

TOWN OF RIB MOUNTAIN
PLANNING COMMISSION MEETING
May 28th, 2014

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

MINUTES:

Motion by Tom Steele to approve the May 14th, 2014 regular planning commission meeting minutes. Seconded by Christine Nykiel. Motion carried 4-0.

CERTIFIED SURVEY MAP APPROVALS: NONE

Chairman Muellner stated that the commission will be taking items on the agenda out of order.

OLD BUSINESS:

- a) *Donald & Nancy Hall Zoning Map Amendment Pre-Application Discussion for part of the property addressed 6300 Laurel Road to be rezoned from Estate Residential-1 (ER-1) to Countryside Residential-5ac (CR-5ac); Parcel # 34.202807.001.000.00.00; PC Docket # 2014-09*

Jeff Kussow explained the applicant's proposal to rezone a part of the property addressed 6300 Laurel Road for the purpose of constructing a new single family house with an outdoor wood burning unit, and to keep a few livestock on the property. Mr. Kussow explained that, other than rezoning the property to CR-5, the only means to permit an outdoor wood burning unit on a property zoned ER-1 would be to change the zoning ordinance to include conditional use approval in an ER-1 zoning district. He explained that the current zoning code does not allow outdoor wood burning units in ER-1 zoning districts. Mr. Kussow explained that the keeping of animals in this ER-1 zoning district as husbandry use is permitted through conditional use approval, but stated plan commission has proposed to eliminate permitting husbandry in ER-1 and CR-5 zoning districts. He stated that staff recommendation for husbandry use on this property is for the applicant to apply for a conditional use approval before any code changes to husbandry. Dan Dziadosz suggested that the plan commission could look at rezoning a large area in this part of town due to the existing uses as primarily agricultural and large lot single family uses.

Laura McGucken questioned and commented on the proposal. She explained that she is not in favor of spot zoning a single parcel. Ms. McGucken stated that she would be in favor of potentially rezoning a large area in this part of town, but is not in favor of rezoning a single 10 acre parcel. The commission questioned and commented.

Don Hall stated that he does not plan on developing the property for another 30 years and would like to build a house now with an outdoor wood burning unit. He explained the surrounding uses and existing outdoor wood burning units in close proximity to the subject property.

The commission's consensus was to address any rezoning on a broader scale and not a single parcel rezone. Tom Steele stated that any rezoning to CR-5 would need to include the subject 38.17 acre parcel, the 37.63 acre parcel to the south and the three ER-1 zoned parcels to the west. The commission asked for staff input. Dan Dziadosz stated that one potential issue with rezoning the large area is that some of the surrounding neighbors may not want to be rezoned to CR-5. Mr. Hall questioned why the town rezoned active agricultural land to residential zoning. Mr. Dziadosz stated that when the town did a major rezoning, a survey was sent out to all farmers within the town and the farmers stated that they are holding the property for future development.

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Chairman Muellner stated that he would consider putting together a large package of multiple parcels in this area for rezoning to CR-5, but stated that there may be objections to this. The commission and Mr. Hall commented and discussed. Tom Steele stated that the primary issue with the outdoor wood burning units was not the proximity to other houses, but the quality of wood being burned. The commission discussed outdoor wood burning units and husbandry on the subject parcel.

Mr. Kussow questioned if the commission should recommend the applicant to apply for conditional use for husbandry. Ms. Nykiel stated that the commission should. Ms. McGucken stated that she does not favor that recommendation. Chairman Muellner stated that he feels strongly both ways.

Chairman Muellner questioned if the commission was comfortable with rezoning a large multi-parcel area to CR-5 in this area. The commission's consensus was that they are comfortable with that, except Ms. McGucken was non-committal.

PUBLIC HEARINGS:

- b) *Prudence Lang requesting a Conditional Use approval to allow the construction of a 20 ft. by 30 ft. accessory building on the property addressed 2906 North Mountain Road, which would result in greater than 1,000 square feet, but less than 1,500 square feet of total accessory buildings area on the parcel; and would result in more than one detached private residential garage or utility shed on said parcel; per RMMC Sec. 17.056(8)(d) – Detached Private Residential Garage, Carport, or Utility Shed; Premises legally described as Part of the NE ¼ SE ¼ of Sec. 4 T28N R7E, commencing 25 ft. N and 757 ft. E of SW corner, N 330 ft., E 132 ft., S 330 ft., W 132 ft. to beginning; excluding Doc. #1334439 – Road; Parcel # 34.42807.013.004.00.00; PC Docket #2014-10*

Mr. Kussow explained that the property owner located at 2906 North Mountain Road is proposing to construct a new 20 ft. by 30 ft. detached garage which would result in 1,392 square feet of accessory building and more than one detached garage. He explained that the property owner would demolish an existing non-conforming storage shed on the property. The commission questioned and commented on setbacks and total accessory building area. Mr. Kussow stated that there is an existing non-conforming paved driveway on the property that crosses over the east property line. Mr. Steele questioned if the access to the existing garage and proposed garage is the access on the neighboring property to the east. Mr. Kussow stated that it was the access for those two buildings. Mr. Kussow stated that there is not an access agreement. Mr. Kussow presented to the plan commission a permission letter from the neighboring property owner for the use of the access, but stated that it is not a legally binding access agreement. The commission questioned and commented. Laura McGucken questioned what the garage will be used for. Rodney Nowack stated that the garage will be used for storage of tractors for restoration. Mr. Kussow stated that staff recommendation is to require a legal recorded cross access agreement in case the property to the east gets sold. The commission commented on creating a legal access agreement. Chairman Muellner stated that there are options on the property for access to the shed without using the neighboring property and that a condition requiring an easement is not totally necessary. The commission agreed.

Motion by Tom Steele to allow the construction of a 20 ft. by 30 ft. accessory building on the property addressed 2906 North Mountain Road. Seconded by Laura McGucken. Motion carried 4-0.

- a) *Town of Rib Mountain requesting a Zoning Text Amendments of Rib Mountain Municipal Code Sections 17.056(3)(a) – Passive Outdoor Public Recreational and 17.056(3)(b) – Active Outdoor Public Recreational, to modify descriptions, “Special Use Regulations” & “Conditional Use Regulations”; PC Docket 2014-04*

Chairman Muellner stated that the commission is familiar with this proposal and questioned if anyone would like to discuss. Ms. McGucken questioned Section 17.056(3)(a) which states that playcourts consisting of less than

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three cumulative full playcourts on one parcel meant a single parcel or the cumulative parcels of a park since some parks contain more than one parcel. Mr. Kussow stated that this is a shortcoming in the proposed ordinance and would restrict playcourts on a single parcel and not the entire cumulative park if it contains more than one parcel. Ms. McGucken stated that she is not in favor of the ordinance revision because it leaves the town open potentially undesirable active uses such as the bike pump track if there is an available process such as conditional use. She stated that she is also not in favor of the parking requirements for this code because it is too vague. Christine Nykiel concurred with Laura and stated that there is an issue with just noticing since people that may have an issue with this zoning ordinance change or conditional use proposal would not appear at a hearing. Ms. Nykiel stated that this ordinance is building into an opportunity for creating a public nuisance in residential areas. Tom Steele stated that this is similar to an application of spot zoning.

Motion by Tom Steele to deny the Zoning Text Amendment Request to modify Sections 17.056(3)(a) – Passive Outdoor Public Recreational and 17.056(3)(b) – Active Outdoor Public Recreational. Seconded by Laura McGucken. Motion carried 4-0.

NEW BUSINESS:

- a) *Panda Express Pre-Application Discussion for a new fast-food restaurant on the property addressed 4400 Rib Mountain Drive; Parcel #34.102807.016.003; PC Docket #2014-11*

Mr. Kussow explained the proposal for a new fast food restaurant, Panda Express. He stated that the reason for a public hearing is that the property is zoned UDD. Mr. Kussow stated that staff does not have any initial issues with the site plan, but are still waiting on a stormwater management plan. Dan Dziadosz stated that this is a Precise Implementation Plan modification, requiring a public hearing. Ms. Nykiel questioned if the proposal is a sit down restaurant. Mr. Kussow stated that it is primarily a drive thru restaurant, but they do have some inside seating. Mr. Kussow stated that this public hearing will be held on June 11th. The commission questioned and commented, and saw no major issues.

CORRESPONDENCE / QUESTIONS:

Ms. Nykiel stated that she has concern with businesses that are no longer in business, but their signs are still standing long after they close. Ms. Nykiel questioned if there is a way to make them remove the sign. Dan Dziadosz stated that an ordinance modification will eventually be done to require removal after the closing of a business. The commission questioned and commented.

ADJOURN:

Motion by Tom Steele and seconded by Laura McGucken to adjourn. Motion Carried 4-0.
Meeting Adjourned at 8:14 p.m.

Respectfully Submitted,
Jeff Kussow, Assistant Zoning Administrator