



## CITY OF WAUWATOSA

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

### COMMUNITY DEVELOPMENT COMMITTEE

Meeting – Tuesday, September 4, 2012

Committee Room #1

PRESENT: Aids. Berdan (7:00 p.m.), Causier (7:00 p.m.), McBride, Moldenhauer, Pantuso, Roznowski, Walz-Chojnacki, Wilke – 8

ALSO PRESENT: Aids. Birschel, Ewerdt; A. Kesner, City Attorney; P. Enders, Development Dir.; T. Szudy, Principal Planner; Police Chief B. Weber

Ald. Roznowski as Chair called the meeting to order at 6:31 p.m.

#### **Conditional Use – 824 N. 68<sup>th</sup> Street**

Ms. Enders noted that the applicant would like to locate her massage therapy and yoga establishment on Vliet Street to a location on N. 68<sup>th</sup> Street next to Balistreri's restaurant. The proposed hours of operation are Monday through Saturday 7:00 a.m. to 10:00 p.m. The massage therapist already located just north of the applicant's building is concerned that this proposal will have a detrimental impact on her business. Staff members have stressed that competition cannot be a reason for denying a license. There are other regulatory controls, usually parking requirements and licensing, that can often address concerns. Staff recommends approval contingent upon establishing hours of operation and obtaining any additional licenses and permits.

Present in favor: Jody Janus, 503 N. 64<sup>th</sup> Street

Ms. Janus noted that she had a business at N. 61<sup>st</sup> and Vliet Street. She decided on this location because it provides more space for her clientele. The majority of her business is one on one so she thought the impact on the area would be minimal. Her hours of operation would be 7:00 a.m. to 10:00 p.m. She would like to bring more people into this great business area.

Moved by Ald. Pantuso, seconded by Ald. McBride to recommend approval of the Conditional Use contingent upon: 1) hours of operation from 7:00 a.m. to 10:00 p.m., and 2) obtaining the necessary licenses and permits --

Ald. McBride felt that competition can be healthy and it creates momentum for a business area. He expressed his support.

Vote on the motion was Ayes: 6

#### **Conditional Use – 7754 Harwood Avenue**

Ms. Enders commented that the applicants would like to add outdoor seating to the Firefly restaurant. Originally the applicant had wanted seating for 20 outside in front of the building. At this time, they would like Conditional Use approval to add 18 more seats next to the curb for a total of 38 seats. Staff recommended approval of seating for 20 against the building with hours of operation from 4:30 p.m. to midnight. The Plan Commission approved 38 seats and with some of them placed near the curb. Staff

recommends approval of 20 seats next to the building as approved by the Board of Public Works contingent upon establishing hours of operation and obtaining any additional licenses and permits. No one appeared in favor or opposition.

Ald. Moldenhauer noted that there had been a question of needing more restrooms due to the increase in seating. He asked how many are required. Ms. Enders responded that increasing the seating that much would require an extra bathroom.

Moved by Ald. Pantuso, seconded by Ald. Walz-Chojnacki to recommend holding the item until the next meeting --

Mr. Kesner noted that the engineering department is concerned about a number of things: 1) the seating arrangement prohibits access for people with wheelchairs, and 2) some of the tables being so close to the curb makes it difficult for people with disabilities to park and exit their cars.

The motion was withdrawn.

Alds. Berdan and Causier arrived at 7:00 p.m. ( - 8)

Moved by Ald. McBride, seconded by Ald. Walz-Chojnacki to recommend approval of the Conditional Use contingent upon outdoor seating limited to 20 spaces next to the building --

Ald. Causier commented that Plan Commissioner Stearns stressed that there have been cities that have been sued for not enforcing handicapped access.

Vote on the motion was Ayes: 8

### **Conditional Use – 10605 W. North Avenue**

Ms. Enders commented that the applicant would like to convert the former credit union building located at the southwest corner of N. 106<sup>th</sup> Street and North Avenue to a gas station consisting of four gas pumps and a convenience store. The proposed hours of operation are 4:30 a.m. to 1:30 a.m. daily. The city has approved a couple of 24 hour gas stations; however, approved hours of operation are usually between 5:00 a.m. and midnight when located near residential properties. The applicant would also like to sell wine and beer in the convenience store, which will also require appropriate liquor licenses. She noted that the Common Council rarely approves such license applications. There were also concerns regarding traffic and ingress and egress of cars, delivery trucks, and tankers expressed by the engineering staff. Staff recommends approval contingent upon establishing hours of operation, applicable Design Review Board approvals, engineering approval of the parking lot plan and obtaining additional licenses and permits.

Mayor Ehley noted that the residents are concerned about traffic in the area. Ald. Causier agreed adding that tanker deliveries would be difficult.

Ald. Ewerdt was contacted by the business owner. He thought Mr. Walia sounded pretty reasonable and thought, because of the location, there would be more of a market for his business. He thought it should not be denied.

The applicant did not appear.

Moved by Ald. Pantuso, seconded by Ald. Walz-Chojnacki to hold this item until the September 25<sup>th</sup> meeting – 8

Ald. Causier added that the applicant's plan seemed to be very well thought out.

The meeting adjourned at 7:15 p.m.

Carla A. Ledesma, City Clerk  
City of Wauwatosa

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