

1. Meeting called to order

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

2. Roll Call/Introductions

Members present: Thomas Knitter, Trustee Wanggaard, President Dobbs, Jonathan Schattner and Bill Folk.

Absent: Joseph Minorik was excused and Duane Michalski was absent.

Also Present: Development Director Peter Wagner, Tom Lazcano Public Works Director and Village Administrator Tom Christensen..

3. Approval of Minutes

Motion by Trustee Wanggaard to approve the minutes from the January 27, 2020 Plan Commission meeting. Seconded by Thomas Knitter. Motion carried unanimously.

4. Citizens' Comments

No comments were made.

5. Public Hearing Items followed by Commission Recommendations

President Dobbs stated to the Plan Commission the change of **A. Zoning Text Amendment Review Ordinance 2020-02 to 2020-03 and of B. Zoning Text Amendment Review Ordinance 2020-03 to 2020-04.**

A. ZONING TEXT AMENDMENT – Review Ordinance 2020-02, an ordinance to create Section 16-1-1(a)(7) of the Code of Ordinances of the Village of Caledonia, Racine County, Wisconsin relating to site restrictions for side, rear, and street yard setbacks and buffer yards between zoning districts.

B. ZONING TEXT AMENDMENT – Review Ordinance 2020-03, an ordinance to create Section 16-1-1(a)(8) of the Code of Ordinances of the Village of Caledonia, Racine County, Wisconsin relating to the Structural Setback Overlay (SSO) District for Lake Michigan shoreland areas.

Peter Wagner read from his Memorandum:

Last December, the Village Board directed staff to prepare text amendments to address two concerns regarding development in the Village. One proposed text amendment addresses land use conflicts between residential and non-residential uses. The other text amendment addresses setback requirements as it relates to the Structural Setback Overlay District (SSO) and development along Lake Michigan. Since that time, staff has drafted proposed text amendments and submitted them to the Village's Legislative & Licensing Committee for review at their meeting on February 3, 2020. The Committee recommended approval of the draft amendments; Section 16-1-1(a)(7), General Provisions, relating to site restrictions and Section 16-1-1(a)(8) relating to setback requires for the Structural Setback Overlay District. Section 16-1-1(a)(7) will require parcels that abut different zoning districts comply with the more restrictive zoning district requirements. Furthermore, any development within a non-residential district abutting a residential district will require, at minimum, a 20-foot buffer yard in addition to a building setback requirement, mitigating the impact between the two uses. Ordinance 2020-02 details these requirements. Section 16-1-1(a)(8) relates to reduction of the required setback for the Structural

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Setback Overlay (SSO) District for structures as it relates to Lake Michigan. The proposed text amendment reduces the minimum setback for a proposed structure constructed along the lake from 200 feet to 100 feet from the stable slope. The purpose of the SSO District is to protect people and property from shore erosion damage in the Land Michigan shoreland areas. This setback reduction does increase risk to shoreland damage. The 200-foot setback did not take into consideration shoreland revetments that can stabilize the lake bluff and allow for a stable bluff slope to be established. Caledonia would not be the first community to have a setback less than 200 feet. Staff researched other communities along the lake and found setbacks ranging from 75 feet to 125 feet from the stable slope.

Public Hearing opened: 6:05 p.m.

5A. Public Comments

President Dobbs asked three times if anyone wanted to speak in favor of this proposal.

Martha Hutsick 4502 Harvest Ln- Agrees with the setbacks and suggests more than 20ft may be better.

Fran Martin 5630 - 5 Mile Rd – Agrees with setbacks but states not sure if 20ft is far enough.

Ray Powell 3115 Hwy 31- Asks does this include driveway and public access setbacks.

Nancy Washburn 7450 County Line Rd – Spoke in favor of the setbacks. She stated the DOT makes the decision as to where the Right-of-Way Access point to the property would be.

President Dobbs asked three times if anyone wanted to speak against this proposal.

Marc Silverman 3147 Hwy 31 – Questions the Right-of-Way Access/Driveway Access used within the said setbacks. Expresses concern for the protection of the surrounding residences.

Public Hearing Closed: 6:39 p.m.

5A. Commission Deliberation

Village Plan Commission members expressed concern to where the use of storage and the placement of outdoor parking will begin. Development Director responds, storage/outdoor parking would be an additional 20ft off the required setback.

President Dobbs asked if anyone has a recommended motion:

Jonathan Schattner - motioned to approve the Zoning Text Amendment Ordinance for Ordinance No.2020-03, An Ordinance To Create Section 16-1-1(a)(7) Of the Code of Ordinance of the Village of Caledonia, Racine County, Wisconsin, Relating to Site Restrictions for Rear, Side, and Street Yard Setbacks and Buffer Yards Between Zoning Districts.

Thomas Knitter seconded motion. Motion carried unanimously.

Public Hearing opened: 6:54 p.m.

5B. Public Comments

President Dobbs asked three times if anyone wanted to speak in favor of this proposal.

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Dave Prott 2442 Rebecca Dr. - Questioned if the contracting/engineering firm in charge of the project on the shoreland would be responsible if the project prematurely went wrong? He was concerned if the bluff failed, would responsibility fall onto the Village of Caledonia or would it be the property owner's responsibility regarding Liability.

President Dobbs asked three times if anyone wanted to speak against this proposal.

Marc Silverman 3147 Hwy 31- Questioned the ordinance presented - does it have a preventative standard it needs to meet before issuing a building permit? He asked who checks the shoreland review and what is pertained in that review? He expressed concern for the safety of the Village Residents.

Martha Hutsick 4502 Harvest Ln- Expressed concern for the erosion that has currently affected the shoreland in the surrounding cities/counties and suggested the ordinance not be changed from 200ft to 100ft off the shoreland. She thinks Plan Commission and Engineering should further evaluate and analyze the bluff slopes.

Joanne Haysmer-Wachs 3420 - 3 Mile Rd – Against the reduction of the shoreland frontage due to the recent erosion problems. She questioned the use of large equipment and what damage the vibrations might cause if used in the reduced frontage area. She has concerns about the weight distribution of the machinery and the proposed structures.

Public Hearing Closed: 7:13 p.m.

5B. Commission Deliberation

Village Plan Commission members discussed concerns with reducing the shoreland frontage to 100ft with the data and analysis information that had been presented. Trustee Wanggaard questioned if the stable slope may be enforced to be more than 100ft if it is proven by engineers to be unstable. Commissioner Folk stated that they come to us to petition to go less than 200ft, Commissioner Schattner agreed.

Jonathan Schattner motioned to refer back to the Village's Legislative & Licensing Committee to reevaluate and do more research considering the questions and concerns the Plan Commission has.

Bill Folk seconded motion, in addition suggested to make an appointment with the coastal management program.

Roll Call

<u>Thomas Knitter – aye</u>	<u>Jonathan Schattner – aye</u>
<u>Bill Folk – aye</u>	<u>Trustee Wanggaard – nay</u>
<u>President Dobbs – nay</u>	

Motion passed, 3/5.

6. Non-Public Hearing Items

A. CONDITIONAL USE EXTENSION– Consider a request to extend the conditional use to construct and utilize a +/- 66,508 square foot industrial building with loading docks for 4011 Nicholson Road, submitted by Majestic North Development Inc., Owner; Masuda, Funai, Eifert & Mitchell Ltd., Agent (Parcel No. 104-04-22-27-017-000)

Jonathon motioned to approve the Conditional Use Permit for the construction and utilization of a 66,508 square-foot industrial building located at 4011 Nicholson Road be extended until September 7, 2020. In addition to the motion no further extensions be granted.

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Thomas Knitter seconded motion. Motion carried unanimously.

- B. TEMPORARY USE – Consider a request to utilize a 20’x40’ canopy tent for sales of fireworks from June 11, 2020 through July 11, 2020 located at 13600 7 Mile Road submitted by Dolan Pomereneing, Agent, Owner, B & K Real Estate 7 Mile LLC. (Parcel No. 104-04-22-06-069-000)**

Peter Wagner read a description of the activities that will occur and the restrictions that will apply.

Jonathan Schattner asked if there had been any complaints filed against them in the past. Peter Wagner replied no there has been no complaints.

Jonathan Schattner motioned to approve a temporary use with conditions listed in Exhibit A, for fireworks sales located in the parking lot, as illustrated on the submitted site plan, at 13600 7 Mile Road.

Thomas Knitter seconded motion. Motion carried unanimously.

- C. TEMPORARY USE – Consider a request to utilize a 30’x45’ canopy tent for sales of fireworks from June 11,2020 through July 11, 2020 located at 4838 Douglas Avenue submitted by Dolan Pomereneing, Agent, Owner, Beacon Investments LLC. (Parcel No. 104-04-23-29-163-000)**

Peter Wagner read a description of the activities that will be taking place and the restrictions that will apply.

Jonathan Schattner asked if there had been any complaints filed against them in the past. Peter Wagner replied no there has been no complaints.

Jonathan motioned to approve a temporary use with conditions listed in Exhibit A, for fireworks sales located in the parking lot, as illustrated on the submitted site plan, at 4838 Douglas Avenue.

Thomas Knitter seconded motion. Motion carried unanimously.

- D. SIGN PLAN REVIEW – Review a proposed master sign plan for the Siena on the Lake located at 5635 Erie Street submitted by Tina Lewis, Agent, Sisters of the Dominic, Owner (Parcel No. 104-023-21-009-000)**

Peter Wagner described the proposed sign plan.

Jonathan motioned to approve a sign plan submitted by Tina Lewis on behalf of Siena on the Lake as presented for the property located at 5635 Erie Street for the following reasons:

1. The sizes of proposed signs meet the regulations of the zoning district.
2. The locations of proposed signs meet the regulations of the zoning district.
3. Due to the size of the development, there is a need for additional signage to efficiently direct clientele throughout the site.

Thomas Knitter seconded motion. Motion carried unanimously.

- E. NONSTANDARD ROADWAY TYPICAL SECTION – Briarwood Condominium Development**

Tom Lazcano read from his Memorandum:

The Engineering Department has received a request to use a nonstandard roadway typical section for the Briarwood Condominium Development. The developer has submitted a 30’ wide roadway option that they would like to use. The Engineering Department and Fire Department have reviewed the proposed roadway,

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and both feel that a 30' wide roadway would be sufficient for the development. The Nonstandard Roadway Typical Section was discussed and approved at the January 9th, 2019 Public Works Committee meeting.

It should be noted that a private roadway was approved for the development prior to the economic recession in 2008. The project was put on hold until last year and during the time on hold the Village changed Ordinances to not allow private roadways. With this information in mind and previous approvals from the Public Works Committee, Engineering Department and Fire Department, I would recommend approval of the 30' wide typical section for the Briarwood Condominium Development.

Note: Parking will be allowed on only one side to allow for emergency vehicles to access. Road signs will also be posted for parking clarification.

Commissioner Schattner asked if this development was Zoned PUD, with PUD zoning having certain restrictions he expressed concern for the road maintenance since it will be a private road.

Newport Developer Nancy Washburn answered yes, this private road is zoned PUD. She referred to the concerns the Plan Commission has about maintenance for this private road; it will be curb and gutter to help withstand the loads of larger vehicles. Briarwood Condominium Development will take care of the plowing and road maintenance privately with funds placed in a reserve account set aside that each dwelling owner will contribute to. Briarwood Condominium owners will pay property taxes separately for each dwelling. Because John's Disposal is paid with the Village property taxes by each property owner, John's Disposal may take on the refuse/recycle pickup for the development. Nancy Washburn said Newport will have to verify with the disposal companies as to which one would pick up for Briarwood Condominiums private road.

Jonathan Schattner motioned to approve for a nonstandard roadway typical section for the Briarwood Condominium Development from 36' to 30'.

Thomas Knitter seconded motion. Motion carried unanimously.

7. - Adjournment

Motion by Trustee Wanggaard to adjourn. Seconded by Thomas Knitter. Motion carried unanimously. Meeting adjourned at 8:21 p.m.

Respectfully submitted,
Erika Waage
Building/Engineering Admin