

CITY OF GLENDALE -- PLAN COMMISSION

Tuesday, November 12, 2013

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

Mayor Tepper called the meeting to order at 7:00 p.m.

Roll Call: Present: Mayor Jerome Tepper, Commissioners JoAnn Shaw, Izzy Goldberg, Fred Cohn, Ilmar Junge, Larry Appel, and Dennis Noble. Absent: None.

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

In accordance with the Open Meeting Law, the Glendale Herald, the City's official newspaper, was advised on Thursday, November 7, 2013, 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. Noble, seconded by Comm. Cohn, to approve the minutes of the meeting held on Tuesday, October 15, 2013. Roll Call: Ayes: Mayor Jerome Tepper, Commissioners Shaw, Goldberg, Cohn, Junge, Appel, and Noble. Noes: None. Abstain: None. Motion carried unanimously.

MATTERS FOR CONSIDERATION.

- I. 7:00 P.M. Conditional Use Permit Review and Approval, Heiser Ford, Incorporated, 1700 West Silver Spring Drive. Review and approve proposed parking use and occupancy on adjacent Union Pacific Railroad owned lands.

Applicant, Don Meyer, proposes to utilize Union Pacific Railroad lands for parking of vehicles related to the operations of Heiser Ford. The Heiser Ford site is zoned PD Planned Unit Development. The Union Pacific Railroad owned lands are zoned for transportation use. The proposed parking lot usage of adjacent lands is subject to Plan Commission review and approval.

Improvements will be made to the grounds as shown on the plans and as described in the submitted documents. The proposed use is temporary in

CITY OF GLENDALE -- PLAN COMMISSION

that the lease arrangement with the Union Pacific Railroad is one-year renewable terms.

Mr. Stuebe stated that Staff recommends that the Plan Commission grant Conditional Use Permit approval for Heiser Ford to use and occupancy the Union Pacific Railroad lands for parking automobiles, in conformance with the site plan drawing, subject to the following conditions: 1) All landscaping being maintained and replaced and/or replenished whenever necessary, and 2) Upon termination of lease agreement with Union Pacific Railroad the land shall be restored with landscaping subject to Plan Commission review and approval.

Don Meyer introduced himself as employed by Heiser Automotive. Mr. Meyer stated that they are in need of space to park cars as business is allot better than it ever has been, that there off-site storage site on West Florist Avenue is full, and basically what they will use the space for is to park the customers cars. Mr. Meyer stated that he has talked with the railroad and they understand that if the railroad ends the lease or if Heiser ends the lease Heiser has to restore the property to the way it was.

Motion by Comm. Shaw, seconded by Comm. Junge, that the Plan Commission grant Conditional Use Permit approval for Heiser Ford to use and occupancy the Union Pacific Railroad lands for parking automobiles, in conformance with the site plan drawing, subject to the two conditions. Roll Call: Ayes: Mayor Jerome Tepper, Commissioners Shaw, Goldberg, Cohn, Junge, Appel, and Noble. Noes: None. Abstain: None. Motion carried unanimously.

- II. 7:00 P.M. Plan Commission Review, Papa Murphy's Take n Bake Pizza, 6150 North Port Washington Road (North Bay Center). Review and approve proposed specialty take and bake pizza 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:

Applicant, Cameron Kappl (CFK Holdings, LLC) is seeking Plan Commission approval for use of a 1,600 square-foot tenant space in the 13,563 square-foot North Bay Center by Papa Murphy's Take n Bake Pizza, a specialty pizza use where pizzas are specially prepared for the customer who then take the unbaked pizza with them and then bake it themselves. The proposed use is permitted in the B-1-F1 Zoning District with Plan Commission review and approval.

Upon occupancy by Papa Murphy's, the North Bay multi-tenant retail center will be back at 100 percent occupancy. Other tenants include AT&T, Sport Clips, Magical Nails, H&R Block, and Batteries Plus.

The proposed hours of operation are Sunday through Saturday from 10:00 a.m. to 8:00 p.m. Papa Murphy's anticipates having a total of ten (10) employees with a maximum of five (5) employees working in the store at any given time.

CITY OF GLENDALE -- PLAN COMMISSION

Mr. Stuebe stated that Staff recommends that the Plan Commission grant use and occupancy approval for Cameron Kappl to operate Papa Murphy's Take n Bake Pizza, a pizza preparer specialty use (pizzas are not baked or served at the store), at 6150 North Port Washington Road, subject to the following conditions: 1) Signs are required to conform with the Planned Sign Program for the property per the Glendale Sign Code; 2) Dumpster enclosure(s) to be in compliance with 13.1.144 of the Zoning Code; 3) All City of Glendale building and fire codes being carried out to the satisfaction of the Building Inspector and the North Shore Fire Department; 4) Written certification by owner of compliance with State of Wisconsin requirements for physically disabled parking prior to issuance of Occupancy Permit.

Cameron Kappl was not present due to training in Vancouver, Washington.

Comm. Cohn inquired about the information applicant provided in the Plan of Operation regarding neon signage stating "Take and Bake Pizza" and other window signage that is unlit, that that is something that we should talk about.

Motion by Comm. Junge, seconded by Comm. Appel, that the Plan Commission grant use and occupancy approval for Cameron Kappl to operate Papa Murphy's Take n Bake Pizza, a pizza preparer specialty use (pizzas are not baked or served at the store), at 6150 North Port Washington Road, subject to the recommended conditions, except for signage, and that applicant must come back to the Plan Commission pertaining to signage. Roll Call: Ayes: Mayor Jerome Tepper, Commissioners Shaw, Goldberg, Cohn, Junge, Appel, and Noble. Noes: None. Abstain: None. Motion carried unanimously.

III. 7:00 P.M. Plan Commission Review, The Lawn Professor, LLC, 6161 North Flint Road (Crain Multi-Tenant). Review and approve proposed lawn service 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:

Applicant, Ryan Ziegler, owner of The Lawn Professor, L.L.C., seeks Plan Commission Conditional Use Permit review and approval to use and occupy a tenant space located at 6161 North Flint Road (formerly WI Detail Service). The Lawn Professor is currently located at 6687-89 North Sidney Place. The property is zoned M-1 Warehouse, Light Manufacturing, Office and Service District, and a landscaping business use requires Plan Commission Conditional Use Permit review and approval.

As proposed all of The Lawn Professor use of the 6161 North Flint Road premises will be contained within the tenant space inside the building with no outside storage of materials, equipment, or supplies other than daytime parking of owner and employee cars. The Lawn Professor reports that it has zero employees with a maximum of ten persons at the site at any given time. Business hours are Monday through Saturday from 7:00 a.m. to 5:00 p.m.

CITY OF GLENDALE -- PLAN COMMISSION

There are not any proposed improvements or changes to the building or grounds.

Mr. Stuebe stated that Staff recommends that the Plan Commission grant Conditional Use Permit approval for The Lawn Professor, LLC (Ryan Ziegler), a landscaping business, to utilize the interior tenant space located at 6161 North Flint, only for inside storage of equipment (truck, trailer, lawn mowers, a snow plow, and tools), subject to the following conditions: 1) No outside storage; 2) Payment of \$300 Conditional Use Permit fee; 3) Submit Equipment and Materials Storage Plan subject to Staff review and approval; 4) Subject to adhering to the Equipment and Materials Storage Plan; 5) All landscaping features being maintained and replaced and/or replenished whenever necessary; 6) All signs to be compliant with the Glendale Sign Code; 7) Certificate of Code Compliance; 8) All City of Glendale building and fire codes being carried out to the satisfaction of the and Building Inspector and North Shore Fire Department; 9) Written certification by owner of compliance with State of Wisconsin requirements for physically disabled parking prior to issuance of Occupancy Permit.

Mr. Stuebe stated that Ryan Ziegler was not present and that The Lawn Professor, LLC, is a business that is relocating within the City from a multi-tenant building located on North Sidney Place to 6161 North Flint Road, and that the business is shifting over to the Curt Crain facility, that it is a Conditional Use Permit, and that the representations that applicant has made are in the Staff Report that it would all be inside the building, and only the storage items as relate to the lawn care maintenance business.

Comm. Shaw inquired as the District Alderperson, how would they be doing their fertilizer.

Mr. Stuebe stated that historically we have tried to make certain that is identified and quantified as the North Shore Fire Department is concerned with such items.

Comm. Cohn inquired about the number of employees being zero with a maximum of ten at any one time.

Mr. Stuebe stated that Mr. Ziegler had shared that they do not have any employees and that The Lawn Professor may work with persons that do not constitute employees of his firm such as seasonal or contract workers.

Motion by Comm. Appel, seconded by Comm. Junge, that the Plan Commission grant Conditional Use Permit approval for The Lawn Professor, LLC (Ryan Ziegler), a landscaping business, to utilize the interior tenant space located at 6161 North Flint, only for inside storage of equipment (truck, trailer, lawn mowers, a snow plow, and tools), subject to the nine conditions. Roll Call: Ayes: Mayor Jerome Tepper, Commissioners Shaw, Goldberg, Cohn, Junge, Appel, and Noble. Noes: None. Abstain: None. Motion carried unanimously.

- IV. Plan Commission Review, Certified Survey Map, Machi Property Management, 4215-4237 North Port Washington Road (City of Glendale Tax Key Parcel 2438999) and 4253 North Port Washington Road (City of Milwaukee Tax Key Parcel 2439993100). Review and recommend Common Council approval of Certified Survey Map (CSM) changing parcel boundaries.

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

CITY OF GLENDALE -- PLAN COMMISSION

Machi Produce seeks approval of a Certified Survey Map to change the exterior boundary of lands owned by Machi Property Management to facilitate the growth of Tony Machi Fruits and Vegetables, Incorporated. The change to the exterior boundaries includes acquisition of about 50 feet of land (about 25,413 square feet) along the west side of the existing Machi owned land, and transfers about 50 feet of land (13,963 square feet) located along the south side to the adjacent property owner. The net area of the Machi owned lands will total 4.7223 acres (205,704 square feet).

Mr. Stuebe stated that the necessary action by the Plan Commission is a recommendation to the Common Council to approve the Certified Survey Map subject to payment of the \$75.00 administrative fee, making any required legal and/or technical corrections to the document, and payment of City Attorney and/or Engineer CSM review fees.

Dan Frigge introduced himself as a civil engineer with ESI Design Services out of Hartland, and that they are working with the Machi property both on the certified survey map and the addition that is the next agenda item.

Nick Strube introduced himself as also with ESI and that he works on the architectural design side.

Mr. Frigge stated that he felt that the information provided to the Plan Commission was fairly self-covering.

Comm. Junge stated that he was glad to see that the company is growing and that it is a wonderful area, especially with Maglio and Machi both doing well.

Motion by Comm. Goldberg, seconded by Comm. Cohn, that the Plan Commission recommend that the Common Council approve the Certified Survey Map subject to payment of the \$75.00 administrative fee, making any required legal and/or technical corrections to the document, and payment of City Attorney and/or Engineer CSM review fees. Roll Call: Ayes: Mayor Jerome Tepper, Commissioners Shaw, Goldberg, Cohn, Junge, Appel, and Noble. Noes: None. Abstain: None. Motion carried unanimously.

- V. 7:00 P.M. Plan Commission Review, Machi Produce, 4215-37 North Port Washington Road (City of Glendale lands only). Review and approve changes to site plan and use.

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

Applicant, Machi Produce, is proposing to add a refrigerated loading dock and office addition to its existing fruit and vegetable distribution facility that is located in the City of Milwaukee (not the subject of this review), and to make site changes that include a loading dock, parking lot, and retaining wall, that will be located on lands that are located on the Machi owned lands within the City of Glendale (refer to plan documents). No other changes are proposed to the Machi facilities or business operations within the City of Glendale.

CITY OF GLENDALE -- PLAN COMMISSION

Mr. Stuebe stated that Staff recommends that the Plan Commission grant approval for Machi produce to complete the proposed site changes and use approval for Machi produce to operate the fruit and vegetable distribution enterprise, subject to the following conditions: 1) All landscaping and lighting features in the City of Glendale being maintained and replaced and/or replenished whenever necessary pursuant to tenant/owner lease responsibilities; 2) Subject to obtaining a Code Compliance Inspection Certificate of Compliance, if required; 3) All City of Glendale building and fire codes being carried out to the satisfaction of the Building Inspector and the North Shore Fire Department; 4) Written certification by owner of compliance with State of Wisconsin Department of Commerce requirements for physically disabled parking prior to issuance of Occupancy Permit.

Dan Frigge and Nick Strube introduced themselves on the previous item.

Motion by Comm. Cohn, seconded by Comm. Shaw, that the Plan Commission grant approval for Machi produce to complete the proposed site changes and use approval for Machi produce to operate the fruit and vegetable distribution enterprise, subject to the four conditions. Roll Call: Ayes: Mayor Jerome Tepper, Commissioners Shaw, Goldberg, Cohn, Junge, Appel, and Noble. Noes: None. Abstain: None. Motion carried unanimously.

- VI. Plan Commission Review, Certified Survey Map, Hofbrauhaus/Friends of BSC, LLC, 700 West Lexington Boulevard (City of Glendale Tax Key Parcel 1961003002). Review and recommend Common Council approval of Certified Survey Map (CSM) changing parcel boundaries.

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

Friends of BSC (Bavarian Soccer Club), LLC, seeks approval of a Certified Survey Map to create four parcels of land from what is now one parcel located at 700 West Lexington Boulevard.

Friends of BSC will convey Lot 2 to an entity that will lease the property to the operator of the Hofbrauhaus (as approved by the Plan Commission on September 10, 2013). Friends of BSC intend ultimately to convey the other three parcels, Lots 1, 3 and 4, to the Bavarian Soccer Club. The related Declaration of Easements document effectuates the use and management of common facilities such as parking, ingress-egress, utilities, construction, maintenance, repair, and signage, for the benefit of Lots 1, 2, 3, and 4.

Mr. Stuebe stated that the necessary action by the Plan Commission is a recommendation to the Common Council to approve the Certified Survey Map subject to payment of the administrative fee of \$175.00 plus \$15 per lot, making any required legal and/or technical corrections to the document, and payment of City Attorney and/or Engineer CSM review fees.

Mike Weiss introduced himself as the chairman of Friends of BSC, LLC, as the land owner. Mr. Weiss did not have anything further to add to the information that the Plan Commission already has available.

CITY OF GLENDALE -- PLAN COMMISSION

Motion by Comm. Appel, seconded by Comm. Noble, that the Plan Commission recommend that the Common Council approve the Certified Survey Map subject to payment of the administrative fee of \$175.00 plus \$15 per lot, making any required legal and/or technical corrections to the document, and payment of City Attorney and/or Engineer CSM review fees. Roll Call: Ayes: Mayor Jerome Tepper, Commissioners Shaw, Goldberg, Cohn, Junge, Appel, and Noble. Noes: None. Abstain: None. Motion carried unanimously.

ADJOURNMENT.

Motion by Comm. Shaw, seconded by Mayor Tepper, to adjourn the Plan Commission until 7:00 p.m. on Tuesday, December 10, 2013. Roll Call: Ayes: Mayor Jerome Tepper, Commissioners Shaw, Goldberg, Cohn, Junge, Appel, and Noble. Noes: None. Abstain: None. Motion carried unanimously.

Todd M. Stuebe, Director of Community Development

Recorded: December 3, 2013