



CITY OF WAUWATOSA

MEMORIAL CIVIC CENTER
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COMMUNITY DEVELOPMENT COMMITTEE Meeting – Tuesday, September 28, 2010 Committee Room #1

PRESENT: Alds. Birschel, Jay, Meaux, Nikcevich, Organ, Pantuso, Wilke – 7

ALSO PRESENT: J. Archambo, City Admin.; A. Kesner, City Attorney; N. Welch, Community Devel. Dir.; W. Kappel, Public Works Dir.

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

Conditional Use – smoking patio - 6930 W. North Avenue

Ms. Welch reported that this request has come before the Plan Commission twice. The applicants have altered the design to make it smaller. It is a smoking area where food and drink will be served. The Plan Commission determined the following contingencies: 1) the hours of operation from 11:00 a.m. to 9:00 p.m. Sunday through Thursday and 11:00 a.m. to 11:00 p.m. Friday and Saturday, 2) revising their description of licensed premises for their Class B licenses, 3) a six month review of the patio use, and 4) no music or entertainment.

Present in favor: Dave Hughes, 9310 W. Oak Avenue
Mike Reinemann, S34W32825 Sierra Pass, Dousman
Scott Bush, 2408 N. 86th Street
Steve True, 2409 N. 73rd Street

Those appearing in favor noted Walter's long standing as a good business in the community. Mr. Hughes brought letters from five or six surrounding neighbors offering spaces for parking to mitigate any parking concerns. Mr. Reinemann mentioned that they submitted lighting plans and landscaping plans which will be primarily evergreen planters to survive the winter months. Mr. Hughes also noted that the peak times for Walter's are Thursday, Friday, Saturday nights so the hours of operation might have to be adjusted.

Ald. Pantuso voiced concerns at the August 9th meeting. It is not Walter's fault that they have to abide by the smoking ban. He also understands the concerns of the neighbors and the parents. He suggested shortening the six-month review to 90 days.

Mr. Reinemann assured the committee that Walter's will make sure the patrons are respectful of the neighbors.

Moved by Ald. Nikcevich, seconded by Ald. Pantuso to recommend approval of the Conditional Use contingent upon: 1) hours of operation from 11:00 a.m. to 9:00 p.m. Sunday through Wednesday and 11:00 a.m. to 11:00 p.m. Thursday through Saturday, 2) revise their description of licensed premises for their Class B licenses, and 3) the Conditional Use will be reviewed after a six-month period – 7

Ald. Wilke observed that not just smokers should be allowed to use the patio and he suggested that the two-person wait staff could also be there to keep order and for trash pickup.

Conditional Use – massage establishment – 2751 N. Mayfair Road

Ms. Welch described the applicants’ business as Knock-Outs Hair Salon for men. She stressed that the hair salon is a permitted use in this location, but they need a Conditional Use permit for the massage component.

Present in favor: Scott Burns, 2760 El Rancho Drive, Brookfield

Mr. Burns emphasized that this is not a “Hooters” style establishment. Knock-Outs salons are operating in 30 states across the country.

Ald. Birschel was very concerned about the atmosphere in the salon. He didn’t think he could support the Conditional Use.

Mr. Burns commented that they have almost 400 units around the country, but none as yet in Wisconsin. The other salons are working very well. He explained that the YouTube videos are very old. He distributed a marketing brochure and showed the committee one of the uniforms which consisted of athletic shorts and t-shirts. They do cut women’s hair as well as children’s.

Mr. Kesner advised that if the salon is going to give out beer, they will need to get a liquor license.

Ald. Meaux commented that this will be a place for haircuts. If people don’t like the business they won’t patronize it. If there are any problems this business can be brought back at any time for review. He didn’t see a reason to not approve the Conditional Use.

Ald. Pantuso saw this business as similar to another chain called “Sport Clips”. He thought they should be given a chance.

Moved by Ald. Nikcevich, seconded by Ald. Pantuso to recommend approval of the Conditional Use contingent upon: 1) hours of operation from 8:00 a.m. to 8:00 p.m. daily, 2) obtaining the proper alcohol license, and 3) obtaining any necessary licenses and permits --

Ald. Organ stressed that this is a legitimate business and they need to have a chance to operate.

Vote on the motion was Ayes: 6, Noes: 1 (Birschel)

Conditional Use – martial arts school – 11757 W. North Avenue

Ms. Welch noted that the applicants would like to open a martial arts school.

Present in favor: Marlon Patawaran, 9136 W. Lapham Street, West Allis
David Carter, 4300 Penn Court, Brookfield

Mr. Patawaran spoke about his experience. He has been instructing students for many years. He has also been on the Olympic Committee.

Mr. Carter requested extended hours from 8:00 a.m. to 8:00 p.m.

Moved by Ald. Birschel, seconded by Ald. Pantuso to recommend approval of the Conditional Use contingent upon: 1) hours of operation from 8:00 a.m. to 8:00 p.m. daily, and 2) obtaining any necessary licenses and permits – 7

Conditional Use – Water Tower – 9455 W. Watertown Plank Road

Ms. Welch commented that the applicants are proposing to construct a one million gallon water storage tank. This will supplement the water supply at the County Grounds after 2016.

Mr. Dan Knapp, 2614 Lefeber Avenue, noted that they are being proactive about the water needs on the County Grounds. This tower will provide additional storage in 2016. He met with all the constituents and they are in full support of the project.

Mr. Kesner advised that the water tower would have nothing to do with PSC rate calculations because it is on the County Grounds.

Moved by Ald. Pantuso, seconded by Ald. Jay to recommend approval of the Conditional Use --

Ald. Wilke had questions about the design of the tower and if it could be designed differently.

Vote on the motion was Ayes: 6, Noes: 1 (Wilke)

The committee recessed at 9:12 p.m. and reconvened at 9:20 p.m.

Preliminary Planned Development – 6745 W. Wells Street

Ms. Welch noted that this project has been referred numerous times between Council and committees and was referred back to the committee by the Council during the last hearing. One of the problems was that Mr. Shepherd was not a licensed architect. They now have a licensed architect on the team.

Present in favor: Jack Shepherd, 500 N. 99th Street
William Ibach, 2347 N. 107th Street
Bob Ornst, 6526 Hillcrest Drive

Present in opposition: Pamela Fendt, 6731 W. Wells Street
Louis Corrao, 6742 W. Wisconsin Avenue
Mike Danisewicz, 6414 W. Wells Street
Elizabeth Schmidt, 6730 W. Wisconsin Avenue

Mr. Shepherd gave the committee a handout with information on the projected tax that would be generated and the difference in setbacks surrounding the property. They attempted to use design elements from the neighborhood. The materials used are diverse in nature. Each unit has a double wall. There is an optional elevator in each unit and they have a cistern installed beneath the building. Mr. Ibach handed out a summary of the project.

Those appearing in opposition were concerned about the size and density of the project, the minimal sidewalk space, and how the design will fit in the neighborhood.

Those appearing in favor felt that this was the best design for the size keeping in mind that the developer has to get the maximum value out of the parcel.

Ald. McBride commented that the units are too large and not designed very well on the Wells Street side. This project is located at an important gateway to Wauwatosa. He cautioned against establishing a bad precedent for the future.

Mr. Ibach commented that he would have to sell at least four units before he could begin to build. He will not build without presales.

Moved by Ald. Birschel, seconded by Ald. Meaux to recommend approval of the Preliminary Planned Development contingent upon:
1) approval of an encroachment agreement for use of the public right-of-way; 2) final approval of the storm water plans by the city engineer; 3) final plans specifying construction materials; 4) obtaining required permits; 5) providing indoor storage space for refuse carts and recycling bins; 6) planting grass adjacent to the curb on N. 68th Street; 7) providing condominium declaration documents; 8) installing a three foot retaining with a four foot fence; and 9) Installing a nine foot wide straight sidewalk beginning at the curb --

Ald. Organ felt that the design, as it stands, has a variety of rooflines and fits in well with the other corners. She stressed that this is not a residential lot. There have been comments about massing, but it has been said that this many units are needed for the project to work financially.

Upon a roll call vote, Ayes: 7

Amended and Restated Development Agreement with Toldt Development – N. 113th St. and Walnut Road

Mr. Kesner related that in December of 2009 the committee approved a purchase agreement. The city has reflected changes in the new developer's agreement. This version of the agreement allows Mr. Toldt to put up fences with gates so his people can get onto the ring road. The city will fund \$350,000 through the sale of the land with 0% interest for the first three years and after that 4%.

Present in favor: Brian Randall, Friebert, Finerty & St. John, 330 E. Kilbourn Avenue, Milwaukee
Helmut Toldt, Toldt Development, 4040 Calhoun Road, Brookfield

Mr. Randall noted that the \$350,000 gap financing will be paid off in six years with interest for the city's infrastructure. There will be shovels in the ground by year's end.

Mr. Kesner pointed out that the sale price of the property was \$1.4 million and the city is getting an \$800,000 credit because the sub soil is unstable. If the expenditures come in less than the credit the city will get half of the difference.

Mr. Toldt noted that the foundation of the buildings will be conventional with geo piers underneath. Mr. Randall added that the senior housing will be built first.

Moved by Ald. Nikceovich, seconded by Ald. Pantuso to recommend

approval of the Amended and Restated Development Agreement
with Toldt Development – 7

The meeting adjourned at 10:58 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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