

**MINUTES OF THE PLAN COMMISSION MEETING HELD AT THE
GREENFIELD CITY HALL ON TUESDAY, OCTOBER 12, 2021**

1. The meeting was called to order at 6:00 p.m. by Mayor Neitzke

ROLL CALL:	Mayor Michael Neitzke	Present
	Ald. Karl Kastner	Present
	Mr. Brian Weis	Present
	Mr. Steve Rogers	Present
	Mr. Don Carlson	Present
	Mr. David Schilz	Present
	Mr. Robert Krenz	Present
	Mr. Michael Braswell (alt.)	Excused

ALSO PRESENT: Kristi Porter – Community Development Manager

1. Roll Call

2. Approval of the minutes from the September 14, 2021 meeting.

Motion by Mr. Carlson, seconded by Mr. Rogers, to approve the September 14, 2021 Meeting minutes.

3. Discussion regarding last Common Council meetings.

Last month Common Council approved the Comprehensive Land Use Amendment and Zoning request for the transition from Klemmers to the mosque.

In July the Plan Commission discussed a potential ordinance amendment for nonconforming decks, patios, porches, and breezeways and whether they would be allowed in the front or back yard. Last month the Legislative Committee recommended allowing porches and breezeways in the front yard. Decks and patios would not be allowed in the front yard. The Legislative Committee recommended existing nonconforming decks, patios, porches, and breezeways could be rebuilt (one for one replacement) without having to go to the Zoning Board of Appeals. A public hearing will need to be held before the Common Council in November. The definition section of what porches and breezeways are will be amended as well. This will be added to the November Plan Commission agenda.

4A. Special Use Permit for Dickey's Barbeque Pit, a proposed restaurant to be located at 5003 S. 76 St., submitted by Lakia Jackson, d/b/a 5 Star Goals, Inc. (Tax Key No. 616-0001-004)

4B. Site Plan Review for Dickey's Barbeque Pit, a proposed restaurant to be located at 5003 S. 76 St., submitted by Lakia Jackson, d/b/a 5 Star Goals, Inc. (Tax Key No. 616-0001-004)

Overview and Zoning

Dickey's Barbeque Restaurant is proposing to lease space within the existing multi-tenant commercial building at 5003 S. 76 St. The applicant, Ms. Jackson, is the franchisee for the business. The new restaurant would lease the remaining open tenant space, which is approximately 1,995 sq. ft. in area. The property is zoned C-4, which allows restaurants as a Special Use. A public hearing could be scheduled as soon as November 16, 2021.

Dickey's Barbeque Pit has over 550 locations in the country, spread across 42 states. In Wisconsin, Dickey's is located in Kenosha, Madison and Middleton. Meats are smoked on location. The menu and more restaurant information can be found here:

<https://www.dickeys.com/>

The proposed hours of operation are Monday – Thursday, 11am-9pm; Friday – Sunday, 11am-2am. The restaurant will offer in-store dining, as well as outdoor dining in front of the restaurant entrance (roughly 11 tables that can seat 44 people and a bar that can seat approximately 15 people for indoor dining; roughly 4 tables that can seat approximately 12 people for outdoor dining). The applicant will be applying for a liquor license for this location as well. This location will also offer carry-out for patrons, as well as delivery service through a 3rd party delivery partner.

Site and Landscaping Plan

The site is subject to review when the Plan Commission and Common Council consider Special Use Permits. The site appears to be in relatively good condition, with ongoing construction buildout happening for adjacent tenants within the building. No exterior modifications are planned, aside from adding signage to the building. Staff has no concerns with the condition of the site.

The three (3) other tenant spaces in this building require a total of 67 off-street parking spaces. Dickey's Barbeque requires 30 parking spaces per Code. The site provides 69 off-street spaces, for a shortage of 28 off-street parking spaces. The four (4) users have various peak/busy times that differ from each other. Staff feels that the site offers sufficient off-street parking for the variety of tenants. The Common Council may waive the parking shortage.

Recommendation: Recommend Common Council approval of the Special Use Permit and Site Plan Review for Dickey's Barbeque Pit, a proposed restaurant to be located at 5003 S. 76 St., submitted by Lakia Jackson, d/b/a 5 Star Goals, Inc. (Tax Key No. 616-0001-004), subject to Plan Commission and staff comments, and Common Council approval of the Special Use Permit following a public hearing.

John Burkemper, representing the property owner, GMX Real Estate, stated that Five Guys has outdoor dining. This tenant will have three outdoor tables. The Plan Commission asked that the developer submit a more defined site plan to staff since alcohol will be served on the patio.

Motion by Mayor Neitzke, seconded by Mr. Weis, to approve the Special Use Permit and Site Plan Review for Dickey's Barbeque Pit, a proposed restaurant to be located at 5003 S. 76 St., submitted by Lakia Jackson, d/b/a 5 Star Goals, Inc. (Tax Key No. 616-0001-004), subject to Plan Commission and staff comments, and authorize a public hearing to be scheduled as early as November 16th. Motion carried unanimously.

5. Preliminary Subdivision Plat for Parkview Estates, a proposed single-family development to be located at S. 35 St. and W. Barnard Ave., submitted by Raul A. Gonzalez d/b/a First West Realty, LLC. (Tax Key No. 622-9988-018)

The applicant is proposing to split the existing 4.2-acre site into nine (9) different lots. This parcel is located southeast of Greenfield Middle School, with S. 35 St. as a western border, W. Barnard Ave. as a northern border, vacant Greenfield School District land to the east and residential property to the south. A Subdivision Plat is needed when splitting into more than 4 parcels—otherwise a Certified Survey Map is utilized as the form of official land division for smaller splits.

The applicant, Mr. Gonzalez, purchased the property on August 30, 2021.

Lots 1-3 will be situated off of S. 35 St. with direct (and only) access to S. 35 St. through driveways. Lots 4-9 will be situated around a new cul-de-sac extension of S. 34 St. These lots will be accessed through S. 34 St. There will be no access to W. Barnard Ave., which is the only way in/out of Greenfield Middle School. Proposed lot sizes include:

Lot 1: 0.2848 acres (12,404 sq. ft.)
Lot 2: 0.2782 acres (12,120 sq. ft.)
Lot 3: 0.2757 acres (12,010 sq. ft.)
Lot 4: 0.3268 acres (14,233 sq. ft.)
Lot 5: 0.3377 acres (14,708 sq. ft.)
Lot 6: 0.4004 acres (17,441 sq. ft.)
Lot 7: 0.4809 acres (20,948 sq. ft.)
Lot 8: 0.3476 acres (15,142 sq. ft.)
Lot 9: 0.3158 acres (13,757 sq. ft.)

The site layout includes a storm water outlot in between the three (3) front lots and the cul-de-sac lots. The outlot is 0.5941 acres (25,880 sq. ft.).

The entire parcel is zoned R2-A Single-Family Residential District and only single-family homes will be permitted on the proposed nine (9) lots. This zoning district has a minimum lot size area of 12,000 sq. ft. Each lot meets that requirement. The minimum lot width is 85 ft. and the minimum lot depth is 100 ft. Each lot meets the minimum depth requirement of 100 ft., but four (4) of the lots around the bulb of the cul-de-sac do not meet the minimum lot width of 85 ft. Those lots are narrower in front due to the circular shape of the cul-de-sac. Their widths are 54.72 ft. (three (3) of them) and 69.45 ft. Staff does not object to the four (4) smaller front yard widths. The layout maximizes land use and ultimately adds to the tax base. If the 85-ft. front yard width requirement were maintained, the development would lose at least two (2) lots.

The site layout includes a new sidewalk in the front along the east side of S. 35 St. and curb and gutter around the cul-de-sac. The cul-de-sac will be considered an extension of the S. 34 St. right-of-way. The developer is also dedicating the western 30 ft. of the parcel to right-of-way for S. 35 St.

A Preliminary Subdivision Plat is not a common review process as the City of Greenfield does not have an abundant supply of open land available for subdivision purposes anymore. This is a preliminary review, or a “preview” of the final Subdivision Plat that will eventually come before the Plan Commission and Common Council. The Preliminary Subdivision Plat does get reviewed

by the City's Engineering Division. The applicant has submitted a preliminary grading and utility plan that is under review. Engineering staff has commented that prior to any construction taking place on site, the grading and utility plans must be finalized and approved at the staff level. Simultaneously to any site grading and construction, all public improvements and utility installation must take place. In other words, the sidewalk, the S. 43 St. cul-de-sac, and the storm water management system must be installed at the same time as any initial construction. This is to ensure that all public improvements are complete and that the project is not abandoned mid-construction.

Per Chapter 20 of the Municipal Code, the Plan Commission shall approve or reject the preliminary plat. Approval of the preliminary plan shall entitle the subdivider the final approval of the layout shown by such plat. Within six (6) months of this approval, a final plat shall be submitted, reviewed by the County, State and the Plan Commission. The Plan Commission shall provide a recommendation to the Common Council, and then the Common Council approves or rejects the final subdivision plat proposal. In addition, the Engineering Division drafts a Development Agreement between the City and the owner with technical terms and agreements pertaining to utilities, grading, maintenance, construction specs, etc.

Recommendation: Approve the Preliminary Subdivision Plat for Parkview Estates, a proposed single-family development to be located at S. 35 St. and W. Barnard Ave., submitted by Raul A. Gonzalez d/b/a First West Realty, LLC (Tax Key No. 622-9988-018), subject to Plan Commission and staff comments and the following conditions:

1. A revised Preliminary Subdivision Plat being submitted to the Engineering Division showing modifications to the grading and utility plans, per Engineering recommendations/comments.

Calvin Klimeck from Pioneer Engineering and Raul Gonzalez, the developer, were present for discussion. The Plan Commission discussed how a similar plan had been before them in 2013. Ms. Porter pulled up the old 2013 preliminary plat plans and showed that there were nine (9) lots proposed at that time as well.

Ms. Porter stated that Mr. Gonzalez was seeking approval to construct on Lots 1 through 3 and had agreed to complete the construction of the sidewalk along S. 35 St., the stormwater retention pond, and the S. 34 St. cul-de-sac and all affiliated utilities by December 31, 2022. Ms. Porter stated that the December 31, 2022 completion date could be/would be added to the Development Agreement that the developer entered into between the City's Engineering Division. The developer is also required to deposit a large retainer for utility work per the Development Agreement.

The Plan Commission discussed concerns with school traffic and the three (3) proposed driveways that connect directly with S. 35 St. Committee members requested that the existing frontage road continue north, terminate near the northern-most driveway, and then transition into a sidewalk that would connect with W. Barnard Ave. The Committee expressed the desire to extend the frontage road to prevent additional vehicles from the three (3) driveways potentially interfering with school morning and afternoon traffic. The addition of a flare with the frontage road extension was suggested to help with snow plowing. Ms. Porter will inquire with the Engineering Department regarding the addition of the frontage road. The developer agreed to the recommended frontage road expansion. Mr. Klimeck inquired about the ability to not install curb and gutter in the S. 34 St. cul-de-sac. Ms. Porter and the Mayor stated that this

neighborhood was slated for complete road reconstruction with the addition of curb and gutter in the near future, something like 5-7 years out. At that time, the cul-de-sac would be required to include curb and gutter, so the Mayor suggested that they just do it now rather than have to impose a special assessment to the new owners that surround the cul-de-sac. Mr. Gonzalez agreed to that recommendation to keep the curb and gutter.

Motion by Mayor Neitzke, seconded by Mr. Weis, to approve the Preliminary Subdivision Plat for Parkview Estates, a proposed single-family development to be located at S. 35 St. and W. Barnard Ave., submitted by Raul A. Gonzalez d/b/a First West Realty, LLC (Tax Key No. 622-9988-018), subject to Plan Commission and staff comments.

6. Temporary Use Permit for a proposed tent structure at the outdoor dining area of Fox's Pub, an existing business located at 4395 S. 76 St., submitted by Dominic LaLicata, d/b/a Brick Oven Concepts. (Tax Key No. 605-9979-002)

Fox's Pub is proposing to utilize their outdoor patio space throughout the winter, maximizing their occupancy capacity during COVID-19 social distancing requirements, by erecting a 30' x 30' temporary tent over the existing outdoor patio space, same as they had done in 2020. The request is to utilize the long-term temporary tent from November 1, 2021 – April 30, 2022. They are planning to have six (6) to 10 four (4)-person tables within the tent. The tent hours would be the same as last year: Monday – Friday, 2pm-2am; Saturday – Sunday, 11am-2am.

The tent will have four (4) enclosable sides, which makes it an enclosed structure according to the State building code (one (1) side will likely be situated directly up against a building opening). There may be requirements such as egress lighting, emergency exit signs, Fire Dept. restrictions on heating, etc. that the business will have to adhere to. The applicant has been made aware of potential building code requirements.

Recommendation: Approve the Temporary Use Permit for a proposed tent structure to be located on the outdoor dining area of Fox's Pub, an existing business located at 4395 S. 76 St., submitted by Dominic LaLicata, d/b/a Fox's Pub (Tax Key No. 605-9979-002), subject to Plan Commission comments and staff comments.

Motion by Mayor Neitzke, seconded by Mr. Carlson, to approve the Temporary Use Permit for a proposed tent structure at the outdoor dining area of Fox's Pub, an existing business located at 4395 S. 76 St., submitted by Dominic LaLicata, d/b/a Brick Oven Concepts. (Tax Key No. 605-9979-002) subject to Plan Commission comments and staff comments.

7. Community Development Manager Report

The Mayor discussed that the Cobalt development at 894 and Loomis Rd was coming along. Most buildings were demolished. There have been discussions with a potential user for Spring Mall. Cobalt is still soliciting users for The Lokal at the corner of S. 84 St. and W. Layton Ave.

The Power Line Trail received an additional grant so it will now extend from 43rd to 105th Street and construction of the path is set to begin in Spring 2022.

8. Adjournment.

Motion by Mr. Carlson, seconded by Mr. Weis, to adjourn the meeting at 6:58 p.m. Motion carried unanimously.

Respectfully submitted,

Natalie Phillips
Administrative Assistant

Distributed October 19, 2021