



CITY OF WAUWATOSA  
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**COMMUNITY DEVELOPMENT COMMITTEE MEETING**  
**Tuesday, September 29, 2009**

PRESENT: Aids. Birschel, Dennik, Hanson, Herzog, McBride, Nikcevich, Meaux, Stepaniak - 8

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

Ald. Herzog as Chair called the meeting to order at 8:25 p.m.

**Conditional Use – Restaurant at 2711 N. Mayfair Road**

The committee reviewed a request by Fang Ping Xiao for a Conditional Use in the Business Planned Development District at 2711 N. Mayfair Road for a Japanese restaurant. Ms. Welch reported that the location is building B, which is adjacent to the railroad tracks at the One Mayfair Place development. The Plan Commission unanimously recommended approval with hours of operation Monday through Friday from 10:30 a.m. to 10 p.m., Saturday and Sunday from 10 a.m. to 11 p.m. The applicant was present.

Moved by Ald. Birschel, seconded by Ald. Dennik to recommend to Council approval of the Conditional Use. Ayes: 8

**Land Combination – 10000 W. Blue Mound Road**

Ms. Welch reported on a request by Loren Meyer, MD, Wisconsin Heart Hospital, for a land combination by certified survey map at 10000 W. Blue Mound Road in the AA Institutions District. This is a leftover “housekeeping” item dating back to the time of Heart Hospital approval when they were required to combine formally combine all individual parcels. The Plan Commission unanimously recommended approval.

Moved by Ald. Nikcevich, seconded by Ald. Hanson to recommend to Council approval of the land combination. Ayes: 8

**Hart Park Rules Ordinance**

Ms. Welch reported that the proposed ordinance repealing and recreating Section 7.64.020 of the Code pertaining to Hart Park rules was formally drafted by the City Attorney following this committee’s discussion at the previous meeting.

Ald. McBride said that he is still concerned with being able to make the track available to early-morning runners. Mr. Kappel, Director of Public Works, said that it may be possible to readjust the hours of some seasonal help during summer months so that the track can be used early in the morning, probably starting at 6 a.m.

Moved by Ald. McBride, seconded by Ald. Nikcevich to recommend adoption of the ordinance –

In answer to a question from Ald. Nikcevich, Mr. Kappel assured her that all of the various entities will have access to the athletic field once the track is cured and striped. With the exception of varsity teams, it has been necessary in the interim to reschedule teams off-site, primarily at Wauwatosa West.

Vote on the motion, Ayes: 8

### **Rezoning – 431 N. 108<sup>th</sup> Place and 443 N. 108<sup>th</sup> Place**

The committee reviewed an ordinance amending the zoning code by rezoning 431 N. 108<sup>th</sup> Place from AA Single Family Residence District to Off-Street Parking District. The rezoning was requested by William Ryan Drew, manager of Ryan 431 LLC. The Plan Commission recommended approval by a vote of 4-3. A second ordinance similarly amends the zoning code by rezoning 443 N. 108<sup>th</sup> Place from AA Single Family Residence District to Off-Street Parking District. That change was requested by Phillip Bellanger, 443 N. 108<sup>th</sup> Place. The Plan Commission recommended denial of that rezoning by a 4-3 vote. There was a public hearing before the Common Council on both items on September 15, 2009.

Ms. Welch reported that the two parcels would provide additional off-street parking for Mo's Irish Pub. The business met parking requirements when the use was originally approved and now has almost twice the required amount. The owner is seeking additional parking to ease some of the pressure of employee and patron parking on residential streets. Ms. Welch noted that the city's future land use plan does not envision these properties in any use other than residential. Staff recommends against rezoning. The Common Council has a history of preserving and protecting residential property values, Ms. Welch noted. The decision here is how to best do that.

John Vassallo, 730 N. Plankinton Avenue, Milwaukee, owner of Mo's Irish Pub, said that he has been a good corporate citizen and has invested in Wauwatosa by improving the value of his property. He has responded to the neighbors' and city's traffic and parking concerns with this proposal, which would make the streets safer, the neighborhood quieter, and provide a better experience for his customers. It would also help drive up property values, he felt. He said that he has been proactive in maintaining a safe environment and has encouraged customers to use existing off-street parking. He will work with neighbors to minimize the impact of the proposed new lots. The overall parking plan has the best interest of the neighborhood in mind, having heard loud and clear that they need parking.

Scott Gosnell of Zimmerman Architectural Studios, 5106 N. Port Washington Road, Glendale, distributed copies of proposed layout and landscaping options for the potential parking lots.

Speaking in favor of the rezoning requests were: Francis Cotter, 605 N. 111<sup>th</sup> Street; Kurt Kostrzewa, 6626 Hillside Lane; Joe Mundschau, 6425 W. Wisconsin Avenue; Brian Sutton, 370 Westmoor Drive, Brookfield; Jeff Roznowski, 2609 N. 82<sup>nd</sup> Street; and Timothy Zombek, 4607 W. Blue Mound Court, Milwaukee. Comments included the following:

- Previous businesses on the Mo's site do not compare; was a blighted property at our busiest intersection
- Owner is listening to neighbors' concerns
- Owner took 70 cars off the street when he purchased the Pizza Hut site; now proposes 45 additional spaces
- Would improve quality of life for all who work there, plus employees will not be parking in front of residences, turning around in driveways, creating noise
- Employees will not have to cross Blue Mound Road—safety issue
- Both existing lots often completely full; cars park block to block-and-half away
- Should be excited that Mo's is not only thriving but expanding
- See this as a referendum on how city treats economic development; vote in favor indicates support of successful developer
- Owner very involved in the community; supported Blarney Run for past two years, increased profit for the event

Mr. Zombeck provided 93 signatures of Wauwatosa residents in favor of the proposed changes.

The following individuals registered in favor of the rezoning requests, some also providing written comments: Adina Amin, 219 N. Harley Rd., Milwaukee; Suzy Anderson, 11725 W. Clarke St.; Gregory B. Benning, 8676 Servite Dr., Milwaukee; Cris Bissell, 2629 N. Oakland Ave., Milwaukee; Michael Bosh, 1233 S. 31<sup>st</sup> St., Milwaukee; Lauren DeChant, 4555 S. 124<sup>th</sup> St., New Berlin; Kaitlyn Cummings, 1233 S. 31<sup>st</sup> St., Milwaukee; Shane Ebert, 537 N. 108<sup>th</sup> Pl.; Cassandra Hathaway, 1217 S. 62<sup>nd</sup> St., West Allis; Kelly Ivan, 8215 Gridley Ave.; Raquel Lozano, 2525 S. Shore Dr., Milwaukee; John Liedtke, 1206 E. Wright Pl., Milwaukee; Stephanie Lundgren, 8831 W. Hawthorne Ave.; Robina Reddie, 11205 W. Blue Mound Rd.; Kelly Roche, 1425 N. Cass St., Milwaukee; Anna Simonich, 1423 N. 122<sup>nd</sup> St.; Elly Simonich, 1423 N. 122<sup>nd</sup> St.; Rebekah Stoltenburg, 11013 W. Meinecke Ave.; Debra Waterman, 4140 N. Bartlett Ave., Shorewood; Aimee Wolf, 2851 N. Bremen, Milwaukee.

Speaking in opposition were: John Klippel, 448 N. 109<sup>th</sup> Street; Catherine Pinto, 511 N. 108<sup>th</sup> Place; Ana Sanchez, 442 N. 109<sup>th</sup> Street; Joanne Stingl, 609 N. 109<sup>th</sup> Street. Comments included the following:

- Although there was a problem with parking at one time, at this point there seems to be a balance
- Concerned about property value
- Bought because of location but did not anticipate living next to a parking lot; would be adjacent to more traffic, more lights
- No need to change zoning of residential areas to accommodate any business, successful or not
- Opposed to destroying two perfectly good homes
- Since employees stopped parking on 109<sup>th</sup> Street a few weeks ago, there has been plenty of parking for residents
- People in favor don't live here
- Adding more parking will bring in more people
- This would set a precedent

Carlos Pinto, 511 N. 108<sup>th</sup> Place, registered in opposition. Christine Weiland, 505 N. 108<sup>th</sup> Place, registered as a neutral party.

For the committee's information, the Chair passed around other communications for and against the proposals that have been received by the city as well as all registration/comment forms from the September 15 hearing.

Ald. Birschel felt that it would be a very dangerous precedent to take houses off the tax rolls. It occurred in the Hart Park area only because of flooding. More parking lots mean more people will come, and there will still be parking on the streets. He suggested contacting the owner of the nearby 530 building about sharing their parking spaces. Although Mr. Vassallo reportedly would pay property taxes at the residential level for 10 years, what about after that, he asked. He commented that he received nearly 100 e-mails that he deemed meaningless due to the fact that all were form letters.

Asked by the Chair about other residential zoning changes, Ms. Welch said that some parcels were changed to institutional zoning in connection with Wisconsin Lutheran College's expansion, but a boundary was set beyond which the college agreed not to expand. Some Heart Hospital properties were originally platted as residential but were actually taken up by the former Lakeview Hospital and its predecessor. A residential property at Swan and North was rezoned to allow a residence to be converted to a legal office, but the Council has for the most part avoided rezoning residential property.

Ald. Hanson reported that he attended many meetings where residents, almost to a person, said that more parking is needed. Now, there is a plan for more parking and some have forgotten those statements. He acknowledged that removing homes is not popular but noted that Mr. Vassallo is willing to pay residential taxes for 10 years. He

will not build a parking structure, which many may have hoped for, because it is too expensive. This is not perfect, but it is best solution we have. He indicated that his conclusion is that the neighborhood will benefit.

Ald Dennik recalled that there were once mostly single family houses up and down Mayfair Road. There are houses on North Avenue and Burleigh where developers are trying to assemble parcels for development. As an urban ring community with the second most successful shopping district in the state, that is where retail and development wants to be. Ald. Dennik sympathized with the residents and said that he does not like taking down houses because of the ripple effect. If that can make it a more peaceful neighborhood, he felt that in a couple of years neighbors will see that as the right decision.

Ald. Nikceovich said that she has observed a fair amount of available parking in this area and asked about employee parking at this time. Mr. Vassallo said that employees were reminded of the policy to park across Blue Mound Road. If approved, he would allow them to park in one of the new lots Sunday through Thursday. Mr. Gosenell reported that one suggestion at a community meeting hosted by Mr. Vassallo was to place more landscaping on the facing properties. He has offered a one-time improvement to help create an additional buffer. The preliminary lighting design calls for low level coach lights along 108<sup>th</sup> Place, something very park-like and residential. They would preserve four existing shrubs on the north side and four on the northwest end.

Ald. Nikceovich described personally dealing with some of the same issues with businesses adjacent to her home and said that it came down to finding middle ground. She has a bigger concern with people parking down the streets and employees crossing a highway. She felt that, in the end, rezoning would result in a better value for the neighborhood. It will not blight properties, and a strong business district helps strengthen the neighborhood.

Ald. McBride applauded Mr. Vassallo for responding to neighbors' complaints but felt that this is not good for the neighborhood or Wauwatosa in the long run. He noted that staff recommended denial and the Plan Commission also was not receptive. He was concerned about residential property values and said that surface parking is not in accord with urban planning principals to retain residential base. A better alternative would be to build a structure on Blue Mound Road with retail on the first level, which would provide retail eyes on the street, match the scale of other buildings, and would not destroy the fabric of neighborhood. Ald. McBride also commented that now is hardly the time to take this precedent setting step when the approved comprehensive plan says exactly the opposite and we are about to embark on updating the zoning code to comply with that plan. If it has happened before, it has been done very carefully. Leff's on State Street expanded but did not take out residences and adjustments were made to on-street parking. He said that Mayfair Road is not a good comparison either since there were farms and not a lot of residences on what was Lovers Lane Road at that time. He observed that we have not heard that Mo's needs this in order to stay in business. As popular as business is today, we have no assurance there will be the same need in a few years. It is a wonderful asset for Wauwatosa but not a good thing for this neighborhood at this time, and he does not want to set a bad precedent.

Ald. Stepaniak asked if there are any empirical studies relating to property values immediately adjacent to commercial districts. Ms. Welch said that she cannot think of a specific study but was certain that the city assessor would say that, generally speaking, residential properties adjacent to busy streets and commercial areas are valued less than residential properties in the heart of a healthy neighborhood. Noting that she lives next to a parking lot, she said that it is possible with adequate screening to design it in such a way that it is not necessarily a detriment. The key is that protecting property values is the way a city can install confidence in a maintaining and protecting neighborhood stability. Generally speaking, properties are valued less when adjacent to conflicting land uses; there are ways to moderate that.

Ms. Welch cautioned the committee that the rezoning decision needs to be made simply based on whether or not off-street parking is the appropriate zoning classification for the property. Although potential value and design have been discussed, rezoning approval does not make any of that happen. The parking lot plan is not automatically approved by making a zoning decision. Zoning does have any contingencies attached.

Ald. Stepaniak commented on the excellent input on both sides of the issue and the difficulty in balancing that with what might happen in the future. The decision could be brilliant or problematic five years hence. He cited the former Camelot Motel site as an example of past balancing that turned a commercial property into residential redevelopment. He mentioned other areas with similar issues. In this situation of high density parking, he concluded that it seems better to have parking off the street, especially with the volume, the lack of sidewalks, and foot traffic using traffic lanes.

Ald. Meaux saw this as a possibly good solution versus a possibly problematic situation down the road and said he does not feel that Mr. Vassallo's interests outweigh that potential. He cited traffic, safety, and parking issues that come before the Traffic and Safety Committee and noted that no one has mentioned buying residential properties as a solution there. In cases where it has occurred—the new fire station, the hospital, the college—very large interests were involved. We should not set a precedent that when a business is successful we will look at residential properties for a solution. He told of dramatic changes that occurred on the adjacent residential street when the owner of Harwood Apartments converted green space to parking. In that case, it was allowed under the zoning code and did not require Council action. Ald. Meaux concluded that the requested rezoning would be a mistake.

Ald. McBride said that what other expansions using residential property have in common is that they involved non-profit or public institutions where the result was a greater good. He mentioned specifically Wisconsin Lutheran College, the Lutheran Home, the fire station, and the Tosa East expansion some years ago.

Ald. Birschel pointed out an email from the former executive director of the WEDC who now serves on the Plan Commission and voted against the plan.

The Chair said that there is no precedent here; every piece of land and situation is unique. He cited the creation of condo units on the Locker's commercial site and potential housing to be developed on the former landfill, noting that rezoning has gone both ways. We are not just a city of homes, and we need to provide businesses the tools to thrive. He said that because of the parking situation, he has been to Mo's only for lunch but would go at night if more parking were available. In his district, it took at least 2-3 years to develop a plan to address the parking situation around Sendik's. He believes the plan to rezone is reasonable and that a structure would actually be more detrimental since it would have to be at least three stories to be effective, increasing the noise impact. He said that this is a vibrant business that is good for the neighborhood and will enhance it. We would be getting double the benefit—more parking, a higher assessment, and a 10-year commitment to pay taxes fully.

Moved by Ald. Hanson, seconded by Ald. Nikcevich to recommend to Council adoption of the ordinance rezoning 431 N. 108<sup>th</sup> Place from AA Single Family Residence District to Off-Street Parking District.  
Roll call vote, Ayes: 5; Noes: 3 (Birschel, McBride, Meaux)

Moved by Ald. Hanson, seconded by Ald. Dennik to recommend to Council adoption of the ordinance rezoning 443 N. 108<sup>th</sup> Place from AA Single Family Residence District to Off-Street Parking District.  
Roll call vote, Ayes: 5; Noes: 3 (Birschel, McBride, Meaux)

The meeting adjourned at 9:48 p.m.

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Carla A. Ledesma, City Clerk  
Wauwatosa, Wisconsin