

**MINUTES OF THE PLAN COMMISSION MEETING HELD AT THE
GREENFIELD CITY HALL ON TUESDAY, MAY 9 2023**

1. The meeting was called to order at 6:00 p.m. by Ald. Karl Kastner

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

ALSO PRESENT: Kristi Porter – Community Development Manager

1. Roll Call

2. Approval of the minutes from the April 11, 2023 meeting.

Motion by Mr. Carlson, seconded by Mr. Rogers, to approve the April 11, 2023 meeting minutes. Mr. Marshall abstained. Motion carried unanimously.

3. Discussion regarding last Common Council meetings.

There were four Public Hearings on April 18, 2023. Common Council approved the Public Hearings for Granny Smith Tattoo, Firefly Therapeutic Massage, and Weatherization Services LLC. No action was taken by Common Council regarding the communications tower to be located at 12100 W. Howard Ave. Ms. Porter said that she has not had any updates from the applicant.

4. Discussion regarding progress of the Chapter 21 Zoning Code re-write procedure with a brief presentation by ZoneCo representative Katherine Westaby.

Ms. Westaby from ZoneCo discussed the residential and commercial district recommendations from the Diagnostic Report. ZoneCo has created a calibration table with proposed residential and commercial districts standards based on the City's guidance, review of the zoning code, the built environment, and feedback from the stakeholders.

Ms. Westaby discussed whether or not to review, keep, or revise the proposed standards. Standards include lot dimensions (area, width, depth), setbacks (proximity of buildings to property lines), maximum lot coverage, open space requirement, and landscaping requirements. Additionally, she discussed off-street parking requirements and fencing standards. ZoneCo also reduced the Use Table with new definitions.

Katherine Westaby gave a presentation on the Zoning Code re-write procedure. She said that she had discussions with Ms. Porter and staff in the beginning stages of the re-write.

Ms. Westaby shared the ZoneCo philosophy that zoning should regulate only what needs to be regulated, and to advance the City's vision and promote public health, safety, and welfare. She explained how the rewrite should respect both existing and desired development patterns.

Ms. Westaby gave a brief update regarding why zoning code updates are important. She said that 1998 was the last time Greenfield had a major zoning code update. Ms. Westaby said that ZoneCo starts rewrites with a diagnostic reading and meets with staff to address recommendations. She described the land use goal as an organized land use pattern with unique identity, predominantly residential character, well planned and attractive developments, and distinguishable districts.

According to Ms. Westaby, the rewrite will incorporate recent updates, remove signage standards because a sign ordinance was recently updated, reformat and organize for clear consistency and make more user friendly. She said that the Permitted Use table is a key item to address in the next round of discussions. Ms. Westaby noted that greenfieldzoning.com is a reference for project updates and upcoming meetings along with other useful information.

- 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

This application was on the April 11, 2023 Plan Commission agenda. The Plan Commission did not vote/act on the application, requesting that the property owner be present at the May meeting and commit to the recommended site improvements. Staff has been in contact with the owner, who has made all of the requested immediate site improvements already, and has committed in writing, to address the remaining, more future, requested site improvements. The property owner will be present at the meeting. Site improvements include:

- Light heads have been replaced.
- Parking lot has been painted/stripped.
- The refuse enclosure has been replaced.

Pictures of the site improvements are included below. The project description remains the same as the April 11, 2023 staff report.

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. This property also does not have an approved landscape plan on file, which staff requests to be submitted by the end of the year. The Plan Commission has requested that the parking lot be seal coated in past reviews. Staff

recommends that it be completed by December 31, 2023. In addition, a FOG Plan shall be submitted to the Plumbing Inspector prior to occupancy.

Staff recommends this item be expedited to the May 16th 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 2 are required to be satisfied prior to the issuance of a Certificate of Occupancy being issued.)

1. A Fats, Oils, and Grease (FOG) Plan being submitted to the Plumbing Inspector for review and approval.
2. A letter being submitted to the Community Development Division stating that the pylon sign will be removed by April 2025.
3. A permit being applied for and work completed for seal coating the parking lot by December 31, 2023.

The applicant and property owner were present. Ms. Porter stated that she received written commitment from the property owner to complete the improvements as recommended.

Motion by Mr. Carlson, seconded by Mr. Rogers, to 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 authorize this item to be expedited to the May 16, 2023 Common Council meeting. Motion carried unanimously.

6. Architectural Plans for proposed installation of windows at Alta View Vet Clinic, an existing business located at 7330 W. Forest Home Ave., submitted by Cameron Arnett, d/b/a Alta View Vet Clinic. (Tax Key No. 604-9997-000)

The owner of Alta View Vet Clinic is proposing to install three (3) small, aluminum framed windows with dark bronze insulated glazing to the building's north elevation. The windows will be 2 ft. high x 1 ft. 4 inch wide. The existing brick face will be cut, trimmed and patched. Staff recommends approval and that the application be expedited to the May 16, 2023 Common Council meeting.

Recommendation: Recommend Common Council approval of the Architectural Plans for proposed installation of windows at Alta View Vet Clinic, an existing business located at 7330 W. Forest Home Ave., submitted by Cameron Arnett, d/b/a Alta View Vet Clinic (Tax Key No. 604-9997-000), subject to Plan Commission comments.

Motion by Ald. Kastner, seconded by Mr. Weiss, to recommend Common Council approval of the Architectural Plans for proposed installation of windows at Alta View Vet Clinic, an existing business located at 7330 W. Forest Home Ave., submitted by Cameron Arnett, d/b/a Alta View Vet Clinic (Tax Key No. 604-9997-000), subject to Plan Commission and staff comments, and authorize this item to be expedited to the May 16, 2023 Common Council meeting. Motion carried unanimously.

7. Certified Survey Map for proposed land combination of 6521 W. Layton Ave. and a portion of 6531 W. Layton Ave., submitted by Gary Januszewski, d/b/a HDC Contractors. (Tax Key Nos. 618-9983-011 and 618-9983-012)

The applicant owns the large 14.89-acre property immediately south of House of Harley, mostly vacant other than a rental home in the front along W. Layton Ave. This property is also immediately west of the Chapel Hill Memorial Park cemetery, which fronts S. 60 St., and was once part of the cemetery property. Mr. Januszewski would someday like to develop his near 15-acre site, likely with multi-family. In preparation, he has approached Grand Appliance and TV to purchase the rear 0.91 acres of their parcel to better square off his parcel. The proposed CSM shows the Grand Appliance parcel (Lot 2 located at 6531 W. Layton Ave.) being reduced from 1.76 acres to 0.85 acres; and Mr. Januszewski's parcel (Lot 1 located at 6521 W. Layton Ave.) being increased in size from 14.89 acres to 15.80 acres.

The new rear lot line for Grand Appliance leaves a 20.5 ft. rear yard setback. That parcel is zoned C-2 Neighborhood Commercial District and requires a 20-ft. rear yard setback, so the proposal maintains compliance for the Grand Appliance parcel.

The Engineering Division has reviewed the proposal and has shared comments from staff and Milwaukee County with the surveyor. Staff recommends approval and recommends this item be expedited to the May 16, 2023 Common Council meeting.

Recommendation: Recommend Common Council approval of the Certified Survey Map for proposed land combination of 6521 W. Layton Ave. and a portion of 6531 W. Layton Ave., submitted by Gary Januszewski, d/b/a HDC Contractors (Tax Key Nos. 618-9983-011 and 618-9983-012), subject to Plan Commission, staff comments and the following conditions:

(Items 1 through 3 are required to be satisfied prior to the recording of the Certified Survey Map.)

1. A revised Certified Survey Map being submitted to the Engineering Division, if applicable.
2. A \$30.00 fee payable to City of Greenfield for the CSM recording fee.

Motion by Mr. Weiss, seconded by Mr. Krenz, to recommend Common Council approval of the Certified Survey Map for proposed land combination of 6521 W. Layton Ave. and a portion of 6531 W. Layton Ave., submitted by Gary Januszewski, d/b/a HDC Contractors (Tax Key Nos. 618-9983-011 and 618-9983-012), subject to Plan Commission, staff comments, and authorize this item to be expedited to the May 16, 2023 Common Council meeting. Motion carried unanimously.

- 8A. Special Use Permit for Greenfield Maranatha Community Center, a proposed community center to be located at 4515 W. Forest Home Ave., submitted by Juan Carlos Viruet, d/b/a Iglesia Vida Explosiva En Cristo, Inc. and Michael Christenson, d/b/a MSA Professional Services, Inc. (Tax Key Nos. 531-0000-100 and 531-0000-200)**
- 8B. Certified Survey Map for proposed land combination of 4515 & 45** W. Forest Home Ave., submitted by Juan Carlos Viruet, d/b/a Iglesia Vida Explosiva En Cristo, Inc. and Michael Christenson, d/b/a MSA Professional Services, Inc. (Tax Key Nos. 531-0000-100 and 531-0000-200)**
- 8C. Site and Landscaping Plans for Greenfield Maranatha Community Center, a proposed community center to be located at 4515 W. Forest Home Ave., submitted by Juan Carlos Viruet, d/b/a Iglesia Vida Explosiva En Cristo, Inc. and Michael Christenson, d/b/a MSA Professional Services, Inc. (Tax Key Nos. 531-0000-100 and 531-0000-200)**

Items 8A, 8B and 8C may be considered together.

Overview and Zoning

This property, the former Bingo hall, was purchased by Iglesia Vida Explosiva En Cristo, Inc. in October 2022. The City was made aware of the purchase after-the-fact. The property is zoned C-2 Community Commercial District and the applicant is interested in using the building for “Other Individual and Family Services,” NAICS code 624190, similar to Salvation Army. This requires a Special Use Permit and a public hearing, which can be scheduled for as early as June 20, 2023.

Per the applicant’s project description, their “purpose is to provide a safe and welcoming space in the heart of the city that offers quality opportunities to enrich and empower the lives of the diverse community and support people to engage, connect and grow.”

“The Center will continually identify and assess the changing needs and resources of the community, modifying its programs accordingly to meet the needs of its clients in the best possible ways by collaborating with other community nonprofit and government agencies. Through this process they strengthen families, marriage, youth and as a result strengthen our community.

- Community Events
- Community Outreach & Organization Events
- Community Conferences
- Community Alliance & Collaborations
- Hall available for rental for church members & community at large.
- Outreach Programs
- Some of the projects/services that they have in works:
 - Food Pantry
 - Adults - English Class
 - Different community workshops will be available.”

The proposed hours of operation are 7am – 11:30pm, seven (7) days/week, but they anticipate the most activity during weekdays and between 8am - 5pm. There may be event requests that would be requested for the longer hours. Iglesia Vida Explosiva En Cristo (IVEEC) has been operating for 12 years. The current address is 3102 S. 43 St. in Milwaukee. IVEEC has been providing resources and outreaching the community through various event and programs throughout the years. IVEEC also has previous community leaders in the City of Milwaukee as board members who carry the experience of working not only in, but for a community.

Certified Survey Map

When IVEEC purchased the property at 4515 W. Forest Home Ave., the purchase included the vacant tax key to the west, which does not have an assigned address and acts as a continuation of the parking lot. There are technically four (4) lots that make up these two (2) tax key numbers. Staff requested that a Certified Survey Map be submitted with the package, showing a combination of the four (4) parcels.

Site and Landscaping Plans

The subject property is in very rough shape and hasn't seen any investment in years. The parking lot is falling apart with large holes and crumbling pavement all over the place; the gutters are discharging into the alley, creating an ice issue in the winter; there is no landscaping on site; the building has significant paint peeling taking place; the bollards are in rough shape; there is no refuse enclosure, etc. This is the first parcel along the south side of W. Forest Home Ave., in the City of Greenfield, at the Milwaukee border. This site needs to be a visual welcoming to the City of Greenfield's W. Forest Home Ave. gateway and needs significant improvements. Unfortunately, IVEEC's eastern property line blends with the parcel to the east, in the City of Milwaukee, which also is in desperate need of site improvements, but will likely remain in rough shape. At this time, all we can do is focus on IVEEC's parcel and proposed site improvements. Staff met with representatives of IVEEC and required that they hire a consultant to draw up a site and landscaping plan showing various site improvements. Proposed improvements include:

1. Saw cut and remove existing asphalt pavement, excavate and remove material to a depth of 24" for landscape islands along the building's north façade, along the existing freestanding sign, and along the W. Forest Home Ave. property line.
2. Saw cut and remove existing asphalt pavement, excavate and remove material to a depth of 6" in the W. Forest Home Ave. right-of-way between the sidewalk and street curb, for the installation of grass. A permit from the State of Wisconsin DOT will be required for work in the ROW.
3. Saw cut and remove existing asphalt pavement in various areas in the parking lot.
4. Remove existing bollards at the NE corner of the building and salvage for reinstallation.
5. Construction of a refuse enclosure at the SW corner of the building (the parking lot has quite a steep slope in this location, the architect/engineer may need to move the proposed location).
6. Connection of the NE downspout and the SW downspout to the storm sewer system, and connection of the sump pump to the storm sewer system.
7. Striping/painting of parking stalls.
8. Installation of three (3) new light poles within the parking lot.
9. Seal coat parking lot.

Staff has the following recommended modifications to the site and landscaping plans and site recommended additional site/building improvements:

1. Four-sided elevations of the refuse enclosure need to be submitted. Enclosure location and personnel door location may want to be reconsidered.
2. Reconfiguration of front parking lot to be one-way (west to east) to allow for more landscaping space along the W. Forest Home Ave. property line. There are no W. Forest Home Ave. median cuts in front of this property, so traffic is forced to enter the site's western-most driveway, the one-way flow works perfectly.
3. Replacement/repair/repainting of all bollards, not just the two (2) identified.
4. Additional excavation of pavement at the NE corner of the building, along the front of the building, so the downspout can connect to the storm sewer system straight down, and not continue to flow in front of the building.
5. Painting of remaining gutters to be brown/earth-tone to better blend in with the building materials.
6. Light head cut sheets and a photometric plan showing that light splay will remain within the property boundaries.
7. Plans indicating that the building will be power washed and all peeling paint will be scraped off/removed, and the building will be repainted (color sample to be provided).
8. All exterior building light fixtures being replaced and sensor flood lights being removed and replaced with code-compliant exterior light fixtures.
9. Mill and asphalt overlay of entire parking lot. The plans call for seal coating the parking lot. Per the building inspector and Engineering Division staff, seal coating will last one (1) year. This parking lot is in such disrepair that seal coating will not resolve the problem.
10. Provide a copy of an access easement agreement with the property owner to the west (El Conquistador Latino Newspaper & Radio Show). The newspaper business does not have direct access to W. Forest Home Ave. and must enter through IVEEC's western vacant lot. Staff suspects that the newspaper uses IVEEC's parking lot to park their vehicles as well.

Staff recommends approval of the proposal, subject to a public hearing and Common Council approval of the Special Use Permit, which may be scheduled as early as June 20, 2023.

Recommendation: Recommend Common Council approval of the Special Use Permit and Site and Landscaping Plans for Greenfield Maranatha Community Center, a proposed community center to be located at 4515 W. Forest Home Ave., and the Certified Survey Map for proposed land combination of 4515 & 45** W. Forest Home Ave., submitted by Juan Carlos Viruet, d/b/a Iglesia Vida Explosiva En Cristo, Inc. and Michael Christenson, d/b/a MSA Professional Services, Inc. (Tax Key Nos. 531-0000-100 and 531-0000-200), subject to Plan Commission, staff comments, and the following conditions:

(Items 1 and 7 are required to be satisfied prior to the issuance of permits associated with the proposed work reviewed by the Plan Commission and prior to issuance of a Certificate of Occupancy. Contractors applying for permits should be advised accordingly. Work associated with the proposed improvements shall be completed within one (1) year of Common Council

approval. Work associated with 1(b) and 1(g) shall be completed within two (2) years of Common Council approval.)

1. A revised site and landscaping plan being submitted to the Community Development Division to show the following: (a) four-sided elevations of the refuse enclosure, enclosure location and personnel door location may want to be reconsidered; (b) reconfiguration of front parking lot to be one-way (west to east) to allow for more landscaping space along the W. Forest Home Ave. property line; (c) replacement/repair/repainting of all bollards; (d) additional excavation of pavement at the NE corner of the building, along the front of the building, so the downspout can connect to the storm sewer system straight down, and not continue to flow in front of the building; (e) painting of remaining gutters to be brown/earth-tone to better blend in with the building materials (color sample to be provided); (f) a notation that the building will be power washed and all peeling paint will be scraped off/removed, and the building will be repainted (color sample to be provided); (g) mill and asphalt overlay of entire parking lot; and, (h) landscaping species and quantity modifications at the recommendation of the City Forester.
2. An estimated cost of landscaping and screening being submitted to the Community Development Division for approval.
3. A letter of credit or other form of security as required under 21.06.0304 of the Municipal Code in the amount of 125% of the estimated cost of landscaping and screening.
4. A copy of an access easement agreement with the property owner to the west (El Conquistador Latino Newspaper & Radio Show) being submitted to the Engineering Division for review and approval, and then recording of the Agreement with the Milwaukee County Register of Deeds.
5. A permit being obtained from the Wisconsin DOT for landscaping work in the right-of-way.
6. A permit being obtained from the City of Milwaukee for storm water connection.
7. A photometric plan being submitted to the Community Development Division for review and approval, including light pole light head cut sheets, pole elevations/height/details, and new exterior building light fixtures and cut sheets replacing all existing exterior light fixtures.

Attorney Vincent Bobot and the applicant Juan Carlos Viruet were present for discussion. Attorney Bobot said that the applicant asks for items 1(b) and 1(g) in the recommendation to be given more time because of the expense and the detail. He said that the other recommended modifications can be completed within one year. He explained that the location will be an outreach center with some religious counseling, and Mass will not be held there. Attorney Bobot said that the applicant is aware that this property is a gateway into the City of Greenfield

and they intend to significantly rehab the location. He said that the applicant wants to do everything they can to make the property aesthetically pleasing.

Mr. Rogers asked if there's a timetable for items 1(b) and 1(g) to be completed. Attorney Bobot asked for 3 years. Ald. Kastner suggested that the items could be completed in 2 years, and that they could seal coat the parking lot immediately and then repave it in 2 – 3 years. Ms. Wojak asked if the applicant would be willing to fix some of the really troublesome areas. Attorney Bobot said that they would do that right away, including fixing the potholes. The Plan Commission consensus was that items 1(b) and 1(g) could be completed in two (2) years.

Motion by Mr. Rogers, seconded by Mr. Weiss, to recommend Common Council approval of the Special Use Permit and Site and Landscaping Plans for Greenfield Maranatha Community Center, a proposed community center to be located at 4515 W. Forest Home Ave., and the Certified Survey Map for proposed land combination of 4515 & 45 W. Forest Home Ave., submitted by Juan Carlos Viruet, d/b/a Iglesia Vida Explosiva En Cristo, Inc. and Michael Christenson, d/b/a MSA Professional Services, Inc. (Tax Key Nos. 531-0000-100 and 531-0000-200), subject to Plan Commission, staff comments, and authorize a public hearing to be scheduled for June 20, 2023. Motion carried unanimously.**

- 9A. Special Use Review for an ownership change to Kyoto, an existing full-service restaurant located at 7453 W. Layton Ave., submitted by Yi Wu, d/b/a Kyoto Group, LLC. (Tax Key No. 617-0082-004)**
- 9B. Site Plan Review for Kyoto, an existing full-service restaurant located at 7453 W. Layton Ave., submitted by Yi Wu, d/b/a Kyoto Group, LLC. (Tax Key No. 617-0082-004)**

Items 9A and 9B may be considered together.

Overview and Zoning

Kyoto, an established Japanese full-service restaurant located in Layton Plaza at the SE corner of S. 76 St. and W. Layton Ave., has changed ownership. The new owner, Yi Wu, has worked in the restaurant industry for the past 15 years and has worked and partnered with other successful businesses in the SE Wisconsin area. Some of these places include Asiana, Meijis and the soon to be built K-Pot (the former Old Country Buffet location on S. 74 St.). Mr. Wu plans to maintain existing hours of operation: Monday 4-10PM, Tuesday-Thursday 11AM-10PM, Friday & Saturday 11AM-1030PM, and Sunday 11:30AM to 10PM.

The property is zoned C-4 Regional Business District, which permits full-service restaurants as a Special Use. The change in ownership triggers a Special Use Review. Mr. Wu stated in his project description that he plans to expand into the neighboring tenant space and open more outdoor seating. These modifications would require a new Special Use Permit and a public hearing, if pursued. The Community Development Division would need to receive plans to take before the Plan Commission and Common Council for review.

Site Plan Review

A site and landscaping plan was not submitted, but the site is subject to review when the Plan Commission and Common Council consider Special Use reviews. The multi-tenant commercial building property is in good condition. Staff notes that the previous owner often stored cleaning

supplies outside the rear door and hosed out the kitchen through the back door, evident with staining on the pavement by the rear door. This practice must not continue. Staff is recommending that a letter be submitted to the Community Development Division stating that no outdoor equipment or materials will be stored in the rear of the tenant space, prior to occupancy.

Staff recommends approval and recommends that this item be expedited to the May 16, 2023 Common Council meeting.

Recommendation: Recommend Common Council approval of the Special Use Review and Site Plan Review for an ownership change to Kyoto, an existing full-service restaurant located at 7453 W. Layton Ave., submitted by Yi Wu, d/b/a Kyoto Group, LLC (Tax Key No. 617-0082-004), subject to Plan Commission, staff comments, and the following conditions:

(Items 1 through 2 are required to be satisfied prior to the issuance of a Certificate of Occupancy.)

1. A letter being submitted to the Community Development Division stating that no outdoor equipment or materials will be stored in the rear of the tenant space and no hosing from the inside of the building to the outside will take place.
2. A Fats, Oils, and Grease (FOG) Plan being submitted to the Plumbing Inspector for review and approval.

Nathan Hostetler, Protech Construction general contractor, appeared on behalf of the applicant. Ms. Porter asked Mr. Hostetler for clarification regarding the recent building permit application which states “expanding into other tenants’ space.” Ms. Porter explained that Special Use Review and Site Plan Review applies only to the change in ownership. Ms. Porter further explained that, if the new owner intends to move into a new tenant space, he would need to go through the Special Use Permit process because that new address does not have a Special Use Permit to operate as a restaurant. She said that a public hearing would also be required. Mr. Hostetler explained that, at this time, the intent is to only work on the existing restaurant space.

Motion by Mr. Weiss, seconded by Mr. Marshall, to recommend Common Council approval of the Special Use Review and Site Plan Review for an ownership change to Kyoto, an existing full-service restaurant located at 7453 W. Layton Ave., submitted by Yi Wu, d/b/a Kyoto Group, LLC (Tax Key No. 617-0082-004), subject to Plan Commission, staff comments, and authorize this item to be expedited to the May 16, 2023 Common Council meeting. Motion carried unanimously.

- 10A. **Special Use Review for proposed hours of operation change to Kalibres, an existing full-service restaurant located at 4555 W. Forest Home Ave., submitted by Alejandro Hernandez, d/b/a Kalibres Restaurant & Bar, LLC. (Tax Key No. 531-0000-900)**
- 10B. **Site Plan Review for Kalibres, an existing full-service restaurant located at 4555 W. Forest Home Ave., submitted by Alejandro Hernandez, d/b/a Kalibres Restaurant & Bar, LLC. (Tax Key No. 531-0000-900)**

Items 10A and 10B may be considered together.

Overview and Zoning

Kalibres was before the Plan Commission and Common Council in June/July 2022 to open a new restaurant at the former Burger King on W. Forest Home Ave. The property is zoned C-2 Community Commercial District, which permits full-service restaurants as a Special Use. The Plan Commission requested that the existing pylon sign be removed, damaged curb be repaired, the rear fence be fixed, that an “as-built” landscaping plan be submitted, and that a CSM be submitted for review/approval. The owner has complied with all requests and new landscaping will be installed this summer.

A public hearing was held in July 2022 since Burger King had been vacant for more than a year. The applicant’s original application requested to be open 7am – 12am Monday – Wednesday, and 7am – 2am Thursday – Sunday. The neighbors to the east on the other side of the alley in the City of Milwaukee, and Ald. Mark Borkowski from the City of Milwaukee, came to the public hearing and opposed the proposed hours of operation. The Common Council ultimately approved the application with modified hours: 7am – 11pm, seven (7) days/week.

The owner of Kalibres is requesting to expand the hours of operation again with a new application. Proposed hours are:

Monday: 9am to 12am

Tuesday, Wednesday, Thursday: 9am to 1am

Friday, Saturday, and Sunday: 9am to 2am

Per Section 21.04.0701.K. of the Municipal Code: ***Subsequent change or addition to the plans or use. (Cr. #2731)*** Any subsequent change or addition to the plans or use shall first be submitted for approval to the Plan Commission. If in the opinion of the Plan Commission, it is anticipated that such requested change in the special use substantially changes the concept or intent of a previously approved special use, the Plan Commission can consider it a major change to the original Special Use. If this is the decision of the Plan Commission, then a public hearing before the Common Council shall be required and notice thereof be given pursuant to the provisions of this division, and said proposed changes shall be submitted to the Common Council for approval.

Based on the opposition from the neighbors at the July 2022 public hearing with the original proposed hours, and the fact that the new request is essentially a repeat of the original hours of operation request, staff is recommending that the Plan Commission consider this new request a “major change” and request that a public hearing be held (June 20, 2023). Staff recommends denial of the proposed request to modify the hours of operation on the basis that the neighborhood expressed concern and opposition on the original request.

Recommendation: Recommend Common Council denial of the Special Use Review and Site Plan Review for proposed hours of operation change to Kalibres, an existing full-service restaurant located at 4555 W. Forest Home Ave., submitted by Alejandro Hernandez, d/b/a Kalibres Restaurant & Bar, LLC. (Tax Key No. 531-0000-900), subject to Plan Commission, staff comments.

The applicant Alejandro Hernandez was present for discussion. Mr. Weiss noted that a public hearing should be required because the extended hours are contentious and the City of Greenfield needs to let residents speak. Ms. Wojak asked if things have changed in the business that require it to be open later. Mr. Hernandez said that he has requested later hours ever since Kalibres opened. He explained that, when the restaurant starts closing, people walk in between 10:30 and 11:00pm and want to order food and drinks while staff is cleaning. Mr. Hernandez said that neighbors are requesting that Kalibres stay open later and that they have received compliments regarding how clean the restaurant and parking lot are.

Ms. Wojak asked if they intend to serve food until the proposed closing time. Mr. Hernandez said that the plan is to start closing the kitchen maybe at 12:00am, but keep it open just in case for items like appetizers. Mr. Rogers asked if Kalibres is open for lunch. Mr. Hernandez said that it was hard to find staff to cover the early shift when they first opened the business, and now they are open from 9am to 11pm with adequate staff. Ms. Wojak asked if they will continue to be open for lunch if they receive the requested later hours. Mr. Hernandez said that yes, they plan to continue to open at 9am. The Plan Commission consensus was to recommend Common Council approval of the request to extend the hours of operation, but that a public hearing should be held.

Motion by Mr. Weiss, seconded by Mr. Carlson, to recommend Common Council approval of the Special Use Review and Site Plan Review for proposed hours of operation change to Kalibres, an existing full-service restaurant located at 4555 W. Forest Home Ave., submitted by Alejandro Hernandez, d/b/a Kalibres Restaurant & Bar, LLC. (Tax Key No. 531-0000-900) subject to Plan Commission, staff comments, and authorize a public hearing to be scheduled for June 20, 2023. Motion carried unanimously.

- 11A. Special Use Permit for Luxury Auto, a proposed automotive glass replacement shop, to be located at 4640B S. 76 St., submitted by Uthman Shalhout, d/b/a U&L Investments, LLC. (Tax Key No. 604-9971-000)**
- 11B. Site Plan Review for Luxury Auto, a proposed automotive glass replacement shop, to be located at 4640B S. 76 St., submitted by Uthman Shalhout, d/b/a U&L Investments, LLC. (Tax Key No. 604-9971-000)**

Items 11A and 11B may be considered together.

Overview and Zoning

The applicant is proposing to operate a car window tinting and car wrapping business at the recently renovated multi-tenant commercial building located at 4640 S. 76 St., called Luxury Auto. Tinting and wrapping is a form of film that is applied to the car body. There will be no painting or chemicals used. The business owner is estimating that they'll work on 1-3 vehicles per day. The operation will consist of customers making appointments online and being instructed to drop off their cars in the back of the property. Tinting takes 2-3 hours to perform and wrapping takes 3-5 days. Proposed hours of operation are 9am – 8pm, seven (7) days/week.

The property is zoned C-4 Regional Business District, which permits "automotive glass replacement shops," NAICS code 811122, as a Special Use. A public hearing is needed, and can

be scheduled as early as June 20, 2023. Mr. Shalhout would like to operate the business in the basement space of the building. There is an overhead door in the back that leads to the basement. The building code is quite complicated when it comes to vehicles being located in a space that is below or above the general public in additional commercial or residential space. The City's plan review consultant, E-Plan Exam, has been in contact with the property owner's engineer and further discussions need to take place regarding sprinkling, proper ventilation, hazardous classification, etc. Staff discussed with the property owner that it's possible that the building code regulations become too financially infeasible to operate this proposed business in the basement. If that is the case, the owner stated that the applicant would like to operate within the existing garage in the rear of the building. The application address of 4640B S. 76 St. indicates the basement space. The garage address is 4640A S. 76 St. The Special Use Permit is tied to the tax key number (the entire property). By the time the Special Use Permit resolution is drafted and the public hearing takes place, it will be determined which commercial space the applicant will occupy and will be detailed in the resolution. If the garage is used, the owner is aware that it will need to be renovated to be code-compliant with a public space, and a bathroom will need to be installed, among other improvements.

Site Plan Review

This property is under a recently-approved site and architectural plan from June 2022. Staff recently met with the property owner, who stated that the contractors have quite a large punch list of items to complete and expects them to start work again in June.

The applicant has identified on a site plan that the five (5) southern rear parking spaces will be dedicated to Luxury Auto's client vehicles.

Staff recommends approval and recommends that a public hearing be scheduled for June 20, 2023.

Recommendation: Recommend Common Council approval of the Special Use Permit and Site Plan Review for Luxury Auto, a proposed automotive glass replacement shop, to be located at 4640B S. 76 St., submitted by Uthman Shalhout, d/b/a U&L Investments, LLC (Tax Key No. 604-9971-000), subject to Plan Commission and staff comments.

The property owner, Sam Ramahi, was present for discussion along with the applicant, Uthman Shalhout. Mr. Ramahi mentioned that he owns the property, the business on the first floor, and runs his real estate business on the 3rd floor. He explained that he wants everything to be adjacent in one building instead of running back and forth to the garages in the back. Mr. Ramahi would prefer to only put a sprinkler system in the basement, instead of redoing the sprinkler process throughout the whole property. He said that the architects are looking at codes and the final cost will determine whether the Luxury Auto business will go in the basement or in the detached garage. Mr. Ramahi said that they will not be repairing or painting cars, but will be wrapping the cars and doing window tinting. Mr. Rogers asked if wrapping means adding business decals. The applicant explained that wrapping meaning changing the color of a car without painting it.

Motion by Ald. Kastner, seconded by Mr. Weiss, to recommend Common Council approval of the Special Use Permit and Site Plan Review for Luxury Auto, a proposed automotive glass replacement shop, to be located at 4640B S. 76 St., submitted by Uthman Shalhout, d/b/a

U&L Investments, LLC (Tax Key No. 604-9971-000), subject to Plan Commission, staff comments, and authorize a public hearing to be scheduled for June 20, 2023. Motion carried unanimously.

- 12A. Special Use Permit for Holey Mackerel, a proposed amusement and recreational establishment with a bar/tavern, to be located at 5401 W. Layton Ave., submitted by Tripper Duval, d/b/a The Lost Whale, and Shaun Sullivan, d/b/a Envision Design Architects. (Tax Key No. 619-9997-003)**
- 12B. Conceptual Plan Review for Holey Mackerel, a proposed amusement and recreational establishment, to be located at 5401 W. Layton Ave., submitted by Tripper Duval, d/b/a The Lost Whale, and Shaun Sullivan, d/b/a Envision Design Architects. (Tax Key No. 619-9997-003)**

Items 12A and 12B may be considered together.

Overview and Zoning

The former River Falls Family Fun Center has been closed since 2021. The property has been listed for sale for quite some time, and was recently purchased by Mr. Duval, who intends to reopen the venue with some modifications and under a new name, Holey Mackerel. As part of the new opening, Mr. Duval plans to renovate the interior of the space to update the outdated interior, and tailor the space to his vision for Holey Mackerel. This is the first of what will be two phases. The second phase of work will be a large site renovation that will offer many new outside amenities. Phase 2 will be submitted separately from this phase at a later date.

Holey Mackerel will operate in much of the same capacity as the former occupant, with an 18-hole mini golf course and six (6) batting cages that will remain in operation. There is an existing kitchen in the building which may be utilized to offer simple food options to customers. Mr. Duval plans to add a bar to the interior of the space in addition to concession stands to provide entertainment to people of all ages. The bar will be for inside alcohol consumption only. A liquor license would be new to the property and Mr. Duval has been in contact with the Clerk's Office to proceed with that application simultaneously.

The current interior area of the space is 2,572 S.F. and approximately 2,290 S.F. of this space will be renovated. The alteration will consist of an updated arcade area with new accent columns and soffits with decorative accent lighting. A new bar will be built in the former concession area and two (2) new concession stands will be constructed, one (1) for the arcade and one (1) for mini golf sales.

The proposed hours of operation will be Tuesday through Sunday from 11AM to 10PM. There will be an estimated 6 to 12 employees working on each shift with an estimated number of 350 customers per week.

All remodel work is anticipated to start shortly. A public hearing is required for the reopening of the "All Other Amusement and Recreational Industries" NAICS code of 713990, and for the bar/tavern, which is NAICS code 722410. A public hearing can be scheduled as early as June 20, 2023.

Conceptual Site Plan

Mr. Duval has submitted a conceptual site plan for Phase 2, which consists of:

- Removal of the pedal cart track, to be replaced with an open grass, lawn & family game area, and a covered stage and movie screen.
- Construction of a covered pavilion, approximately 4,000 sq. ft. in area, housing an outdoor bar, interior bocce courts, and bathrooms.
- Construction of outdoor seating/benches/tables.
- An area for food truck(s).
- New pathways, potential connection to Konkel Park.
- Expansion of the parking lot and reconstruction of the existing parking lot.

Mr. Duval anticipates submitting detailed site, landscaping and architectural plans for Plan Commission review in the next few months. At this time, staff recommends the application to open/operate the entertainment venue and the bar/tavern proceed with a public hearing scheduled for June 20, 2023.

Recommendation: Recommend Common Council approval of the Special Use Permit for Holey Mackerel, a proposed amusement and recreational establishment with a bar/tavern, to be located at 5401 W. Layton Ave., submitted by Tripper Duval, d/b/a The Lost Whale, and Shaun Sullivan, d/b/a Envision Design Architects (Tax Key No. 619-9997-003), subject to Plan Commission comments.

The applicants, Tripper Duval and Shaun Sullivan, were present for discussion. Mr. Duval said that the target opening date is 4th of July 2023. Ms. Wojak asked if they plan on having events on the grass. The applicant said that yes, ideally the space will offer opportunities for neighborhood residents to pick and choose activities that they want to do for the day. He suggested, for example, to play mini golf or go to the farmers market and then play games in the park area afterwards. He plans to schedule family events like a movie night.

Ald. Kastner asked if the liquor license will be expanded to the entire property. Mr. Duval said answered yes, eventually, but that liquor will not be the focal point of what they're doing. He wants the adults to be able to have fun as well as the children. He said that he's considering adding a pickle ball course or another family friendly activity for that space.

Mr. Rogers asked if they're going to use the same mini golf course layout or change the holes. He explained that the plan now is to keep the course as is, but change some of the environment including getting the fountain back up and running.

Motion by Mr. Weiss, seconded by Mr. Rogers, to recommend Common Council approval of the Special Use Permit for Holey Mackerel, a proposed amusement and recreational establishment with a bar/tavern, to be located at 5401 W. Layton Ave., submitted by Tripper Duval, d/b/a The Lost Whale, and Shaun Sullivan, d/b/a Envision Design Architects (Tax Key No. 619-9997-003), subject to Plan Commission, staff comments, and authorize a public hearing to be scheduled for June 20, 2023. Motion carried unanimously.

13. Discontinuance of general right-of-way immediately west of 4307 S. 43 St.

Located in the NE corner of the City, there is a “floating” right-of-way (ROW), approximately 43 ft. x. 131 ft. that was once planned for an alley, which the City is proceeding with vacating/discontinuing. This ROW once belonged to the property located at 4307 S. 43 St., and when vacated, will go back to that property. There is an existing access easement agreement established between the surrounding property owners so the owner of 4307 S. 43 St. can access the back of their property from W. Cold Spring Rd. A public hearing is required and is scheduled for May 16, 2023.

Recommendation: Recommend Common Council approval of the Discontinuance of general right-of-way immediately west of 4307 S. 43 St.

Motion by Ald. Kastner, seconded by Mr. Weiss, to recommend Common Council approval of the Discontinuance of general right-of-way immediately west of 4307 S. 43 St. Motion carried unanimously.

14. Discontinuance of a portion of S. 118 St. right-of-way, north of W. Edgerton Ave.

The City has a stretch of right-of-way (ROW) that was once slated for S. 118 St., north of W. Edgerton Ave. and immediately west of the GreatLife development. This land once belonged to the residential property at 11750 W. Edgerton Ave. The property owner, Mr. LaSusa, has requested that the City vacate/discontinue that ROW. There are public utilities further north, so the City has agreed to vacate the southern portion of the ROW, approximately 30 ft. x. 400 ft. When vacated, the land will go back to the property at 11750 W. Edgerton Ave. A public hearing is required and is scheduled for May 16, 2023.

Recommendation: Recommend Common Council approval of the Discontinuance of a portion of S. 118 St. right-of-way, north of W. Edgerton Ave.

Motion by Ald. Kastner, seconded by Mr. Rogers, to recommend Common Council approval of the Discontinuance of a portion of S. 118 St. right-of-way, north of W. Edgerton Ave. Motion carried unanimously.

15. Community Development Manager Report

Ms. Porter said that the City of Greenfield is doing a new TID in the vicinity of 92nd and Cold Spring for the northern section of Cobalt’s multi-family development. A new TIF is necessary because the TID 6 boundary amendment was in a different school district boundary. Ms. Porter said that the vacant Planning position is posted and applications are due on Sunday, May 14th. The Feisty Loon and Café Hollander have sent plans to EPlan for plan review.

16. Adjournment.

Motion by Ald. Kastner, seconded by Mr. Weiss, to adjourn the meeting at 7:18 p.m. Motion carried unanimously.

Respectfully submitted,

Natalie Phillips
Administrative Assistant

Distributed May 16, 2023