MINUTES OF THE PLANNING COMMISSION MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, FEBRUARY 11, 2014

1. **The meeting was called to order at 6:30 p.m. by Mayor Neitzke**

ROLL CALL:	Mayor Michael Neitzke	Present
	Ald. Karl Kastner	Present
	Mr. Brian Weis	Present
	Ms. Denise Collins	Excused
	Mr. Frederick Hess	Present
	Ms. Christine Hallen	Excused
	Mr. Bradley Sponholz	Present
	Mr. Steve Rogers (alt.)	Present
	Mr. Don Carlson (alt.)	Present

ALSO PRESENT: Charles Erickson – Community Development Manager

2. **Motion by Ald. Kastner, seconded by Mr. Hess, to approve the January 14, 2014 minutes. Motion carried unanimously.**

3. **Discussion regarding the Common Council meeting held on January 21st and February 4th.**
At the January 21st meeting the Public Hearing for the Special Use for Laser Tag Pro (4260 S. 76 Street) was held and the item approved as presented. At the February 4th meeting the CSM for 4900 S. 68th Street was approved, with it now being anticipated that the question of if CBRFs can be adjacent to one another will be returning to the March Plan Commission meeting. The Public Hearing only was held for rezoning the parcels at 40th & Layton for Lakeland College/Larsen multi-tenant building. The reason it was only a public hearing and not a vote was that thus far only a conceptual review occurred before the December Plan Commission, however issues with the DNR, wetlands, and Milwaukee County regarding a traffic impact analysis left an incomplete plan submittal, therefore a vote could not occur. It is expected they'll have the needed detail for the March or April meeting. Lastly, the exterior changes for Arby's (4841 S. 27 Street) were approved as presented.

4. **Deborah Duskey, St. Vincent de Paul Society of Milwaukee, 9601 W. Silver Spring Drive, Milwaukee, WI 53225-3301 requests a Site/Building/Landscaping Review and a Special Use in order to open a retail thrift store for clothing and household goods in approx. 35,000 s.f. area on the north end of the building owned/occupied by The Ridge Community Church at 4500 S. 108th Street (former Walmart building). The need for a Special Use is that this proposed use is considered a 'Used Merchandise Store'. Tax Key #608-9995-009.**

   1. Background: St. Vincent de Paul Society (SVDPS) is interested in the northern-most 35K s.f. area of the approx. 50K s.f. vacant portion of The Ridge Church (old Walmart), and have proposed to open a retail thrift store – see attached narrative providing a description of the proposed operation. This type of use is consider a 'Used Merchandise Store' that is a Special Use in all GF non-residential zoning categories per the Zoning Code use of the NAICS (North American Industrial Classification System) for categorizing types of uses – see attached.
   2. Architectural Review/Exterior Materials: SVDPS's architect has prepared the following elements: 1) new entry-way façade treatment using 2' x 10' accent 'blue' and 'gray' EFIS panels with corrugated 'silver' metal panels surrounding the glass entrance; 2) pictures of a type of overhead canopy addition for drop-offs north of the building that would be desired; and 3) a floor plan. The width of the SVDPS space (north to south) is approx. 120', and the proposed entry-way features would be about 62' wide and 25' high (i.e. building is about 22' high).

Staff has a real concern that this proposal seems to make no effort to utilize even some of the basic design elements that The Ridge has in place along the west side of the building – see attached color rendition for comparison. Some re-working of this exterior façade treatment should be done to provide some consistency/correlation/compatibility with The Ridge façade work and return with that revision to the PC for further review while the public hearing scheduling process is underway.

3. Parking/Traffic Flow/Access/Curbed Parking Lot: See attached description of operation as it relates to the traffic pattern and use of the north side of the building as it relates to adding more parking, and how the drop-off/loading elements are utilized.
4. Signage: Proposed signage is the main wall sign over the entry-way, a small monument sign directing donors to the north side of the building, and some signage on the drop-off canopy.
5. Dumpster/Screening/Gated (materials used): They would continue to use the existing fenced enclosure at the NE corner of the site.
6. Landscaping/Buffer Yard: Some effort is needed to provide some landscaping near the building, particularly on the north side which was formerly used as the outside garden shop area, that has been completely removed. This element should return to the PC while the public hearing scheduling process is underway.
7. Landscaping Cash Deposit/Letter of Credit: If this proposal is approved and when a landscaping plan is submitted, the following are pertinent financial security requirements: 125% of the landscaping costs with 30% retained for two years after initial planting. Furthermore, an on-going condition of approval will be that the landscaping will be subject to annual review by the City to make sure all landscaping features are still being maintained, and that any dead/dying landscaping be replaced as necessary.
8. Hours of Operation: 8 a.m. – 6 p.m., Monday – Saturday; closed on Sunday.
9. PUD Requirements: Since this parcel is has a PUD zoning, a Developer's/Special Use Agreement will be needed with SVDPS, if this proposal is approved. The initial drafting is done by the City.
10. Miscellaneous:
    - USA Family Thrift, as a similar use immediately to the north at 4470 S. 108th Street, received its Special Use approval in 2003 – see attached CC minutes excerpt.
    - SVDPS has been informed about the formal public hearing process involving a Special Use request in that these are held at a Common Council (CC) meeting typically 4 – 6 weeks after the PC has made a recommendation to the CC. Part of the process involves mailing the hearing notice to all property owners within 400' of the parcel boundaries about 2 weeks in advance of the mtg., along with a single notice in the GF NOW weekly newspaper. Furthermore, as a practical matter, staff also suggests that when applicants who have a project that requires a formal public hearing at a future CC meeting, that it can be important to make an effort to 'reach-out' to the now affected neighboring property owners in advance of the formal public hearing so that the impacted property owners are better informed about what is actually being proposed earlier than later. This is done by staff providing electronically the exact same property owner mailing list based upon the same 400' radius line. An applicant can host a neighborhood information meeting in this tenant space or at a separate location or here at the City Hall or go door-to-door, or do a mailing, etc. The list hasn't been prepared yet but when The Ridge did their rezoning in 2012, there were approx. 15 tax keys when the radius line was drawn around the edge of this 10 acre parcel.
    - It is suggested that at the Common Council meeting when the public hearing for this request is being considered, that SVDPS and The Ridge provide the Mayor and Alderpersons with some general information about the nature of the lease or purchase arrangement between these entities as it relates to The Ridge's commitment when their rezoning public hearing was held 7/17/12.

Recommendation: Authorize the public hearing process to proceed subject to PC and staff comments, with the understanding that exterior building elements and a landscaping plan are still 'open' elements which still need to be addressed by SVDPS.

Furthermore, in this instance, the Plan Staff members that participated in this review were actually split (3 – 3) on their respective opinion on the 'special use' aspect of this proposal. See below:

- 'Yes': The former Walmart building became vacant in 2011 prior to The Ridge purchasing it a year later. One of the factors affecting the filling of the currently vacant portion of the building more so than a typical commercial location is that both The Ridge and Walmart's scrutiny simply makes it harder with potential user options. A similar broad question had been raised two years ago about '…Is it ok to have a church on one of the City's main business area?...", as opposed to having a 110K s.f. building remain vacant? That question has been successfully answered given the enhancements that The Ridge has done. Besides, the SVDPS proposal to use 35K s.f. is a major retailer, not some small 'mom & pop' store.
- 'No': There is some concern about conflicts given the immediate neighboring thrift store. Some uses work well when they are adjacent to one another such as offices or restaurants, and in some cases, certain types of retail businesses as well. However, having two 'used merchandise' places next to one another is not a good combination, particularly when the proposal is in one of the City's prime business corridors. And given the potential conflict with the adjacent thrift store, it may leave one building underutilized, detracting from the overall commercial corridor.

The following were present on behalf of the project:

Debbie Duskey, Executive Director – St. Vincent de Paul
Michael Petersen – St. Vincent de Paul
Pastor Mark Weigt – The Ridge Community Church
Al Lepak – Resale Expert
Marty Van Hoof – Zimmerman Design
Tom Cecchini – Rossi Construction

Mr. Erickson gave some detail on tonight's proposal. Mike Peterson with SVDP then spoke on SVDP's business philosophy, with their focus being on offering a shopping experience similar to a department store. He stated that SVDP wants to be on record that they are asking to participate in the PILOT (Payment in Lieu of Taxes) program, to show their commitment to the community as they are a non-profit and do not pay taxes. He also pointed out they will be bringing 30 jobs to the community. He said they don't fully understand what the Kulwicki Trail connection is that was discussed for this site at one time is, but they want to learn of it and be involved in anything positive in the community.

Marty Van Hoof, Zimmerman Design, gave a review of the architectural elements. He said the proposed design took colors from the Ridge Church, with the plan to paint the existing block wall from the designation line of the SVDP store to the north end. He then gave a review of the materials and color palette they would like to use. He stated they need to keep in mind they are working with a non-profit and tailor the options accordingly. Ald. Kastner asked if they were keeping in mind the viability of this location along Hwy. 100 and the importance of this area to the City. Mr. Peterson replied that this is not a budgetary deal as they have bank financing in place. They are here tonight to get the City's input. They have had six renditions to their plans thus far as they put together the plans for what will be the largest thrift store in Wisconsin.

Al Lepak, Retail Expert, spoke on his involvement with SVDP to help them achieve their goal of a quality operation. Resale is a tough industry, and often times has a negative connotation. They strive for a department store look. Resale is a strong industry and a needed industry. He runs several thrift stores in Washington County and they have 50,000 registered customers in their loyalty card program. SVDP runs a good, high-end store and they are proud of that.

Ald. Kastner asked about the other three resales stores currently along Hwy. 100 and if SVDP would take them out of the market? Mr. Lepak said they wouldn't take them out of the market and feel there is enough interest to maintain them all. Mr. Lepak said this area hasn't reached the saturation point yet and they would be bringing in more shoppers to the area overall.

Mr. Rogers stated that SVDP runs a good operation. Mr. Hess questioned odors in these kind of second-hand retail stores and asked how that would be addressed. Mr. Lepak said they recognize odors along with things such as stains or broken merchandise. They feel if they are aware of these things the customer will be too, therefore they make an effort to sort and clean merchandise and if it is not fixable and saleable it goes to the recycling center, where things end up baled and shipped to third world countries, which is a huge industry in itself.

Mr. Carlson questioned the types of advertising they do. Mr. Lepak responded that advertising is critical. Word of mouth is the best advertising but you need to market heavily, with the internet being a great way to both advertise and get feedback. Other sources they use are radio, TV, billboard and also coupons to encourage a return visit.

Mr. Weis said as this is a mixed use business corridor he is not sure another used merchandise store is the best use for this site. Mr. Lepak responded he did not know who to answer that but first and foremost they are retailers and seek out the best, most dynamic location, as that reflects on the future success. He again stressed that there is a need for this industry; where growing and selling at "price-point" is key.

Mayor Neitzke offered his comments. He stated the public hearing will be the litmus test as to if there is support for this or not. He thanked them for volunteering to participate in the PILOT program, which the City sees as a positive sign. He stated he also shares the concerns expressed by Ald. Kastner and Mr. Weis in that he isn't sure this is the best use of the site. He also mentioned the TIF district across the street (Greenfield Highlands) that is scheduled to begin shortly with a groundbreaking for the condo portion and once that starts moving along he feels other projects will begin to materialize. He feels the proposed exterior needs improvement, as Hwy. 100 is the "gold coast" of our city. The fact that this is a former Walmart with covenants places us in a difficult position. Also he mentioned that regarding Kulwicki Park located to the north of this site, which hosts Greenfield Little League, was intially pledged by The Ridge to put in a trail to connect to the park to alleviate parking issues. The Little League then said they would do that trail project, but later on they informed us they are unable to do this so we hope that we could get some commitment from SVDP and/or The Ridge in accomplishing this. Lastly, to gain favor at the public hearing the building really needs to look good.

Ald. Kastner said his wish was always that the old Walmart building was gone, so we wouldn't be bound by any covenants, and when a new use came in it would be commensurate with Hwy. 100. Discussion occurred on if the covenants follow the property or follow the land. Ald. Kastner said there have been promises of a trail to Kulwicki Park, along with a promise of facilities that The Ridge would provide for recreation, which the school district would receive benefit from that, neither of which materialized. He feels overall he is not comfortable with how things have evolved at this site and would like a design worthy of Hwy. 100.

Mr. Sponholz questioned if Walmart is still the owner, to which is was replied Walmart sold it to The Ridge but the Walmart covenants are still in effect. Mike Peterson said SVDP would engage in what is known as condominium purchase and they would be buying 35,000 sq. ft. from The Ridge, with parking being considered common area maintenance. Ald. Kastner asked what if we wanted it leased vs. being condo-ized, since he feels there is more control with one owner and a tenant(s) leasing? Mr. Peterson then explained how the condo purchase agreement would work. Ald. Kastner said when there is no direct accountability you have problems. Mr. Lepak stated their protocol on how they maintain their sites with daily walk-thrus. They are conscientious of liability and have protections in place to maintain their properties.

Steve Andersen, broker with Andersen Commercial, said they represent the property owner and also manage the property. Their firm handles any maintenance issues currently for The Ridge and will also manage for the future tenant. He explained how the condo purchase component would work. From the equity concept SVDP would have a piece of ownership in the property while it is one overall facility, just sectioned off or "condo-ized". Mayor Neitzke asked if this is a common practice to which Mr. Anderson replied it is fairly common in Florida and other states, and becoming more common in Wisconsin.

Mike Peterson questioned a previous comment on if public transportation is coming to the area to which Mayor Neitzke said that aspect is with the County so we don't know what is coming. As far as the Kulwicki Park trial and its possible implementation, he encouraged everyone to go to their website, where they would see examples of SVDP's commitment to integrity and carry thru.

Mayor Neitzke asked if there is a way to eliminate "Thrift" from this to which Mr. Peterson said he agrees that it would be more to their advantage in their business model to not have that connotation. Mr. Rogers questioned if the "blue" is part of their branding to which Mr. Van Hoof replied that it is their common practice to use blue, but they are not held to a specific color scheme. Mr. Rogers said he feels that the way to gain approval would be for SVDP to show how this is good for Greenfield and to show commitment via the Kulwicki Park trail. Ultimately the market will determine the viability of those types of uses along Hwy. 100.

Mr. Carlson asked how the profits are used. Mr. Peterson replied that profits are used to feed 200,000 - 300,000 people annually and provide home care visits.

Mayor Neitzke asked if this will be strictly retail at this location to which Mr. Peterson replied yes, there would be no food component or corporate office use. Mr. Sponholz said this is a good organization in which people within Greenfield are benefitting and perhaps they should show examples of that at the public hearing.

Ms. Duskey gave some background info on SVDP. They are in 146 countries. In Milwaukee they have 54 groups, with about 900 members that make home visits to those that need help. Their store programs generate income to support their mission.

Ald. Kastner questioned if there would be a need for the Health Dept.'s involvement if they were to prepare/offer free popcorn and coffee. It was replied that normally they don't encounter the need to have permits for this type of thing but if they did they'd comply with any Health Dept. requirements.

Mr. Lepak said one thing he finds inspiring is the services they are able to offer and is in awe of the volunteers who go out on their own time to help and serve those in need.

Mr. Weis said he would prefer moving forward with the scheduling of the public hearing but not making a recommendation on the Special Use or approving the Site/Building/Landscaping. Ald. Kastner said he would like everything held until the Site/Building/Landscaping plan comes back, then schedule the Public Hearing after that. Mayor Neitzke said he is okay with the site as presented, and with the drop-off at the north side the building. He feels the northern face needs to be dressed up, be it landscaping or something else, and the word "thrift" should be eliminated. He noted he is grateful for them volunteering their participation in the PILOT program. Ald. Kastner said such a deal is not good for the Whitnall School District.

Mayor Neitzke said he has been lobbying for some time for uses for the old Wal-Mart and there has been no interest. Mr. Rogers said it could also remain vacant. Mayor Neitzke said the economic value of this area is greater today than five years ago, and to take a TIF district like in Hales Corners and fix up a shopping center with a thrift store as a tenant isn't the ideal situation, which isn't occurring here.

Ald. Kastner said he would like to hold this over until the March Plan Commission and ask that plans come back with the landscaping improved upon, and ideally have the bike trail drawn out also.

There was general discussion about the value of making sure that the actual public hearing at a future Council meeting not occur until the Plan Commission made its full recommendation on the range of this request. So the completeness of the SVDP submittal become very important with that scenario.

Motion by Mr. Weis, seconded by Mr. Rogers to hold over any action on the Site/Building/ Landscaping Review and a Special Use request of St. Vincent de Paul, 4500 S. 108th Street, subject to Plan Commission and staff comments, but authorize the public hearing process scheduling to begin. Tax Key #608-9995-009. Motion carried 6-1 with Ald. Kastner voting no.

5. Discussion/decision to start the public process to amend the Comprehensive Land Use Plan as it applies to the Mt. Carmel parcel at 5700 W. Layton Avenue and the May parcels at 5520 W. Layton Avenue:

- **Tax Key #602-9947-003: 19.35 acres. from 'Community Facility' to 'Planned Mixed Use'**
- **Tax Key #602-9943-003: .98 acres. from 'Planned Business' to 'Planned Mixed Use'**
- **Tax Key #602-9943-004: .84 acres. from 'Planned Business' to 'Planned Mixed Use'**

1. Background*:* Last October the announcement was made about the closing down of Mt. Carmel likely during 2014. At the December PC there was some general discussion about the following possibilities given the unlikelihood of another health care use coming into that large and older facility. Some rhetorical options included but not limited to:

    - Initiate the action 'now' to change the rest of the Land Use designation for the Mt. Carmel parcel to 'Planned Mixed Use' to be consistent with the other designation on-site? OR

    - Since a re-zoning will likely be needed in any event with whomever is the next potential user, are we better off to combine/coordinate both of those processes together so we know that it appropriately 'fits' when an actual/formal development proposal is presented? OR

- Is there some 'time-lag' element we need to maintain awareness about given the sensitivity of the closure announcement just this past October on the individuals/families impacted by the Mt. Carmel/Ventas decision, and accordingly, defer any consideration of this potential change at this time? OR

- What, if anything, should be done with the May Nursery designation?

For background purposes, even though Mt. Carmel has been at this site but with a smaller 'foot-print' going back to the late 1950's, the zoning of both Mt. Carmel parcels was changed in 1997 to 'PUD with C-2 Commercial Uses'.

In the meantime, the CLUP map adopted in 2008 for this area actually has three designations:

- 'Community Facility' which includes 'health care facilities' – based upon the presumption in 2008 when this plan was finalized – of a continued nursing home use where the existing buildings and parking lots are located on this 19.35 acres.
- 'Planned Mixed Use' is shown for the open area (4.5 ac.) along the south side of this parcel. This designation has the broadest range of potential uses possible and is, for example, what the designation for the Chapman School area and the Loomis Crossing area.
- Furthermore, the adjacent vacant 'May Nursery' parcels is designated 'Planned Business'.

The PC consensus back in December was to defer any further discussion/consideration on the possible amendment process until its February meeting with the understanding that the normal processing of this type of request would include a public hearing at a future CC meeting approximately 60 – 90 days later. The general desire then was to initiate a change to both the 'Community Facility' designation on Mt. Carmel and 'Planned Business' designation on the May parcels so that this entire area from 60th St. east to Honey Creek is 'Planned Mixed Use', which is the broadest category possible.

- A copy of this meeting agenda and PC Notes were also sent to the property owner's address as listed on the City's Property Search Data for these three tax key parcels.
- Attachments include: aerial photo of this general location; site map identifying the respective Key #'s; excerpt of the Comprehensive Land Use Plan narratives for 'Planned Mixed Use', 'Planned Business', and 'Community Facilities'; and the Zoning Map and the Comprehensive Land Use Map for this area.

Recommendation: Approve request subject to Plan Commission and staff comments to approve the Comprehensive Land Use Plan amendment for the following parcels as proposed and authorize the public hearing process to proceed:

- Tax Key #602-9947-003: 19.35 acres. from 'Community Facility' to 'Planned Mixed Use'
- Tax Key #602-9943-003: .98 acres. from 'Planned Business' to 'Planned Mixed Use'
- Tax Key #602-9943-004: .84 acres. from 'Planned Business' to 'Planned Mixed Use'

Motion by Mayor Neitzke, seconded by Ald. Kastner to recommend approval to amend the Comprehensive Land Use Plan as it applies to the Mt. Carmel parcel at 5700 W. Layton Avenue and the May parcels at 5520 W. Layton Avenue as proposed, subject to Plan Commission and staff comments, and authorize the public hearing process to begin. Tax Key Nos. 602-9947-003, 602-9943-003, 602-9943-004. Motion carried unanimously.

6. Community Development Manager Report.
None.

7. Motion by Mr. Carlson, seconded by Mr. Sponholz to adjourn the meeting at 7:55 p.m. Motion carried unanimously.

Respectfully submitted,

Alison J. Meyer
Administrative Assistant

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