

**MINUTES OF THE VILLAGE PLAN COMMISSION MEETING
September 14, 2016**

The meeting of the Plan Commission of the Village of Slinger was called to order by Chairman Brandt at 300 Slinger Road, Slinger, WI, at 6:30 pm on Wednesday, September 14, 2016 in accordance with the Notice of Meeting delivered to the members on Friday, September 9, 2016.

1. Roll Call & Notice of Meeting:

Plan 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, excused
Robert Stuetgen	x	
	6	1

Also Present: Jessi Balcom, Village Administrator
Marty Marchek, Village Planner
Jim Haggerty, Village Engineer
Tammy Tennes, Village 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. Plan Commission Minutes From 8-17-2016**

Motion Stuetgen/Fredericks to approve Plan Commission minutes from 8-17-2016 as presented.
Motion carried

**3. Public Hearings & Action Thereon:
A. Consider Request from Tony Herrera d/b/a Polanco Mexican Restaurant for a Conditional Use Permit to Allow the Outdoor Sale & Consumption of Alcoholic Beverages at 1058 E Commerce Blvd/STH 60 (Property Owner Suresh K. Misra d/b/a Dove Plaza Real Estate).**

Chairman Brandt announced the reason for the public hearing. Clerk Tennes read the notice and stated that all publication requirements had been met. She informed the Commission that no comments had been received by staff.

Chairman Brandt opened the hearing to public comment at 6:33pm. There being no public comment, the hearing was closed to public comment at 6:34pm.

Planner Marchek stated that the applicant is requesting a Conditional Use Permit (CUP) for outdoor sale and consumption of alcoholic beverages on the sidewalk area directly in front of the

subject property. He noted that the seating area would consist of 4-5 round tables with four persons seated at each table and the hours of operations would be 11am -12am daily on a year-round basis. Planner Marchek also noted that this property had received prior approval for a similar CUP with the previous tenant.

It was noted that there were no prior complaints about the outdoor sale and consumption of alcoholic beverages when the previous tenant was allowed to do so.

Motion Stuetgen/Cagle to approve the request from Tony Herrera d/b/a Polanco Mexican Restaurant for a Conditional Use Permit to allow the outdoor sale & consumption of alcoholic beverages at 1058 E Commerce Blvd/STH 60 (Property Owner Suresh K. Misra d/b/a Dove Plaza Real Estate) as presented. Motion passed.

B. Consider Request From Tracey Diehl d/b/a Expedite the Diehl Permit Services Acting as agent on behalf of Westbury Bank, property owner of the Seven Hills Center located at 1195 E Commerce Blvd/STH 60. for a Conditional Use Permit to allow the enlargement of the Westbury Bank sign panel and electronic message sign within the masonry master identification sign located along E. Commerce Blvd/STH 60.

Chairman Brandt recused himself for this public hearing as he is on the board for Westbury Bank. Commissioner Fredericks announced the reason for the public hearing. Clerk Tennes read the notice and stated that all publication requirements had been met. She informed the Commission that no comments had been received by staff.

Commissioner Fredericks opened the hearing to public comment at 6:40pm. There being no public comment, the hearing was closed to public comment at 6:41pm.

Planner Marchek stated that the applicant is requesting a CUP to enlarge both the Westbury Bank sign panel and the electronic message sign within the masonry master identification sign for the Seven Hills Center. He stated that the existing sign was first approved by issuance of a CUP by the Plan Commission in May of 2006 in conjunction with the initial construction and opening of the Seven Hills Center. It was noted that the requested modifications consist of the following:

1. Enlarging the area of the static "Westbury Bank" panel from about 18 sq. ft. to 29.6 sq. ft.
2. Enlarging the area of the electronic changing message sign from about 14 sq. ft. to 24.8 sq. ft.
3. Repositioning the "Seven Hills Center" lettering to be above the static "Westbury Bank" panel.

Discussion was held on the illumination of the new LED lights being proposed for the electronic sign and who would be allowed to put messages on the sign.

Mr. Tim McGrath, representing Lemberg Electric, was present for the meeting. He stated that only Westbury Bank would be putting messages on the sign and that illumination numbers were given to the Village of Slinger Building Inspector.

It was noted that a sign permit is necessary for both temporary and permanent signage and that the Village Inspector would be issuing that.

Planner Marchek stated that the current code does not address standards for illumination and if there would be complaints regarding the lighting on the sign, the police department would handle the initial complaint and if needed, the CUP would come before the Commission again for review. He stated that at this time the CUP request is before the Commission due to the size of the sign being requested.

Motion Stuetgen/Bolt to approve the request from Tracey Diehl d/b/a Expedite the Diehl Permit Services Acting as agent on behalf of Westbury Bank property owner of the Seven Hills Center located at 1195 E Commerce Blvd/STH 60. for a Conditional Use Permit to allow the enlargement of the Westbury Bank sign panel and electronic message sign within the masonry master identification sign located along E. Commerce Blvd/STH 60. as presented. Motion passed.

C. Consider Request From Wendy & Dale Drifka d/b/a Preferred Landmarks, LLC and True Position, Inc., for a Conditional Use Permit to allow the use and operation of a used vehicle sales and display lot in the front/north parking lot on the True Position Site at 1041 E. Commerce Blvd/STH 60 including signage related thereto.

Chairman Brandt announced the reason for the public hearing. Clerk Tennes read the notice and stated that all publication requirements had been met. She informed the Commission that no comments had been received by staff.

Chairman Brandt opened the hearing to public comment at 6:56pm. There being no public comment, the hearing was closed to public comment at 6:57pm.

Planner Marchek stated that the applicants are requesting to rent parking spaces in the front (north) parking lot on the True Position site along the south side of E. Commerce Blvd/STH 60 to allow renters to sell vehicles (cars, trucks, RV's, boats, etc). He stated that the subject site is zoned B-2 Commercial District and a Conditional Use Permit (CUP) is required in the B-2 district for the requested use. Planner Marchek stated that the requested sales and display operation proposes to provide a location for sellers of vehicles to display, negotiate and sell their vehicles. He stated that the requested display area would consist of 20 existing parking spaces in front of the Tru Position building and the applicants are requesting a ground-mounted sign stating "Park & Sell Private Sales" and a phone number that would be approximately 4 ft. high and 8 ft. wide (32 sq. ft. per side) and would be mounted on the gray painted panel below the existing "Tru-Position, Inc." sign.

Planner Marchek stated that he was unaware of any licenses necessary from the state to operate such a business. He stated that the proposed sign in conjunction with the "Park and Sell" private sales operation would require a CUP permit.

Mrs. Wendy Drifka provided the Commission with an email from Ms. Lisa Belstner of the Wisconsin Dept. of Transportation Division of Motor Vehicles which stated that a retail dealer license is only required when a person is selling vehicles to the general public. Mrs. Drifka stated that she has had several people interested in renting a parking space because of the good location and visibility on STH 60. She noted that they are only renting a space and are not involved in the sale of any vehicle.

Discussion was held on the signs that would be on or in the vehicles and the condition of the vehicles.

It was noted that the Drifka's would be responsible for winter maintenance of the lot.

Motion Fredericks/Stuettgen to approve the request from Wendy & Dale Drifka d/b/a Preferred Landmarks, LLC, for a Conditional Use Permit to allow the use and operation of a used vehicle sales and display lot in the front/north parking lot on the True Position Site at 1041 E. Commerce Blvd/STH 60 including signage related thereto with the following changes to the CUP conditions.

1. Remove True Position Inc. from #1
2. Replace (TBD) in #9 to Daily 6am-10pm
3. Add #10 to read, "All displayed vehicles shall be full and complete and deemed legally operable per WI DOT regulations".
4. Add #11 to read, "Each vehicle shall include its own signage contained within the confines of each vehicle and NO additional signage, banners, flags or the like will be permitted on the outside of any vehicle parked for private sale".

Motion passed.

4. Unfinished Business, Review & Action Thereon:

A. Review Proposed Revisions to Fencing Regulations in the Zoning Code and Set Public Hearing Date Related Thereto

Administrator Balcom stated that staff had revised residential and decorative fences as requested by the Commission. She stated that if the Commission finds these changes satisfactory, then staff will move ahead and publish a notice for a public hearing.

The Commission stated that the Ordinance regarding fencing regulations is satisfactory and recommended setting a public hearing.

B. Architectural, Landscaping and Revised Site Plan for Phase 3 of Hillside Terrace South Apartments Consisting of Two 8-Unit Buildings Along the South Side of Cedar Bluffs Way (Developer Kevin Dittmar d/b/a Hillside Terrace, LLC).

Mr. Kevin Dittmar, developer of Hillside Terrace LLC, appeared before the Commission and stated that he did not have any plans to present to the Commission, but the plans for Phase 3 are identical to the two previous Phases of the Hillside Terrace development.

Planner Marchek stated that the site plan shows the five (5) additional parking spaces as requested by the Plan Commission.

It was noted that Mr. Dittmar needs to provide the Village Building Inspector with a plan elevation for Phase 3 of Hillside Terrace South apartments.

Engineer Haggerty made an inquiry about street trees. He stated that there are street trees on the north side of Cedar Bluffs Way and not on the south side.

Mr. Dittmar stated that he would work with Engineer Haggerty to confirm that public street trees would be planted on the south side of Cedar Bluffs Way to match what is on the north side of Cedar Bluffs Way.

Motion Fredericks/Erovick to approve architectural, landscaping and revised site plan for Phase 3 of Hillside Terrace South Apartments consisting of two 8-unit buildings along the south side of Cedar Bluffs Way, including street trees on the south side of Cedar Bluffs Way as presented. Motion passed.

5. New Business, Review & Action Thereon:

A. Extraterritorial Certified Survey Map (CSM) in the NE ¼ of Section 6 in the Town of Polk to Divide a 2.732 Acre Parcel into 2 Lots, One 1.354 Acre Lot Containing an Existing Home and a Vacant 1.378 Acre Lot Located at the Southwest Corner of the Intersection of CTH K and Rolling Hills Drive (Property Owners Peggy & Randy Krebs)

Planner Marchek stated that the proposed CSM would divide the 2.732 acre parcel into two lots, one containing the Krebs existing home and the second being a vacant lot located at the SW corner of CTH K & Rolling Hills Drive. He stated that the Village's Extraterritorial Jurisdictional Area extends 1.5 miles from the Village Corporate Limits and that the subject parcel is located approximately .6 of a mile from the nearest Village limit. Planner Marchek also noted that the subject parcel is outside of the Village's Year 2025 Plan limits and the Village's long-range Sanitary Sewer Service area.

It was noted that the Town of Polk has approved the CSM.

Planner Marchek stated that he had provided the Commission an excerpt from the Village's Land Division Ordinance which lists the criteria applicable to this non-agricultural residential land division.

Planner Marchek read section 7.06E3(e) regarding Non-agricultural or Residential Subdivisions or Land Divisions and noted that each of the four (4) criteria that pertained to this extraterritorial CSM have been met.

It was noted that there are no requirements or conditions imposed by the Town of Polk, Washington County or the Slinger Plan Commission for this extraterritorial CSM.

Motion Fredericks/Bolt to recommend to the Village Board the extraterritorial CSM in the NE ¼ of section 6 in the Town of Polk to divide a 2.732 acre parcel into 2 lots, one 1.354 acre lot containing an existing home and a vacant 1.378 acre lot located at the southwest corner of the intersection of CTH K and Rolling Hills Drive (Property Owners Peggy & Randy Krebs) as presented. Motion passed.

B. Conceptual Review of a Proposal to Conduct a Peat Mining Operation Resulting in Creation of a Wildlife Habitat Area at the 60 Acre Former Adams Sod farm in the SE & SW ¼ of Section 12 (Applicant & Property Owner is Eric R. Langenecker)

Mr. Don Gallow, an attorney from Husch Balckwell LLP, representing property owner Mr. Eric Langenecker, was present to discuss the concept review. Also present were Mr. Mark Mickelson, a PE with Short Elliott Hendrickson, Mr. Paul Sebo, Washington County Conservationist and Mr. Eric Langenecker, owner of the property being reviewed.

Administrator Balcom informed the Commission that this is only a concept review and neither an approval nor a denial of the project/plan can be made. She stated that the purpose of a concept review is to allow the Plan Commission to provide input/suggestions as to issues and questions that the Plan Commission anticipates the applicant will need/want to consider in the preparation of his/her proposal. Administrator Balcom gave examples of questions that could be asked; impact on neighboring property owners such as noise, smells, traffic congestions, hours of operation, etc.

Planner Marchek stated that the subject property has been operated as a sod farm for many years and was annexed to the Village in 2004. He stated that at that time it was zoned to the A-1 Agriculture District, which does allow the continuation of the sod farming use. Planner Marchek stated that Mr. Langenecker recently purchased the property and wants the Village to consider the concept of mining peat from the property in accord with the proposal described with his application materials.

It was noted that the A-1 Agricultural Zoning District does not permit the mining of peat or top soil and consequently many regulatory actions would be required before the mining use could proceed.

Planner Marchek noted that the information submitted by the applicant indicates a number of project tasks which lists some of the regulatory requirements that such a project would require. He stated that the property contains wetland areas which are regulated by the WI DNR and the US Army Corp of Engineers and that the proposed end use after mining is anticipated to be a wild life habitat or game management area.

It was noted in the plan of operation that the proposed mining of peat could take 3-5 years, which would involve significant truck traffic in and out of the property. The truck traffic impacts would require some review by the WI DOT regarding the use of the current driveway along STH 175 which is the primary access for the property.

Planner Marchek stated that the Village's Comprehensive Plan recommends the subject property for Conservation and Open Space Use.

Mr. Don Gallow discussed the concept plan which included mining in phases and a possibility of the phases taking place over a 4-8 year period. He also noted that there are several permits required for this project.

Discussion was held on where the water run off would go, the settlement ponds that would be created on the property, farming drain ditches, the location of the Rubicon River and the soil profile.

Mr. Eric Langenecker provided the Commission with a description of the process he would go through to mine peat. Mr. Langenecker showed the Commission photos a current peat mining project that was just completed northwest of Hartford.

Mr. Paul Sebo discussed the County's involvement in overlap of permits, erosion control and reclamation, which is what the property will look like after the project is completed.

The Commission informed the public present that this concept review was not a public hearing open for the public to speak. It was noted that the public would like to be kept informed about this possible project.

Discussion was held on the concerns Mr. Langenecker should be aware of: well issues, drainage of water, run off, flood storage, neighboring property owner's ponds, and water going onto neighboring properties.

C. Referral from the Village Board of an annexation petition for a 1,699 sq.ft./0.039 acre triangular shaped parcel in the NW ¼ of section 12 in the Town on Hartford, said parcel intended to become public roadway right-of-way for improving the STH 175/Spur Rd intersection (Petitioner & Property Owner is Farmstead Creek Development, LLC – Representative is David Weyer)

Administrator Balcom stated that the petitioner/property owner for the Farmstead Creek subdivision, in accordance of their agreement in Phase 2, needs to complete the connection of Spur Rd, crossing STH 175, back into the subdivision. She stated that the Department of Transportation is requiring that the road alignment be improved, so the developer purchased the necessary land, but the land is in the Town of Hartford, so annexation is necessary. Administrator Balcom stated that staff had submitted paperwork to the Department of Administration (DOA) and had received communication from DOA that they found the application for annexation to be within the public interest.

It was noted that staff recommends annexing the property and further recommends that no permanent zoning of the property is necessary because it will be dedicated to the Village and will become public road right-of-way.

Motion Stuetgen/Fredericks to refer back to the Village Board to create an ordinance for the annexation petition for a 1,699 sq.ft./0.039 acre triangular shaped parcel in the NW ¼ of section 12 in the Town on Hartford, said parcel intended to become public roadway right-of-way for improving the STH 175/Spur Rd intersection. Motion passed.

D. Referral from the Village Board of the Village's Economic Opportunity Analysis Report Prepared by Vandewalle & Assoc.

Administrator Balcom informed the Commission that a steering committee consisting of the Village Board, Commissioner Stuetgen and Scott Stortz from the the Redevelopment Authority, was formed to work with Vandewalle and Associates to discuss the Village's economic opportunities, areas within the Village that could use development and how to strategize. She stated that an economic opportunity analysis report was created and approved by the Village Board. Administrator Balcom noted that the economic opportunity analysis report is being given to all boards and committees to make these groups aware of what is being proposed and give them an opportunity to provide staff with any thoughts and comments on the report.

6. Adjourn Meeting:

Motion Fredericks/Cagle to adjourn at 8:36pm. Motion passed.

Approved By:

Russell E. Brandt, Chairperson

Drafted by: Tammy Tennes, Village Clerk