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CITY OF MILWAUKEE  
BOARD OF ZONING APPEALS

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In the Matter of:

7903 West Capitol Drive  
Evaughn High, Lessee

Case No. 23020

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BOARD MEMBERS

CRAIG H. ZETLEY - Chairman  
HENRY P. SZYMANSKI  
CATHERINE M. DOYLE  
ROY B. NABORS  
SCOTT R. WINKLER  
GEORGIA M. CAMERON - ALTERNATE  
DONALD JACKSON - ALTERNATE  
DAN O'CALLAGHAN, Secretary

BUILDING INSPECTION by STEVEN FRITSCH  
PLAN ADMINISTRATION by EDWARD RICHARDSON  
DEPARTMENT OF PUBLIC WORKS by JEFFREY MANTES

Proceedings had and testimony given in the  
above-entitled matter before the BOARD OF ZONING  
APPEALS OF THE CITY OF MILWAUKEE on the 6th day of  
July, 2000, before Sandra D. Blum of Milwaukee  
Reporters Associated, Inc.

ORIGINAL

## 1 P R O C E E D I N G S

2 CHAIRMAN ZETLEY: Next item.

3 SECRETARY O'CALLAGHAN: Item No. 56, Case  
4 No. 23020. Premises known as 7903 West Capitol Drive.  
5 This is a request to occupy the premises as a day care  
6 center and school for 99 children, infant to 12 years  
7 of age, 6 a.m. to 6 p.m.8 There are several comments and concerns on  
9 the summary sheet dated July 5th, 2000.

10 CHAIRMAN ZETLEY: Is the applicant here?

11 MS. HIGH: Yes.

12 CHAIRMAN ZETLEY: Could you come forward,  
13 please. Would you state your names and mailing  
14 addresses for the record.15 MS. HIGH: Hi. My name is Evaughn High, and  
16 I'm at 1065 West Fairy Chasm Road, River Hills,  
17 Wisconsin, 53217.18 MR. HIGH: I'm John High. I'm at the same  
19 address, and I'm on the board of directors at the day  
20 care.21 CHAIRMAN ZETLEY: Would you swear both  
22 witnesses in, please.23 (Whereupon Mr. and Mrs. High were sworn  
24 under oath.)

25 CHAIRMAN ZETLEY: Thank you. DCD, any

1           comments?

2           MR. RICHARDSON: No additional comments?

3           CHAIRMAN ZETLEY: Traffic?

4           MR. MANTES: Yes. We would just like to  
5 note that the site has adequate capacity to operate  
6 trafficwise with all loading and unloading and drop  
7 off of children to occur on site.

8           And if the board so grants this special use,  
9 we would ask that it include a statement that the  
10 applicant inform the parents, when they sign up at  
11 this day care center, that -- excuse me, -- all drop  
12 offs be done on site, not on Capitol Drive.

13           CHAIRMAN ZETLEY: I assume that's acceptable  
14 to you?

15           MS. HIGH: That's acceptable.

16           CHAIRMAN ZETLEY: Thank you.

17           ALDERMAN BOHL: I'm sorry. What was the --

18           CHAIRMAN ZETLEY: That all drop offs be at  
19 the appropriate place, not on Capitol.

20           ALDERMAN BOHL: Okay.

21           CHAIRMAN ZETLEY: Okay.

22           SECRETARY O'CALLAGHAN: And, Mr. Chair, for  
23 the record, Ms. High this afternoon submitted a fax of  
24 -- it appears to be 40 or so signatures of support  
25 from neighboring residents. I'll pass that around.

1                   CHAIRMAN ZETLEY: Okay. Mark that as  
2 Exhibit 1. Is there anybody here to speak against  
3 this? Let the record reflect that this is in Alderman  
4 Bohl's district. Alderman, do you have any comments?

5                   ALDERMAN BOHL: Yes, I do. I have -- In the  
6 course of having Ms. High meet me, and on a number of  
7 occasions, I did hold a neighborhood meeting. I sent  
8 out postcards and heard back from the wishes of  
9 several individuals. There was a couple of people who  
10 have contacted me today who were going to speak out in  
11 opposition to this, and they were not able to come.  
12 Initially, I received correspondence from 17  
13 individuals in opposition to this with none in favor  
14 from local area residents.

15                   I additionally sent out a letter that  
16 mentioned two particular sites, both Ms. High's  
17 proposal and another proposal for an alternative  
18 school. And she raised some objections, over the  
19 course that I tied the two issues together. I then  
20 agreed to hold a neighborhood meeting, sent out  
21 notification for that. That was not attended and had  
22 a subsequent mailing that basically is what I called a  
23 clear-the-air and level-the-playing-field  
24 notification.

25                   I sent that out with postcards subsequent to

1 that, and there was an attachment in -- which provided  
2 a letter, and I used the documentation from her letter  
3 in my letter. I will submit that here to you to be  
4 placed in the record if I can. I have several copies  
5 of that.

6 CHAIRMAN ZETLEY: We'll mark that as Exhibit  
7 2.

8 ALDERMAN BOHL: Subsequent to the -- the  
9 second letter coming around, I heard from a response  
10 in which 14 individuals contacted me and said that  
11 they did not want it in the area, three that favored  
12 it. And here they are, among some of the cards that  
13 came with it. I'd be happy to pass that around.

14 The concerns that I have, and I have some  
15 reservations. It's a nice facility, but the concern  
16 that I've heard from residents is an issue of  
17 saturation in the area. Now, initially, some of the  
18 residents had talked about concerns about a great deal  
19 of traffic that would be generated in the area of  
20 parents dropping off. I know that Ms. High has  
21 indicated that she picks up and transports about 80  
22 percent of -- of the children that would be at her  
23 site. The concern that I have is that there is a  
24 heavy saturation of day care facilities already in the  
25 area, and that's the concerns I've had from area

1 residents.

2 If I could pass around another sheet here, I  
3 will just let you know that Ms. High proposes to come  
4 into the area, an address that would be 7903 West  
5 Capitol Drive. That is the area that's highlighted  
6 and also bolded. There is also, one block due east of  
7 there on -- across the street at 7803 West Capitol  
8 Drive, an SDC Headstart, which is coming in. If you  
9 will look directly across the street north of the  
10 site, there is at 7903 -- I'm sorry, -- 7918, there is  
11 another day care facility. There is a day care  
12 facility at 8008 West Capitol Drive, at 8028 West  
13 Capitol Drive, and also one at the Lutheran church  
14 just north of Capitol Drive off of 81st Street.

15 BOARD MEMBER WINKLER: The saturation is not  
16 necessarily -- We saturate all kinds of businesses in  
17 all kinds of neighborhoods. I think it would be quite  
18 the business and quite --

19 ALDERMAN BOHL: Well, I'm glad you won't be  
20 running for alderman against me any time soon. No.  
21 I believe that Ms. High is a very reputable person.  
22 My concerns are with the saturation issue. It is a  
23 retail strip. I'd like to see it remain a viable  
24 retail strip.

25 The residents are concerned already, but

1 this is becoming a day care strip, and it has nothing  
2 to do with -- against Ms. High. And I believe that  
3 she'd be reputable, but I do have to stand up for the  
4 residents in the area here who do object to this.

5 And I did -- She did contact me yesterday,  
6 and I did request to see a copy of the signatures that  
7 she had initially gotten. When we showed up for the  
8 meeting, and I let her know that the residents were  
9 overwhelmingly in opposition to this, you know, --  
10 some concerns came up.

11 I was told that I should be the one to go  
12 out into the area and try to change people's minds. I  
13 was also informed that I should basically write off  
14 those individuals because I could gather enough  
15 support throughout the district to basically lose  
16 voters there and go against the wishes of my  
17 constituents. And I wasn't very keen on either one of  
18 those comments.

19 But I suggested to her that if I leveled the  
20 playing field that it was her job to go out to the  
21 constituents in that particular area and let them know  
22 that what she wants to do is not going to be alarming.  
23 When she did contact me yesterday, I did request that  
24 that item be faxed over with the signatures. I have  
25 not seen it as of yet.

1 MS. HIGH: I'd just like -- Can I just make  
2 a comment?

3 CHAIRMAN ZETLEY: Sure. Just hold on one  
4 second. Is that all?

5 ALDERMAN BOHL: That's all.

6 CHAIRMAN ZETLEY: I just want to make a  
7 comment in regard to the saturation, because I believe  
8 Board Member Winkler is right. In a very unusual  
9 circumstance this board will consider saturation, but  
10 only if saturation will affect one of the four  
11 criteria. That is the criteria that the Council and  
12 the courts have set up for this board.

13 And interestingly enough, saturation used to be  
14 -- concentration of businesses used to be one of the  
15 criteria that we looked at, and it no longer is. And  
16 I think there's reasons for it, and one of them is  
17 it's Ms. High's or any business person's decision to  
18 decide whether they want to make a go of it. And if  
19 there's 23 day care centers right in a row, if she  
20 wants to put her money in, and obviously Mr. High's  
21 money in, -- also in this state, because it's marital  
22 property, -- that's their decision.

23 So we do not consider saturation. And I'm  
24 saying this -- and I know you know this, Alderman  
25 Bohl. I just want your constituents to hear this,



1 because what I've read of the complaints, where that  
2 was their complaint, was saturation. And as long as  
3 it does not affect the four criteria, which I do not  
4 see it affecting here, I do not think that the board  
5 can consider it.

6 At this time I'd like to allow the applicant  
7 to indicate why we should grant this special use and  
8 to address the concerns that the alderman and  
9 individuals have raised.

10 MS. HIGH: Okay. I'd just like to say that,  
11 in keeping with the mandate, you know, that has been  
12 set before us with W-2 and with the schools having a  
13 shortage of space, we just happened to get an article  
14 off of the Internet stating, you know, that just  
15 recently the superintendent of schools, you know, is  
16 asking individuals to come alongside and be -- and  
17 have collaborative efforts in making this school  
18 system where children can stay right in their  
19 neighborhood and also utilize other spaces that are  
20 available, which is the site at 7903.

21 It's been vacant for approximately one year,  
22 and now, we're starting to get some graffiti in there,  
23 and there are other vacant buildings in that area.  
24 But I just want to keep with what's being asked of us  
25 as a business is to come into the areas and actually

1 support what the school system and W-2 is trying to  
2 provide.

3 As far as those people who are opposing it,  
4 I understand that if they had children, you know,  
5 there would be no amount of saturation, you know, if  
6 they needed the services. If you look at the  
7 correlation between the number of children that need  
8 child care, one child care facility can only  
9 accommodate so many children. In this case, he's  
10 talked about five or six sites being there. That can  
11 only total as many as 5 to 600 children, which is  
12 nowhere near saturation, because the child care slots  
13 are many in the thousands that -- approximately 10,000  
14 that we need in just the block -- grant block area of  
15 Milwaukee.

16 So there is no amount of slots that we would  
17 take up that would actually prevent, you know, from  
18 them having oversaturation. We need the site there.  
19 Schools are asking us to be there. This article  
20 represents that, and there are many other articles out  
21 there, you know, if you guys would like to look at it.  
22 We just want to comply with what's being mandated here  
23 in the city of Wisconsin -- Milwaukee.

24 CHAIRMAN ZETLEY: Thanks. Mr. High?

25 MR. HIGH: I would like to say in addition

1 to what Alderman Bohl brought up was very general.  
2 There are day care facilities on -- some day care  
3 facilities, but some are also K-4, K-5, and they  
4 provide different services. So it would be unfair to  
5 lump them all together as serving the same function.

6 Some are on large facilities, and then there  
7 are also some home day cares. Now, home day cares can  
8 accommodate eight children, you know. You can't  
9 really lump all of those together. If you add up all  
10 the numbers there, it's nowhere near 600, the numbers  
11 she mentioned. The facility across the street, that  
12 would be directly across the street, could accommodate  
13 approximately 99 children, which is really not a lot.

14 CHAIRMAN ZETLEY: Board, questions,  
15 comments, motions?

16 BOARD MEMBER SZYMANSKI: Mr. Chairman, I'll  
17 make motion. Having found that the criteria necessary  
18 to grant the special use has been met, based on the  
19 evidence contained in the file and the testimony I  
20 received by the board today, based on the technical  
21 reviews that were conducted by the departments, I move  
22 to grant the special use for a period of 10 years with  
23 the conditions as outlined in the summary dated  
24 7/5/2000.

25 CHAIRMAN ZETLEY: Is there a second for

1 discussion?

2 BOARD MEMBER JACKSON: Second.

3 BOARD MEMBER WINKLER: Yeah. I'll second  
4 for discussion. I'll also say, and in respect to  
5 Alderman Bohl's constituents who may be watching, or  
6 for you to pass along, Alderman Bohl, we are looking  
7 into a vacuum. When we see your constituents checking  
8 boxes, that is something that, obviously, you have a  
9 duty to bring to our attention, and you do it, and  
10 that's your job, and you do it very well.

11 But it doesn't -- none of those of comments,  
12 none of those checkmarks, have been to actually be  
13 applied to our criteria. Our criteria right now are  
14 met, and I would agree with the motioner that this  
15 should be approved and to tell the -- your  
16 constituents that it isn't your fault. It's ours.

17 CHAIRMAN ZETLEY: That's why they set up  
18 this board. All in favor of the motion say, "Aye."

19 BOARD MEMBER JACKSON: Aye.

20 BOARD MEMBER SZYMANSKI: Aye.

21 BOARD MEMBER WINKLER: Aye.

22 BOARD MEMBER NABORS: Aye.

23 CHAIRMAN ZETLEY: The vote carries four to  
24 zero with the Chair abstaining. Good luck. Keep  
25 those neighbors happy, because Alderman Bohl doesn't

1 want to hear from you.

2 MR. HIGH: We'll have his kids there.

3 CHAIRMAN ZETLEY: Thank you.

4 SECRETARY O'CALLAGHAN: Mr. Chairman, for  
5 the record, Alderman Bohl's map was marked as Exhibit  
6 3, and the cards, Exhibit 4.

7 CHAIRMAN ZETLEY: Thank you.

8 (Proceedings ended.)

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1 STATE OF WISCONSIN )  
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3 MILWAUKEE COUNTY )  
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6 Associated, Inc., 5120 West Blue Mound Road,  
7 Milwaukee, Wisconsin 53208, certify that the  
8 foregoing proceedings is a full and complete  
9 transcript of my stenographic notes taken in the  
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SANDRA D. BLUM  
Court Reporter

Dated this 5th day of March, 2001.