

## **Planning Commission Meeting Minutes**

**Monday, May 14, 2018 at 6:00 pm**

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

**Members Present:** Todd Barman, Matt Bartlett, Phil Caravello, Greg Jenson, Tom Robinson, and Tom Selsor

**Members Absent:** Mayor Tim Swadley

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

**Press:** None

**Guests:** Attorney Richard Yde; Brian Spanos; Ryan Quam; Kevin and Diana Hanson; Sonja Vike; Mike Lamberty; Ashley and Mathew Weiss; Luke Johnson; Julie and Todd Merow; Emily Bahr; Ray West; Matt Bellin; Abby Starks; Jennifer Hull

1. **Call to order.** Rodney Scheel called the meeting to order at 6:00 pm.
2. **Elect Vice-Chair.** Jenson nominated Bartlett as Vice-Chair. There were no other nomination.

Motion by **Jenson** to approve a unanimous ballot for Bartlett as Vice-Chair, 2<sup>nd</sup> by **Caravello**.  
Motion carried 5 - 0.

3. **Consider approval of the Planning Commission meeting minutes of April 9, 2018.**  
Motion by **Jenson** to approve the minutes as presented, 2<sup>nd</sup> by **Caravello**. Motion carried 5 - 0.

4. **Council Representative Report.**  
Bartlett stated an extra-territorial request was approved and there was discussion regarding the make-up of the planning commission. It was decided the planning commission will continue with the same composition of members. There was a first reading for the chapter 38 amendments.

5. **Staff Report - Status of Current Developments.**  
Scheel gave an overview of the status of developments as outlined in the packet of materials.

6. **Request by Bruce Sime for an extra-territorial jurisdictional (ETJ) land division (CSM) request to split off an existing home from the family farm at 1150 Starr School Road, Town of Rutland.**  
Scheel explained the request.

Motion by **Jenson** to recommend the Common Council approve the land division request as presented, 2<sup>nd</sup> by **Selsor**. Motion carried 5 – 0.

7. **Request by Tom Hirsch, Hirsch Group Architecture for site plan approval to construct a new shed and dumpster enclosure at Greenspire Apartments, 1040-1070 Jackson Street.**  
Scheel explained the request.

Motion by **Selsor** to approve the resolution for construction of the shed and dumpster enclosure as presented, 2<sup>nd</sup> by **Caravello**. Selsor stated he is glad this is happening. Motion carried 5 – 0.

**8. Discuss changes in State law regarding conditional uses with Attorney Richard Yde.**

Attorney Richard Yde gave some background information about zoning and conditional uses. Barman arrived at 6:10 pm.

Attorney Yde explained recent changes in state law (Act 67) regarding conditional uses. Approvals and denials of conditional use applications have to be based on facts and information; not feelings. Public hearing testimony is useful if based on facts.

Selsor questioned if we can let the public speak. Attorney Yde stated the public can speak but decisions must be based on facts and information.

Robinson questioned the burden on the City to review conditional use applications in the future. Attorney Yde stated the burden has shifted from the applicant to the city. The burden is on the city to prove factually the basis for a denial.

Jenson stated the commission is essentially a quasi-judicial body that has to rely on facts. Attorney Yde agreed.

Robinson questioned the environmental impacts of a request and the burden to prove such impacts. Attorney Yde stated that in a denial the burden is on the city to prove the impacts.

Barman suggested there may need to be changes to the ordinance and more importantly the application. Attorney Yde stated that makes sense.

Scheel stated some conditional uses may need to be changed to being permitted outright.

**9. Request by Lakestone Properties for site plan approval and conditional use permit approval to allow more than 12 residential units per apartment building and to allow more than one principal building on a lot at 1601 Hoel Avenue.**

Brian Spanos gave an overview of the project.

Jenson asked what the price point is for the units. Spanos stated \$1,300-\$1325 for 2 BR unit; \$1,000 for a 1 BR unit; and \$700's for a studio unit.

Selsor questioned the number of units as being an issue. Spanos stated the units are easy to manage. Spanos noted they have a 61 unit building in the Village of Oregon. Scheel stated 77 units is the maximum number of units allowed under this zoning classification; MR-24.

Bartlett opened the public hearing.

The following people spoke opposed to the conditional use:

|               |              |
|---------------|--------------|
| Kevin Hanson  | Diana Hanson |
| Sonja Vike    | Matt Bellin  |
| Jennifer Hull | Luke Johnson |
| Ray West      | Todd Merow   |
| Abby Starks   |              |

Primary concerns were stormwater management; traffic and safety.

The following spoke in favor of the conditional use:

Ryan Quam

Brian Spanos

Bartlett closed the public hearing.

Selsor questioned the process and stated he would like to table the request until the next meeting.

Motion by **Selsor** to Table the request until the next meeting to allow more information to be provided, 2<sup>nd</sup> by **Caravello**. Motion failed 2 – 4 (Selsor and Caravello voted yes).

Motion by **Barman** to recommend the Common Council approve the conditional use to allow more than 12 residential units per apartment and to allow more than one principal building per lot at 1601 Hoel Avenue, 2<sup>nd</sup> by **Jenson**.

Barman explained his reasoning for recommending approval is because the density is allowable by zoning and that this building configuration allows for more landscaping and a more cohesive layout for the site.

Motion carried 4 – 2 (Selsor and Caravello voted no).

#### **Site Plan**

Barman questioned if permeable pavement was considered. Ryan Quam stated they decided on traditional pavement due to having a wet pond and potentially poor drainage soils.

Jenson questioned if covenants would allow accessory structures such as playground equipment. Scheel stated the city does not control covenants but accessory structures would be allowed by zoning.

Motion by **Barman** to approve the site plan as presented, 2<sup>nd</sup> by **Jenson**. Motion carried 4 – 2. (Selsor and Caravello voted no)

#### **10. Request by Kathy Kamp, Wisconsin Partnership for Housing Development for certified survey map (CSM) approval to split the property at 309 Pine Street.**

Scheel explained the request.

Motion by **Barman** to recommend the Common Council approve the land division request as presented, 2<sup>nd</sup> by **Caravello**. Motion carried 6 – 0.

#### **11. Request by City of Stoughton to rezone a parcel along the Yahara River and behind Stoughton Hospital, 900 Ridge Street from PD – Planned Development to I – Institutional (Park).**

Scheel explained the request.

Bartlett opened the public hearing.

No one registered to speak.

Bartlett closed the public hearing.

Motion by **Bartlett** to recommend the Common Council approve the rezoning request as presented, 2<sup>nd</sup> by **Jenson**. Motion carried 6 – 0.

- 12. Discuss proposed ordinance amendments related to the request by the Common Council to develop an ordinance for consideration by the council that would amend existing City ordinances such that no building in a historic district listed on the National Register of Historic Places may be demolished without review and recommendation by Landmarks Commission and a decision by the Common Council based on appropriate and lawful standards.**

Jenson stated that his recent discussions with Mayor Tim Swadley indicated the desire to have a special meeting for this topic in order to complete the amendment in a timely manner.

Scheel gave an overview about where we are at in the process.

Selsor suggested the contributing properties be named specifically as having to meet the requirements of the ordinance.

Scheel explained the difference between local landmarks, contributing properties within the commercial main street historic district; non-contributing properties within the commercial main street historic district and the downtown design overlay zoning district.

Jenson stated non-contributing properties should be allowed to be demolished that way a new building will have to meet the City design criteria for the downtown. Attorney Yde agreed with this.

Jenson also suggested a special meeting with the Mayor and City Attorney Matt Dregne.

Barman stated allowing non-contributing properties to be demolished could pose a problem in that now we have a property that could end up as parking or greenspace and not be developed.

Scheel polled the commission for the best day to have a special meeting. A meeting date will be decided soon.

- 13. Future agenda items.** None discussed.

- 14. Adjournment.**

Motion by **Jenson** to adjourn at 7:40 pm, 2<sup>nd</sup> by **Selsor**. Motion carried 6 – 0.

Respectfully Submitted,

*Michael Stacey*