

Date: September 8, 2022

To: Village of East Troy Plan Commission

From: Tim Schwecke, Zoning Administrator

Subject: A. Conditional use for a contractor yard located at 2728 Buell Drive (RA280700003); Motion Engineering, applicant
Application: 2022-27; <https://s.zoninghub.com/3NU1CFJ2S6>

B. Site plan/plan of operation for a contractor yard located at 2728 Buell Drive (RA280700003); Motion Engineering, applicant
Application: 2022-28; <https://s.zoninghub.com/92NFXTN55L>

Meeting: September 12, 2022 Plan Commission meeting

A. Conditional use (Application 2022-27)

Motion Engineering (KENOSHA 6926 LLC) owns the property at 2728 Buell Drive and has submitted an application to establish a contractor yard as a conditional use on the property. Below is a description of the business as submitted by the applicant.

Motion Engineering is an industrial consultant the provides sales, service, and consulting throughout the nation for the asphalt industry. We service the asphalt manufacturing side working with customers such as Payne & Dolan/Walbec Group. We would be considered a millwright service. I would like to use the East Troy location as a site to store contractor equipment. This equipment will consist of trailers, trucks, boom trucks, lifting equipment Service equipment, left over parts/inventory from jobs. Equipment that is bought for resale. I would like all concrete area to be designated as contractor storage. The front of the building will be parking.

Subject Property



Zoning classification General Industrial (GI)

Use description The zoning code describes contractor yard as follows:

Contractor yards are used by a general contractor, excavation contractor, landscaping contractor, building contractor, oil or well drilling contractor, or similar business for the storage of vehicles, equipment, and materials used in the day-to-day operation of the business. This use may include a building which may be used for administrative offices, indoor storage, and the care and maintenance of equipment and vehicles in the fleet.

Development standards The zoning code establishes specific standards for this use as follows:

- (1) **Type of outdoor storage.** Outside storage of construction equipment and fleet vehicles is allowed. Construction materials may be kept out of doors provided such materials are being staged for a specific work project. The storage of construction debris, tree branches, wood chips, and the like is strictly prohibited.
- (2) **Equipment repair and maintenance.** The repair and maintenance of construction equipment and vehicles must occur within an enclosed building, unless specifically permitted in the conditional use order authorizing the use.
- (3) **Sales.** The on-premise sale, at retail or wholesale, of any materials is strictly prohibited.
- (4) **Incidental uses.** Fabrication and assembly of component parts for use in a building project is permitted inside of a building on the subject property, provided such activity is of an incidental nature.
- (5) **Location of use areas.** Outdoor storage areas and other activity areas related to this use may not be located (i) in the front-yard building setback area; (ii) within 30 feet of a side or rear lot line when the adjoining property is located in a residential zoning district, an agricultural zoning district, or a planned development district that allows residential uses; (iii) within 20 feet of a side or rear lot line when the adjoining property is located in a commercial zoning district; and (iv) 10 feet from a side or rear lot line when the adjoining property is located in any other zoning district. Employee parking areas may be located in those areas otherwise allowed in the zoning code.
- (6) **Fencing.** Depending on the scale and nature of the contractor yard, the Plan Commission may on a case-by-case basis require a solid fence, as approved by the Plan Commission, in those areas where screening is needed in the judgment of the Plan Commission to mitigate potential impacts to adjoining properties.
- (7) **Control of fugitive dust.** As part of the site plan and operation plan review process, the control of fugitive dust (e.g., dust from a gravel yard) generated by this use, if any, shall be addressed to the satisfaction of the Plan Commission.
- (8) **Hazardous materials and bulk fuel.** As part of the site plan and operation plan review process, the storage of hazardous materials and bulk fuel, if any, shall be addressed to the satisfaction of the Plan Commission.

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 the 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 August 26 and September 2, 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 September 9, 2022

B. Site Plan/Plan of Operation (Application 2022-28)

The site has been previously used for industrial uses. No new site improvements are being proposed at this time. Below is a site map showing the different areas and the proposed uses. To clarify, outdoor storage will not occur in the "green space" on the east side of the lot.



Bulk fuel storage A bulk fuel tank is not depicted on the site plan. Will one be provided?

Proposed motion: Approve the site plan/plan of operation as set forth in the submittal documents, subject to the following terms and conditions:

1. The Village Board approves the conditional use for the proposed use.
2. The location of bulk fuel storage (if proposed) should be added to the site plan.
3. Prior to occupancy of any of the existing buildings, the building inspector and fire department must verify compliance with applicable building/fire codes.

Attachments:

1. Public hearing notice
2. Draft conditional use order, dated October 6, 2021

VILLAGE OF EAST TROY PLAN COMMISSION

NOTICE OF PUBLIC HEARINGS

The Village of East Troy Plan Commission will conduct a public hearing on Monday, September 12, 2022, for each of the following:

1. Conditional use application for a contractor yard located at 2728 Buell Drive (RA280700003); Motion Engineering Inc., applicant; (application 2022-27)
Details are available online: <https://s.zoninghub.com/3NU1CFJ2S6>
2. Amend Section 510-201 of the zoning code with regard to the Honey Creek Development District (PDD-04); Teronomy Builders, applicant; (application 2022-29)
Details are available online: <https://s.zoninghub.com/95VOAHWQUV>

The Plan Commission meeting starts at 6:30 pm and is conducted in the Village Municipal Building, located at 2015 Energy Drive. The public hearings will be conducted in the order listed on the meeting agenda.

For information regarding these public hearings, 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, September 6, 2022; or (3) during the public hearing.

Lorri Alexander, Village Clerk

Published in the *East Troy Times* on August 26 and September 2, 2022

**Village of East Troy Order Granting a Conditional Use
and Prescribing Conditions for a Contractor Yard
Located at 2728 Buell Drive**

WHEREAS, KENOSHA 6926 LLC (hereinafter "property owner") owns the property at 2728 Buell Drive (hereinafter "subject property") in the Village of East Troy, more particularly described as follows:

LOT 3 CERTIFIED SURVEY NO. 2807 AS RECORDED
IN VOL 14 OF C.S. ON PAGE 239 WCR. LOCATED IN
SEC 29 T4N R18E. 147199 SQ FT. VILLAGE OF EAST
TROY OMITS RET-4, RET-5, RET-6 & RXUP-231;

WHEREAS, Kenosha 6926 LLC is registered with the
Wisconsin Department of Financial Institutions (Entity ID
#K050732); and

WHEREAS, the property owner has submitted a
conditional use application pursuant to the Village of East
Troy's zoning code for a contractor yard; 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 September 12,
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 conditional use 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 (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.

- Draft September 9, 2022 -

Return to:

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

Parcel Number: RA280700003

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.

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 is operated pursuant to the conditions of approval set forth in this order.

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

1. **Authorized uses.** Subject to the terms and conditions of this approval and the sections of the zoning code that apply, the property owner is authorized to operate a contractor yard as set forth herein and subject to the Village's zoning regulations. The property owner may repair equipment and materials outside of the enclosed buildings.
2. **Issuance of permit required.** The zoning administrator is authorized to issue the property owner a conditional use permit 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 shall submit a site plan and plan of operation to the Plan Commission for review and obtain approval of the same.
 - b. The property owner is required to accept the terms and conditions of this conditional use order in its entirety in writing. If the property owner does not sign this instrument and return it to the Village Clerk within 9 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.
 - c. This order must be recorded against the subject property in the Walworth County register of deeds office (only if subsections 3(a) and 3(b) 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.** The following conditions shall constitute an ongoing obligation:
 - a. Following issuance of the conditional use permit set forth in section 3 above, the use as authorized herein must be established within 9 months of such permit.
 - b. The use of the subject property shall be used consistent with this order and all approved plans, including, but not limited to, the site plan and plan of operation.
 - c. The property owner shall not conduct any authorized activity in such a way that exceeds on-site parking as depicted in the approved site plan/plan of operation.
 - d. The property owner shall not conduct any authorized activity in such a way that violates fire-related building capacity standards established by the local fire department or the state of Wisconsin.

- e. The property owner shall not conduct any authorized activity in such a way as to constitute a public or private nuisance as determined by the Plan Commission.
- f. The property owner shall provide and maintain potable water and sanitation as may be required by the Village of East Troy and/or Walworth County.
- g. The Plan Commission may unilaterally amend an approved site plan/plan of operation by revising existing provisions or adding new provisions. Such amendment shall be limited in scope to address negative impacts the use is having on surrounding properties and/or the public health, safety, and welfare.
- h. The property owner must at all times be in compliance with all applicable laws, rules, regulations or orders, and ordinances of the federal government, State of Wisconsin, Walworth County, and Village of East Troy.
- i. All buildings on the premises shall comply with all applicable building codes as may be adopted by the Village of East Troy or the state of Wisconsin.
- j. The property owner will maintain the subject property in a clean and neat appearance as determined by the Plan Commission.

5. **Expansion or changes.** The conditional use hereby authorized shall be confined to the subject property without extension or expansion. Any expansion or change in use shall require issuance of a new conditional use approval pursuant to the requirements in effect at the time of application.

6. **Modification of property boundary lines.** The property owner shall not change the size and/or shape of the subject property by any means without the approval of the Village Board. If the Village Board determines that a proposed change is substantial with regard to the overall size of the parcel and/or configuration, such change shall require issuance of a new conditional use approval pursuant to the requirements in effect at the time of application.

7. **Plans and related matters.** Unless otherwise expressly stated herein, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the amendment to be minor and consistent with the conditional use order and permit. Any change in any plan that the Plan Commission feels, in its sole discretion to be substantial, shall require a new approval and all procedures in place at the time must be followed.

8. **Inspection.** The property owner shall allow Village of East Troy staff, officials, and other authorized agents to inspect the subject property, at any reasonable time and for any proper purpose related to compliance with this conditional use order.

9. **Discontinuance.** Should the conditional use be discontinued in use for 365 consecutive days the use shall be terminated as set forth in the Village of East Troy's zoning regulations.

10. **Private rights.** This approval is given under the Village of East Troy's zoning regulations and is not to be interpreted to abrogate any private rights other property owners may have pursuant to deed restrictions or restrictive covenants.

11. **Interpretation.** If any aspect of this conditional use order is in conflict with any other aspect of the conditional use order, the more restrictive provisions shall be controlling, as determined by the Plan Commission.

12. **Other permits.** This order shall not be deemed to constitute a building permit, or constitute any other license or permit required by Village ordinance, or other local, state, or federal law.

13. **Severability.** In the event a court of competent jurisdiction determines that a paragraph or phrase of this conditional use order is unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use order and the remainder shall continue in full force and effect.

14. **Heirs, successors, and assigns.** This conditional use order shall be binding upon the property owner and their heirs, successors, and assigns. Upon a change in ownership, the property owner shall notify the Village Clerk.

15. **Ongoing review.** This conditional use may be reviewed by the Plan Commission with notice to the property owner at any time upon complaint or upon Plan Commission initiative. If it is determined that the authorized use is no longer compatible, or that the provisions of this approval have not been complied with, the Village Board may revoke or amend this order after recommendation by the Plan Commission and holding of a public hearing.

16. **Amendment.** The property owner may propose an amendment to this conditional use order at anytime by submitting a written petition to the Village Clerk, which shall be reviewed pursuant to the requirements in effect at the time of application.

17. **Violation.** Any violation of this order may be treated as a violation of East Troy's zoning regulations and each day of each violation of each condition herein shall be treated as a separate violation.

Approved this 19th day of September, 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 Lorri 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 19th day of September 2022.

NOTARY PUBLIC

My Commission Expires:

Conditional use order for a contractor yard located
at 2728 Buell Drive, Village of East Troy

Page 5

Acceptance by Property Owner

I, Michael James Petrie, verify that I am an authorized agent for Kenosha 6926 LLC and that Kenosha 6926 LLC accepts the terms stated herein.

Dated this _____ day of _____, 2022

Michael James Petrie, authorized agent

STATE OF WISCONSIN, _____ COUNTY

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

NOTARY PUBLIC

My Commission Expires:

Examples of equipment and materials





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://villageofeastroy.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	Michael Petrie	same
Street address	12620 Blue Stem Trl	
City, state, zip code	Caledonia, WI 53108	
Daytime telephone number	414-510-6097	
Email	motionengineering@ymail.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		
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	Motion Engineering
Date business began	3/1/91
Previous name, if any	

5. Subject property information

Physical address 2728 Buell Dr. East Troy, WI 53120

Tax key number(s) RA280700003

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 checked="" 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	GI NFC	
South	GI	
East	GI	
West	GI	

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.

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

CONTRACTOR STORAGE/EQUIPMENT STORAGE

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

6am-7pm

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

9

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

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.

☐ 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.

☐ 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?

Sewer ☒ Municipal ☐ On-site septic system

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

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	_____	_____
County highway	_____	_____
State highway	_____	_____

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

	<u>Current</u>	<u>Required [1]</u>	<u>New</u>
Standard spaces	10		
Accessible spaces	2		

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.

18. Calculations for maximum building coverage and impervious surface coverage

a. Area of subject property as determined by site survey	acres	3.3
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	
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	
k. Total of "b" through "j"	acres	
l. Net developable area (subtract "k" from "a")	acres	3.3
m. Building coverage ratio (see the standard for the appropriate zoning district)	percent	10
n. Impervious surface coverage ratio (see the standard for the appropriate zoning district)	percent	70
o. Maximum building coverage on property (multiply "l" by "m")	acres	.33
p. Maximum impervious surface coverage on property (multiply "l" by "n")	acres	2.31

	<u>Maximum (acres)</u>	<u>Proposed (acres)</u>
Building coverage (For Maximum, enter calculated value for "o" from above table)	.33	
Impervious surface (For Maximum, enter calculated value for "p" from above table)	2.31	

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:

- 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.
- The date of the original plan and the latest date of revision to the plan.
- A north arrow and a graphic scale (at a minimum scale of 1" = 100').
- A legal description of the subject property.
- All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.
- 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.
- Ground contours when any slope exceeds 12 percent
- 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.

Aerial map, Document describing building/storage use

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

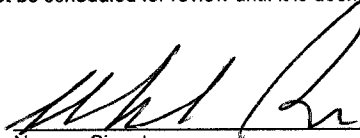
to review this application. This does not authorize any such individual to enter any building on the subject property, unless such inspection is specifically related to the review of this application and the property owner gives his or her permission to do so.

- ♦ 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:

Michael Petrie

Name – print



Name – Signature

4/11/22

Date

Name – print

Name – Signature

Date

Applicant (if different than Property Owner):

Name – print

Name – Signature

Date

Name – print

Name – Signature

Date



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 Michael Petrie
Street address 12620 Blue Stem Trl
City, state, zip code Caledonia, WI
Daytime telephone number 414-510-6097
Email motionengineering@ymail.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		
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 2728 Buell Dr. East Troy, WI 53120
Tax key number(s) RA280700003

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 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 checked="" 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

	<u>Zoning district(s)</u>	<u>Current uses</u>
North		woods
South	GI	
East	GI	
West	GI	

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

N/A

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

CONTRACTOR STORAGE, EQUIPMENT STORAGE

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.

yes

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.

yes

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.

No impact on nearby properties

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.

yes

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.

yes

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.

no

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.

pictures of equipment that will be stored. Aerial view of proposed site plan

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:

Michael Petrie
Name – print

[Signature]
Name – Signature

4/11/22

Date

Name – print

Name – Signature

Date