

TO: Village of East Troy Plan Commission
CC: Eileen Suhm, Jason Equitz, Tim Lynch
FROM: Orrin Sumwalt, Planning Consultant
RPT DATE: October 29, 2024 (Updated on November 5, 2024)
MTG DATE: November 11, 2024
FOTH FILE: 24E020.01/06
RE: RP Nutrients Addition –
Site Plan Amendment Request

BACKGROUND:

1. Petitioner: Justin Rohrer (Distribution Depot, LLC)
2. Property Owner: Distribution Depot, LLC
3. Location/Address: 1988 Energy Drive, East Troy, WI 53120
4. Tax Key Number: RA219500001
5. Area: 5.61 AC
6. Existing Zoning: GI-General Industrial District
7. Proposed Zoning: NA
8. Future Land Use: General Industrial and General Commercial

OVERVIEW:

The Petitioner and Property owner are requesting approval of a Site Plan Amendment for an approximately 19,600 square foot (140' x 140') warehouse addition to the existing RP Nutrients, Inc. building located at 1988 Energy Drive, East Troy, WI 53120. RP Nutrients, Inc. uses the site for the sales, marketing, and distribution of non-hazardous animal feed ingredients. The site is Lot 1 of Certified Survey Map No. 2195 and encompasses approximately 5.61 acres. The proposed site plan includes:

- A 19,600 square foot, single-story industrial building addition.
- Twenty-four (24) off-street parking stalls including one (1) ADA accessible stall.
- 2 larger drive-in doors and 1 loading dock on the north elevation.
- Existing sanitary sewer and municipal water services connections.
- Existing stormwater basin.

PLANNER COMMENTS:

1. **Comprehensive Plan.** Future Land Use is General Industrial and General Commercial. However, the petitioner will be utilizing the existing zoning of GI General Industrial District.
2. **Zoning District Requirements.** The property is zoned GI General Industrial District in which light industrial uses such as warehousing, maintenance, fabrication, and accessory office are a permitted use.
3. **Plan of Operation.** The proposed plan of operation includes:

- a. Uses and activities: An approximately 19,600 square foot warehouse addition, for warehousing, maintenance, and fabrication associated with the sales, marketing, and distribution of non-hazardous animal feed ingredients.
 - b. Number of Employees:
 - i. Maximum 15 employees at any given time.
 - c. Hours of operation:
 - i. Business Hours: 7:00 a.m. to 5:00 p.m. Monday – Friday
 - d. Outdoor Storage: Outdoor storage area for products and building materials subject to separate conditional use permit application.
4. **Buildings:** An approximately 19,600 square foot (140' x 140') building addition. The existing building is approximately 8,956 square feet.
 5. **Parking.** 24 spaces including one (1) accessible space. Light industrial uses require a minimum of one space per employee on the largest work shift per Section 510-43 A. (2) of the Village Zoning Code. Applying this to RP Nutrient's plan of operation would require a minimum of fifteen (15) off-street parking spaces. The petitioner is also proposing approximately 20,000 square feet of outdoor storage, which requires a minimum of one space for every 10,000 square feet of gross storage area plus one space per employee on the largest work shift. Applying this to RP Nutrient's proposed outdoor storage area requires an additional two (2) off-street parking spaces for a total of seventeen (17). The proposed site plan depicts twenty-four off-street parking spaces, which exceeds the Village's minimum requirement.

All paved off-street parking areas intended for six or more parking stalls shall be marked in a manner which clearly indicates required parking spaces per § 510-93 F. (2) of the Village Zoning Code.
 6. **Architecture:** The petitioner has provided elevation drawings and an artist's rendering for the proposed warehouse addition. The proposed building addition consists of metal wall panels and a metal roof with colors to match the existing building. According to the petitioner, the exception allowing metal siding from § 510-90 G. (3) (e) [3] of the zoning code applies to the proposed addition.

Loading berths are required to have access to a public street per § 510-94 E. (1) and be paved per § 510-94 E. (2) of the Village Zoning Code. The overhead door on the west elevation doesn't connect with any drive aisles leading to the public right-of-way and opens onto a gravel surface. According to the petitioner this is not a loading berth but a small door for accessing lawn and property maintenance items. Foth recommends the overhead door on the west elevation of the proposed building addition facing Energy Drive be removed from the building plans.

The Plan Commission should determine whether the proposed architecture is appropriate.
 7. **Landscaping:** The petitioner is proposing to add twelve (12) red cedar trees along the south side of the proposed addition. The proposed plantings exceed the Village's minimum point total for foundation plantings. Please see the Landscaping Worksheet within the petitioner's submittal materials for details.
 8. **Exterior Lighting:** No new lighting is proposed.
 9. **Signage:** No new signage is proposed.
 10. **Trash/Recycle Impacts:** Yes, there are existing dumpsters located on site.
 11. **Stormwater Management and Erosion Control.** There is an existing stormwater basin on the east side (rear) of the property behind the proposed building addition.

12. **Traffic, Circulation and Access.** The property is accessible via one (1) existing driveway to Energy Drive. The proposed building addition does not alter the circulation pattern in the parking lot.

STAFF RECOMMENDATION:

Depending on confirmation by the Village of East Troy Plan Commission of the above-described comments, the Village of East Troy Plan Commission may take the following actions:

Site Plan and Plan of Operation

The Village of East Troy Plan Commission **Approves** the Site Plan/Plan of Operation Amendment Request for Justin Rohrer (Distribution Depot, LLC) for the property located at 1988 Energy Drive, East Troy, WI 53120, subject to the following conditions:

1. The Site Plan/Plan of Operation approval is limited to Justin Rohrer (Distribution Depot, LLC) on the existing parcel known as RA462900001. Use of the property by any other entity, for any purpose, is not permitted. The approval shall reflect the following Plan of Operation:
 - a. Uses and activities: Use is limited to a an approximately 19,600 square foot warehouse addition, for warehousing, maintenance, and fabrication associated with the sales, marketing, and distribution of non-hazardous animal feed ingredients.
 - b. Number of employees:
 - i. Maximum 15 employees at any given time.
 - c. Hours of operation:
 - i. Business Hours: 7:00 a.m. to 5:00 p.m. Monday – Friday
 - d. Outdoor storage of any materials or equipment is prohibited, except what is allowed by a separate conditional use permit for outdoor storage and wholesaling.
2. This Site Plan/Plan of Operation approval is subject to the Petitioner complying at all times with the plans and documents presented to the Village of East Troy Plan Commission on November 11, 2024. The existing site plan/plan of operation shall remain in effect, except as further restricted or modified herein.
3. All paved off-street parking spaces shall be striped per § 510-93 F. (2) of the Village Zoning Code.
4. The overhead door on the west elevation of the proposed building addition facing the Energy Drive public right-of-way shall be removed from the building plans.
5. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of East Troy Plan Commission, Village Engineer and Village Planner for the site plan, and other documentation.
6. Building Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village Building Inspector (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village Building Inspector, if granted, shall be solely for the benefit of the Village of East Troy, and shall not be relied upon by the petitioner or others as proof of structural integrity or safety of any structure on the property, or as proof of compliance with any particular construction standard that would apply to new construction. The petitioner shall independently determine the suitability of all structures on the property for the petitioner’s intended uses.
7. Fire Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village of East Troy Fire Department Chief (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village of East Troy Fire Department Chief (or designee), if granted, shall be solely for the benefit of the Village of East Troy, and shall not be relied upon by the petitioner or others as proof of fire safety of any structure on the property, or as proof of compliance with any particular fire safety standard that would apply to new construction. The petitioner

shall independently determine the fire safety and suitability of all structures on the property for the petitioner's intended uses.

8. This approval is granted for the express conditions stated herein. Changes or alterations including, but not limited to, a change in use, premises, lands, or ownership of the property in question shall require a new Site Plan/Plan of Operation permit with all the zoning procedures at the time being followed. The allowed uses of the property must at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reasons of appearance, noise, dust, smoke, odor, or other similar factors. Any use not specifically listed, as permitted, shall be considered to be prohibited, except as may be otherwise specified herein.
9. The Property Owner shall keep the exterior condition of the premises in a neat and orderly condition at all times so the premises will not detract from neighboring premises. There shall be no outside storage of junk, debris, construction material, or other refuse materials within the property and all such materials shall be disposed of promptly and properly.
10. The Property Owner shall allow Village of East Troy representatives to inspect the premises following a 24-hour notice for the purposes of determining compliance with this approval.
11. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of East Troy.
12. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of East Troy for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions. Additionally, any unpaid bills owed to the Village of East Troy by the Subject Property Owner and/or Agent, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees or forfeitures owed to the Village of East Troy must be paid on demand and prior to issuance of any permits and shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Village of East Troy, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village of East Troy, including possible cause for termination of the conditional approval.

EXHIBIT:

- A. GIS Property Location Map
- B. Petitioner Application



Distribution Depot, LLC
Property - 1988 Energy Drive

RP Nutrients Inc.

WALWORTH COUNTY, WISCONSIN

0 30 60 120 180 240 300 Feet
1:2,002

Geoid North
Grid North

Author:
Map Produced on: 11/5/2024
Wisconsin State Plane Coordinate System, South Zone
Horizontal Datum: NAD83-2011

**Walworth County Information Technology Department
Land Information Division**
1800 County Trunk NN
Elkhorn, Wisconsin 53121-1001

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