

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

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

MINUTES:

Motion by Tom Steele and seconded by Lee Benes to approve the November 28th, 2012 minutes. Motion carried.

PUBLIC HEARINGS:

- a) *Merle & Rachael Farkas, requesting, conditional use approval to allow for keeping of horses (and fencing containment) as a function of "animal husbandry", per RMMC section 17.035(2)(d)2.c; On the premise legally described as Pt of NW 1/4 SW 1/4, Sec 27-28-07 – N 370' thrf ex E 335' ex W 41.25' this pcl incl outlet 1 CSM Vol 58 Pg 102 (#13355, leased to Verizon North), also known as 2503 Foxglove Road; Parcel # 34.272807.010.000; Docket # 2012-29*

Dan Dziadosz explained the proposal and the conflicts within the zoning code regarding animal husbandry vs. residential stable. Attorney Peter Conrad explained the property, current uses and proposed uses with the conditional use proposal. He explained the desire to keep the horses, proposed expansion of fenced-in area, type of fencing, and actions to come in compliance with the zoning code.

Chairman Muellner questioned if the existing fencing material (electrified ribbon) is an approved fencing material in the Estate Residential (ER-1) zoning district. Mr. Dziadosz explained that the current fencing is not in compliance with the zoning code and described the permitted and restricted fencing materials in residential zoning districts. He went onto explain that electric and barbed wire fencing is not allowed in residential districts. Chairman Muellner expressed that the property will need to comply with accepted fencing materials in residential districts. The Commission went on to discuss various fencing materials that would be accepted, concerns about existing fencing, and the need to comply with the current zoning code to preserve the residential character of an ER-1 zoning district. Attorney Conrad expressed the need for electric fencing on this parcel to keep the horses contained. Mr. Dziadosz explained fencing options for this parcel that would be compliant with the zoning code.

The Commission went onto address the maximum allowable horses on this parcel. The commission questioned if the allowable animal units per acre is based on fenced-in containment area or total property area. Staff stated that the code does not specify which land area should be used for animal units per acre. The commission discussed alternatives to address this issue.

Public Comments:

Joe Richards of 2408 Foxglove Road expressed he has no problem the horse. He stated that the commission should consider that the fencing needs to hold horses in and this issue should be addressed in the fencing code.

Marie Campbell of 2409 Foxglove Road expressed that the area has been cleaned up by the Farkas' and agrees with the comments made by Joe Richards.

Karen Piel of 8608 Bittersweet Road stated that the property has improved since the Farkas' have cleaned up the property and that current state of the property has added to the environment of the neighborhood.

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Marge Kersten of 2405 Foxglove Road stated that she wanted to reiterate what previous members of the public have said and that the fencing needs to be secure and does not need to be beautiful with the agricultural nature of the neighborhood.

Motion made by Tom Steele to approve the keeping horses with a maximum of five (5) permanent horses and subject to working with staff to determine the fencing materials that will be used in order to be compliant with the Rib Mountain Fencing Code. Seconded by Christine Nykiel. Motion Carried

- b) *Town of Rib Mountain requesting, a modification of the Town of Rib Mountain Zoning Code relating to “Detached Energy Systems”, specifically modifying RMMC section 17.056(8)(x) – Outdoor Wood Burning Unit (OWU) to include requirements for windmill structures, poles & towers, and permanently placed generators or similar energy producing devices; Docket # 2013-01*

Jeff Kussow explained the changes to the current code regarding detached energy systems and also explained additions to the code regarding windmill structures, poles & towers, and permanently placed generators or similar energy producing devices. He went onto explain that the code is modified to reduce restrictions for certain detached energy systems, specifically generators, to be allowed in higher density residential districts since technology has advanced to make them more compatible with higher density residential areas. Chairman Mueller questioned if these detached energy systems will interfere with devices such as communication services. Dan stated that he does not see issues with the generator, but there is possibly an issue with the windmills. The Commission discussed windmills and state requirements for such structures and energy systems.

Public Comments:

Bob McGucken of 1801 Smoketree Lane stated that there are issues with residents that currently have generators and noise that interferes with the neighbors. He would like to know if there is any way that the Town will regulate and enforce noise levels coming from the generator.

Mr. Kussow stated that there is a noise nuisance ordinance that will regulate generator noise levels at the property line. Mr. Dziadosz stated that the Town can measure decibel levels in the field if there is a complaint to the Town.

Joe Richards of 2408 Foxglove Road stated that there is a need for this ordinance and people need to be able to be ready for emergency events. He questioned if this ordinance will cover photovoltaic (solar electric) panels.

Mr. Mataczynski stated that there are State Statutes that regulate that type of energy systems. The commission expressed that this is an improvement to the current zoning code by cleaning up language and it covers the major aspects of today’s detached energy systems.

Motion by Tom Steel to approve the adoption of the recommended zoning text amendment as proposed. Seconded by Kevin Mataczynski. Motion Carried

Certified Survey Map Approvals: None

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New Business:

- a) *Pre-Application Conference for the potential rezoning and development of the parcel addressed 2800 Martin Ave from Suburban Commercial (SC) to Unified Development District (UDD); Parcel # 34.032807.011.021; Docket # 2013-02*

Mr. Dziadosz explained the pre-application conference for rezoning the parcel addressed 2800 Martin Avenue to UDD to address issues that arise from the proposed micro-brewery, which is not specifically defined in the code, and to address other uses that will be associated with the micro-brewery.

Bob McGucken presented a PowerPoint presentation explaining the micro-brewery industry and plans for the proposed micro-brewery regarding use of property, events, and economic aspects.

The Commission questions aspects of the business and expressed concerns about the property being near a residential area. The commission specifically expressed concern and questioned the possible music festivals. Mr. McGucken explained that the Wausau area lacks outdoor seating, music entertainment, and outdoor venues such as this proposed project. He explained that they would like to have approximately six (6) music entertainment events per year.

Tom Steele expressed concern about access to this property for incoming/outgoing products. Mr. McGucken stated that one reason the property was picked is because of its close proximity to the highway. He also stated that the orientation and configuration of the property layout can be adjusted to direct music away from the residential neighborhood.

The commission expressed a general consensus that this would be positive to the community and that Mr. McGucken should proceed with working with the staff to implement this project with various aspects of the proposal needing adjustment or special consideration.

- b) *Proactive Zoning along Rib Mountain Drive, specifically 3206 Rib Mountain Drive; Docket # 2012-26*

Dan explained the deteriorating condition of the property addressed 3206 Rib Mountain Drive, surrounding uses, and the need to rezone this property in order to plan for the future. The commission discussed development issues with there being a navigable stream on the property. Dan explained that the buildable area on this property is very small and will only be able to accommodate a small development. Dan also explained that there are ways through engineering and permitting to get around the navigable stream issue. The commission discussed different zoning designation options to have fewer restrictions for development. The commission also discussed rezoning property to the north (2.18) and properties to the east (1.26 & 1.24). The commission discussed future development visions for this area of the town.

The commission recommended moving forward with proactive zoning of properties labeled 3206 Rib Mountain Drive, 1505 Wren Street, 1404 Oriole Lane and 3205 Rib Mountain Drive by proposing a zoning map amendment to Suburban Commercial (SC) for these properties.

OLD BUSINESS: None

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CORRESPONDENCE / QUESTIONS:

- a) Town Board / Plan Commission Joint Meeting Reschedule for January/February 2013

The Plan Commission recommended proposing to meet with the Town Board on February 5th or February 19th at 5:30 PM before a regular town board meeting.

- b) WausaubiCon Proposal for a three day, weekend sci-fi event at the Midway Hotel

Mr. Dziadosz explained that an application has been submitted by WausaubiCon for a festival at the Midway Hotel this upcoming summer. He went on to explain that it is a three day, weekend sci-fi event with costumes and other events such as combat events. Mr. Dziadosz explained that it could either be permitted as a special event requiring special event permitting, or an outdoor entertainment requiring a conditional use approval. The commission commented on and discussed possible problems/issues such as insurance, fire code, and clean-up.

The commission recommended staff to research whether or not this event can be interpreted as a conditional use and obtain more information on the proposed event.

ADJOURN: Motion by Kevin Mataczynski and seconded by Tom Steele. Motion Carried.

Meeting Adjourned 9:01 pm.

*Respectfully Submitted,
Jeff Kussow, Assistant Zoning Administrator*