

TOWN OF RIB MOUNTAIN  
PLANNING COMMISSION MEETING  
May27<sup>th</sup>, 2015

Chairman Kevin Mataczynski called the meeting of the Plan Commission to order at 7:00 P.M. Other Commission members present included Harlan Hebbe, Ryan Burnett, Tom Steele, Christine Nykiel, and Laura McGucken. Jim Hampton was excused. Also present were Zoning Administrator Dan Dziadosz, Community Development Director Steve Kunst, Streets and Parks Superintendent Scott Turner, and Town Attorney Dean Dietrich.

MINUTES:

**Motion by Tom Steele, seconded by Harlan Hebbe to approve the minutes of the April 29<sup>th</sup>, 2015 Plan Commission meeting. Motion carried 5-0 with McGucken abstaining.**

NEW BUSINESS:

*a. Discussion and possible action on RMMC Section 17.190 – Fencing Standards*

Kunst introduced the item by informing the Commission of recent fence permit applications dealing with vinyl as the primary material. Kunst noted the Zoning Code specifies allowable materials, of which, vinyl is not included. Kunst mentioned this material was readily available at local home improvement stores. It was the opinion of Kunst that vinyl met the intent of the ordinance, but was looking for Plan Commission feedback. Tom Steele noted he agreed and was considering a vinyl fence of his own in the future. Laura McGucken asked whether stores were selling designs other than the sample provided in the packet. Kunst noted the various designs he saw generally matched those of wooden fence designs.

Kunst also presented the fact that many of the pre-manufactured fence panels found at local home improvement stores range in height from 5'9" to almost 6'. The Town Zoning Code has a strict 6' maximum height and Kunst noted it may be difficult for those installing the fences to keep them below 6' as they are typically installed a couple of inches from the ground to allow for routine maintenance, in addition to the decorative post caps. Kunst asked the Commission if they would be ok allowing administrative approval for vinyl fences and for the maximum height to be no greater than 6'6" until such time a zoning code amendment could be brought back to the Plan Commission for formal recommendation.

**Motion by Tom Steele, seconded by Christine Nykiel to allow administrative approval of vinyl fencing and for the maximum fence height to be six foot six inches, until such time staff can present formal zoning code amendments. Motion carried 6-0.**

OLD BUSINESS:

*a. Kwik Trip, Inc., property owner requesting a Conditional Use approval to allow for a new fueling station and outdoor display on the properties addressed: 2805 and 2807 Rib Mountain Drive, 1506 and 1602 Robin Lane and 1501 Bluebird Lane; parcel #'s 34.032807.015.016.00.00, #34.032807.015.02.00.00, #34.032807.015.021.00.00,*

*#34.032807.016.003.00.00, and #34.412.003.001.00.00. Per RMMC Sec. 17.056(4)(g)- In-Vehicle Sale or Service. PC Docket #2015-02*

Attorney Dean Dietrich informed the Commission on the procedures for public hearings. He stated that because the Kwik Trip application remained substantially the same, he advised staff that a second public hearing was not required. Chairman Mataczynski introduced Troy Mleziva, a representative from Kwik Trip Inc., to present on plan revisions and to answer questions posed by the general public and Plan Commission at the previous meeting. Mr. Mleziva noted the revised plans included additional landscaping, a wider bufferyard between the northern most driveway and the abutting residences, a reduction in fuel pumps from 20 to 16, and an alternative audio system intended to reduce noise on the site.

Christine Nykiel questioned runoff potential and spill hazards relating to the proximity to Lake Wausau. A representative from REI Engineering detailed the safeguards that would be in place to prevent unwanted materials from entering the Lake, including an oil/water separator. Tom Steele asked how Kwik Trip plans to handle snow. Dan Dziadosz noted the Commission could recommend snow removal policy conditions, including not allowing snow to be stored in the landscaped areas. Nykiel asked if all Kwik Trip locations are 24 hour operation. Mr. Steele noted he was aware of at least one location that was not open 24 hours. Mleziva noted if Plan Commission requested the location be open less than 24 hours he would report back to corporate for consideration, but the intention was to have this be a 24 hour operation.

Kunst provided an overview of the Town Zoning Code conditions required for both 'In-vehicle Sales and Service' and 'Outdoor Display,' noting that all were met. Kunst also addressed the questions asked of staff and Kwik Trip by the Commission at the previous meeting, including how the Safe Routes to School project would be impacted, how stormwater would be managed (snow specifically), a traffic impact analysis summary, truck turning movements, and overall noise. Commission members asked questions of Scott Turner related to scope of the traffic impact analysis.

Ryan Burnett questioned the need for another gas station in Rib Mountain, citing state and national averages based on population and noting that it appeared Rib Mountain had more than ample gas stations. Ms. Nykiel noted a letter received from a resident dated the night of the meeting and asked Attorney Dietrich whether it should be included in the record. Mr. Dietrich noted correspondence to the Commission can be received at any time and indeed, the letter should be part of the record. Kunst also noted the Town Pedestrian and Bicycle Safety Committee discussed the Robin Lane / Rib Mountain Drive intersection at their regularly scheduled meeting citing some concerns with the current state of the intersection.

Chairman Mataczynski went through the questions from the Town Zoning Code relating to the Commission's finding of facts for conditional use applications. Discussion related to each question is found below.

1. *How is the proposed conditional use (the use in general) in harmony with the purposes, goals, objectives, policies and standards of the Town of Rib Mountain Comprehensive Plan,*

*this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Town?*

Kunst identified stated goals related to commercial development, in general, from the Town's adopted Comprehensive Plan. Those include revitalizing older industrial and commercial areas, encouraging new commercial development in appropriate locations, and proactively planning for commercial uses. Nykiel noted the proposed use is a much different type of commercial development than what previously existed on this site. Chairman Mataczynski noted different intensities of commercial development do exist.

2. *How is the proposed conditional use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the Town of Rib Mountain Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Town?*

Kunst noted the Town's future land use map within the Comprehensive Plan identifies this area as commercial. Kunst also presented goals and objectives from the Plan related to redevelopment; including identifying areas for redevelopment, directing more intensive future growth to areas that are contiguous to existing developed areas, proactively plan for commercial use, direct heavy commercial uses to locations that will not degrade natural or residential living environments, and establish commercial areas providing goods and services in a convenient, safe and attractive environment. Laura McGucken noted the Plan Commission has always put a high level of respect for protecting the residents of the Town and that is a major consideration in evaluating the Kwik Trip proposal.

3. *Is it likely that the proposed conditional use, in its proposed location and as depicted on the required site plan, will have an adverse impact on the use of adjacent property, the neighborhood, the physical environment, pedestrian or vehicular traffic, parking, public improvements, public property or rights-of-way or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the regulations or recommendations of this Chapter, the Comprehensive Master Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Town or other governmental agency having jurisdiction to guide growth and development?*

Kunst identified the regulations staff is charged with enforcing and mentioned how the proposal meets them; including, bufferyards, parking, landscaping, stormwater and traffic. Kunst also noted the intensity of the proposed use does represent an increase from the existing state of the property as well as the historic commercial uses. Nykiel noted that although the proposal does meet many of the Town requirements, the proposed use must be evaluated in light of the potential degradation of the residential neighborhood, citing the hours of operation and traffic. She stated any potential benefits from the proposed project would be outweighed by the disadvantages and adverse impacts. McGucken

compared the difference in overall fit between this proposed gas station and convenience store in a residential area and the other Kwik trip station and store in a commercial area.

4. Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

Kunst mentioned the property has long been in commercial use, which is consistent with the proposal. Kunst did note the change in intensity with the proposal, mainly the hours of operation, traffic increase and daily visitors. McGucken noted any use would represent an increase from the current state and questioned the fit of this proposal.

5. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

Kunst mentioned the property is served by public sewer and water and is located along Rib Mountain Drive, which is designed for higher levels of traffic. No undue burden on public services would occur with the proposal.

6. Do the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use (as identified in Subsections 1. through 5., above), after taking into consideration any proposal by the Applicant and any requirements recommended by the Applicant to ameliorate such impacts?

Kunst identified the benefits of the proposal; including the fact this would redevelop a vacant property, driveway access would be safer than its current condition, a new pedestrian crosswalk would be installed, and stormwater management would be handled on-site. McGucken asked what uses are permitted on this property that would not have to go through Plan Commission for approval. Kunst noted permitted uses include office buildings, indoor sales and service, and personal and professional services. Mr. Steele noted not all commercial activity is of the same intensity. Nykiel stated the specific nature of this form of business does not fit the area. Mr. Steele noted the Commission could condition the hours of operation as part of an approval, but that the trucks would still be there.

Nykiel asked for clarification regarding the next steps in this process. Chairman Mataczynski noted any successful motion would be a recommendation to Town Board. Nykiel asked if the Town Board meeting would be a public hearing. Chairman Mataczynski noted the public has the ability to speak on any agenda item at all Town Board meetings. Attorney Dietrich noted the public does have the ability to speak, but it is not a public hearing and thus does not require the same notice.

**Motion by Tom Steele, seconded by Harlan Hebbe to recommend rejection of the conditional use application.**

McGucken stated she agreed with Mr. Steele, noting other areas of the Town are great for 24 hour operations including along the highway. She stated the level of intensity of the proposed operation

adjacent to residential properties does not seem like a good fit. Nykiel noted her agreement and added that the benefits of the proposal are outweighed by the adverse impacts. McGucken stated the Plan Commission tries to identify and avoid potential land use conflicts and this proposal definitely carries with it some conflict.

**Voting was completed via roll call. Results are found below:**

- **Steele – Aye**
- **McGucken – Aye**
- **Nykiel – Aye**
- **Mataczynski – Aye**
- **Hebbe – Aye**
- **Burnett – Aye**

**Motion carried on a 6-0 vote.**

**CORRESPONDENCE/ QUESTIONS: NONE**

**ADJOURN:**

**Motion by Tom Steele, seconded by Harlan Hebbe to Adjourn. Motion Carried 6-0. Meeting Adjourned at 8:21 p.m.**

Respectfully Submitted,  
Steve Kunst, Community Development Director