

Meeting Minutes

CITY PLAN COMMISSION

Monday, December 2, 2002 - 4:00 P.M. PRESENT: Chairman Mayor Wescott; Karen Aldinger; Lois Feldman; Elbert Rackow; Bud Flood; Fred Steffen (Excused, Jeff Zabel)

ALSO PRESENT: Comm. Dev. Dir. John Gardner; City Clerk Victoria Zdroik; Ald. Sevenich, Seiser, Sowieja, Barr, Molski, Nealis & Phillips; Parks Dir. Tom Schrader; Paul/Patti Adamski; David/Pam Enerson; Dick Berry; Jay Erickson; Larry Koopman; Gary/Amy Oudenhoven; Adeline Austin; Mark/Annette Houck; Kent Hall; Arlyn West; Ron Hanson; Gene Kemmeter

Index of these Minutes:

1. APPROVAL OF THE NOVEMBER 4, 2002 PLAN COMMISSION MINUTES
2. A. PRELIMINARY PLAT - MAYBELLE ERICKSON - DELLA ST.
- B. VARIANCE REQUEST FROM SUBDIVISION ORDINANCE
3. AMEND "B-2" CENTRAL BUSINESS TRANSITION ZONING TO ALLOW RETAIL USE
4. AMEND "B-3" CENTRAL BUSINESS ZONING RESIDENTIAL SETBACK REQUIREMENTS
5. REZONE FORMER LULLABYE SITE - FROM "M-1" LIGHT INDUSTRIAL TO "B-2" CENTRAL BUSINESS TRANSITION
1. APPROVAL OF THE NOVEMBER 4, 2002 PLAN COMMISSION MINUTES

Elbert Rackow moved, seconded by Bud Flood, to recommend approval of the November 4, 2002 Plan Commission Minutes. Ayes all; Nays none; Motion carried.

2. A. PRELIMINARY PLAT - MAYBELLE ERICKSON - DELLA ST. B. VARIANCE REQUEST FROM SUBDIVISION ORDINANCE

Chairman Wescott noted at the last meeting, the neighbors had prepared a well-organized presentation and had asked a number of questions. He asked John Gardner to review his attached response.

John Gardner stated this is a 13-lot proposal for the Single-Family-zoned property. He indicated the 13 lots meet all standards. The area colored yellow illustrates areas that meet all setbacks including the 25' street setback, sideyard setbacks, and the 30' setback from the waters' edge. He reviewed the neighbors' concerns from the last meeting: 1) there are no plans for expanding Koziczkowski Park, 2) the Parks Committee will be dealing with the number of access points later this week, 3) a larger public cul-de-sac is proposed for lots 10, 11 & 12 that do not front on a public street, 4) the City Engineer has indicated the existing sanitary sewer would have adequate capacity for the additional proposed lots, and 5) the City Engineer has indicated there should be very little, if any, additional storm water from the new development to the existing storm sewer. In addition, the owner of the property has proposed about three pages of restrictive covenants, some of which include the amount of lawn be limited to 10,000 sq. ft., (lots 1-4 are in the 10,000-14,000 sq. ft. range, and lots 5-13 range from 15,000- 57,000 sq. ft.); no more than a 3-car garage with no more than a 400 sq. ft. additional storage building; natural vegetation to be maintained in all wetland areas; no more than 30 feet in each 100 feet of shoreland may be clear-cut (also a city requirement). The only principal outstanding question is whether the cul-de-sac will be public or private.

Larry Koopman, Lampert-Lee & Assoc., stated the smallest area on which a building can be placed after setbacks have been deducted is lot 4 which is 4,763 sq. ft. Exclusive of all of the public dedications, the proposed lots average 24,565 sq. ft. which is three times the minimum lot size is required by ordinance. He noted one of the proposed covenants restricts the elevation of the first floor which will restrict the amount of fill allowed on any of the lots.

Chairman Wescott stated that following the November meeting, he was approached by Professor Kent Hall representing the Audubon Society, requesting that we meet regarding this area. We met, and later had another meeting with Jay Erickson, and from those meetings comes a presentation that will keep lots 8-13 in their natural condition. It is an exciting opportunity for the community to keep a very unique part of our community in its natural state.

Kent Hall stated he walked the area with Mr. Erickson and Mr. Koopman and found Koziczkowski Park and the peninsula to be unique. They have documented over 100 species of birds that use this area - some endangered and some that are threatened. He met with the Mayor, John, and Tom (Schrader), and suggested trying for Stewardship funds. They liked the idea and thought maybe some municipal money would be possible with the rest raised by the private sector. We are proposing the possibility of applying for DNR Stewardship funds for half of the cost of lots 8-13, with perhaps a quarter of total from municipal funds, with the remainder in the private sector.

Jay Erickson reviewed his family history with this property and the work they did to remove the thousands of stumps. Some years ago, they sold some of the land, at the same price they paid for it, to the city for Koziczkowski Park. They built their house there many years ago. We have now decided to sell the property. They will increase the setbacks on lots 5, 6, & 7 to 40'-50'. We want to restrict the amount of lawn by encouraging people not to plant lawn, but put in stepping stones and keep it woods. The Erickson family wants to give Kent and the city all the time they need to pursue funding which is estimated to be through all of next year. To show our support of this idea, the Erickson family will donate lot 13 to the cause for the park.

Chairman Wescott thanked Mr. Erickson for his very generous offer. The Audubon Society would be the lead and make the application and the city would be the support for the stewardship application. The applications are due May 1 and we could probably hear something by late summer. Once successful with the stewardship funding, we would commence raising money in the municipal and private sector. With regard to the private vs. public cul-de-sac, he is in favor of a public cul-de-sac for emergency response. The street should be listed in our EMS system so that there is never any doubt where emergency vehicles are going. If we are successful with the grant, and he is confident that we will be, there would be no cul-de-sac.

Lois Feldman questioned whether Mr. Erickson would proceed with development of lots 1-7 with the new changes.

Jay Erickson responded they would proceed to sell a lot or two in that area with increasing the setback wherever it is humanly possible, and also preserving the shore line and vegetation.

John Gardner noted the action we need today is approval of the preliminary plat for 13 residential lots. If the stewardship grant is successful, the cul-de-sac would never be installed. If the grant is not successful, the cul-de-sac would be constructed and lots 8-13 would be sold. The proposal meets the lot size, zoning requirements, and setback requirements.

Bud Flood questioned whether the restrictive covenants cover all of the lots.

John Gardner responded yes.

Paul Adamski expressed appreciation to everyone concerned for the large amount of time, hard work, and cooperation, especially Mr. Erickson. There has been so much good faith shown here that they are comfortable with the proposal presented today with the cul-de-sac included.

Fred Steffen moved, seconded by Chairman Wescott, to recommend approval of the preliminary plat of 13 residential lots with the restrictive covenants (attached) and greater setbacks on lots 5, 6, & 7 as proposed, the 20' pedestrian access way on the north side of lots 8 & 9, and designation of the peninsula as an Outlot, with a public cul-de-sac to be named Osprey Court. Ayes all; Nays none; Motion carried.

3. AMEND AB-2" CENTRAL BUSINESS TRANSITION ZONING TO ALLOW RETAIL USE

4. AMEND AB-3" CENTRAL BUSINESS ZONING RESIDENTIAL SETBACK REQUIREMENTS

John Gardner stated: 1) "B-2" Central Business Transition Zoning was created to provide a ring around the downtown consisting of non-retail office and related uses. The intent was to contain retail commercial in the downtown area. More land has been zoned commercial outside of town. This land allows all manner of retail uses. He also noted that the land around the downtown is currently zoned Industrial or Commercial which also allows for all manner of retail use. He proposes to eliminate the "no retail" provision of the transition district to allow the owners to compete on a more equal footing with commercial property elsewhere in the community.

Lois Feldman moved, seconded by Karen Aldinger, to amend the "B-2" Central Business Transition Zoning to allow retail use. Ayes all; Nays none; Motion carried.

2) The Zoning Ordinance has setback requirements for residential uses in the "B-3" Central Business Zoning, but no setback requirements for commercial uses. He recommends eliminating the residential-only setback requirement which would allow construction of a residential structure or a mixed-use structure with the same setbacks as a commercial structure..

Fred Steffen moved, seconded by Bud Flood, to amend the "B-3" Central Business Zoning by deleting residential setback requirements as proposed. Ayes all; Nays none; Motion carried.

5. REZONE FORMER LULLABYE SITE - FROM AM-1" LIGHT INDUSTRIAL TO AB-2" CENTRAL BUSINESS TRANSITION

John Gardner stated the owners have requested rezoning of their property. The owners plan on making another application for WHEDA tax credits to construct a multiple family/commercial development. The current industrial zoning does not allow for residential uses. The application requests information as to whether the proposed use is permitted by local zoning. They had to designate "no" on their previous application. The rezoning request is consistent with our adopted plans because we don't want industrial zoning in that area. Under the current Industrial Zoning, if an owner were to demand for a permit for a permitted warehouse, lumber yard, or other industrial use, staff would have to issue the permit without any review.

Fred Steffen moved, seconded by Elbert Rackow to recommend approval of rezoning the former Lullabye Site from "M-1" Light Industrial zoning to "B-2" Central Business Transition Zoning. Ayes all; Nays none; Motion carried.

Meeting adjourned at 5:00 p.m.

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Bottom of Form