

PLAN COMMISSION
Minutes
April 10, 2023 | 4:30 p.m.

The Plan Commission met on the above date in the Council Chambers.

The following members were present: Jaynellen Holloway (Director of Public Works/City Engineer and Acting Chair), Andrew Beyer PE (Deputy City Engineer), Brian Zirbes (Zoning Administrator) Alyse Talaga (Citizen Member), Melissa Lampe (Citizen Member), Rian Konz On Line and James Romlein PE (Recording Secretary)

The following are attending remotely: Nick Krueger (Citizen Member), two members from the Foundation, and Mary Truman.

Others Present: Rick & Sara Knutson, Jerry Keeser, Steve Anders, and John Donovan.

Mayor McFarland opened the meeting at 4:30 pm calling the meeting to order.

1. CALL TO ORDER

2. APPROVAL OF MINUTES

A. Review and take action: Site Plan Review minutes dated March 27, 2023

Mayor McFarland opened the item and asked for comments or a motion.

Motion to accept the minute as published by Konz, Second by Lampe.
Unanimous by voice vote.

3. BUSINESS

A. Conduct public hearing: 760 N. Church Street– Conditional Use Permit (CUP) request for a personal storage facility under Section 550-33B(2)(o)

**Request by Michael Rogers, agents for KKR Real Estate LLC,
for a Conditional Use Permit (CUP) for a Personal Storage Facility.
Parcel PIN: 291-0915-3214-001**

Mayor McFarlan opened the public hearing and invited any interested parties to approach the microphone, and comment.

Donald Klecker, 704 N. Church Street: Mr. Klecker's property shares a property line with the property under review.

Prior to this initiative, others have, over many occasions, disposed of yard waste, soil, and other materials including a buried truck engine and other materials that are buried. This land is adjacent to the creek.

Mr. Klecker has no objection to this proposed project.

Mayor McFarland initiated an action item to coordinate with Mr. Klecker towards a solution to his concerns.

Mr. Zirbes advised that there is a written comment from Mr. Ryan Jones who is opposed to the project.

Mayor McFarland, hearing no further comments, closed the public hearing and opened the associated action item

B. Review and take action: 760 N. Church Street– Conditional Use Permit (CUP) request for a personal storage facility under Section 550-33B(2)(o)

A request by Michael Rogers, agents for KKR Real Estate LLC, for a Conditional Use Permit (CUP) for a Personal Storage Facility. Parcel PIN: 291-0915-3214-001

Mayor McFarland read the charge and asked Administrator Zirbes to delineate the issue.



BUILDING, SAFETY & ZONING DEPARTMENT

Section 3, Item B.

Main Office 920-262-4060	Brian Zirbes 920-262-4041	Mark Hady 920-342-0986
Nikki Zimmerman 920-262-4045	Dell Zwieg 920-262-4042	
Doug Zwieg 920-262-4062	Dennis Quest 920-262-4061	

TO: Planning Commission

Section 3, Item B.

3. Parking requirements of one space for each employee on the largest work shift are met by the submitted site plan. The facility has no regularly scheduled employees *[per § 550-53C(2)]*.
4. Lighting for the site will follow the submitted lighting plan which meets exterior lighting standards *[per § 550-110]*.
5. Landscaping for the property will follow the submitted landscaping plan which meets and exceeds the required landscaping points and requirements *[per § 550-95 & § 550-96]*. The applicant has proposed to place the required building foundation plantings along the south property line rather than within the required 10 ft of the building foundation. This is due to the asphalt drive and overhead doors being located directly adjacent to the south side of building #4.
6. Exterior Construction Material Standards applicable in the General Business Zoning District include the requirement of only high-quality decorative exterior construction materials on the visible exterior of buildings. In particular, this requirement applies to any portion of the building or structure visible from adjacent residentially zoned property and to any portion of the building or structure located within 50 feet of a public right-of-way *[per § 550-121(C)]*. The applicant has met these requirements.

WISCONSIN STATUTES:

All Conditional Use Permits are subject to the requirements of Wisconsin Act 67.

Under 2017 Wisconsin Act 67: Section 16. 62.23 (7) (de) Conditional Use Permits.

1. 62.23 (7) (de)(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. 62.23 (7) (de)(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.
3. 62.23 (7) (de)(3)

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. 62.23 (7) (de)(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 duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.
5. 62.23 (7) (de)(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.

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PLAN COMMISSION DECISIONS:

Personal Storage Facility Land Use Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
	Yes	No	Yes	No	Yes	No
1. Facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.	Yes	No	Yes	No	Yes	No
2. Facility shall provide a bufferyard with a minimum opacity of 0.80 along all property borders abutting residentially zoned property.	Yes	No	Yes	No	Yes	No
3. Shall comply with § 550-142, standards and procedures applicable to all conditional uses.	Yes	No	Yes	No	Yes	No

If Plan Commission answers "no" to any of the questions, above, the CU permit must be denied. Otherwise, proceed to the conditions of approval.

PLAN COMMISSION OPTIONS:

The following are possible options for the Plan Commission:

1. Deny the Conditional Use Permit, based on failure to provide substantial evidence to meet one or more of the regulatory standards.
2. Approve the Conditional Use Permit without conditions, based on successfully providing substantial evidence of regulatory compliance.
3. Approve the Conditional Use Permit with conditions as identified by the Plan Commission.

Mayor McFarland asked for questions or comments from Commissioners.

Mr. Konz asked if one would speak to outside storage.

Administrator Zirbes replied that outside storage is a different CUP, and no outside storage is incorporated in this proposal.

Ms. Lampe asked if the recommendation by Ms. Kruesel had been incorporated in this proposal.

A discussion ensued about the recommendations that had been incorporated in the submittal.

Engineer Holloway advised that, if this action is approved, she will have some conditions to be incorporated into the final document that include site plan erosion control and storm water management plan into recycled asphalt is not an approved item and a note is to be added to the final plan specifying Hot Mix Asphalt. The Photometric plan is also required (HMA).

The proposed planter was discussed, and Mayor McFarland expressed her satisfaction with the quantity of planting along the highway.

Ms. Lampe raised the question of the notification to the nearby residents and Mr. Zirbes advised that residents within the notification zone, if any, were notified.

Mayor McFarland summarized the requirements for incorporation in a motion to include: Erosion Control Plan, Storm Water Management Plan and Permit, the use of hot mix asphalt, and the Photometric Plan.

A City representative will follow up with the Petitioner to ensure that these requirements are understood.

**Motion by Romlein to approve with the listed conditions, Second by Krueger.
Unanimous by voice vote.**

Mayor McFarland advised that she was going to amend the order and move to item H.

H. Review and make recommendation: Replacement Airport Perimeter Bridge Agreement

Mayor McFarland delineated the matter under consideration:

Mr. Wiseman with Jefferson County is attending remotely and can address questions.

Item H is to review and make a recommendation on the replacement of the Airport Bridge Agreement.

As members of the Plan Commission our job is to make a recommendation on the use of City Land. There once was a bridge at this crossing. The County had done a lot of work through the State and the FAA to restore this crossing. Because this crossing is on Airport Land the County will do all the work and own the bridge.

It is incumbent on us as a Plan Commission to approve or disapprove of that use.

Our objective is to make a recommendation to the Council to Approve or Disapprove this use.

Admin. Zirbes presented the issues. A discussion on the use of this ground floating snowmobile bridge followed.

Engineer Holloway listed two conditions to be incorporated in a motion: The bridge shall be labeled as "Replacement Airport Perimeter Bridge".

Admin Zirbes listed other operational and procedural details to comply with FAA protocols.

After a further brief discussion Mayor McFarland formulated her request as follows:

Motion to provide a positive recommendation to Council with the terminology change to "Replacement Airport Perimeter Bridge".

Motion by Romlein, Second by Konz.
Majority yes, one No vote

G. Review public hearing comments and make recommendation to Common Council: Hunter Oaks Planned Unit Development Plan (PUD) General Development Plan (GDP)

Mayor McFarland opened item 3 G and requested Admin Zirbes to provide the specifics.

Main Office 920-262-4060	Brian Zirbes 920-262-4041	Mark Hady 920-342-0986
Nikki Zimmerman 920-262-4045	Dell Zwieg 920-262-4042	
Doug Zwieg 920-262-4062	Dennis Quest 920-262-4061	

TO: Plan Commission
DATE: April 10, 2023
SUBJECT: Hunter Oaks PUD – Recommendation to Council

Recommendation to Council for a Planned Unit Development (PUD) General Development Plan (GDP) requested by John Donovan, agent for Bielinski Homes Inc., Hunter Oaks Subdivision, West Street, Watertown, WI. Parcel PIN(s): 291-0815-0642-005, 291-0815-0642-004, 291-0815-0642-003, 291-0815-0642-006, 291-0815-0642-007, 291-0815-0643-001 & 291-0815-0644-022

SITE DETAILS:

Acres: 58.89
Current Zoning: PUD Overlay
Existing Land Use: Undeveloped

Future Land Use Designation(s): Neighborhood Mixed Use, Multi-Family, Two Family, & Single-Family

BACKGROUND AND APPLICATION DESCRIPTION:

Applicant is seeking a Recommendation to Council by the Plan Commission for a Planned Unit Development (PUD) General Development Plan (GDP). The proposal looks to revise a now expired General Development Plan from 2017. The proposal consists of 27 two-family Ranch Style Condominiums, 34 two-family Sabrina Ranch Style condominiums, and 91 single-family home lots. Changes to the GDP proposal as a result of comments from Plan Commission, Site Plan Review Committee, and a public hearing before the Common Council have been incorporated into the attached GDP dated March 28, 2023 and are highlighted. These changes include minor text edits, clarification of the park dedication and access, and additional information on private roadway widths.

STAFF EVALUATION:

Land Use and Zoning:

The proposed PUD General Development Plan is requesting flexibilities to Zoning Standards as allowed under the Zoning Code [per § 550-152B]. For the proposed condominiums, the applicant seeks to reduce the Minimum Lot Area requirements from 4,350 sq. ft. per dwelling unit to 2,600 sq. ft. per dwelling unit and reduce the Minimum Street Yard from 40 ft to 25 ft.

An additional flexibility requested by the applicant is the use of condominium plats for a few areas of the proposed development. Approval of this flexibility would allow multiple principal structures per lot and private streets.

Flexibilities allowed by a Planned Unit Development under Section § 550-152B:

B. Provision of flexible development standards for planned unit developments.

- (1) Permitted location. Planned unit developments shall be permitted with the approval of a Planned Unit Development Overlay Zoning District specific to the approved planned unit development.*
- (2) Flexible development standards. The following exemptions to the development standards of the underlying zoning district may be provided with the approval of a planned unit development:*

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- (a) Land use requirements. All land uses listed as "residential," "institutional" or "commercial" may be permitted within a planned unit development.
 - (b) Density and intensity requirements. All requirements listed for residential density and nonresidential intensity may be waived within a planned unit development.
 - (c) Bulk requirements. All residential and nonresidential bulk requirements may be waived within a planned unit development.
 - (d) Landscaping requirements. All landscaping requirements may be waived within a planned unit development.
 - (e) Parking and loading requirements. All requirements for off-street parking, traffic circulation, and off-street loading may be waived within a planned unit development.
 - (f) Drainageway Overlay District requirements. All Drainageway Overlay District requirements may be waived within a planned unit development.
- (3) Requirements to depict all aspects of development. Only development which is explicitly depicted on the required site plan approved by the Common Council as part of the approved planned unit development shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk landscaping, and parking and loading) is otherwise listed as permitted. Requested exemptions from these standards shall be made explicit by the applicant in the application and shall be recommended by the Plan Commission and approved explicitly by the Common Council. If not so requested and approved, such exemptions shall not be permitted. Flexible development standards shall be limited to density and intensity bonuses of no greater than 25% higher than otherwise permitted by the MR-10 District, unless specifically granted by the Common Council, and shall be limited to reductions in bulk, landscaping, parking and loading requirements of no greater than 25% lower than otherwise permitted for the proposed land uses, unless specifically granted by the Common Council.

Per Sections § 550-152G(2), the GDP step shall be identical to that for Zoning Map amendments:

- (2) The process and fees for review and approval of the GDP shall be identical to that for Zoning Map amendments per this chapter and (if land is to be divided) to that for preliminary and final plats of subdivision per the City Code.

PUBLIC HEARING COMMENTS:

Comments from the April 3, 2023 public hearing include concern over the vacation of a portion of Belmont Dr in Area A-D. Concerns over the street vacation included limited exits from the development, traffic congestion, and Fire and EMS access.

PLAN COMMISSION OPTIONS:

The following are possible options for the Plan Commission:

1. Negative recommendation of the General Development Plan (GDP) to Common Council.
2. Positive recommendation of General Development Plan (GDP) to Common Council.
3. Positive recommendation of the General Development Plan (GDP) to Common Council, with conditions identified by the Plan Commission.

ATTACHMENTS:

- Application materials.

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At the Request of Mayor McFarland, Mr. Donovan spoke to concerns raised at the public hearing.

After an extended discussion on the details of many elements, Mayor McFarland expressed her desire to provide a positive recommendation to Council acknowledging that the final dedication language can be ironed out and firmed up, but City is looking for the park and roadway to be complete.

There was more discussion on date changes and other procedural matters and a consensus evolved whereby:

Mayor McFarland requested a motion to provide a positive recommendation to the Council with the Dedication language to be finalized between Engineering and Beilinski and in general that the dedicated language would include a completed 300 feet right of way and the parking lot to the park.

**Motion to approve as requested by Lampe, Second by Holloway
Unanimous by voice vote.**

After discussing some coordination matters with Mr. Donovan, Mayor McFarland opened the next item

C. Conduct public hearing: 672 Johnson Street – Conditional Use Permit (CUP) request for Indoor Institutional under Section 550-30B(2)(b)

Mayor McFarland opened the public hearing and invited any interested parties to approach the microphone, and comment.

A request by Nathan Peters, agent for the Greater Watertown Community Health Foundation, for a Conditional Use Permit (CUP) for an 'Indoor Institutional' use in the Planned Office and Institutional (PO) Zoning District.
Parcel PIN: 291-0815-0544-004

Mayor McFarland, hearing no further comments, closed the public hearing and opened the associated action item

D. Review and take action: 672 Johnson Street – Conditional Use Permit (CUP) request for Indoor Institutional under Section 550-30B(2)(b)

Mayor McFarland opened item 3 D and asked Administrator Zirbes to provide the background and application description.

Administer Zirbes presented the information.

Mayor McFarland opened the comments with a discussion on a discussion on the Primary Vehicular

Access with input from Engineer Holloway, Administrator Zirbes, and Attorney Chesebro. The discussion concluded with a consensus that the requirements for Primary Vehicular Access have been met.

Mayor McFarland, observing that all conditions were met, asked for approval of the Conditional Use Permit without conditions.

**Motion by Holloway to approve as requested, Second by Lampe.
Unanimous by voice vote.**

**E. Conduct public hearing: 672 Johnson Street – Conditional Use Permit (CUP) request for Group
Mayor McFarland opened item 3 E, the public hearing, and invited any interested parties to approach the microphone, and comment.**

Mayor McFarland, hearing no comments, closed the public hearing and opened the action item.

F. Review and take action: 672 Johnson Street – Conditional Use Permit (CUP) request for Group Daycare (nine or more children) under Section 550-30B(2)(k)

Mayor McFarland called for Administrator Zirbes to present the matter.

Motion to convene in closed session by Lampe, Second by Konz
Mayor McFarland asked for a roll call vote.
Unanimous by voice vote.

I. Convene into closed session per Wis. Stat. Sec. 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. (Main Street Watertown, LLC n/k/a Riverhouse on the Rock, LLC First Amendment of Development Agreement)

J. Reconvene into open session

Mayor McFarland opened item 3 K

K. Review and take possible action: Main Street Watertown, LLC n/k/a Riverhouse on the Rock, LLC First Amendment of Development Agreement

Administrator Zirbes commented to the nature of the agreement and Mayor McFarland asked for a motion.

Motion by Lampe, Second Holloway.
Unanimous by voice vote.

4. ADJOURNMENT

Motion to Adjourn by Lampe, Second by Konz
Unanimous approval by Voice Vote
Meeting closed at 5:04 pm

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.