

CITY OF ELKHORN
WALWORTH COUNTY, WISCONSIN

ARCHITECTURAL REVIEW BOARD & CITY PLAN COMMISSION MEETING NOTICE

Thursday, November 2 @ 6:00 PM
Council Chambers, City Administration Offices, 311 Seymour Court, Elkhorn,
Wisconsin

AGENDA

1) Call to Order

2) Pledge of Allegiance

3) Roll Call

4) Approve Minutes

- a) October 5, 2023

5) Plan Commission Items

- a) Lee Loveall (Applicant), On Time Towing, LLC (Company) – 544 S. Lincoln St.
(Tax Key: YP 00030)
 - i) Rezone – Discussion and Recommendation
 - ii) Conditional Use Permit – Discussion and Recommendation

6) General Discussion Items

- a) Updates

7) Review Upcoming Meeting Dates & Times

- a) November 16, 2023, at 6:00 PM
- b) December 7, at 6:00 PM

8) Adjournment

SHOULD YOU HAVE ANY QUESTIONS OR COMMENTS REGARDING ANY ITEMS ON THIS AGENDA, PLEASE CONTACT THE BUILDING AND ZONING OFFICE AT (262) 741-5124. UPON REASONABLE NOTICE TO THE CITY CLERK AT (262) 723-2219, EFFORTS WILL BE MADE TO ACCOMMODATE THE NEEDS OF DISABLED INDIVIDUALS THROUGH APPROPRIATE AIDS AND SERVICES.

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE MEMBERS OF THE COMMON COUNCIL MAY ATTEND THIS MEETING TO GATHER INFORMATION ABOUT A SUBJECT OVER WHICH THEY HAVE THE DECISION MAKING RESPONSIBILITY. THE ONLY ACTION TO BE TAKEN AT THE ABOVE ANNOUNCED MEETING WILL BE ACTION OF THE PLAN COMMISSION.

CITY OF ELKHORN
ARCHITECTURAL REVIEW BOARD/CITY PLAN COMMISSION MEETING
Council Chambers, 311 Seymour Ct., Elkhorn, WI
October 5, 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: Wuttke, Hunter, Geaslen, Meinel, Lechner, Boardman (via Zoom)
Absent: Stotko
Also Present: Schwart, Swann, Nichols, Rauch, Lindstrom, Smith
Visitors: Paul VanHenkelum, Ryan Cardinal, Tommy Larson, Tony Larson, David Cornale,
Lee Brown, Neal Styka

APPROVAL OF MINUTES

Motion (Hunter/Wuttke) to approve the minutes of the Architectural Review Board and Plan Commission meetings of September 21, 2023. Motion carried unanimously.

CERTIFIED SURVEY MAP/S. SOUTH LINCOLN ST. & STH 67 SOUTH/CREEKSIDE DEV./LARSON

Paul VanHenkelum, Cardinal Engineering, presented the two lot Certified Survey Map, on behalf of Creekside Community Development LLC, Thomas Larson, for property located off South Lincoln Street/State Highway 67 South (Tax Key No. YVSE00016).

The Zoning Administrator provided the Staff Report dated September 28, 2023. The applicant is requesting a two lot CSM to separate the commercial lots off of South Lincoln Street at the intersection of East Deere Road so they may be sold and/or developed in the future. Staff recommends that Plan Commission consider approving the Certified Survey Map as presented.

The City Engineer presented the comments from the September 27, 2023 Memorandum. The Certified Survey Map was reviewed by a Licensed Land Surveyor. Kapur completed a review of a Certified Survey Map prepared by Paul VanHenklum of Cardinal Engineering, Inc. Our review was conducted to determine compliance with Chapter 236 of the Wisconsin State Statutes, Chapter 18 of the City of Elkhorn Land Division Ordinance, and good surveying practices. The Certified Survey Map dated July 24, 2023, was reviewed. As per 236.20 (2)(b) Please indicate the outside diameter or size of the iron pipe, iron rod and monument type found. As per 236.34 (1)(c) The parcel appears to only be in the NW ¼ of the SW ¼ and the SW ¼ of the NW ¼ quarter sections. As per 236.21 (2)(a) Owner's Certificate should add "dedicated" with the road dedication of E. Deere Rd. The bearing for L8 is S88°28'58"W in the line chart, but listed as S89°15'25"W in the surveyor's certificate. L8 appears to be correct. Although the material has been reviewed, the surveyor is ultimately responsible for the thoroughness and accuracy of the Certified Survey Map with state statutes and the land division ordinance. It is noted that Cardinal Engineering responded via letter dated October 3, 2023 with the required revisions to the July 24, 2023 CSM. Kapur replied with an October 9, 2023 Memorandum stating all revisions were made on the revised CSM dated October 3, 2023 and recommends approval of the Certified Survey Map subject to surveyor's comments.

Motion (Hunter/Wuttke) moved to recommend to Council to approve the two lot CSM within the Creekside Community Development to separate the commercial lots off of South Lincoln Street/State Highway 67 South at the intersection of the proposed extension of East Deere Road (Tax Key No. YVSE00016) to be sold and/or developed in the future by Teronomy Builders. Roll Call Vote. Wuttke-Yes; Hunter-Yes; Boardman-Yes; Geaslen-Yes; Meinel-Yes; Lechner-Yes. Motion carried unanimously.

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PUBLIC HEARING/PUD OVERLAY & GDP PLAN/CREEKSIDE DEVELOPMENT/LARSON

Public hearing convened at 6:05 p.m. for the purpose of hearing all interested parties, their attorneys or agents with respect to the application of a General Development Plan (GDP) for a Planned Unit Development (PUD) to allow for multi-unit apartment complexes located off South Lincoln Street/State Highway 67 South at the intersection of the proposed extension of East Deere Road (YVSE00016) requested by Thomas Larson, Creekside Community Development LLC. Chairman Lechner asked if anyone wished to be heard regarding this matter. No one wished to be heard. Chairman Lechner asked three times if anyone wished to be heard. No one else wished to be heard. Public hearing closed at 6:06 pm.

PUD OVERLAY & GDP PLAN/CREEKSIDE DEVELOPMENT/LARSON

Paul VanHenkelum, Cardinal Engineering, presented the Planned Unit Development (PUD) for multi-unit apartment complexes located off South Lincoln Street/State Highway 67 South (YVSE00016) via a General Development Plan (GDP) on behalf of Thomas Larson, Creekside Community Development LLC,

Mr. VanHenkelum explained that Creekside Community Development proposes to develop a 70 acre parcel, known as the Proctor Farm, currently zoned B-5 Highway Business and Planned Unit Development (PUD) with RM-2 underlying property zoning. The developer proposes to build a multiuse site that would include businesses along South Lincoln Street and 11 multi-family buildings with 77 apartments in each of the buildings. There would be a total number of 847 apartment units with 154 units being Senior housing. The project will also include a full intersection at East Deere Road and South Lincoln Street. East Deere Road would be extended through the business property and terminate at the multi-family project. The commercial land is approximately 15 acres and the multi-family land is approximately 55 acres. At this time Mr. VanHenkelum presented a short video.

Lee Brown, Teska Associates, provided his September 28, 2023, Memorandum regarding the General Development Plan (GDP) review for the proposed Creekside Community. Staff has expressed a concern about the design of the site circulation system. Originally shown as extraordinarily long dead ends, in response to staff recommendation, the internal roads were connected to form loops with multiple pathways to enter or exit. Staff also expressed the concern over the design of the circulation system which requires every entering and existing vehicle to drive through the same parking aisles that serve the surface parking lots. In response, the petitioner proposes to include a median island in the circulation road within each parking lot so as to calm the traffic through the long, straight aisles and to cut in half the number of parking spaces each vehicle will bypass on entry and exit. Staff requested a Traffic Impact Analysis (TIA) which was supplied by the petitioner. The Traffic Impact Analysis (TIA) found that the intersections improvements at Deere Street, and the extension of Deere Street into the site, would not adversely impact the traffic on South Lincoln Street. It also confirmed the need of a secondary access to Getzen Street. This initial Traffic Impact Analysis (TIA) did not address internal circulation. An addendum to the Traffic Impact Analysis (TIA) was prepared that concludes “the traffic control and traffic islands shown on the site plan are expected to promote safe and efficient traffic flow throughout the multi-family area of the development site”. The raised median island proposed would establish two parallel one-way pairs, each being a 13 foot lane which is not wide enough to make a turn into or out of a parking space, nor does it meet the City’s standards for fire safety. The minimum lane width of reach of these 2 one-way pairs would need to be 20 feet which would defeat both the purposes of installing the median island for traffic calming or for reducing impervious surface. Staff does not support the parking/circulation as proposed and has suggested the removal of the island and the introduction of traffic calming measures including traffic circles and raised “speed tables”.

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Lee Brown continued with comments regarding wetlands. The Wetlands that accompany the channelized stream flows through the site may not be moved or altered without appropriate State Permits (and are not proposed to be moved by the petitioners). The edges of these wetlands can be visually enhanced to discourage residents from traversing through or trampling the wetlands. The use of appropriate native plant materials should be used and should be shown on the landscape plan to protect these wetlands and treat them as a visual asset. The zoning ordinance presents the Basis for Review for a Planned Unit Development (PUD) in four required findings: As a basis for approving, conditionally approving, or rejecting a general development plan or specific implementation plan, the Plan Commission and the Common Council shall generally consider whether or not the proposed planned unit development: (i) is consistent with the spirit and intent of this chapter, (ii) is consistent with the City's comprehensive plan, (iii) produces significant benefits in terms of environmental design, and (iv) has been prepared with professional advice and guidance. As is the case on all developments, the City staff has provided initial review the development proposal and supporting documents, the petitioner has considered the staff review and in several cases modified the proposal in light of those review comments and has resubmitted its supporting documents. Some, but not all of the review comments have been addressed in the resubmission. Despite the expectation that the commercial uses will be included in Phase 1, details on the commercial use buildings, site improvements, stormwater management, lighting and landscaping are insufficient at this time. Staff will recommend consideration of the General Development Plan (GDP) for the commercial portions of the site be delayed until sufficient details are available. Brief discussion.

The City Engineer presented the September 27, 2023 Memorandum. Kapur reviewed the General Development Plan (GDP) application for Creekside Community Development and offers the following comments: **General - 1)** The site improvement plans shall clearly indicate that the stormwater basins shown on the General Development Plan (GDP) will be sized for the residential development only and that commercial lots 1 and 2 must address stormwater management requirements on a lot by lot basis. **2)** The specifics of the public road connection location and configuration at Getzen Street shall be determined upon coordination with the railroad and will be subject to Department of Public Works and Engineering approval. **3)** The phasing plan shows the public road connection at Getzen Street to be part of Phase 1; however, this connection is not extended to the on-site Phase 1 private roads. The Getzen Street extension to the lot line and extension to the private roads shall be completed in the same phase. In previous discussions, it was discussed that the extension and connection would be completed in Phase 2 due to anticipated timeline for railroad review and approval. **4)** A permanent private access road off South Lincoln has been added approximately 615 feet from the proposed signalized main entrance. The Traffic Impact Analysis (TIA) shall be updated to reflect this additional ingress/egress. **5)** An internal traffic flow diagram and memo from TADI has been provided. Please address the following: **a)** The memo states "Other than the main entrance roundabout intersection, these intersections represent those with the estimated highest traffic volumes throughout the multi-family residential portion of the site." The main entrance roundabout was not evaluated even though it is likely to have the highest volumes. **b)** How are the volumes estimated leaving the underground parking? For example, at Building No. 6 was all the traffic assumed to use the entrance/exit nearest the Middle N/S Road that leads to Getzen Street or did half of the traffic use the entrance/exit nearest Building No. 7? Please clarify. **c)** Traffic volumes used were based on the July 2023 Draft Traffic Impact Analysis (TIA). However, the number of buildings has changed since then from 13 multi-family to 9 and from 3 senior housing to 2. How is this change in volumes accounted for? **d)** In Exhibit No. 2, the callout for Building No. 2 & No. 3 should be No. 3 & No. 4.

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6) The Giles Geotechnical Report provides recommended low floor elevations throughout the development in Table 2. Giles provided a supplemental document entitled “Below-Grade Floor Elevation Feasibility” dated September 19, 2023. The project description indicates the residential buildings will be two (2) story while the elevations provided show residential buildings at four (4) stories above the parking level. It is unclear if this detail impacts the recommendations from Giles. b) Giles made the following statements/recommendations: i) 3 residential buildings and the clubhouse have lower-level floor elevations below the minimum elevations recommended. It is anticipated that subsurface drainage improvements could be implemented to lower ground water levels at these areas to allow for below grade construction at the planned lower-level floor elevations. ii) Further evaluations in the building areas of the clubhouse and the building located north of the clubhouse is recommended to determine appropriate measures for subsurface drainage improvements. iii) Bentonite collars within utility lateral backfill is expected to be needed and recommended to be implemented where appropriate. iv) Increased capacity subdrainage systems that include below-slab lateral drainpipes, multiple sumps and possibly gravity drainage are expected to be needed. 7) We understand the requested stationing, intersection, and off-sets for the proposed signalized intersection will be provided upon WisDOT approval. **Site Plan Review -**

1) Parking lot aisles are shown throughout as a traffic calming measure. We are in support of the traffic calming measures proposed; however, the drive aisles must be a minimum of 20-foot unobstructed width to meet state fire code requirements for fire access (NFPA 1: 2012 18.2.3.4.1.1). This minimum width requirement is consistent with the City’s Zoning Code for the 90-degree parking serving 1-row. If two rows of 90 degree parking are served, the minimum aisle width is 26-foot. A 13 foot wide aisle width is currently proposed. 2) Protective area setbacks shall be shown on the GDP site plan. a) A 50 foot setback has been provided from the delineated wetlands along the intermittent creek. Per City Ordinance the protective area setback shall be from the topo of the stream channel or the delineated wetland that is the greatest of the following widths, “as measured horizontally from the top of channel or the delineated wetland boundary to the closest impervious surface.” It appears the channel banks may dictate. b) It is currently unclear if the intermittent stream will be classified as a navigable waterway by Wisconsin Department of Natural Resources (WDNR). This determination would affect if the intermittent creek would be classified as shoreland area per the zoning code. Shoreland setback requirements affecting this site are being reviewed by the City Attorney. 3) Proposed locations of all easements shall be included in the GDP submittal. Kapur has requested that the drainageways / wetlands that convey stormwater from off-site shall be placed in drainage easements up to the 100 year HWL. The applicant has stated they do not desire to have the wetland placed in a drainage easement. Chapter 18.67 states, “Where a subdivision is traversed by a drainageway or stream an adequate easement shall be provided as may be required by the Common Council.” Council recommendation on this request will be sought. **Grading / Stormwater -**

4) Chapter 14.05 of the municipal code requires the lowest building penetration be located a minimum of 2 foot above the estimated 100 year flood level of any adjacent water body, stream, or drainageway. 100 year flood level estimates shall be provided. This provision applies to water bodies, streams or drainageways regardless of a regulatory floodplain designation. It is unclear if this provision has been met. Kapur requested the following information via email on September 15, 2023: a) Please show the location of the East and West drainageways modeled along with the location of the typical cross-section used (both existing and proposed). The West drainage way appears to be the flow path through middle of the property (Green in the attached) and the East Drainageway along the intermittent creek (blue). b) Please provide the drainage area delineations for the analysis. The East Drainage way is modeled with a tributary area of 198.5 acres.

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During our last meeting we discussed a drainage are of 1,283 acres downstream of the culvert pipe under Highway I 43 (from Purdue watershed) attached. The East drainageway could be broken into two reaches, one upstream of the I 43 culvert and one downstream to account for this significant flow change. c) On the drainage exhibit please provide the county contour data for the intermittent creek downstream of the confluence of East and West drainage ways. It is unclear if the grading of Prop W wet pond encroaches on the HWL in that location. It is understood that the main channel is on the DMV property. As of the date on this memo, we have received no response to the September 15, 2023 email. 5) Conveyance in the existing stream shall be maintained up to the 100 year high water level. This may affect the limits of fill proposed onsite and placement of structures. The concern remains outstanding. **Utilities** - 6) It is understood that gravity sewer laterals will service all the residential units; however, underground parking areas will be serviced with grinder pumps to the gravity laterals. 7) Watermain shall be looped throughout the development with the Phase 1 improvements. A second connection to the watermain along South Lincoln at the proposed permanent access drive may be an option. Discussion regarding obtaining deed restrictions and/or easements.

The Zoning Administrator presented the Staff Report dated September 28, 2023. The applicant is seeking approval of the General Development Plan (GDP) for a Planned Unit Development Overlay District (PUD). Staff provided the applicant with feedback with suggestions and recommendations: 1) That a playground space/park space be added to the site. 2) A second water loop come off South Lincoln Street in phase one for adequate water supply to the site. Staff must ensure that there will be enough support. 3) The size of the private drive lanes be extended to at least 20 feet in all areas where the site plan shows less. Currently, landscaping islands have been shown on the site plan which only allows for a 13foot lane, which is not adequate for emergency services, and not to code. 4) Traffic circles and speed tables be added for traffic calming. 5) Sidewalks and pedestrian paths be added into the site plan throughout so pedestrians can access public streets, the clubhouse within the development, and the commercial sites off of South Lincoln Street; 5) There be two access points and means of ingress/egress during phase 1. 6) The connection at Getzen Street, once approved and completed, be connected to the Phase 1 development. **Staff Recommendations:** 1) Developer shall be required to return to the Plan Commission for approval of a Specific Implementation Plan (SIP) to include detailed plans for the following: a) A precise description of the type, number and size of dwelling units; a description of the type and amount of square feet devoted to commercial or industrial uses, the estimated number of employees, and character and volume of truck and automobile traffic generated form the site. b) A proposed plat of the entire development area showing detailed lot layout and the intended use of each lot or parcel of land, public dedications, public and private streets, driveways, walkways, and parking facilities. c) A detailed site plan of the development showing the location of all buildings, pavement areas, signs and outdoors lighting. d) A detailed landscape plan showing the location and treatment of open space areas and the location, species, and size of landscape material. e) detailed grading plan. f) Location of all utility installations. g) A storm water management plan. h) Architectural drawings and sketches illustrating the design and character of proposed structures, including elevation drawings of all principal buildings. In any planned unit developments containing single-family homes, the Plan Commission may approve site and architectural design guidelines to be recorded as a declaration of covenants, deed restrictions, or other similar document, in lieu of reviewing the plans for each individual single-family residence. i) A development schedule indicating: The approximate date when construction of the project can be expected to begin; the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin; the anticipated rate of development;

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the approximate date when the development of each of the stages will be completed. j) Agreements, bylaws, or covenants that govern the organizational structure, use, maintenance and continued protections of the planned unit development and any of its common services, open areas or other facilities. k) Any other plans, documents or schedules required by the Plan Commission or Common Council. 2) Project shall have a fully approved development agreement with the City of Elkhorn prior to final approval. 3) There shall be no dead end utilities after Phase 1, all utilities should be looped. Discussion.

Member Hunter suggested to table the General Development Plan (GDP) presented by Creekside Community Development LLC until the next Plan Commission meeting tentatively scheduled in two weeks to address Staff comments and/or concerns and any other questions. The City Administrator said Staff last met with the applicant in August and since that time many revisions have been discussed with the applicant and incorporated in the General Development Plan (GDP). Paul VanHenkelum felt that Staff comments and/or concerns have been addressed and any other items in question could be addressed in detail with the submittal of the Specific Implementation Plan (SIP). He said further delays would be costly to the applicant.

Chairman Lechner asked for any further comments from Staff. The City Engineer indicated that she would be satisfied with cleaning up the General Development Plan (GDP) with any conditions to be addressed in the Specific Implementation Plan (SIP). The Zoning Administrator expressed that she would like to see an updated site plan and traffic calming measures incorporated into the Specific Implementation Plan (SIP). When asked by the Plan Commission, the Fire Chief responded that he was satisfied with the applicant's response.

Motion (Hunter/Meinel) to recommend to the City Council to approve the General Development Plan (GDP) for a Planned Unit Development Overlay District (PUD) which includes multi-unit apartment complexes located off South Lincoln Street/State Highway 67 South (YVSE00016) submitted by Thomas Larson, Creekside Community Development LLC subject to the conditions of the Zoning Administrator's Staff Review dated September 13, 2023, the City Engineer's Memorandum dated September 27, 2023, and the Teska Memorandum dated September 28, 2023. Roll Call Vote. Wuttke-Yes; Hunter-Yes; Boardman-Yes; Geaslen-Yes; Meinel-Yes; Lechner-Yes. Motion carried unanimously.

GENERAL DISCUSSION ITEMS/UPDATES

The Zoning Administrator reported that St. Patrick's Church has been notified via letter that their project application has expired and would need to resubmit a new application. There were no other updates at this time.

MEETING DATES

Meeting dates: The next Plan Commission meeting may be scheduled for Thursday, October 19, 2023.

ADJOURNMENT

Motion (Wuttke/Geaslen) to adjourn. Motion carried unanimously. Meeting adjourned at 7:15 p.m.

Shari McKinney
Plan Commission Secretary

PLANNING REQUEST

FOR OFFICE USE ONLY

PC# E23-08-021

CITY OF ELKHORN - DEPARTMENT OF BUILDING AND ZONING
311 SEYMOUR COURT., P.O. BOX 920 • ELKHORN, WI 53121
PHONE: (262)741-5124 • FAX: (262) 741-5135

Notice: This document is an Official City of Elkhorn Document. All submittals must be made on Official City of Elkhorn Documents.

1. General Project Information:

Project Tax Key #: Y900030 Project Address: 544 S Lincoln St
Project Title (if any): _____

2. Applicant, Agent & Property Owner Information:

Applicant's Name: Lee Loveall Company: ON Time Towing LLC
Street Address: 515 E Milwaukee St City/State: Whitewater Wi Zip: 53190
Telephone: (608) 575-9580 Fax: () Email: the.fupawter@aol.com

Agent: _____ Company: _____
Street Address: _____ City/State: _____ Zip: _____
Telephone: () Fax: () Email: _____

Owner, if different from Applicant: AC Meisner Investments
Street Address: PO Box 583 City/State: Williams Bay Wi Zip: 53191
Telephone: (608) 262-903-7000 Fax: () Email: _____

3. Planning Request (Check all that apply)

- Site Plan and Architectural Review _____ \$175.00 plus \$.04 per sq. ft. (Floor Area)
- Conditional Use Permit _____ \$275.00
- Rezone _____ \$325.00
- Land Use Amendment _____ \$350.00
- Planned Unit Development _____ \$325.00
- Preliminary Plan _____ \$200.00 plus \$20.00 per lot
- Final Plat _____ \$200.00 plus \$20.00 per lot
- Certified Survey Map _____ \$200.00 plus \$20.00 per lot
- Project Concept Review _____ \$150.00
- Conceptual Land Division _____ \$100.00 plus \$3.00 per acre
- Joint Conditional Use & Rezoning _____ \$575.00
- Joint Rezoning & Certified Survey Map _____ \$500.00 plus \$20.00 per each new lot
- Zoning Board of Appeals/Adjustment _____ \$325.00

July 24, 2023

To; City of Elkhorn Zoning Board

From; On Time Towing LLC

515 E Milwaukee St

Whitewater Wi. 53190

(262)731-2908

Respectfully submitted for approval of a conditional use permit to operate a tow yard/impound lot at 544 S Lincoln St Elkhorn Wi. The property is currently zoned M1 with a small section on the rear of the property zoned R1 from a old abandoned alley right of way that we are asking you to also change the zoning to match M1 on the front parcel. The purpose of our business locating here is to better serve the police agency's that we currently tow for (Walworth Co Sheriff's Dept, and Wisconsin State Patrol faster as well as 3 others) and hopefully soon the Elkhorn Police Dept with the pickup and storage of vehicles involved in accidents, arrests or that were illegally parked. We do currently have an accepted offer to purchase the property with the contingency that the city approve us to operate our business there. No business would be conducted out of the building and the only people that would be in or out of the property is myself, one helper and any drivers that would be picking up wrecked vehicles to go to either a body shop or salvage facility and the guy who currently does hobby work out of the building. The pickups would be during regular business hours of 8 am to 4 pm Monday thru Friday by appointment only, no staff would be onsite in the building regularly. At some point in the future we would like to hook up the building to city water and sewer.

We would like to fence in the entire rear area beginning at the front wall of the existing building and going to the rear lot line with either a 8 or 10 foot tall solid corrugated steel fence depending on what is allowed by code. There is currently trees along the lot line and we would leave those there without removing them. The rear area would also be lit up and monitored with motion sensing lights and cameras like our current facility in Whitewater. We run a clean professional business and are respectful of our neighbors which has worked well for us in Whitewater with no complaints from any neighbors in the almost 3 years we have operated there. There likely also would be no tow trucks stored at this facility since our trucks are dispatched from a different location and we will not be operating out of the building. We're a small family operated business with a strong commitment of giving back to the communities we serve. We strongly believe this property is the ideal location for our type of business with it being located next to the power sub station and close proximity to the I-43 on and off ramps. It is also across the street from the bus company so the residential neighbors are used to having business's close by with large trucks in and out of them.

Thank you for your consideration

Lee Loveall

REZONE APPLICATION

FOR OFFICE USE ONLY

PC# EA3-08-021

CITY OF ELKHORN - DEPARTMENT OF BUILDING AND ZONING

311 SEYMOUR CT., P.O. Box 920 • ELKHORN, WI 53121

PHONE: (262)741-5124 • FAX: (262) 741-5135

Notice: This document is an Official City of Elkhorn Document. All submittals must be made on Official City of Elkhorn Documents.

I, (We), the undersigned owner(s)/agent do hereby petition the Plan Commission to grant a Zoning Amendment.

1. Address and legal description of the subject site (attach a separate sheet if necessary):
544 S Lincoln St
2. Tax Parcel number: _____
3. Current Zoning District: M1 + R1
4. Requested Zoning District: M1
5. Requested Zoning text amendment Section: R1
6. Petitioner's interest in the requested rezoning: CUP for Towing Impound lot
7. List type and number of structures, proposed operation or use of the structure(s) or site, number of employees, parking, etc.: 1 Block Building used as a part time hobby shop. Back lot to be fenced in and used as a towing impound lot for police tows + accident vehicles

I, (We) hereby certify that all the above statements and attachments submitted herewith are true and correct to the best of my knowledge and belief.

PROPERTY OWNER	
_____	(Signature)
_____	Printed
Address _____	

Phone _____	

OWNER'S AGENT	
<u>Lee Loveall</u>	(Signature)
<u>Lee Loveall</u>	Printed
Address <u>515 E Milwaukee St</u>	
<u>Whitewater WI 53190</u>	
Phone <u>608 575-9580</u>	

---- FOR OFFICE USE ONLY ----

Application Reviewed By: _____	Date: _____	
Date Filed: _____	Date Published: _____	Date Notices Mailed: _____
Date of Public Hearing: _____		
PLAN COMMISSION RECOMMENDATION: _____	DATE: _____	
CITY COUNCIL ACTION: _____	DATE: _____	

CONDITIONAL USE PERMIT APPLICATION

FOR OFFICE USE ONLY

PC# _____

CITY OF ELKHORN - DEPARTMENT OF BUILDING AND ZONING

311 SEYMOUR COURT, P.O. Box 920 • ELKHORN, WI 53121

PHONE: (262)741-5124 • FAX: (262) 741-5135

Notice: This document is an Official City of Elkhorn Document. All submittals must be made on Official City of Elkhorn Documents.

I, (We), the undersigned owner(s)/agent do hereby petition the Plan Commission to grant a Conditional Use Permit.

1. Address and legal description of the subject site (attach a separate sheet if necessary): 544 Lincoln Street Elkhorn
2. Tax Parcel number: 4P00030
3. Zoning District: M1
4. Requested Conditional Use: outside storage of vehicles behind fence
5. Petitioner's interest in the requested Conditional Use Permit: Purchasing the property
6. List type and number of structures, proposed operation or use of the structure(s) or site, number of employees, parking, etc.: 1 block building. A fence would need to be installed from the front wall of the building to the rear lot line

I, (We) hereby certify that all the above statements and attachments submitted herewith are true and correct to the best of my knowledge and belief.

PROPERTY OWNER	
_____ (Signature)	
<u>CHRIS HEIGNER</u> Printed	
Address _____	
Phone <u>262-903-7009</u>	

OWNER'S AGENT	
_____ (Signature)	
<u>Lee Loveall</u> Printed	
Address <u>515 E Milwaukee St Whitewater WI 53190</u>	
Phone <u>608-575-9580</u>	

---- FOR OFFICE USE ONLY ----

Application Reviewed By: _____ Date: _____

Date Filed: _____ Date Published: _____ Date Notices Mailed: _____

Date of Public Hearing: _____

PLAN COMMISSION RECOMMENDATION: _____ DATE: _____

CITY COUNCIL ACTION: _____ DATE: _____

City of Elkhorn – Plan of Operations

Building & Zoning

311 Seymour Court, Elkhorn WI 53121 Phone 262-741-5124 Fax 262-741-5135

Property Information		Tenant Information	
Property Tax Key # Y900030		Previous Business Name	
Property Address 544 S Lincoln St		Years in Operation	
Property Owner CHRIS MEISNER		New Business Name	
Owner Mailing Address		Name of Operator	
City State Zip		Operator Mailing Address	
Owner Phone #		City State Zip	
Owner Fax #		Operator Phone #	
New Business Use/Operation Information			
Description of Business Use or Operations Towing for Police Agencies & Private Property Impounds			
Previous use of space		Hours of Operation (Weekday) 8 AM - 4 PM M-F	Hours of Operation (Weekend)
Total Area of Space (SQF)	# Toilet Fixtures 0	# Full Time Employees 1	# Part Time Employees 0
Customer Seating Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Seating Capacity 0	Total Employee Hours Per Year (include yourself if self-employed) As Needed	
Sprinkler System Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Hazardous/Flammable Chemicals used/stored Yes <input type="checkbox"/> (must attach MSDS) No <input checked="" type="checkbox"/>	
Specified Use of Property and Building			
Building A Partly rented out as hobby shop			
Building B			
Building C			
Will be any problems resulting from this operation such as <input type="checkbox"/> Odors <input type="checkbox"/> Smoke <input type="checkbox"/> Noise <input type="checkbox"/> Light <input type="checkbox"/> Vibrations			
Parking			
Dimensions of parking lot 75' x 150' Back lot		Number of spaces available 50	
Parking lot construction <input type="checkbox"/> Paved <input checked="" type="checkbox"/> Gravel <input type="checkbox"/> Grass		Type of screening <input checked="" type="checkbox"/> Fencing <input type="checkbox"/> Plantings	
Is employee parking included in "number of spaces available"? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Signage			
Type <input type="checkbox"/> Free Standing <input type="checkbox"/> Lighted <input type="checkbox"/> Single-Faced <input checked="" type="checkbox"/> Attached to Building <input type="checkbox"/> Mobile <input type="checkbox"/> Double-Faced			
Size: 4x12		Location: front of building	
Entertainment			
Is there any type of music in this proposal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If yes, what kind?			
<input type="checkbox"/> Juke Box When will this be offered to customers M T W Th F Sa Su What time(s) will this be offered			
<input type="checkbox"/> Live When will this be offered to customers M T W Th F Sa Su What time(s) will this be offered			

Permitted Property Uses

*Please check **all** that apply*

<input type="checkbox"/> Two Family Dwelling	<input type="checkbox"/> Restaurant
<input type="checkbox"/> Multi-Family Dwelling	<input type="checkbox"/> Shopping Center
<input type="checkbox"/> Modular home	<input type="checkbox"/> Veterinary Clinic
<input type="checkbox"/> Manufactured home	<input type="checkbox"/> Kennel
<input type="checkbox"/> Multi-Family housing for the elderly	<input type="checkbox"/> Hotel
<input type="checkbox"/> Bed & Breakfast	<input type="checkbox"/> Motel
<input type="checkbox"/> Community living arrangement	<input type="checkbox"/> Health Clinic/Office
<input type="checkbox"/> Family daycare for 8 or less children	<input type="checkbox"/> Office and professional services
<input type="checkbox"/> Dwelling units above a business on a non-ground level	<input type="checkbox"/> Construction services
<input type="checkbox"/> Foster family home	<input type="checkbox"/> Manufacturing
<input type="checkbox"/> Day care center, adult day care center and similar care services	<input type="checkbox"/> Extractive industry
<input type="checkbox"/> Zero lot line development	<input type="checkbox"/> Research and development
<input type="checkbox"/> Clubs, fraternities, lodges, and noncommercial meeting place	<input type="checkbox"/> Warehouse distribution and wholesale
<input type="checkbox"/> Indoor civic, cultural or institutional use	<input type="checkbox"/> Mini-warehouse
<input type="checkbox"/> Adult use	<input type="checkbox"/> Crematory service
<input type="checkbox"/> Automobile and truck rental services	<input type="checkbox"/> Transmitting towers, receiving towers, relay/microwave towers without broadcast facilities or studios
<input type="checkbox"/> Automobile repair	<input type="checkbox"/> Residential quarters for staff or caretaker
<input type="checkbox"/> Transportation facilities	<input type="checkbox"/> Service buildings and facilities normally accessory to the permitted uses
<input checked="" type="checkbox"/> Garages for storage of vehicles	<input type="checkbox"/> Planned unit development
<input type="checkbox"/> Private garages and carports	<input type="checkbox"/> Drive-in or drive-thru accessory to permitted use
<input type="checkbox"/> Home occupations	<input type="checkbox"/> Sheds and other accessory structures
<input type="checkbox"/> Bank, credit union or savings and loan association	<input type="checkbox"/> Off-street parking
<input type="checkbox"/> Car wash	<input type="checkbox"/> Off street parking facility on a separate zoning lot from the associated use
<input type="checkbox"/> Convenience store	
<input type="checkbox"/> Gas Station	Outdoor Uses
<input type="checkbox"/> Grocery/Food sales	<input type="checkbox"/> Active outdoor recreation and open space
<input type="checkbox"/> Indoor business sales and service	<input type="checkbox"/> Fairgrounds
<input type="checkbox"/> Indoor retail sales of goods (other than groceries)	<input type="checkbox"/> Outdoor entertainment
<input type="checkbox"/> Liquor store	<input type="checkbox"/> Outdoor sales
<input type="checkbox"/> Liquor sales	<input type="checkbox"/> Outdoor seating associated with a permitted restaurant
<input type="checkbox"/> Utilities	<input type="checkbox"/> Outdoor storage
<input type="checkbox"/> Other	<input type="checkbox"/> Composting site
<input type="checkbox"/> Two Family Dwelling	<input type="checkbox"/> Airports, airstrips and landing fields

Outdoor Lighting	
Type	LED (Motion Sensing)
Location	REAR + North Side of building
Utilities	
Will you be connected to City	<input type="checkbox"/> Water <input type="checkbox"/> Sewer <input type="checkbox"/> Electric eventually
Is there a private well on-site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Approval date by the Department of Natural Resources of the well for proposed use	____ / ____ / ____
Approval date by the County Health Department for existing septic system	____ / ____ / ____
What types of sanitary facilities are to be installed for the proposed operation	will eventually hook up to City Sewer
Type of refuse disposal	<input type="checkbox"/> Municipal <input checked="" type="checkbox"/> Private
Surface water drainage facilities (describe or include site plan)	
Licenses / Permits	
Is a highway access permit needed from the State, County, or local Municipality?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is a liquor license or any other special license required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, what licenses are you applying for?
Did Wisconsin State Department of Industry Labor and Human Relations approve building plans?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Yellow lines
Proposed Fence



GATE

Existing Power Sub
Station Fence

Signatures

By signing below, I certify that the above information is a true and accurate account of the information requested for my business site and its operation and use. Should an inspection be required, I agree to allow the Inspector(s) reasonable access to the space to verify compliance with the Municipality's Ordinance. In addition, I fully understand that completion of this form or its approval does not preclude me from complying with all applicable State Statutes or Municipal Ordinances regarding my business and its lawful operation.

Applicant's Signature Date <u>7 / 24 / 23</u>	Inspector's Signature _____ Date ___ / ___ / ___
---	---

CITY USE ONLY BELOW THIS LINE

Building Inspector		Zoning Administrator		
Date Received ___ / ___ / ___	Reviewed By _____	Date Received ___ / ___ / ___	Reviewed By _____	
Occupancy Classification	Occupancy Classification Surrounding Units	Zoning of Property	Use Permitted	By Right By CUP PC Approval Required
APPROVED / DENIED	Date ___ / ___ / ___	APPROVED / DENIED	Date ___ / ___ / ___	
Public Works		City Engineer		
Date Received ___ / ___ / ___	Reviewed By _____	Date Received ___ / ___ / ___	Reviewed By _____	
APPROVED / DENIED	Date ___ / ___ / ___	APPROVED / DENIED	Date ___ / ___ / ___	
Police Department		Fire Department		
Date Received ___ / ___ / ___	Reviewed By _____	Date Received ___ / ___ / ___	Reviewed By _____	
APPROVED / DENIED	Date ___ / ___ / ___	APPROVED / DENIED	Date ___ / ___ / ___	

TO: Plan Commission – City of Elkhorn

FROM: Department of Building and Zoning

PC Meeting: Thursday, September 7, 2023 at 6:00 pm

**Lee Loveall, On Time Towing LLC
544 S Lincoln Street
Rezone and Conditional Use Permit**

General Information:

Applicant(s): Lee Loveall, On Time Towing LLC
Requested Action: Rezone and Conditional Use Permit

Site Information:

Location: 544 S Lincoln Street
Tax Key: YP 00030

Zoning & Land Use:

Current Zoning: RS-1 Single Family Residence
Proposed Zoning: M-1 Light Manufacturing District
2040 Land Use Plan: Light Industrial Mixed Use: Transition between industrial uses and

residential uses, and to limit adverse impacts on existing uses by use of landscape buffers and screening. Includes residential uses, and community business activities like offices, food establishments, service or light industrial uses.

Project History:

The applicant is requesting approval of rezoning a portion 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. The applicant is requesting a conditional use permit for vehicle outdoor storage behind security fencing.

Staff Review Summary:

- Area, Yard & Height Requirements:
 - The site plan appears to be in compliance with Section 17.5 of the Municipal Code.
- Traffic, Loading, Parking and Access:
 - The applicant is requesting exceptions with regard to many of the requirements of Section 17.6 of the Municipal Code, including parking space size, aisle width, parking lot landscaping, and surfacing.

Staff Recommendations:

- Staff recommends that the Plan Commission **APPROVE** the rezone since the proposed rezoning furthers the purpose and intent of the zoning ordinance and is consistent with the 2040 Land Use Plan designation.

PURPOSE: To promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the City of Elkhorn, Wisconsin.

INTENT: It is the general intent of this chapter is to regulate and restrict the use of all structures, lands and waters, and to:

- (1) Regulate lot coverage and the size of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage;
- (2) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities;
- (3) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- (4) Secure safety from fire, flooding, pollution, contamination, and other dangers;
- (5) Stabilize and protect existing and potential property values;
- (6) Preserve and protect the beauty of the City of Elkhorn;
- (7) Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters;
- (8) Further the maintenance of safe and healthful water conditions;
- (9) Provide for and protect a variety of suitable commercial and industrial sites;
- (10) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (11) Implement those municipal, county, watershed, and regional comprehensive plans or components of such plans adopted by the City of Elkhorn;
- (12) Provide for the administration and enforcement of this chapter; and to provide penalties for the violation of this chapter.

Staff Development Committee Report

- Staff recommends that the Plan Commission recommend **APPROVAL** of the Conditional Use Permit with the following conditions:
 - 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 shall become null and void.
 - Parking shall not exceed 40 vehicles at any time.
 - Fencing shall be installed within 6 months of the approval.
 - Building and business shall not be open to the public unless it has been hooked up to City water and sewer.
 - 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.

Filter Layers...

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Traditional Neighborhood Development

Development

- Transportation and Utilities
- Government and Institution
- Downtown Central Business

District

- Community Mixed Use
- Community Commercial
- Highway Oriented

Commercial

- Planned Mix Use
- Industrial
- Light Industrial
- Light Industrial Mixed Use
- Environmental Corridors

Zoning

- [Zoning Icon]

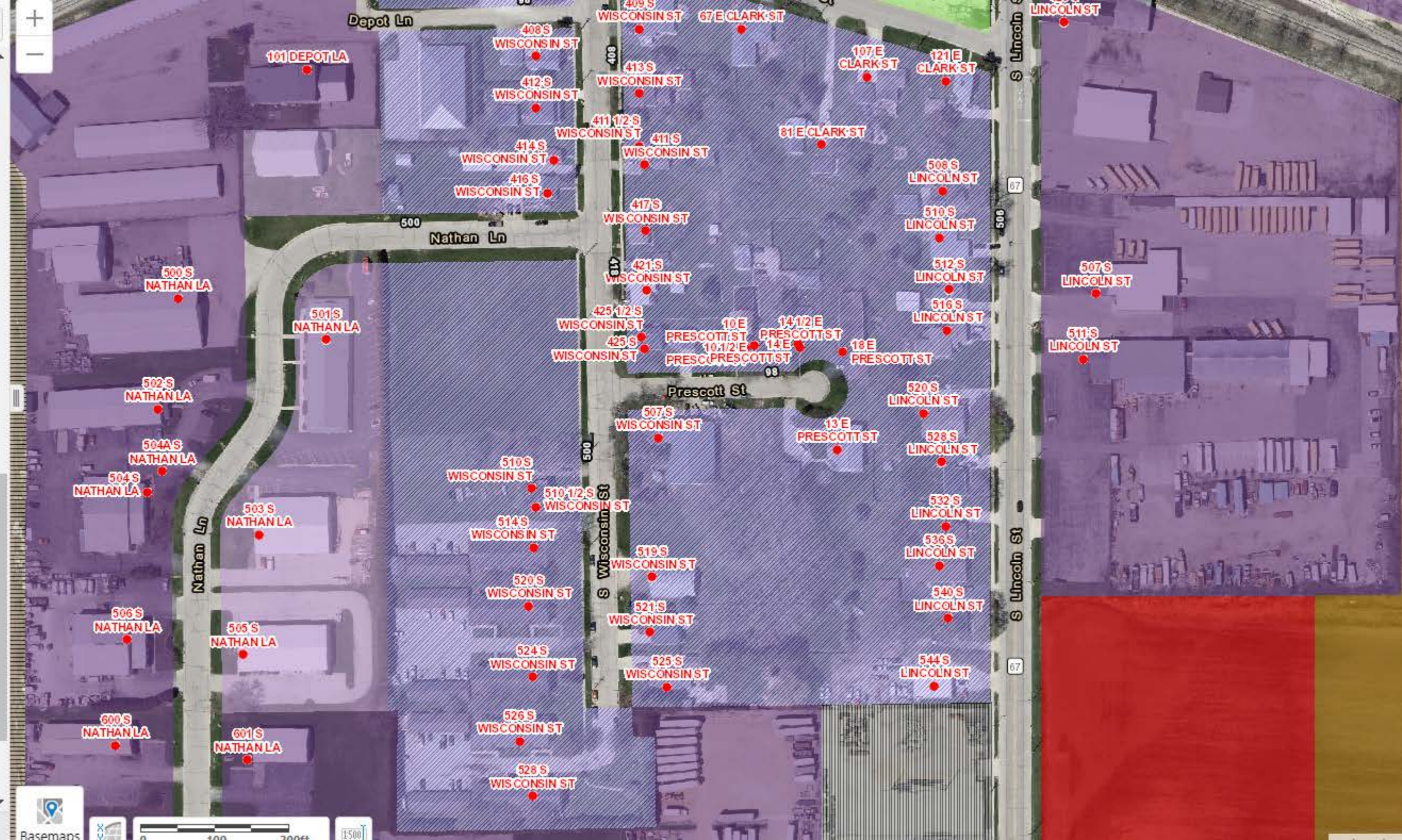
Aerial Imagery

- [Aerial Imagery Icon]

2022 Imagery

Basemaps

Layers



8

Land Use Element

Prepared pursuant to Section 66.1001-Comprehensive Planning, section (2)(h) of the Wisconsin Statutes, the Land Use Element of the Comprehensive Plan includes a compilation of objectives, policies, goals, maps, and programs, to guide future development and conservation of public and private property. The related population projections, assumptions and phasing will be included in the appendix. The Future Land Use Plan is a guide to the conservation of existing developed areas, to the development of urbanizing areas, and to the protection of natural environmental corridors. It also recommends a pattern of uses which, as they develop, will strengthen and extend the existing community form, function and character. It is anticipated that the areas described for future land uses may represent a surplus compared to the actual demand. It is not anticipated that all of the areas shown for development are likely to be developed by the end of the planning period. This allows for a reasonable degree of choice and entrepreneurship. Conversely, it is entirely possible that some property owners will choose not to enter the development process despite the identification of a recommended land use. The flexibility of the plan will thus accommodate a number of different scenarios for development.

The land use goals and objectives build on Elkhorn's general 'Planning Goals and Objectives' and address the following key points in the community:

- 📍 *Define the character of development to improve walkability and livability*
- 📍 *Improve the ease of reviewing future development proposals for all scales of development*
- 📍 *Provide better transitions between land uses and buffers between incompatible uses*

LAND USE GOALS:

- » To provide a compatible relationship of land uses (homes, businesses, schools, parks and roads) that serves the needs of residents and businesses, and welcomes visitors.
- » To provide adequate and diverse housing supply to meet the needs of Elkhorn's existing and future population, preserve traditional residential neighborhoods, and ensure new residential areas grow as livable, sustainable neighborhoods that are well-connected to the existing community.
- » To maintain a balanced relationship between development and the environment in order to preserve the small town character of the community and its recreational assets.

LAND USE OBJECTIVES:

1. Protect environmental corridors and natural areas from development, and ensure that a healthy balance is maintained between open space / recreational areas and development.
2. Encourage the high quality design of commercial, residential, and industrial developments, through a variety of means that may include zoning and design standards, architectural review and municipal incentives. Maintain Elkhorn's traditional street grid and extend its pattern to new developments.
3. Support the city center by developing an area of emphasis for Downtown Elkhorn to ensure it continues serving as a focal point for public services, business, dining / entertainment, civic institutions, and community activities.
4. Establish predominantly single-family, owner-occupied neighborhoods, supported by other housing such as duplex and multi-family housing, to meet the needs of a diverse residential population of all sizes, incomes, and age levels.
5. Carefully manage the residential growth of Elkhorn to ensure new development is contiguous with and creates connections to the existing city, its neighborhoods, and its transportation network.
6. Support expansion of existing community facilities and siting of new facilities to meet the needs of a growing community.

LAND USE POLICIES

For each of the objectives stated above, specific policies are included below that together will help achieve the land use objectives.

Objective 1- Protect environmental corridors and natural areas from development, and ensure that a healthy balance is maintained between open space / recreational areas and development.

- » Ensure an appropriate balance of open space to developed areas is planned for all new residential and commercial development in accordance with the 2011-2015 Comprehensive Outdoor Recreation Plan.
- » Promote access to the White River State Trail.
- » Promote connections to the existing environmental corridors and natural areas.
- » Promote completion of sidewalks in the community with handicap accessible transitions at every intersection.

Objective 2- Encourage the high quality design of commercial, residential, and industrial developments, through a variety of means that may include zoning and design standards, architectural review and municipal incentives. Maintain Elkhorn's traditional street grid and extend its pattern to new developments.

- » Improve gateways, identity and way-finding signage in the community, so that it is reflective in the streetscape (signage, banners, lighting, landscaping, sidewalk and intersection design) throughout the community.
- » Incorporate design guidelines in to City codes and architectural review to ensure high quality design for all developments.
- » Provide incentives and access to grants to maintain and preserve older buildings.
- » Provide incentives for infill development of underused parcels within the community.
- » Provide incentives for adaptive reuse of existing buildings, especially those that are architecturally significant within the community.
- » Require appropriate landscaped buffers between residential and non-residential uses.
- » Ensure that all new roads within the community and new subdivisions are well connected to the existing street grid.

Objective 3- Support the city center by developing an area of emphasis for Downtown Elkhorn to ensure it continues serving as a focal point for public services, business, dining / entertainment, civic institutions, and community activities.

- » Promote downtown business retention and attraction of new businesses.
- » Improve recognition of and access to downtown through enhancement of way-finding and signage for auto users, pedestrians and bikers.
- » Promote walking and biking between downtown and the surrounding neighborhoods by ensuring complete streets.
- » Work with business owners and the Chamber of Commerce to expand store hours and organize special events to attract residents and visitors downtown.
- » Partner with the Walworth County Fair and the Chamber of Commerce to promote downtown businesses and events.
- » Promote partnerships between businesses in the community, and schools and colleges in the area to provide opportunities for job training.
- » Establish incentives for businesses and commercial uses to locate downtown.

Objective 4- Establish predominantly single-family, owner-occupied neighborhoods, supported by other housing such as duplex and multi-family housing, to meet the needs of a diverse residential population of all sizes, incomes, and age levels.

- » Promote home ownership within the community.
- » Promote access to quality healthcare for residents in the community.
- » Promote access to quality services, cultural, educational and recreational programs.
- » Encourage diversity of housing types to cater to the needs of all age and income levels, specifically including young professionals and first time home owners.
- » All housing should allow seniors to age in place, if so desired, through programs that supports home modifications to improve accessibility.

Objective 5- Carefully manage the residential growth of Elkhorn to ensure new development is contiguous with and creates connections to the existing city, its neighborhoods, and its transportation network.

- » Encourage future residential development that is compact and contiguous to the City boundary and that adheres to the principles established by the Future Land Use Plan and Phasing Plan.
- » Continue to promote and attract infill development within Elkhorn's municipal boundary.
- » Promote approval of traditional neighborhood design and conservation subdivisions as described in this Comprehensive Plan and in the State Model Traditional Developments and Conservation Subdivision Ordinances (Wisconsin State Statutes 66.1027).
- » Encourage development of new commercial uses around sites that offer good access; including the area around US Highway 12 and Potter Road, and the I-43 interchanges at Highway 12, Lincoln Street between Market Street and Route 11.

Objective 6- Support expansion of existing community facilities and siting of new facilities to meet the needs of a growing community.

- » Promote development of sites that are already served by public infrastructure.
- » Use a phased approach for development within the community, and provide needed infrastructure and facilities to meet the needs of future development.

INVENTORY OF EXISTING LAND USES

The following tables illustrate Elkhorn’s past and future land uses within the City’s municipal boundary. The table below summarizes the land use distribution within Elkhorn today. Total acreage is estimated based on existing land uses and excludes areas within the right of ways.

Understanding the existing mix of land uses within the community helps to target areas that need improvement, like increasing the area dedicated to residential uses, commercial uses, etc. On the other hand, understanding where these uses are located and the mix of existing uses helps define the character of the area. This in turn helps define what the character of future development should be. The existing mix of land uses in Elkhorn is as follows:

Major land use types	Area (Acres)	Percentage of Total Area
Residential uses	731	19%
» Residential Farmstead and Agriculture	308	8%
» Low-Density Residential	258	7%
» Medium Density Residential	41	1%
» Higher Density Residential	124	3%
Commercial uses	175	5%
Mixed uses	11	1%
Light industrial, office and manufacturing uses	388	10%
Parks, Open Space, County Fair, Environmental and Natural Areas	427	11%
Municipal and Institutional Uses	338	9%
Vacant land	1,684	45%

Table 8.1: Existing Land Use Mix

Looking towards the future, the Village of Elkhorn also has the opportunity of planning for the area within 1.5 miles of the municipal boundary, known as the extra-territorial jurisdiction area. This area is currently predominantly vacant or farmland and hence has development potential.

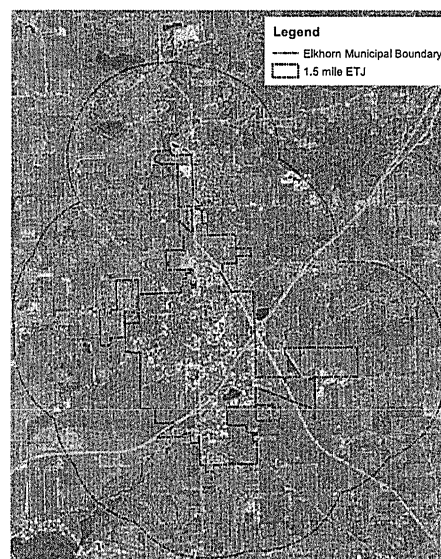


Exhibit 8.1: Map showing Elkhorn’s Extra Territorial Jurisdiction (ETJ) area

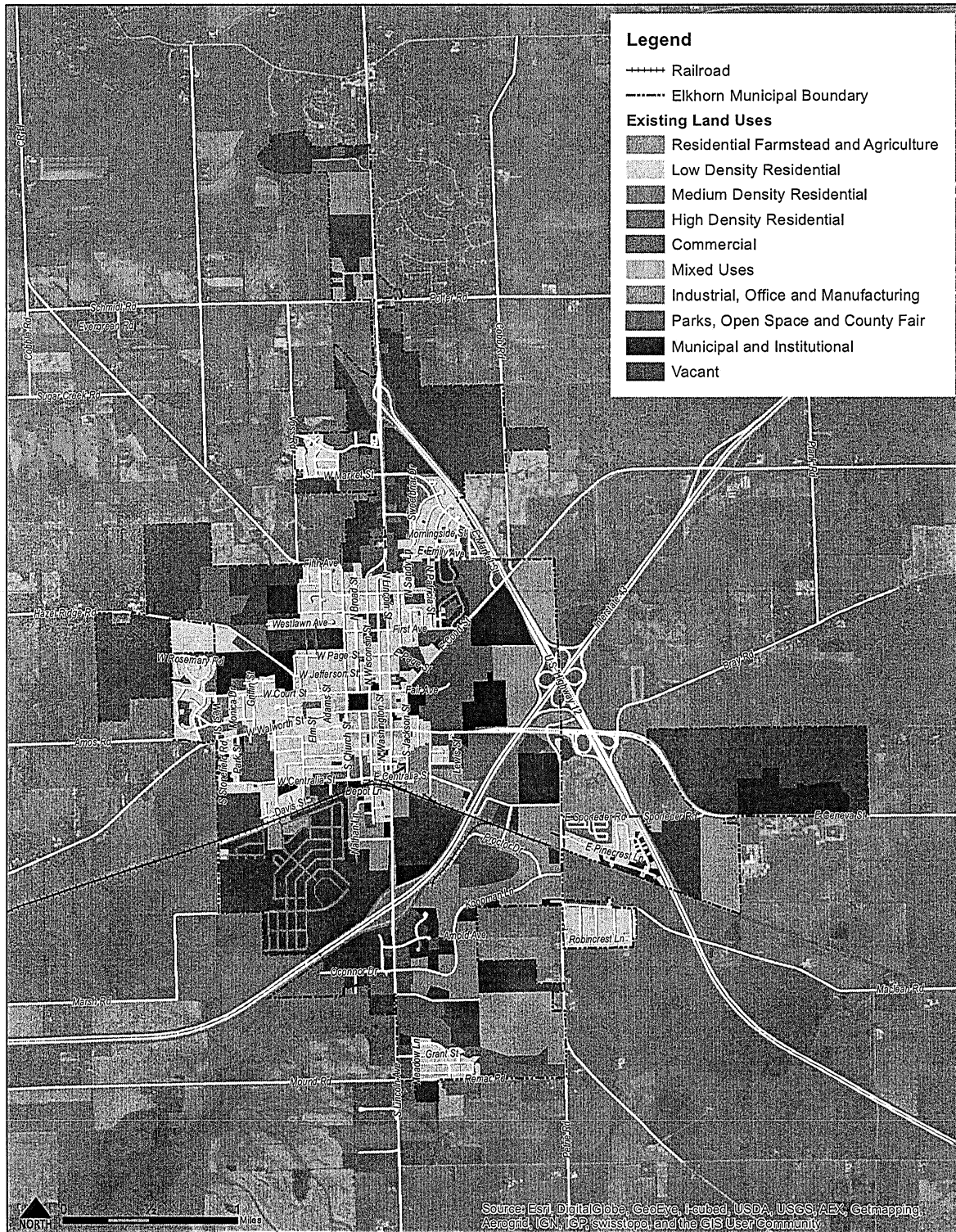


Exhibit 8.2: Map of existing land use mix

DEFINITION OF FUTURE LAND USE AREAS

In order to address the goal of creating a livable community, with a sense of place that spurs economic development within Elkhorn's planning boundary, this plan defines the character of commercial/business, industrial, and residential areas based on the predominant existing and anticipated uses. The three broad categories include:

- 1). Centers of commercial and small business uses,
- 2). Industrial and business park for the area along Centralia Street and south of the railway tracks to the environmental corridor, and
- 3). Complete neighborhoods for residential growth in the community.

As it is difficult to predict precise uses or designs into the future, the descriptions which follow describe a character and feel for new development. This should be considered by the city and developers in planning new projects. When followed by successive developments, these concepts will help to maintain and enhance the character of Elkhorn.

1. Centers of commercial and small business uses

In order to help define the character of the mix of uses, and provide for transitions into residential areas, this category is divided into a Downtown Central Business District and Community Mixed Use categories. The community mixed use category defines not just the area immediately surrounding the downtown, but also properties between residential and non-residential uses along major arterials in the community.

A. Downtown Central Business District

As the heart of the community, the downtown central business district is home to civic, retail, dining, small business and entertainment uses, as well as other urban activities appropriate to the downtown area of a community. The buildings in this area may include residences on the upper floors, but the building character, signage, and streetscape should be consistent with that of the downtown area. Open space within this area should be programmed to host community events to help bring people downtown and add to the vitality of the area as a retail and cultural center.

B. Community Mixed Use Areas

A mix of uses exist around the central business district and also other parts of the community that have commercial uses adjacent to residential uses or multi-family uses as part of a predominantly commercial area. This category is intended to accommodate a mix of use that include existing uses, medium and high density residential uses, offices and commercial uses, places of worships, and civic uses that are sensitive to the context of the surrounding area and provide a transition from higher density uses to lower density uses. This character of uses is also extended along East Court Street to help connect the County Fair Grounds to the downtown area.

In order to be a successful transition area, the character of developments in terms of building and site design within these areas need to be compatible with the residential surroundings, with an enhanced pedestrian environment and a well-defined landscaped buffer between residential and non-residential uses. By making the streetscape and signage consistent with the downtown area, the mix of uses and access to community amenities will contribute to making this a desirable and walkable place. Over time, this vibrant sense of place within the community will help guide infill development within established areas, thus protecting outlying rural areas and environmental corridors.

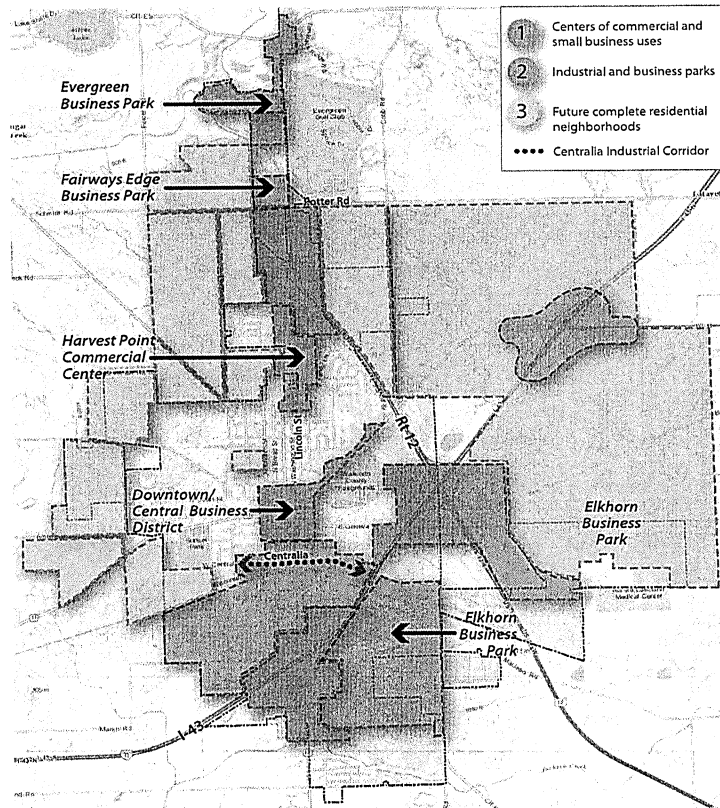


Exhibit 8.3: Concept plan of future 'character' areas

C. Community Commercial

A wide variety of community-scale commercial and service uses are included in this category and are located along major arterial roadways. It includes commercial uses like restaurants, retail and customer service establishments, child care facilities, medical clinics, healthcare facilities, and senior living facilities, as well as business uses like offices and information technology centers. While these areas are to predominantly serve Elkhorn residents and workers, they can also draw in customers from the neighboring communities. The building and site design, streetscape and signage, should be consistent with the surrounding area and contribute to enhancing the pedestrian environment. A well-defined landscaped buffer should also be provided between residential and non-residential uses, to protect the character and quality of life for residential uses. The architecture of the buildings should also be compatible with the surrounding residential and other uses, to contribute to the sense of place.

D. Highway Oriented Commercial

Given the visibility and accessibility of areas around highway interchanges, they are reserved for commercial uses that are unique to such areas. This might include hotels and motels, fast-food restaurants, drive-through restaurants, major retailers, automotive service centers and dealers, and offices, to list a few. While these uses are predominantly auto-oriented, pedestrian access should also be provided from the surrounding uses to better connect them to the community. Adequate buffering by landscaping of the noise and traffic generated by these uses should also be provided especially when adjacent to residential uses.

2. Industrial and business park

The Future Land Use Plan defines the area along Centralia Street and the areas south of the railway tracks between Petrie Road to the east and Marsh Road to the west as a predominantly industrial and commercial area. In order to protect the quality of life of the existing residential uses within and around this area, as well as further define the character of development within this area, a buffer is provided between the different intensities of industrial uses by sub-dividing them into three sub-types as noted below. For the locations that are reserved for commercial uses, the character descriptions included in the previous section apply.

A. Industrial Uses

These include intensive manufacturing processes and warehousing uses. Given the existing access to Interstate 43 and the railroad line, larger sites that have access to this roadway network and potential for rail access via a new railway spur are reserved for this use. While these areas are typically buffered from less intensive land uses by light industrial uses, in the case that they are adjacent to residential or lower intensity uses and should be well buffered by landscaping to prevent adverse impacts on residential and other existing uses. Where possible, a 150' separation should be provided between the building and adjacent property, with a twenty (20) foot wide landscaped screen of evergreen shrubbery not less than six (6) feet in height. Adequate landscaped screening should also be used around parking and loading areas for these sites and they should not impact adjacent uses with respect to producing noise, air and light pollution. Providing a well-connected sidewalk network and streetscape for these sites can help promote walkability and provide access to commercial as well as recreational areas within the industrial and business park. This in turn can help improve the quality of life experience for the employees.

B. Light Industrial Uses

This category is intended to accommodate business uses which employ people in a variety of business environments that are less intensive in nature. It can include light manufacturing, repair, processing, assembly, warehousing and distribution, and related uses of a limited nature and size, although outdoor storage may be included. These uses might include business services such as contracting and supplies as well as office and professional uses. When located adjacent to residential uses, they should be well buffered by landscaping to mitigate adverse impacts on residential and other existing uses. Where possible, a 100' separation should be provided between the building and adjacent property, with a ten (10) foot wide landscaped screen of evergreen shrubbery not less than six (6) feet in height. Adequate landscaped screening should also be used around parking and loading areas for these sites to minimize impacts on adjacent uses with respect to producing noise, air and light pollution. As with the industrial uses described above, providing a well-connected sidewalk network and streetscape can help promote walkability and provide access to recreation for employees.

C. 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 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.

D. Centralia Street Industrial Corridor

Centralia Street has a mix of industrial and residential uses that have coexisted next to each other. In order to improve the character and quality of life for these residential uses and connect them to the adjacent neighborhoods, completion of the sidewalk network, streetscape and signage is recommended for the corridor.

3. Complete Neighborhoods

The Elkhorn Comprehensive Plan aims at establishing a sustainable and traditional pattern for future growth. A complete neighborhood is one that is walkable and well served by amenities, parks and recreational areas. As a community of neighborhoods with a central focus on the downtown area, Elkhorn's strength is in the livability and completeness of its neighborhoods. This means encouraging infill development and improving walkability in existing residential areas and planning new residential growth as **Traditional Neighborhood Developments (TNDs)** to ensure that they are planned as complete neighborhoods.

What is a Traditional Neighborhood Development (TND)?

A TND differs from the sprawling, disconnected suburban pattern of development that is prevalent in newly subdivided areas of communities and is based off of Clarence Perry's original idea of a neighborhood unit. The main features of a TND are included below-

- 📍 **Characteristics:** Traditional neighborhood developments are characterized by many of the same features that make neighborhoods livable. Some of these characteristics are compactness, walkability, connectivity, and easy access to parks, schools and retail. TNDs are thus predominantly residential, but also have a mix of land uses and often a mix of housing types as well.
- 📍 **Size:** The geographic size of a TND has often been defined as the area that one person can walk in about ten minutes or an area that has a radius of a quarter mile.
- 📍 **Components:** Within this area a resident could expect to find limited shopping opportunities that fulfill basic daily needs, residential uses, public facilities and open space in the form of a plaza, commons or parks. Ideally, all such destinations and activities should be centrally located.
- 📍 **Capacity:** The ability of a neighborhood to support a full range of activities depends to a large extent on its population density. For example, low-density residential areas can be estimated to have an average density of approximately 2.7 dwelling units (DU) per acre. Such a low-density neighborhood may not be able to support retail or a school on its own. However, by linking several of these low-density areas by bike paths and interconnected roads, a centrally located elementary school within walking distance of all of the children in the neighborhoods could be provided. A spatial arrangement with one centrally located school would allow all the children from four different neighborhoods to be within a ten-minute walk of the school.

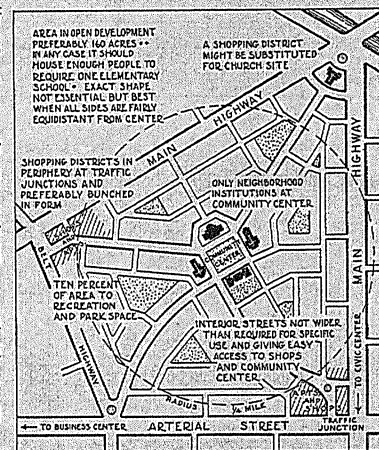


Diagram of Clarence Perry's neighborhood unit that today forms the basis of traditional neighborhood developments (Source- New York Regional Survey, Volume 7, 1929)

The main areas within Elkhorn's planning boundary identified for future residential uses include the two areas noted below:

A. Infill single family residential

There are areas within Elkhorn's existing municipal boundary that have already been subdivided, but have not been developed due to the economic downturn. Focusing residential development in these and other infill areas in existing neighborhoods prior to leap frogging to unincorporated areas until the need arises will help strengthen Elkhorn's existing neighborhoods. Ensuring that the neighborhood is walkable by a connected network of sidewalks and with access to community amenities and recreational areas will contribute to making it a complete neighborhood.

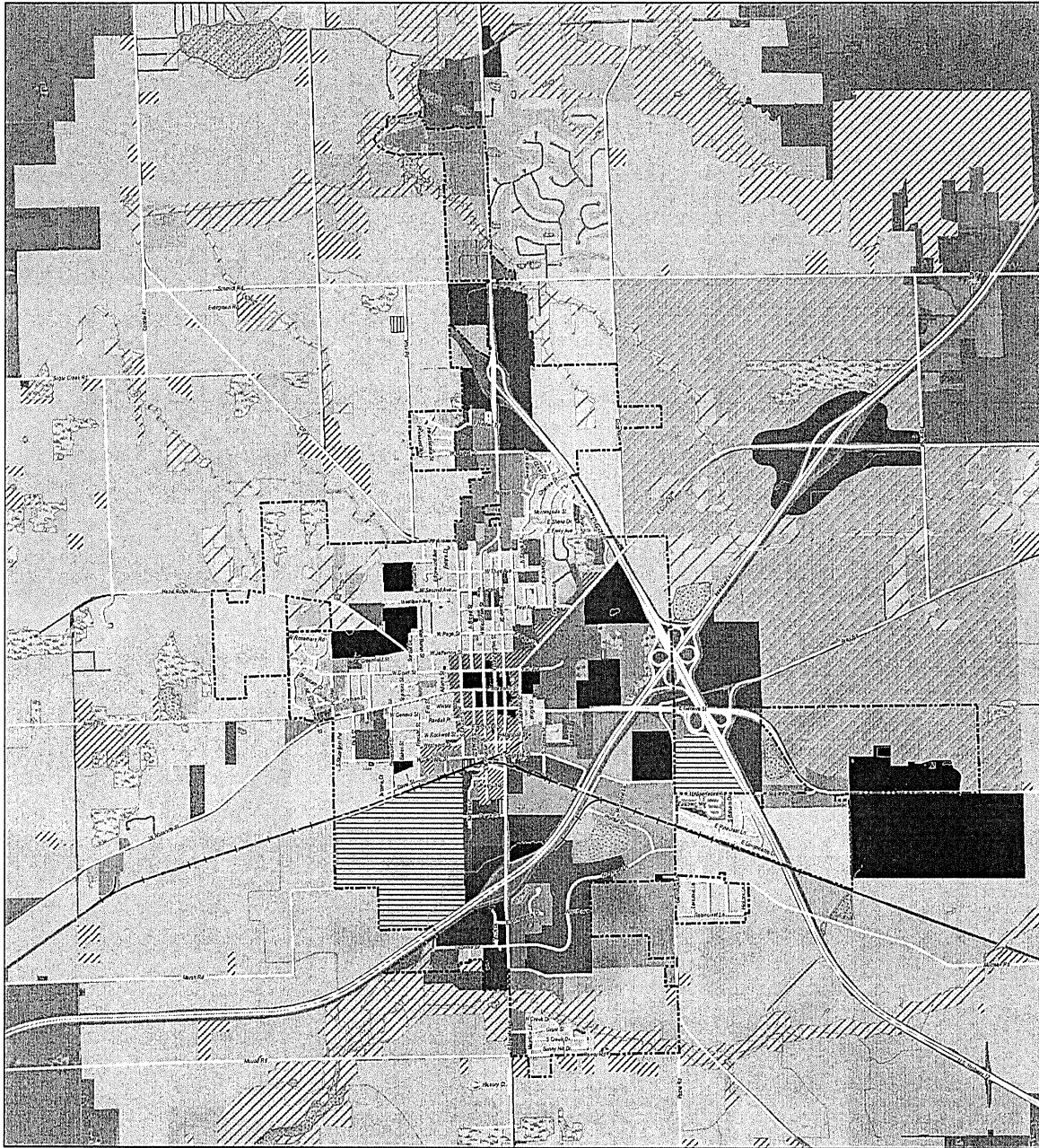
B. North East Quadrant TND

The area to the north east of Elkhorn's municipal boundary between Potter Road and Geneva Street is identified as the future location for traditional neighborhood developments, with a focus on highway oriented commercial uses around the Interstate 43 interchange area and conservation of the primary environmental corridors. As a traditional neighborhood development, these areas will have access to neighborhood parks, schools and other amenities, with community commercial as needed along major arterials. Ensuring that the streetscape, scale and character of this planned area is consistent with that of Elkhorn will help continue the sense of community in these new neighborhoods.

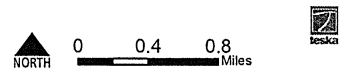
FUTURE LAND USE PLAN

The land use categories listed on the Future Land Use Plan of the City of Elkhorn are described as follows:

- » ***Residential Farmstead:*** Properties that have a residential unit as part of a farm or agricultural use property.
- » ***Low-Density Residential (Single-Family Residences):*** Single-family, detached residences at densities that can be effectively served by public sewer and water. In areas yet to be developed, this category may, in appropriate situations, include single-family attached residences (duplexes) with no more than two units per building. The estimated net density for low-density residential is not to exceed 5.4 dwelling units per acre.
- » ***Medium-Density Residential (Two-Family Residences):*** Existing developed or committed to be developed areas for two-family (duplex) or attached residences. The estimated net density for medium-density residential uses range from 5.4 to 9.6 dwelling units per acre.
- » ***Higher Density Residential (Multi-Family Residences):*** Single-family attached residences with three or more units per building and rental or owner-occupied apartment buildings and condominiums. Other forms of group housing, including multi-family housing designed for the living and care needs of senior citizens (including housing regulated by the State of Wisconsin as Community Based Residential Facility (CBRF), Residential Care Apartment Complexes (RCAC), except nursing homes. This category also includes manufactured homes and modular homes in a residential setting that are compatible with adjacent land uses, at densities not to exceed 6.0 dwelling units per net acre. The net density for all other multi-family buildings in this category range from 8 to 16 dwelling units per acre.
- » ***Traditional Neighborhood Development:*** New residential developments with a mix of compatible uses like parks, retail, education, civic, or places of worship. Each area should be in an arrangement which by its planned and defined nature are designed to be internally consistent and externally sensitive to the surrounding context. It is likely that the mix, density, organization, and interaction



Future Land Use Plan
 2040 Comprehensive Plan | Village of Elkhorn, Wisconsin
 March 9th 2016 (DRAFT)



LEGEND

Railway Line	Natural Areas	Traditional Neighborhood Development	Planned Mix Use
Elkhorn Municipal Boundary	Parks and Recreation	Transportation and Utilities	Industrial
Rivers/Streams/Creeks	Agriculture	Government and Institution	Light Industrial
Water Bodies	Residential Farmstead	Downtown Central Business District	Light Industrial Mixed Use
Primary Environmental Corridor	Low Density Residential	Community Mixed Use	
Secondary Environmental Corridor	Medium Density Residential	Community Commercial	
Isolated Natural Resource Area	High Density Residential	Highway Oriented Commercial	

Exhibit 8.4: Future Land Use Plan

of these uses will be governed by a Planned Unit Development and development agreements, instead of conventional zoning and subdivision controls.

- » **Agriculture:** Prime agricultural soils, farmlands, and areas to be withheld from urban development for agricultural and allied uses until they can be transitioned into urban uses compatible with their surroundings.
- » **Environmental Corridors:** Wetlands as defined by the 'Wisconsin Wetlands Inventory Maps', and Primary and Secondary Environmental Corridors as described by the Southeastern Wisconsin Regional Planning Commission and Walworth County.
- » **Natural Areas:** Stormwater detention areas, woodlands and prairies described by the Southeastern Wisconsin Regional Planning Commission outside Primary Environmental Corridors. These areas are meant to be green zones dedicated to recreation, stormwater detention, and natural habitats for plants and wildlife.
- » **Parks and Recreation:** Dedicated to open space, parks and recreational facilities that are both public and private. It also includes the County Fairgrounds and an adjacent area to which it might expand or which should be reserved for uses highly compatible with the Fairgrounds, e.g. equestrian facilities, sports facilities, golf training center, etc.
- » **Government and Institutions:** Government and institutional buildings and facilities, including educational facilities, places of worship, cemeteries, libraries, museums and other civic facilities. Many of these facilities are also illustrated on the Community Facilities Plan.
- » **Transportation and Utilities:** Public utilities, railroad right-of-ways, and all roadway right-of-ways. The roadway right-of-ways are shown in white on the future land use map for clarity.
- » **Downtown/Central Business:** Retail, service, office, entertainment uses and other urban activities appropriate to the central/downtown area of the community. These buildings may include residences on the upper floors, but should be consistent with the character of the downtown area.
- » **Community Mixed Use:** Small businesses that serve the day to day convenience goods and services needs of nearby households, administrative, professional and business offices located in immediate proximity to downtown Elkhorn businesses, as well as residential and institutional uses, parks and recreational uses, and places of worship. It is intended to provide a mixed-land use and harmonious building form transition area between the denser commercially oriented central business district and the surrounding predominantly single-family residential area, by allowing for a mix of uses which respects the residential character of the surrounding properties. Net densities for residential uses within this area should not exceed 16 dwelling units per acre. These uses should be well landscaped to provide a landscaped buffer between low density residential uses and higher density uses.
- » **Planned Mix Use:** This category can be applied to those areas where the City anticipates a mix of uses, be they residential, commercial, employment, public or any number of potentially compatible uses, in an arrangement which by its planned and defined nature are designed to be internally consistent and externally sensitive to the surrounding context. It is likely that the mix, density, organization, and interaction of these uses will be governed by a Planned Unit Development and development agreements, instead of conventional zoning and subdivision controls.
- » **Community Commercial:** Retail and customer service establishments of a wide variety including medical clinics, healthcare facilities, and information technology centers which primarily serve the Elkhorn community and its immediate surroundings. The primary locations for this category are along arterial roads that have high accessibility.
- » **Highway Oriented Commercial:** Businesses that are unique to highway interchange areas or

require high visibility from major highways. These might include hotels and motels, restaurants, major retailers, automotive service centers and dealers, and offices, for example. Curb cut access from adjacent highways must be controlled.

- » **Industrial:** Intensive manufacturing processes and warehousing uses, and those that benefits from access to an interstate and railroad network. Typically separated by light industrial uses, in the case that they are new residential or lower intensity uses, they should be well buffered by landscaping to prevent adverse impacts on residential and other adjacent uses.
- » **Light Industrial:** Uses which employ people in mixed businesses environments that are less intensive in nature. It can include light manufacturing, repair, processing, assembly, warehousing and distribution, and related uses of a limited nature and size, although outdoor storage may be included. These uses might include business services such as contracting and supplies as well as office and professional uses. When located adjacent to residential uses, they should be well buffered by landscaping to prevent adverse impacts on residential and other existing 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.

RELATIONSHIP TO ZONING

The land use categories used in the Future Land Use Plan reflect the zoning categories, in order to support implementation of the comprehensive plan as new areas are developed and others may be considered for rezoning. Some amendments to the Zoning Map will be needed to ensure that it is consistent with the Future Land Use Map. The table below shows the relationship between the land use categories and zoning districts.

Future Land Use Types	Uses included	Zoning categories
Residential Farmstead	Residential unit on a farm or agriculture property	A-1
Low Density Residential (Single Family)	Single-family, detached residences	RS-1, RS-2
Medium Density Residential (Two Family)	Two-family (duplex) or attached residences	RD-1
Higher Density Residential (Multi-Family)	Single-family attached residences with three or more units per building and rental or owner-occupied apartment buildings and condominiums, group homes, senior housing, assisted living, manufactured homes and modular homes.	RM-1, RM-2, RM-3
Traditional Neighborhood Development (TND)	New residential developments with a mix of compatible uses like parks, retail, education, civic, or places of worship.	R-4
Agriculture	Prime agricultural soils, farmlands, and areas to be withheld from urban development for agricultural and allied uses.	A-1
Environmental Corridors	Wetlands, PEC, SEC	C-1

Future Land Use Types	Uses included	Zoning categories
Natural Areas	Stormwater detention areas, woodlands, prairies	C-1
Parks and Recreation	Open space, parks and recreational facilities that are both public and private, County Fairgrounds and compatible uses like equestrian facility, sports facility, golf training center, etc.	P-1
Government and Institutions	Government and institutional buildings and facilities, including educational facilities, places of worship, cemeteries, libraries, museums and other civic facilities.	I-1
Transportation and Utilities	Public utilities, railroad right-of-ways and all roadway right-of-ways.	-
Downtown/Central Business	Retail, service, office, entertainment uses and other urban activities appropriate to the central/downtown area.	B1
Community Mixed Use	Small businesses that serve the day to day convenience goods and services needs of nearby households, administrative, professional and business offices proximate to Downtown Elkhorn, as well as residential and institutional uses, parks and recreational uses, and places of worship; mixed-land use, provides a transition of uses.	T1, B3, B4
Planned Mixed Use	Mix of uses, be they residential, commercial, employment, public or any number of potentially compatible uses, in an arrangement which by its planned and defined nature are designed to be internally consistent and externally sensitive to the surrounding context.	PUD, development agreements
Community Commercial	Retail and customer service establishments including medical clinics, healthcare facilities, and business uses like information technology centers- primarily serving Elkhorn and its immediate surroundings.	B2
Highway Oriented Commercial	Businesses that are unique to highway interchange areas or benefit from high visibility from major highways; including hotels and motels, restaurants, major retailers, automotive service centers and dealers, and offices.	B5
Industrial	Intensive manufacturing processes and warehousing uses, and those that benefits from access to an interstate and railroad network	M2, E1
Light Industrial	Mixed businesses environments that are less intensive in nature (including light manufacturing, repair, processing, assembly, warehousing and distribution, and related uses of a limited nature and size that do not involve intensive uses or outdoor production, although outdoor storage may be included); business services such as contracting and supplies as well as office and professional uses.	B6, M1, E1
Light Industrial Mixed Use	Transition between industrial uses and residential uses, and to limit adverse impacts on existing uses by use of landscape buffers and screening. Includes residential uses, and community business activities like offices, food establishments, service or light industrial uses.	M1, M2, E1

9

Implementation

This Implementation Section contains a compilation of programs and specific actions to achieve the vision outlined in the Comprehensive Plan. These may include, but are not limited to proposed changes to any City ordinances, maps, regulations, and codes. This section also describes how each of the elements of this plan will be integrated and made consistent with the other elements of the plan, and includes a phasing plan, decision making tree, and guidelines for managing the sequence of growth.

No amount of big picture planning, data analysis, or thoughtful anticipation will ever allow us to know for certain the cycles and forces of market economics and future growth. This is not just a fundamental reality of comprehensive planning, but a lesson learned through the Great Recession of the recent decade. Likewise, no amount of rules and standards can substitute for a rational, well-reasoned decision-making process; the next development proposal, economic development need, or urban design opportunity can be anticipated, but cannot be precisely predicted. With this in mind and by adopting this plan, the City of Elkhorn sets a course for the day to day work to see its vision realized. This chapter presents a roadmap for implementing the policy framework and the major plan elements that comprise that vision. The central thread of this approach echoes the first theme presented in the Vision Statement: Elkhorn strives to assure that it grows and evolves as a community in balance. For Elkhorn to be a highly desirable and livable community, it is important to recognize that the implementation strategy seeks to assure that “community balance” not just as an end result, but an approach to address ongoing City development.

MANAGING THE SEQUENCE OF GROWTH

The City’s previous comprehensive plan, adopted in 2005, was poised to manage rapid growth seen in the previous years and expected to continue. The unforeseen economic downturn of the Great Recession changed that trajectory for Elkhorn and the entire nation. As such, recent growth and development in the community and its surroundings has been slow. Communities are in a position to focus on retaining existing business and working to attract new ones - so is Elkhorn. However, while the pace of development has changed in recent years, the concepts for how to direct, manage, and integrate new development are still essential to continued community quality of life.

Controlling the City's destiny is not limited to decisions on appropriate land uses, the intensity of the land uses, or the forms of development—the “where,” the “how” and “how many.” It includes decisions on the sequence of development as well, or the “when” of development. Controlling the sequence of development ensures that the City grows in a logical manner that does not burden the City's—and region's—environmental resources, fiscal health, education system, and transportation network and other infrastructure elements, now or in the future. These considerations differ from decisions about the appropriateness of a particular development or use of land for a specific area. This section seeks to provide guidance, not on the appropriateness of specific developments at specific locations, but rather on what conditions will induce the proper sequence of development.

There are a number of tools and “best practices” used by municipalities to manage the nature and quality of development as it is proposed to the City. Among them are:

- **Adequate Public Facilities Ordinances:** Requiring specific levels of service or service capacity, such as roads or sewage and water capacity, as a condition to development approval.
- **Zoning and Land Use Regulation:** Reinforcing consistency with the land use plan and City's zoning regulations. These include the standards noted for road and pedestrian connectivity, design character of development, and a thorough development review process, as defined by the recently revised zoning code.
- **Other Controls:** Subdivision lot restrictions, infill and redevelopment strategies.

This Comprehensive Plan includes a graphic expression of one logical scenario for the phasing of future growth and development of the City of Elkhorn: Exhibit #6 Sequence of Growth. Along with the land use plan and other exhibits, it is useful in the planning process as a guide for facilities planning, and as one of the measures of the City's capacity to maintain a balanced community throughout the sequence of growth and development. It is not intended and should not be used as a limitation or regulatory device, nor should it be perceived as entitling property to a position in the sequence of annexation, zoning, review or development. The Sequence Scenario is based on evaluations of the characteristics of property in the City, the infrastructure and services that may be available, the trend and context of development, and most importantly, on the contribution that the potential development would make toward reinforcing a livable community in balance.

This Sequence Scenario does not anticipate or require rapid growth, as did the previous plan. Nor is it a rigid schedule or a stepwise sequence. It is anticipated that there will be overlaps between phases; that there will be properties that are not proposed for development within the sequence suggested in the scenario. As each development proposal is evaluated on its merits and on the likelihood that it will support or achieve the stated goals and objectives of this Comprehensive Plan, the Plan Commission and City Council may determine that it is in the best interest of the city and the best implementation of the plan to accelerate the development of property “out of sequence.” This will not require an amendment to the comprehensive plan. It recognizes the fact that market economics are a factor in decisions of private property owners, and that, under certain circumstances, the development and use of a property is needed to assure that balance is maintained.

ANNEXATION AND DEVELOPMENT AGREEMENTS

The one tool that can enable the City to manage the sequence and quality of growth in the community is the “annexation / development agreement”. There are a considerable number of properties within the existing boundaries of Elkhorn yet to be developed. For those, the questions and standards for consideration should be applied to standard review and approval processes.

In addition, new growth will occur on properties outside the City; all of which will require a thorough evaluation of their impact and potential contribution to the balance of the community and the resultant quality of life. Given a range of acceptable or desirable development possibilities, the priority for evaluating the reasonableness and the ripeness of annexation and development should also reflect the considerations described below:

The developments’ contiguity with urbanized areas. Does the potential development result in growth that is contiguous with existing urbanized areas, or will it result in a sequence of development that is a natural extension of existing urbanized areas? The sequence of growth should proceed in a logical, orderly manner. That is, development scenarios, upon full build-out, should generally occupy areas adjacent to existing urbanization. Adherence to this principle prevents the leap-frog development so common in sprawling communities. It also prevents premature or unnecessarily lengthy extensions of sewer and utility lines, and higher expenses associates with providing police, fire, emergency, road maintenance, and other essential public services.

There will likely be circumstances where development skips past property that, for whatever reason, is not “ready” for development. The developer and the City must assure that the proposed development is not isolated by the resulting gap and that future infill development of the skipped parcels can, later, proceed efficiently, connected, and in context with surrounding uses. Contiguity is the essential indicator of whether the property or the city is “ready”.

- Access to public utilities. Will the potential development promote a logical extension of public utilities? Will the development require a minimal expansion of public utilities? How will the development impact public utilities; including plant (facility) capacity, the relationship between capital expense and cost recovery, and operating expenses?
- Integration with the transportation network. Will the potential development, upon build-out, be adequately served by the existing road and pathway network? Will the development encourage or lead to the logical extension of transportation networks? How will the proposal impact existing roadway capacity, load balancing and emergency access inter-connectors? Does the incompleteness of critical links on adjacent property pose an imbalance or overload if the property is developed before adjacent property? Adherence to the first principle of contiguity will ensure, to a large extent, that adequate transportation networks are present.
- Range of potential transportation options. Does the potential development scenario offer a range of transportation choices—walking, biking, and automobile—to reach jobs, shopping, and recreation? Neighborhoods that are well-connected and compact can provide this range of transportation options. In addition, a hierarchy of connected roadway options helps to alleviate traffic and allows for alternative routes in an emergency situation.
- Fulfillment of City’s housing and economic needs. Will the development scenario lead to a fulfillment of an urgent City need, e.g. correct a deficiency in the housing stock or create a better

balance between housing types? Will the development expand the diversity of the employment sector or provide a better match between residents and jobs, e.g. provide a new job segment to the local economy? Will the development create greater diversity in goods and services available to residents?

- **Community Building.** Elkhorn's character and livability are strong because the City is not homogenous. It is comprised of interrelated neighborhoods and places of human scale. New development within established areas should fit within the existing pattern and scale of development. Infill, reuse and rehabilitation of existing residential, commercial, and industrial structures helps to build stability and reinforces the desirability to live and invest in the community. Larger scale development scenarios should be broken into identifiable enclaves, centered on schools, retail, services, and recreational/open space amenities. Development proposals with logical access to places of employment, commercial shopping and services, entertainment, and public services are preferable to a scenario that is physically isolated or does not meet these conditions.
- **Standards of Quality.** All development must meet minimum standards for approval, but the degree to which a development exceeds minimum standards for quality may be directly related to the success with which it's approval and development are advanced to completion.
- **Increase in the City's tax base.** Does the potential development scenario foster the growth in the tax base? Does the development create more value than the services and facilities it will demand?
- **Preservation of agricultural lands.** Does the potential development protect agricultural land from premature or unnecessary destruction or conversion to competing uses? Agriculture demands the availability of large areas of contiguous land. The City should consider how potential development scenarios will disrupt current agricultural land use patterns and the attendant adverse impacts of such disruptions (e.g. roads shared by farm implements and general traffic, dust or noxious odors).
- **Preservation of environmentally sensitive areas.** Does the potential development best protect existing natural resources, planned greenway corridors, open space, wetlands, wildlife habitats, and groundwater? New growth presents an opportunity to link open space areas to create a larger, more significant and connected open space system.
- **Adverse impacts on fiscal, social, or environmental health of the community.** Will the development scenario cause strain on the fiscal health of the community? Will the development scenario cause the least possible amount of environmental problems such as noise, light, air, or water pollution? Will the development scenario pose the least risk to existing business, jobs, or housing areas? Will the development provide the least risk to cultural and historic sites? Desirable developments may impose adverse impacts on the community. The City should determine the extent to which they can be mitigated, and favor those developments that present the least threat to the short and long term financial, social, and environmental health of the community.

In Appendix C to this Plan, an exhibit titled Guidelines for Decision Making utilizes a decision tree concept to help evaluate development scenarios and determine an appropriate sequence of development. The decision tree includes specific factors to consider when reviewing a development proposal and is applicable to both residential and commercial/employment centers.

A BALANCED MIX OF USES

Chapter 8, the Land Use Element of the Comprehensive Plan expresses in detail the value, basis and logic of establishing and maintaining a balanced mix of land uses. It is worthy of emphasis that the balance is not merely one of an appropriate number, size, orientation, cluster and relationship of different forms of residential, commercial and employment uses and the open space, utility, roadways, and institutional uses which support them: that balance is also a matter of sequence and scaling of these uses. At any given time, no one land use should grow to dominate or fall behind so significantly as to evidence or pose the potential to weaken the City's fiscal or social health. By regularly evaluating the relationship of existing and anticipated land use relationships (e.g. number of dwellings to square feet of commercial/retail floor area) the City may identify threats and pose alternatives to correct them.

Balance also is addressed when considering new development to the City, whether residential or commercial. Questions for consideration include:

- ❓ Can the City and schools provide adequate services to the new development?
- ❓ Is it located in the proper area?
- ❓ Does the development support the standards for use and character that are defined in this plan?

CONTROLLING QUALITY OF DESIGN

As part of Wisconsin's Comprehensive Planning Standards, the State recommended adopting subdivision and site plan design standards for "traditional neighborhood development" to support compact, mixed-use development. Adopting a variation of the State's model ordinances and modifying them to create design guidelines/standards for new development that is unique to Elkhorn is one way that the City can implement increased control over commercial and residential site design standards, building orientation, parking, signage, and pedestrian/vehicular circulation. The Wisconsin model ordinances draw from concepts of traditional development and existing forms found in Wisconsin cities and villages.

FISCAL POLICIES

The fiscal integrity of the municipality and other local government units, e.g. school district, is directly related to the management of growth and change. For this reason, predictability is an essential feature. To the extent reasonable, new development should occur at a rate consistent with the community's ability to accommodate it physically (with infrastructure) and financially. Demand for services should be balanced with the supply of high quality services, and public costs should be balanced with public revenues. This concept of "concurrency" melds private development to public infrastructure requiring uniform expansion of both. In essence, this means that private development is not supposed to be approved unless the public infrastructure to accommodate it is constructed at the same time.

It is recommended that the municipality prepare and update annually a report of the existing fiscal condition, of fiscal trends anticipated in the coming decade, and a mid-range (3-6 years) budget for all foreseeable municipal expenditures and revenues. This would be similar to, but broader than the typical capital improvements program. Such a mid-range budget will consider future personnel requirements, programmatic “soft” costs, and maintenance costs, as well as major project costs.

The status of all tax increment finance (TIF) redevelopment projects in Elkhorn deserves detailed review, especially the balance between planned expenditures and forecasted revenues based on the scale and place of private investment. It is essential that these projects not only pay for themselves, but that they do not usurp the City’s financial capacity to undertake other needed public improvements.

Enhanced and new sources of municipal revenue need to be considered, including “fair share” contributions from the real estate development industry, e.g. impact fees, public land dedications, etc. If certain areas of the City deserve unique services, consideration should be given to special taxing districts permitted under state statutes, e.g. Downtown business improvement district.

As the basis for such fiscal policies, the City should establish a “data bank” of critical information, including current Census data, school district trends, development project characteristics from real estate developers, mapped data on the City’s geographic information system (GIS), etc. The City should also activate, update and enhance over time the fiscal impact model prepared as a part of the Community Development Plan. That model estimates the fiscal impact of individual residential and non-residential projects and can be utilized to evaluate “what if?” scenarios of future trends.

ZONING, SUBDIVISION, AND OTHER REGULATIONS

Municipalities rely, often too heavily, on restrictive zoning, subdivision and other regulations for the management of land use. While many restrictions are necessary and appropriate, such regulations can also be proactive if they provide some flexibility for beneficial development exceeding minimum or traditional standards. A recent update to the City’s Zoning Ordinance worked to advance these concepts.

Even prior to the recent update, Elkhorn’s Zoning Ordinance and Land Division Ordinance were considered essentially sound. Amendments made to the code were reflective of recommendations in the last comprehensive plan and consistent with goals and amendments in this plan. Recent changes help to achieve consistency with the recommended Community Development Plan and to meet the criteria of Wisconsin Act 9. This included a number of refinements to standards and procedures, with an emphasis on resolving internal conflicts in the code and establishing compliance with state regulations. In addition, attention was focused on the City’s desire to have straightforward approval procedures, be supportive of economic development objectives, and advance a strong community appearance. However, the majority of bulk standards (set back, height, and lot standards) were not changed. In addition, no changes were made to the established zoning districts or zoning map. Primary amendments to the Zoning Ordinance are outlined below.

- Definitions (Article 2) was updated and clarified as needed to better reflect to the use categories in the land use table. Graphics were added in some instances.
- The table of permitted uses (Article 5) was clarified to more completely reflect the zoning categories as described in the definitions section.

- A lower threshold for mixed use PUDs was set (from 20 to 2 acres) to allow flexible application of standards to address complex infill sites.
- Authority for zoning actions in several instances was placed with the Zoning Administrator to create more streamline procedures and focus Plan Commission actions on larger development and policy matters.
- Requirements for complete applications to be submitted by petitioners was clarified and clear indication is noted that the burden of proof for approval is on the applicant.
- Parking and loading standards (Article 6) was restructured to match categories in the use table and updated to reflect best practice requirements.
- Signs (Article 8) requirements were rewritten with the intent to allow signage needed by business to draw attention from perspective customers, but enhance overall community appearance.
- Non conforming standards (Article 9) were updated to reflect state requirements.

INCENTIVES AND ASSIGNMENT OF COSTS

One useful proactive technique is the establishment of a balanced program of municipal incentives and disincentives to influence critical private real estate decisions. Clearly, the City's commitment of public funds for infrastructure and aesthetic enhancements to Downtown is a major incentive to invest private monies, as has been the infrastructure and below market price of land in the Elkhorn Business Park. Certainly, the latter program has produced substantial success in the past. It may now be time to increase the price of land in the Business Park and in new business park expansions, whereas more targeted incentives might be considered for specific types of new businesses in the Business Park and in Downtown.

In support of downtown enhancement, a number of State resources are available. A description of those programs is provided in the Appendix to this plan.

The City has established impact fees to assess more of the real costs of providing infrastructure and capital facilities to those new developments which engender those costs. They must adjusted over time so that they continue to reflect a "rational nexus" related to the impact of new development and the benefits derived therefrom.

ACQUISITION OF PROPERTY

From time to time it will be appropriate for the City to acquire more property or limited rights to certain properties. Examples might be:

- municipal facility sites
- additional park and conservation land
- rights-of-way for new streets, bikeways and pedestrian paths, not otherwise available through dedication
- development rights in farmland
- conservation, scenic or historic easements (limited rights)

ORGANIZATION

In the immediate future, overall responsibility for implementation of the Comprehensive Plan should be vested in the City Administrator in support of the Plan Commission and Common Council. These efforts have been, and are expected to continue to be supported by the Zoning Administrator. The recent zoning code amendments clarified the role of that position in an effort to support a more predictable development approval process in the City. In addition, the City can continue to include the required professional engineering and planning expertise through a contractual relationship with independent experts familiar with Elkhorn to provide assistance specifically requested by the City Council and/or City Administrator.

Pursuant to 1999 Wisconsin Act 9: Comprehensive Planning, the City Council, Plan Commission, or a special body appointed by the City Council, should be responsible for updating the Community Development Plan at regular intervals and for meeting all of the mandatory objectives and criteria of that Act.

Because of the complexity of Wisconsin Act 9, development trends affecting the City, and the myriad of techniques available for managing growth and change, all municipal officials (elected, appointed, and employed) should be offered training opportunities to enhance their knowledge and effectiveness.

PHASING AND ANNEXATION POLICY CONSIDERATIONS

THE BASIS FOR THE “DECISION TREE”

The most common reasons for municipalities to annex property include:

- Land use control over development and redevelopment – zoning.
- Application of all other City ordinances over new development and redevelopment.
- Capture key economic development opportunities.
- “Defensive” strategy to preclude any potential for undesirable development if annexed to adjoining communities.
- Protect open space.
- Control traffic on arterial roadways.

Common reasons to Discourage Annexation include:

- The City chooses to make full public facilities improvements within the area – which would normally result in a fiscal deficit to the City.
- Tax base development is not an issue to the City.
- The City is successful in gaining agreement with adjoining communities on a land use plan for the area.

Policies governing the development of a phasing plan should include:

- Areas served by some urban services should be provided with the full range of urban services before providing services to areas without urban services. Areas in proximity to existing services should be served before areas farther from existing services.
- Public facility phases should be sized and laid out to allow for the cost-effective provision of public facilities and services (constructing sewers lines, for example, for ultimate capacity rather than smaller, interim size).
- Public facility and service phasing plans should consider city and property owner capability to extend services.

In determining whether a property should be annexed, the City of Elkhorn should consider:

- Whenever practical, growth should occur within the existing boundaries of the City of Elkhorn.
- The provision of municipal services should coincide with the jurisdictional boundaries of the City. Elkhorn should not extend utility services beyond corporate limits of the City.
- The extension of water and sanitary sewer services should be predicated upon annexation of property by the City.
- City annexation should occur before any property is provided with water, sanitary sewer, storm sewer, fire and police protection, parks, schools, road and trail facilities and maintenance, or other potential city services
- Land which is remote or otherwise removed from the limits of the City of Elkhorn will not be annexed; land which is contiguous to the City and generally urban in character may be annexed; and, land which is encircled by the City should be annexed.
- Property should be annexed only where access to all City services can be assured. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services, and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in annexed areas.
- Property should not be annexed if it cannot be cost-effectively served by Elkhorn public facilities and services. The cost of providing infrastructure and services generally should be balance by the revenues to be derived from the potential annexation area over the long term.
- The character of existing developed (usually residential) proposed to be annexed to the City should be respected; however, any annexation of existing development will include some costs which must be the responsibility of property owners.
- Annexation to facilitate the installation or extension of improvements where they are consistent with the policies, anticipated uses and timing/phasing of development identified in Elkhorn's Comprehensive Plan.

TO: Plan Commission – City of Elkhorn**FROM:** Department of Building and Zoning**PC Meeting: Thursday, November 2, 2023, at 6:00 pm**

**Lee Loveall, On Time Towing LLC
544 S Lincoln Street
Rezone and Conditional Use Permit**

General Information:

Applicant(s): Lee Loveall, On Time Towing LLC
Requested Action: Rezone and Conditional Use Permit

Site Information:

Location: 544 S Lincoln Street
Tax Key: YP 00030

Zoning & Land Use:

Current Zoning: RS-1 Single Family Residence
Proposed Zoning: M-1 Light Manufacturing District
2040 Land Use Plan: Light Industrial Mixed Use: Transition between

industrial uses and residential uses, and to limit adverse impacts on existing uses by use of landscape buffers and screening. Includes residential uses, and community business activities like offices, food establishments, service or light industrial uses.

Project History:

The applicant is requesting approval of rezoning a portion 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. The applicant is requesting a conditional use permit for vehicle outdoor storage behind security fencing.

Staff Review Summary:

- Area, Yard & Height Requirements:
 - The site plan appears to be in compliance with Section 17.5 of the Municipal Code.
 - Applicant is proposing 8 Foot Security Fencing.
 - Both The City Ordinances and 2040 Land Use plan stress the importance of landscaping buffer within this area, and between commercial and residential uses. It is recommended that landscaping be added around the entire perimeter of the fence for an additional buffer.
- Traffic, Loading, Parking and Access:
 - The applicant is requesting exceptions with regard to many of the requirements of Section 17.6 of the Municipal Code, including parking space size, aisle width, parking lot landscaping, and surfacing.

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 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.