

# Memo

To: Plan Commission, Village Board

Fr: Trevor Fuller, Director of Planning & Community Development

Re: ACTION RE: ACTION RE: APPROVAL OF PUBLIC HEARING DESIGN EXCEPTION REQUESTS BY HIGHLAND VENTURES FOR THE BUILDING LOCATED AT 3921 S. WEBSTER AVENUE, PARCEL AL-1724-4-1 (current vacant Family Video property) (from VB 5/16/23)

Date: 01 June 2023

A request for a design exception was received from Highland Ventures to allow for smaller rear setbacks, storage in the required occupied space, less transparency ratios, different building material and design, loading dock, landscaping, and pedestrian pathway exception for the proposed Dollar General addition and remodel project at 3921 S. Webster Avenue (current vacant Family Video property).

The property is classified as a “Storefront Building” under the MX2 (Neighborhood Mixed-Use) zoning district. See the attached design exception request from the developer and staff comments. Site plan of the development is included in the next agenda item.

Staff can allow for flexibility through an administrative design exception, but only on certain items and to a certain degree. The requested changes go beyond staff flexibility and require the Plan Commission and Village Board approval.

Staff recommends the following:

- Occupancy requirement – approve request, as Lebrun Street is not a primary or heavily pedestrian street and moving the loading dock to the rear would require an additional driveway and location near a residential lot.
- Building material – approve request to match existing.
- Transparency (windows) – add windows to match existing where occupied space is shown.
- Rear setback – approve request with written consent of adjacent property owners to the rear.
- Landscaping, pedestrian facilities, and other items – not approve requests and must follow established zoning requirements.

The Plan Commission recommended approval of the design exceptions as presented by staff (above) at the April 24, 2023 meeting. The loading dock area should be improved per staff direction.

The Village Board held a Public Hearing on the item at the May 16, 2023 meeting. The item was tabled for the petitioner to answer some additional questions from the Village Board.

**The Village Board is asked to review the request and determine whether to approve, deny, or table the design exception request. If the decision is to table the request, a date or milestone should be included in the motion. The motion should include which requests are being approved or denied.**

# Memo

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Date: 11 May 2023

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**DESIGN EXCEPTION REQUEST** (\$150 required application fee)Name of project: Dollar General DevelopmentAddress of project: 3921 S. Webster Avenue (Parcel AL- AL-1724-4-1)Name of developer: Highland Ventures Name of owner: Family Video Movie Club, Inc.

The design exception process is intended to provide an avenue for review and consideration of relief from strict compliance with the regulations when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The exception provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation's intended purpose and consistency with the Comprehensive Plan.

The design review process is to run concurrently with a Plan Commission Site Plan Review and following an administrative site plan review. The burden is on the applicant to demonstrate that the requested exception meets the criteria for approval or demonstrates that the result of the exception would equal or exceed the results of strict compliance with the subject regulation. Requested exceptions must be noted on the application below and identified in accompanying plans. The application must include a written statement describing why the exception is necessary and all efforts to mitigate any adverse impacts resulting from a grant of the exception.

Has an administrative site plan review taken place? ☒ Yes ☐ No

If seeking an administrative design exception, please check all that apply and identify each in the accompanying plans. Please refer to [§ 475-1107C](#) for further explanation and extent of each.

☐ Build-to zone: \_\_\_\_\_☐ Primary frontage lot line coverage: \_\_\_\_\_☒ Building setbacks: Rear Setback 15'☐ Building coverage: \_\_\_\_\_☐ Height: \_\_\_\_\_ ☐☒ Occupied space: Occupancy along side street☒ Transparency: Windows on side street☒ Other: Building Materials (block & lintels), Loading along front, Pedestrian Pathway

If seeking a public hearing design exception, please refer to [§ 475-1107D](#) for further explanation. Attach a written statement and accompanying plan which explicitly identifies why each exception is necessary and all efforts to mitigate any adverse impacts resulting from a grant of the exception.

Contact Information:

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Forms for Site Plan Review and the Village ordinances may be found at the Village website:

<http://www.villageofallouezwi.gov/>

Design Exception request for Dollar General development.  
3921 S. Webster Ave Allouez, WI

Planning Commission,

The intent of this project is to turn the former Family Video building that is currently 83% vacant into a Dollar General. This requires we add additional Sqft to meet the demanding design criteria of a Dollar General retail facility. Dollar General is a Fortune 500 company (106) and is poised to open their 20,000 store this year.

Since this project is a building addition instead of a new ground up development there are certain requirements that are difficult to comply with from either a practical or aesthetics aspect. Our intent is to extend the length of the current building in an effort to make the addition as seamless as possible to the existing structure. Below are the requirements that we will be seeking exceptions on.

**Rear Setback:** The setback has changed from 15' to 25' since the original structure was built. In an effort to keep the building consistent we request a 15' setback for the new addition. This exception would be a non-conforming feature not made worse with addition

**Building Material:** The goal is to keep the build uniform both in design and material. The current structure is 8" split face block with a standing seam metal roof. The existing window lintels are not ornate, they are wrapped in the same aluminum material used for the window frames and store front. The door lintels are concealed by the split face block and are not visible. We request the materials and exterior design for the addition be permitted to match the existing structures design.

**Loading:** Loading spaces may not be located on a front façade. There is no rear access to this site. The only side access (facing Lubrun St.) has a 15' build to requirement for the addition. That will not allow enough room for a truck to back between the new addition and the existing curb that sits at the property line. Our intent is to create a 12'x25' area along the side of the new addition for deliveries, however the truck would be required to sit parallel to that space along the front to unload. We intending on screening the loading area with a fence between the addition and Lebrun Street. Without an exception to the current loading ordinance there is no way for the tenant's merchandise to be delivered to the site. This would result in the termination of the project.

**Transparency on Lebrun Street:** The Lebrun side of the addition will be the stock room/receiving side of the facility. Dollar General's loss prevention team has determined that having windows viewing into the stock room increase the potential for theft at the given location. They have established a company policy preventing the stockroom being viewable to the public. Everyone should agree a window viewing into a stockroom is not highly sought after. We request to waive the transparency requirement Lebrun street (side of the building). Our belief is the screening that will be put in place for the loading area will also block most of the view of that wall. There is also no sidewalk on the that side of our parcel. Without an exception to the current transparency ordinance on the side of the building the tenant may chose to terminate this project.

**Occupancy:** Dollar General's retail floor space should fall between 60'-70-' deep. This requirement dictates the stock room be located on the end of the suite. We request waiving the occupancy ordinance to permit the stockroom to be located on the Lebrun street (south end) of the building. If our Transparency exception is approved there will be no windows in the stock room. This exception would present no adverse impact on the location.

**Pedestrian pathway:** Between the existing storm water system and the drive lanes for the parking area there is no safe direct route to create a pathway from Webster Ave to the new addition. The ideal location would be to come from the Lebrun street side of the property. As previously mentioned there currently is no sidewalk along that side of the parcel. We request waiving the path requirement for pedestrian safety until such time as a sidewalk can be installed on Lebrun street.