

**MINUTES OF THE PLANNING COMMISSION MEETING HELD AT THE
GREENFIELD CITY HALL ON TUESDAY, APRIL 14, 2015**

1. **The meeting was called to order at 6:30 p.m. by Mayor Neitzke. It was noted by Mayor Neitzke that tonight's meeting will not be televised as there is a problem with the equipment due to a lighting strike last week that is still in need of repair.**

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

ALSO PRESENT: Charles Erickson – Community Development Manager

2. **Motion by Mr. Hess, seconded by Ms. Collins, to approve the March 10, 2015 minutes. Motion carried unanimously.**
3. **Discussion regarding the Common Council meetings held on March 17th & April 8th.** At the March 17th meeting the public hearing for Meijer's (60th & Layton) was held and action deferred to the April 21st Common Council meeting. At the April 8th meeting discussion occurred on a Temporary Use request from Rosen Nissan (5505 S. 27th Street) to park cars on the former Kmart lot, with permission to do so being denied and with enforcement of the removal of the cars currently there to begin May 1st.
4. **Discussion/decision regarding item referred back from the February 17th Common Council meeting and also held over from the March PC mtg.: Khurram Sajjad Ali, E & M Enterprises LLC, 4691 S. 27th Street, requests a Special Use Review as the new operator of the Supreme Gas & Food Station at this same location. Tax Key #599-8888. *[[Mr. Ali has just recently withdrawn his request.]]***

1. Background: *The staff notes and attachments below are identical to what had been distributed for the March PC. However, per Mr. Erickson's phone conversation with Mr. Ali on April 6th, he is withdrawing the request for a Special Use Review at this location; he was asked to submit an actual withdrawal letter, but it has not been received yet.*

As noted in the Recommendation section below, the responsiveness of the property owner – Mr. Singh – who remains the 'holder' of the existing Special Use going back to 2010 when he became the property owner and the business operator, to the issues/concerns of both the CC and PC as expressed in the past few months will determine whether or not a Special Use revocation process should be considered to be initiated at this time.

In mid-February this item was referred back to the Plan Commission from the Common Council with the intent that more complete/detailed plans for site/building improvements are still needed from proposed store operator (Khurram Sajjad Ali) and/or actual property owner, given his promises when he purchased the property in 2010. See attached PC application and pictures.

Chronology of minute excerpts/emails/letters regarding the review/discussion of this matter (all are attached):

- 2/27/15: Staff met with Mr. Singh and Mr. Ali to discuss issues/concerns that the CC had brought up (i.e. landscaping and condition of asphalt). Mr. Singh indicated that station economics may likely impact how much site/building improvements he is able to do.
 - 2/26/15: Follow-up email to Mr. Ali from staff about the need to meet per 2/19/15 email.
 - 2/19/15: Email to Mr. Ali, which included the 2/17/15 CC minute excerpt, referring this matter back to the PC.
 - 2/17/15: CC minute excerpt.
 - 2/17/15: Signed letter from Mr. Ali and Mr. Singh with some elements about date specific completion work and other site activities. [[Typo on Mayor's name]].
 - 2/6/15: Email from staff to Mr. Ali, which included the 2/3/15 CC minute excerpt, indicating that action of this item has 'held over' to the 2/17/15 CC meeting and why (i.e. needed time-frame and signatures).
 - 2/3/15: CC minute excerpt.
 - 2/3/15: Letter from Mr. Ali regarding staff meeting with him on-site on 1/13/15 and providing follow-up to that discussion.
 - 1/20/15: Message to Mayor Neitzke and Ald. Kastner from staff to 'hold over' any action at that evening's CC mtg. A meeting with Mr. Ali had occurred a few days earlier asking for a written schedule of site/building improvements – per earlier PC recommendation. Since that info. had not come in, that was the basis for the 'hold over' request.
 - 1/20/15: CC minute excerpt.
 - 1/13/15: PC minute excerpt. There had been a favorable recommendation regarding this item being expedited, subject to PC discussion/recommendations.
 - 9/21/10: CC minute excerpt. Special Use Review approved for Mr. Singh as the new property owner and gas station operator, subject to PC discussion/recommendations.
 - 9/14/10: PC minute excerpt. Favorable PC recommendation occurred, with conditions.
2. Architectural Review/Exterior Materials: There have been issues with canopy paint, which were previously stated to be completed by 5/15/15 in addition to pavement and landscaping issues on the site.
 3. Hours of Operation: Sat-Sun (5 A.M. – 10:00 P.M.), & Mon-Fri (5 A.M. – 12:00 A.M.)
 4. Miscellaneous: Any 'open' items identified via a new Occupancy-related inspection for this operator change, must be completed. See attached report.

Given the range of discussion that has occurred already on this matter, also attached is an excerpt of the ZC pertaining to the '*...Review of special use permits...*'. [[21.04.0702(J)(3)]]. The conundrum of sorts here is that this is a new operator requesting a Special Use Review – essentially a transferring an existing Special Use from 'X' to 'Y' (i.e. as compared to a brand new Special Use where the conditions of approval can be 'stronger'). Yet at the same time, the issues/concerns which were the basis of the review in 2010 remain the same as today.

With that in mind, rhetorically then a broad question that the PC can discuss per the above ZC reference, is whether or not a revocation/termination process should be initiated because of the apparent lack of properly addressing the same on-going issues/concerns about the site/building conditions as five years ago?

Recommendation: Now that Mr. Ali has withdrawn his request, the responsiveness of the owner (Mr. Singh) to address the issues/concerns of both the CC and PC as expressed in the past few months will determine whether or not a Special Use revocation process should be considered at this time.

Mr. Erickson gave some background information on this item. Discussion occurred that this should be referred to the City Attorney for an opinion on the beginning of the Special Use revocation, and also if the City has reasonable grounds to do so. It is noted that the owner (Tajinder Singh, 3401 E. Debbie Drive, Oak Creek, WI 53154) was sent tonight's meeting agenda and Plan Commission notes and was not present.

5. **Joan Farrell, Goodwill Retail Services, 5300 N. 118th Court, Milwaukee 53225, represented by Paula Mitchell, Berengaria Development, 301 N. Broadway, Suite 300, Milwaukee 53202 requests a Special Use and Site/Building/Landscaping Review for a proposed Goodwill Retail Store/Donation Center at 4940 S. 76th Street, for a 22K s.f. leased tenant space that is currently occupied by Office Depot; Special Use needed for 'used merchandise stores'. Tax Key #617-9977-004. [[Follow-up to Conceptual Review at the February mtg.]]**

1. Background: [[These PC Notes are similar to what had been prepared/distributed for the February PC, although any 'new' information is in *Italics*.]]

As a follow up to the Conceptual Review at the February PC, Goodwill (GW) is requesting a Special Use and Site/Building/Landscaping Review for a Retail Store/Donation Center, for a 22K s.f. tenant space that is currently occupied by Office Depot at this location.

Attached are the detailed Project Narrative (7 pp.), Site Plan, Floor Plan, and Building Elevation/Color Rendering regarding the proposal at this S. 76th Street location. *For the February meeting, there was a detailed attachment called 'GF Project Portfolio' providing further background on GW in SE Wisconsin and metro Chicago distributed. This would be a leased-space arrangement – no tax exempt aspect. The property owner, as part of a potential agreement with GW, is amenable to do some more complete building exterior (4 sides) and site improvements (landscaping).*

A 'Special Use' is needed for 'used merchandise stores' in any Commercial zoned district throughout GF – see attached ZC excerpt.

2. Architectural Review/Exterior Materials: *GW has submitted updated color elevations based upon the following: removing the existing vertical metal siding on the upper portion of the west and east walls; replacing that with a new EIFS fascia which has raised 3' – 4' coping elements above the parapet wall on both west and east sides that are predominately beige and tan, with other accent colors per the Exterior Paint Key; on the north and south elevation, very limited work will be done because this already has an existing integral colored CMU (mostly tan); and on the north side three new windows with blue metal awnings and accent lights are proposed along with the canopy feature for over the drop-off area as proposed for that side of the building.*

Office Depot shares a building with Petco, which each have slightly different colored exteriors. As proposed, the west façade will be updated with a new entrance, signage, and window openings. The north façade would feature 2-3 new windows with blue metal awnings and accent lights. Based upon this preliminary submittal, it is staff's presumption the exterior changes apply only to the proposed GW portion of the building, and that nothing would change for the Petco portion. There would be a separate donation entrance and canopy on the north side of the building that will protect donors from the elements and enhance the donation experience.

The staff perspective is that this site has an older building which has a façade in need of some updating that needs a lot more than a few windows/awnings that GW is proposing for their proposed 'side' of the building (i.e. the renovation/conversion of an existing building into the GW in Grafton is but one architectural example). Part of the likely GW interest in this site – as is the case

with other commercial entities -- is the success/attractiveness/vibrancy of this S. 76th Street business corridor. Accordingly, an enhancement to the overall building and site by the owner (and maybe the tenant/s) should occur if there is true interest by GW in investing into this area.

3. **Parking/Traffic Flow/Access/Curbed Parking Lot:** The proposed parking lot changes for the northeast lot, to accommodate the drop off donation, involve creating two curbed driving paths separated by landscaping (one for main traffic and one for donations only). The donations lane also features landscape screening to the east. The main parking for the GW operation would remain on the west side of the parcel, although numerous stalls remain north of the building.

The three most westerly curbed landscape islands are proposed to be at least doubled in size in order to provide more space to enable the required landscaping to adapt/survive. At the same time, immediately adjacent to the east the small 'curbed diamonds' which use to have trees – but that never lasted -- will be paved over.

4. **Storm Drainage/Grading (lot & building):** *With the proposed site changes which will impact existing surface 'flow-lines', having an updated grading plan is needed to determine how the site is going to drain and handle runoff, and where potential changes may be needed.*
5. **Lighting (building & site):** *Proposed cut-sheets have been submitted for the wall accent and under-canopy new lights. The existing soffit lighting will remain.*
6. **Signage:** *GW will install new signage where existing Office Depot signs are located. The PETCO sign would be removed, then replaced, after the new façade work was being done.*
7. **Dumpster/Screening/Gated (materials used):** *A new compactor will be added on the north side of the building adjacent to the existing recessed loading dock. With the addition of the compactor, GW will eliminate the need for an outdoor trash enclosure.*
8. **Fencing:** *There is an 8' cedar fence along the east side the drop-off lane to help screen the nearby compactor and a guard rail around the loading dock.*
9. **Landscaping/Buffer Yard:** *The proposed landscaping layout plan shows both existing landscaping and proposed new plantings. The three west parking endcaps feature deciduous trees, perennials, and shrubs, and spirea shrubs on the east endcaps. The north drop-off area is heavily landscaped. The eastern side of the lot has shrubs and evergreens around the loading dock.*

Could use more landscaping along the far eastern portion of the lot by S. 74th St. to hide/screen the loading dock.

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. City Forester Site Inspection: Yet to occur.*
11. **Hours of Operation:** Mon-Sat: 9 A.M. – 9 P.M., Sun: 10 A.M. – 8 P.M. (Per their Project Portfolio submittal)

In addition, each day the donation entrance opens one hour earlier and stays open one hour later to accept donations for the convenience of their donors. Each evening the lighting associated with the donation entrance and canopy is powered down when the donation entrance closes.

12. **Police Department:** *GW should provide a more defined/safe pedestrian route to the store from 76th Street – beyond just pavement markings.*
13. **Miscellaneous:** Per their proposal, GW installs interior and exterior web-based 24 hour surveillance cameras at all sites. Along with posting signs and providing a clean, maintained site, these cameras deter any donors from dropping off items outside of normal business hours.

GW has been informed about the formal public hearing process involving a Special Use request in that these are held at a 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 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 has not been prepared yet. In this instance since the neighboring property owners within 400' are all commercial-types, this outreach may be limited for practical purposes.

Recommendation:

From February PC:

Staff is split on if this is the best use and/or location for another 'used merchandise store'. A majority believe that given the number of second-hand stores already in GF, much less similar types of uses relatively close-by in nearby communities, that yet another used-merchandise store in GF, is too many.

This perspective doesn't change regardless of the company, or the positive mission, and whether or not there is a property tax payment aspect (directly/indirectly).

- St. Vincent de Paul – Hwy. 100 & Layton (GF)
- Thrift Mart – Hwy 100 & Layton (GF)
- Thrift Mart – Hwy 100 & Layton (GF)
- GW – 27th & College (Franklin)
- GW – 109th & Oklahoma (West Allis)
- Bethesda – Hwy. 100 & Grange (Hales Corners)

For May PC:

Staff remains split (3 – 3) on this matter; the broad paraphrased summary is:

- A second-hand use is a second-hand use, regardless of the site/building exterior improvements. This prime portion of S. 76th Street is not a good location for this type of use. Besides, there are already enough of these locations readily in and near GF.
- Many site/building improvements are able to be achieved as a result of the Special Use process, for what is basically a retail operation. Many other kind of retailers could move into that space as a Permitted Use and it's not a sure thing that similar improvements would occur.

Regardless of what the Plan Commission recommendation will be, that motion will need to include the authorization to proceed with the public hearing process.

Mr. Erickson gave a brief update on this item to date, including the revised site and building information in the meeting packet. Mayor Neitzke noted that not many people were in favor of the conceptual review, and also the use itself wasn't seen as favorable by some.

Joan Farrell with Goodwill Retail Services, Paula Mitchell with Berengaria Development, and Vince Micha, Kubala Washatko Architects made a presentation and answered questions. Also present were representatives of the landlord: Atty. Michael Bamberger, Bill Steele with Midland Management.

Ms. Farrell spoke on Goodwill's mission and showed a video presentation of Goodwill's grand opening of their new location in Brookfield, a former Office Max location, and Ms. Mitchell reviewed the updated proposed site and building plan.

Ms. Mitchell spoke on the multi-million dollar improvements planned for this site, along with a review of the building and changes to both east and west side(s) of this building. She also spoke on the "mid-box" users that are comparable in size to Goodwill, both regionally and along 76th Street, and how retailers are shrinking their footprint and that without Goodwill moving into this location it could very well be vacant for a long time.

Atty. Bamberger, representing the property owner (HHAMP, LLP) spoke next. Atty. Bamberger said contrary to what the Office Depot store manager said, it wasn't a matter of the owner not wanting to renew the lease, it was a matter that the store was closing. Mayor Neitzke said the store closing is surprising in that they would be closing themselves out of the market with the upcoming Staples merger. Atty. Bamberger spoke on the how the conventional retailer looks for a long term deal. This site was found to be of a caliber of a store that they would like to own. They are a viable, credible retailer, who appeal to all demographics from families to college-aged students, and also one who serves a valuable mission. He also pointed out that if not for Goodwill proposing to go into this space it could very well sit vacant for a long time, and in turn have no site improvements made to it either.

Mr. Carlson stated that he feels that Goodwill is not any different from other retailers. He cited an article in the *Journal Sentinel* several weeks ago that supported the demographic and sales info provided tonight. He also had a call from a resident who stated many positive things about second-hand retails. He also likes the improvements that would be made, feels it is a good fit for this site, and supports their mission.

Mr. Hess said he is okay with Goodwill overall, but not at this location on 76th Street. Mayor Neitzke said that overall Goodwill is a great organization doing great things SE Wisconsin. However he feels that a second hand use is not a good use for this location on 76th Street, as it is a major retail market. He is in favor of the proposed site/building and landscaping changes. He mentioned a new Goodwill in Sheboygan and said that the site there is a good fit for Goodwill, this location is not. He also cited a saturation of second-hand uses in Greenfield at a time the City is in the process of redevelopment, from Spring Mall to the corridor from 84th to 76th along Layton Avenue.

Mr. Rogers said he feels the same way as both Mr. Carlson and Mayor Neitzke, citing Mayor Neitzke's comment that he has received positive comments from residents about Goodwill yet negative reaction about the location. He is a big supporter of the mission, but feels overall that Goodwill represents a distancing of the wealth gap; and that people would not be shopping there is they could shop new. Secondhand stores prospering show that fact. Mr. Sponholz said that the other side to that theory would be that people see it as a smart way to shop.

Billie Torrentt, VP of Goodwill Retail Operations, spoke on their statistics that a segment of their shoppers are from highly affluent areas (such as Northbrook, Illinois and Brookfield, Wisconsin). The stores are often times hard to staff since the wage is not what is the norm for those living nearby. Also, Goodwill is part of a green movement, "up" cycling, and Pin-terest types activities, where goods are purchased for creative, repurposed projects. People are not shopping there because they "have" to, they instead are choosing too. Mr. Rogers said he does agree that a wealth gap warrants the need for such

stores, but philosophically it's a shame that there are economic disparities. Ms. Torrentt said Goodwill is a win-win, in that when the economy is in decline it serves a need and when the economy is good they provide a service to those with extra disposable income to spend wisely for their needs and wants. Vince Micha spoke on how when Goodwill initially proposed a store in Grafton everyone was opposed to it, but now that it's there it is thriving and their Plan Commission members and village leaders are glad they said "yes".

Yoni Zvi, broker for Goodwill who represents the landlord, spoke on how his own children can't wait for the Brown Deer store to open, not out of financial necessity, but for its "treasure hunt" factor. Discussion occurred on similar sized resale stores along Greenfield's major corridors (27th Street, 76th Street, Hwy. 100). Many of the stores are sales type specific (clothing, books, electronics) however Goodwill carries a full range of merchandise.

Ms. Farrell said they did look at the viability of the Spring Mall site, but it did not meet their store location criteria. Mayor Neitzke said that site has better traffic counts than the Office Depot location. He again stressed that he likes Goodwill overall, just not at the proposed location.

Atty. Bamberger spoke on how Goodwill is a mainstream retailer. Mr. Carlson said he supports it at this site, which may otherwise be an empty tenant space. Mayor Neitzke said that is usually not the case along S. 76th Street.

Bill Steele, property manager of the Office Depot/Petco site, spoke on how he has managed this property and the Office Depot/Petco property on Bluemound Road for 9 years. He reiterated that Office Depot/Office Max is in the market, with a lease at the Bluemound Road location until 2025. The problem with the Greenfield Office Depot location is it is 22,000 sq. ft., a size that is too big for Office Depot, once popular years ago, but now too large, as more sales occur online. After Office Depot's departure at the end of May it could very well sit vacant for years. Mayor Neitzke noted that the expanse of Bluemound Road is miles long, which is far greater than our main retail span along 76th Street, which is a few blocks, and they can't fairly be compared.

Mayor Neitzke noted that the landscaping at this location has not been maintained over the years, to which Ald. Kastner noted that the West Allis store (Hwy. 100 & Oklahoma) is a poor example of maintaining a Goodwill site as that store's appearance is old and undesirable. Ms. Mitchell mentioned that Goodwill is building a new store in West Allis very soon that is close to the existing location.

Mayor Neitzke indicated that this matter may need more than one motion.

Motion by Mayor Neitzke, seconded by Ald. Kastner to recommend to deny the Special Use needed for a used merchandise store, for a proposed Goodwill Retail Store/Donation Center at 4940 S. 76th Street, in the 22K s.f. leased tenant space that is currently occupied by Office Depot; subject to Plan Commission and staff comments. Tax Key #617-9977-004. Motion carried 5-2 with Mr. Sponholz and Mr. Rogers voting no [[Alternate Member Carlson said if he were voting he would have voted no to the motion]].

Motion by Mayor Neitzke, seconded by Ms. Collins that if the Council should approve the Special Use, that the Plan Commission would recommend approval of the Site/Building/ Landscaping Review for a proposed Goodwill Retail Store/Donation Center at 4940 S. 76th Street; subject to Plan Commission and staff comments, and authorize the public hearing process to begin. Tax Key #617-9977-004. Motion carried unanimously.

6. Hardik Pandejee, HP12 Enterprises Inc., 1023 W. Historic Mitchell Street, Milwaukee 53204 requests a Special Use Review as the new operator of the Subway Restaurant at 4166 S. 108th Street; Tax Key #567-9972-004.

1. Background: Hardik Pandejee requests a Special Use Review as the new operator of the Subway Restaurant at 4166 S. 108th Street – see attached PC application.
2. Hours of Operation: Mon-Fri (7 a.m. – 10 p.m.)
 Sat (8 a.m. – 9 p.m.)
 Sun (8 a.m. – 9 p.m.)

It should be noted that these are a little different from what had been initially approved way back in 1998 when the restaurant opened, but this reflects their current business plan which now includes breakfast operations, which staff is fine with.

3. Miscellaneous: Couple of items noted during the new Occupancy Permit inspection process include: 1) Have the sprinkler heads professionally cleaned; and 2) Clean ceiling tile where grease has accumulated over the years to improve sanitary conditions.

Recommendation: Approve subject to Plan Commission and staff notes, and authorize this item to be expedited to the April 21st Common Council meeting.

Hardik Pandejee was present to answer questions.

Motion by Mayor Neitzke, seconded by Ms. Hallen to recommend approval of a Special Use Review for Hardik Pandejee, HP12 Enterprises Inc., as the new operator of the Subway Restaurant at 4166 S. 108th Street, subject to Plan Commission and staff comments, and authorize this item to be expedited to the April 21st Common Council meeting. Tax Key #567-9972-004. Motion carried unanimously.

7. Joann Quesada, 1523 S. 72nd Street, West Allis 53214 requests a Special Use Review as the new operator of the Tower Restaurant & Bar; 6869 W. Forest Home Avenue, Tax Key #571-8957-002.

1. Background: Joann Quesada requests a Special Use Review as the new operator of the Tower Restaurant & Bar at 6869 Forest Home Ave. – see attached PC application and Description of Proposal.
2. Parking/Traffic Flow/Access/Curbed Parking Lot: Does the owner have permission from WE Energies to use the space north of the restaurant property, which appears to be currently used for parking and has been paved based upon aerial photo comparisons from the past few years? This question is raised given the close proximity of the actual lot line along the north side of the restaurant building. If yes, evidence of that approval needs to be provided. If no, then this area cannot be used for parking. Also, no advertising for another business property is allowed in this same area north of the building -- the ‘Diamond Jim’ truck has often been parked on the WE lot to the north of the restaurant.
3. HVAC/Utility Box Screening: With this business operator change there is a new Occupancy Permit inspection process which also occurs. One of the items which has been discussed with Ms. Quesada (or a contractor on her behalf) pertains to the basement kitchen being considered, per the current Building Code, as an actual kitchen where at a minimum the warming ovens need to have a Type-2 exhaust hood for heat removal.

Further discussions between the Building Inspector and a hood contractor have occurred recently and they are checking into the existing HVAC system operation. The dishwasher has an exhaust fan to remove moisture build-up in the room. They are looking to possibly add an exhaust duct/fan to the warming ovens to remove heat and products of combustion. If it can be determined that the

existing HVAC system enables make-up/outside-air to be brought in for balancing the airflows, then it just means adding some ducts and an exhaust fan, which will be adequate for the warming ovens.

Recommendation: Approve subject to Plan Commission and staff notes, and authorize this item to be expedited to the April 21st Common Council meeting.

Joan Quesada was present to answer questions.

Motion by Mayor Neitzke, seconded by Ms. Collins to recommend approval of a Special Use for Joann Quesada as the new operator of the Tower Restaurant & Bar; 6869 W. Forest Home Avenue; subject to Plan Commission and staff comments, and authorize this item to be expedited to the April 21st Common Council meeting. Tax Key #571-8957-002. Motion carried unanimously.

8. Christopher Jourdan, Eats & Treats Food, 5323 W. Jerelyn Place, Milwaukee 53219 requests a Special Use to open a ‘mobile food service base’ in the former P-Dee’s Pizza location at 5442 W. Forest Home; Tax Key #556-8988-001.

1. Background: Mr. Jourdan requests a Special Use to open a ‘mobile food service base’ in the former P-Dee’s Pizza location at 5442 W. Forest Home Ave. – see attached narrative and menu. Activities would include food preparation, storage, and dishwashing for his mobile business, but the building is not open to the public as a restaurant. Also, see excerpt of the NAICS listing where this use is considered a Special Use.

To the best it can be determined and with Mr. Jourdan’s assistance, P-Dee’s closed down in 2013. This means that prior Special Use has expired.

2. Storm Drainage/Grading (lot & building): If the truck is being washed on site, there are potential concerns for it draining onto the property to the north/northeast which incidentally is located in the City of Milwaukee.
3. HVAC/Utility Box Screening: If deep frying is done here a kitchen hood is required.
4. Dumpster/Screening/Gated (materials used): Per the narrative from Mr. Jourdan, the dumpster is kept behind a “privacy fence”.

Recommendation: Approve subject to Plan Commission and staff comments, authorize this item to be expedited to the April 21st Common Council meeting and consider this a ‘minor change’ not needing a public hearing.

Even though this is a different type of use than P-Dees Pizza, the staff rationale for a ‘minor change’ is that Eats & Treats clearly still involves a food use -- which has been the predominate use of this same tenant space even before P-Dee’s went in four years ago -- and it isn’t open to the public as compared with what may occur with an actual new restaurant, even if it were a carry-out/pick-up version with no public seating.

Mrs. Jourdan was present to answer questions.

Motion by Mayor Neitzke, seconded by Mr. Hess, to recommend approval of a Special Use to open Eats & Treats Food, a ‘mobile food service base’ in the former P-Dee’s Pizza location at 5442 W. Forest Home; consider this a minor change not needing a public hearing; subject to Plan Commission and staff comments, and authorize this item to be expedited to the April 21st Common Council meeting. Tax Key #556-8988-001. Motion carried unanimously.

9. Ronald Zechel, Agent for Verizon Wireless, c/o 544 E. Ogden Ave., Ste. 700, #305, Milwaukee 53202 requests a Special Use to place antennas on the existing communication tower and an equipment building within the existing fenced area at the Law Enforcement Center, 5300 W. Layton Ave., Tax Key #602-9975-002.

1. Background: Verizon requests a Special Use to place antennas on the existing communication tower approx. 90' above-grade (overall tower is 250' tall), and an equipment building within the existing fenced area on the north side of the Law Enforcement Center (LEC).
2. Architectural Review/Exterior Materials: The exterior of the equipment building will be a 'brown' concrete aggregate exterior material.
3. Fencing: The generator is proposed to be just north of the existing fenced-in area. It is suggested that a type of decorative fencing should be around the generator at this location – an example is what is around the generator here at the City Hall (i.e. 6' high 'white' plastic/fiberglass material or a comparable design).

Clarification needed on which fencing and where, is proposed to have the 'fabric inserts' per sheet C-4; or is it simply the manner in which 'chain-link' is shown/drawn that it appears to have an insert?

4. Landscaping/Buffer Yard: Per sheet C-1, there is an existing tree(s) which will need to be re-located/replaced given the placement of the generator pad.
5. Police Department: Verizon has been working with PD administration regarding proposed sub-lease, which will be considered further by the CC on April 8th.
6. Outside Agencies: Sheets 1 – 4 from Meridian Surveying, LLC identify over 10 different easement references (i.e. WEPCO, Wis. Natural Gas, Milw. Water, etc.) which are near and/or within the existing fenced-in area north of the LEC. Verizon is responsible for satisfying easement requirements/conflicts that may arrive, and is responsible for providing letters of agreement from impacted easement holders as may be applicable.
7. Miscellaneous: A TIA-22 structural analysis is needed when submitting the building permit application.

Recommendation: Approve subject to Plan Commission and staff comments, authorize this item to be expedited to the April 21st Common Council meeting, and consider this request a 'minor change' not requiring a public hearing (i.e. adding communication equipment to a long-time existing tower).

Ronald Zechel was present to answer questions.

Motion by Mayor Neitzke, seconded by Mr. Rogers to recommend approval of a Special Use to place antennas on the existing communication tower and an equipment building within the existing fenced area at the Law Enforcement Center, 5300 W. Layton Avenue; consider this a minor change not needing a public hearing; subject to Plan Commission and staff comments, and authorize this item to be expedited to the April 21st Common Council meeting. Tax Key #602-9975-002. Motion carried unanimously.

10. Angela Blake, LEAP Childcare Center, 5423 N. 36th Street, Milwaukee 53209 requests a Conceptual Project Review to discuss the possibility of opening child daycare center in a vacant tenant space at 9008 W. Forest Home Ave.; Tax Key #652-9000.

1. Background: Prospective child day-care operators are interested in opening a day-care at 9008 Forest Home – see attached PC application, narrative, site (exterior play area) and floor plan. Presently there is a hair salon using part of the building and their lease runs thru 2016. The proposed day-care would initially be in the 'wedding chapel' portion of the building. After the salon leaves, then their desire is to expand the day-care for the entire building (approx. 6K s.f.).

The reason this is a conceptual request is as follows:

Present parcel zoning is C-1; day-care currently isn't allowed in C-1, but is in seven other non-residential zoning categories. Furthermore, it's a Special Use in the other commercial categories (see attached excerpt of the NAICS listing).

- Options include:
 1. Rezone the parcel to C-2. If that were successful, then this request would be subject to its own Special Use process. However, the site's size (19K s.f.) provides several challenges for this type of use. A rezoning would create a non-conforming parcel (30K s.f. minimum required). The lot would likely be too small for smaller vans/buses that day-care businesses often have and vehicle access during morning drop-off/evening pick-up is too tight on this parcel during those crowded times – while concurrently dealing with the existing hair salon use and their customer's ability to use the site safely.
 2. Change the 'usage list' (NAICS) and put an 'S' – Special Use in the C-1 category.
- 2. Drainage/Grading (lot & building): There have been complaints in the past from the property to the north regarding drainage concerns which would need to be addressed.
- 3. Police Department: The PD strongly advises against a day care facility here. It's located adjacent to a high-speed, high-traffic intersection of a state highway and a county highway. The nature of the daycare use places a heavy traffic load on the business during the heaviest traffic load times for the highways.
- 4. Outside Agencies: If this request should go beyond just this conceptual level, Milwaukee County DPW/Transportation Division would be included in the overall analysis/approval process.
- 5. Miscellaneous: Recent changes in the State Building Code would also require a sprinkler/fire alarm system to be installed in the building (Act 270) for a day-care use and 75 s.f. per child is needed in the play area (DCF 251). Attached is only a partial portion of applicable codes.

Recommendation: No formal action needed at this time, but staff has a negative recommendation as it relates to both of the following:

- Creating a non-conforming parcel size-wise via a rezoning is never a good planning practice.
- The reason why a day care use is not allowed in a C-1 District to begin with, deals largely with minimum lot size requirements. Some uses simply need a bigger lot size to adequately accommodate the nature of its range of potential uses. Therefore, adding an 'S' to the NAICS 624410 line is not a good thing either; potential is then 'opened up' throughout the City for similar requests for typically smaller lots.
- If, for sake of discussion only, one of the above modifications were ultimately successful after going thru the full process (PC review/public hearing/CC approval), this parcel in itself and with another existing use that will be there for into at least 2016, is too challenging for a variety of reasons as outlined above, for this type of use.

Ms. Blake and Ms. Cortez were present to answer questions, and Mrs. Kohl, the property owner, was also present.

Ms. Blake spoke on the revised parking lot layout they are submitting. There will be no van service offered. It was noted that the hair salon (the other tenant) is not open on Mondays, and they would not be open on weekends.

Mayor Neitzke suggested that they talk with the immediate neighbors to gauge their concerns, and he also noted that some of the pavement shown that is used for parking near 92nd Street is in the public Right-of-Way.

Mrs. Kohl spoke on how when they bought the property the second entrance point was closed off. Mayor Neitzke stated that Forest Home is controlled by the State, and the County controls 92nd Street, and that would have been their decision to do that. It was also discussed how dangerous this intersection can be.

Amongst the Plan Commission members Ms. Hallen stated she is opposed, Mr. Sponholz was okay either way, Mr. Hess and Ms. Collins would vote no, Mr. Rogers and Mr. Carlson said they are supportive of the efforts being made tonight, Ald. Kastner said he is okay if the neighbors aren't opposed, and Mayor Neitzke said he has concerns.

Conceptual Review – No Action Required.

11. Mike Heitzer, Heitzer Inc., W349N5900 Sun Flower Court, Oconomowoc 53066 requests a Conceptual Project Review to discuss the possibility of constructing a five-unit apartment building at 114th & Beloit; Tax Key #565-9955-009.

1. Background: The original owner/developer of the adjacent Woodland Condo project also owned this approx. 28K s.f. parcel. However, due to past financial issues, the ownership control of this parcel and the condo land, is now with a 'Receiver' (Wis. Stats. Chapter 128 – Rebecca DeMarb). The prospective buyer (Mike Heitzer) of this parcel at 114th & Beloit, has obtained an Offer-to-Purchase this lot through the receiver.

His interest conceptually is in doing a 5-unit apartment building. See attached PC application, preliminary site/floor/building exterior plan(s). As proposed, each unit would have 3 bedrooms, its own basement, and an 'inside' two car garage. There is an asphalt park trail segment coming across the Woodlands and continues northeasterly also across the entire frontage of this parcel (i.e. future trail extension/connection to the Oak Leaf Trail to the northeast will occur this year).

Given the nature of this proposal, it would need both a rezoning and a Land Use Plan change.

2. Architectural Review/Exterior Materials: See attached elevation sheet. Proposed materials are brick, asphalt shingles, and 'smart siding' (see explanation sheet). The building foot-print and front elevations intentionally show a 'stagger' layout to create some architectural interest.
3. Parking/Traffic Flow/Access/Curbed Parking Lot: Proposed access would be via a single driveway to/from Beloit. Parking would be both inside with garages and outside in front of each garage.
4. Storm Drainage/Grading (lot & building): Parcel has a significant grade change (approx. 15' – 20') front its southwest corner to its northeast corner, which will need to be factored in as part of the design – evidence of which is the site plan showing the intent of having a retaining wall along most of its south side. Run-off from the roof-tops, sump pumps, driveway and parking area will need to be controlled in a manner that there isn't a 'sheet-draining' effect over the asphalt path.
5. Utilities: The sanitary main was extended to the lot as part of the Woodlands project and the water main is under the south 'shoulder' of Beloit.
6. Park Fees: \$1497.00/unit.
7. Sidewalks: A front private walk is shown across the front units leading to/from the driveway.
8. Fire Department: Given Building Code requirements, this building will need to have both a fire alarm and building sprinkler systems installed.
9. Outside Agencies: Milwaukee County will need to review/approve any drive-way connection. It should be noted that at the adjacent Woodland Condo drive-way, the County required both a 'de-cel' and 'ac-cel' lane.

10. Miscellaneous: The Receiver has sent some form notification to the Woodland Condo owners that Mr. Heitzer has made this preliminary proposal, so it may be possible that some of these owners will be at the meeting offering their perspective at this early stage.

Recommendation: While no formal action is needed now, the initial consensus of staff is that an alternative layout option that may fit this parcel better is to have two 2-unit duplex-type structures on this parcel, and still with the single driveway.

The ZC has three 'Multi-Family Residential' zoning categories. Respectively, they are based on 8 units/acre (MFR-1), 12 units/acre (MFR-2), and 16 units/acre (MFR-3). If there were four units total on this little over half parcel, that would be comparable density-wise to the MFR-1 designation. Furthermore, the Woodlands Condos are all duplex models as well.

Mike Heitzer was present to answer questions and gave a summary of his proposal. He spoke on how the site is conducive to multi-family as there are multi-family both east and west of the parcel on both sides of street. As Beloit is a very busy street it really isn't conducive for single-family homes. He compared the style/design to similar sized units at the nearby Woodlands condos.

Ald. Kastner said the water runoff would be huge, to which Mr. Heitzer said there would be a retaining wall, diverting the water from the back toward the front. Ald. Kastner mentioned that they would need to ensure that the pedestrian/bike path that is being constructed is not affected. Mr. Heitzer said he could put a retention pond in. It was questioned why not build condos to which Mr. Heitzer replied these are condo-style buildings, but economically the rental market is currently stronger than the for sale market so this proposal makes the most sense. Mr. Heitzer said he would be okay with two two-family buildings being approved as that would still provide him a profit, however to build single-family would not be practical.

Taylor Marquardt, a new owner in The Woodlands, spoke on how they checked as to any possibility of this area being developed before they purchased their condo and believed nothing would be occurring at the site, beyond the current single-family zoning.

Bob Surwillow, a condo owner in The Woodlands, spoke on how the drawings they see tonight look completely different from what is there.

It was the consensus of the Plan Commission that they are not supportive of a rezoning in order to build a five unit structure at this location.

Conceptual Review – No Action Required.

12. **Discussion/decision on staff request to initiate the Special Use revocation process for 5235 W. Loomis Road (i.e. Sub Curry Restaurant) in accordance with Zoning Code section 21.04.0700(J) – Review of Special Use Permits; alternatively it may be possible that a Special Use Review is considered at this location for Sub Curry, Tax Key #648-0008-003. [[Agenda and staff notes sent to both the property owner and current business occupant.]]**
 1. Background: Staff requests to initiate the Special Use revocation process for 5235 W. Loomis Road (i.e. Sub Curry Restaurant) in accordance with Zoning Code section 21.04.0700(J) – Review of Special Use Permits; alternatively it may be possible that a Special Use Review is considered at this location for Sub Curry.

Rajwinder Kaur received an Occupancy Permit to operate the Sub Curry sandwich shop within a portion of this gas/convenience store, with the understanding that concurrently he would also submit the appropriate PC application for a Special Use Review. Prior phone conversations with him that the 'check is in the mail' and a subsequent letter on 2/20/15 (see attached) requesting follow-up, have all been unsuccessful which is why staff is suggesting this step be considered.

Recommendation: Consider one of two options – based upon the responsiveness of the operator of this restaurant that needs a Special Use to be open:

- If appropriate Plan Commission application and fee (Special Use Review) is submitted/paid for on a timely basis (i.e. by 4/14/15), then approve the Special Use Review and authorize this item to be expedited to the April 21st Common Council mtg.
- If appropriate Plan Commission application and fee is not submitted, then authorize a request to be presented to the Common Council for initiating the Special Use revocation process at this location.

Motion by Ms. Hallen, seconded by Mr. Hess to recommend approval of the Plan Commission and staff recommendation that the Common Council authorize the scheduling of a public hearing to consider the possible termination of the Special Use for the Sub Curry Restaurant at 5235 W. Loomis Road in accordance with Zoning Code section 21.04.0701(J) – Review of Special Use Permits; Tax Key #649-0008-003.

12a. Joshua Willbanks, 5407 Lory Drive, Greendale, WI requests a Special Use to open a “Dane Junction Antique Mall” in the former Greenfield News & Hobby building at 6815 W. Layton Avenue; intent is to have antique dealers setting-up individual spaces for display and sell their items; Mr. Willbanks currently owns/operates D.J.’s Antiques at 4805-B S. 74th Street; Special Use needed for ‘used merchandise stores’. Tax Key #617-0117

1. Background: The owners/operators of the existing D.J.’s Antiques & Consignment at 4805-B South 74th Street since 2009, have submitted a proposal for the vacant GF News & Hobby property at 6815 W. Forest Home, to create ‘Dane Junction Antique Mall’ (DJAM) where antique dealers would be allowed to set up individual spaces for display and sell their items. DJAM will collect rent for the rented spaces and manage the operations of the mall. All persons selling items must meet the guidelines set forth by DJAM.

This 6815 parcel is approx. 42K s.f., and the building is approx. 15K s.f.

See attached lengthy submittal which includes:

- PC application
- Description of Services & Operations and Conclusion
- License Agreement
- Rules & Regulations
- Dealer Information
- Preliminary Floor Plan
- Several pages of pictures for both the existing building interior and site/building exterior
- Several pages of pictures of types of merchandise
- Excerpt of the NAICS list for #453310 – Used Merchandise Stores, of which ‘antique shops’ is an example of categorized uses.

2. Architectural Review/Exterior Materials: No changes proposed.

3. Parking/Traffic Flow/Access/Curbed Parking Lot: No changes proposed. There are approx. 50 parking stalls on-site.
4. Signage: No proposal yet, but naturally the existing sign face will change to reflect different business use.
5. Dumpster/Screening/Gated (materials used): Will using existing enclosure at the SE corner of the building.
6. Landscaping/Buffer Yard: No specific changes proposed yet, but as the pictures show this site has very limited landscaping. Accordingly, staff would suggest that this Special Use timing process enables some type of improved landscaping plan to be prepared. That could include, but not be limited to, the following: add some foundation plantings along the north side of the building near the main entrance; add some trees along the existing grass area on the east side of the parcel; and/or expand the existing landscaping areas at the NW and NE corners of the parcel by 'losing' a few parking stalls.

This proposed landscaping plan should be prepared/finalized in time for the public hearing in 4 – 6 weeks at that CC meeting.

7. 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.
8. City Forester Site Inspection: Would occur later upon submittal of a landscaping plan.
9. Hours of Operation: Daily, 10 a.m. – 7 p.m.
10. Sidewalks: Some type of defined pedestrian access is needed to/from the main entrance to/from the sidewalk either on Layton or on 68th Street. That could be an actual sidewalk from 68th Street (i.e. some grade issue though) or pavement stripping through the front parking lot.
11. Fire Department: To be determined.
12. Police Department: To be determined, however, DJAM is familiar with the PD rules/regs. given their existing operation on 74th Street.
13. Miscellaneous: A 'second-hand' license will need to be obtained from the City Clerk's office as well. It would be considered at the same CC meeting when the public hearing is to be held.

Via these PC notes, DJAM will be informed about the formal public hearing process involving a Special Use request in that these are held at a 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 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 has not been prepared yet.

One of the conditions of the Special Use approval at the 4805 location, was that no auctions will be allowed. That same feature needs to be applicable here as well.

Recommendation: At this time due to the large packet of materials just submitted, only authorize the public hearing process to proceed. Plan Commission and staff recommendation will be finalized at the May Plan Commission meeting.

Don Moczynski was present to answer questions. Discussion occurred on how the placement of the current sign is a problem for sight lines and there needs to be a change of location for the sign. Also it was discussed how this is a tight lot without much room for adding any landscaping.

Motion by Mayor Neitzke, seconded by Ms. Collins, to authorize the public hearing process to begin; with the understanding that the Plan Commission recommendation will occur at the May Plan Commission. Tax Key #617-0117. Motion carried unanimously.

13. Community Development Manager Report.

No report.

14. Motion by Mr. Sponholz, seconded by Mr. Rogers, to adjourn the meeting at 8:35 p.m. Motion carried unanimously.

Respectfully submitted,

Alison J. Meyer
Administrative Assistant

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