

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

Present: Mayor Tutaj, Alderpersons Brickner, Damon, Calderon, Feirer and Fliss

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

Excused: Alderman Wattawa

Statement of Open Meetings Compliance:

City Clerk/Treasurer Uecker stated that the meeting had been properly posted and noticed.

Moved by Alderman Damon, seconded by Alderman Feirer to suspend the agenda to Discussion and Action Items from the Planning Commission – Initial PUD for 3700 on the Lake. Motion carried.

Moved by Alderman Damon, seconded by Alderman Brickner to direct staff to schedule the Public Hearing for Change of Zoning to coincide with the submission of the detailed PUD. Motion carried.

Moved by Alderman Damon, seconded by Alderman Feirer to resume the agenda. Motion carried.

Public Hearing:

Change of Zoning – 3257 South Lake Drive R3 to R3-SU – Rectory

City Clerk/Treasurer Uecker read the Notice of Public Hearing as published and posted.

Mayor Tutaj asked for public comment, there being none, Mayor Tutaj called the Public Hearing three times.

The Hearing was declared closed at 7:04 p.m.

Change of Zoning – 2600 East Bolivar Avenue R3 to IU-SU – Elementary School

City Clerk/Treasurer Uecker read the Notice of Public Hearing as published and posted.

Mayor Tutaj asked for public comment, there being none, Mayor Tutaj called the Public Hearing three times.

The Hearing was declared closed at 7:05 p.m.

Change of Zoning – 4225 South Lake Drive R3 to IU-SU - High School/School District Offices
City Clerk/Treasurer Uecker read the Notice of Public Hearing as published and posted.

Mayor Tutaj asked for public comment, there being none, Mayor Tutaj called the Public Hearing three times.

The Hearing was declared closed at 7:06 p.m.

Change of Zoning – 3680 South Kinnickinnic Avenue R3 to IU-SU – Intermediate School
City Clerk/Treasurer Uecker read the Notice of Public Hearing as published and posted.

Mayor Tutaj asked for public comment, there being none, Mayor Tutaj called the Public Hearing three times.

The Hearing was declared closed at 7:07 p.m.

Change of Zoning – 4464 South Whitnall Avenue M1 to R1 – Residential Property
City Clerk/Treasurer Uecker read the Notice of Public Hearing as published and posted.

Mayor Tutaj asked for public comment, there being none, Mayor Tutaj called the Public Hearing three times.

The Hearing was declared closed at 7:09 p.m.

Change of Zoning – 4051 South Iowa Avenue M1 to M1-SU – Storage Facility
City Clerk/Treasurer Uecker read the Notice of Public Hearing as published and posted.

Michael Revord

1926 East Tesch Avenue

Mr. Revord wanted to know what the changes would mean as to how the building would be used.

City Administrator Johnsrud gave a brief history/update as to what the zoning change will mean to the area residents. It will be used as storage for a business that wants to sell furniture. Truck traffic will be during normal business hours and a relatively low use for that portion of the site.

Mr. Revord stated that a truck over the past weekend hit a gas main and he is concerned that truck traffic will cause further safety risks. City Administrator Johnsrud stated that the owner of the building and the business requesting the zoning change have been informed of the incident and how they need to access this site to hopefully eliminate any future safety risks.

Lynn Revord

1926 East Tesch Avenue

Ms. Revord stated that she is concerned about safety after the past gas incident. She also stated that there is decorative rock in the area on a neighbors property and that the trucks will hit/damage that.

City Engineer Dejewski has spoken with the company regarding the potential issue of turning in that area so they are aware of the potential hazard.

Mayor Tutaj asked for any further public comment, there being none, Mayor Tutaj called the Public Hearing three times.

The Hearing was declared closed at 7:18 p.m.

Revised Residential and Non-Residential Use Tables of the Zoning Code of the City of St. Francis

City Clerk/Treasurer Uecker read the Notice of Public Hearing as published and posted.

Mayor Tutaj asked for public comment, there being none, Mayor Tutaj called the Public Hearing three times.

The Hearing was declared closed at 7:20 p.m.

Presentation:

- None

Consent Agenda:

Moved by Alderman Brickner, seconded by Alderman Damon to place on file with reference in the minutes and approve all items listed under Consent Agenda on the January 4, 2022 Common Council agenda. Motion carried.

Recommendation of Action from Committees/Commissions/Boards:

Moved by Alderman Brickner, seconded by Alderman Damon to recommend approval of a Temporary Class "B" License – Cavalier Athletic Association – Dan Steffes, 2601 East Morgan Avenue (Learning Center) for Annual Sheepshead Tournament to be held January 15, 2022 and the Temporary Class "B" License – Cavalier Athletic Association – Dan Steffes, 2601 East Morgan Avenue (Learning Center) for Trivia Night to be held on February 5, 2022. Motion carried.

Moved by Alderman Damon, seconded by Alderman Feirer to accept the withdrawal of the application for change of zoning from B2 General Business to B2 General Business with special use at 3815 S. Kinnickinnic Avenue to permit a Garden Supply/Landscape Center – We Care Lawn Care, Inc. Motion carried.

Moved by Alderman Brickner, seconded by Alderman Damon to concur with the recommendation of the Planning Commission regarding the application for change of zoning from R3 Mixed Use Residential to R3

Mixed Use Residential with a special use at 3257 S. Lake Drive to permit a Rectory – Saint Francis de Sales Seminary and to direct staff to direct the appropriate Ordinance be prepared. Motion carried.

Moved by Alderman Brickner, seconded by Alderman Damon to concur with the recommendation of the Planning Commission regarding the application for change of zoning from M1 Limited Industrial to M1 Limited Industrial with a special use at 4051 S. Iowa Avenue to permit Storage Facility, Indoor – Phoenix St. Francis Industrial Investors, LLC and to direct staff to prepare the appropriate Ordinance. Motion carried.

Moved by Alderman Brickner, seconded by Alderman Feirer to concur with the recommendation of the Planning Commission regarding the application for change of zoning from M1 Limited Industrial to R1 Single Family Residential at 4464 S. Whitnall Avenue – Laura Nelson and to have the appropriate Ordinance prepared with the contingency that a 2 car garage must be built within 12 months. Motion carried.

Moved by Alderman Damon, seconded by Alderwoman Calderon to concur with the recommendation of the Planning Commission regarding the application for change of zoning from R-3 Residential Mixed Use to IU Institutional Use to permit Elementary School site plan improvements at 2600 E. Bolivar Avenue – St. Francis School District and to direct the appropriate Ordinance be prepared. Motion carried.

Moved by Alderman Damon, seconded by Alderman Brickner to concur with the recommendation of the Planning Commission regarding the application for change of zoning from R-3 Residential Mixed Use to IU Institutional Use to permit Intermediate School site plan improvements at 3680 S. Kinnickinnic Avenue – St. Francis School District and to direct the appropriate Ordinance be prepared. Motion carried.

Moved by Alderman Damon, seconded by Alderwoman Fliss to concur with the recommendation of the Planning Commission regarding the application for change of zoning from R-3 Residential Mixed Use to IU Institutional Use to permit High School/District Offices site plan improvements at 4225 S. Lake Drive – St. Francis School District and to direct the appropriate Ordinance be prepared. Motion carried.

Resolutions and Ordinances:

Moved by Alderman Brickner, seconded by Alderman Damon to introduce and a Resolution Regarding Non-Represented Employees’ Wages and Salaries. Motion carried. **Resolution No. 2526**

Moved by Alderman Damon, seconded by Alderman Brickner to introduce and adopt an Ordinance to Repeal and Recreate the Use Table for residential Districts (455a) and the Use Table for Non-Residential Districts (455b) Under Section 455-60 of the City of St. Francis Code of Ordinances. Motion carried. **Ordinance No. 1481**

Moved by Alderman Damon, seconded by Alderman Brickner to introduce and adopt an Ordinance to Conditionally Rezone Certain Lands in the City of St. Francis from B-2, General Business District, to B-2 General Business District with a Special Use, Under §455-28(c) of the City of St. Francis Zoning Code – 3815 South Kinnickinnic Avenue. Motion carried. **Ordinance No. 1482**

Discussion Items with Possible Action:

- None

Appointments to Committees/Commissions/Boards:

- None

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

- None

Unfinished Business:

- None

Adjourn:

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

Time: 7:41 p.m.

Resolution No. 2526

RESOLUTION REGARDING NON-REPRESENTED EMPLOYEES' WAGES AND SALARIES

At a regular meeting of the Common Council of the City of St. Francis, Milwaukee County, Wisconsin, held on the 4th day of January 2022, a quorum being present and a majority of the Council voting therefore, said council does resolve as follows:

WHEREAS, it is in the public interest of the residents of the City of St. Francis that the wages and salaries of the City of St. Francis, Wisconsin be approved and adopted by the Common Council.,

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of St. Francis, Milwaukee County, Wisconsin,

ESTABLISHING OR REESTABLISHING SALARIES AND WAGES OF CERTAIN OFFICIALS AND EMPLOYEES OF THE CITY OF ST. FRANCIS FOR 2022

The wages and salaries of certain officials and employees of the City of St. Francis, with satisfactory performance for 2021, commencing and retroactive to January 1, 2022, except as otherwise hereinafter set forth, are as follows for various appointed Department Heads, Officers, Professional, Inspection and Other Personnel;

1. WAGES AND SALARIES:

POSITION	01/01/2022	07/01/2022
Police Chief	\$121,419.78	\$122,633.98
Fire Chief	\$118,426.08	\$119,610.34
City Engineer/Director of Public Works	\$117,217.38	\$118,389.55
Police Captain	\$102,249.47	\$103,271.97
Police Lieutenant	\$99,355.82	\$100,349.38
City Clerk/Treasurer	\$99,130.69	\$100,121.99
Fire Captain	\$96,605.65	\$97,571.70
Police Sergeant	\$94,900.20	\$95,849.20
Building Inspector	\$93,521.56	\$94,456.77
Highway Superintendent	\$72,639.08	\$73,365.47
Project Engineer I	\$70,000.00	
Highway Crew Foreman	\$67,332.76	\$68,006.09
Mechanic	\$65,008.48	\$65,658.56

MINUTES OF THE COMMON COUNCIL MEETING HELD JANUARY 4, 2022

Highway Utility/Equipment Operator (508)	\$63,129.54	\$63,760.84
Highway Utility/Equipment Operator (102)	\$63,129.54	\$63,760.84
Highway Utility/Equipment Operator (101)	\$63,129.54	\$63,760.84
Highway Utility/Equipment Operator (700) (STEP)	\$50,960.00	\$63,760.84 (11/19/22)
Deputy City Clerk/Treasurer	\$62,637.15	\$63,263.52
Police Clerk/Technical	\$59,377.93	\$59,971.70
Custodian	\$50,527.69	\$51,032.97
Highway Utility/Equipment Operator (718) (STEP)	\$47,340.80	\$50,960.00 (8/26/22)
Highway Utility/Equipment Operator (751) (STEP)	\$49,745.90	\$50,243.36 (7/14/22)
Engineering Technician	\$49,920.00	
Clerk II (689)	\$46,800.00	
Clerk II (773)	\$46,800.00	
Municipal Court Clerk	\$40,216.37	\$40,618.53
Code Compliance Officer	\$19.00 per hour	
Administrative Assistant	\$19.00 per hour	
Gardener	\$16.50 per hour	

AND BE IT FURTHER RESOLVED, that the City Administrator and the City Clerk/Treasurer have the authority to effectuate this resolution.

PASSED AND APPROVED, this 4th day of January, 2022

/s/Ken Tutaj
Ken Tutaj – Mayor

ATTEST:

/s/Anne B. Uecker, MMC/WCPC
Anne Uecker – City Clerk/Treasurer

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1481

AN ORDINANCE TO REPEAL AND RECREATE THE USE TABLE FOR
RESIDENTIAL DISTRICTS (455^a) AND THE USE TABLE FOR NON-RESIDENTIAL
DISTRICTS (455^b) UNDER SECTION 455-60 OF
THE CITY OF ST. FRANCIS CODE OF ORDINANCES

WHEREAS, Chapter 455 of the City of St. Francis Code of Ordinances establishes zoning regulations applicable in the City of St. Francis pursuant to Wis. Stat. § 62.23; and

WHEREAS, pursuant to § 455-60 of the City of St. Francis Code of Ordinances, the City of St. Francis has established Use Tables for residential and non-residential districts in the City that list the uses allowed within each of the zoning districts in the City of St. Francis; and

WHEREAS, pursuant to § 455-60 of the Code, a "P" in a box within a Use Table indicates that a use is permitted by right in the respective zoning district; an "S" in the box indicates that a particular use is classified as a special use and is allowed only under specific conditions outlined in § 455-48 of the Code; and a blank box indicates that a specific use is not permitted in that zoning district; and

WHEREAS, giving consideration to existing uses within the City, the appropriate uses within each District, and the impact of current Wisconsin law with regard to the granting of special uses at a public meeting held on November 17, 2021 following due notice, the Planning Commission has recommended revisions to the Use Table for Residential Districts (455^a) and the Use Table for Non-Residential Districts (455^b) and has provided said recommendations to the Common Council; and

WHEREAS, a duly noticed public hearing was conducted concerning the recommendation of the Planning Commission on January 4, 2022; and

WHEREAS, the Common Council, having considered the recommendations of the Planning Commission and the results of the January 4, 2022 public hearing finds that adoption of proposed revisions to revisions to the Use Table for Residential Districts (455^a) and the Use Table for Non-Residential Districts (455^b) provided for under Section 455-60 of the City of St. Francis Code of Ordinances will promote the general health, safety, morals and general welfare of the community;

NOW, THEREFORE, the Common Council of the City of St. Francis, Wisconsin do ordain as follows:

SECTION 1. The Use Table for Residential Districts (455^a) provided for under Section 455-60 of the Municipal Code of the City of St. Francis IS hereby repealed and recreated as set forth in the Use Table for Residential Districts dated January 4, 2022 attached hereto and incorporated by reference.

SECTION 2: The Use Table for Non-Residential Districts (455^b) provided for under Section 455-60 of the Municipal Code of the City of St. Francis is hereby repealed and recreated as set forth in the Use Table for Non-Residential Districts dated January 4, 2022 attached hereto and incorporated by reference.

SECTION 3: CONTINUATION OF EXISTING PROVISIONS.

The provisions of Chapter 455, including but not limited to the provisions of the Use Table for

Residential Districts (455^a) and the Use Table for Non-Residential Districts (455^b), insofar as they are substantively the same as those of the zoning ordinances in force immediately prior to the the adoption of this Ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances.

SECTION 4: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance 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 5: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and publication as provided by law.

Passed and adopted at a regular meeting of the Common Council of the City of St. Francis this 4th day of January 2022.

/s/Ken Tutaj

Ken Tutaj, Mayor

ATTEST:

/s/Anne B. Uecker, MMC/WCPC

Anne Uecker, City Clerk/Treasurer

ZONING

455a Attachment 1

City of St. Francis

Residential Districts Use Table

KEY:

P = Permitted use

S = Special use permit

Blank = Not allowed

	Zoning Districts				
	R-1	R-2	R-3	R-4	R-5
Residential Uses					
General residential					
Single-family dwelling	P	P	P		
Two-family dwelling	S	S	S		
Multifamily, condominium				S	P
Multifamily, rental apartment				S	P
Mobile home					
Second-floor dwelling units in mixed use buildings					
Watchman/service quarters					
Group residential					
Convent, rectory or monastery			S		
Dormitory					
Fraternity or sorority					
Rooming house					
Family shelter care facility					
Large group shelter care facility					
Small group shelter care facility					
State-protected residential uses					
Adult family home*	P	P	P	P	P
Community living arrangement, small* (capacity 8 or fewer)	P	P	P	P	P
Community living arrangement, medium* (capacity 9 to 15)	S	S	S	P	P
Community living arrangement, large* (capacity 16 or more)	S	S	S	S	S
Family day-care home	P	P	P		
Foster home	P	P	P	P	P
Treatment foster home	P	P	P	P	P
*Subject to annual local review					
Educational Uses					
Day-care center				S	S
School, elementary or secondary school					

ST. FRANCIS CODE

	Zoning Districts				
	R-1	R-2	R-3	R-4	R-5
College, university, trade and technical school					
School, specialty or personal instruction		S	S	S	S
Community-Serving Uses					
Cemetery or other place of interment					
Community center					
Correctional facility					
Cultural institution					
Library					
Public safety facility					
Religious assembly (such as churches, synagogues, etc.)	S				
Commercial and Office Uses					
Drive-through facility, accessory to an approved use					
Artist studio					
Bank or other financial institution					
Currency exchange					
Payday loan agency or title loan agency					
Garden supply or landscaping center					
Home improvement center or lumberyard					
Office, general			S	S	S
Office, government					
Outdoor merchandise sales					
Plant nursery or greenhouse					
Retail establishment, adult					
Retail establishment, accessory to nonretail use (limited to 10% of floor area and limited to 10% of sales)					
Retail establishment, general (with gross area of the space occupied by said establishment under 5,000 square feet)			S	S	S
Retail establishment, general (with gross area of the space occupied by said establishment of 5,000 to 20,000 square					
Retail establishment, general (with gross area of the space occupied by said establishment of 20,000 to 50,000 square					
Retail establishment, general (with gross area of the space occupied by said establishment over 50,000 square feet)					
Secondhand store					
Health Care and Social Assistance Uses					
Medical office (including dental, chiropractic, etc.)					
Health clinic (including dental, chiropractic,					

ZONING

	Zoning Districts				
	R-1	R-2	R-3	R-4	R-5
etc.)					
Hospital					
Emergency residential shelter					
Medical research laboratory					
Medical service facility					
Nursing home					
Social service facility					
Service Uses					
General service uses					
Building maintenance service					
Business service					
Catering service					
Dry cleaning, processing					
Laundromat and/or dry cleaning dropoff/pickup					
Funeral home					
Furniture and appliance rental and leasing					
Mechanical and household maintenance and repair service ¹					
Personal service, general					
Personal service, regulated					
Tool/equipment rental facility (inside only)					
Tool/equipment rental facility (any outside display or storage)					
Animal services					
Animal boarding facility					
Animal grooming or training facility					
Animal hospital/clinic					
Motor Vehicle Uses					
General motor vehicle					
Car wash					
Gas station/convenience store					
Light motor vehicle					
Body shop					
Limited wholesale facility					
Outdoor storage					
Rental facility					
Repair facility					
Sales facility, new vehicle and accessory used vehicle sales					
Sales facility, new vehicle only					
Sales facility, used vehicle sales only					
Heavy motor vehicle					

ST. FRANCIS CODE

	Zoning Districts				
	R-1	R-2	R-3	R-4	R-5
Body shop					
Outdoor storage					
Rental facility					
Repair facility					
Sales facility					
Parking					
Heavy motor vehicle parking lot, accessory use					
Heavy motor vehicle parking lot, principal use					
Parking lot, principal use					
Parking structure, principal use					
Accommodation and Food Service Uses					
Assembly hall					
Bed-and-breakfast				S	S
Hotel					
Restaurant, fast-food/carry-out					
Restaurant, sit-down					
Tavern					
Entertainment and Recreation Uses					
Clubs and lodges					
Convention and exposition center					
Entertainment establishment, adult					
Gaming facility					
Health club			S	S	S
Marina					
Outdoor racing facility					
Park or playground					
Sport and recreation facility, indoor					
Sport and recreation facility, outdoor					
Theater, indoor					
Storage, Recycling and Wholesale Trade Uses					
Material reclamation facility					
Donation boxes					
Mixed-waste processing facility					
Recycling collection facility					
Salvage operation, indoor					
Salvage operation, outdoor					
Wholesale and distribution facility, indoor					
Wholesale and distribution facility, outdoor					
Storage facilities					
Hazardous materials					
Indoor, mini warehouse					

Indoor, other than mini warehouse (cold					
---	--	--	--	--	--

455 Attachment 1:4

06 - 15 - 2008

ZONING

	Zoning Districts				
	R-1	R-2	R-3	R-4	R-5
storage)					
Outdoor					
Transportation Uses					
Ambulance service					
Ground transportation service					
Helicopter landing facility					
Passenger terminal					
Railroad switching, classification yard, or freight terminal					
Ship terminal or docking facility					
Truck freight terminal					
Industrial Uses					
Contractor's shop					
Contractor's yard					
Manufacturing, heavy					
Manufacturing, medium					
Manufacturing, light					
Processing or recycling of mined materials					
Research and development					
Utility and Public Service Uses					
Broadcasting or recording studio					
Power generation plant					
Sewage treatment plant					
Substation/distribution equipment, indoor					
Substation/distribution equipment, outdoor					
Transmission tower					
Transmission tower, publicly owned land ²					
Water treatment plant					

ORDINANCE NO. 1482

AN ORDINANCE TO CONDITIONALLY REZONE CERTAIN LANDS IN THE CITY OF ST. FRANCIS FROM B-2, GENERAL BUSINESS DISTRICT, TO B-2, GENERAL BUSINESS DISTRICT WITH A SPECIAL USE, UNDER § 455-28(C) OF

THE CITY OF ST. FRANCIS ZONING CODE

3815 SOUTH KINNICKINNIC AVENUE

WHEREAS, an Application dated October 14, 2021 having been filed by Kendall Breunig, P.E., as agent for Sunset Investors St. Francis, LLC, a Wisconsin limited liability company (“Applicant”) to rezone the lands commonly referred to as 3815 South Kinnickinnic Avenue in the City of St. Francis, Milwaukee County, Wisconsin, which are more particularly described in the attached Exhibit A (the “Subject Property”) to the B-2, General Business District with a Special Use Permit; and

WHEREAS, the Subject Property is currently zoned as part of the B-2, General Business District; and

WHEREAS, Applicant is a real estate investment company having a principle place of business at 10700 West Venture Drive, Franklin, Wisconsin; and

WHEREAS, Applicant desires to utilize the property for interior storage of construction equipment and materials and some light fabrication of furniture/equipment owned by Applicant and/or used in the furtherance of Applicant’s real estate holdings; and

WHEREAS, § 455-61 of the City of St. Francis Zoning Code defines a “contractor’s yard” as “An establishment used for the indoor repair, maintenance or storage of a contractor's vehicles, equipment or materials and may include the contractor’s business office”; and

WHEREAS, use of property for purposes of a contractor’s yard in the B-2 General Business District is only allowed if a special use permit is approved by the Common Council under §§ 455-28(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 initial Application and related information provided by Applicant has been available for public inspection in the office of the City Clerk since October 14, 2021; and

WHEREAS, the Application was considered by the City of St. Francis Planning Commission at a regular meeting held on October 27, 2021 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 denied; and

WHEREAS, by correspondence dated November 24, 2021, Applicant submitted a revised Application for a Special Use Permit; 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, the revised Application for a Special Use Permit has been available for inspection by the public since November 24, 2021; and

WHEREAS, notice having been properly given, a public hearing was held before the Common Council on December 7, 2021, as required by said Section 455-48(C) of the City of St. Francis Code of Ordinances; and

WHEREAS, the Applicant appeared at the December 7, 2021 public hearing and explained the revised Application for a Special Use Permit dated November 24, 2021; and

WHEREAS, the Common Council considered the recommendation of the Planning Commission and the results of the public hearing at a regularly scheduled meeting held on December 14, 2021; 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 to B-2, General Business District– Special Use to permit use of the Subject Property by Applicant as a contractor’s shop, subject to initial and continued compliance with each of the conditions stated in Section 2 of this Ordinance being fully met.

SECTION 2: CONDITIONS IMPOSED.

The rezoning of the Subject Property to permit its use as a contractor’s yard as set forth in the revised Application for a Special Use Permit dated November 24, 2021, and related plans and materials submitted by the Applicant and on file in the office of the Zoning Administrator 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, alcohol licensing, fire safety, noise, parking, public health, sign regulations, and zoning regulations.
2. Applicant shall provide a site plan of the Subject Property for approval by the City Zoning Administrator which, upon approval, shall be deemed to be incorporated and made part of this Ordinance by reference.
3. All parking and contractor’s yard operations shall be limited to the location(s) depicted in the approved site plan.
4. 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.
5. Except as otherwise expressly provided in this Ordinance, permitted and accessory uses for the Subject Property shall be as set forth in § 455-28, B-2 General Business District, of the City of St. Francis Zoning Code, as the same may be amended from time-to-time.

6. Use of the Subject Property, including but not limited to the lot layout, shall be in substantial conformity with the revised Application, site plan, plan of operation, and related plans presented to the Planning Commission at its meeting on November 24, 2021 and as such plans may be subsequently approved by the Planning Commission from time to time. Such Site Plan, plan of operation, and related plans shall be deemed incorporated into this Ordinance by reference and violation of the requirements of any such plan(s) shall be deemed to constitute a violation of this Ordinance.
7. Signage on the Subject Property shall conform to the requirements of the City Code. Applicant shall obtain all necessary permit(s).
8. No junk shall be stored or allowed to accumulate on the Subject Property.
9. Applicant shall provide and maintain off-street parking on the Subject Property, including employee parking, in accordance with the provisions of § 455-38 of the City of St. Francis Code of Ordinances. All parking on, and ingress/egress to, the Subject Property shall be in accordance with the site plan approved by the Planning Commission from time-to-time and shall be clearly striped in accordance with the approved Site Plan and permanently maintained. Disabled parking spaces shall be clearly marked and located building on the Subject Property in accordance with applicable statutes.
10. If dumpsters are no longer stored within the interior of the principle building, Applicant shall provide dumpster screening as approved by the Planning Commission.
11. Lighting fixtures shall be of a type and be located in such a manner that no light or reflected glare is directed off-site and shall provide that no light is directed above a horizontal plane passing through the bottom of the fixture. All glare shall be directed onto the Subject Property and away from adjacent properties. All exterior lighting of the Subject Property shall comply with City Code and any applicable FAA regulations.
12. No alterations shall be made to existing grades/drainage without the prior written approval of the City Engineer of plans submitted by the Applicant.
13. Applicant shall maintain the Subject Property in a neat appearance and maintained in accordance with all applicable provisions of the City of St. Francis Code of Ordinances and as amended from time-to-time.
14. 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. No outdoor storage shall be permitted on the Subject Property.
15. 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 and/or Zoning Administrator.
16. 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.

17. Any application for use of, or construction on, the lands described on Exhibit A, is an acknowledgement by Applicant that the Subject Property is 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.
18. Applicant shall satisfy all comments and concerns of the Building Inspector, City Engineer, Fire Chief, Police Chief, and Health Department pertaining to the Application and subsequent development and operation on the Subject Property under this Ordinance.
19. 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.
20. 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.
21. The special use hereby granted shall be subject to all applicable limitations set forth in § 455-48(L) of the City of St. Francis Zoning Code, as amended from time to time.
22. The special use granted under this Ordinance may be amended, varied, or altered 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.
23. 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.
24. The special use granted under this Ordinance, shall be subject to acceptance in writing by the Applicant.

SECTION 3: FIVE-YEAR TERM.

The Special Use Permit granted pursuant to this Ordinance shall be limited to five (5) years from the effective date of this Ordinance. Unless the Common Council of the City of St. Francis adopts an ordinance extending or otherwise superseding this Ordinance the Special Use Permit granted hereunder

shall terminate on January 3, 2027 and, thereafter, use of the Property shall be in accordance with the underlying zoning District.

SECTION 4: 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 5: 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 4th day of January 2022.

City of St. Francis

By: /s/Ken Tutaj
Ken Tutaj, Mayor

ATTEST:

/s/Anne B. Uecker, MMC/WCPC

Anne B. Uecker, City Clerk/Treasurer

APPLICANT ACCEPTANCE

The undersigned Applicant hereby accepts the terms of this Ordinance in its entirety.

Dated this 4th day of January 2022.

By: /s/Kendall Breunig, Member

Kendall Breunig, Member

Sunset Investors St. Francis, LLC

Exhibit A

Legal Description of Subject Property

3815 South Kinnickinnic Avenue

Tax Key Number 545-8955-002

All that part of the Southeast $\frac{1}{4}$ of Section 15, Town 6 North, Range 22 East, in the City of St. Francis, County of Milwaukee, State of Wisconsin, which is bounded and described as follows:

Commencing at the intersection of the centerline of East Norwich Avenue with the centerline of South Kinnickinnic Avenue; thence North $25^{\circ}15'00''$ West along the centerline of South Kinnickinnic Avenue 1130.58 feet to the point of beginning of the land to be described; thence South $64^{\circ}45'00''$ West at right angles to South Kinnickinnic Avenue 253.00 feet to a point; thence South $56^{\circ}40'00''$ West 60.00 feet to a point; thence North $33^{\circ}20'00''$ West 139.83 feet to a point; thence North $64^{\circ}45'00''$ East 332.06 feet to a point in the centerline of South Kinnickinnic Avenue; thence South $25^{\circ}15'00''$ East along the centerline of South Kinnickinnic Avenue 130.00 feet to the point of beginning.

EXCEPTING THEREFROM the Easterly 33.00 feet.