

TO: Village of East Troy Plan Commission
CC: Eileen Suhm, Jason Equitz, Tim Lynch
FROM: Orrin Sumwalt, Planning Consultant
RPT DATE: January 24, 2025 (Updated on February 4, 2025)
MTG DATE: February 10, 2025
FOTH FILE: 25E020.01/05
RE: Hot Carts –
Site Plan and Plan of Operation Request

BACKGROUND:

1. Petitioner: Brian Pacholski (Hot Carts of WI, LLC)
2. Agent: Craig Long (The Design Alliance Architects, Inc.)
3. Property Owner: Brian Pacholski and Heather Pacholski
4. Location/Address: Main Street
5. Tax Key Number: RA314500003
6. Area: 0.67 AC
7. Existing Zoning: HB Highway Business District
8. Proposed Zoning: NA
9. Future Land Use: General Commercial

OVERVIEW:

The Petitioner is requesting approval of a Site Plan and Plan of Operation for an approximately 4,968 square foot (92' x 54') new building for Hot Carts of WI, LLC located on Main Street between Piggly Wiggly and Martin's Hardware & Pet. Hot Carts of WI, LLC is proposing to use the site for the sales and service of golf carts. The site is Lot 3 of Certified Survey Map No. 3145 and encompasses approximately 0.67 acres. The proposed site plan includes:

- A 4,968 square foot, single-story commercial building.
- Five (5) off-street parking stalls including one (1) ADA accessible stall.
- 1 larger drive-in door on the west elevation.
- Proposed sanitary sewer and municipal water services connections.

PLANNER COMMENTS:

1. **Comprehensive Plan.** Future Land Use is General Commercial. General Commercial is consistent with the existing zoning of HB Highway Business District.
2. **Zoning District Requirements.** The subject property is zoned HB Highway Business District in which the vehicle sales and service land use category is a permitted use.

According to Section 510-42 Q of the Village Zoning Code, "Vehicle sales and service is a place where new and used cars, motorcycles, mopeds, snowmobiles, all-terrain vehicles (ATVs), utility terrain vehicles, and light trucks are displayed out of doors and are offered for rent, sale, lease, or exchange, or are taken on consignment. This use may include the repair and servicing of the aforementioned as a subordinate use to the extent deemed appropriate by the Plan Commission.

According § 510-37, Detailed land use descriptions and regulations, "The land use categories employed by this chapter are defined in §§ 510-38 through 510-48. Land use categories which are not listed in this chapter are not necessarily excluded from locating within any given zoning district. Section 510-145 empowers the Zoning Administrator to make interpretations on matters regarding specific land use proposals which are not addressed by this chapter." I have made the interpretation that a golf cart sales and service use is similar to the vehicle sales and service land use and as such, is allowed as a permitted use in the HB Highway Business District per Section 510-38 A. Table of Land Uses.

3. **Plan of Operation.** The proposed plan of operation includes:
 - a. Uses and activities: An approximately 4,968 square foot building, for golf cart sales and service.
 - b. Number of Employees:
 - i. Maximum 3 employees at any given time.
 - c. Hours of operation:
 - i. Business Hours: 9:00 a.m. to 5:00 p.m. Monday – Saturday
 - d. Outdoor Storage: No outdoor storage proposed.
4. **Buildings:** An approximately 4,968 square foot (92' x 54') new commercial building.
5. **Parking.** Five (5) spaces including one (1) accessible space. Vehicle sales and service uses require a minimum of one space per 300 square feet of gross floor area per Section 510-42 Q (10) of the Village Zoning Code. Applying this standard to Hot Cart's site plan would require a minimum of seventeen (17) off-street parking spaces. The proposed site plan depicts five (5) off-street parking spaces, which is twelve (12) less than the Village's minimum requirement.

Lot 3 has the right for, "cross access & parking over all that part of this CSM as is or shall be paved for such purposes" according to a note on Certified Survey Map No. 3145. The petitioner is proposing to use the cross-parking easement agreement for the twelve (12) parking stalls that are not shown on the site plan. Joint and off-site parking facilities may be provided pursuant to the standards listed in Section 510-93 G. of the Village Zoning Code.

The Plan Commission should determine whether the proposed off-street parking is appropriate.
6. **Architecture:** The petitioner has provided elevation drawings for the proposed building. The proposed building consists of 3' of brick veneer, lap siding, for the showroom portion (front) of the building, cementitious board and batten siding for the shop portion (rear) of the building and a standing seam metal roof with colors to match the existing building. There is also a covered porch with a standing seam metal roof and cedar posts on the front of the building for the outdoor display of golf carts. The Plan Commission should determine whether the proposed architecture is appropriate.
7. **Landscaping:** The petitioner is proposing to add two (2) sugar maples, two (2) red maples, one (1) river birch, nine (9) 'Pyramidal' arborvitae, six (6) 'Pfitzer' junipers, three (3) 'Froebelli' dwarf spirea, and three (3) 'Tauntonii' yews. The proposed plantings meet the Village's minimum point totals. Please see the Planting Schedule and Landscape Requirements within the petitioner's submittal materials for details.
8. **Exterior Lighting:** The petitioner has submitted a lighting plan including a photometric report. The proposed exterior lighting meets the Village's requirements.

9. **Signage:** The elevations depict a sign on the south side of the proposed building. Any business signage shall be required to obtain signage approval through the Village of East Troy's sign application process.
10. **Trash/Recycle Impacts:** Trash receptacles will be kept inside the building.
11. **Stormwater Management and Erosion Control.** According to the Village Engineer, Stormwater management is not required. The petitioner has not yet submitted an erosion control plan.
12. **Traffic, Circulation and Access.** The property is accessible via an existing drive aisle on the west side of the property. Lot 3 has the right for, "cross access & parking over all that part of this CSM as is or shall be paved for such purposes" according to a note on Certified Survey Map No. 3145. The proposed building does not alter the circulation pattern in the parking lot for the existing shopping center.

The Village has contemplated pedestrian access via a sidewalk along Main Street in this area. The proposed development of this property presents an opportunity to discuss the possibility of a future sidewalk with the property owner. The Plan Commission should determine whether requiring an easement for a sidewalk across the width of the front of the property should be a condition of approval of the proposed project.

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 Request for Brian Pacholski (Hot Carts of WI, LLC) for the property located on Main Street, subject to the following conditions:

1. The Site Plan/Plan of Operation approval is limited to Brian Pacholski (Hot Carts of WI, LLC) on the existing parcel known as RA314500003. 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 an approximately 4,968 square foot building, for golf cart sales and service.
 - b. Number of employees:
 - i. Maximum 3 employees at any given time.
 - c. Hours of operation:
 - i. Business Hours: 9:00 a.m. to 5:00 p.m. Monday – Saturday
 - d. Outdoor storage of any materials or equipment is prohibited. Outdoor display shall be limited to a maximum of four (4) golf carts on the covered front porch.
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 February 10, 2025. The existing site plan/plan of operation shall remain in effect, except as further restricted or modified herein.
3. The developer is solely responsible for ensuring the proposed project complies with any private restrictions (e.g., covenants) and easements that may apply to the subject property.
4. Prior to any land-disturbing activity, a pre-construction meeting must be held with the applicant's representatives and primary contractors, and Village department heads and representatives.
5. Prior to issuance of a building permit, the developer must record the approved storm water maintenance agreement with the Walworth County register of deeds office.

6. Prior to any land-disturbing activity, the developer must submit an erosion control plan to the Village engineer and obtain approval of the same.
7. Any business signage shall be required to obtain signage approval through the Village of East Troy's sign application process.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of East Troy.
15. 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