



AGENDA
PLAN COMMISSION MEETING
RICHFIELD VILLAGE HALL
4128 HUBERTUS ROAD, HUBERTUS, WISCONSIN
AUGUST 4, 2016
7:00 P.M.

Pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a meeting of the Village of Richfield Plan Commission, at which a quorum of the Village Board may attend in order to gather information about a subject which they have decision making responsibility. The meeting will be held at the above noted date, time and location. Notice of Village Board Quorum, (Chairperson to announce the following if a quorum of the Village Board is in attendance at the meeting: "Please let the minutes reflect that a quorum of the Village Board is present and that the Village Board members may be making comments under the Public Comments section of the agenda, during any Public Hearing(s) or if the rules are suspended to allow them to do so.")

1. Call to Order/Determination of quorum
2. Verification of Open Meetings Law compliance
3. Pledge of Allegiance
4. Approval of Minutes:
 - a. June 2, 2016 – Regular Meeting
5. PUBLIC HEARING
 - a. Discussion regarding a rezoning petition by Mr. and Mrs. Calvin Schneider for properties identified by Tax Key: V10_0382, V10_0381, and V10_0380, from A-1, Exclusive Agricultural District to A-2, General Agricultural District
 - b. Discussion regarding a petitioned Conditional Use Permit for Mr. Kurt Schwendimann to operate a "small batch dairy production" operation pursuant to Section 70.197(D)(2) at 106 STH 164 (Tax Key: V10_131000Z)
6. DISCUSSION/ACTION
 - a. Discussion and possible recommendation to the Village Board regarding Ordinance O2016-08-01, an Ordinance to rezone by Mr. and Mrs. Calvin Schneider for properties identified by Tax Key: V10_0382, V10_0381, and V10_0380, from A-1, Exclusive Agricultural District to A-2, General Agricultural District
 - b. Discussion and possible recommendation to the Village Board regarding a petitioned Conditional Use Permit for Mr. Kurt Schwendimann to operate a "small batch dairy production" operation pursuant to Section 70.197(D)(2) at 106 STH 164 (Tax Key: V10_131000Z)
 - c. Discussion/Action regarding a Site, Building and Plan of Operation for Lake Five Farms, located at 106 STH 164 (Tax key: V10_131000Z)
 - d. Discussion/Action regarding a potential amendment to the Village's Zoning Code relating to "legal non-conforming structures"
7. ADJOURNMENT

Additional explanation of items on the agenda (Communication Forms) can be found on the village's website at www.richfieldwi.gov. Notification of this meeting has been posted in accordance with the Open Meeting Laws of the State of Wisconsin. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk's office at 628-2260 with as much advance notice as possible.

4 a

1. Call to order/determination of quorum

Chairman Jim Otto called the meeting to order at 7:03 p.m.

In attendance were Chairman Jim Otto, Vice-Chairman Berghammer, Commissioners Melzer, Bartel, Coté, Lalk, Trustee Collins, Village Administrator Jim Healy and Administrative Services Coordinator KateLynn Schmitt.

2. Verification of Open Meetings Law compliance

Administrator Healy stated that the agendas were posted at the Richfield, Hubertus, and Colgate U.S. Post Offices as well as Village Hall. Digital copies of the agenda were sent to the West Bend Daily News, Germantown Express News, Hartford Times Press, and the Milwaukee Journal Sentinel.

3. Pledge of Allegiance

4. Approval of Minutes

a. May 5, 2016 – Regular Meeting

Motion by Commissioner Melzer to approve the minutes of the regular May 5, 2016 Plan Commission meeting; Seconded by Vice-Chairman Berghammer; Motion passed without objection.

5. Appointment of Vice-Chairman

a. Discussion/Action regarding the appointment of a Vice-Chairman

Current Vice-Chairman, Mr. Berghammer asked if the Commission's most senior member, Commissioner Bartel was interested in the position. He declined.

Motion by Commissioner Lalk to elect Commissioner Berghammer to the position of Vice-Chairman of the Plan Commission for a term of one (1) year; Seconded by Commissioner Melzer; Motion passed without objection. Vice-Chairman Berghammer abstained.

6. PUBLIC HEARING

a. Discussion regarding Conditional Use Permit (CUP) application submitted for property located at 1953 STH 175 (Tax Key: V10_0272) pursuant to Section 70.200.5(D) – “Richfield Roadhouse”

b. Discussion regarding CUP application submitted for property located at 3208 STH 167 (Tax Key: V10_027600E) pursuant to Section 70.198(D) – “Terrace 167 & Logger's Park”

Commissioner Lalk made a motion to open the Public Hearing; Seconded by Commissioner Coté; Motion passed without objection.

No one from the public spoke for either Public Hearing.

Trustee Collins made a motion to close the Public Hearing; Seconded by Vice-Chairman Berghammer; Motion passed without objection.

7. DISCUSSION/ACTION

- a. **Discussion and possible recommendation to the Village Board regarding a CUP application submitted for property located at 1953 STH 175 (Tax Key: V10_0272) pursuant to Section 70.200.5(D) – “Richfield Roadhouse”**

Commissioner Coté asked if the parking on site now would be adequate for the business operations.

Administrator Healy stated that it was adequate, but parking in general is something that may still need to be addressed in the future by the Village.

Motion by Commissioner Lalk to recommend approval of the Conditional Use Permit to the Village Board for the Richfield Roadhouse, located at 1953 STH 175 (Tax Key: V10_0272); Seconded by Commissioner Melzer; Motion passed without objection.

- b. **Discussion and possible recommendation to the Village Board regarding a CUP application submitted for property located at 3208 STH 167 (Tax Key: V10_027600E) pursuant to Section 70.198(D) – “Terrace 167 & Logger’s Park”**

Motion by Vice-Chairman Berghammer to recommend approval of the proposed Conditional Use Permit to the Village Board for “Logger’s Park” & “Terrace 167”, located at 3208 STH 167 (Tax Key: V10_0276-00E); Seconded by Commissioner Lalk; Motion passed without objection.

- c. **Discussion/Action regarding a Site, Building, and Plan of Operation for Chase Electric, located at 1923 STH 175 (Tax Key: V10_0306 & V10_030500Z)**

Trustee Collins stated he liked the design and he was excited about the opportunity this business presented for the area.

Architectural Renderings

Motion by Vice-Chairman Berghammer to accept the recommendation of the Architectural Review Board for the approved accessory structure design and façade upgrade to Chase Electric, located at 1923 STH 175 subject to the Specific Condition of Approval listed below:

1. The property owner receives a building permit from the Village’s Inspection Department.

Lighting Plan

To accept the recommendation of the Village’s Consultant Planner for the approval of the proposed lighting plan prepared by The Custom House for Chase Electric, located at 1923 STH 175 subject to the Specific Condition of Approval listed below:

1. The property owner receives an electrical permit from the Village’s Inspection Department.

Site Plan

To approve the proposed Site Plan for Chase Electric, located at 1923 STH 175, subject to the Specific Conditions of Approval listed below:

1. The proposed Plat of Survey be formally recorded at the Washington County Register of Deeds and the Village be provided with a copy of the same.
2. The Wisconsin Department of Transportation verify to the Village, in writing, that the We Energies pole required to be relocated by the property owner has been done.

Plan of Operation

To approve the proposed Plan of Operation for Chase Electric, located at 1923 STH 175, as presented:

Seconded by Trustee Collins; Motion passed 6-1.

d. Discussion/Action regarding the scheduling for the regular July Plan Commission

No action was taken to move the regularly scheduled Plan Commission date.

e. Discussion regarding proposed concept Rs-1b, single-family cluster/open space residential district subdivision indicated by Tax Key: V10_0355912001 – Neumann Companies, Inc.

Mr. Ron Carlson, court-appointed receiver for the property, discussed the proposal and stated that if the Plan Commission were to request Neumann Companies to finalize the connection to Town Line Road it would cause their deal to fall through.

After discussion, the Plan Commission members stated they would be interested in seeing road connectivity to Town Line Road for safety purposes. However, if the developer did not construct a connection point directly to Town Line Road now, a 'temporary t-turnaround' near the southernmost property boundary line should be constructed so it would be known the road would in the future connect through.

f. Discussion regarding building development proposal for Sloppy Joe's Saloon and Spoon, located at 3723 Hubertus Road (Tax Key: V10_0828)

Administrator Healy gave an overview of legal non-conforming uses, structures, and lots. Staff has been working with property owner Joe Hennes regarding the development of his property for the last several months. Ideally he would like to expand his business to the west, but because his building is considered legal non-conforming, he does not have that opportunity. Staff discussed a proposed ordinance amendment which could be made to give property owners and the Plan Commission greater flexibility in considering these types of cases. The model ordinance proposed is taken from the Village of Sussex, a community represented by Village Attorney John Macy.

8. ADJOURNMENT

Motion by Commissioner Lalk to adjourn; Seconded by Commissioner Coté; Motion passed without objection at 8:46 p.m.

Respectfully Submitted,

Jim Healy
Village Administrator

5a &

6a



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM
MEETING DATE: August 4, 2016

5a+6a

SUBJECT: Rezoning – Tax Keys: V10_0382, V10_0381, V10_0380, Mr. Calvin Schneider from A-1 to A-2

DATE SUBMITTED: July 28, 2016

SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE PLAN COMMISSION WISH TO RECOMMEND TO THE VILLAGE BOARD THE REZONING OF THE SOUTH SIDE OF THE 3700 BLOCK OF STH 167, FROM A-1, EXCLUSIVE AGRICULTURAL DISTRICT TO A-2, GENERAL AGRICULTURAL DISTRICT?

ISSUE SUMMARY:

The petition before us tonight is being submitted by Mr. and Mrs. Calvin Schneider, for their property generally located on the southeast corner of STH 167 and Scenic Road on the south side of the 3700 block (Tax Keys: V10_0382, V10_0381, and V10_0380). Please refer to the Washington County GIS Map in the Ordinance attachment for locational purposes. The petitioner has been working with Staff over the course of the last few months regarding the future salability of his property. Currently, the entire property is considered to be legal, non-conforming due to its acreage. In the A-1 District, the minimum acreage for property is 35 acres. These properties have access off of Scenic Road and STH 167.

This property has been farmed for over a generation and the plan is to continue farming this land. However, the property owner is presently in discussions with an individual to purchase 10 acres of land and his present zoning will not allow Staff to approve a boundary line relocation for a parcel that will be non-conforming before and after the quit claim deed is drafted up. Additionally, financial institutions in recent years have tightened up regulations on issuing loans to properties that are considered “non-conforming”. They are oftentimes scrutinized much harder than ones which conform to local regulations too. The property owner is requesting of the Village a change in zoning designation for all three of their properties from A-1, Exclusive Agricultural District to A-2, General Agricultural District. This is a permissible zoning request pursuant to the Village’s Comprehensive Plan. The intent of the A-2, General Agricultural District is as follows:

“The A-2, General Agricultural District is intended to provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-1, Exclusive Agricultural District and which are generally best-suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agriculture related farming activity.”

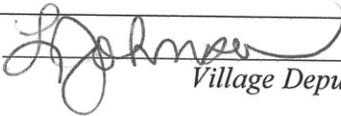
The minimum lot size for this District is ten (10) acres. The setbacks for the property are 65’ from the street, 50’ from the sides, and 50’ from the rear. If the property owner was able to come to terms with the proposed purchaser for the property he would be left with two parcels which would total 42 acres. One of which, V10_0381, would remain as the family homestead.

A Public Hearing has been scheduled tonight and pursuant to our municipal code a Class II Notice has run for two consecutive weeks in the West Bend Daily News. Every property owner within 300’ of the subject property was contacted. Mailings were distributed to adjacent property owners on Monday, July 25th, which is 11 days prior to tonight’s hearing pursuant to your request. At the time of this writing, Staff has received no written comments from residents. But had one telephone conversation with an adjacent property owner on Friday morning who indicated she would be submitting her favorable recommendation for approval in writing in the coming days. If received, it will be read out loud during the public hearing.



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM
 MEETING DATE: August 4, 2016

FUTURE IMPACT & ANALYSIS:

REVIEWED BY: 
 Village Deputy Clerk

Forward to Village Board: Yes
 Additional Approvals Needed: Yes
 Signatures Required: Yes

ATTACHMENTS:

1. Class II Public Hearing Notice
2. Ordinance 2016-08-01, an Ordinance to rezone Tax Keys: V10_0382, 0381, 0380 from A-1 to A-2

STAFF RECOMMENDATION:

Motion to recommend to the Village Board the adoption of Ordinance O2016-08-01, an Ordinance to rezone Tax Keys: V10_0382, V10_0381, and V10_0380 as indicated in the ordinance exhibit, from A-1, Exclusive Agricultural District to A-2, General Agricultural District.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERKS USE ONLY
 BOARD ACTION TAKEN


 Village Staff Member


 Village Administrator

Resolution No. _____
 Ordinance No. _____
 Approved _____
 Other _____

Continued To: _____
 Referred To: _____
 Denied _____
 File No. _____

(Class II Public Notice)
NOTICE OF PUBLIC HEARING
VILLAGE OF RICHFIELD
Thursday, August 4, 2016

PLEASE TAKE NOTICE:

Notice is hereby given pursuant to Section 19.84, Wis. Stats., and provisions of the Village of Richfield Code of Ordinances, that the Village of Richfield Plan Commission will conduct a public hearing on Thursday, August 4, 2016 at 7:00PM at the Village Hall, located at 4128 Hubertus Road, Hubertus, WI 53033, to consider the following:

1. A petition by Mr. and Mrs. Calvin and Arlene Schneider to rezone their properties (V10_0382, V10_0381, and V10_0380) from A-1, Exclusive Agricultural District to A-2, General Agricultural District

For information regarding this public hearing, please contact Jim Healy, Village Administrator at (262)-628-2260. Information regarding the above referenced petition can be obtained from the Village Clerk during normal business hours. All interested parties will be heard. Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk's Office at (262)-628-2260 with as much advanced notice as possible.

Dated this 20th day of July, 2016

Publication Dates:

July 23, 2016

July 28, 2016

Jim Healy
Village Administrator
Village of Richfield
4128 Hubertus Road
Hubertus, WI 53033
(262)-628-2260

STATE OF WISCONSIN VILLAGE OF RICHFIELD WASHINGTON COUNTY
ORDINANCE O2016-08-01

AN ORDINANCE TO REZONE SUBJECT PARCELS OF LAND IN THE VILLAGE OF RICHFIELD AND TO AMEND THE ZONING MAP OF THE VILLAGE OF RICHFIELD PURSUANT TO SECTION 70.163 OF THE MUNICIPAL CODE

WHEREAS, the property owner, Mr. and Mrs. Calvin Schneider, are acting as the petitioners to rezone the properties shown in Attachment 1, otherwise described by Tax Key: V10_0382, V10_0381, and V10_0380 from A-1, Exclusive Agricultural District to A-2, General Agricultural District; and

WHEREAS, the subject properties contain less than the minimum acreage required for properties in the A-1, Exclusive Agricultural District with sizes of 19.12ac, 19.24ac, and 14.44ac, respectively; and

WHEREAS, the rezoning petition has been submitted to the Village of Richfield Plan Commission for report and recommendation; and

WHEREAS, the required public notice of the public hearing has been provided consistent with Section 62.23 of the Wisconsin Statutes and the Village's zoning regulations; and

WHEREAS, the Plan Commission conducted a public hearing on August 4, 2016; and

WHEREAS, the Plan Commission has recommended to the Village Board that the rezoning change be made; and of the recommendation of the Plan Commission, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, having determined that the rezoning is substantially conforming to the Village's Comprehensive Plan, and having based its determination on the effect of granting of said rezoning on the health, safety, and welfare for the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as the impact on the surrounding properties as to the noise, dust, smoke, odor and others, has hereby determined that the rezoning will not violate the spirit or intent the zoning ordinance for the Village of Richfield, will not be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke odor or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the development is conducted pursuant to the following conditions and is in strict compliance with the same.

NOW, THEREFORE, the Village of Richfield Village Board, Washington County, Wisconsin ordains as follows:

Section 1. Zoning Map Change

The subject property is hereby rezoned as described above and depicted in Attachment 1, attached hereto, and the zoning map of the Village of Richfield is hereby amended to incorporate the zoning of the subject properties.

Section 2. Effective Date

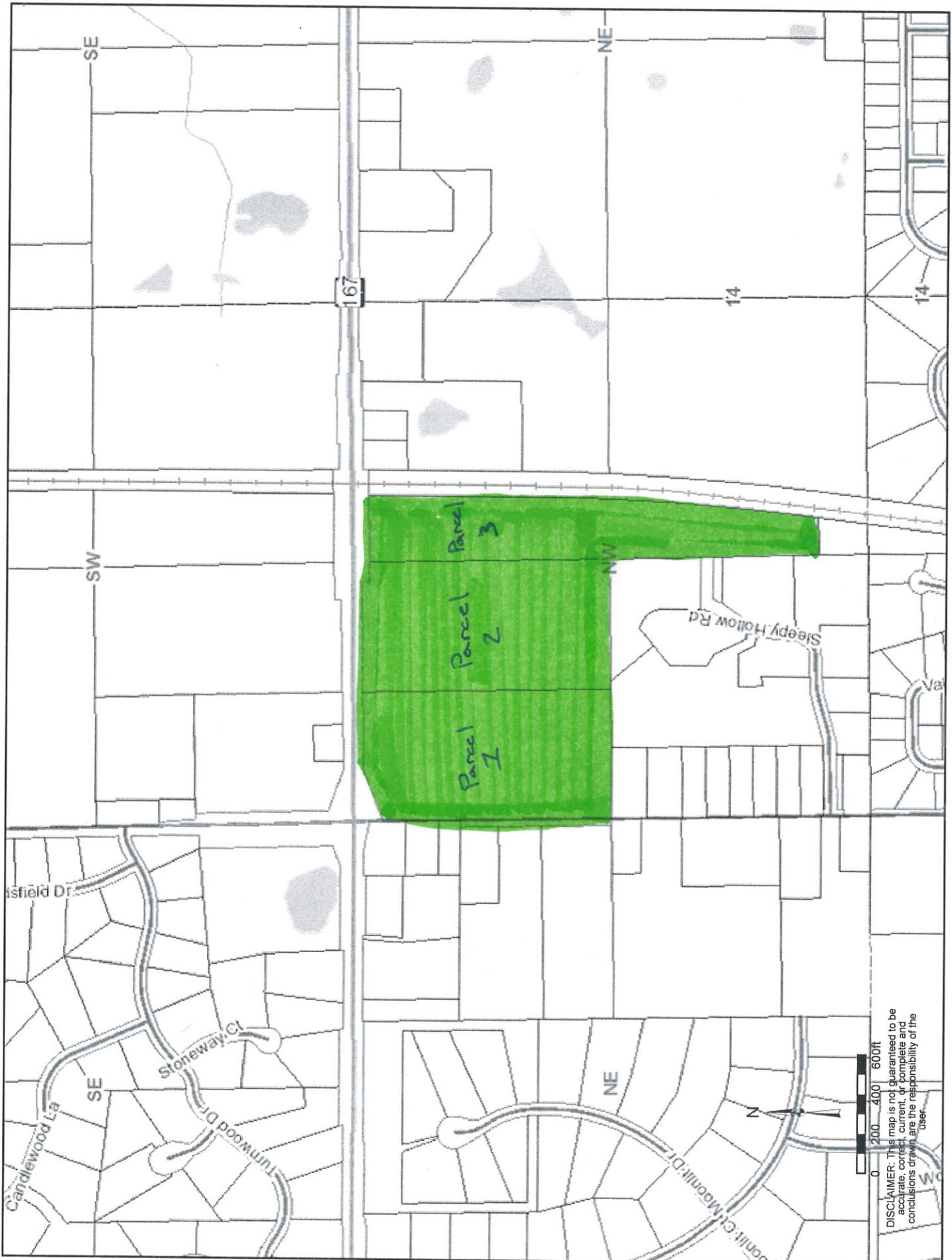
This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law.

Adopted this 18th day of August, 2016

Attest:

John Jeffords, Village President

Attest: Jim Healy, Village Administrator/Clerk



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

5 b

&

6 b



VILLAGE OF RICHFIELD
 PLAN COMMISSION COMMUNICATION FORM
 MEETING DATE: August 4, 2016

5b+6b

SUBJECT: Conditional Use Permit for Lake Five Foods located at 106 STH 164 (Tax key V10_131000Z); Kurt Schwindemann, applicant on behalf of property owner, James Forester

DATE SUBMITTED: July 29, 2016

SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE PLAN COMMISSION WISH TO RECOMMEND TO THE VILLAGE BOARD THE APPROVAL FOR THE PROPOSED 'SMALL BATCH DAIRY PROCESSING' CONDITIONAL USE PERMIT?

ISSUE SUMMARY:

Over three (3) years ago the Village Board and Plan Commission amended its ordinances to allow "small batch dairy production" as an allowable Conditional Use in the B-1 Neighborhood Business District. The impetus for this Commission and the Board to agree with the petitioned change to our code text was based on this nearly identical proposed business operation, a boutique grocery store/deli, which would create various soft cheeses and dairy products from the milk collected from the dairy operation occurring on the 77-acre farm next door. The farm next door is owned by the agent of this petition who has worked out a private agreement for the use of the subject property for business purposes.

The definition of 'small batch dairy production' is the following:

"Any Processing of dairy products including, but not limited to, pasteurization, cheese making, production of processed dairy products and bottling of liquid milk products not to exceed 400,000 gallons in volume per calendar year".

To give some perspective on the matter, Mr. Schwendimann's Attorney Mr. Ian Prust indicated that 400,000 gallons is less than what an actual manufacturing plant could produce in a day. The production of this "small batch dairy" processing would be limited to a single room, much like it was proposed to be in 2013. Please refer to the proposed floor plan for additional details. In the event that Plan Commission would recommend approval to the Village Board like it previously did in 2013, Village Staff would relate the below listed Specific and General Conditions of Approval to this site.

A Public Hearing has been scheduled tonight and pursuant to our municipal code a Class II Notice has run for two consecutive weeks in the West Bend Daily News. Every property owner within 300' of the subject property was contacted. Mailings were distributed to adjacent property owners on Monday, July 25th, which is 11 days prior to tonight's hearing pursuant to your request. At the time of this writing, Staff has received no written comments from residents.

FUTURE IMPACT & ANALYSIS:

REVIEWED BY:

Village Deputy Clerk

Forward to Village Board: No
 Additional Approvals Needed: No
 Signatures Required: No

ATTACHMENTS:

1. Minutes from April 2013 Plan Commission meeting
2. Minutes from May 2014 Plan Commission meeting
3. Ordinance O2013-04-01, an ordinance to amend Sections 70.12 and 70.197 of the Village of Richfield code related to definitions of the zoning code and conditional uses in the B-1, neighborhood business district
4. Draft Conditional Use Permit for Lake Five Foods (2016)
5. Class II Public Hearing Notice



VILLAGE OF RICHFIELD
 PLAN COMMISSION COMMUNICATION FORM
 MEETING DATE: August 4, 2016

STAFF RECOMMENDATION:

Motion to recommend to the Village Board the approval of the proposed Conditional Use Permit for Lake Five Foods, located at 106 STH 164 (Tax Key: V10-1310-00Z) subject to the following Specific and General Conditions of Approval:

Specific Conditions of Approval:

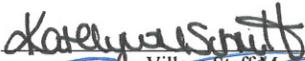
1. The Site, Building and Plan of Operation for Lake Five Foods, LLC also be similarly approved.
2. The vegetable stand currently operating on site be properly permitted with a Temporary Zoning Permit.

General Conditions of Approval:

1. The property owner shall satisfy all comments, conditions, and concerns of the Village Engineer, the Village Planner, and all reviewing, objecting and approving bodies, including, but not limited to, the Wisconsin Department of Commerce per Ch. 236, Wisconsin Statutes and Ch. Comm. 85, Wisconsin Administrative Code; Wisconsin Department of Administration per Ch. 236, Wisconsin Statutes; and Washington County.
2. The property owner shall, on demand, reimburse the Village all costs and expenses of any type that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
3. Any unpaid bills owed to the Village by the subject property owner or his or her tenants, operators or occupants, 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 owed to the Village; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Village, 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, including possible cause for termination of this approval.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERKS USE ONLY
 BOARD ACTION TAKEN


 Village Staff Member

Resolution No. _____
 Ordinance No. _____
 Approved _____
 Other _____

Continued To: _____
 Referred To: _____
 Denied _____
 File No. _____


 Village Administrator

1. Call to order/determination of quorum

Chairman Jim Otto called the meeting to order at 7:31 p.m. In attendance were Vice-Chairman Klug, Commissioners Lalk, Berghammer, Melzer, Trustee Neu, Village Administrator Schoemann, and Assistant to the Village Administrator Healy.

Commissioner Kurt Bartel, had an excused absence.

2. Verification of Open Meetings Law compliance

Assistant to the Village Administrator Healy stated that the agendas were posted at the Richfield, Hubertus, and Colgate U.S. Post Offices as well as Village Hall. Digital copies of the agenda were sent to the West Bend Daily News, Germantown Express News, Hartford Times Press, and the Milwaukee Journal Sentinel.

3. Pledge of Allegiance

4. Approval of Minutes

a. March 7, 2013 – Regular Meeting

Motion by Commissioner Bob Lalk to approve the minutes of the regular March 7, 2013, Plan Commission meeting with the revision to incorporate the written Public Hearing comments submitted by resident Sue Munger; Seconded by Commissioner Don Berghammer; Motion passed without objection.

5. Public Hearing:

Motion by Commissioner Bob Lalk to open the Public Hearing(s); Seconded by Commissioner Dick Melzer; Motion passed without objection.

No one from the public spoke.

- a. Discussion and possible recommendation to the Village Board regarding an ordinance amendment to Section 70.197 (B) and 70.197 (D), related to permissible Permitted Uses and Conditional Uses in the B-1, Neighborhood Business Districts- Restaurants and Drive-up/Drive-through Restaurants
- b. Discussion and possible recommendation to the Village Board regarding an ordinance amendment to Section 70.198 (D), related to Conditional Uses in the B-2, Community Business District- Drive-up/Drive-through Restaurants

- c. **Discussion and possible recommendation to the Village Board regarding an ordinance amendment to Section 70.199 (D), related to Conditional Uses in the B-3, General Business District- Drive-up/Drive-through Restaurants**
- d. **Discussion and possible recommendation to the Village Board regarding an ordinance amendment to Section 70.200 (B), related to Permitted Principle Uses in the B-4, Highway Business District- Drive-up/Drive-through Restaurants**
- e. **Discussion and possible recommendation to the Village Board regarding an ordinance amendment to Section 70.12, related to the newly created definitions of both 'Restaurants' and 'Drive-up/Drive-through Restaurants'**

Motion by Commissioner Dick Melzer to close the Public Hearing(s); Seconded by Commissioner Don Berghammer; Motion passed without objection.

Motion by Commissioner Bob Lalk to recommend approval to the Village Board for ordinance amendments to Sections 70.197 (B), 70.197 (D), 70.198 (D), 70.199 (D), 70.200 (B), and 70.12 related to Drive-up/Drive-through Restaurants; Seconded by Commissioner Dan Neu; Motion passed 5-1, with Vice-Chairman Jeff Klug opposed.

- f. **Discussion and possible recommendation to the Village Board regarding an ordinance amendment to Section 70.12, related to a newly created definition for 'small-batch dairy'**

Motion by Commissioner Don Berghammer to open the Public Hearing; Seconded by Vice-Chairman Jeff Klug; Motion passed without objection.

Ian Prust, 622 Elm Street, West Bend, WI 53095 spoke on behalf of the 'small-batch dairy' ordinance amendment which he has proposed on behalf of his client.

- g. **Discussion and possible recommendation to the Village Board regarding an ordinance amendment to Section 70.197 (D), related to Conditional Uses in the B-1, Neighborhood Business District- 'small-batch dairy production' (application 2013-2-1)**

Motion by Commissioner Don Berghammer to close the Public Hearing; Seconded by Vice-Chairman Jeff Klug; Motion passed without objection.

Motion by Vice-Chairman Jeff Klug to recommend approval of ordinance amendments to Sections 70.12 and 70.197 (D) related to small-batch dairy production to the Village Board; Seconded by Trustee Dan Neu; Motion passed 5-1, with Commissioner Jim Otto opposed.

6. Discussion/Action

- a. **Discussion/Action on a site plan for antenna and equipment upgrade at an existing telecommunications tower located at 3660 County Highway Q (Tax Key: V10-1356); Sprint, applicant (application 2013-3-1)**

- b. Discussion/Action on a site plan for antenna and equipment upgrade at an existing telecommunications tower located at 1101 STH 164 (Tax Key: V10-078500A); Sprint, applicant (application 2013-3-2)**

Motion by Commissioner Don Berghammer to recommend approval of a site plan for antenna and equipment upgrades at the existing telecommunications towers located at 3660 County Highway Q and 1101 STH 164 to the Village Board; Seconded by Commissioner Bob Lalk; Motion passed without objection.

- c. Discussion/Action regarding residential home plans for Lot 17 in Reflections Village (UBuildIt Custom Homes)(application 2013-3-4)**

Chairman Otto stated that he was not in favor of approving this design when he previously reviewed it in his capacity as a member of the Village's Architectural Review Board. In light of that fact, he re-stated for that record that he would not be voting for it again at the Plan Commission level. It was Chairman Otto's contention that this home is not up to the standard of other previously approved homes in Reflections Village and that additional work would be needed before he would be comfortable voting in favor of it.

Motion by Commissioner Bob Lalk to recommend approval of the residential home plans for Lot 17 in Reflections Village to the Village Board; Seconded by Vice-Chairman Jeff Klug; Motion passed 4-2, with Chairman Jim Otto and Commissioner Dick Melzer opposed.

- d. Discussion/Action regarding residential home plans for Lot 15 in Reflections Village (William Ryan Homes)(application 2013-3-5)**

Motion by Vice-Chairman Jeff Klug to recommend approval of the residential home plans for Lot 15 in Reflections Village to the Village Board; Seconded by Commissioner Dick Melzer; Motion passed without objection.

- e. Discussion and possible recommendation to the Village Board regarding acceptance of the 2014-2018 Capital Improvement Program**

Motion by Commissioner Don Berghammer to recommend approval of the 2014-2018 Capital Improvement Program to the Village Board; Seconded by Commissioner Bob Lalk; Motion passed without objection.

7. Adjournment

Motion by Commissioner Dick Melzer to adjourn; Seconded by Commissioner Don Berghammer; Motion passed without objection at approximately 8:20 p.m.

Respectfully Submitted,

Jim Healy, Assistant to the Village Administrator

1. Call to order/determination of quorum

Vice-Chairman Don Berghammer called the meeting to order at 7:33 p.m.

In attendance were Commissioners Bartel, Melzer, Cote, Lalk, Trustee Collins, Interim Village Administrator Healy and Consultant Planner Tim Schwecke.

Chairman Jim Otto was an excused absence.

2. Verification of Open Meetings Law compliance

Interim Village Administrator Healy stated that the agendas were posted at the Richfield, Hubertus, and Colgate U.S. Post Offices as well as Village Hall. Digital copies of the agenda were sent to the *West Bend Daily News*, *Germantown Express News*, *Hartford Times Press*, and the *Milwaukee Journal Sentinel*.

3. Pledge of Allegiance

4. Approval of Minutes

a. April 3, 2014 – Regular Meeting

Motion by Commissioner Lalk to approve the minutes of the regular April 3, 2014 Plan Commission meeting as drafted; Seconded by Trustee Collins; motion passed without objection.

5. PUBLIC HEARING

a. Discussion and possible recommendation to the Village Board regarding the rezoning petition by D&S Weyer No. III, LLC., Ordinance O2014-05-01, to rezone a vacant property designated by Tax Key: V10-0963 from A-1, Exclusive Agricultural District to Rs-1b, Single Family Cluster/Open Space Residential District

Pete Hurth, Engineer representing Don Weyer, gave a recap of the project before the public hearing began.

Motion by Commissioner Lalk to open the public hearing; seconded by Trustee Collins; motion passed without objection.

James Meleski, 3428 S Shore Drive, had concerns about rerouted water from the new subdivision running through his property. He had questions about the amount of water currently on the property and the engineering plans designed to prevent water problems on other residents properties in the future.

Gil Frank, 4156 Elmwood Road, wanted to know if any studies had been done to find out how the potential “contaminated water” would affect Bark Lake.

Mary Olsen, 793 S Shore Drive, had concerns about an increase in traffic and liked the idea of smaller houses and lots in the area.

Bill Weller, 3477 Lakeview Road, had several concerns about traffic and high traffic volumes going past his house. Another concern was about the narrowness of Lakeview Road.

Motion by Commissioner Bartel to close the public hearing; seconded by Trustee Collins; motion passed without objection.

Pete Hurth addressed some of the concerns expressed by residents.

Interim Village Administrator Healy stated in the coming months Village Staff will be evaluating a grading and erosion control plan for the site.

Motion by Commissioner Bartel to recommend to the Village Board approval of the petition for partial rezoning of the subject property indicated by Tax Key: V10-0963 from A-1, Exclusive Agricultural District to Rs-1b, Single Family Cluster/Open Space Residential District as outlined in Ordinance O2014-05-01, as amended; seconded by Trustee Collins; passed without objection.

- b. Discussion and possible recommendation to the Village Board regarding a proposed Conditional Use to operate small batch dairy production at 106 STH 164 designated by Tax Key: V10-1310-00Z**

Motion by Trustee Collins to open the public hearing; seconded by Commissioner Lalk; motion passed without objection.

Kurt Schwendimann, 214 West Sumner Street, Hartford, stated his family has had a dairy farm operation for 5 generation, and looking to expand and open a small batch dairy store.

Patti Groeschl, 129 E Lake Lane, bought a home across from a farm field that separates her lot from 106 STH 164. She was concerned about new animal waste and noise problems associated with having a farm move into the area. She also had several concerns about water being affected and asked that more residents be notified about the incoming business.

Motion by Commissioner Lalk to close the public hearing; seconded by Commissioner Cote; motion passed without objection.

Interim Administrator Healy stated just like any other development they would have to comply with water standards set by the Village.

Motion by Commissioner Lalk to recommend to the Village Board the approval of the proposed conditional use permit for Lake Five Foods located at 106 STH 164 (Tax Key: V10-1310-00Z); seconded by Commissioner Cote; motion passed without objection.

- c. Discussion and possible recommendation to the Village Board regarding Ordinance O2014-05-02, an ordinance to repeal and recreate the Village's Shore Land Zoning District, 70.211 and other related sections so as to comply with 2013 Wisconsin Act 80**

Motion by Commissioner Lalk to open the public hearing; seconded by Trustee Collins; Motion carried unanimously.

Jim Maleski, 3428 S Shore Drive, had a number of questions about the proposed ordinances but was unaware that the proposed text was available to read online.

Motion by Commissioner Bartel to close the public hearing; seconded by Commissioner Cote; motion passed without objection.

Motion by Trustee Collins to recommend to the Village Board the Ordinance O2014-05-02, an ordinance to modify various sections of chapter 70 relating to shoreland zoning and shoreland-wetland zoning and other provision along with the provisions recommended by the DNR and the Village Attorney; seconded by Commissioner Lalk; Motion passed without objection.

6. DISCUSSION/ACTION

- a. Discussion and possible recommendation to the Village Board regarding a CSM extraterritorial plat review on behalf of Dean Gunderson for a 7.154ac parcel in the Town of Polk, Tax Key: T9-1065**

Motion by Commissioner Bartel to recommend to the Village Board the approval of the Certified Survey map for Dean Gunderson in the Town of Polk as prepared by Donald Thoma, RLS, with a date of April 14, 2014; seconded by Commissioner Cote; Motion passed without objection.

- b. Discussion and possible recommendation to the Village Board regarding a CSM extraterritorial plat review on behalf of Andrew and Faye Ann Schneider for a 8.01ac parcel in the Town of Polk, Tax Key: T9-0960-00B, part of T9-096-00Z**

Motion by Trustee Bill Collins to recommend to the Village Board the approval of the Certified Survey Map for Andrew and Faye Ann Schneider in the Town of Polk as prepared by Donald Thoma, RLS, with a date of April 2, 2014; Seconded by Commissioner Kurt Bartel; Motion passed without objection.

- c. Discussion and possible recommendation to the Village Board regarding a CSM on behalf of Nancy Manhattan for a 1.37ac parcel, Johnny Manhattan's located at 3718 Hubertus Rd, Tax Key: V10-0423**

Motion by Commissioner Lalk to recommend to the Village Board the approval of the Certified Survey Map subject to the general and specific conditions listed below;

Specific Conditions of Approval:

1. The subject property is partially rezoned to B-1 & F-1.
2. The final CSM shall comply with all requirements in chapter 330 of the Village Code (subdivision regulations) and Chapter 236, Wis. Stats.
3. Insert "Interim Clerk, Jim Healy" signature block.
4. Insert "Village President, John Jeffords" signature block
5. Prior to any construction or any land-altering activity, the subdivider shall comply with all of the following:
 - (a) The property owner shall obtain all necessary permits and approvals from the Village of Richfield, Washington County, the State of Wisconsin, or the federal government as may be required for any construction or land-altering activity.
 - (b) The property owner shall work with the Village Engineer, Village Attorney and Interim Village Administrator to remedy the issue of the structure encroaching upon the right-of-way by either 1) the Village granting a revocable easement to the property owner, 2) the property owner obtaining a legal description for that portion of the building which encroaching upon the right-of-way and that portion of land which encroaches be given back to the property owner and a new legal description be created, 3) or any other method the Village Engineer deems necessary and appropriate.
 - (c) The Village Engineer shall review and provide written approval of the same.

General Conditions of Approval:

1. The property owner shall satisfy all comments, conditions, and concerns of the village engineer, the village planner, and all reviewing, objecting and approving bodies, including, but not limited to, the Wisconsin Department of Commerce per ch. 236, Wisconsin Statutes and ch. Comm. 85,

Wisconsin Administrative Code; Wisconsin Department of Administration per ch. 236, Wisconsin Statutes; and Washington County.

2. The property owner shall, on demand, reimburse the Village all costs and expenses of any type that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions
3. Any unpaid bills owed to the Village by the subject property owner or his or her tenants, operators or occupants, 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 owed to the Village; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Village, 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, including possible cause for termination of this approval.

Seconded by Commissioner Cote; motion passed without objection.

Vice-Chairman Berghammer requested a suspension of the rules to move item 6f. up on the agenda to approve the SBOP for Johnny Manhattan's.

f. Discussion/Action regarding a Site, Building and Plan of Operation for Johnny Manhattan's, located at 3718 Hubertus Rd (Tax Key: V10-0423)

Motion by Commissioner Bartel to approve the site plan, as submitted, for Johnny Manhattan's located at 3718 Hubertus Road (Tax Key: V10-0434) provided that 1) prior to pulling building permits, Village Engineer Ron Dalton provides Staff with written verification that the plan is to his satisfaction; 2) that the proposed Certified Survey Map be approved and accepted by the Village Board and that the issues relating to the encroachment onto the Village's right of way be resolved to the Village's satisfaction; seconded by Trustee Collins; motion passed without objection.

Motion by Commissioner Bartel to approve the revised design elevations as approved by the Architectural Review Board on May 30th, 2014 for Johnny Manhattan's, located at 3718 Hubertus Road (Tax Key: V10-0423); seconded by Commissioner Lalk; motion passed without objection.

Motion by Commissioner Bartel to approve the plan of operation as presented for Johnny Manhattan's, located at 3718 Hubertus Road (Tax Key: V10-0423); seconded by Trustee Collins; motion passed without objection

d. Discussion/Action regarding a Site, Building and Plan of Operation for Tera Tec Landscaping, located at 2433 Slinger Road (Tax Key: V10-0114)

Motion by Trustee Collins to approve the site plan as submitted based on a finding that the site plan as amended is consistent with the spirit and intent of the 2009 conditional use approval, subject to the following specific conditions of approval: (1) the site plan is revised to show the bulk storage bins along Slinger Road at least 65 feet from the public right-of-way per subsection 4(j) of the 2009 Conditional Use Permit and (2) the zoning administrator verifies in writing that all of the conditions imposed in the 2009 conditional use order have been satisfied. Further, no building permits of any type may be issued on the subject property until such time as the administrator makes such determination; seconded by Commissioner Bartel; motion passed without objection.

e. Discussion/Action regarding a Site, Building and Plan of Operation for Northbrook Church, located at 4014 STH 167 (Tax Key: V10-0217)

Mika Frank from Groth Design Group gave a presentation about the Northbrook Church project asking that approvals not be tabled so delays in the project would not occur.

Motion by Trustee Collins to approve the site plan except for (i) the 12,000-square foot building expansion, (ii) the future access drive on Hillside Drive, and (iii) the two future parking areas labeled Phase A and B, all of which will be reviewed when those elements are in final design, subject to the following conditions of approval: 1. the applicant submits a landscaping plan to the Plan Commission and obtains approval of the same, and that a printed copy of the plan be submitted to Village staff and Engineer with approval contingent on their satisfaction; seconded by Commissioner Bartel; motion passed 5-1.

Motion by Trustee Collins to approve the outdoor lighting plan and authorize the zoning administrator to approve minor modifications to the same as may be requested by the applicant provided all such revisions comply with the Village's outdoor lighting regulations; seconded by Commissioner Lalk; motion passed 5-1.

Motion by Trustee Collins to accept the recommendation of the Architectural Review Board from January of 2014; seconded by Commissioner Lalk; motion passed without objection.

Motion by Trustee Collins to approve the grading and erosion control plan subject to Village Staff receiving written confirmation of the Village Engineer's acceptance thereof; seconded by Commissioner Lalk; motion passed 5-1.

g. Discussion/Action regarding a Site, Building and Plan of Operation for Lake 5 Food Mart, located at 106 STH 164 (Tax Key: V10-1310-00Z)

Motion by Commissioner Lalk to approve the design elevations, site plan, and plan of operation for Lake 5 Food Mart, located at 106 STH 164; seconded by Commissioner Cote; motion passed without objection.

h. Discussion/Action regarding residential home plans for Lot 40 in Reflections Village Subdivision

Motion by Commissioner Lalk to approve the residential home plans for Lot 40 in Reflections Village as approved by the Architectural Review Board on April 16th, 2014; seconded by Trustee Collins; motion passed without objection.

i. Discussion regarding potential amendments to the Village's Ch. 70 Zoning Code regarding 'Urban Chickening' in all residential zoning districts

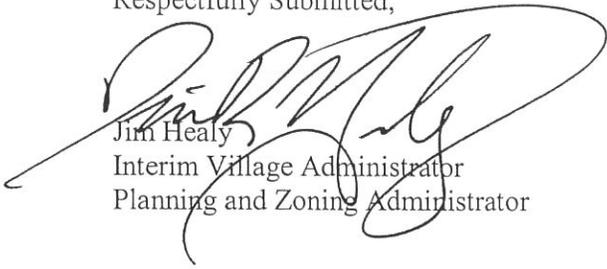
John and Barb Hughes gave a presentation on Urban Chickens and the effects that might have on properties in the Village of Richfield.

Plan Commission members thanks the Hughes for their time and insights onto this topic.

7. ADJOURNMENT

Motion by Trustee Collins to adjourn; seconded by Commissioner Bartel; motion passed without objection at 10:45 p.m.

Respectfully Submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Jim Healy', is written over the typed name and title.

Jim Healy
Interim Village Administrator
Planning and Zoning Administrator

ORDINANCE 2013-4-1

AN ORDINANCE TO AMEND SECTIONS 70.12 AND 70.197 OF THE VILLAGE OF RICHFIELD VILLAGE CODE RELATED TO DEFINITIONS OF THE ZONING CODE AND CONDITIONAL USES IN THE B-1, NEIGHBORHOOD BUSINESS DISTRICT

WHEREAS, the Village of Richfield, wishes to encourage economic development, the creation of jobs and the increase of property values; and

WHEREAS, the Village of Richfield wishes to encourage the use and sale of locally produced agricultural products; and

WHEREAS, the proposed amendments of the Zoning Code will allow for conditional uses similar in nature to already permitted uses; and

NOW, THEREFORE, the Village Board of the Village of Richfield, Washington County, Wisconsin, do ordain as follows:

Section 1: Chapter 70 of the Village of Richfield Village Code entitled “Zoning Code”, Section 70.12 entitled “Definitions” is hereby amended as follows:

Insert the following language after the definition of “Side Yard” and before the definition of “Solar Detriment Area, Horizontal”:

Small-Batch Dairy Processing

Any Processing of dairy products including, but not limited to, pasteurization, cheesemaking, production of processed dairy produces and bottling of liquid milk products not to exceed 400,000 gallons in volume per calendar year.

Section 2: Chapter 70 of the Village of Richfield Village Code entitled “Zoning Code”, Section 70.197 entitled “B-1, Neighborhood Business District,” subsection (D) entitled “Conditional Uses”, subsection 2. is hereby amended as follows:

Conditional Uses (see Section 70.241). Conditional uses in the B-1 district are as follow:

1. Any use similar in character to the permitted uses listed in subsections (B) and (C) of this section conducted as a retail business on the premises and catering to the general public.
2. The following general uses:
 Small-batch Dairy Processing

Section 3. This ordinance shall become effective upon passage and posting.

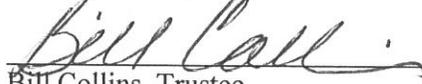
Passed and adopted this 18 day of April, 2013



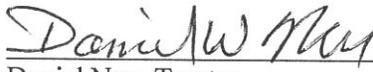
John Jeffords, President



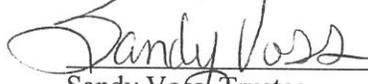
Rock Brandner, Trustee



Bill Collins, Trustee

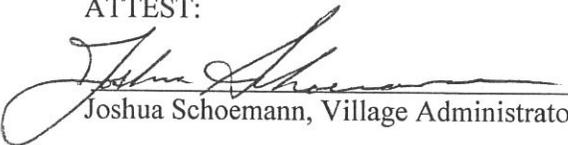


Daniel Neu, Trustee



Sandy Voss, Trustee

ATTEST:



Joshua Schoemann, Village Administrator

CONDITONAL USE PERMIT
LAKE FIVE FOODS
JAMES FORESTER, PROPERTY OWNER
106 STH 164 (Tax Key: V10-1310-00Z)

The Village Board of the Village of Richfield, Washington County, Wisconsin DO ORDAIN AS FOLLOWS:

WHEREAS, a petition has been filed by JAMES FORESTER (“Petitioner”) on behalf of the limited liability company he represents, JM1006, LLC.; and

WHEREAS, the Petitioner has authorized an agent, KURT SCHWENDIMANN, to seek a Conditional Use Permit to be issued for the Petitioner’s property located at 106 STH 164 (Tax Key: V10-1310-00Z); and

WHEREAS, in 2014 the agent petitioned the Village for an identical Conditional Use Permit as he was negotiating a deal with Landmark Credit Union for the purchase of the property; and

WHEREAS, in May of 2014, the Plan Commission and Village Board approved a proposed Conditional Use Permit for the agent, but it was never ratified or signed because KURT SCHWENDIMANN was not able to take ownership of the property and was not an authorized signor on behalf of Landmark Credit Union for the commercial operation; and

WHEREAS, the property is zoned B-1, Neighborhood Business District; and

WHEREAS, Petitioner seeks a Conditional Use Permit to operate a facility which has ‘small batch dairy processing’; and

WHEREAS, upon receipt of a written application for a Conditional Use Permit filed by the Petitioner, the Village Clerk properly referred such petition to the Plan Commission for the Village of Richfield for determination; and

WHEREAS, upon receipt of the petition by the Village Clerk, the Plan Commission for the Village of Richfield scheduled a public hearing thereon as soon as practical; and

WHEREAS, upon publication of the required “Notice of Public Hearing” and mailing of said “Notice of Public Hearing” to all property owners that are within 300 feet of Subject property, the Plan Commission for the Village of Richfield held a public hearing on August 4th as required by Section 70.241 of the Zoning Code for the Village of Richfield; and

WHEREAS, in the B-1, Neighborhood Business District pursuant to Section 70.197(D)(2), ‘small batch dairy processing’ is defined as ‘any processing of dairy products including, but not limited to, pasteurization, cheese making, production of processed dairy products and bottling of liquid milk products not to exceed 400,000 gallons in volume per calendar year’; and

WHEREAS, the Plan Commission for the Village of Richfield, following the public hearing and necessary study and investigation, have given the matter due consideration, and having based its determination on the effect of granting such Conditional Use Permit on the health, general

welfare, safety and economic prosperity of the Village and specifically of the immediate neighborhoods surrounding said location, and having given due consideration to the municipal problems involved, as well as impact on the surrounding properties hereby determine that the use of a restaurant will not violate the spirit or intent of the Zoning Ordinance for the Village of Richfield, will not be contrary to the public health, safety or general welfare of the Village of Richfield, will not be hazardous, harmful, noxious, offensive or a nuisance by reason of smoke, dust, odor or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the Conditional Use is operated pursuant to the following conditions and in strict compliance with the same.

THEREFORE IT IS ORDERED AS FOLLOWS:

Commencing upon the date hereof, a Conditional Use Permit for the subject premises is hereby granted for the establishment of a small batch dairy operation as allowed by the Village Municipal Code. The Conditional Use Permit shall continue in existence only so long as the Use is operated in compliance with this permit.

A. This Conditional Use Permit is granted to the Petitioner subject to the following conditions:

1. Subject Property: This Conditional Use Permit is limited to 106 STH 164 (Tax Key: V10-1310-00Z).
2. Signs: All signage shall conform to Chapter 309 of the Village Code.
3. Licenses and Permits: The Petitioner shall be required to obtain any and all required licenses and permits from the Village, County, State and federal government. If any license or permit is issued, any and all conditions of the same are incorporated herein and made part of this Conditional Use Permit.
4. Structure: Any structural additions or expansions shall be reviewed by the Architectural Review Board and Plan Commission and shall require an amendment to this Conditional Use Permit.
5. SBOP Process: Prior to the establishment of the use authorized herein, the Petitioner shall comply with the requirements of Section 70.133, Site, Building and Plan of Operations Plan Review. The business approval and all conditions of the same are incorporated herein and made part of this Conditional Use Permit.
6. Small Batch Dairy Processing: Any dairy processing shall be confined to the room indicated on Attachment "A" attached hereto.

B. Laws. The petitioner shall comply with all federal, state, county, and local rules, codes, ordinances, and regulations in the construction, operation, and maintenance of the subject property as amended from time to time.

C. Junk. No junk as defined in Section 263-8(A) of the Village code of ordinances; or disassembled, inoperable, junked or wrecked boats, motor vehicles, truck bodies, tractors, trailers also defined in Section 263-8(A); shall be accumulated or stored on the subject property. No burying or burning of junk is permitted on the subject property.

D. Fees and Expenses. Upon issuance of this conditional use permit, the petitioner shall reimburse the Village for all expenses incurred by the Village including all professional and technical assistance expenses, realized by the Village in reviewing, approving, and granting

this conditional use permit. The Village Clerk shall provide the petitioner with copies of all itemized invoices.

- E. Cost of Enforcement. Any attorney fees incurred by the Village of Richfield to enforce any of the conditions or requirements of this conditional use permit must be paid by the petitioner.
- F. Revocation or Modification of Approval. Whenever the Village Board has reasonable cause to believe that any of the conditions herein imposed are being or have been violated, or any use of the subject property related to the operation becomes hazardous, harmful, noxious, offensive, or a nuisance to surrounding properties, the Village Board shall have the right to revoke or modify this conditional use permit, including, but not limited to, imposing stricter conditions upon the use and/or operation through a revised permit by the following the process as set forth in Section 70-241(D)(2) of the Village code of ordinances.
- G. Acceptance. Within four (4) months of when the Village Board approves this Conditional Use Permit, the petitioner is required to accept the terms and conditions of this approval in writing.
- H. Effect of Approval on Heirs, Successors, and Assigns. The terms of this conditional use approval shall be binding on the owners of the subject property and their heirs, successors, and assigns.
- I. Right of entry for inspection. The petitioner hereby gives village officials, employees, and authorized agents the right to enter the subject property with reasonable notice for purposes of inspecting the premise to ensure compliance with the terms of this permit.
- J. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use the question shall be submitted to the Plan Commission for determination.
- K. No use is hereby authorized unless the use is conducted in a lawful, orderly, and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the county of Washington, the state of Wisconsin, the federal government, or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.
- L. This conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission as being in compliance with all pertinent ordinances.
- M. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based

upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Plan Commission, pursuant to the enforcement provisions of this conditional use order.

- N. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration and/or amendment to the use, premises (including, but not limited to, any change to the boundary limits of the subject property), structures, or lands other than as specifically authorized herein, shall require a new conditional use permit and all procedures in place at the time must be followed.
- O. Unless this conditional use permit expressly states otherwise, 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 plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Plan Commission feels, in its sole discretion, to be substantial shall require a new permit, and all procedures in place at the time must be followed.
- P. Should any paragraph or phrase of this conditional use permit be determined by a court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
- Q. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Plan Commission.
- R. This conditional use may be reviewed by the Plan Commission at any time upon complaint or upon Plan Commission initiative as provided in Section 70.241(d)(2) of the Village of Richfield village code and as amended from time to time.

Passed this ____ day of _____, 2016

John Jeffords, President

ATTEST:

Jim Healy, Village Administrator

(Class II Public Notice)
NOTICE OF PUBLIC HEARING
VILLAGE OF RICHFIELD
Thursday, August 4, 2016

PLEASE TAKE NOTICE:

Notice is hereby given pursuant to Section 19.84, Wis. Stats., and provisions of the Village of Richfield Code of Ordinances, that the Village of Richfield Plan Commission will conduct a public hearing on Thursday, August 4, 2016 at 7:00PM at the Village Hall, located at 4128 Hubertus Road, Hubertus, WI 53033, to consider the following:

1. A petition by Agent Kurt Schwendimann to operate a “small batch dairy production” operation as an allowable Conditional Use pursuant to Section 70.197(D)(2) located at 106 STH 164 (Tax Key: V10-1310-00Z) in the B-1, Neighborhood Business District.

For information regarding this public hearing, please contact Jim Healy, Village Administrator at (262)-628-2260. Information regarding the above referenced petition can be obtained from the Village Clerk during normal business hours. All interested parties will be heard. Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk’s Office at (262)-628-2260 with as much advanced notice as possible.

Dated this 19th day of July, 2016

Publication Dates:

July 21, 2016

July 28, 2016

Jim Healy
Village Administrator
Village of Richfield
4128 Hubertus Road
Hubertus, WI 53033
(262)-628-2260

6 c



60.

VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM
MEETING DATE: August 4, 2016

SUBJECT: Site, Building and Plan of Operation for Lake Five Foods, located at 106 STH 164 (Tax Key: V10_1310-00Z); Kurt Schwindemann, applicant on behalf of James Forester

DATE SUBMITTED: July 28, 2016

SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE PLAN COMMISSION WISH TO APPROVE THE PROPOSED SBOP APPLICATION FOR LAKE FIVE FOODS?

ISSUE SUMMARY:

A little over two (2) years ago, the Plan Commission reviewed a proposal for "Lake Five Foods". A single-story building retrofitted to include the following elements, a retail grocery store, restaurant with indoor seating, administrative offices, small-scale dairy processing, indoor storage, and a room for educational purposes. For whatever reason, the proposal which was approved by the Plan Commission in May of 2014 never materialized or received occupancy from the Village. The proposal before us tonight, on its face, is virtually identical to their original concept. However, this time, Lake Five Foods, LLC. is proposing to operate two (2) linked businesses on the premises located at 106 STH 164. A grocery/farm market and a restaurant. The two (2) business operations will be located in the same building, but will have separate entrances. They will not share public spaces within the building- except for bathrooms. Essentially it will function much like a condominium style business floorplan. The secondary access on the north side of the building leads into a corridor where the shared restrooms are located. Patrons entering into the "restaurant area" will walk into this entrance and turn right. The two business operations will share a kitchen and other common space employee or administrative areas.

Lake Five Foods, LLC is proposing a grocery/farm market to sell the products produced by Lake Five Farms, LLC and its subsidiaries on the property adjacent to the Lake Five Foods site. The layout of the grocery store is outlined on the Proposed Floor Plan and includes approximately 4,600 square feet of retail space. Their intent is to have typical product shelving aisles, two (2) display cases along north side of the building acting as "bookends" to the entrance, four (4) vendor display booths, a series of coolers and refrigerated display cases, indoor seating area for 42 people, outdoor seating for 32 and three (3) point of sale 'check out' points. The grocery store will include a limited amount of prepackaged grocery selections. Their assumed intent is not to compete with a traditional grocery store in that regard, but provide its patrons with the ability to purchase high-end and unique items you would see at a place like "Sendiks" or "Brennan's". Their deli counter will feature house-made products and a bakery which will essentially function around the clock to provide fresh artisan breads available for sale or consumption on-site. The deli/bakery will offer lunch service, ideal for people in both Waukesha and Washington County along the STH 164 corridor. It should be noted that Lake Five Foods is also applying for a Conditional Use Permit to operate a "small batch dairy" processing operation on the premises which will allow for the sale of dairy products produced by Lake Five Farms, including milk and soft cheeses.

While not under the purview of the Plan Commission, Lake Five Foods has stated their intention to apply for a Class "A" Beer license (to allow patrons to carry out purchases), a Class "B" Beer (to allow consumption on-site which the Village has an unlimited amount of these licenses) and "Class B" liquor licenses of which the Village only has three (3) reserve licenses left at the cost of \$10,000/ea. Lake Five Foods plans to allow for the consumption of beer within the premises of the grocery



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM
MEETING DATE: August 4, 2016

store to accompany the sale of product for lunch. How they will avoid situations where intoxicating liquors could be carried into the grocery store side or vice versa will need to be addressed by internal controls and is subject to audit by the State of Wisconsin's Department of Revenue.

Exact hours for the grocery store have yet to be determined, but will be within the following criteria:

- 1- Customer access to the premises: 6:00 am and 9:00 pm, seven days per week.
- 2- Employee Access: primarily during customer hours, but limited staff (primarily the employees working in the bakery) will need to be on the premises 24 hours per day.
- 3- Small batch dairy processing- 8:00 am until 5:00 pm, Monday through Friday.

Lake Five Foods, LLC is also proposing a restaurant to be operated in the space marked as "Future Development" on the Proposed Floor Plan. The unnamed restaurant will share a kitchen with the grocery/deli and will serve meals produced, in part, with products grown on Lake Five Farms as well as products from other producers. The proposed hours of operation for the restaurant are from 3:00 pm until 2:00 am. It is unknown to Staff if the restaurant will feature a secondary outdoor seating area different than what is listed on the Floor Plan or if it will be shared between the two operations. Any area where food and drinks may be served must be approved by the Village Board with an "unenclosed premise permit" which is also forwarded to the State of Wisconsin's Department of Revenue who oversees the administration of liquor licensing.

With the restaurant proposing to seek a "Class B" liquor license and be open until 2am, it is then assumed that this establishment will also feature a "bar-like" atmosphere aside from a typical formal dining area akin to a Chili's or Applebee's-style establishment. Due to the fact that there is not floor plan for this half of the building, Staff cannot comment on the proposed layout. However, the existing floor plan does not clearly depict in the opinion of Staff how food from the "Kitchen" will be delivered to patrons in the restaurant. There is no connection point from the "Kitchen" without walking through the grocery store which seems like an illogical pedestrian traffic flow. Their application states they expect approximately 450 cars per day; 250 cars for the restaurant and 200 cars per day for the grocery store. They have 90 parking stalls on-site.

Building Design – No new changes to the existing building are being proposed at this time and therefore no approvals are needed from the Plan Commission.

Site Plan – The subject property currently includes a single-story building (approximately 13,400 sq. ft.), a detached garage, and a surfaced parking lot. Access to the site is from two (2) points off of STH 164 and this will not change. The access drive on the east side of the building will be used for truck deliveries. The attorney for the agent has advised the Village of their intent to seal the parking lot for aesthetic purposes but they do not plan to structurally alter the grade in any way. Therefore, the existing features of their site as are currently out there today will remain in place. No new changes to the existing site plan are being proposed at this time and therefore no approvals are needed from the Plan Commission.

Plan of operation – Similar to the proposal in 2014, the site will employ approximately 25 full and part-time employees. Restaurant hours for the restaurant will be from 3:00 pm until 2:00 am and hours of operation for the grocery store will be seasonally adjusted from 5AM to 9PM. Each operation is proposed to be open seven (7) days a week. The grocery store will



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM
MEETING DATE: August 4, 2016

primarily sell food products, some of which will be grown and produced on the adjoining dairy farm. The farm will provide cow milk that will be processed on-site into whole milk, cheeses, ice cream, and other similar dairy products. Located in the store will be a delicatessen that will sell prepared foods, meats, cheeses, and deli food products for consumption on-site in the dining area or to-go. In addition, the store will sell vegetable products produce on the adjoining farm along with other processed products provided by food whole sale distributors. No details were provided regarding the type of foods to be served for the restaurant, but it is assumed there will be crossover with the types of food produced in the adjacent properties and in the grocery store's deli.

Outdoor lighting –No new lighting is being proposed at this time. Any additional lighting will be subject to the Village Code and Plan Commission approval.

Landscaping – No new landscaping is being proposed at this time. Any additional landscaping will be subject to the Village Code and Plan Commission approval.

Signage – No new signage is being proposed at this time. Any additional signage will be subject to the Village Code and potentially Plan Commission approval.

FUTURE IMPACT & ANALYSIS:

REVIEWED BY: 
Village Deputy Clerk

Forward to Village Board: No
Additional Approvals Needed: No
Signatures Required: No

ATTACHMENTS:

1. May 1, 2014 Plan Commission Minutes
2. SBOP Submittal Plans prepared by Skyline Development (dated 2013)

STAFF RECOMMENDATION:

Plan of Operation:

Motion to conditionally approve the proposed Plan of Operation for Lake Five Foods, LLC to operate at 106 STH 164 (Tax Key: V10_1310-00Z) subject to the following Specific and General Conditions of Approval:

Specific Conditions of Approval:

1. The floorplan as depicted from 2013 be updated to reflect the floorplan proposed for the restaurant operation and be approved by the Village's Building Inspector.

General Conditions of Approval:

1. The property owner shall satisfy all comments, conditions, and concerns of the Village Engineer, the Village Planner, and all reviewing, objecting and approving bodies, including, but not limited to, the Wisconsin Department of Commerce per Ch. 236, Wisconsin Statutes and Ch. Comm. 85, Wisconsin Administrative Code; Wisconsin Department of Administration per Ch. 236, Wisconsin Statutes; and Washington County.



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM
MEETING DATE: August 4, 2016

2. The property owner shall, on demand, reimburse the Village all costs and expenses of any type that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
3. Any unpaid bills owed to the Village by the subject property owner or his or her tenants, operators or occupants, 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 owed to the Village; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Village, 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, including possible cause for termination of this approval.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERKS USE ONLY
BOARD ACTION TAKEN



Village Staff Member

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____



Village Administrator

1. Call to order/determination of quorum

Vice-Chairman Don Berghammer called the meeting to order at 7:33 p.m.

In attendance were Commissioners Bartel, Melzer, Cote, Lalk, Trustee Collins, Interim Village Administrator Healy and Consultant Planner Tim Schwecke.

Chairman Jim Otto was an excused absence.

2. Verification of Open Meetings Law compliance

Interim Village Administrator Healy stated that the agendas were posted at the Richfield, Hubertus, and Colgate U.S. Post Offices as well as Village Hall. Digital copies of the agenda were sent to the West Bend Daily News, Germantown Express News, Hartford Times Press, and the Milwaukee Journal Sentinel.

3. Pledge of Allegiance

4. Approval of Minutes

a. April 3, 2014 – Regular Meeting

Motion by Commissioner Lalk to approve the minutes of the regular April 3, 2014 Plan Commission meeting as drafted; Seconded by Trustee Collins; motion passed without objection.

5. PUBLIC HEARING

- a. Discussion and possible recommendation to the Village Board regarding the rezoning petition by D&S Weyer No. III, LLC., Ordinance O2014-05-01, to rezone a vacant property designated by Tax Key: V10-0963 from A-1, Exclusive Agricultural District to Rs-1b, Single Family Cluster/Open Space Residential District**

Pete Hurth, Engineer representing Don Weyer, gave a recap of the project before the public hearing began.

Motion by Commissioner Lalk to open the public hearing; seconded by Trustee Collins; motion passed without objection.

James Meleski, 3428 S Shore Drive, had concerns about rerouted water from the new subdivision running through his property. He had questions about the amount of water currently on the property and the engineering plans designed to prevent water problems on other residents properties in the future.

Gil Frank, 4156 Elmwood Road, wanted to know if any studies had been done to find out how the potential “contaminated water” would affect Bark Lake.

Mary Olsen, 793 S Shore Drive, had concerns about an increase in traffic and liked the idea of smaller houses and lots in the area.

Bill Weller, 3477 Lakeview Road, had several concerns about traffic and high traffic volumes going past his house. Another concern was about the narrowness of Lakeview Road.

Motion by Commissioner Bartel to close the public hearing; seconded by Trustee Collins; motion passed without objection.

Pete Hurth addressed some of the concerns expressed by residents.

Interim Village Administrator Healy stated in the coming months Village Staff will be evaluating a grading and erosion control plan for the site.

Motion by Commissioner Bartel to recommend to the Village Board approval of the petition for partial rezoning of the subject property indicated by Tax Key: V10-0963 from A-1, Exclusive Agricultural District to Rs-1b, Single Family Cluster/Open Space Residential District as outlined in Ordinance O2014-05-01, as amended; seconded by Trustee Collins; passed without objection.

b. Discussion and possible recommendation to the Village Board regarding a proposed Conditional Use to operate small batch dairy production at 106 STH 164 designated by Tax Key: V10-1310-00Z

Motion by Trustee Collins to open the public hearing; seconded by Commissioner Lalk; motion passed without objection.

Kurt Schwendimann, 214 West Sumner Street, Hartford, stated his family has had a dairy farm operation for 5 generation, and looking to expand and open a small batch dairy store.

Patti Groeschl, 129 E Lake Lane, bought a home across from a farm field that separates her lot from 106 STH 164. She was concerned about new animal waste and noise problems associated with having a farm move into the area. She also had several concerns about water being affected and asked that more residents be notified about the incoming business.

Motion by Commissioner Lalk to close the public hearing; seconded by Commissioner Cote; motion passed without objection.

Interim Administrator Healy stated just like any other development they would have to comply with water standards set by the Village.

Motion by Commissioner Lalk to recommend to the Village Board the approval of the proposed conditional use permit for Lake Five Foods located at 106 STH 164 (Tax Key: V10-1310-00Z); seconded by Commissioner Cote; motion passed without objection.

c. Discussion and possible recommendation to the Village Board regarding Ordinance O2014-05-02, an ordinance to repeal and recreate the Village's Shore Land Zoning District, 70.211 and other related sections so as to comply with 2013 Wisconsin Act 80

Motion by Commissioner Lalk to open the public hearing; seconded by Trustee Collins; Motion carried unanimously.

Jim Maleski, 3428 S Shore Drive, had a number of questions about the proposed ordinances but was unaware that the proposed text was available to read online.

Motion by Commissioner Bartel to close the public hearing; seconded by Commissioner Cote; motion passed without objection.

Motion by Trustee Collins to recommend to the Village Board the Ordinance O2014-05-02, an ordinance to modify various sections of chapter 70 relating to shoreland zoning and shoreland-wetland zoning and other provision along with the provisions recommended by the DNR and the Village Attorney; seconded by Commissioner Lalk; Motion passed without objection.

6. DISCUSSION/ACTION

- a. Discussion and possible recommendation to the Village Board regarding a CSM extraterritorial plat review on behalf of Dean Gunderson for a 7.154ac parcel in the Town of Polk, Tax Key: T9-1065**

Motion by Commissioner Bartel to recommend to the Village Board the approval of the Certified Survey map for Dean Gunderson in the Town of Polk as prepared by Donald Thoma, RLS, with a date of April 14, 2014; seconded by Commissioner Cote; Motion passed without objection.

- b. Discussion and possible recommendation to the Village Board regarding a CSM extraterritorial plat review on behalf of Andrew and Faye Ann Schneider for a 8.01ac parcel in the Town of Polk, Tax Key: T9-0960-00B, part of T9-096-00Z**

Motion by Trustee Bill Collins to recommend to the Village Board the approval of the Certified Survey Map for Andrew and Faye Ann Schneider in the Town of Polk as prepared by Donald Thoma, RLS, with a date of April 2, 2014; Seconded by Commissioner Kurt Bartel; Motion passed without objection.

- c. Discussion and possible recommendation to the Village Board regarding a CSM on behalf of Nancy Manhattan for a 1.37ac parcel, Johnny Manhattan's located at 3718 Hubertus Rd, Tax Key: V10-0423**

Motion by Commissioner Lalk to recommend to the Village Board the approval of the Certified Survey Map subject to the general and specific conditions listed below:

Specific Conditions of Approval:

1. The subject property is partially rezoned to B-1 & F-1.
2. The final CSM shall comply with all requirements in chapter 330 of the Village Code (subdivision regulations) and Chapter 236, Wis. Stats.
3. Insert "Interim Clerk, Jim Healy" signature block.
4. Insert "Village President, John Jeffords" signature block
5. Prior to any construction or any land-altering activity, the subdivider shall comply with all of the following:
 - (a) The property owner shall obtain all necessary permits and approvals from the Village of Richfield, Washington County, the State of Wisconsin, or the federal government as may be required for any construction or land-altering activity.
 - (b) The property owner shall work with the Village Engineer, Village Attorney and Interim Village Administrator to remedy the issue of the structure encroaching upon the right-of-way by either 1) the Village granting a revocable easement to the property owner, 2) the property owner obtaining a legal description for that portion of the building which encroaching upon the right-of-way and that portion of land which encroaches be given back to the property owner and a new legal description be created, 3) or any other method the Village Engineer deems necessary and appropriate.
 - (c) The Village Engineer shall review and provide written approval of the same.

General Conditions of Approval:

1. The property owner shall satisfy all comments, conditions, and concerns of the village engineer, the village planner, and all reviewing, objecting and approving bodies, including, but not limited to, the Wisconsin Department of Commerce per ch. 236, Wisconsin Statutes and ch. Comm. 85,

Wisconsin Administrative Code; Wisconsin Department of Administration per ch. 236, Wisconsin Statutes; and Washington County.

2. The property owner shall, on demand, reimburse the Village all costs and expenses of any type that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions
3. Any unpaid bills owed to the Village by the subject property owner or his or her tenants, operators or occupants, 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 owed to the Village; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Village, 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, including possible cause for termination of this approval.

Seconded by Commissioner Cote; motion passed without objection.

Vice-Chairman Berghammer requested a suspension of the rules to move item 6f. up on the agenda to approve the SBOP for Johnny Manhattan's.

f. Discussion/Action regarding a Site, Building and Plan of Operation for Johnny Manhattan's, located at 3718 Hubertus Rd (Tax Key: V10-0423)

Motion by Commissioner Bartel to approve the site plan, as submitted, for Johnny Manhattan's located at 3718 Hubertus Road (Tax Key: V10-0434) provided that 1) prior to pulling building permits, Village Engineer Ron Dalton provides Staff with written verification that the plan is to his satisfaction; 2) that the proposed Certified Survey Map be approved and accepted by the Village Board and that the issues relating to the encroachment onto the Village's right of way be resolved to the Village's satisfaction; seconded by Trustee Collins; motion passed without objection.

Motion by Commissioner Bartel to approve the revised design elevations as approved by the Architectural Review Board on May 30th, 2014 for Johnny Manhattan's, located at 3718 Hubertus Road (Tax Key: V10-0423); seconded by Commissioner Lalk; motion passed without objection.

Motion by Commissioner Bartel to approve the plan of operation as presented for Johnny Manhattan's, located at 3718 Hubertus Road (Tax Key: V10-0423); seconded by Trustee Collins; motion passed without objection

d. Discussion/Action regarding a Site, Building and Plan of Operation for Tera Tec Landscaping, located at 2433 Slinger Road (Tax Key: V10-0114)

Motion by Trustee Collins to approve the site plan as submitted based on a finding that the site plan as amended is consistent with the spirit and intent of the 2009 conditional use approval, subject to the following specific conditions of approval: (1) the site plan is revised to show the bulk storage bins along Slinger Road at least 65 feet from the public right-of-way per subsection 4(j) of the 2009 Conditional Use Permit and (2) the zoning administrator verifies in writing that all of the conditions imposed in the 2009 conditional use order have been satisfied. Further, no building permits of any type may be issued on the subject property until such time as the administrator makes such determination; seconded by Commissioner Bartel; motion passed without objection.

e. Discussion/Action regarding a Site, Building and Plan of Operation for Northbrook Church, located at 4014 STH 167 (Tax Key: V10-0217)

Mika Frank from Groth Design Group gave a presentation about the Northbrook Church project asking that approvals not be tabled so delays in the project would not occur.

Motion by Trustee Collins to approve the site plan except for (i) the 12,000-square foot building expansion, (ii) the future access drive on Hillside Drive, and (iii) the two future parking areas labeled Phase A and B, all of which will be reviewed when those elements are in final design, subject to the following conditions of approval: 1. the applicant submits a landscaping plan to the Plan Commission and obtains approval of the same, and that a printed copy of the plan be submitted to Village staff and Engineer with approval contingent on their satisfaction; seconded by Commissioner Bartel; motion passed 5-1.

Motion by Trustee Collins to approve the outdoor lighting plan and authorize the zoning administrator to approve minor modifications to the same as may be requested by the applicant provided all such revisions comply with the Village's outdoor lighting regulations; seconded by Commissioner Lalk; motion passed 5-1.

Motion by Trustee Collins to accept the recommendation of the Architectural Review Board from January of 2014; seconded by Commissioner Lalk; motion passed without objection.

Motion by Trustee Collins to approve the grading and erosion control plan subject to Village Staff receiving written confirmation of the Village Engineer's acceptance thereof; seconded by Commissioner Lalk; motion passed 5-1.

g. Discussion/Action regarding a Site, Building and Plan of Operation for Lake 5 Food Mart, located at 106 STH 164 (Tax Key: V10-1310-00Z)

Motion by Commissioner Lalk to approve the design elevations, site plan, and plan of operation for Lake 5 Food Mart, located at 106 STH 164; seconded by Commissioner Cote; motion passed without objection.

h. Discussion/Action regarding residential home plans for Lot 40 in Reflections Village Subdivision

Motion by Commissioner Lalk to approve the residential home plans for Lot 40 in Reflections Village as approved by the Architectural Review Board on April 16th, 2014; seconded by Trustee Collins; motion passed without objection.

i. Discussion regarding potential amendments to the Village's Ch. 70 Zoning Code regarding 'Urban Chickening' in all residential zoning districts

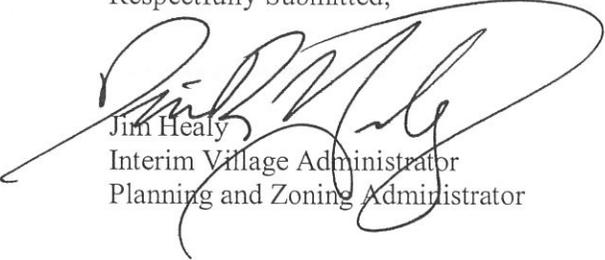
John and Barb Hughes gave a presentation on Urban Chickens and the effects that might have on properties in the Village of Richfield.

Plan Commission members thanks the Hughes for their time and insights onto this topic.

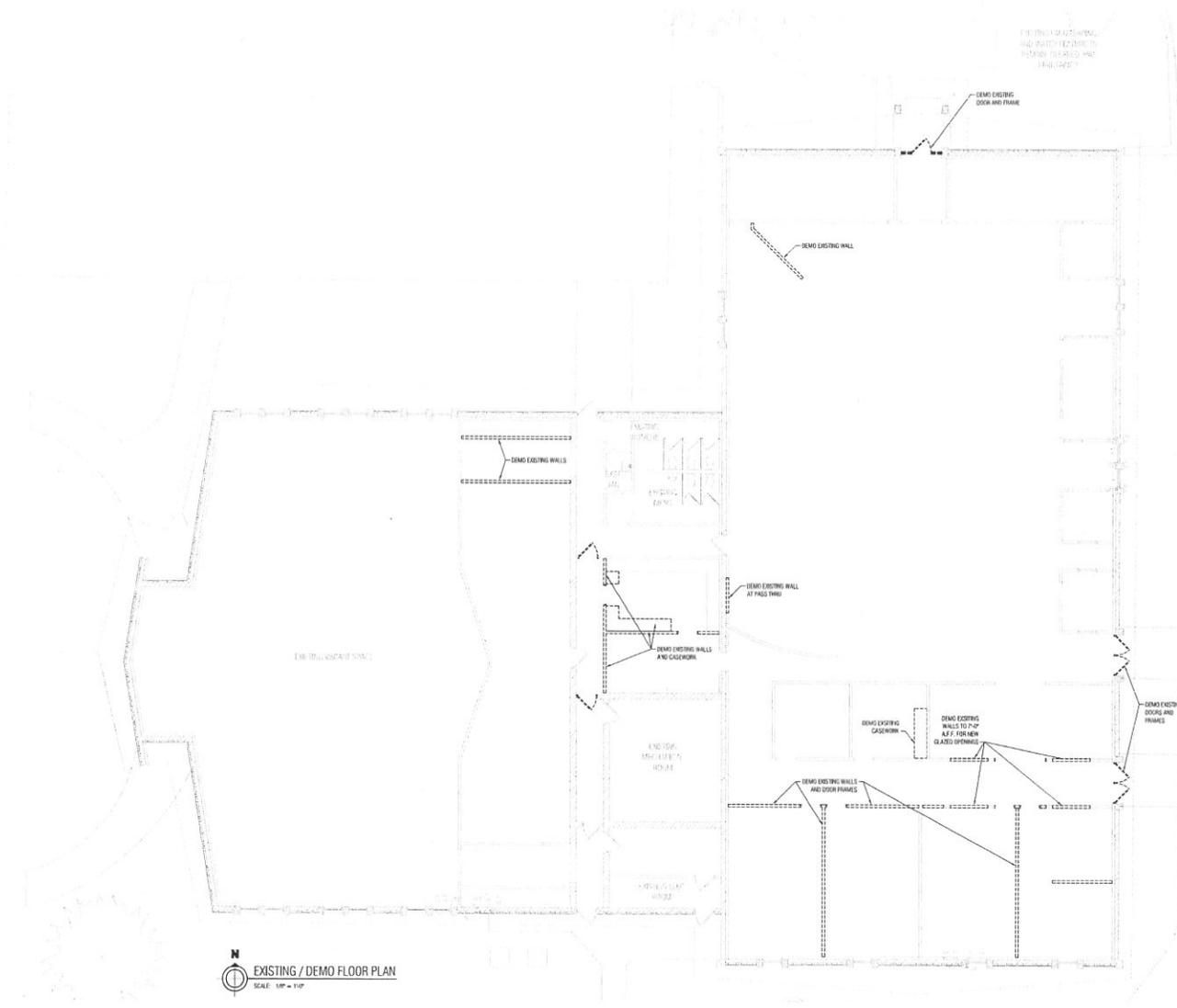
7. ADJOURNMENT

Motion by Trustee Collins to adjourn; seconded by Commissioner Bartel; motion passed without objection at 10:45 p.m.

Respectfully Submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Jim Healy', is written over the typed name and title.

Jim Healy
Interim Village Administrator
Planning and Zoning Administrator



N
 EXISTING / DEMO FLOOR PLAN
 SCALE: 1/8" = 1'-0"

Project:
SKYLINE - LAKE 5 FOOD!

Location:
RICHFIELD, WI

Sheet:
EXISTING FLOOR PLAN

Rev.	Description

Date:
07.11.2013

Project No.:
000000.00

Sheet No.:



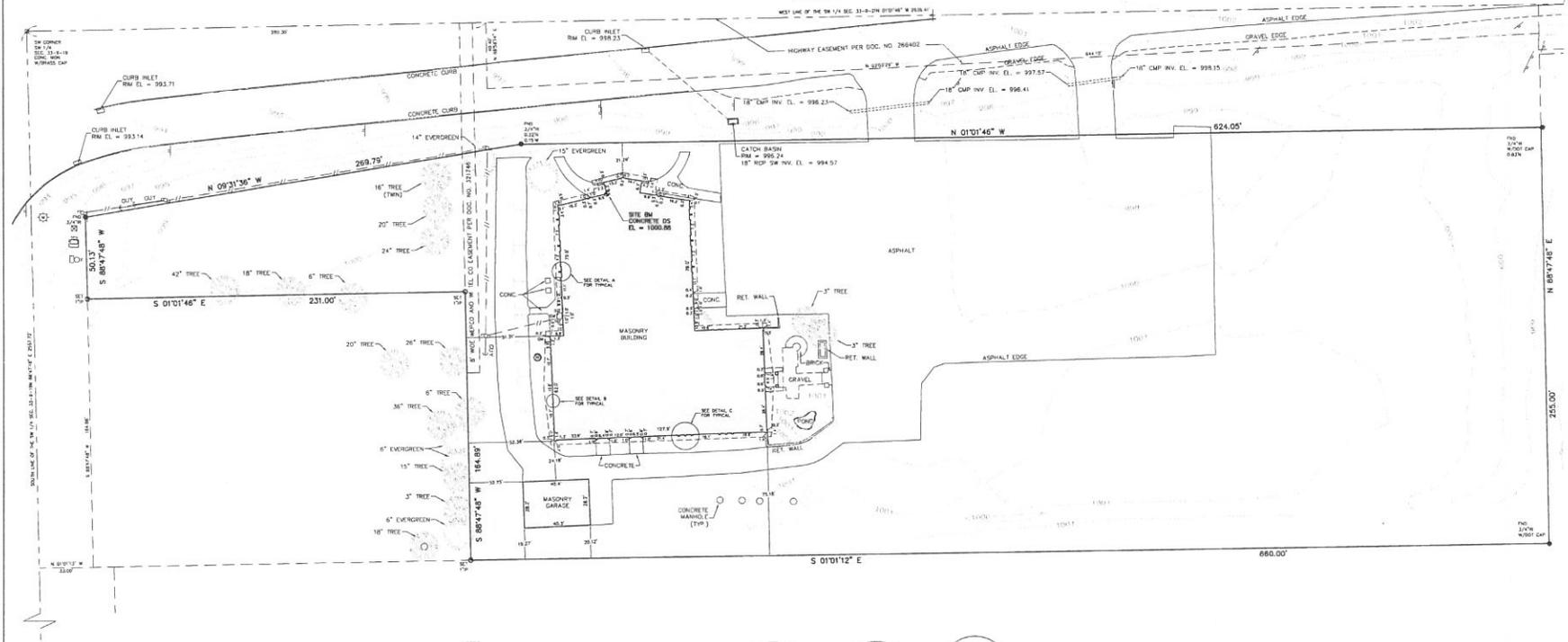
CAPITOL SURVEY ENTERPRISES
 237 SOUTH CURTIS ROAD
 MILWAUKEE, WI 53214
 PH: (414) 727-7510
 FAX: (414) 727-7518
 WWW.CAPITOL-SURVEY.COM



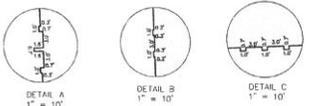
SW CORNER
 3/4" = 1' = 10'
 CONC. W/ 4" REBAR
 4" REBAR CAP

LEGAL DESCRIPTION
 THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW 1/4 SW 1/4) OF SECTION THIRTY-THREE (33), TOWNSHIP NINE (9) NORTH, RANGE NINETEEN (19) EAST, VILLAGE OF RICHFIELD, DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHWEST CORNER OF SECTION 33 RUNNING THENCE NORTH 16-1/4 RODS, THENCE EAST 19 RODS, THENCE SOUTH 16-1/4 RODS, AND THENCE WEST 10 RODS TO THE PLACE OF BEGINNING, ALL OF TOWNSHIP 9 NORTH OF RANGE 19 EAST, THEREUPON THOSE LANDS CONVEYED TO THE STATE OF WISCONSIN, DEPARTMENT OF TRANSPORTATION IN A WARRANTY DEED RECORDED ON NOVEMBER 24, 2008 AS DOCUMENT NO. 1202444, AND SHOWN ON A TRANSPORTATION PROJECT PLAN NO. 2748-07-29 RECORDED ON MARCH 3, 2008 AS DOCUMENT NO. 138544,
 AND ALSO, THAT PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 33, TOWNSHIP 9 NORTH, RANGE 19 EAST, VILLAGE OF RICHFIELD, DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHWEST CORNER OF SAID SW 1/4 OF THE SW 1/4 OF SECTION 33 1/2-INCHES RUNNING NORTH ON THE WEST LINE 284.00 FEET TO THE PLACE OF BEGINNING, THENCE CONTINUING NORTH ON THE WEST LINE 860.00 FEET, THENCE EAST AND PARALLEL TO THE SOUTH LINE 330.00 FEET, THENCE SOUTH AND PARALLEL TO THE WEST LINE 860.00 FEET TO THE SOUTH LINE, THENCE WEST 330.00 FEET TO THE PLACE OF BEGINNING.
 CONTAINING 187,734 SQUARE FEET OR 4.22 ACRES

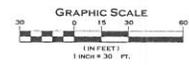
STATE HWY "164"
 (PUBLIC RIGHT OF WAY WIDTH VARIES)



- NOTES**
1. SUBJECT PROPERTY ZONED B-1, NEIGHBORHOOD BUSINESS.
 2. SETBACKS BASED ON VILLAGE OF RICHFIELD ZONING CODE AND ARE AS FOLLOWS: STREET = 100', REAR = 40', SIDE = 40'.
 3. LEGAL DESCRIPTION OBTAINED FROM WISCONSIN TITLE COMPANILTY NUMBER 130630789 EXPIRES DATE MAY 12, 2015.
 4. THE UNDERGROUND UTILITY INFORMATION AS SHOWN HEREON IS BASED, IN PART, ON INFORMATION FURNISHED BY THE UTILITY COMPANIES, DIGGERS, HOTELS, AND THE LOCAL MUNICIPALITY, WHERE THE INFORMATION IS BELIEVED TO BE RELIABLE. ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED NOR EXTENDED TO.
 5. THE PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION C BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). ON FLOOD INSURANCE RATE MAP NO. 50047H 0070 B, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 1, 1981, FOR COMPANY NO. 900203 IN WISCONSIN COUNTY, STATE OF WISCONSIN, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH THE PROPERTY IS SITUATED.
 6. PROJECT BENCHMARK - SE CORNER OF SET CHASED SQUARE IN TOP OF NW CORNER OF CONCRETE GAS VAULT 85' SW OF CONCRETE MONUMENT WITH BRASS CAP AT THE SW CORNER OF THE SW 1/4 OF SEC. 33-19-18 EL. = 1000.85.
 7. THE BENCHMARK - SOUTHWEST DOORSILL OF EXISTING BUILDING, ELEVATION = 1000.85.
 8. ELEVATIONS BASED ON INFORMATION FROM SEMPIC AND ARE AT NAVD 1929 DATUM.



Toll Free (800) 242-6511
 Milwaukee Area (414) 259-1181
 Hearing Impaired TDD (800) 542-2289
 www.DiggerHotline.com



PLAT OF SURVEY WITH TOPOGRAPHY
 FOR
LAKE 5 MARKET
 HWY 164 & HWY Q
 RICHFIELD, WI

DRAWN BY:	NJF	DATE:	6/27/13
CHECKED BY:	MJB	DRAWING NO.:	P-0
CSE Job No.:	13-080	SHEET	1 OF 1

LEGEND

---	GRAVEL	---	ELECTRIC TRANSMISSION	---	METAL LIGHT POLE
---	GRAVEL DRIVE	---	ELECTRIC BOX OR SHED	---	WATER POLE
---	GRAVEL DRIVE	---	GAS METER	---	WATER
---	GRAVEL DRIVE	---	WATER SERVICE	---	WATER SPRINKLER
---	GRAVEL DRIVE	---	WATER METER	---	WATER VALVE
---	GRAVEL DRIVE	---	WATER SERVICE	---	WATER VALVE
---	GRAVEL DRIVE	---	WATER SERVICE	---	WATER VALVE
---	GRAVEL DRIVE	---	WATER SERVICE	---	WATER VALVE
---	GRAVEL DRIVE	---	WATER SERVICE	---	WATER VALVE
---	GRAVEL DRIVE	---	WATER SERVICE	---	WATER VALVE

I CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION AND DIMENSIONS OF ALL VISIBLE STRUCTURES THEREON, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCUMBRANCES, IF ANY.
 THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE SAME HEREIN, WITHIN ONE (1) YEAR FROM DATE THEREOF.



JUNE 27, 2013
 DATE
 MICHAEL J. BERRY, S.E.
 WISCONSIN LAND SURVEYOR NO. 2545

6 d



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM

MEETING DATE: August 4, 2016

SUBJECT: Legal, Non-conforming Structures ordinance
DATE SUBMITTED: July 29, 2016
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE PLAN COMMISSION BELIEVE THE PROPOSED ORDINANCE IS READY FOR PUBLIC HEARING IN SEPTEMBER?

ISSUE SUMMARY:

The Plan Commission at their June meeting expressed an interest in having Staff research a mechanism that would allow property owners (residential, commercial, manufacturing, etc.) with legal, non-conforming structures the ability to seek building permits and expand. Our Code of Ordinances currently has a provision that deals, in part, with this situation but only for residential properties and in limited circumstances. It is governed by Section 70.242(F) and it is attached herein for your convenience. After speaking with Consultant Planner Schwecke regarding the potential 'goals' for this ordinance, he is recommending that we repeal and recreate Subsection "F" entirely. The proposed changes are shown below:

- (F) *Building addition within setback.* The Plan Commission may, pursuant to s. 70.161A, grant a special exception authorizing the construction of a building addition within a street-yard, side-yard, or rear-yard setback area provided:
- (1) the existing building to which the addition will be attached is currently located within a setback area;
 - (2) the existing building was legally established;
 - (3) the use of the existing building is legal conforming;
 - (4) the addition is in compliance with the height limitations of the zoning district in which it is located, and is not greater in height than the contiguous portion of the existing building;
 - (5) the addition does not extend closer to the lot line than the existing building to which it is attached;
 - (6) the addition does not extend into a setback area the building does not currently encroach upon; and
 - (7) the addition complies with all other requirements that may apply.

See Figure 1 for examples of permissible additions. In making its decision, the plan commission should consider the following factors, in addition to those factors listed in s. 70.161A:

- (1) The size and location of the existing legal nonconforming structure.
- (2) The size and location of any other structure on the subject property.
- (3) The size and location of the proposed expansion.
- (4) The necessity of constructing the addition within the setback.
- (5) The proximity of buildings and other structures on adjoining properties.

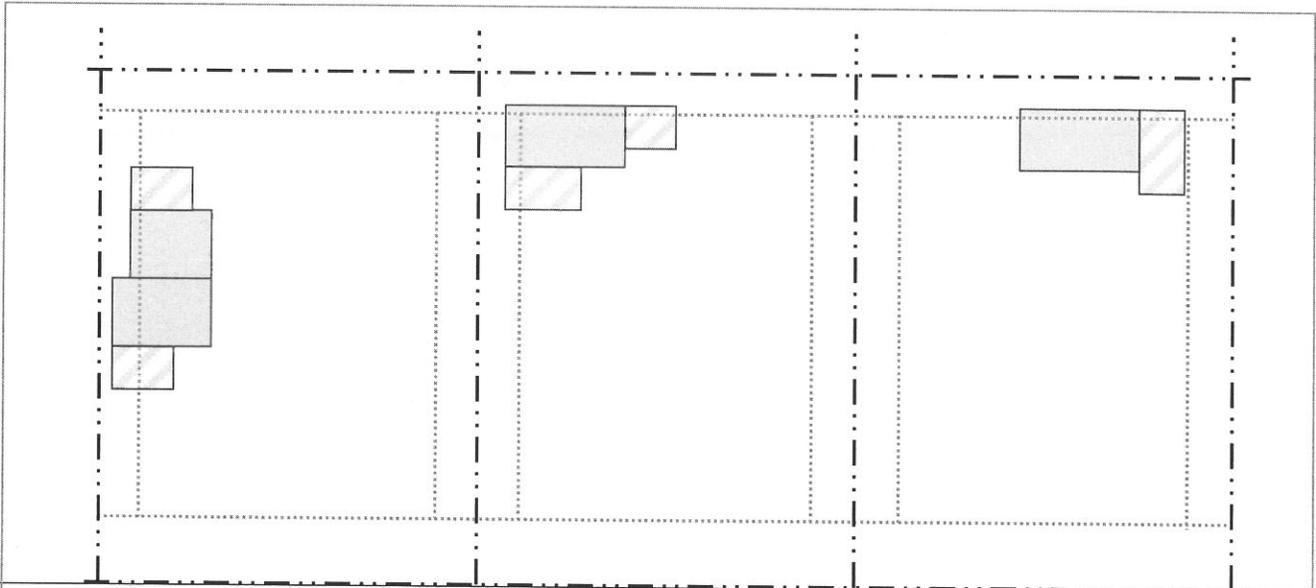


VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM

MEETING DATE: August 4, 2016

SUBJECT: Legal, Non-conforming Structures ordinance
DATE SUBMITTED: July 29, 2016
SUBMITTED BY: Jim Healy, Village Administrator

Figure 1. Examples of permissible expansions within an offset area



FUTURE IMPACT AND ANALYSIS:

REVIEWED BY: *Kathleen Schmitt*
Village Deputy Treasurer

Forward to Village Board: N/A
Additional Approvals Needed: N/A
Signatures Required: N/A

ATTACHMENTS:

- 1. Section 70.242 of the Village's Zoning Code
- 2. Section 70.161(A) of the Village's Zoning Code

STAFF RECOMMENDATION:

If ordinance is viewed favorably:

Motion to direct Staff to schedule a Public Hearing for September 1, 2016 at 7PM to consider an amendment to 70.242(F).

If ordinance is not viewed favorably:

Motion to table the proposed ordinance to September 1, 2016 at 7PM.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM

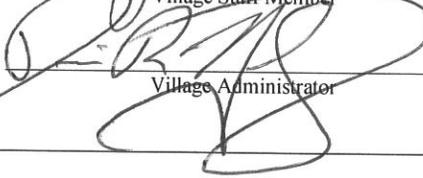
MEETING DATE: August 4, 2016

SUBJECT: Legal, Non-conforming Structures ordinance

DATE SUBMITTED: July 29, 2016

SUBMITTED BY: Jim Healy, Village Administrator



Village Staff Member


Village Administrator

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

Village of Richfield, WI

Friday, July 29, 2016

Chapter 70. Zoning

ARTICLE IV. Uses

70.242. Nonconforming uses, structures, and lots.

- A. Existing nonconforming uses. The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of the ordinance from which this chapter is derived may be continued although the use does not conform with the provisions of this chapter; however:
1. Only that portion of the structure, land or water in actual use may be so continued and the structures may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order so as to comply with the provisions of this chapter.
 2. Total lifetime structural repairs or alterations shall not exceed 50% of the Village assessed value of the structure unless it is permanently changed to conform to the use provisions of this chapter.
 3. Substitution of new equipment may be permitted by the Board of Appeals if such equipment will not increase the incompatibility of the nonconforming use with the neighboring uses.
- B. Abolishment or replacement. If a nonconforming use of a structure, land or water is discontinued or terminated for a period of 12 consecutive months, any future use of the structure, land or water shall conform to the provisions of this chapter. When a nonconforming use or a structure containing a nonconforming use is damaged by fire, explosion, flood, the public enemy, or other calamity to the extent of more than 50% of its most recent assessed value, it shall not be restored except so as to comply with the use

provisions of this chapter. A file of all nonconforming uses shall be maintained by the Planning and Zoning Administrator listing the following: owner's name and address; use of the structure, land, or water; and assessed value at the time of its becoming a nonconforming use as well as the most recent assessed value.

- C. Existing nonconforming structures. Lawful nonconforming structures existing at the time of the adoption or amendment of the ordinance from which this chapter is derived may be continued although the size or location does not conform with the area, yard, height, parking and loading, and access provisions of this chapter; however, such a structure shall not be added on to, expanded, replaced, or structurally altered in whole or in part, except when required to do so by law or court order, to comply with the provisions of section 70.242(F).
- D. Existing nonconforming land areas (see also section 70.161). Lots, parcels or tracts of land which do not conform to the minimum area, size and/or shape requirements of this chapter at the time of passage of the ordinance from which this chapter is derived may be allowed to be built upon so long as such parcels and the building to be built meet all other requirements of this chapter and no such land area is in the same ownership as adjacent lands which if combined would constitute a conforming lot, parcel or tract.
- E. Floodland nonconforming uses and structures. Floodland nonconforming uses or structures repaired or altered under the nonconforming use provisions of this chapter shall provide for floodproofing of those portions of the structures involved in such repair or alteration. Certification of floodproofing shall be made to the Planning and Zoning Administrator and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the established one-hundred-year recurrence interval flood.
- F. Nonconforming characteristics of residential structures. Residential dwellings (or other structures used for residential purposes where the residential use is the principal use of the structure) which encroach within required yard and/or setback requirements may be added on to, expanded, replaced, or structurally altered provided that such addition, expansion, replacement or structural alteration, either separately or cumulatively, does not:
 - 1. Create a greater degree of encroachment;
 - 2. Encroach within the required yard or setback requirements abutting a state or county highway or Village collector or arterial road;

3. Increase the total building area by more than 50% of that which existed on the date this section is adopted;
 4. Create or expand an attached garage greater than 720 square feet; or
 5. Constitute redevelopment of the dwelling or structure. Any addition, expansion, replacement or structural alteration, either separately or cumulatively, that exceeds or otherwise cannot meet one or more of these requirements shall meet all current yard, setback, height, etc., and other applicable zoning regulations.
- G. Changes and substitutions. Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all conditions required by the Board of Appeals.

Village of Richfield, WI
Friday, July 29, 2016

Chapter 70. Zoning

ARTICLE II. Administration and Enforcement Generally

Division 5. Modifications and Amendments

70.161A. Special exception.

- A. Generally. Upon written petition, the Plan Commission may on a case-by-case basis grant a special exception permit for only those development standards specifically noted in this chapter.
- B. Application and review procedure. The review of a special exception application shall comply with the following steps and requirements:
1. Submittal of application. The property owner shall submit a completed application to the Planning and Zoning Administrator along with the application fee as established by the Village Board.
 2. Notice. If the application is complete, the administrator shall place the matter on the agenda for the next meeting provided proper notice is given.
 3. Staff report. The administrator shall prepare a written staff report as described in this section and provide a copy of it to the Plan Commission members, the applicant, and the applicant's agent, if any, prior to the meeting at which the matter will be considered. He shall also provide a copy to interested people upon request.
 4. Decision. The Plan Commission shall approve the application, approve it with conditions, or deny it. Such decision shall be in writing and shall include the findings in support of its decision and if approved any conditions as may be imposed.
 5. Applicant notification. Within a reasonable time following the Plan Commission's decision, the administrator shall mail the applicant the official decision notice. If one or more conditions are imposed, the property owner shall also sign the approval notice to acknowledge the imposition of such condition or conditions.
 6. Public record copy. A copy of the official decision notice shall be retained for the public record.
- C. Basis of decision. In making its decision to approve the application, approve it with conditions, or deny it, the Plan Commission shall consider the following factors:
1. The size of the property in comparison to other properties in the area;
 2. The extent to which the issuance of the special exception permit would be in keeping with the overall intent of the zoning code;

3. Whether there are any are unique circumstances and the nature of those circumstances that warrant the issuance of the special exception permit;
 4. The nature and extent of anticipated impacts to the natural environment that could potentially occur if the special exception permit was granted;
 5. The nature and extent of anticipated positive and negative effects on properties in the area;
 6. Actions the applicant will undertake to mitigate the negative effects, if any, of the proposed special exception;
 7. A factor specifically listed under the section authorizing the issuance of a special exception permit; and
 8. Any other factor not specifically or generally listed, but deemed appropriate given the particular circumstances.
- D. Imposition of conditions. In granting a special exception permit, the Plan Commission may impose one or more conditions deemed necessary to further the intent and purposes of this chapter. Such conditions, for example, may relate to landscaping and screening, outdoor lighting, hours of operation, and submittal of building plans to the Architectural Review Committee for review and approval.
- E. Limitations on issuing a special exemption permit. A special exception permit shall only be granted in those instances where issuance is specifically authorized in this chapter.
- F. Staff report content. At a minimum, the staff report shall contain the following information:
1. A description of the requested special exception;
 2. Findings for each of the decision criteria listed in this section;
 3. A recommendation to approve the application, approve it with conditions, or deny the application; and
 4. A preliminary list of conditions whether the staff recommendation is for approval or denial.
- G. Expiration of approval. A special exception permit shall expire one year after the date of issuance unless substantial work has commenced under the approval and continues in good faith to completion.
- H. Violation of a condition. If a property owner accepts the terms of the approval and does not comply with one or more conditions of approval, such action shall be deemed a violation of this chapter.
- I. Application form. The planning and zoning administrator shall prepare an application form and may amend it from time to time.
- J. Application fee. The Village Board may by resolution establish an application fee for a special exception application and may amend such fee by resolution from time to time.
- K. Appeal. The applicant or an aggrieved person may appeal a final decision made pursuant to this section by filing an appeal with a court of competent jurisdiction within 30 days of the final decision.