



CITY OF WAUWATOSA

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COMMUNITY DEVELOPMENT COMMITTEE MEETING Tuesday, December 12, 2006

PRESENT: Alds. Birschel, Didier (8:11 p.m.), Donegan, Herzog, Krill (8:20 p.m.), Meaux (8:20 p.m.), Sullivan, Treis -8

ALSO N. Welch, Community Development Dir.; Chief D. Redman, Deputy Chief W. Rice, Fire Dept.;
PRESENT A. Kesner, City Atty.;

Ald. Treis as Chair called the meeting to order at 8:07 p.m. -5

Review of Conditional Use for Outdoor Patio at Club Tap, 8828 W. North Avenue

Bill Poull, 3810 Sunnycrest Drive, Brookfield, owner of the Club Tap, said that the committee requested that the use of the outdoor patio, which was granted earlier this year, be reviewed in November. He has submitted a letter requesting a change in the hours of allowable use from the current 11 a.m. to 9 p.m. to new hours of 7 a.m. to 10:30 p.m. He explained that the earlier hours would cover them in cases where patrons gather there prior to leaving for other events. Lalli's Pizza, which shares the patio, serves until 10:30 p.m. Extending use to 10:30 p.m. would at least allow someone who gets their pizza at 10 p.m. to eat it on the patio. Otherwise, they have had to ask patrons to relocate inside the Club Tap at 9 p.m., which has presented a problem with seating. The excess noise in the evening that neighbors were concerned about has not happened. There have not been any police calls and he is not aware of any complaints.

(Ald. Didier present. -6)

Mr. Poull also requested that patrons be allowed to use the patio regardless of whether they are eating or just having a beverage. Current use is limited to those who have ordered food. Mr. Poull emphasized that he has never asked for something that he couldn't enforce and has never intended to turn this into a beer garden.

Ms. Welch reported that Capt. Sutter has confirmed that there have been no problems with outdoor dining here. The two complaints that they have received resulted from misunderstanding the hours of operation. The owner has operated within the limits imposed. Ms. Welch noted the hours of operation of recently approved restaurants, some of which have patios. Cranky Al's is open until 11 p.m. but their outdoor use is limited to 9 p.m. Mo's Restaurant operates until 2 a.m. and Il Mito until 11 p.m., but both have no outdoor dining. Pizzeria Piccola was allowed to have outdoor dining until 11 p.m.

Ald. Sullivan said that his office is immediately adjacent to Colonel Hart's and he has never found there to be any problems in connection with their outdoor patio. He was confident that Mr. Poull would make sure that use by Club Tap patrons would be properly enforced, although it might be good to review the use again next summer.

Procedurally, Ms. Welch noted, any change in hours or other conditions would require application for an amendment to the Conditional Use, which would be reviewed by the Plan Commission and subsequently referred to this committee. Neighbors would be notified of the Plan Commission meeting and the public would have an opportunity

to comment. She informed Mr. Poull that the deadline to submit applications for the January 8th Plan Commission meeting agenda is next week.

Moved by Ald. Sullivan, seconded by Ald. Herzog to place the matter on file and suggest that Mr. Poull apply for an amendment to the existing Conditional Use –

Ald. Herzog said that he has not received any complaints. In addition to the businesses mentioned by Ms. Welch, he noted that VINO 100 and Colonel Hart's in the Village can be open until 2 a.m. and do not have to serve food outside. Regardless of any review that might be scheduled, he noted that this Conditional Use can always be revisited and revoked or changed if necessary.

Vote on the motion, Ayes: 6

(Ald. Krill, Meaux present. -8)

Conditional Use for Massage Therapy Establishment at 2500 N. Mayfair Road

The committee reviewed a request by Zou Weber for a Conditional Use in the AA Business District at 2500 N. Mayfair Road for a massage therapy establishment. Ms. Welch reported that the applicant is operating a Chinese relaxation center in a kiosk at Mayfair Mall. There was some confusion about the need for a zoning permit in addition to their massage therapy license. The Plan Commission recommended approval.

Dennis Webb, 2839 S. Scepter Drive, Franklin, husband and agent for Zou Weber, explained the services offered by the business, noting precautions taken about consultation or recommendations from physicians and chiropractors.

Moved by Ald. Sullivan, seconded by Ald. Krill to recommend to Council approval of the Conditional Use. Ayes: 8

Conditional Use for Restaurant at 11320 W. Blue Mound Road

The committee reviewed a request by Boro Budzum for a Conditional Use in the AA Business District at 11320 W. Blue Mound Road for a Mexican restaurant with outdoor seating and a drive-thru. The Plan Commission recommended approval.

Boro Budzum, N80 W23160 Plainview Road, Sussex, said he withdrew the request for an outdoor patio, since the property currently does not have one. He understands that he would have to submit plans when ready to request outdoor seating. Ms. Welch clarified that the Plan Commission did not have the information necessary to review outdoor dining, such as the relationship to the street and sidewalk and the number of tables. In order to allow him to move forward and open the restaurant, the Plan Commission removed the patio from consideration. They recommended operation of the restaurant until 2 a.m. and the drive-thru facility only until 10 p.m. due to concerns about nearby residences. The recommended 2 a.m. restaurant closing time is the same as that of the current restaurant at this site and the new Mo's a few blocks east.

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

Ms. Welch confirmed that Mr. Budzum would have to reapply and pay another fee when he has detailed plans for outdoor dining. The possibility of approval of the patio within certain parameters and contingent upon staff review was discussed or of waiving the fee for a subsequent patio application. Mr. Budzum indicated that he would probably not have any plans available until spring or summer. His focus right now is getting the restaurant and drive thru open; he would not be especially concerned about paying another fee in the future. He indicated that the drive-thru may be used for Friday fish fries but otherwise foresaw little use given the preparation requirements of the type of food he will be serving.

Vote on the motion, Ayes: 8

Business Planned Development at 2700 N. Mayfair Road

Ms. Welch announced that the Plan Commission held this matter for one month. It will be rescheduled once the Plan Commission has made a recommendation.

Fire Department Facility Study – Potential Sites

The Chair said that, after hearing from the Chief, he will request that the list of potential fire station sites be reduced to two from which to make a final decision.

Chief Redman said that he would like to introduce the concept of a new site that the committee hasn't looked at before—a variation of locating the fire station at the current site. He distributed a sketch of the area showing apparatus bays to the north and an administration and dormitory building to its south. He commented that one of the considerations here is the information from Cobalt Partners that they have acquired control of two residential properties north of the current site. The potential lack of objections from owners of two of the four prime properties to the north changes the property acquisition aspect and raises the possibility of voluntary acquisition of all four of the residential properties. A major consideration would be the need for nearby replacement parking if the church parking lot at the northernmost line were acquired. The Chief said that this layout to the north dramatically improves configuration and also provides for continuity of operations during construction.

Chief Redman noted that his own scoring matrix, with a maximum score of 50, shows four or five of 12 potential sites scoring 30-40, but there are issues with acquiring property at a number of those. He scored the "State Street bridge," the Cobalt proposal involving a platform over the river, the highest because it would perform very well from an operational standpoint. But there have been a lot of comments from city staff and others including secondhand reports that the DNR would not approve it that make it hard to advance that site as a likely option. Other than the "Underwood north" site just presented, another consideration would be revisiting the commercial property at 74th and State. It is fairly well located and is under single ownership as an investment property. Even though it is assessed a little higher, there has been some thought that acquisition might be a little less complicated than acquiring four or five separately owned properties. It is one of the larger sites overall, well configured, and relatively square. The department would be able to maneuver effectively from that site to respond east or west down State Street. Chief Redman offered to answer questions on any sites that others feel should be considered.

Ald. Birschel asked why the site at 6930 W. State Street isn't listed, noting that some alderpersons have received e-mails suggesting that and other sites. Chief Redman said that location is not ideal, being relatively far east for response as far west as Menomonee River Parkway and North Avenue.

Dale Mussati, 1525 Ridge Court, presented a petition signed by residents near the gully site who oppose the construction of a fire station anywhere on Menomonee River Parkway because: 1) it would introduce an industrial-

like facility into a purely residential/park district, changing the character of the neighborhood; 2) it would create noise and a visual nuisance leading to reduction in home values; 3) homeowners near the parkway will be more negatively affected than those in other areas adjacent to commercial districts, having paid a premium for their homes because of proximity to the park; 4) as a heavily used recreation area, a safety hazard would result; and 5) decreasing park and recreation land diminishes quality of life and sets a bad precedent.

Dale Hoffman, 1519 Ridge Court, urged the committee to eliminate sites on the bottom and focus on those that are most realistic. Also speaking in opposition to the gully site were Denise Lindberg, 6222 Washington Circle, on behalf of Friends of Hoyt Park and Pool; Lynn Broadus, 537 N. 67th Street; Dale Kirchner, 8101 Milwaukee Avenue; and Tom Klein, 1507 Ridge Court. Ms. Lindberg cited the foresight of people such as Whitnall, Currie and Hoyt who were instrumental in designating parkland many years ago. Ms. Broadus said she spoke with Jim Goulee of Friends of Milwaukee County Parks, who found that the county has not been approached about using the gully site and said the parks group would be very concerned if it is seriously considered. Bryan Olin, 1553 N. 117th Street, noted that there are a lot of expensive sites on the list and advised serious consideration of proposals that would provide for additional redevelopment and possibly pay for a new station without raising taxes.

Ald. Krill spoke of his concerns with the fact that a private developer has made some arrangements with homeowners and has unfairly raised their expectations and given them a sense of protection when, in fact, it ultimately may not mean anything and cannot be part of the process. Also, the developer proposes giving those residential properties to the city only as part of an exchange for the Blanchard parking lot, a deal he would vigorously oppose. If that parking lot is developed, he would want to see an RFP process with no restrictions favoring one developer over another. Ald. Krill further stated his support for narrowing the list to two or three sites tonight. He said that he would consider the Underwood north site as long as it is not tied to giving a private developer a leg up on one of the best development opportunities in the village.

Ald. Sullivan noted that he previously moved to eliminate the gully and the Blanchard triangle sites because he believes both are unworkable. He would also add the State Street bridge site over the river.

Moved by Ald. Sullivan, seconded by Ald. Meaux to eliminate the
Blanchard triangle, gully, and State Street bridge sites –

Alternatives to eliminating sites were discussed. Ald. Krill advocated a focus on favorable sites. Ald. Birschel suggested ranking the sites based on considerations such as the type of property, purchase and design costs, and assurance of future development. Ald. Herzog concurred with ranking the sites from 1-3, starting from the top down. Ald. Didier favored first eliminating a few sites to simplify the ranking process. Ald. Donegan recommended focusing on just the Underwood north site and concentrating on the costs and benefits associated with options there. Ald. Meaux felt it would not be fruitful to limit the focus to one site. Ald. Sullivan rejected a friendly amendment offered by Ald. Didier to also eliminate the Harwood and Mower site. He said that a primary factor should be the long-term security needs of the city.

Ald. Herzog asked if eliminating sites means they would never be considered again. He favored ranking all 12 potential sites. Ald. Krill commented that sites would merely be eliminated from the current process. No sites are totally eliminated until a final choice is made and, even then, the choice might not work out.

Ald. Meaux called the question. The vote on calling the question was
Ayes: 7; Noes: 1 (Treis)

Roll call vote on the motion, Ayes: 4; Noes: 4 (Didier, Donegan, Herzog,

Sullivan) Motion fails.

Moved by Ald. Sullivan, seconded by Ald. Krill to individually rank the 12 potential sites on a 1-12 scale with 1 being the most favored, 2 being the next, etc. –

There was further discussion of the merits and methods of ranking the sites. Ald. Donegan commented that it is difficult to vote on the Underwood North site since that information was just presented. Ald. Didier noted that real reasons to reconsider the 74th and State site have not been offered.

Ald. Donegan asked Ms. Welch about the \$313,632 valuation estimate for the current station’s land, speaking of freeing up that site for development versus lost revenue from the properties north of the current site. Ms. Welch felt that number to be reasonable given values in the Village. Chief Redman said that it is based on the square foot value provided by the Assessor’s office prior to this year’s revaluation, which was about \$9 per square foot for commercial property near the Village. That estimated value would not include demolition. Ms. Welch added that the Lefeber Point property and others seem to be running about \$500,000 per acre in land value, which comes to about \$11 per foot. The Lefeber Point site is about .5 acre and has a total assessed value of about \$4.9 million; the current station site is about twice that size. Total assessed values of the four properties north of the station totals about \$1.06 million, with the church parking lot at “0” assessed value. Ald. Donegan concluded that with the Underwood north site, we would be eliminating about \$1 million of valuation but would gain \$9 million of valuation plus the sale price of the land.

Sally Springer, 7425 Harwood Avenue, said she would like to know whether two or three properties would need to be acquired at the Harwood and Mower site. Ms. Welch indicated that she did not have that information immediately at hand. Ms. Springer suggested hearing from property owners at each of the potential sites. Ald. Herzog noted that there will be much more discussion and opportunities for public comment as this process moves along and the committee considers various factors.

Ald. Meaux expressed support for focusing efforts as long as it is just for guidance and narrowing the focus to the top three or four. He felt that it is important to put it to another vote, however, once it is narrowed down.

Vote on the motion, Ayes: 8

Mr. Kesner suggested that the vote not be anonymous but attributable to each alderperson. The Chair ruled that names need not be on this ballot. Mike Maxey, 1515 Mower Court, and Mr. Olin interjected comments that anonymous ballots would violate open meetings laws. Ald. Birschel pointed out that balloting for appointment of alderpersons has been done in the past by anonymous ballot. The committee members proceeded to mark their rankings, which were turned over to Mr. Kesner.

(The meeting recessed at 9:37 p.m. and reconvened at 9:55 p.m.)

The rankings by each of the committee members were as follows:

| SITE | | | | | | | | | TOTALS |
|-------------------|----|----|----|----|----|----|----|----|--------|
| 68th & Milwaukee | 8 | 12 | 5 | 6 | 8 | 7 | 7 | 8 | 61 |
| Current Underwood | 1 | 1 | 2 | 2 | 5 | 12 | 1 | 10 | 34 |
| North Avenue | 6 | 5 | 6 | 10 | 6 | 4 | 6 | 9 | 52 |
| Gully | 10 | 11 | 11 | 7 | 12 | 10 | 11 | 7 | 79 |

| | | | | | | | | | |
|-----------------------|----|----|----|----|----|----|----|----|----|
| Blanchard Triangle | 3 | 10 | 4 | 5 | 9 | 5 | 8 | 6 | 50 |
| 74th & State | 4 | 3 | 3 | 3 | 4 | 1 | 3 | 3 | 24 |
| Greek Church | 7 | 9 | 10 | 4 | 11 | 6 | 5 | 5 | 57 |
| Mower & Harwood | 11 | 8 | 8 | 9 | 2 | 9 | 10 | 11 | 68 |
| Blanchard Parking Lot | 5 | 2 | 1 | 1 | 3 | 3 | 2 | 1 | 18 |
| 76th & North (Bank) | 12 | 7 | 9 | 11 | 10 | 11 | 4 | 4 | 68 |
| State Street Bridge | 9 | 6 | 12 | 12 | 7 | 8 | 12 | 12 | 78 |
| Underwood North | 2 | 4 | 7 | 8 | 1 | 2 | 9 | 2 | 35 |

Mr. Kesner addressed the question of open meeting implications in connection with taking a consensus vote. He said that it is not a violation of open meetings law to rank the individual sites for the purpose of moving toward consensus. The documents used for that vote are part of the record; some committee members have included their name and some have not. Whatever is decided as a result of the consensus work will be done by the specific vote of the committee based on ideas from the consensus process.

Moved by Ald. Herzog, seconded by Ald. Didier to focus right now on the top four sites: Blanchard parking lot, State and 74th, current Underwood, and Underwood North. Ayes: 8

The Chair requested a motion to reduce the sites under consideration to three.

Moved by Ald. Krill, seconded by Ald. Meaux to focus on the top three sites: Blanchard parking lot, State and 74th, and current Underwood –

Mr. Kesner noted that the last time the committee did a similar consensus building vote, they considered not only the final total scores but also high rankings within each item.

Ald. Donegan said he is uncomfortable that Underwood north, which got the Chief’s second highest ranking, was just introduced this evening and isn’t given enough consideration if it is eliminated tonight. The Chief said that the committee should keep in mind that the original study included properties to the north of the current station. How many is variable and may be worthy of some consideration as the process proceeds. A combination of properties to the north and south of the station might effectively combine proposals for the current Underwood site and for Underwood north. Ald. Donegan then said that if “Underwood current” means all of Underwood from Milwaukee Avenue to Harmonie is still in play, then “Underwood north” could be eliminated.

Ald. Herzog felt that the top three or four should be narrowed down and the committee should then concentrate on the top one.

Roll call vote on the motion, Ayes: 4; Noes: 4 (Didier, Donegan, Herzog, Sullivan) Motion fails.

Moved by Ald. Herzog, seconded by Ald. Birschel to rank the top four sites, with number one being the one that the committee primarily focuses on going forward –

Ald. Donegan said that all are possible sites; it would be difficult to focus on one without considering the others. The question is how they compare to each other on a variety of variables. The committee might never consider

number two if no reason is found to walk away from number one. He would like to do more homework before choosing number one. He suggested doing the ranking of 1-4 at the next regular meeting, which Mr. Kesner pointed out would be on January 9, since only brief meetings are scheduled on January 2 prior to Council.

Ald. Didier commented that she had pretty much ruled out 74th and State based on previous information. She questioned what might have happened with the commercial owner and tenants that might make them want their hat more in the game. She would like to do some analysis on the background at 74th and State and what the Underwood north site really means in comparison to others.

Ald. Meaux questioned what focusing on one site actually means. He pointed out that any one of the sites except for the current frees up another site, and we've had some out-of-the-box thinking on sites that would encompass more than a fire station. Focusing on one site might limit discussion of other possibilities. All the sites are interlinked, located in close proximity, and bring some benefits in terms of what goes on in the Village. He would hate to miss an opportunity to do better.

Chief Redman said that once the committee selects a potential site, it initiates a process of establishing a strategy of how to acquire property or sending out RFPs and developing city property. It becomes difficult to do that on three or four different properties.

Vote on the motion, Ayes: 3; Noes: 5 (Didier, Donegan, Meaux, Sullivan, Treis) Motion fails.

The meeting adjourned at 10:20 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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