

CITY OF GLENDALE -- PLAN COMMISSION

Tuesday, June 07, 2016

Pursuant to adjournment, the City Plan Commission met in the Common Council Chambers of City Hall, 5909 North Milwaukee River Parkway.

Mayor Kennedy called the meeting to order at 6:00 p.m.

Roll Call: Present: Mayor Bryan Kennedy, Commissioners JoAnn Shaw, Karn Cronwell, Fred Cohn, Bruce Cole, Robert Pfauth, and Tomika Vukovic. Absent: None.

Other Officials Present: Richard E. Maslowski, City Administrator, Rachel Reiss, Deputy City Administrator, Todd M. Stuebe, Director of Community Development.

In accordance with the Open Meeting Law, the North Shore NOW, the City's official newspaper, was advised on Thursday, June 2, 2016, of the date of this meeting, the agenda was posted on the official bulletin board in City Hall, copies of the agenda were made available to the general public in the Municipal Building and the Police Department, and those persons who have requested were sent copies of the agenda.

PLEDGE OF ALLEGIANCE.

The Members of the Plan Commission, City staff and all those present pledged allegiance to the flag of the United States of America.

ADOPTION OF THE MINUTES.

Motion was made by Comm. Cohn, seconded by Comm. Cole, to approve the minutes of the meeting held on Tuesday, May 3, 2016. Roll Call: Ayes: Mayor Kennedy, Commissioners Shaw, Cronwell, Cohn, Cole, Pfauth, and Vukovic. Noes: None. Abstain: None. Motion carried unanimously.

MATTERS FOR CONSIDERATION.

- I. 6:00 P.M. Plan Commission Public Hearing, Application to Rezone 6789-6799 North Green Bay Avenue (Tax Key Parcel 134-9002-000) from B-4 Office-Research-Service Business District to PD Planned Unit Development-Mixed Use Commercial and Institutional Use. Rabbi Mendel Shmotkin, to present informational statement and general development plan, public comment, and Plan Commission review, discussion, and recommendation to Common Council.

Mr. Stuebe stated that the Plan Commission Report was distributed to the Plan Commissioners and Applicant and is incorporated herein as follows:

Plan Commission Report:

Lubavitch of Wisconsin proposes to change the zoning of 6789-6799 North Green Bay Avenue (refer to Photograph) from B-4 Office-Research-Services

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Business District to PD-Planned Unit Development District-Mixed Use Commercial Office and Institutional.

Developer to Present Informational Statement and General Development Plan

Rabbi Mendel Shmotkin of Lubavitch of Wisconsin will present the proposed changes to the Plan Commission and citizens present (Refer to submittal documents). The proposal will modify the permitted use of the Greensquare II building from commercial office use to provide for the previously approved Hillel High School (Girls only school) and also provide for religious use within the Greensquare II building. Commercial office and alternative healthcare uses will continue to be permitted uses within the Greensquare I building, with the religious use offices also occupying some of the space. City of Glendale real estate property taxes are proposed to be prorated between the remaining commercial use and the religious use(s).

Photograph. View of Greensquare II (West, Left) and Greensquare I (East, Right).



Required Action

The necessary action by the Plan Commission is to recommend to the Common Council per Zoning Code 13.1.182(b) that the Petition be granted, modified, or denied.

Rabbi Mendel Shmotkin introduced himself as representing Lubavitch of Wisconsin's proposed rezone of the Greensquare property from B-4 Office-Research-Service Business District to PD-Planned Unit Development District to permit the proposed institutional use in the Greensquare II Building (Westerly) and the institutional and commercial office use in

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the Greensquare I Building (Easterly). Rabbi Shmotkin stated that they propose to modify the use, it is mixed use as before, and allow for the girls high school, similar to the Torah Academy of Milwaukee (TAM), in Greensquare II. Rabbi Shmotkin stated that they are looking to have in time...now there are 12 students located at Barnabas...they will move the students over to the Greensquare, and slowly grow the school, and said that he thinks they will have a maximum of 40 students, and also stated that they have the potential also to have the synagogue there Saturday and Sunday that currently rents Good Hope School, when outgrown will move to this space as well. Rabbi Shmotkin stated that for Greensquare I they will move their offices there, currently located in Milwaukee, and will continue to have the healing arts there, on the first level will be the synagogue offices and rent offices on the second level, and he does not have a time frame, but it is an insurance policy for the existing space.

In the time frame for Commissioner inquiry City Administrator Maslowski asked if they are agreeable to enter into a Pilot Agreement similar to and consistent with the Torah Academy of Milwaukee.

Rabbi Shmotkin stated that he was not familiar with Torah Academy agreement, but is agreeable and will work with the City Attorney prior to an agreement to purchase, and that Richard Marcus of Godfrey & Kahn is legal counsel.

Mayor Kennedy opened the Public Comment Period.

Dr. Jan Slotnik, 6790 North Melissa Court, Number 2. Dr. Slotnik stated that he is the closest resident and has lived there 18 years, and was present when Armin Nankin built the place, and has had a dental practice located within Greensquare I, and that his front door is about 30 yards away. Dr. Slotnik stated that his concern is the barrier, that they are supposed to have landscaping, and that it has not been maintained per the requirements, that the barrier is like a fence, his driveway is 10 yards away, and concluded stating that he supports if the barrier is satisfactory.

Comm. Vukovic asked Dr. Slotnik to explain the concern about that.

Dr. Slotnik stated that his concern is the number of people outside his front door, would the entry to the synagogue be to the east or west, and traffic was uncertain, and commented that Dr. Reyes entrance is to the west side of Greensquare II.

Comm. Vukovic asked what barrier is there now.

Dr. Slotnik stated there are some shrubs that have not been maintained.

Mayor Kennedy asked if there were any more citizens who wanted to make comments. There were none.

Motion by Comm. Shaw, seconded by Comm. Cohn, to close the Public Hearing. Roll Call: Ayes: Mayor Kennedy, Commissioners Shaw, Cronwell, Cohn, Lippow, Pfauth, and Vukovic. Noes: None. Abstain: None. Motion carried unanimously.

Motion by Comm. Cohn, seconded by Comm. Cronwell, that the Plan Commission recommend that the Common Council approve the rezone the Greensquare I and II property to PD-Planned Unit Development District as presented and agreed. Roll Call: Ayes: Mayor Kennedy, Commissioners Shaw, Cronwell, Cohn, Cole, Pfauth, and Vukovic. Noes: None. Abstain: None. Motion carried unanimously.

II. Plan Commission Review, Arby's, 5260 North Port Washington Road. Review and approve proposed architectural, site, landscaping, sign, and lighting plans, plan of operation, and use and occupancy by Arby's.

Mr. Stuebe stated that the Plan Commission Report was distributed to the Plan Commissioners and Applicant and is incorporated herein as follows:

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Plan Commission Report:

Brian M. Cooley of Brian Cooley & Associates, LLC, representing Carisch, Incorporated (Property owner and Arby's franchise owner), seeks Plan Commission review and approval of the architectural (as well as material and color sample exhibit), site, landscaping, signage, and lighting plans, as well as use and occupancy and the Plan to Operate (refer to packet documents) the Arby's Restaurant at 5260 North Port Washington Road (currently Burger King restaurant with drive-in window service). The site is zoned B-1, B Business and Commercial District, and the proposed changes require Plan Commission review and approval.

Photograph. View of 5260 North Port Washington Road.



The proposed Arby's will be constructed in the same approximate placement as the existing Burger King, with the drive-in window service to function similar to the existing site. The site plan will be largely the same with the parking and drive lanes repaved, improvements to the site lighting, improved landscape, and signage conforming to the Glendale Sign Code.

Community Development Director Stuebe stated that staff recommends that the Plan Commission grant approval for Carisch, Incorporated, to construct the proposed Arby's Restaurant at 5260 North Port Washington Road per the architectural (to include the presented materials and colors) site, landscape, lighting, and signage plans, to continue the legal non-conforming drive-in window service, as well as use and occupancy, with the following requirements: 1) Signage Permits per the Glendale Sign Code; 2) Business hours to comply with Glendale Code 7.15.4 and 7.2.15 as applicable; 3) All landscaping and lighting features being maintained and replaced and/or replenished whenever necessary, subject to approved landscape plans, pursuant to tenant/owner lease responsibilities; 4) Dumpster enclosure(s) in compliance with 13.1.144 of the Zoning Code; 5) All City of Glendale building and fire codes being carried out to the satisfaction of the Building Inspector and the North Shore Fire Department; 6) Written

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certification by owner of compliance with State of Wisconsin requirements for physically disabled parking prior to issuance of Occupancy Permit.

Stacy Carisch introduced herself as the project owner with Carisch Properties.

Brian Cooley introduced himself as the architect, and went on to present the project and shared the project material and color boards.

Motion by Comm. Cole seconded by Comm. Cohn, that the Plan Commission grant approval for Carisch, Incorporated, to construct the proposed Arby's Restaurant at 5260 North Port Washington Road per the architectural (to include the presented materials and colors) site, landscape, lighting, and signage plans, to continue the legal non-conforming drive-in window service, as well as use and occupancy, per the six requirements. Roll Call: Ayes: Mayor Kennedy, Commissioners Shaw, Cronwell, Cohn, Cole, Pfauth, and Vukovic. Noes: None. Abstain: None. Motion carried unanimously.

- III. Plan Commission Review, Dickey's Barbecue Pit, 6969 North Port Washington Road (Glendale Market, part of former Aurora Pharmacy tenant space). Review and approve proposed barbecue sandwich and related food items use and occupancy.

Mr. Stuebe stated that the Plan Commission Report was distributed to the Plan Commissioners and Applicant and is incorporated herein as follows:

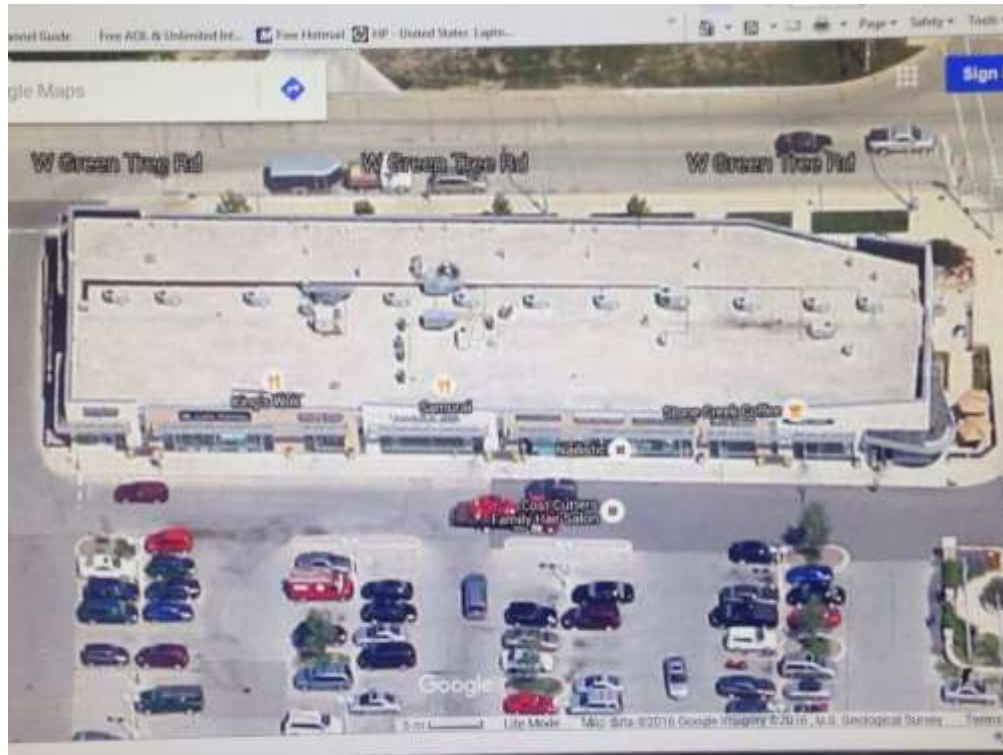
Plan Commission Report:

Dickey's Barbecue Pit (Povohat, LLC) seeks Plan Commission approval to operate a Dickey's Barbecue Pit within part of the former Aurora Pharmacy tenant space located at 6969 North Port Washington Road (Glendale Market). The site is zoned PD-Planned Unit Development District and the proposed use and occupancy requires Plan Commission review and approval.

Dickey's Barbecue Pit is a franchise and the proposed restaurant will be owned and operated by Craig Hatfield and Sherri Povolito (Povohat, LLC). The restaurant will feature barbecue sandwiches and plates. The restaurant is a fairly typical state-of-the-art franchise entity and the smoking operation is conducted inside the tenant space utilizing modern cooking equipment to control the impacts that might be of concern if it were a traditional smoking operation. There are not any plans to have delivery vehicles, outside smokers, or other signage such as blow-ups and balloons, pennant streamers, or similar promotional items beyond the two wall signs permitted under the existing Planned Sign Program (PSP) for Glendale Market.

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Photograph. View of 6969 North Port Washington Road (Glendale Market).



Proposed business hours are not specified. Applicant anticipates there will be a total of eight to twenty persons employed, of which two to five will be full-time.

Community Development Director Stuebe stated that staff recommends that the Plan Commission grant use and occupancy approval for Craig Hatfield and Sherri Povolo (Povohat, LLC), to operate Dickey's Barbecue Pit, a barbecue sandwich and related food items restaurant that will possibly seek a license to serve beer and/or wine, within a part of the former Aurora Pharmacy tenant space located at 6969 North Port Washington Road (Glendale Market), with the following requirements: 1) Common Council review and approval of any request to serve beer, etc.; 2) Signage Permits per the existing Glendale Market Planned Sign Program (PSP) and the Glendale Sign Code; 3) Business hours to comply with Glendale Code 7.15.4 and 7.2.15 as applicable; 4) All landscaping and lighting features being maintained and replaced and/or replenished whenever necessary, subject to approved landscape plans, pursuant to tenant/owner lease responsibilities; 5) Dumpster enclosure(s) per 13.1.144 of the Zoning Code; 6) All City of Glendale building and fire codes being carried out to the satisfaction of the Building Inspector and the North Shore Fire Department; 7) Written certification by owner of compliance with State of Wisconsin requirements for physically disabled parking prior to issuance of Occupancy Permit.

Craig Hatfield introduced himself as one of the owner representatives of Povohat, LLC, and talked about the smoked meat restaurant, and that they also cater as part of their businesses activities, and that they had agreement with the property owner to keep the Dickey's Barbecue cater van in the northwest Glendale Market employee parking lot.

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Motion by Comm. Cohn, seconded by Comm. Cronwell, that the Plan Commission grant use and occupancy approval for Craig Hatfield and Sherri Povolo (Povohat, LLC), to operate Dickey's Barbecue Pit, a barbecue sandwich and related food items restaurant business that also caters, that will possibly seek a license to serve beer and/or wine, and to park a van in the northwest Glendale Market employee parking lot, all within a part of the former Aurora Pharmacy tenant space located at 6969 North Port Washington Road (Glendale Market), per the eight requirements. Roll Call: Ayes: Mayor Kennedy, Commissioners Shaw, Cronwell, Cohn, Cole, Pfauth, and Vukovic. Noes: None. Abstain: None. Motion carried unanimously.

ADJOURNMENT.

Motion by Comm. Cohn, seconded by Comm. Pfauth, to adjourn the Plan Commission until 6:00 p.m. on Tuesday, July 5, 2016. Roll Call: Ayes: Mayor Bryan Kennedy, Commissioners Shaw, Cronwell, Cohn, Cole, Pfauth, and Vukovic. Noes: None. Motion carried unanimously.

Todd M. Stuebe, Director of Community Development

Recorded: June 10, 2016
June 28, 2016