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MEMORANDUM

TO: Plan Commission
Village of Bristol

Copies to: Randy Kerkman, Village Administrator
Amy Klemko, Village Clerk
Jon Tack, Applicant

FROM: GRAEF
Dominic Marlow, Village Planning Consultant

DATE: April 18, 2023

SUBJECT: Review of the following:

- 1) The application of Jon Tack (Applicant) for a Comprehensive Plan Amendment from A-2 General Agricultural to A-3 Agricultural – Related Manufacturing, Warehousing, & Marketing on tax parcel #37-4-121-341-0310.
- 2) The application of Jon Tack (Applicant) for a Zoning Map and Zoning Text Amendment from A-2 General Agricultural District to A-3 Agricultural Related Manufacturing, Warehousing and Marketing District on tax parcel #37-4-121-341-0310.
- 3) The application of Jon Tack (Applicant) for a Site Plan Review on tax parcel #37-4-121-341-0310.

I. INTRODUCTION AND BACKGROUND

The Applicant is requesting rezoning from A-2 (General Agricultural District) to A-3 (Agricultural Related Manufacturing, Warehousing, and Marketing District) to allow for "Residential and horse breeding and training", a Comprehensive Plan Amendment from A-2 (General Agricultural) to A-3 (Agricultural – Related Manufacturing, Warehousing, & Marketing), and a site plan review for the tax parcel #37-4-121-341-0310. The site was previously reviewed for rezoning and a Comprehensive Plan Amendment and was tabled by the Plan Commission. The Applicant is proposing the construction of a new 70' x 200' pole barn, a 17.5' x 89.9' addition to an existing barn, six (6) parking stalls on an existing gravel drive in the middle of the property, and seven (7) horse trailer parking stalls in the rear of the property.

Review of the following:

- a. Previous Submittals (October 2022)
 - a. "Comprehensive Plan Amendment Application" (9 sheets, dated September 25, 2022)
 - b. "Site Plan Barn & Barn Addition" (1 sheet, dated March 15, 2021, prepared by Jon Tack, Professional Engineer)

- c. "Plat of Survey" (1 sheet, dated July 20, 2021, prepared by Mark A. Bolender, Professional Land Surveyor)
- b. New Submittals (April 2023)
 - a. "Memorandum: 15901 Horton Rd. – Rezoning From A2 To A3 Response to the October 25, 2022, Plan Commission Meeting-Comments from Commission, Staff and Public" (3 sheets, dated March 8, 2023)
 - b. "Site Plan & Barn Addition" (1 sheet, dated 3-5-23)

The Applicant applied to rezone the Subject Property from A-2 to A-3 in October 2022. Upon consideration by the Plan Commission, the application was tabled to allow the Applicant to submit additional information about the business operation necessary for the Plan Commission to make a decision.

It is the understanding of GRAEF that reviews and comments on all engineering-related aspects of the proposed development are to be accomplished by the Village Engineer. Therefore, GRAEF defers all engineering-related review and comment to the Village Engineer.

It is the understanding of GRAEF that reviews and comments on all legal language and legal documents of the proposed development are to be accomplished by the Village Attorney. Therefore, GRAEF defers all legal-related review and comment to the Village Attorney.

Figure 1: Subject Property (Kenosha County GIS)



II. COMPREHENSIVE PLAN AMENDMENT

- a. The Applicant has submitted an application for a Comprehensive Plan Amendment to change the subject property's Land Use District from A-2 (General Agricultural) to A-3 (Agricultural – Related Manufacturing, Warehousing, & Marketing).
- b. Those seeking changes to the adopted Village of Bristol Comprehensive Plan must convince the Village Board and Village Plan Commission that a real and immediate need for a Comprehensive Plan change exists based on one of the **six criteria outlined below** and that the reasons are sufficiently strong to justify a Comprehensive Plan change.
- c. Applications to change the zoning of a property require a Comprehensive Plan Amendment, Zoning Text Amendment, and Zoning Map Amendment. Zoning Text amendments should consult the Future Land Use Plan for consistency and compatibility with plans for the future and orderly development of land for the Village. The following questions are ***included in the Comprehensive Plan Amendment Application reviewed previously at the October 2022 Plan Commission meeting*** where it was subsequently tabled with a request for more information.

- (1) Is the proposed Village Land Use Plan Amendment (when proposed to accommodate new urban or suburban types of development) contiguous, (next to) existing urban or suburban types of development? That is, will the proposed development create unplanned urban or suburban "sprawl" or foster a planned compact development pattern for the Town?

i. Applicant Response: No.

- (2) Is the proposed plan amendment (when proposed to accommodate new rural residential types of development) contiguous, (next to) existing rural residential types of development? That is, will the proposed rural residential development created unplanned rural "sprawl" or foster a planned, more compact, rural residential development pattern for the Village? In a rural situation, any proposed plan amendments from the A-1 Agricultural Preservation Land Use District into the A-2 General Agricultural Land Use District shall be contiguous to an existing A-2 General Agricultural Land Use District.

i. Applicant Response: No.

- (3) Will the resulting development from the Village Land Use Plan Amendment assist in preserving the character of the Town of Bristol?

i. Applicant Response: Yes the A-3 zoning designation is to expand on the horse training and breeding operation.

- (4) Will the proposed Village Land Use Plan Amendment result in a substantial public benefit?

i. Applicant Response: No.

- (5) Is the proposed plan amendment, if granted, likely to contribute to land use balance in the Village of Bristol?

i. Applicant Response: Possibly.

ii. It is Staff's opinion that an additional A-3 property in the Village would not result in a substantial change to land use balance.

- (6) Is the proposed plan amendment, if granted, likely to contribute to an improved quality of life in the Village of Bristol?

i. Applicant Response: Possibly.

ii. It is Staff's opinion that it may be desirable to increase access to horse breeding facilities in the Village, given the low number of A-3 zoned properties in the Village.

b. Additional Village of Bristol Comprehensive Plan Amendment Questions to be Addressed by the Applicant:

(7) Is there a strong market demand for the use requested by the Village Land Use Plan Amendment and has that demand been demonstrated with evidence provided by the applicant?

i. Applicant Response: The Applicant believes there is a market for the services he is proposing.

(8) Are public services available (including roads and utilities), or planned to be available in the near future, to accommodate the area of the proposed plan amendment?

ii. Applicant Response: Public services are available to accommodate.

(9) Is the area of the proposed plan amendment located within an existing sanitary sewer service area?

iii. Applicant Response: The area of the proposed plan amendment is not located within an existing sanitary sewer service area.

(10) If public services are available (including roads and utilities), or planned to be available, is there adequate capacity to accommodate the area of the proposed plan amendment?

iv. Applicant Response: Yes, there is adequate capacity.

(11) If public services are available (including roads and utilities), or planned to be available, is it a logical extension of those services to accommodate the area of the proposed plan amendment?

v. Applicant Response: Not applicable.

(12) If public services (including roads and utilities) are to be extended to accommodate the area of the proposed plan amendment, is there a plan and funding available to extend those services?

vi. Applicant Response: Not applicable.

(13) Will the resulting development from the plan amendment create more taxable value than the services or facilities it will need? Has the applicant quantified this information and submitted it to the Village of Bristol for review and consideration?

vii. Applicant Response: The land division will create more taxable value than the services or facilities it will need. The Applicant has not quantified this information.

(14) Other pertinent information/data for Village Board and Village Plan Commission Consideration.

viii. None.

- c. Following the October 2022 Plan Commission meeting, the Applicant has submitted additional information regarding the proposed horse breeding and training operation on the Subject Property. The full letter of responses from the Applicant may be found in the submittal packet. A number of responses are reviewed below for their relevance to the proposed Comprehensive Plan Amendment.

(1) How many horses and cows are currently on the property? How many are allowed? How many are proposed?

1. Summary of Applicant Responses - Present: 10 horses, 3 cows
2. Allowed: The number allowable is unclear and we request clarification from Staff.

a. Staff has reviewed the applicable code and determined there is no specific allowable number of horses and cows on the Subject Property if it is rezoned to A-3. The following standards apply to keeping of horses in the R-1, A-1, and A-2 Districts for parcels between 5-10 acres. (§7-1-10)

i. (a) **Intent and Purpose**

1. (1) This Section shall be applicable for parcels in the Village of Bristol zoned R-1 by the Kenosha County Zoning Ordinance at the time of Code of Ordinances adoption, and as subsequently zoned by its Village Zoning Code requirement, which are a minimum of five (5) acres in size and adjacent to parcels zoned R-1, Agriculture or Conservancy.

a. It should be noted that §13-1-177 of the Zoning Code extends these standards to the A-1 and A-2 Districts.

3. (3): "The keeping of large animals on small tracts of land has given rise to a number of complaints by abutting owners."

ii. (4) "The intent and purpose of this Section is to regulate the keeping of horses and large animals for the owner's enjoyment on large residential parcels, balancing that use with the rights of neighbors to enjoy their property."

iii. **Keeping Horses, Large Animals or Fowl on Non-Agricultural Parcels Restricted:** "No person shall keep, harbor, feed or breed any of the hereinafter defined large animals or fowl in any business, manufacturing, or residentially zoned district. Except that, subject to the following limitation, large animals may be kept on any parcel of land meeting the definition in Subsection (a)(1) above:"

1. **"Horses.** No more than two (2) horses for each five (5) acres, with one (1) additional horse permitted for each acre over five (5) acres."
2. **"Dairy Cows or Steers.** No more than two (2) dairy cows or steers for each five (5) acres, with one (1) additional cow/steer permitted for each acre over five (5) acres."
- iv. **"Public Nuisances.** The owner shall do all things necessary to prevent the keeping of said animals or fowl from becoming a public nuisance. No building permit for an animal or fowl shelter shall be granted unless the Building Inspector shall visit the premises and determine that the construction of such shelter is located on the owner's premises, with sufficient setback from property lines, which may be greater than those set forth in the Kenosha County Zoning Ordinance or Village Zoning Code, to prevent such shelter from becoming a nuisance to neighbors."
- b. Staff recommends the Plan Commission make a determination of the appropriate number of horses based on the ability of the Applicant to maintain the orderly and proper development and operation of the proposed use on the Subject Property consistent with the intent of the Comprehensive Plan.
3. Proposed: 15-20 horses, 0-5 cows
 - a. The Subject Property is 7 acres. In the A-2 District, the property would allow up to four (4) horses and four (4) cows. **However, these standards do not apply to the A-3 District** and are included for informational purposes only.
 - b. Breakdown of proposed horses (GRAEF):
 - i. Permanent mares (female equines): 5-8
 - ii. Foals (young equines): 5-8
 - iii. Stallion (unaltered male equine): 1
 - iv. Visiting mares: 1-3
 - v. Total: 11-20 horses at any given time.
 - c. "Cows" are proposed. Staff recognizes there is a difference between female "cows" and male "steers" or "bulls."
 - i. Applicant shall specify what type of cows they intend to hold on the property and for what purpose.
- (2) Will there be stallions on the premises? How many? Will they be permanently stabled?
 - i. Applicant Response: "The Owner's breeding operation is proposing to permanently maintain 1 stabled stallion on the property."
- (3) Will they bring in outside stallions? What type of stalls will be built for stallions? Will there be outside stallion pens?

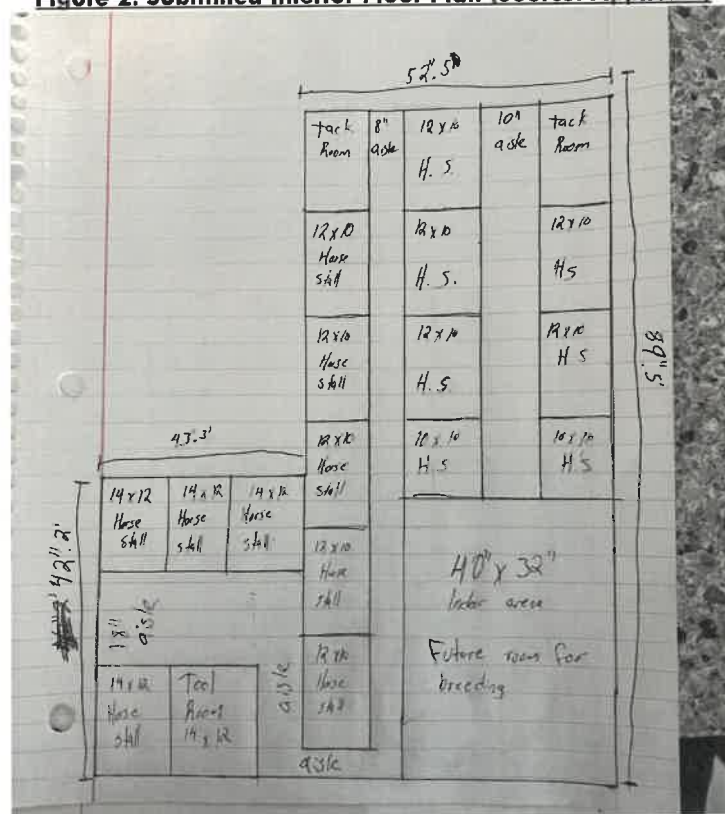
- i. Applicant Response: "Owner's breeding operation does not intend to bring stallions to the property for breeding."
- ii. Applicant Response: "There will be no additional stalls built to stable the stallion, the existing stalls will be adequate."
- iii. Applicant Response: "There will be no outside stallion pens."
- (4) Will they have insurance to cover any damages if a stallion should get loose?
 - i. Applicant Response: "The owner maintains reasonable business insurance for damages."
- (5) Will there be mares permanently stabled? How many? Will they accept outside mares? How many? For how long?
 - i. Applicant Response: "There will be 5-8 mares permanently stabled on the property."
 - ii. "Mares approximately 1-3 from offsite will be brought to the property for artificial insemination and will be maintained for 2 weeks at the property after confirming artificial insemination is complete."
- (6) Will breeding be live cover or artificial insemination? How many foals will be bred?
 - i. Applicant response: "Artificial insemination shall be the breeding method."
 - ii. "Owner estimates 5-8 foals per year from the 5-8 mares on the property."
- (7) What type of stalls will be built for mares and foals? How long will mares and goals remain on property?
 - i. Applicant Response: "Foals shall remain with their [sic] mares in 12'x12' stalls until 5 months old when they will be sold."
- (8) What type of turnout pastures will be built for mares and foals?
 - i. Applicant Response: "The pasture on the west side of the property will be used for turnout of the mares and foals."
- (9) Where will storage be for hay/grain/bedding?
 - i. Applicant Response: "The Owner is proposing an addition to the existing barn with the intent to store hay."
 - ii. "The storage of bedding will be stored above the stalls and grain storage in the 2 grain containers at the north side of the barn."
- (10) What is the intended use of [the proposed pole barn]? What specific operations will take place in this space? What kind of access will there be to this structure?
 - i. Applicant Response: "The proposed pole barn will be used for indoor riding arena and horse training."
 - 1. **The Applicant has not specified which horses are to be trained in this arena.**
 - ii. "The proposed pole barn will be used by horses only and no motorized vehicles therefore no additional access drives to and from."
- (11) Does A3 allow them to have horse shows or rodeos (i.e. public gatherings) on the property?
 - i. Applicant Response: "Owner is not proposing public gatherings."

d. Following the initial review of the Applicant's submitted responses, Staff followed up with additional questions.

(1) Based on your plans to stable a stallion on the property, we think the Plan Commission may want to see additional information to help them make their decision. See below:

- i. Provide interior floor plans for the barn that will be stabling the horses including stall dimensions for foaling, mares, and stallion, and separation of stallion and mares (including aisle width). A hand drawing would suffice.
- ii. Provide location, dimensions, and placement of artificial insemination operations

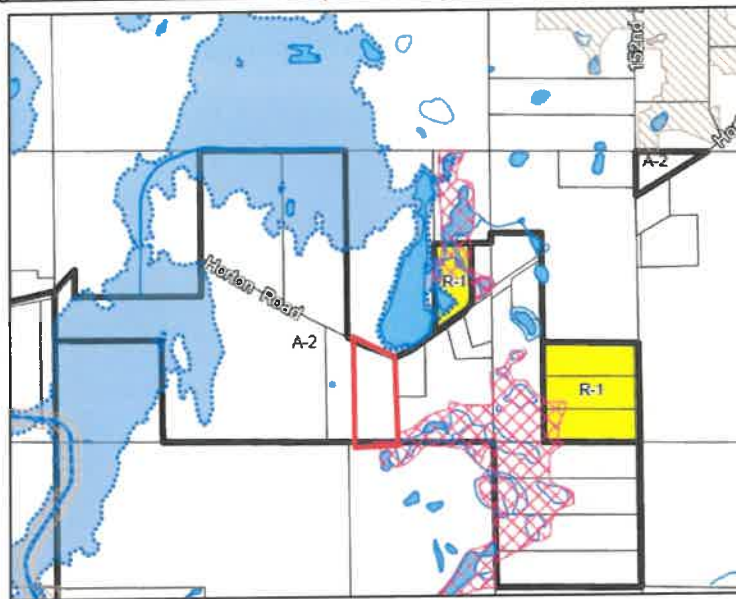
Figure 2: Submitted Interior Floor Plan (Source: Applicant)



iii. Provide details for turnout space for mares, foals, and stallion including stallion-safe fencing.

1. No Response

Figure 3: Future Land Use Map with Subject Property, outlined in red



Planned Land Use Categories

Commercial

C-1	General Commercial
C-2	Neighborhood Commercial
C-3	Community Commercial
C-4	Regional Commercial
C-5	Office / Professional
C-6	Office / Professional
C-7	Office / Professional
C-8	Office / Professional
C-9	Office / Professional
C-10	Office / Professional

Residential

R-1	General Residential
R-2	General Residential
R-3	General Residential
R-4	General Residential
R-5	General Residential
R-6	General Residential
R-7	General Residential
R-8	General Residential
R-9	General Residential
R-10	General Residential

Manufacturing

M-1	General Manufacturing
M-2	General Manufacturing
M-3	General Manufacturing
M-4	General Manufacturing
M-5	General Manufacturing

Agricultural

A-1	Agricultural
A-2	Agricultural

- d. The Applicant is proposing to change the Future Land Use of the subject property from A-2 to A-3. According to the Future Land Use Map, the A-1 and A-2 Districts are considered part of the "Agricultural" land use category, but the A-3 District is considered part of the "Manufacturing" category. Although the Applicant's proposed use is generally consistent with agricultural use (horse breeding), the A-3 District allows for a variety of agricultural manufacturing uses which may be less consistent with surrounding uses. A rezone to A-3 opens the door for different uses in the future. The following is an excerpt from the Village of Bristol 2050 Land Use Plan:
 - a. "The Village's A-3 Zoning District is generally the most appropriate zoning option for areas classified as Agricultural-Related Manufacturing, Warehousing, and Marketing."
 - b. Staff recommends the Applicant provide a Developer's Agreement or similar contract to restrict the use of the property to Residential, Horse Breeding and Training if approved to rezone the property to A-3.

III. EXISTING ZONING AND PROPOSED REZONING

- a. The Subject Property is currently zoned “A-2 General Agricultural District.” The surrounding parcels are also zoned A-2 and A-1. Nearby parcels are zoned R-1.

Figure 4: Existing Zoning Map and Subject Property, outlined in yellow

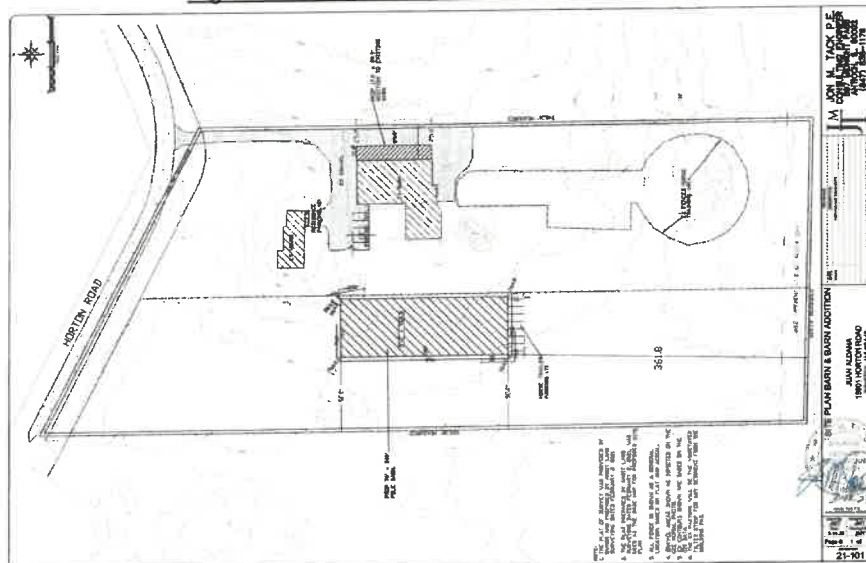


- b. The Applicant has proposed a zoning amendment from “A-2 General Agricultural District” to “A-3 Agricultural Related Manufacturing, Warehousing and Marketing District” to allow for horse breeding and training at the Subject Property. Breeding services are not listed as permitted or conditional uses in the A-2 District, but they are listed as “Permitted Uses” in the A-3 District. Other A-3 zoned properties across the Village are surrounded by parcels zoned A-1, A-2, and R-1, but none exist nearby the subject property.
 - a. “Breeding services” is listed as a permitted use in the A-3 District.
 - b. “Living quarters for not more than two (2) watchmen or caretakers” is listed as an accessory use in the A-3 District.
 - c. “Livestock sales facilities” is listed as a conditional use in the A-3 District. According to the Applicant, sales are a proposed use on the Subject Property:
 - i. Applicant Response: “Foals shall remain with their [sic] mares in 12’x12’ stalls until 5 months old when they will be sold.”

- d. It is the opinion of Staff that sales should be considered incidental to the use “breeding” and not considered a separate use. The intent of the standards for livestock sales included in the Zoning Code do not anticipate the type of sales proposed by the Applicant. It is the opinion of Staff that it is in the best interest of the Village to not consider the proposed use as “livestock sales facilities.”
- c. The A-3 District is intended to provide for “the proper location and regulation of manufacturing, warehousing, storage, and related industrial, commercial, marketing and service activities that are dependent upon or closely allied to the agricultural industry.” The lot size requirements for the A-3 zoning district are found in §13-1-84(e-g):
- a. A-3 Agricultural Related Manufacturing, Warehousing and Marketing District Lot Area, Width, and Setbacks:

	Requirement	Subject Property
Lot Area	217,800 SF/5 ac.	7.053 ac.
Lot Width/Frontage	300'	416.78'
Minimum Street Yard	Not less than 65' from the right-of-way of all federal, state, or county trunk highways	131.88'
Minimum Side Yard	25'	25' and 90'
Minimum Rear Yard	50'	361.8'

Figure 5: Site Plan for Barn & Barn Addition



IV. SITE DESIGN REQUIREMENTS (§13-1-444)

a. **Conformity of Use and Dimensions to Zoning District:** The following requirements apply to site plans in the A-3 District:

- a. **Building Height:** Buildings shall not exceed 100 feet. The height of the proposed pole barn is not included in the submittals.
- b. **Residential Dwellings:** No change is proposed. The existing dwelling appears to conform to all requirements for the A-3 District.

b. **Vehicle Access:** No change is proposed. The site has access to CTH CJ.

c. **Impact on Surrounding Uses:** §13-1-444(5) states “The Plan Commission will approve said site plan(s) only after determining that:...The proposed on-site buildings, structures, and entry ways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress and interior/exterior traffic flow, stormwater drainage, erosion, grading, lighting, and parking, as specified by this Zoning Code or any other applicable codes or laws.”

- a. In general, the proposed buildings, structures, and entryways are not designed in any way as to cause concern regarding impacts on surrounding uses. The proposed barn addition is intended for storage.
- b. The proposed breeding operations will require dedicated space within the existing barn. The interior floor plan submitted by the Applicant indicates a dedicated space is provided. (See Figure 2)
- c. The Applicant has proposed a six-foot (6') chain link fence surrounding the property.

d. Natural Resources Features Protection: The Applicant has expressed there will be no disturbance of natural resources in the submitted letter:

a. Applicant Response: The natural resources of the property will remain as is with the proposed pole barn being somewhat centered in the west pasture area. Review of the County GIS data and the proposed location of the new pole barn it appears that the new construction will have no impact on natural resources. If determined necessary a detailed natural resource plan can be submitted during the site plan review."

b. Staff identified wetlands on the Subject Property. The proposed pole barn does not disturb the present wetlands.

i. It is the understanding of GRAEF that reviews and comments on all engineering-related aspects of the proposed development are to be accomplished by the Village Engineer. Therefore, GRAEF defers all engineering-related review and comment to the Village Engineer.

Figure 6: Natural Resources on Subject Property (Kenosha County GIS)



- e. **Landscape Plan:** The Applicant has agreed to include the required landscaping but has not submitted landscape plans:
- Applicant Response: "Owner will provide the necessary landscape buffer plan for the proposed improvements at the time of site plan approval."
 - A Type 3 bufferyard is required where the Subject Property abuts the A-2 District. A Type 2 bufferyard is required where the Subject Property abuts the A-1 District.
 - A Type 3 bufferyard is required where the Subject Property abuts the County Trunk Highway "CJ."
 - Existing vegetation may be used to count towards proposed landscaping.
- i. The Applicant shall submit a landscape plan including all required landscaping.

Figure 7: Required Landscape Bufferyards



Figure 8: Type 2 and 3 Bufferyard Standards

Table F

**BUFFERYARD INTENSITY FACTOR 2:
ALTERNATIVE PLANT MATERIAL STANDARDS**
(Minimum Requirements per 100 Feet of Bufferyard Length)

BUFFERYARD ALTERNATIVES	TYPE OF PLANTS REQUIRED (a)	MINIMUM QUANTITY OF EACH PLANT TYPE REQUIRED PER 100 FEET OF BUFFERYARD LENGTH	MINIMUM REQUIRED BUFFERYARD WIDTH (feet)	MINIMUM STRUCTURE TYPE (if required)
TYPE 2A	Canopy/Shade Trees	1.7	15	2-foot berm
	Understory Trees	3.4		
	Shrubs	13.6		
TYPE 2B	Canopy/Shade Trees	2.3	20	None
	Understory Trees	2.3		
	Evergreen Trees	2.3		
	Shrubs	13.5		
TYPE 2C	Canopy/Shade Trees	2.1	25	None
	Evergreen Trees	4.2		
	Shrubs	10.5		
TYPE 2D	Evergreen Trees	5.9	30	None
	Evergreen Shrubs	27.3		
TYPE 2E	Canopy Trees	2.2	30	3-foot berm
	Shrubs	11.0		

(a) See Table A for minimum required plant material sizes.

Table G

**BUFFERYARD INTENSITY FACTOR 3:
ALTERNATIVE PLANT MATERIAL STANDARDS**
(Minimum Requirements per 100 Feet of Bufferyard Length)

BUFFERYARD ALTERNATIVES	TYPE OF PLANTS REQUIRED (a)	MINIMUM QUANTITY OF EACH PLANT TYPE REQUIRED PER 100 FEET OF BUFFERYARD LENGTH	MINIMUM REQUIRED BUFFERYARD WIDTH (feet)	MINIMUM STRUCTURE TYPE (if required)
TYPE 3A	Canopy/Shade Trees	2.3	20	3-foot berm
	Understory Trees	4.6		
	Shrubs	18.4		
TYPE 3B	Canopy/Shade Trees	3.4	20	None
	Understory Trees	3.4		
	Evergreen Trees	3.4		
	Shrubs	20.4		
TYPE 3C	Canopy/Shade Trees	3.2	25	None
	Evergreen Trees	6.4		
	Shrubs	16.0		
TYPE 3D	Evergreen Trees	9.2	30	None
	Evergreen Shrubs	42.7		
TYPE 3E	Canopy Trees	5.8	35	None
	Shrubs	29.0		

(a) See Table A for minimum required plant material sizes.

- f. **Site Development Plan:** The proposed site plan includes the following:
- a. One (1) new 70' x 200' pole barn totaling 14,000 Sq Ft
 - b. A parking area including six (6) spaces
 - c. A horse trailer parking area including seven (7) spaces
 - d. A 17.5' x 89.9' addition to the existing pole barn totaling 1,573.25 Sq Ft, bringing the structure's total size to approximately 8,650 Sq Ft (as measured by Staff)
 - i. Existing pole barn to hold between 15-20 horses and 0-5 cows.
 - ii. It is the opinion of Staff based on the submitted interior floor plans of the existing pole barn that proper conditions are proposed for the stallions and mares intended as part of the breeding use. (See Figure 2)
 - e. A six-foot (6') chain link fence installed at the perimeter of the property
 - i. Staff recommends the Applicant be required to install the proposed fence prior to the stallion being brought to the property.
 - ii. It is the opinion of Staff that a chain link fence may not be appropriate security for the presence of a stallion. The University of Georgie Extension provides guidelines for fences for horses. Staff recommends a fence following these guidelines be installed prior to the initiation of a breeding operation on the property, including the presence of any stallions or mares. Source: <https://extension.uga.edu/publications/detail.html?number=B1192>
 - 1. The Applicant shall revise the design of the proposed fence to align with established best practices for fencing.
 - 2. Plan Commission to determine the need for a maintenance plan to ensure the long-term effectiveness and security of the proposed fence.
 - 3. Plan Commission to determine the need for a fence taller than six feet.

III. RECOMMENDATION

Based upon the review of submitted materials, GRAEF recommends that the Plan Commission recommend to the Village Board the **CONDITIONAL APPROVAL** of the following:

Comprehensive Plan Amendment Agenda Item:

- a. The request of Jon Tack (Applicant) for a Comprehensive Plan Amendment from A-2 General Agricultural to A-3 Agricultural – Related Manufacturing, Warehousing & Marketing on tax parcel #37-4-121-341-0310, **subject to the following:**

1. **All applicable Village of Bristol application and review fees shall be paid by the applicant; and**
2. **The Applicant shall address any other issues which are raised by any approving or objecting authority, which the Village Plan Commission and/or Village Board deem necessary for the applicant to address in the application materials, and which have been made, or may be made, by the Village Administrator, Village Attorney, Village Engineer, and Village Planner.**

Zoning Map and Zoning Text Amendment Agenda Item:

- a. The request of Jon Tack (Applicant) for a Zoning Map and Zoning Text Amendment from A-2 General Agricultural District to A-3 Agricultural Related Manufacturing, Warehousing and Marketing District on tax parcel #37-4-121-341-0310, **subject to the following:**

1. **The Applicant shall provide a developer's agreement limiting the use of the property to Residential, Horse Breeding, and Training; and**
2. **Any changes to the use of the property shall be reviewed by – and receive approval from – the Plan Commission based on conformance with the Village Code of Ordinances; and**
3. **All applicable Village of Bristol application and review fees shall be paid by the applicant; and**
4. **The Applicant shall address any other issues which are raised by any approving or objecting authority, which the Village Plan Commission and/or Village Board deem necessary for the applicant to address in the application materials, and which have been made, or may be made, by the Village Administrator, Village Attorney, Village Engineer, and Village Planner.**

[See additional review items on the following page]

Site Plan Review Agenda Item

- a. The request of Jon Tack (Applicant) for a Site Plan Review on tax parcel #37-4-121-341-0310, subject to the following:

1. Applicant shall specify what type of cows they intend to hold on the property and for what purpose; and
2. The Applicant shall submit a landscape plan including all required landscaping; and
3. The Applicant shall install fencing on the perimeter of the property prior to the introduction of a stallion; and
4. The Applicant shall revise the design of the proposed fence to align with established best practices for fencing; and
5. The Applicant shall submit a lighting plan; and
6. All applicable Village of Bristol application and review fees shall be paid by the applicant; and
7. The Applicant shall address any other issues which are raised by any approving or objecting authority, which the Village Plan Commission and/or Village Board deem necessary for the applicant to address in the application materials, and which have been made, or may be made, by the Village Administrator, Village Attorney, Village Engineer, and Village Planner.

- a. Further conditions for Plan Commission consideration:

8. The Applicant shall submit a maintenance plan to ensure the long-term effectiveness and security of the proposed fence; and
9. The Applicant shall increase the height of the proposed fence to a height deemed appropriate by the Plan Commission.



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April 18, 2023

Mr. Randy Kerkman, Administrator
Village of Bristol
19801 83rd Street
Bristol, WI 53104

Re: Plan Commission Meeting Comments–April 25, 2023
Preliminary Plan Review Comments
Tax Key IDs 37-4-121-341-0310
Village of Bristol, Wisconsin (Village)

Dear Randy,

On behalf of the Village, Strand Associates, Inc.® (Strand) has reviewed the most recent documents for Tax Key ID 37-4-121-341-0310 submitted by Jon Tack on behalf of the owner Juan Aldana. The comments in this letter will focus on preliminary plan review comments relative to the April 25, 2023, Plan Commission meeting.

Information Reviewed

1. Comprehensive Plan Amendment Application
2. Response to the October 25, 2022, Plan Commission Meeting Letter–Dated March 8, 2023
3. Site Plan Barn & Barn Addition–Dated March 15, 2022

Standards Used

1. Current version of the Village Code of Ordinances and Standards for Development
2. Village Erosion Control and Stormwater Management Requirements
3. Chapter NR 151 of the Wisconsin Administrative Code–Runoff Management

Summary and Recommendation

The following comments should be considered when submitting final engineering plans for the Village's engineering plan review. These comments should not impact Plan Commission action. This list may not be all inclusive, and additional comments or questions may result after a submittal addressing the comments. Please submit a response letter that includes a numbered list of responses to these comments to expedite future reviews.

General Comments

1. The area of proposed improvements shows wetland indicator soils. Provide a letter from Wisconsin Department of Natural Resources (WDNR) indicating there are no wetlands present on the site and, therefore, no wetland disturbance, or provide a wetland delineation.

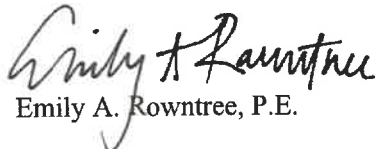
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2. Applicant shall obtain authorization from all proper regulatory agencies including, but not limited to, WDNR and United States Army Corps of Engineers before any wetland disturbance. Provide correspondence from regulatory agencies indicating authorization to disturb wetlands, along with any action required.
3. Acknowledge whether protective area standards apply to the stormwater management of this project in accordance with the Village Erosion Control and Stormwater Management Requirements and the Village Construction Stormwater Management Ordinance. Refer to Village Construction Stormwater Management Ordinance 2016 15-3-8(e)(4) for protective area setbacks.
4. The proposed improvements are considered an agricultural practice in accordance with Section 281.16(1) of the Wisconsin Statutes, and are, therefore, exempt from Stormwater Management requirements in accordance with Section 15-3-4(b)c. of the Village's Post-Construction Stormwater Management Ordinance. In accordance with Section 15-3-4(c), if the Plan Commission feels that the proposed improvements should require additional stormwater management, it should recommend that to the applicant.
5. The applicant stated that the proposed pole barn will be used by horses only and no motorized vehicles; as such, no additional access drives are proposed. The Plan Commission should recommend whether the horse trailer parking on the south side of the proposed pole barn and access to it should remain grass as proposed or if it should be a hard surface (gravel or asphalt).
6. Submit an erosion control plan and proposed lighting plan and lighting cut sheets in accordance with Village of Bristol's Site Plan Data and Information Submittal Requirements.
7. Provide a parking bump out for dead-end turnaround at the west side of the parking stalls.
8. Revise 764 contour to the correct location based on first floor elevation of the pole barn. The contour should be shown around the proposed pole barn.
9. Provide first floor elevation of the proposed addition to the existing barn.

If there are any questions, please call 414-271-0771.

Sincerely,

STRAND ASSOCIATES, INC.®


Emily A. Rowntree, P.E.



collaborāte / formulāte / innovāte

MEMORANDUM

TO: Plan Commission
Village of Bristol

Copies to: Randy Kerkman, Village Administrator
Amy Klemko, Village Clerk
Kenneth A. Moore, Applicant

FROM: GRAEF
Dominic Marlow, Village Planning Consultant

DATE: April 18, 2023

SUBJECT: Review of the following:

- 1) The application of Kenneth A. Moore (Applicant) for a Site Plan Review on tax parcel #37-4-121-134-0225 (Subject Property).

I. INTRODUCTION AND BACKGROUND

The Applicant is requesting a site plan review for the tax parcel #37-4-121-134-0225. The Applicant is proposing a 17,523 Sq. Ft. addition to an existing building and a new ~24,800 Sq. Ft. (0.6 ac) concrete area and stormwater pond.

Review of the following:

- General Zoning & Land Division & Subdivision Application Form for a Site Plan Review Application (5 pages, dated 3-23-23)
- Site Plan (2 pages, dated 1/23/23)

The Subject Property is zoned M-2 Heavy Manufacturing District and A-2 General Agricultural District. There is an existing, non-conforming use of outdoor storage (assumed to be metal products) in the A-2 District. It is unclear whether the existing use in the A-2 District is legal non-conforming. It should be noted this is not the only property in the M-2 District on this street which has active outdoor storage in the A-2 District. The Applicant is not proposing rezoning or any change of use on the Subject Property (proposed to remain manufacturing of metal products and outdoor storage).

It is the understanding of GRAEF that reviews and comments on all engineering-related aspects of the proposed development are to be accomplished by the Village Engineer. Therefore, GRAEF defers all engineering-related review and comment to the Village Engineer.

It is the understanding of GRAEF that reviews and comments on all legal language and legal documents of the proposed development are to be accomplished by the Village Attorney. Therefore, GRAEF defers all legal-related review and comment to the Village Attorney.

Figure 1: Subject Property (Kenosha County GIS)



II. SITE DESIGN REQUIREMENTS (§13-1-444)

- a. **Conformity of Use and Dimensions to Zoning District:** No change in use is proposed. The site will remain in use as manufacturing of metal products and outdoor storage.

Dimensional Standards of the M-2 Heavy Manufacturing District:

Dimension	Required	Proposed
Street Yard	65 feet from all federal, state, and county trunk highways (CTH "C")	No change – 100 ft
Side Yard	25 ft	No change – 51 ft
Rear Yard	25 ft	>900 ft
Building Height	Up to 60 ft	One story (exact height not provided)

Dimensional Standards of the A-2 General Agricultural District:

Dimension	Required	Proposed
Street Yard	65 feet from all federal, state, and county trunk highways (CTH "C")	n/a
Side Yard	25 ft	n/a
Rear Yard	50 ft	n/a
Building Height	n/a	n/a

The proposed building conforms to all dimensional requirements of the M-2 District. No building improvements are proposed in the A-2 District.

- b. **Vehicle Access:** No change is proposed. The site has access to CTH "C" via two existing driveways.
- c. **Impact on Surrounding Uses:** The Subject Property is adjacent to the R-2 District on the west and east sides with residences on either side. The proposed building additions are further from the existing residences than the existing structure. The proposed addition is not anticipated to increase any intensity of use in such a way as to create impacts on surrounding properties.
- d. **Natural Resources Features Protection:** There are existing wetlands and woodlands on two portions of the Subject Property. Review of the impact on wetlands is subject to engineering review.
 - a. The proposed stormwater pond is located within the existing woodlands, nearby an environmental corridor, and near the edge of the existing wetlands on the northeast portion of the Subject Property according to Kenosha County GIS. The Applicant has submitted a stormwater management plan in which the wetlands have been identified but is based on an old delineation and may need to be updated. The Applicant has not delineated the extents of the proposed disturbed woodlands, nor proposed mitigation measures.
 - i. **The Applicant shall submit a Natural Resources Protection Plan if it is determined that wetlands will be disturbed on the Subject Property.**
 - b. Following review of the initial submittals, Staff followed up with the Applicant to determine the status of the natural resources on the Subject Property. Following correspondence, Staff is not concerned about the status of the woodlands or environmental corridor. The Applicant has submitted a stormwater management plan subject to engineering review. See below:

- i. GRAEF: "I am reviewing your materials and wanted to inform you that the Kenosha County GIS database shows an environmental corridor on the property. (See Figure 1) Site plan reviews require a natural resources mitigation plan **where natural resources are to be disturbed** on any proposed plan as part of a landscape plan. Because your proposed stormwater pond will likely require the removal of trees that could be part of woodlands (regardless of whether they are in an environmental corridor), the Plan Commission will likely want to see a natural resources mitigation plan as a condition of approval."
 1. Applicant Response: "If there are trees in the pond area and the trees are not of good quality (ie: box elder, ash) is mitigation still required?"
 - a. GRAEF: "No, if the trees were not of good quality then mitigation is not required. Mitigation standards are based on the removal of trees at least 6" diameter at breast height. Can you please confirm whether there will be any 6" or greater DBH trees removed?"
 - i. Applicant Response: "**There are no trees 6" in diameter or greater within the new storm water pond area.**"
- e. **Landscape Plan**: All developments shall meet the provisions of §13-1-321 through §13-1-323, except additions to existing buildings where the total floor area is not increased more than ten percent (10%) of the existing total floor area.
 - a. The proposed 17,523 Sq. Ft. addition will result in an approximately **28% addition** to the total floor area present on the property (accounting for all buildings). A landscape plan is required. **Existing vegetation may be applied to required landscaping.**
 - b. **Zoning Bufferyards**: A Type 5 bufferyard is required where the Subject Property borders the R-2 District on the east and west. No bufferyard is required between the M-2 and A-1, A-2, and C-1 Districts. The rear of the property is zoned A-2 but contains a use intended for the M-2 District. Staff recommends an increased bufferyard requirement to Type 5 over the Type 1 required if this site plan is approved.
 - i. The minimum bufferyard width for a Type 5 bufferyard is twenty-five feet (25') with the inclusion of a four-foot (4') berm. The proposed fifty-one foot (51') side yard can accommodate any of the Type 5 bufferyards.
 - c. **Street Bufferyard**: A Type 3 bufferyard is required where the Subject Property abuts CTH "C"

Figure 2: Required Bufferyards

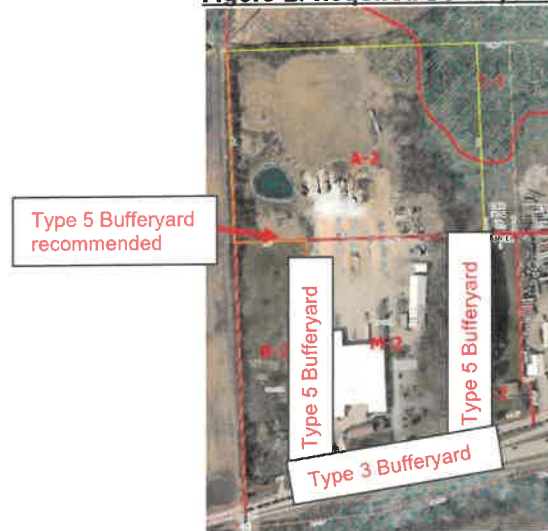


Figure 3: Bufferyard Standards

Table G

BUFFERYARD INTENSITY FACTOR 3:
 ALTERNATIVE PLANT MATERIAL STANDARDS
 (Minimum Requirements per 100 Feet of Bufferyard Length)

BUFFERYARD ALTERNATIVES	TYPE OF PLANTS REQUIRED (a)	MINIMUM QUANTITY OF EACH PLANT TYPE REQUIRED PER 100 FEET OF BUFFERYARD LENGTH	MINIMUM REQUIRED BUFFERYARD WIDTH (feet)	MINIMUM STRUCTURE TYPE (if required)
TYPE 3A	Canopy/Shade Trees	2.3	20	3-foot berm
	Understory Trees	4.6		
	Shrubs	18.4		
TYPE 3B	Canopy/Shade Trees	3.4	20	None
	Understory Trees	3.4		
	Evergreen Trees	3.4		
	Shrubs	20.4		
TYPE 3C	Canopy/Shade Trees	3.2	25	None
	Evergreen Trees	6.4		
	Shrubs	16.0		
TYPE 3D	Evergreen Trees	9.2	30	None
	Evergreen Shrubs	42.7		
TYPE 3E	Canopy Trees	5.8	35	None
	Shrubs	29.0		

(a) See Table A for minimum required plant material sizes.

Table I

BUFFERYARD INTENSITY FACTOR 5:
 ALTERNATIVE PLANT MATERIAL STANDARDS
 (Minimum Requirements per 100 Feet of Bufferyard Length)

BUFFERYARD ALTERNATIVES	TYPE OF PLANTS REQUIRED (a)	MINIMUM QUANTITY OF EACH PLANT TYPE REQUIRED PER 100 FEET OF BUFFERYARD LENGTH	MINIMUM REQUIRED BUFFERYARD WIDTH (feet)	MINIMUM STRUCTURE TYPE (if required)
TYPE 5A	Canopy/Shade Trees	4.1	25	4-foot berm
	Understory Trees	8.2		
	Shrubs	32.8		
TYPE 5B	Canopy/Shade Trees	4.8	30	2-foot berm
	Understory Trees	4.8		
	Evergreen Trees	4.8		
	Shrubs	28.5		
TYPE 5C	Canopy/Shade Trees	5.3	35	None
	Evergreen Trees	10.6		
	Shrubs	26.5		
TYPE 5D	Evergreen Trees	15.6	40	None
	Evergreen Shrubs	72.8		
TYPE 5E	Canopy Trees	9.0	40	None
	Shrubs	45.0		

(a) See Table A for minimum required plant material sizes.

d. The Applicant has not submitted a landscape plan.

i. The Applicant shall submit a landscape plan including all required bufferyards.

f. **Site Development Plan:** The proposed site plan includes the following subject to this review:

- a. A 17,523 Sq. Ft. addition to an existing building
- b. A new ~24,800 Sq. Ft. (0.6 ac) concrete area
- c. An additional stormwater pond
- d. The relocation of an existing 11.8' x 48.2' metal shed
- e. Various utility improvements subject to engineering review

Figure 4: Proposed Site Plan (Source: Applicant)



III. RECOMMENDATION

The following recommendations from GRAEF for the Subject Property are as follows:

Based upon the review of submitted materials, GRAEF has included three potential actions listed below for the Plan Commission to consider for recommendation to the Village Board

- a. **Site Plan Agenda Item:** The request from Kenneth A. Moore (Applicant) for a Site Plan Review on tax parcel #37-4-121-134-0225 (Subject Property), subject to the following:
 - a. **TABLE** the agenda item until additional information is submitted to the Village and the Plan Commission can review and take action at next month's meeting to confirm that any discussed business operation components are addressed.
 - b. **DENY** the agenda item (pointing out reasons for denial merit).
 - c. **CONDITIONALLY APPROVE** the Application, pending the submission of additional information listed below and agreement to proposed use. NOTE: Plan Commission shall review the below conditions and cross out any conditions that are deemed unnecessary.
 - i. **Conditions recommended by GRAEF** to include if "conditional approval" of the proposed Site Plan is desirable to the Plan Commission:
 1. The Applicant shall submit a landscape plan including all required bufferyards; and
 2. The Applicant shall submit a Natural Resources Protection Plan if it is determined that wetlands will be disturbed on the Subject Property; and
 3. All applicable Village of Bristol application and review fees shall be paid by the applicant; and
 4. The Applicant shall address any other issues which are raised by any approving or objecting authority, which the Village Plan Commission and/or Village Board deem necessary for the applicant to address in the application materials, and which have been made, or may be made, by the Village Administrator, Village Attorney, Village Engineer, and Village Planner.



April 18, 2023

Mr. Randy Kerkman, Administrator
Village of Bristol
19801 83rd Street
Bristol, WI 53104

Re: Plan Commission Meeting Comments–April 25, 2023
Preliminary Plan Review Comments for Cordeck Building Solutions (Developer)
Tax Key ID 37-4-121-134-0225
Village of Bristol, Wisconsin (Village)

Dear Randy,

On behalf of the Village, Strand Associates, Inc.® (Strand) has reviewed the most recent documents for Tax Key ID 37-4-121-134-0225, submitted by the Developer. The documents were prepared by Spectrum Engineering, Inc. and Pinnacle Engineering Group on behalf of the Developer. The comments in this letter will focus on preliminary plan review comments relative to the April 25, 2023, Plan Commission meeting.

Information Reviewed

1. Site Plan and Topography, Pond Grading and Erosion Control–Dated January 23, 2023
2. Stormwater Management Plan–Dated January 23, 2023

Information Not Reviewed

1. Cordeck Building Design Drawings–Dated January 23, 2023
2. Cordeck Plumbing, HVAC, and Electrical Design Drawings–Dated January 23, 2023
3. Conditionally State Approved Plans–Dated January 23, 2023
4. Items such as the number of parking spaces, number of driveways, screening, landscaping, zoning, setbacks, green space requirements, building architecture and aesthetics, and signage will be reviewed by the Village Planner.

Standards Used

1. Current version of the Village Code of Ordinances and Standards for Development
2. Village Erosion Control and Stormwater Management Requirements
3. Chapter NR 151 of the Wisconsin Administrative Code–Runoff Management

Summary and Recommendation

The following comments should be addressed when submitting final engineering plans for the Village's engineering plan review. These comments should not impact any action taken by the Plan Commission. This list may not be all inclusive, and additional comments or questions may result after a submittal addressing the comments. Please submit a response letter that includes a numbered list of responses to these comments to expedite future reviews.

Mr. Randy Kerkman, Administrator
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General Comments

Prepare and submit the following documents:

1. Lighting Plan and lighting cut sheets for proposed improvements.
2. Geotechnical Report.
3. A letter from proper regulatory agencies or an assured delineator indicating there are no wetlands present on the site and, therefore, no wetland disturbance, or provide a wetland delineation.
4. Stormwater Maintenance Agreement.
5. Truck Turning and Route Exhibit.
6. Village permits after engineering drawings have been reviewed by Strand and approved by the Village. The Village Construction Site Erosion Control and Stormwater Management permit applications are enclosed with this letter for reference.

Site Plan and Topography, Pond Grading and Erosion Control Comments

1. Obtain authorization from all proper regulatory agencies including, but not limited to, Wisconsin Department of Natural Resources and United States Army Corps of Engineers before any wetland disturbance. Provide correspondence from regulatory agencies indicating authorization to disturb wetlands along with any action required.
2. Acknowledge whether protective area standards apply to the stormwater management of this project, in accordance with Village Erosion Control and Stormwater Management Requirements and Village Construction Stormwater Management Ordinance. Refer to Village Construction Stormwater Management Ordinance 2016 15-3-8(e)(4) for protective area setbacks.
3. Identify stormwater drainage and maintenance easements in the anticipated stormwater maintenance agreement.
4. Show existing infrastructure clearly identifiable from proposed infrastructure. For example, it appears that the existing and proposed storm sewer and structures are shown similarly.
5. Provide information regarding the proposed catch basin on the northeast corner of the proposed building.
6. Confirm the limits of silt fence shown are adequate.
7. Show all existing and proposed overhead and man doors.
8. Provide American with Disabilities Act-compliant landings at all proposed man doors.
9. Provide the pavement structure of the proposed concrete and proposed gravel surfaces.

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10. Provide additional details regarding pavement jointing and reinforcement.
11. Provide dimensions on the proposed concrete pavement.
12. Show the extents of existing gravel. There is no boundary currently shown.
13. Provide elevation of the relocated metal shed, and adjust contours as needed.
14. Provide construction details for the proposed concrete block wall.
15. Provide proposed surface information for the area within the proposed concrete block wall.
16. Confirm or revise to clarify the proposed extent of the proposed gravel; it appears that the existing landscaped peninsula on the northeast corner of the proposed building will be replaced with a peninsula of gravel. Show tree removals.

Stormwater Management Plan Comments

1. Refer to the Village Stormwater Management application checklist included in the enclosed documents for miscellaneous submittal requirements.
2. Understand that, assuming there is no net increase in impervious surface from the proposed improvements, this project will be subject to the Village storm water standards for redevelopment. See Village Ordinance Chapter 9, Title 15, Section 9 for details.
3. Provide a predevelopment site conditions map similar to the postdevelopment conditions map.
4. Show impervious areas on both predevelopment and postdevelopment site conditions maps. Include enough detail to identify the type of impervious surface being displayed (e.g., rooftop, asphalt, concrete, gravel, etc.).
5. Clarify whether there is any proposed storm sewer or other conveyance systems (e.g., ditching) included as a part of this project.
6. Note that if there any proposed changes in direction, increases in peak rate, or increases in total volume of runoff from the site, there may be additional requirements prescribed if deemed necessary by the Village.
7. Note that it was discovered that the area proposed for the building addition involves a change in runoff direction and pattern. In the predevelopment conditions, it appears the runoff from this area is conveyed via overland and shallow concentrated flow directly to the wetlands at the northeast corner of the site. In the postdevelopment conditions, the runoff from the proposed rooftop is proposed to be conveyed directly to the existing storm sewer along the west lot line, which discharges into the existing stormwater management pond at the northwest corner of the site. Consider evaluating the impacts of this additional runoff on the existing storm sewer and pond.

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8. Design any storm sewer within the project for at least a 10-year storm event and demonstrate its capacity.

If there are any questions, please call 414-271-0771.

Sincerely,

STRAND ASSOCIATES, INC.®



Emily A. Rowntree, P.E.



Isak P. Fruchtman, P.E.

Enclosures

c: Craig Huebner, GRAEF
Dominic Marlow, GRAEF