

CITY OF ELKHORN  
WALWORTH COUNTY, WISCONSIN

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ARCHITECTURAL REVIEW BOARD & CITY PLAN COMMISSION MEETING NOTICE

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Thursday, March 7, 2024 @ 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) February 15, 2024

**5) Plan Commission Items**

- a) Dennis Witte (Applicant), Witte Investments, LLC/Witte Supply Elkhorn (Company)– Vacant lot off of E Geneva Street and County Highway H (Tax Key: YV SE 00001A)
  - i) Rezone Application– Public Hearing and Recommendation

**6) General Discussion Items**

- a) Updates

**7) Review Upcoming Meeting Dates & Times**

- a) March 21, 2024, at 6:00 PM
- b) April 4, 2024, at 6:00 PM

**8) Adjournment**

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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**  
**February 15, 2024**

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

**ROLL CALL**

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

**APPROVAL OF MINUTES**

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

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

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

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

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

**CITY OF ELKHORN  
ARCHITECTURAL REVIEW BOARD/  
CITY PLAN COMMISSION MEETING  
FEBRUARY 15, 2024  
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**GENERAL DISCUSSION**

**Solar Energy System Regulation & Requirements/Creation of Municipal Ordinance**

The City Attorney reported that Plan Commission members had requested additional information regarding the requirements of solar energy installation for the possibility of creating an ordinance for municipal regulation. The State of Wisconsin has enacted statutes that protect solar development and limit municipal regulation of solar energy systems. Per State Statutes municipalities may not place any restriction on the installation or use of solar energy system unless the restriction satisfies one of the following: 1) serves to preserve or protect the public health or safety; 2) does not significantly increase system cost or decrease efficiency; or 3) allows for an alternative system of comparable costs and efficiency. This statute is not superseded by municipal zoning or conditional use powers. These three conditions are the only standards that a City may consider when regulating solar projects and adopting an ordinance. In the absence of enforceable municipal restrictions, a developer may construct a solar energy system without prior City approval. The courts have upheld these statutes, stopping municipalities from making restrictions contrary to these state statutes for regulations solar panel installation. He further explained that a municipality cannot regulate the size of a solar panel installation. However, the City can create an ordinance to preserve and protect health and safety. Discussion.

The Zoning Administrator said that State Statutes allow municipalities to issue a building permit for solar panel installation on roofs. It was noted that the ground solar panel installation has also been permitted as an accessory structure. Members discussed the only existing ground solar panel installation within a City residential subdivision that had been permitted as an accessory structure and questioned the side yard location. Members felt an ordinance could further clarify future locations of any additional ground solar panel installations. The City Attorney explained that if the Plan Commission wished to move forward with a plan to create an ordinance regulating solar installation that he could draft the document based upon the examples of ordinances and resolutions from other municipalities (included in the packet of meeting materials) for informational purposes. After some further discussion, members agreed and requested the City Attorney to create a solar energy system ordinance to present at a future Plan Commission meeting for discussion with possible additions and/or corrections to be made with final draft to be sent forward to the City Council for adoption.

**Updates**

Updates of current and future projects were briefly discussed.

**MEETING DATES**

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

**ADJOURNMENT**

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

Shari McKinney  
Plan Commission Secretary

**CITY OF ELKHORN  
NOTICE OF PUBLIC HEARING**

**ZONING MAP AMENDMENT**

Notice is hereby given that a public hearing will be held before the Plan Commission of the City of Elkhorn on March 7, 2024, at 6:00 P.M. or soon thereafter as the matter may be heard in the Council Chambers, City Administration Offices, 311 Seymour Ct, Elkhorn, WI for the purpose of hearing all interested parties, their attorneys or agents with respect to a proposed amendment to the City of Elkhorn Zoning Map submitted by Dennis Witte, Witte Investments LLC. The City of Elkhorn seeks to amend the Zoning Map to rezone the parcel located on the corner of E. Geneva Street and County Road H from B-2 Business Community District to M-1 Light Manufacturing District. The property is more precisely identified by the following tax parcel ID:

**YV SE 00001A**

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 7th day of February 2024.

Allison Schwark  
Zoning Administrator

Publish 2x: 02/22/24 & 02/29/24  
Elkhorn Independent

# PLANNING REQUEST

FOR OFFICE USE ONLY

PC# E24.02.002

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 #: YV SE 00001A Project Address: \_\_\_\_\_

Project Title (if any): Witte Supply Elkhorn

## 2. Applicant, Agent & Property Owner Information:

Applicant's Name: Dennis Witte Company: Witte Investments LLC

Street Address: 32409 High Dr City/State: Burlington, WI Zip: 53105

Telephone: 262-534-3050 Fax: 262-534-3052 Email: denniswitte@wittesupply.com

Agent: \_\_\_\_\_ Company: \_\_\_\_\_

Street Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ Email: \_\_\_\_\_

Owner, if different from Applicant: David G Aul Irrevocable 2012 Trust

Street Address: 1195 E Palatine Rd City/State: Arlington Heights, IL Zip: 60004

Telephone: 847-394-2791 Fax: ( ) \_\_\_\_\_ Email: katie@carevets.com

## 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# E24.02.002

## 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):  
PT NE 1/4 SEC 6 T2N R17E DESC AS: ALL THAT PT OF LAND WHICH LIES S & SWLY OF C/L HWY H ON N BY N LN SEC 6, ON W BY W LN E 1/2 NE 1/4 SD SEC, ON S BY LN DRAWN PAR TO & 40 RODS S OF & DISTANT FROM N LN SD SEC & ON E BY E LN SD SEC. EXC AS DESC IN VOL 518 DEEDS PG 425. EXC LAND SOLD TO STATE FOR HWY IN VOL 625 DEEDS PG 575 & VOL VOL 97 RECORDS PG 671. 8.63 A M/L CITY OF ELKHORN
2. Tax Parcel number: YV SE 00001A
3. Current Zoning District: B2
4. Requested Zoning District: M1
5. Requested Zoning text amendment Section: \_\_\_\_\_
6. Petitioner's interest in the requested rezoning: Purchase parcel for future business use
7. List type and number of structures, proposed operation or use of the structure(s) or site, number of employees, parking, etc.: 2 Buildings Operate landscape and concrete supplies business. Selling goods to contractors, homeowners and municipalities. 3-5 employees

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.

<b>PROPERTY OWNER</b>
(Signature)
Kathryn Ruggio, as Trustee
Printed
Address <u>1195 E Palatine Rd</u>
<u>Arlington Heights, IL 60004</u>
Phone <u>847-394-2791</u>

<b>OWNER'S AGENT</b>
_____ (Signature)
_____ Printed
Address _____
_____ Phone _____

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

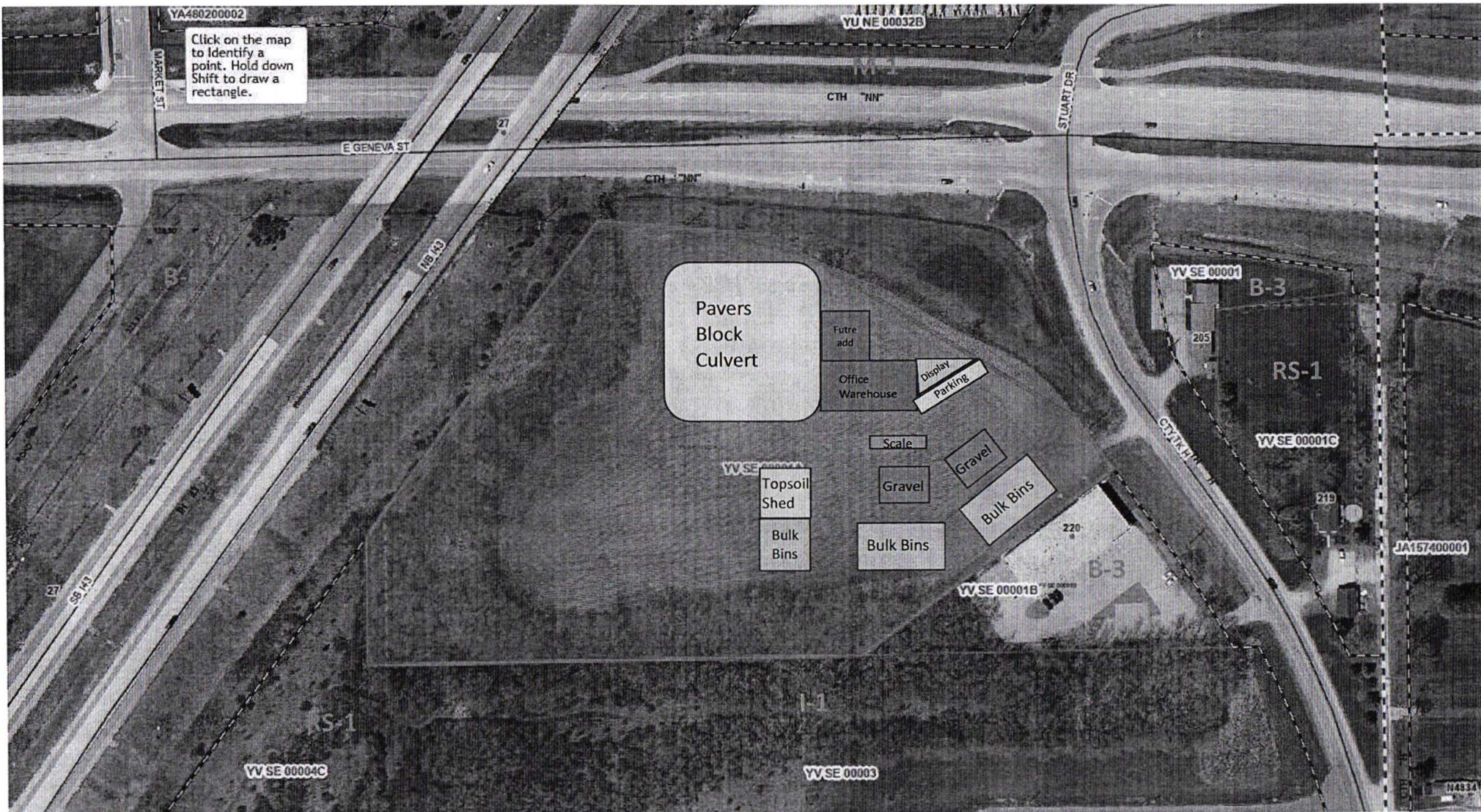
Application Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Date Filed: \_\_\_\_\_ Date Published: \_\_\_\_\_ Date Notices Mailed: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

PLAN COMMISSION RECOMMENDATION: \_\_\_\_\_ DATE: \_\_\_\_\_

CITY COUNCIL ACTION: \_\_\_\_\_ DATE: \_\_\_\_\_



Click on the map to identify a point. Hold down Shift to draw a rectangle.

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Warehouse

Display  
Parking

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Gravel

Bulk Bins

Topsoil  
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**TO:** Plan Commission – City of Elkhorn

**FROM:** Department of Building and Zoning

**PC Meeting: Thursday, March 7, 2023 at 6:00 pm**

**Witte Supply Elkhorn  
Vacant Lot Tax Key No.: YV SE 00001A  
Rezone Application**

**General Information:**

Applicant(s): Dennis Witte/Witte Investments, LLC  
Requested Action: Rezone

**Site Information:**

Location: Vacant Lot on the corner of E Geneva Street and County Hwy H  
Tax Key: YV SE 00001A

**Zoning & Land Use:**

Current Zoning: B-2 Community Business District  
Proposed Zoning: M-1 Light Manufacturing District  
2040 Land Use Plan: Community Commercial:

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

**Project History:**

The applicant is requesting approval of a rezoning from B-2 Community Business District to M-1 Light Manufacturing District. The property owner intends to use the land to move his existing landscape supply company located at 230 S Wisconsin Street to this location to further expand his company. Lands to the north are zoned M-1, lands to the south are zoned I-1 and C-1, lands to the east are zoned B-3; and lands to the west are zoned B-6.

**Staff Review Summary:**

- Area, Yard & Height Requirements:
  - The property meets the requirements of the M-1 zoning district.
  - Minimum lot area required is 20,000 square feet, actual lot size is 375,922.8 square feet or approximately 8.6 acres.

**Staff Recommendations:**

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

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

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

- (1) Regulate lot coverage and the size of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage;
- (2) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities;
- (3) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- (4) Secure safety from fire, flooding, pollution, contamination, and other dangers;
- (5) Stabilize and protect existing and potential property values;
- (6) Preserve and protect the beauty of the City of Elkhorn;
- (7) Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters;



## Staff Development Committee Report

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- (8) Further the maintenance of safe and healthful water conditions;
- (9) Provide for and protect a variety of suitable commercial and industrial sites;
- (10) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (11) Implement those municipal, county, watershed, and regional comprehensive plans or components of such plans adopted by the City of Elkhorn;
- (12) Provide for the administration and enforcement of this chapter; and to provide penalties for the violation of this chapter.