



**COMMISSION MEMBERS PRESENT:** D. Driver, J. Maier, J. Hewitt, R. Underhill, J. Hansen & J. Kis

**COMMISSION MEMBERS ABSENT:** F. Leonard

**VILLAGE BOARD MEMBERS PRESENT:**

Staff: S. Schultz, R. Palm, A. MacDowell

**1. Call to Order**

The meeting was called to order at 1:00 pm by D. Driver.

**2. Roll Call** – S. Schultz performed roll call.

**3. Public Comment** – None

**4. Approval of the July 19<sup>th</sup>, 2017 Plan Commission Meeting Minutes**

J. Hewitt motioned, J. Kis seconded for approval of the July 19<sup>th</sup>, 2017 Plan Commission Meeting Minutes. Motion carried 6-0.

**5. Old Business** –

**a. Burger King Restaurant Site/Building/Operation Plan Application (SP-13-17) located at 6012 Washington Avenue | Tax Parcel #151-03-22-13-100-000 | Owner: Pleasant Pointe Commons, LLC | Applicant: Cave Enterprises LLC**

Lee Jaramello – 5226 Clover lane – Presented the new layout after making revisions requested at the last Plan Commission Meeting.

J. Kis – (PC) stated that Captain Smith did a crime study at two other Burger King locations as well as the current site and didn't show significant findings.

R. Underhill – (PC) still has concerns over the parking or lack of

Jeff MacDonald – 468 Somerset Dr – States that 60-70% of the business will be drive-thru patrons.

J. Hansen (PC) – Questioned whether there is a plan for winter and the snow plowing. Will additional parking spots be lost with the snow gathering.

Jeff MacDonald – Stated he did examine Dickey's BBQ ventilation system to rectify the odor problem.

J. Hewitt (PC) – encouraged Lee Jaramello – land owner to add additional parking for the vacant portion of the land.

J. Kis (PC) – Requests 3 designated spots for the Nail Salon – elderly patron focused.

Erika Starr – 6012 Washington Ave, STE B – Polish Beauty Bar – Presented client statements regarding Burger King in the desired location. The statements all spoke against this location.



States she was not open when Dickey's BBQ and Firehouse Subs first opened and had their record breaking sales. She mentioned her lease states there is to be no designated parking for fear all three tenant spaces will want designated parking spaces.

Iram Cruz- 6012 Washington Ave, Ste C – Firehouse Subs – Welcomes the new business of Burger King as it helps his business to draw customers.

Mary Totero – Caledonia – Customer of Polish Beauty Bar – Spoke against the new requested Burger King. “feels it makes zero sense to add a drive-thru fast food restaurant near this establishment which is clean and professional”.

Glenda Alexander – Caledonia – Customer of Polish Beauty Bar – major objection is the traffic congestion on Hwy 20 and Burger King will add to that. States Mount Pleasant is deteriorating with the many fast food restaurants.

### ***Background***

The applicant proposes a remodel of the former Dickie's Barbeque Pit restaurant at 6012 Washington Avenue into a Burger King. The proposed remodel includes refacing of the current building; complete remodel and rearranging of the interior, adding a drive-thru, and adding some landscaping. The outdoor refacing will keep the brick and stone while eliminating some of the windows and the cedar from the exterior.

The proposal also includes new signage; which Village staff will consider with a separate Sign Permit Application.

The property is currently zoned B-3 (General Business), and Burger King Restaurant is an acceptable use in this zoning district. The property follows the bulk zoning standards for this district.

At the previous Planning Commission meeting in July, there were multiple concerns about the site plan from the public, business, and the commission itself:

- 1) The neighboring nail business raised concerns about parking, deliveries, the drive thru, smells, crime, and the ultimate need for another fast food restaurant in the Village.
- 2) The planning commission also raised concerns about the parking and stacking issues related to the drive thru.
- 3) The building designer stated that alterations to the plan could be made in accordance with the issues raised, and the plan was tabled to this month.

Since it was tabled, the developers have revised their drafts several times. The first draft addressed the delivery area with ramps and signs but did not address the stacking issue. The second draft rearranged the lot entirely, moving the menu board and drive thru entryway to the back of the lot, and leaving the rear of the building largely unchanged. This allows for much greater stacking without causing as much traffic concerns but does complicate any future development of the parcel to the north. South Shore Fire Department reviewed and gave preliminary acceptance to this drive thru layout. The developers have also said that the exhaust of the restaurant would be placed on the opposite side and fitted with filters to tone down any noxious smells.

### **Consistency with Comprehensive Plan**

The Village 2035 Master Land Use Plan recommends Commercial for the subject property. SP-13-17 coincides with this recommendation.



### ***Summary/Staff Opinion***

Village Ordinances and the site's current zoning allow using the building as a restaurant. Without the site plan revisions, all that the applicant would need to submit is a Commercial Tenant Occupancy Form, staff approval for exterior modifications, and a Sign Permit. Staff and the Plan Commission may not accept or reject the Site/Building/Operation Plan Application based on the business itself.

The modifications to the Site Plan and addition of the drive thru require Plan Commission consideration. Village staff's believe the updated drive thru plans are the best possible option for this site, but, represent a less than ideal layout in a lot that is already tight by suburban standards. The Village does not have specific zoning or building standards for drive thrus, and Staff recommend creating codified drive thru standards to avoid such issues needing to be adjudicated by the Plan Commission in the future.

If the Plan Commission approves the Burger King Restaurant Site/Building/Operation Plan Application (SP-13-17) [*Site plan, landscape plan, photometric plan, and elevations by Prosi Design, Inc. dated 06/27/2017*], staff recommend the following conditions:

1. The applicant shall submit elevations for the new trash enclosure for staff approval before issuance of a fill or building permit.
2. The applicant shall architecturally screen any new rooftop mechanical units to minimize the visual appearance from any public roads or from within the site.
3. The applicant shall color or paint any on-site guardrails or handrails to compliment the building façade materials and color.
4. The applicant shall comply with all State and local building and fire codes. Please contact the South Shore Fire Department Division Chief Ed Lockhart regarding fire sprinkler system plan requirements. Mount Pleasant Village fire code requires the submission and approval of fire sprinkler system plans before issuance of a Village building permit. The Village may issue an early start permit to facilitate site work and grading before full plan submittal.
5. The applicant shall submit and gain approval of final civil engineering, grading, and stormwater drainage plans prepared by a Professional Engineer before issuance of any fill or building permits.
6. The applicant shall submit State approved building and plumbing plans to the Village for approval before issuance of any building permits.
7. The applicant shall construct all utilities underground.
8. The applicant shall pay all applicable Village Impact Fees before issuance of a building permit.
9. Any signage for the facility shall require a future Sign Permit Application submission for staff review and approval. Monument signs shall not exceed twelve feet in height and have a minimum setback from the property line a distance equal to the height of the sign.
10. The applicant should match the coloring of the paneling to "Nichiha Vintagewood Panel 'Cedar'" as specified in the original building approval.



11. The applicant must configure the exhaust and fumes of the restaurant to have minimal impact on the neighboring restaurants.

J. Maier motions, R. Underhill seconds to deny the Burger King Restaurant Site/Building/Operation Plan Application (SP-13-17) located at 6012 Washington Avenue, Tax Parcel #151-03-22-13-100-000 based on the unworkable parking and the drive-thru safety concerns. J. Kis abstained. Motion carried 4-1-1.

## **6. New Business**

- a. **Keen Certified Survey Map (CSM-06-17) located at 5010 Wood Road | Tax Parcel #151-03-22-36-106-000 | Owner/Applicant: John Keen, Peter Keen and Cecelia C. Keen Revocable Trust dated April 29, 1996**

### ***Background***

The applicant wishes to divide the existing 70.52 -acre parcel into three lots. The proposed Lot 1 totals 42.408 +/- acres and Lot 2 totals 3.672 +/- acres. The remainder Lot 3 totals 21 +/- acres, with small portions dedicated to the public as future right-of-way for Wood Rd and Highway KR. The property is currently zoned AUH (Agricultural Urban Holding).

### ***Consistency with Comprehensive Plan***

The Village 2035 Master Land Use Plan recommends Residential for the subject property. CSM-06-17 coincides with this recommendation.

### ***Recommendation***

Village staff recommends approval of the Keen CSM Application (CSM-06-17) subject to the following conditions:

1. The applicant shall submit a signed copy of the CSM Application by both the current owner and the applicant.
2. The applicant shall submit a \$350 permit fee.
3. The applicant shall submit a wetland delineation of Lots 1 and 2 before the Village issues any building permits.
4. The Village requires payment of any outstanding assessments, taxes or right of recovery before the Village Clerk signs the CSM.
5. The applicant shall schedule an appointment with the Village Clerk's office for CSM signing. The applicant can reach Village Clerk Stephanie Kohlhagen at (262) 664-7828 or [skohlhagen@mtpleasantwi.gov](mailto:skohlhagen@mtpleasantwi.gov).
6. The applicant shall record the Village Board approved CSM with the Racine County Register of Deeds within 30 days of Village Board approval. Any extension of this deadline is subject to staff approval.



7. The landowner shall provide a copy of the recorded CSM to the Village Community Development & Planning Department within 60 days of Village Board approval, or the Village will require a new CSM application and fee.

J. Maier motioned, J. Hewitt seconded to approve the Keen Certified Survey Map (CSM-06-17) located at 5010 Wood Road, Tax Parcel #151-03-22-36-106-000. Motion carried 6-0.

- b. Kohler Rezone Petition (RZ-02-17), Ordinance 07-2017, and Conditional Use (CU-07-17) located at 5005 Old Green Bay Road | Tax Parcel #151-03-22-35-072-000 | Owner/Applicant: Tom Kohler  
Applicant – Tom Kohler – 5005 Green bay Road**

### ***Background***

The applicant requests permission to rezone the property from Agriculture-Urban Holding (AUH) to Residential Single Family (R-100) to build a 30' x 54' 1620 square foot pole building. This request is in accordance with Ordinance 90-371 (d)(9) which requires a conditional use for the construction of garages or shed which between two structures is planned to exceed 85% of the habitable square footage of the residence but is less than 10% of the total lot coverage.

### ***Consistency with Comprehensive Plan***

The Village 2035 Master Land Use Plan recommends Residential for the property. RZ-02-17 and CU-07-17 coincide with this recommendation.

### ***Recommendation***

Village staff recommends approval of the 5005 Old Green Bay Road Rezone Petition (RZ-02-17) and the attached Ordinance 07-2017. Staff also recommend approval of the 5005 Old Green Bay Road Conditional Use (CU-07-17) with the following conditions:

1. The total number of attached, detached garages and sheds on the subject property is prohibited to exceed two.
2. The minimum side and/or rear yard setbacks shall be twenty feet, as the subject property frontage is improved with municipal water.
3. The Village prohibits commercial, industrial, and non-premise homeowner personal storage use for such a building. The Village may require an annual interior inspection by the Building, Fire or Community Development & Planning Departments to ensure that applicant abides by the storage prohibitions within the building. The minimum citation forfeiture for the violations above shall be \$6,125.
4. The applicant shall submit a grading and storm water drainage plan prepared by a State of Wisconsin Professional Engineer shall be submitted and reviewed/approved by the Village before issuance of any fill or building permits. The Village Engineering Department may waive this requirement at its discretion upon review of the existing site grading.



J. Hewitt motioned, J. Hansen seconded to approve the Kohler Rezone Petition (RZ-02-17), Ordinance 07-2017, and Conditional Use (CU-07-17) located at 5005 Old Green Bay Road , Tax Parcel #151-03-22-35-072-000 subject to the listed conditions. Motion carried 6-0.

- c. Christensen Rezone Petition (RZ-03-17), Ordinance 08-2017, and Conditional Use (CU-08-17) located at 4413 Northwestern Avenue | Tax Parcel #151-03-23-06-081-002 | Owner/Applicant: Donald Christensen**

### ***Background***

Conditional Use CU-08-17 located at 4413 Northwestern Avenue requests permission to rezone the property from AUH to R-100 and build a 32' x 48' out building. This building is for storage, lawn equipment, and a boat. This request is in accordance with Ordinance 90-371 (d)(9) which requires a conditional use for the construction of garages or shed which between two structures is planned to exceed 85% of the habitable square footage of the residence but is less than 10% of the total lot coverage.

### **Consistency with Comprehensive Plan**

The Village 2035 Master Land Use Plan recommends Residential for the property. RZ-03-17 and CU-08-17 coincide with this recommendation.

### ***Recommendation***

Village staff recommends approval of the Christensen Rezone Petition (RZ-03-17) and the attached Ordinance 08-2017. Staff also recommend approval of Conditional Use (CU-08-17) with the following conditions:

1. The minimum side and/or rear yard setback(s) shall be equivalent to the height of the detached garage/shed when the entire subject property frontage lacks municipal water.
2. In accordance with zoning Sec 90-371 (d)(9)(g), "Detached garages/shed(s) are prohibited within the front yard setback identified as the area between the public road right of way and the façade of the existing residence." The applicant shall resubmit a revised site plan moving the proposed building behind the residence for staff approval before the issuance of any building permits.
3. The Village prohibits commercial, industrial, and non-premise homeowner personal storage use for such a building. The Village may require an annual interior inspection by the Building, Fire or Community Development & Planning Departments to ensure that applicant abides by the storage prohibitions within the building. The minimum citation forfeiture for the violations above shall be \$6,125.
4. The applicant shall submit a grading and storm water drainage plan prepared by a State of Wisconsin Professional Engineer shall be submitted and reviewed/approved by the Village before issuance of any fill or building permits. The Village Engineering Department may waive this requirement at its discretion upon review of the existing site grading.

J. Kis motioned, R. Underhill seconded to approve the Rezone Petition (RZ-03-17), Ordinance 08-2017, and Conditional Use (CU-08-17) located at 4413 Northwestern Avenue, Tax Parcel #151-03-23-06-081-002 subject to the listed conditions. Motion carried 6-0.



- d. **Ying’s Kitchen, Inc. Conditional Use (CU-09-17) located at 1901 Durand Avenue | Tax Parcel #151-03-23-29-464-000 | Owner: Daniel Ivans | Applicant: Ying’s Kitchen, Inc.**

The Applicant has pulled their application.

- e. **Pike River Public Lands Rezone Petition (RZ-04-17) and Ordinance 09-2017 located along the Pike River | Owner/Applicant: Village of Mount Pleasant**

**Background**

The applicant requests permission to rezone the publicly owned properties to Public or Utility Lands (PUL). The Village previously acquired the properties as a part of the public improvements along the Pike River Corridor. This request is an organizational clean-up effort to reflect the completed improvements.

**Consistency with Comprehensive Plan**

The Village 2035 Master Land Use Plan recommends Natural Area for the properties. RZ-04-17 coincides with this recommendation.

**Recommendation**

Village staff recommends approval of the Pike River Public Lands Rezone Petition (RZ-04-17) and the attached Ordinance 09-2017.

J. Kis motioned, J. Hansen seconded to approve the Pike River Public Lands Rezone Petition (RZ-04-17) and Ordinance 09-2017 located along the Pike River. Motion carried 6-0.

**7. Commissioner & Staff Reports**

S. Schultz reported that the new Planner 1 Robin Palm will be taking over more responsibility and has been a great help to the department. Staff will start to revise the Land Use Plan and will be using an external consulting service to assist with the process.

**8. Adjournment**

J. Hansen motioned, R. Underhill seconded to adjourn the Plan Commission meeting at 2:27p.m. Motion carried 6-0.

\*Next meeting is scheduled for **Wednesday, September 20<sup>th</sup>, 2017 at 1:00 p.m.**

Cc: L. Hannula      S. Schultz  
     T. Beyer        D. McHugh      S. Houte