Plan Commission Meeting Minutes
Monday, March 8, 2021 at 6:00 pm
Virtual Meeting

Members Present: Mayor Tim Swadley, Chair; Todd Barman; Phil Caravello; Tom Majewski; Tom Robinson; Tom Selsor; and Brett Schumacher
Members Absent: None
Staff: Rodney Scheel, Director of Planning and Development; Michael Stacey, Zoning Administrator
Press: None
Guests: Attorney Rachel Snyder; Attorney Matt Dregne; Chad Strutzel; Danny Senf; Russ Kowalski; Mitch Bergeson; Phil Harrison, Bob Dvorak and Jason Valerius.

1. **Call to order.** Mayor Swadley called the meeting to order at 6:02 pm.

2. **Consider approval of the Plan Commission meeting minutes of February 8 and 24, 2021.**
   Motion by **Robinson** to approve the minutes as presented, 2nd by **Selsor**. Motion carried unanimously.

3. **Council Representative Report.**
   Caravello stated O-4-21, R-22-21 and R-23-21 were all approved by the Common Council.

4. **Staff Report - Status of Current Developments.**
   Scheel gave an overview of the status of developments as outlined in the packet of materials. There were no questions.

5. **Request by Danny Senf representing Pizza Hut, for approval of a conditional use permit for Indoor Commercial Entertainment and In-Vehicle Sales and Service uses including site plan approval at 1400 US Highway 51-138.**
   Mayor Swadley removed himself from the meeting.

   Vice-Chair, Barman introduced the agenda item.

   Scheel gave an overview of the request.

   Danny Senf explained the proposed change in the Pizza Hut business model.

   Barman opened the public hearing

   No one registered or spoke.

   Barman closed the public hearing.

   Schumacher questioned if the 2 existing trees near the building would be removed or trimmed back. Danny Senf stated the plan is to trim the trees.

   Schumacher questioned what the plans are for the existing Pizza Hut site. Danny Senf stated they plan to de-identify the building by putting a different roof on the building and will either lease or sell the property.

Schumacher asked if the Pizza Hut brand is declining or just dine in restaurants. Danny Senf stated dine in has declined and pick-up and delivery has had a big increase.

Barman stated the conditional use appears to be straight forward since the building has been used similarly in the past.

Motion by **Schumacher** to recommend the Common Council approve the conditional use resolution as presented, 2nd by **Robinson**. Motion carried 6-0.

The Commission discussed the site plan related to parking, dumpster enclosure location and greenspace.

Schumacher questioned if there is an access easement. Scheel stated it is provided.

Schumacher questioned if parking stalls are identified for Pizza Hut vs Viking Lanes use. Danny Senf stated there is a gentlemen's agreement for parking.

Barman stated there is a lot of pavement and would the applicant consider adding more greenspace. Danny Senf stated it would be difficult to add more greenspace.

There was a short discussion about locations to add more greenspace and the consensus is there just isn't room to add more.

Danny Senf noted there is an existing outdoor dining area they would like to use.

Motion by **Majewski** to approve the site plan including the existing greenspace as presented, 2nd by **Schumacher**. Motion carried 6-0.

6. **Request by Chad Strutzel representing Tailgaters for approval of awning and signage installation at 151 E. Main Street.**
Mayor Swadley joined the meeting.

Scheel explained the request.

Barman questioned the type of material for the awning. Chad Strutzel stated it is canvass.

Motion by **Robinson** to approve the awning and signage as presented, 2nd by **Barman**. Motion carried unanimously.

7. **Request by Bob Dvorak for approval of a resolution to proceed with an Urban Service Area Amendment (USAA) application for the 51 West Development Area.**
Scheel gave an overview and stated staff has done a preliminary review and currently are waiting for updates from the applicant. Scheel stated the intent is to send the resolution to the Common Council for approval in April.

Jason Valerius of MSA is available for questions.

Schumacher likes all the data and questioned if data is available in an excel spreadsheet. Scheel stated we can work to get the data in that format.

Jason Valerius stated the stormwater modeling for a 200 year storm is in process and the grading plan was completed last week.

Scheel stated the Plan Commission has the option to move this on to Council or bring it back next month for further review.

Mayor Swadley questioned how the development would affect downstream areas. Scheel stated the development will protect downstream areas.

Schumacher and Majewski would like to see this come back next month.

8. Proposed amendments to the zoning code to update Appendix B - landscaping chart.
City Tree Commission Member, Mitch Bergeson explained the intent of the proposed changes to the species list and not the point system because that is out of the Tree Commission purview.

Scheel thanked Mitch Bergeson and the Tree Commission for all their work.

Majewski also thanked the Tree Commission and questioned the changes in climax and deciduous tree species. Mitch Bergeson stated great performers were moved up to climax and lesser performers were demoted to the deciduous tree list.

Schumacher stated he likes the changes.

Majewski questioned the Platanus genus or American Sycamore being on the climax list since the tree has a history of dying early. Mitch Bergeson stated that was a last minute addition because some can be good performers.

Barman stated the points are for existing and new trees.

Majewski stated the point system needs to be updated.

Schumacher stated a footnote could be used for temperamental trees.

Mayor Swadley opened the public hearing.

No one registered or spoke.

Mayor Swadley closed the public hearing.

Motion by **Majewski** to recommend the Common Council approve the ordinance amendment, 2nd by **Schumacher**.

Barman stated Table 78-611 should clarify exactly what the species list is for. Mitch Bergeson stated they tried to limit the amount of language changes without Attorney assistance.

Barman would like the title of Table 78-611 to state, "Species suitable for landscaping use and compatible with Dane County climate and soil factors"

Motion carried as amended unanimously.

9. Proposed amendments to the zoning code to allow mobile food vending on private property and clarify general outdoor sales regulations.

Attorney Rachel Snyder gave an overview of the proposed 2 versions of the ordinance amendment. One version is for administrative review/approval by the Zoning Administrator and the other is for Plan Commission review/approval. The latter would be a special use similar to a conditional use in that a public hearing would be necessary. The proposed ordinance allows a permit for up to 180 days then the applicant could submit an application for another 180 days.

Attorney Snyder stated there are 3 new changes that are not yet in the document:

- Signage for the temporary use would need to meet code requirements but would not be required to get a separate permit or pay an additional fee.
- The daily time allowance is changed from 7am – 9pm to 6am – 9pm.
- No drive-in or drive-up allowed.

Robinson likes the renewal allowance for the same location.

Scheel stated this will still need to come back for a public hearing next month and the Commission needs to decide which version they want to see come back.

Mayor Swadley questioned what would be required for a staff review. Scheel explained how site plans are reviewed.

Scheel noted that a public hearing for each application would be required for Plan Commission review/approval.

Schumacher questioned the language related to the 180 day allowance. Attorney Snyder stated if an applicant applies again prior to expiration the use could run concurrently.

Barman prefers the staff review option.

Attorney Matt Dregne explained the difference in administrative review vs Plan Commission review. Attorney Dregne stated if a plan is administratively approved once, it could be approved again. A Plan Commission review would allow public hearing testimony and allow more latitude to make changes to the site plan. Attorney Snyder stated there is language related to traffic safety for the administrative review.

The Commission discussed administrative vs Plan Commission review.

Majewski questioned having a permanent temporary use with no break.

Attorney Snyder explained the intent behind the 180 day temporary use is to give the City flexibility in changing the ordinance if issues arise.

Increasing the temporary use fee amount was discussed.

Attorney Dregne asked if a decision has been made for which version of the ordinance amendment the Commission desires.

Robinson, Schumacher and Mayor Swadley prefer administrative review.

Scheel stated the public hearing will be in April.

10. Future agenda items.
Mobile vending ordinance; Landscaping point system amendment; 51 West USAA

11. **Adjournment.** Motion by **Robinson** to adjourn at 7:45 pm, seconded by **Majewski**. Motion carried unanimously.

Respectfully Submitted,

Michael P. Stacey