

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

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL
ON WEDNESDAY, JANUARY 2, 2019

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

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

ALSO PRESENT:	Brian Sajdak	City Attorney
	Kristi Johnson	Community Development Manager
	Jennifer Goergen	City Clerk

2. An opening prayer was given by Chaplain Leggett.
3. Pledge of Allegiance
4. It was moved by Aldersperson Bailey, seconded by Aldersperson Kastner, to approve the December 18, 2018 Common Council minutes. Motion carried unanimously.
5. Mayor's Report – Mayor Neitzke thanked retiring Police Chief Brad Wentlandt for his service.
6. Aldermanic Reports – none.
7. Announcements – none.
8. Citizen Commentary – none.

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

9. 7:05 p.m. Public hearing on Special Use Permit for Taqwa's Bakery & Restaurant, to be located within the existing multi-tenant commercial building at 4885 S. 27th St., submitted by Taqwa Obaid, d/b/a Taqwa's Bakery & Restaurant and Ahmed Abubaker, d/b/a Aa Baker Realtors. (Tax Key No. 622-9988-012)

Community Development Manager Kristi Johnson said the applicant would like to lease approximately 1,900 square feet at 4885 S. 27th St. The site is zoned C-2 Community Commercial District, which permits restaurants as a special use. They would offer a variety of Middle Eastern dishes, such as Shawarma. Operating hours would be 7:00 am – 10:00 p.m. daily. They would start with 6 employees. When inspecting the site, Ms. Johnson saw the pavement has crumbled, a retaining wall and fence along the back alley are leaning, and the refuse enclosures are in need of repair or new construction.

Eighty-nine parking spaces are required for the site; 84 are provided. She said the Common Council could waive the parking shortage. The landlord is proposing a 3-year phased site improvement plan, which staff supports. For phase one, he would: redo asphalt curbing or concrete parking stops along the

perimeter, primarily on the north side; paint the light pole bases; resurface and restripe the front part of the lot; prepare and maintain landscaping on the northeast corner of the lot; re-establish landscaping islands; and install 2 bollards to protect the fire hydrant. During the second year, he would do another estimated \$80,000 worth of work, including: resurface the rear drive and replace the refuse enclosures. Phase three would be to reconstruct the fence and retaining wall, at an estimated cost of \$80,000.

Ms. Johnson said staff recommends approval. No letters of objection have been received to date. If Council approves of the phased plan, the details would be laid out in a final approval letter to the property owner and applicant as part of the requirement for the special use permit.

Alderson Kastner asked why the fence and retaining wall work would come after the repaving.

Jeff Cockerham, JMC Properties, 7430 Harwood, Suite 100, Wauwatosa, WI 53213, said he was just trying to spread out two major expense items. He said it would be possible to do the fence and retaining wall before the repaving. However, he would like to see what the contractors would recommend to be done first.

Mayor Neitzke said the order [fence and retaining wall then repaving and refuse enclosures, or vice versa] could be determined by the contractor, as long as one set of items was done in year two and the other set of items was done in year three. There is also a hole in the fence that would need immediate repair.

Nick Sanicola, 4902 S. 28th St., asked if the fence would be fixed or replaced, how high it would be, and would people be able to get through it.

Ms. Johnson said the replacement fence would be 6 feet high.

Mayor Neitzke apologized to the applicant for the delay in his application, due to the NOW newspaper's failure to publish the required legal notice for the public hearing, and expressed his disappointment with the newspaper.

It was moved by Alderson Akers, seconded by Alderson Bailey, to close the public hearing. Motion carried unanimously.

Mayor Neitzke said a motion to approve the special use should be "consistent with staff comments, and the notes, and the discussion that occurred in the public hearing with regard to the fence." As part of the motion, the timing of the other two items should be worked out.

At this time, Mayor Neitzke proceeded to Agenda Item #22a.

10. 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, 10/16/18, 11/7/18, 11/20/18, 12/4/18, 12/18/18) – to be placed on the **NEXT AGENDA**.

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- (2) Two alternate members to the Board of Review for a term to expire 5/1/23 (newly created positions) (CC 11/7/18, 11/20/18, 12/4/18, 12/18/18)) – 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, CC 11/20/18, 12/4/18, 12/18/18)) – to be placed on the **NEXT AGENDA**.

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

Lopez, Lucia–3436 S. 12th St.
Sharma, Kavita-8624 S. Roxbury Way
Singh, Didar-W150 N7248 Paseo Ln.

Sharma, Sunil K.-8624 S. Roxbury Way
Sheahan, Amelia J. – 2713 N. Fratney

Motion carried unanimously.

12.-17. It was moved by Alderperson Kastner, seconded by Alderperson Akers, to approve the following:

A Temporary Class “B” Retailer’s License for Harley Owners Group-Milwaukee Chapter to sell fermented malt beverages at an indoor “Pre-Party for Wilson Park Ice Races” event on January 12, 2019 from 12:00 noon to 4:00 p.m. at 6221 W. Layton Avenue.

A Temporary Class “B” Retailer’s License for Harley Owners Group-Milwaukee Chapter to sell fermented malt beverages at an indoor “Kill Winter” customer appreciation event on February 9, 2019 from 12:00 noon to 4:00 p.m. at 6221 W. Layton Avenue.

A Temporary Class “B” Retailer’s License for Harley Owners Group-Milwaukee Chapter to sell fermented malt beverages at an indoor customer appreciation event, “Daytona Beach Party,” on March 9, 2019 from 12:00 noon to 4:00 p.m. at 6221 W. Layton Avenue.

A Temporary Class “B” Retailer’s License for Harley Owners Group Milwaukee Chapter to sell fermented malt beverages at an indoor customer appreciation event, “Spring Thaw,” on April 6, 2019 from 12:00 noon to 4:00 p.m. at 6221 West Layton Avenue.

A Temporary “Class B” Retailer’s License for Harley Owners Group-Milwaukee Chapter to sell fermented malt beverages and wine at an indoor event, Ladies Shopping Night, on December 5, 2019 from 6:00 p.m. to 9:00 p.m. at 6221 West Layton Avenue.

A Temporary Class “B” Retailer’s License for Harley Owners Group-Milwaukee Chapter to sell fermented malt beverages at an indoor “Men’s Shopping Night” event on December 12, 2019 from 6:00 p.m. to 9:00 p.m. at 6221 W. Layton Avenue.

Motion carried unanimously.

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18.-21. It was moved by Alderperson Bailey, seconded by Alderperson Kastner, to approve the following:

A Temporary “Class B” Retailer’s License for St. John the Evangelist Parish to sell fermented malt beverages and wine at “Small Plates, Big Hearts” fundraiser event to be held indoors on February 2, 2019 from 5:00 p.m. to 10:00 p.m. in the gym at 8500 West Cold Spring Road.

A Temporary Class “B” Retailer’s License for St. John the Evangelist Parish to sell fermented malt beverages at fish fry to be held indoors on March 8, 2019 from 3:00 p.m. to 8:00 p.m. in the gym at 8500 West Cold Spring Road.

A Temporary Class “B” Retailer’s License for St. John the Evangelist Parish to sell fermented malt beverages at fish fry to be held indoors on March 29, 2019 from 3:00 p.m. to 8:00 p.m. in the gym at 8500 West Cold Spring Road.

A Temporary Class “B” Retailer’s License for St. John the Evangelist Parish to sell fermented malt beverages at fish fry to be held indoors on April 19, 2019 from 3:00 p.m. to 8:00 p.m. in the gym at 8500 West Cold Spring Road.

Motion carried unanimously.

At this time, Mayor Neitzke proceeded with Agenda Item #23.

22. Department of Neighborhood Services

- a. It was moved by Alderperson Saryan, seconded by Alderperson Akers, to adopt Resolution No. 3671, “subject to all the comments”:

RESOLUTION NO. 3671

SPECIAL USE PERMIT FOR TAQWA’S BAKERY & RESTAURANT, A PROPOSED RESTAURANT, TO BE LOCATED AT 4885 S. 27 ST., SUBMITTED BY TAQWA OBAID, D/B/A TAQWA’S BAKERY & RESTAURANT AND AHMED ABUBAKER, D/B/A AA BAKER REALTORS. (TAX KEY NO. 622-9988-012)

WHEREAS, Taqwa Obaid, d/b/a Taqwa’s Bakery & Restaurant and Ahmed Abubaker, d/b/a Aa Baker Realtors, 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 4885 S. 27 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on January 2, 2019, 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:

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1. The applicant, Taqwa Obaid, d/b/a Taqwa's Bakery & Restaurant, owns Taqwa's Bakery & Restaurant, to be located at 4885 S. 27 St., Greenfield, WI 53221.

2. The property is owned by JMC Properties LOC110 LLC, 7430 Harwood Ave. Ste 100, Wauwatosa, WI 53213.

3. Taqwa's Bakery & Restaurant will lease approximately 1,900 sq. ft. of the multi-tenant commercial building located at 4885 S. 27 St., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Lot 1 of Certified Survey Map No. 5128, being a part of the Northeast ¼ Section 25, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 622-9988-012

Said land being located at 4885 S. 27 St.

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 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 S. 27 St. corridor that is developed for commercial uses. Properties to the north, east, and west are developed as commercial. Properties to the south are developed as commercial and residential.

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the application of Taqwa Obaid, d/b/a Taqwa's Bakery & Restaurant and Ahmed Abubaker, d/b/a Aa Baker Realtors, to establish a restaurant, to be located at 4885 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 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 13, 2018 and by the Common Council on January 2, 2019. 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 Taqwa's Bakery & Restaurant will be 7:00am – 10:00pm, seven (7) days/week.
4. Off-Street Parking. The proposed restaurant requires thirty-eight (38) parking stalls. The remaining multi-tenant commercial, occupying the remainder of the multi-tenant commercial building require fifty-one (51) off-street parking stalls, for a total of eight-nine (89) required off-street parking spaces. Eighty-four (84) off-street parking stalls are provided on site. The Common Council may waive the parking shortage.
5. Signage. The Plan Commission at its November 13, 2018 meeting, recommended that signage for Taqwa's could be in the same size range as the existing ATI Physical Therapy signs, a different tenant in the same multi-tenant commercial building. 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. All outdoor lighting fixtures shall be angled at a 90-degree angle with the ground. 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.

Taqwa Obaid, d/b/a Taqwa's Bakery & Restaurant

Jeff Cockerham, d/b/a JMC Properties LOC110 LLC

Provided to applicant on the
_____ day of _____, 2019

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 2nd day of January, 2019.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

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

23. Items for future agenda – bond issue, audit

At this time, Mayor Neitzke proceeded with Agenda Item #9.

24. It was moved by Alderperson Akers, seconded by Alderperson Bailey, to adjourn the meeting at 7:16

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p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Sheryl Hartman, Deputy Clerk
Distributed: January 3, 2019