



CITY OF WAUWATOSA

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COMMUNITY DEVELOPMENT COMMITTEE MEETING Tuesday, November 10, 2009

PRESENT: Alds. Birschel, Dennik, Herzog, McBride, Meaux, Nikceovich, Stepaniak - 7

ABSENT: Ald. Hanson

ALSO

PRESENT: N. Welch, Community Dev. Dir.

Ald. Herzog as Chair called the meeting to order at 8:40 p.m.

Land Combination – 431 and 443 N. 108th Place

The committee reviewed a request by John A. Vassallo, Kosmos, LLC, for a land combination by certified survey map in the Off Street Parking District at 431 and 443 N. 108th Place. Ms. Welch reported that the two parcels were recently rezoned to provide additional parking for Mo's Irish Pub. Combining the parcels allows the lot to be constructed without crossing a property line. The Plan Commission recommended approval. Debra Stevenson, 710 N. Plankinton Avenue, Milwaukee, was present representing the applicant.

Moved by Ald. Dennik, seconded by Ald. Stepaniak to recommend to Council approval of the land combination –

Ms. Welch clarified that this does not join the properties with the former Pizza Hut site fronting Blue Mound Road that is also used for parking. The parking layout here would be independent of that parcel.

Ald. McBride stated that, consistent with his opposition to the rezoning, he will not support this action. Ald. Meaux commented that he would support the request since Council spoke on the issue but still feels it was a bad idea. Ald. Birschel commented that he also was not pleased but did vote for it; the rezoning flies in the face of the Comprehensive Plan.

Vote on the motion, Ayes: 6; Noes: 1 (McBride)

Conditional Use – Massage Therapy Establishment at 737 N. Mayfair Road

The committee reviewed a request by John Zinda and Yin Wang for a Conditional Use in the AA Business District at 737 N. Mayfair Road for a massage therapy establishment. Ms. Welch reported that proposed hours of operation are 10:30 a.m. to 9 p.m. Monday through Saturday. The Plan Commission unanimously recommended approval. The applicants were present.

Moved by Ald. Birschel, seconded by Ald. Meaux to recommend to Council approval of the Conditional Use. Ayes: 7

Conditional Use – Massage Therapy Establishment at 2380 N. 124th Street

The committee reviewed a request by Thomas Kruse for a Conditional Use in the AA Business District at 2380 N. 124th Street for a massage therapy establishment. Ms. Welch reported that the applicant, who was present, has been operating at the adjacent YMCA for four years and is now moving into separate office space. Proposed hours of operation are 8 a.m. to 8 p.m. Monday through Friday and 8 a.m. to 12 p.m. on Saturday. The Plan Commission recommended approval.

Moved by Ald. Nikcevich, seconded by Ald. Birschel to recommend to Council approval of the Conditional Use. Ayes: 7

Ordinance – Regulation of Inoperable Vehicles

The committee reviewed a proposed ordinance amending Section 11.44 of the Code pertaining to inoperable vehicles. Ms. Welch reported that the City Attorney has incorporated changes suggested at the previous meeting. As redrafted, Subsection C 7 of Section 11.44.010 now refers to a vehicle “*that has the appearance of being incapable of legal operation on the public roads of the State of Wisconsin and has not been moved for a continuous period of more than seven days.*” This provides the ability to address vehicles that can be started but otherwise appear to be inoperable.

Collector vehicles are now addressed as an exception in Section 11.44.025: “*This chapter shall not apply to any motor vehicle or parts car which is legally stored pursuant to s. 341.266 of the Wisconsin Statutes. However, such storage shall be subject to local zoning rules and regulations.*” The referenced statute defines a parts car as a motor vehicle in inoperable condition and a special interest (or collector) vehicle as one not altered or modified and being preserved by a hobbyist.

Mary and Gerald White, 1761 N. 73rd Street, spoke of an ongoing issue with a neighbor’s van that has a broken windshield, no windows, is rusted up beyond the doors, has back doors that are tied shut, and has no seats. The owner has been able to run it about once a year, so it is considered operable under current ordinance language. Ms. White said that she has been in touch with the City Attorney, and a police officer has spoken to the owner, but no action has been possible. Ald. Nikcevich reported that she has received calls and emails about this situation.

The Chair stated that the proposed legislation is not about one particular case but is intended as an overall ordinance.

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

Ald. Herzog questioned the use of “continuous” (“*... has not been moved for a continuous period of more than seven days*”), which Ald. McBride suggested replacing with “consecutive.” Ald. Dennik asked about cars left by vacationers, sometimes for three months or so. Ms. Welch said that the concern would have to go beyond the vehicle not being moved for a period of time. It would need to fall under other categories—being partially dismantled, harboring rodents, not being licensed, for example—before being deemed inoperable.

Ald. Dennik suggested adding language stating that enforcement is “within the discretion of law enforcement.” The Chair commented that most enforcement is typically on those terms. Ald. Meaux felt that the language does allow some objectivity and for the most part rules out vacation situations. He advised trusting the common sense of law enforcement. Ald. McBride was concerned about making the ordinance too vague and was confident that police would exercise discretion. He suggested changing 7 days to 14 days.

Moved by Ald. McBride, seconded by Ald. Meaux to amend the motion to change “7 days” to “14 days” and change “continuous” to “consecutive” in subsection C 7 of Section 11.44.010. Ayes: 7

Vote on the motion as amended, Ayes: 7

The meeting adjourned at 9:02 p.m.

es

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin