

TOWN OF RIB MOUNTAIN
PLANNING COMMISSION MEETING
February 12th, 2014

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

MINUTES:

Motion by Tom Steele to approve the January 22nd, 2014 regular planning commission meeting minutes. Seconded by Laura McGucken. Motion carried.

PUBLIC HEARINGS: NONE

CERTIFIED SURVEY MAP APPROVALS: NONE

NEW BUSINESS:

- a) *Matt Meier, requesting a special use approval for the modification of a pond to reconstruct the banks, and creation of a stream crossing on the property addressed 2211 South Mountain Road, per RMMC Section 17.056(8)(n) – Drainage Structures. Legally described as NE ¼ NW ¼ Sec. 22 T28N R7E, excluding the N 41.25', Excluding Doc #1346139 – Highway; Parcel #34.222807.005.000.00.00; PC Docket #2014-03*

Jeff Kussow explained the special use proposal to allow for modification of an existing man-made pond and creating a stream crossing on the property. He explained that the pond modifications are for the purpose of reconstructing the pond banks, which have been trampled by livestock, and the stream crossing is for better access to the East side of the property. Mr. Kussow provided email correspondence from Lane Loveland of Marathon County Conservation, Planning & Zoning stating that the modifications are not within shoreland zoning jurisdiction and no permits are needed from the county. Mr. Kussow also presented email correspondence from Keith Patrick, WDNR Water Management Specialist, stating that the pond would not be a navigable water body and would not affect neighbors in regards to shoreland zoning.

Matt Meier presented a brief description of his proposal and technical construction details of the proposed pond modification and stream crossing. He explained the materials for construction the stream crossing, culvert sizes to allow free flow of the stream, and requirements set forth by the Natural Resource Conservation Service (NRCS). He also explained that the pond modification and stream crossing approvals through the NRCS are strictly for agricultural and recreational purposes.

Chairman Muellner questioned the type of vehicles and traffic that the stream crossing could handle. Mr. Meier stated that it is designed for tractor and agricultural equipment use. Mr. Muellner also questioned if there are any future development plans for this parcel. Mr. Meier stated that there are no immediate plans for development and plans to continue farming the parcel, but he could foresee residential development in the future.

The commission questioned and commented. No one spoke against the proposal. Mr. Kussow stated that staff recommendation was to approve the proposal for the pond modification and stream crossing, subject to obtaining all state and county permits.

Motion by Laura McGucken to approve the modification of a pond to reconstruct the banks, and creation of a stream crossing on the property addressed 2211 South Mountain Road, subject to the applicant obtaining all state and county permits. Seconded by Tom Steele. Motion Carried.

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OLD BUSINESS:

- a) *Highway Corridor Signage Ordinance discussion regarding allowing taller signage along the Hwy 39/51 highway corridor; Docket # 2014-02*

Jeff Kussow explained the sign ordinance modification and updates to the proposed zoning text amendment since the 1-22-14 meeting. He explained that the proposed amendment would allow signage with a 35 foot maximum height through a conditional use approval on the properties within the following two proposed locations:

1. Buffer area consisting of the 200 feet directly adjacent to the East of the East I-39/USH-51 Right-of-Way boundary, including exit/entrance ramps and immediately adjacent public right-of-way(s) parallel to the I-39/USH-51 Right-of-Way; from the North line of the S ½ S ½ Section 3 T28N R7E (Northern boundary line of buffer area), to the intersection of the North Right-of-Way line of Lilac Avenue and Lakeshore Drive (Southern boundary line of buffer area lying due East and West);
2. Properties West of the West Right-of-Way boundary line of I-39/USH-51, which defines the Eastern boundary, to the Western Right-of-Way boundary line of County Road R (Hummingbird Road), which defines the Western Boundary; From the centerline of County Road NN (North Mountain Road), which defines the northern Boundary, to the intersection of the Western Right-of-Way boundary line of County Road R (Hummingbird Road) and the South Right-of-Way Boundary line of Park Road, which defines the southern boundary lying due East; This area description does not include any property to the West of County Road R (Hummingbird Road).

Laura McGucken questioned the southern extent of the proposed area on the west side of the highway. She stated that she felt that the southern extent of the boundary on the west side of the highway should be slightly further to the north to exclude a few properties that are directly adjacent to residentially zoned properties to the south. The commission questioned and commented. The commission's consensus was to leave the description as proposed.

Mr. Kussow highlighted the phrase in the described area east of the highway where it states "and immediately adjacent public right-of-way(s) parallel to the I-39/USH-51 Right-of-Way", describing the western boundary of the described area east of the highway. He stated that this phrase simplifies the Town's determination of the exact right-of-way boundary to measure the 200 foot buffer from, but it may also create grounds for dispute and inconsistencies since the phrase has the potential to be interpreted multiple ways. The commission questioned and commented, and agreed that this phrase should be taken out to eliminate any confusion or challenges to the ordinance boundaries.

The commission discussed and gave recommendations to improve the intent statement. The commission consensus was that there needs to be more performance standards within the intent statement. They recommended modeling the intent statement by the Unified Development District procedure regarding the "findings of fact". The commission recommended making some of the changes discussed and bring the item to Plan Commission for a public hearing on 2-26-2014.

The above discussion caused the commission to broaden the discussion to general signage within the Town and possible sign code improvements, specifically relating to the document sent to the commission by staff (A Framework for On-Premise Sign Regulations). Kevin Mataczynski stated that one option for determining sign size is by allocating signage allowance by type and/or size of commercial use that the sign is for. Laura McGucken mentioned multiple aspects of signage and site layout that should be considered when revising the sign code. She mentioned specific items that need to be taken into

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consideration, such as topography of site and surrounding area, fewer and larger signs are preferable, parking in front of the building that may block signage, and size, location and design. The commission discussed determining signage allowance on square footage of building and determining signage allowance with a sliding scale.

Laura McGucken mentioned adding an option for a “design review” through plan commission review which may allow taller signage along Rib Mountain Drive that are not within the highway corridor signage district. Tom Steele stated that there needs to be guidelines for when these “design review” proposals can/should be approved. The commission discussed review guidelines, process for a design review, and if there is a need for a public hearing and/or town board review. Lee Benes expressed concern that the design review becomes too much of a micro-management by the Plan Commission. The commission questioned and commented.

b) Mountain View Shoppes Commercial Density/Parking/Signage Discussion; 4500-4530 Rib Mountain Drive; Parcel #34.152807.001.008.00.00; Docket #2013-31

Jeff Kussow explained the end-cap tenant at the Mountain View Shoppes parcel was approved for 90 seats/patrons per the UDD Precise Implementation Plan modification approval which allowed Dunkin Donuts to construct a building on the property. He stated that the reason for the 90 seat/patron maximum was to ensure that there is an adequate amount of parking on the property for all of the tenants and different land uses. He explained that the Town received a preliminary restaurant layout with 151 seats proposed. Mr. Kussow stated that the applicant stated the occupancy rate at lunch and dinner for the proposed restaurant was 50% and 70% respectively. He explained that one option to address this discrepancy is that the Town could post a 90 seat/patron maximum, but also explained there is no effective way to enforce it since the Fire Department can only enforce maximum occupancies based on fire code and not zoning code. Mr. Kussow questioned how much flexibility would the Plan Commission be comfortable with for the Town to approve a building permit. The commission questioned and commented. Mr. Muellner questioned how many additional stalls would be required to accommodate the 151 seats. Mr. Kussow stated that it would require 20 additional stalls to what is approved, which is 50 total required stalls. Dan Dziadosz stated that the Dunkin Donut applicants presented the justification of AM/PM uses to be flexible with parking. The commission’s consensus was that parking was a main issue when Dunkin Donuts was approved and they should be held to the 90 seats/patrons approved.

Dan Dziadosz introduced the proposal for a façade modification that would include a design that resembles chop sticks and it would be lit. The commission questioned and commented on the definition/determination of what is a sign and whether this is a minor or significant modification to the UDD approval. The commission’s consensus was to treat the “chop sticks” as a minor façade modification and may be approved at staff level.

Motion by Tom Steele to require the restriction for a 90 seat/patron maximum in the end-cap tenant space, as part of the UDD approval, in order for a building permit to be issued. Seconded by Kevin Mataczynski. Motion carried.

CORRESPONDENCE / QUESTIONS:

a) Active & Passive Outdoor Recreation Discussion regarding proposed “Bike Pump Track” at Liberty Park; Parcel #34.705.004.002.00.00; Docket # 2014-04

Jeff Kussow explained the “Bike Pump Track” concept at Liberty Park that was approved at Town Board on 2-4-14. Dan Dziadosz explained that the Central Wisconsin Offroad Cycling Coalition (CWOCC)

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brought the proposal to Park Commission and Town Board, where the concept was approved at both. He explained that the CWOCC would be a partner in developing the “bike pump track” if approved. Jeff Kussow explained that there is some confusion on whether this use would be considered active or passive outdoor public recreation, which have different approved uses and procedures for each. He explained the different uses that are defined under both passive and active outdoor public recreation, specifically that a bike path is defined as passive outdoor recreation. He also explained that passive outdoor public recreation is permitted by right in all districts, and that active outdoor public recreation is only permitted in OR-35 and RR-35 zoning districts through special use approval. He stated that Liberty Park is zoned SR-2, but currently has a basketball court and tennis courts which would be defined as an active outdoor recreational use. He explained that the courts were most likely grandfathered in as an existing, legal non-conforming use. Chairman Muellner stated that he does not believe this is considered a bike path and is an active outdoor recreational use. The commission agreed that a bike path is destination oriented and do not feel the “bike pump track” is equivalent to a bike path. Mr. Kussow proposed changing the ordinance to allow for active outdoor public recreational uses in all districts through a special use approval instead of only in OR and RR zoning districts. The commission felt that active outdoor public recreational uses should be in the larger zoning districts. The commission questioned and commented on the permitted uses for active and passive uses. Laura McGucken stated that she compared this use to a skate park. The commission’s consensus was that this use is an active outdoor recreational use and not approved at Liberty Park due to the SR-3 zoning.

b) Future Land Use/Development & Long Range Planning Discussion; Docket #2014-05

Dan Dziadosz explained potential long range development opportunities in the Town. He specifically mentioned that the Hall Farm is for sale and will be property for residential development in the future. He also explained that the Doepke Farm and surrounding properties are also potential residential development opportunities in the future. He explained the Official Road Map and how some of the properties would potentially be developed. He also stated that there may be pressure for commercial development on the Hall’s parcels adjacent to South Mountain Road. The commission questioned and commented.

ADJOURN:

Motion by Tom Steele and seconded by Kevin Mataczynski to adjourn. Motion Carried.
Meeting Adjourned at 8:30 p.m.

Respectfully Submitted,
Jeff Kussow, Assistant Zoning Administrator