

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

This meeting is in person, but will be broadcast over Zoom to accommodate residents with COVID concerns.

Join Zoom Meeting

<https://zoom.us/j/95459913672>

Meeting ID: 954 5991 3672

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AGENDA—COMMON COUNCIL MEETING

Monday, May 23, 2022

6:00 p.m.

1. Roll Call and Pledge of Allegiance.
2. Presentation: Brett Perry, President of the Milwaukee/Waukesha County Beekeepers Association.
3. Public Comment. Glendale residents, business owners and property owners are invited to speak to the Council on items that are not on the agenda and are within the City's ability to regulate or control.
4. Consent Agenda:
  - a) Adoption of Minutes of Meeting held on March 9, 2022.
  - b) Approval of Monthly Reports.
  - c) Denial of Claim – Cyla Gills.
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) Discussion and Public Comment regarding Beekeeping within the City of Glendale.
  - b) Review and Approval of 2023-2027 Capital Improvement Program.
  - c) Discussion and possible action for a development agreement for a Planned Unit Development District for River Park Apartments, LLC, 1616 West Bender Road, Tax Key Number 1619-974-000.
  - d) Consideration and discussion regarding an application for change of zoning for 7575 N Port Washington Road, Tax Key Number 097-8000-000, Land Use classification Planned Mixed Use, from B-1 “H2” Business and Commercial District to Planned Unit Development of for gas station and convince store - Referral to Plan Commission.
  - e) Indemnification and hold harmless agreement for 6076 North Port Washington Road for placing a private commercial sign in the public right of way.
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 Administrator update.)
7. Adjournment.

Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities.



2/5.23.2022

5909 North Milwaukee River Parkway  
Glendale, WI 53209

**SUBJECT:** Common Council, Item 2  
Discussion regarding Beekeeping within the City of Glendale

**FROM:** John S. Fellows, Community Development Director

**MEETING DATE:** May 23, 2022

**FISCAL SUMMARY:**

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

**STATUTORY REFERENCE:**

|                     |                                  |
|---------------------|----------------------------------|
| Wisconsin Statutes: | N/A                              |
| Municipal Code:     | Zoning Code<br>Subdivision Regs. |

**BACKGROUND/ANALYSIS:**

The mission of the Milwaukee/Waukesha Beekeepers association is to promote the study, and craft of beekeeping through education, encouragement, and community for all Southeast Wisconsin beekeepers, and raise awareness to the benefits of bees for our environment, ecology, and local economy. Their mission is to promote the study, science, and craft of beekeeping through education, encouragement, and community for all Southeast Wisconsin Beekeepers, and raise awareness to the benefits of bees for our environment, ecology, and local economy.

Brett Perry is the current president of the association will be present to make a short presentation and available to answer questions. Brett has worked with many local municipalities to enact beekeeping ordinance that allow residents to participate in this activity.

**RECOMMENDATION:**

Staff recommends Council ask Mr. Perry any questions they might have.

**ACTION REQUESTED:**

No action required.

4A-4C  
5/23/2022

# CONSENT AGENDA

- a) [Adoption of Minutes of Meeting held on May 9, 2022.](#)
- b) [Approval of Monthly Reports.](#)
- c) [Denial of Claim – Cyla Gills.](#)



**SUBJECT:** Common Council, Item 5a  
Discussion regarding Beekeeping within the City of Glendale

**FROM:** John S. Fellows, Community Development Director

**MEETING DATE:** May 23, 2022

**FISCAL SUMMARY:**

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

**STATUTORY REFERENCE:**

|                     |                                  |
|---------------------|----------------------------------|
| Wisconsin Statutes: | N/A                              |
| Municipal Code:     | Zoning Code<br>Subdivision Regs. |

**BACKGROUND/ANALYSIS:**

Staff has been requested to facilitate a discussion regarding the keeping of bees in the community. Beekeeping can occur at both a profession and hobbyist levels. In most urbanized areas, beekeeping occurs at a hobbyist level. To prepare for the discussion, staff is providing a summary of a quick summary of a variety of communities' status with regard to beekeeping, a summary of common best practices, as well as helpful links for more information.

Communities:

The following survey of communities indicates which communities allow for the keeping of bees and those that do not. Selected links are directly to each community's ordinance or a portion of their ordinance.

|                          |             |  |
|--------------------------|-------------|--|
| Village of Shorewood:    | Allowed     | <a href="#">Village of Shorewood Beekeeping Ord. link</a>  |
| Village of Fox Point:    | Allowed     | <a href="#">Village of Fox Point Ord. link</a>   |
| City of Milwaukee:       | Permitted   | <a href="#">City of Milwaukee Beekeeping Ord. link</a>   |
| City of Wauwatosa:       | Permitted   | <a href="#">City of Wauwatosa Bee Keeping Ord. link</a>  |
| City of Eau Claire:      | Permitted   | <a href="#">City of Eau Claire Ord. link</a>   |
| Village of Whitefish Bay | Not allowed |  |
| Village of Bayside:      | Not allowed |  |
| Village of Brown Deer:   | Not allowed |  |
| City of Mequon:          | Permitted*  | in certain zoning districts and two hives for ¼ acre and one additional hive for each additional half acre. No permit required |

*This list is not inclusive of all communities in Wisconsin, it is a random sample.*

Best Practices:

The following items are commonly noted in ordinances.

|                 |                 |   |
|-----------------|-----------------|---|
| Flyway Barrier: | Often Regulated | May be a six-foot fence, hedge or other |
| Setback:        | Often Regulated | Distances vary by community             |



|                   |                      |   |
|-------------------|----------------------|---|
| Number of Hives   | Often Regulated      | Ranges from 2-4. Some communities allow for an additional hive to allow hives to split. The opening direction will determine flight patterns. |
| Hive Opening      | Should be considered |   |
| Access to Water   | Often Regulated      |   |
| Permits           | Often Regulated      |   |
| Renewal of permit | Often Regulated      |   |

Additional Information:

The following links are provided for additional information from a variety organization.

State of Wisconsin Department of Agriculture, Trade and Consumer Protection

[DATCP Home Beekeeping Regulations for the State \(wi.gov\)](#)

Milwaukee Waukesha Beekeepers Association

[Milwaukee Waukesha Beekeepers Association \(mwbeekeepers.org\)](#)

American Beekeeping Federation

[American Beekeeping Federation \(abfnet.org\)](#)

Wisconsin Honey Producers

[New Beekeepers | Wisconsin Honey Producers Association \(wihoney.org\)](#)

Wisconsin Pollinators

[Wisconsin Native Pollinators | Wisconsin Pollinators](#)

UW-Extension – Helpful Resources for Beekeepers

[2016-Resources-for-Beekeepers.pdf \(wisc.edu\)](#)

UW-Extension – Beekeeping

[Beekeeping – Extension Milwaukee County \(wisc.edu\)](#)

**RECOMMENDATION:**

Staff recommends that additional information should be gathered, best practice further evaluated, a public information informational process developed, and a draft ordinance prepared if directed by the City Council.

**ACTION REQUESTED:**

Motion to direct staff to prepare additional information and a draft ordinance regulating beekeeping.



**SUBJECT:** Review and Approval of 2023-2027 Capital Improvement Program

**FROM:** Karl Warwick, City Administrator

**MEETING DATE:** May 23, 2022

**FISCAL SUMMARY:**

|                       |                       |
|-----------------------|-----------------------|
| Budget Summary:       | Capital Projects Fund |
| Budgeted Expenditure: | N/A                   |
| Budgeted Revenue:     | N/A                   |

**STATUTORY REFERENCE:**

|                     |     |
|---------------------|-----|
| Wisconsin Statutes: | N/A |
| Municipal Code:     | N/A |

**BACKGROUND/ANALYSIS:**

Attached is a copy of the planned Capital Improvement Program (CIP) for the years 2023 through 2027, with several modifications from the previously presented CIP. It is requested that you review the projects, particularly for the year 2023, in order that the final approval can be made and included in the projections for the 2023 Annual Program Budget. Please note that I have highlighted several projects or equipment with three possible colors which reflects if the item is:

- placed in a different year than previously approved,
- different dollar amount than previously approved or
- a new project or equipment.

The CIP was presented to the City Council at the May 9<sup>th</sup>, 2022 meeting and staff is asking the City Council to review the plan that includes several modifications from the previously presented one, including:

- *Addition of \$225,000 for Miscellaneous pavement repairs in 2023*  
This Project was originally planned for 2022, but funds were never allocated. Due to the fact that there is not sufficient time to complete this project this year, it was placed in 2023.
- *Addition of \$180,000 for seven speed tables and a roundabout at Range Line and Green Tree in 2023*  
This Project was originally planned for 2022, but funds were never allocated. Due to the fact that there is not sufficient time in the year to complete these projects, it was placed in 2023. On August 19<sup>th</sup>, the City Council discussed, but took no action, on the inclusion of these seven speed tables and a roundabout. From my understanding, funds were supposed to be allocated for these in 2022, but was inadvertently not included in the budget. Below is a list of the locations:

Speed Humps/Tables (\$17,000 each)

1. Glendale Avenue between Elm Tree and River Park
2. Marne between Port Washington and Lydell
3. Mill Road, east of Glen Hills Middle School

4. Lydell Avenue, north of Olive
5. Range Line Road, between Good Hope and Green Tree
6. Green Tree, between Rangel Line and Crestwood

Roundabout (\$80,000)

1. Range Line and Green Tree

- *Reclassification of \$150,000 from Sidewalk Rehabilitation to Sidewalk on Green Bay from Bernard to Good Hope in 2023*

In the Capital Plan previously reviewed by the City Council, \$250,000 was placed in the 2024 for Sidewalk rehabilitation. Annually, \$100,000 is placed in the Capital Improvement Plan for this expense. \$150,000 of the expense in 2024 was for a new sidewalk on Good Hope Road. The plan being presented shifts the \$150,000 cost for the new sidewalk to a line item specific for this expense. There was no change in overall costs.

#### **Revenues:**

At this time, no use of American Rescue Plan Act (ARPA) funds is identified in the proposed CIP.

Regarding amount of property tax levy needed, the draft CIP identifies \$244,840 annually or \$1,224,200 for the 2023-2027 CIP. This compares to \$1,171,552 for the approved 2022-2026 CIP.

In prior years, the City attempted to keep the borrowing level (General Debt and Water Utility Debt) consistently under \$4 million each year with the General Debt Service staying at around \$2 million each year. This is not always feasible. You will note in 2023, the Police Station renovation project increases the overall level of borrowing above \$8 million.

Based up on your approval, engineering and design specifications will be prepared and various financing options will be reviewed with the City's financial advisor and bond underwriters. The final 2023 financing plan will be submitted to you for review and final approval in the second quarter of 2023.

#### **Expenditures:**

Similar to last year, the Public Works Department has identified their listing of projects to include regular maintenance. This is to assist in the planning process for this and future years to ensure the City is able to fund and coordinate regular maintenance efforts.

In 2015, there was a significant change to the watermain replacement program to be able to replace watermain faster than it is failing. Due to the high amount of annual watermain breaks, the City had increased the replacement of watermain. City crews, on a five-year average, fix 30 breaks per year. With the except of 2023, the five-year average future spending on watermain replacement is \$1.47 million. In 2023, no planned watermain replacement (and no related street mill and overlay project) is requested due to Glendale's \$2.0 million share of street improvements associated with the I-43 project.

As initiated in 2020, the 2023 CIP includes ditching projects in addition to the annual maintenance costs. Ditching is funded by the Stormwater Utility. In the Stormwater Management Plan, the City Engineer has



identified that many ditches have been fully filled in by dirt and sediment; therefore, the ditches are no longer functional and in need of maintenance. Funding for 2023 and for several future years will be reditching the Crestwood area.

In 2023, capital equipment requests from the Public Works Department includes the replacement of two snowplow trucks with wing, two pick-up trucks, and a riding mower.

The largest project in the 2023-2027 CIP is the requested 2023 renovation of the Police Department facility at a cost of \$5,000,000. The remaining Police Department's 2023 equipment program identifies replacements of squads (marked squads every 3 years), firearms and rifle sights.

Overall, the amount of 2023-2027 CIP funds requested of Glendale by the North Shore Water Commission, Bayside Communication Center, and North Shore Fire Rescue are \$2.7 million as compared to \$2.1 million for the 2022-2026 CIP. The most significant increase is due to the associated debt related to the construction of a replacement fire station in Glendale. At this time, staff is unable to make a determination on proper capital funding for library services, if any.

Staff requests your review of the CIP, as well as your input and direction as to the various policies/programs the City should consider in future years. Approving the 5-Year CIP will allow staff to determine the proper revenue source for the anticipated expenses in 2023. As always, this program is continually changing as funding sources change and needs are escalated.

**RECOMMENDATION:**

Recommend the Common Council approve the 2023-2027 Capital Improvement Program per attachment.

**ACTION REQUESTED:**

Motion to approve the 2023-2027 Capital Improvement Program as recommended.

**ATTACHMENTS:**

1. [2023-2027 Capital Improvement Program](#)





**SUBJECT:** Discussion and possible action for a development agreement for a Planned Unit Development District for River Park Apartments, LLC, 1616 West Bender Road, Tax Key Number 1619-974-000.

**FROM:** John S. Fellows, AICP, Community Development Director

**MEETING DATE:** May 23, 2022

**FISCAL SUMMARY:**

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

**STATUTORY REFERENCE:**

|                     |                       |
|---------------------|-----------------------|
| Wisconsin Statutes: | N/A                   |
| Municipal Code:     | Chapter 13, Article D |

|                         |                                   |
|-------------------------|-----------------------------------|
| Land Use:               | Government Institutional          |
| Zoning:                 | PD (Planned Development District) |
| Target Investment Area: | NA                                |

**BACKGROUND/ANALYSIS:**

River Park Apartments, LLC (Greg Devorkin) has acquired the vacant 1616 West Bender Road property, former home to several nursing home businesses dating back to the mid-1960s. Devo Properties, LLC (also Greg Devorkin) petitioned the City of Glendale to rezone the property from S-1 Special (Institutional) District to PD-Planned United Development District-Multi-Family Residential for the purpose of transforming the property to a multi-family residential setting. A general development plan was approved by the City on February 14, 2022. Planned Unit Development District requires a three-part process that includes a rezoning/general development plan approval, followed by a specific implementation plan, followed by a development agreement.

The existing building will remain but will be converted into apartment living units with the exterior repaired and enhanced, repair to the parking lot, and revitalizing the landscape beautification. In the submittal materials the project is generally presented to include 50 to 55 apartment living units and there is discussion of adding garages. The apartments will include studios, one-bedroom (about 875 square-foot), and two-bedroom (about 1,100 square-foot). The submittal states that there are 103 parking spaces (about two parking spaces per unit with 50 apartments); however, qualifies that figure with the addition of the future garages.

The anticipated total investment is stated to be greater than \$5,000,000. Construction will start in Spring 2022 with occupancy to commence in mid-2023.

The general development plan and rezoning was approved on February 14, 2022. The specific development plan was approved on April 25, 2022. The applicant is requesting approval of the attached

Development Agreement. This development agreement has been reviewed by community development staff, the City Attorney, and the developer.

**RECOMMENDATION:**

Staff recommends Common Council approve the development agreement.

**ACTION REQUESTED:**

Motion to approve a development agreement for a Planned Unit Development District for River Park Apartments, LLC, 1616 West Bender Road, Tax Key Number 1619-974-000.

**ATTACHMENTS:**

1. [1616 West Bender Road Supporting Documents](#)



**SUBJECT:** Consideration and discussion regarding an application for change of zoning for 7575 N Port Washington Road, Tax Key Number 097-8000-000, Land Use classification Planned Mixed Use, from B-1 “H2” Business and Commercial District to Planned Unit Development of for gas station and convenience store - Referral to Plan Commission.

John S. Fellows, Community Development Director

**FROM:**

May 23, 2022

**MEETING DATE:**

**FISCAL SUMMARY:**

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

**STATUTORY REFERENCE:**

|                    |         |
|--------------------|---------|
| Wisconsin Statues: | N/A     |
| Municipal Code:    | 13.1.34 |

**BACKGROUND/ANALYSIS:**

Attached is a request from Spring North Corp/ Jason Singh (prospective owners) and Joachim Peter and Karlin Peter (current owners) to rezone the property from B1 “H2” to PD Planned Development District for a convenience store and gas station. The current use is a gas station. Under the B-1 “H-2” gas stations and convenience stores are not allowed, and expansion of a non-conforming use is prohibited.

The applicant has met with staff multiple times to discuss the site design, building design and other elements of redevelopment. Attached are partial plans for a general development plan approval. development.

Process:

The process for the Planned Development District includes three steps. Step one includes a map amendment and general development plan approval. Step two is the approval of a specific development plan, and step three is the approval of a development agreement with recording. Steps are summarized as:

Rezoning and General Development Plan Steps:

- Consideration by City Council - Possible referral to Planning Commission
- Consideration by Plan Commission – Possible recommendation to move forward to schedule a public hearing.
- Plan Commission Public Hearing
- Plan Commission Recommendation to Council
- Consideration by Council of the Plan Commission recommendation and consideration

- to move forward and schedule public hearing
- City Council Public Hearing
- City Council Action

Specific Development Plan Approval

- Plan Commission Review
- City Council Review

Development Agreement

- City Council Review
- Recording

General Development Plan Summary:

The applicant has submitted plans for a gas station and convenience store. The submitted plans indicate a reduction of driveways and improvements to existing driveways. The building will be positioned in the middle of the site facing Port Washington Road. The canopy structure will be in front of the building and parallel to Port Washington Road. Gas pumps for diesel will be located at the rear of the property. Building plans indicate larger window openings, brick veneer and spandrel windows. The plans do not show any electric charging stations or other similar technologies. At this time the submission of general landscaping plans, lighting plans, and stormwater plans have not been provided. The applicant has not submitted plans for the canopy structure. Staff has indicated that a canopy with a residential style roof would blend into the surroundings. Staff also recommends any canopy structure have brick columns to balance the proportions of the overall structure and complement the architecture of the building. These items will need to be provided prior to a Plan Commission Public Hearing.

**RECOMMENDATION:**

Staff recommends council consider the attached application and consider referring the request to the Plan Commission for a rezoning from B-1 "H2" Business and Commercial District to Planned Unit Development for a gas station and convenience store.

**ACTION REQUESTED:**

Motion to refer the application for a change of zoning to the Plan Commission for 7575 N Port Washington Road, from B-1 "H2" Business and Commercial District to Planned Unit Development for gas station and convenience store - Referral to Plan Commission.

**ATTACHMENTS:**

1. [7575 N Port Washington Road - Attachments](#)



**SUBJECT:** Common Council, Item 5e  
Indemnification and hold harmless agreement for 6076 North Port Washington Road for placing a private commercial sign in the public right of way.

**FROM:** John S. Fellows, Community Development Director

**MEETING DATE:** May 23, 2022

**FISCAL SUMMARY:**

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

**STATUTORY REFERENCE:**

|                     |                        |
|---------------------|------------------------|
| Wisconsin Statutes: | N/A                    |
| Municipal Code:     | Zoning<br>Public Works |

**BACKGROUND/ANALYSIS:**

The applicant would like to install a free-standing monument sign in front of their business. There is approximately 12 feet between the property line and the building. Along this portion of Port Washington Road, the majority of all free-standing signs are located within the public right of way and located approximately 10-14 feet from the back of sidewalk. The zoning code requires monument signs to be located 10 ft from the right of way line. Typically, the right of way line is located one foot from the back of sidewalk. Visually this sign location will appear to be in a typical location and in line with other signs in this area of Port Washington Road.

The purpose of the Indemnification and hold harmless agreement is to protect the city from anything related to this private structure which is proposed to be located within the right of way.

If the hold harmless agreement is not approved the property owner would only be able to have a wall sign and give the residential character of the building (former house) there is minimal opportunities for a commercial sign.

**RECOMMENDATION:**

Staff recommends council approve the indemnification and hold harmless agreement for 6076 North Port Washington Road for placing a private commercial sign in the public right of way.

**ACTION REQUESTED:**

Motion to grant approval of an indemnification and hold harmless agreement for 6076 North Port Washington Road for placing a private commercial sign in the public right of way.

**ATTACHMENT:**

[Indemnification and Hold Harmless Agreement](#)