

**MINUTES OF THE PLAN COMMISSION MEETING HELD AT THE
GREENFIELD CITY HALL ON TUESDAY, NOVEMBER 14 2023**

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
	Mr. Steve Rogers	Present
	Mr. Don Carlson	Present
	Mr. Zak Marshall	Present
	Mr. Robert Krenz	Present
	Mr. Michael Braswell (alt.)	Present
	Ms. Danielle Wojak (alt.)	Present

ALSO PRESENT: Kristi Porter – Community Development Manager

1. Roll Call

2. Approval of the minutes from the October 10, 2023 meeting.

Motion by Mr. Carlson, seconded by Mr. Weis, to approve the October 10, 2023 meeting minutes. Motion carried unanimously. Mr. Rogers abstained.

3. Discussion regarding last Common Council meetings.

There were three Public Hearings on October 17, 2023. Common Council approved the Public Hearings for Clarity Massage, Game Together MKE, and One + 1.

4. Conceptual Plan Review for proposed construction of a new coffee shop, Scooters, to be located at 4160 W. Loomis Rd., submitted by Davinder Toor, d/b/a Brew City Coffee, LLC. (Tax Key No. 600-9970-011)

Overview and Zoning

The applicant, Mr. Toor, has submitted an offer to purchase the property, currently operating as Crossroads Diner. Mr. Toor's plan is to demolish the existing building and construct a new 678 sq. ft. coffee kiosk building with a drive-thru, known as Scooter's Coffee. The property is zoned C-2 Community Commercial District, which permits limited service restaurants as a Special Use. A public hearing will be required.

Scotter's Coffee was founded in 1998 in Omaha, NE and is a family-owned, privately-held company. Mr. Toor would be a franchise. To date, Scooter's Coffee has about 700 stores open and operating, with the closest being on (what used to be called) Miller Parkway. The proposed hours of operation would be 6:00am – 8:00pm, seven (7) days/week. The small kiosk building would have no interior seating, patio or public access. The building would be occupied by employees only and will feature one (1) bathroom. Scooter's will serve coffee, smoothies, energy drinks and pre-packaged breakfast items and pastries, therefore requiring no hood, gas, dishwasher or sprinklers. The kiosk will employ approximately 15-20 persons, with about 3-4 baristas working at one time. Deliveries of food, milk and supplies will occur on a weekly basis.

During staff's initial review of the site plan layout, there was concern regarding the driveway location and cross traffic movements in and out of the S. 43 St. driveway approach. Staff asked Mr. Toor to conduct a traffic impact analysis study to analyze the safety of the proposed driveway location (utilizing the existing S. 43 St. driveway). The traffic study suggested moving the driveway as far west as possible on the property to reconfigure the flow of traffic in and out of the site. A draft revised site plan has been submitted, but the team was not able to redraw all of the engineering-related and landscaping plans on time for sufficient review before the November Plan Commission meeting. Hence, the applicant is submitting a Conceptual Plan at this time to gauge the Plan Commission's thoughts on the proposal.

Conceptual Site Plan

The proposed site layout requires demolition of the existing building and the site's entirety. The kiosk will be situated fairly close to W. Loomis Rd. WisDOT has planned road improvements to W. Loomis Rd. that include the closing of the existing curb cut into this site from W. Loomis Rd., so the only entrance/exist into the site will be from the new S. 43 St. driveway approach at the far west end of the site. As vehicles enter the site from the new approach, they will immediately turn right to get into the drive-thru lane. The lane accommodates 12 vehicles from the start to the pick-up window. The drive-thru lane will be situated between the kiosk and W. Loomis Rd., similar to the layout of Chick-fil-A in Greendale. After the vehicle picks its order up, it will head west and then south to exit the site. There will be no crisscrossing of traffic within the property, as was designed in the original proposal. The site provides seven (7) off-street parking spaces, of which one (1) is an ADA stall, in the center of the property. The Zoning Code requires seven (7) on-site spaces for a drive-thru "restaurant" of this size. The layout also includes a four-sided refuse enclosure located in the center of the site, but fairly near the beginning of the drive-thru lane. Garbage trucks will not have to enter the site far with this proposed layout. A new 6-ft. tall wood fence will be constructed along the west property line, separating the commercial use from a single-family residential property.

The site plan shows the building being situation approximately 15 feet off of the W. Loomis Rd. property line. The applicant will be requesting a setback waiver from the Plan Commission and Common Council. The C-2 Zoning District has a 50-foot front yard setback requirement. Per Section 21.04.0302.C.(c) of the Municipal Code, *"The Plan Commission will evaluate the impact of the standards for building setback/placement and parking lot layout with new construction on a site by site basis and will determine under Site, Building, and Landscape Review what the appropriate building setback/placement and parking lot layout will be within the context of total site review. That recommendation will be forwarded to the Common Council for consideration."* The Plan Commission has consistently recommended approval of similar building setbacks to the Common Council. Staff recommends approval of the setback waiver, as good planning practices set the building close to the street.

In addition to WisDOT closing the W. Loomis Rd. driveway approach to this property, WisDOT will be making median cut improvements at the intersection of S. 43 St. and W. Loomis Rd. Vehicles headed east on S. 43 St. towards W. Loomis Rd., will no longer be able to turn left, or northbound onto W. Loomis Rd. And vehicles existing the driveway on the east side of W. Loomis Rd., will not be able to turn left, or southbound onto W. Loomis Rd. This will help eliminate the common traffic backlog on S. 43 St.

Conceptual Architectural Plans

The kiosk building will be constructed of a combination of a thin brick veneer and Hardie Plank siding. The north, east and west elevations will have one (1) window each (insulated dark bronze aluminum windows with dual pane tempered glass), and the south elevation will have an insulated hollow metal door for staff to enter/exit. Red awnings are proposed on all four (4) building elevations, and various wall mounted light fixtures will be installed on the building, some under the awnings.

This is a conceptual plan, staff does not provide a recommendation at this time. The applicant anticipates submitting final plans for the December 2023 Plan Commission meeting.

The applicant, Davinder Toor, was present for discussion. Mr. Rogers asked if a customer would be able to leave the drive thru line if necessary. Mr. Toor said that once you're in line, you're kind of stuck there, there is no open area to exit. He added that the typical time for a Scooter's order to reach the customer is less than 3 minutes, so there normally aren't many cars stacked up in the drive thru line.

Ms. Wojak asked where delivery trucks will park. Mr. Toor explained that the delivery trucks will park in the employee parking lot and will not get in the way of the drive thru line. He said that Scooter's delivery trucks are small box trucks, not semi-trucks.

Mr. Braswell asked when peak business time is. Mr. Toor said that peak time is between 7:00am and 9:00am. Plan Commission discussed the issue of stacking and that they generally felt the stacking room before ordering and at exit would be sufficient.

Mr. Toor mentioned that he will request a setback variance for the building, as was mentioned in the staff report.

5. Signage Plan Appeal for a proposed billboard sign to be located at 3991 W. Loomis Rd., submitted by Sarah Ackerson, d/b/a Above All Outdoor Advertising, Inc., and Charles Yauck, d/b/a Cobalt Partners, LLC. (Tax Key No. 600-0081-011)

Cobalt Partners is seeking approval for a billboard sign that would be fronting I-894 where the old W. Loomis Rd. ramps used to be located, on the north side of the freeway. When the City approved Ordinance No. 2967, the Ordinance listed a variety of Permitted and Special Uses. One of the "Permitted Uses" listed was a billboard, with the anticipation that the existing billboard on The Turf parcel, would be replaced with a new one. The Plan Commission's role with this particular application is to review a waiver, in that the proposed sign doesn't meet the traditional Chapter 19 Sign Code size requirements.

The proposed sign is 65 feet in height (for comparison, the sign at 84 South is 68 ft. in height). Staff's number one concern is brightness, height and impact on the neighborhood and surrounding residences. The sign manufacturer will provide an explanation of brightness at the Plan Commission meeting. The sign design includes a 48' x 14' electronic display board. The top of the board measures 65 feet above grade. The metal column/support structure measures 30' in height.

The electronic display boards would be situated in a triangle-shape on top of the structural pole, with a 4-foot gap between the boards on the south side, closest to the freeway, and a 30-foot gap between the boards on the north side. The sign manufacturer has provided a light distribution layout, showing the foot candle strength at various distances away from the boards. This will be further described by the sign manufacturer at the Plan Commission meeting.

The billboard will be owned and operated by Cobalt Partners, LLC. The TIF financial modeling relies on revenue from the billboard to help fill a financial gap for the stability of TID #8. Unfortunately, with the struggles that TID 8 is going through in today's economy of high interest rates and construction cost hikes, Cobalt is unable to add the architectural skeleton that was done at the 84 South billboard, to this billboard; however, this billboard is in a very different geographical state than the one at 84 South, it is not situated right next to buildings and is set back quite a bit more from the freeway.

A civil site plan is requested to be provided, showing details such as curb cuts to the service drive, a parking pad location for maintenance vehicles (if proposed), etc.

Recommendation: Approve the Signage Plan Appeal for a proposed billboard sign to be located at 3391 W. Loomis Rd., submitted by Sarah Ackerson, d/b/a Above All Outdoor Advertising, Inc., and Charles Yauck, d/b/a Cobalt Partners, LLC. (Tax Key No. 600-0081-011), subject to a civil site plan being submitted to the Engineering Division for review, showing details such as curb cuts to the service drive, and a parking pad location for maintenance vehicles (if proposed), Plan Commission and staff comments.

The Mayor stated that the City expected the billboard height to be true to the renderings after installation.

Chad Defenbaul appeared on behalf of Watchfire Signs. He explained how the LED lights can easily be controlled by the operating company. A visual of the light splay spread to the east and west was presented. He explained that the foot candle levels should not bother any residential properties.

Motion by Mr. Weis, seconded by Mr. Rogers, to approve the Signage Plan Appeal for a proposed billboard sign to be located at 3391 W. Loomis Rd., submitted by Sarah Ackerson, d/b/a Above All Outdoor Advertising, Inc., and Charles Yauck, d/b/a Cobalt Partners, LLC. (Tax Key No. 600-0081-011), subject to a civil site plan being submitted to the Engineering Division for review, showing details such as curb cuts to the service drive, and a parking pad location for maintenance vehicles (if proposed), Plan Commission and staff comments. Motion carried unanimously.

- 6A. Special Use Review for proposed hours of operation expansion for Holey Mackerel, an existing business located at 5401 W. Layton Ave., submitted by Tripper Duval, d/b/a Holey Mackerel. (Tax Key No. 619-9997-003)**
- 6B. Site Plan Review for Holey Mackerel, an existing business located at 5401 W. Layton Ave., submitted by Tripper Duval, d/b/a Holey Mackerel. (Tax Key No. 619-9997-003)**

Items 6A and 6B may be considered together.

Holey Mackerel has submitted an application to modify their hours of operation. The Plan Commission and Common Council approved operational hours to be 7:00am – 11:00pm in June 2023. The owner, Mr. Duval, is requesting to expand the hours to 1:00am. He stated that as a business owner, he is part of the Bucks Network, and will be showing games at Holey Mackerel. Some Bucks games start later, 9pm, and won't be done by the current closing time of 11pm.

The property is under an approved site and landscaping plan. The applicant hasn't started the major site improvements and expansion yet.

Per Section 21.04.0701.K. of the Municipal Code, *Subsequent Change or Addition to the Plans or Use*, "Any subsequent change or addition to the plans or use shall first be submitted for approval to the Plan Commission. If in the opinion of the Plan Commission, it is anticipated that such requested change in the special use substantially changes the concept or intent of a previously approved special use, the Plan Commission can consider it a major change to the original Special Use. If this is the decision of the Plan Commission, then a public hearing before the Common Council shall be required and notice thereof be given pursuant to the provisions of this division, and said proposed changes shall be submitted to the Common Council for approval." Staff is recommending that this application is not a "major change" and a public hearing is not required.

Staff recommends approval of the request to expand hours of operation to 1:00am, as the business is located along the W. Layton Ave. commercial corridor and won't negatively impact residential neighbors.

Recommendation: Recommend Common Council approval of the Special Use Permit and Site Plan Review for proposed hours of operation expansion for Holey Mackerel, an existing business located at 5401 W. Layton Ave., submitted by Tripper Duval, d/b/a Holey Mackerel. (Tax Key No. 619-9997-003)), subject to Plan Commission and staff comments.

Plan Commission agreed to extend the requested modified hours of operation to 1:00 am for inside the existing building only and keep the closing time of 11:00 pm for all outdoor operations, and will revisit the hours of operation if the applicant returns to Plan Commission with a request after the operational expansion/ new construction that was previously approved.

Motion by Mr. Marshall, seconded by Mr. Weis, to recommend Common Council approval of the Special Use Review and Site Plan Review for proposed hours of operation expansion for Holey Mackerel, an existing business located at 5401 W. Layton Ave., submitted by Tripper Duval, d/b/a Holey Mackerel (Tax Key No. 619-9997-003), subject to Plan Commission and staff comments including an outdoor closing time of 11:00pm and an indoor only closing time of 1:00am in the existing building only, and authorize this item to be expedited to the November 21, 2023 Common Council meeting without the need for a public hearing. Motion carried unanimously.

- 7A. Special Use Permit for VANEE Tattoo Studio, a proposed tattoo business to be located at 4633 S. 108 St., submitted by Vanessa Ruelas, d/b/a VANEE Tattoo Studio and Salim Shelleh, d/b/a Forest Park Real Estate LLC. (Tax Key No. 609-0033-001)**

7B. Site Plan Review for VANEE Tattoo Studio, a proposed tattoo business to be located at 4633 S. 108 St., submitted by Vanessa Ruelas, d/b/a VANEE Tattoo Studio and Salim Shelleh, d/b/a Forest Park Real Estate LLC. (Tax Key No. 609-0033-001).

Items 7A and 7B may be considered together.

Overview and Zoning

The applicant, Vanessa Ruelas, is proposing to occupy a portion of Suite 9, currently occupied by Beauty by LuLu Marie, within the Omega Plaza Shopping Center multi-tenant commercial building. Beauty by LuLu Marie will continue to occupy the tenant space, but approximately 150 sq. ft. of Suite 9 will be dedicated to VANEE Tattoo Studio. The applicant has three (3) years of experience in tattooing.

The property is zoned C-4 Regional Business District, which permits tattoo parlors 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 December 5, 2023. The applicant anticipates hours of operation to be Sunday, 8am-8pm, Tuesday through Saturday, 11am-10pm. The applicant will rent a portion of Suite 9 on a month-to-month basis.

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 site and landscape plan on file from 2019. The site is in good condition. The only issue was a small collection of wheel stops in the most northern parking stall. The wheel stops will need to be relocated and/or removed.

VANEE Tattoo Studio requires 3 (2 spaces per chair plus 1 space per employee) parking spaces and the remaining building requires 70 (5 spaces per 1,000 sq. ft.) parking spaces, for a grand total of 73 parking spaces. A total of 69 stalls are provided on the property. The Common Council may waive the shortage.

Recommendation: Recommend Common Council approval of the Special Use Permit and Site Review for VANEE Tattoo Studio, a proposed tattoo business, at Beauty by LuLu Marie, an existing business located at 4633 S. 108 St., submitted by Vanessa Ruelas, d/b/a VANEE Tattoo Studio and Salim Shelleh, d/b/a Forest Park Real Estate LLC. (Tax Key No. 609-0033-001), subject to Plan Commission and staff comments, and the following condition:

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

1. Removal and/or relocation of wheel stops currently stored in the northernmost parking stall.

Motion by Mr. Weis, seconded by Mr. Carlson, to recommend Common Council approval of the Special Use Permit and Site Review for VANEE Tattoo Studio, a proposed tattoo business, at Beauty by LuLu Marie, an existing business located at 4633 S. 108 St., submitted by Vanessa Ruelas, d/b/a VANEE Tattoo Studio and Salim Shelleh, d/b/a Forest Park Real Estate LLC (Tax Key No. 609-0033-001), subject to Plan Commission and staff comments, and authorize a public hearing to be scheduled for December 5, 2023.

8. Signage Plan Appeal for Naf Naf Greenfield, a proposed limited-service restaurant, to be located at 5003 S. 76 St., submitted by Emerson Mueller, d/b/a Innovative Signs, and Dustin Gasper, d/b/a Mama's Restaurant Group LLC. (Tax Key No. 616-0001-004).

Naf Naf Greenfield is seeking a signage variance, requesting additional signage beyond what the Chapter 19 Sign Code permits. The Code permits square footage based on a tenant's lineal footage. For this particular tenant space, the Code calculates 32.25 (1.5 x 23.5 ft) square feet of signage, Naf Naf Greenfield is requesting 63.5 square feet of signage, nearly twice the amount of signage allowed.

In February 2022, the neighboring non-corner tenant, Banfield Pet Hospital had its proposed wall signs approved. The Banfield Pet Hospital tenant space is approximately 40 lineal feet, thus calculating 60 (1.5 x 40) square feet of signage. Banfield Pet Hospital submitted for two equally sized wall signs, one on the east elevation and one on the west elevation, totaling 115 sq. ft. of wall signage. It appears previous staff accidentally approved the 115 sq. ft. of wall signage rather than the permitted 60 sq. ft. without taking it to the Plan Commission for a waiver.

The applicant argued in their signage waiver application that, *"by allowing a neighboring tenant to use the square footage allowance independently on each frontage, thus permitting 2x the normal code allowance, a precedent was set and situation created where adhering to the normal code parameters would produce disjointed and inconsistent flow of exterior signage."*

The proposed signage does not look disproportional, and given the staff error on the Banfield Pet Hospital wall signage, staff recommends approval of both wall signs, as submitted.

Recommendation: Approve the Sign Plan Appeal for Naf Naf Greenfield, a proposed limited-service restaurant, to be located at 5003 S. 76 St., submitted by Emerson Mueller, d/b/a Innovative Signs, and Dustin Gasper, d/b/a Mama's Restaurant Group LLC. (Tax Key No. 616-0001-004).

Motion by Mayor Neitzke, seconded by Mr. Weis, to approve the Signage Plan Appeal for Naf Naf Greenfield, a proposed limited-service restaurant, to be located at 5003 S. 76 St., submitted by Emerson Mueller, d/b/a Innovative Signs, and Dustin Gasper, d/b/a Mama's Restaurant Group LLC (Tax Key No. 616-0001-004), subject to Plan Commission and staff comments. Motion carried unanimously.

9. Community Development Manager Report

Ms. Porter said that the City of Greenfield received two responses to the Spring Mall RFP, one from Vanguard Partners and the other from Mandel. Ms. Porter said that both proposals are mixed use and are mostly multi-family residential. Staff and the Mayor met with each developer last week and each has until November 20th to make modifications. Consideration of each proposal will be discussed in closed session at the November 29th Finance and HR Committee Meeting.

10. Adjournment.

Motion by Mr. Weis, seconded by Mr. Carlson, to adjourn the meeting at 7:12 p.m. Motion carried unanimously.

Respectfully submitted,

Natalie Phillips
Administrative Assistant

Distributed November 17, 2023