

Date: June 7, 2022

To: Village of East Troy Plan Commission

From: Tim Schwecke, Zoning Administrator

Subject: A. Conditional use for outdoor events located at 2511 Main Street (RA501100001); Leon Davis, applicant

Application: 2022-17; <https://s.zoninghub.com/ISFMKQPSKY>

B. Amend site plan/plan of operation for LD's BBQ located at 2511 Main Street (RA501100001) for various site improvements; Leon Davis, applicant

Application: 2022-18; <https://s.zoninghub.com/GALLG1U9CM>

Meeting: June 13, 2022 Plan Commission meeting

The subject property is located at 2511 Main Street and is about 2.6 acres.



Zoning classification Highway Business (HB)

Previous approvals The Village previously approved a conditional use for the restaurant and outdoor seating in 2018 and approved an amendment, also in 2018, for a tavern (sale of liquor). Since then, the Village has reviewed and approved a number of revisions to the site plan/plan of operation.

A. Conditional use (Application 2022-17)

Description The petitioner would like to conduct outdoor events on the subject property which includes live music. A new pavilion with open sides is to be constructed to the west of the existing building.

Outdoor Commercial Entertainment. Outdoor commercial entertainment land uses include all land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Examples of such land uses include outdoor commercial swimming pools, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, ski hills, marinas, and water parks.

Outdoor commercial entertainment land uses shall adhere to the following listed regulations:

- (1) Activity areas shall not be located closer than 300 feet to a residentially zoned property.

- (2) Facility shall provide bufferyard with minimum opacity of 0.80 along all borders of the property abutting residentially zoned property (see Article XIV).
- (3) Activity areas (including drive-in movie screens) shall not be visible from any residentially zoned property.
- (4) Outdoor commercial entertainment activities proposed in a public right-of-way or on Village-owned property must receive Village Board approval for such use, in addition to any required conditional use permit.
- (5) Minimum required parking: one space for every three persons at the maximum capacity of the establishment.

Review procedures The Plan Commission conducts the public hearing and acts in an advisory role to the Village Board which makes the final decision. Following the close of the public hearing, the Plan Commission may recommend (1) approval, (2) approval with conditions, or (3) denial. If approval is recommended, the Plan Commission can recommend conditions deemed necessary to protect the public health, safety, and welfare.

Guidance regarding 2017 Act 67 With the adoption of 2017 Act 67, the State of Wisconsin has preempted municipal authority regarding conditional use permits in a number of respects, effective November 29, 2017. Decisions concerning conditional use permits now must be based upon "substantial evidence," which is defined as follows:

"Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion."

Note two additional requirements of the new law:

1. Any condition imposed must relate to the purpose of the ordinance and be based on substantial evidence.
2. If an applicant for a conditional use permit meets or agrees to meet all requirements and conditions specified in the ordinance, the conditional use permit must be granted.

The applicant must present substantial evidence demonstrating that the application and all requirements and conditions established by the Village relating to the conditional use are or shall be satisfied. Any condition imposed by the Village through ordinance or by the Village Board must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer or renewal. The Village's decision to approve or deny the application must be supported by substantial evidence.

Review procedures The Plan Commission conducts the public hearing and acts in an advisory role to the Village Board which makes the final decision. Following the close of the public hearing, the Plan Commission may recommend (1) approval, (2) approval with conditions, or (3) denial. If approval is recommended, the Plan Commission can recommend conditions deemed necessary to protect the public health, safety, and welfare.

Required findings As required by Section 510-157(H) of zoning code, a number of findings must be made. They are listed in the conditional use order beginning on the first page and below for your convenience. A motion recommending approval should make reference to these.

1. The proposed conditional use (the use in general, independent of its location) is in harmony with the purposes, goals, objectives, policies and standards of the comprehensive plan, the zoning code, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village.

2. The proposed conditional use (in its specific location) is in harmony with the purposes, goals, objectives, policies and standards of the comprehensive plan, the zoning code, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village.
3. The proposed conditional use, in its proposed location and as depicted on the required site plan does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the zoning code, the comprehensive plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide development.
4. The proposed conditional use would maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
5. The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.
6. The potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

Public notice Public notice for the public hearing was published in the *East Troy Times* on May 27, 2022 and also June 3, 2022 (attached). In addition, the public hearing notice was mailed to all property owners within 300 feet of the subject property, although not specifically required by the zoning code.

Comments received No written comments have been submitted to the Village as of this date.

Draft conditional use order A copy of the proposed conditional use order is attached. It is based on the Village's standard template.

Proposed motion: Recommend to the Village Board the approval of the conditional use subject to the terms in the draft conditional use order dated June 7, 2022.

B. Site plan and plan of operation (Application 2022-18)

The petitioner has submitted a site plan application for the new open sided pavilion to the west of the restaurant and the redesign the parking lot layout. The site layout is a preliminary concept. The owner is now working with a civil engineer on the final design.

Until that plan has been submitted, this matter should be tabled until a later date.

Attachments:

1. Public hearing notice
2. Application materials
3. Draft conditional use order, dated June 7, 2022

VILLAGE OF EAST TROY PLAN COMMISSION

NOTICE OF PUBLIC HEARING

The Village of East Troy Plan Commission will conduct a public hearing on Monday, June 13, 2022, to consider the application submitted by Leon Davis to allow additional special events as a conditional use at LD's BBQ located at located at 2511 Main Street (RA270200001). The proposed use is classified as "outdoor commercial entertainment" in the village's zoning regulations. Additional details may be available online: <https://s.zoninghub.com/ISFMKQPSKY>

The Plan Commission meeting starts at 6:30 pm and will be held at the Village Hall located at 2015 Energy Drive. The public hearing will be conducted in the order listed on the meeting agenda. For information regarding this public hearing, contact Tim Schwecke, Zoning Administrator, at 920-728-2814. All interested parties will be heard at the public hearing. Written comments may be submitted (1) online on the Village's zoning website <https://villageofeasttroy.zoninghub.com/home.aspx>; (2) to the Village Hall by Tuesday, June 7, 2022; or (3) during the public hearing.

Lorri Alexander, Village Clerk

Published in the *East Troy Times* on May 27 and June 3, 2022



Conditional Use

Village of East Troy, Wisconsin

Version: January 1, 2022

Village of East Troy
2015 Energy Drive
East Troy, WI 53120

Overview: The Village's zoning code identifies land uses that may be allowed in each of the zoning districts either by right or as a conditional use. By definition, a conditional use is a land use that may or may not be appropriate on a given parcel depending on a wide range of factors that relate to the proposed use and the particular circumstances relating to the parcel and surrounding properties. Conditional uses are therefore considered on a case-by-case basis. As part of the review process, the Plan Commission conducts a public hearing to solicit input from the general public and other interested parties. When reviewing conditional use applications, the Plan Commission serves in an advisory capacity to the Village Board, which makes the final decision. The recommendation of the Plan Commission and the decision of the Village Board are based on the evidence and testimony received as part of the application and through the public hearing process.

Governing regulations: The procedures and standards governing the review of this application are found in Section § 510-157 of the Village's zoning code.

General instructions: Complete this application and submit one copy to the Village Clerk at the mailing address shown above. Before you formally submit your application, you are encouraged to meet with the zoning administrator who can answer any questions you may have. If you have any questions, do not hesitate to contact the zoning administrator at (920) 728-2814 or via email at tim.schwecke@civitekconsulting.com. You may download this form at <https://villageofeasttroy.zoninghub.com/highlights/procedures/procedure.aspx>.

Application fee: \$250.00, plus charges for professional services

Application submittal deadline: Applications must be submitted by the second Monday of the month by 12:00 pm at the Village Hall.

1. Applicant information

Applicant name LD'S BBQ
Street address 2511 Main St
City, state, zip code EAST TROY, WISCONSIN
Daytime telephone number ~~414-262-414~~ 610 7675
Email ldsbbq@gmail.com

2. **Agent contact information.** Include the names of those agents, if any, that helped prepare this application including the supplemental information. Agents may include surveyors, engineers, landscape architects, architects, planners, and attorneys.

Agent 1	Agent 2
Name <u>AS Above</u>	
Company	
Street address	
City, state, zip code	
Daytime telephone number	
Email	

3. Type of application (select one)

☒ New conditional use
☒ Yes ☐ No Are there any other current conditional use approvals for the property?
If yes, provide the year of issuance and a short description.

☒ An amendment of a previously approved conditional use
If an amendment, attach a copy of the current approval document.

4. Subject property information

Physical address 2511 Main St.
Tax key number(s) _____

Note: The tax key number can be found on the tax bill for the property or it may be obtained from the Village Clerk.

5. Zoning information (refer to the Village's current zoning map)

The subject property is located in the following base zoning district(s). (check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> RH-35 Rural Holding | <input type="checkbox"/> TR-8 Two-Family Residential | <input checked="" type="checkbox"/> NB Neighborhood Business |
| <input type="checkbox"/> SR-3 Estate Residential | <input type="checkbox"/> AR-9 Attached Residential | <input type="checkbox"/> HB Highway Business |
| <input type="checkbox"/> SR-4 Suburban Residential | <input type="checkbox"/> MR-10 Multi-Family Residential | <input type="checkbox"/> CB Central Business |
| <input type="checkbox"/> SR-5 Neighborhood Residential | <input type="checkbox"/> MHR-6 Mobile Home Residential | <input type="checkbox"/> BP Business Park |
| <input type="checkbox"/> SR-6 Traditional-Front Residential | | <input type="checkbox"/> LI Light Industrial |
| <input type="checkbox"/> SR-7 Traditional-Rear Residential | | <input type="checkbox"/> GI General Industrial |

The subject property is also located in the following overlay zoning district(s). (check all that apply)

- | | | |
|---|---|---|
| <input type="checkbox"/> PD Planned Development | <input type="checkbox"/> GP Groundwater Protection | <input type="checkbox"/> FP 100-Year Floodplain |
| <input type="checkbox"/> DD Downtown Design | <input type="checkbox"/> NFC Natural Features Conservancy | <input type="checkbox"/> FP 500-Year Floodplain |
| | | <input type="checkbox"/> SW Shoreland-Wetland |

6. Adjoining land uses and zoning

	Zoning district(s)	Current uses
North		
South		
East		
West		

7. Current use. Describe the current use of the subject property.

Parking Lot

8. Proposed use. Describe the proposed conditional use or the proposed amendment.

Add a pavillion - mainly for Summer use - For Events/parties-catering.

9. Evaluation criteria. The factors listed below will be used in evaluating this application. Your responses are important.

1. Whether the proposed conditional use (the use in general, independent of its location) is in harmony with the purposes, goals, objectives, policies and standards of the Comprehensive Plan, the zoning code, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village.

This structure will further add to the corner that before LD's BBQ was an eyesore. The building will match exactly the current LD's structure

2. Whether the proposed conditional use (in its specific location) is in harmony with the purposes, goals, objectives, policies and standards of the Comprehensive Plan, the zoning code, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village.

This addition will match the current code and theme of LD's BBD

3. Whether the proposed conditional use, in its proposed location and as depicted on the required site plan results in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the zoning code, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide development.

There should be nothing to change current operations of any businesses. Conversely, this change should prove to bring even more people to town to visit

4. Whether the proposed conditional use would maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

5. Whether the proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.

Electricity will be the only addition and should have less draw than the previous car wash business. An electrical service is already on site

6. Whether the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

This addition will prove to increase revenue as well as taxable income to village of East Troy

10. Large development requirements.

☒ Yes ☐ No

Does the proposed project include indoor sales or service, outdoor display, indoor commercial entertainment, outdoor commercial entertainment, in-vehicle sales or service, commercial indoor lodging, with a total area exceeding 20,000 square feet where one or both the following conditions exist:

1. The parking area is or will be served by an integrated system of off-street parking benefiting all or substantially all improvements within such area.
2. The area is or will be subject to reciprocal access rights benefiting all or substantially all improvements within such area. (See § 510-109 of the zoning code.)

If yes, include each of the following as described in § 510-109 (D) of the zoning code:

1. Large development questionnaire

2. Economic and fiscal analysis
3. Traffic impact analysis
4. Detailed neighborhood plan

11. Supplemental materials. Attach the following.

1. Site plan application and related materials
2. A copy of the existing conditional use if this application is intended to amend that approval.

12. Attachments. List any attachments included with your application.

Site plan changes / Addition Attached.

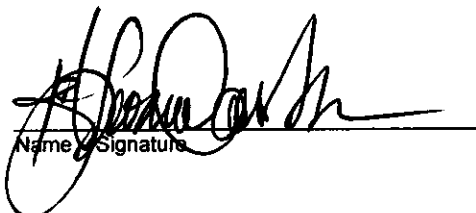
13. Other information. You may provide any other information you feel is relevant to the review of your application.

14. Applicant certification

- ♦ I certify that all of the information in this application, along with any attachments, is true and correct to the best of my knowledge and belief.
- ♦ I understand that I may be charged additional fees (above and beyond the initial application fee) consistent with § 510-149 (D) of the Village's municipal code to pay for the services of independent consultants the Village elects to retain to help review this application. Depending on the nature of the proposed project, such independent consultants may include planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts. I further understand, the Village may delay acceptance of the application as complete, or may delay final approval of the proposal, until all outstanding fees have been paid. I further understand that such fees must be paid even if this application is withdrawn or denied. If the applicant or the property owner does not pay such fees upon request, such fees may be assigned to the property owner as a special assessment to the subject property.
- ♦ I understand that submission of this application authorizes Village officials and employees, Plan Commission members, Village Board members, and other designated agents, including those retained by the Village, to enter the property to conduct whatever site investigations are necessary to review this application. This does not authorize any such individual to enter any building on the subject property, unless such inspection is specifically related to the review of this application and the property owner gives his or her permission to do so.
- ♦ I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of this application and related materials or view it online.
- ♦ I understand that the zoning administrator will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.

Property Owner:

Howard Leon Davis
Name - print


Name - Signature

4-20-2022
Date

Name - print

Name - Signature

Date

Applicant (if different than Property Owner):

Name – print

Name – Signature

Date

Name – print

Name – Signature

Date



Site Plan

Village of East Troy, Wisconsin

Version: March 27, 2018

Village of East Troy
2015 Energy Drive
East Troy, WI 53120

Overview: The site plan review process ensures that proposed land uses and development activity complies with the requirements of the Village's zoning regulations. This review must occur before any building, occupancy, and building permits can be issued; except that development activity associated with an approved final plat of subdivision or certified survey map, and development activity associated with an approved final development plan of a planned development, is exempt from this requirement.

Governing regulations: The procedures and standards governing the review of this application are found in § 510-160 of the Village's zoning code.

General instructions: Complete this application and submit one copies to the Village Clerk at the mailing address shown above. Before you formally submit your application, you are encouraged to meet with the zoning administrator who can answer any questions you may have. If you have any questions, do not hesitate to contact the zoning administrator at (920) 728-2814 or via email at tim.schwecke@civitekconsulting.com. You may download this form at <http://villageofeasttroy.zoninghub/highlights/procedures/procedure.aspx>.

When you fill out this application, you should think about how your business operation may expand or be different in the future. For example, if your business will have 5 employees to start and you hope to have 25, tell us. Also, if you foresee an expansion to a building or a parking lot, your site plan should show that. If you invest time to do this now, you will end up with a more thoughtful plan. Not only that, you will save time and the expense of having to submit a new site plan sometime in the future. So, think ahead.

Application fee: none

Application submittal deadline: Applications must be submitted by the second Monday of the month by 12:00 pm at the Village Hall.

1. Applicant and property owner information

	Applicant	Property owner
Name	LD'S BBQ, LLC	LEON DAVIS - The BBQ Pit, LLC
Street address	2511 MAIN ST	2511 MAIN ST
City, state, zip code	EAST TROY, WI 53120	EAST TROY, WI 53120
Daytime telephone number	262 374-9353	
Email	ldsbbq@gmail.com	ldsbbq@gmail.com

2. Agent contact information. Include the names of those agents, if any, that helped prepare this application including the supplemental information. Agents may include surveyors, engineers, landscape architects, architects, planners, and attorneys.

	Agent 1	Agent 2
Name	AS ABOVE	
Company		
Street address		
City, state, zip code		
Daytime telephone number		
Email		

3. Type of application (select one)

- ☐ New site plan
- ☒ An amendment of a previously approved site plan (i.e., revision and/or expansion)

4. Business information

Current business name	LD'S BBQ, LLC
Date business began	AUG 2010
Previous name, if any	

5. Subject property information

Physical address

2511 MAIN ST EAST TROY, WI 53120

Tax key number(s)

RAS0110601

Note: The tax key number can be found on the tax bill for the property or it may be obtained from the Village Clerk.

6. Zoning information (refer to the Village's current zoning map)

The subject property is located in the following base zoning district(s). (check all that apply)

- | | | |
|---|---|---|
| <input type="checkbox"/> RH-35 Rural Holding | <input type="checkbox"/> TR-8 Two-Family Residential | <input type="checkbox"/> NB Neighborhood Business |
| <input type="checkbox"/> SR-3 Estate Residential | <input type="checkbox"/> AR-9 Attached Residential | <input type="checkbox"/> HB Highway Business |
| <input type="checkbox"/> SR-4 Suburban Residential | <input type="checkbox"/> MR-10 Multi-Family Residential | <input type="checkbox"/> CB Central Business |
| <input type="checkbox"/> SR-5 Neighborhood Residential | <input type="checkbox"/> MHR-6 Mobile Home Residential | <input type="checkbox"/> BP Business Park |
| <input type="checkbox"/> SR-6 Traditional-Front Residential | | <input type="checkbox"/> LI Light Industrial |
| <input type="checkbox"/> SR-7 Traditional-Rear Residential | | <input type="checkbox"/> GI General Industrial |

The subject property is also located in the following overlay zoning district(s). (check all that apply)

- | | | |
|---|---|---|
| <input type="checkbox"/> PD Planned Development | <input type="checkbox"/> GP Groundwater Protection | <input type="checkbox"/> FP 100-Year Floodplain |
| <input type="checkbox"/> DD Downtown Design | <input type="checkbox"/> NFC Natural Features Conservancy | <input type="checkbox"/> FP 500-Year Floodplain |
| | | <input type="checkbox"/> SW Shoreland-Wetland |

7. Adjoining land uses and zoning

	Zoning district(s)	Current uses
North	Shell	Gas/Convenience store/Fast Food
South		
East	Road Ranger	Gas/Convenience store
West	MAAT	Auto parts Store

Note: If the subject property abuts a property located in a different zoning district, a bufferyard may be required. You will need to submit a Landscaping and Bufferyard Worksheet if a bufferyard is required.

8. Current use. Describe the current use of the subject property.

Parking

9. Proposed use. Describe the proposed use or the proposed amendment.

To host Events/meetings/parties/overflow Dining

10. Hours of operation. Describe when the proposed use will be open for business (i.e., hours and days).

11AM-8PM

Tuesdays From 1st Tuesday in June - last Tuesday
IN Aug - 6pm-9pm

11. Employees. Describe number by type, number on largest works shift, etc.

Tuesdays - 4

12. Customers / patrons of business. Describe the customers and patrons, including peak loads.

SAME AS RESTAURANT (LD's BBQ)

13. Miscellaneous

☐ Yes ☒ No Has the Village approved a variance for the subject property?

If yes, provide the year of issuance and a short description for each one.

☐ Yes ☒ No Is the subject property currently in violation of the Village's zoning code?

If yes, describe the nature of the violation and what is being done to bring the property into compliance.

☐ Yes ☒ No Are there any nonconforming buildings on the subject property? A nonconforming building does not meet the dimensional requirements for the zoning district in which it is located.

If yes, describe what building is nonconforming and the nature of the nonconformity.

☐ Yes ☒ No Will the proposed use create any detectable ground vibrations? (See § 510-99 of the zoning code.) If

yes, describe.

☒ Yes ☐ No Will the proposed use create any detectable noise beyond the property boundary lines? (See § 510-100 of the zoning code.)

If yes, describe.

LIVE MUSIC -

☐ Yes ☒ No Will the proposed use create any air pollution? (See § 510-101 of the zoning code.)

If yes, describe.

☒ Yes ☐ No Will the proposed use create any detectable odor beyond the property boundary lines? (See § 510-102 of the zoning code.)

If yes, describe.

BBQ

☐ Yes ☒ No Will the proposed use create any detectable glare or heat beyond the property boundary lines? (See § 510-104 of the zoning code.)

If yes, describe.

☐ Yes ☒ No Will the proposed use involve any materials which could detonate by any means? (See § 510-105 of the zoning code.)

If yes, describe.

☐ Yes ☒ No Will the proposed use involve any materials that are toxic or noxious or that are considered waste materials? (See § 510-106 of the zoning code.)

If yes, describe.

☐ Yes ☒ No Will the proposed use involve any outdoor storage of materials?

If yes, describe.

☐ Yes ☒ No If the proposed use involves processing or manufacturing of materials, will water be used in any of those processes?

If yes, describe the nature of the activity and anticipated water demand and sanitary loading

☒ Yes ☒ No Is expansion of the proposed use or building anticipated?

If yes, describe the nature of the expansion and potential timeline for such expansion

14. Utilities

Water ☐ Municipal ☐ Private well

If private well, when was the well installed and approved?

NO water will be used @ site

Sewer ☐ Municipal ☐ On-site septic system

If septic system, when was the system installed and approved?

NONE

15. Licenses and permits

Required

☐ Beer ☒ Have ☐ To Get

~~☐ Liquor ☐ Have ☐ To Get~~

~~☐ Cigarette ☐ Have ☐ To Get~~

☒ Food service ☒ Have ☐ To Get

☐ Amusement Device ☐ Have ☐ To Get

☐ Other: _____ ☐ Have ☐ To Get


☐ Other: _____ ☐ Have ☐ To Get

☐ Other: _____ ☐ Have ☐ To Get

16. Property access (refer to § 510-91 of the zoning code for details)

	Current	New
Local street	MAIN ST	Ø
County highway	—	
State highway	—	

17. On-site parking (refer to § 510-91.1 of the zoning code for details)

	Current	Required [1]	New
Standard spaces			30 cars 20 motorcycle
Accessible spaces			

Notes:

[1] On-site parking is not required in the Central Business (CB) zoning district

☒ Yes ☐ No Are you proposing shared parking pursuant to § 510-93(G) of the zoning code?

If yes, attach a draft shared parking agreement.

ON a rare occasion on Tuesday night - parking attendant will direct

18. Calculations for maximum building coverage and impervious surface coverage

a. Area of subject property as determined by site survey	acres	2.58
b. Land located within proposed rights-of-ways of roads and within proposed boundaries of public facilities that are designated within the Village's comprehensive plan and/or required for dedication per subdivision regulations	acres	0.00 0
c. Land which, although part of the same parcel, is not contiguous to or is not accessible from the proposed road network serving the project	acres	—
d. Land which is proposed for a different development option or a different zoning district	acres	—
e. Navigable waters (lakes & streams not within a designated floodplain)	acres	—
f. Designated floodplains	acres	—
g. Wetlands	acres	—
h. Lakeshores	acres	—
i. Woodlands	acres	—
j. Steep slopes (12 percent or greater)	acres	1/4
k. Total of "b" through "j"	acres	1/4
l. Net developable area (subtract "k" from "a")	acres	—
m. Building coverage ratio (see the standard for the appropriate zoning district)	percent	20
n. Impervious surface coverage ratio (see the standard for the appropriate zoning district)	percent	100
o. Maximum building coverage on property (multiply "l" by "m")	acres	20
p. Maximum impervious surface coverage on property (multiply "l" by "n")	acres	100

	Maximum (acres)	Proposed (acres)
Building coverage (For Maximum, enter calculated value for "o" from above table)	1/8	1/8
Impervious surface (For Maximum, enter calculated value for "p" from above table)		

19. Supplemental materials. Attach each of the following as appropriate. Upon written petition, the Village Administrator, Village Engineer, Village Planner, or the Zoning Administrator may waive specific site plan requirements.

Site plan with the following information:

1. Title block showing the name, address, and phone of the current property owner and/or agent(s) (i.e. developer, architect, engineer, or planner) for project.
2. The date of the original plan and the latest date of revision to the plan.
3. A north arrow and a graphic scale (at a minimum scale of 1" = 100').
4. A legal description of the subject property.
5. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.
6. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.
7. Ground contours when any slope exceeds 12 percent
8. All required building setback lines.

9. All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls.
10. If the project is designed to be completed in phases or allow expansion of the building and other features, indicate these.
11. The location and dimension (cross-section and entry throat) of all access points onto public streets.
12. The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by this Chapter.
13. The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas.
14. The location of all outdoor storage areas and the design of all screening devices.
15. Floodplains, wetlands, lakeshores, woodlands, steep slopes, and other environmentally sensitive lands.
16. The location, type, height, size, and lighting of all signage on the subject property.
17. The location and type of any permanently protected green space areas.
18. The location of existing and proposed drainage facilities.
19. Environmental and manmade development constraints and hazards including brownfields, contaminated sites, unstable soils, high groundwater, bedrock, and high-pressure natural gas lines.
20. In the legend, the following data for the subject property: lot area, building coverage, building coverage ratio, floor area ratio, impervious surface area, impervious surface ratio, and building height.
21. Any additional information as requested by the Plan Commission or Village Board.

Landscaping plan prepared at the same scale as the main plan showing the location of all required bufferyard and landscaping areas, and existing and proposed landscape point fencing and berm options for meeting said requirements. The landscaping plan shall demonstrate complete compliance with the requirements of Article XIV of Chapter 510 of the zoning code. Be sure to show the individual plant locations and species, fencing types and heights, and berm heights. In addition to the drawing, include the Worksheet for Landscaping and Bufferyards.

Grading and erosion control plan prepared at the same scale as the main plan, showing existing and proposed grades, including retention walls and related devices, and erosion control measures.

Outdoor lighting plan (photometric plan) prepared at the same scale as the main plan that shows all existing and proposed exterior light fixtures. Calculations for the photometric plan shall be rounded to the nearest 0.10 foot-candles. A legend must be included to show the following information for each type of fixture: (1) manufacturer name, (2) product number, (3) mounting height, and (4) any other pertinent information. Be sure that current and proposed lighting will not exceed the 0.50 foot-candles threshold at the property boundary line. See § 510-95 of the zoning code for more details.

Plat of survey prepared by a registered land surveyor if in the judgment of the Zoning Administrator such accuracy is needed to ensure compliance with all dimensional standards, including setback requirements. The survey shall depict property lines, easements, and other existing and proposed improvements, and other information as may be needed to establish compliance with zoning requirements.

Architectural review application for any new buildings or for remodeling of existing buildings. The application must include elevation drawings showing finished exterior treatment, with adequate labels to clearly depict exterior materials, texture, color, and overall appearance. Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings. (Refer to § 510-90 of the zoning code for additional details.)

20. **Attachments.** List any attachments included with your application.

V2 G Survey

21. **Other information.** You may provide any other information you feel is relevant to the review of your application.

22. Applicant certification

- ♦ I certify that all of the information in this application, along with any attachments, is true and correct to the best of my knowledge and belief.
- ♦ I understand that I may be charged additional fees (above and beyond the initial application fee) consistent with § 510-149 (D) of the Village's municipal code to pay for the services of independent consultants the Village elects to retain to help review this application. Depending on the nature of the proposed project, such independent consultants may include planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts. I further understand, the Village may delay acceptance of the application as complete, or may delay final approval of the proposal, until all outstanding fees have been paid. I further understand that such fees must be paid even if this application is withdrawn or denied. If the applicant or the property owner does not pay such fees upon request, such fees may be assigned to the property owner as a special assessment to the subject property.
- ♦ I understand that submission of this application authorizes Village officials and employees, Plan Commission members, Village Board members, and other designated agents, including those retained by the Village, to enter the property to conduct whatever site investigations are necessary.

to review this application. This does not authorize any such individual to enter any building on the subject property, unless such inspection is specifically related to the review of this application and the property owner gives his or her permission to do so.

- ♦ I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of this application and related materials or view it online.
- ♦ I understand that the zoning administrator will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.

Property Owner:

LEON DAVIS
Name – print


Name – Signature

5-12-2022
Date

Name – print

Name – Signature

Date

Applicant (if different than Property Owner):

Name – print

Name – Signature

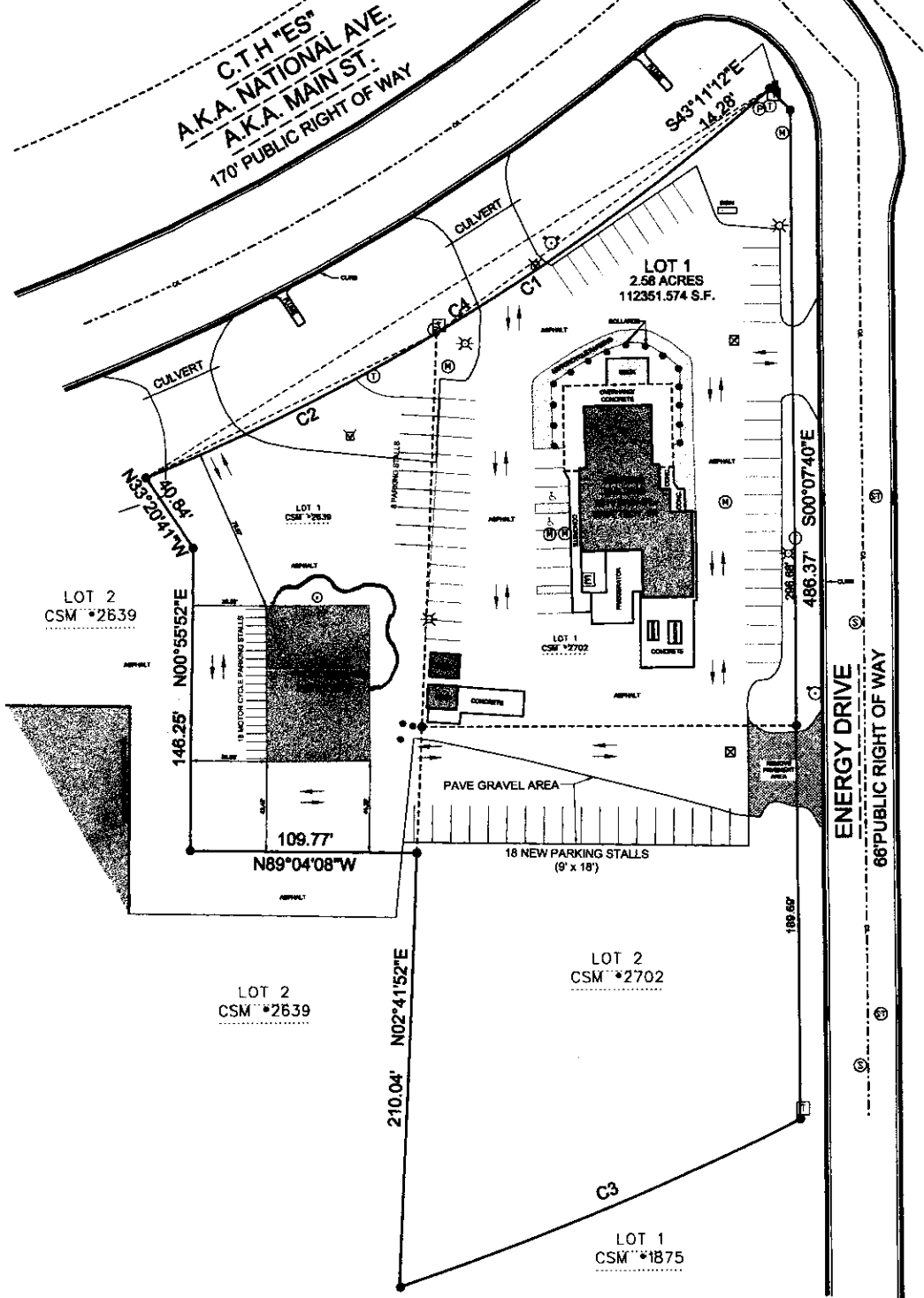
Date

Name – print

Name – Signature

Date

PROPOSED SITE PLAN



LEGEND:

(100.00')	RECORDED DISTANCE
100.00'	MEASURED DISTANCE
●	1" FOUND IRON PIPE, UNLESS NOTED
⊗	3/4" x 18" IRON BAR SET, 1.13 lbs./L.F.
⊙	SANITARY MANHOLE
⊕	STORM MANHOLE
⊖	MANHOLE
⊗	LIGHT POLE
⊕	ELECTRIC TRANSFORMER
⊖	ELECTRIC PEDESTAL
⊗	TELEPHONE PEDESTAL
⊕	CABLE TV PEDESTAL

CURVE DATA

C1	Radius: 1,034.93'
	Delta: 11°10'42"1"
	Arc length: 200.00'
	Chord Bearing: N54°15'42"E - 199.86'
C2	Radius: 1034.93'
	Delta: 08°43'18"
	Arc length: 157.54'
	Chord Bearing: N84°09'17"E - 157.38'
C3	Radius: 1434.93'
	Delta: 08°25'00"
	Arc length: 210.79'
	Chord Bearing: S87°33'22"W - 210.80'
C4	Radius: 1034.93'
	Delta: 19°47'36"
	Arc length: 355.77'
	Chord Bearing: N68°37'15"W - 355.78'

FILE: 2021-137 BBO PIT LLC 2511 MAIN ST EAST TROY SITE PLAN.DGN



SURVEY MADE FOR:
BBO PIT LLC
2511 MAIN STREET
EAST TROY, WI 53120

DATE	ITEM
11/09/2021	SITE PLAN
11/10/2021	ADD PAVILION



Michael A. Greeson

PLOT DATE: 11/10/2021

**Village of East Troy Order Granting a Conditional Use
and Prescribing Conditions for a Restaurant with an
Outdoor Patio and Pavilion located at 2511 Main Street**

(Third Amendment)

WHEREAS, The BBQ Pit LLC (hereinafter “property owner”) owns the property at 2511 Main Street (hereinafter “subject property”) in the Village of East Troy, more particularly described as follows:

Lot 1 of Certified Survey Map 5011; and

WHEREAS, The BBQ Pit LLC is registered with the Wisconsin Department of Financial Institutions as a domestic limited liability company (ID # T076358); and

WHEREAS, the property owner submitted a conditional use application for a restaurant with an outdoor patio and the Village Board approved the same at their meeting on May 21, 2018; and

WHEREAS, the property owner submitted another application to amend that initial approval to allow the sale of alcohol as part of the restaurant operation and the Village Board approved the same at their meeting August 20, 2018; and

WHEREAS, the property owner submitted another application to amend the prior approvals to allow outdoor events as a conditional use and the Village Board approved the same; and

WHEREAS, the property submitted another application to allow an additional outdoor area for outdoor entertainment; and

WHEREAS, upon receipt of the petition submitted by the property owner, the Village Clerk properly referred such petition to the Plan Commission; and

WHEREAS, allowing for required public notice, the Plan Commission conducted a public hearing on June 13, 2022 to consider the property owner's request; and

WHEREAS, members of the public in attendance were given ample opportunity to provide comment regarding the property owner's request; and

WHEREAS, the Plan Commission passed a motion recommending to the Village Board that the petition for the amendment be granted subject to certain conditions; and

WHEREAS, the Plan Commission, in passing on the matter, has made the following determinations consistent with Section 510-157(H) of East Troy's zoning code:

1. The proposed conditional use, as amended, (the use in general, independent of its location) is in harmony with the purposes, goals, objectives, policies and standards of the comprehensive plan, the zoning code, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village.
2. The proposed conditional use, as amended, (in its specific location) is in harmony with the purposes, goals, objectives, policies and standards of the comprehensive plan, the zoning code, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village.

– DRAFT June 7, 2022 –

Return to:

Lorri Alexander, Village Clerk
Village of East Troy
2015 Energy Drive
East Troy, WI 53120

Parcel Number: RA501100001

3. The proposed conditional use, as amended, in its proposed location and as depicted on the required site plan does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the zoning code, the comprehensive plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide development.
4. The proposed conditional use, as amended, would maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
5. The proposed conditional use, as amended, is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.
6. The potential public benefits of the proposed conditional use, as amended, outweigh any and all potential adverse impacts of the proposed conditional use after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

WHEREAS, the Village Board has carefully reviewed the recommendation of the Plan Commission and concurs with the Plan Commission's findings set forth above, provided the conditional use, as amended, is operated pursuant to the conditions of approval set forth in this order and the initial order.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED AS FOLLOWS:

1. **Amendment.** The initial conditional use order is amended to allow outdoor events in the proposed open-sided pavilion (not to exceed as set forth herein. All other terms of the order remain unchanged.
2. **Issuance of permit required.** The zoning administrator is authorized to issue the property owner a conditional use permit authorizing the sale of alcohol when all conditions enumerated in section 3 have been satisfied to his or her satisfaction. Such permit is the last approval before the property owner can begin to establish the use as authorized herein.
3. **Initial conditions of approval.** The following conditions shall be satisfied prior to the issuance of the conditional use permit:
 - a. The property owner is required to accept the terms and conditions of this conditional use order amendment in its entirety in writing. If the property owner does not sign this instrument and return it to the Village Clerk within 2 months of approval, this order is null and void. Prior to such expiration, the property owner may request an extension to this time period and the Village Board may approve an extension with good cause.
 - b. The property owner must submit a revised site plan/plan of operation to the Plan Commission that is consistent with this approval and obtain approval of the same.
 - c. This order must be recorded against the subject property in the Walworth County register of deeds office (only if the above requirement(s) have been satisfied).

In the event that any of the above conditions are not satisfied within 12 months of the date of this approval, this order shall be null and void without any further action by the Village of East Troy.

4. **Ongoing conditions of approval.** In addition to the conditions listed in the initial conditional use order and any prior amendments, the following terms and conditions apply specifically to the outdoor events for so long as such events are held:

- a. Outdoor events are limited to 15 per year.
- b. Outdoor events must conclude by 9:00 pm.
- c. The number of people attending an event is limited to the number of available parking spaces on the subject property (i.e., one parking space per 3 people).
- d. Outdoor events must comply with the Village's noise regulations and shall not constitute a public nuisance as determined by the Plan Commission.
- e. The property owner shall upon the written request of the Village Police Department, provide an onsite parking attendant for any event so prescribed by the Village.
- f. The property owner shall submit an amended site plan to the Village for review and obtain approval of the same.
- g. Outdoor events are only allowed so long as the restaurant is operated on an ongoing basis.
- h. This authorization for outdoor events is personal to the current property owner (i.e., non-transferable).

Approved this 20th day of June, 2022

BY THE VILLAGE BOARD OF THE VILLAGE OF EAST TROY

Scott Seager, Village President

Attest:

Lorri Alexander, Village Clerk

STATE OF WISCONSIN, WALWORTH COUNTY

Personally came before me this ____ day of _____ 2022, the persons described above, Scott Seager, Village President, and Lorrie Alexander, Village Clerk, to me known to be the persons who executed the foregoing instrument and to me known to be such Village President and Village Clerk of the Village of East Troy and acknowledged that they executed the foregoing instrument as such officers of said municipal corporation by its authority and pursuant to the authorization by the Village Board from their meeting on the 20th day of June, 2022.

NOTARY PUBLIC

My Commission Expires:

Conditional use order for a restaurant with an outdoor patio and outdoor entertainment located at 2511 Main Street, Village of East Troy (Third Amendment)

Page 4

Acceptance by Property Owner

I, Howard Leon Davis, verify that I am an authorized agent for The BBQ Pit LLC, and that The BBQ Pit LLC accepts the terms stated herein.

Dated this _____ day of _____, 2022

Howard Leon Davis, authorized agent for The BBQ Pit LLC

STATE OF WISCONSIN, WALWORTH COUNTY

Personally came before me this ____ day of _____, 2022, the above-named person, Howard Leon Davis, to me known to be the person who executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC

My Commission Expires:

This document was prepared by Tim Schwecke, Zoning Administrator, at the direction of the East Troy Village Board.