

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, OCTOBER 15, 2024

A. Call to Order & Roll Call

The meeting was called to order by Mayor Neitzke at 7:00 PM.

Present: Alderpersons Andrew Drzewiecki, Karl Kastner, Pamela Akers, Shirley Saryan, Bruce Bailey

Also present: Jeff Katz, Director, Neighborhood Services; Jennifer Goergen, City Clerk; Gina Vlach, City Planner; Luke Bertram, Planner

B. Opening Prayer

No prayer was given, but there was a moment of silence for the folks going through the hurricane in Florida, North Carolina, and the southeast.

C. Pledge of Allegiance

D. Approval of the October 1, 2024 Common Council minutes

Motion by Alderperson Bailey, seconded by Alderperson Saryan to approve. Motion carried unanimously.

E. Mayor's Report

Mayor Neitzke gave an update about The TURF skate park and urged everyone not to go there yet as it is an active construction site.

F. Aldermanic Reports

Alderperson Bailey reported that all the trees for this year have been replanted, and that leaf pickup has started. Mayor Neitzke added that vehicles used for leaf collection are also snowplows, so switching equipment accessories is not easy.

G. Announcements

Alderperson Akers announced the upcoming flu clinics, which are at the West Allis Health Department on 22nd from 9:00 AM to 12:00 PM and Greenfield City Hall on October 24th from 1:00 PM to 4:00 PM, and patients should bring their health insurance card.

Alderperson Akers and Mayor Neitzke discussed that the Loomis Bridge is open, and that 894 will be completed in the spring of next year. The next part of 894 will be repaved from 84th Street to Lincoln Avenue. They spoke about the three sound barriers going in. Mayor Neitzke thanked Representative Donovan for securing funding for seven or eight sound barriers, but there were only enough funds for three sound barriers.

H. Citizen Commentary

Mayor Neitzke introduced Michael Lisowski, 5165 S. 48th Street. He will be speaking under the public hearing for the rezone.

Kaitlin Corrao, 4928 W. Midland Drive, spoke about the Kalibres Restaurant, her home-owning history, that it's not the neighborhood versus Kalibres, that she is against having a bar in her backyard, that she doesn't want the permit that stays with the property approved with bar hours, that she supports and is a patron of the restaurant, that they have gambling machines, and that she would prefer that he focus on running it as a restaurant.

Jean Kurzynski, 4520 W. Midland Drive, said that she is opposed to Kailbres's extension of hours. She gave recommendations on how to increase the profitability, saying that he seems to be trying to make it into a nightclub, that she had concerns about a loud drunk crowd leaving at bar close, and that the other restaurants and bars close by 11:00 PM. Ms. Kurzynski said that she is also representing her neighbor, Barb Schumann, 4548 W. Midland Drive, who thinks that it's not needed, and that she made a handout of the closing times of nearby restaurants with bars.

Milwaukee Alderperson Peter Burgelis, 200 W. Wells Street, spoke about how the City of Milwaukee spent

resources regarding Kalibres; the rats; that there was a food truck operating illegally there; Special Use Permits; that he received complaints about noise and trash; that there is a disregard for ordinances, neighbors, health, and safety of the community; that he requests that the extension of hours are not granted; that nearby businesses do not operate that late; and spoke about Kalibres's track record.

Mayor Neitzke read the following emails: Adam Rogahn, 3258 S. 45th Street, "As residents of the neighborhood, we do not approve of Kalibres's Restaurant having extended hours. While we enjoy having them in our neighborhood as a restaurant, the location is not appropriate for a bar/tavern. The late hours will bring in excessive noise, intoxication, and traffic to our residential area. Please consider the wishes of those that live in the neighborhood and do not approve their request to be open late at night. Thank you for your consideration." April Everson on Midland Drive, wrote, "We are against the extension of any hours for this restaurant. We are right across the alley and feel later hours would create traffic and noise while we and our three children are trying to sleep. Currently the noise from the generator that is constantly running is challenging enough. All summer sitting in our back yard that is all we heard. In addition, since this restaurant has been there we've had a significant increase in rats. We've lived in this house since 1996 and even with Burger King being there for years and years we didn't have the rat problem we do now. I further understand that the owner of this restaurant purchased the bar across the street. I would think that later hours for that establishment would make more sense than the restaurant. I love the fact that we have a local restaurant and we have been in there several times for dinner but having such late hours right across from a residential area is not acceptable."

Curt Hart, 4454 W. Midland Drive, spoke about his history, that he is opposed to the extended hours, the prior meetings, the surrounding restaurant hours, the neighborhood meeting, that he supports the restaurant but not the hours of operation, the litter, pest control, the drive-thru, the food and beverage trucks, and the new cantina bar.

Mayor Neitzke moved to agenda item J.

Alejandro Hernandez, one of the owners and the applicant, spoke about how the neighbors tell him no, pest control, that he wants to be a good neighbor, that he's been doing what the City asks of him, that conversations with the City and the Police Department should have stayed private, that he's not trying to be a bar after midnight, that he'll still serve food after midnight, and that he tries his best to take care of what the neighbors complain about.

Mayor Neitzke went to agenda item J3.

I. Public Hearings

1. Public Hearing on the Ordinance to adopt a Land Use Map amendment to the 2020 City of Greenfield Comprehensive plan for a portion of the property located at 5200 S. 48th St. from Community Facilities to Single Family. (Tax Key No. 647-9980-012) (PC-8/13/24 Kastner)

The public hearing opened at 7:36 PM.

Gina Vlach, City Planner, explained the two steps in this process: one is updating the long-range plan, which is the Land Use Map, and then to rezone to what's already there. The Plan Commission recommended approval. There weren't any letters of objections or support received.

Mayor Neitzke introduced Rosemarie Barrette, 5344 S. 48th Street, who was registered as speaking in favor of the rezone and the Land Use Map amendment. She stated that she was in favor of both, that it's an open lot, and that it will add to the tax revenues.

Michael Lisowski, 5165 S. 48th Street, was registered as speaking for informational purposes only. He stated his concerns about the restrictions and limitations on what could be built there. Mayor Neitzke explained CRBFs, survey maps, that the Plan Commission approved two lots, and that if they wanted to

combine the lots, it would be reexamined.

Motion by Alderperson Bailey, seconded by Alderperson Drzewiecki to close the public hearing at 7:42 PM.
Motion carried unanimously.

- a. Approve the Ordinance to adopt a Land Use Map amendment to the 2020 City of Greenfield Comprehensive plan for a portion of the property located at 5200 S. 48th St. from Community Facilities to Single Family. (Tax Key No. 647-9980-012) (PC-8/13/24 Kastner)
Motion by Alderperson Kastner, seconded by Alderperson Saryan to approve. On a roll call vote, motion carried unanimously.
- b. Approve the Ordinance to amend the official Greenfield Zoning Map by rezoning a portion of the property located at 5200 S. 48th St. from Institutional District to R-2 Single-Family Residential Conservation District. (Tax Key No. 647-9980-012) (PC-8/13/24 Kastner)
Motion by Alderperson Akers, seconded by Alderperson Kastner to approve. On a roll call vote, motion carried unanimously.

Mayor Neitzke went to agenda item K1.

J. Old Business

1. Appointments to various committees and commissions:

a. Mayor appointments, confirmed by Council:

- i. Two members to the Civil Service Commission for terms to expire 5/1/27 (formerly David Podeszwa and Paul Leu)
Place on the next agenda.

2. Approve a Resolution for a Special Use Review for proposed hours of operation change to Kalibres Restaurant & Bar, an existing full-service restaurant, located at 4555 W. Forest Home Ave., submitted by Alejandro Hernandez, d/b/a Kalibres Restaurant & Bar. (Tax Key No. 531-0000-900) (PC-8/13/24 Kastner) (CC: 9/17/24)

Mayor Neitzke stated that this previously failed 3-2, with the mayor's tie-breaking vote due to the alderperson not being present.

Motion by Alderperson Drzewiecki, seconded by Alderperson Akers to approve to deny. On a roll call vote, motion carried unanimously.

3. Approve a Site Plan Review for Kalibres Restaurant & Bar, an existing full-service restaurant, located at 4555 W. Forest Home Ave., submitted by Alejandro Hernandez, d/b/a Kalibres Restaurant & Bar. (Tax Key No. 531-0000-900) (PC-8/13/24 Kastner) (CC: 9/17/24)

Mayor Neitzke said that there are things that were brought up in Citizen Commentary that they will be investigating. He said that he doesn't have an objection if the approval is to codify what should be happening. He stated that if the resolution is to say that he's done all of the things that are required by the Special Use Review and that passes muster, then he would recommend against that. All Special Uses have a continuing obligation to be abided by. There are certain legal rights attached to Special Uses that make them very difficult to take away. There's a due process that comes into play, but there are some requirements associated with the Special Use that was originally approved that need to be abided by. A motion to reinforce that the original terms and conditions of the Special Use remain in effect.

Alderperson Kastner stated that he wants to make sure the applicant makes the improvements.

Mayor Neitzke circled back to agenda item H.

Under discussion, Mayor Neitzke summarized the neighbors' concerns, that it was approved as a

Minutes are not official until formally approved by the Common Council at the next scheduled meeting.

restaurant with restaurant hours, that Alderperson Akers requested a list of hours of all the restaurants in Greenfield, that most conversations are public record, and that people can use [SeeClickFix.com](https://www.clickfix.com) to report issues.

Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to codify and reaffirm the Special Use as it originally existed. On a roll call vote, motion carried unanimously.

Mayor Neitzke circled back to agenda item I1.

K. New Business

1. Summons & Complaint re: Excessive Tax Assessment and Declaratory Judgment received from Attorneys Strohbehn, Karnes and Bailey of Mallery S.C., on behalf of Wal-Mart Real Estate Business Trust. (Goergen)
Referred to City Counsel.
2. Claim received from Subro Claims, Inc., on behalf of Geico Insurance, Muzafar Hussain, Insured. (Goergen)
Referred to the City Attorney.
3. Claim received from Tom Ackley. (Goergen)
Referred to the City Attorney.
4. Claim received from Muzafar Hussain. (Goergen)
Referred to the City Attorney.
5. Notice of Circumstances of Claim and Claim received from Axley Brynelson, LLP, on behalf of F. Patrick LaSusa and Mary H. Payne. (Goergen)
Referred to the City Attorney.
6. Approve applications for 2024-2025 operator licenses (Goergen)
Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to approve. Motion carried unanimously.
7. Adopt an ordinance amending subsection 13.03(18) of the City of Greenfield Municipal Code relating to alcohol licensing. (Atty. Geary)
Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to approve to extend until year-end. On a roll call vote, motion carried unanimously.
8. Approve an application for a 2024-2025 Combination "Class B" Fermented Malt Beverage and Liquor Retailer's License for Cooper's Hawk Greenfield, LLC, Corey Johnson, Agent, for the property at 8415 Sura Lane (Cooper's Hawk Winery & Restaurant). The entire building. Premises includes inside seating of 246 seats and patio seating of 72 seats located at 8415 Sura Lane. (Goergen)
Motion by Alderperson Kastner, seconded by Alderperson Akers to approve. Motion carried unanimously.
9. Approve a Special Use Review and Site Plan Review for an ownership change to Shots N Tequila, an existing tavern currently known as The Edge Sports Bar, located at 5175 S. 27th St., submitted by Humberto David Alonso, d/b/a Shots N Tequila, LLC. (Tax Key No. 645-0008-001) (PC-10/8/24 Kastner)
Motion by Alderperson Kastner, seconded by Alderperson Saryan to approve. On a roll call vote, motion carried unanimously.
10. Approve an application for a 2024-2025 Combination "Class B" Fermented Malt Beverage and Liquor Retailer's License for Shots N Tequila LLC, Alonso Humberto, Agent, for the property at 5175 S. 27th St. (Shots N Tequila). First floor. Bar records are kept in the first floor office, liquor room on first floor, basement for beer and overflow liquor storage, patio/deck for beer garden, outdoor clear see through igloo's in the front of the building on the grass located at 5175 S. 27th St. (Goergen)
Motion by Alderperson Kastner, seconded by Alderperson Saryan to approve. Motion carried unanimously.
11. Approve application for a 2024-2025 Entertainment License received from Shots N Tequila for the

Minutes are not official until formally approved by the Common Council at the next scheduled meeting.

property located at 5175 S. 27th St. (Indoor: karaoke, DJ, band, juke box Outdoor: n/a located at 5175 S. 27th St. (Goergen)

Mayor Neitzke said that the music in the bar doesn't go to the neighbors.

Motion by Alderperson Kastner, seconded by Alderperson Bailey to approve. Motion carried unanimously.

12. Approve a Special Use Review and Site Plan Review for an ownership change to Kalibre's Agave Cantina & Lounge, an existing tavern currently known as Joey's Mob Scene, located at 4500 W. Forest Home Ave., submitted by Alejandro Hernandez, d/b/a Kalibre's Agave Cantina & Lounge. (Tax Key No. 531-9000-003) (PC-10/8/24 Kastner)

Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to approve. On a roll call vote, motion carried unanimously.

13. Approve application for 2024-2025 "Class B" fermented malt beverage and liquor Retailer's License for Kalibre's Agave Cantina & Lounge, Alejandro Hernandez, Agent, for the property at 4500 W. Forest Home Ave. (Kalibre's Agave Cantina & Lounge). Alcohol will be kept in the first floor for consumption, all alcohol will stored in basement in dry storage, records stored in basement office located at 4500 W. Forest Home Ave. (Goergen)

Motion by Alderperson Kastner, seconded by Alderperson Bailey to approve. Motion carried unanimously.

14. Approve application for a 2024-2025 Entertainment License received from Kalibre's Agave Cantina & Lounge for the property located at 4500 W. Forest Home Ave. (Indoor: Karaoke, DJ, dancing, jukebox Outdoor: none). (Goergen)

Mayor Neitzke said that the sound can't permeate to the exterior.

Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to approve. Motion carried unanimously.

15. Approve application for a Temporary Class "B" Retailer's License received from St. John the Evangelist Congregation to sell fermented malt beverages indoors at the Fish Fry event on October 18, 2024, from 3:30 PM to 7:00 PM at 8500 W. Cold Spring Rd. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Goergen)

Motion by Alderperson Bailey, seconded by Alderperson Akers to approve. Motion carried unanimously.

16. Approve application for a Temporary Class "B" Retailer's License received from Harley Owners Group - Milwaukee Chapter to sell fermented malt beverages indoors at the Fall Festival / Halloween Costume Contest event on October 26, 2024, from 10:00 AM to 5:00 PM at 6221 W. Layton Ave. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Goergen)

Motion by Alderperson Saryan, seconded by Alderperson Drzewiecki to approve as presented. Motion carried unanimously.

17. Approve application for a Temporary Class "B" Retailer's License received from Harley Owners Group - Milwaukee Chapter to sell fermented malt beverages indoors at the Service Workshop & Performance Event on November 9, 2024, from 10:00 AM to 5:00 PM at 6221 W. Layton Ave. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Goergen)

Motion by Alderperson Kastner, seconded by Alderperson Saryan to approve. Motion carried unanimously.

18. Discussion/decision regarding Agreement with Oneida Casino for Older Adult outing. (Jaquish)

Motion by Alderperson Kastner, seconded by Alderperson Akers to approve. On a roll call vote, motion carried unanimously.

19. Adopt a resolution to approve a revised right of way plat and relocation order for Project I.D. 2155-15-00

Minutes are not official until formally approved by the Common Council at the next scheduled meeting.

South 43rd Street from West Cold Spring Road to West Howard Avenue. (Katz)

Motion by Alderperson Kastner, seconded by Alderperson Saryan to approve. On a roll call vote, motion carried unanimously.

20. Discussion and action relative to the approval of the South 27th Street Business Improvement District 2025 Proposed Operating Plan. (Vlach)

Motion by Alderperson Saryan, seconded by Alderperson Kastner to approve. On a roll call vote, motion carried unanimously.

21. Approve a Special Use Review and Site Plan Review for an ownership change to Midas, an existing automotive service center, located at 4654 S. 76th St., submitted by Matthew Barney, d/b/a The Fonseca Group and Nikki Kozak, d/b/a Cornerstone Permit Company., d/b/a Cornerstone Permit Company. (Tax Key No. 604-9970-001) (PC-10/8/24 Kastner)

Motion by Alderperson Akers, seconded by Alderperson Bailey to approve. On a roll call vote, motion carried unanimously.

22. Approval of schedules of disbursements in the amount of \$3,118,452.92. (Schafer)

Motion by Alderperson Saryan, seconded by Alderperson Kastner to approve agenda items K22-K23. On a roll call vote, motion carried unanimously.

23. Approval of mileage reimbursements in the amount of \$1,053.37. (Schafer)

Approved under agenda item K22.

24. Common Council to go into closed session pursuant to Wis. Stat. § 19.85(1)(e) for deliberating and/or negotiating the investment of public funds or conducting other specified business when competitive or bargaining reasons require a closed session, specifically: reviewing the Cold Spring Crossing (Spring Mall) Development Agreement. (Vlach)

Motion by Alderperson Akers, seconded by Alderperson Bailey to go into closed session at 7:53 PM. On a roll call vote, motion carried unanimously.

25. Adjourn closed session and reconvene into open session. (Vlach)

Motion by Alderperson Kastner, seconded by Alderperson Akers to adjourn closed session and reconvene into open session at 8:11 PM. On a roll call vote, motion carried unanimously.

26. Discussion and possible action regarding the Cold Spring Crossing (Spring Mall) Development Agreement. (Vlach)

Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to approve and authorize the mayor to execute an agreement consistent with the discussion. On a roll call vote, motion carried unanimously.

L. Items for future agenda

M. Adjourn

Motion by Alderperson Akers, seconded by Alderperson Bailey to adjourn at 8:13 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant

Distributed: 10/24/2024

SIGN UP SHEET
CITIZEN COMMENTARY OF COMMON COUNCIL AGENDA

TO OPERATE IN AN ORDERLY AND EFFECTIVE FASHION, THE COMMON COUNCIL IS GOVERNED BY RULES THAT ESTABLISH CLEAR PROCEDURES FOR TONIGHT'S MEETING.

SPEAKING BEFORE THE COMMON COUNCIL IS A PRIVILEGE AFFORDED UNDER THE RULES. THE COMMON COUNCIL BY ITS RULES, HAS ALLOTTED 30 MINUTES FOR CITIZEN COMMENTARY. WE ASK THAT ANYONE WISHING TO SPEAK BE RESPECTFUL AND COURTEOUS. THREATENING, DEMEANING, INSULTING, DISRUPTIVE AND DISRESPECTFUL COMMENTS AND/OR ACTIONS DURING THE MEETING WILL NOT BE TOLERATED AND THE INDIVIDUAL RESPONSIBLE WILL BE RULED OUT OF ORDER. WHEN ADDRESSING THE COMMON COUNCIL, STATE YOUR NAME AND ADDRESS FOR THE RECORD AND DIRECT ALL REMARKS TO THE COUNCIL.

THANK YOU FOR YOUR COOPERATION.

	<u>Name</u>	<u>Address</u>
1.	MICHAEL LISOWSKI	5165 S. 48 th
2.	Pat Anad	5177 S. 48th
3.	Kaitlin Corrao	4928 W. Midland Dr.
4.	Jean Kurzynski	4520 W. Midland Dr.
5.	Peter Burzeks	200 E Wells St
6.	Cerv + Heras	4454 W. Midland Dr.
7.	Alejandro Hernandez	Kalibres
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

ORDINANCE NO. 3060

Ordinance to adopt a Land Use Map amendment to the 2020 City of Greenfield Comprehensive Plan for a portion of the property located at 5200 S. 48th St. from Community Facilities to Single Family. (Tax Key No. 647-9980-012)

WHEREAS, the City has prepared the Land Use Map Amendment pursuant to Wis. Stat. § 66.1001; and,

WHEREAS, the planning process for the Land Use Map Amendment was open to the public and numerous efforts were made to assure the broadest participation to establish the goals and elements considered for and contained within the plan in compliance with Sec. 66.1001 of the Wisconsin Statutes; and,

WHEREAS, on August 13, 2024, the City of Greenfield Plan Commission by majority vote recommended that the Common Council approve an ordinance for the subject Land Use Map Amendment to the City of Greenfield Comprehensive Plan in compliance with the requirements of Sec. 66.1001(4)(b) of Wisconsin Statutes; and,

WHEREAS, the Common Council of the City of Greenfield conducted a public hearing on October 15, 2024, upon a proposal to amend the Land Use Map to the City of Greenfield Comprehensive Plan; and,

WHEREAS, Notice of said hearing has been duly published in the official City of Greenfield newspaper and a period of at least thirty (30) days has expired after the last publication before said hearing, as required by State Statutes; and,

WHEREAS, following the Public Hearing and upon consideration of the Plan Commission's recommendation, and all public comment received at the hearing, the Common Council finds that the proposed amendment furthers the coordinated, adjusted and harmonious development of the City which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

NOW, THEREFORE, the Common Council of the City of Greenfield do ordain as follows:

PART I. The Greenfield Common Council, does by enactment of this ordinance, pursuant to Sec. 66.1001(4) of the Wisconsin Statutes, formally adopt the subject Land Use Map Amendment to the City of Greenfield Comprehensive Plan to redesignate the Future Land Use Map within the City's Comprehensive Plan (Chapter Three: Land Use) Community Facilities to Single Family (Tax Key No. 647-9980-012) Greenfield, Milwaukee County, Wisconsin, (map attached as Exhibit A hereto and incorporated herein by reference) more particularly described as follows:

Commencing at the northwest corner of the southeast quarter of Section 26, Township 6 North, Range 21 East; thence North 88°34'19" East, 916.99' along the North line of the southeast quarter of Section 26; thence South 00°38'56" East, 450.00' to the northwest corner of Parcel 2 of Certified Survey Map #4583, and the Point of Beginning for this description; thence North 88°34'24" East, 100.00' to the northeast corner of proposed Lot 3, which is a point on the southerly right-of-way of West Abbott Avenue; thence South 00°38'56" East, 143.00' to the southeast corner of proposed Lot 3; thence North 88°34'24" East, 95.00' to the northeast corner of proposed Lot 2; thence South 00°38'56" East, 100.00' to the southeast corner of proposed Lot 2; thence South 88°34'24" West, 195.00' to the southwest corner of proposed Lot 2, which is a point on the easterly right-of-way of South 48th Street; thence North 00°38'56" West, 243.00' to the northwest corner of proposed Lot 3, and the Point of Beginning.

Tax Key No. 647-9980-012

PART II. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 15th day of October, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

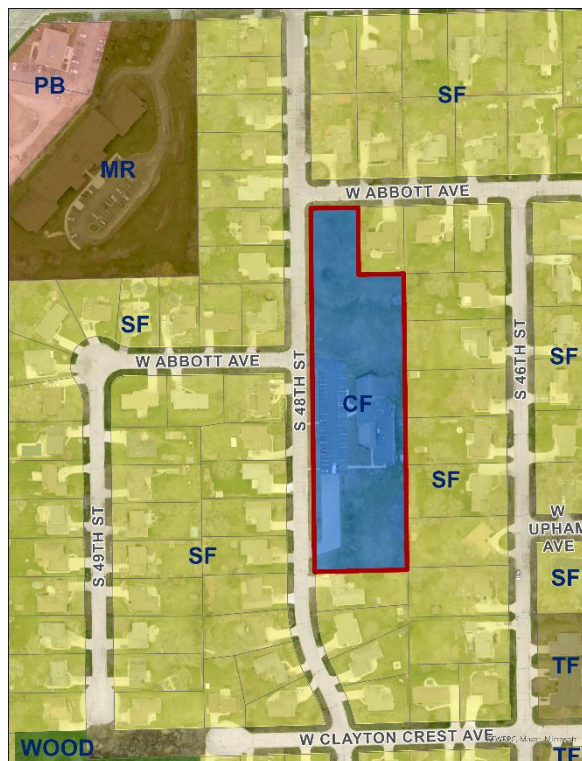
Jennifer Goergen, City Clerk

Cc: Engineering Division

Exhibit A: Portion of Parcel to be amended



Exhibit B: Existing Land Use Map



ORDINANCE NO. 3061

Ordinance to amend the official Greenfield Zoning Map by rezoning a portion of the property located at 5200 S. 48th St. from Institutional District to R-2 Single-Family Residential Conservation District. (Tax Key No. 647-9980-012)

WHEREAS, the Common Council of the City of Greenfield conducted a public hearing in the Common Council Chambers of City Hall at Greenfield, Wisconsin, on Tuesday, the 15th day of October 2024, at 7:00 p.m. or soon thereafter, upon a proposal to rezone the property located at 5200 S. 48th St. from Institutional District to R-2 Single-Family Residential Conservation District; and,

WHEREAS, notice of said hearing has been duly published in the official City of Greenfield newspaper and a period of at least ten (10) days has expired after the last publication before said hearing, as required by State Statutes; and,

The Common Council of the City of Greenfield do ordain as follows:

PART I. The Official Greenfield Zoning Map described in Section 21.04.0102 of the Municipal Code is hereby amended to provide that the following described land shall be and is hereby rezoned from Institutional District to R-2 Single-Family Residential Conservation District to-wit:

Commencing at the northwest corner of the southeast quarter of Section 26, Township 6 North, Range 21 East; thence North 88°34'19" East, 916.99' along the North line of the southeast quarter of Section 26; thence South 00°38'56" East, 450.00' to the northwest corner of Parcel 2 of Certified Survey Map #4583, and the Point of Beginning for this description; thence North 88°34'24" East, 100.00' to the northeast corner of proposed Lot 3, which is a point on the southerly right-of-way of West Abbott Avenue; thence South 00°38'56" East, 143.00' to the southeast corner of proposed Lot 3; thence North 88°34'24" East, 95.00' to the northeast corner of proposed Lot 2; thence South 00°38'56" East, 100.00' to the southeast corner of proposed Lot 2; thence South 88°34'24" West, 195.00' to the southwest corner of proposed Lot 2, which is a point on the easterly right-of-way of South 48th Street; thence North 00°38'56" West, 243.00' to the northwest corner of proposed Lot 3, and the Point of Beginning.

Said land contains approximately 33,797 square feet, or 0.7759 acres of land, more or less, and is located at:

5200 S. 48th St. (Tax Key No. 647-9980-012)

PART II. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 15th day of October, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Cc: Engineering Division

ORDINANCE NO. 3062

ORDINANCE AMENDING SUBSECTION 13.03 (18) OF THE CITY OF GREENFIELD
MUNICIPAL CODE RELATING TO ALCOHOL LICENSING

The Common Council of the City of Greenfield do ordain as follows:

PART I. Subsection 13.03 (18) of the Greenfield Municipal Code is hereby amended to read as follows:

13.03 - Intoxicating liquors and fermented malt beverages.

.....

“(18) *Temporary moratorium on receipt of new retail license applications.* The temporary moratorium initially adopted by Ordinance #3027 is amended to provide that the moratorium shall remain in effect until December 31, 2024, or until the date that the moratorium is repealed by the Common Council, whichever event is sooner.”

PART II. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield October 15, 2024.

APPROVED:

ATTEST:

Michael J. Neitzke, Mayor

Jennifer Goergen, City Clerk

RESOLUTION NO. 4032

Special Use Permit for an ownership change to Shots N Tequila, an existing tavern currently known as The Edge Sports Bar, located at 5175 S. 27th St., submitted by Humberto David Alonso, d/b/a Shots N Tequila, LLC.
(Tax Key No. 645-0008-001)

WHEREAS, Humberto David Alonso, d/b/a Shots N Tequila, LLC, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code, to establish Shots N Tequila, an existing tavern currently known as The Edge Sports Bar, located at 5175 S. 27th St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 15, 2024, at 7:00 p.m. or soon thereafter, in the Common Council Chambers, to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant, Humberto David Alonso, d/b/a Shots N Tequila, LLC, resides at 4220 S. Ravinia Dr., Apt. 201, Greenfield, WI 53221.
2. The applicant will rent the 2,500 commercial building owned by Tom Letizia, d/b/a Tuckaway Park, LLC, 19280 Hayden Ct., Brookfield, 53045.
3. Shots N Tequila will occupy the entire approximately 2,500 sq. ft. commercial building located at 5175 S. 27th St., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Lots 8, 9, 10, 11 and 12 in Block 1 of Tuckaway Manor, a recorded subdivision, plus ½ of the adjacent vacated alley, all being part of the east ½ of the Southeast ¼ of Section 25, Town 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 645-0008-001

Said land being located at 5175 S. 27th St.

4. The applicant is proposing to establish a tavern, replacing the existing tavern currently known as The Edge Sports Bar, within the existing commercial building.
5. The aforesaid premise is zoned C-2 Community Commercial District under the Zoning Ordinance of the City of Greenfield, which permits drinking establishments as a Special Use, pursuant to Sec. 21.04.0603, Sec. 21.04.0700, and Sec. 21.08.0103 of the Municipal Code.

6. The subject property is part of an area along the S. 27th St. commercial corridor. Properties to the north, south and east are developed as commercial. Properties to the west are developed as residential.

7. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the application of Humberto David Alonso, d/b/a Shots N Tequila, LLC for an ownership change to Shots N Tequila, an existing tavern currently known as The Edge Sports Bar, located at 5175 S. 27th St., be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said Special Use Permit is granted subject to the following conditions:

1. Site and Landscaping Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site Plan and all other applicable conditions approved by the Plan Commission on October 8, 2024 and by the Common Council on October 15, 2024. No alteration or modification of the approved plan shall be permitted without approval by the Common Council.
2. Building Plans and Fire Codes. The grant of this Special Use is subject to building plans being submitted to and approved by the Inspection Services Division and by the Fire Department.
3. Hours of Operation. The allowable hours of operation for Shots N Tequila, will be 7:00am to 2:00am, Sundays through Thursdays, and 7:00am to 2:30am, Fridays and Saturdays.
4. Off-Street Parking. A total of 37 off-street parking stalls are required for Shots N Tequila. The property will provide 20 off-street parking stalls. The Common Council may waive the shortage.
5. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty-five (25) percent of the net glazed front window area per business premises. Rope/LED trim lighting shall not be allowed.
6. Public Nuisance. In accordance with Chapter 11 of the Municipal Code, Public Nuisances are prohibited. Public Nuisances include blighted properties due to an accumulation thereon of junk or other unsightly debris. Enforcement and abatement of public nuisances, including revocation of the Special Use Permit, may take place after three (3) or more nuisance

activities have occurred at a premise on separate days during a one hundred and eighty (180) day period.

7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.

8. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields must be utilized to minimize light splay. Rope/LED trim lighting is not permitted.

9. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis.

10. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from by a four-sided board-on-board refuse enclosure provided on site.

11. Pest Control. Exterior pest control shall be maintained at all times and pest control problems shall be addressed immediately.

12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.

13. Noxious Odors, Etc. The use shall not emit foul, offensive, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.

14. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.

15. Deliveries and Refuse Pickup. The property will be required to abide by the City of Greenfield health/public nuisance rules per Chapter 12 of the Municipal Code. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.

16. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:

A. The applicant requesting the extension shall complete a planning application available from the Community Development Division and shall submit a \$350.00 special use permit review/amendment fee.

B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

17. Miscellaneous.

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code.

18. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Common Council. Upon a finding by the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the hearing recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

19. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of Greenfield, the State of Wisconsin

or the United States on the premises covered by the special use, then the special use may be terminated.

20. Acknowledgement. That the applicants sign an acknowledgment that he/she/they has/have received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Humberto David Alonso, d/b/a Shots N Tequila, LLC

Provided to applicant on the
_____ day of _____, 2024

City Planner

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 15th day of October, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 4033

Special Use Permit for an ownership change to Kalibre's Agave Cantina & Lounge, an existing tavern currently known as Joey's Mob Scene, located at 4500 W. Forest Home Ave., submitted by Alejandro Hernandez, d/b/a Kalibre's Agave Cantina & Lounge, LLC.
(Tax Key No. 531-9000-003)

WHEREAS, Alejandro Hernandez, d/b/a Kalibre's Agave Cantina & Lounge, LLC, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code, for an ownership change to Kalibre's Agave Cantina & Lounge, an existing tavern currently known as Joey's Mob Scene, located at 4500 W. Forest Home Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 15, 2024, at 7:00 p.m. or soon thereafter, in the Common Council Chambers, to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant, Alejandro Hernandez, d/b/a Kalibre's Agave Cantina & Lounge, LLC, resides at 2978 S. 15th Pl., Milwaukee, WI 53215.
2. The applicant will lease a portion of the commercial building owned by Joe Turenne, 35418 Ravine Dr., Burlington, WI 53105.
3. Kalibre's Agave Cantina & Lounge will occupy approximately 1,000 sq. ft. of tenant space within the commercial building located at 4500 W. Forest Home Ave., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Parcel 2 of Certified Survey Map No. 5325, being a part of the Northeast ¼ of Section 14, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 531-9000-003

Said land being located at 4500 W. Forest Home Ave.

4. The applicant is proposing to establish a tavern, replacing the existing tavern currently known as Joey's Mob Scene, within the existing commercial building.

5. The aforesaid premise is zoned C-1 Neighborhood Commercial District, which does not permit drinking places as a Special Use. However, the use has existed on this site since at least 1960 and had a Special Use Permit issued as recently as 2017. As such, a drinking place at this property is a grandfathered use and the change in ownership triggers Special Use review, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code.

6. The subject property is part of an area along the W. Forest Home Ave. commercial corridor. Properties to the north and west are developed as residential. Properties to the south, west, and east are developed as commercial.

7. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the application of Alejandro Hernandez, d/b/a Kalibre's Agave Cantina & Lounge, LLC for an ownership change to Kalibre's Agave Cantina & Lounge, an existing tavern currently known as Joey's Mob Scene, located at 4500 W. Forest Home Ave., be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said Special Use Permit is granted subject to the following conditions:

1. Site and Landscaping Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site Plan and all other applicable conditions approved by the Plan Commission on October 8, 2024 and by the Common Council on October 15, 2024. No alteration or modification of the approved plan shall be permitted without approval by the Common Council.
2. Building Plans and Fire Codes. The grant of this Special Use is subject to building plans being submitted to and approved by the Inspection Services Division and by the Fire Department.
3. Hours of Operation. The allowable hours of operation for Kalibre's Agave Cantina & Lounge, will be 6:00am to 2:00am, Sundays through Thursdays, and 6:00am to 2:30am, Fridays and Saturdays.
4. Off-Street Parking. A total of 15 off-street parking stalls are required for Kalibre's Agave Cantina & Lounge. The property will provide 14 off-street parking stalls. The Common Council may waive the shortage.
5. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty-five (25) percent of the net glazed front window area per business premises. Rope/LED trim lighting shall not be allowed.
6. Public Nuisance. In accordance with Chapter 11 of the Municipal Code, Public Nuisances are prohibited. Public Nuisances include blighted properties due to an accumulation thereon of junk or other unsightly debris. Enforcement and abatement of public nuisances,

including revocation of the Special Use Permit, may take place after three (3) or more nuisance activities have occurred at a premise on separate days during a one hundred and eighty (180) day period.

7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.

8. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields must be utilized to minimize light splay. Rope/LED trim lighting is not permitted.

9. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis.

10. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from by a four-sided board-on-board refuse enclosure provided on site.

11. Pest Control. Exterior pest control shall be maintained at all times and pest control problems shall be addressed immediately.

12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.

13. Noxious Odors, Etc. The use shall not emit foul, offensive, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.

14. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.

15. Deliveries and Refuse Pickup. The property will be required to abide by the City of Greenfield health/public nuisance rules per Chapter 12 of the Municipal Code. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.

16. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:

A. The applicant requesting the extension shall complete a planning application available from the Community Development Division and shall submit a \$350.00 special use permit review/amendment fee.

B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

17. Miscellaneous.

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code.

18. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Common Council. Upon a finding by the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the hearing recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

19. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of Greenfield, the State of Wisconsin

or the United States on the premises covered by the special use, then the special use may be terminated.

20. Acknowledgement. That the applicants sign an acknowledgment that he/she/they has/have received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Alejandro Hernandez, d/b/a Kalibre's Agave Cantina & Lounge, LLC

Provided to applicant on the
_____ day of _____, 2024

City Planner

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 15th day of October, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 4034

RESOLUTION APPROVING A REVISED RIGHT OF WAY PLAT AND RELOCATION ORDER
FOR PROJECT I.D. 2155-15-00 SOUTH 43RD STREET FROM WEST COLD SPRING ROAD TO
WEST HOWARD AVENUE

WHEREAS, the City of Greenfield is planning to improve South 43rd Street from West Cold Spring Road to West Howard Ave; and

WHEREAS, to properly establish, construct and improve South 43rd Street including sidewalks, it is necessary to acquire certain temporary lands or interests; and

WHEREAS, a revised right of way plat and relocation order has been prepared which identifies the temporary lands and interests required; and

WHEREAS, the City of Greenfield will negotiate with and compensate the private property owners in order to acquire the temporary land and interests;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Greenfield approves the Revised Right of Way Plat and Relocation Order for Project I.D. 2155-15-00 South 43rd Street from West Cold Spring Road to West Howard Ave;

BE IT FURTHER RESOLVED the Revised Right of Way Plat and Relocation Order will be filed with the County Clerk within 20 days of approval;

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 15th day of October, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 4035

Special Use Permit for an ownership change to Midas, an existing automotive service center, located at 4654 S. 76th St., submitted by Matthew Barney, d/b/a The Fonseca Group and Nikki Kozak, d/b/a Cornerstone Permit Company.
(Tax Key No. 604-9970-001)

WHEREAS, Matthew Barney, d/b/a The Fonseca Group and Nikki Kozak, d/b/a Cornerstone Permit Company, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code, for an ownership change to Midas, an existing automotive service center, located at 4654 S. 76th St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 15, 2024, at 7:00 p.m. or soon thereafter, in the Common Council Chambers, to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant, Matthew Barney, d/b/a The Fonseca Group, a company located at 409 Joyce Kilmer Ave., Suite 218, New Brunswick, NJ 08901.
2. The applicant will own the property.
3. Midas will occupy the entire approximately 17,000 sq. ft. commercial building located at 4654 S. 76th St., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Parcel 1 of Certified Survey Map No. 7531, being a part of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 22, Township 5 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 604-9970-001

Said land being located at 4654 S. 76th St.

4. The applicant is proposing to change ownership of the existing automotive service center within the existing commercial building.
5. The aforesaid premise is zoned C-4 Regional Business District under the Zoning Ordinance of the City of Greenfield, which permits automotive oil change and lubrication shops as a Special Use, pursuant to Sec. 21.04.0603, Sec. 21.04.0700, and Sec. 21.08.0103 of the Municipal Code.

6. The subject property is part of an area along the S. 76th St. commercial corridor. Properties to the north, south, east and west are developed as commercial.

7. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the application of Matthew Barney, d/b/a The Fonseca Group and Nikki Kozak, d/b/a Cornerstone Permit Company, for a change in ownership to Midas, an existing automotive service center, located at 4654 S. 76th St., be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said Special Use Permit is granted subject to the following conditions:

1. Site and Landscaping Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site Plan and all other applicable conditions approved by the Plan Commission on October 8, 2024 and by the Common Council on October 15, 2024. No alteration or modification of the approved plan shall be permitted without approval by the Common Council.
2. Building Plans and Fire Codes. The grant of this Special Use is subject to building plans being submitted to and approved by the Inspection Services Division and by the Fire Department.
3. Hours of Operation. The allowable hours of operation for Midas, will be 7:00am to 5:00pm, Mondays through Saturdays.
4. Off-Street Parking. A total of 15 off-street parking stalls are required for Midas. The property will provide 14 off-street parking stalls. The Common Council may waive the shortage.
5. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty-five (25) percent of the net glazed front window area per business premises. Rope/LED trim lighting shall not be allowed.
6. Public Nuisance. In accordance with Chapter 11 of the Municipal Code, Public Nuisances are prohibited. Public Nuisances include blighted properties due to an accumulation thereon of junk or other unsightly debris. Enforcement and abatement of public nuisances, including revocation of the Special Use Permit, may take place after three (3) or more nuisance activities have occurred at a premise on separate days during a one hundred and eighty (180) day period.

7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.
8. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields must be utilized to minimize light splay. Rope/LED trim lighting is not permitted.
9. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis.
10. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from by a four-sided board-on-board refuse enclosure provided on site.
11. Pest Control. Exterior pest control shall be maintained at all times and pest control problems shall be addressed immediately.
12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.
13. Noxious Odors, Etc. The use shall not emit foul, offensive, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
14. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.
15. Deliveries and Refuse Pickup. The property will be required to abide by the City of Greenfield health/public nuisance rules per Chapter 12 of the Municipal Code. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.
16. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:
 - A. The applicant requesting the extension shall complete a planning application available from the Community Development Division and shall submit a \$350.00 special use permit review/amendment fee.

B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

17. Miscellaneous.

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code.

18. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Common Council. Upon a finding by the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the hearing recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

19. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of Greenfield, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

20. Acknowledgement. That the applicants sign an acknowledgment that he/she/they has/have received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Matthew Barney, d/b/a The Fonseca Group or Nikki Kozak, d/b/a Cornerstone Permit Company

Provided to applicant on the
_____ day of _____, 2024

City Planner

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 15th day of October, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk