

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 Wattawa, Calderon, Feirer, Damon and Fliss

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

Excused: Alderman Brickner, City Engineer Dejewski

**Statement of Open Meetings Compliance:**

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

**Public Hearing:**

- None

**Presentation:**

- Thomas Brummeyer – Commendation for Service to the City of St. Francis

**Consent Agenda:**

Moved by Alderman Damon, seconded by Alderman Wattawa to place on file with reference in the minutes and approve all items listed under Consent Agenda on the January 18, 2022 Common Council agenda. Motion carried.

**Recommendation of Action from Committees/Commissions/Boards:**

Moved by Alderman Wattawa, seconded by Alderman Feirer to approve a Used Car Dealer License – St. Francis Auto Wreckers, Inc., Robert Melton 4043 South Pennsylvania Avenue contingent pending inspection compliance. Motion carried.

**Resolutions and Ordinances:**

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to introduce and adopt a Resolution of Commendation for Service to the City of St. Francis Conferred on Thomas M. Brummeyer. Motion carried. **Resolution No. 2827**

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to introduce and adopt an Ordinance to Conditionally Rezone Certain Lands in the City of St. Francis from M-1 Limited Industrial District to M-1 Limited Industrial Use District with a Special Use under §455-29(C) of the City of St. Francis Zoning Code – 4051 South Iowa Avenue (P.I.N. 583-1011-001). Motion carried. **Ordinance No. 1483**

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to introduce and adopt an Ordinance to Conditionally Rezone Certain Lands in the City of St. Francis From R-3 Residential

Mixed-Use District to IU Institutional Use District with a Special Use Under §455-26(C) of the City of St. Francis Zoning Code - 4225 South Lake Drive (P.I.N. 586-9951-000). Motion carried. **Ordinance No. 1484**

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to introduce and adopt an Ordinance to Conditionally Rezone Certain Lands in the City of St. Francis From R-3 Residential Mixed-Use District to IU Institutional Use District with a Special Use Under §455-26(C) of the City of St. Francis Zoning Code -3680 South Kinnickinnic Avenue (P.I.N. 545-8999-002). Motion carried. **Ordinance No. 1485**

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to introduce and adopt an Ordinance to Conditionally Rezone Certain Lands in the City of St. Francis From R-3 Residential Mixed-Use District to IU Institutional Use District with a Special Use Under §455-26(C) of the City of St. Francis Zoning Code – 2600 East Bolivar Avenue (P.I.N. 584-9965-000). Motion carried. **Ordinance No. 1486**

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to introduce and adopt an Ordinance to Conditionally Rezone Certain Lands in the City of St. Francis From R-3 Residential Mixed-Use District to R-3 Residential Mixed-Use District with a Special Use Under §455-23(C) of the City of St. Francis Zoning Code – 3257 South Lake Drive (P.I.N. 541-8003-000). Motion carried. **Ordinance No. 1487**

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to introduce and adopt an Ordinance to Conditionally Rezone Certain Lands in the City of St. Francis from M-1 Limited Industrial District to R-1 Single Family Residential District Under §455-21(C) of the City of St. Francis Zoning Code – 4464 South Whitnall Avenue (P.I.N. 586-9951-000). Motion carried. **Ordinance No. 1488**

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to introduce and adopt a Resolution Naming Richard “Lucky” Lentz for 2022 Citizen of the Year for the City of St. Francis Wisconsin. Motion carried. **Resolution No. 2828**

**Discussion Items with Possible Action:**

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to approve the Temporary Structure Request – 3907 South Lake Drive (Bert’s Bar). Motion carried.

**Appointments to Committees/Commissions/Boards:**

- None

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

- None

**Unfinished Business:**

- None

**Adjourn:**

Moved by Alderman Damon, seconded by Alderman Wattawa to adjourn. Motion carried.

Time: 7:45 p.m.

Resolution No. 2827

**OF COMMENDATION FOR  
SERVICE TO THE CITY OF ST. FRANCIS  
CONFERRED ON THOMAS M. BRUMMEYER**

At a regular meeting of the Common Council of the City of St. Francis, Milwaukee County, Wisconsin, held on the 18<sup>th</sup> day of January, 2022 a quorum being present and a majority of the Council voting therefore, said Council does resolve as follows:

WHEREAS, THOMAS M. BRUMMEYER was hired April 19, 1996; and

WHEREAS, THOMAS M. BRUMMEYER was 3<sup>rd</sup> Shift Acting Shift Commander and 1<sup>st</sup> Shift Acting Shift Commander; and

WHEREAS, THOMAS M. BRUMMEYER held several other essential positions within the St. Francis Police Department including Arson Investigator, Field Training Officer, and Patrol Fleet Manager; and

WHEREAS, THOMAS M. BRUMMEYER was extremely active in traffic grants and safe driving deployments, consistently leading the St. Francis Police Department in traffic citations issued per year; and

WHEREAS, THOMAS M. BRUMMEYER, after exemplary service, has retired on January 8, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of St. Francis, Milwaukee County, Wisconsin, on behalf of itself and all the residents of the City of St. Francis that it hereby highly commends THOMAS M. BRUMMEYER for more than 25 years and 8 months of dedicated service to the City of St. Francis.

BE IT FURTHER RESOLVED that the best wishes for health, happiness and success are hereby tendered to THOMAS M. BRUMMEYER, in all his future endeavors.

PASSED and APPROVED this 18<sup>th</sup> Day of January, 2022.

/s/Ken Tutaj  
Mayor

ATTEST:

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

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1483

AN ORDINANCE TO CONDITIONALLY REZONE CERTAIN LANDS IN THE CITY OF ST. FRANCIS FROM M-1 LIMITED INDUSTRIAL DISTRICT, TO M-1 LIMITED INDUSTRIAL USE DISTRICT WITH A SPECIAL USE, UNDER § 455-29(C) OF THE CITY OF ST. FRANCIS ZONING CODE  
4051 South Iowa Avenue  
(P.I.N. 583-1011-001)

WHEREAS, an Application dated October 25, 2021 having been filed by Patrick Dederig, as agent for the St. Francis Industrial Investors LLC (“Applicant”) to rezone the lands commonly referred to as 4051 South Iowa 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 M-1 Limited Industrial Use District with a Special Use Permit; and

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

WHEREAS, Applicant has applied for rezoning of the Subject Property to M-1 Limited Industrial Use District with a Special Use Permit to permit use of the Subject Property by Twins Furniture Appliance Mattress as an indoor furniture storage and distribution facility; and

WHEREAS, § 455-61 of the City of St. Francis Zoning Code defines an indoor storage facility as an “establishment providing indoor storage of materials, vehicles or goods. This term does not include a hazardous materials storage facility or an indoor wholesale and distribution facility. This term includes, but is not limited to, a mini warehouse or self-storage facility;” and

WHEREAS, use of property for purposes of an indoor storage facility is only allowed in the M-1 Limited Industrial Use District if a special use permit 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 November 9, 2021; and

WHEREAS, the Application was considered by the City of St. Francis Planning Commission at a regular meeting held on November 17, 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 approved subject to comments by Staff; 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 January 4, 2022, as required by said Section 455-48(C) of the City of St. Francis Code of Ordinances; and

WHEREAS, the Common Council considered the recommendation of the Planning Commission and the results of the public hearing at regularly scheduled meetings held on January 4, and January 18, 2022; 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 M-1 Limited Industrial District– Special Use to permit use of the Subject Property by Applicant as an indoor furniture storage and distribution facility 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 an indoor furniture storage and distribution facility as set forth in the Application for a Special Use Permit dated November 9, 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. Indoor storage under this Special Use shall be limited to the area depicted on the approved site plan.
3. All parking shall be limited to the location(s) depicted in the approved site plan.
4. No retail sales shall be conducted from the Subject Property.
5. Semi-tractor trailer traffic shall be limited to approximately five deliveries between 10:00 a.m. and 4:00 p.m., Deliveries to retailers by panel trucks shall be between 9:00 a.m. and 11:00 a.m. Tuesday through Saturday.
6. All truck traffic into and from the Subject Property shall be limited to South Arctic Avenue and East Norwich Avenue. No truck access to or from the Subject Property shall be made by South Iowa Avenue or East Norwich Avenue (where prohibited by signage).
7. Applicant shall post and continuously maintain directional signage approved by the Zoning Administrator on the Subject Property concerning access to delivery docks.
8. No engine idling shall be allowed on the Subject Property. No overnight parking of semi tractors shall be allowed.
9. 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.
10. Except as otherwise expressly provided in this Ordinance, permitted and accessory uses for the Subject Property shall be as set forth in § 455-29, M-1 Limited Industrial Use District, of the City of St. Francis Zoning Code, as the same may be amended from time-to-time.



11. 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 presented to the Planning Commission at its meeting on November 17, 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.
12. Signage on the Subject Property shall conform to the requirements of the City Code. Applicant shall obtain all necessary permit(s).
13. No junk shall be stored or allowed to accumulate on the Subject Property.
14. 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.
15. 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.
16. No alterations shall be made to existing grades/drainage without the prior written approval of the City Engineer of plans submitted by the Applicant.
17. 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.
18. 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.
19. 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.
20. 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.

21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. The special use granted under this Ordinance, shall be subject to acceptance in writing by the Applicant.

### 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 18<sup>th</sup> 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 18<sup>th</sup> day of January 2022.

By: /s/Patrick Dederig

Patrick Dederig, Director of Leasing & Acquisitions

Phoenix St. Francis Industrial Investors LLC

## Exhibit A

### Legal Description of Subject Property

**Legal Description For: 4051 S. Iowa Avenue**

**Tax Key Number 583-1011-001**

**Legal Description:**

Parcel A:

All of Blocks Number Two (2), Three (3), Four (4), Five (5) and Nine (9), in Diamond Spring Subdivision, being a subdivision of a part of the Northwest one-quarter of Section 22, Township 6 North, Range 22 East, in the City of St. Francis, county of Milwaukee, State of Wisconsin, together with that part of the vacated alley and vacated S. Arctic Avenue and E. Tesch Street adjacent thereto.

Parcel B:

All that part of the Northwest Quarter of Section 22, Township 6 North, Range 22 East in the City of St. Francis, Milwaukee County, Wisconsin which is bounded and describes as follows, to wit: Commencing at a point on the East line of said Quarter Section 660.00 feet S0°10'E from the Northeast corner of said Quarter Section; thence due West and parallel to the North line of said Quarter Section and along the center line of E. Norwich Street, 498.86 feet to the point of beginning said point being 50 feet Westerly of and measured at right angles from the center line of the Westerly (northbound) main track of the Chicago and North Western Railway Company, as now located and established; thence S0°05' West on a line 50 feet Westerly of and measured at right angles from the center line of said Westerly main track, 524.12 feet to a point, said point being 50 feet Northerly of and measured at right angles from the center line of the main track of the Wisconsin Electric Power Company (formerly the Milwaukee Electric Railway and Light company) as now located and established; thence N87°31'W on a line 50 feet Northerly of and measured at right angles from said center line of the main tract of the Wisconsin Electric Power company, 157.00 feet to a point on the East line of Diamond Springs Subdivision; thence N0°06'40"W along said East line of Subdivision, 517.32 feet to the center line of E. Norwich Street said center line being 660 feet South of the North line of said Quarter Section; thence due East on said center line of street and parallel to the North line of said Quarter Section, 158.61 feet to the place of beginning. Subject, however, to the rights of the public in and to the South Half of Norwich Street.

Parcel C:

That part of the Northeast Quarter of the Northwest Quarter of Section 22, Township 6 North, Range 22 East of the Fourth Principal Meridian, bounded and described as follows: Commencing at the Northeast corner of the Northwest Quarter of said Section 22; thence S0°10'E along the East line of said Northwest Quarter a distance of 660.00 feet; thence due West (assumed bearing) along the center line of East Norwich Street a distance of 498.86 feet to a point distant 50 feet Westerly, measured at right angles from the center line of the most Westerly main track of the Chicago and North Western Transportation Company, as said main tract is now located; thence S0°05'W parallel with said main tract center line of distance 524.12 feet to a point distant 50 feet Northerly, measured at right angles, from the center line of measured at right angles, from the center line of the main track of the Wisconsin Electric Power Company (formerly The Milwaukee Electric Railway and Light Company), as now located, for the point of beginning of the parcel of land herein described; thence N87°31'W parallel with the said last described main track center line a distance of 157.00 feet; thence S0°06'40"E a distance of 22.25 feet; thence S87°31'E parallel with said last described main track center line a distance of 156.9 feet, more or less, to a point on a line which bears S0°05'W from the point of beginning; thence N0°05'E a distance of 22.3 feet, more or less, to the point of beginning.

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1484

AN ORDINANCE TO CONDITIONALLY REZONE CERTAIN LANDS IN THE CITY OF ST. FRANCIS FROM R-3 RESIDENTIAL MIXED-USE DISTRICT, TO IU, INSTITUTIONAL USE DISTRICT WITH A SPECIAL USE, UNDER § 455-26(C) OF THE CITY OF ST. FRANCIS ZONING CODE  
4225 SOUTH LAKE DRIVE  
(P.I.N. 586-9951-000)

WHEREAS, an Application dated October 25, 2021 having been filed by Michael Fisher, as agent for the St. Francis School District (“Applicant”) to rezone the lands commonly referred to as 4225 South Lake Drive in the City of St. Francis, Milwaukee County, Wisconsin, which are more particularly described in the attached Exhibit A (the “Subject Property”) to the IU, Institutional Use District with a Special Use Permit; and

WHEREAS, the Subject Property is currently zoned as part of the R-3, Residential Mixed-Use District; and

WHEREAS, Applicant has applied for rezoning of the Subject Property to IU Institutional Use District with a Special Use Permit to permit expansion of the existing legal nonconforming use of the Subject Property as a public secondary school; and

WHEREAS, § 455-61 of the City of St. Francis Zoning Code defines an elementary or secondary school as a “A public, parochial or private school which provides an educational program for one or more grades between kindergarten and Grade 12, inclusive, and which is commonly known as an "elementary school," "grade school," "middle school," "junior high school" or "high school.”; and

WHEREAS, use of property for purposes of a secondary school is only allowed in the IU Institutional Use District if a special use permit is approved by the Common Council under §§ 455-26(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 25, 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:

- (8) 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.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) 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.
- (13) 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.
- (14) 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 approved; 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:

- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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 October 25, 2021; and

WHEREAS, notice having been properly given, a public hearing was held before the Common Council on January 4, 2022, as required by said Section 455-48(C) of the City of St. Francis Code of Ordinances; and

WHEREAS, the Common Council considered the recommendation of the Planning Commission and the results of the public hearing at regularly scheduled meetings held on January 4, and January 18, 2022; 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 IU, Institutional Use District– Special Use to permit use of the Subject Property by Applicant as a public secondary school, 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 public secondary school as set forth in the Application for a Special Use Permit dated October 25, 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:

29. 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.
30. All parking shall be limited to the location(s) depicted in the approved site plan.
31. 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.
32. Except as otherwise expressly provided in this Ordinance, permitted and accessory uses for the Subject Property shall be as set forth in § 455-26, IU Institutional Use District, of the City of St. Francis Zoning Code, as the same may be amended from time-to-time.
33. 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 October 27, 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.
34. Signage on the Subject Property shall conform to the requirements of the City Code. Applicant shall obtain all necessary permit(s).
35. No junk shall be stored or allowed to accumulate on the Subject Property.
36. 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.

37. 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.
38. No alterations shall be made to existing grades/drainage without the prior written approval of the City Engineer of plans submitted by the Applicant.
39. 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.
40. 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.
41. 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.
42. 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.
43. 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.
44. 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.
45. 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.

46. 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.
47. 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.
48. 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.
49. 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.
50. The special use granted under this Ordinance, shall be subject to acceptance in writing by the Applicant.

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 18<sup>th</sup> 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 18<sup>th</sup> day of January 2022.

By: /s/Michael Fischer

Michael Fischer, Finance Manager

St. Francis School District

## Exhibit A

### Legal Description of Subject Property

**Legal Description For: 4225 S. Lake Drive  
Tax Key Number 586-9951-000**

**Legal Description:**

Being located in the Southwest one-quarter of the Northeast one-quarter as well as the Southeast one-quarter of the Northeast one-quarter of Section 23, Township 6 North, Range 22 East, City of St. Francis, Milwaukee County, Wisconsin being more particularly described as follows: Commencing at the East one-quarter corner of Section 23, Township 6 North, Range 22 East; thence S87°53'51"W along the south line of the Northeast one-quarter of said Section 23, 337.38 feet; thence N02°06'09"W, 40.00 feet to a point on the north right-of-way line of East Lunham Avenue, said point also being the Point of Beginning (POB) of the parcel to be described; thence S87°53'51"W along said right-of-way line, 1363.51 feet; thence N01°17'36"W, 127.19 feet; thence S87°53'51"W 100.00 feet to the northeast corner of Lot 6 of Block 4 of Black Bear Subdivision; thence N01°17'36"W along the east line of Milton Vretenar Memorial Park, 668.26 feet; thence N88°22'52"E, 1175.77 feet to a point along the west right-of-way line of South Lake Drive; thence S32°28'07"E along said right-of-way line, 312.51 feet; thence southeasterly 337.47 feet along the arc of a curve, along said right-of-way line, having a radius of 1085.92 feet and whose long chord bears S23°33'57"E, 337.47 feet; thence S14°39'47"E along said right-of-way line, 155.08 feet; thence S34°20'57"W, 64.20 feet to the point of beginning. Containing 1,074,289 square feet – 24.662 acres. Subject to (if any) covenants, conditions, restrictions, right-of-ways, and easements of record.

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1485

AN ORDINANCE TO CONDITIONALLY REZONE CERTAIN LANDS IN THE CITY OF ST. FRANCIS FROM R-3 RESIDENTIAL MIXED-USE DISTRICT, TO IU, INSTITUTIONAL USE DISTRICT WITH A SPECIAL USE, UNDER § 455-26(C) OF THE CITY OF ST. FRANCIS ZONING CODE 3680 SOUTH KINNICKINNIC AVENUE (P.I.N. 545-8999-002)

WHEREAS, an Application dated October 25, 2021 having been filed by Michael Fisher, as agent for the St. Francis School District (“Applicant”) to rezone the lands commonly referred to as 3680 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 IU, Institutional Use District with a Special Use Permit; and

WHEREAS, the Subject Property is currently zoned as part of the R-3, Residential Mixed-Use District; and

WHEREAS, Applicant has applied for rezoning of the Subject Property to IU Institutional Use District with a Special Use Permit to permit expansion of the existing legal nonconforming use of the Subject Property as a public secondary school; and

WHEREAS, § 455-61 of the City of St. Francis Zoning Code defines an elementary or secondary school as a “A public, parochial or private school which provides an educational program for one or more grades between kindergarten and Grade 12, inclusive, and which is commonly known as an "elementary school," "grade school," "middle school," "junior high school" or "high school.”; and

WHEREAS, use of property for purposes of a secondary school is only allowed in the IU Institutional Use District if a special use permit is approved by the Common Council under §§ 455-26(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 October 25, 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:

- (15) 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.
- (16) 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.
- (17) 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.
- (18) 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.
- (19) 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.
- (20) 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.
- (21) 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 approved; 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:

- (9) 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.
- (10) 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.
- (11) 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.
- (12) 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 January 4, 2022, as required by said Section 455-48(C) of the City of St. Francis Code of Ordinances; and

WHEREAS, the Common Council considered the recommendation of the Planning Commission and the results of the public hearing at regularly scheduled meetings held on January 4, and January 18, 2022; 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 IU, Institutional Use District– Special

Use to permit use of the Subject Property by Applicant as a public secondary school, 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 public secondary school as set forth in the Application for a Special Use Permit dated October 25, 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:

51. 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.
52. All parking shall be limited to the location(s) depicted in the approved site plan.
53. 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.
54. Except as otherwise expressly provided in this Ordinance, permitted and accessory uses for the Subject Property shall be as set forth in § 455-26, IU Institutional Use District, of the City of St. Francis Zoning Code, as the same may be amended from time-to-time.
55. 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 presented to the Planning Commission at its meeting on October 27, 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.
56. Signage on the Subject Property shall conform to the requirements of the City Code. Applicant shall obtain all necessary permit(s).
57. No junk shall be stored or allowed to accumulate on the Subject Property.
58. 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.



59. 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.
60. No alterations shall be made to existing grades/drainage without the prior written approval of the City Engineer of plans submitted by the Applicant.
61. 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.
62. 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.
63. 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.
64. 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.
65. 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.
66. 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.
67. 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.
68. 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.

69. 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.
70. 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.
71. 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.
72. The special use granted under this Ordinance, shall be subject to acceptance in writing by the Applicant.

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 18<sup>th</sup> 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 18<sup>th</sup> day of January 2022.

By: /s/Michael Fischer

Michael Fischer, Finance Manager

St. Francis School District

## **Exhibit A**

### Legal Description of Subject Property

**3680 S. Kinnickinnic Avenue**  
**Tax Key Number 545-8999-002**

**Legal Description:**

All that part of the Southeast one-quarter of Section 15, Township 6 North, Range 22 East in the City of St. Francis, Milwaukee County, Wisconsin, bounded and described as follows: Commencing on the Northeasterly line of S. Kinnickinnic Avenue and the South line of the north one-half of said section; thence Northwesterly on Northeasterly line of said Avenue 346.65 feet; thence northeasterly 220.96 feet; thence Northeasterly 799.79 feet; thence Southeasterly 709.03 feet to said South line of the north one-half of said section; thence Westerly to the point of beginning except the Westerly 27 feet for road purposes.

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1486

AN ORDINANCE TO CONDITIONALLY REZONE CERTAIN LANDS IN THE CITY OF ST. FRANCIS FROM R-3 RESIDENTIAL MIXED-USE DISTRICT, TO IU, INSTITUTIONAL USE DISTRICT WITH A SPECIAL USE, UNDER § 455-26(C) OF THE CITY OF ST. FRANCIS ZONING CODE  
2600 EAST BOLIVAR AVENUE  
(P.I.N. 584-9965-000)

WHEREAS, an Application dated October 25, 2021 having been filed by Michael Fisher, as agent for the St. Francis School District (“Applicant”) to rezone the lands commonly referred to as 2600 East Bolivar 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 IU, Institutional Use District with a Special Use Permit; and

WHEREAS, the Subject Property is currently zoned as part of the R-3, Residential Mixed-Use District; and

WHEREAS, Applicant has applied for rezoning of the Subject Property to IU Institutional Use District with a Special Use Permit to permit expansion of the existing legal nonconforming use of the Subject Property as a public elementary school; and

WHEREAS, § 455-61 of the City of St. Francis Zoning Code defines an elementary or secondary school as a “A public, parochial or private school which provides an educational program for one or more grades between kindergarten and Grade 12, inclusive, and which is commonly known as an "elementary school," "grade school," "middle school," "junior high school" or "high school.”; and

WHEREAS, use of property for purposes of an elementary school is only allowed in the IU Institutional Use District if a special use permit is approved by the Common Council under §§ 455-26(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 October 25, 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:

- (22) 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.
- (23) 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.
- (24) 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.
- (25) 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.
- (26) 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.
- (27) 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.
- (28) 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 approved; 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:

- (13) 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.
- (14) 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.
- (15) 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.
- (16) 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 January 4, 2022, as required by said Section 455-48(C) of the City of St. Francis Code of Ordinances; and

WHEREAS, the Common Council considered the recommendation of the Planning Commission and the results of the public hearing at regularly scheduled meetings held on January 4, and January 18, 2022; 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 IU, Institutional Use District– Special Use to permit use of the Subject Property by Applicant as an elementary school, 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 public elementary school as set forth in the Application for a Special Use Permit dated October 25, 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:

73. 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.
74. All parking shall be limited to the location(s) depicted in the approved site plan.
75. 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.
76. Except as otherwise expressly provided in this Ordinance, permitted and accessory uses for the Subject Property shall be as set forth in § 455-26, IU Institutional Use District, of the City of St. Francis Zoning Code, as the same may be amended from time-to-time.
77. 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 presented to the Planning Commission at its meeting on October 27, 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.
78. Signage on the Subject Property shall conform to the requirements of the City Code. Applicant shall obtain all necessary permit(s).
79. No junk shall be stored or allowed to accumulate on the Subject Property.
80. 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.



81. 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.
82. No alterations shall be made to existing grades/drainage without the prior written approval of the City Engineer of plans submitted by the Applicant.
83. 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.
84. 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.
85. 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.
86. 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.
87. 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.
88. 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.
89. 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.
90. 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.

91. 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.
92. 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.
93. 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.
94. The special use granted under this Ordinance, shall be subject to acceptance in writing by the Applicant.

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 18<sup>th</sup> 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 18<sup>th</sup> day of January 2022.

By: /s/Michael Fischer

Michael Fischer, Finance Manager

St. Francis School District

## Exhibit A

### Legal Description of Subject Property

**Legal Description For: 2600 E. Bolivar Avenue**

**Tax Key Number 584-9965-000**

**Legal Description:**

Legal Description of Tax Key Number 584-9965-000; 2600 E. Bolivar Avenue

All that part of the Northeast one-quarter of Section 22, Township 6 North, Range 22 East in the City of St. Francis, Milwaukee County, Wisconsin, bounded and described as follows: Commencing in the south line of Garden Homes Subdivision and 180 feet east of the west line of said one-quarter section, said west line being the centerline of S. Pennsylvania Avenue; thence South 444.88 feet, thence East 979.14 feet, thence 444.88 feet; thence 979.14 feet to the beginning excepting therefrom the West 20.00 feet dedicated for alley right-of-way.

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1487

AN ORDINANCE TO CONDITIONALLY REZONE CERTAIN LANDS IN THE CITY OF ST. FRANCIS FROM R-3 RESIDENTIAL MIXED-USE DISTRICT, TO R-3 RESIDENTIAL MIXED-USE DISTRICT WITH A SPECIAL USE, UNDER § 455-23(C) OF THE CITY OF ST. FRANCIS ZONING CODE 3257 SOUTH LAKE DRIVE – MEYER HALL (P.I.N. 541-8003-000)

WHEREAS, an Application dated November 3, 2021 having been filed by Rev. John D. Hensing as agent for Saint Francis de Sales Seminary (“Applicant”) to rezone the lands commonly referred to as “Meyer Hall”, 3257 South Lake Drive in the City of St. Francis, Milwaukee County, Wisconsin, which are more particularly described in the attached Exhibit A (the “Subject Property”) to the R-3, Residential Mixed-Use District with a Special Use Permit; and

WHEREAS, the Subject Property is currently zoned as part of the R-3, Residential Mixed-Use District; and

WHEREAS, Applicant has applied for rezoning of the Subject Property to R-3, Residential Mixed-Use District with a Special Use Permit to permit expansion of the existing legal nonconforming use of the Subject Property as a rectory by the remodeling of Meyer Hall; and

WHEREAS, § 455-61 of the City of St. Francis Zoning Code defines a “rectory” as a “building used to house the staff of a church or members of a religious order”; and

WHEREAS, use of property for purposes of a rectory in the R-3 Residential Mixed-Use District is only allowed if a special use permit is approved by the Common Council under §§ 455-23(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 November 3, 2021; and

WHEREAS, the Application was considered by the City of St. Francis Planning Commission at a regular meeting held on November 17, 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:

- (29) 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.
- (30) 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.
- (31) 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.
- (32) 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.
- (33) 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.
- (34) 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.
- (35) 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 approved; 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:

- (17) 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.
- (18) 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.
- (19) 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.
- (20) 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 January 4, 2022, as required by said Section 455-48(C) of the City of St. Francis Code of Ordinances; and

WHEREAS, the Common Council considered the recommendation of the Planning Commission and the results of the public hearing at regularly scheduled meetings held on January 4, and January 18, 2022; 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 R-3, Residential Mixed-Use District–

Special Use to permit use of the Subject Property by Applicant as a rectory, 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 rectory as set forth in the Application for a Special Use Permit dated November 3, 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:

95. 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.
96. All parking shall be limited to the location(s) depicted in the approved site plan.
97. 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.
98. Except as otherwise expressly provided in this Ordinance, permitted and accessory uses for the Subject Property shall be as set forth in § 455-23, R-3 Residential Mixed-Use District, of the City of St. Francis Zoning Code, as the same may be amended from time-to-time.
99. 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 presented to the Planning Commission at its meeting on November 17, 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.
100. Signage on the Subject Property shall conform to the requirements of the City Code. Applicant shall obtain all necessary permit(s).
101. No junk shall be stored or allowed to accumulate on the Subject Property.
102. 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.



103. 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.
104. No alterations shall be made to existing grades/drainage without the prior written approval of the City Engineer of plans submitted by the Applicant.
105. 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.
106. 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.
107. 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.
108. 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.
109. 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.
110. 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.
111. 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.
112. 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.

113. 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.
114. 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.
115. 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.
116. The special use granted under this Ordinance, shall be subject to acceptance in writing by the Applicant.

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 18<sup>th</sup> 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 18<sup>th</sup> day of January 2022.

By: **/s/Reverend John D. Hemsing**

Rev. John D. Hemsing

Saint Francis de Sales Seminary

## **Exhibit A**

### Legal Description of Subject Property

**Legal Description For: 3257 South Lake Drive**  
**Tax Key Number 541-8003-000**

**Legal Description:**

Parcel 2 of Certified Survey Map 6444, Document Number 7458375, Reel 4196, Images 1729 to 1734 inclusive.

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1488

AN ORDINANCE TO CONDITIONALLY REZONE CERTAIN LANDS IN THE CITY OF ST. FRANCIS FROM M-1 LIMITED INDUSTRIAL DISTRICT TO R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT UNDER § 455-21(C) OF THE CITY OF ST. FRANCIS ZONING CODE  
4464 South Whitnall Avenue  
(P.I.N. 586-9951-000)

WHEREAS, an Application dated November 8, 2021 having been filed by Laura Nelson, as owner (“Applicant”) to rezone the lands commonly referred to as 446 in the City of St. Francis, Milwaukee County, Wisconsin, which are more particularly described in the attached Exhibit A (the “Subject Property”) to the R-1 Single-Family Residential District; and

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

WHEREAS, Applicant has applied for rezoning of the Subject Property to the R-1 Single-Family Residential Use District to permit its use as a single-family residence; and

WHEREAS, the Application and related information provided by Applicant has been available for public inspection in the office of the City Clerk since November 8, 2021; and

WHEREAS, the Application was considered by the City of St. Francis Planning Commission at a regular meeting held on November 17, 2021 upon due notice to the public; and

WHEREAS, the Planning Commission has recommended to the Common Council for the City of St. Francis (“Common Council”) that the requested zoning be approved subject to Applicant obtaining required permit(s) for and constructing a two-car garage in compliance with § 455-38(7)(D); and

WHEREAS, notice having been properly given, a public hearing was held before the Common Council on January 4, 2022, as required by said Section 455-34 of the City of St. Francis Code of Ordinances; and

WHEREAS, the Common Council considered the recommendation of the Planning Commission and the results of the public hearing at regularly scheduled meetings held on January 4, and January 18, 2022; 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 R-1 Single-Family Residential District to permit use of the Subject Property by Applicant as a public secondary school, 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 public secondary school as set forth in the Application dated November 8, 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:

117. 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.
118. Applicant shall obtain all required permits for and construct a two-car garage in compliance with § 455-38(7)(D) of the City of St. Francis Code of Ordinances within one (1) year of the date of this Ordinance.
119. Except as otherwise expressly provided in this Ordinance, permitted and accessory uses for the Subject Property shall be as set forth in § 455-21, Single-Family Residential Use District, of the City of St. Francis Zoning Code, as the same may be amended from time-to-time.
120. No junk shall be stored or allowed to accumulate on the Subject Property.
121. No alterations shall be made to existing grades/drainage without the prior written approval of the City Engineer of plans submitted by the Applicant.
122. 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.
123. 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.

124. 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.
125. 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.
126. 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.
127. 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.
128. 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.
129. 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.
130. 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.
131. The conditional zoning granted under this Ordinance shall be subject to acceptance in writing by the Applicant.

### 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 18<sup>th</sup> 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 18<sup>th</sup> day of January 2022.

By: /s/Laura Nelson

Laura Nelson, Owner



## Exhibit A

### Legal Description of Subject Property

**Legal Description For: 4464 S. Whitnall Avenue**  
**Tax Key Number 592-9935-000**

**Legal Description:**

All that part of the Northwest one-quarter of the Southwest one-quarter of Section 22, Township 6 North, Range 22 East, City of St. Francis, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Northwest one-quarter of Section 22; thence  $S00^{\circ}54'20''E$  along the west line of the Southwest one-quarter of said Section 784.30 feet to its intersection with the reference line of South Whitnall Avenue; thence  $S61^{\circ}15'00''E$  along said reference line 718.83 feet that intersects with the center line of South Kansas Avenue also being 1142.20 feet south of the north line of said one-quarter Section and 624.76 feet east of the west line of said one-quarter Section to the point of beginning of the herein described parcel; thence  $N33^{\circ}13'43''E$  on and along the centerline of South Kansas Avenue 89.00 feet; thence  $N00^{\circ}54'20''W$  and parallel to the west line of said one-quarter section on and along the center line of South Kansas Avenue 182.67 feet also being 886.16 feet south of the north line of said one-quarter Section and 674.62 feet east of the west line of said one-quarter Section; thence  $S61^{\circ}15'20''E$  being along the southeasterly line of Certified Survey Map 3908, 188.91 feet; thence  $S21^{\circ}15'40''W$  that intersect with the reference line of South Whitnall Avenue 249.66 feet; thence  $N61^{\circ}15'00''W$  on and along the reference line of South Whitnall Avenue 138.08 feet to the point of beginning. Dedicating therefrom the Southerly 55.00 feet and the westerly 30.00 feet for public street purpose.

**RESOLUTION NO. 2828**

**RESOLUTION NAMING RICHARD “LUCKY” LENTZ FOR 2022  
CITIZEN OF THE YEAR FOR THE CITY OF ST. FRANCIS, WISCONSIN**

At a regular meeting of the Common Council of the City of St. Francis, Milwaukee County, Wisconsin held on the 18<sup>th</sup> day of January, 2022 a quorum being present and a majority of the Council voting therefore, said Council does resolve as follows:

WHEREAS, RICHARD “LUCKY” LENTZ has been a lifelong resident of the City of St. Francis and a graduate of St. Francis High School; and

WHEREAS, RICHARD “LUCKY” LENTZ has served as 2<sup>nd</sup> District Alderman from 1994 - 2000; and

WHEREAS, RICHARD “LUCKY” LENTZ has served on multiple boards, committees and commissions, including the Library Board, the Zoning Board of Appeals, and the Planning Commission; and

WHEREAS, RICHARD “LUCKY” LENTZ has also served as St. Francis Days Vice President and St. Francis Lions Club President; and

WHEREAS, RICHARD “LUCKY” LENTZ has spent his life volunteering and continues in his retirement years to positively influence the City.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of St. Francis, Milwaukee County, Wisconsin, on behalf of itself and all the residents of the City of St. Francis that it hereby highly commends RICHARD “LUCKY” LENTZ for years of valuable service to the City of St. Francis, AND HEREBY CONFERS UPON HIM THE TITLE OF THE ST. FRANCIS CITIZEN OF THE YEAR FOR 2022.

PASSED and APPROVED this 18<sup>th</sup> day of January, 2022.

**/s/Ken Tutaj**

Mayor

ATTEST:

**/s/Anne B. Uecker, MMC/WCPC**

City Clerk/Treasurer