

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, APRIL 19, 2022

A. Call to Order & Roll Call

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

Present: Alderpersons Denise Collins, Bruce Bailey, Pamela Akers, Shirley Saryan.

Excused: Alderperson Karl Kastner, Brian Sajdak, City Attorney.

Also present: Jennifer Goergen, City Clerk; Kristi Porter, Community Development Manager.

B. Opening Prayer

An opening prayer was given by Pastor Rogers.

C. Pledge of Allegiance

D. Approval of the April 6, 2022 Common Council minutes

Motion by Alderperson Saryan, seconded by Alderperson Akers to approve. Motion carried with Alderperson Collins abstained.

E. Mayor's Report

F. Aldermanic Reports

Alderperson Collins reported that voting went well. She is very pleased that the Clerk's Department held a meeting for Chief Elections Inspectors to network and share their ideas.

G. Announcements

Alderperson Akers announced that May 1st is the first Farmer's Market of the season.

H. Citizen Commentary

I. Public Hearings

1. Public Hearing on a Special Use Permit for Melt 'N Dip, a proposed restaurant to be located at 7820 W. Layton Ave., submitted by Emad Nadi, d/b/a ETn Engineering, and Jafar Jaraba d/b/a Melt 'N Dip. (Tax Key No. 605-9956-005) (PC-3/08/22 Kastner)

The public hearing was opened at 7:03 PM.

Kristi Porter, Community Development Manager, presented the site information, description of business, hours of operation, parking, site improvements, and recommendations from the Plan Commission. The applicant answered that they have another restaurant but this is their first franchise.

Motion by Alderperson Akers, seconded by Alderperson Collins to close the public hearing at 7:06 PM. Motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for Melt 'N Dip, a proposed restaurant to be located at 7820 W. Layton Ave., submitted by Emad Nadi, d/b/a ETn Engineering, and Jafar Jaraba d/b/a Melt 'N Dip. (Tax Key No. 605-9956-005) (PC-3/08/22 Kastner)
Motion by Alderperson Collins, seconded by Alderperson Bailey to approve agenda items I1a and I1b as presented. On a roll call vote, motion carried unanimously.
- b. Approve a Site Plan Review for Melt 'N Dip, a proposed restaurant to be located at 7820 W. Layton Ave., submitted by Emad Nadi, d/b/a ETn Engineering, and Jafar Jaraba d/b/a Melt 'N Dip. (Tax Key No. 605-9956-005) (PC-3/08/22 Kastner)
Approved under agenda item I1a.

2. Public Hearing on a Special Use Permit for a beer store within Home Town gas station, an existing business located at 5235 W. Loomis Rd., submitted by Khadisa Imayat, d/b/a Hasham Petroleum LLC. (Tax Key No. 648-0008-003) (PC-3/08/22 Kastner)

The public hearing was opened at 7:07 PM.

Ms. Porter presented the site information, description of business, hours of operation, parking, site improvements, and recommendations from the Plan Commission. Mayor Neitzke said that the gas station had previously sold beer.

Motion by Alderperson Akers, seconded by Alderperson Collins to close the public hearing at 7:08 PM. Motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for a beer store within Home Town gas station, an existing business located at 5235 W. Loomis Rd., submitted by Khadisa Imayat, d/b/a Hasham Petroleum LLC. (Tax Key No. 648-0008-003) (PC-3/08/22 Kastner)
Motion by Alderperson Saryan, seconded by Alderperson Collins to approve agenda items I2a and I2b as presented. On a roll call vote, motion carried unanimously.
- b. Approve a Site Plan Review for a beer store within Home Town gas station, an existing business located at 5235 W. Loomis Rd., submitted by Khadisa Imayat, d/b/a Hasham Petroleum LLC. (Tax Key No. 648-0008-003) (PC-3/08/22 Kastner)
Approved under agenda item I2a.

3. Public Hearing on a Special Use Permit to establish an alcohol beverage drinking place at Bluemel's Garden & Landscape Center, an existing business located at 4930 W. Loomis Rd., submitted by John Lewandowski and Mike Bluemel, d/b/a Bluemel's Garden & Landscape Center. (Tax Key No. 620-1001-000) (PC-3/08/22 Kastner)

The public hearing was opened at 7:09 PM.

Ms. Porter presented the site information, description of business, hours of operation, parking, site improvements, and recommendations from the Plan Commission.

Motion by Alderperson Collins, seconded by Alderperson Akers to close the public hearing at 7:13 PM. Motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit to establish an alcohol beverage drinking place at Bluemel's Garden & Landscape Center, an existing business located at 4930 W. Loomis Rd., submitted by John Lewandowski and Mike Bluemel, d/b/a Bluemel's Garden & Landscape Center. (Tax Key No. 620-1001-000) (PC-3/08/22 Kastner)
Motion by Alderperson Collins, seconded by Alderperson Akers to approve agenda items I3a & I3b as presented. On a roll call vote, motion carried unanimously.

Mayor Neitzke thanked Bluemel's for sponsoring and donating to the City towards the Moving Wall or to the AMP and Konkel Park events.

Mayor Neitzke jumped to agenda item K5.
- b. Approve a Site Plan Review for Bluemel's Garden & Landscape Center, an existing business located at 4930 W. Loomis Rd., submitted by John Lewandowski and Mike Bluemel, d/b/a Bluemel's Garden & Landscape Center. (Tax Key No. 620-1001-000) (PC-3/08/22 Kastner)
Approved under agenda item I3a.

J. Old Business

1. Appointments to various committees and commissions:

a. Mayor appointments, confirmed by Council:

- i. One member to the Board of Health for a term to expire 6/1/2022 (formerly Allen Owen)
Place on next agenda.
- ii. One member to the Board of Review for a term to expire 5/1/2026 (formerly James Jaworowicz)
Place on next agenda.

b. Mayor appointments:

- i. One alternate member to the Plan Commission for a term to expire 5/31/2025 (formerly Robert Krenz)
Mayor Neitzke appointed Danielle Wojak, 7130 W. Carpenter Avenue, as an alternate member to the Plan Commission.

Motion by Alderperson Bailey, seconded by Alderperson Saryan to confirm appointment.
Motion carried unanimously.

K. New Business

1. Appointment of Council President for one year term (currently Shirley Saryan)

Alderperson Akers nominated Alderperson Saryan, seconded by Alderperson Collins.

Alderperson Bailey nominated Alderperson Kastner.

Motion by Alderperson Akers, seconded by Alderperson Collins to approve the nomination of Alderperson Saryan as Council President. On a roll call vote, motion carried 3-1 with Alderperson Bailey opposed. Those in favor were Alderperson Collins, Alderperson Akers, and Alderperson Saryan.

Motion by Alderperson Akers, seconded by Alderperson Collins to reconsider. Motion carried unanimously.

Motion by Alderperson Akers, seconded by Alderperson Collins to reaffirm. Motion carried unanimously.

2. 2022 Council Representative appointments to various committees and commissions:

a. Council appointments:

- i. Three members to the Finance & Human Resources Committee (currently Saryan, Bailey, Kastner)
Motion by Alderperson Bailey, seconded by Alderperson Akers to reconfirm the current positions for agenda items K2ai-K2aiv. Motion carried unanimously.

Alderperson Saryan, Bailey, and Kastner were reappointed to the Finance & Human Resources Committee.
- ii. Three members to the Legislative Committee (currently Collins, Bailey, Saryan)
Reappointment confirmed under agenda item K2ai.

Alderperson Collins, Bailey, and Saryan were reappointed to the Legislative Committee.
- iii. One member to the Park & Recreation Board (currently Collins)

Reappointment confirmed under agenda item K2ai.

Aldersperson Collins was reappointed to the Park & Recreation Board.

- iv. One member to the Plan Commission (currently Kastner)

Reappointment confirmed under agenda item K2ai.

Aldersperson Kastner was reappointed to the Plan Commission.

b. Mayor appointments, confirmed by Council:

- i. One member to the Board of Health for a term to expire 4-17-2023 (currently Akers)
Motion by Aldersperson Collins, seconded by Aldersperson Akers to confirm reappointment for agenda item K2bi-K2biv. Motion carried unanimously.

Aldersperson Akers reappointed to the Board of Health for a term to expire 4-17-2023.

- ii. One member to the Tree Commission for a term to expire 4-15-24 (currently Bailey)
Reappointment confirmed under agenda item K2bi.

Aldersperson Bailey was reappointed to the Board of Health for a term to expire 4-15-2024.

- iii. One member to the Public Library Board for a term to expire 4-17-23 (currently Saryan)
Reappointment confirmed under agenda item K2bi.

Aldersperson Saryan was reappointed to the Public Library Board for a term to expire 4-17-2023.

- iv. Three members to the Board of Public Works for a term to expire 4-17-23 (currently Akers, Bailey, Collins)

Reappointment confirmed under agenda item K2bi.

Aldersperson Akers, Bailey, and Collins were reappointed to the Board of Public Works for a term to expire 4-17-2023.

3. Appointments to various committees and commissions:

a. Council appointments:

- i. One member to the Board of Public Works for a term to expire 5-1-24 (currently John Graber)
Motion by Aldersperson Collins, seconded by Aldersperson Akers to reappoint John Graber.
Motion carried unanimously.

b. Mayor appointments, confirmed by Council:

- i. One member to the Fire & Police Commission for a term to expire 5-1-27 (currently Patsy Cashmore)

Mayor Neitzke reappointed all existing members that are actively serving on the committees and commissions.

Motion by Aldersperson Akers, seconded by Aldersperson Saryan to confirm reappointments for agenda items K3bi-K3biv. Motion carried unanimously.

Patty Cashmore was reappointed to the Fire & Police Commission for a term to expire 5-1-27.

- ii. One member to the Board of Review for a term to expire 5-1-27 (currently Andrew Drzewiecki)

Reappointment confirmed under agenda item K3bi.

Andrew Drzewiecki was reappointed to the Board of Review for a term to expire 5-1-27.

- iii. Three members to the Tree Commission for a term to expire 5-1-24 (currently Joan Stevens, Chloe Selkirt, and Terry Krell)

Reappointment confirmed under agenda item K3bi.

Joan Stevens, Chloe Selkirt, and Terry Krell were reappointed to the Tree Commission for a term to expire 5-1-24.

- iv. Two members to the Zoning Board of Appeals for a term to expire 5-1-25 (currently Kevin Thomas, and Donald Reid)

Reappointment confirmed under agenda item K3bi.

Kevin Thomas and Donald Reid were reappointed to the Zoning Board of Appeals for a term to expire 5-1-25.

c. Mayor appointments:

- i. Two alternate members to the Plan Commission for a term to expire 5-1-25 (currently Steve Rogers and Donald Carlson)

Mayor Neitzke reappointed Steve Rogers and Donald Carlson as the two regular members to the Plan Commission for a term to expire 5-1-25.

Motion by Alderperson Saryan, seconded by Alderperson Bailey to confirm appointments. Motion carried unanimously.

- ii. Designation of Chairperson of Zoning Board of Appeals (currently Audrey Ellison)

Mayor Neitzke would like to appoint David Schilz as the Chairperson unless Audrey Ellison expresses interest in maintaining the Chairperson's role.

Motion by Alderperson Akers, seconded by Alderperson Collins to confirm appointment of David Schilz unless Audrey Ellison expresses interest in maintaining the Chairperson's role. Motion carried unanimously.

- 4. Approve applications for 2021-2022 operator licenses (Goergen)

Motion by Alderperson Collins, seconded by Alderperson Akers to approve as presented. Motion carried unanimously.

- 5. Approve application for 2021-2022 "Class B" beer and liquor license for Bluemel's Floral and Garden Center, Inc., John E. Lewandowski, Agent, for the property at 4930 W. Loomis Rd. (Bluemel's Garden & Landscape Center), all alcohol will be sold, served, and consumed in our 1,500 square foot indoor coffee shop space, and our 3,000 square foot outdoor patio space located at 4930 W. Loomis Rd. All alcohol will be stored in a locked closet located in the coffee shop, and all records will be kept in our main office next to the coffee shop. (Goergen)

Motion by Alderperson Akers, seconded by Alderperson Collins to approve. Motion carried unanimously.

Mayor Neitzke circled back to agenda item J1a.

- 6. 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., May 2 - October 2, 2022, Tuesday through Friday, 3PM-10PM, Saturday 11AM-10PM and Sunday 11AM-6PM. (Goergen)

Motion by Alderperson Akers, seconded by Alderperson Collins to approve. Motion carried unanimously.

7. Approve a Special Use Review, Site, Landscaping, and Architectural Plans for Rosen Hyundai of Greenfield, an existing business, for proposed building addition at 6133 S. 27 St., submitted by Jim Triatik, d/b/a Sullivan Design Builds, and Jeff Rosen, d/b/a Rosen Automotive Group. (Tax Key No. 691-9841-009) (PC-4/12/22 Kastner)

Motion by Alderperson Collins, seconded by Alderperson Bailey to approve agenda items K7-K10. On a roll call vote, motion carried unanimously.

8. Approve a Special Use Review and Site Plan Review for Arby's, an existing restaurant located at 4841 S. 27 St., submitted by John P. Wade, d/b/a AES Midwest LLC. (Tax Key No. 622-9988-014) (PC-4/12/22 Kastner)

Approved under agenda item K7.

9. Approve a Special Use Review and Site Plan Review for Arby's, an existing restaurant located at 4280 S. 76 St., submitted by John P. Wade, d/b/a AES Midwest LLC. (Tax Key No. 571-8984-007) (PC-4/12/22 Kastner)

Approved under agenda item K7.

10. Approve a Special Use Review and Site Plan Review for Sauce & Toss, a proposed restaurant to be located at 3322 W. Loomis Rd., submitted by Faisal Farooqui, d/b/a Ahad Investment LLC. (Tax Key No. 553-0436-001) (PC-3/8/22 Kastner)

Approved under agenda item K7.

11. Approve an Outdoor Special Event application for the Dan Jansen Family Fest event, to be located at Konkell Park, 5151 W. Layton Ave., May 26 – May 30, 2022, and waive all application fees.

Application includes the following combination of licenses/permits: Outdoor Special Event, Temporary Operators Licenses, Temporary Class "B" Retailer's License (beer), Food, and Commercial building/ electrical/ 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 Akers, seconded by Alderperson Collins to approve.

Under discussion, Julie Rome, the applicant, said that the rides are coming back this year. They will have a pancake breakfast to benefit the Police and Fire Department on Saturday morning from 8 AM - 11 AM. There are a few new vendors and Home Depot is coming back this year. Sunday is the car show.

Motion carried unanimously.

12. Approve an Outdoor Special Event application for the Cruisin' Car Show, to be located at Kulwicki Park, 10777 W. Cold Spring Rd., May 28, 2022, and waive all application fees. Application includes the following combination of licenses/permits: Outdoor Special Event and food. (Porter)

Motion by Alderperson Collins, seconded by Alderperson Akers to approve. Motion carried unanimously.

Mayor Neitzke explained that the fees are waived because the Lyons Club donates all the proceeds back to Kulwicki Park.

13. Approve an Outdoor Special Event application for the House of Harley Music Series Opener, to be

located at 6221 W. Layton Ave, May 28, 2022. Application includes the following combination of licenses/permits: Outdoor Special Event, 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 Saryan, seconded by Alderperson Collins to approve.

Mark McClain, applicant from House of Harley, explained that the music and temporary alcohol hours are shorter that day with the event ending at 4 PM.

Motion carried 3-1 with Alderperson Saryan opposed. Those in favor were Alderperson Collins, Alderperson Bailey, and Alderperson Akers.

14. Approve an Outdoor Special Event application for the Salvation Army – Outdoor Worship Service event, to be located at 2900 W. Cold Spring Rd., every Sunday from May 29 – September 4, 2022, and waive all application fees. Application includes the following combination of licenses/permits: Outdoor Special Event. (Porter)

Alderperson Akers said she was concerned that the event may upset the neighbors since it's all summer long.

Ms. Porter explained the site plan.

Motion by Alderperson Bailey, seconded by Alderperson Akers to approve events through June 19th and the application will be under review at the Common Council meeting on June 21, 2022 for events from June 26 - September 4, 2022. Motion carried unanimously.

15. Approve an Outdoor Special Event application for the Salvation Army – Community Rummage Sale, to be located at 2900 W. Cold Spring Rd., June 4, 2022, and waive all application fees. Application includes the following combination of licenses/permits: Outdoor Special Event. (Porter)

Motion by Alderperson Akers, seconded by Alderperson Collins to approve agenda items K15-K17 as presented. On a roll call vote, motion carried unanimously.

16. Approve an Outdoor Special Event application for the Salvation Army – Family Fun Nights, to be located at 2900 W. Cold Spring Rd., June 17, July 8, and August 26, 2022, and waive all application fees. Application includes the following combination of licenses/permits: Outdoor Special Event. (Porter)

Approved under agenda item K15.

17. Approve an Outdoor Special Event application for the Salvation Army – School Supply Distribution, to be located at 2900 W. Cold Spring Rd., August 19, 2022, and waive all application fees. Application includes the following combination of licenses/permits: Outdoor Special Event. (Porter)

Approved under agenda item K15.

18. Approve an Outdoor Special Event application for the St. John the Evangelist Church Festival, to be located at 8500 W. Cold Spring Rd., July 29 – 31, 2022. Application includes the following combination of licenses/permits: Outdoor Special Event, Temporary Operators License, Temporary Class "B" Retailer's License (beer), Food, and Commercial building. *Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12.* (Porter)

Alderperson Bailey said that St. John's is discussing if they want to have fireworks, which day they may be happening, and whether they will have food trucks. Mayor Neitzke said that regardless of date, St. John's needs a permit for fireworks and to let the City know. Ms. Porter explained that if they want food trucks, they will need to talk to the Health Department ahead of time.

Motion by Alderperson Bailey, seconded by Alderperson Akers to approve. Motion carried unanimously.

19. Discussion and decision to revise job descriptions and subtitles for two Recreation Supervisors within the Parks and Recreation Department. (4/13/22 F&HR S. Saryan)

Motion by Alderperson Saryan, seconded by Alderperson Bailey to approve agenda items K19-K22.

Under discussion, Mayor Neitzke said that Renee Vanselow, Recreation Supervisor in the Parks and Recreation, will be retiring after 30 years with the City. She deserves a Certificate of Appreciation for all her years of service to the community and she will be really missed.

On a roll call vote, motion carried unanimously.

20. Discussion and decision to establish the 2022 Sewer Service Rates as proposed in the 2022 Budget. (4/13/22 F&HR S. Saryan)

Approved under agenda item K19.

21. Approval of mileage reimbursement in the amount of \$961.81(4/13/22 F&HR S. Saryan)

Approved under agenda item K19.

22. Approval of schedules of disbursements in the amount of \$520,436.90 (4/13/22 F&HR S. Saryan)

Approved under agenda item K19.

L. Items for future agenda

Alderperson Bailey talked about how the money from the Sewer Service Rates is used, and the Board of Public Works meeting. The Common Council discussed street signs on Loomis Road and Layton Avenue. Mayor Neitzke spoke about the vacant gas station clean-up on 27th Street and Layton Avenue; the construction that will start north of Layton Avenue and south of I-894; the Spring Mall; the Powerline Trail; the pond at Konkel Park; incorporating the knock-out rose more since the City of Greenfield is the home of the knock-out rose; the House of Harley Davidson will not be closing Layton Avenue this year; the South 60th bridge; and future I-894 projects and sound barriers.

M. Adjourn

Motion by Alderperson Akers, seconded by Alderperson Collins to adjourn at 8:02 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant

Distributed: 4/22/22

RESOLUTION NO. 3856

Special Use Permit for Melt ‘N Dip, a proposed restaurant, to be located at 7820 W. Layton Ave., submitted by Emad Nadi, d/b/a ETn Engineering, and Jafar Jaraba d/b/a Melt ‘N Dip. (Tax Key No. 605-9956-005)

WHEREAS, Emad Nadi, d/b/a ETn Engineering, and Jafar Jaraba d/b/a Melt ‘N Dip, 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 restaurant at 7820 W. Layton Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on April 19, 2022, 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, Jafar Jaraba d/b/a Melt ‘N Dip, resides at 1032 W. Violet Dr., Oak Creek, WI 53154.
2. The property is owned by Frank Grainer Real Estate, 12685 W Greenbriar Ln, New Berlin, WI 53151.
3. Melt ‘N Dip will occupy approximately 2,250 sq. ft. of the multi-tenant commercial building located at 7820 W. Layton Ave., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Parcel 2 of Certified Survey Map No. 7085, being a part of the Southeast ¼ Section 21, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 605-9956-005

Said land being located at 7800-7860 W. Layton Ave.

4. The applicant is proposing to establish a full-service restaurant 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 Full-Service Restaurants 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 are developed as right-of-way. Properties to the east and west are developed as commercial. Properties to the south are developed as institutional and 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 Emad Nadi, d/b/a ETn Engineering, and Jafar Jaraba d/b/a Melt 'N Dip, to establish a restaurant, to be located at 7820 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 March 8, 2022, and by the Common Council on April 19, 2022. 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 Melt 'N Dip will be 11:00am-11:00pm, seven (7) days/week.
4. Off-Street Parking. The proposed restaurant tenant spaces requires thirty-six (36) offstreet parking spaces. Remaining tenant spaces require one hundred ninety-eight (198) off-street parking spaces for a total of two hundred thirty-four (234) off-street parking stalls. One hundred thirty-nine (139) 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.

Jafar Jaraba d/b/a Melt 'N Dip

Frank Grainer Real Estate

Provided to applicant on the
_____ day of _____, 2022

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 19th day of April, 2022.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 3857

Special Use Permit for a beer store within Home Town gas station, an existing business located at 5235 W. Loomis Rd., submitted by Khadisa Inayat, d/b/a Hasham Petroleum LLC. (Tax Key No. 648-0008-003)

WHEREAS, Khadisa Inayat, d/b/a Hasham Petroleum LLC, 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 beer store at 5235 W. Loomis Rd.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on April 19, 2022, 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, Khadisa Inayat, d/b/a Hasham Petroleum LLC, resides at 8230 Fairmont Ln., Greendale, WI 53129.
2. The property is owned by Khadisa Inayat, 8230 Fairmont Ln, Greendale, WI 53129.
3. Home Town gas station occupies the entire 1,200 sq. ft. commercial building located at 5235 W. Loomis Rd., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Parcel 2 of Certified Survey Map No. 3527, being a part of the Southwest $\frac{1}{4}$ Section 26, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 648-0008-003

Said land being located at 5235 W. Loomis Rd.

4. The applicant is proposing to establish a beer store within the existing commercial building/convenience store.
5. The aforesaid premise is zoned C-3 Highway and Commercial Service Business District under the Zoning Ordinance of the City of Greenfield, which permits Beer, Wine, and Liquor Stores 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. Loomis Rd. corridor that is developed for mixed uses. Properties to the north and west are developed as commercial. Properties to the east and 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 Khadisa Inayat, d/b/a Hasham Petroleum LLC, to establish a beer store, to be located at 5235 W. Loomis Rd., 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 March 8, 2022 and by the Common Council on April 19, 2022. 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 Home Town Citgo will be, 5:30 a.m. – 10:00 p.m., daily. Beer sales hours are regulated by the liquor license.
4. Off-Street Parking. The entire building requires ten (10) off-street parking stalls. Ten (10) off-street parking stalls are provided on the site.
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.

Khadisa Inayat, d/b/a Hasham Petroleum LLC

Provided to applicant on the

_____ day of _____, 2022

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 19th day of April, 2022.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 3858

Special Use Permit to establish an alcohol beverage drinking place at Bluemel's Garden & Landscape Center, an existing business located at 4930 W. Loomis Rd., submitted by John Lewandowski and Mike Bluemel, d/b/a Bluemel's Garden & Landscape Center.

(Tax Key No. 620-1001-000)

WHEREAS, John Lewandowski and Mike Bluemel, d/b/a Bluemel's Garden & Landscape Center, 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 alcohol beverage drinking place at 4930 W. Loomis Rd.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on April 19, 2022, 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 applicants, John Lewandowski and Mike Bluemel, d/b/a Bluemel's Garden & Landscape Center, have offices at 4930 W. Loomis Rd., Greenfield, WI 53220.
2. The property is owned by Milo Meak Properties LLC, 4930 W Loomis Rd., Greenfield, WI 53220.
3. The alcohol beverage drinking place will occupy approximately 1,600 sq. ft. of the entire Bluemel's Garden & Landscape Center commercial building located at 4930 W. Loomis Rd., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Lot 1 and 2 of Certified Survey Map No. 7560, previously Vacated Right of Way lying within Certified Survey Map No. 7560 and unplatted Lands being a part of the Northwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$, of the Northeast $\frac{1}{4}$ of Section 26, Township 6 North, Range 21 East, Located in the City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 620-1001-000

Said land being located at 4930 W. Loomis Rd.

4. The applicant is proposing to establish an alcohol beverage drinking place 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 Drinking Places (Alcoholic Beverages) 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. Loomis Rd. corridor that is developed for mixed uses. Properties to the north are developed as parks. Properties to the east are developed as commercial. Properties to the south are developed as commercial and residential. Properties to the west are developed as residential, commercial, and parks.
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 John Lewandowski and Mike Bluemel, d/b/a Bluemel's Garden & Landscape Center, to establish a alcohol beverage drinking place, to be located at 4930 W. Loomis Rd., 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 March 8, 2022, and by the Common Council on April 19, 2022. 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 Bluemel's Garden & Landscape Center for serving alcohol will be 7:00am – 10:00pm, Monday through Saturday; and 8:00am – 7:00pm, Sundays.
4. Off-Street Parking. The proposed alcohol beverage drinking place along with the existing coffee shop use require twenty-four (24) off-street parking spaces. Remaining

Bluemel's uses require one hundred sixty-four (164) off-street parking spaces. Two hundred and seven (207) off-street parking stalls are to be provided on site.

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.

Mike Bluemel, d/b/a Milo Meak Properties LLC

Provided to applicant on the

_____ day of _____, 2022

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 19th day of April, 2022.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk