



**PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS, MUNICIPAL BUILDING  
101 NORTH MAIN STREET, FORT ATKINSON, WISCONSIN  
TUESDAY, APRIL 10, 2018 - 4:00 p.m.**

**AGENDA**

1. Call to order.
2. Roll call.
3. Approve minutes of March 13, 2018 Planning Commission meeting.
4. Review and approve request for conditional use permit for auto sales and service at 815 Jefferson (currently zoned M-2) (previously approved for this same type of business, however, there is a proprietor change).  
  
Action – Reject—Approve.
5. Adjournment.

CC: David Westrick  
Michelle Ebbert  
Brian Juarez  
Jeff Broten  
Bruce Loeb  
News Media

If you have special needs or circumstances which may make communication or accessibility difficult at the meeting, please call (920) 563-7760. Accommodations will, to the fullest extent possible, be made available on request by a person with a disability.

***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.***

**PLANNING COMMISSION MINUTES  
CITY OF FORT ATKINSON  
MARCH 13, 2018  
989TH MEETING**

CALL TO ORDER.

The meeting was called to order by Chairman Trebatoski in the Council Chambers of the Municipal Building at 4:00 pm.

ROLL CALL.

Present: Commissioners Highfield, Greenhalgh, Lescohier and Scherer, City Manager Trebatoski and City Engineer Andy Selle. Also present: City Attorney and City Clerk/Treasurer.

Absent: Commissioner Frame.

APPROVE MINUTES OF FEBRUARY 13, 2018 PLANNING COMMISSION MEETING.

Cm. Greenhalgh motioned, seconded by Cm. Scherer to approve the minutes of the February 13, 2018 Planning Commission meeting. Motion carried.

REVIEW AND APPROVE MOBILE MERCHANT LICENSE FOR LOS AGAVES TO OPERATE A FOOD TRUCK IN CITY PARKING LOT #10 (S. MAIN AND S. THIRD STREETS)

Clerk/Treasurer reviewed the annual request for operation of the food truck. All requirements of the license have been met including proof of insurance and proper fire inspections. City Departments have reviewed the request and provided no comments or concerns.

Cm. Greenhalgh moved, seconded by Cm. Highfield to approve the Mobile Merchant License for Los Agaves to operate a food truck in City parking lot #10 at the intersection of S. Main Street and S. Third Street. Motion carried.

REVIEW AND APPROVE PRELIMINARY PLAT OF KOSHKONONG LAKE ESTATES CREATING 20 LOTS (EXTRA-TERRITORIAL)

Engineer Selle reviewed the submission by Patterson Builders for an area in the extra-territorial area that is currently zoned A-T Agricultural Transition. Patterson intends to create 20 residential lots in the area that is located on Koshkonong Mounds Road in the Town of Koshkonong, three miles from the City. City departments have reviewed the request without comments or concerns.

Cm. Highfield moved, seconded by Cm. Greenhalgh to approve the preliminary plat of Koshkonong Lake Estates creating 20 lots (extra-territorial). Motion carried.

REQUEST AN EXTENSION OF CONDITIONAL USE PERMIT FOR COMMUNITY BASED RESIDENTIAL FACILITY TO BE LOCATED AT 311 S. MAIN STREET (ORIGINAL CONDITIONAL USE GRANTED 09/22/2015 AND EXTENSION GRANTED 09/27/2016).

Engineer Selle reviewed this history of the Conditional Use Permit request by Mr. Logan and his Architect. They are seeking another extension for the project. Mr. Logan was provided a Conditional Use Permit for a CBRF to be located at 311 S. Main St. This permit was granted on September 22, 2015 and was one of three existing proposals heard and acted on following implementation of the

moratorium. Failure to begin the “use” as described in the Conditional Use Permit within one year requires either a forfeiture of the Conditional Use or an extension by the Planning Commission.

Mr. Logan returned to the Planning Commission in September 2016 for an extension to the Conditional Use, as construction had not begun on the project. At that time Mr. Logan supplied information confirming the approval from the State DHS to operate a CBRF at this location, updated plans for the potential improvements of the property and a construction schedule for completion. The extension was granted for one year with clear expectations for progress.

Mr. Logan has returned for a second extension following expiration of the Conditional Use extension granted in September 2016.

This situation presents a challenge for the Planning Commission. The one-year extension of the permit expired in September 2017. The request for a second extension is dated 2/9/18. Procedurally, this request should start over as an original Conditional Use request, however, the moratorium remains in place holding any new approval of additional adult care facilities. The City always supports the development of private business. Mr. Logan however, would do well not to place the Planning Commission in such an awkward situation in the future. Staff recommends a second extension of the permit until September 27, 2018, pending submittal of a clear schedule with milestones for progress.

Cm. Greenhalgh questioned how the agenda listed this item as an extension request since the first extension had expired September 2017, as far as she is concerned, this is a new request. She added this was one of the projects in the pipeline that was approved around the time the moratorium was enacted. She is hesitant to grant yet another extension as no progress has been noted on the property.

Craig Ellsworth, Architect addressed the request on behalf of Mr. Logan. He stated this is not just the project at 311 S. Main Street, but a substantial complex project in the main building tied to the Blackhawk Senior Living renovation. Ellsworth mentioned the funding sources and cited a grant application with the City.

Manager Trebatoski spoke on behalf of a grant application that is being applied for as a Community Development Grant between the City and Mr. Logan’s property. Mr. Ellsworth and Mr. Logan have been working on the application for the grant to rehab the property of 311 S. Main Street.

Cm. Greenhalgh asked how the grant is depending on 311 S. Main Street. Ellsworth confirmed the joint parking for employees of both properties/businesses. The funding from the grant would assist with building renovation. Greenhalgh asked if any progress would be done should another extension be granted. Ellsworth said they are actively working on the grant for funding to assist with the project. Without the grant, the project at 311 S. Main Street may not move forward.

Manager Trebatoski stated the Community Development Grant application process has become more competitive. The funding, should the grant be awarded, may not occur until late 2018.

Cm. Lescohier asked if this request of an extension is simply an oversight of timing. Ellsworth confirmed the oversight seemed to be an error.

Cm. Greenhalgh feels the Planning Commission has gone above and beyond several times for this project.

Attorney Westrick does not see any legal concerns, but stated this could be a discretionary decision dated back to September or the Commission could make a decision that the extension expired and this would have to be presented as a new request.

Cm. Highfield suggests provided a 'drop dead date' on the project. Ellsworth confided to the Commission saying he would make his best efforts to make sure this project moves forward and completed timely should an extension be granted.

Cm. Lescohier moved to approve the extension of the Conditional Use Permit for community based residential facility to be located at 311 S. Main Street until September 27, 2018. Motion seconded by Engineer Selle and carried, Cm. Greenhalgh opposed.

Manager Trebatoski stated this is an absolute date of September 27, 2018 and if this timeline will not be met, the property owner is to submit material at least two weeks prior to the date.

ADJOURNMENT

Cm. Greenhalgh moved, Cm. Scherer seconded the motion to adjourn the Planning Commission meeting at 4:52 pm. Motion carried.

Respectfully submitted,

Michelle Ebbert  
City Clerk/Treasurer



#4

**CITY OF FORT ATKINSON, Fort Atkinson, WI, 53538**

**Date:** April 3, 2018

**TO:** Planning Commission

**FROM:** Andy Selle, P.E.

**SUBJECT:** Conditional Use Permit Request – 815 Jefferson St.

**Background:**

Bruce Loeb of Lorman Metals owns the property at 815 Jefferson Street. The current building was granted a conditional use on January 12, 2016 for an auto repair shop and used car shop. The proprietor of that business has relocated to another property in the City, and an application for the same type of business has been received for a new owner. The property is currently zone M2 – Heavy industrial. Automobile sales businesses are a conditional use under this zoning. The description of the business included in the submittal is below.

Business Narrative - Badger Land Car Sales and Service, LLC  
815 Jefferson Street, Fort Atkinson, WI

Number of employees:

One owner, no employees

Proposed Hours:

Monday- Friday 8AM – 5PM

Saturday - 9AM-3PM

Sunday - Closed

Description:

Business will consist of used vehicle sales and repairs. Customer repairs to vehicles and warrant repairs. Badger Land Car Sales and Service, LLC will not sell auto parts.

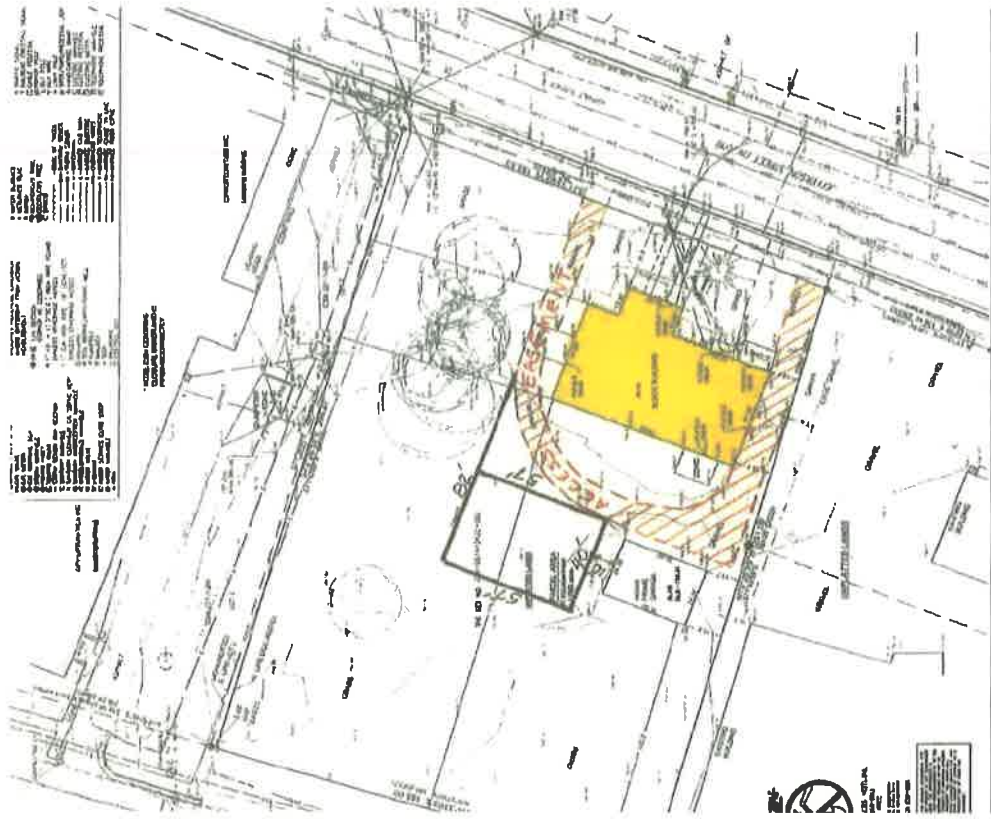
Signage on door (see attached photos) with business name and an additional sign stating business hours with minimum of 4" high lettering will be posted on entrance door or adjacent as required by Department of Transportation dealer licensing.

Also attached are sketches of proposed location of parking, area to be rented and storage area.

1 of 10



2 of 10



# LEASE PLAN



**City Department Reviews:**

All City departments have reviewed the submittal. There were no additional comments from Department Heads for this application. The following comments were made for the initial application in January of 2016.

Zoning – The property is zoned M-2 “Heavy Industrial.” All requirements can be met under the zoning code contingent upon the following:

1. A handicap access must be provided pursuant to 15.10.1 (H) of the zoning code.
2. Once the facility reaches 10 vehicles on the site at any one time - all areas used for parking and work areas must be paved in accordance with 15.10.1 (G) of the zoning code
3. Landscaping – the mature trees along the north portion of the lot should remain. Paving for the parking areas may need to be adjusted slightly to accommodate this. Leaving this space will meet the requirements of section 15.10.2 (L) of the zoning code

Stormwater – The additional pavement should be graded to drain to the north edge of the property along the grass / tree line where infiltration can occur and mitigate the additional impervious surface on the lot. An outline of the proposed paved areas and the grades of said areas shall be submitted to the City Engineer for review prior to commencing work.

**Recommendation:**

Staff recommends approval of the Site Plan with the conditions as outlined in the “Department Reviews” section of this memo.





CITY OF FORT ATKINSON, WISCONSIN

Application for Conditional Use Permit

Date of Application: 3-15-18

Property Owner/Applicant: Jeff Broten / Bruce Loeb

Address of Property: 815 Jefferson St.

Mailing Address: 815 Jefferson St.  
Fort Atkinson, WI 53538

Phone Number: 608-228-3241

Email: badgerlandcarsales@gmail.com

Present Zoning: M-2 Heavy Industrial

Present use of property: Vacant former CU. for auto sales and  
service

Requested conditional use: Auto sales + service

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\$75.00 filing fee paid on: 3-15-18

(Notices are mailed to property owners within a 100-foot distance of this property exclusive of right-of-way to notify them of this request. Planning Commission reviews request and makes recommendation to approve or deny.)

**Business narrative:**

**Badger Land Car Sales and Service, LLC.**

**815 N. Jefferson Street, Fort Atkinson, WI**

**Number of employees:**

**One owner, no employees**

**Proposed Hours:**

**Monday – Friday 8am – 5pm**

**Saturday – 9-3**

**Sunday- Closed**

**Business will consist of used vehicle sales and repairs. Customer repairs to vehicles and warranty repairs  
Badger Land Car Sales and Service, LLC will not sell auto parts.**

**Sign on door with business name and an additional sign stating business hours with minimum of 4" high  
lettering will be posted on entrance door or adjacent as required by department of transportation  
dealer licensing.**

**Also attached are sketches of proposed location of parking, area to be rented and storage area.**

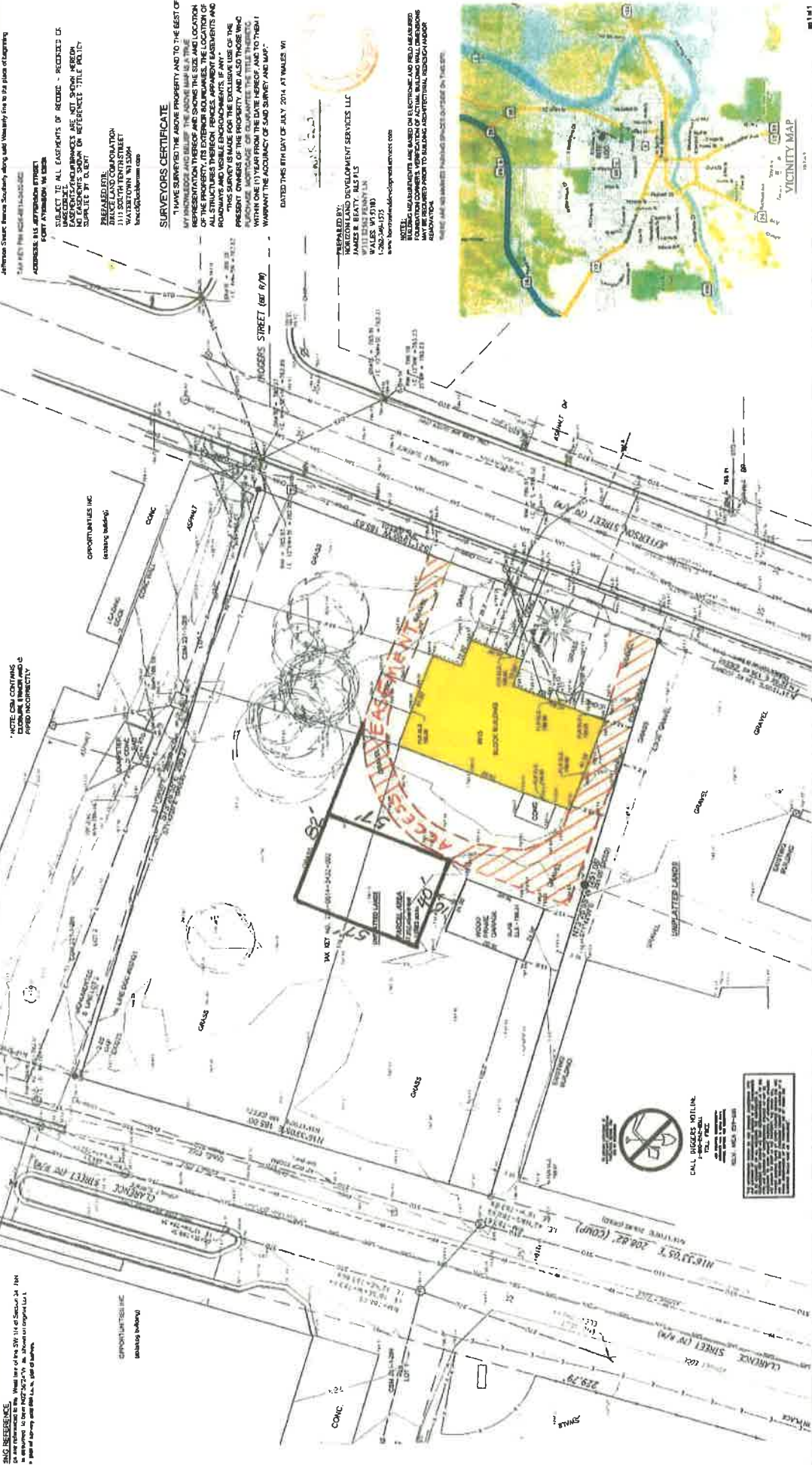


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# PLAT OF SURVEY

**LEGEND**

- 1. UNDEVELOPED LAND
- 2. EXISTING CONCRETE DRIVEWAY
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**SAC REFERENCE:**  
 SAC REFERENCE IS THE WEST LINE OF THE 3/4" OF SECTION 34, T4N  
 R10E S10E IN RANGE 10E, T4N, R10E, S10E, AS SHOWN ON ORIGINAL L.S. 1.  
 \*\* THIS SURVEY IS SUBJECT TO ALL RECORDS ON FILE AT THE REGISTER'S OFFICE.

**LEGAL DESCRIPTION:**  
 East 1/4 of Section 34, Township 4 North, Range 10 East, County of Jefferson, Wisconsin, described as follows:  
 as from table on the West line of Jefferson Street, 134.42 feet North 22° 00' 00" East of the  
 Northeast corner of the East 1/4 of Section 34, Township 4 North, Range 10 East, County of  
 Jefferson, Wisconsin, to the East 1/4 of Section 34, Township 4 North, Range 10 East, County of  
 Jefferson, Wisconsin, Southwesterly along said West line to its place of beginning.

**PREPARED FOR:**  
 BRUCE LAND CORPORATION  
 111 SOUTH TENTH STREET  
 MILWAUKEE, WISCONSIN 53224  
 bruce@bruce.com

**PREPARED BY:**  
 SURVEYORS CERTIFICATE  
 I HAVE SURVEYED THE ABOVE PROPERTY AND TO THE BEST OF  
 MY KNOWLEDGE AND BELIEF THE ABOVE MAP IS A TRUE  
 REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION  
 OF THE SAME ACCORDING TO THE RECORDS OF THE REGISTER'S  
 OFFICE. ALL DISTANCES, BEARINGS, PERCENTAGES, ELEVATIONS AND  
 ROADWAYS AND VISIBLE ENCHANCEMENTS, IF ANY.  
 THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE  
 PURCHASER AND NO GUARANTEE OF TITLE, MERCHANTABILITY OR  
 FITNESS FOR ANY PARTICULAR PURPOSE IS MADE.  
 WITHIN ONE (1) YEAR FROM THE DATE HEREOF, AND TO THEN I  
 WARRANT THE ACCURACY OF SAID SURVEY AND MAP.  
 DATED THIS 8TH DAY OF JULY, 2014, AT WAUKESHA, WI.

**PREPARED BY:**  
 DEVELOPMENT SERVICES LLC  
 JAMES R. BEATTY, BSLS  
 WILLIAM PENNY, LS  
 1000 S. JEFFERSON ST.  
 MILWAUKEE, WI 53224  
 www.bontronsurveying.com

**NOTES:**  
 ALL DISTANCES AND BEARINGS ARE BASED ON ELECTRONIC AND FIELD MEASUREMENTS  
 AND HAVE BEEN CHECKED FOR ACCURACY. ALL DISTANCES AND BEARINGS  
 MAY BE REQUIRED PRIOR TO BUILDING ARCHITECTURAL, MECHANICAL AND/OR  
 ELECTRICAL.

# LEASE PLAN

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BRUCELAND CORP.

PO Box 41

Watertown, Wisconsin 53094

Brian Juarez

21 March 2018

City of Fort Atkinson

101 N Main Street

Fort Atkinson, WI 53538

RE: 815 N Jefferson Street –

Brian,

I am the owner of the property at 815 N Jefferson Street, Fort Atkinson, WI.

Jeff Broten plans to rent that site to move his Auto Sales and Service Business to Fort Atkinson.

I am in full support of his plans using my facility for his business.

Thank you for your help in this matter.

  
Bruce J Loeb

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**PLANNING COMMISSION MINUTES  
CITY OF FORT ATKINSON  
JANUARY 12, 2016  
961st MEETING**

CALL TO ORDER.

The meeting was called to order by Chairman Trebatoski in the Council Chambers of the Municipal Building at 4:00 pm.

ROLL CALL.

Present: Commissioners Frame, Hartwick, Zastrow, City Engineer Andy Selle and City Manager Matt Trebatoski. Also present: City Attorney Chris Rogers, Building Inspector Brian Juarez and Clerk/Treasurer Michelle Ebbert.

Excused absence: Commissioners Highfield and Greenhalgh.

**REVIEW AND APPROVE REQUEST FOR CONDITIONAL USE FOR AUTO REPAIRS AND SALES AT 815 JEFFERSON STREET (CURRENTLY ZONED M-2 HEAVY INDUSTRIAL)**

Engineer Selle reviewed the request. The building has been vacant and a new tenant is requesting to operate an auto repair shop and used car sales. Business owner Mrs. Lee Klug was present to discuss the business plan.

Manager Trebatoski asked about the long term goal with auto sales. Mrs. Klug stated that initially, they will be growing a small repair shop with hopes for sales in the future.

Comm. Zastrow asked about contingencies, are they inconsistent with the use or zoning of the property. Inspector Juarez replied the business owners did not want to create a huge parking lot initially. He will allow the business to phase in a parking lot as needed. They are required to meet handicap accessible parking. The creation of parking will be weather dependent. Juarez suggested once a number of vehicles are parked on site, to require parking at that point. Mrs. Klug requested to allow up to 10 vehicles prior to the parking lot requirement. Juarez recommended allowing 8-10 vehicles on site before the construction of a parking lot be required.

Comm. Zastrow inquired on the existing grass area and if that area will be future parking. Mrs. Klug stated they will not alter the greenspace until parking is needed.

Comm. Hartwick moved to approve the conditional use and site plan with the condition of requiring a handicapped parking stall be developed by the end of April 2016 and to allow gravel parking space be used until 10 vehicles exist on site for a time frame for one year and a half from January 12, 2016. Comm. Zastrow seconded the motion and carried.