



**Meeting Date:** 8/20/12  
**Agenda Item:** #10-11

**Mission Statement**

Delivering quality services in a courteous, cost-effective and efficient manner

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**VILLAGE PLAN COMMISSION STAFF REPORT**

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**REPORT TO:** President Burt McIntyre and Village Plan Commission

**REPORT FROM:** Dave Wiese, Executive Director of Community Development

**AGENDA ITEM:** **Public hearing at 5:45 p.m. and action concerning a request from Golden Arch LTD Partnership, to rezone parcel VH-306-3 located at 2420 Velp Avenue, from Business (B-1) to Highway Commercial (B-2).**

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**POLICY ISSUE**

Should the Village rezone VH-306-3 from Business (B-1) to Highway Commercial (B-2)?

**BACKGROUND**

The applicant is requesting to rezone the existing property from (B-1) to Highway Commercial (B-2). The applicant is requesting the rezoning in order to remodel the existing McDonalds restaurant at that location.

**REZONING CRITERIA**

The Zoning Ordinance requires that “Where the purpose and effect of the proposed ordinance amendment is to change the zoning district classification of a particular property, the Plan Commission shall make findings based upon evidence presented to it in each specific case with respect to the following matters:

1. Existing land uses within the general area of the property in question.
2. The zoning district classification of land within the general area of the property in question.
3. The suitability of the property in question to uses permitted under the existing zoning district classification.
4. The trend of development in the general area of the property in question, including recent changes, if any, in zoning district classification.”

**RECOMMENDED ACTION BY PLAN COMMISSION**

It is recommended that the Plan Commission open the public hearing and ask the applicant to explain his request in detail. Subsequently, the Plan Commission should invite comments from the public and then close the public hearing. After the public hearing is closed, the Plan Commission should review the applicant’s request. If satisfied with the proposal, the Plan Commission should recommend approval to the Village Board with any specific conditions as may be necessary to address concerns voiced by the public, staff or Commission members. **THIS WILL BE A RECOMMENDATION TO THE VILLAGE BOARD FOR THE AUGUST 27, 2012 VILLAGE BOARD MEETING.**

**POLICY ALTERNATIVE(S)**

The Plan Commission could take the following action:

- Approve the request
- Deny the request
- Table the request until a later meeting date

**ATTACHMENT**

- I      Re-zoning Application**
- II     Location and Zoning Map**

Attachment I



2456 Glendale Ave  
Green Bay, WI 54313

REZONING APPLICATION

See Next Page  
for Materials to be Submitted  
with This Application

Application Fee: \$250.00  
Date: \_\_\_\_\_  
Initials: \_\_\_\_\_  
Application #: \_\_\_\_\_

Applicant

Name: McDONALD'S CORPORATION (DALE SHIMEK)

Address: 1650 WEST 82<sup>ND</sup> ST. SUITE 900, BLOOMINGTON, MN 55431

Phone: (762)-486-4155

Email: dale.shimek@us.mcd.com

Business Name: McDONALD'S RESTAURANT

Conditional Use Site Address: QUICK SERVICE RESTAURANT

Landowner of Record: GOLDEN ARCH LTD PARTNERSHIP

Address: SHANOLK INVESTMENTS, 1735 INDUSTRIAL DRIVE, GREEN BAY, WI 54302-2106

Phone: ( ) - - - - - Email: \_\_\_\_\_

Consultant(s)

Architect

Name: HAAG MULLER, INC.

Address: 101 EAST GRAND AVE, SUITE 1, PORT WASHINGTON, WI 53074

Phone: (262)-268-1200

Email: sjesee@haagmuller.com

Contractor/Engineer

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: ( ) - - - - - Email: \_\_\_\_\_

Parcel/Building Information

Lot Size: 0.566 Acres/Sq. Ft. Current Zoning: B-1 Requested \_\_\_\_\_

Zoning: B-2

Lot Dimensions: 200' x 217.8' Does Current Zoning Permit Intended \_\_\_\_\_

Use: QUICK SERVICE RESTAURANT

Bldg. Sq. Footage: 4,042 S.F. Street Frontage: 200'

Describe Specifically the Nature of the Request:

Request to have zoning changed from B-1 to B-2.  
There are businesses across the street (Velp Are.)  
and a short way up the street that are zoned B-2.  
We are looking to match that zoning and have  
the required street frontage and lot area.

## **REQUIRED**

- ✓ A plat of survey or the equivalent thereof depicting the location, dimensions, boundaries, uses and size of the parcel.

### **Please Note the Following:**

- Incomplete applications will not be accepted and/or processed.
- All applications shall be submitted in accordance with the schedule on page three (3) of this application.
- Processing an application may take up to sixty (60) days due to legal notices mandated by State law.
- The Plan Commission meets on the third Monday of every month at 6:30 p.m. at 2456 Glendale Avenue.
- The Plan Commission will make a recommendation to the Village Board (often with conditions) to approve or deny the rezoning request. The Village Board will typically take action on the recommendation from the Plan Commission at the next scheduled Board meeting (typically the fourth Monday of the month). The Village Board is required to take action on the Plan Commission recommendation within 90 days.
- In order to qualify for rezoning, a lot or parcel of land must:
  - 1) Possess at least two-hundred (200) feet of frontage on a public street or right-of-way; or
  - 2) Parcel must be at least twenty-five thousand (25,000) square feet in area; or
  - 3) Parcel must adjoin a lot or parcel of land which bears the same zoning district classification as proposed.

### **Standards Used by Plan Commission When Ruling on a Rezoning Request**

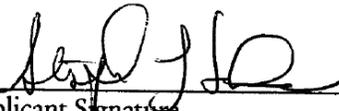
- Effect on existing land uses within the general area of the property in question.
- The zoning district classification of land within the general area of the property.
- The suitability of the property in question to uses permitted under the existing zoning district classification.
- The trend of development in the general area, including recent changes (if any) in zoning district classification.
- Whether the proposed rezoning is in the public interest or solely for the interest of the applicant

### **Can a proposed rezoning be contested?**

If a written protest against a proposed rezoning is filed prior to final action on the request, the rezoning cannot be approved except by a favorable vote of three fourths (3/4) of all the members of the Village Board. The protest must be signed and acknowledged by the owners of twenty (20) percent or more of; the land included in the proposed rezoning; or the property immediately adjacent to and extending one hundred (100) feet from the land included in the proposed rezoning; or the property directly opposite to and extending one hundred (100) feet from the street frontage of the land included in the proposed rezoning.

I, the undersigned, do hereby certify that all information provided on this application is true and correct and I understand that the granting of approval creates no legal liability, expressed or implied, on the Village of Howard or on any of its employees. I further understand and agree that I will be bounded by and submit to all statutes of the State of Wisconsin,

conform to all applicable codes and ordinances of the Village of Howard and abide by all rules and regulations prescribed by the department of code administration.

X.   
Applicant Signature

7-24-12  
Date

Please direct all questions to Jim Korotev at 434-4640 or [jkorotev@villageofhoward.com](mailto:jkorotev@villageofhoward.com)

## ATTACHMENT II

