



CITY OF GLENDALE
5909 North Milwaukee River Parkway
Glendale, Wisconsin 53209

The Plan Commission Meeting Will be In-Person.
Attendance via ZOOM virtual meeting is available as well.

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AGENDA—PLAN COMMISSION MEETING

Tuesday December 6, 2022
6:00 PM.

*Members: Chairman and Mayor Bryan Kennedy, Alderman Phillip Bailey,
Amanda Seligman, Shauntay Nelson, Fredrick Cohn, Shawn Storey,
Traci Jean Storey, and Ryan Attwood (Alternate)*

1. **Roll Call and Pledge of Allegiance.**
2. **Adoption of Minutes of Meetings November 1, 2022.**
3. **New Business:**

Business Use Approvals:

- a. Discussion and consideration of a business use approval for **T Mobile**, for a retail storefront, **5330 N Port Washington Road**, in the B-1 “B” Business and Commercial District zoning classification and the Planned Commercial land use classification, Tax Key Number 197-8944-001.

Site and Architectural Approval

- b. Discussion and consideration of approval for a six-foot fence that will exceed the ordinance (13.1.142) requirements of four feet for **2440 W Suelane Rd**, in the R-7 Residential District and the single-family residential land use classification, Key Number 125-0078-000.
- c. Discussion and consideration of approval for a six-foot fence that will exceed the ordinance (13.1.142) requirements of four feet for **6807 N Bethmaur Ln**, in the R-7 Residential District and the single-family residential land use classification, Key Number 125-0212-000.

2023 Meeting Dates

- d. Discussion regarding 2023 Meeting dates.

Next Meeting Date:

- a) Next Plan Commission Meeting 6:00 p.m., Tuesday, January 3, 2022.

4. **Adjournment.**

*The Regular Plan Commission Meeting is NOT a meeting of the Glendale Common Council. Although a majority of Council Members may be present, Council action will not take place.
Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities.*

CITY OF GLENDALE — PLAN COMMISSION
November 1, 2022

Regular meeting of the City of Glendale Plan Commission convened in the Glendale City Hall Council Chambers, 5909 North Milwaukee River Parkway, and via Zoom.

The meeting was called to order by Mayor Kennedy at 6:00 p.m.

Roll Call: Present: Mayor Bryan Kennedy, Commissioners Shauntay Nelson, Shawn Storey, Fred Cohn, Ryan Atwood, Traci Storey, and Amanda Seligman. Absent: Alderman Phillip Bailey.

Other Officials Present: John Fellows, Director of Community Development; Nicole Maurer, Treasurer.

In accordance with the Open Meeting Law, the North Shore NOW, the City's official newspaper, was advised on October 27, 2022, of the date and time of this meeting, the agenda was posted to the official bulletin board of City Hall, the Glendale Police Department, and the North Shore Library; that copies of the agenda were made available to the general public in the Municipal Building and the Police Department, and those persons who requested were sent copies of the agenda.

PLEDGE OF ALLEGIANCE.

The Members of the Plan Commission, City staff, and all those present pledged allegiance to the flag of the United States of America.

MATTERS TO BE CONSIDERED.

Adoption of Minutes of the October 4, 2022, Plan Commission Meeting.

Motion was made by Commissioner Nelson, seconded by Commissioner Shawn Storey, to adopt minutes from the October 4, 2022, Plan Commission meeting. Motion carried unanimously.

Discussion and consideration of a business use approval for Brown's Living LLC, for an administrative office, 6165 North Green Bay Avenue, in the B-4 Office-Research-Service Business District zoning classification and the Planned Commercial land use classification, Tax Key Number 161-0045-000

Motion was made by Commissioner Cohn, seconded by Commissioner Atwood, to grant a business use approval for Brown's Living LLC, for an administrative office, 6165 North Green Bay Avenue, with the following condition: Landscaping is to be brought back to original approval, or applicant is to work out an alternative planting design to be approved by staff. Work is to be completed by June 1, 2023. Motion carried unanimously.

Discussion and consideration for a site plan and architectural approval for main building, concession stand, athletic entry, and associated amenities for Nicolet High School, 6701 North Jean Nicolet Road, in the Special (Institutional) District / S-1 zoning classification and the Government and Institutional land use classification, Tax Key Number 128-8966-003

CITY OF GLENDALE — PLAN COMMISSION
November 1, 2022

Motion was made by Commissioner Cohn, seconded by Commissioner Traci Storey, to grant approval for a site plan and architectural approval for the main building, concession stand, athletic entry, and associated amenities for Nicolet High School, 6701 North Jean Nicolet Road with the following conditions: 1) Provide inverts on Contech outlet structure details to match storm sewer plans, HydroCAD, and WinSLAMM Modeling; 2) The maintenance agreement shall be in a recordable document format with proper cover sheet and exhibits. An example can be provided upon request; 3) Indicate the emergency overland flow routes for stormwater throughout the site; 4) Provide underdrain details; 5) Provide Flat Panel drain installation details; 6) Sheet C500, clean-up bottom left corner. Difficult to see existing/proposed piping in this area; 7) Detail synthetic turf field to allow access to the watermain easement area; 8) Adjust the flat panel drains over the watermain to allow access to the pipe in an emergency. Motion carried unanimously.

ADJOURNMENT.

There being no further business, motion was made by Commissioner Shawn Storey, seconded by Commissioner Cohn, to adjourn the meeting. Motion carried and adjournment of the Plan Commission was ordered at 6:42 p.m., until Tuesday, December 6, 2022, at 6:00 p.m.

Nicole Maurer, Treasurer

Recorded: November 1, 2022



5909 North Milwaukee River Parkway
Glendale, WI 53209

SUBJECT: Plan Commission
Discussion and consideration of a business use approval for **T Mobile**, for a retail storefront, 5330 N Port Washington Road, in the B-1 "B" Business and Commercial District zoning classification and the Planned Commercial land use classification, Tax Key Number 197-8944-001.

FROM: John S. Fellows, AICP, Dir. of Community Development

MEETING DATE: December 6, 2022

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	Title 13 -Zoning Code

Land Use:	Planned Commercial
Zoning:	B-1 "B" Business and Commercial District
Target Investment Area:	NA

BACKGROUND/ANALYSIS:

T-Mobile is looking to open a new store across the street from their existing store. The store will be 6,2879 square feet, while 2,800Sf of the store will be storefront open to the public. Hours of operation are: 10 AM to 8 PM M-Sat 11 AM to 6 PM Sunday. This store has 10 employees and typically has 2-4 people working at any given time and sometimes up to 5. T-Mobile sells Mobile Phones, and accessories such as screen protectors and power cords. In addition, they sell service plans to use the T-Mobile Network. There is no Hazmat involved in the store operations. The store received daily deliveries of replacement phones and merchandise thru UPS and FEDEX vans, no large trucks are required to replenish stocks. The store will have a Building Alarm and CCTV System that will be monitored thru Johnson Controls and T-Mobile's Security teams as is standard for every retail store in the country.

RECOMMENDATION:

Staff recommends the Plan Commission grant a business use approval for T-Mobile, for a retail store at 5330 N Port Washington Road.

ACTION REQUESTED:

Motion to grant a business use approval for T-Mobile, for a retail store at 5330 N Port Washington Road.

ATTACHMENTS:

[Attachments - 5330 N Port Washington Road.](#)

SUBJECT: Plan Commission
Discussion and consideration of approval for a six-foot fence that will exceed the ordinance (13.1.142) requirements of four feet for **2440 W Suelane Rd**, in the R-7 Residential District and the single-family residential land use classification, Key Number 125-0078-000.

FROM: John S. Fellows, AICP, Dir. of Community Development

MEETING DATE: December 6, 2022

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	Title 13 -Zoning Code

Land Use:	Single Family Residential
Zoning:	R-7 Single Family Residential
Target Investment Area:	NA

BACKGROUND/ANALYSIS:

Chapter 13 Article K Section 13.1.142 Fences and Hedges provides guidance and regulations about fences within the community. Subsection (f) relates to Subdivisions with Deed Restrictions. This sub section of the ordinance modifies the standard of 6ft in height to relate specifically to what the deed restrictions indicating in each subdivision. Standard operating procedures over the past three decades has been that no fence is issued to be taller than what is allowed in the deed restrictions.

APPLICATION:

An application was submitted for 2440 W Suelane Rd for a 6ft fence. Upon review staff reviewed the restrictions and determined that the maximum height allowed would be four feet. The permit was issued with the following language:

- 1. The fence permit is approved subject to the fence not being higher than 4ft. Per 13.1.142 (f) of the zoning code and deed restrictions.*
- 2. The fence being placed 30ft back from the property line along both streets. Per 13.1.142 (f) of the zoning code and deed restrictions.*

CONSTRUCTION AND COMPLAINT:

The applicant's contractor installed the fence at 6ft rather than 4ft. A complaint was called in by a nearby owner asking about how tall the fence was permitted. At this time no inspections have been requested or conducted on the fence.

Existing Conditions:

The subdivision has 54 lots. Upon a survey of the neighborhood Staff was able to visibly see five fences that are near or under 4ft in height. These fences are ornamental, at a property with a pool, and two general fences at additional properties. All fences were able to be seen through and none were privacy fences. To provide visual buffers between properties many homes have mature vegetation the blocks views from one property to another. The existing fences

are located at 6900 N Bethmaur, 6935 N Bethmaur, 6949 N Bethmaur, 6968 Bethmaur and 6936 Braeburn. Staff was unable to locate any fence within the subdivision that is six feet tall.

CODE:

The following is an expert of the Zoning code Chapter 13 Article K Section 13.1.142 (f)

(f) Fence in Subdivisions with Deed Restrictions.

(1) Where the erection of a fence is proposed in a recorded subdivision having a deed restriction or covenant prohibiting such fence or restricting or limiting the same, the Plan Commission shall take into consideration such deed restriction or covenant as competent evidence that such fence would cause a substantial depreciation in property values of the subject property, or abutting properties or properties in such recorded subdivision, in making the findings of fact. Such evidence, however, is subject to rebuttal.

(2) The applicant for such permit in a recorded subdivision shall file with the application a copy of the deed restriction or covenant containing such prohibition, restriction or limitation on fences or, if none, a statement to that effect. Where there is such a deed restriction or covenant, notice shall be given to the subdivision association, architectural board or similar body in addition to the notices provided to abutting owners herein. Any owner of a parcel of land in such subdivision shall have the same rights to be heard before the Plan Commission and to appeal as an abutting property owner.

DEED RESTRICTIONS:

The Brentwood Heights deed restrictions state:

8. No fence shall be erected on any one of said lots which said fence shall be higher than four (4) feet from the graded surface of the ground on which such fence is situate. IN no event shall any fence or will be erected closer than (30) feet to any street line nor beyond the front line of any dwelling. No fences constructed of wire or metal shall be erected on any lot.

RECOMMENDATION:

Staff recommends the Plan Commission not grant approval of a 6ft wood privacy fence for **2440 W Suelane Rd**, as the neighborhood was constructed 50+ years ago and has maintained fencing that is 4ft throughout this time period.

ACTION REQUESTED:

Motion to deny the request for a 6ft wood privacy fence for **2440 W Suelane Rd**, as the neighborhood was constructed 50+ years ago and has maintained fencing that is 4ft throughout this time period with the following conditions:

1. The exiting fence shall be lowered to 4ft to comply with the permit that was issued and when complete the property owner or contractor shall call for an inspection.

ATTACHMENTS:

[Attachment - 2440 W Suelane Rd](#)

SUBJECT: Plan Commission
Discussion and consideration of approval for a six-foot fence that will exceed the ordinance (13.1.142) requirements of four feet for **6807 N Bethmaur Ln**, in the R-7 Residential District and the single-family residential land use classification, Key Number 125-0212-000.

FROM: John S. Fellows, AICP, Dir. of Community Development

MEETING DATE: December 6, 2022

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	Title 13 -Zoning Code

Land Use:	Single Family Residential
Zoning:	R-7 Single Family Residential
Target Investment Area:	NA

BACKGROUND/ANALYSIS:

Chapter 13 Article K Section 13.1.142 Fences and Hedges provides guidance and regulations about fences within the community. Subsection (f) relates to Subdivisions with Deed Restrictions. This sub section of the ordinance modifies the standard of 6ft in height to relate specifically to what the deed restrictions indicating in each subdivision. Standard operating procedures over the past three decades has been that no fence is issued to be taller than what is allowed in the deed restrictions.

APPLICATION:

An application was submitted for 6807 N Bethmaur Ln for a 6ft fence. Upon review staff reviewed the restrictions and determined that the maximum height allowed would be four feet. The permit has not been issued. Staff did let the owner know that we would issue the permit to not exceed 4ft in height.

Existing Conditions:

The Brantwood Estatic Add'n has 9 lots. Upon a survey of the neighborhood Staff was able to visibly see one fence that is an ornamental metal fence that can be seen through. This fence was located at 2308 W Green Tree Rd.

Subdivision to the north Brantwood Heights and the subdivision to the south Brantwood Estates both have similar language within the deed restrictions being limited to 4ft in height.

CODE:

The following is an expert of the Zoning code Chapter 13 Article K Section 13.1.142 (f)

- (f) *Fence in Subdivisions with Deed Restrictions.*
(1) *Where the erection of a fence is proposed in a recorded subdivision having a deed restriction or covenant prohibiting such fence or restricting or limiting the same, the Plan*

Commission shall take into consideration such deed restriction or covenant as competent evidence that such fence would cause a substantial depreciation in property values of the subject property, or abutting properties or properties in such recorded subdivision, in making the findings of fact. Such evidence, however, is subject to rebuttal.

(2) The applicant for such permit in a recorded subdivision shall file with the application a copy of the deed restriction or covenant containing such prohibition, restriction or limitation on fences or, if none, a statement to that effect. Where there is such a deed restriction or covenant, notice shall be given to the subdivision association, architectural board or similar body in addition to the notices provided to abutting owners herein. Any owner of a parcel of land in such subdivision shall have the same rights to be heard before the Plan Commission and to appeal as an abutting property owner.

DEED RESTRICTIONS:

The Brentwood Estates Add'n deed restrictions state:

8. No fence shall be erected on any one of said lots which said fence shall be higher than four (4) feet from the graded surface of the ground on which such fence is situate. In no event shall any fence or will be erected closer than (30) feet to any street line nor beyond the front line of any dwelling. No fences constructed of wire or metal shall be erected on any lot.

RECOMMENDATION:

Staff recommends the Plan Commission not grant approval of a 6ft wood privacy fence for **6807 N Bethmaur Ln**, as the neighborhood was constructed 50+ years ago and has maintained fencing that is 4ft throughout this time period.

ACTION REQUESTED:

Motion to deny the request for a 6ft wood privacy fence for **6807 N Bethmaur Ln**, as the neighborhood was constructed 50+ years ago and has maintained fencing that is 4ft throughout this time period with the following conditions:

1. Any future fence shall be 4ft to comply deed restrictions and city ordinance.

ATTACHMENTS:

[Attachment - 6807 N Bethmaur Ln](#)