

**TOWN OF DELAVAN & CITY OF ELKHORN
JOINT EXTRATERRITORIAL ZONING COMMITTEE
MEETING**

Thursday, December 14, 2023 - 5:00 p.m.

1. Call to Order
2. Establish a Quorum
3. Motion and Action to Name Chairperson
4. Motion to Adjourn into the Public Hearing:
Conditional Use Permit for Marine Service & Boat Storage/Steve Smith, Northshore
Development LLC/5384 Hwy. 11, Elkhorn, WI 53121, Tax Key FD200002,
FD200004C, Town of Delavan
5. Close hearing
6. Discussion and Recommendation RE: Smith Conditional Use Permit Approval
7. Discussion and Recommendation RE: Smith Project Concept Review
8. Adjournment

DATED at Elkhorn, Wisconsin, this 26th day of October 2023

Should you have any questions or comments regarding any items on this agenda, please contact the City Zoning Administrator at 262-741-5124. Upon reasonable notice to the City Clerk (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 THE ETZ COMMITTEE MEETING TO GATHER INFORMATION ABOUT A SUBJECT OVER WHICH THEY HAVE DECISION-MAKING RESPONSIBILITY.

PLANNING REQUEST

FOR OFFICE USE ONLY

PC# EA3.10.001

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 #: FD 260002 + FD 260004 Project Address: 5384 STATE HWY 11, ELKHORN
Project Title (if any): ONE SEASON STORAGE + SERVICE CENTER

2. Applicant, Agent & Property Owner Information:

Applicant's Name: STEVE SMITH Company: NORTH SHORE DEVELOPMENT LLC
Street Address: 2519 NORTH SHORE DR City/State: DELAWARE WIS Zip: 53115
Telephone: (262) 745-0398 Fax: () Email: SSMITH@idcnet.com

Agent: STEVE SMITH Company: NORTH SHORE DEVELOPMENT LLC
Street Address: 5384 STATE HWY 11 City/State: ELKHORN, WIS Zip: 53121
Telephone: (262) 745-0398 Fax: () Email: SSMITH@idcnet.com

Owner, if different from Applicant: _____
Street Address: _____ City/State: _____ Zip: _____
Telephone: () _____ 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

CONDITIONAL USE PERMIT APPLICATION

FOR OFFICE USE ONLY
PC# EA3.10.001

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.

- Address and legal description of the subject site (attach a separate sheet if necessary):
5384 STATE HWY 11
ELKHORN, WI 53121 (see attached Survey & Legal Description)
- Tax Parcel number: FD 200002 & FD 200004
- Zoning District: B-2
- Requested Conditional Use: BOAT SERVICE & OFF SEASON STORAGE in addition to the B-2 zoning
- Petitioner's interest in the requested Conditional Use Permit: _____
- List type and number of structures, proposed operation or use of the structure(s) or site, number of employees, parking, etc.: see attached forms & documents

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>NORTH SHORE DEVELOPMENT LLC</u> Printed Address <u>2518 North Shore Dr.</u> <u>Delavan, WI 53115</u> Phone <u>262-745-0398</u>
--

OWNER'S AGENT  (Signature) <u>STEVEN M SMITH</u> Printed Address <u>5384 STATE HWY 11</u> <u>Elkhorn, WI 53121</u> Phone <u>262-745-0398</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: _____

NORTHSHORE DEVELOPMENT CORP LLC CONDITIONAL USE PERMIT REQUEST

REASON AND PURPOSE OF CONDITIONAL USE PERMIT

**TO CONTINUE THE ON-GOING BUSINESS ESTABLISHED BACK IN 2001 THAT HAS BEEN
PROVIDING MARINE SERVICE AND BOAT STORAGE FOR THE PAST 22 YEARS**

ALL BUILDING AND LAND TO UNDER B-2 ZONING WITH THE FOLLOW CONDITIONS

OFF SEASON STORAGE OF BOATS, MOTORS, TRAILERS, AND POWERSPORTS EQUIPMENT FOR THE DURATION OF EQUIPMENT NOT BEING USED.

PARKING OF SUCH SAID UNITS TO BE STAGE OUTSIDE FOR PICKUP

PARKING FOR SERVICE BOAT IN FOR REPAIR

PARKING FORBOATS THAT ARE FOR SALE

TO PREFORM SERVICE WORK TO THE FOLLOW ITEMS:

BOATS, (INBOARD/OUTBOARD/ JET/ OUTBOARD/PWC AND ELECTRIC UNITS)

OUTBOARD MOTORS GAS OR ELECTRIC

TRAILERS

BOAT LIFTS AND PIERS

ELECTRIC AND NON-ELECTRIC WATERCRAFTS

BOAT COVER MAKING, REPAIRING AND ALTERATION TO SEATS AND INTERIER

REPLACE INTERIORS INCLUDING SEATS, CARPET, AND FLOOR, & REPAIR

RESTORATION OF BOATS, PWC'S, RECREATION UNITS, SEATS AND THE REBUILDING OF ENGINES ON POWERSPORTS UNITS INCLUDING DETAILING SUCH UNITS.

THE SALE OF BOATS, MOTORS, TRAILERS, LIFTS, PWC, AND POWERSPORTS UNITS PARTS BOTH (NEW AND USED).

I HAVE ATTACH A COPY OF THE PURPOSE SITE PLAN TO MAKE THE PROPER ADJUSTMENTS TO MAKE THIS A WORKABLE PLAN FOR THE ENTIRE SITE AND TO REMIDY ANY PROBLEMS WITH DRAINAGE AND SITE APPEARANCE.

NORTHSHORE DEVELOPMENT CORP LLC CONDITIONAL USE PERMIT REQUEST

PRESENT BUILDING:

STEEL CONSTRUCTED 70 X 185

KOMFORT HEATING (HEATING & AIR CONDITION BUSINESS) RENTS THE FRONT PART OF THE BUILDING, WHICH IS ABOUT 9400 SQ. FT. BEEN THERE FOR SINCE 1987 AND KUSTOM PARTS & SERVICE (MARINE STORAGE SERVICE AND REPAIR) RENTS THE BACK PART WHICH IS 3500 SQ.FT. HAS BEEN THERE SINCE 2001.

KOMFORT HEATING PARKS IN THE FRONT PART ON THE ASPHALT AND OTHER PARKING SPOT ON CEMENT GARAGE SLAB THAT WAS ONCE A BUILDING.

KUSTOM PARTS & SERVICE PARKS AROUND THE REAR OF THE BUILD AND IN FRONT OF THE DOORS FOR SERVICE AND STAGES BOAT ALONG THE DRAINAGE DITCH.

KOMFORT EMPLOYEES 3 FULL TIME OFFICE AND 12 HOME BASED EMPLOYEES.

KUSTOM PARTS & SERVICE HAS 3 FULL TIME AND ANY WHERE FROM 1-3 PART-TIME IN SUMMER

SITE IMPROVEMENT PLAN

CONSTRUCTION OF 5-6 NEW BUILDINGS OF THOSE 4-5 FOR STORAGE AND 1 FOR A NEW SHOP

THIS WOULD BE DONE IF DIFFERENT PHASES.

PHASE: I

INSTALL A DRAIN SYSTEM WITH A DETENTION POND PER SITE PLAN FOR THE ENTIRE SITE ESCAVATION FOR THE BUILDINGS

PHASE: II

SITE PREP FOR 1 OF THE NEW BUILDINGS

PHASE: III

SITE PREP FOR BUILDINGS 2&3

PHASE: IV

BUILDINGS 4&5

PHASE: V

BUILDING BY HWY 11 SOUTH SIDE OF LOT

PARKING IS ALL SPELLED ON SITE PLAN PARKING WOULD BE FOR AUTO, BOATS AND TRAILER,S AND PWC ON TRAILER. ALSO, SERVICE WORK DROP OFF FOR STORGE OR REPAIR.

**CITY OF ELKHORN
NOTICE OF PUBLIC HEARING**

CONDITIONAL USE PERMIT

Notice is hereby given that a public hearing will be held before the Joint ETZ Committee for the City of Elkhorn and Town of Delavan on November 2, 2023, at 5:00 P.M. or soon thereafter as the matter may be heard in the Council Chambers, City Administration Offices, 311 Seymour Court, Elkhorn, WI for the purpose of hearing all interested parties, their attorneys or agents with respect to the application submitted by Steve Smith, Northshore Development, LLC for a Conditional Use Permit to allow the existing Marine Service & Boat Storage business with off season storage to continue in operation. The property is more precisely identified by the following tax parcel ID:

FD 200002 & FD 200004C

The City of Elkhorn will attempt to accommodate anyone with special needs if requests are made a sufficient time in advance. The City Clerk can be reached at: (262) 723-2219.

Dated this 4th day of October 2023.

Allison Schwark
Zoning Administrator

Publish 2x: 10/19/23 & 10/26/23
Elkhorn Independent

Allison Schwark

From: Michele Starin <clerk@townofdelavan.com>
Sent: Tuesday, September 26, 2023 11:01 AM
To: Allison Schwark
Subject: Application by Northshore Development, LLC (Steve Smith), 5384 STH 11, (FD200002, FD200004C) for a Conditional Use Permit

Follow Up Flag: Follow up
Flag Status: Flagged

Hi,

At the September 19 board meeting the board voted to approve the application by Northshore Development, LLC (Steve Smith), 5384 STH 11, (FD200002, FD200004C) for a Conditional Use Permit to allow the existing Marine Service & Boat Storage business to continue in operation. And to approve a Site Improvement Plan phasing in Storm Water Improvements and several storage buildings and a new shop . The below conditions were also placed on it. Please let me know if you have any questions.

1. Construction of 5 buildings per Site Plan
2. Sales of boats, motors, trailers, lifts, and new & used parts allowed.
3. Outside storage of boats is limited to 70 and reduced by 15 after each building is constructed.
4. There shall be no burning of waste material. Removal must be properly contracted with a licensed waste hauler.
5. Ingress and egress to the building shall be properly graveled and weeds kept down.
6. Signage must comply with the Walworth County Sign Ordinance.
7. Must meet all applicable Federal, State, County, and local regulations.
8. The designated "future parking area" may be used for no more than 5 boats displayed for sale.
9. On site hours of operation shall be from 8:00am – 6:00pm seven days a week. No outside boat motor operation after 9/15/2025 and final City of Elkhorn Council approval.
10. Boats to be stored indoors and outside only West of Building 2 and North of Building 1.
11. Outside lighting shall comply with the Town Lighting Ordinance.
12. The applicant must obtain all required Zoning Permit approvals.
13. The project site must be kept neat, clean, and mowed in all areas.
14. Failure to actively exercise this conditional use within 3 years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original 3-year period. Any extension requested during the 3-year active exercise period greater than 1 year beyond the original 3-year period shall require additional Town of Delavan and City of Elkhorn committee approvals.
15. Only 1 building to be constructed at a time.
16. Amos Rd. entrance will be locked shut outside the hours of operation.

Thanks.

Regards,

Michele Starin

Town of Delavan Municipal Clerk

DEHAVAN-DARIEN SCHOOLS REPORT

None

OLD BUSINESS:

None

NEW BUSINESS

Short Term Rental Ordinance Amendment – Fees increased to \$250/renewal & \$500/new licenses – Ordinance #417

Supervisor Thummel made a motion to dispense with the first reading of Ordinance #417 an ordinance amending section 10.20 2) of the municipal code of the town of Delavan relating to residential rental license fees and move onto the second reading with a Second by Supervisor Hartlaub, motion carried 5-0. Supervisor Thummel made a motion to dispense with the second reading and adopt Ordinance #417 an ordinance amending section 10.20 2) of the municipal code of the town of Delavan relating to residential rental license fees with a Second by Chair Knipper, motion carried 5-0.

Citation Penalties Ordinance Amendment – Ordinance #418

Supervisor Thummel made a motion to dispense with the first reading of Ordinance #418 an ordinance amending section 25.04 of the municipal code of the town of Delavan relating to penalties for violation of town ordinances and move onto the second reading with a Second by Chair Knipper, motion carried 5-0. Supervisor Thummel made a motion to dispense with the second reading and adopt Ordinance #418 an ordinance amending section 25.04 of the municipal code of the town of Delavan relating to penalties for violation of town ordinances with a Second by Chair Knipper, motion carried 5-0.

Application by Northshore Development, LLC (Steve Smith), 5384 STH 11, (FD200002, FD200004C) for a Conditional Use Permit to allow the existing Marine Service & Boat Storage business to continue in operation. And to approve a Site Improvement Plan phasing in Storm Water Improvements and several storage buildings and a new shop – City of Elkhorn ETZ.

**Motion Wasik, Second Knipper to accept the application by Northshore Development, LLC (Steve Smith), 5384 STH 11, (FD200002, FD200004C) for a Conditional Use Permit to allow the existing Marine Service & Boat Storage business to continue in operation. And to approve a Site Improvement Plan phasing in Storm Water Improvements and several storage buildings and a new shop, with additional conditions – City of Elkhorn ETZ., motion carried 5-0. **

1. Construction of 5 buildings per Site Plan
2. Sales of boats, motors, trailers, lifts, and new & used parts allowed.
3. Outside storage of boats is limited to 70 and reduced by 15 after each building is constructed.
4. There shall be no burning of waste material. Removal must be properly contracted with a licensed waste hauler.
5. Ingress and egress to the building shall be properly graveled and weeds kept down.
6. Signage must comply with the Walworth County Sign Ordinance.
7. Must meet all applicable Federal, State, County, and local regulations.
8. The designated "future parking area" may be used for no more than 5 boats displayed for sale.
9. On site hours of operation shall be from 8:00am – 6:00pm seven days a week. No outside boat motor operation after 9/15/2025 and final City of Elkhorn Council approval.
10. Boats to be stored indoors and outside only West of Building 2 and North of Building 1.
11. Outside lighting shall comply with the Town Lighting Ordinance.
12. The applicant must obtain all required Zoning Permit approvals.
13. The project site must be kept neat, clean, and mowed in all areas.
14. Failure to actively exercise this conditional use within 3 years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original 3-year period. Any extension requested during the 3-year active exercise period greater than 1 year

TO: Joint ETZ Committee Meeting **FROM:** Department of Building and Zoning
Joint ETZ Committee Meeting: Thursday, November 2, 2023, at 5:00PM

Off Season Storage & Service Center
Conditional Use Permit and Project Concept Review
PC Action: E23.10.001

General Information:

Applicant(s): Steve Smith, North Shore Development LLC
Requested Action: Conditional Use Permit and Project Concept Review

Site Information:

Location: 5384 State Road 11
Tax Key: FD 200002 & FD 200004C

Zoning & Land Use:

Zoning: B-2 Community Business District
2040 Land Use Plan: Community Commercial

Project History:

The applicant is requesting a conditional use permit for boat service and off-season storage. They are requesting to continue the on-going business established in 2001 that has been providing marine service and boat storage for the past 22 years. For all buildings and land under the B-2 zoning to allow with the following conditions: Off-season storage or boats, accessories and powersport equipment for the duration of equipment not being used. Parking of equipment to be staged outside for pick-up, repair and those that are for sale. Work to be performed on the following items: boats; outboard motors; trailers; boat lifts and piers; watercrafts; boat cover making, repairs and alterations to seats and interiors; restorations of items including detailing; the sale of boats, motors, trailers, lifts, personal watercrafts, and powersport units both new and used. Additionally, the applicant is requesting approval of a Concept Review for a site plan to improve the property, by adding several indoor storage buildings, adequate pavement and parking, and stormwater.

Staff Recommendations:

1. Staff recommends that the Joint ETZ Committee **APPROVE** the Conditional Use Permit and Concept Review for Boat Service and off-season storage with the following conditions:
 - a. The project shall be developed in accordance with the plan of operations. Any deviation from the approved plans shall require zoning administrator and/or Committee approval.
 - b. All additional permits be applied for and approved.
 - c. No more than 5 buildings shall be constructed on site.
 - d. The sale of boats, motors, trailers, lifts, and new and used parts are permitted under this Conditional Use.
 - e. The outdoor storage of boats is limited to 70 and shall be reduced by 15 after each building is constructed.
 - f. There shall be no burning of waste material, or marine equipment. All Removal must be properly completed with a licensed waste hauler.

- g. Ingress and egress shall be property graveled and maintained at all times, and shall not become overgrown with weeds or vegetation.
- h. All signage must comply with the Walworth County Sign Ordinance.
- i. Site plan and all business operations shall meet all applicable Federal, State, County, City, and Town regulations.
- j. The designated “future parking area” may be used for no more than 5 boats displayed for sale.
- k. On-site hours of operation shall be from 8AM-6PM seven days a week.
- l. Boats shall only be stored indoors and outside west of building 2 and north of building 1.
- m. Outside lighting shall comply with the Town Lighting Ordinance.
- n. Project site must be kept in a neat and orderly fashion and shall be mowed, and landscaping maintained at all times.
- o. Only one building shall be constructed at a time.
- p. The Amos Road entrance shall be gated and locked shut outside hours of operation.
- q. Garbage bins and collection site shall be shielded by proper fencing or landscaping buffer.
- r. Failure to actively exercise this Conditional Use within 3 years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the original 3-year period. Any extension requested during the 3-year active exercise period greater than 1 year beyond the original 3-year period shall require additional Town of Delavan and City of Elkhorn committee approvals.