

TOWN OF RIB MOUNTAIN
PLANNING COMMISSION MEETING
October 9th, 2013

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

MINUTES:

Motion by Jim Hampton to approve the September 11, 2013 regular planning commission meeting minutes. Seconded by Kevin Mataczynski. Motion carried.

PUBLIC HEARINGS:

- a) *RS Holdings of Wisconsin LLC, Warm Water LLC, & JAK Family Investments (Lokre Companies, representative) requesting Precise Implementation Plan Modification approval for the addition of a restaurant building with a drive-thru and outdoor seating on the property addressed 4500 – 4530 Rib Mountain Drive, per Rib Mountain Municipal Code 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 part of NE ¼ NE ¼ of Section 15 T28N R7E – Lot 1 of CSM Vol. 32 Pg. 45 (#8277); Parcel #34.152807.001.008; Docket #2013-31*

Jeff Kussow explained the applicant is proposing to build a new restaurant building with a drive-thru on a property currently zone UDD. Mr. Kussow went on to explain that the parking issues discussed at the pre-application meeting have been resolved since the applicant reduced the seating occupancy in the newly proposed building to 24 seats and to a total of 90 seats in the vacant end-cap restaurant building, addressed 4530 Rib Mountain Drive. He explained that the required parking is 115 spaces on the entire site and 116 parking spaces are provided on the site plan. Mr. Kussow also explained that the building has been moved to the south approximately 10 feet from the proposed plan presented at the pre-application meeting. He stated that the Town Street and Parks Superintendent deemed this adequate for the future right of way acquisition when the Morning Glory Lane/Rib Mountain Drive intersection is reconstructed.

Kevin Mataczynski questioned if the issues of interior traffic flow, drive-thru entrance location and stacking have been resolved. Mr. Kussow stated that the drive-thru entrance has been moved to the south and into a traffic aisle which will reduce interference with other drivers getting into and out of parking stalls. Mr. Kussow also explained that this increased the stacking room for cars in the drive-thru.

Mr. Kussow explained that there is proposed new landscaping on the north side of the proposed building to screen the outdoor seating, and also new landscaping on the south side of the building around the menu board. He stated that there has also been proposed landscaping on the Northeast corner of the property to serve as headlight screening from the intersection.

Jim Hampton questioned how the landscaping would perform in the winter when the leaves are off. Marv Anderson of PDM Construction stated that evergreens could be used. Mr. Kussow stated that a detailed landscaping plan will need to be submitted to ensure that proper landscaping will be placed in that corner.

Mr. Kussow stated that signage for the building can be taken care of at staff level at the time of development. He stated that the original UDD zoning approval provided adequate signage area and can be redistributed between tenants. Mr. Kussow also stated that an adequate dumpster enclosure for the proposed building has been included on the site plan.

Mr. Kussow went onto explain specific considerations concerning headlight screening in the northeast corner, elevation differences at the northeast corner which may require signage for public safety, and the existing zero (0) foot setback to pavement/parking at the West property line.

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Dan Dziadosz stated that this business is primarily a 6am to 10am business, which is not the peak hours of the other tenant's businesses, which alleviates parking and traffic issues. Kevin Mataczynski questioned what would happen if a different business came in the future that was not a 6am to 10 am business. Mr. Dziadosz stated that conditions set for this proposal can restrict expansion and/or changes in traffic flow/parking. Mr. Kussow also stated that there is adequate parking on the site for all of these uses to occur regardless of the operational hours.

Christine Nykiel expressed concern over the elevation difference in the northeast corner and safety. Mr. Dziadosz stated that the major elevation difference would occur at the time of right of way acquisition and resulting issues would need to be handled at that time.

Ms. Nykiel questioned if the bike path was planned to be brought down Morning Glory Lane. Mr. Dziadosz stated that that design has not been completed and the most recent changes were to put a cross-walk on the north side of the intersection and a sidewalk in front of Aldi.

Chairman Muellner opened the meeting up for public comment. No Comments.

Mr. Nykiel stated that the only issue she has is safety considerations in the northeast corner of the property.

Motion by Kevin Mataczynski to approve the Precise Implementation Plan Modification for the addition of a restaurant building with a drive-thru and outdoor seating on the property addressed 4500 – 4530 Rib Mountain Drive subject to the eight (8) conditions listed on the Report to Plan Commission dated October 9, 2013:

1. **No additional restaurant may be approved on this site which is not already approved**
2. **Maximum number of ninety (90) patrons/seats in the Southeast end-cap restaurant tenant space (Tenant Space 9)**
3. **Maximum number of twenty-four (24) patrons/seats in the newly proposed restaurant building**
4. **Final review and approval of the Stormwater Management Plan by staff.**
5. **Provide a detailed landscaping plan for new or altered landscaping**
6. **Provide headlight screening on the Northeast corner of the site**
7. **Provide pavement marking on the North side of the building to delineate traffic into one (1) lane for exiting**
8. **Final review and approval signage plan for re-distributing signage area between tenant spaces by staff**

Seconded by Jim Hampton. Motion carried 6-0.

CERTIFIED SURVEY MAP APPROVALS: None

NEW BUSINESS:

- a) *Tanglewood Site Discussion; 2800 Martin Avenue; Parcel # 34.32807.11.21; Docket # 2013-33*

Mr. Dziadosz explained that the Town has met with a potential property use on the site addressed 2800 Martin Avenue and discussed the preliminary site plan. He explained that the developer is proposing to have a tall sign, approximately 35 feet. Mr. Dziadosz stated that staff has done some field work and believe that a 35 foot sign would serve the purpose of highway visibility. He explained that the Town sign survey and inventory is underway, but still a ways away from a new sign ordinance proposal. He explained the options are: for the site to propose a UDD zoning change, wait for the sign code to be finished, or change one part of the sign code. Mr. Kussow explained that this this development could occur in the current traditional zoning district if the tall sign was not an issue.

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The Commission commented and discussed tall signage in the area and the need for taller signage for visibility from the highway. The commission discussed different options for changing the sign code, and ways to control or regulate tall signage. Chairman Muellner questioned the time frame of the proposed development. Bill Scholfield of Scholfield Group stated that the time frame for development would be to start as soon as possible. The commission questioned and commented on the need for the tall sign. The commission then discussed on how they should instruct the developer to pursue, either through UDD or waiting for the sign code change to be done. The commission's general consensus was to instruct the developer to go through the UDD process.

OLD BUSINESS:

a) Direct Seller Discussion

Jeff Kussow explained that explained that him and Paul Hursh are working to create the new Direct Seller ordinance and are looking for clarification on certain items. He stated that in their current draft, they are allowing charities without any permit or approval. He also stated that they are proposing to allow produce and tree vendors, but not "ready to eat food" vendors. He stated that they need some direction on length of permits, number of permits issued, and generally what the Town intends. Mr. Mataczynski stated that he thinks produce vendors are good for a community and that the Town should allow them. Paul Hursch stated that he is basing the new ordinance off of Wausau's ordinance regulating Direct Sellers. Paul questioned seasonal permit options, size of display, setbacks and location, and signage allowances. The commission commented and questioned.

Mr. Kussow questioned the issue of length of permit. Commission agreed that a time limit does need to be set instead of full year permits. Commission commented and questioned on different options for limited permit length. Jim Hampton suggested a principle based policy instead of regulating every aspect.

Mr. Kussow questioned the issue of setbacks. The commission agreed that no direct seller should be set up in the vision triangle. The commission questioned and commented on different setbacks and location requirements. The Commission's consensus was a 10-35 foot setback.

Mr. Kussow questioned the issue of signage. He suggested putting an exemption in the signage code for Direct Sellers. Lee Benes stated that the amount of signage needs to be regulated for Direct Sellers. Mr. Mataczynski stated that the time of 2-3 months is reasonable. The commission questioned and commented on time limits and number of permits allowed per year.

CORRESPONDENCE / QUESTIONS:

a) Horse pasture fencing on the property addressed 2503 Foxglove Road

Dan distributed an enforcement letter to the property owner at 2503 Foxglove Road. The enforcement letter stated that all electric wire would need to be taken down. The property owner took down two strands and left up one white electric ribbon type strand. Dan Dziadosz stated that this has been an enforcement nightmare and may eventually go to the Town attorney for enforcement action. The commission questioned and commented. The commission instructed staff to proceed with enforcement if the electric wire is not taken down.

ADJOURN:

Motion by Kevin Mataczynski and seconded by Lee Benes to adjourn. Motion Carried 6-0.
Meeting Adjourned 8:15 p.m.

Respectfully Submitted,
Jeff Kussow, Assistant Zoning Administrator