



Wauwatosa, WI

Plan Commission

Meeting Agenda - Final

7725 W. North Avenue
Wauwatosa, WI 53213

Monday, September 9, 2024

6:00 PM

Council Chambers and Zoom:
<https://servetosa.zoom.us/j/83599194279>,
Meeting ID: 835 9919 4279

Regular Meeting

HYBRID MEETING INFORMATION

Members of the public may observe and participate in the meeting in-person or via Zoom at the link above. To access the Zoom meeting via phone, call 1-312-626-6799 and enter the Meeting ID.

CALL TO ORDER

ROLL CALL

NEW BUSINESS

1. Public hearing and consideration of a request by Joanna Domagala, Kolbrook, for a Conditional Use Permit in the in the Neighborhood/Village Trade and North Avenue Overlay (C1/NOR) district at 6933 W. North Avenue for an eating establishment [24-1178](#)
2. Public hearing and consideration of a request by Kathleen Sheeley for a Conditional Use Permit in the Neighborhood Village/Trade (C1) District at 7433 Blanchard Street to establish a two-unit house [24-1168](#)
3. Public hearing and consideration of a request by Lisa Jamila-Wuerth of Down Syndrome Association of Wisconsin (DSAW) for a Conditional Use Permit in the Special Purpose - Institutions (SP-INS) District at 1215 Dewey Avenue for an adult day care [24-1169](#)
4. Request by Architects Partnership LTD for a land division via Certified Survey Map at 11135 W. Burleigh Street [24-1170](#)
5. Ordinance amending portions of Section 24.16 of the Wauwatosa Municipal Code providing that zoning-related public hearings shall be held by the Common Council in advance of introduction at Plan Commission [24-1179](#)

ADJOURNMENT

NOTICE TO PERSONS WITH A DISABILITY

Persons with a disability who need assistance to participate in this meeting should call the City Clerk's office at (414) 479-8917 or send an email to tclerk@wauwatosa.net, with as much advance notice as possible.



Staff Report

File #: 24-1178

Agenda Date: 9/9/2024

Agenda #: 1.

Public hearing and consideration of a request by Joanna Domagala, Kolbrook, for a Conditional Use Permit in the in the Neighborhood/Village Trade and North Avenue Overlay (C1/NOR) district at 6933 W. North Avenue for an eating establishment

Submitted by:

Art Piñon

Department:

Development

A. Background/Options

The applicant is requesting approval of a Conditional Use Permit to operate a 2,300 square foot eating establishment (Wingstop) at 6933 W. North Avenue in the Neighborhood/Village Trade and North Avenue Overlay (C1/NOR) Zone. The proposed operating hours are 10:00 am to midnight, Monday through Sunday. All operations are proposed inside the building, no outdoor business activities are requested. Attached to this report are the project description and plans.

B. Staff Comments

Planning/Zoning Division

No additional vehicular parking is required as the eating establishment will be replacing a previous eating and drinking establishment.

Within the NOR zone, businesses are required to close at 11:00 pm and the applicant is proposing to close at 12:00 am. Per City Code, additional hours may be permitted with a Conditional Use Permit if the City finds that the times are reasonable and customary for that type of business; and the additional hours will not have a negative impact on adjacent residential, commercial or other properties. The applicant's justification for extended operating hours is included with the submitted project description.

Thirty-four (34) public notification letters related to the public hearing and project were sent per City regulations.

Building Division

Applicant shall obtain applicable building permits. Final Occupancy inspection and approval required prior to occupancy.

City Assessor's Office

Provide detailed costs of any alterations and/or new construction, as well as income & expense as requested by the Assessor's office

City Clerk's Office

If applicable, applicant will need to apply for appropriate business licenses and/or permits.

Engineering Division

No issues.

Fire Department

No comments provided.

Health Department

Applicable license required.

Police Department

No comment provided.

C. Recommendation

Staff recommends approval subject to:

1. Establishing hours of operation.
2. If complaints are received regarding late night disturbances, noise, etc., the applicant must take corrective action to resolve those issues to the satisfaction of the Planning Manager. This includes but is not limited to modified business operating hours, operations, etc.
3. Providing detailed costs of any alterations and/or new construction, as well as income & expense as requested by the Assessor's office.
4. Applicant shall obtain applicable building permits. Final Occupancy inspection and approval required prior to occupancy.
5. Under WMC 24.16.040I., a Conditional Use will lapse and have no further effect one year after it is approved by the Common Council, unless a building permit has been issued (if required); the use or structure has been lawfully established; or unless a different lapse of approval period or point of expiration has been expressly established by the Common Council.
6. Obtaining other required licenses, permits, and approvals.



6933 W. North Ave.

City of
Wauwatosa



Tosa Wings, Inc DBA Wingstop
5005 Newport Drive, Suite 501
Rolling Meadows, IL 60008

To Whom It May Concern,

I am writing this letter to provide the requested project description for the new Wingstop restaurant located at 6933 W. North Ave., Wauwatosa, WI 53213.

Wingstop is a quick service restaurant serving made to order chicken wings and tenders, sandwiches, soft drinks, French fries, corn, fresh vegetable, and dips. We plan to have a total of 15 employees. Our hours of operation will be 10:30am to Midnight, Monday thru Sunday.

We understand that hours in this trade area are limited to 11:00 pm closing. However, we would like to obtain approval to remain open until 12:00 am daily. Currently, the majority of other Wingstop restaurants across the country, including our 87 locations, are open until Midnight or later as most of our business is built on late night orders – including a very strong propensity for delivery orders. We are very familiar with ensuring we have proper staffing at all hours of the day to ensure safety for our team and the guests at our Wingstop restaurants. Specifically related to safety, we always install security cameras on the interior and exterior of our restaurants. If necessary, based on trade areas, we will limit access to restrooms and the front door through a commercial door buzzer system to deter guests from loitering in the dining room. Finally, we do not play loud music in the dining room area so there will not be any noise concerns from our restaurant. Based on our successful history of operating Wingstop in diverse trade areas, we are confident there will not be a negative impact to the trade area and the additional business to Wingstop will be a positive for Wauwatosa.

Please let me know if you have any questions or require additional information.

Respectfully,

Robert Coffin

Robert Coffin
Construction Manager
rcoffin@arsbrands.com
469-618-2078

FRANCHISEE APPROVAL OF SCHEMATIC PLAN

SIGN _____ DATE _____

FRANCHISEE TO SELECT REFRIGERATION PACKAGE BY CHECKING A BOX BELOW

DEFAULT; HOSHIZAKI (25% SAVING)
 ALTERNATE; BEVERGARE-AIRE

FRANCHISEE REQUESTS ICE MACHINE ON TOP OF FREESTYLE COKE BY CHECKING A BOX BELOW

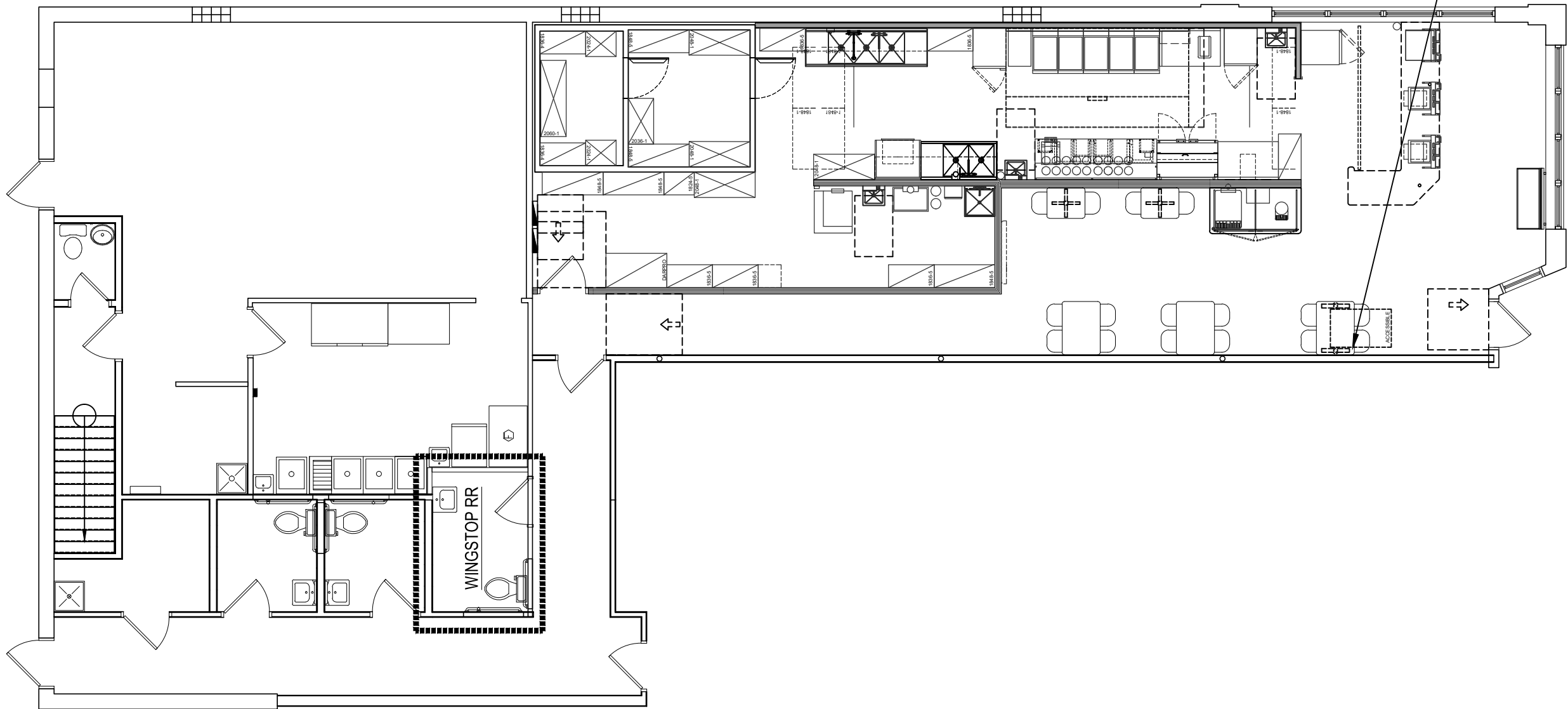
DEFAULT; NO
 ALTERNATE; YES

FRANCHISEE TO SELECT GLASS DOOR MERCHANDISER BY CHECKING A BOX BELOW

DEFAULT; 1-DOOR
 ALTERNATE; 2-DOOR



LEGACY ACIB22



FRANCHISEE TO SELECT BEVERAGE STATION TYPE

FREESTYLE
 LEGACY ACIB22
 BEVARIETY ACIB30

FRANCHISEE TO SELECT TRENCH DRAIN OF FLOOR DRAIN IN THE KITCHEN BY CHECKING A BOX BELOW

TRENCH FLOOR

FRANCHISEE TO SELECT RESTROOM HAND DRYING BY CHECKING A BOX BELOW

ELECTRIC PAPER

PROJECT DATA:

GROSS AREA:	1,565 SQ. FT. (GROSS SPACE)
OVERALL NET LEASE AREA:	1,372 SQ. FT. (NET LEASABLE SPACE)
SALES, COOKING, PREP & JANITOR AREAS:	680 SQ. FT. @ 1/200 (GROSS) = 4 OCCUPANTS
SEATING AREA:	123 SQ. FT. @ 1/15 = 9
COOLER / FREEZER AREA:	120 SQ. FT. (ACCESSORY USE, NOT APPLICABLE)
PASSAGE, MEN & WOMEN RESTROOM AREAS:	448 SQ. FT. (ACCESSORY USE, NOT APPLICABLE)
SEATING ANALYSIS:	16 TOTAL SEATS
TOTAL OCCUPANT LOAD:	13 OCCUPANTS

LAYOUT NOTES:



GL# 0000

PROJECT LOCATION:

WAWATOSA - WI

DRAWING NAME

**SCHEMATIC
EQUIPMENT PLAN**

ISSUE DATE: 05/22/2024
 REVISED DATE: 00/00/2000

GENERAL NOTES

- EXISTING WALL
- WALL TO BE DEMOLISHED
- NEW WALL
- SOLID SURFACE

GENERAL NOTES

- REFER TO SHEET EQ-01 FOR SEATING, AND EQUIPMENT LAY OUT AND EQUIPMENT ELEVATIONS.
- DIMENSIONS ARE TO THE FINISH FACE OF GYPSUM BOARD.
- THE CONTRACTOR SHALL COORDINATE NEW GREASE INTERCEPTOR LOCATION WITH THE LANDLORD, REFER TO THE PLUMBING DRAWINGS FOR INFORMATION AND LOCATION
- REFER TO THE PLUMBING DRAWINGS FOR ALL FLOOR SINKS, FLOOR DRAIN LOCATIONS AND SODA PVC SLEEVE LOCATION.

FLOOR PLAN KEY NOTES

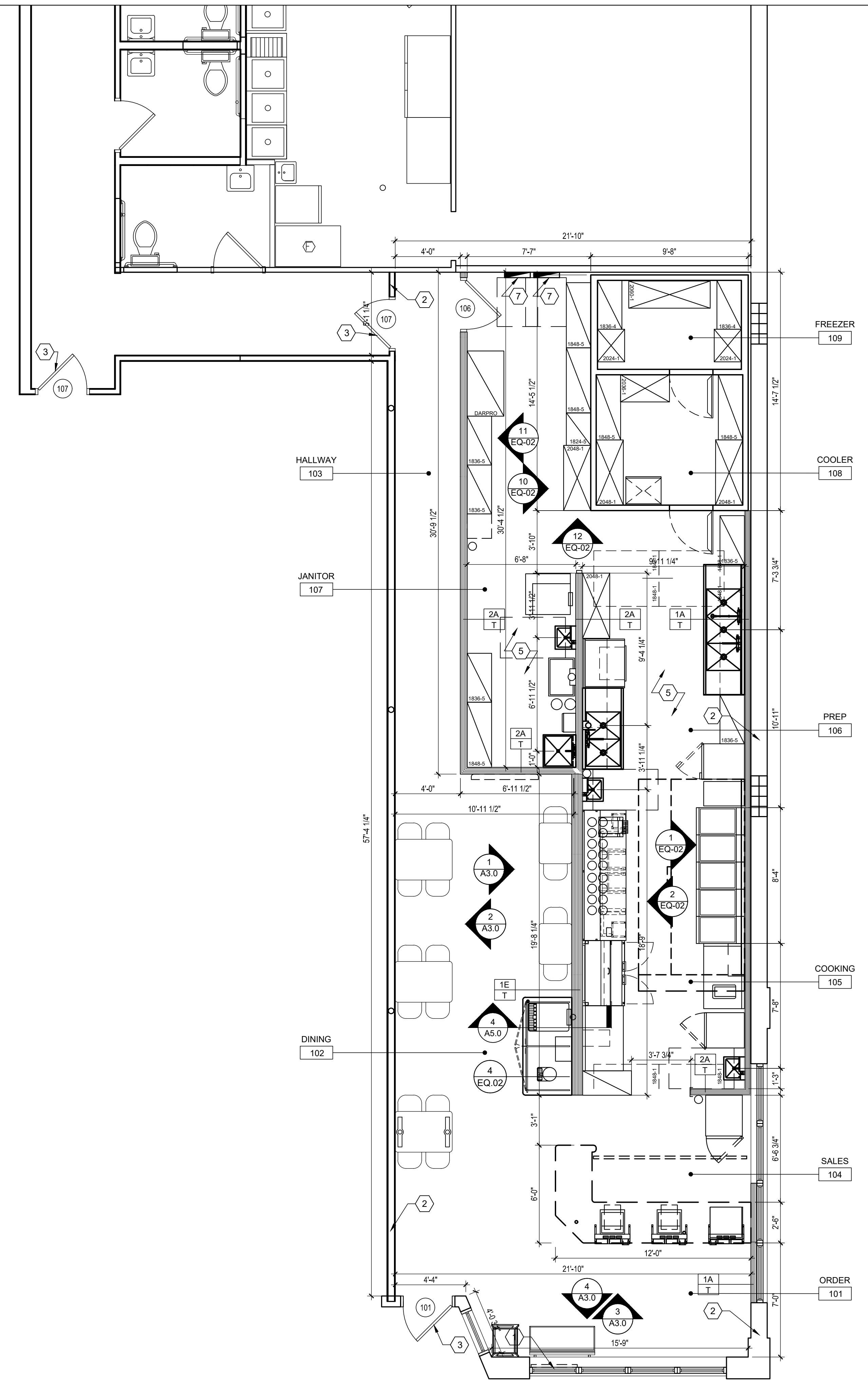
- 1 EXISTING STOREFRONT, FURR DOWN ABOVE REFER TO SHEET A2.0 FOR HEIGHT. FIELD VERIFY THE EXISTING WALL CONDITIONS AT THE FURR DOWN AREA AND EXTEND GYPSUM BOARD AND FRAMING TO 8' ABOVE THE SCHEDULED CEILING SYSTEM. REPAIR AS REQUIRED TO PROVIDE THE WALL SCHEDULED FINISHES, SHEET A6.1
- 2 FIELD VERIFY THE EXISTING DEMISING WALL CONDITIONS. PROVIDE AND INSTALL 3 5/8" 25 GA. METAL STUDS (DIETRICH, ICC ESR NO. 2457) AND 5/8" GYPSUM BOARD AS REQUIRED TO EXTEND THE DEMISING WALL TO BOTTOM OF THE EXISTING ROOF DECK. REPAIR AS REQUIRED TO PROVIDE FINISHES INDICATED ON THE FINISH SCHEDULE.
- 3 EXISTING DOOR TO REMAIN
- 4 ALL DEMISING WALLS AT THE INSIDE OF MEN AND WOMEN RESTROOM AREAS SHALL RECEIVE WATER RESISTANT GYPSUM BOARD TO 48" A.F.F.
- 5 PROVIDE 5/8" NON-COMBUSTIBLE PLYWOOD BLOCKING AT ALL SCHEDULED PARTITIONS WHERE WALL MOUNTED KITCHEN EQUIPMENT AND TOILET ACCESSORIES ARE SPECIFIED.
- 6 EXISTING ELECTRICAL PANELS TO REMAIN
- 7 NEW ELECTRICAL PANEL. SEE E - SHEETS FOR ADDITIONAL INFORMATION

FLOOR PLAN GENERAL NOTES

- A) REFER TO SHEET EQ1 FOR SEATING, AND EQUIPMENT LAYOUT AND SHEET EQ2 FOR EQUIPMENT ELEVATIONS.
- B) DIMENSIONS ARE TO THE FINISH FACE OF SHEATHING.
- C) VERIFY DEMISING WALLS ARE FULL HEIGHT TO DECK - NOTIFY ARCHITECT OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION.

ROOFING NOTES

ROOFING NOTE: GC TO CONFIRM ALL EXISTING AND RESULTING DEMOLITION ROOF PENETRATIONS. REPAIR AND SEAL AS REQ. THIS SHOULD BE INCLUDED IN BID. VERIFY IF LL ROOFER NEEDS TO BE ENGAGED FOR THIS WORK AND PRICE ACCORDINGLY.

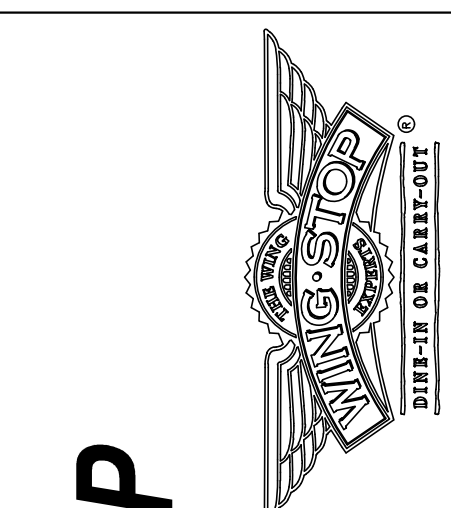
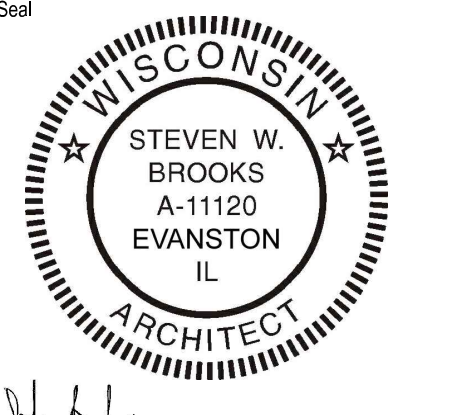


1 FLOOR PLAN
SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"



- CIVIL ENGINEER
- STRUCTURAL ENGINEER
- LANDSCAPE COMPANY
- MEP ENGINEER
- DEVELOPER



PROJECT: **WINGSTOP RESTAURANT**
6833 W North Ave
Wauwatosa, WI 53213

Drawing Issue	
Description	Date
FOR PERMIT	07/30/2024

Drawn By:
Checked By:
Sheet Title:
FLOOR PLAN, DEMO PLAN & NOTES

Sheet No.
A1.0

Kolbrook Job No.	1475.071	Consultant Job No.	-
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Staff Report

File #: 24-1168

Agenda Date: 9/9/2024

Agenda #: 2.

Public hearing and consideration of a request by Kathleen Sheeley for a Conditional Use Permit in the Neighborhood Village/Trade (C1) District at 7433 Blanchard Street to establish a two-unit house

Submitted by:

Art Piñon

Department:

Development

A. Background/Options

The applicant is requesting approval of a Conditional Use Permit to allow a two-unit house at 7433 Blanchard Street in the Neighborhood/Village Trade (C1) District. The subject building is two stories in height and contains office space on the ground floor and a residential unit on the second floor. Historically, the building contained two (2) residential units until 2006, when the ground floor unit was converted into office space for a bottled gas sales company. The applicant is now proposing to convert the ground floor space back into a residential unit. The existing driveway along side of the structure provides sufficient spaces to meet parking regulations. Attached to this report are the project description and plans.

B. Staff Comments

Planning/Zoning Division

Per City Code Use Table 24.07.030, a two-unit residential building requires approval of a Conditional Use Permit in the C1 zone.

Twenty-nine (29) public notification letters related to the project were sent per City regulations.

Building Division

Final Occupancy inspection and approval required prior to occupancy.

City Assessor's Office

Provide detailed costs of any alterations and/or new construction, as well as income & expense as requested by the Assessor's office

City Clerk's Office

No issues.

Engineering Division

No comments.

Fire Department

No comments provided.

Health Department

No comments provided.

Police Department

No comments provided.

C. Recommendation

Staff recommends approval subject to:

1. Providing detailed costs of any alterations and/or new construction, as well as income & expense as requested by the Assessor's office.
2. Final Occupancy inspection and approval required prior to occupancy.
3. Under WMC 24.16.040I., a Conditional Use will lapse and have no further effect one year after it is approved by the Common Council, unless a building permit has been issued (if required); the use or structure has been lawfully established; or unless a different lapse of approval period or point of expiration has been expressly established by the Common Council.
4. Obtaining other required licenses, permits, and approvals.

To: City of Wauwatosa

From: Kathy Sheeley

7433 Blanchard, First Floor, is zoned for commercial use and we would like to change to residential use. I, Kathy Sheeley, would like to move to the address. At this time, there will be no structural change.

Sincerely,

Kathy Sheeley



Staff Report

File #: 24-1169

Agenda Date: 9/9/2024

Agenda #: 3.

Public hearing and consideration of a request by Lisa Jamila-Wuerth of Down Syndrome Association of Wisconsin (DSAW) for a Conditional Use Permit in the Special Purpose - Institutions (SP-INS) District at 1215 Dewey Avenue for an adult day care

Submitted by:

Art Piñon

Department:

Development

A. Background/Options

The Down Syndrome Association of Wisconsin (DSAW) is requesting a Conditional Use Permit to operate an adult day service at 1215 Dewey Avenue in the Special Purpose - Institutions (SP-INS) District. Facility operating hours are Monday through Friday, from 8:00 am to 6:00 pm and will include periodic evenings and weekends for special events and open houses. The facility will utilize existing classroom and activity space from Carmelite Ministry of St. Teresa. Attached is a floor plan of the building with areas encircled in red that DSAW will be utilizing along with the project description.

B. Staff Comments

Planning/Zoning Division

Sufficient parking exists onsite to accommodate facility employees and pick and drop off of patrons.

Thirty-five (35) public notification letters related to the public hearing and project were sent per City regulations.

Building Division

Applicant shall obtain Certificate of Occupancy prior to facility operations and applicable permits.

City Assessor's Office

Provide detailed costs of any alterations and/or new construction, as well as income & expense as requested by the Assessor's office

City Clerk's Office

No issues.

Engineering Division

The existing parking lot does not appear to provide any handicap parking. The applicant should verify that the parking lot meets State licensing and ADA requirements. If the parking lot must be re-stripped to accommodate ADA parking, a site plan/parking lot permit must be approved by the Engineering Department prior to any work done in the parking lot.

Fire Department

No comments provided.

Health Department

No comments provided.

Police Department

No comments provided.

C. Recommendation

Staff recommends approval subject to:

1. Establishing hours of operation.
2. Final occupancy inspection and approval required prior to occupancy.
3. Providing detailed costs of any alterations and/or new construction, as well as income & expense as requested by the Assessor's office.
4. If parking lot improvements are needed to accommodate ADA parking, a site plan/parking lot permit must be approved by the Engineering Department prior to any work done in the parking lot.
5. Under WMC 24.16.040I., a Conditional Use will lapse and have no further effect one year after it is approved by the Common Council, unless a building permit has been issued (if required); the use or structure has been lawfully established; or unless a different lapse of approval period or point of expiration has been expressly established by the Common Council.
6. Obtaining other required licenses, permits, and approvals.



Art Pinon
Principal Planner, City of Wauwatosa, Development Department

Hello Art,

I am writing on behalf of the Down Syndrome Association of WI (DSAW), in regards to space rental and program provision at the Carmelite Ministry of St. Teresa, located at 1215 Dewey Ave, Wauwatosa. We will be renting part of their building at that location, in order to provide our programming and events. Our offices will also be housed in the building, and our business mailing address will be 1214 Kavanaugh Place.

We currently provide community-based group and individual services with adults and children with intellectual and developmental disabilities (IDD), and would hope to add Adult Day Service programming once we are approved by DHS.

We will not be undergoing any construction in or around the building.

Our hours of operation would generally be M-F 8am-6pm but could include some evenings and weekends.

In regards to how we operate: we provide classes and programs open only to participants who have pre-registered, and we may occasionally hold events which would be open to the public (such as an Open House).

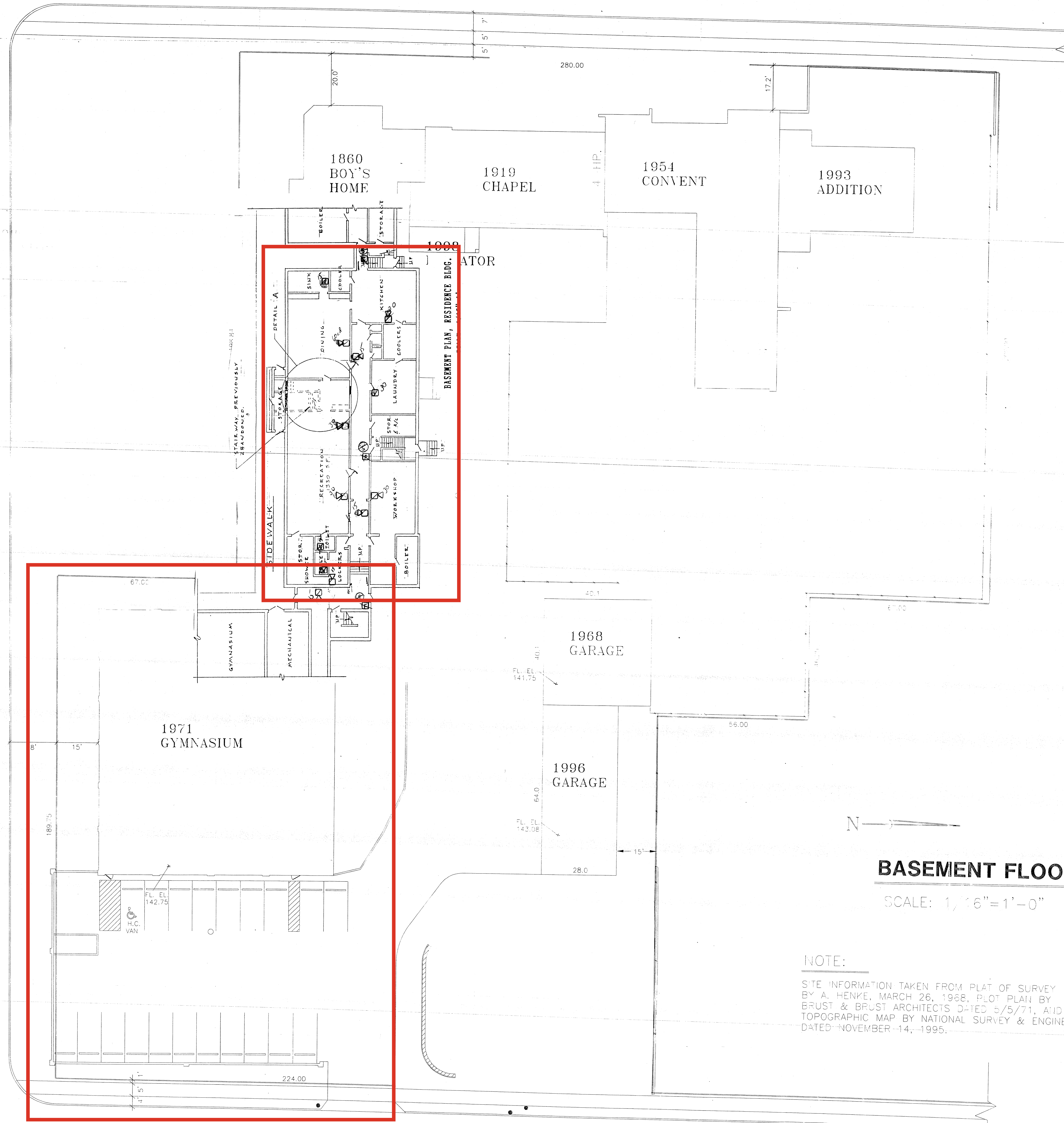
DSAW is a statewide non-profit organization with just over 100 employees located throughout the state. Between our programming and our administrative staff, we may have anywhere from two to sixteen staff using the building at any given time. Generally, there will be about eight DSAW staff people in the building during business hours.

On the topic of parking: in addition to the approximately eight DSAW staff present during working hours, there are five Carmelite Sisters in residence, who have four cars between them, and they have eight private garages for their use. There are eighteen parking spaces at the Dewey Street parking lot. In addition, the Sisters have two private pay residents in the building, and they do require parking. The Sisters no longer provide any programming at the site, nor do they have any employees. DSAW participants will be dropped off and picked up, so they will not need parking spaces.

Included in this application are floor plans. The spaces encased in red are the spaces which will be used by DSAW. The total square footage of the building, including the convent, is 52,098 square feet, of which DSAW will be renting 12,942 square feet (gym and attached areas 8,122 sq. ft., classrooms 2,320 sq. ft., and offices 2,500 sq. ft.).

Warm regards,
Lisa Jamila-Wuerth
Assistant Director of Community Day Programs, DSAW

CHESTNUT ST. (66' P.O.W.)



BASEMENT FLOOR PLAN

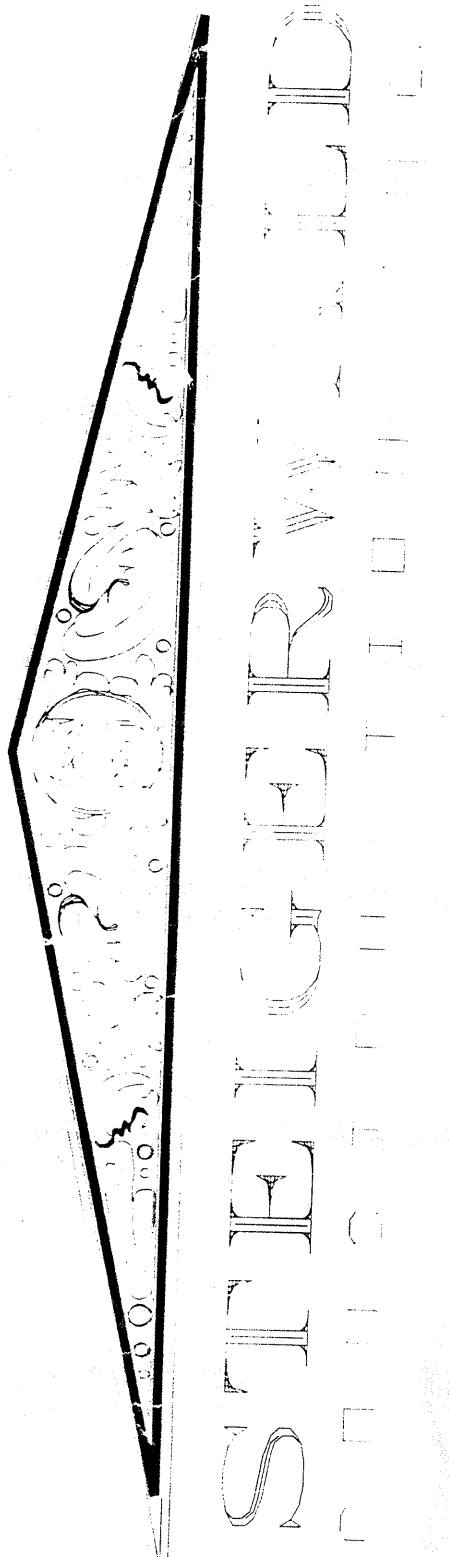
SCALE: 1/16" = 1'-0"

NOTE:
 SITE INFORMATION TAKEN FROM PLAT OF SURVEY BY A. HENKE, MARCH 26, 1968, PLOT PLAN BY BRUST & BRUST ARCHITECTS DATED 5/5/71, AND TOPOGRAPHIC MAP BY NATIONAL SURVEY & ENGINEERING DATED NOVEMBER 14, 1995.

DEWEY AVE. (50' R.O.W.)

DATE
11-17-99

PROJECT
CARMELITE HOME
1214 KAVANAUGH PL
MAUWATOSA, WI
414-258-2520



CARMELITE HOME
1214 KAVANAUGH PL
MAUWATOSA, WI

CARMELITE HOME

ROMAN ELECTRIC CO.
 840 S. 75 STREET MILWAUKEE, WISCONSIN 53214

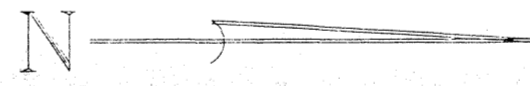
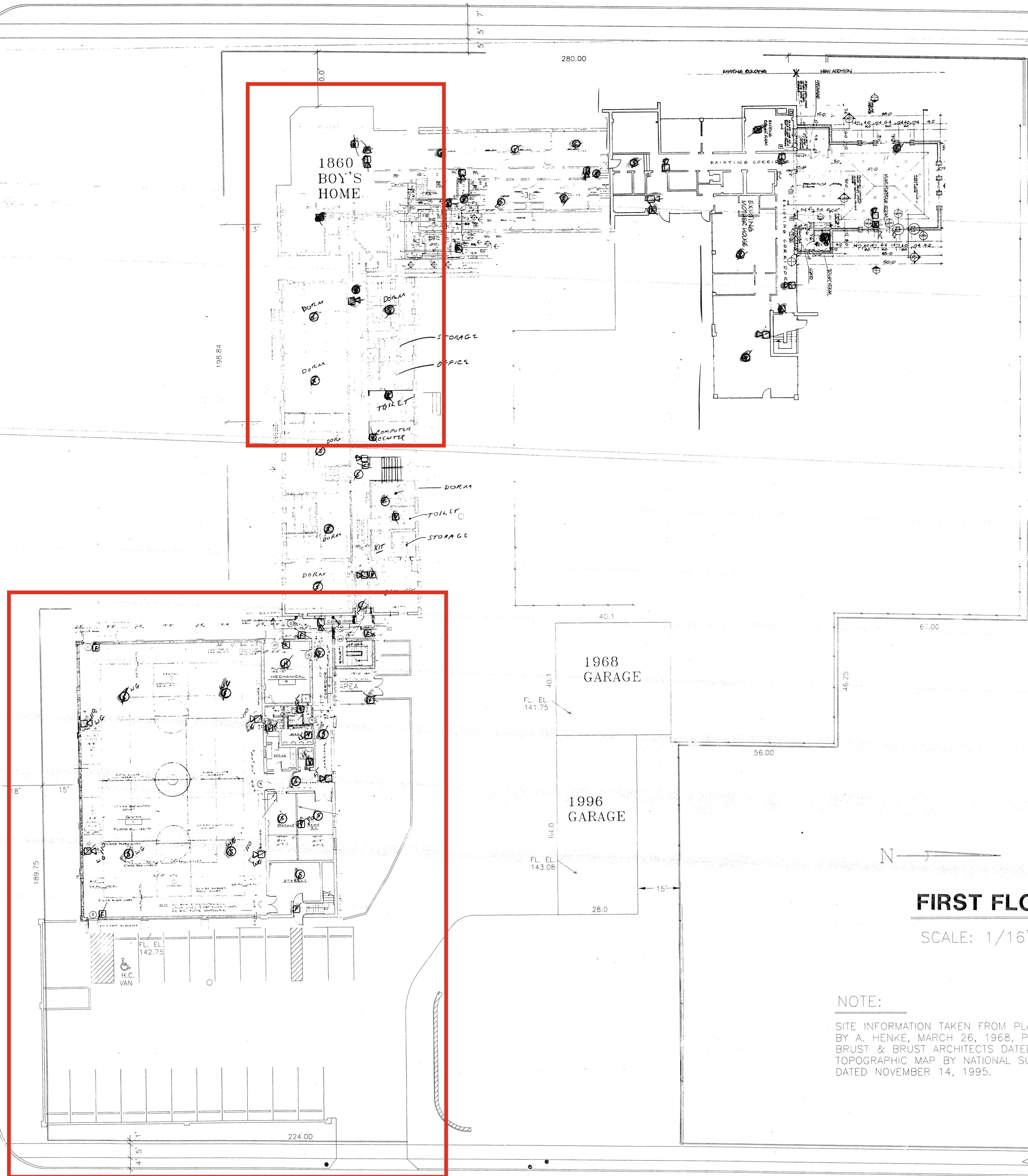
1210-1-01
DATE: 11/8/99

ET

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SHEET

E1



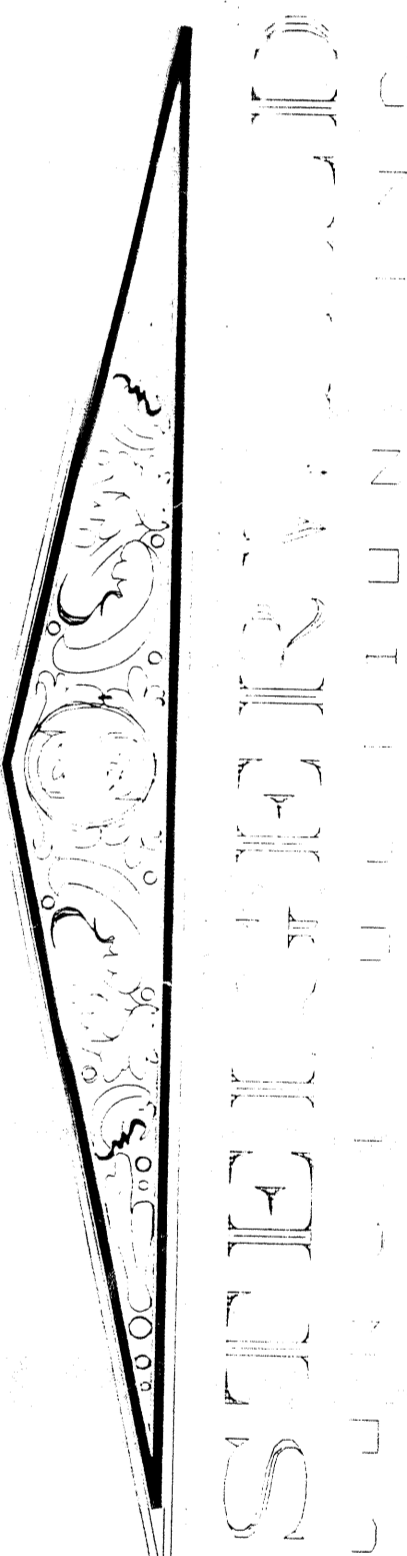
FIRST FLOOR PLAN

SCALE: 1/16" = 1'-0"

NOTE:
 SITE INFORMATION TAKEN FROM PLAT OF SURVEY BY A. HENKE, MARCH 26, 1968, PLOT PLAN BY BRUST & BRUST ARCHITECTS DATED 5/5/71, AND TOPOGRAPHIC MAP BY NATIONAL SURVEY & ENGINEERING DATED NOVEMBER 14, 1995.

DATE
 11-17-9


5310 W. STALL
 MILWAUKEE, WI
 4111 10000



CARMELITE HOME
 1714 KAVANAUGH PL
 WAUWATOSA WI

SHEET
E2

CARMELITE HOME



ROMAN ELECTRIC CO.
 848E 70 STREET MILWAUKEE, WISCONSIN 53214

1/16" = 1'-0"
 11/8/99

GRR/MAS
 E2

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DATE: 11-17-95

MILWAUKEE STREET
411.00.00.00

CONSTRUCTION

CARMELITE HOME
1214 KAVANAUGH PL.
WILSON, WI

SHEET E3

CHESTNUT ST. (66' R.O.W.)

DEWEY AVE. (50' R.O.W.)



SECOND FLOOR PLAN

SCALE: 1/16" = 1'-0"

NOTE:
 SITE INFORMATION TAKEN FROM PLAT OF SURVEY
 BY A. HENKE, MARCH 26, 1968, PLOT PLAN BY
 BRUST & BRUST ARCHITECTS DATED 5/5/71, AND
 TOPOGRAPHIC MAP BY NATIONAL SURVEY & ENGINEERING
 DATED NOVEMBER 14, 1995.

CARMELITE HOME

ROMAN ELECTRIC CO.
 840 S. 70 STREET MILWAUKEE, WISCONSIN 53214

1/16" = 1'-0"
 1/8/99

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Staff Report

File #: 24-1170

Agenda Date: 9/9/2024

Agenda #: 4.

Request by Architects Partnership LTD for a land division via Certified Survey Map at 11135 W. Burleigh Street

Submitted by:

Art Piñon

Department:

Development

A. Background/Options

The applicant is proposing a certified survey map to create a 0.7362-acre parcel for a future Chase Bank located at 11135 West Burleigh Street within the Light Industrial and Planned Unit Development (M1/PUD) District. The Chase Bank is currently under construction and was approved by the City in January 2024 through a Major Planned Unit Development Amendment. The Certified Survey Map is being requested at this time due to a lease agreement stipulation that a separate tax pin parcel be created for the Chase Bank ground lease area with the property owner (Obo Meijer Inc).

B. Staff Comments

Planning/Zoning Division

Thirteen (13) public notification letters related to the project were sent per City regulations.

Building Division

No comments.

City Assessor's Office

No issues.

City Clerk's Office

No issues.

Engineering Division

Engineering has informed the applicant that there is water, sanitary, and storm sewer piping that serves the Meijer parcel and will be located in the newly created parcel. The CSM could include easements for the utilities that will be shared by both proposed properties. An easement for parking and cross access will also be necessary. The easements can be established directly with the CSM or the linework shown and the easement established via a separate document. A copy of the recorded parking and cross access easement documents must be provided to the City prior to final occupancy of the Chase Bank. Board of Public Works approval is required for a parking lot to cross lot lines.

Fire Department

No comments provided.

Health Department

No comments provided.

Police Department

No comments provided.

C. Recommendation

Staff recommends approval subject to:

1. Any technical corrections as identified by the Register of Deeds.
2. Addressing all comments identified by the Engineering Division in the Staff Comments section of this report.
3. Approval from the Board of Public Works to allow a parking lot to cross lot lines.
4. Execution and recording of access easements prior to final occupancy.
5. Per State Statute 236.34 (2), the CSM is to be recorded within 12 months of the Common Council approval.



11135 W. Burleigh St.

City of
Wauwatosa





Tamara Szudy
Planning & Zoning Manager
Community Development
City of Wauwatosa
7725 W North Ave.
Wauwatosa, WI 53213

September 07, 2024

Re: Project narrative for the property 11135 W Burleigh St.

Dear Ms. Szudy,

This letter is to detail our application for a 0.7362 acres Certified Survey Map for the property referenced above.

The purpose of the application is to secure a tax pin parcel by way of a CSM per the contractual requirements between "Meijer", the property owner, and JPMC, the ground leaseholder.

Parties Involved:

Applicant
Terron Wright
The Architects Partnership, LTD (TAP)

Property Owner
Matt Levitt
Obo Meijer Inc.

Architect of Record
Timothy Meseck
The Architects Partnership, LTD (TAP)

Surveyor
Allen J. Schneider
Chaput Land Survey

Ground Leaseholder
Kenneth Colliander
obo JPMorgan Chase Bank, N.A.

Zoning Classification:

The property in question is in a zoning district classified as Planned Unit Development.

A handwritten signature in black ink, appearing to read "Timothy R. Meseck". The signature is fluid and cursive, written over a light blue horizontal line.

Timothy R. Meseck
The Architects Partnership, LTD.

CERTIFIED SURVEY

MAP NO. _____

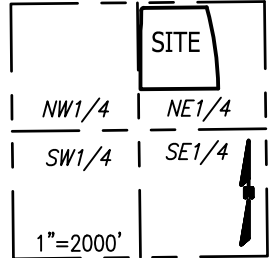
A redivision of Lot 1 of Certified Survey Map No. 8583 being a part of the Northeast 1/4 of the Northeast 1/4 of Section 18, Town 7 North, Range 21 East in the City of Wauwatosa, Milwaukee County, Wisconsin.

Owner : Meijer Stores Limited Partnership,
a Michigan limited partnership
2929 Walker NW
Grand Rapids, MI 49544

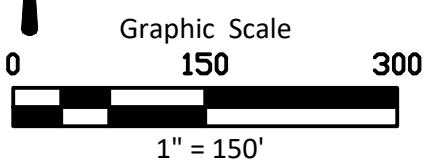
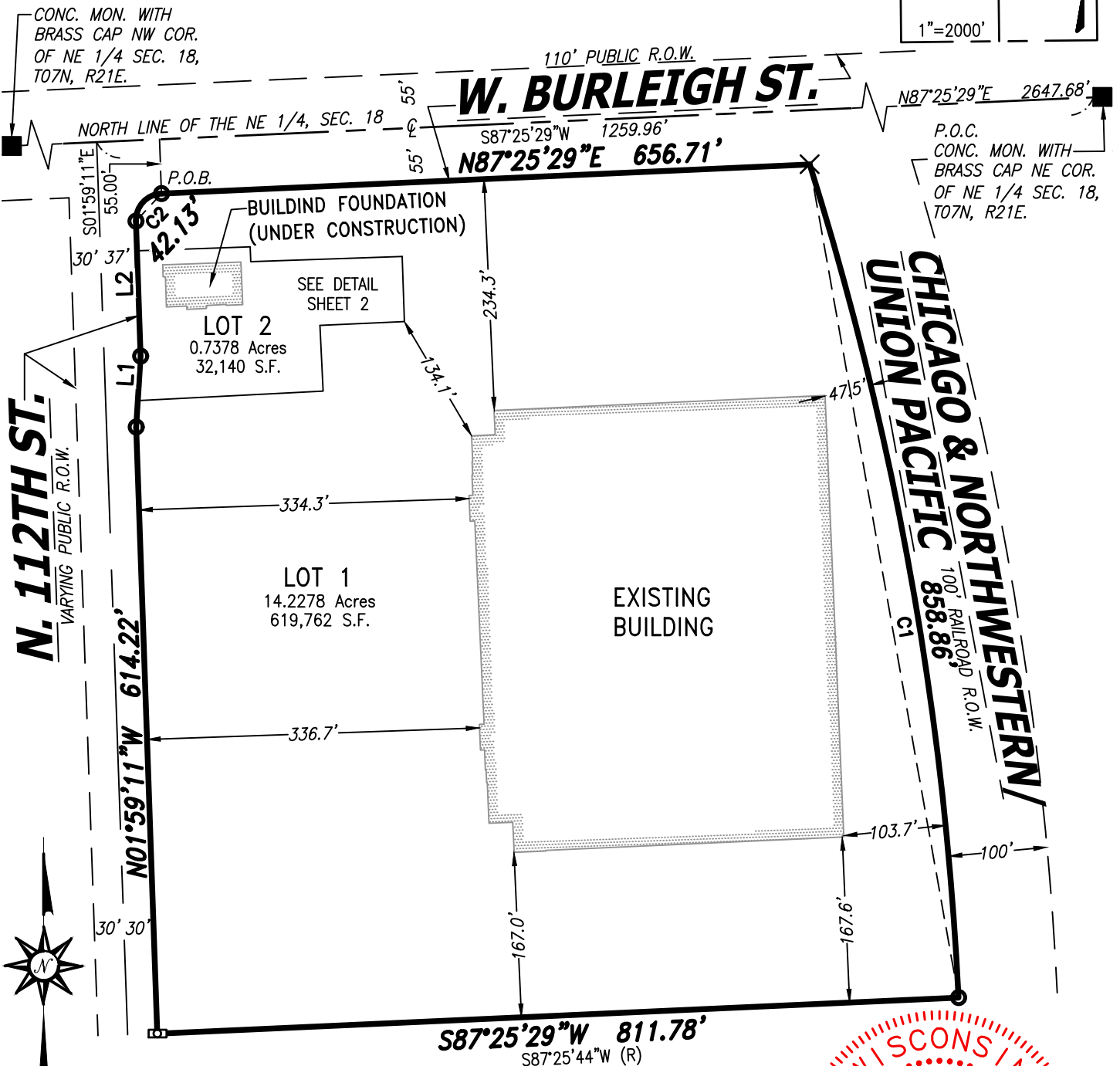
LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	N03°35'39"E	71.98'
L2	N01°59'11"W	136.60'

VICINITY MAP

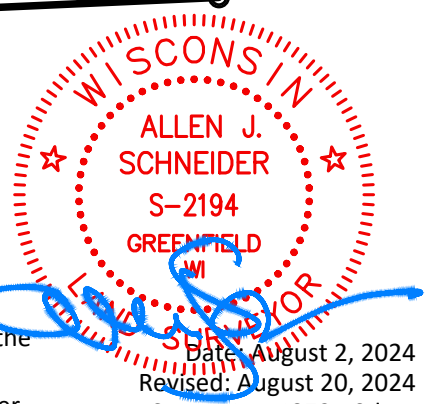
NE 1/4 SEC. 18-7-21



CURVE TABLE							
CURVE NO.	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LEN.	TANGENT IN	TANGENT OUT
C1	858.86'	3351.23'	014°41'02"	S10°07'49"E	856.51'	N02°47'18"W	N17°28'20"W
C2	42.13'	27.00'	089°25'12"	N42°43'09"E	37.99'	S87°25'45"W	S01°59'27"E



- LEGEND:
- - Denotes Set 1"X18" Iron Pipe, 1.13 LBS. per lineal foot
 - - Denotes Found Iron Pipe
 - ⊗ - Denotes Found Chiseled Cross
 - ⊞ - Denotes Found Notch
 - (R) - Denotes "Recorded As"



CHAPUT LAND SURVEYS

All bearings are referenced to the Wisconsin State Plane Coordinate System, South-zone (NAD83/2011) in which the North line of the NE 1/4, Sec. 18 bears N87°25'29"E.

This instrument was drafted by Allen J. Schneider
Professional Land Surveyor S-2194

Date: August 2, 2024
Revised: August 20, 2024
Survey No. 4372.10-lpm
Sheet 1 of 7 Sheets

234 W. Florida Street
Milwaukee, WI 53204

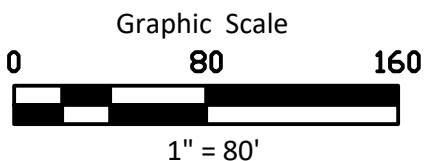
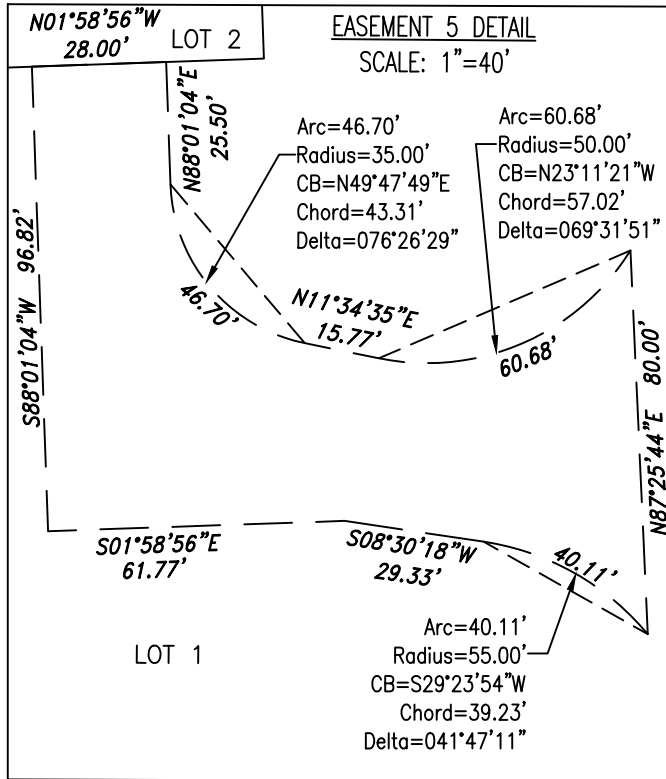
414-224-8068
www.chaputlandsurveys.com

CERTIFIED SURVEY MAP NO. _____

A redivision of Lot 1 of Certified Survey Map No. 8583 being a part of the Northeast 1/4 of the Northeast 1/4 of Section 18, Town 7 North, Range 21 East in the City of Wauwatosa, Milwaukee County, Wisconsin.

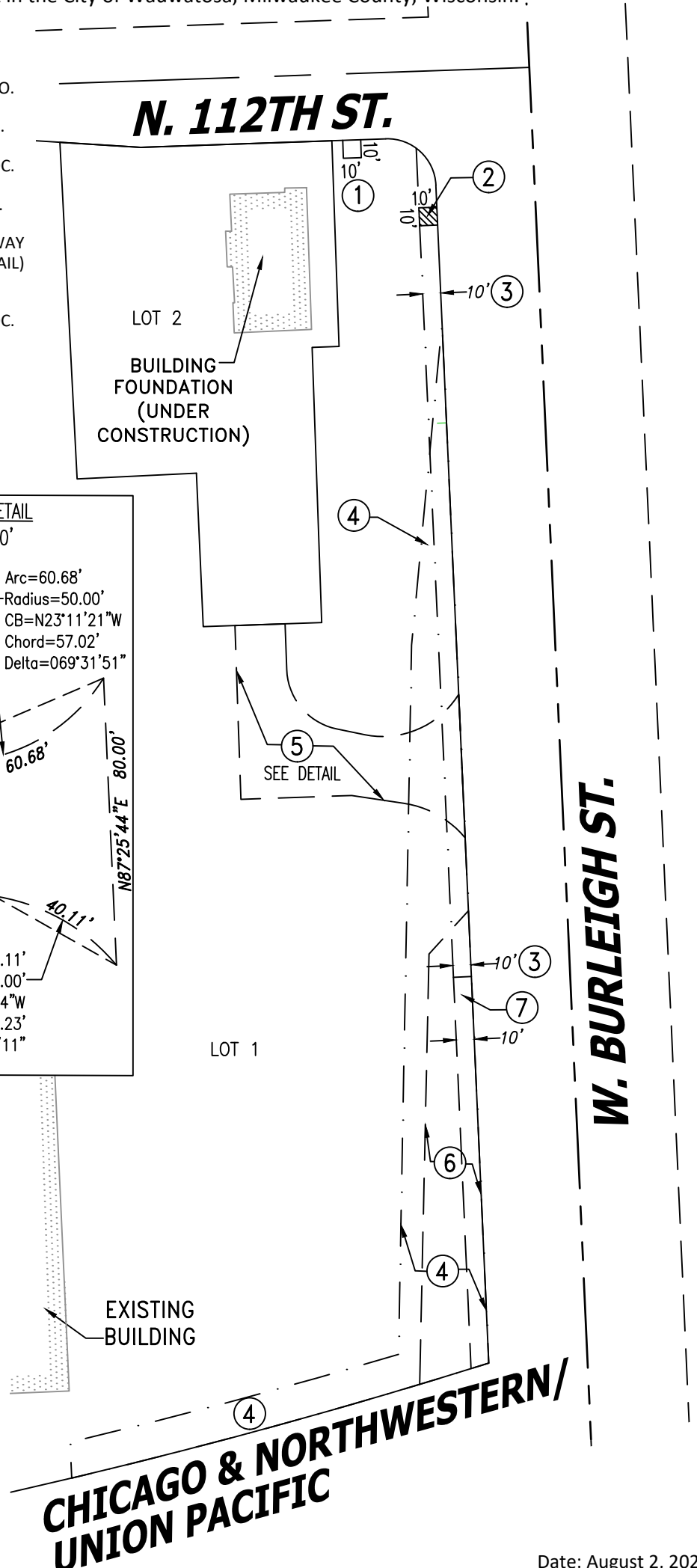
EASEMENTS FOR REFERENCE ONLY

1. 10'X10' UTILITY EASEMENT PER C.S.M. NO. 8583
2. 10'X10' UTILITY EASEMENT PER DOC. NO. 6338751 (HATCH)
3. 10' SANITARY SEWER EASEMENT PER DOC. NO. 3418351
4. STORM SEWER EASEMENT PER DOC. NO. 3835917
5. NON-EXCLUSIVE EASEMENT FOR DRIVEWAY ACCESS BY OTHER DOCUMENT (SEE DETAIL)
6. WATER MAIN AND SANITARY SEWER EASEMENT PER DOC. NO. 4764132
7. 10' SANITARY SEWER EASEMENT PER DOC. NO. 3418353 AND C.S.M. NO. 8583



CHAPUT
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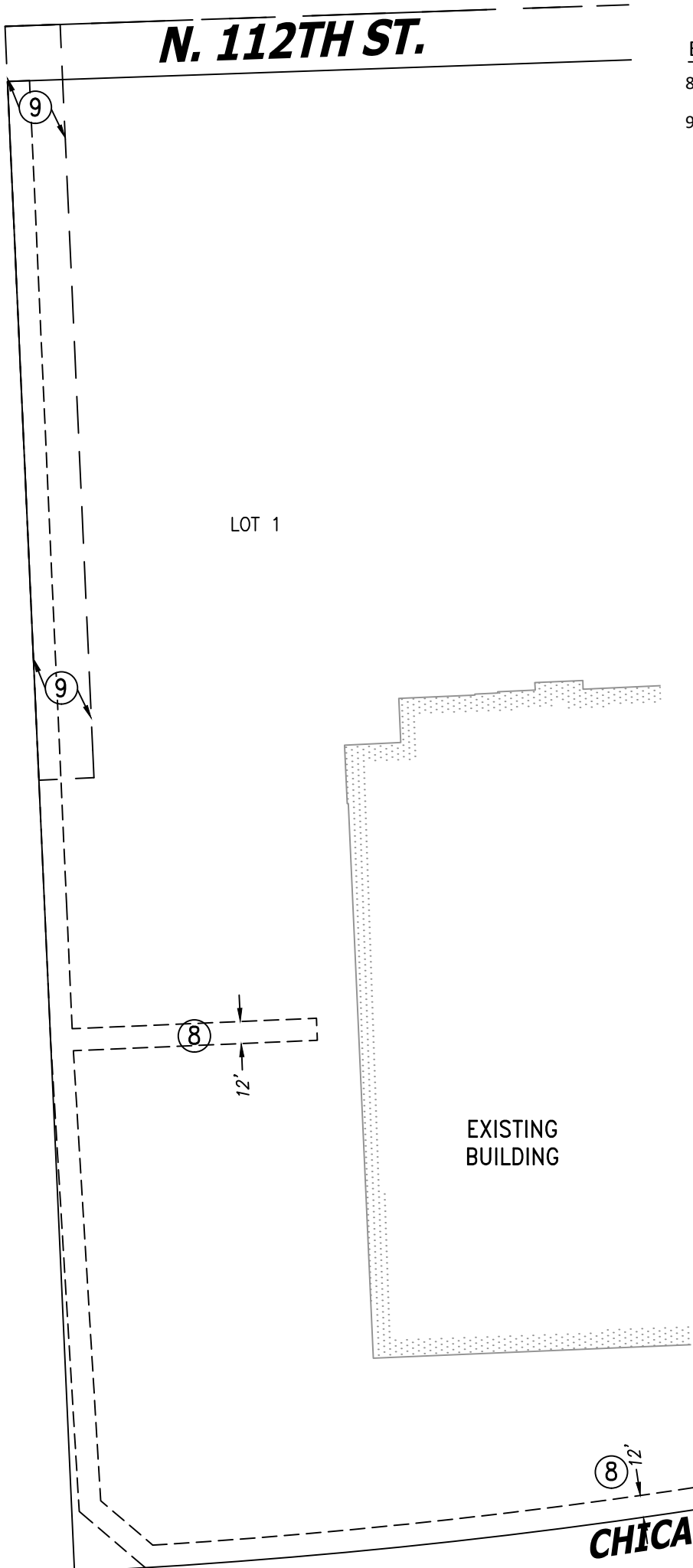


This instrument was drafted by Allen J. Schneider
Professional Land Surveyor S-2194

Date: August 2, 2024
Revised: August 20, 2024
Survey No. 4372.10-lpm
Sheet 3 of 7 Sheets

CERTIFIED SURVEY MAP NO. _____

A redivision of Lot 1 of Certified Survey Map No. 8583 being a part of the Northeast 1/4 of the Northeast 1/4 of Section 18, Town 7 North, Range 21 East in the City of Wauwatosa, Milwaukee County, Wisconsin.



EASEMENTS FOR REFERENCE ONLY

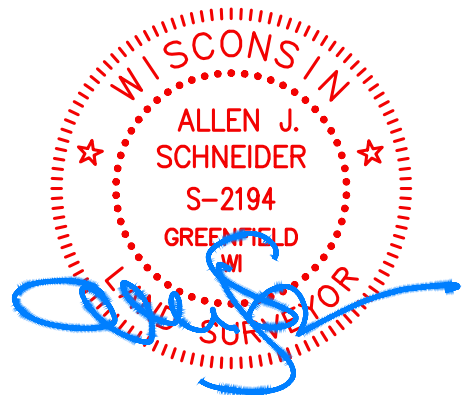
- 8. ELECTRIC UTILITY EASEMENT PER DOC. NO. 10323595
- 9. 30' EASEMENT FOR THE PURPOSES OF INGRESS, EGRESS, AND RIGHT-OF-WAY AND UTILITY MAINTENANCE PER DOC. NO. 3959290



Graphic Scale



1" = 80'



CHAPUT
LAND SURVEYS

234 W. Florida Street 414-224-8068
Milwaukee, WI 53204 www.chaputlandsurveys.com

CHICAGO & UNION PACIFIC
NORTHWESTERN/

Date: August 2, 2024
Revised: August 20, 2024
Survey No. 4372.10-lpm
Sheet 4 of 7 Sheets

This instrument was drafted by Allen J. Schneider
Professional Land Surveyor S-2194

CERTIFIED SURVEY MAP NO. _____

A redivision of Lot 1 of Certified Survey Map No. 8583 being a part of the Northeast 1/4 of the Northeast 1/4 of Section 18, Town 7 North, Range 21 East in the City of Wauwatosa, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN}

:SS

COUNTY OF MILWAUKEE}

I, ALLEN J. SCHNEIDER, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a redivision of Lot 1 of Certified Survey Map No. 8583 being a part of the Northeast 1/4 of the Northeast 1/4 of Section 18, Town 7 North, Range 21 East in the City of Wauwatosa, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northeast corner of the Northeast 1/4 of Section 18; thence South 87°25'29"W along the North line of said 1/4 Section 1259.96 feet; thence South 01°59'11" East 55.00 feet to a point on the South line of West Burleigh Street and the point of beginning of lands herein to be described; thence North 87°25'29" East 656.71 feet to the West line of the Chicago Northwestern/Union Pacific Railroad being a point of curvature; thence Southeasterly 858.86 feet along said West line and arc of a curve, whose center lies to the Southwest, whose radius is 3351.23 feet, and whose chord bears South 10°07'49" East 856.51 feet to a point; thence South 87°25'29" West 811.78 feet to a point on the East line of North 112th Street; thence North 01°59'11" West along said East line 614.22 feet to a point; thence North 03°35'39" East along said East line 71.98 feet to a point; thence North 01° 59'11" West along said East line 136.60 feet to a point of curvature; thence Northeasterly 42.13 feet along said East line and arc of a curve, whose center lies to the Southeast, whose radius is 27.00 feet, and whose chord bears North 42°43'09" East 37.99 feet to the point of beginning.

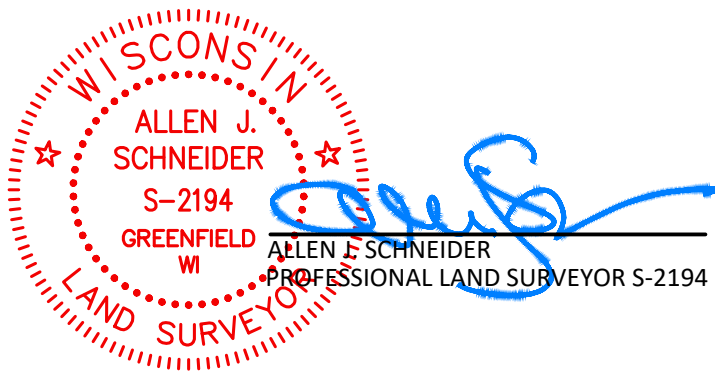
Said lands as described contains 651,902 square feet or 14.9656 acres.

THAT I have made the survey, land division and map by the direction of MEIJER STORES LIMITED PARTNERSHIP, a Michigan limited partnership, owner.

THAT such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes, and the City of Wauwatosa Code in surveying, dividing and mapping the same.

August 2, 2024
DATE



CERTIFIED SURVEY MAP NO. _____

A redivision of Lot 1 of Certified Survey Map No. 8583 being a part of the Northeast 1/4 of the Northeast 1/4 of Section 18, Town 7 North, Range 21 East in the City of Wauwatosa, Milwaukee County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

MEIJER STORES LIMITED PARTNERSHIP, a Michigan limited partnership, duly organized and existing under and by virtue of the laws of the State of Michigan, as owner, hereby certifies that said limited liability company caused the land described on this Certified Survey Map to be surveyed, divided, and mapped as represented on this map in accordance with the requirements of the City of Wauwatosa and Chapter 236 of the Wisconsin Statutes.

MEIJER STORES LIMITED PARTNERSHIP, a Michigan limited partnership, does further certify that this map is required by S.236.20 or 236.12 to be submitted to the following for approval or objection: City of Wauwatosa.

IN WITNESS WHEREOF, MEIJER STORES LIMITED PARTNERSHIP, a Michigan limited partnership, has caused these presents to be signed by the hand of _____, its _____, on this _____ day of _____, 2024.

MEIJER STORES LIMITED PARTNERSHIP,
a Michigan limited partnership
By: MEIJER GROUP, INC., its General Partner

By: _____
Printed: _____
Its: _____

STATE OF _____ }
 }:SS
_____ COUNTY }

Personally came before me this _____ day of _____, 2024, _____, to me known as the person(s) who executed the foregoing instrument and to me known to be the _____ of MEIJER STORES LIMITED PARTNERSHIP, a Michigan limited partnership and acknowledged that they executed the foregoing instrument.

Notary Signature: _____
Print Notary Name: _____
Notary Public, State of _____
My Commission Expires: _____

(Notary Seal)



CHAPUT
LAND SURVEYS

234 W. Florida Street 414-224-8068
Milwaukee, WI 53204 www.chaputlandsurveys.com

This instrument was drafted by Allen J. Schneider
Professional Land Surveyor S-2194

Date: August 2, 2024
Revised: August 20, 2024
Survey No. 4372.10-lpm
Sheet 6 of 7 Sheets

CERTIFIED SURVEY MAP NO. _____

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PLANNING COMMISSION APPROVAL

Approved by the Planning Commission of the City of Wauwatosa on this _____ day of _____, 2024.

Dennis McBride, Mayor & Chairperson

Tamara Szudy, Secretary

COMMON COUNCIL APPROVAL

Approved and accepted by the Common Council of the City of Wauwatosa in accordance with the resolution adopted on this _____ day of _____, 2024.

Steven A. Braatz Jr, City Clerk





Staff Report

File #: 24-1179

Agenda Date: 9/9/2024

Agenda #: 5.

Ordinance amending portions of Section 24.16 of the Wauwatosa Municipal Code providing that zoning-related public hearings shall be held by the Common Council in advance of introduction at Plan Commission

Submitted by:

Tammy Szudy

Department:

Development

A. Background/Options

Earlier this year, City staff presented a revised Common Council calendar for the remainder of 2024 that reduces Council meetings to once a month along with various procedure ordinance modifications, including zoning procedures, due to less frequent Council meetings. After several Government Affairs Committee meetings, it was the Council's desire to have all zoning related public hearings before the Council and consistent public hearing schedules and processes.

The proposed zoning text amendments that require all zoning related public hearings to be held at the Common Council prior to Plan Commission review are attached. The specific changes are:

- Conditional Use Permits - the public hearing will be held before the Common Council as the first step in the process, followed by Plan Commission review, and then back to Council for approval. The current process is public hearing and consideration before the Plan Commission followed by Council approval.
- Zoning Map and Text Amendments - the public hearing will be held before the Common Council as the first step in the process, followed by Plan Commission review, and then back to Council for approval. The current process is Plan Commission consideration, a public hearing before the Common Council, Community Affairs review, and Council approval.
- Planned Unit Development Preliminary Plans - the public hearing will be held before the Common Council as the first step in the process, followed by Plan Commission review, and then back to Council for approval. The current process is Plan Commission consideration, a public hearing before the Common Council, Community Affairs review, and Council approval.

Past meetings related to this topic are referenced.

As this is being reviewed under the current procedures, the Plan Commission needs to set an October 22, 2024 public hearing date before the Common Council as part of a motion.

B. Staff Comments

Planning/Zoning Division

No issues.

Building Division

No issues.

City Assessor's Office

No issues.

City Clerk's Office

No issues.

Engineering Division

No issues.

Fire Department

No issues.

Health Department

No issues.

Police Department

No issues.

C. Recommendation

Staff recommends approval and setting a public hearing date of October 22, 2024.

**CITY OF WAUWATOSA
ORDINANCE ZONING PUBLIC HEARING MODIFICATIONS**

**ORDINANCE AMENDING PORTIONS OF CHAPTER 24.16 OF THE WAUWATOSA
MUNICIPAL CODE OF ORDINANCES TO PROVIDE PUBLIC HEARINGS
BEFORE THE COMMON COUNCIL IN ADVANCE OF INTRODUCTION OF
CERTAIN ZONING APPROVALS AT THE PLAN COMMISSION**

The Common Council of the City of Wauwatosa, in the State of Wisconsin, do ordain as follows:

SECTION 1: **AMENDMENT** “24.16.010 Common Provisions” of the Wauwatosa Municipal Code is hereby *amended* as follows:

AMENDMENT

24.16.010 Common Provisions

A. Summary of Review and Decision-making Authority. The following table provides a summary of review and decision-making authority.

	ZA	DRB	HPC	BZA	PC	CC[1]
Zoning Text and Map Amendments	—	—	—	—	R	<DM>
Conditional Use Permits	—	—	—	—	<R>	<DM>
Planned Unit Developments						
Preliminary Development Plan	—	—	—	—	R	<DM>
Final Development Plan	—	R	—	—	—	DM
Variances	—	—	—	<DM>	—	—
Historic (Site/Structure) Designation	—	—	<R>	—	R	<DM>
Historic Overlay Zoning Map Amendment	—	—	<R>	—	R	<DM>
Certificates of Appropriateness	—	—	<DM>	—	—	—
Appeals of Administrative Decisions	—	—	—	<DM>	—	—

Temporary Use	DM	—	See also Section 24.10.080
---------------	----	---	----------------------------

[1]Committee review may be required before common council action (see also Section 2.02.110 of the city code of ordinances).

CC = common council

PC = plan commission

BZA = board of zoning appeals

HPC = historic preservation commission

ZA = zoning administrator

R = review and recommendation

DM = decision-making body (final decision)

<> = public hearing required

B. Applicability. The common provisions of this section apply to all of the procedures in this chapter unless otherwise expressly stated.

C. Applications and Fees.

1. Eligible Applicants. Many of the procedures of this chapter allow applications to be filed by "eligible applicants." An eligible applicant is any person, firm, or corporation (including their authorized agent) having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest that may become a freehold possessory interest or any exclusive possessory interest that is specifically enforceable on the subject property.

2. Form of Application.

a. Applications required under this zoning ordinance must be submitted in a form and in such numbers as required by the zoning administrator.

b. The zoning administrator must develop checklists of application submittal requirements and make those checklists available to the public.

3. Application Filing Fees. Applications must be accompanied by the fee amount indicated in the consolidated fee schedule that has been approved by the common council. Upon withdrawal of any application pursuant to the provisions of subsection 24.16.010 F.4., below, the applicant shall not be entitled to a refund or return of the required filing fees except upon action of the Common Council.

4. Application Completeness, Accuracy and Sufficiency.

a. An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required filing fee.

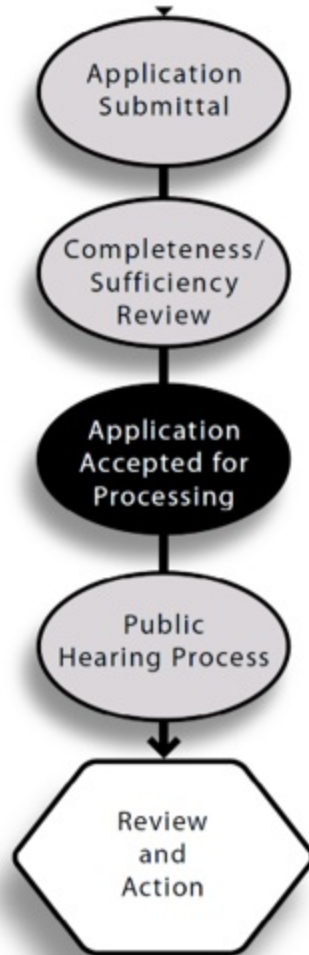
b. The zoning administrator must make a determination of application completeness within seven business days of application deadline.

c. If an application is determined to be incomplete, the zoning administrator must provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application will occur until the deficiencies are corrected. If the

deficiencies are not corrected by the applicant within 60 days, the application will be considered withdrawn.

- d. No further processing of incomplete applications will occur and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next processing cycle.

16-1: Review Process



- e. Applications deemed complete will be considered to be in the processing cycle and will be reviewed by staff and other review and decision-making bodies in accordance with applicable review and approval procedures of this zoning ordinance.
- f. The zoning administrator may require that applications or plans be revised before being placed on an agenda for possible action if the zoning administrator determines that:
 - (1) The application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning

ordinance requirements or other regulations;

(2) The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance requirements or other regulations; or

(3) The decision-making body does not have legal authority to approve the application or plan as submitted.

D. Application Processing Cycles. The zoning administrator, after consulting with review and decision-making bodies, is authorized to promulgate reasonable cycles and timelines for processing applications. Processing cycles may establish:

1. deadlines for receipt of complete applications;
2. dates of regular meetings and public hearing;
3. the scheduling of staff reviews and reports; and
4. time-frames for review and decision-making.

E. Hearings.

1. Interested parties and citizens must be given an opportunity to appear and be heard at required hearings, subject to reasonable rules of procedure.
2. A hearing for which proper notice was given may be continued to a later date without providing additional notice as long as the continuance is set for specified date and time and that date and time is announced at the time of the continuance.
3. If a hearing is continued or postponed for an indefinite period of time from the date of the originally scheduled hearing, new public notice must be given before the rescheduled hearing. If the applicant requests a postponement, the applicant must pay any costs of renotification.

4. Public Hearing Notices.

a. Published Notice. Whenever the provisions of this zoning ordinance require that published notice be provided, the notice must be published in the city's official newspaper in accordance with Chapter 985 of the Wisconsin Statutes. The applicant must post signage in a format provided by the city in a prominent location on the development site for the duration of the approval process.

b. Mailed Notice.

(1) Unless otherwise expressly stated, whenever the provisions of this zoning ordinance require that notices be mailed, the notices must be sent via United States Postal Service mail.

(2) Addresses must be taken from the latest property information available in the office of the city assessor.

c. Courtesy Notices. In addition to the forms of notice required to be provided by the provisions of this zoning ordinance, the city may elect to provide additional forms of courtesy notification by, for example, mailing notice to neighborhood organizations, posting notices in city hall or other city buildings or providing notice via the Internet.

d. Content of Notices. All required public hearing notices must:

(1) Indicate the date, time and place of the hearing or date of

action that is the subject of the notice;

- (2) Describe any property involved in the application by address or by a commonly understood description of the location;
- (3) Describe the general nature, scope and purpose of the application or proposal; and
- (4) Indicate where additional information on the matter can be obtained.

F. Action by Review Bodies and Decision-Making Bodies.

1. Review and decision-making bodies may take any action that is consistent with:
 - a. the regulations of this zoning ordinance;
 - b. any rules or by-laws that apply to the review or decision-making body; and
 - c. the notice that was given.
2. Review and decision-making bodies are authorized to defer action or continue a public hearing in order to receive additional information or further deliberate.
3. Review and decision-making bodies are authorized to defer action, continue the hearing or deny an application whenever the applicant fails to appear for a scheduled and advertised hearing or whenever the applicant fails at more than one meeting to provide the documentation necessary to demonstrate compliance with the notice requirements of this zoning ordinance.
4. An applicant may withdraw an application at any time prior to the scheduled time of a meeting at which a final vote by the appropriate decision-making body is to occur, by written or electronic communication indicating such withdrawal to the City Clerk. Such item shall be immediately removed from any upcoming agenda and no further action shall be taken upon the application by such decision-making body. Following such withdrawal, further consideration of said item must follow the process described within this code for a new application.
5. An applicant may postpone review of an application at any time prior to the scheduled time of a meeting by written or electronic communication to the city clerk. Such item shall be immediately removed from any upcoming agenda and no further action shall be taken until requested by the applicant. Applications with no activity for six months will be considered withdrawn and further consideration of said item must follow the process described within this code for a new application.

G. Conditions of Approval. When decision-making bodies approve applications with conditions, the conditions must relate to a situation created or aggravated by the proposed use or development and must be roughly proportional to the impacts of the use or development.

H. Decision-Making Criteria; Burden of Proof or Persuasion. Applications must address relevant review and decision-making criteria. In all cases, the burden is on the applicant to show that an application complies with all applicable review or approval criteria.

(Ord. O-13-17, § XIII, 11-19-2013)

SECTION 2: AMENDMENT “24.16.020 Zoning Ordinance Text Amendments” of the Wauwatosa Municipal Code is hereby *amended* as follows:

AMENDMENT

24.16.020 Zoning Ordinance Text Amendments

- A. Authority to Initiate. Amendments to the text of this zoning ordinance may be initiated by the common council or the plan commission, or following the filing of an application with the zoning administrator.
- B. Public Hearing and Notice of Hearing. Upon receiving a completed application for a Zoning Ordinance Text Amendment, planning staff shall schedule a public hearing before the common council and prepare appropriate notice and publications. Class 2 notice of the common council's required public hearing on a zoning ordinance text amendment must be published in accordance with chapter 985 of the Wisconsin Statutes.
- C. Plan Commission Recommendation. ~~P~~Following the required public hearing before the common council, proposed zoning ordinance text amendments must be referred to the plan commission. Following their review of the proposed text amendment, the plan commission must act by simple majority vote of those members present and voting to recommend that the proposed text amendment be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.
- D. Common Council ~~Hearing Consideration~~ and Decision.
 - 1. Upon receipt of recommendations from the plan commission, the common council ~~must hold a public hearing on the proposed text amendment.~~ ~~Following the close of the public hearing, the common council~~ may act to approve, approve with modifications or deny the proposed text amendment. If the plan commission's recommendation has not been forwarded to the common council within 60 days of referral of the proposed text amendment to the plan commission, the common council may ~~hold the required hearing and~~ take action without receipt of the recommendation.
 - 2. Final action on a zoning ordinance text amendment by the common council requires a simple majority vote of those members present and voting.
- E. Review Criteria and Standards. Zoning ordinance text amendments are legislative decisions of the common council based on their consideration of the public, health, safety and general welfare.

SECTION 3: AMENDMENT “24.16.030 Zoning Map Amendments (Rezoning)” of the Wauwatosa Municipal Code is hereby *amended* as follows:

AMENDMENT

24.16.030 Zoning Map Amendments (Rezoning)

- A. Authority to Initiate. Amendments to the official zoning map may be initiated by the common council, the plan commission or by petition of an eligible applicant or an eligible applicant's authorized agent (See Section 24.16.010C.1).
- B. Application Filing. Zoning map amendment applications must be filed with the zoning administrator.
- C. Public Hearing and Notice of Hearing.
 - 1. Upon receipt of a completed application for a Zoning Map Amendment, planning staff shall schedule a public hearing before the common council and prepare appropriate notices and publications. ~~Notice of the plan commission's meeting must be mailed to all owners and occupants (when data available) of property within 300 feet of the subject property at least 7 days before the hearing.~~
 - 2. Class 2 notice of the common council's required public hearing on a zoning map amendment must be published in accordance with chapter 985 of the Wisconsin Statutes.
 - 3. Notice must be mailed to all of the following at least 7 days before the common council's required public hearing:
 - a. the subject property owner;
 - b. all owners and occupants (when data available) of property within 300 feet of the subject property; and
 - c. the clerk of any municipality with corporate limits that abut the subject property.
 - 4. The applicant must post signage in a format provided by the city in a prominent location on the development site for the duration of the approval process.
- D. Plan Commission Recommendation. ~~P~~Following the required public hearing before the common council, proposed zoning map amendments must be referred to the plan commission. Following review of the proposed zoning map amendment, the plan commission must act by simple majority vote of those members present and voting to recommend that the proposed zoning map amendment be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.
- E. Common Council Hearing and Decision.
 - 1. Upon receipt of recommendations from the plan commission, the common council ~~must hold a public hearing on the proposed zoning map amendment. Following the close of the public hearing, the common council~~ may act to

approve, approve with modifications (e.g., reducing the land area involved in the rezoning or recommending another less intensive zoning classification) or deny the proposed zoning map amendment. If plan commission recommendation has not been forwarded to the common council within 60 days of referral of the proposed zoning map amendment to the plan commission, the common council may ~~hold the required hearing and~~ take action without receipt of the recommendation.

2. Final action on a zoning map amendment by the common council requires a simple majority vote of those members present and voting, except when a valid protest petition is filed with the city clerk before the date of the meeting that the common council takes final action on the amendment, approval of the zoning map amendment requires at least a 60% majority vote of those common council members present and voting.

F. Protest Petitions. A valid protest petition must be signed and acknowledged by the owners of:

1. more than 50% of the land area included in the proposed zoning map amendment;
2. more than 50% of the land area immediately adjacent and extending 100 feet from the subject property; or
3. more than 50% of the land directly opposite from the subject property and extending 100 feet from the street frontage of the opposite land.

G. Review Criteria and Standards. Zoning map amendments are legislative decisions of the common council based on their consideration of the public health, safety and general welfare.

H. Successive Applications. Upon disapproval of a zoning map amendment by the common council, no zoning map amendment petition requesting the same or more intensive zoning on the same or similar property may be filed for or accepted for processing by the city for 6 months from the date of final action by the common council.

(Ord. O-13-17, § XIV, 11-19-2013; Ord. O-14-20, pt. IX, 8-5-2014)

SECTION 4: AMENDMENT “24.16.040 Conditional Use Permits” of the Wauwatosa Municipal Code is hereby *amended* as follows:

AMENDMENT

24.16.040 Conditional Use Permits

- A. Purpose. The conditional use permit approval procedures of this section are intended to provide a transparent, public review process for land uses that, due to their widely varying design and operational characteristics, require case-by-case review in order to determine whether they will be compatible with surrounding uses and development

patterns.

- B. Authority to Initiate. Conditional use permit applications may be filed by eligible applicants or an eligible applicant's authorized agent (See Section 24.16.010C.1).
- C. Application Filing. Condition[al] use permit applications must be filed with the zoning administrator. Upon receipt of the application and a completeness determination, the zoning administrator shall schedule the public hearing ~~date~~ before the common council and coordinate the required notices.
- D. Notice of Hearing. The common council must hold a hearing on all conditional use permits.
 - 1. Notice of the ~~plan commission~~common council's required hearing must be mailed to all owners and occupants (when data available) of property within 200 feet of the subject property at least 7 days before the hearing.
 - 2. Class 2 notice of the ~~plan commission's~~common council's required public hearing on a ~~zoning map amendment~~conditional use permit must be published in accordance with chapter 62.23 (dm) of the Wisconsin Statutes.
 - 3. The applicant must post signage in a format provided by the city in a prominent location on the development site for the duration of the approval process.
- E. Plan Commission Recommendation. ~~The plan commission must hold a public hearing on all conditional use permits.~~ Following the close of the public hearing before the common council, proposed conditional use permits must be referred to the plan commission. ~~†~~The plan commission must act by simple majority vote of those members present and voting to recommend that the conditional use permit be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.
- F. Common Council Decision.
 - 1. Following receipt of recommendations from the plan commission, the common council may act to approve, approve with conditions or deny the conditional use permit. If the plan commission's recommendation has not been forwarded to the common council within 60 days of referral of the proposed condition[al] use to the plan commission, the common council may take action without receipt of the recommendation.
 - 2. Final action on a conditional use permit by the common council requires a simple majority vote of those members present and voting.
- G. General Review Criteria and Standards. The common council may authorize the zoning administrator to issue a conditional use permit if the common council finds that the following conditions exist and so indicates in the minutes of its proceedings:
 - 1. that the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;
 - 2. that the uses, values and enjoyment of surrounding properties for purposes already permitted in the district will not be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use;
 - 3. that establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding properties for uses

- permitted in the district;
 - 4. that adequate utilities, access roads, drainage and other necessary improvements have been or are being provided;
 - 5. that adequate measures have been or will be taken to provide ingress and egress that will minimize on- and off-site traffic congestion; and
 - 6. that the conditional use complies with all applicable regulations of the subject zoning district.
- H. Successive Applications. Upon disapproval of a conditional use permit by the common council, no similar conditional use permit application for the same or similar property may be filed or accepted for processing by the city for 12 months from the date of final action by the common council.
- I. Lapse of Approval. A Conditional Use will lapse and have no further effect one year after it is approved by the Common Council, unless:
- 1. a building permit has been issued (if required);
 - 2. the use or structure has been lawfully established; or
 - 3. unless a different lapse of approval period or point of expiration has been expressly established by the Common Council.
- J. Amendments. No modification or alteration of any conditional use permit approved pursuant to this section will be permitted unless approved by the Common Council.
- 1. Any application for an alteration, extension or other modification will be filed and processed as an original application under this section.
 - 2. Alterations and modifications shall be subject to the same standards and criteria as original applications and shall be in conformance with all the provisions of this section.
 - 3. Minor Deviations. Minor deviations to conditional uses including maintenance, repair, or renovation of existing buildings, structures or improvements and alterations, extensions, or other modifications of such uses that do not increase, intensify, expand, substantially change the character of the conditional use, or adversely affect adjacent property or property owners may be authorized by the zoning administrator and do not require approval by the common council.

(Ord. O-14-20, pt. X, 8-5-2014)

SECTION 5: **AMENDMENT** “24.16.050 Planned Unit Developments” of the Wauwatosa Municipal Code is hereby *amended* as follows:

AMENDMENT

24.16.050 Planned Unit Developments

- A. Planned Unit Development (/PUD) overlay zoning districts are established through the approval of a zoning map amendment in accordance with the zoning map amendment

procedures of Section 24.16.030. New PUD zoning map amendments shall be processed concurrently with a preliminary development plan application. Final development plan approval is required after approval of the PUD zoning map amendment and/or preliminary development plan. This section describes the required review and approval procedures for PUD preliminary and final development plans. Modifications to plans in existing /PUD overlay zoning districts follow established PUD plan amendment procedures.

- B. Development Plan Approval Required. Approval of PUD preliminary and final development plans must occur before any building permit is issued and before any development takes place in a /PUD overlay district. Permits may be issued for a development phase if a preliminary development plan has been approved for the entire PUD and a final development plan has been approved for the subject phase.
- C. Preliminary Development Plans. At the option of the applicant, the preliminary development plan may serve also as the preliminary subdivision plat if such intention is declared before the ~~plan commission's~~public hearing and if the plans include all information required for preliminary plats and preliminary development plans.
 - 1. Preapplication Meetings. Before submitting a PUD application, the applicant must schedule a meeting with the zoning administrator to discuss the proposed plan and the required process. The zoning administrator is responsible for coordinating the involvement of other relevant city departments in the preapplication meeting. The applicant must also hold a neighborhood meeting, with invitations mailed to all property owners within 200 feet of the subject property, alderpersons of the district, and the zoning administrator.
 - 2. Application Contents. An application for a preliminary development plan must contain all items of information specified in the pre-application meeting including proof of holding a neighborhood meeting prior to application submission.
 - 3. Application Filing. Complete applications for preliminary development plan approval must be filed with the zoning administrator at the same time that the /PUD zoning map amendment application is filed. Preliminary development plan applications may be filed only by the common council, the plan commission or by petition of an eligible applicant or an eligible applicant's authorized agent (See Section 24.16.010C.1). Upon receipt of the completed application, planning staff shall schedule a public hearing before the common council and prepare appropriate notice and publications.
 - 4. Notice of Hearing. The common council must hold a public hearing on the proposed preliminary development plan and/or /PUD zoning map amendment.
 - a. Notice of the ~~plan commission's~~common council's public hearing meeting must be mailed to all owners and occupants (when data available) of property within 300 feet of the subject property at least 7 days before the hearing.
 - b. Class 2 notice of the common council's required public hearing on a zoning map amendment must be published in accordance with chapter 985 of the Wisconsin Statutes.
 - c. Notice must be mailed to all of the following at least 7 days before the

common council's required public hearing:

- (1) the subject property owner;
- (2) all owners and occupants (when data available) of property within 300 feet of the subject property; and
- (3) the clerk of any municipality with corporate limits that abut the subject property.

d. The applicant must post signage in a format provided by the city in a prominent location on the development site for the duration of the approval process.

5. Following the required public hearing before the common council, PUD preliminary development plans must be referred to the plan commission with the /PUD zoning map amendment, if such map amendment is required. Following review of the proposed zoning map amendment and/or preliminary development plan, the plan commission must act by simple majority vote of those members present and voting to recommend that the proposed zoning map amendment and/or preliminary development plan be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.

6. Common Council Hearing and Decision.

a. Upon receipt of recommendations from the plan commission, ~~the common council must hold a public hearing on the proposed preliminary development plan and/or /PUD zoning map amendment, as required. At the meeting subsequent to the close of the public hearing,~~ the common council may act to approve, approve with modifications (e.g., reducing the land area involved in the rezoning or recommending another less intensive zoning classification) or deny the proposed preliminary development plan and/or /PUD zoning map amendment, as required. If plan commission recommendation has not been forwarded to the common council within 60 days of referral of the proposed preliminary development plan and/or /PUD zoning map amendment to the plan commission, the common council may ~~hold the required hearing and~~ take action without receipt of the recommendation.

b. Final action on a /PUD zoning map amendment by the common council requires a simple majority vote of those members present and voting, except when a valid protest petition is filed with the city clerk before the date of the meeting that the common council takes final action on the amendment, approval of the zoning map amendment requires at least a 60% majority vote of those common council members present and voting.

7. Review Criteria. Zoning map amendments are legislative decisions of the common council based on their consideration of the public, health, safety and general welfare.

8. Lapse of Approval.

a. If the subject landowner fails to file an application for PUD final

development plan approval within 12 months of the date of PUD preliminary development plan approval, the landowner may request a one-time extension for a period of up to one year. If the landowner does not request such an extension, or if the landowner does not file an application for a PUD final development plan within the 1-year extension period, approval of the PUD preliminary development plan will lapse and be of no further effect.

- b. For projects to be developed in phases, phase limits must be shown on the preliminary development plan. The common council may impose conditions upon the phasing plan as deemed necessary to ensure orderly development, including requirements for financial guarantees ensuring construction of all required improvements.

D. Final Development Plans.

1. **Application Filing.** Final development plan applications must be filed with the zoning administrator before the lapse of a preliminary development plan.
2. **Design Review Board's Recommendation.** PUD final development plans must be referred to the design review board. The design review board must review the final development plan and vote to recommend that the final development plan be approved, approved with modifications, or denied. The design review board's recommendation must be transmitted to the common council.
3. **Common Council Decision.** Following receipt of recommendations from the design review board, the common council may act to approve, approve with conditions or deny the final development plan. If the design review board has received all the required items of information in the final development plan, but has not forwarded a recommendation to the common council within 60 days of referral of the final development plan to the design review board, the common council may take action without receipt of the recommendation. Final action on a PUD final development plan by the common council requires a simple majority vote of those members present and voting.
4. **Review Criteria.** In reviewing PUD final development plans, review and decision-making bodies must determine if the submitted final development complies with the approved preliminary development plan, any conditions imposed on that plan or any applicable regulations of this zoning ordinance.
5. **Lapse of Approval.**
 - a. In the event the landowner fails to commence development shown on the final development plan within 12 months after final approval has been granted, then such final approval will lapse and be of no further effect unless the time period is extended by the common council upon written application by the landowner.
 - b. Requests for extensions must be submitted to the zoning administrator before the final development plan approval expires and must be processed in accordance with the procedures for approval of a /PUD preliminary development plan, including applicable filing fees (for time extension), notices and hearings.
 - c. In the event of lapse of approval, approved PUD plans have no

further effect and the regulations of the underlying zoning govern.

6. Notice of Hearing.
 - a. Notice of the required hearing must be mailed to all owners and occupants (when data available) of property within 300 feet of the subject property at least 7 days before the hearing.
 - b. Class 2 notice of the common council's required public hearing on a zoning map amendment must be published in accordance with chapter 985 of the Wisconsin Statutes.
 - c. Notice must be mailed to all of the following at least 7 days before the common council's required public hearing:
 - (1) the subject property owner;
 - (2) all owners and occupants (when data available) of property within 300 feet of the subject property; and
 - (3) the clerk of any municipality with corporate limits that abut the subject property.
 - d. The applicant must post signage in a format provided by the city in a prominent location on the development site for the duration of the approval process.

E. Amendments.

1. Amendment Determination. The common council is authorized to determine whether a proposed PUD amendment constitutes a minor or major amendment.
2. Major Amendments. Major amendments may be approved only through the procedure required for approval of the PUD. A major amendment is one that constitutes a material change to the approved final development plan that is likely to create more significant adverse impacts on surrounding property owners or the community as a whole, such as:
 - a. increases in the number of dwelling units or the amount of nonresidential floor area;
 - b. reductions in the amount of land area set aside as open space, recreation area or natural resource conservation area; or
 - c. failure to provide public amenities or public benefit features approved as part of the PUD.
3. Minor Amendments. The common council is authorized to approve minor PUD amendments through the approval of an amended final development plan, in accordance with the procedures of Section 24.16.050D. See 24.05.010B for additional procedures for zoning overlays.

SECTION 6: **EFFECTIVE DATE** This Ordinance shall be effective on and after its dates of passage and publication.

PASSED AND ADOPTED BY THE CITY OF WAUWATOSA COMMON COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Staff	_____	_____	_____	_____

Presiding Officer

Attest

Dennis McBride, Mayor, City of
Wauwatosa

Steven Braatz, City Clerk, City of
Wauwatosa