

CITY OF GLENDALE -- PLAN COMMISSION

Tuesday, May 21, 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 Dennis Buettner, Izzy Goldberg, Fred Cohn, Ilmar Junge, Larry Appel, and Dennis Noble. Absent: None.

Other Officials Present: Richard E. Maslowski, City Administrator, 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, May 16, 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, April 9, 2013. Roll Call: Ayes: Mayor Jerome Tepper, Commissioners Buettner, Goldberg, Cohn, Junge, Appel, and Noble. Noes: None. Abstain: None. Motion carried unanimously.

MATTERS FOR CONSIDERATION.

- I. 7:00 P.M. Plan Commission Review, National Cremation Society (NCS Marketing Services, LLC), 5464 North Port Washington Road. Review and approve proposed cremation sales office only 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, NCS Marketing Services, LLC (DBA National Cremation Society), seeks Plan Commission approval for National Cremation Society to occupy a 2,200 square-foot tenant space in the Worth Building. The site is zoned B-1, Sub-Area B, Business and Commercial District, and the proposed use and occupancy are subject to Plan Commission review and approval.

Other tenants at the site include Subway, Worth Realty, Aba Semar, Studio C Hair Salon, Russell A. Bronson Insurance Services, Rehabilitation Institute of Wisconsin (RIOW), and Mail N More. Based on Staff observations it appears that there are a sufficient number of parking spaces available at the site to accommodate the proposed use.

The National Cremation Society office is utilized to meet with prospective clients for the sale of direct cremation pre-need service plans (selling pre-arranged and pre-paid cremation plans and for the purpose of arrangements for immediate need cremation), and will operate as a retail, administrative, contract processing office only (refer to packet materials for a more complete description). National Cremation Society will have three to four employees that work at the office and five to twenty independent sales representatives who typically (95 percent of the time) meet with clients at their residence (by appointment only) or at the office, with administrative processing of the sales contracts completed at the office. Hours of operation are Monday through Friday from 9:00 a.m. to 5:00 p.m.

Mr. Stuebe stated that Staff recommends that the Plan grant use and occupancy approval for NCS Marketing Services, LLC, to operate National Cremation Society, a cremation sales office only use, at 5464 North Port Washington Road, subject to the following conditions: 1) Annual review; 2) Grantee shall use the premises only for the purpose of operating a retail sales office for State licensed Pre-Need cremation sales and services and no other purposes. No cremation services shall be physically performed on the premises. No retorts or cremation chambers shall be installed or allowed on the premises. No human bodies shall be delivered, stored, embalmed, refrigerated or processed on the premises. No motorcades or funeral chapel services shall be held on the premises; 3) Signs are subject to a permit under the Planned Sign Program for the property per the Glendale Sign Code; 4) All landscaping and lighting features being maintained and replaced and/or replenished whenever necessary pursuant to tenant/owner lease responsibilities; 5) Obtaining a Code Compliance Inspection Certificate of Compliance, if required; 6) Dumpster enclosure(s) in compliance with 13.1.144 of the Zoning Code; 7) All City of Glendale building and fire codes being carried out to the satisfaction of the Building Inspector and the North Shore Fire Department; 8) Written certification by owner of compliance with State of Wisconsin requirements for physically disabled parking prior to issuance of Occupancy Permit.

Tim Nicholson introduced himself as the president and chief operating officer of Neptune Management Corporation, which is the owner of National Cremation Society, Neptune Society, and Trident Society. Mr. Nicholson stated that they would be very pleased to be approved and move forward.

Comm. Appel asked if they ever cremate animals.

Mr. Nicholson replied no.

Mr. Junge inquired about the definition of the word retort.

Mr. Nicholson stated that a retort is the actual cremation chamber where cremation is done.

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Comm. Cohn referred to the page 4 of the packet materials, item a, that they have to have a prep room, and would that still be part of the proposal.

Mr. Nicholson stated that yes, that according to the Wisconsin Statutes for them to have a funeral establishment license which allows them to meet with families, sell cremation, and meet with families after a death occurs, they have to have that and, although it will never be used, it is the requirement of an old statute in Wisconsin law.

Comm. Appel inquired about the reference on page 4 that Comm. Cohn referenced, and stated that he not sure that he could reconcile intent, on the one hand they cannot bring the body but you have to have a prep room, and whether the City Attorney is satisfied that it is not incongruous.

City Administrator Maslowski stated that the City Attorney has researched it and came to the same conclusion as Mr. Nicholson, that it is an archaic State law, and that he has talked with the landlord property owner Mr. Worth, and if you read the lease the lease is quite clear in a number of places that it also prohibits any type of cremation services, bodies being there or stored, or the like, so in conjunction with the lease and the conditions that you have placed on it he is comfortable.

Motion by Comm. Cohn, seconded by Comm. Appel, that the Plan Commission grant use and occupancy approval for NCS Marketing Services, LLC, to operate National Cremation Society, a cremation sales office only use, at 5464 North Port Washington Road, subject to the eight conditions with amendment to item 2 per the City Attorney. Roll Call: Ayes: Mayor Jerome Tepper, Commissioners Buettner, Goldberg, Cohn, Junge, Appel, and Noble. Noes: None. Abstain: None. Motion carried unanimously.

II. 7:00 P.M. Plan Commission Review, TT Nails, 134 West Capitol Drive. Review and approve proposed nail salon 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:

Applicants, Thi Tim Nguyen, seeks Plan Commission review and approval for TT Nails to occupy a tenant space located in the multi-tenant River Glen Market place commercial building located at 100-204 East Capitol Drive. The proposed specialty nail retail service use is a permitted use in the B-1, Sub Area M zoning district, subject to Plan Commission use and occupancy review and approval.

Other tenants include Outpost Foods and Herslof Opticians.

Proposed hours of operation are Monday through Saturday from 9:00 a.m. to 8:00 p.m., and Sunday, from 11:00 a.m. to 6:00 p.m. Applicant anticipates four (4) employees working at the facility at one time with a maximum of six (6).

Mr. Stuebe stated that Staff recommends that the Plan Commission grant use and occupancy approval for Thi Tim Nguyen to operate TT Nails at 134 East Capitol Drive, subject to the following conditions: 1) Annual review; 2) Signs in the City of Glendale are subject to a

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permit under the Planned Sign Program for the property per the Glendale Sign Code; 3) All landscaping and lighting features being maintained and replaced and/or replenished whenever necessary pursuant to tenant/owner lease responsibilities; 4) Obtaining a Code Compliance Inspection Certificate of Compliance, if required; 5) Dumpster enclosure(s) in compliance with 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.

Tiem Nguyen introduced herself and her mother as owner representatives for TT Nails, and stated that her parents opened up their first business and this is the nail salon, they do eyebrow and eyelash, waxing, and pedicure and manicure, all of the nail stuff.

Comm. Noble asked if everybody that they employ will have the required State license.

Ms. Nguyen stated that yes, everyone in the store has to have the license to work in their store.

Motion by Comm. Goldberg, seconded by Comm. Buettner, that the Plan Commission grant use and occupancy approval for Thi Tim Nguyen to operate TT Nails at 134 East Capitol Drive, subject to the seven conditions. Roll Call: Ayes: Mayor Jerome Tepper, Commissioners Buettner, Goldberg, Cohn, Junge, Appel, and Noble. Noes: None. Abstain: None. Motion carried unanimously.

- III. 7:00 P.M. Plan Commission Conditional Use Permit Review, Grube's Towing (Grube's Thiensville Standard, Incorporated), 2201 West Bender Road (Suite 6, Michael Pelant Multi-Tenant Building). Review and approve proposed towing company outside storage of towing vehicles and equipment at 2201 West Bender Road.

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

Applicant, Tim Grube, seeks Plan Commission approval of a Conditional Use Permit for Grube's Towing, a towing service company, for outside storage of towing vehicles and equipment related to Grube's approved use and occupancy of a 2,340 square-foot tenant space (Unit 6 space) in the 20,700 square-foot multi-tenant office-warehouse structure located at 2201 West Bender Road. The site is zoned M-1 Warehouse, Light Manufacturing, Office, and Service District, and the proposed outside storage use requires Plan Commission review and approval of a Conditional Use Permit regulating the outside storage.

Grube's Towing initial approval by the Plan Commission on April 9, 2013, provided for inside storage within the Unit 6 tenant space at the 2201 West Bender Road. Approval of the Conditional Use Permit will allow outside storage of towing vehicles and equipment within the designated six parking spaces on the south side of the 2201 Bender Road. Towed vehicles will not be brought to the site.

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Proposed business hours are 24 hours per day seven days per week. Towing vehicles are typically away from the premises and return at times when work shifts change. Grube's Towing, based at 6715 West Donges Bay Road, in the City of Mequon, has a total of 25 employees and a maximum of three employees will be present at 2201 West Bender Road at any given time.

Mr. Stuebe stated that Staff recommends that the Plan Commission grant Conditional Use Permit approval for Grube's Towing outside storage of towing vehicles and equipment within the six designated parking spaces on the south side of the 2201 West Bender Road property, subject to the following conditions: 1) Annual review; 2) Outside storage of towing vehicles and equipment is limited to the six designated parking spaces, as well as employee cars during the employees work hours; 3) Signs are subject to a permit per the Glendale Sign Code; 4) All landscaping and lighting features being maintained and replaced and/or replenished whenever necessary pursuant to tenant/owner lease responsibilities; 5) Dumpster enclosure(s) in compliance with 13.1.144 of the Zoning Code; 6) Subject to obtaining a Code Compliance Inspection Certificate of Compliance, if required; 7) All City of Glendale building and fire codes being carried out to the satisfaction of the Building Inspector and Fire Marshall, respectively; 8) Written certification by owner of compliance with State of Wisconsin requirements for physically disabled parking prior to issuance of Occupancy Permit.

Tim Grube introduced himself as president of Grube's Towing and Repair, Grube's Standard, Incorporated.

Mayor Tepper asked what type of equipment they will have there.

Mr. Grube stated that the kind of equipment would be their towing equipment, a flat-bed tow truck or regular standard tow truck, and one service vehicle as well, but that would probably be inside because there is a space for it, a little Ford Ranger pick-up that they sell batteries out of. Mr. Grube stated that he felt that they went over it last time (April 9, 2013), and that they were not looking to tow vehicles back, strictly to park their own equipment, all new and in good working order, obviously up to date, certified everything, not a detriment to the community, no wrecked or abandoned vehicles coming back, only their own vehicles that they like to park, and they are just limited to space inside the building, they will put as much as they can inside the building, but would like to park a couple of other outside. Mr. Grube stated that it is described on the sheet, that the majority of their work is all over the metro area, so their employees would come to work, grab a truck, and are then gone for their shift, and they come back at the end of their shift, park their truck whether inside or outside in their designated parking space, and they take their personal vehicle back home. Mr. Grube stated that they are hoping to park three of their vehicles inside the building and two outside, and that they hope long-term that another space opens to offer more space inside and he can park that equipment inside, and they do not have to worry about the outside part too much. Mr. Grube confirmed that they have six parking spaces for employees and equipment that they could use, and could have six vehicles there, that for the time being they only want to park two vehicles outside, but could have six.

City Administrator Maslowski stated that the Plan Commission has the authority under conditional use to put whatever restrictions it wishes on the six spaces, they could be used for employee parking, or no more than two vehicles overnight, that the Plan Commission has the

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authority to place whatever restrictions or conditions that it requires on the application.

Comm. Cohn asked if this is a fenced in secured area, and how do they secure their trucks.

Mr. Grube stated that it is not fenced, it is an open parking lot.

Motion by Comm. Cohn, seconded by Comm. Junge, that the Plan Commission grant Conditional Use Permit approval for Grube's Towing outside storage of towing vehicles and equipment within the six designated parking spaces on the south side of the 2201 West Bender Road property, per the eight conditions. Roll Call: Ayes: Mayor Jerome Tepper, Commissioners Buettner, Goldberg, Cohn, Junge, Appel, and Noble. Noes: None. Abstain: None. Motion carried unanimously.

IV. Land Division Concept Review, 7225 North Seneca Avenue. Review proposed land division concept.

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

Noel Handal seeks Plan Commission conceptual approval for division of her 120-foot width residential property into two 60-foot width parcels (proposed parcel areas 7,039 and 7,047 square feet) in order to accommodate construction of a residence that would be designed to accommodate her husband's long-term health situation. The proposal would have to proceed to the Architectural Review Board for review and approval of architectural plans and then to the Board of Appeals to request a variance to the 100-foot minimum lot width and the 15,000 square-foot minimum lot area standards that the Zoning Code requires in that area of the City. If a variance to the lot width and area is granted by the Board of Appeals applicant would return to the Plan Commission for review and recommendation to the Common Council of a Certified Survey Map document, and then proceed to the Common Council for approval of same.

The same request was advanced by Mrs. Handal in 1978, and applicant was advised that a neighbor less than one block away had been denied by the Board of Appeals. In 1980 the request was denied by City staff, the decision appealed to the Board of Appeals, where the decision was made to deny the request for a variance.

Mrs. Noel Handal introduced herself, and the Handal's have lived at 7225 North Seneca Avenue for 37 years, and that she is asking for a zoning variance to build a handicapped accessible home for herself and her husband, stating that two years ago he was diagnosed with Parkinson's Disease, and their house situation is not very conducive to his movement, and that her plan would be to build a house that would meet the future needs of her husband and that would conform to the size, style, and price of the homes in the neighborhood and, if this would go through, then her son and his wife would then buy their existing home so that they could be next door and help as the disease progresses. Mrs. Handal stated that she has talked to neighbors

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and she has three signed statements, they are the neighbors that are directly behind us, next door, and across the street, her neighbor next door she was not able to get a hold of but he has no objections to this, saying that they would have no objections if this were to proceed.

City Administrator Maslowski stated as a reminder to the Plan Commission it does not have the authority to grant the variance, that is strictly with the Board of Appeals, the design and architectural elements of the proposed new dwelling is the review of the Architectural Review Board, and that what is in front of the Plan Commission tonight is whether to give conceptual review and, if the Board of Appeals and the Architectural Review Board approve the request it will come back to you for review and recommendation on a Certified Survey map (CSM), so this is only a conceptual review to get your comments to share with the property owner and that no approvals can be given tonight.

Mrs. Handal stated that she understands that.

Mayor Tepper observed that the proposal then is to have two improvements on the land rather than tearing down the existing one and building another.

Comm. Junge asked if there are other 60-foot wide lots on their street or nearby.

Mrs. Handal replied yes, and that their lot and their next door neighbor are the only 120-foot wide, and there are others that are around 60 and another at 100, so they are all different sized lots on their block.

Comm. Junge asked why they do not put on a mother-in-law suite, convert the lower level to meet your husband's needs, and keep the nice lot that you have.

Mrs. Handal said that there is financial difficulty there with the disease and the doctor and hospital bills, and if they were to sell their existing house to their son they would have the revenue to build another one.

Mayor Tepper stated that if they were to add on, as Comm. Junge suggested, if they were to sell their house to their son the revenue would allow them to add on. Mayor Tepper stated that he did not want to usurp the prerogative of the other committees and that thought they ought to allow this to go to the Board of Appeals and the Architectural Review Board and let them make their decisions, and that the Plan Commission would then have all of the information that they need.

Comm. Noble asked if the Plan Commission has to push this along.

City Administrator Maslowski stated no, that the applicant has the right to file her variance appeal to the Board of Appeals and then, if it is granted the Architectural Review Board and, if that is granted, come back to the Plan Commission with a Certified Survey Map.

Comm. Appel asked if the minimum lot is 120-feet by 120-feet, 15,000 square-feet, the normal size, and expressed that he was somewhat uncomfortable because they are setting a precedent, and that he recalled some time ago on Port Washington Road and Good Hope they had that long discussion about size of lots and that we did not want to change the ordinance, amend the ordinance to that effect, or approve a variance, and although he can see there are other 60-foot lots he does not know how they came about, that maybe they were grandfathered from before the ordinance, so they may be older buildings.

Director of Community Development Stuebe stated that the minimum size is 15,000 square-feet and the minimum lot width is 100-feet, and that the lot as proposed will be just over 7,000 square-feet, and 60-feet in width.

Mrs. Handal stated that they have been there for 37 years and the other houses were there.

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Comm. Junge said that he thought that it should first go to the Board of Appeals because to go to the Architectural Review Board would require that they have to have some plans, and if they cannot go beyond the Board of Appeals it is a dead issue. Comm. Junge also inquired whether the other lots that are about 60-feet wide, that are across the street and further to the north, were they also 7,500 square feet lots roughly.

Director of Community Development Stuebe stated that they are all similar in depth, so if they are 60-feet in width they are in the 7,000 to 7,500 square-foot range.

Comm. Buettner asked if their present house was tight to the lot line, and that as he looked there seemed to be no side yard, and would the zoning allow a zero lot line.

Mrs. Handal stated that there is no side yard to the north.

Dir. of Community Development Stuebe stated that the survey document indicates that the side yard on the north side is 5.4 feet and there is at least seven to ten feet on the south side, which would satisfy the zoning requirements for a 60-foot width parcel.

Motion by Comm. Noble, seconded by Comm. Junge, that the Plan Commission table this matter until such time that it comes back after being considered by the Board of Appeals and Architectural Review Board. Roll Call: Ayes: Mayor Jerome Tepper, Commissioners Buettner, Goldberg, Cohn, Junge, Appel, and Noble. Noes: None. Abstain: None. Motion carried unanimously.

ADJOURNMENT.

Motion by Comm. Cohn, seconded by Comm. Buettner, to adjourn the Plan Commission until 7:00 p.m. on Tuesday, June 11, 2013. Roll Call: Ayes: Mayor Jerome Tepper, Commissioners Buettner, Goldberg, Cohn, Junge, Appel, and Noble. Noes: None. Abstain: None. Motion carried unanimously.

Todd M. Stuebe, Director of Community Development

Recorded: May 31, 2013