

TOWN OF RIB MOUNTAIN
PLANNING COMMISSION MEETING
August 22nd, 2012

Chairman Tom Muellner called the meeting of the Plan Commission to order at 7:00 p.m. Members present included Jim Hampton, Laura McGucken, Lee Benes, Tom Steele and Kevin Mataczynski. Christine Nykiel was excused. Also present Zoning Administrator Dan Dziadosz and Planning Intern Jeff Kussow.

MINUTES: Motion by Tom Steele and seconded by Jim Hampton to approve the August 8th, 2012 minutes. Motion carried.

PUBLIC HEARINGS:

Brad M. Guralski, requesting a conditional use approval for the construction of a 28' x 40' detached accessory garage for residential storage purposes, per RMMC Section 17.056(8)(d) - Detached Private Residential Garage, Carport, or Utility Shed, in excess of 1,000 square feet. Total building square footage estimated at 1,120 square feet, in a Suburban Residential-2 zoning district. Legally described as parts of NE ¼ SE ¼ Section 05 T28N 7E – W 150' of E 968.75' of S 250' thereof; also known as 4608 North Mountain Road; Parcel # 34.52807.013.005; PC docket # 2012-22.

Dan Dziadosz explained the details of the detached accessory garage project and the setbacks required with the current lot being an existing lot of record. The commission questioned setbacks from Sandpiper Lane and from the house on the applicant's property. Mr. Dziadosz explained the setback requirements with replacing an existing garage. Mr. Dziadosz also explained that since the proposed garage is 9 feet away from the house on the property, approved fire separation would be needed. Mr. Dziadosz explained fire separation to the commission.

Chairman Muellner opened up the public hearing to public comment. Norbert Mroczenski, 2404 Sandpiper Avenue, commented that he has no issue with the proposed detached accessory garage.

Motion by Tom Steele to recommend approval of detached accessory garage, subject to the 25 foot setback from Sandpiper Avenue and the installation of a proper fire rated wall between the proposed garage and the house. Seconded by Jim Hampton. Motion Carried 6-0

CERTIFIED SURVEY MAP APPROVALS: None

NEW BUSINESS:

Patrick Chrouser, requesting a special use approval for a commercial garden at 2601 Fern Lane near the rear street frontage of Jonquil Lane, per RMMC Section 17.056(2)(a) #1.b – Commercial gardens may be permitted after review and special use approval by the Town Planning Commission. Legally described as Parcel 1 of CSM #10765; Part of Lot 3, Block 2 of Assessors Plat #3; also known as 2601 Fern Lane; Parcel # 34.25.002.003.02; PC docket # 2012-23

Mr. Dziadosz explained that the issue with this property came up as a question and there was a commercial garden found on the property. A commercial garden is allowed in residential districts with a special use approval. Mr. Dziadosz then went onto explain the special use review process. The commission questioned the growing season, working hours and type of sales being conducted with this operation. Mr. Chrouser explained that the growing season is typically from late April/May through the first freeze, working hours are during the day time, and the sales are primarily wholesale with very little retail. Laura McGucken questioned the proposed fencing. Mr. Dziadosz explained that the proposed fencing is not an approved material by the code. The code also restricts the fencing to be a maximum of 4 feet tall in a required street yard and a maximum of 6 feet tall anywhere else on the property. Mrs. McGucken expressed that she does not agree with the proposed fencing, retail sales, and the sign. The applicant explained the fencing would deter deer from entering the garden and the sign would prevent people from going to the garden without an appointment. Chairman Muellner expressed concerns on the addition of fencing to the residential neighborhood, where there previously has not been a fence.

Chairman Muellner opened up the meeting up to public comment. Henry Wanserski, owner of the property, expressed that he has no problem with the garden and that the garden has improved the aesthetic value of the property.

Nick Hoops, 2602 Jonquil Lane, expressed that he is completely against this commercial garden. He explained that the garden has no setback from his lot line. He also explained that he does not want this garden directly adjacent to the front yard of his property. He also does not like that the tools and supplies sit out year round. Mr. Hoops explained that tarps are put over the top of the plants in the winter, creating an aesthetically unappealing property. He explained that people have stopped at his house assuming that he owns the garden causing a nuisance.

Debbie Steckart, 2503 Jonquil Lane, does not like the proposed commercial garden for the fact that it is like commercial. She explained that there are already approved commercial properties in this neighborhood and she is concerned that this will increase traffic and create additional problems. She also has issues with the proposed fencing and signage.

Chairman Muellner explained that the allowed signage for a home occupation would be 2 square feet attached to a building as a wall sign. Kevin Mataczynski explained that the nature of a residential neighborhood needs to be considered.

David Howard, 2605 Jonquil Lane, explained that he liked the garden initially because it cleaned out the property, but the implementation of a fence may be a bad thing.

Chairman Muellner expressed that with the operation going away from the idea of a residential neighborhood, incompatibility with neighboring uses, and the proposed fencing cause problems. Mrs. McGucken expressed that residential areas should be maintained with residential uses. Mrs. McGucken questioned on what the requirements are for having a garden in a parcel's backyard if it is not commercial. Mr. Dziadosz explained that the code defines cultivation and requires it to be less than 3,000 square feet and must not negatively affect the neighbors. Tom Steele expressed that this is not consistent with residential uses in residential districts.

Motion by Tom Steele to reject the request for a special use approval for the residential commercial garden. Seconded by Jim Hampton. Motion Carried 5-1

OLD BUSINESS:

Rib Mountain Greenhouse Site Plan Revision; 4101 South Mountain Road

Mr. Dziadosz explained the multiple minor site plan revisions that he has approved for this project. He went on to explain the most recent site plan revision, which is a redesign of the main greenhouse building. The commission commented. Chairman Muellner stated that Mr. Dziadosz or Jeff Kussow should make it clear to the greenhouse owners that there should be no more changes and a final site plan should be submitted.

CORRESPONDENCE / QUESTIONS:

Mr. Dziadosz stated that he read an article concerning the increasing amount of medicinal marijuana facilities that have been developed in other states, even though this type of business is illegal under federal law. He expressed that this may be an issue that should be addressed at some time in the future before it is brought to plan commission by an outside entity.

ADJOURN: Motion by Tom Steele and seconded by Laura McGucken. Motion Carried 6-0.

Meeting Adjourned 8:30 pm.

*Respectfully Submitted,
Jeff Kussow*