

PLAN COMMISSION
Minutes
August 8, 2022
4:30 p.m.

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

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

Others Present:, Fred Smith

Citizens Present: Ruth Mack, Lorenzo Lewis

1. Call to order

Mayor McFarland opened the meeting

2. Approval of Minutes

A. Review and take action: Plan Commission minutes dated July 25, 2022

~~After a short discussion, a member consensus developed to adopt the proposed 75 feet and set the public hearing date at August 16, 2022. 11~~

Request by Krueger to amend the minutes by deleting a portion of the text in Item E that was expanded by Mayor McFarland, with

concurrence by Romlein, as shown below.

Motion by Krueger to accept, Second by Konz
Unanimous by voice vote

3. Business

A. Conduct public hearing: 107 E. Main Street – Conditional Use Permit (CUP) request for Indoor commercial Entertainment under Sections 550-34B(2)(f) & 550-52H

Background:

The Range, LLC (Jorge Monterrey, Registered Agent and business owner) & Urban Living Properties, Inc. (Lorenzo Lewis, Registered Agent and property owner) are proposing and axe throwing business and arcade at 107 East Main Street. 107 East Main Street is zoned Central Business (CB).

With no attendees or persons online wishing to speak on this matter, Mayor McFarland closed the Public Hearing and opened the Action Item.

B. Review and take action: 107 E. Main Street – Conditional Use Permit (CUP) request for Indoor commercial Entertainment under Sections 550-34B(2)(f) & 550-52H

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

Relevant Information:

1. Under Section § 550-34B(2)
(2) *Principal land uses permitted as conditional use (per §550-45B):*

(g) Indoor commercial entertainment

2. Under Section § 550-52H:

H. *Indoor commercial entertainment. Description: Indoor land uses which provide entertainment services entirely within an enclosed building.* (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).*

Within the Central Business Zoning District, there are no parking standards under Section § 550-107G(4):

(4) *Provision of fee in lieu of parking spaces development. Within the Central Business (CB) District, the parking requirements of this chapter are hereby waived.*

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.**
- 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**

CRITERIA: *the following are summarized for consideration.*

1, 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.

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| Applicant Provided Substantial Evidence | Yes |
| PC Finds Standards Met | Yes |

2. Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the property abutting.

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| Applicant Provided Substantial Evidence | Yes |
| PC Finds Standards Met | Yes |

3. 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).

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| Applicant Provided Substantial Evidence | Yes |
| PC Finds Standards Met | Yes |

Recommendation:

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

**Motion by Holloway to approve as recommended, Second Krueger
Unanimous by voice vote**

C. Review and take action: provide recommendation of street vacation of Hyland Street Right of Way to Common Council

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

Background:

Hyland Street – Street Vacation

Loeb and Company, LLP is looking to vacate a dead-end portion of Hyland Street.

Both property owner's directly abutting the vacated portion have signed off on the petition to vacate.

Relevant Information:

1. See attached Lis Pendens and signed Vacation Petitions.
2. This portion of Hyland Street dead-ends into the Rock River.
 - a. No utilities extend under the vacated section of Hyland Street.
 - b. No city utility easements were identified in the vacated section of Hyland Street.
3. Will go before the September 20, 2022 Common Council.
 - a. Requires a Class III Publication. b. Approved via resolution.

Recommended:

Positive recommendation of the Vacation of Hyland Street.

**After a brief discussion on the topography, motion by Holloway to approve as recommended. Second by Romlein
Unanimous by voice vote**

4. Adjournment

**Motion to Adjourn by Holloway, Second by Kohn
Unanimous approval by Voice Vote**

Meeting closed at 4.40 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.