

**CITY OF ELKHORN**  
**ARCHITECTURAL REVIEW BOARD/CITY PLAN COMMISSION MEETING**  
**Council Chambers, 9 S. Broad St., Elkhorn, WI**  
**August 24, 2017**

The Architectural Review Board/City Plan Commission Meeting was called to order at 6:00 p.m. by Chairman Reynolds followed by the Pledge of Allegiance and Roll Call.

**ROLL CALL**

Present: Myrin, Meinel, Hunter, Wuttke, Neumann, Reynolds

Absent: Frazer

Also Present: Zoning Adm. Schaeffer, City Attorney Phillips

Visitors: Bob Schmaling, Scott Wilson, Gary Wallem, Cathy Bensaid, James Duquette and unidentified resident

**APPROVAL OF MINUTES**

Motion (Meinel/Hunter) to approve the minutes of the Architectural Review Board/City Plan Commission Meeting of August 3, 2017. Motion carried unanimously.

**PUBLIC HEARING/REZONE – EAST SIDE SOUTH LINCOLN ST.& DEERE RD.**

Public hearing convened at 6:04 p.m. with respect to application to rezone approximately 69.6 acres of land located on the east side of South Lincoln Street at Deere Road from M-1 Light Manufacturing District to B-2 Community Business District and M-2 General Manufacturing District, more precisely identified by Tax Key No. YVSE-00016, submitted by the City of Elkhorn. Chairman Reynolds asked if anyone wished to be heard. No one wished to be heard. Chairman Reynolds asked three times if anyone else wished to be heard. No one wished to be heard. The public hearing was closed at 6:25 p.m. by Chairman Reynolds.

**REZONE – EAST SIDE SOUTH LINCOLN ST.& DEERE RD.**

Chairman Reynolds explained that the rezone is being requested by the City of Elkhorn in anticipation of future development within the recently created TID No. 4 District. The parcel is presently zoned M-1 and the anticipated future development will most likely be a mix of industrial and commercial uses; the request is for the property to be rezoned as M-2 and B-2. The specific lots to be classified will be incorporated with a future CSM that will subdivide the parcel. Action by the Plan Commission will enable the Council to later approve the rezone in a timely manner as development proposals are submitted.

Motion (Hunter/Neumann) moved to recommend to Council to approve the rezone approximately 69.6 acres of land located on the east side of South Lincoln Street at Deere Road from M-1 Light Manufacturing District to B-2 Community Business District and M-2 General Manufacturing District, more precisely identified by Tax Key No. YVSE-00016, submitted by the City of Elkhorn. Motion carried unanimously.

**SITE PLAN/ARCHITECTURAL REVIEW/LANDSCAPE PLAN – 1041 PROCTOR DR.**

The Zoning Administrator presented the staff report. The applicant, Cleta Coldiron, is requesting site plan, architectural and landscape plan for an 8,300 square foot building with associated parking, loading, etc. to be located at 1041 Proctor Drive (Tax Key No. YA130400004) currently zoned M-1 Light Manufacturing District. Staff recommends that the Plan Commission approve the revised site plan, landscape plan, and architecture review. The Zoning Administrator suggested that any motion to approve include that all plans submitted meet the approval of the City Engineer.

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Motion (Newumann/Wuttke) moved to approve the site plan, architectural and landscape plan for an 8,300 square foot building with associated parking, loading, etc. to be located at 1041 Proctor Drive (Tax Key No. YA130400004) currently zoned M-1 Light Manufacturing District subject to the City Engineer's approval. Motion carried unanimously.

**ADMINISTRATIVE REVIEW/WILSON FARM MEATS/406 SOUTH WISCONSIN ST.**

The Zoning Administrator provided a brief history of events that have led up to this point in time regarding the permit application for a post frame sun shade to be located on the south side of the existing building of Wilson Meats, 406 South Wisconsin Street. The proposed sun shade is to cover an outdoor seating area for cookout customers. The Zoning Administrator wrote Mr. Wilson a letter stating her denial of the permit because the outdoor seating area is a nonconforming use that is not a permitted use in the M-2 zoning district. Specifically, Section 17.9-1(2) of the City of Elkhorn Municipal Code. The letter also stated that per Section 24 of the code allows for an administrative appeal of this decision. The City Administrator had written a memorandum to the Plan Commission in which he explained that pursuant to the provisions set forth in Chapter 24 of the Elkhorn Municipal Code, Bob Schmaling, representing Wilson Meats, has requested a review of the Zoning Administrator's findings as it pertains to the denial of a building permit.

Bob Schmaling, representative for Wilson Meats, presented the proposal for the sun shade to cover an outdoor seating area for cookout customers at 406 South Wisconsin Street. He explained that they have been cooking/serving burgers and brats for some time now in an open outside area without shade. The outdoor eating area was originally designated on the north side of the building next to the railroad tracks but as more customers participated it was necessary to relocate to the south side of the building to provide additional seating. Now Wilson Meats would like to provide sun protection to those customers by installing a post frame sun shade but he was told that they have a nonconforming use and was denied a permit. Discussion.

Discussion by the Plan Commission, with Members Myrin, Meinel and Reynolds acknowledging that although the property is a nonconforming use, they would like to find an avenue to allow Wilson Meats to continue to cook and serve food and to allow sun shade cover for their customers for the outdoor seating. Both the Zoning Administrator and City Attorney agreed that the permit should be denied because it is inconsistent with the City's ordinance. The Zoning Administrator pointed out that this is a unique situation with a kill facility on the same site as a retail business that acts as a restaurant, serving customers with food and drink (holding a beer/wine license), all aspects of this business functioning in the same location. All of these actions have been ignored over the years. The City Attorney agreed that parking issues have existed and been ignored at a business that has retail, restaurant w/outdoor seating and operates as a kill facility. Members Myrin and Meinel felt that this business brings many out-of-town tourists that would otherwise not come to Elkhorn and would like to allow Wilson Meats to construct the roof for their customers.

The Zoning Administrator reminded the Plan Commission that the only options at this point in time regarding the review of administrative determination is to either affirm and support it, reverse the determination, Wilson Meats may then proceed with the proposed project subject to compliance with all other local or state requirements that may affect the property, or modify the determination. Discussion on how to proceed.

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Motion (Hunter/Myrin) moved to affirm the review of administrative determination by the Zoning Administrator and to forward this matter to the proper Council Committee (Legislative and Regulatory) and then to Council to request an ordinance change. Motion carried unanimously.

**GENERAL DISCUSSION ITEMS**

**AMENDMENT TO ZONING ORDINANCE/FENCE REGULATIONS**

The Zoning Administrator explained that the current ordinance regulating fences does not allow a fence to exceed a height of 3 feet in the street yard which means that properties on corner lots within the City cannot have a 4 foot fence facing the street yard. There have been many applicants in the past and also currently who have an issue with this requirement. Many of the requests for a 4 foot fence on a corner lot are to keep dogs inside their yards because they can jump over a 3 foot fence. The Zoning Administrator believes that the reason the ordinance calls for the 3 foot rule is due to visibility issues, however, adding another foot would still allow visibility. Discussion. The Zoning Administrator reported the amendment is a work in progress and should be ready for the next Plan Commission meeting for further discussion and the procedure requires that the Plan Commission make a recommendation to schedule a public hearing.

**MEETING DATES**

Meeting dates: Next meeting is scheduled for Thursday, September 7, 2017.

**ADJOURNMENT**

Motion (Wuttke/Hunter) to adjourn. Motion carried. Meeting adjourned at 6:45 p.m.

Shari McKinney  
Plan Commission Secretary