



CITY OF WAUWATOSA

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COMMUNITY DEVELOPMENT COMMITTEE MEETING

Tuesday, February 26, 2008

PRESENT: Aids. Birschel, Didier, Donegan, Herzog, Meaux -5

EXCUSED: Aids. Krill, Minear, Treis

ALSO PRESENT: N. Welch, Community Dev.; Dir. A. Kesner, City Atty.; Ald. Hanson

Ald. Herzog as Chair called the meeting to order at 8:07 p.m.

Amended Conditional Use – 10842 W. Blue Mound Road

The committee reviewed a request by John A. Vassallo for amendment to the Conditional Use for Mo's Irish Pub, 10842 W. Blue Mound Road, to modify hours of operation. Previously approved hours of operation are 11 a.m. to 2 a.m. daily. The applicant would like to open at 10 a.m. on Mother's Day, 6 a.m. on St. Patrick's Day, 8 a.m. on Saturdays and Sundays, and to close at 3 a.m. on January 1st for New Year's Eve. The Plan Commission recommended approval of opening at 10 a.m. on St. Patrick's Day, Mother's Day, Saturdays, and Sundays and closing at 3 a.m. on New Year's Eve.

Ald. Hanson, who represents this district, noted that there have been continuing neighborhood issues ever since Mo's opened over a year ago. Some new parking restrictions have helped somewhat, but he has found that most residents don't support opening at 6 a.m. on a school day.

Matt Brice, 10842 W. Blue Mound Road, representing John Vassallo, requested a temporary opening time of 6 a.m. for this year's St. Patrick's Day only. Mo's has a tradition of offering an Irish breakfast at their downtown location and would like to extend the tradition to this site. They have been an excellent corporate citizen and has been good for the community, and they have made adjustments as necessary. They are a sponsor of the Wauwatosa Historical Society's Blarney Run as well as Irish Fest, the St. Patrick's Day parade, and the Jingle Bell walk/run. They will have extra security on St. Patrick's Day and will provide shuttle service within 10 miles to anyone who shouldn't drive. They would not offer any specific alcoholic beverages specials at 6 a.m.

Bonnie Ehler, 11000 W. Harvard Lane, Mary and Jim Dettman, 518 N. 109th Street, Jennifer Biefeld, 721 N. 109th Street, and Carrie Pucell, 525 N. 108th Street, all spoke in opposition to opening at 6 a.m. on St. Patrick's Day. They cited continued problems with heavy traffic, speeding, noise, and other disruptions associated with patrons parking in their neighborhood and saw no reason to open before 10 a.m. Ms. Ehler noted that approximately 100 homes and more than 250 people have been affected. She read a report on the likelihood of injuries in connection with alcohol-impaired drivers and said that residents would like Mr. Vassallo to keep the promises he has made to them. She also complained of signage prohibiting left turns from the parking lot that has been left face down in the snow. Ms. Dettman submitted a printout from Mo's website showing a 6 a.m. opening time and questioned whether something has already been negotiated.

Jeff Roznowski, 2609 N. 82nd Street, chair of the Blarney Run-Walk, expressed gratitude for Mo's sponsorship of the event, the success of which is tied to the success of Mo's. He has seen them work with their neighbors on parking issues and make accommodations to ensure safety. Allowing them to open at 6 a.m. St. Patrick's Day would be consistent with other establishments in and outside of Wauwatosa, he stated.

The Chair reported that Ald. Krill, the other alderman of this district, could not be present but sent a message supporting a 6 a.m. opening time this year only. He felt that Mr. Vassallo has complied with all of his promises to find additional parking and has been responsive to neighbors' concerns. He has earned the right to open at 6 a.m. on St. Patrick's Day, Ald. Krill wrote.

Meagan Maniman, 2109 N. Martin Luther King Drive, Milwaukee, a bartender at Mo's downtown site, reported that most patrons simply stop for breakfast and then go on to work. They may return later to have drinks.

Mark Andzek, operating partner for Mo's Irish Pub, said guests on St. Patrick's Day at Mo's downtown location were more of a college crowd, but the Wauwatosa crowd is more middle-aged and very responsible and respectful to the neighborhood. Also, there likely will be less volume than last year when the holiday fell on a Saturday. They plan to have traditional Irish music all day long and performances by a group of young Irish dancers. If the police have any record of problems, he would be happy to discuss those issues.

In response to questions, Mr. Brice explained that they would have shuttle users' phone numbers would take appropriate measures regarding any cars that are left behind in the parking lot or on the street. The shuttle would run from opening to closing time. Mr. Brice said he would need to consult Mr. Vassallo on the query about possibly not serving alcohol during the early morning hours. He explained that the website information found by Ms. Dettman was posted in error; the item actually applies to entertainment for the Milwaukee site.

Asked about other establishments that open at 6 a.m., Ms. Welch said that Leff's opens at 6 a.m., but, like some other existing businesses, their Conditional Use was granted before the Plan Commission began to routinely set hours of operation as part of the approval process. Ms. Dettman added that O'Donahue's in Elm Grove will open at 8 a.m. and the nearby new O'Sullivan's has not yet made plans. The Chair reported that The Club Tap doesn't plan to open early, Walter's will open at 11 a.m., and Colonel Hart's will open at 9 a.m. Mr. Brice said that it is not in Mo's best interest to create a nuisance; they are simply trying to gather business that others don't have at that time of day.

Ald. Birschel commended Mo's as a first-class business but felt that neighbors have been stretched to the limit.

Moved by Ald. Birschel, seconded by Ald. Didier to recommend approval of an amendment to the Conditional Use to allow opening at 10 a.m. on St. Patrick's Day, Mother's Day, Saturdays, and Sundays, and closing at 3 a.m. on New Year's Eve, with regular hours of operation remaining at 11 a.m. to 2 a.m. daily –

Ald. Didier commented on the need to work with the neighbors on proper signage and communication.

In answer to questions from Ald. Meaux, Ms. Welch reported that Mo's originally had 71 parking spaces, which met the required ratio. They later added 60 more spaces, close to doubling what is required and more than any other restaurant in the city provides. She stated that the intersection of Blue Mound and Mayfair Roads is one of the busiest in the metropolitan area.

Ald. Meaux commented on the need to balance the needs of the community and those of businesses. Unfortunately, this residential area is alongside a very busy commercial area. Although there are parking issues with which they continue to struggle as a result of being successful, Mo's has made a very admirable effort and should be given an opportunity to try the requested 6 a.m. opening time. If we want to support viable businesses, they have to be able to try things like this out. Events like this offer a huge promotional opportunity with radio stations and other news media. We would be able review the situation in six months and evaluate its success.

Ald. Donegan noted that most of the objections from the neighborhood don't pertain to the issue of 6 a.m. opening but are more about Mo's simply being in their neighborhood. Most of the problems complained of will

persist whether or not there is a 6 a.m. opening. How can we justify discriminating against Mo's by not allowing them to be open at a time when other establishments can operate, Ald. Donegan asked.

Moved by Ald. Donegan, seconded by Ald. Meaux to amend the motion to include an experimental 6 a.m. opening on St. Patrick's Day in 2008 with a report back to the committee in six months –

Ald. Didier felt that Ald. Hanson's statements should be heeded inasmuch as he has been the one attending the neighborhood meetings. Residents do not need to have five more hours of problems. They are asking that everything be resolved before amending the Conditional Use. It would not be discrimination to not allow this since those businesses with early hours were approved prior to the time the Plan Commission began designating hours of operation. Ald. Birschel concurred that it is not discrimination.

Ald. Donegan asked if Leff's could be prohibited from opening at 6 a.m. Ms. Welch said there would have to be a reason to bring them before the committee, and a case for changing their Conditional Use would need to be made. Ald. Donegan noted that we don't know what it would be like in this neighborhood between 6 and 10 a.m., but he would like to find out. It could be very quiet with cars using only the parking lot.

Ald. Herzog agreed that this would be a good year to test the waters since St. Patrick's Day falls on a weekday and because it could be reviewed in six months. They might do a better job knowing it will not happen next year if they don't bend over backwards to make it successful this year.

Vote on the amendment, Ayes: 3; Noes: 2 (Birschel, Didier)

Vote on the original motion as amended, Ayes: 3; Noes: 2 (Birschel, Didier)

Conditional Use – 7600 W. State Street

The committee reviewed a request by Russ Drover and William C. Brown for a Conditional Use in the Village Trade District at 7600 W. State Street for outdoor seating for Pizzeria Piccola. Ms. Welch reported that Mr. Drover and representatives of Pizzeria Piccola have reached an agreement that allows for use of the vacant lot at 7600 W. State Street to provide outdoor dining for approximately 60 patrons. The Plan Commission unanimously recommended approval but requested an updated plan, copies of which have been provided to the committee. This plan shows that they would remove the tables directly in front of Pizzeria Piccola and replace them with benches to help alleviate sidewalk encroachment problems. The Plan Commission was concerned about continued use of the sidewalk tables, which had been an ongoing problem in terms of safe passage.

Mr. Drover, 7530 W. State Street, and Mr. Brown, 1949 Forest Street, were present. Mr. Brown commented on the limitations they had faced with tables directly in front of the restaurant. Due to the width of the sidewalk and brick pavers, it was difficult to maintain public accessibility as required. As shown on the submitted drawing, they plan to place five park benches in front of the restaurant and adjacent buildings in lieu of those tables. They would like to provide recorded or live music in the outdoor dining area.

Kent Ehley, 7437 Kenwood Avenue, spoke in favor of maintaining some type of seating on the sidewalk to enhance the ambiance of the area. Use of the parking lot for seating will be a big improvement, he felt.

Ald. Meaux commended this as a wonderful idea and nice addition to the Village.

Moved by Ald. Meaux, seconded by Ald. Didier to recommend to Council approval of the requested Conditional Use to allow outdoor seating for Pizzeria Piccola –

Ms. Welch explained that the problem with continued use of the sidewalk in front of the establishment is the width of the sidewalk itself, the area of brick pavers, the presence of signs and trees, and the fact that the tables

tended to migrate over time, making it difficult to keep a clear passage area for pedestrians and handicapped individuals. The best recourse seemed to be elimination of that seating. She clarified that there is no change in Bartolotta's adjacent outdoor dining nor in Pizzeria Piccola's hours of operation.

Alds. Didier and Birschel thanked Mr. Drover for his efforts and community spirit.

Vote on the motion, Ayes: 5

Use of Village Area for Tosafest 2008

The committee reviewed a request by Peter Russo, president of the Wauwatosa Village Task Force, for use of the Village area for Tosafest 2008 on September 5 and 6. Mr. Russo, 1421 N. 70th Street, was present and reported that all conditions would be the same as last year. Kent Ehley, Village Task Force treasurer, was also present.

Moved by Ald. Donegan, seconded by Ald. Birschel to recommend to Council approval of the requested permit. Ayes: 5

The meeting adjourned at 9:20 p.m.

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Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin