

TOWN OF RIB MOUNTAIN  
PLANNING COMMISSION MEETING  
July 15<sup>th</sup>, 2015

Vice-Chairman Harlan Hebbe called the meeting of the Planning Commission to order at 7:00 P.M. Other Plan Commission members present included Christine Nykiel, Ryan Burnett, Tom Steele, Jim Hampton, and Laura McGucken. Kevin Mataczynski was excused. Also present was Community Development Director, Steve Kunst and Building Inspector, Dan Dziadosz.

MINUTES:

**Motion by Tom Steele, seconded by Jim Hampton to approve the minutes of the June 24<sup>th</sup>, 2015 Plan Commission meeting, as presented. Motion carried 6-0.**

PUBLIC HEARING

- a. MP Development 3, LLC. Request Precise Implementation Plan approval for the properties addressed 4600, 4610, and 4650 Rib Mountain Drive; parcel(s) #34.152807.001.013.00.00 and 34.152807.001.014.00.00. Docket #2015-13*

Steve Kunst noted staff considered the materials submitted as part of the Precise Implementation Plan (PIP) to be in substantial conformance with the previously approved General Development Plan. Kunst identified the zoning code non-compliances associated with the proposal, as outlined in the zoning code. These non-compliances related to parking setbacks, building signage for the Red Robin site, landscaping, the east elevation of the Dick's Sporting Goods building, and photometrics at the project property lines.

Plan Commissioners questioned the amount of signage on the Red Robin building, noting it greatly exceeded typical code allowances. Ed Bowen, of MP Development 3 LLC, presented on behalf of the development. Bowen asked for clarification on the sign definition as it related to two logos proposed to be painted on the Red Robin building. Kunst read the sign definition from the Zoning Code aloud to the group. It was determined the code definition identified the painted logo as a sign. Christine Nykiel asked whether Red Robin has used this building prototype elsewhere. Bowen noted this was the new prototype and mentioned it is being used in suburban Milwaukee and urban Minneapolis.

Jim Hampton suggested selecting a more reasonable number of square feet for allowable signage at the Red Robin development and providing the company the ability to assign signage accordingly. Laura McGucken noted she would like to see the proposed pylon sign stay within the 35 foot maximum height requirement in accordance with the recent sign code amendments. McGucken noted a significant amount of existing signage is going away with the proposal. Tom Steele noted the Plan Commission needs to supply the developer with an allowable number for the Red Robin signage. McGucken noted some additional checks and balances should be in place in addition to the maximum number, suggesting staff approval. Bowen noted he and the Red Robin representatives should have enough time to come up with something in advance of the next Town Board meeting.

Discussion took place regarding the height of the pylon sign along I-39/US HWY-51. Bowen noted they attempted to keep the same vision plane with the Texas Roadhouse pylon sign to the south. Bowen also mentioned pylon sign height can be a thorny issue when dealing with national retail users. Nykiel noted she did not necessarily have a problem with the proposed pylon height.

Kunst read a number of minor site plan comments from Streets and Parks Superintendent, Scott Turner. Kunst pointed out REI, the engineering consultant for the project, has been working closely with Turner on a number of items related to the Town's Rib Mountain Drive improvement project. Kunst noted a stormwater management plan had been submitted and approved by the Town engineering consultant for the development.

Kunst went through the six questions found within the zoning code, also applicable to conditional uses, described as the 'findings of fact,' along with staff considerations. Nykiel noted she concurred with the staff input to the findings of fact, including the nature of the project, its benefits, and consistency with the Town's planning.

**Motion by Tom Steele, seconded by Christine Nykiel to recommend approval of the Precise Implementation Plan for the properties addressed 4600, 4610 and 4650 Rib Mountain Drive with the following conditions: 1) Allow up to 250 ft<sup>2</sup> of signage for the Red Robin building, subject to staff approval; and 2) Final resolution of engineering issues by staff. Motion carried 6-0.**

NEW BUSINESS: **NONE**

OLD BUSINESS:

a. *Discussion and possible action regarding a 'Pubic Comment' standing agenda item*

Kunst noted the recommendation from the previous meeting regarding this item was to bring back the documented Town Board rules for their similar standing agenda item. Kunst noted he consulted with the Town Administrator and Clerk and was informed the Town Board does not have any documented procedures for Public Comment. Kunst noted some common rules include limiting the amount of time a person may speak, having speakers sign in, and reinforcing the fact that this is a comment period, not a question and answer session.

Nykiel noted comments would not have to relate to specific agenda items. Hebbe noted the sign in requirement typically deals with the comments at the beginning of a meeting related to specific agenda items. Hampton noted he believes any public organization should listen to its citizens. The decision was to place a 'Public Comment' agenda item at the end of the Plan Commission agenda for the remainder of the calendar year.

CORRESPONDENCE/ QUESTIONS:

Kunst noted he had been approached by a resident looking to hold quiet yoga classes in their backyard and was wondering whether that would be permitted. Kunst noted the code mentions health and fitness establishments as 'Indoor Commercial Entertainment,' which is a conditional use in all commercial districts and not permitted in residential areas. Kunst noted he was looking for Plan Commission direction, as a quiet yoga session could be viewed slightly differently than other forms of health and fitness establishments. Nykiel asked if this is considered a home based occupation. Kunst noted that is

why he is bringing this to the Plan Commission, because other than auto repair shops any use can be applied for as a home occupation through the conditional use process. McGucken noted she is not in favor of commercialism in residential districts. Nykiel noted under the indoor commercial entertainment use, the operation would have to be indoors as well. Kunst noted that was correct. The general consensus was a this is a commercial venture and would not be looked upon favorable in residentially zoned areas.

Kunst mentioned he had received a number of inquiries from local nail salons looking to obtain a liquor license. Kunst noted most, if not all, establishments serving alcohol in Rib Mountain are considered as 'Indoor Commercial Entertainment' within the Zoning Code and are a conditional use in all commercial zoning districts. Kunst noted he believes this to be a change of use in most instances, meaning either it would require a conditional use in commercial zoning districts or a modification to an approved UDD.

McGucken noted the nail salons are not really in the business of selling alcohol, it would be more of an accessory use, unless they would actually install a bar. Nykiel asked that staff find out how the City of Wausau handles similar situations, Hebbe agreed. Burnett noted customers wouldn't be sitting at a nail salon all night drinking; it would simply be during the time they would be at the salon otherwise. Dan Dziadosz noted the Department of Revenue's stance on licensing was as long as establishments serve two, three ounce pours of alcohol, they would not need a full liquor license. The general consensus was to only require conditional use approval for those electing to pursue a full liquor license.

Burnett brought up the topic of 'hybrid' zoning districts between residential and commercial zoning districts. This would essentially limit the types of uses to professional type services and office buildings. Burnett noted this sort of idea may help limit the sort of applications, like the Kwik Trip proposal, adjacent to residential areas. McGucken noted the Town doesn't have any regulations related specifically to 24 hour operations, but it's something that should be addressed.

ADJOURN:

**Motion by Tom Steele, seconded by Laura McGucken to Adjourn. Motion Carried 6-0. Meeting Adjourned at 8:53 p.m.**

Respectfully Submitted,

Steve Kunst, Community Development Director