

PLAN COMMISSION
Minutes
March 13, 2023 | 4:30 p.m.

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

The following members were present: Mayor Emily McFarland (Chair), Andrew Beyer PE (Assistant City Engineer), Brian Zirbes (Zoning Administrator), Alyse Talaga (Citizen Member), Brian Konz (Park & Rec. Rep), Melissa Lampe (Citizen Member), Nick Krueger (Citizen Member), and James Romlein PE (Recording Secretary).

Others Present: Steven T. Chesebro City Attorney, Alderperson Wetzell, Mr. Wehmeyer and Mr. Russell (on-line).

Citizens Present: John Donovan, Nathan Peters

1. CALL TO ORDER

Mayor McFarland called the Commission to Order and opened item 2 A.

2. APPROVAL OF MINUTES

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

Mayor McFarland called for discussion or a motion.

No Discussion

Motion to approve Krueger, Second by Lampe

Unanimous by voice vote.

B. Review and take action: Plan Commission minutes dated February 27, 2023

Mayor McFarland called for discussion or a motion.

Motion to approve Krueger, noting that the minutes reflected his participation online when in fact,

Mr. Krueger was present in the meeting and asked that the minutes be amended.

Second by Lampe for the minutes as amended.

Unanimous by voice vote.

3. BUSINESS

A. Conduct public hearing: 713 Milford Street- Conditional Use Permit (CUP) request for a Community Living Arrangement (nine to 15 residents) under Section 550-30B(2)(e)

Mayor McFarland opened the public hearing and called any person wishing to speak on this matter to come to the microphone and address the Commission.

Hearing none -

Mayor McFarland closed the public hearing and opened the associated action item 3 B.

B. Mayor McFarland called on Mr. Zirbes to provide the summary of issues to be considered by the Commission for approval or other actions.

Mr. Zirbes detailed the information in the communications shown below.

TO: Plan Commission
DATE: March 13, 2023
SUBJECT: 713 Milford Street, Conditional Use Permit - CUP

SITE DETAILS:
Acres: 32.5

Current Zoning: Planned Office and Institutional
Existing Land Use: Institutional
Future Land Use Designation: Planned Mixed Use & Planned Neighborhood.

BACKGROUND AND APPLICATION DESCRIPTION:

Applicant is seeking approval of a conditional use permit to utilize an existing 6,700 sq ft building to house a Youth Crisis Mental Health Facility. The facility will have 12 beds and provide treatment services for boys and girls ages 10 to 17. The facility will operate 24/7, 365 days a year with the average youth stay being 3 to 5 days. Staffing will consist of a minimum of 2 full-time employees but will increase as necessary to maintain a 1 to 3 ratio of staff to children. Light renovation of the building is planned prior to the opening of the facility at the end of June 2023.

STAFF EVALUATION:

Site Plan Review Committee:
See Minutes of February 27, 2023.

Land Use and Zoning:

1. Within the Planned Office and Institutional (PO) Zoning District 'Institutional Residential' is a principal land use permitted as a Conditional Use [per § 550-30B(2)(d)]. 'Institutional Residential' includes limited care facilities, rehabilitation centers, and similar land uses among the allowed uses [per § 550-51F]. The existing 32.5 acre parcel exceeds the requirement of having at least 800 sq. ft. of gross site area per occupant and exceeds the requirement that a minimum of 30% of the gross site area be held as permanent green space [per § 550-51F].

Applicable regulations for 'Institutional Residential' land uses include the following:

- The proposed site shall be located so as to avoid disruption of an established or developing office area. Within the Neighborhood Office (NO) and the Planned Office and Institutional (PO) Districts, institutional residential developments shall be designed so as to maintain the character of the adjacent properties. [per § 550-51F(1)(a)].
 - Shall be located with primary vehicular access on a collector or arterial street [per § 550-51F(1)(b)].
 - No access shall be permitted to a local residential street [per § 550-51F(1)(c)].
 - Applicant shall provide off-street passenger loading area at a minimum of one location within the development [per § 550-51F(1)(d)].
 - All structures shall be located a minimum of 50 feet from any residentially zoned property which does not contain an institutional residential land use [per § 550-51F(1)(e)].
2. The Planned Office and Institutional (PO) Zoning District requires 'Institutional Residential' uses to follow the regulations of the Multifamily Residential – 10 Zoning District [per § 550-30F]. The proposal meets or exceeds all the residential density, intensity, and bulk requirements of the Multifamily Residential – 10 Zoning District [per § 550-27F].
 3. Parking and traffic circulation requirements for the facility will be met by utilizing existing driveways and parking areas. Access to the facility is provided by a driveway from Milford Street.
 4. Lighting of structures, parking areas, and traffic circulation areas will utilize existing lighting fixtures as well as new lighting along the driveway from Milford St. Lighting fixtures existing prior to the effective date of the zoning code are considered legal conforming uses [per § 550-110D(6)].
 5. A required off-street passenger loading area has been designated by the applicant.

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.

3. 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.

4. 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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STAFF EVALUATION

Site Plan Review Committee:

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2. 62.23 (7) (de)(2)

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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.

4. 62.23 (7) (de)(5)

PLAN COMMISSION DECISIONS:

Institutional Residential Land Use Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
	Yes	No	Yes	No	Yes	No
1. The proposed site shall be located so as to avoid disruption of an established or developing office area. Within the Neighborhood Office (NO) and Planned Office and Institutional (PO) District, institutional residential developments shall be designed so	Yes	No	Yes	No	Yes	No
2. Shall be located with primary vehicular access on a collector or arterial street.	Yes	No	Yes	No	Yes	No
3. No access shall be permitted to a local residential street.	Yes	No	Yes	No	Yes	No
4. Applicant shall provide off-street passenger loading area at a minimum of one location within the development.	Yes	No	Yes	No	Yes	No
5. All structures shall be located a minimum of 50 feet from any residentially zoned property which does not contain an institutional residential land use.	Yes	No	Yes	No	Yes	No

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.

If 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.

ATTACHMENTS:

- Application materials

After a brief offline discussions Mayor McFarland, seeing that a consensus had developed called for a motion.

**Motion to approve without conditions Lampe, Second Talaga
Unanimous by voice vote.**

Mayor McFarland expressed a strong conviction and support for this initiative to support youth in need with this project and noted that the same support was shown by the members of the Commission and community at large.

Mayor McFarland also expressed her thanks to The Foundation and The County for their partnership and valued support.

Mayor McFarland summarized the support of all parties including Fire and Police departments.

C. Pre-application Conference and Concept Plan: Hunter Oaks Planned Unit Development Plan (PUD) General Development Plan (GDP)

Mayor McFarland opened the item and asked Mr. Zirbes to provide the item specifics.

Mr. Zirbes presented the information in the Plan Commission document shown below.

TO: Plan Commission
DATE: March 13, 2023
SUBJECT: Hunter Oaks PUD Pre-Application and Concept Review

Pre-Application and Concept Review for a Planned Unit Development (PUD) 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 review and discussion before the Plan Commission regarding a conceptual Planned Unit Development (PUD). The properties are currently zoned Planned Unit Development (PUD), however, they have no current General Development Plan. 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. A developer's agreement is also being drafted which will dedicate a neighborhood park and transfer a detention pond to the City.

STAFF EVALUATION:

Site Plan Review Committee:
See Minutes of March 13, 2023.

Land Use and Zoning:

The proposed PUD General Development Plan is requesting flexibilities to Zoning Standards as allowed under Section § 550-152B of the Zoning Code. 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. For the single-family homes, the applicant seeks to reduce the Minimum Lot Width from 75 ft to 50 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:*
 - (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 § 550-152F(3) & § 550-152F(4), the Concept Review step is non-binding:

(3) *At the Plan Commission meeting, the applicant shall engage in an informal discussion with the Plan Commission regarding the conceptual PUD. Appropriate topics for discussion may include the any of the information provided in the PUD concept plan submittal packet or other items as determined by the Plan Commission.*

(4) *Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the City but should be considered as the informal nonbinding basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the concept plan to occur prior to introduction of the formal petition for rezoning which accompanies the general development plan (GDP) application.*

PLAN COMMISSION OPTIONS:

The following are possible options for the Plan Commission:

- i. No action required, non-binding discussion.

ATTACHMENTS:

- Application materials.

Mayor McFarland observed that this is a pre-application conference as an opportunity for the Commission members to see the conceptual plans, ask any questions and in short, provide input to the developer in the early stages of the process.

Mayor McFarland introduce Mr. John Donovan of Bielinski Homes Inc.

Mr. Donovan provided a comprehensive overview of the project which included graphics of the stages and an explanation of the land use, lot size, utility considerations, and issues that affect the desirability of the complex.

There was an extensive question and reply session where many aspect of the project were discussed, except for the type of grass seed.

At the end of review, Commission members were very appreciative of the congenial effort by Mr. Donovan and expressed their anticipation for the future action on this development.

Mayor McFarland thanked Mr. Donovan and closed the item as no action was needed.

D. Discussion: Town of Emmet Boundary Agreement

Mayor McFarland opened the item advising that this is a discussion, and no action is required.

Mr. Zirbes provided a summary of the status of the Town Boundary Agreement.

For the next twenty-seven minutes, the members discussed a most convoluted challenge that the members of the Commission will need to come to grips with in the near future in order to resolve this boundary agreement, considering the impact on the existing and future resident's matters, needs of the city, cost options available, and many other weighty items.

Mayor McFarland closed the discussion recommending that Commissioners drive the area to become more familiar with the landscape and stand prepared for this future action.

Mayor McFarland asked for a motion to adjourn.

4. ADJOURNMENT

Motion to Adjourn by Romlein, Second by Holloway

Unanimous approval by Voice Vote

Meeting closed at 5:43 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.