

**Plan Commission Meeting
Tuesday, May 29, 2018**

1. Meeting called to order

President Jim Dobbs called the meeting to order at 6:00 p.m. at the Village Hall, 5043 Chester Lane, Racine, Wisconsin.

2. Roll Call/Introductions

Roll call was taken. Members present:

President Jim Dobbs, Trustee Kevin Wanggaard, Joseph Minorik, Thomas Knitter, Bill Folk, Duane Michalski, Jonathan Schattner

Also Present: Village Administrator Thomas Christensen, Zoning Administrator Jarmen Czuta, Public Works Director Tom Lazcano, and Attorney Chris Geary.

3. Approval of Minutes

Motion by Trustee Wanggaard to approve the minutes from the March 26, 2018 Plan Commission meeting. Seconded by Bill Folk. Motion carried unanimously.

4. Citizens' Comments

Gary Miller 13332 6 ½ Mile Road – spoke about his concern with Phase II in which the Copart operation would double in size. He felt the condition of the property hasn't been addressed, and that Phase I should be acceptable by the neighbors standards before they expand. He brought up a concern with wells and the effects of vehicles leaking and seeping into the groundwater. He also has a direct view of the property, and thought there should be adequate fencing, berms, or trees to try and make the property "out of sight". He also expressed concern regarding his property value decreasing.

Sandy DeWalt 13212 6 ½ Mile Road – agreed with Gary Miller. She stated that Hribar has not held up their part of the agreement, and felt having a salvage yard is not what she thought Caledonia needed to expand on. They (the neighbors) never asked to have a junkyard across the street. She was also concerned it would lower her property value. The business is more visible now, because they took down trees in the second tree line which has only increased visibility. She was against the extension.

Jodi Switalski 13222 6 ½ Mile Road – was not present but Sandy DeWalt read a letter on her behalf addressing the issues she has in regards to Amston Trailer & their eBay business. She spoke about leaving the natural tree line, and felt had they left it, it would've eliminated a lot of issues. Huge lights were left on throughout the night, banging dump trucks that made noise all night. The noise and activity aggravated her dog and caused a disturbance. There was a firework display that was not approved by the neighbors and has scarred the dog to the point of it not wanting to leave the home at night. She bought the home because she wanted to live in a rural area and felt that a junk yard is not what she pictured. Although it has slowed down, the activity carries on all night. Being able to see a junk yard is an eyesore and everyone who has visited her home has commented on her new view. She concludes that allowing the company to build there has had a negative effect on the community; she felt they've continued to violate rules and regulations.

Thomas Fontane, 12606 6 ½ Mile Road, was present in support of his fellow neighbors and also commented on the property being an eyesore.

5. Public Hearing Items followed by Commission Recommendations

5A – Ordinance 2018-04 – An Ordinance to Amend Chapter 1 of Title 14 And Chapter 3 Of Title 14 Of The Code Of Ordinances For The Village Of Caledonia Pertaining To Minor Lane Divisions In The Village And The Number Of Land Divisions That Can Be Accomplished Utilizing A Certified Survey Map Before A Plat Is Required.

Public Hearing opened at 6:04 p.m.

Attorney Geary presented. Title 14 And Chapter 3 Of Title 14 Of The Code Of Ordinances For The Village Of Caledonia is in regards to land divisions and subdivisions. The initial draft in April was aimed at streamlining and out of that discussion essentially the major revisions to this chapter is to provide flexibility, but still meet the goals of the Village. This was recommended for approval at Legislative & Licensing.

Public Hearing opened at 6:15 p.m.

5A - Public Comments

No comments were made.

Public Hearing Closed at 6:16 p.m.

5A - Recommendation on Public Hearing

Thomas Knitter made a motion to approve Ordinance 2018-04 – An Ordinance to Amend Chapter 1 of Title 14 And Chapter 3 Of Title 14 Of The Code Of Ordinances For The Village Of Caledonia Pertaining To Minor Lane Divisions In The Village And The Number Of Land Divisions That Can Be Accomplished Utilizing A Certified Survey Map Before A Plat Is Required and forward to the Village Board. Jonathon Schattner seconded. Motion carried unanimously.

5B – Request a conditional use to construct and utilize a ±18,630 square-foot multi-tenant commercial building for semi-tractor/trailer and equipment service, maintenance, sales, leasing and outside parking and display, 4730 Hwy 41, Sec. 30, T4N, R22E, Village of Caledonia, Racine County, WI. IN Auto Inc/DR Investments 5231 LLC, Owner; Nathan Remitz, Agent.

Public Hearing opened at 6:17 p.m.

Jarmen Cruzta explained the subject property's location and zoning. The petition is to construct and utilize an approximate 18, 630 square-foot multi-tenant commercial building for semi-tractor/trailer and equipment service, maintenance, sales, leasing and outside parking and display at 4730 US Hwy 41 and indicated where the property is by way of a printed map. The applicant and supporting staff were present, and prepared a presentation regarding recent updates.

Nate Patera presented – he stated they’ve taken the Planning Commission suggestions and modified their plan to look more like an office building (more windows). The building was to be sided with half corrugated metal, but after some comments they eliminated the traditional corrugated metal and will be going with an architectural metal panel siding that is similar to what’s used in schools. The architectural metal panels offer more freedom in design work, and are eased to achieve a more professional look. They also updated the site plan and rotated the building counter-clock wise, all the doors face south, and the northern would be asphalted to be more user friendly. The owner would operate out of the building and would additionally rent out to four tenants. They hope this building would be an attractive draw.

Minorik stated that the presentation is different then what they have in the packet; the changes made were not submitted and are only in the presentation. The changes were officially submitted on May 22nd, 2018. Jeff from Foth submitted a memo that was included in the packet that briefly discussed some of the changes.

Public Hearing opened at 6:29 p.m.

5B - Public Comments

No comments were made

Public Hearing Closed at 6:29 p.m.

5B - Recommendation on Public Hearing

Schattner asked if Foth was able to review the proposed changes and if he was prepared to make a recommendation to the Plan Commission? Jeff from Foth stated that this is a Conditional Use Permit and the aspects of what they can look at would fall under Act 67. The big goal here is to assemble any potential issues and make sure that contingencies of approval are all agreed upon, either tonight or postpone until the next meeting.

Attorney Geary thought the proposals and changes would be processed tonight with the intent to come back with recommended conditions and potentially propose something at the June Plan Commission meeting.

Jeff from Foth referred to the memo and explained that there was a predevelopment meeting that occurred after submittal, so that’s why these changes have come in after the fact. The building was guided in design by the Title 16 design codes for the Predevelopment Agreement, and thought there were a variety of good changes made. He discussed the changes:

- The materials used don’t utilize “finish grade materials” or any masonry products. Basically being glass and an all metal product.
- The full east elevation facing Frontage Road is overhead doors. Future tenants would utilize these doors.
- The south façade has no other materials other than corrugated metal siding.
- Using metal products doesn’t fit with neighborhood of businesses (such as Norco).
- Building entrances face away from primary access roads.
- Colors of overhead doors should be complimentary to rest of structure, due to amount being proposed.

Trustee Wanggaard thought if we didn't know who the future tenants would be isn't planning the entrance an issue if they're uncertain of who would be utilizing the space? It would be a tenant by tenant basis, and the business would be some sort of trailer related business. With each new tenant, and we would argue under Act 67. If a new tenant moves with a new use then appropriate conditions would need to be addressed. It's a recommendation that any future tenants would have to apply for their own Conditional Use. There was further discussion regarding the north façade's view from the frontage road and door placement.

Minorik asked about the architectural metal paneling, and if it's alucobond material which is a sandwich panel that's insulated. Patera stated it was. Minorik asked from a percentage stand point how much of the building would be constructed using that material. Patera stated that excluding windows and doors, all 4 exterior elevations and the exterior of those elevations – that the alucobond material would cover at least 2/3 of the building. Patera also stated that over 2/3 of the lot would be gravel, and the grade in area would be hard asphalt. The businesses in the surrounding area all have paved lots with curb and gutter, and Minorik thought it should be revisited. In the new site plan the entrance is paved, and the back area for parking would be the gravel area. Minorik stated that over the past couple of months they've approved things that hit the baseline and then some, he felt that as the gateway to Caledonia they are not seeking those that "just" meet the requirements, and they are seeking something over and beyond. President Dobbs felt it should have more asphalt in an effort to minimize dust in the area. Commercial and higher end industrial uses have paved areas throughout. Attorney Geary spoke about the northern end of Pilot which is all paved and that Pilot didn't want to pave that and was something the Village probably insisted on. Trustee Wanggaard commented on the gravel parking lot, and a dust issue in that area raises concerns. A number of different facilities will come to that business park, and dust carries easily. To stay consistent with what Pilot has, we need to stay consistent now for the future. The truck wash is also all asphalt.

Michalski thought there was much to discuss and this should be laid over. Minorik asked if it were possible to bring in a sample of the alucobond material so the Commission has an idea of what the building would look like, and would want the staff to chime in on that. Patera stated the issue is the panels are large and is fine to see the colors and textures but the scale would be lost. Trustee Wanggaard was looking at images on his phone of buildings that used the material and felt it was quality. He thought the site plan needed more detail, especially for parking (number of stalls) and more general detail. The original submittal touched based on the landscaping plan. Based on the comments, Jeff from Foth thought they could address this by the next meeting.

Jonathon Schattner moved to lay over the request for a Conditional Use to construct and utilize a ±18,630 square-foot multi-tenant commercial building for semi-tractor/trailer and equipment service, maintenance, sales, leasing and outside parking and display at 4730 Hwy 41, Sec. 30, T4N, R22E, Village of Caledonia, so that the Plan Commission may see more detailed plans, to allow staff additional time for review and allow the Village Attorney to form recommended conditions that should be considered at this point. Joseph Minorik Seconded. Motion carried unanimously.

6. Non-Public Hearing Items

6A – Conditional Use Amendment to expand the area and also the timeframe of approval to occupy a portion of an existing site with an online vehicle auction platform for used undamaged and damaged vehicles; 7213 Hwy 41; Hribar Holdings LLC, Owner; Copart Inc., Applicant

Jarmen Czuta presented. On September 7, 2017, the Caledonia Village Board approved Resolution 2017-80 that authorized the Conditional Use to occupy the portion of the existing site that was previously approved as the expansion of the truck and trailer parking area, with an online vehicle auction platform for used undamaged and damaged vehicles.

At this time, Copart, Inc. is requesting a Conditional Use amendment to expand the area that was previously approved to be occupied by an online vehicle auction platform for used undamaged and damaged vehicles. The applicant is also requesting that the duration of the Conditional Use be extended. The area previously approved to be occupied by an online vehicle auction platform for used undamaged and damaged vehicles is 6.4 acres, at this time the applicant is asking that an additional 8.8 acres be approved to be utilized for a total area of approximately 15.2 acres. The applicant is also requesting that the duration of the Conditional Use be modified to be increased to an additional 10 years. The applicant asks that one or both of the areas reserved under the road reservation not be dedicated for public right-of-way and constructed to Village standards. Additionally, in order to improve privacy, security and aesthetics, Hribar and Copart agree to provide the following along the north lot line facing 6 Mile Road:

- (1) 15- 8 foot evergreens spaced approximately 20 to 25 feet apart along the north edge of the storm water pond; and
- (2) 8 foot green slats running the length of the existing north cyclone fence line (approximately 540 feet). Note: 8.8 acre expansion view from 6 Mile Road is screened by natural dense foliage.

This request was initially on the agenda in January and was laid over until tonight.

Attorney Geary wanted to address Act 67; he wanted to make it clear to the Commission that under the Statute, they can do temporary Conditional Uses and that's what is being presented. The Village wanted to revisit this in 2 years to check on operations or any additional conditions that would need to be imposed and if that operation still made sense for the area. Attorney Geary advised there should maybe be a separate public hearing for this, but if the comments made tonight addressed these concerns they would be fine. Under Act 67 it is mandatory to have a public hearing for a new conditional use, but this is not a new use, so it doesn't require a public hearing. There has been some input from the public on this topic. Knitter didn't think we would gain much value from a public hearing and thought the comments tonight were enough for them to understand the wants of the neighborhood. He also thought if they showed us some action addressing concerns, the Commission would feel comfortable granting an extension.

Mr. Hribar stated in the past they've always delivered, and stated he would make good on his word. He stated he had been working with the neighborhood to come to a mutual agreement to proceed. He has been working with Gary Miller to address these concerns. President Dobbs asked about how he would address these concerns, such as the wells and oil drippings? Hribar stated he works onsite daily and does weekly lot inspections. They also do an annual environmental third property evaluation to ensure there is no contamination. They only have the baseline from last year – because they've only been there

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a year. President Dobbs requested a baseline be done to also test his well to ensure it's not contaminated.

President Dobbs wanted to address the issues with the lights and noise. Sandy DeWalt, 13212 6 ½ Mile Road reiterated that when the trees were removed, huge lights were on 24/7 and she now can see the lights from Amston. Hribar stated that there is no lighting outside of 8-5, Monday thru Friday. There were temporary lights set up for seven nights for some temporary work. The trees were removed because of the emerald ash bore causing the trees to die. He thought enhancing the tree line with trees should help combat that. Gary Miller, 13332 6 ½ Mile Road stated that the lighting and noise happened last year and felt they were past that. They are working towards being good neighbors to each other and he just wanted to have some assurances before it goes to the second phase. President Dobbs inquired about dust? Miller stated there is some dust but because of the distance it's not as great of a concern. Hribar stated they use crushed asphalt to eliminate dust issues.

Schattner stated he is not comfortable granting an extension that hasn't met the agreed upon two year term. He wanted to see how the operation progressed before he granted an extension. So far he is 5 months in a two year deal. Hribar stated the urgency for the extension request is because they need more space, they don't want to "mash" a contract with no room to park. Miller was asked if the proposals were enough to satisfy. Miller would like to see progress; he felt a lot could be done to make the property "out of site out of mine". Knitter felt they've run into some unforeseen circumstances, and felt they needed to be satisfied. President Dobb stated he didn't want to ask him to put in a ton of money into landscaping only for it to be denied in a month. He felt a decision should be made, and not "kick the can down the road". Attorney Geary thought the lighting and the environmental impact would be considered Conditional Use, which is why only 2 years was granted so that they might be able to address anything that may be in violation of the conditions. To require them to do a mid-term submittal is not in the conditions but could be done to alleviate the neighbors' concerns.

There was further discussion about the nature of the business, and similar TRA/auto auctions in the area. There was also a Traffic Study Assessment (TIA) the applicant had done that showed data by hour that comes in and out of the facility –the peak is 100 and at their busiest day they only hit 50. Geary stated in terms of the language is clear that any expansion could trigger it but is not mandatory and is at the digression of the Village. Lazcano said TIA is used for businesses like Ikea, Walmart, and Target and didn't think this operation would generate traffic at that level.

There was discussion amongst the Commission, crowd and applicant regarding some of the topics previously discussed (trees, lighting, and environmental impact). There was also an issue regarding no water being out there, and with a parking lot full of cars it poses a risk. The applicant felt that any business runs the risk of catching fire (7 Mile Road fire). The lot has been made to accommodate fire trucks.

Knitter would like to wait one month to get the language together officially and firm up the Agreements. He felt for the type of money needed for mitigation on existing concerns he agreed with President Dobbs. Schattner commended Hribar's work with the neighbors and address their concerns. The reason for the two years was to find out how this operation would develop and what impact it would have environmentally and what effect it would have with the neighbors.

Jonathan Schattner made a motion to recommend to deny the expansion and the timeframe for approval for the portion of the existing site with an online vehicle auction platform for used undamaged and damaged vehicles; 7213 Hwy 41. They still have the option to come back. Duane Michalski second.

Minorik wanted to confirm that with the motion and the second that's on table they are denying the request at this time and but are not saying they can't come back in a year to ask for an extension at that time? Jarmen thought it was 12 months for a Conditional Use denial, but is something that could be looked at. If the motion says the Village would entertain a resubmittal, which would be fine. The Temporary Use would expire in September of 2019. If it was denied here, the Village Board would still have the opportunity to look at it, and would probably send it back to the Plan Commission to adhere to the Board's conditions.

Trustee Wanggaard asked if Hribar would be good with a thirty day lay over, to give Hribar the opportunity to "firm things up". He either does the thirty days or faces a denial.

Trustee Wanggaard made a motion to lay this over for thirty days. Seconded by Bill Folk. Motion passed, 6/1.

Trustee Wanggaard's motion supersedes the previous motion made by Jonathan Schattner.

6B – Longo Concept CSM – Parcel ID 51-104-04-23-19-082-010 – 3112 4 Mile Road Village of Caledonia, Racine County, WI – Owner Longo Trust John J & Shirley M

Tom Lazcano presented. The Engineering Department received a concept plan to divide the Longo property located at 3112 4 Mile Road by way of Certified Survey Map. The property is located on the north side of 4 Mile Road, just east of N. Greenbay Road. This property is located within the sanitary sewer service area and this concept plan is for the creation of 2 parcels. Mr. Longo would like to turn an existing garage into a house. Although uncommon, if it can meet all new home standards and gain the occupancy permit, it might be allowed. Lazcano wanted to bring this forth before the Commission to see if this was something they'd approve before he goes forward with the concept plan.

Mr. Longo stated this has been done in the past, and was done off of Nicholson Road and is not unprecedented. Mr. Longo brought in a proposed plan that showed the preliminary architectural work/layout of the proposed home. There is already electric and gas, and has not discussed anything with the building inspector regarding codes yet. The State of Wisconsin stated it has been done in the past.

The shape of the lot indicates it was originally a flag lot, and essentially they will create 2 flag lots from 1 flag lot. Mr. Longo stated that he owns the neighboring farm house as well. There is currently 17.05 acres, and is plotted with the current residence. Instead of building an additional house, they just want to convert the garage, so they're not carving out so much land.

There was discussion regarding the setback, the distance between the end of the garage and the lot line. There would need to be a minimum of 10 feet between the garage and the lot line. There is an old pump-house that straddles the line.

Minorik felt that given the nature of this project and the number of structures it appears there is something wrong with the survey. There are hand drawn lines, and is not a survey line. He felt they needed to see where the buildings are before they move forward. At some point a local architect would need to give him all the necessary materials for the building construction type, and all the necessary permits. He would need to get estimates.

Schattner stated it needs to fit the lot and meet setback requirements and ensure there isn't an insufficient amount of setback. The lot line could be adjusted in order to gain the 10 feet. Schattner suggested meeting set back requirements set by the district in which he's located; in this case he would need a 10 foot slide on both sides. A surveyor would need to give him accurate lot line reading. He needs 10 feet between the lot line and the building. Discussion ensued.

Thomas Knitter motioned to approve the Longo concept CSM subject to complying with the minimal street yard, side yard and rear yard setbacks in the zoning district in which he is located. Seconded by Jonathon Schattner. Motion carried unanimously.

7. – Adjournment

Motion by Trustee Wanggaard to adjourn. Seconded by Joseph Minorik. Motion carried unanimously. Meeting adjourned at 8:44 p.m.

Respectfully submitted,
Joslyn Hoeffert
Deputy Clerk