

TOWN OF RIB MOUNTAIN
PLANNING COMMISSION MEETING
June 11th, 2014

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

MINUTES:

Motion by Tom Steele to approve the May 28th, 2014 regular planning commission meeting minutes. Seconded by Christine Nykiel. Motion carried 6-0.

PUBLIC HEARINGS:

- a) *H.C. Klover Architect (James P. May, owner) requesting Unified Development District General Development Plan and Precise Implementation Plan modification approval to construct a new restaurant building with a drive-thru (Panda Express) on the property addressed 4400 Rib Mountain Drive, per Rib Mountain Municipal Code Section 17.233 – Unified Development District Procedures; Premises legally described as part of SE ¼ SE ¼ of Section 10 T28N R7E – Lot 1 of CSM Vol. 31 Pg. 180 (#8227) (Doc#1034800); Parcel #34.102807.016.003.00.00; PC Docket #2014-11*

Jeff Kussow explained the proposed Panda Express to replace the Wendy's that was destroyed by a fire in 2013. He explained the proposed land uses of "in-vehicle sales & service" for the drive-thru and "indoor commercial entertainment" for the restaurant. He explained that they will have 4 employees on each shift, 200-225 daily customers, and a 2,720 square foot building with a 22 foot height. He also explained the operating hours which are: 10am-9:30pm Monday through Saturday and 11am-8pm on Sundays. He explained that the ingress and egress will not change, the proposed parking is over the parking amount required by code, and they meet the landscaping requirement. He stated that the proposed signage is 57 square feet over the permitted signage per code. He explained that the public benefits of this project are replacement of the restaurant destroyed by fire, proposed landscaping comes into compliance with code where it previously did not meet code, and increased tax base & employment through redevelopment of a vacant property. He explained issues where exterior lighting fixtures shall be cut-off or shoebox-type fixtures, and the stormwater management plan has not been submitted.

Hakim Yala, Panda Express Regional Construction Manager, explained Panda Express is attempting to construct 120 locations per year and trying to reach the goal of 10,000 stores around the world. He stated that they would like to construct a store by the end of the year. Christine Nykiel questioned if there is a store in the North-Central Wisconsin area and where other locations are within Wisconsin. Mr. Yala stated that there are stores in Madison and one in Plover is currently under construction. Jason Stucker, representing H.C. Architect, stated there is a store in Milwaukee also. Laura McGucken questioned if the monument sign is in the same location that the Wendy's monument sign was. Mr. Kussow stated that it is proposed to be in the same location. He stated that the Town engineer explained there may be a sidewalk placed on this side of Rib Mountain Drive in the future and is requesting the sign to be set back approximately 16 feet to accommodate for sidewalk improvements. Mr. Kussow stated that there is not a specific plan for sidewalk on the west side of Rib Mountain Drive at this time. Mr. Stucker stated that the existing base of the sign cannot be reused due to a completely different size sign that Panda is proposing, so a new base will have to be constructed. The commission commented and questioned the existing sign setback, proposed sign location, and topography of sign location vs. road. Mr. Stucker stated that the sign location can be shifted. He stated that the sign is currently set back from the property approximately 13 feet, so shifting the sign should not be a major issue. The commission questioned and commented on the sign and potential future sidewalks along Rib Mountain Drive. Ms. McGucken stated she is pleased with the building and the hours of operation. Tom Steele questioned if the proposed signage exceeding the permitted signage allowance per code presents a problem. Mr. Kussow stated that he does not foresee it

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as an issue. Dan Dziadosz stated that the proposed site is increasing the green space from the existing site, which is a positive trade-off. Ms. McGucken questioned if the Panda mural is considered signage. Mr. Kussow stated that it is not considered signage since it is located behind a glass window.

Motion by Tom Steele to approve the General Development Plan and Precise Implementation Plan modification approval to construct a new restaurant building with a drive-thru (Panda Express) on the property addressed 4400 Rib Mountain Drive; subject to final review and approval of the stormwater management plan by Town staff. Seconded by Laura McGucken. Motion carried 6-0.

CERTIFIED SURVEY MAP APPROVALS:

- a) *Don Hall (DNLT Enterprises LLC, owner) requesting Certified Survey Map Approval to subdivide the parcel addressed 6300 Laurel Rd.; Parcel #34.202807.001.000.00.00; PC Docket #2014-14*

Mr. Dziadosz explained the requested Certified Survey Map (CSM), and stated that the request appears to meet all of the code requirements for the zoning district and that it could have been approved at staff level. He explained that the proposed CSM is creating two approximate 10 acre parcels, which reinforces the thought that this area of town is subdividing into parcels larger than 5 acres. He stated that the CSM can be approved at staff level or Plan Commission can recommend it to Town Board. The commission's consensus was to approve the CSM at staff level.

NEW BUSINESS:

- a) *Discussion of Long Range Comprehensive Plan, Official Street Map, & Subdivision Ordinance Revisions*

Dan Dziadosz stated that it has been suggested that Town staff start reviewing long range and comprehensive planning. He stated that subdivision ordinance changes is another project that should be started in the near future. He explained a denied single family permit located at the west end of Snowflake Lane due to a plat reservation for future right-of-way. He stated that the proposed house location did not meet the street setback next to the future right of way reservation. He explained the plat, vacation processes, and differences between the County subdivision ordinance and the Town subdivision ordinance. The commission questioned and commented. He explained that a developer came in and discussed multiple projects that are potentially in the works. He recommended that this project should be revisited in the fall or winter. He stated that some specific areas within the Town to review future comprehensive planning would be the Hall development and Doepke development. Ms. McGucken stated that she thinks Mr. Dziadosz did the correct thing by denying the permit due to the road reservation.

- b) *Proactive Rezoning Discussion for the parcels addressed 4803 South Mountain Rd., 6221 Dogwood Rd., 6300 Laurel Rd., 6700 Laurel Rd., & the parcel adjacent to south of 6221 Dogwood Rd., to be rezoned from Estate Residential – 1 (ER-1) to Countryside Residential – 5ac (CR-5ac); Parcel #'s 34.202807.002.000.00.00, 34.202807.002.002.00.00, 34.202807.002.001.00.00, 34.202807.001.000.00.00, & 34.202807.004.000.00.00; PC Docket #2014-15*

Jeff Kussow explained the proposed proactive rezoning that was proposed by Plan Commission at the last meeting. He stated that the reason the issue initially came up was due to a proposed rezoning in this area for a single parcel. He stated that instead of spot zoning the single parcel, Plan Commission suggested rezoning a larger area which has already been subdividing into lots larger than 5 acres. He stated that since the last meeting, the Halls no longer want go through with the rezoning of the parcel. He stated that staff recommends to put this item on hold until town-wide comprehensive updates are being done. Ms.

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Nykiel stated that Dan Dziadosz did present the proposal first and the proposed proactive rezoning was not suggested to only appease one resident. Mr. Steele questioned if Hall's can get a building permit for a house without an outdoor wood burning unit and livestock animals. Mr. Dziadosz stated that they can get a permit for a house.

Tom Steele stated that a remaining unresolved issue is whether or not the Town should allow livestock animals in the CR-5 zoning district. Ms. McGucken stated that she is fine with including husbandry in CR-5 districts and increasing the amount of CR-5 zoning districts within the Town. Mr. Kussow questioned if the commission would like to revisit the "husbandry" ordinances to potentially include CR-5 zoning districts to permit husbandry as a conditional use. Kevin Mataczynski stated that he would have an issue with that because it is a residential district and husbandry is contradictory to a residential area. Chairman Muellner stated that he is not opposed to the possibility of allowing husbandry in a CR-5 zoning district except he does not want to allow chickens. Tom Steele agreed with Mr. Mataczynski and stated livestock animals do not belong on a 5 acre parcel. The commission questioned and commented on different zoning districts, allowed uses, and presumed knowledge of property owners upon property purchases. Mr. Dziadosz stated that the reason for this discussion is primarily to point out that this issue is a more comprehensive project and discussion than what can be accomplished at this meeting. Mr. Kussow suggested bringing the husbandry ordinance to one more future agenda to discuss this item in depth. Ms. McGucken suggested resolving what the Town wants to do with the CR-5 zoning district section of the code before rezoning properties to CR-5.

- c) *HuHot Mongolian Grill Precise Implementation Plan modification discussion regarding exterior LED lighting on the property addressed 4530 Rib Mountain Dr.; Parcel #34.152807.001.008.00.00; PC Docket #2013-31*

Jeff Kussow explained that representatives of the HuHot Mongolian Grill are requesting to place a strip of LED lighting around the tenant space for better visibility due to the Dunkin Donuts building obstruction. Dan Dziadosz stated that they have approved this type of lighting before for the El Tequila Salsa restaurant. Chairman Muellner expressed concern that every other tenant space within this multi-tenant building will want their own version of LED lighting. Mr. Kussow questioned if this is a minor modification which can be approved at staff level or a major modification that needs to go through the UDD PIP modification process. Tom Steele stated that it is a major modification. The commission expressed concern of the domino effect of every surrounding property wanting the LED lighting. Ms. McGucken questioned how this would be regulated in a traditional zoning district. Mr. Kussow stated that the lighting elements would not be allowed to be seen from the road and it would need to meet the code restrictions for foot candles at the property line. Mr. Dziadosz stated that this could be viewed as an architectural element of the building or as a lighting fixture which may be regulated by different restrictions. The commission questioned and commented. The commission's consensus is that the LED lights strip is a major alteration that needs to go through a public hearing.

OLD BUSINESS: NONE

CORRESPONDENCE / QUESTIONS:

- a) *Don & Nancy Hall Zoning Map Amendment, Husbandry, & Outdoor Wood Burning Unit Proposal Update; PC Docket 2014-09*

Mr. Kussow explained that Mr. & Mrs. Hall contacted staff and stated they will not be going through with this proposal.

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- b) *Detached Energy Systems Ordinance discussion regarding roof mounted solar electric systems, specifically regarding the property addressed 7610 Woodsmoke Rd.*

Mr. Kussow explained a proposal from a resident to construct roof mounted solar panels. He stated that staff wants to know if the commission wants staff to regulate roof mounted solar panels the same way as detached freestanding solar panels. Mr. Dziadosz stated that this issue has been discussed in past years, specifically in regards to solar panels and roof mounted windmills. He stated that considering the size, staff believes that it should go through the conditional use process. He also stated that if this was a proposal for solar shingles, which are integral with the structure, staff probably would not require a conditional use approval. Chairman Muellner pointed out the issue of how is detached defined, since the solar panels would not necessarily be “detached”. The commission commented and discussed the meaning of detached. The commission’s consensus was that definitions may need to be reviewed and made more specific. Mr. Mataczynski questioned what the issue of allowing solar panels on the roof would be. Mr. Dziadosz stated that the potential for glare reflecting onto neighbor’s properties is an issue. Mr. Mataczynski stated that he does not want the code to be too restrictive in regards to solar panels. The commission questioned and commented. Mr. Kussow stated that there are State regulations on how a municipality can regulate solar and wind energy systems, in which staff needs to do further research. The commission’s consensus is that a conditional use approval is needed for the roof mounted solar panels.

- c) *Granite Peak high speed chairlift*

Mr. Dziadosz presented a State approval letter for a new high speed chairlift at Granite Peak. He stated that surrounding residents will be noticed by Granite Peak owners. The commission commented and questioned on neighbor impacts and Town involvement. Mr. Kussow stated that the Town does not regulate State property.

ADJOURN:

**Motion by Tom Steele and seconded by Kevin Mataczynski to adjourn. Motion Carried 6-0.
Meeting Adjourned at 7:48 p.m.**

Respectfully Submitted,
Jeff Kussow, Assistant Zoning Administrator