

REPORT OF CITY PLAN COMMISSION
Monday, February 1, 2010

PRESENT: Chm. Mayor Halverson; Ald. Jerry Moore; Tony Patton; Jami Gebert;
Anna Haines; Shari Laskowski;

ALSO

PRESENT: Comm. Dev. Dir. Mike Morrissey; Ald. Mallison, M. Stroik, Molski,
Brooks, and R. Stroik; Tom/Meghan Christie; Reid Rocheleau;
Robert/Diane Zurawski; Anello Mollica; Bob Woehr; David Ratz;
Randy/Sandy Weir; Gene Kemmeter, Po. Co. Gazette

INDEX:

1. Approval of the January 4, 2010 Plan Commission Minutes
2. Consideration and Possible Action on the following:
 - a. Annexation of 404 Wood Lane
 - b. "R-2" Single Family Zoning for 404 Wood Lane
3. Consideration and Possible Action on a Conditional Use Request to Construct a Single Family Home Using Traditional Neighborhood Overlay District Setbacks – 2141 Jefferson St.
4. Consideration and Possible Action on Amending Sec. 23.02(1)(a)3. of the Zoning Code to Add Municipal Facilities as a Conditional Use
5. Consideration and Possible Action on Rezoning Requests for 120 and 128 Second St. North to Rezone from "B-4" Commercial to "R-2" Single Family Zoning
6. Adjournment

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1. Approval of the January 4, 2010 Plan Commission Minutes

Tony Patton moved, seconded by Shari Laskowski, to recommend approval of the January 4, 2010 minutes. Ayes all; Nays none; Motion carried.

2. Consideration and Possible Action on the following:
 - a. Annexation of 404 Wood Lane
 - b. "R-2" Single Family Zoning for 404 Wood Lane

Chm. Halverson reviewed the staff memo from Dir. Morrissey and noted the annexation and zoning fit within the Comprehensive Plan and future land use and staff recommends approval.

Jerry Moore moved, seconded by Tony Patton, to recommend approval of the annexation and "R-2" Single Family zoning for 404 Wood Lane. Ayes all; Nays none; Motion carried.

3. Consideration and Possible Action on a Conditional Use Request to Construct a Single Family Home Using Traditional Neighborhood Overlay District Setbacks – 2141 Jefferson St.

Randy Weir, owner of 2141 Jefferson St., provided background on the property and noted the property burned down on Halloween morning. He proposes to use the existing garage and construct a single family home with a 12' front setback and a 5 ½' sideyard setback that is friendly with the neighborhood. Two of the existing homes to the west have 10' front setbacks and the house to the east has a 25' front setback. He needs to complete the home by June 1 to include it in the Parade of Homes.

Chm. Halverson noted Mr. Weir should be commended for the front elevation and street characteristics that makes this home fit in very well. This is a wonderful example of utilizing an inner city lot which is what the Traditional Neighborhood Overlay District is for. He doesn't feel the proposed setbacks are overly aggressive.

Randy Weir noted the lot is zoned two family and questioned whether constructing a duplex would be an option. He had asked the inspectors several times about a duplex and they said I couldn't because of the lot size.

Chm. Halverson responded we would need to look through the Zoning Ordinance and talk with the zoning administrator. We can approve the request for a single family home today and you could discuss the matter further with Dir. Morrissey and Zoning Administrator Curlless. The zoning would allow for a duplex, but the lot size may not.

Ald. Randy Stroik noted a house burned down that he owned on a 9,000 sq. ft. lot in Two Family Zoning and the ordinance stated it had to be a minimum 10,000 sq. ft. lot to be considered as a conditional use.

Tony Patton moved, seconded by Shari Laskowski, to recommend approval of the conditional use request to construct a single family home at 2141 Jefferson Street with a 12 foot street setback and a 5 ½ foot sideyard setback based on compliance with the conditional use standards, with construction to be completed by April 30, 2011.

Ayes all; Nays none; Motion carried.

4. Consideration and Possible Action on Amending Sec. 23.02(1)(a)3. of the Zoning Code to Add Municipal Facilities as a Conditional Use

Dir. Morrissey noted during discussions about a proposed new transit building, we reviewed the zoning ordinance with regard to where municipal service and operational facilities are located in a zoning sense. Many city facilities are located in industrial or conservancy zones, so we are proposing that the zoning ordinance be amended to allow municipal service and operational facilities to be located in a conservancy district as a conditional use.

Anna Haines questioned why in the conservancy district? How many acres of conservancy zoning are in the city?

Chm. Halverson responded municipal garage and shop facilities are allowed in heavy industrial zoning now. The city garage itself sits within a conservancy zone, so anything that we want to do to change, move, or build on that site is not allowed right now. We want to be able to analyze the building on its merits rather than as a permitted use so we can put the conditions on it that we feel are necessary.

Mike Morrissey responded there are literally thousands of acres of conservancy zoning within the city. The reason we are focusing on conservancy zoning in this instance is because the Dept. of Public Works has their operational garage, salt shed, transit, and truck repair in the conservancy district already. If this action is not approved, it may be such a thing as the city would have to purchase other industrial property to accommodate this use.

He read the list of conditional and permitted uses in conservancy zoning and noted we would be adding “municipal service and operational facilities” to the list of conditional uses. If the city wants to alter or construct new facilities, it could be done only as a conditional use and would not automatically be permitted.

Jerry Moore questioned why we can't just do it for this particular parcel instead of for all conservancy areas.

Chm. Halverson responded that he, Dir. Morrissey, and the zoning administrator had a long conversation and felt this way was the most appropriate. We didn't get into spot zoning because it is not the best course of action. A conditional use leaves us the discretion to say yes or no and the flexibility for conditions.

Ald. R. Stroik noted it is important to point out that this would allow the city to have an operating facility within this zone. It is not opening it up to all businesses.

Reid Rocheleau stated the city should have started buying property on the east side of town because that is where the city is growing.

Bob Woehr, 727 Second St., felt municipal service and operational facilities should be defined first. Are we talking about just city-owned municipal facilities.

Chm. Halverson noted the vast majority of conservancy lands are held by public institutions or the city and some are owned by private people.

Tony Patton felt when he read this he thought it was more restrictive to the city and putting conditions on us like we do for everyone else. If we want to build something there, we have to follow conditions just like everyone else.

Chm. Halverson responded that is correct.

Jami Gebert questioned whether there are other projects that would be happening in a conservancy area.

Chm. Halverson responded no. There could be a park shelter or something that would probably be an accessory building. A parks garage would be an operational facility. There will not be anything more aggressive than what we are talking about currently.

Anna Haines moved, seconded by Jami Gebert, to postpone action on this item until the March meeting for a definition of what “municipal service” and “operational facilities” are.

**Ayes, Haines, Gebert, Moore, Laskowski, Halverson; Nays, Patton.
Motion carried.**

5. Consideration and Possible Action on Rezoning Requests for 120 and 128 Second St. North to Rezone from “B-4” Commercial to “R-2” Single Family Zoning

Meghan Christie, part owner of 120 Second St. North, indicated when they purchased their home 5-6 years ago, it was zoned single family. Something happened between then and now. It was rezoned and we were never informed. There is no reason our home should be zoned commercial.

Chm. Halverson responded it would be almost impossible to rezone a property without the owner being aware of it.

Meghan Christie stated she looked through all of her purchase paperwork and it was clearly zoned single family. We were able to get a mortgage on the property because it was zoned single family.

Anello Mollica, prospective buyer of 128 Second St. North, stated when he went to get a loan it was rejected because the property was zoned commercial. The banker told me that the owner will have to get it rezoned if he wants to sell it because no bank will provide a mortgage on a home that is zoned commercial.

Chm. Halverson stated we will certainly look into the zoning issue and get an answer. The staff recommendation is to rezone the property.

Reid Rocheleau, 408 Cedar in Whiting, noted this area needs to be looked at because we need a stop sign at First Street North/Maria Drive because there is a sidewalk coming from Madison School and the kids have to cross First Street North.

Jami Gebert moved, seconded by Shari Laskowski, to recommend approval of the requests to rezone 120 and 128 Second Street North to “R-2” Single Family Zoning from “B-4” Commercial Zoning.

Ayes all; Nays none; Motion carried.

6. Adjournment – Meeting adjourned at 6:50 p.m.

