



Common Council Chambers – City Hall Room 100
7325 W. Forest Home Ave., Greenfield, Wisconsin

PLAN COMMISSION STAFF REPORT

Monday, July 10, 2023 – 6:00 p.m.

1. **Roll Call**
2. **Approval of the minutes from the June 13, 2023 meeting.**
3. **Discussion regarding last Common Council meetings.**
- 4A. **Special Use Permit for an outdoor expansion of Holey Mackerel, an amusement and recreational establishment with a bar/tavern and food truck, to be located at 5401 W. Layton Ave., submitted by Tripper Duval, d/b/a The Lost Whale, and Shaun Sullivan, d/b/a Envision Design Architects. (Tax Key No. 619-9997-003)**
- 4B. **Site, Landscaping, and Architectural Plans for an outdoor expansion of Holey Mackerel, an amusement and recreational establishment with a bar/tavern and food truck, to be located at 5401 W. Layton Ave., submitted by Tripper Duval, d/b/a The Lost Whale, and Shaun Sullivan, d/b/a Envision Design Architects. (Tax Key No. 619-9997-003)**

Items 4A and 4B may be considered together.

Overview and Zoning

The owner of the project, Tripper Duval, is planning to renovate the existing site of the former River Falls Family Center. He plans to add a 5,984 sq. ft. enclosed structure on the east side of the site, outdoor gathering space adjacent to the new building, a lawn area with a stage and string lights above, as well as four (4) pickle ball courts on the west end of the site. The scope also includes the addition of another 34 parking stalls via a double loaded bay of parking, as well as repaving and restriping the existing parking lot.



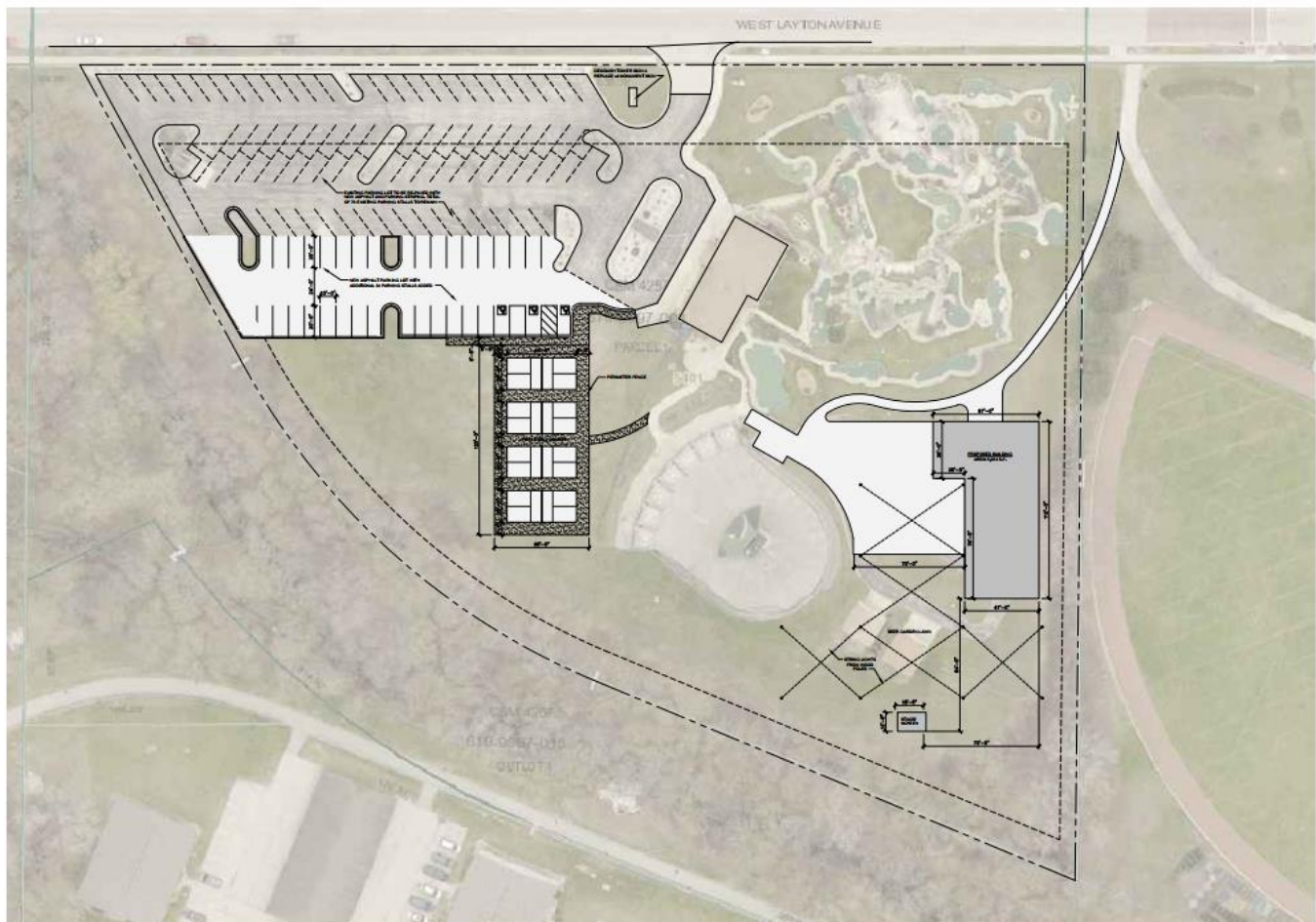
The new building will include 3 regulation bocce ball courts, a bar, kitchen for food sales, and additional public bathrooms to serve the added occupant load from outdoor uses. The building will also feature fully glazed roll up garage doors so that the building can open up to the adjacent patio.

Holey Mackerel will operate in much of the same capacity as the former occupant, with an 18-hole mini golf course and six (6) batting cages that will remain in operation in addition to the added activities described above.

The Common Council approved hours of operation to be from 7AM to 11PM, seven (7) days/week, when Holey Mackerel went through the Special Use Permit process in May/June 2023. There will be an estimated 6 to 12 employees working on each shift with an estimated number of 350 customers per week.

All site and addition work for “phase 2” is anticipated to start around the end of August to September 2023.

The property is zoned C-2 Community Commercial District which permits “Drinking Places” (i.e. bars/taverns), “All Other Amusement and Recreation Industries,” and “Limited Service Restaurants” as Special Uses. Mr. Duval is requesting to expand the serving of alcohol to the outside facilities and to expand the recreational/amusement uses. The limited restaurant use is new to the property and requires a public hearing, which can be scheduled as early as August 15, 2023.



1 SITE PLAN
SCALE: 1" = 30'-0"

The proposal includes extensive site improvements, starting with the construction of a 5,984 sq. ft. pavilion building that will house a kitchen, bar, and bocce spaces, a large outdoor paved patio, a beer garden lawn with seating, and a small 18 ft. x 12 ft. covered stage/screen structure at the south end for movie nights and small musical performances. This new outdoor area will be located east of the batting cages, along the west property line of Konkel Park. Decorative string lights will be displayed and supported by wood poles throughout the patio and beer garden lawn.

Four (4) pickle ball courts will be constructed west of the batting cages and south of the parking lot extension, occupying a 120 ft. x 60 ft. space.

[illegible]

The 100-year floodplain flows along the east side of the property, nearly the entire north-south length of the parcel. The proposed pavilion, a bio-filter/retention area, and various site grading are all proposed within the 100-year floodplain. In order to move forward with the proposal, the applicant needs to receive approval of a LOMR (Letter of Map Revision) from FEMA. The LOMR is a document that officially revises a portion of the effective NFIP (National Flood Insurance Program) map. Mr. Duval's engineering team is working on the request to FEMA.

A 34-stall parking lot expansion is proposed to the south of the existing parking lot. The existing parking lot will be re-paved with new asphalt and parking striping. The property currently has 82 on-site parking spaces, and with the addition, there will be total of 118 provided parking stalls.

Golf course – 3 parking spaces per hole = 54 required

Bar/tavern/restaurant – 15 parking spaces/1,000 sq. ft. (39 required for existing building + 11 for new building) = 50 required

Tennis – 2 spaces/court (4 pickle ball courts + 3 bocce areas) = 14 required

All other outdoor recreational uses – 1 parking space/10,000 sq. ft. = 5 required

TOTAL OFF-STREET PARKING SPACES REQUIRED = 123

The Common Council may waive the parking shortage of five (5) spaces.

There is an existing refuse enclosure located on the west side of the property. The doors have been removed and the enclosure itself is in need of repair. Staff recommends that the board-on-board materials be replaced and noted on a revised site plan.



Lighting Plans

A photometric plan has been submitted. The proposal includes the addition of three (3) 17-ft. tall light poles in the parking lot. The lights are your



standard LED light fixtures, black in color. The proposal includes 3-ft. tall concrete bases, however the poles are in protected curb areas, and the Code requires light pole concrete bases to be no taller than 6". There is also one (1) decorative luminaire being provided on the north end of the patio. Pole details and height need to be provided for the decorative light pole.



Architectural Plans

The new pavilion building is L-shaped, with the building located 30 feet off of the east property line, meeting all setback requirements. Proposed building materials will be James Hardie board and batten cladding with a standing seam metal roof. The north elevation, which is 67 ft. in length, only includes an insulated hollow metal door. Staff has asked the architect to come up

with some architectural relief on this elevation, as it will be visible from the mini golf course, the walking path, and W. Layton Ave. The east elevation includes six (6) single-hung windows, but a blank wall that is 46 ft. long, where again, staff asked for some articulation, particularly at the gables/roof peak. The south elevation includes an insulated hollow metal door and a fully glazed overhead door that can open and close, weather permitting. Staff asked for some architectural articulation at the gables/roof peak of this elevation as well. The west elevation faces the open patio area and will include three (3) fully glazed overhead doors, the main building entrance door, and two (2) fully glazed overhead windows for serving from the inside/ordering from the outside.

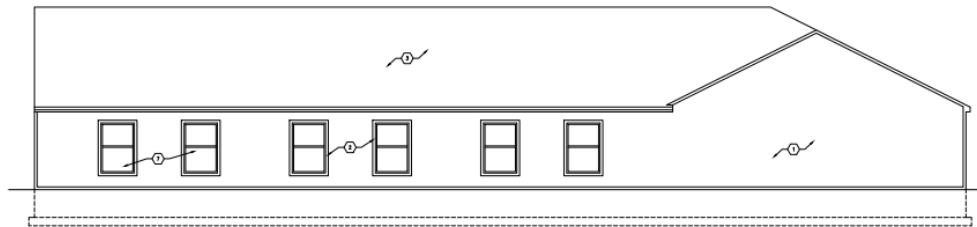
Architectural elevations were not provided for the small 18 ft. x 12 ft. covered stage/screen structure at the south end, but it is shown on the renderings. Elevations will be required as a condition of approval.



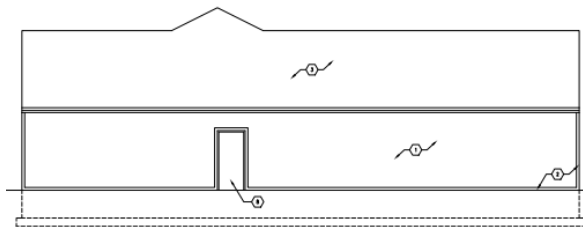




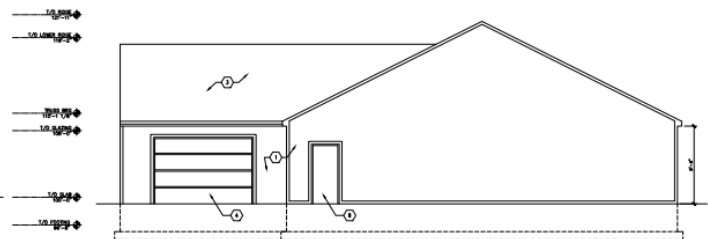
- BUILDING FINISHES:**
- 1 BOARD & BATTEN JAMES HARDIE TRIM BOARDS 8" Hx 16" Cx 1/2" VERTICAL JAMES HARDIE SOFFIT PANELS - NIGHT GRAY
 - 2 1/2" JAMES HARDIE TRIM - NIGHT GRAY
 - 3 STANDING SEAM METAL ROOF - DARK GRAY
 - 4 FULLY FINISHED OVERHEAD DOOR AND FRAME SYSTEM - BLACK
 - 5 PRE-FINISHED ALUMINUM STOREFRONT SYSTEM - BLACK FRAME
 - 6 PREFINISHED METAL FASCIA w/ VENTED METAL SOFFIT - BLACK
 - 7 SINGLE HUNG WINDOW w/ COMPOSITE FRAME AND DOUBLE PANE LOW-E WINDOW - BLACK FRAME
 - 8 INSULATED HOLLOW METAL DOOR AND FRAME - BLACK



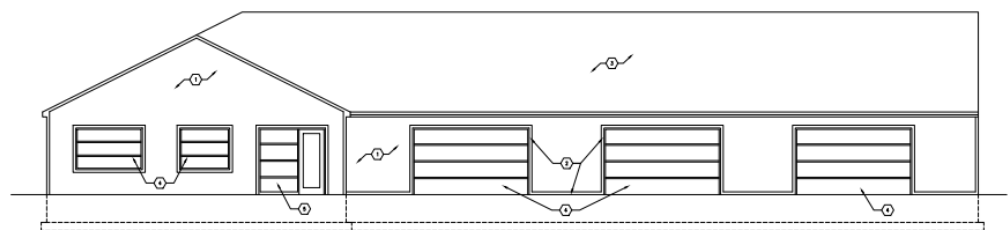
4 EAST ELEVATION
SCALE: 3/16" = 1'-0"



3 NORTH ELEVATION
SCALE: 3/16" = 1'-0"



2 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



1 WEST ELEVATION
SCALE: 3/16" = 1'-0"

Recommendation: Recommend Common Council approval of the Special Use Review and Site Plan Review for an outdoor expansion of Holey Mackerel, an amusement and recreational establishment with a bar/tavern and limited service restaurant, to be located at 5401 W. Layton Ave., submitted by Tripper Duval, d/b/a The Lost Whale, and Shaun Sullivan, d/b/a Envision Design Architects (Tax Key No. 619-9997-003), 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.)

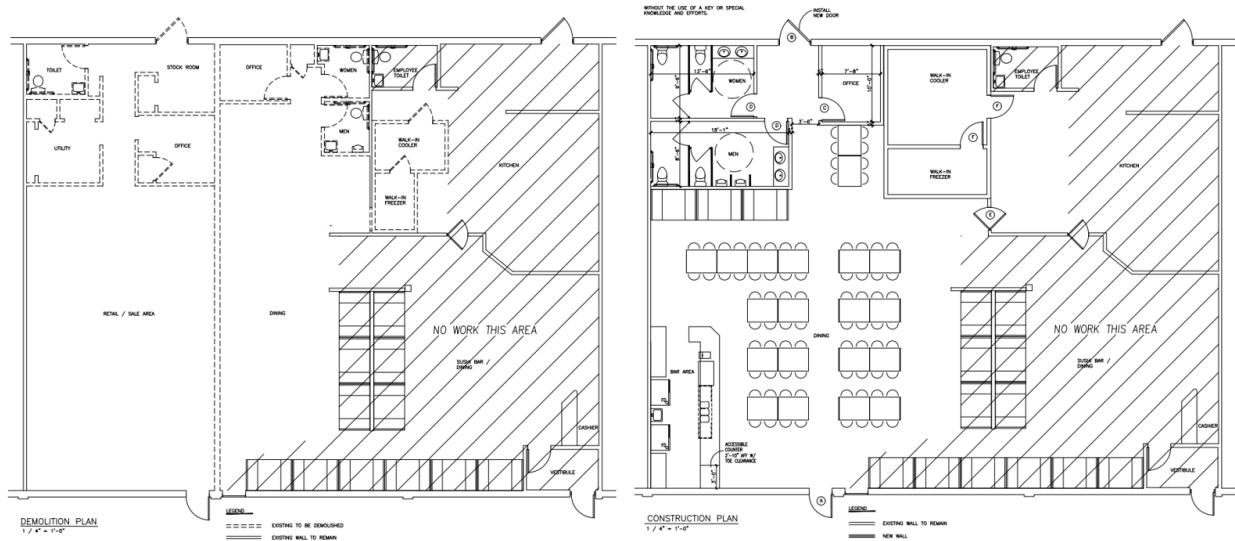
1. Revised Site, Landscaping and Architectural Plans being submitted to the Community Development Division to show the following: (a) architectural modifications to the north, east and south elevations; (b) building light fixtures being shown on the elevations and cut sheets of the building light fixtures; (c) light pole concrete bases being reduced to 6 inches in height; (d) board-on-board refuse enclosure being reconstructed, with a maze wall or personnel door; (e) 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. An Easement Agreement with the City of Greenfield for pedestrian access and connection to Konkel Park, if applicable.
 5. LOMR being approved by FEMA and provided to the Engineering Division.
 6. Permit application approvals from WDNR/MMSD for sanitary permits and SWMP and WDNR/Milwaukee Water Works for water permits.
 7. SWMP and SWMMA being submitted to the Engineering Division for review and approval, as needed.
 8. A FOG Plan being submitted to the City Plumber for review and approval.
 9. Revised civil plans being submitted to the Engineering Division for review and approval, as needed.
- 5A. Special Use Permit for an expansion of Kyoto, an existing full-service restaurant, to be located at 7417 W. Layton Ave., submitted by Yi Wu d/b/a Kyoto Group LLC, and Nathan Hostetler, d/b/a Layton Partners LLC. (Tax Key No. 617-0082-004)**

5B. Site Plan Review for an expansion of Kyoto, an existing full-service restaurant, to be located at 7417 W. Layton Ave., submitted by Yi Wu d/b/a Kyoto Group LLC, and Nathan Hostetler, d/b/a Layton Partners LLC. (Tax Key No. 617-0082-004)

Items 5A and 5B may be considered together.

Overview and Zoning

Kyoto, an established Japanese full-service restaurant, is located in Layton Plaza at the SE corner of S. 76 St. and W. Layton Ave. The new owner, Yi Wu, has worked in the restaurant industry for the past 15 years and has worked and partnered with other successful businesses in the SE Wisconsin area. Some of these places include Asiana, Meijis and the soon to be built K-Pot (the former Old Country Buffet location on S. 74 St.). The Special Use Review for an ownership change was approved in May 2023. The applicant is now proposing an expansion into the neighboring tenant space to increase indoor seating, provide larger restrooms, and provide new/more storage and cooler space for the restaurant. The applicant intends to maintain the same hours of business.



Site Plans

In May 2023, this property underwent a Site Plan Review which was triggered when Kyoto had a change of ownership. At that time, the only issues identified was the storage of equipment and materials in the rear of the space and a Fats, Oils, and Grease (FOG) Plan being submitted to the Plumbing Inspector for review and approval. Both conditions have been met. At this time, there

are no issues that need to be addressed and the multi-tenant commercial building property remains in good condition.

Staff recommends approval and recommends that a public hearing be scheduled for August 15, 2023.

Recommendation: Recommend Common Council approval of the Special Use Review and Site Plan Review for Kyoto, an existing full-service restaurant, to be located at 7417 W. Layton Ave., submitted by Yi Wu d/b/a Kyoto Group LLC, and Nathan Hostetler, d/b/a Layton Partners LLC (Tax Key No. 617-0082-004), subject to Plan Commission and staff comments.

- 6A. **Special Use Permit for Nystrom & Associates, a proposed outpatient mental health counseling and psychiatry service facility, to be located at 4131 W. Loomis Rd., Suite 120, submitted by Eric Peterson d/b/a Nystrom & Associates. (Tax Key No. 600-1001-000)**
- 6B. **Site Plan Review for Nystrom & Associates, a proposed outpatient mental health counseling and psychiatry service facility, to be located at 4131 W. Loomis Rd. Suite 120, submitted by Eric Peterson d/b/a Nystrom & Associates. (Tax Key No. 600-1001-000)**

Items 6A and 6B may be considered together.

Overview and Zoning

Nystrom & Associates is an outpatient mental health organization. Nystrom provides outpatient mental health counseling and psychiatry services to our clients through both in person and telehealth appointments. The Greenfield location located at 4131 W. Loomis Rd., Suite 120 will be the 8th Nystrom location in Wisconsin. To accommodate the site on Loomis Road the applicant will be remodeling an existing space in a multi-tenant medical building. The remodel work will be completed by Heritage Construction.

When completed, the space will be large enough to employ up to ~16 outpatient mental health practitioners conducting in office and telehealth therapy appointments. Hours of operation will be Monday – Thursday, 8am-6pm and Fridays 8am-5pm.



The property is zoned O – Office and Professional Services District. Outpatient Mental Health Practitioners is permitted as a Special Use in this district.

Site Plan Review

A site and landscaping plan were not submitted, but the site is subject to review when the Plan Commission and Common Council consider Special Use Permits. The multi-tenant commercial building property is in good condition. Staff noted the presence of several pot holes in the western portion of the parking lot that need to be repaired. Additionally, Nystrom & Associates already has a sign panel within the monument sign. However, they have not submitted a sign application permit nor would one have been approved yet since an occupancy permit is currently on hold for the business.



Staff recommends approval and recommends that a public hearing be scheduled for August 15, 2023.

Recommendation: Recommend Common Council approval of the Special Use Review and Site Plan Review for Nystrom & Associates, a proposed outpatient mental health counseling and psychiatry service facility, to be located at 4131 W. Loomis Rd., Suite 120, submitted by Eric Peterson d/b/a Nystrom & Associates (Tax Key No. 600-1001-000), subject to Plan Commission and staff comments.



(Items 1 through 2 are required to be satisfied prior to the issuance of a Certificate of Occupancy.)

1. Approval of a sign permit application and the payment of all applicable fees.
2. A letter being submitted to the Community Development Division stating that the following item will be completed by November 30, 2023: (a) patching the deteriorated portions of the parking lot.

7A. Special Use Review for an ownership change to Plato's Closet, an existing business, located at 5020 S. 74 St., submitted by Joshua Berden, d/b/a Plato's Closet Greenfield. (Tax Key No. 617-9975-024)

7B. Site Plan Review for an ownership change to Plato's Closet, an existing business, located at 5020 S. 74 St., submitted by Joshua Berden, d/b/a Plato's Closet Greenfield. (Tax Key No. 617-9975-024)

Items 7A and 7B may be considered together.

Overview and Zoning

Plato's Closet, located at 5020 S. 74 St., is an existing business for review triggered by a change in ownership. The property is zoned Planned Unit Development (PUD), which permits used merchandise stores as a Special Use. The retail store buys and sells gently used clothing and accessories for teens and young adult boys and girls. The tenant space is approximately 4,144 sq. ft. in area. Hours of operation will remain unchanged from the existing hours of Monday – Saturday, 10am – 9pm and Sundays 11am-6pm. Initially, there would be approximately 8-15 employees, but the applicant anticipates needing 20-30 employees should sales volume grow in the future.



The applicant, Joshua Berden, has 25 years of customer service experience as well as over 20 years of management experience. The applicant currently works for Winmark Corporation providing support to 66 stores through field visits, virtual visits, and phone consultations. The applicant has been with the company for 6 years and 10 ½ months.

The entire building, under the category of "Miscellaneous retail stores," requires 1,137 off-street parking stalls, with Plato's Closet requiring 21 of those. The shopping center provides 1,111 stalls on site. The Common Council may waive the parking shortage.

The current lease expires 4/8/2025 with an option to renew for an additional 5 years.

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. The site appears to be in relatively good condition, but a few items are worthy of note.

First, several tenants have refuse items located adjacent to dumpsters. Items such as shelving, boards, and tires should be disposed of properly and not stored behind the building. Additionally, the property owner appears to have started replacing portions of the fence located behind the building. The portions that have not been replaced should be addressed to provide cohesion across the property.



Staff recommends this item be expedited to the July 18, 2023 Common Council meeting.

Recommendation: Recommend Common Council approval of the Special Use Review and Site Plan Review for an ownership change to Plato’s Closet, an existing business, located at 5020 S. 74 St., submitted by Joshua Berden, d/b/a Plato’s Closet Greenfield. (Tax Key No. 617-9975-024), subject to Plan Commission, staff comments, and the following conditions:

1. A letter being submitted to the Community Development Division stating that the following items will be completed by October 31, 2023: (a) remaining portions of the fence will be replaced to match the newer portions of the fence; and (b) no outdoor equipment or materials will be stored in the rear of the building.

8. Amendment to Ordinance No. 3010 pertaining to PUD Planned Unit Development District (PUD #4).

Ordinance No. 3010 was adopted by the Common Council on November 1, 2022, and it had rezoned the Spring Mall parcel from C-4 Regional Business District to Planned Unit Development (PUD #4). The ordinance was drafted to follow a conceptual site plan, allowing the following uses:

Permitted Uses	Special Uses
General commercial retail	
Professional services	
General office	
Medical office/general medical	
Recreational/entertainment	
Restaurants, with or without drive-thru	
Multi-family residential housing	

The last section of the ordinance stated that, “The ordinance shall take effect and be in force upon its passage, publication, and upon the recording of a deed transferring ownership of the property from Brixmor Spring Mall Limited Partnership to Cobalt Partners, LLC or its affiliate.”

On June 20, 2023, the City of Greenfield purchased the 23-acre property. The proposed Ordinance amendment eliminates the last section stating that the rezoning goes into effect only if Cobalt purchased the property. The elimination of that last section means that the property

will officially be rezoned to PUD#4 and the ordinance becomes recorded with the Milwaukee County Register of Deeds. This provides the City further control of future uses and prospective redevelopment opportunities. A public hearing is scheduled for July 18, 2023.

Recommendation: Recommend Common Council approval of the Amendment to Ordinance No. 3010 pertaining to PUD Planned Unit Development District (PUD #4).

9. Community Development Manager Report

10. Adjournment.