

CITY OF GLENDALE -- PLAN COMMISSION

Tuesday, April 04, 2016

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

Alderman Wiese called the meeting to order at 6:00 p.m.

Roll Call: Present: Acting Chair Alderman Richard Wiese, Commissioners Bruce Cole, Izzy Goldberg, Fred Cohn, Gary Lippow, Robert Pfauth, and Tomika Vukovic. Absent: Mayor Bryan Kennedy.

Other Officials Present: Dave Eastman, City Administrator, Todd M. Stuebe, Director of Community Development

In accordance with the Open Meeting Law, the North Shore NOW, the City's official newspaper, was advised on Thursday, March 31, 2016, 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. Goldberg, seconded by Comm. Cole, to approve the minutes of the meeting held on Tuesday, March 1, 2016. Roll Call: Ayes: Alderman Richard Wiese, Commissioners Cole, Goldberg, Pfauth, and Vukovic. Noes: None. Abstain: Comm. Cohn and Lippow. Motion carried unanimously.

MATTERS FOR CONSIDERATION.

- I. Referral from Common Council: Application to Change the Zoning of Milwaukee County-owned lands: Recreation Trail (Tax Key Parcels 159-8997-002, 160-9979-000, 169-9993-000, 168-9987-000, 195-8998-000, 196-8995-000, 204-8999-000, and 203-8996-000) from Railway Lands to C-1 Conservancy District. Present proposed rezone to the Plan Commission, Plan Commission review and discussion. The Plan Commission may schedule a public hearing or immediately recommend to the Common Council.

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

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Plan Commission Report:

Milwaukee County proposes to change the zoning of the referenced lands (refer to Photograph A and B) from Railway Lands to C-1 Conservancy District. On February 22, 2016, per the request of Milwaukee County the Common Council also approved change to the text of the C-1 Conservancy District which states that “Any parcel that is owned by Milwaukee County in a C-1 District is considered to be zoned as park for the purposes of Wisconsin Statutes 59.17(2)(b)(3).”

Photograph A and B. Views of Milwaukee County-Owned Recreation Trail Lands.



Required Action

The necessary action by the Plan Commission is to recommend that the Petition be granted as requested, modified, or denied. The Plan Commission may, in arriving at its recommendation, and of its own volition, conduct its own public hearing. The Common Council is required to hold a public hearing.

Mr. Whaley-Smith, Milwaukee County Director of Administrative Services, stated that he was present to represent Phase 2 of this review and that Phase 1 was the land east of the (Kletzsch Park) dam and that this item is the balance of the land committed to trails and parkways.

Comm. Pfauth stated that he found it curious that the property had improvements prior to rezoning.

Mr. Whaley-Smith stated that trails and parkways were the permitted uses for the C-1 Conservancy District, and that the zoning text was changed to meet and fit into that category to meet the statutory definition.

Comm. Vuckovic asked why it was necessary.

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Mr. Whaley Smith said that it zoned for that purpose, not for any other purpose, that there is not any intent to sell, and that they always want it for parkways and trails unless we want to use it for something else.

Motion by Comm. Cohn, seconded by Comm. Cole, that the Plan Commission recommend that the Common Council approve the request to rezone the Milwaukee County owned lands from Railway Lands to C-1 Conservancy District. Roll Call: Ayes: Alderman Richard Wiese, Commissioners Cole, Goldberg, Cohn, Lippow, Pfauth, and Vukovic. Noes: None. Motion carried unanimously.

II. Specific Implementation Plan (SIP), The Glen Residential Planned Development Community, 7275 North Port Washington Road (Former Residence Inn Extended Stay and Suites at North Shore). Review and approve refined Specific Implementation Plan (SIP).

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

Plan Commission Report:

Robert Schmidt and Joe Devorkin of Jomela-Boulder, LLC, will formally present the Specific Implementation Plan (SIP) to the Plan Commission. The SIP is the revised precise plan for the proposed Planned Development District project that is filed with the Plan Commission.

The Glen Planned Development project is somewhat of an anomaly in that it is not a to-be-built development project; it is a conversion of the use of existing site improvements (former Residence Inn Extended Stay hotel) to a multi-family apartment complex, with minimal changes or expenditures. The SIP submittal is included in the Plan Commission materials.

The number of parking spaces in the SIP is 112 parking spaces (109 parking spaces and three ADA parking spaces), with parking spaces nine (9) feet in width.

Required Action

The necessary action by the Plan Commission is to approve the Specific Implementation Plan as proposed or to approve with any specific changes that remain consistent with the approved General Development Plan.

Robert Schmidt, III, and Joe Devorkin introduced themselves and presented the Specific Implementation Plan (SIP) to the Plan Commission.

Comm. Cole asked about the number of handicapped parking spaces and whether they were flexible if more were needed, for example if there were 12 handicapped tenants what would they do, would they add more handicapped parking spaces.

Mr. Devorkin stated that parking is tight, and yes, they would.

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Acting Chairman Wiese asked if there had been any further discussion about the name, The Glen, as there had been some inquiry about that name being in use already, and there was not any further comment.

Comm. Goldberg asked if the landscape is all new.

Mr. Devorkin stated it is mostly new, and that there were some healthy plants that could remain.

Comm. Pfauth asked if there would be upkeep maintenance.

Motion by Comm. Cole, seconded by Comm. Goldberg, that the Plan Commission grant approval of the Specific Implementation Plan (SIP) consistent with the General Development Plan. Roll Call: Ayes: Alderman Richard Wiese, Commissioners Cole, Goldberg, Cohn, Lippow, Pfauth, and Vukovic. Noes: None. Motion carried unanimously.

III. Certified Survey Map, Cousin's and Oriental Medical Center Site, 5317-33 North Port Washington Road. Review and recommend Common Council approval of Certified Survey Map (CSM).

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

Plan Commission Report:

S.F Acquisitions, LLC (Atwahl Asset management Services, Incorporated, AKA Warren Blumenthal) seeks approval of a Certified Survey Map to create the single lot required for the Cousins Center revitalization of the former Cousin's Subs and Oriental medical Center properties.

The necessary action by the Plan Commission is to recommend to the Common Council, to approve the Certified Survey Map subject to payment of the \$190 (\$175.00 plus 1x\$15 = \$190) administrative fee, making the required technical corrections to the document, and payment of City Engineer CSM technical review fees, if any.

Community Development Director Stuebe stated that Certified Survey Map assembles the property necessary to facilitate completing the project as approved by the City.

Owner representative was unable to be present.

Comm. Cohn stated that he would recuse himself from voting this item as a relative is involved with the project.

Motion by Comm. Cole, seconded by Comm. Goldberg, that the Plan Commission recommend that the Common Council approve the proposed Certified Survey Map per the requirements. Roll Call: Ayes: Alderman Richard Wiese, Commissioners Cole, Goldberg, Lippow, Pfauth, and Vukovic. Noes: None. Motion carried unanimously.

IV. Plan Commission Review, Pet Supplies Plus, 5300 North Port Washington Road. Review and approve proposed exterior modifications and signage, as well as use and occupancy.

Mr. Stuebe stated that the Plan Commission Report was distributed to the Plan

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Commissioners and Applicant and is incorporated herein as follows:

Plan Commission Report:

Matt Strehle seeks Plan Commission review and approval to complete modifications to the Pet Supplies Plus located at 5300 North Port Washington Road. The site is zoned B-1, Sub-area B, and under the Zoning Code the proposed changes are require review and approval by the Plan Commission.

August 5, 2014, the Plan Commission reviewed and approved project plans for improvements to the Pet Supplies "Plus" store. The project did not proceed to construction. The proposed project is similar in scope with changes to the proposed architectural look from what was previously proposed. As currently proposed the west elevation and the entrance at the northwest corner will be changed (refer to drawings), materials will include thin brick veneer, metal siding, a metal tubular awning system, and a window glazing system that includes both clear tempered glazing and clear tempered glazing to be covered with applied black-out vinyl film. Wall lighting sconces are shown on both the west and northwest elevation views. The lighting is required to be carefully shielded per the Glendale requirements.

Repairs and painting the north elevation are noted as well. The east and south elevations also need similar maintenance improvements and the landscape at the southeast corner of the building and the southwest corner requires both debris removal and regular routine landscape maintenance. There is a concrete base located at the southwest corner of the property that should be removed and the space converted to landscape space. The Owner will likely complete all of these improvements to the 5300 North Port Washington Road property in stages.

Community Development Director Stuebe stated that staff recommends that the Plan Commission grant approval for Pet Supplies Plus to complete the proposed façade improvements at 5300 North Port Washington Road, with the following requirements: 1) Signs at the 5300 North Port Washington Road are required to conform to the Glendale Sign Code; 2) All landscaping and lighting features at the 5300 North Port Washington Road property being maintained and replaced and/or replenished whenever necessary pursuant to tenant/owner lease responsibilities; 3) Trash enclosure(s) at the 5300 North Port Washington Road property required to comply with 13.1.144 of the Zoning Code; 4) All City of Glendale building and fire codes applicable to the 5300 North Port Washington Road property being carried out to the satisfaction of the Building Inspector and the North Shore Fire Department.

Matt Strehle introduced himself and briefly presented the project to the Plan Commission, with the proposed building materials. Mr. Strehle stated that they will remove the green canopy and make everyone happy, and that they have a 71-foot wide storefront and will have a sign at the 5300 North Port Washington Road property in compliance with the Glendale Sign Code, and that the sign will be white in the daytime with green LED back lighting at their building at night.

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Mr. Strehle asked if the City wanted cut-sheets and was advised to hold off for the time being.

Comm. Pfauth asked if it would be all the same aluminum and acrylic back-lit.

Mr. Strehle said yes.

Comm. Lippow asked if there would be any interior work or if it was strictly façade, and commented that he was glad to see the green canopy gone, and the “PLUS” quotes gone.

Mr. Strehle said that there was not any interior work and that the project also includes the vestibule and doors space.

Motion by Comm. Goldberg, seconded by Comm. Cole, that the Plan Commission grant approval for Pet Supplies Plus to complete the proposed façade improvements at 5300 North Port Washington Road, per the four requirements. Roll Call: Ayes: Alderman Richard Wiese, Commissioners Cole, Goldberg, Cohn, Lippow, Lippow, Pfauth, and Vukovic. Noes: None. Motion carried unanimously.

- V. Adult Family Home (AFH), 2240 West Hemlock Road. Review and approve up to four person Adult Family Home (AFH) use and occupancy of a single family residence per Glendale Code of Ordinances 5.9.

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

Plan Commission Report:

Sky Residential Services, Incorporated (Ruth Kantrowitz and Kim Nguyen) seek Plan Commission review per Glendale Code of Ordinances 5.9 (copy included in packet materials). The property is zoned R-3 Residence District.

Sky Residential Services, Incorporated, operates an existing AFH in the immediate neighborhood about 261 feet away from the 2240 West Hemlock Road property at 7425 North Berwyn Avenue (Sky Residential Berwyn). The initial State of Wisconsin license date for the Berwyn facility is March 7, 2007.

Sky Residential Services, Incorporated, submitted plans and obtained a Building Permit to make improvements to the interior of the residence, noted on the building permit as “Accessible Remodel.” Improvements include widening a hallway, widening doorways, modifying the bathrooms, and miscellaneous repairs. The plans (Minser Design Group, Ltd., of Mequon) will be available at the Plan Commission meeting.

The intent of the City Ordinance is stated as follows:

Glendale Code of Ordinances 5.9.1, Legislative Intent.

The Common Council finds that there exist various Community Living Arrangement facilities addressing the needs of youth and elderly citizens within the City of Glendale. Such facilities include foster homes, group

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homes, and residential care facilities for children and youth, treatment foster homes, adult family homes, residential care apartment complexes, and community based residential facilities. Such facilities, while providing a lesser level of care than is generally provided in acute care hospitals, or State licensed nursing home facilities, are generally licensed by the State of Wisconsin, and further governed by Federal Housing Laws and Federal Court Rulings. The Council finds that it is in the interest of the residents of such facilities to adopt provisions intended to enhance the level of care and safety attending the operation of such facilities, but only to the extent such regulations do not contravene federal or state regulation. It is the intent of the Council that the following regulations be enacted in supplementation of federal, state, and local licensing, housing and zoning laws, and in the interest of the health, welfare, and safety of the City's youth and elderly citizens.

Glendale Code of Ordinances 5.9.3, Regulations, states that any owner or operator of a Community Living Arrangement facility shall:

Obtain Occupancy Certificate from the City of Glendale, and that the owner/operator shall at all times that the facility is occupied and a community living arrangement operated or existent therein, comply with all City of Glendale Code Compliance requirements, Building Codes, and all other City of Glendale occupancy requirements. Prior to issuance of the Certificate of Occupancy all permit applications, building plans, site plans, and operational plans for the facility shall be reviewed by the Plan Commission for its determination of compliance with the regulations as set forth herein. The Plan Commission review of community living arrangement facilities shall be for the purpose of determining compliance with these provisions, and upon such determination of such compliance, approval shall be deemed ministerial, and a matter of discretion.

5.9.3 (b) requires applicant to file an Informational Scope of Business. Refer to the following items that provide the owner operators responses pertaining to operating the facility:

Number of Employees: Expect 5 to 6 employees.

Number of Residents: Never more than 4.

Hours of Operation: 24 hour care to residents.

Type of Care Provided: Physical and developmental disabilities.

Estimated Volume of Traffic Generated by Employees, Medical Providers, Visitors, Transport Vehicles, Vendors, and any Other Frequenters Generally Expected upon the Premises: We operate with one (1) employee per shift and managers rotate so typically traffic at the home would involve 1-2 cars. If any residents attend a day program there would be a transport van stopping in the a.m. and p.m. We generally keep a car or minivan at every home for medical transport and outings and it is usually kept in the garage. We do not

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usually use vendors. Our managers are provided credit cards with which they shop weekly.

Additionally, an Information Statement shall be maintained on record with the following:

Legally Registered Name of the Owner or Operator of the Facility: Sky Residential Services, Incorporated.

Address, Telephone Number: N94W20846 Schiel Road, Menomonee Falls, Wisconsin 53051

Type and State and Federal License Number: Four-bed AFH – Wisconsin Department of Health Services.

Date Operation of the Facility is Anticipated to Commence: 5/1/2016 or as soon as construction is completed.

5.9.3(c) requires the facility to comply with all City on-street parking regulations. Sky Residential Services, Incorporated Affirmed.

5.9.3(d) requires the facility to comply with all City refuse and recycling regulations. Sky Residential Services, Incorporated Affirmed.

5.9.3(e) requires the facility to comply with all State and local Codes relating to cleanliness, sanitation, fire prevention, and safety, including but not limited to Disability Acts, the Wisconsin Safe Place statute, and State of Wisconsin Administrative Code provisions SPS 316. SPS 320-325, SPS 381-382 and SPS 361-366, HFS 82, 83, 88 and 89, as applicable to the specific facility. Sky Residential Services, Incorporated Affirmed.

5.9.3(f) requires the facility to provide off-street parking for all employees, visitors, transport pick-up and drop off vehicles, and designate off-street parking for handicapped individuals. Refer to response under 5.9.3(b) Transport Vehicles, Vendors, etc.

5.9.3(g) requires the facility to maintain on file with the Glendale Police Department two emergency contacts including the name, telephone number, address, fax number, and email contact information for each such contact. Sky Residential Services, Incorporated, Provided the following information that has been provided to the Glendale Police Department in this document:

Ruth Kantrowitz
414-534-2979
10419 North Riverlake Drive
Mequon, WI 53092
Ruth@skyresidential.com

Kim Nguyen
414-916-2710
N94w20846 Schlei Road
Menomonee Falls, WI 53051
Kim@skyresidential.com

Fax for both: 888-530-6040

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5.9.3(h) requires the facility to install and maintain smoke detection/notification devices where required by the following:

DHS Chapter 82 for Certified Adult Family Homes

DHS Chapter 83 for Community Based Residential Facilities

DHS Chapter 88 for Licensed Adult Family Homes

SPS 321-Relating to one and two family structures (where applicable)

IBC Chapter 907-Relating to multi-family and commercial occupancies

(where applicable)

Sky Residential Services, Incorporated, stated will be installed.

5.9.3(i) requires the facility to install and maintain carbon monoxide alarms in accordance with the following:

SPS 321-Relating to one and two family structures (where applicable)

SPS 362-Relating to multi-family and commercial occupancies (where applicable)

Sky Residential Services, Incorporated, stated will be installed.

Required Action

The necessary action by the Plan Commission is to review the proposed occupancy and to approve same if satisfied that the owner and operator demonstrates compliance with Glendale Ordinances 5.9, and that it will continue to comply with for as long as the AFH facility operates at 2240 West Hemlock Road.

Ruth Kantrowitz introduced herself as president of Sky Residential Services, Incorporated.

Kim Nguyen introduced herself as chief financial officer of Sky Residential Services, Incorporated.

Ms. Kantrowitz stated that there is a statement that was sent today and distributed that she would like each of the Commissioner to read, and continued stating that in summary the 2240 West Hemlock Avenue home will be a four-bed Adult Family Home, and because the house actually has five bedrooms the extra room is typically used as an activity room, continuing stating that these homes are for persons who cannot live on their own due to physical disabilities or being otherwise infirmed, and added that the Berwyn home has a waiting list.

Comm. Pfauth asked what the average length of time a person stays there, how the residents pay the fees for staying there, what kind of relations are maintained with the neighbors, and added that his view is that neighborhoods are the right place for the residents to be, although the neighbors do not always agree with it.

Ms. Kantrowitz said that the Berwyn home opened March, 2007, and they have residents that have been there to this day, including an individual that entered at 96-years and is now turning 104, and that when they admit they assess the person and that they plan for them to

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be there until the end or when they decide they are not doing a good job. Ms. Kantrowitz said that the costs are paid through Milwaukee County, My Choice Family Care or a State of Wisconsin service provider, and that the home is State licensed. Ms. Kantrowitz stated that they do have relationships with their neighbors, and that Rabbi Froehlich resides across the street, and even blessed the house when they opened, and added that all of the neighbors have Ruth's cellular telephone number. Ms. Kantrowitz stated that they do not accept any residents that she would not be comfortable with being around her own children. Ms. Kantrowitz said that with a four bedroom they have one employee per shift, and if a resident requires more they sometimes also have a part-time employee there, adding that they have eight facilities so they have flexibility with their employees if necessary. Ms. Kantrowitz said that when there are Hoyer's lifts there have to be two employees, and since they do not have Hoyer's that is not required.

Comm. Vukovic asked how the decisions are made to admit.

Ms. Kantrowitz stated that she decides and that they only want persons that they can care for long-term.

Comm. Goldberg asked about staff-training.

Ms. Kantrowitz said that the employees are not required to be State certified, though they do have a mandate of training for CBRF, and that they have a trainer about how to deal with quite a bit, and said that they do exceed the requirements for CBRF.

Comm. Pfauth asked what they do to discourage elopement.

Ms. Kantrowitz stated that they have alarms in place but have never had any problems.

Comm. Cohn asked what clientele they provide care.

Ms. Kantrowitz said that they check most of the boxes and that includes Alzheimers, developmental disabilities, mental status such as depression, anxiety, and schizophrenia.

Acting Chair Wiese stated that there are many categories.

Motion by Comm. Cole, seconded by Comm. Lippow, that the Plan Commission grant approval for a Certificate of Occupancy to be completed for the Adult Family Home to be located at 2240 West Hemlock Drive. Roll Call: Ayes: Alderman Richard Wiese, Commissioners Cole, Goldberg, Cohn, Lippow, Lippow, Pfauth, and Vukovic. Noes: None. Motion carried unanimously.

ADJOURNMENT.

Motion by Comm. Cohn, seconded by Comm. Cole, to adjourn the Plan Commission until 6:00 p.m. on Tuesday, May 3, 2016. Roll Call: Ayes: Alderman Richard Wiese, Commissioners Cole, Goldberg, Cohn, Lippow, Pfauth, and Vukovic. Noes: None. Motion carried unanimously.

Todd M. Stuebe, Director of Community Development

Recorded: April 6, 2016