



Department of City Development
City Plan Commission
Redevelopment Authority of the City of Milwaukee
Neighborhood Improvement Development Corporation

Lafayette L. Crump
Commissioner

Sam Leichtling
Deputy Commissioner

Ald. Spiker
13th Ald. District

CITY PLAN COMMISSION ZONING REPORT

File No: [250279](#)

Location: 350 W Layton Avenue; on the north side of West Layton Avenue, east of South 5th Street

Applicant/Owner: MilBrew Holdings, LLC (Applicant); Zubha Realty L.P. (Owner)

Current Zoning: Local Business (LB1) and within the 5th/Layton (aka Layton Plaza) Development Incentive Zone ([DIZ](#)) Overlay

Proposed Zoning: Project approval as it relates to the 5th/Layton DIZ

Proposal: The property located at 350 W. Layton Avenue is zoned Local Business (LB1) and within the 5th/Layton Development Incentive Zone (DIZ) Overlay, in the 13th Aldermanic District. The 5th/Layton DIZ Overlay was created in 2004 for the properties located on the corner of 5th Street and Layton Avenue and establishes permitted and prohibited uses, as well as design standards for developments within the Overlay zone. Where the Overlay is silent, the base (LB1) zoning standards continue to apply.

In 2022, two quick service restaurants with drive-through facilities were approved for the site, which was subsequently divided into two lots. The Taco John's restaurant has been constructed on the western lot, and the subject site that was approved for a Popeye's restaurant remains vacant. Milbrew Holdings, LLC is proposing to develop the site into a 7 Brew drive-through coffee shop. A drive-through coffee shop (restaurant with drive-through facility) is permitted within the DIZ Overlay, but is subject to a public hearing and approval by CPC.

The 530 square foot building and 250 square foot standalone cooler will comply with the DIZ Overlay standards with respect to building materials and design. Pedestrian walkways will be provided from W. Layton Avenue and through the site to the north, east and west, consistent with the previously approved site plan, and will direct non-vehicular customers to a walk-up door at the building. The drive-through facility will be accessed from W. Layton Avenue via the shared driveway between the subject site and the Taco John's site and the access drive within the Golden Corral site to the east. The access point on the north side of the site will be exit-only.

Separately, the applicant is also seeking Board of Zoning Appeals approval as it relates to exceeding the maximum allowed number of parking spaces. For the 530 square foot building, a maximum of 4 parking spaces are allowed. The applicant is proposing 12 parking spaces, including 1 ADA accessible stall. The parking spaces along W. Layton Avenue will be permeable pavement.

DIZ Review:

The 5th/Layton DIZ Overlay design standards regulate items including but not limited to building placement, design and materials, pedestrian connections, site access, amenities, screening and lighting, as well as signage.

The applicant has submitted a zoning review matrix evaluating how their proposal meets each of the DIZ standards. Staff has reviewed it and concluded that the proposal aligns with the DIZ standards. The table including the applicant's explanation of how the standards are met is available at the end of this report. A more detailed version of the zoning review matrix, including evaluation of this proposal alongside the LB1 zoning standards, is available as part of the official exhibits for this file.

The 530 square foot building and 250 square foot standalone cooler will comply with the DIZ Overlay design standards with respect to building materials (modular brick) and design, and multiple pedestrian connections that go north-south and east-west through the site. All pedestrian connections will be ADA compliant. The rooftop mechanical equipment will be screened with architectural metal panel.

A walk-up door at the building will be provided to serve non-vehicle customers. A direct connection from the public walkway along W. Layton Ave to the walk-up door will be provided via a 5' wide concrete walk that passes through the access lane. The pedestrian pathway will distinguish between the crosswalk and drive-through lanes through the use of concrete. Additionally, 2 picnic tables and bicycle parking will be provided adjacent to the building.

A restaurant with drive-through use is allowed per the DIZ Overlay, but is subject to a public hearing and City Plan Commission approval. The applicant expects traffic (approximately 350 vehicles per day) to arrive via Layton Avenue and will encourage customers to exit from Layton Avenue as well. The north access point will be exit-only to avoid potential conflicts at the drive-through entrance location, and DPW has requested that a "no right turn" sign is added at the shared access point along S. 5th Street to encourage customers exiting the site from that location to turn left towards Layton Avenue instead of north towards the residential neighborhood. From an operational standpoint, 7 Brew's business model is centered around a 2-lane drive-through coffee and beverage shop. No food will be served at this site. 7 Brew staff take orders at each individual car via an iPad. They do not utilize a speaker system menu board. Staff hand deliver orders to each customer. All vehicle queuing will occur on site.

Adjacent Land Use:

There are a mix of restaurants and a Marriott hotel to the north, east, and west of the subject site, which are zoned Local Business (LB1). To the south are parcels zoned Industrial Light (IL1), including a freight trucking company.

Consistency with Area Plan:

The proposed drive through restaurant is within the Southeast Side Plan Area. The Southeast Side Area Plan was approved by the Common Council in 2008 and has been amended since then. Overall, the proposed development is consistent with the aims of the comprehensive plan.

Plan recommendations for the Layton Avenue corridor and this site focus on ensuring that the site's development is complementary to mixed-use development desired for the south side of W. Layton Avenue, between S. Howell Avenue and S. 6th Street. As part of this recommendation, the Plan emphasizes creating a cohesive frontage along Layton Avenue and further recommends site design that keeps parking off of Layton Avenue and creates a defined public space. The proposed development adds a sense of cohesiveness in the way it emulates the site layout of adjacent properties and makes efforts to create an inviting pedestrian environment by locating the parking to the side of the building, adding a pedestrian walkway, and featuring an outdoor eating area.

Previous City Plan Action:

05/16/2022 – City Plan Commission approved a resolution to allow a request for deviation from the performance standards established by the Layton Plaza Development Incentive Zone (DIZ) Overlay for the proposed development of two restaurants with drive-through facilities on the property located at 350 West Layton Avenue, on the north side of West Layton Avenue, east of South 5th Street, in the 13th Aldermanic District. (FN [220033](#))

05/16/2022 – City Plan Commission approved a resolution to approve a site plan and building elevations for two restaurants with drive-through facilities located at 350 West Layton Avenue, on the north side of West Layton Avenue, east of South 5th Street, relative to a Development Incentive Zone (DIZ) Overlay known as Layton Plaza, in the 13th Aldermanic District. (FN [220032](#))

3/13/17 – City Plan Commission approved the site plan and building elevations for a Golden Corral Restaurant and a request to deviate from the Overlay standards at 306 (AKA 300) West Layton Avenue, relative to a Development Incentive Zone (DIZ) Overlay known as Layton Plaza, established by Section 295-1007.0007 of the Milwaukee Code, in the 13th Aldermanic District. (FNs [161575](#) and [161576](#))

12/08/08 – City Plan Commission approved the site plan and building elevations for the construction of a 4 story, 119 room Courtyard by Marriott hotel at 300 West Layton Avenue, relative to a Development Incentive Zone known as Layton Plaza, established by Section 295-1007.0007 of the Milwaukee Code, in the 13th Aldermanic District.

6/21/2004 – Ordinance establishing a Development Incentive Zone (DIZ) and the change in zoning from Industrial Light (IL1) to Local Business (LB2), on land located

on the Northeast Corner of South 5th Street and West Layton Avenue, in the 13th Aldermanic District. (FNs [040067](#) & [040155](#))

Previous Common Council Action:

7/27/2004 – Ordinance establishing a Development Incentive Zone (DIZ) and the change in zoning from Industrial Light (IL1) to Local Business (LB2), on land located on the Northeast Corner of South 5th Street and West Layton Avenue, in the 13th Aldermanic District. (FNs [040067](#) & [040155](#))

Recommendation:

Since the proposed site plan, landscape plan, and building design are consistent with the applicable DIZ Overlay design standards and the applicant has responded to the Dept. of Public Works' comments with respect to the drive-through facility access and circulation, staff recommends approval of the subject file conditioned on the applicant demonstrating, prior to building permit issuance, that all pedestrian connections and walkways within the site including ramps and other features are ADA compliant, and Board of Zoning Appeals approval of the applicant's requested variance to exceed the maximum allowed parking spaces on the site.

350 W. Layton Ave

5th/Layton DIZ Overlay and Zoning Review Matrix

Standard	5 th /Layton DIZ (standards here)	Applicant Analysis of Proposal
Uses	See DIZ use list .	Restaurant w/ drive-thru is subject to a public hearing and CPC approval.
Building Placement Complies with DIZ standards.	<ul style="list-style-type: none"> Locate buildings to define and create street frontage. Enhance the pedestrian experience along building facades. Relate to the physical character and scale of the neighborhood. If needed, the front setback from Layton Avenue may be up to 75 feet to provide sufficient space for landscaping at the property edge 	DIZ: <ul style="list-style-type: none"> Building is positioned with front elevation facing Layton Ave. Pedestrian connections are provided around the site. (2) picnic tables provided underneath the canopy structure. (4) Bike racks are being provided along the main building. The scale of the building fits in with the surrounding area. Building is setback 70' from Layton Ave. Landscaping is being provided along the street frontage, see sheet C1.4 of the civil plan set.
Access, Parking and Circulation Complies with DIZ standards. Applicant is seeking BOZA approval for exceeding	Pedestrian Accommodations: <ul style="list-style-type: none"> Provide direct pedestrian connections between public sidewalks/bus stops and all building entrances. Differentiate pedestrian and vehicular areas with crosswalks from parking areas to building entrances. Crosswalks must be delineated in a different color, 	DIZ: Pedestrian Accommodations: <ul style="list-style-type: none"> There are two direct pedestrian connections to the public sidewalk provided along Layton Ave. Further pedestrian connections are provided to connect the adjacent properties to the east and west.

<p>maximum allowed parking spaces.</p>	<p>material and/or texture than parking areas.</p> <ul style="list-style-type: none"> Coordinate site elements (benches, bike racks, garbage receptacles, planters, etc.) throughout the entire development to enhance the pedestrian experience. <p>Driveways:</p> <ul style="list-style-type: none"> Curb cuts not to exceed the width of driveways. Along Layton, 2 curb cuts are allowed. Along S. 5th Street, 1 curb cut is allowed. The maximum drive aisle width is 30 feet. Extend pedestrian access aisles along Layton Avenue to the main entries of the major tenants. Aisles will include curbing, sidewalks, landscaping and site elements (planters, lighting, benches, etc.). <p>Parking Areas:</p> <ul style="list-style-type: none"> Locate parking areas mid-block instead of at corners. Allow shared parking among tenants where possible. Allow shared service areas where possible. In interior parking areas, provide curbed islands with landscaping to visually divide the lot and provide pedestrian safety. At a minimum, 2 trees at each curb island are required along the primary frontage. In the midpoint of the site (Area 5), a total of 10 trees, evenly distributed, are required in the interior surface parking areas. All landscaping must conform to the Zoning Code. 	<ul style="list-style-type: none"> Concrete walks are provided for crosswalks, to differentiate between parking areas and drives. Site elements provided include (2) picnic tables underneath the canopy structure and bike racks. Site lighting will be provided. There will be lighting underneath the canopy structure to provide a safe and well-lit parking for bicycles, see Photometric plan. <p>Driveways:</p> <ul style="list-style-type: none"> Driveway along Layton Ave and S 5th St are existing. Drive aisles are proposed at 24' in width. Pedestrian connection is extended to the pedestrian walk-up order point on the east side of the building. Drive aisles include curbing, sidewalk, landscaping, and site elements. <p>Parking Areas:</p> <ul style="list-style-type: none"> (4) parking stalls are being provided west of the cooler building. (8) parking stalls are being provided along Layton Ave. Shared pedestrian connections are provided. There will be a sidewalk connection along the east portion of the lot. Curbed islands with landscaping are being provided. (2) trees per each curb island along the primary frontage is being provided. A total of (7) trees are being provided throughout the site.
<p>Site Improvements (and Landscaping)</p> <p>Complies with DIZ standards.</p>	<p>Amenities:</p> <ul style="list-style-type: none"> Along the primary retail frontage, provide site amenities such as pedestrian seating, planters, bike racks and trash receptacles. Coordinate site elements (benches, bike racks, planters, etc.) throughout the development site. 	<p><u>DIZ:</u></p> <p>Amenities:</p> <ul style="list-style-type: none"> (2) picnic tables provided underneath the canopy structure. (4) Bike racks are being provided along the main building. <p>Screening:</p> <ul style="list-style-type: none"> Dumpster enclosure is located in the northwest corner of the lot, away from the primary street.

	<p>Screening:</p> <ul style="list-style-type: none"> • Locate dumpsters and service areas where they are not visible from the public street. • Screen service and loading areas with wing walls using similar building materials or landscaping. • Enclose and screen dumpsters and recycling units with a masonry enclosure, if visible from public streets (consistent with the building materials) or opaque enclosure. • Locate compactors at the rear of buildings and provide an opaque enclosure so they are not visible from the public street and to prevent noise to the abutting residential neighbors. • Screen ground electrical/mechanical units (transformers, etc.) with upright coniferous shrubs spaced 3 feet around the perimeter of the unit. • Outdoor cart storage is not permitted, but cart corrals are allowed throughout surface parking areas for temporary storage. <p>Lighting:</p> <ul style="list-style-type: none"> • Lighting within parking areas must be designed and located to prevent glare onto adjoining properties. • Light poles within parking areas may not exceed 25 feet in height. Light poles along drive aisles and pedestrian areas may be up to 12 feet in height. 	<ul style="list-style-type: none"> • Landscape screening is being provided to screen the service area from the primary street. • Dumpster enclosure is being screened with full modular brick siding, see architectural plans for details. • There are no compactors being proposed as part of this project. • Screening is being provided around the transformer with shrubs placed 3' around the perimeter of the unit. • Outdoor cart storage is not proposed. <p>Lighting:</p> <ul style="list-style-type: none"> • Lighting is located within the center portions of the lot, to prevent glare onto adjoining properties. • Light poles are proposed at 23' in total height.
<p>Building Design</p> <p>Complies with DIZ standards.</p>	<p>Massing:</p> <ul style="list-style-type: none"> • Establish hierarchy between building elements. For example, articulate entrances and building corners. • Maximum height of buildings is 40 feet. Entry features and tower elements integrated with the building may exceed 40 feet in height. <p>Facades:</p> <ul style="list-style-type: none"> • Variety in each building design is encouraged. 	<p>DIZ:</p> <p>Massing:</p> <ul style="list-style-type: none"> • There is an established hierarchy between building elements. The base and top of the coffee shop are modular brick siding and the middle contains coping trim metal. There are also elements of blue break metal fascia to establish hierarchy between building elements. • Proposed building height is 19'-3 7/16", which is less than the maximum building height allowed.

	<ul style="list-style-type: none"> • Front facades shall be oriented to Layton Av. • Buildings must have a storefront window system with vision glass at the first level. The minimum glazing along the primary frontage is 50% based on the lineal frontage of the first floor as indicated in s. 295-605 of the Zoning Code. • Building entrances shall be clearly identifiable and visible from streets and easily accessible and inviting to pedestrians. • Blank, unarticulated walls facing primary frontage and streets are not permitted. Modulate façades with articulated bays, awnings, windows and openings, varying color and texture and/or other architectural details that relate to the human scale. • Use lighting to enhance the architecture of the building and site as well as provide security and visual appeal. <p>Materials:</p> <ul style="list-style-type: none"> • All facades along the primary frontage, Layton Avenue and S. 5th Street, must contain the most architecturally significant materials and fenestration. Significant building materials include brick, cut stone, decorative masonry and block, glass, architectural-finished metal cladding and architectural precast concrete panels. Other materials may be considered. • Coordinate color schemes for a cohesive appearance throughout the development. • Screen rooftop equipment from pedestrian view at the property line with materials and colors that are compatible with the building. • Glazing on the first floor of commercial buildings and entrances must be transparent, vision glass. Low-E glass without tinting may be used. Opaque glazing cannot be substituted for vision glass where vision glass is required, but may be used in other areas as an 	<p>Facades:</p> <ul style="list-style-type: none"> • There is variety between this building and adjacent building. Facades include different building materials within each elevation. Materials include coping trim metal, modular brick, and break metal fascia. • Building is positioned with the front elevation facing Layton Ave. • Windows are provided on the front elevation, facing Layton Ave. Window glazing percentage will follow the minimum glazing requirements. • There is no “front door” to the building as customers are not allowed inside. A patron walk-up door is being provided along the east side of the building. See sheet C1.1B for location of walk-up order point with menu board. • Front façade is articulated with varying materials, windows, color, texture, and details. See material color board in the architectural plans. • Site lighting will be provided. There will be lighting underneath the canopy structure to provide a safe and well-lit parking for bicycles, see Photometric plan. <p>Materials:</p> <ul style="list-style-type: none"> • Front façade is facing the primary street (Layton Ave) labeled as exterior elevation-front on the architecture plans. High quality design and materials is provided. • The main building, cooler, and trash enclosure will coordinate materials for a cohesive appearance throughout the development. • Mechanical systems are screened from the right-of-way and pedestrian view. Mechanical equipment is provided on the roof of the main building, located behind a portion of the mechanical access room. • Window glazing percentages will follow minimum glazing standards. • Building material samples are included.
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	<p>architectural element if it is compatible with the overall design.</p> <ul style="list-style-type: none"> Samples of building materials must be submitted for review as requested. 	
<p>Signage</p> <p>Additional information is required in order to determine compliance with DIZ standards. Staff-approval of compliant signage is allowed per the DIZ.</p>	<p>Project Sign Standards:</p> <ul style="list-style-type: none"> Up to 2 monument-style project identification signs in Area A are permitted preferably at entrances to the project on Layton Av. And S. 5th Street, but cannot exceed 27 feet in height. Freestanding signs must be incorporated into a masonry base and frame that matches the building within building “A” area. Signage may also be integrated into a masonry wall. The overall area of each project sign may not exceed 200 square feet in area on each side. Each project sign may include up to 5 tenant names. Monument signs shall be integrated into a masonry base that coordinates with building materials. Construction signs measuring 64 feet in area are permitted. Billboards (off-premise signs) are not permitted. Pylon signs are not permitted. <p>Tenant Sign Standards:</p> <ul style="list-style-type: none"> One Type A canopy sign (not exceeding 4 feet in height and not exceeding the length of the canopy, indicated in drawing within the DIZ design standards document) identifying the name of the business is permitted. Type A secondary wall signs not exceeding 3 feet in height and 51 square feet in area are permitted. Wall signs shall be integrated into the overall design of the building. Individual logos are permitted with architectural review by owner. Individual pin-set metal letters that are back-lit are the most desirable. <p>Wall signs that meet the standards may be approved administratively.</p>	<p><u>DIZ:</u></p> <p>Project Sign Standards:</p> <ul style="list-style-type: none"> Monument signs, pylon signs, and billboards are not proposed as part of this development. <p>Tenant Sign standards:</p> <ul style="list-style-type: none"> All building signs are to be Type A. Wall signs are being proposed as part of this development.