



CITY OF WAUWATOSA

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COMMUNITY DEVELOPMENT COMMITTEE MEETING Tuesday, October 28, 2008

PRESENT: Aids. Birschel, Hanson, Herzog, McBride, Meaux, Nikceovich, Stepaniak, -7

EXCUSED: Ald. Treis

ALSO N. Welch, Community Dev. Dir.; A. Kesner, City Atty.; Chief B. Weber, Police Dept.;
PRESENT: Chief D. Redman, Fire Dept.; J. Archanbo, City Admin.; Mayor Didier; Ald. Krol

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

Conditional Use for Dave & Buster's Restaurant – 2201/2215 N. Mayfair Road

The committee reviewed a request by Jay L. Tobin for a Conditional Use in the AA Business District for a Dave & Busters restaurant located at 2201 and 2215 N. Mayfair Road, the Ewald car dealership site. The existing buildings would be demolished and a new 33,710 sq. ft. building constructed. The restaurant is a full-service eating and drinking establishment that also has games and arcades. The applicant proposed hours of operation of 11:30 a.m. to 2 a.m. daily. A land combination is needed as well as an approved parking lot design showing adequate landscaping and traffic flow. The final building design must be approved by the Design Review Board and concerns about signage addressed. A letter from the Department of Transportation (DOT) discusses their desire for cross-access easements to the parcels to the north and south and sufficient throat at the main access point to reduce backups on Mayfair Road.

Starlett Johnson, president of Dave & Buster's, 2481 Manana Drive, Dallas, TX, part of the management team that has operated the business for the past two years, said that they serve families and adults 21-44. Games represent 44% of their business, and the remainder is food and beverage. Their customers are 44% families and 56% adults over age 25, typically 55% male and 45% female, with average annual income around \$75,000.

James Brusso, director of security for Dave & Buster's, described elements of the basic security plan, generally with 16 cameras deployed throughout the building, which can be modified as needed. House captains in distinctive uniforms have radio contact with management staff and act as the first point of customer contact. A heavy focus on alcohol awareness includes safe-serve training and an ID compliance audit program. A full food menu is available up to closing time. Patrons must be 18 to enter unaccompanied or must be chaperoned by an adult 25 or older who can bring in up to six minors. Courteous behavior and appropriate and clean attire are expected, and no smoking or intoxicated individuals are allowed.

Atty. Debby Tomczek, Rhinehart Boerner, 1000 N. Water Street, Milwaukee, noted that the applicant is investing significantly in this site without any request for TIF funding or other City assistance. The Plan Commission recommended approval by a 4-1 vote, modifying the closing hours to 1 a.m. Sunday through Thursday and 1:30 a.m. on Friday and Saturday.

John Stiegler, representing the applicant's civil engineering firm, displayed a drawing showing that there is now a significant amount of impervious roof and asphalt surfaces and little green space throughout the site. Under the new site plan, 10% of the parking area will be green space. He explained efforts to achieve a median grade that works from the street elevation to the back area. The layout also allows the cross connections requested by DOT, and the initial reaction of the fire and water departments was favorable. There will be additional hydrants to

provide better coverage. The building will be three feet higher than the existing building on site. The question of placing the building closer to the road that was raised at the Plan Commission meeting is an engineering issue. The proposed placement allows for maximum parking yield, helps balance the grade to make it better for winter, and also allows for compliance with DOT requirements.

Philip Keremy of Lineal Architecture, Irving Texas, said that the building is as far back as possible while still allowing fire truck and delivery access to the back. He displayed site drawings showing proposed signage, which he acknowledged is beyond that allowed by code but said they wanted to show their maximum plan. Another drawing showing pared-back signage is still more than the code allows. They consider the visual elements to be more art/architectural elements than signage. Mark Brundige, Linear Architecture, described architectural elements and materials which include synthetic stone and stucco. Most of the emphasis is on the front elevation with the large graphic panels.

John Bieberitz, Traffic Analysis and Design, Cedarburg, said that DOT reviewed traffic counts for three existing sites and found those volumes to be low. Although they did not require a traffic study, they did review a study done at the City's request. The committee received copies of a chart comparing existing and projected traffic levels. He indicated that those projections compared favorably with traffic generated by other Mayfair developments such as the proposed Pick 'N Save, Best Buy, and Crate & Barrel.

Elias Pogoudis, owner of Bigg's Roadhouse, spoke of concerns about young adults and teenagers, a demographic that he said has caused problems at Mayfair. He felt there has not been much opposition because many people are not familiar with the business. He noted reports of problems at the Chucky Cheese restaurant in Brookfield and said that many of the arcades in the Milwaukee area ended up using armed security at all hours of the day.

Chief Weber reported that he visited two Dave & Buster's Illinois locations where he met with representatives and discussed security. He felt that they are well run. He suggested including a provision for review of security until the City is satisfied, which they are willing to do. They are also receptive to posting their escort and code of conduct policies at the door, as Mayfair has done. He noted that Mayfair has been under control for a long time now; it was a matter of getting the right security in place. Ms. Johnson commented that they take security very seriously and will work closely with the City.

Ms. Welch explained that as a Conditional Use within the zoning district, the Council can place conditions on the approval and, once in place, can review those conditions and revoke occupancy if they are not met. Since this building is under 50,000 sq. ft., it does not fall under the big box ordinance.

Ald. Birschel indicated that he will vote present on any motions because of his daughter's employment at the law firm representing the applicants. He noted a letter from Uptown Automotive Group, 2111 N. Mayfair Road, expressing concerns and suggesting that a decorative fence be required between the two properties.

Cory Sylvan, 700 N. Water Street, Milwaukee, said there have been positive responses from all prospective neighbors, and the manager of Mayfair has also offered verbal support.

Responding to a question about use of off-duty law enforcement personnel for security duties, Mr. Brusso acknowledged that off-duty Wauwatosa officers would not be used in that capacity.

Jeff Wood, Chief Development Officer, Dave & Buster's, 2481 Manana Drive, Dallas, TX, said that on Friday or Saturday nights, there would probably be close to 900 customers at peak periods. Overall seating would probably be around 450 plus standing room for individuals playing games in the amusement area.

Ald. Stepaniak asked if any problems are anticipated from a traffic engineering standpoint in connection with cross-traffic using the median break at Garfield Avenue. He also questioned the status of the median break in terms of changes that might be recommended by the West Suburban Traffic Impact Analysis (TIA), which should be released next month. Mr. Bieberitz said that the busiest hours for Dave & Buster's will be Friday and Saturday

nights when traffic is lower than during commute times. Based on a gap study, traffic does back up between 4:30 and 5:30 on weekdays, but there are some gaps available. The DOT is looking at several options, including the Garfield Avenue issue. Ald. Stepaniak noted that peak hour analysis does not apply during the Christmas season. Ms. Welch reported that the applicants were advised to consider the possibility of closure of the Garfield break.

Responding to comparisons to Chucky Cheese, the applicants explained that 20% of their revenue is from special events, 70% of which is corporate. They have dedicated special events support for every location, and their price point is lower than hotels. Patrons spend about \$36 per person for parties. Party size is usually about 20-25, but they can accommodate up to 200 and businesses can also buy use of the entire building. Ms. Johnson outlined customer demographics, a primary segment being 21-34 age group followed by 35-54, suburban residents, white collar, with children 6-16, average income \$70-75,000. About 46% of their customers are adults over age 18 with no children; 54% are families with children 8-18. Locally, Stonefire Pizza might be more similar.

Ald. Hanson asked about contact with police departments in other locations and expressed concern that businesses need to have a security plan in place in order to open. Chief Weber said he was told in Addison that there have not been any issues. Ms. Johnson said that the current management team has been much more proactive in terms of building relationships with local police departments. They have submitted some of the comments received from mayors, planners, and others in some municipalities.

Ald. Birschel commented on the need to make it clear that good behavior is not a question of color or ethnicity but of behavior. He reported that Ald. Treis, who is unable to be present, is opposed to this use.

Moved by Ald. Meaux to recommend approval of the Conditional Use contingent upon the conditions set forth by the Plan Commission:

- 1) anyone under the age of 21 must be accompanied by a guardian;
- 2) hours of operation 11 a.m. to 1 a.m. Sunday through Thursday and 11 a.m. to 1:30 a.m. Friday and Saturday;
- 3) obtaining the necessary licenses and permits;
- 4) a required dress code as displayed on the corporate web page;
- 5) no smoking policy;
- 6) security plan with the Wauwatosa Police Department to meet the needs of the community;
- 7) update of the Traffic Impact Analysis numbers;
- 8) landscape plan;
- 9) sign approval;
- 10) parking plan addressing concerns with parking lot access and the need for overflow; and
- 11) locating the building closer to the road --

Ms. Welch reported that Chief Weber has requested reference to ongoing review of the security plan so that it can be changed as needed. Dave & Busters representatives reiterated their explanation of why the building is not positioned closer to the road.

Ald. Meaux amended the motion by eliminating #11 and adding to #6 a provision for ongoing review –
Motion fails for lack of a second.

Asked about the Plan Commission's recommendation for a dress code, Ms. Welch explained that it is part of the security plan as a way to encourage good behavior. Dave & Buster's representatives explained that their policy includes appropriate, clean apparel. Some individual locations have specific posted dress codes, which vary by location. They would prefer to determine the need once they are in operation.

(The meeting recessed at 9:07 p.m. and reconvened at 9:15 a.m.)

Ms. Tomczek summarized efforts that the applicants have made to address concerns and noted that they are planning to make an \$11 million investment with no request for City money. This will be their first establishment in Wisconsin, and they are eager to be here. She requested further feedback or questions from the committee.

Ald. Nikceovich stated that community feedback she has received indicates some concern. She is satisfied there is a significant plan in place to address safety but still has some concerns about traffic and location. They have demonstrated the quality of the business, but she is not certain that it fits right here.

Moved by Ald. McBride, seconded by Ald. Stepaniak to recommend to Council denial of the Conditional Use based upon concerns about security traffic, hours of operation, landscape plan, position of the building on the site, and parking.

Roll call vote, Ayes: 4; Noes: 2 (Meaux, Herzog); Present: 1 (Birschel)

Proposed Ordinance – Regulation of Trellises and Fences

The committee reviewed a proposed ordinance amending Chapters 24.02 and 24.04.110, permitted obstructions in required yards and courts, relating to regulation of trellises and fences. Ms. Welch explained that the primary reason for this amendment is to define what a trellis is. We have not always been able to distinguish between use of trellises as decorative elements and use of trellises as a way to get around the fence ordinance. The ordinance addresses that concern by regulating maximum length and stating that units cannot be joined to form a continuous barrier. They also cannot create a public safety hazard by obstructing vision at a driveway or around a corner. As with any zoning ordinance, existing installations may remain in place.

Moved by Ald. Nikceovich, seconded by Ald. McBride to recommend to Council adoption of the ordinance –

Ms. Welch said that since an ordinance amendment was discussed a year ago, situations have arisen that have illustrated the need to clarify issues on which alderpersons have weighed in repeatedly over the years.

Vote on the motion, Ayes: 7

Vacation of Streets within Hart Park

Ms. Welch reported that it is necessary to formally vacate streets that no longer exist since they are now within the boundaries of Hart Park. The streets include portions of N. 71st, 72nd, 73rd, 74th, 75th, and Chestnut Streets and a portion of River Parkway west of 68th Street. 72nd Street will become a park lane rather than public right-of-way, which will allow for closure when needed.

Moved by Ald. Birschel, seconded by Ald. Stepaniak to recommend adoption of a resolution vacating specific portions of N. 71st, 72nd, 73rd, 74th, and 75th Streets, Chestnut Street, and River Parkway as described. Ayes: 7

Amendments to Floodplain Ordinance

Mr. Kesner reported that the DNR reviewed the recently passed floodplain ordinance and requested certain technical changes including a definition of "start of construction" and clarifying the standard for equalized value.

Moved by Ald. McBride, seconded by Ald. Nikceovich to recommend introduction of the ordinance. Ayes: 7

Relocation Order and Declaration of Necessity for Acquisition of Properties

Mr. Kesner provided a proposed resolution and other documents necessary to begin the process of acquiring property needed for construction of the new fire station #1. The Common Council previously approved purchase

of these and other properties. Technically, this is a "Relocation Order" and a "Declaration of Necessity," which begin the required process for the City to exercise eminent domain to obtain the property. Wisconsin law requires these documents to be in place prior to the City approaching the property owners to negotiate purchase. In the case of three of the properties approved for purchase, property owners approached the City and offered to sell. The remaining properties include 1631 Underwood Avenue as well as a 28.5 ft. wide strip of land at the rear of 1630 Church Street.

Ald. Krol said that these additional parcels were discussed by the ad hoc fire station committee, representatives of the Village BID, the city administrator, fire department representatives, and neighborhood residents. It was agreed that that plan would benefit from having all the parcels but that it is not totally dependent on that. Chief Redman said that he would take a little stronger position as to the value of residential properties on the overall project, especially in connection with being able to stage construction equipment and materials on site. A longer term issue relates to providing the number of parking spaces required by City ordinance. The site would be short 15-20 spaces without that property. The spaces could be placed on the surface lot where the current building now stands, but he believes that does not provide the best design configuration.

Moved by Ald. Nikcevich, seconded by Ald. Stepaniak to recommend adoption of the resolution and Relocation Order and Declaration of Necessity. Ayes: 7

Wauwatosa Economic Development Commission (WEDC)

City Administrator Archambo outlined materials relating to the Wauwatosa Economic Development Corporation (WEDC) that were provided to the committee including a letter from Aids. Stepaniak, Meaux, Treis, Nikcevich, and Purins requesting further discussion of WEDC funding and a staff report discussing the background and listing options. At WEDC's most recent monthly meeting, they agreed to hire a consultant through an RFP process to complete a study that would be funded by 2009 CDBG funds, originally requested at \$30,000 but now proposed to be under \$15,000. The City has suggested instead using the City's remaining 2008 administrative CDBG funding and that the City rather than WEDC coordinate the study. WEDC will review their finances to determine if their operation can be sustained with existing funding at least through the first quarter of 2009. Mr. Archambo explained that the question of economic development funding would be part of the Council's budget decisions on November 18. In the interim, there would likely be discussion and a presentation by the consultant recommended by WEDC at the Budget and Finance meeting on November 11.

Mayor Didier expressed support for a collaborative process and noted that the recommended firm is ready to go and expects to have results by the end of February or early March. She has been assured that the budget could be adjusted if it is determined, upon review of the study, that additional economic development funds are needed. There would be a better understanding then of how funds would be utilized.

John Balzer, 7808 Geralayne Circle, president of WEDC, reported that if they maintain only minimal levels of activity such as façade improvement projects and others they would like to keep going, their ability to conduct business would end in the second quarter of 2009. Although they have had a fairly successful fundraising record, it will not be possible to raise funds while there are questions about their future and also in the current economic climate. It likely would take some years to make up that momentum.

Bill Bode, 18900 W. Blue Mound Road, Brookfield, WEDC board member, said that the consultant will have a lot of work to do to get a plan that can be implemented before WEDC expires. He was confident that there will be a public-private partnership component to economic development as it carries forward.

Former Mayor Maricolette Walsh, 9215 Wilson Boulevard, outlined the origins of WEDC, going back to 1988 Wisconsin Electric symposiums that ultimately led to mayoral appointment of an economic development committee on which she served as aldermanic liaison and chair. A North Avenue study and various other components ensued followed by a determination that an economic development corporation was needed as a

public-private partnership apart from city bureaucracy. A revolving loan fund was also established, which has been extremely successful for the city. Ms. Walsh emphasized that the important elements were a public-private partnership and corporation separate from the City.

Tim Casey, 8102 Jackson Park Boulevard, said he is encouraged by the consensus on moving forward with a study. He believes there are roles for both the public and private sectors.

Bob Semmi, WEDC board member, also supported moving forward together and anticipated that there would be some form of private entity remaining.

Ald. Krol commented on the professionalism of the potential consultant and the approach to be taken in completing the study.

Ald. Birschel referred to one of the recommendations, creation of a community development authority, and noted that there is a lot of talent on the WEDC that we need to keep.

Ald. Nikceovich spoke of WEDC's impact on North Avenue and said she appreciates that a study will be done. She is hopeful they would remain in existence through the first quarter of 2009 but noted that the impact and setbacks since earlier this year have been devastating to them. She was concerned about the action of de-funding through the budget process rather than having discussions in the Community Development Committee prior to budget discussion. She asked if the study would have specific recommendations or a general analysis.

Ryan Horton, public policy consultant partnering with URS Corporation, 1232 S. 37th Street, Milwaukee, said the study would look at the entire economic development and community development universe within Wauwatosa.

Ald. McBride noted that everyone seems to want private sector involvement, but the question is how to fund it. We are now budgeting for next year and talking about a study that will continue to March 1 and possibly longer. There have been assurances that funding will be sought if the outcome is that WEDC should continue. WEDC's funds will dry up in the second quarter of 2009, and there are doubts about their ability to raise money to continue on their own. He concluded that in a sense we are preordaining the outcome if we don't provide funding at least through 2009 to assure that WEDC will still be there.

Ald. Stepaniak felt that the City should be signaling its appreciation and support for the WEDC members, but over the past several months exactly the opposite impression has been created and WEDC and the public have received mixed messages. There has been no discussion and there is no accompanying narrative on the new \$145,000 amount in the Community Development Department's budget. Clearly the intent is not to have a public-private partnership. There should be discussion of the kinds of resources the City is willing to invest in economic development, which should include clear identification of an amount for WEDC so that prior to the report coming out there is some hope of having some economic development program of substance that is occurring. We should at least invest in a status quo budget and talk about a mechanism for assuring that, whatever the study comes up with, that there is a mechanism some quantifiable goals and not just an assumption that something positive will occur.

Moved by Ald. Stepaniak, seconded by Ald. Nikceovich to recommend to Council that \$95,000 be added to the 2009 budget for a public-private partnership to include for the first half of the year the continuing operation of WEDC and, secondarily, that the amount above and beyond the first six months plus the \$145,000 allocated to the Community Development department be approved in the budget but placed in a contingency account subject to release after a study comes back so that everyone can discuss the merits and identify who will be doing what and proceed ahead in a positive action –

Ald. Stepaniak commended WEDC members, the mayor, city administrator, and community development director for the positive discussion that has occurred in the past week or so.

Mr. Kesner clarified that the motion could be brought forward to Council at the time that budget motions are considered. It would have essentially the effect of a motion from the floor.

The motion was seconded by Ald. Nikceovich

Ald. Meaux asked if the study would look at what is in the City's best interest from a regional perspective. Mr. Horton said that the City wanted to expand the study beyond just WEDC to incorporate other sectors and that could include regional entities as well if that is desired. There would be a strong stakeholder portion at the beginning of the study to get everyone on the same page.

Ald. Meaux noted that there is a belief that we need some sort of private entity, but WEDC's many years of service cannot be suddenly undone and assume that they will be able to fund themselves privately.

Ald. Birschel suggested splitting the \$145,000 Community Development allocation into \$70,000 for WEDC and \$75,000 for the department until there is a new structure. Ald. Nickceovich added that the department is worthy of additional funding but not at the dismissal of WEDC funding.

The Chair indicated that he would not vote in favor of the motion. He felt that it is improper for this committee to make a recommendation on the budget; that should occur on the Council floor.

Ald. Stepaniak responded that economic development is one of the issues that should be considered by a community development committee--economic development is what generates community development.

Roll call vote, Ayes: 4; Noes: 3 (Birschel, Hanson, Herzog)

The meeting adjourned at 10:32 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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