

**PLAN COMMISSION STAFF REPORT**

Tuesday, July 14, 2020 – 6:00 p.m.

1. **Roll Call**
2. **Approval of the minutes from the June 9, 2020 meeting and the June 23, 2020 meeting.**
3. **Discussion regarding last Common Council meetings.**
- 4A. **Special Use Permit for Five Guys, a proposed limited-service restaurant to be located at 5001 S. 76 St., submitted by Gregg Elstro, d/b/a Five Guys Enterprises, LLC, and Dieter Pedroza, d/b/a DXU Architects, LLC. (Tax Key No. 616-0001-004)**
- 4B. **Site Plan Review for Five Guys, a proposed limited-service restaurant to be located at 5001 S. 76 St., submitted by Gregg Elstro, d/b/a Five Guys Enterprises, LLC, and Dieter Pedroza, d/b/a DXU Architects, LLC. (Tax Key No. 616-0001-004)**

Items 4A and 4B may be considered together.

**Overview and Zoning**

Five Guys Burgers & Fries is proposing to occupy approximately 2,600 sq. ft. of tenant space within the soon-to-be-built multi-tenant commercial building on the corner of S. 76 St. and W. Holmes Ave. Five Guys is a fast casual restaurant known for their hamburgers & fries. Additional items on the menu

include hot dogs, grilled cheese, veggie sandwiches and milkshakes. The property is zoned C-4 Regional Business District, which permits limited-service restaurants as a Special Use. The proposed hours of operation are 11:00am – 11:00pm, seven (7 days/week). Five Guys is estimating to employ approximately 35 staff, 10 per shift. There will be no drive-thru with this proposed restaurant. The developer of this commercial building communicated the intent for a restaurant use from the beginning of the proposal. With that in mind, the public hearing for the Special Use has been scheduled for the July 21, 2020 Common Council agenda.

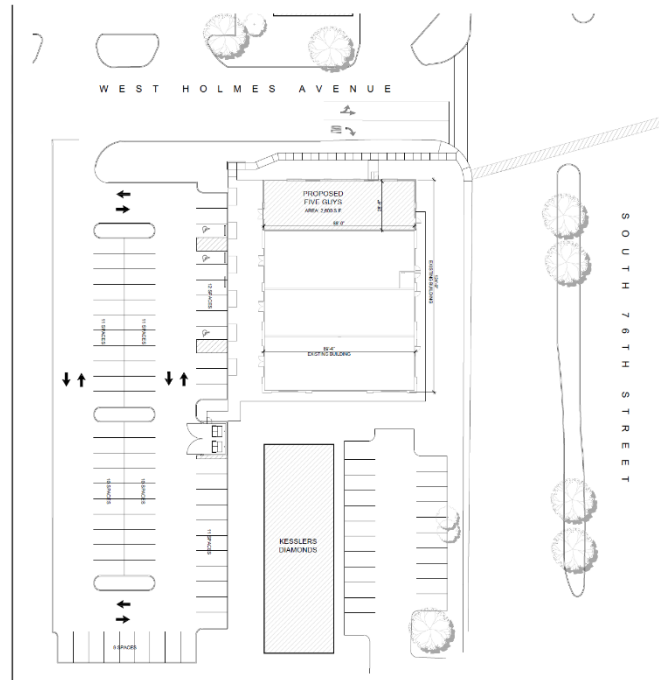


**FIVE GUYS®**  
**BURGERS and FRIES**

### Site Plan Review

The proposed multi-tenant commercial building is under an approved site plan from the November 2019 Plan Commission meeting, with the no-drive-thru site plan option. The site includes 74 off-street parking spaces. Five Guys will require 39 parking spaces. The rest of the retail space will require 43 parking spaces, for a total of 82 required parking spaces per the Municipal Code. The parking shortage may be waived by the Common Council.

**Recommendation:** Recommend Common Council approval of the Special Use Permit and Site Plan Review for Five Guys, a proposed limited-service restaurant to be located at 5001 S. 76 St., submitted by Gregg Elstro, d/b/a Five Guys Enterprises, LLC, and Dieter Pedroza, d/b/a DXU Architects, LLC (Tax Key No. 616-0001-004), subject to Plan Commission and staff comments.



- 5A. **Special Use Review for a tenancy change to BP, an existing gas station and convenience store located at 4405 W. Loomis Rd., submitted by Muhammad Anwar Rana, d/b/a Alina Rana Petroleum, LLC. (Tax Key No. 620-9989-003)**
- 5B. **Site Plan Review for a tenancy change to BP, an existing gas station and convenience store located at 4405 W. Loomis Rd., submitted by Muhammad Anwar Rana, d/b/a Alina Rana Petroleum, LLC. (Tax Key No. 620-9989-003)**

Items 5A and 5B may be considered together.

### Overview and Zoning

The applicant is intending to lease the existing gas station and convenience store at the corner of W. Loomis Rd. and W. Layton Ave. under an eight (8)-year term (four years with an option to extend four years). 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 hours/day, seven (7) days/week. Approximately three (3) employees will work at the facility. The applicant has five (5) years in the gas station/convenience store business.



### 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 is an approved landscaping plan on file from 2005. It appears that some of the landscaping is missing. In addition, the light poles need repainting and there is a pay phone that likely is not being used, it is in rough condition, and staff recommends that it be removed from the property. Staff recommends that the property come into compliance with the approved landscaping plan by October 1, 2020, and that in the meantime, a temporary occupancy permit be granted, with permanent



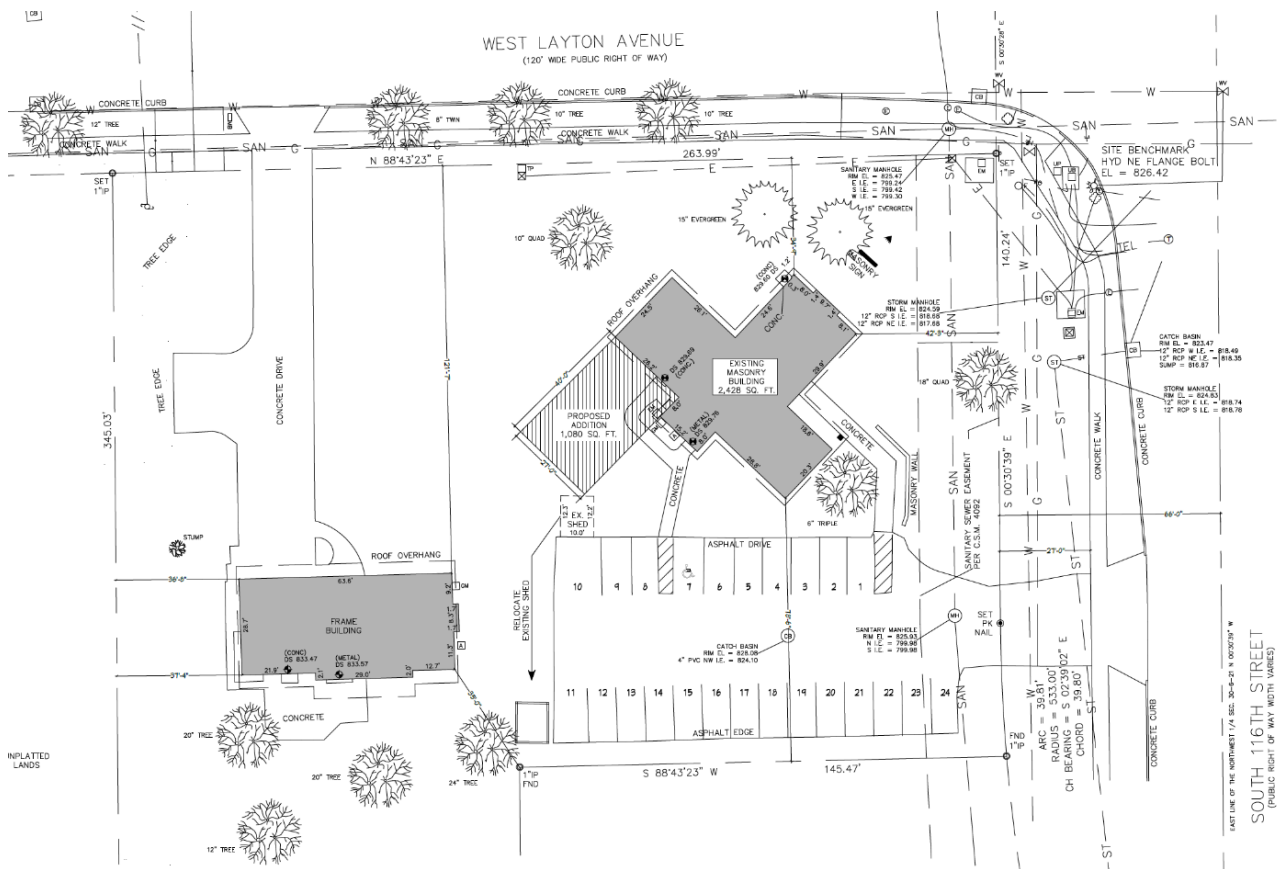
occupancy not granted until the property is in compliance with the landscaping plan. In addition, all outdoor storage (firewood, ice storage or vending boxes/machines, plastic crates, etc.) shall be immediately removed from the premises prior to temporary occupancy being granted, per Sec. 21.04.0703.J.8. of the Municipal Code. Propane may be stored outside. Staff also recommends the immediate removal of all signs without permits. Staff recommends that this item be expedited to the June 16<sup>th</sup> Common Council meeting for review.

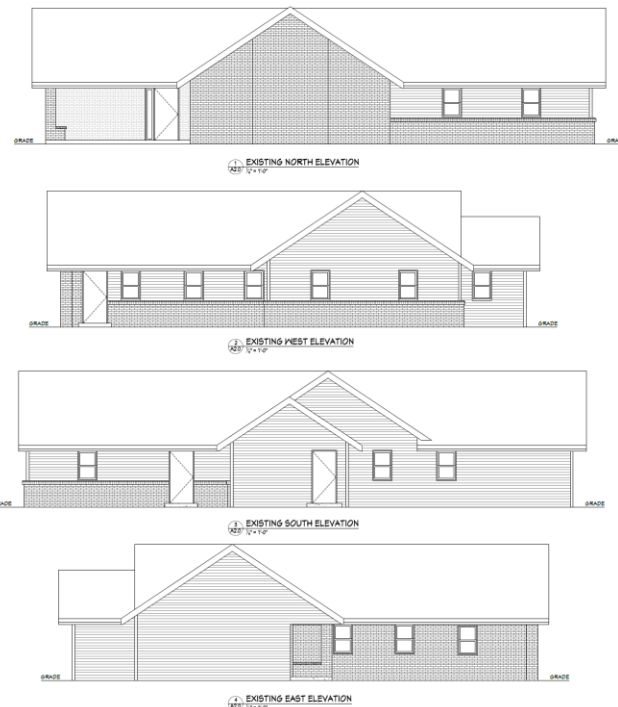
**Recommendation:** Recommend Common Council approval of the Special Use Review and Site Plan Review for a tenancy change to BP, an existing gas station and convenience store located at 4405 W. Loomis Rd., submitted by Muhammad Anwar Rana, d/b/a Alina Rana Petroleum, LLC (Tax Key No. 620-9989-003), subject to Plan Commission comments, staff comments, and the following conditions:

1. Immediate removal of all outdoor storage, except propane tanks, and signs without a permit. This must be completed prior to temporary occupancy being granted.
  2. Compliance of the 2005-approved landscaping plan, light poles being repainted, and removal of the pay phone from the site by October 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 2005 landscaping plan and other site improvements listed in this condition. The City Forester shall confirm complacency by October 1, 2020.
6. **Site, Landscaping and Architectural Plans for a proposed building addition to House of Wisdom, an existing religious organization located at 11615 W. Layton Ave., submitted by Khurram Raza, d/b/a House of Wisdom, Inc., and David Koscielniak, d/b/a Koz-i-tec-ture. (Tax Key No. 611-9000-013)**

## Overview and Zoning

The House of Wisdom is proposing a one-story, 1,080 sq. ft. building addition to their existing place of worship, which is a 2,428 sq. ft. single-story structure. The proposed addition will be for a “children’s hall,” providing a separate space for religious classes and activities to the children of members. There will be no net increase in the number of persons attending services as the children are already being transported by family members to the religious services each weekend. In the event there are special holidays and a need for additional parking, House of Wisdom has a reciprocal agreement with the Korean Baptist Church of Milwaukee, located at 11840 W. Layton Ave., for accommodating overflow parking.





### Site and Architectural Plans

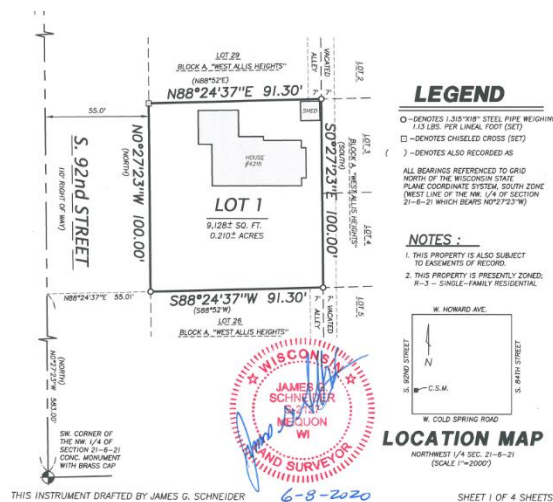
The proposed building addition will be located on the southwest corner of the existing building and will be designed to match the existing structure with vinyl siding and a brick base. The building addition is small enough that it does not trigger any stormwater management plan. There is an existing 10' x 12' shed that will be relocated to the south end of the property in order to make room for the building addition. There is no new landscaping proposed on the site.



The site has 24 existing parking spaces. The House of Wisdom has 25 adult members, and as indicated above, the addition will house a children's space. There is no concern with a parking shortage. Staff recommends that this item be expedited to the July 21, 2020 Common Council meeting.

**Recommendation:** Recommend Common Council approval of the Site, Landscaping and Architectural Plans for a proposed building addition to House of Wisdom, an existing religious organization located at 11615 W. Layton Ave., submitted by Khurram Raza, d/b/a House of Wisdom, Inc., and David Koscielniak, d/b/a Koz-i-tec-ture (Tax Key No. 611-9000-013), subject to Plan Commission comments and staff comments.

7. **Certified Survey Map for proposed combination of two parcels located at 4216 S. 92 St., submitted by Nathan Rupp, owner. (Tax Key No. 569-1027-001)**



The applicant owns the property at 4216 S. 92 St. The tax key is comprised of two (2) separate parcels. In order for the owner to be able to install accessory structures such as a shed or a fence on the vacant parcel, the two (2) parcels need to be combined into one (1). Accessory structures are not permitted on a vacant lot—there must be a principal building on the lot. This proposal simply “erases” the lot line so the applicant technical owns one (1) parcel rather than two (2) parcels.

The Engineering Division staff may have additional comments for the surveyor following review. All edits will be completed prior to recording of the CSM. Staff recommends that this item be expedited to the July 21, 2020 Common Council meeting.

**Recommendation:** Recommend Common Council approval of the Certified Survey Map for proposed combination of two parcels located at 4216 S. 92 St., submitted by Nathan Rupp, owner (Tax Key No. 569-1027-001), subject to Plan Commission comments, staff comments, and the following conditions:

(Items 1 through 2 are required to be satisfied prior to the recording of the Certified Survey Map.)

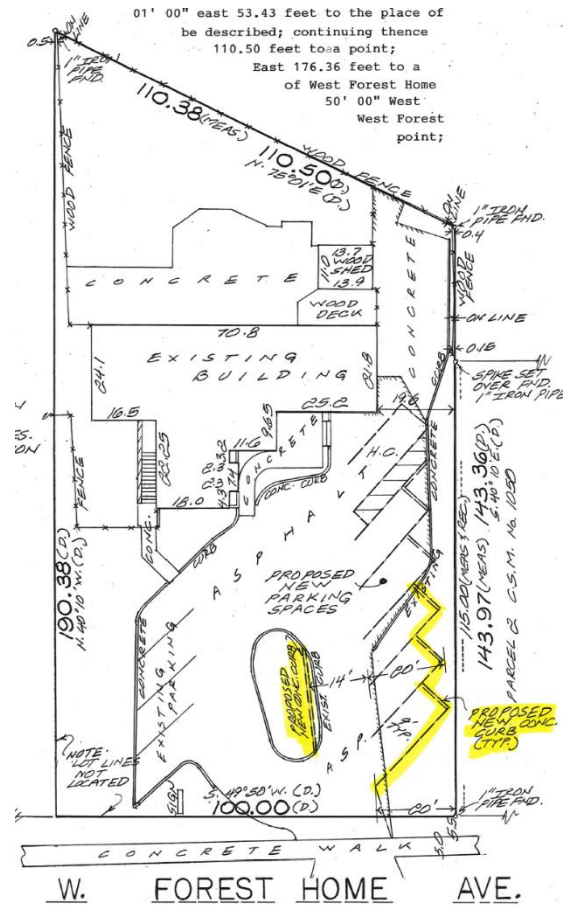
1. A revised Certified Survey Map being submitted to the Engineering Division, if applicable.
2. A \$30.00 fee payable to City of Greenfield for the recording fee.

8. **Site Plan for proposed parking lot modifications to Kids N' Care, an existing business located at 7424 W. Forest Home Ave., submitted by Sahera Abukhamireh, d/b/a Kids N' Care. (Tax Key No. 604-9983-000)**



**Site and Landscaping Plan**

The property owner has submitted a site plan showing the addition of three (3) on-site parking stalls to the existing daycare parking lot. The stalls will be added to the southeast corner of the property, close to W. Forest Home Ave. The property owner has indicated a parking shortage, especially pick-up and drop-off hours. There are currently seven (7) off-street parking spaces on site. Per code, one (1) stall is required per employee + one (1) stall per 10 children. The business owner states that the daycare facility employs 10 people per shift and a maximum of 45 children per shift, requiring a total of 15 off-street parking spaces. The proposed addition of three (3) spaces will certainly help the parking shortage.



The parking lot modification will require a slight reduction in the center landscaping bed. The landscaping should be able to be maintained as is.

The Engineering Division requested that the new parking stalls be lined with poured curb along the east curb, similar to the existing parking stalls, to prevent water run-off to the property to the east. A revised site plan should be submitted, delineating the new poured curb along the east side of the new parking stalls. Staff recommends that this item be expedited to the July 21, 2020 Common Council meeting.



**Recommendation:** Recommend Common Council approval of the Site Plan for proposed parking lot modifications to Kids N' Care, an existing business located at 7424 W. Forest Home Ave., submitted by Sahera Abukhamireh, d/b/a Kids N' Care (Tax Key No. 604-9983-000), subject to Plan Commission comments, staff comments, and a revised Site Plan being submitted to the Community Development Division showing poured curb being installed on the east side of the new parking stalls, prior to a permit being issued.

- 9A. **Special Use Permit to establish a drinking establishment at Sky Zone Greenfield, an existing business located at 4940 S. 76 St., submitted by Mark Glazer, d/b /a MBG MKE, LLC. (Tax Key No. 617-9977-004)**
- 9B. **Site Plan Review to establish a drinking establishment at Sky Zone Greenfield, an existing business located at 4940 S. 76 St., submitted by Mark Glazer, d/b/a MBG MKE, LLC. (Tax Key No. 617-9977-004)**

Items 9A and 9B may be considered together.



### **Overview and Zoning**

Sky Zone is requesting the ability to sell beer at their location on S. 76 St. Their approval process from 2017 did not include a drinking establishment use, which requires a Special Use Permit and public hearing. Per the applicant, this is a corporate-approved program with specific guidelines already in place nationwide for the many other Sky Zone locations that are currently offering beer at their facilities. The beer would be served from the concession area and consumption of alcohol would be limited to certain areas on the premises. The property is zoned C-4 Regional Business District, which permits drinking establishments as a Special Use. The business hours of operation are 4-8pm weekdays, 12-10pm on Fridays, 11am-10pm on Saturdays and 12-8pm on Sundays. Serving of beer would be limited to afternoon and night hours. This item may be scheduled for a public hearing as early as August 18, 2020.

### **Site Plan 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 is an approved landscaping plan on file and the site and landscaping appear to be in good condition.

**Recommendation:** Recommend Common Council approval of the Special Use Permit and Site Plan Review to establish a drinking establishment at Sky Zone Greenfield, an existing business located at 4940 S. 76 St., submitted by Mark Glazer, d/b /a MBG MKE, LLC (Tax Key No. 617-9977-004), subject to Plan Commission comments, staff comments and Common Council approval of the Special Use Permit.

- 10A. Special Use Permit for Inkwell Tattoo Company, to be located at 4365 W. Loomis Rd., submitted by Jason Brethorst, d/b/a Inkwell Tattoo Company. (Tax Key No. 601-9854-001)**
- 10B. Site Plan Review for Inkwell Tattoo Company, to be located at 4365 W. Loomis Rd., submitted by Jason Brethorst, d/b/a Inkwell Tattoo Company. (Tax Key No. 601-9854-001)**

Items 10A and 10B may be considered together.



Mr. Brethorst has submitted an offer to purchase the property at 4365 W. Loomis Rd., the former Kempfer Prosthetics Orthotics, Inc. building. He and his business partner, Mr. Johnson, are proposing to establish a tattoo and body piercing business at this location. The property is zoned C-2 Community Commercial District, which permits “Other Personal Care Services,” such as tattoo parlors, as a Special Use. Mr. Johnson has been within the tattoo and body piercing business for over 20 years and Mr. Brethorst has been a local business owner in Oak Creek for over 25 years providing software products to local retailers. Mr. Johnson and Mr. Brethorst are to become the new owners/operators of the Inkwell Tattoo Company tattoo and body piercing business at this location on W. Loomis Rd., just south of the I-894 ramp. Inkwell Tattoo Company will also offer community art classes as well as painting and sculpture and will create 11 new jobs. Customers are served on a walk-in basis and/or by appointment. Hours of operation will be 10am – 9pm daily. A public hearing may be scheduled as early as August 18, 2020.

#### **Site Plan 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 good condition and the parking lot looks like it has recently been resurfaced. There are nine (9) off-street parking spaces provided on site. The tattoo business would require five (5) parking spaces per 1,000 sq. ft., which calculates to 12 required off-street parking spaces. The parking shortage may be waived by the Common Council.

The property includes a pylon sign along W. Loomis Rd. Staff recommends that a signage plan be submitted within one (1) year for a new monument sign that meets the Sign Code. Construction of the new monument sign should be completed within six (6) months of the signage plan being approved.

**Recommendation:** Recommend Common Council approval of the Special Use Permit and Site Plan Review for Inkwell Tattoo Company, to be located at 4365 W. Loomis Rd., submitted by Jason Brethorst, d/b/a Inkwell Tattoo Company (Tax Key No. 601-9854-001), subject to Plan Commission comments, staff comments and the following conditions:



(Item 1 must be submitted within one (1) year of Common Council approval and completed within six (6) months after the signage plan is approved. Item 2 must be completed prior to issuance of a Certificate of Occupancy.)

1. A Signage Plan being submitted showing the removal of the existing pylon sign, to be replaced with a monument sign that meets the Sign Code.
2. Common Council approval of the Special Use Permit after a public hearing.

**11A. Special Use Review for a tenancy change to Peshawar Restaurant, to be located at 7510 W. Layton Ave., submitted by Syed Ahmeduddin, d/b/a Peshawar, LLC, and Moe Saed, d/b/a Khalek Building Services. (Tax Key No. 604-9966-001)**

**11B. Site Plan Review for a tenancy change to Peshawar Restaurant, to be located at 7510 W. Layton Ave., submitted by Syed Ahmeduddin, d/b/a Peshawar, LLC, and Moe Saed, d/b/a Khalek Building Services. (Tax Key No. 604-9966-001)**

Items 11A and 11B may be considered together.

### **Overview and Zoning**

The former Shawarama House restaurant has closed and the applicant is proposing to lease the building for a new Indian Pakistan cuisine restaurant. The lease runs until September 2023. The proposed hours of operation are: Monday – Thursday and Sunday, 11am – 9pm; Friday – Saturday, 11am – 11pm. The staff and managers have anywhere from two (2) to eight (8) years of experience in the restaurant business. The applicant expects to employ roughly nine (9) people.



### **MENU :**

Chicken items : Appetizers, chicken barbecue, chicken makhani, chicken korma, chicken karahi  
Chicken handi, chicken 65, Chicken biryani and other dishes

Mutton/Goat items : mutton barbecue, Mutton karahi, Mutton korma, mutton matka gosht,  
Mutton spinach curry and Mutton biryani.

Beef items : Beef barbecue, beef seek fry, Beef haleem, and beef nihari.  
Sea food : Shrimp appetizer, Shrimp curry and other.  
Vegetarian items: mixed vegetables curry, okra curry, chana masala, daal makhani, Paneer karahi.  
Palak paneer, shahi paneer, Vegetables biryani and other.

#### **Site Plan 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 has experienced some wear and tear since the last tenant moved in. Curb stops have been pushed and crumbled by snow plows. Staff recommends that all curb stops that are in poor condition, be replaced by September 1, 2020 and that Temporary Occupancy be provided in the meantime, with full Occupancy being provided once the curb stops are replaced.



Staff recommends that this item be expedited to the July 21, 2020 Common Council meeting.

**Recommendation:** Recommend Common Council approval of the Special Use Review and Site Plan Review for a tenancy change to Peshawar Restaurant, to be located at 7510 W. Layton Ave., submitted by Syed Ahmeduddin, d/b/a Peshawar, LLC, and Moe Saed, d/b/a Khalek Building Services (Tax Key No. 604-9966-001), subject to Plan Commission comments, staff comments, and the following conditions:

1. Replacement of all curb stops that are in poor condition 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.

#### **12. Community Development Manager Report**

#### **13. Adjournment.**