



CITY OF WAWATOSA
COMMUNITY DEVELOPMENT COMMITTEE
MINUTES • MAY 27, 2014

Regular Meeting**Committee Room #1****7:00 PM**

7725 West North Avenue, Wauwatosa, WI 53213

AGENDA NOTICE: Items formerly included on Traffic & Safety Committee and Legislation, Licensing & Communications Committee agendas will be included on Community Development Committee agenda until further notice.

COMMUNITY DEVELOPMENT COMMITTEE ITEMS

Attendee Name	Title	Status	Arrived
Kathleen Causier	Aldерwoman	Present	
Craig Wilson	Alderman	Present	
Tim Hanson	Alderman	Late	7:25 PM
Bobby Pantuso	Alderman	Present	
Cheryl Berdan	Aldерwoman	Excused	
Matthew Stippich	Alderman	Present	
Michael Walsh	Alderman	Present	
Allison Byrne	Aldерwoman	Present	

1. Orientation by the City Attorney on the committee's licensing duties and responsibilities

Attorney Kesner reviewed the Legislation, Licensing, and Communications (LLC) functions with the Community Development Committee. LLC was transferred from the Budget & Finance Supercommittee structure to the Community Development Supercommittee during the trial period.

The City Attorney reminded the Supercommittee that a provision was made that the committee may send any items back to the original LLC committee as called for. He suggested, for example, that any license revocations could be referred to LLC.

The City Attorney advised that individual license reviews (only for appeals) are not televised. For individual licensing, items of sensitive or personal nature may be discussed in public record but the Council in 2001 made the decision to not televise these. Non-licensing LLC matters can be televised. The confidential section of the meeting portal will be used for confidential matters. Attorney Kesner reminded the committee how to log-in to see the private portion of the meeting portal.

Retail alcohol licenses include:

- Retail Class “A” and Class “B” licenses
- “Class A” and “Class B” licenses
- “Class C” licenses
- Reserve “Class B” licenses (with Economic Development Grant)
- Premises “Particularly Described”
- Temporary extensions of premises

Attorney Kesner explained the different license types. Class “A” and Class “B” are beer or fermented malt beverage licenses. A “Class A” and “Class B” are liquor licenses, this includes liquor and wine. There is a special “Class C” which is rare, for restaurants that only want to serve wine. Class A in both contexts are for packaged retail stores (liquor or grocery). Class B in both contexts are traditional taverns and other places that are serving not in original containers. A Class B tavern license allows you to serve for off-premises consumption not in original containers, for example, growlers. A Class B license is necessary to sell for off-

premise consumption. There is no limit to the amount of beer or wine that you can sell with the Class B, but you can only sell liquor in quantities up to four-liters at a time for off-premises consumption.

The City Attorney discussed the Reserve "Class B" license with an Economic Development Grant. This is a special type of license that was created by the legislature in the mid 1990's. Reserve Class B licenses are non-transferable. A regular Class B license is transferable. There is a fee of \$10,000 to apply for a reserve license. Presently there is a \$9,500 grant available to offset the cost making it comparable to the cost of a regular Class B license.

The City Attorney advised that there are only about nine reserve liquor licenses remaining before we are totally out of licenses to issue. He said that there would be more discussion on this and the economic development grant at a later time.

When a liquor license is applied for the premises have to be particularly described in the application process including patios. It is possible to get a temporary extensions of a liquor licenses when a business puts up a tent in his parking lot for special events.

The City Attorney explained that there are a few license approval parameters. A license is a privilege not a right. The committee has broad discretion in expressing concerns when issuing a license. However the concerns have to be substantially related to activity of the license. A substance abuse conviction may be related to the serving of alcohol but a conviction for speeding might not be. He said that any discretionary reasons must be substantially related.

Attorney Kesner discussed license revocations. There have only been a couple of these in the past twelve years. To revoke a license, a formal quasi-judicial hearing must be held. Once someone has had their license revoked they cannot get another license for twelve months.

2. Class "B" Liquor/"Class B" Beer License transfer from Wauwatosa Spirits, d/b/a The Club Tap, 8828 W. North Avenue, William Poull, owner, to Club Tap LLC, d/b/a Club Tap, 8828 W. North Avenue, Anthony C. Lalli, owner, for the period ending June 30, 2015

The committee reviewed a license transfer request from Wauwatosa Spirits, 8828 W. North Avenue to Club Tap, LLC, at 8828 W. North Avenue.

The City Attorney noted that Chief Weber had no concerns with the license transfer and the issuance of this license.

Nicole Sommerfeld, agent for Lalli's Pizza, said it is purely a business decision made after the Club Tap lease expires on June 30, 2014 to take over the acquisition of the Club Tap. She said they will own both businesses and they will be kept separate.

Ald. Wilson shared a concern of some of the committee members that the person to person license transfer form might not be the correct form. He read Section 125.04(12)(b) Wisconsin Statutes circumstances allowing a person to person transfer which were:

- Death of licensee
- Formal bankruptcy (Chapter 7)
- Assignment for the benefit of creditors
- Foreclosure

Ald. Wilson did not feel that any of the criteria was met for the person to person transfer request. He questioned why there was not a completed application on file and why information was missing from their committee packets. He did not feel that this qualifies for a transfer of business. Ald. Wilson further noted that at the bottom of the license transfer application it has a clause for sale or assignment by transferee: If the business is sold or assigned, the license may be transferred to the successor owner or assignee at no charge if the person is qualified to hold a license and is acceptable to the governing body. In this case, an original alcohol beverage

license application should be completed.

The City Attorney felt that this is probably the wrong form to be used. Ald. Wilson asked how to proceed with the approval process while still following the ordinance and statutes. The Clerk presented a hard copy of the file which included a completed application.

The City Attorney said you would treat this as a new application but still call it a transfer. It is the same license moving over. He said there are a couple of ways this could be done. He said that the technical issue shouldn't affect the transfer as long as there is an authorization of transfer from the old license owner.

The committee said they didn't have a problem with the transfer, but questioned if the transfer paperwork was done properly, and that if all checks and balances are in place for the new owner to run a business.

Ald. Wilson did not feel that the criteria for a person to person transfer was met. It was questioned why a new application was not completed. It was also felt that the transfer form itself did not include enough information. The City Attorney explained that from a standard this is a new application and should be treated that way. The background checks are still done on the license transfer application as well as the application itself.

The City Attorney explained that a license transfer can occur two ways. One way is that you can buy the assets and use them in the same location. He said that Mr. Poull could have transferred his license to any business within the municipality, it wouldn't have to be at that same location.

The City Attorney noted that the background check was done on the applicant and that Chief Weber had no issues.

Ald. Byrne questioned who would be running the new business. Ms. Sommerfeld said her father, Anthony Lalli.

Ald. Stippich expressed concern and felt that part of the confusion is that the applicant is taking on the same name of the business. He said in actuality it is not different than a business closing, in which case they would file an original application. He wanted to make sure that everything is documented properly and that the authorizations and background checks are done. The City Attorney said that Chief Weber said that they had done background checks on the ownership of Lalli's Pizza and did not have any concerns.

Ald. Wilson said he would be voting no based on principle.

Moved by Ald. Causier, seconded by Ald. Walsh
to recommend approval of the liquor license transfer -
Ayes: 4 Noes: 1 (Wilson) Present: 1 (Byrne)

RESULT:	RECOMMENDED FOR APPROVAL [4 TO 1]	Next: 6/3/2014 7:30 PM
TO:	Common Council	
MOVER:	Kathleen Causier, Alderwoman	
SECONDER:	Michael Walsh, Alderman	
AYES:	Causier, Pantuso, Stippich, Walsh	
NAYS:	Wilson	
ABSENT:	Hanson	
RECUSED:	Byrne	

3. Class "B" Beer / "Class B" Liquor License application by Harwood Place, Inc., d/b/a Harwood Place, 8220 Harwood Avenue, Ryan Ptacek, agent, for the period ending June 30, 2015

The committee reviewed a request by Harwood Place, 8220 Harwood Avenue, for a Class "B" Beer License.

Ryan Patacek, Dining Services Manager, said to keep Harwood competitive they would like to have a bar for the residents to sit down and have a drink. Residents can bring a beverage from their rooms to the dining room and sometimes this can cause safety issues. Harwood would like to have a safe place for the residents to sit down and relax.

Ald. Wilson expressed concern that the number of reserves licenses the City currently is quickly dwindling. The City Attorney noted that the license Harwood Place would be receiving is a regular license, not a reserve. Ald. Wilson said he is in favor of this, as this is a long running establishment who is looking for a better way to serve their patrons.

Moved by Ald. Wilson, seconded by Ald. Byrne to recommend approval of the Class "B" Liquor/"Class B" Beer license.

It was noted that this is not a type of bar where people off the street could come in and have a drink. It is only for residents and their invited guests.

Mr. Patacek responded to a question that staff will be serving drinks. All staff currently is over 18 years of age, and operator licenses will be applied for. The City Attorney noted that not everyone serving has to have a license as long as they are under the supervision of a licensed bartender.

Ald. Hanson present at 7:34 p.m. - 7

Ald. Stippich noted that he is in support of this item but noted that a few items on the application were not completed.

Ald. Causier expressed concerns of staff being knowledgeable of interactions between medications residents may be taking and the alcohol. Mr. Patacek said they will be watching the residents and that there will be a two drink limit for everyone. Ald. Causier was supportive of the request.

Ald. Pantuso felt this is a very innovative idea and to help keep Harwood above the competition is great.

The City Attorney noted that Chief Weber had no concerns.

Vote on the motion - Ayes: 7

RESULT:	RECOMMENDED FOR APPROVAL [UNANIMOUS]	Next: 6/3/2014 7:30 PM
TO:	Common Council	
MOVER:	Craig Wilson, Alderman	
SECONDER:	Allison Byrne, Alderwoman	
AYES:	Causier, Wilson, Hanson, Pantuso, Stippich, Walsh, Byrne	

- 4. Class "B" Beer Liquor License application by The Malt Shoppe, LLC, d/b/a The Malt Shoppe, 813 N. Mayfair Road, Patrick S. Lafferty, agent, for the period ending June 30, 2015

The committee reviewed a request by The Malt Shoppe, for a Class "B" Beer License for alcoholic beverage retail sales.

The City Attorney noted that Chief Weber had no concerns about the application or the business.

Ald. Stippich asked the applicant about the hours of operation.

Mr. Lafferty said the proposed hours of operation are Monday through Saturday from 8:00 a.m. - midnight, and

Sunday from 8:00 a.m. - 9:00 p.m. He explained that he is not planning on operating until midnight, but state statute says that he could so in the event the local ordinance changes to match the state, he would not have to seek further approvals.

Mr. Lafferty acknowledged that he may have some special events and with a Class B would allow him to stay open until midnight.

Ald. Stippich asked the City Attorney if there are any requirements about the sealing of beverages being taken off premises.

The City Attorney said there is nothing specific, but reminded the committee that you cannot legally transport open containers or walk down the street with an open container.

A plastic shrink wrap seal would be appropriate. Mr. Lafferty said he was aware of plastic seals that are sealed by applying heat with a conventional hairdryer or heat gun. The City Attorney said there has been previous discussions with the Police Chief on growlers, and as long you can seal the container to carry it off premises, it is acceptable.

Moved by Ald. Wilson, seconded by Ald. Walsh to recommend approval of the Class "B" Beer license.

Mr. Lafferty responded to a question that once a sealed container leaves his establishment he has no control over it. Much like when someone purchases a six pack of beer. Mr. Lafferty explained that he could stay open past 9:00 for on premise consumption only, but plans to close at 9:00 p.m. unless he has a special event.

Ald. Hanson questioned why the applicant felt it necessary to open at 8:00 a.m. What did he expect to sell at that time?

Mr. Lafferty said he expects to be open from 10:00 a.m. - 9:00 p.m. allowing him to be open for the lunch crowd. Much like a package store, state statute allows him to open at 8:00 a.m. if he chose to. The City Attorney said city ordinance cannot restrict the hours set by state statute however our conditional use approval could do that.

Mr. Lafferty said he would also be selling snack food and glassware in addition to beer singles, 6-packs and 12-packs. The applicant noted he has no seating, this is not a bar. He intends to hold a monthly tasting event that would last approximately one-hour.

Vote on the motion - Ayes: 7

RESULT:	RECOMMENDED FOR APPROVAL [UNANIMOUS]	Next: 6/3/2014 7:30 PM
TO:	Common Council	
MOVER:	Craig Wilson, Alderman	
SECONDER:	Michael Walsh, Alderman	
AYES:	Causier, Wilson, Hanson, Pantuso, Stippich, Walsh, Byrne	

- Request by Patrick Lafferty, The Malt Shoppe, LLC. and Brandon Bergman, The Promenade, LLC., for a Conditional Use in the C2 District at 813 North Mayfair Road for alcoholic beverage retail sales

The committee reviewed a memo from the City Planner regarding a request by Patrick Lafferty, The Malt Shoppe, LLC, and Brandon Bergman, The Promenade, LLC, for a Conditional Use in the C2 District at 813 North Mayfair Road for alcoholic beverage retail sales.

The applicant wants to operate a retail establishment called The Malt Shoppe in the Promenade retail center. The store’s focus is the sale of craft beers in bottles and growlers as well as other malt beverages including ciders and meads. Specialty items such as glassware will also be sold and there will be an area for educational events. No seating or sales of other alcohol products is proposed. The proposed hours of operation are Monday through Saturday 8 a.m. to midnight and Sunday 8 a.m. to 9 p.m.

The Plan Commission recommended approval 6-0 contingent upon hours of operation and obtaining any additional permits and licenses.

Ald. Wilson noted that this has been discussed at length at the Plan Commission and there was no opposition there for this conditional use.

Moved by Ald. Wilson, seconded by Ald. Byrne to recommend approval of the Conditional Use in the C2 District at 813 North Mayfair Road alcoholic beverage retail sales contingent upon hours of operation Monday through Saturday from 8:00 a.m. - midnight and Sunday from 8:00 a.m. - 9:00 p.m., and obtaining any additional licenses or permits.

Ald. Hanson said he could not support this request with the requested hours. He suggested the hours of 9:00 a.m. - 10:00 p.m. with a six-month review as this is the first business of this kind to open in Wauwatosa.

Moved by Ald. Hanson to recommend the operating hours from 9:00 a.m. - 10:00 p.m. Monday through Sunday.

Motion fails for lack of second.

Vote on the motion - Ayes: 6 Noes: 1 (Hanson)

RESULT:	RECOMMENDED FOR APPROVAL [6 TO 1]	Next: 6/3/2014 7:30 PM
TO:	Common Council	
MOVER:	Craig Wilson, Alderman	
SECONDER:	Allison Byrne, Alderwoman	
AYES:	Causier, Wilson, Pantuso, Stippich, Walsh, Byrne	
NAYS:	Hanson	

6. Request by Sarinlada Panyasopa, Satori Restaurant, LLC., and Laerte Peter Venturi, Jr., LPC, LLC., for a Conditional Use in the C1 District at 7212 West North Avenue for a restaurant (Thai-namite II)

The committee reviewed a memo from the City Planner regarding a request by Sarinlada Panyasopa, Satori Restaurant, LLC. and Laerte Peter Venturi, Jr., LPV, LLC, for a Conditional Use in the C1 District at 7212 West North Avenue for a restaurant, Thai-namite II.

The applicants want to open a full service restaurant, including delivery, in the former Fattoni’s/Venturi’s space. The proposed restaurant will be similar to the owner’s existing restaurant, Thai-namite, on Brady Street. The proposed hours of operation are Sunday through Thursday 11 a.m. to 10 p.m. and Friday and Saturday 11 a.m. to midnight. In the restaurant description, the applicant mentioned they plan to have outdoor dining but did not identify the location. In follow up from staff, the applicant clarified that is something she will do in the future but not immediately to which staff pointed out that she will need to apply for a revised approval if it is not included now. There is also no space at the front of the property for outdoor dining without encroaching into the right-of-way so the outdoor dining will also need Board of Public Works approval of an encroachment agreement. The applicant is also working with applicable staff regarding code compliance requirements due to

the increased occupancy of the space.

The Plan Commission reviewed this request on May 12th and recommended approval 6-0 contingent upon hours of operation, compliance with building, health, and fire codes, and obtaining any additional permits and licenses.

The applicant was asked if they intend to have any outdoor seating and responded that there is nowhere for them to have seating outside. They were advised that an approval process would be necessary if they decide to do this at a later time.

Ald. Stippich welcomed the addition of this great business to the North Avenue neighborhood.

The committee encouraged the applicant to seek innovative solutions for parking. The applicant was asked to not have their employees park in front of the restaurant. It was suggested that they check with the car wash to see if there is an opportunity to use their lot in the evenings when the car wash is closed.

Moved by Ald. Stippich, seconded by Ald. Wilson
to recommend approval of the Conditional Use in the
C1 District at 7212 West North Avenue for a restaurant
contingent upon hours of operation Sunday through Thursday
from 11:00 a.m. - 10:00 p.m. and Friday and Saturday from
11:00 a.m. to midnight; compliance with building, health, and fire
codes and obtaining any licenses and permits - Ayes: 7

RESULT:	RECOMMENDED FOR APPROVAL [UNANIMOUS]	Next: 6/3/2014 7:30 PM
TO:	Common Council	
MOVER:	Matthew Stippich, Alderman	
SECONDER:	Craig Wilson, Alderman	
AYES:	Causier, Wilson, Hanson, Pantuso, Stippich, Walsh, Byrne	

7. Request by Caroline Yiannackopoulos, Café Blue, LLC., and Jim McNichol, C-4 Investments, LLC., for a Conditional Use in the C1 District at 6428 West North Avenue for a coffee shop

The committee reviewed a memo from the City Planner regarding a request by Caroline Yiannackopoulos, Café Blue, LLC. and Jim McNichol, C-4 Investments, LLC, for a Conditional Use in the C1 District at 6428 West North Avenue for a coffee shop.

The applicant proposes to operate a coffee shop on North Avenue in space previously occupied by a photography studio. The establishment will have seating for 12 and will serve coffee/tea drinks and premade bakery items and sandwiches. The proposed hours of operation are Monday through Friday 6 a.m. to 9 p.m. and Saturday and Sunday 7 a.m. to 10 p.m. The operation is limited to a maximum of 15 persons, including patrons and staff, due to additional code compliance improvements that would be required to the building. As a result, no outdoor seating is proposed due to the occupancy limitation. The applicant is aware of this limitation and submitted revised plans in response. The applicant also proposes to install a bike rack. There should be sufficient space on the parcel for the bike rack; however, if it is located on the sidewalk, the applicant will need to apply for an encroachment agreement through the Board of Public Works.

The Plan Commission reviewed this request on May 12th and recommended approval 6-0 contingent upon hours of operation, occupancy, including outdoor seating and employees, is limited to 15 persons, compliance with building, health and fire codes and obtaining any necessary licenses and permits.

Moved by Ald. Wilson, seconded by Ald. Walsh
to recommend approval of the Conditional Use in the

C1 District at 6428 West North Avenue for a coffee shop contingent upon hours of operation Monday through Friday from 6:00 a.m. - 9:00 p.m. and Saturday and Sunday from 7:00 a.m. to 10:00 p.m., occupancy, including outdoor seating and employees is limited to 15 persons, compliance with building, health, and fire codes, and obtaining any licenses and permits.

Ald. Walsh encouraged the applicant to seek innovative solutions for parking. The applicant noted that there are a few parking spaces located behind the building. When asked if the applicant intended to have outdoor seating Ms. Enders responded that there would be additional code enforcement if they were to go over the occupancy permit of 15.

The committee welcomed the applicant to the North Avenue neighborhood.

Ms. Yiannackopoulos noted that she would need to provide a restroom if they were to go over their occupancy of 15 and currently there are no plans to do this. She responded to a question that there will be no food prepared onsite. Initially they will offer bakery items but will add soup and sandwiches later on.

Vote on the motion - Ayes: 7

RESULT:	RECOMMENDED FOR APPROVAL [UNANIMOUS]	Next: 6/3/2014 7:30 PM
TO:	Common Council	
MOVER:	Craig Wilson, Alderman	
SECONDER:	Michael Walsh, Alderman	
AYES:	Causier, Wilson, Hanson, Pantuso, Stippich, Walsh, Byrne	

- 8. Memo from City Attorney regarding criteria for City Clerk to administratively deny operator's license applications

Moved by Ald. Walsh, seconded by Ald. Stippich to hold this item for a special meeting on June 3rd, due to the City Attorney being away to present an item at the Budget & Finance committee meeting - Ayes: 7

The meeting adjourned at 8:33 p.m.

Carla A. Ledesma, CMC, City Clerk