

MINUTES OF THE VILLAGE PLANNING COMMISSION MEETING
April 13, 2016

The meeting of the Planning Commission of the Village of Slinger was called to order by Chairman Brandt at 300 Slinger Road, Slinger, WI, at 6:30 p.m. on Wednesday, April 13, 2016 in accordance with the Notice of Meeting delivered to the members on Friday, April 8, 2016.

1. Roll Call & Notice of Meeting:

Planning Commission Members	<u>Present</u>	<u>Absent</u>
Russell Brandt, Chairman	x	
Elida Erovick	x	
Lee Fredericks	x	
Bruce Hassler		x (excused)
Robert Stuetngen	x	
Bryant Moritz	x	
Lisa Brux		x
	5	2

Also Present: Jessi Balcom, Village Administrator
Marty Marchek, Village Planner
Jim Haggerty, Village Engineer
Tammy Tennes, Clerk

Chairman Brandt informed the members present that the open meeting law had been complied with in connection with the meeting. Notice of the meeting was sent to all that requested same and posted in three public locations.

2. Approval or Correction of Minutes:

A. Planning Commission Minutes From 3-16-2016

Motion Fredericks/Moritz to approve Planning Commission minutes from 3-16-2016 as presented. Motion passed.

3. Public Hearing & Possible Action Thereon:

A. Consider proposed project plan, boundaries and creation of Tax Incremental District (TID) No. 5 and Resolution related thereto (Presented by Jim Mann with Ehlers & Assoc.)

Chairman Brandt read the notice of public hearing for this matter and stated that all posting requirements had been met. Clerk Tennes informed the Commission that no comments on the action had been received prior to the meeting.

Mr. Jim Mann, representing Ehlers & Associates appeared before the Commission to discuss the proposed project plan, boundaries and creation of Tax Incremental District No. 5. He stated that on March 7, 2016, the Village Board authorized Ehlers to commence the creation of Tax Incremental District No. 5 (TID No. 5) to support redevelopment of the Wolf property and as a result of that initiative, Ehlers and Associates prepared a Project Plan for the creation of TID No. 5. Mr. Mann stated that the project plan, which includes a map of the proposed boundaries of the district, describes proposed improvements and uses, and provides an estimate of project costs for redevelopment of the subject property. He also noted that the project plan also includes an

economic feasibility analysis and describes the necessary financing methods to meet the Village's financial obligation if TID No. 5 is created.

Chairman Brandt opened the hearing for public comment at 6:42pm. There being no comments, the public comment portion of the hearing was closed at 6:42pm.

Planner Marchek stated that TID No. 5 would be a rehabilitation-conservation district based on the identification and classification of the properties proposed to be included in the district. He also noted that the project plan includes project costs which would be used for developer grants in addition to possible infrastructure costs.

Chairman Brandt read Resolution P04-01-2016, a resolution designating proposed boundaries and approving a project plan for tax incremental district No.5.

Mr. Craig Wolf, representing E.H. Wolf & Sons Inc., was present to answer any questions.

Commissioner Moritz asked Mr. Wolf to give the Commission some background on his business.

Mr. Wolf discussed the daily operations and some of the history of E.H. Wolf & Sons Inc. He stated that currently they have 66 full time employees and 22 part time employees. Mr. Wolf stated that the plan is to create 15 additional jobs with this project.

Discussion was held on the contamination clean up and the location of the railroad spur.

It was noted that the project plan will require approval by the Village Board and the Joint Review Board.

Motion Fredericks/Moritz to recommend Resolution P04-01-2016 to the Village Board which recommends the creation of TID No. 5. Motion passed with Commissioner Stuetgen abstaining.

B. Consider request from Vicki Lehnerz d/b/a Skinny Vic's Diner & Coffee Stop for a Conditional Use Permit (CUP) for the sale and consumption of alcoholic beverages at 335 E. Washington St. (Property Owner Joyce Weyer)

Clerk Tennes read the notice of public hearing for this matter, stated that all posting requirements had been met and informed the Commission that no comments on the action had been received prior to the meeting.

Chairman Brandt opened the hearing for public comment at 6:58pm. There being no comments, the public comment portion of the hearing was closed at 6:58pm.

Planner Marchek stated that Ms. Lehnerz is asking to have five (5) four (4) person tables in front of her establishment where customers would be allowed to consume alcohol. He stated that the CUP lists the following conditions which Ms. Lehnerz in agreement with:

1. The use of the premises shall be in substantial conformity with the permittee's written description submitted with the application and the presentation at the public

- hearing held before the Village of Slinger Planning Commission except as further limited or restricted herein.
2. This CUP is being issued to Vicki Lehnerz d/b/a Skinny Vic's Diner and Coffee Stop. This permit shall automatically terminate if there is a change in tenancy at the subject property or a change of ownership of the subject business. Upon a change of tenancy at the property or a change of ownership of the subject business, the new owner(s) and/or tenant(s) of the property may apply to the Village for permission to continue the conditional use.
 3. Outdoor alcohol beverage sales, service or consumption shall be permitted on a 10ft x 46ft sidewalk area in front of the leased space. The area may contain a maximum of 5 four person tables. No tables shall be placed in front of the entrance door.
 4. Days and hours of operation shall be limited as follows:
 - a. Tuesday thru Thurs 6:00am to 4:00pm
 - b. Friday 7am thru 9pm
 - c. Saturday & Sunday 6am-6pm.
 5. No additional signage shall be displayed beyond the signage that is approved for the indoor portion of the establishment.
 6. Outdoor beverage sales, service & consumption shall be permitted in a roped off area shown on attached map approximately 75 ft x 100ft. on the first & third Saturdays of the month May – September during car/bike shows.
 7. As a condition precedent to the CUP taking effect, the Permittee shall receive approval from the Village of Slinger Village Board for a Class B alcoholic beverage license that includes an outdoor licensed premises area. The following additional requirements shall apply:
 - a. Notwithstanding any area description shown within this conditional use permit or by reference, the use allowed by this conditional use permit is further restricted to the licensed premises area as specifically approved by the Village Board in its alcoholic beverage license approval. In the event the Village Board approves an outdoor alcoholic beverage licensed premises area that is outside the area approved by this CUP, the limits of this CUP are not thereby changed.
 - b. In the event of revocation or non-renewal of the Permittee's alcoholic beverage license, this CUP shall automatically terminate without notice or further action required. The owner/operator may thereafter apply for a new CUP in compliance with all then-applicable laws and procedures.
 8. Any changes or expansion not included in this CUP shall require approval by the Village as an amendment to this CUP.
 9. This CUP is subject to amendment and termination in accord with provisions of the Village's Zoning Code Ordinance and other applicable municipal codes, including but not limited to Section 4.00 entitled "Conditional Uses".
 10. As a condition precedent to the CUP taking effect, the Permittee is required to accept the terms and conditions of the same in its entirety in writing, and the Property Owner is required to approve the issuance of the CUP on terms described herein.

Ms. Lehnerz was present for the meeting and stated that she had spoken with the owners of the shopping centers and they are in favor of this request.

Discussion was held on the hours of alcohol sales and the issue of parking. Planner Marchek noted that if the CUP is approved, staff will update the current Class B license to reflect the newly added area.

Motion Moritz/Stuettgen to approve a request from Vicki Lehnerz d/b/a Skinny Vic's Diner & Coffee Stop for a Conditional Use Permit for the sale and consumption of alcoholic beverages at 335 E. Washington St. (Property Owner Joyce Weyer) with the list of conditions presented above. Motion approved.

C. Consider proposed amendment which would add "Auditoriums, Theaters, and Similar Places of Public Assembly" to the list of permitted uses allowed in the Village's I-1 Institutional District.

Chairman Brandt read the notice of public hearing for this matter and stated that all posting requirements had been met. Clerk Tennes informed the Commission that no comments on the action had been received prior to the meeting.

Chairman Brandt opened the hearing for public comment at 7:07pm. There being no comments, the public comment portion of the hearing was closed at 7:07pm.

Planner Marchek stated that the proposed zoning text amendment was discussed at the March 16, 2016 Commission meeting to facilitate the construction of the proposed auditorium at the high school.

Motion Fredericks/Stuettgen to recommend to the Village Board an amendment which would add "Auditoriums, Theaters, and Similar Places of Public Assembly" to the list of permitted uses allowed in the Village's I-1 Institutional District as presented. Motion passed.

D. Consider proposed amendment which would add Construction Services/Contractor Shops" to the list of conditional uses in the Village's B-1 Business District.

Clerk Tennes read the notice of public hearing for this matter, stated that all posting requirements had been met and informed the Commission that no comments on the action had been received prior to the meeting.

Chairman Brandt opened the hearing for public comment at 7:10pm. There being no comments, the public comment portion of the hearing was closed at 7:10pm.

Planner Marchek stated that this item was discussed in concept at the March 16, 2016 Commission meeting and recommended for a public hearing.

Motion Stuettgen/Moritz to recommend to the Board an amendment which would add Construction Services/Contractor Shops" to the list of conditional uses in the Village's B-1 Business District. Motion passed.

E. Consider request from Scott Mahnke d/b/a NIS/Mahnke Enterprises, LLC for a Conditional Use Permit for the Use and Operation of a Construction Services/Contractor Shop located at 411 Kettle Moraine Dr. S (Property Owner Elaine Burg)

Chairman Brandt read the notice of public hearing for this matter and stated that all posting requirements had been met. Clerk Tennes informed the Commission that no comments on the action had been received prior to the meeting.

Chairman Brandt opened the hearing for public comment at 7:13pm. There being no comments, the public comment portion of the hearing was closed at 7:13pm.

Planner Marchek stated that the draft CUP reflected the conditions he had previously discussed with Mr. Mahnke.

Mr. Mahnke was present for the meeting and stated that the conditions within the CUP were acceptable.

Motion Erovick/Fredericks to approve the Conditional Use Permit for Scott Mahnke d/b/a NIS/Mahnke Enterprises, LLC for a Conditional Use Permit for the use and operation of a Construction Services/Contractor Shop located at 411 Kettle Moraine Dr. S (Property Owner Elaine Burg) as presented. Motion passed.

4. Unfinished Business, Review & Action Thereon: None

5. New Business, Review & Action Thereon:

A. Site and Architectural Plans for a 1,092 Sq. Ft. 3-stall detached garage at 105 E. Washington Street (Property Owner Larry Gundrum).

Planner Marchek stated that typically a residential garage does not need to come before the Commission for approval, but the subject property is located in the B-1 Commercial District and approval from the Commission is required for accessory buildings in the B-1 District.

Planner Marchek noted that approval for the site and architectural plans is recommended subject to the following conditions:

1. Delineating the proposed driveway on the survey map.
2. A requirement to pave the driveway within 12 months of initial occupancy of the garage, according to Section 5.03 (E) of the Zoning Code.
3. Assuring that new light fixtures not be directed onto neighboring properties.

Motion Stuetgen/Fredericks to approve site and architectural plans for a 1,092 sq. ft. 3-stall detached garage at 105 E. Washington St. with the conditions presented. Motion passed.

B. Extraterritorial CSM in the NE ¼ of Sec 34 in the Town of Polk to divide a 30.71 acre parcel into 2 lots, one 11.69 acres along Fond du Lac Ave and one 18.50 acres accessed from Scenic Road (Property Owner Zignego Bros. LLC)

Planner Marchek stated that the proposed CSM would divide the subject parcel into two lots as shown and contains an existing concrete batch plant including an office building and aggregate

bins and six mini-storage buildings fronting along Fond du Lac Avenue. He stated that the primary purpose of the land division is to split the parcel into 2 lots to separate the two business entities which are both owned by the Zignego family. Planner Marchek stated that land uses on the property will not be changing and that the Town of Polk had approved the CSM at their April meetings. It was noted that the Village's Extraterritorial Jurisdictional Area extends 1.5 miles from the Village's Corporate limits and that the subject parcel is located approximately .4-mile from the nearest village limit at the southeast edge of the Pleasant Farm subdivision. Planner Marchek noted that the subject parcel is outside the Village's Year 2025 plan limits and is also outside the Village's long-range sanitary sewer service area.

He also noted that the packet included excerpts from the Village's Land Division Ordinance that lists certain findings that the Commission needs to make to approve non-residential land divisions in the extraterritorial area.

He also stated that should the Commission recommend approval, the following conditions should be included:

1. Any requirements or conditions imposed by the Town of Polk.
2. Any requirements of Washington County.
3. Any requirements of the Commission.

After a brief discussion, the commission agreed that the proposed land division met the conditions in the land division ordinance applicable to non-residential land divisions in the extraterritorial area.

Motion Fredericks/Erovick to recommend to the Board the extraterritorial CSM in the NE ¼ of Sec 34 in the Town of Polk to divide a 30.71 acre parcel into 2 lots, one 11.69 acres along Fond du Lac Ave and one 18.50 acres accessed from Scenic Road with the conditions noted above. Motion passed.

C. Site and Architectural Plans for a 8,175 Sq. Ft. Body Shop and Car Wash addition to the southeast corner of the Uptown Motorcars Chrysler-Dodge-Jeep Building at 1111 E Commerce Blvd. (Property Owner Glenn Pentler; Architect is TDI Associates, Inc.)

Planner Marchek stated that this proposed building addition is located at the southeast corner of the Uptown Motorcars Chrysler-Dodge-Jeep building and is considered an accessory use to the principle use of vehicle sales and service, so a Conditional Use Permit is not required. He stated that the colors must match the existing buildings and that the fire department had no comments on the project.

It was noted that the architect/designer on the project needs to speak with the Village Building Inspector concerning the duct work.

Approval is recommended subject to the following conditions:

1. Screening of any mechanical equipment either roof-mounted or ground-mounted.

Motion Stuetgen/Fredericks to approve site and architectural plans for a 8,175 sq. ft. body shop and car wash addition to the southeast corner of the Uptown Motorcars Chrysler-Dodge-Jeep building at 1111 E Commerce Blvd as presented. Motion passed.

D. Site, Architectural, and Landscaping Plans for a 6,414 Sq. Ft. Medical Building/Dialysis Clinic on a vacant lot at 631 Lou's Way (Property Owner Warren Real Estate Venture, LLC; Brubaker Architects; R.A. Smith Engineers)

Planner Marchek stated that the proposed medical office building is a permitted use and as such, no Conditional Use Permit is required.

Discussion was held on the history of the Wisconsin Department of Transportation's (WIDOT) authority to regulate access onto STH 60. That authority was used in 1994 when the WIDOT required the driveway that would serve the Burger King lot be located about 250ft. north of STH 60. That 250ft. was to provide room for queuing of southbound school buses using Lou's Way. The purpose of the 250ft. queuing area was to assure that stopped school buses would not block access into or out of the Burger King driveway.

Planner Marchek noted that the site plan submitted proposes a joint driveway serving Burger King and the new medical building. He stated that the joint driveway is proposed to be widened and would exceed the maximum code regulated driveway width of 30ft. at the road right-of-way line and 35ft. at the curb line. He stated that the proposed driveway would be 52ft. at the right-of-way line and 56 ft. at the curb line.

Planner Marchek stated that the proposed plan also is short of green space by 2%. He noted that developers of the proposed project need to work with the owners of the Burger King property to obtain certain easements for site utilities and access.

Dave Kurz, representing Warren Real Estate Ventures, Kurt Klapperich, Broker for CBRE and David Brubaker, Brubaker Architects, all working on the medical building/dialysis clinic project, were present for the meeting.

Discussion was held on the 2% green space shortfall, along with the detention basin and the roof top mechanical equipment. It was noted that if geoblocks, which are porous paved blocks, could be used for six (6) parking spaces south of the building, it would make up the 2% shortfall of green space. It was noted that if the plan was left as is, it would need to go before the Board of Appeals to ask for a variance.

Planner Marchek stated that screening of any mechanical equipment either roof-mounted or ground-mounted is required.

Engineer Haggerty stated that he has concerns about obtaining utility easements on the property and that the existing laterals serving the project property may already be connected to Burger King.

Mr. Brubaker provided the exterior sample materials for the building. He stated that the exterior material would be brick and cast stone. It was noted that the entire building will be masonry and exceeds the Village's requirement for the B-2 Commercial District.

Discussion was held on the landscaping plan.

Commissioner Fredericks stated that he would like to see all 12 of the Techny Arborvitaes on the landscaping plan be replaced with Holmstrup Arborvitaes because the Holmstrup should not grow as high as the techny, but should grow to reach a 5ft. diameter. He also noted that the plantings should be located around the dumpster enclosure.

Mr. Brubaker stated that he had brought the lighting plans for the Commissions review.

Discussion was held on the lighting plans and there were no concerns.

Motion Fredericks/Erovick to approve the Site, Architectural, Landscaping and Lighting Plans for a 6,414 Sq. Ft. Medical Building/Dialysis Clinic on a vacant lot at 631 Lou's Way with the following conditions:

1. Screening of any mechanical equipment either roof-mounted or ground-mounted.
2. Any requirements of the Village Engineer.
3. Replace twelve (12) Techny Arborvitae with twelve (12) Holmstrup Arborvitae on the landscaping plan.
4. Approval of the lighting plan as presented.
5. Granting a driveway width exception to allow the joint driveway to be 52ft. wide at the right-of-way and 56ft. at the curb line.
6. Paving the six (6) south parking spaces with geoblocks to fulfill the 25% green space requirements.

Motion passed.

6. Status Reports: None

7. Adjourn Meeting:

Motion Stuetgen/Erovick to adjourn at 8:26pm. Motion passed.

Approved By:

Russell E. Brandt, Chairperson

Drafted by: Tammy Tennes, Village Clerk