

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, MAY 31, 2022

A. Call to Order & Roll Call

The meeting was called to order by Mayor Neitzke at 5:30 PM.

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

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

B. Public Hearings

1. Public Hearing on a Special Use Permit for Bion Strength & Conditioning, a proposed personal training business to be located at 4643 S. 108 St., submitted by Stevan Dukic, d/b/a Bion Strength & Conditioning. (Tax Key No. 609-0033-001) (PC-4/12/22 Kastner)

The public hearing was opened at 5:31 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. There weren't any letters of objections received.

Kristi and Mayor Neitzke apologized to the applicant for the rescheduling of the public hearing as the newspaper missed publishing the second notice, which is why the special meeting was held. Mayor Neitzke said that Gannett newspaper and our local newspaper, the Now has missed a lot of our publications in the past. We seldom receive news coverage from our local paper. He asked the Alderpersons if they had spoken to any reporters from the Now and they confirmed that within the last year, they have not been interviewed by anyone from the Now. Mayor Neitzke continued that this is a huge inconvenience for everyone and we're sorry for it.

Motion by Alderperson Kastner, seconded by Alderperson Collins to close the public hearing at 5:35 PM. Motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for Bion Strength & Conditioning, a proposed personal training business to be located at 4643 S. 108 St., submitted by Stevan Dukic, d/b/a Bion Strength & Conditioning. (Tax Key No. 609-0033-001) (PC-4/12/22 Kastner)

Motion by Alderperson Kastner, seconded by Alderperson Collins to approve agenda items B1a and B1b as presented. On a roll call vote, motion carried unanimously.

- b. Approve a Site Plan Review for Bion Strength & Conditioning, a proposed personal training business to be located at 4643 S. 108 St., submitted by Stevan Dukic, d/b/a Bion Strength & Conditioning. (Tax Key No. 609-0033-001) (PC-4/12/22 Kastner)

Approved under agenda item B1a.

C. New Business

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

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

2. Common Council to go into closed session pursuant to Wis. Stat. § 19.85 (1)(b) & (f), considering licensure, social or personal history, or medical information, for purposes of issuing a 2021-2022 operator license to the following:

- a. Scott Anthony Skibosh

Motion by Alderperson Akers, seconded by Alderperson Collins to go into closed session at 5:36 PM. On

a roll call vote, motion carried unanimously.

3. Adjourn closed session and reconvene into open session.

Motion by Alderperson Kastner, seconded by Alderperson Akers to adjourn closed session and reconvene into open session at 5:52 PM. Motion carried unanimously.

4. Decision re: Scott Anthony Skibosh

Motion by Alderperson Bailey, seconded by Alderperson Collins to approve. On a roll call vote, motion carried 3-2 with Alderperson Kastner and Alderperson Akers opposed. Those that were in favor were Alderperson Collins, Alderperson Bailey, and Alderperson Saryan.

D. Adjourn

Motion by Alderperson Akers, seconded by Alderperson Collins to adjourn at 5:54 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant

Distributed: 6/1/22

RESOLUTION NO. 3861

Special Use Permit for Bion Strength & Conditioning, a proposed personal training business, to be located at 4643 S. 108 St., submitted by Stevan Dukic, d/b/a Bion Strength & Conditioning. (Tax Key No. 609-0033-001)

WHEREAS, Stevan Dukic, d/b/a Bion Strength & Conditioning, 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 personal training business at 4643 S. 108 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on May 31, 2022, 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, Stevan Dukic, d/b/a Bion Strength & Conditioning, resides at 7700 W. Morgan Ave., Milwaukee, WI 53220.
2. The property is owned by Forest Park Real Estate Co, LLC, 7170 W. Avian Ct, Franklin, WI 53132.
3. Bion Strength & Conditioning will occupy approximately 1,282 sq. ft. of the multitenant commercial building located at 4643 S. 108 St., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Lots 2, 3, 4 and 5 of Block 1 of Valley View Heights, a recorded subdivision, plus the East 1/2 of a vacated alley adjacent on the West, all being a part of the Southeast 1/4 of Section 19, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 609-0033-001

Said land being located at 4629-4649 S. 108 St.

4. The applicant is proposing to establish a personal training business within the existing multi-tenant commercial building.
5. The aforesaid premise is zoned C-4 Regional Business District under the Zoning Ordinance of the City of Greenfield, which permits All Other Personal Services 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. 108 St. corridor that is developed for commercial uses. Properties to the north, east, and south are developed as commercial. Properties to the west 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 Stevan Dukic, d/b/a Bion Strength & Conditioning, to establish a personal training business, to be located at 4643 S. 108 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 April 12, 2022 and by the Common Council on May 31, 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 Bion Strength & Conditioning will be 6:00am – 9:00pm, seven (7) days/week.
4. Off-Street Parking. The proposed personal training business tenant requires seven (7) off-street parking spaces. Remaining tenant spaces require sixty-five (65) off-street parking spaces. Sixty-nine (69) 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 spays 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.

Stevan Dukic, d/b/a Bion Strength & Conditioning

Forest Park Real Estate Co, 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 31st day of May, 2022.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk