

TOWN OF RIB MOUNTAIN
PLANNING COMMISSION MEETING
March 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, Christine Nykiel and Tom Steele. Also present were Zoning Administrator Dan Dziadosz and Assistant Zoning Administrator Jeff Kussow. Jim Hampton and Kevin Mataczynski were excused.

MINUTES:

Motion by Tom Steele to approve the February 26, 2014 regular planning commission meeting minutes. Seconded by Lee Benes. Motion carried.

PUBLIC HEARINGS:

- a) *RS Holdings of Wisconsin LLC, Warm Water LLC, & JAK Family Investments (Lokre Companies, representative) requesting a Unified Development District Precise Implementation Plan Modification approval for the property addressed 4500 – 4530 Rib Mountain Drive, per Rib Mountain Municipal Code Section 17.233 (6) (g) – “...the Precise Implementation Plan shall be required to be amended through the same procedures used to approve...”; Premises legally described as part of NE ¼ NE ¼ of Section 15 T28N R7E – Lot 1 of CSM Vol. 32 Pg. 45 (#8277); PC Docket 2013-31*

Jeff Kussow explained the Precise Implementation Plan (PIP) modification proposal for the end-cap tenant space, formerly Hong Kong Buffet. He explained one of the PIP conditions for the subject parcel which limits the amount of permitted seats within the end-cap tenant space to 90 seats. Dan Dziadosz explained that there are currently two additional vacant tenant spaces and have been contacted by a potential tenant for one of the spaces. The commission questioned the existing parking on-site. Mr. Kussow explained that the proposed parking with the Dunkin Donuts approval is at the minimum required of 113 spaces with the end-cap tenant space being limited to 90 seats. Chairman Muellner questioned why the condition for 90 maximum seats was put into the conditions. Mr. Dziadosz stated that the Dunkin Donuts building eliminated parking, which limited parking on-site.

Mr. Kussow explained that consideration concerning the hours of operation/use for all tenants was part of the discussion for the Dunkin Donuts approval and may be a consideration for this proposal. Victor Anderson, Lokre Co., stated that Dunkin Donuts is busiest from early in the morning until 10am. Mr. Steele stated that the proposed HuHot restaurant may not have conflicting parking usage with Dunkin Donuts, but it does conflict with other tenants on the property. The commission commented on the parking and how the decision was made when Dunkin Donuts was approved.

Victor Anderson explained that at the time of Dunkin Donuts approval, he did not know the exact number of seats for HuHot. Ashley Campbell, representing HuHot, stated that the smallest HuHot restaurant has 125 seats. Mr. Anderson stated that the originally proposed plan of 150 seats does meet fire code, but they are seeking approval for 130 seats. He stated the average occupancy percentage at dinner is 70% and lunch is 50%, which would meet the 90 seat limit using 70% occupancy. Mr. Kussow stated that 130 seats would require 43 parking spaces per the zoning code, 13 more than provided on site.

Laura McGucken stated that she does not believe that anything more than 90 seats would work for the property in terms of parking. The commission commented and questioned, and the consensus was that an approval for more than 90 seats would not work.

Chairman Muellner opened the hearing up for public comment. Ms. Campbell questioned if the parking can be rearranged to provide for 13 more spots. Rearranging the parking, off-site parking & seating was discussed. Mr. Anderson questioned the parking for Olive Garden. Mr. Dziadosz stated that the Olive Garden lot extends into the Kohl's parking lot. Mr. Anderson stated that it would be difficult to get any

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national restaurant in the end-cap tenant space with a 90 seat maximum. The commission commented on site congestion and parking issues due to the Dunkin Donuts building approval. Mr. Anderson asked the commission to approve the UDD PIP modification subject to providing 13 additional parking stalls. Ms. McGucken stated that since she does not see how the parking can be added, she would not recommend approval without seeing how the parking can be provided. The commission contemplated tabling the item vs. making a motion. Mr. Kussow stated that for this item to be proposed to Town Board, a motion must be made. The commission questioned and commented. The applicants stated that they would prefer a motion to be made.

Motion by Tom Steele to deny the Unified Development District Precise Implementation Plan Modification for the property addressed 4500 – 4530 Rib Mountain Drive to modify the permitted seats in the end-cap tenant space. Seconded by Laura McGucken. Motion carried 5-0.

- b) *Town of Rib Mountain requesting a Zoning Text Amendment relating to regulating temporary signage for permitted direct sellers within the Town; specifically modifying Rib Mountain Municipal Code (RMMC) Section 17.217 – Temporary Signs; PC Docket #2014-07*

Mr. Kussow explained the temporary signage proposal, which coincides with the direct sellers ordinance modification that was approved at the last meeting. He explained the regulations concerning type, size, and time length of allowed signage. The commission questioned and commented.

Chairman Muellner opened up the hearing to public comment. No comments

Motion by Tom Steele to approve Zoning Text Amendment relating to regulating temporary signage for permitted direct sellers within the Town; specifically modifying Rib Mountain Municipal Code (RMMC) Section 17.217 – Temporary Signs. Seconded by Lee Benes. Motion carried 4-0 with Chairman Muellner not voting.

CERTIFIED SURVEY MAP APPROVALS: **NONE**

NEW BUSINESS:

- a) *Planning Commission 1st & 2nd Vice Chair Discussion*

Mr. Dziadosz explained that it is important to have a plan for 1st and 2nd Plan Commission Chair for when the Chairman cannot be at the meeting. He stated Vice Chairs can be appointed by the chairman. The commission questioned and commented on appointing a vice chair. Ms. Nykiel stated that the issue should be tabled until all commissioners are present at the meeting and to follow proper procedures. Mr. Dziadosz stated that the commission should also be reviewing the rules of order from time to time. The commission questioned and commented. The commission recommended bringing this item to the next Plan Commission meeting.

OLD BUSINESS: **NONE**

CORRESPONDENCE / QUESTIONS:

- a) *General Long Range Planning Discussion*

Dan Dziadosz explained that the Hall Farm on South Mountain Road is being sold for residential and commercial use. He explained potential road planning for that development, site issues and the navigable

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stream. He also presented a preliminary residential layout with ¾ acre lots and a large parcel adjacent to South Mountain Road for a commercial or transitional use. The Commission questioned and commented on the overall development and traffic.

Dan also explained the potential Bike Pump Track proposed to be located at Liberty Park. Mr. Dziadosz explained that Park Commission and Town Board approved the concept of the proposed use. He went on to explain what a bike pump track is. Mr. Kussow explained that the park commission would like to have an ordinance change to modify the Active Outdoor Public Recreational land use section. He explained the process for that ordinance to be brought to a public hearing for modification. The commission questioned and commented. Ms. McGucken stated that she believes active outdoor public recreational uses are not compatible with neighborhood park settings. Mr. Kussow stated that basketball and tennis courts are also considered active outdoor public recreational land uses. Mr. Dziadosz stated that there are currently existing legal nonconforming basketball and tennis courts at the park. The commission questioned and commented passive vs. active recreational land uses and where they are allowed within the Town. Mr. Kussow stated that the draft ordinance modification that has been made would require a conditional use approval. Ms. McGucken stated that guidelines may be a good option to include with a potential ordinance modification.

ADJOURN:

Motion by Lee Benes and seconded by Tom Steele to adjourn. Motion Carried 5-0.
Meeting Adjourned at 7:50 p.m.

Respectfully Submitted,

Jeff Kussow, Assistant Zoning Administrator