

**1. Meeting called to order**

President Dobbs called the meeting to order at 6:00 p.m. at the Village Hall, 5043 Chester Lane, Racine, Wisconsin.

**2. Roll Call/Introductions**

Roll call was taken. Members present:

President Jim Dobbs, Trustee Kevin Wanggaard, Joseph Minorik, Thomas Knitter, Duane Michalski, Jonathan Schattner, Zoning Administrator Jarmin Czuta. Bill Folk arrived at 6:05 p.m.

Also Present: Utility Districts Director Anthony Bunkelman, P.E., Public Works Director Tom Lazcano, P.E.,

President Dobbs stated items 6A and 6B will not be heard tonight. Casey's was not able to be present and asked this be held over until next meeting.

**3. Approval of Minutes**

Motion by Wanggaard to approve the minutes from the January 8, 2018 Plan Commission meeting. Seconded by Michalski. Motion carried.

**4. Citizens' Comments**

Kathryn Weber, 5110 Charles St.: Since they moved there in 1972 the zoning has changed several times. She was concerned if the R-4 zoning is changed B-2 on that corner, then Casey's would have room to put in a car wash, or extra parking, etc. They were trusting the Board to protect their investments. She felt a low impact business on the corner would be more appropriate for their residential area.

Rubin and Mary Guardiola, 5100 Charles St.: They felt there were better locations for this business. Rubin asked if the traffic study was done. He felt it would reflect the fact that the 4 Mile/Charles intersection was not conducive as it stands and to add more traffic would not be beneficial.

Dobbs stated the traffic study was completed and if anybody wanted a copy they should give Tony Bunkelman their e-mail address and he would email it to them.

**5. Public Hearing Items followed by Commission Recommendations**

There were no public hearing items.

**6. Non-Public Hearing Items**

**A. Request A Conditional Use To Construct And Utilize A ±4,517 Square-Foot Gas Station And Convenience Store Known As Casey's General Store, Northeast Corner Of 4 Mile Road And Charles**

**Street, Sec. 21, T4N, R23E, Village Of Caledonia, Racine County, WI. RKC Real Estate LLC, Owner; Arc Design Resources Inc., Agent**

**Bill Folk made a motion to lay over 6A.-Request A Conditional Use to Construct And Utilize A ±4,517 Square Foot Gas Station And Convenience Store Known As Casey's General Store, Northeast Corner of Mile Road and Charles Street, Sec. 21, T4N, R23E, Village of Caledonia, Racine County, WI. RKC Real Estate LLC, Owner, Arc Design Resources Inc., Agent, and 6B.-Administrative Zoning Line Adjustment From R-4 Urban Residential District I to B-2 Community Business District, Northeast Corner of 4 Mile Road and Charles Street, RKC Real Estate LLC, Owner, Arch Design Resources, Inc., Agent, until the February 26, 2018 Plan Commission meeting. Michalski second. Motion carried.**

**B. Administrative Zoning Line Adjustment From R-4 Urban Residential District I To B-2 Community Business District; Northeast Corner Of 4 Mile Road And Charles Street; RKC Real Estate LLC, Owner; Arc Design Resources, Inc., Agent**

**See 6A.**

**C. Request a Conditional Use to occupy an existing commercial building and site for rental, sales and service of construction and industrial equipment (DBA Franklin Equipment), including outside storage of equipment; 3845 27<sup>th</sup> Street; Scott Miles Trust, Owner; Franklin Equipment, Applicant; Cooperative Boundary Agreement Town of Raymond and Village of Caledonia**

Czuta read the memorandum:

"The subject property lies within the cooperative boundary agreement area between the Town of Raymond and the Village of Caledonia. The site is located on the W. Frontage Road south of the intersection with Highway K. The proposal is to occupy an existing commercial building and site for rental, sales and service of construction and industrial equipment (DBA Franklin Equipment), including outside storage of equipment. The subject site is zoned B-5 Highway Business District. The 2035 Town of Raymond Land Use Plan designates the subject sites as Commercial. The proposed use is allowed in the B-5 zoning district through the conditional use process. The proposal is consistent with the 2035 Town of Raymond Land Use Plan designation of Commercial for the site. The Racine County Economic Development and Land Use Planning Committee and the Town of Raymond have approved the proposal. It is up to the Village of Caledonia Planning Commission and the Village Board to determine if the proposed use is appropriate based upon the Cooperative Boundary Agreement between the Town of Raymond and the Village of Caledonia."

The Village's plan consultant, Jeff Muenkel AICP CEcD with Foth Engineering, has prepared a staff review. Muenkel explained that this situation is an existing use/existing property. Boundary Agreement does allow for the application for design standards in existing uses.

There are four different variables to look at for the Plan Commission to recommend, subject to design standards. One of the main ones is the loading dock and shipping/receiving area should be screened or designed with a high degree of visual appeal.

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Muenkel want to recommend complying with landscaping along the frontage road with the possibility of future business coming into the vacant area. That would call for street edge landscaping of trees every 50' on center parallel to the right-of-way. The opportunity here along the frontage road is to establish a terrace of trees that would usually have to be put in when a new building comes in. Signage would have to follow permit and the Town of Raymond regulations. Recommendation would be the Town of Raymond implement standards as far as outdoor uses. The Village of Caledonia has to make sure these design standards are applied as new businesses come in. Landscape Plan would first have to be approved by Racine County.

Schattner asked about the elevated platforms/lifts in the pictures. Was it necessary to be so high or could they be more screened from public view. Czuta stated in the conditions that were drafted, the equipment must not extend above the existing streetlight poles or 20 feet whichever is greater.

The Branch Manager for Franklin Equipment, Brian, stated hours will be 7:30 a.m. to 5:00 p.m. during the week and Saturday 8:00 a.m. to noon during the summer and fall operations. The reason they raise the booms is so they save space on the lot. All his equipment is at the height of the streetlights or lower. He stated they will achieve all conditions. Bunkelman stated a copy of the conditions had been email to Barry Miller. He explained the booms were raised to save space and also so they could be seen from the Interstate as advertising.

All storage is on the east side of building, no storage is on the open large lot in the back off the new frontage road. This way I-94 frontage has all the equipment displayed with a vision of what you can come and rent. It would not be visible in the back, plus the east area is more secure.

**Knitter made a motion to approve the Request for a Conditional Use to occupy an existing commercial building and site for rental, sales and service of construction and industrial equipment (DBA Franklin Equipment), including outside storage of equipment; 3845 27<sup>th</sup> Street; Scott Miles Trust, Owner; Franklin Equipment, Applicant; Cooperative Boundary Agreement Town of Raymond and Village of Caledonia, subject to staff recommendations. Wanggaard second.**

Minorik wanted to be clear that the staff recommendations include the Foth report as well.

**Motion carried.**

**D. Conditional Use Amendment to expand the area and also the timeframe of approval to occupy a portion of an existing site with an online vehicle auction platform for used undamaged and damaged vehicles; 7213 Hwy 41; Hribar Holdings LLC, Owner; Copart Inc., Applicant**

Czuta stated the subject property is located along the E. Frontage Road just south of Hwy. K. Back on September 5, 2017 the Caledonia Village Board approved Resolution 2017-80 that authorized a conditional use to occupy a portion of the existing site, that was previously approved as the expansion of the truck and trailer parking area, with an online vehicle auction platform for used undamaged and damaged vehicles and also request that the duration of the conditional use be extended. The area previously approved to be occupied with an online vehicle auction platform for used damaged and undamaged vehicles if 6.4 acres. At this time, the applicant is requesting that an addition 8.8 acres be

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approved to be utilized for a total area of 15.2 acres. Condition #20 of the previously approved conditional use stated “**Duration of Conditional Use.** As discussed at the Plan Commission meeting on August 28, 2017, this conditional use approval is intended to be temporary and is subject to a timetable of two years from the date of the Village’s final approval. At or before two years from the date of the Village’s final approval, the applicant must appear before the Plan Commission and Village Board to request additional time to extend the conditional use approval, if this is their desire, or this activity must cease and the conditional use approval is no longer valid unless additional time is granted by the Village of Caledonia Plan Commission and the Village Board. Nothing herein prevents the Village Board from denying an extension of the temporary use beyond the initial term of two years based on changed in on-site or off-site conditions, including changes in use on-site and changes in the development of the surrounding parcels that would make a continuation of this temporary conditional use incompatible with the new development surrounding it.” At this time, the applicant is requesting that the duration of the conditional use be for a period of fifteen years.

Included was a site plan showing the previously approved 6.4 acres directly east of the parking lot, and being proposed is an additional 8.8 acres going further east for the parking of the damaged/undamaged vehicles associated with Copart, LLC.

Schattner explained Caledonia is now working on an I-94 Corridor Study, looking for suitable uses along the interstate. His concern was they were asking for an extension for 15 years.

Mark Hribar explained that they would have an investment to prepare that lot, that is why they were asking for 15 years. To obtain the financing they needed a longer term to recapture their investment. There would not be a need for additional buildings at this time, just parking. Nothing on the site is processed. There will be proper drainage designed by CJ Engineering to meet the requirements.

Paul Shemanski with Hribar explained this is not being turned into a “junk yard.” It is a surplus overflow lot. Phase II was paid for out of their own working capital and this is a larger investment and they need financing. Part of their conditional use is a source of revenue to support payments, that is why they need a longer commitment. They feel there will be future opportunities to add structures, particularly with Foxconn coming, optimizing the use of that land. This would be a step toward future development and they have the revenue source to help when future opportunities arise. The total amount of acres owned by Hribar Holdings at the site is 39 acres, not visible from the interstate.

Attorney Ekes stated she was not aware of any extension given of this magnitude. Conditional uses typically don’t have a limited duration, you allow them to have the operation. There was concern about this impacting the corridor, that was why it was limited to 2 years. This was to be temporary with no guarantee it would go beyond the 2 years because things will change in that corridor over the course of the next 5 years. She understood the applicant would like to maximize the use of the property until something better comes along.

Shemanski stated they have a 2 year lease renewal option and the expansion would extend that lease. If another opportunity arises they can terminate the lease. Road reservation is acknowledged as part of the site plan at the back of the lot.

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One of Ekes' concerns was the undergoing corridor study to help guide the planning. She felt it would be reasonable to get that study first. The Commission has the authority to recommend denial, but make sure to include whatever reasons are for denial. Another option would be to consider a deferral, specifically with reasons as well, to allow additional time.

Wanggard stated this was started through the Plan Commission in 2014, and now its January 2018. This is coming back every year. The 2 year conditional use was only granted 4 months ago. He felt the applicant is not coming in with full plans concerns him.

Shemanski stated in 2014, we did have a plan that provided for multiple structures, a terminal, truck wash and body shop. Through financing it was stipulated that a TIF was coming, and it was denied. In working with Caledonia we always had the intent to develop the property with a dealership in Phase I. New opportunities have developed and we want to take advantage of that. As we invest it is not our intent to have a junk yard, we want a return on our investment. We have to have something more than a short term window. We are coming back before you because of opportunities coming our way to development that area. From our prospective we are looking to develop what was discussed in 2014, investing for when permanent structures come in. Right now we are part of Copart, LLC in Cudahy. Vehicles are delivered to us, its not a junk yard and there is no service garage.

Wanggaard had hoped that those opportunitites would have been there 4 months ago. He did not like seeing things coming back every 4 to 6 months.

Knitter did not feel comfortable with a duration of 15 years, but certain more than 2 years, like 4 or 5.

Ekes wanted to mention if there plans to be a motion to approve, staff ask for a minimum layover for a month to allow us to go over the draft conditions to incorporate language to address the road reservation and even record something against the property in terms of the longer term leasing arrangement there.

Knitter though a layover of 3 months, to be able to talk to the study consultant. Ekes wanted to allow the study to be completed so there was more information.

Shemanski explained they could not do much now because of ground conditions, but as short a term as possible, 3 months might be a bit long due to getting financing in place.

**Schatter made a motion that the Planning Commission defer to consideration until after the I94 study is completed. No time table because we don't know how long its going to take. Minorik second.**

Ekes said because this is an application for a condition use, this deferral should be date certain. Jeff Muenkel from Foth was hoping to bring the study document to the March meeting. The date certain at the soonest should be the March meeting. April would be a better deferral timeframe.

Schatter amended his motion.

**Schatter made a motion that the Planning Commission defer to consideration until the April 30, 2018 Plan meeting. Minorik second. Motion carried.**

**E Audubon Arboretum Concept Plan Revision –5 ½ and Charles St., Parcel ID's 51-104-04-23-17-084-000 & 51-104-04-23-17-085-000 & 51-104-04-23-17-086-005**

**1. Public Comment Allowed for this Item**

Bunkelman presented showing on the overhead the northern half of the development that was approved in 2007. At that time 101 lots were proposed, zoned R-3/PUD. Recently updated information was received. On the northwest side the Developer would like to swap out a single-sided road loop and install a cul-de-sac. The other side of the northern half of the development that is a single sided road is to be changed to a doubled sided road. This reduces needed infrastructure to be installed by the developer and maintained by the Village. The new layout of Audubon Arboretum is for 99 units at 36.5% open space.

There will be two 2 Waiver/Modifications request that have to be considered/reviewed on behalf of the development.

1. Approving a cul-de-sac roadway with a length greater than 800'
2. Approving a Subdivision with less than 40% Open Space

Presently Plan Commission and Legislative & Licensing Committee has been looking at open space requirements within the sewer and water service area, possibly reducing open space. There have been modification waivers that have allowed less than 40% open space in the past. If the layout is acceptable and the modification waivers for concept plan is supported, Bunkelman recommends approval subject to conditions in the packet.

Public Comments:

Sandra Eppers, 6104 Charles St., asked if this was reflecting the whole Audubon Arboretum? They live at the south end and in back of their property is wetlands. They are in a conservancy and they want to make sure their property maintains its value.

Bunkelman stated the southern portion did not have any request for changes.

Eppers asked what they are going to do when they develop the rest of the subdivision. When they bought they were told it was supposed to be kept as a conservancy. Her other comment was on the traffic on 5 ½ Mile Road. Since the school went in the traffic is awful with people speeding through. She does have a Subdivision Agreement, everything has to be natural outside, no fences, etc.

Bunkelman said Eppers was part of a different subdivision where Audubon Parkway comes in, not part of Audubon Arboretum.

Woman from audience stated they just wanted to know what was going on. They just get a letter in the mail telling them to come to the meeting with no map for reference.

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Nancy Washburn commented that this was everyone's first blush at site changes. There have been many changes in the market in the last 10 years. Particularly with Audubon Arboretum, some of the changes are Village regulations. Audubon Arboretum is a very large subdivision with wetland delineations that need to be updated and redone and brought forward in a revised plat. The property to the north is what they want to bring to market first. According to current storm water management requirements, we have to significantly increase the size of the pond. The one in the southeast corner will be part of the Phase I. Enlarging the size of the pond pushed everything over. They can't build what was approved in 2006 because of the size of the ponds now. Secondly, significant increases in costs in infrastructure are almost double of 2006. Third is buyer demand. We have learned from other conservation subdivision development our buyers want deeper lots and a big challenge is to keep homeowners from encroaching on green space. All wetland is going to be preserved. The southern end is heavily dominated with wetland which is going to remain as wetland and green space. We see no changes to the south. Our next step is to come back with a detailed plat.

Dobbs asked if there were any more questions.

Richard Dunn asked her to be truthful with us, and we will be truthful with you.

Ed Prost, Jr., 6408 Charles Street, asked if the green space and wetland will remain the same by his lot on Charles St./off of 5 ½ Mile Road. Washburn stated it would.

Washburn explained they have not revised any covenants. The home site prices will be \$100,000 if not more with substantial home values.

A woman from the audience asked if there could be a traffic study. There has been significant changes with the new Olympia Brown School on 5 ½ Mile.

Bunkelman explained as part of the school building project a traffic study was done. A traffic study was not done for this development. You could compare the results with the school with a study for this development.

Discussion followed on cul-de-sacs v. roads going straight through. Bunkelman said that could be a consideration. Washburn will check into that. Schattner reiterated what was on the agenda tonight was approving a cul-de-sac longer than 800' and a subdivision with less than 40% Open Space.

Dobbs asked why the reduced lot width was being addressed in Czuta's memo dated 1/29/2018, #3, if 100' was a requirement for this zoning. Czuta stated the reason for the deviation was back in 2005-2006 this was approved as a PUD and basically that is a requirement because of the Village's requirements in place at this time in terms of addressing open space. The developer would preserve open space, in turn for doing that, have flexibility in terms of lot sizes. This is viewed as a benefit to the Village. Same reasoning with #5.

Bunkelman explained when cul-de-sacs are proposed protective services are contacted also for their recommendations. They have approved the original layout of the subdivision. This subdivision is going to have water/sewer for the Fire Department use.

Dobbs suggested to lay this over to give the developer more time and Fire/Police review the layout. Washburn stated the next step is to create final plat, and this will take a while.

**Minorik made a motion to maintain the intersections and was not in favor of 800 feet.**

Bunkelman explained you could approve tonight and ask for an alternative to the cul-de-sac. Then when it comes back decide which alternative you would like in there. Minorik was not in favor of a waiver and would like to see the intersections to align. He would like Washburn to take back the design and connect the roads. Knitter was comfortable with the way it was platted, he thought the Fire Department would like it straight through, but the Police Department would be happy with a cul-de-sac because it cuts back on speeding. Washburn stated one of the reasons that they kept the cul-de-sac was part of the diversity of the lots.

**Schattner second.**

**Minorik repeated his motion. The Intersection along 5 ½ Mile and Dustir Drive, intersection at Charles Street and Robin Lane remain, remove the cul-de-sac and connect road to Gray Hawk Lane, hold the green space at 36.5%. Schattner second.**

Wanggaard thought the Fire Department be contacted for their input first.

Dobbs stated on the memo tonight we have five items to approve or not approve. Bunkelman explained the motion was altering the request for the waiver by modifying #1 of approving a cul-de-sac greater than 800'. Also the memo stated just approving less than 40% open space and you are locking it into a number of 36.5%.

Ekes stated in term of timing you are requesting design changes to layout and feedback from the Fire Department. This item could come back in a month, then have all the work done on the final plat which will take quite a bit of work. Ekes concern was not going down one path and have it changed at the final plat. Do we want to see this again before she does all the work for the final plat, or next time you see this it punches through without a cul-de-sac?

Schattner would like to see what the Fire Department/emergency services' recommendations are before we make any recommendations. A concern is one way in or out of the subdivision.

Folk though what was proposed was acceptable. He had a concern about the 800' but felt a cul-de-sac had the ability for different styles of lots, and was nicer for families. He was not in favor of straight through roads.

Michalski thought the Audubon Arboretum will be a nice addition to Caledonia.

**A vote was taken on the motion as presented. 3 ayes, 4 nos. Motion failed.**

**Opposed Wanggaard, Knitter, Michalski and Folk.**

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Washburn stated she would be happy to have the Fire and Police Department be okay with the length of the cul-de-sacs before doing any more work. Folk said a waiver modification would have to have those items come before the commission anyway.

**Knitter made a motion to approve the concept plan as outlined in the memo by the Public Works Director. Folk second. Motion carried 5/2.**

**Opposed, Schattner and Minorek.**

**7. Adjournment**

**Motion by Trustee Wanggaard to adjourn. Seconded by Bill Folk. All in favor. Motion carried.**

Meeting adjourned at 8:05 p.m.

Respectfully submitted,  
Mary Jo Schmidt  
Adm. Asst. II