



**STAFF REPORT  
WEST ALLIS PLAN COMMISSION  
Wednesday, February 26, 2020  
6:00 PM**

**Room 128 – City Hall – 7525 W. Greenfield Ave.**

2. **Site, Landscaping and Architectural Plans for Aspen Dental, a proposed dental office, to be located at 10707 W. Cleveland Ave, submitted by Boulder Venture (Tax Key No. 519-9996-001)**

**Overview & Zoning**

Boulder Venture submitted an application for a Site, Landscaping, and Architectural Plan for a proposed Aspen Dental (new construction) on a portion of the existing Office Max site at 10707 W. Cleveland Ave. The property is currently zoned C-4 Regional Commercial District. Medical clinics are a Permitted Use in this district.

Boulder Venture is proposing to construct a 3,500 square foot building for Aspen Dental within a portion of what is currently the Office Max parking lot. Construction is intended to begin in the spring of 2020 and to be completed by August 2020.



Aspen Dental will perform general dentistry, having no complete sedation, no ambulatory requirements, and no med gas delivery system. Hours of operation are intended to be: Monday, Wednesday, Thursday 9:00am – 6:00pm; Tuesday 10:00am – 8:00pm; and Friday 8:00am – 1:00pm. Aspen Dental anticipates having 7 to 8 employees and to serve approximately 25 patients per day.

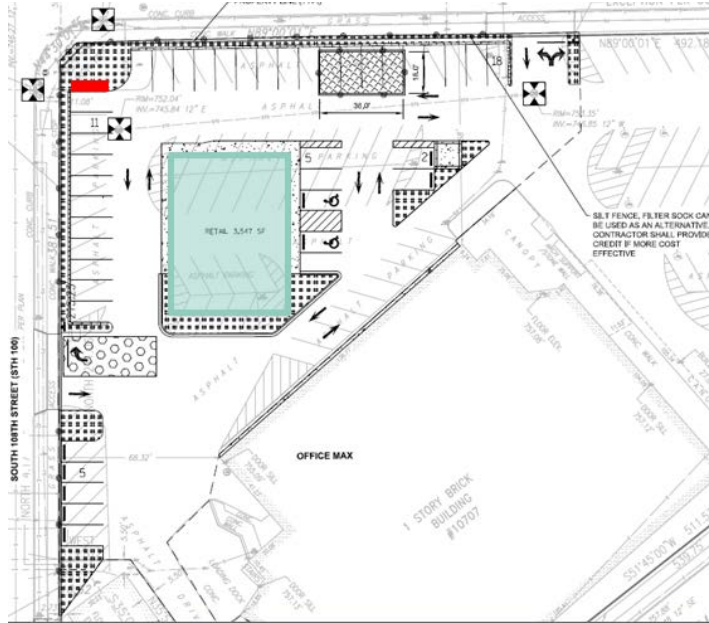
**Site, Landscaping, and Architectural Plans**

The applicant has submitted Site, Landscaping, and Architectural plans that staff believes are not in alignment with Development Department and Plan Commission’s goals, with the City’s Design Guidelines, or with multiple elements of the City’s Code. However, the applicant would like to proceed with their request to Plan Commission to approve the plan as submitted. Staff has the following concerns:

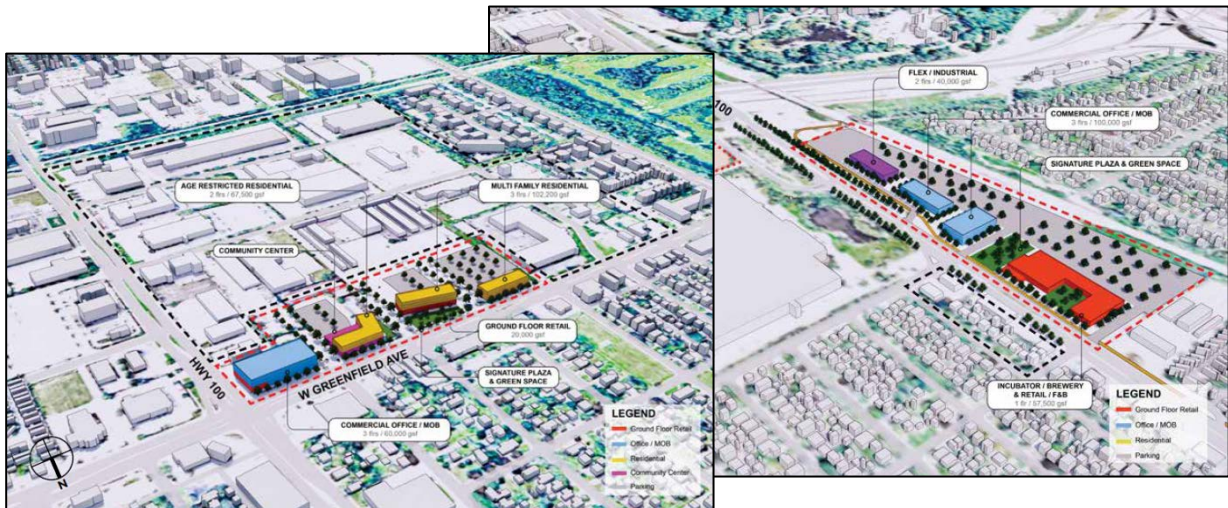
*Poor Building Location*

The applicant’s plan involves the construction of a new building on a site that is located at a very visible and well-traveled corner of the city, and which is proposed to be surrounded by parking stalls on all four sides. This type of development is outdated and

not in alignment with the City's Design Guidelines, which call for buildings to be situated toward the front of the lot, and scaled and detailed for the pedestrian, not only the automobile. A primary reason the applicant has cited for not locating the building at the preferred northwest corner of the lot is because an existing non-conforming pylon sign, which the applicant would like to see remain, is located there.

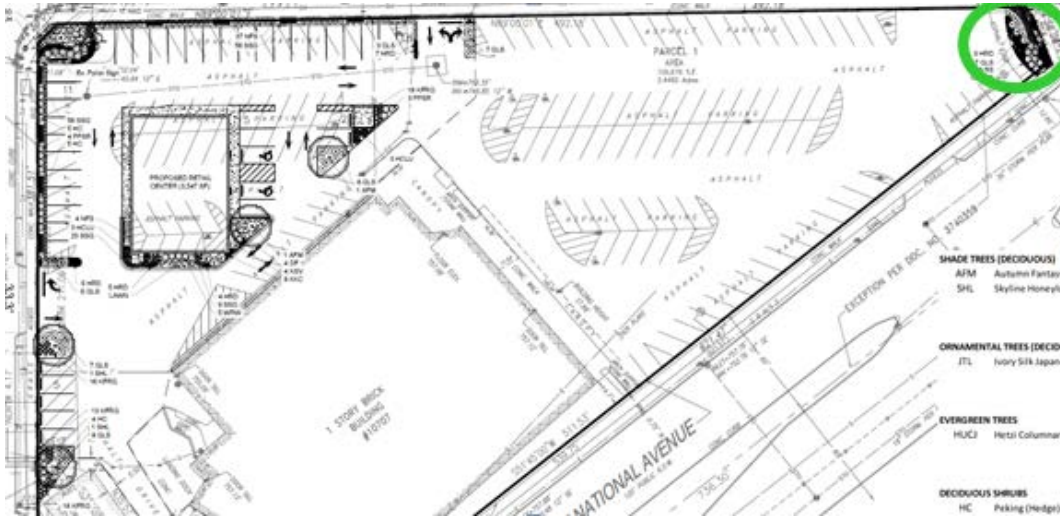


This site design runs counter to recommendations provided in the recently completed West Allis Highway 100 Corridor Plan (expected to be brought before Common Council with a recommendation to adopt next month). The Plan states that, “the long-term goal is that walkable, mixed-use destinations will be more common and that over time the Corridor will evolve into a place that is less auto and convenience oriented.” Looking closer at conceptual site designs, the Plan reveals future developments with building brought to the street, designed with people in mind, and with the idea that new development can be used as an opportunity to create a sense of place. None of the re-development recommendations or conceptual designs involve creating more parking lots on prominent city corners.



### *Lack of Proper Landscaping*

When Plan Commission conducts a site and landscape review, the review is for an entire parcel and all areas of the parcel should be brought up to meet the City's Code prior to approval of the revised plan. The applicant is proposing to make site and landscape improvements only in the area surrounding the new construction and a small portion of the northeast corner, but have not proposed any updates to the remaining areas of the site.



Looking at the overall site, the current proposal does not meet the landscaping requirements of the City's Design Guidelines. All development is required to devote a minimum of 10% of the area of the site plan to landscaping. Additionally, when looking specifically at areas dedicated to parking, at least 10% of the area used for parking should be dedicated to interior landscaping (plantings around the perimeter of the parking lot do not count towards the interior landscape requirements). Currently, there is no landscaping, either interior or around the perimeter, of the Office Max portion of the site, and minimal landscaping within the area of proposed improvement.

Further, provided with the option of taking a "phased" approach to making additional site and landscape improvements, the applicant asked that they not be required to do so until their lease with Office Max has expired, which could potentially be as long as 10 years from now. This is far outside of the timeframe any other development has been or should be allotted. Any approved plan should include appropriate site improvements to the entire site, within a timely manner. Additionally, the applicant has requested they not be required to provide a surety bond or other form of financial security for Phase II portion of site and landscape improvements, as required, should there be Phase II plans.

### *Existing and Non-conforming Signage*

The current proposal includes an existing Office Max pylon sign remaining in place, despite the sign being non-compliant with current Code standards. Prior to plan approval by Plan Commission, non-conforming elements should be removed from plans and a specific date of when the non-compliant element will be removed should be identified (typically within 2 years). Similar to the Office Max parking lot area/landscaping issue, the applicant is requesting the non-compliant sign be permitted to remain for the entirety of the Office Max lease, which may be as long as 10 years from now. Again, this is far

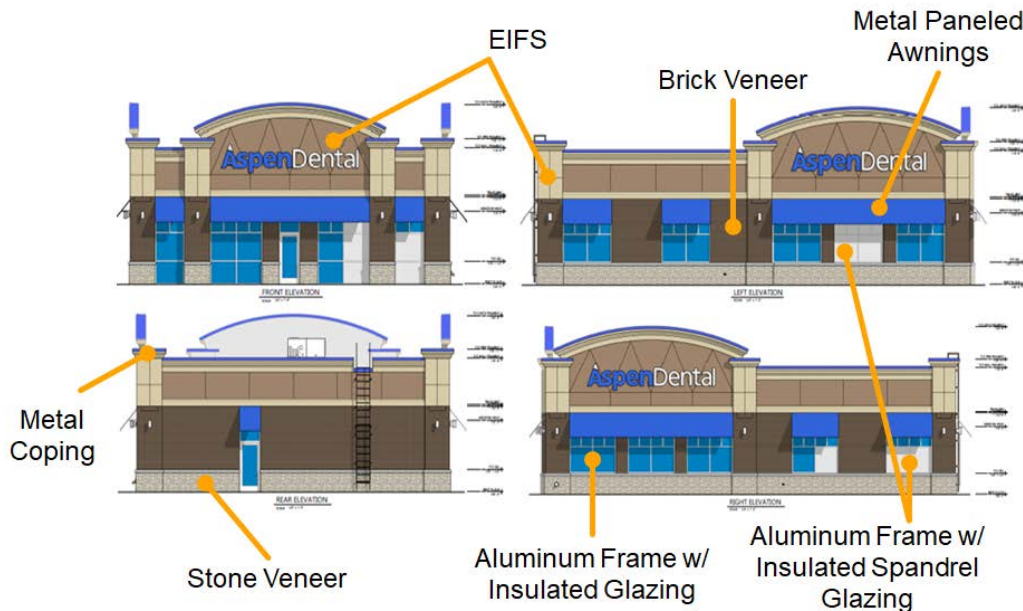


outside the timeframe any other development has been or should be allotted to remove non-conforming site elements on a site plan they would like to see approved by Plan Commission.



*Use of EIFS as a Prominent Building Material*

Proposed building materials include a stone veneer, modular brick veneer, EIFS, and prefinished metal coping, with aluminum frame awnings. Should this plan move forward, staff would recommend EIFS be removed from the architectural plans and replaced with an alternate material, in order to increase the quality of building materials. The applicant has cited a \$15,000 increase in cost to use hardi-panel as justification for not being able to remove EIFS from their building materials. EIFS is not a building material that is typically approved by Plan Commission (nearby, for example, both Marshall's and BMO Bank plans were denied due to EIFS), and staff believes this applicant should be held to the same standard as other new and existing development proposals in the city, and that EIFS should be removed from the proposed plans.



### *3-sided Rather Than 4-sided Architecture*

As currently proposed, there are no windows on the rear of the building, which is shown facing Highway 100. Four-sided architecture is particularly important on this site, as all sides of the building will be visible from major roadways. In particular, the elevation facing Highway 100 should not *look* like the rear of a building, even if it is, in fact, the rear of a building. Staff would recommend that windows be added to the rear of the building and that the rooftop unit be screened from view.

### *Quality and Aesthetics of Windows is Uncertain*

A majority of the proposed windows are shown with an insulated glazing (blue). This glazing will assist with privacy/screening into the building. Staff would recommend a sample be provided for review and approval. The remaining proposed windows (white) are spandrel windows. While spandrel windows are not encouraged, staff would approve a high-quality spandrel window (Home2 Suites provided a good sample, for example) and would recommend a sample be provided for review and approval.

### **Applicant's Existing Contractual Constraints**

The applicant wishes to continue forward with this site plan because it allows them to move forward with the project in conjunction with several contractual obligations the applicant has committed to with the existing Office Max and Blaze Pizza.

- The applicant's existing lease with Office Max states that the monument sign will remain in place for the remainder of the lease, which may be as long as 10 years.

*This is not in alignment with the City's Code, which requires the sign be removed, typically within two years, as part of approving an updated site plan that brings the site into compliance. It should be noted that, when reviewing site plans, the City's Code takes precedent over existing lease conditions.*

- The applicant's existing lease with Office Max states that they will not reduce parking for the remainder of the lease. The applicant also indicated that they do not wish to make parking lot improvements to the Office Max area, because once Office Max is no longer in business, the entire site will likely change. As a result, the applicant believes it would be wasteful to make improvements now, only to have to remove them later.

*This is not in alignment with the City's Code, which calls for a minimum of 10% landscaping coverage, both overall and within parking areas. In order to bring landscaping up to Code, it would require a reconfiguration of the parking lot and likely a reduction in the overall number of spots within the Office Max parking area.*

*Again, Office Max may be in this location for up to 10 more years. Staff does not agree that an improvement that will enhance the site for 10 years is wasteful. Furthermore, the next site user will likely also be required to include similar perimeter landscaping, regardless of the user.*

- The applicant must ensure there is enough space for deliveries to Office Max by 53 foot trailers, which impacts where the building and certain landscaping/curbs may be located.

*While this does limit curbed landscape areas on some portions of the site, it does not appear to be an overly problematic condition to work around.*

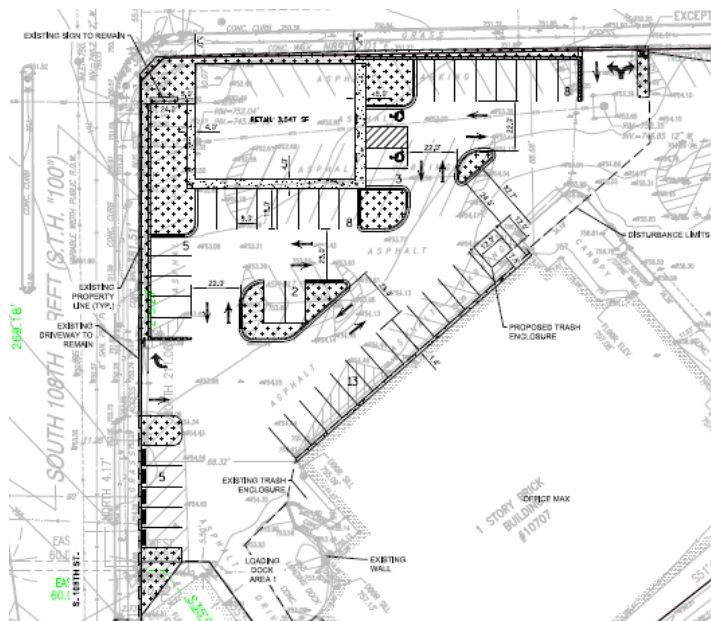
- The applicant has made an agreement with Blaze Pizza to maintain 40 parking stalls within the area where the new development is to be located, which is a major contributing factor as to why the site has not been proposed in a way that is more in alignment with the City's vision.

*The Zoning Code requires only 12 parking stalls for the Aspen Dental use. While having more than the required number of parking stalls is not prohibited in our Code, staff does consider this site proposal to be one that is over-parked. If this agreement were not in place, staff would be working with the applicant to determine how to reduce the total number of parking stalls and increase the total amount of landscaping.*

### Revised Site Concepts

This proposal came before Plan Commission last month, on January 22, 2020. At that time, Plan Commission requested staff work with the applicant to establish a revised site plan that was more in alignment with future corridor goals, design guidelines, and the City Code. Staff made several attempts to share revised site plan concepts and make suggestions as to how the applicant and the City could come to some sort of compromise. Staff was met with resistance to each of these suggestions because one of the previously listed contractual conditions would not have been met.

Ultimately, staff was able to propose a concept that would allow the applicant to meet all of their contractual obligations. The applicant then had their engineering team draw up a version of that plan:



While this version is also not perfect from staff’s perspective – the site was designed around maintaining a non-conforming sign, there is an excessive amount of parking, and only a minimally sized landscape buffer around the parking’s perimeter – staff felt we were coming to the table with a plan that both parties could potentially agree upon, as it does increase overall landscaping and brings the building up to the front of the site.

**New Challenges**

Upon drafting this version of the site plan, the applicant then cited financial increases, as well as concerns from the tenant (Aspen Dental), as to why this site design is not a feasible option for them.

Financially, the applicant has identified additional costs related to this plan, as follows:

Additional Earthwork	\$27,667
Additional Site Utilities	\$51,860
Additional Site Concrete	\$11,983
<u>Additional Landscaping/Retaining Walls</u>	<u>\$31,420</u>
TOTAL	\$122,930

*While these are notable costs, staff believes that some of these costs are overstated (our Engineering team, for example, estimated additional site utilities closer to \$20,000). Further, some of these costs, such as additional landscaping and associated concrete, should have already been included in their overall project costs in order to meet the City’s landscaping standards.*

From the tenant’s perspective, Aspen Dental has cited the following issues with this site plan:

1. Rear of building facing the main intersection – due to the operational layout of Aspen Dental, the less attractive rear portion of the building will be facing the main intersection meaning there will be graphics and/or spandrel glass visible to Hwy 100 (not clear glass).

*In both proposals, the rear of the building will be facing Hwy 100 and staff agrees that the rear elevation must be improved substantially prior to plan approval.*

2. Signage – since current code in West Allis will only approve two signs, Aspen Dental would not have a sign over their front door in an urban edge design scenario; a signage variance for three wall signs (preferably four) would be needed.

*This is also true for both proposals.*

3. Circulation – the odd parking configuration, circulation of the site, and lack of front field parking is a safety concern for the patients and customers.

*Staff’s proposal actually provides more parking directly against the building and reduces the distance that a majority of patients would be required to walk through a parking lot.*

4. OM Pylon Sign – the existing Office Max pylon sign will block a portion of the building including the main sign band opportunity for Aspen Dental; with up to 10-years of control that sign could remain in place for the entire primary term of the Aspen Dental lease

*Staff agrees that the non-conforming pylon sign is an issue and that it should be required to come down within 2 years as a condition of plan approval, as required by City Code. This would also eliminate the conflict with Aspen Dental signage. The applicant is choosing to develop on a site with a non-conforming sign and thus, must choose what they value more – the new development or the non-conforming sign – they are not permitted by right to have both.*

### **Options**

As submitted, staff does not support the proposal which the applicant is requesting be considered for approval. Staff sees four potential options for moving forward on this proposal:

1. Plan Commission approves the request as submitted. **(Not recommended.)**
2. Plan Commission denies the request as submitted.
3. Plan Commission approves the request as submitted, with conditions of approval. **(Not recommended.)**

With this option, items to be considered include:

- a. Phase II Site and Landscape Plan option – Would Plan Commission like to see the remainder of the site improved, as typically completed, with the required amount of landscaping? In which timeframe?
  - b. Would Plan Commission like to see EIFS removed from the list of building materials and replaced with an alternate building material, as approved by staff?
  - c. Would Plan Commission like to see revised elevations showing 4-sided architecture/an improved rear elevation of the building, including the addition of windows and screening of the rooftop unit?
  - d. Other plan conditions such as adding a bike rack, integrating pedestrian connections, providing window samples for staff approval, providing refuse enclosure material details for staff approval, stormwater management plan approval, and including a note stating that the tenant cannot occupy the building until such time that a CSM has been recorded.
  - e. Would Plan Commission like to require, per the Code, cost estimates and a surety bond (or other form of security) provided for both Phase I and Phase II landscape improvements?
4. Plan Commission approves staff's version of the site plan, with conditions of approval. Conditions of approval may include:
    - a. Revised Site, Landscaping, and Architectural Plans being submitted to the Department of Development to show the following:
      - i. A detailed Phase II plan showing site and landscape improvements being completed on the entire site within 2 years of plan approval (a



- specific date to be included on the plan), which Development staff approves, and which identifies the proposed species and total number of plantings to be approved by the City Forester;
- ii. A note stating that the non-conforming pylon sign will be removed within two years of plan approval.
  - iii. integrate pedestrian walkways between various structures on overall site (both Phase I and Phase II plans);
  - iv. bike racks included;
  - v. Elevations labeled directionally;
  - vi. EIFS removed from plans and replaced with an alternate building material, as approved by staff;
  - vii. Window samples, with glazing, be provided to staff for approval;
  - viii. Reduce spandrel windows on building and provide sample of spandrel windows for staff approval;
  - ix. Revised rear elevation to look more appropriate for facing Highway 100, including the addition of windows and screening of the rooftop unit.
  - x. One wall sign removed from elevations;
  - xi. Details on refuse enclosure materials, which should closely match building décor, as approved by staff;
- b. Details on the intended timeline for seeking approval of a revised CSM and a written statement that the applicant understands that business occupancy shall not be granted until such time that an updated CSM has been recorded.
  - c. Estimated cost of landscaping and screening, for both “Phase I” and “Phase II”, being submitted to the Department of Development for approval.
  - d. A surety bond or other form of security as required under Sec. 12.13(14) of the Revised Municipal Code in the amount of 125% of the estimated cost of landscaping and refuse screening (“Phase I and Phase II) shall be executed by the applicant prior to the issuing of a building permit.
  - e. Documentation and approval showing compliance with the City of West Allis Stormwater Management Ordinance, to be submitted to the Building Inspections and Neighborhood Services Department by a registered Civil Engineer. A stormwater permit must be obtained from the City.

### **Conclusions**

The applicant and the City have not been able to reach a compromise on this proposal. Staff understands that the current contractual agreements of the applicant present challenges. Each of those contractual agreements has a monetary value at the negotiation table (likely much higher than the additional costs the applicant would incur under staff’s proposed plan). Staff believes it is the responsibility of the developer to balance the needs of their contractual agreements with the needs of the City, and to do their due diligence to meet City standards and establish a quality project for the public at large. Staff does not believe this balance is being met under the current proposal and does not recommend approval of this plan as submitted.