

MINUTES OF THE VILLAGE PLANNING COMMISSION MEETING
June 15, 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 6:33 pm on Wednesday, June 15, 2016 in accordance with the Notice of Meeting delivered to the members on Friday, June 10, 2016.

1. Roll Call & Notice of Meeting:

Planning Commission Members	<u>Present</u>	<u>Absent</u>
Russell Brandt, Chairman	x	
Craig Bolt	x	
Chris Cagle	x	
Elida Erovick	x	
Lee Fredericks	x	
Bryant Moritz	x	
Robert Stuetgen	x	
	7	0

Also Present: Jessi Balcom, Village Administrator
Marty Marchek, Village Planner
Jim Haggerty, Village Engineer
Margaret Wilber, Treasurer

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 5-11-2016

Motion Fredericks/Stuetgen to approve Planning Commission minutes from 5-11-2016 as presented. Motion passed.

3. Public Hearings & Action Thereon:
A. Consider Request from Anna Koehnke d/b/a The Amber Inn for a Conditional Use Permit for the Outdoor Sale & Consumption of Alcoholic Beverages at 101 W Commerce Boulevard/STH 60

Chairman Brandt announced the reason for the public hearing. Treasurer Wilber read the notice and stated that all publication requirements had been met. She informed the Commission that Ms. Koehnke had presented a letter from her neighbors to be read into the record:

June 4, 2016: Slinger Village Board, We are writing in regards to the permit applied for by Ann Koehnke for the Amber Inn. We live at 5097 State Road 60, Slinger WI 53086. That is the property directly east of the Amber Inn. We have owned this property since 1988. We are probably one of the closest neighbors to the business.

In the 28 years we have lived here we have never had any problems with the Amber Inn or its patrons. They have always run a top notch, high quality business. There have never been any issues with fighting or noise. Honestly we have more noise problems with the highway. Therefore we have no problems whatsoever with her permit request being granted.

Signed, Gary W Tackes, Vicki L Tackes, Ivan Schall, Melinda Schall,
B Schaefer

Chairman Brandt opened the hearing to public comment at 6:37pm. There being no public comment, the hearing was closed to public comment at 6:38pm.

Planner Marchek informed the Commission that the draft permit presented for their review was based on the petitioner's requests. Commission members asked if the 2am ending time was necessary. Ms. Koehnke stated it was very unlikely that she would have patrons outside that late as she is usually not open that late, but she was requesting the maximum time to make sure she stayed in compliance with regulations. She stated she has 4 ¼ acres so the parcel is large enough to accommodate this activity without disturbing any neighbors. Commission members asked about the 9am starting time and Ms. Koehnke stated she only requested that because that is her opening time, but this could be changed if needed.

Discussion was held on the location of this property, which is along a highway and separated from residential parcels both by distance and elevations. Commission members stated the siting of the outdoor area was appropriate since it would be away from the highway.

Motion Stuetzgen/Moritz to approve the Conditional Use Permit for the outdoor sale and/or consumption of alcoholic beverages at 101 W Commerce Boulevard to Anna Koehnke d/b/a The Amber Inn subject to the amendment of condition #4 to read "Days and hours of outdoor operation may be as follows: a) Daily 12pm – 2am"; carried unanimously.

B. Consider Request from Gregory Chiconas d/b/a the Raceway Bar & Grill, LLC for a Conditional Use Permit for the Outdoor Sale & Consumption of Alcoholic Beverages at 711 E Washington Street/STH 175

Chairman Brandt announced the reason for the public hearing. Treasurer Wilber read the notice and stated that all publication requirements had been met. She informed the Commission that no comments had been received prior to this meeting.

Chairman Brandt opened the hearing to public comment at 6:48pm. Rick Kohl, 911 Woodview Court, asked if the Police Department had expressed any concerns regarding any of these petitions. Planner Marchek stated that the police were consulted on license applications and there were no objections raised. There being no further comment, Chairman Brandt closed the public comment portion of the hearing at 6:50pm.

Planner Marchek informed the Commission that the permit presented to them for review was drafted according to the requests of the petitioner. Commission members asked about the request for amplified music. Mr. Chiconas explained this was only so patrons could take a radio outside if they wanted. He stated he had no intention of piping music out there.

Commission members discussed why the front area would be needed when the back area being proposed is already pretty large. Mr. Chiconas explained that the front area was meant more for smokers to have an area where they can take a drink with them when they go outside to smoke. He stated that presently people going outside to smoke tend to stay around the entrance and he does not want his other patrons to have to go through a smoking area to enter the building. He stated he plans to have some tables out there for people to enjoy food as well. Mr. Chiconas stated that food service is around 50% of his business now.

Commission members asked about the layout for the back area since it does not connect to the building at all. Mr. Chiconas stated the back area would be service only and patrons would not be allowed to carry their beverages outside of the roped-off area. Discussion was held on the likelihood that customers would want to carry alcoholic beverages back into the building themselves. Mr. Chiconas stated this would not be allowed. Administrator Balcom informed Mr. Chiconas that alcohol found outside of the designated area would be a violation of the permit and could lead to revocation. He stated he felt confident that he would be able to control this through roping off the area and with sufficient signage. Planner Marchek stated that Condition #5 would have to be amended to read that additional signage shall be displayed to notify patrons they cannot leave either area with any alcoholic beverages.

The Commission reviewed the hours proposed and asked Mr. Chiconas why he was requesting until 11pm only. Mr. Chiconas stated he did not believe it would be necessary to have alcoholic beverages outside any later than that, but if the Commission wished to extend those hours he would agree.

Motion Moritz/Stuettgen to approve the Conditional Use Permit for the outdoor sale and/or consumption of alcoholic beverages at 711 E Washington Street to Greg Chiconas d/b/a Raceway Bar & Grill LLC subject to the amendment of condition #4 to read "Days and hours of outdoor operation shall be limited as follows: a) Daily 11am – 12am" and the amendment of condition #5 to read "Additional signage shall be displayed to notify patrons that no alcoholic beverages are allowed outside of designated areas"; carried unanimously.

C. Consider Request from Mike Duchelle d/b/a Nite Owls for a Conditional use Permit for the Outdoor Sale & Consumption of Alcoholic Beverages at 121 Kettle Moraine Drive N

Chairman Brandt announced the reason for the public hearing. Treasurer Wilber read the notice and stated that all publication requirements had been met. She informed the Commission that one comment had been received prior to this meeting to be read into the public record:

June 2, 2016: Slinger Planning Commission, Dear Sirs: In connection with Nite Owls request to be able to have people consume alcohol in the patio area I would like to strongly object. I own the home located at 115-117 Kettle Moraine Drive N. The patio area is 25 feet from my building.

When people are outside consuming alcohol some tend to get very loud, especially late at night. There were instances in the past with the prior owner where people were out in this patio area drinking late at night and they could very clearly be heard inside my house. Imagine if there were a group of people consuming alcohol 25 feet from your home making noise late into the evening and early morning hours. You can't tell me that this would be acceptable to anyone.

Also, while it only happened a couple of times, there were instances in the past where there have been broken beer bottles on my driveway. And this happened when people were not allowed to drink in the patio area.

Not only would this have a severe negative effect on the value of my property, this is the type of thing that could easily escalate into a very ugly situation. Loud noise disturbing a neighbor late at night was the initial cause of a very unfortunate incident just a few doors down the street from my home a few years ago.

The reason for the current ordinance against the outdoor consumption of alcohol was to prevent these types of situations from ever taking place. Those reasons are still valid. I would hope that everyone on the planning commission would vote against this request.

I'm sorry that I will not be able to attend the meeting in person but I will be gone on vacation June 15th. Please read this letter at the public hearing. Thank you.

Sincerely, Larry Gundrum

Chairman Brandt asked staff for information on the conditions placed on the conditional use permit issued to the Slinger House, which is located near this business. Staff provided a copy of the Slinger House permit and informed the Commission that the hours allowed for that establishment are 11am-11pm Monday through Thursday, 11am-12am Friday and Saturday, and 11am-9pm Sunday. Mr. Duchelle stated he had requested the hours listed in his petition because they matched his hours of operation, but he would work with any hours the Commission considered appropriate.

Discussion was held on the location and its proximity to residential properties. Commission members also commented on the fact that the problems mentioned in the comment letter were experienced during a previous ownership. Mr. Duchelle informed the Commission that was why he did not apply for an outdoor alcohol permit last year, because he wanted to prove himself to the community and show that he is a responsible business owner. He stated he owns another establishment in Allenton and has never had any problems there. Commission members discussed the proposed hours and agreed that they should be changed to no later than 10pm Sunday through Thursday and 11pm on Friday and Saturday.

Motion Moritz/Stuettgen to approve the Conditional Use Permit for the outdoor sale and/or consumption of alcoholic beverages at 121 Kettle Moraine Drive N to Mike Duchelle d/b/a Nite Owls subject to the amendment of condition #4 to read "Days and hours of outdoor operation shall be limited as follows: a) Monday 4pm-10pm, b) Tuesday-Thursday 3pm-10pm, c) Friday & Saturday 11am-11pm, d) Sunday 11am-10pm" and the amendment of condition #5 to read "Additional signage shall be displayed to notify patrons that no alcoholic beverages are allowed outside of designated area"; carried unanimously.

4. Unfinished Business, Review & Action Thereon:

A. Conceptual Review No. 2 of Expanding the Dairyland Commercial Condominiums at 120 Commerce Boulevard/STH 60 by Adding 3 Parcels and Constructing New Mixed Commercial/Residential Buildings (Representative is Julian Laufer)

Julian Laufer appeared before the Commission to present some exhibits based on previous plans and a wetland delineation that he had obtained from Cornerstone Land Surveying, LLC. He explained that Exhibit A shows the existing condo plat. Planner Marchek informed the Commission that the two buildings proposed on this plat are already an entitlement on that parcel. Mr. Laufer stated that Exhibit B shows a new condo plat, and Planner Marchek explained that these changes would require a new plat for review and approval. He stated that the uses proposed for the new buildings would be allowed in the existing zoning. Mr. Laufer stated that Exhibit C was just an overview of the parcels in this area, and Exhibit D is the wetland delineation map created on June 1, 2016.

Mr. Laufer presented Exhibit E to the Commission and stated this was a very rough draft of the proposed locations for 7 potential buildings. Planner Marchek discussed his review of these items and stated one of the first concerns was stormwater management and setbacks from the wetlands area. He explained that as odd as it may sound, a development is not allowed to discharge stormwater directly into a wetland area; a stormwater pond is still needed to help filter the runoff before it gets to the wetland. Planner Marchek stated that the minimum setbacks from the wetland would be 25' horizontal and 2' vertical.

Planner Marchek stated there would also need to be more information on road access to the parcel. Mr. Laufer stated he planned to use the 30' easement for this, but Planner Marchek stated the exhibit didn't show any turnaround area for large trucks or emergency vehicles. Parking issues were also discussed for the proposed buildings and the existing development.

Engineer Haggerty reviewed his comments on the proposal and stated that the DNR had recently issued new wetland delineation procedures that would have to be followed. Mr. Laufer stated that this delineation has been submitted to DNR and his surveyor expected to receive a letter of concurrence within the next 2 weeks. Engineer Haggerty stated he would need to see that once it's received. Engineer Haggerty informed the Commission that due to the recent changes in the DNR requirements for stormwater facilities, he would need to conduct additional research on any other restrictions concerning construction on the site. Planner Marchek stated that research may also be needed for the original parcel to determine if the new DNR regulations might impact any new construction on that site as well.

Mr. Laufer stated he would still like to develop the northern most parcel completely as residential and asked if the Commission would consider that option. Commission members stated that a mixed use development appeared to be the best use for that parcel, considering the commercial property that would have to be used to access the property. Mr. Laufer was encouraged to continue developing his plans, and staff was asked to research the stormwater issues that would have to be dealt with for this parcel.

5. New Business, Review & Action Thereon:

A. Consider Architectural Plan for Re-siding Portions of the Building and Consider Site Plan to Pave Portions of the Parking Lot at the Raceway Bar & Grill at 711 E Washington Street/STH 175 (Property Owner Greg Chiconas)

Planner Marchek discussed the proposed improvements and provided background information on the Village's Code 10.04 on Design Review Criteria. He stated that the Village had established design standards to be applied to all new or existing buildings, but the code was written to give the Commission latitude to adapt those standards for existing buildings in cases where code compliance would be impractical or cause undue hardship. He informed the Commission that neither of these improvements met the design criteria as listed in the code, but since this is an existing building the Commission should consider all circumstances when making their decision.

Mr. Chiconas informed the Commission that he would like to re-side only a portion of his building and paint the remainder so it would all match and give a more consistent look. He stated it was his opinion this would improve the look of the building, even though it would not meet the minimum 30% masonry requirement.

Discussion was held on the proposed paving and Mr. Chiconas informed the Commission that the paving would come up to the concrete approach already located at the property's entrance to STH 175. Planner Marchek explained that this proposal did not meet the code requirement since it did not include curb and gutter, nor were there any stormwater drainage facilities planned. Engineer Haggerty stated that the grading of this parcel already created a flow of water away from the road. He stated it was his opinion that paving this area would be a definite improvement to the property since it would increase erosion control.

Commission members discussed both of the proposed improvements and agreed that the unique circumstances of the property justified a deviation from the code requirements. Commission members commended Mr. Chiconas on his efforts to improve the appearance of the property and stated that requiring improvements as if this were a new construction would create undue hardship.

Motion Moritz/Cagle to waive full compliance of the related codes in order to avoid creating undue hardship and approve the proposed re-siding project and paving at 711 E Washington Street with the condition that the paving abuts the existing concrete approach; carried unanimously.

B. Consider Landscaping Plan for Cul-de-Sac Island in Patriot Court in Phase 4 of the Hickory Heights North Subdivision (Owner/Developer John Bohn d/b/a Bohn Building & Development LLC)

Planner Marchek explained the history behind this review requirement. Mr. Bohn presented his plan and stated it would be similar to other island landscaping in the area. Commission members asked about lighting that may be needed for the flagpole and Mr. Bohn explained that the flag will be located along the western side of the island, so the light provided by the streetlight should be adequate. He informed the Commission that the homeowners association is already responsible for the long-term maintenance of this island.

Commission members discussed the plantings proposed and stated they would prefer to see a mix of evergreen and deciduous trees. Mr. Bohn stated he would amend his plan to include 3 evergreens of white pine or spruce and 2 maple trees, along with the spirea bushes shown on the plan.

Motion Fredericks/Moritz to approve the landscaping plan for the Patriot Court cul-de-sac to include 3 6-ft evergreen species, 2 2-inch diameter sugar maple, and spirea bushes as presented; carried unanimously.

6. Status Reports: None

7. Adjourn Meeting:

Motion Stuetgen/Moritz to adjourn at 8:57pm; carried unanimously.

Approved By:

Russell E. Brandt, Chairperson

Drafted by: Margaret Wilber, Village Treasurer