



Department of City Development  
City Plan Commission  
Redevelopment Authority of the City of Milwaukee  
Neighborhood Improvement Development Corporation

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Commissioner

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Deputy Commissioner

Ald. Spiker  
13th Ald. District

## CITY PLAN COMMISSION ZONING REPORT

**File No:** [250040](#) (overall project approval) and [250041](#) (deviation request)

**Location:** 3702 S. 27<sup>th</sup> Street; on the east side of S. 27<sup>th</sup> Street, north of W. Howard Avenue

**Applicant/Owner:** MilBrew Holdings, LLC (applicant); NRF VII – South Towne LLC (owner)

**Current Zoning:** Local Business (LB1) and located in the S. 27<sup>th</sup>/Howard Development Incentive Zone ([DIZ](#))

**Proposed Zoning:** Approval of the overall project and a deviation request as it relates to the S. 27<sup>th</sup>/Howard DIZ

**Proposal:** The property located at 3702 S. 27<sup>th</sup> Street is zoned Local Business (LB1) and within the S. 27th/Howard Development Incentive Zone (DIZ) overlay, in the 13th Aldermanic District. The S. 27th/Howard DIZ overlay was created in 2010 for the properties on the east side of S. 27<sup>th</sup> Street generally between W. Howard Avenue to the south and W. Loomis Road to the north, and establishes permitted and prohibited uses, as well as design standards for developments within the overlay zone. Where the overlay is silent, the base (LB1) zoning standards continue to apply.

This subject site was previously occupied by a sit-down restaurant (Wong's Wok). MilBrew Holdings, LLC is proposing to raze the existing building and redevelop the site into a 7 Brew drive-through coffee shop. A drive-through coffee shop (restaurant with drive-through facility) is permitted within the DIZ overlay, but is subject to a public hearing and approval by CPC. In addition to the overall project approval, MilBrew Holdings, LLC is also requesting to deviate from the DIZ overlay's minimum building height standard of 22'.

Separately, the applicant is also seeking Board of Zoning Appeals approval as it relates to exceeding the maximum allowed number of parking spaces. For a building this size, a maximum of 4 parking spaces are allowed. The applicant is proposing 19 parking spaces, including 1 ADA accessible stall.

**DIZ Review:**

The S. 27<sup>th</sup>/Howard DIZ overlay design standards are based on whether a proposal entails an existing building or includes the construction of a new building or an alteration or addition to an existing building. In this case, the standards for new construction apply. The applicant has submitted a zoning review matrix evaluating how their proposal meets each of the DIZ standards. Staff has reviewed it and concluded that the proposal does align with the DIZ standards. A table including the applicant's explanation of how the standards are met is available at the end of this report. A more detailed version of the zoning review matrix, including evaluation of this proposal alongside the LB1 zoning standards, is available as part of the official exhibits for this file.

A restaurant with drive-through use is allowed per the DIZ overlay, but is subject to a public hearing and City Plan Commission approval. From an operational standpoint, 7 Brew's business model is centered around a 2-lane drive-through coffee and beverage shop. No food will be served at this site. 7 Brew staff take orders at each individual car via an iPad. They do not utilize a speaker system menu board. Staff hand deliver orders to each customer. All vehicle queuing will occur on site.

The 530 square foot building and 250 square foot standalone cooler will comply with the DIZ overlay design standards with respect to building materials (modular brick) and design, and an enhanced pedestrian connection from S. 27<sup>th</sup> Street will direct non-vehicular customers to a walk-up door at the building.

A walk-up door at the building will be provided to serve non-vehicle customers. A direct connection from the public walkway along S. 27<sup>th</sup> Street to the walk-up door will be provided via an 8' wide concrete walk that passes through the double drive-through lanes. The pedestrian pathway will distinguish between the crosswalk and drive-through lanes through the use of colored concrete. Additionally, 2 picnic tables and bicycle parking will be provided.

**Deviation from DIZ Standards:**

The applicant is requesting a deviation from the DIZ overlay standard relating to minimum building height. The overlay requires a minimum building height of 22' and maximum height of 90'. The proposed building height is 19'-3", which is 2' – 9" short of the minimum required height. Per the applicant, this building height is a 7 Brew brand standard. The buildings are prefabricated and constructed in a facility according to State-approved plans, and then shipped to their sites. Due to the shipping and construction constraints, the DIZ overlay standard cannot be met.

The criteria and responses below demonstrate how the applicant is proposing to meet the standards for deviating from the overlay's performance standards. Staff believes that the criteria have been adequately addressed as follows:

1. *The purpose of the overlay is met*

- This development will provide a pedestrian-friendly environment with enhanced pedestrian connections.
- Enhanced landscape screening along S 27<sup>th</sup> St will be provided to beautify the area.
- Other site improvements such as site lighting, picnic tables, and a bike rack are provided to improve conditions for non-vehicular customers. The front of the building will be facing S 27<sup>th</sup> Street, to meet the intent of the overlay for building placement, and the overall building design (less the building height) will meet the DIZ design standards.

2. *The deviation improves the aesthetics of the site*

- The property will be transformed into commercial development that is aesthetically pleasing with high-quality exterior materials. In lieu of meeting the minimum building height, the coffee shop and cooler building will be made of full modular brick to further enhance the site.
- The proposal includes enhanced landscaping along the S 27<sup>th</sup> St. We are meeting the minimum requirements for trees and shrubs along S 27<sup>th</sup> St, but we are providing an additional 49 perennials/ornamental grasses.
- The DIZ requires the landscape screening along a street edge to be a minimum of 5', plus an extra 2' in width if the maximum parking allowed is exceeded. Onsite parking is being exceeded; therefore, the minimum required landscape width is 7'.
- This development will exceed this requirement by providing a minimum landscaping width of 10.96' along the street edge. With the additional landscape screening width and plants provided, this will improve the aesthetic along the street edge.

3. *If applicable, the deviation addresses one or more unique site factors that make the application of the standard impractical*

- The building is prefabricated and constructed in a facility according to State approved plans and then shipped to the site.
- The building is required to be built at this height due to the shipping and construction constraints and therefore the building height requirement cannot be met, making the application of the standard impractical.

4. *The deviation is consistent with the comprehensive plan*

- The deviation will remain consistent with the comprehensive plan. From the S 27<sup>th</sup> St Design Charrette, the focus is to transform a

suburban, auto-oriented corridor into a series of walkable destinations to serve both the neighborhood and the region.

- The business model is centered around a drive-thru coffee shop, there is a walk-up door provided for pedestrians.
- An 8' wide concrete walk through the drive-thru lanes, to help motorists distinguish between the crosswalk and drive-thru lanes.
- 2 benches and a bike rack are provided to improve conditions for pedestrians and cyclists, and make the site and corridor more welcoming for these types of users.

**Adjacent Land Use:** The subject site is located along a commercial corridor, with neighboring properties zone as Local Business (LB1).

**Consistency with Area Plan:** The proposed deviation from the Development Incentive Zone (DIZ) at 3702 S. 27th Street is not inconsistent with the recommendations Southwest Side Area Plan, which was adopted by the Common Council in 2009 and was amended with the South 27th Street Strategic Action Plan. More specifically, the South 27th Street Strategic Action Plan calls for creating a safe experience for pedestrians, attracting businesses that are desired by the community, and encouraging quality building design to improve aesthetics along the South 27th Corridor. The proposed project has included pedestrian walkways, sufficient landscaping, and provides a food and beverage option for residents on a site where there was a vacant restaurant. The proposed development therefore addresses these recommendations and is not inconsistent with the Plan.

**Previous City Plan Action:** 10/20/10 – City Plan Commission recommended approval of the establishment of a Development Incentive Zone on land located generally along the east side of South 27th Street between West Howard Avenue and West Loomis Road (FN [090919](#)).

**Previous Common Council Action:** 11/23/10 – Common Council approved the establishment of a Development Incentive Zone on land located generally along the east side of South 27th Street between West Howard Avenue and West Loomis Road (FN [090919](#)).

**Recommendation:** File No. 250040 (overall project approval) – Since the proposed site plan, landscape plan, and building design are consistent with the applicable DIZ overlay design standards (with the exception of the building height), staff recommends approval of the subject file conditioned on the Board of Zoning Appeals approval of the applicant's requested variance to exceed the maximum allowed parking spaces.

File No. 250041 (deviation) – The request to deviate from the DIZ overlay's minimum building height standard is due to the prefabricated, prototypical nature of the building. The applicant has enhanced other elements of the proposal in lieu of not

meeting this minimum height standard, including utilization of modular brick on the entirety of the building and standalone cooler and inclusion of an enhanced pedestrian connection from S. 27<sup>th</sup> Street to the walk-up customer door. Staff also believes the applicant has sufficiently answered the 4 deviation criteria. For these reasons, staff recommends approval of the subject file.

### 3702 S 27<sup>th</sup> Street Zoning Review Matrix (see also Legistar file for full version)

Standard	27 <sup>th</sup> /Howard DIZ (standards <a href="#">here</a> )	Applicant Analysis of Proposal
<b>Uses</b>	See DIZ <a href="#">use list</a> .	Restaurant w/ drive-through is subject to a public hearing and CPC approval.
<b>Building Placement</b>  <b>Complies with DIZ standards.</b>	<ul style="list-style-type: none"> <li>Position buildings to provide parking opportunities on the sides of the buildings and provide opportunities to create public open spaces, safer walkways and landscaping.</li> <li>Position buildings to allow unifying landscaped perimeter for the entire site and along Wilson Creek.</li> <li>Renovate parking configuration to allow linear perimeter landscaping.</li> <li>Orient the fronts of new buildings and/or building entrances to the primary streets.</li> <li>70% of primary façade shall face 27<sup>th</sup> St.</li> <li>Max building setback is 70' from property line to building.</li> </ul>	<b>DIZ:</b> <ul style="list-style-type: none"> <li>Building position is brand standard with the double drive-thru lanes provided on three sides of the building. (1) ADA stall is provided directly east of the building. Additional parking is provided north and further east of the building.</li> <li>Landscaping is provided along S 27<sup>th</sup> street along with internal curbed landscaped islands, see sheet C1.4.</li> <li>Property is not adjacent to Wilson Creek.</li> <li>There is no "front door" to the building as customers are not allowed inside the building. A patron walk-up door is provided north of the coffee shop building, underneath the canopy. See sheet C1.1B for location of walk-up order point with menu board.</li> <li>Primary façade is facing S 27<sup>th</sup> street.</li> <li>The coffee shop is setback 54' from the property line, see sheet C1.1.</li> </ul>
<b>Building Design</b>  <b>Complies with DIZ standards, with the exception of minimum building height. Deviation is being sought for that standard.</b>	<ul style="list-style-type: none"> <li>Facades must be articulated to provide visual interest.</li> <li>Building materials must be of high quality</li> <li>Establish hierarchy between building elements by establishing a base, middle and top to the front elevation.</li> <li>Max allowable height for new buildings is 90'.</li> <li>Min allowable height for new buildings is 22'. Prominent architectural elements should be integrated to project above the front façade of a building averaging 22' in height.</li> <li>No one tenant/retailer shall exceed a building footprint of 100,000 sf.</li> </ul>	<b>DIZ:</b> <ul style="list-style-type: none"> <li>Facades include different building materials within each elevation. Materials included are modular brick, clear anodized aluminum, and brake metal facia.</li> <li>There is an established hierarchy between building elements. The base and top of the coffee shop is modular brick siding and the middle contains clear anodized aluminum. There are also elements of blue brake metal facia to establish hierarchy between building elements.</li> <li>Building height is below the maximum and minimum allowed. Proposed building height is 19'-3 7/16". Building height is brand standard; these buildings are constructed in a facility according to state approved plans. Shipping and construction constraints require it to be built at this height. <b>The applicant is seeking a deviation for this standard.</b></li> <li>The total floor area including cooler is 780 sf.</li> </ul>

	<ul style="list-style-type: none"> <li>• Front facades shall be oriented to primary street frontage (S. 27<sup>th</sup> St). If not possible, very high quality design and materials will be required.</li> <li>• Unarticulated walls facing 27<sup>th</sup> St. are prohibited. Facades must be articulated with bays, windows, varying color and texture and/or other details that relate to the human scale.</li> <li>• All facades visible from the street must contain the most architecturally significant materials and fenestration. This includes decorative masonry and block, brick, cut stone, glass, architecturally finished metal cladding and architectural precast panels. EIFS cannot be used on the lower 1/3 of the building.</li> <li>• 75% of glazing on the first floor of commercial buildings must be transparent glass.</li> <li>• Screen mechanical system and trash areas from view of the right-of-way with fencing and/or landscaping. When using shrubs, minimum height must be at least the same height as the equipment/trash containers.</li> </ul>	<ul style="list-style-type: none"> <li>• Front façade is facing primary street (S 27<sup>th</sup> St). Labeled as exterior elevation -west on architecture plans. High quality design and materials provided.</li> <li>• Front façade is articulated with varying materials, windows, color, texture, and details. See material color board in the architecture plans.</li> <li>• Windows are provided on the front elevation, facing S 27<sup>th</sup> St. Window glazing percentage will follow maximum glazing standards.</li> <li>• Mechanical systems and trash areas are screened from view of the right-of-way. Mechanical equipment is provided on the roof of the primary building. The equipment is located behind a portion of the mechanical access room. Trash areas are screened by a 6'-8" tall trash enclosure. Landscaping is provided around the enclosure.</li> </ul>
<p><b>Access, Parking and Circulation</b></p> <p><b>Complies with DIZ standards. Applicant is seeking BOZA approval for exceeding maximum allowed parking spaces.</b></p>	<ul style="list-style-type: none"> <li>• Site must support multiple modes of transportation, including auto, transit, bicycle and pedestrians.</li> <li>• Provide safe and well-lit parking for bicycles within 40' of building entrances.</li> <li>• Enhance opportunities for landscaping within the parking lots and along the perimeter, especially along the backside adjacent to Wilson Creek.</li> <li>• Visually create smaller parking areas with landscape screening within and along parking lot edges. Surface parking lots should have curbed, landscaped islands.</li> <li>• Pedestrian walkways from parking areas to the building must be at least 5' wide and</li> </ul>	<p><b><u>DIZ:</u></b></p> <ul style="list-style-type: none"> <li>• Bicycle parking is provided. An 8' wide pedestrian crosswalk is provided through the drive-thru lanes for walk-up customers.</li> <li>• Site lighting will be provided. There will be lighting underneath the canopy structure to provide a safe and well-lit parking for bicycles, see Photometric plan. The pedestrian crosswalk leads to a walk-up window that will be available during all hours of operation for non-vehicular customers.</li> <li>• Property is not adjacent to Wilson Creek.</li> <li>• There is an 8' wide pedestrian connection provided from the public sidewalk along S 27<sup>th</sup> St to the building through the drive-thru lanes. The 8' wide sidewalk will also be colored concrete, to further delineate the concrete from the asphalt pavement of the drive-thru lanes.</li> <li>• There are no adjacent residential lots.</li> </ul>

	<p>delineated in a different, durable material or color than the parking lot surface.</p> <ul style="list-style-type: none"> <li>• Provide safe pedestrian connections between public sidewalks, transit stops, and building entrances.</li> <li>• Visually screen delivery areas from view of residential areas with street-type trees spaced no greater than 50' on center.</li> <li>• Max # of parking stalls for new general retail uses is 5 spaces per 1000 gsf of floor area. Max may be exceeded if either the landscaping screening buffer area along S. 27<sup>th</sup> St. is increased by an additional 2' in width and contains a combination of trees and shrubs. Increased landscape area shall run the length of the surface parking area where the max parking ratio is exceeded.</li> <li>• Provide shared parking where feasible.</li> </ul>	<ul style="list-style-type: none"> <li>• The existing site currently has 21 parking stalls. Maximum on-site parking allowed is 4 spaces. Project is proposing 19 total parking spaces.</li> <li>• Shared parking is provided as part of the agreement with the overall development.</li> <li>• All queueing will occur on site.</li> </ul>
<p><b>Landscaping</b></p> <p><b>Complies with DIZ standards.</b></p>	<ul style="list-style-type: none"> <li>• Landscape screening at the rear of the sites and delivery areas along Wilson Creek shall include street-type trees spaced 50' on center. Trees shall not be planted closer than 20' from light fixtures.</li> <li>• Landscaping along a street edge must be a minimum of 5' in width. This is required to be increased in width if max parking is exceeded (see above section).</li> <li>• Surface parking lots are required to have interior landscaped and curbed islands to visually divide the lot. Each landscaped island shall measure at least 150 sf in area and 3' in depth.</li> <li>• Each landscaped island shall include 1 deciduous tree (min. caliper of 2.5"); and 1 shrub (2' min height at time of planting) OR 1 native or ornamental grass (min 2 gallon size container); and 10 groundcover plants (min 2" container) or perennials (min 4.5" container)</li> </ul>	<p><b><u>DIZ:</u></b></p> <ul style="list-style-type: none"> <li>• Property is not adjacent to Wilson Creek. Landscaping is provided along S 27<sup>th</sup> St along with internal curbed landscaped islands. There is existing pavement along the south and east lot lines, therefore, there is no room for perimeter landscaping in these areas.</li> <li>• Minimum landscaping width provided along S 27<sup>th</sup> St is 10.96'. Due to parking provided being over the maximum allowed, the landscaping width was increased to a minimum of 7' based on zoning standards to help offset.</li> <li>• Curbed landscaping islands provided. Each island provided is greater than 150 sf and 3' in depth.</li> <li>• Each landscaping island is providing (1) deciduous tree, (1) shrub, and (10) perennials.</li> <li>• All parking areas are located within 70' from a landscaped area.</li> <li>• Landscaping plans provide a combination of ornamental and native plant species for perimeter and interior landscaping.</li> <li>• Project is not proposing trees near existing trees.</li> <li>• Pervious pavement is being used on the (7) north parking stalls.</li> <li>• Project is not along Wilson Creek.</li> </ul>

	<ul style="list-style-type: none"> <li>• In parking areas located in the front setback, no parking space shall be located more than 70' from a landscaped area.</li> <li>• Use a combination of ornamental and native plant species for perimeter and interior landscaping.</li> <li>• Planting of trees in the tree border as long as they are not closer than 40' to an existing tree. Will require review by DPW.</li> <li>• Pervious pavement and other stormwater management techniques are encouraged within the site.</li> <li>• Along the Wilson Creek side of the site, provide a 10' deep landscaped buffer. This width may be reduced if a landscape easement is granted for a landscape buffer within the adjacent property owned by MMSD.</li> <li>• Landscaping at the rear lot line should consist of trees (min 2.5" caliper at time of planting) planted every 50' on center and shrubs (3' high at time of planting) in 2 staggered rows, planted 20' on center.</li> </ul>	<ul style="list-style-type: none"> <li>• There is existing pavement along the south and east lot lines, therefore, there is no room for perimeter landscaping in these areas.</li> </ul>
<b>Site Improvements</b>  <b>Complies with DIZ standards.</b>	<ul style="list-style-type: none"> <li>• Public spaces including outdoor cafes, courtyards or plazas are recommended to be located in visible areas such as along the street frontage or at entrances.</li> <li>• Provide site amenities including but not limited to public art in public spaces or landscaped areas.</li> <li>• Site amenities including benches, bike racks, trash receptacles, light fixtures, planters and so on should be coordinated throughout the parcel.</li> <li>• Exterior lighting should be used to enhance the architectural elements of buildings facing a street.</li> <li>• Light poles within parking areas may not exceed 30' in height. Lower height pedestrian lighting</li> </ul>	<b><u>DIZ:</u></b> <ul style="list-style-type: none"> <li>• Picnic tables are provided underneath the canopy structure, which is visible from the street frontage.</li> <li>• Landscaped areas are provided.</li> <li>• Picnic tables, bike racks, and site lighting is provided.</li> <li>• The building will be enhanced with lighting underneath the canopy structure.</li> <li>• All light poles will be below 30' in height.</li> </ul>



	is encouraged along pedestrian walkways.	
<b>Signage</b>  <b>Additional information is required in order to determine compliance with DIZ standards. Staff-approval of compliant signs is allowed per the DIZ.</b>	<ul style="list-style-type: none"> <li>Place signs so that they are visible below tree canopies.</li> <li>Freestanding signs at major entrances along S. 27<sup>th</sup> St. must be monument in type. If signs are below 14' in height, one additional monument sign might be allowed (requires discussion with DCD staff).</li> <li>All signs must be Type A.</li> <li>For each development, a tenant sign and directional signs are allowed.</li> </ul>	<b><u>DIZ:</u></b> <ul style="list-style-type: none"> <li>Proposed building signage will be visible from all sides.</li> <li>There are no proposed free-standing signs.</li> <li>All building signs are to be Type A.</li> <li>There are no directional signs proposed. All directionals will be provided as pavement markings.</li> </ul>