

REPORT OF CITY PLAN COMMISSION

Monday, July 2, 2012 – 6:00 PM

Lincoln Center – 1519 Water Street

PRESENT: Mayor Andrew Halverson, Alderperson Jerry Moore, Commissioner Tony Patton, Commissioner Anna Haines, Commissioner Sarah O'Donnell, Commissioner Garry Curless, and Commissioner David Cooper.

ALSO PRESENT: Community Development Director Michael Ostrowski, Economic Development Specialist Kyle Kearns, Alderperson Logan Beveridge, Alderperson Mary Stroik, Alderperson Randy Stroik, Alderperson Michael Phillips, Carol Lawlis, Jeff Feist, Matthew Brown, Sarah Wallace, Barb Jacob, Reid Rocheleau, Wayne Bushman, Mike Mitchell, Bailey Bushman, Cathy Dugan, Mary Ann Laszewski, and Perry Piotrowski.

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7. Zoning Code Rewrite - Article 1 - General and Article 2 - Code Components, with the potential removal of Articles 3 - Natural and 4 - Rural.
8. Zoning Code Rewrite -Review:
  - Article 5: Suburban Context
  - Article 6: Urban Context
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  - Article 8: Special Context
9. Adjourn.

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1. Report of the June 4, 2012 Plan Commission meeting.

**Motion by Alderperson Moore to approve the report of the June 4, 2012 meeting as presented; seconded by Commissioner Cooper. Motion carried 7-0.**

2. Request from Wisconsin Public Service to obtain multiple utility easements on City property at **2442 Sims Avenue and 933 Michigan Avenue (Parcel ID 2408-33-2001-05)**.

**Motion by Alderperson Moore to approve the multiple utility easements on City property at 2442 Sims Avenue and 933 Michigan Avenue; Seconded by Commissioner Haines. Motion carried 7-0.**

3. Request from John and Carol Lawlis for an approximate 1248 square feet accessory structure, which exceeds the 900 square feet requirement at **1331 Westmore Court (Parcel ID 2408-14-3002-09)**.

Director Ostrowski stated this is a two part request, the building code allows accessory buildings up to a maximum of 900 square feet, however, the Plan Commission and Common Council can grant exceptions beyond the 900 square foot requirement in the R-LD zoning district after considering setbacks, neighborhood conditions, building materials, building designs, and other site and building factors. The accessory structure would be expanded to allow for a living space on the second floor. Given that the location is in a very rural setting within the city, staff does not see any concerns and would recommend approval for the 1,248 square foot accessory structure.

**Motion by Commissioner Patton to approve the 1248 square feet accessory structure, which exceeds the 900 square feet requirement at 1331 Westmore Court; seconded by Mayor Halverson.**

Commissioner Curless asked if the property has city sewer and water or well and septic, to which Ms. Lawlis stated they have a well and septic system. Commissioner Curless then asked if it would accommodate the additional living space. Jeffery Feist 441 Sixth Avenue, stated that they have conducted a perk test for a one bedroom apartment type situation, and the plan is to use the same well, but to add in a 3 foot wide by 100 foot long septic tank with drain field as an additional second system that would be on the opposite side of the property from the original system and exclusive to the new living space.

Commissioner Haines added she liked the idea.

**Motion carried 7-0.**

4. Request from John and Carol Lawlis for a conditional use permit to renovate their detached garage into a second living space at **1331 Westmore Court (Parcel ID 2408-14-3002-09)**.

Director Ostrowski stated this is the second part of the request. John and Carol Lawlis would like to add a "mother in law suite" above their existing garage for one of their children to occupy. In other words, a second principal structure defined as a single family residence, as the tenant is a family member. Our code does not directly address "mother in law suites" which are defined as a secondary or accessory to the primary residence on the parcel, having its own entrance, kitchen, bathroom, and living area which in this particular case all would apply. Our code considers any additional living structure on a lot as a second principal structure which can only be approved through Plan Commission via the conditional use process. Staff has reviewed it based on the standards of review and would recommend approval with following conditions:

- All building codes shall be met and building permits obtained.
- Building materials shall match closely to those found on the main home.
- Immediate and extended family member shall be the only persons permitted to occupy the living space.
- Existing screening shall be maintained for the west, north, and east property lines, to reduce the view of the structure from those adjacent properties.
- The conditional use permit shall expire June 30, 2014.
- The dwelling cannot exceed the proposed living area, and if they do want to expand the living area in the future, it would need to be brought back before the Plan Commission.

**Motion by Commissioner Haines to approve the conditional use permit to renovate their detached garage into a second living space at 1331 Westmore Court with the following conditions:**

- **All building codes shall be met and building permits obtained,**
- **Building materials shall match closely to those found on the main home,**
- **Immediate and extended family member shall be the only persons permitted to occupy the living space,**
- **Existing screening shall be maintained for the west, north, and east property lines, to reduce the view of the structure from those adjacent properties,**
- **The conditional use permit shall expire June 30, 2014, and**
- **The dwelling cannot exceed the proposed living area, and if they do want to expand the living area in the future, it would need to be brought back before the Plan Commission;**

**seconded by Commissioner Patton. Motion carried 7-0.**

5. Request from Perry Piotrowski to amend the conditional use permit relating to the landscaping for parking lot screening at **940 Maria Drive (Parcel ID 2408-29-2400-11).**

Director Ostrowski stated that a conditional use permit was approved in September, 2011 for the property at 940 Maria Drive to construct and operate a 24-bed apartment complex. A landscaping plan was submitted along with the conditional use. The plan described and outlined parking lot screening in the form shrubs and bushes on the north and west sides of the parking lot. Screening to the east is provided by the building and to the south is access to Maria Drive. The applicant is requesting to amend the landscaping plan to eliminate the screening around the parking lot as the applicant was required to construct a six foot fence around the north and west sides of the property, which provides screening from the adjacent properties. The zoning code requires the parking lot to be screened with either vegetation or a fence/wall. Staff feels that the fence adequately screens the parking lot from neighboring properties. Therefore, staff would recommend removing the need to screen the parking lot with bushes and shrubs, and allow the fence to serve as the needed screening.

Aldersperson Moore stated that he had received a phone call about the fence from a neighbor that was not happy with it, but they will live with it.

Mayor Halverson recalled that one of the main concerns of one of the immediate adjacent property owners was the fence and that it was large enough to ultimately screen the area.

Aldersperson Moore asked about the finished side facing out.

Commissioner Curless asked if the city had a code that specifies the good side and bad side of the fence, to which Director Ostrowski stated we do not, we leave that up to the property owner. Commissioner Curless suggested that when looking at the fence, that the side that faces the neighbors has brown posts, and it would be nice if the posts were painted white, then it would blend in with the fence. Mayor Halverson clarified that the flush side is on the inside of the property, not facing the neighbors. Commissioner Curless stated that it is hard to see from the street, however, you do see every eight feet a brown 4 x 4 post. Mayor Halverson stated that it could be a new requirement if we do approve the release of the landscaping requirements.

**Motion by Commissioner Curless to remove the landscaping requirements for parking lot screening at 940 Maria drive with the condition to paint the fence posts to match the color of the fence; seconded by Commissioner Patton.**

Commissioner Haines stated she does not feel we should be granting this, and thinks they should have to screen, given the conditions that we placed on them before, and she does not want to go back on those previous conditions.

Commissioner Patton asked why all of a sudden did they decide to go with the fence, and would we have approved it with a fence before, to which Director Ostrowski stated it was approved with the fencing requirement. Our zoning code requires that parking lots be screened with either landscaping or a three foot tall fence.

Mayor Halverson stated that is really what the applicant is asking for, in that the fence is there and in their opinion adequate and they want to be released from the requirement for the added landscaping. Alderperson Moore asked if the rest of the landscaping would stay, to which Director Ostrowski stated this would just be the landscaping around the bend in the drive and the landscaping surrounding the parking lot.

Mary Ann Laszewski, 1209 Wisconsin Street, stated that when you are on Maria Drive and look at the property, you see the narrow end of this rectangular building facing Maria, and what you mostly see are the electric meters, the large metal mechanical boxes, lengthy rolls of conduit piping, and a big roll of colored wiring on the end of the building. When you pull into the only entrance which is a driveway between the bars, it brings you into the parking lot up to the side of the building that is a long flat rectangular west side facing building. She stated that her first impression upon driving in was it is a barracks looking structure that shows the exhaust pipes, vents and flat doors, and cars pulled up to them like a strip motel. She also viewed the poor dumpster coverage, skimpy old trees, and the white fence giving the property a very minimalistic appearance. Ms. Laszewski was surprised due to the fact of the conditions previously placed on the property requiring brick and dormers and adding elevations to which were originally a very bare and plain building. Upon a return visit, Ms. Laszewski stated that she needed to get off of the entry road onto a sandlot facing east to see other side of the building, and there she was able to see the conditions were met. She stated that she was shocked, because it is a side that you will never see, and that the back side of the building is the only side that is visible by a road when you drive in. She feels that the front is the primary focus of the building that exists between the street and the front of the building. She feels that there is no attention given to the Maria Drive or the west side of the building, therefore, the landscaping condition should be enforced. Ms. Laszewski feels that new developments need to look good on all sides, screening of all mechanicals are needed, the dumpster needs to be enclosed and the landscaping really needs to be enforced on the west side of the building.

Cathy Dugan, 615 Sommers Street, did not realize that we could waive the landscaping requirements on parking lots and in addition to fencing there was still a need for shrubs and foliage.

Alderperson Randy Stroik asked if we did add the fencing at Common Council, to which Director Ostrowski stated it was added at the Plan Commission meeting. He continued to state that the applicant knew September 2011 that there was fencing and a screening requirement and had the opportunity at that time to speak against it. Alderperson Stroik feels the white fence does screen the parking lot, but does stick out, and shrubs would not be screening for the homes, but it is needed on the inside of the fence the way we originally had conditioned it.

Reid Rocheleau, 408 Cedar Street, stated that when you see the front of the building, it does have redeeming qualities, but it does not appear to be the front of the building.

Perry Piotrowski, 251 Dubai Avenue, stated that he knows the front is supposed to face Third Street some day. He did want to turn the building, but that was the way he was supposed to build it. He was going to go along with all the other plans with the landscaping, but the white fence came into

play and the solid vinyl fence requirement came in after the landscaping plan had been approved. Furthermore, Mr. Piotrowski stated that he does have the proper screening according to the laws, and is hoping that he can do his own style of landscaping, as well as, to cover the front of the building in time with some type of lighting and a sign that will suit the property.

Mayor Halverson asked to go over the code specifics in terms to the minimum requirements relating to a parking lot specifically.

Director Ostrowski stated that if you look on page one of two in the staff memo, under subsection a) Continuous Screening. 1) Continuous Screening Specifications. Screening shall consist of natural plant material and/or decorative wall or durable landscape barrier. The applicant would be free to choose which treatment they would like to screen the parking lot with. Since this was a conditional use they are required to follow the conditions that the Plan Commission placed upon them, unless the Plan Commission would waive that condition if this applicant were creating a parking lot for a permitted use, they would have the ability to choose if they wanted a fence or shrubbery.

Mayor Halverson expressed that the main concern of one resident whose home is directly off of North Second Street was the fence. He wanted to make sure the fence was up and that was part of what was going to be done, and he does not know if that person has any opinion on the landscaping. Mayor Halverson stated that he does not disagree with the folks that we have heard from tonight, in terms of the beautification of the site itself, in terms of the conditional use itself and mitigating of any adverse impacts to adjacent properties, the fence is the primary part of it.

Commissioner Curless asked if there was any problem with the open pond, not being fenced, to which Director Ostrowski stated we do not have any requirements relating to that in our zoning ordinance.

Mayor Halverson repeated the motion.

**Motion by Commissioner Curless to remove the landscaping requirements for parking lot screening at 940 Maria drive with the condition to paint the fence posts to match the fence; seconded by Commissioner Patton. Motion carried 6-1, with Commissioner Haines voting in the negative.**

6. Request from Hilltop Pub and Grill for a sign variance to allow a free standing sign that exceeds 20 feet in height to be located at **4901 Main Street (Parcel ID 2408-34-1400-09)**.

Director Ostrowski stated that Hilltop Pub & Grill are proposing to increase the height of their newly installed freestanding sign along Main Street from 20 feet to 28 feet, as the building blocks a portion of the sign. No changes are proposed to the face or size of the sign. Furthermore, the sign is located tight up against the building between the outside dining area and main entrance. The City sign code allows free standings signs up to 20' in height and 150 square feet in area (for properties with over 200 feet of frontage). Any request to exceed the requirements within the sign code requires a variance from the Plan Commission. In reviewing this request, there is some uniqueness to this property with being on a hill, and on the face of the request, there is a hardship with WPS requiring a 10 foot setback from the power lines. However, there is another location where the sign could be placed on the property, and the hardship in this case has been self-created, with the installation of the new sign, and the building additions that have occurred so close to the street. In addition, the sign could have been made smaller so that the entire sign could have been visible to passing motorists. With that said, staff would recommend to deny the request for a variance to exceed the height requirement.

Commissioner Patton asked if they could just move the sign over three feet towards the road, to which Mayor Halverson stated it would be encroaching on the WPS requirements from the transmission line. Director Ostrowski added that there is also the outside door to the patio. He then asked if they could make it taller, to which Director Ostrowski stated they cannot make it taller under the current regulations, but that is their request for an exception to make it taller. Commissioner Patton asked if the increased height would make it as tall as the first cupola, to which Director Ostrowski stated the bottom portion of the sign would be in between the two roof lines.

Aldersperson Moore asked where the second location would be for the sign, to which Director Ostrowski stated to the east of the driveway and west of the building. Director Ostrowski said that one of the concerns with the Hilltop is the underserved parking, so locating a sign in a parking lot and removing two to three stalls, is not an option. However, with this location, you would not eliminate any parking.

Mike Mitchell, 5271 Forest Circle, stated that with the addition and the encroachment to the road, the deck and patio were installed in the 1980's; the other addition put on was westerly and parallel the road, so it isn't an issue of them moving closer to the road historically, what really happened was in 2004 the road moved closer to them by eight feet. He stated that he feels because the road was moved eight feet towards the building that it limited how big the sign could be and where it could be placed. When looking for a location they went about half of what the ordinance allowed due to the concerns for the power lines. When measuring everything out in February, they were really concerned on where the sign went, they may not have paid close enough attention to what it might look like from a quarter mile down the road. He feels that if they go up eight feet, people will really be able to see it, it would still fit into the décor of the building, and would not be too big or obtrusive. Mr. Mitchell admitted that going smaller may have helped, but how much smaller do you want to go before your sign isn't effective. Mr. Mitchell also addressed the relocating of the sign, to which he stated that even though it is not a marked parking spot east of the driveway, it is still used for negotiating the parking lot, for carry out orders, and for a drop off area, and he feels that someone would run into the sign. He stated he worked with Bailey Bushman and walked the property line and placed the sign in the only spot that they felt it could go. With being next door to the hotel, their sign is 50 feet, the Econolodge is 60 feet, and the next competitor's sign Grazies is 40 feet in height. He stated he understands the ordinance with the 20 feet, but we already have varying heights along the Highway 10 corridor.

Aldersperson Randy Stroik stated that the LaQuinta and BP all have increased height and increased square footage. This business is adding tax base to us, they have done a good job giving back to the community, and they are asking only for eight feet taller. To deny this would be a mistake, and he is in support of allowing the additional height exception.

Aldersperson Logan Beveridge does not think the height of the sign in that location is a concern, but the overall concern is the program integrity throughout the community. There is a danger in setting a precedent that people can come and get exceptions to the rules as a matter of routine, and therefore if the commission is going to grant the exception in this case, it needs to be very clear on the record that it was done so because of the highly unique and challenging aspect of this particular location.

Barb Jacob, 1616 Depot Street, does not see a problem with a 28 foot sign. The 20 foot sign blends into the building too much and you almost miss it. A sign is meant to draw attention to the business and with them going up to eight feet, then they are accomplishing what they set out to do. She feels that the commission and council need to take into consideration that these are older buildings and they don't meet what we think is tradition. We have someone that wants to spend some money

and improve the look of the community, and we should not deter them. She feels that this should be an exception because you want to draw attention to the business.

Reid Rocheleau, 408 Cedar Street, thinks that this is a reasonable request. He feels that people should be able to see the sign and that the sign ordinance should be changed to allow for signs such as these.

Bailey Bushman, 4925 Coye Drive, stated that she did the best to follow the guidelines for the sign, so they would not be put in this situation. She thought that this sign would be fine, considering there were no other signs directly in competition with this sign, and the focus was with WPS and the power lines, as well as the road set back. In this case it is a bad situation, and she feels that this is a unique situation.

Wayne Bushman, Bushman Electric and Sign, stated this business has done something tremendous in this town, and employs lots of people. He stated it is very competitive, especially in the food business, and in this case if you look at the corridor by segments, this is very unique in how it is positioned. Mr. Bushman stated that you can see the different segments of height limitations, and in this case this is just a request for a minimum height increase to make the sign effective. Regarding the parking area potential placement, that would be a detriment since it is more of a pickup location and would be struck by cars and cause a hazard for snow plowing.

Aldersperson Moore stated it is a nice looking sign, but the way it is set up it looks stupid. He also questioned if eight feet would be enough for the height increase.

Mayor Halverson stated that given the projections that we are seeing on the illustrations it looks like the eight feet would be appropriate to clear the building, especially from an easterly direction. The issue is specific to the site and the requirement of WPS, the right-of-way that has changed, and the unique property characteristics of the terrain are all difficulties.

**Motion by Mayor Halverson to approve the request for a sign variance to allow a free standing sign that exceeds 20 feet in height to be located at 4901 Main Street; seconded by Aldersperson Moore.**

Director Ostrowski stated that if you do move approval, he recommends some conditions to be placed on the sign, for example that it is limited to 28 feet in height, that the sign cannot exceed the proposed square footage, and that the sign pole be painted to match one of the colors on the building.

Mayor Halverson and Aldersperson Moore agreed to the added conditions to the motion.

**Motion by Mayor Halverson to approve the request for a sign variance to allow a free standing sign that exceeds 20 feet in height to be located at 4901 Main Street with the following conditions:**

- **The sign is limited to 28 feet in height,**
- **the sign cannot exceed 82.375 square feet in area, and**
- **the sign pole shall be painted to match one of the colors on the building;**

**seconded by Aldersperson Moore.**

Commissioner Curless stated that with the eight feet, the Hilltop part of the sign would be visible, and it would only affect people from out of town who would be looking for this location.

**Motion carried 7-0.**

7. Zoning Code Rewrite - Article 1 - General and Article 2 - Code Components, with the potential removal of Articles 3 - Natural and 4 - Rural.'

The Commission discussed the previous meeting and their decision regarding the elimination of the Rural and Natural context areas. Furthermore, they used examples throughout the City to analyze when determining the benefits or disadvantages of eliminating those context areas.

8. Zoning Code Rewrite -Review:

Article 5: Suburban Context

Article 6: Urban Context

Article 7: Center Context

Article 8: Special Context

The Commission determined that the introduction and review of new material relating to the zoning code rewrite shall be done at only the special Plan Commission Meetings.

9. Adjourn.

**Meeting adjourned at 6:58 pm.**