

**PLANNING COMMISSION MEETING
415 N. MILWAUKEE ST.
OCTOBER 7, 2019 @ 5:30 PM
APPROVED/OFFICIAL MINUTES**

1. Planning Commission meeting was called to order at 5:30 PM by Chairman Tom Hincz. Present at the time: Commissioners Schmidt, Luick, Wenck, Alvey, Smith and Derse and Town Attorney, Michael Dubis and residents of the Town.
2. Chairman Hincz led the Pledge of Allegiance.
3. **Commissioner Wenck motioned to approve the September 3, 2019 minutes, as printed, seconded by Commissioner Smith. Vote taken: 6-0. Motion carried.**
4. Proposed Conditional Use Permit- Patel (agent), 8006 Big Bend Rd. - Jay Patel was in attendance. Proposing a retail liquor store and a 2 bedroom apartment for the employees to stay. Chairman Hincz noted that only the upstairs could have living quarters and reminded Mr. Patel that under no certain terms can there be living quarters on the ground floor. Chairman Hincz questioned what tobacco products he would be selling and Mr. Patel indicated cigarettes, cigars, tobacco and chewing tobacco. Atty. Dubis questioned if there were plans to sell vaping products as vaping has been deemed extremely dangerous. Patel indicated he plans on it as currently the laws allow him to do so. Dubis noted that vaping has been directly linked to lung damage.
 - Commissioner Derse noted that he had spoken to area residents who are not happy with this type of business in a residential area. There are already a lot of retail liquor establishments. Derse also noted that he could not go along with the selling of vape products. Patel noted that he can only buy from state approved agencies to prevent imitation products.
 - Commissioner Smith believes that vape is on the down slope. She welcomes the idea of competition. Smith is in favor of the retail liquor store but not the vaping.
 - Commissioner Alvey questioned if the town could be held liable if there are issues with vaping. Dubis indicated it was better to err on the side of caution and can make it a condition that vaping products not be sold.
 - Commissioner Wenck feels that they need to take into account the health and safety of the residents and feel the medical community has a lot to research in regards to vaping.
 - Commissioner Luick noted that Patel brought to the Planning Commission a while ago the idea for a vape store and it was denied and the situation has only gotten worse.
 - Commissioner Schmidt noted that yes cigarettes are legal and they cause damage as well but people have died as early as a day after vaping. He feels vaping is too new and noted that the e-cigarettes have been known to explode, cigarettes do not.
 - Supervisor Nicolai reported that there is a currently a bill circulating to ban vaping from all public places and there is talk of increasing the age limit to 21 for cigarettes and other tobacco products.
 - **Commissioner Wenck motioned to approve on the following conditions:**
 1. **That Mr. Patel sells only local, domestic and imported beers and liquors;**
 2. **Wine;**
 3. **Tobacco products;**
 4. **No vaping products and;**
 5. **Town reserves the right to inspect to ensure no vaping products are being sold****Seconded by Commissioner Luick. Vote taken: 5-1 (Derse opposed). Motion carried.**

5. Rezone- Sanchez-Geiffues (Payne & Dolan, Applicant), 7708 Northwest Hwy.- Request to rezone from M-4 to A-2. Clint Weninger, P & D, noted that both Chad Sampson and Brian Jensen, Racine County, have been out to the site and it has been reclaimed. Mr. Weninger stated he went with A-2 as that was what the land use plan called for. Weninger stated he thought approx. 10 acres would be buildable but he couldn't say for sure and that he is only requesting the rezone. Atty. Dubis noted that once the property is reclaimed it goes back to A-1. Supervisor Gauerke was concerned that with the zoning of A-2 which allows for 40,000 sq. ft. lots. **Commissioner Wenck motioned to go along with the county rezoning of M-4 to A-2, seconded by Commissioner Schmidt. Vote taken: 5-1 (Luick opposed). Motion carried.**
6. Site Plan Review- Beck (owner), Parcel located west of Buena Park Rd. south of STH 20/83- To allow stockpiled materials to be removed from previous nonmetallic mining site in the M-4 quarrying district (Original CUP was issued to Cornerstone Pavers and revoked by County effective 5/20/19)- Brian Wansaek was in attendance and explained that there will not be any quarrying activity but removing anywhere from 45,000 to 60,000 tons. Atty. Dubis stated that the Town's extractive operations permit was issued in Cornerstone's name. Brian Wanasek stated that he will draft a hold harmless agreement. There were concerns over the hours. Item #5 in the County conditions indicated Monday through Friday 7 am to 5 pm and Saturday 7 am to 1 pm. Supervisor Gauerke asked about what was going to happen to the area where Cornerstone mined beyond the allowable area. Wanasek indicated that Chris Cape, Cornerstone, had already back-filled into those areas. **Commissioner Smith motioned to accept Racine County's recommendation of approval with the drafting and signing of a hold harmless agreement and that they adhere to the hours of operation given to Cornerstone unless Racine County is more restrictive, seconded by Commissioner Wenck. Vote taken: 6-0. Motion carried.**
7. Discussion & possible action re: ordinance pertaining to Polystructures- Chairman Hincz noted that each commissioner should review this ordinance and make any suggestions. This matter to be on the November Planning Commission meeting.
8. Shoreland Contract report- None
9. Forthcoming Events- River's Edge is this weekend. Commissioner Schmidt will be there with his photography.

Commissioner Smith motioned to adjourn the meeting at 6:45 PM, seconded by Commissioner Derse. Vote taken: 6-0. Motion carried.

Respectfully submitted,

Tina Mayer, Town Clerk