



Wauwatosa, WI

Plan Commission

Meeting Agenda - Final

7725 W. North Avenue
Wauwatosa, WI 53213

Monday, October 9, 2023

6:00 PM

Council Chambers and Zoom:
<https://us02web.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. Proposed zoning text amendment related to drive-through establishments **23-741**
in the Mayfair Corridor Overlay District.

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 #: 23-741

Agenda Date: 10/9/2023

Agenda #:

Proposed zoning text amendment related to drive-through establishments in the Mayfair Corridor Overlay District.

Submitted by:

Art Pinon

Department:

Development/Planning Division

A. Background/Options

At the June 20, 2023 meeting, the Common Council directed staff to explore a proposal to prohibit all high volume drive-through restaurant services on all, or portions of, Mayfair Road in the City of Wauwatosa. The resolution is attached.

At the September 12, 2023 Community Affairs Committee meeting, staff proposed the following additional Mayfair Corridor Overlay regulations specific to drive-through restaurant establishments, as well as car washes, gas stations, and banks, as these uses can impact Mayfair Road street operations and safety:

Drive-through facilities require approval of a Conditional Use Permit for project sites that meet one or more the following criteria:

- Properties with 400+ feet of frontage along Mayfair Road.
- Corner properties with 250+ feet of frontage along Mayfair Road and 250+ feet of frontage along the cross-street.
- Property entrances with direct access to a traffic signal. Cross-access may be used to meet this criterion.

If the property does not meet the criteria listed above, a drive-through establishment is prohibited.

If the property meets the criteria, the facility shall meet all development standards of the zone, unless otherwise specified in this section, and the site shall be designed in accordance with the following:

- Driveway throat lengths and internal cross-access locations must be designed to prevent back-ups onto sidewalks and streets at times of peak usage.
- Access locations must not negatively impact traffic flow, traffic safety, or pedestrian safety.
- A TIA must be prepared and the findings accepted by both WisDOT and the City Engineer or designee.
- Cross-access is strongly encouraged.

The location of the Mayfair Corridor Overlay District is shown on attached maps.

The Committee unanimously referred the proposal to the Plan Commission to initiate the zoning text amendment process. Since the Community Affairs Committee, staff determined banks should not be subject these regulations as the impact to roadway operations is minimal. The proposed ordinance changes are attached.

A zoning text amendment requires a public hearing date. As part of a motion, the Plan Commission should set a public hearing date of November 7, 2023.

B. Recommendation

Staff recommends approval and setting a public hearing date of November 7, 2023.

24.05.020 /MAY, Mayfair Corridor Overlay.

- A. Purpose. The /MAY, Mayfair Road Corridor Overlay district is intended to help protect the appearance and operational (transportation) function of the Mayfair Road corridor.
- B. Minimum Building Height. Buildings within the /MAY Overlay district must be at least 2 stories and 24 feet in height.
- C. Regional Mall Standards.
 - 1. Minimum Interior Side Setback and Rear Setback. Parcels associated with a regional mall are allowed 0 feet interior side setback and rear setback for parcel lines not adjacent to R-zoned property. When adjacent to R-zoned property, the minimum interior side setback and rear setback is 15 feet for buildings 50 feet in height and below, 25 feet for buildings 51 feet to 100 feet, and 50 feet for buildings 101 feet and above.
 - 2. Eating & Drinking Establishments. No Conditional Use is required for establishments with no separate entrance or seating.
 - 3. Minimum Lot Area Per Unit (square feet). Does not apply to parcels associated with a regional mall.
 - 4. Multi-unit residential building is a permitted use when part of a regional mall.

D. Drive-Through or Drive-In Facilities.

Drive-through or drive-in facilities for restaurants, car washes, and gas stations require a Conditional Use Permit for project sites that meet one or more the following criteria:

- 1. Parcels with 400 feet minimum of frontage along Mayfair Road.
 - 2. Corner parcels with 250 feet minimum of frontage along Mayfair Road and 250 feet minimum of frontage along the cross street.
 - 3. Parcel entrances with direct access to a traffic signal. Cross-access may be used to meet this criterion.
- If the parcel does not meet the criteria listed above, a drive-through facility on Mayfair Road is prohibited.

If the parcel meets the criteria, the facility shall meet all development standards of the zone, unless otherwise specified in this section, and the site shall be designed in accordance with the following:

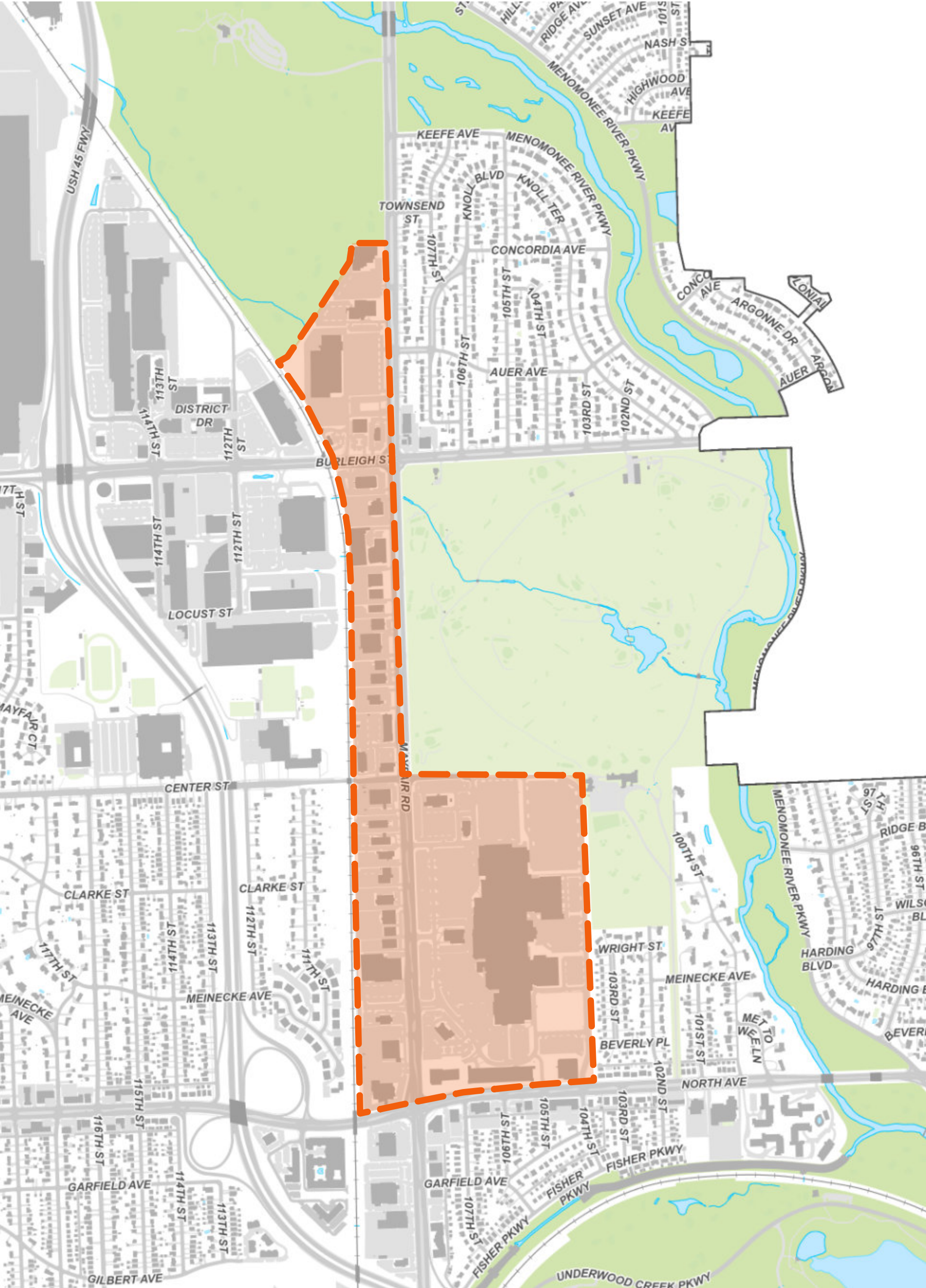
- 1. Driveway throat lengths and internal cross-access locations must be designed to prevent back-ups onto sidewalks and streets at times of peak usage.
- 2. Access locations must not negatively impact traffic flow, traffic safety, or pedestrian safety.
- 3. A traffic impact analysis must be prepared and the findings accepted by both WisDOT and the City Engineer or designee.
- 4. Cross-access is strongly encouraged.

24.07.030 - Use Table.

(this only shows the proposed changes to the use table)

USE CATEGORY	DISTRICTS										
	R1-15	R1-9	R1-6	R-2	R-4	R-8	CO ^[5]	C1 ^[5]	C2 ^[5]	M1 ^[5]	M2
Drive-through or Drive-in Facilities	-	-	-	-	-	-	C	C[4]	C <u>[4]</u>	C	C

-
- [1] See Section 24.06.070 for a list of permitted and conditional uses in the SP-RP district.
 - [2] See Section 24.09.110 for additional regulations.
 - [3] See Section 24.05.020 C.2. In a regional mall, no Conditional Use is required for establishments with no separate entrance or seating.
 - [4] See Section 24.05.030 B.7. Drive-through or drive-in facilities are prohibited in /NOR overlay. [See Section 24.05.020 D for additional /MAY Overlay drive-through or drive-in regulations.](#)
 - [5] See Subsection 24.03.040 I and 24.04.040 F. - Outdoor storage activities require a Conditional Use.
 - [6] See Subsection 24.08.040 O.2. "Office or Clinic, Medical" definition.



Not to Scale

PROPOSED MAYFAIR CORRIDOR OVERLAY DISTRICT



PROPOSED MAYFAIR
OVERLAY DISTRICT

Phase 2

Not to scale

By: Plan Commission

Resolution denying a request by Joe Vavrina, HR Green, Inc., for a Conditional Use Permit in the C2 District at 2825 N. Mayfair Road for an eating establishment (Chick-Fil-A) with drive-through

WHEREAS Joe Vavrina, HR Green, Inc., on behalf of Chick-Fil-A, is requesting approval of a Conditional Use Permit to develop and establish an eating establishment with drive-through located at 2825 N. Mayfair Road (currently two parcels addressed as 2825-2835 N. Mayfair Road) in the General Commercial (C2) zone; and

WHEREAS, this request was reviewed by the City Plan Commission to determine whether it is necessary for the public convenience at that location; is located and proposed to be operated in such manner which will protect the public health, safety, and welfare; and whether it can be found to be compatible with surrounding uses; and

WHEREAS, staff recommended denial of the Conditional Use Permit based primarily upon the dangers which would be created by the projected increase in traffic entering the site from Mayfair Road, and traffic on the site as it interacts with neighboring properties, as identified in the Engineering Services Division portion of the staff report, in addition to traffic safety concerns detailed by the Chief of Police and the Fire Chief of the City of Wauwatosa before the Plan Commission at its meeting of June 12, 2023; and

WHEREAS the Plan Commission determined that approval would be contrary to the required Conditional Use criteria and standards outlined in Wauwatosa Municipal Code (WMC) 24.16.040.G.; and

WHEREAS based upon the staff report and other information made available to the Plan Commission, there was substantial evidence in the record before the Commission to support the determination that:

1. The establishment and operation of the conditional use will be detrimental to and endanger the public health, safety and general welfare (WMC 24.16.040.G.1);
2. adequate and necessary street improvements are not being provided to accommodate the development (WMC 24.16.040.G.4);
3. that adequate measures are not being taken to provide ingress and egress that will minimize on and off-site traffic congestion (WMC 24.16.040.G.5);

NOW THEREFORE BE IT RESOLVED THAT, the Common Council of the City of Wauwatosa does find that substantial evidence exists to support denial of the permit application, based upon the above information provided in the record before the Wauwatosa Plan Commission, as such development, will not meet the criteria for approval of a Conditional Use Permit described in Section 24.14.040.G. of the Wauwatosa Municipal Code; and


BE IT FURTHER RESOLVED THAT the application for a Conditional Use Permit to develop and establish an eating establishment with drive-through on the parcels currently designated with the addresses 2825-2835 N. Mayfair Road in the General Commercial (C2) zone is hereby denied;

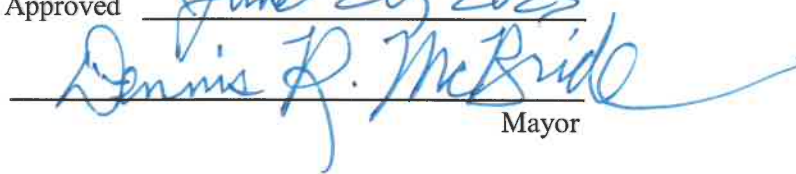
BE IT FINALLY RESOLVED THAT City of Wauwatosa staff are hereby directed to explore a proposal to prohibit all high volume drive-through restaurant services on all, or portions of, Mayfair Road in the

City of Wauwatosa and to bring the proposal forward for further consideration by this council at a future date.

Passed and Dated June 20, 2023

Adopted: June 20, 2023


Clerk

Approved June 20, 2023

Mayor