

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

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AGENDA—COMMON COUNCIL MEETING

Monday, July 22, 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 July 8, 2024
 - b) Approval: Monthly Reports
4. 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 Through Regulations" and amending Article P, "Definitions" of the Code of Ordinances of the City of Glendale Pertaining to Drive-Thru Regulations
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: Public Hearing date of August 22nd for a Public Hearing for a Planned Development District (PD) zoning at 2510 West Good Hope Road
 - b) Review and Possible Action: Cancellation - August 12th Common Council Meeting
 - c) Review and Possible Action: Authorization to Execute – Municipal Flood Control Grant Program Grant Award and Amendment Document in the Amount of \$480,730
 - d) Review and Possible Action: Approval of an Amended Planned 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
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.

3A-3B
7/22/2024

CONSENT AGENDA

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

SUBJECT: Zoning Text Amendment to Permit Drive-Through Facilities
FROM: Karl Warwick
MEETING DATE: July 22, 2024

STATUTORY REFERENCE:

Wisconsin Statutes:	NA
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Municipal Code:	13.1.34
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LAND DEVELOPMENT REFERENCE:

Land Use:	Restaurant
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Zoning:	Planned Development (PD) and B-1
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Target Investment Area:	N/A
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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 different development agreement with each owner to make a drive-through a “permitted use”. There are currently eight drive-through facilities on Port Washington Road (six restaurants, one pharmacy) (Starbucks, Chick-fil-a, Arby’s, McDonalds, Walgreens, Culvers, Cousins, and Taco Bell).

Since the City has taken action to create development agreements to permit drive-through facilities numerous times, staff is asking the Common Council whether it would be beneficial to create it as a “permitted use” with specific locational, traffic, sound and lighting requirements. This approach would allow the City to better regulate drive-throughs and determine the desired location of them so they do not open in locations and under circumstances not desired by the City.

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:

- a. 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

A map has been included that shows where a drive-through facility could be located if the ordinance is adopted.

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.

A Public Hearing was held by the Planning and Architectural Review Commission on July 9th. The PARC recommended approval of the proposed text amendment. Per City Code, the Common Council has scheduled a second public hearing at this meeting. Final approval of this zoning text amendment by the Common Council could occur after the public hearing.

RECOMMENDATION: Conduct a public hearing on the zoning text amendment and consider approving an ordinance making a zoning text amendment regulating drive-through facilities.

ACTION REQUESTED: Conduct a public hearing on the zoning text amendment and consider approving an ordinance making a zoning text amendment regulating drive-through facilities.

ATTACHMENTS:

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

SUBJECT: Public Hearing date of August 22nd for a Public Hearing for a Planned Development District (PD) zoning at 2510 West Good Hope Road

FROM: Karl Warwick, City Administrator

MEETING DATE: July 22nd, 2024

FISCAL SUMMARY:

Budget Summary:	
Budgeted Expenditure:	
Budgeted Revenue:	

STATUTORY REFERENCE:

Wisconsin Statutes:	
Municipal Code:	13.1.53

BACKGROUND/ANALYSIS: At the June 10th Common Council meeting, the Common Council referred an amendment to the Planned Development Agreement for 2510 Good Hope Road for a public hearing to the Community Development Authority (CDA) and waived the Common Council public hearing for this item.

The City has different procedures for zoning map amendments and requirements for a planned unit development district(s) amendments. While the end result of both processes is similar, there are different procedures to complete each process. A zoning map amendment allows the Common Council to waive their public hearing. Procedural requirements for a planned unit development district do not permit the Common Council to waive their public hearing.

The CDA held their public hearing and recommended approval to the Common Council. The current plan is to hold the Common Council public hearing on August 26th. No action is required by the Common Council to hold this public hearing, however since action was taken to waive the Public Hearing (not permitted by City Code), staff wanted to provide a review of the procedures and inform the Common Council that a Common Council public hearing would be held on the amendment to the Planned Development for 2510 Good Hope. It is anticipated that on August 26th consideration would be asked to approve the General Development Plan.

RECOMMENDATION: No action required.

ACTION REQUESTED: No action required.

ATTACHMENTS:

1. None

SUBJECT: Cancellation of August 12th Common Council Meeting

FROM: Karl Warwick, City Administrator

MEETING DATE: July 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 Fall Primary Election is scheduled for August 13th. The first Common Council meeting in August is scheduled for August 12th. Due to the set-up requirements for the election the Council Chambers are not available for this meeting.

RECOMMENDATION:

It is recommended that the August 13th, 2024, Common Council, as prescribed by City Ordinance, shall not be held and the Mayor and City Administrator have the ability to call a second meeting in August on another date, if necessary.

ACTION REQUESTED:

Motion to cancel the August 12th, 2024, Common Council meeting.

ATTACHMENTS:

1. None.

SUBJECT: Authorization to Execute – Municipal Flood Control Grant Program Grant Award and Amendment Document in the Amount of \$480,730

FROM: Karl Warwick, City Administrator

MEETING: Common Council

MEETING DATE: July 22nd, 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

LAND DEVELOPMENT REFERENCE:

Land Use:	Flood Way
Zoning:	Multiple
Target Investment Area:	NA

BACKGROUND/ANALYSIS:

The City of Glendale has previously participated in the Wisconsin Department of Natural Resources Municipal Flood Control Grant program. This year, the City was awarded \$488,730 for floodway property acquisition and demolition by the State of Wisconsin, DNR. This grant will only cover a portion of the cost of these project costs with the City of Glendale's partnership with Metropolitan Milwaukee Sewage District (MMSD) agreement reimbursing the City for expenditures not covered as part of this grant. This relationship has allowed the City to combine grant programming from the DNR and the funding through the MMSD to purchase structures within the floodway along the Milwaukee River with little to no cost to the City.

This is strictly a voluntary program and inquiries into the opportunity in no way obligate a property owner to participate in the program or sell your property. Neither the State nor the City of Glendale will use its eminent domain authority to acquire any property. In fact, the use of eminent domain power is explicitly prohibited where federal, or state funds are employed for such mitigation projects. Authorization of this grant agreement is necessary to be awarded the \$488,730 for this project.

RECOMMENDATION:

Authorize the City Administrator to execute a Municipal Flood Control Grant Program Grant Award and Amendment Document in the Amount of \$480,730.

ACTION REQUESTED:

Motion to authorize the City Administrator to execute a Municipal Flood Control Grant Program Grant Award and Amendment Document in the Amount of \$480,730.

ATTACHMENT:

[Glendale Agreement](#)

[Award Letter](#)

[Payee Verification Form](#)

SUBJECT: Approval: 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: Common Council

MEETING DATE: July 22, 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) determined that the amendments to the existing Planned Development Agreement were minor amendment. The amendments to the development agreement permit “uses” permitted in the M-1 zoning district as well as existing and proposed uses. The Common Council did not take action on this as the developer requested it be pulled from the agenda.

Now, a different developer is proposing to move forward with the purchase and is proposing a further revised agreement to exclude various “uses” no longer present and exclude various requirements that are no longer necessary since the “major” redevelopment of this site did not move forward. 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. The PARC also determined that these amendments were minor, which would then require only approval of the Common Council.

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.”

On June 6th, 2024, the PARC determined that the proposed amendment is minor, which permits the Common Council to approve the amended Planned Development Agreement.

RECOMMENDATION:

Consider approval of a minor amendment to the Planned Development Agreement at 4160 N. Port Washington Road.

ACTION REQUESTED:

Motion to approve a minor amendment to the Planned Development Agreement at 4160 N. Port Washington Road.

ATTACHMENT:

[Planning and Architectural Review Commission Application](#)
[First Amendment to the Development Agreement](#)
[Property Location – Attachment](#)