

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

A. Call to Order & Roll Call

The meeting was called to order by Mayor Neitzke at 7:05 PM.

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

Also present: Brian Sajdak, City Attorney; Jeff Katz, Director, Neighborhood Services; Jennifer Goergen, City Clerk; Andrew Stern, City Planner.

B. Opening Prayer

An opening prayer was given by Pastor Rogers.

C. Pledge of Allegiance

D. Approval of the June 21, 2022 Common Council minutes

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

E. Mayor's Report

F. Aldermanic Reports

Alderperson Collins reported that the Concert Series at Konkell Park has been going very well. A tribute for the fallen officer, Matthew Rittner, will be happening at 10 AM - 12 PM on Saturday, September 10th, 2022 in front of the bakery in Downtown Greendale. From 10:15 AM to 11:00 AM, they will have the cover band, Eric Look Band. At 11 AM, the band will play their song that they wrote for Mr. Rittner. Mr. Rittner was a City of Milwaukee police officer, but he did go to Greenfield High School. The City of Franklin and the City of Greenfield K9 units will be doing demonstrations.

Mayor Neitzke commented that Mr. Rittner played Little League in Greenfield when he was younger. There was supposed to be a concert at Konkell Park last Friday night, but the weather didn't cooperate and we are trying to get it rescheduled.

G. Announcements

Alderperson Bailey said that the Tree Commission will have a booth at the Farmer's Market at Konkell Park on Sundays from 10 AM to 2 PM and the City Forester hosts a butterfly exhibit there as well.

Alderperson Akers said that the fireworks were well attended. Mayor Neitzke commented that something happened with the grand finale that they are still trying to figure out.

H. Citizen Commentary

Mayor Neitzke said that Ken Lewis; Krystyna Zuzanski; and Mary and Tony Hart; Judy and Bob Michalski; Curt Hart; and Kari Kegley signed up but will speak later under the related public hearing items.

Mayor Neitzke commented that Council cannot engage with the citizen in conversation. The citizen's comments are placed into the record. If an answer is needed, the appropriate staff member will reach out.

Rich Bartz, 8700 W. Forest Home Avenue, spoke about the traffic into his subdivision from the parking lot at Cho's Karate and at KinderCare and how drivers disregard the street signs. He's been hit almost three times while walking his dog due to drivers speeding and cutting through his subdivision. He has a couple of proposals and both would require 87th Street to become a dead-end road for traffic. The infrastructure of the road would be unchanged; a lawn barrier with reflectors and a pedestrian and bike path would be on top of the street. This would deter the vehicle traffic through the subdivision. There are other entrances and exits to the subdivision. Mr. Bartz said he is willing to purchase it from the City and make it part of his tax structure, so it wouldn't be a thoroughfare anymore. He asked for someone from the City to contact him. He said that County Executive, David Crowley, has 19 million dollars for mixed affordable housing for the

suburbs of Milwaukee County. Mr. Bartz said that he is opposed to having lower income housing mixed with housing that people had to work hard for and then property values would decrease. He is opposed to having property values decreased within the City of Greenfield.

Jerry Ramos, architect for 4969 S 27th Street, expressed his thanks to the City for partnering with the Philippine Cultural and Civics Center at the Zablocki Pavilion. They have a backpack day and on August 27th, they are having a Health Fair. The City of Greenfield Police and Fire Departments will be there to educate the children.

Richard Riesch, 9115 N Bottsford Avenue, said that Greenfield has been doing a wonderful job for the community and thanked the Greenfield Police Department for keeping our streets safe.

Mayor Neitzke mentioned the officer involved in a chase and was shot has returned to duty. He appreciates the prayers, comments, and support and knows that the Police Department looks at the comments.

I. Public Hearings

1. Public Hearing on a Special Use Permit for Vape City Tobacco In Greenfield, a proposed tobacco and CBD retailer to be located at 4969 S. 27 St., submitted by Raed Adel Atshan, d/b/a VCT on 27th LLC. (Tax Key No. 622-0006-000) (PC-6/14/22 Kastner)

The public hearing was opened at 7:24 PM.

Andrew Stern, City Planner, presented the site information, description of business, hours of operation (staff recommended hours be changed from open 24 hours to 8 AM - 10 PM), parking, site improvements, and the Plan Commission recommended denial of the Special Use Permit at the June 14, 2022 meeting. There weren't any letters of objections received.

Richard Bartz, 8700 W. Forest Home Avenue, spoke against and said that there were already four in our community and in the surrounding communities seven more. He spoke about the problems with vaping and tobacco use with children. He is opposed to adding new CBD stores.

Mr. Jerry Ramoz, is the architect of 4969 S. 27th Street, MS and Associates, and spoke on behalf of the applicant. He said that the store would close at 10 PM and is requesting for 6 AM openings. For signs, they can only have two, so they are eliminating the Vape City Tobacco Outlet sign. The other sign will have the logo. The signs they want for approval are the signs on the east elevation (front elevation) and the second sign is the logo on the pediment.

Motion by Alderperson Akers, seconded by Alderperson Kastner to close the public hearing at 7:30 PM. Motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for Vape City Tobacco In Greenfield, a proposed tobacco and CBD retailer to be located at 4969 S. 27 St., submitted by Raed Adel Atshan, d/b/a VCT on 27th LLC. (Tax Key No. 622-0006-000) (PC-6/14/22 Kastner)

Mayor Neitzke said that the resolution should incorporate the staff comments regarding the hours of 8 AM - 10 PM as opposed to 24 hours a day, 7 days a week.

Motion by Alderperson Collins, seconded by Alderperson Kastner to approve with staff recommendations regarding the hours (8 AM - 10 PM, every day).

Under discussion, the Council discussed the staff's recommended hours, the requested hours, and the hours for Paul's Wine & Liquor 2 store, which is in the same building. Mayor Neitzke asked if there would be hookahs and Mr. Stern confirmed that there will not be smoking on site.

On a roll call vote, motion carried unanimously.

- b. Approve a Site Plan Review for Vape City Tobacco In Greenfield, a proposed tobacco and CBD

retailer to be located at 4969 S. 27 St., submitted by Raed Adel Atshan, d/b/a VCT on 27th LLC. (Tax Key No. 622-0006-000) (PC-6/14/22 Kastner)

Mayor Neitzke said that the building is already built and the signage is the issue. Alderperson Akers and the Mayor discussed the parking lot and the possible issuance of a conditional occupancy permit until they can get an asphalt contractor. Mayor Neitzke continued that there would be no signage on Holmes Avenue. Mr. Ramos confirmed that the only signage would be on S. 27th Street, which is the east side of the property. Mr. Stern said that the Plan Commission recommended two wall signs to follow the sign code. Mr. Ramos clarified that right now on the east elevation, there is one sign and right now they are trying to duplicate the logo to be on the other pediment so that it looks balanced. The Council discussed the sign placement and where the entrance would be.

Alderperson Kastner said that the Plan Commission denied taking out the other two doors to make the building look more symmetrical and to fit the user. The Vape City and Tobacco World signs make it look like two separate tenants are there. Alderperson Kastner asked about the monument sign and Mr. Ramos clarified that it would be on the corner of Holmes Avenue and 27th Street.

Mayor Neitzke said that, originally, the building had three tenants and each tenant would have their logo over the entrance. Since Vape City will be the tenant for the entire building and their main entrance is the north door, their logo should go above that doorway.

Motion by Alderperson Bailey, seconded by Alderperson Kastner to approve two signs and staff can choose the signage locations. On a roll call vote, motion carried 4-1, with Alderperson Saryan opposed as she would like one sign. Those in favor were Alderperson Collins, Alderperson Bailey, Alderperson Kastner, Alderperson Akers.

2. Public Hearing on an Ordinance to amend the official Greenfield Zoning Map by rezoning a portion of the property located at 4555 W. Forest Home Ave. from C-3 Highway and Commercial Service Business District to C-2 Community Commercial District and a Public Hearing on a Special Use Permit for Kalibres Restaurant & Bar, a proposed full-service restaurant to be located at 4555 W. Forest Home Ave., submitted by Alejandro Hernandez d/b/a Kalibres Restaurant & Bar LLC. (Tax Key No. 531-0000-900). (Tax Key No. 531-0000-900) (PC-6/14/22 Kastner)

Mayor Neitzke talked about the Public Hearing Registration Slips, and he combined the Zoning Map changes with the Special Use Permit slips. Gerry Ramos, 4969 S 27th Street, may have filled out the wrong form but he left.

The public hearing was opened at 7:47 PM.

Mr. Stern presented the service size (half-service going to a full-service restaurant), site information, description of business, hours of operation, customer and staffing numbers, food truck business, parking, site improvements, and recommendations from the Plan Commission. There was one letter of objection received to date.

Mayor Neitzke introduced Mark Kurzynski, 4520 W. Midland Drive; Milwaukee, spoke for information only. He had concerns about outside eating and music, cleaning up the alley that had graffiti on the fence, hours of operation, and noise (he mentioned the noise from the car show there that was two weeks ago). He commented on the last minute notice he received about the public hearing.

Mayor Neitzke introduced Barb Schumann, 4548 W. Midland Drive, who was registered in favor. Barb said that she is not adverse to a new business as long as it is well kept and managed (taking care of alley, trash, and graffiti). She said she had concerns about the hours of operation and was opposed to

their 2 AM close.

Mayor Neitzke read the opposition email received from hearings@greenfieldwi.us from Margaret Tracey. He read that she was opposed to a bar and the noise it brings.

The Mayor introduced David Firkus, 3119 S. 46th Street, who registered to speak against the Special Use Permit. He stated that he had the same complaints as Ms. Tracey and that there are two bars very close by (Sobo's and a corner bar) and they are very noisy at night.

Next, Mayor Neitzke introduced Curtis Hart, 4454 W. Midland Drive, Milwaukee; who was registered to speak against the rezoning and the Special Use Permit. Mayor Neitzke asked if he was opposed to them combining lots and the Special Use Permit. Mr. Hart clarified he was opposed to the Special Use Permit and not the rezoning. Mr. Hart continued that he had issues with the Burger King that was there and questioned why they didn't receive a notice, as the United Senior Center and Mian's gas station asked the neighboring residents their opinions on serving alcohol. The residents were opposed due to the alley and children being present. He has concerns about the fence eroding and grass cutting. He said that he contacted the City of Greenfield and spoke to someone in zoning and they said that they would get someone to fix the fence and cut the grass, but no one came out. Mr. Hart said that the neighbors fixed the fence with wire and cut the grass. The fence is not going to hold and that was not in the site improvements. He continued with his concerns about tree erosion by the drive-through, a gaping hole, the graffiti on the fence, and the safety issues regarding the neighboring business being held up at gun point. He is against the bar, not the restaurant. He asked the Council if they could hold off their decision until all the neighbors could voice their concerns.

Mayor Neitzke introduced Mark Borkowski, 3650 S. Sunset Drive, Milwaukee; who was representing the Milwaukee residents and was registered to speak against the Special Use Permit. Mr. Borkowski stated that he was disappointed that he wasn't notified of the public hearing. He is opposed to a bar and the closing time at 2 AM.

Aldersperson Kastner asked how legal notices go out and Mayor Neitzke clarified that the City provides notice to Greenfield residents within 400 feet and if there is a nearby municipality, we send the notice to their city clerk and the city clerk is supposed to circulate the notice. Our records indicated notice was mailed to the Milwaukee Municipal Clerk on July 6, 2022. Typically, in the past, if there was a problem with Mian's or the Senior Center, staff encouraged the applicant to reach out to the neighboring residents to have a meeting so that concerns can be addressed before it goes to a public hearing. Mayor Neitzke apologized to the neighbors immediately adjacent to this property that didn't receive notice.

Mayor Neitzke said that car shows are an event that needs approval from the City and there is a process to do so. He said he was unaware of any licenses or permits issued that were referenced. Regarding the graffiti and fence maintenance, it becomes more complicated when the business closes and it isn't clear who owns the property.

Mr. Hart said that the graffiti was there for over a year and Burger King didn't fix it. Mayor Neitzke said that he appreciated the neighbors taking care of it and even though they reside in Milwaukee, they can still call him or staff about Greenfield issues. When properties become vacant, it becomes more complicated to get issues fixed. The decision cannot be postponed because Greenfield has followed what is statutorily required regarding proper notice, to which Brian Sajdak, City Attorney, said that he wouldn't recommend postponing since the law was followed.

Motion by Aldersperson Kastner, seconded by Aldersperson Akers to close the public hearing.

Aldersperson Kastner and Aldersperson Akers withdrew their motion.

Alejandro Hernandez, 4601 S. 1st Street, property tenant for Kalibres Restaurant and Bar spoke in favor.

Mayor Neitzke asked that he complete a registration slip after he is done speaking. Mr. Hernandez addressed the graffiti problem and said that the fence may be rebuilt or painted, the tree causing cracks will be torn down, asked for the hours of operation to be the legal limit, and hiring security. Mayor Neitzke said that the Special Use Permit could reduce or mitigate the legal hours for serving alcohol. Mr. Hernandez said that he would like to stay open until 2 AM on Friday and Saturday and 12 AM on the weekdays. Mayor Neitzke asked him about the car show and Mr. Hernandez said that there were cars there and he had a food truck but he didn't host an event. The noise came from car doors that were open and had music playing. Mr. Hernandez apologized for not planning ahead of time. Mayor Neitzke asked if the staff asked Mr. Hernandez to talk to the neighbors and he said not that he could recall. He said he understands that the landscaping plan has to go through Mr. Stern. Mayor Neitzke clarified that they cannot operate the food truck on the property until the Special Use Permit goes through.

Mayor Neitzke and Mr. Hernandez discussed rezoning, leasing, landlord and tenant responsibilities, and the property improvements.

No one else spoke for or against it or for informational purposes.

Motion by Alderperson Kastner, seconded by Alderperson Akers to close the public hearing at 8:29 PM. Motion carried unanimously.

- a. Approve an Ordinance to amend the official Greenfield Zoning Map by rezoning a portion of the property located at 4555 W. Forest Home Ave. from C-3 Highway and Commercial Service Business District to C-2 Community Commercial District. (Tax Key No. 531-0000-900) (PC-6/14/22 Kastner)

Motion by Alderperson Kastner, seconded by Alderperson Akers to approve.

Under discussion, Mayor Neitzke said that there doesn't seem to be any controversy regarding the rezone and group the parcels into one.

On a roll call vote, motion carried unanimously.

- b. Approve a Resolution for a Special Use Permit for Kalibres Restaurant & Bar, a proposed full-service restaurant to be located at 4555 W. Forest Home Ave., submitted by Alejandro Hernandez d/b/a Kalibres Restaurant & Bar LLC. (Tax Key No. 531-0000-900) (PC-6/14/22 Kastner)

Mayor Neitzke spoke about the hours of operation with Mr. Stern. Mr. Stern said the applicant requested the hours of operation to be Monday through Wednesday, 7 AM to midnight, and Thursday through Sunday would be 7 AM to 2 AM. Alderperson Akers expressed concerns about the location being near a residential area and hours. Mr. Stern confirmed that there were not any requests to have outdoor seating or dining. Mayor Neitzke asked the applicant if he understood that this was for indoor seating only and the applicant nodded. Mayor Neitzke continued that the applicant did not apply for an entertainment license which would include indoor (DJs and bands) and outdoor music, and those licenses would come before the Council. Mayor Neitzke stated that he wants Mr. Hernandez to understand that the property has to be better than what it was and be a better neighbor than it used to be. There is no objection to it being a great restaurant that's responsible and not noisy and improves the neighborhood, but there is great resistance to a restaurant that becomes a bar that's open until 2 AM, which has music blaring. Mr. Hernandez said that he wants his business to feel welcomed and he wants to keep his promise that he will do his best to make sure the business operates professionally and that he will not serve alcohol or food outside.

Motion by Alderperson Kastner to approve the hours of operation being Monday through Sunday 7 AM to 12 AM. Mayor Neitzke said that a landscaping plan consisting of what staff requested will

need to be provided within 45 days, understanding that sometimes doing that landscaping is difficult as fall and winter seasons start, but anything that staff would look at regarding the existing islands, vegetation, and planting would have to probably have to be installed by July 1, 2023. The fence is an immediate issue and the applicant has said that he is going to remedy that but the applicant will need to speak with Mr. Stern to make sure that the right fence is going in. Mayor Neitzke said that he is unsure about the erosion control and maybe it could be added to the landscaping plan. If there is any graffiti starting Tuesday, July 19, 2022, assuming it passes, it has to be immediately remediated. Mr. Stern clarified that the pylon sign has 24 months to become code compliant but the staff recommendation was requesting it to be taken care of before that. Mayor Neitzke said a year to do that. Mr. Hernandez replied that he wanted to take care of it this year. Mayor Neitzke said that any new graffiti needs to be covered and the fence needs to be fixed. Mr. Stern added that there is minor repainting over the former wall sign and removal of the drive-through equipment, which is included within the Special Use Agreement. The applicant expressed that he may want to keep the drive-through and may apply later. Mayor Neitzke said that there are rules for having a drive-through but at this point, he cannot do the drive-through. He has up to a year to make that decision, but if he doesn't use it, it needs to be removed. Mayor Neitzke confirmed that the Special Use Permit would include these things that were recited and no car shows and no outdoor parties.

Alderson Collins advised Mr. Hernandez to reach out to the neighbors behind the property.

Mr. Stern said that he has a year to do the parking lot.

Alderson Akers said she is concerned about the hours of operation as this is a new business and there have been issues in the neighborhood already with it and would like the applicant to come back in a year to extend the hours. She is in favor of the hours going until 11 PM.

Motion by Alderson Kastner, seconded by Alderson Bailey.

Under discussion, Mayor Neitzke spoke about Greenfield bar hours and the experience with a supper club that turned into a bar and the problems it caused. He continued that it sounds like it would be approved as a restaurant, and not as a bar. If the applicant's dream was a bar, this probably wouldn't be the location.

On a roll call vote, motion fails 2-3, with Alderson Bailey and Alderson Kastner in favor. Those opposed were Alderson Collins, Alderson Akers, and Alderson Saryan.

Motion by Alderson Akers, seconded by Alderson Collins to approve the hours of operation being Monday through Sunday, 7 AM to 11 PM, the staff recommendations, and what was stated previously. On a roll call vote, motion carried unanimously.

- c. Approve a Site Plan Review for Kalibres Restaurant & Bar, a proposed full-service restaurant to be located at 4555 W. Forest Home Ave., submitted by Alejandro Hernandez d/b/a Kalibres Restaurant & Bar LLC. (Tax Key No. 531-0000-900) (PC-6/14/22 Kastner)

Motion by Alderson Kastner, seconded by Alderson Collins to approve as amended and discussed with the Special Use Permit and these requirements go in to the Special Use Permit as presented. Motion carried unanimously.

3. Public Hearing on a Special Use Permit for 7 Heaven Shop, a proposed tobacco and CBD retailer to be located at 6009 W. Layton Ave., submitted by Inas Kattoum d/b/a 7 Heaven Shop LLC. (Tax Key No. 618-9999-000) (PC-6/14/22 Kastner)

The public hearing was opened at 8:54 PM.

Mr. Stern 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.

Mayor Neitzke introduced Rich Bartz, 8700 W. Forest Home Avenue, who was speaking against. He referenced his previous comments from agenda item I1. He was opposed to having it in proximity to Greenfield High School.

No one else spoke for or against it or for informational purposes.

Motion by Alderperson Kastner, seconded by Alderperson Akers to close the public hearing at 8:59 PM. Motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for 7 Heaven Shop, a proposed tobacco and CBD retailer to be located at 6009 W. Layton Ave., submitted by Inas Kattoum d/b/a 7 Heaven Shop LLC. (Tax Key No. 618-9999-000) (PC-6/14/22 Kastner)

Motion by Alderperson Kastner, seconded by Alderperson Akers to deny.

Under discussion, Council said that the reason is because of the proximity to the Greenfield High School and this type of business in this space has been denied before. Mayor Neitzke said that in the event that someone occupies this space again for a Special Use Permit, they need to put a stormwater catch basin in their parking lot because it wipes out the entire corner.

On a roll call vote, motion carried unanimously.

- b. Approve a Site Plan Review for 7 Heaven Shop, a proposed tobacco and CBD retailer to be located at 6009 W. Layton Ave., submitted by Inas Kattoum d/b/a 7 Heaven Shop LLC. (Tax Key No. 618-9999-000) (PC-6/14/22 Kastner)

No action.

Mayor Neitzke said that the owner of the property needs to know that these issues are continuing to hamper the leasability of the property.

4. Public Hearing on an Ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 44** S. 92 St. from R-2 Single-Family Residential Conservation District to PUD Planned Unit Development District (PUD #3), submitted by Bill Ohm d/b/a Cobalt Partners, LLC., and Scott Yauck d/b/a Cobalt 92, LLC and RJ 92, LLC. (Tax Key No. 607-9981-003) (PC-6/14/22 Kastner)

The public hearing was opened at 9:01 PM.

Mr. Stern presented the site information, apartment details, PUD standards, setbacks, building heights, amenities, unit descriptions, parking, site improvements, and recommendations from the Plan Commission. The site plan would need the approval of the Common Council at a later date. To date, there are two letters of objection received.

Mayor Neitzke introduced Peter Warenda, 9136 W. Bottsford Avenue, who spoke for informational purposes only. Mr. Warenda asked about how many entrances on to 92nd Street.

Mayor Neitzke introduced Ken Lewis, 4334 S. 92nd Street, who spoke for informational purposes only. Mr. Lewis asked about increased traffic, access roads to the property, construction on 92nd Street, crime increasing, dog walking, and dog waste.

Mayor Neitzke introduced Greg and Jennifer Aschenbrenner, 9275 West Cold Spring Road, who signed up to speak for informational purposes only but didn't want to speak.

Mayor Neitzke introduced Marge Keske, 4332 S. 92nd Street, who signed up to speak for informational

purposes only, but she said she wanted to change it to be against based on what she seen already and her questions are the same as her neighbors.

Mayor Neitzke introduced Lee Reynolds, 9411 W. Cold Spring Road, who signed up to speak for informational purposes only. He said he wants to change it to be against it and asked about the Department of Natural Resources involvement, the wetlands, storm sewers installation, and a retention pond. Mayor Neitzke said that the previous developer and the City reached an agreement to alleviate flooding and sewer issues. As part of this development, it includes a storm sewer project. Jeff Katz, Director of Neighborhood Services, commented that there are plans for extensive sewer work, but it has not been approved yet.

Mayor Neitzke introduced Cliff Copass, 9500 W. Cold Spring Road, who signed up to speak for informational purposes only, and the Mayor said that Mr. Copass sent an email. Mayor Neitzke read Mr. Copass' written concerns, such as tenant audience, tax base increases, traffic, garbage, coyotes, and location. Mr. Copass spoke about those concerns as well.

Mayor Neitzke introduced the following residents as registered against but not speaking: Terri Schrieder, 9455 W. Cold Spring Road; Garry Schroeder, 9455 W. Cold Spring Road; Sandra Larscheidt, 9505 W. Cold Spring Road; Brad Schroeder, 9455 W. Cold Spring Road; Joel Jerominski, 8742 W. Whitaker Avenue; David Meyer, 8717 W. Whitaker Avenue; John Laczkowski, 4345 S. 91st Street; Linda Laczkowski, 4345 S. 91st Street; Judy Michalski, 9080 W. Bottsford Avenue; and Anthony Hart, 9069 W. Bottsford Avenue.

Mayor Neitzke introduced Jackie Lehn, 9000 W. Bottsford Avenue, who submitted an email in opposition. Her concerns were about not wanting apartments, traffic, and possible construction.

The Mayor introduced Mike and Nicole Loomis, 9020 W. Bottsford Avenue, they submitted an email in opposition. Their concerns were about low income housing, rentals, house value, traffic, and crime.

Mayor Neitzke introduced Krystyna Zuzanski, 9127 W. Allerton Avenue, who registered to speak against. She said that all her concerns have been voiced by her neighbors.

Mayor Neitzke introduced Mary Hart, 9069 W. Bottsford Avenue, who registered to speak against. She spoke about her property history, nearby apartments, traffic, vacancy rate, and single family preference.

Mayor Neitzke introduced Bob Michalski, 9080 W. Bottsford Avenue, who registered to speak against. He spoke about his property history, traffic, and he agreed with what his neighbors said.

Mayor Neitzke introduced Jarrod Dominiak, 4426 S. 92nd Street, who registered to speak against. He spoke about his concerns such as traffic, safety, crime, flooding, low-income housing, and house values.

Mayor Neitzke addressed the sewer concerns and said that maybe there should be a neighborhood meeting. The problems on the east side of the street and north by Plainfield Avenue, would be assisted with the sewer put in by this developer.

Mayor Neitzke introduced Susan Michalek, 9133 W. Bottsford Avenue, who registered to speak against. She spoke about flag markings, flooding, public safety services, short-term housing, traffic, and safety concerns.

Mayor Neitzke introduced Joan Jurkowski, 4265 S. 94th Street, and Jim Michalek, 9133 W. Bottsford Avenue. Both were registered as against but not speaking.

The Mayor introduced Shawn McGee, 9157 W. Cold Spring Road, who was registered as speaking against. He spoke about his concerns about speeding, safety, traffic, crime, and flooding.

Mayor Neitzke introduced Richard Riesch, 9115 W. Bottsford Avenue, who was registered as speaking against. He asked about the zoning and Mayor Neitzke explained the PUD and that it has specific requirements. Mr. Riesch said that he had concerns that Cobalt could be steamrolling Greenfield. He is opposed to condos and apartments and he wants to keep it zoned as single-family residential. His other concerns were traffic, safety, and flooding. Mr. Riesch talked about the notice and City Hall phone communications.

Mayor Neitzke introduced Tim Kern, 9225 W. Cold Spring Road, who was registered as speaking against. He spoke about his property history, traffic, safety, rentals, drainage, noise, building heights, crime, and patrolling.

Marge Keske, 4332 S 92nd Street, said she wanted to change her registration from information to against. She asked for it to be kept zoned as single-family residential. She spoke about her history, depreciation, tax bases, traffic, garbage, school attendance, crime, comparing Greenfield to West Allis, and rat infestation.

Mayor Neitzke introduced Jackie Reynolds, 9411 W. Cold Spring Road, who was registered as speaking against. She spoke about her history, noise, traffic, safety, flooding, apartments nearby, and crime.

Mayor Neitzke addressed the city's concerns such as assessments and levying taxes, growth needed, Southridge Mall, the number of households near 84th and Layton Avenue, 92nd Street's construction by the county, grants, Cobalt as a developer, the cost effectiveness between single family homes versus apartments, the sewer solution, the electric company and its lot, and the developments in the area.

Scott Yauck, Cobalt Partners, said that it is not subsidized or low-income housing. He continued to speak about unit costs, low density housing, townhouse style, 270 units, rental housing becoming the norm, and the intention was to design it as a townhouse to make it more of a neighborhood so that tenants would stay longer. They could adjust the three-story height down to two stories, if that was an issue. The rent will be more expensive than the Forte apartments, so he said he doesn't associate it with a lot of crime. Traffic studies would be a part of the planning. As this progresses, there could be neighborhood or informational meetings. The project could potentially absorb a bike path and sidewalks on 92nd Street, but it would have to be looked at since it is a county highway. There have been market studies and there is a lot of demand, so there are no concerns about it being vacant.

Aldersperson Akers asked about walkways and dog walking areas. Mr. Yauck explained that on the conceptual side, they have incorporated green space and walking space.

Mayor Neitzke explained the zoning public hearing process and compared this possible development to 84th South, such as waitlist, tenant longevity, average tenant age, units, and units in each building.

Aldersperson Bailey said that he would like to see the R2 single family housing here and asked if the market changed, would they be able to put single family housing. Mr. Yauck explained that he doesn't see it as an affordable option. He doesn't think the cost of materials will decrease enough and interest rates are increasing significantly. Aldersperson Bailey asked about how many single family houses could fit and Mr. Yauck estimated about 110-120, but it would depend on the lot size and if there would be circulation roads, there could be fewer.

Mayor Neitzke introduced John Laczkowski, 4345 S. 91st Street, who was registered as against but not speaking but, now, wanted to speak. He asked for clarification on PUDs, and the Mayor responded that a PUD is the most restrictive and defines what the development is, such as DNR and MMSD rules for water runoff, water quality, and water quantity; sanitary sewer easements, and the agreement to clean the sewers are defined in the PUD. Mr. Laczkowski asked if a requirement is that the PUD cannot cause a decrease in nearby property and Brian Sajdak, City Attorney, responded that it is not a requirement in

our statute. Mr. Sajdak expanded on the restrictiveness of the zoning and the PUD allows the City to impose higher standards like adding other amenities like dog parks and walking trails. We can only do that with the property owner's permission. Mr. Laczkowski asked if the PUD affected the house values around it. Mr. Sajdak said that we don't have that in our statutes. Mr. Laczkowski commented on the purpose of zoning and master plans if they are going to be changed. Mayor Neitzke explained Comprehensive Land Use Plans and rezoning.

Motion by Alderperson Kastner, seconded by Alderperson Akers to close the public hearing at 10:51 PM. Motion carried unanimously.

- a. Approve an Ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 44** S. 92 St. from R-2 Single-Family Residential Conservation District to PUD Planned Unit Development District (PUD #3), submitted by Bill Ohm d/b/a Cobalt Partners, LLC., and Scott Yauck d/b/a Cobalt 92, LLC and RJ 92, LLC. (Tax Key No. 607-9981-003) (PC-6/14/22 Kastner)
Motion by Alderperson Kastner, seconded by Alderperson Collins to approve as presented.

Under discussion, there was discussion about the flooding and water issues. Mr. Katz said that it can't go down Cold Spring Road and that's why it hasn't been fixed. Mayor Neitzke explained funding and the cost of fixing the problems of 92nd Street and this might be the best quality solution. Alderperson Bailey expressed his concerns and asked if there's a way to fix the sewers without a need for a developer. Mayor Neitzke spoke about eminent domain and that the developer was going to split the cost of fixing the sewer with the City instead of the City paying for all of the costs. Mr. Katz talked about the feasibility study and that we did not pay for the design.

On a roll call vote, motion carried 4-1 with Alderperson Bailey opposed. Those in favor were Alderperson Collins, Alderperson Kastner, Alderperson Akers, Alderperson Saryan.

5. Public Hearing on an Ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 2755-2775 W. Ramsey Ave. from C-1 Neighborhood Commercial District to C-3 Highway and Commercial Service Business District, submitted by Ali Elhashash. (Tax Key No. 691-9984-001) (PC-6/14/22 Kastner)

The public hearing was opened at 11:10 PM.

Mr. Stern 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.

No one else spoke for or against it or for informational purposes.

Motion by Alderperson Akers, seconded by Alderperson Collins to close the public hearing at 11:15 PM. Motion carried unanimously.

- a. Approve an Ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 2755-2775 W. Ramsey Ave. from C-1 Neighborhood Commercial District to C-3 Highway and Commercial Service Business District, submitted by Ali Elhashash. (Tax Key No. 691-9984-001) (PC-6/14/22 Kastner)
Motion by Alderperson Saryan, seconded by Alderperson Collins to approve. On a roll call vote, motion carried unanimously.

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.
- iii. One alternate member to the Tree Commission for a term to expire 5-1-24 (formerly Chloe Selkirt)
Place on next agenda.
- iv. One member to the Zoning Board of Appeals for a term to expire 5-1-23 (formerly Audrey Ellison)
Place on next agenda.

K. New Business

1. Claim received from Kassandra Saenz. (Goergen)
Referred to City's insurance company.
2. Approve applications for 2022-2023 operator licenses (Goergen)
Motion by Alderperson Akers, seconded by Alderperson Collins to approve. Motion carried 4-0 as Alderperson Bailey was excused.
3. Approve application for 2022-2023 Combination "Class B" fermented malt beverage and liquor license for Kalibres Restaurant & Bar LLC, Alejandro Hernandez, Agent, for the property at 4555 W. Forest Home Ave. (Kalibres Restaurant & Bar LLC), there will be storage in the back of the restaurant where all liquor will be stored. All liquor will be consumed inside the restaurant by the bar and dining area. Liquor will be displayed behind the bar located at 4555 W. Forest Home Ave. (Goergen)
Motion by Alderperson Kastner, seconded by Alderperson Collins to approve subject to hours consistent with Special Use Permit resolution hours. Motion carried unanimously. Alderperson Bailey is present at 11:17 PM.
4. Approve application for 2022-2023 Combination "Class B" fermented malt beverage & liquor license for TMS Catering Inc., Thomas John Schmitz, Agent, for the property at 5110 W. Loomis Rd. (Carl's Catering), two bars - one in each hall, one beer cooler, one storage room, located at 5110 W. Loomis Rd. (Goergen)
Motion by Alderperson Collins, seconded by Alderperson Akers to approve. Motion carried unanimously.
5. Approve application for 2022-2023 Entertainment license received from TMS Catering Inc., Thomas John Schmitz, Agent, for the property located at 5110 W. Loomis Rd. (Carl's Catering)(Indoor: bands & DJ's; Outdoor: n/a). (Goergen)
No action.
6. Approve applications for Amusement licenses to expire July 31, 2023. (Goergen)
Motion by Alderperson Akers, seconded by Alderperson Collins to approve. Motion carried unanimously.
7. Approve application for a Temporary Class "B" Beer & "Class B" Wine Retailer's License received from Greenfield Professional Fire Fighters Benevolence & Charities, 5330 W. Layton Ave., for Toasting for Charity Event on September 17, 2022 from 6:00 PM - 10:00 PM at 7215 W. Cold Spring Rd. (Goergen)

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

8. Approve a second driveway for access to a proposed garage, at the time a building permit for the garage is issued, at 4966 S 28th St. (BPW- 6/28/22- Bailey)

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

9. Approve a Planned Unit Development (PUD) Site Plan Amendment for a sunroom addition to a condominium within the Clayton Crest Terrace development located at 5425 S. 45 St., submitted by Christine Lucia, owner, and Shavonda Greene, d/b/a Champion Window Company of Milwaukee, LLC. (Tax Key No. 647-1149-000) (PC-7/12/22 Kastner)

Motion by Alderperson Kastner, seconded by Alderperson Akers to approve. On a roll call vote, motion carried unanimously.

10. Approval to authorize the Mayor to execute any and all documentation deemed necessary by DOT, the City Attorney or a title insurer insuring the transactions for conveyance of land and/or right-of-way to/from the State of Wisconsin DOT, Cobalt Loomis, LLC, and/or Milwaukee County in the vicinity of W. Loomis Rd. and the east-bound I-894 on-ramp within the 4300 block of W. Loomis Rd to facilitate the reconfiguration of S.T.H. 36, the I-894 on-ramp or the development of a medical office building at Loomis Crossing. (Porter)

Motion by Alderperson Kastner, seconded by Alderperson Collins to approve. On a roll call vote, motion carried unanimously.

11. Approve an Outdoor Special Event application for the CGL (Classic Lanes Greenfield) Fest event, to be located at 5404 W. Layton Ave., August 19-21, 2022. Application includes the following combination of licenses/permits: Outdoor Special Event, Extension of Premises, Food, and Commercial Building/Electrical/Plumbing. (Porter)

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

12. Approve a contract with C.W. Purpero for project number 2005 Honey Creek Stream Restoration. (Katz)

Motion by Alderperson Akers, seconded by Alderperson Collins to approve. On a roll call vote, motion carried unanimously.

Mayor Neitzke thanked Mr. Katz for the work that he's done to secure grant dollars.

13. Approve fund transfers between Engineering Division capital improvement accounts. (Katz)

Motion by Alderperson Akers, seconded by Alderperson Collins to approve. On a roll call vote, motion carried unanimously.

14. Approve a contract with Munson Inc. for DPW Yard Improvements. (Katz)

Motion by Alderperson Collins, seconded by Alderperson Akers to approve. On a roll call vote, motion carried unanimously.

15. Approval of schedules of disbursements in the amount \$3,472,848.01

Motion by Alderperson Saryan, seconded by Alderperson Collins to approve agenda items K15 and K16. On a roll call vote, motion carried unanimously.

16. Approval of mileage reimbursements in the amount of \$490.19.

Approved under agenda item K15.

17. The Common Council may enter into closed session pursuant to Wis. Stat. § 19.85(1)(g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice

concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved to discuss the following:

a. Monsanto PCB Class Action Settlement

Mayor Neitzke asked if the Council needed to go into closed session. Mr. Sajdak responded only if the Council needed to discuss beyond the recommendation. The recommendation is to participate in the settlement but object the scope of the release that is being requested. The Council did not go into closed session.

Mr. Sajdak presented the Monsanto lawsuit, such as business description, history, classes, settlement, and the permit.

Motion by Alderperson Kastner, seconded by Alderperson Akers to approve. On a roll call vote, motion carried unanimously.

18. Adjourn closed session and reconvene into open session.

No action.

19. Potential Securitization of Settlement Funds from the Distributor in the Opioid Litigation (Sajdak)

Mr. Sajdak presented the settlement background, funds, securing funds up front, and the final document. He recommends to authorize the City Attorney to communicate in those discussions.

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

L. Items for future agenda

M. Adjourn

Motion by Alderperson Akers, seconded by Alderperson Collins to adjourn at 11:30 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant
Distributed: 7/27/2022

RESOLUTION NO. 3866

Special Use Permit for Vape City Tobacco In Greenfield, a proposed tobacco and CBD retailer to be located at 4969 S. 27 St., submitted by Raed Adel Atshan, d/b/a VCT in Greenfield, LLC. (Tax Key No. 622-0006-000)

WHEREAS, Raed Adel Atshan, d/b/a VCT In Greenfield, 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 tobacco and CBD retailer at 4969 S. 27 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on July 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, Raed Adel Atshan, d/b/a VCT In Greenfield, LLC, resides at 2010 W. Edgerton Ave., Milwaukee, Wisconsin 53221.
2. The property is owned by Agya P. Sidhu, 4955 S. 27 St, Greenfield, WI 53221.
3. Vape City Tobacco In Greenfield will occupy the entire 3,900 sq. ft. commercial building located at 4969 S. 27 St., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Lot 6 in Block 1 and vacant street adjacent on the East in Van Dyke Brothers Subdivision, being Subdivision of a part of the South 1/ 2 of the Northeast 1/ 4 of Section 25, Town 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin

Tax Key No. 622-0006-000

Said land being located at 4969 S. 27 St.

4. The applicant is proposing to establish a tobacco and CBD retailer within the new construction commercial building.
5. The aforesaid premise is zoned C-2 Community Commercial District under the Zoning Ordinance of the City of Greenfield, which permits Tobacco Stores and All Other Miscellaneous Store Retailers 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. 27 St. corridor that is developed for commercial uses. Properties to the north, south, and east 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 Raed Adel Atshan, d/b/a VCT In Greenfield, LLC, to establish a tobacco and CBD retailer, to be located at 4969 S. 27 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 March 9, 2021, June 14, 2022 and by the Common Council on July 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 Vape City Tobacco In Greenfield will be 8am-10pm, seven (7) days/week.
4. Off-Street Parking. The proposed tobacco and CBD retailer requires twenty (20) offstreet parking spaces. Eighteen (18) 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 splay 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.

Raed Adel Atshan, d/b/a VCT In Greenfield, LLC

Agya P. Sidhu

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 July, 2022.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

ORDINANCE NO. 3002

Ordinance to amend the official Greenfield Zoning Map by rezoning a portion of the property located at 4555 W. Forest Home Ave. from C-3 Highway and Commercial Service Business District to C-2 Community Commercial District. (Tax Key No. 531-0000-900)

WHEREAS, the Common Council of the City of Greenfield conducted a public hearing in the Common Council Chambers of City Hall at Greenfield, Wisconsin, on Tuesday, the 19th day of July, 2022, at 7:00 p.m. or soon thereafter, upon a proposal to rezone a portion of the property located at 4555 W. Forest Home Ave. from C-3 Highway and Commercial Service Business District to C-2 Community Commercial 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-3 Highway and Commercial Service Business District to C-2 Community Commercial District to-wit:

The Southwesterly 38 feet of Lot 7 and Lots 8, 9 and 10 in Block 1 of Forestdale Park, a recorded subdivision, plus part of Lot 5 of Strothmann Subdivision, a recorded subdivision, all being a part of the Northeast $\frac{1}{4}$ of Section 14, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.

Said land contains approximately 36,590 square feet, or 0.84 acres of land, more or less, and is located at:

4555 W. Forest Home Ave. (Tax Key No. 531-0000-900)

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 19th day of July, 2022.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Cc: Engineering Division

RESOLUTION NO. 3867

Special Use Permit for Kalibres Restaurant & Bar, a proposed full-service restaurant, to be located at 4555 W. Forest Home Ave., submitted by Alejandro Hernandez d/b/a Kalibres Restaurant & Bar LLC. (Tax Key No. 531-0000-900)

WHEREAS, Alejandro Hernandez d/b/a Kalibres Restaurant & Bar 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 full-service restaurant at 4555 W. Forest Home Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on July 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, Alejandro Hernandez d/b/a Kalibres Restaurant & Bar LLC, resides at 10150 W. Plum Tree Apt 201, Hales Corners, WI 53130.
2. The property is owned by SCF RC Funding I, LLC, 47 Hulfish St Ste 200, Princeton, NJ 08542.
3. Kalibres Restaurant & Bar will occupy the entire 2,453 sq. ft. of the commercial restaurant building located at 4555 W. Forest Home Ave., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

The Southwesterly 38 feet of Lot 7 and Lots 8, 9 and 10 in Block 1 of Forestdale Park, a recorded subdivision, plus part of Lot 5 of Strothmann Subdivision, a recorded subdivision, all being a part of the Northeast $\frac{1}{4}$ of Section 14, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 531-0000-900

Said land being located at 4555 W. Forest Home Ave.

4. The applicant is proposing to establish a full-service restaurant within the existing commercial building.
5. The aforesaid premise is zoned C-2 Community Commercial under the Zoning Ordinance of the City of Greenfield, which permits full-service restaurant 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. Forest Home 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 Alejandro Hernandez d/b/a Kalibres Restaurant & Bar, LLC, to establish a full-service restaurant at 4555 W. Forest Home Ave., be, and is hereby granted on the following grounds:

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

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

1. Site and Landscaping Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site Plan and all other applicable conditions approved by the Plan Commission on June 14, 2022 and by the Common Council on July 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 Kalibres Restaurant & Bar will be 7:00am to 11:00pm, seven (7) days/week.
4. Off-Street Parking. The proposed full-service restaurant requires 25 off-street parking spaces. Thirty-nine (39) 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.

Alejandro Hernandez d/b/a Kalibres Restaurant & Bar, LLC

Max Ivanov, agent for SCF RC Funding I, 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 July, 2022.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

ORDINANCE NO. 3003

ORDINANCE TO AMEND THE OFFICIAL GREENFIELD ZONING MAP BY REZONING
THE PROPERTY LOCATED AT 44** S. 92 ST. FROM R-2 SINGLE-FAMILY
RESIDENTIAL CONSERVATION DISTRICT TO PUD PLANNED UNIT DEVELOPMENT
DISTRICT (PUD #3) (TAX KEY NO. 607-9981-003)

WHEREAS, a petition for zoning change having been filed to change the zoning on one (1) property from R-2 Single-Family Residential Conservation District, to a Planned Unit Development District, such Parcel being located on the 4400-block on the west side of S. 92 St., and such land being specifically located as listed in Table 1 in Section 1 below; and,

WHEREAS, the Plan Commission having reviewed the Planned Unit Development District # 3 petition and having found that the proposed Planned Unit Development District conforms to the standards for adoption of a Planned Unit Development District, and having recommended to the Common Council that the creation of Planned Unit Development District # 3 be approved; and,

WHEREAS, a Public Hearing having been held before the Common Council on July 19, 2022, and the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed Planned Unit Development District # 3 is consistent with the Comprehensive Master Plan of the City of Greenfield, Wisconsin, and contains more than five (5) acres; and,

WHEREAS, the Common Council having reviewed the petition and recommendation following the Public Hearing and having determined that the adoption of an ordinance to create Planned Unit Development District # 3 will promote the health, safety and welfare of the Community.

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

PART I: Section 21.04.0102 (Zoning District Maps) of the Municipal Code of the City of Greenfield, Wisconsin, is hereby amended to provide that the zoning district designation for the properties described below be changed from R-2 Single-Family Residential Conservation District, to Planned Unit Development District # 3, Planned Unit Development District # 3 being as is created under Part 2 of this Ordinance:

LOT 2 OF CERTIFIED SURVEY MAP NO. 8081, BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 6 NORTH, RANGE 21 EAST, CITY OF GREENFIELD, MILWAUKEE COUNTY, WISCONSIN.

Table 1: Planned Unit Development District # 3					
Tax Key Number	Address	Property Owner	Current Zoning	Proposed Zoning	Acreage
607-9981-003	N/A	Cobalt 92, LLC and RJ 92, LLC (As Tenants-in-Common)	R-2 Single Family Residential Conservation District	PUD # 3	25.48

PART II: Section 21.04.0451 of the Municipal Code of the City of Greenfield, Wisconsin, is hereby created to read as follows:

Section 21.04.0451 PLANNED UNIT DEVELOPMENT DISTRICT # 3

A. In General.

1. This Planned Unit Development District shall be constructed, operated and maintained as a mixed-residential development and shall be in conformance with Exhibit A attached hereto, and all applicable terms and provisions of the Municipal Code not enumerated herein and not contrary to the terms or provisions of this Ordinance, including, but not limited to such permits as are required under the Municipal Code for building permits, stormwater and erosion control, and the like. Conceptual development plans, certified survey maps, and detailed site, landscaping and architectural plans shall be forthcoming and shall receive separate approval of the Plan Commission and Common Council.

The plans contained in Exhibit A are only of sufficient detail as to satisfy the Plan Commission and the Common Council as to the general character, scope, and appearance of the District. All development within the District is subject to and conditioned upon the submittal and approval of more specific and detailed plans as each stage of development progresses.

2. Intent. In addition to the general intent for planned unit development districts identified in § 21.04.0401, it is the intent of the Planned Unit Development District # 3 to facilitate the development of a high-quality mixed-residential area and:

- i. All development within Planned Unit Development District # 3

shall comply with the zoning, construction, stormwater, erosion control and land division standards and requirements of the Municipal Code except as otherwise specifically set forth within this Ordinance.

ii. Accommodate the clustering of buildings on parcels of land under individual or multiple ownership.

iii. Provide for an arrangement of high-density, multi-family residential uses that are compatible in function, form and operation.

iv. Apply high-quality architectural and site design considerations whenever new principal and/or accessory structures are constructed.

v. Provide a safe, interconnected, and pedestrian-friendly network of public streets, private roads, sidewalks and trails throughout the District, and through this network, with the surrounding community.

vi. Provide sufficient off-street parking for all uses and properties which allows and encourages shared parking arrangements through the use of easements and other similar agreements.

vii. Be served by public sanitary sewer and water supply facilities.

viii. A Permitted Use lawfully existing and established with an existing principal building within the area of this Planned Unit Development District # 3 prior to and upon the effective date of this Ordinance shall remain as such Permitted Use and a conforming use; provided, however, that any future addition, expansion and/or enlargement to the use and/or amendment to any site plan for the use, may be permitted and/or granted only upon the consideration of all applicable standards for the review and approval of such permits and site plans, and the Planned Unit Development District Intent and District Standards in this Section.

ix. A Special Use lawfully existing and established within the area of this Planned Unit Development District # 3 prior to and upon the effective date of this Ordinance shall remain as such Special Use and a conforming use; provided, however, that any future amendment to the Special Use Permission, may be granted only upon the consideration of all applicable standards for the review and approval of Special Uses, and the Planned Unit Development District Intent and District Standards in this Section.

B. Uses.

1. Permitted Uses and Special Uses within Planned Unit Development District # 3 shall be as shown in Tables 21.04.0602 and 21.04.0603, which shall be amended as shown [NOTE: Uses not shown below shall be left blank indicating that they are not permitted or special uses within PUD # 3):

Permitted Uses	Special Uses
Multi-family residential	

C. It is the intent of Planned Unit Development District # 3 to establish the following:

1. Multi-family residential ranging from 10-15 units/acre.

Table 21.04.0451C
DEVELOPMENT STANDARDS

Type of Standard	Standard
Landscape Surface Ratio and Floor Area	
Minimum Open Space Ratio (OSR)	0.40
Lot Dimensional Requirements	
Maximum Gross Density	15 units/ acre
Minimum Front Yard (feet)	25
Minimum Side Yard (feet)	25
Minimum Side Yard on Corner Lot (feet)	25
Minimum Rear Yard (feet)	25
Minimum Distance Between Buildings (feet)	$\frac{3}{4}$ the height of the tallest building or 20 feet (whichever is greater)

In connection with the approval of Site Plans, the Plan Commission may waive the above Open Space Ratio and Floor Area or the Lot Dimensional Requirements or both within Planned Unit Development District # 3. The Plan Commission may consider the applicable standards in making such determinations.	
Maximum Building Height	
Principal Structure (stories/ft.)	3.0/30
Accessory Structure (stories/ft.)	Not to exceed height of principal structures
Upon approval of Site Plans, the Plan Commission may waive the maximum height regulations.	

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

PART V: This ordinance shall take effect and be in force upon its passage and on the day after its publication.

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

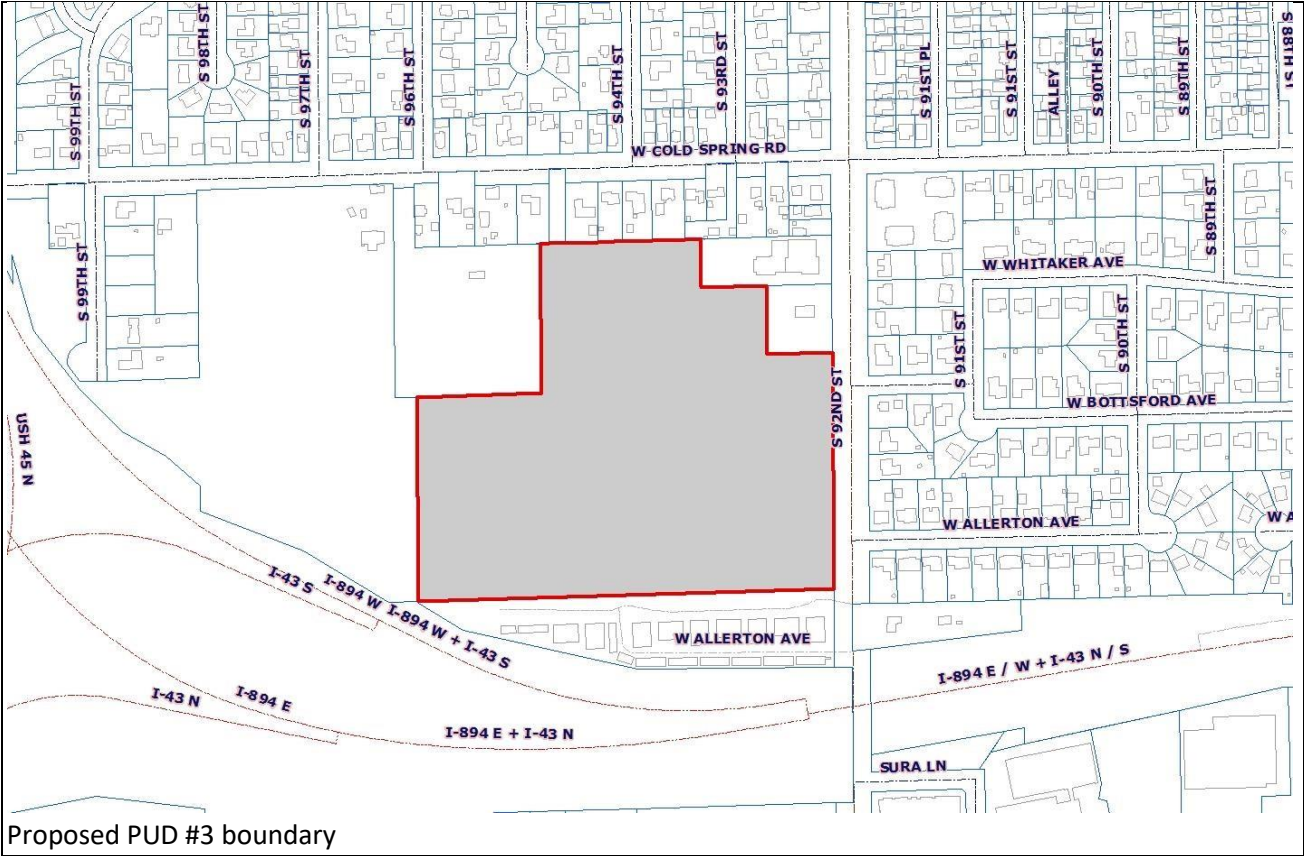
APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Exhibit A - PUD # 3 Site Figure



ORDINANCE NO. 3004

Ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 2755-2775 W. Ramsey Ave. from C-1 Neighborhood Commercial District to C-3 Highway and Commercial Service Business District, submitted by Ali Elhashash.
(Tax Key No. 691-9984-001)

WHEREAS, the Common Council of the City of Greenfield conducted a public hearing in the Common Council Chambers of City Hall at Greenfield, Wisconsin, on Tuesday, the 19th day of July, 2022, at 7:00 p.m. or soon thereafter, upon a proposal to rezone the property located at 2755-2775 W. Ramsey Ave. from C-1 Neighborhood Commercial District to C-3 Highway and Commercial Service Business District; and,

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

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

PART I. The Official Greenfield Zoning Map described in Section 21.04.0102 of the Municipal Code is hereby amended to provide that the following described land shall be and is hereby rezoned from C-1 Neighborhood Commercial District to C-3 Highway and Commercial Service Business District to-wit:

The West 160 feet of the East 370 feet of the North 175 feet of the Southeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin. Excepting therefrom the North 45 feet and the West 30 feet for public street purposes.

Said land contains approximately 16,988 square feet, or 0.39 acres of land, more or less, and is located at:

2755-2775 W. Ramsey Ave. (Tax Key No. 691-9984-001)

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

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

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

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

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Cc: Engineering Division