



COMMISSION MEMBERS PRESENT: M. Pirk, J. Hewitt, D. Driver, J. Garski, J. Maier & J. Mallon

COMMISSION MEMBERS ABSENT: J. Longe

VILLAGE BOARD MEMBERS PRESENT:

Staff: B. Kane

1. Call to Order

The meeting was called to order at 1:00 pm by M. Pirk.

2. Approval of the January 16, 2013 meeting minutes

J. Hewitt motioned, J. Maier seconded to approve the January 16, 2013 meeting minutes. Motioned carried unanimously.

3. Dickies Bar site plan request located at 1537 Durand Ave.

Representatives: Tom Durgan, owner, 3603 St. Andrews Court

Jason Frank, Butterfield, Rudy & Seitz Architects, 920 Gould Street

The applicant wishes to construct a covered patio over an existing 20'x20' wood deck. The covered patio replaces seasonal temporary structures the applicant has previously utilized to protect patrons who are required to smoke outside. The applicant has a desire in the future to enclose two sides of the structure with operable walls while maintaining one side open to meet the minimum State of Wisconsin requirements of 25% open air circulation for enclosed smoking areas.

J. Maier motioned, J. Mallon seconded to recommend approval of the site plan request as submitted subject to the following conditions:

1. The applicant shall remove the motor home that is parked within Durand Avenue front yard setback.
2. The proposed new fence along Durand Avenue shall be wood stockade or coated chain link fence.
3. The applicant shall provide staff with sample building materials prior to issuance of any building permits. The proposed patio structure shall be construed of similar materials as the existing building as to maintain a cohesive exterior appearance.



4. The Planning Department recommends waiving a grading and drainage plan and any stormwater quality measures as the proposed site plan is not applicable to Section 74-233. The subject area is heavily urbanized and adjacent properties/roadways have not experienced any drainage runoff concerns
5. Compliance with state/local building and fire code(s). Please contact South Shore Fire Division Chief Mark Pierce (262.995.1211) regarding the fire sprinkler system plan requirements. Mount Pleasant Village fire code requires the submission and approval of fire sprinkler system plans prior to submission of state building plans

Motion carried unanimously.

4. Luba certified survey map located at 4718 County Line Rd.

Representative: Joe Luba, 5341 Piper Lane

The previous landowner (Stanley Putra) had proposed a three lot single family R-100 certified survey map. The former land division was renewed several times as the Village Board amended its municipal water requirement ordinance. The July 14, 2008 Village Board approved certified survey map (see attached correspondence? was never recorded as a foreclosure action changed the property ownership.

A municipal water main exits along the County Line Road frontage of the property. This water main was installed by the original Shadowood subdivision developer. The village staff is not aware of any right of recovery for this improvement but will research the matter prior to Village Board review of the proposed certified survey map. The Meachem Road frontage of the property is not improved with municipal water.

The present municipal water requirement for new development is:

[Municipal water]. A landowner shall extend municipal water for their entire lot frontage prior to issuance of a building permit if all of the following conditions are met:

1. *The nearest property boundary of the subject parcel is 350 feet or less measured along the public road right-of-way to an existing municipal water main; and*
2. *The proposed building construction (excluding parking, landscaping and stormwater management facilities) is valued in excess of 50 percent of the existing village improvement assessments on the subject parcel; and*
3. *The estimated municipal water main extension costs are less than the proposed building construction.*

As a result, proposed lot two is partially improved to construct a single family residence but technically triggers the requirement for the landowner to extend the municipal water man along the Meachem Road frontage.



In 2006, the City of Racine Water Utility expressed their position that a twelve (12”) inch municipal water main be extended from County Line Road north along the Meachem Road frontage. The enclosed June 27, 2006 Power Lake Construction Company estimated the construction of this municipal water main at \$61,820. This estimate was provided to the previous landowner at the time Shadowood subdivision was preparing to undertake the significant municipal water main extension from the southeast corner of County Line Road and Meachem to within the Shadowood subdivision. The construction of the twelve inch municipal water main along Meachem Road would be significantly higher today as construction equipment mobilization and project unit costs would exclude the Shadowood subdivision scale of economy.

Staff recommends waiving the landowner requirement to extend the 12” municipal water main along Meachem Road for one single family residential lot, but requiring a recordable instrument that the owner of proposed lot 2 shall be required to pay any future municipal water main assessment without objection when municipal water is extended along Meachem Road. This recommendation only applies to the property for one single family residence. A rezone and change in land use such as offices, medical, or commercial would trigger the need for the landowner to extend the municipal water main along Meachem Road.

J. Garski motioned, J. Hewitt seconded to recommend approval of the Luba Certified Survey Map located at 4718 County Line Road, Tax Parcel # 151-03-22-36-130-000 to create one additional single family residential lot subject to the following conditions:

1. Proposed lot two shall be limited to one vehicular access on Meachem Road. Access to County Line Road is prohibited.
2. Submission and approval of a grading and drainage plan, prepared by a state of Wisconsin licensed professional engineer, prior to the issuance of any building permits within proposed lot two..
3. The landowner shall execute a “Waiver of Public Hearing Consent to Imposition of Future Water Main Assessment” recorded against proposed lot two prior to the Village Clerk signing of the subject C.S.M.
4. Submission of a Racine County access permit for any new driveway on proposed lot two prior to the issuance of a building permit.
5. Payment of \$1,100 Village park fee for each of the two new lots paid at time of building permit application.
6. Payment of all outstanding assessments, taxes or right of recovery is required prior to the Village Clerk signing of the C.S.M.



7. The applicant shall record the Village Board approved c.s.m. with the Racine County Register of Deeds within thirty (30) days of Village Board approval.
8. A new c.s.m. application and fee shall be required if all of the conditions have not been met within 30 days.

J. Maier stated that he had concerns regarding the storage in the barn and would like to further discuss it before voting on the motion. The Plan Commission members discussed how to word the current use of storage in the building.

J. Garski amended his motion to include the grandfathering of all existing equipment stored there and that any additional equipment or personal property stored there has to be the landowners. J. Hewitt seconded the amendment.

Motion carried unanimously.

5. Alley Cat CU-04-12 located at 3123 S. Memorial Dr.

Jenkins, owner | Pope, applicant
Representative: None

Conditional Use Petition (CU-04-12) located at 3123 South Memorial Drive requests permission to operate a waste and/or recycling transfer facility for non-hazardous, non-asbestos, roofing, demo, and cleanup debris from construction and demolition sites. The sorted materials will be stored in containers outside of the enclosed facility for time periods of 1-2 days before transport to another location. The applicant will also utilize the facility for the parking of trucks, trailers and the storage of empty and uncovered dumpsters on the existing gravel surface. The existing manufacturing zoning and the applicants submittal permits a municipal refuge transfer facility to operate at this location.

The applicant's previous site plan request was for an asphalt shingle recycling facility, however the revised site plan submittal references the applicants desire to establish a salvage/waste transfer facility and accept the delivery of non-hazardous, non-asbestos roofing, demo, cleanup debris, and household rubbish. Staff has advised that the applicants request to establish a salvage/waste transfer facility will require a Conditional Use permit.

The applicant was advised on several occasions by staff that the utilization of an existing outdated industrial facility without improving the exterior appearance and gravel storage/work areas would not receive a favorable staff recommendation.

The Plan Commission tabled the applicant's previous request at the June 20, 2012 Plan Commission meeting and directed the applicant to work with staff to develop a consensus on the



proposed conditional use and site plan requirements. The applicant provided a revised site plan to staff to review dated July 7, 2012. The Planning Department on July 20, 2012 provided comments/recommendations to the applicant to review. The Plan Commission reviewed a revised site plan at their August 22, 2012 meeting and advised the applicant to submit for a conditional use permit. The revised site plan did not address any of staff's previous July 20, 2012 comments or recommendations.

The Plan Commission at their October 17, 2012 meeting recommended tabling the conditional use petition until the applicant provided staff a detailed list of materials that were to be processed at the subject location. Staff has exchanged correspondence from the applicant on several occasions, however the applicant has failed to provide the necessary information requested by the Plan Commission at their October 17, 2012. The Plan Commission chairman indicated to staff on several occasions after the October Plan Commission meeting the applicant has a desire to withdraw his petition. Staff has not received any formal correspondence from the applicant to date.

J. Garski motioned, J. Maier seconded to recommend denial without prejudice for the following reasons:

1. The applicant's application and use of the property has changed on several occasions in meeting with staff and the Village Plan Commission. The applicant has failed to provide staff and the Plan Commission with a detailed list of materials that are to be processed at the subject location.
2. The intended use and increased truck traffic operating on a non-paved surface will have a negative effect on the Village's local road infrastructure. Village ordinances require all active vehicle and storage areas to be paved asphalt or concrete. The applicant has resisted minimally improving the outdated industrial facility to comply with Village standards.
3. The operation of a waste and/or recycling transfer facility has the potential risk of pollution and offensive odor to exit the site. The Wisconsin Department of Natural Resources relies on local enforcement for daily inspection(s) and compliance in accordance with their permitting approvals. The Village lacks the monitoring and enforcement resources required to effectively monitor the general operation of a waste and/or recycling transfer facility.
4. The operation of an undefined material waste and/or recycle transfer facility would not promote the public health, safety, welfare, order, convenience, or community prosperity of the Village of Mount Pleasant.

Motion carried unanimously.



6. Discussion | Zoning Text Amendment – Residential Home Business/Occupation

The Plan Commission discussed the possibility of modifying the residential home business/occupation ordinance. After extensive discussion it was decided that the ordinance should not be modified at this time and that they look at creating a limited commercial overlay zoning district instead.

7. Discussion | Creation of Limited Commercial Overlay Zoning District

The Plan Commission discussed the draft ordinance that B. Kane drafted. They began by discussing the hours of operation and whether to limit it to 7am – 7pm. There were several concerns regarding snow plow and landscape businesses that work beyond those hours. Kevin Giese, 2808 Hwy V, Franksville, stated that with his snow plowing business there are times that his staff could come in to pick up a truck during the night, but would not be conducting business on the property, just loading up and leaving. B. Kane stated that he will draft up something for the Plan Commission to review that would cover the hours of operation and acts of nature that would address the concern over the designated hours.

The Plan Commission discussed number of employees and came to a consensus that five on premise employees should be allowed. They also discussed the prohibited uses and item #5 was clarified that lighted signs were not allowed. They decided that item #7 could be removed because it is covered under item #4.

The Plan Commission discussed the permitted uses by conditional grant. J. Garski suggested that a cap be put on flammable or hazardous liquids stored inside, if over the cap they must be stored outside.

The minimum lot area was discussed and the consensus of the Plan Commission was that the minimum lot area should be 2 acres. Lots that are 2-5 acres can have up to 2500 sq ft limited commercial business and lots 5+ acres can have up to 5000 sq ft limited commercial business.

J. Hewitt stated that under site design requirements item I states at the discretion of the Plan Commission. B. Kane stated that sentence can be removed. J. Mallon questioned the requirement that null & voids the business if sold. The Plan Commission discussed this further and feel that it should state at the sale of transfer of the property shall require a new conditional use application and the current business would become null & void.

D. Driver asked that the definition of family be updated on the document.

B. Kane stated that he will incorporate the changes discussed today into the document and get the updated document out to the Plan Commission for review this weekend before publishing in the paper for a public hearing in March.



8. Discussion | Vacant Box Ordinance

B. Kane explained that the proposed vacant box ordinance establishes the community impact statement that had been looked at before, which identifies how it impacts the community from traffic and economic standpoints which allows the Plan Commission to potentially approve or deny the application based upon the impact study. The Plan Commission would be able to look at the impact study and see if the proposed project would have a positive or negative impact on the community. He further explained that the ordinance identifies the maintenance and reuse of the property. It also identifies the condition that if an individual tenant is relocating, the owner or tenant has to provide within one year a reuse plan of the existing building. B. Kane further explained that the community impact statement would be required if the group development or single tenant is greater than 30,000 sq ft. B. Kane explained that this is step one of the ordinance process and that step two would be the design standards, once both are complete then the ordinance can be moved forward. The design standards will be brought to the Plan Commission in a month or two for their review.

9. Persons Desiring to be Heard – None

10. Commissioner & Staff Reports -

J. Maier asked when the temporary steer at The Summit was to be removed from the property. J. Hewitt replied that it was suppose to be removed in January. B. Kane stated that Mr. Ellsworth has been notified and he has to either move it or come back to the Plan Commission and request it be a permanent structure.

B. Kane reported that Don’s Towing has a ticket issued to him right now that he has not responded to yet, another ticket will more than likely be issued to him regarding clean up of the property. He added that Don and his daughter stopped in a few weeks ago about putting their U-Haul business on the agenda. Staff believes that they might be using the site as a transfer facility, have witnessed many trailers stored or parked overnight on the property.

B. Kane reported that Razor Sharp will be starting their expansion this spring.

Panda Express has final approval with the village, they are still working with the DOT regarding the access point(s) and landscaping. Staff anticipates the project will be starting sometime this spring as well.

J. Hewitt motioned, J. Mallon seconded to adjourn at 3:30 p.m. Motion carried unanimously.

*Next meeting is scheduled for **Wednesday, March 20, 2013 at 1:00 p.m.**

Cc: B. Kane L. Martin M. Pierce M. Schmidt L. Hannula
R. Pucely B. Sasse T. Beyer D. McHugh V. Rudychev



**Plan Commission
MEETING MINUTES**

February 20, 2013