

Plan Commission Meeting Minutes

Monday, March 9, 2020 at 6:00 pm

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

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

Members Absent: None

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

Press: None

Guests: Joe Langmeier; Jeremiah Nelson; Emily Bahr; Scott Winter; Attorney Matt Dregne; Tom Matson; Scott Quam; Stacey Quam; Maggie Gasner; Ron Gardner; Peter Szotkowski; Matt Grispey; Seth Degnan; and Jerry Judd

- 1. Call to order.** Mayor Swadley called the meeting to order at 6:03 pm.
- 2. Consider approval of the Plan Commission meeting minutes of February 10, 2020.**
Motion by **Selsor** to approve the minutes as presented, 2nd by **Caravello**. Motion carried 7 - 0.
- 3. Council Representative Report.**
Caravello stated the Common Council approved the rezoning for The Meadows at Kettle Park West; conditional use for 1000 East Street; CSM for Glacier Moraine Drive; conditional use for 441 Glacier Moraine Drive; Release of restriction for 1700 E. Main Street and CSM for 1700 E. Main Street.
- 4. Staff Report - Status of Current Developments.**
Scheel gave an overview of the status of current developments as outlined in the packet of materials. Schumacher questioned compliance at the NAFA site which is for sale. Scheel stated we'll continue to work to gain compliance.
- 5. Request by Jeremiah Nelson for projecting signage approval at 135 W. Main Street.**
Scheel gave an overview of the request.

Motion by **Schumacher** to approve the resolution for a projecting sign as presented, 2nd by **Robinson**. Motion carried 7 - 0.
- 6. Request by Zink Power for approval of a Conditional Use Permit (CUP) at 2443 County Highway A for: A heavy industrial use; An accessory structure of up to 5,000 square feet in area; An increase to the maximum building height from 45 feet to 62 feet and An increase to the maximum smokestack height above the roof from 10 feet to 15 feet.**
Scheel explained the request.

Mayor Swadley opened the public hearing.

Emily Bahr had the following questions:

- Is Zink Power owned separately from Stoughton Trailers?
- Where will the road access be?
- How much truck traffic is expected?
- Why is the smoke stake so tall?
- What kind of gases will come out of the smoke stack?

- What exactly comes out of the smoke stack?

Mayor Swadley closed the public hearing.

Joe Langemeier, VP of Business Development for Zink Power gave an overview of their business and answered questions as follows:

- There will be 3 chimneys: one for a natural gas furnace which burns very clean; one for a wet scrubber which produces clean exhaust and one for a dust collector which also has clean exhaust.
- The height of the stack is dictated by the height of the building.
- There are 30 truck per day expected on the high end.
- Sanitary sewer will be needed for sinks and toilets, the location of sanitary sewer coming to the building has yet to be discussed with Stoughton Utilities.
- Road access is near Racetrack Road.

Schumacher questioned if cyanide is used as part of the process. Joe Langemeier stated no.

Schumacher had a number of questions about the manufacturing processes and Joe Langmeier will have their chemical engineer contact him to answer questions.

Barman questioned the building height compared to Stoughton Trailers buildings. Joe Langemeier was not sure but the building height will be about 7.5 feet above the street elevation.

Scheel noted this request is just for the conditional use so the site plan will likely be on the agenda next month if there are more questions about the building and site.

Motion by Caravello to recommend Common Council approval of the conditional use resolution as presented, 2nd by Robinson. Motion carried 7 - 0.

7. Request by Kwik Trip for approval of a Conditional Use Permit (CUP) for an in-vehicle sales and service use including Outdoor display incidental to an indoor sales use at 1700 E. Main Street.

Scheel explained the applicant has requested this agenda item be tabled to a future date and since the public hearing is scheduled, we'll have to open the public hearing to allow people to speak then adjourn until next month.

Mayor Swadley opened the public hearing.

Scott Quam has traffic concerns.

Tom Matson registered but did not speak.

Maggie Gasner has concerns about increased traffic and access through the Kwik Trip lot.

Seth Degnan is concerned about access through the Kwik Trip lot.

Scheel explained the access limitations due to the WDOT not allowing access to Hwy 51 and the County Highway Department has jurisdiction over improvements within the right-of-way of County Highway N.

Jerry Judd, who owns the adjacent lot (where Fastenal is located) stated he is concerned about access for his tenants and has been in discussions with the current owner of the Kwik Trip lot regarding the access easement. He has not made a decision whether to accept changes to the access easement.

Motion by **Robinson** to adjourn the public hearing until next month, 2nd by **Selsor**. Motion carried 7 - 0.

8. Discuss potential zoning ordinance amendments.

Attorney Matt Dregne gave a presentation about changes made to State Statutes regarding conditional use regulations in ACT 67 from 2017.

Matt Dregne stated there should be less reliance on special permissions/conditional uses.

Matt Dregne noted the Plan Commission holds public hearings for conditional use permits where it takes the testimony while the Common Council makes the official decision. This is unusual since the Plan Commission functions as the quasi-judicial body yet it is not the final decision maker.

The group discussed some of the current conditional uses and whether they should be permitted uses.

Schumacher stated he is not in favor of this new law.

Selsor believes we should leave the current conditional uses as they are.

Barman stated:

- Making some changes would simplify our jobs and provide more defined standards;
- It is hard to make decisions the way the code is currently written;
- The comprehensive plan should be reviewed when making changes to the zoning code.

Scheel stated staff will come up with a list of some potential changes for review next month.

9. Future agenda items.

Kwik Trip conditional use and site plan; Zink Power site plan.

10. Adjournment.

Motion by **Selsor** to adjourn 7:33 pm, 2nd by **Caravello**. Motion carried 7 – 0.

Respectfully Submitted,

Michael P. Stacey