

**MINUTES OF PLANNING COMMISSION
MEETING
May 13, 2020**

The meeting of the Planning Commission of the Village of Slinger was called to order by Chairperson Russell Brandt at 218 Slinger Road – Village Community Room, Slinger, WI at 6:30 PM on Wednesday, May 13, 2020 in accordance with the notice of meeting delivered to the members on May 8, 2020.

1. Roll Call:

| | <u>Present</u> | <u>Absent</u> |
|-------------------------|----------------|---------------|
| Commissioner Behrend | x | |
| Commissioner Ammerman | x | |
| Commissioner Stuetgen | | x (excused) |
| Commissioner Lehn | x | |
| Commissioner Erovick | | x (excused) |
| Chairman Brandt | x | |
| Commissioner Fredericks | x | |
| | 5 | 2 |

Also Present:

Administrator Margaret Wilber, Planner Mary Censky, Engineer Jim Haggerty and Clerk Tammy Tennies.

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 who requested same and posted in three public locations.

2. Approval of Minutes

A. 4-15-2020 Minutes DRAFT

Motion Commissioner Lehn/Commissioner Fredericks to approve the Minutes of 4-15-2020 with corrections in the heading; Passed

3. Public Hearing and Action Thereon

A. Consider request from Ed Bergmann for an amendment to Section 550.28 (B-1 Commercial Dist.) of the Village Code to add "accessory warehouse/storage buildings, when subordinate, incidental & accessory to a permitted and approved principal use" as a Conditional Use.

Chairman Brandt announced the reason for the public hearing and Clerk Tennes stated that no comments had been received prior to the meeting.

Planner Censky discussed with the Commissioners the zoning code text amendment that is being considered and reminded them that this change not only affects the property in question, but any property in the B-1 Commercial District. She reviewed the language in Section 550.28B (13) of the Zoning Code with the Commissioners.

Discussion was held on the height of the building and the use of an office within the warehouse. It was noted that this would not be an office open to customers. Commissioners agreed that an office area not open to the public is fine and the language under letter h. in Section 550.28B would need to be changed to reflect that.

Chairman Brandt opened the hearing for public comments at 6:37pm and there being no public comments, Chairman Brandt closed the public comment portion of the hearing at 6:38pm.

Motion Commissioner Lehn/Commissioner Fredericks to recommend to the Board the amendment to Section 550.28 (B-1 Commercial Dist.) of the Village Code to add "accessory warehouse/storage buildings, when subordinate, incidental & accessory to a permitted and approved principal use" as a conditional use, changing letter H to include "Office space limited to that supporting the warehouse use is permitted in the warehouse."; Passed

B. Consider request from property owner Ed Bergmann d/b/a Bergman Appliance & T.V. for a Conditional Use Permit for the construction of a 8,424 sq. ft. warehouse/storage building subordinate, incidental and accessory to his existing permitted and approved principal use.

Chairman Brandt announced the reason for the public hearing and Clerk Tennes stated that no comments had been received prior to the meeting.

Planner Censky discussed that the applicant needs to provide the Village with a Certified Survey Map of the parcel, along with a parking lot layout, a site plan, a site survey and building plans. She also reminded the Commission of the Village's design review requirement that states all elevations of principal structure fronting a public street needed to be constructed of a minimum of 30% brick, stone veneer or decorative block facing, to name a few examples. Planner Censky did note that the Commission does have the authority to waive this requirement.

Chairman Brandt opened the hearing for public comments at 6:57pm and there being no public comments, Chairman Brandt closed the public comment portion of the hearing at 6:58pm.

Discussion was held on the width of the driveway located on the vacant lot owned by the applicant that is adjacent to the subject property. Commissioners expressed concern about increasing the width of the driveway, but concluded that since this was not the main entrance, it is sufficient at a 14ft. width.

Discussion was held on the conditions. It was noted that under #4 the hours will be listed as 7a.m. to 9pm.and #5 remove "overnight", "vehicles, equipment and" within the first sentence.

Mr. Bergmann stated that he plans for construction to begin approximately July 1, 2020.

Planner Censky stated that Mr. Bergmann would need to come back to the Commission to get approval for site, architectural, lighting and landscaping plans.

Motion Commissioner Behrend/Commissioner Lehn to approve conditional use permit for Ed Bergmann d/b/a Bergmann Appliance & T.V. for the construction of a 8,424 sq. ft. warehouse/storage building subordinate, incidental and accessory to his existing permitted and approved principal use; subject to Village Board approval of the zoning code change and waiving the 30% facade requirement and subject to all the changes in #4 and #5 along with all surveys and site plans submitted for review and approval; Passed

C. Consider request from property owner Ryan Hamilton for a Conditional Use Permit for the construction of a single-family home and establishment of a small tree farm on an 11.98 acre parcel (V5-060-00C) zoned A-1 along the south side of Spur Rd approximately 370 ft. west from the STH 175 right-of-way.

Chairman Brandt announced the reason for the public hearing and Clerk Tennes stated that no comments had been received prior to the meeting.

Planner Censky informed the Commission that the applicant, Mr. Ryan Hamilton purchased a parcel zoned A-1 and in order to build a home on this parcel a conditional use permit is required. She also stated that Mr. Hamilton would like to establish a small tree farm on the property. It was also noted that the proposed house location is 100ft. from any lot line.

Chairman Brandt opened the hearing for public comments at 7:24pm and there being no public comments, Chairman Brandt closed the public comment portion of the hearing at 7:25pm.

Mr. Hamilton informed the Commission that his plans for a tree farm include planting Christmas trees to sell wholesale. He indicated that he would not be allowing the public on his property to purchase trees.

Motion Commissioner Lehn/Commissioner Fredericks to approve a conditional use permit for Ryan Hamilton to construct a single-family home and establish a small tree farm on an 11.98 acre parcel zoned A-1 along the south side of Spur Rd approximately 370ft. west from the STH 175 right-of-way and remove #10 in the C.U.P. that was placed in the CUP by error; Passed

D. Consider request from tenant Robert Klebenow d/b/a Rush Automotive LLC for a Conditional Use Permit to conduct "automobile & light truck repair" and include the set-aside of a specific, limited, outdoor area for parking/storage of vehicles, equipment and supplies directly related to this business located at 122 W Commerce Blvd Unit A and zoned B-2 Commercial District. Property owner is Eagle Nine Properties LLC and surrounding real estate is owned by the Dairyland Commercial Condominium Owners Association

Chairman Brandt announced the reason for the public hearing and Clerk Tennes stated that no comments had been received prior to the meeting.

Planner Censky stated that this request for a conditional use permit (CUP, along with the next two requests are all similar. The requests are from businesses that have previously had a CUP and now have an ownership change of the building and need a new CUP. She stated that there is a condominium association (Dairyland Commercial Condominium Owners Association - DCCOA) in which permission from them is required for the surrounding common area.

Chairman Brandt opened the hearing for public comments at 7:36pm

Mr. Mike Weyer, an owner of 120 W Commerce Blvd., Slinger WI appeared before the Commission to express his concerns about outdoor storage in the area being discussed. He stated that he has been an owner in this area for 20 years and outdoor storage of any kind has not been permitted and he is against allowing outdoor storage.

The applicant, Mr. Robert Klebenow read for the record, a letter from Ms. Karlie Keith. Ms. Keith is a homeowner whose property directly overlooks the property in question and her letter supports the CUP for Mr. Klebenow.

Mr. Julius Laufer, 120A W. Commerce Blvd. Slinger, WI was present for the meeting and he stressed how outdoor storage is currently being done in the area in question.

Mr. Dan Tessmer, 126A W. Commerce Blvd. Slinger, WI was present for the meeting and thanked Planner Censky for all her assistance, yet let the Commission know that there is a civil matter going on amongst the owners with in the DCCOA.

Administrator Wilber stated that the Village appreciates the building owners coming in to get the permits required by the Village.

There being no further comments, Chairman Brandt closed the public comment portion of the hearing at 7:42pm.

Discussion was held on #5 of the CUP - the language in the CUP regarding the outside storage and overnight parking. It states that only through August 31, 2020 can there be any overnight parking or outside storage. After August 31, 2020, no further overnight parking or storage of any vehicles, equipment or supplies shall be permitted outdoors under the terms of this approval. Planner Censky explained that the association is considering applying for a CUP that would regulate all overnight parking or storage in the common area.

Motion Commissioner Fredericks/Commissioner Behrend to approve a CUP for Robert Klebenow d/b/a Rush Automotive to conduct "automobile & light truck repair" and include the set-aside of a specific, limited, outdoor area for parking/storage of vehicles, equipment and supplies directly related to this business located at 122 W Commerce Blvd Unit A and zoned B-2 Commercial District.; Passed

E. Consider request from tenant Mark Kolbeck d/b/a Flying Colors for a Condition Use Permit to conduct "auto body repair" including the set-aside of a specific, limited, outdoor area for parking/storage of vehicles, equipment and supplies directly related to this business located at 122 W Commerce Blvd. Unit B and zoned B-2 commercial District. Property owner is Snap Back LLC and surrounding real estate is owned by the Dairyland Commercial Condominium Owners Association

Chairman Brandt announced the reason for the public hearing and Clerk Tennes stated that no comments had been received prior to the meeting.

Chairman Brandt opened the hearing for public comments at 7:52pm and there being no public comments, Chairman Brandt closed the public comment portion of the hearing at 7:53pm.

Planner Censky acknowledged that this CUP is the same as the one previously discussed and just like the other CUP, this CUP has the same restrictions concerning the overnight parking and outdoor storage, which are allowed until August 31, 2020.

Motion Commissioner Fredericks/Commissioner Lehn to approve a CUP for Mark Kolbeck d/b/a

Flying Colors to conduct "auto body repair" including the set-aside of a specific, limited, outdoor area for parking/storage of vehicles, equipment and supplies directly related to this business located at 122 W Commerce Blvd. Unit B and zoned B-2 Commercial District; Passed

F. Consider request from tenant Matt Kling, d/b/a Kling's Lawn & Landscape LLC for a Conditional Use Permit to conduct "landscape office/shop" and include the set-aside specific, limited, outdoor use area for parking/storage of vehicles, equipment and supplies directly related to this business located at 122 W Commerce Blvd. unit C and zoned B-2 Commercial District. The property is owned by Coney River LLC and the surrounding real estate is owned by the Dairyland Commercial Condominium Owners Association

Chairman Brandt announced the reason for the public hearing and Clerk Tennes stated that no comments had been received prior to the meeting.

Chairman Brandt opened the hearing for public comments at 7:55pm and there being no public comments, Chairman Brandt closed the public comment portion of the hearing at 7:56pm.

Planner Censky again noted the restrictive language regarding overnight parking and outdoor storage.

Commissioner Fredericks commended Mr. Kling for his years of operating his business and no issues being brought to the Village.

Motion Commissioner Fredericks/Commissioner Behrend to approve a CUP for Matt Kling, d/b/a Kling's Lawn & Landscape LLC for a conditional use permit to conduct "landscape office/shop" and include the set-aside specific, limited, outdoor use area for parking/storage of vehicles, equipment and supplies directly related to this business located at 122 W Commerce Blvd. Unit C and zoned B-2 Commercial District; Passed

- 4. Unfinished Business and Action Thereon - None**
- 5. New Business and Action Thereon - None**
- 6. Adjourn Meeting**

Motion Commissioner Lehn/Commissioner Behrend to adjourn at 7:59p.m.; Passed

Approved By: _____
Russell Brandt

Drafted By: Tammy Tennes, Clerk/HR Village of Slinger