

CITY OF ELKHORN
ARCHITECTURAL REVIEW BOARD/CITY PLAN COMMISSION MEETING
Council Chambers, 311 Seymour Ct., Elkhorn, WI
February 15, 2024

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

ROLL CALL

Present: Geaslen, Stotko, Hunter, Wuttke, Meinel
Absent: Boardman, Lechner
Also Present: Schwark, Swann, Phillips, Lindstrom
Visitors: Joe Koepecky

APPROVAL OF MINUTES

Motion (Stotko/Geaslen) to approve the minutes of the Architectural Review Board and Plan Commission meetings of February 1, 2024. Motion carried unanimously.

PUBLIC HEARING/CUP/195 COMMERCE DR./ELKHORN TRAVEL CENTER

Public hearing convened at 6:03 p.m. for the purpose of hearing all interested parties, their attorneys or agents with respect to the application requesting a Conditional Use Permit to allow for a 3,106 square foot addition and renovation of the existing 2,394 square foot gas station with car wash to incorporate a drive-thru lane and fast service restaurant for property located at 195 Commerce Drive (Tax Key No. YA238500003). Vice-Chairman Meinel asked if anyone wished to be heard regarding this matter. No one wished to be heard. Vice-Chairman Meinel asked three times if anyone wished to be heard. No one else wished to be heard. Public hearing closed at 6:05 pm.

CONDITIONAL USE PERMIT/195 COMMERCE DR./ELKHORN TRAVEL CENTER

Joe Koepecky, Architect, representing Elkhorn Travel Center, presented the request for a Conditional Use Permit to allow for a 3,106 square foot addition and renovation of the existing 2,394 square foot gas station with car wash to incorporate a drive-thru lane and fast service restaurant for property located at 195 Commerce Drive (Tax Key No. YA238500003). He explained this project was discussed two years ago with the Plan Commission but now the plan includes slight alterations to the original site plan for the gas station remodel. Discussion.

The Zoning Administrator provided the Staff Report dated February 5, 2024. The applicant is requesting site plan, and architectural review of a proposed 3,106 square feet addition to the existing 2394 square foot building to incorporate a drive-thru lane and fast service restaurant, parking lot improvements, and reconfiguration of landscape beds. The applicant is requesting a conditional use permit for an addition and renovation of an existing gas station with car wash to include a drive through lane and fast service restaurant. The gas station is already operational with adequate space for the addition. **Staff Recommendations:** Recommend that the Plan Commission **APPROVE** the Conditional Use Permit for an addition and renovation of an existing gas station with car wash to include drive thru lane and fast service restaurant with the following conditions: 1) The project shall be developed in accordance with the plan of operations. 2) Any deviation from the approved plans shall require zoning administrator and/or Plan Commission approval. 3) Construction shall begin within one year of approval.

**CITY OF ELKHORN
ARCHITECTURAL REVIEW BOARD/
CITY PLAN COMMISSION MEETING
FEBRUARY 15, 2024
PAGE 2**

Motion (Hunter/Geaslen) to recommend to Council to approve the Conditional Use Permit to allow for a 3,106 square foot addition and renovation of the existing 2,394 square foot gas station with car wash to incorporate a drive-thru lane and fast service restaurant for property located at 195 Commerce Drive (Tax Key No. YA238500003) submitted by Elkhorn Travel Center subject to the Zoning Administrator's Staff Report of February 5, 2024. Motion carried unanimously.

GENERAL DISCUSSION

Solar Energy System Regulation & Requirements/Creation of Municipal Ordinance

The City Attorney reported that Plan Commission members had requested additional information regarding the requirements of solar energy installation for the possibility of creating an ordinance for municipal regulation. The State of Wisconsin has enacted statutes that protect solar development and limit municipal regulation of solar energy systems. Per State Statutes municipalities may not place any restriction on the installation or use of solar energy system unless the restriction satisfies one of the following: 1) serves to preserve or protect the public health or safety; 2) does not significantly increase system cost or decrease efficiency; or 3) allows for an alternative system of comparable costs and efficiency. This statute is not superseded by municipal zoning or conditional use powers. These three conditions are the only standards that a City may consider when regulating solar projects and adopting an ordinance. In the absence of enforceable municipal restrictions, a developer may construct a solar energy system without prior City approval. The courts have upheld these statutes, stopping municipalities from making restrictions contrary to these state statutes for regulations solar panel installation. He further explained that a municipality cannot regulate the size of a solar panel installation. However, the City can create an ordinance to preserve and protect health and safety. It was noted that the ground solar panel installation has also been permitted as an accessory structure. Members discussed the only existing ground solar panel installation within a City residential subdivision that had been permitted as an accessory structure and questioned the side yard location. Members felt an ordinance could further clarify future locations of any additional ground solar panel installations. The City Attorney explained that if the Plan Commission wished to move forward with a plan to create an ordinance regulating solar installation that he could draft the document based upon the examples of ordinances and resolutions from other municipalities (included in the packet of meeting materials) for informational purposes. After some further discussion, members agreed and requested the City Attorney to create a solar energy system ordinance to present at a future Plan Commission meeting for discussion with possible additions and/or corrections to be made with final draft to be sent forward to the City Council for adoption.

Updates

Updates of current and future projects were briefly discussed.

MEETING DATES

The next Plan Commission meeting may be scheduled for Thursday, March 7, 2024.

ADJOURNMENT

Motion (Wuttke/Geaslen) to adjourn. Motion carried unanimously. Meeting adjourned at 6:35 p.m.

Shari McKinney
Plan Commission Secretary