

MINUTES

**TOWN OF YORKVILLE
JOINT TOWN BOARD/PLAN COMMISSION
COMMUNITY ROOM (1ST FLOOR)
UNION GROVE MUNICIPAL CENTER
MONDAY, MARCH 12, 2018**

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, Barbara Geschke, Robbie Funk and Dan Maurice. Douglas Nelson was absent. Also present were Christina Bass, William Buhs and Daniel Thompson representing Buhs Auto Sales, John Schmidbauer representing Kueny Architects, Sean LePlavy representing Michels Corporation, Gerald Werner representing the Wisconsin Sportsman's Association, Yorkville Stormwater Utility District Commission Chair Stephen Nelson, Engineer Mark Madsen, Attorney Christopher Geary, Clerk-Treasurer Michael McKinney and approximately forty unidentified attendees.

Approval of Minutes

Motion (McMahon, Gruhn) to approve the minutes for the February 12, 2018 joint Town Board/Plan Commission, February 19, 2018 Town Board and February 26, 2018 Town Board meetings as presented, Motion Carried (MC).

Approval of Financial Reports

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

Approval of Town Invoices

Motion (McMahon, Gruhn) to approve payment of Town invoices as presented in the amount of \$142,461.50, MC.

Approval of Stormwater Invoices

Motion (Gruhn, McMahon) to approve payment of Stormwater invoices as presented in the amount of \$28,689.61, MC.

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

Acceptance of the resignation of joint Dover-Yorkville Municipal Court judge Mackenzie Bishop-Buchanan and appointment of Christina Bass as a replacement joint Dover-Yorkville Municipal Court judge to serve the remainder of the current term for this position

Motion (McMahon, Gruhn) to accept the resignation of joint Dover-Yorkville Municipal Court judge Mackenzie Bishop-Buchanan and to appoint Christina Bass as the replacement joint Dover-Yorkville Municipal Court judge to serve the remainder of the current term for this position, MC.

Public Hearing - The Town Board and Plan Commission held a joint public hearing to hear public comment on a request submitted by Daniel Thompson (with Buhs Auto Sales, LLC/William Buhs as applicant/agent) for conditional use approval for the property located at 1901 South Colony Avenue (USH 45) (Parcel ID # 018-03-21-20-018-000) in the B-3 (Commercial Service) Zoning District to permit occupancy of a portion of the existing commercial office building and auto body shop on this property with Buhs Auto Sales, LLC, for the sales and service of automobiles

Hansen opened the public hearing at 6:06 p.m.

William Buhs and Daniel Thompson appeared before the Town Board and Plan Commission to discuss this application. The following information was provided on this application:

- Hours of operation to be 9:00 a.m. to 7:00 p.m., Monday through Friday and 9:00 a.m. to 3:00 p.m. on Saturdays for sales and 9:00 a.m. to 5:00 p.m., Monday through Friday for service
- That there are no plans to change to overall number of vehicles to be kept on the site

Hansen stated that no junked vehicles should be kept on the premises.

Philip Czecholinski, 1724 South Colony Avenue (USH 45), spoke in favor of this proposal, stating that this property has not been a source of issues for neighbors.

Julie Norgelos, My Little School House Building One, 19120 Spring Street (CTH C), spoke in opposition to this proposal, citing concerns regarding the amount of junk stored on the property.

With no other comments forthcoming, Hansen closed the public hearing at 6:11 p.m.

Conditional use application submitted by Daniel Thompson (with Buhs Auto Sales, LLC/William Buhs as applicant/agent) for the property located at 1901 South Colony Avenue (USH 45) (Parcel ID # 018-03-21-20-018-000) in the B-3 (Commercial Service) Zoning District to permit occupancy of a portion of the existing commercial office building and auto body shop on this property with Buhs Auto Sales, LLC, for the sales and service of automobiles

Hansen recommended that the property owner clean up any junk stored on the rear of the property.

Motion (Fink, Maurice) to recommend approval of the request submitted by Daniel Thompson (with Buhs Auto Sales, LLC/William Buhs as applicant/agent) for conditional use approval for the property located at 1901 South Colony Avenue (USH 45) (Parcel ID # 018-03-21-20-018-000) in the B-3 (Commercial Service) Zoning District to permit occupancy of a portion of the existing commercial office building and auto body shop on this property with Buhs Auto Sales, LLC, for the sales and service of automobiles, with no conditions, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the request submitted by Daniel Thompson (with Buhs Auto Sales, LLC/William

Buhs as applicant/agent) for conditional use approval for the property located at 1901 South Colony Avenue (USH 45) (Parcel ID # 018-03-21-20-018-000) in the B-3 (Commercial Service) Zoning District to permit occupancy of a portion of the existing commercial office building and auto body shop on this property with Buhs Auto Sales, LLC, for the sales and service of automobiles, with no conditions, MC.

Public Hearing - The Town Board and Plan Commission held a joint public hearing to hear public comment on a request submitted by RK Racine, LLC (with Kueny Architects/John Schmidbauer as applicant/agent) for conditional use approval for the property located at 2808 North Sylvania Avenue (Parcel ID # 018-03-21-01-001-011) in the M-3 (Heavy Industrial) Zoning District to permit the construction and use of a 20,760-square foot addition to the existing building on this property, including relocation of an outside storage area

Hansen opened the public hearing at 6:15 p.m.

John Schmidbauer and one unidentified representative appeared before the Town Board and Plan Commission to discuss this application. The following information was provided on this application:

- That the proposed expansion would be used for sales and assembly of new and used vehicles and would include an expanded wash bay and a painting operation
- That the proposed expansion would be served with a sprinkler system
- That the existing outdoor storage on this property would be shifted further west

Madsen stated that the applicant would need to file a notice of intent with the Wisconsin Department of Natural Resources due to the size of the area that would be disturbed. He added that the regional stormwater pond adjacent to this property should be sufficient to handle any stormwater runoff.

David Cooke, AWI Metal Fabrication, 14105 2 Mile Road, spoke in favor of this proposal but cited concerns regarding whether the regional pond would be sufficient to accommodate stormwater runoff from this expansion.

With no other comments forthcoming, Hansen closed the public hearing at 6:22 p.m.

Conditional use application submitted by RK Racine, LLC (with Kueny Architects/John Schmidbauer as applicant/agent) for the property located at 2808 North Sylvania Avenue (Parcel ID # 018-03-21-01-001-011) in the M-3 (Heavy Industrial) Zoning District to permit the construction and use of a 20,760-square foot addition to the existing building on this property, including relocation of an outside storage area

Motion (Geschke, Funk) to recommend approval of the request submitted by RK Racine, LLC (with Kueny Architects/John Schmidbauer as applicant/agent) for conditional use approval for the property located at 2808 North Sylvania Avenue (Parcel ID # 018-03-21-01-001-011) in the M-3 (Heavy Industrial) Zoning District to permit the construction and use of a 20,760-square foot addition to the existing building on this property, including relocation of an outside storage area, with no conditions, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the request submitted by RK Racine, LLC (with Kueny Architects/John Schmidbauer as applicant/agent) for conditional use approval for the property located at 2808 North Sylvania Avenue (Parcel ID # 018-03-21-01-001-011) in the M-3 (Heavy

Industrial) Zoning District to permit the construction and use of a 20,760-square foot addition to the existing building on this property, including relocation of an outside storage area, with no conditions, MC.

Public Hearing - The Town Board and Plan Commission will hold a joint public hearing to hear public comment on a request submitted by Yorkville 2000 PTKS, LLC (with Michels Corporation/Sean LePlavy as applicant/agent) for conditional use approval for the vacant parcel located immediately to the west of 14215 2 Mile Road (Parcel ID # 018-03-21-01-001-060) in the M-3 (Heavy Industrial) Zoning District to establish and operate a temporary concrete batch plant on site for the sole purpose of mixing and producing wet batch concrete, and to recycle existing concrete and asphalt on site to be repurposed

Hansen opened the public hearing at 6:24 p.m.

Sean LePlavy and two unidentified representatives appeared before the Town Board and Plan Commission to discuss this application. The following information was provided on this application:

- Proposed use is in conjunction with the I-94 reconstruction project and would include roads in the Foxconn construction area
- Peak traffic volume of 35 trucks an hour, with a normal traffic volume of 20 trucks an hour
- Peak traffic volume would be during stockpiling of materials
- Hours of operation would be 6:00 a.m. to 8:00 p.m., Monday through Friday
- Would not anticipate Saturday or overnight work
- Material pile heights of up to twelve feet and of up to twenty feet if the material is crushed
- Material for on-site crushing is only that which cannot be crushed on the roadway
- Crushing of up to 2,000 tons per day, with up to 5,000 tons of material for crushing to be stockpiled on-site at any one time
- Entrance driveway would be asphalt to the back side of the retention pond
- Equipment kept on-site is portable and would be removed once the project is completed
- Site would be fenced in and would be graded before occupancy and once the project is completed

LePlavy stated that the Wisconsin Department of Transportation tends to have these operations run during the evening to lessen their impact on motorists. Hansen stated that this operation should not be allowed to use 49th Drive under any circumstances. McMahon recommended that the Town take pictures of 2 Mile Road to record the condition of the road before work begins. He also recommended that Michels be responsible for restoring 2 Mile Road once the project is completed. LePlavy stated that the Wisconsin Department of Transportation requires the logging of haul roads before projects begin. He noted that equipment would not be kept on site to use for other projects. He added that there are no long term development plans for this property.

No one appeared to speak in support of this proposal.

The following individuals spoke in opposition to this proposal:

- Dennis Weeks, AWI Metal Fabrication, 14105 2 Mile Road
- Medhat Rizk, 2975 Forest View Circle
- Steve Daily, Town of Raymond Plan Commission
- William Jaeck, 2910 Forest View Circle
- Caroline Bergs, 613 51st Drive

- Robert Anderson, 15009 2 Mile Road
- Deb Lauenstein, Zoomlion Heavy Industry NA
- George Melonas, 2401 North Colony Avenue
- Frederick Seeger, 14607 50th Road
- Dwight Dreger, 15540 Braun Road
- David Cooke, AWI Metal Fabrication, 14105 2 Mile Road
- Bernadette Strickland, 14905 Kingston Way
- Katie Kimmel, 2315 Queens Brook Lane
- Virginia Bower, 14923 Washington Avenue (STH 20)
- Four unidentified individuals also spoke in opposition to this proposal

Comments in opposition to this proposal focused on concerns related to the following issues:

- Impact of dust, odors and noise generated by this proposed use
- Impact of traffic generated by this proposed use on 2 Mile Road and on existing traffic patterns
- The potential for this proposed use to exceed the daily hours of operation or to operate for a longer time period than proposed
- Impact of this proposed use on business operations on adjoining properties, including the impact of dust generated by this proposed use on operations where dust must be strictly controlled
- That this location is not well suited for such an intense use
- Impact on water runoff quality and volume generated by this proposed use
- That the size of this proposed operation is too large for this location
- Impact on neighboring property values
- That a similar request for this same location has been denied by the Town in the past

With no other comments forthcoming, Hansen closed the public hearing at 7:21 p.m.

Conditional use application submitted by Yorkville 2000 PTSK, LLC (with Michels Corporation/Sean LePlavy as applicant/agent) for the vacant parcel located immediately to the west of 14215 2 Mile Road (Parcel ID # 018-03-21-01-001-060) in the M-3 (Heavy Industrial) Zoning District to establish and operate a temporary concrete batch plant on site for the sole purpose of mixing and producing wet batch concrete, and to recycle existing concrete and asphalt on site to be repurposed

Geary provided a summary of changes made to the conditional use permit process by way of 2017 Wisconsin Act 67. He stated that municipalities must use substantial evidence and specific measurable reasons for denying a conditional use request if it is otherwise compliant with local zoning ordinances.

Motion (Maurice, Fink) to recommend denial of the request submitted by Yorkville 2000 PTSK, LLC (with Michels Corporation/Sean LePlavy as applicant/agent) for conditional use approval for the vacant parcel located immediately to the west of 14215 2 Mile Road (Parcel ID # 018-03-21-01-001-060) in the M-3 (Heavy Industrial) Zoning District to establish and operate a temporary concrete batch plant on site for the sole purpose of mixing and producing wet batch concrete, and to recycle existing concrete and asphalt on site to be repurposed, based upon the following rationale:

- ***The impact of particulate matter that would be generated by this proposed use on the operations of businesses adjacent to this property, based upon evidence***

provided by three representatives of two adjacent businesses at the March 12 public hearing that their manufacturing processes require a degree of quality control that is incompatible with the type and volume of particulate matter that would be generated by this proposed use. Based upon these concerns, both businesses indicated at this public hearing that plans to expand their respective operations would at least be put on hold, may be canceled altogether, and the existing location of their current operations potentially reconsidered, were this proposed use to be approved, thereby posing a threat to existing Town tax base for the sake of a proposed use of limited duration;

- **The impact, both in weight and volume, of vehicular traffic using 2 Mile Road to access this proposed use, which would damage the road itself and significantly impede vehicular access to and from 2 Mile Road from existing adjacent businesses;**
- **The intensive nature of the proposed use in a light commercial/industrial and residential area, both in terms of particulate matter control and noise control, particularly from banging truck tailgates and back-up warning sirens and the impact on the ability for neighbors to open their windows and to otherwise enjoy the free use of their properties, which thereby threatens their property values**
- **The applicant's inability to commit definitively to specific hours of operation or overall duration of the proposed use, based upon their anticipated contracting work for WisDOT, which may mandate night and weekend hours outside of the proposed hours of operation in order to meet WisDOT deadlines, and whose construction projects often grow both in terms of scope and duration, MC.**

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to deny the request submitted by Yorkville 2000 PTSK, LLC (with Michels Corporation/Sean LePlavy as applicant/agent) for conditional use approval for the vacant parcel located immediately to the west of 14215 2 Mile Road (Parcel ID # 018-03-21-01-001-060) in the M-3 (Heavy Industrial) Zoning District to establish and operate a temporary concrete batch plant on site for the sole purpose of mixing and producing wet batch concrete, and to recycle existing concrete and asphalt on site to be repurposed, based upon the rationale provided by the Plan Commission, MC.

Release of the \$5,000.00 cash deposit paid by John Fonk for drainage improvements on the east side of 69th Drive along the property located at 5025 69th Drive

McKinney stated that this deposit, which was paid in 2016, should be released since the area in question has now been annexed into the Village of Union Grove and is no longer under the Town's jurisdiction.

Motion (Hansen, Gruhn) to authorize the release of the \$5,000.00 cash deposit paid by John Fonk for drainage improvements on the east side of 69th Drive along the property located at 5025 69th Drive, MC.

Annual WE Energies road weight restriction request

The Town Board opted to place temporary weight restrictions on the following roads:

- The entire length of 51st Drive
- 67th Drive between Spring Street (CTH C) and 58th Road
- The entire length of 69th Drive
- The entire length of Braun Road

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

Scheduling of the 2018 annual Town road inspection

Motion (Hansen, McMahon) to schedule the 2018 annual road inspection on Saturday, April 14, 2018, at 9:00 a.m., beginning at the Union Grove Municipal Center, 925 15th Avenue, MC.

Scheduling of the 2018 annual Board of Review

Motion (Hansen, McMahon) to schedule the 2018 annual Board of Review on Wednesday, June 20, 2018, from 5:00 p.m. to 7:00 p.m., MC.

Reports

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

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

Engineer's Report: Madsen stated that the bid opening for this year's road projects on 65th Court and 59th Drive is scheduled for next Wednesday.

Yorkville Stormwater Utility District Report: Stephen Nelson noted that he had no information to report to the Town Board.

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

- That the North Colony Avenue (USH 45) and Washington Avenue (STH 20)/Spring Street (CTH C) road projects are underway
- That absentee voting for the April 3 spring election begins on March 19
- That the following requests will likely appear on the April 9 joint Town Board/Plan Commission meeting agenda:
 - 17808 58th Road land division
 - 904/910 South Sylvania Avenue lot line reconfiguration pre-application meeting
 - 1818 South Colony Avenue (USH 45) development proposal

Other – Comments, questions and suggestions

Gerald Werner addressed the Town Board regarding a boat that was disposed of and buried in the large berm on the property located at 16010 Durand Avenue (STH 11). He stated that the boat was fiberglass with no motor or gas or oil left on board before it was buried.

Adjournment

Motion (McMahon, Gruhn) to adjourn, MC. The meeting was adjourned at 7:51 p.m. The next scheduled Town Board meeting is Monday, March 26, 2018, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer