

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

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AGENDA—COMMON COUNCIL MEETING

Monday, January 22, 2023

6:00 p.m.

1. Roll Call and Pledge of Allegiance.
2. Public Comment. Glendale residents, business owners, and property owners are invited to speak to the Council on items that are not on tonight's agenda but are within the City's ability to regulate or control.
3. Consent Agenda:
 - a) Adoption of Minutes: Meeting held on January 8, 2024
 - b) Approval: Monthly Reports
4. Old Business:
 - a) Review and Possible Action: Consideration of a request for a general and specific development plan and development agreement for a Planned Development District for 4160 N. Port Washington Road, in a PD Planned Development District, Planned Mixed Use Land Use classification, Tax Key Numbers 242-1198-004 and 242-1198-003.
5. New Business: (The public may speak to the Council prior to the beginning of deliberations on these items, provided they have notified their respective Alderperson or the Mayor in advance of this meeting).
 - a) Review and Possible Action: Contract Addendum No. 2 - Environmental Services with GZA GeoEnvironmental, Inc.
 - b) Review and Possible Action: Memorandum of Understanding - Outlining Procedures for Provision of Emergency Water Supply to the Village of Shorewood when the Primary Source of Water Supply is Unable to Meet Demand
 - c) Review and Possible Action: Agreement – Reimbursement for the Private Property Infiltration and Inflow (PPII) Reduction Program, not to Exceed \$880,000 with the Milwaukee Metropolitan Sewerage District
 - d) Review and Possible Action: Allocation of \$2,890 in Budgeted Expenses from the Asset Forfeiture Fund for Police Interview Camera
 - e) Review and Possible Action: Allocation of \$11,025 in Budgeted Expenses from the Asset Forfeiture Fund for a Portable Police Speed Trailer
 - f) Review and Possible Action: Agreement and Payment – for City Hall and Police Department Security Camera Support Services with Engineered Security Solutions

- g) Review and Possible Action: Agreement – Amendment to the Attorney Services Agreement with Crivello, Nichols & Hall, S.C., expiring December 31, 2024
 - h) Review and Possible Action: Agreement – Design and Construction Engineering for the City's 2024 Road Resurfacing, Watermain Replacement, Pedestrian Improvements, Alley Rehabilitation Program, with Clark Dietz, not to Exceed \$592,000
 - i) Consideration of Scheduling a Public Hearing: Planned Development District for a general and specific development plan for Phoenix JCR Glendale Industrial Investors LLC, at 5055 North Lydell Ave Residence District and the Mixed-Use Development Land Use Classification and a current Planned Development zoning classification, Tax Key Number 203-8995-004.
 - j) Review and Possible Action: Ordinance - Amending Title 13, Chapter 4, "Historic Preservation Zoning Designation," amending Title 2, "Boards, Commissions, and Committees," Chapter 4, Section 4, "Planning and Architectural Review Commission," and creating Title 2, Chapter 4, Section 6, "Historic Preservation Commission" of the Code of General Ordinances of the City of Glendale.
 - k) Review and Possible Action: Underground Distribution Easement - WE Energies under Civic Drive for an Electrical Box for Fire Station 82
 - l) Review and Possible Action: Ordinance - Amending Title 13, Chapter 1, "Zoning Code," Section 182, "Procedure for changes or amendments" of the Code of General Ordinances of the City of Glendale.
 - m) Review and Possible Action: Ordinance – Amending Sections 7.2.14(b) Regarding Employment of Minors and 7.2.14(f) Clubs Regarding the Sale of Alcohol at Clubs
6. Commission, Committee, Board and Staff Reports: (This is an Opportunity for Council Members to Report on their Respective Committees, Commissions, Boards of which they serve as a member and for Staff and Administrator updates)
7. Adjournment.

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.

3A-3B
1/22/2024

CONSENT AGENDA

- a) [Adoption of Minutes: Meeting held on January 8, 2024](#)
- b) [Approval: Monthly Reports](#)

SUBJECT: Consideration of a request for a general, specific development plan, and development agreement for a Planned Development District for 4160 N. Port Washington Road, in a PD Planned Development District, Planned Mixed Use land use classification, Tax Key Numbers 242-1198-004 and 242-1198-003.

FROM: John Fellows, AICP; Director of Community Development
Ken Smith, MPA, M.S.; Planner

Meeting: Common Council

MEETING DATE: January 22, 2024

FISCAL SUMMARY:

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

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	§§ 5.4.2 , 13.1.39 ; Title 13, Article D – PD Planned Unit Development District

BACKGROUND

The Common Council at its [meeting on April 10, 2023](#) approved a general development agreement and rezoning of this parcel to a PD Planned Development District for prospective property buyer, Meta House, a 501(c)(3) nonprofit dedicated to treating women with substance abuse. The Planning and Architectural Review Commission at its [meeting on May 2, 2023](#) recommended the Common Council approve Meta House's Development Agreement with the City. The Common Council, at its [May 22, 2023 meeting](#), postponed consideration for the Development Agreement pending a payment in lieu of taxes (PILOT) agreement with Meta House. Meta House later requested a delay of Common Council consideration of the Development Agreement until July 24, 2023. Finally, on July 19, 2023, a Meta House representative informed the City it was no longer pursuing purchase of the subject property due to a breakdown in negotiations with the property owner.

Due to the way Article D – PD Planned Development District is written within Title 13 - Zoning, the property has a PD zoning classification without any uses allowed due to the lack of an approved Specific Development Plan and a Development Agreement. To enable land uses, the property owner, Beerline Crossing LLC, seeks to have the Plan Commission and Common Council approve a revised General Development Plan, Specific Development Plan and then enter into a Development Agreement to reenable uses on the property.

For General and Specific Development Plans, the applicant desires to leave the building, site, and landscaping unchanged. The applicant has indicated that some exterior remodeling will occur in the future based upon the future projected uses. Specifics of these changes are not being presented. The applicant is aware that no exterior changes are being granted. The applicant is aware that an amendment to the PD and

Development agreement will need to occur in the future of any site changes, new buildings, exterior renovations and similar.

The Planning and Architectural Review Commission held a public hearing on November 7, 2023, and provided a positive recommendation to Council for approval. The Common Council requested a Public Hearing for January 8, 2024.

The applicant is requesting the following uses:

Warehouse tenant: First Stage Milwaukee Construction of stage sets. 8-12 employees M-F 7:00am-6:00pm

2nd Floor tenant: Health & Performance Collaborative, LLC. Exercise and physical therapy. 10-20 therapists and clients it varies on days and times 7 days a week 6:00am-7:00pm

1st Floor building space: Proposed Office use for Milwaukee Police Department's Command Headquarters for the RNC October '23-July '24. 200+ officers at any time to accommodate the rotation of 4,000 visiting officers. 24-7, 7 days/week. The applicant requested to modify this request after the October PARC meeting to be just offices.

1st Floor building space: Proposed Climate controlled storage after July 2024. 1-3 employees from 7:00am-7:00pm. 24hr access 365 days.

1st Floor Building space: Proposed EV (Electric Vehicle) Factory repair center after July'24. 5-15 employees M-F 7:00am-6:00pm

The proposed uses will not generate any noise, odors, glare, potential fire hazards, or smoke. The current fire sprinkler is set up for office use in the vacant space. Other proposed uses will require a sprinkler system designed for their different use(s).

No proposed food services.

Maximum Facility use: The Milwaukee Police Command Headquarters may exceed 200+ based on specific need. Other users and uses will not exceed current, or proposed employee or clients.

The applicant requests the following signage. Current Multi-tenant monument. Additional signage requests would follow City of Glendale sign application and codes.

The application is requesting the following temporary fencing: The Milwaukee Police Department will require temporary fencing and it will be removed by July 24.

The applicant is proposing the following on site security. Each tenant and business are required to have their own monitored security systems.

The applicant is proposing the following timetable for space modification for use of vacant space and Lot 2:

- Milwaukee Police Department will require 1-2 months to reconfigure space for their temporary command headquarters. Ready for occupation 1 January '24. Revised to just offices.
- Climate Controlled Storage would require selective demo and compartmentalization based on approved plans. 6-9 months anticipated operational by early '25.
- EV Factory service center would require selective demo and remodeling based on approved plans. 6-9 months anticipated operational by early '25.
- Lot 2 new construction 9-12 months based on approved plans late '25 or early '26.
- Vacant Lot 2: To remain vacant. The applicant will return to amend the general and specific development plan and development agreement if they decide to move forward with such a project.

ANALYSIS:

Adoption of the General and Specific Development Plans and a corresponding development agreement with the above indicated uses would allow the indicated uses. Other uses not listed would need be required to return to the Planning and Architectural Review Board and possibly Common Councils for approval.

Plans and specifications for the temporary fence will need to be provided prior to the recommendation of the specific development plan by the Planning and Architectural Review Commission.

MODIFICATIONS TO APPLICATION:

The applicant provides written correspondence on January 10 and 16, 2024 stating that they request that the Milwaukee Police Department use be removed from the general, specific, and development agreement approvals. They have also indicated that they are no longer seeking approval through a general, specific, and general development agreements for an EV repair center.

Staff has modified the development agreement to remove these uses.

The applicant has also asked that a public sidewalk not be required at this time. Staff has modified the development agreement so that a sidewalk is only required if an addition or site modifications are made in the future. For more specifics see Section II L of the development agreement.

Similarly, the applicant has requested that performance bond not be required. Staff has drafted the agreement in such away so that a performance bond is not required with the current uses, however a performance bond will be required with the amending of the agreement or approvals of any future uses, modifications, etc. For more specifics see Section II S of the development agreement.

RECOMMENDATION:

Staff recommends approval of general and specific development plan as amended subject to Common Council entering into a development agreement with the property owner per Title 13, Article D of the municipal code.

Staff recommend approval of the development agreement as presented, subject to the developer providing appropriate documents for exhibits to staff prior to signatures and recording.

ACTION REQUESTED:

To approve a general and specific development plan as amended subject to Common Council entering into a development agreement with the property owner per Title 13, Article D of the municipal code.

To approve the development agreement as presented, subject to the developer providing appropriate documents for exhibits to staff prior to signatures and recording.

ATTACHMENTS:

[Attachment – 4160-4190 N. Port Washington Road.](#)

[Attachment – Development Agreement](#)

SUBJECT: Review and approval of Contract Addendum No. 2 for Environmental Services for 2024-2026 with GZA GeoEnvironmental, Inc.

FROM: Charlie Imig, Director of Public Works

MEETING DATE: January 22, 2024

FISCAL SUMMARY:

Budget Summary:	General/Capital/Utility
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	Various Chapters NR 500 – 516, 700
Municipal Code:	N/A

BACKGROUND/ANALYSIS:

On May 24, 2021 the Council approved a three-year contract for Environmental Services – GZA GeoEnvironmental, Inc. for environmental services related to the Bender Road Landfill. The scope of services includes semiannual groundwater sampling, gas monitoring, annual site visit to examine monitoring infrastructure, routine maintenance of the monitoring points, as well as the submittal of the monitoring data to the WDNR. The thought was to then, in 2021, contract for three years to lock in a better rate. GZA has helped to identify and address potential high readings, as well as help the City gain WDNR approval for the planting of trees at Richard E. Maslowski Community Park.

GZA has also performed and continues to perform work for hazardous material investigation, the DPW above ground storage tank (AST) WDNR reporting, and any required soil analysis for watermain projects and sediment sampling for the leaf collection site.

RECOMMENDATION:

Staff recommends the approval of the three-year contract with GZA in the amount of \$42,400. To be paid in increments of \$13,800 (2024), \$14,100 (2025) and \$14,500 (2026).

ACTION REQUESTED:

Motion to approve contracting with GZA GeoEnvironmental, Inc. for a three-year contract in the amount of \$42,400.

ATTACHMENTS:

1. [GZA GeoEnvironmental, Inc. proposal for environmental engineering services.](#)

SUBJECT: Memorandum of Understanding Outlining Procedures for Provision of Emergency Water Supply to the Village of Shorewood when the Primary Source of Water Supply is Unable to Meet Demand

FROM: Charlie Imig, Director of Public Works

MEETING DATE: January 22, 2024

FISCAL SUMMARY:

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

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	N/A

BACKGROUND/ANALYSIS:

The Village of Shorewood Public Works Department has an upcoming Spring, 2024 water meter vault replacement project scheduled with the City of Milwaukee Water Department. While that project is underway, the Village of Shorewood desires to approve a memorandum of understanding (MOU) with the North Shore Water Commission (NSWC) to provide potable (drinking) water, in the event of an emergency.

The Village of Shorewood is asking the three NSWC communities to approve the proposed MOU. The Villages of Whitefish Bay and Fox Point will be placing this item on their respective Board's agendas. The proposed MOU is an update to the agreement approved by North Shore Water Commission member communities in 2020.

RECOMMENDATION:

The Memorandum of Understanding outlines Procedures for Provision of Emergency Water Supply when the Primary Source of Water Supply is Unable to Meet Demand. Each of the NSWC communities must approve this agreement.

ACTION REQUESTED:

Motion to approve the Memorandum of Understanding Outlining Procedures for Provision of Emergency Water Supply when the Primary Source of Water Supply is Unable to Meet Demand.

ATTACHMENTS:

1. [Memorandum of Understanding](#)
2. [Cover Memo - MOU Provide Emergency Water to Village of Shorewood](#)

SUBJECT: Funding Agreement M10005GL02. Private Property Infiltration and Inflow (PPII) Reduction Agreement

FROM: Karl Warwick, City Administrator

MEETING DATE: January 22, 2024

FISCAL SUMMARY:

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

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	N/A

BACKGROUND/ANALYSIS:

In 2010, MMSD (District) began the PPII program. This program is funded fully by the District for investigation of sanitary sewers and construction on private laterals to reduce infiltration into the sanitary sewer system. In accordance with Funding Agreement, the District shall reimburse the Municipality in an amount not to exceed \$880,000 for approved PPII costs incurred through the work described in Attachment. The City Engineer created the work plan which consists of construction activity for full private sewer lateral reconstruction/replacement in two designated sub-sewer sheds in Glendale. It also includes a 275-foot sanitary sewer main extension to remove 3 additional laterals from the 30' deep Metropolitan Interceptor Sewer (MIS).

RECOMMENDATION:

Staff recommends the Common Council approve the Funding Agreement M10005GL02. Private Property Infiltration and Inflow (PPII) Reduction Agreement with MMSD for Private Property Infiltration and Inflow (PPII) Reduction.

ACTION REQUESTED:

Motion to approve Funding Agreement M10005GL02. Private Property Infiltration and Inflow (PPII) Reduction Agreement and authorize the City Administrator to contract with MMSD for reimbursement of funds to complete the Work Plan.

ATTACHMENTS:

1. [Funding Agreement M10005GL02. Private Property Infiltration and Inflow \(PPII\) Reduction Agreement, including the 2023 PPII Work Plan](#)

SUBJECT: Interview Room Camera

FROM: Mark Ferguson, Police Chief

MEETING DATE: January 22, 2024

FISCAL SUMMARY:

Budget Summary:	204-520-20-5047
Budgeted Expenditure:	\$2,890.00
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	
Municipal Code:	

BACKGROUND/ANALYSIS:

City Hall, the Police Department, and DPW use Genetec cameras and electronic access control for building security and secure access. The system was installed by Engineered Security Solutions during the completion of the City Hall building.

The Police Department would like to purchase a camera for our interview room in the Municipal Lockup. The cost for the camera and installation is \$2,890.00. The Police Department would use funds from their Justice Asset Forfeiture account to pay for the camera. \$17,000 in undetermined funds were approved in the Budget in this fund. Staff is requesting to allocate \$2,890 of the \$17,000 budgeted expenses for this purpose.

RECOMMENDATION:

Staff recommends approval of the purchase of an interview room camera for \$2,890.00 for the Police Department using funds from the Police Department's Justice Asset Forfeiture account.

ACTION REQUESTED:

Motion to approve the purchase of an interview room camera for \$2,890.00 for the Police Department using funds from the Police Department's Justice Asset Forfeiture account.

ATTACHMENTS:

[1. Engineered Security Solutions Invoice](#)

SUBJECT: Stalker Speed Awareness Monitor

FROM: Mark Ferguson, Police Chief

MEETING DATE: January 22, 2024

FISCAL SUMMARY:

Budget Summary:	204-520-20-5047
Budgeted Expenditure:	\$11,025.00
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	
Municipal Code:	

BACKGROUND/ANALYSIS:

The Police Department has 12 speed signs mounted in various locations throughout the City. The Department routinely receives complaints of speeding on streets without a permanent speed sign and would like to purchase a portable speed sign to address these concerns.

The Police Department would like to purchase a Stalker Speed Awareness Monitor for \$11,025.00. The Department would use funds from their Justice Asset Forfeiture account to pay for the camera.

The Stalker Speed Awareness Monitor is mounted on a trailer that can be towed by one of our Tahoe squad cars. Data retrieval is through a thumb drive, no additional software costs are required.

RECOMMENDATION:

Staff recommends approval of the purchase of a Stalker Speed Awareness Monitor for \$11,025.00 using funds from the Police Department's Justice Asset Forfeiture account.

ACTION REQUESTED:

Motion to approve the purchase of a Stalker Speed Awareness Monitor for \$11,025.00 using funds from the Police Department's Justice Asset Forfeiture account.

ATTACHMENTS:

[1. Stalker Radar quote and brochure.](#)

SUBJECT: Engineered Security Solutions Software and Support Fees

FROM: Mark Ferguson, Police Chief

MEETING DATE: January 22, 2024

FISCAL SUMMARY:

Budget Summary:	
Budgeted Expenditure:	\$6,750.00
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	
Municipal Code:	

BACKGROUND/ANALYSIS:

City Hall, the Police Department, and DPW use Genetec cameras and electronic access control for building security and secure access. The system was installed by Engineered Security Solutions during the completion of the City Hall building.

Engineered Security Systems has provided notice that the City has not paid annual software and support fees since installation. They are requesting payment of \$6,750.00 for software and support catch up that would make the City compliant through 2024. Support fees for 2025 and beyond would be \$2,810 annually. The City was unaware of unpaid software and support.

RECOMMENDATION:

Staff recommends payment of software and support catch up fees of \$6,750.00 from an account designated by the City Administrator and authorization to execute an annual agreement for these services.

ACTION REQUESTED:

Motion to approve payment of software and support catch up fees of \$6,750.00 from an account designated by the City Administrator and authorization to execute an annual agreement for these services.

ATTACHMENTS:

[1. Engineered Security Solutions Invoice](#)

SUBJECT: Agreement – Amendment to the Attorney Services Agreement with Crivello, Nichols & Hall, S.C.

FROM: Karl Warwick

MEETING DATE: January 22, 2024

FISCAL SUMMARY:

Budget Summary:	\$80,000
Budgeted Expenditure:	NA
Budgeted Revenue:	NA

STATUTORY REFERENCE:

Wisconsin Statutes:	NA
Municipal Code:	NA

BACKGROUND/ANALYSIS: In 2021, the Glendale Common Council approved a three-year agreement with Nathan Bayer for City Attorney Services, which expires at the conclusion of this year. The City Code establishes that the term of the City Attorney shall be three years.

The agreement began January 1, 2022, and expires December 31, 2024. The agreement locked in the attorney hourly rate of \$170 and a paralegal hourly rate of \$95. Attorney Bayer has asked that Glendale reconsider the agreement with an attorney hourly rate of \$195 in 2024. The amended agreement also states that if the City were to retain Attorney Bayer beyond the agreement, the hourly rate would be \$205. With the high levels of inflation, staff felt it important to lock in the rates for this service for a two-year period.

Attorney Bayer also represents Shorewood and Brown Deer, and these rates are slightly lower than his rates in those communities.

RECOMMENDATION: Consider approval of the attached amended agreement with Crivello, Nichols & Hall, S.C for City Attorney services.

ACTION REQUESTED: Consider approval of the attached amended agreement with Crivello, Nichols & Hall, S.C for City Attorney services.

ATTACHMENTS:

1. [Amended Attorney Agreement](#)
2. [2024 Attorney Rates](#)

SUBJECT: Design and Construction Engineering Service for 2024 Projects
FROM: Karl Warwick, City Administrator
MEETING DATE: January 22, 2024

FISCAL SUMMARY:

Budget Summary:	
Budgeted Expenditure:	\$592,000
Budgeted Revenue:	

STATUTORY REFERENCE:

Wisconsin Statutes:	
Municipal Code:	

BACKGROUND/ANALYSIS: In 2023, the Common Council approved a five-year capital improvement plan. The projects approved were placed in the 2024 approved budget. The cost for these projects includes the cost to design and to oversee the construction.

2024 projects itemized here includes:

1. Watermain replacement program
2. Alley Rehabilitation Program
3. Road Resurfacing Program
4. Sidewalk/Bike Path Projects (ARPA)
5. Traffic calming projects

The total cost of design and construction engineering is \$592,000.

RECOMMENDATION: Authorize the City Administrator to execute a design and construction engineering agreement with Clarke Dietz, for 2024 Capital Improvement Projects, not to exceed \$592,000.

ACTION REQUESTED: Authorize the City Administrator to execute a design and construction engineering agreement with Clarke Dietz, for 2024 Capital Improvement Projects, not to exceed \$592,000.

ATTACHMENTS:

1. [Agreement for Design and Construction Engineering Services with Clarke Dietz.](#)

SUBJECT: Consideration of scheduling a public hearing regarding a Planned Development District for a general and specific development plan for Phoenix JCR Glendale Industrial Investors LLC, at 5055 North Lydell Ave Residence District and the Mixed-Use Development Land Use Classification and a current Planned Development zoning classification, Tax Key Number 203-8995-004.

FROM: John S. Fellows, Community Development Director

MEETING: Common Council

MEETING DATE: January 22, 2024

FISCAL SUMMARY:

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

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	Title 13 Article C 13.1.34 , and Article N

LAND DEVELOPMENT REFERENCE:

Land Use:	Mixed Use Development
Zoning:	B-1 "A-1" Local Business District
Target Investment Area:	Lydell Corporate Center

Summary:

- 5055 North Lydell will be developed into two distinct development areas, a northern and southern sections.
- The northern section includes a total square footage of 51,000 square feet regional center.
- The southern section includes corporate offices, minor back warehouse areas, and vacancies.

Background Prior Submission:

In July of 2023 Phoenix JCR Glendale Industrial Investors, LLC sought to rezone 5055 North Lydell Avenue from B-1 "A-1" to PD – Planned Development with a plan of operation for corporate offices. The applicant originally sought to rezone from B-1 "A-1" to PD – Planned Development with a plan of operation for corporate offices. Corporate offices are generally defined as primarily office uses. The applicant went through the general development plan process and received approval from the Common Council following a public hearing from the PARC with a positive recommendation of approval and a Common Council Public Hearing and approval. The next step for the applicant was to apply for approval of a Specific Development Plan and follow up with a development agreement. The applicant has now modified their plan, and the process for this re-zoning request must start over again.

Request:**Northern Portion of Property:**

The applicant is now requesting a modification to the original plan for a regional center, which includes a display area, waiting room and associated offices, services bays, car wash and detailing facility, parts storage, and public spaces for customers. A Regional Center here will differ from a Corporate Center because a Corporate is primarily simply offices.

The minimum and maximum number of employees for the new business will be 30-50. Operating times will be Monday through Saturday from 7am -7pm (to be defined). Phoenix will apply for a shared monument sign to be placed on N Port Washington, but additional signage will be said tenants' responsibility. The current timetable for completing building construction and anticipated opening date would be in late 2024. More information is detailed in the attached plan of operation.

Southern Portion of Property:

For uses in the existing southern portion of the property will remain, corporate offices, minor back warehouse areas, and vacancies. The applicant anticipates future users and tenants would appear before the Planning and Architectural Review Commission for approval for a business use approval and any exterior architectural or site changes.

Modification between General Development Plan and Specific Development Plan:

The applicant has modified the application from being a corporate headquarters to a regional center on the northern portion of the property and, corporate offices, minor back warehouse areas, and vacancies. As such a new general development plan and specific development plan are required to be approved by the Common Council. In addition, a development agreement will be required as a final action by Council.

Comprehensive Plan Review:

Classification: Planned Mixed Use

Description:

This future land use blends a mix of commercial, light industrial, mixed residential, parks and open space, and community facilities land uses on public sewer, public water, and other urban services and infrastructure. Planned Mixed Use areas are intended as vibrant urban places that should function as community gathering spots.

Recommended Zoning

The City's current PD Planned Development district will accommodate a general mix of future land uses consistent with the development desires of the owner and consistent with the City's Comprehensive Plan.

Policies and Programs of Planned Development Districts as Required in the City Code of Ordinances

- a. Carefully review all projects in Planned Mixed Use areas to ensure an appropriate mix of uses compatible with neighboring properties and the City's vision for the area. The precise mix of uses and zoning districts should be at the City's discretion, rather than that of the property owner.
- b. Grant development approvals only after submittal, public review, and approval of site, landscaping, building, signage, lighting, stormwater, erosion control, and utility plans.
- c. Planned mixed-use areas require the use of high-quality building materials and design objectives.
- d. Adopt a Mixed-Use zoning district to implement this future land use category. This district should allow the desired mix of uses and provide flexibility in layout in exchange for superior design. The zoning is tied to City approval of a specific plan for the project.

- e. Areas mapped Neighborhood Commercial zoning districts should include dense, walkable design and adequate bicycle and pedestrian infrastructure.

Existing Zoning Review:

The existing zoning of PD district includes the following: [PD Zoning Text](#)

Purpose.

The purpose of the PD Planned Unit Development District and the regulations applicable to the same are to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations and to accomplish a well-balanced, aesthetically satisfying city and economically desirable development of building sites within a PD planned unit development district.

These regulations are established to permit latitude in the development of the building site if such development is found to be in accordance with the purpose, spirit and intent of this chapter and is found not to be hazardous, harmful, offensive, or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the community. It is intended to permit and encourage diversification, variation and imagination in the relationship of uses, structures, open spaces and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public service and to encourage and facilitate preservation of open lands.

Relationship between land use and zoning:

The land use plan provides for the classifications of Mixed-Use Development, while the existing Zoning provides for a Planned Development.

Process / Schedule:

The modification of the Planned Development is outlined in Section [Title 13, Article D](#) of the municipal code. In general, if a map amendment to PD is approved, a General Development and Specific Development Plan must be approved in the same process as highlighted below.

Staff anticipates the following schedule:

General Development Plan Approval:

Common Council	Initial Review	January 22 nd 2024
Common Council	Schedule a public hearing for January 22 nd	January 22 nd , 2024
PARC	Receipt of Item	February 6 th , 2024
PARC	Public Hearing and Recommendation	February 6 th
PARC	Recommendation to Common Council	February 6 th
City Council	Review of PARC Recommendation	February 12 th
City Council	Public Hearing and Action	February 12 th

Specific Development Plan Approval

Planning Commission	February 6 th
City Council Action	February 12 th

Development Agreement:

City Council Action	February 12 th or 26th
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Note: Above dates assume timely submission of applications and documents for review, comment, and submission to appropriate boards and commission. Dates can change for many reasons.

RECOMMENDATION:

Staff recommends the City Council direct staff to refer the item to the Planning and Architectural Review Commission and schedule a public hearing for March 11th City Council Meeting.

ACTION REQUESTED:

To – Direct staff to refer the item to the PARC for a recommendation and hearing on March 5th

To – Direct staff to schedule a public hearing for the March 11th Council Meeting.

ATTACHMENT:

[Attachments – 5055 N Lydell Ave](#)

[Attachments – 5055 N Lydell Ave – Plans](#)

[Attachments – 5055 N Lydell Ave – Department Comments](#)

SUBJECT: An Ordinance amending Title 13, Chapter 4, “Historic Preservation Zoning Designation,” amending Title 2, “Boards, Commissions, and Committees,” Chapter 4, Section 4, “Planning and architectural review commission,” and creating Title 2, Chapter 4, Section 6, “Historic preservation commission” of the Code of General Ordinances of the City of Glendale.

FROM: John S. Fellows, Community Development Director
Ken A. Smith, Planner

MEETING: Common Council

MEETING DATE: January 22, 2024

FISCAL SUMMARY:

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

STATUTORY REFERENCE:

Wisconsin Statutes:	Wis. Stat. §§ 62.23(1-2) , 62.23(7)(em)
Municipal Code:	§§ 2.4.4(c) , 2.4.6 , 13.4.3 , 13.4.4 , 13.4.5 , 13.4.6

LAND DEVELOPMENT REFERENCE:

Land Use:	N/A
Zoning:	N/A
Target Investment Area:	N/A

SUMMARY

This Amendment:

- Updates the current Ordinance to reflect current Wisconsin Statutes
- Clarifies the Planning and Architectural Review Commission is a “city plan commission” under Wisconsin Statutes
- Removes enablement of the Historic Preservation Commission from the Zoning Code to Title 2, which enables boards and commissions
- Defines and enables historic districts under historic preservation zoning
- Clarifies in the Ordinances that the chairman of the Historic Preservation Commission is the chairman of the Planning and Architectural Review Commission

BACKGROUND/ANALYSIS:

This amendment to the Code of General Ordinances is a technical amendment which seeks to order the legal provenance of its commissions and improve the organization within the Glendale Ordinances. This

amendment further updates language reflecting amendments to the Wisconsin Statutes since these sections were codified.

The State of Wisconsin enables municipalities to have plan commissions (Wis. Stat. § 62.23(1)) and historic preservation commissions (Wis. Stat. § 62.23(7)(em)) under “Chapter 62: Cities” of the Wisconsin Statutes. In March 2023, the Common Council renamed the Plan Commission to the Planning and Architectural Review Commission when it abolished the Architectural Review Board (ARB) in [Ordinance 23-04](#), splitting the ARB’s duties between the Commission and staff. This amendment in part would clarify that the Planning and Architectural Review Commission is a city plan commission pursuant to Wis. Stat. §§ 62.23(1-2).

When the City of Glendale created an ordinance designating the Plan Commission also as a historic preservation commission pursuant to Wis. Stat. § 62.23(7)(em), the Historic Preservation Commission was established in the Zoning Code within Title 13, rather than Title 2, “Boards, Commissions, and Committees.” This amendment updates the municipal language to reflect current Wisconsin Statutes and enables the Historic Preservation Commission under Title 2, rather than Title 13. The Zoning Code as amended would retain its existing historic preservation zoning language.

Aside from reorganizing how the Code of General Ordinances is written, the following are minor substantive changes to the Ordinances.

Enabling Designation and Defining a Historic District

The Ordinances did not define nor enable a historic district. Should a grouping of Glendale landowners possessing properties with shared history or characteristics petition for historic designation, the current Ordinances would require each property to receive historic designation individually. To save staff and policymaker time, Staff added language defining a historic district from the State Historical Society of Wisconsin’s [definition](#): “A geographically definable area with a significant concentration of buildings, structures, sites, spaces, or objects unified by past events, physical development, design, setting, materials, workmanship, sense of cohesiveness, or related historical and aesthetic associations.”

Reporting Requirements of Designating a Structure, Site, or District as Historic

Based on staff research, there is no evidence of the City of Glendale designating any structures as historic under Section 13.4.4. Some Glendale structures have historic designations as [Milwaukee County Landmarks](#) by the Milwaukee County Historical Society and/or the National Park Service’s [National Register of Historic Places](#). Designation as a County Landmark or on the National Register of Historic Places is honorific and does not render any legal protection to a structure or site, only municipal designation can.

After due process, should the Common Council designate a structure, site, or district as historic, this amendment would further require a list of historically designated structures on the City’s website and require reporting of the historic designation to the Wisconsin State Historic Preservation Officer in addition to present reporting requirements. These changes would help honor the will of the Common Council by enhancing recordkeeping and public awareness of historically designated structures.

The Dual Chairmen Paradox

As presently codified, the Mayor *ex officio* is the chairman of the Historic Preservation Commission while the chairman of the Plan Commission is appointed by the Mayor, with the Mayor being able to appoint himself.

Under the present Ordinances, a scenario is possible that the current or a future Mayor may appoint someone else to be Chairman of the Plan Commission while simultaneously being compelled under the Ordinances to serve as Chairman of the Historic Preservation Commission. As the Plan Commission serves as the Historic Preservation Commission, this creates a paradox whereby there could be two chairmen for historic preservation issues. The amended language designates the Chairman of the Plan Commission as the Chairman of the Historic Preservation Commission, removing the possibility of a paradox while retaining the original intent and maintaining current practice.

RECOMMENDATION:

Staff recommends the Common Council approve the recommended amendment to the Code of General Ordinances.

ACTION REQUESTED:

Motion to approve the ordinance amending Sections 2.4.4(c), 2.4.6, 13.4.3, 13.4.4, 13.4.5, and 13.4.6 of the Code of General Ordinances.

ATTACHMENT:

[Attachments – Ordinance](#)

SUBJECT: Underground Distribution Easement for Fire Station 82
FROM: Karl Warwick, City Administrator
MEETING DATE: January 22nd, 2024

FISCAL SUMMARY:

Budget Summary:	NA
Budgeted Expenditure:	NA
Budgeted Revenue:	NA

STATUTORY REFERENCE:

Wisconsin Statutes:	NA
Municipal Code:	NA

BACKGROUND/ANALYSIS: WE Energies is requiring that the City of Glendale approve an easement to install new electrical lines for the North Shore Fire Station 82 in Glendale. The easement would permit WE Energies to install underground electrical facilities under Civic Drive (temporary easement) and along Civic Drive into the City's property, adjacent to Station 82. The location of the easement is described in Exhibit A.

The new electrical box would be installed on City property, per the enclosed rendering. An easement is not required for this; however, I submitted a letter to WE Energies indicating that the City permits the installation of this electrical box on our property to serve Fire Station 82.

RECOMMENDATION: Authorize the City Administrator to execute an Underground Distribution Easement agreement with WE Energies to serve North Shore Fire Station 82.

ACTION REQUESTED: Authorize the City Administrator to execute an Underground Distribution Easement agreement with WE Energies to serve North Shore Fire Station 82.

ATTACHMENTS:

1. [Underground Distribution Easement](#)
2. [Easement Exhibit](#)
3. [We Energies Sketch](#)
4. [Electrical Box Location](#)

SUBJECT: An Ordinance amending Title 13, Chapter 1, “Zoning Code,” Section 182, “Procedure for changes or amendments” of the Code of General Ordinances of the City of Glendale.

FROM: John S. Fellows, Community Development Director
Ken A. Smith, Planner

MEETING: Common Council

MEETING DATE: January 22, 2024

FISCAL SUMMARY:

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

STATUTORY REFERENCE:

Wisconsin Statutes:	Wis. Stat. Ch. 985, § 62.23(7)(d)(2)
Municipal Code:	§ 13.1.182

LAND DEVELOPMENT REFERENCE:

Land Use:	N/A
Zoning:	§ 13.1.182
Target Investment Area:	N/A

SUMMARY:

- The current Ordinance requires any zoning text amendment notify any property owner within that zoning district.
 - This requirement can be burdensome for staff and costly and exceeds State requirements
 - This amendment would remove that requirement
- This amendment would streamline the rezoning process
 - The City Clerk and Community Development Director can directly forward rezoning petitions to the Plan Commission for recommendation prior to Common Council decision

BACKGROUND/ANALYSIS:

Preparing an amendment to the B-1 M Business and Commercial District led Staff to scrutinize the notice requirements within the Zoning Code. Upon examination of Section 13.1.182(c), Staff noticed that any text amendment to a zoning district would require notification of all property owners within that zoning district, and all landowners within 200 feet of affected properties.

Were the Common Council to desire modifying the text of the R-7 Residential District in Section 13.1.30 of the Zoning Code, for example, that would require notifying perhaps a majority of Glendale residents, but

certainly the landowners owning more than 50 percent of Glendale's land area. To properly follow Glendale's Ordinance would create an administrative burden and cost.

Staff propose to change the ordinance requiring direct owner notification only for zoning map amendments. Zoning text amendments would continue following the statutory requirement of a Class 2 Notice prior to a public hearing. Direct notification of property owners via US Mail is not required under Wisconsin Statutes, only public notices.

This amendment to the Ordinances would also enable the City Clerk and Community Development Director or designee to forward rezoning petitions directly to the Plan Commission to streamline the rezoning process while also granting the City Clerk and Community Development Director the discretion to refer a petition to the Council for forwarding to the Plan Commission.

RECOMMENDATION:

Staff recommends the Common Council approve the recommended amendment to the Code of General Ordinances.

ACTION REQUESTED:

Motion to approve the ordinance amending Section 13.1.182 of the Code of General Ordinances.

ATTACHMENT:

[Attachments – Ordinance](#)

SUBJECT: Review and approval of Ordinance Repealing Sections 7.2.14(b) and 7.2.14(f) of the Code of Ordinances of the City of Glendale Pertaining to Conditions of Licenses of Fermented Malt Beverages and Intoxicating Liquor.

FROM: Megan Humitz, City Clerk

MEETING DATE: January 22, 2024

FISCAL SUMMARY:

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

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	7.19.1

BACKGROUND/ANALYSIS:

The City of Glendale ordinances currently state no retail Class “B” licenses shall employ any underage person, as defined in the Wisconsin Statutes, except for hotels and restaurants. Family members may work on the licenses premises but are not permitted to sell or dispense alcoholic beverages. There are several businesses in Glendale which employee “underage employees,” but can possess a Class “B” license and sell alcoholic beverages.

The Code also states that “clubs” shall not sell or give away any intoxicating liquors except to bona fide members or guests invited by members. With the expansion of athletic facilities in Glendale, and most of those facilities hosting leagues, this limits the clubs’ ability to sell alcohol.

RECOMMENDATION:

Staff recommends that the subsections related to employment of minors and clubs be repealed.

ACTION REQUESTED:

Motion to approve the Ordinance Repealing Sections 7.2.14(b) and 7.2.14(f) of the Code of Ordinances of the City of Glendale Pertaining to Conditions of Licenses of Fermented Malt Beverages and Intoxicating Liquor.

ATTACHMENTS:

1. [Ordinance](#).