

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, JANUARY 7, 2025

A. Call to Order & Roll Call

The meeting was called to order by Council President Alderperson Bruce Bailey at 7:00 PM.

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

Excused: Mayor Neitzke

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

Council President Alderperson Bailey said that he would be acting as Chair and will be voting.

B. Opening Prayer

An opening prayer was given by Chaplain Leggett.

C. Pledge of Allegiance

D. Approval of the December 17, 2024 Common Council minutes

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

E. Mayor's Report

F. Aldermanic Reports

G. Announcements

H. Citizen Commentary

I. Public Hearings

1. Public Hearing on a Special Use Permit for an expansion of NiNi's Pizzeria, an existing limited-service restaurant, to be located at 6125 W. Cold Spring Rd., submitted by Enea Gjika, d/b/a Enea Gjika Pizza, LLC. (Tax Key No. 603-9999-001) (PC-11/12/24 Kastner)

The public hearing opened at 7:06 PM.

Gina Vlach, City Planner, presented the site information, description of business, number of employees, hours of operation, parking, site improvements, and recommendations from the Plan Commission. There weren't any letters of objection or support received.

Besnik Abasovski, 1308 Monroe Avenue, South Milwaukee, spoke on behalf of NiNi's Pizzeria and was registered to speak in favor. He said that they are converting the adjacent storage space into a dining room. He said that they have been in business for a while, that the business is doing well, and that there will be seating for 42 people.

Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to close the public hearing. On a roll call vote, motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for an expansion of NiNi's Pizzeria, an existing limited-service restaurant, to be located at 6125 W. Cold Spring Rd., submitted by Enea Gjika, d/b/a Enea Gjika Pizza, LLC. (Tax Key No. 603-9999-001) (PC-11/12/24 Kastner)
Motion by Alderperson Kastner, seconded by Alderperson Akers to approve. On a roll call vote, motion carried unanimously.
- b. Approve a Site Plan Review for an expansion of NiNi's Pizzeria, an existing limited-service restaurant, to be located at 6125 W. Cold Spring Rd., submitted by Enea Gjika, d/b/a Enea Gjika Pizza, LLC. (Tax Key No. 603-9999-001) (PC-11/12/24 Kastner)
Motion by Alderperson Kastner, seconded by Alderperson Akers to approve. On a roll call vote,

motion carried unanimously.

2. Public Hearing on a Special Use Permit for Radiant Healing Massage & Wellness, a proposed massage business, located at 8555 W. Forest Home Ave., Suite 203, submitted by Lara Pfeffer, d/b/a Radiant Healing Massage & Wellness. (Tax Key No. 615-9941-005) (PC-11/12/24 Kastner)

The public hearing opened at 7:10 PM.

Mrs. Vlach presented the site information, description of business, number of employees, hours of operation, parking, site improvements, and recommendations from the Plan Commission. There weren't any letters of objection or support received.

The applicant, Lara Pfeffer, was present and was registered as speaking for informational purposes only. She gave an overview of her experience, the services provided, the rooms, and the number of employees.

Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to close the public hearing at 7:12 PM. On a roll call vote, motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for Radiant Healing Massage & Wellness, a proposed massage business, located at 8555 W. Forest Home Ave., Suite 203, submitted by Lara Pfeffer, d/b/a Radiant Healing Massage & Wellness. (Tax Key No. 615-9941-005) (PC-11/12/24 Kastner)

Motion by Alderperson Kastner, seconded by Alderperson Akers to approve agenda items I2a and I2b. On a roll call vote, motion carried unanimously.

- b. Approve a Site Plan Review for Radiant Healing Massage & Wellness, a proposed massage business, located at 8555 W. Forest Home Ave., Suite 203, submitted by Lara Pfeffer, d/b/a Radiant Healing Massage & Wellness. (Tax Key No. 615-9941-005) (PC-11/12/24 Kastner)
Approved under agenda item I2a.

3. Public Hearing on a Special Use Permit for Revival Ink, a proposed tattoo business, located at 10901 W. Sunset Ln., Suite 211, submitted by Malia Kent, d/b/a Revival Ink Studio. (Tax Key No. 609-9994-009) (PC-11/12/24 Kastner)

Mrs. Vlach presented the site information, description of business, number of employees, hours of operation, parking, site improvements, and recommendations from the Plan Commission. There weren't any letters of objection or support received.

Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to close the public hearing at 7:14 PM. On a roll call vote, motion carried unanimously.

Alderperson Kastner and Mrs. Vlach discussed that they are closed on Saturday.

- a. Approve a Resolution for a Special Use Permit for Revival Ink, a proposed tattoo business, located at 10901 W. Sunset Ln., Suite 211, submitted by Malia Kent, d/b/a Revival Ink Studio. (Tax Key No. 609-9994-009) (PC-11/12/24 Kastner)

Motion by Alderperson Kastner, seconded by Alderperson Akers to approve agenda items I3a and I3b. On a roll call vote, motion carried unanimously.

- b. Approve a Site Plan Review for Revival Ink, a proposed tattoo business, located at 10901 W. Sunset Ln., Suite 211, submitted by Malia Kent, d/b/a Revival Ink Studio. (Tax Key No. 609-9994-009) (PC-11/12/24 Kastner)
Approved under agenda item I3a.

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 next agenda.

2. Reconsider/reapprove an ordinance to Amend Subsection 13.03(12) and to Repeal Subsection 13.03(18) of the Code of Ordinances for the City of Greenfield Pertaining to Alcohol Licensing [Discussion and possible recommendation as to alcohol licensing ordinance amendments. (LC 11/11/24 Drzewiecki)] (CC: 11/19/24 & 12/17/24)

Jennifer Goergen, City Clerk, stated that the City Attorney recommended reconsidering and reapproving. There aren't any revisions.

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

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

K. New Business

1. Letter of resignation received from Melissa Mendoza on the Public Library Board. (Goergen)
Common Council thanked them for their service.

2. Appointments to various committees and commissions:

a. Mayor appointments, confirmed by Council:

- i. One member to the Public Library Board for a term to expire 7-1-25 (formerly Melissa Mendoza).
Place on next agenda.

3. Approve applications for 2024-2025 operator licenses (Goergen)

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

4. Approve application for a Temporary Class "B" Retailer's License received from Harley Owner's Group - Milwaukee Chapter to sell fermented malt beverages indoors at the Audio Service Work Shop event on January 18, 2025, 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 Drzewiecki, seconded by Alderperson Kastner to approve agenda items K4-K5. Motion carried unanimously.

5. 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 2025 Model Roll Out Event on January 25, 2025, 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)

Approved under agenda item K4.

6. Approve an addendum #3 to an existing license agreement with We Energies, for connections to the Powerline Trail by the Cold Spring Crossing Apartments LLC (Mandel Group). (Katz)

Jeff Katz, Director of Neighborhood Services, said that we have the existing license agreement for the trail, and we need to amend the agreement for the connection to it at the Spring Mall.

Motion by Alderperson Akers, seconded by Alderperson Saryan to approve. On a roll call vote, motion

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

carried unanimously.

7. Approve a Sewer Agreement with City of Milwaukee for a City of Greenfield storm sewer connection to City of Milwaukee storm sewer in the 8100 block of W Van Beck Ave. (Katz)

Mr. Katz said that there is a flooding problem on our border with Milwaukee and that we will put in a pipe to fix the problem. Milwaukee has a closer storm sewer.

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

8. Approve a professional services agreement between the City of Greenfield and Safebuilt Wisconsin, LLC. (Katz)

Mr. Katz said that this is for when one of our inspectors is out, so we use Safebuilt's inspectors to fill in. This is to renew the agreement.

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

L. Items for future agenda

M. Adjourn

Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to adjourn at 7:25 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant

Distributed: 1/9/2025

ORDINANCE NO. 3067

AN ORDINANCE TO AMEND SUBSECTION 13.03 (12) AND TO REPEAL SUBSECTION 13.03(18) OF THE CODE OF ORDINANCES FOR THE CITY OF GREENFIELD PERTAINING TO ALCOHOL LICENSING

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

PART I. The Common Council has noticed an increase in the number of businesses not traditionally associated with the sale of alcohol now applying for alcohol licenses; and,

PART II. The City currently has approximately 80 retail alcohol licenses issued for a city with a population of approximately 37,000; and,

PART III. The Common Council is concerned that a significant proliferation of new alcohol sales businesses, and new types of alcohol sales businesses, throughout the City could negatively impact property values by making nearby locations less attractive to businesses that do not want to locate in the immediate vicinity of businesses promoting the sale of alcohol; and,

PART IV. The Common Council is also concerned that a proliferation of businesses selling alcohol, including businesses that have not traditionally sold alcohol, could render underage alcohol sales enforcement more difficult and could render it easier for those under the age of 21 to purchase alcohol illegally (www.mcw.edu/departments/comprehensive-injury-center/wi-alcohol-policy-project/understanding-the-problem/underage-drinking); and,

PART V. The Common Council is cognizant of the facts that alcohol abuse is a significant public health problem (www.mcw.edu/departments/comprehensive-injury-center/wi-alcohol-policy-project/understanding-the-problem), that Wisconsin has one of the nation's highest per capita rates of alcohol consumption (see, e.g., www.niaaa.nih.gov/sites/default/files/surveillance-report120.pdf), that impaired driving is also a health hazard, which can be impacted by convenience of purchase (www.cdc.gov/transportationsafety/impaired_driving/impaired-driv_factsheet.html#states), and that the proliferation of locations at which alcohol can be purchased could exacerbate the public health ramifications of alcohol abuse (www.mcw.edu/departments/comprehensive-injury-center/wi-alcohol-policy-project/licensing-and-permits); and,

PART VI. An alcohol license is a privilege, not a right, and whether a license should be issued to any particular applicant is a matter of local concern. See *State ex rel. Smith v. City of Oak Creek*, 139 Wis.2d 788, 801, 407 N.W.2d 901, 906 (1987). Moreover, municipalities, "under the broad sweep of the Twenty-first Amendment, are endowed with "something more than the normal" police power in regulating the sale of liquor in the interests of the public health, safety, morals, and general welfare." *State ex rel. Grand Bazaar Liquors, Inc. v. City of Milwaukee*, 105 Wis.2d 203, 217, 313 N.W.2d 805, 812 (1982) (citing *California v. LaRue*, 409 U.S. 109, 114 (1972)), and moreover the City's discretion in regulating the licensing of intoxicants is also statutorily recognized. Sec. 125.51(1)(a), Wis. Stats.

PART VII. Subsections 13.03 (12) (d), (e), and (f) of the Code of Ordinances for the City of Greenfield be, and hereby are, created to read as follows:

“(12) *Limitation on number of licenses.*

.....

- (d) *Class “A” fermented malt beverage, “Class A” intoxicating liquor (combination) licenses, and “Class A” cider licenses.*
1. *Purpose and intent.* The Common Council finds that a significant portion of a community’s alcohol environment is determined by the number, location, and character of the places where alcohol is sold. The Common Council further finds that a limitation on the total number of off-premises licenses must not be anti-competitive nor favor one class of retailer, but rather should reflect Greenfield’s traditional mix of large and small retailers.
 2. *Quota on off-premises retail licensed businesses.* For purposes of this subsection, “off-premises large retailer” means a retailer with 10,000 sq. feet or greater of dedicated retail floor space to which a Class “A” fermented malt beverage (beer) license, a “Class A” liquor (combination) license, or a “Class A” cider license has been issued, and “off-premises small retailer” means a retailer with less than 10,000 sq. feet of dedicated retail floor space to which a Class “A” fermented malt beverage (beer) license, a “Class A” liquor (combo) license, or a “Class A” cider license has been issued. The total number of off-premises small retailers shall be limited to 15 and the total number of off-premises large retailers shall be limited to 10. An off-premises small retailer or off-premises large retailer to which more than one “Class A” or Class “A” alcohol license has been issued shall count as only one such business toward the relevant quota.
- (e) *New Class A licenses limited to grocery/convenience stores.* New Class “A” fermented malt beverage licenses, new “Class A” liquor (combination) licenses, and new “Class A” cider licenses may only be issued to businesses that devote a greater proportion of retail floor space to groceries or other food products than to alcohol products. For purposes of this subsection, a new Class “A” fermented malt beverage license, new “Class A” liquor license, or new “Class A” cider license means one that is first applied for after January 1, 2025 and for a premises to which no such license had been issued during the prior license year. A renewal license is not a new license under this subsection, nor is a license that is being issued in conjunction with a change of ownership or of location of an existing licensed premises, or a change of the licensee or agent of an existing licensed premises.
- (f) *On-premises licensed businesses to be separate from gas stations.* No “Class B” liquor license, Reserve “Class B,” Class “B” fermented malt beverage license, Class C wine license, or any combination thereof, shall be issued to any applicant for a premises located on the same parcel as a licensed filling/gas station, or for the same parcel for which a filling/gas station use application is pending, unless the proposed licensed premises is under separate ownership from the filling/gas station business and is also completely physically separated internally from the filling/gas station business.”

PART VIII. Subsection 13.03 (18), “Temporary moratorium on receipt of new retail license applications,” of the Code of Ordinances for the City of Greenfield be, and hereby is, repealed.

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

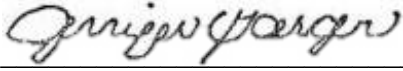
PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of December, 2024.

APPROVED:



Michael J. Neitzke, Mayor

ATTEST:



Jennifer Goergen, City Clerk

REAPPROVED AND READOPTED by the Common Council of the City of Greenfield on the
7th day of January, 2025.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 4048

Special Use Permit for an expansion of NiNi's Pizzeria, an existing limited-service restaurant, to be located at 6125 W. Cold Spring Rd., submitted by Enea Gjika, d/b/a Enea Gjika Pizza, LLC.
(Tax Key No. 603-9999-001)

WHEREAS, Enea Gjika, d/b/a Enea Gjika Pizza, 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 interior expansion of NiNi's Pizzeria, an existing limited-service restaurant, to be located at 6125 W. Cold Spring Rd.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on January 7, 2025, 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, Enea Gjika, d/b/a Enea Gjika Pizza, LLC, currently rents the tenant space located at 6131 W. Cold Spring Rd., Greenfield, WI 53220.
2. The applicant will lease a portion of the multi-tenant commercial building owned by Jaystores LLC, 6115 W. Cold Spring Rd., Greenfield, WI 53220.
3. NiNi's Pizzeria will occupy approximately 2,200 sq. ft. of tenant space within the multi-tenant commercial building located at 6115 W. Cold Spring Rd., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Parcel 1 of Certified Survey Map No. 1007, being a part of the Southeast 1/4 of Section 22, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, State of Wisconsin.

Tax Key No. 603-9999-001

Said land being located at 6115 – 6135 W. Cold Spring Rd.

4. The applicant is proposing an expansion of the existing NiNi's Pizzeria restaurant by leasing the additional space abutting the existing limited-service restaurant.
5. The aforesaid premise is zoned C1 Neighborhood Commercial District under the Zoning Ordinance of the City of Greenfield; the premise permits limited-service restaurants 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 located along W. Cold Spring Rd., which is a transition area between uses. Properties to the north, west, and south are developed as residential. Properties to the north 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 Enea Gjika, d/b/a Enea Gjika Pizza, LLC, for an interior expansion of NiNi's Pizzeria, an existing limited-service restaurant, to be located at 6125 W. Cold Spring Rd., 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 November 12, 2024 and by the Common Council on January 7, 2025. 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 NiNi's Pizzeria, will be 3:00pm to 9:00pm, Monday through Thursday and 11:00am to 9:00pm, Friday through Sunday.
4. Off-Street Parking. A total of 33 off-street parking stalls are required for NiNi's Pizzeria. The entire multi-tenant commercial building requires a total of 50 off-street parking spaces. The property will provide 19 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.

Enea Gjika, d/b/a Enea Gjika Pizza, LLC

Provided to applicant on the
_____ day of _____, 2025

City Planner

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 7th day of January, 2025.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 4049

Special Use Permit for Radiant Healing Massage & Wellness, a proposed massage business, located at 8555 W. Forest Home Ave., Suite 203, submitted by Lara Pfeffer, d/b/a Radiant Healing Massage & Wellness. (Tax Key No. 615-9941-005)

WHEREAS, Lara Pfeffer, d/b/a Radiant Healing Massage & Wellness, 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 Radiant Healing Massage & Wellness, a proposed massage business, located at 8555 W. Forest Home Ave., Suite 203; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on January 7, 2025, 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, Lara Pfeffer, d/b/a Radiant Healing Massage & Wellness, resides at 5211 Roberts Dr., Greendale, WI 53129.
2. The applicant will lease a portion of the multi-tenant commercial building owned by Forest Green & 84th Street Transfer, LLC, 8555 W. Forest Home Ave., Suite 160, Greenfield, WI 53228.
3. Radiant Healing Massage & Wellness will occupy approximately 1,200 sq. ft. of tenant space within the multi-tenant commercial building located at 8555 W. Forest Home Ave., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Lot 1 of Certified Survey Map No. 8002, being a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 28, Town 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin

Tax Key No. 615-9941-005

Said land being located at 8555-8575 W. Forest Home Ave.

4. The applicant is proposing to establish a massage business within the existing multi-tenant office building.
5. The aforesaid premise is zoned Planned Unit Development District under the Zoning Ordinance of the City of Greenfield, which permits offices of all other miscellaneous health practitioners 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 W. Forest Home Ave. commercial corridor. Properties to the north and west are developed as commercial. Properties to the north, east, and south are developed as residential. Properties to the south are developed as institutional.

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 Lara Pfeffer, d/b/a Radiant Healing Massage & Wellness, a proposed massage business, located at 8555 W. Forest Home Ave., Suite 203, 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 November 12, 2024 and by the Common Council on January 7, 2025. 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 Radiant Healing Massage & Wellness, will be 8:00am to 9:00pm, daily.
4. Off-Street Parking. The entire multi-tenant commercial building requires a total of 149 off-street parking spaces. The property will provide 154 off-street parking stalls.
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.

Lara Pfeffer, d/b/a Radiant Healing Massage & Wellness

Provided to applicant on the
_____ day of _____, 2025

City Planner

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 7th day of January, 2025.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 4050

Special Use Permit for Revival Ink, a proposed tattoo business, located at 10901 W. Sunset Ln., Suite 211, submitted by Malia Kent, d/b/a Revival Ink Studio. (Tax Key No. 609-9994-009)

WHEREAS, Malia Kent, d/b/a Revival Ink Studio, 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 Revival Ink Studio, a proposed tattoo business, located at 10901 W. Sunset Ln., Suite 211; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on January 7, 2025, 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, Malia Kent, d/b/a Revival Ink Studio, resides at N88W15180 Cleveland Ave, Menomonee Falls, WI 53051.
2. The applicant will lease a portion of the multi-tenant commercial building owned by Avery and Birch, LLC, 10901 W. Sunset Ln., Greenfield, WI 53228.
3. Revival Ink Studio will occupy approximately 165 sq. ft. of tenant space within the multi-tenant commercial building located at 10901 W. Sunset Ln., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Parcel 2 of Certified Survey Map No. 7988, being a part of the Southeast ½ of Section 19, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 609-9994-009

Said land being located at 10901 W. Sunset Ln.

4. The applicant is proposing to establish a tattoo business within the existing multi-tenant commercial building.
5. The aforesaid premise is zoned Planned Unit Development District under the Zoning Ordinance of the City of Greenfield, which permits personal care services 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. 108th St. commercial corridor. Properties to the north and south are developed as commercial and residential uses. Properties to the west are developed as residential uses. Properties to the east are developed as commercial uses.

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 Malia Kent, d/b/a Revival Ink Studio, a proposed tattoo business, located at 10901 W. Sunset Ln., Suite 211, 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 November 12, 2024 and by the Common Council on January 7, 2025. 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 Revival Ink Studio, will be 10:00am to 5:00pm, Monday through Friday, 10:00am to 3:00pm, Saturday, and closed on Sunday.
4. Off-Street Parking. The entire multi-tenant commercial building requires a total of 105 off-street parking spaces. The property will provide 88 off-street parking stalls. The shortage was waived when Avery & Birch LLC appeared before Plan Commission and Common Council in November/December of 2021.
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.
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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.
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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.

Malia Kent, d/b/a Revival Ink Studio

Provided to applicant on the
_____ day of _____, 2025

City Planner

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 7th day of January, 2025.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk