

## PLAN COMMISSION

---

**Time and Date:** The Plan Commission met on November 19, 2013, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

**Members Present:** Mayor Tipple, Marquardt, Radtke, Bohlken, Oberbeck, Valitchka

**Others Present:** Lenz, Hebert, DeSantis, Woller, Jane Welter, Rotter, Paul Welter, Gonzalez, Force, Holster, Ryan, Meyer, Leher, Engen

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and transmitted to the *Wausau Daily Herald* in the proper manner.

Noting the presence of a quorum, at approximately 5:00 p.m. Mayor Tipple called the meeting to order.

### **Approve minutes of the October 15, 2013 meeting.**

Bohlken motioned to approve the minutes of the October 15, 2013 meeting. Radtke seconded, and the motion carried unanimously 6-0.

### **PUBLIC HEARING: Approve a conditional use at 410 McIndoe Street to allow for an internally illuminated building sign with digital message center and an internally illuminated monument sign, in a R4, General Residence District (Marathon County Historical Society.)**

Mayor Tipple stated that emails were received from Angela Gonzalez and Michael Martin, Jim and Boo Force, and Attorney Peter Rotter in opposition to the conditional use. A letter was received from Paul and Jane Welter in opposition. The emails and letters were passed out to the commission members and placed on file.

Matt Woller, Graphic House, said that this project was on the agenda in April and had been approved. Prior to the Common Council meeting, the item was pulled from the agenda so some adjustments could be made. The back side of the property, facing 5<sup>th</sup> Street and Fulton Street, a single-faced wall sign is proposed with a message center. On the south side of the property, where a new monument sign with a double-faced message center was previously proposed, has been changed to use the existing structure. The digital message center has been removed from the sign proposal. It is proposed to use the existing structure, pull the existing cabinets, and refurbish those with a new slip-in readerboard system. This will be all internally illuminated. Basically, the cabinets will be flopped out to create a new look. A digital message center, on the wall sign, will help improve business and grab more attention off of 5<sup>th</sup> Street. There will be the ability to change the message from inside the building.

Jane Welter, 521 Grant Street, said that her and her husband bought the Stewart House in 2001 and with the help of the Marathon County Historical Society converted it into a Bed and Breakfast. They are now retired. The mission statement of the Marathon County Historical Society is to collect, preserve, advance, and disseminate the knowledge and history of Marathon County and the state of Wisconsin, according to the website. It is a group of historians. Welter said the owners of the homes in the Andrew Warrens Historic District are the preservationists. Welter said that Forer and Hantenhauer have said many times that it is not their job to preserve the buildings and neighborhood. Welter said that it has taken a while, but have come to the realization that they don't care. The neighbors take care of the irreplaceable buildings and love them. Welter said the neighbors love the beautiful churches and tree-lined streets and don't want the digital readerboard signs. Welter said the Plan Commission relied on the fact that a Certificate of Appropriateness was issued from the Historical Preservation Commission, during the April meeting, and said she believes it was flawed. During the March 24 Historical Preservation meeting, a quorum of 5 members met. Two of these members are employed at the Marathon County Historical Society and stated that there wasn't a conflict of interest. Later, it was agreed that the Certificate of Appropriateness was not needed and believes that the Plan Commission relied heavily on this certificate to grant the approval.

Peter Rotter, 410 Fulton Street, said he sent an email in opposition and would also like to comment on the

flaw of the previous approval. Rotter said he lives directly across the street. The message board on the north side of 410 McIndoe Street faces his front porch and said he did not receive notice of the meeting. Rotter said he didn't know anything about the signage until someone said something to him about it. Rotter said that he wishes the people that undertook this project would get to know the neighborhood. Rotter said that he spoke with Forer a few weeks ago and discovered she is very afraid of the neighborhood, especially after dark when the employees have to leave. Rotter said he explained who the neighbors were and after that became less afraid. The sign is being approved and recommended without anyone really getting to know the neighborhood.

Paul Welter, 521 Grant Street, said that much of what he was going to say has already been said. This proposal demonstrates that the Marathon County Historical Society leadership has lost its way and some board members and employees are uncomfortable voicing their true thoughts out of fear of endangering friendships, losing social standing, or even being fired. After asking his thoughts, a nationally recognized authority on architectural history said that it 'just sounds awful and a good way to loose members.'

Angela Gonzalez, 502 Fulton Street, said that they have lived there for 3 years and only want to reiterate on the comments. This signage is not about conducting business or to increase marketing and said she is not against that. Gonzalez said the opposition is for the digital readerboard sign, especially is the dark. It gets darks very early and the living room windows face kitty corner from where the sign would be placed and don't want to see it. Gonzalez said she cannot understand why the Marathon County Historical Society feels the best way to get the name out their more is to shining readerboard into a residential area. This will take away ability to look out the window and see the street. Gonzalez said she would like to see more of the dollar figures and how it will correlate with more funding and more members. Additional revenue could be raised through the internet or newspapers.

Jim Force, 515 Franklin Street, said that he has the same thoughts and remarks as they others and said that someone from the Marathon County Historical Society should be here. The sign for McIndoe Street seems like a very attractive and useful sign. The sign has a nice design and applauds the type of sign. Force said that if that sign is so effective and useful and asked why not have the same type of sign of 5<sup>th</sup> Street.

Mayor Tipple closed the public hearing.

Lenz said that the standards for conditional use approval were handed out at the beginning of the meeting. The standards refer to uses effecting the health, safety, morals, comfort, or general welfare and that the use will not be injurious to the use and enjoyment of other property in the immediate vicinity. These are the issues that Plan Commission needs to sort out. Lenz said he is not going to defend the choice of signage or question the motives of the historical society. He said he would like to address the comment about a flawed notice and stated that a notice is required to be sent out to homeowners within 100 feet of the petitioned property and they were in fact sent out to property owners within 300 feet of the petitioned property. He said copies of the mailing labels are available in the file. He also said the signage was not required to go to the Historic Preservation Commission, only to Plan Commission, which will forward the recommendation to Common Council. The previous signage had conditions put on it. One condition was on the location, but since the location is changing to the current location, this would not apply. Another condition was that the hours that the sign would need to be shut off would be 9PM-6AM.

Valitchka asked Woller what color the LED lighting would be. Woller said it would have full color ability, but will be using white LED. The previous proposal was for an amber LED. The white is less intrusive and seems most appropriate. Valitchka said it is a computerized sign. Woller agreed and said that the Marathon County Historical Society will use it as a mainly a text based system. Valitchka asked what the current hours of operation were. Woller answered 8:30-4:30. Valitchka asked Woller if he has the authority to accept compromises on this proposal if it is the commission's desire to such changes or if

that needs to be done with the board of directors. Woller answered that he does and may want to take any recommendations back to the board. Valitchka asked Force if a non-readerboard sign would be acceptable on the north end of the building. Force answered that he would prefer that compared to what is being proposed. Force said that he thought at one time both of the signs were to be readerboard signs. This was confirmed. Force said that would not object to the proposal if the signs were non-readerboard signs. Valitchka asked the neighbors to raise their hands if this was acceptable. Some members of the audience raised their hands. Valitchka said that Gonzalez had made comments of the signage causing injurious to her because of the lighting in the window and asked if this would be a good compromise. Gonzalez said that she would be much more willing to agree with signage if it is like the sign on the front. Valitchka asked Rotter is he has the same impact. Rotter said he has the same impact and that it seems like a workable compromise. Valitchka said that the readerboard signs may be a way to invite people into the neighborhood.

Valitchka motioned to approve a conditional use at 410 McIndoe Street to allow for an internally illuminated building sign without a digital message center and an internally illuminated monument sign, in a R4, General Residence District with a condition that the sign will be turned off from 9 PM to 6AM. Bohlken seconded.

Welter said that this proposal, as agreed to, is exactly what the neighbors thought would happen and the direction that Forer thought, according to an email. Welter said the neighbors were in shock and this is what everyone wanted to see. It is great. Marquardt asked if the motion would be to have both signs internally illuminated. Valitchka agreed. Marquardt said there will be no digital readerboard.

Lenz said that there was previously a condition for nonflashing lights, but since there wouldn't be a readerboard there would be no issue. Valitchka said that Plan Commission has the authority to modify a conditional use. Lenz said that Plan Commission and Common Council can take the necessary steps to minimize any effects of the signage.

The motion carried unanimously 6-0. This item will go to Common Council on December 10, 2013.

Mayor Tipple thanked the neighbors for coming and arriving at the compromise.

**PUBLIC HEARING: Amend Title 23 of the Wausau Municipal Code by creating 23.12.140(g), 23.26.150(i) and 23.38.130(g) for driveway and parking spaces maintenance.**

Hebert said that this item was introduced to the commission last month. This would address the maintenance standards for driveways. Earlier this year the paving requirements were removed and this would address to all types of driveway surfaces including: gravel, pavement, asphalt, or concrete. There have been several instances over the past year where erosion of gravel has causes a nuisance and where deteriorated concrete in a private driveway has gone into the public right-of-way. Currently, staff doesn't have an ordinance to site and this would affect residential, business, and industrial districts.

Richard Holster, 2808 Franklin Street, said he is not opposed but said all the wording says 'frequent hazardous conditions' and thought this was wide open and could be more specific. Holster said he can understand the need for more authority, but it seems broad.

Debra Ryan, 702 Elm Street, said that she attended the previous meetings in regards to the pavement ordinance. This seems like a way to get some authority back. Ryan said that when the Inspections Department doesn't get things done the Engineering Department is responsible for it and gave weeds as an example. Ryan said she doesn't see why the Inspections Department would want to take this on when there is so much blight and properties that haven't been maintained for 10-20 years. Ryan asked if homeowners would be asked to repair when there is ½" of water and contractors would need to be hired.

This seems like an overreach. Ryan said that the Inspections Department is only doing 10% of their job.

Mayor Tipple closed the public hearing.

Hebert said that the code came from a national standard and would let the inspectors give discretion. This ordinance is meant to push someone forward to make the repairs or add gravel.

Oberbeck said the wording is very vague and would create an unenforceable ordinance. Oberbeck said that he could walk through a lot of commercial properties that have ¼" or ½" of water and asked if staff would ask that they redo their parking lot. It would hurt businesses. Oberbeck said he didn't think that something this vague would be enforceable and needs to be more specific. Oberbeck said that when he asked about a property in the industrial park was told that would be ignored, as far as weeds growing up in cracks. This ordinance draft needs to be refined more and the impact of businesses needs to be looked at. The businesses need to retain their presence in Wausau. Hebert asked who told him that it would be looked at. Oberbeck answered that it was in an Economic Development meeting. Hebert said that is his division and that would have been a simple fix. Hebert said that would have been looked into and enforced. Oberbeck said he has questions with parking lots that do not have storm drains built in. There are a lot of issues with gravel parking. Moving forward with this would be quite an extreme ordinance. Oberbeck asked if it would be defined as ¼" of water on a parking lot that is not draining or a recent construction project near NTC where dirt and gravel were dragged onto the street. There are a lot of questions on how it will be enforced. This could be a marketing effort for asphalt that would be very costly. Marquardt said that there was issue this year, in a commercial gravel lot, where water was coming through the gravel lot causing the gravel to go to the ditch and causing a blockage. Staff was looking for the owner to repair the gravel driveway. The engineers worked with Hebert and determined since there isn't a current ordinance, nothing could be enforced. Oberbeck asked what the definition of a dip and standing water would be. This is very vague and could be challenged.

Valitchka asked if the first part is an introduction and an italicized area is the ordinance and asked where the standards are taken from. Hebert answered that the bolded wording is the ordinance and introduction is just that. Basically this was taken from the international code and said if it could be challenged here, then it would have stood up to challenges nationally. The vagueness allows for inspector discretion and is different than other ordinances that call for discretion. Valitchka said that he understands the need for general guidelines and asked if examples or for-instances would need to be provided. Valitchka asked if the next step would be to draft the ordinance change. Some guidance for the general criteria may be needed and said that arguments could be made.

Mayor Tipple said that this has been vague for years and there is reasoning for everything that is done in the city. It is possible that if the specificities are in the ordinance, it may leave out some possible enforcement. Lenz agreed and that the generalness of the ordinance is intentional. The key word in this ordinance change is hazardous. The Inspections Department has a lot to do and does not have the staff to do it. This will give them a tool for the extreme cases and is in line with the other city ordinances. Mayor Tipple said that this ordinance could be placed on the books and that nothing could be done, which is not the intent. It provides a tool for the hazardous conditions.

Oberbeck said that he has a problem with an ordinance that is selectively applied. There are businesses that cannot afford to redo their parking lot because there is a pothole in it. Oberbeck asked what the definition of ponding water would be and what it is based on. This should be rewritten and this is not the right answer. Oberbeck said he does not support this.

Valitchka asked if there currently is an ordinance for parking surfaces. Hebert said that the zoning code addresses new parking areas and significant alterations to parking areas. This new ordinance would be specifically for existing conditions. Valitchka said it would give latitude to the inspectors for existing

surfaces. Hebert said that new construction will still need to have asphalt, concrete, or pavers. This will allow gravel replacement for maintenance, but will not be allowed for new installation.

Marquardt moved to amend Title 23 of the *Wausau Municipal Code* by creating 23.12.140(g), 23.26.150(i) and 23.38.130(g) for driveway and parking space maintenance. Valitchka seconded.

Mayor Tipple said that it seems that the members are hung up on specificity of the ordinance. All of the ordinances are subject to interpretation by city staff. There is some latitude of staff and need to trust processes of staff.

The motion carried 4-2. Oberbeck and Radtke voted against this ordinance amendment. This item will go to Common Council on December 10, 2013.

**Amend Precise Implementation plan for 1015 South 17<sup>th</sup> Avenue, previously 1610 Sheridan Road, to allow for site modifications (ThunderLube).**

Lenz said that the two 11 x 17 documents in the packet show the previously approved site plan and recently submitted site plan. This is a UDD zoned property and the site plan and other aspects have been changed since it was approved last fall. This was not evident the first time around. The main change is that the driveway location is pushed up to the east along Rosecrans Street. The previous plans show parking spaces along the northeast corner of the site. Vehicle circulation is being shown on the updated site plan. Staff felt that these changes need to be run through Plan Commission for approval. An email of support from Sherry Abitz was passed out to the commission members prior to the meeting. A reason of the driveway location is to save a large tree. Part of the zoning approval last fall was to install a solid white fence. A rendering of the building shows the signage on the building and a monument sign. Staff would ask that the commission approve the sign or give staff the ability to approve a sign, based on other commercial districts.

Bill Meyer said that he has been involved in the project for the last 3-4 weeks and was shown sketches of the building as it was approved previous. These sketches had the building 8 feet from the east property line, which would require a firewall. It could be moved to 10 feet, but this would not give room for traffic circulation. If the building was moved 12 feet away from the property line, it would give room for traffic circulation to move cars around. This would also provide WPS the ability to access transformers. Another request was to preserve the large tree on the north side of the property. The only way that the tree could be preserved is to push it as far east as possible and it lines up with the driveway to the east very nicely. The proposed fence will be a wood fence 56 feet long, 10 feet from the property line and goes to the where a fence is located that neighbors have recently installed. The thought is why put up another fence when you create a gap between the 2 fences.

Lenz said that would be a change to what was approved. A 3 foot high fence was discussed at the front of the property. The fence would step up to 6 feet high and run the length of the property, where the building is. This is different from what is currently being proposed. It would be up to the Plan Commission members and would be an amendment to what was approved. The fence needs to mostly be on the entrance and exits on Rosecrans Street and there is a fence at the rear of the building near the dumpster.

Oberbeck asked what type of fence, how high, and if it will be fully screened that is located around the dumpster. Leher said the 6 foot chain link has slats. The chain link provides durability and cannot be seen. Oberbeck asked if it will be totally enclosed. Leher answered yes. Oberbeck asked if the neighbors have been contacted to leave the fences up. Leher said that the fences were just installed, were planning to leave it up to them, and haven't spoken to the neighbors yet. Oberbeck said it should be screened the entire length of the property, since that is how it was previously approved.

Hebert said that since this going from a residential area to a commercial area, we should require the 6 foot solid fence. It is required by the bank on 17<sup>th</sup> Avenue and Sherman Street. This was previously in the recommendation and Hebert said he would recommend keeping with it. Leher asked if fencing could just be abutted to the neighbors fencing. Hebert said that this item was not noticed to the neighbors as it was felt to be just a slight modification. This would be a fairly significant change to the neighbors. Leher asked if the fencing would need to be the total length of the building. Hebert answered yes. Leher said that it will be hard to trim the area between the fences. Hebert recommended using mulch or rock for any new growth. Leher was that it doesn't matter much to him, but it may look a little different. Hebert said the fencing was in the original site plan.

Meyer said that the way the plans show the edge of the pavement along the east property line is 1 foot from the property line. There is a 12 inch curb that needs to be placed in order to make the grade work. The property is on such an odd grade and the logistics for putting a fence in could preclude from doing it. There may not be enough room and said it is a very tight side. Valitchka asked if the curb is on the east side and how high the curb is. Meyer answered it is on the east side and is 12 inches high. Valitchka asked if the fence could be located off top of the curb. Meyer answered that could be an option and is a good idea.

Valitchka asked if there was sidewalk on the north and west portions of the property. Leher answered no. Marquardt said that there is sidewalk on 17<sup>th</sup> Avenue, but not on Rosecrans Street. Valitchka asked if there would be access issues from the neighbors. Marquardt said the sidewalk would be on public right-of-way, not the private property. It would all depend on where the curb is located in relationship to the property line. Valitchka said there would be public access on the north and west sides of the property, in the form of sidewalk. Marquardt answered currently only from 17<sup>th</sup> Avenue, but it is possible in the future on Rosecrans Street.

Valitchka asked what the exterior of the building be constructed from. Leher answered that it will look exactly like is pictured. It will be brick-like. Lenz said that original drawings were very preliminary and staff has been working with Leher and this has been a very good upgrade.

Oberbeck asked where the storm drain is and said that is could interfere with putting in a sidewalk at a later time. Meyer said it is on the sidewalk. Marquardt commented that this was not a city design.

Bohlken moved to amend the precise implementation plan for 1015 South 17<sup>th</sup> Avenue, previously 1610 Sheridan Road, to allow for the proposed site modifications with the condition that a solid fence is installed and maintained, and to give staff the authority to approve signage. Radtke seconded, and the motion carried unanimously 6-0. This item will go to Common Council on December 10, 2013.

#### **Update on urban planning initiatives.**

---

Lenz said that there are a couple different projects that are being worked on. GRAEF is working on the Thomas Street Master Plan, Second Avenue and Clark Street Streetscaping Plan, and Citywide Urban Design Standards. The handout for the 2<sup>nd</sup> Avenue project is a preliminary concept that GRAEF has drawn up and will be showing at a meeting this Thursday on the near west side. This will be a continuation of some past meetings. The meeting will be at Associated Bank at 10:00 a.m. Mayor Tipple asked if the meeting will be in the 3<sup>rd</sup> Floor Conference Room. Lenz confirmed.

Lenz said that the 2<sup>nd</sup> handout was for the urban design guidelines. The standards will be for new development for an understanding what is expected of new development that occurs in the city. GRAEF took a tour of Wausau and have started to put together ideas of how to organize the design standards. Different areas on the city, including the different corridors and streets, are being looked at and

categorizing them. Certain areas will have special criteria. This is very preliminary. Some of the criteria that will be looked at are the visual character, circulation, area activities, natural environment, and managing places for long-term success. It is very early in the process. There will be room for input for anyone who wants to get involved. Mayor Tipple asked if there is a target date or if it is a fluid project. Lenz said that this project is more open ended than the others. The 2<sup>nd</sup> Avenue plan should be available in January. The Thomas Street plan should stay on schedule to move along as fast as possible. The urban planning design should be available in the summer or fall of 2014, depending on how the other projects line up. Mayor Tipple asked for periodic updates.

Lenz added that there is a Thomas Street neighborhood meeting on Thursday. A master plan and economic plan of Thomas Street is being done and one part of the plan is to gather neighborhood input. There will be some displays and is an open house to provide input and will try stay away from individual property inquiries. This will be used to formulate a plan to bring to a draft for input.

**Future agenda items for consideration.**

---

Valitchka asked about the parking study relative to zoning. Lenz said that the parking is addressed in the urban design standards, but also should be addressed in an updated comprehensive plan. Changes to the zoning code can be brought forward at any time.

**Adjourn.**

---

Radtke moved to adjourn. Valitchka seconded. Motion to adjourn carried unanimously and the meeting adjourned at 6:30 p.m.

**The Plan Commission is next scheduled to meet at 5:00 pm on Tuesday, December 17, 2013.**