

CITY OF ELKHORN
WALWORTH COUNTY, WISCONSIN

ARCHITECTURAL REVIEW BOARD & CITY PLAN COMMISSION MEETING NOTICE

Thursday, January 4 @ 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 16, 2023

5) Plan Commission Items

- a) John Tracy (Applicant), Hartland Holdings, LLC (Company) – W. Market Street.
(Tax Key: YUNW00243)
 - i) Project Concept Review – Discussion

- b) Jerry Halbmaier (Applicant), JCR Holdings, LLC (Company) – 251 O'Connor Drive.
(Tax Key: YA289800001)
 - i) Site Plan- Discussion and Recommendation
 - ii) Architectural Review- Discussion and Recommendation

6) General Discussion Items

- a) Updates

7) Review Upcoming Meeting Dates & Times

- a) January 18, 2024, at 6:00 PM
- b) February 1, 2024, 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 16, 2023

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

ROLL CALL

Present: Boardman, Stotko, Hunter, Wuttke, Meinel
Absent: Geaslen, Lechner
Also Present: Swann, Schwart, Ekes
Visitors: Lee Loveall, Eric Jones, an unidentified person

APPROVAL OF MINUTES

Motion (Hunter/Wuttke) to approve the minutes of the Architectural Review Board and Plan Commission meetings of November 2, 2023. Motion carried unanimously.

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

Vice-Chairman Meinel reported 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. He said 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 7, 2023 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 November 10, 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, staff recommendation is pending for the CUP for outdoor storage located at 544 S Lincoln Street until further discussion is had at the Plan Commission Meeting. The following draft conditions have been prepared for your consideration should the Plan Commission recommendation be to approve subject to 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. Landscaping and plant materials shall be maintained in a healthy growing and live condition. Trimming and pruning shall occur regularly. Any dead or diseased landscaping shall be removed and replaced regularly. 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.

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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. The applicant shall comply with all fire department requirements. 9) The property parking area shall be asphalted where gravel is currently existing. Applicant shall comply with all City Engineer requirements including for paving and stormwater management. 10) Vehicles shall be stored on hard surfaces only, and never be stored in the front yard, or grassed and landscaped areas on site. All vehicles shall be stored behind the fencing. No vehicles shall be advertised as for sale on the property. All vehicles associated with the business shall be parked on premises and not on City streets. 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. Any oil or hazardous fluids must be stored in a designated containment area that complies with all Wisconsin Department of Natural Resources (WI-DNR) regulations. Any oil or hazardous fluids must be disposed of in an environmentally sound manner. 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) No electric vehicles shall be stored on site at any time. 14) Security cameras shall be installed on site. 15) Security lighting shall be installed on site and comply with 17.10-9. 16) 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. Hook up shall be completed before any business operation begins, and be completed within one year of approval. 17) 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 mowed and maintained at all times. 18) The applicant must obtain permit cards from the office of the City Zoning Administrator after paying the zoning fees. These cards must be displayed in a prominent location at the site, and a copy of these conditions must be kept at the site at all times. 19) Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit. 20) The proposed use must be conducted in compliance with the plans and documents on file with the City of Elkhorn Zoning Office. 21) Any proposed advertising sign at the site will require a separate permit prior to installation. Please contact City Zoning staff for advertising sign regulations and permit procedures. 22) This approval will expire six (6) months from the date of the City's final approval unless substantial work has commenced following such grant. If this office determines that no substantial work has commenced, the project may not occur unless the City grants a written extension. Written extension requests must be submitted to the City Zoning Office thirty (30) days before permit/approval expiration. 23) Any fence, wall, hedge, yard, space or landscaped area must be kept free of any accumulation of refuse or debris. No other types of outside storage is allowed on the property. 24) No vehicle parts or vehicle salvage yard activity is allowed at the site. 25) No additions, deletions, or changes may be made to the project, site plan, or these conditions without the City's prior approval. All addition, deletion, and/or change requests must be submitted to the City Zoning Administrator in writing. A minor change to the conditions of this permit, as deemed by the Zoning Administrator, may be made at a staff level, if authorized by the Zoning Administrator. 26) Your accepting the conditional use approval/permit and beginning the project

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means that you have read, understand, and agree to follow all conditions of this approval. Applicant, and its heirs, successors, and assigns are responsible for full compliance with the above conditions. 27) It is the property owner's responsibility to inform any subsequent owner or operator of these conditions. 28) The applicants must allow any City employee full and unlimited access to the project site at a reasonable time to investigate the project's construction, operation, or maintenance. 29) The applicants are responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The applicant is required to comply with all applicable local, state and federal regulations. 30) Applicant shall reimburse the City all costs incurred by the City for review of this conditional use including but not limited to engineering, legal and planning review that occurred prior to permit issuance and during the implementation of the plans and construction of improvements.

The Zoning Administrator continued by stating that **the proposed conditional use for outdoor storage as a towing business is a conditional use application. The law governing conditional use permits is under Sec. 62.23 (7) (de) of the Wisconsin Statutes which provides as follows:** a) A “Conditional use” means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the City. b) If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the City ordinance or those imposed by the City Plan Commission and Council, the City shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and **be based on substantial evidence.** c) The requirements and conditions described must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. d) The applicant must demonstrate that the application and all requirements and conditions established by the City relating to the conditional use are or shall be satisfied, both of which **must be supported by substantial evidence.** e) The City's decision to approve or deny the permit **must be supported by substantial evidence.** f) “Substantial evidence” means facts and information, **other than merely personal preferences or speculation,** directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

Vice-Chairman Meinel felt there should not be a limit of not more than 10 vehicles stored on site. Brief discussion. The Zoning Administrator said that this could be added as a condition to the Conditional Use Permit (CUP). Lee Loveall responded by saying that he would need to increase the 10 to 20 vehicles allowed to be stored on the property but could reduce that number from 20 to 10 vehicles if that is the recommendation by the Plan Commission. Mr. Loveall explained that he had contacted a contractor for the installation/connection of water and sewer but the contractor could not meet the project deadline proposed in the conditions with completion date prior to occupancy. He also does not agree with some of the other proposed conditions. Discussion regarding the 30 conditions. Some additional discussion on Condition No. 13 regarding clarification of electric vehicle storage.

Motion (Meinel/Stotko) to recommend to the City Council to deny Conditional Use Permit (CUP) for vehicle outdoor storage behind security fencing at 544 South Lincoln Street (Tax Key No. YP00030) requested by On Time Towing LLC, Lee Lovell. Discussion. A guideline listing the two reasons for and eight reasons against approving the Conditional Use Permit (CUP) created by Attorney Ekes, legal counsel, and distributed to members at this time, explaining the reason this list was not distributed to members in advance of the meeting. She was requested to read the reasons not to approve the Conditional Use Permit (CUP) request. She suggested that any motion to be made by members should include the Plan Commission's reasons for denial and advised that the original motion should be amended to reflect the reasons against approving the Conditional Use Permit (CUP).

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Attorney Ekes read aloud the eight reasons to deny the Conditional Use Permit (CUP): 1) While the back part will be maintained as a RS-1 zoning, the parcel is already small and nonconforming for a M-1 parcel, it is not possible to provide a better transition between the proposed industrial use of outdoor storage and residential uses on the other adjacent parcel to minimize adverse impacts on that existing use. 2) The 2040 Comprehensive Plan provides that when a light industrial use is to be located adjacent to residential uses, they should be well buffered by landscaping to mitigate adverse impacts on residential and other existing uses and a 100' separation should try to be achieved 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. The proposed site is too small to fully achieve this and a 100 foot separation between the building and the boundary line of the adjacent residential parcel can never be achieved. 3) Traffic volumes on the street and safety concerns with blocking traffic with delivery of towed cars and concerns that small site can't handle the site circulation. 4) The setbacks, safety concerns, site overutilization, noise, buffering and screening cannot be addressed with appropriate conditions because the site is too small for such an intensive outdoor use and too close to the adjacent residential uses. 5) The proximity of adjacent uses including the electrical substation, make the risk of fire and negative impacts of use of excessive water to put out fires on adjacent parcels, particularly concerning with the storage of vehicles that are increasingly electric or hybrids that a reasonable condition cannot adequately address without a disproportionate impact on the City's enforcement and inspection capabilities. 6) The fact that applicant is requesting exceptions to the Code 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 tells us that this site is too small for the proposed use. 7) Conditions cannot adequately address the blending of the proposed use of outdoor storage and residential uses adjacent to this property as intended light industrial uses for the area are those types of uses that occur within a structure with limited outdoor storage not a use that is solely just outdoor storage per the 2040 Comprehensive Plan. 8) Proposed uses should have adequate conditions 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 and that even with the proposed draft of conditions it is not achievable for this proposed use.

Attorney Ekes was also requested to read the reasons for approving the conditional use which are: 1) The proposed use is allowed as a conditional use and through the building, site, and operation plan review process in the M-1 zoning district; and 2) The applicant can meet and agrees to meet all of the requirements and conditions specified in the City ordinance and those imposed by the City Plan Commission and Common Council based on the substantial evidence presented at the public hearing and provided as a part of the application and review process. Discussion.

Motion (Boardman/Stotko) to amend the original motion to recommend to the City Council to deny the Conditional Use Permit (CUP)) for vehicle outdoor storage behind security fencing at 544 South Lincoln Street (Tax Key No. YP00030) requested by On Time Towing LLC, Lee Lovell, to include the eight reasons, Item Nos. 1-8 for denial prepared by Attorney Ekes, legal counsel, with the exception of Item No. 5 and striking same from list. Discussion.

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Vice-Chairman Meinel requested a roll call vote on the original motion to recommend to the City Council to deny the Conditional Use Permit (CUP) for vehicle outdoor storage behind security fencing at 544 South Lincoln Street (Tax Key No. YP00030) requested by On Time Towing LLC, Lee Lovell for the property located at 544 South Lincoln Street. Roll Call Vote: Wuttke-Yes; Hunter-Yes; Stotko-Yes; Boardman-Yes; Meinel-Yes. Motion carried unanimously.

Vice-Chairman Meinel requested a roll call vote on the amended motion to recommend to the City Council to deny the Conditional Use Permit (CUP) for vehicle outdoor storage behind security fencing at 544 South Lincoln Street (Tax Key No. YP00030) requested by On Time Towing LLC, Lee Lovell subject to Item Nos. 1-8, striking and excluding No. 5 of the list of reasons against the Conditional Use Permit (CUP) created by Attorney Ekes, legal counsel. Roll Call Vote: Wuttke-Yes; Hunter-Yes; Stotko-Yes; Boardman-Yes; Meinel-Yes. Motion carried unanimously.

ETZ COMMITTEE MEMBERS/TOWN OF SUGAR CREEK

It was noted that an ordinance was adopted to amend City Code at the Elkhorn City Council meeting of October 16, 2023, in order to create an interim zoning ordinance to preserve existing zoning in the Extraterritorial zoning jurisdiction (ETZ) area of the Town of Sugar Creek, which would freeze zoning in the Town of Sugar Creek and extends 1.5 miles beyond City limits into the town. Three members of the Plan Commission would be required to be appointed and serve on the ETZ Committee to represent the City's membership at future committee meetings. Discussion.

Motion (Wuttke/Boardman) moved to recommend to the City Council to appoint the same three Plan Commission citizen members (Stotko, Boardman, Wuttke) who currently serve on the other ETZ Committees with the Towns of Delavan and LaFayette, to the City's newly established ETZ Committee with the Town of Sugar Creek. Motion carried unanimously.

MEETING DATES

Meeting dates: The next Plan Commission meeting may be scheduled for Thursday, January 4, 2024 since there were no application submittals for the month of December.

ADJOURNMENT

Motion (Wuttke/Boardman) to adjourn. Motion carried unanimously. Meeting adjourned at 6:40 p.m.

PLANNING REQUEST

FOR OFFICE USE ONLY

PC# E23.12.028

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 #: YU NW00243 Project Address: South Side of W. Market St.

Project Title (if any): TBD - Market St. Townhomes

2. Applicant, Agent & Property Owner Information:

Applicant's Name: Hartland Holdings, LLC. Company: Hartland Holdings, LLC.

Street Address: 525 Kenosha St. D City/State: Walworth, WI. Zip: 53184

Telephone: 262 279-9995 Office Fax: (847) 815-4750 Cell Email: tracy552@aol.com

Agent: John Tracy Company: Member - Hartland Holdings, LLC

Street Address: 525 Kenosha St. D City/State: Walworth, WI. Zip: 53184

Telephone: 262 279-9995 Office Fax: (847) 815-4750 Cell Email: tracy552@aol.com

Owner, if different from Applicant: Cooper Square, LLC Roger Wolf, member

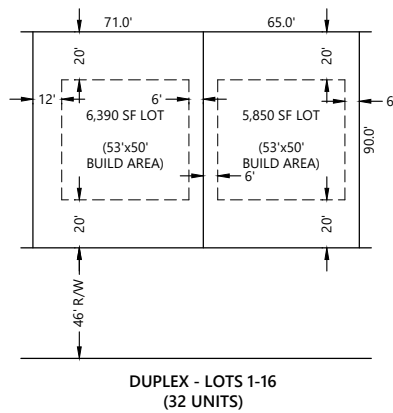
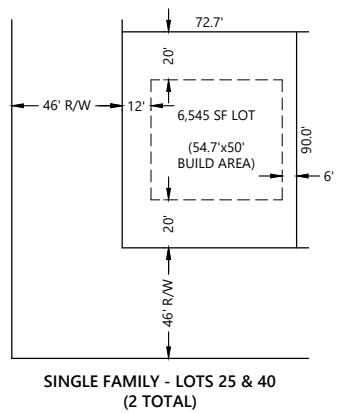
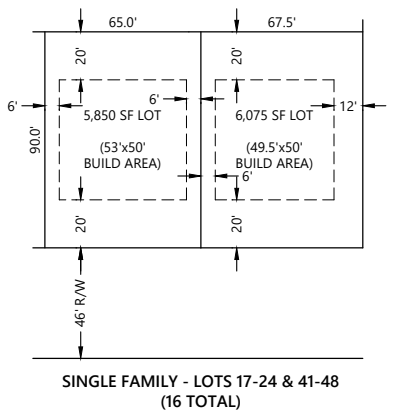
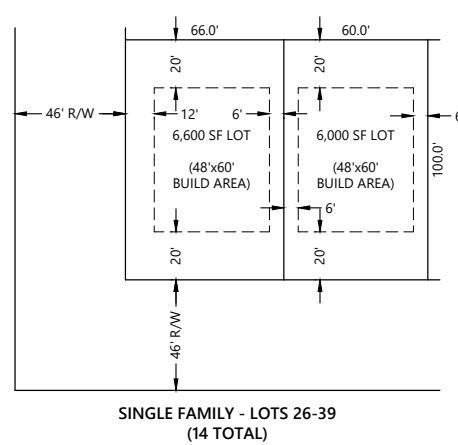
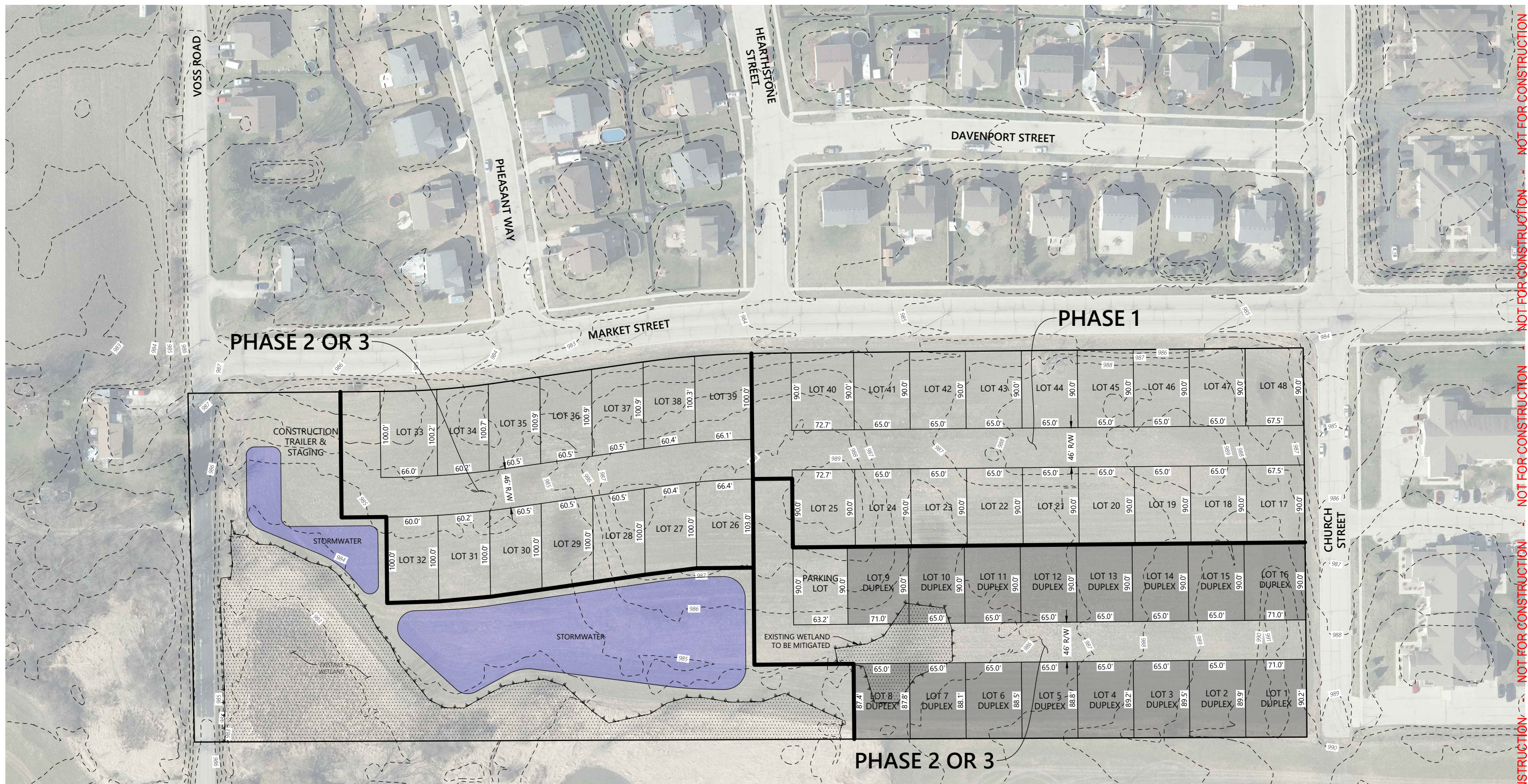
Street Address: 751 Geneva Pkwy City/State: Lake Geneva, WI. Zip: 53147

Telephone: 262 424-2807 Fax: () Email:

3. Planning Request (Check all that apply)

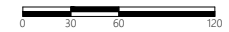
- Site Plan and Architectural Review _____ \$175.00 plus \$.04 per sq. ft. (Floor Area)
- Conditional Use Permit _____ \$275.00
- Rezone _____ \$325.00
- Land Use Amendment _____ \$350.00
- Planned Unit Development _____ \$325.00
- Preliminary Plan _____ \$200.00 plus \$20.00 per lot
- Final Plat _____ \$200.00 plus \$20.00 per lot
- Certified Survey Map _____ \$200.00 plus \$20.00 per lot
- Project Concept Review _____ \$150.00 RD-1 Zoning
- 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

PLOT DATE: 12/14/2023 11:53 AM



SITE INFORMATION:

TOTAL ACREAGE	12.9 ACRES
TOTAL UNITS PROVIDED:	
SINGLE FAMILY	32 UNITS
DUPLEX	32 UNITS
GRAND TOTAL	64 UNITS



NOT FOR CONSTRUCTION - NOT FOR CONSTRUCTION - NOT FOR CONSTRUCTION - NOT FOR CONSTRUCTION - NOT FOR CONSTRUCTION

Batterman
engineers surveyors planners
www.batterman.com

2857 Barrelis Drive
Beloit, WI 53511
(608) 365-4464

19 N. High Street
Janesville, WI 53548
(608) 743-9350

1040 N. Wisconsin St.
Elkhorn, WI 53121
(262) 379-2250

CONCEPTUAL LAYOUT

TRACY GROUP, INC.
MARKET STREET SITE DEVELOPMENT
CITY OF ELKHORN
WALWORTH COUNTY, WISCONSIN

3-4854 - CONCEPTS.DWG

ISSUANCE	2023-12-14
CONCEPT	

DESIGNED BY: LC
DRAWN BY: LC
CHECKED BY: LC
APPROVED BY: LC
PROJECT NO.: XXXXX

SHEET NO. **2**

NOTE: DIMENSIONAL DATA IS NOT TO BE OBTAINED BY SCALING ANY PORTION OF THIS DRAWING.

TO: Plan Commission – City of Elkhorn**FROM:** Department of Building and Zoning**PC Meeting: Thursday, January 4, 2024, at 6:00 pm**

**John Tracy, Hartland Holdings, LLC
Market Street
Project Concept Review**

General Information:

Applicant(s): John Tracy, Hartland Holdings, LLC
Requested Action: Project Concept Review

Site Information:

Location: W. Market Street and Voss Road
Tax Key: YUNW00243

Zoning & Land Use:

Current Zoning: RD-1 Two-Family Residence District

2040 Land Use Plan: Low Density Residential

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.**

Project History:

The applicant is requesting a Project Concept Review for the development of the Market Street Townhomes Project consisting of 16 duplexes and 32 single family residences with private access roads off of Market Street and Church Street, adequate stormwater, and an off-street parking lot. Lands on the North of the parcel are zoned RS-1 Single Family Residence District and lands to the East of the parcel are zoned RM-2 Multiple-Family Residence District. Lands to the South and West are located within the Town of Sugar Creek.

Staff Review Summary and Comments:

The purpose of this conceptual plan review is for the Plan Commission to provide feedback to the developer regarding the overall concept of the proposed development and requested zoning changes. The Commission may comment on the general acceptability of the proposed planned unit development or on specific aspects that should be included, excluded, altered, or otherwise addressed as the project moves through the formal review process.

Planned Unit Development Review should also give specific consideration to the character and integrity of land use. Whether the uses proposed and their intensity and arrangement on the site will be of a visual and operational character which:

- a. Are compatible with the physical nature of the site, with particular concern for preservation of natural features, tree growth and open space.
- b. Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability, and functional practicality compatible with the general development plans for the area as established by the community.
- c. Would not adversely affect the anticipated provision for school or other municipal services.
- d. Would not create traffic or parking demand incompatible with the existing or proposed facilities to serve it.
- e. The planned unit development is or can be developed in a manner that is consistent with the comprehensive plan.
- f. The planned unit development will accommodate development on lots that will comply with the setbacks of the underlying zoning district in which the planned unit development is located, or with the setback standards to be developed as part of the general development plan, and will not result in the substantial loss of existing trees or significant alteration of the existing topography.
- g. The planned unit development will not substantially modify or threaten the integrity of natural resources, including without limitation existing steep slopes, floodplains, wetlands, mature trees, or the use of public open spaces.
- h. The planned unit development will include the dedication of easements or rights-of-way necessary to provide for current and future extension of public utilities and services to the planned unit development.
- i. The planned unit development will extend, or does not inhibit the extension of, the existing City street system and recognizes the interconnection of adjacent neighborhoods.

Residential Uses. If the proposed planned unit development includes residential uses, the Plan Commission and Common Council shall consider whether:

1. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.
2. The total net residential density within the planned unit development will be compatible with the City's comprehensive plan and the density of the neighborhood wherein located.
3. Structure types will be generally compatible with other structural types permitted in the neighborhood.
4. Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
5. Provision has been made for adequate continuing fire and police protection.
6. The population density of the planned unit development will have an adverse effect upon the community's capacity to provide needed school or municipal service facilities.
7. Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan either by private reservation and maintenance or by dedication to the public.

- General
 - City Engineer review memo is included in your packet.
- Area, Yard & Height Requirements:

The site plan does not appear to be in compliance with Section 17.5 of the Municipal Code.

- Minimum lot area for RD-1 Zoning District: 9,000 (4,500 per dwelling unit).
Applicant is proposing 14 single family lots with square footage between 6,000-6,6000, 16 lots with square footage between 5,850-6,075, 2 single family lots with square footage of 6,545, and 16 duplex lots with square footage between 5,850-6,390 creating 32 units.
 - Minimum lot width for RD-1 Zoning District: 80 feet.
Applicant is proposing lot widths between 60-72.7 feet.
 - Minimum front yard setbacks for RD-1 Zoning District: 25 feet.
Applicant is proposing 20 feet.
 - Minimum side yard setbacks for RD-1 Zoning District: 10 feet.
Applicant is proposing between 6-12 feet.
 - Minimum corner yard setbacks for RD-1 Zoning District: 25 feet.
Applicant is proposing between 12-20 feet.
 - Minimum rear yard setback for RD-1 Zoning District: 25 feet.
Applicant is proposing 20 feet.
- Traffic, Loading, Parking and Access:
 - The applicant is requesting an off-street parking lot.

The site plan does not appear to be in compliance with 18.62 - Street design standards.

- Minimum ROW width for minor streets: 66 feet.
The applicant is proposing a ROW of 46 feet.

Staff recommends that Plan Commission consider the following:

- a. The RD-1 zoning district allows two-family residential as a permitted use with a maximum net density of 9.6 units per acre.
- b. The 2040 land use plan designation for this property is low density residential which is described as 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.

c. The proposed development will require a PD Planned Development approval.

Basis for Review of Future PD Planned Development Submittal: 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.



and 190-ft centerline to centerline with Pheasant Way. Chapter 18 – Subdivisions Article VII 18.63 states, “Minor streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such minor streets approach the major streets from opposite sides within 125' of each other, measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the alignment across the major or collector street is continuous and a jog is avoided.” The ingress/egress locations proposed on Market Street address this provision.

4. Public road right of way of Voss Road extends into the west side of the property. The current right of way for Voss Road is 66-ft; however, the city has discussed increasing ROW to 80-ft right-of-way along Voss Road in anticipation of future development and increased traffic counts. Please consider how this may impact the concept plan.
5. Wetlands exist within the development limits. A wetland delineation and report approved by WDNR is required. It appears that wetland disturbance will occur with construction of the proposed development and will require a WDNR permit and approval. Additionally, wetlands that remain require a protective area (buffer) meeting the requirements of Chapter 14.05.(7).d.(5). Wetlands and protective areas shall be recorded in protective easements.
6. The development shall provide for 5-ft sidewalk along Church Street and Market Street frontage.
7. No sidewalks are proposed within the townhome development. A 5-ft sidewalk on at least one side of the access road with a minimum of 4-ft terrace shall be considered.
8. Public Road Right of Way on local roads is 66-ft with a 28-ft pavement width between 30-inch curb and gutter. It appears that the access roads are proposed at a reduced right-of-way of 26-ft. The concept plan shall indicate if roads will be public or private and provide a typical roadway section and building setback to facilitate our review of the concept plan.
9. Proposed locations of stormwater management facilities are shown on the concept plan. Care must be taken in developing the grading plan to ensure that the peak stormwater flow up to the 100-year 24-hour event will be conveyed to an appropriately designed stormwater management facility prior to discharge into the adjacent wetland.

Utilities

10. An 8” water main terminates in a hydrant at the south end of Church Street. The proposed development shall connect to this terminus and service the property through a loop to the 12-inch water main off W. Market.
11. The development will require an extension of the existing water and sewer mains to service the townhome structures. Water main and sanitary sewer main extension permits are required from the Wisconsin Department of Natural Resources (WDNR).
12. It is unclear if the proposed utilities will be dedicated to the City as public infrastructure.

General

13. A stormwater construction permit (NOI) from the WDNR is required for the development of this parcel.
14. A performance bond will be required for the public improvements, stormwater management system, and erosion control measures.
15. Stormwater management provisions of the Ordinance will apply to the proposed development. Stormwater management facilities must be located in Outlots or drainage easements. Storm sewers and overland flow paths necessary to convey stormwater up to the 100-year 24-hour rainfall event must be located in accessible drainage easement.
16. Soil boring information is required in the location of proposed stormwater facilities. Elkhorn, in general, has shallow depth to seasonal high groundwater and limited infiltration rates.
17. A stormwater maintenance agreement is required. A draft copy of the plan shall be reviewed by the



City. The final approved copy must be signed and recorded with Walworth County. Kapur can provide an example of an acceptable stormwater maintenance plan.

18. As-built construction plans of the underground utilities and stormwater management system is required for this development and must be reviewed and approved by the City.
19. Engineering review will be required of the proposed construction plans. These plans shall include the following:
 - a. Existing and proposed grades through-out the area of disturbance.
 - b. Utility connection information and corresponding details.
 - c. Stormwater management plan
 - d. Erosion Control plan
 - e. Construction details

The plans have been reviewed for conformance with generally accepted engineering practices and City of Elkhorn policies. Although the material has been reviewed, the applicant is ultimately responsible for the thoroughness and accuracy of the plans and supplemental data and for compliance with state, county, and other local ordinances and procedures.

Please contact me if you have any questions or comments pertaining to this project.

f.c.p

PLANNING REQUEST

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.

1. General Project Information:

Project Tax Key #: YA 289800001 Project Address: 251 O'CONNOR DRIVE
Project Title (if any): BUILDING ADDITION JCR HOLDINGS

2. Applicant, Agent & Property Owner Information:

Applicant's Name: JERRY HALBMAIER Company: JCR HOLDINGS, LLC
Street Address: 251 O'CONNOR DR City/State: ELKHORN, WI Zip: 53121
Telephone: 815 970-7272 Fax: () Email: JERRY@CONSTRUCTIONAHEAD
(MOBILE) INC. COM

Agent: _____ Company: _____
Street Address: MAILING ADDRESS W 4655 COUNTY RD J City/State: EAST TROM, WI Zip: 53120
Telephone: () Fax: () Email: _____

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

3. Planning Request (Check all that apply)

ZONING IS M-1

- 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

\$340

90' x 94.5'
ADDITION
W/FIRE WALL
TOTAL FEE \$515

#10939

PROJECT NARRATIVE

December 4, 2023

JCR HOLDINGS, LLC

FHA # 10939

The project is a 90' x 94.5' building addition located at 251 O'Connor Drive, Elkhorn. The original building was built for Fastenal by Magill Construction and is 100' x 200' (20,000 s.f.). Its use will be for warehousing, a small office and a separate business on the site. An additional 17 cars of parking is being provided to make a total 24 for the site. Portable small trailers are used in the new business and up to 8 parking stalls are provided for off season use. There will be a three hour firewall built to separate the building with no cross connection. The building will be steel framed with siding to match the existing building with one new 12' x 12' OHD and 2 walk doors. A total of 6 – 4' x 4' windows will be put in for natural lighting 15' above the floor level (See plan). The parking lot work was done this past summer to expand the parking serving the site and this new business. There is a separate water and sewer service which will be provided extended through the present building. There will be separate gas and electric services planned.

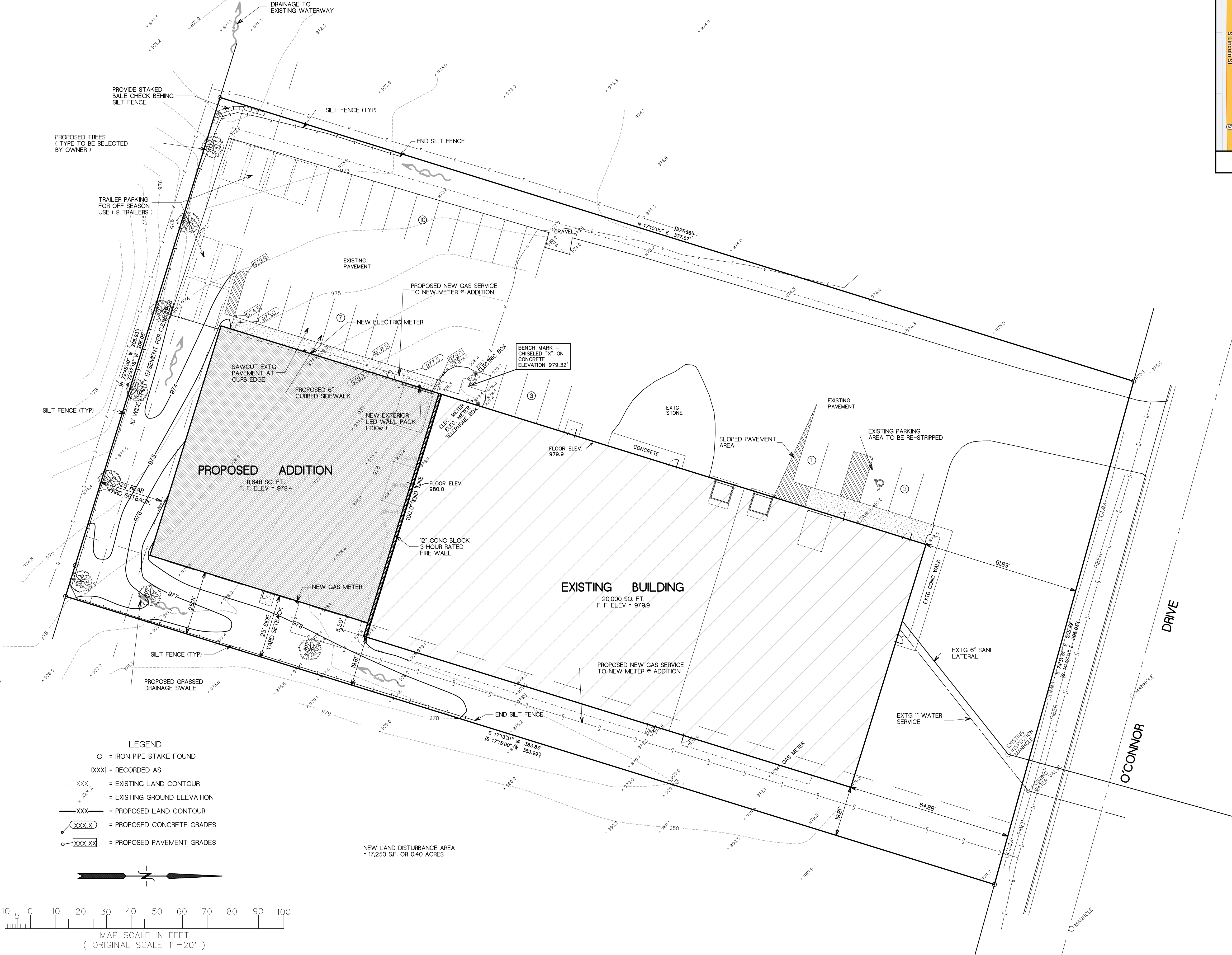
SITE, GRADING, DRAINAGE & EROSION CONTROL PLAN



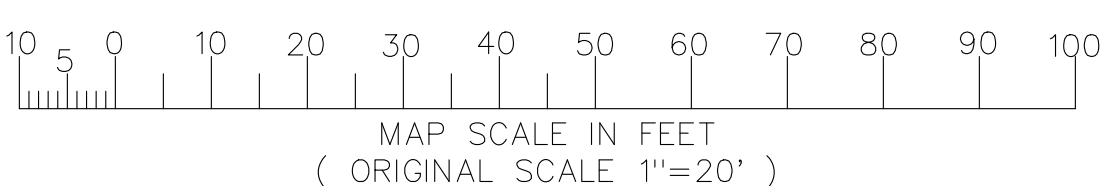
LOCATION SKETCH

INDEX of SHEETS

- 1 SITE, GRADING, DRAINAGE & EROSION CONTROL PLAN
- 2 EXTERIOR ELEVATIONS
- 3 FIRST FLOOR PLAN



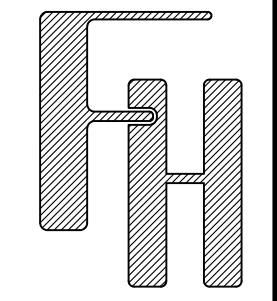
- LEGEND**
- = IRON PIPE STAKE FOUND
 - (XXX) = RECORDED AS
 - XXX--- = EXISTING LAND CONTOUR
 - XXX--- = EXISTING GROUND ELEVATION
 - XXX--- = PROPOSED LAND CONTOUR
 - XXX.X--- = PROPOSED CONCRETE GRADES
 - XXX.XX--- = PROPOSED PAVEMENT GRADES



NEW LAND DISTURBANCE AREA
= 17,250 SF. OR 0.40 ACRES

NOTE: DETAIL SHOWN WITHIN THE NORTHERLY 1/2 OF LOT 1 AND UTILITY LINES SHOWN THROUGHOUT WERE TAKEN FROM A PLAT OF SURVEY PREPARED BY ROBERT J. WETZEL DATED 1/16/2023. FOR REFERENCE ONLY.

SITE SUMMARY	
SITE AREA	= 78,406 S.F. OR 180 ACRES
ZONING	= M-1
EXISTING BLDG AREA	= 20,000 S.F.
PROPOSED BLDG ADDITION	= 8,648 S.F.
TOTAL BLDG AREA	= 28,648 S.F. or 36.5%
PROPOSED PAVED AREA	= 23,587 S.F. or 30.1%
PROPOSED GREEN SPACE	= 26,171 S.F. or 33.4%
PARKING	= 23 STANDARD PARKING SPACES 1 HANDICAP VAN ACCESSIBLE SPACE TOTAL SPACES = 24
	OFF SEASON TRAILER PARKING TOTAL SPACES = 8



PROPOSED BUILDING ADDITION
JCR HOLDINGS LLC
251 O'CONNOR DRIVE
ELKHORN, WALWORTH COUNTY, WISCONSIN

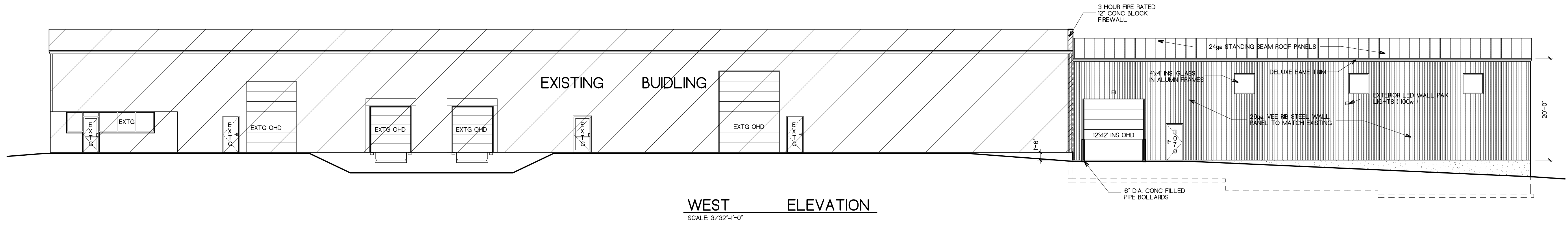
SITE, GRADING, DRAINAGE & EROSION CONTROL PLAN

FARRIS, HANSEN & ASSOCIATES, INC.
Engineering, Architecture, Surveying
7 Ridgeway Court P.O. Box 437
ELKHORN, WISCONSIN 53121
Office: (262) 723-2098
Fax: (262) 723-5886

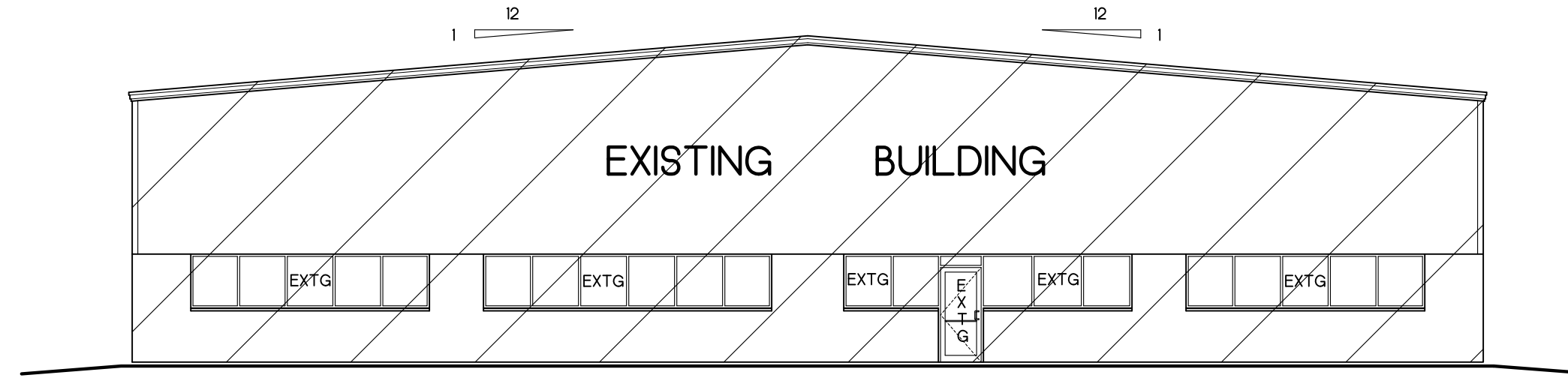
REVISIONS
MSC REVISIONS
55 12/04/2023

PROJECT NO.
10939
DATE
09/22/2023
SHEET NO.
1 of 3

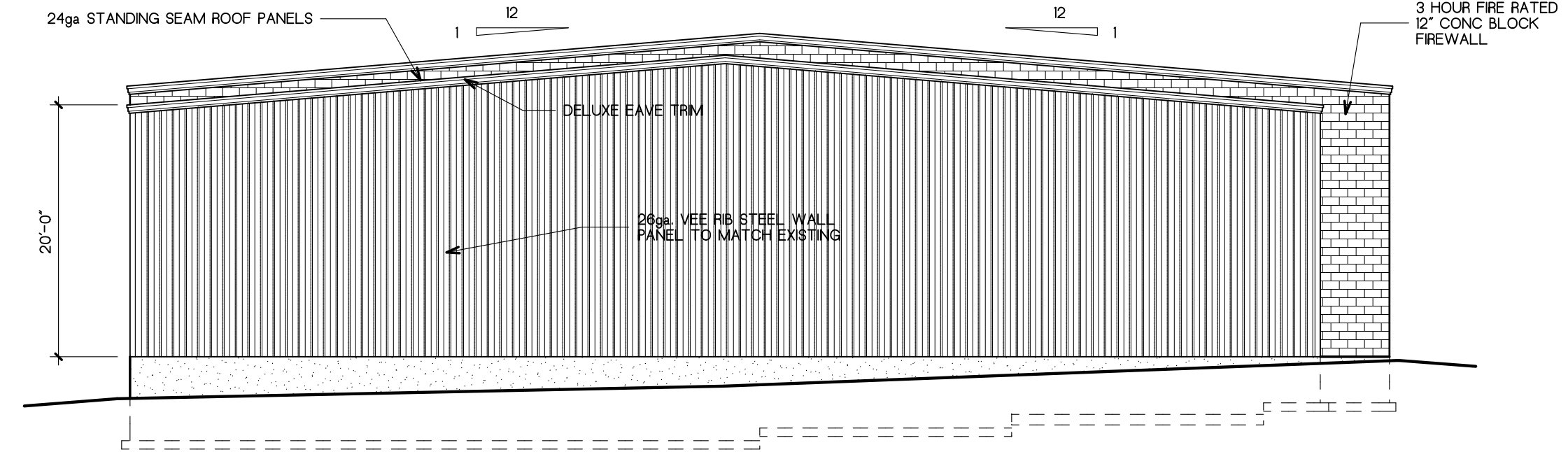
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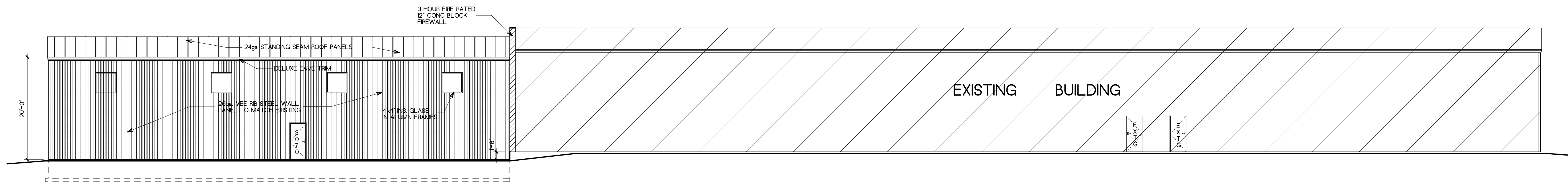
WEST ELEVATION
SCALE: 3/32"=1'-0"



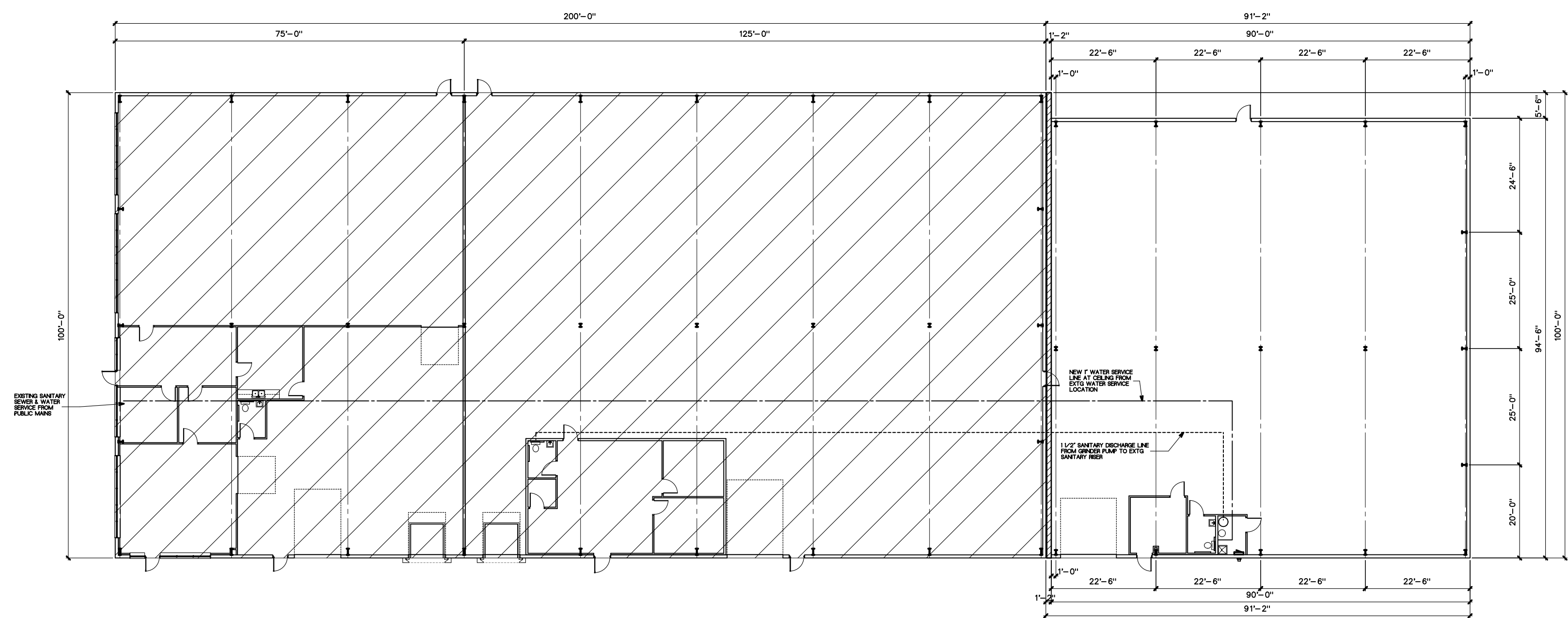
NORTH ELEVATION
SCALE: 3/32"=1'-0"



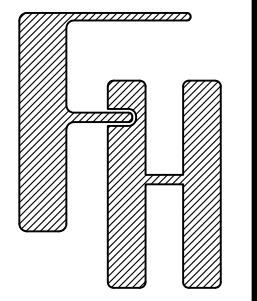
SOUTH ELEVATION
SCALE: 3/32"=1'-0"



EAST ELEVATION
SCALE: 3/32"=1'-0"



OVERALL FIRST FLOOR PLAN
SCALE: 1/32"=1'-0"



PROPOSED BUILDING ADDITION
JCR HOLDINGS LLC
251 OCCONNER DRIVE
ELKHORN, WALWORTH COUNTY, WISCONSIN

EXTERIOR ELEVATIONS

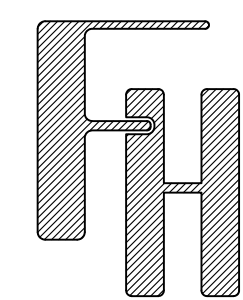
FARRIS, HANSEY & ASSOCIATES, INC.
Engineering, Architecture, Surveying
7 Ridgway Court, P.O. Box 437
ELKHORN, WISCONSIN 53121
Office: (262) 723-2098
Fax: (262) 723-5886

REVISIONS
ADDED WINDOWS
BS 12/04/2023

PROJECT NO.
10939

DATE
09/08/2023

SHEET NO.
2 of 3



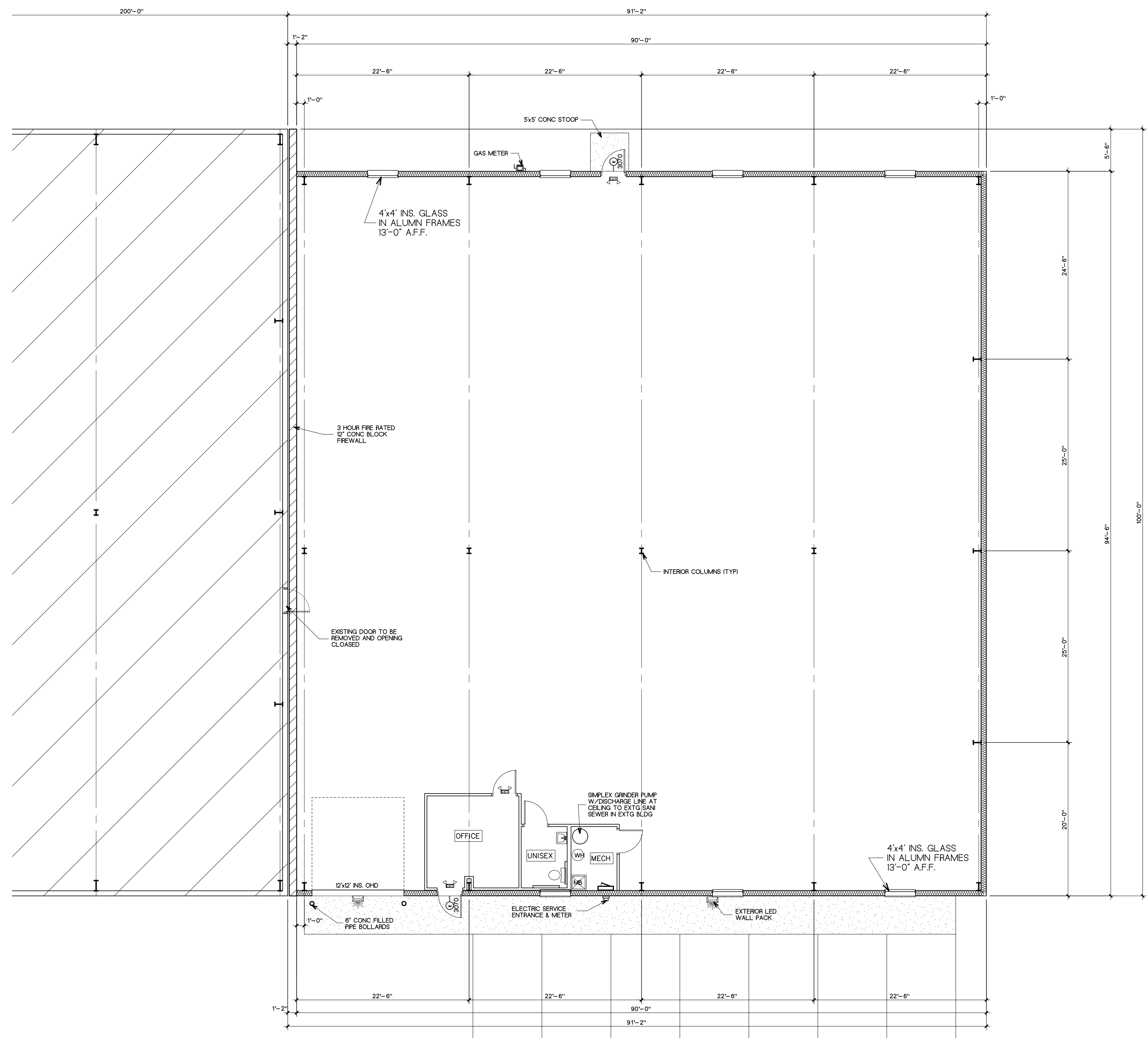
PROPOSED BUILDING ADDITION
JCR HOLDINGS LLC
 251 O'CONNOR DRIVE
 ELKHORN, WALWORTH COUNTY, WISCONSIN

FIRST FLOOR PLAN

FARRIS, HANSEN & ASSOCIATES, INC.
 Engineering, Architecture, Surveying
 7 Ridgway Court, P.O. Box 437
 ELKHORN, WISCONSIN 53121
 Office: (262) 723-2088
 Fax: (262) 723-5886

REVISIONS
 ADDED WINDOWS
 BS 12/04/2023

PROJECT NO.
10939
 DATE
 09/08/2023
 SHEET NO.
3 of 3



FIRST FLOOR PLAN
 SCALE 1/8"=1'-0"

TO: Plan Commission – City of Elkhorn **FROM:** Department of Building and Zoning
PC Meeting: Thursday, January 4, 2024 at 6:00 pm

**251 O'Connor Drive – JCR Holdings, LLC.
Site Plan and Architectural Review
PC Action: E23.12.027**

General Information:

Applicant(s): JCR Holdings LLC (Owner), Jerry Halbmaier (Agent)
Requested Action: Site Plan and Architectural Review

Site Information:

Location: 251 O'Connor Drive
Tax Key: YA289800001

Zoning & Land Use:

Zoning: M-2 General Manufacturing District
2040 Land Use Plan: Industrial

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.

Project History:

The applicant is requesting to construct an 8,648 square foot addition to the south end of the existing 20,000 square foot building for use of warehousing, a small office, and a separate business on the site. It will be steel frame construction with siding to match the existing building. A three-hour firewall will be built to separate the building with no cross connection. A separate water and sewer service which will be provided extended through the present building and a separate gas and electric service planned. An additional 17 parking stalls are being provided for a total of 24 stalls. 8 additional parking stalls will be designated for portable small trailers for off-season use for the new business.

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 site plan does not appear to be in full compliance with Section 17.6 of the Municipal Code.

- All public and private off-street parking areas which serve 5 vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of the ordinance codified in this chapter shall be provided with accessory landscape areas not less than 5% of the surfaced area. Every 10 parking stalls shall be broken up by a landscape island. The minimum size of each landscape area shall be at least 100 square feet. Location of landscape areas and plant materials including curbing and provision for maintenance shall be subject to approval by the Zoning Administrator. However, the parking lot has already been re-paved and improved.
 - Parking requirements for M-2 districts with manufacturing is as follows: 0.66 per employee on peak shift, plus 1 per 500 square feet GFA open to public.
- General
 - City Engineer Review: See Kapur memo.
 - Elkhorn Electric has confirmed that there are cables buried on the back half of the site that may need to be re-located at the owner's expense.

Staff Recommendations:

- 1) Staff recommends that Plan Commission **APPROVE** the Site Plan and Architectural Review with the following conditions:
 - a. 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.
 - b. The project shall be developed in accordance with the approved site plan and architecture. Any deviation from the approved plans shall require zoning administrator and/or Plan Commission approval.
 - c. Subject to the conditions listed in the Kapur memo dated December 22, 2023.
 - d. The applicant is responsible for relocating all utility lines running through the back of the site and contacting Diggers Hotline.
 - e. Applicant is responsible for obtaining all applicable building permits with State and local authorities.

Memo to City of Elkhorn

To: Allison Schwark, Zoning Administrator **Date:** December 22, 2023

From: Naomi Rauch, P.E.
262-758-6032

CC: Shari McKinney – City of Elkhorn
Matt Lindstrom –Public Works
Mike Timmers P.E. – Kapur & Associates, Inc.

Subject: **SITE PLAN RECOMMENDED APPROVAL – 251 O’Connor Drive**
Kapur Project # 23.0199 Phase 10

BACKGROUND AND REQUEST:

A site plan application was submitted by JRC Holdings LLC for the construction of an 8,648 Sq. Ft. addition at 251 E. O’Connor (PIN YA289800001). The narrative submitted states an approximately 9,300 Sq. Ft. parking area was paved in 2023. The total lot size is 1.8 acres and area of land disturbance, including the previously paved parking area is approximately 0.57 acres.

The following plan and calculations were submitted for review:

- **Site Grading Drainage and Erosion Control Plan**, prepared by **Farris, Hansen & Associates, Inc.**, sheets 1-3 of 3, dated 9/22/2023, last revised 12/04/2023.

Comments:

Kapur recommends approval of the site plan application for 251 E. O’Connor Drive based on the information reviewed above. This approval is subject to the following conditions:

1. The proposed parking lot expansion, paved in 2023, does not meet the landscape requirements of Article 17.6. All public and private off-street parking areas which serve 5 vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of the ordinance codified in this chapter shall be provided with accessory landscape areas not less than 5% of the surfaced area. Every 10 parking stalls shall be broken up by a landscape island. The minimum size of each landscape area shall be at least 100 square feet. Location of landscape areas and plant materials including curbing and provision for maintenance shall be subject to approval by the Zoning Administrator.
2. The proposed construction proposes an area of disturbance of less than 1-acre and therefore is not required to meet the stormwater requirements specified in Chapter 14 of the municipal code.
3. Sediment and erosion control measures must be properly installed prior to upland disturbance and maintained throughout construction.
4. All disturbed areas shall be appropriately stabilized as soon as possible after construction. Erosion control measures shall remain in place until final stabilization is achieved.





5. Construction debris and sediment shall not be tracked onto O'Connor Drive. Should tracking occur it is the applicants' responsibility to remove sediment and debris in a timely manner.

The plans have been reviewed for conformance with generally accepted engineering practices and City of Elkhorn policies. Although the material has been reviewed, the applicant is ultimately responsible for the thoroughness and accuracy of the plans and supplemental data and for compliance with state, county, and other local ordinances and procedures.

Please contact me if you have any questions or comments pertaining to this project.