

**MINUTES OF THE PLAN COMMISSION MEETING HELD AT THE  
GREENFIELD CITY HALL ON TUESDAY, JUNE 13 2023**

**1. The meeting was called to order at 6:02 p.m. by Mayor Michael Neitzke**

|            |                             |         |
|------------|-----------------------------|---------|
| ROLL CALL: | Mayor Michael Neitzke       | Present |
|            | Ald. Karl Kastner           | Present |
|            | Mr. Brian Weis              | Excused |
|            | 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 May 9, 2023 meeting.**

**Motion by Mr. Carlson, seconded by Mr. Krenz, to approve the May 9, 2023 meeting minutes. Mayor Neitzke abstained. Motion carried unanimously.**

**3. Discussion regarding last Common Council meetings.**

There were four Public Hearing on May 16, 2023. Common Council approved the Public Hearings for Naf Naf Middle Eastern Grill, the Ordinance pertaining to Tobacco Stores, the discontinuance of general right-of-way immediately west of 4307 S. 43 St., and the discontinuance of a portion of S. 118 St. right-of-way north of W. Edgerton Ave.

**4A. Special Use Review for Burger & Burger, a proposed full-service restaurant to be located at 6231 S. 27 St., submitted by Ahmad Alsmadi, d/b/a Burger Company, Inc. (Tax Key No. 691-9841-016)**

**4B. Site Plan Review for Burger & Burger, a proposed full-service restaurant to be located at 6231 S. 27 St., submitted by Ahmad Alsmadi, d/b/a Burger Company, Inc. (Tax Key No. 691-9841-016)**

Items 4A and 4B may be considered together.

**Overview and Zoning**

The applicant is proposing to occupy the George Webb restaurant space, which is approximately 1,600 sq. ft. in area, with a five (5)-year lease. The property is zoned Planned Unit Development (PUD), which permits full-service restaurants as a Special Use. A change in tenancy authorizes Special Use Review by the Plan Commission and Common Council. The new burger restaurant will employ approximately eight (8) people. The applicant has about five (5) years of experience in operating fast-food trucks and eight (8) years of experience in managing fast food restaurants. The proposed hours of operation will be 10:00am – 12:00am (midnight), seven (7) days/week.

## **Site Plan**

While the applicant didn't submit a site plan, the site is subject to Plan Commission review with the Special Use Review. This tenant will be located in the multi-tenant shopping center at S. 27 St. and W. College Ave. The parking lot is in good condition, however, there are wear-and-tear conditions with the pavement in the back of both buildings on the property. Over time, Waste Management trucks and snow plow trucks have done damage to the pavement. Staff has reached out to the property owner to address these concerns. In addition, there are grease containers sitting out in plain sight in the back of the George Webb and Cousins tenant spaces that are in poor shape and need to be screened. The landlord is checking on the property budget to see when the back area is scheduled for repavement.

Staff recommends this item be expedited to the June 20, 2023 Common Council meeting.

**Recommendation:** Recommend Common Council approval of the Special Use Review and Site Plan Review for Burger & Burger, a proposed full-service restaurant to be located at 6231 S. 27 St., submitted by Ahmad Alsmadi, d/b/a Burger Company, Inc. (Tax Key No. 691-9841-016), 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 pavement areas behind both buildings will be resurfaced, that all grease containers from food tenants will be screened from view, and all damaged refuse enclosures will be repaired or replaced by December 31, 2023.

Property Owner JJ Alaily was present for discussion. He said that the pavement behind the small shopping center is actually in good condition. He agreed that the pavement behind the large shopping center does need to be repaved, but he requested a 2 year extension due to budget concerns. Mr. Alaily would like to remove the refuse enclosure doors because he said that a replacement would continue to get damaged. He explained that any screening put up near grease containers will be damaged by snow plows and that the area is blocked from public view. Mayor Neitzke mentioned that the business cannot have barrels of grease in the back of the building. He said that the removal of the damaged refuse enclosure doors and the grease containers will need to be completed by August 1, 2023. Plan Commission suggested signage and cameras to prevent future illegal dumping.

Ms. Porter noted that the pavement behind the north building is in satisfactory condition. The Plan Commission agreed that the resurfacing behind the large building could be completed by October 1, 2025.

**Motion by Mr. Rogers, seconded by Mr. Carlson, to recommend Common Council approval of the Special Use Review and Site Plan Review for Burger & Burger, a proposed full-service restaurant to be located at 6231 S. 27 St., submitted by Ahmad Alsmadi, d/b/a Burger**

Company, Inc. (Tax Key No. 691-9841-016), subject to Plan Commission and staff comments, including the delay of the pavement resurfacing until October 1<sup>st</sup> 2025, and authorize this item to be expedited to the June 20, 2023 Common Council meeting. Motion carried unanimously.

- 5A. Special Use Review for proposed hours of operation change and outdoor seating for Melt n Dip, an existing full-service restaurant located at 7820 W. Layton Ave., submitted by Jafar Jaraba, d/b/a Wadha, LLC, and Emad Nadi, d/b/a Etn Engineering. (Tax Key No. 605-9956-005)
- 5B. Site Plan Review for outdoor seating for Melt n Dip, an existing full-service restaurant located at 7820 W. Layton Ave., submitted by Jafar Jaraba, d/b/a Wadha, LLC, and Emad Nadi, d/b/a Etn Engineering. (Tax Key No. 605-9956-005)

Items 5A and 5B may be considered together.

### Overview and Zoning

This restaurant was approved in March and April 2022. The applicant is now proposing to expand their hours of operation from the approved closing at 11pm, to 12am (midnight). The application also includes the construction of an outdoor patio, similar to the one in front of Panera, one of the neighboring tenants. The multi-tenant commercial building is zoned C-4 Regional Business District, which permits limited-service restaurants as a Special Use.

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.

Staff does not feel that the increase in one (1) additional hour of operation, to 12am (midnight), nor the addition of outdoor seating, is a major change to the original Special Use for this restaurant that is located in a major commercial corridor along W. Layton Ave., and does not recommend that a public hearing be held.

### Site Plans

The applicant provided a site plan showing the construction of an 18.5 ft. x 27 ft. outdoor seating area, directly in front of the Melt n Dip tenant space. This will be constructed of a 6" concrete pad with a decorative fence around the perimeter of the outdoor seating area. Potted plants and flowers will be installed around the seating area and a small pathway will lead from the restaurant to the outdoor seating area. There will be room for approximately nine (9) 4-seated tables, and three (3) 2-seated tables. The new concrete patio will replace an existing curbed landscape bed (that doesn't have any landscaping in it), and there will be a loss of two (2) parking spaces, immediately to the east of the lost landscape bed. The patio plans include four (4) large fabric umbrellas that will cover all of the tables. The umbrellas are 13 ft. x 13 ft. and 10 ft. in height. They will be fixed to the concrete by bolts per manufacture specs.

The property has 41 parking spaces in the rear of the building, 10 along the west side of the building, and 75 spaces in the front, for a total of 126 provided parking spaces. Melt n Dip requires 36 off-street parking spaces and the remaining tenants require 198 spaces, for a total of 234 off-street parking spaces. However, the tenants in this building have varied hours of operation, with the retail uses being closed at night. Staff does not see the requested outdoor dining and a loss of two (2) parking spaces as an issue for this property. Staff has requested that a letter from the landlord be provided stating that they do not have an issue with the loss.

Staff recommends this item be expedited to the June 20, 2023 Common Council meeting.

**Recommendation:** Recommend Common Council approval of the Special Use Review and Site Plan Review for Melt n Dip, an existing full-service restaurant located at 7820 W. Layton Ave., submitted by Jafar Jaraba, d/b/a Wadha, LLC, and Emad Nadi, d/b/a Etn Engineering (Tax Key No. 605-9956-005), subject to Plan Commission and staff comments, and recommends that a public hearing is not necessary for the proposed modifications.

The applicant, Heba Awadallah, was present for discussion and said that Melt n Dip's busy time is at night, while Panera is busy earlier in the day. Plan Commission discussed whether there is enough parking, and Mayor Neitzke noted that employees are encouraged to park in the back parking lot.

**Motion by Mr. Carlson, seconded by Mr. Marshall, to recommend Common Council approval of the Special Use Review and Site Plan Review for Melt n Dip, an existing full-service restaurant located at 7820 W. Layton Ave., submitted by Jafar Jaraba, d/b/a Wadha, LLC, and Emad Nadi, d/b/a Etn Engineering (Tax Key No. 605-9956-005), subject to Plan Commission and staff comments, and authorize this item to be expedited to the June 20, 2023 Common Council meeting, without the need for a public hearing. Motion carried unanimously.**

**6. Final Subdivision Plat for Parkview Estates, a proposed single-family development to be located at S. 35 St. and W. Barnard Ave., submitted by Calvin K. Klimeck, d/b/a Pioneer Engineering and Surveying, LLC, and Raul A. Gonzalez, d/b/a First West Realty, LLC. (Tax Key No. 622-9988-018)**

This item was before the Plan Commission in January 2022, but the applicant has not entered into the required Development Agreement with the Engineering Division, so the approval expired. The applicant is proposing to move forward with the exact same proposal, which is to split the existing 4.2-acre site into nine (9) different lots. This parcel is located southeast of Greenfield Middle School, with S. 35 St. as a western border, W. Barnard Ave. as a northern border, vacant Greenfield School District land to the east and residential property to the south. A Subdivision Plat is needed when splitting into more than 4 parcels—otherwise a Certified Survey Map is utilized as the form of official land division for smaller splits. The preliminary subdivision plat was approved by the Plan Commission at the October 12, 2021, meeting. The preliminary subdivision plat was reviewed by City staff, Milwaukee County Department of Administrative Services, and Wisconsin Department of Administrations and subsequent comments by those reviewing bodies have been addressed in the proposed final plat.

The applicant, Mr. Gonzalez, purchased the property on August 30, 2021.

Proposed lot sizes include:

Lot 1: 0.2821 acres (12,289 sq. ft.)  
Lot 2: 0.2789 acres (12,150 sq. ft.)  
Lot 3: 0.3825 acres (16,661 sq. ft.)  
Lot 4: 0.3268 acres (14,233 sq. ft.)  
Lot 5: 0.3377 acres (14,708 sq. ft.)  
Lot 6: 0.4004 acres (17,441 sq. ft.)  
Lot 7: 0.4809 acres (20,948 sq. ft.)  
Lot 8: 0.3476 acres (15,142 sq. ft.)  
Lot 9: 0.3158 acres (13,757 sq. ft.)

The site layout includes a storm water outlot in between the three (3) front lots and the cul-de-sac lots. The outlot is 0.4905 acres (21,313 sq. ft.).

Per recommendation from the Plan Commission, the S. 35 St. frontage road will continue north and lots 1-3 will have access to S. 35 St. through the frontage road. A connection to S. 35 St. is not shown on current plans but will need to be added at or near the southern portion of Lot 1. Lots 4-9 will be situated around a new cul-de-sac extension of S. 34 St. These lots will be accessed through S. 34 St. There will be no access to W. Barnard Ave., which is the only way in/out of Greenfield Middle School.

The entire parcel is zoned R2-A Single-Family Residential District and only single-family homes will be permitted on the proposed nine (9) lots. This zoning district has a minimum lot size area of 12,000 sq. ft. Each lot meets that requirement. The minimum lot width is 85 ft. and the minimum lot depth is 100 ft. Each lot meets the minimum depth requirement of 100 ft., but four (4) of the lots around the bulb of the cul-de-sac do not meet the minimum lot width of 85 ft. Those lots are narrower in front due to the circular shape of the cul-de-sac. Their widths are 54.72 ft. (three (3) of them) and 69.45 ft. Staff does not object to the four (4) smaller front yard widths. The layout maximizes land use and ultimately adds to the tax base. If the 85-ft. front yard width requirement were maintained, the development would lose at least two (2) lots.

The site layout includes a new frontage road along the east side of S. 35 St. and curb and gutter around the cul-de-sac. Curb-and-gutter is not currently shown along the S. 35 St. frontage but will need to be added. The cul-de-sac will be considered an extension of the S. 34 St. right-of-way. The developer is also dedicating the western 30 ft. of the parcel to right-of-way for S. 35 St.

The applicant has submitted a civil engineering plans to the Engineering Department that are under review. Engineering staff has commented that prior to any construction taking place on site, the grading and utility plans must be finalized and approved at the staff level. Simultaneously to any site grading and construction, all public improvements and utility installation must take place. In other words, the frontage road, the S. 34 St. cul-de-sac, and the storm water management system must be installed at the same time as any initial construction. This is to ensure that all public improvements are complete and that the project is not abandoned mid-construction. A homeowner's association will also need to be formed prior to occupancy.

Per Chapter 20 of the Municipal Code, the Plan Commission shall provide a recommendation to the Common Council, and then the Common Council approves or rejects the final subdivision plat proposal. In addition, the Engineering Division drafts a Development Agreement between the City and the owner with technical terms and agreements pertaining to utilities, grading, maintenance, construction specs, etc.

**Recommendation:** Recommend Common Council approval of Final Subdivision Plat for Parkview Estates, a proposed single-family development to be located at S. 35 St. and W. Barnard Ave., submitted by Calvin K. Klimeck d/b/a Pioneer Engineering and Surveying, LLC and Raul A. Gonzalez d/b/a First West Realty, LLC (Tax Key No. 622-9988-018), subject to Plan Commission comments and staff comments and the following conditions:

(Items 1 and 4 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 Civil Plan set and Stormwater Management Plan showing modifications/requirements as directed by the Engineering Division.
2. Payment of the City's impact fee of \$1,806.00 per new dwelling unit.
3. Permit application approvals from WDNR/MMSD for sanitary permits, WDNR/Milwaukee Water Works for water permits, and WDNR/MMSD for stormwater permits.
4. Execution of a signed Development Agreement between the developer and City of Greenfield, drafted by the Engineering Division.

The applicant, Andy Gonzalez, was present for discussion. Mayor Neitzke mentioned that the frontage road, near Barnard Ave., needs a plan for proper snow removal. Mr. Gonzalez said that, on the latest plan, the space for snow storage is wider.

**Motion by Mr. Rogers, seconded by Mr. Krenz, to recommend Common Council approval of Final Subdivision Plat for Parkview Estates, a proposed single-family development to be located at S. 35 St. and W. Barnard Ave., submitted by Calvin K. Klimeck d/b/a Pioneer Engineering and Surveying, LLC and Raul A. Gonzalez d/b/a First West Realty, LLC (Tax Key No. 622-9988-018), subject to Plan Commission comments and staff comments, and authorize this item to be expedited to the June 20, 2023 Common Council meeting. Motion carried unanimously.**

- 7A. **Special Use Review for proposed hours of operation change to Wheels Plus, an existing gas station and convenience store located at 6745 W. Forest Home Ave., submitted by Ehab Mohany, d/b/a Wheels Plus Gas & Grocery, LLC. (Tax Key No. 572-8976-000)**
- 7B. **Site Plan Review for Wheels Plus, an existing gas station and convenience store located at 6745 W. Forest Home Ave., submitted by Ehab Mohany, d/b/a Wheels Plus Gas & Grocery, LLC. (Tax Key No. 572-8976-000)**

Items 7A and 7B may be considered together.

### **Overview and Zoning**

In November 2020, the Plan Commission reviewed an ownership change for Wheels Plus. The owners are now requesting an hours of operation change, to be open 24 hours/day, 7 days/week. This would apply to the gas pumps, the convenience store, and the car wash. The gas pumps have been open for 24 hours, as was discussed at the November 2020 review. The property is zoned C-3 Highway and Commercial Service Business District, which permits gas stations with a convenience store as a Special Use. The hours of operation proposed modification triggers a Special Use Review.

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.

Staff has reached out to the Police Department to inquire about other convenience stores that are open 24 hours in the City. There are several others that are open 24 hours: Speedway 6000 W. Layton Ave., Speedway 3390 W. Loomis Rd., Speedway 4265 S. 60 St., Sai-Mart 4715 S. 27 St., and BP 4405 W. Loomis Rd.

Staff does not feel that the increase in operational hours is a major change to the original Special Use for this property, which is located along a commercial corridor on W. Forest Home Ave., and has the Power Line buffer to the south, between it and residential uses. Staff does not recommend that a public hearing be held.

### **Site Review**

A site plan was not submitted, but the Zoning Code allows for the comprehensive review of the condition of the site as part of the Plan Commission review. In 2020, missing landscaping was installed, but since then, a significant amount of landscaping has not survived and needs to be replaced again. Staff will provide the applicant with the approved landscaping plan that is on file. During a site inspection, staff discovered fire wood, pallets, and salt bags being stored outside, which is not allowed per Section 21.04.0703.J.8. of the Municipal Code, and all outdoor storage and display of merchandise shall be removed from the property immediately. In addition, there are a few temporary banners on site that are not permitted, and must be removed from the property immediately. Staff is recommending that all of these conditions be rectified prior to the store being allowed to be open 24 hours/day.

Staff recommends this item be expedited to the June 20, 2023 Common Council meeting.

**Recommendation:** Recommend Common Council approval of the Special Use Review and Site Plan Review for proposed hours of operation change to Wheels Plus, an existing gas station and convenience store located at 6745 W. Forest Home Ave., submitted by Ehab Mohany, d/b/a

Wheels Plus Gas & Grocery, LLC (Tax Key No. 572-8976-000), subject to Plan Commission, staff comments and the following conditions:

(Item 1 is required to be satisfied prior to the hours of operation being extended to 24 hours/day.)

1. Removal of all outdoor storage of merchandise (except propane tanks); removal of all temporary banners; replacement of all missing landscaping to be in compliance with the 2001-approved landscaping plan.

The applicant, Ehab Mohany, was present for discussion. Mayor Neitzke said that there is concern regarding car wash noise disturbing the neighbors, and therefore Plan Commission requires that car washes do not operate after 10pm.

**Motion by, seconded by Mr. Carlson, seconded by Ms. Wojak, to recommend Common Council approval of the Special Use Review and Site Plan Review for proposed hours of operation change to Wheels Plus, an existing gas station and convenience store located at 6745 W. Forest Home Ave., submitted by Ehab Mohany, d/b/a Wheels Plus Gas & Grocery, LLC (Tax Key No. 572-8976-000), subject to Plan Commission and staff comments, including the car wash hours being limited to 7am – 10pm, and authorize this item to be expedited to the June 20, 2023 Common Council meeting, without the need for a public hearing. Motion carried unanimously.**

8. **Site and Architectural Plans for proposed construction of a pergola at Clement Manor, located at 9339 W. Howard Ave., submitted by Daniel Brown, d/b/a Palladium Patios and Landscaping. (Tax Key No. 568-9999-009)**

#### **Overview and Zoning**

Clement Manor is seeking approval for the construction of a pergola on their property, located close to one of the W. Howard Ave. site entries. The Clement Manor property is zoned Planned Development Unit.

#### **Site and Architectural Plans**

The proposed pergola is 16 ft. x 12 ft. in size, 8 ft. in height, constructed of cedar on a new 20 ft. x 25 ft. paver patio. The pergola was already constructed without permits, so the applicant is seeking approval after-the-fact.

Upon inspection of the property, staff noted a few dead trees scattered throughout the property, both deciduous and coniferous, visible from both S. 92 St. and W. Howard Ave. Staff is recommending that those trees be removed and replaced by October 2023.

Staff recommends this item be expedited to the June 20, 2023 Common Council meeting.

**Recommendation:** Recommend Common Council approval of the Site and Architectural Plans for proposed construction of a pergola at Clement Manor, located at 9339 W. Howard Ave., submitted by Daniel Brown, d/b/a Palladium Patios and Landscaping (Tax Key No. 568-9999-009), subject to Plan Commission, staff comments, and the following conditions:

(Item 1 is required to be satisfied prior to the issuance of building permits. Contractors applying for permits should be advised accordingly.)

1. A letter being submitted to the Community Development Division stating that all dead trees throughout the property will be removed and replaced by October 31, 2023.

**Motion by Ald. Kastner, seconded by Mayor Neitzke, to recommend Common Council approval of the Site and Architectural Plans for proposed construction of a pergola at Clement Manor, located at 9339 W. Howard Ave., submitted by Daniel Brown, d/b/a Palladium Patios and Landscaping (Tax Key No. 568-9999-009), subject to Plan Commission and staff comments, and authorize this item to be expedited to the June 20, 2023 Common Council meeting. Motion carried unanimously.**

9. **Site, Landscaping and Architectural Plans for proposed new construction of Baggott Dental, to be located at 3130 S. 103 St., submitted by Timothy Baggott, DDS, d/b/a Baggott Dental, and Eric Drazkowski, P.E., d/b/a Excel Engineering. (Tax Key No. 524-8986-037)**

#### **Overview and Zoning**

The applicant has submitted an offer to purchase the vacant 1.06-acre parcel at the southeast corner of W. Oklahoma Ave. and S. 103 St., to construct a new 3,800 sq. ft. dental office on the northern half of the parcel. The proposed \$1 million project consists of a stand-alone dental office, stormwater retention dry pond to the east of the building, and a parking lot to the south. The intent is to someday split the parcel with a CSM and sell the southern half for some sort of future development. The property is zoned C-4 Regional Business District, which permits dental offices as a Permitted Use. A public hearing is not required.

The services provided at the proposed dentist office would include general dentistry. The hours of operation would be from 8:00AM to 5:00PM Monday through Friday. The maximum number of employees on the largest shift is 10. The maximum expected number of patients per day is 40. There are a total of eight (8) treatment/hygiene rooms in the building design. Timothy C Baggott, DDS is a second generation dentist with 13 years of experience. He joined his father's Greenfield practice of 40 years in 2010 after graduating from Marquette University School of Dentistry. He purchased a second office in 2018 in Downtown Milwaukee.

#### **Site and Landscaping Plans**

The building is rectangular in shape and is situated with a 37-ft. setback off of W. Oklahoma Ave., a 10-ft. setback off of S. 103 St., and a 72-ft. side yard setback from the east property line. The C-4 District requires a 50-ft. front yard setback and a 35-ft. side yard setback for a corner lot. The 23-stall parking lot is located immediately south of the building with one driveway entrance off of S. 103 St. There will be no access to the office from W. Oklahoma Ave. The parking lot will be constructed with curb and gutter and will include two (2) ADA stalls. Medical-type office buildings require 10 parking spaces per 1,000 sq. ft. plus one (1) space per employee, totaling 47 required spaces for this proposal.

Per Section 21.04.0304.C(c), *"The Plan Commission will evaluate the impact of the standards for building setback/placement and parking lot layout with new construction on a site by site basis and will determine under Site, Building, and Landscape Review what the appropriate building*

*setback/placement and parking lot layout will be within the context of total site review. That recommendation will be forwarded to the Common Council for consideration. (Cr. #2474)."* Staff feels that the Plan Commission should grant a waiver for the setbacks and the parking shortage. Good planning designs a building as close to the road as possible with parking in the back. And staff does not feel that this size dental office should need 47 off-street parking spaces. The owner knows the parking demand based on their client usage and turnover of services throughout the day.

Staff comments on the Site and Landscaping include the following:

- Handrails should be installed along the east side of the building between the sidewalk and the dry stormwater retention pond to eliminate the possibility of injury due to the grade difference/pitching that starts immediately east of the sidewalk.
- Per the City Forester, additional landscaping should be installed along the south side of the parking lot. Along a 110-ft. stretch of parking, only 15 shrubs are proposed. Staff understands that "someday" there may be development to the south, but for now, the south perimeter of the parking lot needs to be sufficiently landscaped. Staff would also like to see some trees planted along the W. Oklahoma Ave. side of the parcel.
- Concrete bases for light poles within curbed protected areas need to be reduced in height to 6 inches, per Section 21.06.0406.D. of the Municipal Code. The proposal shows 3-ft. tall concrete bases in protected curb areas.
- Additional Engineering comments have been provided to the civil engineer.

#### **Lighting Plans**

A photometric plan has been submitted. The proposal includes only two (2) 18-ft. tall light poles in the parking lot, one (1) on the north end by the building entrance and one (1) on the south side of the parking lot. The lights are your standard LED D-Series fixtures, black in color.

#### **Architectural Plans**

The proposed building will be constructed of a variety of materials, including: brick veneer with prefinished metal sill caps, LP Smartside (cement board) two (2) colors ("rapids blue" and "desert stone"), a vertical Nichiha cement board panel system facing W. Oklahoma Ave., Nichiha trim board, and aluminum storefront windows. The building has storefront windows on all four (4) elevations and a floor-to-ceiling storefront window system at the building's south entrance. The roof will be constructed of dimensional asphalt/fiberglass shingles. Staff does not have any recommended modifications to the building's architectural design.

Staff recommends this item be expedited to the June 20, 2023 Common Council meeting.

**Recommendation:** Recommend Common Council approval of the Site, Landscaping and Architectural Plans for proposed new construction of Baggott Dental, to be located at 3130 S. 103 St., submitted by Timothy Baggott, DDS, d/b/a Baggott Dental, and Eric Draskowski, P.E., d/b/a Excel Engineering (Tax Key No. 524-8986-037), subject to Plan Commission, staff comments, and the following conditions:

(Items 1 through 7 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. Revised site, landscaping and lighting plans being submitted to the Community Development Division to show the following: (a) handrails being installed on the east side of the building, between the sidewalk and dry stormwater retention pond; (b) light pole concrete bases being reduced to 6 inches in height; and, (c) landscaping species and quantity modifications at the request of the City Forester.
2. A revised Civil Plan Set and a Stormwater Management Plan showing modifications/requirements as directed by the Engineering Department, subject to change in order to meet Municipal Code requirements.
3. An estimated cost of landscaping and screening being submitted to the Community Development Division for approval.
4. 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.
5. Permit application and approved plans being submitted to the City of Greenfield Engineering Department for necessary driveway permits.
6. Permit application approvals from WDNR/MMSD for sanitary permits, WDNR/Milwaukee Water Works for water permits, and WDNR/MMSD for stormwater permits.
7. All electric powerlines being constructed underground and an electric utility plan being submitted to the Engineering Department for review.

Chad Ferguson, representing Keller Design Builders, and Alex Muhl, of Excel Engineering, were present for discussion. They agreed with recommendations regarding the landscaping requirements. Mr. Muhl requested that there not be a required handrail along the east sidewalk, because from a maintenance standpoint it would get in the way. Ms. Porter said that the Engineering Staff and Building Inspector were concerned because the exit door leads people straight east, and someone could take extra steps forward. She explained that, with the sudden grade difference, an accident could occur. Ms. Porter asked if there is a way to reconfigure the door so that someone exiting starts walking south. Mr. Muhl said that they could easily alter the route of the sidewalk.

**Motion by, seconded by Mayor Neitzke, seconded by Ald. Kastner, to recommend Common Council approval of the Site, Landscaping and Architectural Plans for proposed new construction of Baggott Dental, to be located at 3130 S. 103 St., submitted by Timothy Baggott, DDS, d/b/a Baggott Dental, and Eric Draskowski, P.E., d/b/a Excel Engineering (Tax Key No. 524-8986-037), subject to Plan Commission and staff comments, including the removal of item 1 (a), and authorize this item to be expedited to the June 20, 2023 Common Council meeting. Motion carried unanimously.**

- 10A. Special Use Review for Reyes Auto Repair, a proposed automotive repair business, to be located at 4805 W. Forest Home Ave., submitted by Moises Reyes Ignacio, d/b/a Reyes Auto Repair. (Tax Key No. 531-1134-000)**
- 10B. Site Plan Review for Reyes Auto Repair, a proposed automotive repair business, to be located at 4805 W. Forest Home Ave., submitted by Moises Reyes Ignacio, d/b/a Reyes Auto Repair. (Tax Key No. 531-1134-000)**

Items 10A and 10B may be considered together.

#### **Overview and Zoning**

The applicant has submitted an offer to purchase the property, which currently operates as an automotive repair shop, approximately 2,700 sq. ft. in area. The property is zoned C-3 Highway and Commercial Service Business District, which permits General Automotive Repair as a Special Use. A change in ownership authorizes Special Use Review by the Plan Commission and Common Council. Mr. Ignacio plans to offer general automotive repair services such as engine repair, transmission repair, suspension and brake repair, oil changes, etc. The applicant/business owner plans on possibly hiring only one (1) other person. Proposed hours of operation are 8am – 6pm, seven (7) days/week; however the previous user's approved hours were 8am – 6pm Monday – Friday, 8am – 2pm Saturday, closed Sunday. Staff recommends that the new business maintain the same hours of operation as the previous business. Mr. Ignacio has around 12 years of experience working on vehicles.

#### **Site Plan Review**

A site plan was not submitted, but the Zoning Code allows for the comprehensive review of the condition of the site as part of the Plan Commission review. There is an approved site and landscaping plan on file from 1998 when a building addition was proposed (and constructed). It appears there is a substantial amount of missing landscaping. In fact, entire curbed landscaping areas are not even in existence. Staff is recommending that the applicant get the site condition in compliance with the 1998 landscaping and site plan by October 31, 2023, and that a conditional occupancy permit be granted in the meantime. Full occupancy can be granted once staff receives confirmation that the site is in compliance with the approved plan. There are also several places of torn up or missing pavement throughout the site that needs to be patched/repaired by, what staff is recommending, October 31, 2023. Additional recommended site repairs include the removal of leftover concrete bases to old light poles, and removal of overgrown volunteer growth/weeds along the south fence line.

The building itself is in good condition. There is an existing enclosed refuse area in the back of the building, constructed of a masonry wall.

Staff recommends this item be expedited to the June 20, 2023 Common Council meeting.

**Recommendation:** Recommend Common Council approval of the Special Use Review and Site Plan Review for Reyes Auto Repair, a proposed automotive repair business, to be located at 4805 W. Forest Home Ave., submitted by Moises Reyes Ignacio, d/b/a Reyes Auto Repair (Tax Key No. 531-1134-000), subject to Plan Commission, staff comments, and the following conditions:

(Work associated with Item 1 must be completed by October 31, 2023, which at that time, a permanent Certificate of Occupancy may be issued. A Conditional Certificate of Occupancy shall be issued in the meantime.)

1. Installment of all missing landscaping and curbed landscaping areas, to be in compliance with the 1998-approved landscaping plan; removal of all concrete bases throughout the site; patching/repair of torn-up pavement; general clean-up and removal of all volunteer growth/weeds throughout the property.

Richard Brodhagen, owner of the property, was present for discussion. He explained that the missing planters on the east side weren't put in because of the limited places to push snow after plowing. Mr. Brodhagen mentioned that grass along Forest Home Ave. is destroyed by salt and snow plows every year. The Mayor said that the City Forester could suggest landscaping that would not be affected by salt. The Plan Commission agreed to remove the requirement of the construction of two (2) planter beds along S. Durand Ave.

**Motion by Mayor Neitzke, seconded by Mr. Carlson, to recommend Common Council approval of the Special Use Review and Site Plan Review for Reyes Auto Repair, a proposed automotive repair business, to be located at 4805 W. Forest Home Ave., submitted by Moises Reyes Ignacio, d/b/a Reyes Auto Repair (Tax Key No. 531-1134-000), subject to Plan Commission and staff comments, and authorize this item to be expedited to the June 20, 2023 Common Council meeting. Motion carried unanimously.**

- 11A. **Special Use Permit for Mochinut, a proposed limited-service restaurant, to be located at 4848 S. 76 St., submitted by Mohammad Assad, d/b/a Mesho Sweets, LLC. (Tax Key No. 617-9981-002)**
- 11B. **Site Plan Review for Mochinut, a proposed limited-service restaurant, to be located at 4848 S. 76 St., submitted by Mohammad Assad, d/b/a Mesho Sweets, LLC. (Tax Key No. 617-9981-002)**

Items 11A and 11B may be considered together.

### **Overview and Zoning**

The applicant is proposing to occupy approximately 1,300 sq. ft. of tenant space within the multi-tenant commercial building, where T-Mobile used to lease. Mr. Assad is proposing to operate a limited-service restaurant called Mochinut, a fusion dessert chain. More information about the franchise can be found here: <https://www.mochinut.com/> The property is zoned Planned Unit Development (PUD), which permits limited-service restaurants as a Special Use. Since this is a new use in this tenant space, a public hearing and new Special Use Permit is required. A public hearing can be scheduled as early as July 18, 2023. The restaurant would be open from 9am – 12am (midnight). Mr. Assad is anticipating employing three (3) FT employees and two (2) PT employees.

### **Site Plan Review**

A site plan was not submitted, but the Zoning Code allows for the comprehensive review of the condition of the site as part of the Plan Commission review. There is an approved site and landscaping plan on file from 2000. The refuse enclosure door is in poor condition and needs to

be repaired or replaced. There is a significant amount of landscaping missing, most landscape beds consist of only mulch today. Staff has been in touch with the landlord, has supplied the approved landscaping plan, and is recommending that the landlord get the site condition in compliance with the landscaping and site plan by October 31, 2023, and that a conditional occupancy permit be granted in the meantime. There are also several places of torn up or missing pavement throughout the site that needs to be patched/repared, and the parking stall painting is very faint and should be restriped. Staff is recommending that these items be rectified by October 31, 2023 as well. Full occupancy can be granted once staff receives confirmation that the site is in compliance with the approved plan.

The proposed Mochinut restaurant requires 19 (15 per 1,000 sq. ft.) parking spaces and the remaining office building requires 3.3 spaces per 1,000 sq. ft., or 96, for a total of 115 required off-street parking spaces. A total of 111 stalls are provided on the property. The Common Council may waive the shortage.

**Recommendation:** Recommend Common Council approval of the Special Use Permit and Site Plan Review for Mochinut, a proposed limited-service restaurant, to be located at 4848 S. 76 St., submitted by Mohammad Assad, d/b/a Mesho Sweets, LLC. (Tax Key No. 617-9981-002), subject to Plan Commission and staff comments, and the following conditions:

(Work associated with Item 1 must be completed by October 31, 2023, which at that time, a permanent Certificate of Occupancy may be issued. A Conditional Certificate of Occupancy shall be issued in the meantime.)

1. Installment of all missing landscaping and curbed landscaping areas, to be in compliance with the 2000-approved landscaping plan; patching/repair of torn-up pavement; and repair or replacement of the refuse enclosure door.

Property owner, Mr. Davinder Toor, was present for discussion. He explained that the asphalt improvement and dumpster corral repair are both are on the capital expenses for this year. He requested that the completion date be moved to the end of the year. The applicant said that there was dead landscaping when they took over the property in 2020. He explained that a landscaping partner cleaned up the dead landscaping, trimmed trees, replaced plant stock, and focused energy on the front of the building. He would like his landscaper to work with someone at the City of Greenfield, and make sure that whatever landscaping they put in will survive. Plan Commission requested that the applicant submit a new landscape plan by August 1, 2023 with an installation of landscape by June 1, 2024. Plan Commission also advised the applicant to remove the banners and apply for a temporary sign permit for one banner.

**Motion by Mr. Rogers, seconded by Ms. Wojak, to recommend Common Council approval of the Special Use Permit and Site Plan Review for Mochinut, a proposed limited-service restaurant, to be located at 4848 S. 76 St., submitted by Mohammad Assad, d/b/a Mesho Sweets, LLC. (Tax Key No. 617-9981-002), subject to Plan Commission and staff comments, including the patching/repair of torn-up pavement and repair or replacement of the refuse enclosure door being completed by December 31, 2023, and authorize a public hearing to be scheduled for July 18, 2023. Motion carried unanimously.**

## 12. Community Development Manager Report

Holey Mackerel has submitted plans for their outdoor expansion for next month's Plan Commission meeting.

**13. Adjournment.**

**Motion by Mr. Carlson, seconded by Mr. Rogers, to adjourn the meeting at 7:21 p.m. Motion carried unanimously.**

Respectfully submitted,

Natalie Phillips  
Administrative Assistant

Distributed June 20, 2023