

CITY OF WAUWATOSA  
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**COMMUNITY DEVELOPMENT COMMITTEE MEETING  
Tuesday, July 30, 2002**

PRESENT: Alds. Becker, Ecks, Heins, Herzog, Kopischke, Krol, Sullivan, Treis -8

ALSO

PRESENT: N. Welch, Community Dev. Dir.; A. Kesner, City Atty.

Ald. Heins in the Chair called the meeting to order at 8:00 p.m.

**Village Business Improvement District (BID) - Proposed Sign Ordinance Amendments**

City Attorney Kesner reported that the proposed sign code amendments relating to the Village Business Improvement District (BID) have been reviewed by Design Review Board C/Sign Appeals Board. Their only recommendation was that signs overhanging city right-of-way should not be allowed. He noted that the proposed ordinance includes a provision that would allow only decorative flags and banners to overhang right-of-way with approval of the BID's signage review board and the City's Board of Public Works.

Carl Templer, BID manager, said the concern of the Design Review Board/Sign Appeals Board related more to permanent signs than to banners or flags.

Mr. Kesner agreed that, from a legal standpoint, flags and banners would not raise the kind of issues that permanent overhanging signs might. The proposed ordinance does not necessarily require them to be temporary, but they do have to be fabric or similar material and attached only along one edge in the case of flags and without frames in the case of banners. The current code allows flags and banners for only a limited number of days; these could be more permanent.

Ald. Treis was concerned that allowing permanent signs and banners might lead to problems similar to those encountered when large permanent signs were grandfathered in the new sign code several years ago.

Ald. Kopischke felt that there would not be too many problems given the restrictions contained in the proposed ordinance.

Moved by Ald. Kopischke, seconded by Ald. Ecks to recommend adoption –

Mr. Kesner clarified that property owners previously had a vested right through an existing sign. In this case, there are not only limitations on the flags or banners but they have to be approved by the BID's signage review board and the Board of Public Works.

Ald. Sullivan raised a question regarding flags and banners that might deteriorate over a period of time. Mr. Templer said that is, in part, why the BID established a review board. If flags or banners become visually unappealing, the review board can mandate their removal. The BID wants to make sure that

anything that goes up in the Village is of high quality and wants to help control, mandate, and manage when it goes up and comes down. The BID has come to have significant influence on signs before City permits are sought and will now have a little stronger influence on flags and banners as well.

Mr. Kesner said that, while it is implicit in the proposed ordinance's language that approval by the Village signage review board or Board of Public Works can be withdrawn, he would like to add some explicit language to that effect.

Ald. Herzog asked about an appeals process if the signage review board or Board of Public Works denies an application. Mr. Kesner said that the Board of Public Works' decision could be appealed to the Common Council. The BID signage review board's decision could be appealed to the overall BID board and also ultimately to the Common Council.

With consent of the second, Ald. Kopischke amended the motion to include redrafted language clarifying the approval, denial, and appeal process. Vote on the motion as amended, Ayes: 8

### **Proposed Zoning Code Amendment – Medical Clinics as Special Use**

The committee reviewed a proposed ordinance amending Chapters 24.34 and 24.36 by adding medical clinic as a Special Use when an accessory to a Permitted Use in the AA Light Manufacturing and AA Industrial Districts.

Moved by Ald. Treis, seconded by Ald. Krol to recommend adoption.  
Ayes: 8

### **Conditional Use – 108 Glenview Avenue**

The committee reviewed a request by Gary Duchesne, U.S. Cellular, for a Conditional Use in the BB Two Family Residence District to install an additional six cellular antennas on the City-owned water tower located at 108 N. Glenview Avenue.

Ms. Welch, Community Development Director, reported that there are already numerous antennas on the tower and there were some concerns about adding more. Structural analysis determined that the tower could support the weight of six additional antennas.

City Attorney Kesner reported that lease negotiations are underway. The water department is negotiating specific dollar amounts, having surveyed and received some recommendations from other communities. Approval of the lease terms will be handled separately from the Conditional Use approval.

Ald. Becker was concerned about losing bargaining power in the lease negotiations by approving the Conditional Use prematurely, but Mr. Kesner felt that would not be the case. Ald. Becker also felt that representatives of the water department and U.S. Cellular should be present. He noted that some extra money was gained in the past when Conditional Use approval was delayed to allow for further negotiations.

Moved by Ald. Becker, seconded by Ald. Sullivan to hold the matter until September 10, 2002 –

Ald. Kopischke said he would like to be able to consider the terms of the lease agreement along with the Conditional Use request. Mr. Kesner indicated that would be possible as a policy question. He noted that the current U.S. Cellular lease is below the rates of other companies with antennas on this tower.

Vote on the motion, Ayes: 8

### **Conditional Use – 1511 N. 68th Street**

The Community Development Director outlined a request by Kevin Miyazaki for a Conditional Use in the AA Business District at 1511 N. 68th Street to add a second story residential unit to an existing commercial building. Ms. Welch displayed a photo and an aerial view. She reported that Mr. Miyazaki plans to move his photography studio to the first floor of the building and live in the upper residential unit. Some exterior improvements are also proposed. The zoning code allows residential use above a commercial use. Ms. Welch commented that the proposal is a nice blend of the two uses and provides a nice transition between the commercial use to the north of the property and residences on both the south and west sides.

Kevin Miyazaki, 225 E. St. Paul Avenue, Milwaukee, said he grew up in Wauwatosa and works as a photographer at Milwaukee magazine. He currently has a shared studio with living space in the Third Ward.

Moved by Ald. Sullivan, seconded by Ald. Krol to recommend approval  
of the Conditional Use –

Ald. Krol noted that the project's architect, John Piney, who was also present, has done an excellent job on a number of other buildings in Wauwatosa.

Vote on the motion, Ayes: 8

### **Amendments to Human Health Hazard and Quarantine Ordinances**

City Attorney Kesner said that the three proposed ordinances amend the human health hazard ordinance and the quarantine ordinance, both adopted within the past year, by including a deadline for filing an appeal from orders issued by the health officer. The proposed change would require any appeal to be made in writing and filed within 14 days of the issuance of the order. This will provide claimants with more notice of proper appeal procedures and will allow for a more appropriate timeline.

Ald. Kopischke pointed out some language usage errors in the ordinance drafts, which Mr. Kesner indicated would be corrected.

Moved by Ald. Ecks, seconded by Ald. Kopischke to recommend  
introduction of the proposed ordinances as corrected. Ayes: 8

The meeting adjourned at 8:48 p.m.

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Carla A. Ledesma, City Clerk  
Wauwatosa, Wisconsin