

Meeting Minutes

City Plan Commission

Monday, July 11, 2005 - 4:00 p.m. PRESENT: Chairman Mayor Wescott; Ann Shannon; Jerry Moore; Karen Aldinger; Lois Feldman; Jeff Zabel; Fred Steffen

ALSO PRESENT: Comm. Dev. Dir. John Gardner; Ald. Sevenich, Molski, Stroik & Trzebiatowski; Bill Yudchitz; Bob Woehr; Jami Gebert, Downtown Manager; Jay Johnson; Paul Rice; Jim Miller; Bruce Buxton; Hugh Leasum; Brad Couillard; Jerry Zentner; Robin Engum; Angelo Milano; Jackson & Mary Case; Mark Wolf; Mark Henrichs; Wally & Marie Sturm; Ron Zimmerman; Frank Sciarbone; Delores & Richard Janick; Emily Kluck; John Rose; Gene Kemmeter, Po. Co. Gazette; Kelly McBride, St. Pt. Journal

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11. Request of Habitat for Humanity to Amend Setback Requirements in Two Family Zoning

NOTE: Chairman Wescott noted that due to the other city meetings beginning at 6:00 p.m., whatever items on today's agenda that are not completed by that time will be carried over to the August 1 meeting.

1. APPROVAL OF THE MINUTES OF THE JUNE 6, 2005 PLAN COMMISSION MEETING

Karen Aldinger moved, seconded by Lois Feldman, to recommend approval of the minutes of the June 6, 2005 meeting. Ayes all; Nays none; Motion carried.

2. CREATION OF PEDESTRIAN MALL & APPROVAL OF MALL DESIGN - 1245 MAIN STREET

Chairman Wescott noted the proposed construction would remove the fountain area and replace it with plantings and reduce the height of the wall facing the sidewalk. Staff recommends approval. Gardner noted the pedestrian mall agreement expired and required renewal.

Lois Feldman moved, seconded by Ann Shannon, to recommend approval of the creation of the pedestrian mall and mall design at 1245 Main Street as proposed.

Ayes all; Nays none; Motion carried.

3. CONDITIONAL USE - TELECOMMUNICATION TOWER - 200 DIVISION ST.

Chairman Wescott stated the request is to build a 70' cell tower that will be disguised as a flag pole similar to the one at Wal-Mart. Staff supports the request.

John Gardner noted the proposal includes removing an existing light pole which would be too close to the cell tower. The flag will be lighted at night. Flag etiquette suggests a flag size of 18' or 25' long.

Jeff Zabel expressed concern with the size of the flag and recommended a minimum of 25'.

Jerry Moore questioned whether this cell tower be self-collapsing.

Chairman Wescott responded radio towers have to be self-collapsing and he feels it is a federal requirement, but we will check into it.

Karen Aldinger moved, seconded by Ann Shannon to recommend approval of the conditional use request to erect a 70' self-collapsing telecommunication tower at 200 Division Street with the attached flag to be 25' long. Ayes all; Nays none; Motion carried.

4. CONDITIONAL USE - MULTIPLE FAMILY PROJECT - BADGER AT PINTAIL IN PARKDALE SUBDIVISION.

Chairman Wescott stated the proposed plan is to construct a total of 116 units.

John Gardner noted the drainage has to be approved by the City Engineering Department. The end facade of the 9-unit building facing Pintail Drive needs some landscaping that would modify it so that it doesn't look as though the building was constructed sideways to the street. The developer has provided a new drawing today that shows additional treatment on the side elevation. Staff recommends approval of the proposal other than moving the dumpster, and having the drainage and two driveways approved by the Engineering Department.

Jerry Moore questioned whether the proposed plan with 4 cul-de-sacs will meet the requirements for a fire truck.

John Gardner responded the fire department has reviewed the plan and feel there is adequate room.

Jeff Zabel expressed concern with the garage doors of the northeasterly unit facing Pintail Drive and suggested one garage door with internal circulation.

Mark Wolf, Project Developer, responded that engineering-wise, it would be difficult to have just one garage door without increasing the size of the building.

John Gardner noted another option might be substituting one without garage doors building for the building with garage doors or moving the buildings around on the site plan.

Ald. Stroik questioned if any brick or stone can be added to highlight the additional dormer.

Mark Wolf responded they don't have the finalized exterior elevations but will do what is necessary to dress up the building.

Jeff Zabel questioned whether this is the best use for this commercial property.

John Gardner responded he thinks it is an appropriate use.

Chairman Wescott questioned whether commissioners would be comfortable with dropping the 9-unit building with garage doors facing Pintail Drive and have staff work with the developer.

Jeff Zabel moved, seconded by Karen Aldinger, to recommend approval of the conditional use to construct 116 units at Badger Ave. and Pintail Drive with the stipulations that the dumpster in the NE corner of the property be moved to the west side of the parking or be heavily screened from the street, the drainage and two driveway openings be approved by the engineering department, and staff work with the developer to the address the end facade for the 9-unit building at the NE corner of the site plan. Ayes all; Nays none; Motion carried.

5. ACCEPT EASEMENT 820-24 MAIN ST.

John Gardner stated the area we are talking about is across from the J.C. Penney south entrance where a portion of sidewalk is missing.

Fred Steffen stated the correct address is the north side of the building at 1220 Second Street.

Ald. Sevenich noted it is a great idea because a lot of people that work in the area use that as a walk-through to get to their cars.

Karen Aldinger moved, seconded by Jeff Zabel, to accept the easement as presented for the north side of 1220 Second Street. Ayes all; Nays none; (Fred Steffen abstained) Motion carried.

6. CONDITIONAL USE - AMEND OCCUPANCY LIMIT IN CONDITIONAL USE - 925 MARIA DR.

John Gardner stated the occupancy was originally set at 22 based on the number of proposed parking spaces. The owners were able to re-arrange the parking layout and build 25 spaces. The owner is requesting the occupancy be increased to 24 to reflect the additional parking.

Ald. Stroik noted he remembered originally at the council meeting, the occupancy limit was set at 22 because of the density. Now, they put the additional parking stalls in regardless of what the council approval was.

Jerry Moore noted there is no on-street parking on that street for visitors.

Lois Feldman moved, seconded by Ann Shannon, to recommend approval of the conditional use to amend the occupancy limit at 925 Maria Drive from 22 to 24 occupants.

Ayes, Feldman, Shannon, Zabel, Steffen, Aldinger, Ch. Wescott. Nays, Moore.
Motion carried.

7. AMEND SIDE SETBACK PROVISION IN HIGHWAY COMMERCIAL DISTRICT - FLEET FARM

Chairman Wescott reviewed the attached memo and noted the ordinance allows for a 10' high fence and Fleet Farm is requesting a variance to build a 23' high solid fence. He feels the variance is not appropriate due to the fact that there is no hardship that is unique to the property. Fleet Farm has indicated similar requests have been approved in other communities.

John Gardner noted the racking systems would be treated as a structure and any structure has to be 20' off the rear lot line or 10' from the side lot line.. He feels the variance is not appropriate due to the fact that there is no hardship that is unique to the property.

It is his opinion, as well as that of the City Attorney, that the correct procedure would be for Fleet Farm to request a change to the ordinance which would require Plan Commission review and Council approval. If the commission is in favor of changing the ordinance, he would have to draft options to consider at the next meeting.

He has concerns with the limited setback and winter shadowing for the adjacent neighbors to the north. He received a call from Bob Rowe, adjacent property owner, who is now opposed to the project. Staff recommends against changing the ordinance but allowing the fence/racking to be constructed 10 feet from the side yard as allowed by ordinance.

Jeff Zabel noted if the structure were moved in 10' off the property line, it would not be a problem.

Bruce Buxton, Project Engineer, reviewed the history of Fleet Farm in the city and noted they are going around to all of their stores to make these retrofit connections. They met with the neighbors last September. They want to eliminate the existing chain link fence and construct a solid fence, approximately 20' high, to accommodate their racking systems and screen their yards from residential neighbors. He distributed pictures of the current site and tracking systems at other stores. The store is set off 30' and the process of trying to do this tracking system, organize the yard, and protect merchandise doesn't allow us enough room to meet the setback behind the store and still allow for fork lifts and fire trucks. They are proposing racking systems on the north and south sides, but will have to leave the west side open because of the 40' setback required which would not allow for their turning aisles. The roof will be offset enough for storm drainage to drip inside a gutter and into their drainage system.

Ald. Stroik felt it would be more uniform to have racking surrounding the whole yard. He suggested constructing the racking system on the south, west, and north with then just a standard 10' solid fence behind the building, with no racking behind the building which would maintain fire access.

Ald. Moore noted this is an amazing amount of racking, if we followed Ald. Stroik's suggestion, could one section of racking be removed on the north side to keep the fence a little lower.

Paul Rice, neighboring property owner immediately behind Fleet Farm, stated he prefers the solid fence that screens everything rather than the existing chain link.

Mark Henrichs noted in the winter, snow will come off in sheets from the roofs onto his hedges.

Bruce Buxton responded the roof is only about 6 feet wide and he can't imagine snow coming off the roof would be an issue, but they could put snow clips on there to prevent the snow from sliding off. The existing chain link fence is either right on the property line or 6" onto Fleet Farm property.

Jeff Zabel noted if it were him, he would want the solid fence whether it is 10' or 19' 4".

Bill Yudchitz stated he is listening to commissioners making adjustments to accommodate big land owners that make a bigger impact. It should be taken into account that when an ordinance says you have to have a certain amount of fencing, it will have a major effect. Where if I am a little developer and have one acre, I don't have as much fencing and it would not have as big an impact. Nobody has asked Fleet Farm to beautify their fence. The people who own the property have to be willing to take on some additional landscaping so that it looks decent.

Jeff Zabel moved, seconded by Fred Steffen, to postpone this item and direct staff to draft language to consider at the next meeting and incorporate in that language accommodations for the Fleet Farm request and include language that would focus this type of exception under the law to stores of this unique type and nature. Ayes all; Nays none; Motion carried.

8. AMEND SIGN ORDINANCE - SHOPPING CENTER WALL SIGNS

John Gardner stated the language proposed deals with an additional wall sign for tenants located on the end of a building in a shopping center.

Karen Aldinger moved, seconded by Jeff Zabel, to recommend approval of amending the the sign ordinance as proposed. Ayes all; Nays none; Motion carried.

9. SIGN VARIANCE - QUIZNO'S SUB - 5700 HIGHWAY 10 EAST

John Gardner stated the request is to allow an extra sign on the back of the building Staff has recommended against it based on the fact that there is no entrance there and would set a precedent for allowing all buildings to double their signs.

John Rose, Dir. Of Dev. for Quizno's Subs, stated the Subway building next to them has signs on three sides of that building. This building sits north/south and the highway runs east/west and you don't know that the tenants are there.

John Gardner noted he was not aware of that. He will check into the Subway signs. He noted the Quizno's site has a free-standing sign out front and two signs on the building.

Jeff Zabel moved, seconded by Lois Feldman, to deny the request of Quizno's for a sign on the back of the building at 5700 Highway 10 East. Ayes all; Nays none; Motion carried.

10. PLAT REVIEW, ZERO LOT LINE LOTS, & MULTIPLE FAMILY DEVELOPMENT - INDIANA AVE. AT FOURTH AVE. & 2928 STANLEY

John Gardner stated the owners are proposing to annex and develop the 30 acres they own as shown on the attached site plan which is not the final design. The proposed development would include a blending of zero lot line, single family and duplexes. They propose to donate the land in the northwest corner for public ownership. Staff would recommend an access to the dedicated Moses Creek land to provide property owners access to the parkland and Green Circle Trail.

Ch. Wescott noted staff is recommending approval of 1) the annexation dependent on the exact boundary description, 2) the subdivision layout with allowance made for minor lot line changes, 3) zero lot line units, 4) acceptance of the land dedication to either the city or UW, to be determined at the time of dedication, 5) determination of high groundwater in the subdivision area, and 6) the developers be assessed the cost of utility installation or provide assurance of the completion of the work.

Bill Yudchitz, developer, noted these would not be student rentals but would be high end rentals. If the design is good, there will be very little negative input. He thinks it is pretty generous of the two doctors that own the property to dedicate land to extend control of Moses Creek. He owned zero lot line property on Regent St. and just by driving by, you can't tell they are zero lot line homes.

Jolene Hememan, 2700 Stanley St., expressed concern about groundwater and feels it is too much development for the size of the area.

Delores Janick, 3128 Stanley St., submitted a petition objecting to the proposal.

Nicole Johnson, 110 Indiana Ave. N., also submitted signatures objecting to the proposal.

Jackson Case, 3028 Stanley St., stated he is opposed to the development simply because it is too dense for the area. There is high water and he has seen it flood.

Emily Kluck, 3304 Fourth Ave., asked how many new homes will be built in this development.

John Gardner responded there would be 21 zero lot line homes, 13 single family homes, and 8 duplex units. He explained the zero lot line concept.

Bill Yudchitz stated it is always hard to see vacant land change, but this land is an investment piece of property.

Meeting time expired and this item is postponed until a future meeting.

11. REQUEST OF HABITAT FOR HUMANITY TO AMEND SETBACK REQUIREMENTS IN TWO FAMILY ZONING

Postponed until a future meeting.

Meeting adjourned at 5:50 p.m.

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