



**Planning Commission Meeting**  
**Thursday May 12th, 2016 @ 6:30 PM**

Bill Antti-Chairman

Alan Cornue-Village Trustee  
Christopher Police (**Absent**)  
Scott Popenhagen

Patrick Sherman  
Jerad Smith  
Sandy Williams

1. **Call to Order/Roll Call** Chairman Antti called the Plan Commission meeting to order at 6:30 PM
2. **Approval of Minutes: April 14, 2016 Planning Commission Minutes**  
On a Cornue/Sherman motion to approve the April 14th, 2016 Planning Commission Minutes amended to state that Sherman was present and Smith was absent, carried 6-0.
3. **Unfinished Business:** None
4. **New Business:**
  - a. **Discussion and possible action regarding a CSM filed by David Yontz on behalf of MILLCO DG Genoa City LLC, purchaser of property located at the northwest corner of S Carter St and Walworth St to subdivide approximately 1.02 acres parcel of property.**  
Dan Havlir from Northwestern Engineering Consultants presented the CSM on behalf of MILLCO DG to build a Dollar General on said property; reducing the 12.35 acres to a 1.02-acre lot for the store. Village Engineer Foss commented on some changes that need to be made to the CSM. On page three, second line under Owner's Certificate after the words "and divided" add "and dedicated". Also, since it will be on a county highway the county may want a signature line for them to sign.  
A Sherman/Cornue motion to approve the CSM filed by David Yontz on behalf of MILLCO DG Genoa City LLC, purchaser of property located at the northwest corner of S Carter St and Walworth St to subdivide approximately 1.02 acres parcel of property with the recommended changes made from the Village Engineer; carried 6-0.
  - b. **Public Hearing request on a rezone from M-1 (Industrial District) to B-2 (Highway Business District) has been submitted to the Village of Genoa City by MILLCO DG Genoa City LLC, David Yontz, following described property: PARCEL #TVGC0043A, northwest corner of S Carter St and Walworth St, Walworth County, Genoa City.**  
Sherman/Popenhagen motion to open the public hearing on a rezone from M-1 (Industrial District) to B-2 (Highway Business District) has been submitted to the Village of Genoa City by MILLCO DG Genoa City LLC, David Yontz, following described property: PARCEL #TVGC0043A, northwest corner of S Carter St and Walworth St, Walworth County, Genoa City; carried 6-0.  
A citizen asked about location, it was stated on the corner of S Carter and Walworth St and that it was a 191 square foot building. No more comments from the audience were made. A Motion made by Sherman/Popenhagen to close the public hearing; carried 6-0.
  - c. **Discussion and possible action on a rezone from M-1 (Industrial District) to B-2 (Highway Business District) has been submitted to the Village of Genoa City by MILLCO DG Genoa City LLC, David Yontz, following described property: PARCEL #TVGC0043A, northwest corner of S Carter St and Walworth St, Walworth County, Genoa City.**  
Plan Commission member Sherman asked about spot zoning. Village Engineer Foss reported that this would tie in with the zoning on each side that is also B-2 with the M-1 Industrial still existing behind the property, so this is not a problem.  
A Sherman/Cornue motion to approve a rezone from M-1 (Industrial District) to B-2 (Highway Business District) has been submitted to the Village of Genoa City by MILLCO DG Genoa City LLC, David Yontz, following described property: PARCEL #TVGC0043A, northwest corner of S Carter St and Walworth St, Walworth County, Genoa City; carried 6-0.

- d. Discussion only regarding changing zoning ordinances for setbacks, on-site parking and driveways.**  
 Engineer Foss reported on a request to change zoning ordinances for the following:
1. Setbacks for corner lots in Business District to 2 front yards and 2 side yards at the discretion of the Zoning Administrator.
  2. Parking now set for square feet of structure plus number of employees, which would set the Dollar General at 35 spaces. This business does not need that many parking spaces and would take up much of the property. Foss would like this changed at the Discretion of the Zoning Administrator.
  3. Driveway Zoning states it shall not exceed 25 feet wide. Dollar General and any other business would require a wider driveway for truck traffic. So they would have to be going before the Board of Appeals to make this change each time. Engineer Foss would like this changed to at the discretion of the Zoning Administrator. If these changes are not made, then Dollar General and other businesses would have to go before the Board of Appeals. Sherman commented on the recommendations from Village Engineer Foss and stated that he does not have a problem with what he is suggesting. This will go before the Plan Commission next month as a public hearing and then presented to the Village Board.
- e. Public Hearing request on a Conditional Use Permit Application under 310-53 filed by Herner LLC, Tamara Herner, owner. Proposed use of structure and/or site is to extend the music from 10:00 pm to 12:00 am (Midnight) on May 21<sup>st</sup>, June 18<sup>th</sup>, July 16<sup>th</sup> & 20<sup>th</sup> on the following described property: PARCEL #TVGC00117, 202 Williams Rd, Zoning B-2 Highway Business.**  
 A Sherman/Popenhagen motion to open the Public Hearing for a Conditional Use Permit Application under 310-53 filed by Herner LLC, Tamara Herner, owner. Proposed use of structure and/or site is to extend the music from 10:00 pm to 12:00 am (Midnight) on May 21<sup>st</sup>, June 18<sup>th</sup>, July 16<sup>th</sup> & 20<sup>th</sup> on the following described property: PARCEL #TVGC00117, 202 Williams Rd, Zoning B-2 Highway Business; carried 6-0.  
 Owner Tammy Herner presented her request to extend the hours for the events listed. Chris Glass from Genoa Trails commented on the midnight extension and concerned with how loud this may be. Kevin Polheber, 409 Main St. commented in favor of the request. Dave Laurine owner of Genoa Travel Center commented in favor of the requested and stated that it would be a good test case for future requests. No more comments from the audience were made. On a Sherman/Williams motion to close the public hearing; carried 6-0.
- f. Discussion and possible action on a Conditional Use Permit Application under 310-53 filed by Herner LLC, Tamara Herner, owner. Proposed use of structure and/or site is to extend the music from 10:00 pm to 12:00 am (Midnight) on May 21<sup>st</sup>, June 18<sup>th</sup>, July 16<sup>th</sup> & 20<sup>th</sup> on the following described property: PARCEL #TVGC00117, 202 Williams Rd, Zoning B-2 Highway Business.**  
 Member Sherman commented in favor of the extension and that it would be a good test case for future requests. A Sherman/Popenhagen motion to recommend a conditional use to the Village Board by voting in the negative to subparagraphs 1-4 and in the affirmative to subparagraphs 5-7 on a Conditional Use Permit Application under 310-53 filed by Herner LLC, Tamara Herner, owner. Proposed use of structure and/or site is to extend the music from 10:00 pm to 12:00 am (Midnight) on May 21<sup>st</sup>, June 18<sup>th</sup>, July 16<sup>th</sup> & 20<sup>th</sup> on the following described property: PARCEL #TVGC00117, 202 Williams Rd, Zoning B-2 Highway Business; carried 6-0.
- g. Public Hearing on a Conditional Use Permit Application under 310-53 filed by Ryan McGrath (David Laurine, property owner) to propose use of structure and/or site in detail for sale of 1.4 g consumer grade safe and sane fireworks such as snakes, smoke balls, sparklers, snaps, small fountains and sparkling wheels which is classified as being noiseless fireworks from a canopy tent on the following described property: PARCEL #TVGC00100; 219 State Hwy 12. Zoning: M-2; Light Industrial.**  
 A Sherman/Popenhagen motion to open a public hearing on a Conditional Use Permit Application under 310-53 filed by Ryan McGrath (David Laurine, property owner) to propose use of structure and/or site in detail for sale of 1.4 g consumer grade safe and sane fireworks such as snakes, smoke balls, sparklers, snaps, small fountains and sparkling wheels which is classified as being noiseless fireworks from a canopy tent on the following described property: PARCEL #TVGC00100; 219 State Hwy 12. Zoning: M-2; Light Industrial; carried 6-0.  
 Tim O'Reagan business owner asked about distance to the gas lines nearby. It was stated that they would need to be 50 feet from the lines. No more comments from the audience were made. A Sherman/Cornue motion to close the public hearing; carried 6-0.
- h. Discussion and possible action on a Conditional Use Permit Application under 310-53 filed by Ryan McGrath (David Laurine, property owner) to propose use of structure and/or site in detail for sale of 1.4 g consumer grade safe and sane fireworks such as snakes, smoke balls, sparklers, snaps, small fountains**

**and sparkling wheels which is classified as being noiseless fireworks from a canopy tent on the following described property: PARCEL #TVGC00100; 219 State Hwy 12. Zoning: M-2; Light Industrial.**

Member Sherman asked if these were the same people as in the past. David Laurine stated that it is not, but they worked with Christ Cornelier in the past.

On a Sherman/Smith motion to recommend a conditional use to the Village Board by voting in the negative to subparagraphs 1-4 and in the affirmative to subparagraphs 5-7 on a Conditional Use Permit Application under 310-53 filed by Ryan McGrath (David Laurine, property owner) to propose use of structure and/or site in detail for sale of 1.4 g consumer grade safe and sane fireworks such as snakes, smoke balls, sparklers, snaps, small fountains and sparkling wheels which is classified as being noiseless fireworks from a canopy tent on the following described property: PARCEL #TVGC00100; 219 State Hwy 12. Zoning: M-2; Light Industrial with hours set at 9:00 am ó 10:00 pm June 23<sup>rd</sup> - July 10<sup>th</sup>; carried 5-1.

- i. Public Hearing on a Conditional Use Permit Application under 310-53 filed by Thomas Hein dba Freedom Fireworks (Pat Etzkorn, property owner) for a Temporary stand for retail of fireworks novelties in accordance to State Stat. 167.10 a-n and p from a canopy tent on the following described property: PARCEL #TA101500001; State Hwy 12. Zoning: M-2; Light Industrial.**

Sherman/Popenhagen motion to open the public hearing on a Conditional Use Permit Application under 310-53 filed by Thomas Hein dba Freedom Fireworks (Pat Etzkorn, property owner) for a Temporary stand for retail of fireworks novelties in accordance to State Stat. 167.10 a-n and p from a canopy tent on the following described property: PARCEL #TA101500001; State Hwy 12. Zoning: M-2; Light Industrial; carried 6-0. No comments were heard, motion made by Sherman/Cornue to close the public hearing; carried 6-0.

- j. Discussion and possible action on a Conditional Use Permit Application under 310-53 filed by Thomas Hein dba Freedom Fireworks (Pat Etzkorn, property owner) for a Temporary stand for retail of fireworks novelties in accordance to State Stat. 167.10 a-n and p from a canopy tent on the following described property: PARCEL #TA101500001; State Hwy 12. Zoning: M-2; Light Industrial.**

Member Sherman asked why request for two months. Tom Hein stated that he would comply with what the Commission sets for days and hours. On a Sherman/Smith motion to recommend a conditional use to the Village Board by voting in the negative to subparagraphs 1-4 and in the affirmative to subparagraphs 5-7 on a Conditional Use Permit Application under 310-53 filed by Thomas Hein dba Freedom Fireworks (Pat Etzkorn, property owner) for a Temporary stand for retail of fireworks novelties in accordance to State Stat. 167.10 a-n and p from a canopy tent on the following described property: PARCEL #TA101500001; State Hwy 12. Zoning: M-2; Light Industrial with hours set at 9:00 am ó 10:00 pm June 23<sup>rd</sup> - July 10<sup>th</sup>; carried 5-1.

**Sherman/Cornue motion to adjourn at 7:10 PM; carried 5-1.**

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William Antti; Village President

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Claudia L Jurewicz; Clerk/Treasurer