



CITY OF WAUWATOSA

MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
Telephone: (414) 479-8917
Fax: (414) 479-8989

COMMUNITY DEVELOPMENT COMMITTEE Meeting – Tuesday, September 13, 2011 Committee Room #1

PRESENT: Aids. Birschel, Jay, Nikcevich, Organ, Pantuso, Roznowski, Wilke – 7

EXCUSED: Ald. Meaux

ALSO PRESENT: A. Kesner, City Atty.; E. Miller-Carter, Asst. City Atty.; Police Chief B. Weber;
N. Welch, Comm. Devel. Dir.

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

Street Festival permit by the North Avenue Neighborhood/East Tosa Alliance for their third annual Chili'n on the Avenue

Ms. Welch reported that this event was very successful during the summer.

Present in favor: Meg Miller, 2466 N. 72nd Street

No one present in opposition.

Ms. Miller noted that they were a little late in applying for this permit this year so they thought they would plan ahead and get their street festival permit sooner for next year. The event will be held on Saturday, July 21, 2012 from 8:00 a.m. to 5:00 p.m. on North Avenue in East Tosa.

Moved by Ald. Pantuso, seconded by Ald. Birschel to recommend approval of the Street Festival Permit for Chili'n on the Avenue to be held on Saturday, July 21, 2012 from 8:00 a.m. to 5:00 p.m. on North Avenue in East Tosa --

Ald. Pantuso explained that while his is a member of the North Avenue Neighborhood/East Tosa Alliance, he is not a voting member so there is no conflict of interest involved in his vote for this item.

The committee expressed their support for the street festival saying it is a great event for the city.

Vote on the motion was Ayes: 7

Land Division by Certified Survey Map at approximately 9500 Watertown Plank Road

Ms. Welch commented that approving this Land Division does not involve any special approval for buildings or roads, just the Land Division. The applicants are very happy with what is happening with the accelerator building and would like to expand. The Land Division accommodates that.

Moved by Ald. Pantuso, seconded by Ald. Jay to recommend approval of the Land Division by Certified Survey Map – 7

Conditional Use in the AA Business District to add a bar area within the existing store at 11747 West North Avenue

Mr. Kesner noted that the committee has talked about the licensing issues, but didn't come forward with any conditions. The state says a tavern's hours can't be restricted to hours earlier than 2:00 a.m. Sunday through Thursday and 2:30 a.m. Friday and Saturday. He stressed that he could not guarantee the committee's ability to control those hours. He pointed out that hours for outdoor dining and/or drinking can be limited.

The committee discussed how this business seemed to be similar to Vino 100 in the Village on Underwood Avenue. They also discussed the four liter limit on packaged liquor. Ald. Roznowski made the observation that customers will be able to purchase less at the tavern than if it was still a retail store.

Present in favor: Sukhal Gill, 11619 W. North Avenue
Ahmandip Singh, 8412 Stonegate Road, Wind Lake

Present in opposition: Richard Garvaglia, 2230 N. 118th Street
Becky Geary, 2224 N. 118th Street
Kathy Long, 2219 N. 117th Street

The people appearing in opposition were concerned about who the owners of the business were and who owned the liquor license. They were also concerned about allowing people to smoke in the back of the building and that the petition of support submitted earlier contained a number of people that were from outside the neighborhood and the city. The general feeling was that the people who appeared in opposition at the meeting didn't want the store to become a bar.

Regarding who owns the business, Mr. Kesner explained that according to Wisconsin Law family members can operate the business the same as the license holder. Mr. Singh noted that the license had been in his name and then was transferred over to his cousin, Mr. Gill. Mr. Kesner explained that although the license was transferred, it was applied for separately by Mr. Gill.

Ald. McBride cautioned against making this change before the owners have had more time to make it work because they have only been there for a year. He brought up the question of how many bars the city should have.

Ms. Welch noted that with regard to smoking, a neighbor had come forth and given approval for a smoking area on the other side of his fence behind the store. With regard to any limits on the business she stressed that liquor licenses are governed by state laws. Mr. Kesner added that the laws pertain to Class B licenses not Class A.

Moved by Ald. Nikcevich, seconded by Ald. Pantuso to recommend approval of the Conditional Use contingent upon: 1) hours of operation not to exceed 9:00 p.m. daily, 2) a maximum of 10 seats limited to 300 square feet of bar space, 3) obtaining the necessary licenses and permits, and 4) a six month review of the business --

Mr. Gill assured the committee that he was not encouraging people to smoke and he was fine with the contingencies of the conditional use.

Vote on the motion was Ayes: 5, Noes: 2 (Birschel, Roznowski)

The committee recessed at 9:10 p.m. and reconvened at 9:20 p.m.

Conditional Use in AA Business District to operate a fitness studio at 11600 W. North Avenue

Ms. Welch reported that the applicant modified the hours of operation from 7:00 a.m. to noon on Saturday and Sunday to 7:00 a.m. to 5:00 p.m.

Present in favor: Sandra VandeBerg, 3920 N. 102nd Street

No one present in opposition.

Ms. VandeBerg described that business as a private studio with serving small groups.

Ald. Jay asked if there would be adequate parking. Ms. Welch responded that the applicants have classes early in the morning or in the evening. Ms. VandeBerg noted that there is a portion of the lot for the building to the back that they can use.

Moved by Ald. Jay, seconded by Ald. Pantuso to recommend approval of the Conditional Use contingent upon: 1) hours of operation from 5:00 a.m. to 8:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. on Saturday and Sunday, and 2) obtaining the necessary licenses and permits – 7

Adoption of the Village Plan by ordinance as an amendment to the City's Comprehensive Plan

Ms. Welch noted that a lot has been said about this plan and she thought it was a very good plan for the Village of Wauwatosa.

Present in favor: Kathy Ehley, Exec. Dir., Village BID, 7437 Kenwood Avenue
Sean Phelan, 7677 W. State Street
Bill Brown, 1949 Forest Street
Caroline Esswein, 1829 N. 69th Street
Jim Plaisted, 7436 Kenwood Avenue

No one present in opposition.

The people appearing in favor were very positive and excited about being able to utilize this plan as a guide to many changes in the Village area. It is a plan that looks to the future with a vision for the growth that is achievable over the next decade. Ms. Esswein noted that when she attends meetings for urban planning in other cities they often cite Wauwatosa as a model for good planning.

Moved by Ald. Roznowski, seconded by Ald. Pantuso to recommend adoption of the Village Plan by ordinance as an amendment to the city's Comprehensive Plan --

Committee members were very excited about the plan and gave high marks to the groups that worked on bringing it about. Mr. Kesner commented that he had spoken with a high level federal official who had been in Wauwatosa recently and complimented the Village saying that this is the way municipalities should be.

Vote on the motion was Ayes: 7

Mr. Brown thanked city staff and the Community Development Director in particular for all their help and support.

Ordinance amending Section 15.14.250 of the municipal code regarding signs in the Research Park District

Mr. Kesner explained that this is the codification of a couple of requests from the Research Park to make wall and monument signs more uniform.

Present in favor: Guy Mascari, 6619 W. Lloyd Street

No one present in opposition.

Mr. Mascari noted that this solidifies the work they have been doing with the city on the sign code issue.

Ald. McBride had some questions regarding what is trying to be accomplished with this issue. Is there a difference with the Research Park that makes it important for them to have their own set of guidelines for signage? He also brought up the possibility that the city may have to take over issuing permits as an administrative function when the TIF District closes in 2013.

Mr. Kesner noted that the Research Park sign plans are approved by the Research Park as long as they meet city permit requirements. There are city staff members on that committee of seven. He noted that the issue that triggered this was a number of signs in the Research Park that needed to comply with the sign code. He went on to describe that there are different sizes of signs allowed for different buildings and uses. He added that the Medical College was given permission to put their signs on the roof and the Village is the only location where people can use sandwich board signs.

Mr. Mascari noted that the Research Park design guidelines are much more restrictive than the city's. He added that city staff has a lot of input.

Mr. Kesner explained the problem with the wall sign for the hotel and how it prompted them to look at the way sign approvals were set up.

Mr. Mascari commented that they are asking that any building in the Research Park be subject to the same guidelines. Mr. Kesner added that when the TIF District closes it will not restrict their covenant, but there are some city controls that can be eliminated. Mr. Mascari noted that they do not have a carte blanche for the Research Park. All their developers have to sign a developer's agreement.

Moved by Ald. Birschel, seconded by Ald. Roznowski to recommend adoption of the ordinance amending Section 15.14.250 of the municipal code regarding signs in the Research Park District --

Mr. Kesner stressed that the Research Park signs still have to adhere to general code requirements and the city still has to review for code compliance. Ms. Welch added that there is a difference between the size of the sign and the content of the sign.

Vote on the motion was Ayes: 7

Ordinance prohibiting carrying concealed firearms in city-owned buildings

Mr. Kesner noted that the question is do we want to prohibit concealed weapons in city buildings. Part of the issue is signage. Business owners and special event organizers can prohibit concealed weapons at their events.

Ms. Miller-Carter stressed that this applies to carrying of the weapon. The discharge is always prohibited. It would also apply to the building when court is in session. This is only for hand guns.

Moved by Ald. Nikcevich, seconded by Ald. Pantuso to recommend
An ordinance for introduction prohibiting carrying concealed firearms
In city-owned buildings --

Chief Weber noted that government's first duty is to protect the citizens. People can come in with open weapons and people not following the law will bring them in anyway. He added that the malls are going in this direction.

Ald. Jay urged the committee to open this issue up to the residents. Mr. Kesner responded that once the ordinance is introduced it will come back to committee and there will be time for public comment in that setting.

Chief Weber noted that at this point it is a travesty that people don't feel safe unless they are carrying weapons. Despite that, overall crime has decreased.

Ms. Miller-Carter stressed that the prohibition would be on "weapons". Chief Weber felt it was important to hear from the public on this issue.

The meeting adjourned at 10:37 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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