

Planning Commission Meeting Minutes

Monday, April 10, 2017 at 6:00 pm

Public Safety Building, Council Chambers, Second Floor, 321 S. Fourth Street, Stoughton, WI.

Members Present: Mayor Donna Olson Chair; Scott Truehl Vice-Chair; Michael Engelberger; Matt Hanna; Greg Jenson; and Mike Maloney

Members Absent: Todd Krcma

Staff: Director of Planning & Development, Rodney Scheel; Zoning Administrator, Michael Stacey; Attorney Laura Callan

Guests: Dennis and Amy Kittleson; Don Walker; Kolten Kittleson; Joe Gallagher; Todd Barman; Bart Quale; Sid Boersma; Shaun Curci; Susan Schuster; Kathleen Tass-Johnson; and Peggy Veregin

1. **Call to order.** Mayor Olson called the meeting to order at 6:00 pm.
2. **Consider approval of the Planning Commission meeting minutes of March 13 and March 23, 2017.** Motion by **Jenson** to approve the minutes as presented, 2nd by **Truehl**. Motion carried 5 – 0.
3. **Council Representative Report.** Truehl reported the Council tabled Casey's General Store until the WDOT approves the US Highway 51 access. The following were approved: The substation CSM and 2 extra-territorial land division requests. The Hilldale Lane Condominium was denied but is coming back at the next Council meeting for reconsideration.
4. **Status of Developments.** Scheel gave an overview of the status of current developments as provided in the packet of materials.

Hanna questioned the status of Chalet Court. Scheel stated the developer plans to scale back the number of buildings and is waiting for the Comprehensive Plan Rewrite to be completed so the future land use map depicts the property as multi-family residential.

5. **Request by Dack Print, LLC (Dennis and Amy Kittleson) for approval of a Downtown Design Overlay Zoning District Project request to remove the building at 305/315 E. Main Street.** Scheel gave a brief introduction for the item and indicated that Attorney Laura Callan from the City Attorney's office was present to help guide the Commission through the discussion and the draft resolution.

Mayor Olson opened the public hearing

Amy Kittleson spoke in support
Kolten Kittleson spoke in support
Peggy Veregin spoke in opposition
Kathleen Tass-Johnson spoke in opposition
Susan Schuster spoke in opposition

Attorney Callan explained the intent of the draft resolution which allows for consideration of a number of components by the Planning Commission.

Hanna questioned if the draft resolution language was to be used as a guide but not statutory. Attorney Callan stated the comprehensive plan is to be used as a guide and all items of the draft resolution do not need to be individually acted upon.

Hanna questioned the zoning. Scheel stated the property is central business which in this case would not allow residential on the first floor within the front 24 feet of the main level.

Engelberger stated the ordinance is conflicting and wanted to know why the Planning Commission is the final approval authority. Attorney Callan referenced Attorney Dregne's opinion letter which states the public hearing is required as part of the conditional use process and the Planning Commission has the final approval authority.

Maloney arrived at 6:25 pm.

Engelberger stated that according to Attorney Dregne's letter to Mr. Kittleson there is not enough information to evaluate this request.

Hanna stated he believes there is enough information to act on the plan for demolition and the moratorium should not apply to this request.

Motion by **Hanna** to approve the demolition for the following reasons:

- It is the only residential building on Main Street;
- It is the only stick built structure on Main Street;
- Removal of the structure could enhance the downtown with the proposed greenspace;
- The property could be part of a future redevelopment project;
- It has been difficult to find a use for the building;
- There is no existing or future vision for the building;
- Open space in this location could help keep people in the downtown.

2nd by **Maloney**

Susan Schuster spoke in opposition of the building demolition and wondered when the City had determined open space for this particular parcel was appropriate.

Kolten Kittleson spoke in favor of open space in this area of the City. A reference to Lake Mills downtown open space was made.

Todd Barman spoke in opposition of open space in the downtown and spoke of potential uses for the building but reported he did not know the condition of the building.

Amy Kittleson spoke in favor and has interior pictures if anyone is interested.

Attorney Callan explained point E of the resolution which is related to sound aesthetics and site design factors.

Hanna explained his viewpoint on point E of the resolution as follows: The property in its current state does not contribute to the downtown; there is no clear future for the building; the building looks in very poor shape and is unsafe. He believes there is evidence to support open space in downtown areas to keep people in the area.

Engelberger stated a hole in the downtown district will detract from the downtown and he gave a history of the building stating the building was originally a boarding house.

Attorney Callan explained point F & G of the resolution which is related to land use and economic revitalization.

Maloney stated he supports the demolition because there is no certainty for the future of the building and sees the building as being unsafe.

Engelberger questioned why the Planning Commission has the final approval authority. Attorney Callan again directed the Commission to Attorney Dregne's opinion letter. He questioned the reference to private/public open space.

Attorney Callan explained point H & I of the resolution which relates to a summary of points E, F & G including consistency with the Comprehensive Plan.

Susan Schuster spoke in opposition of the demolition.

Kathleen Tass-Johnson would like to see this go to the Common Council for a decision instead of having the Planning Commission being the final authority on the matter.

Engelberger stated this is an important decision that should not be taken lightly and has questions about the public-private open space plan. He discussed how the adjacent properties will look if the building is removed.

Hanna stated this is not an application for a public park rather it is going to be private. Hanna stated the applicants have followed the rules and have done everything asked of them. It would be unethical to change the rules now. Attorney Dregne's opinion is that the Planning Commission has the final approval authority and we have to treat this request with the facts we have today.

Truehl agrees to move forward using Attorney Dregne's opinion but has questions about what the property will look like after the building is removed. The lack of a detailed landscaping plan is an issue. Truehl also has questions about the public-private open space.

Amy Kittleson stated they were apprehensive to provide a landscaping plan in short notice since Attorney Dregne's letter stated the plan would be binding. The open space would be private and they would be responsible for the property. It is not intended to be paved for parking as some suggested.

Engelberger emphasized this is not personal rather he is watching out for his constituents. He believes it is a violation of the requirements by having the Planning Commission be the final approval authority.

Jenson questioned Attorney Callan if the Planning Commission takes action where it would be in violation of the ordinance. Attorney Callan stated this would not be a violation.

Sid Boersma stated controversial issues like this should be decided by the Common Council following a recommendation of the Planning Commission.

Motion by Engelberger to table the request to allow more time to review ordinances and provided additional information. Motion failed for lack of a 2nd.

Truehl questioned if Hanna would consider amending the original motion to require a detailed landscaping plan be approved by the Planning Commission prior to issuance of a demolition permit. Hanna agrees with the amendment and would like to see the demolition approved tonight for ethical reasons.

Truehl stated it is important to know what will happen to the site once the building is gone.

Motion by **Truehl** to amend the original motion to require a detailed landscaping plan be brought back to the Planning Commission for approval prior to a demolition permit being issued, 2nd by **Maloney**.

Amy Kittleson is okay with the requirement but would like clear direction for providing a plan.

Jenson stated the applicant can consult with City Staff.

Hanna stated he expects something similar to the provided concept plan with more specifics.

Engelberger stated he is voting no because he believes the ordinance requires Council approval.

Motion to amend the original motion carried 5-1 (Engelberger voted no)

A discussion took place about amending the original motion.

Motion by **Hanna** to amend the original motion to approve the resolution based on the finding that the demolition of the structure and conversion of the property to open space is in compliance with sound aesthetic, land use, site design, economic revitalization practices and is consistent with the Comprehensive Plan, 2nd by **Jenson**. Motion approved 5-1 (Engelberger voted no)

Hanna restated the original motion by to approve the resolution including:

- Preserving the building Is Not important to preserve the aesthetic or other qualities of the District based upon the following qualities that Detract From the historical and visual character of the District.

- The proposed open space plan for the property Contributes To the visual quality of the District.
- The open space plan Does provide an acceptable land use, at least until a new structure is constructed on the property.
- Preserving the building Is Not practicable given the nature of the building and the legally and practically available uses of the buildings. The Commission Finds that the use of the first floor for residential purposes is not allowable under existing regulations and the use of the first floor for commercial purposes would require interior design modifications.
- Removing the building would Advance economic revitalization of the District.
- The open space plan would Advance economic revitalization of the District.
- Applying one or more of the foregoing factors, the City Planning Commission finds that demolition of the Structure and conversion to the Property to open space IS in compliance with sound aesthetic, land use, site design, and economic revitalization practices.
- The City Planning Commission finds that demolition of the Structure and conversion of the Property to open space IS consistent with the City of Stoughton Comprehensive Plan.

And with the amendment that requires the applicant to obtain approval of a detailed site plan prior to issuance of the demolition permit.

Motion approved 5-1 (Engelberger voted no)

6. Request by Don Walker for site plan approval to replace the pavement at 1512 W. Main Street. Scheel explained the request.

Motion by Hanna to approve the resolution as presented, 2nd by Truehl. Motion carried 6 – 0.

7. Joe Gallagher requests site plan approval for a vestibule addition at the Mandt Community Center, 400 Mandt Parkway.

Scheel introduced the request. Joe Gallagher explained the request and presented exterior materials.

Motion by Engelberger to approve the resolution, 2nd by Truehl.

Hanna questioned the landscaping. Joe Gallagher stated he had been working with Public Works Director Brett Hebert regarding terrace tree requirements and has plans to add landscaping within the greenspace area to the north of the building. Motion carried 6 – 0.

8. Request by Mark Seidl of Pinnacle Engineering for a Certified Survey Map (CSM) approval for Aldi's Food Market, 1399 US Highway 51.

Scheel explained the request.

Motion by Truehl to recommend the Common Council approve the resolution as presented, 2nd by Hanna. Motion carried 6 – 0

9. Request by Brenda & Todd Barman for a site plan approval to reconstruct the parking area at 603 W. Main Street. Scheel explained the request.

Todd Barman gave an overview of the plans for the site.

Engelberger questioned the proposed use. Todd Barman stated the plan is for a sweet shop and art.

Hanna questioned the screening proposed for the trash bins. Todd Barman stated it will be a picket fence to match the existing fence at his residential property to the south.

Truehl questioned if there were any plans for the building. Todd Barman stated he has plans to paint and restore brick colors.

Motion by Hanna to approve the resolution, 2nd by Truehl. Motion carried 6 – 0.

10. Future agenda items. Comprehensive Plan Rewrite discussion will be at the next Planning meeting including Kettle Park Senior Living 100 unit conditional use; Kettle Park West Commercial Center General Development Plan Amendment not including Walmart and Kwik Trip; Tractor Supply conditional use.

11. Adjournment.

Motion by Hanna to adjourn at 8:13 pm, 2nd by Jenson. Motion carried 6 - 0

Respectfully Submitted,

Michael Stacey