

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL
ON TUESDAY, NOVEMBER 20, 2018

The meeting was called to order by Mayor Neitzke at 7:02 p.m.

1. ROLL CALL:	Aldersperson Lubotsky	Present
	Aldersperson Bailey	Present
	Aldersperson Akers	Present
	Aldersperson Saryan	Present
	Aldersperson Kastner	Present

ALSO PRESENT:	Brian Sajdak	City Attorney
	Jeff Katz	Director of Neighborhood Services
	Andrew Stern	Planner
	Jennifer Goergen	City Clerk

2. An opening prayer was given by Pastor Joe McFadden.

3. Pledge of Allegiance

4. It was moved by Aldersperson Lubotsky, seconded by Aldersperson Bailey, to approve the November 7, 2018 Common Council minutes. Motion carried unanimously.

5. Mayor's Report – Mayor Neitzke reminded people to be safe and careful during the holiday shopping season.

6. Aldermanic Reports – Aldersperson Bailey said he, Aldersperson Kastner and Mayor Neitzke recently attended the opening ceremony for the medical building at 84 South. The Dept. of Public Works will do another leaf pickup throughout the city, weather permitting.

7. Announcements – The Christmas Tree lighting ceremony at Greenfield City Hall is Dec. 8 from noon to 1 p.m., with singing from the Greenfield High School choir. Breakfast with Santa is from 9:30 – 11:30 a.m., before the ceremony; tickets for the breakfast are available through the Parks and Recreation Dept.

8. Citizen Commentary – None.

9. 7:05 p.m. Public hearing on Ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 9008 W. Forest Home Ave. from C-1 Neighborhood Commercial District to C-2 Community Commercial District and Special Use Permit for Power Up Coffee House, a proposed restaurant, to be located within the existing multi-tenant commercial building at 9008 W. Forest Home Ave., submitted by Robert Stockinger, d/b/a Coordinated Power Systems, Inc. and Daniel Beyer, d/b/a Dan Beyer Architects. (Tax Key No. 652-9000-000)

Planner Andrew Stern said the rezoning is requested because the C-1 zoning district does not allow restaurants or cafes. Power Up Coffee House would occupy 1,597 square feet and 1,789 square feet of office space would remain. The applicant proposes 30-40 inside seats and 30-40 outdoor patio seats. They expect to receive a majority of their business from Root River Parkway bicyclists. The menu is to

include sandwiches, soups, coffee and breakfast items. Hours would be 7:30 a.m. – 7 p.m., Sunday through Thursday; 7:30 a.m. – 9 p.m., Friday and Saturday. Parking would be added and the exit onto 92nd St would be relocated. A fence would be added along the east property line. The applicant is working with the adjacent property owner to get two dying ash trees removed. Total off-street parking required for the site is 38 spaces; 18 spaces are provided. Council may waive the parking shortage. Plan Commission recommended approval; no letters have been received for or against the proposal.

Mayor Neitzke said the applicant has purchased additional property on the northeast side. The former homeowner there had objections to previous uses on the property, but the purchase has alleviated those objections.

Barbara Hacker, 5070 S. 92nd St., said a coffee shop is a good idea. She wanted to know what would happen to the lot purchased to the northeast – would the business be expanded or would a parking lot be built there?

Mayor Neitzke said that lot is still zoned residential. Prior to any changes, there would have to be a public hearing and property owners within 400 feet would be notified.

No one else spoke for or against the project.

It was moved by Alderperson Kastner, seconded by Alderperson Akers, to close the public hearing at 7:17 p.m.

At this time, Mayor Neitzke proceeded to Agenda Item #13 (#10A, 10B, & 10C)

10. 7:10 p.m. Public hearing on Special Use Permit for Mind n Body Connection Therapeutic and Orthopedic Massage, LLC, a massage therapist, to be located within the existing multi-tenant commercial building at 12336 W. Layton Ave., Ste. 5, submitted by Christine Maddox, d/b/a Mind n Body Connection Therapeutic Center, LLC. (Tax Key No. 610-9975-002)

Mr. Stern said the applicant wants to lease approximately 600 square feet for a massage therapy business. Massage therapists may be permitted within the C-1 zoning district as a special use. Off street parking required for massage therapy is 2 spaces; the other uses in the building require 25 spaces. Currently, 33 spaces are provided. Plan Commission recommends approval; no letters of objection have been received.

No one spoke for or against the proposal.

It was moved by Alderperson Kastner, seconded by Alderperson Akers, to close the public hearing at 7:22 p.m. Motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #13 (#7A and 7B)

11. 7:15 p.m. Public hearing on Special Use Permit for Chill & Grill, a proposed restaurant to be located at 4651 S. 27 St., submitted by Samer Thabteh, d/b/a I Investments, LLC and Christine Schultz, d/b/a Star Supply. (Tax Key No. 599-8893-005)

Mr. Stern said this is the former Burger King site. The proposed restaurant would serve pizza, beef, BBQ, sandwiches, appetizers, salads and ice cream. Hours would be 10:30 a.m. – midnight, Sunday through Thursday, and 10:30 a.m. – 2 a.m., Friday and Saturday. He showed renderings of what the new restaurant would look like. Off-street parking required would be 70 spaces plus seven queuing spaces; total parking provided is 19 spaces, but parking is also available in the adjacent “At Home” parcel. Improvements include: resealing and restriping the parking lot; painting the bollards and light poles; replacing light pole heads; repouring the curb along the south property line and north landscape island; and adding new landscaping. Plan Commission recommended approval; no letters of objection have been received.

Harvey Goldstein, 2980 S. Logan Ave., owner, registered in favor of the project.

It was moved by Alderperson Lubotsky, seconded by Alderperson Kastner, to close the public hearing at 7:27 p.m. Motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #20c.

12. 7:20 p.m. Public hearing on Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to Mobile Food Services.

Mr. Stern said at the request of Alderperson Lubotsky, an ordinance was drafted to permit mobile food services in the C-2, C-3, C-4, C-5, BP and PUD Districts, without a public hearing. Currently, they must seek approval as a special use, and a public hearing is required.

Mayor Neitzke said with a special use permit, regulations are put into place that attach to the property. Currently, the property owner must be the one to request approval for a special use permit to allow a food truck to be on his property. Once a special use is granted, the property owner can determine in subsequent years which food truck is allowed to be on the property.

Mayor Neitzke said he is aware of two food trucks in Greenfield currently, excluding those at special events at Konkel Park. One parks near Konkel Park on W. Layton Avenue, a county-owned road which the city does not have jurisdiction over, and the other parks at a business without the required special use permit. The property owner at this second location should be required to apply for a special use permit to allow the food truck.

Mayor Neitzke further encouraged Council to adopt an ordinance to prohibit food trucks from parking along city streets. Food trucks could proliferate and bring unfair competition to restaurants that invest large sums to open their businesses.

No one registered against the proposed ordinance.

Registering in favor of the ordinance, but not speaking, were:

Corey Kopenski, 4898 W. Maple Leaf Cir.;
Justin Kahle, W280 N7442 Trowbridge Tr., Merton, representing Firewise BBQ;
Dave Tomczak, 8607 S. 27th St., Franklin, representing Firewise BBQ;
Travis Day, 2158 S. 89th St., West Allis, representing Firewise BBQ.

Speaking in favor of the ordinance, were:

Alex Obradovich, 2767 S. 110th St., West Allis, said he opened Firewise BBQ in August 2016 at the Bartz Party Store. He received no complaints. People loved the food. Forcing a permit process would push all mobile food businesses out of Greenfield as the process is too long, too involved and too expensive. Historically he has operated two days per week in Greenfield from April to October. He does everything he can upfront to obtain all needed permits. Last year, he was told he only needed the Health Dept. permit, and that he did not need any zoning permits. In early September, the property owner of Rogan's Shoes was told a Special Use Permit was needed for the Firewise BBQ food truck, although in early spring Mr. Obradovich had been told he did not need any zoning permits. Special Use Permits would cost him \$900 since he had two locations. Also needed would be drawings of the lot, elevation drawings, landscaping improvements, public hearings, notifications to the neighbors, and other required documents. All areas of the property would need to be reviewed, and both property owners did not like this idea, so his sales then ended at Rogan's Shoes, which cost his business "thousands of dollars" to change locations. Mr. Obradovich said his food truck was incorrectly classified under NAICS code #722330 for mobile food services, as the second sentence of the code classification description says: "The establishment is the central location from which the caterer's route is serviced, not each vehicle or cart." Mr. Obradovich said he believes this classification is for a brick and mortar commissary kitchen that services mobile units, not the actual mobile unit itself. When he discussed this with the City Attorney, he was told sometimes some of the words had to be ignored and the examples examined instead.

Mayor Neitzke asked what he thought the classification for his business should be?

Mr. Obradovich said he did not know. But he believes "there is a chance" that the special use permit requirement does not apply to him. He prefers to park in commercial parking lots, as he feels it is safer for his customers and his equipment. Regulations for a temporary business should be different than those for a permanent business. He also questioned why other food trucks in the city do not have to comply with these regulations. He said Alderperson Kastner told him he heard his food was not very good and that many people were sickened by it, but this is not true. Food trucks are not a threat to restaurants with good food. The proposed ordinance should be adopted if Greenfield wants to have mobile food trucks in the city.

Chris Faust, 5307 W. Midland Dr., Greenfield, said he agreed with Mr. Obradovich. Why would food trucks be allowed on city streets, where it is less safe than if they were parked on a commercial lot?

Mayor Neitzke said food trucks are allowed at pre-approved city-sponsored events at Konkel Park.

Mr. Faust asked if food trucks would be allowed at county parks?

Mayor Neitzke said the county probably requires a permit to sell at a county parks. However, they also already may have contracts with vendors to sell in those locations.

Mr. Faust said if the city pushes food trucks out of commercial lots, they are encouraging them to go along county highways and city streets.

Mr. Faust said food trucks should be allowed on commercial lots, where it is safer. Why not allow them if the property owners want them? Why not just make it a parking spot permit?

Tim Braden, 5960 S. Swift Ave., Cudahy, representing Firewise BBQ, said this has become a one man witch hunt. Where's the proof that someone was sickened by the food? Where is proof of the complaints? He was told the Gordie Boucher business wishes Firewise BBQ could set up on their lot, but it is too busy. The nearby businesses love him being there.

Lawrence Robe, 4985 S. 43rd St., Greenfield, said he believes that the NAICS zoning classification was correctly applied. He thinks a food truck should be allowed to operate without a special use permit if the property owner at a commercial location wants them to be there.

Mayor Neitzke asked the City Attorney for guidance on whether the NAICS code was correctly applied.

City Attorney Brian Sajdak said he looked at other categories to try to determine if food trucks would fit somewhere else, but he decided food trucks did fit into the specified category

Mayor Neitzke said he has received anonymous complaints from other businesses who complain about food trucks because they don't have to pay property taxes.

Aldersperson Saryan asked why this did not go to Legislative Committee first?

Attorney Sajdak said it came to Council from Plan Commission.

Aldersperson Kastner said he supports not changing the current process. There are places that are appropriate for food trucks, and processes are in place for it. The Special Use process is the best way to address it. In his experience, the city is reasonable in its application of the requirements. The ordinance change is not about Firewise BBQ.

Mayor Neitzke said the special use process is beneficial to the community. It gives the city control over hours of operation and location, provides a mechanism for public input, and ensures proper upkeep of commercial properties.

Aldersperson Kastner said he wanted to know if Firewise BBQ would be willing to seek a special use for the two locations where he had been located.

Mr. Obradovich countered by asking if the city would support it, and said Aldersperson Kastner already indicated he would not. What if a business where he is located goes out of business? Then he would need another special use permit. He said he carefully selects his locations to have adequate space.

Mayor Neitzke said the city favorably receives special use applications from applicants that act responsibly and take into account parking and traffic control.

Mr. Obradovich said he has not seen other cities use the special use process for food trucks.

Attorney Sajdak said there are only about three other communities in Wisconsin that use NAICS codes as their basis for uses.

Mr. Obradovich said if this code applies to his food truck, it will also have to apply to other examples in the chart such as: ice cream trucks, mobile food concession stands, mobile canteens, refreshment stands, food carts, and mobile snack stands.

City Attorney Sajdak said if something is not a listed use in the code, it is not permitted at all. Otherwise, it is identified in a category as a permitted use or a special use.

Mr. Obradovich said like permanent businesses, food trucks also invest money in their businesses. They can pay \$100,000 - \$250,000 for their trailers. They follow the same health regulations as a restaurant, only stricter. He said Alderperson Kastner stopped by his trailer two summers ago and said the flags should not be there and he did not believe the use of the property was correct.

Alderperson Lubotsky said food trucks bring business to the city. She said this business had a good rating on its inspections, per the Health Department. There have been no complaints or food-related illnesses reported. Food trucks are regulated already by the Health Department and the state; she does not think the special use process is necessary. Now the Plan Commission and the Common Council would be involved and potential other requirements applied to the parking lot. Is the city going to require community or school organizations that do fundraiser cookouts at local grocery stores to comply? Food trucks are causing no problems that need to be corrected. Why should Greenfield be the one community that does not welcome food trucks without all of these regulations?

Alderperson Akers said the current special use process does not prevent food trucks. Food trucks may become more prevalent. She would disagree with having “anybody and everybody” coming in with food trucks because not everyone is a responsible business owner. She thinks the city should have a say in regulating them.

Tony Roy, W3565 Belgium Kohler Rd., Fredonia, representing Firewise BBQ; registered in favor of the proposed ordinance. It is not true there is no control over the food trucks. Mr. Obradovich was issued a city permit that listed his location and hours. It is highly improbable someone would operate at inappropriate hours. Mr. Roy operates in four other communities on the north shore and is required to obtain a permit at several locations, but there is no lengthy regulatory process.

No one else spoke.

It was moved by Alderperson Kastner, seconded by Alderperson Akers, to close the public hearing at 8:52 p.m. Motion carried unanimously.

Alderperson Kastner said under the proposed ordinance, only staff would have input into regulating food trucks. There would be no formal mechanism for public input or Council approval. He thinks hours of operation of a food truck could be of concern to neighborhood residents.

Mayor Neitzke said there have been complaints about the Firewise BBQ food truck – not about the food, but from competitor restaurants.

Alderperson Lubotsky said the city did not enforce its code for three years, so Mr. Obradovich should be grandfathered in.

Alderperson Lubotsky said she does not think the regulations are reasonable. Maybe the NAICs codes require further scrutiny, if few other communities in Wisconsin use it.

Attorney Sajdak said communities that use NAICs tend to want a lot of control over specific uses. The alternative is a zoning code like Milwaukee's or Germantown's that uses more general descriptions, in which there is flexibility to determine what is or is not a restaurant, for example. Most zoning code rewrites take at least two years to complete. In the meantime, the special use process is required for food trucks on parcels, unless the proposed ordinance is approved to change that.

Alderperson Lubotsky said it could be "opening a can of worms" to connect food truck approvals to the special use process done through the property owner – what if the property owner is told to add more green space, add a dumpster enclosure, paint their building, or similar requirements?

City Attorney Sajdak said the conditions of approval still need to relate to what the applicant is doing.

Alderperson Lubotsky asked, why does the city need to go inside the building and inspect it?

They don't, according to Mayor Neitzke, Alderperson Kastner and the City Attorney. Only outside requirements apply.

If the food truck wanted to go to a commercial site "that reasonably maintains itself" with a previously approved site and landscaping plan "that they reasonably adhere to" – the city "is not going to be pounding them," Mayor Neitzke said. If a food truck wanted to go onto a derelict property, the city would take a much more aggressive stance.

At this time, Mayor Neitzke proceeded to Agenda Item #13 (#13)

COMMON COUNCIL TO TAKE ACTION ON THE FOLLOWING COMMITTEE REPORTS:

13. Plan Commission meeting held October 9, 2018 (Kastner)

Item #7A & 7B It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve a Special Use Permit and a Site Plan for Mind n Body Connection Therapeutic and Orthopedic Massage, LLC, a proposed massage therapist, to be located within the existing multi-tenant commercial building at 12336 W. Layton Avenue, Suite 5, subject to Plan Commission and staff comments. Tax Key No. 610-9975-002. On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item 20b.

Item #10A, 10B & 10C It was moved by Alderperson Kastner, seconded by Alderperson Bailey, to approve an Ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 9008 W. Forest Home Ave. from C-1 Neighborhood Commercial District to C-2 Community Commercial District, along with a Special Use Permit and Site and Landscaping Plans for Power Up Coffee House, a proposed restaurant to be located at 9008 W. Forest Home Avenue, subject to Plan Commission and staff comments. Tax No. 652-9000-000. On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #24a.

Item #12A & 12B It was moved by Alderperson Lubotsky, seconded by Alderperson Kastner, to approve a Special Use Permit and Site, Landscaping and Architectural Plans for Chill & Grill Pizzeria, a proposed restaurant to be located at 4651 S. 27 Street, subject to Plan Commission and staff comments. Tax Key No. 599-8893-005. On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #19.

Item #13 It was moved by Alderperson Lubotsky, seconded by Alderperson Bailey, to forward a proposed ordinance to amend Sec. 21.04.0603 of the Municipal Code pertaining to mobile food services to the Legislative Committee. She said she would like to look at how other communities handle regulating food trucks.

Under discussion, Alderperson Kastner asked if Alderperson Lubotsky was wanting to create a level of confidence from property owners so it wasn't so impactful?

Alderperson Lubotsky said maybe the ordinance could be tweaked so that it would still have to come before Council and the public.

Alderperson Saryan questioned why the ordinance needed to go back to Legislative Committee. She said she was ready to vote.

Alderperson Lubotsky said there are a lot of unknowns.

Alderperson Kastner said he would like to "see it defined" as to what would be required of the commercial businesses in order to have a mobile food business, such as how parking would be addressed.

Alderperson Saryan said she didn't want the burden to be placed on the business to decide if it wanted a food truck to be on the commercial property, because there could be concerns about "what will this food truck business do to me" if the business did not want them.

Alderperson Akers said the business owner has to decide because it is their property.

Mayor Neitzke said the point of the special use is for public to comment. In some instances, the public and neighbors might object to a food truck; in other instances, they might not. If it is a permitted use, staff makes the decisions without public input.

Alderperson Bailey said he would like to refer this to Legislative Committee. He would hate to see a business like Firewise BBQ leave the city.

Alderperson Saryan asked why can't the food truck business apply for the special use permit if he wants to be here? Mayor Neitzke said Firewise BBQ was allowed to finish out the 2018 season without a special use permit, but he was told to apply for it for 2019.

On a roll call vote, motion carried 4-1, with Alderpersons Lubotsky, Bailey, Akers and Kastner voting yes, and Alderperson Saryan voting no. Alderperson Saryan said she was against referring to Legislative Committee because she was ready to vote now.

At this time, Mayor Neitzke proceeded to Agenda Item #24b.

14. Board of Public Works meeting held October 23, 2018

Item #7 – It was moved by Alderperson Lubotsky, seconded by Alderperson Bailey, to approve an amendment to Resolution No. 3529, updating the Storm Water Utility Rate.

DNS Director Jeff Katz said Greenfield’s annual rate would be \$69.56; the average annual rate for 17 nearby communities is \$81.24, so Greenfield is actually in the lower third (in terms of cost). The increase would be less than \$2.

Alderperson Akers said Elm Grove and Fox Point are not comparable communities in terms of income level.

On a roll call vote, motion carried 4-1, with Alderpersons Lubotsky, Bailey, Saryan and Kastner voting yes, and Alderperson Akers voting no.

At this time, Mayor Neitzke proceeded to Agenda Item #24c.

15. Plan Commission meeting held November 13, 2018

It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to refer the following item to Plan Commission:

Item #6 Approve Site and Landscaping Plans for the demolition of a single-family house and proposed site design for commercial use of the property located at 4969 S. 27 Street, subject to Plan Commission and staff comments. Tax Key No. 622-0006-000.

Motion carried unanimously.

16. City Clerk’s Report – none.

17. Appointments to various committees and commissions:

a. Mayor appointments, confirmed by Council:

- (1) One member to the Zoning Board of Appeals for a term to expire 5/1/20 (formerly Donald Kopp) (CC 10/2/18, CC 10/16/18, CC 11/7/18) – to be placed on the **NEXT AGENDA**.
- (2) Two alternate members to the Board of Review for a term to expire 5/1/23 (newly created positions) (CC 11/7/18) – to be placed on the **NEXT AGENDA**.

b. Mayor appointments:

- (1) One alternate member to the Zoning Board of Appeals for a term to expire 5/1/21

(formerly Denise Kunz) (CC 9/18/18, CC 10/2/18, CC 10/16/18, CC 11/7/18) - to be placed on the **NEXT AGENDA**.

18. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to approve issuance of an operator license to the following:

Balistreri, Jamie M.-7712 Dunkelow Rd.
Bree, Lindsay E.-216 Collins St.
Carrasquedo, Miguel-2219 S. 37th St.
Charboneau, Dale R.-1472 S. 94th Pl.
Henderson, Shantasia L.-5814 W. Cold Spring Rd.

Ostovich, Jamie S.-4212 S. Taylor Ave.
Serrano-Borrero, Michelle A.-7305 W. Southridge Dr.
Tehan, Dominique D.-416 N. Chicago Ave.

Motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Items #20d and #20e.

19. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve a 2018-2019 Combination “Class B” Beer & Liquor license for Chill & Grill LLC, Nael N. Jabbar, Agt., for the property located at 4651 S. 27th St (sold in bar area, behind bar, storage room and dining area, patio area) (Chill & Grill). Motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #12.

20. Department of Neighborhood Services

a. It was moved by Alderperson Kastner, seconded by Alderperson Bailey, to adopt Resolution No. 3663:

RESOLUTION NO. 3663

SPECIAL USE PERMIT FOR POWER UP COFFEE HOUSE, A PROPOSED RESTAURANT, TO BE LOCATED AT 9008 W. FOREST HOME AVE., SUBMITTED BY ROBERT STOCKINGER, D/B/A COORDINATED POWER SYSTEMS, INC.

AND DANIEL BEYER, D/B/A DAN BEYER ARCHITECTS
(TAX KEY NO. 652-9000-000)

WHEREAS, Robert Stockinger, d/b/a Coordinated Power Systems, Inc. and Daniel Beyer, d/b/a Dan Beyer Architects, 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 a restaurant at 9008 W. Forest Home Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on November 20, 2018, at 7:05 p.m., 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, Robert Stockinger, d/b/a Coordinated Power Systems, Inc. leases the property at 9008 W. Forest Home Ave.
2. The property is owned by JRaz Investments, LLC, 10120 W. Forest Home Ave., Hales Corners, WI 53207.
3. Power Up Coffee House will occupy approximately 1,597 sq. ft. of the multi-tenant commercial building located at 9008 W. Forest Home Ave., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

That part of the Southwest ¼ and Northwest ¼ of Section 28, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, State of Wisconsin which is bounded and described as follows:

Commencing at a point that is South 51° 49' 23" South, 55.28 feet of the Northwest corner of the Southwest ¼ of Section 28, Township 6 North, Range 21 East; thence Southeasterly on a curve 118.12 feet to the point of beginning of lands to be described; thence Northerly 170 feet to a point; thence Southeasterly 179.13 feet to a point on the centerline of W Forest Home Ave.; thence Southwesterly along said centerline, 172.26 feet to a point; thence Northwesterly on a curve, 160.07 feet to the point of beginning. Excepting therefrom those parts taken for public street purposes.

Tax Key No. 652-9000-000

Said land being located at 9008 W. Forest Home Ave.

4. The applicant is proposing to establish a restaurant within the existing multi-tenant commercial building.
 5. The aforesaid premise is zoned C-2 Community Commercial District (rezoned from C-1 Neighborhood Commercial District by the Common Council on November 20, 2018) under the Zoning Ordinance of the City of Greenfield, which permits Full 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 part of an area along the W. Forest Home Ave. corridor that is developed for a mixture of multi-family and commercial uses. Properties to the north and east are developed as residential. Properties to the south are within the Village of Hales Corners and are undeveloped park land. Properties to the west are undeveloped park land.
 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 Robert Stockinger, d/b/a Coordinated Power Systems, Inc. and Daniel Beyer, d/b/a Dan Beyer Architects, to establish a restaurant, to be located at 9008 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 and Landscaping Plans and all other applicable conditions approved by the Plan Commission on October 9, 2018 and by the Common Council on November 20, 2018. 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 Power Up Coffee House will be 7:30am - 7:00pm, Sunday through Thursday; 7:30am – 9:00pm, Friday and Saturday.
4. Off-Street Parking. The proposed restaurant requires thirty-two (32) off-street parking stalls. The office use requires six (6) off-street parking stalls, for a total of 38 required off-street parking stalls. Eighteen (18) off-street parking stalls are to be provided on site. The Common Council may waive the parking 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 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 view by the existing fence/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.

Robert Stockinger, d/b/a Coordinated Power Systems, Inc.

Jan Raz, JRaz Investments LLC

Provided to applicant on the
_____ day of _____, 2018

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 20th day of November, 2018.

APPROVED:

Michael J. Neitzke
Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #10.

20b. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to adopt Resolution No. 3664:

RESOLUTION NO. 3664

SPECIAL USE PERMIT FOR MIND N BODY CONNECTION THERAPEUTIC AND ORTHOPEDIC MASSAGE, LLC, A NEW MASSAGE THERAPIST BUSINESS, TO BE LOCATED AT 12336 W. LAYTON AVE., SUITE 5, SUBMITTED BY CHRISTINE MADDOX, D/B/A MIND N BODY CONNECTION THERAPEUTIC CENTER, LLC
(TAX KEY NO. 610-9975-002)

WHEREAS, Christine Maddox, d/b/a Mind n Body Connection Therapeutic Center, 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 a massage therapist business at 12336 W. Layton Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on November 20, 2018, at 7:10 p.m., 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, Christine Maddox, d/b/a Mind n Body Connection Therapeutic Center, LLC, owns Mind n Body Connection Therapeutic and Orthopedic Massage, LLC, located at 7407 W. Cleveland Avenue, West Allis, WI 53219.
2. The property is owned by George E. Robak and James Kotowski, 11813 W. Waterford Ave, Greenfield, WI 53228.
3. Mind n Body Connection Therapeutic and Orthopedic Massage, LLC will lease approximately 600 sq. ft. of the multi-tenant commercial building located at 12336 W. Layton Ave., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:
Parcel 2 of Certified Survey Map No. 3482, being part of the Southwest ¼ Section, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 610-9975-002

Said land being located at 12336 W. Layton Ave.

4. The applicant is proposing to establish a massage therapist business within the existing multi-tenant commercial building.

5. The aforesaid premise is zoned C-1 Neighborhood Commercial District under the Zoning Ordinance of the City of Greenfield, which permits Offices of All Other Misc. Health Practitioners (massage therapists only) 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. Layton Ave. corridor that are developed as a mixture of commercial and residential uses. Properties to the north and east are developed as residential. Properties to the south are developed as commercial. Properties to the west are in the City of New Berlin and developed as agricultural.

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 Christine Maddox, d/b/a Mind n Body Connection Therapeutic Center, LLC, to establish a massage therapist, to be located at 12336 W. Layton 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 9, 2018 and by the Common Council on November 20, 2018. 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 Mind n Body Connection Therapeutic and Orthopedic Massage, LLC will be Monday – Friday, 9:00am – 6:00pm; and Saturday 9:00am – 2:00pm.

4. Off-Street Parking. The proposed massage therapy business requires two (2) parking stalls. The remaining multi-tenant commercial/office uses, occupying the remainder of the multi-tenant commercial building require 25 off-street parking stalls, for a total of 27 required off-street parking spaces. Thirty-three (33) off-street parking stalls are expected to be provided on site.

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 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 view by the existing fence/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.

Christine Maddox, d/b/a Mind n Body Connection Therapeutic Center, LLC

George E. Robak, Property Owner

Provided to applicant on the
_____ day of _____, 2018

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 20th day of November, 2018.

APPROVED:

Michael J. Neitzke
Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen
Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #11.

20c. It was moved by Alderperson Lubotsky, seconded by Alderperson Akers, to adopt Resolution No. 3665:

RESOLUTION NO. 3665

SPECIAL USE PERMIT FOR CHILL & GRILL, A PROPOSED RESTAURANT, TO BE LOCATED
AT 4651 S. 27 ST., SUBMITTED BY SAMER THABTEH, D/B/A I INVESTMENTS, LLC AND
CHRISTINE SCHULTZ, D/B/A STAR SUPPLY
(TAX KEY NO. 599-8893-005)

WHEREAS, Samer Thabteh, d/b/a I Investments, LLC and Christine Schultz, d/b/a Star Supply, 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 a restaurant at 4651 S. 27 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on November 20, 2018, at 7:15 p.m., 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, Samer Thabteh, d/b/a I Investments, LLC and his business partner Nael Jabbar, own the property at 4651 S. 27 St., Greenfield, WI 53221.

2. Chill & Grill will occupy the entire restaurant building located at 4651 S. 27 St., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Lot 2 of Certified Survey Map No. 1685, being part of the Southeast ¼ Section 24, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin. Subject to and including easements.

Tax Key No. 599-8893-005

Said land being located at 4651 S. 27 St.

3. The applicant is proposing to establish a restaurant with dine-in, carry-out, and drive-through options.

4. The aforesaid premise is zoned C-2 Community Commercial District under the Zoning Ordinance of the City of Greenfield, which permits Full 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.

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

6. 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 Samer Thabteh, d/b/a I Investments, LLC and Christine Schultz, d/b/a Star Supply, to establish a restaurant, to be located at 4651 S. 27 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, Landscaping and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site, Landscaping and Architectural Plans and all other applicable conditions

approved by the Plan Commission on October 9, 2018 and by the Common Council on November 20, 2018. 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 Chill & Grill will be 10:30am - 12:00am (midnight), Sunday - Thursday; and 10:30am - 2:00 am, Friday and Saturday.
4. Off-Street Parking. The entire building, under the category of "Full services restaurants," requires 70 off-street parking stalls and seven (7) queuing spots. Nineteen (19) off-street parking stalls are to be provided on site. The property is under an ingress/egress/parking easement agreement with the property to the north, 4595 S. 27 St. (Tax Key No. 599-8922-005), currently occupied by retailer At Home, for parking access on the entire property, which entails hundreds of parking spaces. Copies of the easement agreements are on file with the Community Development Division.
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 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 view by the existing 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.

Samer Thabteh, d/b/a I Investments, LLC

Provided to applicant on the
_____ day of _____, 2018

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 20th day of November, 2018.

APPROVED:

Michael J. Neitzke
Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen
Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #13 (#12A and 12B).

20d-e. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to adopt the ordinances listed in agenda items #20d-f. [Council subsequently decided to handle Agenda Item #20f separately].

After discussion, Mayor Neitzke proceeded to Agenda Item #20f.

*Alderpersons Akers and Bailey consented to amend their original motion to adopt Ordinance No. 2917:

ORDINANCE NO. 2917

AN ORDINANCE AMENDING SECTION 8.04 OF THE
MUNICIPAL CODE OF THE CITY OF GREENFIELD

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

PART I. Section 8.04 of the Greenfield Municipal Code is hereby amended to read as follows:

No parking on the east side on the street; anytime; on South 60th Street, from the centerline of West Cold Spring Road, to a point 420 feet south of the centerline of West Cold Spring Road.

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 20th day of November, 2018.

APPROVED:

Michael J. Neitzke
Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen
Jennifer Goergen, City Clerk

and to adopt Ordinance No. 2918:

ORDINANCE NO. 2918

AN ORDINANCE AMENDING SECTION 8.04 OF THE
MUNICIPAL CODE OF THE CITY OF GREENFIELD

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

PART I. Section 8.04 of the Greenfield Municipal Code is hereby amended to read as follows:

A parking zone reserved for persons with disabilities is hereby created in front of 4651 South 48th Street, Tax Key 601-0244-000.

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 20th day of November, 2018.

APPROVED:

Michael J. Neitzke
Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen
Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #21.

20f. After discussion, it was moved by Alderperson Bailey, seconded by Alderperson Akers, to refer an ordinance to install stop signs at the intersection of S. 81st St. and W. Holmes Ave. to the Board of Public Works. Motion carried unanimously.

*At this time, Mayor Neitzke returned to Agenda Items #20d-e.**

21. It was moved by Alderperson Lubotsky, seconded by Alderperson Kastner, to approve agreement with Key Benefits Concepts for an updated OPEB (Other Post-Employment Benefits) Valuation as of Dec. 31, 2018 and the table updates for 12/31/2020 reporting. On a roll call vote, motion carried unanimously.

22-23. It was moved by Alderperson Kastner, seconded by Alderperson Saryan, to approve:

Disbursements in the amount of \$1,364,098.53

Mileage reimbursements in the amount of \$1,685.41.

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #25.

24. City Attorney's Report

- a. It was moved by Alderperson Kastner, seconded by Alderperson Bailey, to adopt Ordinance No. 2916:

ORDINANCE NO. 2916

ORDINANCE TO AMEND THE OFFICIAL GREENFIELD ZONING MAP BY REZONING THE
PROPERTY LOCATED AT 9008 W. FOREST HOME AVE.
FROM C-1 NEIGHBORHOOD COMMERCIAL DISTRICT
TO C-2 COMMUNITY COMMERCIAL DISTRICT
(TAX KEY NO. 652-9000-000)

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 20th day of November, 2018, at 7:05 p.m. upon a proposal to rezone a portion of the property located at 9008 W. Forest Home Ave. from C-1 Neighborhood Commercial District to C-2 Community Commercial 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.

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 C-1 Neighborhood Commercial District to C-2 Community Commercial District to-wit:

That part of the Southwest ¼ and Northwest ¼ of Section 28, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, State of Wisconsin which is bounded and described as follows:

Commencing at a point that is South 51° 49' 23" South, 55.28 feet of the Northwest corner of the Southwest ¼ of Section 28, Township 6 North, Range 21 East; thence Southeasterly on a curve 118.12 feet to the point of beginning of lands to be described; thence Northerly 170 feet to a point; thence Southeasterly 179.13 feet to a point on the centerline of W Forest Home Ave.; thence Southwesterly along said centerline, 172.26 feet to a point; thence Northwesterly on a curve, 160.07 feet to the point of beginning. Excepting therefrom those parts taken for public street purposes.

Said land contains approximately 0.44 acres, more or less, including the respective rights-of-way and is located at:

9008 W. Forest Home Ave. (Tax Key No. 652-9000-000)

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 20th day of November, 2018.

APPROVED:

Michael J. Neitzke
Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen
Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded with Agenda Item #20a.

24b. Adopt ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to mobile food services. (PC 10/9/18) – this item was removed from the agenda, as a result of the action taken under Agenda Item #13 (#13).

At this time, Mayor Neitzke proceeded with Agenda Item #14.

24c. It was moved by Alderperson Lubotsky, seconded by Alderperson Bailey, to adopt Resolution No. 3666:

RESOLUTION NO. 3666

RESOLUTION AMENDING RESOLUTION 3529
OF THE STORM WATER UTILITY RATES

WHEREAS, on October 3, 2017, the City of Greenfield Common Council adopted Resolution No. 3607, amending Resolution No. 3317, which established Stormwater Utility rates in the form of three charges, including the Base Charge (BC), the Equivalency Charge (EC), and the Special Charge (SC);

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Greenfield that Resolution No. 3607 is hereby amended, revising the Equivalency Charge (EC) to equal \$17.39 per ERU, wherever applicable.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 20th day of November, 2018.

APPROVED:

Michael J. Neitzke
Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen
Jennifer Goergen, City Clerk

On a roll call vote, motion carried 4-1, with Alderpersons Lubotsky, Bailey, Saryan and Kastner voting yes, and Alderperson Akers voting no.

At this time, Mayor Neitzke proceeded to Agenda Item #15.

25. Items for future agenda – Agenda Item #15 [referred to Plan Commission]; mobile food service ordinance from Agenda Items #13 (#13) and #24b [referred to Legislative Committee]; and Agenda Item #20f [referred to Board of Public Works] may be returning to Council after their respective committee meetings.

26. It was moved by Alderperson Lubotsky, seconded by Alderperson Akers, to adjourn the meeting at 9:27 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk