

CITY OF ELKHORN
WALWORTH COUNTY, WISCONSIN

ARCHITECTURAL REVIEW BOARD & CITY PLAN COMMISSION MEETING NOTICE

Thursday, November 16 @ 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) November 2, 2023

5) Plan Commission Items

- a) Lee Loveall (Applicant), On Time Towing, LLC (Company) – 544 S. Lincoln St.
(Tax Key: YP 00030)
 - i) Conditional Use Permit – Discussion and Recommendation
- b) Appointment of 3 Sugar Creek ETZ Committee Members.

6) General Discussion Items

- a) Updates

7) Review Upcoming Meeting Dates & Times

- a) December 7, 2023, at 6:00 PM
- b) December 21, 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
November 2, 2023

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

ROLL CALL

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

APPROVAL OF MINUTES

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

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

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

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

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

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

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

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ARCHITECTURAL REVIEW BOARD/
CITY PLAN COMMISSION MEETING
NOVEMBER 2, 2023
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The Zoning Administrator presented the Staff Report dated October 27, 2023. The applicant is requesting approval of rezoning a portion of 544 South Lincoln Street from Rs-1 Single Family Residence to M-1 Light Manufacturing District. Lands on the west of the parcel are zoned Rs -1 Single Family Residence and lands to the east parcel are zoned M-1 Light Manufacturing District. **2040 Land Use Plan:** This application presents a need to interpret the intentions of the 2040 Comprehensive Plan taking into consideration the written definitions of future land use sections of the plan addressing what was intended by the designation of the parcel and the broader area as light industrial/mixed uses and its relationship to zoning. The plan states the following about light industrial/mixed uses: **Light Industrial Mixed Use:** Transition between industrial uses and residential uses, and to minimize adverse impacts on existing uses by use of landscape buffers and screening. It includes residential uses and is meant to protect the character of this area while allowing for future higher density residential and community business activities like offices, food establishments, service or light industrial uses. **Light Industrial Mixed Use Areas:** In some areas of Elkhorn, residential uses are found in close proximity to industrial uses. These areas would benefit from a better transition between the industrial uses and residential uses to minimize adverse impacts on existing uses. It includes the residential area west of South Lincoln Street, and is meant to protect the character of this area while allowing for future higher density residential and community business activities like offices, food establishments, service or light industrial uses. Areas under this category should also have adequate landscape buffers, and a well-connected sidewalk network and streetscape to promote walkability and connectivity to the adjacent neighborhood, as well as recreational areas within the industrial and business park. It is important to understand what the intentions of the plan were in light of two different zoning classifications of residential and M-1 both on the subject parcel and whether the portion of the parcel zoned residential was meant to be and remain a buffer/transition area to the residential to the north and rear of the parcel. **Staff Recommendations:** At this time, the staff recommendation is pending outcome of the discussion and feedback from the Plan Commission after receiving additional information from the applicant and surrounding residents and review of the City's 2040 Comprehensive Plan details. The Zoning Administrator reported that after conferring with the legal counsel, additional information has been discovered since the completion of the Staff Report. Since the back portion of the property is currently zoned Rs-1 Single Family Residential District, it was recently noted that the lot width does not meet the 100 foot width requirement for a viable single family lot per City ordinance. The existing lot is currently nonconforming and is requested to be rezoned M-1 Light Industrial District, which creates an even more nonconforming lot. The Zoning Administrator recommends that the Plan Commission **DENY** the rezone request and suggests that the applicant withdraw the rezone request since he only proposes to use the lot as green space with no plans for any other use. The Zoning Administrator has conveyed this information to the applicant.

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

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

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

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

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

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

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

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

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

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

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

MEETING DATES

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

ADJOURNMENT

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

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 #: _____ 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: White Water WI Zip: 53190

Telephone: (608) 575-9580 Fax: () Email: the.fupa.water@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

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: COP 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: _____	

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

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: _____
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 Meiguer</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 #		Previous Business Name	
Property Address <i>544 S Lincoln St</i>		Years in Operation	
Property Owner <i>CHRIS MEISNER</i>		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 <i>TOWING FOR POLICE AGENCIES & PRIVATE PROPERTY IMPROVEMENTS</i>			
Previous use of space		Hours of Operation (Weekday) <i>8 AM - 4 PM M-F</i>	Hours of Operation (Weekend)
Total Area of Space (SQF)	# Toilet Fixtures <i>0</i>	# Full Time Employees <i>1</i>	# Part Time Employees <i>0</i>
Customer Seating Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Seating Capacity <i>0</i>	Total Employee Hours Per Year (include yourself if self-employed) <i>As Needed</i>	
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 <i>Currently Rented out as hobby shop</i>			
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 <i>75' x 150' BACK LOT</i>		Number of spaces available <i>50</i>	
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: <i>4x12</i>		Location: <i>FRONT OF BUILDING</i>	
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

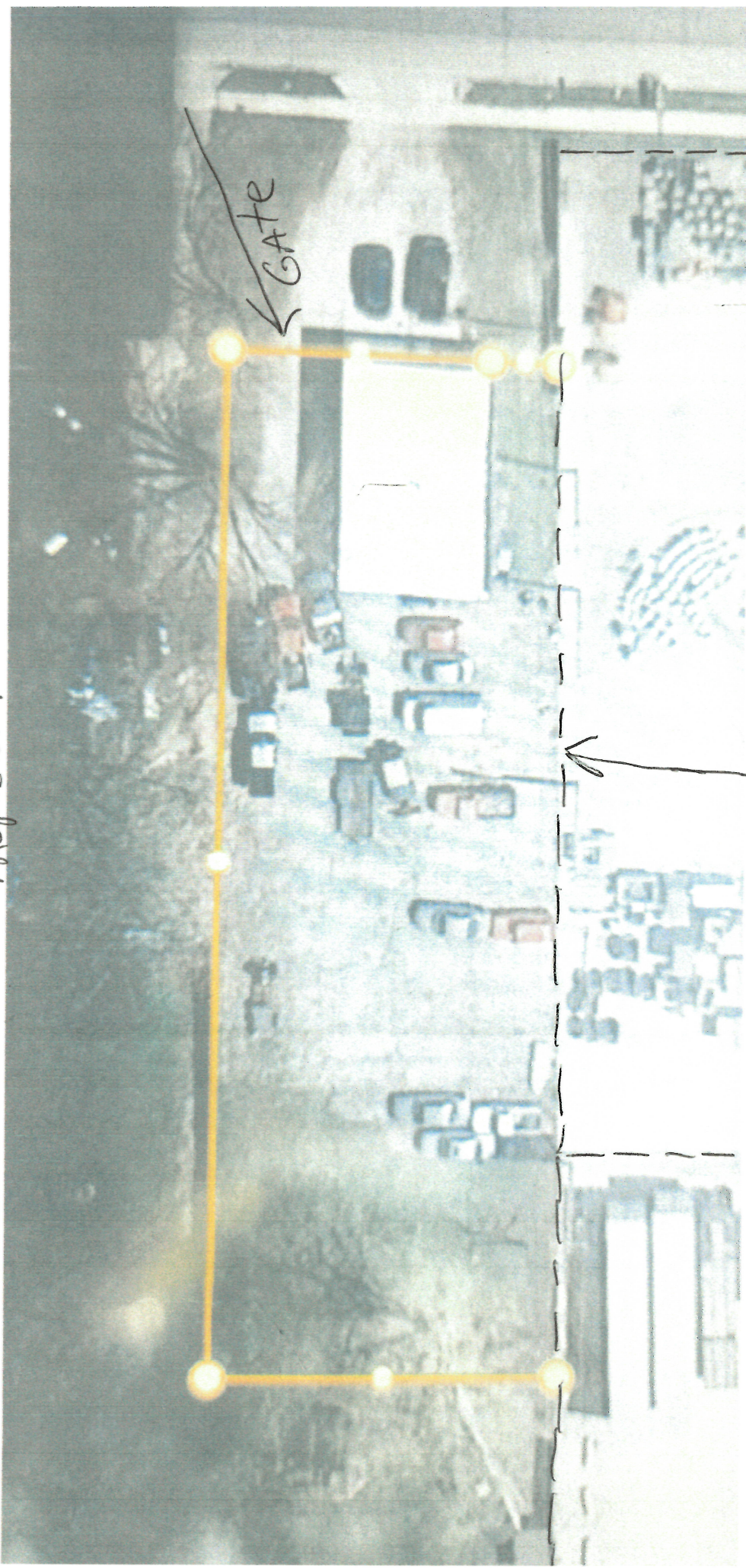
Permitted Property Uses

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 <i>eventually</i>
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	<i>will eventually hook up to City Sewer</i>
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

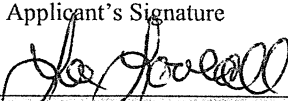
Yellow lines
Proposed Fence



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	Inspector's Signature 	Date
	7 / 24 / 23		_ / _ / _

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, November 16, 2023, at 6:00 pm

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

General Information:

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

Site Information:

Location: 544 S Lincoln Street
Tax Key: YP 00030

Zoning & Land Use:

Current Zoning: RS-1 Single Family Residence
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 a conditional use permit for vehicle outdoor storage behind security fencing. 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.

Staff Review Summary:

- Area, Yard & Height Requirements:
 - The site plan appears to be in compliance with Section 17.5 of the Municipal Code.
 - The 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.
 - 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.

- 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, staff recommends **approval** of the CUP for outdoor storage located at 544 S Lincoln Street with the following conditions:

1. Fencing shall be installed around the entire perimeter of the rear and side yards of the property; a solid fence shall comply with sec. 17.7-2, and not exceed 6 feet in height, an open style fence shall comply with sec. 17.7-2, and not exceed 10 feet in height. Material shall be determined by the plan commission.
2. A closing security gate attached to the fencing shall be installed at the entrance of the property and shall always remain closed unless vehicles are being pulled in or out of the property.
3. A ten (10) foot wide landscaped screen of evergreen shrubbery not less than six (6) feet in height shall be installed around the perimeter of the fence, and property to prevent noise carryover, and properly separate residential and commercial properties.
4. Trucks entering or exiting the property shall not use back up alarms on vehicles for back up past 10:00PM.
5. Property shall maintain adequate space in the street yard for tow trucks to pull into site head on, and back into tow lot on the property instead of backing in off the street when traffic is present. Tow trucks shall never back in off the street when any traffic is present.
6. Property building appearance shall be maintained to abide by all City of Elkhorn Municipal Ordinances pertaining to exterior property maintenance. The property owner shall be responsible for adding landscaping in the street yard to increase curb appeal.
7. No vehicle shall be stored on the property for longer than 90 days.
8. The property owner/ tenant shall be responsible for installing a Knox box on the front of the property for the fire department and ensuring that the building and parcel is in full compliance with all applicable fire codes. Additionally, the fire department shall have access, or be able to open gates in the event of an emergency.
9. The property parking area shall be asphalted where gravel is currently existing.
10. Vehicles shall be stored on hard surfaces only, and never be stored in the front yard, or grassed and landscaped areas on site. Wrecked vehicles shall only be stored behind the fencing.
11. No vehicle shall ever be stored in a manner where fluid, oil, or gasoline is leaking from the vehicle. In the event vehicle(s) are leaking fluids proper drip trays shall be placed at all times, and property shall be equipped with proper clean up equipment and materials such as sawdust, oil dry, etc. All vehicle fluids shall be properly disposed of.
12. No employees will be on site, therefore, all emergency responders, police, fire, and building and zoning departments shall have on record an authorized individual to contact 24/7 in the event of an emergency, and that can respond within 30 minutes.
13. Security cameras shall be installed on site.
14. Security lighting shall be installed on site and comply with 17.10-9
15. Property owner shall hook up to City water and sewer and install proper bathroom facilities. The property owner shall supply Zoning Administrator bids for hook up services to establish a timeline for hookup.
16. Rear property currently zoned RS-1 shall never be used for business operations, and shall be used as greenspace, and landscaping buffer for neighboring residential properties. Greenspace shall be maintained at all times.