



CITY OF WAUWATOSA

7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
Fax: (414) 479-8989
<http://www.wauwatosa.net>

COMMUNITY DEVELOPMENT COMMITTEE MEETING Tuesday, July 8, 2008

PRESENT: Alds. Birschel, Hanson, Herzog, McBride, Meaux, Nikcevich, Stepaniak -7

EXCUSED: Ald. Treis

ALSO PRESENT: N. Welch, Community Dev. Dir.; A. Kesner, City Atty.; J. Archambo, City Admin.;
Capt. D. Weiss, Police

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

Conditional Use – 6030 W. North Avenue

The committee reviewed a request by Cameryn Roberts and Sarah Jonas for a Conditional Use in the Trade District at 6030 W. North Avenue for Juniper 61 restaurant with outdoor dining and extended hours. The Plan Commission unanimously approved the use with hours of operation from 8 a.m. to 11 p.m. daily and outdoor dining until 10 p.m.

Mr. Kesner explained that Trade District zoning restricts hours of operation to 11 p.m. but allows the Council to extend those hours if it finds that the additional hours fall within times that are reasonable and customary for that type of business and that the hours should not negatively impact adjacent residential, commercial, or other properties. Ms. Welch added that there was concern about the potential impact of later hours and a desire to assist in maintaining order at times when problems might occur.

Ald. Donegan spoke of the need to have a healthy North Avenue and prevent its decline. He favored an exemption from the 11 p.m. closing time for Juniper 61, which he said is a great fit for North Avenue and also seems to be what this neighborhood wants. The possibility of late-night disturbances is a very manageable risk, he said, but a vacant property that would contribute to decline is not so manageable. He pointed out that, as a Conditional Use, the Council can make changes as needed should there be problems. When Jake's was in business here, they had later hours and there were no problems with parking or disturbances. Also, he has never had a complaint about Shepherds, a late-night bar in this area.

Kristian Sydow, 745 E. Lincoln Avenue, Milwaukee, a business associate of the applicants, said they own a similar restaurant in Bay View, Café Lulu, and were contacted about this site by an area resident. They have turned their Bay View business into one of the strongest locally owned restaurants in the city. Their success here is critically tied to the ability to serve bar-related drinks in the more profitable part of the evening. He mentioned other challenges to doing business here including the economy and lack of nearby offices and requested extension of the 11 p.m. closing time and approval of outside dining until 11 p.m.

Ms. Welch reported that Trade District zoning does not address outdoor dining hours. The most recent restaurant, Shiraz, was in business before the Trade District zoning was implemented and had approved hours only until 11 p.m. That closing time has been employed at other places along North Avenue that are adjacent to residential. Older businesses like Walter's, Shepherd's, and the former Jake's were approved at

a time when the Plan Commission and Council were more concerned with sufficient parking than hours of operation and other impacts. Since about 2000, there has been more emphasis on hours of operation as a means to moderate negative impacts.

Mr. Sydow reported that after the Plan Commission meeting he talked with the three residents who had concerns about hours, and they now seem to be in full support. He noted that the outdoor seating area will be heavily landscaped to buffer sound. Parking east of the building accommodates 33 cars, and it likely that any overflow would use North Avenue, he said.

Kathleen Roberts, 2265 S. Howell Avenue, Milwaukee, told of opening Café Lulu in 2001 in a former George Webb's and ultimately expanding into an adjacent storefront that more than tripled capacity. They have become a mainstay of the community, serving fresh and healthy food at a great price in a communal atmosphere. It seems that there is a hunger here, too, for a place that is not essentially a bar, that is non-smoking, and that serves alcohol into the later hours. Seventy percent of their revenue will be from food, Ms. Roberts noted, but there is a point at which they need to make that additional profit.

Mehan Edalatpour, 8870 N. Lodgewood Road, River Hills, who operated Shiraz, concurred that the restaurant business is very tough and said that the building might stay empty for a long time. He never concentrated on bar business but understood that he could have stayed open until 2 a.m. if desired. He never had any security concerns or problems. The neighbor behind the restaurant and adjacent to the patio was very supportive. He had very low volume, classical style outdoor music. Ms. Welch noted that music could be restricted as part of the Conditional Use.

Meg Miller, 2466 N. 72nd Street, explained that area residents formed the North Avenue Neighborhood Alliance about a year and a half ago in response to what they felt was a lack of attention to North Avenue. Their mission is to work with residents, business owners, prospective business owners, and elected officials to create a sustainable environment. Over 350 people immediately north and south of North Avenue responded to a survey, and over 91% wanted exactly what is being offered here. They also stated concerns about safety. Ms. Miller noted that later business hours means more people, more activity, and less chance of any safety issues. She asked the committee to consider an exemption to the 11 p.m. restriction.

Also speaking in favor of the business and extended hours were: Rachel Crouch, 2157 N. 66th Street; Kathryn Camosy, 2235 N. 68th Street; Shannon Bitenc, 2165 N. 73rd Street; Ann Schmitz-Buechler, 2129 N. 73rd Street; Michael Zirbel, 1326 N. 71st Street; Cary Schueller, 8011 Hillcrest Avenue; and Shannon Doberstein, 2133 N. 73rd Street. Many reported patronizing Café Lulu and felt that Juniper 61 would be a wonderful asset to the neighborhood, a great improvement for the business district, and would encourage new growth there. E-mails in support of extended hours were also received.

Ald. Stepaniak said that the positives of this proposal make it almost a "no brainer." He noted that this is a critical location that, along with Blockbuster, forms an anchor for the entire eastern portion of this district. Parking is almost entirely self-contained. He has not received any calls in opposition but did receive messages in support. He noted that when the Trade District concept was conceived, the limitations were an attempt to eliminate negative impacts on the neighbors. This neighborhood, however, is asking to be impacted and believes that impact will be positive. Although there may be some issues to be managed, he and the neighborhood are willing to invest in that, he said.

Moved by Ald. Stepaniak, seconded by Ald. Nikcevich to recommend to Council approval of the Conditional Use with hours of 8 a.m. to 2:30 on weekends and to 2:00 a.m. on weekdays, outdoor patio hours of 8 a.m. to 11 p.m., finding that the additional hours fall within reasonable and customary times for this kind of business and that the additional hours

should not have a negative impact on adjacent commercial or residential properties; and with the suggestion that, prior to opening, the proprietors consult with the police department regarding operational suggestions or improvements to avoid any potential problems –

Ald. Nikceovich commended the efforts of the North Avenue Neighborhood Alliance, particularly for seeking out a business that meets their desired criteria. Although North Avenue is undergoing a Renaissance, a solid anchor is needed east of 68th Street. This business fits the neighborhood demographic and will be a great asset, she felt. Based on an e-mail from the Rosebud proprietor, it seems that area businesses are also supportive. Ald. Nikceovich noted past noise issues she experienced as a neighbor of Shepherd's and advised the applicants to work with the police department on noise abatement.

Ald. Birschel reported on discussion at the Plan Commission's meeting regarding hours of operation and supported the motion. Ald. McBride echoed that support and thanked residents who offered comments.

Vote on the motion, Ayes: 7

Proposed Zoning Change – 1701 / 1801 N. Mayfair Road

The committee reviewed a request by West Development Partners LLC for a Change in Zoning from AA Light Manufacturing to AA Business at 1701 / 1801 N. Mayfair Road, the former Renner site. The Plan Commission unanimously recommended setting a public hearing date, which will allow this request to move forward.

Moved by Ald. Hanson, seconded by Ald. Birschel, to recommend to Council that a public hearing date be set, with the proposed ordinance amendment forwarded for introduction –

Ms. Welch reported that as car dealerships along Mayfair Road leave, it is likely that the properties would transition to office and retail use rather than light manufacturing. This rezoning is part of a development proposal that also includes a request for a land combination, to be discussed next, and a Conditional Use request, to be reviewed at the July 29 meeting. After an August 5 public hearing on rezoning, it is expected that the Community Development Committee would review and make a recommendation on the rezoning request at their September 2 meeting and forward all three elements to the Common Council for vote at their regular meeting that same evening.

Asked about Planned Development zoning, Ms. Welch explained that it is appropriate for big, mixed use projects, but this development would fall under big box requirements of AA Business zoning and would not require that lengthy process. This will create consistent zoning along Mayfair Road, and it still offers the opportunity to stipulate through a developer's agreement anything that requires additional control. Before making a recommendation, the committee will have the benefit of public input through the public hearing process, and staff will have had time to pull together all the details needed for that final decision.

Ald. Stepaniak expressed concern about moving forward without further information on the proposed development of this land for a grocery store and associated retail space. Ms. Welch noted that more information will be forthcoming as the process moves along. The Chair explained that first scheduling a public hearing, which is required by state law, has been the procedure commonly followed by this committee.

Vote on the motion, Ayes: 6; Noes, 1 (Stepaniak)

Proposed Land Combination – 1701 / 1801 N. Mayfair Road

The committee reviewed a request by West Development Partners LLC for a Land Combination in the AA Light Manufacturing District at 1701 / 1801 N. Mayfair Road, the former Renner site. The Plan Commission unanimously recommended approval. Ms. Welch reported that the question is whether combining the two Renner parcels is consistent with development and land patterns along Mayfair Road. Any decision would be contingent upon final rezoning as the redevelopment proposal moves forward.

Brett West, WDP Wauwatosa, LLC, 1836 N. 49th Street, Milwaukee, displayed drawings and aerial views and briefed the committee on the proposal presented to the Plan Commission last night. He said that when the site was purchased, they were somewhat unaware that it actually consists of two parcels since Renner owned and occupied the entire area as a single site. The north parcel is 4 acres and the south is 1.8 acres. He indicated that Pick ‘N Save is the prospective primary tenant and went on to briefly explain and answer questions regarding the orientation of the proposed building, parking fields, and traffic patterns.

Ms. Welch noted that this site has been vacant since approximately last fall. It is relatively shallow, as are others along Mayfair Road since they are bounded by the railroad tracks to the west. It makes sense to create a larger parcel, she said, since there is little likelihood of a 1.8 acre lot ever being developed for anything of substantial value. The site has been operating as one parcel for many years.

Moved by Ald. Birschel, seconded by Ald. Hanson to recommend approval of the land combination –

Alds. Birschel and Stepaniak indicated that they would vote for the land combination, but Ald. Stepaniak had further questions related to traffic and access. Ms. Welch noted that there have been extensive meetings with the State DOT inasmuch as those issues will be critical. Mr. West explained that the traffic impact analysis reflecting those discussions will be submitted to DOT this week, and a further response is anticipated. There was further discussion of traffic issues and challenges presented by the site itself.

Vote on the motion, Ayes: 7

Flood Plain Districts, Flood Insurance Rate Maps

Ms. Welch reported that an amendment to Chapter 24.47 Floodplain District is required by the Federal Emergency Management Agency (FEMA) in order for the City to remain in the National Flood Insurance Program. At this point, there are no substantial changes to the existing floodplain map that was adopted in 1978. The maps will be revised in a few years to reflect calculations that are yet to be made for the Hart Park project and for the county grounds detention basins, which are not yet operational. It is anticipated that less area will then be in the floodplain. Since this is a zoning code amendment, a public hearing is required.

Moved by Ald. Birschel, seconded by Ald. McBride to recommend to Council that a public hearing date be set, with the proposed ordinance forwarded for introduction Ayes: 7

The meeting adjourned at 9:31 p.m.

Carla A. Ledesma, City Clerk

Wauwatosa, Wisconsin

es