

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

This meeting is in person, but will be broadcast over Zoom

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Meeting ID: 954 5991 3672

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AGENDA—COMMON COUNCIL MEETING

Monday, March 11, 2024

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 February 26, 2024
 - b) Approval: Accounts Payable
4. Public Hearing:
 - a) Public hearing regarding a Planned Development District for general and specific development plans for the business interests of Ms. Charese Gardner, at 1811 W. Silver Spring Drive in a PD Planned Development District, Tax Key Number 195-9000-000.
 - b) Consideration of approval for a Planned Development for general and specific development plans for the business interests of Ms. Charese Gardner, at 1811 W. Silver Spring Drive in a PD Planned Development District, Tax Key Number 195-9000-000.
 - c) Consideration of approval of a Development Agreement for a Planned Development District for Ms. Charese Gardner, at 1811 W. Silver Spring Drive in a PD Planned Development District, Tax Key Number 195-9000-000.
 - d) Public hearing regarding a Planned Development District for a general and specific development plan for Phoenix JCR Glendale Industrial Investors LLC, at 5055 N. Lydell Avenue in a PD Planned Development District, mixed-use development land use classification, Tax Key Number 203-8995-004.
 - e) Consideration of approval for a general and specific development plan for Phoenix JCR Glendale Industrial Investors LLC, at 5055 N. Lydell Avenue in a PD Planned Development District, mixed-use development land use classification, Tax Key Number 203-8995-004.
 - f) Consideration of approval of a Development Agreement for Phoenix JCR Glendale Industrial Investors LLC, at 5055 N. Lydell Avenue in a PD Planned Development District, mixed-use development land use classification, Tax Key Number 203-8995-004.

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: Approval - Open Burn Permit at 5757 N Green Bay Road
 - b) Review and Possible Action: Authorization to Execute – Work Order for Construction Services for the Private Lateral Replacement Program with Clark Dietz, not to Exceed \$112,755
 - c) Review and Possible Action: Proclamation – Proclaiming April 26, 2024, as Arbor Day in the City of Glendale
 - d) Review and Possible Action: Resolution - Authorizing the Director of Public Works to Sign and Submit the Recycling Grant Application and Annual Reports to the Wisconsin Department of Natural Resources (WDNR).
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)

The Common Council will consider proceeding into a closed session pursuant to Wis. Stat. Sec. 19.85(1)(g) to confer with legal counsel for the governmental body who is rendering advice concerning strategy to be adopted by the body with respect to Milwaukee County Case Number 21-CV-6740, including possible petition to state supreme court.
7. Reconvene into Open Session and Regular Order of Business
8. Possible Action on Closed Session Items
9. 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
3/11/2024

CONSENT AGENDA

- a) [Adoption of Minutes: Meeting held on February 26, 2024](#)
- b) [Approval: Accounts Payable](#)

SUBJECT: Public Hearing regarding a Planned Development District regarding a Planned Development District for general and specific development plans for the business interests of Ms. Charese Gardner, at 1811 W. Silver Spring Drive in a PD Planned Development District, Tax Key Number 195-9000-000.

Consideration of a recommendation to Common Council for a Planned Development District for general and specific development plans for the business interests of Ms. Charese Gardner, at 1811 W. Silver Spring Drive in a PD Planned Development District, Tax Key Number 195-9000-000.

FROM: John S. Fellows, Community Development Director
Ken Smith, MPA, M.S.

MEETING: Planning and Architectural Review Commission

MEETING DATE: March 11, 2024

FISCAL SUMMARY:

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

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	§§ 13.1.50-13.1.55

LAND DEVELOPMENT REFERENCE:

Land Use:	Office
2040 Comprehensive Plan Use:	Planned Commercial
Zoning:	PD Planned Development
Target Investment Area:	N/A

SUMMARY:

- Around 1995, previous City Staff and policymakers did not properly follow the Glendale Code of General Ordinances and rezoned this parcel to PD without finishing the process. There are technically no legal land uses associated with this property as a result. This rezoning would complete that process allowing for various office uses on the parcel.
- The action request for this item is to schedule a public hearing at the earliest convenience.

BACKGROUND & ANALYSIS:

Staff have noticed several instances where parcels were rezoned to PD Planned Development without completing the process prescribed in the Glendale Code of General Ordinances for PD Districts. Without completion of the process, any parcel rezoned to PD effectively has no legal land uses. Staff have been unable to locate any Development

Agreement associated with the parcel. A February 16, 2012 email suggests longtime former City of Glendale officials rezoned that entire salient of Glendale territory south of W. Silver Spring Drive and west of the Union Pacific rail right-of-way around 1995 when W. Silver Spring Drive was last redeveloped, and the parcel has technically been without a legal land use since then under Glendale Ordinances.

Specific to the parcel, [assessment data](#) suggests the current structure dates to 1975. But aerial photography suggests at least part of the current structure was built between 1937 and 1951 with additions and renovations made over time. For a time the property fell into disrepair but the property manager and applicant has invested in the property and worked to correct any defects. Completing the rezoning process, allowing for legal uses, may make it easier to attract tenants to the property allowing for more cash flow to facilitate further investment in the property.

GENERAL AND SPECIFIC DEVELOPMENT PLANS

There are no major changes planned to the structure or the property at this time. Any renovations would be subject to the normal permitting and permission processes.

PROPOSED USES:

- Financial, insurance and real estate offices
- Medical and dental offices
- Cooperative and co-working space
- Sales offices
- Professional services and administrative offices
- Restaurants: seated dining with no drive-through service
- Studios for photography, painting, music, sculpture, dance or other recognized fine arts

REVIEW PROCESS:

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 & Specific Development Plan Approval:

PARC	Receipt of Item	February 6, 2024
PARC	Public Hearing and Recommendation	March 5
PARC	Recommendation to Common Council	March 5
Common Council	Review of PARC Recommendation	March 11
Common Council	Public Hearing and Action	March 11

Development Agreement:

Common Council Action	March 11 or 25
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If City Council should decide to approve the general development plan and specific development plan on March 11th then a Development Agreement should also be approved on March 11th.

If the specific development plan is not approved by Council on March 11th with the General Development Plan, then the final action and the development agreement should have action taken at the same meeting.

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.

Planning and Architectural Review Commission Recommendation

- On March 5, 2024, the PARC recommended approval of the general and specific development plan to Common Council.

RECOMMENDATION:

Staff recommends the Common Council hold a public hearing.

Staff recommends the Common Council approve the general and specific development plan as submitted.

ACTION REQUESTED:

Hold a Public Hearing

Motion – To approve a general and specific development plan subject to approval of the original site plan, landscaping plan, building elevations, as documented in the attachment, subject to approval of a Development Agreement.

ATTACHMENT:

[Attachment – 1811 W. Silver Spring Drive PD](#)

[Attachment – Draft Ord.](#)

SUBJECT: Consideration of approval of a Development Agreement for a Planned Development District for Ms. Charese Gardner, at 1811 W. Silver Spring Drive in a PD Planned Development District, Tax Key Number 195-9000-000.

FROM: John S. Fellows, Community Development Director
Ken Smith, MPA, M.S.

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- The action request for this item is to schedule a public hearing at the earliest convenience.

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Staff have noticed several instances where parcels were rezoned to PD Planned Development without completing the process prescribed in the Glendale Code of General Ordinances for PD Districts. Without completion of the process, any parcel rezoned to PD effectively has no legal land uses. Staff have been unable to locate any Development Agreement associated with the parcel. A February 16, 2012 email suggests longtime former City of Glendale officials rezoned that entire salient of Glendale territory south of W. Silver Spring Drive and west of the Union Pacific rail right-of-way around 1995 when W. Silver Spring Drive was last redeveloped, and the parcel has technically been without a legal land use since then under Glendale Ordinances.

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PROPOSED USES:

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REVIEW PROCESS:

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Staff anticipates the following schedule:

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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.

Planning and Architectural Review Commission Recommendation

- On March 5, 2024, the PARC recommended approval of the general and specific development plan to Common Council.

Common Council – General and Specific Development Plan

- The Common Council may take action on March 11th regarding the general and specific development plan.
- Action on the specific plan and the development agreement should occur consecutively.

RECOMMENDATION:

Staff recommends the Common Council approve the development agreement.

ACTION REQUESTED:

Motion – To approve the development agreement as presented.

ATTACHMENT:

[Attachment – Development Agreement.](#)

SUBJECT: Consideration of approval of a Development Agreement for Phoenix JCR Glendale Industrial Investors LLC, at 5055 N. Lydell Avenue in a PD Planned Development District, mixed-use development land use classification, Tax Key Number 203-8995-004.

FROM: John S. Fellows, Community Development Director
Ken Smith, MPA, M.S.

MEETING: Planning and Architectural Review Commission

MEETING DATE: March 11, 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.
- On January 22, the Common Council referred this item to the Commission to schedule a public hearing and issue a recommendation.
- A Public Hearing has been noticed for March 5, 2024.
- Staff recommends approval of the general and specific development plans subject to staff comments noted within this report.

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 22nd, 2024

Common Council

Schedule a public hearing

January 22nd

PARC	Receipt of Item	March 5 th
PARC	Public Hearing and Recommendation	March 5 th
PARC	Recommendation to Common Council	March 5 th
Common Council	Review of PARC Recommendation	March 11 th
Common Council	Public Hearing and Action	March 11 th

If City Council should decide to approve the general development plan and specific development plan on March 11th then a Development agreement should also be approved on March 11th.

If the specific development plan is not approved by Council on March 11th with the General Development plan, then the following actions would follow:

Specific Development Plan Approval

Planning & Architectural Review Commission	April 2 nd
Common Council Action	April 8 th

Development Agreement:

Common Council Action	April 8 th
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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.

Department Comments:

The following items have been provided by reviewing departments:

Engineering:

- The applicant will be required to provide a full stormwater plan to be approved by the City Engineer.
- A Stormwater Maintenance Agreement will need to be agreed upon and recorded prior to any land disturbance or issuance of an erosion control permit.

Public Works:

Circulation:

- No delivery or semi-trucks are allowed ingress or egress onto N. Lydell. All deliveries will need to occur from the N Port Washington entry.

Work within the Right of way:

- Any work within the right of way will require right of way permits.
- During demolition and construction temporary pedestrian access to the west side of N Lydell will need to be provided if the public sidewalk is incombred.

Utilities/ Wells and other infrastructure:

- Ensure monitoring wells are maintained pre and post construction – WDNR inspects them

- Check integrity of private watermain system and branch valves – there have been several breaks on it in recent years
- Check integrity of sanitary and storm sewer systems – several manholes (sanitary) need tuckpointing and further inspections.
- Subsequent comments may be forthcoming regarding plan revisions or questions received.

Landscaping

- As far as recommended trees, the developer should choose from the following:
 - American sweetgum
 - Baldcypress
 - Bur oak
 - Hackberry
 - Gingko
 - Kentucky coffeetree
 - London planetree
 - Swamp white oak
 - Eastern redbud
- Tree diversity is the key to a healthy and resilient urban forest. WisDNR recommends the 20-10-5 rule for the City and why it is incorporated in our tree management plan. Plant no more than twenty percent from one family, no more than ten percent from one genus and no more than five percent from one species (including cultivars). With maples, we've already exceeded the rule on public property.
- Trees and shrubs on eastern side of property (Lydell Avenue facing) should be salt tolerant and acceptable to be planted next to a road
- Consider installing root barriers between the sidewalk and trees to prevent roots from breaking and heaving pavers, sidewalks, curbs and roads
- Provide at least 10 feet of vertical clear space above sidewalks so there will be no interference from low-hanging branches or fully developed shrubs

North Shore Fire and Rescue (NSFR):

Comments have been provided to the applicant. Revised comments were provided by NSFR on 2-15-2024.

1. 5055 N. Lydell – Phoenix Investors – Regional Center:

- a. Civil plans show water main into the NE corner of the building but do not show the exterior hydrants feed by the internal feed main that was installed in lieu of replacing the broken underground fire protection mains. The exact location of and future configuration of the fire protection water supply system will need to be reviewed and detailed on submitted civil plans.
 - i. Given the reconfiguration of the buildings, the locations and travel distances of the private fire hydrants on the property will need to be evaluated for compliance with code.
 - ii. Hydrants will likely need to be returned to the NW corner of the building to replace the broken/abandon wall hydrant that was there prior to the main breaks.
 - iii. Civil plans need to include details for the private fire protection mains to demonstrate compliance with the requirements of NFPA 24. Details shall be provided for under footing, bedding, thrust blocking, spool restraint (SS rods), blocking soil bearing requirements based

upon soil conditions, cut sheets and notes for the methods and materials to be used, and details for hydro-static testing and flushing of the mains upon completion.

iv. Please note: the portion of building C proposed to be removed contains the fire protection feed main riser that also feeds some of the property hydrants on the West side of the building (by electric utility enclosure). NFPA 1, chapter 16 requires hydrants to be in working order prior to demolition and reconstruction of this building, so the reconfiguration of the fire protection mains must take precedence over other work to be done.

v. Submit permits for fire protection mains via NSFD PF-319U form at our online portal.

b. This property has an existing agreement for the replacement of the fire alarm system throughout that is past due for completion, and there are existing occupants in the South half of the building who do not have occupancy approvals pending the fire alarm system completion. In accordance with NFPA 1 requirements for safeguards during construction the fire protection systems for the occupied portions of the building need also to be detailed and addressed prior to this project or the viability of these tenants will be compromised.

c. The exact hazard classifications for the buildings new use needs to be outlined in a thorough owner's statement/document submitted with all construction and underground submissions to establish adequate water main sizes and fire protection is available for the use. i. Note large battery storage configurations will require the highest level of protection.

d. The NSFR looks forward to working with the applicant to move this project forward, early and accurate detailed information will be a critical part of this process.

e. Please make sure the GC or Ownership contacts me directly to review the submittal and permit process for the building and life safety system alterations to be done as part of this project.

Police:

- Additional comments may be forthcoming.

Glendale Inspections:

- The building department has indicated they will need more information related to each occupancy of each building prior to permitting and occupancy permits.
- In addition, they will need more information regarding the separation distance between buildings.
- Additional comments will be provided at the time of permitting.

Planning:

- Fence details and specifications will need to be provided.
- Signage placement, quantity, and design will be reviewed by staff when a full application for signage is provided.

Planning and Architectural Review Commission Recommendation:

- The PARC recommended approval of the specific and general development plan.

RECOMMENDATION:

Staff recommends the Common Council approval the general and specific Development plan subject to all staff comments being addressed.

ACTION REQUESTED:

Motion – To recommend approval the general and specific development plan subject to the staff comments noted above.

ATTACHMENT:

[Attachments – 5055 N Lydell Ave - Map](#)

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

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

SUBJECT: Consideration of approval of a Development Agreement for Phoenix JCR Glendale Industrial Investors LLC, at 5055 N. Lydell Avenue in a PD Planned Development District, mixed-use development land use classification, Tax Key Number 203-8995-004.

FROM: John S. Fellows, Community Development Director
Ken Smith, MPA, M.S.

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- On January 22, the Common Council referred this item to the Commission to schedule a public hearing and issue a recommendation.
- A Public Hearing has been noticed for March 5, 2024.
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Description:

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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.
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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	January 22 nd

PARC	Receipt of Item	March 5 th
PARC	Public Hearing and Recommendation	March 5 th
PARC	Recommendation to Common Council	March 5 th
Common Council	Review of PARC Recommendation	March 11 th
Common Council	Public Hearing and Action	March 11 th

If City Council should decide to approve the general development plan and specific development plan on March 11th then a Development agreement should also be approved on March 11th.

If the specific development plan is not approved by Council on March 11th with the General Development plan, then the following actions would follow:

Specific Development Plan Approval

Planning & Architectural Review Commission
Common Council Action

April 2nd
April 8th

Development Agreement:

Common Council Action

April 8th

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.

Department Comments:

The following items have been provided by reviewing departments:

Engineering:

- The applicant will be required to provide a full stormwater plan to be approved by the City Engineer.
- A Stormwater Maintenance Agreement will need to be agreed upon and recorded prior to any land disturbance or issuance of an erosion control permit.

Public Works:

Circulation:

- No delivery or semi-trucks are allowed ingress or egress onto N. Lydell. All deliveries will need to occur from the N Port Washington entry.

Work within the Right of way:

- Any work within the right of way will require right of way permits.
- During demolition and construction temporary pedestrian access to the west side of N Lydell will need to be provided if the public sidewalk is incombred.

Utilities/ Wells and other infrastructure:

- Ensure monitoring wells are maintained pre and post construction – WDNR inspects them

- Check integrity of private watermain system and branch valves – there have been several breaks on it in recent years
- Check integrity of sanitary and storm sewer systems – several manholes (sanitary) need tuckpointing and further inspections.
- Subsequent comments may be forthcoming regarding plan revisions or questions received.

Landscaping

- As far as recommended trees, the developer should choose from the following:
 - American sweetgum
 - Baldcypress
 - Bur oak
 - Hackberry
 - Gingko
 - Kentucky coffeetree
 - London planetree
 - Swamp white oak
 - Eastern redbud
- Tree diversity is the key to a healthy and resilient urban forest. WisDNR recommends the 20-10-5 rule for the City and why it is incorporated in our tree management plan. Plant no more than twenty percent from one family, no more than ten percent from one genus and no more than five percent from one species (including cultivars). With maples, we've already exceeded the rule on public property.
- Trees and shrubs on eastern side of property (Lydell Avenue facing) should be salt tolerant and acceptable to be planted next to a road
- Consider installing root barriers between the sidewalk and trees to prevent roots from breaking and heaving pavers, sidewalks, curbs and roads
- Provide at least 10 feet of vertical clear space above sidewalks so there will be no interference from low-hanging branches or fully developed shrubs

North Shore Fire and Rescue (NSFR):

Comments have been provided to the applicant. Revised comments were provided by NSFR on 2-15-2024.

1. 5055 N. Lydell – Phoenix Investors – Regional Center:

- a. Civil plans show water main into the NE corner of the building but do not show the exterior hydrants feed by the internal feed main that was installed in lieu of replacing the broken underground fire protection mains. The exact location of and future configuration of the fire protection water supply system will need to be reviewed and detailed on submitted civil plans.
 - i. Given the reconfiguration of the buildings, the locations and travel distances of the private fire hydrants on the property will need to be evaluated for compliance with code.
 - ii. Hydrants will likely need to be returned to the NW corner of the building to replace the broken/abandon wall hydrant that was there prior to the main breaks.
 - iii. Civil plans need to include details for the private fire protection mains to demonstrate compliance with the requirements of NFPA 24. Details shall be provided for under footing, bedding, thrust blocking, spool restraint (SS rods), blocking soil bearing requirements based

upon soil conditions, cut sheets and notes for the methods and materials to be used, and details for hydro-static testing and flushing of the mains upon completion.

iv. Please note: the portion of building C proposed to be removed contains the fire protection feed main riser that also feeds some of the property hydrants on the West side of the building (by electric utility enclosure). NFPA 1, chapter 16 requires hydrants to be in working order prior to demolition and reconstruction of this building, so the reconfiguration of the fire protection mains must take precedence over other work to be done.

v. Submit permits for fire protection mains via NSFD PF-319U form at our online portal.

b. This property has an existing agreement for the replacement of the fire alarm system throughout that is past due for completion, and there are existing occupants in the South half of the building who do not have occupancy approvals pending the fire alarm system completion. In accordance with NFPA 1 requirements for safeguards during construction the fire protection systems for the occupied portions of the building need also to be detailed and addressed prior to this project or the viability of these tenants will be compromised.

c. The exact hazard classifications for the buildings new use needs to be outlined in a thorough owner's statement/document submitted with all construction and underground submissions to establish adequate water main sizes and fire protection is available for the use. i. Note large battery storage configurations will require the highest level of protection.

d. The NSFR looks forward to working with the applicant to move this project forward, early and accurate detailed information will be a critical part of this process.

e. Please make sure the GC or Ownership contacts me directly to review the submittal and permit process for the building and life safety system alterations to be done as part of this project.

Police:

- Additional comments may be forthcoming.

Glendale Inspections:

- The building department has indicated they will need more information related to each occupancy of each building prior to permitting and occupancy permits.
- In addition, they will need more information regarding the separation distance between buildings.
- Additional comments will be provided at the time of permitting.

Planning:

- Fence details and specifications will need to be provided.
- Signage placement, quantity, and design will be reviewed by staff when a full application for signage is provided.

Planning and Architectural Review Commission Recommendation:

- The PARC recommended approval of the specific and general development plan.

RECOMMENDATION:

Staff recommends the Common Council approval the general and specific Development plan subject to all staff comments being addressed.

ACTION REQUESTED:

Motion – To recommend approval the general and specific development plan subject to the staff comments noted above.

ATTACHMENT:

[Attachments – 5055 N Lydell Ave – Development Agreement](#)

SUBJECT: Review and Approval of Johnson Control's Request for Open Burn Permit to Maintain the Prairie at 5757 N Green Bay Avenue

FROM: Karl Warwick, City Administrator

MEETING DATE: March 11, 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:

David J. Frank Landscaping, on behalf of Johnson Controls, is requesting Common Council approval for an Open Burn Permit to maintain the prairie at 5757 N Green Bay Road. The date of the open burn is Saturday, March 30, 2024.

The North Shore Fire/Rescue has approved their permit for this date.

RECOMMENDATION:

Staff recommends that the Common Council approve the Open Burn Permit to maintain the prairie at 5757 N Green Bay Road.

ACTION REQUESTED:

Motion to approve the Open Burn Permit at 5757 N Green Bay Road for the purpose of maintaining a prairie at 5757 N Green Bay Road with a scheduled burn date of March 30, 2024.

ATTACHMENTS:

1. [Outdoor Burn Permit Application – North Shore Fire/Rescue](#)
2. [Johnson Control – burn areas 1 and 2 map](#)
3. [Burn Permit Questions](#)

SUBJECT: Work Order for Construction Services for the Private Lateral Replacement Program with Clark Dietz

FROM: Karl Warwick, City Administrator

MEETING DATE: March 11, 2024

FISCAL SUMMARY:

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

STATUTORY REFERENCE:

Wisconsin Statutes:	
Municipal Code:	

BACKGROUND/ANALYSIS: Under the City's agreement with the Milwaukee Metropolitan Sanitary Sewerage District (MMSD), they fund the replacement of private sanitary sewer laterals in various municipalities throughout the County. As part of this program, the City's contractual engineering firm, Clark Dietz typically performs the construction inspection of these private lateral replacements, funded by MMSD.

RECOMMENDATION: Approve the engineering work order for private lateral construction inspection with Clark Dietz.

ACTION REQUESTED: Authorize the City Administrator to execute a Construction Engineering Work Order with Clark Dietz, not to exceed \$112,755.

ATTACHMENTS:

1. [Clark Dietz Work Order](#)

SUBJECT: 2024 Arbor Day Proclamation

FROM: Charlie Imig, Director of Public Works

MEETING DATE: March 11, 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 attached Arbor Day Proclamation is required for the City's continued participation in the Tree City USA Award program. The City typically celebrates by planting a tree with students from Parkway Elementary. This year, Arbor Day is nationally recognized on April 26, 2024. At this time, an official date for Glendale's celebration has not yet been scheduled. Once the official date is selected, we will inform Council and the public.

RECOMMENDATION:

Approve the 2024 Arbor Day Proclamation.

ACTION REQUESTED:

Motion to approve the 2024 Arbor Day Proclamation.

ATTACHMENTS:

1. [2024 Arbor Day Proclamation](#)

SUBJECT: Resolution Authorizing the Director of Public Works to Sign and Submit the Recycling Grant Application and Annual Reports to the Wisconsin Department of Natural Resources (WDNR).

FROM: Charlie Imig, Director of Public Works

MEETING DATE: March 11, 2024

FISCAL SUMMARY:

Budget Summary:	Recycling Fund
Budgeted Expenditure:	N/A
Budgeted Revenue:	\$61,500 Grants

STATUTORY REFERENCE:

Wisconsin Statutes:	Chapters NR 542, 544, and 549 §287.11(2)a to (h)
Municipal Code:	N/A

BACKGROUND/ANALYSIS:

Updated resolution required prior to submittal of the 2023 WDNR Recycling Grant Application.

RECOMMENDATION:

Staff recommends approval of the updated resolution.

ACTION REQUESTED:

Motion to approve the updated resolution authorizing the Director of Public Works to sign and submit the recycling grant application and annual reports to the WDNR.

ATTACHMENTS:

1. [Resolution Authorizing Director of Public Works to Sign and Submit the Recycling Grant Application and Annual Reports to the WDNR](#)