

**MINUTES OF THE PLAN COMMISSION MEETING HELD AT THE
GREENFIELD CITY HALL ON TUESDAY, DECEMBER 12, 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	Present at 6:02 pm
	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.)	Present

ALSO PRESENT: Kristi Porter – Community Development Manager

1. Roll Call

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

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

3. Discussion regarding last Common Council meetings.

There were five Public Hearings on December 5, 2023. Common Council approved the Public Hearings for Massage by Deadre, The Rest Nest, Tiny Tykes Puppies, and VANEE Tattoo Studio. The Nexus Vape N Smoke liquor store request was tabled.

4A. Special Use Permit for Black Belt Leadership Academy, a proposed sports and recreation instruction, to be located at 4440 S. 108 St., submitted by Corwin Holzman, d/b/a Black Belt Leadership Academy. (Tax Key No. 608-9991-001)

4B. Site Plan Review for Black Belt Leadership Academy, a proposed sports and recreation instruction, to be located at 4440 S. 108 St., submitted by Corwin Holzman, d/b/a Black Belt Leadership Academy. (Tax Key No. 608-9991-001)

Items 4A and 4B may be considered together.

Overview and Zoning

The applicant, Mr. Holzman, is proposing to occupy a portion of the building located at 4440 S. 108 St., approximately 2,600 sq. ft. of tenant space, within a multi-tenant commercial building. The applicant is proposing to operate a sports and recreation instruction center. The Black Belt Leadership Academy is a martial arts academy that teaches classes to children and adults. The applicant has been teaching martial arts for over 20 years and currently has a location in Wauwatosa that enrolls about 200 students with a part-time staff of 10 employees.

The property is zoned C-4 Regional Business District, which permits sports and recreation instruction as a Special Use. Since this is a new use in this tenant space, a public hearing and a Special Use Permit are required. A public hearing can be scheduled as early as January 16, 2024. The hours of operation would be Monday through Friday, 9am – 9pm, Saturdays 9am-2pm, and closed on Sundays. The applicant intends to enter into a five (5)-year lease for the space.

Site Review

A site plan was not submitted, but the Zoning Code allows for the comprehensive review of the condition of a site was part of the Plan Commission Review. There is an approved site and landscape plan on file from 2003. Additionally, the site underwent review in May 2019 when Alloy Wheel Repair Specialists went through the Special Use process.

While the plantings appeared to be in good condition, there are a handful of other concerns that were identified as part of staff's review of the site. Several of these concerns were also discussed in May 2019. Staff has been in contact with the property owner about bringing these concerns into compliance.

The site continues to have outdoor storage of tires and windshields, which is not permitted on site. All materials should be kept within the building unless actively being worked on as part of car maintenance. Additionally, the poured curb on the northwest corner of the northern building is still in a state of disrepair and needs to be repaired/replaced. An unenclosed dumpster is still present in the parking lot. Staff recommends that the dumpster either be removed from the property, or a revised site plan be submitted showing a proposed location for a second or a larger refuse enclosure.

Finally, a shed is located on the eastern side of the property between the two buildings. Since the last site review in 2019, the condition of the shed has become notably deteriorated. The shed's shingles are damaged and lifting, the bottom portion of the wooden shed appears to be rotting, and the door is warped and unable to be fully closed. Staff recommends that the shed be repaired or removed from the property.

Signage Review

The existing freestanding sign, located along S. 108 St., is a legal nonconforming sign. The existence of the sign pre-dates the current Sign Code, and the Special Use Permit will trigger conformance of the pylon sign within 24 months. Staff has reached out to the property owner to discuss future compliance.

Recommendation: Recommend Common Council approval of the Special Use Permit and Site Plan Review for Black Belt Leadership Academy, a proposed sports and recreation instruction, to be located at 4440 S. 108 St., submitted by Corwin Holzman, d/b/a Black Belt Leadership Academy (Tax Key No. 608-9991-001), subject to Plan Commission and staff comments, and the following conditions:

(Items 1 and 2 are required to be satisfied prior to the issuance of a Certificate of Occupancy. Item 3 is required to be satisfied within 24 months.)

1. A letter being submitted to the Community Development Division stating that the following items will be completed: (a) removal of equipment/materials stored outside of the buildings before January 31, 2024; (b) repair of curb on the northwest corner of the northern building will be completed by May 31, 2024; and, (c) the shed located between the two buildings on the eastern side of the property will be removed and any materials stored therein have been relocated to an inside location before January 31, 2024.
2. Removal of the unenclosed dumpster or a revised site plan be submitted to the Community Development Division showing a proposed location for a second or a larger refuse enclosure.
3. Removal and/or replacement of the nonconforming pylon sign.

Motion by Mayor Neitzke, seconded by Mr. Carlson, to recommend Common Council approval of the Special Use Permit and Site Plan Review for Black Belt Leadership Academy, a proposed sports and recreation instruction, to be located at 4440 S. 108 St., submitted by Corwin Holzman, d/b/a Black Belt Leadership Academy (Tax Key No. 608-9991-001), subject to Plan Commission and staff comments, and authorize a public hearing to be scheduled for January 16, 2024. Motion carried unanimously.

5. **Site and Architectural Plans for proposed construction of a solar parking structure at International Brotherhood of Electrical Works Local 494, an existing business located at 3303 S. 103 St., submitted by Tom Wineke, d/b/a Westphal & Company and John Jacobs, d/b/a IBEW Local 494. (Tax Key No. 524-8986-024)**

Overview and Zoning

Local Union 494 is seeking to install a photovoltaic system (i.e. solar power system) at their location on S. 103 St. The array will be used as a demonstration project for training electricians, plus it will help offset over 90% of Local 494's electrical usage. The system's size is based on Local 494's electrical usage. They are proposing to attach the solar panel devices to the roof structure of the existing building, but because there is not enough roof space to accommodate the system, a car port is proposed to be constructed to add for more solar capacity.

A solar parking structure was chosen for multiple reasons: 1) EV charging as it relates to solar; 2) visibility for solar to future electricians; and, 3) vehicle protection.

The property is zoned Planned Unit Development (PUD). The new construction proposal does not trigger any use review, simply site and architectural review.

Site and Architectural Plans

The proposed parking structure/car port is a professionally designed, engineered, and installed canopy. All finishes are powder coated or galvanized and made to last for decades. The canopy will be in place solely for vehicles parking beneath it. The canopy is not for storage or any other use besides parking during school and business hours. EV chargers are included in the canopy design, so the canopy is a multi-functional structure. EV charging is exploding in popularity – pairing EV charging with a canopy represents efficiency in design and utilization.

The canopy will be 104' 4.5" in length and 20' 5 5/8" wide to cover 11 parking stalls at the southwest corner of the existing parking lot. The height will vary from 13'8" to 10'2". There is no paving proposed, the canopy will be constructed over the existing parking lot. The closest residential property is to the south, 245 feet away. The canopy will only be visible from the four (4) commercial properties that share the S. 103 St. private drive. The solar panels should not be visible from the street, as they will be located on rooftops. A sample picture of the canopy is below. Staff's only recommendation is that plans show/indicate that the lighting under the canopy roof, be directly down-lit.

Recommendation: Recommend Common Council approval of the Site and Architectural Plans for proposed construction of a solar parking structure at International Brotherhood of Electrical Works Local 494, an existing business located at 3303 S. 103 St., submitted by Tom Wineke, d/b/a Westphal & Company and John Jacobs, d/b/a IBEW Local 494 (Tax Key No. 524-8986-024), subject to Plan Commission and staff comments, and the following conditions:

(Item 1 is 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 architectural plans showing complete construction plans of the canopy and a notation that the lighting will be down-lit.

The Mayor requested down lighting placement so that the residential properties to the west would not be negatively impacted.

Tom Wineke, representing Westphal Electric, was present for discussion.

Motion by Mayor Neitzke, seconded by Mr. Rogers, to recommend Common Council approval of the Site and Architectural Plans for proposed construction of a solar parking structure at International Brotherhood of Electrical Works Local 494, an existing business located at 3303 S. 103 St., submitted by Tom Wineke, d/b/a Westphal & Company and John Jacobs, d/b/a IBEW Local 494 (Tax Key No. 524-8986-024), subject to Plan Commission and staff comments, and authorize this item to be expedited to the December 19, 2023 Common Council meeting. Motion carried unanimously.

6. **Signage Plan Appeal for Mister Car Wash, to be located at 4763 S. 27 St., submitted by Garry Potts, d/b/a Professional Permits and Josh Wiewick, d/b/a Mister Car Wash/ CWP West Corp. (Tax Key No. 622-9988-007)**

Mister Car Wash is seeking a signage variance, requesting additional signage beyond what the Chapter 19 Sign Code permits. Mister Car Wash is seeking a waiver for the total square footage of signage, the total number of signs, and the height of their monument sign.

- The Code permits 198 sq. ft. of signage for this particular property, Mister Car Wash is requesting 686 sq. ft. of signage.
- The Code permits two (2) wall signs for this particular property, Mister Car Wash is requesting ten (10) wall signs.

- The Code permits a monument sign to be a maximum of 10 ft. in height, Mister Car Wash is requesting a 15ft. monument sign.

The City's current Sign Code was adopted unanimously by the Common Council on February 17, 2021. When adopted, the Sign Code replaced an antiquated code and endeavored to meet the needs of modern businesses. Allowable signage is designed to be reflective of individual businesses by utilizing building or parcel size to calculate what is allowed. The signage variance proposed by Mister Car Wash posits that the 6,000 sq. ft. car wash should be allowed the same signage permitted to businesses over 15 times larger.

At 132 ft. of building frontage, the City's Sign Code would permit 198 sq. ft. of wall, projecting, awning, and freestanding signs. Their proposal of 686 sq. ft. of signage is over three (3) times what is permitted and is over 275 sq. ft. more than the total square footage allowed for a 200,000 sq. ft. building.

Businesses are allowed one (1) wall sign per street frontage, with a minimum of two (2) wall signs permitted. No businesses are permitted more than four (4) wall signs. By requesting ten (10) wall signs, Mister Car Wash is seeking a variance that would result in signage not currently permitted at any business in the City of Greenfield.

Monument sign height is determined based on the square footage of the building. For buildings less than 50,000 sq. ft., the maximum height is 10ft. Buildings 50,000 – 100,000 sq. ft. are permitted 12ft. and buildings 100,000 – 300,000 sq. ft. are permitted monument signs not to exceed 15ft. in height. Mister Car Wash, at 6,000 sq. ft., is seeking to be treated as a building 15 to 50 times its size. In addition, the monument sign will be located on ground that is already elevated higher than S. 27 St., naturally providing more height to the proposed sign.

The proposal submitted by Mister Car Wash comes after more than a handful of phone conversations and numerous emails sent between signage representatives for Mister Car Wash and staff dating back to August 2023. The current proposal is largely unchanged from the first renderings shown to staff.

Comparisons to Other Businesses

Mister Car Wash – 10685 W. Layton Avenue (2017; pre-dates current sign code)

Currently, the Mister Car Wash at 10685 W. Layton Ave. has two (2) wall signs, three (3) canopy signs, a 10' 3" monument sign, and a driveway sign. In total, the business has 222.6 sq. ft. of signage. At the time the signage was submitted and installed, the current sign code had not yet been adopted and the business would have had different standards it would have needed to comply with than the present Mister Car Wash signage appeal.

Tsunami Express Car Wash – 5520 W. Layton Avenue (2023; 4,900 sq. ft.)

In June 2023, Tsunami Express Car Wash underwent a rebranding that necessitated new signage. Between June 13, 2023 and July 13, 2023, sign representatives worked cooperatively with staff to find solutions that met Code requirements and the needs and desires of Tsunami Car Wash, without the need to appear before Plan Commission for a waiver.

While the Tsunami Express Car Wash building is smaller than Mister Car Wash, the total allowable square footage of allowable signage is just about equal at 200 sq. ft. (only two more square feet than Mister Car Wash). Currently, Tsunami Express Car Wash has two (2) wall signs, two (2) canopy signs, a 10ft monument sign, and a driveway sign. In total, the business has 156.7 sq. ft. of signage. It is also worth noting that Tsunami Express Car Wash is less visible from the major road that it sits on, in comparison to Mister Car Wash on S. 27 St., yet Tsunami is complying with the Sign Code regulations.

Staff recommends complete denial of the signage appeal by Mister Car Wash. Approval of any part of this signage waiver sets a precedent for all future businesses that they need not adhere to the verbiage nor spirit of the City of Greenfield's sign code. Furthermore, the lack of substantive changes, despite multiple conversations with staff, indicates a level of indifference and disregard toward the City of Greenfield and its staff. Approval of any part of the signage appeal undermines the authority and legitimacy of staff to enforce the City's Sign Code at an administrative level and would signal to future businesses that they can easily and effectively circumvent any and all portions of the Code by simply appearing before the Plan Commission. Staff recommends that a signage package, that meets the Code's regulations, be applied for.

Recommendation: Denial of the Signage Plan Appeal for Mister Car Wash, to be located at 4763 S. 27 St., submitted by Garry Potts, d/b/a Professional Permits and Josh Wiewick, d/b/a Mister Car Wash/ CWP West Corp. (Tax Key No. 622-9988-007)

Gary Potts, representing Professional Permits, was present for discussion. Ald. Kastner mentioned the presence of flag signage at the Mister Car Wash located at 10685 W. Layton Ave. and said that he would like staff to see if it has been removed. Mayor Neitzke described how liquid from the tire treatment done on site runs onto Layton Ave. The Mayor explained how, when the proposed plan was originally approved by Plan Commission, it was agreed that this issue would be addressed. Mr. Potts stated that he was the sign contractor, but would pass the concerns along to the owner.

Mr. Potts distributed an alternate sign package proposal to Plan Commission and said that there's a reduction from ten (10) signs to seven (7). Ms. Wojak asked if the packet was presented to staff before the Plan Commission meeting. Mr. Potts explained that it was not given to staff beforehand. Ms. Wojak said that the new packet needs to be reviewed by staff before the Plan Commission can discuss it. Ald. Kastner agreed with this.

Mayor Neitzke said that he would support two (2) sign "B's," which is the Mister Wall sign, two (2) sparkle wall signs, one (1) enter wall sign and one (1) exit wall sign. He would support the sprinkles because he thinks that they're an architectural element. Also, he explained how directional signs saying exit and enter shouldn't be included in the sign calculations, but must be reasonably small and provide the necessary direction.

Mr. Potts said that the monument sign will not be on a hill as stated on the staff report because a retaining wall is going to be installed on the east side of the building. Plan Commission all agreed that a 3D rendering depicting the retaining wall and proposed monument sign must be included in a new submittal package so staff and the Plan Commission can accurately understand the proposed set up.

Motion by Ald. Kastner, seconded by Mr. Rogers to deny the Signage Plan Appeal for Mister Car Wash, to be located at 4763 S. 27 St., submitted by Garry Potts, d/b/a Professional Permits and Josh Wiewick, d/b/a Mister Car Wash/ CWP West Corp. (Tax Key No. 622-9988-007), and directed the applicant to submit a new package that reduces signage, as recommended during discussion. Further discussion ensued.

Ms. Porter explained that sign code allows one directional sign per driveway. The Mayor said that sprinkles on the building, considered an architectural element, and reasonable exit signs should not be included in the square footage requirement.

Ald. Kastner asked if there's a picture for the canopy structure that's going to abut the property line on S. 27 St. and has all of the signage. Ald. Kastner mentioned that it's a huge structure, including a monument sign, to be so close to the property line. Mr. Potts said that the signs are for way finding and are facing south. Ald. Kastner said that the structure is going to be about 40 ft. across. The Mayor said that the monument sign should be in the site and landscaping plan so that Plan Commission knows whether it's in the vision triangle.

The motion carried unanimously.

7. Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to Beer, Wine, and Liquor Stores and Retailers.

The City's Zoning Code allows Beer, Wine and Liquor Stores as Special Uses in the C-1 through C-5 Commercial Districts, and in all PUD Districts. This is identified as NAICS Code Number 445310 in Section 21.04.0603 in the Zoning Code. On Wednesday, December 13th, the City's Common Council Legislative Committee will meet to discuss a draft ordinance amendment, removing this particular use from all zoning districts, simply not allowing new liquor stores in the City anymore (NEW businesses—existing businesses become existing non-conforming uses). A public hearing could be scheduled for as early as January 16, 2024, if the Plan Commission and Legislative Committee direct staff to schedule it.

The NAICS system occasionally updates and modifies their 6-digit codes. The Beer, Wine and Liquor Store category has been modified and the NAICS codes have changed since its last update in 2017. Code 445310 "Beer, Wine and Liquor Stores" (listed in the current Zoning Code) has now been updated to 445320 and is called "Beer, Wine and Liquor Retailers."

The draft ordinance repeals the old/obsolete NAICS numbers of 445310, and replaces it with the new NAICS number of 445320, but identifies 445320 as a non-allowable use in the future.

Staff recommends that the draft ordinance proceed with a public hearing, which may be scheduled as early as January 16, 2024.

Mayor Neitzke said that the Legislative Committee and the City Attorney's insight will be beneficial regarding whether the ordinance should be recommended. He explained that Plan Commission doesn't want the ability for every current business to receive class A liquor licenses. Also, Plan Commission doesn't want gas stations and automotive uses to be able to serve alcohol.

No recommendation.

8. Community Development Manager Report

Ms. Porter said that possible selection for a Spring Mall developer will be on the December 19th Common Council agenda.

9. Adjournment.

Motion by Mr. Weiss, seconded by Mr. Carlson, to adjourn the meeting at 7:12 p.m. Motion carried unanimously.

Respectfully submitted,

Natalie Phillips
Administrative Assistant

Distributed December 19, 2023