



## PLAN COMMISSION REPORT

**Proposal:** Conditional Use Permit with Conditions and Restrictions

**Description:** Review a request for a Conditional Use Permit with conditions and restrictions for a drive-through.

**Applicant(s):** Daniel Wasserman, RW Howell, LLC & Jamie Linenberg, Tarr Group, LLC

**Address(es):** 8355 S. Howell Ave. (6<sup>th</sup> Aldermanic District)

**Suggested Motion:** That the Plan Commission recommends that the Common Council approves a Conditional Use Permit with conditions and restrictions for a drive-through for a proposed multi-tenant commercial building to be located at 8355 S. Howell Ave. after a public hearing and subject to Conditions and Restrictions.

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**Owner:** RW Howell, LLC

**Tax Key:** 828-9030-000

**Lot Size:** 1.615 acres

**Current Zoning District:** B-4, General Business

**Overlay District:** N/A

**Wetlands:** ☒ Yes ☐ No

**Comprehensive Plan:** Commercial

**Floodplain:** ☐ Yes ☒ No

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**Background:** As you may recall, at its meeting on May 13, 2025, the Plan Commission recommended that the Common Council approve a zoning change for the property at 8355 S. Howell Ave.—from B-2 Community Business District to B-4 General Business District. The Common Council subsequently approved the rezoning at its June 17, 2025 meeting.

The Applicant is now requesting a recommendation for approval of a Conditional Use Permit to allow a drive-through. The proposed concept for the site includes the development of a multi-tenant commercial building featuring a coffee shop with a drive-through and retail/commercial space. The property is currently zoned B-4 General Business, which permits drive-through facilities as a Conditional Use.

According to the concept plan, the proposed building will be approximately 6,230 square feet in total and will include a 3,830-square-foot commercial tenant space and a 2,400-square-foot tenant space for a coffee shop. The coffee shop is proposed with a drive-through.

The concept plan includes one (1) 12-foot-wide drive-through lane, featuring a menu board and order box located along the east (front) façade of the building. The associated speaker/intercom system must be designed to ensure that sound is not audible beyond the property boundaries.

Drive-through stacking lanes shall be designed to avoid interference with on- or off-street traffic and shall not pass through parking areas or drive aisles. The drive-through lane and pedestrian crossing will be clearly striped, marked, or otherwise delineated for safety and visibility.

In accordance with Municipal Code, the drive-through lanes will accommodate a queue of up to four (4) vehicles at the order box (including the vehicle at the box) and an additional four (4) vehicles between the pick-up window and the order box (including the vehicle at the window). A 10-foot-wide bypass lane is also proposed along the east and north sides of the drive-through lane, as required.

Landscaping and fencing will be installed in the front yard along S. Howell Ave., between the drive-through bypass lane and the public sidewalk, to screen queuing vehicles from public view. As proposed, the drive through meets the standards outlined in Section 17.0414(g) of the Municipal Code.

The proposed hours of operation for the drive-through are 6:00 AM to 8:00 PM daily. The applicant estimates approximately 500 customers per day Monday through Friday, and around 600 customers per day on Saturdays and Sundays. Of these, approximately 50% are expected to use the drive through. During peak hours—8:00 AM to 11:00 AM on weekdays, and 9:00 AM to 12:00 PM on weekends—it is anticipated that 6 to 8 vehicles will be queued in the drive-through lane.

Access to the site will be provided via a connection to an existing driveway located on the adjacent flag-shaped property to the west and north, through an existing recorded shared access easement. Per Municipal Code, the proposed coffee shop requires two (2) parking spaces for every 250 square feet of gross floor area, resulting in a requirement of 20 spaces. The proposed retail space requires one (1) space per 250 square feet of gross floor area, requiring an additional 16 spaces. In total, a minimum of 36 parking spaces are required for the development. The applicant is proposing 41 parking spaces, including two (2) handicapped-accessible spaces, exceeding the minimum requirement.

If the Commission determines the proposed Conditional Use meets the requirements of the Municipal Code, a public hearing may be scheduled as early as September 2, 2025. Staff has also prepared Conditions and Restrictions for review (attached). An approval of the Conditional Use Permit, along with Conditions and Restrictions, does not constitute approval of a site plan and architectural review. A separate site plan and architectural review approval will be required.

**Options/Alternatives:** The Plan Commission has the discretion to recommend or not recommend Common Council approval of the Conditional Use Permit request. Should the request not be recommended for Council approval, Plan Commissioners must provide the Code Sections upon which the denial is based, and the Applicant may choose to request Council approval without recommendation. In that case, the Council would have the authority to approve the request, and remand the proposal back to the Plan Commission for Conditions and Restrictions.

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Respectfully submitted & approved by:



Kristi Laine  
Community Development Director

Prepared by:



Todd Roehl  
Senior Planner

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**Attachments:**

Draft Conditions and Restrictions (3 pages)

Location Map

Narrative (3 pages)

Concept Site Plan, Building Plan, and Renderings (7 pages)

**City of Oak Creek – Conditional Use Permit (CUP)  
Conditions and Restrictions**

**Applicant:** Daniel Wasserman, RW Howell, LLC  
& Jamie Linenberg, Tarr Group  
**Property Address:** 8355 S. Howell Avenue  
**Tax Key Number(s):** 828-9030-000  
**Conditional Use(s):** Drive through

**Recommended by Plan Commission:** TBD

**Approved by Common Council:** TBD  
(Res. TBD)

1. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.
- B. Any plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission for their review and approval prior to the issuance of any building permits. The approval of the Conditional Use, along with these Conditions and Restrictions, does not constitute approval of a site plan and architectural review. A separate site plan and architectural review approval will be required.
- C. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- D. A Development Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required, and/or as specified by these Conditions and Restrictions.
- E. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.

A. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Only the uses approved in accordance with these Conditions and Restrictions is allowed. Other uses permitted by the zoning district, in accordance with other applicable Sections of the City of Oak Creek Municipal Code and these Conditions and Restrictions, are also allowed.
- B. The drive through use shall meet all drive-through accessory use standards and requirements as stated in Section 17.0414(g) (as amended) of the Municipal Code.
- C. Hours of operation for the drive-through must remain within the hours of 6:00 AM and 8:00 PM daily.
- D. Any change to the occupancy of the site or building shall conform to all Building, Fire, and Municipal Code requirements (as amended).
- E. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and



access drives shall be the responsibility of the landowner(s).

3. BULK AND DIMENSIONAL STANDARDS

Bulk and dimensional standards shall comply with Chapter 17, Article III of City Municipal Code (as amended)

4. PARKING AND ACCESS

A. Parking for this development shall be provided in accordance with Sections 17.0501, 17.0502, and 17.0503 of the Municipal Code (as amended).

5. LIGHTING

Any plans for new or replacement outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Section 17.0509 of the Municipal Code (as amended).

6. SIGNAGE

A permit shall be required prior to the display, construction, erection, or alteration of any proposed sign(s). All signs must comply with Chapter 17, Article VI of the City Code and applicable sections of the building code as adopted by the City. (as amended)

7. PERFORMANCE STANDARDS

The use must comply with performance standards as stated in Section 17.0510 of Municipal Code (as amended)

8. TIME OF COMPLIANCE

The operator of the Conditional Use shall commence work in accordance with these Conditions and Restrictions within twelve (12) months from the date of adoption of the resolution authorizing this Conditional Use. This Conditional Use approval shall expire within twelve (12) months after the date of adoption of the resolution if building or occupancy permits have not been issued for this use.

9. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

10. VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Conditional Use Permit is convicted of two or more violations of these Conditions and Restrictions or any other municipal ordinances within any 12-month period, the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of Paragraph 11 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to

seek an injunction regarding any violation of this Conditional Use Permit or any other City ordinances.

11. REVOCATION

Should an applicant, their heirs, successors or assigns, fail to comply with the Conditions and Restrictions of the approval issued by the Common Council, the Conditional Use Permit approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving Conditional Use Permit as set forth in Section 17.0804 of the Municipal Code (as amended).

12. ACKNOWLEDGEMENT

The approval and execution of these Conditions and Restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these Conditions and Restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their subsidiaries, related entities, successors and assigns subject to Paragraph 11 above.

\_\_\_\_\_  
Property Owner / Authorized Representative Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
(please print name)

\_\_\_\_\_  
Tenant / Authorized Representative Signature (if applicable)

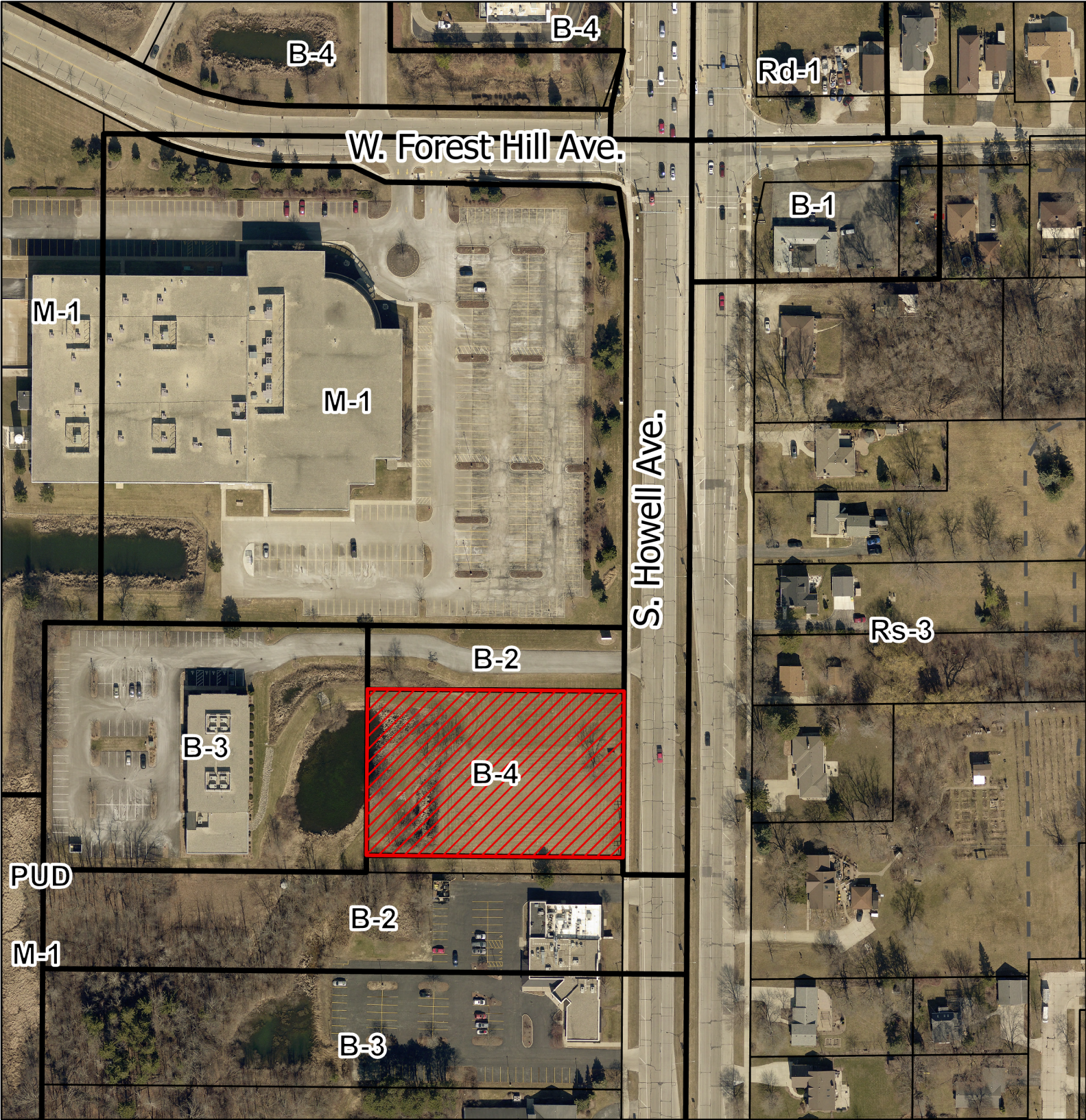
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Date

\_\_\_\_\_  
(please print name)



# Location Map

## 8355 S. Howell Ave.



This map is not a survey of the actual boundary of the property this map depicts







July 8, 2025

City of Oak Creek  
8040 S 6<sup>th</sup> Street  
Oak Creek, WI 53154

RE: Conditional Use – 8355 S Howell Ave

To whom it may concern:

On behalf of WMG Development, LLC, we respectfully request review of our submittal for a conditional use associated with the property located at 8355 S Howell Ave. WMG Development, LLC is currently under contract to purchase parcel #8289030000. The property is currently vacant and was recently approved to rezone to B-4 for the proposed development, which includes a multi-tenant building including a coffee shop with a drive through and retail space.

We are requesting a conditional use permit for the drive through of the proposed development located in an established commercial corridor. The proposed 6,230 square foot multi-tenant building features 3,830 square feet of commercial retail space and a 2,400 square foot coffee shop tenant with a drive through. The coffee shop will also offer approximately 380 square feet of outdoor dining area, offering both indoor and outdoor seating options to serve a diverse range of customers. The proposed coffee shop tenant is a regional brand that has two other locations in Wisconsin and operates under a franchise model. While not a large national chain, the company has established a presence through a growing network of locally owned and operated locations. Each franchise maintains a consistent focus on quality, community engagement, and customer experience, while allowing for a degree of local character and ownership. The brand has developed a loyal customer base by offering high-quality coffee, fresh food options, and a welcoming atmosphere that blends the reliability of a known brand with the feel of a neighborhood café.

The drive-through component is designed to accommodate up to 8 vehicles in the queue. This configuration is carefully planned to ensure efficient vehicle circulation, minimal disruption to site access, and alignment with all applicable code standards. The site will offer 41 parking spaces, including two ADA-compliant spaces, supporting both tenants and customer needs. Screening that includes both fencing and landscaping is proposed along Howell to minimize the visibility of the cars in the drive through. The detailed landscape plan that meets all code requirements will be provided during the design phase of the project.

The proposed hours of operation for the drive through is 6am to 8pm, 7 days a week. Peak hours are usually Monday through Friday 8am until 11am and 9am until 12pm Saturday and Sunday. The proposed tenant estimates an average of 500 customers on week days (Monday through Friday) and an average of

600 or more customers on weekends (Saturday and Sunday). However the indoor sales and drive through sales are approximately 50/50, therefore the drive through serves approximately 250 customers per day during the week and approximately 300 customers per day on the weekend.

The property is located within a commercially zoned area surrounded by a complementary mix of medical and professional offices, restaurants, and other larger retail users, making this development contextually appropriate. The inclusion of a drive-through is in keeping with the existing land use patterns and will enhance the site's market viability by introducing a contemporary amenity that directly responds to evolving consumer demands and expectations.

Importantly, similar drive-through establishments currently operate within .15 miles, .37 miles, and 0.5 miles (Taco Bell, Burger King, and McDonalds) of the subject site. These existing uses demonstrate that drive-through services are not only compatible with the commercial corridor but also desired by local residents and visitors.

In recent years, there has been a marked shift in consumer behavior, with increased preference for convenience, speed, and contactless service options. A drive-through component aligns with this trend, supporting public health considerations, improving customer experience, and ensuring the long-term economic sustainability of the proposed development. The project will also promote job creation, contribute to the local tax base, and help attract additional investment to the area.

Access to the site will be provided through an existing shared access point located to the north, minimizing the impact on traffic patterns and maintaining safe, organized ingress and egress. The building's main entrances face S. Howell Avenue, ensuring a pedestrian-friendly frontage, while service access and employee areas are confined to the rear of the building to preserve the aesthetic and functional quality of the public-facing areas. Full site access will come off the existing access to the north of the site.

The proposed development will have a positive economic impact, supporting the City's goals by: promoting job creation, attracting private investment, expanding the local tax base and encouraging sustainable use of commercial land.

To further, the proposed site plan meets the Drive-through code requirements as outlined in section 17.0414(g) of the Oak Creek Zoning Code and as outlined below:

- (1) Drive-throughs shall be permitted a maximum of four total menu boards and pre-order boards with a combined maximum area of 100 square feet. Each menu board or pre-order board shall not exceed 60 square feet in area and 10 feet in height. Menu boards and pre-order boards may utilize electronic message boards for 100% of the permitted menu board or pre-order board area and shall follow all regulations of § 17.0607(c).
- (2) Any speaker or intercom associated with a drive-through shall not be audible beyond the boundaries of the property.
- (3) Drive-through canopies shall maintain a uniform and consistent roofline with the building to which the drive-through is associated.

- (4) Stacking spaces and lanes for drive through stations shall not impede on- and off-street traffic movement, are not to cross or pass through off-street parking areas or drive aisles and are not to impede pedestrian access to a public entrance of a building.
- (5) Drive-through lanes are to be separated from off-street parking areas. Individual lanes are to be striped, marked, or otherwise distinctly delineated.
- (6) Drive-through facilities shall be provided with a bypass lane with a minimum width of 10 feet.
- (7) Stacking lanes shall have a minimum depth of 20 feet per stacking space and the following minimum lane widths:
  - a. One lane: 12 feet;
  - b. Two or more lanes: 10 feet per lane.

In summary, the proposed drive-through: aligns with the Oak Creek Zoning Code requirements, is compatible with the surrounding land uses, meets a demonstrated market need, enhances the function and economic potential of the site and supports broader city objectives for commercial growth.

We respectfully request your favorable consideration of this Conditional Use Permit to allow the proposed drive-through facility as part of a high-quality, strategically located development that balances operational efficiency, community values, and long-term sustainability.

If you have any questions or require additional information, please do not hesitate to contact me via email ([dylan@tarr-group.com](mailto:dylan@tarr-group.com)) or phone (615-829-0331).

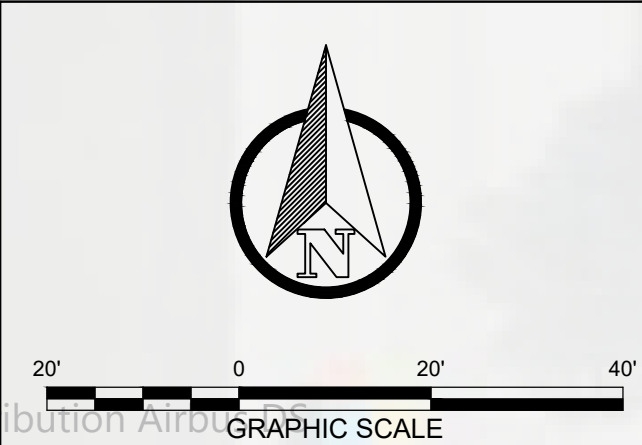
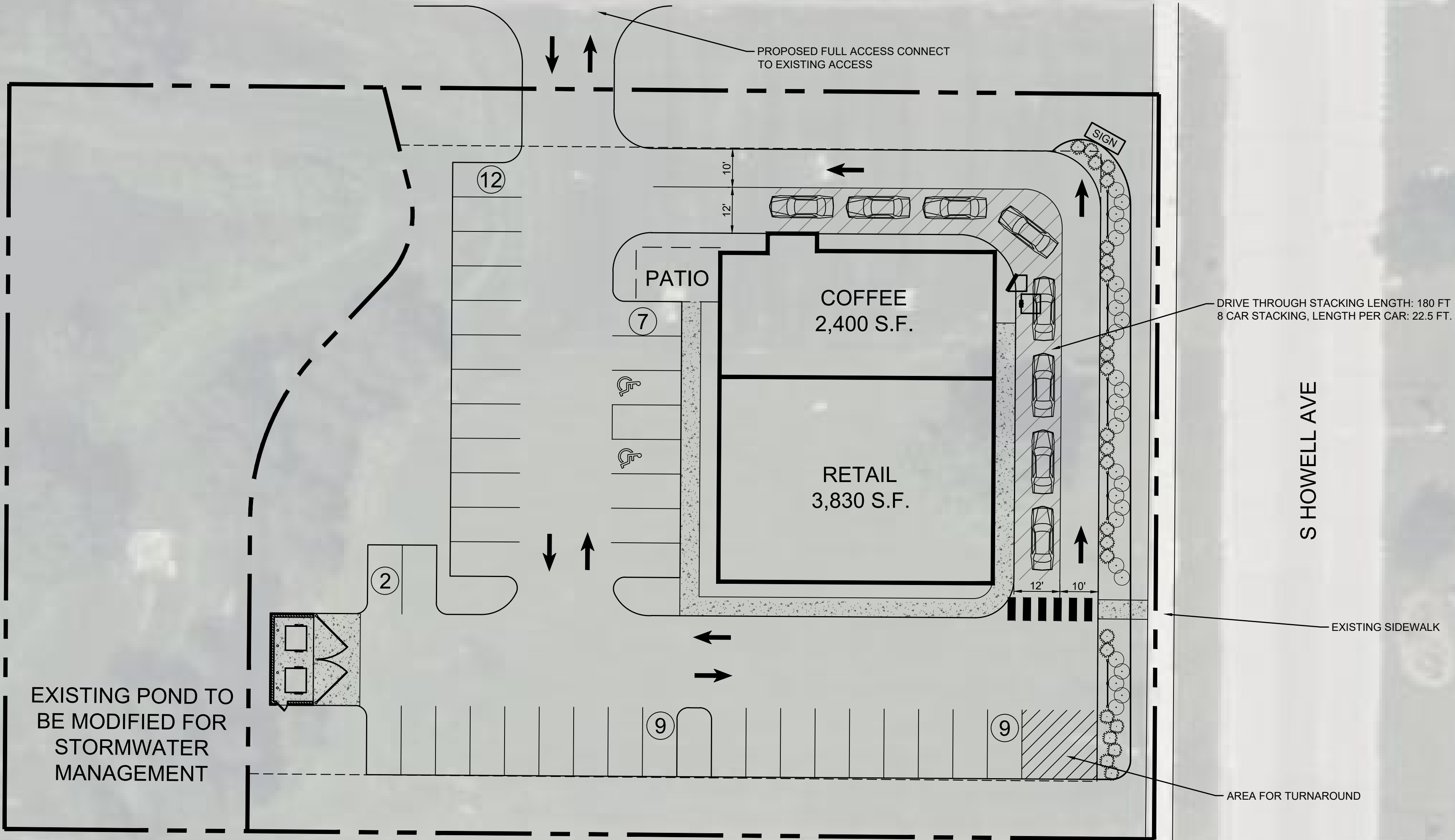
Sincerely,

A handwritten signature in blue ink, appearing to read "Dylan Tarr".

Dylan Tarr, PE

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SITE DATA TABLE	
1.	PROPERTY ZONED: B-2 (COMMUNITY BUSINESS)
	BUILDING SETBACKS: FRONT = 25' SIDE = 20' REAR = 25'
	LANDSCAPE YARDS/BUFFERS: STREET = 15' SIDE = 15'
2.	OVERALL SITE AREA: ±1.00 ACRES
3.	BUILDING AREA: 2,400 S.F. "COFFEE" 3,830 S.F. "RETAIL" ONE-STORY, MAX HEIGHT = 45'-0"
4.	PARKING: USE: COFFEE @ 2 SPACE PER 250 S.F. MINIMUM PARKING REQUIRED: 20 SPACES  USE: RETAIL @ 1 SPACE PER 250 S.F. MINIMUM PARKING REQUIRED: 16 SPACES
TOTAL PARKING REQUIRED: 36 SPACES	
TOTAL PARKING PROVIDED: 39 SPACES	



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IF THIS SHEET DOES NOT MEASURE 22"x34", IT HAS BEEN ENLARGED OR REDUCED, PLEASE ADJUST SCALE ACCORDINGLY.

OAK CREEK COMMERCIAL  
WMG ACQUISITIONS, LLC  
8355 SOUTH HOWELL AVENUE OAK CREEK, MILWAUKEE COUNTY, WISCONSIN



8650 E. STATE ROAD 32  
ZIONSVILLE, IN 46077  
PHONE: (646) 552-3238  
EMAIL: QI@TARR-GROUP.COM

CONCEPT LAYOUT

EX-1.6

**FLOOR PLAN**  
**SCALE: N.T.S**





NORTH WEST PERSPECTIVE





SOUTH WEST PERSPECTIVE





SOUTH EAST PERSPECTIVE





NORTH EAST PERSPECTIVE





SOUTH HOWELL AVE PERSPECTIVE

