

TOWN OF RIB MOUNTAIN  
PLANNING COMMISSION MEETING  
November 14<sup>th</sup>, 2012

Chairman Tom Muellner called the meeting of the Plan Commission to order at 7:01 p.m. Members present included Jim Hampton, Laura McGucken, Lee Benes, Tom Steele and Christine Nykiel. Kevin Mataczynski was excused. Also present Zoning Administrator Dan Dziadosz and Assistant Zoning Administrator Jeff Kussow.

**MINUTES:**

**Motion by Tom Steele and seconded by Laura McGucken to approve the October 24<sup>th</sup>, 2012 minutes. Motion carried.**

**PUBLIC HEARINGS:**

- a) *Graphic House representing Kocourek Imports, requesting a Precise Implementation Plan (PIP) modification approval for the addition of a sign structure called a “gateway sign” in front of the building entrance along Morning Glory Lane, per RMMC Section 17.233 (6) (g) – “Any subsequent change of use of any parcel or any modification of the Precise Implementation Plan shall first be submitted for approval to the Plan Commission...” Legally described as parts NE ¼ NE ¼ Section 15 T28N R7E – Lot 1 of CSM #14899 Vol. 66 Pg. 171; also known as 1501 Morning Glory Lane; Docket #2012-27*

Matthew Woller representing Graphic House Inc. explained all of the signage changes on the building. He went on to explain the gateway sign structure, placement, and reason for the PIP modification. The gateway sign structure is not defined in the zoning code, thus needing approval from Plan Commission for the PIP modification. Dan Dziadosz explained the similar structure for Kocourek Chevrolet, and how it was approved. The Kocourek Chevrolet gateway sign was interpreted as a wall sign since the gateway was tied into the building. Mr. Woller stated that the gateway sign structure will be separate from the Kocourek Imports building approximately 12-16 inches away and it will be constructed of steel supports with aluminum cladding.

Ms. McGucken expressed that this issue needs to be addressed in the overall sign ordinance to consider parcels that do not have UDD zoning designation and cannot go through the PIP modification process.

**Motion by Laura McGucken and seconded by Jim Hampton to approve the Precise Implementation Plan for Kocourek Imports as submitted. Motion Carried**

- b) *Town of Rib Mountain (Austin Living Trust, property owner) requesting a rezoning of the parcel addressed 3311 Eagle Avenue from Suburban Residential – 3 (SR-3) to Suburban Commercial (SC). Premises legally described as parts SW ¼ NE ¼ Section 10 T28N R7E – Lot 1 of CSM #13795 Vol. 60 Pg. 172; also known as 3311 Eagle Avenue; Docket #2012-28*

Mr. Dziadosz explained the past community wide survey about development in the business district, which assisted in creating the zoning code and the Future Land Use map of the Comprehensive Plan, which designates this parcel as commercial use in the future. He also explained the Town’s involvement with International Council of Shopping Center to provide a positive development atmosphere and that the Town board would like to create a “shovel

TOWN OF RIB MOUNTAIN  
PLANNING COMMISSION MEETING  
November 14<sup>th</sup>, 2012

ready” parcel for developers within the Town through proactive rezoning. He went onto explain surrounding zoning, land uses, and recreational trail through the property.

The Commission questioned the property, surrounding ownership, and proposal specifics.

Chairman Tom Muellner stated that he took a walk-through of the property with Jeff Kussow. He explained that the property is low lying area in reference to surrounding parcels. He explained his concerns about the zoning change and development due to the property characteristics.

Mr. Dziadosz explained the DNR determined navigable stream and natural buffer requirements around the stream.

Laura McGucken expressed concerns about the Suburban Commercial (SC) zoning development “shall not take access to a local residential street or a residential collector street” per RMMC Code. Mr. Kussow explained both street definitions and that there is no official designation of the surrounding streets, leaving it up to interpretation. Ms. McGucken expressed concerns about commercial traffic through Eagle Ave and Oriole Ln. The Commission expressed concerns about limited development opportunity on this parcel and discussed proactive zoning alternatives/options.

*Public Comments:*

Tom Radenz, land surveyor with REI spoke. Mr. Radenz stated that he was the project manager with the Kohl’s development. The western portion of the parcel has approximately 3 acres of developable land and a sewer easement increases the buffer between the subject parcel and nearby residential development. The medical community has looked at the property, but turned away due to rezoning complications. He explained the owner wants to do something with the 3404 Eagle Ave parcel and needs this parcel to be rezoned in order to redevelop the 3404 Eagle Ave parcel. Office settings are the main inquiries for the subject parcel. He stated that he encourages the rezoning of the subject property.

Kathi Geiger of 1903 Oriole Ln disagrees with the perceived development problems and feels that developers will find ways to use the property. Ms. Geiger expressed she would like to see all of the properties north of the subject parcel to Oriole Ln rezoned to Suburban Commercial (SC) to increase sale-ability of the residential parcels if the owner chooses or are forced to sell.

Mike Olejniczak of 3303 Cardinal Ave spoke against the proposed rezoning. Mr. Olejniczak expressed concerns about increased traffic noise due to commercial development of parcels along the Interstate and clearing of forest land. He also expressed concerns about increased water issues from the stream due to development pressures.

Jon McMurtrie of 3306 Canary Ave spoke against the proposed rezoning. Mr. McMurtrie expressed concerns about increased water issues and that he does not want to see access and increased traffic on Eagle Ave.

TOWN OF RIB MOUNTAIN  
PLANNING COMMISSION MEETING  
November 14<sup>th</sup>, 2012

Bill Bradley of 1604 Oriole Ln spoke against the proposed rezoning. He would like to see this property to stay residential. He expressed that there are a lot of children and families walking on Oriole Ave and increased traffic would cause a safety issue

Brad Fehl of 3307 Canary Ave spoke against the proposed rezoning. Does not want to see increased traffic in residential neighborhood.

Tom Radenz, land surveyor of REI, stated that the costs of improvements on this land for single family or multifamily residential on this parcel are too much and higher traffic with apartments would cause issues

Jim Batchelder of 3303 Canary Ave spoke against the proposed rezoning. Where does the commercial stop after this gets approved? Do we need more commercial?

Nancy Bradley of 1604 Oriole Ln spoke against the proposed rezoning. Ms. Bradley is tired of continued development and does not want to see the development continue.

The Commission discussed the issue and commented on statements made by the public. The commission expressed that it makes sense to rezone the portion of the parcel east of the navigable stream and that it does not make sense to keep this portion residentially zoned. The commission also expressed that office uses for this entire parcel is the best commercial use and they do not want to increase traffic on Eagle Ave and Oriole Ln.

The commission suggests that the Town board consider the portion of the parcel west of the approximate center of Cardinal Avenue extended to the southern border of the parcel be zoned to Suburban Office (SO) instead of Suburban Commercial (SC).

**Motion by Laura McGucken to approve rezoning the portion of the parcel addressed 3311 Eagle Avenue, Parcel # 34.102807.003.014, that is easterly of the approximate center of Cardinal Avenue extended to the southern border of the parcel from Suburban Residential – 3 (SR-3) to Suburban Commercial (SC) with access only from Rib Mountain Drive and not Eagle Ave or Oriole Ln. Seconded by Tom Steele. Motion carried**

**CERTIFIED SURVEY MAP APPROVALS: None**

**NEW BUSINESS: None**

**OLD BUSINESS:**

- a) *Dimension of Horrors Conditional Use Modification/Reissue; Docket #2012-19*

Chairman Muellner explained that the Dimension of Horrors permit expires at the end of the year and they are looking to renew or extend their conditional use. Chairman Muellner stated that the commission may be able to modify the conditions of the conditional use.

TOWN OF RIB MOUNTAIN  
PLANNING COMMISSION MEETING  
November 14<sup>th</sup>, 2012

The commission was unsure of their rights to reissue or modify the conditional use without a new conditional use and public hearing. The commission expressed they were in favor of altering the expiration date of the conditional use.

The commission suggested doing more research on how to modify a conditional use or ask the attorney about the issue.

**CORRESPONDENCE / QUESTIONS:**

*a) Farkas (2503 Foxglove Rd.) - Residential Stable vs. Husbandry (low intensity)*

Mr. Dziadosz explained that the residence at 2503 Foxglove Rd had two horses on the property, which are not allowed in the Estate Residential – 1 zoning district as a private residential stable. Mr. Dziadosz subsequently sent a notice to the property owners explaining the violation. The property owners told Mr. Dziadosz that they would be able to go through the conditional use process, classifying the horses as husbandry, low density. Husbandry, low density directly conflicts private residential stable, where husbandry is allowed in an ER-1 zoning district and private residential stables are not allowed in an ER-1 zoning district.

The commission stated that the language in the RMMC for husbandry and private residential stables needs to be cleaned up in order to eliminate conflicting codes and issues such as this.

The commission expressed that since a previous case similar to this was approved using the husbandry, low density designation, they should treat this case the same and allow it to go to a conditional use public hearing.

**ADJOURN: Motion by Tom Steele and seconded by Lee Benes. Motion Carried.**

Meeting Adjourned 9:02 pm.

*Respectfully Submitted,  
Jeff Kussow, Assistant Zoning Administrator*