

1. Meeting called to order

Vice President Jonathan Schattner called the meeting to order at 6:01 p.m. at the Village Hall, 5043 Chester Lane, Racine, Wisconsin.

2. Roll Call/Introductions

Members present: Thomas Knitter, Trustee Wanggaard, Jonathan Schattner, Bill Folk and Duane Michalski.

Absent: President Dobbs and Joseph Minorik were excused.

Also Present: Planning Director Peter Wagner, Engineer/Zoning Technician Helena Dowd, Attorney Chris Geary and Attorney Tyler Hesel.

3. Approval of Minutes

Motion by Trustee Wanggaard to approve the minutes from the June 24, 2019 Plan Commission meeting. Seconded by Duane Michalski. Motion carried unanimously.

4. Citizens' Comments

No comments were made.

5. Public Hearing Items followed by Commission Recommendations

A. REZONE – Consider a request to rezone ± 7.5 acres from R-2 Suburban Residential District (Unsewered) to A-2 General Farming and Residential District 2 for 8437 Nicholson Road, submitted by Bradley and Katelynn Lauer (Parcel No. 104-04-22-03-013-000).

Peter Wagner read from his Staff Report:

“The subject property consists of ± 7.5 acres, contains a single-family residence and an accessory building (historic agricultural barn) and is currently zoned R-2 Suburban Residential District (unsewered). The current R-2 zoning has been in place since Caledonia adopted the zoning maps in 1970. At this time the applicants are requesting that the subject property be rezoned to A-2 General Farming and Residential District II. The reason for this rezoning request is to recognize the current and future agricultural uses of the property. The applicants have indicated that currently a portion of the subject property is rented to a farmer and is utilized for agricultural production, that the existing barn is to be utilized for the keeping of animals, that they desire to construct an agriculturally related pole building on the property in the future and that they intend to house a few horses at the subject property. Adjacent properties to the north and west of the subject property are currently zoned A-2. The 2035 Land Use Plan designates this property and adjacent properties to the north as Agricultural, Rural Residential and Open Land. The proposed rezoning is in accord with the 2035 Land Use Plan designation for the subject property.”

Wagner recommended approval. The applicant, Brad Lauer, 8437 Nicholson Road, was present and spoke briefly on the request. He explained they want a few animals and to eventually put up a pole barn. The Commission had no questions for the applicant.

Public Hearing opened: 6:04 p.m.

5A - Public Comments

Jonathan Schattner asked three times if anyone wanted to speak in favor of this proposal. No one came forward.

Jonathan Schattner asked three times if anyone wanted to speak against this proposal. Being none he closed the Public Hearing.

Public Hearing Closed: 6:07 p.m.

5A - Recommendation on Public Hearing

Thomas Knitter motioned to recommend to the Village Board that the property at 8437 Nicholson Road be rezoned from R-2, Suburban Residential District (unsewered) to A-2, General Farming and Residential District II for the following reasons:

- This rezoning will not adversely affect the surrounding property values.
- This rezoning will recognize the current and future agricultural uses of the property.
- Adjacent properties to the north and west are currently zoned A-2.
- The 2035 Land Use Plan designates this property and adjacent properties to the north as Agricultural, Rural Residential and Open Land. The proposed rezoning is in accord with the 2035 Land Use Plan designation for the subject property.

Bill Folk seconded. Motion carried unanimously.

B. CONDITIONAL USE AMENDMENT– Consider a request to extend the conditional use to occupy a portion of the existing site with an online vehicle auction platform for used undamaged and damaged vehicles for 7213 US Hwy 41, submitted by Hribar Holdings LLC, Owner; Copart of Connecticut Inc., Applicant (Parcel No. 104-04-22-07-100-000).

Peter Wagner read from his Staff Report:

“On May 5, 2014, the Caledonia Village Board approved Resolution No. 2014-29 that authorized a conditional use to construct a ±48,000 square-foot commercial building for office, sales, rental and service of semi-tractors and trailers, including outdoor display and master sign plan at the subject site. On October 5, 2015, the Caledonia Village Board approved Resolution No. 2015-82 that authorized to amend and extend a conditional use to construct a ±27,840 square-foot commercial building for office, sales, rental and service of semi-tractors and trailers, including outdoor display and master sign plan at the subject site. The amendment and extension authorized amendment of the size of the proposed commercial building from ±48,000 square-feet to ±27,840 square-feet per the revised plan; amendment of the landscaping plan to eliminate the previously approved plantings along the north and south property lines and require the owner to preserve and maintain the existing trees and vegetation that are on site; the owner was required to comply with all previous conditions of the May 5, 2014 conditional use approval unless amended herein; owner must comply with all applicable Village ordinances, and other applicable Wisconsin Statutes and regulations at the time of construction, Plans under original condition No. 4 shall now include those received by the Racine County Development Services Office on September 17, 2015, Landscaping under original condition No. 17 must be in compliance with the Landscaping Plan received by the Racine County Development Services Office on September 17, 2015,

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and must be installed no later than September 15, 2016, and on the plan it must also be noted that the existing trees and vegetation along the north and south property lines shall remain and be maintained and replaced as needed; the extension of the May 5, 2014, conditional use approval shall be until September 30, 2016. Based on this amended and extended approval the existing ±27,840 square-foot commercial building for office, sales, rental and service of semi-tractors and trailers, including outdoor display and master sign plan was constructed in 2015 and 2016. On April 3, 2017, the Caledonia Village Board approved Resolution No. 2017-20 that authorized the expansion of the truck and trailer parking area at the subject site.

On September 5, 2017, the Caledonia Village Board approved Resolution No. 2017-80 that authorized a conditional use to occupy a portion of the 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. Condition 20 Duration of Conditional Use of this approval stated in part “As discussed at the Plan Commission meeting on August 28, 2017, this conditional use approval is intended to be temporary and is subject to a timetable of two years from the date of the Village’s final approval. At or before two years from the date of the Village’s final approval, the applicant must appear before the Plan Commission and Village Board to request additional time to extend the conditional use approval, if this is their desire, or this activity must cease and the conditional use approval is no longer valid unless additional time is granted by the Village of Caledonia Plan Commission and the Village Board. At this time the applicant is requesting conditional use approval to continue to occupy a portion of the existing site with an online vehicle auction platform for used undamaged and damaged vehicles. This request is to extend for five years the Village’s previous conditional use approval granted on September 5, 2017.”

Wagner explained that there have been changes made to the original conditions, including hours of operation, annual well report (ground water testing), slatting in fencing, annual environmental testing report (site test done on the land), lighting, and duration of Conditional Use. Staff is recommending this be approved with the recommended Conditional Use changes.

The applicant, Ben Stephens, property manager for Copart, 2522 W. Steinbeck Ct, Phoenix, AZ, was present for any questions the Commission may have, and was aware of the new conditions. Copart is requesting a five-year extension on the current Conditional Use. He spoke on the lighting not being issue because there are no lights.

Jonathan Schattner inquired about the fresh gravel, and grading that had been done on the site. He thought the deciduous trees would not provide screening year-round, and wondered if the 8-foot fence with the grading would provide enough screening for the neighbors. He asked Czuta and Wagner if they had scoped out the site to see if the applicants had remained compliant. They would not have gone to the site unless there was a complaint but, Czuta has viewed the property previously.

Czuta gave some background on this applicant, and explained that the applicant had requested a substantial extension in the past and that it was ultimately denied by the Village Board. The Board members had asked that this be revisited every two years because they felt the request was unique and were unsure how the I94 corridor might develop as there may be a desire for more brick and mortar developments in that area. Knitter asked if there was a request for evergreens to be planted to provide more coverage and screening for the area. Czuta stated that the installation of the trees was not included, but stated the Plan Commission could institute it at this time.

Michalski inquired about the operating hours and there was discussion regarding why the hours of operation were not originally specified. Michalski asked why they’re seeking a five year extension. The applicant stated there is a need in this area for this business, and wanted to grow the business in that timeframe.

Public Hearing opened: 6:09 p.m.

5B - Public Comments

Jonathan Schattner asked three times if anyone wanted to speak in favor of this proposal.

Steve Hribar, 7213 Hwy 41, extended an offer to the Commissioners to take a tour of the site at any time. He spoke about the aggregate that had been put in the past year. He felt he was a good tenant and neighbor. He was in support of the extension and stated that there were other operations in Racine County that have uses similar to this operation. He explained that there was a request for an expansion in 2018 that was discussed and that was when the tree line would have been replanted for coverage. The request was denied so there were no additional trees planted.

Jonathan Schattner asked three times if anyone wanted to speak against this proposal.

Gary Miller, 13332 6 ½ Mile Road, explained he was here last year for the denial of the expansion and request for the extended use. He stated that since the denial, nothing has been done to change his mind to be in favor of this extension. He has a front row view of this business, and thought the view was unsightly for the corridor. He expressed a hope for the groundwater to improve. He commented on another Copart development and felt it was not being run to the standards set by the business. He asked that the Commission and Board deny this request, and felt there was no reason to proceed forward.

Bill DeWalt, 13212 6 ½ Mile Road, spoke about the history of the development and how the operation was meant to be a temporary use in tandem with their Cudahy business. He thought the ten-year or five-year extension signified a more permanent use. He thought the light reflecting off the windshield and colors of the cars was akin to it being “the fourth of July” every day. He thought they haven’t been in compliance with 2017 and 2018 conditions. He felt the junkyard in the neighborhood was not enticing for anyone to move in, nor was it appropriate for the corridor. He questioned if those in favor would want to live next to a business with this type of use. He offered for the Commission to come and see the view from his home.

Jodi Switalski, 13222 6 ½ Mile Road, stated that since the meeting in 2018 there has been no changes made. She had looked into past meeting minutes that addressed issues neighbors and the Commissioners had, and discovered that none of these issues have been addressed. She stated that cars are meant to be parked at a 45-degree angle, and showed how bright the reflection is off the wrongly-parked cars by providing pictures to the Commission. She felt there was an additional safety issue; she thought the tow trucks going to the business have not been abiding by traffic laws. Because there has been no efforts made to alleviate neighbor concerns, and she hasn’t seen any type of ground water report that shows her the well water is safe, she is against this extension.

Ralph Dunn, 13500 6 ½ Mile Road, explained he does not have a view of the facility, but is concerned with the groundwater, and felt a business of this type should not sit on the soil of the earth but rather a paved lot. He was unfamiliar with the operation and functions of the business, but understood it was for storage of vehicles for sale or use for parts. He thought anyone could come in at any time and take parts from these vehicles, and those individuals wouldn’t care how the parts were removed and which poses a risk for fluid contaminate.

Jeffrey Vail, 13432 6 ½ Mile Road, was against the proposal. He felt it was a junkyard, and didn’t want to look at it. He took concern with the increase in traffic, and felt the applicant has done nothing to conceal his business.

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Steve Detrie, 12825 6 ½ Mile Road, stated that he has a direct view of the junkyard from the south, and thought the whole thing needed more coverage, including the back portion too. He explained he had a wetland study done in March of last year, and was informed he could not build because of an unnamed tributary to the Root River, and if you follow the tributary it goes through this property as well. He questioned why this was okay, and he was denied. He wondered how this would affect the groundwater and didn't want to wait and see if there were contaminate issues after it was too late. He further spoke on the nature of the business and how these vehicles are supposed to be fluid free.

Schattner asked the owner, Steve Hribar, to come forward and address some of the concerns. He inquired if there would be additional trees planted to provide coverage. Hribar explained that since the expansion was not approved in 2018, they had not planted the additional trees, nor put in the slatting in the fence, but would provide these things if the Commission asked. He wanted to make it clear that his other businesses were not affiliated with this development, as they were brought up in the concerns during the Public Hearing. Trustee Wanggaard asked if they followed the same standards for all their properties. Stephens, the property manager, stated that they try to be as uniform as they can across these businesses but that each yard is different. Trustee Wanggaard brought up the Cudahy development and showed a fencing surrounding the perimeter, and asked about the lot being paved. There was discussion regarding the history of this business and if the yard was supposed to be fluid free. Stephens explained that there are measures they take to prevent any ground contamination/leakage but have never claimed their vehicles are fluid free. The General Manager on site, Pablo Hovey, 1401 Jackson St., and explained the process in which the vehicles are brought to the site. All the fluid is drained at Cudahy if there is a leak (vehicles are only drained if there is a leak); vehicles are prepped and then brought to the sub-lot in Caledonia.

Gary Miller, 13332 6 ½ Mile Road, spoke again about the leaking vehicles and how they only drain vehicles that are leaking during the initial inspection. He thought that out of the numerous vehicles being stored on site that they couldn't guarantee that a leak may occur while being stored, and questioned if they had a process to address this.

Jonathan Schattner asked three times if there was anyone else who wanted to speak against this proposal. Being none he closed the Public Hearing.

Public Hearing Closed: 7:09 p.m.

5B - Recommendation on Public Hearing

Trustee Wanggaard motioned to lay this item over until the next Plan Commission meeting on August 26th to allow staff to review and make a formal recommendation. Seconded by Bill Folk. Motion carried unanimously.

6. Non-Public Hearing Items

A. SITE PLAN REVIEW – Consider a request for a six-month extension of a site plan to construct and utilize a 40'x70' pole barn for the storage of items associated with R&B Carpets and Flooring Inc. located at 6214 Douglas Avenue, by Brian Ramczyk (Parcel No. 104-04-23-18-300-180).

Peter Wagner read from his Staff Report:

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“The applicant is requesting a second six-month extension of the site plan approval granted by the Village Board on November 6, 2017. Resolution No. 2017-128 approved a proposed site plan to construct and utilize a 40' x 70' pole barn for the storage of items associated with R & B Carpets and Flooring Inc. at 6214 Douglas Avenue. On July 2, 2018, the Village Board approved a six-month extension of the approved site plan.

The applicant is not modifying his proposed project in any way from what was approved in 2017.

Staff recommends that the Plan Commission recommend to the Village Board to extend the approval of the site plan until December 31, 2019 to allow the applicant sufficient time to submit a building permit application and begin construction. If the Plan Commission agrees this request is reasonable, staff has provided a suggested motion for consideration.”

The applicant, Brian Ramczyk, 555 Sara Lane, explained the timeline of action after approval.

Thomas Knitter motioned to recommend to the Village Board that an extension until December 31, 2019 be approved for the site plan located at 6214 Douglas Avenue as approved by the Village Board on November 6, 2017. Duane Michalski seconded. Motion carried unanimously.

7. - Adjournment

Motion by Trustee Wanggaard to adjourn. Seconded by Bill Folk. Motion carried unanimously. Meeting adjourned at 7:16 p.m.

Respectfully submitted,
Joslyn Hoeffert
Deputy Clerk