

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, JANUARY 17, 2023

A. Call to Order & Roll Call

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

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

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

B. Opening Prayer

An opening prayer was given by Pastor Steve Rogers.

C. Pledge of Allegiance

D. Approval of the January 3, 2023 Common Council minutes

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

E. Mayor's Report

F. Aldermanic Reports

G. Announcements

H. Citizen Commentary

I. Public Hearings

1. Public Hearing on a Special Use Permit for Qdoba Mexican Eats, a proposed restaurant to be located at 6245 S. 27 St., submitted by Kyle Bennehoff d/b/a Lingle Design Group and Ron Stokes d/b/a Roaring Fork LLC. (Tax Key No. 691-9841-017) (PC-11/8/22 Kastner)

The public hearing was opened at 7:05 PM.

Kristi Porter, Community Development Manager, presented the site information, description of business, hours of operation, parking, and recommendations from the Plan Commission. There weren't any letters of objections received.

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

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

- a. Approve a Resolution for a Special Use Permit for Qdoba Mexican Eats, a proposed restaurant to be located at 6245 S. 27 St., submitted by Kyle Bennehoff d/b/a Lingle Design Group and Ron Stokes d/b/a Roaring Fork LLC. (Tax Key No. 691-9841-017) (PC-11/8/22 Kastner)
Motion by Alderperson Collins, seconded by Alderperson Akers to approve agenda items I1a and I1b. On a roll call vote, motion carried unanimously.
- b. Approve a Site Plan Review for Qdoba Mexican Eats, a proposed restaurant to be located at 6245 S. 27 St., submitted by Kyle Bennehoff d/b/a Lingle Design Group and Ron Stokes d/b/a Roaring Fork LLC. (Tax Key No. 691-9841-017) (PC-11/8/22 Kastner)
Approved under agenda item I1a.

2. Public Hearing on a Special Use Permit for Smoke World Inc., a proposed CBD and tobacco store to be located at 4736 S. 76 St., submitted by Anan Barbarawi d/b/a Smoke World Inc. (Tax Key No. 617-0084-000) (PC-12/13/22)

The public hearing was opened at 7:07 PM.

Ms. Porter presented the site information, description of business, hours of operation, parking, site

improvements, and Plan Commission recommended denial. There weren't any letters of objections received.

Mayor Neitzke introduced the following as speaking in favor:

Said Mustafa, 8102 W. Tripoli Ave., spoke about his history with the company and his experiences working at the Oak Creek location.

Khal Aloul, 231 E. 105th St., Bloomington, MN, represented Bluewater Investment Group, which owns the building. He spoke about the building improvements, Smoke World's products, Smoke World's credentials, and he hopes that the Council will grant their license.

Sam Hana, 4776 S. 76th St., spoke in favor from a customer's perspective.

Alexandra Kovacs, 3462 N. 88th St., Milwaukee, WI, spoke in favor from a staff member's perspective. She spoke about the products they sell, and the atmosphere at the store.

Anan Barbarawi, the applicant and owner of Smoke World, spoke about the history of his business, selling novelties and gift items, being a responsible owner, the location, and that they offer products and alternatives that can help people quit tobacco products.

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 7:19 PM. Motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for Smoke World Inc., a proposed CBD and tobacco store to be located at 4736 S. 76 St., submitted by Anan Barbarawi d/b/a Smoke World Inc. (Tax Key No. 617-0084-000) (PC-12/13/22 Kastner)

Motion by Alderperson Bailey, seconded by Alderperson Collins to approve agenda items I2a and I2b.

Under discussion, Alderperson Saryan and Ms. Porter spoke about why it was denied at the Plan Commission. Mayor Neitzke confirmed that they were concerned about oversaturation, the availability of smoking and vape products, and the potential to transition from CBD to legalized marijuana.

Alderperson Saryan asked if there would be smoking inside the shop and Mr. Barbarawi responded that they don't allow smoking inside the store.

Mr. Barbarawi said that they are not in the marijuana business and that he has no interest in being in that type of business in the future.

Mayor Neitzke spoke about a moratorium and having a Legislative Committee meeting. He views this like a video store type of industry and sometimes the market does take care of the issue. He spoke about if this Special Use Permit doesn't go through and Mr. Aloul wants to have a different type of business that requires a Special Use Permit, the Site Plan Review process starts all over again.

Alderperson Bailey added that it is a legitimate business, Mr. Barbarawi doesn't have anything negative in his past history, and he works well with the police departments and the community.

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

- b. Approve a Site Plan Review for Smoke World Inc., a proposed CBD and tobacco store to be located at 4736 S. 76 St., submitted by Anan Barbarawi d/b/a Smoke World Inc. (Tax Key No. 617-0084-000) (PC-12/13/22 Kastner)
Approved under agenda item I2a.

J. Old Business

- 1. Appointments to various committees and commissions:
 - a. Mayor appointments, confirmed by Council:
 - i. One member to the Board of Review for a term to expire 5/1/2026 (formerly James Jaworowicz)
Place on next agenda.
 - ii. One alternate member to the Tree Commission for a term to expire 5-1-24 (formerly Chloe Selkirt)
Place on next agenda.

K. New Business

- 1. Excessive Assessment Claim received for Altera Greenfield LLC, 4131 W. Loomis Road. (Goergen)
Referred to Attorney Seibel.
- 2. Approve applications for 2022-2023 operator licenses (Goergen)
Motion by Alderperson Akers, seconded by Alderperson Collins to approve. Motion carried unanimously.
- 3. Approve application for a Temporary Class "B" Retailer's License received from St. John the Evangelist to sell fermented malt beverages at lenten fish fry to be held indoors on February 24th, 2023 from 3:30 PM to 7:00 PM in the gym at 8500 W. Cold Spring Rd. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis.Stat.125.07(3)(a)12. (Goergen)
Motion by Alderperson Bailey, seconded by Alderperson Collins to approve agenda items K3-K5.
Motion carried unanimously.
- 4. Approve application for a Temporary Class "B" Retailer's License received from St. John the Evangelist to sell fermented malt beverages at lenten fish fry to be held indoors on March 17th, 2023 from 3:30 PM to 7:00 PM in the gym at 8500 W. Cold Spring Rd. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis.Stat.125.07(3)(a)12. (Goergen)
Approved under agenda item K3.
- 5. Approve application for a Temporary Class "B" Retailer's License received from St. John the Evangelist to sell fermented malt beverages at lenten fish fry to be held indoors on April 7th, 2023 from 3:30 PM to 7:00 PM in the gym at 8500 W. Cold Spring Rd. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis.Stat.125.07(3)(a)12. (Goergen)
Approved under agenda item K3.
- 6. Approve Site and Architectural Plans for an enclosed patio at Lebnani House, an existing restaurant located at 5051 S. 27 St., submitted by Naser Abdel-Fattah d/b/a Lebnani House, Inc. (Tax Key No. 622-9946-001) (PC-1/10/23 Kastner)
Motion by Alderperson Kastner, seconded by Alderperson Collins to approve agenda items K6-K8.

Under discussion, Alderperson Akers asked if the patio is enclosed and if there would be music on the patio. Alderperson Kastner and Mayor Neitzke confirmed that the patio is enclosed.

Motion carried unanimously.

7. Approve Site, Landscaping and Architectural Plans for proposed new construction of a multi-family apartment complex to be located at 44** S. 92 St. (Lot 1), 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. 607-9981-006) (PC-1/10/23 Kastner)

Approved under agenda item K6.

Alderperson Bailey had concerns about agenda items K7 & K8 and the school districts. Mayor Neitzke responded that at this point and time, they are not going to seek the changing of the northern part, that is Whitnall, to make it Greenfield. He spoke about some of the southern properties being in the 84th South TID now.

Alderperson Akers asked if there is a sidewalk on 92nd Street and Alderperson Kastner and Mayor Neitzke confirmed that there is a sidewalk. Mayor Neitzke talked about the Plan Commission meeting where they spoke about the financial plan, and the sewer plan.

Mayor Neitzke said the quality of the construction will enhance the neighborhood.

8. Approve Site, Landscaping and Architectural Plans for proposed new construction of a multi-family apartment complex to be located at 44** S. 92 St. (Lot 2), 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. 607-9981-007) (PC-1/10/23 Kastner)

Approved under agenda item K6.

9. Discussion/decision regarding agreement with DigiQuatics for the Learn to Swim Program (1/11/23 F&HR S. Saryan)

Motion by Alderperson Collins, seconded by Alderperson Saryan to approve agenda items K9-K19 as presented. On a roll call vote, motion carried unanimously.

10. Discussion and decision to approve Forward Health Provider Agreement and Acknowledgement of Terms (1/11/23 F&HR S. Saryan)

Approved under agenda item K9.

11. Discussion and decision to approve update to Access One Contract for Greenfield Farmers Market (1/11/23 F&HR S. Saryan)

Approved under agenda item K9.

12. Discussion and decision to approve update to Wisconsin COVID-19 Vaccinator Site Enrollment (1/11/23 F&HR S. Saryan)

Approved under agenda item K9.

13. Discussion and decision to approve Uniform Affiliation agreement between the University of Wisconsin System and the Greenfield Health Department (1/11/23 F&HR S. Saryan)

Approved under agenda item K9.

14. Discussion and decision to approve Alliance for Wisconsin Youth (AWY) Independent Contractor Agreement (1/11/23 F&HR S. Saryan)

Approved under agenda item K9.

15. Discussion and decision to increase Police Clerk Typist pay by \$1.00 per hour effective January 2, 2023 (1/11/23 F&HR S. Saryan)

Approved under agenda item K9.

16. Discussion and decision to increase Emergency Service Dispatcher pay by \$1.00 per hour effective January 2, 2023 (1/11/23 F&HR S. Saryan)

Approved under agenda item K9.

17. Accept November 2022 financial statements. (1/11/23 F&HR S. Saryan)

Approved under agenda item K9.

18. Approval of mileage reimbursements in the amount of \$1,679.78. (1/11/23 F&HR S. Saryan)

Approved under agenda item K9.

19. Approval of schedules of disbursements in the amount of \$3,315,074.45. (1/11/23 F&HR S. Saryan)

Approved under agenda item K9.

L. Items for future agenda

Legislative Committee to investigate options for CBD and tobacco stores due to overabundance and public health and safety concerns.

M. Adjourn

Motion by Alderperson Akers, seconded by Alderperson Collins to adjourn at 8:03 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant

Distributed: 1/19/2023

RESOLUTION NO. 3894

Special Use Permit for Qdoba Mexican Eats, a proposed restaurant to be located at 6245 S. 27 St., submitted by Kyle Bennehoff, d/b/a Lingle Design Group and Ron Stokes, d/b/a Roaring Fork LLC. (Tax Key No. 691-9841-017)

WHEREAS, Kyle Bennehoff, d/b/a Lingle Design Group and Ron Stokes, d/b/a Roaring Fork 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 restaurant at 6245 S. 27 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on January 17, 2023, 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 agent, Ron Stokes d/b/a Roaring Folk LLC, has offices at 241 N Broadway Ste 501, Milwaukee WI 53202.
2. The property is owned by PH 6269 S 27th Street, LLC, 241 N Broadway Ste 501, Milwaukee WI 53202.
3. Qdoba Mexican Eats will occupy the entire 2,541 sq. ft. commercial building located at 6245 S. 27 St., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Lot 2 of Certified Survey Map No. 9270, being a part of the Southeast ¼ Section 36, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 691-9841-017

Said land being located at 6245 S. 27 St.

5. The applicant is proposing to establish a restaurant within the newly constructed commercial building.
6. The aforesaid premise is zoned PUD Planned Unit Development under the Zoning Ordinance of the City of Greenfield, which permits Full-Service Restaurants as a Special Use, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code.
7. 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, east, and west are developed as commercial.

8. 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 Kyle Bennehoff, d/b/a Lingle Design Group and Ron Stokes, d/b/a Roaring Fork LLC, to establish a restaurant, to be located at 6245 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 November 8, 2022 and by the Common Council on January 17, 2023. 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 Qdoba Mexican Eats will be 10:30am – 10:00pm, seven (7) days/week.
4. Off-Street Parking. The proposed restaurant requires twenty-six (26) off-street parking stalls. Twenty-nine (29) 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.

Ron Stokes d/b/a Roaring Fork LLC

Provided to applicant on the
_____ day of _____, 2023

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th
day of January, 2023.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 3895

Special Use Permit for Smoke World Inc., a proposed CBD and tobacco store to be located at 4736 S. 76 St., submitted by Anan Barbarawi d/b/a Smoke World Inc.
(Tax Key No. 617-0084-000)

WHEREAS, Anan Barbarawi d/b/a Smoke World Inc., 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 CBD and tobacco store at 4736 S. 76 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on January 17, 2023, 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, Anan Barbarawi d/b/a Smoke World Inc., has offices at 4736 S. 76 St., Greenfield, WI 53220.
2. The property is owned by Blue Water Investment Properties, LLC, 231 E 105th Cir, Bloomington, MN 55420.
3. Smoke World Inc. will occupy approximately 3,300 sq. ft. of the multi-tenant commercial building located at 4736 S. 76 St., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Lot 7 in Block 1 of Layton Heights, a recorded subdivision, and those parts of the vacated public street on the west, all being a part of the Northwest ¼ of Section 27, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin. Subject to and including easements.

Tax Key No. 617-0084-000

Said land being located at 4736 S. 76 St.

4. The applicant is proposing to establish a CBD and tobacco store 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 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. 76 St. corridor that is developed for commercial uses. Properties to the north, south, east, and west are developed as commercial.

7. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the application of Anan Barbarawi d/b/a Smoke World Inc., to establish a CBD and tobacco store, to be located at 4736 S. 76 St., be, and is hereby granted on the following grounds:

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

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

1. Site and Landscaping Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site Plan and all other applicable conditions approved by the Plan Commission on December 13, 2022 and by the Common Council on January 17, 2023. 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 Smoke World Inc. will be 9:00am – 10:00pm, seven (7) days/week.
4. Off-Street Parking. The proposed CBD and tobacco store tenant space requires seventeen (17) off-street parking spaces. Remaining tenant spaces require twenty (20) off-street parking spaces for a total of thirty-seven (37) off-street parking stalls required for the entire building. Twenty-three (23) off-street parking stalls are to be provided on site. The Common Council may waive the parking shortage.
5. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty-five (25) percent of the net glazed front window area per business premises. Rope/LED trim lighting shall not be allowed.
6. Public Nuisance. In accordance with Chapter 11 of the Municipal Code, Public Nuisances are prohibited. Public Nuisances include blighted properties due to an accumulation thereon of junk or other unsightly debris. Enforcement and abatement of public nuisances, including revocation of the Special Use Permit, may take place after three (3) or more nuisance activities have occurred at a premise on separate days during a one hundred and eighty (180) day period.

7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.
8. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields utilized to minimize light splay. Rope/LED trim lighting is not permitted.
9. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis.
10. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view by the existing fence/enclosure provided on site.
11. Pest Control. Exterior pest control shall be maintained at all times and pest control problems shall be addressed immediately.
12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.
13. Noxious Odors, Etc. The use shall not emit foul, offensive, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
14. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.
15. Deliveries and Refuse Pickup. The property will be required to abide by the City of Greenfield health/public nuisance rules per Chapter 12 of the Municipal Code. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.
16. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:
 - A. The applicant requesting the extension shall complete a planning application available from the Community Development Division and shall submit a \$350.00 special use permit review/amendment fee.

B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

17. Miscellaneous.

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code.

18. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Common Council. Upon a finding by the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the hearing recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

19. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of Greenfield, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

20. Acknowledgement. That the applicants sign an acknowledgment that he/she/they has/have received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Anan Barbarawi d/b/a Smoke World Inc.

Provided to applicant on the
_____ day of _____, 2023

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th
day of January, 2023.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk