

# City of West Allis Meeting Agenda Plan Commission

Wednesday, January 25, 2023

6:00 PM

City Hall, Room 128 7525 W. Greenfield Ave.

# **REGULAR MEETING**

# A. CALL TO ORDER

B. ROLL CALL

# C. APPROVAL OF MINUTES

1. <u>23-0027</u> December 7, 2022

Attachments: December 7, 2022

# D. NEW AND PREVIOUS MATTERS

- **2A.** <u>23-0028</u> Conditional Use Permit for Healium, a proposed Instruction/Training (16 or more persons at one time) use, at 6675 W. National Ave.
- **2B.** <u>23-0029</u> Site, Landscaping, and Architectural Design Review for Healium, a proposed Instruction/Training (16 or more persons at one time) use, at 6675 W. National Ave. (Tax Key No. 454-0654-000)

Attachments: (CUP-SLA) Healium - 6675 W Nat'l Ave

- **3A.** <u>23-0030</u> Conditional Use Permit for Chase Bank, a proposed Neighborhood Service with accessory drive-through service, at 2678 S.108th St.
- **3B.** <u>23-0031</u> Site, Landscaping, and Architectural Design Review for Chase Bank, a proposed Neighborhood Service with accessory drive-through service, at 2678 S.108th St. (Tax Key No. 485-9990-009)

Attachments: (CUP-SLA) Chase - 2678 S 108 St

 <u>23-0032</u> Site, Landscaping, and Architectural Design Review for Blast Cleaning Technologies, a proposed Light Industrial use, at 404 S.116th St. (Tax Key No. 414-9992-015)

Attachments: (SLA) Blast Cleaning Technologies - 404 S 116 St

 <u>23-0033</u> Site, Landscaping, and Architectural Design Review for Storage Rentals of America, an existing Light Industrial use, at 11108 W. Lapham St. (Tax Key No. 448-9993-010)

Attachments: (SLA) Storage Rentals of America - 11108 W Lapham St

- 6. <u>23-0034</u> Vacation and discontinuance of a portion of public right-of-way near the intersection of S. 92nd St. and W. Cleveland Ave.
  <u>Attachments:</u> (VAC) 92nd & W. Cleveland Ave
- 7. <u>23-0035</u> Planning & Zoning 2022 Annual Report
- 8. <u>23-0036</u> Project Tracking Updates
- E. ADJOURNMENT



All meetings of the Plan Commission are public meetings. In order for the general public to make comments at the committee meetings, the individual(s) must be scheduled (as an appearance) with the chair of the committee or the appropriate staff contact; otherwise, the meeting of the committee is a working session for the committee itself, and discussion by those in attendance is limited to committee members, the mayor, other alderpersons, staff and others that may be a party to the matter being discussed.

#### NOTICE OF POSSIBLE QUORUM

It is possible that members of, and possibly a quorum of, members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

#### NON-DISCRIMINATION STATEMENT

The City of West Allis does not discriminate against individuals on the basis of race, color, religion, age, marital or veterans' status, sex, national origin, disability or any other legally protected status in the admission or access to, or treatment or employment in, its services, programs or activities.

#### AMERICANS WITH DISABILITIES ACT NOTICE

Upon reasonable notice the City will furnish appropriate auxiliary aids and services when necessary to afford individuals with disabilities an equal opportunity to participate in and to enjoy the benefits of a service, program or activity provided by the City.

#### LIMITED ENGLISH PROFICIENCY STATEMENT

It is the policy of the City of West Allis to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.



# City of West Allis Meeting Minutes Plan Commission

### Wednesday, December 7, 2022

6:00 PM

City Hall, Room 128 7525 W. Greenfield Ave.

# **REGULAR MEETING (draft minutes)**

# A. CALL TO ORDER

B. ROLL CALL

 Present 8 - Wayne Clark, Brian Frank, Rossi Manka, Eric Torkelson, Jessica Katzenmeyer, Dan Devine, Kathleen Dagenhardt, and David Raschka
 Excused 1 - Brandon Reinke (PC Alternate)

# Others Attending

John Katzenmeyer, Walter Holtz

#### Staff

Steve Schaer, AICP, Manager of Planning and Zoning Zac Roder, Lead Planner Jack Kovnesky, Planner

### C. APPROVAL OF MINUTES

**1.** <u>22-0688</u> October 26, 2022

Attachments: October 26, 2022 Draft Minutes

Katzenmeyer moved to approve this matter, Frank seconded, motion carried.

# D. NEW AND PREVIOUS MATTERS

6. <u>22-0686</u> Ordinance to create a pedestrian mall in the 1300 block of S. 72 St.

Attachments: (ORD) S 72 St Street Plaza

**Recommendation:** Common Council approval of an ordinance to create a pedestrian mall in the 1300 block of S. 72 St. and a resolution granting a privilege agreement for use of the pedestrian mall between the city and Walter Holtz. The terms under which Deco may serve alcohol (extension of premise) will be handled by Council separately.

Clark moved to approve this matter, Katzenmeyer seconded, motion carried.

**2A.** 22-0680Conditional Use Permit for Nubias Kouture, a proposed Massage<br/>Therapy use, to be located at 2363 S. 102 St.

Manka moved to approve the Consent Agenda, items #2A & 2B, Dagenhardt seconded,, motion carried on a consent vote.

2 <b>B</b> . <u>22-0681</u>	Site, Landscaping, and Architectural plans for Nubias Kouture, a proposed Massage Therapy use, to be located at 2363 S. 102 St.,				
	submitted by Audryunna Tate, d/b/a Nubias Kouture LLC. (Tax Key No. 485-9995-014)				

Attachments: (CUP-SLA) Nubias Kouture - 2363 S 102 St

**Recommendation:** Approve the Site, Landscaping, and Architectural plans for Nubias Kouture, a proposed Massage Therapy use, to be located at 2363 S. 102 St., submitted by Audryunna Tate, d/b/a Nubias Kouture LLC. (Tax Key No. 485-9995-014) subject to the following conditions:

(Item 1 is 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. Common Council approval of the Conditional Use permit.
- 2. Business shall maintain records of appointments and install cameras in customer lobby area.

Manka moved to approve the Consent Agenda, items #2A & 2B, Dagenhardt seconded,, motion carried on a consent vote.

#### Passed The Block Vote

Manka moved to approve the Consent Agenda, items #2A & 2B, Dagenhardt seconded,, motion carried on a consent vote.

**3A.** <u>22-0682</u> Conditional Use Permit for Lowe Properties, a proposed Community Living Arrangement (9 or more persons), to be located at 1467 S. 75 St.

Dagenhardt moved to approve the Consent Agenda, items #3A & #3B, Brian Frank seconded, motion carried on a consent vote.

**3B.** <u>22-0683</u> Site, Landscaping, and Architectural Plans for Lowe Properties, a proposed Community Living Arrangement (9 or more persons), to be located at 1467 S. 75 St., submitted by Devon Ellis, d/b/a Lowe Properties, LLC. (Tax Key No. 453-0333-000)

Attachments: (CUP-SLA) CLA Expansion - 1467 S 75 St

**Recommendation:** Approve the Site, Landscaping, and Architectural Plans for Lowe Properties, a proposed Community Living Arrangement (9 or more persons), to be located at 1467 S. 75 St., submitted by Devon Ellis, d/b/a Lowe Properties, LLC. (Tax Key No. 453-0333-000) subject to the following conditions: (Item 1-2 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. Common Council approval of the Conditional Use permit.
- 2. Site improvements including: a) fence repairs; b) 4-sided refuse enclosure

# Dagenhardt moved to approve the Consent Agenda, items #3A & #3B, Brian Frank seconded, motion carried on a consent vote.

### Passed The Block Vote

Dagenhardt moved to approve the Consent Agenda, items #3A & #3B, Brian Frank seconded, motion carried on a consent vote.

**4.** <u>22-0684</u> Site, Landscaping and Architectural Plans for building alterations to a contractor storage building, located at 1649 S. 83 St., submitted by Tom Vavra, d/b/a Brad Paradeis. (Tax Key No. 452-0477-000)

Attachments: (SLA) Paradeis Industrial Building - 1649 S 83 St

**Recommendation:** Approve the Site, Landscaping and Architectural Plans for building alterations to a contractor storage building, located at 1649 S. 83 St., submitted by Tom Vavra, d/b/a Brad Paradeis. (Tax Key No. 452-0477-000) subject to the following conditions:

(Item 1 is 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. Site improvements including: a) provide exterior paint details; b) repave Southern side driveway.

#### Clark moved to approve this matter, Frank seconded, motion carried.

5. <u>22-0685</u> Site, Landscaping and Architectural Plan Amendment for AS Towing, an existing Light Motor Vehicle Service Use, located at 5225 W. Electric Ave., submitted by Alejandra Sosa, d/b/a AS Towing LLC. (Tax Key No. 474-0009-000)

#### Attachments: (SLA) AS Towing - 5225 W Electric Ave

**Recommendation:** Approve the Site, Landscaping and Architectural Plan Amendment for AS Towing, an existing Light Motor Vehicle Service Use, located at 5225 W. Electric Ave., submitted by Alejandra Sosa, d/b/a AS Towing LLC. (Tax Key No. 474-0009-000)

Frank moved to approve this matter, Katzenmeyer seconded, motion carried.

7. <u>22-0687</u> Project Tracking Updates

Brief overview of recent projects completed or under construction. No action needed.

# E. ADJOURNMENT

There being no other business, a motion was made by Clark, seconded by Frank to adjourn at 6:53 p.m.



All meetings of the {bdName} are public meetings. In order for the general public to make comments at the committee meetings, the individual(s) must be scheduled (as an appearance) with the chair of the committee or the appropriate staff contact; otherwise, the meeting of the committee is a working session for the committee itself, and discussion by those in attendance is limited to committee members, the mayor, other alderpersons, staff and others that may be a party to the matter being discussed.

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Watch: https://www.youtube.com/user/westalliscitychannel

- 2A. Conditional Use Permit for Healium, a proposed Instruction/Training (16 or more persons at one time) use, at 6675 W. National Ave.
- 2B. Site, Landscaping, and Architectural Design Review for Healium, a proposed Instruction/Training (16 or more persons at one time) use, at 6675 W. National Ave. (Tax Key No. 454-0654-000)

# **Overview and Zoning**

Healium Hot Yoga is a yoga studio planning to locate in the vacant south retail space of the SoNa Lofts apartment building. Healium will be making alterations to the tenant space with no further changes.

Hours of Operation: 5am - 9:30pm

6675 W. National Ave. is zoned C-3. Instruction/Training (16 or more persons at one time) is a Conditional Use in the C-3 district.

# Floor Plan

The tenant space will include a studio space for exercise classes, 2 bathrooms, a storage area, reception and waiting area, and changing area.

# **Design Guidelines**

The project is not considered a new development or significant redevelopment. The guidelines will not be used as a reference for this project due to its limited scope.



**Recommendation:** Approve the Site, Landscaping, and Architectural Design Review for Healium, a proposed Instruction/Training (16 or more persons at one time) use, at 6675 W. National Ave. (Tax Key No. 454-0654-000) subject to the following conditions:

(Item 1 is 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. Common Council approval of the Conditional Use Permit.
- 2. New address assignment being requested of the Code Enforcement Department.



Watch: https://www.youtube.com/user/westalliscitychannel

- 3A. Conditional Use Permit for Chase Bank, a proposed Neighborhood Service with accessory drive-through service, to be located at 2678 S. 108<sup>th</sup> St.
- 3B. Site, Landscaping, and Architectural Plans for Chase Bank, a proposed Neighborhood Service with accessory drive-through service, to be located at 2678 S. 108<sup>th</sup> St. (Tax Key No. 485-9990-009)

Items 3A and 3B may be considered together.

# **Overview and Zoning**

Chase Bank is planning to operate at the former Boston Market restaurant at 2678 S. 108<sup>th</sup> St. Changes to the overall site and building encompass the proposal. Chase Bank has numerous locations throughout the Milwaukee area but this will be first branch location in the City of West Allis.

Proposed hours of operations: M-F: 9 AM-6 PM Sat: 9 AM-2 PM

The property is zoned C-4. Banks are considered Neighborhood Services which is a permitted use in the C-4 district. However, accessory drivethrough services are a Conditional use in the C-4 district. A public hearing before the Common Council will be held following the Plan Commission's review.



# **Proposed Changes**

To prepare the site, Chase Bank proposed several changes to the layout of the Parking lot. Staff noted that the site does not comply with Sec. 19.44(2) of the zoning code. The zoning code allows up to 3 parking spaces per 1,000 sq. ft. of gross floor area open to the public for service uses. Therefore, no more than 8 parking spaces are allowed for this property.

The site was built prior to the adoption of this regulation and is a legal nonconforming use. Because changes are proposed to the noncompliant parking lot, staff requested Chase Bank to eliminate parking stalls to come into compliance with the Code. Chase Bank noted that 8 parking spaces is not enough to fit the needs of the bank. Chase Bank

offered to compromise at 25 spaces, a reduction from the sites original 39 spaces. Staff supports this compromise.

This change would re-establish a legal nonconforming use at 25 parking spaces. Common Council is not required to waive the parking requirement because the site is already a legal nonconforming use.

# Site & Landscaping Plan

The proposed changes to the parking lot include relocation of the existing curb cut on the west side of the property further north and reorganization of parking spaces. Parking stalls have been removed on all edges of the property with additional landscape areas given on the Southwest corner of the site. A sidewalk connection has been added on the Southwest edge of the parking lot.

Landscape plans have been submitted and include additional landscaping largely on the Western edge and Southwest Corner of the property abutting Highway 100. Existing landscaping is also utilized throughout the site.



# **Design Guidelines**

This project is considered a significant redevelopment which places the project under the requirements of the design review guidelines. Overall, the majority of the objective criteria within the goals of the design review guidelines have been met. Key components met within

the Context goal include maintaining cross access to neighboring properties, addition of pedestrian connections, and the modification of the driveway access to comply with WisDOT guidance. The Public Realm goal is met with several key additional landscaping elements, bike parking, pedestrian connections, and awnings added. Additionally, impacts have been reduced with reduced parking along Highway 100 and landscape buffers have been improved. The lighting plan does not fully comply with the intent to prevent light from spilling over to neighboring properties, however, given the nature of the neighboring commercial lots this issue is minimal. The Quality goal is driven by the replacement of EIFS with higher quality materials, the reuse and adaptation of an existing building, and reduced impervious surface.

See attached Plan Commission checklist and **Design Review Guidelines** for further details.



# **Elevations:**



**Recommendation:** Approve the Site, Landscaping, and Architectural Plans for Chase Bank, a proposed Neighborhood Service, to be located at 2678 S. 108<sup>th</sup> St. submitted by Terron Wright, The Architects Partnership, Ltd. d/b/a Chase Bank. (Tax Key No. 485-9990-009) subject to the following conditions:

(Item 1 is 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. Common Council approval of the Conditional Use Permit (I think we need to schedule a date for the public hearing yet).
- 2. Revised site and landscaping plan being submitted to the Planning and Zoning Office to indicate the following:
  - a. Notation on the site plan to indicate removal of the existing non-conforming pole sign
  - b. Updated landscaping plan being approved by the City Forester.
- 3. A surety bond or letter or other form of security as required under Sec. 19.13(2)(e) of the Revised Municipal Code in the amount of 125% of landscaping and screening shall be executed by the applicant prior to the issuing of a building permit.

# PLAN COMMISSION CHECKLIST

		Objective	Criteria		Notes
	Goal:		i.	$\bigcirc$	
		a. Neighbor	ii.	Ŏ	
	Context				
			iv.	Ŏ	
			i.	$\bigcirc$	
		b. Site	ii.	Ō	
			iii.	Ŏ	
			iv.	$\widetilde{\mathbf{O}}$	
		Objective	Criteria		Notes
	Goal:		i.		
<b>2.</b>	Public		ii.		
	Realm	a. Active Ground Floor	iii.		
			iv.		
			i.		
			ii.		
		b. Build for People	 iii.		
			iv.		
			i.		
		c. Mitigate Impacts	ii.		
			iii.		
			iv.		
		Objective	Criteria		Notes
	Goal:		i.	$\bigcirc$	
<b>3.</b>	Quality	o Building	ii.		
	Quanty	a. Building	iii.	$\bigcirc$	
			iv.	$\bigcirc$	
			i.		
		b. Environment	ii.	$\overline{\mathbf{O}}$	
			iii.	$\widetilde{\mathbf{O}}$	
			iv.	$\overline{\mathbf{O}}$	



Watch: https://www.youtube.com/user/westalliscitychannel

4. Site, Landscaping, and Architectural Design Review for Blast Cleaning Technologies, a proposed Light Industrial use, at 404 S. 116th St. (Tax Key No. 414-9992-015)

# **Overview and Zoning**

Blast Cleaning Technologies (BCT) is a manufacturing company based in West Allis that designs, manufactures, and builds shot blasting equipment. Located in the historic Allis-Chalmers building, BCT is seeking to establish a facility to expand their machining operations and produce its own cast products to support the business' growth. The new facility will house a new division of BCT called BCT Cast Products, LLC. The company is making a \$20M investment in the new site.

BCT's casting facility will be designed as a worldclass, highly-modernized, advanced foundry. The modernization will include a highly automated molding system, high-quality ceramic sand instead of silica, vibration absorption, and a closed-loop thermal reclamation system which generates no mold media waste.

These modernizing changes mean the casting process will have almost no impact outside the building. Smell is dramatically reduced via the use



of organic media binders. Dust is reduced via advanced processes, dust collection systems, and higherquality ceramic media. The advanced process and equipment will also contain vibration and noise within the building. While traditional foundries qualify as a Heavy Industrial use, the advanced nature of this facility qualifies the use as Light Industrial.

Machining and quality operations are expected to relocate before the end of Q1 of 2023. Foundry operations are expected to begin Q4 of 2023.

Hours of Operation: 8:00pm – 5:00pm (21 hours) Trucking Hours: 7:00am – 4:00pm

404 S. 116<sup>th</sup> St. is zoned I-1. Light Industrial uses are a Limited Use in the I-1 district.

# Site & Landscaping Plan

BCT is proposing minimal changes to the site. New exterior equipment will be added immediately adjacent to the North side of the building in line with existing equipment. Equipment includes electrical transformers, backup generators, cooling systems, as well as dust collectors and storage for ceramic sand. Bollards will be placed to buffer equipment from vehicle parking and travel.

The rear of the site is unpaved gravel and brush. This portion of the site will not be used or changed at this time, and is the planned site for future expansion.

BCT is not proposing any changes to the previously approved landscaping plan.



# **Architectural Plan**

BCT is not proposing any architectural changes to the existing building. New equipment will be placed on the North side of the building. Of note, ceramic sand storage and dust collection equipment will rise above the roofline. These elements are set back far enough from the street such that visual clutter will not be significantly noticeable.



north elevation



west elevation

# Floor Plan

Most of the investment in the property is directed to the interior of the building. Office spaces will be updated, and a new locker and shower room will be built. The second-floor office space will be disused at this time, though may house offices in the future. Manufacturing equipment is the primary cost and will be located on the main, central floor.



# **Design Guidelines**

Project is not considered a new development or significant redevelopment due to minimal proposed site changes. Design guidelines are not mandatory but serve as a framework for review.

See attached Plan Commission checklist. The proposed project satisfies most criteria.

**Recommendation:** Approve the Site, Landscaping, and Architectural Design Review for Blast Cleaning Technologies, a proposed Light Industrial use, at 404 S. 116th St. (Tax Key No. 414-9992-015) subject to the following conditions:

(Item 1 is 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. Submit updated plans to the Planning & Zoning office to show a) bollards protecting exterior equipment; b) width of North side drive lane.
- 2. Certified Survey Map to combine the rear and front parcels into 1 lot. The CSM being submitted within 6 months of Planning Commission approval.
- 3. Replant dead or missing plants in accordance with the approved landscaping plan.

# PLAN COMMISSION CHECKLIST

		Objective	Criteria		Notes
1.	Goal: Context	a. Neighbor	i. ii.		
			iii. iv.		
		b. Site	i. ii.		
			iii. iv.		
		Objective	Criteria		Notes
	Goal:				
2.			i. ii.		
	Public Realm	a. Active Ground Floor	iii.		
	Nealin		iv.		
			i.		
		b Build for	ii.		
		b. Build for People	iii.	Ŏ	
			iv.	Ō	
			i.	$\bigcirc$	
		c. Mitigate Impacts	ii.	$\bigcirc$	
			iii.	$\bigcirc$	
			iv.		
		Objective	Criteria		Notes
	Goal:		i.		
	Quality	a. Building	ii.		
			iii.		
			iv.		
		b. Environment	i. 		
			ii. iii.		
			iv.		



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5. Site, Landscaping, and Architectural Design Review for Storage Rentals of America, an existing Light Industrial use, at 11108 W. Lapham St. (Tax Key No. 448-9993-010)

# **Overview and Zoning**

Storage Rentals of America (SROA) is proposing to demolish an existing paved vehicle storage area and construct a 3-story, 19,160 sq. ft. climate controlled self-storage building. The proposed building will be built up against an existing building but will not be connected to it.

Hours of Operation: 9:30am - 5:30pm

11108 W. Lapham St. is zoned C-3. Light Industrial uses are not allowed in the C-3 district. The use is legal non-conforming, but since the overall land area of the existing property is not expanding, the building addition is allowed to proceed (subject to Plan Commission site, landscaping and architectural design review and building permits).





# Site & Landscaping Plan

The proposed new building will be centrally located on the site, replacing the former outdoor vehicle storage area. Direct vehicle access will be available via garage doors on the East side of the building. No other site changes are proposed.

SROA is not proposing any changes to the previously approved landscaping plan.

# **Architectural Plan**

The applicant submitted an architectural plan; staff is working with the architect on alternate materials and design for the exterior of the building. The initial proposal included a corrugated metal exterior which does not align well with the existing materials. Staff advised the applicant to redesign the building with higher quality materials and design approaches. Staff will provide a summary presentation and recommendation on the architectural plans at the Plan Commission meeting.



# **Floor Plan**

The interior floor plan is designed to maximize the amount of storage space available in the building. The first-floor's East side includes units that open directly to the building's exterior.



# **Design Guidelines**

The project is considered significant redevelopment; compliance with the design guidelines is mandatory.

The initial proposal fails to meet 3 of the guidelines:

- **1b. Context Site:** The addition does not respond to the existing architecture. Additions do not need to be replications but should thoughtfully respond to the existing architecture. The addition's design is not integrated with any of the existing buildings.
- 2a. Public Realm Active Ground Floor: The addition includes prominent, blank walls.
- **3a. Quality Building:** The addition uses low-quality materials, and has a featureless design without sufficient depth or texture.

See attached Plan Commission checklist for further reference.

**Recommendation:** Hold the Site, Landscaping, and Architectural Design Review for Storage Rentals of America, an existing Light Industrial use, at 11108 W. Lapham St. (Tax Key No. 448-9993-010). Updated plans should be submitted to show the following:

1. Submit updated plans to the Planning & Zoning office to show (a) architectural elevations and exterior materials complementary to the existing buildings on site and adjacent area.

# PLAN COMMISSION CHECKLIST

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		Objective	Criteria		Notes
	Goal:		i.		
		a. Neighbor	ii.	Ō	
	Context		iii.		
			iv.	Ŏ	
			i.		
		h Cita	ii.	Ō	
		b. Site	iii.	Ō	
			iv.	Ō	
		Objective	Criteria		Notes
	Goal:		i.	$\bigcirc$	
2.	Public	a. Active Ground	ii.	$\bigcirc$	
	Realm	Floor	iii.	$\bigcirc$	
			iv.		
			i.		
		b. Build for	ii.	Ō	
		People	iii.	Ō	
			iv.	Ō	
			i.		
		c. Mitigate	ii.	$\overline{\mathbf{O}}$	
		Impacts	iii.		
			iv.	$\overline{\mathbf{O}}$	
		Objective	Criteria		Notes
	Goal:		i.	$\bigcirc$	
<b>3.</b>		o Duilding	ii.		
	Quality	a. Building	iii.	$\bigcirc$	
			iv.	$\bigcirc$	
			i.		
		b. Environment	ii.	Ŏ	
			iii.	Ŏ	
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# 6. Vacation and discontinuance of a portion of public right-of-way near the intersection of S. 92<sup>nd</sup> St. and W. Cleveland Ave.

# **Overview and Zoning**

This project is sponsored for introduction by 4<sup>th</sup> District Alderperson Lajsic and involves the proposed vacation and discontinuance of a portion of right of way near S. 92nd St and W. Cleveland Ave. The vacation/discontinuance of city right-of-way if approved by Council would assemble the subject lands for private ownership. The area under consideration is a small portion of right of way, of about 20x118-ft along S. 92 St. and about 315-ft along W. Cleveland Ave. (width varying between 30-ft and 50-ft). The properties abutting the subject area include: 9131 W Cleveland Ave., 9119-21 W. Cleveland Ave. and 9109-11 W. Cleveland Ave.



Abutting property owners will be sent notice of the public hearing. State Statutes requires publishing a class 3 notice and personal service on abutting landowners at least 30 days before a public hearing or, if they can't be personally served, the notice needs to be mailed to them at least 30 days ahead of time. Any abutting owner can object to discontinuance by filing a written objection; it would then take a 2/3 vote by the council to override that objection.

On January 10, the item was introduced to the Common Council and council directed staff to proceed with public notice and a hearing. Staff is of the opinion that it is in the public interest to vacate the subject areas from city right-of-way and make them private (taxable) property.

The schedule for review as follows: 1/10/23 Council introduction at 7pm 1/25/23 Plan Commission meeting at 6pm 3/7/23 or 3/21/23 Council Public Hearing – decision/action date where it will pass or fail



Why vacate the land area?

If vacated, the right-of-way areas would be better suited/aligned with the abutting land uses (a commercial use and two residential uses), reduce city maintenance costs, and result in taxable land area.

- Cleveland Liquor a retail store with its surface parking lot encroaching into right-of-way. Over the past year, DPW has been obligated to maintain the parking lot (pothole repairs) within this portion of city right of way.
- Residential property owners to the east, of Cleveland Liquor have made minor landscaping improvements and have access to their properties across the subject portion of right-of-way area.

Planning, Public Works and Engineering have not identified a public purpose to continue to maintain this area as right-of-way, or why the right-of-way portions was deemed necessary. If approved by Council, the right-of-way would be discontinued and returned to the abutting property owners (and become taxable).

**Recommendation:** Common Council approval of the Vacation and discontinuance of a portion of public right-of-way near the intersection of S. 92<sup>nd</sup> St. and W. Cleveland Ave. subject to public notice and a public hearing in accordance with State Statutes.



Google StreetView