

PLAN COMMISSION
December 12, 2022

The Plan Commission met on the above date at 4:30 p.m. in the Council Chambers, second floor of the Municipal Building.

The following members were present: Mayor Emily McFarland (Chair), Jaynellen Holloway (Director of Public Works/City Engineer), Nick Krueger, Brian Konz, Brian Zirbes, Alyse Talaga, Sonya Kruesel, and James Romlein (Recording Secretary).

Citizens Present: Mark Tomashek, Ruth Mack, Stephanie Bartz, Kyle with Stephanie Pirkel, and Chris Leisure.

1. Call to order

Mayor McFarland opened the meeting at 4:31 and introduced the new technology to the members.

Mayor McFarland introduced Brian Zirbes as a new member of the Commission and our new Zoning Administrator. He provided an overview of his family, employment history, and expressed delight with the welcoming staff and the community.

2. Review and take action: Site Plan Review minutes dated November 14, 2022

Motion to approve Konz, Second by Holloway, no discussion
Unanimous by voice vote.

3. Business

A. Conduct public hearing: 208 S. Third Street – Conditional Use Permit (CUP) request for Indoor commercial entertainment under Sections 550-34B(2)(f) and 550-52H

Background:

Stephanie & Kyle Pirkel, applicant, and Loeb and Company, LLP, property owner, are proposing to operate rage rooms, an arcade, splatter painting, and escape rooms at 208 S. Third Street. 208 S. Third Street is zoned Central Business (CB).

Mayor McFarland opened the public hearing, invited any interested parties wishing to comment to approach the microphone and speak. After no one spoke, the Mayor closed the public meeting.

B. Review and take action: 208 S. Third Street – Conditional Use Permit (CUP) request for Indoor commercial entertainment under Sections 550-34B(2)(f) and 550-52H

The following information has been identified as pertinent to this action and was summarized by Sonya Kruesel.

A summary of the applicant's business deployment stages was provided as well as a summary of the legislative track and departmental approvals received, future submittal requirements based on future plans and other matters.

a. Under Section § 550-34B(2)(f)

(2) Principal land uses permitted as conditional use (per § 550-45B):

(a) Clear-cutting.

(b) Indoor institutional.

(c) Outdoor institutional.

(d) Institutional residential.

(e) In-vehicle sales or service.

(f) Indoor commercial entertainment.

(g) Outdoor commercial entertainment.

(h) Commercial indoor lodging.

(i) Bed-and-breakfast establishments.

(j) Group day-care center (nine or more children).[1]

[1]Editor's Note: Former Subsection B(2)(k), Boardinghouse, which immediately followed, was repealed 6-19-2018 by Ord. No. 18-4.

(k)Central business apartments (greater than 12 dwelling units).

[Added 6-1-2021 by Ord. No. 21-24]

b. Under Section § 550-52H:

H. Indoor commercial entertainment. Description: Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), small-scale alcoholic beverage production, bowling alleys, arcades, roller rinks, and pool halls.

(1) Regulations:

(a) If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.

(b) Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property (see § 550-99).

(2) Parking requirements. One space per every three patron seats or lockers (whichever is greater) or one space per three persons at the maximum capacity of the establishment (whichever is greater).

Decision:

Under 2017 Wisconsin Act 67:

62.23 (7) (de) Conditional use permits.

1. In this paragraph:

a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.

b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

2. a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.

i. Upon receipt of a conditional use permit application and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.

4. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit's

Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
	Yes	No	Yes	No	Yes	No
<i>If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property</i>	Yes	No	Yes	No	Yes	No

If Plan Commission answers “no” to the last of the questions, above, the CU permit must be denied.

Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
	Yes	No	Yes	No	Yes	No
<i>Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property (see § 550-99).</i>	Yes	No	Yes	No	Yes	No

If Plan Commission answers “no” to the last of the questions, above, the CU permit must be denied.

Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
	Yes	No	Yes	No	Yes	No
<i>One space per every three patron seats or lockers (whichever is greater) or one space per three persons at the maximum capacity of the establishment (whichever is greater).</i>	Yes	No	Yes	No	Yes	No

If Plan Commission answers “no” to the last of the questions, above, the CU permit must be denied. Otherwise, proceed to the condition of approval.

duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.

5. *If a city denies a person’s conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10*

Recommendations:

Approve the Conditional Use Permit without conditions, based on successfully providing substantial evidence of regulatory compliance.

Engineer Holloway asked if the recommendation included any time limits for the hours of operation. Sonja Kreusel: No

Mayor McFarland observed that, should there be any plans to change the hours of operation, advice of the proposed changes would need to be provided to public safety to permit adjusting the conditional use permit.

Romlein commented on the inviting anticipation of the venue and moved for approval as recommended, Second by Holloway

Mayor McFarland also expressed a welcome to the facility which will support the ongoing development of a vibrant downtown with diverse entertainment and provided a brief snippet on the planned “Rage Room”.

Mayor McFarland summarized a meeting with Ruth Mack and expressed her excitement to welcome the facility.

C. Review and take action: 1209 Lisbon Street – Preliminary certified survey map (CSM) request

Sonja Kruesel provided a summary of the preliminary CSM request which proposed to divide a single property into four individual parcels.

The location is Lisbon Street, west of town in the vicinity of Votek Drive. The property is zoned PR-6 two family residential, and the primary concern is compliance with the minimum lot size and road right of way dedications requirements.

This request meets all the requirements.

Mayor McFarland opened Graphic Information System (GIS) rendering of the property on the Council Room display(s) allowing the Members and the Proposer to review and discuss the specifics of the proposal

Mayor McFarland summarized the project, expressed support for the future of the action which could facilitate housing, and asked for a motion to approve without conditions.

**Motion by Holloway, Second by Krueger
Unanimous by voice vote.**

Mayor McFarland executed the effecting documentation for the petitioner.

D. Review and take action: W4451 River Road – Township preliminary certified survey map (CSM) request

Mayor McFarland opened the CSM request and Sonja Kruesel provided the item setup noting that this action is in the Township of Watertown and our actions is an ETJ (Extra Territorial Jurisdiction) with limited specific comment authority for the City of Watertown .

Using the GIS graphic system, Sonja Kruesel explained the project in detail and showed the location of the dedicated turn around at the end of the road which is included in the plan.

Background:

Karen A. Kerr is looking to split one 91.5-acre parcel into two parcels; parcel 1 being 48.9-acres and parcel 2 being 42.6-acres. This parcel is located within the Town of Watertown.

Relevant Information:

The following information has been identified by the City of Watertown Zoning & Floodplain Administrator as pertinent to this action:

- i. Roadway dedication. Applicant is dedicating required cul-de-sac turn at extension of River Road to ensure parcel has property road frontage.
- ii. Airport Approach Protection Zone elevation information. Development of any structures shall comply with the maximum elevation for the City of Watertown Airport Approach Protection Zone.

Recommendation

Approve the preliminary extra territorial CSM with conditions as identified by the City of Watertown Plan Commission and include a Note in the CSM stating that any structures will comply with the City of Watertown Airport Approach Protection Zone max elevation.

Mayor McFarland summarized the CSM elements and asked for a motion to approve the CSM with the provision of the Airport Approach Protection Zone requirements.

**Motion by Konz, Second by Talaga
Unanimous by voice vote.**

4. Adjournment

Motion to Adjourn by Romlein, Second by Holloway
Unanimous approval by Voice Vote
Meeting closed at 4:45 p.m.

Respectfully Submitted,
James W. Romlein Sr. PE
Recording Secretary

Note: These meeting notes are uncorrected, and any corrections made will thereto be noted in the proceedings at which these minutes are approved.