

Minutes
Town of West Bend Plan Commission
Thursday June 25th, 2020 6:30 PM
Town of West Bend Town Hall

1. Order of Business.

A. Call Meeting to Order.

Chairman Mike Holz called the meeting, accessed via Zoom and the telephone, and at the town hall to order about 6:30 PM.

B. Roll Call.

Present were commission members John Behrens, Mike Holz, Julie Ihlenfeld, Jeff Kenkel, Dave Moore, Troy Zagel, and Jim Tukesbrey. Also present was Zoning Administrator Jeff Sanders.

C. Approval of Minutes from June 25, 2020 meeting.

Behrens made a motion to approve the minutes. The motion was seconded by Zagel and passed unanimously.

D. Rescheduling of the Comprehensive Plan Community Engagement Session.

Meeting is rescheduled for July 28, 2020 at 6:30 PM at the town hall, and accessible via zoom and telephone.

2. PUBLIC HEARING - Scott L. Olson and Julie M. Kender, Tax Key # T13-0860500004 – 4940 Edge O Woods Drive, Section 34, Township 11 North, Range 19 East, Town of West Bend, Washington County, Wisconsin. – Conditional Use Permit to build a detached garage located in the street yard. -6:35 PM.

Holz opened the public hearing at 6:35 PM and asked if anyone would like to speak. No comments. Holz asked again if anyone would like to speak. No comments. Holz made a motion to close the public hearing. Motion seconded by Behrens and passed unanimously.

3. PUBLIC HEARING - Horlamus Industries, Inc., Tax Key # T13_ 0930200 – 5064 Cty Hwy P, Section 36, Township 11 North, Range 19 East, Town of West Bend, Washington County, Wisconsin. – Rezone from R-1R Rural Residential District, B-2 Commercial Mixed-Use District, and M-1 Industrial District to M-1 Industrial District. - 6:45 PM.

Holz opened the public hearing at 6:45 PM and asked if anyone would like to speak. Charles Rogge, 5011 Cty Rd P, asked what are intentions for the property, expressing concerns about heavy industry. Holz stated a renter sells snowplow equipment. Moore explained existing uses would conform with M-1 zoning. Holz asked again if anyone would like to speak. No comments. Holz made a motion to close the public hearing. Motion seconded by Zagel and passed unanimously.

4. PUBLIC HEARING - Gentle Dental, Tax Key # T13-0550410 – 5305 Cty Hwy P, Section 26, Township 11 North, Range 19 East, Town of West Bend, Washington County, Wisconsin, - rezone from B-2 Commercial Mixed-Use District and C-1

Conservancy District to B-2 Commercial Mixed-Use District -6:55 PM.

Holz opened the public hearing at 6:55 PM and asked if anyone would like to speak. No comments. Holz asked again if anyone would like to speak. No comments. Holz made a motion to close the public hearing. Motion seconded by Tukesbrey and passed unanimously.

5. PUBLIC HEARING - Rick and Lynn Zerwinski, Tax Key # T13-0940600 - 6181 Riesch Rd, Section 17, Township 11 North, Range 19 East, Town of West Bend, Washington County, Wisconsin - Rezone from C-1 Conservancy District to R-1S Shoreland Residential District. -7:05 PM.

Holz opened the public hearing at 7:05 PM and asked if anyone would like to speak. Ryan Kelly, 6198 Riesch Rd, stated he is in favor of the project. Holz asked again if anyone would like to speak. No comments. Holz made a motion to close the public hearing. Motion seconded by Zagel and passed unanimously.

6. NEW BUSINESS.

A. Discussion/Action re: Recommendation to Town Board to issue a Conditional Use Permit to Scott L. Olson and Julie M. Kender to build a detached garage located in the street yard.

Holz explained the property is a triangle, odd shaped lot, and Town Zoning Ordinances were updated allowing accessory structures in street yard with approval of a Conditional Use permit. Site Plan Permit was approved by Zoning Administrator. Holz read items A., B., and C. of CPC Recommendations Report dated June 12, 2020.

A. Visual screening, comprised of existing vegetation, fences, hedges, berms, walls, or some combination thereof, providing year-round screening of the Accessory Structure shall be maintained for the duration of the proposed use.

B. The Accessory Structure shall comply fully with the terms specified in the authorized Site Plan Permit.

C. The Accessory Structure covered under the terms of the Conditional Use Permit may be maintained as long as it adheres to the conditions above and remains in compliance with all applicable sections of the zoning ordinance; said permit shall have no expiration.

Holz made a motion to recommend to Town Board to issue a Conditional Use Permit to Scott L. Olson and Julie M. Kender to build a detached garage located in the street yard with three conditions from staff report dated 6/12/2020. Motion seconded by Moore and passed unanimously.

B. Discussion/Action re: - Recommendation to Town Board to authorize rezoning from R-1R Rural Residential District, B-2 Commercial Mixed-Use District, and M-1 Industrial District to M-1 Industrial District to Horlamus Industries, Inc.

CSM was approved at the Plan Commission meeting on May 28, 2020 and Town Board meeting June 9, 2020. Kenkel made a motion to recommend to Town Board to rezone from R-1R Rural Residential District, B-2 Commercial Mixed-Use District, and M-1 Industrial District to M-1 Industrial District to Horlamus Industries, Inc. with conditions from staff report dated 05/20/2020, 1. Approval of the proposed CSM. 2. City of West Bend approval of an amendment to the boundary agreement. Motion seconded by Moore and passed unanimously.

C. Discussion/Action re: - Recommendation to Town Board to authorize rezoning from B-2 Commercial Mixed-Use District and C-1 Conservancy District to B-2 Commercial Mixed-Use District to Gentle Dental.

Discussed parking lot in street yard. Parcel is in Boundary Area C. Moore stated the proposed dental office is a beautiful building. Holz read recommendations in CPC Report dated May 16, 2020: CPC recommends approval of the proposed zoning change contingent upon the Owners securing approval of same from the City of West Bend, the proof of which shall be provided to the Town Clerk. Kenkel made a motion to recommend to Town Board to authorize rezoning from B-2 Commercial Mixed-Use District and C-1 Conservancy District to B-2 Commercial Mixed-Use District to Gentle Dental with providing notice to City of West Bend. Motion seconded by Zagel and passed unanimously.

D. Discussion/Action re: - Recommendation to Town Board to authorize rezoning from C-1 Conservancy District to R-1S Shoreland Residential District to Rick and Lynn Zerwinski.

Holz read two recommendations from report dated June 5, 2020: A. The area to be rezoned shall comprise only those portions of T13-0940600 located outside designated wetlands as delineated on the 'Proposed Building Layout' included with the Application. B. The soon-to-be updated comprehensive plan shall be amended consistent with the proposed change in zoning. Moore made a motion to move forward with conditions only portions labeled outside of wetland delineation. Behrens asked for location of legal boundary of wetland. Sanders stated survey supersedes GIS delineation map. Motion seconded by Holz and passed unanimously.

E. Discussion/Action re: - Notice of Potential Violation of Zoning Ordinance, Mark O. Brown and Rita L. Brown, Tax Key #s: T13_0810100007, T13_0810100008, and T13_0810100009.

Notice of Potential Violation of Zoning Ordinance was sent to Mr. and Mrs. Brown May 17, 2020 - cutting of trees within an environmental conservancy district area without Plan Commission approval. Mr. Schmitz stated dead trees and brush were cleared out. Schmitz referenced letter submitted to Zoning Administrator June 10, 2020. Schmitz would like to remove more dead ash due to the emerald ash borer disease. Kenkel stated that he heard of complaints. Plan Commission determined there wasn't a violation of the zoning ordinance, ample information was provided, dead trees are being removed with the intention to replace trees. The matter is closed.

F. SITE PLAN REVIEW- Gentle Dental, Tax Key # T13-0550410 – 5305 Cty Hwy P, Dental Office

Parcel is in Boundary Area C. Town will contact City of West Bend regarding rezone. Discussed parking area in the street yard. Discussed adding 4 trees to the landscaping plan, and Town is deferring to applicants engineer for the grading plan. Moore asked about the refuse and recycling area not shown on the site plan. Kevin Parish stated there are not exterior units. Refuse and recycling area will be added to plan. Seating and pedestrian walkways aren't mandatory, although Schmitz stated a bench may be added outside. Kenkel made a motion to approve the site plan contingent on the conditions in the staff report dated June 17, 2020:

1. Confirmation of approval by the City of West Bend.
2. Confirmation of approval of access

permit by Washington County. 3. Incorporation of at least one of the following landscape requirements: a. Masonry or split rail fence minimum of 48 inches high with masonry posts at least 20 feet on center. b. Ornamental metal fence at least 48 inches high with a coniferous hedge at least 36 inches high planted on one side of the fence c. Existing shrubs if they are continuous and at least 48 inches high d. An additional row of trees 4. Plan Commission approval of those portions of the parking area located within the Street Yard. 5. Confirmation that mechanical equipment such as heating, air-conditioning, and ventilating equipment will be screened from public view or located in a manner that is unobtrusive. 6. Confirmation that refuse and recycling areas will be screened by a wall or fence of a material compatible with the Principal Structure and surrounding area. 7. Explanation as to why seating and pedestrian paths were not included within the landscape area. 8. No sign(s) shall be installed onsite prior to the issuance of a Sign Permit from the Zoning Administrator and Building Permit from the Building Inspector. 9. Construction shall not commence prior to the issuance of a Building Permit by the Building Inspector. 10. Any substantive deviation from the approved Site Plan, including but not necessarily limited to a change in the use of the parcel or its structures or the addition of a new use or structure, shall require Plan Commission approval of an amended Site Plan. Motion seconded by Moore and passed unanimously.

7. Report from Zoning Administrator.
No report.

7. Comments from the public not on the agenda.
No comments from the public.

8. Adjournment.
Zagel made a motion to adjourn at 8:12 PM. The motion was seconded by Behrens and passed unanimously.

Respectfully submitted,

Julie Ihlenfeld
Plan Commission Secretary
7/21/2020