

Plan Commission Meeting Minutes

Monday, June 10, 2019 at 6:00 pm

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

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

Members Absent: None

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

Press: None

Guests: Jim Bricker; Dennis Steinkraus; Emily Bahr; Tim Thorson; Chris Schmitz; Mark McCauley; Marsha and Michael Berigan; Steve and Julie Dickson; Susan Sutton; Eileen and Glenn Dillard; Chris Gentilli; Dwayne Strandlie; Gary and Nancy Dvorak

1. **Call to order.** Mayor Swadley called the meeting to order at 6:00 pm.
2. **Consider approval of the Planning Commission meeting minutes of May 6, 2019.**
Motion by **Robinson** to approve the minutes as presented, 2nd by **Caravello**. Motion carried 5 - 0.

Barman arrived at 6:03pm

3. **Council Representative Report.**
Scheel reported all Plan Commission items that went to Council were approved.
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 Tim Thorson for approval of a preliminary condominium plat for Stoughton Hospital.**
Scheel explained the request.

Mayor Swadley opened the public hearing

No one registered to speak.

Mayor Swadley closed the public hearing.

Caravello questioned future ownership of the property. Tim Thorson stated Stoughton Hospital plans to retain ownership.

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

6. **Request by Chris Gentilli for conditional use permit approval to expand the two-family use (in-family suite) at 224 S. Van Buren Street.**
Scheel explained the request.

Mayor Swadley opened the public hearing

Julie Dickson spoke in opposition of the request related to parking and had questions about an exit to grade and what would restrict future tenants of the 3rd floor to be family.

Chris Gentilli (owner/applicant) spoke in favor of the request.

Mayor Swadley closed the public hearing.

Scheel made a suggestion in response to the written and verbal concerns raised that the Commission request the applicant provide a detailed plan for parking and a plan to accommodate the required second exit from the third floor with enough construction detail to issue a building permit.

Majewski questioned whether the exit from the third floor was internal or external. Chris Gentilli stated there is one internal and one planned to be external.

Majewski questioned if the third floor could be used as a third unit in the future. Scheel stated it can't be used as a third unit without meeting the zoning code requirement for In-Family Suite which is why there needs to be something recorded on the property record to let new owners know.

Barman questioned the definition of an in-family suite with the required separate uniform dwelling code exit.

Schumacher arrived at 6:18pm

Scheel read the definition of an in-family suite which allows the additional separate exit.

Barman questioned why someone can't just add a second kitchen for their use.

Scheel stated this is the first in-family suite request we have ever had so we're working through it.

Selsor is concerned about the ability of tenants to use parking.

Chris Gentilli stated there is plenty of parking.

Barman is concerned about making policy decisions when occupancy will change in the future.

Selsor is in favor of tabling the request until the applicant provides more information.

Mayor Swadley stated the request should be postponed, not tabled, to allow the commission to continue deliberation. Majewski is in favor of postponing.

Motion by **Selsor** to Postpone the request until the applicant provides more information, 2nd by **Majewski**.

Selsor stated the applicant should provide a detailed parking plan showing easy flow for tenant use and a detailed plan showing the second exit from the third floor.

Majewski suggested removing the door from the second floor to the third floor and adding a deed restriction.

Attorney Dregne recommended a Notice instead of a Deed Restriction.

Barman stated it will be hard for staff to track this use.

Mayor Swadley stated the applicant should contact City staff to work through providing more information.

Motion carried 6 - 0. (Schumacher abstained)

7. Request by Marsha Berigan to amend the zoning ordinance to allow fencing to be placed within easements.

Scheel explained the request.

Mayor Swadley opened the public hearing.

Michael and Marsha Berigan spoke in favor of the request.

Karen Griffin registered in favor.

Greg Gilbert registered in favor.

Mayor Swadley closed the public hearing.

Scheel stated if approved Stoughton Utilities would create a process for review of fence applications on a case by case basis.

Attorney Dregne stated the code language puts the City in the middle to decide if a fence is placed in the easement. Attorney Dregne recommends easements not be regulated in zoning since they are regulated on their own accord.

Barman questioned the fencing application process. Scheel explained the process is difficult on the owner/applicant and staff.

Barman suggested removing the section related to easements and recommends a note on the application to inform applicants of easements and the need for the applicant to evaluate whether they can install a fence in the easement. The City is not endorsing the placement of fences in easements and the burden for placement in an easement is on the property owner.

Motion by **Barman** to strike all of section 78-718(3)(i), 2nd by **Majewski**.

Barman stated a warning should be on the application informing applicants of easements.

Selsor suggested checking with other communities. Scheel stated there are several listed in the packet.

Motion carried 7 - 0.

8. Request by Sonny Swangstu for site plan approval to place a gazebo at the American Legion, 803 N. Page Street.

Scheel explained the request and reinforced that the staff review letter indicates the accessory structure needs to be 20 feet from the principal structure.

Motion by Robinson to approve the resolution as presented, 2nd by Selsor. Motion carried 7 - 0.

9. Request by Chuck and Jeanne McMillen for Downtown Design Overlay Zoning District (DDOZD) renovation approval to repair/replace front windows at 171 W. Main Street.

Mark McCaulley explained the request.

Barman questioned removal of the existing window divider including type and width of proposed windows. Mark McCaulley explained the divider is planned to be removed to be consistent with the existing windows and provided examples and explained details of the proposed windows. McCaulley believes the proposed windows will be about ½" different in width than existing.

Majewski questioned if rehabbing the existing windows were considered. Mark McCaulley stated they could be rehabbed but it was not considered.

Motion by Selsor to approve the resolution as presented, 2nd by Robinson.

Barman is in favor of approval as long as the window width is 1" or less than the existing windows. Mark McCaulley is in agreement.

Motion carried 7 - 0.

10. Request by Forward Development Group to approve the final plat for Kettle Park West North Addition.

Scheel explained the request and reviewed the resolution.

Selsor questioned how the proposed round-about at Highway 138 and Oak Opening Drive would be paid for and the timing of installation. A lengthy discussion took place about how TIF funds may be available and the timing of installation would likely be in a later phase of the development. Mayor Swadley indicated there may not be a need for a roundabout until development supports a full roundabout.

Motion by Barman to recommend the Common Council approve the resolution for the Kettle Park West North Addition Final Plat as presented, 2nd by Schumacher.

Selsor is concerned about who is paying for the roundabout at Hwy 138.

Motion carried 6 - 0. (Selsor abstained)

11. Request by Forward Development Group to approve a certified survey map (CSM) for Kettle Park West North Addition.

Scheel explained the request and reviewed the resolution.

Motion by **Barman** to recommend the Common Council approve the resolution for the certified survey map for the Kettle Park North Addition as presented, 2nd by **Robinson**. Motion carried 6 - 0. (Selsor abstained)

12. Request by Forward Development Group to approve rezoning the following lots within Kettle Park West North Addition Final Plat, Block 1, Lots 1-8; Block 2, Lots 1-4; Block 3, Lots 1-6 from RH – Rural Holding to SR-5 – Single Family Residential and Outlots 2 and 3 from RH – Rural Holding to I – Institutional (Outlot 2 is part of the stormwater management system and Outlot 3 for a parkland); and Proposed Certified Survey Map, Outlot 2 from RH – Rural Holding to Institutional (part of the stormwater management system).

Scheel explained the request and gave a summary of the ordinance.

Mayor Swadley opened the public hearing.

Gary Dvorak is concerned about plans to fill the area near his property and would like to know how the connection from Oak Opening Drive to Hwy 138 will affect his property.

Dennis Steinkraus stated they won't be creating water issues for the adjacent neighbor and continue work with the County and City to ensure all requirements are met. The highway 138 connection will be worked out later.

Mayor Swadley closed the public hearing.

A lengthy discussion took place regarding the connection to Hwy 138.

Caravello questioned who is paying for stormwater management and maintenance. Attorney Dregne stated the property owners within Kettle Park West.

Motion by **Robinson** to recommend the Common Council approve the ordinance to change the zoning classifications of the lots in Kettle Park West North Addition as presented, 2nd by **Barman**.

Motion carried 6 - 0. (Selsor abstained)

13. Request by Forward Development Group to consider adoption of the proposed Comprehensive Plan Amendment related to Kettle Park West Phase 2.

Scheel explained the request and gave a summary of the resolution.

Majewski questioned removal of right-of-way within section C.2. Majewski's concern is the lack of area for trees and bike lanes. Scheel indicate Roby Road is a collector street with an 80-foot right-of-way. Scheel didn't think there is a location within the City where the right-of-way is greater than 80 feet except for possibly on USH 51 near Gjertson Street.

Jim Bricker explained the intent of planned right-of-ways.

Public Comments: Gary Dvorak questioned the right-of-way needed to connect through his Town of Rutland property.

Scheel stated there are no plans to change the 66-foot right-of-way on the Town section.

Scheel gave a summary of the resolution. Attorney Dregne suggested amending the resolution to include the Plan Commission recommends the Common Council approve the comprehensive plan amendment as provided in exhibit A.

Attorney Dregne stated the Common Council can only approve what the Plan Commission recommends.

Motion by **Robinson** to approve the Comprehensive Plan Amendment resolution as amended, 2nd by **Selsor**. Motion carried 7 - 0.

14. Future agenda items.

None discussed.

15. Adjournment.

Motion by **Barman** to adjourn at 8:43 pm, 2nd by **Caravello**. Motion carried 7 – 0.

Respectfully Submitted,

Michael Stacey