

## MINUTES

**TOWN OF YORKVILLE  
JOINT TOWN BOARD/PLAN COMMISSION  
TOWN BOARD ROOM  
UNION GROVE MUNICIPAL CENTER  
MONDAY, SEPTEMBER 21, 2015**

### Call to Order

Town Board Chair Peter Hansen called the meeting to order at 6:00 p.m.

### Roll Call

The following Town Board members were present: Peter Hansen, Sherry Gruhn and Terrence McMahon. The following Plan Commission members were present: Peter Hansen, Sherry Gruhn, Gary Fink, Douglas Nelson, Barbara Geschke and Robert Root. Nathan Skewes was absent. Also present were Gary Dillon representing PJ Bros, Andrew Hagen and Andrew Baer representing Storage Authority/MABKGPNB, Dan Oakes representing Oakes Transport, John Cozad, Martha Cozad, James Miller, Dan Voge, Steve Voge, Ann Voge, Stormwater District Commission Chair Stephen Nelson, Engineer Mark Madsen, Attorney Tim Pruitt, Code Enforcement Officer Terrence O'Brien and Clerk-Treasurer Michael McKinney.

### Approval of Minutes

***Motion (Gruhn, McMahon) to approve the August 24, 2015 Town Board meeting minutes as presented, Motion Carried (MC).***

### Approval of Financial Reports

***Motion (McMahon, Gruhn) to approve the August Town and Stormwater financial reports as presented, MC.***

### Approval of Town Invoices

***Motion (Gruhn, McMahon) to approve payment of Town invoices as presented in the amount of \$95,135.14, MC.***

### Approval of Stormwater Invoices

McKinney noted that no stormwater invoices were presented for payment.

***No formal action was taken by the Town Board on this agenda item.***

### New and Unfinished Business – Discussion and possible action on all of the following:

Request submitted by Sylvania Partners, LLC (on behalf of PJ Bros, LLC and Nathaniel Jameson) for occupancy approval for the property located at 1510 South Sylvania Avenue, Unit 210 (Parcel ID # 018-03-21-13-029-112) in the M-3 (Heavy Industrial) Zoning District to permit occupancy of said unit at this address with warehousing and

**distribution space for an online retail business selling lithium ion batteries, e-cigarette components and fillers, and miscellaneous devices called “PJ Bros, LLC”**

Gary Dillon appeared before the Town Board and Plan Commission to discuss this application. He provided the following information on the application:

- Applicant is seeking approval to occupy said unit at this address with warehousing and distribution space for an online retail business called PJ Bros, LLC, that sells pre-packaged items such as lithium ion batteries, e-cigarette components and fillers, and miscellaneous devices
- Daily operating hours of Mondays through Fridays from 10:00 a.m. to 5:00 p.m. and Saturdays from 1:00 p.m. to 5:00 p.m.
- Occupant will have two employees
- Occupant has no plans for customer parking
- Occupant has no plans for outdoor equipment or material storage

***Motion (Gruhn, Fink) to recommend approval of the request submitted by Sylvania Partners, LLC (on behalf of PJ Bros, LLC and Nathaniel Jameson) for occupancy approval for the property located at 1510 South Sylvania Avenue, Unit 210 (Parcel ID # 018-03-21-13-029-112) in the M-3 (Heavy Industrial) Zoning District to permit occupancy of said unit at this address with warehousing and distribution space for an online retail business selling lithium ion batteries, e-cigarette components and fillers, and miscellaneous devices called PJ Bros, LLC, with no conditions, MC.***

***Motion (McMahon, Gruhn) to accept the Plan Commission’s recommendation and to approve the request submitted by Sylvania Partners, LLC (on behalf of PJ Bros, LLC and Nathaniel Jameson) for occupancy approval for the property located at 1510 South Sylvania Avenue, Unit 210 (Parcel ID # 018-03-21-13-029-112) in the M-3 (Heavy Industrial) Zoning District to permit occupancy of said unit at this address with warehousing and distribution space for an online retail business selling lithium ion batteries, e-cigarette components and fillers, and miscellaneous devices called PJ Bros, LLC, with no conditions, MC.***

**Request submitted by Storage Authority/MABKGPNB, LLC (with Andrew Hagen as agent) for site plan approval for the property located at 19031 Spring Street (CTH C) (Parcel ID # 018-03-21-20-020-001) in the B-3 (Commercial Service) Zoning District to allow the construction of two new self-service storage buildings to the east of the existing storage building on the north end of the property and for after-the-fact approval of an 88-foot by 160-foot (14,080 square foot) fenced-in outdoor storage area on the south end of the property, which was constructed prior to 2010 and was approved by Racine County in March 2015**

Andrew Hagen and Andrew Baer appeared before the Town Board and Plan Commission to discuss this application. They provided the following information on the application:

- Applicant is seeking approval to construct two new self-service storage buildings to the east of the existing storage building at the north end of the property
- Both buildings will have a combined total of 132 units
- Both buildings will be tan in color

- The west building will be 30 feet by 280 feet (8,400 square feet) and the east building will be 20 feet by 280 feet (5,600 square feet)
- Both buildings will be 11 feet in height and have a north-to-south orientation
- Construction should be completed by January 2016
- Business hours are Monday through Friday from 8:00 a.m. to 5:00 p.m.
- This facility has one employee
- Applicant is requesting approval of an 88-foot by 160-foot (14,080 square foot) fenced-in outdoor storage area on the south end of the property, which was constructed prior to 2010 and approved by Racine County in March 2015

Hagen noted that there is space for construction of additional storage units on the south end of the property. Baer noted that the fenced-in outdoor storage area on the south end of the property was constructed prior to his purchase of the property in 2010. Madsen noted that this property has experienced drainage issues for at least the last twenty years. He added that the applicant would need to hire a firm to compile a stormwater plan for review by the Wisconsin Department of Natural Resources (DNR), since the disturbed area included in this project appears to be in excess of one acre. He stated that the DNR would review water quality standards for this project and may require a reduction of total suspended solids from stormwater runoff.

Madsen discussed several drainage treatment options, including converting the existing dry pond to a wet pond or installing bio-swales or underground stormwater storage facilities. He recommended that the applicant consider implementing sufficient water quality improvements on the property now to cover any additional development on the property. He stated that the applicant should receive approval from the DNR before any work on this project begins. Baer stated that the on-site stormwater retention area collects water from several neighboring properties. He added that the building kits for this project have been ordered and should be on-site and ready for construction by mid-October.

***Motion (Gruhn, Fink) to recommend approval of the request submitted by Storage Authority/MABKGPNB, LLC (with Andrew Hagen as agent) for site plan approval for the property located at 19031 Spring Street (CTH C) (Parcel ID # 018-03-21-20-020-001) in the B-3 (Commercial Service) Zoning District to allow the construction of two new self-service storage buildings to the east of the existing storage building on the north end of the property and for after-the-fact approval of an 88-foot by 160-foot (14,080 square foot) fenced-in outdoor storage area on the south end of the property, which was constructed prior to 2010 and was approved by Racine County in March 2015, with the following conditions:***

- ***That the Town withhold all building permits for this project until such time as the applicant resolves any water quality or stormwater issues related to this project with the Wisconsin Department of Natural Resources (DNR)***
- ***That no pond permits shall be required by the Town of Yorkville for any stormwater improvements that may be required by the DNR, MC.***

***Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the request submitted by Storage Authority/MABKGPNB, LLC (with Andrew Hagen as agent) for site plan approval for the property located at 19031 Spring Street (CTH C) (Parcel ID # 018-03-21-20-020-001) in the B-3 (Commercial Service) Zoning District to allow the construction of two new self-service storage buildings to the east***

***of the existing storage building on the north end of the property and for after-the-fact approval of an 88-foot by 160-foot (14,080 square foot) fenced-in outdoor storage area on the south end of the property, which was constructed prior to 2010 and was approved by Racine County in March 2015, with no conditions beyond those recommended by the Plan Commission, MC.***

**Public Hearing** – The Town Board and Plan Commission held a joint public hearing to hear public comment on a request submitted by Oakes Transport, Inc. (with Dan Oakes as applicant) for the following for the property located at 2036 North Sylvania Avenue (Parcel ID # 018-03-21-01-024-000) in the B-3 (Commercial Service) Zoning District: amendment of the Land Use Map for the Town of Yorkville and the Multi-Jurisdictional Comprehensive Plan for Racine County: 2035 from Commercial to Industrial, rezoning of this 2.79-acre property from the B-3 (Commercial Service) Zoning District to the M-3 (Heavy Industrial) Zoning District, and conditional use approval to allow the use of this property for storage of office modules and shipping containers

Hansen opened the public hearing at 6:26 p.m.

Dan Oakes appeared before the Town Board and Plan Commission to discuss this application. He noted that Racine County's Economic Development and Land Use Planning Committee approved this request in August. He added that this committee asked that he plant trees along the east side of the property to screen the property from traffic on North Sylvania Avenue and I-94. McMahon noted that there are still containers stacked three high on the neighboring property located at 2104 North Sylvania Avenue, which is in violation of the conditional use permit for that property. Oakes stated that he would have this issue corrected by tomorrow.

John Cozad spoke in opposition to the proposed changes. He questioned the use of agriculturally-zoned land for storage purposes. He noted that the wetland on the property located at 2104 North Sylvania Avenue was filled in, creating drainage issues on his property. He stated that work has been done on the property located at 2104 North Sylvania Avenue as early as 6:00 a.m., and added that trailers on this property are currently stacked three high. He noted that vegetation was removed from the property located at 2104 North Sylvania Avenue, which provided a buffer between his home and the auto salvage facility to the north. He added that he felt that the subject property is not appropriate for an industrial use.

James Miller spoke in opposition to the proposed changes. He stated that he needed to install a mound system after the property to the north was filled in, which caused his leach field system to fail. He noted that there is standing water on the subject property along 50<sup>th</sup> Road. He also discussed the need to maintain a vegetative buffer between the subject property and his home. He requested that the applicant not be allowed to stack storage units more than two high. He also addressed concerns over trucks using the 50<sup>th</sup> Road driveway entrance to the subject property.

Hansen requested that Madsen conduct a site visit to determine whether any drainage issues exist on the property. He also recommended that, while the driveway access to the property from 50<sup>th</sup> Road be permitted to remain, the driveway must be closed off to vehicular access. Oakes noted that he would review the drainage issues on the property.

With no other comments forthcoming, Hansen closed the public hearing at 6:47 p.m.

**Resolution 2015-10 Recommending Approval of an Amendment to the Land Use Map for the Town of Yorkville and the Multi-Jurisdictional Comprehensive Plan for Racine County as it pertains to Tax Parcel ID # 018-03-21-01-024-000, located at 2036 North Sylvania Avenue (West Frontage Road), within the Town of Yorkville**

Pruitt noted that the Town would need to amend the Racine County land use plan and the Town's land use map before moving ahead on the rezoning request for the property. Hansen noted that the zoning would need to change to permit outside storage on the property. Pruitt stated that enforcement of conditional use conditions is the responsibility of Racine County rather than the Town. The Town Board discussed the classification of properties along the I-94 corridor as being designated for this type of activity. Oakes noted that he is replanting the wetland area on the property located at 2104 North Sylvania Avenue.

***Motion (Nelson, Fink) to approve Resolution 2015-10 as presented, MC.***

**Ordinance 2015-07 Adopting an Amendment to the Land Use Map for the Town of Yorkville and the Multi-Jurisdictional Comprehensive Plan for Racine County as it pertains to Tax Parcel ID # 018-03-21-01-024-000, located at 2036 North Sylvania Avenue (West Frontage Road), within the Town of Yorkville**

McMahon noted that this was the first time the land use map or comprehensive plan has been amended for the Town and recommended that any future request also be reviewed carefully.

***Motion (Gruhn, Hansen) to approve Ordinance 2015-07 as presented, MC.***

**Request submitted by Oakes Transport, Inc. (with Dan Oakes as applicant) for rezoning approval for the property located at 2036 North Sylvania Avenue (Parcel ID # 018-03-21-01-024-000) in the B-3 (Commercial Service) Zoning District to rezone this 2.79-acre property from the B-3 (Commercial Service) Zoning District to the M-3 (Heavy Industrial) Zoning District**

***Motion (Fink, Nelson) to recommend approval of the request submitted by Oakes Transport, Inc. (with Dan Oakes as applicant) for rezoning approval for the property located at 2036 North Sylvania Avenue (Parcel ID # 018-03-21-01-024-000) in the B-3 (Commercial Service) Zoning District to rezone this 2.79-acre property from the B-3 (Commercial Service) Zoning District to the M-3 (Heavy Industrial) Zoning District, with no conditions, MC.***

***Motion (Gruhn, McMahon) to accept the Plan Commission's recommendation and to approve the request submitted by Oakes Transport, Inc. (with Dan Oakes as applicant) for rezoning approval for the property located at 2036 North Sylvania Avenue (Parcel ID # 018-03-21-01-024-000) in the B-3 (Commercial Service) Zoning District to rezone this 2.79-acre property from the B-3 (Commercial Service) Zoning District to the M-3 (Heavy Industrial) Zoning District, with no conditions, MC.***

**Request submitted by Oakes Transport, Inc. (with Dan Oakes as applicant) for conditional use approval for the property located at 2036 North Sylvania Avenue (Parcel ID # 018-03-21-01-024-000) to allow the use of this property for storage of office modules and shipping containers**

Oakes noted that there are large liquid storage containers on the property, which will remain empty while stored there.

***Motion (Fink, Nelson) to recommend approval of the request submitted by Oakes Transport, Inc. (with Dan Oakes as applicant) for conditional use approval for the property located at 2036 North Sylvania Avenue (Parcel ID # 018-03-21-01-024-000) to allow the use of this property for storage of office modules and shipping containers, with the following conditions:***

- ***That hours of operation be limited to the following: Mondays through Fridays from 7:00 a.m. to 5:00 p.m., Saturdays from 8:00 a.m. to 2:00 p.m., with no operating hours on Sundays or holidays***
- ***That the access driveway to the property from 50<sup>th</sup> Road be permitted; this driveway must, however, remain barricaded at all times to prevent any vehicular access***
- ***That the existing tree buffer zone on the west side of the property be maintained to at least its current width; any trees removed from this buffer zone must be replaced with coniferous trees***
- ***That shipping containers and office modules not be stacked more than two high at any time***
- ***That all shipping containers and office modules be empty at all times while kept on the property; storage is not permitted within these units***
- ***That the applicant work with the Town's engineer, at the applicant's expense, to resolve any stormwater drainage issues on the property***
- ***That the existing pavement on the portion of the east section of the existing parking lot where office modules are proposed to be stored be maintained, MC.***

***Motion (Gruhn, McMahon) to accept the Plan Commission's recommendation and to approve the request submitted by Oakes Transport, Inc. (with Dan Oakes as applicant) for conditional use approval for the property located at 2036 North Sylvania Avenue (Parcel ID # 018-03-21-01-024-000) to allow the use of this property for storage of office modules and shipping containers, with no conditions beyond those recommended by the Plan Commission, MC.***

**Request made by Steve and Daniel Voge (on behalf of the Glenn and Jeanette Voge Trust) to subdivide the property located at 15005 Washington Avenue (STH 20) (Parcel ID # 018-03-21-11-027-000) via lot line adjustment**

Steve Voge appeared before the Town Board and Plan Commission to discuss this request. He stated that his proposal would be to divide the existing parcel via lot line adjustment into a one-acre parcel where the home on the property currently stands and a 4.99-acre parcel remnant that would be merged with a neighboring parcel to the west on Plank Road (CTH A) that is owned by his brother. He noted that this proposed division would recreate the one-acre parcel as it existed before it was merged with the 4.99-acre remnant in the 1970's. He stated that he presented this proposal to Racine County, who did not object to the lot line adjustment.

Pruitt noted that a lot line adjustment could only be allowed if a lot is created that conforms to the Town's lot size restriction, which is three acres for a lot without municipal sewer service. He added that the applicant could apply for a waiver of this requirement from the Plan

Commission and Town Board. Dan Voge stated that the one-acre parcel would likely be sold to someone within the family. Geschke noted that there are other small lots in the area similar in size to the proposed one-acre lot. Pruitt stated that a condition could be added prohibiting any future subdivisions of the larger lot remnant if this waiver were approved. Hansen noted that only a survey would be required for the property. No members of the Town Board or Plan Commission voiced a strong objection to this proposal.

***No formal action was taken by the Town Board on this agenda item.***

**Request made by Daniel Neider for a reduction of Irrevocable Standby Letter of Credit # 1512, currently in the amount of \$20,000.00, for asphaltting work in the Stonecrest Shores Subdivision**

Madsen stated that he did not object to the release of the letter of credit for the asphaltting work done in the subdivision but added that the letter of credit should not be released until such time as the remaining unfinished gravel access driveway to the community mound system in the subdivision has been completed to his satisfaction.

***Motion (Hansen, McMahon) to authorize the full release of Irrevocable Standby Letter of Credit # 1512, currently in the amount of \$20,000.00, for asphaltting work in the Stonecrest Shores Subdivision, upon such time as the remaining unfinished gravel access driveway to the community mound system in the Stonecrest Shores Subdivision has been completed to the Town Engineer's satisfaction, MC.***

**Ordinance 2015-05 Amending Article III entitled Alcohol Beverages (Sections 14-81 through 14-170) of the Town of Yorkville Code of Ordinances**

Pruitt requested Town Board input on several items contained with this draft ordinance, including the following:

- Whether the Clerk-Treasurer or the Town Board should be designated as the authority responsible for issuing picnic licenses. The Town Board chose to designate the Clerk-Treasurer as the authority responsible for issuing these licenses.
- Whether alcohol sales should be allowed on Class A premises as early as 6:00 a.m. or if sales should only be allowed to begin at 8:00 a.m. The Town Board chose to restrict the start of alcohol sales on those premises to 8:00 a.m.
- Whether every individual serving alcohol on a licensed premises should be required to receive an operator's license. The Town Board felt that it was not necessary to license every individual serving alcohol on a licensed premises.
- That the temporary extension of a licensed premises be limited to 48 hours per event and no more than four events per year

***No formal action was taken by the Town Board on this agenda item.***

**Applications for 2015-2016 annual Operator Licenses submitted by the following:**

- Kimberly Parrett
- Rachel Smith

Geschke questioned the circumstances under which the results of a background check would result in an operator license application being denied. Pruitt noted that any criminal background related to the licensed activity, such as driving while intoxicated or contributing to the delinquency of a minor, could have an impact on the approval of an operator license.

***Motion (McMahon, Gruhn) to grant all listed 2015-2016 annual Operator licenses as presented, MC.***

### **Bids for the 58<sup>th</sup> Road Cross-Culvert Enhancement Project**

Madsen noted that three qualified bids were received for this project. He stated that Wanasek Corporation provided the lowest bid for this project at \$50,000.00. He noted that this project would need to be completed during a low flow period to reduce the likelihood of erosion and added that the Wisconsin Department of Natural Resources would need to be notified before this project began.

***Motion (Hansen, McMahon) to approve the bid submitted by Wanasek Corporation as presented in the amount of \$50,000.00 for the 58<sup>th</sup> Road Cross-Culvert Enhancement Project, MC.***

### **Rescheduling the October 26, 2015 Town Board meeting**

McKinney noted that he and McMahon would be attending the Wisconsin Towns Association annual convention on October 26 and would not be available for this meeting.

***Motion (Hansen, Gruhn) to reschedule the October 26, 2015 Town Board meeting to Thursday, October 29, 2015, at 6:00 p.m., MC.***

### **Reports**

**Code Enforcement Officer's Report:** O'Brien reported to the Town Board on the following:

- That the Wisconsin Department of Natural Resources has contacted the owner of the property located at 15838 County Line Road (CTH KR) regarding the pond improvement work done there without a permit
- That he followed up on several issues on the property located at 2222 53<sup>rd</sup> Drive, including having unlicensed dogs, construction of a pole barn without a permit and conversion of an existing accessory structure into a second residential unit without approval. He noted that the Racine County Development Services Department would follow up on the second residence on the property. Hansen recommended that O'Brien contact the building inspector to request that he issue a stop work order against the property owner for the work on the pole barn.
- That he has been designated as a Racine County reserve deputy

Hansen requested that McKinney contact the Racine County Development Services Department to request that they issue citations against the businesses located at 1891 South Colony Avenue (USH 45) and 1901 South Colony Avenue (USH 45) regarding the number of vehicles for sale on each property, which are in excess of what is permitted for each property. He also requested that Pruitt draft a letter to the Racine County Development Services Department requesting permission from them to enforce conditional use violations on behalf of Racine County.

**Building Inspector's Report:** The Building Inspector was not present to provide his report to the Town Board.

***Motion (Hansen, Gruhn) to accept and file the Building Inspector's report as presented, MC.***

**Engineer's Report:** Madsen noted that he had no information to report to the Town Board.

**Yorkville Stormwater Utility District Report:** Stephen Nelson asked McKinney when the Stormwater Utility District annual budget should be submitted to the Town. McKinney noted that this budget should be completed by the end of October.

**Clerk's Report:** McKinney reported to the Town Board on the following:

- That a portion of Grandview Parkway will be closed on Sunday, September 27, from 12:00 p.m. to 5:00 p.m., for a private event
- That the bridge inspection results for the 58<sup>th</sup> Road bridge over the West Branch of the Root River Canal indicate that there has been no change in the condition of the bridge from the inspection completed in 2014.
- That he has not received an application for the pond improvements being done on the property located at 15838 County Line Road (CTH KR)
- That the owner of the property located at 20614 Spring Street (CTH C) received a noise-related citation from the Racine County Sheriff's Department

#### **Other – Comments, questions and suggestions**

McMahon stated that the Town should investigate whether a lower weight limit should be established for the 58<sup>th</sup> Road bridge over the West Branch of the Root River Canal. He noted that he also contacted the Racine County Highway Department about having them complete shoulder grading on several roads and installing one street intersection sign. He noted that the Racine County Highway Department requested a meeting with the Town Board to discuss upcoming snow removal operations with them. He recommended that any planned road work be reported to the Clerk-Treasurer before commencing. He noted that Racine County would be willing to do paving work on behalf of the Town, adding that their estimate would be within ten percent of the quoted cost on any project.

Douglas Nelson requested that 58<sup>th</sup> Road be restriped since the chip sealing project has been completed on that road. The Town Board recommended that the Racine County Highway Department complete this restriping work.

#### **Adjournment**

***Motion (Fink, McMahon) to adjourn, MC.*** The meeting was adjourned at 8:23 p.m. The next scheduled Town Board meeting is Monday, September 28, 2015, at 6:00 p.m.

Michael McKinney  
*Clerk-Treasurer*