



CITY OF WAUWATOSA
COMMUNITY DEVELOPMENT COMMITTEE
MINUTES • MAY 28, 2013

Regular Meeting
Committee Room #1
8:00 PM

7725 West North Avenue, Wauwatosa, WI 53213

COMMUNITY DEVELOPMENT COMMITTEE ITEMS

Attendee Name	Title	Status	Arrived
James Moldenhauer	Alderman	Present	
Kathleen Causier	Alderwoman	Present	
Jeffrey Roznowski	Alderman	Present	
Gregory Walz-Chojnacki	Alderman	Present	
Dennis McBride	Alderman	Present	
Bobby Pantuso	Alderman	Present	
Cheryl Berdan	Alderwoman	Present	
Jason Wilke	Alderman	Present	
Alan Kesner	City Attorney	Present	
Barry Weber	Police Chief	Present	
Craig Wilson	Alderman	Present	
Donald Birschel	Alderman	Present	
James Archambo	City Administrator	Present	
Joel Tilleson	Alderman	Present	
Kathleen Ehley	Mayor	Present	
Paulette Enders	Development Director	Present	

2. Request by Yosef Perlman, BEST Camp Inc, and Dean Weyer, St. Pius X Parish, for a Conditional Use in the R2 District at 2506 Wauwatosa Avenue to operate a day camp (Plan Commission recommended approval 7-0)

Ms. Enders commented that this request is by Yosef Perlman, BEST Camp Inc., and Dean Weyer, St. Pius X Parish for a Conditional Use in the R2 District at 2506 Wauwatosa Avenue to operate a day camp. The house of operation would be from 9:00 a.m. to 3:00 p.m. Monday through Friday starting in late June until early August. There will be a maximum of 123 children ages 4-16 at Pius X Grade School. The Plan Commission recommended approval and the staff recommended approval as well.

Yosef Perlman, 3470 N 54th Street, Milwaukee, noted that the school has its own parking lot behind the building on Wright Street.

Moved by Ald. McBride, seconded by Ald. Causier to recommend approval of the Conditional Use to run a day camp at St. Pius X Grade School 2506 Wauwatosa Avenue contingent upon hours of operation from 9:00 a.m. to 3:00 p.m. Monday through Friday starting in late June until early August - 8

RESULT:	RECOMMENDED FOR ADOPTION [UNANIMOUS]	Next: 6/4/2013 7:30 PM
TO:	Common Council	
MOVER:	Dennis McBride, Alderman	
SECONDER:	Kathleen Causier, Alderwoman	
AYES:	Moldenhauer, Causier, Roznowski, Walz-Chojnacki, McBride, Pantuso, Berdan, Wilke	

- Request by Tu Mai, Phuoc Hau Buddhist Temple, and Russell Gnant, Unity West, Inc., for a Conditional Use in the R1-9 District at 4750 North Mayfair Road to operate a Buddhist temple (Plan Commission recommended approval 7-0)

Ms. Enders noted a request by Tu Mai, Phuoc Hau Buddhist Temple and Russell Gnant, Unity West, Inc. for a Conditional Use permit in the R1-9 District at 4750 N. Mayfair Road to operate a Buddhist temple. They would also like to include small living quarters for one staff person in the building that now houses the Unity West Church. The temple will have between 80 and 150 members and would operate during from Monday through Thursday, 7:00 to 9:00 p.m, Sunday 9:00 a.m. to 4:00 p.m., and one Saturday each month from 9:00 a.m. to 5:00 p.m. The applicants will need to obtain any necessary building permits for construction of the living quarters. The Plan Commission recommended approval and the staff recommends approval with the contingencies.

Jim Ghiad, 12700 W. Blue Mound Road, spoke in favor noting that the temple will be using the building consistent with the prior use. There are no issues with parking.

Moved by Ald. Pantuso, seconded by Ald. Walz-Chojnacki to recommend approval of the Conditional Use contingent upon: 1) hours of operation from Monday through Thursday, 7:00 to 9:00 p.m, Sunday 9:00 a.m. to 4:00 p.m., and Saturdays from 9:00 a.m. to 5:00 p.m., and 2) obtaining the necessary licenses and permits for the living quarters and any other operations - 8

RESULT:	RECOMMENDED FOR ADOPTION [UNANIMOUS]	Next: 6/4/2013 7:30 PM
TO:	Common Council	
MOVER:	Bobby Pantuso, Alderman	
SECONDER:	Gregory Walz-Chojnacki, Alderman	
AYES:	Moldenhauer, Causier, Roznowski, Walz-Chojnacki, McBride, Pantuso, Berdan, Wilke	

- Request by Kathleen Slawski and Heidi Janzen, Friends of Hoyt Park & Pool, for a Conditional Use in the Special Purpose District - Parks and Open Space (SP-POS) at 1800 Swan Blvd to operate a beer garden (Plan Commission recommended approval 7-0)

Ms. Enders presented a request by Kathleen Slawski and Heidi Janzen, Friends of Hoyt Park & Pool for a Conditional Use in the Special Purpose District - Parks and Open Space (SP-POS) at 1800 Swan Blvd. to operate a beer garden. The proposed hours of operation are Wednesday through Sunday 3:00 p.m. to 9:00 p.m. from May to November, weather permitting. Live music will be limited to acoustical with some microphones and may be offered a couple times a week between the hours of 4:00 p.m. and 8:00 p.m. The applicants should contact the building division, health department, and fire department regarding any applicable code requirements.

Ms. Enders added that the Plan Commission reviewed this item on May 13th and recommended approval 7-0 with the following conditions: 1) proposed hours of operation from 4:00 p.m. to 9:00 p.m. Wednesday through Sunday from May through November, weather permitting; 2) Live music from 4:00 p.m. to 8:00 p.m. with the

live music not to be heard off site; 3) application to be reviewed 90 days after opening; and 4) pending any other licenses and permits. Staff recommends approval contingent upon establishing operating hours and obtaining any additional licenses and permits.

Ms. Slawski noted that she is very grateful for the support they have received from Milwaukee County. Their proposal is to create a seasonal beer garden on the north side of the existing bath house. The revenues from the beer garden will help sustain the pool and other park preservation needs. She mentioned the mission statement for the Friends of Hoyt Park & Pool and all the pertinent points regarding the beer garden are included in their mission statement. The Tosa Pool has received many accolades. The Plan Commission conditions limit live music offerings to 4:00 p.m. to 8:00 p.m. three days per week. Since the residents of Wauwatosa like to use their bicycles there are bike racks in the plans for future amenities. She noted that the success of Estabrook Park has set a precedent for them to follow. She requested that the committee consider changing the opening time in the hours of operation to a 3:00 p.m. opening. She further noted that they were very sensitive to noise levels regarding the live music and consideration of the neighbors.

County Supervisor Schmitt, commented that he represents 20 out of the 24 wards in Wauwatosa. He is very proud of the fact that from the beginning the discussion has included improving the site and the venue. The fund raising has been wonderful and at this point the organization will not have to ask for additional funding. He praised the board members and staff for a very well run, self-sustaining venue. A very organized group has brought this idea to fruition. It is also a well run, well supervised gathering place. He didn't see any negatives. He also noted that the group wants to keep the venue affordable for families.

Present in favor:

Mayor Kathy Ehley, City of Wauwatosa
Kit Slawski, Executive Director, Friends of Hoyt Park & Pool,
1800 Swan Blvd.
County Supervisor, Jim Schmitt, 2517 N. 88th Street
John Jentz, 1728 Martha Washington Drive
Jim Hughes, Milwaukee Brewing Co., 1201 Kavanaugh Place
David Laatsch, 6327 Washington Circle
Mike Hogan, 6904 Maple Terrace
Dan Sidner, Maxies Southern Comfort, 648 N. 76th Street
Richard Janis, 2036 Ludington Avenue
Michelle Phillips, Friends of Hoyt Park & Pool, 2044 Ludington Av
Larry Hanlon, 2357 N. 81st Street
Mary Beth Tyson, 2656 N. 91st Street
Kevin Michel, 1900 Menomonee River Parkway
Ken Bombolick, 3126 Argonne Drive
Chris Dee, 2604 N. 83rd Street
Matt Wey, 9212 Jackson Park Blvd.
Mark Veth, 2377 N. 115th Street
Lou Ortega, 2034 Ludington Avenue
Mike Timmers, 2565 N. 95th Street
Ben Laird, 8231 Avon Court
Jane Conarchy, 2651 Lefebber Avenue

No one present in opposition.

The people appearing in favor saw the beer garden as a positive addition to the Tosa Pool noting that: 1) it will increase pool attendance, 2) the beer garden will be able to showcase a variety of beers for patrons to sample, 2) it will be a continuing improvement for Wauwatosa, 3) it will encourage a family, multi-generational setting, 4) it will be a great way to enjoy the neighborhood, 5) it will be a well run operation, and 6) It will be very successful.

Ald. Pantuso was for removing the 90-day trial condition that the Plan Commission added to their recommendation. Ald. Wilke expressed support and added that the organization should be maximizing the

potential of the site. To that end, he suggested reviewing the hours. He further added that music will add to the atmosphere. He did not think that the music would disturb the peace of the area. With unrestricted hours there will be more fair competition.

Ms. Slawski noted that they would like to operate May through November 3:00 p.m. to 9:00 p.m. After Labor Day they could adjust the hours when the pool is closed.

Ald. Causier explained the reasoning of the Plan Commission members. She noted that the issue of the music was brought up by the neighbors and there was receptivity to modifying the hours. The difference in hours was a way of making a separation between the operation of the pool and the beer garden. The 90-day review was meant to monitor the activities because this is a new approach in the city at this venue.

Ald. Berdan was impressed by the interest and investment the residents have made in attendance. She has taken a responsible beverage server course and that state requirement for serving alcohol is very strong. She supported Ald. Wilke's motion. She was concerned about the 90-day review because it could negatively affect the investment that is being put into starting the beer garden. She agreed with taking that conditional off and giving a broader range of hours of operation.

Ms. Slawski stressed that they wanted to keep the closing at 9:00 p.m. because the park closes at 10:00 p.m. They can't see running this operation for more hours than Estabrook which is open from noon to 9:00 p.m. She added that just because it is not good swimming weather doesn't mean that it would not be a good time to enjoy a beer.

Ald. Causier proposed an amendment to set the hours expressed by Ms. Slawski at 3:00 p.m. to 9:00 p.m. Wednesday through Sunday, leaving the 90-day review to staff with a staff report to this committee, and music from 4:00 p.m. to 8:00 p.m. one or two times per week, but not to be heard off site.

Mayor Ehley explained that the Plan Commission asked for the 90-day trial because they thought it would give the beer garden time to get up and running and then the Friends of Hoyt Park & Pool board could decide to extend the operating hour if they would like.

Ald. Wilke urged the committee to stay with options that are competitive with other beer gardens in the area that are open from noon to 10:00 p.m. With those hours the applicants can chose whatever time they would like to operate between noon and 10:00 p.m.

Moved by Ald. Wilke, seconded by Ald. Pantuso to recommend approval of the Conditional Use for a beer garden at 1800 Swan Blvd. contingent upon:
1) hours of operation from noon to 10:00 p.m. Wednesday through Sunday,
2) live music not to be heard off site and not restricted by hours, 3) obtaining the necessary licenses and permits, and 4) site plan approval by appropriate staff for a fire pit or heating elements as necessary --

Ald. Pantuso noted that he couldn't support a 90-day review. The beer garden will prove or disprove its viability during that time.

Ald. Causier felt strongly about keeping the 90-day trial and asked that the motion be amended.

Moved by Ald. Causier to amend the motion to include a 90-day trial and review of the beer garden operations --

Motion fails due to lack of a second.

Alds. McBride and Roznowski recused themselves due to their involvement with the board of the Friends of Hoyt Park & Pool.

Ald. McBride stressed that the Friends of Hoyt Park & Pool is an organization with a perfect record as well as Estabrook Park. He was troubled by the requirement for a 90-day review because of that fact.

Ald. Walz-Chojnacki offered a friendly amendment to remove the stipulation that the music not be heard off site. This wording was accepted by the mover and seconder.

Vote on the motion as amended Ayes - 5, Noes: 1 (Causier), Present: 2 (McBride, Roznowski)

RESULT:	RECOMMENDED FOR ADOPTION [5 TO 1]	Next: 6/4/2013 7:30 PM
TO:	Common Council	
MOVER:	Jason Wilke, Alderman	
SECONDER:	Bobby Pantuso, Alderman	
AYES:	Moldenhauer, Walz-Chojnacki, Pantuso, Berdan, Wilke	
NAYS:	Causier	
ABSTAIN:	Roznowski, McBride	

5. Request by Tom DiSalvo, Zimmerman Architectural Studios, Inc., and Tom Kulczewski, Wauwatosa School District, for a Conditional Use in the R1-9 District at 12121 West North Avenue to expand the athletic fields at Breitlow Field (Plan Commission recommended approval 6-1)

Ms. Enders commented that this is a request by Tom DiSalvo, Zimmerman Architectural Studios Inc., and Tom Kulczewski, Wauwatosa School District for a Conditional Use in the R1-9 District at 12121 W. North Avenue to expand the athletic field at Breitlow Field. The expansion includes: 1) renovating the existing baseball field (new infield, warning track, bullpens, scoreboard, and bleachers, 2) constructing another baseball field with similar features, 3) constructing a practice infield (north side of the site), 4) expanding the storage building located on the east side of the south diamond, 5) replacing and installing paved pathways, 6) up to 14 as needed U-6 soccer fields scattered throughout the site.

Ms. Enders noted that the Plan Commission reviewed this item on May 13th and recommended approval 6-1 with the following conditions: 1) record a parking easement or formal document with the Register of Deeds with a copy to the City of Wauwatosa, 2) a code of conduct and user agreement in force, 3) storm water management on 121st Street, 4) Board of Public Works addressing the traffic conditions and safety, 5) the PA system limited to a small portable system, and 6) obtaining any additional licenses and permits. She further noted that the staff recommended approval contingent upon items 1 through 6 as noted by the Plan Commission.

Ald. Causier noted that the Plan Commission suggested a code of conduct by the team members and others using the area. The user agreement would be made with the school district.

Present in favor:

- Tom Kulczewski, 5993 Hideaway Court, Fon du Lac
- Tom DiSalvo, Zimmerman Architectural Studios Inc., 2234 N. 115th Street
- Mark Salamone, 10633 W. Woodward Avenue
- Linda Carlson, 11031 W. Hope Avenue
- Dave Wulff, 7105 W. Wells Street
- Jeff Akin, 4440 Glenway Street
- Mark, Marsha & Emily Schaefer, 12021 Elmhurst Parkway
- Dave Belknapp, 2551 N. 86th Street
- Susan Halloran, 2036 N. 85th Street
- John Kratzer, 2614 N 68th Street
- Steve Denny, 2620 Lefeber Avenue

Dan Jones, 2721 N 118th Street
Shawn Milan, 2263 N. 69th Street
Jim Gleason, 2353 N. 85th Street
Ald. Craig Wilson, 8th District, 4172 Menomonee River Parkway
Chad Metuskie, 2919 N. 81st Street
Marybeth Tyson, 2656 N. 91st Street
Karen Fish, 10512 W. Woodward Avenue
John Erdtmann, 2712 N. 97th Street, Milwaukee
Gerard Neugent, 2345 N. 89th Street
Kevin Dunn, 2638 N. 122 Street
Mike Parulski, 2416 N. 114th Street

Mr. Kulczewski commented that they are looking for a Conditional Use permit for this field because there is a lack of baseball fields in Wauwatosa.

Mr. DiSalvo noted that the desire is to provide better baseball and athletic facilities for the district. The significant changes are to renovate the infield and to install artificial turf. They will also be adding a batting cage and a new diamond. Two smaller 60-foot diamonds will be constructed to create a brand new baseball field also with artificial turf. This gives a significant amount of flexibility. One field can accommodate three user groups and allows for an all-weather surface. If it has been raining the fields can be played on in a short period of time whereas natural grass fields would mean the game would have to be canceled. They would also like to add another practise infield, asphalt path replacement and replace a portion of the pathway on Gilbert Avenue for easier emergency access. They will also have to deal with some storm sewer damage.

Mr. Kulczewski stressed that there will be no field lights, but there will be some lighting around the restrooms and storage areas. The diamonds will be unlocked once the artificial turf is put in. The schedule for the fields will be done through the recreation department. The park will close at dusk and attendees will be told to park behind the Fisher Building. Security cameras will be added to the area.

Ald. Roznowski asked who will be in charge. Mr. Kulczewski responded that he will be in charge of maintenance otherwise the people running the teams will be in charge during the games and practices. He added that they have spoken to the neighbors and have been trying to accommodate their requests. The school board has approved the funding as this has been identified by the school district as one of the needs.

The people appearing in favor expressed deep frustration with the difficulty they have in scheduling baseball games, and the distance they have to go to practice outside of the city. They felt very strongly that Wauwatosa youth should have a place to practice and play baseball games in Wauwatosa. Many games have had to be canceled because of the condition of the field during inclement weather. This proposal is reasonable and there has already been compromise. They are only asking for two nice new baseball diamonds to replace the old ones that are already there. They believed it was important to give the coaches the tools they need to run a good baseball program. When the fields the kids have to play or practise on are outside of the city, the game is no longer a community event. There is an expanding interest in youth baseball. They are competing for reasonable good quality baseball diamonds and this project has been a long time coming. It was noted that the parking lot will need signage. It was reiterated that steps have been taken to address the neighbor's concerns.

Ald. Wilson expressed his support saying that this will be a revitalization of the program.

Present in opposition: Ald. Don Birschel, 7th District, 1225 N. 122nd Street

Ald. Birschel gave a history of the school district's relationship with Breitlow Field. He noted that the subject has gone back and forth between proposing and denying the fields and equipment. As a compromise, he proposed building a state of the art baseball field on the eastern end of Hart Park. The school district could put in whatever they want and it will not disturb neighboring properties.

Ald. Pantuso stressed that we need to support facilities that will give the kids a chance to play. If taking away the lights will work, that is a good compromise to make. He expressed support for the project.

Ald. Berdan acknowledged the two teams from Wauwatosa East and West in attendance. She noted that this shows how much they care about this and these young athletes need to be encouraged. She appreciated that the school district is looking at the whole student. She expressed her support.

Moved by Ald. Berdan, seconded by Ald. Causier to recommend approval of the Conditional Use to expand the athletic field at Breitlow Field contingent upon: 1) recording a parking easement or formal document with the Register of Deeds with a copy to the City of Wauwatosa, 2) establishing a code of conduct and executing a user agreement, 3) addressing storm water management on 121st Street, 4) having the Board of Public Works address the traffic conditions and safety, 5) limiting the PA system to a small portable system, and 6) obtaining any additional licenses and permits --

Mayor Ehley stressed that the code of conduct would pertain to any sport using any of the school district facilities not just baseball.

Vote on the motion was Ayes: 8

RESULT:	RECOMMENDED FOR ADOPTION [UNANIMOUS]	Next: 6/4/2013 7:30 PM
TO:	Common Council	
MOVER:	Cheryl Berdan, Alderwoman	
SECONDER:	Kathleen Causier, Alderwoman	
AYES:	Moldenhauer, Causier, Roznowski, Walz-Chojnacki, McBride, Pantuso, Berdan, Wilke	

6. Request by Mandeep Dhawan and Robert Wold, Robert Wold Architects, for a Conditional Use in the C2 District at 6005 West Vliet Street to operate a gas station with convenience store (Plan Commission recommended denial 5-2)

Ms. Enders noted that this is a request by Mandeep Dhawan and Robert Wold, Robert Wold Architects for a Conditional Use in the C2 District at 6005 W. Vliet Street to operate a gas station with a convenience store. The applicant is proposing to locate his business at what is now Kapusta's. The facility previously sold gas, but more recently offered only auto repair. Two additional gas pumps and a canopy are proposed on the east side of the building and the existing service area would be converted to a convenience store. The plan also eliminates two drive approaches closest to N. 60th Street and adds landscaping. There is an additional barricade along the alley. Windows will replace the existing garage doors and new masonry will be added to the facade. The proposed hours of operation are 5:00 p.m. to 10:00 p.m. daily.

Mr. Ahmad, attorney for the applicant, handed the committee members the marketing brochure for the property. He reiterated that the proposal is for a gas station and convenience store. He noted that Mr. Dhawan has been operating gas stations for the last 15 years. There has been concern about the location at N. 27th Street and Wisconsin Avenue. Mr. Dhawan has filed an eviction action against the current tenant. The matter is scheduled for pre-trial in June. There have been some issues with this location. His other locations have had no such problems. They are very clean. Of all of Mr. Dhawan's stations there is only one that is leased, the one at 27th and Wisconsin. Mr. Dhawan is not in the business of buying stations and leasing them out. He assured the committee that his client will have security cameras installed and there will be an employee inside and outside. Mr. Dhawan was not able to be at one or two of the meetings because his parents were ill in India and he had to be there. His client is on time with all of his tax and mortgage payments. He has a good relationship with the police department in the areas his gas stations are located. Mr. Ahmad asked that the item be held until the end

of June due to the fact that he was only retained a couple of days ago and he would like to do more research and get up to speed in order to better represent his client.

Present in favor: Robert Wold, Robert Wold Architects, N65 W31047 Beaver Court, Hartland
Mandeep Dhawan, 6974 S. Craig Court, Franklin
Munjed Ahmad, attorney for the applicant, 4915 S. Howell Avenue, Milwaukee
Paul Culver, N34 W32855 Lake View Drive, Nashotah
Joseph Bacon, 2401 W. Lapham Street, Milwaukee
Atty. John Conforti, 6010 W. Vliet Street, Milwaukee
Dan Wiskowsky, 4000 N. 73rd Street, Milwaukee

Present in opposition: Virginia Shuman, 1405 Martha Washington Drive
Marilyn Mahr, 1429 Lombard Court
Sharon Eiff, 1417 Lombard Court
Pat Arkin, 6314 W. Lloyd Street
Sandra Murphy 6314 W. Lloyd Street
Ann Mansfield, 1400 Lombard Court
Lisa Maglio, 1321 N. 60th Street

Mr. Wold reiterated the proposed plans for the physical design of the property. He acknowledged that there have been concerns that people will be going through the alley, but he couldn't see how cars will fit if they choose to drive there. He noted that a right turn only can be installed if that helps.

Mr. Culver stressed that the building is not being enlarged. The pumps that are being put in are in place of what was there previously. They are making the business more modern looking with a convenience store instead of vehicle repair.

Joseph and Julia Bacon spoke in favor of the gas station and in support of the applicant. Mr. Bacon felt that the applicant is diligent about keeping his stations clean and monitoring customer behavior.

Mr. Conforti spoke in support of the applicant saying that the applicant needs to reach out to the community and the aldermen. Mr. Wiskowsky spoke in support

The people appearing in opposition were concerned by a police report that showed a large number of calls for police presence at the applicant's gas station locations. They were also concerned about crime, increased traffic, and the condition of the tanks on the property.

Mr. Culver concurred with Mr. Ahmad that it would be good to come back to the committee at the end of June with more answers.

Ald. McBride agreed that the item should be held. He added that the committee needs to make sure that they can trust the applicant. The discussion at the Plan Commission had many questions and a great deal of police reports to review.

Moved by Ald. McBride, seconded by Ald. Pantuso to hold this item until
the June 25th Community Development meeting - 8

RESULT:	HELD [UNANIMOUS]
TO:	Community Development Committee
MOVER:	Dennis McBride, Alderman
SECONDER:	Bobby Pantuso, Alderman
AYES:	Moldenhauer, Causier, Roznowski, Walz-Chojnacki, McBride, Pantuso, Berdan, Wilke

Carla A. Ledesma, CMC, City Clerk