

By: Plan Commission

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**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

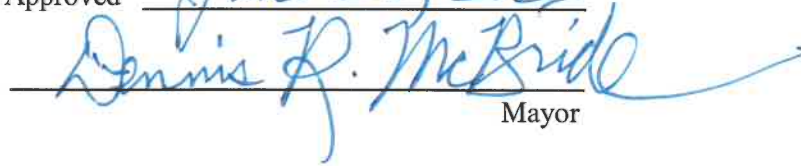
City of Wauwatosa and to bring the proposal forward for further consideration by this council at a future date.

Passed and Dated June 20, 2023

Adopted: June 20, 2023

  
Clerk

Approved June 20, 2023

  
Mayor