



CITY OF WAUWATOSA
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COMMUNITY DEVELOPMENT COMMITTEE MEETING

Tuesday, March 25, 2014

Committee Room #1

PRESENT: Aids. Roznowski, Pantuso, Moldenhauer, Walz-Chojnacki, McBride, Berdan, Wilke, Causier - 8

ALSO PRESENT: P. Enders, Development Dir.; E. Miller-Carter, Asst. City Atty.; J. Beix, Public Health Manager

Ald. Roznowski as Chair called the meeting to order at 8:02 p.m.

Bike and Pedestrian Plan

The committee reviewed a memo from the City Planner regarding a recommendation for adoption of the Bike and Pedestrian Plan by ordinance as an amendment to the City's Comprehensive Plan.

The purpose of this plan is to build upon the City's strengths while facilitating additional bicycling and walking opportunities in Wauwatosa. The City's Comprehensive Plan states that "the goal of enhancing the walk-ability and bike-ability of the city stands out as being one of the most universally agreed upon themes of the comprehensive planning process." This plan makes the case for why bicycling and walking are important for a vibrant community and provides a vision for bicycling and walking in Wauwatosa. Goals and recommendations are provided to build on Wauwatosa's existing bicycle and pedestrian network, and to provide education and encouragement programs to facilitate bicycling and walking. By undertaking this planning process, the City has demonstrated its commitment to improving bicycling and walking conditions for its residents and visitors.

Based on input from the plan Steering Committee and the public, the following vision was developed for the plan:

Wauwatosa will continue to be attractive as a healthy, safe, and livable community because it facilitates bicycling and walking as travel and recreation options for residents, visitors, and businesses. Bicycling and walking will be integral components of quality of life, economic development, and accessibility features of the city.

The plan provides recommendations for building on existing bicycle and pedestrian infrastructure, in addition to providing education, encouragement, evaluation, and enforcement efforts that will make Wauwatosa a better place to walk and ride a bike. Recommendations include providing additional bicycle facilities throughout the City and installing approximately 22 miles of pedestrian facilities, primarily surrounding schools and along major streets.

On February 10th, the Plan Commission recommended approval of this item 5-0. A public hearing was held before the Council on March 18th and six people spoke in favor of the plan and six spoke against it. Comments in favor related to being pleased with changes since the original draft and the need for bike/pedestrian facilities in select areas of the City. The majority of comments against the plan related to pedestrian facilities and the impact to property owners.

Ms. Enders provided some history on the project which began about a year-and-a-half ago. A Request for Proposal was sent out for consultants to assist the city through this planning process. The Bicycle and Pedestrian Plan was part of a recommendation that came from the city's 2008 Comprehensive Plan. A consultant was selected and a steering committee was chosen and then the planning process began. There were two open houses and several meetings held. This plan originally was sent to the Plan Commission and held there due to concerns of residents on the western side of the city regarding the plan calling for sidewalks as priority. The Steering Committee reconvened and discussed the issue and came back with another plan that addressed the majority of the concerns heard at the Plan Commission meeting. A modified plan was resubmitted to the Plan Commission and although there are still some issues, it is felt to be much closer to what the alderpersons could support.

Tom Huber, Toole Design Group, reviewed the planning process and the plan itself with the committee. Mr. Huber said the plan provides vision, goals, and recommendations for improving bicycling and walking conditions in Wauwatosa. The recommendations made include engineering, education, encouragement, enforcement, and evaluation.

Mr. Huber explained the plan vision, that Wauwatosa will continue to be attractive as a healthy, safe and livable community because it facilitates bicycling and walking as travel and recreation options. Bicycling and walking will be integral components of quality of life, economic development, and accessibility features of the city.

The bicycle recommendations include:

- Bikeways provided throughout the city to serve a range of users
- Bike lanes belong on busier streets
- Neighborhood greenways and shared use paths for quieter routes and a broader range of users

The bicycle priority is the Menomonee River Parkway path and bike lanes which is being worked on by the county.

Mr. Huber explained the pedestrian recommendations for:

- Areas near schools
- Along busy collector & arterial streets
- In commercial areas

He explained that all sidewalk projects will be studied on a case-by-case basis with direct communication with the impacted residents and businesses.

The potential pedestrian improvements include:

- Areas near schools
- Mayfair Road
- 124th Street
- 116th/115th Streets
- Center Street
- Burleigh Street
- Watertown Plank Road
- Parkways

Total cost estimates were reviewed. The total cost range is somewhere between \$21,500,000 and \$31,600,000 which would be over two decades of time.

Ald. Roznowski asked if the plan itself address the funding sources. Mr. Huber said there is no budgeted money here for the near term. He said they took all of the low cost budget items and gave ideas on how to fund those.

Ms. Enders explained the process which would include the committee and public input. A plan is in place in the event that grant assistance becomes available. It was felt that having a plan ready is an asset to the city.

Mr. Huber reiterated that no mandate is made for sidewalks in this plan.

Mr. Huber briefly answered a question that a bike path could last 25-30 years, bike markings could last only a year or two and bike lanes could last up to 30 years or the life of the roadway.

Ms. Enders wanted to clarify that there are recommendations in the plan for sidewalks, but none listed as a pedestrian facility and nothing is prioritized. In the future at some point these facilities should be considered.

Ald. Berdan said that there are suggestions in the plan for sidewalks but these projects will be discussed at the appropriate time and would need the support of the neighborhood to proceed. The projects will be done on a case by case basis.

Ald. Pantuso opined that this is just a plan, a tool in the city's tool box. This is a living breathing document for the city to have on hand.

Resident comments on the plan included:

- Karen Dabbert, 2637 N. 116th St. –doesn't want sidewalks, felt traffic issues should be addressed instead
- Carolyn Hudson, 2611 N. 116th St. – quality of life, beautiful gardens and landscaping exist, you shouldn't be charged for a redesign that you never asked for
- Tom Lovinus, 2330 N. 116th St. – doesn't want an outside source telling him what to do with his property
- Kevin Hardman, 1920 Underwood Ave. – in support of the plan, a road map for the city which gives people choices, encouraged adoption of the plan
- Jason Kofroth, 2101 N. 116th St. – supports the plan since the residents will have say whether or not they want the project done – does not want sidewalks as it will take away grass and landscaping
- Dave Roberts, 2468 N. 116th St. – traffic to the school is a problem, people chose to live on the west side of the city for a reason as they like the look and the feel of the neighborhood without sidewalks, the neighbors will be given a voice
- Kevin Eccles, 2424 N. 81st St. – is in favor of the plan, community input is written into the plan and projects will be decided on a case by case basis
- Scott Bolte–doesn't feel there is a safe way for his children to get to Whitman and Wauwatosa West on foot or bike–does the new plan undercut the support for biking, is there a concerted effort to make this less fragmented without using a car
- Pat Chipman, 2378 N. 116th St. – felt infrastructure needs should be done with the money first, why is this a priority, there are bigger fish to fry, all the businesses are being invited into this community is bringing even more traffic, police enforcement necessary
- Jill Romans, 2372 N. 116th St., didn't feel that the bike paths would not be used as the area is too hilly, tax burden, gardens and landscaping would be lost, driveway space would be reduced and shoveling would have to be done on the sidewalks
- Conor Williams, 1935 Underwood Ave., is in support of the plan, good to have a democracy in the different areas of the city, walking and biking is a sign of life and vibrancy

- William Gonwa, 11929 W. Underwood Pkwy. – supports the plan, is a bicycle commuter and half of his commute is through Wauwatosa and appreciates the steps taken by Wauwatosa and the City of Milwaukee to make his trip safer
- Mark Peterson, 1532 Ridge Court – supports the plan and if federal tax dollars become available there is a plan in place which could save the taxpayers some money

Ald. Roznowski explained that the Safe Routes to School Program is a grant separate from this program. He said that there is an ongoing study regarding how to get from McKinley School to Whitman School in a safe manner.

Moved by Ald. Berdan, seconded by Ald. Moldenhauer
to recommend adoption of the Bike and Pedestrian Plan
by ordinance as an amendment to the City's Comprehensive Plan.

The committee had a lengthy discussion with the following comments:

- Appreciated the recalibration of the plan
- Liked how the city and the neighborhood worked together
- Getting people out of their cars and on bikes or walking will help traffic issues
- Growing support in the community for biking and walking
- The city is unique in its diverseness
- Sidewalk decisions will be made with the input of the neighborhood
- As roads are reconstructed suggestions can be incorporated by cost effective measures
- Connectivity needed to bring the two sides of town together
- Safe Routes to School should be utilized more to insure students can walk or ride their bikes to school safely
- Pursue bike sharing grants

Vote on the motion – Ayes: 8

Beekeeping in a suburban community

The committee reviewed a memo from the Assistant City Attorney and the Public Health Manager regarding the keeping of bees in the city.

Ms. Miller-Carter provided the following information. The City of Wauwatosa Common Council asked the Legal Department to review the beekeeping ordinance (9.08.020) to determine the impact of changing the zoning restrictions to include residential-zoned properties. The Legal Department consulted the Wauwatosa Health Department (WHD) to discuss health and safety concerns with this potential change.

Beekeeping on residential property for personal hobby is not permitted under existing ordinances. Beekeeping only involves honeybees and beekeeping is normally intended for honey production and pollination. All state and municipal law herein discussed address honeybees only.

Section 9.08.020 permits beekeeping for research and educational purposes only as a conditional use in conservancy zoned districts within the city. It further provides that beekeeping is not permitted within 500 feet of residentially zoned parcels and a vegetative barrier ten feet wide and at least 6 feet in height shall be created within 50 feet of beekeeping activities. It does not limit the number of hives or colonies that are permitted for that use.

If this committee favors allowing beekeeping as a hobby on residential property, the City Attorney will recommend regulations governing the location of the apiary and manner of beekeeping to protect the health and safety of the community and nearby neighbors and reduce the risk that bees may travel away from the hives. Therefore, recommended regulations may differ somewhat from those in sec. 9.08.020 for a hobbyist whose residential property is in closer vicinity to other properties and people.

Beekeeping is permitted in several Wisconsin municipalities with differing regulations. The following communities permit beekeeping under ordinances: City of Milwaukee, Green Bay, Madison and Pewaukee.

The City of Milwaukee permits beekeeping for honeybees. Their ordinance allows up to two colonies per owner on private property. They require a beekeeping/apiary permit, that the applicant provide proof of beekeeping competence and a single map of the apiary and surrounding area. Neighbors within 200 feet of the owner will be notified of the applicant's beekeeping. The owner might be required to give written permission from immediate neighbors. Licensed beekeepers are subject to inspection. There are no code provisions for renewing the license or its fee but if revocation of the permit occurs for violations, a permit shall not be reissued. Property owners shall have 14 days working days to file a written objection and request a hearing to the commissioner if they object to the granting of a permit. A hearing shall be held within 14 days, and within 10 days of completion of the hearing, the commissioner shall mail to the objector and permit applicant a written determination on the granting of the application, taking into consideration factors listed under the ordinance.

A minimum 6-foot high closed fence, hedge, building or other solid flyway barrier shall be located between hives and property but no flyway barrier is needed if the hive is kept at least 10 feet off of the ground.

Hives and related structures that form the apiary shall be located a minimum of 20 feet from the front property line and 10 feet from all other property lines. Hives shall be located a minimum of 50 feet from dwellings, porches, decks, pools, permanent play equipment and other habitable area on adjoining lots unless the owner of the adjoining lot provides written permission for closer hive placement.

Hives must be actively maintained and if not under active human management, they must be dismantled and removed by the permit holder. The beekeeper must destroy or re-queen the hive if it exhibits unusually aggressive behavior. No hive shall be kept that causes unhealthy conditions or interfere with the normal use and enjoyment of human and animal life on public or private property.

The ordinance provides for involved enforcement activity. The commissioner shall review the permit and drawings, inspect the hive and its location prior to issuance of the permit and hold a hearing if an objection to a permit is filed.

Green Bay permits honeybee keeping under the following conditions. A permit of \$10 is issued after the city considers the application, consideration is given to the number of bees to be kept, location of the apiary, facility and the likelihood of creating a public or private nuisance. There are regulations for the manner of keeping.

Madison permits honeybee keeping with an annual permit at the cost of \$10.00.

Pewaukee allows honeybee keeping in agricultural zones. Neither ordinances for these municipalities provide any other regulation for beekeeping.

The following communities do not permit beekeeping: Bayside, Brookfield, Brown Deer, Elm Grove, Franklin, Fox Point, Glendale, Greendale, Greenfield, Hales Corners, Mequon, New Berlin, Oak Creek, Shorewood, West Allis, West Milwaukee, and Whitefish Bay.

The only ordinances requiring amendment to accommodate residential bee keeping in Wauwatosa would be in chapter 9.08.020 (Bees Prohibited) and 6.5 (Licenses). Section 24.80.080, defining apiary, may remain intact.

The Assistant City Attorney said that this information is for discussion purposes only.

Jim Beix said that the public safety aspect was looked at and he expressed concerns for people who are highly allergic to bees. Mr. Beix said that research suggests that a bee colony can sustain itself when a sole food source is up to four miles away. The research showed honey bees could travel seven miles to a food source if needed.

Honey bees cannot be contained on a residential property, as they must forage nectar and pollen for the colony to survive. Bees can travel great distances for food. Allowing honey bees to be kept on residential-zoned properties will introduce more allergens into the community and increase the risk of exposure to all citizens, including those with allergies to bee stings. A small but appreciable number of Wauwatosa residents are allergic to bee stings.

Brett Perry, 4108 N. 94th St., Milwaukee, said he is a second year beekeeper. He has two hives located in Delafield and was in support of beekeeping in the city. Mr. Perry said that the beekeeping ordinance in the City of Milwaukee is very daunting and complex. He hoped that the City of Wauwatosa would make the process a bit easier.

Jane Mortazavi, 7709 Livingston Ave., read an e-mail from Mykl Dettlaff, in support of beekeeping in the City of Wauwatosa.

Andy Hemken, W229 S7120 Guthrie School Road, Big Bend, said he has been a beekeeper for many years. Mr. Hemken noted that the bee population is declining. He was in support of the ordinance and encouraged the City to keep their ordinance simple. He felt that most people would not even be aware that their neighbor had a bee hive.

The committee discussed the keeping of bees in the city and had the following comments:

- Citizens should potentially be educated or certified to keep hives
- Bees will coexist
- Concerns for individuals with allergies
- Residents should have the ability to approve of a neighbor having a hive, much like the chicken ordinance
- Consideration of how much staff time will be utilized

Ald. Pantuso suggested that the committee learn more about beekeeping before a decision is made.

Moved by Ald. Pantuso, seconded by Ald. Walz-Chojnacki
to hold this item until April 29 – Ayes: 8

The meeting adjourned at 10:18 p.m.

Carla A. Ledesma, City Clerk
City of Wauwatosa

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