

TOWN OF RIB MOUNTAIN
PLANNING COMMISSION MEETING
October 22nd, 2014

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

MINUTES:

Motion by Tom Steele to approve the September 24th, 2014 regular planning commission meeting minutes. Seconded by Harlan Hebbe. Motion carried 7-0.

PUBLIC HEARINGS: NONE

CERTIFIED SURVEY MAP APPROVALS: NONE

NEW BUSINESS:

- a) *Discussion regarding possible rezoning the property addressed 3003 North Mountain Road for the purpose of allowing Outdoor Display (vehicle rental); Parcel # 34.42807.016.007.00.00*

Jeff Kussow explained that he sent a notice to the property owner of 3003 North Mountain Rd. regarding the unapproved U-Haul rental. He explained the original body shop approval conditions, which are: 1) Parking is limited to a maximum of six cars for sale and six repair cars stored in the front parking area (12 total cars allowed in the front parking area); 2) Not more than ten wrecked autos stored on site, behind the fenced area; 3) Any parts stored on site must be within the 6 foot high fenced in area; and 4) The parking lot landscaping must be maintained. He stated that the issue is that the U-Haul rental is an unapproved outdoor storage. Mr. Kussow explained the outdoor display restrictions for “indoor sales or service” land uses. He explained that one option for permitting more outdoor display is to rezone the property to Suburban Commercial and apply for a conditional use for Outdoor Display. Mr. Kussow stated that this is a pre-application meeting for rezoning the property from Neighborhood Commercial (NC) to Suburban Commercial (SC). Mr. Muellner questioned if outdoor display is allowed in the district. Mr. Kussow stated that it is allowed, but the issue is that they are exceeding the permitted outdoor display area per the current code. Mr. Kussow stated that the body shop original approval was before the current ordinance adopted in 1994. Dan Dziadosz explained that the original approval was for a body shop, but today there are car sales and body work. He stated that the body shop is an existing, legal nonconforming use. Christine Nykiel questioned if the business has been operating according to the original approval conditions and if there have been nuisance complaints. Mr. Kussow stated that they are primarily operating according to the approval conditions. Dan Dziadosz stated that there have been occasional nuisance complaints due to contractor storage in the rear of the building. Kevin Mataczynski questioned the long range plan for the general area. Mr. Kussow stated that the long range plan does not show expansion of commercial in this general area.

Dan Sillars, property owner, stated that past complaints were due to former renters and the contractor storage is restricted to the back of the building. He explained that the U-Haul business is successful and that the amount of U-Haul vehicles varies greatly from day to day with an average of 4-5 vehicles on the property. He stated that they are willing to reduce the amount of permitted vehicles as specified in the original approval to allow for a few U-Haul vehicles to be stored in front.

Mr. Kussow stated that the “trade-off” is an interpretation that the Plan Commission can make. The commission questioned and commented on reducing the amount of vehicles in the original approval to permit U-Haul vehicles on-site. Chairman Muellner questioned how the original approval defined the vehicles. Mr. Kussow stated that the original approval minutes stated “cars”. The commission

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questioned and commented on permitting outdoor display in the Neighborhood Commercial zoning district. Laura McGucken stated that she is not in favor of rezoning the property to Suburban Commercial. Tom Muellner stated that the commission has typically not been in favor of up-zoning a property in a residential neighborhood, and no precedence has been set. The commission questioned and commented on modifying the original approval to reduce the amount of cars permitted to be displayed in front to allow for U-Haul truck display. The commission discussed the larger size the U-Haul vehicles and the amount of U-Haul trucks that may be kept on site. Tom Steele stated that the amount of vehicles kept in front of the building needs to be controlled and the site needs to look orderly. The commission discussed the significant visual differences of a U-Haul truck and a passenger car/truck. Kevin Mataczynski suggested that the property owner contemplate increasing visual screening and actively regulating the number of vehicles kept on the property. Harlan Hebbe suggested allowing 25% of the permitted 12 vehicles in front to be U-Haul vehicles. The Commission questioned and commented on site outdoor display and landscaping. The Commission's consensus was for staff to research the original approval and potentially make an interpretation that "cars" can be reasonably equated to "vehicles" for accommodating the U-Haul equipment, according to the Rib Mountain Municipal Code.

Tom Muellner suggested taking agenda items out of order and move to item 8 before the other agenda items.

CORRESPONDENCE / QUESTIONS:

a) Town resident inquiry regarding fence heights exceeding 6 feet for "garden fences"

Dan Fiorenza, resident at 2130 Snowflake Ln., stated that he recently moved into the Town and would like to have a garden fence taller than 6 feet to prevent wildlife from getting into their garden area. Tom Muellner questioned if 6 feet is not tall enough to keep deer out. He stated that a deer can get over a 6 foot fence. The commission questioned and commented on fence height needs for a deer deterrent. Kevin Mataczynski questioned the type of proposed fence. Mr. Fiorenza stated that the proposed fence is a poly fence or woven wire with cedar posts. Dan Dziadosz pointed out that a fence may exceed six feet per the fencing ordinance through conditional use approval. The commission discussed the conditions of a conditional use request. Dan Dziadosz stated that a plot plan showing the location should be submitted. Laura McGucken questioned the size of the proposed enclosure. Mr. Fiorenza stated that it is approximately 40 ft. x 40 ft. The commission questioned and commented. The commission's consensus was to have this conditional use request at the next Planning Commission meeting.

NEW BUSINESS:

b) Discussion regarding Quasi-Industrial ordinance amendment; PC Docket #2014-26

Jeff Kussow explained that staff has been approached by the owner of TC Teardrops and would like to relocate into a Suburban Commercial district. He explained that per the code, only 15% of the floor area of a building in a commercial district may be dedicated to "industrial use". He stated that staff is requesting to modify the code to permit "quasi-industrial" uses in commercial zoning districts which will have greater than 15% of floor area dedicated to "industrial use". Mr. Kussow explained the "Indoor Sales or Service" code section, "Light Industrial" code section and the "Light Industrial Activities Incidental to Indoor Sales or Service" accessory use code section. He explained three different options to modify the code. He explained the first option is to incorporate a staff generated "Quasi-Industrial" definition with the "Indoor Sales or Service" code section, and allow "Quasi-Industrial" uses with "Indoor Sales or Service" through conditional use. He explained the second option to modify the "Light Industrial Activities Incidental to Indoor Sales or Service" accessory use code section by increasing the maximum

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15% of floor area dedicated to light industrial uses. He explained the third option of permitting “Light Industrial” land uses in commercial zoning districts. Laura McGucken stated that she prefers the first option of allowing “Quasi-Industrial” land uses as a conditional use. Dan Dziadosz stated that this issue has been brought by more businesses than just the TC Teardrops business, such as a jerky production business, barbecue sauce business, and bottling facilities such as a brew pub or micro-brewery. The commission discussed the definitions of “industrial” uses. The commission questioned and commented on small manufacturing/industrial businesses. The commission reviewed the “Quasi-Industrial” definition and discussed modifications. Mr. Kussow stated that one issue to keep in mind is to keep the “store front/retail” look along Rib Mountain Drive and other commercial areas. The commission discussed various options for code modification. The commission’s consensus was to continue to review and modify option 1, and bring another draft proposal to a future meeting.

OLD BUSINESS:

a) Active & Passive Outdoor Public Recreation Ordinance Revision Discussion; PC Docket # 2014-04

Jeff Kussow explained the proposed ordinance amendment. He explained the modifications made to the ordinance since the last meeting. He explained the changed the term from passive bike trail to linear bike trail in the Passive Outdoor Public Recreational section. He explained the modifications in Active Outdoor Public Recreational, Low Intensity: Increasing the permitted playcourts from 3 to 4, increasing the permitted playfields from 1 to 2. The commission questioned and commented on different scenarios. Ms. McGucken stated that she feels 2 playfields would make a park Active Outdoor Public Recreational, High Intensity. The commission’s majority consensus was to allow up to 2 playfields as Active Outdoor Public Recreational, Low Intensity. He explained the rest of the permitted uses in Active Outdoor Public Recreational, Low Intensity. He explained that a “dog park” is a high priority for the Park Commission and Town Board members. He explained modifications to provide flexibility for up to 75% of a park to be used for Active Outdoor Public Recreational Uses. He also explained a modification to the access restrictions for community-wide functions. The commission questioned and commented. He also explained a modification allowing the Plan Commission to require additional parking than code minimum.

He explained the proposed Active Outdoor Public Recreational, High Intensity ordinance and modifications that pertain to changes in the Low Intensity section. The commission questioned and commented on dog park location within the Town. The commission expressed concern for allowing dog parks on small lots within small zoning districts such as SR-2 or SR-3. The commission questioned and commented on park size needed for a dog park and requiring a minimum park area for a dog park. The commission directed staff to place a condition in the ordinance requiring a minimum 10 acre park size for a dog/animal park. The commission questioned and commented on the overall ordinance revision.

Motion by Kevin Mataczynski and seconded by Harlan Hebbe to recommend the ordinance be submitted for a Zoning Text Amendment at the November 12th meeting. Motion Carried 7-0.

ADJOURN:

**Motion by Tom Steele and seconded by Kevin Mataczynski to adjourn. Motion Carried 7-0.
Meeting Adjourned at 8:26 p.m.**

Respectfully Submitted,

Jeff Kussow, Assistant Zoning Administrator/Building Inspector