

PLAN COMMISSION STAFF REPORT

Tuesday, December 14, 2021 – 6:00 p.m.

1. **Roll Call**
2. **Approval of the minutes from the November 9, 2021 meeting.**
3. **Discussion regarding last Common Council meetings.**
- 4A. **Special Use Review for a tenant change to Jen’s Beer and Liquor, an existing business located at 4312 W. Howard Ave., submitted by Rajbir S. Bhullar, d/b/a Bhullar Two Corp. (Tax Key No. 555-8979-000)**
- 4B. **Site Plan Review for a tenant change to Jen’s Beer and Liquor, an existing business located at 4312 W. Howard Ave., submitted by Rajbir S. Bhullar, d/b/a Bhullar Two Corp. (Tax Key No. 555-8979-000)**

Items 4A and 4B may be considered together.

Overview and Zoning

The applicant, Mr. Bhullar, has agreed to a five-year lease for Jen’s Beer and Liquor, an existing business located at 4312 W. Howard Ave. The property is zoned C-1 Neighborhood Commercial District, which permits “Beer, Wine, and Liquor Stores” as a Special Use. No changes are proposed to the existing business and products will remain the same. The existing hours of operation are 9am – 9pm, daily, and will remain the same. The applicant has experience operating beer and liquor stores in the Milwaukee-metro area.

Site Review

A site and landscaping plan was not submitted, but the site is subject to review when the Plan Commission and Common Council consider Special Use reviews. Previous site issues with the wood fence and the building addition not matching approved architectural plans have been resolved and the site appears to be in good condition. There was a piece of concrete onsite during the site visit, which staff recommends be removed.

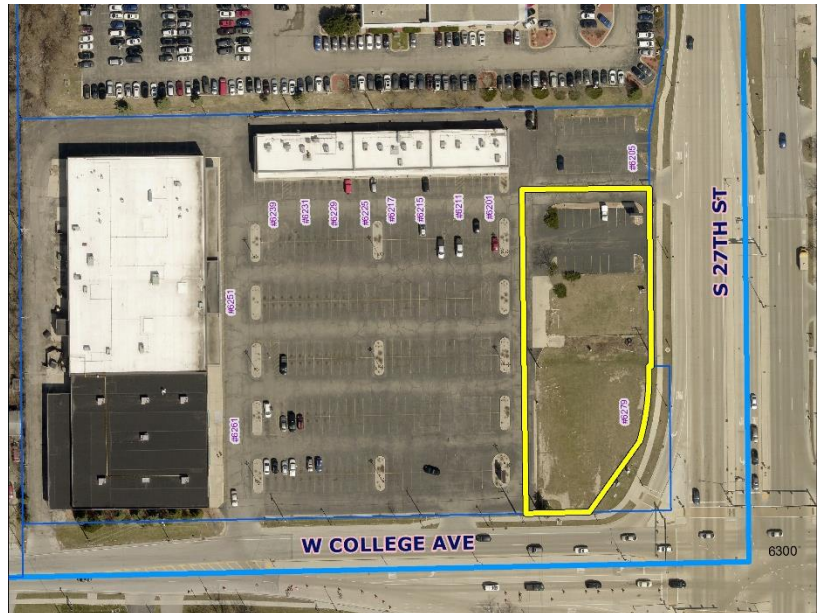




Recommendation: Recommend Common Council approval of the Special Use Review and Site Plan Review for a tenant change to Jen's Beer and Liquor, an existing business located at 4312 W. Howard Ave., submitted by Rajbir S. Bhullar, d/b/a Bhullar Two Corp. (Tax Key No. 555-8979-000), subject to Plan Commission and staff comments, and the following conditions:

1. Removal and proper disposal of the concrete bollard onsite prior to an Occupancy Permit being issued.
5. **Site, Landscaping, and Architectural Plans for proposed new construction of a commercial building to be located at 6279 S. 27 St, submitted by Matthew Hensel, d/b/a The Redmond Company. (Tax Key No. 691-9841-017)**

The developer, PH 6269 S. 27th Street LLC, is proposing the acquisition of the 0.94 acre property at 6279 S. 27 Street. The developer is proposing one (1) commercial building, approximately 2,800 sq. ft. in size, with a drive-thru facility to accommodate a restaurant tenant. Members of the development group have over 40 years of experience in the development of commercial real estate similar to the proposed development. The majority of the properties the members have developed are single and multi-tenant buildings with tenants typically being in the restaurant or retail industries. The subject parcel was formerly the site of Taco City and Equitable Bank prior to being acquired by WisDOT for the 27th Street improvement project. A Certified Survey Map was approved in January 2020 to divide this property from the remainder of the 27th & College shopping center. At this time the tenant will be either a Qdoba Mexican Eats or Dave's Hot Chicken restaurant. The property is zoned PUD



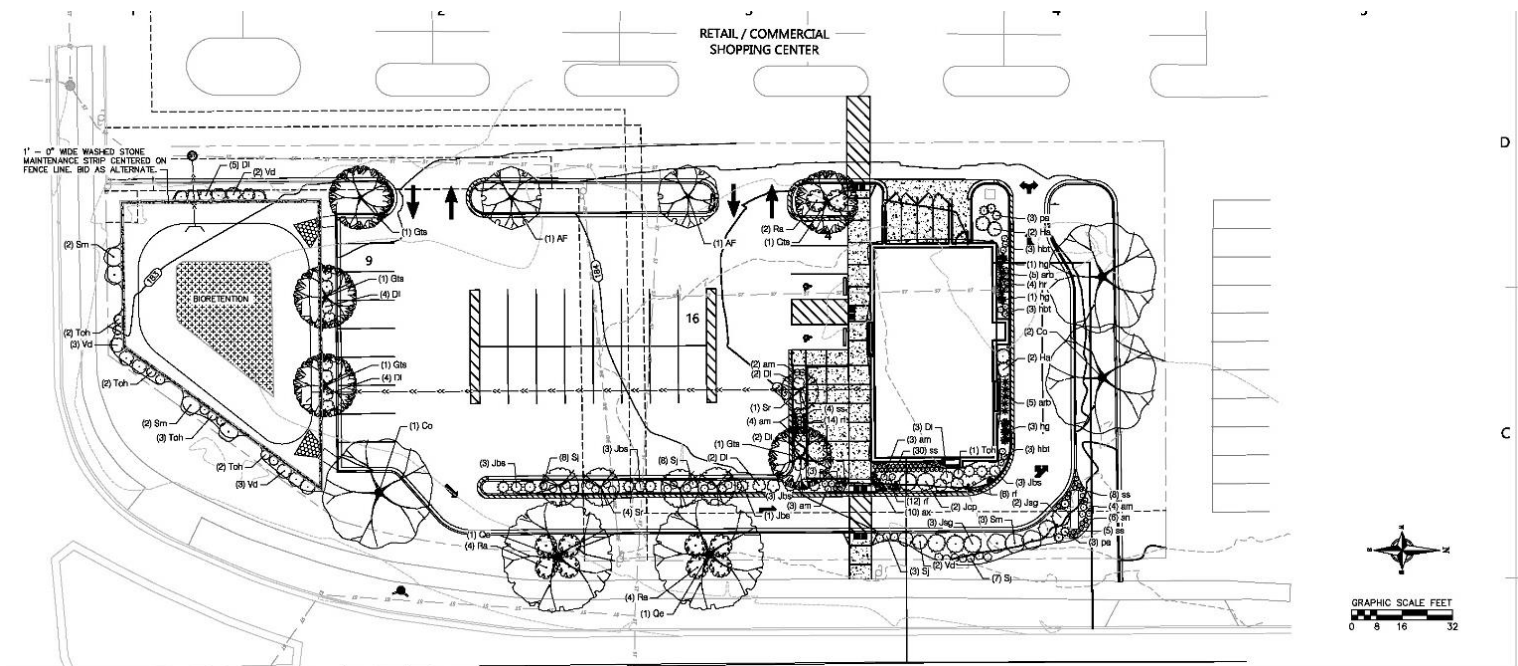
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Site, Landscaping and Architectural Plans

The proposed site layout includes the 22-ft. high, $\pm 2,800$ sq. ft. building constructed in the northern portion of the site. The parking will be located south of the building. There is no direct access to S. 27 Street or W. College Ave. and the property will require an access agreement with the larger shopping center. Two entrance/exits are proposed along the western property line. The drive-thru will start on the southeastern area of the site along S. 27 Street, head north, and wrap along the north side of the building, guiding traffic to the parking lot on the northwest corner of the site. The drive-thru lane provides enough stacking for eleven (11) vehicles and provides a bypass lane past the menu board for those who do not wish to order. The refuse enclosure will be located adjacent to the west facade. Stormwater will be directed to a bioswale located south of the parking lot, at the corner of S. 27 St. & W. College Ave. A four-foot (4') tall black chain link fence is proposed around the bioswale. Staff recommends a decorative metal tail fence be installed. A new pedestrian sidewalk connecting the site to S. 27 St. is included in the site design.

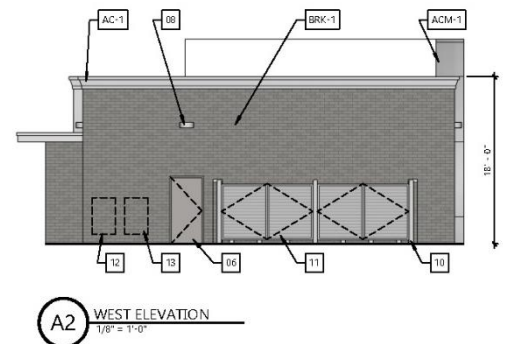
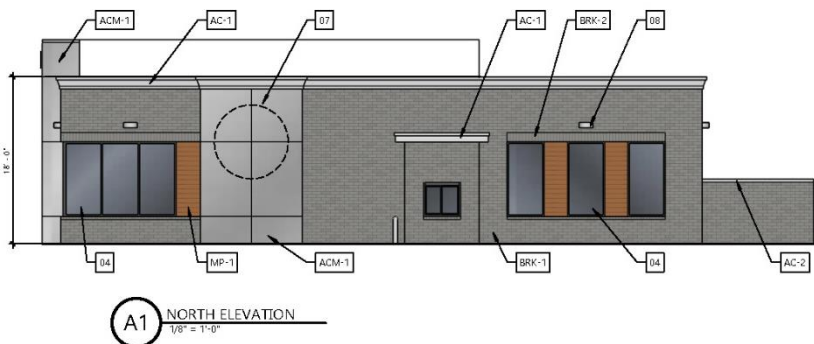
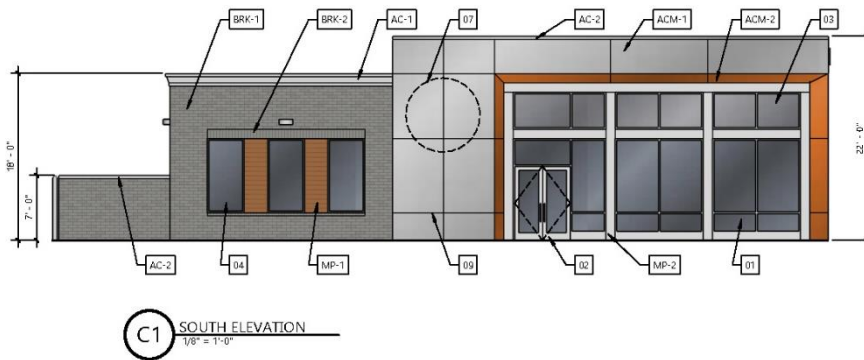
Substantial landscaping is proposed for the site. Two (2) landscape islands are located within the parking lot and perimeter landscaping is supplied along S. 27 St. and around the bioswale. Landscaping is also proposed around the building and adjacent to the outdoor patio. Landscaping material includes a mix of deciduous trees, deciduous shrubs, evergreen shrubs, perennials, and understory trees.

The proposal includes twenty-nine (29) parking spaces, which is the number the code requires of a restaurant user with drive-thru.



The plans include a small 480 sq. ft. outdoor patio area on the southeast corner of the building. The patio includes a black decorative fence surrounding the perimeter.

The building will be constructed of aluminum composite panels (ACP) and brick veneer, along with metal paneling accents, and aluminum storefront glazed windows and doors. The elevations are light grey and silver with burned orange reveals around the entryway and primary windows on the east elevation. Burned orange metal accent panels are located in the window bays on the south, east, and west elevations. Staff recommends the brick veneer base continue around the south, east, and west elevations to the height of the window sills. Staff also recommends a secondary color brick be used for the brick sills and headers to break up the all-grey color.



Lighting Plan

A photometric lighting plan has been submitted for staff review, showing that light splay will be minimal at the property lines. One single-head and one double-head 20-ft. tall LED light poles will be provided on site. Additional lighting will be building mounted LED downlight fixtures.

Recommendation: Recommend Common Council approval of the Site, Landscaping, and Architectural Plans for proposed new construction of a commercial building to be located at 6279 S. 27 St, submitted by Matthew Hensel, d/b/a The Redmond Company. (Tax Key No. 691-9841-017), subject to Plan Commission and staff comments, and the following conditions:

(Items 1 through 5 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. Site Plans being submitted to the Community Development Division to show the following: (a) a personnel door or opening in the refuse enclosure; (b) brick veneer base added to the south, east, and west elevations; (c) secondary brick color used for the sills and headers around the window bays; (d) decorative metal fence around the bioswale; and, (e) landscaping species and quantity modifications at the request of the City Forester, if applicable.
 2. A revised Civil Plan Set and a Stormwater Management Plan showing modifications/requirements as directed by the Engineering Department, subject to change in order to meet Municipal Code requirements.
 3. An estimated cost of landscaping and screening being submitted to the Community Development Division for approval.
 4. 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.
 5. Permit application approvals from WDNR/MMSD for sanitary permits, WDNR/Milwaukee Water Works for water permits, and WDNR/MMSD for stormwater permits.
- 6. Temporary Use Permit for a proposed COVID-19 testing location at the former Sears Auto building located at 5200 S. 76 St., submitted by Omar Eduardo Lopez Padilla, d/b/OLP Testing Services, LLC. (Tax Key No. 650-9990-039)**

The applicant is proposing to operate a temporary COVID-19 testing location on the parcel of the former Sears Auto Center at 5200 S. 76 St. They will offer COVID-19 testing via a drive-thru process within the parking lot adjacent to the existing building. They propose operating under the name "Free Covid Testing," with lab testing to be handled by Northshore Clinical Lab. They are proposing to have a mobile office/trailer onsite to store supplies and completed tests. They propose having a generator onsite to supply lights and heaters for employees. A porta-potty is also proposed onsite for employee use. They have not provided a timeframe for which they intend to operate but with approval of the Temporary Use Permit, they could be permitted to operate for up to 12 months.

Staff has concerns with operating a COVID testing site such as this without proper protection for employees during the winter months. Additionally, staff has concerns with keeping a trailer, generator, and porta-potty onsite for months. The Health Department has also been unable to verify that Northshore Clinical Labs has been submitting test results to the State Department of Health Services in a timely and accurate manner. Staff understands there is a need for additional COVID-19 testing locations in the Milwaukee-metro area but there are numerous available storefront locations throughout the City that would be better suited for this type of temporary use, with Health Department and Inspection Services sign-off. Staff recommends denial of the Temporary Use Permit.



Recommendation: Denial of the Temporary Use Permit for a proposed COVID-19 testing location at the former Sears Auto building located at 5200 S. 76 St., submitted by Omar Eduardo Lopez Padilla, d/b/OLP Testing Services, LLC. (Tax Key No. 650-9990-039)

- 7A. Special Use Permit for Dollar Tree, a proposed business to be located at 4803 S. 27 St., submitted by Russ Hire, d/b/a Dollar Tree, and Aaron Aspenson, d/b/a MKB Greenfield, LLC. (Tax Key No. 622-9988-016)**
- 7B. Architectural and Site Plans for Dollar Tree, a proposed business to be located at 4803 S. 27 St., submitted by Russ Hire, d/b/a Dollar Tree, and Aaron Aspenson, d/b/a MKB Greenfield, LLC. (Tax Key No. 622-9988-016)**

Items 7A and 7B may be considered together.

Overview and Zoning

The Festival Foods store (formerly Target) has 36,536 sq. ft. of unused space for future tenants on the south end of the building. Dollar Tree is proposing to occupy 10,003 sq. ft. of that space, leaving 26,533 sq. ft. remaining for a future tenant. Dollar Tree falls under the “All Other General Merchandise Stores” NAICS category (452319). “Dollar stores” are listed as an example use under that category and require a Special Use Permit in the C-2 Community Commercial District. Dollar Tree is proposing to be open seven (7) days/week, 8am – 10pm. They anticipate employing approximately 2 fulltime and 10-15 part-time staff. Dollar Tree’s proposed lease with Festival Foods is for 10 years. A public hearing can be scheduled as early as January 18, 2022.

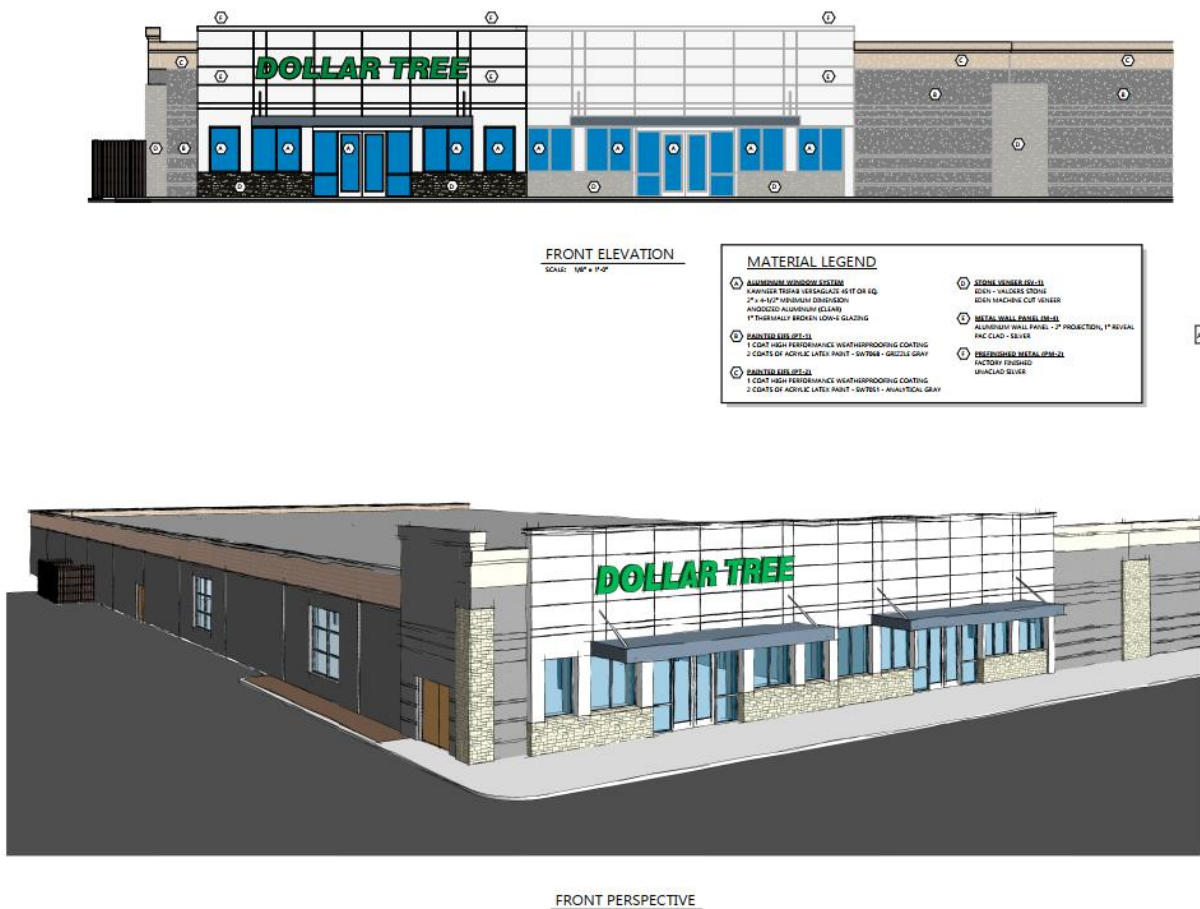


Architectural Plans

As owners of the building, Festival Foods is proposing minor exterior alterations to accommodate the new tenant. Today there is one (1) tenant entrance. The proposed alterations add a second tenant entrance with an aluminum window system and new entrance door, a second metal canopy above the new entrance, and, an extension of the metal wall panel with prefinished metal coping. The existing decorative stone pillar will be removed to accommodate the new tenant entrance.

Site and Landscaping Plans

The proposal includes very minor modifications to the site plan, relocating an existing concrete planter and bench, constructing a new flush concrete walkway to the new tenant entrance, the addition of two (2) ADA stalls in front of the entrance, and the construction of a new board-on-board refuse enclosure on the south side of the building next to the loading docks. Staff recommends that the personnel door/entrance to the refuse enclosure be shifted to the west side to better accommodate where Dollar Tree’s staff will go in and out of the enclosure to throw out garbage.



Recommendation: Recommend Common Council approval of the Special Use Permit Architectural and Site Plans for Dollar Tree, a proposed business to be located at 4803 S. 27 St., submitted by Russ Hire, d/b/a Dollar Tree, and Aaron Aspenson, d/b/a MKB Greenfield, LLC (Tax Key No. 622-9988-016), subject to Plan Commission comments and staff comments and the following conditions:

(Items 1 and 2 are required to be satisfied prior to the issuance of an Occupancy Permit and any other permits associated with the proposed work reviewed by the Plan Commission. Contractors applying for permits should be advised accordingly.)

1. Revised Site, Landscaping, Architectural and Photometric Plans being submitted to the Community Development Division to show the following: (a) canopy materials being labeled; (b) refuse enclosure door/opening being relocated to the west side of the enclosure; and, (c) consistent floor area being labeled on the site plan and floor plan.
2. Common Council approval of the Special Use Permit. Public hearing may be scheduled as early as January 18, 2021.

8. Signage Plan Appeal for Ascension Greenfield, an existing business located at 4935 S. 76 St., submitted by Drew Jensen, d/b/a Elevated Identity, Inc. and Anthony Rodman, d/b/a Medxcel. (Tax Key No. 616-8974-002)

Ascension Greenfield is requesting additional permanent signage beyond what was approved by their Master Signage Plan and is requesting temporary signage beyond what is allowed in the Sign Code. Per the Master Sign Program section within the Sign Code, this location would be allowed up to 75 sq. ft. of monument signage and up to 250 sq. ft. of wall signage. At the January 14, 2020 Plan Commission meeting, Ascension was approved for one 117 sq. ft. pylon sign replacement, three (3) ground-mounted directional signs totaling 96 sq. ft., and five (5) wall signs totaling 465 sq. ft.

The signage package Ascension submitted for installation in September 2021 consisted of:

- a) Cabinet mounted to existing multi-tenant sign – 117 sq. ft.
 - b) Three (3) 13 sq. ft. directional signs – 39 sq. ft. total
 - c) “Emergency” wall sign – 30 sq. ft.
 - d) Two (2) 24 sq. ft. “Main Entrance” wall signs – 48 sq. ft. total
 - e) “Ascension Wisconsin Hospital” wall sign – 42 sq. ft.
 - f) “Premier Radiology” wall sign – 38 sq. ft.
 - g) “Ambulance” wall sign – 18 sq. ft.
- Total existing signage: 314 sq. ft.**

Ascension is now requesting additional permanent signage consisting of:

- a) “Ascension Wisconsin Hospital” east elevation wall sign – 112 sq. ft.
 - b) “Ascension” east elevation wall sign logos (2) – 45 sq. ft.
 - c) “Ascension” south elevation wall sign logo – 57.3 sq. ft.
 - d) “H” hospital east elevation wall sign – 25 sq. ft.
 - e) “H” hospital south elevation wall sign – 25 sq. ft.
 - f) “H” hospital north elevation wall sign – 25 sq. ft.
- TOTAL - 289.3 sq. ft.**

Staff recommends approval of the three (3) “H” hospital wayfinding signs, the Ascension logo on the south façade, and the “Ascension Wisconsin Hospital” east elevation sign that was shown as part of the original Master Sign Plan approval. This would add an additional 244.3 sq. ft. of signage to the building, for a total of 558.3 sq. ft. of overall signage. While this is 308.3 sq. ft. of signage beyond what is allowed for in the Sign Code, staff recognizes that as a hospital facility, wayfinding signs such as the “emergency,” “ambulance,” and “H” hospital signs are vitally important and should allow for additional signage. If the “Ascension Wisconsin Hospital” east elevation wall sign is approved, the east elevation would have two large Ascension branding signs and staff does not recommend approval of the additional two (2) 22.5 sq. ft. Ascension logos to the east facade. For the sake of comparison, a similar Ascension hospital facility in Menomonee Falls has only two Ascension-branding wall signs.

In addition to permanent signage, Ascension is requesting temporary signage to match the proposed permanent signage (288 sq. ft.) while the permanent signs are being fabricated. They are also requesting an additional two (2) 120 sq. ft. each “Now Open” banners, for a total request for 528 sq. ft. of temporary signage. They anticipate the temporary signage will be installed for 60 days. A blue “H” hospital temporary banner is currently installed without a

temporary sign permit. The Sign Code allows for a maximum of 32 sq. ft. of temporary signage. Staff recommends temporary signage adhere to the maximum allowed in the Sign Code.





Recommendation: Recommend approval of the Signage Plan Appeal for Ascension Greenfield, an existing business located at 4935 S. 76 St., submitted by Drew Jensen, d/b/a Elevated Identity, Inc. and Anthony Rodman, d/b/a Medxcel. (Tax Key No. 616-8974-002), subject to Plan Commission comments and staff comments and the following conditions:

1. Additional signage consisting of three (3) 25 sq. ft. "H" wayfinding wall signs, one (1) 112 sq. ft. "Ascension Wisconsin Hospital" wall sign on the east façade, and one (1) 57.3 sq. ft. Ascension logo wall sign on the south façade.

9. Ordinance to amend Section 21.04.0801 of the Municipal Code pertaining to non-conforming accessory structures.

This ordinance amendment is a continued conversation of the zoning code amendments pertaining to decks, patios and porches/breezeways. At the September 27, 2021 Legislative Committee meeting, on top of the decks, patios and porches/breezeways discussion, the committee and staff discussed allowing for a one-for-one replacement of non-conforming accessory structures. The committee suggested that an exact/same-size, existing non-conforming accessory structure, such as a shed or garage, could be rebuilt without having to take an application before the Board of Appeals—they would simply apply for a permit. This would NOT apply to a request to build a larger accessory structure—only a one-for-one replacement (same size, same location) that was perhaps located within a side yard or rear yard setback.

This one-for-one replacement was discussed at the November 16, 2021 public hearing. However, because it was not discussed in detail at the Plan Commission level, staff has placed this specific proposed zoning code amendment on the agenda and would recommend that the Plan Commission recommend Common Council approval. This item can be expedited to the December 21, 2021 Common Council agenda—no public hearing is required since it was discussed at the November 16, 2021 Common Council public hearing. The Common Council did

already approve the zoning code amendment pertaining to the decks, patios and porches/breezeways topic at its November 16, 2021 meeting.

10. Community Development Manager Report

11. Adjournment.