

**PLAN COMMISSION
Minutes**

July 25, 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 P.E.(Director of Public Works/City Engineer), Jacob Maas (Zoning Administrator), Nick Krueger, and James Romlein P.E. (Recording Secretary)

Excused Members: Becky Huff

Citizens Present: Gerald L. Hepp, Linda L. Hepp, Sandra Zastrow, Jim Strong, Kendall Boucher

1. Call to order

Mayor McFarland opened the Commission meeting.

2. Approval of Minutes

A. Review and take action: Site Plan Review minutes dated July 11, 2022

**Motion to accept Krueger, Second Holloway
Unanimous by voice vote**

B. Review and take action: Plan Commission minutes dated June 27, 2022

**Motion to accept Romlein, Second Holloway
Unanimous by voice vote**

3. Business

A. public hearing: 746 N. Church Street – Conditional Use Permit (CUP) request for the accessory land use of In-Vehicle Sales and Service incidental to On-Site Principal Land Use under Sections 550-33C(2)(d) & 550-56G

Mayor McFarland opened the public hearing and called for comments.

Ald. Lampe submitted the following email for consideration:

Commissioners,

As Alderperson for Watertown District 2 I would like to endorse the CUP before you for the project at 746 N. Church St. The Spaulding/Church St. area is home to a healthy and mixed cluster of businesses, including a bar, a real estate office, a tank depo, a veterinarian and several trades. The addition of a high quality drive-through coffee shop would be welcomed by District 2 residents, business employees, and people headed to the high school or north out of town. Furthermore, the Berres business requesting the CUP has shown itself to be a consistent driver of economic development in Watertown city limits, and this shop will certainly increase employment and activity in the area.

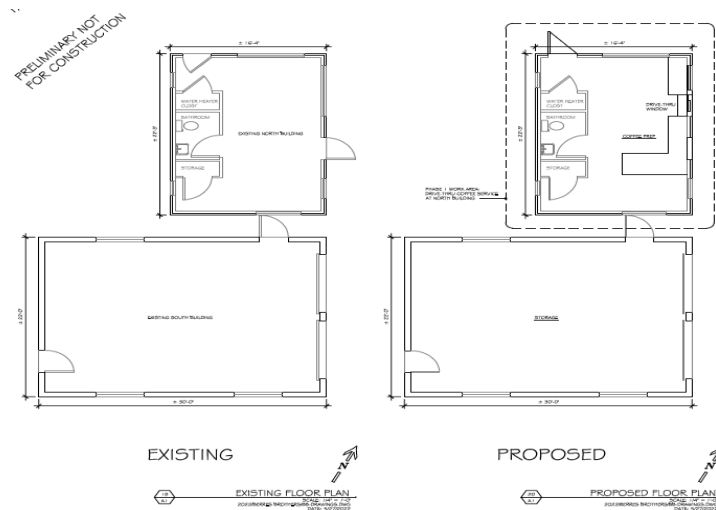
Regards,

Jonathan Lampe

- City of Watertown District 2 Alderperson

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

B. Review and take action: 746 N. Church Street – Conditional Use Permit (CUP) request for the accessory land use of In-Vehicle Sales and Service incidental to On-Site Principal Land Use under Sections 550-33C(2)(d) & 550-56G



There shouldn't be any exterior storage.

Dumpster and Recycling enclosure at North of North building – would be kept in an organized manner.

Scheduled Timetable:

ASAP upon approval by City. We are hopeful that we could have the drive thru open Fall of 2022.

We would then look at Summer/Fall of 2023 to expand into Phase 2 development.

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

Background:

PBF Air Park, LLC, as part of an Indoor sales or service is proposing an accessory drive through facility.

746 North Church Street is zoned General Business (GB).

Relevant Information:

1. See Site Plan Review Minutes of July 11, 2022.

2. Under Section § 550-33C(2):

- (2) Accessory land uses permitted as conditional use:
 - (d) In-vehicle sales and service.

3. Under Section § 550-56G:

- G. In-vehicle sales and services incidental to on-site principal land use.
 - Description: see § 550-52G.

(1) Regulations.

- (a) Shall comply with all conditions of § 550-52G.

4. Under Section § 550-52G:

G. In-vehicle sales or service. Description: In-vehicle sales and service land uses include all land uses which perform sales and/or services to persons in vehicles or to vehicles which may or may not be occupied at the time of such activity (except vehicle repair and maintenance services, see Subsection Q). Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up and drive-through facilities, vehicular fuel stations, and all forms of car washes. If performed in conjunction with a principal land use (for example, a convenience store, restaurant or bank), in-vehicle sales and service land uses shall be considered an accessory use (see § 550-56G).

(1) Regulations.

- (a) Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).
- (b) The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement or exacerbate the potential for pedestrian/vehicular conflicts.
- (c) In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this section.
- (d) The setback of any overhead canopy or similar structure shall be a minimum of 10 feet from all street right-of-way lines, a minimum of 20 feet from all residentially zoned property lines, and shall be a minimum of five feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to highest part of structure.
- (e) All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four-ton axle load.
- (f) Facility shall provide a buffer yard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property (§ 550-99).
- (g) Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of six inches high and be of a nonmountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines.

(2) Parking requirements. One space per 50 square feet of gross floor area. Each drive-up lane shall have a minimum stacking length of 100 feet behind the pass-through window and 40 feet beyond the pass-through window.

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 = Applicant Provided Substantial Evidence

Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).

Yes

The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement or exacerbate the potential for pedestrian/vehicular conflicts.

Yes

In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this section.

Yes

The setback of any overhead canopy or similar structure shall be a minimum of 10 feet from all street right-of-way lines, a minimum of 20 feet from all residentially zoned property lines, and shall be a minimum of five feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to highest part of structure.

Yes

Criteria = Applicant Provided Substantial Evidence

All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four-ton axle load.

Yes

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

Yes

Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of six inches high and be of a nonmountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines.

Yes

One space per 50 square feet of gross floor area. Each drive-up lane shall have a minimum stacking length of 100 feet behind the pass-through window and 40 feet beyond the pass-through window.

Yes

Recommendation:

Approve the Conditional Use Permit with conditions

**Motion to approve as submitted Romlein, Second by Holloway
Unanimous by voice vote**

C. Initial Review and Set Public Hearing Date: 1018 East Main Street - Planned Unit Development/General Development Plan

GENERAL DEVELOPMENT PLAN FOR 1018 East Main Street

Current property status:

Development is defined under Section § 550-15:

DEVELOPMENT

The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land; or any clearing, grading or other movement of land, for which permission may be required pursuant to this chapter.

Under this definition, the proposed development will encompass the following:

Conversion and reconstruction / Use change of land / Grading of land

Currently 1018 East Main Street is zoned Two-Family Residential (TR-6) and consists of a residential dwelling unit. In the 2019 City of Watertown Comprehensive Plan, 1018 East Main Street is identified as Two-Family. Two-Family allows the following Zoning Districts:

The developer also owns 1020 East Main Street, which is zoned Planned Business.

General written description of the proposed PUD (§ 550-152G(1)(c)):

Statement of rationale as to why PUD zoning is proposed (§ 550-152G(1)(c)[7]):

As stated previously, 1018 East Main Street is zoned Two-Family Residential. Two-family residential does not allow the principal land use of Outdoor Display (car dealership) under

Section § 550-25B. The adjacent property of 1020 East Main Street, which is also owned by the developer, is zoned Planned Business. The Planned Business Zoning District does allow Outdoor Display as a principal land use permitted as a conditional use under Section § 550-32B(2)(e). The developer is looking to expand his business at 1020 East Main Street, and incorporate the Outdoor Display land use on 1018 East Main Street.

The future land use of 1018 East Main Street, Two-Family, does not allow for the rezoning to Planned Business. In order to expand the existing business at 1020 East Main Street, a Planned Unit Development would allow 1018 East Main Street to function as a Planned Business Zoning District.

General project themes (§ 550-152G(1)(c)[1]):

Phase 1:

The developer would raze the existing dwelling-unit located at 1018 East Main Street.

Phase 2:

Development of Outdoor Display area and stormwater facility

Access:

The developer intends to move the current access point to the East to accommodate the stormwater facilities. The new entrance will be an extension of 1020 East Main Street's access.

General mix of dwelling unit types and/or land uses (§ 550-152G(1)(c)[2]):

Principal land uses:

1. Outdoor Display

Residential densities and nonresidential intensities (§ 550-152G(1)(c)[3]):

Dwelling units per acre:

No dwelling units on 1018 East Main Street.

Floor area ratio:

There is no proposed structures on 1018 East Main Street.

Impervious surface area:

The development will meet or exceed the Planned Business District's minimum landscape surface ratio under Section § 550-32G(1)(b), which is 25%.

Proposed landscape surface ratio is 36% General treatment of natural features (§ 550-

152G(1)(c)[4]):

1018 East Main Street is residential urban area. There are no natural features located on 1018 East Main Street.

General relationship to nearby properties and public streets (§ 550-152G(1)(c)[5]):

Nearby properties:

1020 East Main Street is zoned Planned Business.

1012 East Main Street & 118 Dewey Avenue are zoned Two-Family Residential (TR-6).

Public Streets:

East Main Street

East Main Street is identified in the 2019 City of Watertown Comprehensive Plan as having an expanded right-of-way width. That width is 120 feet (60 feet from the centerline).

General relationship of the project to the Comprehensive Plan (§ 550-152G(1)(c)[6]):

As previously stated, 1018 East Main Street's future land use is Two-Family. Per the 2019 City of Watertown Comprehensive Plan:

Two-Family Residential This future land use category is intended for single-family and two-family (e.g. duplexes, townhomes, two-flats) residential development served by City of Watertown sanitary sewer and water systems. Two-Family Residential land use areas are depicted primarily in locations where this type of development existed at this time this Plan was prepared, including the following areas: (1) surrounding the City's historic downtown; (2) on the City's west side between the rail lines; and (3) on the east side of the City west of STH 16. The City's Two-Family Residential (TR-6) zoning district is the most appropriate district to implement this future land use category. Policies and Programs:

Encourage the construction of narrower streets in new neighborhoods, where practical, and require sidewalks along all streets.

Plan for interconnected road and open space networks in residential areas and between individual subdivisions.

Ensure that schools must have sufficient capacity to accommodate new students who will live in the School District.

Require grading and stormwater management plans for all new development.

The proposed development at 1018 East Main Street would act as an extension of the future land use of 1020 East Main Street. 1020 East Main Street has a future land use of Neighborhood Mixed Use.

Zoning standards (§ 550-152G(1)(c)[8]):

Zoning standards not met:

Allowance of an Outdoor Display land use

Allowance of an access way not compliant with Sections § 550-105I & § 550-105J.

3. Allowance of parking not compliant with Sections § 550-107G(5)(a) & § 550- 52D(1)(b)

Zoning standards to be met:

1. The Outdoor Display land use will meet the requirements of the Planned Business Zoning District under Section § 550-32G.

Potentially requested exemptions from the requirements of the Two-Family Residential (TR-6) Zoning District (§ 550-152G(1)(c)[9]):

Land Use Exemptions:

Allowance of an Outdoor Display land use

Density and intensity exemptions:

The Outdoor Display land use will meet the requirements of the Planned Business Zoning District under Section § 550-32G.

Bulk exemptions:

The Indoor Maintenance Service land use will meet the requirements of the Planned Business Zoning District under Section § 550-32G.

Landscaping exceptions:

Not applicable, will meet the requirements of Chapter 550, Article X: Landscaping & Bufferyard Regulations.

Parking and loading requirements exceptions:

Allowance of parking not compliant with Sections § 550-107G(5)(a) & § 550- 52D(1)(b)

Loading requirements will meet the regulation of Section § 550-108.

General development plan (§ 550-152G(1)(d)):

See attached site plan

Section § 545-33, Dedication & Improvement of Public Parks and Other Public Sites, is not applicable to this development.

This development will not subdivide the lot.

Landscaping plan (§ 550-152G(1)(e)):

The developer proposes to meet all applicable requirements of Chapter 550, Article X: Landscaping & Bufferyard Regulations.

Signage plan (§ 550-152G(1)(f)):

The developer is not proposing any signage currently. Any future signage would need to meet the requirements of Chapter 550, Article XII: Signage & Projections. Future signage

would have to meet the requirements for the Neighborhood Business Zoning District. It should be noted that the signage regulation for Neighborhood Business Zoning District are the same as the current Zoning District, Rural Holding.

Written justification for the proposed planned unit development (§ 550-152G(1)(g)):

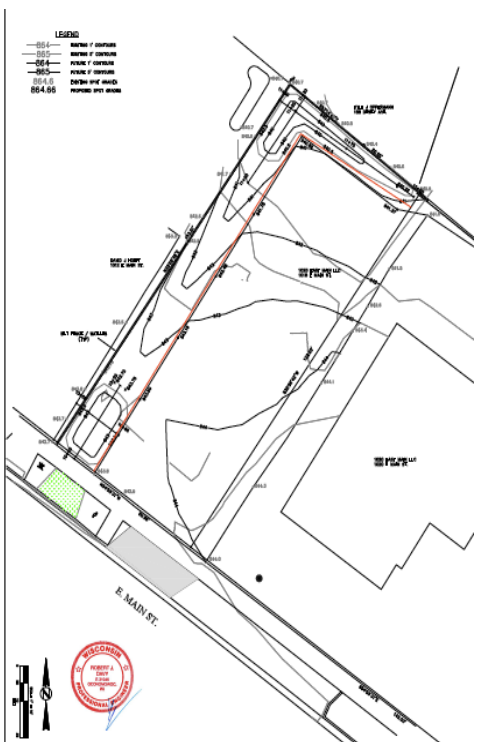
Under Section § 550-141D(3)(c)

The proposed amendment to the Official Zoning Map maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property..

The proposed development of 1018 East Main Street is an extension of the current land use occurring at 1020 East Main Street. The stormwater facilities located on the west side of 1018 East Main Street will provide a buffer between 1018 East Main Street and 1012 East Main Street. This development does not change the consistency, intensity, or impacts on the surrounding environs.

Financial capability (§ 550-152G(1)(h)):

Not applicable, the developer is not developing any public improvements with this development. Nor is the developer expanding any private utility improvements that would require easements.

[illegible]

Motion by Holloway to set the Public Hearing Date at August 16, 2022

Second by Krueger

Unanimous by voice vote

D. Review and make recommendation: Marine Corp Aero Park (907 Boomer Street) – Review under Wis Stat 62.23(5)

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

Background:

The Marine Corps League (Bartelme-Schwefel Detachment 349) is proposing develop a statue and 10' x 12' gazebo/ pergola at Marine Corp Aero Park. This development was approved at the July 12, 2022 Marine Corps League (Bartelme-Schwefel Detachment 349) meeting.

Relevant Information:

Development for Marine Corp Aero Park is delegated under Chapter 211: Airport. Any Development must be approved per Section § 211-13F(2)(c):

- (c) *Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon or across such property, unless specifically authorized by the Watertown Airport Commission **or the United States Marine Corps League.***

607 Boomer Street is owned by the City of Watertown and is subject to Wis. Stat. § 62.23(5):

- (5) *Matters referred to city plan commission. The council, or other public body or officer of the city having final authority thereon, shall refer to the city plan commission, for its consideration and report before final action is taken by the council, public body or officer, the following matters: **The location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds;***

**Motion to make an advisory positive recommendation to the Common Council on the location and/or architectural design by Holloway,
Second by Krueger
Unanimous by voice vote**

E. Initial review and Set Public Hearing Date: Amend Section § 550-52l(1)(a) through the removal and addition of language – Outdoor Commercial Entertainment Setbacks

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

Background:

Many indoor commercial entertainment businesses are moving towards offering outdoor commercial entertainment as part of their business model. The City has run into setback issues for businesses trying to expand their business outdoors.

Relevant Information:

1. Currently Section § 550-52l(1)(a) states:

Activity areas shall not be located closer than 300 feet to a residentially zoned property.

- [1] *Within the Central Business (CB) Zoning District, activity areas shall not be located closer than 50 feet to a residentially zoned property.*



2. How other communities regulate Outdoor Commercial Entertainment setbacks: Cross Plains:

Section § 84.58(h):

Activity areas shall not be located closer than 100 feet to a residentially zoned property.

Sun Prairie:

Section § 17.16.100(l):

Activity areas shall not be located closer than three hundred (300) feet to a residentially zoned property.

Fort Atkinson:

Section § 15.03.10(9):

Customer entrances shall be located a minimum of 50 feet from residentially-zoned property.

Activity areas shall not be located closer than 50 feet to a residentially- zoned property.

Jefferson:

Section § 300-3.10l:

Customer entrances shall be located a minimum of 50 feet from residentially-zoned property.

Activity areas shall not be located closer than 50 feet to a residentially- zoned property.

Oconomowoc:

Section § 17.108(6)

No defined setbacks

3. Proposed language:

Activity areas shall not be located closer than ~~300~~ 75 feet to a residentially zoned property.

[1] Within the Central Business (CB) Zoning District, activity areas shall not be located closer than 50 feet to a residentially zoned property.

4. Set public hearing date for August 16, 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.

Motion by Romlein to approve and set the hearing date for August 16, 2022

Second by Holloway

Unanimous by voice vote

F. Initial Review and Set Public Hearing Date: Rezone 1611 East Main Street from SR-4, Single- Family Residential to PO, Planned Office & Institutional

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

Background:

During a recent Zoning Board of Appeals meeting, it was noticed that 1611 East Main Street was zoned Single-Family Residential. The current land use is Indoor Institutional (Church & School). The future land use, as indicated on the 2019 Comprehensive Plan, for 1611 East Main Street is Institutional.

Relevant Information:

The Zoning Administrator is proposing to rezone from Single-Family Residential (SR- 4) to Planned Office & Institutional (PO).

- a. Rezone complies with the 2019 Comprehensive Plan's future land use map for 1611 East Main Street.



This would fall under the initiation by the Plan Commission under Section § 550-141B:

Initiation of request for amendment to Official Zoning Map. Proceedings for amendment of the Official Zoning Map may be initiated by any one of the following three methods:

An application of the owner(s) of the subject property, lease holders, or contract purchasers;

A recommendation of the Plan Commission; or

By action of the Common Council.

Why is this being addressed now, under Section § 550-141D(3)(b)[2]:

[2] A mistake was made in mapping on the Official Zoning Map. (That is, an area is developing in a manner and purpose different from that for which it is mapped.)

Note: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the City may intend to stop an undesirable land use pattern from spreading.

There is currently an unintended conflict with the current allowed land use, and the Single-Family Residential (SR-4) Zoning Districts

- a. Signage requirements for the SR-4 Zoning District are more stringent than PO Zoning District.

Set public hearing to August 16, 2022

This item is mostly a house keeping item to align the physical layer with the administrative layer in the most expeditious process.

Motion by Holloway to approve and set the public hearing date to August 16, 2022

Second by Romlein

Unanimous by voice vote

G. Review and take action: 100 South Water Street (City of Watertown Public Library) – Preliminary CSM

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

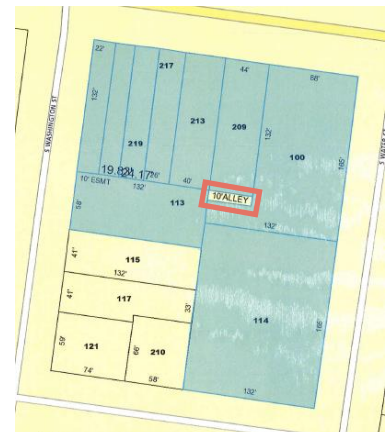
Background:

The City of Watertown Public Library is looking to combine all the parcels that make up the Library Complex. The vacation of the alleyway behind the Library was approved by the Common Council via resolution (Exhibit # 9392) and recorded at Jefferson County (attached).

Relevant Information: No issues with the CSM

Motion by Holloway to approve the Preliminary CSM without conditions

Second by Krueger, Unanimous by voice vote



4. Adjournment

**Motion to adjourn Romlein, Second Holloway
Unanimous by voice vote**

Adjourned at 5:55

Respectfully Submitted,

James W. Romlein Sr. P.E.
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.