



# City of West Allis

## Meeting Minutes

### Plan Commission

7525 W. Greenfield Ave.  
West Allis, WI 53214

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Wednesday, January 24, 2018

6:00 PM

City Hall, Room 128  
7525 W. Greenfield Ave.

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#### REGULAR MEETING - Draft Minutes

#### A. CALL TO ORDER

#### B. ROLL CALL

**Present** 7 - Mr. Wayne Clark, Ms. Erin Hirn, Mr. Jon Keckeisen, Mr. Jim Lisinski, Ms. Amanda Nowak, Mr. Tom Rebstock, and Mr. Eric Torkelson

#### C. APPROVAL OF MINUTES

##### Others Attending

Shaun Mueller, Senior Planner; Steve Schaer, AICP, Manager of Planning and Zoning; John Stibal; Director of Development, Ald. Roadt, Ald. Reinke, Ross Gallentine, Ed Eickhoff, Deborah Tomczyk, Cameron Bence, Tyler Bence, Debbie O'Brien, Michael O'Brien, Jessica Wiebesiek, Jason Heinona, Corey Nelson, Mike Calka, Scott DiParvine, Mark Price, Steve Osborne, Jack Tomkiewit, Dan Beyer, John Kovacs, Mona Elmore, Barbara Radomski, David Radomski, Kris Hagen, Justin Flickinger, Curt Smith, Joe Galbraith

1. [18-00037](#) December 6, 2017 Draft Minutes

**Attachments:** [December 6, 2017 Draft Minutes](#)

A motion was made by Mr. Lisinski, seconded by Mr. Clark, that this matter be Approved. The motion carried unanimously.

#### D. NEW AND PREVIOUS MATTERS

2. [2018-0017](#) Special Use Permit for Tall Guy and a Grill, an existing catering business, to obtain a Class A Liquor License, located at 6735 W. Lincoln Ave.

**Attachments:** [Application - Tall Guy & Grill](#)  
[Staff Report - Tall Guy & Grill](#)

*Amanda Nowak recused herself from this item.*

Discussion ensued with questions being answered by staff.

**Recommendation:** Recommend Common Council approval of the Special Use Permit for Tall Guy and a Grill, for a Class A Liquor License at 6733 W. Lincoln Ave., submitted by Dan Nowak, d/b/a Tall Guy and a Grill. (Tax Key No. 490-0368-000).

A motion was made by Mr. Lisinski, seconded by Mr. Clark, that this matter was Recommended For Approval. The motion carried by the following vote:

**Aye:** 6 - Mr. Clark, Ms. Hirn, Mr. Keckeisen, Mr. Lisinski, Mr. Rebstock, and Mr. Torkelson  
**No:** 0

- 3A. [2018-0016](#) Special Use Permit for Blaze Pizza, to establish a restaurant within the existing building (formerly F&F Tire Service) at 10730 W. National Ave.

Attachments: [Application - Blaze Pizza](#)  
[Staff Report - Blaze Pizza](#)

**This matter was Recommended for Approval as Amended on a Block Vote**

- 3B. [18-00031](#) Site, Landscaping and Architectural Plans for Blaze Pizza, to establish a restaurant within the existing building (formerly F&F Tire Service) at 10730 W. National Ave., submitted by Daniel G. Beyer, d/b/a Dan Beyer Architects LLC on behalf of Robert Schmidt, Boulder Venture. (Tax Key No. 519-9996-002)

Attachments: [Staff Report - Blaze Pizza](#)

Items 3A and 3B were considered together.

Discussion ensued with questions being answered by staff.

Wayne Clark requested driveway closure clarification, which Steve Schaer confirmed the closure of the S. 108th St. driveway.

Erin Hirn questioned where the refuse area is, and was advised by Steve Schaer that this will be along W. National Ave., but enclosed within a 4-sided masonry enclosure to appear as part of the building envelope.

Erin Hirn inquired if there was signage included for approval. Steve Schaer advised that a signage plan will be submitted for staff review.

A motion was made by Wayne Clark and seconded by Jim Lisinski to accept the staff recommendations and include item **(f) employee parking being designated on the site plan.**

**Recommendation:** Recommend Common Council approval of the Special Use Permit for Blaze Pizza, and approval of the Site, Landscaping and Architectural Plans for Blaze Pizza, to establish a restaurant within the existing building (formerly F&F Tire Service) at 10730 W. National Ave., submitted by Daniel G. Beyer, d/b/a Dan Beyer Architects LLC on behalf of Robert Schmidt, Boulder Venture. (Tax Key No. 519-9996-002) subject to the following conditions:

(Items 1 through 5 are required to be satisfied prior to the issuance of building permits associated with the proposed work reviewed by Plan Commission. Contractors applying for permits should be advised accordingly.)

1. A Revised Site, Landscaping and Architectural Plan being submitted to the Department of Development to show the following: (a) a scale landscaping plan being submitted to the Department of Development for City Foresters review; (b) a lighting plan being submitted and consideration for additional decorative accent lighting on the exterior of the building; (c) identify the extent of new pavement on site; (d) bicycle racks being added to the site plan and details being noted on plan (inverted u or similar preferred); (e) clean up and replacement of a damaged concrete around the light pole on W. National Ave.; **(f) employee parking being designated on the site plan.** Contact

Steve Schaer, Manager of Planning and Zoning at (414) 302-8466 with any questions.

2. An estimated cost of landscaping and screening being submitted to the Department of Development for approval. Contact Steven Schaer, City Planner at 414-302-8466.
3. 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 Screening shall be executed by the applicant prior to the issuing of a building permit. Contact Steve Schaer, City Planner at 414-302-8466.
4. Permit application for concrete work within Hwy 100 right-of-way contact Wisconsin Department of Transportation.
5. Common Council approval of the special use (scheduled for February 6, 2018). Applicant's acknowledgement signature on the Special Use Permit Resolution.

(Remaining conditions of approval to be satisfied within one year of Plan Commission approval ;)

6. A signage plan being submitted for permit review and approved by the Department of Development.
7. Compliance with Section 2814 of the City's Policy and Procedures Manual relative to that policy as it relates to the replacement and repair to City walkways of damaged or defective (if any) abutting sidewalk.

**This matter was Approved as Amended on a Block Vote.**

#### **Passed The Block Vote**

**A motion was made by Mr. Clark, seconded by Mr. Lisinski, to approve all the actions on the preceding items on a Block Vote. The motion carried unanimously.**

4. [18-00032](#) Site, Landscaping and Architectural Plans for proposed site and building changes to a portion of the West Allis Town Center located at 6822-6900 W. Greenfield Ave. submitted by Ross Gallentine of Ramco Gershenson, property owner (Tax Key No. 439-0001-007).

**Attachments:** [Staff Report - Towne Centre](#)

Steve Schaer gave a presentation on the proposal. Discussion ensued with questions being answered by staff.

Wayne Clark stated we ended up with a wall facing 70th and Greenfield which blocks off people and the Downtown. He indicated, this review isn't about a Hobby Lobby tenant, but rather review of a Site, Landscaping and Architectural Plan for the proposed changes to the property.

Ed Eickhoff stated the design is not outdated and/or obsolete and that they worked with the city in 1986 to design the current building. Shopping centers evolve. In 2007 landscaping enhancements included a cut thru which included

vehicle and pedestrian access. Retail sales are down in the United States. Ramco-Gershenson said it has been working on this since 2012 and can only backfill the Kmart space by re-tenanting. Ramco-Gershenson considers this a commodity shopping center with convenient, cheap/value orientated retail operations. They need loading docks and are only seeking approval of Hobby Lobby, they don't want the City to review the entire 5 acre parcel. They have lost 8 weeks seeking approval of Hobby Lobby only. The Hobby Lobby space will be designed for trucks to pull into the building. Hobby Lobby has a signed lease. If Kmart remains empty the City will lose the tax value. Tearing down the building is not economically feasible. In 2012, internal plans were created establish some restaurant pads with no takers.

Wayne Clark inquired on what Hobby Lobby's drop dead date is.

Ed Eickhoff replied September 1, 2018; permits would be needed around March 1st to meet that date.

Ross Gallentine then went back thru the Site, Landscaping and Architectural Plans in detail. The truck dock features a recessed bay that will be inset about 70' inside the building. The recessed dock will be on the north elevation. He noted that they are unable to build in the existing parking lot, immediately to the east because of lease restrictions with other tenants of the Towne Centre.

Deborah Tomczyk, Attorney representing Ramco-Gershenson, stated the proposal would be different if they were dealing with a brand new building, which they aren't. This is a use approval that meets zoning requirements. All conditions noted in the staff report are in existence today. Where City Staff and Ramco Gershenson differ is that Ramco has to deal with the existing conditions including tenant limitation and not being able to build in the parking lot. The following rationale was offered by Ramco-Gershenson:

1. Permitted use. Retail uses are permitted within the existing C-3, Community Commercial Zoning District.
2. The City is imposing the wrong legal standards. Ramco offered the following provisions of the City code:
  - Section 12.12(2) *Authority to Continue. All nonconforming buildings, structures and uses may be continued subject to the provisions of this Subchapter; and,*
  - 12.12(3)(a) *Nonconforming Buildings and Structures. Alteration and Enlargement. No nonconforming building or structure in which there is a conforming use may be enlarged or structurally altered, if the enlargement or alteration will extend the nonconformity.*
  - 12.19(2)(b) *Minimum construction standards. New, Altered or Changed Premises and Uses. No premise shall be created, altered or changed to include new construction thereon or enlarging of an existing building or structure or changing the use thereon, whether partial or wholly, unless provision is made for off-street parking and loading facilities as provided in this section. In case of any structural alteration to or enlargement of an existing building or structure or a partial change of use, Subsections (7), Required Off-Street Parking Spaces, and (12), Required Off-Street Loading Spaces, shall apply only to such alteration, enlargement, extension or change of use.*

3. Ramco's plans exceed all City Site and Building Design Standards. 12.13(9) (a)(b)(c)(d)(e) Site and Building Design Standards.
4. Ramco feels the City is restricting Ramco's ability to re-tenant the existing building, and hasn't offered/suggested alternatives that would be acceptable.

Erin Hirn stated if it's hard to get retailers, why not tear down the remainder of the building.

Ed Eickhoff stated staff had requested for a full plan be submitted.

Steve Schaer stated any changes to this proposal require a review to the entire site. Discussions have taken place, all of which reiterated the center should not add a external loading dock along a street frontage (like S. 70 St.). While Ramco has worked with the City on improving the rest of the Towne Centre, the Kmart portion of the Towne Centre has been relatively untouched for thirty years.

Staff also noted that the recommendation of denial is not due to the proposed retail usage and/or tenants but rather to address changes that need to be made to the existing building.

Deborah Tomczyk stated Hobby Lobby doesn't have to do anything.

In response, Steve Schaer indicated, that the proposal submitted is altering the exterior of the building and proposing exterior site changes. The effect these proposed modifications trigger site, landscaping and architectural review of the property per the zoning ordinance (per RMC 12.13).

Ross Gallentine - Asked if the Plan Commission could if concentrate on Hobby Lobby only since they need to deliver a tenant space to them by September 1.

Jim Lisinski noted that he understands that this should be a full site review.

Mayor Devine and Jim Lisinski - inquired if this could be tabled until February and still meet deadlines.

Deborah Tomczyk questioned what would be submitted as we don't know what the city wants regarding the existing building and existing tenants. What has been submitted are improvements beyond the existing conditions. Steve Schaer stated he'd like the applicant to meet the design standards presented by staff.

Ed Eickhoff stated he'd prefer denial.

**Recommendation:** Recommend denial of the Site, Landscaping and Architectural Plans for proposed site and building changes to a portion of the West Allis Town Center located at 6822-6900 W. Greenfield Ave. submitted by Ross Gallentine of Ramco Gershenson, property owner (Tax Key No. 439-0001-007) based on the following zoning site and building design standards from 12.13(4)(c) and 12.13(9) of the Revised Municipal Code are not satisfied:

- (a) Site designs shall provide for the placement of all site elements necessary to create a safe, functional, convenient, healthful, durable and attractive environment.
- (b) Site designs shall ensure that all developments function within the context of the site and the surrounding area. Site designs shall eliminate, or if not possible to eliminate, mitigate potential hazards created by the proposed development.
- (c) <<https://www.ecode360.com/27402855>>Building and structure designs shall avoid alternatives which are at variance from, other buildings and structures already constructed or under construction in the area.
- (d) All sites, buildings and structures shall be designed in accordance with site and architectural design criteria adopted and approved in accordance with Subsection 12.13(4)(c).

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- (f) All sites, buildings and structures shall be designed in accordance with site and architectural design criteria adopted and approved in accordance with Subsection (4)(c)

12.13(12) Appeals. Any person aggrieved by a decision of the Plan Commission under this section may appeal that decision to the Common Council.

**A motion was made by Mr. Clark, seconded by Mr. Lisinski, that this matter was Approved. The motion carried by the following vote:**

**Aye:** 7 - Mr. Clark, Ms. Hirn, Mr. Keckeisen, Mr. Lisinski, Ms. Nowak, Mr. Rebstock, and Mr. Torkelson

**No:** 0

5. [18-00033](#) Site, Landscaping and Architectural Plans for Goldfish Uniforms, a proposed business, to be located within an existing multi-tenant building at 5300 W. Lincoln Ave., submitted by Cameron Bence, d/b/a Bence Build. (Tax Key No. 474-0010-002)

**Attachments:** [Staff Report - Goldfish Uniforms](#)

Discussion ensued with questions being answered by staff.

**Recommendation:** Recommend approval of the Site, Landscaping and Architectural Plan for Goldfish Uniforms, a proposed business, to be located within an existing building at 5300 W. Lincoln Ave., submitted by Cameron Bence, d/b/a Bence Build. (Tax Key No. 474-0010-002), subject to the following conditions:

(Items 1 through 3 are required to be satisfied prior to the issuance of building permits associated with the proposed work reviewed by Plan Commission. Contractors applying for permits should be advised accordingly.)

1. Revised Site, Landscaping and Architectural Plans being submitted to the Department of Development to show the following: (a) awnings above entrances along the W. Lincoln Ave. frontage; (b) pavement repair around catch basins; (c) delineation of proposed curbing and/or wheel stop locations within parking areas; (d) removal of catawampus wheel stops; and (e) confirmation of the relocation of the refuse containers. Contact Steve Schaer, City Planner at (414) 302-8466 with any questions.
2. An estimated cost of landscaping and screening being submitted to the Department of Development for approval. Contact Steve Schaer, City Planner at (414) 302-8466 with any questions.
3. 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 screening shall be executed by the applicant prior to the issuing of a building permit. Contact Steve Schaer, City Planner at (414) 302-8466.

(Remaining conditions of approval to be satisfied by the property owner within one year of Plan Commission approval)

4. Compliance with Section 2814 of the City's Policy and Procedures Manual relative to that policy as it relates to the replacement and repair to City walkways of damaged or defective (if any) abutting sidewalk.

**A motion was made by Mr. Clark, seconded by Mr. Torkelson, that this matter was Approved. The motion carried by the following vote:**

**Aye:** 7 - Mr. Clark, Ms. Hirn, Mr. Keckeisen, Mr. Lisinski, Ms. Nowak, Mr. Rebstock, and Mr. Torkelson

**No:** 0

6. [18-00034](#) Site, Landscaping and Architectural Plans for 5317 West Burnham Street, LLC, an existing self-storage business located at 5317 W. Burnham St, submitted by Steve Osborne, d/b/a 5317 West Burnham Street, LLC.

**Attachments:** [Staff Report - Burnham Self Storage II](#)

Discussion ensued with questions being answered by staff.

**Recommendation:** Recommend approval of the Site, Landscaping and Architectural Plans for 5317 West Burnham Street, LLC, an existing self-storage business located at 5317 W. Burnham St, submitted by Steve Osborne, d/b/a 5317 West Burnham Street, LLC, subject to the following conditions:

(Items 1 through 3 are required to be satisfied prior to the issuance of building permits associated with the proposed work reviewed by Plan Commission. Contractors applying for permits should be advised accordingly.)

1. A Revised Site, Landscaping and Architectural Plan being submitted to the Department of Development to show the following: (a) a detailed and to scale landscaping plan being submitted to the Department of Development for City Foresters review; (b) wider landscaping beds being incorporated on the west side of the site on each side of the egress

drive; (c) an updated lighting plan for the phase two portion of the development and consideration for wall mounted decorative lighting fixtures on the east west and south portions of the new buildings. Contact Steve Schaer, Manager of Planning and Zoning at (414) 302-8466 with any questions.

2. 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 Building Inspector. Contact Ed Lisinski, Building Inspector, at 414-302-8414.
3. Board of Appeals consideration of the applicant's request for a variance to the front yard setback of 25-ft (15-ft proposed, requesting a 10-ft variance).

(Remaining conditions of approval to be satisfied within one year of Plan Commission approval ;)

4. A signage plan being submitted for permit review and approved by the Department of Development.
5. Compliance with Section 2814 of the City's Policy and Procedures Manual relative to that policy as it relates to the replacement and repair to City walkways of damaged or defective (if any) abutting sidewalk.

**A motion was made by Mr. Clark, seconded by Ms. Hirn, that this matter was Approved. The motion carried by the following vote:**

**Aye:** 7 - Mr. Clark, Ms. Hirn, Mr. Keckeisen, Mr. Lisinski, Ms. Nowak, Mr. Rebstock, and Mr. Torkelson

**No:** 0

7. [18-00035](#) Site, Landscaping and Architectural Plans for Magellan Promotions LLC, a proposed promotional product marketing distributorship located at 8802 W. Becher St., submitted by Joe Galbraith, d/b/a Galbraith Carnahan Architects LLC. (Tax Key No. 478-0072-001)

**Attachments:** [Staff Report - Magellan Promotions](#)

Discussion ensued with questions being answered by staff.

Wayne Clark suggested moving up Quonset hut demo from three years to two years.

**Recommendation:** Recommend approval of the Site, Landscaping and Architectural Plans for Magellan Promotions LLC, a proposed promotional product marketing distributorship located at 8802 W. Becher St., submitted by Joe Galbraith, d/b/a Galbraith Carnahan Architects LLC. (Tax Key No. 478-0072-001)



(Items 1 through 3 are required to be satisfied prior to the issuance of building permits associated with the proposed work reviewed by Plan Commission. Contractors applying for permits should be advised accordingly.)

1. A revised site, landscaping and architectural plan being submitted to the Department of Development to show the following: (a) site/landscape plan updates to show landscaping extended back to the alley and between the 2 (two) parked areas and the alley; (b) removal of the Quonset hut within 2 (two) years of Plan Commission approval, and a site plan for what will be in that location; if the existing structure is to be maintained. Exterior improvement plans being submitted for approval; (c) approval of the landscaping by the City Forester; and, (d) a bike rack. Contact Shaun Mueller, Senior Planner at (414) 302-8470 with any questions.
2. An estimated cost of landscaping and screening being submitted to the Department of Development for approval. Contact Shaun Mueller, Senior Planner at (414) 302-8470 with any questions.
3. 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 screening shall be executed by the applicant prior to the issuing of a building permit. Contact Shaun Mueller, Senior Planner at (414) 302-8470 with any questions.

Remaining conditions of approval to be satisfied within one year of Plan Commission approval;)

4. A revised signage plan being submitted to and approved by the Department of Development.
5. Compliance with Section 2814 of the City's Policy and Procedures Manual relative to that policy as it relates to the replacement and repair to City walkways of damaged or defective (if any) abutting sidewalk.

**A motion was made by Mr. Clark, seconded by Ms. Hirn, that this matter was Approved. The motion carried by the following vote:**

**Aye:** 7 - Mr. Clark, Ms. Hirn, Mr. Keckeisen, Mr. Lisinski, Ms. Nowak, Mr. Rebstock, and Mr. Torkelson

**No:** 0

- 8**    [2018-0069](#)    Certified Survey Map to divide the existing property located at 1021 S. 84 St. and 1022 S. 85 St. from one lot into two lots of record submitted by David Radomski property owner (Tax Key No. 442-0379-000).

**Attachments:**    [Staff Report - Radomski - CSM](#)

Discussion ensued with questions being answered by staff.

**Recommendation:** Common Council approval of the Certified Survey Map to

divide the existing property located at 1021 S. 84 St. and 1022 S. 85 St. from one lot into two lots of record, submitted by David Radomski, property owner (Tax Key No. 442-0379-000)

**A motion was made by Mr. Clark, seconded by Mr. Lisinski, that this matter was Recommended For Approval. The motion carried by the following vote:**

**Aye:** 7 - Mr. Clark, Ms. Hirn, Mr. Keckeisen, Mr. Lisinski, Ms. Nowak, Mr. Rebstock, and Mr. Torkelson

**No:** 0

9. [O-2018-0004](#) Ordinance to amend Subsection 12.42(1)(ee) of the Revised Municipal Code to limit the restrictions on Tobacco Retailers within the C-3 Community Commercial District.

**Sponsors:** Ald. Lajsic

**Attachments:** [Staff Report - Tobacco Ordinance](#)

Discussion ensued with questions being answered by staff.

**Recommendation:** Common Council consideration of an Ordinance to amend Section 12.42(1)(ee) of the Revised Municipal Code in order to limit the restrictions on Tobacco Retailers.

**A motion was made by Mr. Clark, seconded by Ms. Hirn, that this matter was Recommended for Disapproval by Common Council. The motion carried by the following vote:**

**Aye:** 7 - Mr. Clark, Ms. Hirn, Mr. Keckeisen, Mr. Lisinski, Ms. Nowak, Mr. Rebstock, and Mr. Torkelson

**No:** 0

10. [18-00036](#) Demolition plan for a single family home located 9325 W. National Ave. submitted by City of West Allis, property owner (Tax Key No. 479-0784-001)

**Attachments:** [Staff Report - 9235 National Ave - Demo](#)

Discussion ensued with questions being answered by staff.

**Recommendation:** Approval of a Demolition Plan for a single family home located 9325 W. National Ave., submitted by the City of West Allis, property owner (Tax Key No. 479-0784-001)

**A motion was made by Mr. Clark, seconded by Ms. Nowak, that this matter was Approved. The motion carried by the following vote:**

**Aye:** 7 - Mr. Clark, Ms. Hirn, Mr. Keckeisen, Mr. Lisinski, Ms. Nowak, Mr. Rebstock, and Mr. Torkelson

**No:** 0

## E. ADJOURNMENT

There being no other business, a motion was made by Jim Lisinski and seconded by Jon Keckeisen to adjourn the Plan Commission meeting at 7:47 p.m.

The motion carried unanimously.