

**MINUTES OF THE PLAN COMMISSION MEETING HELD AT THE
GREENFIELD CITY HALL ON TUESDAY, MARCH 13, 2018**

The meeting was called to order at 6:30 p.m. by Ald. Karl Kastner

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

ALSO PRESENT: Kristi Johnson – Community Development Manager

- 2. Approval of the minutes from the February 13, 2018 meeting.
Motion by Ms. Hallen, seconded by Ms. Collins to approve the February 13, 2018 Regular Meeting minutes. Motion carried unanimously.**

Note: Ms. Johnson recommended to amend the minutes to include that the public hearing process for Mod Pizza was to be waived.

Motion by Ms. Hallen, seconded by Ms. Collins to reconsider and amend the February 13, 2018 Regular Meeting minutes. Motion carried unanimously.

- 3. Discussion regarding the February 21, 2018 and March 7, 2018 Common Council meetings.**

There were no Plan Commission items at the February 21st meeting. At the March 7th meeting the Special Use for Mod Pizza (8833 Sura Lane) was approved as presented.

- 4A. Special Use Permit for Nifty Thrifty, a proposed resale shop to be located at 5444 W. Forest Home Avenue, submitted by Laura Wargolet, d/b/a Nifty Thrifty. (Tax Key No. 556-8988-001)**

- 4B. Site Plan for Nifty Thrifty, a proposed resale shop to be located at 5444 W. Forest Home Avenue, submitted by Laura Wargolet, d/b/a Nifty Thrifty. (Tax Key No. 556-8988-001)**

Items 4A and 4B may be considered together.

Overview and Zoning

The applicant is proposing to occupy 900 sq. ft. of tenant space within the existing multi-tenant commercial building located at 5444 W. Forest Home Ave. with a thrift store. The property is zoned C-2 Community Commercial District, which permits “Used Merchandise Stores” as a Special Use. The proposed Special Use will require a public hearing, which can be held as early as April 17, 2018, with the Plan Commission’s authorization.

The applicant describes the store as a “thrift/antiques/craft store.” The business will sell lightly-used merchandise, plus crafts created by the applicant. Ms. Wargolet will not employ anyone, as she will run the store herself. Hours of operation will be Tuesday – Saturday, 10am – 6pm and Sunday 10am – 4pm. Donations will be dropped off by appointment only.

Site, Landscaping and Lighting Plans

This same multi-tenant commercial property was before the Plan Commission in December 2017 for a Special Use Review for Taqueria Mexico Lindo, the tenant space to the east. The Plan Commission reviewed the site condition at that time and required various site improvements, including: replacement of the rear broken window, general site perimeter clean-up (garbage laying around), trimming of overgrown perimeter brush, removal of pavement between street curb and sidewalk (to be completed by July 1, 2018), and replacement of the front awning.

On January 18, 2018, the property owner sent a letter to the Community Development Division stating that the rear broken window would be replaced within 30 days; the overgrown brush would be cleaned up likely within 30 days (weather permitting); and, the awning would be removed.

As of March 7, 2018, a site visit indicated that none of the required improvements listed above have been completed (however, the owner has until July 1, 2018 to complete removal of the pavement between the street curb and sidewalk). These conditions of approval would carry over to the new applicant, Nifty Thrifty.

Parking required for the thrift store: 5 spaces/1,000 sq. ft. of gross floor area for shopping centers (3 stores or more) = 5 spaces required for the thrift store

Parking required for the two (2) existing restaurants: 20 spaces/1,000 sq. ft. of gross floor area for restaurants (950 sq. ft. each) = 38 spaces required for the two (2) restaurants

Total off-street parking required (per code) = 43

Total off-street parking provided = 5

The off-street provided parking shortage may be waived by the Common Council as part of the Special Use Permit approval.

Recommendation: Recommend Common Council approval of the Special Use Permit and Site Plan for Nifty Thrifty, a proposed resale shop to be located at 5444 W. Forest Home Ave., submitted by Laura Wargolet, d/b/a Nifty Thrifty (Tax Key No. 556-8988-001), subject to Plan Commission comments, staff comments, and the following conditions:

(Items 1 through 2 are required to be satisfied prior to the issuance of occupancy associated with the proposed work reviewed by the Plan Commission. Applicant applying for occupancy should be advised accordingly.)

1. A letter from the property owner being submitted to the Community Development Division, stating the following: (a) the rear window has been replaced/repared; (b) the Taqueria Mexico Lindo awning has been removed; (c) property perimeter garbage has been picked up and will be maintained; and (d) overgrown brush has been cut back along the west and south property lines and will be maintained.
2. Common Council approval of the Special Use Permit for Nifty Thrifty, a proposed resale shop to be located at 5444 W. Forest Home Ave. following a public hearing.

Laura Wargolet was present to answer questions. Mr. Carlson questioned if there was any input from the Police Department. Ms. Johnson stated the Police Dept. was given the application materials and there was no comment from them. Ms. Wargolet stated she spoke with Detective Fletcher about her business. As there will be no purchasing of or trading of items from the public he had no objection to the proposed business.

Ms. Wargolet stated she supplied the property owner the outstanding items from her inspections that need addressing; to which he responded to her that he would take care of those items.

Motion by Mr. Carlson, seconded by Mr. Rogers, to recommend approval of a Special Use Permit and a Site Plan for Nifty Thrifty, a proposed resale shop to be located at 5444 W. Forest Home Avenue, subject to Plan Commission and staff comments, and authorize the public hearing process to begin. Tax Key No. 556-8988-001. Motion carried unanimously.

- 5A. **Special Use Permit for O Yeah Chicken & More, a proposed restaurant to be located at 3322 W. Loomis Road, submitted by Adnan Bin-mahfouz, d/b/a Halal Investments, LLC. (Tax Key No. 553-0436-001)**
- 5B. **Site and Landscaping Plans for O Yeah Chicken & More, a proposed restaurant to be located at 3322 W. Loomis Road, submitted by Adnan Bin-mahfouz, d/b/a Halal Investments, LLC. (Tax Key No. 553-0436-001)**

Items 5A and 5B may be considered together.

Overview and Zoning

The applicant is proposing to lease the former Pizza Hut restaurant located at 3322 W. Loomis Rd., with a new restaurant, to be called “O Yeah Chicken & More.” The former restaurant has been vacant for more than a year and is required to obtain a new Special Use Permit. The property is zoned C-2 Community Commercial District, which permits “full-service restaurants” as a Special Use. The proposed Special Use will require a public hearing, which can be held as early as April 17, 2018, with the Plan Commission’s authorization.

The restaurant operator, Mr. Bin-mahfouz’s restaurant would focus primarily on chicken and beef products, with all food products meeting halal’s standards. Proposed hours of operation will be Sunday – Thursday, 11am – 10pm and Friday – Saturday, 11am – 12am (midnight). No alcoholic beverages will be served on the premises.

Halal Investments, LLC intends to complete interior remodeling, but no exterior alterations are proposed for the building. The restaurant would seat approximately 44 people.

Site and Landscaping Plans

The property has no landscaping—only a small planter bed in the front along W. Loomis Rd. where the existing monument sign is located (with no landscaping planted in it). The front property line is actually set back approximately 14 feet from the street curb where there are two (2) parking spaces in the right-of-way. The applicant has agreed to seek an easement/grant of privilege from WisDOT to tear up a portion of the State right-of-way to install grass along the front of the building. Staff recommends extending the grass area further along W. Loomis Rd. than proposed, to where the two (2) parking spaces are located in the right-of-way. Staff also recommends that bollards be placed on the property to protect the existing fire hydrant along W. Loomis Rd.

The site is in rough condition. There are big grade differences between this property and the alley to the west, and the residential property to the south. Rather than build retaining walls to address the grading differences, the property owner simply poured asphalt up the grade variations, so there are walls of poured asphalt on the west and south property lines. There is plenty of room on this 0.44-acre site for landscape improvements in addition to the proposed landscaping in the right-of-way along W. Loomis Rd. Staff, including the City Forester, is recommending the following site improvements:

1. Removal of the poured asphalt along the west and south property lines, to be replaced with terraced retaining walls and landscaping.
2. Construction of a board-on-board fence along the south property line, providing screening to the abutting property.
3. Landscaping being installed in the painted triangle in the northeast corner of the property.
4. Extension of landscaping/grass in the State right-of-way, replacing the two (2) parking spaces in the right-of-way.
5. Poured curb around perimeter parking rather than wheel stops.
6. New chain link slats being placed where missing within the refuse enclosure in the rear of the building.

7. Bollards being placed around the existing fire hydrant along W. Loomis Rd. for protection purposes.
8. A bike rack being provided on site.

The suggested terraced retaining walls will actually provide benefit to the property owner in that it will prevent rain and snow moisture from draining directly towards the building along the alley; it will create a minimally-maintained site improvement; and it will provide snow storage options. Staff recognizes that the applicant was not expecting to spend tens of thousands of dollars on site improvements when they signed a lease to open a new restaurant. With that in mind, staff recommends that Plan Commission allow the suggested landscape improvements be phased: (1) landscape improvements along W. Loomis Rd. be completed in 2018; and, (2) poured curb, landscape and grading improvements along the west and south property lines be completed in 2019.

This site is located along the City's W. Loomis Rd. gateway entrance and it is important to demonstrate a sense of pride through site condition. Seeking a Special Use Permit for this property provides the City the opportunity to review site conditions and require improvements where needed. Staff feels strongly that this particular property, being the large size it is and being located along one of the City's busiest municipal entrances, warrants the recommended site and landscaping improvements.

Parking spaces required per code (20 spaces/1,000 sq. ft. of gross floor area) = 39
Parking spaces provided on site (assuming the loss of 2 spaces in the right-of-way) = 26

The off-street provided parking shortage may be waived by the Common Council as part of the Special Use Permit approval. Staff feels there is sufficient on-site parking to accommodate the proposed use.

Recommendation: Recommend Common Council approval of the Special Use Permit and Site and Landscaping Plans for O Yeah Chicken & More, a proposed restaurant to be located at 3322 W. Loomis Rd., submitted by Adnan Bin-mahfouz, d/b/a Halal Investments, LLC. (Tax Key No. 553-0436-001), subject to Plan Commission comments, staff comments, and the following conditions:

(Items 1 through 5 are required to be satisfied prior to the issuance of building permits and occupancy associated with the proposed work reviewed by the Plan Commission. Contractors applying for permits should be advised accordingly.)

1. A revised Site and Landscaping Plan being submitted to the Community Development Division to show the following: (a) an extension of landscaping/grass in the State right-of-way, replacing the two (2) parking spaces in the right-of-way; (b) landscaping being installed in the painted triangle in the northeast corner of the property (to be approved by the City Forester); (c) new chain link slats being placed where missing within the refuse enclosure in the rear of the building; (d) bollards being placed around the existing fire hydrant along W. Loomis Rd. for protection purposes; (e) a bike rack being provided on site; (f) removal of the poured asphalt along the west and south property lines, to be replaced with terraced retaining walls and landscaping (to be approved by the

City Forester); (g) a board-on-board fence along the south property line, providing screening to the abutting property; (h) poured curb around perimeter parking rather than wheel stops. Conditions (a) through (e) are to be completed in 2018. Conditions (f) through (h) are to be completed in 2019.

2. An estimated cost of landscaping and screening being submitted to the Community Development Division for approval.
3. A letter of credit or other form of security as required under 21.06.0304 of the Municipal Code in the amount of 125% of the estimated cost of landscaping and screening.
4. Easement or grant of privilege being provided by WisDOT for landscaping and other site work in the State right-of-way.
5. Common Council approval of the Special Use Permit for O Yeah Chicken & More, a proposed restaurant to be located at 3322 W. Loomis Rd., submitted by Adnan Bin-mahfouz, d/b/a Halal Investments, LLC following a public hearing.

Frank Kleczka, property owner, and Paul Pederson, attorney for Adnan Bin-mahfouz, were present to answer questions.

Ms. Johnson stated that occupancy would not be granted until a Site and Landscaping Plan is submitted and the phases of the landscaping work to occur are indicated in the plan.

Ald. Kastner questioned the drains on the site, to which Ms. Johnson said she would direct that to the Engineering Department. Mr. Weis noted that when we've had "phased" plans created for projects in the past often times they did not get completed. Ms. Johnson noted that with the use of our Special Use ordinance, Resolutions stating the terms of occupancy would be approved by the Common Council, with the provision that occupancy could be revoked if conditions are not met.

Atty. Pederson stated they had just learned of the City's landscaping provisions, and that they are trying to open the restaurant ASAP. The applicant has invested a significant amount of money into the restaurant. They estimate the desired improvements to cost \$30,000-\$40,000. They feel that these are not essential to their operation. Also, they question the City's desire to remove two parking spaces (which requires State approval) to add more greenspace. They ask that all of these items' implementation not hold up the restaurant from opening.

Atty. Pederson requested that while waiting for the State on the parking spaces issues that they put up cones to prevent parking occurring in those spaces. Also, rather than the proposed retaining wall they would prefer to remove the asphalt at the top of that area and install grass, trees and rocks so that cars can't cut through this area. This plan would be of lower cost to the property owner. Overall they would prefer a phased plan of

three years rather than two to accomplish all the desired parking lot and landscape elements.

Discussion occurred on how it would be best that the Site and Landscaping item be moved to the April 10th Plan Commission; by such time a plan and timeline can be prepared and submitted.

Motion by Mr. Weis, seconded by Mr. Carlson, to recommend approval of Special Use Permit for O Yeah Chicken & More, a proposed restaurant to be located at 3322 W. Loomis Road, subject to Plan Commission and staff comments, and authorize the public hearing process to begin, and that a Site and Landscaping plan be submitted for the April 10th Plan Commission's review. Tax Key No. 553-0436-001. Motion carried unanimously.

- 6A. Special Use Permit for Grate Modern Mac & Cheese, a proposed restaurant to be located within the 84 South development at 8871 Sura Lane, submitted by Ron Stokes, d/b/a Roaring Fork Restaurant Group. (Tax Key No. 606-0053-004)**
- 6B. Site Review for Grate Modern Mac & Cheese, a proposed restaurant to be located within the 84 South development at 8871 Sura Lane, submitted by Ron Stokes, d/b/a Roaring Fork Restaurant Group. (Tax Key No. 606-0053-004)**

Items 6A and 6B may be considered together.

Overview and Zoning

Grate Modern Mac & Cheese is proposing to occupy approximately 2,379 sq. ft. of tenant space within the "D-1" building of the 84 South development, right along W. Layton Ave. The property is zoned PUD, which requires restaurants to obtain a Special Use Permit. MOD Pizza is a casual dining restaurant that will offer interior (seating for approximately 75) and exterior seating, along with take-out orders. The restaurant has applied for a Class "B" beer license as well as a Class "C" wine license. Hours of operation will be 10:30am to 9pm. Grate Modern Mac & Cheese will employ approximately 30 people. The zoning code requires 48 parking spaces for Grate Modern Mac & Cheese. The approved site plan allows for sufficient shared parking of all uses in the 84 South development. And the parking lot around the building includes 82 parking stalls.

Grate Modern Mac & Cheese can be found in Menomonee Falls. This is the second location in Wisconsin. Their menu can be found at: <http://gratemac.com/menu/>

Plan Commission has waived the public hearing process on other Special Use Permit uses within the 84 South development due to the extensive original public participation process for the development itself. Staff recommends that a public hearing is not needed for this application and that the Special Use Permit review be expedited to the March 20, 2018 Common Council meeting.

Site Plan

Grate Modern Mac & Cheese is proposing to utilize the outdoor dining space to their west for approximately 28 patrons, and is also proposing to serve beer and wine on the outdoor patio. The applicant is working simultaneously with the Clerk's Office on a liquor license application.

Recommendation: Recommend Common Council approval of the Special Use Permit and Site Plan for Grate Modern Mac & Cheese, a proposed restaurant to be located within the 84 South development at 8871 Sura Ln., submitted by Ron Stokes, d/b/a Roaring Fork Restaurant Group. (Tax Key No. 606-0053-004), to be expedited to the March 20, 2018 Common Council meeting.

Motion by Mr. Weis, seconded by Ms. Collins, to recommend approval of a Special Use Permit and a Site Plan Review for Grate Modern Mac & Cheese, a proposed restaurant to be located within the 84 South development at 8871 Sura Lane, subject to Plan Commission and staff comments, and authorize this item to be expedited to the March 20th Common Council meeting. Tax Key No. 606-0053-004. Motion carried unanimously.

- 7A. Ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 6300 W. Layton Avenue from I Institutional District to C-2 Community Commercial District. (Tax Key No. 603-9940-000)**
- 7B. Special Use Permit for American Behavioral Clinics, a proposed behavioral health medical clinic to be located at 6300 W. Layton Avenue, submitted by David Winston, d/b/a ABC Medical Clinics, S.C. (Tax Key No. 603-9940-000)**
- 7C. Site Plan for American Behavioral Clinics, a proposed behavioral health medical clinic to be located at 6300 W. Layton Avenue, submitted by David Winston, d/b/a ABC Medical Clinics, S.C. (Tax Key No. 603-9940-000)**

Items 7A, 7B and 7C may be considered together.

Overview and Zoning

American Behavioral Clinics (ABC), through "Winston Properties" has an offer to purchase the former ITT building located at 6300 W. Layton Ave. The offer is contingent upon City approval of the rezoning, Special Use Permit, etc. The property is currently zoned "I Institutional" District, which is intended for churches, schools, government buildings, etc. Basic commercial usage is not permitted in that "I" Zoning District. ABC is proposing to use the facility for mental health physicians' offices, which would require

a rezone to C-2 Community Commercial District and also requires a Special Use Permit once appropriately rezoned. The proposed C-2 rezone is consistent with the properties to the east and south. The City's 2008 Comprehensive Plan identified this property's use as Planned Mixed Use, which would not require a Land Use Map amendment for the proposed use.

ABC is currently located at 7330 W. Layton Ave., where they have been for over 25 years (opened in 1994). In the past year they purchased the property to their east, 7308 W. Layton Ave., to help alleviate space shortage and lack of parking, but they are simply out of room to accommodate the needs of their growing patient base and expand services. They have been looking for a larger facility and would like to maintain their presence in Greenfield, hence the offer to purchase the former ITT building. ABC is owned by Dr. James Winston, who has been recognized by Milwaukee Magazine as Milwaukee's top Psychiatrist since 2004.

ABC provides treatment for a variety of mental health and behavioral issues, including ADHD, depression, anxiety, mood disorders, schizophrenia, and PTSD. Additionally, they offer treatment for relationship and family conflict, grief and loss, workplace and school issues, alcohol and drug dependencies, and a variety of other challenges facing people of all ages and backgrounds. ABC incorporates innovative approaches to optimize a person's cognitive, emotional, interpersonal, and behavioral functioning. Today, American Behavioral Clinics has five (5) active locations (Greenfield, Wauwatosa, Elm Grove, Mequon and Elkhorn) and treats close to 10,000 active patients, including 4,000 active patients in Greenfield.

ABC employs Board Certified Psychiatrists, Licensed Clinical Psychologists, Certified Licensed Clinical Social Workers, Certified Professional Counselors, and Certified Drug and Alcohol Counselors. They anticipate employing approximately 25 staff members at the new facility.

General office hours will be Monday – Friday, 8am to 6pm. Staff may be present as early as 6am and as late as 10pm. Occasionally a patient may be at the facility as late as early as 7:30am or as late as 9pm, by appointment only. The clinic will be open on Saturdays by appointment only, 7am – 5pm.

American Behavioral Clinics will be making interior remodeling modifications. They will not occupy the entire building, and plan to eventually lease out portions to partners (11,400 sq. ft. of the 29,147 sq. ft.) that complement their services. Partners may include primary care physicians and professionals who offer nutritional and weight loss support and programs. Some future uses may require Special Use permits, which will require a public hearing process through Plan Commission and Common Council review/approval.

ABC held a neighborhood meeting on Thursday, February 22, 2017, with no strong objection from the neighbors. Property owners within 400 feet were notified, which is the same group that will receive the official rezoning and Special Use notification from the

City when it comes time for the public hearing. The Community Development Division has not received any comments from neighbors to date.

If the Plan Commission wishes to proceed with a rezone and Special Use permit public hearing, that hearing could be held at the earliest, May 15, 2018.

Site Plan

The perspective owner does not plan any exterior building alterations. The only planned site improvement will be to construct a new fence along the north property line, abutting residential homes. Neighbors who came to the February neighborhood meeting expressed a need for a new fence and ABC has submitted a plan to construct a 6-ft. high, white PVC privacy fence, the exact same fence that buffers the strip mall to the east from the residential uses to its north, which was suggested by the neighbors.

Required parking spaces per code (10/1,000 sq. ft., plus 1 space per employee) = 291 + 25 = 316 off-street parking spaces.

Provided parking spaces = 199 off-street parking spaces

The off-street provided parking shortage may be waived by the Common Council as part of the Special Use Permit approval. Staff feels there is sufficient on-site parking to accommodate the proposed use.

Recommendation: Recommend Common Council approval of the Ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 6300 W. Layton Ave. from I Institutional District to C-2 Community Commercial District, the Special Use Permit and the Site Plan for American Behavioral Clinics, a proposed behavioral health medical clinic to be located at 6300 W. Layton Ave., submitted by David Winston, d/b/a ABC Medical Clinics, S.C. (Tax Key No. 603-9940-000), subject to Plan Commission comments, staff comments, and the following conditions:

(Items 1 through 3 are required to be satisfied prior to the issuance of building permits associated with the proposed work reviewed by the Plan Commission. Contractors applying for permits should be advised accordingly.)

1. A Site Plan being submitted to the Community Development Division to show the following: (a) fence location along the north property line.
2. Common Council approval of the Ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 6300 W. Layton Ave. from I Institutional District to C-2 Community Commercial District following a public hearing.
3. Common Council approval of the Special Use Permit for American Behavioral Clinics, a proposed behavioral health medical clinic to be located at 6300 W. Layton Ave. following a public hearing.

Ms. Johnson stated that she learned earlier today that bids were still being accepted for this location, with a bid from International Brotherhood of Electrical Workers being

submitted to use the facility for training purposes, which would not require a rezoning. The trustee has not yet confirmed to the City if this is a qualifying bid. On March 20th, the auction process will determine the best bid, and on March 21st the Bankruptcy Court will then hold a hearing. American Behavioral Clinics will not know until then if they will be chosen. This poses the question to the Plan Commission on proceeding with ABC's rezoning request.

Ms. Hallen questioned the dispensing of medications at the facility. Mr. Winston stated that the medications that are dispensed are not of the addictive type (such as methodone). Those types of drugs are tracked and dispensed at pharmacies.

Discussion occurred on how ABC's ability to proceed is dependent on their being the winning bidder. Therefore it was decided to hold this item over to the April 10th Plan Commission meeting where more will be known at that time.

Item to be held over.

8. Certified Survey Map to divide an existing parcel located at 4475 S. 108 Street, submitted by Shayne Chelminiak, d/b/a Ener-Con Companies. (Tax Key No. 609-9994-013)

In preparation of the future Point Burger restaurant development, the current property owner of the former Budget Theater site, Ener-Con Companies, has submitted a Certified Survey Map to carve off 0.768 acres of land. This leaves 3.828 acres of remaining land fronting Hwy 100, for future commercial development.

The Engineering Department staff has submitted comments to the surveyor and to Ener-Con, requesting some delineation/editing modifications on the proposed CSM, which will be edited prior to recording of the CSM. Staff recommends that this item be expedited to the March 20, 2018 Common Council meeting.

Recommendation: Recommend Common Council approval of the Certified Survey Map to divide an existing parcel located at 4475 S. 108 St., submitted by Shayne Chelminiak, d/b/a Ener-Con Companies (Tax Key No. 609-9994-013), subject to Plan Commission and staff comments, to be expedited to the March 20, 2018 Common Council meeting.

Shayne Chelminiak was present to answer questions.

Motion by Mr. Weis, seconded by Mr. Rogers to recommend approval of a Certified Survey Map to divide an existing parcel located at 4475 S. 108 Street, subject to Plan Commission and staff comments, and authorize this item to be expedited to the March 20th Common Council meeting. Tax Key No. 609-9994-013. Motion carried unanimously.

9. Signage Plan Appeal for Panera Bread, located at 7840 W. Layton Avenue, submitted by Carla Menard, d/b/a Mandeville Sign. (Tax Key No. 605-9956-005)

Panera Bread, located within the multi-tenant commercial building at 7840 W. Layton Ave., is proposing to install a new wall sign. The Sign Code, as it exists today, states that multi-tenant commercial buildings must have a Master Signage Plan with a universal color palette for all signs. Panera is requesting a variance to the code with a black channel-letter 37 sq. ft. wall sign and a grey monument sign panel. All other tenant wall signs and monument panel signs are red at this commercial strip mall. Panera has submitted a letter of approval from the property owner, agreeing to the black and grey signs as proposed by Panera. The size/area of the proposed wall sign meets the Sign Code regulations.

Staff recommends approval in anticipation of a future Sign Code repeal/recreation proposal that would NOT require multi-tenant commercial buildings to adhere by a one-color Master Signage Plan.

Recommendation: Approve the Signage Plan Appeal for Panera Bread, located at 7840 W. Layton Ave., submitted by Carla Menard, d/b/a Mandeville Sign. (Tax Key No. 605-9956-005)

Mr. Weis stated he prefers signage uniformity at a center, rather than a hodge-podge. Mr. Rogers stated that while he agrees with Mr. Weis, he doesn't want to hold up national brands from their specialized branding being utilized. Mr. Carlson and Mr. Krenz agreed with Mr. Rogers.

Further discussion occurred on how staff time is being spent on researching and relaying signage requirements on to vendors/property owners, often resulting in an appeal request.

Motion by Mr. Carlson, seconded by Mr. Rogers, to recommend approval of a Signage Plan Appeal for Panera Bread, located at 7840 W. Layton Avenue, subject to Plan Commission and staff comments. Tax Key No. 605-9956-005. On a roll call vote motion carried 5-2, with Mr. Weis and Ms. Hallen voting no.

10. Master Signage Plan for Forté Apartments, to be located at 9025, 9075, 9125 and 9175 Sura Lane, submitted by Deb Burton, Poblocki Sign Company, LLC. (Tax Key No. 606-0053-005)

Forté Apartments was before the Plan Commission in February 2018 for a Master Signage Plan, of which the Plan Commission approved wall signs that simply said "Forté" rather than the proposed "Forté Apartments." The applicant is now proposing a modification to the two (2) wall sign that would read "Forté at 84 South." Each sign would be 58 sq. ft. in area. Staff has shared the proposal with the developer, Cobalt Partners, who supports the modified proposal.

Recommendation: Approve the Master Signage Plan for Forté Apartments, to be located at 9025, 9075, 9125 and 9175 Sura Ln., submitted by Deb Burton, Poblocki Sign Company, LLC. (Tax Key No. 606-0053-005).

Blair Benes with Poblocki Sign Company was present to answer questions.

Ms. Johnson clarified that at the March 13th Plan Commission the use of just the word “Forte” was approved, with “Apartments” being removed from the proposal. Now they are seeking it modified to “Forte at 84 South” on the signage.

Ms. Benes stated adding the “at 84 South” brings the branding back into the overall development. Ald. Kastner said the locations of the additional text would need to be considered. Ms. Benes replied one sign would face the freeway and the other towards the inside of the development. Ms. Johnson noted Mayor Neitzke stated via email he did not object to this change. Also noted was the need for more spacing between “Forte” and “at 84 South”.

Motion by Ald. Kastner, seconded by Mr. Weis, to recommend approval of a Master Signage Plan for Forté Apartments, to be located at 9025, 9075, 9125 and 9175 Sura Lane, subject to a revised Master Signage Plan being submitted showing more space between the words “Forte” and “at 84 South”. Tax Key No. 606-0053-005. Motion carried unanimously.

11. Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to Other Individual and Family Services, and Community Food Services being permitted in the I Institutional Zoning District.

Greenfield’s Municipal Zoning Code includes a Table of all permitted and special uses in the City’s various zoning districts, using the NAICS system of categorizing all possible uses. Staff is recommending two (2) house-cleaning amendments to the NAICS chart in the Zoning Code pertaining to the “I Institutional” Zoning District. Many churches provide individual and family services as side services to their main function as a religious institution. It is also common that they provide community food services, such as food pantry services, on occasion. Neither of these services are currently allowed in the “I Institutional” Zoning District—they’re not even listed—yet they likely are practiced on occasion. To officially allow these uses in the “I Institutional” Zoning District, the Common Council would need to debate (1) whether to amend the Zoning Code to allow these two uses; and, (2) whether they be listed as “permitted” uses or “special” uses.

The advantage of a Special Use is that the City can regulate hours of operation, they can review the site condition, and they can impose regulations such as “no outdoor drop-offs” on the Special Use permit, etc. Permitted uses can simply occupy a space with no City review/regulation other than building/electrical/plumbing/fire/health inspections.

What are “*Other Individual and Family Services*” (code 624190) examples? This excerpt is taking from the NAICS website:

624190 Other Individual and Family Services

This industry comprises establishments primarily engaged in providing nonresidential individual and family social assistance services (except those specifically directed toward children, the elderly, persons diagnosed with intellectual and developmental disabilities, or persons with disabilities).

Illustrative Examples:

Community action services agencies

Marriage counseling services (except by offices of mental health practitioners)

Crisis intervention centers

Multi-purpose social services centers

Family social services agencies

Self-help organizations (except for disabled persons, the elderly, persons diagnosed with intellectual and developmental disabilities)

Family welfare services

Suicide crisis centers

Hotline centers

Telephone counseling services

Cross-References. Establishments primarily engaged in--

- Providing clinical psychological and psychiatric social counseling services--are classified in Industry [621330](#), Offices of Mental Health Practitioners (except Physicians);
- Providing child and youth social assistance services (except day care)--are classified in Industry [624110](#), Child and Youth Services;
- Providing child day care services--are classified in Industry [624410](#), Child Day Care Services;
- Providing social assistance services for the elderly, persons diagnosed with intellectual and developmental disabilities, and persons with disabilities--are classified in Industry [624120](#), Services for the Elderly and Persons with Disabilities;
- Community action advocacy--are classified in U.S. Industry [813319](#), Other Social Advocacy Organizations; and
- Providing in-home health care services--are classified in Subsector [621](#), Ambulatory Health Care Services.

2007 NAICS	2012 NAICS	2017 NAICS	Corresponding Index Entries
624190	624190	624190	Alcoholism and drug addiction self-help organizations
624190	624190	624190	Alcoholism counseling (except medical treatment), nonresidential
624190	624190	624190	Alcoholism self-help organizations
624190	624190	624190	Community action service agencies
624190	624190	624190	Community health education services (except health care services)
624190	624190	624190	Counseling services (except by psychiatrists, psychoanalysts, or psychotherapists)
624190	624190	624190	Crisis intervention centers
624190	624190	624190	Drug addiction self-help organizations
624190	624190	624190	Ex-offender rehabilitation agencies
624190	624190	624190	Ex-offender self-help organizations
624190	624190	624190	Family social service agencies
624190	624190	624190	Family welfare services
624190	624190	624190	Hotline centers
624190	624190	624190	Individual and family social services, multi-purpose
624190	624190	624190	Marriage counseling services (except by offices of mental health practitioners)
624190	624190	624190	Mediation, social service, family, agencies
624190	624190	624190	Multiservice centers, neighborhood
624190	624190	624190	Offender self-help organizations
624190	624190	624190	Parenting support services
624190	624190	624190	Parole offices, privately operated
624190	624190	624190	Probation offices, privately operated
624190	624190	624190	Rape crisis centers
624190	624190	624190	Referral services for personal and social problems
624190	624190	624190	Rehabilitation agencies for offenders
624190	624190	624190	Self-help organizations (except for disabled persons, the elderly, persons diagnosed with intellectual and developmental disabilities)
624190	624190	624190	Social service agencies, family
624190	624190	624190	Social service centers, multi-purpose
624190	624190	624190	Suicide crisis centers
624190	624190	624190	Support group services
624190	624190	624190	Telephone counseling services
624190	624190	624190	Travelers' aid centers
624190	624190	624190	Welfare service centers, multi-program

What are “Community Food Services” (code 624210) examples? This excerpt is taking from the NAICS website:

624210 Community Food Services

This industry comprises establishments primarily engaged in the collection, preparation, and delivery of food for the needy. Establishments in this industry may also distribute clothing and blankets to the poor. These establishments may prepare and deliver meals to persons who by reason of age, disability, or illness are unable to prepare meals for themselves; collect and distribute salvageable or donated food; or prepare and provide meals at fixed or mobile locations. Food banks, meal delivery programs, and soup kitchens are included in this industry.

2007 NAICS	2012 NAICS	2017 NAICS	Corresponding Index Entries
624210	624210	624210	Community meals, social services
624210	624210	624210	Food banks
624210	624210	624210	Food pantries
624210	624210	624210	Meal delivery programs
624210	624210	624210	Mobile soup kitchens
624210	624210	624210	Soup kitchens

Staff is recommending to add:

1. NAICS code 624190 “Other Individual and Family Services” as a Special Use in the “I Institutional” Zoning District
2. NAICS code 624210 “Community Food Services” as a Special Use in the “I Institutional” Zoning District

The Ordinance amendment requires a Class II publication and a public hearing. With the blessing of the Plan Commission, a public hearing can be scheduled at the earliest, May 1, 2018.

Recommendation: Recommend Common Council approval of the Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to Other Individual and Family Services, and Community Food Services being permitted in the I Institutional Zoning District.

Ms. Hallen stated she feels that a food pantry use should be left out of the Municipal Code, so as to not have them pay an additional fee since they are providing to those in need.

Mr. Rogers gave some personal insight into this type of matter as his own church operates on a very limited budget. He feels that to add additional governmental regulation is hindering to the church’s mission. Discussion followed on to leave this out of the code implies silence within the code; therefore not allowing this use to occur. As a City we want to be able to allow it to occur, but with our oversight to prevent any misuse. Also the possibilities of fees being waived were discussed, along with whether it should be classified as a Special Use. To have a Special Use tied to it would provide the City’s oversight for compliance.

Motion by Mr. Weis, seconded by Mr. Carlson, to recommend approval of an Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to Other

Individual and Family Services, and Community Food Services being permitted in the I Institutional Zoning District, as Special Uses, and authorize the public hearing process to begin. Motion carried 7-1 with Ms. Hallen voting no.

12. Community Development Manager Report.

Ms. Johnson stated that at the April 10th Plan Commission will be a multi-unit housing development previously presented to the Plan Commission as the Sanctuary at Cherokee Point, (43rd off Cold Spring), three 12-unit CBRFs at 35th Street off Layton, and a day care within a church at S. 100th Street.

13. Motion by Ald. Kastner, seconded by Mr. Weis, to adjourn the meeting at 8:07 p.m. Motion carried unanimously.

Respectfully submitted,

Alison J. Meyer
Administrative Assistant

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