MINUTES OF THE PLANNING COMMISSION MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, JULY 8, 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	Present
	Mr. Frederick Hess	Present
	Ms. Christine Hallen	Present
	Mr. Bradley Sponholz	Present
	Mr. Steve Rogers (alt.)	Excused
	Mr. Don Carlson (alt.)	Present

ALSO PRESENT: Charles Erickson – Community Development Manager
Casey Steinke – Community Development Intern

2. Motion by Ms. Hallen, seconded by Mr. Weis to approve the June 10, 2014 minutes. Motion carried 5-0-2 with Ms. Collins and Mr. Sponholz abstaining.

3. Discussion regarding the Common Council meeting held on June 17th .
At the meeting the following were approved as recommended by the Plan Commission: The amendment for the Greenfield Highlands regarding the clubhouse color, the Special Use for a child care center at 4161 S. 76th, and the request for expanded hours for the gas station at 4621 W. Forest Home; it is noted that the owner had contact with 8 adjacent property owners via letter, along with Ald. Lubotsky communicating such to Milwaukee Alderperson Joe Dudzik.

4. Stevan & Dragica Lazic, 5340 W. Cold Spring Road, Greenfield, WI 53220 request a Certified Survey Map to split their lot to create two parcels; one will be 12,400 s.f. where the existing house is located, and the other will be 10,400 s.f. for the new northern parcel which will have frontage on W. Leroy Avenue. Tax Key #573-8994-001.

1. Background: Stevan and Dragica Lazic request a Certified Survey Map to split their lot to create two parcels; one will be 12,400 s.f. where the existing house is located, and the other will be 10,400 s.f. for the new northern parcel which will have frontage on W. Leroy Avenue; and both will be 88' feet wide. These exceed the R-3A zoning size requirement of 7,200 s.f. lot minimum square footage and 65' lot width.
2. Utilities: Laterals for water/storm/sanitary extended into northern area when Leroy Ave was improved almost 10 years ago.
3. Park Fees: $1,498 for the creation of a new residential parcel via the CSM is payable at the recording of the CSM or when a building permit is taken out – staff will need to work with the property owners on this aspect.
4. Outside Agencies: The CSM is being reviewed by Milwaukee County Register of Deeds, and City Engineering staff. All corrections, if any, must be completed before recording. The applicant needs to be informed of the following: provided that a) the necessary approvals have been obtained; b) the original CSM map is in order; and c) all applicable charges have been paid, applicant must submit a final signed and notarized CSM to the Engineering Dept. for recording. The City requires a minimum of seven (7) working days to perform its final processing and recording of the CSM. If the applicant requires the CSM to be recorded on, or by a specific date, plan for appropriate lead-time to be sure to submit the necessary materials to the City allowing for its processing time.

Failure to submit the necessary materials with the CSM for recording may cause additional recording delays.

5. Special Assessments/Deferred Charges: The special assessments for the Leroy Ave. utility extensions have been paid in full.

Recommendation: Approve subject to Plan Commission and staff comments, and authorize this item to be expedited to the July 15th Council meeting.

Motion by Ald. Kastner, seconded by Mr. Hess, to recommend approval of a Certified Survey Map to split a lot to create two parcels; one will be 12,400 s.f. at 5430 W. Cold Spring Road, where the existing house is located, and the other will be 10,400 s.f. for the new northern parcel which will have frontage on W. Leroy Avenue, subject to Plan Commission and staff comments, and authorize this item to be expedited to the July 15th Common Council meeting. Tax Key #573-8994-001. Motion carried unanimously.

5. Kendall Breuniq, EZ Self-Storage, 10535 W. College Avenue, Franklin, WI 53132 requests a Special Use and Site/Building/Landscaping Review for the purpose of converting the vacant Chocolate House property at 3645 W. Loomis Road into an EZ Self-Storage location. Project would involve renovating the existing 29K s.f. warehouse, adding a 12K s.f. second floor inside the west end of the warehouse, and constructing two new buildings that would be approx. 7.5K s.f., Tax Key #575-8897-003 & 575-8997-005. [[Follow-up to the Conceptual Review at the June PC meeting.]]

1. Background: As a follow-up to the Conceptual Review done at the June PC, Mr. Breuniq, owner of seven EZ Self-Storage facilities in the metro area, now requests both a Special Use and a Site/Building/Landscaping Review for the purposes of converting the vacant Chocolate House property at 3645 Loomis into an eighth EZ Self-Storage location. The project would involve renovating the existing 29K s.f. warehouse, adding a 12K s.f. second floor inside the west end of the warehouse, and construct two new buildings that would be approx. 7.5K s.f. Overall, there would be a projected approx. 240 storage units on-site per this proposal.

   See attached detailed narrative dated 5/21/14 as it relates to a Plan of Operation, parking, site improvements, landscaping, stormwater control, snow storage, and Fire Dept. elements; also attached are detailed 11" x 17" sheets for the existing site plan with topography features, a proposed site/landscaping plan, existing/concept building elevation drawings for the existing building and proposed buildings, and concept street elevations from both Loomis and 35th Street.

   For background purposes, mini-warehousing/self-storage units is a Special Use in this M-1 Light Industrial zoning district – see attached excerpt from the ZC (i.e. NAICS #531130).
2. Architectural Review/Exterior Materials:
   - Building #1: The existing warehouse building will be painted light gray with a blue accent band in some locations.
   - Building #2: It is proposed that the north side is a 'ribbed exposed fastener metal wall panel that is light gray, with a blue metal roof panels. Staff believes that similarly what is done with Bldg. #3 should occur here also in that the north elevation should also be a masonry product instead of a metal wall panel; actually both the west face and the east elevation are a masonry endwall. The 'non-street side' (i.e. south) is predominately a metal garage door already, and so having the metal panel on that side is fine. While it's understood this is supposed to be a storage building, at the same time this north elevation spans 345' from east to west, and so needs some effort at 'architectural relief' (i.e. formal phrase in the City's Site Development Standards is

'façade articulation variables'). CMU's (concrete masonry units) these days are not just 'split-face' or 'smooth-face' units, and so some variation using a different CMU that is strategically and periodically spaced through this long span – along with the landscaping that is proposed – will provide some 'relief' element on that north side.

- Building #3: The new building will be light gray with blue steel roofs and doors. Where the current smaller 'retail' building is on the west side, it would be torn down so a drive would be built to access a second floor level on the west 1/3 of the existing warehouse building. The majority of the new drive is not elevated much above the south property line which is +/-5 feet higher already. A covered loading area will be provided at the top of a second floor drive. It is proposed that the 'street-side' portion of the new building would be concrete masonry, and the 'non-street-side' portion would be a ribbed, metal wall panel material.

3. Parking/Traffic Flow/Access/Curbed Parking Lot: There would be eight parking spaces plus two outside the east gate on 35th Street. See May 21st letter for further background on the provision of these stalls both inside and outside.
4. Storm Drainage/Grading (lot & building): Mr. Breuniq is proposing – per the attached 6/19/14 letter – to install 400 ft. of 36" diameter reinforced concrete pipe which conveys roof and parking lot runoff to this underground storage element with a controlled lower release rate. This overall site proposal shows an increase in greenspace, and with the design enables a decrease in the water release rate. During the Spring/Summer, the water would be used for lawn/landscaping irrigation. State plan review for water reuse systems (i.e. 'holding tank' as referenced in the narrative under 'stormwater') will be needed.
5. Lighting (building & site): The exterior drives will be lit from dusk to midnight, with maybe a light above the main entrance doors or decorative/landscape lighting staying on all night.
6. HVAC/Utility Box Screening: Since there is an intent of creating a 'climate-controlled' storage feature for Building #1 (i.e. between 50 – 75 degrees and controlled humidity), any roof-top HVAC units will need to be screened.
7. Signage: The proposed sign at the southwest corner of the property is a 12 foot tall monument sign with a 2' x 8' foot LED reader board (i.e. 10' is the max allowed monument sign height).
8. Dumpster/Screening/Gated (materials used): Dumpsters are not provided to the tenants, but if EZ would have one on-site, it will be kept inside a storage unit for their own use.
9. Fencing: There is a proposed 8' high decorative black aluminum fencing provided for safety/security, with gates at the east and northwest property entrances.
10. Landscaping/Buffer Yard: The Loomis Rd frontage is proposed to have a lot of flowers and smaller ornamental trees, and the north side facing the apartments would have a variety of trees and shrubs. Per the Landscape Schedule and Plan, the trees that are proposed are 4 snow crab trees at 1.5" diameter, 4 sparkler crab trees at 1.5" diameter, 7 Austrian pines at 4' tall, 10 maples at 2.5" diameter; plus there are shrubs and flowers. Any evergreen trees that are to be planted will need to have a 6' – 8' planting height. A staggered planting alignment is shown along the north side where there is a 21' landscape buffer area. As noted below the City Forester will be reviewing this plan, and so it may be possible that he will suggest a different species than the Austrian pine.
11. Landscaping Cash Deposit/Letter of Credit: 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.
12. City Forester Site Inspection: Underway.
13. Hours of Operation: Access to the doors and gates is allowed 24/7, but those hours can be limited or changed per the Plan of Operation – see 5/21/14 letter for further details.
14. Sidewalks: None needed at this time, but based upon latest discussions with WisDOT, in about 5 years there will be a Loomis Road improvement project which will likely include the installation of sidewalks along the right of way line.

15. Fire Department: The large warehouse building will have a fire sprinkler system with a monitoring service, and as needed, a smoke detection system. The new building along the north side of the parcel would be partitioned with a 4-hour rated fire wall.
16. Outside Agencies: As referenced above, future WisDOT roadway work may affect access to the site. But in the meantime, any driveway access changes/modifications – even the closure of the SW approach -- would require prior permission from WisDOT for Loomis Rd (STH 36).
17. Erosion Control: Needed from the City Engineering office prior to any site work starting.
18. Miscellaneous: See various elements below:
    - If there's intent for a separate business operation(s) to potentially occupy any of the proposed leasable space, it would be subject to standard City zoning/occupancy requirements.
    - Attached is an email excerpt from Ald. Lubotsky dated 6/2/14 indicating that she is "…not in favor of the storage unit idea where the Chocolate House was; I think we could find a much better use for that land…".
    - As a refresher only, the Chocolate House has been vacant for at least a couple of years. Since then there was a Conceptual Review at the February, 2013 PC meeting for a proposed 60-unit multi-family apartment project from Metropolitan Associates (i.e. owner of Loomis Hills apartments immediately to the north). Ultimately that project never went beyond that level due to a combination of too many units being proposed, with not enough on-site/off-street parking and not enough greenspace. Until now, no other proposal or even 'cold-contacts' have occurred for this site.
    - If a follow-up Special Use submittal is made and ultimately that request is approved, both of the tax key parcels would need to be combined via a Certified Survey Map.
    - Mr. Breuniq 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 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 on-site 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 it's estimated to be less than 10 property owners/tax keys when the radius line was drawn around the edge of this parcel.
    - See the Milwaukee JS article (Oct. 2013) about Mr. Breuniq and his renovation efforts of the former Pritzlaff Hardware building downtown.

Recommendation: Approve both requests (Special Use & S/B/L) subject to Plan Commission and staff comments, and authorize the public hearing process to proceed.

Kendall Breuniq, the applicant, and Kurt Klapperich, the broker, were present to answer questions. Mr. Steinke gave a brief overview of tonight's proposal. Mr. Breuniq spoke on some of the features of their proposal, such as nearly all of the 20 existing HVAC rooftop units will be removed (perhaps two may be kept) and replaced with inside equipment to provide dehumidification. He noted that they are not required to install stormwater retention for the amount of land they are disturbing, but they will be installing it anyway, using it to capture the water and irrigate the landscaping out front. He also spoke on the landscaping they intend to use.

Ald. Kastner questioned the "blue' roof versus earth-tones, which would be more desirable. He doesn't feel the blue fits into the neighborhood and that the tenants at the neighboring apartment and those visiting the nearby cemetery would not be appreciative of the color.

Ms. Hallen stated she does not feel this is the best use of the land. Mr. Carlson asked her what she feels would be a better use to which she replied that yes, it has been vacant for several years, and with an attempt to put in apartments that didn't pan out, but who's to say in the future that there won't be someone with a better use than a storage facility having interest in the site.

Mayor Neitzke stated he shares some of Ald. Kastner's concerns and also agrees that this is not the optimal use of the property. When Metropolitan Associates came in the first time with the apartment proposal was when the real estate market was at its bottom. He spoke on how the time is such for Loomis to reinvent itself. However, if this is the use that the Plan Commission recommends and the Common Council agrees upon, it still needs to blend in, not stand out and thus be seen strictly as a self-storage business. Still needed are better architectural elements, there should be no garage doors facing Loomis, more landscaping needs to be added along Loomis, and the four units that will be facing Loomis need to have the door orientation changed. Overall, if this is what is going into this space, it really needs to look good.

Discussion followed on the value of this project, which Mr. Breuniq stated is $1.5M, versus the value of an apartment project and the higher tax base that apartments would bring, versus the value of a potential permitted industrial use.

Mr. Carlson questioned if there is a need for more apartments? There are many complexes in Greenfield and most of the larger ones seem to always have signs that they have units available. Mr. Carlson said he does not feel like Greenfield is in need of additional apartment complexes. Mayor Neitzke responded that the vacancy rates in the better apartment are next to zero, while the occupancy rates in the apartments that are 30-40 years old are higher. He feels that in time there could be more value placed on this property than what this would bring.

Mr. Weis stated this is a tough site to market with Mr. Carlson asking just how long we should wait for what the City feels would be a more desirable option.

Karl Eckman and Jack Hasey, both owners of Sterling-Hasey who own the property, were present to answer questions. Mr. Klapperich gave some background info on Mr. Eckman's and Mr. Hasey's 30 plus years of building expertise and extensive knowledge of the real estate market. They've researched the site for themselves as to its viability for redevelopment as either a multi-family or an industrial multi-tenant use. Mr. Klapperich said his viewpoint is that a climate-controlled, multi-unit storage building is about as low intensive and as high in value as you can get on an Industrial zoned property. Mayor Neitzke questioned if there'd be a willingness to change the zoning to better meet the values they are looking for to which Mr. Klapperich replied that the market has spoken as this has been for sale for over two years. People have looked at this building and turned and walked out due to the condition. Mayor Neitzke questioned the sale price, which Mr. Klapperich replied that it started at $900,000 and is now listed at $450,000.

At the time it was listed it had an assessment value of $810,000, with taxes of $24,138. It has been vacant for over a year and a half now and currently the assessment is $353,500, a $459,300 drop in assessed value. The 2014 taxes are estimated at $10,718, so the City is losing tax money on this vacant site. If the storage facility gets approval, with a value of $1,500,000 the taxes would be approximately

$45,000. Approving this facility increases the City's tax base. Mayor Neitzke questioned if the owner's would be willing to pursue changing the zoning, to which Mr. Klapperich replied he feels that they have a great use for the current zoning right now. He again brought up how an experienced multi-family developer looked at the site and found that it didn't make economic sense as apartments.

Mayor Neitzke and Mr. Weis both commented that it needs more earth tones to have it blend in and hide what its use really is. Mr. Hess stated he feels this is a low impact use. When the apartments were proposed he cited the Police Department's concern that additional units managed by Metropolitan Associates could place an increased demand for their services.

Mr. Klapperich cited a number of properties around Greenfield that have been available for years. One of them being owned by Ted Larsen, who has been waiting to develop a Church and Chapel location along Layton Avenue for close to eight years now. He questioned how long does one have to wait for development to occur? Mayor Neitzke noted that the City rezoned these parcels in accordance with Mr. Larsen's development proposal, and also were very supportive of the Lakeland College proposal as well as when that re-zoning request came in earlier this year.

Jack Hasey give a history of the ownership. Their family has owned the site since 1962. He stated that one month they didn't get the rent check in, and when they went to the site there were no cars there as the Chocolate House had shut down production without informing them. From that point they started to explore different options. As there has been no demand to lease the space they are now attempting to sell. They also evaluated if they could develop the site and every option they explored showed there'd be a financial loss. They feel the storage units use is a use that makes sense, and may very well be the only thing that makes sense. Another route that they could take is to demolish the building, which is very expensive, and then run the risk of the land sitting unwanted. He does not see anyone desiring to use the parcel for residential development.

Motion by Ms. Hallen, seconded by Mayor Neitzke to authorize the Special Use public hearing scheduling process to proceed whithout any recommendation at this time for the purpose of converting the vacant Chocolate House property at 3645 W. Loomis Road into an EZ Self-Storage location, subject to Plan Commission and staff comments, and with revised plans for Site/Building/Landscaping Review to be re-submitted to the Plan Commission in advance of the public hearing. Tax Key #575-8897-003 & 575-8997-005. Motion carried 7-0.

6. Amber Stancato, A & N Smoking Solutions, Inc., 6115 6th St., Suite 110, Kenosha 53140, requests a Special Use in order to open an electronic cigarette and related products sales location in the 'Towne Realty' multi-tenant building at 6180 W. Layton Ave., Tax Key #603-0198-002.

1. Background: Ms. Stancato requests a Special Use in order to open an electronic cigarette lounge in the 'Towne Realty' multi-tenant building at 6180 W. Layton Avenue. See attached PC application which reads, in part, "…We have been in business for five years with multiple locations. We have moved our Greendale (i.e. in Southridge) to Greenfield. We do not sell or sample to minors, and follow all laws/regulations…".

   Attached for further review are the following which were also part of the June PC packet and/or were distributed as part of that meeting when a similar request for a Special Use from a Mr. Cuong for a tenant space at 4156 S. 108th Street was discussed/acted upon then:

   - Article entitled 'How Electronic Cigarettes Work'; source is a publication called 'How Stuff Works'.
   - Article dated 4/24/14 from CNN Health entitled 'FDA releases proposed e-cigarette regulations'.

- Article dated 4/14/14 from Milw. Journal entitled ‘Congressional report presses for e-cigarette rules’.
- Email dated 12/4/13 from the City Clerk regarding the fact that a ‘cigarette license’ is not needed since these devices are not classified as cigarettes.
- Email dated 11/22/13 from the Assistant Director – League of Wis. Municipalities regarding any pending at the time State-related legislation on e-cigarettes and hookahs. His response, in part, was that e-cigarettes “…are not classified as ‘cigarettes’ under current law so the state law on smoking in public places doesn’t apply, but because they contain nicotine they may not be sold to minors…”.
- Excerpt of the Zoning Code where this use is categorized within the NAICS (North American Industrial Classification System) classification as ‘453998 – All Other Miscellaneous Store Retailers’ which is a Special Use in all five of the City’s Commercial zoning areas.
- Email dated 6/4/14 from Chief Wentlandt to the PC requesting that any action on this matter (i.e. Vape Haven request) be tabled by the PC until August to enable more time for potential local regulation of e-cigarettes.
- Memo dated 6/5/14 from Mr. Rausch – Health Director to the PC regarding further background on e-cigarettes, including the intent that an ordinance be adopted to include such things as, but not limited to: no sales allowed to minors, no possession allowed by minors, no self-service sales allowed, and the prohibition of e-cig. use on school grounds or in school buildings. The proposed ordinance would be a combined effort by Police/Health/City Attorney.
- News article that a PC member (Steve Rogers) had forwarded to me dated 5/14/14 from the Miami Herald entitled ‘Crime Watch: Reader is horrified by the dangers of e-cigarettes’.
- Email dated 6/24/14 from Mr. Rausch regarding a conversation he had with Roger about the ability to proceed with the public hearing, and with the intent of having the proposed ord. to go to Leg. Com. in July or August. The other intent would be to advise the applicant and his attorney about the type of ord. that is being considered so that its understood that any Special Use conditions would include any provisions of the new ordinance – whenever adopted.

2. Signage: Any wall and/or free-standing panel insert will need to be consistent with the Master Sign plan for this retail center.
3. Hours of Operation: Needs to be identified.
4. Miscellaneous: Ms. Stancato 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.

Recommendation:

- It’s understood that the prior PC action in June on the ‘Vape Haven’ e-cigarette request was forwarded without any recommendation (4 – 2) on the ‘use’ aspect but there was the authorization to proceed with the public hearing scheduling.
- On the July 15th CC agenda is the public hearing for the Vape Haven request
- Staff would believe that the outcome of that public hearing will create a ‘template’ for how that request and future similar requests (i.e. A & N Smoking Solutions in this case) will be handled/processed/evaluated.
- If the CC should approve the Vape Haven request, it would be expected that part of the approval will be conditioned upon compliance with a proposed City ordinance that will be submitted to Legislative Committee in either July or August, and onto the CC thereafter.
- Forward the A & N Smoking Solutions request to this same July 15th CC meeting with the understanding that the same terms/conditions/requirements applied to Vape Haven, will also be applied to their request. This would mean it would be handled as a ‘minor change’ not needing a public hearing.

Amber Stancato and Nicholas Martinez were present to answer questions. Mr. Steinke, Community Development Intern, gave some background information on this item.

Ms. Stancato stated they've been a retail business for over five years at Southridge Mall. They've decided to move out of the mall and transition their business into storefronts. She noted the request of Tran Cuong to open Vape Haven at 4156 S. 108th Street and the difference with their establishment is they are not a lounge, and there is no e-liquid mixing. Ms. Stancato stressed they are a retail store.

Mr. Martinez responded to Mayor Neitzke's concern about the proximity to Greenfield High School. Mr. Martinez said it is possible that minors would be more likely to obtain e-cigarettes at the Speedway gas station on the corner than they would from their business, as they are very stringent on not selling to minors.

Mayor Neitzke noted that an ordinance is being prepared with input from the Police and Health Departments that would provide guidelines for the control of this type of use.

Motion by Ms. Hallen, seconded by Mr. Sponholzto recommend approval of a Special Use in order to open an electronic cigarette and related products sales location in the 'Towne Realty' multi-tenant building at 6180 W. Layton Avenue, subject to Plan Commission and staff comments, and authorize this item to be expedited to the July 15th Common Council meeting. [Action on this item should be deferred until after Council action is taken on the 7:15 p.m. public hearing item]. Tax Key #603-0198-002. Motion carried unanimously.

7. V & J Holdings, 6933 W. Brown Deer Road, Milwaukee 53223, represented by John Giroux, Technical Group Inc., 37716 Hills Tech Drive, Farmington Hills, MI 48331, requests a Special Use amendment and Site/Building/Landscaping Review for the purpose of remodeling both the exterior and interior of the Burger King Restaurant at 4651 S. 27th Street, Tax Key #599-8893-005.

1. Background: Burger King (BK) wants to do a major remodel of both the interior and exterior of the existing building and site. This includes a new dumpster location, landscaping, parking addition, and drive-thru layout alignment. See attached PC application and 11" x 17" plan sheet details. One of the features of this request is that the existing greenhouse at the northwest corner will be removed and converted into leasable space (11' X 30'). Staff is uncertain as to the potential use(s) of this leasable space but anticipate the further clarification will be provided then; depending upon the type of use, it potentially would be subject to its own occupancy review and parking requirements.
2. Architectural Review/Exterior Materials: The existing shingled mansard-type roofing will be removed and replaced with EFIS used for the upper half of the building facade in a combination of a parapet 'banding' ('camel tan') and 'towers' ('deep onyx') extending 3' above the roof. A portion of this upper area also shows the intent of using 'corrugated metal LED light band' ('red'). [[Clarification needed on whether this light band source is 'screened' so that what is seen is only the 'light wash' as part of the banding feature.]]

   Also, metal awnings ('silver') are added above windows, and new exterior ceramic tile ('scarlet') will be used on the front entry-way and by the drive-thru window area. There will be a combination of some new brick ('olde hillsboro') will be installed beneath the windows and painting over some of the existing brick (to match the new brick). See elevations (A-2.1) for full color representation and details for the various modifications. The color/product samples will be presented at the meeting.

For background purposes, the size of the building is just under 3,300 s.f., with a proposed seating capacity of approx. 65 persons, and that based upon file data, a BK has been there since the early 1980's.

3. Parking/Traffic Flow/Access/Curbed Parking Lot: While the location of the drive-thru window will remain the same, BK is proposing to create a different 'stacking lane' alignment, which also has the effect of also having the existing trash/dumpster enclosure being shifted from the south-center portion of the lot to the southwest corner of the lot. The current drive-thru stacking area has a 'C'-shaped layout south of the building. The proposed stacking lane starts at the same general spot at the SE corner of the lot, but instead of going behind the building, a driver will go north more directly to the pick-up window and still exit northerly into the into the Kmart parking lot.

   The outside menu ordering boards are moved northerly into a new landscaped area, which used to be where the dumpster enclosure was located. To provide some additional maneuverability within the site, the 'inside' parking stall alignment is proposed to be on 45° angle instead 90°. Overall within the parcel there are 18 parking stalls, with spill-over parking presumably still available on the Kmart lot. Three stalls are in the rear of the site, but access to the front of the restaurant is provided via a new sidewalk along the west side of the building.
4. Storm Drainage/Grading (lot & building): The proposed scope of work and detail page indicate that existing catch basins and drainage structures are to be repaired.
5. Lighting (building & site): New light pole locations appear to be within landscape islands and the proposed light bases have the required six inch (6") above grade concrete pole base references on sheets C-2 and C-4 but the plans are 'silent' on any aspect for the type/design of fixture, pole height, wattage, photometrics, etc?
6. HVAC/Utility Box Screening: Ensure the parapet wall is high enough to screen HVAC system. The roof will also have to be checked for snow loading.
7. Signage: One of the two round BK signs on the east wall needs to be removed because there are too many wall signs. The BK round sign on the north wall is fine. There also is a 'stencil' on the north wall EIFS area with the words 'Taste is King'. Overall signage is guided by the width of the building multiplied by a factor of 1.5. 65' width X 1.5 = 98 s.f. total available for the site – not counting the menu boards. There is a 5' diameter, a 6' diameter round BK sign, a 'Home of the Whopper' sign, and the 'Taste is King' sign.
8. Dumpster/Screening/Gated (materials used): The proposed new masonry dumpster enclosure is 8' high, with a concrete floor. The concrete apron should be at least 20' deep or the length of the refuse truck that services the site. The side opening in the enclosure still will need either a 'gate/door' or wing wall to create and L-shaped 'maze' entrance.
9. Landscaping/Buffer Yard: There is a full landscaping upgrade involving the removal of all current plantings. The western side of the building to the lot line will be replaced with Arboravitae-Pyramidalis, Heller Japanese Hollies, Hostas, and fruitless crabapples. Both the drive-thru menu board area and the northern parking island have planting beds with a variety of shrubs. Full details are on sheet LS-1 of the site plan.
10. Landscaping Cash Deposit/Letter of Credit: 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.
11. City Forester Site Inspection: Underway.
12. Sidewalks: New walk-way provided along the west side of the building.
13. Erosion Control: Needed from City Engineering Office prior to any site work getting started.

Recommendation: Approve subject to Plan Commission and staff comments, consider this a minor change not needing a public hearing, and authorize this request to be expedited to the July 15th Common Council meeting.

James Bradley and Bob Pasareno with V & J Holdings were present to answer questions. Mr. Bradley stated that they currently do not have plans for the "surplus" leasable space at the site, but that that space needs to be "separated" from the current floor plan of the restaurant, as it does not need the amount of seating that it currently has due to the bulk of their business being from the drive-thru.
It is most likely that the additional space would not be used for a food-related use. Currently the space is being used for storing paper goods for this restaurant and another they own.

Mr. Bradley then spoke on the proposed changes to the drive-thru which would increase the speed of service by giving the staff clearer visibility of the lane.

Motion by Mayor Neitzke, seconded by Ald. Kastner, to recommend approval of a Special Use amendment and Site/Building/Landscaping Review for the purpose of remodeling both the exterior and interior of the Burger King Restaurant at 4651 S. 27th Street, subject to Plan Commission and staff comments, and authorize this item to be expedited to the July 15th Common Council meeting. Tax Key #599-8893-005. Motion carried unanimously.

8. John Walters, 1083H Quinlan Drive, Pewaukee 53072, requests a Conceptual Review of a proposed lot split of a 3.4 acre parcel at 12310 W. Cold Spring Rd. to create four single-family lots. Tax Key #565-9968.

1. Background: Mr. Walters has submitted a proposal to split this approx. 3.4 acre parcel into four lots which would align with the four sets of utility extensions (i.e. water and sanitary laterals) which were extended into this parcel over 30 years ago. The westerly three lateral sets align with the open area of the orchard. While the most easterly set of laterals do not directly go north into the existing house, according to Mr. Walters, there isn't any basement for the house and these laterals are 'angled' into the building following wherever the prior well and septic lines were located. Staff has taken that preliminary drawing from Mr. Walters and overlaid it on a scaled cadastral map, to show that – rounded off – that three 28K s.f. lots and one 46K s.f. lot could be created. This base map also shows the effect of ROW dedication along both the west side and south side of the parcel to be consistent with those respective dedicated ROWs for adjacent parcels. [[The underlying zoning is R-1 Single-Family which has a minimum lot size of 15K s.f. and a minimum lot width of 100'; 115' for a corner lot.]]

   In reviewing this matter further, staff has found some 1981 PC minutes for when CSM #4012 was being considered. This was looked at simply to try and determine why the survey immediately north of this Walter's parcel showed a 'bend' for the proposed 123rd St. ROW dedication. As indicated in those minutes, there is a "…curve in the proposed S. 123rd St. so that it will swing past the home fronting on West Cold Spring and through their orchard…". It was indicated at that time that the above referenced water/sanitary laterals were already into the Walter's parcel.

   Albeit that PC review was +30 years ago, staff believes that prior action via those minutes provides a basis for supporting at this time – if a CSM or subdivision plat were eventually submitted – to have that 123rd Street ROW as is platted to the north, be continued through this Walter's parcel to Cold Spring. Furthermore, it's acknowledged that if 123rd Street were extended southerly to Cold Spring, that one set of existing laterals would not be used.

   However, staff does not believe that the layout of this parcel must be 'tied' to some lateral locations installed likely in the 1970's. The extension – at least on paper – of '123rd St.' would be consistent with City development practices over the years of getting ROW dedication which fits in the overall grid-street layout alignments when types of land divisions are being proposed. And in this instance, it very likely may enable some additional single-family development to occur on the land-locked parcels to the north where the potential exists for upto eight lots.

Staff has taken the liberty of doing some very rough ‘paper layouts’ just to see what alternatives may exist (i.e. please note that no specific lot size dimensions/calcs. have been done). It was noted in the 1981 minutes that actually five (5) lots could be created on this parcel while at the same having the dedication of ‘123rd Street’. Also, the existing house can be retained as is, with the potential of a future ‘split’ of that parcel to create a north and a south lot.

2. Storm Drainage/Grading (lot & building): A review of MMSD regs. for ‘residential infill’ as it relates to the need for a stormwater basin was done. An area that is less than five (5) acres does not need a basin (see attached regs.) which is a good thing because that doesn’t take away developable area; further follow-up was done with an MMSD staff person for affirmation one way or another and we are awaiting that response.
3. Park Fees: $1497 for every new lot created.
4. Miscellaneous: With the development of any kind these days, a ‘site wetland inventory analysis’ will be needed. This topic is brought up simply because a similar analysis was done for the area to the north of Plainfield ‘extended’ along this same ‘123rd Street’ alignment about 10 years ago, and those findings effectively ended the attempt at that time for a single-family subdivision that potentially would have been along both sides of 123rd St. from Plainfield to Waterford (i.e. just south of Wildcat Creek condos).

As the PC would be familiar, the construction/installation of infrastructure for new residential development like potentially exists here is ‘developer-driven’, or in other words, the cost upfront for doing all the new streets/grading/sewer/water extensions is the responsibility of the developer/owner(s).

Recommendation: No formal action needed at this time. Staff would be supportive of splitting this parcel but doing it in a manner which provides for the dedication of ‘123rd St.’ extended southerly to Cold Spring with the subtle ‘curve’ alignment around the existing house, but with a four (4) lot layout now and still leaving open the potential of splitting the easterly lot into two parcels at a later date if there was a desire to remove the house. The 5th ‘new’ lot could be serviced via utilities that would be extended northerly in conjunction with developers/owners to the north which effectively have been land-locked since the early ‘80s.

Mr. Walters was not present, therefore the item was requested to be held over.

9. Community Development Manager Report.
None.

10. Motion by Mr. Weis, seconded by Ms. Collins to adjourn the meeting at 8:00 p.m.
Motion carried unanimously.

Respectfully submitted,

Alison J. Meyer
Administrative Assistant

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