



Common Council Chambers – City Hall Room 100
7325 W Forest Home Ave, Greenfield, Wisconsin

COMMON COUNCIL MEETING AGENDA

Monday, September 27, 2021 - 5:30 PM

- A. Call to Order & Roll Call
- B. Public Hearings
 - 1. Public Hearing on an Ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 10375 and 10401 W. Oklahoma Ave. from C-2 Community Commercial District to I Institutional District (Tax Key No. 524-8984-009) (PC-7/13/21 Kastner)
 - a. Approve an Ordinance to adopt a Land Use Map amendment to the City of Greenfield Comprehensive Plan for the property located at 10375 and 10401 W. Oklahoma Ave. from Planned Business to Community Facilities. (Tax Key No. 524-8984-009) (PC-7/13/21 Kastner)
 - b. Approve an Ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 10375 and 10401 W. Oklahoma Ave. from C-2 Community Commercial District to I Institutional District (Tax Key No. 524-8984-009) (PC-7/13/21 Kastner)
 - c. Approve the Site, Landscaping, and Architectural Plans for Ahmadiyya Muslim Community, a proposed mosque to be located at 10375 and 10401 W. Oklahoma Ave., submitted by Wajatat Laiq, d/b/a VGBSI Legal and Bashir Ahmad, d/b/a Ahmadiyya Movement Milwaukee. (Tax Key No. 524-8984-009) (PC-7/13/21 Kastner)
 - 2. Public Hearing on a Special Use Permit for Midwest Veterinary Specialists, a proposed veterinary office, to be located at 6815 W. Layton Ave., submitted by Mark Hertzfeldt, d/b/a Design 2 Construct, and Dr. Mary Bergh, d/b/a Midwest Veterinary Specialists. (Tax Key No. 617-0117-000) (PC-8/10/21 Kastner)
 - a. Approve a Resolution for a Special Use Permit for Midwest Veterinary Specialists, a proposed veterinary office, to be located at 6815 W. Layton Ave., submitted by Mark Hertzfeldt, d/b/a Design 2 Construct, and Dr. Mary Bergh, d/b/a Midwest Veterinary Specialists. (Tax Key No. 617-0117-000) (PC-8/10/21 Kastner)
 - b. Approve Site, Landscaping and Architectural Plans for Midwest Veterinary Specialists, a proposed veterinary office, to be located at 6815 W. Layton Ave., submitted by Mark Hertzfeldt, d/b/a Design 2 Construct, and Dr. Mary Bergh, d/b/a Midwest Veterinary Specialists. (Tax Key No. 617-0117-000) (PC-8/10/21 Kastner)

3. Public Hearing on a Special Use Permit for Banfield Pet Hospital, a proposed veterinary office, to be located at 5005 S. 76 St., submitted by Christopher Roth, Medical Management International, Inc., d/b/a Banfield Pet Hospital. (Tax Key No. 616-0001-004) (PC-8/10/21 Kastner)
 - a. Approve a Resolution for a Special Use Permit for Banfield Pet Hospital, a proposed veterinary office, to be located at 5005 S. 76 St., submitted by Christopher Roth, Medical Management International, Inc., d/b/a Banfield Pet Hospital. (Tax Key No. 616-0001-004) (PC-8/10/21 Kastner)
 - b. Approve a Site Plan Review for Banfield Pet Hospital, a proposed veterinary office, to be located at 5005 S. 76 St., submitted by Christopher Roth, Medical Management International, Inc., d/b/a Banfield Pet Hospital. (Tax Key No. 616-0001-004) (PC-8/10/21 Kastner)

C. Adjourn

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request this service, contact the Department of Human Resources at 329-5208, (FAX) 543-6158, TDD 1-800-947-6644 (Wisconsin Telecommunications Relay System), or by writing to the Director of Human Resources/ADA Coordinator at Greenfield City Hall, 7325 West Forest Home Avenue, Room 101, Greenfield, WI 53220. Greenfield City Hall is wheelchair accessible from the west and south entrances.

ORDINANCE NO. ____

Ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 10375 and 10401 W. Oklahoma Ave. from C-2 Community Commercial District to I Institutional District (Tax Key No. 524-8984-009)

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 Monday, the 27th day of September 2021, at 5:30 p.m. or soon thereafter, upon a proposal to rezone the property located at 10375 and 10401 W. Oklahoma Ave. from C-2 Community Commercial District to I Institutional 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-2 Community Commercial District to I Institutional District to-wit:

Parcel 1 of Certified Survey Map No. 4208 and the Westerly 77.91 feet of the North half of a vacated alley, all being a part of the Northwest $\frac{1}{4}$ of Section 17, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, State of Wisconsin.

Said land contains approximately 82,328 square feet, or 1.89 acres of land, more or less, and is located at:

10375 and 10401 W. Oklahoma Ave. (Tax Key No. 524-8984-009)

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 27th day of September, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Cc: Engineering Division

RESOLUTION NO. ____

Special Use Permit for Midwest Veterinary Specialists, a proposed veterinary office, to be located at 6815 W. Layton Ave., submitted by Mark Hertzfeldt, d/b/a Design 2 Construct, and Dr. Mary Bergh, d/b/a Midwest Veterinary Specialists. (Tax Key No. 617-0117-000)

WHEREAS, Mark Hertzfeldt, d/b/a Design 2 Construct, and Dr. Mary Bergh, d/b/a Midwest Veterinary Specialists, 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 veterinary office at 6815 W. Layton Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 27, 2021, at 5:30 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, Mark Hertzfeldt, d/b/a Design 2 Construct, has offices at N173W21010 Northwest Passage, Jackson, WI 53037.
2. Dr. Mary Bergh, 34036 High Drive, East Troy, WI 53120, will be purchasing the property.
3. Midwest Veterinary Specialists will occupy the entire 14,780 sq. ft. of the commercial building located at 6815 W. Layton Ave., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Lot 4 in Block 4 in Layton Heights, a recorded subdivision, and the vacated service streets adjacent, all being a part of the Northwest ¼ of Section 27, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 617-0117-000

Said land being located at 6815 W. Layton Ave.

4. The applicant, Dr. Bergh, is proposing to purchase and establish a veterinary office within the existing commercial building.
5. The aforesaid premise is zoned C-2 Community Commercial District under the Zoning Ordinance of the City of Greenfield, which permits Veterinary Offices 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 commercial uses. Properties to the north, east, and west are developed as commercial. Properties to the south are developed as residential.

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 Mark Hertzfeldt, d/b/a Design 2 Construct, and Dr. Mary Bergh, d/b/a Midwest Veterinary Specialists, to establish a veterinary office, to be located at 6815 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 August 10, 2021 and by the Common Council on September 27, 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 Midwest Veterinary Specialists will be 24 hours, daily.
4. Off-Street Parking. The proposed veterinary office requires fifty-nine (59) off-street parking spaces. 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.

Dr. Mary Bergh, d/b/a Midwest Veterinary Specialists

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 _____
day of _____, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. ____

Special Use Permit for Banfield Pet Hospital, a proposed veterinary office, to be located at 5005 S. 76 St., submitted by Christopher Roth, Medical Management International, Inc., d/b/a Banfield Pet Hospital. (Tax Key No. 616-0001-004)

WHEREAS, Christopher Roth, Medical Management International, Inc., d/b/a Banfield Pet Hospital, 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 veterinary office at 5005 S. 76 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 27, 2021, at 5:30 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, Christopher Roth, Medical Management International, Inc., d/b/a Banfield Pet Hospital, has offices at 28101 SE 6th Way, Vancouver, WA 98683.
2. The property is owned by GFD 76, LLC, 3000 Dundee Rd. #408, Northbrook, IL 60062.
3. Banfield Pet Hospital will lease and occupy approximately 3,500 sq. ft. of the multi-tenant commercial building located at 5005 S. 76 St., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Parcel 1 of Certified Survey Map No. 5432, being a part of the Northeast ¼ Section 28, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 616-0001-004

Said land being located at 5005 S. 76 St.

4. The applicant is proposing to establish a veterinary office 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 Veterinary Offices 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 Street corridor. Properties to the west are developed as single-family. Properties to the north, east and south 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 Christopher Roth, Medical Management International, Inc., d/b/a Banfield Pet Hospital, to establish a veterinary office, to be located at 5005 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 August 10, 2021 and by the Common Council on September 27, 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 Banfield Pet Hospital will be 7am-7pm, daily.
4. Off-Street Parking. The proposed veterinary office tenant spaces requires twelve (12) off-street parking spaces. The entire multi-tenant commercial building requires a total of 82 off-streetparking spaces. The property will provide 74 off-street parking stalls. The Common Councilmay waive the 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.

Christopher Roth, Medical Management International, Inc., d/b/a Banfield Pet Hospital

Andrew Goodman, GFD 76, 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 _____
day of _____, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk