



CITY OF WAUWATOSA

7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
Fax: (414) 479-8989
<http://www.wauwatosa.net>

COMMUNITY DEVELOPMENT COMMITTEE MEETING Tuesday, February 24, 2009

PRESENT: Alds. Birschel, Hanson, McBride, Nikcevich -4

EXCUSED: Alds. Herzog, Meaux, Stepaniak

ALSO Mayor Didier; N. Welch, Community Dev. Dir.; A. Kesner, City Atty.; J. Archambo, City
PRESENT: Admin.; Capt. D. Weiss, Police; Ald. Organ

Ald. Hanson as Chair called the meeting to order at 8:05 p.m.

Use of Village Area for Tosafest 2009

The committee reviewed a request by Peter Russo, president of the Wauwatosa Village Task Force, for use of the Village area for Tosafest 2009 on September 11 and 12, 2009. Ms. Welch, Community Development Director, indicated that she is not aware of any problems in connection with the event. She noted that the conditions developed over the years are outlined in a copy of the 2008 permit provided to the committee. Kent Ehley, 7437 Kenwood Avenue, was present representing the Village Taskforce.

Moved by Ald. Birschel, seconded by Ald. Nikcevich to recommend approval of the use of the Village area for Tosafest 2009. Ayes: 4

Conditional Use – 7206 W. State Street

Held following discussion at the previous meeting, Ms. Welch reviewed the request by Christopher Leffler for a Conditional Use in the AA Business District at 7206 W. State Street for an extension of Leaf's Lucky Town including an outdoor patio. Approximately 1,200 square feet would be added by expanding onto the adjacent gas station site, which Mr. Leffler recently acquired. Since he does not own the existing site and the business cannot cross two separately held properties, the application should be considered on its own merits. The applicant's consultants are researching state building code issues on the possibility of a door connecting the two buildings. Concerns expressed at the previous meeting included parking issues and hours of operation of the outdoor patio. On-street parking would increase slightly through closing driveway space.

Chris Leffler, 644 Honey Creek Parkway, reported that Ald. McBride coordinated a neighborhood meeting at the site last week at which most of the responses were positive. He also met with representatives of the Village Business Improvement District (BID) and the police and intends to meet with public works representatives. He will work with all three groups to keep patron parking out of the neighborhood areas and push it onto State Street and Hart Park Lane and also to address noise concerns. Mr. Leffler reported that he has reevaluated his business plan, costs, challenges, and opportunities, also taking into consideration impending State Street reconstruction, development of Hart Park, the new Rotary performance pavilion, other restaurants and bars in the area, and the potential impact of a smoking ban, either mandated or self-imposed. As a result, he would like the committee to consider extending the use of the outdoor patio to 2 a.m.

Theresa Estness, interim director of the Wauwatosa Economic Development Commission (WEDC) and John Balzer, WEDC president, spoke in support of the overall proposal. Mr. Balzer reported that the WEDC Board unanimously endorsed the plans and said he believes this is the kind of thing needed to keep the Village vibrant. Ms. Estness noted the beginnings of Tosafest as a celebration of what could happen in the Village area. Because of that type of activity and businesses like the Chancery, Bartolotta's, and Leff's, we have seen the reemergence of State Street as a destination. She applauded Mr. Leffler's community involvement and investment and spoke of the need to balance the interests of businesses and abutting residential areas.

County Supervisor Jim "Luigi" Schmitt, 2517 N. 88th Street, also supported the proposal, noting that Mr. Leffler has been a good corporate citizen who will stay attuned to problems.

Kathy Ehley, 7437 Kenwood Avenue, executive director of the Village Business Improvement District (BID), said that the BID is very supportive of this type of development that will improve the connection of the two ends of State Street. It will be a catalyst for development between the 68th Street area and the Village center.

Other attendees speaking in favor:

Dan Leffler, 2363 N. 80th Street
Mark Rowbottom, 1233 Kavanaugh Place
John Shemitis, 7804 W. Wisconsin Avenue
Steve Palliter, 1457 St. Charles Street
Fred Motta, 2365 N. 82nd Street
Richard Janisch, 2223 Wauwatosa Avenue
Chris McCanles, 2025 Forest Street
Christine Greenfield, 668 N. 77th Street
Adam Glawe, 1841 Underwood Avenue
Alicia Bartz, 1421 N. 69th Street

Rueben Bielke, 7224 W. State Street
Kent Ehley, 7437 Kenwood Avenue
Richard Bachman, 2229 N. 115th Street
Tom Carlson, 7236 W. State Street
Jim Devine, 7050 St. James Street
Tim Makal, 2544 N. 86th Street
Mark Zimmerman, 2231 N. 65th Street
Rob Messinger, Hector's, 7118 W. State Street
Paul Mikek, 1348 N. 72nd Street
Brian Weber, 1325 N. 63rd Street

Comments in favor included:

- Mr. Leffler's community involvement praised as well as his investment and methods of operation—the business is an important part of the social fabric
- No one else would build on that site; a vacant building would be undesirable
- Good improvement from a "green" perspective; residences next to gas stations tend to be devalued and next to green space tend to appreciate
- Property values in the Village area have not decreased as seen elsewhere.
- Outdoor area would be family friendly; its use is limited seasonally
- Continued use of parking to the south should be encouraged; other specific suggestions regarding parking offered
- Need for fairness and consistency in dealing with similar requests from tested establishments vs. newcomers (Café Hollander, Vino 100 cited)
- Great way to create a gateway to the Village and Hart Park.
- Parking and other issues to be expected with residential next to business districts—can be dealt with in other forums
- Village should be seen as someplace special and some concessions made to promote it

Attendees expressing concerns or opposition:

Debra Mozejewski, 1360 N. 72nd Street
Tom Gill, 1391 N. 72nd Street
Tom Flessert, 1363 N. 72nd Street
Tom Stitch, 7216 St. James Street
Arlene Bauman, 1334 N. 72nd Street
Michael and Betty LoCicero, 1376 N. 72nd Street

Bernie Grimm, 7325 Blanchard Street
Art Harvey, 7224 W. State Street
J. Janowak, 7224 W. State Street
Joe Braum, 1283 N. 71st Street
Jim and Nina Campbell, 1360 N. 72nd Street

Comments regarding concerns or in opposition included:

- Parking issues, concerns about emergency vehicle access, vehicles blocking driveways/fire hydrant
- Parking across State Street would help with noise issues and congestion
- Increased tax revenue offset by need for increased police services; question impact on home values
- Residential area is only 50-100 feet away; there are 7 bars within 3-4 blocks
- More customers means more problems--already an impact on the neighborhood
- 90% of those in favor do not live in this area
- Reports of public urination and other negative personal behaviors; noise, littering, broken windows, vandalism, trespassing, large number of motorcycles, yelling, fighting.
- Favor economic development but limitations needed
- Mr. Leffler should not receive preferential treatment; concessions needed
- Special promotions cause neighborhood problems
- Has the fire department checked for capacity issues?
- The gas station site should be used for off-street delivery and pickup rather than expansion
- Tear down station and use site as a parking lot
- Question use of overhead garage doors
- Should not be allowed more seating than others on State Street
- Need proactive full-time neighborhood policing, better cleanup

Mr. Campbell presented a petition bearing 42 signatures supporting containment of the beer garden to State Street and closing no later than 9 p.m. He was concerned about use of the overhead garage doors facing his house, exposing the neighborhood to inner workings of the bar. He felt that the doors should be permanently closed with some insulation to block noise. Although Mr. Leffler has said the patio will not have music, he would like assurance that they will not broadcast sporting events or use a PA system. Mr. Campbell reiterated parking and congestion problems and said there is a need for more extensive neighborhood cleanup. Ms. Campbell noted that Juniper 61 and Café Hollander aren't really drinking establishments; they serve a different type of clientele. She requested less patio seating and setting a specific date span for patio use.

(The meeting recessed at 9:45 p.m. and reconvened at 9:56 p.m.)

Ald. Nikceovich commented on the parking issues, which she said should be addressed by the Traffic and Safety Committee. Greater effort is needed to encourage parking south of State Street. With the garden wrapping around 72nd Street and the overhead garage doors, there should be as much noise abatement as possible. The behavior reported are a serious concern, and perhaps there should be security during bar hours directed at those types of activities and parking problems. She was also concerned about having adequate toilet facilities and the 2 a.m. closing now being requested for the patio. She noted that a smoking ordinance change would promote congregating outdoors whether serving there or not. She saw a need to set limitations and have some give and take on hours and more toilet facilities.

Mr. Leffler explained that the submitted plans are not the final design and said he is not certain that they will retain the garage doors. Just 4-6 seats are planned along 72nd Street to provide a sight line and limit some of the problems. Ms. Welch pointed out final detailed drawings would be approved as part of the building permit process, upon which any Conditional Use approval would be contingent.

Ald. Birschel agreed with the need for review of parking restrictions, particularly in connection with passage for emergency vehicles. He noted that Café Hollander and Vino 100 are not near residential. He would limit any extension of Hector's hours to 11 p.m.

Ald. McBride said that as a member of the Traffic and Safety Committee, he will make it priority to deal with the parking issues. He noted that the petition doesn't oppose the plan but requests limitations. He feels that this improvement would do a lot for the neighborhood and the Village. The alternative would be a blighted property or asphalt parking lot, which would not enhance property values. More customers will mean more

eyes on the street, he noted, also commenting that littering, motorcycles, and noise are not confined to just one neighborhood. At the meeting of about 10 neighbors, all but the Campbells were 100% in favor, and even they are not totally opposed. That type of response was also heard in comments here and in emails and phone received. Ald. McBride indicated that he will support the proposal with the understanding that neighbors would come forward when they have problems and that he will work with them. Hiring a security guard, especially in the summer, is a good idea, he said, and he also agreed that there should be some restrictions on the patio in consideration of nearby residential, unlike Café Hollander and Vino 100.

Ald. Organ, 4th District, said that parking seems to be the number one neighborhood issue. She explained that she has weighed the viewpoints of Mr. Leffler, who is a good corporate citizen who wants to expand, and the neighbors, who bought a home around the corner from two bars but not right across from a beer garden. She would support patio hours more in line with use as an outdoor eatery, shutting it down at the time it transitions to being more of a bar, perhaps between 8 and 10 p.m. The final decision will have to be a balance between the neighborhood and the business.

Moved by Ald. Nikcevich, seconded by Ald. Birschel to recommend approval of the Conditional Use with a restriction of 11 p.m. for the beer garden and a caveat that the parking issue is addressed by the Traffic and Safety Committee and that there is security during summer hours patrolling the two-block perimeter --

With consent of the mover, Ald. Birschel added clarification that parking on 72nd Street and St. James Street should be addressed –

Ms. Welch recommended referral to the Traffic and Safety Committee rather than making follow-up on the parking issues a contingency for Conditional Use approval.

The motion was restated to recommend approval of the Conditional Use with a restriction of 11 p.m. for the beer garden and a requirement for security patrolling the two-block perimeter during summer hours. Ayes: 4

Naming Rights for Hart Park Football Field and Tennis Courts

Mayor Didier outlined her request for feedback on the concept of naming rights for the sports fields and tennis courts at Hart Park. She strongly emphasized that this is not a proposal to change the name of Hart Park itself.

At a meeting this morning, Mayor Didier reported, the Board of Parks and Forestry Commissioners unanimously endorsed the proposal to sell or lease naming rights for athletic fields or other appropriate areas in Hart Park. There are good examples in other communities where naming rights have produced a nice influx of funds to help with projects. She does not envision something like a large neon sign in the park but perhaps a placard of some kind that would provide the appropriate information and meet sign code regulations. A search of past Council, committees, and Parks Board minutes reveals that the subject has arisen in the past but no decision was ever made. The Historical Society also searched but did not find any record of past naming of anything other than the park itself, which was changed from City Park to Charles Hart Park at the time of the city's 125th anniversary celebration.

County Supervisor Jim "Luigi" Schmitt, 2517 N. 88th Street, said that this is an ideal time for this proposal considering that the fields are being updated and improved. He mentioned a hall of fame for various sports in the building itself as an additional possibility. He felt that the private sector will come forward if the Council shows they are willing to put some money into the long-term future of the park.

Mayor Didier supported the idea of a hall of fame and mentioned the need to avoid any connection with entities associated with gaming, liquor, tobacco, and things of that nature.

Richard Bachman, 2229 N. 115th Street, a Parks Board member, said that the board voted in the past to never change the name of the park. He reported that a fundraising organization made a presentation to the board last year and estimated a cost of \$20,000-\$30,000 for professional fundraising, but the board took no action. He noted that the park has not only the football field but also baseball and soccer fields and tennis courts. Scoreboards for baseball or soccer might present fundraising possibilities. Mr. Bachman noted some past significant donations made to other entities by former Wauwatosa residents and felt that there is a good possibility of citizen involvement in naming of these facilities.

Chris McLaughlin, 12040 W. Potter Road, said she has worked in fields that have run into problems with naming right. She also cited issues that have arisen with corporate naming when corporations fail. Naming for individuals is a different matter, she said, although it is less likely to bring in significant amounts. Most fundraisers would say that non-profits and governments don't ask for enough money for naming rights. Also, there is some evidence that naming a facility after a corporation takes away from the sense of civic ownership. Citizens are less likely to vote for funding something that they don't see as their own. Ms. McLaughlin asked that all the complex issues be considered very carefully.

Ald. McBride said that he is not opposed to the idea, which has been discussed before over time, but he felt that it should not be a hasty decision. He noted that the Friends of Hart Park has been moving forward with their fundraising efforts, but this is a difficult time to raise money. He reported on a significant donation that was made to the Hoyt pool fund without any requirement for self-recognition in terms of naming, which is not typical, and how people have been upset when a particular name was changed. Besides avoiding gaming, liquor, tobacco, etc., sensitivity to individuals and their personal connections would also be important. For the wall of fame at Tosa East, it was suggested that honorees should be at least 30 years old, and UW had a requirement that a building could not be named for a living person. Ald. McBride recommended establishing non-monetary criteria first; getting input from the community; getting input on what other communities and schools have done; forming a committee of the mayor, city administrator, and public works director to review proposals; and finding out what the rights are worth and making sure we ask for full value.

Ald. Birschel supported the idea and concurred with prior statements. He commented on how well tree donations to the park were identified.

Ald. Nikceovich suggested setting up some policies and procedures that would cover other opportunities in the future outside of Hart Park. She agreed with the need for a public meeting at some point and hoped for collaborative efforts with the Friends of Hart Park group. She noted that many non-school athletic groups use the park and also that there have been discussions in the past about the school district running the fields, which perhaps should be looked at again.

Mayor Didier reported that the school district has been involved in every meeting but indicated that she herself would not reopen the question of a school district takeover.

Citing future use of the Village pedestrian bridge by Café Hollander, Ald. McBride said that criteria should be in place to address naming of City-owned facilities should that come up.

The meeting adjourned at 11:01 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

es