

**MINUTES OF THE PLAN COMMISSION MEETING HELD AT THE
GREENFIELD CITY HALL ON TUESDAY, JANUARY 10, 2017**

1. The meeting was called to order at 6:30 p.m. by Mayor Neitzke

ROLL CALL:	Mayor Michael Neitzke	Present
	Ald. Karl Kastner	Present
	Mr. Brian Weis	Excused
	Ms. Denise Collins	Present
	Ms. Christine Hallen	Present
	Mr. Bradley Sponholz	Present
	Mr. Steve Rogers	Excused
	Mr. Don Carlson (alt.)	Present
	Mr. Robert Krenz (alt.)	Present

ALSO PRESENT: Charles Erickson – Community Development Manager

2. Motion by Ms. Hallen, seconded by Mr. Carlson to approve the December 13, 2016 Regular Meeting minutes. Motion carried 6-0-1 with Ms. Collins abstaining.

3. Discussion regarding the Common Council meeting held on December 20th & January 3rd.
At the December 20th meeting the Special Use Review for Grand Japanica (4918 S. 74 Street) was approved as presented. There were no items from the Plan Commission at the January 3rd meeting,

4. Matthew Whitlow, 10521 W. Howard Avenue, Greenfield, WI 53228 requests a Certified Survey Map for his property at this location to create two single-family lots from the existing +33K s.f. parcel; a +16K s.f. parcel which would include the existing house on the west side of the lot and a +17K s.f. parcel on the east side of the lot for a single-family house; and the R-2 Residential District minimum lot size requirement for square footage is exceeded but minimum lot width(s) are not met. Tax Key #567-9996-000. *[[Follow-up to Conceptual Review at the November Plan Commission.]]*

1. Background: As a follow-up to a Conceptual Review done at the November PC, Mr. Whitlow has now submitted a CSM to split his existing property to create a new eastern parcel consistent with that earlier review; his desire is to construct a new house for his family. That earlier review was needed because while his overall parcel size (33K s.f.) would enable the ability to create two parcels that each exceeded the R-2 District minimum lot size of 15K s.f., the two lots would not each have the required minimum 100' width:
 - Lot 1: +16K s.f. @ 85' wide
 - Lot 2: +17K s.f. @ 93' wide.Also, the approx. placement of a new 'inside' lot line has been done to ensure that at least the R-2 District minimum of a 10' side yard setback is provided from the east side of the existing house with the 12' measurement.
2. Parking/Traffic Flow/Access/Curbed Parking Lot: The placement of a new driveway for Lot 2 will need to work around the existing streetlight and street trees.
3. Utilities: The 'open' east half of the parcel contains water and storm laterals, with a sanitary sewer 'wye' nearby. The sanitary 'wye' exists at the main but staff is unable to determine if wye is capped at the main, or if a lateral may have been installed to the lot line in 1968. No televising of that line is on-record. Accordingly, road cuts and therefore street restoration requirements may need to be

done in order to make necessary connection to that main. In addition, a 1" water service is into the lot line on Howard per Milw. Waterworks info. and a storm sewer lateral (including cleanout) is to the lot line on Howard.

4. City Forester Site Inspection: Upon submittal of building plans, the City Forester will need to perform a site inspection to identify any existing specimen trees and preservation opportunities.
5. Park Fees: A park fee of \$1,497 will need to be paid prior to the recording of the CSM by the City at the County Register of Deeds office. This fee is based upon the creation of a new single-family lot.
6. Outside Agencies: The CSM will be reviewed by Milwaukee County Register of Deeds, and City Engineering staff. All corrections, if any, must be completed before recording. The applicant needs to be informed of the following: provided that a) the necessary approvals have been obtained; b) the original CSM map is in order; and c) all applicable charges have been paid, applicant must submit a final signed and notarized CSM to the Engineering Dept. for recording. The City requires a minimum of seven (7) working days to perform its final processing and recording of the CSM. If the applicant requires the CSM to be recorded on, or by a specific date, plan for appropriate lead-time to be sure to submit the necessary materials to the City allowing for its processing time. Failure to submit the necessary materials with the CSM for recording may cause additional recording delays.
7. Fencing: Existing fence on Lot 1 needs to be shown on the CSM.
8. Miscellaneous: Attached is an excerpt of the GIS Map for this general area along Howard between 104th to 107th where the single-family parcels are located with their respective lot dimensions written in. Intent is simply to compare/contrast the potential new lot sizes for width and sq. footage that Mr. Whitlow is proposing at 10521 with its like-type neighbors.

Recommendation: Approve subject to Plan Commission and staff comments, and authorize this item to be expedited to the January 17th Common Council meeting.

Matthew Whitlow was present to answer questions.

Motion by Mayor Neitzke, seconded by Ms. Collins, to recommend approval of a Certified Survey Map for 10521 W. Howard Avenue to create two single-family lots from the existing +33K s.f. parcel; a +16K s.f. parcel which would include the existing house on the west side of the lot and a +17K s.f. parcel on the east side of the lot for a single-family house; subject to Plan Commission and staff comments, and authorize this item to be expedited to the January 17th Common Council meeting. Note: the R-2 Residential District minimum lot size requirement for square footage is exceeded but minimum lot width(s) are not met. Tax Key #567-9996-000. Motion carried unanimously.

5. **The Estate of Joseph J. Dworschack, 5566 S. Honey Creek Drive, Greenfield, WI represented by David Dworschack, 4011 W. Grange Avenue, Greenfield, WI 53221, requests a Certified Survey Map to create three single-family lots from the existing +68K s.f. parcel; two new +15K s.f. parcels which would have frontage on W. Grange Avenue and the remaining +47K s.f. would stay with existing house/parcel with frontage on Honey Creek Drive; the R-3 Residential District minimum lot size requirement and minimum lot widths are met with all proposed three lots. Tax Key #667-8996-000.**

1. Background: The Estate is requesting a Certified Survey map to create three single-family lots from existing +68K s.f. parcel. Two new +15K square feet parcels which would have frontage on W. Grange Avenue and the remaining +47K square feet would stay with existing house/parcel with frontage on Honey Creek Drive. The R-3 Residential District minimum lot size requirement (9K s.f.) and minimum lot widths (75') are met with all proposed three lots.
2. Utilities: Two 1" water services have already been extended to the lot line off of Grange, per Milw. Water Works data. Also, two storm sewer laterals have been extended to the lot line off of Grange. A sanitary 'we' exists just north of the north lot line for the proposed Lot 3 (east parcel). Lot 2 (west

parcel) will tap into the same sanitary main that is under the grassy area just north of the north lot line; but that connection would not occur actually into the nearby manhole structure.

3. City Forester Site Inspection: In the future whenever there would be a submittal of building plans, the City Forester will need to perform a site inspection to identify any existing specimen trees and preservation opportunities.
4. Park Fees: A Park Impact Fee of \$2,994 (\$1,497 X 2) will need to be paid prior to the recording of the CSM by the City at the County Register of Deeds office. This fee is based upon the creation of two new single-family lots.
5. Outside Agencies: The CSM will be reviewed by Milwaukee County Register of Deeds, and City Engineering staff. All corrections, if any, must be completed before recording. The applicant needs to be informed of the following: provided that a) the necessary approvals have been obtained; b) the original CSM map is in order; and c) all applicable charges have been paid, applicant must submit a final signed and notarized CSM to the Engineering Dept. for recording. The City requires a minimum of seven (7) working days to perform its final processing and recording of the CSM. If the applicant requires the CSM to be recorded on, or by a specific date, plan for appropriate lead-time to be sure to submit the necessary materials to the City allowing for its processing time. Failure to submit the necessary materials with the CSM for recording may cause additional recording delays.
6. Special Assessments/Deferred Charges: It is believed that the special assessment fees associated with the public improvements into the parcel off of Grange have already long been paid in full, however, staff is still researching that detail.
7. Miscellaneous: Based upon aerial photos from the most recent City GIS, have identified that there are (or were) numerous parked cars in the yard, which is in violation of the Municipal Code Chapter 11.06 - Nuisance Vehicles (i.e. unlicensed/inoperable/no current registration). Furthermore there are Zoning Code issues with parking vehicles off of driveway. All the vehicles in violation need to be removed or brought into compliance.

Recommendation: Approve subject to Plan Commission and staff comments, and authorize this item to be expedited to the January 17th Common Council meeting.

David Dworschack was present to answer questions. He indicated that all the vehicles referenced above have been removed from the lot except one vehicle which is now is on the driveway.

Motion by Mr. Sponholz, seconded by Ms. Hallen, to recommend approval of a requests a Certified Survey Map to create three single-family lots from the existing +68K s.f. parcel at 5566 S. Honey Creek Drive, two new +15K s.f. parcels which would have frontage on W. Grange Avenue and the remaining +47K s.f. would stay with existing house/parcel with frontage on Honey Creek Drive, subject to Plan Commission and staff comments, and authorize this item to be expedited to the January 17th Common Council meeting. Note: the R-3 Residential District minimum lot size requirement and minimum lot widths are met with all proposed three lots. Tax Key #667-8996-000. Motion carried unanimously.

6. **Meijer Stores LP, represented by Kelly Ward, Senior Compliance Specialist, 2929 Walker Avenue NW, Grand Rapids, MI 49544-9428, requests a Special Use Amendment in order to sell beer and cider in their gas/convenience store at 5900 W. Layton Avenue; the April, 2015 approved Special Use only allowed sales of alcohol products in the grocery store portion of the larger store building at 5800 W. Layton Avenue. Tax Key #602-9947-004.**
 1. Background: Meijer's is requesting a Special Use Amendment in order to sell beer and cider in their gas/convenience store at 5900 W. Layton Avenue. The approved April 2015 Special Use, based upon their request at the time, was only applicable to the sales of alcohol products in the grocery store portion of the larger store building at 5800 W. Layton Avenue. Attached are the following:

- PC application
- Plan of Operation Statement (i.e. includes timing aspects & other safeguards)
- Store floor-plan layout
- Details about the type of locks to be used
- Excerpt of the April, 2015 CC meeting minutes pertaining to the overall project approval.

Although it was +10 years ago, staff believed it important to provide a summary of a similar request to sell beer back in late 2003/early 2004 from the Speedway at 60th and Layton given the same general proximity to the Greenfield High School (i.e. both stations at their respective lot corners and the High School property still to the south or southeast – depending upon the station). Attached are the following:

- Wis. Stats. 125.68(3) reads, in part, “...No ‘Class A’ or ‘Class B’ license or permit may be issued for premises the main entrance of which is less than 300 feet from the main entrance of a public...school...except that this prohibition may be waived by a majority vote of the governing body of the municipality in which the premises is located...”. The statute continues with how the distance should be measured (i.e. main entrance→main entrance, etc.).
 - 12/3/03 letter from the GF School District Superintendent outlining the School Board’s then concern given the close proximity to the high school.
 - Excerpt of the 12/9/03 PC minutes recommending to deny the request.
 - Excerpt of the 1/6/04 Common Council minutes where the action taken was to concur with both the PC and School Board recommendations on this matter, to deny the Special Use amendment.
 - Excerpt of a cadastral map showing the then high school building layout (i.e. pre-2009; new high school building was constructed starting then). Even using a straight-line measurement, the 300’ measurement did not get off the school property.
 - Photo-shop GIS-type aerial picture showing the current high school building in relation to Speedway and both Meijer buildings. The 300’ mark from the school front door doesn’t get to the north ball fields, and the current distance from the main entrance of Greenfield High School to the Meijer gas/convenience store is roughly +1,150 feet.
2. Hours of Operation: As is the case per Wis. Stats. with any Class A alcohol license anywhere, the 6:00 a.m. – 9:00 p.m. sales limitation exists.
 3. Police Department: Per 2003 PC minutes: “Proximity to the High School is a concern given the number of students who are customers of that business.”
 4. Miscellaneous: Typically a public hearing for a new Special Use request will occur 4 – 6 weeks from the PC meeting date, at a future Common Council meeting. The property owner mailing list created by the 400’ radius line around the entire 25 acre Meijer parcel for the public hearing will be shared with Ms. Ward. If they want to do some basic outreach in advance of the formal Special Use amendment public hearing at a future Common Council meeting, similar to what is suggested for all other items coming before the Council that include a public hearing, then that will be their determination.

Recommendation: Deny subject to Plan Commission and staff comments, consider this a major change needing a public hearing, and authorize that scheduling process to proceed.

It’s understood that customer convenience is the basis for this request and that makes all the sense in the ‘retail world’. However, the ability for that same customer to go into the main store to get the same product -- and maybe buy additional things beyond what would be in the ‘liquor dept.’ – readily exists given the immediate proximity of the main store as well. Naturally staff is aware that the strict technical distance/separation requirements of the pertinent Wis. Stats. (i.e. 300’) are easily exceeded. However, in order to maintain some sense of fairness to the nearby Speedway, the same restrictions that applied in the 2004 Common Council decision which pertained to the proximity to the high school in general –

regardless of the technical measurement -- should also be applied in this instance with the Meijer gas/convenience store request. Furthermore, it won't be surprising in the future that if a 'yes' is given to this amendment request, that then a similar request will be made by Speedway again which means we now have two more gas/convenience stores selling alcohol products.

Art Belt, Meijer Marketing Department, and Jennifer Hill, Meijer Store Director, were present to answer questions.

Mayor Neitzke stated he had not received anything from the Greenfield School District as to their opinion, as they had one of the biggest concerns when Speedway made a similar request in the past. He stressed that ultimately the decision is that of the Common Council. Ald. Kastner stated we as a City tend to be approving more gas stations beer sales than we did in the past. However, we have denied a number of gas stations that ability also. Mr. Sponholz stated that as most high schoolers have access to cars, proximity to a school shouldn't be that critical of a factor.

Ms. Hallen stated she is opposed to this request due to the close proximity to the school and that Speedway was denied previously. Also, why did Meijer change their perspective on this aspect from the initial request ultimately approved in April 2015?

Mr. Belt gave their opinion that selling beer is an important convenience for their store and to be able to serve their customer's needs. He spoke on the training their employees receive in order to maintain compliance with alcohol sales and the prevention of sales to minors. He stated that Meijer doesn't have a gas station at their Wauwatosa store, but beer is sold at the gas station at their Oak Creek, Waukesha, Sussex and Kenosha locations.

Ms. Hallen asked why, since they previously received approval for the alcohol sales at the store, they are now coming forward to seek sales at the gas station. Mr. Belt replied that Kelly Ward's (the applicant) standard procedure is to apply for gas station sales after she applies for in-store sales.

Mr. Carlson referenced the gas station at 4306 W. Layton, and that while it was in relatively close proximity to a grade school, permission was granted to sell beer. He is in favor of the proposal as long as procedures are in place to secure the area and prevent sales to minors.

Motion by Ms. Hallen, seconded by Ms. Collins to deny the request of a Special Use Amendment for Meijer Stores LP, in order to sell beer and cider in their gas/convenience store at 5900 W. Layton Avenue, subject to Plan Commission and staff comments, consider this a major change, and authorize the public hearing process to begin. Tax Key #602-9947-004. The vote on the motion was 3 (yes → deny – Ms. Collins, Ms. Hallen, Ald. Kastner) to 3 (no → approve – Mr. Sponholz, Mr. Carlson, Mr. Krenz) to 1 abstain (Mayor Neitzke).

7. Review staff recommendations regarding an ordinance amending the Zoning Code to have some current Permitted Uses become designated as Special Uses, and changes related to driveways in Residential zoned districts.

1. Background: Recently there was a commercial user situation where an applicant misrepresented the use category of the Occupancy Permit process where they selected a NAICS number which had them designated as a Permitted Use, when the true nature of the use really was as a Special Permitted Use. Upon learning of that business starting-up, through additional Police Dept. review/ investigation/assistance, the Occupancy Permit was 'pulled' and that applicant was asked to submit a PC application for a Special Use if they wanted to continue with that type of use at that location. However, actually within a couple of days thereafter that person vacated their tenant space and the owner changed the door locks immediately.

So the intention with the attached proposed NAICS code changes is to ‘cast-a-wide-net’ so that anything with an ‘...All Other...’ or ‘...Other_____’ references – which tend to be very broad within the NAICS system – is being changed from a Permitted Use to a Special Permitted Use designation to help ensure a greater review/vetting occurs as needed. Attached are the following:

- DRAFT ordinance
 - Excerpt of the NAICS book for each of those respective 6-digit categories identifying types of uses that are intended to be covered. *[[A review of this information may identify whether some of the proposed changes to a ‘S’– Special Use is necessary or not.]]*
2. Driveways: Also there are some ZC text changes related to driveways; mainly related to when paving is needed and setbacks from adjacent side lot lines. See attached which at this point includes the whole section for better context along with the proposed changes intentionally in *Italics and enlarged*.

Recommendation: Approve ordinance changes subject to Plan Commission and staff comments, and authorize this item to be forwarded to the Legislative Committee for further review. When the Legislative Committee meets and forwards their recommendation on this matter to the Common Council, then as the case with all Zoning Text text changes there will be a public hearing at a future Common Council meeting prior to formal consideration by the Common Council.

Motion by Ms. Collins, seconded by Mr. Krenz, to recommend approval of an ordinance amending the Zoning Code to have some current Permitted Uses become designated as Special Uses, and changes related to driveways in Residential zoned districts, subject to Plan Commission and staff comments, and authorize this item to be forwarded to the Legislative Committee.

8. Community Development Manager Report.

Mayor Neitzke spoke on how he received a check from the ROS Foundation for maintenance of the amphitheater of Konkel Park, with any unused funds in year one carrying forward to the next year. This grant was given in Memory Robert & Marion Schlytter. He also stated that in the current issue of The Recreator there is a tentative schedule of events happening at the Ampitheater and each month will have a Food Truck Friday occurring. There is an effort to bring the D.A.R.E. car show that was a part of the former Solid Gold McDonalds to the Farmer’s Market area in September or October. A grant was received from 84 South to cover the costs associated with the Food Truck Fridays and the D.A.R.E. Show. A grant was received from Clement Manor to sponsor summer concerts at the Ampitheater, along with a grant from Oak Crest Villa to sponsor this Fall’s run/walk fundraising event. The City is very appreciative of these funds and what they are able to bring to the community.

Mayor Neitzke addressed the road project that occurred along 43rd Street last year, and how the road had deteriorated tremendously leading up the the need for reconstruction and is now greatly improved. A final lift of asphalt will happen this Spring and will complete the project. Recently rezoning approval of the Sanctuary Apartments (43rd & Cold Spring), had one of the neighbors concerned with the topography. Mayor Neitzke walked the site with him. Mr. Sidello, the developer, and their engineering team are working to assure him that any storm water issues will be addressed. Mayor Neitzke also referenced a collaborative effort with Greenfield, Hales Corners, and Greendale, along with their School Districts, known as the Forward Thinking Communities, which was created to reduce costs by maximizing resources and working together. An educational element that being developed is creating technical trade programs for entering the workforce. Mr. Erickson referenced a letter from the International Brotherhood of Electrical Workers (IBEW) that invites the Plan Commissioners to learn more about their organization.

- 9. Motion by Ald. Kastner, seconded by Ms. Collins, to adjourn the meeting at 7:15 p.m.
Motion carried unanimously.**

Respectfully submitted,

Alison J. Meyer
Administrative Assistant

Distributed January 17, 2017