

CITY OF ELKHORN
ARCHITECTURAL REVIEW BOARD/CITY PLAN COMMISSION MEETING
Council Chambers, 311 Seymour Ct., Elkhorn, WI
June 6, 2024

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

ROLL CALL

Present: Wuttke, Hunter, Stotko, Boardman, Geaslen
Absent: Meinel, Shiroda
Also Present: Schwark, Swann, Rauch, Ekes, Shepro
Visitors: Manuel Saucedo Galindo, Joseph Doherty, Warren Hansen, Timothy Baker

APPROVAL OF MINUTES

Motion (Stotko/Geaslen) to approve the minutes of the Architectural Review Board and Plan Commission meetings of May 2, 2024. Motion carried unanimously.

PUBLIC HEARING -ZONING ORDINANCE AMENDMENT/BOARD OF APPEALS

Public hearing convened at 6:02 p.m. for the purpose of hearing all interested parties, their attorneys or agents with respect to the proposed Zoning Text Amendment to Article 17.12, Board of Appeals, Elkhorn Municipal Code. It was noted that the draft changes to the ordinance are outlined in red within the draft document which was included in the Plan Commission information packet. Member Boardman asked if anyone else wished to be heard. No one wished to be heard. Member Boardman asked three times if anyone wished to be heard. No one else wished to be heard. Public hearing closed at 6:05 pm.

ZONING ORDINANCE AMENDMENT/BOARD OF APPEALS

Member Boardman asked the Plan Commission if there were any questions, comments and/or recommendation for the proposed Zoning Ordinance Amendment, specifically Article 17.12 regarding the Board of Appeals.

The Zoning Administrator reported that the City Attorney submitted a draft ordinance with changes to the section of the ordinance regarding Board of Appeals. The City Attorney presented the draft ordinance with the proposed changes and briefly outlined the proposed changes to the text amendment that includes specific sections of Article 17.12, Board of Appeals, outlined in red regarding definitions, membership, organization, powers, appeals and applications, hearings, and decision.

Motion (Stotko/Wuttke) to recommend to Council to approve the proposed Zoning Text Amendment to Article 17.12, Board of Appeals, Elkhorn Municipal Code. Motion carried unanimously.

PUBLIC HEARING -CUP /1560 N. COUNTRY CLUB PKWY./MADREZ CAFÉ-GALINDO

Public hearing convened at 6:08 p.m. for the purpose of hearing all interested parties, their attorneys or agents with respect to the proposed Conditional Use Permit to allow a restaurant-café with seasonal outdoor seating located at 1560 North Country Club Parkway (Tax Key No. YFE1-00005). Member Boardman asked if anyone wished to be heard. No one wished to be heard. Member Boardman asked three times if anyone wished to be heard. No one else wished to be heard. Public hearing closed at 6:13 pm.

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CUP /1560 N. COUNTRY CLUB PKWY./MADREZ CAFÉ/GALINDO

Member Boardman requested the Zoning Administrator's Report dated May 30, 2024.

The Zoning Administrator provided the May 30, 2024, Staff Report. The applicant is requesting a Conditional Use Permit for restaurant operations with seasonal outdoor seating. The property was recently purchased, and Stillwater Coffee Co., which has an active CUP for café operations will slowly transition to Madrez Café where the restaurant operations will expand into a full-service café serving breakfast and lunch in addition to coffee and drinks. In addition, as the business grows the new business owner would like to offer seasonal outdoor cookouts/events. The building currently has two other tenants in the lower two units of the basement which are existing and will remain. Restaurant operations will only take place on the first level of the business. All three businesses are separated and have separate entrances with locked doors. **Staff Recommendations:** Staff recommends that the Plan Commission **APPROVE** the conditional use for Restaurant Operations with Outdoor Seating: 1) The project shall be developed in accordance with the plan of operations. Any deviation from the approved plans shall require zoning administrator and/or Plan Commission approval. 2) The business hours shall not exceed 7 am to 4 pm weekly. 3) All special events must be approved by the City of Elkhorn prior to the event. 4) Outdoor seating shall not exceed 10 tables between the back deck, and any yard seating. 5) Seating shall never be within the parking areas, or parking lot. 6) All alterations to the building shall require applicable building and zoning permits. 7) All alcohol service must first be approved by the City of Elkhorn, and all applicable licenses shall be issued to the property owner.

Manuel Saucedo Galindo, applicant, presented the request for the Conditional Use Permit for operating a restaurant with outdoor seating. He explained that he recently purchased the property from Stillwater Coffee Company and plans to transition to a restaurant-café and the restaurant operations will expand into a full-service café serving breakfast and lunch in addition to serving coffee. He would also like to offer seasonal outdoor cookouts as the business grows. The building has two other tenants in the lower two units of the basement who will remain tenants. Mr. Galindo said that restaurant-café operations will only be on the first floor of the business.

Motion (Wuttke/Geaslen) to recommend to Council to approve the proposed Conditional Use Permit to allow a restaurant-café with seasonal outdoor seating located at 1560 North Country Club Parkway (Tax Key No. YFE1-00005) subject to the recommendations outlined in the Zoning Administrator's Staff Report dated May 30, 2024. Motion carried unanimously.

CUP/SITE PLAN/ARCH REV./C.T.H. H & PROCTOR/SIRDOME MIDWEST STORAGE/DOHERTY

Member Boardman reported that a public hearing was held at the April 18, 2024 Plan Commission meeting regarding the Conditional Use Permit and Site Plan for the Elkhorn Storage Park which includes the construction and operation of six (6) rentable mini warehouse storage units proposed to be located on a vacant lot off of County Highway H and Proctor Drive (Tax Key YA 414900001) requested by Joseph Doherty, Sirdome Midwest Storage. The Plan Commission's recommendation was to table the matter to a future Plan Commission meeting based on Staff recommendations for additional information, sufficient time to review revised plans, and awaiting a variance determination for rear setback reduction. Member Boardman said the applicant has requested to return for action on this proposed project and a motion is required to take this matter off the table.

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Motion (Stotko/Wuttke) to take the Conditional Use Permit and Site Plan off the table for the Elkhorn Storage Park consisting of the construction and operation of rentable mini warehouse storage units proposed to be located on a vacant lot off County Highway H and Proctor Drive (Tax Key No. YA 414900001) submitted by Joseph Doherty, Sirdome Midwest Storage. Motion carried unanimously.

The City Engineer provided the Kapur Memorandum dated May 20, 2024. **Comments:** Reviewed the information as presented on the plans and calculations referenced above. **Recommend approval** of the proposed site plan subject the following conditions: **SITE PLAN:** The water service to the office must be removed from the plans. A water connection is not permitted. A copy of the Notice of Intent (NOI) from the Wisconsin Department of Natural Resources is required prior to construction. Coordination with the City Water Utility is required for proper location of the watermain. The Final water main utility easement shall be based on field location of the existing watermain and recorded on an as-built plan. The stormwater basin is proposed to discharge into an existing 18-inch stub storm sewer at Proctor Drive. The storm sewer location shall be included in the as-built plans. The Department of Public Works shall be notified prior to connection at the 18-inch stub. The proposed basin requires a Type A Clay Liner conforming to WDNR Technical Standard 1001. 6. The stormwater maintenance agreement shall be modified to follow the City of Elkhorn template, as provided. 7. An as-built plan of the stormwater management facility is required to demonstrate the stormwater management facility was constructed as approved. 8. A letter of credit is required in the amount of 120% of the cost to construct the stormwater management facility. The letter of credit must be provided prior to issuance of the required permits. Please provide an engineer's cost estimate for verification of the required letter of credit amount. 9. Sediment and erosion control measures must be installed prior to upland disturbance. The measures must remain in place until the upstream area is permanently stabilized. 10. Tracking of construction sediment and debris offsite is not permitted. Street sweeping, at the applicants' expense, may be required if tracking occurs. The City Engineer reiterated that the water service to the office building shown on the current site plan be removed and a Letter of Credit is required prior to building permits issuance.

The Zoning Administrator presented the revised Staff Report dated May 30, 2024. The applicant is requesting a Site Plan and Architectural Review and Conditional Use Permit for the construction and operation of rentable mini warehouse storage units located on a vacant lot off of County Road H and Proctor Drive. The applicant is proposing the construction of 6 storage condos (Tax Key YA414900001). Improvements also include a new parking lot and internal driveway system and new stormwater pond. The parcel has a total area of 149,302 S.F. (3.43 Acres). **Staff Review Summary:** Staff recommends that Plan Commission consider the following review comments: Review and Recommendation. In evaluating a request for Conditional Use Permit, the City Plan Commission shall review the application in regard to the following factors in making its recommendation to the Common Council: (a) Consistency with the City's Comprehensive Plan, (b) Site plan layout, (c) Existing and proposed structures, (d) Potential impacts on surrounding properties, (e) Compatibility with the nearby pattern of development, (f) Design of parking areas, (g) Driveway locations and access to adjacent roads/roadway system, (h) Traffic generation, circulation and potential congestion, (i) Infrastructure/utilities including drainage, sewerage, and water systems, (j) Proposed business operations, (k) Landscaping, (l) Lighting, (m) Type of construction, (n) Construction commencement and completion dates, and (p) Sureties. Area, Yard & Height Requirements: The site plan does appear to be in compliance with Section 17.5 of the Municipal Code. Traffic, Loading, Parking and Access: The site plan appears to be in compliance with requirements of Section 17.6.

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General: City Engineer Review: See **Kapur Memo** dated May 20, 2024. Fire Hydrants do appear to be in compliance with Section 5.26. Fire hydrants shall be freestanding and located not more than 50' or less than 25' from the main entrance. Additional hydrants shall be provided around the perimeter of the building so that no fire hydrant is more than 350' from another approved hydrant measured by normal access routes, if the building is not protected by a sprinkler system. If the building is protected by a sprinkler system, the maximum distance is 450'. See included in your packet proposed fire hydrant location by Kapur. Fire Lanes do appear to be in compliance with Section 5.30. Specifications for Fire Lanes. All fire lanes, whether required by this chapter or not, shall meet COMM 62 and NFPA 1, be at least 20' wide. Fire lanes shall be located so that the closest edge of the fire lane is at least 10' from a building but not more than 30' from the building(s) with which it is associated. All curves and turn-arounds shall be designed for a minimum 48' turning radius. Marking of Fire Lanes. Any fire lane, whether required by this chapter or not, shall be marked with approved signs within 5' of the beginning and within 5' of the end of the fire lane. Spacing between such signs shall not exceed 100'. Fire lane signs shall be affixed to a stationary pole or object and shall face in the direction of oncoming traffic. In addition to signage, the curb along each fire lane shall be painted yellow. Where there is no curb, a 4" wide stripe shall be painted the full length of the fire lane. In addition to signage and marking described above, any roadway for the exclusive use as a fire lane shall be striped with 4" wide yellow stripes. **Staff Recommendations:** Staff recommends that the Plan Commission **APPROVE** the conditional use permit, Site Plan Review, and Architectural Review for rentable mini warehouse storage units with the following conditions: The project shall be developed in accordance with the plan of operations. Any deviation from the approved plans shall require zoning administrator and/or Plan Commission approval.

All Kapur Memo comments or conditions be addressed or included. Applicant shall provide reimbursement to the City of Elkhorn, 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 the improvements. Project must begin within one year of the date of approval, or applicant will be required to re-apply for both Conditional Use and Site Plan Review. The applicant must allow any City employees, or contracted firm, or designee unlimited access to the project site at a reasonable time to investigate the project's constructions, operation, or maintenance. The approved conditional use permit shall always be placed on site in a conspicuous location within the office. You are accepting the conditional use approval/ zoning permit and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Except for the vehicle parking areas shown on the submitted site plans, outdoor storage of any kind is prohibited, and the property must be kept free of any accumulation of refuse or debris. All refuse bins must be screened from public view. All exterior lighting shall be in compliance with the City of Elkhorn Municipal Ordinances. Any signage shall be reviewed and approved by the Zoning Administrator.

Warren Hansen, Farris, Hansen & Associates, said that although a variance was requested and denied for a reduction of the standard rear lot setback from 25 feet to 10 feet by the Zoning Board of Appeals, the site plan was revised to reflect the decision. Mr. Doherty reported that he has spent time searching the need and for the proper location for the storage facility in the City and assured the Plan Commission that the Elkhorn Storage Park facility will fit the needs of the. The facility will meet standards and will be built to code and properly maintained and hopes to start construction as soon as he closes on the property and building permits can be issued.

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Motion (Stotko/Geaslen) to approve the site plan for the Elkhorn Storage Park which includes the construction and operation of six (6) rentable mini warehouse storage units located on a vacant lot off of County Highway H and Proctor Drive (Tax Key YA 414900001) requested by Joseph Doherty, Sirdome Midwest Storage subject to the stipulations of the Zoning Administrator's May 30, 2024 Staff Report and the City Engineer's May 20, 2024 Memorandum with an additional condition that no water service connection is allowed to the office, only the installation of an outside water irrigation system. Motion carried unanimously. Motion carried unanimously.

Motion (Geaslen/Wuttke) to recommend to Council to approve the Conditional Use Permit to allow the construction and operation of six (6) rentable mini warehouse storage units for the Elkhorn Storage Park to be located on a vacant lot off of County Highway H and Proctor Drive (Tax Key YA 414900001) requested by Joseph Doherty, Sirdome Midwest Storage subject to the stipulations of the Zoning Administrator's May 30, 2024 Staff Report and the City Engineer's May 20, 2024 Memorandum with an additional condition that no water service connection is allowed to the office, only the installation of an outside water irrigation system. Motion carried unanimously.

PUBLIC HEARING -CUP/1950 N. WISCONSIN ST./BK PROPERTY MANAGEMENT/BAKER

Public hearing convened at 6:31 p.m. for the purpose of hearing all interested parties, their attorneys or agents with respect to the proposed Conditional Use Permit to allow outdoor storage of landscape materials and equipment currently located at 1950 North Wisconsin Street (Tax Key No. YMC-00021). The Zoning Administrator said that although the application for the Conditional Use Permit was submitted timely, the site plan was submitted at a later date after the Plan Commission packet deadline and she requested to table this matter due to the lateness of the site plan submission. The City Attorney requested that the Plan Commission adjourn this public hearing until July 11, 2024 for the reasons provided by the Zoning Administrator.

Motion (Wuttke/Geaslen) to adjourn this Public Hearing to the July 11, 2024 meeting to continue the hearing for the Conditional Use Permit to allow outdoor storage of landscape materials and equipment currently located at 1950 North Wisconsin Street requested by Tim Baker, BK Property Management. Motion carried unanimously.

CUP/1950 N. WISCONSIN ST./BK PROPERTY MANAGEMENT/BAKER

Member Boardman noted that the public hearing was adjourned until the July 11, 2024 Plan Commission meeting for the Conditional Use Permit to allow outdoor storage of landscape materials and equipment currently located at 1950 North Wisconsin Street (Tax Key No. YMC-00021) requested by Timothy Baker, BK Property Management. No action was taken at this time.

EEDA BUILDING IMPROVEMENT GRANT/5 W, WALWORTH ST./PCB STUDIOS

Member Boardman announced that PCB Studios located at 5 West Walworth Street (Tax Key No. YOP-00219) has submitted an application for an EEDA building improvement grant for interior structure upgrades and energy efficiency improvements. He asked if there are any questions, comments or recommendations.

Motion (Wuttke/Hunter) to approve the EEDA building improvement grant application submitted by PCB Studios for the property located at 5 West Walworth Street (Tax Key No. YOP-00219) for a building improvement grant for interior structure upgrades and energy efficiency improvements. Motion carried unanimously.

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GENERAL DISCUSSION

The Zoning Administrator provided a brief update of various projects. Plan Commission requested that a project spreadsheet be created by the Zoning Administrator to be emailed to the membership on a monthly basis with updates. The Zoning Administrator confirmed that a project spreadsheet will be forwarded as requested.

MEETING DATES

The next Plan Commission meeting may be scheduled for Thursday, June 20, 2024.

ADJOURNMENT

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

DRAFT