

The meeting was called to order at 7:00 p.m. by Mayor Tutaj. Following the Pledge of Allegiance and a moment of silence for the community, roll call was taken.

Present: Mayor Tutaj, Alderpersons Schandel, Brickner, Feirer, Damon and Drew

Also Present: City Administrator Johnsrud, City Attorney Alexy, City Engineer Dejewski, Fire Chief Poplar, Police Chief Hunter, and interested citizens

Excused: Alderman Wattawa and City Clerk/Treasurer Uecker

Statement of Open Meetings Compliance:

City Engineer Dejewski stated that the meeting had been properly posted and noticed.

Public Hearing:

- None

Presentation:

- None

Consent Agenda:

Moved by Alderwoman Schandel, seconded by Alderman Damon to place on file with reference in the minutes and approve all items listed under Consent Agenda on the July 16, 2019 Common Council Agenda. Motion carried.

Items Removed from Consent Agenda:

- None

Recommendation of Action from Committees/Commissions/Boards:

Moved by Alderman Brickner, seconded by Alderman Damon to approve Beverage Operator's Licenses - New for Nicole Lewandowski and Keely Veihmeyer. Motion carried.

Moved by Alderman Brickner seconded by Alderman Damon to approve an Amusement Distributors License plus Tags for A&O Entertainment – Scott Krahn. Motion carried.

Moved by Alderman Brickner, seconded by Alderman Damon to approve Beverage Operator's License – Renewals for Jason Antczak and Layla Isack. Motion carried.

Resolutions and Ordinances:

Moved by Alderman Brickner, seconded by Alderman Feirer to introduce and adopt an Ordinance to Conditionally Rezone Certain Lands in the City of St. Francis as M-1 Limited Industrial District with a Special Use Under §455-28(c) of the City of St. Francis Zoning Code – 1775 East Bolivar Avenue. Motion carried. **Ordinance No. 1453**

Discussion and Action Items:

- Mid America Steel Drum
- The Mariner Apartments

Appointments to Committees/Commissions/Boards:

- None

Correspondence with Possible Action or Referral to Committees/Commissions/Boards:

Moved by Alderman Damon, seconded by Alderwoman Schandel to place on file with reference in the minutes the Application for Block Party/Street Closing – 2000 East Cora Avenue and to approve the request. Motion carried.

Moved by Alderman Damon, seconded by Alderwoman Schandel to place on file with reference in the minutes the correspondence from St. Thomas More High School regarding having a bonfire for Homecoming on October 17, 2019 and approve the request subject to an agreement between the City of St. Francis and Thomas More High School for a permit to be obtained and the payment of any required fees. Motion carried.

Adjourn:

Moved by Alderman Feirer, seconded by Alderman Brickner to adjourn. Motion carried.

Time: 7:38pm.

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1453

AN ORDINANCE TO CONDITIONALLY REZONE CERTAIN LANDS
IN THE CITY OF ST. FRANCIS AS M-1 LIMITED INDUSTRIAL DISTRICT
WITH A SPECIAL USE UNDER § 455-28(C) OF
THE CITY OF ST. FRANCIS ZONING CODE
1775 East Bolivar Avenue

WHEREAS, an Application dated May 14, 2019 has been filed by Adam Stein, as agent for Dog City Hotel & Spa, LLC (“Applicant”), to rezone certain lands currently owned by Mark and Susan Strothmann (collectively referred to as “Owner”) located within the City of St. Francis that are described in the attached Exhibit A (the “Subject Property”), which is incorporated herein by reference; and

WHEREAS, Applicant has entered into an agreement for the purchase of the Subject Property and the Owner has consented to the proposed rezoning of the Subject Property; and

WHEREAS, the Subject Property are currently zoned as part of the M-1 Limited Industrial District; and

WHEREAS, the Applicant seeks to provide grooming, overnight boarding facilities, and indoor daycare for domestic animals on the Subject Property; and

WHEREAS, animal boarding and grooming operations may only be conducted in the M-1 Limited Industrial District if a Special Use is approved by the Common Council under §§ 455-29(C) and 455-48 of the City of St. Francis Zoning Code following a public hearing and receipt of Planning Commission recommendations; and

WHEREAS, the Applicant has supplied all required data pursuant to § 455-48(D) of the City of St. Francis Zoning Code including, but not limited to all information required under § 455-47 of the City of St. Francis Zoning Code, in sufficient detail to permit the evaluation of the approval criteria set forth in § 455-48 of the City of St. Francis Zoning Code; and

WHEREAS, the Application and related information provided by Applicant has been available for public inspection in the office of the City Clerk since May 14, 2019; and

WHEREAS, the Application was considered by the City of St. Francis Planning Commission at a regular meeting held on June 26, 2019 upon due notice to the public; and

WHEREAS, pursuant to § 455-48(E), entitled “Review”, prior to making any recommendation to the Common Council regarding the requested Special Use approval, the Planning Commission reviewed the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, street access, traffic generation and circulation, drainage, sanitary and storm sewer, water systems, landscaping, park requirements and proposed plan of operation in relation to the standards and considerations detailed in § 455-48 of the City of St. Francis Code of Ordinances; and

WHEREAS, § 455-48(F) of the City of St. Francis Code of Ordinances provides that no special use permit shall be recommended or granted pursuant to Chapter 455 of the City Code of Ordinances unless the applicant shall establish the following:

- (1) Chapter and Comprehensive Smart Growth Plan purposes and intent. The proposed use and development will be in harmony with the general and specific purposes for which Chapter 455 was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of St. Francis Comprehensive Smart Growth Plan or element thereof.
- (2) No undue adverse impact. The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and will not substantially diminish and impair property values within the community or neighborhood.
- (3) No interference with surrounding development. The proposed use and development will be constructed, arranged, and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.
- (4) Adequate public facilities. The proposed use and development will be served adequately by essential public facilities and services, such as streets, public utilities, including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities, or the applicant will provide adequately for such facilities.
- (5) No traffic congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (6) No destruction of significant features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.
- (7) Compliance with standards. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Planning Commission.

WHEREAS, the Planning Commission has recommended to the Common Council for the City of St. Francis (“Common Council”) that the requested zoning be made and that the General Development/Site Plan be approved upon satisfaction of certain conditions that are incorporated herein; and

WHEREAS, the proposed use is also subject to the Non-Residential Use provisions set forth in § 455-45(B) of the City of St. Francis Code of Ordinances; and

WHEREAS, the Planning Commission in making its recommendation, and the Common Council, having carefully reviewed the recommendation of the Planning Commission in making its determination as to the approval of the zoning requested, have given consideration to the following “considerations” as required by § 455-48(H) of the City of St. Francis Code of Ordinances:

- (1) Public benefit. Whether and to what extent the proposed use and development at the particular location requested are necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.
- (2) Alternative locations. Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.
- (3) Mitigation of adverse impacts. Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.
- (4) Establishment of precedent of incompatible uses in the surrounding area. Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

WHEREAS, notice having been properly given, a public hearing was held before the Common Council on July 2, 2019 as required by said Section 455-48(C); and

WHEREAS, having determined that all procedural and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety, and welfare of the community and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the community as to noise, dust, smoke, odor, and others, hereby determines that the rezoning will not violate the spirit or intent of the Zoning Code for the City of St. Francis, will not be contrary to the public health, safety, or general welfare of the City of St. Francis, will not be hazardous, harmful, noxious, offensive, or a nuisance by reason of noise, dust, smoke, odor, or other similar factors and will not, for any other reason, cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the operation is conducted pursuant to the following conditions and in strict compliance with the same and is consistent with the recommendations found in the City of St. Francis comprehensive plan;

NOW, THEREFORE, the Common Council of the City of St. Francis, Milwaukee County Wisconsin, DO ORDAIN AS FOLLOWS:

SECTION 1: Commencing upon the date hereof, the Zoning Map of the City of St. Francis is hereby conditionally amended to rezone the Subject Property M-1 Limited Industrial District – Special Use to permit the Applicant’s use of the Subject Property as an animal boarding facility for the grooming, day care and overnight boarding of dogs and/or cats, subject to the Applicant’s initial and continued compliance with the conditions stated in Section 2 of this Ordinance being fully met.

SECTION 2: CONDITIONS IMPOSED.

The special use permit granted herein shall apply only to the specific use of the Subject Property by the Applicant for the operation of a veterinary clinic, overnight boarding facilities, and indoor daycare for domestic animals as set forth in the Application dated March 29, 2016 and related plans and materials

submitted by the Applicant and on file in the office of the City Engineer is hereby granted subject to initial and continued compliance with each and every one of the following conditions:

1. The Subject Property shall be used in compliance with all applicable provisions of the City Code including, but not limited to fire safety, noise, parking, public health, sign regulations, and zoning regulations.
2. The Applicant is required and must have all plans current, approved by the Planning Commission for the City of St. Francis, and on file with the Planning Commission for the City of St. Francis. The Applicant shall be entitled to amend or change any plan contemplated herein subject to the aforementioned conditions and subject to the Planning Commission for the City of St. Francis approval and without a public hearing, if such amendments and/or change is not a substantial change from the original plan as approved and as allowed herein.
3. Signage identifying the name and type of business shall be in compliance with the City of St. Francis Code of Ordinances.
4. Applicant's use of the Subject Property, including but not limited to the lot layout, shall be in substantial conformity with the Application, site plan, plan of operation, and related plans considered by the Planning Commission at its meeting on June 26, 2019.
5. Applicant's use of the Subject Property is subject to Applicant obtaining, and complying with, the terms of a variance from the Zoning Board of Appeals concerning setback(s).
6. Prior to the commencement of any work on the Subject Property, the Applicant shall submit a signage plan to the Planning Commission and Building Inspector for their approval.
7. Applicant shall submit a plan for additional parking for review and approval by City Staff. Applicant shall maintain parking spaces in the amount as determined by the Planning Commission and parking shall comply with all applicable provisions of the City of St. Francis Code of Ordinances.
8. Number of Dogs on the Subject Property.
 - A. Applicant has represented that initially up to 50 dogs will be onsite for boarding and/or daycare and, ultimately, up to 120 dogs will be onsite for boarding and/or daycare at one time.
9. All fecal waste shall be collected and disposed of in a manner approved by the Health Department and removed from the Subject Property no less than once per week. Urine waste shall be mitigated in accordance with applicable DNR rules and as approved by the Health Department. Animal waste shall not be allowed to accumulate on the Subject Property and shall be adequately disposed of so that it does not have any offensive or hazardous effects on people, surface water, or ground water. No animal wastes shall be directed, or indirectly allowed to drain into, the City storm sewer system.
10. All activities, except animal exercise areas, shall be conducted within an enclosed building that provides for adequate ventilation.
11. Applicant shall be responsible for using good management practices to discourage undesirable odors, insects, and excessive noise. All exercise areas shall be enclosed and located adjacent to the

principal building. Details of the proposed fence shall be submitted by Applicant to City Staff for review and approval. Applicant shall be required to obtain, at Applicant's expense, and comply with the terms of a fence permit for said fence upon approval.

12. Any training of animals shall not include the use of loud noises or produce smoke or odor. Applicant shall not use the Subject Property in a manner that generates adverse off-site noise or odor impacts.
13. Humane Society of the United States (HSUS) Guidelines shall be used by Applicant, at a minimum, for the flooring, walls between kennels, drainage, heating and cooling, cage sizes, and runs.
14. All animals shall be adequately restrained to prevent their escape onto neighboring property or streets.
15. No animal breeding shall be conducted on the Subject Property.
16. Applicant shall be responsible for ensuring that all animals on the Subject Property have received all required vaccinations.
17. Hours of Operation. Hours of operation on the Subject Property shall be limited to 7 a.m. through 7 p.m. Monday through Friday and 10 a.m. to 4 p.m. on Saturdays and Sundays provided, however, that:
 - A. No dogs shall be allowed outside before 6 a.m. or after 8 p.m. on any day; and
 - B. The Planning Commission may, from time to time, upon request, extend the hours of operation set forth in this paragraph without amendment of this Ordinance.
18. The Applicant shall be required to obtain any and all required licenses and permits from the City, County, State, and Federal Government. If any license or permit is issued, any and all conditions of the same are incorporated herein and made a part of this Ordinance.
19. Traffic and Access Plans. This special use permit is subject to a specific traffic plan approved for the Subject Property by the Plan Commission. Said traffic plan is hereby incorporated as a condition of the special use permit. The Applicant shall also follow any requirements for the traffic plan made by the City Engineer to allow access to the site. Once approved, the traffic plan and study shall be attached hereto and incorporated herein as Exhibit B.
 - A. Parking, Loading and Unloading, Ingress and Egress Plans. The Applicant shall submit to, and receive approval from, the Planning Commission a specific parking, loading and unloading, ingress and egress plan for the Subject Property. The Applicant shall provide adequate parking for all uses and activities. All parking areas and driveways shall be of a dust-free surface of asphalt or Portland cement pavement in accordance with the City of St. Francis standards and specifications so as to provide a durable and dust-free surface, and shall be so graded and drained as to dispose of all surface water accumulated within the area.
 - B. There shall be no overnight parking on the Subject Property other than parking by onsite employee(s).
 - C. Once approved the parking, loading and unloading, ingress and egress plan shall be attached hereto and incorporated as Exhibit C.

D. Noise Attenuation. The Planning Commission reserves the right to require additional landscaping and/or screening for noise control, including, but not limited to, berms, vegetation, fencing, or walls, at any time in the event the Planning Commission makes a determination, either at its own initiative or in response to inquiries, that the outdoor noise emanating from the Subject Property is unreasonable and that landscaping and/or screening for noise control will help to resolve the unreasonable condition. If landscaping and/or screening for noise control, is required, it shall be shown on a revised site plan provided to the Zoning Administrator for review and approval prior to a deadline established by the Planning Commission. The revised site plan shall include a reasonable timetable with a completion deadline for installation of the landscaping and/or screening. If the work is not completed by the deadline, the Planning Commission may consider revocation of the Special Use Permit. The applicant acknowledges and agrees, however, that in the event all efforts listed above fail to control noise as reasonably determined by the City, the City reserves the right to reduce the total number of dogs after public hearing if noise or other complaints are received and determined to be legitimate and, if such reduction fails to reasonably control the noise, the Special Use Permit may be revoked by the City after a public hearing is held.

20. The Applicant shall comply with all Federal, State, County, and local rules, codes, ordinances, and regulations in the construction, operation, and maintenance of the Subject Property. In the event any applicable law(s), regulation(s), condition(s), restriction(s), and/or ordinance(s) conflict, the more restrictive shall control.
21. The Applicant is required to properly maintain the Subject Property at all times and in full compliance with the property maintenance ordinance provisions of the City of St. Francis, as amended from time-to-time, to the satisfaction of the Building Inspector.
22. No junk shall be accumulated or stored on the Subject Property.
23. Any amendment to any of the plans submitted by the Applicant in conjunction with the Application must be submitted to, and approved by the individuals, body, and/or bodies that originally approved said plan(s).
24. The Applicant must pay all fees, costs, and assessments due and owing to the City of St. Francis and all costs and expenses incurred by the City of St. Francis, including legal and engineering fees and costs, arising out of or related to the Application, the review thereof, this Ordinance, and subsequent development of the Subject Property.
25. Any application for use of, or construction on, the lands described on Exhibit A, is an acknowledgement by Applicant that the Subject Property are subject to these conditions of approval. Applicant waives any claim(s) that it may have against the City of St. Francis, including, but not limited to, claims for damages, costs, and expenses, and claims of vested rights to the proposed development of the Subject Property, in the event any owner(s) of the Subject Property do not agree to the required terms.
26. Applicant shall satisfy all comments and concerns of the Building Inspector, City Engineer, Fire Chief, and Health Department pertaining to the Application and subsequent development and operation on the Subject Property under this Ordinance.

27. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In the case of a question as to the classification of use, the question shall be submitted to the Planning Commission for determination.
28. No use is hereby authorized unless that use is conducted in a lawful, orderly, and peaceful manner. Nothing in this Ordinance shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law, ordinance, order, or rule of either the City of St. Francis, the County of Milwaukee, the State of Wisconsin, the United States of America, or other duly constituted authority except only to the extent that it authorizes a nonconforming use of the Subject Property in specific respects expressly described herein. This Ordinance shall not be deemed to constitute a building permit, nor shall this Ordinance constitute any other license or permit required by City Ordinance or other law or regulation.
29. The special use hereby granted shall be subject to all limitations set forth in § 455-48(L) of the City of St. Francis Zoning Code, as amended from time to time.
30. The special use granted under this Ordinance may be amended, varied, altered, or revoked only pursuant to the procedures and subject to the standards and limitations provided in Chapter 455 of the City of St. Francis Zoning Code for its original approval provided, however, that the Special Use granted hereunder is granted to the named Applicant. Any change in ownership interest of the Subject Property shall require application and approval of a new Special Use Permit under then-applicable provisions of the Code of Ordinances for the City of St. Francis.
31. Any violation of this Ordinance shall constitute a violation of the Zoning Ordinance for the City of St. Francis and shall be subject to the enforcement procedures contained in the City of St. Francis Zoning Code, as amended from time-to-time, and such other remedies as may be available to the City of St. Francis under Wisconsin law.

SECTION 3: SEVERABILITY.

The several sections of this Ordinance are declared to be severable. If any section or provision thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such declaration shall apply only to the specific section(s) or portion(s) thereof directly specified in said declaration, and shall not affect the validity of any other provisions, sections, or portions of the Ordinance, which shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This Ordinance shall take effect upon its passage and posting/publication as provided by law.

Passed and adopted at a regular meeting of the Common Council of the City of St. Francis this 16th day of July 2019.

/s/Ken Tutaj

Ken Tutaj, Mayor

ATTEST:

/s/Anne B. Uecker, MMC/WCPC

Anne Uecker, City Clerk/Treasurer

Applicant's Consent

I hereby accept the terms of this Ordinance in its entirety.

Dated this 16th day of July 2019.

Dog City Hotel & Spa, LLC - Applicant

By: /s/Tia Bramsted

Tia Bramsted, Member

Exhibit A

Legal Description of Subject Property

Legal Description:

All that part of the Southwest $\frac{1}{4}$ of Section 22, Town 6 North, Range 22 East, in the City of St. Francis, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing 499.62 feet North $89^{\circ}47'$ East and 45.00 feet South of the Northwest corner of said Southwest $\frac{1}{4}$; thence North $89^{\circ}47'$ East 120.00 feet; thence South 200.00 feet; thence South $89^{\circ}47'$ West 120.00 feet; then North 200.00 feet to the point of beginning.