauwatosa Economic Development Commission (WEDC). He has communicated with the two neighbors as well as the business and feels the business is very good for North Avenue. He was glad to hear residents being more accepting of the parking issues. He would like to see Wauwatosa as a city that supports this use, especially from two experienced operators that run high quality businesses who, he believes, are very sincere in wanting to appease the neighbors. The neighbors' concerns do need to be taken very seriously, and we can't let business intrude on their privacy. We need to see that the plan will prevent any disturbance, and the neighbors have to be convinced of that as well.

Ald. Meaux said he also has visited this property, but this was his first chance to see any rendering of the buffer zone. He noted that one of the property elevations decreases by 1-2 ft., making the line of sight more directly into the patio area from that residence. Without knowing more about heights, he is not convinced that there is no negative impact. With the right plan and with more information, it might be workable; but based on what we have as well as the Plan Commission's concerns, he will support the motion as stated without the patio.

Ald. Sullivan cited this as a classic example of being in favor of new business and economic development but not wanting to cross the line when someone says, "not in my backyard." He noted that a project on 72nd and Center was in his backyard, but he decided he would rather have new business development there than the pollution and storage that was on that site for years. People are often concerned because something will be different. He does not believe the applicants plan to use the patio until 11 p.m., and any usage would be no more than three months out of the year in our climate. Referring to the photos viewed earlier, he agreed that the alley doesn't look very nice but pointed out that we have people here who are trying to improve it. They want to breathe life into this area and everyone is saying they want to support the business, but they don't want a negative impact on them. Our responsibility is not only to consider the impact on individual residents but to do everything we can to support thriving and creative businesses. He cited businesses on small lots in Chicago as well as on the east coast and Milwaukee's east side that successfully offer al fresco dining adjoining residential areas. There is a greater sense of community with people outside using that space than having just a vacant alley that might have more potential

problems. Diners would be involved in the dining experience and wouldn't be peering over the fence or be concerned about neighbors' yards. If outdoor dining is defeated, he suggested coming back with a new plan that is better sketched out. He said that he will vote in favor of the motion in order to move forward but would prefer an amendment to include outdoor dining.

Ald. Herzog commented that Mr. Feker has teamed up with a person with credibility as a highly respected businessman in the community. He and others have taken it upon themselves to revitalize that area, and we commend him for that. He agreed that the motion should be approved so that the restaurant can move forward, although he commented that there was never an opportunity here to review the actual restaurant operation. In the meantime, he encouraged the owners to take the opportunity to sit down with their neighbors and discuss the plans. Presenting the outdoor plan just now isn't necessarily fair to this committee or the neighbors, he said, and the committee would also like to have input from staff. It seems that parking didn't arise as an overwhelming concern tonight and that this business will probably be a benefit to the neighborhood, but a determination on any adverse effects can't be made based on what was seen tonight.

Ald. Herzog seconded the motion –

Ald. Birschel speculated that the vacant house could be used for outdoor dining with an open veranda. He would consider a plan in the future that is agreeable to the neighbors.

Ald. Herzog noted that as a Conditional Use, whether for the restaurant itself or for outdoor seating, there is more control than with special or permitted uses. In the event of adverse impact on the neighborhood, there is a mechanism to retract or rescind the use. He added that he understands and believes the owner's philosophy of being a good neighbor.

Ald. Sullivan asked if they had planned to offer outdoor dining this season. Mr. Feker said that they did, but he knows they can come back. He was unsure how significant not being able to do it this year might be. He emphasized his desire to have a great relationship with the community and neighborhood.

Mr. Hollis commented that alderman should be concerned about—and also asked why neighbors have not complained about—conditions at the corner property that is being renovated and will include an outdoor dining area. He mentioned a dumpster, garage, and big parts, and noted that there is an area right there used for childcare drop-offs.

The Chair agreed to allow brief follow-up comments by residents. Ms. Sommers said that she doesn't care who the previous owner of this property was or why that person left. The new owners are asking for the privilege of having nightly parties in their backyard for three months of the year, and those are her three months also. Referring to Shiraz site mentioned earlier, she said she believes there is an alley between that business and the properties behind it. She would love to have a business come in and succeed but doesn't think that the three summer months will make or break that restaurant. She questioned whether they will succeed in winter when patrons have to walk some distance to find parking. Mr. Milan commented that this is the first time he has seen Mr. Feker, and Jay Hollis has never come and greeted him. He commended the Rosebud as a great theater that is fantastic for the city and said that the residents are just asking for a little cooperation.

Ald. Birschel called the question, and there was no dissent on doing so.

Vote on the motion, Ayes: 7

The meeting adjourned at 9:26 p.m.

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Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin