



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

The Planning and Architectural Review Commission (PARC) Meeting Will be In-Person.
Attendance via ZOOM virtual meeting is available as well.

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AGENDA— PLANNING AND ARCHITECTURAL REVIEW COMMISSION

Tuesday July 9th, 2024

6:00 PM.

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

1. Roll Call and Pledge of Allegiance.
2. Adoption of June 4, 2024, Meeting Minutes.
3. Old Business
4. New Business
 - a. Site Plan, Signage Plan and Architectural Approval
Discussion and Consideration: Saint Augustine Preparatory Academy, 6810 Port Washington Road, in the Special (Institutional) District/S-1 zoning classification, Tax Key Number 128-80-05000
 - b. Major or Minor Amendment to a Development Agreement: 4160 N. Port Washington Road by Beerline Crossing LLC, in a PD Planned Development District, Tax Key Numbers 242-1198-004 and 242-1198-003
 - c. Fence Exception
Discussion and Consideration: Approval for 1000 West Riverview Drive Regarding the Height of a Front Yard Fence

Page 1 of 2

Upon reasonable notice, efforts will be made to accommodate the needs of
persons with disabilities.

*The Common Council of Glendale currently holds meetings in person at City Hall, or an alternative physical location as allowed by the City Ordinance. As a courtesy to citizens, Council meetings will also be made available live on the Zoom virtual platform for viewing and possible participation. However, the City cannot guarantee the technology supporting the virtual viewing option will operate perfectly and continuously. The only way to guarantee the ability to offer public comment, or view the meeting uninterrupted, is to appear in person. If the Zoom platform fails, the meeting will continue as scheduled.

- d. Business Use Approvals:
 - i. Discussion and Consideration: Meadowbrook Counseling of Wisconsin at 7101 North Green Bay, Suite 11
 - ii. Discussion and Consideration: Republican Party of Wisconsin at 7929 North Port Washington Road
5. Public Hearing
 - a. Discussion and Consideration: Repealing and Replacing Sections 13.1.34 (c) (3), (7), (8), (9), (11), (13), (20) of Title 13 of Article C, creating Article Q, "Drive Thru Regulations" and amending Article P, "Definitions" of the Code of Ordinances of the City of Glendale Pertaining to Drive-Thru Regulations
6. Next Meeting Date and Adjournment:
 - a. Next Planning and Architectural Review Commission (PARC) Meeting 6:00 p.m., Tuesday, August 13, 2024, at the Richard E. Maslowski Community Park.
7. Adjournment.

The Regular Planning and Architectural Review Commission (PARC) 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.

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The Planning and Architectural Review Commission (PARC) Meeting Will be In-Person.

Attendance via ZOOM virtual meeting is available as well.

AGENDA— PLANNING AND ARCHITECTURAL REVIEW COMMISSION

Tuesday June 4th, 2024

6:00 PM.

YouTube Video Link: <https://www.youtube.com/watch?v=XrTa7m21Ydk>

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

Roll Call

Present: Chairman Mayor Kennedy, Commissioners Amanda Seligman, Fredrick Cohn, Raymond Carlson, Alderman Phillip Bailey, Commissioner Shauntay Nelson, Commissioner Shawn Storey, and Traci Fernandez.

Other Officials Present: Karl Warwick, City Administrator

Adoption of May 7, 2024, Meeting Minutes: Alderman Bailey moved approval. Seconded by Commissioner Cohn. Motion carried unanimously.

Business Use Approval: There was a general discussion on a new business for Grand Appliance, at 429 W. Silver Spring Drive, in a B-1 “D1” regarding signage, architecture, and parking.

Motion: Commissioner Storey moved approval. Seconded by Commissioner Fernandez. Motion carried unanimously.

Business Use Approval: There was a general discussion on a new business for North Shore Chamber of Commerce and Discover the North Shore, at 7929 North Port Washington Road, in a B-1 "I2" Business and Commercial District, Tax Key Number 091-8962-000.

Motion: Commissioner Cohn moved approval. Seconded by Commissioner Nelson. Motion carried unanimously.

Next Meeting Date and Adjournment: Next Planning and Architectural Review Commission (PARC) Meeting 6:00 p.m., Tuesday, July 9, 2024.

Motion: Commissioner Carlson moved approval. Seconded by Commissioner Fernandez. Motion carried unanimously.

Adjournment. Alderman Bailey moved approval. Seconded by Commissioner Carlson. Motion carried unanimously. Chairman Mayor Kennedy adjourned the meeting at 6:12pm.

Minutes recorded by Abigail Slack, Administrative Assistant.

SUBJECT: Site Plan and Architectural Review of 6810 North Port Washington Road, Tax Key Number 128-8005-00

FROM: Meredith Perks, City Planner, Vandewalle & Associates

MEETING DATE: July 9, 2024, Planning and Architectural Review Commission

STATUTORY REFERENCE:	
Wisconsin Statutes:	
Municipal Code:	13.1 ; 13.1.38 ; 13.1.174

LAND USE:	
Zoning District	S-1, Special (Institutional) District
Proposed Zoning Change	NA
Existing Land Use	Government and Institutional
Future Land Use	Government and Institutional

The Planning and Architectural Review Commission (PARC) is being asked to review and approve an updated site plan and architectural design for a “school(s), college(s) and universities” (7) use in an S-1 zoning district (13.1.38). As this is a permitted use, no rezoning is required and the PARC is being asked to review the “use”, and all others zoning requirements for the S-1 zoning district to ensure compliance and make a determination on the site plan, sign and architectural approval based on this review.

Private clubs, public parks, churches, professional offices, public buildings, and institutions are also permitted uses in the S-1 zoning district.

Cardinal Stritch opened campuses in Glendale/Fox Point around 1962 and operated undergraduate and graduate programs until the campus closed in 2023, with student population as high as 5,800. Upon closure, the student population was around 1,300. The total property is approximately 43 acres in size. This site was purchased in 2023 by the Ramirez Foundation to use as a K-4 through 12th grade called, also called St. Augustine’s Preparatory Academy (Aug Prep). Aug Prep is a Christian K4-12 college preparatory academy that currently has a K-12 educational campus in located at 2607 S 5th St. in the City of Milwaukee. Aug Prep intends to phase students onto the Glendale campus over the next seven (7) years, starting with grades K4-6 and 9th grade or about 300 students. Overtime they intend to bring 1,000 students to the campus across all grades. At the start of operations about 100 employees will be on campus with that number growing to 180. Twenty-year plans for the school could see enrollment grow to 2,000 students. The school will be in session from 7:20am to 3:15pm with staggered class start times. Athletic and extracurricular activities will extend use of the site into the afternoon/evening. Some weekend use is also expected.

This proposed site plan includes both demolition, reuse, and expansion of existing buildings. Aug Prep plans to demolish three buildings and keep two buildings for education and indoor athletic space. The building on the northwest side of the campus will be used for the high school students while the building in the center of campus is intended for

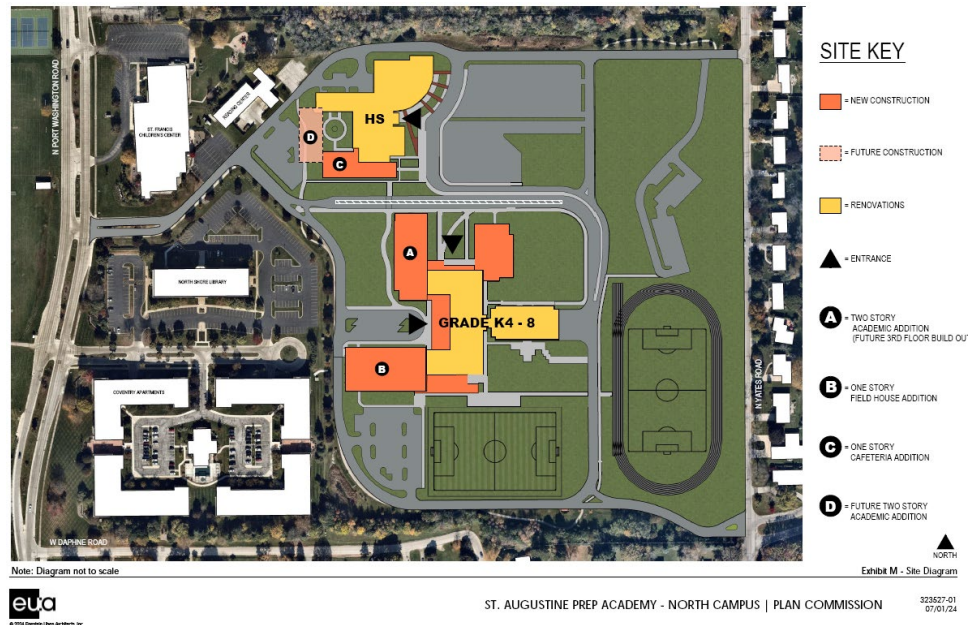


Figure 1. Aug Prep Site Diagram

grades K4-8, as shown in Figure 1. Plans for both

buildings include new construction expansions to serve immediate student populations and account for growth in the enrollment over time.

The Glendale-Fox Point municipal boundary divides the property. The buildings, playground, soccer field, and parking facilities will be in Glendale, while the track and other outdoor athletic spaces will be in Fox Point. As proposed, the soccer field and athletic facilities will be used for physical education curriculum as well as extracurricular athletics and day, evening, and weekend use is expected. The soccer field will be lighted, and a photometric plan has been provided as part of this application. Security will be provided on campus during school hours and extracurricular use and the campus will have a security camera system.

ANALYSIS:

Aug Prep has submitted an application to the Planning and Architectural Review Commission for site plan, sign plan and architectural approval. This site is currently zoned S-1 Special Institutional. The proposed use as a school, like the previous use as a university, is permitted by right. Therefore, rezoning or any other zoning map amendment or text amendment is not required to gain approval by this commission, unless any of the City's zoning requirements are not met. This use also aligns with the Glendale Comprehensive Plan and Future Land Use Map which shows this area remaining Government and Institutional. Schools and religious institutions are among the permitted uses in the Government and Institutional future land use category.

The site plan shows the building and circulation footprints of development staying largely the same and repurposes some of the existing buildings. The high school building in the northwest corner of the site

will be 91,462 sf and the K4-8th grade elementary building at the center of the site will be 194,124 sf. The proposed building additions meet building height standards for the S-1 district.

The buildings meet and exceed all S-1 yard setback requirements. The eastern edge of the K4-8th grade building abuts the Glendale-Fox Point municipal boundary line, but as this is the interior of the campus, the site has a single owner, and the site's use extends to the campus boundary another 155 ft., the campus is functionally one parcel. Therefore, setbacks are calculated from the campus boundaries.

Parking will be provided in numerous locations on site with a total of 521 parking stalls. Section [13.1.92](#) indicates numerous parking standards for high schools and elementary schools. Based on these standards, between 131 and 265 stalls. The high school lot will have 250 stalls and the elementary school will have 156 stalls divided between two lots. Additional parking will be located on site, including on the Fox Point side of the boundary. Additional shade trees should be planted in the parking areas to enhance the canopy and reduce heat islands. Aug Prep has not provided paving cross sections, curb types, which will need to be provided prior to construction. Additionally, Aug Prep needs to update their parking plan to demonstrate the provision of the appropriate number of handicap spaces.

The property and its buildings and athletic facilities will be served by private roads for internal circulation. Access to the site will primarily be gained from the existing private drive off North Port Washington Road. Access is also available by North Yates Road in Fox Point. Internal circulation relies on both existing and newly constructed roads. Aug Prep has completed a traffic impact analysis detailing student pick up and drop off protocols and recommendations for updating traffic signal timings on North Port Washington to address additional queuing. The report recommends closing the opening in in the median at the entrance to the St. Francis Children's Center to further extend the southbound left turn lane into the Aug Prep campus. The Report concludes that the projected levels of traffic can be accommodated, with minor adjustments, by the existing road infrastructure without disruption to the current level of service or safety.

The soccer field at the south end of the property will include lights, public announcement (PA) system, and scoreboard. The PA system speakers are located at the south side of the field facing north, directing sound north away from the closest residential areas. Aug Prep has indicated that the PA system would have minimal use during soccer games and use would be concluded prior to the 10pm noise cutoff set by code standards.

Aug Prep's application also includes a photometric lighting plan. City code limits light at the property line to 3 foot-candles. The Aug Prep photometric plan meets this standard, including at the property line closest to the soccer field and residential areas. The soccer score board is not a video board and will be placed at the south side of the field facing north, away from residential areas. Activities using lights should be off by 10pm.

Aug Prep has submitted a landscaping plan detailing how new landscaping will supplement existing plantings on site. The proposed landscaping plan keeps existing plantings along North Port Washington Road and along the private drive on the school campus. Within the campus, landscaping includes

planting beds in front of building entrances that will include a variety of shrubs and grasses, as well as additional trees lining parking areas and internal circulation roads around the property. Existing mature trees and an earthen berm along the south and north sides of the property provide effective visual buffering, as required by Glendale's zoning code ([13.1.15](#)). The landscape plan includes a number of species that are prohibited by the Milwaukee Metropolitan Sewer District (MMSD) and will need to be updated to remove those species. The prohibited species are outlined in the City Engineer's comments in Appendix A. Also, staff recommends that additional canopy trees be added to the areas surrounding the parking lots to limit heat island effects.

SIGN PLAN:

Aug Prep has also provided initial details for a proposed signage plan. Aug Prep intends to update the existing monument sign with their branding. The school buildings will also include lighted wall signs to identify the building entrances, wall signs facing the athletic facilities, and banners. Section [15.6.9](#) of the sign code allows the PARC to determine the total permanent sign area for institutional uses and schools. The signage design and materials presented in the application are high quality and proposed sign lighting should have no impact on surrounding properties or rights-of-way.

PROJECT TIMELINE:

Aug Prep has indicated the project timeline is as follows:

- November 2024 Site Mobilization, Footings, and Foundation
- February 2026 Substantial Completion of Construction
- April 2026 – Opening with Enrollment Phase I students

CRITERIA FOR APPROVAL:

Section [13.1.174](#) of the Zoning Code provides the criteria for site plan approval for “any construction, reconstruction, expansion or conversion.” In reviewing the application using the following criteria, staff finds:

1. *The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.*
The site plan and buildings, largely following the existing building footprint and removing buildings for additional open space, are appropriate for the physical character of the site. The existing buildings that are closest to the property lines and surrounding residential areas on the south and northeast sides of the site are being removed. The proposed additions are in the interior of the site and far from adjoining properties and adjoining residential in particular. Mature perimeter landscaping is being retained and provides sufficient screening for the soccer field. As the proposed use is the same as the previous use and the site does not require a zoning change, it remains appropriate for the usage of the adjoining lands.

2. *The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.*

The layout of the site's entrances, exits, interior roadways, parking and loading areas, as described in the traffic impact analysis, are consistent with the safety of residents and the community. Access points to public streets are not changing nor is the general on-site circulation system. Intersections and existing roads are able to operate acceptably and safely with the proposed build out of Aug Prep following minor adjustments to signal timing.

3. *The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.*

As an existing, developed site with a similar use, the proposed utility usage, drainage facilities, and waste and sanitation are adequate. The site plan has also been reviewed by City engineers and public safety officials. See Appendix A for comments, but no significant issues have been identified to recommend denial of the application. However, additional information is needed to demonstrate fire safety, grading, stormwater management and landscaping.

4. *The landscaping and appearance of the completed site. The plan commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this section.*

The site is planned for attractive landscaping that both preserves existing vegetation and adds new plantings. Entrances, side and rear yards are planned for landscaping that will use a variety of species to enhance the site's appearance and provide buffering and screening. As demonstrated by the application's Site Perimeter Views exhibit, existing screening is sufficient to block noise, light, and not impair or negatively impact adjacent properties. Overall, there is an increased amount of open space being provided via the removal of existing buildings and parking areas. One staff recommendation is to replace non-shade trees with canopy trees in parking areas to reduce heat island effects of open parking areas. Additionally, the landscaping plan needs to be updated to remove species prohibited by Milwaukee Metropolitan Sewer District (MMSD).

RECOMMENDATION:

Staff recommends the Plan Commission approve the site plan, architectural plan, and sign application for 6810 North Port Washington Road as outlined in the application, with the following items being addressed:

1. Update the landscape plan by adding more canopy trees to parking areas and removing prohibited species.
2. Update the parking plan to provide paving details and meet handicap stall standards.
3. At any time upon direction from the City Administrator, implement recommendations of the Traffic Impact Analysis report from June 2024 to address traffic concerns.

4. Address Engineering and Public Safety comments as outlined in Appendix A.

ACTION REQUESTED:

To: Grant approval of the site plan, architectural plan, and sign application for 6810 North Port Washington Road, Tax Key Number 128-8005-000, based on the information provided in the application and the findings contained in the staff report, with the following items being addressed:

1. Updating the landscape plan by adding more canopy trees to parking areas.
2. Update the parking plan to provide paving details and meet handicap stall standards.
3. At any time upon direction from the City Administrator, implement recommendations of the Traffic Impact Analysis report from June 2024 to address traffic concerns.
4. Engineering and Public Safety comments as outlined in Appendix A.

ATTACHMENTS:

1. [Appendix A - N](#)
2. [Appendix O](#)
3. City Services Review and Comments

SUBJECT: Major or Minor Amendment to a Development Agreement: 4160 N. Port Washington Road by Beerline Crossing LLC, in a PD Planned Development District, Tax Key Numbers 242-1198-004 and 242-1198-003

FROM: Karl Warwick, City Administrator

MEETING: Planning and Architectural Review Commission

MEETING DATE: June 9, 2024

FISCAL SUMMARY:

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

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	§§ 13.1.39 ; Title 13, Article D – PD Planned Unit Development District

LAND DEVELOPMENT REFERENCE:

Land Use:	Commercial Office and Professional Services, Warehousing
Zoning:	PD Planned Development
Target Investment Area:	Near the Glendale Technology Center

BACKGROUND:

On April 9th, 2024, the Planning and Architectural Review Commission (PARC) approved a minor amendment to the development agreement for this property to permit “uses” permitted in the M-1 zoning district as well as existing and proposed uses. Now, a developer is moving forward with the purchase, and is proposing an revised agreement to exclude various “uses” no longer present and to exclude various requirements that are no longer necessary.

Beerline Crossing LLC, the owner of the property at 4160 N. Port Washington Road, has an interested buyer with purchase contingent upon rezoning of the parcel for compatible uses beyond uses in current Development Agreement. The buyer desires “uses” consistent with the M-1 Warehouse, Light Manufacturing, Office and Service District, plus “uses” currently on the property and eliminating references to “uses” that were proposed, but never occurred.

To facilitate the most expeditious rezoning, the applicant and buyer desire to amend the Development Agreement to permit “uses” allowed in the M-1 District on the parcel (Section [13.1.39](#), Glendale Code).

ANALYSIS: The proposed “uses” are consistent with the longstanding “uses” on the parcel and corresponds to the Glendale 2040 Comprehensive Master Plan. Until last year, the parcel was zoned M-1 and is surrounded by businesses operating similar uses. The parcel is also near the Glendale Technology Center target investment area described on pages 36 to 38 in the 2040 Plan.

Regarding major and minor Development Agreement amendments, Section 13.1.55(c), Glendale Code of General Ordinances, relates to recording and implementation of Development Agreement. That subsection specifies:

“Any subsequent change of use of any lot or parcel of land or addition or modification of the plans shall first be submitted for approval to the plan commission and if, in the opinion of the plan commission, such change or modification constitutes a substantial alteration of the original plans, the procedure provided in sections 13.1.53 and 13.1.54 above and, in this subsection, shall be required before the use is changed or the plans modified. If, in the opinion of the plan commission, such change or modification does not constitute a substantial alteration of the original plans and if such change or modification is recommended by the plan commission, the change or modification may be made with the approval of the common council.”

RECOMMENDATION:

The Commission must determine if amending the uses from those listed above to all uses permitted in the M-1 District is a major or minor change to the Development Agreement.

The ordinance does not define what makes a major or minor amendment. Should the Commission determine this change is a minor amendment, the matter will immediately be forwarded to the Common Council for consideration of approval. If considered a major amendment, the applicant must go through the entire rezoning process of a PD Planned Development District.

ACTION REQUESTED:

Motion to determine the amendment to the Development Agreement, striking all current uses and replacing the permitted uses as “any use allowed in the City’s M-1 Zoning District”, at 4160 N. Port Washington Road as a minor amendment and recommend the Common Council approve the proposed Development Agreement amendment.

OR

Motion to determine the amendment to the Development Agreement, striking all current uses and replacing the permitted uses as “any use allowed in the City’s M-1 Zoning District”, at 4160 N. Port Washington Road as a major amendment.

ATTACHMENT:

[Planning and Architectural Review Commission Application](#)
[4160 N Port Washington Rd Location](#)
[First Amendment to Development Agreement](#)
[First Amendment to Planned Development Agreement - Redline](#)

SUBJECT: Discussion and consideration: Fence Exception for 1000 West Riverview Drive

FROM: Karl Warwick, City Administrator

MEETING: Planning and Architectural Review Commission

MEETING DATE: July 9, 2024

FISCAL SUMMARY:

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

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	§ 13.1.142.3.g

LAND DEVELOPMENT REFERENCE:

Land Use:	Residential
Zoning:	R-7
Target Investment Area:	N/A

BACKGROUND:

Section 13.1.142.3.g of the Zoning Code authorizes the Plan Commission to grant exceptions “in accordance with the standards established above. Authorized exceptions shall be considered a unique request and shall not be construed as precedent for any other authorized exceptions.”

Exceptions may be considered based on the following standards:

(2) Standards for exceptions.

a. The plan commission shall not vary the regulations of this section were allowed unless it shall make findings based upon the evidence presented to it in each specific case that all of the following conditions are present:

1. The particular physical surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which the application for an exception is based would not be applicable generally to other properties within the same zoning classification.
3. The purpose of the exception is not based exclusively on a desire for economic or other material gain by the applicant or owner.
4. The alleged difficulty of hardship is caused by this section and has not been created by any person presently having an interest in the property.

5. The granting of the exception will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed exception will not impair an adequate supply of light and air to adjacent property, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

ANALYSIS: The resident at 1000 West Riverview is requesting an exemption to the requirement in subsection b. for a front yard fence of six feet in height from the required maximum of three feet in height.

A fence is permitted to be three feet in height up to the front of a residential structure. After that to the right-of-way, it can be three feet in height. Due to the large setback of this structure versus the neighbors, the resident is requesting an exception to construct a six-foot-tall fence, per the submitted application.

RECOMMENDATION: Consider approval of a fence exception for 1000 West Riverview Drive to construct a front yard fence, not to exceed six feet in height from the front of the structure to the location provided in the application.

ACTION REQUESTED: Consider approval of a fence exception for 1000 West Riverview Drive to construct a front yard fence, not to exceed six feet in height from the front of the structure to the location provided in the application.

ATTACHMENT:

1. [Planning and Architectural Review Commission Application](#)
2. [Property Information](#)

SUBJECT: Discussion and consideration of a Business Use Approvals for Various Locations

FROM: Karl Warwick, City Administrator

MEETING: Planning and Architectural Review Commission

MEETING DATE: July 9th, 2024

Section [13.1.34\(c\)](#), "Permitted Uses" in the Glendale City Code, states that, "The following uses are permitted within the B-1 sub-area "A-1" district upon review by the plan commission for conformance with the standards established in sections 13.1.34(d), 13.1.34(e), 13.1.34(f), and 13.1.34(g). The uses being presented are listed as permitted uses in the zoning district in which the business desires to locate and the City Code requires the Plan Commission to review that the standards are met.

Business Name:	Meadowbrook Counseling of Wisconsin
Address:	7101 N. Green Bay, Suite 11
Business Use:	Professional Services, counseling services
Zoning District:	B-4
Related Use Listed in Zoning Code:	Professional services and administrative offices.

Business Name:	Republication Party of Wisconsin
Address:	7929 Port Washington Road
Business Use:	Political Office
Zoning District:	B-1(B)
Related Use Listed in Zoning Code:	Professional services and administrative offices.

RECOMMENDATION: Staff recommends approval of the Business Use for the businesses listed.

ATTACHMENT:

[Meadowbrook Counseling of Wisconsin](#)

[Republication Party of Wisconsin](#)

SUBJECT: Zoning Text Amendment to Permit Drive-Through Facilities
FROM: Karl Warwick
MEETING DATE: July 9, 2024, Planning and Architectural Review Commission (PARC)

STATUTORY REFERENCE:

Wisconsin Statutes:	NA
Municipal Code:	13.1.34

LAND DEVELOPMENT REFERENCE:

Land Use:	Restaurant
Zoning:	Planned Development (PD)
Target Investment Area:	N/A

BACKGROUND/ANALYSIS: The majority of business and commercial uses are permitted under different variations of B-1 business and commercial districts located in 13.1.34. Restaurants are listed as a permitted use in the [B-1 \(B, D-2, E, F-1, G-1, H-1, and M\) Districts](#). The Zoning Code permits restaurants in these zoning districts with “seated dining, full waiting service and no drive-through service”.

To permit drive-through facilities, the City has typically re-zoned the property to Planned Development (PD) and approved a development agreement with the drive-through owner to make this a permitted part of the business. There are currently seven drive-through facilities on Port Washington Road (six restaurants, one pharmacy) (Chick-fil-a, Arby’s, McDonalds, Walgreens, Culvers, Cousins, and Taco Bell). The City has taken action to create development agreements to permit drive-through facilities. Since this has been done numerous times, staff is asking the City whether it would be beneficial to create it as a permitted secondary use of a restaurant with specific locational, traffic, sound and lighting requirements.

In the past several years, the restaurant industry has evolved to be more focused on drive-through facilities and to not necessarily to have seated areas for customers. The revised zoning text amendment removes these items from being prohibited in the Business Districts (B-1) that allow restaurants. It also includes standards for drive-throughs. In summary, they must:

- Be located in a “B-1” business and commercial zoning districts in Article C, “Zoning Districts”, be in a zoning district where restaurant is located and must have a minimum of 25 linear feet

of frontage on Port Washington Road, south of West Green Tree Road, and north of West Hampton Avenue.

- b. Not be located within 250 feet from another drive-through (property line to property line).
- c. Required to have appropriate staging areas not to negatively impact traffic.
- d. Required to minimize the impact of lighting and sound on adjacent properties.
- e. Restricted to the hours between 5:00 a.m. and 10:00 p.m. when the site is contiguous to residentially zoned property.
- f. Required to adhere to other operational requirements.
- g. Restricted to a certain number and area of signs.
- h. Banks and ATMS were listed in the zoned code as not being defined as a drive-through

The zoning text amendment also created a “Permitted Use Table” listing the permitted uses in each zoning district. This does not amend the permitted uses but creates a more readable version of permitted uses in each for each zoning district.

This item has been referred to the Planning and Architectural Review Commission for a Public Hearing on July 9th. The Common Council has scheduled another public hearing on July 22nd, with final approval of the zoning text amendment by the Common Council. The City Code requires the Common Council to hold a public hearing for a zoning text amendment, unless they waive this requirement.

RECOMMENDATION: Conduct a public hearing on the zoning text amendment and make a recommendation to the Common Council on a zoning text amendment.

ACTION REQUESTED: Conduct a public hearing on the zoning text amendment and make a recommendation to the Common Council on a zoning text amendment.

ATTACHMENTS:

- 1. [Public Hearing Notice](#)
- 2. [Ordinance – Drive-Through Facilities](#)