

CITY OF ELKHORN
ARCHITECTURAL REVIEW BOARD/CITY PLAN COMMISSION MEETING
Council Chambers, 311 Seymour Ct., Elkhorn, WI
November 2, 2023

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

ROLL CALL

Present: Meinel, Geaslen, Boardman, Stotko, Hunter, Wuttke, Lechner
Absent: None
Also Present: Phillips, Greary, Swann, Schwark (via Zoom)
Visitors: Lee Loveall, Eric Jones, Several unidentified persons

APPROVAL OF MINUTES

Motion (Meinel/Wuttke) to approve the minutes of the Architectural Review Board and Plan Commission meetings of October 5, 2023. Motion carried unanimously.

REZONE/544 S. LINCOLN ST./ON TIME TOWING LLC

Chairman Lechner explained that a public hearing was held on September 7, 2023 before the Plan Commission regarding the rezone request for property located at 544 South Lincoln Street by Lee Loveall, On Time Towing LLC, and there was citizen comment.

Eric Jones, Jones Bus Travel, 511 South Lincoln Street, requested to reiterate his concerns regarding the property at 544 South Lincoln Street. He said that he had spoken at the public hearing stating that this location was the wrong place for the towing business due to the high volume of traffic on South Lincoln Street.

Chairman Lechner reported that a written comment was recently received from an adjacent neighbor, Laura Anderson, 525 South Wisconsin Street, who is in support of the locating the towing business at 544 South Lincoln Street, subject to the City addressing concerns regarding noise and vehicle storage with the Conditional Use Permit (CUP).

Chairman Lechner reported that the Plan Commission had recommended to the City Council to approve the rezone at the September 7th meeting. The matter was placed on the September 18, 2023 Council meeting agenda for discussion and/or action. The Council referred the matter back to the Plan Commission for more detail because the applicant was not able to attend the previous meetings to respond to questions and/or comments. The applicant is in attendance to make a presentation and address any concerns.

Lee Loveall, On Time Towing LLC, briefly explained that he has another towing business located in the City of Whitewater and distributed pictures of that location. He has provided towing services to the City of Whitewater Police Department's towing enforcement for the last 2 ½ years. Mr. Loveall said that currently there is no private towing services offered within the City of Elkhorn. He has been viewing the few available properties for the last 5 months trying to find the right location. The property at 544 South Lincoln Street is the only property that he could find directly off the interstate. The rezone request is to change the current R-1 Single Family Residential District to M-1 Light Industrial District so that the entire parcel would be consistent with M-1 Light Industrial District. Mr. Loveall would like open a second towing business at 544 South Lincoln Street location. Discussion.

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The Zoning Administrator presented the Staff Report dated October 27, 2023. The applicant is requesting approval of rezoning a portion of 544 South Lincoln Street from Rs-1 Single Family Residence to M-1 Light Manufacturing District. Lands on the west of the parcel are zoned Rs -1 Single Family Residence and lands to the east parcel are zoned M-1 Light Manufacturing District. **2040 Land Use Plan:** This application presents a need to interpret the intentions of the 2040 Comprehensive Plan taking into consideration the written definitions of future land use sections of the plan addressing what was intended by the designation of the parcel and the broader area as light industrial/mixed uses and its relationship to zoning. The plan states the following about light industrial/mixed uses: **Light Industrial Mixed Use:** Transition between industrial uses and residential uses, and to minimize adverse impacts on existing uses by use of landscape buffers and screening. It includes residential uses and is meant to protect the character of this area while allowing for future higher density residential and community business activities like offices, food establishments, service or light industrial uses. **Light Industrial Mixed Use Areas:** In some areas of Elkhorn, residential uses are found in close proximity to industrial uses. These areas would benefit from a better transition between the industrial uses and residential uses to minimize adverse impacts on existing uses. It includes the residential area west of South Lincoln Street, and is meant to protect the character of this area while allowing for future higher density residential and community business activities like offices, food establishments, service or light industrial uses. Areas under this category should also have adequate landscape buffers, and a well-connected sidewalk network and streetscape to promote walkability and connectivity to the adjacent neighborhood, as well as recreational areas within the industrial and business park. It is important to understand what the intentions of the plan were in light of two different zoning classifications of residential and M-1 both on the subject parcel and whether the portion of the parcel zoned residential was meant to be and remain a buffer/transition area to the residential to the north and rear of the parcel. **Staff Recommendations:** At this time, the staff recommendation is pending outcome of the discussion and feedback from the Plan Commission after receiving additional information from the applicant and surrounding residents and review of the City's 2040 Comprehensive Plan details. The Zoning Administrator reported that after conferring with the legal counsel, additional information has been discovered since the completion of the Staff Report. Since the back portion of the property is currently zoned Rs-1 Single Family Residential District, it was recently noted that the lot width does not meet the 100 foot width requirement for a viable single family lot per City ordinance. The existing lot is currently nonconforming and is requested to be rezoned M-1 Light Industrial District, which creates an even more nonconforming lot. The Zoning Administrator recommends that the Plan Commission **DENY** the rezone request and suggests that the applicant withdraw the rezone request since he only proposes to use the lot as green space with no plans for any other use. The Zoning Administrator has conveyed this information to the applicant.

Motion (Boardman/Meinel) moved to deny the rezone for a portion of 544 South Lincoln Street from Rs-1 Single Family Residence to M-1 Light Manufacturing District. Discussion. Lee Loveall, applicant, agreed to withdraw the request for a rezone because the property will remain as green space with no anticipated building or parking lot construction now or in the future. Motion to deny the rezone withdrawn, along with the second because the applicant agreed to withdraw the rezone request. No further action taken.

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CONDITIONAL USE PERMIT/544 S. LINCOLN ST./ON TIME TOWING LLC

Chairman Lechner explained that a public hearing was held on September 7, 2023 before the Plan Commission regarding the Conditional Use Permit (CUP) request for property located at 544 South Lincoln Street by Lee Loveall, On Time Towing LLC, with citizen comment.

Eric Jones, Jones Bus Travel, 511 South Lincoln Street, repeated that he felt that if the Conditional Use Permit (CUP) is approved then the property should conform to City codes which includes connecting to City sewer and water. Also, he pointed out that the applicant should submit a site plan to show hard-surface parking areas, fencing, lighting along with the plan to connect to City sewer and water. Currently the property is not connected to City sewer and water and there is no public restroom at this business location which is required by City code.

Chairman Lechner said the correspondence received from Laura Anderson, 525 South Wisconsin Street, adjacent neighbor, expressed concerns with noise and vehicle storage which she felt could be resolved with the installation of fencing and landscaping. She is in support of the locating the towing business at 544 South Lincoln Street.

Chairman Lechner reported that the Plan Commission had recommended to City Council to approve the Conditional Use Permit (CUP) with conditions that were stipulated by the Zoning Administrator at the September 7th meeting. The matter was placed on the September 18, 2023 Council meeting agenda for discussion and/or action. The Council referred the matter back to the Plan Commission for more detail because the applicant was not able to attend the previous meetings to respond to questions and/or comments. He asked the Zoning Administrator to provide the Staff Report to be followed by the applicant's response to those comments.

The Zoning Administrator presented the Staff Report dated October 27, 2023. The applicant is requesting a Conditional Use Permit (CUP) for vehicle outdoor storage behind security fencing at 544 South Lincoln Street (Tax Key No. YP00030).

Staff Recommendations: At this time, the staff recommendation is pending outcome of the discussion and feedback from the Plan Commission after receiving additional information from the applicant and surrounding residents and review of the City's 2040 Comprehensive Plan details.

The Zoning Administrator also referred to the August 28, 2023 Staff Report. If the Plan Commission recommends **APPROVAL** of the Conditional Use Permit (CUP) then they should include the following conditions: 1) All vehicles shall be parked on pavement or gravel, and only in the rear yard of the property behind fencing or this Conditional Use Permit (CUP) shall become null and void; 2) Parking shall not exceed 40 vehicles at any time; 3) Fencing shall be installed within 6 months of the approval; 4) Building and business shall not be open to the public unless it has been hooked up to City water and sewer; and 5) Applicant is responsible for planning, design, and implementation of the grading plan for the site. The City of Elkhorn shall not be held responsible for any deficiency in the grading plan. Discussion regarding conditions to be placed upon the property via the Conditional Use Permit which include proper sewer and water connection, hard surface parking and fencing requirements. When questioned about keeping the existing gravel vs installation of hard surface parking, the Zoning Administrator pointed out that the site may keep the existing gravel but if any changes are made, such as preparing to connect to City sewer and water and fence installation, then the entire parcel must have hard surface parking.

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Lee Loveall, applicant, agreed with the conditions outlined by the Zoning Administrator, except that he was not sure that he could meet the specific timeframe for the sewer and water connection. He would like a 1-2 year extension in order to connect to City sewer and water because it is difficult to find a contractor at this time of the year on short notice. Discussion regarding concerns with the extension requested by the applicant for sewer and water connection. Members felt that this connection should be completed prior to the applicant taking occupancy of the property, as noted in the October 27, 2023 Staff Report. Additional discussion regarding the safety issues of towing/parking electric as well as non-electric vehicles and backing towed vehicles onto the property from heavily congested South Lincoln Street. The applicant provided assurances to the Plan Commission that he would try to meet the requirements but is still requesting a 1-2 year timeline for the sewer and water connection. Discussion.

Chairman Lechner asked the applicant to return to the next Plan Commission meeting in order to provide members with a site plan to show hard-surface parking areas, fencing, lighting along with his plan to connect to City sewer and a list of the construction materials that will be used for this project. Applicant agreed to submit a site plan and additional information as requested for the next scheduled Plan Commission meeting.

MEETING DATES

Meeting dates: The next Plan Commission meeting may be scheduled for Thursday, November 16, 2023.

ADJOURNMENT

Motion (Boardman/Geaslen) to adjourn. Motion carried unanimously. Meeting adjourned at 7:00 p.m.

Shari McKinney
Plan Commission Secretary