



PLAN COMMISSION STAFF REPORT

Tuesday, October 10, 2023 – 6:00 p.m.

1. **Roll Call**
2. **Approval of the minutes from the September 12, 2023 meeting.**
3. **Discussion regarding last Common Council meetings.**
- 4A. **Special Use Review for an ownership change to Gold Coast Subs, an existing limited-service restaurant, located at 4263 W. Layton Ave., submitted by Joshua Bizub, d/b/a Gold Coast Subs. (Tax Key No. 621-9957-001)**
- 4B. **Site Plan Review for an ownership change to Gold Coast Subs, an existing limited-service restaurant, located at 4263 W. Layton Ave., submitted by Joshua Bizub, d/b/a Gold Coast Subs. (Tax Key No. 621-9957-001)**

Items 4A and 4B may be considered together.

Overview and Zoning

Gold Coast Subs, currently located at 4263 W. Layton Ave., is an existing business for review triggered by a change in ownership. The property is zoned C2 – Community Commercial District, which permits limited-service restaurants as a Special Use. Gold Coast Subs occupies approximately 1,200 sq. ft. of the 8,700 sq. ft. multi-tenant commercial building. Gold Coast Subs serves cold sub sandwiches and offers both dine-in and takeout options. The new hours of operation will be 11am-7pm Monday through Saturday and 10am-4pm Sundays. The new owner anticipates having 5 employees at any given time, including himself.



The applicant, Joshua Bizub, has been employed at Gold Coast Subs for six (6) years and a manager during most of that time. The applicant has been trained by the current owner on the day-to-day operations of running a successful business. The current owner will remain employed at the business for a few months to aid in the transition to the new owner. The applicant will have a month-to-month lease.

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. The site underwent a review in June 2021 as part of a special use review process. The site has remained in good condition with no issues identified during the staff visit to the site.

Gold Coast Subs requires 18 (5 spaces per 1,000 sq. ft.) parking spaces and the remaining building requires 37 (5 spaces per 1,000 sq. ft.) parking spaces, for a grand total of 55 parking spaces. A total of 40 stalls are provided on the property. The Common Council may waive the shortage.

Recommendation: Recommend Common Council approval of the Special Use Review and Site Plan Review for Gold Coast Subs, an existing limited-service restaurant, located at 4263 W. Layton Ave., submitted by Joshua Bizub, d/b/a Gold Coast Subs. (Tax Key No. 621-9957-001), subject to Plan Commission and staff comments.

- 5A. **Special Use Review for Meiji Restaurant, a proposed full-service restaurant, to be located at 3740 S. 108 St., submitted by Cai Huang, d/b/a Meiji Restaurant and Scott Lausten, d/b/a Keller, Inc. (Tax Key No. 562-9951-007)**
- 5B. **Site Plan Review for Meiji Restaurant, a proposed full-service restaurant, to be located at 3740 S. 108 St., submitted by Cai Huang, d/b/a Meiji Restaurant and Scott Lausten, d/b/a Keller, Inc. (Tax Key No. 562-9951-007)**

Items 5A and 5B may be considered together.

Overview and Zoning

The applicant, Cai Huang, is proposing to purchase and occupy the Genesis restaurant, and open a sushi, hibachi and Chinese cuisine restaurant within the 9,800 sq. ft. building. The property is zoned C-4



Regional Business District, which permits full-service restaurants as a Special Use. A change in owner authorizes Special Use Review by the Plan Commission and Common Council.

The new sushi restaurant will employ approximately 25-30 employees. The applicant owns Meiji Cuisine in Waukesha, which has been open since 2000. Meiji serves authentic, high-quality, ingredient-driven popular sushi and Chinese cuisine. The provided floor plan anticipates seating for 267 patrons.

The proposed hours of operation will be Monday – Friday, 11am – 10pm; Saturday 12pm – 10:30pm; Sunday 12pm – 9pm.



Site Plan Review

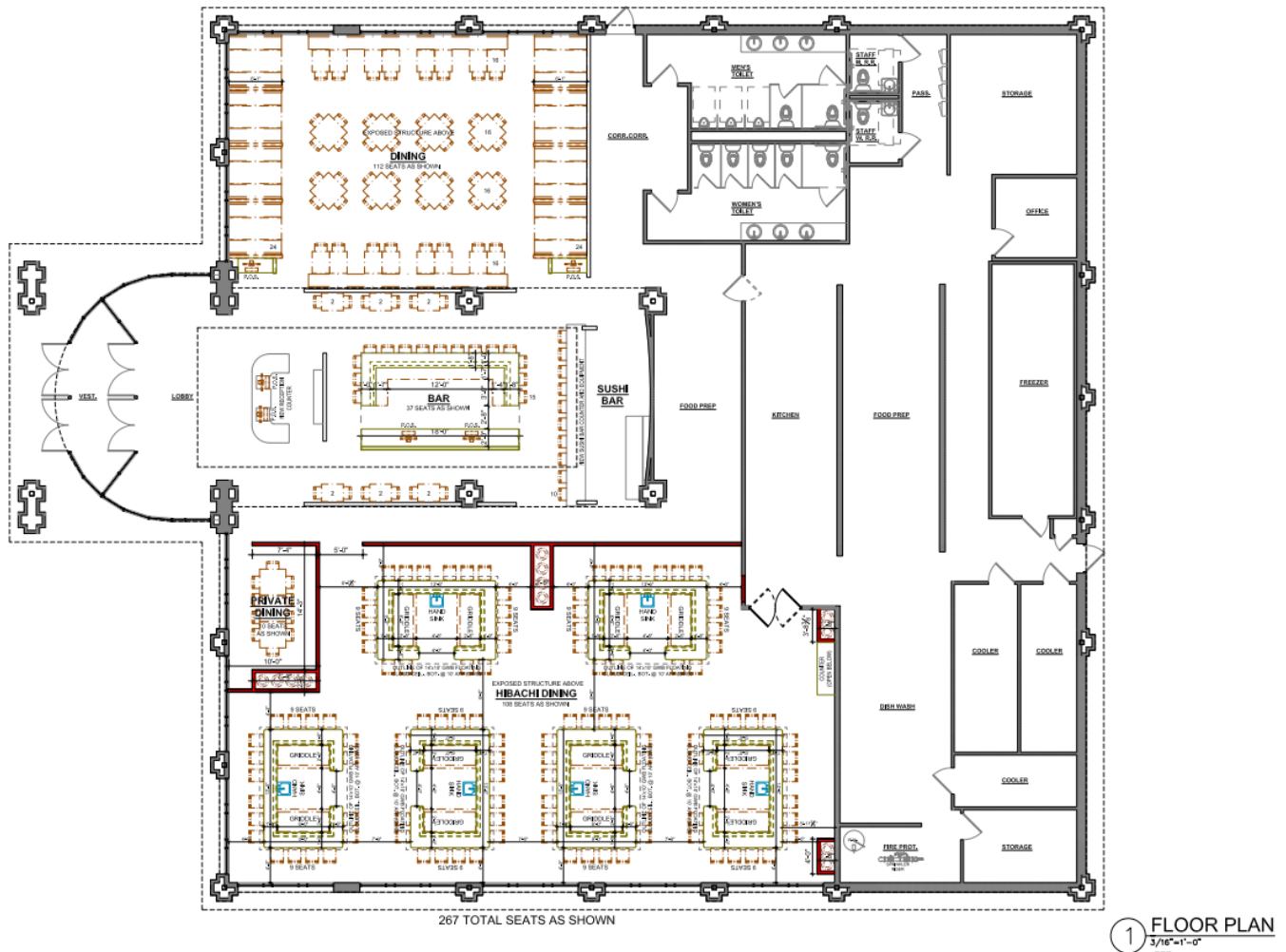
The applicant is proposing some site work improvements that include:

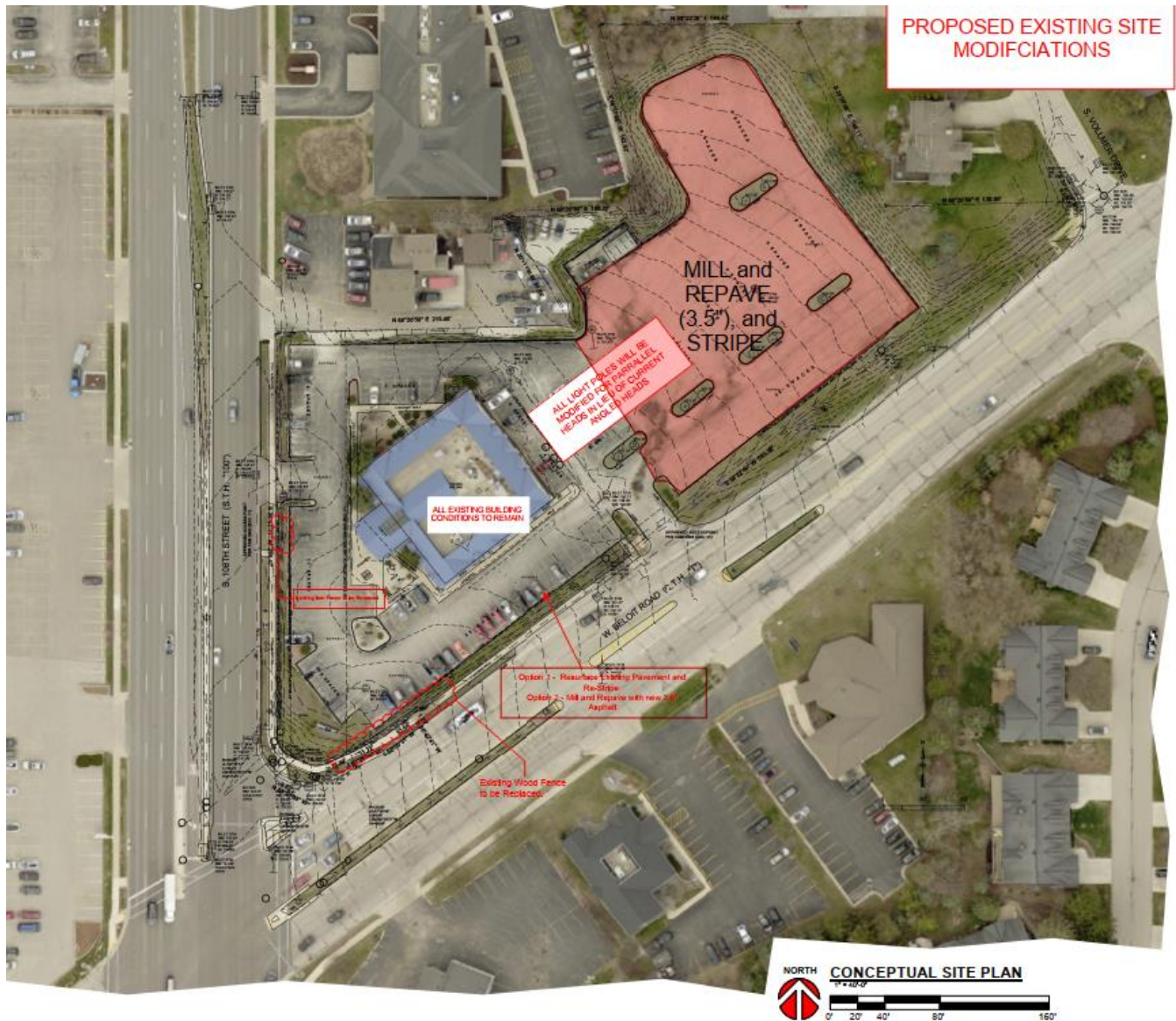
- Mill and repave (3.5" asphalt) and stripe the back half of the parking lot, east of the W. Beloit Rd. driveway entrance.
- Resurface existing pavement and restripe; or, mill and repave (3.5" asphalt) and stripe the front parking lot, west of the W. Beloit Rd. driveway entrance.
- Remove existing metal fence along S. 108 St.
- Remove and replace existing wood fence along W. Beloit Rd.
- Modify/replace all light pole heads that are currently not parallel with ground.



Existing building conditions are proposed to remain at this time. The site is quite tired and hasn't seen improvements in years. After a site visit, staff recommends the following additional site improvements:

- Close the gravel/shared drive with the property to the north (A&A Tire), at the northwest corner of the property. The shared driveway closure should be constructed with a poured curb. The new owners may want to approach A&A Tire and ask them to replace the gravel on their property with grass so the gravel does not continue to wash onto the subject property.
- Replace all dead trees/landscaping with like-kind, to be noted on a revised site plan.
- General overgrown brush needs to be cleaned up throughout the site. The area around the refuse enclosure is particularly overgrown.
- All damaged poured curb be replaced.
- Additional landscape islands or perimeter landscaping within the eastern half of the parking lot. The eastern parking lot is rarely used (127 stalls provided, Code requires 147 spaces) and the applicant is proposing to mill and repave anyway, now is the opportunity to green up the site.
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Staff recommends that this item be expedited to the October 17, 2023 Common Council meeting.

Recommendation: Recommend Common Council approval of Special Use Review and Site Plan Review for Meiji Restaurant, a proposed full-service restaurant, to be located at 3740 S. 108 St., submitted by Cai Huang, d/b/a Meiji Restaurant and Scott Lausten, d/b/a Keller, Inc. (Tax Key No. 562-9951-007), subject to Plan Commission and staff comments, and the following conditions:

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

1. Revised Site Plan being submitted to the Community Development Division to show the following: (a) the gravel/shared drive with the property to the north (A&A Tire), at the

northwest corner of the property, being closed with a new poured curb; (b) all dead trees/landscaping being replaced with like-kind; (c) notation that overgrown brush will be cleaned up throughout the site; (d) all damaged poured curb being replaced; (e) additional landscape islands or perimeter green space/landscaping being added to the eastern parking lot, not to replace more than 8 parking spaces; and, (f) all proposed landscaping species and quantities to be reviewed and approved by the City Forester, as applicable.

2. A photometric plan being submitted to the Community Development Division for review and approval.

6A. Special Use Permit for a proposed liquor store at Nexus Vape N Smoke, an existing business located at 3765 S. 108 St., submitted by Yash Patel, d/b/a Falcon One Inc. (Tax Key No. 563-9986-008)

6B. Site Plan Review for a proposed liquor store at Nexus Vape N Smoke, an existing business located at 3765 S. 108 St., submitted by Yash Patel, d/b/a Falcon One Inc. (Tax Key No. 563-9986-008)

Items 6A and 6B may be considered together

Overview and Zoning

Nexus Vape N Smoke, an existing business located at 3765 S. 108 St., occupying approximately 1800 sq. ft. within the Garden Mall multi-tenant commercial building, is proposing to operate a liquor store within the existing tobacco store. The applicant, Yash Patel, has been operating Nexus Vape N Smoke since 2020. Additionally, the applicant has two (2) similar liquor store models, one (1) in Waukesha and the other in

Oak Creek, that are profitable. The business will continue to employ approximately three (3) full-time and two (2) part-time employees. The applicant has five (5) years remaining on their lease for the suite.



The property is zoned C-4 Regional Business District, which permits liquor stores as a Special Use. Since this is a new use within the tenant space, a public hearing and a Special Use Permit are required. A public hearing can be scheduled as early as November 21, 2023. The applicant is proposing to open the store one (1) hour earlier than current hours of operation, proposing to open at 8:00am rather than the currently-approved 9:00am. Staff is recommending that the hours remain 9am – 9pm, daily.



Site Review

A site 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 the landscaping beds in the northeast and southeast corners have several blocks out-of-place, likely pushed by snow plows over time. Staff recommends that the walls of the landscape beds be repaired by November 30, 2023.

Shopping centers with three (3) or more tenants require five (5) off-street parking spaces per 1,000 gross square feet of building area. The 1,800 sq. ft. tenant space requires nine (9) (5 spaces per 1,000 sq. ft.) parking spaces. The 15,000 sq. ft. shopping center requires 75 off-street parking spaces. The site has 160 off-street parking spaces.

Signage Review

The two (2) existing freestanding signs, one located along S. 108 St. and the other on W. Beloit Rd., are legal nonconforming signs. The existence of the signs pre-date the current Sign Code, and the Special Use Permit and the future sign permit will trigger conformance of the pylon signs. The property owner has agreed to remove and replace both nonconforming pylon signs within 48 months.

Recommendation: Recommend Common Council approval of the Special Use Permit and Site Plan Review for a proposed liquor store at Nexus Vape N Smoke, an existing business located at 3765 S. 108 St., submitted by Yash Patel, d/b/a Falcon One Inc. (Tax Key No. 563-9986-008), subject to Plan Commission and staff comments, and the following conditions:

(Item 1 is required to be satisfied by November 30, 2023. Item 2 is required to be in compliance within 48 months.)

1. Repair of the southeast and northeast landscape bed walls.
2. Removal and replacement of the nonconforming pylon signs.

- 7A. Special Use Permit for The Rest Nest, a proposed massage therapy business, to be located within Avery & Birch at 10901 W. Sunset Ln., Suite 206, submitted by Jill Chaplock, d/b/a The Rest Nest and Delanie Ford, d/b/a Avery & Birch, LLC. (Tax Key No. 609-9994-009)**
- 7B. Site Plan Review for The Rest Nest, a proposed massage therapy business, to be located within Avery & Birch at 10901 W. Sunset Ln., Suite 206, submitted by Jill Chaplock, d/b/a The Rest Nest and Delanie Ford, d/b/a Avery & Birch, LLC. (Tax Key No. 609-9994-009)**

Items 7A and 7B may be considered together.

Overview and Zoning

The applicant, Jill Chaplock, is proposing to occupy Suite 206, approximately 166 sq. ft. of tenant space, within the Avery & Birch multi-tenant commercial building. The applicant has been a Licensed Massage Therapist for 26 years and will offer Swedish/ relaxation, therapeutic, prenatal, and Himalayan salt stone massages.

Ms. Chaplock, is seeking to start her first small business after working consistently at salons and spas throughout her career.



The property is zoned Planned Unit Development (PUD) which permits massage parlors as a Special Use. A public hearing, as required by the Special Use, can be scheduled as early as November 21, 2013. The applicant anticipates hours of operation to be Monday, 12pm-8pm, Tuesday, 1pm-8pm, Wednesday through Friday, 9am-5pm, Saturday, 8am-4pm, and closed on Sundays. Staff recommends that the Resolution will be drafted with the ability to be open 8am – 4pm weekdays, 8am – 4pm weekends. The applicant will rent the space; the term of the lease is one (1) year.

The multi-tenant commercial building is approximately 4,200 sq. ft. and requires 105 (2 spaces per chair + 1 space per employee) parking spaces. The site has 88 parking spaces. The shortage was waived when Avery & Birch appeared before Plan Commission and Common Council in November/December of 2021.

Site Review

Construction on the property was just completed in August, the site is in great condition.

Recommendation: Recommend Common Council approval of the Special Use Permit and Site Review for The Rest Nest, a proposed massage therapy business, to be located within Avery & Birch at 10901 W. Sunset Ln., Suite 206, submitted by Jill Chaplock, d/b/a The Rest Nest and Delanie Ford, d/b/a Avery & Birch, LLC. (Tax Key No. 609-9994-009), subject to Plan Commission and staff comments.

- 8A. Special Use Permit for Massage by Deadra, a proposed massage therapy business, to be located within Avery & Birch at 10901 W. Sunset Ln., Suite L107, submitted by Deadra Santiago, d/b/a Massage by Deadra and Delanie Ford, d/b/a Avery & Birch, d/b/a Avery & Birch, LLC. (Tax Key No. 609-9994-009)**
- 8B. Site Plan Review for Massage by Deadra, a proposed massage therapy business, to be located within Avery & Birch at 10901 W. Sunset Ln., Suite L107, submitted by Deadra Santiago, d/b/a Massage by Deadra and Delanie Ford, d/b/a Avery & Birch, d/b/a Avery & Birch, LLC. (Tax Key No. 609-9994-009)**

Items 8A and 8B may be considered together.

Overview and Zoning

The applicant, Deadra Santiago, is proposing to occupy Suite L107, approximately 115 sq. ft. of tenant space, within the Avery & Birch multi-tenant commercial building. The applicant has been a Licensed Massage Therapist for 11 years.



The property is zoned Planned Unit Development (PUD) which permits massage parlors as a Special Use. A public hearing, as required by the Special Use, can be scheduled as early as November 21, 2013. The hours of operation would be Monday through Saturday, 9am-7pm and closed on Sundays. Staff recommends that the Resolution will be drafted with the ability to be open 8am – 4pm weekdays, 8am – 4pm weekends. The applicant will rent the space; the term of the lease is one (1) year.

The multi-tenant commercial building is approximately 4,200 sq. ft. and requires 105 (2 spaces per chair + 1 space per employee) parking spaces. The site has 88 parking spaces. The shortage was waived when Avery & Birch appeared before Plan Commission and Common Council in November/December of 2021.

Site Review

Construction on the property was just completed in August, the site is in great condition.

Recommendation: Recommend Common Council approval of the Special Use Permit and Site Review for Massage by Deadra, a proposed massage therapy business, to be located within Avery & Birch at 10901 W. Sunset Ln., Suite L107, submitted by Deadra Santiago, d/b/a Massage by Deadra and Delanie Ford, d/b/a Avery & Birch, d/b/a Avery & Birch, LLC. (Tax Key No. 609-9994-009), subject to Plan Commission and staff comments.

- 9A. Special Use Permit for Tiny Tykes Puppies, LLC, a proposed pet store, to be located at 2833 W. Layton Ave., submitted by Darcy Turner, d/b/a Tiny Tykes Puppies, LLC. (Tax Key No. 622-9980-000)**

9B. Site Plan Review for Tiny Tykes Puppies, LLC, a proposed pet store, to be located at 2833 W. Layton Ave., submitted by Darcy Turner, d/b/a Tiny Tykes Puppies, LLC. (Tax Key No. 622-9980-000)

Items 9A and 9B may be considered together.

Overview and Zoning

The applicant, Darcy Turner, is proposing to occupy the lower level of 2833 W. Layton Ave., for a pet store. Ms. Turner is proposing to utilize the main floor and basement of the building, approximately 2,408 sq. ft., to sell small-breed puppies. The maximum number of puppies onsite would be 20, but the average would be 5 to 10

puppies. The applicant has stated that sound proofing will be installed, if needed. The applicant would reside on the second floor, approximately 1,200 sq. ft. of living space, to be available to provide quality care to the puppies on premises (currently occupied and grandfathered as a mixed-use building).

The property is zoned C-2 Community Commercial District, which permits pet stores as a Special Use. A public hearing can be scheduled as early as November 21, 2023. The hours of operation would be Monday through Saturday 11am – 5pm.

The commercial portion of the building is approximately 2,408 sq. ft. and requires 12 (5 spaces per 1,000 sq. ft.) parking spaces. The applicant has indicated that they will provide four (4) off-street parking spaces in the back, along with the three (3) spaces within the garage, for a total of seven (7) provided parking spaces. The Common Council may waive the shortage.



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. When staff conducted the site visit, several serious issues were observed and have been communicated to the applicant.

The fence located along the western property line of the property is in severe disrepair. Portions of the fence are missing or no longer sturdy. An aerial photo indicates that the fence likely belongs to the neighboring property to the west. Staff recommends that the applicant work with that property owner to get the fence removed and that the applicant construct a new board-on-board wood or vinyl fence on the subject property. A survey will be needed to verify true ownership of the fence since it is so close to the property line, and for purposes of verifying the lot line location when constructing a new fence.

The pavement in the rear of the building needs attention. The quality of the parking area is fair, but the area in front of the garage has several spots that need to be patched. Additionally, the parking lot will need to be striped to ensure the orderly movement of cars to the business. The wheel stops will also need to be repaired/replaced/relocated once striping has taken place.



The rear of the building has several required modifications that will be necessary to address ADA requirements and building code issues. Currently, there is no ramp access to the rear of the building. The applicant has indicated that they intend to use the rear as the primary entrance for the business. Furthermore, the landing outside the eastern door will need to be expanded and stairs and a railing added. In the front of the building, the stairs leading to the driveway will need to be adjusted so they are level. While the applicant does not intend to use this as the primary entrance to the business, the current state of the stairs makes them a hazard that must be addressed.

Staff has also discussed the need for a commercial dumpster contract, and the associated dumpster enclosure, for the property. A site plan, detailing the location, construction plan, and elevations of the four-sided board-on-board refuse enclosure will need to be submitted for review and approval.

Recommendation: Recommend Common Council approval of the Special Use Permit and Site Plan Review for Tiny Tykes Puppies, LLC, a proposed pet store, to be located at 2833 W. Layton Ave., submitted by Darcy Turner, d/b/a Tiny Tykes Puppies, LLC (Tax Key No. 622-9980-000), subject to Plan Commission and staff comments, and the following conditions:

(Item 1 is required to be satisfied prior to the issuance of a Certificate of Occupancy.)

1. A Site Plan and Plat of Survey being submitted to the Community Development Division to show the following: (a) removal of the existing wood fence along the west lot line, being replaced with a new board-on-board or vinyl fence on the subject property; (b) a cut-sheet of the fence elevation; (c) notation of parking lot patching; (d) notation that all wheel stops will be repaired/replaced; (e) striping of the parking lot with parking stall dimensions shown, and the addition of an ADA-compliant parking stall; (f) an ADA-compliant ramp being constructed in the rear entrance; (g) hand rails being installed along the perimeter of the eastern stoop in the rear and an additional step being constructed next to the eastern stoop; (h) a four-sided board-on-board refuse enclosure with a personnel door or maze wall being constructed on site; (i) notation that commercial garbage pick-up has been contracted and secured for the property; (j) notation that the front steps will be repaired/evened to building code standards and that a railing will be installed along the front steps; and, (k) notation that the rear eastern stoop will be repainted.

10. Community Development Manager Report

11. Adjournment.