

PLAN COMMISSION AGENDA Monday, October 28, 2024 at 6:00 p.m. Caledonia Village Hall – 5043 Chester Lane

- 1. Meeting Called to Order
- 2. Roll Call
- 3. Approval of Minutes
 - A. Meeting Minutes September 30, 2024
- **4. Public Comment:** Provides citizens a two-minute opportunity to voice their opinions to the Plan Commission. The Plan Commission is unable to respond as any discussion may conflict with open meeting requirements.

5. Public Hearing and Possible Action on Items set for Public Hearing

- A. TEXT AMENDMENT Review a proposed text amendment that will amend Section 16-6-13(c)(5) related to the M-1, Light Manufacturing District, refining the definition of warehousing and to include establishments used for the storage, management, processing, and transmission of digital data which houses computer network equipment associated with digital data storage and operations.
 - More information at ZoningHub: https://s.zoninghub.com/ZKHQI85YTC
- B. TEXT AMENDMENT Review a proposed text amendment to Section 16-10-3(b) applying residential accessory structure height, size, and setback requirements for A-2 zoned parcels under three acres.

 More information at ZoningHub: https://s.zoninghub.com/4R2AAOFL3F
- C. CONDITIONAL USE & BUILDING, SITE, AND OPERATION PLAN REVIEW Review a request for a conditional use allowing the applicant to store, park, and maintain four dump trucks within an accessory building on a parcel zoned A-2, Agricultural District, located at 7839 Douglas Avenue submitted by David Sanchez, Applicant, Vianey Sanchez and David Sanchez-Mora, Owners. (Parcel ID No. 104-04-22-12-008-000) More information at ZoningHub: https://s.zoninghub.com/DFX2ZWSBLO

6. Adjournment

Dated October 24, 2024

Jennifer Olsen Caledonia Village Clerk

Only Commission members are expected to attend. However, attendance by all Board members (including non-members of the Plan Commission) is permitted. If additional (non-commission) Board members attend, three or more Board members may be in attendance. Section 19.82(2), Wisconsin Statutes, states as follows: If one-half or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purposes of exercising the responsibilities, authority, power or duties delegated to or vested in the body. To the extent that three or more members of the Caledonia Village Board actually attend, this meeting may be rebuttably presumed to be a "meeting" within the meaning of Wisconsin's open meeting law. Nevertheless, only the commission's agenda will be discussed. Only commission members will vote. Board members who attend the commission meeting do so for the purpose of gathering information and possible discussion regarding the agenda. No votes or other action will be taken by the Village Board at this meeting.

Due to technical difficulties, the audio recording begins at Item 6A

1. Meeting called to order

President Weatherston called the meeting to order at 6:00 pm at the Village Hall, 5043 Chester Lane Caledonia, WI.

2. Roll Call/Introductions

PRESENT: 5 – President Tom Weatherston, Vice President Joe Kiriaki, Trustee Nancy

Pierce, Ron Bocciardi, and Ami May

EXCUSED: 2 – Jeff Hintz, Michael Moore

STAFF: Development Director Peter Wagner, Public Services Director Tony Bunkelman,

Village Engineer Ryan Schmidt, and Village Clerk Jennifer Olsen

3. Approval of Minutes

Motion by Pierce to approve the minutes from August 26, 2024, seconded by **Bocciardi** Motion carried unanimously.

4. Public Comment

The following people appeared to speak before the Commission:

- 1. Joe Minorik, Finch Lane Spoke against Item 6A citing issues with the variances
- 2. Tom Bauer, Dublin Court Spoke against Item 6A citing issues with the drainage
- 3. Z. Randolph, Shore Dr Spoke against Item 6A citing issues with the density
- 4. Dan Jesian, Shore Dr Spoke against Item 6A citing issues with the variances
- 5. David Dubinsky, Meadow Dale Lane Spoke against Item 6A citing issues with the density
- 6. Tom Brolyen Kant, Shore Dr Spoke against Item 6A citing issues with the density
- 7. Fran Martin, 5 Mile Road Spoke against Item 6A citing issues with the variances
- 8. Lesley Shepardson, 5 Mile Road Spoke against Item 6A citing issues with the density
- 9. Dustin Schrank, 5 Mile Road Spoke against Item 6A citing issues with the variances
- 10. Duncan Cortez, 5 Mile Road Spoke against Item 6A citing issues with the variances
- 11. Thomas Billman, 5 Mile Road Spoke against Item 6A citing issues with the variances and density
- 12. Joel Lechner, 5 Mile Road Spoke against Item 6A citing issues with the variances

5. New Business

A. CERTIFIED SURVEY MAP REVIEW - Review a proposed certified survey map creating two lots for the parcel located at 4238 Nicolson Road

Staff presented on the item, summarizing material provided in the packet.

Motion by Kiriaki to recommend the Village Board approve the Certified Survey Map subject the 10 conditions listed in Exhibit A of the Village Engineer's Memo.

Seconded by Pierce.

Motion carried 5-0.

B. BUILDING, SITE, AND OPERATION PLAN REVIEW – Review a site plan for the expansion of a telecommunication tower and ground equipment with fencing for the property located at 8451 USH 41

Staff presented on the item, summarizing material provided in the packet.

Motion by Kiriaki to recommend the Village Board approve the building, site, and operation plan for the expansion of ground telecommunications equipment located at 8451 USH 41 be approved for the following reason:

1. The proposed use is allowed by underlying zoning through the building, site, and operation plan review process.

Seconded by Bocciardi.

Motion carried 5-0.

6. Continuing Business

A. CONCEPT SUBDIVISION PLAT REVIEW - Review a concept subdivision plat creating 64 lots for the two parcels located north of 1913 5 Mile Road

The developer held an open house to hear resident's concerns. Changes were made to the concept plan as specified in the agenda packet. Staff informed the Plan Commission of existing goals and policies that are part of the adopted comprehensive plan that should be applied when considering the proposed concept subdivision plat.

The concept plan is consistent with the following goals of the <u>2035 Multi-Jurisdictional</u> Comprehensive Plan for Racine County:

- Land uses and densities that promote efficient development patterns and relatively low municipal costs
- Provides adequate infrastructure and supply of developable land to meet existing and future demand for residential uses
- Balances individual property rights with community interests and goals
- Promotes redevelopment and infill development in areas with existing infrastructure/services and enhances existing residential uses

The concept plan is consistent with the following Comprehensive Plan Housing Policies:

- Supports the full range of and variety of housing types at flexible densities as appropriate
- Encourages the use of conservation design for residential development in areas to minimize impacts on farming areas and environmentally sensitive areas

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- Encourages motorized and non-motorized travel connectivity between adjacent housing developments (the proposed plat will also include a section of recreation trail along the Klema Ditch on the west end of the development which will provide connectivity to school and eventually to Crawford Park)
- Encourages infill development that benefits existing residents, prevents their displacement, and improves the tax base, availability of jobs, and community facilities

<u>Public Safety:</u> Village of Caledonia Fire Department and Police Department have advised that this addition would not have a negative impact on their capacity to serve the neighborhood, nor require additional financial resources. Response times would likely improve in the area with the connection of 5 Mile Road.

<u>Sanitary and Storm Sewer Utilities</u>: The current priority is to increase storm water capacity where possible. Storm water management is a requirement for this development, and it was not required on nearby developments. Additional sanitary sewer lines will not be connected to the lines where existing issues have occurred.

Motion by Pierce to move to the Village Board with no recommendation. Seconded by May
Motion carried 5-1.

7. Adjournment

Meeting adjourned at 7:00 PM.

Respectfully submitted,

Jennifer Olsen Village Clerk



Meeting Date: October 28, 2024

Item No. 5a

Proposal: Text Amendment

Description: Review a proposed text amendment that will amend Section 16-6-13(c)(5) refining

the definition of the warehouse land use category by including the description of warehousing to include establishments used for the storage, management, processing, and transmission of digital data which houses computer network

equipment associated with digital data storage and operations.

Applicant(s): Village of Caledonia

Address(es): n/a

Suggested Motion:

That the Plan Commission recommends to the Village Board that Section 16-6-13(c)(5) of the Municipal Code be amended to include the description of warehousing to include establishments used for the storage, management, processing, and

transmission of digital data which houses computer network equipment associated

with digital data storage and operations.

Background: In 2005, the Village of Caledonia adopted the Racine County zoning code. This code, used prior to Caledonia's incorporation as a Village, served as the foundation for local zoning regulations. Following incorporation, any changes Racine County made to its zoning code no longer applied to the Village of Caledonia. To maintain compliance with zoning regulations, Village staff have referenced both the original 2005 Racine County code and the Village's amended code, which has been published on the Village's website. This approach necessitated careful comparison between hard-copy and digital formats to ensure that the regulations were consistently applied.

In 2022, the Village of Caledonia's staff undertook an effort to simplify and consolidate these documents. They produced a revised zoning code that merged the original 2005 Racine County code with the Village's amendments, creating a comprehensive, reformatted version. The Village has since made ongoing modifications to address specific local issues, such as off-street parking, and the regulation of accessory buildings. As land use evolves, the zoning code is updated accordingly.

In the past year, the Village has received inquiries about whether data centers are a permissible use within its zoning districts. Currently, there is no provision in the zoning code that specifically identifies or permits the operation of data centers in any district. This omission has led to research into how other municipalities in the State of Wisconsin handle zoning for data centers. It was found that few municipalities have zoning codes that specifically address this type of land use. One exception is the neighboring municipality of Mt. Pleasant, which permits data centers under its zoning code by classifying them as a type of warehousing.

Below is Mt. Pleasant's zoning code pertaining to warehousing, wholesaling, and freight movement.

- (d) Warehousing, wholesaling and freight movement: any of the following:
 - (1) Establishments engaged in the storage or movement of goods for themselves or other firms or the sale, lease, or rental of goods primarily intended for industrial, institutional, or commercial businesses.
 - (2) Establishments engaged in long-term and short-term storage of goods that do not meet the definition of a self-service storage facility.
 - (3) Establishments engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms. Expressly includes the following uses: bottled gas and fuel oil sales, monument sales, and portable storage building sales.
 - (4) Establishments used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations.

Staff is recommending an amendment to the zoning code to incorporate specific language permitting data centers within the M-1, Light Manufacturing District as a specific type of warehousing. The proposed change would adopt language similar to that used by Mt. Pleasant, thereby expanding the definition of "warehousing" to include data centers.

Section 16-6-13(c)(5) would be amended as follows:

- (c) PERMITTED USES BY RIGHT
 - (1) General and Professional Offices
 - (2) Schools
 - (3) Tool and Dye
 - (4) Commercial Greenhouses
 - (5) Warehousing
 - (a) Establishments engaged in the storage or movement of goods for themselves or other firms or the sale, lease, or rental of goods primarily intended for industrial, institutional, or commercial businesses.
 - (b) Establishments engaged in long-term and short-term storage of goods that do not meet the definition of a self-service storage facility.
 - (c) Establishments used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations.
 - (6) Light Manufacturing
 - (7) Laboratories (research and product development, engineering and testing)

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This proposed amendment is a proactive step toward modernizing the Village's zoning code to accommodate emerging industries. By allowing data centers in the M-1 district, the Village is positioning itself to attract new types of industrial development that are essential to today's economy, supporting long-term growth and adaptability in land use planning.

The Village has taken steps to encourage industrial and commercial development along the corridor. Uses in this area have included warehousing and distributions centers. By expanding the definition of warehousing, the Village would allow for the operation of a data center in the Village.

If the Plan Commission is comfortable with the proposed change, a suggested motion can be found at the beginning of this report. If recommended for approval, the proposed amendment will go the Village Board for final approval.

Respectfully submitted:

Peter Wagner, ACP Development Director



Meeting Date: October 28, 2024

Item No. 5b

Proposal: Text Amendment

Description: Review a proposed text amendment to Section 16-10-3(b) applying residential

accessory structure requirements for A-2 zoned parcels under three acres.

Applicant(s): Village of Caledonia

Address(es): n/a

Suggested Motion:

That the Plan Commission recommends to the Village Board that Section 16-10-3(b) of the Municipal Code be amended to include Section 16-13-3(b)(4) that applies residential district accessory building regulations to parcels zoned A-2, Agricultural

District that are less than three acres as presented.

Background: In the past year, the Village has received multiple accessory building permit applications for small agricultural lots, particularly those less than 1 acre in size. Currently, under the Agricultural Zoning District, the minimum side and rear lot line setbacks are 25 feet for detached accessory buildings. In comparison, residential districts only require detached accessory buildings to have a side and rear setback of 5 feet.

This significant discrepancy in setback requirements can reduce the available space for property owners on smaller agricultural lots to place structures such as sheds or accessory buildings. Additionally, it limits the potential size of these structures, making it difficult for property owners to fully utilize their land. As these small agricultural lots are primarily used for single-family homes, the Village staff believes an ordinance amendment is necessary to address these challenges. This amendment would provide relief from the large setback requirements for small lots, while ensuring zoning standards are still met.

Newly created agricultural lots are required to be a minimum of 5 acres, which can accommodate the current setback requirements more easily. However, existing smaller lots, typically under 1 acre, do not have the same flexibility.

The proposed ordinance amendment aims to offer property owners of small agricultural lots, especially those 3 acres or less, the same opportunity to build detached accessory structures as those with residentially zoned properties. This would create a fair and balanced approach to setback regulations, ensuring that smaller lots are not disproportionately impacted by large setback requirements.

Section 16-10-3(b)(4) would be amended as follows:

(b) NONRESIDENTIAL DISTRICT ACCESSORY STRUCTURES:

- (1) **Height:** Shall not exceed in height twice their distance from the nearest lot line.
- Area: The aggregate total floor area shall not exceed three (3) percent of the total lot area, except that on agriculturally zoned parcels, ten (10) acres or more in area, the accessory building areas may be greater than the three (3) percent limit when used solely for the pursuit of agriculture; in all non-residential and non-agricultural districts accessory building areas greater than three (3) percent are allowed, when approved by the Planning

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Commission as part of a Building, Site, and Operation Plan review, and where said buildings are used solely accessory to the principal use on said lot.

(3) Agricultural Zoned Parcels – Size, Location, and Setbacks: Parcels 3 acres or less and zoned Agricultural shall conform to Section 16-10-3(a): Residential Accessory Structures.

The proposed changes will provide owners of small agricultural parcels the flexibility to build detached accessory structures, such as sheds, similar to those permitted on residential lots. The reduction in setback requirements will open up more usable space for property owners while maintaining overall land use planning integrity.

If the Plan Commission is comfortable with the proposed change, a suggested motion can be found at the beginning of this report. If recommended for approval, the proposed amendment will go the Village Board for final adoption.

Respectfully submitted:

Peter Wagner, AICP Development Director



Meeting Date: October 28, 2024

Item No. 5c

Proposal:	Conditional Use
Description:	Review of a request to approve a conditional use, allowing the property owner to store four dump trucks inside an existing pole barn on a parcel zoned Agriculture located at 7839 Douglas Avenue.
Applicant(s):	David Sanchez
Address(es):	7839 Douglas Avenue
Suggested Motion:	That the Plan Commission recommends that the Village Board approves the Conditional Use Permit allowing the indoor storage of four dump trucks at 7839 Douglas Avenue with conditions outlined in Exhibit A for the following reasons: 1. The proposed use is allowed by underlying zoning through the conditional
	use proposed use is allowed by underlying zoning through the conditional use process. 2. The proposed use will not negatively impact neighboring parcels.
Owner(s):	Vianey Sanchez and David Sanchez-Mora
Tax Key(s):	104-04-22-12-008-000
Lot Size(s):	4.9 acres
Current Zoning District(s):	A-2, Agricultural District
Overlay District(s):	N/A
Wetlands:	
Comprehensive Plan:	Low Density Residential

Background: The applicant is requesting approval of a conditional use permit for the indoor storage/parking/maintenance of four dump trucks for the property located at 7839 Douglas Avenue. Per code, the storage of large vehicles located in an agriculturally zoned district is a conditional use if sited a minimum of 600 feet from a residential district. The proposed location exceeds 600 feet from the nearest residentially zoned district.

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Included with this report is a narrative explaining what the trucks are used for and where on the property they will be located. The applicant has not indicated when or how often the trucks will operate. Staff suggests a similar restriction that was applied to the neighboring parcel to the north that parks dump trucks. The restriction allows trucks to operate from 7am to 5pm, Monday through Saturday. The parking of the vehicles will be located in an existing pole barn on the southern end of the parcel as indicated on the submitted plan. The trucks will be parked more than 200 feet away from the nearest home not located on the property and more than 600 feet from a residentially zoned property.

Included with this report are photos showing the amount of existing vegetation that acts as screening from the abutting properties and roadway.

Similar uses such as vehicle storage has been requested elsewhere in the Village and has been approved. A concern for allowing such heavy vehicles to operate routinely in areas not zoned manufacturing or commercial is that the roadways are not constructed to handle such weight. In this case, the parcel has direct access to a Class A Highway which can accommodate heavy vehicle traffic.

The Plan Commission has the authority to apply conditions to mitigate any negative impacts this use may have in the area and can require the applicant to screen the vehicles from the road or neighboring properties. Please note that Act 67 of the Wisconsin State Statutes requires a municipality to provide substantial evidence if denying a conditional use request. Below is a summary of the requirements relating to Act 67:

- The requirements and conditions specified in the ordinance or imposed by the zoning board must be reasonable, and to the extent practicable, measurable.
- Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permitand that a reasonable person would accept in support of a conclusion.
- Any condition imposed must relate to the purpose of the ordinance and be based on substantial evidence.
- If an applicant meets, or agrees to meet, all of the requirements and conditions specified in the ordinance or imposed by the zoning board, the local government must grant the CUP.
- The applicant must provide substantial evidence that the application and all requirements and conditions are, or shall be, satisfied.
- If an applicant does not meet one or more of the requirements (for example the application is incomplete) or conditions specified in the ordinance or imposed by the zoning board, the local government can deny the CUP.
- A local government's decision to approve or deny a conditional use permit must be supported by substantial evidence.

Source: Brian Ohm, Professor, UW-Madison, UW-Extension

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Staff has included a list of conditions for approval of the requested conditional use. If the Plan Commission is comfortable with the proposed use and proposed conditions of approval, a suggested motion is provided at the beginning of this report.

EXHIBIT A: 7839 Douglas Avenue Conditions of Approval

- 1. <u>Compliance.</u> Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit.
- 2. <u>Binding Effect.</u> These conditions bind and are applicable to the Property Owner, Applicant, and any other users of the Property Owner with respect to the uses on the Property.
- 3. <u>Plans.</u> The proposed use (parking of four dump trucks) must be located within the existing pole building on the parcel as shown on the plan received by the Village Planning & Zoning Department on September 20, 2024.
- 4. Hours of Operation. The hours of operation of the proposed business operation are from 7:00 a.m. 5:00 p.m. Monday through Saturday.
- 5. <u>Dump Truck Parking/Storage/Maintenance.</u> This conditional use approval authorizes the indoor storage and maintenance of no more than four dump trucks to be stored inside the existing pole barn. All vehicle maintenance must be conducted inside of the existing pole barn.
- 6. <u>Expiration.</u> This approval will expire six (6) months from the date of the Village's final approval unless substantial work has commenced following such grant. If this office determines that no substantial work has commenced, the project may not occur unless the Village of Caledonia Plan Commission and the Village Board grants a written extension. Written extension requests must be submitted to the Village Planning & Zoning Department thirty (30) days before permit/approval expiration.
- 7. <u>Compliance with Law.</u> The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The applicant is required to comply with all applicable local, state, and federal regulations, including Titles 14, 16 and 18 of the Village of Caledonia Code of Ordinances.
- 8. <u>Amendments to Conditional Use Approval.</u> No additions, deletions, or changes may be made to the project, site plan, or these conditions without the Village of Caledonia's prior approval. All addition, deletion, and/or change requests must be submitted to the Village of Caledonia in writing. A minor change to the conditions of this permit, as deemed by the Zoning Administrator, may be made at a staff level, if authorized by the Zoning Administrator.
- 9. <u>Agreement.</u> Your accepting the conditional use approval/zoning permit and beginning the project means that you have read, understand, and agree to follow all conditions of this

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approval. Therefore, David Sanchez, David SM Trucking LLC and their heirs, successors, and assigns, including tenants, are responsible for full compliance with the above conditions.

10. <u>Subsequent Owners.</u> It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.

Respectfully submitted:

Peter Wagner, ACP Development Director



7839 DOUGLAS AVE

0 100 200 400 US Feet





David & Vianey Sanchez David SM Trucking 7839 Douglas Ave Caledonia, WI 53402 09/20/2024

Plan Commission & Village Board Village of Caledonia 5043 Chester Lane Caledonia, WI 53402

Subject: Request for Conditional Use Permit to Park Commercial Vehicles on Residential Property

Dear Members of the Plan Commission and Village Board,

We are writing to formally request a conditional use permit to allow the parking of four dump trucks on our residential property located at 7839 Douglas Ave, Caledonia, WI. The dump trucks are part of our small business, David SM Trucking, which we have operated since 2016.

As small business owners, our goal is to contribute to the economic growth of our community while maintaining a respectful relationship with our neighbors. Our property spans 4.9 acres and includes a 142'x30' (4500 sq. ft.) metal pole barn. Our proposed plan is to park the 4 trucks inside of the pole barn, ensuring that they are stored indoors to reduce any potential visibility, noise, or impact on our neighbors.

We want to reassure you that the trucks will have little to no effect on the visual aesthetics of the neighborhood. The area surrounding our property is characterized by large lots with significant spacing between homes, and ample trees and greenery providing natural screening. To the north, our closest neighbor's house is approximately 600 feet away from the pole barn, with dense foliage fully blocking the view of our property from theirs. The neighbor to the south, whose home is about 285 feet away from the pole barn, will have a partially obstructed view due to the natural tree and greenery barrier between our properties. Additionally, we are willing to implement additional screening measures, such as planting more trees or greenery, to further obstruct the view and ensure complete privacy for our southern neighbor.

Behind our property, there are two undeveloped lots totaling approximately 12 acres, owned by We Energies, ensuring that no future residential development will occur there. Lastly, the neighbors to the west, across Douglas Ave, are approximately 470 feet away from the pole barn and don't have a direct view of it due to several factors, including the angle of the driveway, positioning of the pole barn, and the surrounding trees and greenery. The trucks will only be briefly visible as they enter and exit the driveway before being parked inside the pole barn, which is located approximately 300 feet from the start of our driveway.

To provide additional clarity, we have included pictures from various viewpoints around our property to provide a clear visual reference for the proposed parking area. These pictures should

help demonstrate how the trucks would be largely hidden from view. Satellite maps are also attached to give a comprehensive overview of our property and its distance from surrounding homes.

We understand the importance of balancing business activities with the quality of life in our neighborhood, and we are committed to working with the village to meet conditions required as part of this permit approval process. We appreciate your consideration of our request and are available to provide any additional information or answer any questions you may have.

Thank you for your time and attention. We look forward to a positive resolution.

Sincerely,

David & Vianey Sanchez David SM Trucking (262) 902-7147 Vnaperez1@gmail.com





















