

PLAN COMMISSION STAFF REPORT

Tuesday, June 9, 2020 – 6:00 p.m.

1. **Roll Call**
2. **Approval of the minutes from the May 12, 2020 meeting.**
3. **Discussion regarding last Common Council meetings.**
- 4A. **Special Use Review for an ownership change to Crossroads Diner, an existing restaurant located at 4160 W. Loomis Rd., submitted by Kim Caze, d/b/a Crossroads Diner. (Tax Key No. 600-9970-011)**
- 4B. **Site Plan Review for an ownership change to Crossroads Diner, an existing restaurant located at 4160 W. Loomis Rd., submitted by Kim Caze, d/b/a Crossroads Diner. (Tax Key No. 600-9970-011)**

Items 4A and 4B may be considered together.

Overview and Zoning

The applicant has recently purchased the former Griddler's Café at the corner of S. 43 St. and W. Loomis Rd., and is changing the restaurant name to Crossroads Diner. The property is zoned C-2 Community Commercial District, which permits restaurants as a Special Use. The ownership change triggers a Special Use Review. Ms. Caze is also proposing to demolish the demising wall between 4160 and 4158 W. Loomis Rd., combining two tenant spaces into one (1), expanding the dining area in the building. Ms. Caze is proposing a typical diner menu:

BREAKFAST: eggs, omelets, pancakes, waffles, oatmeal

LUNCH: burgers, wraps, salads, fish/chicken sandwiches

DINNER: burgers, wraps, salads, fish/chicken sandwiches



The restaurant hours of operation will be 6:00am – 8:00pm, seven (7) days/week. The applicant is estimating to employee between 12-15 people. Ms. Caze has restaurant/bar ownership experience, owning Happy Tap in West Allis for seven (7) years and co-owner of Tailgaters Bar and Grill in Caledonia for two (2) years.

Site Review

A site plan was not submitted, but the Zoning Code allows for the comprehensive review of the condition of the site as part of the Plan Commission review. There are some site improvements that should be addressed, including the following:

- Many of the curb stops are damaged from plows over the years and should be replaced.
- The mudhole at the S. 43 St. driveway approach should be repaired.
- New chain link slats in the west property line fence should be installed, where missing.
- The refuse enclosure should be replaced (with board-on-board materials), as it is heavily damaged. A personnel door should be installed.
- Angled shoebox lights on the pylon sign must be tilted straight down, parallel to the ground, per the Zoning Code.



Staff is requesting that the applicant make all the recommended site improvements within one (1) year. Staff recommends that this item be expedited to the June 16th Common Council meeting for review.

Recommendation: Recommend Common Council approval of the Special Use Review and Site Plan Review for an ownership change to Crossroads Diner, an existing restaurant located at 4160 W. Loomis Rd., submitted by Kim Caze, d/b/a Crossroads Diner (Tax Key No. 600-9970-011), subject to Plan Commission comments, staff comments, and the following conditions:

(Item 1 is required to be satisfied prior to the issuance of building permits and/or Certificate of Occupancy associated with the proposed work reviewed by the Plan Commission. Contractors applying for permits should be advised accordingly. The work associated with Item 1 must be completed within one year of Common Council approval.)

1. A letter being submitted to the Community Development Division stating that the following site improvements will take place: (a) replacement of all damaged curb stops; (b) repair of the mudhole at the S. 43 St. driveway approach; (c) installation of missing chain link slats in the west property line fence; (d) replacement of the refuse enclosure with a new board-on-board enclosure with a personnel door—construction drawings must be submitted prior to a permit being issued; and, (e) angled shoebox lights on the pylon sign being tilted straight down.

- 5A. Special Use Review for a tenancy change to Forest Home Cidgo, an existing gas station and convenience store located at 6745 W. Forest Home Ave., submitted by Sarmiterjeet Kler, d/b/a Forest Home Cidgo, LLC. (Tax Key No. 572-8976-000)**
- 5B. Site Plan Review for a tenancy change to Forest Home Cidgo, an existing gas station and convenience store located at 6745 W. Forest Home Ave., submitted by Sarmiterjeet Kler, d/b/a Forest Home Cidgo, LLC. (Tax Key No. 572-8976-000)**

Items 5A and 5B may be considered together.

Overview and Zoning

The applicant is leasing the existing gas station at the corner of S. 68 St. and W. Forest Home Ave. under a five (5)-year term. The property is zoned C-3 Highway and Commercial Service Business District, which permits gas stations with a convenience store as a Special Use. The tenancy change triggers a Special Use Review. Hours of operation include 24-hour pay-at-the-pump and the convenience store will be open 5am – 12am for in-person sales. Approximately three (3) employees will work at the facility. The applicant has been a gas station owner and operator since 1990.



Site Review

A site plan was not submitted, but the Zoning Code allows for the comprehensive review of the condition of the site as part of the Plan Commission review. The site is in rough shape. There is an approved landscaping plan on file from 2001. It appears that all trees on the property are dead, and virtually none of the approved landscaping exists anymore. Staff recommends that the property come into compliance with the approved landscaping plan by September 1, 2020, and that in the meantime, a temporary occupancy permit be granted, with permanent occupancy not granted until the property is in compliance with the landscaping plan. In addition, all outdoor storage (firewood, ice storage or vending boxes/machines, plastic crates, etc.) shall be immediately removed from the premises prior to temporary occupancy being granted, per Sec. 21.04.0703.J.8. of the Municipal Code. Propane may be stored outside. Staff also recommends the removal of the abandoned metal poles along the south property line next to the vacuum machines. Staff recommends that this item be expedited to the June 16th Common Council meeting for review.



Recommendation: Recommend Common Council approval of the Special Use Review and Site Plan Review for a tenancy change to Forest Home Cidgo, an existing gas station and convenience store located at 6745 W. Forest Home Ave., submitted by Sarmiterjeet Kler, d/b/a Forest Home Cidgo, LLC (Tax Key No. 572-8976-000), subject to Plan Commission comments, staff comments, and the following conditions:

1. Immediate removal of all outdoor storage, except propane tanks. This must be completed prior to temporary occupancy being granted.
2. Compliance of the 2001-approved landscaping plan and removal of the abandoned metal poles along the south property line next to the vacuum machines by September 1, 2020. Temporary occupancy shall be granted in the meantime. A permanent Certificate of Occupancy may be granted at the time of compliance of the 2001 landscaping plan. The City Forester shall confirm complacency by September 1, 2020.

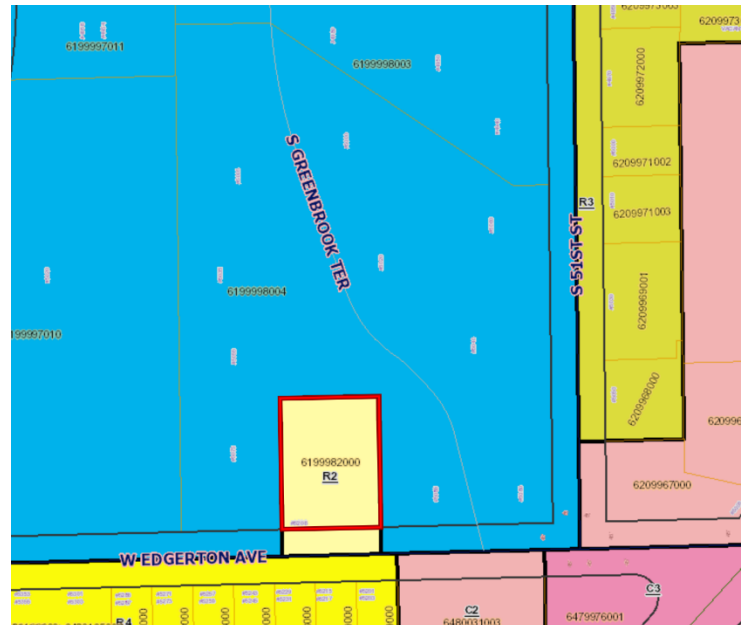
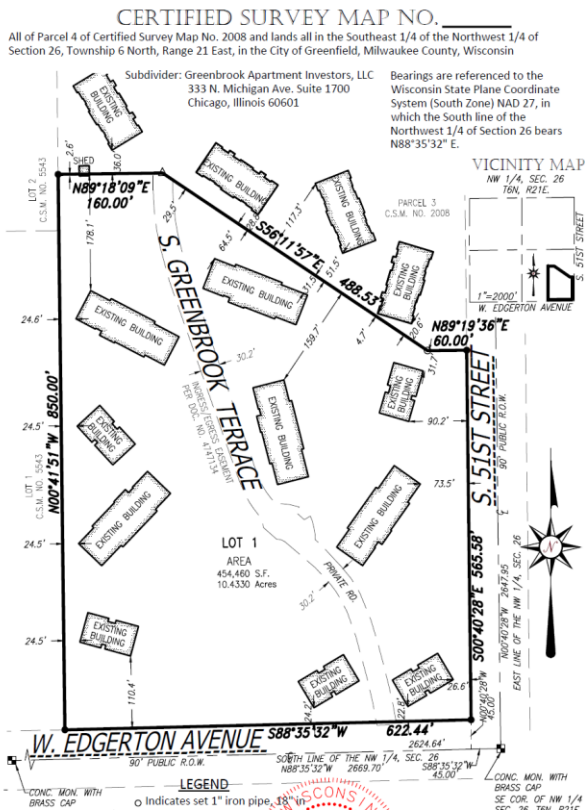
- 6A. **Certified Survey Map for proposed combination of two parcels located at 5206 W. Edgerton Ave. and 5000-5080 S. Greenbrook Terrace, submitted by Anthony Augustine, d/b/a Greenfield Land Holdings, LLC/Greenbrook Apartment Investors, LLC, and Todd Main, d/b/a Main Architecture. (Tax Key Nos. 619-9982-000 and 619-9998-004)**
- 6B. **Ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 5206 W. Edgerton Ave. from R-2 Single-Family Residential Conservation District to PUD Planned Development Unit, submitted by Anthony Augustine, d/b/a Greenfield Land Holdings, LLC/Greenbrook Apartment Investors, LLC, and Todd Main, d/b/a Main Architecture. (Tax Key No. 619-9982-000)**
- 6C. **Site and Landscaping Plans for proposed construction of a parking lot, to be located at 5206 W. Edgerton Ave., submitted by Anthony Augustine, d/b/a Greenfield Land Holdings, LLC/Greenbrook Apartment Investors, LLC, and Todd Main, d/b/a Main Architecture. (Tax Key No. 619-9982-000)**

Items 6A, 6B and 6C may be considered together.

Overview and Zoning



Greenbrook Terrace has purchased the former single-family parcel (5206 W. Edgerton Ave.) that was surrounded by the Greenbrook Terrace apartment complex. The intent of the purchase is to convert the single-family parcel into a parking lot for the apartment complex. The former home has been demolished already. The parcel at 5206 is zoned R-2 Single-Family Residential Conservation District and the Greenbrook Terrace apartment complex surrounding it is zoned



Planned Unit Development (PUD). The Zoning Code has a few regulations that dictate the direction of this particular application: the request for a CSM and the request to rezone the parcel located at 5206 W. Edgerton Ave. Per Sec. 21.04.0801 of the Municipal

Code, parking facilities cannot be stand-alone uses without a principal use or structure on the lot. Therefore, the proposed parking lot use must be combined with a parcel that has a principal building. Per Sec. 21.04.0403 of the Municipal Code, the Planned Unit Development zoning district has a minimum required site area of five (5) acres. Therefore, the parcel at 5206, which is 0.83 acres in size, must be combined with the Greenbrook Terrace apartment complex parcel at 5000-5080 S. Greenbrook Terrace, which is a 9.6 acres in size. The combination of the two (2) parcels through a Certified Survey Map process will allow for the rezoning of the 0.83 acres of land to a PUD. The new parcel will be 10.43 acres in size. The rezoning of 5206 W. Edgerton Ave. requires a public hearing, which can be scheduled as early as July 21, 2020.

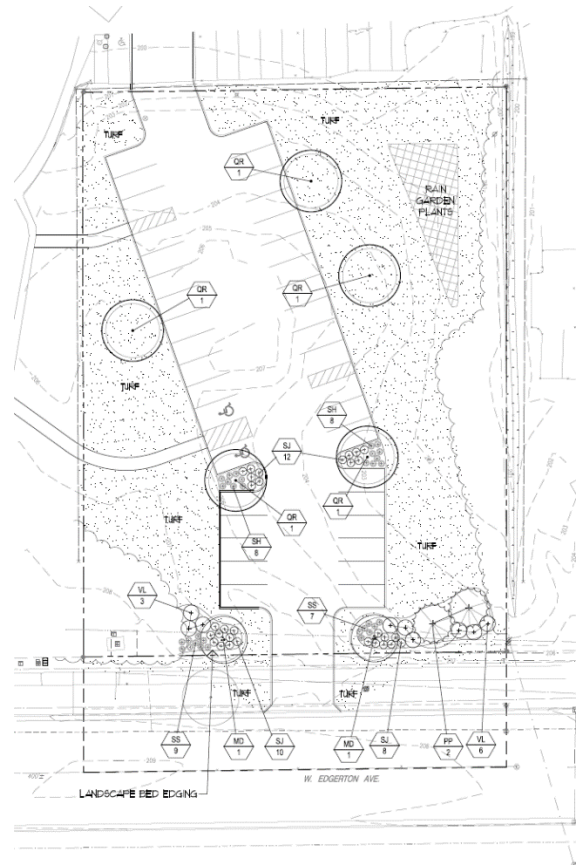


The Greenbrook Terrace apartment complex parcels are under an existing Planned Unit Development Agreement with the City. The developer will be required to enter into an Amended PUD Agreement to include the new 0.83 acres of land.

Site and Landscaping Plans

The applicant has submitted a site and landscaping plan for the proposed parking lot. Full civil plans need to be submitted to the Engineering Division for review. The City Forester's comments regarding landscaping species and quantities will be passed along to the architect and application for modifications, if necessary.

Recommendation: Recommend Common Council approval of the Certified Survey Map for proposed combination of two parcels located at 5206 W. Edgerton Ave. and 5000-5080 S. Greenbrook Terrace, the Ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 5206 W. Edgerton Ave. from R-2 Single-Family Residential Conservation District to PUD Planned Development Unit, and the Site and Landscaping Plans for proposed



construction of a parking lot, to be located at 5206 W. Edgerton Ave., submitted by Anthony Augustine, d/b/a Greenfield Land Holdings, LLC/Greenbrook Apartment Investors, LLC, and Todd Main, d/b/a Main Architecture (Tax Key Nos. 619-9982-000 and 619-9998-004), subject to Plan Commission and staff comments, and the following conditions:

(Items 1 through 9 are required to be satisfied prior to the issuance of permits associated with the proposed work reviewed by the Plan Commission. Contractors applying for permits should be advised accordingly.)

1. Revised Site and Landscaping Plans being submitted to the Community Development Division to show the following: (a) landscaping species and quantity modifications at the request of the City Forester, if applicable.
 2. An estimated cost of landscaping and screening being submitted to the Community Development Division for approval.
 3. A letter of credit or other form of security as required under 21.06.0304 of the Municipal Code in the amount of 125% of the estimated cost of landscaping and screening.
 4. The required approval and/or permits from WDNR/MMSD for sanitary sewer and storm water management and from WDNR/Milwaukee Water Works for water distribution.
 5. A civil plan set and stormwater management report being submitted to the Engineering Division for review and approval.
 6. Wetland delineation being performed or documentation being provided to support the wetland delineation shown on the proposed plans. Documentation should include the date of delineation, the delineator, the wetland delineation, or other form of concurrence from WI DNR.
 7. Revised Certified Survey Map incorporating Engineering Division and/or Milwaukee County comments, if applicable.
 8. An Amended Planned Unit Development Agreement being entered in to between Greenfield Land Holdings, LLC/Greenbrook Apartment Investors, LLC and the City of Greenfield.
 9. Common Council approval of the rezoning request from R-2 to PUD, following a public hearing.
- 7A. Special Use Permit for Lebnani, a proposed restaurant to be located at 5051 S. 27 St., submitted by Nathan Remitz, d/b/a Patera, LLC, and Naser Abdel Fattah, d/b/a Lebnani House, Inc. (Tax Key No. 622-9946-001)**
- 7B. Site, Landscaping and Architectural Plans for proposed site and building modifications to Lebnani, a proposed restaurant to be located at 5051 S. 27 St., submitted by Nathan Remitz, d/b/a Patera, LLC, and Naser Abdel Fattah, d/b/a Lebnani House, Inc. (Tax Key No. 622-9946-001)**

Items 7A and 7B may be considered together.

Overview and Zoning

The applicant has a one (1)-year lease commitment with renewal options and proposes to open a Middle Eastern restaurant with a new outdoor patio seating area. The property is zoned C-2 Neighborhood Commercial District, which permits full-service restaurants as a Special Use. This former Pizza Hut restaurant has been closed for more than a year, so the Special Use Permit has expired and a public hearing is required for the newly-proposed restaurant. The public hearing can be scheduled as early as July 21, 2020. The proposed hours of operation are 8:00am – 12:00am (midnight). The applicant is not requesting a liquor license. They expect to employ about 14 people.

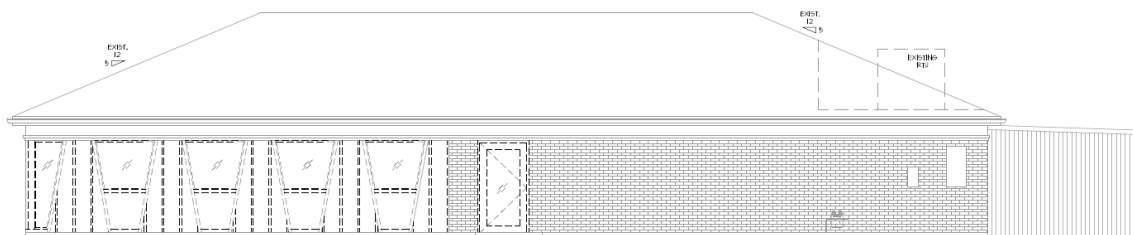


Architectural Plans

The applicant is proposing to make substantial architectural modifications to the building. All of the prototypical Pizza Hut irregularly-shaped polygon windows will be removed and replaced with rectangular-shaped clear glass windows in aluminum frame with new 4" trim, and board & batten siding to match the existing painted wood siding.

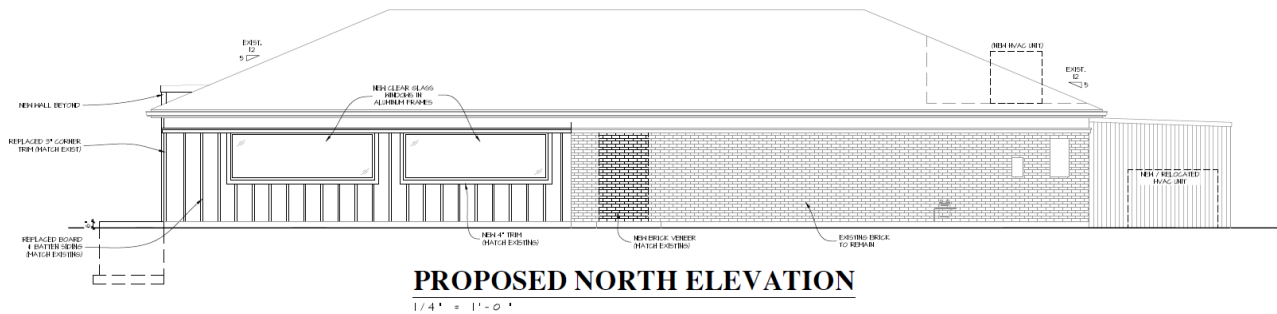
North Façade:

Remove the four (4) existing polygon windows and replace with two (2) large rectangular clear glass windows and board and batten siding. Remove the existing exit door and fill in with brick to match the existing brick.



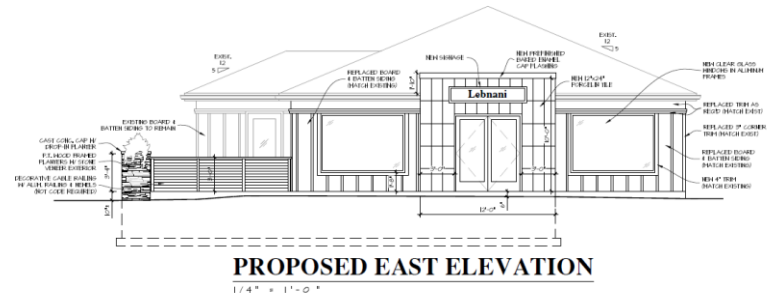
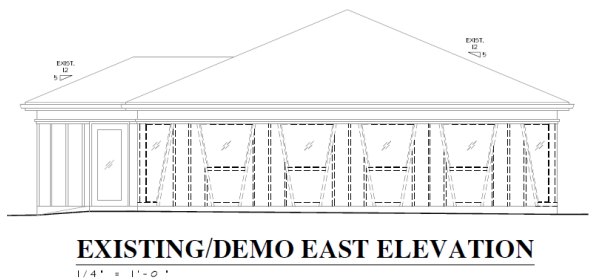
EXISTING/DEMO NORTH ELEVATION

1/4" = 1'-0"



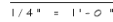
East Façade:

Remove the existing six (6) existing polygon windows and replace with a completely new entry, including a parapet wall; the installation of two (2) large rectangular clear glass windows surrounded by board and batten siding, one (1) on each side of the parapet wall; and installation of a new entry door in the center of façade. The new entry feature/parapet wall is constructed of 12" x 24" porcelain tile and the parapet wall roof is topped with a prefinished baked enamel cap flashing.

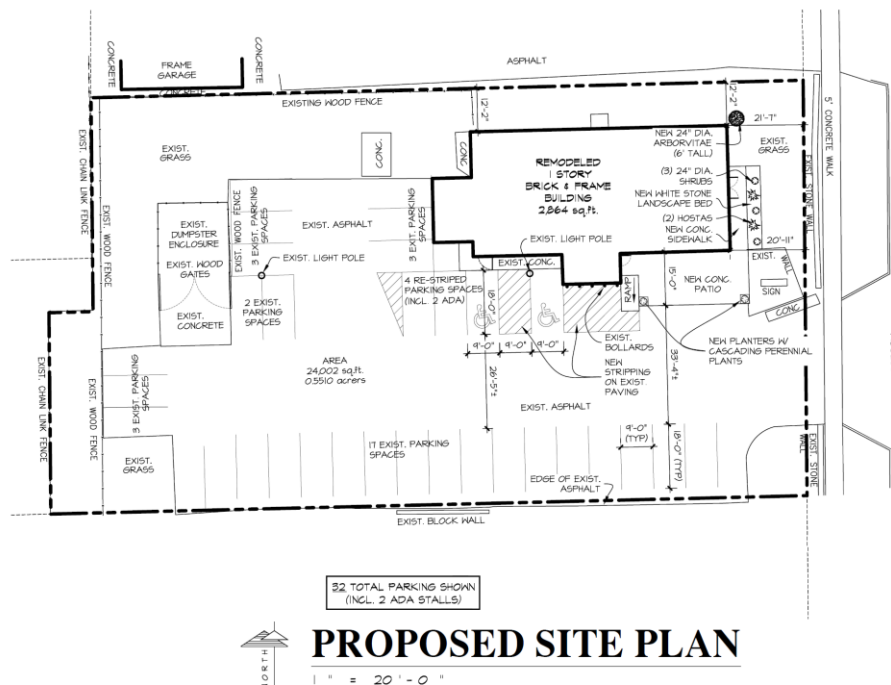


South Façade:

Remove the seven (7) existing polygon windows and replace with two (2) large rectangular clear glass windows, two (2) square clear glass windows at the entry, and board and batten siding. This is also where the new outdoor seating area is proposed, just east of the entry. The 15' x 30'7" patio will be enclosed with an approximate 3-foot tall decorative cable railing with wood-framed planters, wrapped in a decorative stone veneer, at each corner. A small ramp will be constructed providing ADA access from the parking lot into the concrete patio and building entrance.



After visiting the property, staff made note of a few needed improvements. The property is surrounded on the north and west lines with a board-on-board fence. One (1) section of the west fence has become disconnected and needs to be repaired. Various curb stops are in disrepair and/or pushed by snow plows into the grass, and need to be replaced. The front landscape bed around the base of the monument sign is in rough shape and the wood timbers should be replaced with masonry landscape pavers. Staff recommends that the lava rock that is at the base of the site be removed and replaced with landscaping and wood mulch. A stone retaining wall is located along the S. 27 St. sidewalk; however this retaining wall is located in the State right-of-way. Staff recommends that the applicant work with WDOT to obtain a grant of privilege to replace the retaining wall, as it is in rough shape and is leaning in towards the property. Staff recommends that the retaining wall be replaced within one (1) year. The site already has an existing board-on-board refuse enclosure that is in good condition.



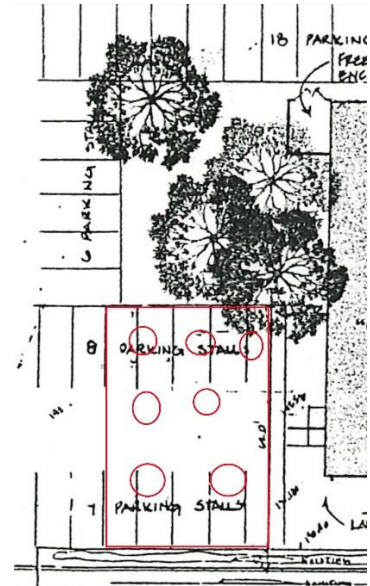
Recommendation: Recommend Common Council approval of the Special Use Permit and the Site, Landscaping and Architectural Plans for proposed site and building modifications to Lebnani, a proposed restaurant to be located at 5051 S. 27 St., submitted by Nathan Remitz, d/b/a Patera, LLC, and Naser Abdel Fattah, d/b/a Lebnani House, Inc. (Tax Key No. 622-9946-001), subject to Plan Commission and staff comments, and the following conditions:

(Items 1 through 2 are required to be satisfied prior to the issuance of building permits associated with the proposed work reviewed by the Plan Commission. Contractors applying for permits should be advised accordingly. The work associated with Items 1 through 2 must be completed within one year of Common Council approval.)

1. Revised Site and Landscaping Plans being submitted to the Community Development Division to show the following: (a) replacement of curb stops that are in poor condition; (b) repair of the section of the west property line fence that has disconnected from the other sections; (c) replacement of the landscape bed at the base of the monument sign with new masonry landscape retaining block, wood mulch and plantings; (d) replacement of the retaining wall located in the WDOT right-of-way; and, (e) landscaping species and quantity modifications at the request of the City Forester, if applicable.
 2. Easement or grant of privilege being provided by WisDOT for replacement of the retaining wall along the S. 27 St. sidewalk and other site work in the State right-of-way.
 3. Common Council approval of the Special Use Permit, following a public hearing.
8. **Temporary Use Permit for a proposed outdoor dining extension at Club Paragon, an existing restaurant and tavern business located at 3578 S. 108 St., submitted by Jeff Willms, d/b/a Club Paragon. (Tax Key No. 562-9979-002)**

Club Paragon is requesting temporary use for extended outdoor seating within the parking lot. The restaurant/bar has an existing outdoor seating area along Hwy 100. The proposed expansion area would be located on the north side of the building, close to Hwy 100, not on the east side of the property next to residential uses. Club Paragon is requesting the temporary use for the ability to serve additional patrons while adhering to social distancing guidelines.





The applicant is requesting the temporary use for approximately 6-8 tables with four (4) chairs at each table. Alcohol consumption will be outside within the designated outdoor dining area. The seating area would be covered with a 30'x30' tent. A metal fence would be staked in the parking lot to section off the seating area. Access to the tented area would be from the inside of the restaurant through the north door only. The hours of operation for the outdoor seating expansion would be 12pm-9pm, until September 30, 2020.

Recommendation: Approve the Temporary Use Permit for a proposed outdoor dining extension at Club Paragon, an existing restaurant and tavern business located at 3578 S. 108 St., submitted by Jeff Willms, d/b/a Club Paragon (Tax Key No. 562-9979-002), subject to Plan Commission comments, staff comments, and a building permit being applied for and issued by the Inspection Services Division for the tent.

9. **Certified Survey Map for proposed parcel line modification of two parcels located at 4305 S. 108 St. and 10835 W. Cold Spring Rd., submitted by Patrick McGlinn, d/b/a Anderson Commercial Group and Steve Anderson, d/b/a ACG Rentals, LLC. (Tax Key Nos. 609-9999-000 and 609-9998-000)**

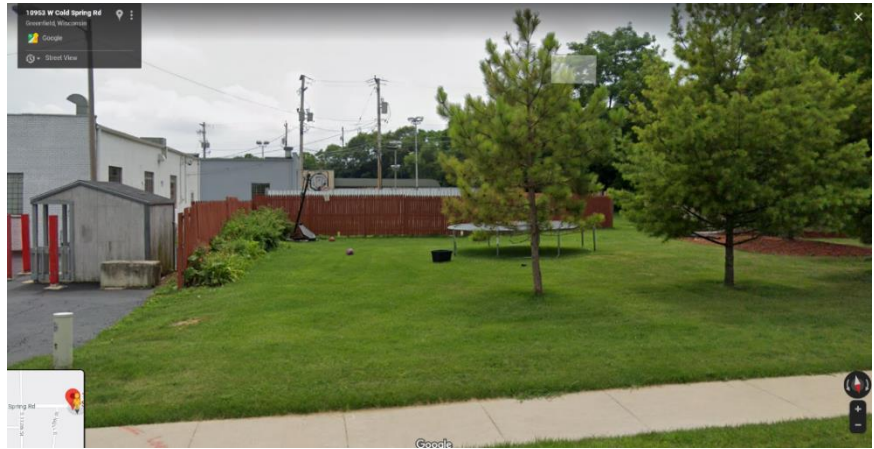


An aerial photograph of a residential neighborhood. A yellow boundary line outlines a specific area. Within this area, a red vertical line is labeled "Approximate location of new property line". Several property addresses are marked in purple: #10835, #4305, and #33. A label "exempt" is placed near a road. The surrounding streets are labeled "W COLD SPRING RD" and "S 108TH ST". Other visible addresses include #907 and #10835. The map shows houses, lawns, and a road with cars.

PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWN 8 NORTH, RANGE 21 EAST, IN THE CITY OF GREENFIELD, COUNTY OF MILWAUKEE, STATE OF WISCONSIN

VICINITY MAP
SE 1/4 SEC. 19-6-21
W. COLD SPRING RD.
S. 116th ST.
S. 112th ST.
S. 108th ST. (S.H. 100)
W. LAYTON AVE.
SCALE: 1" = 200'

high likelihood that the residential property at 10835 will someday be combined with other parcels at that corner and will not remain a long-term residential use. Therefore, the intensifying of the lot size nonconformity does not bring about major concerns.



The new parcel line will straddle the existing wood fence that jumps over the existing property line and encloses a gravel parking lot on 10835 W. Cold Spring Rd. The fence will possibly need to be moved to be fully contained on the 4305 S. 108 St. parcel. Staff is requesting that a new site plan for 4305 S. 108 St. be submitted to the Plan Commission for review and approval, reflecting the new property line and intended condition of the open gravel space as it pertains to MKE Doghouse's proposed use, by July 9, 2020, for August 2020 Plan Commission review.

The Engineering Division expressed concern with water flow between these two (2) parcels. Rain water flows from southwest to northeast across the current and proposed parcel lines. Someday, these parcels may not be owned by the same owner, which could cause dispute regarding water flow. The Engineering staff is suggesting that a 20-foot storm drainage easement be noted along the common property line, and that the easement agreement be submitted to the Engineering Division for filing purposes. Storm drainage easements are common on other properties in the City where water flow is an issue between multiple properties.

Staff recommends that the CSM be expedited to the June 16th Common Council meeting for review.

Recommendation: Recommend Common Council approval of the Certified Survey Map for proposed parcel line modification of two parcels located at 4305 S. 108 St. and 10835 W. Cold Spring Rd., submitted by Patrick McGlinn, d/b/a Anderson Commercial Group and Steve Anderson, d/b/a ACG Rentals, LLC (Tax Key Nos. 609-9999-000 and 609-9998-000), subject to subject to Plan Commission and staff comments, and the following conditions:

1. A revised CSM being submitted to the Engineering Division for review and approval noting a 20-foot storm drainage easement along the common property line.
2. A copy of the signed and recorded storm drainage easement between the two (2) properties being provided to the Engineering Division for filing purposes. This must be completed prior to the City recording the CSM.

10. Temporary Use Permit for proposed temporary expansion of The Brass Tap restaurant use within the vacant retail space located at 7820 W. Layton Ave., submitted by Nick Marking, d/b/a The Brass Tap – Greenfield. (Tax Key No. 605-9956-005)



The owner of Brass Tap is requesting long-term temporary use approval of the former Plato's Closet tenant space (7820 W. Layton Ave.), which is located two (2) tenant spaces down from The Brass Tap's restaurant/bar tenant space. The applicant is requesting to use the former retail space for seating/dining space, since The Brass Tap's occupancy capacity is limited in order to practice social distancing. The former Plato's Closet space is 4,000 sq. ft. in area, which would provide enough space for 12 tables and 48 chairs, bumping The Brass Tap up to their original occupancy load. The Health Department reviewed the proposal and did not object to the use of this space for dining. The applicant would be required to apply for an occupancy permit, which would trigger the inspectors to conduct inspections in the space to ensure that it passes life and safety measures. There is one (1) bathroom in the tenant space.

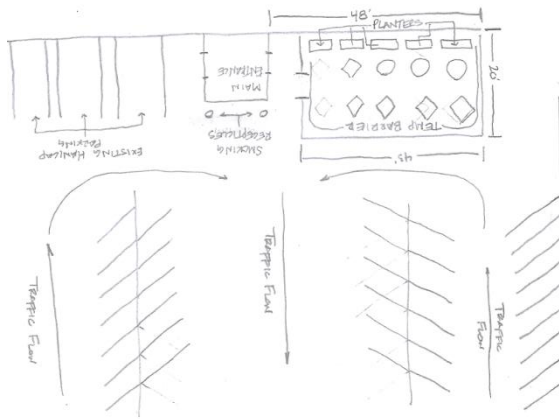
The proposed hours of operation for the expansion of premises is 4:00-10:00pm, seven (7) days/week. The requested timeframe for the temporary use is from June 10, 2020 to February 1, 2021, or until the landlord leases out the space for another usage.

Recommendation: Approve the Temporary Use Permit for proposed temporary expansion of The Brass Tap restaurant use within the vacant retail space located at 7820 W. Layton Ave., submitted by Nick Marking, d/b/a The Brass Tap – Greenfield (Tax Key No. 605-9956-005), subject to Plan Commission comments, staff comments, and an occupancy permit being applied for and approved by the Inspection Services Division.

11. Temporary Use Permit for proposed outdoor dining area at Classic Lanes Greenfield, an existing business located at 5404 W. Layton Ave., submitted by Gina Daroszewski, d/b/a Classic Lanes Greenfield. (Tax Key No. 602-9970-002)

Classic Lanes is requesting temporary use for an outdoor dining area within the bowling alley/restaurant/bar parking lot. The proposed outdoor seating area would be located on the

south side of the building, east of the front entrance. Classic Lanes is requesting the temporary use for the ability to serve additional patrons while adhering to social distancing guidelines.



The applicant is requesting the temporary use for eight (8) tables with four (4) chairs at each table. Guests will place their order inside the building and a Classic Lanes employee will deliver the food and drinks to the guests sitting at the outdoor tables. Alcohol consumption will be outside within the designated outdoor dining area. Temporary barriers and portable planters will section off the seating area. The hours of operation for the outdoor seating expansion would be Wednesday – Friday, 3:00pm-9:00pm; Saturday 11:00am-9:00pm; Sunday 11:00am-6:00pm, June 18th – September 27th, 2020.

Recommendation: Approve the Temporary Use Permit for proposed outdoor dining area at Classic Lanes Greenfield, an existing business located at 5404 W. Layton Ave., submitted by Gina Daroszewski, d/b/a Classic Lanes Greenfield (Tax Key No. 602-9970-002), subject to Plan Commission and staff comments.

12. **Community Development Manager Report**
13. **Adjournment.**