

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON
TUESDAY, JULY 20, 2021

A. Call to Order & Roll Call

The meeting was called to order by Mayor Neitzke at 7:00 pm

Present: Denise Collins, Bruce Bailey, Karl Kastner, Pamela Akers, Shirley Saryan

Also present: Brian Sajdak, City Attorney; Andrew Stern, Planner; Scott Jaquish, Park & Rec Director; Jennifer Goergen, City Clerk.

B. Opening Prayer

C. Pledge of Allegiance

D. Approval of the June 15, 2021 Common Council minutes

Motion by Alderperson Bruce Bailey, seconded by Alderperson Denise Collins to approve.
Motion carried unanimously.

E. Approval of the June 29, 2021 special Common Council minutes

Motion by Alderperson Denise Collins, seconded by Alderperson Bruce Bailey to approve.
Motion carried unanimously.

F. Approval of the July 6, 2021 special Common Council minutes

Motion by Alderperson Denise Collins, seconded by Alderperson Karl Kastner to approve.
Motion carried unanimously. Alderperson Pam Akers abstained, as she was not present at the meeting.

G. Mayor's Report

The Mayor reported the City has received a grant from the Great lakes trust fund for improvements to Honey Creek. He thanked Festival Foods for their donations to the fireworks and bike trail. He also thanked Meijer for their contribution to the AMP concert series. It was a fantastic event and extremely well attended.

H. Aldermanic Reports

Alderperson Bruce Bailey gave a tree commission report. They are on schedule to replace 400-500 trees decimated by the Emerald Ash Borer.

I. Announcements

J. Citizen Commentary

K. Public Hearings

1. Public Hearing on the Ordinance to adopt a Land Use Map amendment to the City of

Greenfield Comprehensive Plan for the property located at 6944 W. Forest Home Ave. from Neighborhood Business/Office to Single Family and an Ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 6944 W. Forest Home Ave. from Neighborhood Business/Office to Single Family. (Tax Key No. 571-8977-001) (PC-5/11/21 Kastner)

Andrew Stern, Planner, explained the current owner is in the process of selling the parcel and is getting more offers for single family use than neighborhood business/office use so they would like to rezone the property to single family. The property does contain a dwelling that formerly was a single family residence and this matches with the surrounding area. Carrie Lemke, realtor of property at 6944 W Forest Home Ave, spoke for the zoning change.

Motion by Alderperson Karl Kastner, seconded by Alderperson Pamela Akers to close the public hearing. Motion carried unanimously.

- a. Approve the Ordinance to adopt a Land Use Map amendment to the City of Greenfield Comprehensive Plan for the property located at 6944 W. Forest Home Ave. from Neighborhood Business/Office to Single Family (Tax Key No. 571-8977-001) (PC-5/11/21 Kastner)

Motion by Alderperson Pamela Akers, seconded by Alderperson Denise Collins to adopt Ordinance 2977. On a roll call vote, motion carried unanimously.

- b. Approve the Ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 6944 W. Forest Home Ave. from Neighborhood Business/Office to Single Family. (Tax Key No. 571-8977-001) (PC-5/11/21 Kastner)

Approved under agenda item K.1.a to adopt Ordinance 2978.

2. Public Hearing on a Special Use Permit for Danny's Massage, a proposed massage therapy business, to be located at 5170 S. 76 St., submitted by Danny Diaz de Jesús, d/b/a Danny's Massage. (Tax Key No. 650-8998-009) (PC-6/8/21 Kastner)

Andrew Stern, Planner, presented information about suite rental, hours of service, services provided and parking needs.

Motion by Alderperson Karl Kastner, seconded by Alderperson Denise Collins to close the public hearing. Motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for Danny's Massage, a proposed massage therapy business, to be located at 5170 S. 76 St., submitted by Danny Diaz de Jesús, d/b/a Danny's Massage. (Tax Key No. 650-8998-009) (PC-6/8/21 Kastner)

Motion by Alderperson Bruce Bailey, seconded by Alderperson Karl Kastner to adopt Resolution 3813. On a roll call vote, motion carried unanimously.

- b. Approve a Site Plan Review for Danny's Massage, a proposed massage therapy business, to be located at 5170 S. 76 St., submitted by Danny Diaz de Jesús,

d/b/a Danny's Massage. (Tax Key No. 650-8998-009) (PC-6/8/21 Kastner)

Approved under agenda item K.2.a.

3. Public Hearing on an Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to All Other Amuse. & Rec. Ind.-Firearm Ranges being permitted as a Special Use in the C-4 Regional Business District and C-5 Freeway Business District and a Special Use Permit for Shoot Point Blank, a proposed firearm range and gun shop to be located at 10557 W. Layton Ave., submitted by Ken Knuckles, d/b/a Development Management Group, LLC, and Brad Copp, d/b/a ComptonAddy. (Tax Key No. 613-8996-018) (PC-6/8/21 Kastner)

Andrew Stern, Planner, stated this is an indoor firing range and retail firearm sales. A firing range is currently not allowed in this district. The developer is asking to amend the zoning code to allow the shooting club in the C-4 and C-5 zoning districts. With this change in zoning, the number of parcels in the City that would allow this type of use will go from 4 to approximately 140. The proposed location would have 14 gun range lanes, 2 classrooms, retail space and a viewing area. Andrew stated the proposed hours of operation, peak times, number of employees, parking requirements, tree preservation and noise control.

Registered in favor, not speaking:

Bonnie Krah, 4714 W Maple Leaf Cir

David Patrick, 4361 S 43rd St

Registered in favor speaking:

Michael Heritsch, 4604 S 84th St, thinks people need to learn how to use guns, need to practice to be safe with them and confident enough to be able to protect themselves.

Jason Roetz, 4141 W Squire Ave, thinks it's a good thing for the City and it's currently an underserved market. Operators are successful at other locations, sees no downside.

Don Carlson, 5082 W Colonial Ct, welcomes new businesses to Greenfield; it's expanding the tax base and providing jobs. They are committed to providing a responsible place to shoot, shop and learn about firearms. They will get a successful background check before purchasing a weapon and offer a wide variety of classes. People can improve and maintain their proficiency. When outside ranges are closed, it's good to have an extra facility. He wants shooters to be responsible and proficient.

Jean Schwonek, 5018 S 37th St, heard there is a petition being passed around that Greenfield's quality of life will be harmed due to this and she doesn't believe that is true. Criminals don't use a shooting range; it's responsible people. She took a CCW class last year and it's all about safety. There were a lot of women in that class, some decided it's not for them by the end. She is a Deputy Court clerk in Milwaukee county, and feels responsible people will be using it. It is suggested to practice every

day or week and this will allow her to be a member and practice.

Dave Schilz, 4268 S 79th St, thinks it's a politically controversial subject. We put that aside and ask if the business is good for the City and he thinks it is.

Pete Becalzo, 9237 W Layton, has lived here since 2014 and walks down Layton Ave. That land is vacant and the addition of a professional looking business adds to the neighborhood. Having this establishment allows law abiding citizens to maintain proficiency in handling firearms. There is a business on 84th St where you can shoot, but it is often busy. This would bring down cost and allow competition.

Alderperson Kastner read into the record an email he received from Donald Valentino, 4620 S 111th: Though I own guns, I am not a 2nd Amendment radical. There are things wrong in the system, but preventing a person from opening a business involving guns is not going to fix those. As long as the business is run legally and ethically, I see no reason to deny that person the opportunity to open a gun business.

Registered against, not speaking:

Sonja Kelnhofer, 4245 S 83rd St

John Westmont, 12365 W Whitaker Ave

Sherry Statza, 4180 S 112th St

Registered against, speaking:

Jill Holton, 9595 W Heather Dr, is a gun violence survivor and has lived here 35 years. She has been involved with many school and city events and volunteered as a poll worker and on the Library Board. She's talked with people and they don't want extra guns in our city. This site was chosen due to its location on and off the expressway and feels that is a problem. She cited the shooting range protection law, and the statutory reference. There are a few things that need to be addressed; soundproofing, mitigate lead levels, disposal must not contaminate our water, ventilation requirements must be followed and before the business terminates they must remove all lead from the premises. She doesn't want guns in her community and wants it to be a safe haven. She wants to dampen gun violence in Greenfield.

William Holton, 9595 W Heather Dr, sees gun culture growing and no one can stop it. We can stick with our ordinance and not allow this. He can hear the gun ranges. This company sounds professional, but they can sell this land to someone else and we're stuck with whatever we have. You can't control who goes on gun ranges and some people are doing unsavory things. People buy and sell guns on the side, you can't stop it.

Carly Hauser, 9541 W Brookside Dr, asked what other businesses qualify in the rezoning that could enter into the community? Mayor Neitzke explained this is a special use, they all have to go through the full process. Ms. Hauser said it's a national

franchise, have they done tests in regard to sound? Wetlands are close by, are we preserving them? Will this business be allowed to expand, and if so will it be outdoors? What are the environmental factors of that? Mayor Neitzke stated outdoor shooting ranges are not allowed in Greenfield. The water issues were related to the shooting ranges along lake Michigan, but with this shooting range, the debris remains in the building. Ms. Hauser asked if the Common Council communicated with neighboring communities to see if guns used at the shooting range were part of problems? Mayor Neitzke said the police department reached out to other communities and the reputation of Shoot Point Blank provided to us was good. Ms. Hauser asked if the Mayor was willing to take that risk? What is Greenfield doing to attract economic development, is this a path you want to continue on? How do you envision this community? She is involved in her prior community and would like to be involved in Greenfield. How do we attract diverse, active people in our community? Think about the direction we are going.

Mayor Neitzke explained his history with the City and compared Greenfield businesses to neighboring businesses. He explained the major developments that have recently taken place and what is coming. Mayor Neitzke doesn't trust anybody, and he gets the real answers before moving forward with projects.

Aldersperson Saryan read into record an email received from Lynn Claflin, 4544 W Maplewood Dr, who objects to the special exception permit requested. She supports a safe and family-friendly environment, specifically for the area around Hwy 100. "Shoot Point Blank" is not a name that promotes target practice and hunting gun use. You don't "shoot point blank" at targets or wildlife while hunting. It's a term used when shooting people!! Her immediate family are historically hunters, but doesn't want the type of clientele that this business would attract. She doesn't believe this would be a good direction for the City and it would also not benefit the surrounding businesses on Hwy 100.

Kevin Alee, 1053 Observatory Pt, Maineville, OH 45039, is in charge of real estate for Shoot Point Blank. The company name will be changed to Range USA. They are a chain of 28 stores, no franchise's, the largest in the country. There will be no expansion here and their business model does not include outdoor ranges. They educated 80,000 people in gun safety last year and are not a typical gun store. They do not sell guns without an FBI approval and go above and beyond the law. They focus on helping females feel comfortable and are a family friendly environment with range safety officers. The ATF says they are in the top 1% of the top 1%. They try their best to get FBI, homeland security and local PDs to shoot in their ranges, it sets the tone of who they are. They record drivers' licenses and have cameras so bad guys don't like them. They don't believe in person to person transfers of guns or sell large bullet count rounds. To deal with the lead, they use a rubber bullet trap system and hire a licensed company that collects the lead, seals it in drums and recycles it; everything is documented for OSHA. Their filtration system is what typically is used in hospitals. It is

monitored from their home office so filters in their stores can be changed regularly. Disposal of filters is documented for OSHA. Employees are tested for lead and hearing. A hepa vac is used every night to suck up remaining lead dust on the floor. Greenfield has set high standards and they are willing to abide by them to get into the community. They've gotten better with their buildings and will not violate noise ordinances. They have strong recommendations from other communities.

Pete Belcalzo, 9732 W Layton Ave, asked how ceiling safety is addressed and if people safely case their weapons before leaving? Kevin Alee explained they use steel baffles and ballistic absorbing rubber to capture stray bullets. Signs indicate all firearms must be cased and unloaded before they are brought in or out of the store. They make sure to ask all buyers how and where the gun will be stored. He has not seen a parking lot discharge in all his years.

Aldersperson Collins asked if there is training for the range safety officers? Kevin Alee explained all employees are trained and there is special training for the range safety officers.

Aldersperson Bailey confirmed with Mr. Alee that there has been no contamination at any other stores. Mr. Alee stated if employees don't abide by safety standards they are let go.

Aldersperson Saryan asked about locations to confirm they are in the suburbs. Mr Alee confirmed they are all in suburbs and the Greenfield store will open as Range USA, not Shoot Point Blank.

Motion by Aldersperson Karl Kastner, seconded by Aldersperson Denise Collins to close the Public Hearing. Motion carried unanimously.

- a. Approve an Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to All Other Amuse. & Rec. Ind.-Firearm Ranges being permitted as a Special Use in the C-4 Regional Business District and C-5 Freeway Business District. (PC-6/8/21 Kastner)

Motion by Aldersperson Karl Kastner, seconded by Aldersperson Denise Collins to adopt Ordinance 2979. On a roll call vote, motion carries 4-1.

- b. Approve a Resolution for a Special Use Permit for Shoot Point Blank, a proposed firearm range and gun shop to be located at 10557 W. Layton Ave., submitted by Ken Knuckles, d/b/a Development Management Group, LLC, and Brad Copp, d/b/a ComptonAddy. (Tax Key No. 613-8996-018) (PC-6/8/21 Kastner)

Approved under agenda item K.3.a. to adopt Resolution 3814.

- c. Approve the Site, Landscaping and Architectural Plans for the new construction

of Shoot Point Blank, a proposed firearm range and gun shop to be located at 10557 W. Layton Ave., submitted by Ken Knuckles, d/b/a Development Management Group, LLC, and Brad Copp, d/b/a ComptonAddy. (Tax Key No. 613-8996-018) (PC-6/8/21 Kastner)

Approved under agenda item K.3.a.

L. Old Business

1. Appointments to various committees and commissions:

a. Council appointments:

- i. One member to the Board of Public Works for a term to expire 5/1/2022 (formerly Richard Kasza)

To be placed on next agenda.

b. Mayor appointments, confirmed by Council:

- i. One member to the Board of Health for a term to expire 6/1/2022 (formerly Allen Owen)

To be placed on next agenda.

c. Mayor appointments:

- i. One member to the Plan Commission for a term to expire 5/1/2023 (formerly Christine Hallen)

Appoint Mr. Krenz, alternate now, as regular member.

Appoint Ms. Carly Hauser, if she accepts, as alternate member.

M. New Business

1. Letter of resignation received from Lew Silva on the Tree Commission

2. Appointments to various committees and commissions:

a. Mayor appointments, confirmed by Council:

- i. One member to the Tree Commission for a term to expire 5/1/23 (formerly Lew Silva)

To be placed on next agenda.

3. Amended Summons & Amended Complaint received from Atty. Erdmann of Erdmann Law Offices on behalf of Laurence Sakar. (Goergen)
Referred to Counsel.
4. Application for a Temporary Class "B" Retailer's License (beer and wine) received from Greenfield Professional Fire Fighters Benevolence & Charities, 5330 W Layton Ave, for Toasting for Charity on 09/25/2021 from 6:00 - 11:00 pm. (Goergen)
Motion by Alderperson Karl Kastner, seconded by Alderperson Shirley Saryan to approve items M.4 - M.7 and M.11-M.30. On a roll call vote, motion carried unanimously.
5. Applications for original and renewal Operator licenses to expire 6/30/22. (Goergen)
Approved under agenda item M.4.
6. Applications for Amusement licenses to expire July 31, 2022. (Goergen)
Approved under agenda item M.4.
7. Classic Lanes Greenfield, Gina Daroszewski, Agent, requests an extension of the licensed premises of her Combination "Class B" Beer and Liquor License and Entertainment License to her patio "outdoor enclosed area on the southeast side with planters, approximately 882 sq. ft." at 5404 W. Layton Ave., Wednesday - Friday, 3PM-10PM, Saturday 11AM-10PM, Sunday 11AM-6PM, July 14 - October 3, 2021. (Goergen)
Approved under agenda item M.4.
8. Approve an Outdoor Special Event application for the House of Harley Hometown Rally event, to be located at 6221 W. Layton Ave., August 31 - September 6, 2021. Application includes the following combination of licenses/permits: OSE, Temporary Class "B" Retailer's License (beer), Food, and Commercial building, electrical and plumbing. *Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12.* (Porter)
Motion by Alderperson Karl Kastner, seconded by Alderperson Denise Collins to approve. On a roll call vote, motion carried 3-2.

Under discussion Alderperson Akers stated Lisa Elliot said things are still not worked out with school since school starts September 1st. Mayor Neitzke said everyone will have to work with the Police department to come up with a traffic plan.

9. Approve an Outdoor Special Event application for the House of Harley Freedom Music Series event, to be located at 6221 W. Layton Ave., August 14, 2021. Application includes the following combination of licenses/permits: Temporary Class "B" Retailer's License (beer), and Food. *Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12.* (Porter)
Motion by Alderperson Karl Kastner, seconded by Alderperson Denise Collins to approve items M.9 and M.10. On a roll call vote, motion carried 3-2.

10. Approve an Outdoor Special Event application for the House of Harley Freedom Music Series event, to be located at 6221 W. Layton Ave., August 21, 2021. Application includes the following combination of licenses/permits: Temporary Class "B" Retailer's License (beer), and Food. *Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12.* (Porter)
Approved under agenda item M.9.
11. Approve an Outdoor Special Event application for the Ethan's Run Against Addiction event, to be located at Konkell Park at 5151 W. Layton Ave., August 7, 2021, and waive all applicable license/permit fees. Application includes the following combination of licenses/permits: Outdoor Special Event, Parade (organized run/walk). (Porter)
Approved under agenda item M.4.
12. Approve an Outdoor Special Event application for the CLG (Classic Lanes Greenfield) Fest event, to be located at 5404 W. Layton Ave., August 20-22, 2021. Application includes the following combination of licenses/permits: Outdoor Special Event, Extension of Premises, Food, and Commercial Building/Electrical/Plumbing. (Porter)
Approved under agenda item M.4.
13. Community Health Internship Program (CHIP) Partnership Agreement between Wisconsin Area Health Education Centers (AHEC) and the Greenfield Health Department (4/28/21 F&HR S. Saryan)
Approved under agenda item M.4.
14. Approve a Special Use Review and Site Plan Review for Storage Rentals of America, a proposed self-storage warehouse, to be located at 3645 W. Loomis Rd., submitted by Claudia Morais, d/b/a SROA 3645 W. Loomis WI, LLC. (Tax Key No. 575-8897-006) (PC-7/13/21 Kastner)
Approved under agenda item M.4.
15. Approve Site, Landscaping and Architectural Plans for exterior façade improvements to the commercial building located at 4736 S. 76 St., submitted by Richard Pipek, d/b/a in. studio architecture, and Khal Aloul, d/b/a Blue Water Investment Group. (Tax Key No. 617-0084-000) (PC-7/13/21 Kastner)
Approved under agenda item M.4.
16. Approve Architectural Plans for exterior façade improvements to Wendy's Restaurant, an existing restaurant located at 7707 W. Layton Ave., submitted by Michael Blaeser, d/b/a Blaeser Design and Construction, and Ted Owens, d/b/a BF Companies. (Tax Key No. 616-8998-000) (PC-7/13/21 Kastner)
Approved under agenda item M.4.
17. Approve Site and Architectural Plans for Greenfield Veterinary Clinic, an existing business located at 5981 S 27 St., submitted by Emad Nadi, PE, d/b/a ETn Engineering and James P. Work, DVM and Parvin Work d/b/a Greenfield Veterinary Clinic. (Tax Key No. 691-9993-001) (PC-7/13/21 Kastner)
Approved under agenda item M.4.

18. Approve Site, Landscaping and Architectural Plans for a proposed multi-family residential complex to be located at 4000 W. Layton Ave., 4050 W. Layton Ave., and 4220 W. Layton Ave., submitted by Jessica Timmer, d/b/a RINKA, Inc., and Scott Yauck, d/b/a Cobalt Partners, LLC. (Tax Key No. 600-9941-001) (PC-7/13/21 Kastner)
Approved under agenda item M.4.
19. Approve award of contract to Lee Recreation, LLC for the Konkel Park South Playground Reconstruction Project. (Jaquish)
Approved under agenda item M.4.
20. Discussion and decision to approve an ordinance to repeal and recreate Chapter 31 of the Greenfield Municipal Code relating to Construction Site Erosion and Sediment Control. (Katz)
Approved under agenda item M.4. to adopt Ordinance 2980.
21. Discussion and decision to approve an ordinance to repeal and recreate section 3.12(5)(b) of the Municipal code relating to erosion control permits. (Katz)
Approved under agenda item M.4. to adopt Ordinance 2981.
22. Discussion and decision to approve and agreement allowing a shed, landscaping, electrical wiring and related appurtenances to remain in the City right-of-way. (Katz)
Approved under agenda item M.4.
23. Discussion and decision to sign an agreement with Milwaukee County for the Greenfield share of the cost to operate and maintain a traffic signal at the intersection of 35th Street and Layton Avenue. (Katz)
Approved under agenda item M.4.
24. Discussion and decision to adopt an ordinance amending Section 8.04 of the Greenfield Municipal Code regarding a parking zone reserved for persons with disabilities at 3360 S. 46th St. (Katz)
Approved under agenda item M.4. to adopt Ordinance 2982.
25. Discussion and decision related to Memorandum of Understanding for a Subcontracting Agreement of the Dispensary of Tuberculosis Clinical Services of the Division of Public Health, Bureau of Communicable Diseases, between the Greenfield Health Department and the Wauwatosa Health Department (7/14/21 F&HR S. Saryan)
Approved under agenda item M.4.
26. Approval of schedules of disbursements in the amount of \$2,606,388.76 (7/14/21 F&HR S. Saryan)
Approved under agenda item M.4.
27. Approval of mileage reimbursements in the amount of \$724.97 (7/14/21 F&HR S. Saryan)
Approved under agenda item M.4.
28. Investments and reinvestments for May 2021 (7/14/21 F&HR S. Saryan)
Approved under agenda item M.4.

Minutes are not official until formally approved by the Common Council at the next scheduled meeting.

29. Accept May 2021 financial statements (7/14/21 F&HR S. Saryan)

Approved under agenda item M.4.

30. Discussion and decision regarding increasing the Health Officer Director pay scale by \$10,000 to the top step, effective July 5, 2021 and change Health Officer Director's pay to reflect top step of the new pay scale effective July 5, 2021 (7/14/21 F&HR S. Saryan)

Approved under agenda item M.4.

N. Items for future agenda

O. Adjourn

Motion by Alderperson Karl Kastner, seconded by Alderperson Denise Collins to adjourn at 8:43 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Lisa Pelkey, Deputy Clerk

Distributed: 7/26/2021

ORDINANCE NO. 2977

Ordinance to adopt a Land Use Map amendment to the City of Greenfield Comprehensive Plan for the property located at 6944 W. Forest Home Ave. from Neighborhood Business/Office to Single Family. (Tax Key No. 571-8977-001)

WHEREAS, the City has prepared the Land Use Map Amendment pursuant to Wis. Stat. § 66.1001; and,

WHEREAS, the planning process for the Land Use Map Amendment was open to the public and numerous efforts were made to assure the broadest participation to establish the goals and elements considered for and contained within the plan in compliance with Sec. 66.1001 of the Wisconsin Statutes; and,

WHEREAS, on May 11, 2021, the City of Greenfield Plan Commission by majority vote recommended that the Common Council approve an ordinance for the subject Land Use Map Amendment to the City of Greenfield Comprehensive Plan in compliance with the requirements of Sec. 66.1001(4)(b) of Wisconsin Statutes; and,

WHEREAS, the Common Council of the City of Greenfield conducted a public on July 20, 2021, upon a proposal to amend the Land Use Map to the City of Greenfield Comprehensive Plan; and,

WHEREAS, Notice of said hearing has been duly published in the official City of Greenfield newspaper and a period of at least thirty (30) days has expired after the last publication before said hearing, as required by State Statutes; and,

WHEREAS, following the Public Hearing and upon consideration of the Plan Commission's recommendation, and all public comment received at the hearing, the Common Council finds that the proposed amendment furthers the coordinated, adjusted and harmonious development of the City which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

NOW, THEREFORE, the Common Council of the City of Greenfield do ordain as follows:

PART I. The Greenfield Common Council, does by enactment of this ordinance, pursuant to Sec. 66.1001(4) of the Wisconsin Statutes, formally adopt the subject Land Use Map Amendment to the City of Greenfield Comprehensive Plan to redesignate the Future Land Use Map within the City's Comprehensive Plan (Chapter Three: Land Use) from Neighborhood Business/Office to Single Family (Tax Key No. 571-8977-001), Greenfield, Milwaukee County,

Wisconsin, (map attached as Exhibit A hereto and incorporated herein by reference) more particularly described as follows:

That part of the Northwest 1/4 of Section 22, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, State of Wisconsin, which is bounded and described as follows:

Commencing at a point that is 608.52 feet West of the East line and 1521.90 feet South of the North line of said ¼ Section; thence South, 144.97 feet to a point on the north line of West Forest Home Avenue; thence Southwesterly along the North line of West Forest Home Avenue, 93.69 feet to a point; thence North 206.34 feet to a point; thence Easterly 69.75 feet to the point of beginning.

Tax Key No. 571-8977-001

PART II. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 21st day of July, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Published: July 28, 2021

Cc: Engineering Division

Exhibit A: Parcel to be amended



Exhibit B: Existing Land Use Map



ORDINANCE NO. 2978

Ordinance to amend the official Greenfield Zoning Map by rezoning a portion of the property located at 6944 W. Forest Home Ave. from C-1 Neighborhood Commercial District to R-4A Single-Family and Two-Family Residential District. (Tax Key No. 571-8977-001)

WHEREAS, the Common Council of the City of Greenfield conducted a public hearing in the Common Council Chambers of City Hall at Greenfield, Wisconsin, on Tuesday, the 20th day of July 2021, at 7:00 p.m. or soon thereafter, upon a proposal to rezone the property located at 6944 W. Forest Home Ave. from C-1 Neighborhood Commercial District to R-4A Single-Family and Two-Family Residential District; and,

WHEREAS, Notice of said hearing has been duly published in the official City of Greenfield newspaper and a period of at least ten (10) days has expired after the last publication before said hearing, as required by State Statutes; and,

The Common Council of the City of Greenfield do ordain as follows:

PART I. The Official Greenfield Zoning Map described in Section 21.04.0102 of the Municipal Code is hereby amended to provide that the following described land shall be and is hereby rezoned from C-1 Neighborhood Commercial District to R-4A Single-Family and Two-Family Residential District to-wit:

That part of the Northwest 1/4 of Section 22, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, State of Wisconsin, which is bounded and described as follows:

Commencing at a point that is 608.52 feet West of the East line and 1521.90 feet South of the North line of said ¼ Section; thence South, 144.97 feet to a point on the north line of West Forest Home Avenue; thence Southwesterly along the North line of West Forest Home Avenue, 93.69 feet to a point; thence North 206.34 feet to a point; thence Easterly 69.75 feet to the point of beginning.

Said land contains approximately 12,196.8 square feet, or 0.28 acres of land, more or less, and is located at:

6944 W. Forest Home Ave. (Tax Key No. 571-8977-001)

PART II. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 20th day of July, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Published: July 28, 2021

Cc: Engineering Division

ORDINANCE NO. 2979

ORDINANCE TO AMEND SECTION 21.04.0603 OF THE MUNICIPAL CODE PERTAINING TO ALL OTHER AMUSE. & REC. IND.-FIREARM RANGES BEING PERMITTED AS A SPECIAL USE IN THE C-4 REGIONAL BUSINESS DISTRICT AND C-5 FREEWAY BUSINESS DISTRICT.

The Common Council of the City of Greenfield do ordain as follows:

PART I. Subsection 21.04.0600 of the Greenfield Municipal Code is hereby amended to read as follows, with all non-listed NAICS codes, remaining unaltered:

* * *

Table 21.04.0603
PERMITTED AND SPECIAL USES IN THE
NONRESIDENTIAL ZONING DISTRICTS

		Zoning District Classification											HPO	AO	FW	FF	GF	PSW
NAICS12	INDEX ITEM DESCRIPTION	C-1	C-2	C-3	C-4	C-5	O	BP	M-1	I	PR	PUD	{a}	{b}	{c}	{c}	{c}	{d}
713	Amusement/Gambling/Recreation Industries																	
713990	All Other Amuse. & Rec. Ind. (Shooting clubs, recreational only)				S	S			S									

* * *

PART II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 20th day of July, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Published: July 28, 2021

ORDINANCE NO. 2980

AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 31 OF THE GREENFIELD MUNICIPAL CODE REGARDING CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

The Common Council of the City of Greenfield do ordain as follows:

PART I. Chapter 31 of the Greenfield Municipal Code is hereby repealed and recreated to read as follows:

CHAPTER 31 - CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

31.01 AUTHORITY.

- (1) This ordinance is adopted under the authority granted by s. 62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 62.23, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in s. 62.234, Wis. Stats., s. 62.23, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same Common Council.
- (3) The Common Council hereby designates the City Engineer to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under s. 281.16 and s. 283.33, Wis. Stats.
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

31.02 FINDINGS OF FACT.

The Common Council acknowledges that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in the City of Greenfield.

31.03 PURPOSE.

It is the purpose of this ordinance to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the City of Greenfield.

31.04 APPLICABILITY AND JURISDICTION.

(1) **APPLICABILITY.**

- (a) Except as provided under par. (b), this ordinance applies to any construction site as defined under 31.05 (6).
- (b) This ordinance does not apply to the following:
 - 1. Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.
 - 2. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
 - 3. Nonpoint discharges from agricultural facilities and practices.
 - 4. Nonpoint discharges from silviculture activities.
- (c) Notwithstanding the applicability requirements in par. (a), this ordinance applies to construction sites of any size that, as determined by the City of Greenfield, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, or that increases water pollution by scouring or transporting of particulate.
- (d) If a property is transferred, conveyed, or sold while there is an open Erosion Control Permit for the subject property, the new owner shall assume all terms and conditions of the existing Erosion Control Permit for the subject property.

(2) **JURISDICTION.**

This ordinance applies to land disturbing construction activity on lands within the boundaries and jurisdiction of the City of Greenfield;

(3) **EXCLUSIONS.**

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats.

31.05 DEFINITIONS.

For the purpose of this Chapter 31, the following terms shall be defined as follows:

- (1) “City Engineer” means a governmental employee, or a City Engineer’s designee that is designated by the Common Council to administer this ordinance.
- (2) “Agricultural facilities and practices” has the meaning in s. 281.16 (1), Wis. Stats.
- (3) “Best management practice” or “BMP” means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
- (4) “Business day” means a day the office of the City Engineer is routinely and customarily open for business.
- (5) “Cease and desist order” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the City

Engineer.

- (6) "Construction site" means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.
- (7) "Design Storm" means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.
- (8) "Division of land" means the creation from one parcel of 4 or more parcels or building sites of 1.5 or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5-year period.
- (9) "Erosion" means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- (10) "Erosion and sediment control plan" means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
- (11) "Extraterritorial" means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.
- (12) "Final stabilization" means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.
- (13) "Governing body" means City Common Council.
- (14) "Land disturbing construction activity" means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
- (15) "Landowner" means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.
- (16) "Maximum extent practicable" means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with 31.055 of this ordinance.
- (17) "Performance standard" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (18) "Permit" means a written authorization made by the City Engineer to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (19) "Pollutant" has the meaning given in s. 283.01 (13), Wis. Stats.
- (20) "Pollution" has the meaning given in s. 281.01 (10), Wis. Stats.
- (21) "Responsible party" means the landowner or any other entity performing services to meet the requirements of this ordinance through a contract or other agreement.
- (22) "Runoff" means storm water or precipitation including rain, snow or ice melt or similar water that

moves on the land surface via sheet or channelized flow.

- (23) "Sediment" means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (24) "Silviculture activity" means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.
- (25) "Site" means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
- (26) "Stop work order" means an order issued by the City Engineer which requires that all construction activity on the site be stopped.
- (27) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (28) "Transportation facility" means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under s. 85.095 (1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33, Wis. Stats.
- (29) "Waters of the state" includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

31.055 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the City Engineer's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

31.06 TECHNICAL STANDARDS.

All BMPs required for compliance with this ordinance shall meet design criteria, standards and specifications based on any of the following:

- (1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
- (2) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.
- (3) Technical standards and methods approved by the City Engineer.

31.07 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES UNDER ONE ACRE.

- (1) RESPONSIBLE PARTY. The responsible party shall comply with this section.
- (2) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
 - (a) The deposition of soil from being tracked onto streets by vehicles.
 - (b) The discharge of sediment from disturbed areas into on-site storm water inlets.
 - (c) The discharge of sediment from disturbed areas into adjacent waters of the state.
 - (d) The discharge of sediment from drainage ways that flow off the site.
 - (e) The discharge of sediment by dewatering activities.
 - (f) The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 - (g) The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period.However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
- (3) LOCATION. The BMPs shall be located so that treatment occurs before runoff enters waters of the state.
- (4) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:
 - (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
 - (b) Erosion and sediment control practices shall be maintained until final stabilization occurs and/or when 100% of the site has achieved a 70% permanent vegetative cover.
 - (c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
 - (d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

31.08 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES OF ONE ACRE OR MORE.

RESPONSIBLE PARTY. The responsible party shall comply with this section and implement the erosion and sediment control plan developed in accordance with 31.10.

- (1) EROSION AND SEDIMENT CONTROL PLAN. A written site-specific erosion and sediment control plan shall be developed in accordance with 31.10 of this ordinance and implemented for each construction site.
- (2) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The erosion and sediment control plan required under sub. (2) shall include the following:

- (a) **EROSION AND SEDIMENT CONTROL PRACTICES.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
1. The deposition of soil from being tracked onto streets by vehicles.
 2. The discharge of sediment from disturbed areas into on-site storm water inlets.
 3. The discharge of sediment from disturbed areas into adjacent waters of the state.
 4. The discharge of sediment from drainage ways that flow off the site.
 5. The discharge of sediment by dewatering activities.
 6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 7. The discharge of sediment from erosive flows at outlets and in downstream channels.
 8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
 9. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.
- (b) **SEDIMENT PERFORMANCE STANDARDS.** In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed:
1. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
 2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.
 3. Notwithstanding subd. 1., if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.
- (c) **PREVENTIVE MEASURES.** The erosion and sediment control plan shall incorporate all of the following:
1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
 2. Minimization of soil compaction and preservation of topsoil.
 3. Minimization of land disturbing construction activity on slopes of 20 percent or more.

4. Development of spill prevention and response procedures.

(d) LOCATION. The BMPs used to comply with this section shall be located so that treatment occurs before runoff enters waters of the state.

(4) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:

- (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in 31.08 (2).
- (b) Erosion and sediment control practices shall be maintained until final stabilization.
- (c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
- (d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
- (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

31.09 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

(1) PERMIT REQUIRED. No responsible party may commence a land disturbing construction activity of greater than 7,200 sq. ft., subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the City Engineer.

(2) PERMIT APPLICATION AND FEES. The responsible party that will undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of 31.10, and shall pay a permit fee and/or erosion control escrow cash deposit to the City Engineer in the amount specified in 31.11. Additionally, the City By submitting an application, the applicant is authorizing the City Engineer to enter the site to obtain information required for the review of the erosion and sediment control plan.

(3) PERMIT APPLICATION REVIEW AND APPROVAL. The City Engineer shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

- (a) Within 10 business days of the receipt of a complete permit application, as required by sub. (2), the City Engineer shall inform the applicant whether the application and erosion and sediment control plan are approved or disapproved based on the requirements of this ordinance.
- (b) City Engineer shall issue the permit.
- (c) If the permit application or erosion and sediment control plan is disapproved, the City Engineer shall state in writing the reasons for disapproval.
- (d) The City Engineer may request additional information from the applicant. If additional information is submitted, the City Engineer shall have 10 business days from the date the

additional information is received to inform the applicant that the erosion and sediment control plan is either approved or disapproved.

- (e) Failure by the City Engineer to inform the permit applicant of a decision within 10 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

- (4) **SURETY INSTRUMENT.** As a condition of approval and issuance of the permit, the City Engineer may require the applicant to provide a cash deposit or irrevocable letter of credit to guarantee a good faith execution of the approved erosion and sediment control plan and any permit conditions. The City Engineer will determine the amount required for the surety instrument at the time of application.
- (5) **PERMIT REQUIREMENTS.** All permits shall require the responsible party to:
 - (a) Notify the City Engineer within 48 hours of commencing any land disturbing construction activity.
 - (b) Notify the City Engineer of completion of any BMPs within 14 days after their installation.
 - (c) Obtain permission in writing from the City Engineer prior to any modification pursuant to 31.10 (3) of the erosion and sediment control plan.
 - (d) Comply with WI DNR Technical Standards for erosion and sediment control.
 - (e) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (f) Maintain all road drainage systems, storm water drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
 - (g) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site inspection log.
 - (h) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week. Make needed repairs and install additional BMPs as necessary, and document these activities in an inspection log or on inspection reports. Said inspection logs/reports shall include the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site, a list items to be repaired, photos of the site to document conditions, etc. If violation notices are issued, the City Engineer reserves the right to require the responsible party to provide copies of their inspection logs and/or inspection reports.
 - (i) Allow the City Engineer to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan. Keep a copy of the erosion and sediment control permit and plan at the construction site.
 - (j) Remove all erosion control practices when the site is stabilized, and/or when 100% of the site has reached a 70% vegetative cover.
- (6) **PERMIT CONDITIONS.** Permits issued under this section may include conditions established by City Engineer in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in 31.07 or 31.08.

- (7) **PERMIT DURATION.** Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The City Engineer may grant one or more extensions not to exceed 180 days cumulatively. The City Engineer may require additional BMPs as a condition of an extension if they are necessary to meet the requirements of this ordinance.
- (8) **MAINTENANCE.** The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

31.10 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT AND AMENDMENTS.

- (1) **EROSION AND SEDIMENT CONTROL PLAN STATEMENT.** For each construction site identified under 31.04 (1) (c), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the City Engineer. The erosion and sediment control plan statement shall briefly describe the site, the development schedule, and the BMPs that will be used to meet the requirements of the ordinance. A site map shall also accompany the erosion and sediment control plan statement.
- (2) **EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS.**
 - (a) An erosion and sediment control plan shall be prepared and submitted to the City Engineer.
 - (b) The erosion and sediment control plan shall be designed to meet the performance standards in 31.07, 31.08 and other requirements of this ordinance.
 - (c) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
 - 1. Name(s) and address (es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
 - 2. Description of the construction site and the nature of the land disturbing construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.
 - 3. Description of the intended sequence of major land disturbing construction activities for major portions of the construction site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 - 4. Estimates of the total area of the construction site and the total area of the construction site that is expected to be disturbed by land disturbing construction activities.
 - 5. Calculations to show the compliance with the performance standard in 31.08 (3) (b) 1.
 - 6. Existing data describing the surface soil as well as subsoils.

7. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
 8. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.
- (d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.
1. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
 2. Boundaries of the construction site.
 3. Drainage patterns and approximate slopes anticipated after major grading activities.
 4. Areas of soil disturbance.
 5. Location of major structural and non-structural controls identified in the erosion and sediment control plan.
 6. Location of areas where stabilization BMPs will be employed.
 7. Areas which will be vegetated following land disturbing construction activities.
 8. Area(s) and location(s) of wetland on the construction site, and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
 9. Areas(s) used for infiltration of post-construction storm water runoff.
 10. An alphanumeric or equivalent grid overlying the entire construction site map.
- (e) Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:
1. Description of interim and permanent stabilization practices, including a BMP implementation schedule. The erosion and sediment control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
 2. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the City Engineer, structural measures shall be installed on upland soils.
 3. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.
 4. Trapping of sediment in channelized flow.

5. Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
6. Protection of downslope drainage inlets where they occur.
7. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
8. Clean up of off-site sediment deposits.
9. Proper disposal of building and waste material.
10. Stabilization of drainage ways.
11. Installation of permanent stabilization practices as soon as possible after final grading.
12. Minimization of dust to the maximum extent practicable.

(f) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

(3) **EROSION AND SEDIMENT CONTROL PLAN AMENDMENTS.** The applicant shall amend the erosion and sediment control plan if any of the following occur:

- (a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the erosion and sediment control plan.
- (b) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.
- (c) The City Engineer notifies the applicant of changes needed in the erosion and sediment control plan.

31.11 FEE SCHEDULE.

The fees referred to in other sections of this ordinance shall be established by the City Engineer and may from time to time be modified by ordinance or resolution. Erosion control permit fees shall be in accordance with section 3.12(5) (b) of the Greenfield Municipal Code.

31.12 INSPECTION.

If land disturbing construction activities are occurring without a permit required by this ordinance, or in violation of this chapter, the City Engineer may enter the land pursuant to the provisions of s. 66.0119 (1), (2), and (3), Wis. Stats.

31.13 ENFORCEMENT.

- (1) The City Engineer may issue a notice of violation, withhold other permits, post a stop work order or issue a citation if any of the following occurs:
 - (a) Land disturbing construction activity regulated under this ordinance is occurring without a permit.
 - (b) The erosion and sediment control plan is not being implemented in good faith.
 - (c) The conditions of the permit are not being met.

- (2) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the City Engineer may revoke the permit.
- (3) If the responsible party, where no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the City Engineer, or if a responsible party violates a stop work order posted under sub. (1), the City Engineer may request the City Attorney, to obtain a cease and desist order in any court with jurisdiction.
- (4) The City Engineer may retract the stop work order issued under sub. (1) or the permit revocation under sub. (2).
- (5) After posting a stop work order under sub. (1), the City Engineer may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The City Engineer may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the City Engineer, plus interest at the rate authorized by the City Engineer shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats.
- (6) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (7) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

31.14 APPEALS.

- (1) **BOARD OF PUBLIC WORKS.** The Board of Public Works created pursuant to section 2.02 (3) of the City Code of Ordinances pursuant to s 62.23 (7) (e), Wis. Stats.:
 - (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the City Engineer in administering this ordinance except for cease and desist orders obtained under 31.13 (3).
 - (b) May authorize, upon appeal, variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
 - (c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (2) **WHO MAY APPEAL.** Appeals to the Board of Public Works may be taken by any aggrieved person or by any office, department, board, or bureau of the City of Greenfield affected by any decision of the City Engineer.

31.15 SEVERABILITY.

If a court of competent jurisdiction judges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.

31.16 EFFECTIVE DATE.

This ordinance shall be in force and effect from and after its adoption and publication. The above and foregoing ordinance was duly adopted by the Common Council of the City of Greenfield on the 20th day of July, 2021.

PART II. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 20th day of July, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Published: July 28, 2021

ORDINANCE NO. 2981

AN ORDINANCE TO REPEAL AND RECREATE SECTION 3.12 (5) (b) OF THE
GREENFIELD MUNICIPAL CODE REGARDING FEE SCHEDULES

The Common Council of the City of Greenfield do ordain as follows:

PART I. Section 3.12 (5) (b) of the Municipal Code is hereby repealed and recreated to read as follows:

(b)	Erosion Control Permit		
	1.	Minimum fee: Land-disturbing activity affecting a surface area of 7,200 square feet or more	\$ 150.00 minimum
	2.	Single-family and 2-family lots	\$ 150.00 minimum
	3.	Multifamily lots/sites	\$ 150.00/building, plus
		a. Disturbed area	\$ 5.00/1,000 sq. ft.
	4.	Commercial/industrial/institutional lots	\$ 150.00/building, plus
		a. Disturbed area	\$ 5.00/1,000 sq. ft.
	5.	Erosion control review, inspection and administration - the City Engineer may require a cash deposit with the erosion control permit against which these charges may be drawn. Deposit amount will be determined by City Engineer at the time of application based on project scope. In addition to fees above.	Actual cost

PART II. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 20th day of July, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Published: July 28, 2021

ORDINANCE NO. 2982

AN ORDINANCE AMENDING SECTION 8.04 OF THE
MUNICIPAL CODE OF THE CITY OF GREENFIELD

The Common Council of the City of Greenfield do ordain as follows:

PART I. Section 8.04 of the Greenfield Municipal Code is hereby amended to read as follows:

A parking zone reserved for persons with disabilities is hereby created in front of 3360 S
46th Street, Tax Key 531-1080-000.

PART II. The terms and provisions of this ordinance are severable. Should any term or
provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining
terms and provisions shall remain in full force and effect.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are
hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and
publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 20th day of
July, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Published: July 28, 2021

RESOLUTION NO. 3813

Special Use Permit for Danny's Massage, a proposed massage therapy business, to be located at 5170 S 76 St., submitted by Danny Diaz de Jesus, d/b/a Danny's Massage. (Tax Key No. 650-8998-009)

WHEREAS, Danny Diaz de Jesus, d/b/a Danny's Massage, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code, to establish a massage therapy business at 5170 S 76 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on June 15, 2021, at 7:00 p.m. or soon thereafter, in the Common Council Chambers to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant, Danny Diaz de Jesus, d/b/a Danny's Massage, resides at 3766 E. Adams Ave., Cudahy, WI 53110.
2. The property owner, BR Of Wisconsin LLC, has offices at PO Box 13125, Milwaukee, WI 53213-0125.
3. Danny's Massage will occupy approximately 148 sq. ft. of the multi-tenant commercial building located at 5170 S 76 St., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Parcel 2 of Certified Survey Map No. 6117, being a part of the Southwest ¼ Section 27, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 650-8998-009

Said land being located at 5170 S 76 St.

4. The applicant is proposing to establish a massage therapy business within the existing multi-tenant commercial building.
5. The aforesaid premise is zoned C-4 Regional Business District under the Zoning Ordinance of the City of Greenfield, which permits Offices of All Other Misc. Health Practitioners (massage therapists) as a Special Use, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code.
6. The subject property is part of an area along the S. 76 St. corridor that is developed for commercial uses. Properties to the north, south, east, and west are developed as commercial.

7. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the application of Danny Diaz de Jesus, d/b/a Danny's Massage, to establish a massage therapy business, to be located at 5170 S. 76 St., be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said Special Use Permit is granted subject to the following conditions:

1. Site and Landscaping Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site Plan and all other applicable conditions approved by the Plan Commission on June 8, 2021 and by the Common Council on July 20, 2021. No alteration or modification of the approved plan shall be permitted without approval by the Common Council.
2. Building Plans and Fire Codes. The grant of this Special Use is subject to building plans being submitted to and approved by the Inspection Services Division and by the Fire Department.
3. Hours of Operation. The allowable hours of operation for Danny's Massage will be 9:00am – 10:00pm, daily.
4. Off-Street Parking. The proposed massage therapy business tenant spaces requires three (3) off-street parking spaces. Remaining tenant spaces require 101 off-street parking spaces for a total of 104 off-street parking stalls required for the entire building under the category of "Beauty Parlors, Salons, or Barber Shops." Forty-seven (47) off-street parking stalls are to be provided on site. The Common Council may waive the parking shortage.
5. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty-five (25) percent of the net glazed front window area per business premises. Rope/LED trim lighting shall not be allowed.
6. Public Nuisance. In accordance with Chapter 11 of the Municipal Code, Public Nuisances are prohibited. Public Nuisances include blighted properties due to an accumulation thereon of junk or other unsightly debris. Enforcement and abatement of public nuisances, including revocation of the Special Use Permit, may take place after three (3) or more nuisance activities have occurred at a premise on separate days during a one hundred and eighty (180) day period.

7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.
8. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields utilized to minimize light splay. Rope/LED trim lighting is not permitted.
9. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis.
10. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view by the existing fence/enclosure provided on site.
11. Pest Control. Exterior pest control shall be maintained at all times and pest control problems shall be addressed immediately.
12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.
13. Noxious Odors, Etc. The use shall not emit foul, offensive, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
14. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.
15. Deliveries and Refuse Pickup. The property will be required to abide by the City of Greenfield health/public nuisance rules per Chapter 12 of the Municipal Code. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.
16. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:
 - A. The applicant requesting the extension shall complete a planning application available from the Community Development Division and shall submit a \$350.00 special use permit review/amendment fee.

B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

17. Miscellaneous.

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code.

18. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Common Council. Upon a finding by the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the hearing recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

19. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of Greenfield, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

20. Acknowledgement. That the applicants sign an acknowledgment that he/she/they has/have received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Danny Diaz de Jesus, d/b/a Danny's Massage

Brian Riordan , BR Of Wisconsin LLC

Provided to applicant on the
_____day of _____, 2021

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 20th day of July, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Published: July 28, 2021

RESOLUTION NO. 3814

Special Use Permit for Shoot Point Blank, a proposed firearm range and gun shop, to be located at 10557 W. Layton Ave., submitted by Ken Knuckles, d/b/a Development Management Group, LLC, and Brad Copp, d/b/a ComptonAddy. (Tax Key No. 613-8996-018)

WHEREAS, Ken Knuckles, d/b/a Development Management Group, LLC, and Brad Copp, d/b/a ComptonAddy, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code, to establish a firearm range and gun shop at 10557 W. Layton Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on July 20, 2021, at 7:00 p.m. or soon thereafter, to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant, Brad Copp, d/b/a ComptonAddy, has offices at 3805 Edwards Road, Suite 390, Cincinnati, OH 45209
2. Development Management Group, LLC, 4209 Gallatin Pike, Nashville, TN 37216, will be purchasing the property.
3. Shoot Point Blank will occupy approximately 10,550 sq. ft. of the commercial building to be constructed at 10557 W. Layton Ave., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Parcel 1 of Certified Survey Map No. 7670, being a part of the Northwest ¼ Section 29, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 613-8996-018

Said land being located at 10557 W. Layton Ave.

- 4 The applicant is proposing to establish a firearm range and gun shop within the new construction.
5. The aforesaid premise is zoned C-4 Regional Business District under the Zoning Ordinance of the City of Greenfield, which permits All Other Amuse. & Rec. Ind.-Shooting clubs, recreational as a Special Use, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code.
6. The subject property is part of an area along the W. Layton Ave. corridor that is developed for mixed uses. Properties to the north and west are developed as commercial. Properties to the east are developed as office. Properties to the south are developed as right of way.

7. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the application of Ken Knuckles, d/b/a Development Management Group, LLC, and Brad Copp, d/b/a ComptonAddy, to establish a firearm range and gun shop, to be located at 10557 W. Layton Ave., be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said Special Use Permit is granted subject to the following conditions:

1. Site and Landscaping Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site Plan and all other applicable conditions approved by the Plan Commission on June 8, 2021 and by the Common Council on July 20, 2021. No alteration or modification of the approved plan shall be permitted without approval by the Common Council.
2. Building Plans and Fire Codes. The grant of this Special Use is subject to building plans being submitted to and approved by the Inspection Services Division and by the Fire Department.
3. Hours of Operation. The allowable hours of operation for Shoot Point Blank will be 10:00 AM to 9:00 PM, Monday thru Friday; 8:00 AM to 9:00 PM on Saturdays; and 10:00 AM to 8:00 PM on Sundays.
4. Off-Street Parking. The proposed firearm range and gun shop tenant spaces requires ninety-three (93) off-street parking spaces. Fifty-eight (58) off-street parking stalls are to be provided on site. The Common Council may waive the parking shortage.
5. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty-five (25) percent of the net glazed front window area per business premises. Rope/LED trim lighting shall not be allowed.
6. Public Nuisance. In accordance with Chapter 11 of the Municipal Code, Public Nuisances are prohibited. Public Nuisances include blighted properties due to an accumulation thereon of junk or other unsightly debris. Enforcement and abatement of public nuisances, including revocation of the Special Use Permit, may take place after three (3) or more nuisance activities have occurred at a premise on separate days during a one hundred and eighty (180) day period.

7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.
8. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields utilized to minimize light splay. Rope/LED trim lighting is not permitted.
9. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis.
10. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view by the existing fence/enclosure provided on site.
11. Pest Control. Exterior pest control shall be maintained at all times and pest control problems shall be addressed immediately.
12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.
13. Noxious Odors, Etc. The use shall not emit foul, offensive, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
14. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.
15. Deliveries and Refuse Pickup. The property will be required to abide by the City of Greenfield health/public nuisance rules per Chapter 12 of the Municipal Code. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.
16. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:
 - A. The applicant requesting the extension shall complete a planning application available from the Community Development Division and shall submit a \$350.00 special use permit review/amendment fee.

B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

17. Miscellaneous.

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code.

18. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Common Council. Upon a finding by the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the hearing recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

19. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of Greenfield, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

20. Acknowledgement. That the applicants sign an acknowledgment that he/she/they has/have received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Ken Knuckles, d/b/a Development Management Group, LLC, and Brad Copp, d/b/a
ComptonAddy

Brad Copp, d/b/a ComptonAddy

Provided to applicant on the
_____ day of _____, 2021

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 20th day of July, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Published: July 28, 2021