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

PLAN COMMISSION STAFF REPORT

Tuesday, January 9, 2024 – 6:00 p.m.

1. Roll Call

2. Approval of the minutes from the December 12, 2023 meeting.

3. Discussion regarding last Common Council meetings.

4A. Special Use Permit for proposed construction of Scooters Coffee, a new limited-service restaurant, 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)

4B. Site, Landscaping, and Architectural Plans for proposed construction of Scooters Coffee, a new limited-service restaurant, 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)

Items 4A and 4B may be considered together.

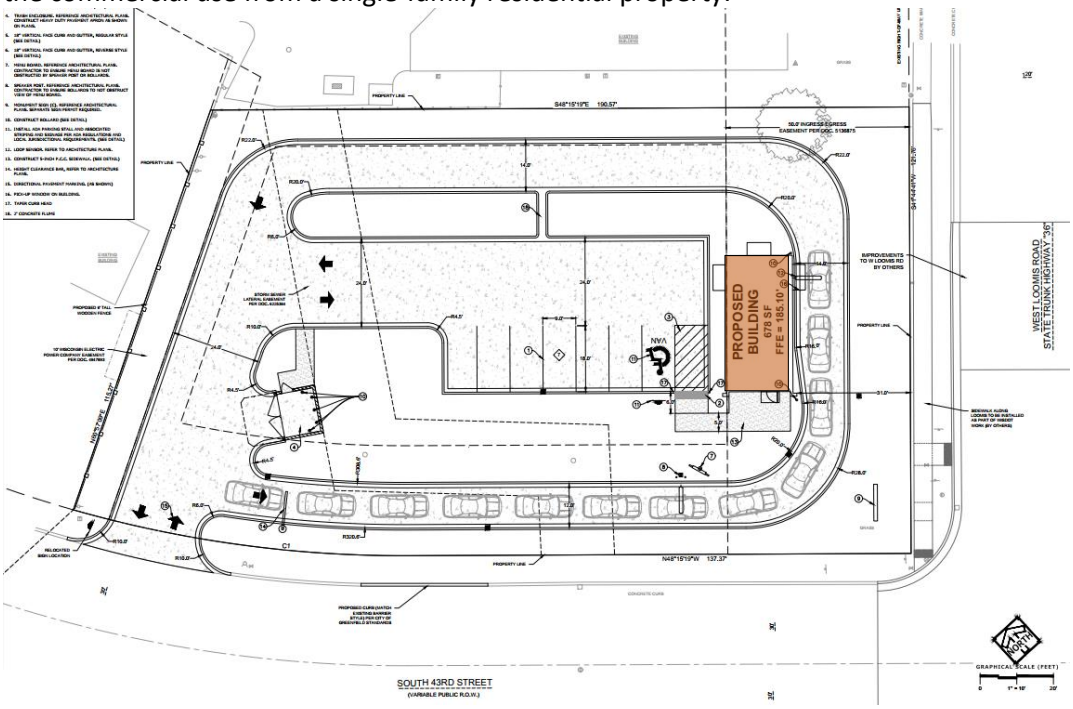
Overview and Zoning
The applicant, Mr. Toor, has submitted an offer to purchase the property, currently operating as Crossroads Diner. Mr. Toor's plan is to demolish the existing building and construct a new 678 sq. ft. coffee kiosk building with a drive-thru, known as Scooter's Coffee. The property is zoned C-2 Community Commercial District, which permits limited service restaurants as a Special Use. A public hearing will be required, staff recommends that it be scheduled for the February 21, 2024 Common Council meeting.

Scooter's Coffee was founded in 1998 in Omaha, NE and is a

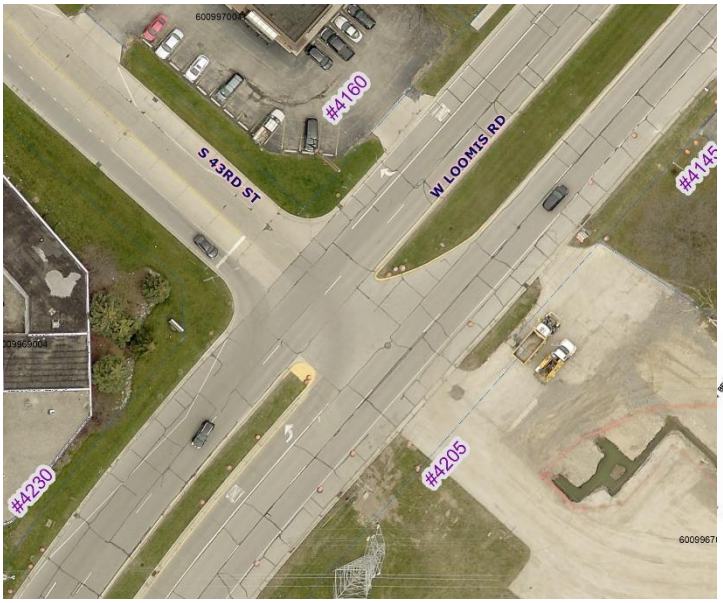
family-owned, privately-held company. Mr. Toor would be a franchisee. To date, Scooter's Coffee has about 700 stores open and operating, with the closest being on (what used to be called) Miller Parkway. The proposed hours of operation would be 6:00am – 8:00pm, seven (7) days/week. The small kiosk building 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.

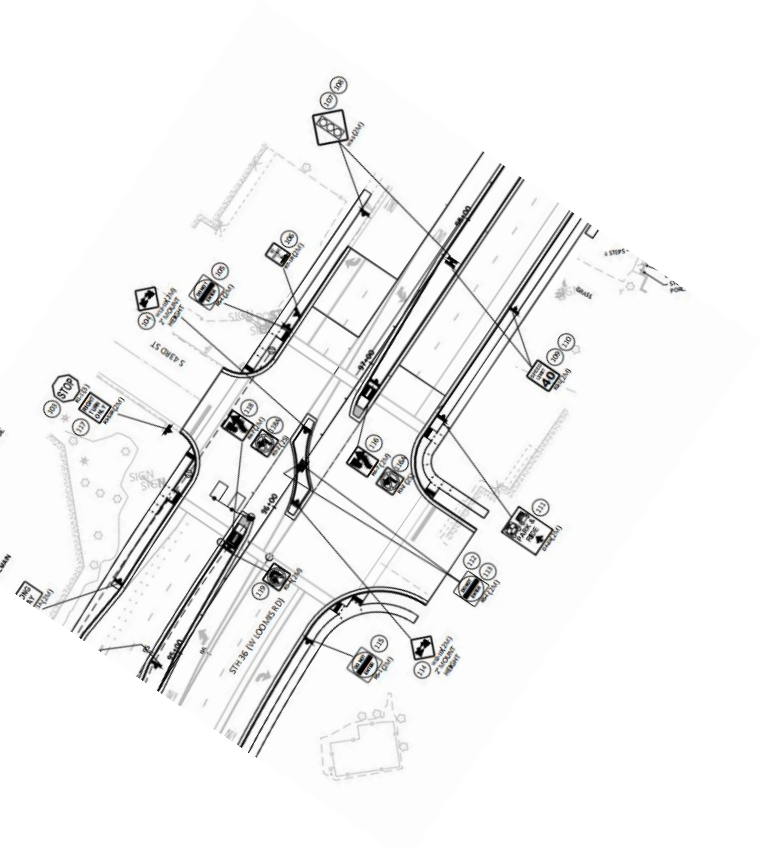
Site and Landscaping Plans

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. 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 "limited-service 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. The enclosure has a personnel door and will be constructed of split-face CMU, painted Skyline Steel to match the building. 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.

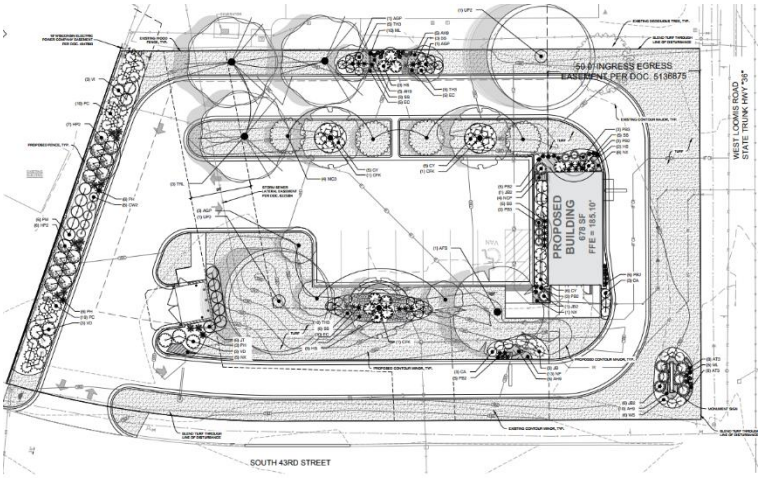


The site plan shows the building being situation approximately 31 feet off of the W. Loomis Rd. property line. The applicant is requesting a setback waiver from the Plan Commission and Common Council. The C-2 Zoning District has a 50-foot front yard setback requirement. Per Section 21.04.0302.C.(c) of 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.





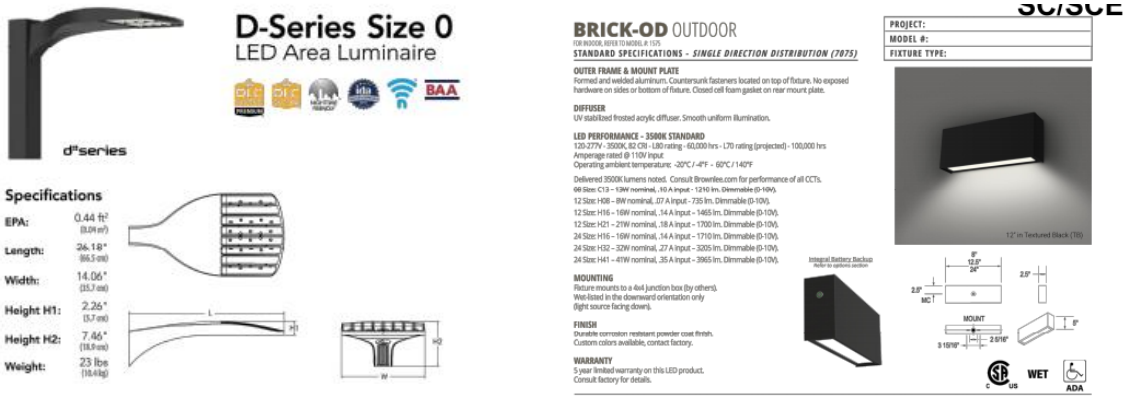
In addition to WisDOT closing the W. Loomis Rd. driveway approach to this property, WisDOT will be making median cut improvements at the intersection of S. 43 St. and W. Loomis Rd. Vehicles headed east on S. 43 St. towards W. Loomis Rd., will no longer be able to turn left, or northbound onto W. Loomis 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.



A landscaping plan has been provided to the City Forester to review. The plan shows three (3) canopy trees along with other landscaping along the north property line, additional canopy trees within the center of the site, a 10-foot landscape buffer along the west property line in front of the new wood fence, and foundation plantings along the base of the building. Staff is recommending that smaller ornamental trees be installed along S. 43 St. and W. Loomis Rd., as there is no proposed landscaping along the street frontages.

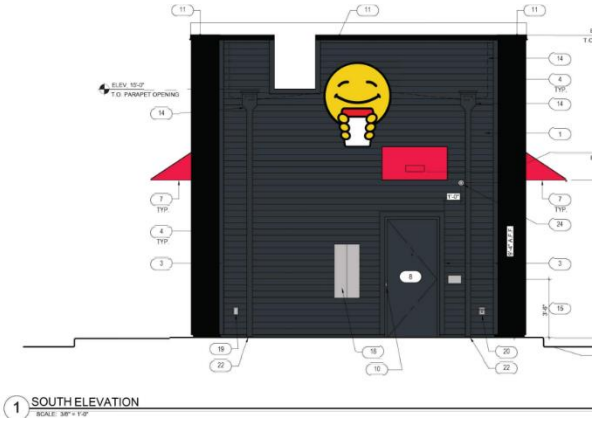
Photometric Plans

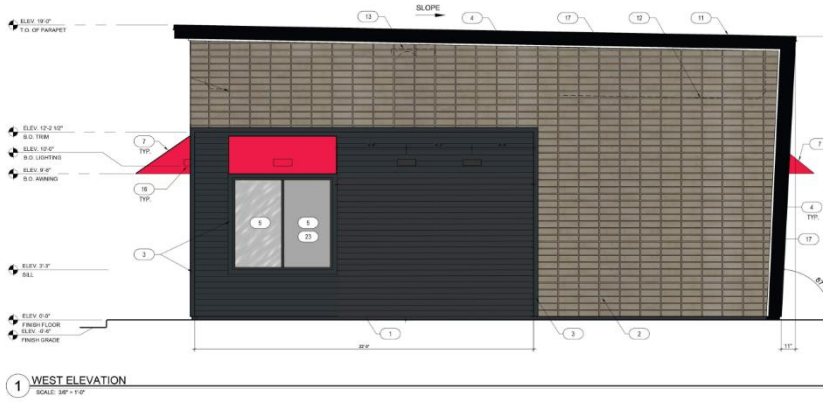
The photometric plan shows the installation of three (3) black D-Series, 15- ft. tall light poles internally throughout the site. The plans specify that the poles will be fixed to 30-inch concrete bases. The Zoning Code requires that exterior light pole base or pedestal shall not exceed six (6) inches above the ground in handicapped areas or curbed protected areas, so the concrete base heights will need to be reduced. A total of eight (8) wall sconce light fixtures will be mounted on the walls of the kiosk building. The photometric plan also shows an LED light strip being installed below the roof line and along the walls.



Architectural Plans

The 678 sq. ft. 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 fabric 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.





Signage

The applicant and his team have worked with staff to submit a signage plan that meets the Sign Code, a waiver from the Plan Commission is not needed.

Recommendation: Recommend Common Council approval of the Special Use Permit and the Site, Landscaping, and Architectural Plans for proposed construction of Scooter's Coffee, a proposed limited- service restaurant, to be located 4160 W. Loomis Rd., submitted by Davinder Toor, d/b/a Brew City Coffee, LLC. (Tax Key No. 600-9970-011), subject to Plan Commission and staff comments, and the following conditions:

(Items 1 through 6 are required to be satisfied prior to the issuance of building permits and/or Certificate of Occupancy associated with the proposed work reviewed by the Plan Commission.

Contractors applying for permits should be advised accordingly. The work associated with Item 1 must be completed within one year of Common Council approval.)

1. Revised Site, Landscaping and Architectural Plans being submitted to the Community Development Division to show the following: (a) cut-sheet details of wood fence along west property line; (b) west property line fence being reduced in height/tapered as it gets closer to S. 43 St.; (c) ornamental trees being added along W. Loomis Rd. and S. 43 St.; (d) all utility box locations, and utility boxes being screened from view with surrounding landscaping; (e) a stop sign being added at the S. 43 St. driveway exit; (f) removal/release of ingress/egress easement No. 5136875; (g) a ramp being added at the sidewalk that leads to the refuse enclosure; (h) utility meter piping/infrastructure/boxes being installed on the west side of the building; (i) reduction in concrete light pole base height to six (6) inches; (j) 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. A revised Civil Plan Set showing modifications/requirements as directed by the Engineering Department, subject to change in order to meet Municipal Code requirements.

5. Permit application approvals from WDNR/MMSD for sanitary permits, WDNR/Milwaukee Water Works for water permits, and WDNR/MMSD for stormwater permits, as applicable.

6. A fats, oils and grease "FOG" Plan being submitted for review and approval to Jake Wiltzius, Plumbing Inspector, at jake.wiltzius@greenfieldwi.us.

5A. Special Use Review for CITGO Restaurant, a limited-service restaurant, to be located at 5235 W. Loomis Rd., submitted by Amad Shazad, d/b/a Hasham Petroleum LLC. (Tax Key No. 648-0008-003)

5B. Site Plan Review for CITGO Restaurant, a limited-service restaurant, to be located at 5235 W. Loomis Rd., submitted by Amad Shazad, d/b/a Hasham Petroleum LLC. (Tax Key No. 648-0008-003)

Items 5A and 5B may be considered together.

Overview and Zoning

The Citgo gas station operator is proposing to occupy a portion of the building located at 5235 W. Loomis Rd., which was previously occupied by Subway, with a new limited-service restaurant. The dining space provides room for approximately 10 patrons. There is no specific restaurant name proposed at this time. The restaurant will serve tacos, burritos, nachos, etc., with a to-go menu.

The property is zoned C-3 Highway and Commercial Service Business District, which permits limited-service restaurants as a Special Use. Since the prior use of this space was a limited-service restaurant, a public hearing is not required. The hours of operation would be 10am – 9pm, daily.

Site Review

A site plan was not submitted, but the Zoning Code allows for the comprehensive review of the condition of a site was part of the Plan Commission Review. There is an approved site and landscape plan on file from 1996.

There were a handful of concerns that were identified as part of staff's review of the site, which were communicated to the property owner. Outdoor storage of firewood and bags of ice salt have been removed. The white fence on the east and southern sides of the property has a notable lean into the neighboring property. Staff speculates the state of the fence is the result of snow being plowed into the fence line, the weight resulting in the lean. Finally, one of the two (2) bollards protecting the payphone has been compromised and has a significant lean. The bollards should be straightened to provide adequate protection from vehicles.

Signage Review

The existing freestanding sign, located along W. Loomis Rd., is a legal nonconforming sign. The existence of the sign pre-dates the current Sign Code, and the Special Use Review will trigger conformance of the pylon sign within 24 months. Staff has reached out to the property owner to discuss future compliance.

Staff recommends this item be expedited to the January 16, 2024 Common Council meeting for review.

Recommendation: Recommend Common Council approval of the Special Use Review and Site Plan Review for the CITGO Restaurant, a limited-service restaurant, to be located at 5235

W. Loomis Rd., submitted by Amad Shazad, d/b/a Hasham Petroleum LLC (Tax Key No. 648-0008-003), 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. Item 3 is required to be satisfied within 24 months.)

1. A letter being submitted to the Community Development Division stating that the following items will be completed: (a) repair or replacement of the fence located along the west and south property lines, and repair or replacement of the damaged bollards next to the payphone, by May 31, 2024.

2. A fats, oils and grease "FOG" Plan being submitted for review and approval to Jake Wiltzius, Plumbing Inspector, at jake.wiltzius@greenfieldwi.us.

3. Replacement of the nonconforming pylon sign with a monument sign.

6A. Special Use Permit for Stasis Health & Wellness, a proposed massage therapy business, to be located within Suites on Loomis at 4958 W. Loomis Rd., Suite 6, submitted by Shannon Kamine, d/b/a Stasis Health & Wellness (Tax Key No. 620-9965-001).

6B. Site Plan Review for Stasis Health & Wellness, a proposed massage therapy business, to be located within Suites on Loomis at 4958 W. Loomis Rd., Suite 6, submitted by Shannon Kamine, d/b/a Stasis Health & Wellness (Tax Key No. 620-9965-001).

Items 6A and 6B may be considered together.

Overview and Zoning
The applicant, Ms. Shannon Kamine, is proposing to occupy Suite 6, approximately 120 sq. ft. of tenant space, within the Suites on Loomis multi-tenant commercial building. The applicant has 30 years of massage therapy experience and has been an independent contractor for the last six (6) years.

The property is zoned C-2 Community Commercial District which permits massage parlors as a Special Use. A public hearing, as required by the Special Use, can be scheduled as early as February 21, 2024.

The applicant anticipates the hours of operation to be 8am – 8pm, daily. The applicant is seeking to rent the space under a 1-year lease.

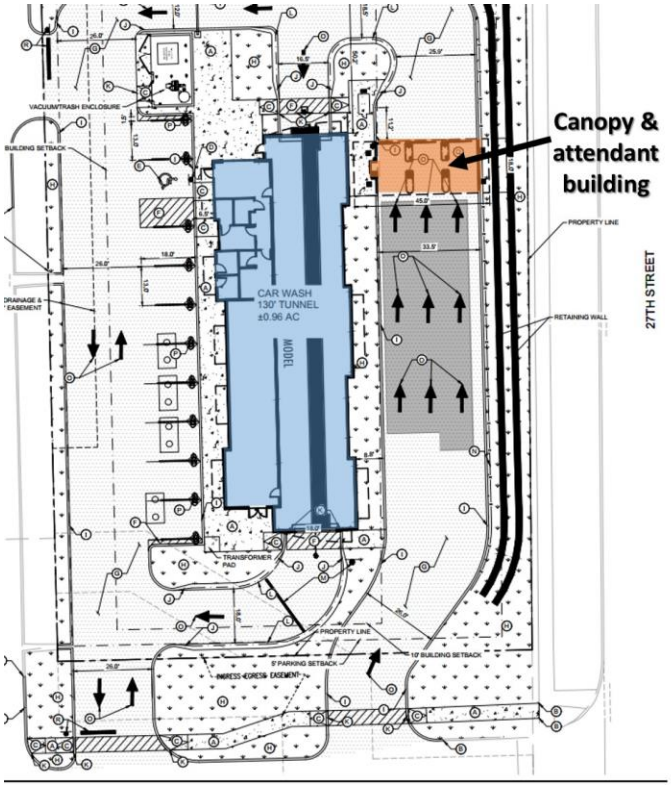
Site Review

A site plan was not submitted, but the Zoning Code allows for the comprehensive review of the condition of a site was part of the Plan Commission Review. There is an approved site and landscape plan on file from 2002. The site is in good condition with no issues identified during the staff visit to the site.

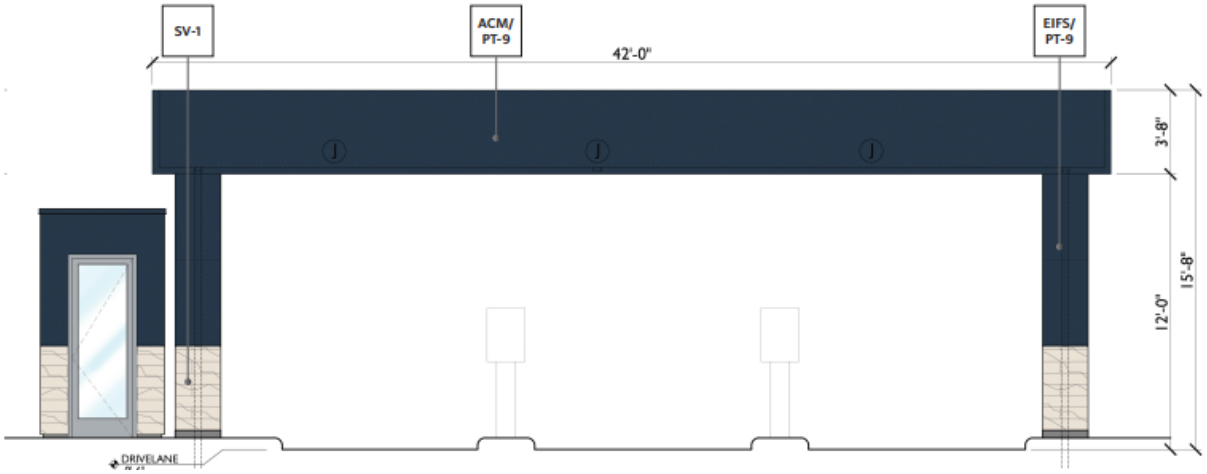
Stasis Health & Wellness requires three (3) parking spaces (2 spaces per chair, plus 1 space per employee) and the remaining building requires 39 parking spaces (2 spaces per chair, plus 1 space per employee), for a grand total of 42 required spaces. A total of 42 stalls are provided on the property.

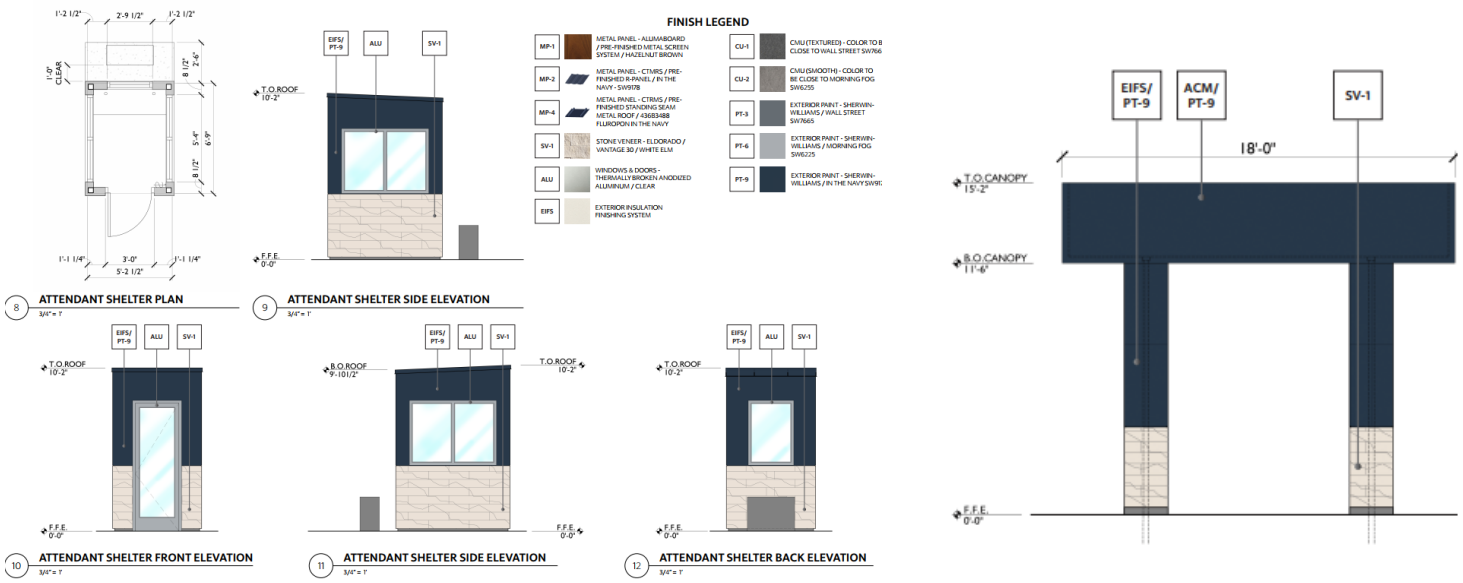
Recommendation: Recommend Common Council approval of the Special Use Permit and Site Plan Review for Stasis Health & Wellness, a proposed massage therapy business, to be located within Suites on Loomis at 4958 W. Loomis Rd., Suite 6, submitted by Shannon Kamine, d/b/a Stasis Health & Wellness (Tax Key No. 620-9965-001), subject to Plan Commission and staff comments.

7. Revised Architectural Plans for Mister Car Wash, to be located at 4763 S. 27 St., submitted by Arik Lokensgard, P.E., d/b/a Kimley-Horn. (Tax Key No. 622-9988-007)



It came to the City's attention at the December 2023 Plan Commission meeting, that the Mister Car Wash plans that were submitted for review in September 2022, did not include architectural plans nor a rendering of a canopy along the east building drive-thru. This came to the City's attention when a signage waiver was being considered at the December 2023 meeting. Mister Car Wash has since submitted architectural plans/renderings of the proposed canopy and attendant building. The canopy will be constructed of a stone veneer base to match the building, blue EIFS columns, and the canopy fascia will be constructed of 4MM ACM metal panels. The attendant building will be constructed of a stone veneer base and blue EIFS top half. The canopy is 42 ft. long by 18 ft. wide. The height is 12 ft. to bottom of canopy plus a 3'8" fascia, for a total of 15'8" in height.





Recommendation: Recommend Common Council approval of the Revised Architectural Plans for Mister Car Wash, to be located at 4763 S. 27 St., submitted by Arik Lokensgard, P.E., d/b/a Kimley-Horn (Tax Key No. 622-9988-007), subject to Plan Commission and staff comments.

8. Signage Plan Appeal for Mister Car Wash, to be located at 4763 S. 27 St., submitted by Garry Potts, d/b/a Professional Permits and Josh Wiewick, d/b/a Mister Car Wash/ CWP West Corp. (Tax Key No. 622-9988-007)

Mister Car Wash is seeking a signage variance, requesting additional signage beyond what the Chapter 19 Sign Code permits. Mister Car Wash appeared before Plan Commission on December 12, 2023 for a signage waiver, which was denied. A new proposal has been submitted seeking a

waiver for the total square footage of signage, the total number of signs, and the height of their monument sign.

- The Code permits 198 sq. ft. of signage for this particular property, Mister Car Wash is requesting 344 sq. ft. of signage.
- The Code permits two (2) wall signs for this particular property, Mister Car Wash is requesting seven (7) wall signs.
- The Code permits a monument sign to be a maximum of 10 ft. in height, Mister Car Wash is requesting a 15ft. monument sign.

Comparison to Signage Plan Submitted for December 12, 2023 Plan Commission Meeting

DECEMBER			
Type	Count		Total Square Footage
Monument	1	Monument Sign	31.9
Wall Sign	10 (max = 2)	Sign B "Mister"	73.3
Wall Sign		Sign B "Mister"	73.3
Wall Sign		Sign B "Mister"	73.3
Wall Sign		Sign B "Mister"	73.3
Wall Sign		Sign B "Mister"	73.3
Wall Sign		Sign C "Sparkles"	
Wall Sign		Sign C "Sparkles"	
Wall Sign		Sign F "Free Vacuums"	84.3
Wall Sign		Sign E "Exit" Wall Sign	8.4
Canopy	3	Sign G "Enter"	9.9
Canopy		Sign G "Unlimited Member"	11.9
Canopy		Sign G "Unlimited Member"	11.9
Drive-Thru	2	D3 Directional	5.0
Drive-Thru		D4 Directional	5.0
		APPROXIMATE TOTAL	608.4

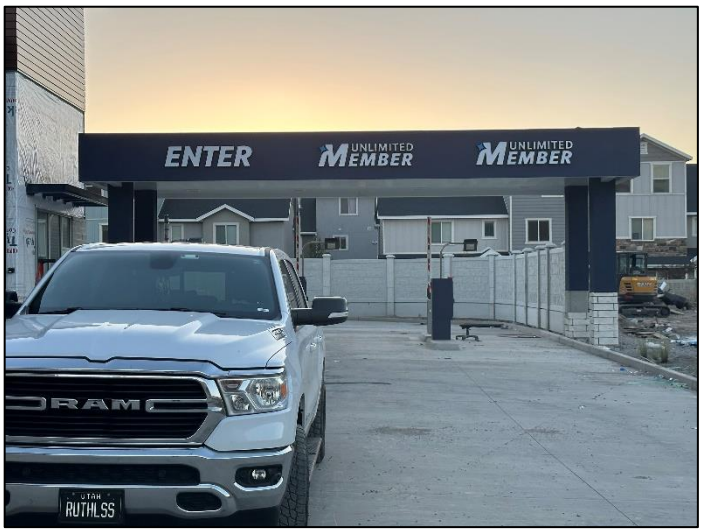
JANUARY			
Type	Count		Total Square Footage
Monument	1	Monument Sign	24.3
Monument		Monument Sparkles	
Wall Sign	7 (max = 2)	Sign B "Mister"	57.4
Wall Sign		Sign B "Mister"	57.4
Wall Sign		Sign B "Mister"	57.4
Wall Sign		Sign B "Mister"	57.4
Wall Sign		Sign C "Sparkles"	
Wall Sign		Sign F "Free Vacuums"	38.0
Wall Sign		Sign E "Exit" Wall Sign	8.4
Canopy	3	Sign G "Enter"	9.9
Canopy		Sign G "Unlimited Member"	11.9
Canopy		Sign G "Unlimited Member"	11.9
Drive-Thru	2	D3 Directional	5.0
Drive-Thru		D4 Directional	5.0
		APPROXIMATE TOTAL	344.2

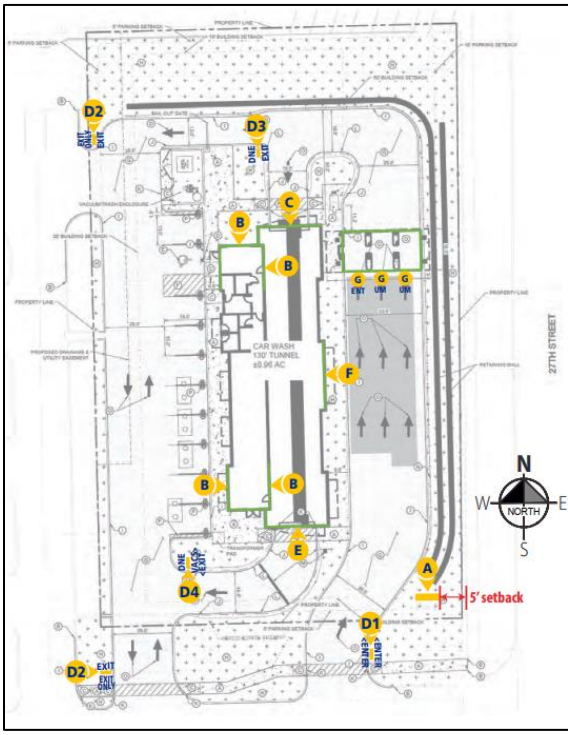
Following feedback from members of the Plan Commission, the applicant made the following amendments to their signage plan.

1. Reduction of Wall Signs – one (1) of the "Sparkles" wall signs has been removed and two (2) of the "Mister" wall signs have been removed.
2. Reduction of Total Square Footage – the previous proposal totaled 608 sq. ft. of signage; the current proposal is 344 sq. ft. The difference is primarily a result of the remaining wall signs being shrunk in size.
3. Addition of "Sparkles" to the previously blank space of the monument sign.

The following provides a list of changes that have not been made to the prior appeal.

1. "Free Vacuums" wall sign – Plan Commission comments from the December 12th meeting specifically noted that this wall sign should not be included as part of the current signage plan appeal.
2. Monument Sign Height – despite only one Plan Commission member indicating that they would be agreeable to allowing the 15ft. height of the sign, the applicant has decided to not reduce the height of the proposed monument sign.
3. Number of "Mister" Wall Signs – during the December 12th Plan Commission meeting, committee members stated that they would support two (2) "Mister" wall signs and that four (4) of the six (6) proposed "Mister" wall signs would need to be eliminated.





- **A** 4'- 8" x 7'- 0" Sparkle Sign @ 15' OAH - 25.9 sqft
- **B** 36" Mister Channel Letters (Opaque Center Sparkle)
- **C** 5'- 0" x 4'- 0"Hollow Sparkle Accent Lighting
- **D1** 1 qty., 3'- 9" x 2'- 5" Directional Sign
- **D2** 2 qty., 3'- 9" x 2'- 5" Directional Signs
- **D3** 1 qty., 3'- 9" x 2'- 5" Directional Signs
- **D4** 1 qty., 3'- 9" x 2'- 5" Directional Signs
- **E** 15" EXIT Illuminated Informational Signage
- **F** 24" FREE Vacuums LED Channel Letters
- **G** 1 qty., 18" Enter & 2 qty., 20" Unl. Members LED Illuminated Wayfinding Signage - Green indicator Dot
- **H** Indicates Yellow LED Accent Lighting

Staff recommends complete denial of the signage plan appeal by Mister Car Wash, as submitted. The current proposal fails to revise the previous signage plan per the recommendations of the Plan Commission during the December 12, 2023 meeting. Specifically, the current proposal has more than two (2) "Mister" wall signs and the "Free Vacuums" wall sign has not been removed. Staff recommends denial of the signage package, as submitted, but would recommend approval if the package was modified to reduce the number of "Mister" wall signs to two (2), to remove the "Free Vacuums" wall sign, and to reduce the height of the monument sign to 10ft. in height.

Recommendation: Denial of the Signage Plan Appeal for Mister Car Wash, to be located at 4763 S. 27 St., submitted by Garry Potts, d/b/a Professional Permits and Josh Wiewick, d/b/a Mister Car Wash/ CWP West Corp. (Tax Key No. 622-9988-007)

9. Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to Other Activities Related to Credit Intermediation.

The Legislative Committee met on December 13, 2023, and directed staff to draft an ordinance amendment removing the Other Activities Related to Credit Intermediation NAICS Code (522390) from the City's Zoning Code. "Other Activities Related to Credit Intermediation" businesses are your typical payday/check cashing services. NAICS Code 522390 requires a Special Use Permit in all commercial zoning districts and the PUD District. The Legislative Committee requested to remove this Code, which would mean that no new businesses of this type, would be allowed to operate in the City. There is one such-type of payday/check cashing business in the City currently, LendNation, located in the strip mall next to At Home on S. 27 St., that will be grandfathered and can continue to operate and switch hands until there is a one (1)-year gap without them being operational.

2007 NAICS	2012 NAICS	2017 NAICS	2022 NAICS	Index Entries for 522390
522390	522390	522390	522390	Check cashing services
522390	522390	522390	522390	Loan servicing
522390	522390	522390	522390	Money order issuance services
522390	522390	522390	522390	Money transmission services
522390	522390	522390	522390	Payday lending services
522390	522390	522390	522390	Travelers' check issuance services

Staff recommends that the draft ordinance proceed with a public hearing, which is scheduled for January 16, 2024.

10. Ordinance to amend Section 21.04.0703 of the Municipal Code pertaining to detailed standards for special uses in nonresidential districts.

The Legislative Committee met on December 13, 2023, and directed staff to draft an ordinance amendment, allowing ice storage boxes outside at convenience stores and gas stations. Currently, Subsection 21.04.0703 of the Municipal Code prohibits ice storage boxes to be outside. The proposed amended language is as follows:

8. *Outdoor storage and display of merchandise not permitted*. The outdoor storage or display of merchandise shall not be permitted. Prohibited display or merchandise shall include, but not be prohibited to, vending boxes and/or vending machines, firewood, window washing fluid, and salt bags. Propane tanks or other flammable materials, and ice storage boxes may be permitted outdoors.

Staff recommends that the draft ordinance proceed with a public hearing, which is scheduled for January 16, 2024.

11. Community Development Manager Report

12. Adjournment.