MINUTES OF THE PLAN COMMISSION MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, APRIL 11 2023

1. The meeting was called to order at 6:07 p.m. by Mayor Neitzke

ROLL CALL:	Mayor Michael Neitzke	Present
	Ald. Karl Kastner	Present
	Mr. Brian Weis	Excused
	Mr. Steve Rogers	Excused
	Mr. Don Carlson	Present
	Mr. Zak Marshall	Excused
	Mr. Robert Krenz	Present
	Mr. Michael Braswell (alt.)	Present
	Ms. Danielle Wojak (alt.)	Present

ALSO PRESENT: Jeff Katz – Director, Department of Neighborhood Services

1. Roll Call

2. Approval of the minutes from the March 14, 2023 meeting.

Motion by Mr. Carlson, seconded by Mr. Braswell, to approve the March 14, 2023 meeting minutes. Motion carried unanimously.

3. Discussion regarding last Common Council meetings.

None.

4A. Special Use Permit for Naf Naf Middle Eastern Grill, a proposed limited-service restaurant, to be located at 5003 S. 76 St., submitted by Dustin Gasper and Danny Madanes, d/b/a Naf Naf Middle Eastern Grill. (Tax Key No. 616-0001-004)

4B. Site Plan Review for Naf Naf Middle Eastern Grill, a proposed limited-service restaurant, to be located at 5003 S. 76 St., submitted by Dustin Gasper and Danny Madanes, d/b/a Naf Naf Middle Eastern Grill. (Tax Key No. 616-0001-004)

Items 4A and 4B may be considered together.

Overview and Zoning
Naf Naf Middle Eastern Grill is proposing to lease space within the existing multi-tenant commercial building at 5003 S. 76 St. The restaurant will be franchised and operated by Mama's Restaurant Group LLC. The new restaurant would lease the remaining open tenant space, which is approximately 1,995 sq. ft. in area. The property is zoned C-4, which allows restaurants as a Special Use. The Special Use Permit previously approved for Dickey's BBQ in 2021 has expired, as permits were never pulled and the project did not move forward. A public hearing could be scheduled as soon as May 16, 2023.

Naf Naf Middle Eastern Grill is a Quick Serve Restaurant providing fresh made Middle

Easter food from its scratch kitchen Founded in 2009 in the western suburbs of Chicago. The Authentic Middle Eastern food at the restaurant includes fresh Baked pitas, Chicken Shawarma, Steak, Falafel, Crispy Chicken Schnitzel, Pita Sandwiches, Salad Bowls, Rice Bowls, Hummus Bowls, Baba Ghanoush bowls, fries, lentil soup, and baklava. This will be the third location in Wisconsin and first in Milwaukee County. This location will be able to serve 30 diners at a time in the restaurant in store and an additional 16 diners on the patio. The restaurant will on average serve 200 diners per day through a combination of in-store, delivery, pick-up, and catering.

Hours of operations are 10:30 am to 9:00 pm. Our locations employ a combination of 20 full time and part time employees.

Site and Landscaping Plan
The site is subject to review when the Plan Commission and Common Council consider Special Use Permits. The site appears to be in relatively good condition and no exterior modifications are planned, aside from adding signage to the building. The only concern staff had was the poor condition of the lawn strip adjacent to the building/parking lot and the driveway. Staff recommends the property owner restore this area before June 20, 2023.

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

Recommendation: Recommend Common Council approval of the Special Use Permit and Site Plan Review for Naf Naf Middle Eastern Grill, a proposed limited-service restaurant, to be located at 5003 S. 76 St., submitted by Dustin Gasper and Danny Madanes, d/b/a Naf Naf Middle Eastern Grill. (Tax Key No. 616-0001-004), subject to Plan Commission, staff comments, and the following conditions:

(Items 1 and 2 are required to be satisfied prior to the issuance of permits associated with the proposed work reviewed by the Plan Commission. Contractors applying for permits should be advised accordingly.)

1. A letter submitted to the Community Development Division stating that the lawn on the north side of the building will be restored by June 30, 2023.

2. A Fats, Oils, and Grease (FOG) Plan being submitted to the Plumbing Inspector for review and approval.

The applicants Dustin Gasper and Danny Madanes were present for discussion. Mayor Neitzke recommended that the applicants extend their requested business hours of operation from 10:30am - 9:00 pm to 7:00am – 10:00pm. He explained that, if the business decides to extend their hours in the future, they would need to come before Plan Commission again for approval. The Mayor recommended that the parking waiver proceed and he also noted that the property owner is prepared to finish the required landscaping.

Motion by Ald. Kastner, seconded by Mr. Carlson, to recommend Common Council approval of the Special Use Permit and Site Plan Review for Naf Naf Middle Eastern Grill, a proposed limited-service restaurant, to be located at 5003 S. 76 St., submitted by Dustin Gasper and Danny Madanes, d/b/a Naf Naf Middle Eastern Grill, (Tax Key No. 616-0001-004), subject to Plan Commission and staff comments, including the approved business hours of 7am – 10pm, and authorize a public hearing to be scheduled for May 16, 2023. Motion carried unanimously.

5A. Special Use Review for Hacienda Chivolin, a proposed full-service restaurant to be located at 5110 W. Loomis Rd., submitted by Floralia Tellez Ortiz, d/b/a Hacienda Chivolin Restaurant. (Tax Key No. 648-0031-003)

5B. Site Plan Review for Hacienda Chivolin, a proposed full-service restaurant to be located at 5110 W. Loomis Rd., submitted by Floralia Tellez Ortiz, d/b/a Hacienda Chivolin Restaurant. (Tax Key No. 648-0031-003)

Items 5A and 5B may be considered together.

Overview and Zoning

The applicant, Ms. Tellez-Ortiz, has entered into an agreement to lease the former Carl's Catering location at 5110 W. Loomis Rd. and proposes to operate a full-service restaurant and catering business, Hacienda Chivolin Restaurant. The proposed menu will be traditional Mexican cuisine. They anticipate proposed hours of operation for the business of 7am-2am, daily. They estimate they will have approximately eight employees, plus additional help from family. The restaurant's goal is to sell food inside, carry out, catering, bar services & entertainment. Capacity of the restaurant up to 300 clients. The applicant has over thirteen years of experience cooking Mexican cuisine. The previous Special Use Review approvals that came before the Plan Commission in 2022 are not moving forward. The property is zoned C-2 Community Commercial District, which allows full-service restaurants and catering businesses as a Special Use.

Site and Landscaping Plans

While the applicant didn't submit a site plan, the site is subject to Plan Commission review with the Special Use Review. Overall, the site was in good condition, with only moderate issues to address. There are a few older no cut-off luminaire lighting fixtures in the parking lot that staff recommends be replaced with total cut-off type luminaires. The existing pylon sign is located within the W. Loomis Rd. right of way. Staff recommends the pylon sign be removed within two (2) years. A code-compliant monument sign can be installed within the subject property, if freestanding signage is desired. Staff recommends the damaged gates on the refuse enclosure be repaired or replaced and the parking lot lines be restriped. This property also does not have an approved landscape plan on file. Staff recommends these issues be resolved prior to occupancy.

Staff recommends this item be expedited to the April 18th Common Council meeting.

Recommendation: Recommend Common Council approval of the Special Use Review and Site Plan Review for Hacienda Chivolin, a proposed full-service restaurant to be located at 5110

W. Loomis Rd., submitted by Floralia Tellez Ortiz, d/b/a Hacienda Chivolin Restaurant. (Tax Key No. 648-0031-003), subject to Plan Commission, staff comments, and the following conditions:

(Items 1 through 3 are required to be satisfied prior to the issuance of permits associated with the proposed work reviewed by the Plan Commission. Contractors applying for permits should be advised accordingly.)

1. A letter being submitted to the Community Development Division stating that the refuse enclosure gates will be repaired/replaced, the parking lot be restriped, the non-compliant lighting fixtures will be replaced with total cut-off luminaires, and a site lighting plan be submitted by May 2023, and the pylon sign will be removed by April 2025. The work associated with the letter shall be completed prior to a certificate of occupancy being granted.

2. A Fats, Oils, and Grease (FOG) Plan being submitted to the Plumbing Inspector for review and approval.

3. Add a seal coating to the parking lot by December 31, 2023.

The applicant Floralia Tellez Ortiz was present for discussion. Mayor Neitzke said that the property owner is aware of the required updates as designated by the site plan review. He explained how the City of Greenfield allowing her to lease the property is subject to the previous public hearing approval and it's also subject to the site plan requirements and improvements to the property that were agreed upon by the property owner. The Mayor explained that there was a public hearing and the owner made a commitment which was different from the current proposal, including Hacienda Chivolin's proposed hours of operation from 7:00am – 2:00am. Ms. Tellez Ortiz said that they have another restaurant and they want to extend their business to this location. Mr. Katz suggested that Ms. Porter should meet with the owner and go over the required improvements. Ald. Kastner explained that the applicant cannot begin operating the business before the updates are made and the business receives all required City of Greenfield approvals.

No vote.

6. Site and Architectural Plans for proposed construction of a patio and pergola at the Greenfield Public Library located at 5310 W. Layton Ave., submitted by Sheila O'Brien, Library Director. (Tax Key No. 602-9975-002)

Overview and Zoning

The Greenfield Public Library is requesting a patio and pergola addition to the front of the library, located at 5310 W. Layton Ave. The library board has been working for over 4 years on a project to construct a patio and pergola on the southwest library lawn near the entrance to the Children's Garden. The goal is to create outdoor seating and shade for library patrons and their families. In recent months, several generous donations have materialized that make it possible to move the project into the Library's current focus. This project will be 100% funded with private donations—no City funds will be utilized. The property is zoned I Institutional.

Site and Architectural Plans
The project will consist of decorative paver patio with natural stone pillars and seat walls. The materials may include both Beacon Hill flagstone on the right and left patios, and a paver called Artline in the middle. The pergola would be custom made of natural clear heart Western Red Cedar. There is an option of installing low voltage lighting on a timer.

The patio will be approximately 52' W x 19'D, arranged along the southwest corner of the library, outside of the library's Community Room and near the main entrance. The project will require the removal of 2 small trees (Columnar Oak), removal of 25' of existing sidewalk, and pouring a new sidewalk between the new patio space and the existing curb. The contractor expects the construction would take about 3.5 weeks.

Staff recommends that this item be expedited to the April 18, 2023, Common Council meeting.

Recommendation: Recommend Common Council approval of the Site and Architectural Plans for proposed construction of a patio and pergola at the Greenfield Public Library located at 5310 W. Layton Ave., submitted by Sheila O'Brien, Library Director. (Tax Key No. 602-9975-002), subject to Plan Commission and staff comments.

Motion by Ald. Kastner, seconded by Ms. Wojak, to recommend Common Council approval of the Site and Architectural Plans for proposed construction of a patio and pergola at the Greenfield Public Library located at 5310 W. Layton Ave., submitted by Sheila O'Brien, Library Director, (Tax Key No. 602-9975-002), subject to Plan Commission and staff comments, and authorize this item to be expedited to the April 18, 2023 Common Council meeting. Motion carried unanimously.

7A. Special Use Review for an ownership change to Mega Laundromat, an existing business located at 4101 W. Howard Ave., submitted by Amanda Ahmed, d/b/a Mega Laundromat. (Tax Key No. 575-8953-000)

7B. Site Plan Review for Mega Laundromat, an existing business located at 4101 W. Howard Ave., submitted by Amanda Ahmed, d/b/a Mega Laundromat. (Tax Key No. 575-8953-000)

Items 7A and 7B may be considered together.

Overview and Zoning
The applicant, Ms. Ahmed, and her husband have purchased the Mega Laundromat, an existing coin-operated laundromat located at 4101 W. Howard Ave. The business has 38 washers and 27 dryers onsite. They anticipate having 1-2 employees. The proposed hours of operation for the laundromat are 6am-9pm, daily. The property is zoned C-1 Neighborhood Commercial District, which permits coin-operated laundries as a Special Use.

Site Plan
A site plan was not submitted, but the site is subject to review when the Plan Commission and Common Council consider Special Use Reviews. Overall, the site was in fair condition when staff conducted a site visit. Issues staff observed include wooden curb stops pushed into the grass, leaning "no exit" sign on the S. 41 St. entrance, and faded parking lot striping. Staff recommends these issues are addressed before June 2023. Staff also recommends the addition of protective

bollards in the rear parking lot in front of the electrical panel and meters. The Fire Department also requests a Knox Box addition for the business.

Staff recommends that this item be expedited to the April 18, 2023, Common Council meeting.

Recommendation: Recommend Common Council approval of the Special Use Review and Site Plan Review for Mega Laundromat, an existing business located at 4101 W. Howard Ave., submitted by Amanda Ahmed, d/b/a Mega Laundromat. (Tax Key No. 575-8953-000, subject to Plan Commission and staff comments, and the following conditions:

(Item 1 is required to be satisfied prior to the issuance of building permits and/or Certificate of Occupancy associated with the proposed work reviewed by the Plan Commission. Contractors applying for permits should be advised accordingly.)

1. A letter being submitted to the Community Development Division from the property owner stating that the parking lot will be restriped, the “no exit” sign repaired, the curb stops restored to their proper locations, protective bollards added in front of the electrical panels, and a Knox Box added to the business by June 30, 2023.

Kabir Ahmed was present for discussion. Mr. Ahmed asked if parking is allowed by the wooden curb stops, and if not does he need to remove them. He asked if an architect could look at the parking lots and mark the parking spots. Mayor Neitzke said that the applicant should have an architect evaluate the restriping of the parking lots. The Mayor explained that parking is not allowed on the grass on Howard Ave. Mr. Katz mentioned that a sidewalk might be added in the future. Mr. Katz said that an architect will need to evaluate the parking lot and explained how parking in two directions plus an aisle usually requires 64 ft.

Mr. Ahmed asked for instruction regarding the bollards. Mr. Katz explained that the bollards should be placed in front of the electrical panels so that people don’t drive into them.
Mr. Ahmed noted that many of the meters are not working per WE energies and he wants time to work with WE energies to remove them.

Mayor Neitzke explained that parking is currently being allowed on City of Greenfield land because there isn’t much space along Howard Ave., but one day a sidewalk may be added.
Mr. Katz added that this is why parking is okay against the building but not on the street side.

The Mayor mentioned that the applicant will need to get in touch with the Fire Department to get a Knox Box before the City of Greenfield issues occupancy.

Motion by Ald. Kastner, seconded by Mr. Braswell, to recommend Common Council approval of the Special Use Review and Site Plan Review for Mega Laundromat, an existing business located at 4101 W. Howard Ave., submitted by Amanda Ahmed, d/b/a Mega Laundromat. (Tax Key No. 575-8953-000, subject to Plan Commission and staff comments, and authorize this item to be expedited to the April 18, 2023 Common Council meeting. Motion carried unanimously.

8. **Conceptual Plan for Layton Preserve, a proposed new construction multi-family development to be located in the vicinity of S. 99 St. and W. Layton Ave., submitted by Robert McCaigue, d/b/a Horizon Development Group, LLC. (Tax Key No. 607-9974-002)**

Overview and Conceptual Project

Horizon Development Group, Inc. ("Horizon") has submitted an application for a conceptual plan review for a new construction multi-family development, north of W. Layton Ave. at S. 99 St. Horizon currently has the 4.21-acre property under contract. The development would be called Layton Preserve. The site is already zoned Planned Unit Development – Residential (rezoned in October 2005), so no rezoning would be necessary. The conceptual plan review focuses on the site layout and building design. The proposed development includes a 38-unit three-story building that will be age-restricted (55+) and a mixture of market-rate and income-restricted units, with underground parking; and a 7-unit income-restricted townhome style building with detached garages. Horizon has submitted an application to the Wisconsin Housing and Economic Development Association (WHEDA) through a competitive tax credit application process for the 45-unit multi-family development. Application/projects are awarded based on a scoring process and the announcements are expected at the end of May.

Horizon is a Madison, Wisconsin-based group of companies specializing in full-service development, construction, and management of residential multi-family real estate. In its 39-year history, Horizon has completed more than $2 billion in construction and development projects, and manages a portfolio of nearly 3,000 units in the Midwest with an occupancy rate of over 97%. Horizon has a Milwaukee area office, located at 3900 S. Prairie Hill Lane in Greenfield, and has developed seven (7) projects in the City totaling 402 units since 1998. 263 of these units are located in the Woodland Ridge housing community located near 84th and Howard.

Through the WHEDA tax credit program, housing tax credits fund about 50-60% of project costs, which generally allow high-quality construction to be maintained similar to traditionally-funded projects. The WHEDA program also incentivizes energy efficient design practices, resulting in quality building systems, insulation, fixtures, etc.
The project, if awarded tax credits from WHEDA (Anticipated May 2023), would be substantially funded. The ownership structure would be 99.99% by a tax credit equity investor for a 15-year period (10 years tax credits, plus 5 years compliance). Following that period, the intention is for Horizon's ownership group to own and manage the property. The housing community would remain affordable for 30 years minimum as part of project funding requirements.

Layton Preserve will be managed locally by Horizon Management Services (HMS) and have management staff available on site. Like other properties, HMS staff would be available during posted office hours and assist with leasing and general property management functions. Horizon employs full-time maintenance technicians; one technician works out of Greenfield and would be responsible for servicing this property.

A full market study was completed for the proposed project to evaluate supply, demand, and market performance indicators. The market study determined there is adequate demand for the development including the following findings:

(1) High occupancy levels within Primary Market Area (PMA)

a. weighted average vacancy rate of 1.7% among **all** multifamily properties

b. 1.0% vacancy within Market Rate Independent Senior Properties

c. 1.2% among Subsidized (LIHTC Section 42) independent senior properties;

(2) based on the absorption rates of similar housing in the area, the absorption analysis has determined that Layton Preserve will reach 93% occupancy in 5 months; and,

(3) strong PMA demand, 1.2% penetration rate for the subject's independent senior units and 0.5% penetration rate for the subject's family units.

The 38-unit building will include a mix of one- and two-bedroom apartments, an on-site leasing office, a clubroom/lounge area, a fitness center, tenant storage lockers, and heated underground parking. The unit mix consists of 18 one-bedrooms planned at 800 square feet and 20 two-bedrooms planned at 1,000 square feet. All units will have energy-efficient appliances, in-unit washer/dryers, and private patio or balconies.

The income-restricted family townhomes will consist of seven (7) three-bedroom units, each approximately 1,350 square feet, with private entries. Units will have energy-efficient appliances, in-unit washer/dryers, and private patio/balcony space.

Layton Preserve will provide affordable rents to a variety of households and income demographics. The 38-unit age-restricted building will contain seven (7) market-rate units and 29 units rented to households with qualifying incomes at or below 60% of area median income, while the seven (7) family townhomes will be rented to households earning no more than 50% of area median income. In total, there will be 38 units of income-restricted housing and seven (7) units of market rate and age restricted.

Tenant income ranges for the project will vary depending on: (1) the unit being applied for – whether a 30%, 50%, 60% or market rate unit; and, (2) the household size, which may vary whether a senior living unit or family townhouse unit. Horizon Management Services will be the property manager and has extensive experience in the Greenfield area as well as tax credit compliance in general. Each applicant will undergo a background check and credit screening, as well as certification of household income per tax credit guidelines.

Layton Preserve will be required to follow current HUD estimated county median income. As an example, the estimated maximum 2022 Milwaukee County median income for a 1- or 2-person household applying for a 60% unit is $39,660 (1-person household) and $45,360 (2-person household). For a 50% unit (1, 2, or 3 bedrooms possible based on unit mix), the income limit would start at $33,050 (1 person) and increase based on number of household members. A 5-person household would have a 50% income limit of $51,000. Lastly, for a 30% unit, the estimated maximum 2022 Milwaukee County median income is $19,830 (1-person household) and $22,680 (2-person household). In summary, based on the household sizes mentioned, estimated household income ranges could be from $19,830 to $51,000.

Per Horizon, it is common for a range of local employment options to be represented in this income range, including education, fire, law enforcement, service industries, retail, and positions in manufacturing, industrial, and health care. The seniors that will live at this development (38 of 45 units) may be on fixed income (social security), pension or other retirement savings. Per Horizon, many qualifying households may come from a relatively short distance, meaning many of the units at Layton Preserve will serve those already in the community or surrounding area. Whether a senior who has lived in Greenfield for years and wishes to remain part of the community, or a family looking for an affordable option that is close to work, the project aims to serve a local market demographic and need. At Horizon's other properties (1 mile from the subject site) there are currently waiting lists of 54 and 61 for income restricted senior units, as well as a waiting list for 7 market rate senior units.

In terms of project costs and sources of funding, Horizon estimates a total project cost and local investment of $13,700,000. Anticipated/requested funding sources include Federal Home Loan Bank funding (application submitted), a permanent first mortgage, Milwaukee County ARPA funds, Milwaukee County Project Based Vouchers (application submitted), and affordable housing tax credit equity.

On a project like this, once/if a tax credit application is awarded, and if other financing commitments are achieved, the design, underwriting, and bidding/permitting process would begin right away, which would take several months to complete. Due to the confidence Horizon has in this location and bolstered by positive feedback from Horizon's numerous community partners, should Horizon receive favorable feedback from the City, and assuming a tax credit allocation via WHEDA in May of 2023, the goal would be to close and start construction by late fall 2023 on the 7-unit townhome building and begin construction on the 38-unit by spring 2022. This would allow buildings to be completed at favorable times of year for leasing purposes. The entire 45-unit project would be completed by spring 2025.

Horizon is seeking support for the conceptual plan to develop a 45-unit multi-family development at this site. If Horizon is awarded the tax credit application, they will bring final site, landscaping and architectural plans to the Plan Commission and Common Council for review and approval in the summer 2023.

Conceptual Site Plan Layout
The 4.21-acre parcel is currently zoned Planned Unit Development (PUD) – Residential. No rezoning or public hearing is necessary, simply a formal site, landscaping and architectural review process if Horizon chooses to proceed after the conceptual review. The proposed 45 units on 4.21 acres creates a gross density of 10.68 units/acre. The Zoning Code states that the maximum gross density allowed on a PUD-zoned parcel with straight residential use is 8 units/acre. The maximum gross density allowed on a PUD-zoned parcel with "residential housing for older persons" is 20 units/acre. The Layton Preserve proposal is a mixture of both of those uses, but 84% of the development is strictly for people ages 55 and older. The proposal doesn't meet the 8 units/acre max. gross density regulation, but the super majority of the development is dedicated for senior residents, which has a max. density of 20 units/acre, which this proposal would meet.

The property is set back 250 feet north of W. Layton Ave. and is situated around a designated city right-of-way of S. 99 St., running north/south, a cul de sac, and then W. Chapman Ave. running east/west. The condos east of S. 99 St. and the office building west of S. 99 St. utilize a driveway in the S. 99 St. ROW. That is not a road improved to City standards. The W. Chapman Ave. ROW (never improved) used to run further east, but was discontinued years ago. There is no long-term plan for it to continue east anymore. Horizon would ideally like the City to discontinue/vacate the cul de sac, W. Chapman Ave., and a small portion of S. 99 St. to allow for additional developable land (approximately 0.77 acres of land). This would also increase the base site area used in the formula to determine density, getting the number closer to 9 units/acre. City staff has met with Horizon to discuss the discontinuance process and supports that process if this development moves forward. Vacating the ROW would also provide more flexibility for the site layout and the need for Horizon to accommodate the Fire Dept's truck radius. Horizon's conceptual site plan does NOT show the ROW being discontinued/vacated, but they are seeking the Plan Commission's thoughts/comments on a future discontinuance.

The site has its limitations with a substantial amount of wetland covering the property. The proposed site plan layout situates the townhomes and detached garages north of the office building on the west side of the cul de sac. The 38-unit three-story senior apartment building is situatd north of the W. Chapman Ave. ROW, east of the cul de sac. This layout is subject to change if the ROW's are discontinued/vacated. Another challenge of the site is the need for storm water detention, which cannot take place in dedicated wetland. In addition, the wettest area in this vicinity is where the cul de sac ROW is located, which would be a substantial challenge if Horizon were required to maintain the dedicated ROW areas. The site shows 12 surface stalls for the townhomes, in addition to seven (7) detached garages, and a 26-surface stall parking lot for the 38-unit building. There are 38 underground parking spaces dedicated to the larger building. The zoning code requires that 50% of all parking be covered. The site plan identifies 45 covered spaces and 38 surface spaces, for a total of 54% of the provided parking being covered.

Architectural Plans

The two (2) proposed buildings mirror each other in design. Both have brick veneer bases with cast stone bands, a combination of horizontal composite siding and composite board and batten siding, vinyl windows, asphalt shingles, composite trim and fascia boards, and covered porches at the unit entries. Staff feels that some minor modifications can be made with material coverage, but the overall designs are a good start. The seven (7) townhomes are encompassed in a two-story building, and the 38-unit apartment building is a three-story design. The 38-unit building includes balconies on the north and south elevations.

This application is for conceptual plan review, where the Plan Commission is provided the opportunity to comment on a "preview" of a forthcoming formal application. The Plan Commission does not vote on conceptual plan review applications.

Mayor Neitzke said that, while this isn't a public hearing, he welcomes comments from neighbors including any concerns with the project. He mentioned that the ROW issue and the PUD issue regarding legal rights and responsibilities for the City and the developer will need to be addressed in the future.

Dan Heintz, 9850 W. Layton Ave., stated that he has density issue concerns and traffic concerns. He said that the association had a legal opinion drawn up which differed from the City's legal opinion. Mr. Heintz has concerns about the property being bordered on three sides. Mayor Neitzke asked, for the record, if the concern is regarding if S. 99 St. becomes a street and if there would be concern about the assessment associated with it. Mr. Heintz replied that yes, definitely that is a concern. Mr. Braswell suggested that the developer could meet with the neighboring residents. Mr. Heintz agreed that this would be a good option.

Robert McCaigue was present for discussion. He explained that, besides the wetlands, there are known soil issues from the 1950s and 1960s. He said that wetland consultants will perform a study in regards to the fill activities that have occurred at the site. Mr. McCaigue said that Chapman Ave. to the east was vacated with 84South, and the only access to the site is now from S. 99 St. He explained that this has been a challenge along with the ROW regarding the de-mapping to the east. Mr. McCaigue said that he had a discussion with Ms. Porter about keeping S. 99 St. and vacating the rest of it. He explained that Horizon Development Group, LLC wants to be a good neighbor and create a quality development.

The Mayor mentioned that the proposed townhomes are comparable to current townhomes, and the only difference is that these will be rentals. He likes the big, senior building in the back because it's shielded and hidden away. He said that the townhomes will spruce up an area that's depleted and will be an improvement to the current parking lot and power lines. Mayor Neitzke mentioned that he doesn't know if Layton Preserve really works well at the proposed location.

Mr. McCaigue said that, if Layton Preserve doesn't get developed, an alternative project wouldn't have the funding that Horizon has received from Milwaukee County. He explained how, in order to get this to be a developable state, there needs to be a lot of additional funding which Horizon has lined up.

Mr. McCaigue said that Horizon has a completed project called Walnut Glen in Wauwatosa, on Rivers Bend Dr., and the proposed project will be nearly identical except there's 101 units at Walnut Glen. He also mentioned Woodland Ridge, off of Howard Ave., which is another project that Horizon developed. He explained that Layton Preserve will be a carbon copy of Woodland Ridge, which is senior, age, and income restricted. Mr. McCaigue said that there are two buildings at Woodland Ridge, with over 100 residents on the wait list. He explained how these projects are necessary due to the current housing crisis. He said that he welcomes comments regarding site planning, architecture, and the next steps working with the City of Greenfield.

Ald. Kastner said that the biggest obstacle will be the installation of S. 99 St. Mayor Neitzke said that a landscaping plan will need to be presented at the next Plan Commission Meeting. Ald. Kastner mentioned that he would like a pedestrian pathway along S. 99 St. for people leaving the apartments to get to Layton Ave. and then the bike trail, and on to S. 108 St.

9. Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to Tobacco Stores and All Other Miscellaneous Store Retailers.

The City's Zoning Code allows Tobacco Stores (cigarette, e-cigarette, smokers supply stores, vape stores, etc.) as Special Uses in the C-1 through C-5 Commercial Districts, and in all PUD Districts. This is identified as NAICS Code Number 453991 in Section 21.04.0603 in the Zoning Code. The City's Zoning Code also allows what the NAICS Code system calls "All Other Miscellaneous Store Retailers" (Code 453998) as Special Uses in the C-1 through C-5 Commercial Districts, and in all PUD Districts. There are about 26 different retail stores listed under "All Other Miscellaneous Store Retailers." The City has made previous ordinance amendments specifically calling out one (1) particular use in similar NAICS codes and required a Special Use Permit for only one (1) of those many uses listed under one (1) Code. One (1) of the 26 various retailers under 453998 "All Other Miscellaneous Store Retailers" is "Marijuana stores, medical or recreational." On Monday, April 3rd, the City's Common Council Legislative Committee met to discuss a potential moratorium on all of these uses. The Committee was provided three (3) options on how to address these various retailers: (1) leave the Zoning Code as is, and require Special Use Permits for all new retail businesses that want to move into the City; (2) impose a moratorium (likely 6 months) that would require an ordinance to be drafted, providing a justification for the moratorium and research evidence of what concerns/problems these businesses may pose for the community; or (3) make a policy change and draft an ordinance and hold a public hearing that modifies the Zoning Code and simply does not allow these types of uses in the City anymore (NEW businesses—existing businesses become existing non-conforming uses). The Legislative Committee, on a 3-0 vote, directed staff to move forward with Option 3 and draft an ordinance that removes Tobacco Stores and All Other Miscellaneous Store Retailers in Greenfield.

The NAICS system occasionally updates and modifies their 6-digit codes. Both of these categories have been modified and the NAICS codes have changed since its last update in 2017. Code 453998 "Tobacco Stores" (listed in the current Zoning Code) has now been updated to 459991 and is called "Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers." This list now includes "Marijuana stores, medical or recreational," where that category used to be under "All Other Miscellaneous Store Retailers."

Code 453998 "All Other Miscellaneous Store Retailers" (listed in the current Zoning Code) has now been updated to 459999 with the same name. The difference is that it no longer includes "Marijuana stores, medical or recreational," but it now includes a new retail category of "Cannabidiol (CBD oil) retailers," which never existed. The NAICS system has made this modification to change with the times, as CBD is a newer type of industry.

The draft ordinance repeals the two (2) old/obsolete NAICS numbers of 453991 and 453998, and adds the two (2) new NAICS numbers of 459991 and 459999. The draft ordinance also makes the following amendments: (1) Code 459991 will be "blank" in Table 21.04.0603, indicating that it is no longer allowed in the City (again, existing retailers may continue business as usual and may switch ownership/tenancy); (2) Code 459999, "Cannabidiol (CBD oil) retailers ONLY" will be "blank" in Table 21.04.0603, indicating that it is no longer allowed in the City; and, (3) Code 459999 "except Cannabidiol (CBD oil) retailers" will require a Special Use Permit. Because there are a total of 26 retail types that fall under 459999, only CBD oil retailers will no longer be available. The other 25 will be allowed with a Special Use Permit. Here's a list of all 26 retailer users that fall under 459999 (and all 26 require a Special Use Permit today, that is not changing):

2007 NAICS	2012 NAICS	2017 NAICS	2022 NAICS	Index Entries for 459999
453998	453998	453998	459999	Architectural supply stores
453998	453998	453998	459999	Art supply stores
453998	453998	453998	459999	Batteries, except automotive, dealers
453998	453998	453998	459999	Beer making supply stores
453998	453998	453998	459999	Binocular stores
453998	453998	453998	459999	Cake decorating supply stores
453998	453998	453998	459999	Calendar shops
453998	453998	453998	459999	Candle shops
			459999	Cannabidiol (CBD oil) retailers
453998	453998	453998	459999	Cemetery memorial dealers (e.g., headstones, markers, vaults)
453998	453998	453998	459999	Closet organizer stores
453998	453998	453998	459999	Collectors' items (e.g., autograph, card, coin, stamp) shops (except used rare items)
454113	454113	454110	459999	Collectors' items (e.g., autograph, card, coin, stamp), mail-order houses (except used rare items)
453998	453998	453998	459999	Emergency preparedness supply stores
453998	453998	453998	459999	Fireworks shops (i.e., permanent location)
453998	453998	453998	459999	Flag and banner shops
453998	453998	453998	459999	Flower shops, artificial or dried
453998	453998	453998	459999	Home security equipment stores
453998	453998	453998	459999	Hot tub stores
453998	453998	453998	459999	Janitorial equipment and supplies stores
453998	453998	453998	459999	Monument (i.e., burial marker) dealers
453998	453998	453998	459999	Police supply stores
453998	453998	453998	459999	Religious goods (except books) stores
453998	453998	453998	459999	Swimming pool (above-ground) and supply stores
453998	453998	453998	459999	Trophy (including awards and plaques) shops
453998	453998	453998	459999	Wine making supply stores

Staff recommends that the draft ordinance proceed with a public hearing, which may be scheduled as early as May 16, 2023.

Recommendation: Recommend Common Council approval of the Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to Tobacco Stores and All Other Miscellaneous Store Retailers, subject to Plan Commission and staff comments, and schedule a public hearing for May 16, 2023.

Motion by Ald. Kastner, seconded by Ms. Wojak, to recommend Common Council approval of the Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to Tobacco Stores and All Other Miscellaneous Store Retailers, subject to Plan Commission and staff comments, and authorize a public hearing to be scheduled for May 16, 2023. Motion carried unanimously.

10. Community Development Manager Report

The Mayor said that the contractor working on the creek at Konkel Park hopes the project will be complete by Memorial Day weekend. He mentioned that Holey Mackerel has purchased the former River Falls Family Fun Center on Layton Ave. and is starting interior renovations. Holey Mackerel hopes to open in July and needs a public hearing passed in order to serve alcohol. Mayor Neitzke said that the first day of the Farmer's Market is Sunday, May 7th.

11. Adjournment.

Motion by Mr. Carlson, seconded by Mr. Braswell, to adjourn the meeting at 7:35 p.m. Motion carried unanimously.

Respectfully submitted,

Natalie Phillips
Administrative Assistant

Distributed April 17, 2023