

**MINUTES OF THE PLANNING COMMISSION MEETING HELD AT THE
GREENFIELD CITY HALL ON TUESDAY, MARCH 10, 2015**

1. The meeting was called to order at 6:30 p.m. by Mayor Neitzke

ROLL CALL:	Mayor Michael Neitzke	Present
	Ald. Karl Kastner	Present
	Mr. Brian Weis	Present
	Ms. Denise Collins	Present
	Mr. Frederick Hess	Present
	Ms. Christine Hallen	Present
	Mr. Bradley Sponholz	Present
	Mr. Steve Rogers (alt.)	Present
	Mr. Don Carlson (alt.)	Present

ALSO PRESENT: Charles Erickson – Community Development Manager

2. Motion by Ms. Hallen, seconded by Ms. Collins to approve the February 10, 2015 minutes. Motion carried unanimously.

3. Discussion regarding the Common Council meetings held on February 17th & March 3rd. At the February 17th meeting the item for Supreme Gas, 4691 S. 27th was referred back to the Plan Commission for further review and discussion (it is on tonight's agenda). Also at that meeting the PILOT agreement with St. Vincent de Paul was approved. At the March 3rd meeting the Special Use public hearing for Wing Stop (4828 S. 76th) was approved, along with the alley vacation at 28th Street and Tuckaway Boulevard, which was originally presented at the April, 2014 Plan Commission.

4. Bilal Amjad, Ali's Oil Co., 5909 S. 27th Street, 53221 requests a Special Use Amendment as it pertains to exterior changes to the gas/convenience store at this same location as part of the conversion from Shell to Mobil. Key #691-9999-002.

1. Background: Last August Mr. Amjad received approval via a Special Use Review as the new owner/operator of this station. He now wishes to rebrand it into a Mobil gas station. See attached PC application and pictures.

Past actions at the site include:

- 1994: Initial Special Use approved
 - 2003: Special Use was amended to reflect the construction of a two-bay car wash
2. Architectural Review/Exterior Materials: The proposed canopy would have the traditional corporate color combination of 'white' with 'blue' banding and 'Mobil' letter sign. Clarification needed on the number of canopy signs given the corner lot situation and the size of the canopy that aligns parallel to S. 27th Street (i.e. PC app. indicates it only to be on the west elevation).

Attached is an excerpt of ZC 21.04.0703(J)(6)(e) – Detailed Standards for Special Uses in Non-Residential Districts; Gas/Convenience Stores. Paragraph 'e' reads “...*Canopy roofs shall be architecturally compatible and connected to the main building. Signs or distinctive emblems, but not color banding, may be considered for the canopy by the PC...*”.

This station was constructed before these ZC regs. became a requirement. That being said, while the canopy roof here is 'connected', how 'architecturally compatible' it may be is debatable. However, the allowance of the color banding will need to be considered by the PC.

3. Signage: The monument sign is being refaced to the 'Mobil' brand (see attached picture). The 'white' background must be opaque so that at night only the 'Mobil' letters are visible.

Recommendation: Approve request subject to Plan Commission and staff comments, including the canopy color banding, and authorize this item to be expedited to the March 17th Common Council meeting.

Bilal Amjad was present to answer questions.

Motion by Mr. Sponholz, seconded by Mr. Weis, to recommend approval of a Special Use Amendment as it pertains to exterior changes to the gas/convenience store at Ali's Oil Co., 5909 S. 27th Street, as part of the conversion from Shell to Mobil, subject to Plan Commission and staff comments, and authorize this item to be expedited to the March 17th Common Council meeting. Tax Key #691-9999-002. Motion carried unanimously.

5. **Discussion/decision regarding item referred back from the February 17th Common Council meeting: Khurram Sajjad Ali, E & M Enterprises LLC, 4691 S. 27th Street, requests a Special Use Review as the new operator of the Supreme Gas & Food Station at this same location. Tax Key #599-8888.**

1. Background: This item is being referred back to the Plan Commission from the Common Council with the intent that more complete/detailed plans for site/building improvements are still needed from proposed store operator (Khurram Sajjad Ali) and/or actual property owner, given his promises when he purchased the property in 2010. See attached PC application and pictures.

Chronology of minute excerpts/emails/letters regarding the review/discussion of this matter (all are attached):

- 2/27/15: Staff met with Mr. Singh and Mr. Ali to discuss issues/concerns that the CC had brought up (i.e. landscaping and condition of asphalt). Mr. Singh indicated that station economics may likely impact how much site/building improvements he is able to do.
- 2/26/15: Follow-up email to Mr. Ali from staff about the need to meet per 2/19/15 email.
- 2/19/15: Email from to Mr. Ali, which included the 2/17/15 CC minute excerpt, referring this matter back to the PC.
- 2/17/15: CC minute excerpt.
- 2/17/15: Signed letter from Mr. Ali and Mr. Singh with some elements about date specific completion work and other site activities. [[Typo on Mayor's name]].
- 2/6/15: Email from staff to Mr. Ali, which included the 2/3/15 CC minute excerpt, indicating that action of this item has 'held over' to the 2/17/15 CC meeting and why (i.e. needed time-frame and signatures).
- 2/3/15: CC minute excerpt.
- 2/3/15: Letter from Mr. Ali regarding staff meeting with him on-site on 1/13/15 and providing follow-up to that discussion.
- 1/20/15: Message to Mayor Neitzke and Ald. Kastner from staff to 'hold over' any action at that evening's CC mtg. A meeting with Mr. Ali had occurred a few days earlier asking for a written schedule of site/building improvements – per earlier PC recommendation. Since that info. had not come in, that was the basis for the 'hold over' request.
- 1/20/15: CC minute excerpt.

- 1/13/15: PC minute excerpt. There had been a favorable recommendation regarding this item being expedited, subject to PC discussion/recommendations.
 - 9/21/10: CC minute excerpt. Special Use Review approved for Mr. Singh as the new property owner and gas station operator, subject to PC discussion/recommendations.
 - 9/14/10: PC minute excerpt. Favorable PC recommendation occurred, with conditions.
2. Architectural Review/Exterior Materials: There have been issues with canopy paint, which were previously stated to be completed by 5/15/15 (see attached letter), in addition to pavement and landscaping issues on the site.
 3. Hours of Operation: Sat-Sun (5 A.M. – 10:00 P.M.), & Mon-Fri (5 A.M. – 12:00 A.M.)
 4. Miscellaneous: Any ‘open’ items identified via a new Occupancy-related inspection for this operator change, must be completed. See attached report.

Given the range of discussion that has occurred already on this matter, also attached is an excerpt of the ZC pertaining to the ‘...*Review of special use permits*...’. [[21.04.0702(J)(3)]]. The conundrum of sorts here is that this is a new operator requesting a Special Use Review – essentially a transferring an existing Special Use from ‘X’ to ‘Y’ (i.e. as compared to a brand new Special Use where the conditions of approval can be ‘stronger’). Yet at the same time, the issues/concerns which were the basis of the review in 2010 remain the same as today.

With that in mind, rhetorically then a broad question that the PC can discuss per the above ZC reference, is whether or not a revocation/termination process should be initiated because of the apparent lack of properly addressing the same on-going issues/concerns about the site/building conditions as five years ago?

Recommendation: As had been done for the January Plan Commission, approve again the Special Use Review subject to Plan Commission and staff comments and authorize this item to be expedited back to the March 17th Common Council meeting.

Mr. Ali (operator) and Mr. Singh (owner) were present to answer questions. Mr. Erickson gave a review of the history of this location.

It was questioned if completion of the items specified in the Occupancy Permit had occurred. Discussion occurred on discussions from 2010 on items that were requested be completed, and how the owner at the time stated that once he got a tenant he would begin improving the property. It was noted how the owner of the gas station at 5909 S. 27th Street (item #4 on tonight’s agenda) is working on improvements relating to rebranding and freshening up the site, and yet this station and their compliance with the Special Use continually gets delayed.

Mr. Ali said they plan on hiring a professional to do the painting, to which it was requested that the City be shown proof of the agreement for this, with it being noted this is a weather dependent item best completed during nicer weather, but to be completed by May 15th regardless.

It was determined to hold this item over to next month, and for staff to create a list of interior and exterior items needing attention and a compliance date for each item, including the “open” items per the Occupancy-related inspection done this past December.

6. Discussion/decision on staff request to approve the First Amendment to the Woodlands Condominium Developer's Agreement, at approx. 117th & Beloit Road. Tax Key #565-0216 thru 565-0249.

1. Background: Due to financial problems that the initial developer encountered over the past few years – project initially approved in 2007 -- last May a 'Receivership' (under Wis. Stats. Chp. 128 – Creditor's Actions) was named (a.k.a. Rebecca DeMarb) for the Woodland Condos at 117th & Beloit.

Since then, staff has been working with the bank involved (PNC) to actually complete some long overdue projects that were conditions of the original condo project approval in 2007; specifically the installation of a pedestrian/bike bridge and trail paving in the adjacent City park land. This was done based upon the intent of using allocations of Letter of Credit funds in a coordinated manner with PNC.

An amendment to the Development Agreement has been prepared to reflect multiple items such as the following:

- Status of site improvements completed/uncompleted
 - Adjust remaining financial securities (i.e. cash/Letter of Credits/Bonds) accordingly.
 - Recognize the Receiver as the 'Developer' now with the understanding that she will be at some future date conveying the 'project/dev. agreement obligations' to a yet-to-be-determined new developer which would be the 'Successor' entity with all the obligations to fulfill the initial Developers Agreement and this First Amendment requirements.
 - Ogden & Company (realty division) has been selected by the Receiver as the realtor to try to 'sell' the remaining elements of the project to a new developer.
2. PUD Requirements: The Receiver has indicated – thru PNC – that she has accepted the First Amendment as prepared – see attached email exchange.

Recommendation: Approve subject to Plan Commission and staff comments, and authorize this item to be expedited to the March 17th Common Council meeting.

Motion by Mr. Weis, seconded by Ms. Collins to recommend approval of a First Amendment to the Woodlands Condominium Developer's Agreement, located at approx. 117th & Beloit Road, subject to Plan Commission and staff comments, and authorize this item to be expedited to the March 17th Common Council meeting. Tax Key #565-0216 thru 565-0249. Motion carried unanimously.

7. Community Development Manager Report.

Mr. Erickson noted that the Public Hearing for Meijer will be held at the March 17th Common Council meeting, and the Cobalt/Chapman site project has a public hearing for rezoning and Comprehensive Land Use plan change at the April 21st Common Council meeting.

Mayor Neitzke gave some general updates on things happening which eventually involve the Plan Commission:

- ♦ The Loomis Crossing project has had a lot of discussion with the developer as of late. They've provided a list of their project team, and some environmental work is expected to start in April as a start to their due diligence.

- ♦ There was a meeting with Brixmoor, owner of the Spring Mall site, and from their presentation there wasn't much currently planned for the site. It was mainly some façade improvements and limited site work. A current tenant would remain and get a more updated, yet smaller store and there may be a few tenants who could eventually locate to the site. Based on the size of the site, expanded development potential clearly is there. It would be an ideal mixed use site, and is further enhanced by Walgreens at that corner, with that location being a top-performer in the market. The only building not owned by Brixmoor is Arby's. Roundy's continues to pay rent on the former Pick 'N Save building.
- ♦ There was a recent meeting in regard to the property south of Greenfield Middle School (35th & Barnard area) and there appears to be some interest in condos or two families.
- ♦ There has been some interest in potential office use at the former Tam's restaurant at 68th & Layton.
- ♦ Some preliminary discussions have occurred pertaining to the Sears parcel at Southridge Mall.
- ♦ Another site with major development potential is the Kmart site on 27th Street.
- ♦ It sounds as if Goodwill has reached out to several suggested sites within the area instead of the former Office Depot space along S. 76th Street, and actually he had received several comments that were supportive of his perspective as reported in the *Greenfield NOW* that that area of S. 76th Street was not a good location for a second-hand merchandise store.
- ♦ A major financial donation has been received for the Amphitheater at Konkell Park. There is a meeting tomorrow with the company that fabricates the structure, and they have a preferred installer who is local. It is anticipated to be completed this summer. There is already interest from musical groups and acts. The Farmer's Market is returning with even more interest than in season's past.
- ♦ The TIFs for the Meijer site and the Chapman site need to be created by the end of September to ensure the best base-value possible, which enhances future development.
- ♦ In regard to the path from the Ridge Church site to Kulwicki Park, Mayor Neitzke stated he was told by a County person that the proposed lease agreement was intended to be on the next County Park Board agenda this month, or it may be deferred to their April meeting. Mayor Neitzke sees the transition of the park from a County park to a City park as viewed positively, since it removes the financial and liability element for the County, and gives us the opportunity to maximize the park for our residents.

8. Motion by Mr. Weis, seconded by Ms. Collins, to adjourn the meeting at 7:15 p.m. Motion carried unanimously.

Respectfully submitted,

Alison J. Meyer
Administrative Assistant

Distributed March 13, 2015