

MINUTES OF THE PLAN COMMISSION MEETING ON TUESDAY, JULY 14, 2020

HELD VIA ZOOM MEETING

*NOTICE: Pursuant to the current recommendation of the
Centers for Disease Control and Prevention:*

Limiting the size of public gatherings and the various federal and state orders implementing that recommendation, and to help protect our community from the Coronavirus (COVID-19) pandemic, this meeting was held virtually through the Zoom platform with each member accessing the meeting remotely as detailed below.

https://zoom.us/webinar/register/WN_zMcUUwhnQzq-IHuf2EB8nw

1. The meeting was called to order at 6:00 p.m. by Mayor Michael Neitzke

ROLL CALL:	Mayor Michael Neitzke	Present
	Ald. Karl Kastner	Present
	Mr. Brian Weis	Present
	Ms. Christine Hallen	Present
	Mr. Steve Rogers	Present
	Mr. Don Carlson	Present
	Mr. David Schilz	Present
	Mr. Robert Krenz (alt.)	Present
	Mr. Michael Braswell (alt.)	Present

ALSO PRESENT: Kristi Porter – Community Development Manager

2. Approval of the minutes from the June 9, 2020 meeting and the June 23, 2020 meeting.

Motion by Ald. Kastner, seconded by Mr. Rogers, to approve the June 9 and June 23, 2020 Meeting minutes. Motion carried unanimously with David Schilz abstaining from the June 9, 2020 meeting minutes motion and Christine Hallen, Don Carlson, Robert Krenz and Michael Braswell abstaining from the June 23, 2020 meeting minutes motion.

3. Discussion regarding last Common Council meetings.

The Special Use Permit for MKE Doghouse, American Indian Council on Alcoholism, and the Loomis Crossing MOU with the State of Wisconsin were approved as presented.

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.

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.

Ms. Porter gave a presentation on the item.

Jeremy Young representing Five Guys, Andrew Goodman, the property owner, and Dieter Pedroza representing DXU Architects, LLC, confirmed that there will be outdoor dining as part of the application, in the front of the tenant space. The Mayor noted that the parking shortage is consistent with previous discussions from the beginning of the multi-tenant commercial building site plan proposal in 2019.

Motion by Ald. Kastner, seconded by Mr. Schilz, to recommend 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), with outdoor dining, subject to Plan Commission and staff

comments, and authorize a public hearing at the July 21, 2020 Common Council meeting. Motion carried unanimously.

- 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 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 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.

Ms. Porter gave a presentation on the item.

Motion by Ald. Kastner, seconded by Mr. Rogers, to recommend 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 and staff comments, and authorize this item to be expedited to the July 21st Common Council meeting. Motion carried unanimously.

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.

Ms. Porter gave a presentation on the item. She suggested to add a condition of approval, that the parking light heads immediately be adjusted down to be perpendicular with the ground, as they are currently angled up. The Mayor agreed to that recommended condition, citing the Zoning Code requirement to do so.

Motion by Ms. Hallen, seconded by Mr. Carlson, to recommend 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, and authorize this item to be expedited to the July 21st Common Council meeting. Motion carried unanimously.

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.

Motion by Mayor Neitzke, seconded by Mr. Rogers, to recommend 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 and staff comments, and authorize this item to be expedited to the July 21st Common Council meeting. Motion carried unanimously.

- 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.

Ms. Potter gave a presentation on the item.

Motion by Mayor Neitzke, seconded by Ms. Hallen, to recommend 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 and staff comments, and authorize this item to be expedited to the July 21st Common Council meeting. Motion carried unanimously.

- 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.

Motion by Mayor Neitzke, seconded by Ald. Kastner, to recommend 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 and staff comments, and authorize a public hearing at the August 18, 2020 Common Council meeting. Motion carried unanimously.

- 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)**

This item was held, as the applicant withdrew the application prior to the meeting.

- 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 cub 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.

Ms. Potter gave a presentation on the item.

Motion by Mayor Neitzke, seconded by Ald. Kastner, to recommend 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 and staff comments, and authorize this item to be expedited to the July 21st Common Council meeting. Motion carried unanimously.

12. Community Development Manager Report

Ms. Porter stated that the Ascension Hospital project, at the former Barnes & Noble, was recently issued building permits and would begin work soon. She stated that the owner of the large parcel of land in the vicinity of S. 92 St. and W. Allerton Ave. was submitting an application for Plan Commission review of a senior side-by-side development, with approximately 20-30 units. And she noted that the Development Agreement for the physical therapy hospital on S. 103 St. and W. Oklahoma Ave. was going before the Common Council for consideration at the July 21st meeting and that the developer was looking to start that project soon. The Mayor and Plan Commission discussed the use of masks in the current COVID-19 era that we currently live in.

13. Adjournment.

Motion by Mr. Carlson, seconded by Mr. Rogers, to adjourn the meeting at 6:54 p.m. Motion carried unanimously.

Respectfully submitted,

Kristi Porter
Community Development Manager

Distributed July 20, 2020