

TO: Village of East Troy Plan Commission
CC: Eileen Suhm, Jason Equitz, Tim Lynch
FROM: Orrin Sumwalt, Planning Consultant
RPT DATE: May 9, 2025
MTG DATE: May 12, 2025
FOTH FILE: 25E020.01/11
RE: MP Systems, Inc. –
Site Plan Amendment Request

BACKGROUND:

1. Petitioner: Devon Pittman (Briohn Building Corp.)
2. Agent: Rizal W. Iskandarsjach, P.L.S., P.E.
3. Property Owner: BLD East Troy I, LLC
4. Location/Address: 2580 S. Executive Drive
5. Tax Key Number: RA512200002
6. Area: 11.15 AC
7. Existing Zoning: LI-Light Industrial District
8. Proposed Zoning: NA
9. Future Land Use: General Industrial

OVERVIEW:

The Petitioner and property owner are requesting approval of a Site Plan and Plan of Operation Amendment for an approximately 130,000 square foot industrial building for MP Systems, Inc. on property located at 2580 S. Executive Drive. The petitioner received a determination from the WDNR and the USACOE that the existing wetland originally intended to be preserved qualified as a non-federal urban wetland (letter attached). This provides the developer an opportunity to eliminate additional costs for the construction of stormwater pipes and retaining walls previously needed to design around the wetland area. The proposed site plan amendment includes:

- Shifting the building approximately 50 feet west on the subject property.
- Filling an additional approximately 2,933 SF of exempt wetland.

PLANNER COMMENTS:

Foth reviewed the order granting a conditional use for Outdoor Storage and Wholesaling for MP Systems, Inc.

Condition 4. b. states, "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".

Condition 4. f. states, "The outdoor storage and wholesaling area must be depicted on a site plan as approved by the Plan Commission".

Condition 7 states "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".

After my review, I recommended MP Systems, Inc. apply for a site plan amendment for the Plan Commission's review and possible approval. If the Plan Commission determines the proposed amendment is minor and consistent with the conditional use order and permit, then an amendment to the conditional use permit will not be required.

Foth's previous staff report for the March 10, 2025, meeting is attached for reference.

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 Devon Pittman (Briohn Building Corp.) for the property located at 2580 S. Executive Drive, subject to the following conditions:

1. The Site Plan/Plan of Operation approval is limited to Devon Pittman (Briohn Building Corp.) on the existing parcel known as RA512200002. Use of the property by any other entity, for any purpose, is not permitted. The approval shall reflect the following Plan of Operation:
 - a. The existing site plan/plan of operation shall remain in effect, except as further restricted or modified herein.
 - b. Uses and activities: Use is limited to an approximately 130,000 square foot industrial building, for office, shop area and warehousing for light assembly, and storage associated with the prefabrication of panels, electrical conduit components, and tooling packages.
 - c. Number of employees:
 - i. Office: Thirty-five (35) employees initially; 65 long term.
 - ii. Shop: Twenty (20) employees initially; 55 long term.
 - iii. Maximum 67 employees on the largest work shift.
 - d. Hours of operation:
 - i. Primary Business Hours: 6:00 a.m. to 5:00 p.m. Monday – Friday
 - ii. Second Shift: 4:00 p.m. to 9:00 p.m. Monday – Friday
 - iii. Occasional Hours: 6:00 a.m. to 5:00 p.m. Saturdays – Sundays
 - iv. Operating Hours: Owner access 24/7/365.
 - e. 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. The Plan Commission finds the proposed amendment is minor and consistent with the conditional use order previously issued for outdoor storage and wholesaling.
3. 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 May 12, 2025.
4. All activities, except loading and unloading, shall be conducted entirely within the confines of a building.
5. Prior to issuance of a zoning permit, the developer must obtain a conditional use approval from the Village for outdoor storage and wholesaling and comply with all applicable terms and conditions.
6. The developer must obtain all required building permits within 9 months of this date and start construction within 6 months of the date of building permit issuance and continue in good faith to completion. The zoning administrator may allow a one-time extension of 12 months provided the developer submits the request in writing before the above-mentioned time periods and the project still complies with all applicable zoning requirements.
7. 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.
8. Prior to issuance of the zoning permit, a pre-construction meeting must be held with the applicant's representatives and primary contractors, and Village department heads and representatives.
9. Prior to issuance of the zoning permit, the developer must submit an erosion control plan to the Village engineer and obtain approval of the same.
10. Prior to issuance of the zoning permit, the developer must obtain a NOI from the Wisconsin DNR along with any other state approvals as may be needed. A copy of the NOI must be provided to the building inspector and Village engineer prior to issuance of a building permit.
11. Prior to issuance of the final occupancy permit, the zoning administrator must determine that all site improvements and required landscaping have been completed consistent with approved plans.
12. The Petitioner shall obtain all necessary permits and approvals from the Wisconsin Department of Natural Resources (WDNR) and U.S. Army Corps of Engineers (USACE).
13. The facility shall be operated in a manner that complies with all applicable performance standards in Article J of the Village's zoning code.
14. Any business signage shall be required to obtain signage approval through the Village of East Troy's sign application process.
15. The developer must comply with all parts of the municipal code as it relates to this project.
16. 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.
17. If the approved plans need to be revised to address any of the conditions of approval or to conform to Building and Fire Safety Codes, the zoning administrator is authorized to approve minor modifications so long as the overall project elements remain unchanged. If the proposed revisions are substantial as determined by the zoning administrator, the plans must be submitted to the Plan Commission for review and approval.
18. 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.

19. 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.
20. 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.
21. 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.
22. 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.
23. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of East Troy.
24. 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. Foth's Staff Report from 3.10.25 PC Meeting
- B. Petitioner Application