

January 2, 2007

To the Honorable Common Council
Zoning, Neighborhoods and
Development Committee
City of Milwaukee

Dear Committee Members:

File No. 051177 is a file relating to zoning regulations for day care facilities located near alcohol beverage establishments.

This file requires that a day care center be located more than 500 feet from any premises for which the Common Council has granted a currently-valid Class "A" retailer's intoxicating liquor license (off-premise consumption), Class "B" retailer's intoxicating liquor license (on-premise consumption) or Class "A" fermented malt beverage retailer license (off-premise consumption).

A public hearing was held on November 20, 2006, and at this time DCD stated some concerns regarding how the proposed text change would accomplish the intent of the sponsors of the file. Currently, alcohol beverage establishments must seek licenses from the Utilities and Licenses Committee, and day cares must receive special use permits from the Board of Zoning Appeals. Concerns regarding problem establishments could be addressed at either committee or board. Further, staff raised concern over the potentially significant burden on Planning Administration to regulate the requirements of the proposed amendment.

Alderman Wade, one of the sponsors of the file, indicated that his specific concerns related to having a 24-hour daycare located next door to a tavern and vice versa. Since the proposed amendment does not clearly meet the standards of legality, enforceability, administrative efficiency, and consistency with the zoning code, the City Attorney's Office has not submitted a formal opinion, and it does not accomplish the objectives nor address the concerns of Alderman Wade, the City Plan Commission at its regular meeting on November 20, 2006 decided to refer the file to Zoning and Neighborhood Development Committee, recommending that the Legislative Reference Bureau re-draft the ordinance.

Sincerely,

Rocky Marcoux
Executive Secretary
City Plan Commission of Milwaukee

c: E. Richardson
J. Osterman, LRB