

PLAN COMMISSION STAFF REPORT

Tuesday, February 8, 2022 – 6:00 p.m.

1. **Roll Call**
2. **Approval of the minutes from the January 11, 2022 meeting.**
3. **Discussion regarding last Common Council meetings.**
- 4A. **Special Use Permit a La Villa Nutrition, a proposed business to be located at 4639 S. 108 St., submitted by Yesica Granados Lopez, d/b/a La Villa Nutrition. (Tax Key No. 609-0033-001)**
- 4B. **Site Plan Review for La Villa Nutrition, a proposed business to be located at 4639 S. 108 St., submitted by Yesica Granados Lopez, d/b/a La Villa Nutrition. (Tax Key No. 609-0033-001)**

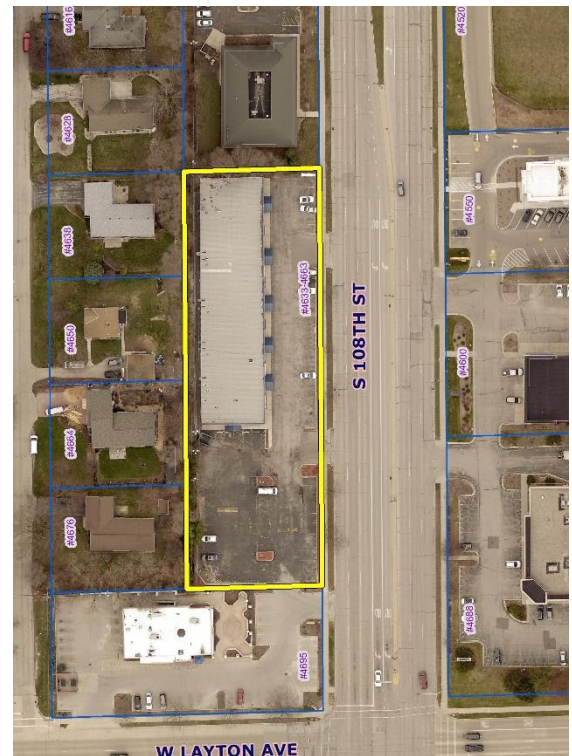
Items 4A and 4B may be considered together.

Overview and Zoning

The applicant is proposing to lease 1,157 sq. ft. of vacant tenant space within the multi-tenant building at 4639 S. 108 St. to operate La Villa Nutrition, a healthy shake and tea café. The 3-year lease term starts on February 1, 2022, with options for 1-year extensions. This property is zoned C-4 Regional Business District, which permits non-alcoholic beverage bars as a Special Use. La Villa Nutrition will feature healthy shakes, teas, and iced coffee. There will be limited inside seating and no food will be offered or made onsite. The applicant will be the sole employee. She has six (6) years of barista experience. The proposed hours of operation are Monday-Friday, 6 am- 4pm; Saturday, 8am-4pm; closed on Sunday. A public hearing could be scheduled as soon as March 15, 2022.

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 Permits. The site is in good condition. The only issue staff observed was the poor condition of the refuse enclosure doors. Staff recommends the doors of the enclosure are repaired or replaced by June 2022.





Recommendation: Recommend Common Council approval of the Special Use Permit and Site Plan Review for La Villa Nutrition, a proposed business to be located at 4639 S. 108 St., submitted by Yesica Granados Lopez, d/b/a La Villa Nutrition. (Tax Key No. 609-0033-001), subject to Plan Commission and staff comments, and the following conditions:

1. A letter being submitted to the Community Development Division from the property owner stating the refuse enclosure doors will be repaired or replaced by June 2022 and that the dumpster(s) will remain within the refuse enclosure.
2. Common Council approval of the Special Use Permit, following a public hearing (required prior to the issuance of a Certificate of Occupancy).

5A. Special Use Review for a 102 CBD Vape Smoke, a proposed business to be located at 6229 S. 27 St., submitted by Mayur Vagadia, d/b/a Niki Aanya, Inc. (Tax Key No. 691-9841-016)

5B. Site Plan Review for 102 CBD Vape Smoke, a proposed business to be located at 6229 S. 27 St., submitted by Mayur Vagadia, d/b/a Niki Aanya, Inc. (Tax Key No. 691-9841-016)

Items 5A and 5B may be considered together.

Overview and Zoning

The applicant, Mr. Mayur, is proposing to take over the lease of the existing Smokers Xone tobacco shop with his new business, 102 CBD Vape Smoke, within the existing multi-tenant commercial retail building. The property is zoned PUD Planned Unit Development, which allows “All Other Miscellaneous Store Retailers” (i.e. marijuana stores, medical or recreational) and “Tobacco Stores” as a Special Use. A change in tenancy authorizes Special Use Review by the Plan Commission and Common Council. The store will sell CBD products, tobacco products and related items.



The applicant owns 102 CBD Vape Smoke on the east side of S. 27 St., between W. Edgerton Ave. and W. Grange Ave., and a 102 CBD Vape Smoke in Greenfield at 6403 W. Forest Home Ave. The business will employ approximately two (2) to three (3) people. The proposed hours of operation are 7:00 am – 11:00 pm, daily.

The approved hours of operation for Smokers Xone are Monday – Friday, 9am to 8pm; Saturday 9am to 7pm; Sunday, 10am to 6pm, however, the business has been operating from 7am to 12am (midnight), daily. A letter has been sent to the tenant to comply with the approved hours of operation.

A new resolution will need to be approved by the Common Council addressing the modified hours of operation. Staff recommends the hours of operation be limited to 9am to 10pm, daily, constant with other tobacco and CBD stores within the City. Staff recommends the modification in operating hours is not a substantial enough change to justify a public hearing and recommends that this item be expedited to the February 16, 2022, Common Council meeting.



Site Plan

While the applicant didn't submit a site plan, the site is subject to Plan Commission review with the Special Use Review. This tenant will be located in the multi-tenant shopping center at S. 27 St. and W. College Ave. Staff visited the property, which is in good condition, and staff does not recommend any site or landscaping modifications.

Recommendation: Recommend Common Council approval of the Special Use Review and Site Plan Review for 102 CBD Vape Smoke, a proposed business to be located at 6229 S. 27 St., submitted by Mayur Vagadia, d/b/a Niki Aanya, Inc. (Tax Key No. 691-9841-016), subject to Plan Commission and staff comments, and hours of operation being limited to 9am – 10pm.

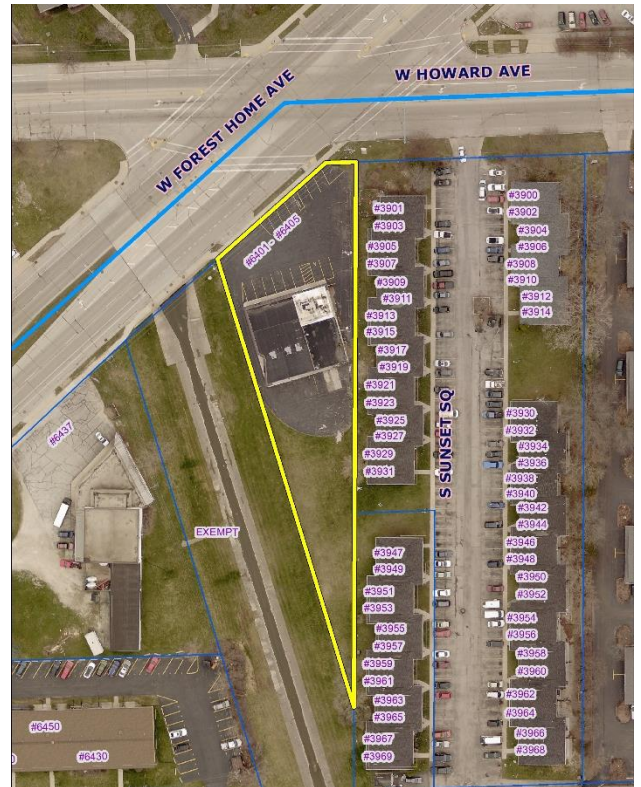
- 6A. **Special Use Review for expanded hours of operation for CBD Vape Smoke, a CBD and tobacco store to be located at 6403 W. Forest Home Ave., submitted by Mayur Vagadia, d/b/a 102 CBD Vape Smoke. (Tax Key No. 572-8992-006)**
- 6B. **Site Plan Review for CBD Vape Smoke, a CBD and tobacco store to be located at 6403 W. Forest Home Ave., submitted by Mayur Vagadia, d/b/a 102 CBD Vape Smoke. (Tax Key No. 572-8992-006)**

Items 7A and 7B may be considered together.

Overview and Zoning

The applicant, Mr. Mayur, is proposing to expand the hours of operation of his business, 102 CBD Vape Smoke, within the existing multi-tenant commercial retail building. It recently came to the attention of staff that the business had been operating beyond these hours, with hours of operation of 9:00 am to 11:30 pm, daily. A letter was sent to the applicant to adhere to the hours of operation approved by Common Council.

The applicant is seeking approval to extend the closing time to 11:30 pm. Staff recommends the hours of operation be limited to 9am to 10pm, daily, constant with other tobacco and CBD stores within the City. The Special Use Permit resolution when the permit was approved in 2020 had a typo with an incorrect closing time of 7:00 pm (it should have stated a closing time of 10pm). Staff recommends an amended Special Use Permit resolution be placed on the February 16, 2022 Common Council agenda correcting this mistake and listing the closing time as 10:00 pm (not 11:30pm, as is proposed by the applicant).



Site Plan

While the applicant didn't submit a site plan, the site is subject to Plan Commission review with the Special Use Review. Staff visited the property, which is in good condition, and staff does not recommend any modifications.

Recommendation: Recommend Common Council approval of the Special Use Review for expanded hours of operation for CBD Vape Smoke, a CBD and tobacco store to be located at 6403 W. Forest Home Ave., submitted by Mayur Vagadia, d/b/a 102 CBD Vape Smoke (Tax Key No. 572-8992-006), subject to Plan Commission and staff comments, and hours of operation being limited to 9am – 10pm.

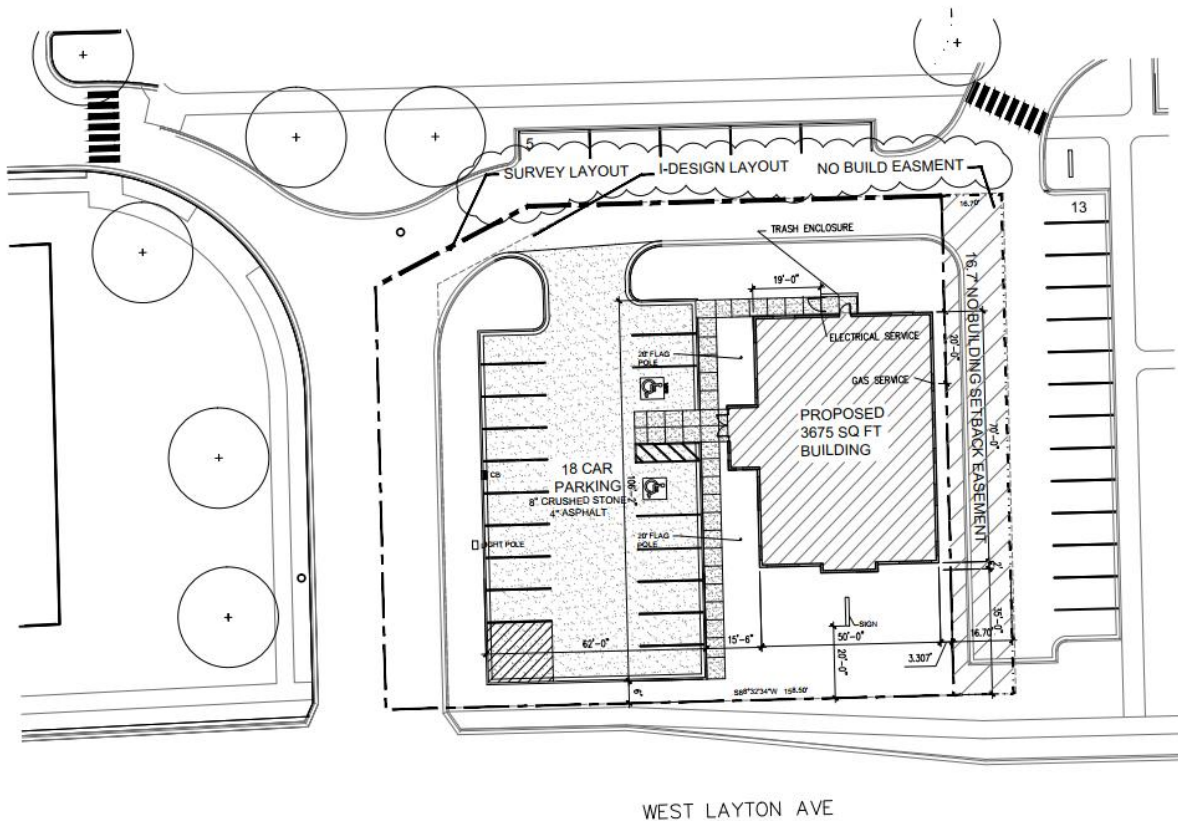
7. **Site Plan amendment for Church & Chapel Pre-Planning Center, a proposed funeral pre-planning office, to be located at 4200 W. Layton Ave., submitted by Fred Carlson, d/b/a i-design, and Ted Larson and Pam Larson, d/b/a Church and Chapel Real Estate, LLC. (Tax Key No. 600-9946-000)**

Overview and Site Plan Amendment

This project was approved by the Plan Commission and Common Council in September 2021. While fine-tuning the engineering and site plans, an error in the eastern lot line location was discovered. The original site plan that was reviewed in



September provided for a 20-ft. side yard setback between the building and east lot line. The true east lot line's location only has enough space for a 3.3-ft. side yard setback. The PUD #2 Ordinance requires a 15-ft. side yard setback; however, the Ordinance also states that the Plan Commission may waive the lot dimensional requirements. The site is so tight that there is not enough room to shift the building and parking lot west to maintain a min. 15-ft. side yard setback, as is required per Code. To resolve building code setback issues, the developer is proposing a 16.7-ft. "No Build Setback Easement" to the east of the new lot line location. The 16.7-ft. "No Build" easement PLUS the 3.3-ft. setback off of the eastern property line, essentially creates the 20-ft. setback that was originally proposed. A visual and labeling/explanation of the lot line locations in relation to the building are shown below. Staff recommends approval.



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 **PROPOSED SITE PLAN**
SCALE: 1" = 20' - AREA 21,687 SQ FT

Recommendation: Recommend Common Council approval of the Site Plan amendment for Church & Chapel Pre-Planning Center, a proposed funeral pre-planning office, to be located at 4200 W. Layton Ave., submitted by Fred Carlson, d/b/a i-design, and Ted Larson and Pam Larson, d/b/a Church and Chapel Real Estate, LLC. (Tax Key No. 600-9946-000), subject to Plan Commission and staff comments.

8. **Community Development Manager Report**
9. **Adjournment.**