

DRAFT

MINUTES WILL NOT BE CONSIDERED FOR APPROVAL UNTIL MAY 28, 2024

**Village of Bristol Plan Commission Meeting
Bristol Municipal Building
19801 83rd Street, Bristol, WI 53104
Tuesday, April 23, 2024
7:00 p.m.**

Minutes

1. The meeting was called to order by Chairman John Boldt at 7:00 p.m.. Commissioner's Chris Leker, Kay Sharp, JoAnn Bolton, Ruth Atwood, Amy Klemko and Joe Riegert were all present. Also present were Administrator Randy Kerkman, Village Planner Dominic Marlow, Village Engineer Ben Wood P.E., Plan Commission Secretary Renee Brickner and fourteen residents.
2. A motion was made by Commissioner Leker and seconded by Commissioner Atwood to approve the minutes of the March 26, 2024 Plan Commission meeting. The motion was carried unanimously.
3. Chairman's Comments:
Chairman Boldt stated that he is suggesting Agenda Item 7, under Unfinished Business, which is basically known Dollar General remain on the table. He further stated that if there is anyone here that wants to make a comment on that item as that item will not heard, your questions or comments can be heard under Citizen's Comments. He stated that we do have one public hearing on the agenda which has to do with the request of Mike Nelson to re-zone some property from A-2 to R-1. He stated that if you are interested in speaking on that item you will need to sign the Sign In Sheet. He then asked if there was anyone wishing to address the Commission on an item that is not regarding the public hearing, if it concerns Dollar General please come up and state your name and address now is the time to do that.
4. Citizen's Comments:
Anja Longbottom stated the proposed plan of opening a Dollar General Store in our community has raised significant apprehensions regarding a potential impact on our safety and wellbeing. It is imperative to consider the alarming statistics associated with Dollar General Stores both in terms of crime rate and workplace safety violations as reported by OSHA. First and foremost she asked that we reflect on the issue of crime stating that Dollar General Stores have unfortunately become synonymous with crime hot spots in many communities across the nation indicating studies and reports have consistently shown areas surrounding these stores experience heightened criminal activities ranging from petty theft to more serious cases such as robbery, assaults and murders. She stated according to the Gun Violence Archives, a non-profit organization that catalogs incidents of gun crime in the U.S. and local law enforcement there has been more than 120 incidents involving guns at Dollar Stores across the U.S. since the start of 2017. She stated that between 2014 and 2021 more than 150 people were killed by guns at Dollar Stores, while another 329 were injured according to the Institute for Local Self Alliance citing data from the Gun Violence Archives. Additional gun deaths and injuries have occurred since 2021 at Dollar

Store locations indicating in August of 2023 alone 7 people died in gun violence at Dollar Store locations including the 3 deaths at the Dollar General location in Jacksonville Florida according to the Gun Violence Archives. She indicated that since 2014 there have been 49 people killed and 172 people were injured at Dollar General Stores. She stated that just 10 minutes from Bristol, down the street in Pleasant Prairie outside the Dollar Tree, a father was shot and killed by people who just came out of the store having no association between these people. The man who was killed walked up to their car by mistake thinking it was a person he was planning to meet to purchase drugs from. The very nature of Dollar General's business model intensifies our concerns with low-cost merchandise and minimal security measures in place. She stated these stores often attract individuals looking to exploit vulnerability or elicit themes as a result our community could potentially face increased risk to our safety and security if the Dollar General were to be established here. She stated that in addition to crime issues we can not overlook the violations to workplace safety violations documented by OSHA for Dollar General Stores. She added that these violations encompass a wide range of issues including inadequate training, unsafe work conditions, and failure to comply with health and safety regulations. Such negligence not only endangers the employees who work tirelessly to serve customers but reflects a disregard for the wellbeing of the community as a whole. She stated that since 2017 OSHA has proposed more than \$21,000,000.00 fines against Dollar General. Inspectors commonly found issues, emergency exits, fire extinguishers and electrical panels blocked by merchandise in boxes, stacked unsafely according to the agency. Dollar General was added to OSHA's Severe Violator Enforcement Program which devotes agency resources to employers cited for willful, repeated or failure to abate violations and for showing indifference to provide a safe and healthy workplace. Assistant Secretary for OSHA Doug Parker said in a statement that Dollar Tree continues to expose unsafe conditions at its stores across the nation. Lastly, she stated that Dollar General has come under fire for charging customers more per item at the register, more than what was originally listed on shelves indicating that the Wisconsin Department of Agriculture Trade and Consumer Protection, also known as the DATPC, conducted price verifications at 238 Dollar General stores in Wisconsin between January 30th and February 10th of last year in 2023. The DATPC weights and measures by Municipal Inspectors from Appleton, Green Bay, Menasha, Reedsburg, Kenosha, Madison, Milwaukee and South Milwaukee checks 7,344 products sold by Dollar General to ensure that prices charged at the register matched or were lower than prices posted on the store shelves, 662 items were more expensive than were listed on store shelves and on average they were about 17 % higher than the listed price. Dollar General agreed to pay more than \$800,000.00 for these alleged violations of overcharging customers according to the DATPC. She stated it is incumbent upon us to prioritize the safety and welfare of our community above all else indicating we must not compromise our value or security but instead explore alternative options that promote economic growth without jeopardizing our safety or sacrificing our principles. She urged all to consider the grave implications of opening a Dollar General store in our community, together we ensure a brighter and safer future for ourselves and future generations.

Chairman Boldt suggested that when Dollar General is heard in the future, please keep your comments and statistics to Dollar General and not the other Dollar stores.

5. Public Hearing:

- a. The Public Hearing was opened at 7:10 p.m. on the request of Michael A. Nelson, 8795 136th Avenue, Bristol, WI (Applicant/Owner/Developer) for a Zoning Map and Zoning Text Amendment change from A-2 (Agricultural) to R-1 (Residential Single Family) on

tax parcel #37-4-121-151-0180 Part of NE 1 /4 SEC 15, Town 1, Range 21, Village of Bristol, Kenosha County, Wisconsin. For informational purposes, this property is located on the east end of 86th Street, .25 miles east of HWY MB, Bristol, WI.

Applicant Michael Nelson stated that he has 42 acres in the northeast corner of Section 15. He stated that the land use plan shows this land is zoned R-1. He indicated this land is currently being farmed. He is requesting the land be re-zoned from A-2 to R-1.

Village Planner Dominic Marlow stated that his understanding of this request is to re-zone the entire property to R-1 indicating the existing property contains predominantly A-2 zoning with a small pocket of C-2 and a strip of R-1. Dominic gave an overview of his report on the future land use plan for the R-1 District.

There were no public comments.

b. The Public Hearing was closed at 7:14 p.m..

6. New Business:

- a. Discuss and consider for approval the request of Michael A. Nelson, 8795 136th Avenue, Bristol, WI (Applicant/Owner/Developer) for a Zoning Map and Zoning Text Amendment change from A-2 (Agricultural) to R-1 (Residential Single Family) on tax parcel #37-4-121-151-0180 Part of NE 1 /4 SEC 15, Town 1, Range 21, Village of Bristol, Kenosha County, Wisconsin. For informational purposes, this property is located on the east end of 86th Street, .25 miles east of HWY MB, Bristol, WI.

A motion was made by Commissioner Atwood and seconded by Commissioner Sharp based on the Memorandum of GRAEF dated April 16, 2024 and the review of the Strand Associates letter dated April 17, 2024 the Plan Commission recommend to the Village Board the **CONDITIONAL APPROVAL** of the proposed and subject to the following:

- (1) Any and all technical deficiencies shall be corrected;
- (2) All applicable Village of Bristol application and review fees shall be paid by the applicant; and
- (3) 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.

The motion was carried unanimously.

Chairman Boldt indicated that Agenda Item 6 b. and 6 c. will be discussed together.

- b. Discuss and consider for approval the request of Michael A. Nelson, 8795 136th Bristol, WI (Applicant/Owner/Developer) for a 4-lot Certified Survey Map (CSM) on tax parcel #37-4-121-151-0180 Part of NE 1 /4 SEC 15, Town 1, Range 21, Village of Bristol, Kenosha County, Wisconsin. For informational purposes, this property is located on the east end of 86th Street, .25 miles east of HWY MB, Bristol, WI.
- c. Discuss and consider for approval the request of Michael A. Nelson, 8795 136th Avenue, Bristol, WI (Applicant) for a 3-lot Certified Survey Map (CSM) on tax parcel #37-4-121-151-0180 Part of NE 1 /4 SEC 15, Town 1, Range 21, Village of Bristol, Kenosha County, Wisconsin. For informational purposes, this property is located on the east end of 86th Street, .25 miles east of HWY MB, Bristol, WI.

Applicant Michael Nelson addressed the Certified Survey Maps by stating the 4 lot CSM has 86th Street in it. He stated there is another CSM that is mentioned in that preliminary Survey Map (CSM 3054) which was recorded last year in which there were some storm water management plans that needed to be made. He stated in the CSM he is providing he has created 4 lots with lot number 4 actually having the stormwater management area in it which is 174,000 square ft and 4 acres of the 8.6 acres. His engineers are having the stormwater run-off within the ditches then going into a water retention or detention pond taking care of some of the requirements. He further stated that the other 3 lot CSM on the north side of 86th Street are Lots 5, 6, and 7 which finishes off the development and will be tied into the stormwater management plan with Lot 4 on the first CSM.

Village Planner Dominic Marlow gave an overview of the issues with the dimensional requirements in the R-1 District on all lots as well as the additional characteristics of street setbacks, side and rear yards, street frontage which is required along the newly improved 156th Avenue and the extension of 86th Street. He discussed the temporary turn around extension of 86th Street and the road dedication of the 66 foot right of way for both the extension of 156th Avenue and 86th Street. He indicated that the additional notes on CSM 1 are Lot 1 includes the temporary turn around and easement for the temporary cul-de-sac which is intended to extend 156th Avenue for the future street for connection to the north parcel, Lots 2 and 3 include wetland areas, and Lot 4 has the stormwater management area and another temporary turn around easement. He indicated that on CSM 2 there are no street dedications, all 3 lots have wetland and all of them only have street frontage along 86th Street and discussed the requirement of street trees in the right of way and the requirements of the Natural Resource Protection Plan. Lastly, he stated that he is recommending conditional approval of both CSMs but also recommends discussion of whether the temporary turnarounds are dedicated as permanent streets or if they are dedicated as easements.

Village Engineer Ben Wood stated that he wanted to point out that the Strand letter dated April 17, 2024 is more current and some of the comments changed because he was able to talk through some of his first round comments with the Applicant's Engineer. He indicated that his summary is mostly geared toward issues related to pavement, stormwater management, street trees, etc.. He stated his general comments are related to finding a way to clarify a way for future lot owners the specific arrangements relative to the responsibilities for stormwater management. He reiterated that street trees are required per Village Ordinance and discussed the reasons for the applicant wanting to have the future lot owners to put street trees in at a later date. He discussed the stormwater management plan of the applicant and maintenance of the stormwater pond and ditches as well as preservation of the existing natural drainage basin and the recommendation of the Village Attorney for the Stormwater Maintenance Agreement be recorded against all seven lots although it is uncommon. He discussed the temporary cul-de-sacs and the extension of 86th Street which has a temporary turnaround that should be paved indicating that the present plan is to provide an easement for the turnaround that is outside of the right of way of 86th Street and the same for 156th Avenue. He indicated that he would like to add a note related to septic tanks and each owner having to apply for a permit.

Chairman Boldt stated that the Village does have an Ordinance on how long a cul-de-sacs can be and asked what the length of the cul-de-sac is indicating he believes 86th Street violates that.

Village Planner Dominic Marlow indicated that 86th Street does violate that, and the proposed cul-de-sac would be longer than allowed.

After discussion regarding the ordinance and the requirement of a variance, Applicant Michael Nelson indicated he was granted a variance in 2018 for 86th Street to be that long.

Chairman Boldt questioned whether the extension of 86th Street complies with the Village ordinance which led to a discussion regarding the Plan Commission making an exception due to the idea of a future connection and that it is not intended to be a permanent cul-de-sac as it would not be recommended if it was intended to be a permanent cul-de-sac.

Chairman Boldt asked who is constructing the roadway of 156th Avenue.

Applicant Michael Nelson indicated that it has not yet been confirmed who is going to pay for it and stated if he is required to do that, he is required to do that stating that it seems odd to require a road to go to nowhere.

Village Engineer Ben Wood stated that it is common practice that some developers have to install infrastructure that accomplishes the purpose of getting through their property so the next property can develop, it is common practice that the owner of the land being developed has to pay for those fees. He further stated that the main purpose of this is if property is developed in the future and the developer has to come back and do work on someone else's property it becomes an extra layer of coordination that is commonly solved by requiring the developer to put all the extensions in now.

Chairman Boldt indicated that the construction of 156th Avenue would take care of all the cul-de-sac issues we may have and would also solve the issue of who pays for it.

Village Engineer Ben Wood stated many reasons why there is no way to predict the future

and said the more that can be firmed up now while there is something happening would eliminate passing the issues down.

Commissioner Sharp asked if 156th Avenue would dead end at the north end until the next people develop.

Village Engineer Ben Wood stated it would dead end at the north end in the similar fashion as 86th Street and is something that would be worked out with the Applicant and his Engineer.

Chairman Boldt indicated that 156th Avenue goes straight with lots on both sides and questioned how you would put a curve in there.

Village Engineer Ben Wood indicated there may be a slight jog depending on the typography and what the owner of that property would propose which could be as slight as 10 feet.

Commissioner Sharp had questions about the size of Lot 4 in regard to the stormwater management and the issue of if the lot did not sell who would be responsible for the stormwater until the lot is sold.

Village Engineer Ben Wood stated that the notes on the CSM which will be recorded indicate that the owner of Lot 4 is responsible and so that is the owner Michael Nelson and if he sells it to another developer or homeowner, whoever owns it is responsible.

Chairman Boldt indicated he does not understand how the owner of Lot 4 is going to maintain the stormwater out of his own pocket and how that gets transferred to the Village to eventually maintain that and they don't have an easement to go on the property.

Village Engineer Ben Wood stated that it is not normal, this situation would be in the category of tolerable. He further stated that in a normal situation there would be an out lot in an HOA even in a limited capacity who would have common ownership. He further stated that in this situation he believes there will come a day when the pond is not properly maintained, and the Village needs to have the right to access the property and back charge the owner for any neglected maintenance. In this situation we are trying to require the stormwater maintenance agreement to include language that gives the Village access rights to the pond but clearly make the lot owner responsible for the maintenance and would show up with the title search listing activities the lot owner is responsible for which would make it impossible for the lot owner to say they never knew.

Chairman Boldt stated he believes theoretically if the street trees are not going to be put in, a variance is required. He indicated that the way this is presented the homeowner is going to put them in and when that does not happen the Village is going to have to figure out how to have them do it. He stated he is wondering if this is something that should be looked at for these large lots.

Village Engineer Ben Wood indicated that may be an enforcement issue for the lots that have already been sold. He stated it would be great if somehow the enforcement issue could be tied to this and make the street tree issue very clear and have an option to have the developer put them in which could be a part of prepping a lot. He stated that if the street trees do not go in an option would be to provide some form of financial guarantee prior to the CSM being recorded which would fall in line with the Village Attorney's recommendation.

Chairman Boldt stated the Village does have an ordinance and asked if on these large lots, are street trees applicable indicating everyone wants to waive putting street trees in

which goes back on the Village to have to enforce it. He stated he is wondering if all this is more trouble than it is worth.

Administrator Kerkman stated that in order to be a member of Tree City USA you have to have an ordinance requiring street trees and in order to qualify for grants for the parks you have to be a member of Tree City USA. He also provided a list of the benefits of having street trees indicating that is the reason the ordinance is there.

Chairman Boldt asked Village Engineer Ben Wood if he is confident after his discussion with the Village Attorney that putting these items on the CSM regarding the stormwater drainage, etc. can somehow work.

Village Engineer Ben Wood stated he thinks it can work and if this ends up in a noncompliant/enforcement situation, at the minimum puts the Village in a strong position in that all their requirements have been well laid out and documented so that each lot owner having seen all the documents will be without excuse so to speak. He further stated that what he settles on is in this arraignment on behalf of the future owner we are doing everything we can here to make sure that whoever buys this lot knows exactly what they are getting in to and knows they are taking on these responsibilities.

A motion was made by Commissioner Leker and seconded by Commissioner Sharp that the Plan Commission recommend to the Village Board the **CONDITIONAL APPROVAL** of the proposed for a 4-lot Certified Survey Map (CSM) on tax parcel #37-4-121-151-0180 subject to 156th Avenue being constructed, conditions listed in the Strand Associates letter of April 17, 2024 and the following conditions listed in the GRAEF Memo dated April 16, 2024:

- 1) Street trees shall be installed and maintained in accordance with Village ordinances on the new and previously constructed portion of 86th Street and the proposed 156th Avenue;
- (2) The proposed turnarounds on 86th Street and 156th Avenue must be permanent and paved;
- (3) The proposed stormwater pond shall be shown on the Contours-Soil Tests-Soil Types page. "Drainage" shall be added to the title of this page;
- (4) Engineer's comments "NOTES" shall be included on the face of the Contours-Soil Tests-Soil Types-Drainage exhibit;
- (5) The Storm Water Management Agreement shall be recorded with the Storm Water Management Plan as an exhibit. Right of access/easement to the property shall be in the Storm Water Management Agreement. Right of access/easement shall be recorded against each property;
- (6) Engineer's comments "NOTE" shall be included on the face of the Wetlands exhibit;

- (7) Graphic illustration and notes relating to how natural resource features, which are to be preserved, will actually be preserved (conservation easements, deed restrictions, protective covenants, etc.) shall be added to the face of the proposed CSM or in a separate Natural Resource Protection Plan drawing as outlined in Sec. 14-1-44;
- (8) Any and all technical deficiencies shall be corrected;
- (9) All applicable Village of Bristol application and review fees shall be paid by the applicant; and
- (10) 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.

The motion also included that the Plan Commission recommend to the Village Board the **CONDITIONAL APPROVAL** of the proposed for a 3-lot Certified Survey Map (CSM) on tax parcel #37-4-121-151-0180 including the conditions from Strand Associates letter of April 17, 2024, turnarounds be an easement instead of a deeded roadway, spacing of street trees be set at 75 feet inside the property line and subject to the following conditions listed in the GRAEF Memo dated April 16, 2024:

- (1) Street trees shall be installed and maintained in accordance with Village ordinances on the new and previously constructed portion of 86th Street;
- (2) The proposed stormwater pond shall be shown on the Contours-Soil Tests-Soil Types page. "Drainage" shall be added to the title of this page;
- (3) Engineer's comments "NOTES" shall be included on the face of the Contours-Soil Tests-Soil Types-Drainage exhibit;
- (4) The Storm Water Management Agreement shall be recorded with the Storm Water Management Plan as an exhibit. Right of access/easement to the property shall be in the Storm Water Management Agreement. Right of access/easement shall be recorded against each property;
- (5) Engineer's comments "NOTE" shall be included on the face of the Wetlands exhibit;
- (6) Graphic illustration and notes relating to how natural resource features, which are to be preserved, will actually be preserved (conservation easements, deed restrictions, protective covenants, etc.) shall be added to the face of the proposed CSM or in a separate Natural Resource Protection Plan drawing as outlined in Sec, 14-1-44.

- (7) Any and all technical deficiencies shall be corrected;
- (8) All applicable Village of Bristol application and review fees shall be paid by the applicant; and
- (9) 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

The motion carried unanimously.

7. Unfinished Business:

a. Table from February 27, 2024:

Discuss and consider for approval the on the request of Brett Hickey, Kimley-Horn & Associates 111 W. Jackson Boulevard, Suite 1320, Chicago, IL 60604 (Applicant), Nutting Properties, LLC, 4606 200th Avenue, Bristol, WI 53104 (Jay Nutting, Current Owner), and The Overland Group, LLC 1598 Imperial Center, Suite 2001, West Plains, MI (Developer) for a Site Plan Review Application for the proposed 12,480 sq. ft. Dollar General Retail Store on Tax Parcel 37-4-121-054-0415 Part of the E 1/2 SE 1/4 SEC 5 T 1 R 21 COM 300 FT W OF SE COR 1/4 N 55 DEG 45' E 58.65 FT TO N LN HWY "50" & POB TH W 444.53 FT N 366.98 FT E 634.97 FT (W LN HWY "D"), Village of Bristol, Kenosha County, Wisconsin. For informational purposes, the property is located at 18514 75th Street which is on the Northwest corner of Hwy 50 (75th Street) and County Hwy D (184th Avenue).

A motion was made by Amy Klemko and seconded by JoAnn Bolton to table the request of Brett Hickey, Kimley-Horn & Associates 111 W. Jackson Boulevard, Suite 1320, Chicago, IL 60604 (Applicant) Nutting Properties, LLC, 4606 200th Avenue, Bristol, WI 53104 (Jay Nutting, Current Owner), and The Overland Group, LLC 1598 Imperial Center, Suite 2001, West Plains, MI (Developer) for a Site Plan Review Application for the proposed 12,480 sq. ft. Dollar General Retail Store on Tax Parcel 37-4-121-054-0415 on the Northwest corner of Hwy 50 (75th Street) and County Hwy D (184th Avenue). The motion carried unanimously.

No action was taken. Item remained tabled.

- 8. Next Plan Commission Meeting is scheduled for April 23, 2024.
- 9. A motion was made at 8:20 p.m. by Commissioner Klemko and seconded by Commissioner Bolton. The motion was carried unanimously.

Respectfully Submitted,
Renee Brickner, Plan Commission Secretary