



CITY OF WAUWATOSA

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COMMUNITY DEVELOPMENT COMMITTEE MEETING Tuesday, May 25, 2010

PRESENT: Alds. Birschel, Herzog, Jay, Nikceovich, Pantuso, Wilke -6

EXCUSED: Alds. Meaux, Organ

ALSO N. Welch, Community Dev. Dir.; J. Wojcehowicz, Water Supt.; T. Otzelberger, Info.
PRESENT: Systems Mgr.; A. Kesner, City Attorney; J. Archambo, City Admin.

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

Conditional Use – Food Store/Deli at 7215 W. North Avenue

The committee reviewed a request by David Lau and Guy Roeseler for a Conditional Use in the Trade District at 7215 W. North Avenue to operate a food store and deli. Mr. Roeseler was present. Ms. Welch reported that the applicants plan to feature packaged Hawaiian foods and related cooking supplies. At this point, they do not intend to prepare food at the site but will consider other types of food service as the store evolves. Proposed hours of operation are 11 a.m. to 7 p.m. Monday through Saturday, closed Sunday.

Moved by Ald. Nikceovich, seconded by Ald. Pantuso to recommend
to Council approval of the Conditional Use. Ayes: 6

Conditional Use – Cellular Antennas at 2435 N. 89th Street

Held from a previous meeting, the committee reviewed a request by Rosemarie Barrette, agent for Clearwire, for a Conditional Use to install wireless antennas and associated equipment on the roof of McKinley School, 2435 N. 89th Street. As requested at the Plan Commission meeting, Ms. Barrette has now provided several renderings showing various views of the school with the antennas in place. It appears that the antennas will be set far enough back that they would not be obvious from the sidewalk.

Rosemarie Barrette, 5344 S. 48th Street, Greenfield, reported that the photos on which engineering calculations of the antennas were superimposed were taken from sidewalk locations across the street. The antennas are visible only from Wright Street, which would be north of the building looking south. The cabinet will be inside the building.

Ald. Birschel noted that there have been no problems at Washington School where a second antenna was recently approved.

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

Ald. Wilke asked if the antennas could be enclosed in some kind of architectural feature. Ms. Barrette said that the school installations were approved by Bruce Johnson, School District Facilities manager, who did not have

any concerns about aesthetics. An engineering consultation would be needed to determine if there are any other options.

Vote on the motion, Ayes: 5, Noes: 1 (Wilke)

Conditional Use – Communications Tower at 2630 N. 64th Street

Ms. Welch outlined the water utility's request for a Conditional Use in the AA Single Family Residence District at 2630 N. 64th Street for a 100-foot tall, freestanding communications tower. The tower would send video signals from the water utility site to the police station as part of required security measures to protect the utility. The Plan Commission unanimously recommended approval.

Water Superintendent Wojcehowicz explained that the city was awarded a \$152,000 Homeland Security grant in 2006 and invested in online water quality monitoring and video surveillance combined with wireless data communications. The video element is being expanded to the fire station, and potentially to Hart Park and other sites. This installation will be similar to those on Potter Road and at the police station.

The City Assessor has stated that there is nothing to indicate that properties adjacent to existing tower sites have decreased in value due to those installations.

Mr. Wojcehowicz said that the first estimate for a 100-foot pole was \$20,900 but they ultimately arrived at a construction cost of \$19,230. A mono-pole would cost the utility \$48,000. Tree foliage here has interfered with the connection to city hall and the subsequent link to the police station. Rooftop antennas used since November 2007 are not high enough. The tower would improve protection of critical assets and the city's overall communications.

Ald. Walsh, 5th District, said he believes this tower across from Center Street Park would affect home values. Although the park is in Milwaukee, it is surrounded on three sides by Wauwatosa. The tower would be seen by residents on 63rd and 64th Streets as well as anyone who uses the park. The \$48,000 cost for a mono-pole, which would be more aesthetically pleasing, could be financed and amortized in the capital budget, he suggested. He favored seeking further information on alternatives.

Randy Hoyt, 2633 N. 65th Street, also felt that mono-type designs, although more expensive, would be better. He said that he likes the appearance of new poles seen in the vicinity of Lake Mills that are designed to rust. Maintenance of one type versus others should also be considered.

Mark Natzke, 2621 N. 63rd Street, agreed that alternatives should be considered. He explained his concerns about direct visibility from his backyard.

Mr. Wojcehowicz said that the existing rooftop antenna is on a tripod with a wooden platform. It is not solid and secure. He presented photos with the tower superimposed in a placement that is based on a 2006-07 engineering study. It would be behind and near the corner of the building, much closer to the building than a mono-pole could be installed. Since the video cameras were installed, operators who visit daily have noticed there is less litter around the park. Police calls during summer months have decreased from 25 in 2007 to 9 in 2008 after the cameras were installed and 13 in 2009.

Ald. Walsh agreed with the value of eyes on the street and the park but said it is a question of what is right for this community. Ald. Pantuso agreed, citing phone calls and emails he has received. Based on his experience as a realtor, he felt that the tower is all anyone interested in purchasing a home would see. He later speculated that a 20% drop in property values in this area means that the city would lose about \$160,000 in revenue.

Ms. Welch clarified that the Plan Commission considers the application as a land use issue and has determined that this is an appropriate location for the tower. In discussing aesthetics and considering more costly alternatives, the issue of funding may need to be referred to the Budget and Finance Committee.

Mr. Wojcehowicz confirmed that the proposed installation is within the amount budgeted. He felt that a rusty pole, as described by Mr. Hoyt, would prompt resident concerns. Given the limited space available, the best location is closer to the building rather than at a distance as required for a mono-pole. He would question the additional cost to the water utility for something more decorative.

Jason Pederson of Baycom, Inc., 437 N. Michigan, DePere, WI, the city's consultant, said that 100 feet is a minimal height using very powerful non-line-of-sight equipment. The \$48,000 cost cited for a mono-pole is for a simple cellular-style pole; a flag-pole style would cost another \$20,000-\$30,000. The weight of a single-pole structure is 20-30 times that of the proposed tower, requiring a larger base anchor that pushes the pole away from the building. The proposal is for a light-weight (600 lbs.), high strength aluminum tower that will not rust.

Ald. Nikceovich commented that the Potter Road tower is a better fit with the contemporary look of the building at that site than a similar structure would be here with the Lannon stone building.

Ald. Jay commented that it does not seem that there will be an option that is aesthetically pleasing as well as cost efficient. She would not support an increased cost, even if placed in the capital budget.

Ald. Birschel observed that the Potter Road tower is not very visible against the sky and said that residents in the area of the police tower report that they do not notice it any more. He noted, however, that the police tower is behind a building, not in anyone's backyard.

In discussing how to proceed, Ald. Wilke advocated seeking more information on a mono-pole that doubles as a flag pole and some idea of how it would look on the site. Mr. Wojcehowicz said that it might take some time to do that engineering. He indicated that he would not be available for the next meeting and was concerned about a delay in terms of security.

The Chair reminded the committee that experts have said there is not a better solution and staff is trying to save the city's money. It seems that a mono-pole, as well as being more costly, would be more visible and require more maintenance. This appears to be the best case scenario. In terms of speculative changes in property value, he noted that the tax rate is about \$20 per thousand.

Moved by Ald. Jay, seconded by Ald. Birschel to recommend to Council approval of the Conditional Use. Upon roll call vote, Ayes: 3 (Birschel, Jay, Herzog), Noes: 3 (Nikceovich, Pantuso, Wilke)

Conditional Use – Outside Seating at Alterra Coffee Roasters, 9125 W. North Avenue

The Chair announced that the request for a Conditional Use for additional outside seating at Alterra, 9125 W. North Avenue, has been withdrawn from tonight's agenda.

Conditional Use – Liquor Store at 11747 W. North Avenue

The committee reviewed a request by Amandip Singh and David Carter, Cedarbrook Investments, for a Conditional Use in the AA Business District at 11747 W. North Avenue to operate a liquor store. The Plan Commission recommended approval by a vote of 4-2. Proposed hours of operation are Monday through Saturday from 9 a.m. to 9 p.m. and Sunday from 9 a.m. to 5 p.m.

Amandip Singh, 8412 Stonegate Road, Waterford, said he is proposing a higher end wine store with higher end spirits and some beer.

David Carter, 4300 Penn Court, Brookfield, said that space in this retail strip has been vacant for the past three years since he sold Biehoff Music to White House of Music, which is a smaller operation. This business would fill that empty space and satisfy a need for an alternative for high end wines and spirits in this diverse neighborhood. In answer to objections that have been raised, Mr. Carter noted that drug stores and grocery stores that children visit also sell liquor. although children frequent the music store and the corner popcorn wagon, he does not believe it would be detrimental. Mr. Carter objected to a flyer that was distributed in the neighborhood that apparently was the source of some of the negative comments. He read text that, he felt, implies that people going to other businesses in this complex are of a lesser class. Also, it refers to a drug screening clinic that did testing for employers but left the building 2-1/2 years ago.

Ken Petershack, Equity Commercial Real Estate, 10425 W. North Avenue, said that Mr. Singh is a successful entrepreneur who owns another liquor and beverage store in Greenfield. It is beneficial to the city to have someone investing in a business. At present there are over one-half million square feet of vacant office and retail space here.

Lisa Fuller, 2243 N. 118th Street, spoke in opposition to the use. When first proposed, it was described as an upscale wine store but now has been described as a liquor store, she said. The Tobacco Outlet across the street also now plans to sell liquor. She supports the flyer and finds this use distasteful. She noted that the Mayor said at the Plan Commission meeting that the business is not what she expected it to be.

Ann Ullsperger, 2240 N. 118th Street, said that the use does not serve a public need. She named many of the establishments within a 10-mile radius that sell liquor and questioned whether another is needed.

Robert McDonald, 1931 N. 73rd Street, referred to all the venues that sell alcohol on the east side in the Village area and said he believes that has not hurt the Village. People like to go to thriving communities. The proposed location is already a retail space. People can walk by if they do not want to frequent it.

Kathy Long, 2219 N. 117th Street, predicted that this type of business will not last long here. She said that neighbors are concerned about how this proposal is evolving and feel they are not getting straight answers.

Becky Geary, 2224 N. 118th Street, said that the west side is different from the Village where there are many wonderful places to eat. She would like to see something more family friendly here like a coffee shop or bakery. Children come to the White House of Music and the parking lot is packed. With only 15 spaces, that represents a potential problem. Parents might decide to take their music students elsewhere.

The Chair circulated layout plans and a brochure of a similar operation that were provided by Mr. Singh at the Mayor's request.

In answer to the question of whether this would be a wine store or liquor store, Mr. Singh said that it will be a wine store with spirits and wine tastings. He is proposing a small area for weekly tastings and a wine club. He will have a web site that features specials and announces beer or wine tastings. He explained that when he met with the Mayor prior to the Plan Commission meeting she said that a Conditional Use is required to do the wine tasting. When a question was asked at the Plan Commission meeting, the Mayor misspoke in answering that there would not be any wine tasting.

Ms. Welch explained permitted and conditional uses and said that the potential for wine tasting or tasting classes triggers a conditional use. Conditional uses are identified as potentially having a greater impact on surrounding properties. She encouraged the committee to define the parameters within which wine tasting can occur and to

set any other conditions deemed important. The use can be reviewed if a business is not complying with the approved terms. Occupancy could be revoked or a licensing hearing scheduled.

Ald. Birschel said that he, Ald. Berdan, and the Mayor met with the applicant separately and were shown a layout plan and a brochure. Mr. Singh stated it would be a high end wine store with a 12 by 11 area for microbrews. At the Plan Commission meeting, he mentioned whiskey and cognacs. If Mr. Singh sells liquor, the Tobacco Outlet across the street intends also to request a liquor license. He and Ald. Berdan as well as the Mayor are opposed to a liquor store at this location.

Ald. Pantuso said that the pictures in the brochure Mr. Singh submitted portray something similar to Vino 100, which has a specialty market and is probably drawing from this neighborhood. He read recently that the average annual income of a single malt Scotch drinker is \$100,000. He learned from Chief Weber that the liquor stores in and around the 1st District have had an average of 7-8 calls per year for the past five years, although the calls were not very serious. One, for example, was to assist a citizen and another was for a double-parked truck. We are pro-business in Wauwatosa and in this economy need to support businesses and give them a chance to succeed, he stated.

Ald. Nikceвич commented that, unlike Walgreens or K-Mart where children are present, this is a business that will attract adults. She has received comments both for and against the proposal. She noted that the flyer referred to earlier was anonymous and she questioned some of the tactics being used.

In response to a question from Ald. Nikceвич about the exterior appearance, Mr. Carter described the relative location and size of adjacent businesses. Much of the square footage this business will occupy is out of sight of the front windows. It will be subject to the city's rules and regulations regarding signage.

There was further discussion of concerns expressed at the Plan Commission meeting and the need to carefully define the parameters of the business.

Mr. Singh said his business would consist of about 70% wine sales, 20-25% beer, and the remainder in spirits. He will sell mostly specialty beer but will also sell major brands as the Tobacco Outlet does.

Moved by Ald. Nikceвич, seconded by Ald. Pantuso to recommend to Council approval of the Conditional Use for sale of wine, spirits and beer with occasional wine tasting and no sale of open intoxicants, with hours of operation 9 a.m. to 9 p.m. Monday through Saturday and 9 a.m. to 5 p.m. on Sunday –

Ald. Birschel said that he found that the Class A beer and liquor license will allow the applicant to sell anything he wants. Two people who visited Mr. Singh's store in Greenfield did not feel it was high-end as described.

Vote on the motion, Ayes: 5; Noes: 1 (Birschel)

The meeting adjourned at 9:25 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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