

Plan Commission Meeting Minutes
Monday, April 12, 2021 at 6:00 pm
Virtual Meeting

Members Present: Mayor Tim Swadley, Chair; Todd Barman; Phil Caravello; Tom Majewski; Tom Robinson; and Brett Schumacher

Members Absent: Tom Selsor

Staff: Rodney Scheel, Director of Planning and Development; Michael Stacey, Zoning Administrator

Press: None

Guests: Phil Harrison; Kevin Yeska; Steve Tremlett; Attorney Rachel Snyder; Jim Bricker; Kurt Silberschmidt; Bob Dvorak; Jean Ligocki and Brent Ellifson

- 1. Call to order.** Mayor Swadley called the meeting to order at 6:00 pm.
- 2. Consider approval of the Plan Commission meeting minutes of March 8, 2021.**
Motion by **Robinson** to approve the minutes as presented, 2nd by **Caravello**. Motion carried unanimously.
- 3. Council Representative Report.**
Caravello stated O-5-21, R-5-21 and R-31-21 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 Kyle Raasch for approval of an extra-territorial land division to split the property into 2 parcels at 1478 Lake Kegonsa Road, Town of Rutland.**
Scheel explained the request. Stacey stated the Town and County have already approved this request.

Motion by **Schumacher** to recommend the Common Council approve the extra-territorial land division resolution as presented, 2nd by **Robinson**. Motion carried unanimously.

- 6. Request by Kurt Silberschmidt for certified survey map (CSM) approval to combine the parcels at 835 Devonshire Road.**
Scheel explained the request and stated it is unknown why the Outlot was created.

Motion by **Barman** to recommend the Common Council approve the certified survey map resolution as presented, 2nd by **Schumacher**. Motion carried unanimously.

- 7. Request by KPW LLC for approval of the Final Plat for Outlot 1, Block 1, The Meadows Addition.**
Scheel explained the request.

Jim Bricker was available for questions.

Motion by **Robinson** to recommend the Common Council approve the Final Plat as presented, 2nd by **Barman**. Motion carried unanimously.

8. Request by Forward Development Group for approval of a certified survey map (CSM) to split the property at 2501 Jackson Street into 2 separate parcels.

Scheel explained the request.

Kevin Yeska was available for questions.

Majewski questioned what will be done with lot 2 and 3 having 42 feet of wetland buffer. Kevin Yeska stated lot 2 and 3 are in the concept phase and they are aware the wetland is going to be a challenge.

Barman questioned if the site had always been planned as commercial zoning. Scheel stated it has.

Motion by **Robinson** to recommend the Common Council approve the Certified Survey Map resolution as presented, 2nd by **Schumacher**. Motion carried unanimously.

9. Request by Forward Development Group for approval of a specific implementation plan (SIP) for 2501 Jackson Street.

Scheel gave an overview of the request.

Brent Ellifson explained the proposed site plan and uses. Mr. Ellifson stated the plan is for construction to occur in the 3rd quarter of 2021 with occupancy in 2022.

The Commission discussed several items of concern related to the site plan as follows:

- There needs to be better pedestrian accessibility to the building from the north;
- The back of the building facing the street is a disappointment;
- Discussed parking compliance;
- No sidewalk along the west side of Kettle Park Way was preapproved for this private drive;
- Access to restaurant use from the hotel across Jackson Street should be improved;
- Façade does not engage the public or pedestrians and is not pleasing or friendly in appearance;
- Don't want the appearance of 2 fronts to fool customers;
- Possibly look at changing the location of parking and shifting the building;
- The General Development Plan shows the building and parking in this configuration.

The development team plans to meet with City staff soon to discuss changes needed to move forward and will bring back an improved plan next month.

10. Request by Bob Dvorak for a planned development concept plan review for the 51 West Development.

Scheel introduced the request. Steve Tremlett gave an overview of the concept plan.

Schumacher questioned the sequencing of the development starting on the east side of Hwy 51.

Steve Tremlett stated roadway improvements will be in the first phase.

Caravello questioned if the Town residents have any concerns about Velkommen Way. Mayor Swadley stated the discussions he has had with Town residents indicate they are happy about the safety improvements.

Bob Dvorak stated he had discussions with the Town of Dunkirk about opening up Barberry Road during construction and the WDOT agrees with the plan to redirect Velkommen Way.

Caravello questioned the setback deviations for some lots. Steve Tremlett gave an overview of the deviations which are for rear setbacks only.

Majewski questioned the reasoning for the east-west pedestrian route. Steve Tremlett explained the route is more about safety so there is no mid-block crossing.

The group discussed the elevation issues in trying to have an under-pass at Hwy 51. Majewski suggested a bridge. This will be discussed in a future meeting with the WDOT.

Bob Dvorak owns more land north of this property which is more conducive for a crossing due to better elevations.

The 10-foot pedestrian path along Hwy 51 will also be discussed with the WDOT.

The shape of the detention ponds was discussed in light of recent changes in City requirements. The plan shows conceptual shapes of ponds.

The Commission would like to see the pedestrian crossings and connections more clearly in the general development plan.

Discussed what happens to the vacated Velkommen Way section. Scheel stated typically vacated right-of-way is split 50-50 between property owners. Majewski suggested this is a good place for an under or over-pass.

The group discussed the favorable positioning of the potential big box on the site.

The development team received good feedback to move forward with the general development plan.

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

Scheel introduced the ordinance amendment.

Attorney Rachel Snyder gave an overview of the proposed amendments.

Much discussion occurred in relation to the over 50 comments received to allow a drive-thru for mobile vending.

Attorney Snyder stated the drive-thru exclusion was added due to safety concerns and typical vendors don't setup in one location. In-vehicle sales is already a use listed within the zoning code as either a conditional use or an accessory conditional use for restaurants.

Scheel stated there is a conditional use process for In-vehicle sales for brick and mortar sites.

Mayor Swadley stated the process to allow mobile vending started at CA/CP in June of 2019 and has evolved at the Plan Commission meetings.

Mayor Swadley opened the public hearing

Phil Harrison spoke in favor of allowing a drive-thru for mobile vending.

Barman questioned when the drive-thru language was added. Attorney Snyder stated it was just added for this latest version.

Scheel stated there is currently an extensive process for approval of a drive-thru.

Mayor Swadley summarized the situation noting all of the changes that have been made for one food cart.

Robinson questioned what will happen when Starbucks opens.

Mayor Swadley closed the public hearing.

Barman stated that parking lot safety is mentioned in the comments so there is a known safety issue already there.

Barman recommends that if drive-thru is not allowed for mobile vending then it should not be allowed anywhere such as for special events.

Barman stated he believes 95% of the commercial sites will not work for a drive-thru and believes if allowed it would trigger a Plan Commission review or conditional use option.

Schumacher suggested a conditional use permit option.

Barman stated there is a safety issue with having a walk-up and drive-up at the same window.

Mayor Swadley did not find another community that allows drive-thru mobile vending.

Attorney Snyder stated there is a blurred line between a temporary and permanent use. The conditional use would be more permanent and Act 67 would apply.

Barman questioned Scheel on a staff recommendation to handle these requests administratively. Scheel stated there are a lot more variables such as the use of cones,

painted lines, accessibility and temporary use vs a permanent use. Scheel stated it would be difficult for staff to administratively review.

Schumacher questioned if there is an appeals process. Attorney Snyder stated there is.

Barman stated that based on comments and feedback tonight, he is not ready to make a recommendation.

Majewski left at 8:08 pm

Scheel suggested presenting example site plans for the Commission to review.

The Commission would like this agenda item to come back next month for further discussion.

Barman suggested Phil Harrison provide a site plan for his mobile vending site at Pick and Save. Mr. Harrison said he would provide one.

12. Future agenda items.

Mobile vending, 51 West Development, River front development.

13. **Adjournment.** Motion by **Barman** to adjourn at 8:12 pm, seconded by **Caravello**. Motion carried unanimously.

Respectfully Submitted,

Michael P. Stacey