

**MINUTES OF THE PLAN COMMISSION MEETING HELD AT THE
GREENFIELD CITY HALL ON TUESDAY, SEPTEMBER 11, 2018**

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

ROLL CALL:	Mayor Michael Neitzke	Present
	Ald. Karl Kastner	Present
	Mr. Brian Weis	Present
	Ms. Denise Collins	Present
	Ms. Christine Hallen	Present
	Mr. Bradley Sponholz	Present
	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 August 14, 2018 meeting.
Motion by Mr. Sponholz, seconded by Ald. Kastner to approve the August 14, 2018
Regular Meeting minutes. Motion carried unanimously, with Ms. Collins,
Mr. Rogers, Mr. Weis, Ms. Hallen and Mr. Carlson abstaining.**

3. Discussion regarding the August 21, 2018 Common Council meeting.
The following Plan Commission items presented at the August 21st Common Council meeting were approved as presented: Public Hearings were held for the Rezoning of the Walgreens parcel at Spring Mall, and for Special Uses for Planet Fitness, Picturesque Massage, and the American Indian Council on Alcoholism.

4. Certified Survey Map to divide an existing parcel located at 7029 W. Chapman Ave., submitted by Donald Almquist, owner. (Tax Key No. 604-9931-000).

The owners of the property located at 7029 W. Chapman Ave. are proposing to split their existing lot and create a vacant single-family lot to the east of their home. The property is zoned R-3 Single-Family Residential Conservation District. In consideration is whether or not the newly-created lot with the home will remain in conformance with setback requirements, and also whether the newly-created vacant lot will meet the development standards of the R-3 District. The proposed CSM dedicates 10 feet along W. Chapman Ave. for public right-of-way. The table below depicts the lot layout after the 10-foot dedication.

Development Standards of the R-3 District vs. Proposed CSM:

	R-3 Development Standards	Proposed lot with home (Lot 1)	Proposed vacant lot (Lot 2)
Minimum Lot Area	9,000 sq. ft.	8,148	8,149
Minimum Lot Width	75 ft.	79.96	79.95
Minimum Lot Depth	100 ft.	101.69	101.71
Minimum Front Yard Setback	30 ft.	30.2	N/A
Minimum Side Yard Setback	5 and 10 ft.	10.1 and 10.7	N/A
Minimum Rear Yard	25 ft.	21.7	N/A
Minimum Lot Coverage	0.30	0.24	N/A

While the proposed Lot 1 and Lot 2 do not meet the minimum lot area (short by 852 and 851 sq. ft.), some neighboring properties are also short when it comes to lot area. The Common Council may waive the lot area shortage with the CSM approval.

The minimum rear yard 25-ft requirement is short on Lot 1, but that is an existing condition that cannot be altered and doesn't impact the CSM consideration.

The Engineering Division staff has submitted comments to the surveyor. Staff recommends that this item be expedited to the September 18, 2018 Common Council meeting. The property owner will be required to pay the City's impact fee of \$1,806 for the new dwelling unit prior to recording of the CSM.

Recommendation: Recommend Common Council approval of the Certified Survey Map to divide an existing parcel located at 7029 W. Chapman Ave., submitted by Donald Almquist, owner (Tax Key No. 604-9931-000), subject to Plan Commission and staff comments, to be expedited to the September 18, 2018 Common Council meeting, and subject to payment of the City's impact fee of \$1,806 per new dwelling unit prior to recording of the CSM.

Motion by Ald. Kastner, seconded by Mr. Weis, to recommend approval of a Certified Survey Map to divide an existing parcel located at 7029 W. Chapman Avenue, subject to Plan Commission and staff comments, and authorize this item to be expedited to the September 18th Common Council meeting. Tax Key No. 604-9931-000. Motion carried unanimously.

- 5A. Special Use Review for Smoke World Vape, a proposed smokers' supply store, to be located within the existing multi-tenant commercial building at 4275 W. Layton Ave., submitted by Anan Barbarawi, d/b/a Smoke World Vape. (Tax Key No. 621-9957-001)**

5B. Site Plan for Smoke World Vape, a proposed smokers' supply store, to be located within the existing multi-tenant commercial building at 4275 W. Layton Ave., submitted by Anan Barbarawi, d/b/a Smoke World Vape. (Tax Key No. 621-9957-001)

Items 5A and 5B may be considered together.

Overview and Zoning

The applicant, Mr. Barbarawi, is proposing to take over ownership of the existing Smoker's Pub shop with his new business, to be called Smoke World Vape, within the existing multi-tenant commercial retail building. The property is zoned C-2 Community Commercial District, which permits Tobacco Stores as a Special Use. A change in tenancy or ownership authorizes Special Use Review by the Plan Commission and Common Council. Hours of operation will be 9am – 8pm Monday - Saturday, 10am – 7pm Sunday. The business will employ approximately three (3) to five (5) employees.

Site Plan

While the applicant didn't submit a site plan, the site is subject to Plan Commission review with the Special Use Review. This tenant will be located in the Boot Connection strip mall on the south side of W. Layton Ave. Staff visited the property, which is in very good condition with thriving landscaping and staff does not recommend any site or landscaping modifications.

During the site visit, staff noticed that the existing tenant, Smoker's Pub, has LED rope lighting around the tenant space windows. LED rope lighting is not permitted in the City of Greenfield and the new tenant, Smoke World Vape, must remove the LED rope lighting prior to a certificate of occupancy being issued. Also, the tenant must apply for a sign permit for any new wall signage.

Staff recommends that this item be expedited to the September 18, 2018 Common Council meeting.

Recommendation: Approve the Special Use Review and Site Plan for Smoke World Vape, a proposed smokers' supply store, to be located within the existing multi-tenant commercial building at 4275 W. Layton Ave., submitted by Anan Barbarawi, d/b/a Smoke World Vape (Tax Key No. 621-9957-001), subject to Plan Commission comments, staff comments, to be expedited to the September 18, 2018 Common Council meeting.

No one was present to represent the item, with Ms. Johnson noting that the applicant live in Minnesota. Ms. Johnson gave background information on the proposal. She noted that a new refuse enclosure or repair to the existing enclosure to create a four-sided enclosure is needed, and that the LED rope lighting around the windows must be removed.

Motion by Ald. Kastner, seconded by Ms. Collins to recommend approval of a Special Use Review and a Site Plan for Smoke World Vape, a proposed smokers' supply store, to be located within the existing multi-tenant commercial building at 4275 W. Layton Avenue, subject to a Site Plan being submitted to the Community Development Division showing a repaired or new four-sided, board-on-board refuse enclosure with a personal door being constructed on site, and Plan Commission and staff comments, and authorize this item to be expedited to the September 18th Common Council meeting. Tax Key No. 621-9957-001. Motion carried unanimously.

- 6A. Special Use Permit for Smokin Glass, a proposed smokers' supply store, to be located within the existing multi-tenant commercial building at 4649 S. 108 St., submitted by Justin Beese, d/b/a Smokin Glass IV, LLC. (Tax Key No. 609-0033-001)**
- 6B. Site Plan for Smokin Glass, a proposed smokers' supply store, to be located within the existing multi-tenant commercial building at 4649 S. 108 St., submitted by Justin Beese, d/b/a Smokin Glass IV, LLC. (Tax Key No. 609-0033-001)**

Items 6A and 6B may be considered together.

Overview and Zoning

The applicant, Mr. Beese, is proposing to occupy the very southern tenant space within the existing multi-tenant commercial retail building at 4649 S. 108 St. The property is zoned C-4 Regional Business District, which permits Tobacco Stores as a Special Use. The tenant is occupying the space formerly used by Janali's Dollar Store. Hours of operation will be 9am – 10pm Monday - Sunday. The business will employ approximately three (3) employees.

Mr. Beese owns five (5) similar stores in other communities. The shop specializes in providing a selection of glass art for tobacco use. Mr. Beese would enter into a 10-year lease agreement if Common Council approves the use. A public hearing could be scheduled as soon as October 16, 2018 with the Plan Commission's blessing to move the project forward.

Site Plan

The multi-tenant commercial retail building is under an approved site/landscaping plan. The City Forester will visit the site to analyze whether all the landscaping is still in place. If not, the property owner will be notified to replant accordingly. Landscaping appears to be in pretty good condition. The masonry refuse enclosure is also in good condition.

Shopping centers with three (3) or more tenants require five (5) off-street parking spaces per 1,000 gross square feet of building area. The 14,100 sq. ft. shopping center would require 71 off-street parking spaces. The site has 69 off-street parking spaces. The Common Council may waive the parking shortage requirement.

Recommendation: Recommend Common Council approval of the Special Use Permit and Site Plan for Smokin Glass, a proposed smokers' supply store, to be located within

the existing multi-tenant commercial building at 4649 S. 108 St., submitted by Justin Beese, d/b/a Smokin Glass IV, LLC (Tax Key No. 609-0033-001), subject to Plan Commission comments, staff comments, and Common Council approval following a public hearing.

Justin Beese was present to answer questions. Mayor Neitzke noted that this Special Use would pertain to this individual tenant at the site.

Motion by Mayor Neitzke, seconded by Ms. Collins, to recommend approval of a Special Use Permit and a Site Plan for Smokin Glass, a proposed smokers' supply store, to be located within the existing multi-tenant commercial building at 4649 S. 108 Street, and authorize the public hearing process to begin. Tax Key No. 609-0033-001. Motion carried unanimously.

Site Plan for Smokin Glass, a proposed smokers' supply store, to be located within the existing multi-tenant commercial building at 4649 S. 108 St., submitted by Justin Beese, d/b/a Smokin Glass IV, LLC. (Tax Key No. 609-0033-001)

- 7A. Special Use Permit for Euthymic Health, a proposed CBD oil store, to be located at 7406 W. Layton Ave., submitted by David and Michelle Kyhn, d/b/a Euthymic Health, LLC. (Tax Key No. 604-9964-000)**
- 7B. Site Plan for Euthymic Health, a proposed CBD oil store, to be located at 7406 W. Layton Ave., submitted by David and Michelle Kyhn, d/b/a Euthymic Health, LLC. (Tax Key No. 604-9964-000)**

Items 7A and 7B may be considered together.

Overview and Zoning

The applicants own the property located at 7406 W. Layton Ave., currently occupied by psychic reading tenant. The proposed CBD oil store would occupy approximately 400 sq. ft. of the 1,408 sq. ft. building. Euthymic Health is a small retail store for herbal, health and beauty products. Herbal supplements will be focused on products derived from industrial hemp, which is authorized under the Wisconsin Hemp Pilot Program. The applicants are licensed hemp growers and processors in the state of Wisconsin. Their research plan that was approved by the State, includes studying the market for hemp products.

Euthymic Health plans to use products derived from the applicants' own farm. They may also use products produced from other states' Hemp Research Pilot Programs. Though there is no legal minimum age to purchase hemp products, the applicant has stated that they will only be selling to consumers 18 years or older.

The property is zoned C-4 Regional Business District, which permits All Other Miscellaneous Store Retailers (which specifically includes marijuana stores, medical or recreational) with a Special Use Permit. A public hearing would be required and could be scheduled as early as October 16, 2018, with the blessing of the Plan Commission to move the project forward.

The applicants first approached the City regarding their proposed use in April 2018. After many months of back-and-forth conversations and State Statutes analysis between the applicants' attorney and the City of Greenfield Attorney, it has been determined that the use can go forward through the Planning application process.

Proposed hours of operation and estimated number of employees will be provided at the Plan Commission meeting.

Site Plan

While the applicant didn't submit a site plan, the site is subject to Plan Commission review with the Special Use Permit. Staff visited the property, which is in good condition. A board-on-board refuse enclosure is provided on the west side of the building.

"Miscellaneous retail stores" require five (5) off-street parking spaces per 1,000 gross sq. ft., which would require the 1,408 sq. ft. building to provide seven (7) off-street parking spaces. The property has enough off-street parking spaces for five (5) vehicles. The Common Council may waive the parking shortage requirement.

Recommendation: Recommend Common Council approval of the Special Use Permit and Site Plan for Euthymic Health, a proposed CBD oil store, to be located at 7406 W. Layton Ave., submitted by David and Michelle Kyhn, d/b/a Euthymic Health, LLC. (Tax Key No. 604-9964-000), subject to Plan Commission comments, staff comments, and Common Council approval following a public hearing.

David and Michelle Kyhn were present to answer questions.

Ms. Johnson stated that there have been multiple discussions with the City Attorney on this type of use and the NAICS code it would fall under. Mayor Neitzke stated that he anticipates this business having higher usage than the previous tenant at this spot, tax preparation, and the other business at the location, a psychic reader. Mr. Kyhn replied that he anticipates people would park in the nearby Best Buy parking lot. Mayor Neitzke stated it is in the best interest of Mr. Kyhn to enter in a parking agreement with Best Buy.

Mr. Kyhn stated that entering into a lease agreement with Best Buy would be in his best interest as he would be both the property owner and the business owner, with hands-on oversight at the location. He gave some information on CBD oil, which is derived from plants and is used for medicinal pain relief, with a growing user base of seniors. They are under guidance from the State, and have both a license to grow and to process hemp.

Mr. Rogers stated his opposition to any form or use of marijuana. Mayor Neitzke stated that Greenfield as a municipality cannot prevent the growing or sale of hemp, as there is no legal means that the City can cite to deny the growing or sale. Mayor Neitzke is aware of some opposition by several City alderpersons however, it appears the direction of the State is leaning toward the legalization of marijuana. He stated the City is obligated to grant the applicant their due process of a public hearing.

Motion by Mayor Neitzke, seconded by Ms. Hallen, to forward without recommendation the approval of a Special Use Permit and Site Plan for Euthymic Health, a proposed CBD oil store, to be located at 7406 W. Layton Avenue, subject to Plan Commission and staff comments, and authorize the public hearing process to begin. Tax Key No. 604-9964-000. Motion carried 6-1 with Mr. Rogers voting no.

8. Signage Plan Appeal and Master Signage Plan for Johnson Fitness & Wellness Store, an existing business located at 8405 W. Layton Ave., submitted by Angela Dlugi, d/b/a Bauer Sign & Lighting. (Tax Key No. 615-9999-003)

Johnson Fitness Center, occupying the former 2nd Wind Exercise Equipment space, is seeking a signage variance. According to the Sign Code, multi-tenant retail/commercial buildings are allowed the following:

- A. Maximum of 1 wall sign, 50 sq. ft. in area.
- B. Maximum of 2-ft. high letters

Johnson Fitness Center's proposal includes the following:

- A. South wall: 20.33 sq. ft.
- B. North wall: 45.75 sq. ft. (3-ft. high letters)
- C. West wall: 11.38 sq. ft.
- D. TOTAL: 77.46 sq. ft.**

Staff could not find records of a Master Signage Plan approval for the building, which includes Erik's Bikes. Erik's Bikes has the following wall signs:

- A. North wall: 49.7 sq. ft.
- B. East wall: 49.7 sq. ft.
- C. South wall: 32.4 sq. ft.
- D. TOTAL: 131.4 sq. ft.**

While the proposed Johnson Fitness Center signs and the existing Erik's Bikes signs each exceed the Sign Code limitations, the proposed and existing signs are scaled appropriately for the size of the building and are distributed among all building elevations. Staff recommends approval of the Signage Plan Appeal for Johnson Fitness & Wellness Store, and that a Master Sign Plan that consists of 131.4. sq. ft. of signage for one tenant and 77.46. sq. ft. of signage for another tenant, be approved as the limitation for future tenant signage. All future tenant signage that remains within those square footage parameters would not need to go before the Plan Commission for an appeal.

Recommendation: Approve the Signage Plan Appeal and Master Signage Plan for Johnson Fitness & Wellness Store, an existing business located at 8405 W. Layton Ave., submitted by Angela Dlugi, d/b/a Bauer Sign & Lighting. (Tax Key No. 615-9999-003)

Mr. Weis stated he feels that the west side signage should be larger, based on the traffic flow 84 South will be generating. Other Plan Commission members stated also felt the west sign needed to be larger. It was determined to approve 20 square feet of signage per tenant on the west wall of the building. Also noted was that any temporary signage must be installed under permit.

Motion by Mayor Neitzke, seconded by Mr. Weis, to recommend approval of a Signage Plan Appeal and Master Signage Plan for Johnson Fitness & Wellness Store, an existing business located at 8405 W. Layton Ave., submitted by Angela Dlugi, d/b/a Bauer Sign & Lighting, subject to Plan Commission and staff comments. Tax Key No. 615-9999-003. Motion carried unanimously.

9. Community Development Manager Report.

Ms. Johnson reported that Olive Garden will be submitting for an exterior remodel. Also, Elizabeth Place is bringing back their proposal for a CBRF for memory care at 97th & Cold Spring. Staff has been in discussions with Elizabeth Place over the last several months, and now they appear to be ready to make a submittal.

10. Adjournment.

Motion by Mr. Weis, seconded by Mr. Sponholz, to adjourn the meeting at 7:10 p.m. Motion carried unanimously.

Respectfully submitted,

Alison J. Meyer
Administrative Assistant

Distributed September 17, 2018