

PLAN COMMISSION
November 14, 2022

The Plan Commission met on the above date at 4:30 p.m. in lower-level room 0041 of the Municipal Building.

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

Others present: Steven T. Chesebro (City Attorney)

Others online: Ms. Sonja Kruesel joined the meeting in progress.

Citizens Present: Vicente Flores-Martinez, Summer Coley

1. CALL TO ORDER

Mayor McFarland opened the Commission meeting at 4:30 p.m.

2. APPROVAL OF MINUTES

A. Plan Commission minutes dated October 24, 2022

Motion by Krueger to accept, second by Holloway

Ms. Sonja Kruesel joined

Unanimous by voice vote.

3. BUSINESS

**A. Conduct public hearing: 205 S. Third Street – Conditional Use Permit (CUP) request for Indoor commercial entertainment under Sections 550-34B(2)(f) and 550-52H
205 S. Third Street – Indoor Commercial Entertainment CUP**

Background:

Summer Coley, applicant, and Dan Rahfaldt, property owner, are proposing to operate a 24-hour fitness gym at 205 S. Third Street. 205 S. Third Street is zoned Central Business (CB).

Mayor McFarland opened the public hearing, called for citizen comments and when hearing none, closed the public hearing and opened the associated action item.

B. 205 S. Third Street – Conditional Use Permit (CUP) request for Indoor commercial entertainment under Sections 550-34B(2)(f) and 550-52H

Mayor McFarland introduced the packet materials, advised Ms. Sonja Kruesel (online) that the owner was present in the room and asked for her description and considerations of the matter.

Ms. Kruesel provided a summary of the following information:

Relevant Information:

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

1. 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- [1]Editor's Note: Former Subsection B(2)(k), Boardinghouse, which immediately followed, was repealed 6-19-2018 by Ord.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]

2. 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.
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. 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.

Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
	Yes	No	Yes	No	Yes	No
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,	Yes	No	Yes	No	Yes	No

Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
	Yes	No	Yes	No	Yes	No
Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the property abutting	Yes	No	Yes	No	Yes	No

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

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

Recommendation:

Review and Approve 205 S. Third Street – Conditional Use Permit (CUP) request for Indoor commercial entertainment under Sections 550-34B(2)(f) and 550-52H

Mayor McFarland asked for questions of the applicant or questions in general.

A brief discussion on the nature of the recommended action followed.

**Motion for approval as recommended by Romlein, Second by Krueger
Unanimous by voice vote.**

**C. Conditional Use Permit request for exterior storage under Section 550-109D –
location of dumpster**

Mayor McFarland opened the item and called for Ms. Kruesel for her review and considerations of the matter.

Sonja Kruesel provided the following information:

The Planning Commission already approved the conditional use permit for the restaurant itself at this location, and this item is returning to clarify the dumpster location. Dumpsters are not allowed within the street yard or the front yard of the building. The property lines on the north side of the building do not allow a dumpster to be located there. Therefore, the dumpster would have to be placed on the south side of the building.

The dumpster cannot be placed at the very southern portion of the property, however it could be placed behind the line that runs parallel to the front of the building with the street. The dumpster should then be surrounded by a fence and gate. In addition, where there's planting space available, some really simple evergreens should be installed to provide some additional screening.

Motion was made by Jaynellen Holloway and seconded by Nick Krueger to approve the conditional use permit with the conditions that the dumpster is behind the front facing part of the building and is enclosed and screened properly.

Motion unanimously approved.

Ms. Kruesel exited the meeting.

6. Review and take action: Parcel Number 291-0815-0624-004 (5.340 acres) - Discuss sale of land proposal from BASO Gas Products LLC

Mayor McFarland opened the item and asked City Attorney to provide the setup information.

Attorney Steven T. Chesebro summarized the following information:

Parcel No. 291-0815-0624-004 (5.34 Acres)

Background:

The City has received a request for the City to consider selling Parcel No. 291-0815-0624-004. The parcel is located on E. Horseshoe Rd. immediately south of the BASO Gas Products building and includes approximately 5.34 acres. The lot currently has a Right of First Refusal which permits BASO Gas Products to purchase the building for \$10.00 or \$10.00 more than any offer the City intends to accept provided BASO Gas Products enters into a development agreement for the parcel within 180 days of purchasing the property. The Right of First Refusal is set to expire in July 2024. Development of the property under the development agreement would likely require

completing the development within about 2 (two) years of entering into the development agreement.

Relevant Information:

The land is zoned Planned Industrial and as it is currently vacant land could be developed for any of the following purposes such as cultivation, selective cutting, passive outdoor public recreation, active outdoor public recreation, indoor institutional, public services and utilities, office, personal or professional services, indoor maintenance service, indoor storage or wholesaling, light industrial and several other potential uses under a conditional use permit. At this time, the City does not have any plans for use of the parcel, beyond transferring it to private parties for development. The City has not received any offers or interest in developing the parcel, except limited discussions from BASO Gas Products about potential future development of the lot. The City of Watertown's policies require Plan Commission approve the sale or listing of any real estate prior to the City entering into such an agreement.

Recommendation:

Approve the land to be eligible for sale.

A map of the area was opened and the specific of the property were discussed

The use of the property options and purchase options were discussed along with the right of first refusal were further examined a consensus was developed to support the recommended action.

Motion by Holloway to approve the recommendation, second by Krueger.

It was noted that the land sale would be an action by the finance committee.

**Mayor McFarland called for any other discussion, hearing none, called the question.
Unanimous by voice vote.**

Mayor McFarland call for a motion to adjourn.

Motion to Adjourn by Romlein, Second by Holloway
Meeting closed at 4:52 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.