



Plan Commission Minutes August 12, 2019

Present: Chairman George Stoner, Commissioners, Ron Grimes, Don Boxx, Robin Wamboldt, and Bob Lee.

Also Present, William Morris, Administrator, Jason Peters, Assistant Administrator, Luke Godshall, Village Planner, Doug Snyder, Village Engineer, Gregg Sinnen, Karl Ostby, Jackie Nelson Trustees, and Ann Brumback, Administrative Assistant.

1. **Call to order:** Chairman Stoner called the meeting to order at 5:30 pm.
2. **Pledge of Allegiance:** Chairman Stoner, asked to rise for the Pledge of Allegiance.
3. **Approve minutes of 07-08-19 meeting:** Commissioner Boxx made the motion to approve, and was seconded by Commissioner Grimes. Motion passed.
4. **Correspondence:** None
5. **Citizen Comments:** Kevin Metz, 8315 18th St. supports request by Ron Birchell, and also Asked if there were any plans for improvements for utilities on HWY "E".

Olav Aaen. 316 Sheridan Rd, asked how the rezone for KLM Enterprises at 321 Sheridan Road would affect his business across the street.

6. **Public hearing and action on request by KLM Enterprises LLC/Ken L Maynor, 321 Sheridan Rd., Racine, WI 53403, (Owner), for rezoning from B-3 Highway Business District to R-3 Urban Single-Family Residential District on Tax Parcel #83-4-223-052-0230, located in the NW 1/4 of Section 5, T2N, R23E, Village of Somers.**

Chairman Stoner read the request for the Public hearing and action into the meeting and opened the Public Hearing. After asking three (3) times if anyone wanted to speak, closed the Public Hearing and asked if the Maynor's were present.

Chairman Stoner then called for a motion, Commissioner Boxx made the motion to approve, and motion was seconded by Commissioner Grimes. Motion 5 – 0. Chairman Stoner then asked Ken Maynor to explain the reason behind the rezone. Mr. Maynor explained that it was time to either sell the property and move or rezone it and convert his business (Bill Cycle Shop) to a home. Currently they live in the upper level of the building. The plan is to renovate the lower level into a home and live there.

Chairman Stoner asked for recommendations from Mr. Morris. Bill said we ask the motion to include an agreement.

Parking lot removed
Signs removed
Landscaped

Recorded against the property
Commissioner Boxx amended his motion to include the above recommendation by Mr. Morris. Commissioner Grimes seconded the amended motion. Chairman Stoner, then asked Mr. Godshall if this would impact any other property. Mr. Godshall stated that it would not affect any other property. Chairman Stoner, made it clear that the Mayor's Could not open his business back up.

Chairman Stoner then called for a vote. Motion carried 5-0.

7. **Public Hearing and action on request by Ronald J Birchell, 1276 100th Ave, Kenosha, WI 53144 (Owner), Joseph W Huck, Huck Realty, LLC, 611 47th Ave, Kenosha, WI 53144 (Agent), for rezoning from A-1 Agricultural Preservation Dist., B-3 Highway Business Dist., R-3 Urban Single-Family Residential Dist. and C-2 Upland Resource Conservancy Dist. to A-2 General Agricultural Dist., B-3 Highway Business Dist., R-3 Urban Single-Family Residential Dist. and C-2 Upland Resource Conservancy Dist. on Tax Parcel # 82-4-222-172-0202, located in the NW 1/4 of Section 17, T2N, R22E, Village of Somers.**

Chairman Stoner read the request for the Public Hearing and action by Ronald J. Birchell into the meeting and asked if anyone wanted to speak.

Joe Huck, 611 47th Avenue stood up and explained the reason behind the rezone was because of a development to the west. Chairman Stoner then asked if anyone else wanted to speak. With no one else wanting to speak closed the Public Hearing.

Chairman Stoner then called for a motion on the rezone. Commissioner Boxx made the motion to approve and was seconded by Commissioner Aiello. Discussion followed with the Chairman asking Luke Godshall if the rezone should be done. Mr. Godshall responded by stating the by going ahead with the rezone this would actually clean up the property east of 100th Avenue and allow 19 acres to be sold to another developer.

Chairman Stoner called for a vote. Motion carried 5-0.

8. **Action on request by Ronald J Birchell, 1276 100th Ave, Kenosha, WI 53144 (Owner), Joseph W Huck, Huck Realty, LLC, 611 47th Ave, Kenosha, WI 53144 (Agent), for approval of two (2) Certified Survey Maps (prepared by Tom Baumgartner, PLS) to create one (1) 2.031-acre parcel, one (1) 0.487-acre parcel, one (1) 10.314-acre parcel, one (1) 8.899-acre parcel and one (1) 1.517-acre parcel from Tax Parcel # 82-4-222-172-0202, located in the NW 1/4 of Section 17, T2N, R22E, Village of Somers.**

Chairman Stoner read the request for action on the request by Ron Birchell for two (2) Certified Survey Maps into the meeting and called for a motion. Commissioner Boxx made the motion to approve and Commissioner Aiello seconded the motion.

Chairman Stoner asked Luke Godshall if everything was ok. Mr. Godshall responded by stating that two CSM were needed because the Village Ordinance does not allow 5 parcels on one CSM. Mr. Godshall is also recommending the following be included in the motion:

Subject to revising the CSMs to address review comments from the Wisconsin Department of Administration's August 1, 2019 review letters (Exhibit B, attached).

b) Subject to making the following revisions to the CSM:

1. Indicate the date of each CSM.
2. Add a note to each CSM indicating the name and address of the owner(s), developer and surveyor.
3. Add a note indicating the proposed Lots will be served by municipal sewer.
4. Show a total right-of-way width of 60' for the south half of CTH "E" across Lots 1 and 3 of the West CSM. Label the dedicated right-of-way areas for CTH E as "Dedicated for Public Road Purposes". Indicate the setback distances from existing structures to new proposed lot lines on 4
5. Lots 2 and 3 of the West CSM to verify that minimum required side yard setbacks are being met from the barns, house and garage to proposed lot lines.
6. Indicate the area of proposed Lots in both square feet and acres (note: the area of Lot 3 of the West CSM shall include up to the centerline of 100th Ave and CTH "E" rights-of-way).
7. In the Surveyor's Certificate on each CSM, remove reference to complying with the subdivision regulations of Kenosha County.
 - c) Prior to recordation of the CSMs, a document shall be recorded to accomplish the proposed sale of approximately 19 acres from Parcel #82-4-222-172-0202 to Parcel #82-4-222-181-0100
 - d) Prior to recordation of the CSMs, the shed located at the northwest corner of proposed Lot 2 of the West CSM shall be removed as indicated.
 - e) Subject to sending an electronic copy of the revised CSM showing the aforementioned changes to the Kenosha County Department of Planning and Development office to receive sign-off prior to the surveyor preparing the recordable CSM document for signatures. The county contact is Luke Godshall who can be contacted at the following e-mail address:
luke.godshall@kenoshacounty.org.
 - f) No land division shall be recorded if any portion or part of the parent parcel has any unpaid taxes or outstanding special assessments without prior approval of the local and Kenosha County Treasurer.
 - g) Subject to the Certified Survey Map (CSM) being recorded with the Kenosha County Register of Deeds within twelve (12) months of receiving approval from the Somers Village Board.

Chairman Stoner Called for a vote on the CSM's. Motion Carried 5 - 0

9. **Public Hearing and action on request by RCG-Somers LLC, 2211 York Rd., Suite 222, Oak Brook, IL 60523 (Owner), Ryan Schultz, 316 W Washington Ave #675, Madison, WI 53703, (agent), for a Conditional Use Permit for outside dining in the B-4 Planned Business Dist. on Tax Parcel # 82-4-222-271-0318, located in the NE ¼ of Section 27, T2N, R22E, Village of Somers.**

Chairman Stoner read the request for a Public Hearing and action on the request by RCG into the meeting and asked if anyone wanted to speak. Ryan Schultz, Architect for Oakfire Pizza spoke stating that this site was for restaurant use with outside dining, about 9,000 to 10,000 square feet of space. Modern Building with high warranty on building materials. Chairman Stoner then asked Mr. Schultz to hold these comment to the next item that the Public hearing was for anyone opposing the development. Chairman then asked if anyone else wanted to speak. With no one wanting to speak closed the Public Hearing and called for a motion.

10. Action on request RCG-Somers LLC, 2211 York Rd., Suite 222, Oak Brook, IL 60523 (Owner), Ryan Schultz, 316 W Washington Ave #675, Madison, WI 53703, (agent), requesting site plan review, exterior fenestration and monument sign review on Tax Parcel # 82-4-222-271-0318, located in the NE ¼ of Section 27, T2N, R22E, Village of Somers.

Chairman Stoner read the request for action from RCG into the meeting and called for a motion. Commissioner Box Made the motion to approve and Commissioner Aiello seconded the motion.

Discussion followed including building size and materials, landscaping, inside and outside dining, parking lot, patio, music and the project would be completed in two phases. Landscaping would include adding landscaping to the other side of the pond to create a nicer atmosphere for diners. The have this discussion with the owner and they approved. They would also maintain any and all landscaping that they put in. Commissioner Grimes asked how this one compared to Lake Geneva, the response was this would be larger.

Chairman Stoner then asked Mr. Morris if they put additional landscaping on the lot owned by RCG how it would work regarding the pond. Mr. Morris stated that this would go into an extensive developer's agreement.

Chairman Stoner then asked Doug Snyder, Village Engineer for his recommendation. Mr. Snyder responded that there are thirteen items that need to be done before he would recommend approval. The outside items are as follows:

Site Plan Elements:

1. Any asphaltic concrete pavement damaged in Market Lane shall be saw cut and replaced as 5" of asphaltic concrete on 12" of crushed stone base.
2. Any curb and gutter replacement/restoration in Market Lane shall be joint to joint unless an intermediate sawed joint is approved by the Village based on visual inspection at the time of construction.
3. For the new 133-space parking lot, a total of five ADA accessible parking space are needed (only three are shown).
4. Additional grading information, dimensioning, and details are needed in the area around the ADA accessible parking spaces and curb ramp.
5. Show ADA parking signage.
6. Provide detectable warning fields where required by ADA.

7. Add concrete wheel stops at ADA parking spaces where curb head will be depressed for curb ramp.
8. Add curb and gutter to east side of parking lot to prevent sheet flow of parking lot drainage into 35th Street.
9. Provide detail drawings for new site retaining walls.
10. Add concrete wheel stops at parking spaces in front of site retaining wall shown along west side of parking lot.

Site Grading Elements

1. Show overland drainage flow paths on the drawings for storm events in excess of the design storm of onsite collection systems.
2. Grade parking lot and add drainage structures as needed to collect storm water from east end of parking lot and not sheet flow over the 35th Street curb and into the street. Drainage structures shall be connected to existing storm sewers in Market Center Subdivision.
3. Grade new concrete area behind building to collect runoff and direct to storm sewers and not sheet flow to adjacent Outlot. Add drainage structures and storm sewer as needed.

Site Utility Elements

1. Overlay landscaping plan over site utility plan information and move any new trees off new site utilities.
2. Move new trees currently shown over existing storm sewer in easement along west property line.
3. Storm Drainage:
 - a. Provide storm building sewer and roof runoff collection system connected to the storm sewers.
 - b. Provide catch basin with storm drain connected to existing storm sewers in the Market Center Subdivision at the southwest corner of the parking lot. Remove the curb opening and related swale grading in storm sewer easement.
 - c. Provide storm drain direct connection to existing storm sewer in easement for catch basin at northwest corner of parking lot. Remove surface discharge and related swale grading on adjacent Outlot.
 - d. Provide detail drawings for all intended types of drainage structures and manholes.
 - e. Provide sizing calculations for all proposed storm sewers and drains.
4. Sanitary Sewer:
 - a. Provide inverts and diameters for new sanitary building sewer.
 - b. Provide sanitary sampling manhole on sanitary building sewer and include a detail drawing of the sampling manhole with an external frame/chimney seal.
 - c. Provide detail drawing for standard sanitary manhole with an external frame/chimney seal.
5. Water Service:

- a. Show inverts and diameters for new water service.
- b. Run water service around west side of building to mechanical room and outside of building footprint as much as possible.
- c. Provide detail drawings for hydrant, valves and water service connection to the existing service stub.
- d. Hydrants shall be equipped with Storz fittings.
- e. It is the builder's responsibility to verify that the water service is sufficient for building fire suppression.
- f. The static pressure in that area is approximately 40 psi; the owner should consider installing an in-line booster/pressure tank system downstream of the water meter; size the booster to have a capacity less than the Village meter.

Erosion Control Elements:

- a) Show the locations site perimeter erosion protection (silt fence) and provide a detail drawing.
- b) Show inlet protection at all existing and new structures and provide a detail drawing.
- b) Provide the WPDES Construction Site Stormwater Runoff Permit, when granted coverage by the Wisconsin DNR.

Planner:

1. Subject to receiving stormwater approval by the Village of Somers engineer.
2. Subject to receiving approval of an Airport Site Plan Review by the City of Kenosha.
3. Subject to receiving approval for any required licenses/permits from the Village of Somers regarding outside serving of alcohol/liquor and for outside music & entertainment.
4. Subject to implementation of a Developer's Agreement between the Petitioner and the Village of Somers.
5. That the Conditional Use Permit for outside dining be subject to the following:
 - a. Subject to the application stamped received by the office of Planning & Development on June 28, 2019, including associated site plans and renderings, which indicates an approximately 2300 sq. ft. outdoor seating area surrounded by 3-foot railing enclosure on the west side of the proposed restaurant.
 - b. It is the responsibility of the applicant to assure and guarantee that the above conditions are fully complied with. This includes, but is not necessarily limited to, meeting conditions established herein, providing any applicable letters of credit, providing and following approved plans, obtaining permits prior to construction, making improvements, participating in coordination meetings with governmental officials, following established time frames, meeting deadlines, and providing additional information where deemed necessary. Any unauthorized deviation from the approved plans and conditions shall result in the issuance of a citation and/or applicable stop work order by the Village of Somers or other applicable agencies until the conditional use permit is brought back into compliance. Continued violation of the conditions as set

forth herein shall result in a recommendation for revocation of the Conditional Use Permit.

c. Any substantial change or expansion of the submitted plan of operation, i.e., expansion of the proposed outside dining area or addition of new outside dining areas, shall require the applicant to reapply for a Conditional Use Permit to the Village of Somers for its review and approval.

d. If property ownership and/or tenant shall happen to change then it shall be the responsibility of the person(s) that signed these conditions to notify new owner and/or tenant of all above stated conditions of approval.

e. It is the total responsibility of the petitioner to assure and guarantee that the above stated conditions are fully complied with. Any deviation from the approved plans and conditions shall result in the issuance of a citation and associated stop work order until the project is brought back into compliance. Continuance of the project shall result in a recommendation for revocation of the Conditional Use Permit.

Commissioner Boxx amended his motion to include full implementation of a developer's agreement and seconded by Commissioner Aiello. Chairman Stoner also stated that the Board would only approve a C.U.P. for one year and if anything needed to be tweaked would be done at that time, being fair to both the Village and the developer.

Chairman Stoner then called for a vote. Motion Carried 5 – 0.

11. Public Hearing and action on request by Keith & Nancy Ulicki, 5995 120th Ave, Kenosha WI 53144, (Owner), for a rezoning from A-2 General Agricultural District to A-1 Agricultural Preservation District & R-2 Suburban Single-Family Residential District on Tax Parcel #82-4-222-052-0305, 300 100th Avenue, located in the NW 1/4 of Section 5, T2N, R22E, Village of Somers.

Chairman Stoner read the request for the Public Hearing and Action by Keith and Nancy Ulicki into the minutes and asked if anyone wished to speak. With no one wishing to speak closed the Public Hearing and called for a motion. Commissioner Boxx made the motion to approve and Commissioner Lee seconded the motion.

Chairman Stoner then asked Mr. Morris to explain the reason behind the rezone. Mr. Morris stated the Ulicki's were building a home on this site for their daughter and supports the rezone. Mr. Morris also stated that the motion should include the following:

1. On site sanitation
2. Well for potable water

Commissioner Boxx amended his motion to include the onsite sanitation and well, and was seconded by Commissioner Lee. Motion Carried 5 – 0.

12. Adjourn: Chairman Stoner called for a motion to adjourn. Commissioner Box made the motion to adjourn, Commissioner Aiello seconded the motion. Motion carried 5 - 0

**These minutes are not official until approved by the Plan Commission.
Submitted by Ann Brumback, Administrative Assistant**