

**MINUTES OF THE PLAN COMMISSION MEETING HELD AT THE
GREENFIELD CITY HALL ON TUESDAY, JULY 10 2023**

1. The meeting was called to order at 6:00 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	Excused
	Mr. Robert Krenz	Present
	Mr. Michael Braswell (alt.)	Present
	Ms. Danielle Wojak (alt.)	Excused

ALSO PRESENT: Kristi Porter – Community Development Manager

1. Roll Call

2. Approval of the minutes from the June 13, 2023 meeting.

Motion by Mr. Carlson, seconded by Mr. Rogers, to approve, with a correction on page 8, “motion 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,” the June 13, 2023 meeting minutes. Mr. Braswell abstained. Motion carried unanimously.

3. Discussion regarding last Common Council meetings.

There were four Public Hearings on June 20, 2023. Common Council approved the Public Hearings for Maranatha Community Center, Luxury Auto, and Holey Mackerel. Common Council denied the proposed hours of operation change to Kalibres and approved the other proposals.

4A. Special Use Permit for an outdoor expansion of Holey Mackerel, an amusement and recreational establishment with a bar/tavern and limited service restaurant, 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)

4B. Site, Landscaping, and Architectural Plans for an outdoor expansion of Holey Mackerel, an amusement and recreational establishment with a bar/tavern and limited service restaurant, 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 4A and 4B may be considered together.

Overview and Zoning

The owner of the project, Tripper Duval, is planning to renovate the existing site of the former River Falls Family Center. He plans to add a 5,984 sq. ft. enclosed structure on the east side of the site, outdoor gathering space adjacent to the new building, a lawn area with a stage and

string lights above, as well as four (4) pickle ball courts on the west end of the site. The scope also includes the addition of another 34 parking stalls via a double loaded bay of parking, as well as repaving and restriping the existing parking lot.

The new building will include 3 regulation bocce ball courts, a bar, kitchen for food sales, and additional public bathrooms to serve the added occupant load from outdoor uses. The building will also feature fully glazed roll up garage doors so that the building can open up to the adjacent patio.

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 in addition to the added activities described above.

The Common Council approved hours of operation to be from 7AM to 11PM, seven (7) days/week, when Holey Mackerel went through the Special Use Permit process in May/June 2023. There will be an estimated 6 to 12 employees working on each shift with an estimated number of 350 customers per week.

All site and addition work for “phase 2” is anticipated to start around the end of August to September 2023.

The property is zoned C-2 Community Commercial District which permits “Drinking Places” (i.e. bars/taverns), “All Other Amusement and Recreation Industries,” and “Limited Service Restaurants” as Special Uses. Mr. Duval is requesting to expand the serving of alcohol to the outside facilities and to expand the recreational/amusement uses. The limited restaurant use is new to the property and requires a public hearing, which can be scheduled as early as August 15, 2023.

Site and Landscaping Plans

The proposal includes extensive site improvements, starting with the construction of a 5,984 sq. ft. pavilion building that will house a kitchen, bar, and bocce spaces, a large outdoor paved patio, a beer garden lawn with seating, and a small 18 ft. x 12 ft. covered stage/screen structure at the south end for movie nights and small musical performances. This new outdoor area will be located east of the batting cages, along the west property line of Konkel Park. Decorative string lights will be displayed and supported by wood poles throughout the patio and beer garden lawn.

A pedestrian path is proposed to run northeast, connecting to the Konkel Park path. This would require the removal of a portion of the existing chain link fence (which belongs to Holey Mackerel) along the east property line, and an Easement Agreement between Holey Mackerel and the City of Greenfield. There would have to be an analysis conducted if the path could be constructed without disruption to the mature trees located on the Konkel Park property. This proposal would ultimately need to be approved by the Parks and Recreation Department, the Park & Recreation Board, and the Common Council.

Four (4) pickle ball courts will be constructed west of the batting cages and south of the parking lot extension, occupying a 120 ft. x 60 ft. space.

The City Forester will review the landscaping plan and provide comments to the applicant.

The 100-year floodplain flows along the east side of the property, nearly the entire north-south length of the parcel. The proposed pavilion, a bio-filter/retention area, and various site grading are all proposed within the 100-year floodplain. In order to move forward with the proposal, the applicant needs to receive approval of a LOMR (Letter of Map Revision) from FEMA. The LOMR is a document that officially revises a portion of the effective NFIP (National Flood Insurance Program) map. Mr. Duval's engineering team is working on the request to FEMA.

A 34-stall parking lot expansion is proposed to the south of the existing parking lot. The existing parking lot will be re-paved with new asphalt and parking striping. The property currently has 82 on-site parking spaces, and with the addition, there will be total of 118 provided parking stalls.

Golf course – 3 parking spaces per hole = 54 required

Bar/tavern/restaurant – 15 parking spaces/1,000 sq. ft. (39 required for existing building + 11 for new building) = 50 required

Tennis – 2 spaces/court (4 pickle ball courts + 3 bocce areas) = 14 required

All other outdoor recreational uses – 1 parking space/10,000 sq. ft. = 5 required

TOTAL OFF-STREET PARKING SPACES REQUIRED = 123

The Common Council may waive the parking shortage of five (5) spaces.

There is an existing refuse enclosure located on the west side of the property. The doors have been removed and the enclosure itself is in need of repair. Staff recommends that the board-on-board materials be replaced and noted on a revised site plan.

Lighting Plans

A photometric plan has been submitted. The proposal includes the addition of three (3) 17-ft. tall light poles in the parking lot. The lights are your standard LED light fixtures, black in color. The proposal includes 3-ft. tall concrete bases, however the poles are in protected curb areas, and the Code requires light pole concrete bases to be no taller than 6". There is also one (1) decorative luminaire being provided on the north end of the patio. Pole details and height need to be provided for the decorative light pole.

Architectural Plans

The new pavilion building is L-shaped, with the building located 30 feet off of the east property line, meeting all setback requirements. Proposed building materials will be James Hardie board and batten cladding with a standing seam metal roof. The north elevation, which is 67 ft. in length, only includes an insulated hollow metal door. Staff has asked the architect to come up with some architectural relief on this elevation, as it will be visible from the mini golf course, the walking path, and W. Layton Ave. The east elevation includes six (6) single-hung windows, but a blank wall that is 46 ft. long, where again, staff asked for some articulation, particularly at the gables/roof peek. The south elevation includes an insulated hollow metal door and a fully glazed overhead door that can open and close, weather permitting. Staff asked for some architectural articulation at the gables/roof peek of this elevation as well. The west elevation faces the open patio area and will include three (3) fully glazed overhead doors, the main

building entrance door, and two (2) fully glazed overhead windows for serving from the inside/ordering from the outside.

Architectural elevations were not provided for the small 18 ft. x 12 ft. covered stage/screen structure at the south end, but it is shown on the renderings. Elevations will be required as a condition of approval.

Recommendation: Recommend Common Council approval of the Special Use Review and Site Plan Review for an outdoor expansion of Holey Mackerel, an amusement and recreational establishment with a bar/tavern and limited service restaurant, 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 and staff comments, and the following conditions:

(Items 1 through 9 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 Architectural Plans being submitted to the Community Development Division to show the following: (a) architectural modifications to the north, east and south elevations; (b) building light fixtures being shown on the elevations and cut sheets of the building light fixtures; (c) light pole concrete bases being reduced to 6 inches in height; (d) board-on-board refuse enclosure being reconstructed, with a maze wall or personnel door; (e) wood mulch replacing stone in landscaping plan; (f) landscaping species and quantity modifications at the request of the City Forester, if applicable.
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. Revised photometric plan providing cut sheets with labels and cut sheets of string lights.
5. An Easement Agreement with the City of Greenfield for pedestrian access and connection to Konkel Park, if applicable.
6. LOMR being approved by FEMA and provided to the Engineering Division.
7. Permit application approvals from WDNR/MMSD for sanitary permits and SWMP and WDNR/Milwaukee Water Works for water permits.
8. SWMP and SWMMA being submitted to the Engineering Division for review and approval, as needed.
9. A FOG Plan being submitted to the City Plumber for review and approval.

10. Revised civil plans being submitted to the Engineering Division for review and approval, as needed.

Ms. Porter mentioned that, per code, only one principal building per lot is allowed unless the Plan Commission approves otherwise. The pavilion will be principal building number two, and staff recommends the waiver. Ms. Porter noted the addition of two conditions, including wood mulch replacing stone in the landscape plan and a revised photometric plan providing cut sheets with labels and cut sheets of string lights. She explained that these conditions were discussed in conversations in an email with Mr. Duvall and his architect Shawn Sullivan.

Applicants Tripper Duval and Shawn Sullivan were present for discussion. The Mayor said that food trucks are generally special uses, so if they want to have food trucks in the future they should ask for them now. The applicants agreed to include food trucks in their proposal. This specific Special Use Permit will be listed in the public hearing notification. Plan Commission suggested moving the refuse enclosure so that it's closer to the building, the applicant said they would analyze the feasibility.

Motion by Mayor Neitzke, seconded by Mr. Braswell, to recommend Common Council approval of the Special Use Permit and Site, Landscaping, and Architectural Plans for an outdoor expansion of Holey Mackerel, an amusement and recreational establishment with a bar/tavern and limited service restaurant and food truck, 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 and staff comments, including the addition of food trucks, and authorize a public hearing to be scheduled for August 15, 2023. Motion carried unanimously.

- 5A. **Special Use Permit for an expansion of Kyoto, an existing full-service restaurant, to be located at 7417 W. Layton Ave., submitted by Yi Wu d/b/a Kyoto Group LLC, and Nathan Hostetler, d/b/a Layton Partners LLC. (Tax Key No. 617-0082-004)**
- 5B. **Site Plan Review for an expansion of Kyoto, an existing full-service restaurant, to be located at 7417 W. Layton Ave., submitted by Yi Wu d/b/a Kyoto Group LLC, and Nathan Hostetler, d/b/a Layton Partners LLC. (Tax Key No. 617-0082-004)**

Items 5A and 5B may be considered together.

Overview and Zoning

Kyoto, an established Japanese full-service restaurant, is located in Layton Plaza at the SE corner of S. 76 St. and W. Layton Ave. 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.). The Special Use Review for an ownership change was approved in May 2023. The applicant is now proposing an expansion into the neighboring tenant space to increase indoor seating, provide larger restrooms, and provide new/more storage and cooler space for the restaurant. The applicant intends to maintain the same hours of business.

Site Plans

In May 2023, this property underwent a Site Plan Review which was triggered when Kyoto had a change of ownership. At that time, the only issues identified was the storage of equipment and materials in the rear of the space and a Fats, Oils, and Grease (FOG) Plan being submitted to the Plumbing Inspector for review and approval. Both conditions have been met. At this time, there are no issues that need to be addressed and the multi-tenant commercial building property remains in good condition.

Staff recommends approval and recommends that a public hearing be scheduled for August 15, 2023.

Recommendation: Recommend Common Council approval of the Special Use Review and Site Plan Review for Kyoto, an existing full-service restaurant, to be located at 7417 W. Layton Ave., submitted by Yi Wu d/b/a Kyoto Group LLC, and Nathan Hostetler, d/b/a Layton Partners LLC (Tax Key No. 617-0082-004), subject to Plan Commission and staff comments.

The applicant's contractor, Nathan Hostetler, was present for discussion. Mayor Neitzke reminded the applicant that the area outside the back door needs to remain clean. Mr. Hostetler said that, with the expansion, staff can keep the back cleaner and the owners have instructed the staff to discontinue cleaning items in the alley.

Motion by Mayor Neitzke, seconded by Mr. Rogers, to recommend Common Council approval of the Special Use Permit and Site Plan Review for Kyoto, an existing full-service restaurant, to be located at 7417 W. Layton Ave., submitted by Yi Wu d/b/a Kyoto Group LLC, and Nathan Hostetler, d/b/a Layton Partners LLC (Tax Key No. 617-0082-004), subject to Plan Commission and staff comments, and authorize a public hearing to be scheduled for August 15, 2023. Motion carried unanimously.

- 6A. Special Use Permit for Nystrom & Associates, a proposed outpatient mental health counseling and psychiatry service facility, to be located at 4131 W. Loomis Rd., Suite 120, submitted by Eric Peterson d/b/a Nystrom & Associates. (Tax Key No. 600-1001-000)**
- 6B. Site Plan Review for Nystrom & Associates, a proposed outpatient mental health counseling and psychiatry service facility, to be located at 4131 W. Loomis Rd. Suite 120, submitted by Eric Peterson d/b/a Nystrom & Associates. (Tax Key No. 600-1001-000)**

Items 6A and 6B may be considered together.

Overview and Zoning

Nystrom & Associates is an outpatient mental health organization. Nystrom provides outpatient mental health counseling and psychiatry services to our clients through both in person and telehealth appointments. The Greenfield location located at 4131 W. Loomis Rd., Suite 120 will be the 8th Nystrom location in Wisconsin. To accommodate the site on Loomis Road the applicant will be remodeling an existing space in a multi-tenant medical building. The remodel work will be completed by Heritage Construction. When completed, the space will be large enough to employ up to ~16 outpatient mental health practitioners conducting in office and telehealth therapy appointments. Hours of operation will be Monday – Thursday, 8am-6pm and Fridays 8am-5pm.

The property is zoned O – Office and Professional Services District. Outpatient Mental Health Practitioners is permitted as a Special Use in this district.

Site Plan Review

A site and landscaping plan were not submitted, but the site is subject to review when the Plan Commission and Common Council consider Special Use Permits. The multi-tenant commercial building property is in good condition. Staff noted the presence of several pot holes in the western portion of the parking lot that need to be repaired. Additionally, Nystrom & Associates already has a sign panel within the monument sign. However, they have not submitted a sign application permit nor would one have been approved yet since an occupancy permit is currently on hold for the business.

Staff recommends approval and recommends that a public hearing be scheduled for August 15, 2023.

Recommendation: Recommend Common Council approval of the Special Use Review and Site Plan Review for Nystrom & Associates, a proposed outpatient mental health counseling and psychiatry service facility, to be located at 4131 W. Loomis Rd., Suite 120, submitted by Eric Peterson d/b/a Nystrom & Associates (Tax Key No. 600-1001-000), subject to Plan Commission and staff comments.

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

1. Approval of a sign permit application and the payment of all applicable fees.
2. A letter being submitted to the Community Development Division stating that the following item will be completed by November 30, 2023: (a) patching the deteriorated portions of the parking lot.

The applicant Eric Peterson was present for discussion. He said that they are combining suites to make space for providers. He explained that practitioners prescribe medications but don't dispense them at the location. Ms. Porter mentioned that she made contact with the property owner who intended to comply with item #2 in the conditions.

Motion by Mayor Neitzke, seconded by Ald. Kastner, to recommend Common Council approval of the Special Use Permit and Site Plan Review for Nystrom & Associates, a proposed outpatient mental health counseling and psychiatry service facility, to be located at 4131 W. Loomis Rd., Suite 120, submitted by Eric Peterson d/b/a Nystrom & Associates (Tax Key No. 600-1001-000), subject to Plan Commission and staff comments, and authorize a public hearing to be scheduled for August 15, 2023. Motion carried unanimously.

- 7A. Special Use Review for an ownership change to Plato's Closet, an existing business, located at 5020 S. 74 St., submitted by Joshua Berden, d/b/a Plato's Closet Greenfield. (Tax Key No. 617-9975-024)**

7B. Site Plan Review for an ownership change to Plato's Closet, an existing business, located at 5020 S. 74 St., submitted by Joshua Berden, d/b/a Plato's Closet Greenfield. (Tax Key No. 617-9975-024)

Items 7A and 7B may be considered together.

Overview and Zoning

Plato's Closet, located at 5020 S. 74 St., is an existing business for review triggered by a change in ownership. The property is zoned Planned Unit Development (PUD), which permits used merchandise stores as a Special Use. The retail store buys and sells gently used clothing and accessories for teens and young adult boys and girls. The tenant space is approximately 4,144 sq. ft. in area. Hours of operation will remain unchanged from the existing hours of Monday – Saturday, 10am – 9pm and Sundays 11am-6pm. Initially, there would be approximately 8-15 employees, but the applicant anticipates needing 20-30 employees should sales volume grow in the future.

The applicant, Joshua Berden, has 25 years of customer service experience as well as over 20 years of management experience. The applicant currently works for Winmark Corporation providing support to 66 stores through field visits, virtual visits, and phone consultations. The applicant has been with the company for 6 years and 10 ½ months.

The entire building, under the category of "Miscellaneous retail stores," requires 1,137 off-street parking stalls, with Plato's Closet requiring 21 of those. The shopping center provides 1,111 stalls on site. The Common Council may waive the parking shortage.

The current lease expires 4/8/2025 with an option to renew for an additional 5 years.

Site 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 site appears to be in relatively good condition, but a few items are worthy of note.

First, several tenants have refuse items located adjacent to dumpsters. Items such as shelving, boards, and tires should be disposed of properly and not stored behind the building. Additionally, the property owner appears to have started replacing portions of the fence located behind the building. The portions that have not been replaced should be addressed to provide cohesion across the property.

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

Recommendation: Recommend Common Council approval of the Special Use Review and Site Plan Review for an ownership change to Plato's Closet, an existing business, located at 5020 S. 74 St., submitted by Joshua Berden, d/b/a Plato's Closet Greenfield. (Tax Key No. 617-9975-024), subject to Plan Commission, staff comments, and the following conditions:

1. A letter being submitted to the Community Development Division stating that the following items will be completed by June 1, 2024: (a) remaining portions of the fence

will be replaced to match the newer portions of the fence; and (b) no outdoor equipment or materials will be stored in the rear of the building.

Ms. Porter said that the landlord has already completed a phase 1 replacement of the fence in the rear of the property, and phase 2 is scheduled to be completed by spring of 2024. The property manager has reached out to all tenants instructing them to clean up the rear of the property. Patchwork for the potholes is scheduled to be completed by August 2023. Plan Commission agreed with the proposed schedule and therefore Ms. Porter said that the conditions have been satisfied.

Motion by Mayor Neitzke, seconded by Mr. Carlson, to recommend Common Council approval of the Special Use Review and Site Plan Review for an ownership change to Plato's Closet, an existing business, located at 5020 S. 74 St., submitted by Joshua Berden, d/b/a Plato's Closet Greenfield. (Tax Key No. 617-9975-024), subject to Plan Commission, staff comments, and authorize this item to be expedited to the July 18, 2023 Common Council meeting. Motion carried unanimously.

8. Amendment to Ordinance No. 3010 pertaining to PUD Planned Unit Development District (PUD #4).

Ordinance No. 3010 was adopted by the Common Council on November 1, 2022, and it had rezoned the Spring Mall parcel from C-4 Regional Business District to Planned Unit Development (PUD #4). The ordinance was drafted to follow a conceptual site plan, allowing the following uses:

Permitted Uses	Special Uses
General commercial retail	
Professional services	
General office	
Medical office/general medical	
Recreational/entertainment	
Restaurants, with or without drive-thru	
Multi-family residential housing	

The last section of the ordinance stated that, "The ordinance shall take effect and be in force upon its passage, publication, and upon the recording of a deed transferring ownership of the property from Brixmor Spring Mall Limited Partnership to Cobalt Partners, LLC or its affiliate."

On June 20, 2023, the City of Greenfield purchased the 23-acre property. The proposed Ordinance amendment eliminates the last section stating that the rezoning goes into effect only if Cobalt purchased the property. The elimination of that last section means that the property will officially be rezoned to PUD#4 and the ordinance becomes recorded with the Milwaukee County Register of Deeds. This provides the City further control of future uses and prospective redevelopment opportunities. A public hearing is scheduled for July 18, 2023.

Recommendation: Recommend Common Council approval of the Amendment to Ordinance No. 3010 pertaining to PUD Planned Unit Development District (PUD #4).

Motion by Mayor Neitzke, seconded by Mr. Braswell, to recommend Common Council approval of the Amendment to Ordinance No. 3010 pertaining to PUD Planned Unit Development District (PUD #4), and authorize a public hearing to be scheduled for August 15, 2023. Motion carried unanimously.

9. Community Development Manager Report

The Mayor mentioned that the City of Greenfield purchased Spring Mall June 20, 2023. He explained how staff has been working on site and has secured the building. He further explained that there are cameras on site for monitoring, and the intent is to make the site ready by early spring 2024 in preparation for future development. The Mayor anticipates that the City will recoup any funds put in to the property when a developer is secured. He said that Cobalt is still in negotiations with Walgreens in regards to the covenant. He explained that the City of Greenfield will now have control over the future of the property.

Mayor Neitzke mentioned that The Lowlands Group is rebidding The Lokal project at 84South, hence a delay in the construction start. Layton Ave. is closed this week near House of Harley for Harley Davidson's 120th birthday celebration.

10. Adjournment.

Motion by Mr. Carlson, seconded by Mr. Rogers, to adjourn the meeting at 6:50 p.m. Motion carried unanimously.

Respectfully submitted,

Natalie Phillips
Administrative Assistant

Distributed July 18, 2023