

**MINUTES OF THE PLAN COMMISSION MEETING HELD AT THE
GREENFIELD CITY HALL ON TUESDAY, FEBRUARY 9, 2016**

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

ROLL CALL:	Mayor Michael Neitzke	Excused
	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.)	Excused
	Mr. Don Carlson (alt.)	Excused

ALSO PRESENT: Charles Erickson – Community Development Manager
Ald. Bruce Bailey

2. Motion by Mr. Hess, seconded by Ms. Collins to approve the January 12, 2016 Meeting minutes. Motion carried unanimously.

3. Discussion regarding the Common Council meeting held on January 19th and February 2nd. At the January 19th meeting the Rezoning/Comp Plan hearing for the Glen of Greenfield condo project (116th & Howard) was held and approved as presented, along with the vacation of all of the Right-Of-Way within the 84 South development.

At the February 2nd meeting the Rezoning and Comp Plan change for King of Glory Church to split off two lots (83rd & Cold Spring) was held and approved as presented.

4. Layton Avenue Baptist Church, 9000 W. Layton Avenue, Greenfield, WI 53228 represented by Clyde Hamer, requests a Certified Survey Map to combine three parcels into one lot as a follow-up to the prior approval for the 22,000 s.f. new church building on approx. 5 acres at 9600 W. Layton Avenue. Tax Key #607-9970-002, 607-9970-003 & 607-9968.

1. Background: A condition of the prior approval for the new church building and site at 9600 W. Layton Ave., was for a Certified Survey Map to be submitted which combines the existing three tax key parcels into one lot. The attached CSM will enable that step to occur.

As a separate but related matter, the Chapman Ave. ROW vacation was recommended for approval both at the 12/15 PC and the 1/16 BPW meetings. The next steps in that process – City Attorney review and eventual public hearing – are underway. Once the vacation process is formally completed, then the CSM can be recorded.

2. Outside Agencies: The CSM will be 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.

Recommendation: Approve subject to Plan Commission and staff comments, and authorize this item to be expedited to the February 17th Common Council meeting.

Clyde Hamer and Shelby Alcott were present to answer questions.

Motion by Mr. Sponholz, seconded by Ms. Hallen to recommend approval of a Certified Survey Map to combine three parcels into one lot as a follow-up to the prior approval for the 22,000 s.f. new church building for Layton Avenue Baptist Church on approx. 5 acres at 9600 W. Layton Avenue, subject to Plan Commission and staff comments, and authorize this item to be expedited to the February 17th Common Council meeting. Tax Key #607-9970-002, 607-9970-003 & 607-9968. Motion carried unanimously.

5. **House of Wisdom Center, 11615 W. Layton Avenue, Greenfield, WI 53228 represented by Samir Amin, requests a Certified Survey Map to combine two parcels into one lot as a follow-up to the prior approval of a rezoning of their adjacent property at 11637 W. Layton Avenue. Tax Key #611-9000-002 & 611-9000-006.**

1. Background: A condition of the prior approval for a rezoning of the House of Wisdom's adjacent parcel at 11637 Layton in December 2014, was for a Certified Survey Map to be submitted which combines the existing two tax key parcels into one lot. The attached CSM will enable that step to occur.

Another part of their reason for buying that adjacent parcel is because in the House's future planning, the possibility of adding on to the church (i.e. worship space/ office/ children's area/ kitchenette) required more land, which would also expand the need for more parking. But before they can proceed with any building/site changes, combining the two lots is needed first. Attached as an FYI only was the preliminary site/building plan the House had submitted as part of the rezoning process.

2. Outside Agencies: The CSM will be 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.

Recommendation: Approve subject to Plan Commission and staff comments, and authorize this item to be expedited to the February 17th Common Council meeting.

Mohammed Abu Loghud was present to answer questions. Ald. Kastner questioned the placement of the parking layout and since it will now be one combined lot is it necessary to follow setback requirements? Mr. Erickson said that yes, taking that into consideration it could be shifted closer to the main building and thus further away from the residents on the other side. However, tonight's request is approval of the Certified Survey map only, and the site plan included in the packet was simply what had been presented as a preliminary layout when the rezoning request was considered. When they are ready to actually proceed with any site/building changes, then that information will be coming back to the Plan Commission.

Motion by Ms. Collins, seconded by Mr. Hess to recommend approval of Certified Survey Map to combine two parcels into one lot as a follow-up to the prior approval of a rezoning of the adjacent property at 11637 W. Layton Avenue for the House of Wisdom, subject to Plan Commission and staff comments, and authorize this item to be expedited to the February 17th Common Council meeting. Tax Key #611-9000-002 & 611-9000-006. Motion carried unanimously.

6. **Michael Busalacchi, MJB Real Sweet Dreams LLC, 840 Lake Road, Brookfield, WI 53005, represented by Russell Raposa, Raposa Design, 12690 W. Greenbriar Lane, New Berlin, WI 53151 requests a Special Use and a Site/Building/Landscaping Review for a proposed Culver's Frozen Custard Restaurant at 6031 W. Layton Avenue (i.e. currently Wendt's Tavern). Tax Key #618-9997. *[[Follow-up to the Conceptual Project Review at the January PC.]]***

1. Background: *[[Many of comments below are similar to what was presented for the Conceptual Review at the January PC mtg. Anything new/revised is shown in Italics.]]*

Mr. Busalacchi owns/operates several Culvers Restaurant locations both in SE Wisconsin and in Florida, has an accepted offer-to-purchase of the Wendt's Tavern parcel at 6031 Layton (1.2 acre lot). This existing parcel has an odd-shape to it because there is a 'finger' of land which extends all the way to S. 60th St. that will continue to be used as a second means of ingress/egress; this parking/driveway area is south of the small multi-tenant retail building @ 6007 Layton. It's estimated that the largest shift of employees is approx. 20 people.

2. Architectural Review/Exterior Materials: As is already known using SE Wisconsin as a small example, there are different styles of exteriors that Culver's has used. The initial proposal here is for a more recent/updated building style which is a combination of veneered stone, EIFS, fiber cement siding, blue stripped canvas awning, and LED accent lighting is optional as well. See attached color rendition and preliminary floor plan; proposed overall building is about 4,300 s.f., and the dining area is about 1,870 s.f.
3. Parking/Traffic Flow/Access/Curbed Parking Lot: *At the earlier PC meeting, a lot of discussion occurred regarding preparing a site plan layout which would address the earlier recommendation of the Police Chief (see #19) regarding shared drive approach access from both Layton and from 60th Street. Culver's has revised their site plan to identify the changes they are prepared/able to make on the property under their control to enable this shared-access feature to be done. This revised layout has been provided to Mr. Klapperich (i.e. he was at the last PC mtg. representing the property owner - Ms. Kleczka). The staff's perspective is that this revised layout actually now is consistent with intent of the existing 'Reciprocal Easement Agreement' (see attached) entered into by the two property owners in 2005 (i.e. Wendt & Kleczka). See also #20 as it relates to the review by Milw. County and the staff follow-up pertaining to a west-bound stack-lane in the Layton median.*

Another item discussed at the prior PC mtg. was asking the Culver team to contact the property owner to the south (4723 S. 60th St.) regarding possibly acquiring that parcel or at least to create an expanded access easement area within the context of the revised site plan. Staff is aware that contact was made but don't know the results.

Proposed site plan shows shifting the building pad further south – when compared with the very preliminary rendition. Also the site plan identifies the intent of using both existing drive approaches off of Layton and the driveway/parking area to/from S. 60th Street; overall 72 stalls are shown on-site, and the entire parking lot is curbed per City requirements.

As noted, the access to the drive-thru starts on the north side of the property, with the ability to handle at least eight vehicles in the 'stack-lane' (i.e. seven is minimum needed). It appears that two 'exiting' lanes are available if a vehicle is in the drive-thru. 'Immediate': get food and access south-bound drive lane along west side of parcel; and 'Holding': waiting on order to be completed, etc.

Staff has a concern about the method of 'vehicle/traffic' control anticipated at that 'merge point' of a vehicle in the 'immediate' service lane exiting into the west side, south bound lane. Even though there isn't any 'sight-line' issue, what type of 'control' is typically used in this type of layout situation?

In general over the past 10 years given the different peak hours of operation when comparing 6031 (evening) and 6007 (day-time), any 'shared' parking usage was likely able to be handled/accommodated on a more informal/practical basis. However, that clearly will change since Culvers will be operating both during the day and certainly into the evenings. It's understood that Culvers has made an attempt to contact the 6007 owners to advise them of the pending/possible change.

- 6007 Layton = 6,000 s.f. building X 5 stalls/1,000 s.f. (retail use) = 30 stalls min. needed; actually there are +35 stalls on-site now.
4. Storm Drainage/Grading (lot & building): The amount of 'new hard surface' *will now be at one* (1) acre –paving of rear south area to add more parking – and the amount of 'disturbed area' as it relates to MMSD regs. on 'water quality run-off' have been part of the preliminary discussions with project engineers. Basically the manner of and amount of existing asphalt service removal/repair will be a critical determining factor in this instance.

As shown on the revised site plan, there are now two bio-infiltration islands created because of the amount of disturbed area: northeast of the building and south of the building. Cross-section design elements are included in the submittal. Curb 'breaks' are provided for to enable surface flow into these areas.

Additional verification is needed for the quantity of stormwater runoff coming from the roof. An inspection checklist is required for the Storm Water Management Plan previously submitted.

5. Lighting (building & site): Although it is still in a very preliminary planning stage, per general discussions with Mr. Raposa they are looking into possible 'green initiatives' as it relates to the LED lighting aspects within the building/site; potential exists for loan qualifiers via the State of Wisconsin.

A photo-metric plan has been submitted for the overall lighting plan which identifies a modest foot-candle average level. Cut-sheets of all lighting fixtures are still needed though. Since all the pole bases are in landscape islands, those bases cannot be more than six inches (6") above the grade, and should be adjusted accordingly. It is acknowledged that the light pole proposed to be in the south bio-infiltration area may need to be handled differently given the other intended purpose for that landscape island, and the proposed grade within that island.

6. Utilities: The City's "FOG" ordinance (fats/oils/grease) will be applicable with this proposed use.

The sanitary sewer location for Layton Ave. as shown on the Utility plan sheet may need to be reviewed/verified. County manhole requirements should be reviewed for the manhole located in the curb.

7. HVAC/Utility Box Screening: Height of parapet wall (20' – 23') is intended to provide screening for roof-top mechanicals.

8. Signage: Four 4' x 8' wall signs are shown for each side of the building, and on the north side of the parcel would be a monument style sign and 'menu order' boards. The Sign Code formula to determine the amount of overall allowed on-site signage is as follows:

- Width of building (55' x 1.5 = 83 s.f.)
- Either smaller wall signs or less of them will be needed at the very least.

There is concern over the size/placement of the monument sign in the northeast area of the site. The proposed location doesn't provide for the minimum 5' setback of the sign plus that proposed location immediately west of the east driveway, can cause sight-line problems with drivers as they would leave the lot trying to pick-up east-bound traffic. Staff believes shifting the sign so it is just east of the west driveway is a better location for a monument sign. Free-standing signage renditions (i.e. monument/menu boards/directional) still needed.

9. Dumpster/Screening/Gated (materials used): Shown to be on the south side of the parcel. Plans indicate a wing wall and man maze to screen the dumpster and small storage area.
10. Fencing: Along the south side of the property potentially a 5' – 6' high retaining wall would be installed.

The cross section of the block retaining wall is provided, but additional clarification needed to show how the water gets discharged from the 'perforated wrapped pipe underdrain' into the storm main in the south bio-infiltration island. It is suggested that some type of protective fencing should be erected around this south bio-filtration area because there is a steep (24" – 30") drop within the island and of course, the island is immediately adjacent to parking/pedestrian activity. Also this same bio-infiltration area is proposed to have an Autumn Serviceberry tree in it, which likely should be shifted to another area.

11. Landscaping/Buffer Yard: *The landscape plans are complete with 10 deciduous shade trees, numerous (175) evergreen and deciduous shrubs, ornamental grasses, herbaceous perennials, and hardscape materials.*
12. Landscaping Cash Deposit/Letter of Credit: *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.*
13. Street Trees: *Three street trees are located in front of the proposed Culvers. The City Forester has been sent the landscape plans in order to offer staff additional feedback.*
14. City Forester Site Inspection: *Underway.*
15. Hours of Operation: 10 a.m. – 10 p.m. daily
16. Sidewalks: Connection made to the existing sidewalk on the south side of Layton.
17. Fire Department: Building will be sprinklered.
18. Police Department: *From Police Chief Wentlandt: The City should aggressively pursue an agreement between the two property owners to eliminate one of the Layton drives and one of the 60th Street drives. This project is being conceived and planned as if Meijer isn't going to add thousands of cars worth of traffic volume on both 60th and Layton. The proximity of the drives is a problem. The use is changing dramatically from a low volume bar to a high (constant) volume fast food restaurant. Allowing Culvers to build on the existing site without looking at combining the drives on 60th and Layton is bad planning.*
19. Outside Agencies: Milwaukee County Dept. of Public Works/Transportation would become involved due to potential changes in the median cut for a west-bound 'stack-lane' to accommodate anticipated west-bound drivers wanting to access the site via its existing west drive approach, and any road-cuts for new water/sanitary service laterals into the site.

The Sigma Group (civil engineers) on behalf of Mr. Busalacchi have made that appropriate contact in mid-December; don't know yet what that feed-back may have been from the County perspective.

Attached is the 1/29/16 letter from Milw. County Transportation Division on their site plan review and requirements. This letter is 'silent' about the need to have a west-bound stack-lane to handle west bound drives wanting to turn south to access the west drive approach. However, City staff still believes strongly that these median changes still need to be made in anticipation of the popularity of this business and increased traffic flow in general on Layton.

20. Erosion Control: Currently being reviewed by the Engineering Department.
21. Miscellaneous: Separately Mr. Busalacchi has submitted a request for the possibility of obtaining some TIF #4 'Developer Incentive' funding via a Pay-As-You-Go arrangement; evaluation and analysis would be done by Ehlers' (City's financial consultant).

In a prior conversation with Culver reps., staff has indicated the availability of providing the 400' radius map/mailling list used for the Special Use public hearing so that they could choose to initiate some type of a neighborhood info. mtg. process in advance of any formal hearing at a subsequent CC mtg. Staff has prepared this map and has distributed it to Mr. Raposa. They are about 10 property owners identified on that list

Recommendation: Approve both the Special Use and the Site/Building/Landscaping Review submittal, subject to PC and staff comments, and authorize the public hearing process to proceed.

Russell Raposa with Raposa Design and Chris Carr with Sigma were present to answer questions.

Ald. Kastner commented that if the 'cut-thru' area at the southeast corner of the Kleczka lot were shifted further to the west, there would be more room gained for parking stalls because then the aisle would line up. Mr. Carr replied that the reason why they designed the parking layout being presented tonight is that as people using the drive-thru exit onto Layton, it would be easier to pull into the center as shown. To align the drive aisle with the drive aisle on the Kleczka property would reduce the parking on the Culver's portion of the lot, because you could not add additional stalls to the east of that. Their challenge is to do the right thing and they are open to suggestions, and if that means they lose a stall then they would be willing to do that. Mr. Carr also stated that in the future if the Kleczka parcel redevelops, that they hope it would be possible to close those driveways. They are looking at both the present and the future at this site. Ald. Kastner also questioned if they would be willing to move the monument sign location further west as suggested to which Mr. Carr said they don't have an issue with this.

Mr. Carr went on to say that based on his history with Milwaukee County, a lot of decisions have to do with jurisdiction when you have existing driveways. As this site has two existing driveways, they are keeping them and not modifying or removing them. The site the way it is has been working thus far, so that is why they believe the County hasn't pursued changes being made. They've submitted peak flows to the County for Culvers busy times. This site has three driveways from four directions, so it is expected that some people will take a left off Layton, or a right off Layton, or use the secondary driveway along 60th, as they have been doing all along.

Mr. Hess questioned if a median change would be needed along 60th Street. Mr. Carr replied they did look at that and feel that as the driveway has been working that it isn't necessary. There are possibilities to perhaps do some median modifications there, and in the future if changes would make sense they would be willing to work with the City. Mr. Hess also expressed his hope that the landscape plan include the Knockout Rose, a rose bred by a Greenfield resident.

Kurt Klapperich with CBRE, representing property owner Loretta Kleczka, spoke on how it has been stressed repeatedly tonight by Culver's reps that they want to work in collaboration with the City. However, in all practicality, the grade change at the southeast corner still needs to be addressed, as there is a two foot grade change at the site. Also, the shared access from both properties to the front parking

lot needs addressing. He stated he just measured the distance of the curb cut and it is 35 feet wide. What Culvers is proposing is nearly 40 feet wide. At a minimum this would need to be addressed. Per the Reciprocal Easement Agreement, the width of the curb cut/drive lane connecting both properties states that it should at a minimum 30 feet wide. They are proposing 25 feet. He feels like Sigma on behalf of Mr. Busalacchi wants what they want and they intend to pursue their interests. Mr. Klapperich is intent on protecting Ms. Kleczka's tenants and has brought that up to Mr. Busalacchi the last time they spoke and feels that that fell on deaf ears. He feels it would be logical to re-draft the Reciprocal Easement Agreement. The Agreement details how the Kleczka property has the ability to circle around Wendt's and use that back parking area there; it doesn't talk about the entering and leaving of the center or of changing curb cuts. If changes to the agreement were to be pursued, then it would need to be determined where the overflow parking will be.

Ald. Kastner stated that he likes that the Culvers plan allows for future site modifications. He also acknowledged that the priority here is safety, from both the entry and exit standpoints. At this point we are not mandating anything on the corner lot, but rather identifying an opportunity for it in the future. Mr. Klapperich replied that if were designed properly that would make sense, but the current design does not work.

Mr. Sponholz questioned the earlier suggestion of how switching the angle of the parking spots would create more parking spots along that south side leading to/from S. 60th Street. Mr. Klapperich said those spots would be good as designated spots for the Kleczka portion of the property.

Motion by Mr. Hess, seconded by Ms. Collins to recommend approval of a Special Use and a Site/Building/Landscaping Review for a proposed Culver's Frozen Custard Restaurant at 6031 W. Layton Avenue (i.e. currently Wendt's Tavern), subject to Plan Commission and staff comments, and authorize the public hearing process to begin. Tax Key #618-9997. Motion carried unanimously.

7. Community Development Manager Report.

- **Discussion/review of the proposed site improvements in Greenfield as it relates to the Marcus Theatre Project on the NE corner of Southridge Mall. Tax Key #650-9000-010.**

1. Background: Marcus has approval from the Village of Greendale to construct an 8-screen movie theatre near the northeast corner of the overall Southridge Mall (SR). The proposed building pad is just south of the City/Village corporate limit line.
2. Parking/Traffic Flow/Access/Curbed Parking Lot: A portion of the existing parking in Greenfield is shown to be modified with some landscape islands, a bio-filter planting island, and handicapped parking on the north side of the proposed building. In a 'parking exhibit' submitted to the Village, this general northeast area of SR will still have approximately 1,100 parking stalls available, of which about +300 stalls are in GF.

Staff has discussed the idea of having a traffic impact analysis at the Southridge exit onto Edgerton (by PyraMax Bank) as well as the intersection of 68th Street and Edgerton Avenue. The basic intent would be to do this before construction in order to establish a 'pre-Marcus baseline measurement' on the vehicular traffic flow occurring at these intersections. If traffic flow increases dramatically to the extent that maybe 68th & Edgerton then would need to be 'controlled/lighted', then the before/after comparison could be presented to the Village (i.e. part of this intersection is in GD) for their review/involvement as well.

- Storm Drainage/Grading (lot & building): Per the site plan, four large bio-filter landscape islands are being proposed as part of this project (i.e. one in GF and three in GD). Given the amount of overall 'disturbed area', a copy of the MMSD stormwater management plan should

be provided to the Greenfield Engineering Office. The idea would be to cooperate/coordinate efforts on the storm drainage and grading of the site with GD.

- Lighting (building & site): It's uncertain if any lighting changes are proposed for the GF portion of this site.
- Police Department: Further review underway.

Recommendation: To be determined at the Plan Commission Meeting.

Dave Raschke with Schroeder & Holt Architects was present to answer questions.

Ms. Hallen questioned the placement of the handicapped stalls, which do not provide easy access to the main entrance. Mr. Raschke stated that due to the sloping of the site, the location shown was chosen as it could be graded to allow proper ADA-type accessibility, with a sidewalk being added to create a route to the theater.

Motion by Ald. Kastner, seconded by Mr. Hess to recommend approval of the proposed site improvements which are in Greenfield for the Marcus Theatre Project on the NE corner of Southridge Mall in Greendale, subject to Plan Commission and staff comments, and authorize this item to be expedited to the February 17th Common Council meeting. Tax Key #650-9000-010. Motion carried unanimously.

8. **Motion by Ms. Hallen, seconded by Ms. Collins to adjourn the meeting at 7:25 p.m. Motion carried unanimously.**

Respectfully submitted,

Alison J. Meyer
Administrative Assistant

Distributed February 17, 2016