

**PLAN COMMISSION MINUTES**

**September 26, 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), Nick Krueger, Brian Konz, James Romlein (Recording Secretary), and Ms. Alyse Talaga

**Others Present:** Tammy Chwala, Duane Duddeck, Kevin Schmidt, Terry, Shelley Kassube, Tim Kassube, Emily Aschenbrener, Paul Ashenbrener, Zachary Schmidt

**1. CALL TO ORDER**

**Mayor Emily McFarland called the meeting to order.**

**2. APPROVAL OF MINUTES**

A. Review and take action: Site Plan Review minutes dated September 12, 2022

**Mayor McFarland called for a motion**

**Motion by Konz to approve, Second by Holloway**

**Unanimous by voice vote**

B. Review and take action: Plan Commission minutes dated September 12, 2022

**Mayor McFarland called for a motion**

**Motion by Krueger to approve, Second by Konz**

**Unanimous by voice vote**

**3. BUSINESS**

**A. Conduct public hearing: 300 Air Park Drive - Conditional Use Permit (CUP) request for Group Development under Section 550-68A (3)**

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

Wilkey Blades II, LLC (Richard Wilkey, registered agent & owner) is proposing to develop a 1,792 square feet lean-to structure for scrap metal storage at 300 Air Park Drive. 300 Air Park Drive is zoned Heavy Industrial (HI).

**Relevant Information:**

a. This development falls under Group Development per Section § 550-68A(1):

*(1) Two or more structures containing principal land uses on the same lot.*

b. Per Section § 550-69B:

*A. Permitted by right: not applicable.*

*B. Conditional use regulations. Any land use that is permitted as a permitted by right land use or as a conditional land use within the applicable zoning district(s) is permitted to locate within a group development. The detailed land use regulations of this section that pertain to individual land uses shall also apply to individual land uses within a group development, as will all other applicable provisions of this chapter. Therefore, land uses permitted by right in the zoning district shall be permitted by right within an approved group development (unless otherwise restricted by the conditions of approval imposed during the conditional use approval for the group development as a whole), and land uses permitted as a conditional use in the zoning district shall be permitted within the group development only with conditional use approval for the specific use. In all cases, the following conditional use conditions shall be applied to the group development as a whole and to individual uses within the group development:*

*(1) All required off-street parking spaces and access drives shall be located entirely within the boundaries of the group development. **Meets Standard***

- (2) *The development shall contain a sufficient number of waste bins to accommodate all trash and waste generated by the land uses in a convenient manner. **Meets Standard***
- (3) *No group development shall take access to a local residential street. **Meets Standard***
- (4) *All development located within a group development shall be located so as to comply with the intent of this chapter regarding setbacks of structures and buildings from lot lines. As such, individual principal and accessory structures and buildings located within group developments shall be situated within building envelopes that serve to demonstrate complete compliance with said intent. Said building envelopes shall be depicted on the site plan required for review of group developments. The use of this approach to designing group developments will also ensure the facilitation of subdividing group developments in the future (if such action is so desired). **Meets Standard***
- (5) *The following standards shall apply to all group developments:*
- (a) *Building exterior materials shall be of high quality on all sides of the structure, including glass, brick, decorative concrete block or stucco. Decorative architectural metal with concealed fasteners may be approved with special permission from the City. **Needs to be waived***
  - (b) *Building exterior design shall be unified in design and materials throughout the structure and shall be complementary to other structures in the vicinity. However, the development shall employ varying building setbacks, height, roof, treatments, door and window openings, and other structural and decorative elements to reduce the apparent size and scale of the structure. A minimum of 20% of the combined facades of the structure shall employ actual facade protrusions or recesses. A minimum of 20% of the combined linear roof eave or parapet lines of the structure shall employ differences in height of eight feet or more. Roofs with particular slopes may be required by the City to complement existing buildings or otherwise establish a particular aesthetic objective. **Meets Standard***
  - (c) *Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground-level views with materials identical to those used on the building exterior. **Meets Standard***
  - (d) *Standard corporate trademark building designs, materials, architectural elements and colors all shall be acceptable, as determined by the City, only as subtly integrated into the more generic design of the building as a whole. Color schemes of all architectural elements shall be muted, neutral, nonreflective and nonuse- or nontenant-specific. **Meets Standard***
  - (e) *Public entryways shall be prominently indicated from the building's exterior design and shall be emphasized by on-site traffic flow patterns. All sides of the building that directly face or abut a public street shall have public entrances. **Meets Standard***
  - (f) *Loading areas shall be completely screened from surrounding roads and residential, office and commercial properties. Said screening may be through internal loading areas, screening wall that will match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Gates and fencing may be used for security purposes but not for screening and shall be of high aesthetic quality. **Meets Standard***
  - (g) *Vehicle access from public streets shall be designed to accommodate peak traffic volumes without disrupting traffic on public streets from inadequate throat length, access drive width or design or inadequate driveway location. The impact of traffic generated by the proposed development shall be demonstrated by a traffic impact analysis performed by the applicant's traffic engineer so as to not adversely impact off-site public roads, intersections and interchanges during the traffic peak associated with a full parking lot. Where the project shall adversely impact off-site traffic, the City may deny the application, may require a size reduction in the proposed development, or may require off-site improvements. **Meets Standard***

- (h) *Parking lot design shall employ interior landscaped islands with a minimum of 400 square feet at all parking islands, and in addition shall provide a minimum of one landscaped island of a minimum of 400 square feet in each parking aisle for every 20 cars in that aisle. Aisle-end islands shall count toward meeting this requirement. Landscaped medians shall be used to break large parking areas into distinct pods, with a maximum of 100 spaces in any one pod. **N/A***
- (i) *A minimum of one cart-return area of 200 square feet shall be provided for every parking area pod. There shall be no exterior cart-return or cart-storage areas located within 25 feet of the building in areas located between the building and a public street. **N/A***
- (j) *The applicant shall demonstrate full compliance with City standards for stormwater, utilities, erosion control and public safety. **Meets Standard***
- (k) *On-site landscaping shall be provided per the landscaping requirements of this chapter, except that building foundation landscaping and paved area landscaping shall be provided at 1.5 times the required landscape points for development in the zoning district. **Needs to be waived***
- (l) *A conceptual plan for exterior signage shall be provided at time of detailed site plan or GDP that provides for coordinated and complementary exterior sign location, configurations and colors throughout the planned development. All freestanding signage within the development shall complement the on-building signage. Freestanding sign materials and design shall complement the building exterior and may not exceed the maximum height requirement of this chapter and the Building Code. **N/A***
- (m) *The entire development shall provide for full and safe pedestrian and bicycle access within the development and shall provide appropriate connections to the existing and planned pedestrian and bicycle facilities in the community and in surrounding neighborhoods, including sidewalk connections to all building entrances from all public streets. The development shall provide secure bicycle parking and pedestrian furniture in appropriate quantities and location. A central pedestrian gathering area shall be provided. **Needs to be waived.***
- (n) *Where such developments are proposed to provide a new location for a business already located within the community, a required condition of approval for the new development shall be a prohibition on conditions of sale, lease or use of the previously occupied building or site which provide limits beyond the range of applicable local, state or federal regulations. If such limits are required, the applicant may seek City approval to demolish the previously occupied structure and prepare the site for some future development. **N/A***
- (o) *The applicant shall provide adequate evidence that the proposed development and uses cannot be adequately sited within or on existing developed properties or buildings within the community. **Meets Standard***
- (p) *The Plan Commission may waive any of the above standards by a three-fourths' vote of members in attendance, but only if supplemental design elements or improvements are incorporated into the project that compensate for the waiver of the particular standard.*

**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.

i. 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.

i. 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

Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
	Yes	No	Yes	No	Yes	No
Review § 550-69B						

circuit court under the procedures contained in par. (e) 10

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

**Recommendation:**

**Approve the Conditional Use Permit with conditions identified by the Plan Commission.**

a. **Waive Sections § 550-69B(5)(a), 550-69B(5)(k), 550-69B(5)(m)**

Mayor McFarland called for discussion, hearing none opened the associated action item

**B. Review and take action: 300 Air Park Drive - Conditional Use Permit (CUP) request for Group Development under Section 550-68A (3)**

Mayor McFarland called for discussion, hearing none requested a motion to approve as recommended.

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

**C. Conduct public hearing: 537 Milford Street - Conditional Use Permit (CUP) request for an accessory structure exceeding 1,000 square feet under Section 550-ICI(10)(b)[1]**

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

Timothy J. & Shelley M. Kassube (property owners) are looking to develop an accessory structure that exceeds 1,000 square feet. 537 Milford Street is zoned Multi-Family Residential (MR-8). The property has a principal land use of Single-Family Residential.

**Relevant Information:**

- i. Under Section § 550-56C(1)(b):
  - (b) *A conditional use permit is required for:*
    - [1] *A combination of accessory structures exceeding a total of 1,000 square feet; or*
    - [2] *More than two accessory structures.*
- ii. Maximum accessory building coverage under Section § 550-26F(1)(e):
  - (e) *Maximum accessory building coverage: 10%.*
- iii. 537 Milford Street is 24,394 square feet.
  - 1. Accessory building coverage cannot exceed 2,439 square feet.
- iv. Proposed access for the proposed structure would violate Section § 410-23B(1)(a):
  - (a) *To trespass intentionally on the land or buildings of another and intentionally and without regard for the rights of the owner or lawful occupant to use or occupy such premises without authority to do so from the owner or lawful occupant thereof.*
- v. 537 Milford Street would be allowed a second access point as it meets the requirement of Section § 550-105C(2):
  - (2) *In no instance shall any lot be permitted more than one access point on any one street if its frontage on said street is less than 100 linear feet (as measured along the right-of-way line).*
- vi. Access Drives shall be paved under Section § 550-105M:
  - M. *Paving of access. All access approach areas located within a street right-of-way shall be paved to the satisfaction of the Director of Public Works with a hard, all-weather surface and shall be maintained so as to prevent the transport of gravel, dirt or other eroded material from the subject property into the right-of-way.*
- vii. Driveway shall be paved under Section § 550-107F(1):
  - (1) *Surfacing and marking. All off-street parking and traffic circulation areas (including all residential driveways, except those within the RH District) shall be paved with a hard, all-weather surface to the satisfaction of the Director of Public Works. Said surfaces intended for six or more parking stalls shall be marked in a manner which clearly indicates required parking spaces.*

**Recommendation:**

- i. **Approve the Conditional Use Permit with conditions identified by the Plan Commission.**
  - 1. **Total accessory building coverage cannot exceed 1,000 square feet**
  - 2. **No access onto neighboring private property**
  - 3. **Access drive shall be paved**
  - 4. **Driveway shall be paved**

Mayor McFarland called for discussion, hearing none opened the associated action item

**D. Review and take action: 537 Milford Street - Conditional Use Permit (CUP) request for an accessory structure exceeding 1,000 square feet under Section 550-ICI(10(b))[1]**

Mayor McFarland called for discussion, hearing none requested a motion to approve as recommended.

**Motion to approve as recommended by Konz, Second by Talaga  
Unanimous by voice vote.**

**E. Conduct a public hearing: 537 Milford Street - Conditional Use Permit (CUP) request for an accessory structure exceeding the maximum height of an accessory structure under Section 550-26F(2)(I) & 550-83C**

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

Timothy J. & Shelley M. Kassube (property owners) are looking to develop an accessory structure that exceeds 18 feet in height. 537 Milford Street is zoned Multi-Family Residential (MR-8). The property has a principal land use of Single-Family Residential.

**Relevant Information:**

- a. Under Section § 550-26F(2)(i):
  - (i) *Maximum height of accessory structure: 18 feet.*
- b. Maximum height exceptions are allowed under Section § 550-83C:
  - C. *Any building or structure not otherwise accounted for by Subsection B above may exceed said maximum height regulations with the granting of a conditional use permit which specifically states the maximum permitted height of the proposed building or structure.*
- c. As a reminder building height for accessory structures are defined under Section § 550-15:

***BUILDING HEIGHT***

*The vertical distance from the lowest elevation of the adjoining ground level or the established grade, whichever is lower, to the top of the cornice of a flat roof, to the declivity of a mansard roof, **to a point of the roof directly above the highest wall of a shed roof**, to the uppermost point on a round or other arch-type roof, or to the midpoint distance of the highest gable on a pitched or hip roof. Unless excepted by specific provisions in this chapter, building height includes the height of any structures attached to a building.*

**Recommendation:**

- a. **Approve the Conditional Use Permit with conditions identified by the Plan Commission.**
  - i. **Applicant must specifically state the maximum height of the proposed accessory structure.**

Mayor McFarland called for discussion, hearing none opened the associated action item

**F. Review and take action: 537 Milford Street - Conditional Use Permit (CUP) request for an accessory structure exceeding the maximum height of an accessory structure under Section 550-26F(2)(I) & 550**

Mayor McFarland called for discussion, hearing none requested a motion to approve as recommended.

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

**G. Conduct public hearing: 311 College Avenue - Conditional Use Permit (CUP) request for an access driveway that exceeds 25 feet at the right-of-way line and an apron flair that exceeds 30 feet under Section 550-105J**

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

Zachary Schmidt (property owner) is looking to expand the access drive at 311 College Avenue. Zachary Schmidt is proposing an access drive of 35 feet at the right-of-way property line and an apron flair of 40 feet.

**Relevant Information:**

- i. Width of access drives are regulated under Section § 550-105J:
  - J. *Width of driveways. All access drives shall have a minimum width of 10 feet for one- and two-family dwellings and 18 feet for all other land uses. **All curb openings for access drives shall have a maximum width of 25 feet for a one- or two-car garage or 30 feet for a three-car garage for all residential uses** and 35 feet for all nonresidential uses, as measured at the right-of-way line. Access drives may be flared between the right-of-way line and the roadway up to a maximum of five additional feet.*
    - (1) *Conditional use permit required.*
      - (a) **All residential curb openings for access drives that exceed the maximum width, as measured at the right-of-way line, will require the granting of a conditional use permit which specifically states the maximum permitted width of the proposed driveway at the right-of-way line.**
      - (b) *All nonresidential curb openings for access drives that exceed the maximum width, as measured at the right-of-way line, will require the granting of a conditional use permit which specifically states the maximum permitted width of the proposed driveway at the right-of-way line.*
- ii. Access Drives shall be paved under Section § 550-105M:
  - M. *Paving of access. All access approach areas located within a street right-of-way shall be paved to the satisfaction of the Director of Public Works with a hard, all-weather surface and shall be maintained so as to prevent the transport of gravel, dirt or other eroded material from the subject property into the right-of-way.*
- iii. Driveway shall be paved under Section § 550-107F(1):
  - i. *Surfacing and marking. All off-street parking and traffic circulation areas (including all residential driveways, except those within the RH District) shall be paved with a hard, all-weather surface to the satisfaction of the Director of Public Works. Said surfaces intended for six or more parking stalls shall be marked in a manner which clearly indicates required parking spaces.*

**Recommendation:**

- i. **Approve the Conditional Use Permit with conditions identified by the Plan Commission.**
  - 1. **Access drive shall be 35 feet at the right-of-way property line and an apron flair of 40 feet.**
  - 2. **Access drive shall be paved.**
  - 3. **Driveway shall be paved.**

**Mayor McFarland called for discussion, hearing none opened the associated action item**

**H. Review and take action: 311 College Avenue - Conditional Use Permit (CUP) request for an access driveway that exceeds 25 feet at the right-of-way line and an apron flair that exceeds 30 feet under Section 550-105J**

**Mayor McFarland called for discussion, hearing none requested a motion to approve as recommended.**

**Motion to approve as recommended by Romlein, Second by McFarland  
Unanimous by voice vote.**

**I. Conduct a public hearing: 833 West Street - Conditional Use Permit (CUP) request for an accessory structure with an exception to the exterior construction material standards under Section 550-121c & 550-121F**

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

i. Under Section § 550-121C:

C. *Standards for all residential, office, commercial districts, and the PI Zoning District.*

i. *Except for exposed foundations not to exceed three feet in height from the adjacent grade, all non-single-family development located within the RH, CR-10ac, ER-1, SR-4, TR-6, MR-8, MR-10, SNR, NO, PO, NB, PB, GB, CB and PI Districts shall employ only high-quality decorative exterior construction materials on the visible exterior of the following portions of all structures and buildings:*

- (a) *Any portion of the building or structure visible from adjacent residentially zoned property;*
- (b) *Any portion of the building or structure located within 50 feet of a public right-of-way; or*
- (c) *Any other portion of the building or structure visible from a public street and/or situated at an angle of 60° or less from a line which is parallel to the nearest right-of-way (for uncurved rights-of-way) or from a line which is parallel to a chord connecting the right-of-way boundary on the inside side of the curve at points located at, or opposite from, the two outer boundaries of the subject property along the right-of-way line (for curved rights-of-way).*

ii. *The following exterior construction materials shall not be considered "high quality decorative": nondecorative concrete block or cinder block, nondecorative concrete foundation walls or panels, corrugated walls or panels, nondecorative plywood, asphaltic siding, or other nondecorative surfaces as determined by the Plan Commission.*

ii. There is an exception under Section § 550-121F:

F. *Exceptions. The conditional use process (per § 550-142) may be used to propose the use of a material otherwise prohibited by Subsection C above.*

**Recommendation:**

i. **Approve the Conditional Use Permit without conditions**

**Mayor McFarland called for discussion, hearing none opened the associated action item**

**J. Review and take action: 833 West Street - Conditional Use Permit (CUP) request for an accessory structure with an exception to the exterior construction material standards under Section 550-121c & 550-121F**

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

Paul M. Aschenbrener (property owner) is looking to develop an accessory structure with corrugated metal siding. 833 West Street is zoned Single-Family Residential (SR-4).

**Mayor McFarland called for discussion, hearing none requested a motion to approve as recommended.**

**Motion to approve as recommended by Romlein, Second by McFarland  
Unanimous by voice vote.**

**K. Conduct a public hearing: 833 West Street - Conditional Use Permit (CUP) request for an accessory structure with an exception to the maximum height of an accessory structure under Section 550-26F(2)(I) & 550-83C**

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

Paul M. Aschenbrener (property owner) is looking to develop an accessory structure that exceeds 15 feet in height. 833 West Street is zoned Single-Family Residential (SR-4).

**Relevant Information:**

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

1. Under Section § 550-24F(2)(i):
  - (i) *Maximum height of accessory structure: 15 feet.*
2. Maximum height exceptions are allowed under Section § 550-83C:
  - C. *Any building or structure not otherwise accounted for by Subsection B above may exceed said maximum height regulations with the granting of a conditional use permit which specifically states the maximum permitted height of the proposed building or structure.*
3. As a reminder building height for accessory structures are defined under Section § 550-15:

**BUILDING HEIGHT**

*The vertical distance from the lowest elevation of the adjoining ground level or the established grade, whichever is lower, to the top of the cornice of a flat roof, to the decline of a mansard roof, **to a point of the roof directly above the highest wall of a shed roof**, to the uppermost point on a round or other arch-type roof, or to the midpoint distance of the highest gable on a pitched or hip roof. Unless excepted by specific provisions in this chapter, building height includes the height of any structures attached to a building.*

**Recommendation**

1. Approve the Conditional Use Permit with conditions identified by the Plan Commission.
  - a. Applicant is proposing 18 feet, the Zoning Administrator is asking for 21 feet to account for variance in property elevations.

**Mayor McFarland called for discussion, hearing none opened the associated action item**

**L. Review and take action: 833 West Street - Conditional Use Permit (CUP) request for an accessory structure with an exception the maximum height of a accessory structure under Section 550-25F(2)(1) & 550-83C**

**Mayor McFarland called for discussion, hearing none requested a motion to approve as recommended.**

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

**M. Review and take action: 833 West Street - Conditional Use Permit (CUP) request for an accessory structure with an exception the maximum 1,000 square feet of a accessory structure under Section 550-26F(2)(1) & 550-83C**

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

Paul M. Aschenbrener (property owner) is looking to develop an accessory structure that exceeds 1,000 square feet. 833 West Street is zoned Single-Family Residential (SR-4).

- i. Under Section § 550-56C(1)(b):
  - (b) *A conditional use permit is required for:*
    - [1] *A combination of accessory structures exceeding a total of 1,000 square feet; or*
    - [2] *More than two accessory structures.*
- ii. Maximum accessory building coverage under Section § 550-24F(1)(e):
  - (e) *Maximum accessory building coverage: 10%.*

- iii. 833 West Street is 45,651 square feet.
  - 1. Accessory building coverage cannot exceed 4,565 square feet.

**Recommendation:**

- a. **Approve the Conditional Use Permit with conditions identified by the Plan Commission.**
  - i. **Total accessory building coverage cannot exceed 1,000 square feet.**

Mayor McFarland called for discussion, hearing none opened the associated action item

**N. Review and take action: 833 West Street - Conditional Use Permit (CUP) request for an accessory structure with an exception to the maximum 1,000 square feet of a accessory structure under Section 550-26F(2)(l) & 550-83C**

Mayor McFarland called for discussion, hearing none requested a motion to approve as recommended.

Motion to approve as recommended by Konz, Second by Holloway

Unanimous by voice vote

**O. Adjournment**

With no remaining items on the agenda, Mayor McFarland requested a motion to adjourn

Motion to Adjourn by Romlein, Second by Talaga

Unanimous approval by Voice Vote

Meeting closed at 5:02 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.***